



28 March 2022

## PPR input to the DOJ consultation and call for views on improving the effectiveness of hate crime legislation in Northern Ireland

*Participation and the Practice of Rights (PPR) is a small human rights NGO founded in 2006, working to turn international human rights standards into grassroots tools for economic, social and environmental change.*

*One of the groups we support, **Housing4All**, was formed in 2016 in order to campaign to ensure that all people seeking asylum are given the opportunity to lead dignified and secure lives. The **Lift the Ban** group is part of the wider UK initiative for the right to work for everyone, including asylum seekers. Another campaign, **Equality Can't Wait / BuildHomesNow!**, supports people, including refugees, in asserting their right to adequate housing.*

All of these groups include people living in Northern Ireland as members of 'minority ethnic or migrant' groups, many of whom have direct experience, not only of hate incidents, but of the experience of trying to seek protection and effective remedy in their aftermath.

To give an example, in 2018 PPR began working with Syrians who arrived here under the Vulnerable Persons Resettlement scheme, leading to the publication of detailed information gathered from six families<sup>1</sup>. The most vulnerable amongst them, women living alone with children, spoke in particular of their families' exposure to racist abuse and attack in and around their homes. In one example, a mother reported that

*my family suffer from frequent racist attacks in the area. Every time we leave the house everyone stares at us – some people in the neighbourhood insult and beat my children and shout racist remarks about them. They are too scared to leave the house. One of the neighbours spat in my face. Sometimes at 2am or 3am people bang on my door and shout. People from the neighbourhood throw things at my house. This information has been told to the housing [authorities] many times. In five months nothing has been done to help any of these issues.<sup>2</sup>*

Another mother said,

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<sup>1</sup> ["We came here for sanctuary" Syrian refugee families" by Participation and the Practice of Rights \(PPR\) - issuu](#)

<sup>2</sup> *Ibid.*, We Came Here, pp. 13, 17.

*we are suffering from frequent racist attacks. Every time my nine-year old son leaves the house people beat him or insult him and say provoking things to humiliate him and make him cry. Peoples throw eggs and rubbish at the windows and doors. Every time I put recycling bins out people empty them at my door. People throw glass bottles through my skylight – my sofa is under the skylight and I am worried that if my children are sitting on it they will be killed by one of these glass bottles...I have been to the police and complained but nothing happened. I have informed housing many times about what has been happening... I have reported everything to housing and the police. Nothing has been done. I have asked to be moved and nothing has happened.*<sup>3</sup>

Similar stories have continued to be reported to PPR in the course of online housing clinics in 2021 and 2022, with participation from refugee families of different national origins living in Belfast, Derry and elsewhere, indicating that the problem persists and is widespread.

On paper hate crime in NI is determined by the victim's perception<sup>4</sup>. Many of the people who have told us their stories are vulnerable and have past experience of trauma; perhaps unsurprisingly then, they have described the impact of hate incidents, in a country where they sought refuge, as devastating. Yet in some of the reports PPR have received, it seems that even repeat incidents are treated by the authorities as low-level 'anti-social behaviour'. Numerous people's accounts indicate that they have reported successive incidents to the police but nothing further seems to be done. They accumulate incident cards, sometimes spanning many months, but in practice nothing changes. The impression they come away with is that they are in effect expected to tolerate a certain level of intimidation, abuse and hostility without any protection or remedy.

This is deeply concerning -- and also inadequate. In the case of *Dordevic v. Croatia*<sup>5</sup>, the European Court of Human Rights found that the state's failure to protect a disabled Serbian man and his mother from repeat incidents of harassment, verbal abuse and violence by local schoolchildren -- incidents which "*disrupted their daily lives and caused them a significant level of constant stress and suffering*" (para. 84) -- constituted a violation of articles 3 (prohibition of torture and inhuman or degrading treatment), 8 (right to respect for family and private life) and 13 (right to an effective remedy) of the European Convention on Human Rights<sup>6</sup>.

With regard to the man's rights under article 3, the court recognised the "*adverse impact that these incidents have had on his physical and mental health*" (para. 91) and added, "*in view of these facts, the Court considers that the State authorities had a positive obligation to protect [him] from the violent behaviour of the children involved*" (para. 93). With regard to his mother's rights under article 8, it underlined the "*disruption to her daily life and her routines,*

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<sup>3</sup> *Ibid.*, We Came Here, pp. 13, 17.

<sup>4</sup> Public Prosecution Service for Northern Ireland, Hate Crime Policy at <https://www.ppsni.gov.uk/SiteDocuments/PPSNI%20HATE.pdf>, paras. 2.1.1 - 2.1.3.

<sup>5</sup>

<https://hudoc.echr.coe.int/eng#%7B%22docname%22:%5B%22Dordevic%22%2C%22documentcollectionid%22:%5B%22JUDGMENTS%22%2C%22itemid%22:%5B%22001-112322%22%5D%7D>

<sup>6</sup> [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf)

which had an adverse effect on her private and family life" (para. 97). Finally, around the official response to the family's complaints and article 13, it said

*the Court finds that no serious attempt was made to assess the true nature of the situation complained of, and to address the lack of a systematic approach which resulted in the absence of adequate and comprehensive measures. Thus, the findings of the police were not followed by any further concrete action: no policy decisions have been adopted and no monitoring mechanisms have been put in place in order to recognise and prevent further harassment.* (para. 148)

After finding that violations had occurred under all three articles, the court ordered the state to pay damages to the claimants as well as their costs and expenses.

Here, PPR have made efforts to monitor the official follow-up given to individuals' complaints. In response to Freedom of Information requests<sup>7</sup> the Police Service of Northern Ireland provided a copy of the relevant Service Instruction SI2117 on Hate Crime. While it is positive to see the institutional policy giving force to hate crime legislation, it is essential to assess the effectiveness of its implementation and identify any blockages. To that end, **we respectfully suggest to the Department that this consultation, with its focus on changes to the overarching legislative parameters of hate crime, be accompanied by a parallel evidence-based review of practice on the ground, informed by the lived experience of complainants, and focusing on hate incident complaints and the response to them.** In this way, changes can be made both from the top down and the bottom up, increasing the likelihood of improvements on the ground.

The NI Affairs Committee report published earlier this month into the experiences of minority ethnic and migrant people here<sup>8</sup> quoted PSNI sources as saying, "*there is also strong evidence to suggest that many other incidents go unreported to the police*" (p. 9). We respectfully submit that under-reporting may be at least in part linked to victims' perceptions of the likelihood of effective response. For these reasons it is imperative that reform of Northern Ireland's approach to hate crime, in addition to legislative reforms, also include a review of how this law translates to policy, and that policy to practice -- in effect, analysing and drawing lessons from victims' real-life experiences of what happens, or doesn't, when they report incidents. Until that happens, textual changes to legislation alone will have only limited impact.

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<sup>7</sup> <https://www.nlb.ie/investigations/FOI/2020-12-hate-crime-against-migrants-how-the-police-service-of-northern-ireland-should-investigate-hate-crime-incidents>

<sup>8</sup> <https://committees.parliament.uk/publications/9166/documents/159683/default/>