

Policy Recommendations: Hate Crime in Northern Ireland

Whilst we recognise and welcome the steps already taken by a range of stakeholders to tackle hate crime in Northern Ireland, it is clear that stronger measures, including reform of the hate crime legislation, are needed to tackle the persistent and growing problem of hate crime against a range of equality groups in Northern Ireland.

We call for prompt action by the NI Executive, the Department for Justice, criminal justice agencies, and others, to address our recommendations, summarised below, so as ensure a more robust, co-ordinated and effective policy response.

Our Recommendations:

Prevent and Tackle Hate Crimes

A: Combat Prejudicial Attitudes and Promote Equality and Diversity

- **Prejudicial Attitudes:** Prevent hate crime, including by tackling prejudicial attitudes and negative stereotypes against equality groups.
- **Equality and Good relations Strategies:** Promptly implement equality and good relations strategies, to include actions to address prejudicial attitudes, stereotypes and hate crime.
- **Mutual Respect and Sharing of Public Spaces:** Ensure the greater regulation of the display of flags and emblems.
- **Shared and Safe Housing:** Adopt actions designed to incentivise and advance safe, shared housing and communities based on equality, dignity and respect.
- **Sharing in Education:** Ensure a move to a system of education which routinely teaches all pupils together via a shared curriculum in shared classes, in support of better advancing a shared society.
- **Anti-bullying:** Promote an anti-bullying culture within education; combat negative attitudes and behaviours towards equality groups, and embed equality in the curriculum.

B: Tackle harassment, hate speech and hate crime

- **Under-reporting:** Address the under-reporting of hate crime.
- **Emergent Hate Crime:** Be alert for, and promptly tackle, emergent hate crime including, for example, any linked to BREXIT or the COVID-19 pandemic.
- **Online Hate Speech:** Tackle online hate speech and abuse targeted at different equality groups.
- **Harassment when Accessing Health Services:** Ensure that women, including women with multiple identities, are able to access all health services, including sexual and reproductive health services, free from discrimination or harassment.

C: Support Victims

- **Victim Support:** Ensure support for victims of hate crime.
- **Anonymity for Victims:** Remove barriers to victims accessing justice by ensuring that, in certain circumstances, press reporting on the identity of a complainant or witness in a hate crime is not permitted.

D: Improve Criminal Justice Response to Hate Crime

- **Outcome Rates:** Improve outcome rates for hate crime.
- **Sentencing Guidelines:** Introduce sentencing guidelines for hate crimes in Northern Ireland.
- **Restorative Justice:** Lessons learnt from youth restorative justice approaches to hate motivated offending that have resulted in positive outcomes should be used to inform the development of services for adult offenders.
- **Guidance and Training:** Ensure an effective focus on equality issues within guidance and training for criminal justice agencies.

E: Cross-cutting themes

- **Targeted Approach:** Adopt a targeted approach that tackles the nature and scale of hate crime, and that takes account of issues associated with specific multiple identities / equality categories.
- **Holistic, Co-ordinated Approach:** Adopt a holistic, co-ordinated, and collaborative approach to tackling hate crime, with clear leadership by public bodies, public representatives and others, ensuring effective engagement with equality groups.
- **Compliance with Equality Duties:** Use the equality duties to inform decision-making.
- **Human Rights Obligations:** Address key shortfalls in Northern Ireland so as to ensure compliance with international human rights obligations on hate crime.
- **Hate Crime Data:** Ensure the collection of comprehensive data to better identify trends in, and inform effective responses to, hate crime.

Strengthening Legal Protections - Reform of the Hate Crime Legislation

A: Definitions

- **Definition of Hate Crime:** Adopt a working definition of hate crime that includes a reference to acts of 'hostility' (which in turn should include a reference to prejudice and hatred).
- **Statutory Definition of 'Hostility':** Introduce a statutory definition of 'hostility' that includes a reference to 'prejudice and hatred'.

B: Approach to Enhanced Sentencing

- **Statutory Aggravation Model:** Adopt a statutory aggravation model similar to that adopted in hate crime legislation in Great Britain.

C: Protected Groups

- **Protected groups:** Extend the hate crime legislation to cover the additional grounds of age, gender, gender identity and intersex.
- **Presumption and Association:** Ensure protections for individuals who are presumed to have a characteristic, or who have an association with an individual with that particular identity, are extended to the grounds of age, gender, gender identity, and intersex.

D: Additional Thresholds

- **'By reason of' Threshold:** Include an additional threshold so as to provide protection against crimes which are committed against, or targeted at, individuals 'by reason of' their membership of a particular protected group/s, and apply this protection to equality groups covered by the hate crime legislation.
- **Alternative Provisions:** In the event that the hate crime legislation does not cover offences targeted at equality groups 'by reason of' their membership of an equality group, give consideration to how to best ensure those offences are protected out with the hate crime legislation.

E: Incitement to Hatred Offences

- **Legislative Gaps:** Address legislative gaps in protection against hate crime under the Public Order legislation; ensuring that the legislative vehicle chosen is the most appropriate and effective means to combat hate crime across the equality grounds.
- **Coverage:** Extend the Public Order incitement to hatred provisions to cover the additional grounds of age, gender, gender identity and intersex.
- **Defences:** The Commission is not persuaded that express defences to the Public Order incitement to hatred offences relating to freedom of expression are necessary. However, if such defences are to be introduced, Government should ensure that such defences are narrowly defined and

objectively justifiable, and are in compliance with equality and human rights law.

- **Incitement to Discriminate:** Ensure the 'incitement to hatred' legislation prohibits 'incitement to discriminate' on the protected grounds.

F: Sectarianism

- **Specific Reference:** Include a specific reference to the term 'sectarian' within the hate crime legislation.
- **Indicators of Sectarianism:** Expand the indicators of sectarianism to include: religious belief, national identity, nationality and citizenship; address legislative gaps in protection relating to sectarian hate crime; and ensure recognition that victims of sectarian hate crime can be targeted due to their multiple identities.

G: Consolidation and Review of Legislation

- **Consolidation of Hate Crime Legislation:** Consolidate the hate crime legislation into a single piece of legislation.
- **Review of Hate Crime Legislation:** Ensure that legislative changes to the hate crime legislation are subject to post-legislative review, with the review being carried out within 5 years of the legislation being passed so as to assess the overall effectiveness of the legislative changes in tackling hate crime.

Strengthening Legal Protections - Reform of Equality Law

- **Equality Law:** Strengthen equality law, including as regards harassment and multiple discrimination.

For further information visit: www.equalityni.org/HateCrimePolicy

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