

# Written Ministerial Statement

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## Department of Justice

### HATE CRIME LEGISLATION

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**Mrs Long (The Minister of Justice):** I wish to update members on my plans to progress hate crime legislation during the remainder of this mandate.

The recent racist attacks on members of minority ethnic communities, as with all kinds of intolerance, are a blight on our society that need to be addressed by all those within it and I am committed to playing my part in delivering a safer community for all, including victims of hate crimes.

There must be no place in our society for the hate, xenophobia, racism and Islamophobia that we have seen on the streets over recent weeks, nor should we tolerate homophobia, transphobia, ableism or anti-Semitism.

Whether migrants come here to work or seeking refuge from persecution and abuse, they should be welcomed, embraced and integrated, not demeaned, intimidated or attacked.

As Justice Minister, I have been enormously encouraged by the recent condemnation of the racially motivated attacks and subsequent expressions of support for minority ethnic communities across the political divide and civil society.

During a debate on 4 June, I advised members that I intended to bring forward hate crime legislative provisions in this mandate and today, I would like to provide you with some further detail on what I propose to bring forward, and how this will be delivered.

I have previously outlined the challenges the Department is facing, in terms of a reduced mandate and limited resources. In this context, there is insufficient time and resource to accommodate the introduction of an expansive, stand-alone Hate Crime Bill, as proposed in Judge Marrinan's Review of Hate Crime Legislation.

Notwithstanding, I am determined that foundational new hate crime legislative provisions will be in place by the end of this mandate. This was a priority for me on returning to office in February but is particularly important considering what we have witnessed on our streets over recent months.

Therefore, I propose to bring forward the statutory aggravation offence model for hate crime in a forthcoming Sentencing Bill which is planned to be introduced next year.

The model will become the core method of prosecuting hate crimes in Northern Ireland, allowing all existing criminal offences to be aggravated by hostility based on membership or perceived membership of a protected group. Current protected groups / characteristics will be retained in legislation. It is also my intention to legislate to allow new protected groups to be added by regulation in the future, if evidence shows that it is required, allowing us to respond more dynamically to emerging trends.

The new statutory aggravation model will provide the opportunity for the defendant to respond to the hate crime element in the legal proceedings; for enhanced sentences to be made available where the hate motivation is proven; and ensure the hate crime element of convictions is included on criminal records, assisting with rehabilitative work in order to reduce the risk of reoffending and further victimisation, by tackling the underlying attitudes.

Enhanced protection for victims of hate crime remains a key priority and I am committed to working to increase victim confidence in reporting and engagement in the court process.

I am, therefore, proposing more specific support to victims and witnesses through provisions included in a Victims Bill, which I plan to introduce later in this mandate.

This will include provisions to allow automatic eligibility for consideration of special measures and protection from in-person cross-examination by the defendant in hate crime cases.

Splitting the aggravated offence and victims' provisions across a Sentencing Bill and a Victims Bill and focusing the limited resources available to the Department on delivery of these specific, and most impactful proposals rather than seeking to deliver the entirety of Judge Marrinan's recommendations via a single, standalone Hate Crime Bill represents the only realistic means of ensuring the progression of this legislation within this mandate and of expediting protection and support for victims.

This staged approach means that hate crime provisions will be in place before they would have been through a stand-alone Hate Crime Bill which would have inevitably fallen into the next mandate. With respect to the remainder of Judge Marrinan's recommendations, I would assure Members that it remains my intention to implement those in due course, subject to the usual approvals, and to continue the policy development work required to develop legislation for the next mandate.

The recent anti-migrant and racist attacks have exposed the extent of hate that exists in our society, underpinned by blind prejudice and negative attitudes towards those who some consider to be of less worth and value than themselves. I believe that these views and attitudes are held by a very small number of people in our community; however, their impact on the sense of safety and confidence of those targeted by hate crime is, nevertheless, significant and destructive.

These legislative provisions provide a tangible way to deter offenders and strengthen sanctions for hate crime offences as well as supporting hate crime victims through the criminal justice process. I hope that I can rely on the support of colleagues in progressing these reforms, which, I believe, are necessary and will offer significant assurance to victims.

Legislation alone will not stop manifestations of prejudice and hate in our society. It is clear that there needs to be a cross-departmental approach to addressing hate with an important emphasis on preventative actions, focused on societal attitudes, education and community cohesion. This preventative work includes building relationships and support within communities to develop more cohesion, and enable us all to challenge attitudes and behaviours that may lead to hate crimes and, most importantly, prevent them happening in the first place.