

**Equality Commission for Northern Ireland
Policy Briefing**



CJINI report

***An inspection of the criminal justice system's response to
hate crime in Northern Ireland***

December 2017

Table of Contents

1. SUMMARY

2. CJINI REPORT RECOMMENDATIONS

- Strategic Recommendations
- Operational recommendations

3. PFG RECOMMENDATIONS

4. GROUND BASED RECOMMENDATIONS

- Racial Equality Policy Position Paper
- Sexual Orientation
- Gender

1 Summary

- 1.1 The Commission welcomes the Criminal Justice Inspectorate's (CJINI's) review of the criminal justice system's response to hate crime in Northern Ireland. We share the concerns raised by CJINI that, despite the progress that has been made by the criminal justice agencies, hate crime remains 'stubbornly high'.
- 1.2 Echoing the calls previously made by the Commission, we welcome CJINI's recommendations aimed at improving the way the police and prosecution service identify, investigate and prosecute hate crime. We also welcome calls for the public prosecution service to publish more detailed analysis on the hate crimes reported to it by the police (including the reasons for no prosecution) and continue to recommend the end-to-end tracking of hate crime cases.
- 1.3 The Commission recognises that society needs strong hate crime legislation which offers equal protection to all victims. Therefore, we welcome CJINI calls on the Department of Justice to review of the hate crime legislation, echoing recommendations previously made by the Commission in 2014.
- 1.4 The Commission also acknowledges that the criminal justice agencies cannot tackle hate crime alone. Like the CJINI report, we have previously called for the Executive and Departments to implement specific long-term measures to tackle prejudicial attitudes, address discrimination and to promote values of acceptance and respect for difference in our society.

2 CJINI report recommendations

Strategic Recommendations

- 2.1 The Department of Justice (DoJ) should as soon as possible conduct a review of the existing legislative response to hate crime to provide clarity. Any review should include consideration of the statutory aggravated offences model that already exists in England and Wales (paragraph 2.7).
- 2.2 The Northern Ireland Prison Service (NIPS) should immediately develop and implement a hate crime strategy (paragraph 2.35).
- 2.3 To provide effective cross-departmental governance in tackling the underlying, enabling factors of hate crime the DoJ should, as soon as possible, directly link its Hate Crime Strategy

contained in the Community Safety Strategy to Together: Building United Communities (T:BUC) or any future Northern Ireland Executive Cohesion, Sharing and Integration policy or its equivalent. Outcome based accountability measures with which to monitor the effectiveness of these strategies should be developed, consulted on and agreed.

Operational recommendations

- 2.4 Criminal justice organisations should include in their foreword planning continued and consistent involvement in the Hate Crime Delivery Group (HCDG) by having contingency arrangements in place to deal with staff turnover, and vesting hate crime responsibilities in roles rather than relying on the personal commitment of some highly motivated staff (paragraph 2.16).
- 2.5 The Police Service of Northern Ireland (PSNI) should use hate crime specific scenarios when training officers on interviewing victims and witnesses to improve their understanding of the barriers faced and how these may be overcome in pursuit of achieving best evidence (paragraph 3.24).
- 2.6 The PSNI and the PPS should continue to closely monitor hate crime file quality and work together to ensure that where evidence from victims and witnesses is available, it is collected and presented effectively (paragraph 3.31).
- 2.7 The NIPS should immediately develop policy specific to hate crime, including every aspect of prison life such as resettlement, and should implement, monitor and report on its effectiveness (paragraph 4.2).
- 2.8 The PPS should include within its published figures on hate crime an analysis of the hate crimes reported to it by the PSNI by way of offence classification with regard to decisions issued, reasons for no prosecution and court outcome (paragraph 4.8).

3 PfG Recommendations

- 3.1 The Commission consultation response on the PFG recommends that the PfG includes actions designed to challenge prejudicial attitudes, behaviour and hate crime so as to ensure that workplaces, services, public spaces and

communities are free from harassment and/or discrimination across the equality grounds.

3.2 This includes the need to address sectarianism and racism within the workplace; to tackle the significant attitudinal barriers to employment for people with disabilities and to challenge the negative attitudes towards Irish Travellers, Eastern European Migrant Workers and other minority ethnic individuals, as well as Lesbian, Gay and Bisexual (LGB) people and trans individuals.

3.3 It also includes action aimed at tackling hate crime experienced by Section 75 groups, including sectarian, racist, homophobic, transphobic, and disability hate crime.

4 Ground based recommendations

4.1 There are a number of positions on prejudicial attitudes and hate crime included within our ground based papers:

[Racial Equality Policy Position Paper](#)

4.2 The Commission recommends that the Executive and Departments implement specific long-term measures to eliminate racism and racial discrimination, to tackle prejudicial attitudes and to promote values of acceptance and respect for difference, as part of the revised Racial Equality Strategy (Recommendation 3.11, page 11).

4.3 We have highlighted that learning from the previous Unite Against Hate campaign and from other countries, for example Australia, suggests that Government use 'complementary strategies and work at multiple levels to prevent and support anti-racism in the long-term, focuses on changing behaviours as well as changing attitudes, adapts strategies to different settings and audiences, targets anti-racism initiatives towards priority areas (eg workplace, sport and the media) and builds on locally developed programs'. In particular, we emphasise the importance of using early intervention in education to combat negative attitudes, reduce racism and promote good relations. (Recommendation 3.14, page 12).

4.4 We recommend that the Executive prioritises the reduction and elimination of racial violence through a range of actions including addressing issues of under reporting, reducing the risk of low level hate crime escalating through early

intervention, improving the operational response to hate crime, providing support for victims of racist hate crime and publishing data which would allow for end to- end tracking of hate crime cases (Recommendation 3.13, page 12).

4.5 We welcome the DOJ's commitment to examine the reasons for under-use of the Criminal Justice (No.2) (Northern Ireland) Order 2004, including, if necessary, a review of the framework of legislation for addressing racist violence in Northern Ireland. In addition, we recommend that the criminal justice agencies improve the accessibility of reporting for those victims who have English as an additional language and take appropriate steps to increase ethnic minority representation among police and criminal justice staff (Recommendation 3.14, page 12).

4.6 The Commission has also prioritised the issue of racist hate crime in its engagement with international treaty bodies. In its Shadow Report to the UN Committee on the Elimination of Racial Discrimination, the Commission raised concerns that prosecutions for racist hate crime remain low and the lack of joined-up data to track the progress of hate crimes through the criminal-justice system remains an issue. We also noted research that has highlighted the prevalence of negative/prejudicial attitudes toward minority ethnic groups in Northern Ireland (with the increasing trend in negative attitudes continuing for the third year running).

Sexual Orientation

4.7 We recommend action to

- tackle prejudicial attitudes and behaviour on the grounds of sexual orientation - with a particular focus on action to tackle homophobic hate crime and violence, homophobic harassment both inside and outside the workplace and homophobic bullying in schools and homophobia in sport, public bodies, private and voluntary sector employers and schools and education bodies. (Para 1.5, page i & ii)
- to prevent and detect homophobic hate crime, support victims of homophobic hate crime and encouraging the reporting of homophobic hate crime, increasing awareness of LGB issues within key criminal justice agencies (Recommendation 4.14. page 6)

Gender

- 4.8 We recommend steps, including through the delivery of effective strategies, to tackle the nature and specific impact of gender based violence on women and men and due to a person's gender identity, to tackle cultural and stereotypical attitudes, including through education, aimed at raising awareness of, and tackling, gender based violence and to ensure effective resources and services for those who are subject to gender based violence. (Recommendation 10:17, page 42)
- 4.9 We recommend action to improve the prevention and detection of transphobic hate crime, to support victims of transphobic hate crime and to encourage the reporting of transphobic hate crime. (Recommendation 10:17, page 42)

Disability

- 4.10 **We recommend** comprehensive and effective actions to raise awareness of rights, promote positive attitudes towards people with disabilities, and that the Department of Justice consider the review and strengthening of measures to reduce the level of hate crime people with disabilities face eg promoting awareness of hate crime, how it should be reported and recorded, monitoring subsequent satisfaction levels of victims with disabilities with regards to the effectiveness of the measures in place.