

Sending Out a Message: hate crime in Northern Ireland

In Northern Ireland, despite the peace process, there has been no decrease in sectarian violence. In a society in which mutual trust and tolerance have to be re-established, **Graham Ellison** asks whether 'hate crime' laws should be introduced.

For those optimists who assumed that the Good Friday Agreement in April 1998 marked a new beginning for Northern Ireland where the politics of intolerance would give way to tolerance and mutual respect, the events of subsequent years must have come as something of a shock. The collective euphoria of the early days of the peace process, replete with iconic (and no doubt staged) images of young Catholic children embracing British soldiers, and the sight of David Trimble and John Hume dancing rather self-consciously to pop music at a rally, have given way to altogether more disquieting images of the annual Drumcree protests, the carnage of the Omagh bombing (in 1998) and the sight of Catholic primary school children running the gauntlet of loyalist sectarian abuse and anger during the Holy Cross debacle. Of course, processes of peace making and conflict resolution, be they in Bosnia, South Africa, Israel or indeed Northern Ireland are fragile and unpredictable affairs. For the most part they are governed by long periods of inertia, the odd spurt towards reconciliation, and the occasional lapse into hopelessness and despair. Certainly, as MacGinty (2001) points out, the very existence of a peace process in ethnically divided societies can very often have the effect of engendering insecurity amongst those members from the majority ethnic bloc – in this case Protestants in Northern Ireland – who feel that their once dominant status is being eroded and that the peace process itself is delivering concession after concession to the 'other side' with little in the way of reciprocation.

Sectarian violence and victimisation

The peace process appears to have brought with it little by way of inter-communal harmony, with recent research suggesting that sectarian divisions between the two main communities in Northern Ireland have worsened significantly since the start of the process, while residential segregation has also increased to the point where it is now possible to speak of social and spatial apartheid. For instance, in 1990, 50 per cent of the entire Northern Ireland population lived in areas that were ninety percent Catholic or Protestant, whereas recent data shows this to have increased to 66 per cent (Shirlow 2002).

While the Royal Ulster Constabulary (now the Police Service of Northern Ireland) only began

separate recording of incidents believed to have explicit sectarian motivation since April 2001, the data suggest that the number of arson attacks, assaults and bombings alleged to have sectarian motivation have rocketed in recent years. Similarly, in a self-report study conducted with 14-18 year olds in Northern Ireland, Ellison (2001) found that sectarian assaults and harassment were a significant feature of young people's lives. For example, almost half the sample had experienced some form of sectarian harassment (taunting, name calling and so on) while almost one third had been assaulted because of their religion or ethno-national affiliation. However, the bulk of all forms of sectarian victimisation impacted disproportionately on young Catholic males from urban working-class areas, who were twice as likely to be victimised in this way than their Protestant counterparts.

This is not to suggest, however, that sectarianism is the only problem in Northern Ireland. The almost universal focus on inter-communal conflict has tended to overshadow the growing number of attacks on members of Northern Ireland's minority ethnic communities, while incidents of 'gay bashing' and homophobic violence have recently given cause for concern.

Racially motivated crime and racist incidents

Northern Ireland has traditionally been seen as a relatively homogeneous society in racial terms. Precise figures for the size of Northern Ireland's minority ethnic communities are somewhat difficult to obtain (since the 2001 census figures have not yet been released) but most commentators estimate the total minority ethnic population to be between 15,000 and 20,000, out of a total population of 1.5 million.

The relatively small size of Northern Ireland's minority ethnic population, its relative invisibility, and general absence of this section of the community from social policy considerations, has tended to foster the impression that members of Northern Ireland's minority ethnic communities are living in a paragon of racial tolerance. In social policy terms the *Race Relations Act for England and Wales* (1976) was only extended to Northern Ireland in 1997.

However, recent research from the Northern



Ireland Executive (Jarman 2002), based on an analysis of police recorded statistics between 1996 and 2000, suggests that there has been a 400 per cent increase in the volume of racially motivated incidents recorded by the police during this period. Indeed, when scaled up to the size of Northern Ireland's population this would represent something like 20,000 racially motivated incidents per annum. Of course, the actual situation is likely to be much more serious since the official police figures are likely to grossly under-represent the nature and extent of racially motivated attacks and harassment since by definition they only include those incidents that the police come to know about.

Homophobic Violence

Northern Ireland can also be regarded as a morally and socially conservative society, particularly in relation to gay and lesbian issues. It was only in 1982 that homosexual acts between consenting adults were decriminalised in Northern Ireland (1967 for England and Wales). This was in spite of a voracious campaign led by the Rev. Ian Paisley under the theme of 'Save Ulster From Sodomy' to retain the existing legislation. Indeed, attitudes to same-sex relationships appear to be viewed rather more censoriously in Northern Ireland than in other regions of the UK (Devine & Dowds, 1998). Similarly, research conducted by Birkett (1998) suggests that homophobic bullying is a significant problem in Northern Ireland schools, and that many teachers either refuse to discuss gay and lesbian issues altogether, or only refer to them obliquely under the aegis of sexually transmitted diseases and HIV, a position that is in direct contravention of Department of Education guidelines.

A homophobic incident monitoring scheme was established by the Royal Ulster Constabulary in 2000. This suggests a steady increase in the nature and frequency of homophobic attacks, although once again these are likely to significantly under-represent their actual occurrence.

Should hate crime legislation be introduced in Northern

Ireland? There have been calls in the Northern Ireland Assembly for specific 'hate crime' legislation to be introduced to Northern Ireland. This has been motivated in part by certain provisions of the *Crime and Disorder Act (1998)* in Britain, and the situation in the US whereby tougher penalties may be imposed by a court if it can be proved that a particular offence was racially motivated. Indeed, a strong case may be made for the extension of 'hate crime' legislation to Northern Ireland given that such crimes can be regarded as 'message crimes' that attempt to send a signal to members of particular groups about their undesirability, be they Catholics or Protestants, Irish Travellers, members of minority ethnic groups, or gay men and women. In addition, while the victims of 'normal' crime may not feel that they have been singled out because of the group they belong to, research evidence from the United States suggests that the victims of 'hate crime' experience much more serious psychological and emotional trauma, as they feel that they have been targeted because of who they are and their group affiliation.

However, this is not to imply that 'hate crime' legislation should be perceived as a panacea to cure the problems of a deeply divided society. Certainly, there are problems. Rather than see particular social phenomena (racism, sectarianism) as rooted in complex structural problems, the concept itself might reduce these to the rather simplistic and analytically redundant concept of 'hate'. Likewise, what behaviours should be defined as 'hate crimes'? A number of feminists for example, have argued that domestic violence should also be classified as a 'hate crime' while others have argued that crimes against people with various disabilities should also be included. There is also the problem from the United States whereby several aspects of 'hate crime' legislation have been ruled unconstitutional under the First Amendment that guarantees the freedom of speech, a factor that may also have implications under the *Human Rights Act (1998)*. Finally, as Garland (2001) has noted, there is also

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arising from the incident-based analysis of criminal allegations and the conceptualisation of the wider social context of 'hate crime' or 'targeted violence'. Many of the so-called 'hate crime' incidents that come to the attention of the police are the 'rubbish' incidents that do not result in criminal prosecutions. These are the incidents that most often cannot be dealt with by pro-active operations and detailed targeting of individuals. A deeper understanding of the overall patterns of the 'ordinary' as well as the extremely violent or organised attacks on strangers is necessary before strategic decisions can be made about intervention and prevention. In this analysis of the richer context of the 'ordinary' incidents that govern 'everyday' life the URHC project is providing the MPS with a means to that understanding. It is a lesson that others might wish to take on board. As we grow increasingly convinced by our own data, challenging targeted violence demands that we target the social resources for social (and indeed criminal) threat and intimidation.

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be done not only to understand the problem but also to conceptualise the solutions to the problem. More debate is needed on the role of criminal law and the nature and form of punishment in this context. Alternatives also need to be canvassed and explored.

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the more insidious tendency to align 'hate crime' with a conservative law and order lobby and the politics of victimhood.

While the existence of 'hate crime' legislation will not by itself solve the problems of a deeply divided society, it could nevertheless be argued that the absence of such legislation in Northern Ireland sends a message to various individuals that their actions will be tolerated and given some kind of social, cultural and political sanction. Such a view has no place in a society that is trying to come to terms with the legacy of the past thirty years, and which in a post-conflict phase is attempting to establish mutual trust and tolerance.

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