



Racist Hate Crime

Human Rights and the Criminal Justice System in Northern Ireland

The report examines the national laws, policies and practices of the criminal justice agencies in effectively tackling racist hate crimes in Northern Ireland. Assessed against the applicable human rights standards, the report highlights good practice but also underscores areas in need of further improvement.

The Report

The investigation into racist hate crimes in Northern Ireland (NI) was conducted by the Northern Ireland Human Rights Commission (NIHRC) on the basis of its statutory responsibility to review the adequacy and effectiveness of NI laws and practice relating to the protection of human rights in NI. With a primary focus on the criminal justice agencies¹ the investigation examined the measures taken to address racist hate crimes in NI between the financial years 2010/11 and 2011/12.

Fieldwork was completed between August 2012 and February 2013. It comprised a total of 139 interviews conducted with 145 representatives across each of the relevant criminal justice agencies, NGOs and victims of racist hate crimes. In addition to the formal interviews, meetings were held with senior personnel responsible for policy development within the NI Executive. The NIHRC also accessed 120 criminal justice agencies' files.

Drawing together the relevant international human rights laws and standards, this report identifies a human rights framework for addressing racist hate crimes, which is premised upon the duties of prevention, prohibition, prosecution and protection. The NIHRC assessed the NI laws and policies as well as the practices of the criminal justice agencies against these human rights

indicators, which resulted in 66 findings and 29 recommendations to the NI Executive and criminal justice agencies.

The duty to prevent contains an analysis of the operational measures and strategic policy actions undertaken to prevent racist hate crimes. This also includes a broader consideration of the promotion of racial equality and good relations and the collection and disaggregation of data in order to monitor and evaluate the effectiveness of the measures.

The duty to prohibit evaluates the effectiveness of the domestic legal framework in terms of its enforcement and deterrence of racist hate incidents and crimes.

The duty to prosecute refers to the applicable standards of investigation and prosecution required to afford the victim an effective remedy. It also includes an examination of reporting mechanisms for victims, their involvement in the proceedings and the timeliness of judgments.

The duty to protect the victims, considers those measures and support mechanisms that must be in place to ensure the victims' rights are guaranteed and to prevent secondary victimisation. This includes their right of access to information, specific protection measures to mitigate particular vulnerabilities and access to free and confidential support services.

The full report can be accessed electronically on the NIHRC website.

¹ Agencies included: the Police Service of Northern Ireland, the Public Prosecution Service for Northern Ireland, the Probation Board for Northern Ireland, and the Northern Ireland Courts and Tribunals Service.

