



**CHALLENGE
HATE CRIME**

DEAL WITH IT

REPORT 03

POLITICAL PARTIES AND HATE CRIME

A REVIEW PAPER

Political Parties and Hate Crime A Review Paper

Neil Jarman & Sissela Matzner

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**Contact:
Neil Jarman
Institute for Conflict Research
North City Business Centre,
2, Duncairn Gardens,
Belfast BT15 2GG**

**028 9074 2682
n.jarman@conflictresearch.org.uk
www.conflictresearch.org.uk**

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Introduction

Since the late 1990s, hate crime has been recognised as a significant problem in Northern Ireland. The number of incidents reported to the police grew steadily each year, peaking in 2009-10 with over 3,000 incidents and 2,000 crimes recorded by the PSNI. The growing number of racist attacks generated broad condemnation from across the political spectrum, although homophobic and sectarian hate crimes produced more nuanced responses.

Despite the regular condemnation of hate crimes and other expressions of prejudice and discrimination in the media the political class has been slow to move beyond a simplistic rhetoric in developing any effective responses to hate crimes.

- In 2004 the government introduced new hate crime legislation which gave the courts the authority to give increased sentences for offences aggravated by hostility based on racist, sectarian, homophobic, religious and disabilist prejudice. However, neither the Criminal Justice (No 2) (NI) Order 2004 nor the earlier Public Order Order 1987 have been widely used in prosecuting hate crimes, nor has there been any official attempt to monitor the effectiveness of the law.
- In 2007 when the devolved administration was re-established following the St Andrews Agreement the government revoked the A Shared Future good relations policy and promised to introduce a new policy to address sectarianism. The draft Cohesion, Sharing and Integration policy was published for consultation in 2010 but was widely criticised for its lack of substance. The revised draft has yet to be published.
- As part of the same broad policy review there was also a commitment to developing a new Race Equality Strategy to replace the previous document that covered the period from 2005-2010. This document still has not been published.
- The draft CSI document also committed the Executive to producing a Sexual Orientation Strategy. The most recent statement (June 2012) from the government indicated that a draft strategy for consultation would be available before the end of 2012.¹
- In 2009 attacks on the Roma community and violent clashes following a Northern Ireland versus Poland international football match provoked further cross-party condemnation and led to the creation of the Unite Against Hate campaign to raise public awareness of the problem of hate crime. However, despite the relative success of the campaign and a positive evaluation, it was not renewed when the initial phase came to an end in September 2011. There was a promise that a new phase of the campaign would be launched in early 2012 but to date this has not materialised.
- In January 2011 the Department of Justice published a draft community safety strategy for consultation which contained a commitment to produce a draft hate crime strategy. The final Community Safety Strategy was published in July 2012; however the document contains a very limited set of desired outcomes and is little more than a plan to carry on as before rather than the formal hate crime strategy that was flagged up in the consultation document.
- In February 2011 the Assembly debated the Justice Bill, which included a section criminalising forms of chanting at regulated sports events. The draft bill included a reference to sectarian chanting, but the MLAs could not agree on a definition of sectarianism, with MLAs voting according to their unionist and nationalist designation. So although sectarian chanting is now outlawed there is no legal definition of sectarianism.

1 <http://www.theyworkforyou.com/ni/?id=2012-06-18.6.1>

This list of activities and proposals suggests that the government departments and MLAs do at least recognise that there is a problem of hate crime and prejudice in Northern Ireland, but it does not seem to be particularly high on their list of priorities. Laws have been passed but not used, strategies have been promised but not produced, and campaigns have been begun and then suspended.

The response to hate crime by the Assembly has largely been symbolic. However, the Assembly is but one component of the political establishment. Progress or otherwise is at least in part dependent on the priority given to issues not just by departments but also by the political parties to which the MLAs belong; MLAs who are elected on the basis of their policies and their promises that are set out in party documents and political manifestos.

This paper looks in more detail at the published views of the main political parties in Northern Ireland towards hate crime. The focus is on what the parties have chosen to write about hate crime in their current policy documents and also to trace changing priorities over recent years. Specifically we have prioritised proposals for the 2011-15 Programme for Government; party responses to the OFMDFM consultation paper *on Cohesion, Sharing and Integration*; other relevant policy papers and the various election manifestos produced since the 1998 Agreement. The following election manifestos were reviewed:

- Assembly and local elections: 1998, 2003, 2007, 2011;
- Westminster elections: 2001, 2005, 2010; and
- EU elections: 2004, 2009.

The documents were accessed through searches of the party websites, initially in May and June 2011 and again in July and August 2012. The focus was on formally agreed policy papers rather than speeches made by key spokespeople or press releases issued in response to specific incidents.

In order to identify the parties' positions, the websites and election manifestos were searched for relevant policy documents and were also searched for key words such as 'hate', 'crime', 'police', 'sectarian', 'racism', 'homophobia', 'transphobia', 'disability', 'CSI' and 'cohesion'.

As a part of this research we wrote to each of the political parties represented in the Assembly to request a meeting to discuss party views on hate crime. We subsequently held meetings with representatives of four of the parties: Alliance Party, Green Party, Sinn Féin, and the Ulster Unionist Party.

In the remainder of the paper we review the available documentation of each of the main parties who are currently represented in the Assembly at Stormont: Alliance Party; Democratic Unionist Party; Green Party; Social Democratic and Labour Party; Sinn Féin; Traditional Unionist Voice; and Ulster Unionist Party. We also review available documents from the three of the smaller parties, Progressive Unionist Party; Socialist Environmental Alliance; and the Workers' Party, who have regularly contested elections in Northern Ireland in recent years.

Alliance Party

The Alliance Party website broadly outlines the party's position in a section entitled 'We believe' and which contains four bullet points; the first of these includes reference to many of the groups and communities that are confronted by hatred and prejudice. It states:

We're working to build a shared society, without division, free from sectarianism and prejudice and in which everyone - regardless of religion, gender, class, disability, colour, age, sexuality or nationality - is treated with respect and enabled to fulfil their full potential, free from fear.

The Alliance position in relation to racism, sectarianism and homophobia was elaborated in its 2010 response to the consultation on Cohesion, Sharing and Integration² in which the party stated:

Good Relations and the Racial Equality Strategy

Alliance welcomes the incorporation of the existing Racial Equality Strategy. However, this current strategy expires at the end of 2010. Therefore, there is some confusion over whether there will be a revised strategy and its relationship to this document. It is vital, before incorporation, that the Strategy is updated to reflect the current and future issues facing BME communities in Northern Ireland. The CSI should be based on up to date and relevant information.

There is a strong link between sectarianism and racism in Northern Ireland, the link between good relations and equality within CSI is welcome, it is essential to reinforce the mutually dependant and mutually reinforcing nature of equality and good relations.

The document should recognise the growing diversity of the community in Northern Ireland. In Northern Ireland there is evidence of prejudice and discrimination against ethnic minorities. The CSI and the Race Strategy offer the opportunity to create a new local partnership to tackle these difficult issues on the ground. Clarity is required on the proposed structures and on the delivery and funding of the Racial Equality Strategy and CSI going forward, in particular the relationship between CSI and existing and future funding available at a local level.

Alliance has already made the point that sexual orientation issues should come under the cohesion umbrella. While the promised and long-anticipated Sexual Orientation Strategy does not necessarily need to come under the umbrella of CSI, sexual orientation as an issue does. This absence is notable in several references to sectarianism, racism and then generic 'intolerance', without any explicit acknowledgement of homophobia. Both crimes motivated by homophobia and hostility towards persons with disabilities are already included within Hate Crime legislation, which is referenced at several points in the draft CSI document.

At a later stage in its response to CSI, Alliance highlighted the links between sectarianism and racism, the institutional nature of sectarianism and the lack of any agreed definition of the term:

There is no attempt to define, never mind understand sectarianism, racism and other forms of prejudice. These are about institutionalising difference and putting people into boxes. However, more often than not, these differences are often imagined or constructed rather than real or substantive. Sectarianism is similar to racism, except that religion or other criteria are used rather than race.

² <http://allianceparty.org/document/consultation-responses>

Sectarianism is not just something that is practised between Catholics and Protestants, but is multidimensional and multidirectional. It exists when preconceived generalisations or assumptions are made about others. Prejudice literally means that people are pre-judged. This includes the pigeon-holing of others into fixed identities, such as when there is a presumption that Northern Ireland is defined by 'two communities', while ignoring existing cross-community relationships and the desire of others not to be associated with either of the two main communal identities. Sectarianism embodies the notion that you are born into an essentialist identity and that you are simply defined by the 'community' into which you are born.

To a considerable extent, sectarianism has been institutionalised in Northern Ireland society and its public policy. The language of the 'two communities' is widespread within public policy, with many policy initiatives based on the premise of a majority and a minority.

The website also included a short (eight page) document entitled *Legislative Programme for Government 2011-2015*, which highlighted Alliance's priorities for legislative change. This document did not make any explicit reference to hate crime but it did highlight a party commitment to a Single Equality Bill, which would include amendments to the race equality legislation, increase duties of public bodies in regard to gender equality and address inconsistencies in disability equality legislation. The document also outlined proposals for a Shared Housing Bill and a Shared and Integrated Education Bill and the party also proposed that all government policy should be 'proofed in relation to sharing over separation'.

Election manifestos

In its various election manifestos the Alliance Party has long positioned itself as the 'anti-sectarian' party: in 1998 it emphasised its desire to end sectarian politics, while in 2010 it maintained that sectarian and racist attitudes were still prevalent (2010: 10), and noted that segregation and inequality were still the biggest challenges to a shared future in Northern Ireland (2010: 26).

In its 2005 and 2007 manifestos the party assured voters that it had secured the 'most comprehensive set of 'hate crime' laws in the UK, with stiffer sentences for racial, sectarian and homophobic attacks.' Additionally, the party emphasised its work with the police to ensure the effective enforcement of these laws (2005: 1 and 8; 2007: 1 and 9).

The party has also advocated a charter of freedom from sectarianism on a number of occasions (2003: 14; 2007: 10; 2010: 13), a strategy to deal with flags and symbols (2007: 13; 2010: 11; 2011: 29); the need for an extended football offences act (2007: 29; 2010: 38 and which was included within the 2011 Justice Act). The party also expressed support for the voluntary sector to tackle sectarianism (2005: 27), and argued for an increase in anti-sectarian awareness in school through civic studies courses (2003: 15).

The party highlighted the negative effects of segregation in its 2009 paper '*Good Relations, Shared Future and Equality*'.³ This reiterated the party position that segregation negatively affects the environment, the economy and finances. It claimed that division limits people's opportunities to develop their full potential. In the paper Alliance recognised that strong sectarian and racist attitudes remained prevalent and that patterns of segregation were deeply ingrained. The party highlighted that territory and public space were still contested and marked out with symbols. It declared its opposition to 'separate but equal' policies, and highlighted its work for a united community.

³ <http://allianceparty.org/page/policy-summary-equality>

In its 2011 election manifesto, the Alliance Party highlighted its commitment to reduce the risk and fear of 'hate crime' (2011:75). It stated:

Alliance will continue to support initiatives across the Justice System to tackle Hate Crime. The problem of hate crime goes beyond our traditional divisions. Crimes motivated by prejudice or hate towards a person's race, faith or religion, sexual orientation, gender identification or disability are crimes against the very identity of that person, and attack their community and wider society. We will work in partnership with agencies through the Hate Crime Action Group, and more widely, on initiatives to tackle hate crime including the "Unite against Hate" campaign; and provide practical support to victims under the Hate Incidents Practical Action Scheme (2011: 76).

The party highlighted that the use of flags and misuse of symbols were symptoms of sectarianism and militarism in Northern Ireland society, and advocated dialogue with communities to remove these symbols (2011: 29). It emphasised its commitment to ensure that the justice system plays its full part in creating a shared future: by reducing the fear of hate crime and sectarianism, and working in cooperation with others to achieve its goals and fulfil the Section 75 obligations.

The party further expressed its belief that segregation and separation, in the past often sought for security reasons, were unjust and unsustainable. It challenged the state and civic society to find alternative views of security through the creation of shared spaces (2011: 74-75). In doing so Alliance recognised the obstacles of poverty, sectarianism and deprivation and proposed to address these issues (2011: 95). In line with earlier election manifestos, the party expressed its concern regarding institutional sectarianism, namely designation and related voting in the Assembly, denounced the politics of division and advocated shared vision and common goals for Northern Ireland (2011: 135).

With regards to minority communities, the party emphasised its support to the early production of a sexual orientation strategy to address the ongoing problems relating to homophobia, hate crime and access to services (2011: 33) and advocated the cross referencing of the Sexual Orientation Strategy in the future programme for CSI (2011: 33).

Summary

The Alliance Party has maintained a strong position on the need to address sectarianism, racism, homophobia and other forms of prejudice for many years and has also linked its proposals to address forms of hate crime with proposals to address institutionalised recognition of sectarian difference.

The party has suggested a variety of targets and initiatives to confront and challenge prejudice and has had some impact in pursuing these since it has been in government with the criminalisation of sectarian, racist and other forms of prejudiced chanting at sporting events. The Alliance Party Minister for Justice also made a commitment to introducing a hate crime strategy as part of his consultation on a community safety policy, which has the potential to provide a coherent framework for future law and practice in relation to these forms of prejudice.

Democratic Unionist Party

The Democratic Unionist Party has published little in the way of election promises or policy proposals related to addressing prejudice or hate crime. The DUP website lists ten policy priorities.⁴ The only one that relates to hate crime is that on policing, but although the text of the policy document makes reference to addressing anti-social behaviour there is no explicit reference to hate crime or to any of the minority communities affected by hate crime.

The most explicit expression of the party position on hate crime was made in an undated three-page document entitled '*Safe from Crime*' that is available within the policy section of the party website.⁵ This lists eight priorities for policing and justice, with the sixth priority being '*Getting Tough on Hate Crimes and Protecting the Vulnerable*' which states:

All crime is undesirable but there is something particularly repugnant about attacks on the elderly or crimes which are motivated by sectarian or racial hatred.

... In relation to hate crimes it is proper that society treats them differently from crimes which lack such a motivation.

We therefore favour statutory provisions concerning the sentencing of these offences.

Although the *Safe from Crime* document is undated, the text is the same as that included in the party's 2003 and 2004 election manifestos.

In its 2007 election manifesto the DUP emphasised that 'a tough message must be sent out to those who have been involved in attacks on the most vulnerable in society as well as those motivated by sectarianism or racism' and called for 'stiff minimum sentences for those convicted of such crimes' (2007: 59). However the party's 2011 election manifesto did not contain any mention of 'hate crime', 'racism', 'homophobia', 'transphobia', 'sectarianism' or 'disability'. We found no other references to sectarianism or to the specific minority communities that are affected by hate crime.

With regards to the CSI strategy, the DUP manifesto declared the draft document to be just a starting point, without elaborating (2011: 7). According to the relevant section of the OFMDFM website⁶ the party did submit a response to the consultation of the draft Cohesion, Sharing and Integration strategy.

Summary

The DUP has acknowledged that hate crime needs to be treated differently from many other forms of crime but the party has not published any clear suggestions of how they would tackle hate crime.

The party has however given support to hate crime legislation and the need to punish such crimes more severely. But it has not suggested that there is any need to monitor the use of the actual hate crime legislation to see if it has been effective

The DUP also only appears to acknowledge the persistence of racist and sectarian offences as problematic hate crimes and there is no reference to homophobia, transphobia or disabilist hate crimes on the party website.

4 <http://www.dup.org.uk/PolicyDocs.asp>

5 <http://www.dup.org.uk/PolicyDocsArchive.asp>

6 <http://www.ofmdfmi.gov.uk/index/equality/community-relations/csi-consultation/csi-consultation-responses.htm>

Green Party

None of the Green Party's published key policies make any specific reference to challenging prejudice or hate crime and the party did not make any submission to the consultation on Cohesion, Sharing and Integration. However over the years the party has expressed a general recognition of the impact of prejudice and discrimination and more recently has highlighted the importance of issues relating to sexual orientation.

In the 2003 and 2007 manifestos the Green Party emphasised the need to allocate resources to the most deprived areas and place a special focus on urban areas affected by sectarian violence (2003: 18 and 2007: 19), while in its European Union election manifesto 2004, the party stated:

We want a commonsense Europe that works for the interests of all. Progress means equal treatment for all people regardless of age, ethnicity, gender, sexual orientation, disability or religious (non) belief (2004: 25).

The party also stated that it would fund and support measures to counter racism in Northern Ireland (2003: 19; 2007: 20) and in 2009 condemned parties who campaign on a sectarian agenda as outdated and irresponsible (2009: 4).

The 2010 Westminster election manifesto noted that the Green Party supported equal rights for women, ethnic minorities, people with disabilities, LGBT people and religious minorities (2010: 12). The party declared its opposition to racism, xenophobia, anti-Semitism and other intolerances and discrimination and all forms of violent political extremism in the EU (2010: 10). It also advocated equal opportunities for all within and outside the workplace regardless of sex, age, ethnicity, disability, religion or sexual orientation, and eliminating discrimination in the Westminster Parliament (2010: 10-11).

The party manifesto for the 2011 elections made no specific reference to hate crime, but it did back the immediate publication of a Sexual Orientation Strategy and Action Plan, which it argued should be developed in partnership with the LGBT community.⁷ It also called for the re-establishment of the Sexual Orientation Working Group, the broadening of Section 75 (2) of the 1998 Northern Ireland Act to cover sexual orientation and gender identity. It also advocated a public awareness campaign to ensure people with disabilities are aware of support they can access.

The party were also committed to supporting a new Racial Equality Strategy and to strengthening the Race Relations (NI) Order 1997, although no details were given to elaborate on this.

Summary

The Green Party appear to provide broad support for policies against all categories of hate crime and for the publication of a new race equality strategy and a sexual orientation strategy. However, the party's published documents are short on specific details on how they would move the policy and practice agenda forward.

Its recent manifesto indicated that the party supported the strengthening of the 1997 Race Relations Order, but nowhere does the party documentation clarify what this might mean.

7 <http://www.stevenagnew.net/Green-Party-NI-Manifesto-02011.pdf>

Social Democratic and Labour Party

The Social Democratic and Labour Party (SDLP) highlighted the importance of challenging prejudice in its election manifestos of both 2003 and 2005. The 2005 manifesto stated:

[T]he SDLP believes that we must all take a strong stand against hatred and intolerance – be it sectarianism, racism, homophobia or other forms of prejudice. We are determined to build a shared, pluralist society where everybody can live together freely and without fear. Work to tackle hatred and encourage sharing go hand in hand. If we don't protect people against hate there will be no sharing. If we do not encourage sharing, we risk generating hate (2005:34).

In both the 2003 and the 2005 manifestos the party set out its proposals for a new Sectarian and Hate Crimes Act, which would include the following elements.

1. A total overhaul of our laws on incitement to hatred to make them effective and also to tackle hatred on the internet.
2. Preventing bands that promote hate language or use paramilitary symbols from parading.
3. Outlawing flags and graffiti on public property, including repeal of laws requiring the flying of union flags from government buildings.
4. Requiring public authorities to agree a common strategy for removal of flags etc, including use of contractors backed by police and prosecutions.
5. Outlawing sectarian chanting at football matches.
6. Tougher sentences for crimes motivated by sectarianism.
7. A requirement on the police to monitor sectarian offences, like the US Federal Hate Crimes Statistics Act.
8. A duty on every District Council to devise plans for promoting sharing and tackling sectarianism.
9. A new Good Relations Commission to spearhead the drive for better relations and supervise District Councils.
10. Bringing together political parties, churches, employers, trade unions and the community/voluntary sector to agree action across society to promote sharing and combat sectarianism.
11. Mainstreaming good relations into community development work.
12. Co-ordinated action in education for sharing and cross-community contact, involving schools, teacher training, curricular development and the Youth Service.
13. Encouraging mixed estates. In particular, those guilty of sectarian harassment should be moved, not their victims.
14. Ensuring shared spaces. Joined up efforts by the planning service and the police will be essential to ensure the creation and protection of shared spaces.
15. North/South common action on racism, incitement to hatred law reform and to promote better community relations throughout Ireland (2003: 30; 2005: 34).

Some of these proposals (tougher sentences for hate crimes, outlawing sectarian chanting) and some of the other proposals relating to good relations and sharing have been introduced, while other issues relating for example to flags or cross border co-operation on racism have yet to be implemented.

The party also emphasised the need to ensure that every police district has a strategy on how to deal with sectarian crime and the protection of vulnerable people (2003: 25) and stressed the need to tackle sectarianism and promote victims' rights (2003: 30). In 2007 the SDLP reiterated its stance on sectarian or national flag flying, the need for mixed estates and protection from harassment, outlawing sectarian chanting at football matches (2007: 5, 44) while in 2010 it highlighted the role of sport as a unifying force (2010: 20).

The SDLP also used its EU election manifesto to highlight the European Union's success in overcoming historic divisions and conflicts through inclusiveness and respect for diversity. And it claimed that Europe now stood for combating racism and sectarianism (2004: 5, and 2007: 42).

The party's 2011 election manifesto did not mention 'hate crime', 'transphobia' or 'homophobia', although it did refer to 'sexual orientation' and 'disability'. The SDLP condemned sectarianism and the perceived failures of Sinn Féin and the DUP to end segregation, and achieve a truly shared future (2011: 45). It contrasted its own minister's work with the discredited CSI strategy, and emphasised the need for Cohesion, Sharing and Integration in education in particular (2011: 15-16).

The SDLP rejected the draft CSI strategy for envisaging a shared future where there were still two separate communities. It criticised the strategy for aiming at two still separate 'unreconciled' communities at peace and advocated addressing housing segregation and implementing pro-sharing policies (2011: 45).

The 2011 election manifesto also highlighted issues of Travellers' rights, announced plans to deliver the Single Equality Bill to harmonise protection against discrimination, and guarantee equality for all groups, indicated support for the revision of the Racial Equality Strategy and the proposed consultation on a draft Sexual Orientation Strategy and Action Plan (2011:42-43).

The SDLP response to the CSI consultation was critical of the draft policy which it claimed 'ignores the corrosive effects of endemic sectarianism' and notes that the recent conflict 'only underscored the deep division and sectarianism that existed before'. The response also stated that any good relations strategy must also include reference to the LGBT community:

...given the shocking levels of violence suffered by LGBT members of our community. Tackling homophobia in this region must be a short term objective, assurance from Junior Minister Robin Newton that the time scale for the publication of a sexual orientation strategy is no earlier than 2012 hinders any potential for a truly shared and reconciled society.

On its website the SDLP presents its vision as being:

...a reconciled people living in a united, just and prosperous new Ireland. The SDLP wants to build an Ireland where conflict, violence and sectarianism become footnotes to our past; where reconciliation, equality and inclusion are chapter headings in the new story we will write together.

As part of the 'Our Ideas' section of the website the SDLP highlights its views on a shared future. The text begins:

Any party that claims to be democratic must also stand against intolerance and discrimination wherever they find it. We must learn the value of working together and living together. The SDLP will strive to construct a shared and equal society free of hate.

The remainder of the text reiterates many of the proposals that had been included in their proposal for a Sectarian and Hate Crimes Act.

- Promoting shared spaces. Public authorities need to cooperate to ensure that shared spaces can flourish; for example, police are needed to maintain security,

Councils should promote these shared spaces, and public transport must be adequate to provide access.

- Working to develop mixed estates, while ensuring an equal right to housing. In particular, the victims of sectarian harassment and other anti-social crimes should not be forced out of their homes and communities.
- Protecting the public from hate through stronger incitement laws.
- Outlawing all sectarian or national flags flying on public property. Public property belongs to all of us and should not be used to offend any of us.
- Developing a strategy against hate crime for the criminal justice system.
- Preventing bands that promote hate or use paramilitary symbols, from parading.
- Outlawing sectarian chanting at football matches.
- Eliminating hate and promoting good relations - these must be cross community projects. The SDLP has for many years been working to ensure involvement and willing participation from churches, political parties, voluntary and community-based organisations, trade unions and employers.

Summary

The SDLP has espoused the need for a strong response to hate crimes, promoting equality and developing a strong agenda for good relations and sharing. Some of its proposals have been acted upon, for example increased sentences for hate crime perpetrators, a law against sectarian chanting at sports events, and the monitoring of hate crimes by the police.

However, the SDLP proposals from 2003 which advocated a total overhaul of the laws on incitement to hatred and tackling hatred on the internet have yet to be acted upon, and many of the party's other suggestions are dependent on the implementation of a final strategy for cohesion, sharing and integration.

Sinn Féin

Sinn Féin outlined its position on hate crime most explicitly in its response to the consultation on Cohesion Sharing and Integration in 2010.⁸ The party document notes:

8. Sinn Féin does not believe that the draft CSI consultation is sufficiently focused on the origins and manifestation of racism and sectarianism in the six-county state structure, which has been characterised by a culture of systematic discrimination on the principal grounds of religious belief and/or political opinion.
9. In order to address the problems of sectarianism in the Six Counties, it is first necessary to understand the racist culture of its past antecedents and present manifestations. This culture has nowadays broadened out to embody prejudice and discrimination against almost all minority groups, including *inter alia* on the grounds of race, nationality, ethnic origin, and sexual orientation.
10. Individual citizens cannot be divested of their culpability under the law for any act of discrimination, prejudice or hate crime. But neither can the social structure of the Six Counties be absolved of its responsibility for the perpetuation of racist sectarian activities and mentalities, especially when these values were core public policies of the state between 1921 and 1998.
11. By upholding the primacy of equality and minority group rights in public policy, and thereafter in public law, the Good Friday Agreement at least signposted a new direction for this society. However, the promise of the Agreement remains to be fulfilled. Sinn Féin believes that any new strategy can and must play its part in that project.
12. We therefore propose that rigorous and measurable goals and timetables should be included in any final strategy which should promote social, economic, political and cultural equality as an integral part of seeking to build new relationships in this society.

This text builds on Sinn Féin's earlier policy paper on racism entitled '*Many Voices One Country*', published in March 2001, which specifically addressed sectarianism, anti-Traveller and anti-Irish racism in Britain.⁹ It claimed that racism was not only individual but also institutional.

...Sectarianism in Ireland is best seen within the context of wider analysis of, and moves to address, racism in Ireland.

As colonialism has used racism as a device to divide and conquer many nations, so sectarianism in Ireland has always served British colonial interests. Therefore, the issue of religious equality in Ireland should be integrated into broader projects against racism and promoting racial equality. This includes addressing violence against Protestants and Catholics, inequality between Protestants and Catholics, and equality proofing for Protestants and Catholics.

The broader acceptance of the reality and severity of anti-Irish racism makes this project easier to achieve. If the Commission for Racial Equality in Britain can work proactively to address anti-Irish racism in Britain, there is no reason for the equality agencies in the north and south not to address it with equal vigour. Clearly it makes little sense to suggest that someone is demonstrating anti-Irish racism when they write 'Kill All Irish' on a wall but that they somehow shift to another dimension when they write 'Kill All Taigs' beside it. Intervention to address and reduce this kind of sectarianism should be integrated into the broader project to address racism in Ireland (2001:9).

8 http://www.ofmdfmni.gov.uk/csiresponses2010_sinn_fein.pdf

9 http://www.sinnfein.ie/files/2009/Policies_Racism.pdf

The paper also argued that it is incumbent on the British Government to ensure that compliance with the statutory duty to promote race equality encompasses all public bodies, while the Equality Commission should 'demonstrate the robustness of the present legislation to correct existing inequalities between people, irrespective of race or ethnic origin'.

The paper also argued for the adoption of hate crime legislation with the capacity to provide for an increased sentence, which was introduced in 2004. However, the paper also noted that 'Sinn Féin will campaign for a strengthening of hate speech legislation' and noted that:

... the incitement to hatred legislation that has been in force since 1970 has rarely been used to prosecute anyone for incitement to racial hatred. There is clearly a need to revise and strengthen this legislation and ensure that it is applied when appropriate.

Research for the *Challenge Hate Crime* project noted that this legislation is still rarely used.

Sinn Féin also made reference to the issue of hate crime in its 2007 document entitled '*Charter for Unionist Engagement*' in a section on ending sectarianism and promoting an inclusive society¹⁰, which stated:

Our society is becoming increasingly multicultural, and this is to be welcomed. The duty of Government is to promote not only tolerance but inclusivity and diversity, to eradicate sectarianism, racism and other forms of discrimination and to promote a pluralist society in which difference is celebrated and cultural diversity is encouraged.

Another, undated, policy document on LGB equality entitled '*Moving On*' iterates Sinn Féin's recognition that 'Lesbian, gay and bisexual people suffer from discrimination and harassment in every aspect of their daily lives'.¹¹ Most of the document is focused on recommendations either for the Republic of Ireland or for the party itself. However, it does state:

With regard to legislative reform in the Six Counties, while Sinn Féin does not recognise the legitimacy of the British statelet, it is mindful that any improvement in the provisions for lesbian, gay and bisexual equality within the current constitutional arrangements is to be encouraged. Sinn Féin, recognising the movement in the 26 Counties towards greater lesbian, gay and bisexual equality believes that legislators for the Six Counties should look southwards seeking unity in the eradication of inequality.

Sinn Féin's attitude to sexual orientation equality is also brought to the fore in their response to the consultation of the draft CSI strategy, which states:

20. Sinn Féin believes that any final strategy must be fully inclusive of all nine section 75 groups. While s.75(2) only identifies three sectors for whom the desirability of good relations must be promoted, the draft CSI consultation document already accepts that any action in furtherance of that 'good relations' duty cannot prejudice the primary responsibilities of public authorities to promote equality of opportunity across all nine Section 75 categories. Failure to articulate actions for the promotion of equality across all nine categories, both in respective and cross-cutting terms, therefore prejudices the primary equality duty and would leave any strategy formulated on such flawed terms vulnerable on political, legal and human rights grounds.
21. In the event, the prescription of three sectors in s.75(2) is not exclusivist, and it specifically does not preclude the promotion of the desirability of good relations across a much broader swathe of social groups should government public policy so direct.

¹⁰ <http://www.sinnfein.ie/files/2009/UnionistCharter.pdf>

¹¹ http://www.sinnfein.ie/files/2009/Policies_LGB.pdf

22. Those from the Lesbian, Gay, Bisexual and Transgender (LGBT) community have long been subjected to systematic discrimination and attacks in this society. Sinn Féin has consistently stood up for LGBT rights, and challenged the inequalities and discriminations that underwrite such prejudices.
23. In the wider context of this consultation process, we strongly believe any final strategy must enunciate specific actions to promote the need for equality, and the desirability of good relations, for the LGBT community.

Election Manifestos

Sinn Féin has repeatedly reiterated its call to confront and eradicate sectarianism in its election manifestos (2003: 90; 2005: 2; 2007: 4, 42; 2010: 19), and also to extend these efforts to tackling racism as well (2005:31).

It has also stressed the need to challenge and change sectarian attitudes in policing and the judiciary (1998: 8) and argued for the right to live free from sectarian harassment and triumphalism (1998: 9, 2003: 9; 2010: 20). In 2001, it called for an end to discrimination on sectarian and racist grounds in those fields deemed of 'national security interests' (2001:5).

Sinn Féin urged the need to address sectarian inequality in housing (2003: 80; 2007: 33) and called for penalties on councillors who engage in sectarian language and behaviour (2005: 9, 31; 2007: 42), the removal of sectarian symbols in public offices and institutions (2007: 11), and to challenge public bodies, and actively support and fund those who pursue an anti-sectarian, anti-racist agenda and a vision of national reconciliation (2005: 28; 2007: 42).

In 2007, the party called for robust legislation to prevent sectarianism (2007: 7) and the use of the arts and culture to develop programmes that oppose sectarianism and racism (2007: 10).

In 2010 the party reiterated its stand against inequality, injustice and sectarian politics (2010: 20). The manifesto proclaimed that hate crime has no place in society, and called for 'strong legislation and policies to tackle sectarianism, racism, hate crime, homophobia and to tackle discrimination based on disability, age, gender' (2010: 11).

In 2011 Sinn Féin's manifesto made no specific reference to hate crime, but did support a number of proposals that would potentially have an impact on communities who experience hate crime. These included advocating a Bill of Rights, strengthening Section 75 legislation, the introduction of a strong and comprehensive Single Equality Bill, the introduction of an Executive led Sexual Orientation Strategy, working to ensure that people with disabilities attain their full rights as citizens and the full implementation of the UN Convention on the Rights of Persons with Disabilities (2011: 11).

Summary

Sinn Féin has consistently maintained a strong position in challenging racism and sectarianism over a number of years and has also highlighted its support for the rights of LGB and Trans people. However, while the party has advocated or indicated its support for a number of general proposals, particularly in relation to the equality of minority communities, its manifestos and policy documents are short on concrete proposals.

The party has indicated its support for strong legislation to tackle hate crime and discrimination but there is no evidence of exactly what changes to the current legislation it would propose. Similarly it advocates the need for strong and coherent policy that should inform practice, particularly in relation to the CSI consultation, but without offering anything substantial in terms of specifics or details.

Traditional Unionist Voice

The Traditional Unionist Voice (TUV) does not list any policies that make any specific reference to prejudice or hate crime. However, the party response to the consultation on the Cohesion, Sharing and Integration strategy does include a number of relevant comments.¹² In relation to sectarian, racist and religious hate crime the TUV response states:

TUV welcomes the desired goal to “adopt a zero tolerance approach to all incidences of, and reasons for, attacks motivated by sectarian, religious, racist or hate prejudice, including those on symbolic premises, cultural premises and monuments” (2.3). We would, however, also like to see a firm commitment to remove the proliferation of illegal and divisive monuments to terrorists in Northern Ireland.

And it also states:

TUV welcomes the fact that the CIS recognizes the continuation of arson attacks on Orange Halls (5.9). Events in Orange Halls form the backbone of the social calendar for many in Northern Ireland.

However the party takes a less positive position in relation to LGB and Trans issues. The CSI response stating that:

TUV objects strongly to the commitment within the CSI programme to publish a sexual orientation strategy (1.9).

It is patently obvious that there is already a more than enough legislation to protect and promote this interest group. There is no statutory justification or requirement for the proposed strategy. It is an obvious sop to the lesbian, gay, bisexual and transgender (LGBT) lobby demanded by Sinn Féin/IRA and meekly accepted by the DUP – in spite of the latter’s past stance on such issues.

The TUV manifesto for the 2011 Assembly elections does not have anything directly to say about hate crime or challenging prejudice, although it does highlight that the party supports ‘civil and religious liberties for all’.

Summary

The TUV has used its documentation to highlight the problems of racist, sectarian and religious hate crimes, and in particular attacks on symbolic premises. But it has offered little by the way of suggestion as to how the current approaches to the problems might be improved and made more effective.

It is also worth noting that the party is alone in its criticism of plans for a sexual orientation strategy, which it states is because the party believes that there is sufficient legislation in place to protect LGBT people.

12 http://www.ofmdfmi.gov.uk/csiresponses2010_true_unionist_voice.pdf

Ulster Unionist Party

The Ulster Unionist Party has not given a high profile to either policy or advocacy relating to challenging prejudice or hate crime until fairly recently. In the party's 2003 manifesto it stressed the need to promote community relations policy in particular at sectarian interfaces (2003: 3). The following year the manifesto emphasised the party's anti-racist stance by highlighting the fact that it had signed the European Charter against Racism and that it supported anti-racist strategies in Northern Ireland to promote the British values of tolerance and inclusiveness (2005: 3-6).

In 2010, the party announced that a 'Conservative and Unionist government will ban organisations, which advocate hate or the violent overthrow of our society.' It gave its full support to the police in combating dissident and other terrorist organisations. In 2011 the Ulster Unionist Party manifesto for the Assembly elections claimed that:

Ulster Unionists are determined to make Northern Ireland a society where everyone, regardless of gender, race or creed has equality of opportunity. We want to create opportunities for women of all ages, providing them with genuine choices, empowering each to reach their full potential and to further maximise their contribution to society (2011:34).

The UUP did not mention the phrase 'hate crime' in the manifesto but it did acknowledge the growing ethnic and cultural diversity in Northern Ireland and called for the amendment of the Race Relations (NI) Order 1997 (2011: 34), although without stating how it wished it to be reformed.

The manifesto also emphasised that Northern Ireland has one of the highest rates of people with a disability; the party stated that it would ensure that choice and opportunities would be widely available and expressed its non-tolerance of discrimination based on disability.

There was no reference to hate crime in the UUP's proposals for the *2011-2015 Programme for Government*, although the document did emphasise its strong support for a shared future and the need to ensure that any final programme for Cohesion, Sharing and Integration was supported by 'practical measures' to enable its effective implementation.

The UUP offered its most extensive elaboration of its ideas on hate crime in its 2010 position paper on the Programme for Cohesion, Sharing and Integration. This does not appear to have been submitted as a formal response to the consultation but is included on the party website in a section entitled 'policy papers'.¹³ The eight page document includes a substantial section entitled 'Hate Crime' which comprises a mixture of analysis, emerging good practice and recommendations for future action. The text states:

Hate crime can take many forms be it sectarian, racist, religious, disability related or against the Lesbian, Gay, Bi-sexual and Transgender community. Hate crime is a serious problem and we must respond accordingly.

The latest annual figures for Northern Ireland show that the number of incidents with a hate motivation from 1 April 2010 to 31 March 2011 stood at a combined total of 2571. This is a decrease of 577 incidents, from 3148 in 2009/10. The vast majority of these incidents displayed racist or sectarian motives.

The number of hate crime incidents recorded by the PSNI fell for five of the six motivation types and this is an excellent result especially given the significant reductions which can be seen in racist and sectarian related hate crimes. However more needs to be done, particularly in the area of homophobic hate crime which was the only motivation type where the

13 <http://www.uup.org/images/csi.pdf>

number of incidents actually increased. It is also important that public leaders do not enflame the situation.

As regards the Police Service of Northern Ireland (PSNI) detection rate; sectarian and transphobic detection rates were up on the previous year, whereas racist, homophobic and faith/religion and disability detection rates have reduced from the previous year. Whilst sectarian hate crime is the most prevalent and the increased detection in this area is most welcome, the PSNI must seek to improve its performance in this respect as much of this incident type still goes undetected.

The Ulster Unionist Party believes that hate crime must be tackled through linking together a number of strategies and agencies and a CSI Strategy should reflect this – OFMdFM have failed to do this in the last CSI document.

Some examples are outlined below:

- The PSNI must work to improve the under reporting of such crimes and should also consider the re-launch of their 2008 'Anti-Hate Campaign' which was very successful.
- The Department of Justice have included hate crime as an integral part of their new Community Safety Strategy – 'Building Safer, Shared, Confident Communities' and the importance of this part of the Strategy should not be underplayed. The imminent Victims Strategy from DoJ should also look at hate crime in detail.
- The Unite Against Hate Campaign has achieved considerable success in its objective to create 'A peaceful, inclusive, prosperous, stable and fair society firmly founded on the achievement of reconciliation, tolerance, and mutual trust and the protection and vindication of human rights for all.' More projects such as this need to be encouraged, and funded adequately, throughout Northern Ireland.
- Partnership working has been shown to be effective in combating hate crime. An example of this is the Hate Incidents Practical Actions Scheme (HIPA) where DoJ work in partnership with the PSNI and NIHE in providing support to victims of hate crime in their homes, or practical help is given if an individual's home has been damaged as a result of a hate incident.
- The work of the Irish Football Association in grassroots and senior football as well as working in collaboration with other sports to tackle issues such as sectarianism.

Summary

The UUP's policy document on Cohesion, Sharing and Integration presents a broad overview of some of the main issues relating to hate crime and succinctly links together practical concerns, policy aspirations, and a critical review of current practice.

It is the only party policy document that makes reference to each of the six currently recognised forms of hate crime and also evidences awareness of some of the main campaigns running at the time and highlights the need for the PSNI to increase the detection rates for hate crimes.

Other Political Parties

Progressive Unionist Party

In 2003, the PUP highlighted its dedication to an anti-sectarian, pluralist and equitable society (PUP, 2003:16). In 2007, the party identified racism as a growing problem facing Northern Ireland, it noted a more diverse Northern Ireland was being targeted by 'scare mongers', stated the party's opposition to racism in all its shapes and forms, and identified education as the key to tackling it (PUP, 2007:5).

The PUP's website sets out the party's current policy in relation to hate crime in the section entitled 'Community Relations' and which was taken from the 2011 election manifesto. This states:

...The PUP has developed constructive links with Nationalist leaders to create cross-community relationships, combat sectarianism and stamp out interface violence. We support:

- Harsher penalties for anyone convicted of sectarian attacks in NI. Religiously motivated crimes are an ongoing problem for Northern Ireland society. Orange halls, Protestant churches, GAA clubs and homes on either side of interfaces are regular targets for sectarian attacks. The PUP calls for harsher punishment for those convicted of sectarian attacks to deter others who plan similar violence.

Socialist Environmental Alliance / People Before Profit Alliance

In its 2003 manifesto, the party expressed its opposition to the constitutional arrangements represented by the Good Friday Agreement, because of the way it entrenches sectarianism (SEA, 2003:4). It highlighted its opposition to sexism, sectarianism, racism, homophobia and discrimination against people with disabilities or on the grounds of age, and its campaign for the rights of women (SEA, 2003:2).

In its 2005 election leaflet the SEA stated:

Oppose Racism, Homophobia & Domestic Violence

We will insist the Council gives a lead in challenging racist attitudes. We stand for full rights for migrant workers. Employers shouldn't be allowed to divide us by creating a two-tier workforce. Homophobic attacks and domestic violence are a blight on our city. The Council should be to the fore in combating this often hidden violence.

In the 2011 Assembly elections the SEA candidates stood under the People Before Profit Alliance. The manifesto was focused on issues related to the recession and there was no reference to hate crime, although the PBPA website does include a section entitled *Love Music Hate Racism*.¹⁴

Workers' Party

In 2003 the Workers' Party election manifesto described itself as 'anti-sectarian' and stated that anti-sectarian politics represented the only way forward in Northern Ireland. The party accused nationalist and unionist parties of being tribalist and locked in an old rhetoric and condemned a perceived intensification of sectarian attitudes, prejudice and practice (2003: 2-3). The party called for the removal of sectarian graffiti and symbols, greater support for integrated education, priority maintenance of mixed housing areas, an integrated society as a policy goal and the promotion of the concept of a common citizenship (2003: 4-5).

14 <http://www.peoplebeforeprofit.ie/taxonomy/term/23>

In 2007 the Workers' Party recognised that some things had improved, but criticised sectarian interest and tribalism which it claimed remained central to politics. The manifesto challenged segregation in all aspects of life and condemned racism (2007: 1-5).

In 2011 the Workers' Party criticised the Executive for being a sectarian 'carve up system' and highlighted the 'separate but equal' mentality governing the CSI strategy (2011: 11). The manifesto highlighted the cost of maintaining a sectarian school system (2011: 7) and the need to end segregated housing (2011: 12) and underlined that ending institutionalised sectarianism was necessary for real changes (2011: 10). It declared itself opposed to, and emphasised its work against, racial and religious sectarianism and called for the establishment of a fully-funded 'Institute of Citizenship and Reconciliation' as a centre of excellence that would research and highlight positive alternatives to sectarianism and racism (2011: 12).

Summary

The three smaller parties all highlight the problems of racism and sectarianism and each of the three made specific proposals to address the problems:

- the PUP argued for harsher sentences for those convicted of sectarian attacks;
- the SEA highlighted the responsibilities of local councils to challenge prejudice and discrimination; and
- the Workers' Party proposed setting up a centre of excellence to highlight alternatives to sectarianism and racism.

Conclusions

All of the political parties have acknowledged the problems of hate crime in the recent manifestos and policy documents. Four of the main parties (Alliance, SDLP, Sinn Féin and Ulster Unionists) have presented a fairly detailed overview of the issues and of their position on the issue of hate crime, while the other three (DUP, Green Party and TUV) have offered a more limited perspective.

- There is a fairly cohesive view of the need to tackle the problems of sectarianism and racism, which most parties identify as the core elements of hate crime. However, the parties have offered little in the way of concrete proposals to address the problems.
 - o The SDLP proposed a review of the Incitement to Hatred law;
 - o The UUP focused on the need for the PSNI to improve detection rates;
 - o Alliance highlighted the need to address the level of enforcement and effectiveness of the hate crime legislation;
 - o The Green Party and the UUP advocated strengthening the Race Relations Order;
 - o The TUV and PUP focused on the need to respond more effectively to sectarian hate crimes; and
 - o Sinn Féin argued for measurable goals and timetables in any CSI strategy.
- Homophobic hate crime receives less attention in party documentation, with Alliance, Green Party, Sinn Féin, the SDLP and the Ulster Unionists all supportive of LGB issues and the need for a sexual orientation strategy. In contrast the TUV is strongly opposed to any such strategy, while the DUP have made no reference to sexual orientation or LGBT issues in its recent documents.
- The other forms of hate crime, experienced by minority faith communities, people with a disability and the Trans community, are really only mentioned in passing by any of the parties. Despite recent research in both Northern Ireland and England which has highlighted the problem on hate crime for people with a disability, and the British government commitment to respond to the problem, the issue has barely registered on the consciousness of political parties here.
- All of the parties have acknowledged the need for an effective CSI strategy. Most recognise the need for a renewed and updated racial equality strategy, and most also support plans for both a sexual orientation strategy and a community safety strategy. But, as was noted at the beginning of this paper, progress has been slow in each case.
- There was also some acknowledgement of the proposed Community Safety strategy, which included plans for a hate crime strategy. However, only Alliance and Sinn Féin made a formal response to the community safety consultation and neither made any reference to hate crime as an issue.

A number of the political parties have highlighted the need to review current legislation relating to hate crime in their policy proposals. Party representatives should raise this with the Minister for Justice and push for a comprehensive review of existing hate crime laws as one element of the Minister's stated aim of 'increasing community confidence in the ability of the justice agencies to tackle hate crime'.

Dealing with hate crime effectively requires acknowledgement, consensus and leadership from all political parties. This would include the development of an agreed statement identifying each strand of hate crime and committing to practical action to address them.

Recommendation 1:

OFMDFM has responsibility for human rights, equality and community relations and should establish an All Party Working Group to develop an Executive strategy for tackling hate crime in all of its manifestations in society.

Recommendation 2:

Each political party should participate in this process and should sign an agreed statement committing themselves to supporting practical actions to combat each form of hate crime.

Recommendation 3:

OFMDFM should also take lead responsibility for re-launching the Unite Against Hate campaign, which has been dormant since September 2011.

**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



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