



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

# **Racial Discrimination and Human Rights**

# Definition

- **Racial discrimination (Race Relations (NI) Order 1997):**
  - treated differently, excluded, disadvantaged or restricted because of your race, colour, descent, or national or ethnic origin
  - and
  - is intended to, or has the effect of, making you feel or be treated in a way that you cannot fully enjoy your rights (eg attend school, access a doctor, live without fear in your house, express your views, practice your religion)
- **Racist hate crime (legislation under review):**
  - action by individual that is a crime
  - that you or police believe is motivated by racial discrimination
  - includes actions (eg violence, anti-social behaviour) and repetitive expression of hate (eg symbols, graffiti and words)



# Human rights laws

- **Main source for public authorities:**
  - European Convention on Human Rights (ECHR)
- **Guidance on what should be done to protect your rights:**
  - UN Convention on the Elimination of all Forms of Racial Discrimination (UN CERD)
  - UN International Covenant on Civil and Political Rights (ICCPR)
  - UN International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - UN Convention on the Rights of the Child (UN CRC);
  - UN Convention on the Elimination of all Forms of Discrimination against Women (UN CEDAW)
  - UN Convention on the Rights of Persons with Disabilities (UN CRPD)
  - CoE Framework Convention on the Protection of National Minorities (FCNM)



# Duty to prevent

- **Community and schools safety** - make you sure you are safe
- **Promote good relations** - encourage different communities to get along
- **Promote non-discrimination and equality in communities** – encourage fair and equal treatment
- **Data Collection across all communities and identities** – evidenced-based decisions
- **Create opportunities and make sure right support is available** – so you feel comfortable and are able to:
  - report all racial discrimination, racist hate crimes and threats
  - take opportunities to tell your story
  - advise decision-makers on what will work and what won't



# Duty to prevent

- **Sufficient and effective funding**
- **Working with and learning from existing networks –**  
Racial Equality Sub-group
- **Leading by example –** Racial Equality Champions



# Duty to prohibit

- **Make racial discrimination unlawful**
  - Race Relations (NI) Order 1997
  - Section 76, Northern Ireland Act 1998
- **Make hate speech a crime**
  - Public Order (NI) Order 1987
- **Make racist violence a crime**
  - Not specific crime
  - Protection from Harassment (NI) Order 1997
  - Criminal Justice (No 2) (NI) Order 2004 – greater punishment
- **Deterrents** - punishments that encourage people to not commit racist hate crime



# Duty to prosecute

- **Properly investigate reports of racial discrimination and racist hate crimes**
  - Act quickly
  - Collect and look at all available evidence
  - Make decisions based on all evidence
  - Keep you updated - provide you with any needed support (interpreters, understandable information)
- **Prosecution** - make evidence-based decision on if goes to court
- **Courts process** - decide whether is a crime
  - Make sure quick process
  - Make sure based on evidence and law
  - Make sure you are comfortable with the process and have support you need
  - Keep you updated



# Duty to protect

- **Impact on victim**

- Consider your feelings and impact on you
- Make sure the process does not make you feel or experience worse

- **Protective measures**

- Make sure you are protected throughout the process
- Make sure you are supported as you need – especially women, children and persons with disabilities

- **Access to information**

- Make sure any information you are given is presented in a way that will help you understand how you are protected (your rights) and what you might have to do and when
- Make sure you are given the support and assistance that you need (eg interpreter, documents in your language, free specialised advice services)





# Northern Ireland Human Rights Commission

- **Advice to government and UN**

- Provide us with information that will help make sure reports and advice represent real-life experiences (research, statistics, experiences)
- **Hannah.Russell@nihrc.org**

- **Weekly information clinic**

- provide advice on human rights
- 30 minute appointment – available on Wednesday mornings
- must book in advance
- **028 90 243 987 / info@nihrc.org**

- **Reports of interest**

- Racist Hate Crime (2013)
- Annual Statement





NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION