



**CHALLENGE
HATE CRIME**

DEAL WITH IT

REPORT 12

CHALLENGE HATE CRIME – DEAL WITH IT

CONFERENCE REPORT

Challenge Hate Crime – Deal With It Conference

14 and 15 September 2012

**The Challenge Hate Crime project was financed by
the European Union’s Programme for Peace and Reconciliation (PEACE III)
managed by the Special EU Programmes Body**

Number 12 of 12



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Contents

Introduction.....	1
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Conference presentations:

Day One

Opening.....	3
Introduction to Challenge Hate Crime	7
Learning from international partners.....	9
Putting our learning into practice.....	11
Hate crime and the criminal justice system.....	13
Reports from workshops	15

Day Two

Reflections on the impact of hate crime.....	17
Victims’ perspective and impacts.....	19
Time to respond – the criminal justice system.....	23
Hate crime and sectarianism	28
Time to respond – the political parties	29

Appendices

Appendix 1: Conference programme.....	31
Appendix 2: List of registered participants.....	33
Appendix 3: Speakers’ biographies	36

INTRODUCTION

This is the report of a conference presenting the Challenge Hate Crime project (CHC), a partnership between the NI Prison Service and NIACRO designed to develop and deliver an evidence-based model of intervention with perpetrators of hate crime and undertake research into the nature and extent of hate crime in Northern Ireland.

The conference took place on 13 and 14 September 2012 in Belfast. Speakers and panellists included representatives of the criminal justice agencies and or organisations representing victims of hate crime, the organisations which had delivered the project, politicians and academic researchers. The 100+ participants came from all sectors. The aim of the conference was to share the emerging findings from the project with a wider audience and for that audience to contribute to the development of the work in the future.

At intervals during the conference, participants viewed clips from the DVD record which was made during the project. An edited DVD is included in the documentation pack of which this conference report is a part.



left to right; Tara Mills, Conference Chair; Olwen Lyner, NIACRO; Harald Weilnböck, VPN; Justice Minister David Ford MLA; Sue McAllister, NIPS

CONFERENCE PRESENTATIONS

CONFERENCE OPENING: Minister of Justice David Ford MLA

Good morning ladies and gentleman. I am pleased to welcome you to this conference on Challenging Hate Crime and formally open it.

All of us in this room welcome, without equivocation, the fact that Northern Ireland is changing, is becoming a more diverse and open place. But it is a sad irony that, with that increasing diversity, we have become more aware that not everyone sees it as something to be embraced, respected and celebrated. There are those in society intent on targeting people just because they are different to them.

So it's important for me to restate, upfront, that hate crime is wrong. Crimes motivated by prejudice or hate towards a person's identity are unacceptable and cannot be tolerated in a modern, shared society. We must all unite against it and send out the message that it will not be tolerated. Hate crime is the antithesis of the shared future that I want to see and am committed to see my department play its part in building.

However, while we in the Criminal Justice System can deal with hate crime, something I will come back to, I would suggest that it is actually the wider issue of hate that we all need to deal with in the first instance.

Addressing the problem of hate requires the commitment and the dedication of many different participants. The Executive needs to work together to tackle these problems, and it will be no surprise to you that I believe that an absolutely effective Cohesion, Sharing and Integration programme is a vital element – one that is genuinely worthy of that name, and not just there to tick a box or tinker at the edges – it is essential if we are to make the impact that I want us to.

But I'm not about to suggest that we should take a step back and wait for such a strategy. And even if we do get such a strategy, a worthwhile one, Government cannot tackle hate without the support of the whole wider community. All of society must be engaged in tackling the prejudice that can feed wider hatreds, and "all of society" means churches, the community and voluntary sector, trade unions, employers, and those working with young people. There is a role for all of us in challenging the hate that sadly exists within our society.

And when that hate manifests itself in crime, my Department is committed to working with partners across the wider criminal justice system, Government and civic society to tackle it, whatever its form, including attacks motivated by prejudice based on sectarianism, faith or religion, racism, homophobia, transphobia and disability.

The positive news is that crimes in each of the hate motivation categories fell between 2010/11 and 2011/12. Crimes with a racist, sectarian, faith or religion and disability motivation are the lowest level recorded since the relevant data series began. But, as many of you in this room will know, that's not the whole story; hate crimes are different. They are an attack on the victims' very identity, their community, and an attack on the idea of a tolerant, inclusive and diverse society.

So the reduction in such crimes shouldn't lead to any kind of complacency. In this context I welcome the work that NIACRO and the Prison Service have done jointly through the Challenge Hate Crime project. The Prison Service has in the past been criticised for not placing enough emphasis on rehabilitation and reducing reoffending. But this three year partnership project had rehabilitation at its heart and was designed to develop and deliver an evidence based model of intervention with the perpetrators of hate crime in Northern Ireland. I am particularly pleased that the Northern Ireland Prison Service has taken the lead on this piece of work with NIACRO.

Over the course of today and tomorrow you will hear more about the perpetrators' programme, and about the products that have been developed as a result of it: products which include DVD material, reports, and a Handbook of Practice for those dealing with the perpetrators of hostility-based offences. We will explore with NIACRO and the Prison Service how we can apply the lessons of the Challenge Hate Crime project in other initiatives such as the Unite against Hate campaign, and together we can consider the best means of disseminating these tools.

Alongside the practical work, the Challenge Hate Crime project has also involved a number of pieces of research including research on a definition of sectarianism and a review of the response by the Criminal Justice organisations to tackling hate crime. Over the course of the next two days there will be discussion and debate on, among other things, how effective the response of the Criminal Justice system has been and what more needs to be done. So, accepting that there is still more to do, let me talk a little about some of the work that we have been doing, across a number of fronts, and about the work that lies ahead of us.

Firstly, we have a strand of work around raising awareness of hate crime and challenging attitudes towards it.

Secondly, we have a strand of work around encouraging reporting. We know from research and surveys that hate crimes are under-reported, and various forms of hate crime are not reported for a range of reasons, often victim specific.

Thirdly there is work around supporting the victims of hate crime and doing so in a way which demonstrates care and sensitivity to their needs.

Finally there is work to ensure that the perpetrators of hate crimes are brought to justice and face the full weight of the law.

Much of the work across these four strands has been delivered through partnerships between the Department of Justice and others:

- Victims of hate crime have received practical support, such as repairs to property, home security advice and security measures to protect property, through the Home Incidents Practical Action (HIPA) scheme, alongside the Police Service and the Housing Executive;
- The Unite Against Hate campaign, which challenged attitudes of prejudice and raised awareness of hate crime, involved OFMDFM, DoJ, the PSNI, Equality Commission and the Community Relations Council. The campaign is currently being reviewed to ensure that it moves forward in a way which addresses the ongoing challenges we face around hate crime;
- At a schools level, the C2K Schools Engagement Project on Hate Crime, which was delivered to more than 40 Year 8 students from schools in Dungannon, Glengormley, Enniskillen and Belfast, was designed to increase awareness and understanding of the criminal justice system and to initiate learning and discussion on the issue of hate crime.
- The Youth Justice Agency has also developed a number of programmes with partner organisations to challenge hate crime such as a programme with Mediation Northern Ireland, related to offences motivated by sectarianism.
- The newly established PCSPs are beginning to play their role in the delivery of community specific projects such as tension monitoring schemes in Belfast, which have the capacity to be rolled out in other areas across Northern Ireland; advocacy services for victims of hate crime within the LGBT community; anti-hate awareness arts and drama projects being delivered to primary school children.

- And last year my Department put in place new legislation designed to tackle and prevent disorderly and offensive behaviour by sports fans. One of these addressed the long-standing problem of **sectarian and other offensive chanting** at certain sports matches. A new criminal offence has been put in place covering material that is indecent or sectarian, and matter that is threatening, abusive or insulting to a person by reason of that person's colour, race, nationality, religious belief, sexual orientation or disability. Also, those found guilty of an offence linked to **football**, including hate crime, can now be **banned** by the courts from attending football matches for up to five years, and it is a criminal offence to breach a banning order.

Looking ahead to the work that still lies ahead of us, at the end of July I launched the new Community Safety Strategy, "Building Safer, Shared and Confident Communities", which includes a commitment to tackling hate and to reduce the harm it causes to victims. I take particular pride in the fact that the community safety strategy includes the word "shared" in its title.

The Strategy will refocus efforts across government to tackle hate crime, from education and prevention to tackle the prejudices and myths that can feed intolerance, to support for victims of hate crime and challenging perpetrators.

I intend to bring forward an action plan, setting out the further work that we in the Department of Justice, and the other criminal justice agencies, must progress if we are to rise to the significant challenges that hate crime presents us with.

I would expect this to include actions to tackling under-reporting: we want to explore how we can encourage the use of on-line and third party reporting mechanisms, and we want to consider the PSNI's new call-handling procedures which enable the identification of victims of hate crime and, importantly, the identification of repeat victims.

- The Plan should also include actions to improve detection rates and prosecutions: we need to work with our colleagues in PSNI and the Public Prosecution Service to improve the detection rates for hate crimes and to bring offenders to justice. In this context we need to ensure that we communicate effectively about how hate crime offences are dealt with through the prosecution and court process and that we publicise the outcomes that are achieved. We also need to look at training for those involved in dealing with hate crimes.
- We need to do more work with minority groups, and particularly victims, who must be encouraged to come forward and report crimes against them. I fully appreciate how difficult it can be report such attacks but we need to explore the underlying reasons for this and work to help address them. For example I know that Police Service have been looking at the role of advocates so that they are more focused on victim support, increasing reporting of hate and signal crime and incident monitoring.
- Further action is also needed to improve support for the victims of hate crime: we will look to see how effective the Hate Incident Practical Action Scheme is, whether it adequately covers all victims of hate crime, whether there are any gaps, and whether there is more scope for earlier intervention.
- And we need more action to challenge attitudes and raising awareness: there will of course be potential for synergy between many of the actions we need to take forward in the DoJ and the Unite against Hate campaign which OFMDFM leads on; particularly in the area of getting the anti-hate message out; raising awareness of how the perpetrators of hate crime can expect to be dealt with; and sharing good practice in terms of local and regional hate crime initiatives. Underpinning this will be a need to ensure we have an accurate picture of how hate crime offences are dealt with through the continuum of the criminal justice system, from arrest and prosecution to outcomes in court. I am committed to ensuring that the funding is in place to give us this vital flow of information.

So, I am certainly not here today to claim that we have done all that we need to in relation to hate crime. While we see progress, on the contrary, I am here to commit us to doing more. The DoJ will play its part, and initiatives like the Challenge Hate Crime project reflect exactly the kind of approach I want us to take: proactive, collaborative, with a firm focus on reducing offending and re-offending, and on building a shared future for all.

I thank NIACRO for working with the Prison Service on this, I thank you all for demonstrating your commitment by being here today, and wish you well for today and tomorrow's discussions.

Thank you very much.

INTRODUCTION TO THE CHALLENGE HATE CRIME PROJECT

Sue McAllister, Director General, NI Prison Service

Mrs McAllister said that NIPS, “a service that is changing”, had undertaken the project because it was:

- (a) keen to explore programmes that could help to reduce recidivism by challenging prisoners to change; and
- (b) concerned that the new legislation might result in an influx of people with offences motivated by hatred, hostility or prejudice.

NIPS, as the Prison Review Team had suggested, was focussing on desistance. The service needs to find out exactly what that means, especially in practical terms. The Review Team’s report had noted that desistance is “a process, not an event” and that it “has two aspects; the individual and the social”; that interventions should “place individuals at the centre, working with, not on, them” and should identify and strengthen prisoners’ social capital.

Mrs McAllister commented that building that social capital, people’s relationships in their communities, requires collaborative working with Government, civil societies, and families.

In this way, when someone leaves prison we will have helped them to change and become less likely to re-offend, and more likely to be law-abiding. They will be ready to be part of (to quote the Minister) “safer, shared and confident communities”.

The CHC project, therefore, is relevant to NIPS’ strategic aims, and the service is leading the way by supporting a project which incorporates elements of both practice and research.

Mrs McAllister noted that it had not been possible to identify as many participants for the project as had been hoped, but emphasised the importance of subsequent evaluation of what difference over time it had made. That will inform NIPS work in the future. She acknowledged the input of the other players in the programme, Mediation Northern Ireland, Carecall and the Violence Prevention Network, and thanked the staff of the prison Offender Management Units for their support in integrating the project staff into the work of the prison.

Finally, Mrs McAllister joined the Minister and Olwen Lyner in stressing the need for everyone at the conference to contribute to discussion on “these issues that are relevant and important for all of us”.

Olwen Lyner, CEO NIACRO

Olwen Lyner noted NIACRO’s belief that the best way to reduce crime and its impact on communities is to address the underlying reasons why people become involved in offending behaviour as well as ensuring that justice is done and seen to be done. The organisation became involved in the subject in 1990 with the Base 2 project, which supports people who feel under threat in the community, and has brought that work to a wider European audience with an interest in similar problems.

Ms Lyner pointed out that all the agreed objectives of the CHC project have been achieved in its three years of activity. The conference was designed to share the experience of the project in practice and in research, not least the complexity of the subject and the level of hurt it causes. She outlined the history of the practice strand of Challenge Hate Crime, from identifying suitable participants to take part, on a voluntary basis, in a pilot programme which would help them face up to the nature of their offence and its impact on the victim(s), to the delivery of that programme. She

looked forward to this pilot being developed and mainstreamed into the management of offenders.

The research element had explored the legislative basis for dealing with these offences and identified a number of ways in which it could be strengthened – better communication between the different elements of the criminal justice system; the involvement of other government departments and agencies, and perhaps most of all the constructive engagement of politicians.

Ms Lyner particularly welcomed the Minister of Justice’s commitment to raising awareness, supporting victims and encouraging reporting as well as to ensuring effective communication. She looked forward to the conference leading to a range of partnerships and relationships across all the many players involved, including wider society, which would deliver real change.

LEARNING FROM OUR INTERNATIONAL PARTNERS IN PRACTICE

Ulrich Dovermann, Head of the Extremism Unit, Federal Agency for Civic Education, Germany

Ulrich Dovermann described the work of the Federal Agency for Civic Education, established in Germany after World War II in an attempt to set up a “living democracy”, regionally and nationally in a situation unfamiliar with democracy. In 2000 the Federal Ministry of Internal Affairs began to look at extremism; previously a responsibility only of statutory agencies, especially the criminal justice and education systems, it seemed valuable to get civil society involved through a large programme of political and citizenship education. In that process, it became obvious that it was necessary to meet with the extremists themselves and communicate directly with them, not an easy task; but some were found and that was when the Violence Prevention Network (VPN) was set up.

This is a significant movement in Germany, with many new programmes, some successful and some not, over 12 years, with many approaches and many people and government agencies involved. There has been an investment of 5 - 6 million euros in helping communities and strengthening tolerance – in schools, civil society organisations, in training, at local level setting up action plans; in short, trying to change the whole of society. The biggest challenge is still to meet with and communicate with the extremists themselves.

The programme was originally top down – an initiative of Government. Now there is more focus on working in the regions – some regional governments on the right see the issue as purely a social problem, the left prefer to focus on the victims, work on the social systems which lead to extremism and try to strengthen civil society. Mr Dovermann praised the work of the VPN, especially in that it can measure statistically its success in turning young people away from extremism – and this saves money; this is not just a moral issue but an economic one.

Finally projects are not in contact much with the political parties, in fact they normally try to avoid this contact; fearing that funders can skew programmes according to their political views. Mr Dovermann therefore applauded the efforts to build good contacts with politicians in the CHC project.

Harald Weilnböck, Violence Prevention Network, Germany

Harald Weilnböck outlined the work of the Violence Prevention Network (VPN), a group of experts with many years of successful practice in prison and in the community, working on extremism prevention, deradicalisation and reducing hate crime. Its main target groups are young people who have committed hate crimes motivated by prejudice, either right-wing extremist ideology or forms of radical Islam.

He welcomed the CHC project as particularly timely, given the increased interest and research at EU level and in the individual Member States over the last couple of years. It is now possible to define the problem, and design good principles and then practice which can be used across the EU to challenge hate crime, and that is the goal of the Radicalisation Awareness Network established in 2011 by the Home Affairs Commissioner, Cecilia Malmstrom.¹

The first principle of working with extremists is to build trust and a relationship – as in any form of education. This is a particularly untrusting group, so any action needs to be tested to see if it will contribute to building trust with and among participants. A second principle is to use external practitioners, the NGO sector – by analogy of an individual seeking counselling or therapy, when one would choose someone whom one

1 http://www.niacro.co.uk/filestore/documents/publications/NIACRO_news_31.pdf

does *not* know, a professional, who is not in a position of authority over one. Using staff of the institution is likely to put limits on the degree of openness shown.

However, the institution has to be on board – at first staff can feel jealousy, anxiety about external facilitators and what they are doing. Staff can be trained, and it can be explained to them; it is essential if the participants are to be able to see that the institution respects the “outsiders”. At another level, the EU Stockholm Project recognised the importance of handing over a lot of responsibility for the work to the NGO sector. We need to network what is going on already.

Some less effective approaches are – a classroom type setting, one hour at a time, a very fixed syllabus, a cognitive-behavioural approach, stand-alone anger management courses, one-to-one, over-emphasis on initial assessment.

Another principle of effective work is the narrative element, ie the importance of the offender “telling the story” of the hate incident/crime in a personal way. Arguing and debating about the issues does not have the power of personal story-telling of an experience. It will reveal the sources of their extremism and helps to build trust.

It’s important to be aware of the emotional learning, how to have second thoughts, how to recognise feelings of fear and embarrassment and deal with them. That the work happens in a group is important – one-to-one has its place, but the dynamic of the group leads to greater learning; for one thing, the incident has probably been in a group setting. Participation must be voluntary; an open process in which there is no fixed plan but follows the participants’ cues. Likely topics will come up, sometimes too intensely so that the facilitator has to pace the discussion. They may include issues of sexuality, gender, politics, religion, history, culture and all may be addressed.

Both the media and politicians have a real impact on the work and on the attitude of the participants. Political parties need to make clear statements about the realities of hate crime.

PUTTING OUR LEARNING INTO PRACTICE

Joe Campbell and Ivan McStea, Mediation NI

Joe Campbell and Ivan McStea, who had taken part in the preliminary facilitator training, shared their experience of delivering the pilot programme Challenge to Change (CTC) in Hydebank and Magilligan prisons in 2011/12. The participants with whom they worked shared many of the external pressures which are “a seedbed of hate crime”: an unsupported childhood, often low educational attainment, and alcohol and drugs dependence.

Key elements of success were seen as being: building a supportive community of prisoners willing to tell their story and listen and be supportive to others; one-to-one sessions both within prison and after release; flexibility in adapting prepared programmes to meet the needs of the day. Prison staff in both institutions were supportive and co-operative.

A common difficulty was the impact of the prison regime – for example clashes with other educational courses, parole, visiting or working outside the prison meant that it could be a slightly different group each time; a meeting room might be unwelcoming, although the facilities in Magilligan were praised.

Facilitators noted the unique opportunity for participants to face the reality of their crime in a supportive group setting, compared to other, albeit constructive, prison programmes focused on education or preparing for release. Participants saw the programme as “not easy” and “demanding”. There was some divergence of view as to the value of the core session in which each participant narrated their crime to the rest of the group and the extent to which each participant could reveal themselves to the others. It’s hard to step outside the “tough guy” image, but even so it is possible for a participant to take on board some ideas for alternative ways of behaving.

The older participants in the Magilligan pilot programmes seemed to allow for greater personal investment and vulnerability within the group setting.

Both speakers felt the short pilot programmes were a model worthy of development, although “only time will tell” the outcome for these first participants. The programme does have considerable potential to help participants become more self aware, risk aware, and ready to face the challenges of life after release; and hence to reduce their risk of re-offending.

Discussion with practitioners, Ivan McStea, Joe Campbell and Harald Weilnböck

The practitioners were asked: “Is the programme only suitable for certain prisoners – what happens to the others?” The facilitators felt that it was suitable for all - but not all are ready for it; not ready to commit. But one programme could raise interest among other prisoners and recruit participants.

Harald Weilnböck was asked what differences he saw between CTC and his own programmes and to make suggestions for follow up. He replied that he was in agreement with all the methodological principles, the open process, the group approach. It had been interesting for him to observe the sectarianism since that is not an issue in Germany – but there are clear similarities, whatever the issues and the history. In working with young men and extremist life-styles, we need to build trust, to have them tell their story and work on that experience. He called for the programme to be maintained, and to be networked internationally.

Ulrich Dovermann was asked about the ten years it took to uncover, in 2011, a Nazi murder gang which had been killing people with an immigrant background, mostly Turkish: He replied that it was shameful; there is a suspicion that some part of the

intelligence services may have colluded but no evidence of sympathy for extremism in the service. German politics have been very complicated over the last 10 years; there is a department to challenge right-wing extremism, but it is greatly reduced in resources and countering left-wing extremism has been added to its work and the problem of Islamism highlighted. He argued strongly that it has been well known that right-wing extremists have been working against Turkish people and other groups – with 150 people killed since 1992. However, government statistics do not always reveal this size of the problem, by classifying them differently. It is estimated that 60% of the population have anti-Semitic, racist or homophobic views, and this gives “silent support” to hate crime perpetrators.

HATE CRIME AND THE CRIMINAL JUSTICE SYSTEM: data and questions

Neil Jarman, Institute for Conflict Research

Please note: Dr Jarman's full paper on the subject is included in the CHC documentation pack and can be accessed on the NIACRO website www.niacro.co.uk along with two further papers from the research strand of the project. These are: "Defining sectarianism and sectarian hate crime", and "Political parties and hate crime".

Dr Jarman introduced his presentation with some of the facts and figures coming from the criminal justice system (cjs) and addressed the questions they raise about the response to hate crime, bringing some challenges for the cjs. Hate crime has been an increasingly prominent issue since the late 1990s, and has attracted a series of responses from the police service and government. These include: improving reporting and recording; understanding the issues; building relationships with minority communities; introducing the Criminal Justice (No 2) Order 2004; and the Unite against Hate campaign.

These are good initiatives, but the problems have continued and increased in the 2000s with attacks on the Roma community, serious trouble at a NI v Poland football match, and sectarian rioting. The Challenge Hate Crime project included a research strand which comprised: a review of the work of the cjs; a review of the use and effectiveness of the hate crime legislation; a review of agency data on hate crime – (which revealed that it is fragmentary and not joined up, even contradictory. So we need better data in order to hold the cjs to account on how it is responding to hate crime) and a comparison with other publicly available data from jurisdictions in the rest of the UK, USA and Germany.

Neither the Criminal Justice Order nor the also-relevant Public Order (NI) Order 1987 uses the term sectarianism; they refer to offences "aggravated by hostility based on religion". Nor does either law refer to transgender hate crime although it will be introduced into legislation in England & Wales, and it is important that Northern Ireland keeps up with developments in the rest of the UK and other jurisdictions.

Analysing the statistics on the use of the Criminal Justice Order from 2007 – 2012, Dr Jarman demonstrated in graphic form how between 2007 and 2012, a very large number of cases recorded as hate crime incidents by the police (over 13,000) dropped dramatically (after going through the various stages of files being sent to the prosecution service, assessed for prosecution, and the prosecution process), to only 12 convictions where the hate element was recognised by the courts.

There is therefore, little evidence of either law being used to bring about successful prosecutions for hate crime. Both the NI Affairs Committee and the Criminal Justice Inspection NI (twice) have expressed concern. The questions therefore are – why are the laws not being used? Is the problem with the legislation, with the process or with the institutions?

There is evidence that Northern Ireland has less racist hate crime than other parts of the UK, contrary to received opinion. The difference in Northern Ireland is that other areas don't have the same level of sectarianism, the history of paramilitarism and the legitimisation of some forms of violence. Hate crimes recorded by the police from 2005 to 2012 show sectarianism to be the most frequent element, followed by racism and then homophobia. All show a decline; which can be seen as a positive development, However, the earlier rise in recorded incidents suggest that there was more hate crime, that more people were prepared to report it, and it was better reported. So a decline now might mean a decline in confidence, or lower levels of recording by the police. The PSNI have worked to increase confidence, but concerns remain in this context, along with a feeling that it may not be taken seriously or treated effectively.

Sanction detection rates – meaning broadly that the cjs has taken action such as moved on to prosecution, or delivered a caution - show levels of 10% – 20% having an effective criminal justice response, lower than for other comparable crimes. One reason may be that the Policing Board has dropped its target for increasing detection rates. There is also the possibility that low detection rates have an impact on public confidence. Dr Jarman gave detailed comparisons with Strathclyde in Scotland and the Metropolitan Police, showing significantly higher levels of prosecution in the other regions, and in England & Wales dramatically higher levels of conviction.

In summary Dr Jarman concluded that:

- there is little evidence for effective use of the Criminal Justice (No 2) Order;
- the detection rate for hate crimes by the PSNI remains low;
- few cases prosecuted by the PPS lead to convictions under the Criminal Justice Order;
- tracking hate crime cases through the cjs is difficult; and
- there is little opportunity to address prejudicial behaviour.

His recommendations are:

- the DoJ should review ways in which the cjs deals with cases involving prejudice / hatred;
- the DoJ should review the use and effectiveness of all 'hate crime' legislation;
- the cjs should explore lessons from approaches to hate crime taken in other jurisdictions;
- the cjs should develop a clear understanding of a prosecution of hate crime; and
- there should be better data tracking for accountability.

Discussion

The first question to Dr Jarman was about the possible reasons for the small number of convictions. There are a number of potential reasons: the gathering of data and evidence and how it is presented; the criteria which the prosecution service use to decide whether to include the hate element in a prosecution; the need for the prosecution barrister specifically to raise the issue; a sense that the sectarian/hate element of a crime may not be fully explored in the criminal justice process. The Scottish process may not be so demanding but others say it is more rigorous in taking hate crime seriously, partly because of very serious individual cases.

Disability Action observed that when a disability incident is reported, the victim is often told it isn't a hate incident, so that leads to under-reporting. The research recognises this, and also that the **victim** doesn't always recognise an incident as a hate crime. The Equality and Human Rights Commission in GB has carried out major research which has impacted on the Government's programme – Northern Ireland needs to keep abreast of all these developments, including raising awareness of how as a victim to report and as a police service to record incidents.

REPORTS FROM WORKSHOPS

Conference participants split into three groups to discuss policy, politics and practice. Each group then fed back to the full conference. The feedback is presented here as notes, comments and recommendations/suggestions emerging from the workshops.

Policy

The point was made that offenders were in fact often successfully prosecuted and convicted for the crime they had committed – so in one way justice was done; only without the hate element having been spelled out in the judicial process or in the sentencing. The question then is – is that enough? Can it satisfy the victim, who has perceived and identified the crime as motivated by hate? Does the victim deserve the specificity of the hate element being named?

And this situation reveals a gap in the criminal justice process: the hate element/motivation is not flagged up, so the offender may not – probably will not – be given the opportunity to take part in a targeted intervention like the Challenge To Change (CTC) programme used in the project.

The group noted that the reality that “hate crime hurts more” is not yet given the focus that, for example, being the victim of domestic violence or a sex offence does get in the criminal justice system. It needs to be put on a similar footing.

It is unfair that victims are the ones who face the upheaval of moving house, school etc rather than the perpetrators.

Politics

The group agreed that we needed a definition of sectarian hate crime (the Assembly failed to agree on a definition of hate crime in a debate in 2011), but also of the other areas covered by the hate crime legislation.

Politicians shouldn't bring their own baggage to the table; too often their condemnations of violence included a “but” at the end, followed by a statement which could be interpreted as a justification for the behaviour, and which revealed an undercurrent of prejudice and bigotry. There may be a need for a Code of Ethics which politicians should follow in political discourse. Token gestures – like attending sports events not normally followed by a politician's own party – were fine in their way but don't address underlying sectarianism and “don't change anything at all”. They are not showing leadership, not least in the failure to produce an agreed Cohesion, Sharing and Integration (CSI) strategy.

Politicians need to be proactive in engaging with groups working in each of the hate crime grounds, especially in the least visible of all, the transgender group.

An all-party Assembly group on hate crime might be a useful way forward.

Practice

The group felt it vital that the most suitable people should be identified for any intervention like the Challenge to Change programme, but that then their participation should be voluntary. Independent facilitators were very valuable in building a trusting relationship.

The voluntary and community sector were very interested in the project and keen to get involved – not least as they were already doing much work on the ground; they know that offenders convicted of hate crimes are coming back into their communities and that those offenders need a support network around them to help them avoid

re-offending. The Probation-led Inspire project for women offenders was cited as a model that might also work well with young people, providing as it does a safe space, with support and educational opportunities.

Proxy victim groups (ie groups with knowledge and experience of the impact of hate crime) would also be happy to go into custodial settings before that stage.

The sector recognises that the concept of hate crime isn't yet fully understood, and is happy to learn, but wants to work in genuine partnership with the criminal justice system.

REFLECTIONS ON THE IMPACT OF HATE CRIME

Dr Paul Iganski, Lancaster University

Dr Paul Iganski offered some thoughts of the research community on the impact and consequences of hate crime. He drew on data from the British Crime Survey, now known as the England and Wales Crime Survey; a well-conducted official survey. About 46,000 people are interviewed each year.

Surveys are more exact than recorded crime figures; this one asks "Within the last 12 months have you been the victim of a crime?" About 25% say yes; these respondents are then asked other questions including whether or not people feel the crime was influenced by the fact of their race or ethnicity, religion, sexual orientation, disability, age and gender. Most who say yes have reached that conclusion because of something the perpetrator has said, and the figures suggest that around 5% of people have been victims of a hate crime – five times more than crimes recorded by the police.

In illustrating the "waves of harm" generated by hate crime, Dr Iganski noted a debate since the 1990s, first in the USA, about whether sentences should be enhanced in the case of a hate crime. There was research among both those for and those against this; the issue of freedom of expression was a key issue in the argument – both opponents and supporters believed there should be freedom of expression, but supporters insisted that "hate crime hurts more".

This is the key distinction of hate crime, the ultra-personal experience of the victim; it is now generally accepted after some initial scepticism among the criminal justice community, in England and Wales at least. It strikes at "my core identity", it strikes my closer and wider communities (who become conscious of the risk of a similar attack on them) and it attacks the values of my society. The greatest amount of research has been carried out among individual victims; those who say "I carry the reason for my victimisation around with me". In the British Crime Survey, around 90% of victims said they had an emotional reaction to the crime; across every category of crime, the hate element made it worse.

Behind the statistics there is research analysing the impact physically, socially, emotionally and economically. There is evidence of the impact on relationships, home life, working life, leisure activities, confidence in others etc. There is also evidence that a significant percentage of victims expect to be further harassed or intimidated in the future. While all victims of crime are impacted by the experience, "The evidence is clearly stacking up that victims of hate crime feel it more".

The increased understanding of the greater harm caused by hate crime should lead to:

- Better support for victims.
- Better justification for making hate crime a specific offence and recognising that in causing greater harm, it should attract a greater penalty and/or other interventions.
- Targeting dedicated resources – funding and expertise – to the problem.
- Working with offenders to raise their levels of understanding of the implications of their action and of empathy for the victim.

Discussion

Dr Iganski was asked if he thought awareness-raising campaigns could have the effect of making hate crime less “acceptable”: although there is little hard evidence on the effectiveness of such campaigns, it was surely the case that they had some educative effect.

To a question about the comparative effectiveness of targeted interventions and longer sentences, Dr Iganski noted that hate crime offenders were rarely “dedicated, specialist” in hate crime, but more often repeat offenders with a whole range of criminal behaviour. Most led complex lives in a very disadvantaged context, and in order to change needed all sorts of social, non-punitive interventions, carried out not only in prison but on release.

Finally, the point was made that there might seem to be a contradiction in saying on the one hand that these crimes had a particularly serious impact on the victim, but on the other that we were arguing for intervention programmes rather than heavier sentences. The answer is that some people will indeed prefer the more punitive response, but that there is a good deal of evidence that the rehabilitative route is more effective.

VICTIMS' PERSPECTIVE AND IMPACTS

Five strand-specific seminars were held in the days before the conference, involving participants from voluntary and community groups with an interest in sectarian, disability-based, racist, homophobic, and transphobic hate crime. The seminars looked at the role of the media, politicians, the criminal justice system and the community and voluntary sector. Spokespeople from the seminars fed back to the conference. The key points raised in the seminars are summarised here under each of the topics the participants considered, first with the key points which arose in all or most of the seminars, then with some specifics raised by the different sectors.

The speakers were: Danny Murphy, Coiste na n iarchini; Michelle Millar, Disability Action; Jolena Flett, NICEM; Harriet Long, Rainbow Project; Amanda Stephens, Youthnet (reporting back on the Trans phobia seminar). As well as reporting back from the seminars, several panellists gave individual examples of hate crime experienced by their sector.

Themes common to all sectors

Media

- The media do not understand hate crime and do not challenge it enough, nor do they challenge public figures who may seem to be underestimating or dismissing – or even provoking – it sufficiently robustly.
- They can be irresponsible and not check the facts; and sensationalise a story.
- Hate crime is usually only reported if it is extreme, not as an issue which many people live with day to day.
- This makes victims reluctant to speak out in the media.
- There are however some examples of good reporting, and participants understand that the media “have a tough time” balancing their reporting.
- The newer social media present new challenges:
 - they can frame the discussion in a very negative, aggressive way;
 - they are a source of harassment;
 - however, they are also a way of getting a positive message out, by-passing the conventional media.
- There’s no real communication between the media and the sector.
- The NI media are familiar with sectarianism and usually “fluent” in reporting it; they are getting more familiar with racism, but they are still uncomfortable and awkward with disability-based hate crime, homophobia, and transphobia, and less likely to report them.

Politicians

- They send out confused and inconsistent messages, trying to please all their voters.
- They are not sufficiently approachable to discuss the issues and don’t take the initiative to do so.
- Participants understand that this is an issue for the whole of society and that politicians are often in a difficult position, but they should show courage and leadership.

- They may make symbolic/token gestures – and these are welcome – but should extend this to positive, concrete actions.
- The economy is a worse problem than sectarianism, but sectarianism and racism in particular impact on NI's international image and hence on the economy.

Criminal justice agencies

- It's *not* just an issue for the DOJ or the criminal justice agencies; education, health and social services and OFMDFM must also engage more effectively.
- There is reasonably good communication with the police service, less with other players including the PPS and the judiciary.
- Victims don't have confidence in or understanding of the system and so don't come forward.
- Police too often don't recognise/record an incident as one of hate; victims don't report incidents; the removal of the Hate Incident Minority Liaison Officers is seen as downgrading of the issue within the police service.

Community/voluntary sector

- The considerable contribution the sector makes to tackling hate crime is not sufficiently recognised, valued or resourced.
- It is ready and willing to engage with policy-makers.
- It is often taken advantage of.
- Routine consultation, apart from being a burden, is not enough; the sector wants to be part of the decision-making process.
- It is accepted that the work of the sector must be accountable and quality controlled.
- It should be involved in delivering solutions.

Sector-specific themes

Disability

Disability is nearly always reported negatively – although the Paralympics did something to shift this perception. Welfare benefits stories can be unsympathetic. Hate crime is "a way of life" for people with a disability – they are used to it.

For politicians, it isn't a sexy issue; there are no role models among politicians; it is not mentioned in the Programme for Government; disabled people need an independent advocate such as those for children and older people.

Disabled people may need extra support as witnesses; too often they are seen as unreliable because of their disability and so may be disbarred from access to justice.

Homophobia

It is still too often seen, by the media and politicians among others, as OK to be negative about certain sexual orientations. Media opportunities are nearly always set up to be highly adversarial.

There is a danger that LGB issues are becoming party political/sectarian. There are no senior “out” figures.

LGB issues are *not* a purely private matter, they are public issues. Schools need to do more to challenge homophobia.

Racism

Racist attacks attract bad publicity far outside Northern Ireland. Fears around jobs and housing can be perpetuated in news stories which also highlight the nationality of offenders.

Politicians should be more positive about diversity. “There are no votes in immigration – depressing but a fact.”

People in the sector are often reluctant to see themselves as “hate crime victims” which leads to under-reporting. We need more role models and more practice in “combining cultures” which enriches society.

Sectarianism

The impression is given that most young people in certain areas are “actively sectarian” – this is absolutely not the case. Very good activities, eg in interface areas, are going on all the time, unreported.

Politicians need to lead their local communities, even though those communities to an extent constrain them. There needs to be more work in schools.

One size doesn’t fit all in tackling sectarianism, we need a toolkit. We also need more convictions. There is still a tendency to be in denial about it, sometimes for fear of causing offence – people need to face up to sectarianism in their communities.

Transphobia

There is no real understanding of Trans issues – by the media, the politicians or the public. It may be treated as comic and that can add to the sense of isolation and fear. Even the judiciary have shown themselves uncertain of the issues.

There are still many myths and stereotypical views of Trans. It is particularly under-resourced and lacking in support services. Offers to educate and raise awareness within statutory and voluntary/community sector are not taken up.

Discussion

The panel members were asked how they saw the [potential] role of the Police and Community Safety Partnerships (PCSPs). In answer, the conference heard that one PCSP was funding a support post in the community, and had committed to keeping hate crime on the agenda, while another has set up a consultative group. The panel noted the lack of minority ethnic representation on the Policing Board or on the PCSPs.

Chief Superintendent Hamilton, who spoke later on the criminal justice panel, asked panel members to suggest one thing which the police could do better. The answers were:

- Listen better, believe and have a more sympathetic approach.
- Build hate crime into the training of all officers, not just as an aspect of community policing.

- Given that the HMLOs had been withdrawn, replace that role and function effectively.
- Be consistent across NI and with all officers reacting consistently.
- The call handler and response officers are key – if they get it wrong, the victim won't pursue the case.
- The police can be role models and advocates in society; if a police officer challenges inappropriate language and behaviour that is a strong message.

TIME TO RESPOND: the criminal justice system

Chief Superintendent Mark Hamilton, Police Service of NI

Chief Superintendent Mark Hamilton began by acknowledging “the uncomfortable fact” that in some cases the police service had not done enough and “let people down”. He apologised to those people and averred that the service had tried very hard, especially over the last 12 years of police reform to put the victim first; and that people now received a much better response than would formerly have been the case, thanks to the hard work that had gone into changing the service.

Chief Superintendent Hamilton addressed the issue of the removal of HMLOs [hate Incident Minority Liaison Officers] over which several participants had expressed concern. This had been primarily in order to increase the numbers of police officers visibly on the beat, in response to public requests for this. Some dedicated specialist roles had therefore been removed; with good intent to make optimum use of the officers we have – almost halved in number over the last 15 years. He acknowledged that the service might have failed to explain that process properly, to allow people to input to the decision and to replace the HMLOs quickly enough with a new system of Hate and Signal Crime officers who will cover hate crime as part of their job. The change also links to an effort to mainstream these skills across the service rather than base them in a few individuals.

Another frequent issue was how victims are treated by police officers when they report a hate crime, with a perception that the police seem reluctant to accept that a particular incident was a hate crime. Although the reasons for this are not altogether clear, Chief Superintendent Hamilton felt it was likely to be a matter of the [lack of] definition of hate crime and the evidence needed. “Police officers are taught to think evidentially” and will ask themselves “How will I prove this is a hate crime?” as is necessary under the 2004 Order; so a more “transactional conversation” with the victim ensues. This raises a question about the appropriateness of the legislation, but in any case there is currently re-training for call handlers including the use of new software.

It is often the case that a police officer cannot do anything because there is not enough evidence. Where forensic evidence is not available, the primary need is for witness evidence – “has someone seen something?”. So the support of communities is essential if there are to be prosecutions.

The service is happy to liaise with groups to make the process work better and has established a Hate and Signal Crime working group. It has invited NIACRO and other agencies to join this group, on “a more than consultative basis”.

Marianne O’Kane, Head of Policy, Public Prosecution Service Roger Davison, Regional Prosecutor, Eastern Region PPS

Roger Davison clarified the difference between the roles of the PSNI and the PPS, about which there can be misunderstanding; that is, the PSNI investigates and the PPS prosecutes and neither undertakes the other’s responsibility. A crime can only be prosecuted therefore once a file comes from the police, though the PPS may then ask for more evidence from police. People are not always clear why the PPS prosecutes – it is not because the service thinks an individual is guilty, but because a case has passed the basic test of applying to the evidence the test: Is there a reasonable prospect of a conviction? This applies to all crimes; no weighting is given to particular crimes. The PPS is “completely committed” to prosecuting hate crime.

Ms O’Kane outlined the PPS’ December 2010 policy on prosecuting hate crime. Its key principles are: to promote consistency, to promote the confidence of victims, and to raise public awareness of these crimes and the role of the prosecutor. She reminded

the conference that there is no statutory definition of a hate crime, “a fundamental gap” so the PPS along with other criminal justice agencies uses the victim’s perception as a test. She noted the difficulties of proving beyond reasonable doubt, based on the necessary strong evidence, that an act was aggravated by hostility, which may limit the use of the 2004 Order.

On services to victims and witnesses, Ms O’Kane said that the PPS recognises the serious impact of hate crime on the victim and the grouping with which the victim identifies. There are specific arrangements in place for victims of all crimes, particularly when giving reasons for not prosecuting. A witness care unit is being piloted which it is hoped will deliver a bespoke service, first in Belfast and then across Northern Ireland – it is designed to better identify the personal needs of individuals in the process, and it will be evaluated and reported on.

Ms O’Kane noted that statistics have been “a hot topic” for the conference; she acknowledged this is a problem and expressed regret that it had not yet been resolved, with different figures held by different agencies. PPS is piloting a process of recording more detailed data on hate crime.

On outreach, she reported that the service is working very hard with the DOJ to improve services and is trying to be proactive. Ms O’Kane offered an open invitation to groups to seek a meeting with the PPS.

Peter Luney, Head of Courts Operations, NI Courts and Tribunals Service

Mr Luney praised the role of the conference in revealing the breadth of the issue of hate crime, well beyond the stereotype of extremism, and in showing the strength of the impact it could have. He acknowledged the “oddity” of the discrepancy in the statistics offered by the various agencies and welcomed the Minister’s undertaking to develop an action plan which he hoped would address this. He noted the possible reasons for the disparity which had already been rehearsed in the conference – that it might be felt to be easier to prosecute the substantive crime rather than the hate element and the way in which incidents are recorded in particular.

Mr Luney made the point that, particularly in Magistrates courts, there was a high volume of work and considerable pressure of time, and that these could bring about situations where a defence agreement for a defendant to plead guilty to a crime, but not to the motivation by hostility element, would be accepted. He also noted that all these possible reasons were speculative and hence needing to be examined more closely. One suggestion made in the workshop in which he had taken part was that introducing specific hate crime legislation would “make it more visible” and make it less easy to ignore; although the existing NI legislation had already raised the visibility of what had always been open to judges, ie to take a hate element into account when sentencing.

PPS/PSNI data at present cannot be shared right through the system if the hate crime element has not been addressed or proven, and Mr Luney noted the suggestion that to pass on to Probation and NIPS the fact that the victim had perceived the incident as hate motivated, could help them to identify and engage with suitable offenders.

Regarding victims and witnesses, Mr Luney assured the conference that their interests were of concern to the courts service which was working to improve the service to those affected by any crime. However, he did feel it would be valuable to know more specifically about the experience and the needs of victims and witnesses caught up in hate crime.

Jackie Bates-Gaston, Chief Psychologist, NI Prison Service

Professor Bates-Gaston said that the prison service, which had been delivering offence-focussed cognitive/behavioural programmes for 20 years, was glad to have taken the role of lead partner in the project.

Existing programmes in prison rely on the best evidence from the “what works” literature; with the obvious goal of preventing future victims. Most programmes designed to bring about behavioural/thinking change in offenders use similar ideas and concepts to encourage people to change their “thoughts, beliefs, attitudes and behaviours”. And they all play a part in trying to prevent crime – which is not only a positive outcome in itself, but is also cost-effective to society.

Some elements of working on the programme as in other approaches to bringing about change include the fact that:

- The needs of the individual offender should be central – they may be very different just as the circumstances of the crime, and of the violence involved, may be very different.
- Prisons work on the basis of risk: it is possible to subscribe to principles of confidentiality, but this has to be managed in the context of the criminal justice system.
- If we are to engage with the person to help them change and function better in society, then in group work we have also to ask ourselves questions about our own prejudices and behaviours, and those of society in general.

Some of the facilitators had never been in a prison – a new experience for them, and valuable for those inside the prison to see it through fresh eyes. Professor Bates-Gaston had found that “an external perspective has been extremely valuable to us” and also reinforced or refreshed some learning already held about the value of group programmes. NIPS is improving its data bases to ensure that evaluation and research can be delivered more efficiently for all programmes delivered in custody.

Challenge To Change demonstrated some of the things “which work” – one important one being that valuing and demonstrating “respect” for everyone must be at the forefront (the Healthy Prisons agenda refers to this) of all we do. This way of engaging with offenders requires training and support, from the first new entrant to senior management.

Some gaps in provision were identified during the project. For example, the work in prison needs to be reinforced and developed on release. People leaving prison often have limited support, though prisoners have said that they would also appreciate more support as time goes on, when they may find that their expectations about what would happen on release are not met and their situation becomes difficult.

Both the offender and the facilitator need to believe that change can happen. Working with a needy and demanding group is itself demanding, so facilitators and also the groups from outside the criminal justice service need real supervision and support, especially if things go wrong.

The Prison Service has learned a lot from the project, and it’s an important part of the jigsaw alongside the delivery of other programmes for and interventions in the engagement with offenders. The pilot CTC programmes were short but meaningful; the Prison Service will be carefully assessing how to use the information gathered in the future.

Finally, Professor Bates-Gaston thanked all the other partners in the project for their contribution and support.

Chris Davies, Probation Service, Hydebank Wood

Mr Davies described where probation sits in the context of hate crime, taking as his starting point the strap line of the Probation Service’s last corporate plan, “Challenge, change and protect” which he described as a message that could apply well to work on challenging hate crime. So it seems that the aspirations of the project are also ones which are core to probation.

Mr Davies clarified – as there is often misunderstanding – when Probation gets involved with offenders, noting that the conference had already heard that only a small number of people are convicted, and only some of them will come under probation supervision. So it is likely that only a few relevant offenders will be under probation supervision. However, a starting point of Probation’s work is uncovering the attitudes and beliefs of the offender which have caused them to behave in a certain way. The need then is to identify an intervention plan and if hatred towards a particular group is revealed that will feature in the plan. He had been struck on the previous day with the insistence of building trusting relationships, something which Probation has always recognised, which is stated in the service’s policy and in which it is relatively successful. Staff have more recently received hate crime awareness training.

Regarding victims, Mr Davies described Probation’s victim information scheme, a chance for victims to get more information on the work being done with particular offenders. The service is also working with PPS and NIPS to create a single point of contact for victims within the criminal justice system.

Locally, there is a community development budget, some resources which Probation can allocate to voluntary and community groups. Its focus is to encourage people in the community to engage with those Probation works with, recognising the opportunities and skills which the voluntary and community sector can offer.

Most currently, Probation will be formally designated as members of PCSPs, thereby increasing involvement at a very local level on community issues, which will of course include hate crime issues in some areas.

Declan McGeown, Head of Community Safety Unit, Department of Justice

Declan McGeown described the Community Safety Unit (CSU): “set up to bring a strategic approach to all community safety matters, including hate crime”.

The CSU has reacted to and been engaged in the aftermath of recent racist and sectarian incidents and that is part of the work, but the Community Safety Strategy (CSS) recognises that prevention should be the priority. Hate crime is one of the strands of the CSS and each strand will have an action plan developed with stakeholders, aligned with the CSS which in turn ties in with the priorities of the DOJ. It is also important that policies and practice across Government are coherent – this is not yet achieved but there is a will to get it right at the highest levels of Government. Mr McGeown assured participants that the action plan will be based on the views of this conference among other inputs.

Mr McGeown highlighted the importance of the PCSPs and encouraged the conference to use them, to go to them with “whatever keeps you awake at night”. They are meant to be representative of the all the relevant higher-level strategic bodies and it is for the local PSCP to take up local issues.

Discussion

The panel was asked how they “quality assured” their systems to ensure they were not in any way biased. The PSNI replied that the service is at present revising the investigative process; and that there has been a huge amount of reform to bring about a culture change in which the vulnerability of victims is fully understood, unacceptable behaviour by officers is treated rigorously, and standards are raised in all aspects of the role. The PPS stressed that its decision-making is based on the test outlined by Roger Davison, and that it follows a Code of Ethics, the breach of which is a disciplinary matter. The PPS also comes under the Criminal Justice Inspection NI, and has other internal quality assurance processes.

There was a question further examining the issue already discussed, that of how to ensure that the hate element was incorporated into the system rather than the

investigation/prosecution of a crime being kept to the substantive offence only. Panellists reaffirmed that: there is increased “bureaucracy” in gathering and recording evidence of a hate element, but that this should not deter investigators; that improved systems for gathering and recording evidence should help in the future; and that there is no such thing as plea-bargaining in our judicial system but that lack of evidence, or witnesses withdrawing evidence, might lead to the lesser prosecution – there was a request that data on how often this happens be gathered.

In a follow up to the previous question, a participant asked about the role of the PPS in examining evidence: do they advise the PSNI? The reply was that the two agencies do work together, the PPS gives training on evidence gathering and in turn the PSNI may challenge the PPS’s decision.

A participant made the point that “the harm is done at the time of the incident” even if it doesn’t lead to criminal charges, so that the work done in communities is crucial.

Another participant described Mencap’s “Stand by me” campaign, designed to tackle hate crime against people with a learning disability. She asked about how best to explain to victims with a learning disability why an incident which they have experienced as hate crime is not to be prosecuted. The PPS will make arrangements to communicate in the best way possible with any victim for whom they know the main method – a written communication – is not appropriate, and the proposed Victims and Witnesses Care Unit will include a detailed assessment of the needs of individuals.

A representative of the Trans sector welcomed what she saw as a real attempt to reach out to the whole community. The CSU repeated that it would make every effort to go out to meet any group, but the participant noted that it is such a small community that there were serious resource needs if they were to respond to all invitations to consult and advise.

In answer to a question about the future of the project, NIPS said that it would be evaluated and decisions made on that basis. Links had already been established, including with the very experienced and skilled facilitators; to build on this would be very useful. The project showed the need to improve the transition from prison to community, and the importance of substantial and continuing support for offenders in the community.

HATE CRIME AND SECTARIANISM

Neil Jarman, Institute for Conflict Research

Please note: Dr Jarman's full paper on the subject is included in the CHC documentation pack and can be accessed on the NIACRO website www.niacro.co.uk along with two further papers from the research strand of the project. These are: "Criminal justice responses to hate crime in Northern Ireland", and "Political parties and hate crime".

Introduction: sectarianism is acknowledged as a serious historical and contemporary problem in Northern Ireland, but it is nowhere defined in law, nor in policy statements like "Shared Future" or the Cohesion, Sharing and Integration strategy. The political parties – who have an increased responsibility for dealing with hate crime since policing and justice powers were devolved to the NI Assembly – have a range of policy statements on hate crime. However, Dr Jarman noted that most of these are rooted in the events and views of the early 2000s, and tend now to seem left behind by more recent thinking on the issue. Further, the parties failed to agree a definition when debating the Justice Bill in 2011 which Dr Jarman described as "an abrogation of the parties' political responsibilities".

The importance of having a definition is that sectarianism is a serious issue; a definition is necessary for legal purposes and for policy-making; it will help clarify understanding and misunderstandings; it will help address avoidance and denial of the problem.

The research into sectarianism ranged across the world and included consideration of the NI Human Rights Commission, United Nations and other international agencies' definitions and analyses.

In practice, several of the criminal justice agencies in Northern Ireland have gone ahead of the legislation and agreed a definition among themselves:

The term 'sectarian', whilst not clearly defined, is a term almost exclusively used in Northern Ireland to describe incidents of bigoted dislike or hatred of members of a different religious or political group. It is broadly accepted that within the Northern Ireland context an individual or group must be perceived to be Catholic or Protestant, Nationalist or Unionist, or Loyalist or Republican.

The researchers felt that this does not go far enough and therefore proposed the following:

Sectarianism should be considered as a form of racism specific to the Irish context. Sectarianism is the diversity of prejudicial and discriminatory attitudes, behaviours and practices between members of the two majority communities in and about Northern Ireland, who may be defined as Catholic or Protestant; Irish or British; Nationalist or Unionist; Republican or Loyalist; or combinations thereof.

This definition would lead to a further definition, of sectarian hate crime, which the researchers have recommended be adopted by the Department of Justice and the criminal justice agencies:

A sectarian hate crime is any verbal, physical or other action that is negatively directed at, or perceived to be negatively directed at, a member of one of the two majority communities in and about Northern Ireland (defined by their religious background, nationality and or political opinion as Catholic or Protestant, British or Irish, Nationalist or Unionist, or Republican or Loyalist or combination thereof) by a member of the other majority community (defined by their religious background, nationality and or political opinion as Catholic or Protestant, British or Irish, Nationalist or Unionist, or Republican or Loyalist or combination thereof).

TIME TO RESPOND – the political parties

Stewart Dickson MLA (Alliance Party): spoke of his work on a range of sectarian hate crime areas, currently focussing on flags. The fact that this is a “complex and difficult area” may explain why it is taking so long to resolve; but Mr Dickson noted that the overwhelming issues of the economy should be taking up most of our energies, without the negative impact of sectarian divisions.

He called for the completion of the CSI strategy in spite of the difficulties, as well as for a better race equality strategy and the introduction of equal marriage.

Jonathan Bell MLA (DUP): deplored the hate crime that is “far too prevalent” even currently. Hatred and fear have been too common in Northern Ireland, and need to be removed from people’s hearts and minds.

In a society that is changing to be dramatically more diverse, we need to help children from a very early age to deal with difference and understand that difference need not be feared, and to embed a culture of tolerance including with those who do not share our values. Mr Bell focussed on education as a key tool for creating a “truly shared society” where we can work and live together.

Clare Bailey (Green Party): said that we must recognise that this is a very sensitive issue; and that equality for all grounds is a fundamental human right

The Green Party had focussed most recently on LGBT issues, with an AGM motion calling for equal marriage and Steven Agnew MLA introducing a debate at the Assembly on the subject. The party is working to develop a formal LGBT policy with help from the sector and Ms Bailey called on other parties to do the same.

On other grounds, the party has been involved in the all-party group on ethnic minorities and developed good relationships with the sector; she noted the importance of the fact that the NI Council for Ethnic Minorities works at European level as well as locally. She raised the subject of the distinction – or not – between racism and sectarianism and called for wide consultation to clarify this relationship.

John McCallister MLA (UUP): everyone can agree that there can and should be better work to challenge hate crime and there is evidence that the PSNI are committed to tackling it. There are very ingrained problems, particularly in relation to sectarianism; it is very difficult to reach a shared society.

It’s important that we are ready to debate the issues robustly, but “public representatives must be responsible in the language they use”, they have a duty to be careful. Two areas which could help to bring about change are housing and education, moving over time and building on existing good practice.

Alban Maginness MLA (SDLP): Whatever form hate crime takes, it is part of the “same species”, based on “prejudice and intolerance and an inability to respect one another as individuals or communities”. He set sectarianism as being at the heart of our problems. The political parties have made great progress, including with the transfer of justice powers to the Assembly, but we are not yet addressing sectarianism in government. It has dogged and shaped our politics to the extent of being “a political and social disorder, a pathology”. The conference is addressing the criminal manifestations of hate crime, but other manifestations have to be addressed as well – religiously, educationally and socially in a joint effort.

Sean Lynch (Sinn Féin): stressed the importance of education; it is “where socialisation begins” and there are good examples of shared education initiatives in which young people can nevertheless retain their distinct identity, which we can follow. Sectarianism he set in the context of the history of the state, describing it as “very rooted” and taking time to eradicate.

Mr Lynch said that politicians must be responsible in what they say, and be aware of how it can be construed. Politicians also had the ability to improve legislation if it didn't seem to be working effectively, for example in the lack of convictions under the hate crime legislation. He described the conference as a part of a process in ending sectarianism, for which we all have a major responsibility.

Discussion

In an hour-long question and answer session, the main issues to arise were:

The role of legislation and the criminal justice system compared to the process of "changing hearts and minds". Although the panellists accepted that both were necessary, there were some strong arguments weighted towards one or the other. So far as stressing the importance of legislation is concerned: the fair employment legislation was given as an example of how the law could significantly change behaviour, which can then be followed up by changing attitudes, and there was a call for it to be extended to schools and teachers. The law, used carefully and skilfully can change sectarian behaviour in other contexts.

Where a priority was given to attitude change, the main argument was that: the legislation will not work if people still feel the same way. It was seen as important that people simply meet each other more, and the Assembly was given as an example of how people from widely differing views could in fact work together on "the dull, everyday stuff". It was suggested that young people were more comfortable with diversity and that would have a "preventative effect" on their behaviour (but there was also an example of young people in a school betraying an intense need to know a new teacher's religious denomination).

The role and responsibilities of politicians: both panel and questioners agreed on a call for politicians to be restrained in their language for fear of "giving permission" for unacceptable behaviour on the part of their followers. They should never give the impression that some forms of hate crime can be dismissed as less important. There was also a call to speed up the process of change – integrated education was given as an example, with the extreme hostility it evoked at the start 30 years ago now gone; but does/did it have to take 30 years? Political leadership requires a degree of generosity and good will, including in the Assembly.

The unique nature of hate crime: there was some disagreement on this with for example a suggestion that a victim impact assessment would be a better way to respond than imposing a heavier sentence if there was a hate element. There was however an understanding that a hate crime incident had a wide ripple effect so that families and communities also felt harmed, and that there was a particular sense of personal hurt involved.

In both the panel presentations and the discussion, personal examples of hate incidents and examples from the immediate past were shared: sectarian, racial, disability and LGBT.

Appendix 1: Conference programme

Challenge Hate Crime Conference: Deal With It

Thursday 13th September

Day One

- 9.45** Welcome and introductions
Conference Chair: Tara Mills
- 10.00** Conference opening
Address from David Ford MLA, Minister of Justice
- 10.30** Introduction to Challenge Hate Crime project
Olwen Lyner - Chief Executive, NIACRO
Sue McAllister - Director General, Northern Ireland Prison Service
- 9.50** Learning from our international partners in practice
Ulrich Dovermann, Federal Agency of Civic Education, Germany
Harald Weilnböck, Violence Prevention Network, Berlin
- 11.15** Break
- 11.35** Putting our learning into practice
Joe Campbell and Ivan McStea, Mediation NI
- 12.00** Questions for practitioners
- 12.15** Hate crime and the criminal justice system
Neil Jarman, Institute for Conflict Research
- 12.45** Questions for research
- 13.00** Lunch
- 14.00** Reflections on the impact of hate crime
Dr Paul Iganski, Lancaster University
- 14.30** Workshops
The role of policy, politics and practice in dealing with hate crime
- 16.00** Feedback from workshops
- 17.00** Day One closes

Friday 14th September**Day Two**

- 9.45** Welcome and introductions
Review of Day One
Conference Chair: Sarah Travers
- 10.00** Victims' perspective and impacts
Presentation from representatives of each of the five strand-specific seminars
- 11.00** Break
- 11.20** Time to respond - the criminal justice system
PSNI – Ch Sup Mark Hamilton
PPS – Marianne O’Kane and Roger Davison
NICTS – Peter Luney
PBNI – Chris Davies
DOJ – Declan McGeown
NIPS – Jackie Bates-Gaston
Followed by panel discussion - including questions from the floor
- 12.45** Hate crime and sectarianism
Neil Jarman, Institute for Conflict Research
- 13.00** Lunch
- 14.00** Time to respond - the political parties
DUP – Jonathan Bell MLA
SF – Sean Lynch MLA
SDLP – Alban Maginness MLA
UUP – John McCallister MLA
Alliance – Stewart Dickson MLA
Green – Clare Bailey
Followed by panel discussion - including questions from the floor
- 15.00** Conference closes

Appendix 2: List of registered participants

Name	Organisation
Rhona Abraham	Banbridge PCSP
Alfred Abolarin	African & Caribbean Community Support Organisation NI
Neville Armstrong	Rural Community Network
Gemma Attwood	NI Community Relations Council
Clare Bailey	Green Party
Michael Barr	
David Bass	Quaker Service
Jackie Bates-Gaston	NI Prison Service (NIPS)
Jonathan Bell MLA	Democratic Unionist Party
Joe Blake	Healing Through Remembering
Kelsie Brown	Oyster Group
Sophy Bryson	NIACRO volunteer
Joe Campbell	Mediation NI
Robert Campbell	Ex-Prisoners Interpretive Centre (EPIC)
Patricia Carey	OFMDFM
Leanne Cochrane	NI Human Rights Commission
Pat Conway	NIACRO
Jude Cumiskey	Rural Community Network
Chris Davies	PBNI
Glenda Davies	Sandy Row Community Forum
Roger Davison	PPS
Stewart Dickson MLA	Alliance Party
Kelvin Doherty	Dept of Justice
Richard Dougherty	Forthspring
Ulrich Dovermann	Federal Agency for Civic Education
Jacqui Durkin	NI Courts & Tribunal Service
Monica Fitzpatrick	NIACRO
Jolena Flett	NICEM
David Ford MLA	Minister of Justice
John Foster	Carecall
Edel Fox	South Tyrone Empowerment Programme
Victoria Garrett	Oyster Group
Mike Gaston	Mediation NI
Jacqueline Gillespie	PSNI
Paula Gow	NI Policing Board
Willie Gribben	NIPS
William Hamill	PSNI
Mark Hamilton	PSNI
Susan Hamilton	NIACRO
Geraldine Hanna	Victim Support
Linda Hutchinson	NI Housing Executive
Neil Jarman	Institute for Conflict Research
Charmain Jones	Rural Community Network
Eamon Jones	Community Safety Unit
Andrew King	SEUPB
Harriet Long	The Rainbow Project

Peter Luney	NI Courts and Tribunals Service
Mary Lynch	Mediation NI
Sean Lynch MLA	Sinn Féin
Olwen Lyner	NIACRO
John McCallister MLA	Ulster Unionist Party
Una McClean	PPSNI
Eithne McIlroy	PBNI
Declan McGeown	Dept of Justice
Brendan McGuigan	CJINI
Claire McKean	Equality Commission NI
Jeanette McKnight	Quaker Service
Sile McLean	NIACRO
Mairaid McMahan	NIACRO
Shirley McMichael	NI Policing Board
Claire McRoberts	Dept of Justice
Ivan McStea	Mediation NI
Helena Macormac	NICEM
Alban Maginness MLA	Social Democratic & Labour Party
Elaine Mansfield	Donegall Pass Association
Kerry Maria	NIACRO
Jeff Maxwell	NIACRO
Peter May	Dept of Justice
Connie Megaw	Oyster Group
Michelle Millar	Disability Action
Teresa Moley	Equality Commission NI
Mike Moloney	Prison Arts Foundation
Richie Montague	Queen's University, Belfast
Maura Muldoon	PSNI
Eilis Mulholland	Leonard Cheshire Disability NI
Danny Murphy	Coiste
Peter O'Connell	Contact NI
Gearoid O'Hara	NI Policing Board
Geraldine O'Hare	PBNI
Marianne O'Kane	PPS
Ruairi O'Kane	Opportunity Youth
Aongus O'Keefe	Irish Football Association
Patricia O'Neill	NICRC
Trevor O'Neill	PSNI
Johnston Price	
Kieran Quinn	PSNI
Eamon Rafter	Glencree Centre for Peace and Reconciliation
Jayne Reaves	Healing Through Remembering
Gary Reid	PSNI
Lisa Rickett	Irish Football Association
Ivy Ridge	Ballymena Inter-ethnic Forum
Mike Ritchie	ICRC
Gillian Robinson	NI Policing Board
Martin Rolston	Rainbow Project

Sophie Romantzoff	NICEM
Cheryl Ross	PSNI
Jenny Ruddy	MENCAP
Frances Shiels	Oyster Group
Sinead Simpson	Community Safety Unit
Lars Schafer	Violence Prevention Network
Brenda Skillen	Public Initiative for the Prevention of Suicide and Self-harm (PIPS) Families
Amanda Stephens	Youthnet
William Stevenson	Dept of Justice
Wendy Stewart	Victim Support
Florence Stocker	Compass
Donnie Sweeney	NIACRO
Harald Weilnböck	Violence Prevention Network
Maria Wilson	Irish Football Association
Robin Wilson	Independent Researcher

Appendix 3: Speakers' biographies

Challenge Hate Crime - 'Deal with it' Conference

13th and 14th September 2012

Speakers' Biographies

Joe Campbell

Joe Campbell has been involved in working with young people for many years. He is a former teacher, warden of an outdoor centre and was Youth Director of City of Belfast's YMCA in the city centre during the late 70s and through the 1980s. These were years of high unemployment and paramilitary influence for many youth in the city. He spent a further 10 years in front line community relations work as Assistant Director of Mediation Northern Ireland. Much of his focus then was on parades and peace line disputes, as well as workshops on peace processes with groups in the then Maze prison. The Challenge To Change programme brought together these two experiences of youth work and community relations and highlighted for Joe yet again the need for vulnerable young people to have creditable, supportive role models as they navigate the journey through the teenage years to adulthood.



Ulrich Dovermann

Ulrich Dovermann is Head of the Extremism Unit, Federal Agency for Civic Education, Germany.

Paul Iganski

Paul Iganski, PhD., is Senior Lecturer in Social Justice, and Head of Department of Applied Social Science, at Lancaster University, UK. For over a decade he has specialised in research, writing and teaching on 'hate crime'. His books on 'hate crime' include *Hate Crime and the City* (2008), *Hate Crimes Against London's Jews* (2005 with Vicky Kielinger & Susan Paterson) and the edited volumes *Hate Crime: The Consequences of Hate Crime* (2009), and *The Hate Debate* (2002).

He mostly conducts his research in collaboration with, or commissioned by, NGOs and the equalities sector. He has recently served as the project coordinator of the European Network Against Racism's (ENAR) 2010 Comparative Study on Racist Violence. He was principal investigator (with David Smith) for the Equality and Human Rights Commission's (EHRC) (Scotland) project on the Rehabilitation of Hate Crime Offenders (2011), and principal investigator on projects recently commissioned by the (EHRC) to analyse data from the British Crime Survey and the Scottish Crime and Justice Survey on equality groups' perceptions and experience of harassment and crime.



Neil Jarman

Neil Jarman is the director of the Institute for Conflict Research, an independent, not-for-profit, policy-orientated research unit based in Belfast, Northern Ireland. He has a PhD in anthropology from University College London and has researched and written extensively on issues associated with the political transition in Northern Ireland, including visual displays and political rituals; segregation and violence at interface areas; policing, police reform and public order; human rights and equality issues. ICR has carried out baseline research on different forms of hate crime for bodies such as OFMDFM and the PSNI, including work on homophobic (2003), racist (2004), sectarian (2005), disability (2008) and transphobic (2010) offences.

Olwen Lyner

Olwen Lyner has been working in the voluntary sector for over 30 years. Originally employed by NIACRO as a Youth Project Worker, she moved on to manage youth and employment projects and then to a senior management position responsible for services to prisoners' families, ex-prisoners and a responsibility for regional development. Olwen became CEO of NIACRO in 2001 and since that time has focussed NIACRO on a mission of "working to reduce crime and its impact on people and communities".



This has involved devising a new corporate planning process, articulating clear personal development goals for staff and developing robust monitoring and evaluation systems to evidence added value.

Olwen represents the voluntary and community sector on the Criminal Justice Issues Group and is an Independent Member of the East Belfast District PCSP.

Ivan McStea

Ivan McStea worked as a Therapeutic Facilitator in Challenge To Change, forming a strong working bond with participants and staff. He and Mike Gaston, Mediative Facilitator, shaped and delivered the initial Challenge To Change programme. Building strong working relationships has been a key to his working life which began in youth training with young people from disadvantaged backgrounds. Strong managerial and organisational skills led to positions as Senior Lecturer for Vocational Courses,



Senior Lecturer for Visual Arts and Principal Lecturer (Resources) in Belfast colleges. Throughout, he continued to help vulnerable young people, gaining qualifications and expertise, counselling young people in Relate and in college. Leaving his full-time position in Higher Education in 2008 allowed greater commitment to counselling. Currently working as a counsellor and clinical supervisor with Contact/Lifeline, the regional suicide and crisis support service, and other organisations, he volunteers as a local officer for a national road safety charity.

Sue McAllister



The Director-General of the Northern Ireland Prison Service is Mrs Sue McAllister, who took up post at the beginning of July 2012. She has 25 years experience in the prison service, including working as a governor of both a prison and a young offenders centre. Mrs McAllister joined the Civil Service after graduating from St Andrews University. She has spent 25 years in various posts in the Prison Service across the UK, including as a Governor of HMP Gartree and of HMYOI Onley. She is married with two adult children and lists running, travelling and gardening as her hobbies.

Harald WeInböck

Harald WeInböck's areas of scientific expertise (Ph.D./Prof.) are culture/media studies, qualitative social and psychology research and interdisciplinary narratology. HW also works as psychotherapist and deradicalisation practitioner in prison and community. He conducted various EU research and collaborative projects and presently co-leads the EU Working Group 'Firstline deradicalisation' within the 'Radicalisation Awareness Network' (RAN, Brussels/EC-DG Home-Affairs).

**The organisations which delivered
the Challenge Hate Crime project were:**

Northern Ireland Prison Service

www.dojni.gov.uk/index/ni-prison-service.htm

NIACRO

www.niacro.co.uk



Carecall

www.carecallwellbeing.com

Corish Film Productions

www.corish.tv

Institute of Conflict Research

www.conflictresearch.org.uk

Mediation NI

www.mediationnorthernireland.org

Violence Prevention Network

www.violence-prevention-network.de



The Challenge Hate Crime project was financed by the European Union's Programme for Peace and Reconciliation (PEACE III) managed by the Special EU Programmes Body

ISBN: 978-1-909519-09-1