

The Next Stephen Lawrence?

Racist Violence and Criminal Justice
in Northern Ireland

Research Report for the Northern
Ireland Council for Ethnic Minorities

Dr Robbie Mc Veigh
An Duchan

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“In September my husband returned from Nigeria. He had gone over there because there had been a bereavement in his family. On his return home he was immediately greeted with racist abuse from local youths in the area shouting at him and taunting him. This was very difficult for my husband as it was in stark contrast to his experience in Nigeria where he was treated with respect. Within months of his return from Nigeria my husband was diagnosed with high blood pressure and diabetes. My husband attributed the onset of these conditions to the intimidation and persistent attacks on our home and us. My husband’s mental state was very poor and he was afraid that he would snap and he decided that he could not longer remain in Northern Ireland. He felt that our complaints to the police were not being taken seriously. They could not guarantee the safety of our family. My husband was physically assaulted by youths throwing stones and water balloons on numerous occasions and **he did not want to remain to be the next Stephen Lawrence.**”

(NICEM client)

“I think that that’s what will probably happen, somebody is going to get killed. Racist harassment is going to happen until there’s somebody from the ethnic minorities that does get killed and then they will start pushing for new laws and trying to do something - but as we all know, that is going to be too late....”

(NICEM client)

Glossary

CJINI – Criminal Justice Inspection Northern Ireland (sometimes referred to as Criminal Justice Inspectorate)

CJSNI - Criminal Justice System Northern Ireland

CPS – Crown Prosecution Service

CRE – Commission for Racial Equality

CRENI – Commission for Racial Equality Northern Ireland (replaced by ECNI)

DPPs - District Policing Partnerships

ECNI – Equality Commission for Northern Ireland (replaced separate Northern Ireland discrimination bodies including CRENI)

EUMC - European Monitoring Centre on Racism and Xenophobia. The primary task of the EUMC is to provide the EC and its Member States with 'objective, reliable and comparable information and data on racism, xenophobia, Islamophobia and anti-Semitism at the European level in order to help the EU and its Member States to establish measures or formulate courses actions against racism and xenophobia'

GFA – Good Friday Agreement

IMC – Independent Monitoring Commission

MLOs – Minority Liaison Officers (of the PSNI)

NCCRI – National Coordinating Committee on Racism and Interculturalism (in the Republic of Ireland)

NFP – National Focal Point (for RAXEN)

NGO – Non-governmental Organisation

NIAC – Northern Ireland Affairs Committee (of the House of Commons)

NICEM – Northern Ireland Council for Ethnic Minorities

NICtS - Northern Ireland Court Service

NIHRC – Northern Ireland Human Rights Commission

NIO - Northern Ireland Office

NIPB - Northern Ireland Policing Board

NIPS - Northern Ireland Prison Service

OFMDFM – Office of the First Minister and Deputy First Minister (continues to be responsible for racism issues under suspension of the NI Executive)

OPONI – Office of the Police Ombudsman for Northern Ireland

PBNI - Probation Board for Northern Ireland

PPS - Public Prosecution Service (replaced DPP in Northern Ireland in June 2005)

PSNI – Police Service of Northern Ireland

RUC – Royal Ulster Constabulary (which preceded the PSNI)

RAXEN – European Racism and Xenophobia Information Network of the EUMC. The RAXEN network is composed of 25 National Focal Points (NFPs), one in each Member State, which are the entrance points of the EUMC at national level regarding the data and information collection foreseen in RAXEN.

YJA - Youth Justice Agency

1. Description of work

1.1. Background to the Research

Since its inception in 1994 NICEM – the Northern Ireland Council for Ethnic Minorities -has been engaging with the problem of racist violence in Northern Ireland. Its work with constituent and client organisations as well as clients made it clear that there were ongoing and serious problems in this area. With this in mind, NICEM established the Racial Harassment Support, Advice and Advocacy Project in 2003. This project is 'a free of charge service that assists victims of any racial harassment incident to the best of our ability'. This Project has a detailed database of NICEM clients specifically concerned with harassment. It also has a detailed knowledge of the dynamics of racist harassment in Northern Ireland. Both of these resources were obviously crucial in developing this research. The volume and seriousness of complaints, including complaints about the failure of the criminal justice system to deal with incidents, the rise in reported violence in the media, as well as issues with the nature of this reporting, and the rise in recorded crime and racial incidents with the PSNI (Police Service of Northern Ireland) all suggested the need for further specific research.

1.2. Aim

The aim of the research was:

to use the experiences and perspectives of the victims/survivors of racist attacks in Northern Ireland to inform the strategies of NICEM and other organisations in addressing the needs of those affected by racial violence.

Crucially, therefore, the research was to be grounded in the testimony of people who had experienced racist violence.

1.3. Objectives

The objectives of the research were:

A brief presentation of the international and national context for defining, researching and challenging racist violence. A brief analysis of current policy and practice by the statutory sector in Northern Ireland in response to racist attacks. This will focus particularly on the PSNI which retains primary responsibility for dealing with racist violence.

A detailed examination of the experience of racist harassment by minority ethnic people. This will include an examination of their needs and concerns at the time of attacks and their experience of the criminal justice system from treatment by police to prosecution (DPP).

A detailed examination from a victims/survivors perspective of what is and should be available for them with emphasis on the question of who does and should give support.

An examination of how to improve the reporting and recording of racist crime.

An examination of the role of the media in reporting racist attacks.

Conclusions and recommendations to improve legislation, policy and practice as well as general education and the role of media in reporting racist attacks.

This report follows the format of the objectives.

1.4. Methodology

The research brief was also clear on methodology:

The background research will be conducted through secondary desk top analysis and will utilise NICEM's extensive collection of relevant research materials. The core primary research will involve meeting directly with victims/survivors of racist violence and their families. NICEM already has direct contact with a broad range of individuals willing to participate in the research. The research will

conduct a detailed qualitative examination of the issues involved for some twenty to thirty individuals. These individuals will reflect broadly the profile of the minority ethnic communities across the north as well as reflecting the age and gender profiles of these communities. The research will combine individual interview schedule research alongside focus group discussion as appropriate. NICEM will provide appropriate translation/interpretation facilities where these are needed.

The issue of racist violence is particularly sensitive and it was made clear that the methodology should reflect this:

Throughout the research process it will be vitally important to ensure that the confidentiality and privacy of the victims/survivors of racist violence involved are protected and that they themselves have a sense of involvement with and ownership of the process and the outcomes of the project.

This commitment has been rigorously respected and the identities of the respondents should not be identifiable in the report.

1.5 Key Outcomes

The key outcome of the research was to be a final report. The research brief made it clear that this was to include:

A brief presentation of the international and national context of the incidence of - and statutory and other responses to - racist violence.

A mapping exercise to give a profile of victims/survivors and – where possible – perpetrators of racist violence e.g. age, nationality, religion, family status, where they are living, industry they are working in, length of time they have been there and so on.

Identification of the main issues for victims/survivors of racist violence and their families.

Recommendations on possible strategies for local organisations to address the issues facing victims/survivors of racist violence at a local and regional level as well as identification of issues that need to be raised at national policy level.

There is also a simple but vital methodological truth which has escaped much of the work on racist violence to date. If organisations want to find out whether the police or the criminal justice system are doing a 'good job' on racist violence, they should not rely primarily or solely on the police or the criminal justice system to answer the question. The victims of racist violence are and should be the key focus of any research on the subject. Of course, it is vital to obtain the views and analysis of the criminal justice system as well. However, the CJSNI does not have a particularly good record of addressing racist violence and it would be naïve to expect it to have resolved the issue itself.

2. The international and national context

2.1. Definitions of racist violence

Racist violence is named in many different ways. The words 'harassment', 'intimidation', 'attacks', 'crimes' and 'incidents' are all used to describe it. Racist violence has also increasingly been subsumed within the wider category of 'hate crimes' (although this category is often subdivided in turn to include 'racially motivated hate crimes'). 'Intimidation' and 'harassment' are categories often used interchangeably in the literature on racism. These sometimes imply a subtle distinction between the experience and the threat of violence. The EUMC makes this variety of use clear in its adoption of the term:

In itself, the term 'racist violence' can be interpreted in a variety of ways. Most Member States do not have a legal definition of 'racist violence'. Social scientists specializing in this field and NGOs usually define it as racially motivated criminal acts against the person and/or property, and sometimes include verbal abuse and incitement to racial hatred. To support information gathering in the national context some Member States, for example, target specifically neo-Nazi organizations and their activities. The NFPs were not supplied with a prescriptive definition of what 'racist violence' is, but were asked to collect data on the variety of approaches adopted by Member States. By doing this the EUMC hopes to capture as much information as possible and identify the similarities and differences between reporting and recording practices. (EUMC 2005: v)

What is most important and most distinctive about the phenomenon, however, is that it is clearly *about violence*. It involves both the experience and fear of violence and the use and threatened use of violence. It is this which separates it from the other manifestations of racism – like discrimination.

The adjectives ‘racist’ and ‘racial’ or ‘racially-motivated’ are also used, sometimes interchangeably. They imply however a difference in causality – the use of the word ‘racial’ situates violence in terms of the existence of ‘racial’ groups – in other words, it implies that racial violence happens because there are different racial groups in that society; the use of ‘racist’ on the other hand situates the same incident in terms racism – it implies that violence happens because there is racism in a given society. The Lawrence Inquiry had a similar discussion

We believe that the use of the words “racial” or “racially motivated” are in themselves inaccurate and confusing, because we all belong to one human race, regardless of our colour, culture or ethnic origin. When referring to crime or incidents involving racism we believe “racist” to be the appropriate adjective. Our recommendation is that the universally used definition should be: *“A racist incident is any incident which is perceived to be racist by the victim or any other person”*. (MacPherson 1999, emphasis added)

We accept the logic of this definition entirely. The definition is increasingly used in the context of racism and the criminal justice system. However, it both implicitly and explicitly includes ‘incidents’ that are not crimes and that may not have any violent dimension to them at all. This report is specifically concerned with the rise in violence associated with racism in Northern Ireland and the response of the criminal justice system to that violence. We therefore continue to work with the EUMC term *racist violence* in this report.

2.2. The British Government and racist violence

The British Government has a relatively long history of addressing racism and responding to racist violence. Its race relations legislation – developed from 1965 onwards – provides a key context for addressing the problem. There is therefore a long history of work on different aspects of racist violence, particularly from the British Home Office and the Commission for Racial Equality. The Greater London Council was also significant in addressing the issue, particularly the issue of policing – this was groundbreaking for a British statutory authority. This process was given a whole new dynamic by the racist murder of Stephen Lawrence and the failure of the criminal justice system to properly address his death.¹ Campaigning on the issue resulted in the Stephen Lawrence Inquiry which involved a fundamental review of policing and racism alongside the investigation into the specific context of Stephen’s murder. The terms of reference were:

To inquire into the matters arising from the death of Stephen Lawrence on 22 April 1993 to date, in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes.

The Stephen Lawrence Inquiry encouraged a fundamental rethink of British policy on racism and policing. It also prompted a wider re-evaluation of the place of race in the criminal justice system. Most current policy and practice is rooted in the discussions and findings of the Lawrence Inquiry. These had implications for the whole of the criminal justice system, not just the police. The inquiry generated much discussion on the subject of ‘racism’ and ‘institutional racism’. These definitions continue to inform both debate and practice:

6.4 “Racism” in general terms consists of conduct or words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin. In its more subtle form it is as damaging as in its overt form.

6.34 “Institutional Racism” consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or

¹ Stephen Lawrence (September 14th 1974 – April 22nd 1993) was a Black British teenager living in London who was murdered in April 1993 at the age of 18. While waiting at a bus stop in with his friend Duwayne Brooks, he was attacked and stabbed by a gang of white racists – one of whom called out “*what, what nigger?*” The failure of the police in particular and the criminal justice system in general to respond appropriately to this racist murder resulted in a campaign for justice for Stephen Lawrence and, ultimately, led the British Government to institute the Stephen Lawrence Inquiry and the MacPherson Report – the report of the public inquiry. MacPherson concluded, ‘Stephen Lawrence’s murder was simply and solely and unequivocally motivated by racism. It was the deepest tragedy for his family. It was an affront to society, and especially to the local black community in Greenwich. Nobody has been convicted of this awful crime. That also is an affront both to the Lawrence family and the community at large’.

detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people. (MacPherson 1999)

As we have seen, the Lawrence Inquiry also generated the definition of 'racist incidents' which is increasingly commonly used.

A racist incident is any incident which is perceived to be racist by the victim or any other person...²

The second half of the Lawrence Inquiry addressed the broader question of racism and criminal justice. It gathered information and opinions in order to make recommendations as to the "*investigation and prosecution of racially motivated crimes*"... The report of the Inquiry makes a whole series of recommendations on this basis. These are contained in Chapter 47 of the report and we might expect them to form the basis of any contemporary policy and practice on racism and the criminal justice system.

The Lawrence Inquiry also had a significant broader impact across the British criminal justice system. The Home Office publication *Race and the Criminal Justice System* (2002) gives a broad overview of what has been done and what remains to be done from a British Government perspective. The Home Office has also made available baseline data that allows critical evaluation of the performance of the whole criminal justice system on race and facilitates identification of possible institutional racism (Home Office 2003, 2004). This data can also now be tracked comparatively across time in a useful way. For example, the publication *Statistics on Race and the Criminal Justice System* (2004) provides a basic analysis of different aspects of the British criminal justice system and ethnicity (see Table One).

Table One: Proportion (%) of ethnic groups at different stages of the criminal justice process, England and Wales, 2003/4

	White %	Black %	Asian %	Other %	Unknown/ Not re- corded %	Total %
General population (aged 10 & over) @ 2001 Census	91.3	2.8	4.7	1.2	0.0	100
Stops and searches	74.3	14.7	7.3	1.5	2.3	100
Arrests	84.3	8.8	4.8	1.4	0.7	100
Cautions	84.2	6.7	4.7	1.2	3.2	100
Youth offences	83.5	6.3	3.1	2.9	4.3	100
Crown Court	76.8	12.2	7.4	3.6	*	100
Prison receptions	80.5	9.7	4.8	2.9	2.1	100
Prison population	77.1	15.5	3.1	4.1	0.1	100

Source: Home Office 'Statistics on Race and the Criminal Justice System' (2004: ix)³

While this data is far from perfect – it acknowledges that some of the statistics on ethnicity remains 'patchy' it goes a long way to meeting the need for sound baseline data to measure the performance of the criminal justice system. (As we shall see later, there is no equivalent data in Northern Ireland this is in itself stark

² The definition by the Association of Chief Police Officers (ACPO) had been used up to this point:

"A racial incident is any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation, or any incident which includes an allegation of racial motivation made by any person." The main criticism of this definition in the Lawrence Inquiry was that motivation was hard to define and the definition itself was not understood by many police officers. This change crucially shifted the emphasis away from the assessment of 'motivation' by the police and towards the 'perception' of all interested parties.

³ Figures may not add to 100% due to rounding. Notes to Table:

(1) Stops and searches recorded by the police under section 1 of the Police and Criminal Evidence Act 1984 and other legislation.

(2) Notifiable offences.

(3) Information on ethnicity is missing in 35% of cases; therefore, percentages are based on known ethnicity.

(4) 'Other' includes those prisoners who classified their ethnicity as 'Mixed'.

(5) Sentenced

evidence of the CJSNI remaining in a 'pre-Lawrence Inquiry' mode.) The CRE is also able to provide detailed baseline data on different aspects of the British criminal justice system. This draws on a range of different data sources:

The information given here has been drawn from a wide range of sources, including research commissioned by the Home Office and the former Lord Chancellor's Department (now the Department of Constitutional Affairs), the British Crime Survey and annually published Section 95 statistics on race and the criminal justice system. (CRE 2006)

This is not to suggest that everything regarding race and criminal justice in Britain was transformed positively by the outworking of MacPherson. This is far from the case. The Institute of Race Relations estimates that there have been sixty-eight racist murders since Stephen Lawrence (Harmit and Kundnani 2006). Gathering the baseline statistics is only the first stage in addressing problems of institutional racism in the system and revealed by the data. For example, in terms of policing – which had been at the core of the Lawrence report – the CRE suggested in 2005 that, 'the Police Service is like a perma-frost – thawing on the top, but still frozen solid at the core' (CRE 2005c).⁴ (The parallel report on policing in Scotland (CRE Scotland 2005) was, however, generally more positive.) This characterization came as the CRE published the final findings and recommendations of its formal investigation into the Police Service of England and Wales.⁵ Sir David Calvert-Smith, who led the investigation, said:

There is no doubt that the Police Service has made significant progress in the area of race equality in recent years. However, there is still a long way to go before we have a service where every officer treats the public and their colleagues with fairness and respect, regardless of their ethnic origin. Willingness to change at the top is not translating into action lower down, particularly in middle-management where you find the ice in the heart of the Police Service. For example, managers are not properly supported or fully trained on how to handle race grievances, so relatively minor issues are often unnecessarily escalated.

While serious questions remain in terms of racism and policy and practice, however, elements within the British criminal justice system have clearly made significant changes in response to the Lawrence Inquiry. For example, Gus John's *Race for Justice: A Review of CPS decision making for possible racial bias at each stage of the prosecution process* (2003) provides an important, critical review of British CPS performance commissioned by the CPS itself. Likewise the Crown Prosecution Service *Racist Incident Monitoring System* (RIMS) reports provide an annual critical overview in terms of performance.⁶ The RIMS reports provide a useful overview of the performance of the criminal justice system on racist violence:

The scheme is an important aspect of the CPS commitment to combating racially or religiously aggravated crime. The annual RIMS report contains information on prosecution decisions and outcomes in all cases identified by the police or CPS as racist or religious incidents. A racist incident data sheet (RIDS) should be completed for each defendant where the case has been identified (either by police or CPS) as meeting the definition of a racist incident. Religiously aggravated cases are identified specifically by adding the word "RELIGIOUS" at the top of the RIDS form. In religious cases, the Area lawyer notifies Policy Directorate of the case and also submits a report to the Director outlining the case decision. The Director has indicated that he wishes to see all cases of religiously aggravated crime.... The RIMS model very much predates the statutory charging scheme (which is obviously all about the "police/CPS relationship"), under which all charging decisions in racially or religiously aggravated cases must be made by the CPS rather than the police. It relies on the data written onto a Racist Incident Data Sheet (RIDS) by the reviewing lawyer at the conclusion of each case. Because of statutory charging, the questions on the RIDS about the "original police charge" and the "CPS decision on the original police charge" are now inappropriate. However, I think question B1 on the RIDS, "Did the police identify the case as a racist [or religious] incident" is one that continues to be interesting for police/CPS relations. In these post-MacPherson days, the number of cases where the answer is no is, as we would hope, diminishing (last year 9%). However, the figure should be zero, as every "racist incident"

4 This investigation obviously offers a model for any similar investigation of the PSNI: 'On 16 December 2003, the CRE decided to conduct a general formal investigation of three areas of the police service in England and Wales: a. the recruitment, training and management of police officers; b. monitoring of these areas by the police service and police inspectorates; and c. how police authorities and forces are meeting the statutory general duty to promote race equality ... A team of CRE staff were appointed to work on the project and preliminary work began on 5 January 2004. Four commissioners ... were nominated to

lead the investigation, which was launched publicly on 1 March 2004. (CRE 2004)

5 PSNI Ombudsperson Nuala O'Loan was a special Commissioner for this report.

6 RIMS has reported annually since it was first introduced for the period April 1996-March 1997.

which hasn't been identified by the police as a racist incident may not have been properly/thoroughly investigated, meaning the chance of a successful prosecution for a racially aggravated offence may have been reduced. Those cases that CPS identify as racist incidents, which haven't already been identified as such by the police, should be the subject of particular scrutiny by the police. (Home Office, research communication 16/12/2005)

As we shall see, all of this activity on racist violence contrasts with the situation in Northern Ireland rather starkly on two accounts. *First*, much more has been done already in the British context. As we shall see later, there is no equivalent data on race and criminal justice in Northern Ireland. The baseline data that might indicate problems with institutional racism is not gathered. (This failure in itself could be regarded as an example of institutional racism as defined by MacPherson.) This connects to a wider lethargy on racism shown by the British Government in Northern Ireland. We find this exhibited in a range of ways over the years: the reluctance to introduce anti-racism legislation at all, resistance to ethnicity questions in the Northern Ireland Census, and extraordinarily long delays in the introduction of an equity monitoring system (recommended by the Criminal Justice Review) which would allow the tracing of people through different stages of the criminal justice system in terms of ethnicity. This lack of activity was compounded by the merging of the CRENI into the ECNI so soon after its creation. (CRENI only operated from August 1997 to October 1999.) It was clear that racism needed a different conceptualisation than issues of gender or fair employment which were the other long-standing concerns of statutory equality work in Northern Ireland. In consequence there has been no strong statutory body like CRE in Britain to push race issues in Northern Ireland as the worrying escalation in racism continues. *Second*, there is a clear sense in Britain that much more *needs* to be done. There is no question therefore that the Lawrence inquiry forced a profound re-examination of responses to racist violence across the British criminal justice system. We find a raft of good practice in terms of openness, critical evaluation and sound baseline data in the public domain. This does not of course mean that the British criminal justice system has purged itself of racism. As we have seen, the recent CRE formal investigation into policing in England and Wales was highly critical of aspects of policy and practice (CRE 2005). The activity does, however, suggest that the Lawrence Inquiry has been taken seriously by different elements within that system. The Inquiry left a legacy of policy and practice that we might expect to be adopted straightforwardly by the whole criminal justice system in Northern Ireland. In other words the appropriate question in Northern Ireland is not, '*should* the lessons of Stephen Lawrence been adopted here?' but rather '*why* have they not been adopted?'. The need to incorporate the lessons of Stephen Lawrence should be taken as a given by the CJSNI. Certainly, the structures that were put in place in Britain remain a key model for policing and criminal justice and racist violence in Northern Ireland. There is no case for any lesser standards of protection for Black and minority ethnic people in Northern Ireland and certainly none has been made by the criminal justice system. If the legacy of the Lawrence Inquiry is not informing policy and practice in Northern Ireland, this is especially shocking in a place in which the rise in racist violence is generally both accepted and condemned.

2.3. The Irish Government and racist violence

The Irish Government has taken its lead on the issue from the British Government, again drawing specifically on the outcomes of the Lawrence Inquiry. Ivor Callely, speaking for the Government outlined current policy on 'racist attacks' in May 2005:

The Garda authorities, conscious of the importance of the recording and monitoring of incidents that are motivated by anti-Semitism, racism, sectarianism, homophobia and xenophobia have, since October 2002, through the Garda PULSE computer system, put in place a mechanism to record and gather information on racist incidents and offenders nationwide. Furthermore, the Garda racial and intercultural office, which was established in 2001, co-ordinates, monitors and advises on all aspects of policing in the area of ethnic and cultural diversity. Personnel in that office monitor all incidents to ensure the PULSE system accurately records all such offences. Where such incidents occur, the Garda Síochána ensures that an investigation is pursued with reference mainly to the Criminal Justice (Public Order) Act 1994 and the Prohibition of Incitement to Hatred Act 1989, these being the main relevant legislative instruments pertaining to crime of this type.

More generally, and underpinning the Government's commitment to accommodate and respect cultural diversity in Ireland, the Government published its national action plan against racism in January. The overall aim of the plan is to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland based on commitment to inclusion by design, not as an add-on or an afterthought, and based on policies that promote interaction, equality of opportunity, understanding and respect. The steering group monitoring the implementation of the action plan is looking at protection issues, protection being one of the five pillars of the plan. (Dáil Debates 12 May 05 'Racist Attacks')

So the Irish Government commitment to addressing racist violence is broadly similar to the approach of the British Government. The definition by the Irish criminal justice system of 'racist incidents' is supposedly based on the definition of 'racist crimes' offered by MacPherson in the Stephen Lawrence Inquiry Report (2000). In August 2001 An Garda Síochána came up with a working definition of 'racially motivated incident' based on a substantially weakened version of the MacPherson definition: 'Any incident, which is perceived to be racially motivated by: the victim, a member of An Garda Síochána, a person who was present and who witnessed the incident, a person acting on behalf of the victim' (An Garda Síochána, 2002: 5). Thus the notion of 'racial motivation' which was so problematized by the Lawrence Inquiry remains central to the Garda definition. The NCCRI also records 'racial incidents' – it is the NFP (National Focal Point) for RAXEN research (NCCRI 2006).

2.4. How do victims/survivors describe racist violence?

We have seen how governments and other statutory agencies remain vague and sometimes contradictory about how racist violence is to be described. This uncertainty was also evident in the way that many of the NICEM respondents used concepts associated with racist violence. It bears emphasis that the issue of definitions seems inappropriate in many of these cases – someone who has been subjected to racist violence usually knows very well what it is without recourse to a text book. It also bears emphasis that many of these clients gave their testimony in a language other than English so the term is already compromised to some degree in translation.

Nevertheless there are certain lessons in usage from the NICEM statements. Clients used most of the terms identified above in their statements at one time or other – 'harassment', 'intimidation', 'attacks'. The term 'hate crime' was not generally used, however. There is a sense in which harassment is used to describe the experience of actual racist or sectarian violence; and intimidation is the experience of changing some aspect of behaviour in order to avoid racist or sectarian violence. Of course, harassment and intimidation are not easily separable in practice but they can be regarded as different sides of the same coin – neither 'works' without the other. Obviously intimidation can only 'work' if the threat of racist violence is realised – at least occasionally.

Equally harassment is inseparably connected to intimidation. This is because racist harassment is usually a means to an end. (Although, undoubtedly, sometimes such violence is an end in itself.) Thus harassment can be apparently random but usually it is instrumental (an example is the racist harassment of a given household in order to encourage the householder to move out of an area). This distinction is important because it begins to answer the question of why people perpetrate racist violence. Are they sadistic? Do they have 'ugly mindsets'? Are they ordinary people? Are they followers of a racist political philosophy? This is to begin to suggest that racist violence has the consequence of doing more than annoying or inflicting pain on those who are harassed. It is often *intended* to change their behaviour; to stop them living in a particular area, or working for a particular firm, and so on.

Moreover, harassment is not only instrumental in the sense that it changes some practice of the harassed individual, it is usually intended to influence the behaviour of other people as well. This is what makes it a 'hate crime' – it is targeted at members of a group rather than individuals. The reality of racism is that the experience of harassment by a small number of individuals is experienced as intimidation by a much larger number of people within the communities to which those individuals belong. One example of this is that the subjection of one family of colour in a given area to racist violence – racist harassment at its most extreme – is likely to encourage all other families of colour to leave that area. Moreover, it will certainly discourage if not prevent others from moving into the area. This is compounded obviously in a situation in which the criminal justice system is perceived to be unable or unwilling to do anything to prevent racist violence. Thus the active harassment of one person can lead to the intimidation of many in a racist context – the interplay between harassment and intimidation is crucial in understanding the dynamic of racism and racist violence as a 'hate crime'.

2.5 Forms of racist violence

We can also identify broad patterns in terms of the *forms* that racist violence assumes. These are not tightly defined in law but they do illustrate the ways in which racist violence tends to become manifest. The CRE recognises four categories of racial harassment: (1) attacks on persons, (2) attacks on property, (3) threats and abuse, and (4) racist graffiti (1999). British criminal justice system data on racially aggravated crime gives a slightly different perspective (See Table Two). This data suggests that racist violence is quite a small part of the total incidents recorded by police (less than 2%) but that it is a significant factor in

certain types of offence. The largest proportion of racially aggravated incidents was in the form of harassment (50%), with 11% related to wounding, 17% to common assault and 21% to criminal damage (Home Office 2004).

Table Two: Racially aggravated offences recorded by police in England and Wales by offence and detection rate (%)

	Harassment	Other wounding	Criminal damage	Common assault	Total
% of all incidents which were racially aggravated	13.4	1.6	0.6	2.2	1.8
% of racially aggravated incidents which were cleared up	40	40	18	33	34
% of non-racially aggravated offences cleared up	70	55	13	48	28

Source: Statistics on race and the criminal justice system. A Home Office publication under section 95 of the Criminal Justice Act 2003

These data are problematic for a couple of reasons: first, they may be distorted because of under-reporting and differences in reporting racially aggravated and other offences and, second, even with regard to racially aggravated offences they may disguise differential reporting for different categories of offence. Nevertheless, these give a broad indication of the kinds of behaviour most often involved in racist violence and the forms most often taken by racist violence. They also obviously indicate trends in terms of the criminal justice response to such violence.

2.6. Who perpetrates racist violence?

There is another essential distinction to be made as part of the analysis of racist violence: a distinction between the *sources* of racist harassment and intimidation. Most obviously there is a distinction between organised racist violence and other forms. Organised racist violence involves some level of organised behaviour – political parties or paramilitary groups or gangs – where racist violence is explicitly part of the logic of what the organisation does. This is most obviously associated with explicitly racist or fascist organisations. Here we can point to a host of historical and contemporary examples – from the SA Brownshirts to the NF Skins – where at least part of the reason that the organisations exist at all is to commit racist violence. This kind of violence can be distinguished from ‘ordinary’ racist violence – which occurs simply because people are racist, not because they are members of organisations. Obviously there is a continuum between these two types of behaviour – for example gangs of young people may often engage in racist violence – we see this is commonplace in Northern Ireland later in this report – but it is questionable how organised this behaviour is. Nevertheless, the point holds and the existence of organised racist violence in a society poses specific dangers and challenges.

There is also a further distinction to be made in terms of sources of racist violence. This is between harassment and intimidation by state institutions - or individuals within those institutions - and harassment and intimidation by non-state organisations or individuals. This distinction is not always explicit in the literature on racist violence; although research on racism in Britain tends to examine racist harassment by the police as being separate from ‘other’ harassment (GLC 1984: 9-19). While this has not been a major feature of the discussion in Northern Ireland, it is clear that where widespread racist harassment by police occurs – whether in South Africa under apartheid or London in the 1970s – this experience dominates discussions of racism and criminal justice.

Clearly we need to maintain an awareness of accusations of where racist violence comes from and remain conscious of the distinction between the state, racist organisations and other non-state actors. Equally, however, it is misguided to absolve the state of responsibility just because organizations or non-state actors rather than state actors are primarily involved in racist violence. Clearly the state has primary responsibility for protecting everyone from racist violence. The Lawrence Inquiry made it clear that acts of

omission as well as commission were central to the failings of the state with regard to racist violence. The government has a particular responsibility in, first, promoting the creation of a society wherein racism is aggressively tackled and, second, ensuring that its own agencies and agents are anti-racist and set a role model for the rest of society.

2.7. Research – the international context

In 2005 the EUMC published two definitive documents on racist violence - *Racist Violence in 15 EU Member States: A Comparative Overview of Findings from the RAXEN National Focal Points* (2005a) and *Policing Racist Crime and Violence: A Comparative Analysis* (2005b). In combination, these set the situation in Northern Ireland in context in terms of analysis and policy across the EU. The EUMC report on racist violence includes a series of conclusions and recommendations:

To this end, the findings in this report generally show that Member States with comprehensive data collection mechanisms to monitor racist crime and violence also tend to have a range of progressive initiatives to both combat the problem and assist victims. (2005a: 16. original emphasis)

This broad observation is then used to make a whole series of detailed recommendations to EU Member States might learn more about effective responses. These are however given a broad context:

Criminal justice agencies, namely the police, which have good data collection on racist violence, and which use this information to develop practical responses, can begin to more effectively target the problem with respect to the following key issues:

Victims of racist violence – encourage victims to report incidents by taking their experiences seriously; in the process, develop accurate knowledge about ‘who’ victims are; offer support to victims, and refer victims to specialist support agencies where these exist.

Communities vulnerable to racist violence – respond to fear and insecurity among vulnerable communities by building trust; developing sensitive, effective and visible policing responses can enhance trust and will encourage reporting of racist victimisation.

Perpetrators of racist violence – develop accurate knowledge about perpetrators using existing and well established criminal intelligence systems and procedures to build up an effective database; by effectively policing and punishing racist violence, perpetrators will know that criminal justice agencies and therefore the State – consider racist violence as a serious crime. (2005a: 5)

The EUMC report on policing racist crime and violence (2005b) also makes some useful general recommendations that help situate our work on racist violence in Northern Ireland:

At a general level, individual Member States should re-examine and address the need for the following:

An adequate legal and public policy framework to empower the police to effectively tackle racist crime.

A public commitment by police leaders to take seriously and combat the problem of racist crime.

A requirement that the police initially record as ‘racially motivated’ any crime that they, a victim or witness consider to be racially motivated, so that any subsequent investigation can consider ‘racial motivation’ as a possible factor. [This focus on ‘motivation’ continues at EUMC level notwithstanding the MacPherson rejection of the term.]

Provision for ‘racially motivated’ crime to be recorded, so that it is identifiable as a specific crime category and available for (anonymous) statistical analysis.

Clear procedural and practical guidance should be issued to the police about how to effectively respond to crime with a suspected racist element. Emphasis should be given to prioritising victims’ needs.

Police should receive initial and in-service training on the nature and significance of racially-motivated crime, the role of the police in combating it, and appropriate procedures to be followed. Representatives from NGOs should be involved in police training.

Individual police officers should be appointed at the regional or local level, with support from a specialist unit at national level, to tackle racist crime. These specialist officers should receive additional training.

In partnership with NGOs and community groups, the police should encourage and facilitate reporting of racist crime. (2005: 6)

The research results focus on five broad areas in relation to the policing of racist crime and violence in the EU: (1) police recording practices for racist crimes; (2) responsibility for establishing racial motivation; (3) police responses to victims of racist crimes; (4) training provision for the police to effectively respond to racist crimes; and (5) police engagement with civil society. These five broad areas give us a useful transnational and comparative framework within which to critically assess some of the main issues with the criminal justice system in Northern Ireland. We return to this framework later in our conclusions.

The main finding of the report is that, 'in the majority of Member States police responses to racist crime and violence require further development to make them effective' (2005: 4). The report also finds the following:

Approaches to policing racist crime and violence differ widely between Member States, which partly reflects differences in legal systems, resulting in a lack of consistency and comparability between policing practices.

A handful of Member States identified examples of 'good practice', but most policing initiatives do not provide a comprehensive response to racist violence. Typically, examples of local initiatives exist, but these tend to focus on 'multiculturalism' and 'racism' rather than on the specific subject of racist crime and violence or racism within the police. (2005: 4)

Strikingly the situation in Northern Ireland is almost completely missing from the *Racist Violence* publication (2005a). It merits only one rather curt mention: 'Northern Ireland: The Equality Commission notes the number of racist incidents in the province'. (2005a: 145).⁷ Thus, despite all the hyperbole around Northern Ireland being the 'race hate capital of Europe' and the 'most racist city in the world', *racist violence not picked up in the EUMC REPORTS for either Ireland or Britain*. There was actually a substantial section in the CRE country report on racist violence in Northern Ireland but this was not included in the main report (CRE 2004b: 30, 'Update on Northern Ireland') Current reporting arrangements are therefore inadequate in terms of the accurately alerting people to the situation on racist violence in Northern Ireland.

In contrast, the Northern Ireland situation commands attention in the EUMC *Policing Racist Crime* report – as we shall see in chapter three - even though it is generally subsumed within the broader UK report. In general current British practice is held up as a model of good practice:

The United Kingdom appears to have developed the most comprehensive and systematic approach to policing racist crime and violence. Initiatives are promoted at policy level as an integral part of policing a multi-ethnic society. Some of these still need to be monitored to ensure that they are followed up in practice. (2005: 5)

It bears emphasis that when we read the two EUMC reports in conjunction we get two distinction impressions about the situation in Northern Ireland: 1) there is not much of a problem with racist violence and 2) the policing mechanisms addressing racist violence are models of good practice. One of primary objectives of this research was obviously to ask whether these impressions stand up to empirical enquiry. Given the increasing alarm around racist violence in Northern Ireland, however, there must be immediate concern that the EUMC report presents a picture that is so out of touch with reality. There is clearly a serious question around how the EUMC could completely fail to engage with the Northern Ireland as the 'race hate capital of Europe' thesis – even if they believe it to be exaggerated. In this context there is a renewed responsibility on the UK NFP at Warwick University (which has replaced the Commission for Racial Equality) to ensure that the seriousness of the situation is reflected by the EUMC. It bears emphasis that monitoring bodies are worse than ineffective if they give the impression that a situation is satisfactory when blatantly it is not.

⁷ This observation is slightly confusing. The ECNI 'notes' these only in the sense that it pays attention to PSNI statistics. It does not provide an alternative reporting mechanism in the manner of the NCCRI in the Republic of Ireland.

2.8. Conclusion

Our review of existing literature points to a number of things pertinent to the discussion of racist violence in Northern Ireland. First, the problem is defined in a number of ways and these are often confusing and sometimes conflicting. For this reason it is particularly important that those involved begin to develop a common definition of the situation. Because of this, we situate our own analysis in the definitions of the RAXEN reports and the Stephen Lawrence Inquiry. We use the term 'racist violence' to describe the issue addressed and we use the adjective 'racist' to describe the actions involved.

Second, the phenomenon of racist violence is common throughout the EU and beyond. There is a developing body of literature which both describes the problem and offers analysis and responses. There is plenty of analysis of good practice to be drawn upon. Despite all the problems with racist violence in Britain, the UK is seen as one of the models of better practice in terms of the response of the state and its criminal justice system. Certainly the Stephen Lawrence Inquiry was a high water mark for a state engaging seriously with the issue and, more particularly, rigorously critiquing the performance of its own criminal justice system in combating racist violence. Given this, there can be no excuse for ignoring the lessons of the Lawrence Inquiry in Northern Ireland.

3. Current policy and practice by the statutory sector in Northern Ireland in response to racist attacks.

3.1. Background – racist violence in Northern Ireland

As we saw in the last chapter, there are differences and tensions between the way that different perspectives and organisations define and construct racist violence. We also find differences in definitions even at Northern Ireland level. The Racial Equality Strategy for Northern Ireland 2005-2010 defines the broad context thus:

For the purposes of this strategy, we have identified four main manifestations of racism (although these manifestations are often inter-linked and overlapping):

- racist harassment (including assaults, racist graffiti, threatening behaviour, and incitement);
- discrimination;
- stereotyping; and
- systemic (or “institutional”) racism. (2005: 19)

The Strategy also uses the terms ‘racially motivated intimidation and violence’, ‘violence based on racism’ and ‘racist harassment and violence’ without any clear sense of the difference between the terms. The ubiquitous term ‘hate crime’ is also used in this context. The PSNI make a distinction between *incidents* and *crimes*. The PSNI also use the terms ‘racial offences’ and ‘recorded crimes with a racial motivation’ but these are not distinguished from ‘racial crimes’ (‘Hate Crimes’ 2005). The Race Equality Strategy of the OFMDFM reworks these into its own definition:

A ‘racial incident’ means any incident with a race dimension – and covers both crimes and non-crimes (to use the MacPherson phrase). While it includes attacks on people and property it also includes incidents which would not normally result in criminal proceedings. (2005: 18)

There is some confusion therefore around precisely what is being addressed when people refer to incidents and crimes connected to racism in Northern Ireland.⁸ (It bears emphasis that MacPherson specifically repudiated the ascription of ‘racial motivation’, yet it continues to dominate PSNI and other statutory definitions in Northern Ireland.) It is also equally clear that – however defined – it is generally accepted that racist violence is a growing problem across Northern Ireland.

3.2. Northern Ireland becomes the ‘race hate capital of Europe’

Racist violence in Northern Ireland has been under the spotlight recently for a number of reasons. First, the RUC/PSNI began to record ‘racial incidents’ in 1995. These figures have increased dramatically since then. Second, and partly in response to the existence of this new data, different media began to advance the notion that racism had become the ‘new sectarianism’. This media interest increased as a number of governments of foreign nationals living in Northern Ireland raised concerns about racist attacks on their citizens. This media focus on racist violence led to headlines that suggested Northern Ireland had become the ‘race hate capital of Europe’ and Belfast had become the ‘most racist city in the world’. (The role of the media in reporting racist violence in Northern Ireland is addressed in more depth in chapter 6.) Third, academic and policy research appeared to lend increasing weight to this widely held perception of an escalating crisis of racist violence in Northern Ireland. Research – much of it commissioned by different state agencies – made it clear that there was a problem. A raft of work leading up to Jarman and Monaghan’s *Racist Harassment in Northern Ireland* (2003) made it increasingly clear that the problem was not simply a media construction. Fourth, the House of Commons Northern Ireland Affairs Committee (NIAC) held its special session and launched its report on *The Challenge of Diversity: Hate Crime in Northern Ireland: Ninth Report of Session 2004-05* and this process addressed the issue of racist violence in some depth. Thus when the OFMDFM launched its race equality strategy for Northern Ireland in 2005, racist

⁸ Note that despite the reference to MacPherson, the PSNI/RES swaps the adjective ‘racial’ for ‘racist’, expressly against the analysis of the Stephen Lawrence Inquiry.

violence in Northern Ireland was being seen as an issue of marked and growing concern. Doing nothing was no longer an option.

3.3. Northern Ireland Statistics on Racist Violence

The CRE suggests that in the British context, there are 'two official sources of information about racial harassment and violence: the British Crime Survey (BCS), which provides estimates of the levels of crime and trends in crime against people above the age of 16 and their households in England and Wales; and police records of racial incidents' (2005: 1). The Northern Ireland Crime Survey (NICS) is presently unable to produce equivalent data for Northern Ireland:

Based on the 2001 Census, under 1% of the NI population belongs to one of the stated minority ethnic groups (including Irish Travellers, but not white migrant workers from continental European countries such as Portugal and Latvia). Similarly, because the BCS ethnic boost approach would not be feasible in NI, fewer than 1% of NICS respondents declare that they are from minority ethnic groups. We would, therefore, be unable to produce robust figures on victimisation among these groups. We do ask all victims whether they believe that incidents were (a) sectarian or (b) racially motivated. However, again, because very few victims tend to state that incidents were racially motivated, we would not be in a position to produce robust figures.... The NICS is ... a broad sweep of the (adult) population. Therefore, within the confines of a 3,100 achieved sample that is representative of the NI adult population, it is only going to yield 20 to 30 respondents from minority ethnic groups. These could not be assumed to be representative of that particular population group. In terms of methodology, it would be too expensive to enlarge the overall sample sufficiently to enable the experiences and views of minority ethnic groups to be reflected accurately. The option of an ethnic boost for NI surveys has also been discounted due to sampling frame issues and the likelihood of placing too much of a survey burden on people from such groups. We tend, therefore, to use qualitative methods for attitudinal issues and police data for racial incidents. Because (a) we only ask the motivation question of respondents who have been victims of crime, and (b) so few victims, regardless of ethnic group, state that they believe incidents were racially motivated, we would not be in a position to produce robust estimates - the confidence interval would be too wide relative to the rate. In similar fashion, for instance, although it asks about sexual offences, the BCS does not include these when estimating the level of crime. (Statistics and Research Branch, Northern Ireland Office, information request, 2005)

Some current statistics therefore paint a very different picture to that of those who suggest a crisis around racist violence in Northern Ireland – they suggest that 'very few victims tend to state that incidents were racially motivated'. What they confirm is that no attempt has been made to properly record the experience of racist violence by a population that is being missed in the broad sweep of the experience of crime across the whole community. This can, of course, be read two ways. First, there is no data on racist violence because there *is* no problem with racist violence. (This is clearly contradicted by many different sources including the testimony gathered by NICEM and detailed later in this report.) Second, there is no data on racist violence because there is no urgency or concern with trying to address the scale of the problem. Either way, as a consequence of this inability to produce data, there is only one source of 'official' statistics on racist violence in Northern Ireland, PSNI data on 'racial incidents'.

We saw that the NCCRI in the Republic of Ireland generates its own list of 'racist incidents' but there is no equivalent work in the ECNI in Northern Ireland. As we have seen, the EUMC recognised that the ECNI 'notes' the number of racist incidents in Northern Ireland (2005a: 145) but this is only 'noting' PSNI data on racist incidents. There is one mention of 'racial harassment' in the ECNI Corporate plan - it appears as a 'Public Life and Community Safety' 'Impact measure' which suggests that it expects to see: 'Evidence of action tackling racial harassment in the following areas: employment; housing; education; and community safety' (2003: 22). In other words, this evidence *should* exist after three years. It is unclear, however, what it would look like or how this should be measured.

In the absence of specific crime survey data and monitoring by the ECNI, the PSNI reports on 'racial incidents' and 'racial crimes' remain the only statutory data source on racist violence in Northern Ireland. There is also some monitoring by NGOs – for example, the PFC produces a period list of hate attacks including racist attacks (Pat Finucane Centre 2006) – but none of this is definitive. The RUC/PSNI data remain both the 'official statistics' and the main source of quantitative data on racist violence.

3.4. 'Racial Incidents' – RUC/PSNI data

The RUC began to monitor racially motivated incidents from 1 January 1995. The format for recording the data changed in 1996 and again in 2004 so figures are not directly comparable over time.

Table Three: 'Racial Incidents' recorded by the RUC/PSNI

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Number	41	41	106	186	285	222	198	226	453	813	936

Source: Jarman and Monaghan 2003, updated 2003-6, PSNI

As Jarman and Monaghan discuss in some detail, these figures are also significantly different depending on which police source is accessed (2003: 11-12). It is also clear, however, that the consistency of the data has improved. Under-reporting is and probably will for the foreseeable future remain, a problem but the data still allow for some comparison over the years. While it will be some time before the accuracy of the statistics can be relied upon, the general upward trend is undoubted.

The PSNI is also now able to provide more detailed data on these incidents for recent years. (We return to this issue in more depth in chapter five.) This allows both the tracking of cases through the criminal justice system as well as comparison with PSNI performance on other issues. For example, in terms of 'racial crime', the PSNI also recorded the following for 2005:

Violent crime clearance rate, 24.3% (compared with 51.1% total violent crime recorded)

Clearance rate all other crime, 9.8% (compared with 19.5% total other crime recorded)

So there is no question that data on racist violence has improved – although from a very poor base – and that the data allows some monitoring of PSNI and wider CJSNI performance on policing racist violence. The data also supports the notion that there is a growing crisis around racist violence in Northern Ireland.

There is general agreement on three key aspects of this PSNI data. First, the data remains problematic in terms of internal consistency – especially in the early years this data was not particularly robust even on its own terms. Second, that it is a marked underestimate of the reality of racist violence – there are far more 'racial incidents' in Northern Ireland than appear in the data. Third, that the incidence of racist violence is increasing – a trend which is clearly represented in the data.

3.5. Research on racist violence in Northern Ireland

As broader literature developed on the experience of minority ethnic people in Northern Ireland, it became clear just how routine racist violence was as part of that experience (McVeigh 1994: 138-144). For example, Irwin and Dunn found that nearly half of their respondents had experienced verbal abuse and just under a third had experienced criminal damage to their property because of racism. One in ten had actually been physically attacked because of racism (1997: 101). Connolly and Keenan's *The Hidden Truth: Racist Harassment in Northern Ireland* (2001) put some flesh on this picture based on another sample of different minority ethnic groups. They conclude:

Overall, racist harassment is a particularly pernicious and evil part of society.... it is embedded in the routine behaviour and processes within Northern Ireland society. It takes on many different forms from overt acts of verbal and physical abuse to more subconscious and often unintentional actions and behaviour.... The combined effects of racist harassment are to violate minority ethnic people's sense of dignity in society and to create an environment for them that is intimidating, hostile, degrading, humiliating and/or offensive. It ensures that many live in a constant state of low level anxiety while some live in fear. Ultimately, it is a key element by which minority ethnic people's social exclusion within Northern Ireland is maintained. (2001: 86)

Jarman and Monaghan's *Racist Harassment in Northern Ireland* (2003) analysis was based on PSNI statistics that everyone accepts to be incomplete. Nevertheless, they make a number of general points about the characteristics of racist violence:

The most numerous forms of racist harassment were abuse and attacks on property, however 24% of the incidents involved a form of physical assault. Nearly 53% of incidents occurred in or near the victim's home, with 21% occurring in the street and a similar percentage occurring at a place of work. In 32% of cases the perpetrator was unknown but in contrast in 26% of cases the perpetrator was someone identified as a neighbour or who lived near to the victim. The stereotypical perpetrator was a young adult white male acting with other young adult white males. Females were involved in 15% of reported cases of racist harassment. (2003: 3)

The Jarman and Monaghan report also analyzed state policy towards racist violence for the first time. The report includes a number of recommendations which aim to improve the level of responses to racism and racist harassment and violence in Northern Ireland. These include:

1. Reviewing the current approaches to recording racist incidents to establish a standardised and integrated multi-agency method that allows for reporting in varied location 24 hours a day.
2. The police should continue the positive work they have done in responding to racist incidents, but could improve current methods or recording incidents, tracking responses and dealing with perpetrators of minor incidents. The police should also do more to recruit minority ethnic police officers.
3. Other agencies, particularly bodies responsible for health and education should do more to determine the scale of racist harassment within the health service and the education sector. In particular we know very little about the scale of racist bullying in schools.
4. There could be value in looking in more detail at the type and scale of responses that have been developed in other countries in response to issues of racist harassment and violence and in exploring the scope for a campaign that promotes awareness and pride in the growing ethnic and cultural diversity in Northern Ireland. (2003: 4)

This report also addresses specifically the influence of the Stephen Lawrence Inquiry on the situation in Northern Ireland (2003: 11-12) although some of the changes in PSNI policy and practice noted in this analysis would appear to have little to do with the Lawrence Inquiry and certainly contradict the recommendations of the Inquiry.

The ECNI publication *A Wake Up Call on Race: Implications of the MacPherson Report for Institutional Racism in Northern Ireland* (2002), despite its title, actually says very little about the PSNI or the rest of the criminal justice system in Northern Ireland.⁹ This is odd because MacPherson was precisely about addressing the failures and weaknesses of the police and the criminal justice system. The report in effect becomes a more general review of the implication of the term 'institutional racism' for Northern Ireland. This is unfortunate because it could and should have provided a 'wake-up call' to the police and the criminal justice system – the area of specific concern to MacPherson. There is no mention whatsoever of Jonathon Mclvor - who was heavily criticised for his actions and inactions at the time of the murder of Stephen Lawrence - and whose later transfer back to the RUC/PSNI and promotion, attracted widespread discussion and publicity (Breen, 1999).¹⁰ We might suggest that one of the implications of the MacPherson report was that collective organizational failure is not an excuse for individual failure. In other words, people need to be helped to recognise and correct their own failures. There is no evidence whatsoever in the public domain of Mclvor acknowledging that he had failed the Lawrence family in any way. The report suggests that anybody can change but also that the process of change has to be publicly acknowledged and accountable.

In summary, therefore, the existing research tells us something about racist violence in Northern Ireland while leaving significant gaps. The research is useful in indicating the core problem. It also both publicizes and critiques RUC/PSNI data usefully. We rarely, however, hear the voices of the victims/survivors of racist violence. Moreover, the research usually avoids any critical engagement with a criminal justice system that has been almost completely bypassed by the Stephen Lawrence Inquiry and subsequent debates and reforms.

9 The report actually suggests: 'Many of the recommendations of the Macpherson report apply specifically to the Metropolitan Police Service or to police forces more widely. A detailed examination of policing in Northern Ireland is beyond the scope of this report. Instead it seeks to extrapolate to Northern Ireland the recommendations that are relevant to services in all sectors'. (Oliver and McGill 2002: 32). Whether this was the responsibility of the authors or the ECNI, the report actively eschewed any 'wake up call on race' for the police in Northern Ireland, the institution which formed the primary focus of MacPherson.

10 MacPherson found of Mclvor that: '[He] must be criticised for a) his failure to obtain full information of the incident; b) his failure to co-ordinate activities at the scene; c) his failure to command and direct resources; d) his failure to record activities personally and to ensure that there was some form of log of activities taking place for those who would subsequently take command; and e) his failure to consider the family' (MacPherson 1999: 12.17).

3.6. Legislation on racist violence in Northern Ireland

The British Government's broad anti-racism policy for Northern Ireland is given effect through legislation including the *Race Relations (Northern Ireland) Order 1997* as amended by the *Race Relations Order (Amendment) Regulations (Northern Ireland) 2003* and complemented by *Section 75 of the Northern Ireland Act 1998*. The Office of the First Minister and Deputy First Minister is give primary responsibility for developing race equality and good relations strategies for Northern Ireland.

Hate crime legislation is also broadly similar to British legislation on racist violence. In Britain the category of racially aggravated offences was introduced under the Crime and Disorder Act 1998. The Act created new offences of racially aggravated assault, criminal damage, harassment and public order. For each of these new offences, the maximum penalty is higher than the maximum for the basic offence without the element of racial aggravation, although where the maximum sentence is life imprisonment, there is no racially aggravated alternative. A court is also required, under the Act, that when dealing with any other offence where racial motivation or hostility is proved, to treat racial aggravation as a factor that increases the seriousness of the offence, which warrants a heavier sentence. It must also state openly that the offence was so aggravated (CPS 2005).

A similar notion of 'racially aggravated crime' has been enshrined in law in Northern Ireland through the *Criminal Justice (No. 2) (Northern Ireland) Order 2004*, which was commenced on 28 September 2004. There is a key difference, however, between the two pieces of legislation. In Britain, the crimes themselves are identified as 'racially aggravated'; in Northern Ireland, only the sentences are increased if racial aggravation is identified. In other words, these remain 'ordinary crimes' made worse because they involved racism.

3.7. The NIAC Inquiry 'Hate Crime in Northern Ireland'

In February 2004, the Northern Ireland Affairs Committee of the House of Commons launched an inquiry into 'Hate Crime in Northern Ireland'. The rationale was a 'troubling background' of apparently rising hate crime 'reflected in its growing media profile' (NIAC 2005: 5). In the report of the inquiry, the NIAC made it abundantly clear that there were serious problems with current policy and practice on racist violence. This report *The Challenge of Diversity: Hate Crime in Northern Ireland* (NIAC 2005) and the formal Government response to the report - *Government Response to the Committee's Ninth Report of Session 2004-05* (NIAC 2005) constitute the most focused and concentrated state and government assessment of the situation and policy responses.¹¹ The report is of course not solely concerned with racist hate crime – it also covered sectarianism, homophobia and disability – but the growing crisis around racist violence and the failings of the criminal justice system to adequately address this situation is a dominating theme. The Report was unusually frank in making clear that it had found an 'unsatisfactory state of affairs', that 'hate crime is a growing problem in Northern Ireland' and in demanding that the state 'increase its efforts to eradicate it':

There must be no doubt about what we have found: the absence of a strongly promoted "vision" for community relations in Northern Ireland: an unacceptable slowness in policy development: and little evidence that policies are delivering real, "on the ground", improvements to the lives of vulnerable individuals, all of which is resulting in dissatisfaction amongst these groups and a deteriorating pattern of inter-community relations. We are concerned that, despite officials' reassuring words, present arrangements between OFMDFM and the NIO may be insufficiently coordinated to act speedily in producing effective strategies to combat hate crime. The Government must consider what improvements are required to correct this unsatisfactory state of affairs. (Paragraph 78)

Our inquiry has shown that hate crime is a growing problem in Northern Ireland. We are convinced that the growth in these appalling crimes can be arrested if the Government, the PSNI, and other criminal justice agencies increase their efforts to eradicate it. However, if a real impact on this problem is to be made the pace of policy and strategy development on the part of the Government, and enforcement on the part of the PSNI, will need to speed up. Policies need to be 'smart', transparent, timely, and capable of having an immediate impact 'on the ground'. Strategy is not a substitute for rigorous practical action. Enforcement needs to be carried out with rigour. (Paragraph 129)

¹¹ The NIAC published its Ninth Report of Session 2004-05 on 8 April 2005. The Government's response from the Office of the First Minister and Deputy First Minister, was received in the form of a letter and memorandum on 11 July 2005. The response is published as an appendix to NIAC report.

This criticism evinced a comprehensive response from government on a number of crucial issues. (It also, arguably, forced the Government to finally publish its promised Race Equality Strategy for Northern Ireland.) Certainly, it forced the British Government to lay out an analysis and critique of current policy and practice in some detail. Read together the NIAC report and the Government response provide a key context in which the state response to racist violence *should* be transformed. First the NIAC made clear the centrality of the PSNI to addressing the problem:

While by no means the sole response called for, police activity will be a crucial factor in bearing down on hate crime offences. It is essential that the PSNI gives this form of crime a high priority and its success will be judged ultimately by the number of successful prosecutions. (Paragraph 23)

NIAC also had specific concern about and criticism of PSNI performance:

We are greatly concerned about the very low level of confidence which ... most minority ethnic communities have in the PSNI. While we recognise the steps taken by the police to develop more effective relationships with them, both communities expressed deep concerns about the extent to which the PSNI are taking hate crime attacks seriously. Much more needs to be done by the PSNI to increase the confidence of the communities and to build more effective relationships with them. This will require great patience and commitment, and progress is likely to be gradual, but we expect the PSNI to take the lead decisively to effect discernable, positive changes. The Government must ensure that adequate resources are made available to the PSNI for this purpose. (Paragraph 38)

Government attempted to address some of these issues in its response to the report:

The Police Service of Northern Ireland fully recognise the importance of continuing to build trust and confidence with minority communities. The substantial increase in reports to police is evidence of a growing confidence in the Police Service on the part of minority communities. A considerable number of reported incidents relate to noncrimes which traditionally the Police Service did not receive and this is believed to be a direct result of the established relationships, recognised commitment and publicity campaigns such as the recent 'Hate Crime is Wrong', during January and February 2005. The Police Service is very aware of the seriousness of many attacks, the impact on victims and the wider implications for minority communities. The increasing diversity within Northern Ireland has created a greater risk of hate related incidents and the Police Service will continue to work tirelessly to ensure that incidents are prevented or, when they do occur, are responded to appropriately, and that victims receive a positive and effective response. The Police Service is presently consulting, internally and externally, on the new Service Hate Crime policy. This policy aims to ensure that all hate related incidents are identified, recorded and investigated in an appropriate manner and that victims are supported accordingly. Training and effective supervision of all investigations will be essential to ensure that this policy document becomes a reality for victims of hate incidents. The Police Service will continue to work in partnership with Government, voluntary and statutory agencies to ensure that it responds effectively and appropriately to hate related incidents. The Police Service Disability and Minority Ethnic Independent Advisory Groups and the Belfast LGBT Forum have provided an additional opportunity to develop training and advise policy development (2004: 10-11).

The NIAC report makes a point of resisting 'ghettoisation' of racist violence:

As we have said, the responsibility for combating these crimes is the equal responsibility of each police officer in Northern Ireland. It is vital that the policing of minorities is not itself 'ghettoised' by being seen within the police service as the exclusive preserve of Minority Liaison Officers. Rather, the MLOs must be trained as the leaders of police locally in combating these crimes. (Paragraph 43)

Again this is acknowledged in the Government response:

The responsibility for investigating hate related incidents is undertaken by front line officers or Detectives in appropriate cases. The Minority Liaison Officer's role is to provide additional support to victims and to proactively engage with minority groups within the District. Minority Liaison Officers receive additional training to enable them to provide advice to investigating police. (12)

Other aspects of the CJSNI also come in for specific criticism in the NIAC report:

While we were disappointed by the initial lack of response by some criminal justice agencies in Northern Ireland to our inquiry, our probing has demonstrated that the agencies appear to be aware of the problem and are taking some action to make their staff aware of it and to provide training. These are initial steps only and the agencies need to sustain a robust and coordinated approach in order to

keep awareness of their staff high. We recommend that the NIO takes the lead in ensuring that all the training provided is founded on common principles; that there is collaboration between the agencies in delivering training; and, in particular, that this is developed in conjunction with the representative bodies of the minority communities. (Paragraph 55)

Government response to this was:

Government welcomes the acknowledgment of the Committee that awareness raising of racial issues in general and hate crime in particular has taken place and that specific training has been provided within various criminal justice agencies. While each agency must be free to develop its own training package to suit the needs and requirements of its own staff, taking into account their level of contact with the public, we agree there is a need to ensure this is delivered in a consistent way. Given this, the Government will refer this matter to the Criminal Justice Board who will set in place systems to monitor this (14-15).

The NIAC report later returns to the issue of the wider criminal justice system. Again it was unusually frank in making clear the need for action as well as words:

In Scotland the Crown Office and the Procurator Fiscal Service have produced an analysis of charges brought in the first six months under section 74 of the Criminal Justice (Scotland) act 2003. We believe that a similar system of monitoring the use of the Criminal Justice (No. 2) (Northern Ireland) Order 2004 would be beneficial. (Paragraph 100)

The Government makes a specific commitment on this:

The Government accepts the Committee's recommendation and will work with enforcement and prosecution authorities to develop a similar mechanism for monitoring the effectiveness of the Criminal Justice (No. 2) (Northern Ireland) Order 2004. (24)

The NIAC Report underlines the need for 'vigorous enforcement':

But more than messages are required. The law will be another "dead letter" unless the enforcement authorities, primarily the PSNI, use it vigorously. We expect them to do so. As we have pointed out earlier, the authorities have considerable ground to make up in persuading vulnerable groups that their concerns are being addressed seriously. This legislation is an opportunity to demonstrate that such legitimate concerns will be addressed. Those involved in the criminal justice system must not fail this test. When our successor committee looks next at this subject we hope that there will be a sound record of action as a result of this Order. (Paragraph 102)

Government also accepts this need:

The Government accepts the Committee's recommendation. The relevant criminal justice authorities will work collectively and individually to ensure that the public have confidence in the legislation (24).

NIAC also made clear the need for transparency in assessing the effectiveness of strategies on hate crime:

We recommend that, once in place, the strategies are assessed objectively, and the results published regularly. This will promote transparency, ensure accountability, and inspire confidence in the groups most vulnerable to hate crime. (Paragraph 77)

NIAC made it clear that part of the problem with this was the danger of a 'disjointed' policy response:

Responsibility in Government for tackling hate crime currently straddles the NIO and the OFMDFM. It is of vital importance that this split between departments does not impair the Government's ability to respond to the challenges presented by hate crime in a unified and focused way. The involvement of many voluntary groups such as the Northern Ireland Victim Support, an organisation which receives core funding from the NIO to deliver services to victims of crime, adds to the complexity of the position, and increases the potential for a disjointed policy response. We look to the Government to demonstrate that these dangers are being avoided, and that the administration is working as one in tackling this problem. (Paragraph 64)

The Government response to the NI Affairs Committee made it very specific commitments on this:

OFMDFM will take the lead in a partnership with the NIO and PSNI to ensure that there is a sustained

focus on combating racism, sectarianism and other hate crime. This will include a media campaign and education programme. It will also ensure that this message is centrally incorporated in the roll out of policy initiatives covering, good relations, racial equality, gender equality, sexual orientation, disability, community safety, neighbourhood renewal and victim support. Providing a rapid response to racist attacks and incidents as well as ensuring the accurate and comprehensive recording and monitoring of hate crime will also be a key focus within this arrangement. Finally, the Government is in no doubt about the scale of the challenge - for it and for the wider civil society in Northern Ireland. It is committed to tackling the problem of hate crime in visible, co-ordinated and more coherent ways: ways that provide confidence within communities throughout Northern Ireland. Others must also play a role. It requires leadership at political, civic and community leadership. We need to go beyond condemnation. That will require resolute action at all levels. (2005: 7)

It is clear, therefore that the British Government places primary responsibility for addressing racist violence with the OFMDFM. This responsibility sits in the Race Equality Unit within the OFMDFM and is given context by the OFMDFM publication *A Race Equality Strategy for Northern Ireland 2005-10* (2005). Some of the disjointed policy responses to racist violence identified in NIAC *should*, therefore, have been resolved by the publication of the RES.¹²

3.8. The Race Equality Strategy for Northern Ireland 2005-10

With its Race Equality Strategy, the OFMDFM presents a framework for addressing racist violence. It also speaks to some of the issues raised by NI Affairs Committee report and the Government response to it:

The statistics for racial incidents show that reports of these incidents and racially motivated crime in Northern Ireland have increased significantly. Reports of racially motivated incidents and crimes rose from 453 in 2003-04 to 813 for 2004-05. These figures present a deeply disturbing picture. There can be little doubt that they represent a substantial real increase in the number of racial incidents and racist attacks in Northern Ireland. In Northern Ireland, as elsewhere, there can also be little doubt that there is substantial underreporting of these incidents. (2005: 18-19)

Aspects of policy on racist violence characterize the EQUAL PROTECTION section of the 'strategic aims' of the Race Equality Strategy:

To combat racism and provide effective protection and redress against racism and racist crime.

Implementation of legislation – Hate Crime legislation; development of a Single Equality Bill

% reduction in racially motivated crime

To determine the scale and nature of racist bullying in schools

To develop measurable targets for reduction in racist bullying in schools

Pro rata level of racially motivated crime. (2005: 67)

The criminal justice system is also specifically identified as a 'priority area' in the Racial Equality Strategy in which the following are identified as key issues:

Mistrust between the police service and minority ethnic communities, particularly Irish Travellers; low levels of prosecution of racially motivated crime; and standards of interpretation within the criminal justice system. (2005: 80-81)

Both the Strategy itself and the Minister of State responsible integrate these measures to make a bold and ambitious claim for the Race Equality Strategy:

This strategy establishes a framework:

To tackle racial inequalities in Northern Ireland and to open up opportunity for all;

To eradicate racism and hate crime; and

Together with A Shared Future, to initiate actions to promote good race relations. (2005: 7, emphasis added)

¹² The NIHR and the IHRC also have a joint mechanism to monitor racism: To date the IHRC has been active on the issue of racism, including: The establishment of a sub committee on racism drawn from its own membership and the members of the Northern Ireland Human Rights Commissions (Equality Authority and NCCRI 2005: 32)

This then is the metre which we must use to measure the ongoing success or otherwise of the state's approach to racist violence. Is it really doing all it can to 'eradicate racism and hate crime'? And are the institutions charged with addressing the problem really working towards this end?

From this perspective, the recent *A Racial Equality Strategy for Northern Ireland 2005 – 2010 First Annual Implementation Action Plan – 2006* (OFMDFM 2006) appears profoundly inadequate in terms of the attention it gives to racist violence. While it develops the 'shared aim' of 'equal protection' as a commitment: 'To combat racism and provide effective protection and redress against racism and racist crime' (2006: 5), the realization of this aim is very problematic. In the Action Plan, a range of statutory bodies detail actions taken in the context of 'equal protection' (OFMDFM 2006: 43-53). While many of these may well be important and useful, they address only tangentially the issue of *racist crime* which has been identified as such an important concern. For example, DARD indicate that their activity in this area is limited to work on the Gangmaster Licensing Act (OFMDFM 2006: 43). While this may well be important, where is the action on racist violence in rural areas and the question of how this interfaces with rural development? These kind of silences pervade the whole approach to racist crime. Only the specified actions of the PSNI and the Northern Ireland Office (Community Safety Unit) speak directly to racist crime (OFMDFM 2006: 50-3).¹³ (These aspects of the Action Plan are detailed in full in Appendix Five.) *If these are the only interventions by Government to operationalize the Race Equality Strategy commitment to 'combat' racist crime and 'provide effective protection and redress against' racist crime, their effectiveness must be monitored very closely indeed.* Moreover, their success or otherwise must be measured against the reality of the endemic racist violence in Northern Ireland which is detailed later in this report.

3.9. PSNI and other parts of the 'new policing arrangements'

As was mentioned above, there is a fair amount of detail on Northern Ireland in the EUMC's *Policing Racist Crime and Violence* (2005). This is indicative of an increased level of activity in the PSNI on racism and diversity and an increased awareness of the need for liaison with minority ethnic groups. This means that it appears that much more is being done than was in the days of the RUC. Especially in comparative context, the EUMC report suggests that the policing of racist crime appears to be well-developed:

In Northern Ireland a Police Minority Liaison Officer is available in every police district to provide advice, assistance and support to every victim of racial incidents. Telephone and face-to-face interpretation services are also available twenty-four hours a day to assist victims. (2005: 24)

In Northern Ireland, training on the response to hate crime, including repeat victimisation, is delivered to all student officers in the Police College. Training that takes account of ACPO policy and guidance is provided to substantive officers by District Trainers. (2005: 31)

In Northern Ireland, following a number of incidents in South Belfast the police leafleted 29,000 homes, with the assistance of a local paper, promoting the reporting of racial incidents and information on incidents through Crime Stoppers. The police have also engaged with local Health Trusts during orientation training for Indian and Filipino nurses to provide assistance, information and to address concerns and fears associated with racial incidents. (2005: 36)

In the UK, ethnic minority communities are involved in police training, with great variation in practice, and in Northern Ireland an Independent Advisory group has been set up to assist the police response to racial incidents. (2005: 38)

The trouble is that, as we shall see, for all this activity, Northern Ireland remains identified as the 'race hate capital of Europe' and black and minority ethnic victims are often profoundly dissatisfied with the policing of their cases. It is clear that there is some appreciation of the need for change on broad issues around racism and policing in the policing sector. For example, the NIPB and OPONI have commissioned the Institute for Conflict Research to 'undertake research on the attitudes towards, and experiences of, the new policing arrangements in Northern Ireland by individuals from the black and minority ethnic (BME) population' resulting in the recent publication *Policing, Accountability and the Black and Minority Ethnic Communities in Northern Ireland* (Radford et al 2006). This research includes some critical analysis of the policing of 'racist incidents' by the PSNI as well as the response of other policing institutions (2006: 79-85).¹⁴ While the commissioning of new research is indicative of some change, however, it doesn't get

¹³ The document also addresses action on 'a multi agency approach to racist incidents' and 'racial harassment' as an apparently separate category to its work on 'racist crime' (OFMDFM 2006: 24)

¹⁴ To date there have been 55 complaints registered from people from black and ethnic minorities. It is noteworthy that OPONI currently has a limited classification for recording and monitoring the ethnic background of complainants that does not cater for the recent European accession states. OPONI is aware of reports from PSNI and the public of increasingly volatile relationships between some sections of the minority ethnic community and the police....

to the heart of the problem. The benchmark of success or otherwise in combating racist violence must be what happens to minority ethnic people 'on the ground'. It is also true, however, that if the PSNI should be doing more, the other parts of the CJSNI appear to be doing nothing at all.

3.10. DPP/PPS.

Of course, the police are only the very first stage of detecting and prosecuting racist crime. However efficient and effective they are as a first line of response, the initial police action must be pursued with vigour through all the later stages of the criminal justice system if a successful prosecution is to be secure. The prosecution service is responsible for taking a case through the court system and trying to secure a conviction and an appropriate remedy for the victim. At one level it is difficult to assess the performance of the DPP/PPS and other elements of the criminal justice system in Northern Ireland since so few of the 'racial crimes' recorded by the PSNI make it through to the stage of prosecution. It is for example important to determine if this failure of cases to move to prosecution denotes failures at the preliminary investigation phase (and to what extent, if any, these are problems that the police can remedy) or inadequacies in the prosecutorial decision making process. This begs the question, is the Public Prosecution Service unwilling to prosecute race hate crimes and, if so, why? Certainly, their performance to date leaves reason for profound concern. For example, the Government made a startling admission in a response to a recent parliamentary question:

Mark Durkan: To ask the Secretary of State for Northern Ireland whether the Public Prosecution Service for Northern Ireland will include in its annual report statistics on the number of (a) reported race crimes, (b) cases prosecuted, (c) cases securing convictions and (d) cases not prosecuted. [24735]

Mr. Hanson: The Government take racially motivated crime very seriously. The Racial Equality Strategy, published on 19 July 2005, sets a framework to allow the Government to tackle the issues of racial inequality in Northern Ireland and to eradicate racism and hate crime. In addition, The Criminal Justice (No. 2) (Northern Ireland) Order 2004 made provisions for increased penalties for offences motivated by hostility towards a person's race. The Public Prosecution Service for Northern Ireland (PPS) is currently in the process of developing a recording and monitoring mechanism in cases where, in the judgment of a Public Prosecutor, there was a racial motivation behind offences. Statistics will however not be available for the 2005–06 PPS Annual Report. (Hansard 10 Nov 2005 : Column 761W)

This was confirmed by a further question on 'Racial Hostility Offences':

Mark Durkan: To ask the Secretary of State for Northern Ireland how many penalties for offences motivated by hostility towards a person's race have been increased since the Criminal Justice (No. 2) (Northern Ireland) Order 2004 made provisions for increased penalties. [53357]

Mr. Hanson: The information is currently not systematically recorded as requested. Court sentences are logged as substantively as finally pronounced in court without the impact of all of the aggravating and mitigating factors that may have had a bearing on individual disposals. However, the Government will be working with enforcement and prosecution authorities to explore how a mechanism could be put in place to collect this information. (Hansard 1 Mar 2006 : Column 781W)

How can it be that over ten years after the police introducing a working definition of a 'racist crime', the next link in the chain in bringing a case before the courts has no such definition? How is it possible that the Government is still looking for a 'mechanism' when, as we have seen, such a mechanism has been in place in England and Wales for years? This failure to act is even less acceptable now that legislation has been passed making racial motivation an aggravating factor that the courts must bear in mind in sentencing. This legislation is over a year old, and yet the courts will be unable to comply with their new duties, if the PPS does not ensure the gathering of evidence and produce this before the judge. The PPS thus has presently no mechanism for establishing 'racial motivation' in Northern Ireland. This is over a year after legislation was passed to recognise 'racial aggravation'. This is confirmed in correspondence with the PPS:

While OPONI has clearly conducted some outreach work by talking to minority organisations about their services, it acknowledges that there needs to be more emphasis on reaching these groups. It would appear that even very basic training provision for OPONI staff in relation to issues around minority ethnicity and racism are recognised by employees of the organisation as not yet satisfactory. OPONI's Director of Investigations said that training for staff was a key issue, in particular in relation to the high profile 'hate crime' has in the print and broadcast media. (2006: 35-6)

I can inform you that no specific policies exist on [policies and practices within the PPS on Racist Violence], however, the following may be of relevance to you: 1) Recent legislation provides for increased sentencing if an incident is deemed to have been racially motivated. 2) Section 75 of the Northern Ireland Act promotes equality and good relations. 3) Prior to the establishment of the Public Prosecution Service and in those areas where the prosecution role has not been taken over by the PPS the Police refer to the PPS any offences arising out of or relating to incidents of a political, sectarian, racial or subversive nature or arising from trade disputes. (Research correspondence 19/01/2006)

No explanation is given as to why there are no specific policies in this area. The recent legislation referred to should require the PPS to have developed appropriate policies. The PPS also refers to its duty to promote equality of opportunity under Section 75 of the Northern Ireland Act which dates from 1998 and the long-standing practice of the PPS being made aware of 'racial incidents'. There is, however, no indication of when relevant data will be routinely put into the public domain by way of its annual report. The Criminal Justice Review recommended in 2000 that the PPS issue annual reports as one way in which to bring more public transparency to bear on the office's work but there seems to have been extensive delay in giving expression to this proposal. This lack of activity is even more alarming when looked at in comparative context with the RIMS system which is operated by the CPS in Britain. This has acted as a spur to the police in encouraging reporting, appropriate recording and prosecution of crimes involving racist violence. There appears to be no obvious excuse for the PPS not to operate such a system in the Northern Ireland context where racist violence has been the cause of so much recent concern. As it stands the PPS already recognises racism as a 'Public Interest Consideration' for prosecution:

vii. Where the offence was motivated by hostility against a person because of their race, ethnicity, sexual orientation, disability, religion, political beliefs, age or the like;

The PPS also provides a list of reasons for *not* prosecuting but none of these appear to offer any reason for not prosecuting cases of racist violence.

3.11. Conclusions

We find therefore a fair amount of interest and activity around racist violence in Northern Ireland. We find racist violence specifically addressed by the Race Equality Strategy but also questions as to how the commitment to 'combat' racist crime is operationalized in the RES Implementation Action Plan (OFMDFM 2006). The fact of *any* specific statutory activity on racist violence contrasts starkly with the absence of almost any interest or activity even ten years ago. At one level of course this merely reflects the widespread concern about the increase in the incidence of racist violence. But in the NIAC report, we also find a level of statutory criticism of PSNI and CJSNI performance on the issue which is unusual in its severity. We might expect therefore to find some issues in terms of the way in which racist violence is policed or 'combated', 'prevented' and 'redressed' as the RES has it. The main concern of this research was to investigate this empirically – to examine and record the minority ethnic experience of racist violence in Northern Ireland and, more particularly, to critically assess the response of the whole CJSNI to that racist violence.

4. The Experience of Racist Violence by Minority Ethnic people in Northern Ireland

4.1. The NICEM Statements

Since its inception, NICEM has been recording incidents of racist violence in Northern Ireland. This process has been formalized over recent years with the development of the *Racial Harassment Support and Advocacy Project* which started in August 2002. This is a unique project since there is very little examination of the experience of racist violence by minority ethnic people in the 'race hate capital of Europe' - despite all the discussion around racist violence and all the research detailed above. These statements therefore provide an invaluable insight into the reality of racist violence. They were taken in formal legal context by NICEM staff, often with the use of interpreters. They are used here with the consent of victims of racist violence. Some of these statements are quite long but it is inappropriate to break the integrity of the testimony in many cases. We have carefully protected identities and have probably erred on the side of caution in terms of disguising identity and location. This approach disrupts the statements on occasion but it is obviously preferable to risking putting the people at further risk or compromising ongoing criminal investigations or legal action.

4.2. The Demography of the Victims of Racist Violence

It bears emphasis that these individuals are 'self-selecting' in the sense that they have approached NICEM for support because they have experienced racist violence in some form. Nevertheless the detailed statistical analysis of these groups of people that NICEM recording allows provides an important breakdown in terms of key criteria like ethnicity, gender, the nature of the incident and so on. The full list of variable is:

Referred By; Minor; Location; Marital Status; Dependents; Disability; Ethnicity; Country of Origin; Nationality; Status; Employment; Status; Religious Identity; Sexual Orientation; Gender; Nature of Incident; Reported to Police; Additional Harassment Experiences.

This allows NICEM to generate a detailed profile of victims of racist violence although this should obviously not be placed in the public domain since it might well compromise the anonymity of victims. While this database is based on self-referral and does not claim to be either a census or a structured sample of all those people who have experienced racist violence in Northern Ireland, it still provides important demographic information on victims. It begins to provide baseline data illustrating patterns and tendencies within the experience of racist violence.

The database includes some 160 individual cases of people who have reported to NICEM with some experience of racist violence which they are seeking support to address in some way. Most of these are self-referred although some have been referred to NICEM by political parties or by agencies in the statutory or voluntary sector. The overwhelming majority are adults although a small number are minors - around half of the people also identify as having dependents. Most are from Belfast (and most of these are from South Belfast) although many are from other parts of Northern Ireland. Most are people of colour from backgrounds that include 'Africa', 'Asian' and 'Chinese' although some identify as 'white'; the overwhelming majority identify their national origin as outside of the UK or Ireland. In terms of status, the group divides fairly evenly in three - citizens, migrant workers and asylum seekers; in terms of employment, most are in full-time employment but some are unemployed and some are unable to work given their status. The groups break down fairly evenly in terms of men and women. Around three quarters of the group had reported the experience of racist violence to the PSNI before reporting to NICEM and most had experience further racist violence after the first incident recorded.

4.3. The Experience of Racist Violence

Our analysis has provided some sense of the general context for understanding racist violence. However, the visceral reality of this violence is brought home in the NICEM statements. These speak powerfully to the terrible reality of what it means to live in the 'race hate capital of Europe'. Their testimony provides a chilling sense of this reality with dignity and courage in a way that no secondary analysis can. For some people, racist violence is their *first* experience of Northern Ireland:

Arrived into Belfast last night by boat around 8:30 pm. After I got off the boat, I walked into the city centre. I found a bench on which to rest and I fell asleep, I am not sure where this is located. As it was still bright outside I did not think I would be in any danger. When I woke up it was dark outside and three

drunken males approached me, looking to be 20-30 years in age. One of them kicked me in the side very hard and I fell off the bench I was sleeping on. After this, another of the group slapped me across the face and the third male found a bottle in the rubbish bin and struck me in the arm with it. After they had attacked me physically the men started shouting at me and laughing, I could not understand what they were saying as I do not speak any English.¹⁵

Other families who have specifically chosen to come to Northern Ireland have had horrific experiences of racist violence:

*A*fter we were put out of our house in a racist arson attack, our landlord phoned the police and they said that there was no home for us to go to. It had been suggested by the police that my husband stay in the house and that they would find accommodation for the children and me. I felt traumatized and I didn't want to be separated from my husband. The police asked us to go to the police station the next day to get a letter from them to give to the Housing Executive. Our landlord vacuumed our car out and covered over the back window. We stayed in our car that night and we hardly slept. The next morning we went to the police station and after about an hour they gave us a letter to give to the Housing Executive. We went straight from the Housing Executive to the police station and they said that they had a house for us but that it would not be ready for us until later that day. We then went to Craigavon Area hospital. [The children] were both struggling with their breathing and we were all coughing. Since everything happened [my daughter] has been very clingy and upset. We are all still very traumatised by what happened and my husband has not worked since. He is afraid to leave me alone in the house. My husband and I lived in England before living in Northern Ireland and we moved to Northern Ireland because we felt tensions rising towards Moslems in England after September 11th. All we want to do is settle somewhere and have some peace and quiet.

Experiences like this are repeated time and again in the NICEM statements. The initial trauma of an experience of racist violence is compounded by the inappropriateness of the institutional response to that violence. As we read through the statements, there is shocking insight into how routine racist harassment has become for some families:

I have been living at [address given] since August 1995 with my husband and my five children. Very soon after we moved into our house the contents of my husband's van, which had been parked outside our house, were stolen by a group of five men who were wearing balaclavas. The wheelie bin has been stolen also several times. Numerous times we have had the windows broken in our house by young people who have also shouted racist abuse at us. Fireworks have been pushed through our letterbox. In late [date given] three men who had been drinking alcohol in the alleyway at the back of our house physically assaulted me as I was putting out our wheelie bin. My daughters [2 names given] were physically attacked by a group of boys who took their bicycle and threw it over a wall. My daughters are now afraid to leave the house and they wet the bed at night. On one occasion a group of three young men who were wearing balaclavas kicked in our front door. They made their way into our front door. We were screaming hysterically. Fortunately they left without further incident. In mid-May I was at the park with my two children, [2 names given]. I was sitting on a swing watching the children as they played when two men around 18 years of age pushed me off the swing onto the ground and hurled racist verbal abuse at me. My lower back was bruised and I suffered a muscular type injury as a result of the fall having been pushed. I reported most of these incidents to [two named] Police Stations.

Another common characteristic of the racist violence captured in these statements is the arbitrariness of it:

*O*n [date given], I had been looking for [a named] Church. I was going to attend a function there but when I could not find the place, I then decided to go to the Asian Supermarket. I was walking along Botanic Avenue having come from the Asian Supermarket and at about 6.00pm, I suddenly felt a blow to the back of my head and I was thrown forward with the impact of the bar on the back of my head. I looked around and I saw two young men. They were both in their twenties. They were both thin with medium length hair. One had reddish brown hair and they were about 5'6" or 5'7" in height. One of the men was wearing a blue coloured jumper. I believe that I would be able to identify them if I happened to see them again....I have been very nervous since the attack on me as the attack was unprovoked and I did not know my attackers. I am afraid that I will be attacked again.

¹⁵ This statement was given through an Arabic interpreter. All of the NICEM statements are written up in English but many use the NICEM interpretation service to facilitate accurate recording.

4.4. Location of racist violence

The NICEM work makes it clear that attacks take place right across Northern Ireland. While Belfast carries the unenviable reputation of 'the most racist city in the world', there are examples of racist violence across the north. Thus we find examples in Dungannon:

At about 4.30 am ... I could hear the letterbox being opened and closed repeatedly. I went downstairs and opened the front door. I saw two men.... Both were carrying weapons. One was wielding a wooden stick that resembled a baseball bat and the other was wielding a metal bar resembling a crow bar. The man with the metal bar ran to the front door of my house. I thought that he looked as though he were waiting to attack whoever would come from the house. The other man came running towards me with a wooden stick. All the while, one of the men was kicking me and the other man was beating me with the baseball bat and kicking me. The man with the wooden stick also started to beat me with the stick. This continued for about two minutes and as they were kicking and beating me, I was constantly trying to shield my head from blows and I was thinking that if I didn't stand up that they could kill me or at least very seriously injure me. I was thinking one severe blow in the wrong place could kill me. I screamed and as I screamed, I managed to get hold of the baseball bat. I was still lying on the ground and I swung the baseball bat awkwardly and then managed to gather the strength to get myself off the ground. The two unarmed men then stepped back and the man with the wooden stick continued to hit me but I managed to evade his blows and then I grabbed hold of his stick. The three men who had been attacking me started to run.... We then went back into the house and I phoned 999 and I explained to the person at the other end of the line what had happened. This man did not understand me at first and he then asked me my name and address, which I gave him. He then asked me, "where is that?" I did not know how to describe where I lived so I said, "I don't know. Dungannon is Dungannon". At that, the man said that he would contact Dungannon Police and he hung up. We waited for the police and they did not come.

Antrim:

My husband [name given] and I moved into [address given] Antrim, on [date given] 2003. We were living in the house less than a month when at the end of August my husband was going to the local Mace shop and a group of local youths started to chant racist verbal abuse at my husband including "Blacky". My husband just ignored them. At first my husband and I were bemused, as we had never been called racist names before. A week after that early in September my husband and I were going for a walk in the area when some local youths shouted racist abuse at us. Moreover one of the youths deliberately hit my husband on his back with a ball. After having hit my husband on the back with the ball the boy who threw the ball came over and apologized to us but as we were walking away the group started to shout racist verbal abuse and laugh at us. Several times since then when my husband has been walking to the local Mace shop youths have shouted racist verbal abuse at my husband and hit him with footballs. My husband and I never walk through our estate as we always get taxis to and from work or wherever we are going. One evening in September on returning home from work as I getting out of the taxi and I was travelling in and walking to my front door someone threw a stone at me but missed and hit the front door instead.... After the stone-throwing incident I am very nervous especially whenever I am in the house on my own. I am afraid that someone would attack me. I am sixteen weeks pregnant now and our experiences are negatively impacting on my pregnancy. I don't believe that I can remain in the house or in [the area] for much longer.

Newry:

I work as a part-time taxi driver and on [date and time given] I was called to pick up a fare, [name given], at [address given] in Newry. [He picked up three named men] As we were not waiting for anybody and after about five to ten minutes at about 12.55 am I said, "Gentlemen let us go." It was at that point they became racially verbally abusive towards me. One of the men said to me, "You black bastard, where do you think you are coming from? This is Ireland. I fucking asked you to wait and you have to wait." I then said, "You have no right to talk to me like that. To this I got the response, "who do you fucking think you are talking to? Just drive the car now. [He was forced to drive to an address and severely beaten]. After some time a woman called [name given] came out of her house and it was at this point that the men attacking me and my car ran off. This woman told me that she had called the police but the police did not come to the scene. A man also witnessed the attack on me but he said that he would not give a statement as he was afraid of reprisals. He recognised [name given] as one of my attackers. After my attackers had run away I called the taxi radio operator and she phoned the police. I was now about 2.00am. I phoned the police and they said that they couldn't come out and that I should make my own way to the police station. I then went to the police station with [the woman who had observed the assault]. I was in a state

of shock and I arrived at the police station at about 2.25am. On getting to the police station we waited for almost an hour before we were interviewed. The police took statements from both [the woman] and me and we were then told to go home and that someone would contact me later that day. Nobody contacted me and the following day my wife [name given] phoned the police. I was asked to come into the police station again which I did. I saw a P.C. [name given] who gave me a personal alarm and some information on personal safety.... The police have recently contacted me and have told me that they are not going to press charges against my attackers as they have only one independent witness who is willing to testify and they say that they require two for a successful prosecution.

Bangor:

A young man I now know to be called [name given] accused me of breaking the [his] window. I said to him that I didn't do it. Then they started to verbally abuse me calling me, "Paki Bastard". They said to me, "Paki done twin towers" They started to attack me physically punching me to the ground and then kicking me all over my body. One of the young men had a knife and tried to stab me but I managed to get hold of the knife and as I got hold of it, it cut into my hands. I know the young man who had the knife as [name given]. My wife saw the attack as it was taking place. She was standing in the hallway. My wife was shouting to my son to phone the police and my son said that he couldn't get through. My wife then tried to phone for the police. The phone is upstairs in the house and as my wife was running up the stairs the young men threw two bottles and a candle at her. Something hit my wife on the shoulder. The young men then poured a bottle of alcohol over me and were trying to find a lighter. They were trying to set me alight. I managed to get through the front door into the porch of my house and I was trying to close the door. My wife was also trying to push the door closed at this stage. The young men were pushing against the door. There were five young men at this stage. My son brought me a small shovel to protect myself. The young men managed to push their way into the porch and they took the shovel from me and one of them hit me on the head with the shovel. That is the last thing that I remember. The next thing I remember is waking up in the Ulster Hospital in Dundonald several hours later.

So, the statements confirm that racist violence is commonplace across Northern Ireland. In terms of the sociological character of the location, most of the incidents occurred in Loyalist working class areas. But it is clear that racist violence occurs in other areas as well:

Youths in the area were calling me names such as "Paki Whore". This situation has been ongoing for several years. Things escalated in June of this year. I was experiencing constant problems with the children kicking a football against my house and banging the ball against my walls. One day in June I came out of my house and asked them to stop. I was then hit by the football. I took the football and brought it into my house. The children continued to harass me and I punctured their ball in sheer frustration. Later that day one of the father of one of the boys came around to the house and told me to get out of my house and go back to where I had come from and that I wasn't welcome. I felt very threatened by him. He called me "Specky Paki Bitch" Every other word was Paki. There were about 16 children varying in age from 10 to 16 years and they were all gathered around and they were also shouting abuse at me. I now know that man to be [name given]. There is no paramilitary involvement. I went to the police and to the SF office. They went to [name given] and spoke to him. I also was speaking to [name given] ... a Youth worker from the New Lodge. She spoke with the children and asked them to stop calling me names. It hasn't been as bad since then but it is still going on. My mother hasn't been to my house in two years. She has a disability and feels that she can't visit me. She doesn't feel safe. I don't allow my daughter [name given] who is nine to play outside. The one day I did let her play outside she was called a paki whore. I am a single mother and I feel that is another reason why I am being targeted. On 19 July I was threatened that I would be burned out of my home. "Paki, you are going to be burned out." I know the young people by sight and most of them don't live in my immediate area.

Thus, while the statements confirm that we can identify a specific problem in Belfast and in Loyalist working class communities, they also remind us that racist violence affects communities right across Northern Ireland.

4.5. Where and when does racist violence happen?

While one of the most frightening aspects of racist violence in Northern Ireland is that it can take place anywhere at any time. Alongside this dimension of racist violence, however, there are clearly patterns of attack. These can be quite distinctive in context. Broadly, people are attacked in their homes, in their place of work and when they are socialising. They are also attacked while travelling to and from these places. In all of these locations, racist violence is much more likely to occur at night rather than during the

day. Alcohol is clearly an aggravating factor in many cases. The NICEM statements provide examples of each of these. Attacks at home are perhaps the most traumatic of all since they occur in the place in which people might expect to feel most secure:

Most of the time it happens during the night. Someone throws a bottle at the window or bangs on the door. By the time I come to the door they are gone away but I can tell by the voices whether they are children or adults. We can't sleep. They tell us go back from where we come from. Sometimes we are sitting in the sitting room and we are afraid that they will throw something through the window. We are afraid of something happening. It started since we came here but in the last couple of months it has got worse. They kicked the door at the beginning but now they throw bottles. We are afraid for our child (9 months) that something worse will happen. It is constant. We are afraid to go to the police and we thought it be better to speak to [NICEM] first to see if you could help us. We are reluctant to approach the police for fear of reprisals. We are not aware of problems with others in the area and we would not discuss any other people details without getting their permission. Our landlord is not very supportive.

I do not feel that it is safe for my family and I to continue to live where we are living presently and I am fearful for our personal safety especially our children as the experiences we are having are affecting their ability to concentrate on their school work and they do not feel that it is safe for them to be out on their own regardless of the time of day.

Attacks at work are less common, but people are often attacked travelling to and from work. There are also other attacks while travelling:

I was walking city bound along the Lisburn Road returning from the 24 hour petrol station near the police station. I saw a large crowd of people outside [name given] pub.... I heard someone shout "Paki" and I walked on. Suddenly I felt something hard hit the back of my head. It was a bottle. I wanted to run away but a large group of people crowded around me. The next thing I remember was waking up at around 6 am in the Royal Victoria Hospital. I was confused and in a lot of pain. I could not remember what happened after the group of people had crowded around me. My face felt disjointed and very swollen and one of my teeth was broken. The back of my head also felt particularly sore and it was wet with blood. I was in shock. I spoke with the doctors and they told me that I had been brought to hospital by ambulance. I left the hospital and shortly afterwards as I was leaving the hospital the police picked me up and they brought me home. They asked me to get in contact with the police at Lisburn Road Police Station. For the next number of days I stayed in my flat without leaving. I was afraid to leave until a friend called at my flat and insisted that I would go to hospital with him. He brought me to Belfast City Hospital and they x-rayed my jaw, which was broken. I was still in a lot of pain and my jaw was still very swollen.

Everyday my entire family and I face racist verbal abuse from youths living in the [named] Road area and users of the park across the road from where we live. I do not feel that it is safe for me to drive through certain areas near where I live as previously when I have driven through those areas I have been met with nasty looks and racist verbal abuse as well as threatening gestures.

Attacks while socialising are also less common than attacks on the home but they can also have devastating consequences:

The first two times I ignored him and the third time he said to us, "Look I told you, the people in here don't like Muslims." I said to him, "Please, we don't want to talk anymore. Leave us alone." He then agreed that he would leave us alone but before he did he took hold of my hand and squeezed it very tightly. At this stage I was just getting up to leave and I was telling Mohammed that I was going to go when the man turned around and stabbed me in my chest puncturing my right lung. He then pulled back from me immediately and I saw a knife in his hand. I was in severe pain and there was blood on my shirt coming from the wound on my chest. The man who had stabbed me just stood looking at me. I then went to the security guards on the front door for assistance. Mohammed had not seen the man stab me. I was talking with the security guard on the door and as I was telling him what had happened the man who stabbed me tried to leave the bar. The doorman then blocked his exit by closing the door and I was locked outside. I was bleeding heavily by this stage and I crossed the road to Lavery's Bar. I handed my mobile phone to the security guard on the door and asked him to phone for the police and an ambulance.... In hospital I discovered that my lung had been punctured and that it is now permanently damaged. I still have quite severe pain in my chest especially when I cough. Since the attack I have experienced difficulty sleeping especially on my right hand side. I have difficulty lifting heavy items with my right arm. If I exert myself I experience pain and difficulty breathing. I also experience difficulty breathing in smoky atmospheres. I have had a number of nightmares relating to the attack and feel very scared when out on my own. I also feel very vulnerable and am suspicious of people I don't know. I have found it difficult to concentrate and

have been feeling very emotional since the attack.... The police have now told me that the person who attacked me has escaped from their custody and the police have warned me to be on my guard in case he tries to come and find me. I feel very scared especially as I live alone.

Put in the context of the reality that people can be attacked in their homes, in their workplace and while they are socialising – as well as on their way to and from any of these places – we begin to see how racist violence and the threat of racist violence can structure every aspect of people's lives in Northern Ireland.

4.6. Why does racist violence happen?

The question of why racist violence happens is, of course, a very difficult one. There are no easy answers to this. Again, however, we can see certain themes and patterns. Sometimes the motivation of the perpetrators is difficult to fathom but quite often racist violence occurs in a broader context. Thus we see it happening in terms of organised politicised racism where political parties or paramilitary organisations mobilise racist violence for some end; we see it happening with 'everyday racism' where commonly-held racist ideas are mobilised in particular situations. (For example, many householders may feel harassed by groups of young people congregating outside their houses but this harassment takes on a different dimension when the young people engage in routine racist abuse.) We see racist violence mobilised specifically against minority ethnic businesses and minority ethnic workers – this is specifically problematic in terms of the demand for 'protection money'. Sometimes the racism involved in the violence is intuited; while sometimes, of course, the racism is very clearly articulated:

I was walking home along Donegall Road when I saw a group of young men and women. There were about six men and two women. One of the young men from the group approached me and asked me where I was from. I initially didn't think anything of the question. However, before I had the chance to answer the question another young man in the group punched me on my left cheek. I was shocked and looked around hoping for help. Suddenly all the young men were attacking me and racially verbally abusing me. I had been wearing glasses and during the attack someone pulled my glasses from my face. Someone also took my mobile phone and my wallet with £80.00 in cash in it. I was pushed to the ground and kicked all over my body including my head and face. I was trying to shield my face with my hands but they kicked me in the face and pushed their feet into my head leaving the imprints from their footwear on my forehead and head. They kicked me all over my head, face, shoulders, torso and thighs. They broke one of my front top teeth and loosed two teeth at the back of my mouth on the left hand side. I had blood running from my mouth and nose. They lacerated the right hand side of my forehead. After several minutes my attackers left me lying on the ground shocked and confused. One of the young women asked me if I was ok but all I could think was that I had done nothing to them and it wasn't my fault. She walked away. After a few minutes passed I managed to get up from the ground. I could hardly see without my glasses but I managed to see my empty wallet on the ground. My mobile phone and money were nowhere to be seen. I looked around to see if there was any police or other people who would help me. I saw some people but they just walked passed me. I was covered in blood.... I think that now I would only be able to recognise one of my attackers; that is the man who asked me where I was from. I believe that the incident was racially motivated because I was asked where I was from and because my attackers racially verbally abused me.... We were aware that there had been a number of racist incidents in the Donegall Road area but we thought that we would be ok. However this is the second racist incident against me and I no longer feel safe where I live.

At other times a clear 'racist motivation' is harder to identify:

After about ten minutes in [a cinema complex] at about 9.15pm a man who appeared to be in his early thirties with very light red hair, about 5'4" in height and of medium build approached me and said something to me which I couldn't make out. Immediately a second man hit me on the head with a golf club. The first man then started to punch me repeatedly in the face while the second man hit me repeatedly on my back, head and shoulders with the golf club. I fell to the ground and a third man, who I cannot give a description for but who was with the other two men, started to kick me on my back as I was lying facing the ground. I was at this stage asking my attackers to leave me alone. I then saw the second man who was wielding the golf club. He continued to hit me with the golf club on my arms and back. He appeared to be in his late twenties wearing a bandana and was about 5'10" in height and of slim build. In the meantime my cousin, [name given], who had been playing the arcade game was also approached by a fourth man with the group who swung a golf club at him. My cousin ran away and the same man started to chase him. My head and face were covered in blood when a man who wasn't part of that group approached and helped me to sit up. I don't know who that man was but he got a towel and applied pressure to my head to limit the bleeding. I think it was by that stage that someone had phoned for the police and

my attackers had just left. Neither my cousin nor I did anything to provoke attack. I do not know our attackers. I had neither seen nor spoken to them before and the first time I ever recall seeing them was when they were attacking us. Given that our attackers were carrying golf clubs in an Amusement Arcade I think that the attack was premeditated. Also I think that the attack may have been racially motivated.

It bears emphasis here that this is precisely why the broad notion of 'racist incidents' was given currency. The difficult issue of subjective judgements concerning 'racial motivation' *should* have been resolved by the Lawrence Inquiry definition mentioned above. If the victims or anyone else think that the incident is racist then it must be treated as such by PSNI and other relevant agencies.

Sometimes racist violence is accompanied by other dynamics like sectarianism. Sexism can also be a dimension:

I was walking from my house in [address given] at [date and time given] when I suddenly felt someone pulling my handbag violently from my left shoulder. I was also holding on to the strap of my handbag with my left hand. I grasped a tight hold of my bag and I turned to see a man about 6 feet in height with dark blonde hair and wearing a sleeper style earring in his left ear. He was also wearing a black hooded jacket and blue jeans. When I turned, I tried to defend myself and then the man said to me, "I want £150.00 from you for protection and if I think of getting the police involved you will be sorry. Wherever you go in Belfast I will find you." At this point, the man was still pulling at my handbag and I slapped him in the face with my right hand. At this, the man turned and ran down [address given]. I had seen this man on two previous occasions. On the first occasion on [date given], I was pushing my son outside the Europa Hotel on Great Victoria Street when the same man pulled at my clothes and called me "Black bitch" The man then kicked me in my left side and the next day I found blood in my urine and in my stool. On the second occasion on [date and time given], the man approached me on [place given] and I recognised him from Great Victoria Street and that was the first time he demanded protection money from me to be paid every Friday. He said that he knew that I loved my child and would not want anything to happen him. He also said that wherever he went in Belfast he would find me and what would the police care if he hurt a black bitch. I am now afraid to return to my house.

There is also clear evidence of paramilitary involvement in a number of cases, particularly involving the UVF and the UYM:

I knew that [my partner] had been experiencing racist attacks but I somehow thought that with me being white and being there that nothing would have happened. Graffiti including UYM and C18 had previously been daubed over the house. The first racist incident that I experienced was at the house when somebody threw a red brick through the sitting room window. It was morning time and before the brick had been thrown through the window, I had seen a group of young people in their late teens hanging around outside the house. They dispersed after the window had been broken.... I also phoned the police and reported the attack. They never responded to my call. Initially after the attack, I was very nervous but I was trying to reason to myself that everybody gets his or her windows broken at some time. Then later that day I was thinking about it again and I was thinking that the person who through the brick at the house was one of the young people hanging around outside the house and they were not children. Then I was thinking a brick had been thrown through the window. [My child] and I were in the sitting room at the time the brick had been thrown threw the window. [She] ran behind the sofa. There was broken glass and the brick on the sitting room floor. I was thinking that had the brick hit [my child] or me that it would have been very serious. Later I still had not heard anything back from the police and I was thinking to myself that maybe they did not think it was serious enough to respond to and I thought we just had to get on with it.

On [date given] at 12.30 am my husband and I were asleep in bed when I was woken up when I heard footsteps in our front garden and I then heard a man shouting, "Move out". I ignored this and just tried to go back asleep. The next morning as my husband was going out to work at 8.30am he saw UVF A3 sized posters warning against anti-social behaviour. The posters were glued to my sitting room window and front door. I immediately went to my neighbours and asked them if they had seen anything and I then called the police. I then removed the posters. The police came to the house shortly after 9.00am and I gave them one of the posters and retained one of the posters. I told them what I had heard early that morning and I told them that I had previously complained to the Council about my neighbour, [name and address given] and that I felt that the posters had been attached to my house because of the complaint I had made. Another neighbour called [name given] who previously lived at [address given] later told us that the posters had in fact been put up because of the complaint... One of the police officers, [name given] advised me to contact the community team and they said that there was going to be a clinic at [address given] the following Saturday. I attended the police surgery as advised and I spoke with [name given] and

he said that he would get in contact with another officer, [name given] and ask him to phone me. I never heard anything further from either [officer]. I did receive a letter from the Minorities Liaison Officer; [name given] dated [date given] inviting us to contact him. When the police officers visited my home after my initial report, I asked if fingerprints could be obtained from the poster and when they took the poster with them, I assumed that this would be done. Later I learned that the posters were issued by the UVF and this worried me greatly. After the letter from [name given] there was no further follow – up and at the time I was not issued with a command and control serial number. At the time, I did not think that the incident was racially motivated. However, I do believe now that there was a racist element to the poster attack. After the incident, my neighbours told me that they were aware that the police were patrolling the area more frequently and I was relieved to hear that that was happening.

Theft is another causal factor – here it is often believed to be racially aggravated. There is a complex of dynamics at play. Minority ethnic businesses may be targeted because they are perceived to be more vulnerable or less protection or because they offer a combination of racist harassment and theft. Certainly, the victims are often convinced of the racist dynamic with these crimes:

November 2002 can't remember the exact date – I was doing a delivery when some people jumped me. They were wearing balaclavas. The food was ordered to a certain address. Anyone carrying cash is vulnerable but Asians are being specifically targeted. I have to pay the mortgage and can't remain in my place of work. I have a British passport so I can work anywhere. I normally work as a Chef. That is what I know. I have looked at the different options. My wife, [name given], is going to go over to England with our child.

As I was cleaning up I heard a loud noise from the front of the takeaway. It sounded as if someone was kicking the front door. I went to the front door and opened it. I saw two young men standing at the door. One of the young men was quite short less than 5' and the second was tall, over 6'. It was clear that they had been kicking at the door and I immediately asked them, "Why are you kicking at the door?" I had stepped out onto the footpath at this stage and the taller man stepped towards me and started racially verbally abusing me calling me such things as, "Black Paki, foreigner, Osama" and telling me to go back to where I came from. Then the taller man punched me on the left eye and knocked me to the ground. Both men then proceeded to kick me on my head and back as I was lying on the ground. I was trying to shield my face and head with my hands and arms. I suddenly thought that they could kill me and I managed to get up off the ground and back into the shop. My brother then locked the front door. During the attack there were a number of witnesses including taxi drivers from [name given] Cabs and a visibly pregnant woman who, I think, is related to my taller attacker. As soon as I managed to get back into the takeaway, I phoned for the police. Two male police officers arrived in minutes. My two attackers were still outside my takeaway kicking and punching my front door. As the police were arriving I saw the smaller man run away and the visibly pregnant woman who was with the taller man was trying to get him to leave as well. The police arrested the taller man and brought him to the Mater Hospital as his hand was injured from punching the door of my takeaway. My brother and I gave statements to the two police officers. I then went to the Mater Hospital where I was x-rayed and given advice and treatment for my injuries, which consisted of extensive bruising and soft tissue damage. The second racist incident took place shortly after I arrived at the Mater Hospital where my attacker, who was attending at the hospital for treatment in respect of the injuries to his hand, confronted me again. This time my attacker taunted me with racist abuse and threatened to burn me out. I want these incidents to be recorded as racist incidents and I want the police to prepare prosecution files in respect of these incidents to be passed to the Director of Public Prosecutions.

Three young men attacked us and they were shouting racist abuse at us. One of the three young men who were attacking my husband, the one who had punched my husband then referred to the robbery in our shop on [date given]. He said that he committed the robbery and that the next time he would burn us out. At this stage the other two young men who had been attacking me cupped his mouth and pulled him away. These three young men were part of a bigger group of about sixteen young men. It was clear that the young men were intoxicated. Immediately after the attack, we called the police. They did not come to the scene until 8.00pm almost two hours later. The young men who attacked me were no longer in the immediate vicinity but [my husband] was convinced that he could locate and identify the attackers for the police. He said to the police that he would be willing to get into the police car and drive around the area in an effort to locate and identify our attackers. The police refused. They said that they were unwilling to do this. I feel that the delay in attending the scene of the incident and that refusal to allow [my husband] to assist them in locating our attackers meant that the police neither apprehended nor prosecuted any of our attackers who also claimed to have been our robbers from the weeks before. I believe that the people who attacked us were involved in the robbery. The police made no effort to either apprehend or to

seriously investigate the attack on my husband and me. Moreover, no effort was made to investigate the possibility of a link between the attack and the robbery. [My husband] remains confident that he could still identify our attackers who we understand to be from the Rathcoole Estate. We were disappointed by the refusal of the police to consider trying to locate our attackers with the assistance of my husband and we stated our dissatisfaction to the police. We spoke directly with an Inspector [name given] who agreed that there had been a failure on their part when they did not agree to trying to locate our attackers and he agreed that it was appropriate to initiate disciplinary procedures against the officer who refused. We never heard anything after that time as to what had happened with regards to either the investigation or the disciplinary procedures. However, we felt at that time that our reports were not being taken seriously.

Sometimes the dynamics of paramilitarism and theft come together in the demand for ‘protection money’:

On [date and time given] I was in my takeaway shop called [name and address given] when two men, who appeared to be in their mid twenties, entered my takeaway brandishing batons.... They demanded that I would give them £100.00. I refused saying that I did not have the money. The two men said that they were from the Shankill and they threatened to get their mates and to “wreck” my shop. The threats continued for about ten minutes. When I said that I was going to call the police the attackers eventually left.... While the attackers did not use any racist verbal abuse I believe the attack was still racially motivated as we are in a minority in that area.

In other instances of robbery, there is no explicit evidence of ‘racial aggravation’ but the victims may feel that PSNI complacency can best be explained in terms of institutional racism:

The car that they had abandoned had not only the items that the young women had purchased but also the knife used in the attack and a registration booklet for another car. The police stopped the robbers and asked them for their details but they neither cautioned them nor arrested them for questioning even though their description fitted exactly. We gave the police the CCTV video for identification purposes. Later that evening we discovered that apart from the money that had been robbed that our mobile phones were also robbed. We contacted the police immediately and we notified our telephone network provider. Two months have elapsed since that robbery and the police in Glengormley have since informed us that the quality of CCTV video was such that they would not be able use it to identify the robbers. We do not accept this to be the case. The police have also informed us that the young woman has a long list of previous similar convictions. I am confident that I would be able to identify the robbers and my husband is confident that he would be able to identify the young women who came into the shop three times in the space of the hour before the robbery. I am unhappy with the failure on the part of the police to seriously investigate this robbery. There was substantial evidence available to the police that would allow for a successful prosecution by the DPP.

To sum up, then, on the difficult issue of ‘why’ racist attacks happen: first, it bears emphasis that these are complex, multidimensional phenomena that eschew simplistic analysis; second, post-Lawrence Inquiry the issue of ‘motivation’ should not be a defining concern to the police – if anyone thinks that an incident involves an element of racism then it must be treated as if it does. Most importantly if the police think that an incident is not ‘racist’ but someone else believes that it is, they should record it as a racist incident and process it accordingly. The issue of causality and racist violence is of course politically and sociologically interesting and it has a bearing on the notion of ‘racial aggravation’ but it should not dominate the response of the criminal justice system to racist violence.

4.7. Consequences of racist violence

Even when the experience of racist violence appears to be an isolated incident, it usually has profound and long-lasting effects. This is of course one of the reasons that offences are seen as being ‘racially aggravated’ – as being in some senses worse because they are racist. There are a number of reasons for this legacy of racist violence. Certainly the NICEM testimonies make it clear that many people feel incredibly isolated. The PSNI response is very poor on many occasions and leaves people feeling that they have no expectation of protection from the state agency with prime responsibility for dealing with racist violence. They may not know anyone else in the community in which they live. They have few support mechanisms. Moreover, hanging over everything is the fear of repeated attack:

Two days after the attack on me I was sore all over and found it difficult to get out of bed. I went to my G.P., [name given] at [named surgery]. Since the attack on me I feel very scared of people. I have lost every hope of living in this community. After the attack I went to Nigeria for four weeks and I didn’t want to come back. I came back for the sake of my marriage.... I feel very annoyed and angry about the attack and at times I feel depressed. It has affected my relationship with [my wife] and it has made our marriage

difficult. My wife understands how I feel and when I returned to Nigeria she was very upset. I have tried to get back into my studies [but] I have since pulled out of the course as I wasn't able to concentrate.

Since the attack I experienced and continue to experience muscular pains in my arms, shoulders, back and neck. I find it difficult to lift heavy and bulky weights and this affects my ability to carry out my duties at work. I have a lot of pain in the left hand side of my head over my left ear. I sometimes experience a strange numbness at the top of my head on the left side. I had extensive bruising over my upper body for approximately two weeks and since the incident I have found it difficult to get to sleep and concentrate as I keep on reliving the incident in my mind. I find that my thoughts are preoccupied with the incident and this is affecting my performance at work. I have not been out socialising at night since the incident. Also I have not taken part in any sporting activities since the incident. Normally I would play a casual game of football with friends once a week. I have not been able to play this since the incident. I feel that I am on edge a lot of the time and very jumpy. I have also been more withdrawn even at home with my family and prefer to be on my own rather than with others.

The immense strain that sustained racist harassment places upon individual mental health and family relationships is also a recurring theme:

Since the incident, I have had difficulty sleeping, as well as experiencing extreme anxiety. I am fearful when I have to go out in public and get very anxious when I see a group of people walking towards me. I have been reluctant to attend a GP, as I do not want to be prescribed medication for my anxiety.

I work in [name given] takeaway, which is around the corner from my house. Since I have lived here I have been subjected to verbal abuse. I have had people approach me in the street and ask me where I am from. I ask them why they want to know and they say to me, "Just tell us where you are from". I tell them I am from Turkey and then they give me abuse about the death of the two Leeds football fans in Turkey at the time of the match with Galatasaray about two years ago. I had nothing to do with that but people treat me as if I had. People also shout abuse at me like, "Paki, go home go", "Taliban", "Afghan" and "Osama". I am always scared going home from work. There are people around the [name given] bar and I am afraid that I will be attacked and I don't want to wait around for that to happen....

I don't think that anyone could really understand how our experiences of intimidation and persistent attack both verbal and physical have impacted on us as a family and on my husband and me as a couple. While my husband and I are not emotionally separated we are physically separated.

I was sleeping in bed when I heard a massive noise from down stairs. I jumped from bed, ran down stairs, looked through the glass in our front door to see if anyone was there. I didn't see anyone. I then saw then the sitting room floor was totally covered in small fragments of glass and the sitting room windows had been smashed. There were four tennis ball sized stones and one large breezeblock on the floor. The television was scratched. My wife [name given] then came down stairs with our son [name given]. [My wife] immediately phoned the police. We were both terrified and panic stricken, worried that the people who had thrown the stones were still in the area. I went outside and saw that there were also several stones immediately outside the sitting room window. I ran up and down the street to see if anyone was still in the area. The police came to our house after about 10 minutes. At the moment we are both very scared. We know that the attack on our home was unprovoked and pre-meditated. We are very nervous about staying in the house now. We are suspicious of anyone unfamiliar to us in the area and we are afraid that there will be another attack on our home that could prove more serious. I often work overtime at nights but at the moment I am afraid to leave [my family] alone in the house. We are currently renting our house and we would like to move as we feel that we are no longer safe here.

The first racist incident took place at the start of the year in either January or February. [My wife] was about seven months pregnant at the time and a group of about 5 boys aged between eight and twelve years and wearing leisure gear were throwing snowballs up at our flat and were shouting racist comments such as, "that's the black bastard's house". The incident was very distressing for my wife who was returning to the flat from her general practitioner's surgery.... Since the start of the year I have been intimidated as I travel on my motorbike to and from our local shops and to and from my place of work, which is in [name given] in Belfast.... Young people aged about 12-14 years throw bricks and stones at me and shout racist verbal abuse at me while I am passing on my bike, including "we're going to burn your house down". This happens on average about twice a week. I just try to ignore them all the time. My wife has also been spat upon and they say to her as she is walking in the area pushing our child in her buggy, "That's the Paki's wife, the Paki's baby" and make other racist remarks, which are very hurtful and insulting to my wife.... We have also experienced numerous attacks on our home many of which but not all of which we have reported to the police.... Having to bear the expense of replacing windows and repairing damage

is putting us under financial strain. However this is nothing compared to the emotional strain that this is placing on us.

On [date and time given] [name given] who lived across the road, who we understand from the word on the ground to be connected with paramilitaries, threw a number of bricks and stones at our house. We phoned the police and the police from Lisburn Road Police Station responded to our call. My husband was very upset and was crying. He was, in his own words, stressed out and the police officer helped us to pick up the broken glass that was scattered all around our front sitting room. The police officer also helped us to pick up stones and beer cans and other debris from our garden, which had been thrown at our house. The police patrolled the area and made enquiries with our neighbours as to whether or not they observed anything. A week later on 21 April 2002 the same man with a group of about four or five others were drinking outside his house from about 11pm to about 4am. During that time they threw a brick and a garden gnome through our front sitting room window again breaking the glass. They were also shouting racist abuse such as, "Get out black monkey" and making very insulting monkey gestures and sounds. This was very humiliating. There came a point when my husband found it so hard that he struggled to come home. It was seriously affecting my husband's mental health and my husband was having both suicidal and destructive thoughts. My husband was increasingly isolating himself from the children and me and was so irritable that he was afraid that he would lash out at us. We were all under an incredible amount of psychological and social strain from the persistent and unrelenting attacks on both our home and us. All our experiences were constantly wearing us down especially my husband. My husband was persistently racially verbally abused by youths and others in the area where we lived. He found it difficult to concentrate effectively on anything. It got to the stage where my husband was afraid to walk anywhere and would drive even the shortest of distances to avoid meeting with people from the area. Not a week went by where my husband, the children and me would not be called names by people living in the area.

While, as we have seen, racist violence can occur anywhere, most people experience it in their own homes. This experience can be particularly traumatic because the attack is experienced in the one place where people expect to feel safest. This pattern of racist violence in Northern Ireland is now so widespread and established that it is reasonable to describe this as a form of 'ethnic cleansing'. This is, of course, an evocative phrase and the analysis should not be made lightly but the patterns highlighted elsewhere and confirmed in the NICEM statements suggest that the analogy is appropriate.

4.8. Ethnic Cleansing and racist violence

Racist evictions of minority ethnic people are happening on a routine basis in Loyalist areas. This experience is shared in many of the testimonies. This process of 'ethnic cleansing' is unlikely to feature one incident of racist violence – it more often involves a process of attack, harassment and intimidation. This can begin even before people move into their houses:

The first racist incident took place in June 2000 as we prepared to move into the property. About four or five male youths aged 14-15 years old shouted racist verbal abuse at us and threw stones, raw eggs and other debris at the front windows of our house. Our attackers also banged violently and shook the back door leading from the rear yard of our house into an alleyway running along the rear of our property. Canine excrement was also thrown into the back yard of our house. We felt very scared and intimidated, as we had never experienced such blatant racism and attack before.... From that time on we were persistently intimidated by youths who threw stones, eggs and water balloons at our house. These types of incidents persisted on almost a daily basis during the summer holidays and tapered off to about twice weekly during the school term. When we would come to the door the youths would run away. Our initial reaction was to try and ignore these racist incidents.

One day [my husband] caught hold of one of the male youths and [my husband] spoke to his mother about his attack on our home. The youth's mother then verbally abused [my husband] and threatened to have our family "put out" of the estate. This youth's mother then phoned the police and falsely accused my husband of abusing her son. The police had said that there was nothing they could do without evidence. In this situation my husband had caught hold of one of the attackers and tried to bring his mother's attention to what was happening. Instead my husband was then confronted with an allegation of physical assault and was cautioned by the police. This was very distressing for our family. We felt that there was nothing we could do. My husband then thought that photographic evidence might help to prove our experiences. My husband tried to take some photographs of young people as they were attacking our home. An allegation was then made against my husband that he was taking indecent photographs of children. The police again came to our home and cautioned my husband and again we felt further humiliated as a family. This also undermined our confidence in the police. We felt that we were not getting any positive

support or help. We were very disheartened that nothing we did seemed to make any difference. The youths continued to attack both our home and us as they did previously. It appeared as if nobody really cared..... The only thing the police really did was contact Victim Support to contact us.

The result is that many minority ethnic people are under routine attack from racist violence in their homes:

Four or five young males aged approximately between 14 and 16 years started throwing bricks and stones at the front of our house. They broke our front sitting room window and glass shattered everywhere in the room. One of the bricks they threw through our sitting room window skimmed past my grandson [name given] who was only two years old at the time grazing the right hand side of his forehead. Another brick thrown into the room broke the glass in my glass coffee table. Immediately we all ran out of the room as quick as we could. We phoned the police. After that incident we were absolutely terrified. There was glass everywhere all over the front sitting room and my grandson was particularly hysterical. All I could think was that had the brick been thrown a couple of inches to the left my grandson could have been killed or more seriously injured. My husband and I went out and shouted at the young males to leave us alone and we asked them what had we ever done to them. They then shouted racist verbal abuse at us. We then said to them that we had phoned the police on them. The young people ran way down [name given] Road. The police arrived at our house about 10 – 15 minutes later. By that time our attackers had left the area and the police did not apprehend anybody. After that incident we found broken bricks and bottles in the garden and again some of our fence had been broken. Since that incident we have barely used the front room, as we are too scared that the same thing could happen again. We wouldn't take the risk now. We were all very badly shaken up and very angry after that incident.

My husband and I have lived at [name given] since April 1993. Throughout our first nine years during which we owned the house we had no problems whatsoever. The first serious incident where our house was attacked was in June 2002. It was evening time and about 5-6 young males aged approximately between 14 and 16 years old attacked our house with bricks and bottles breaking some of our windows and some of the fencing around the perimeter of our property. When we went out to the front door to find out what was happening the youths shouted racist verbal abuse at us including, "This is a Paki House". We were very upset and scared as well as annoyed by what was happening to us. We reported the incident to the police but by the time they got to our house our attackers had moved on and the police did not apprehend anyone. After that incident we were more reluctant about leaving the house unattended. The next significant incident took place [when] on his way home from work my husband was driving along Ballysillan Road in his van when about 5-6 males aged in their thirties threw a brick and bottles at my husband's van smashing the front window screen of the van. The men also shouted racist verbal abuse at my husband in the van. [After] that a group of about 15 men started to attack our house with bricks and bottles. They broke on of our front windows and took chips out of our front door, which is wooden. They also smashed the lights at the front of our house. They also pulled our doorbell off our front door. They shouted racist verbal abuse at us including, "Paki, we will burn you out." Two police jeep arrived after what seemed about 40 minutes. The police were then attacked by the rioting mob and had to call for back up. By that time the attack had taken on a different complexion. What had started off as a pub brawl then became an attack on our home and then turned into a riot with the mob attacking the police and attacking and some of the other houses in the area. The whole incident left us feeling totally on edge and feeling very vulnerable. We were scared to leave our house after that and now we don't use our front door anymore. After the incident we found it difficult to sleep and we were frightened of any loud noises. We were worried that our house could be further targeted. After that incident one police officer we were talking to us asked us had we thought of leaving the area.

This is also a general pattern here with the policing of this 'ethnic cleansing'. It appears on the basis of many of the accounts received that the PSNI policy is to advise victims of racist harassment that their safest option is to leave their homes and the particular area. While understandable at one level, this is a very dangerous practice since it means that the person is first victimised by their attacker and then by the people who are meant to be there to protect them. The police may inadvertently begin to do the work of the racists by facilitating the removal of 'unacceptable' people from the area. Since PSNI policy and advice is often that the victims should leave their homes and leave particular areas, it is not surprising that pressure builds on people to move:

A carload of males aged approximately in their late twenties pulled up alongside the side of our house. They were shouting racist verbal abuse and threw a half brick with force through the window of our dining room at the side of our house. The half brick was thrown with such force that after having broken the double glazed window it hit the back wall of our dining room leaving a dent in the wall's plaster. My son (aged 7 at the time) and my grandson (aged 3 at the time) had been playing in the room on their own

at the time. They were both crying and were very upset. The glass had shattered around the room. When we came into the room we saw a white car driving away at speed from the side of our house. We did not manage to get the license plate number of the car. We called the police immediately and they came about twenty minutes later. By that time the car was away. We showed the police the damage to the wall and window and broken pieces of brick. We were very disturbed again after this incident. All we could think was that if the brick, which had clearly been thrown with force, had hit one of the children that they could have been killed or severely injured.... In the last two years we feel that there has been a concerted campaign of violence directed against both our family and home. We are now afraid to allow our children out to play. More recently, our son, some local children called him "Nigger". This was very upsetting for both him and for us. We frequently experience problems late at and during the night especially at the weekends with people shouting racist verbal abuse up at our windows and throwing cans at our house. The situation is especially bad when there are matches going on between Celtic and Rangers. They really go mad then. Sometimes youths come into our garden and kick our front door and shout racist verbal abuse. On one occasion some local youths tried to set fire to our hedge and fence and the fire brigade put out the fire. On this occasion we did not call the police. In the last number of years we have experienced high levels of racism. Wherever we go we are constantly mistaken for Muslims and my husband has been called Osama. We now avoid leaving our house whenever young people outside start shouting or causing commotion. Many of the police officers have been very helpful to us but they say that they cannot guarantee our safety. We now feel that we can no longer remain in our house and we want to move.

Many people are indeed forced to move if they can:

My sisters and I had been experiencing harassment in our home since Christmastime. There had been graffiti sprayed on our walls, windows broken, the front door was broken down and posters had been posted on our home that were racially abusive. I am attending University and the constant harassment has caused my schoolwork to suffer. On [date given], a group of people gathered outside our home, around 12.30 a.m., they were shouting and throwing stones through the windows. Several windows were broken. My sisters and I hid in the home for fear of a physical attack if we tried to leave. This harassment lasted for a few hours. When it finally calmed down the three of us ran to the car and left the house. I have now returned to Lurgan to live with my family and am too terrified to ever live in Belfast again. The house where the attack occurred has been abandoned.

In [date given] my children and I decided that we could no longer remain safely in our house in Broadway.... We are aware and know of a number of African people living in the village area who have been also subjected to serious racist threat and many of them were also forced to leave their homes. We are aware that there has been paramilitary involvement in some of these attacks and many others have felt forced to leave their homes. We felt that our human rights were constantly breached, specifically our right to private and family life and our right to freedom from inhuman and degrading treatment. We also believed that our right to life was seriously in threat.

Finally, racist harassment can continue even after racist violence has 'successfully' forced people out of an area:

On [time and date given] my husband was attacked in [name given] Street, Belfast a short distance from our home as he was walking our dog. Four young males verbally and physically attacked him. He reported this incident to the police. This attack really upset my husband and he became very depressed and cried after that incident. He felt humiliated. My husband felt that all that was happening was undermining his role as a protector and provider for our family. He said that he felt inadequate. All the attacks were causing a personality change in my husband and he was often upset and irritable.... In November 2001 my husband and I decided that we could take no more intimidation and racial harassment and abuse. We felt that it was having a detrimental effect on our mental health and family's stability. We were also concerned about our children who were scared going to and from school and who did not want to play outside the home. My children constantly changed their routes to and from school and they avoided certain after school activities. We were also concerned about the potential for racist abuse or attack from gangs of youths that would loiter at the street corners and other places in the area. We placed our house on the market. Several times people from the area broke the "For Sale" sign and a number of times it was totally removed from our garden.

Beyond the terrible nature of racist violence that people are routinely experiencing in their own homes, the most striking dimension of these evictions is that the success of the eviction is taken as a given by the agencies involved, particularly the PSNI. Indeed sometimes public bodies are complicit in the eviction and facilitate it. It is this kind of response that constitutes institutional racism – the 'collective failure of an

organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin'. In this context, it is not just the perpetrators of the racist violence but the response of the whole criminal justice system which is called into question.

4.9. Response of the Criminal Justice System to racist violence

Some of the incidents detailed above appear to involve shocking violence but also appear random and opportunistic. In other words, there is often little for the PSNI to 'go on' in any subsequent investigation:

I was cycling my bicycle home over the Ormeau Bridge on 29 March 2004 at about 9.00pm when I saw three men around late teens early twenties. They started to point and shout at me aggressively. The only word I recognised them saying was, "Chinese". I meet this kind of racist verbal abuse every day so I was not prepared for an attack on me. I was still cycling my bike slowly when one of the men hit me on the right hand side of my head over my right eyebrow with a bottle. Immediately I fell off the bike. I covered my wound with my hand. I was covered with blood. I then saw the three men run off. I was very angry, upset and shocked. A car stopped and somebody asked me if I wanted help. I said, "No" and made my own way to Belfast City Hospital to the Accident and Emergency Department there. I discharged myself from there at about 5am on 30 March 2004 and went straight to Ballynafeigh Police Station to report the attack.

Furthermore, sometimes, for different reasons, people do not contact the PSNI:

Throughout the first week of September 2003 and from that week on a group of young males aged between 15 and 20 years, who we know to be from [name given] Road, shouted racist verbal abuse including, "Paki Bastard", Asylum Seeker", and others derogatory remarks at my wife [name given] and me in front of our house and along the [name given] Road especially near the Waterworks. This was happening on a daily basis and has continued to this day. My wife and I both felt very frightened by the threatening language and behaviour of these youths. My wife and I just tried to ignore them as much as possible. We did not say anything to them whatsoever by way of a response. We have not phoned the police in relation to these incidents, as they have been so numerous.

In other cases, people make it clear that the fear of further violence discourages them from contacting the police:

We had been experiencing harassment at our home since before Christmas. Our windows had been broken, graffiti had been sprayed on our walls, and our front door had been broken down. In addition, my car had been damaged from people sitting on it and throwing objects at it. This harassment had led to me missing a large amount of school and an inability to hand in assignments on time. I did not report these incidents for fear of retribution if it was known I had gone to the police. [At date and time given] a group of people had gathered outside our home at [name given] and began shouting and throwing stones at the house. Several windows were broken. My sisters and I hid in the house for fear of physical attack if we tried to leave. This harassment continued for a few hours. When it calmed down we ran to the car and left the house. We have only returned to gather belongings. After being forced from our home, I went to the police and reported this incident. Since the time of the last incident, I have experienced anxiety and have had trouble sleeping. I have not been able to focus at work and my schoolwork has suffered because I have been stressed and unable to find the motivation to complete assignments. It has also been a financial burden, as I have had to carry out several repairs on the home due to the ongoing harassment.

The PSNI cannot of course be blamed for not investigating properly cases they are not informed about. Neither is it easy to investigate every act of 'random' racist violence that is reported to them. The police do, however, have an obligation to proactively encourage reporting, not least through building a reputation for responding positively to 'racist incidents'. Moreover their ability to gather evidence and effectively pursue those engaged in racist crime diminishes with every incident that is handled badly. There is very hard evidence of the PSNI failing to properly investigate cases of racist violence where there was every possible of building a good case for prosecution. In these cases, police behaviour often appears disturbingly inappropriate. We begin by quoting one statement at length – this conveys some of the combination of fear and frustration that typifies the experience of victims who feel that the criminal justice system:

My husband and I were woken up when we heard repeated verbal abuse outside our house, "You fucking Black Bastard. If you don't come out I will come in and up the stairs to you" This shouting continued for about 20 minutes. My husband and I looked out the window and we saw a man who was later learned was called [name given] sitting cross-legged on the footpath immediately outside our house shouting up at our window. I called the police. I tried to take a photograph of [name given] through the bedroom window and when he saw he saw me, 'No fucking pictures' and stood up, turned around and

dropped his trousers. It was at the point my husband went out to [name given] and asked him what was wrong and [name given] lunged at [my husband] and hit him across the face. [My husband] then defended himself. It was clear that [name given] was intoxicated and as [my husband] tried to restrain [name given] from assaulting him, [name given] fell to the ground. The police then arrived and as they did, [name given] got up from the ground and the police had to restrain him as he tried again to attack [my husband]. He continued to shout racist verbal abuse and said, "I am going to kill you. You fucking black bastard. I am going to get my hatchet" I shouted back to him, "Is that a threat?" I was terrified. Neither [my husband] nor I had met [name given] before and his attack on us was totally unprovoked. Later we learned [who] had put up [name given] to attack us that night and said that we had been warned by the posters to get out. The police detained [name given] and P.C. [name given] shouted at us to get back into our house, which we did. A couple of minutes later the police returned with [name given] and dropped him off at his mother's house [address given] across the road from our house. We did not know at the time of the attack that [his] mother lived across the road. We were very distressed to see that [name given] was being dropped off across the road given the threats that he had just a few minutes before made in the presence of the police. The police then came into the house and said that [name given] was drunk and had we not known that he was drunk. We complained that [name given] had been left across the road and the police response to that was that [name given] was drunk. I felt that the incident was being trivialized by [name given]. I asked if they were going to take statements and they said that these cases are very rarely prosecuted and that they would take statements the following week. Later that day we heard that [name given] is associated with the UVF and that previously he had been a member of the organisation. We decided that we could no longer remain in our home and we went to the police station to ask them to keep an eye on our house. While we were there we got speaking with [name given], one of the officers who had been at our house earlier that morning and he took our statements while we were there. He said that they would send someone around to the house to accompany us while we were packing up. However, we had already packed up. He also advised us to remove both vehicles from outside our house. When we returned to the house, [a neighbour] warned us that she had been made aware that our windows were going to be put in that night. We went back to the police station and told them what we had been told. We were told that the police would be patrolling the area because of the band parades in [the area].... On [date given] in the early hours of the morning about 2.30am, my neighbour phoned me. She said that she was lying under her bed and that she had heard all our windows being smashed in and she heard [name given, the person who had previously death-threatened the family] shouting repeatedly, "You don't want to fuck with the UVF you black bastard". She said that she was worried that he would then attack her house. She also told me that the police had gone to the house.

The detail of this statement bears emphasis. The PSNI returned a suspect who they had heard death-threaten a person and who had been involved in what was a textbook racially aggravated assault and who they themselves believed to be intoxicated to the scene of a 'racial incident' where they knew the victim to live. They claimed – in a way that was both disturbing and honest – that cases like this were rarely prosecuted. Moreover, the person who had made the death threats subsequently returned to systematically attack the house and eventually forced the family to move. Despite this, no arrest or subsequent action was reported.

People are generally often unhappy with the speed of police response. Again, however, in the context of racist violence this has particular implications:

On [date given] at 8.00pm I was at home when I heard fireworks and shouting which was coming from the park across the road from my house. I looked out of the window and I saw a group of about 15-20 young males throwing fireworks at my house. I immediately came out and I rang the police exchange number using my mobile phone and while I was talking to the police one of the young males threw a firework deliberately at my car which was parked outside my house and shouted racist verbal abuse, including "this is for you Paki Bastard." It took about 30 minutes before the police came. I phoned the police twice as I was very anxious that the situation was getting worse and I was concerned that it was going to get out of control. Before the police arrived the group of young males scattered. During this attack on our home my entire family were very frightened and we believe that it is not safe for us to remain in the area any longer.

There are also problems further down the chain of the investigation. Often it appears that individuals are not being charged even though there is very good evidence against them and where the victim is keen for this to happen:

On [date given] 2003 between [time given] without any provocation or warning [name given] ... who is known to me, assaulted me. First he punched me repeatedly on my chest. He then stuck one of his

fingers from his right hand up my right nostril. During the time that [name given] was physically attacking me he was also shouting racist verbal abuse at me saying to me, "This is not your country" and "You should go back home" and calling me a "Paki Bastard" amongst other things.... As soon as [name given] stopped punching me he would go to walk away from me and suddenly lunge forward threateningly at me and all the time shouting abuse at me. He did this several times before I finally managed to actually get into my van and drive away. The attack on me lasted up to five minutes.... Eventually as I managed to drive away I was very scared and shaken up. In terms of my injuries, I experienced tenderness in my right nostril and more generalised muscle tenderness. I have had difficulty sleeping since the attack. The attack keeps coming to my mind and I have had difficulty concentrating since the attack. I have not returned to [the area of the attack] and I am now afraid to return there. I would like [name given] to be charged.

My husband was attacked by a number of youths and I phoned the police.... About fifteen minutes after the first phone call to the police they arrived at the house. The young men had left the porch of the house and went next door. My husband was barely conscious and my son, [name given], was crying hysterically and was holding on to his daddy. My daughter was in the front bedroom upstairs. There was blood flowing from my husband's head where he had been wounded by the shovel. I was with [my husband] in the porch. The front door was open and I saw [name given] standing immediately outside our front door. He was starting to say to me that he didn't do anything when the police arrived. I went to the door. I said to [name given], "Look what you have done to my husband." Then the police got out of the car and was standing there. Then [name given] started shouting at the police officer, "I didn't do nothing. I am from the Shankill. You can't arrest me." The police officers arrived and brought me into the kitchen and started asking me questions. They called for an ambulance and put a bandage on my husband's head. They said that there was an ambulance sitting in High Street and that they would get it sent around for [my husband]. I answered all the questions put to me by the police officers and I told the police officers that I thought that my husband's attackers were next door. One of uniformed police officers came into the kitchen and asked one of the detectives about who should they arrest. The detective said to bring them in for questioning. I don't know who was apprehended at the scene and who was brought in for questioning. My husband was brought to hospital in an ambulance and I stayed at home with the children. Later I phoned the hospital to see how my husband was and I was told that my husband was still unconscious.... The police felt that it would be safer for us not to stay at home after what had happened. I had to make arrangements to stay with my own family and to pack up items for the children....I was on my way back to my house on Saturday afternoon when I saw [name given] down the road from the house. He saw me also. There was no communication between us. I then phoned the police and asked them to organise an escort for me to allow me to go back to my house. I now knew that [name given] had been released from custody. I didn't see any of my husband's other attackers that day. The door of my house was unlocked and the keys had been left in the door.

It is not clear if the police released the attacker because they believed that prosecution would not be supported by the PPS as being in the public interest. Alternatively it is possible that the police were releasing the suspect temporarily on bail in which case the victim needed to be reassured to this effect and reassured that prosecution was going to follow. Leaving victims of racist crime uninformed about the action being taken by the authorities is understandably all too easily translated into a belief that no action at all is being taken. In cases like this it is very difficult to see how the non-prosecution of racist violence could possibly be in the public interest. As reported, the case is a straightforward example of racially aggravated assault. This kind of experiences reappears time and again in the NICEM statements:

When we arrived back at about 8.45pm, we saw a group of about 15 young people outside our house. They were about 16 years of age and some of them were wearing masks. The words "Combat", "NF", "18" and "Paki's go home" had been sprayed on our front window and front door window. It was clear that the attack on our family was premeditated. The young people started to throw eggs and stones at our car as we pulled into the lay-by near our home. The young people shouted abuse at us. I heard them shout "Paki's go home" and "we'll burn your baby as well" and my husband heard them say, "We'll burn you out of your house". We were very nervous but we got out of our car and went to our house. Fireworks had been set off in our front porch and the front door lock and the front door had been broken. Four smoke bombs had been thrown into the house and there was smoke everywhere in the house. We couldn't breathe with the smoke but when my husband opened the upstairs window the young people threw stones at the opened window. The young people were now throwing stones and eggs at our house. We didn't know what to do and we were panicking. My husband and I were both crying and so was [our child]. We were very afraid. We were trying to think about what to do. We couldn't breathe. After about 15 minutes my husband phoned the police on 999 and asked them to come to the house. After a few minutes the police didn't come and my husband phoned them again and they still didn't come. When my

husband phoned the police for the third time he was crying down the phone and was begging for help. My husband also phoned our landlord to get his help. We didn't know anybody and didn't know anyone to turn to for help. We were afraid to open the windows at the front of the house and my husband opened the back door to allow us to breathe. When my husband opened the back door he saw smoke coming out of his car and then we saw the police arrive. There were two police officers a woman and a man, police constables [names given]. The police came about 15 to 20 minutes after the first phone call. Even after the police arrived the young people continued to throw eggs, stones and small bricks at the house. The police didn't say anything to the young people at all. The police officers came into the house and they said that they could do nothing with the young people but that they would call for reinforcements.

The police recommended us to leave our house. My husband was worried about leaving our belongings and papers in the house especially because the young people had broken the front door lock and the front door also but the police said that they couldn't guarantee our safety. Our landlord, [name given] arrived to help us and he said that we could stay in his house. We left our house and one of the young people threw a brick at my husband and my baby, as my husband was carrying our baby. We also saw that the back window of our car had been broken and smoke bombs had been let off in our car. There was also a smoke bomb in the exhaust pipe and there was glass everywhere in the car. As we were leaving our house the young people renewed their attacks on us. The police advised us to get back into our house and then they called for reinforcements. Two back up police jeeps came and parked in the middle of the road. Neither my husband nor I saw any police officers get out of those jeeps. None of the young people were apprehended....

Even when there is a previous record of harassment known to the police, there still can be an inexplicable resistance to prosecution:

On Saturday, 25 November 2003 at about 4.55pm I arrived at my sister's house. I was getting out of my car, which was parked in front of my sister's house when [name given] started to shout racist abuse at me such as, "Paki". I replied to him, "You should not say things like that. You shouldn't swear." To that [he] came up to me and said to me "what are you going to do about it?".... Before long there were several people including [names given] and others who I cannot identify. They were all kicking me. [Name given] was now on top of me and I was trying to push him off me but I couldn't. [He] is about twice my size. I then tried to curl up into a ball on the ground.... I was lying on the ground at this stage and I could just about hear my mother and sister crying in the background, "They killed my son." My sister and my mother then picked me up from the ground and carried me into the house." All this time [name given] was shouting and screaming racist verbal abuse at me. After my attackers had been restrained [he] continued to kick my car causing damage to my front offside light and bodywork damage to my driver's door. He was also kicking the front door of my sister's house. My nephew phoned for the police while I was being attacked and the police came after about 20 or 30 minutes. After the police arrived they questioned me and I said that I needed an ambulance. I phoned for an ambulance and after about 10 minutes an ambulance arrived. The police were still questioning me at this stage and the ambulance brought [the perpetrator] to Belfast City hospital. The police then took me to the Ulster hospital. I had sustained extensive soft tissue damage and bruising to my head, face, upper body and knees.... The next day I phoned the police and I was speaking with [name given]. I asked him if the police were going to take my statement and he said that I had to come up to station. I then explained to him that my car was still damaged and it was dark at this stage and I did not have legal use of my lights. He then said if I didn't come up to the station that they would arrest me. I was very confused and distressed at this and asked him under what charges would they arrest me. He then said that [name given] had provided them with a statement that I had assaulted him. I said that this is sickening that I have to go up to you or be arrested and that I am the one getting the blame. I then said that I wouldn't go the station and he said to me that he was coming to arrest me. I then said ok and put the phone down and immediately phoned my solicitor. The solicitor then said that I had to make an appointment with the police officer and I made an appointment to go to the station the next day. The next day the police officer brought me to a room and started to interview me. The police officer was alone and the interview was not taped. As far as I know, I was not cautioned. During the course of the interview the police officer made several irregular comments. He said to me to make sure that I didn't make a mistake and he then alluded to Jeffrey Archer who was sentenced for perjury. He was also directing me to state in my statement that there were only two or three people involved in attacking me and he said that if I said that more than that was involved then there would be a lesser chance of anyone being convicted. The police officer was trying to pressurize me to drop charges against [name given] and my other attackers. So far I have not been charged with any offence or heard anything from the police. [PSNI Officer, name given] said that the police would tape an interview with me in the presence of my solicitor. I have not as yet heard from them. [He] also said that they would take statements from the witnesses at the scene. I am

not aware of any statements having been taken from any witnesses to date.

In a case like this, we can speculate why the police officer was pressurizing the victim to drop charges – perhaps he is racist, perhaps he is too lazy to proceed with the case, perhaps the perpetrator is a police informer that they want to protect. What is palpable, however, is that such behaviour is a classic example of the kind of institutional racism that the Lawrence Inquiry sought to dismantle. In this case, the harassment continued after this incident with devastating consequences for the family.

Finally, it bears emphasis that the PSNI response also has a profound bearing on how other agencies respond to racist violence:

Racist incidents were a common occurrence throughout the summer again and continued to cause me and my family considerable stress and anxiety. By this time I was finding it difficult to sleep and I was getting panic attacks. I would wake up in the night in a cold sweat and feel compelled to check that my children were all right in bed as they slept. I then felt compelled to check the house. This was affecting my health and well-being. In [date given], in or about six months after we had placed our house on the market, we submitted an application to the NIHE for the SPED Scheme. On [date given] 2002 the NIHE notified us of their refusal to accept our application under the SPED scheme, as the required Certificate on behalf of the Chief Constable had not been issued. I immediately appealed this decision. However I was told that, as I could not prove the incidents were racist that I would not get a Chief Constable's Certificate to allow the Housing Executive to accept my SPED application. A person from the Housing Executive then told me that SPED Schemes were only for owner occupiers affected by sectarian incidents. I have since been told that the reason we were not issued with the relevant certificate was because the police did not believe that there was any threat to our life. This suggestion that there was no threat to our life was not our perception as we constantly felt that our lives were in threat.

The Housing Executive in particular obviously assumes responsibility in situations involve racist attacks on homes. It appears that the Housing Executive has developed policies which seek to protect people from sectarian violence within its obligations in terms of equality legislation but less sensitive to this in terms of racist violence. While sectarian segregation is not accepted as a positive, Protestant and Catholic families are not routinely relocated in situations in which they are likely to be subject to further sectarian violence. There needs to be a similar sensitivity and flexibility in terms of racist violence.

Finally, while the general experience is one of disappointment and dissatisfaction with PSNI response, it bears emphasis that sometimes racist violence does result in satisfaction for the victim:

It was [time and date given] in 2005 and I had just ordered some takeaway food at [premises named] on Bradbury Place with a man called [name given] who works in the International Hostel where I am staying. I was leaving the takeaway when a man [detailed description given] started kicking the back of my legs. I said to him that I did not want any trouble and the man then called me a "fucker" and proceeded to grab me with his right hand around my neck. I pushed him away and then he shouted, [name given] He was calling for his friends and then I saw one of the men. He was about [detailed description given]. Suddenly three men were attacking me. I did not see the third man but I was aware of him attacking me. I tried to defend myself but I was overcome when one of the men hit me with a bottle in a plastic bag on the back of my head. I fell to the ground and I was kicked repeatedly all over my body and particularly my head. I can remember very little after that and I now understand that I was unconscious for about 10 minutes. I did nothing to provoke the attack on me and I believe that the attack was racially motivated. I understand that there should be CCTV footage of the attack. One of the men that attacked me was arrested and charged with assault occasioning actual bodily harm.

It equally bears emphasis, however, that this kind of outcome is atypical in the NICEM statements. It is also the case that when the PSNI do respond satisfactorily to racist violence, the result is still not necessarily ideal since the other dimensions of the CJSNI then have to come into play. As we have seen, there is very little evidence in the NICEM statements of people believing that the DPP/PPS take seriously their responsibilities to deliver justice to the victims of racist violence.

Of course, there may be reasons in different cases which make prosecution difficult or inappropriate or impossible. In combination, however, all these cases begin to suggest a pattern of institutionalised racism in the response. In some cases this almost beggars belief:

At about [date and time given] 2001, I came home. I had got a lift from [my friend] and I saw a group of young men outside our house. When they saw us approach they started kicking the car. They were trying to make trouble and that's how they went about it. I told them to stop kicking the ball against the

car. I was walking towards the front door of my house when one of the young men tried to grab me. I said, "Look, don't kick the car. If you want me to move it I will." At that he continued to grab me and they continued to kick the car and used a knife to scrape along the bodywork and also broke the lens on the front nearside. They also tried to pull the rear bumper off the car. At this stage my friend started to ring the police on his mobile and [my wife] was now at the front door. When [my friend] was phoning the police, they hit [my friend] breaking his nose and cheekbone. One of the young men had a knife and he slashed my right hand across my fingers on the palmer side. The young men were shouting racist verbal abuse at [my friend] and me calling us "Paki Bastards" and shouting other racist abuse at us. The police came and as they came some of the young men started to run down the road and some of them young men ran into the house next door at number 8. One of the police officers tried to apprehend [name given] who was running down the road and as he did [name given] pushed him onto the ground injuring the police officer. In front of the police the young men continued to shout racist verbal abuse at us. The police told them to calm down but they continued to be abusive and the police didn't do anything about it. I pointed out the damage to my car. The police wrapped my hand in bandages asked [my friend] and me to the police station immediately despite our injuries and our need for medical attention. They took our statements. After taking our statements we went to hospital to receive treatment for our injuries and we were discharged later on at about 6am. The same day we notified our insurance brokers about the damage to our car and later when they were trying to get a record of it from the police they were told that there was no record of my statement or of any of the damage to the car. There was about £1400 worth of body damage done to the car. We instructed [our] Solicitors [name and address given] about the incident and the police informed them that they had no records. They only had [my friend's] statement. As I understand it, the only person that was prosecuted out of this incident was [name given] because of the injuries he inflicted on the police officer as he resisted arrest.

Not surprisingly, a minority ethnic person who has had this kind of experience feels profoundly let down by the whole criminal justice system:

I now believe that the police response was inadequate insofar as they did not serve to protect [my friend] and I from further racist abuse. They did not take a proper record of the damage done to my car. They appeared to have mislaid my statement. They insisted that we would provide them with statements prior to our attendance at hospital. The only person that was prosecuted was [name given] for his assault on the police officer. As far as I am aware no other person was prosecuted for assault on either [my friend] or me. Failure by the police to investigate the matter adequately lead to a subsequent failure by the DPP to prosecute my attackers. This sent a message to my attackers that they could attack me with impunity as was to happen in September of the same year.

This final point is a chilling reminder of the real dangers of allowing institutional racism and neglect to fester in the criminal justice system. Non-action by the criminal justice system provides a green light for those who want to engage in racist violence. This would be worrying enough in any context but it is especially dangerous in a situation which is being dubbed the 'race hate capital of Europe'. There are two striking elements of the NICEM testimonies: first the horror of the racist violence itself – the experience of racist violence is now completely routine for many minority ethnic people in Northern Ireland; second, the widespread and justified concern with the inability of the criminal justice to address this racist violence. In this context, we might expect the recent developments in Government policy following the NI Affairs Committee report and, especially, the launch of the Race Equality strategy to have resolved many of these problems. We therefore undertook new focus group research with the victims whose cases are outlined above. This provided us with an up-to-date assessment of where current policy and practice is at. This is to ask, in the wake of the new initiatives and commitments in the new Race Equality Strategy, how close we are genuinely to the 'eradication' of racism in Northern Ireland.

4.10. The Focus Groups – Criminal Justice and Racist Violence

We have already seen that the NICEM client base includes widespread examples of very serious racist violence. We have also seen that the response of the PSNI in particular and the criminal justice system in general routinely appears less than adequate. We have also seen that many of the victims themselves have reached this conclusion. This will create additional problems for the police and criminal justice system as a kind of "chill factor" develops, and victims reinforce each other's belief in the inability of the system to be of any assistance, and consequently stop even turning to it for such help. Racist violence can only be stamped out if its victims cooperate fully with the authorities in tackling the problem. We therefore recalled members of this group for a series of focus groups sessions to update on the situation in terms of cases as well as tease out the dynamics of the response of the Northern Ireland criminal justice system to racial violence.

The discussions generally confirmed the analysis of the statements. Broadly problems with racist violence have continued for people who have contacted NICEM at some point since 2002. Generally, people are unhappy with the way in which their experience has been dealt with. Broadly views dichotomise between those who believe that the PSNI are unable to do anything about racist violence and those who believe that their poor performance is more malign.

Some people have had more positive experiences, but generally it remains the case that people who experience racist violence once continue to experience it and feel that they have received little support from PSNI and other agencies as this pattern continues. Our focus groups recorded experiences that continue to raise profound concerns about the PSNI attitude towards racist violence as well as the response of the wider criminal justice system.

One case bears repeating at length. It involved the racist abuse by an off-duty police officer of an African Caribbean man in Belfast. The police officer approached a club where the victim was working as a door-person. The police officer was obviously drunk and was refused admission. He began abusing the victim and asked to complain to the manager. The manager arrived and said that the doorperson had made the correct decision. The policeman said "What, that nigger?" And when challenged repeated: "Yeah, that nigger". There were two other witnesses besides the victim and the police officer also subsequently admitted the racist abuse. The victim remains profoundly dissatisfied by the police response:

They got internal affairs involved and they did an investigation. He put his hands up. He admitted that he did call me a nigger twice. They said because of the internal investigation, there was a fine-they deducted two or three points from his wages and that was it. Then I got a letter from the CPS saying that he would be unlikely to re-offend again and because of his good character there would be no prosecution.

To compound the original racist harassment, the officer also visited the victim subsequently at his place of work:

He put it in the statement that they gave to me. He admitted it. After that he has come to me [at work] and said "I'm not racist, I've got black family." I said he shouldn't be anywhere near me because he was under investigation. I put in a complaint about that as well because the bloke came round and intimidated me but nothing was done about that either. I didn't get problems from other police. I've even got friends who have joined the police over here. So it's not true to say that I hate authority or police officers because that's just not true.

The experiences of this victim become a textbook case of what is currently wrong with the response to racist violence of both the CJSNI and other institutions. First, he was the victim of racist abuse by a police officer. This was then compounded by the police officer under investigation visiting him at work in an inappropriate and intimidatory manner. The victim tried very hard to achieve a satisfactory outcome. Yet no statutory organisation has been helpful to him or effective for him. He feels deeply dissatisfied by the response of the PSNI and the CPS. In contrast to other agencies, there was a fair amount of activity from the PSNI – he was visited by three different inspectors – but no satisfactory outcome. When he took his concerns to the *Equality Commission* their response was that there was no proof that a proper investigation had not been done. The *trade unions* were unable to help as he was not a member. The Office of the *Police Ombudsman* found that there was nothing problematic about the investigation. Finally, the victim felt that his own *solicitor* was fairly unhelpful; suggesting that nothing much could be done - telling him that "he's going to get a slap on the wrists and that's it".

Experiences like this obviously do nothing to increase confidence in the CJSNI or its ability to deal with racist violence. Victims of racist violence are often left feeling both angry and vulnerable:

How did I feel? The whole system was making me confused and angry-it is still making me angry. Because I've got kids, I've a little daughter. What do they expect me to do if someone calls her a nigger? Are they going to say that's all right, it's part of this society and we have to accept it?... At the time when this all happened, there was all the publicity about how racism was on the increase and that the PSNI was going to do something about it and clamping down on it and taking it seriously, and there they had it right in front of their faces and they still chose to do nothing. and I said, what are you going to do if you have all these race crimes and you have racists in your police force, how is it going to work? How are you guys dealing with it? You ain't.

The discussions in the focus groups identified many other incidences of continued racist violence accompanied by dissatisfaction by the response of the PSNI and other agencies. Once again, there was confirmation of how oppressive and isolating racist harassment can be, particularly for minority ethnic children:

It's been constant since we came over here from [city in England]. There was one girl in particular – everytime I bumped into her.... Name-calling to the two children. One particular night, we were down at the chip shop and she kept calling the children, 'nigger' and 'black bastard' and I said to the children just ignore her. As we were walking home, she road the bike in front of us so we couldn't get past her. When it got back, I phoned the police and they came out and wrote up a report and said they would talk to the [harassing] child's parents. I phoned up the next day, and they had no record of the statement. So the community sergeant came out to apologise to me and said they'd lost the statement. But nothing was ever done. The child was definitely older than ten – about thirteen when that happened. The police kept saying it was my word against her. It was as if the police don't believe you – but it was everyday. I don't bother phoning the police because nothing gets done. It had got the stage where [my son] was saying I don't like the colour of my skin, I want my skin bleached. He's gone to a couple of the youth clubs and got called 'nigger' and doesn't want to go back. At the minute he doesn't go out at all and you know that is no life for a young person.... So I got in contact with the police again and one of the police officers [name given] did refer us to NICEM. He said if the name-calling keeps persisting, come back and we'll go out and have a word with them. It's all right having a word with them but then you back home and it starts all over again.... It's all right them making posters and putting them up but it takes more than posters to get through to kids.... I said, I told them it was a waste of time. The police don't take you seriously.

In our country we come from different ethnic groups so you find one ethnic group minimising or despising the other one.... It's different [here] because you would not find so much beating because of racism [where I come from] not beating, not throwing stones, not spitting, just verbal abuse. My children are asking, 'Is it bad to be brown?', 'Is it bad to have this hair?' One of my girls was very scared and wetting the bed... It's hard to say because it's very different from my own background. If I was a child I would fear the police so much... The one thing I would say is the time between the time you call the police and the time they come. I mean maybe they were very busy but it took one and a half hours and if someone is killing you, you would be dead.

Wasn't with my child, she was attacked at a friends place but she told me what was said, 'You Black What' all those kind of things. She was attacked by eight children. When they saw her going to the shop and they got the other children, so they had planned it.

It's harder for my children. It's hard to know because I don't know who is a Protestant and who is a Catholic. But the kids were targeted because they were going to a Catholic school, I didn't know anything about schools, I thought they just went to the nearest school. They are asking me now, "Why can't we move?" They think I know where there is a better place. Out of Belfast completely, maybe. I told them wait until July when they have school holidays.

For many adults too there is an experience of ongoing and deep-seated racist violence:

I just want to move, to get away. I have moved two times already. It's too difficult for me. Everyday you don't know if tomorrow you will wake up – whether you will be alive or dead.

I can say, since I'm a Black person, nothing will be done for me. I'm scared. I don't know where there is a better place. I'm very scared. I don't know where there is a safe place now.

The focus group discussions confirmed the suggestion in the NICEM statements that response from different police stations and different officers can also be very different. If a victim is 'lucky', he or she can be 'very happy' with police response, equally, however, the response can also be much less satisfactory for no apparent reason:

I reported it the first time and then the second time and then the third time when they beat [my daughter] up. They were standing by the gate [of my house] and shouting, for twenty minutes, thirty minutes, saying they wouldn't leave until they beat her up. [After she was attacked] When I called 999, I was calling for the ambulance because she was crying because they had broken her arm and the police came following and followed me from the hospital and took a statement. They were there for me all along. They were the police from Lisburn and they were very active - better than the other ones from [police station named]. I felt better because of these police from Lisburn. They went to the houses of the parents of the children involved but they denied it. The other police said "Leave it to us, we can't just go to the house and talk to them because they will know that you are the one who reported.... We will be patrolling outside your house, checking on kids". They said I needed to be careful their parents could do worse things if they find out that I am the one that is reporting. So why I am saying [station name given] police were not all that useful to me is because after reporting that all these things happened, they stoned my friends child, another black child.... I think the police were afraid of those people.

The thing that annoys me is that if I don't have road tax or insurance on my car, the police won't stop until I was fined or taken to court or whatever, there are never touched – but these cases [of racist violence] are put at the bottom of the file, because those boys are still walking about and they think it's okay to do what they do. It's just tolerated.

Many people make reference in the discussions to the situation in Britain. More than one respondent suggested that Northern Ireland was 'like London in the 1960s'. The situation in Britain is often perceived to have improved significantly in the wake of the Stephen Lawrence Inquiry. But there is also a perception that racism and racist violence have got worse in Northern Ireland:

I think it's better in England. I don't know if it's better because there are more of them [people of colour]. It's changed here; it's got worse especially compared to England. ... Maybe it's to do with 9/11. At lot of people used to talk to you, hold conversations, now they just walk on. It's not the same.

The discussions made it clear that racist violence often has a severe economic impact. Victims often find it difficult or impossible to work. Other victims who have businesses can have their business destroyed:

I had a business [address given]. They were coming to me every week looking protection money, all the time. I used to say, "The boss is not in, leave your number". At the same time I was notifying the police. Every time I told them they came down and took a statement off me. It got to a stage that they were going to give me money with a special dye to pass it on to them in a brown envelop and then they were going to put cameras in my premises... But a couple of days before that [another minority ethnic business] got them arrested and then they burned the place down.

The discussions also addressed the attitude of the CJSNI towards racist violence. It is clear also obviously that if people keep reporting and nothing is done or, more particularly, if police officers suggest that reporting may lead to 'worse things', victims of racist violence are unlikely to continue to report. This obviously profoundly undermines the PSNI stated commitment to increasing reporting of racist violence.

The most positive dimension to this is that there is little evidence of overt police racism in Northern Ireland. As opposed to the racism exhibited by police officers in the UK and USA in high profile incidents in recent years, the only report of a police officer responsible for direct racist abuse in this particular study was off-duty at the time. While it is worrying that a serving police officer has racist attitudes, the problem in terms of police culture appears to be less one of direct racist behaviour than problems of diffidence and unconcern:

I think [the police] couldn't be bothered. The police noted everything down. They said these people [the racist attackers] are the scum of the earth but nothing was done.

I asked them why they didn't do more patrolling, have more of a presence and they said it would be worse – a police presence makes things worse.

Even when the police are perceived to be sympathetic, they are often regarded as ineffective.

I don't trust the police.... Because I was there, what I learned that night [when another family was burnt out in a racist attack], they were trying to separate the husband and wife and she wouldn't go, she said under no circumstances would she go she would rather die in the house. From that night I learned, god forbid, if anything happens in my situation where we live now, where will I go? If the police say we can't offer protection, where will I go?

Finally, it is clear that there often aren't easy solutions to the problem of racist violence. While victims obviously wish that racist violence would end and that the institutional response would be appropriate, they do not have all the answers. Some people have developed strategies for dealing with racism and remain positive about living in Northern Ireland:

If you prove to the people that you can do something, they will come to you. Make the children be involved in some community activities, community workers, community leaders helped us. If you try to help them, they will help you. So a child that hasn't seen a black person, will ask you were you living under a tree, speak to them tell them who you are. [Since I moved following the racist incident] I'm happy with where I work, I'm happy with where I live. People are very friendly. The very first time I heard "Hi, Love!", I didn't know what was happening, somebody calling me love on the street! But now I'm very happy here and I want to stay here.

4.11. Conclusions

The most striking thing about all of this primary data is the shocking incidence of racist violence across Northern Ireland. The data confirms that many minority ethnic people have experienced profound and repeated racist violence. While the statistics and media reporting have indicated that racist violence is 'growing', the NICEM statements make this visceral – it involves people being terrorised, people being spat on, people being burnt out of their homes and people being assaulted. The ongoing racist violence towards and harassment of minority ethnic children is particularly horrifying. In consequence many minority ethnic people are living in fear and some people are in fear of their lives. Many are being forced out of particular communities and some are being forced out of Northern Ireland completely.

It is also clear from the statements that the criminal justice system in Northern Ireland has palpably failed to address or resolve this situation. In this context we have found widespread evidence of the MacPherson characterisation of a 'collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin' running through the personal testimonies of the survivors of racist violence in Northern Ireland. This is not just a failure on behalf of the PSNI but the whole criminal justice system. There is very little in current practice to suggest that the criminal justice system is taking racist violence as seriously as it should. This is even more alarming given the increasingly identification of Northern Ireland as a place in which racism is spiralling out of control.

Despite the escalating racist violence and the failings of the criminal justice system, however, there are some positive dimensions to the situation as well. First, there is a relative absence of a culture of racist violence in a broader sense. For example there are some examples of generalized racist graffiti beyond attacks on individual homes but this is fairly uncommon. Racist marching is also fairly infrequent. Although racist 'marching' by the National Front and other groups was significant in the 1970s, it seemed to have little contemporary significance with respondents. The obvious reason for this is the low profile of overtly and formally racist political groups in Northern Ireland. The synergy between Loyalism and racism is, however, deeply worrying. This needs to be addressed much more proactively than it has been. It is astounding, for example, that reports by the Independent Monitoring Commission (IMC), which is intended to monitor violence by loyalist and republican groups, have almost completely ignored loyalist paramilitary involvement in racist violence. For example, their most recent *Tenth Report* (IMC 2006: 17-18, 36) at least acknowledges an issue with the UDA and UVF 'targeting ethnic minorities' but this is in a context in which racist violence perpetrated by loyalists has become routine. It follows a mountain of evidence – including that of the PSNI and the NIAC – indicating Loyalist paramilitary involvement in racist violence. Given that the IMC comment extensively on other aspects of loyalist and republican involvement in criminality, it is far from clear – and certainly unacceptable – that racist crime is almost totally ignored.

Second, in terms of policing there is a very mixed experience. On the positive side, it has already been noted that there appears to be little experience in Northern Ireland of what might be termed 'traditional' police racism. Concerns have often been raised in other jurisdictions – not least in Britain – regarding the racist behaviour of police officers 'in the line of duty' but no such accounts figure in this study. There has been very little reporting of the stop and search powers of the police being used specifically against people of colour or more generally in a racist manner.¹⁶ The many charges of sectarian attitudes or behaviour on the part of the police find little echo in the context of race. Institutional racism is, however, frequently alleged and the case histories recorded here indicate that such racism is clearly present in the commonplace unwillingness or inability to respond appropriately to racist violence. This may or may not be informed by racist ideas but it certainly leads to racist practice and in many cases facilitates or at least fails to prevent further racist violence.

The difficulties in investigating opportunistic racist violence are clearly acknowledged. Equally, the PSNI cannot be blamed for not investigating incidents that are not reported to them. However, they also have a proactive responsibility to encourage and support reporting. As many people have said, if the PSNI response to the first reported incident of racist violence is completely ineffective, or even makes things worse, then there is little reason for any further reporting to police of racist violence. There are important questions that must be addressed not only by the PSNI but also by the Policing Board, by the DPPs and by the Police Ombudsman as to the role that they can play in tackling racist crime.

With regard to the rest of the criminal justice system, huge question marks remain. Certainly, the lackadaisical attitude of the PPS has to change. It currently acts as if there were no problem with racist violence in a jurisdiction which is alleged to contain the 'most racist city in the world'. In addition, we may reasonably

¹⁶ Although 'Operation Gull' which is reported as the targeting of 'dark-skinned people' at port of entry in Northern Ireland looks like a crude throw back to this kind of overtly racist policy ((Daily Ireland February 24th 2006)

ask are the judiciary and barristers and solicitors in Northern Ireland all sufficiently aware of their potential role in combating racist crime?

The research brief requested an analysis of what was available to victims of racist violence. The short answer to this is very little. As we have seen, the response of the PSNI is very often weak and inappropriate and the wider CJSNI is failing to provide an adequate framework for protection. In this context, it is difficult to properly assess the performance of other institutions in the statutory sector in response to racist violence. The NIHE has at least developed a policy on racist violence which provides a model for other agencies. More generally, the response of the Housing Executive appears mixed – often apparently depending mostly on the commitment of individual officers. Some people who have been subject to serious racist violence on their homes have been re-housed quickly in areas where they feel safer; others, however, have been told that other areas are just as dangerous and that they have to remain where they are. The NICEM statements suggest most people are not accessing alternative voluntary or community based support. Many of them ended up with NICEM precisely because there is no appropriate statutory agency addressing racist violence and its consequences. This begs the question of what roles should be being shouldered by the statutory sector – the ECNI, the NIHRC and the CRC amongst others.

The research brief also asked what kind of support *should* be available for victims of racist violence. There is a range of ways in which community and voluntary sector response might be improved but until the policing and CJSNI response is radically improved, it is difficult to suggest other support. We did, however, find a range of activities undertaken by broader civil society which can be very beneficial. We saw support from minority ethnic community organisations and referrals from political parties. Some churches and religious communities are supportive of their own members. Some schools have been very active in addressing racist bullying. Some trades unions have made interventions on the issue. Broadly, however, minority ethnic victims of racist violence are left to their own devices. There is, of course, a wider network of victim support in the voluntary and community sector and this sector could usefully review what it provides and doesn't provide to victims of racist violence. The NIAC report made specific reference to the role of Victim Support in this process. However it remains the case that so long as the statutory sector is failing to address the issue properly, the voluntary sector cannot fill that gap. Victim support in the voluntary sector is a supplement not an alternative to the criminal justice system. There is a clear need to re-establish the *principle of the primary responsibility of the statutory sector for protecting people from racist violence and supporting them to cope with its consequences*. There is also a clear need for organisations – particularly those in the statutory sector – to develop clear policies on how they and their staff deal with racist violence.

With the help of the NICEM statements, we see a broad range of experiences of racist violence – different ethnic groups, different locations and different forms of violence. Minority ethnic people are primarily concerned about the police *non-response* to racism by 'ordinary' white people and loyalist paramilitary organisations. There was little evidence of active racism by PSNI officers themselves – they are not generally accused of 'harassing' minority ethnic people in the way that police have been in other jurisdictions or that RUC/PSNI have been with regard to Catholics in Northern Ireland. This undoubted positive should not, however, disguise the profound problems that there are with the policing of racist violence in Northern Ireland. Here people's experience is characterized by police incompetence and diffidence. This non-response can be perceived to be itself racist. Whether this is 'racially motivated' in a traditional sense is a moot point. It is unambiguously evidence of institutionalised racism in the Lawrence Inquiry sense and it is both profoundly disturbing and absolutely inexcusable.

5. Improving the response of the CJSNI to racist crime

As we have seen already, the literature makes it clear that accurate and comprehensive statistics are the first principle of the effort to address racist violence. The EUMC report on racist violence includes a series of conclusions and recommendations:

To this end, the findings in this report generally show that Member States with comprehensive data collection mechanisms to monitor racist crime and violence also tend to have a range of progressive initiatives to both combat the problem and assist victims. (2005a: 16. original emphasis)

We have also seen that this is not a hugely difficult challenge; neither should it be a case of reinventing the wheel. The Lawrence Inquiry created a context for the British State and its delivery of criminal justice to minority ethnic people. In particular of course this focused on the delivery of criminal justice to victims of racist violence. In other words, the template or blueprint is there already. The Irish Government has drawn heavily on this model in terms of its own interventions on racist violence so there is no issue in terms of disparity between the two jurisdictions.

There is also general agreement that there is under-reporting of racist violence. The NIAC made it clear that there was marked under-reporting of racist crimes. The PSNI accepts this:

Whilst the number of racially motivated incidents reported to the Police Service is increasing, it is not believed that these figures accurately reflect the actual number of incidents of this nature and many go unreported (2006a).

5.1. The Northern Ireland Criminal Justice Review

Although the *Review of the Criminal Justice System in Northern Ireland* (Criminal Justice Review Group 2000) addressed specifically the issues of criminal justice emerging from the peace process and GFA,¹⁷ it did mention the MacPherson report in passing and make specific recommendations on this:

The inquiry into matters arising from the death of Stephen Lawrence was completed in February 1999. Although it was concerned with events in another jurisdiction, we considered what impact it might have on our deliberations. Four of the report's recommendations were about witnesses and victims. It was recommended that: there should be improved guidelines for the handling of victims and witnesses, particularly in the field of racist incidents and crimes; proactive use should be made of contacts within ethnic minority communities to assist with victim support and working with sensitive witnesses; trained victim/witness liaison officers should be available and used in racist incidents and where a sensitive approach to young and vulnerable witnesses and victims was required; and appropriate bail conditions should be used to prevent the intimidation of victims and vulnerable witnesses. These recommendations were accepted by the Home Office, which announced a number of initiatives to develop good practice and drew attention to relevant work already being carried out in relation to vulnerable or intimidated witnesses. (2000 para. 13:17, p. 317)

The Criminal Justice Review Group also included broader analysis and recommendations on issues specific to racism and the criminal justice system which bear emphasis. First in terms of 'equity monitoring':

A core value and objective of the criminal justice system is that it should have the confidence of the community it serves. Another is that it should treat people fairly and equitably regardless of their background. It is in this context that we consider the role of equity monitoring, both in terms of employment in the system and of the impact of the criminal justice process on different sections of the community. We note that section 75 of the Northern Ireland Act 1998 places a statutory duty on public authorities to have due regard to the need to promote equality of opportunity: (i) between persons of different religious belief, political opinion, *racial group*, age, marital status or sexual orientation.... (2000 para. 3.31, p. 36, emphasis added)

17 The Review located itself thus: 'the Agreement reached in Belfast on Good Friday 1998 provided for a "... wide-ranging review of criminal justice (other than policing and those aspects of the system relating to the

emergency legislation) to be carried out by the British Government through a mechanism with an independent element, in consultation with the political parties and others".

We recognise the difficulties and the scale of the task. However, we recommend that the Criminal Justice Board and its research sub-committee be tasked with developing and implementing a strategy for equity monitoring the criminal justice system, as it affects categories of people, in particular by community background, gender, *ethnic origin*, sexual orientation and disability, whilst ensuring that this is done in a way that does not compromise judicial independence. Different approaches may be needed for these categories. Information technology will be central to this, in particular to enable cases to be tracked through the system. (2000 para. 3.38, p. 38, emphasis added)

Second the Criminal Justice Review Group made recommendations in terms of a 'statement of principle' on 'racial discrimination':

We recommend a public information and education strategy for the criminal justice system. This might include the following features: The production and distribution of guides to various aspects of criminal justice, targeting specific groups such as witnesses, victims, children, *minority groups* and defendants.... [and] The publication of statements of principles showing how the system as a whole will address specific issues, such as the treatment of victims, *racial discrimination* or cross-agency working. (2000 para. 3.67, p. 46, emphasis added)

Third, Second the Criminal Justice Review Group made recommendations in terms of a 'community safety strategy' and 'ethnic minority communities':

We recommend that in developing a community safety strategy for Northern Ireland specific consideration be given to [inter alia] the needs of ethnic minority communities... (2000, para. 11.52, p. 270)

The Review also touched on racism in other fairly cursory ways: offences of 'racial sensitivity' that the police were required to refer to the DPP (4.21, p. 56); removal of judiciary from office for behaviour that might cause offence on racial grounds (6.32, p.116); 'it was observed that there was no-one from an ethnic minority on the bench' (6.43, p. 119); observation of the South African model of "the need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered when judicial officers are being appointed" (6.61, p. 124); observation of The American Judicature Society model that "all appointing authorities shall make reasonable efforts to ensure that the Commission substantially represents the gender, ethnic and racial diversity of the jurisdiction" (6.67, p. 125); observation that, in England and Wales, 'in recent years particular emphasis has been placed on trying to secure a bench representative of the community in terms of class, gender and racial background' (7.33, p. 158); and observation that in 'South Africa, lay assessors had just been introduced in magistrates' courts and consideration was being given to extending their role into the High Court. There the change was largely driven by a desire to transform the racial composition of the bench.... Lay assessors receive formal training in the Justice College alongside prosecutors and court staff' (7.38, p. 159). All of these provide at least a reference for any future review of the CJSNI and racism.

The Office of the *Justice Oversight Commissioner* has already provided some element of review of these different issues relating to racism and criminal justice (Justice Oversight Commissioner 2006). For example, it regards the recommendations on the public information and education strategy and the community safety strategy outlined above to be 'fully implemented'. This means obviously that it regards the recommendations specific to ethnicity and racial discrimination to also have been 'fully implemented'. It suggests that the equity monitoring recommendations are less 'fully implemented' – the strategy has been 'verified' and publication of data 'begun' (Justice Oversight Commissioner 2006). All the evidence suggests that the specific need for ethnic monitoring and racism-specific analysis and strategy has been lost in the process of the wider implementation of the criminal justice review. For example, the CJSNI *Public Information and Education Strategy 2004-5* (2004) continues to pay lip service to the 'objective' of a specific intervention on 'racial discrimination': 'the publication of statements of principles showing how the system as a whole will address specific issues, such as the treatment of victims, racial discrimination or cross-agency working' but there is no detail on how this is to be progressed in any way. Whatever the success or otherwise of the Criminal Justice Review and the efficacy or otherwise of the Oversight Commissioner process, the *specific and necessary changes in terms of racism and criminal justice have not been made*.

In other words, six years on from the Northern Ireland Criminal Justice Review and following specific attention in the review to issues of racism and criminal justice, we might expect *first*, equity monitoring in terms of 'racial group' and *second*, a statement of principle showing how the system as a whole will address racial discrimination and *third* a clear strategy as to how community safety for minority ethnic groups is to be delivered. None of these things has happened in any developed or meaningful way despite the huge increase in racist violence detailed above.

5.2. The PSNI recording 'racist incidents'

The NI Affairs Committee Report made it very clear that the PSNI are central to the process of addressing hate crime and that PSNI statistics must be seen as a key meter of success or failure:

The figures supplied by the PSNI indicate a disturbingly low clearance rate for racial ... incidents relative to other similar crimes. Less than 7% of incidents recorded as crimes by the police resulted in a charge or summons, including complainants who declined to prosecute. It is good that the PSNI and the Policing Board have set targets in the recent policing plan (2005-2008) to increase the clearance rate for racist ... crimes. However, putting these measures in place is only a start, and the PSNI must now do everything possible to demonstrate a commitment to improve the clearance rate for ... racist crimes. The Policing Board must monitor the PSNI's performance closely. (Paragraph 30)

The Government addressed this issue in its response:

During 2004/2005 the Police Service cleared 15.9% of all racially motivated crimes.... The detection rate in respect of racially motivated crime fell by 1%.... The Police Service will continue to maximise its efforts to increase these clearance rates and recognise this as being a crucial confidence issue within minority groups. Whilst the clearance rates are low the Police Service have during 2004/2005 charged, summoned or cautioned (sanctioned clearances) a greater percentage of perpetrators compared with 2003/2004. Sanctioned detections for racially motivated crime increased by 2.4%....

The 2005-2008 Annual Policing Plan contains two targets relevant to this recommendation; Target 4.9.1 "To increase the clearance rate for racist/homophobic crimes"....The NI Policing Board will monitor PSNI performance against these targets and all other Annual Policing Plan targets quarterly at a meeting in public of the full Board. The Policing Board will also publish an assessment of PSNI performance against these targets for the 2005/06 year in the NIPB Annual Report in June 2006.

Even though this is a relatively new procedure, the PSNI have changed recording across years:

During 2004/05 improvements have been made to the processes for identifying racial and homophobic incidents and crimes. Rather than gathering data through manual returns, incidents and crimes of this nature are now collated through the PSNI Integrated Crime Information System. (PSNI 2005a)

This means, of course, that, according to the PSNI, figures are not directly comparable across years. The PSNI now use what is called the 'Stephen Lawrence' definition:

Any incident perceived to be racial ... by the victim or any other person, whether a crime has occurred or not, will be recorded by the police. (PSNI 2005a)

We should note, however, that it resurrects the adjective 'racial' despite the fact that the Lawrence Inquiry specifically repudiated this term. The broad category 'racial incidents' therefore includes the smaller- and by implication more serious – category, 'racial crimes'. These are therefore 'racial incidents' according to the definition above which also constitute *crimes*:

Recorded crimes (sometimes referred to as notifiable offences) are those which are deemed to be indictable or triable-either-way....¹⁸ In the same way as incidents are identified as racial ... a crime will be recorded as racial ... where the victim or any other person perceives it as such. Not all incidents will result in the recording of a crime. Racial ... crimes are classified according to the Home Office Counting Rules and form a subset of the overall recorded crime figures. (PSNI 2005a)

In consequence, we can get a statistical breakdown of incidents recorded by the PSNI over recent years (See Table Four):

¹⁸ According to the PSNI: 'Recorded crime figures (sometimes referred to as notifiable offences) detail those crimes and offences (including attempts) recorded by the police which are deemed to be indictable or triable-either-way. Certain closely associated summary offences are also counted in the recorded crime figures - Indictable offences are those more serious crimes which are tried on indictment in the Crown Court by a judge and jury; Triable-either-way offences are those offences which, under certain circumstances, are triable either summarily in a magistrates court or on indictment in the Crown Court; Summary offences are less serious and are tried in a Magistrates Court before a resident magistrate with no jury'. (PSNI 2005b).

Table Four: Racial Incidents and Crimes recorded by PSNI

	2002/03	2003/04	2004/05	2005/06
Total number of racial incidents	226	453	813	936
Total number of crimes			634	746
% clearance rate			15.9%	20.5%

(Source PSNI 2005a, 2006c)

Moreover, we can get a further detailed breakdown of how these incidents are processed and cleared (see Table Five).

Table Five: Racial Crime – Recorded, Cleared and Type of Clearance 2004/05

	2003/04	2004/05	Change	% change
Incidents	453	813	+360	+79.5%
Crimes Recorded	267	634	+367	+137.5%
Crimes Cleared	45	101	+56	+124.4%
% Cleared	16.9%	15.9%	-1.0%pts	-
Type of clearance				
Charge / summons	18	59	+41	-
Adult caution	2	5	+3	-
Juvenile	3	6	+3	-
Total 'sanction'	23	70	+47	-
'Sanction' as % all clearances	51.1%	69.3%	+18.2%pts	-
Sanction clearance rate	8.6%	11.0%	+2.4%pts	-
Under age	2	2	0	-
CDP	18	27	+9	-
No prosecution directed	2	2	0	-
Total 'non sanction'	22	31	+9	-
'Non sanction' as % all clearances	48.9%	30.7%	-18.2%pts	-
Non sanction clearance rate	8.2%	4.9%	-3.3%pts	-

Source: PSNI 2006, information request

Over the past two years, the PSNI has also provided some additional data on racist violence:

- Between 2003/04 and 2004/05 the number of racial incidents increased by 360 (79.5%).
- There were a total of 634 racial crimes recorded during 2004/05.

- The overall clearance rate was 15.9%.
- Criminal damage accounted for 322 racial crimes (50.8%), with a further 187 racial crimes (29.5%) categorised as woundings or assaults. (PSNI 2005a)
- During 2005/06 there were 936 racial incidents, an increase of 123 (+15.1%) compared with 2004/05.
- There were 746 racially motivated crimes during 2005/06, an increase of 112 (+17.7%) compared with the previous year. Violent crime (offences against the person, sexual offences and robbery) accounted for 45.7% of these crimes (341 offences) while property crime (burglary, theft and criminal damage) represented 52.3% (390 offences).
- The clearance rate for racially motivated crimes in 2005/06 was 20.5%, 4.6% points higher than that in 2004/05. (PSNI 2006c)

The PSNI also provides detailed data on racial incidents by District Command and type of offence.¹⁹ Thus, if the methodology is accepted, the data provides a detailed view of the incidence and patterns of racist violence across the north. We need to be very careful about extrapolating from this data, not least because the PSNI itself acknowledges serious under-reporting. If, however, we take these figures as at least indicative of broad trends, we can expect that around two thirds of the racial incidents recorded by the PSNI involve crimes. We can also suggest that about half of all racist violence involves criminal damage to property and about a third involves violent assault on individuals.

5.3. Reporting 'racial incidents'

There is no questioning the increased PSNI profile on racist violence over recent years. This contrasts starkly with the RUC which did very little on the issue of racist violence. This is most obviously illustrated by the ongoing 'Hate Crime is Wrong' campaign which has racist violence as a central component (PSNI 2006a). The PSNI insist:

The Police Service are committed to identifying and prosecuting perpetrators of racially motivated crime. Reporting incidents to police provides essential information which, enables the police to prevent further incidents taking place and to identify those responsible.

The campaign insists: 'Hate Crime is wrong' and 'victims do not have to put up with it. Help is available.' It bears emphasis that this activity is itself a significant shift in policing in Northern Ireland. The content is, however, not unproblematic. For example, from a policing point of view the key point about racist crime is that it is a *crime*. Most people may well agree that it is 'wrong' in some moral sense but the police response to racist violence should be driven by the fact that it is a crime not because it is morally 'wrong'. (For example, many people would agree that child poverty is 'wrong' but it isn't the job of the PSNI to address this wrong while it is their job to address racist violence.) It is not primarily the job of the police to educate on morality but to address and respond to crime. At the very least, the PSNI need to be consulting widely on the appropriateness of this message; at worst it gives an appearance of activity on racist violence while failing to address the problem 'on the ground'.

The PSNI have also attempted to improve methodologies of reporting racist (and other) hate crimes (PSNI 2006a). They make it clear that, 'incidents can be reported by a number of methods:

Call 999 in an emergency; Contacting local police; Calling Crimestoppers on 0800 555 111; or reporting online'. The PSNI has also produced a 'Racial incidents' leaflet (2005) and this is available in several minority ethnic languages – Urdu, Hindi, Arabic, Italian, Portuguese, 'Traditional Chinese' and 'Simplified Chinese'.

The PSNI also alerts people to the fact that it has access to interpreters 24 hours a day for those individuals who have difficulty understanding English. It also publicises the fact that Minority Liaison Officers have been appointed in every Police District. These officers 'have been specifically trained to advise and support victims of hate crime'. In October 2002 the Police Service hosted a conference on *Policing Minority Ethnic Communities* – speakers included the Lawrence Family lawyer Imran Khan. While the conference tended to focus more on issues of multiculturalism than racism per se, it was clearly extremely important symbolically that the PSNI invited as a keynote speaker, Imran Khan, the Lawrence Family lawyer.

19 PSNI 2005 'Hate Incidents and Crimes', Appendix One: Table 3.1: Racial Incidents and Recorded Crimes with a Racial Motivation: Offences Recorded and % Cleared by District Command Unit 2004/05.

Unfortunately conference proceedings for the event are not publicly available – it would be an important contribution to improved public relations for the police to have such reports easily accessible even long after the event. Participants report that here was a brief public exchange between Mr Khan and the PSNI's Chief Constable Hugh Orde on the issue of 'institutional racism'. The Chief Constable had recently moved to Northern Ireland from the Metropolitan Police and was challenged to admit that institutional racism was probably as endemic in the PSNI as in his previous employ. Perhaps as a newcomer to the post, the Chief Constable chose not to formally respond, but the exchange exhibits the need to keep the issue centre stage. A further conference was held in 2006, *Real People, Real Crime: A Human Rights Conference on Policing Hate Crime* PSNI (2006b). While this also addressed aspects of policing racism and racist violence, it appeared that any critical assessment of institutional racism in the PSNI, or indeed focused critique of the PSNI and its response to racist violence, was off the agenda.

In general there is no question that things have changed markedly in the PSNI – at least at the level of symbolism. There is a lot of activity on 'racial incidents' and 'hate crime' which contrasts starkly with the absence of any similar activity a few years ago. (As we have seen this also contrasts starkly with current inactivity across the rest of the criminal justice system.) As is disturbingly and graphically illustrated by the NICEM statements, however, all this activity has not translated into practice for many police officers. From this perspective, the 'permafrost' analogy which was used recently by the CRE in relation to the Metropolitan Police, looks entirely appropriate with regard to the PSNI (CRE 2005a).

We can see already that the dynamics of policing racist attacks are clearly structured by key issues associated with the recording of crime²⁰ as well as the issue of 'clearance'.²¹ As with other crimes, the success or otherwise of police performance on racist attacks turns on how effective and appropriate these measures can be regarded. In particular, what constitutes 'clearance' for the police may leave the situation far from resolved for victims.²²

Thus the CAJ and others have been critical of aspects of the recording process:

With regard to 'racial' - CAJ proposes that reference be routinely made to people's racial *and* ethnic origin, to avoid any ambiguity about the extent of the coverage. In Northern Ireland, there have already been a number of attacks on people of Portuguese or East European origin, and there should be no ambiguity about the fact that they (though often white) are to be afforded the same protections as those of, say, Afro-Caribbean origin (CAJ 2005)

A separate but related issue that might best be raised at this point in our commentary relates to the issue of hate incidents being experienced or perpetrated within or by the police itself. CAJ had earlier welcomed the agreement of the PSNI to use the "Stephen Lawrence" definition when determining hate crimes, and it is worth noting that a key finding of the investigation into Stephen Lawrence's death related to institutionalised racism. We think that it would be very strange if a document seeking to advise police officers about how to respond sensitively to hate crimes and hate incidents committed in the public arena, were not advised about the handling of any problems experienced in their workplaces also. It is vital that training, disciplinary codes, management efforts etc. all address the need to create a neutral work environment within which there is no space for institutionalised racism, sectarianism, sexism or homophobia. Conveying a clear message about acceptable behaviour within the service is an important contribution to the improved handling of prejudice and bigotry, and its consequences, in the larger society. We note elsewhere that some of these issues have been inadequately addressed in the past, so this policy directive provides an opportunity to remedy that oversight. (CAJ 2005)

20 According to the PSNI: 'The number of crimes recorded by the police is dependent on two factors: Whether the victim or a representative of the victim brings that crime to the attention of the police or on the crime coming to the attention of the police through some other means (such as the police officer being present at the time); Whether that incident is determined as being a recordable offence within the categories laid down by the Home Office in the official counting rules'. (PSNI 2005b).

21 According to the PSNI: 'Clearances (or detections as they may alternatively be known) are, broadly speaking, those crimes that have been 'cleared up' by the police. Crimes are counted as 'cleared or detected' in accordance with strict counting rules issued by the Home Office. They are counted on the basis of crimes rather than offenders. For example, if six offenders are involved in a robbery and are all arrested and charged, then this counts as one clearance. Alternatively if only one of the six is identified and charged while the other five remain unidentified and go free, this also counts as one clearance. In this respect clearance data differs from conviction data as conviction data counts offenders while clearance data counts crimes'. (PSNI 2005b).

22 According to the PSNI: 'The following methods of clearance involve a formal sanction: Charging or issuing a summons to an offender; Issuing a caution to the offender; Having the offence accepted for consideration in court; The offender is a juvenile who is dealt with by means of an informed warning or restorative caution. Offences not involving a formal sanction but still regarded as 'cleared up' are those where the police take no further action for the following reasons: Offender, victim or essential witness is dead or too ill; Victim refuses or is unable to give evidence; Offender is under the age of criminal responsibility; Police or DPP decides that no useful purpose would be served by proceeding; Time limit of six months for commencing prosecution has been exceeded'. (PSNI 2005b)

These issues considered, it appears that the framework for recording is in place within the PSNI. The real issue is now the question of increasing the incidence of reporting. As we have already seen this is much more closely tied to minority ethnic community confidence and the perception that reporting to the PSNI achieves nothing or makes things worse, than it is to the mechanisms for recording. The key challenge for the PSNI is using their improved reporting mechanisms to do more to address the kind of racist violence detailed in this report.

5.4. The PPS

As we have already seen, the Government in its response to NIAC report made a specific commitment to draw on existing mechanisms to monitor the effectiveness of legislation on racist violence:

The Government accepts the Committee's recommendation and will work with enforcement and prosecution authorities to develop a similar mechanism for monitoring the effectiveness of the Criminal Justice (No. 2) (Northern Ireland) Order 2004.

The NIAC emphasized the need for this kind of monitoring:

We welcome the introduction of the Criminal Justice (No. 2) (Northern Ireland) Order 2004 and the inclusion of crimes against the disabled as a category of hate crime. We recommend that the PSNI, the Policing Board and the NIO closely monitor the effectiveness of this new legislation. Importantly, prosecutions need to attract widespread media attention to act as a deterrent to others that hate crime will be robustly tackled by the criminal justice system. (Paragraph 101)

Again Government makes specific commitments on this:

As stated in the response to the Committee's recommendation at paragraph 29, the Government will work closely with the relevant authorities to ensure that the effectiveness of the legislation is monitored. The Government supports the Committee's recommendation that successful prosecutions are effectively publicised and where possible the Police Service will seek to highlight increased sentencing in these cases to provide a deterrent to potential perpetrators.

Again, however, as we have seen, there appears to be no movement from the PPS. At the time of going to print, this research was still awaiting a response from the PPS detailing measures taken to 'ensure the effectiveness of the legislation'.

5.5. Conclusion

It bears emphasis that the failure to adequately track racist violence through the criminal justice system is shocking. The PSNI reporting mechanisms are imperfect but they at least demonstrate marked improvement over recent years. The DPP/PPS appear to have made no effort at all. The admission that they have no means of tracking racially aggravated crime through their system is breathtaking – especially when there are clear models within the British criminal justice system for them to borrow. We have already made the point that most of the difficult work in this area has been done by the Stephen Lawrence Inquiry and the criminal justice system in Britain. While this system may not be perfect, this cannot be an excuse for effectively ignoring the model. The tracking of prosecutions is vitally important for a number of reasons - victims need to have confidence that there is a point to reporting racist crime, the PSNI need to believe that their work will result in court cases, and the wider community need to see that society disapproves of such behaviour by bringing full rigour of law to bear on case. This is the core logic of the racially aggravated crime legislation in the first place but it is completely undermined by the lack of activity by the PPS and other parts of the CJSNI. If the question of institutional racism is to be properly addressed, we need good statistics, and we need to be able to monitor trends. Without the kind of race monitoring information now routinely provided in Great Britain, it is impossible to assess who is being arrested, why, from where, who is a victim, are the systems operating to good effect. The NI criminal justice review recommended very firmly a similar 'equity monitoring process'. The Justice Oversight Commissioner reports have also addressed this issue and made criticisms of their slowness in implementation. In short, there is no excuse for not having appropriate monitoring mechanisms. *Their absence is, in itself, further evidence of institutional racism* in the CJSNI. It is astonishing that the CJSNI in the 'race hate capital of Europe' can display such a blasé approach to tracking racist violence in the criminal justice system.

6. The role of the media in reporting racist attacks in Northern Ireland

As we have already seen, both local and international media have shown a high level of interest in racism in Northern Ireland over recent years. The BBC, for example, now routinely covers stories highlighting incidents of racism and suggesting a growing problem with racist violence (BBC News 2000, 2003a,b, 2004a,b,c,d,e,f, 2005, 2006a,b). There was also specific media interest in academic research which included the claim that: 'Overall, racial prejudice appears to be around twice as significant than (sic) sectarian prejudice in the initial attitudes of the population in Northern Ireland' (Connolly and Keenan 2000: 44). This research was loosely reported - in a report entitled 'Racism is growing in Northern Ireland', the BBC suggested, 'A report on racial prejudice in Northern Ireland says racism is now twice as common as sectarianism' (BBC News 2000). Despite this, the thesis was promoted by, among others, the ECNI and the CRC. It was also supported, of course, by the mounting levels of racist violence indicated by RUC and PSNI data. All of this received increasing attention from local print and broadcast media. By 2003, the BBC News was suggesting that: 'Ethnic minorities in Northern Ireland are more than twice as likely to face a racist incident than those in England or Wales, according to a BBC News investigation' (BBC 2003a). In this context, different media began to advance the notion that racism in Northern Ireland had become the new sectarianism (Alvarez 2004).

Media interest in racist violence also increased as a number of governments of foreign nationals living in Northern Ireland raised concerns about racist attacks on their citizens. For example, the President of the Philippines made a direct intervention:

The government of the Philippines has said it wants to work with the British authorities to help protect its citizens after a racist attack in County Armagh. The home of two Filipino couples in the Killicomaine estate in Portadown, was attacked last Tuesday, the second incident on the house in a week. The women from both couples are nurses at the nearby Craigavon Hospital. The women said they have had enough and are considering moving out. In a statement posted on the government's website on Friday, President Gloria Arroyo condemned the attack in Portadown. She added that she had directed her country's Department of Foreign Affairs to co-ordinate with the UK authorities for the protection of its citizens in Northern Ireland. "We condemn this attack not only because the victims are Filipinos but because we abhor all forms of racism," she said. (BBC News 2004b)

By this time the phenomenal rise in racist violence was attracting attention from media outside Northern Ireland. Features on racist violence in Northern Ireland appeared in publications as various as *The New York Times*, *The Guardian*, *The Hindustan Times* and *Der Spiegel*. This media focus on racist violence led to headlines that suggested Northern Ireland had become the 'race hate capital of Europe'. Under the headline 'Racist war of the loyalist Street Gangs' *The Guardian* described how 'Orchestrated attacks on minorities raise fears of ethnic cleansing':

Northern Ireland, which is 99% white, is fast becoming the race-hate capital of Europe. It holds the UK's record for the highest rate of racist attacks: spitting and stoning in the street, human excrement on doorsteps, swastikas on walls, pipe bombs, arson, the ransacking of houses with baseball bats and crow bars, and white supremacist leaflets nailed to front doors. Over 200 incidents were reported to police in the past nine months, although many victims don't bother complaining any more. But in the past weeks, fear has deepened. Protestant working-class neighbourhoods are showing a pattern of orchestrated house attacks aimed at "ethnically cleansing" minority groups. It is happening in streets run by loyalist paramilitaries, where every Chinese takeaway owner already pays protection money and racists have plentiful access to guns. The spectre of Catholics being systematically burnt out of similar areas during the Troubles hangs in the air. So-called peace walls between Protestant and Catholic communities are graffitied with swastikas and signs that read "keep the streets white". Both local unionists and Sinn Féin warned this week that someone is likely to be killed or burned alive in their home if the campaign does not stop. But there are no signs of it abating. (Chrisafis, 2004)

By the following year, Belfast had become the 'most racist city in the world' according to the German magazine *Der Spiegel* which suggested

That the Protestant Ulster militias are criminals and drug dealers, that they assault Chinese immigrants, paint swastikas on walls and have managed to turn Belfast into the world's most racist city. (Matussek 2005)

There was no source for this assertion, let alone any more structured or objective metre that would allow such an assertion to be made. Still the phrase was reproduced in several Northern Irish media and it connected with a rising moral panic about levels of racist violence (Douglas 2005; Young 2005). So, while some of the headlines appeared in media outside of Northern Ireland, they were quickly replicated by local media and helped to create the idea that there was a developing crisis around racist violence in Northern Ireland. The fact that the issue was being reported outside Northern Ireland became a story in itself. For example, the Belfast Telegraph made a story of the *Der Spiegel* article: 'Mag brands Belfast most racist city: Der Spiegel lays blame on loyalists' (Douglas 2005).

While some of this reporting appeared questionable and simplistic, it clearly played a key role in ensuring that racist violence in Northern Ireland was placed and remains under the spotlight. There is no question therefore that some elements of the media played a crucial role in confirming the reality that racist violence had become a serious problem in Northern Ireland. At one level this was a significant advance given the routine denial of the problem until relatively recently. The tone, however, was often sensationalist and provided little context or analysis. Thus initially the general analysis was the notion that racism was the new sectarianism. This progressed through the ratcheting up of fairly uncritical claims about just how racist Northern Ireland had become. At worst, therefore, the reporting of racist violence can be shallow and sensationalist, adding little to the process of understanding why it happens, let alone what might be done to stop it happening.

A number of the NICEM clients had experiences of media involvement. Most of these were negative:

At that time, there would have been several incidents in a week and then it would go quiet and nothing would happen for a while. Sometimes the problems were during the week. Sometimes they were at the weekend. There did not seem to be any pattern to the problems. At this stage we were contacting the police all the time and they would come out to the house, ask what happened and do nothing about it. Nothing would ever be done about it and by now, they knew that there was a problem.... On [date given] a large group of young people were hanging around the bonfire near the house. There was hardly any glass in our windows to break anymore and the windows had been almost entirely boarded up. I could only see out into the street through the part of the window that had not been boarded up. As I was looking out, I saw young people aged in their late teens and early twenties push what looked like a single divan base up against the front door of the house. Then I saw and heard the glass been broken in the front door with what resembled a baseball bat. Then I saw them push a burning stick through the broken door into the hallway. They were trying to burn us out. I immediately and without thinking opened the door into the hallway, picked up the device and through it out into the street through the broken window. [My daughter] had been asleep in bed at the time. We called the police and two officers came after about ten minutes. I showed them the stick that had been thrown through the broken front door window. The next day [my husband] and I went to [named] Police station to provide statements to the police. Since all the different things I have tried to get on with my life but since Christmas I have started to think more and more about everything that happened. Before Christmas, I was thinking about everything on and off. I feel that the police have not done anything. The media got involved but while I felt that this highlighted the problem, it also made things worse. They were causing more problems and leaving us petrified.

Another victim had a different experience of media ineffectiveness:

On one occasion a local journalist was interviewing my husband outside our home when the man [name given] who lived across the road started to attack my husband. At this the journalist jumped into his car and drove away. Later the journalist phoned my husband and said that he was a catholic and felt that he could not stay to give my husband support for that reason. It was clear to my husband that the journalist also felt very threatened and vulnerable.... On [date given] a group of youths were attacking our house with stones and our neighbours mocked, jeered and criticised us. The reason for this was because we had attracted media attention for previous racist incidents and we had called the police into the area. We were now not only being racially harassed and intimidated but also victimised for calling the police to protect us from harassment and intimidation. At this stage we felt that any police presence at our home only served to attract greater hostility from local people and thereby exacerbate and intensify attacks on our home, which is exactly what happened. Whenever we did report incidents to the police they would come to our home and as soon as they would leave we would be attacked even more.

On the one hand, therefore, it is important to encourage sensitive and careful media reporting of the issue of racist violence in Northern Ireland. On the other, the media has played a key role in raising awareness of the routine nature of racist violence across Northern Ireland. Clearly the media has an important democratic function in monitoring and analysing racist violence as well as monitoring and analysing the response of the criminal justice system to that violence.

7. Conclusions

We have detailed graphic and disturbing picture of the incidence of racist violence across Northern Ireland in this report. It is clear that many of the incidents could have led to death and we already have instances where death or serious injury occurred either directly or indirectly as a result of inaction by public bodies. We cannot afford to await further and even more serious racist violence before taking action. The report has emphasised the need to recognise there is an urgent problem and, with considered action, the rising racist violence might even be nipped in the bud before it festers into something longer term. The research certainly confirms the widespread belief that there has been a frightening growth in racist violence in Northern Ireland. We hope that the report also humanises that experience – it shows what an ‘alarming rise’ in ‘racist incidents’ and ‘racist crimes’ actually involve for the victims. The current reality is that many minority ethnic people live in well-grounded fear of becoming, as one respondent so powerfully put it, ‘the next Stephen Lawrence’. At least in so far as they have raised the alarm in terms of this reality, the notions of Northern Ireland as the ‘race hate capital of Europe’ and Belfast as the ‘most racist city in the world’ are not misplaced. This kind of media coverage – as well as the growing research detailed in this report – should alert Government in Northern Ireland to the *crisis it has with racist violence*. This crisis is of a different standing to most other situations in Europe because at the heart of the dynamic here, we find Loyalist paramilitary organisations actively engaged in racist violence. This is not to suggest that ‘ordinary people’ aren’t also engaged – they are – but it is to suggest that where racist violence is being driven by paramilitary organisation, there is a duty on Government to address the specific dangers that this creates.

We have suggested that the response to this crisis of the PSNI in particular and the CJSNI in general has been profoundly lacking. There is definitive evidence of continued institutional racism in the criminal justice system in Northern Ireland. We find widespread evidence of the MacPherson characterisation of a ‘collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin’ running through the personal testimonies of the survivors of racist violence in Northern Ireland. There is ample evidence of ‘processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people’. The PSNI have, however, at least made some efforts to address this issue at policy level. The challenge for them remains that of turning positive and integrated policy into delivery on the ground. We have provided many examples of appalling practice with regard to the victims of racist violence.

As we detailed earlier, the EUMC research on policing racist violence focused on five broad areas in relation to the policing of racist crime and violence in the EU: (1) police recording practices for racist crimes; (2) responsibility for establishing racial motivation; (3) police responses to victims of racist crimes; (4) training provision for the police to effectively respond to racist crimes; and (5) police engagement with civil society. These five broad areas give us a useful transnational and comparative framework within which to critically assess some of the main issues with the criminal justice system in Northern Ireland. We therefore organise our recommendations within this context. Improvements have been made in each of these areas over recent years but there remains a huge amount to be done.

Other elements in the criminal justice system, however, have even further to go. The PPS in particular needs to address its own ‘collective failure’ on this issue as well as the legacy of the failure of the DPP. Its apparent refusal to exercise any sense of urgency around prosecutions and convictions for racist violence is breathtaking in the context of escalating racist violence. The CJSNI defines itself as being, ‘made up of 7 main statutory agencies’: Northern Ireland Court Service (NICTS); Northern Ireland Office (NIO); Northern Ireland Prison Service (NIPS); Police Service of Northern Ireland (PSNI); Probation Board for Northern Ireland (PBNi); Public Prosecution Service (PPS) and the Youth Justice Agency (YJA) (CJSNI 2006). While our analysis has focused on the performance of the PSNI and the PPS, it is clear that every one of these agencies would benefit from a MacPherson style review of its performance in terms of racism and racist violence. It is also clear that the institutions that have emerged from the Good Friday Agreement – particularly the ECNI, the NIHRC and the CJINI – have a specific challenge in terms of delivering a holistic and radical overhaul of the CJSNI and its approach to combating racist violence.²³

More broadly we believe that racist violence has to be moved up the agenda in terms of broader race

²³ Criminal Justice Inspection (sic) Northern Ireland defines itself thus: ‘CJINI is an independent statutory inspectorate, established under the Justice (Northern Ireland) Act 2002, constituted as a non-departmental public body in the person of the Chief Inspector.... The CJINI will be funded by and report to the Secretary of State for Northern Ireland, who has powers to direct the Chief Inspector to undertake specific pieces of work. Normally, however, it will be for the Chief Inspector to propose a programme of work, which is subject to the approval of the Secretary of State and, in respect of the Public Prosecution Service, of the Attorney General. The Chief Inspector will be free to report as he finds, but his programme of work will be expected to support the Government’s aims and objectives. (CJINI 2006)

equality and good relations policy and practice. In particular, the synthesis between loyalist paramilitaries and racist violence needs to be addressed directly. More broadly, racist violence needs to be placed at the centre of any race equality or anti-racism strategy. In terms of racial equality, racist violence and the threat of racist violence have both been central to the enforcement of inequality. Thus, the processes producing and reproducing inequality - which are usually examined under the rubric of 'discrimination' or 'social exclusion' - are profoundly structured by racist violence. It is impossible to achieve racial equality in a situation in which racist violence is ignored or tolerated by the criminal justice system. (For example, race equality in public housing is palpably unachievable in a situation in which minority ethnic people are being ethnically cleansed from certain areas.) In terms of 'good relations', no relations at all are possible in a situation where minority ethnic people are routinely ethnically cleansed from areas of Northern Ireland

It is clear that what is needed is structural change rather than personal development - whether this involves the perpetrators, the PSNI or the rest of the criminal justice system. What is required is a combination of legislation, training, institutional reform and cultural change, educational initiatives and the development of a common vision in which everyone is equal and worth of respect and racism has no place whatsoever in the institutions of the state or the community. While it is important not to personalize these issues, however, there are three biographies that remain emblematic of the whole crisis around racist violence in Northern Ireland. The first is that of Stephen Lawrence - as we have seen his racist murder continues to dominate the way in which minority ethnic people think about the dangers of racist violence. This reality gave us the title for our report. But Stephen isn't remembered simply because his was young life taken cruelly and wantonly by racist violence but also because after he was murdered in this way, he and his family were failed so abjectly by the British criminal justice system. The Stephen Lawrence Inquiry was supposed to make sure that this could never happen again. The second biography that bears on this story is that of Chief Inspector Jonathon McIvor - he was heavily criticised by the Lawrence Inquiry as the most senior uniformed officer on the scene of Stephen Lawrence's murder. Yet after the Inquiry, McIvor was transferred to the RUC and later PSNI with a specific responsibility for training. There was no public indication given that he learned anything from the Lawrence Inquiry or accepted any culpability in the process of the failure to bring justice to Stephen Lawrence and his family. In this context, his employment sent out entirely the wrong signals to minority ethnic people who want and need and expect the protection of the criminal justice system. Finally, there is the biography of the current Secretary of State, Peter Hain. He made his political career out of principled opposition to institutional racism and racist violence of the most brutal kind. Yet he now presides over the 'race hate capital of Europe' and is responsible for a criminal justice system which palpably meets the Lawrence definition of institutional racism. As we have seen, the fear of becoming 'the next Stephen Lawrence' weighs heavily on the minds of minority ethnic people across Northern Ireland. It is the responsibility of the Secretary of State to deliver a criminal justice system that ensures this does not happen.

8. Recommendations

This research report was commissioned to provide 'recommendations to improve legislation, policy and practice as well as general education and the role of media in reporting racist attacks. These recommendations are set out with explanatory text below. Key recommendations make reference to the models described in detail in the appendices.

The report has identified the seriousness and extent of the problem of racist violence across Northern Ireland. This seriousness is underlined by media reportage of the issue as well as concern across many different sectors. We suggest that the seriousness of the situation demands an international response. While the Special Rapporteur visited the UK in 1995, there no analysis of the situation in Northern Ireland in that country report and this situation obviously predated the identification of Northern Ireland as the 'race hate capital of Europe' and Belfast as the 'most racist city in the world'. In this context, it is important that the institutions of the UN with primary responsibility for combating racist violence respond to the seriousness of the situation in Northern Ireland. Given this seriousness, the British Government should formally invite the appropriate institutions of the UN to undertake such a visit. In the absence of such an initiative, the local human rights community along with statutory human rights and equality bodies should work actively and collaboratively to facilitate such a country visit to Northern Ireland.

I. We recommend a country visit to Northern Ireland by the United Nations, OHCHR, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and a 'field visit' by the CERD.

In terms of legislation, there is a framework for addressing and criminalizing racist violence in Northern Ireland. The trouble is that this legislative framework is not working 'on the ground'. There is a problem in particular with the *Criminal Justice (No. 2) (Northern Ireland) Order 2004* which has been presented as a solution to the rise in racist violence. This legislation has been completely ineffective. As we have seen, victims are not being protected from racist violence and perpetrators are not being prosecuted and convicted. There is a strong case for a review of the legislation pertaining to racist violence in Northern Ireland.

In terms of policy and practice, the problems appear less in policy than delivery. As we have seen, the Race Equality Strategy for Northern Ireland is now in place and it seems unlikely that this will be radically restructured despite the growing crisis in terms of racist violence. In reality the broad sweep of the strategy is probably fairly appropriate as a framework for addressing the kind of racist violence detailed in this report – at least in the broadest sense that the Strategy identifies racist violence as a problem and says that something should be done about it. The real challenge is turning the strategy into effective practice – here the new Race Equality Strategy Implementation Action Plan looks weak in terms of the narrow focus of its specific action on racist violence. It bears emphasis that addressing racist violence must be seen as central to the effectiveness of the Race Equality Strategy. As has been graphically illustrated in this report, racist violence in Northern Ireland cannot be regarded as a footnote to race equality – any effective race equality strategy must place combating racist violence at the heart of its delivery. Here the new Race Equality Strategy *First Annual Implementation Action Plan* is crucially important (OFMDFM 2006). All subsequent annual implementation action plans must prioritise combating racist violence and critically review the success of actions identified in the first plan as being specific to combating racist crime.

II. We recommend that subsequent Race Equality Strategy Implementation Action Plans further prioritise combating racist violence and review the performance of the whole statutory sector in terms of the commitment to 'combat racism and provide effective protection and redress against ... racist crime'.

The Lawrence Inquiry report which has informed much of this analysis. Arguably the whole CJSNI is in a 'pre-Lawrence' situation. The PSNI has at least engaged with some of the lessons of the MacPherson Inquiry but it has much further to go. The key point is that the Stephen Lawrence Inquiry and the MacPherson

son Report forced a profound review of 'race' across the whole British criminal justice system. While this is far from perfect, it does mean that the different elements in the British CJS have codes of practice and ethnic monitoring in place. These provide simple models which can be adopted by parallel agencies in the CJSNI. It is clear that every element in the CJSNI should be compelled to review its policy and practice on race, to develop a code of practice and to institute ethnic monitoring. The British CJS model is there for this so there really is no excuse for not delivering on this in a situation in which racist violence has become so serious. The key question is how is this to be made happen? It should be a politically-driven process - as the Stephen Lawrence Inquiry was - but it also requires the criminal justice system to take - or to be made to take - the need for radical change seriously. There is a powerful case for a Lawrence Inquiry-style review of the whole criminal justice system in Northern Ireland and its response to racist crime (See Appendix Two). The most obvious place for such an inquiry to sit is with the CJINI. This work might be undertaken proactively by the CJINI or directed by the Secretary of State for Northern Ireland who has powers to direct the Chief Inspector to undertake specific pieces of work.

III. We recommend a CJSNI-wide Inquiry or Review to be conducted by Criminal Justice Inspection Northern Ireland with the terms of reference:

To inquire into the matters arising from the Stephen Lawrence Inquiry pertinent to combating racist violence in Northern Ireland, in order particularly to identify the lessons to be learned for the investigation and prosecution of racist crimes in Northern Ireland

Notwithstanding the need for a holistic and radical overhaul of the entire CJSNI and its approach to combating racist violence, there is immediate work for different institutions. The PSNI in particular must begin to ensure that some of the recent improvements at policy level on policing and racism in Northern Ireland begin to impact 'on the ground'. We have also seen two recent significant investigations into policing in Britain - one formal investigation into policing in England and Wales (CRE 2005a) and a slightly different style investigation in Scotland (CRE Scotland 2005). There should be a similar investigation into the PSNI (See Appendix Three).

IV. We recommend an investigation into the issue of the PSNI and the policing of racist violence. This investigation should be modelled on the terms of reference of the CRE Formal Investigation of the Police Service in England and Wales 2005. It should also review the role of the Northern Ireland Policing Board and its responsibility for combating racist violence.

Notwithstanding the case for a full investigation of the PSNI, we recommend immediate changes in a number of areas. As we detailed earlier, the EUMC research on policing racist violence focused on five broad areas in relation to the policing of racist crime and violence in the EU: (1) police recording practices for racist crimes; (2) responsibility for establishing racial motivation; (3) police responses to victims of racist crimes; (4) training provision for the police to effectively respond to racist crimes; and (5) police engagement with civil society. These same five areas can equally usefully be applied to the PPS and other elements in the criminal justice system. Any changes to current practice should not be piecemeal but rather integrated into a wider inquiry/investigation as outlined above. We can however highlight specific issues in the context of the EUMC framework that should be resolved with speed:

On 'police recording':

IV. We recommend that police recording should reflect models of best practice based on the MacPherson model.

On 'motivation', as MacPherson made very clear, establishing racial motivation is highly problematic. The PSNI should work to the MacPherson definition which avoids any need to establish motivation. In particular, the routine insistence on PSNI officers on imputing motivation should end.

V. We recommend that the PSNI change its current definition of 'racial incidents' to that of MacPherson 'racist incidents': "A racist incident is any incident which is perceived to be racist by the victim or any other person".

On response, response to victims of racist crimes in Northern Ireland is often abysmal. The PSNI needs to review its procedures in the light of evidence of systemic failure in response to racist violence.

VI. We recommend that the PSNI urgently review its response to racist incidents.

On the issue of police training, it is clear that training needs to focus on *addressing racist crime* rather than *diversity*. While there may be good cause for supporting diversity education, *this is not the same as policing racist violence*. The report is replete with evidence of this failing but perhaps the worst example was the PSNI returning a perpetrator of racist violence who was drunk and who claimed membership of a paramilitary organisation and had death-threatened someone to the scene of this racist crime. It bears emphasis that the problems detailed in the NICEM statements are not significantly connected to police insensitivity on diversity issues but rather because of the routine failure of the PSNI to respond appropriately to people experiencing racist violence.

VII. We recommend that the PSNI and all institutions associated with police training urgently review training in response to racist incidents.

On engagement with civil society, while clear and positive attempts have been made to build relationship with minority ethnic communities and organisations, the research identified a widespread alienation from the PSNI. This alienation is characterised by fear, distrust and a belief that the PSNI have little interest in supporting minority ethnic communities. Some minority ethnic people regard the police as malign while many others see them as of little use – neither interested in nor capable of combating racist violence.

VIII. We recommend that the PSNI reinvigorates attempts to build relationships with minority ethnic communities and organisations.

It is also clear that a similar process is necessary in other policing institutions and across the wider CJSNI. The Policing Board and DPPs have a specific responsibility in terms of monitoring all aspects relating to policing and combating racist violence. In this context, it is imperative that the Policing Board respond to the issues highlighted in this report. It needs to review its whole policy and practice in terms of combating racist violence but we can suggest that this would include more outreach work to minority ethnic groups, better anti-racist training and specific advice to DPPs on tackling racist violence through policing plans and priority setting.

There are other issues specific to policing racist violence in the Northern Ireland situation which impact directly on policing and criminal justice. In particular, the connection between loyalist paramilitaries and racist violence needs to be addressed directly. There are few lessons in MacPherson to help with this issue. The political situation surrounding racism and criminal justice in Britain analysed in MacPherson *did not include paramilitary organisations involved in organised racist violence*. This undoubtedly creates a specific challenge for the policing of racist violence. This challenge can, however, only be met by addressing the issue. Given the clear, institutional links between Loyalist paramilitarism and racist violence detailed in this report and elsewhere, the Independent Monitoring Commission has a specific responsibility to address the question of racist violence associated with paramilitary groups.

IX. We recommend that the Government and all appropriate statutory agencies urgently focus on the question of the links between Loyalist paramilitary organisations and racist violence.

Notwithstanding the need for a formal Inquiry into the CJSNI and its role in combating racist violence, the recommendations of the Lawrence Inquiry regarding the British criminal justice system already provide an important reference for delivering on criminal justice and racist violence in Northern Ireland. It is clear that the PPS must radically improve its performance in addressing racist crime. The PPS must make a point of giving reasons when they decide not to prosecute racially aggravated offences. It is also imperative that they publish relevant statistics on this and other issues relating to racist violence in their annual report. The other elements of the CJSNI should also develop and improve race equality strategies that place combating racist violence at the heart of these strategies.

X. We recommend that the PPS review and develop its policy and practice on racist crime. It should develop a specific policy for combating racist violence in Northern Ireland.

Finally, with regard racist violence and other statutory organisations, it is clear that racist violence can only be successfully addressed if the criminal justice system does its job properly. Clearly statutory organisations tasked with monitoring the performance of the CJSNI have a particular role to play. Here we believe the Human Rights Commission, the Equality Commission and the Office of the Police Ombudsperson all have an important and specific role. They should monitor the performance of the criminal justice system more vigorously and also review their own practice to see how they better help the victims of the kind of racist violence detailed earlier in this report. The Housing Executive also has a key role as well in engaging with the consequences of what we termed ‘ethnic cleansing’.

XI We recommend that the NIHRC, the ECNI, the Office of the Police Ombudsperson and the NIHE all develop policy and practice in terms of combating racist violence in Northern Ireland.

We recognise the key role that the media has played in raising the issue of racist violence in Northern Ireland. It is important that the media continue its important work on this issue. We recommend, however, that further attention is paid to avoiding sensationalist reporting. Reportage should be critical, accurate and sensitive to the impact that it may have. In particular reporters should be sensitive to the reality that publicity can often have a negative impact on victims of racist violence.

XII We recommend that the media continue its important work on highlighting racist violence.

Finally, with regard racist violence and the work of organisations in the community and voluntary sector, it is clear that racist violence can only be successfully addressed if the criminal justice system does its job properly. This sector cannot be expected to compensate for a statutory criminal justice system that is failing the victims of racist violence. This said, however, there is room for improvement in the NGO sector. Victim Support and other organisations need to review their delivery to minority ethnic survivors of racist violence.

There is also a clear need for an independent and properly resourced racist violence monitoring group. There are models of good practice in Britain and elsewhere (see Appendix Four on the Monitoring Group Ltd). Obviously racist violence is a criminal matter and the key responsibility for recording racist violence must lie with statutory organisations. But this does not take away from the need for robust monitoring of statutory performance from the NGO sector. A group with the capacity to undertake this work might well emerge from existing anti-racist and minority ethnic organisations working in Northern Ireland but it should draw on good practice models from Britain and the Republic of Ireland. This organisation should take specific responsibility of alerting RAXEN to the ongoing situation vis-à-vis racist violence in Northern Ireland.

XIII We recommend the establishment of a monitoring group on racist violence in Northern Ireland.

Appendix

Appendix 1: Terms of reference of OCHCR and CERD COUNTRY VISIT

Special Rapporteur 'Country Visit'

At its forty-ninth session, the Commission on Human Rights decided, in resolution 1993/20, to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and to request him to report thereon to the Commission on an annual basis, beginning at its fiftieth session.

By its resolution 1994/64 of 9 February 1994 the Commission made the mandate more explicit and precise by requesting the Special Rapporteur:

"To examine in accordance with his mandate incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters to the Commission at its fifty-second session"

"To continue his exchange of views with the relevant mechanisms and treaty bodies within the United Nations system in order further to enhance their effectiveness and mutual cooperation".

The Commission also called upon "all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur"

"To make the fullest use of all additional sources of information, including country visits and the evaluation of mass media, and to elicit the responses of Governments with regard to allegations"

The Commission also encouraged the Special Rapporteur:

"In close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations, to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance" [and] "to present concrete recommendations on specific measures which could be taken at the national, regional and international levels, with a view to preventing and eradicating problems within the purview of his mandate"

In the discharge of his mandate the Special Rapporteur:

-Transmits information or case summaries concerning alleged violations regarding contemporary forms of racism, discrimination based on race, xenophobia and related intolerance to the State concerned, in order to induce the national authority to undertake the necessary investigations of all the incidents or individual cases reported. (See [Individual Complaints](#))

-Conducts country visits. (See [Country Visits](#))

-Submits annual reports on the activities foreseen by the mandate to the Commission on Human Rights and the General Assembly. (See [Annual Reports](#))

The current Special Rapporteur is: **Mr. Doudou Diène** (Senegal), since August 2002 (E/CN.4/RES/2002/68)

With regard to country visits, the OHCHR suggests: 'Pursuant to the mandate established by the Commission on Human Rights, the Special Rapporteur undertakes missions to countries. Field missions are useful in enabling the Special Rapporteur to familiarize himself with the actual situation in a particular country through access to first-hand information and discussions with the parties concerned, whether the Government or civil society. Such missions are in no case designed to be inquisitorial; rather, they can enable the measures taken by a Government to overcome racism and racial discrimination to be better known'.

CERD 'Field Visit': CERD - the early-warning measures and urgent procedures

In 1993, the Committee on the Elimination of All Forms of Racial Discrimination adopted a working paper to guide it in dealing with possible measures to prevent, as well as to respond more effectively to, violations of the Convention (see A/48/18, Annex III). The working paper noted that both early warning measures and urgent procedures could be used to try to prevent serious violations of the Convention. At its 45th session in 1994, the Committee decided that preventive measures, including early warning and urgent procedures, should become part of its regular agenda.

Early warning measures are to be directed at preventing existing problems from escalating into conflicts and can also include confidence-building measures to identify and support whatever strengthens and reinforces racial tolerance, particularly to prevent a resumption of conflict where it has previously occurred. Criteria for early warning measures could, for example, include the following situations: the lack of an adequate legislative basis for defining and prohibiting all forms of racial discrimination, as provided for in the Convention; inadequate implementation of enforcement mechanisms, including the lack of recourse procedures; the presence of a pattern of escalating racial hatred and violence, or racist propaganda or appeals to racial intolerance by persons, groups or organisations, notably by elected or other officials; a significant pattern of racial discrimination evidenced in social and economic indicators, and significant flows of refugees or displaced persons resulting from a pattern of racial discrimination or encroachment on the lands of minority communities.

Urgent procedures are to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention. Criteria for initiating an urgent procedure could include, for example, the presence of a serious, massive or persistent pattern of racial discrimination; or a situation that is serious where there is a risk of further racial discrimination.

Decisions, statements or resolutions are adopted and further action is taken by the Committee under these procedures that have been used since 1993 in relation to more than 20 States parties. The Committee has, *inter alia*, conducted two field visits in connection with the procedure and has drawn the attention of the Secretary-General, the Security Council or other relevant bodies in relation to 6 States parties.

In its working paper adopted at the 63rd session, the Committee mentioned that it may decide to set up a working group to consider the status of implementation of its decisions and recommendations under the early-warning measures and urgent procedures and to make suggestions in this respect. The working group may also be charged with suggesting appropriate measures to reactivate these mechanisms, indicating the situations or cases to which these measures or procedures may be applied.

Appendix 2: Terms of reference of Stephen Lawrence Inquiry relevant to inquiry into CJSNI and combating racist violence ('Part Two' of the Lawrence Inquiry)

On 31 July 1997 the Home Secretary announced in Parliament that the terms of reference of this Inquiry would be:

"To inquire into the matters arising from the death of Stephen Lawrence on 22 April 1993 to date, in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes."

Part 2 of the Inquiry was aimed at the second part of the Terms of Reference. The Inquiry 'sought to gather information and opinions in order to help us to make recommendations' as to the *"investigation and prosecution of racially motivated crimes"*:

The first step taken was the collection of written material and suggestions from a large number of individuals and organisations. During the summer and autumn of 1998 we received many carefully prepared and helpful documents. The names and particulars of all those who co-operated in this exercise are set out in the Appendices to this Report. It would be truly impossible to try to summarise the large volume of material which has been before us, and which we have digested during the past months. We are most grateful to all who contributed to this part of the Inquiry. Literally thousands of suggestions reached us. Every contribution has been considered.

Between 24 September and 7 October 1998 we conducted public hearings at Hannibal House. Again many individuals and organisations provided evidence for us, and they are listed in the Appendices. We were able to question the teams taking part, and we obtained much valuable information and assistance. All that was said has been transcribed, and is available both to the public and to those who will carry forward the impetus provided by this Inquiry.

The hearings in London were followed by public hearings between 8 October and 13 November at:- Ealing/Southall, Manchester, Tower Hamlets, Bradford, Bristol, Birmingham.

Again all the evidence received was transcribed. The names of the witnesses and the organisations which they represented [were] set out in the Appendices to [the MacPherson] Report.

At each hearing the Chairman indicated at the outset that the objective was to gather information and opinions from a broad cross-section of people to inform the recommendations which we would ultimately make, and to "take the temperature" of the community and of the Police and other agencies.

It soon became apparent that a narrow interpretation of our terms of reference would have been pointless and counterproductive. Wherever we went we were met with inescapable evidence which highlighted the lack of trust which exists between the police and the minority ethnic communities. At every location there was a striking difference between the positive descriptions of policy initiatives by senior police officers, and the negative expressions of the minority communities, who clearly felt themselves to be discriminated against by the police and others. We were left in no doubt that the contrast between these views and expressions reflected a central problem which needs to be addressed.

We are most conscious that the Inquiry is not a commission into race relations generally. Nor could we, as many would have wished, contemplate the full investigation of other individual cases. However, the atmosphere in which racist incidents and crimes are investigated must be considered since that will condition the actions and responses which may follow. That atmosphere was strongly voiced in the attitude of those who came to our hearings. In the words of David Muir, representing senior Black Church Leaders *“the experience of black people over the last 30 years has been that we have been over policed and to a large extent under protected”*. That theme was heard wherever we went. It was also echoed by a simple but eloquent and clearly heartfelt plea which occurred and reoccurred with frequency and force at every location: *“Please treat us with respect”*.

The overall conclusion to Part 2 of the Inquiry was ‘uncompromising’:

The message is uncompromising. A new atmosphere of mutual confidence and trust must be created. The onus to begin the process which will create that new atmosphere lies firmly and clearly with the police. The Police Services must examine every aspect of their policies and practices to assess whether the outcome of their actions creates or sustains patterns of discrimination. The provision of policing services to a diverse public must be appropriate and professional in every case. Every individual must be treated with respect. “Colour-blind” policing must be outlawed. The police must deliver a service which recognises the different experiences, perceptions and needs of a diverse society.

(The Stephen Lawrence Inquiry, Chapter 45)

Appendix 3: Terms of reference of CRE Formal Investigation of the Police Service in England and Wales 2005

The terms of reference, as required under section 49 (3) of the Race Relations Act 1976 as amended ('The Act'), for the General Formal Investigation into the Police Service, training centres and others (England and Wales) are:

1. To investigate the screening processes for potential recruits in order to ascertain whether they are effective in identifying and thereby screening applicants out who have a disposition to behave in a manner which is unlawful under the Act, or who may act in a manner which will inhibit police forces from complying with the Duties.
2. To investigate the provision of probationary training in relation to issues of race and race discrimination, and relevant parts of the Duties. Additionally, the Commission may investigate non-probationary diversity training to investigate its efficacy in assisting to establish police forces which operate in a manner which is compliant with the provisions of the Act.
3. To discover the extent to which recent police recruits and other police officers have experienced either race discrimination, or witnessed discriminatory behaviour by police officers or staff or consultants employed or engaged by the police forces and monitoring and inspection bodies.
4. To discover whether recent recruits and other police officers have access to an effective complaints system with respect to complaints of race discrimination, harassment, victimisation, or generally.
5. To consider race related disciplinary and grievance procedures and assess their efficacy.
6. To assess whether adequate sanctions are used when inappropriate race related conduct is found.
7. To investigate the management of police officers of all ranks in order to ascertain whether there are effective methods to identify and address inappropriate race related conduct promptly.
8. To investigate, if considered appropriate, with regard to paragraphs 1 to 7, the role of the monitoring and inspection bodies such as police authorities and Her Majesty's Inspectorate of Constabulary in assessing how police forces combat race discrimination and comply with the Duties.
9. To investigate any employment related practice, procedure or policy that may be relevant to all or any of the above paragraphs, looking to see whether race related inappropriate or unlawful behaviour is being addressed.
10. In relation to police forces and police authorities, to assess the efficacy of their Race Equality Schemes and of their arrangements and implementation of the requirements under Paragraph 5 of the Race Relations Act 1976 (Statutory Duties) Order 2001 in assisting them to address the Duties in matters relating to the above paragraphs.

And in the light of any findings, if it appears necessary or expedient during the course of the investigation or after its conclusion, using powers under section 51 (1), to make any recommendations for change in policies or procedures, or make any recommendations to the Secretary of State for changes in the law or otherwise, and as required by section 51 (2), to prepare a report of the findings.

CRE 2004a. 'A Formal Investigation of the Police Service in England and Wales An interim report' London: CRE. pp. 55-6

Appendix 4: The Monitoring Group Ltd

The Monitoring Group Ltd. is a charitable organisation providing assistance and support to victims of racial harassment, and domestic violence. Its history dates back to April 23, 1979 when a protest by the local community in Southall, West London against the National Front led to over 700 arrests, hundreds of injuries and the murder of Blair Peach. The campaign into the death of Blair Peach focused local people to examine racial attacks on local estates, for example the Golf Links Estate, in the London Borough of Ealing. This led to the formation of the 'Golf Links Racial Attacks Groups', and later the 'Southall Monitoring Group'. The Southall Monitoring Group evolved to become the leading agency in the West London area providing a range of services to victims of racial harassment and domestic violence. As it evolved it began to help people from across London and later from different parts of the United Kingdom. In 1996 the management committee decided to change the name of the group to The Monitoring Group to reflect the changing nature of the work. It is a registered charity and receives funding mainly from different trusts and charities.

Our vision

We believe that domestic violence and racial violence are fundamental human rights issues. Victims of domestic violence and racial harassment should be able to exercise all civil rights that most other people enjoy in Britain. People should feel safe from attack, in their own homes, at school, on the street, or at their workplace.

We believe in the self-help and empowerment of victims. We believe that victims should be part of the decision making process to safeguard their health, their safety, and their welfare. We therefore work in partnership with victims to ensure that statutory and other agencies listen to victims in resolving their case.

The Monitoring Group welcomes the full participation of those affected and concerned by racial violence and domestic violence. Many of our management committee members, staff and volunteers have been victims of racial harassment or domestic violence.

Quality matters

We believe that people who seek our assistance are entitled to the best services we can provide within the resources we have. TMG publishes clear service standards that provide details on our service standards.

Services we provide

Advice and Casework support - During office hours, advice and support to victims forms the bulk of our work and our caseworkers are dealing with around 500 'live' cases at any given time.

The 24 hour Emergency Helpline Service - The 24 hour Emergency Service was established in 1984 and has become invaluable to our work. The service provides immediate help and support to those suffering racial violence, police misconduct, and domestic violence.

The Estates Project Work - The aim of this initiative is to employ people who are able to make contact with black families on particular estates that are prone to racial harassment and support them.

Free Legal Advice Session - For people requiring specialist legal advice from lawyers the Monitoring Group runs weekly evening advice surgeries in Southall, West London every Wednesday 5pm to 7.30pm/ Central London every Sunday 2pm to 6pm/ Nottingham every Thursday 3pm to 6pm/ Plymouth (call for details)

Training and Research - We provide training to a range of organisation on dealing with racial and domestic violence and other related issues. Over the years we have training many statutory and voluntary sector organisations. We also work closely with grassroots community groups to ensure that they can benefit from training and access to quality information. We also undertake research and produce various publications on the issues we work on.

Support to Family Campaigns - Individuals and families may wish to campaign to highlight the

injustices they have faced. We can advise families on how to develop family campaigns.

Min Quan - the Chinese Monitoring Project- we provide legal, moral and practical support to Chinese people suffering racial harassment and domestic violence problems.

Rural Racism Project - We work with black communities in rural areas helping them to deal with racial harassment problems and also to provide support and networks to break the isolation they often suffer.

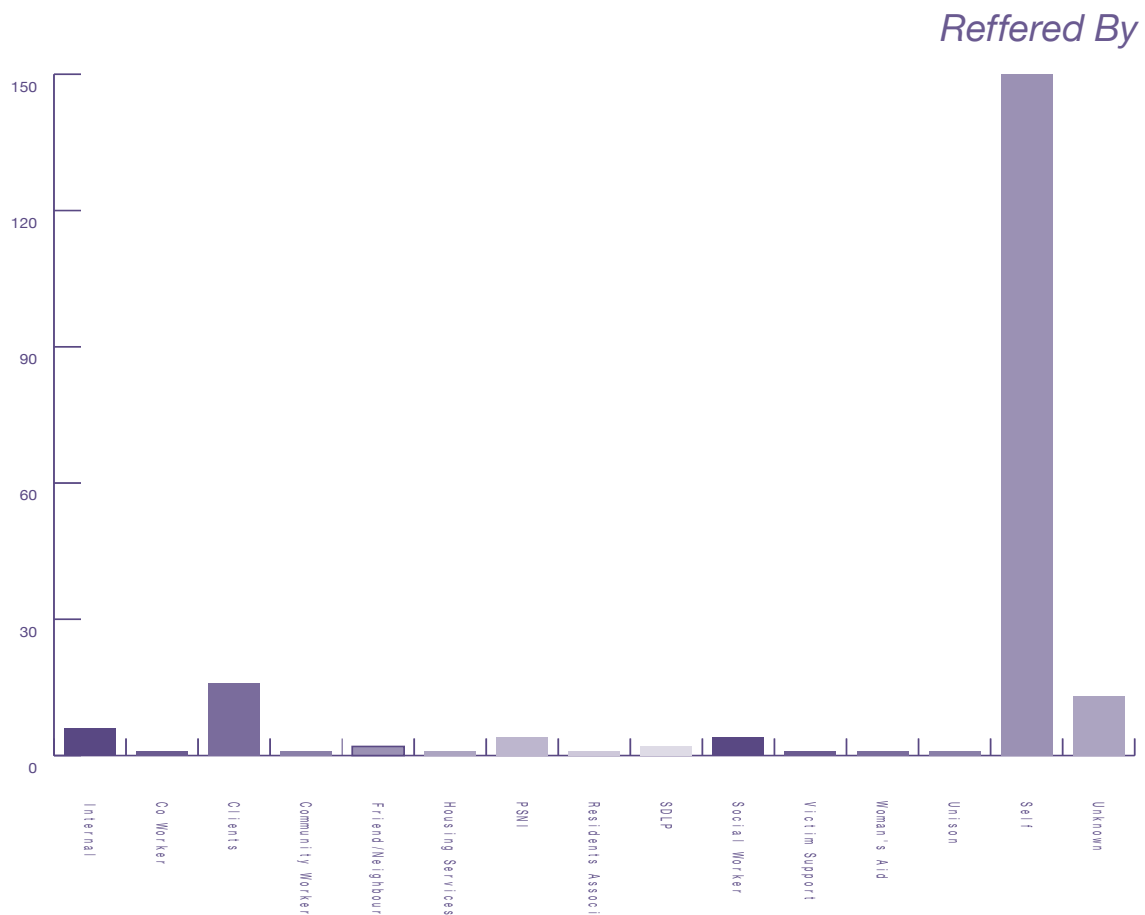
Appendix Five: RES Action Plan with regard to Strategic Aim: 'To combat racism and provide effective protection and redress against racism and racist crime'

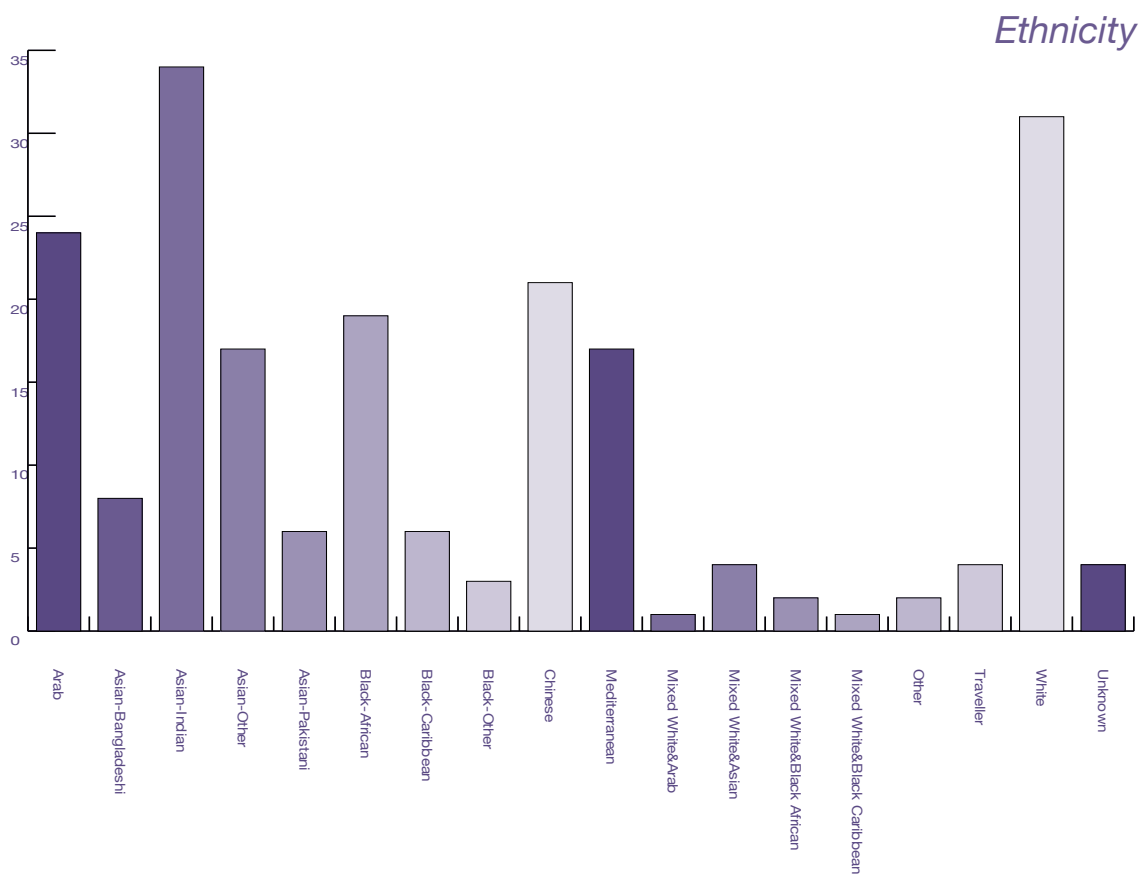
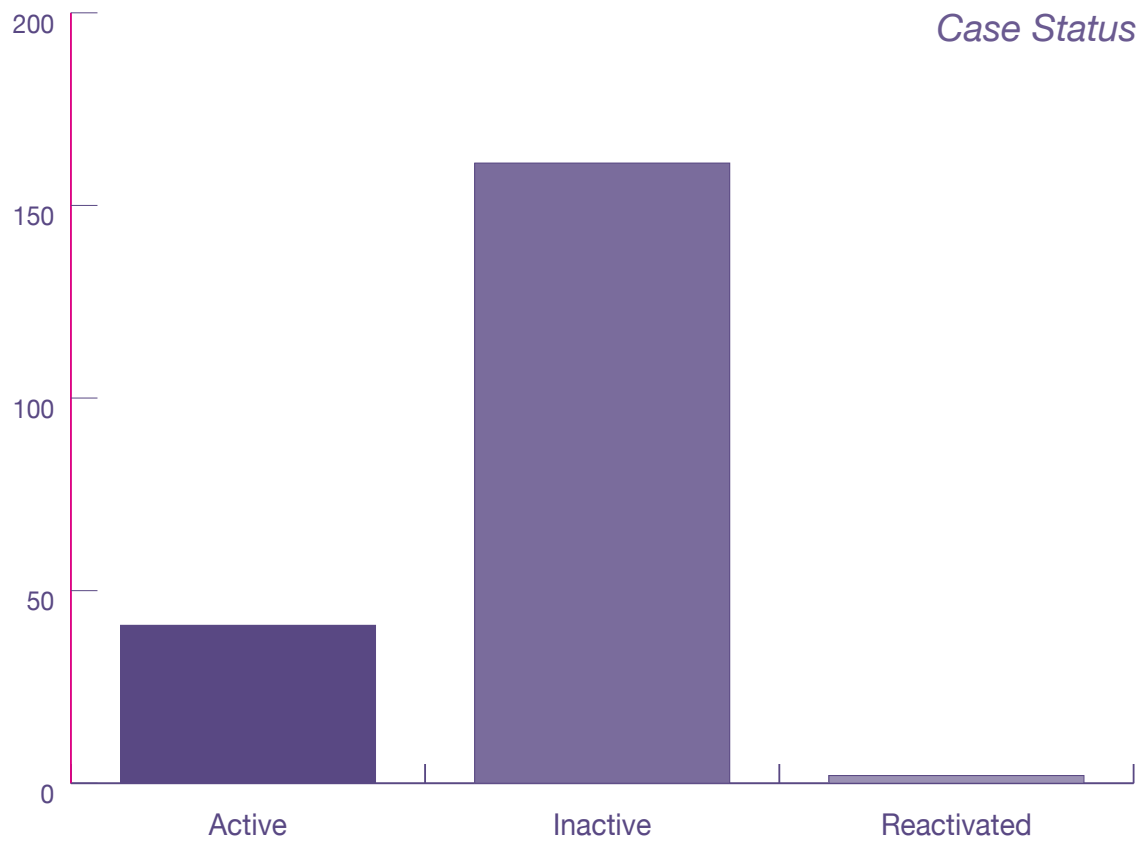
Action	How action contributes to Strategic Aim	Target date for completion	Outcome measure	Evaluation? Y/N
PSNI				
The PSNI will ensure that it delivers a consistent and effective response to Hate Incidents in line with current PSNI policy and where possible perpetrators are identified and held accountable	The revised PSNI Hate incident policy was published in March 2006. This policy details the PSNI response to Hate Incidents, including racist incidents. PSNI policy is reviewed annually	April 2007	Reviewed by April 2007	
The PSNI will work in partnership to ensure that victims and potential victims of hate incidents are afforded the most appropriate form of protection and assistance	The PSNI will continue to work with partner agencies, ME groups and individuals and businesses to ensure that racial incidents are reported and that victims are appropriately supported and protected	Local initiative guides are regularly circulated within the Service to ensure that good practice is identified, shared and replicated where appropriate across all PSNI areas	Number of local initiative guides issued	
The PSNI will ensure that Hate Incident and Minority Liaison Officers are available in each District to ensure that victims receive the appropriate information and support	To ensure that victim's needs are appropriately identified and that further incidents are, where possible, prevented	The role of the Hate Incident and Minority Liaison Officer is reviewed annually – March 2007	Number of District MLO's	

The PSNI will work to achieve specific targets set by the Policing Board in respect of racist incidents	Targets to increase detections rates of 2% set for 2006/2007	April 2007	Target achieved of 2% increase in detection rates by April 2007	
Northern Ireland Office (Community Safety Unit)				
Development of a pilot system to record hate incidents (including racist incidents) to be piloted in South Belfast from June 2006	Better information on the extent of hate incidents will help inform targeting of resources and practical actions to tackle hate incidents and provide support for the victims	Pilot phase to be run until end Dec 2006	Pilot system used effectively in South Belfast	Operation of pilot will be evaluated
A Practical Actions Scheme is currently being developed to provide physical home protection measures to victims of hate crime (including race crime) in non-Housing Executive properties (The Scheme is being developed in partnership with the NIHE and PSNI)	Tangible support to victims of racist crime	Scheme to be commenced October/November	Number of victims of racial incidents supported through the scheme	Scheme will be evaluated [Timing TBC]

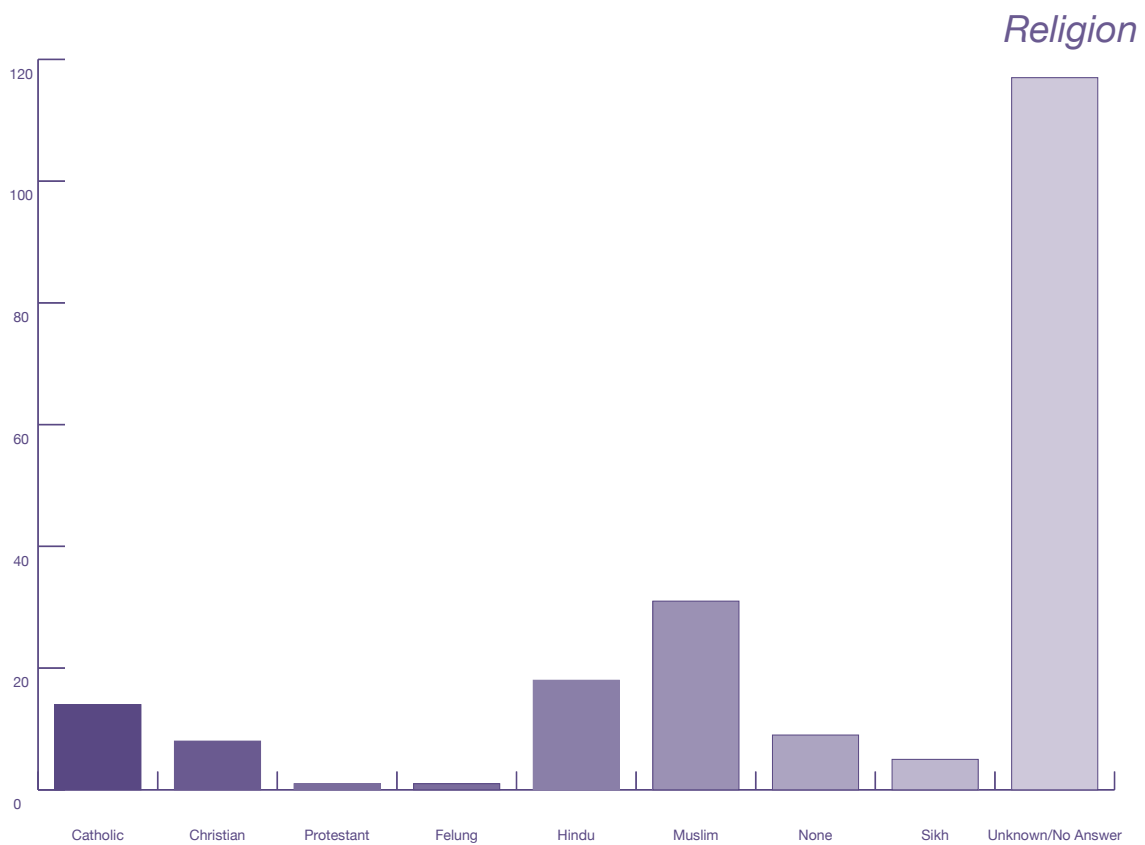
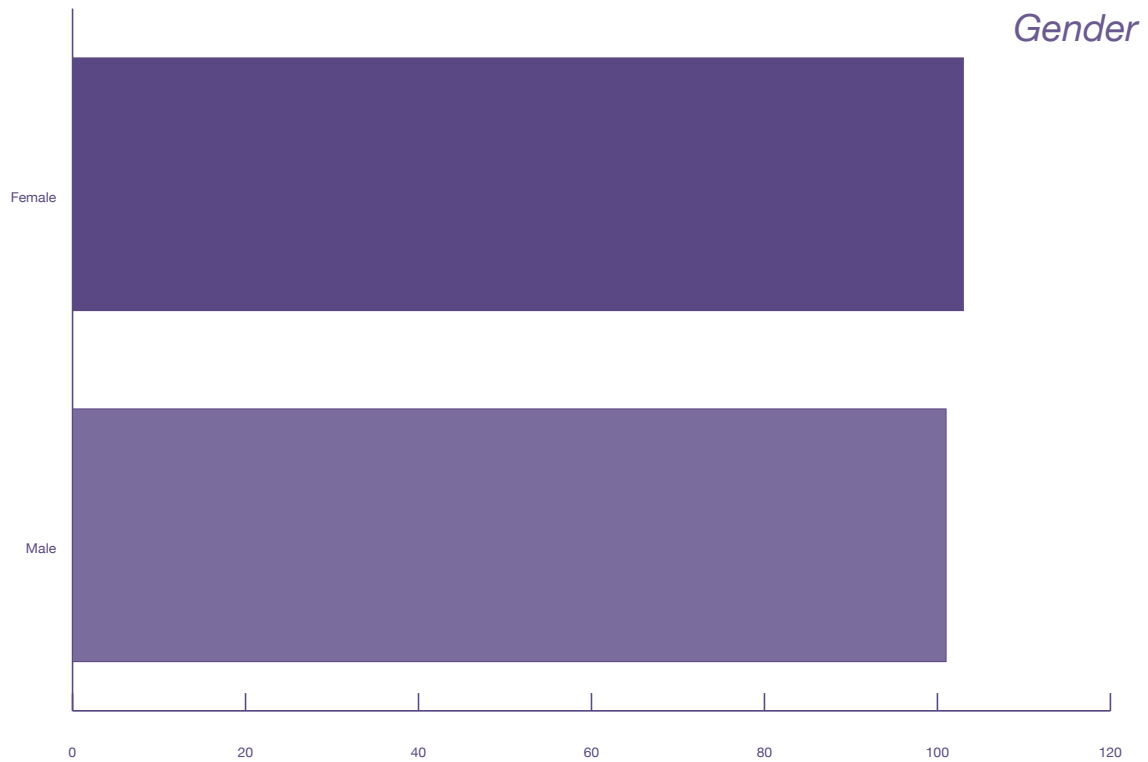
OFMDFM (2006: 50, 52-3)

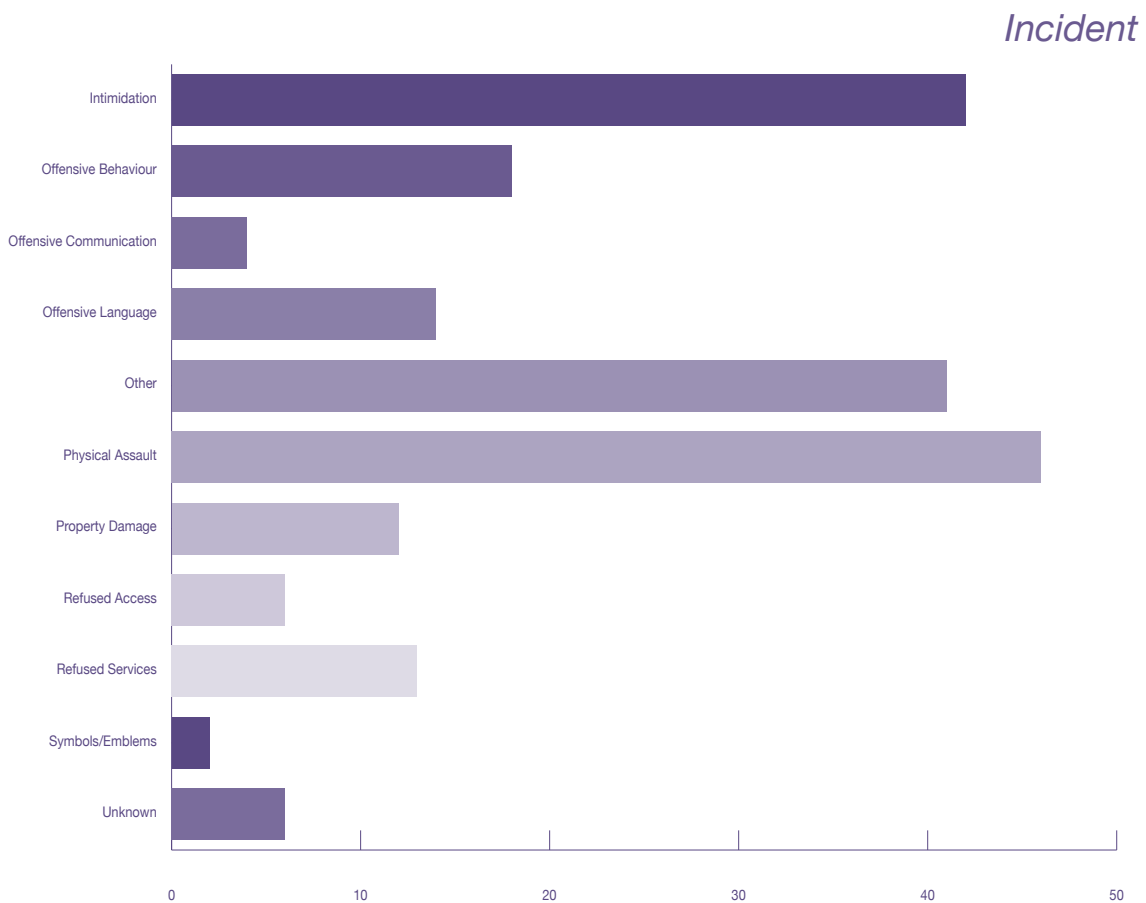
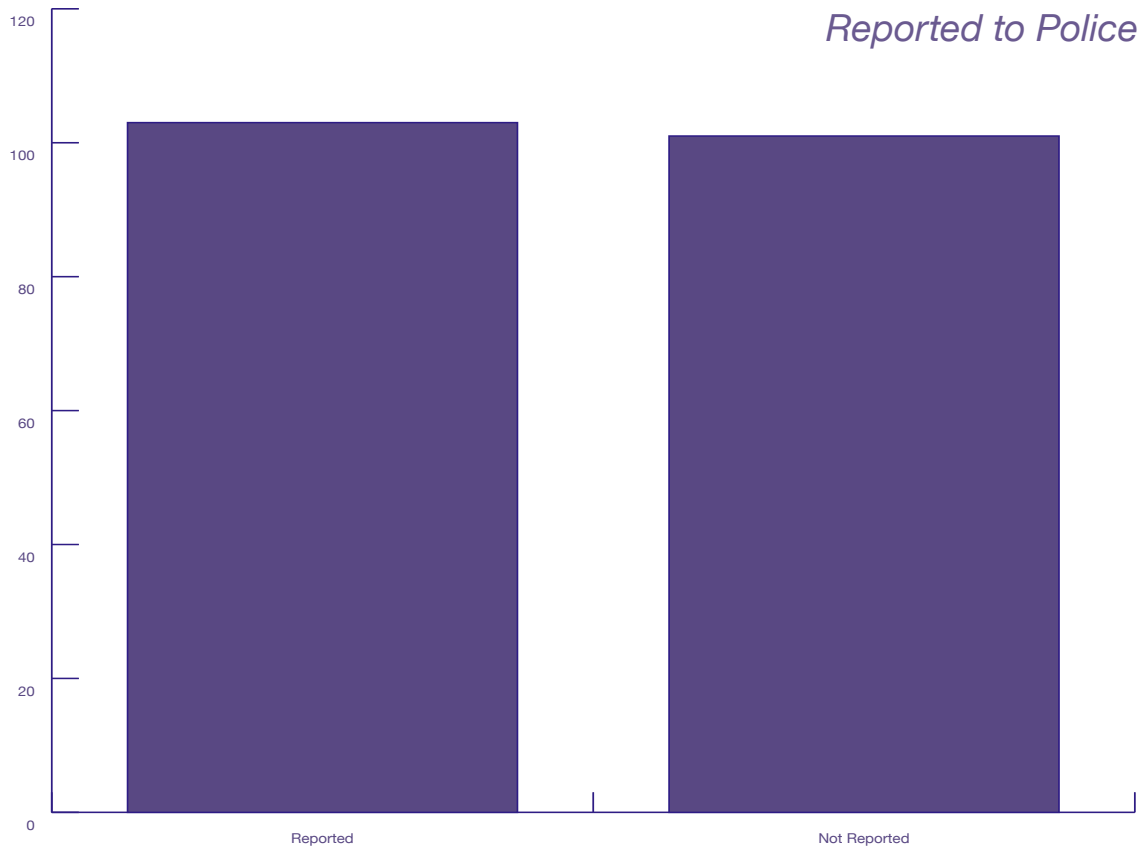
The Next Stephen Lawrence?

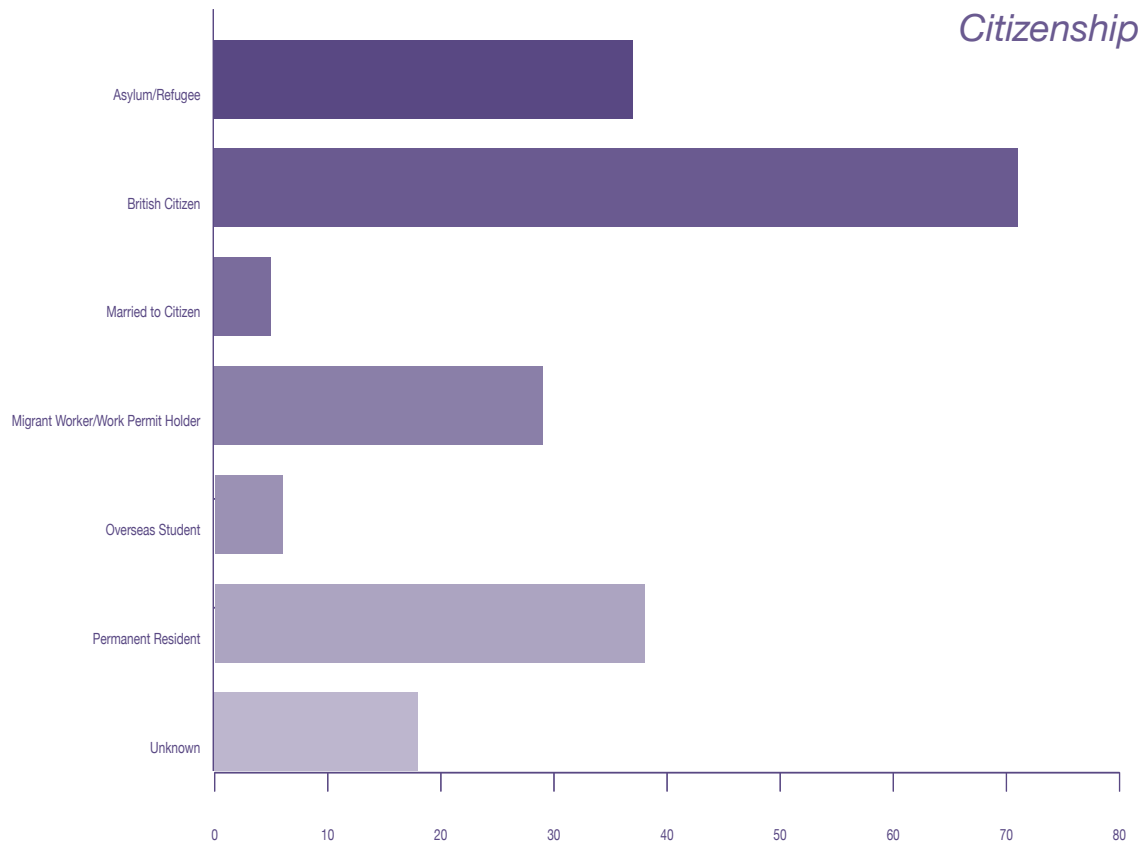




The Next Stephen Lawrence?







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Notes

