



Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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Home Affairs

Crown Prosecution Service (CPS)

Police officer sentenced for sharing images supporting Hamas

A police officer has been sentenced for sharing images which showed support for Hamas, a proscribed organisation.

Mohammed Adil, 26, from Bradford, was sentenced today to an 18-month community order and 160 hours of unpaid work, for two terrorism offences.

Adil pleaded guilty to sharing two images, and associated text, which showed support for a Hamas when he appeared at Westminster Magistrates' Court last month.

Adil was a serving police officer with West Yorkshire Police when the offences were committed in October and November 2023.

He was initially reported by two colleagues before the Independent Office for Police Conduct (IOPC) investigated the offence and referred the case to the CPS for a charging decision.

Bethan David, Head of the Crown Prosecution Service's Counter Terrorism Division, said: "Mohammed Adil understood that in sharing the images he did, it would arouse suspicion that he was showing support for a terrorist organisation.

"The CPS will not hesitate to work with the IOPC and police to prosecute these offences, regardless of the perpetrator's position." ...

To read the full press release see

<https://www.cps.gov.uk/cps/news/police-officer-sentenced-sharing-images-supporting-hamas>

Scottish Parliament Written Answers

The following two questions both received the same answer

Non-Crime Hate Incidents: Recording

Miles Briggs (Conservative) [S6W-27429] To ask the Scottish Government, further to the answer to the third supplementary to question S6O-03335 by Angela Constance on 24 April 2024, whether it can confirm if any non-crime hate incidents recorded by Police Scotland under the Hate Crime and Public Order (Scotland) Act 2021 will appear in any (a) disclosure and barring service check, (b) security clearance check, including a developed vetting check and (c) database check by (i) a serving officer or civil employee of Police Scotland and (ii) an employee of Disclosure Scotland, including an informal inquiry carried out with regard to current or potential employment.

Miles Briggs (Conservative) [S6W-27430] To ask the Scottish Government what its position is on whether the recording of non-crime hate incidents under the Hate Crime and Public Order (Scotland) Act 2021 could have a material effect on an individual's employment or otherwise personal circumstances.

Siobhian Brown: In the Interim guidance published for officers on the recording of Non-Crime Hate Incidents - Police Scotland published by Police Scotland on 9 May 2024, it explains that the alleged perpetrator would usually be recorded as the 'other party' (unless in exceptional circumstances where there is real risk of harm or future criminal offence). When asked at the Scottish Police Authority Board Meeting on Thursday 23 May 2024 if detail on the 'other party' would appear on a Disclosure check, Deputy Chief Constable Alan Spiers provided reassurance that it would not. In rare cases, Disclosure Scotland may receive other relevant information (ORI) from relevant police forces (including forces in England, Wales and Northern Ireland) when someone applies to join the PVG scheme, the ongoing monitoring of scheme members, or for an enhanced disclosure check.

ORI is used across the UK, with the UK Government having their own guidance to the police for the handling and processing of non-crime hate incidents in relation to disclosure checks. ORI about the applicant or scheme member can only be provided where the chief officer of a relevant police force reasonably believes it is relevant for the specific purpose of the disclosure and ought to be included on the disclosure certificate. The inclusion of any information Scottish police may hold on an individual is a decision for Police Scotland to make with regard to the statutory Guidance for the Chief Constable of Police Scotland.

Disclosure Scotland staff do not have access to the database on which non-crime hate incidents are recorded.

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27429>

and

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27430>

The answer referred to above can be read at

https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-24-04-2024?meeting=15814&iob=134985#orscontributions_M1735E440P776C2579338

The Interim Guidance referred to above can be read at

<https://www.scotland.police.uk/spa-media/fthlal1g/interim-guidance-responding-to-hate.docx>

The following two questions both received the same answer

Non-Crime Hate Incidents: Recording

Miles Briggs (Conservative) [S6W-27431] To ask the Scottish Government, in light of the

recently published Police Scotland interim guidance on the recording of non-crime hate incidents (NCHIs), whether any process, such as arbitration, exists that would allow a person to appeal a decision that an incident has met the threshold for being recorded as a NCHI, or whether a person's only recourse would be to pursue a civil action in order to seek to have the NCHI expunged from the record.

Miles Briggs (Conservative) [S6W-27656] To ask the Scottish Government, in light of the recently published Police Scotland interim guidance on the recording of non-crime hate incidents (NCHIs), which states that a report would happen in "exceptional circumstances", what are defined as "exceptional circumstances" in which a party allegedly at fault in a reported incident could have their details recorded.

Siobhian Brown: The recording of non-crime hate incidents (NCHIs) is an operational matter for Police Scotland. This preserves the operational independence of Scotland's criminal justice system and keeps it free from political interference.

You may wish to contact Police Scotland directly regarding any questions you have in relation to these procedures.

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27431>

and

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27656>

The Interim Guidance referred to above can be read at

<https://www.scotland.police.uk/spa-media/ftlh1q/interim-guidance-responding-to-hate.docx>

The following two questions both received the same answer

Non-Crime Hate Incidents: Recording

Miles Briggs (Conservative) [S6W-27432] To ask the Scottish Government what data destruction methods and processes Police Scotland would employ to delete any recorded non-crime hate incident where it had been found not to have met the threshold for being so recorded.

Miles Briggs (Conservative) [S6W-27657] To ask the Scottish Government in what system Police Scotland is currently mandated to record non-crime hate incidents; whether this is a distinctly different system to the system for recording arrest records or formal charges, and, if this is not the case, whether there are strict Chinese wall protocols in place to mitigate the risk of deliberate or accidental disclosure.

Siobhian Brown: Methods and processes with respect to handling of data on non-crime hate incidents recorded by Police Scotland, is an operational matter for Police Scotland.

You may wish to contact Police Scotland directly regarding any questions you have in relation to these procedures.

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27432>

and

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27657>

Non-Crime Hate Incidents: Liability for Public Knowledge

Miles Briggs (Conservative) [S6W-27433] To ask the Scottish Government what its position is on whether (a) it and (b) Police Scotland could be liable for any material effect to a Scottish resident's circumstances if it was found that any negligence or malice on the part of a public servant had led to public knowledge of a recorded non-crime hate incident.

Siobhian Brown: Any investigation into whether there has been any material effect

to a Scottish resident's circumstances due to alleged negligence or malice on the part of a public servant leading to public knowledge of a recorded non-crime hate incident, and related issues of potential liability, would be dealt with on a case by case basis.

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27433>

Non-Crime Hate Incidents: Reporting Requirements

Miles Briggs (Conservative) [S6W-27659] To ask the Scottish Government what reporting requirements Police Scotland has to the Scottish Government or other publicly funded bodies regarding the rate and nature of non-crime hate incidents.

Siobhian Brown: There are no reporting requirements on the rate and nature of non-crime hate incidents from Police Scotland to the Scottish Government. The Scottish Government is not aware of reporting requirements to any other public body.

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27659>

The following two questions both received the same answer

Hate Crime Advisor/Champion

Miles Briggs (Conservative) [S6W-27665] To ask the Scottish Government how it differentiates between a "hate crime advisor" and a "hate crime champion", and whether people who are designated as such (a) are all sworn constables and (b) have formal legal training.

Miles Briggs (Conservative) [S6W-27666] To ask the Scottish Government whether it (a) requires and (b) conducts formal security clearances for anyone designated as a (i) "hate crime advisor" and (ii) "hate crime champion", as set out in the document, *Interim Guidance - Responding to Hate*.

Siobhian Brown: The designation of a Hate Crime Advisor and Hate Crime Champion is an operational decision for Police Scotland, and the Scottish Government does not hold this information.

You may wish to contact Police Scotland directly regarding any questions you have in relation to these procedures.

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27665>

and

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27666>

The Interim Guidance referred to above can be read at

<https://www.scotland.police.uk/spa-media/fthlal1q/interim-guidance-responding-to-hate.docx>

Non-Crime Hate Incidents: Scottish Government

Miles Briggs (Conservative) [S6W-27678] To ask the Scottish Government whether it has been the subject of any civil action in Scottish courts by a person in relation to them having a non-crime hate incident recorded against them; if so, how many such cases are currently in process, and how many cases that have concluded resulted in a ruling in favour of the person bringing the action.

Siobhian Brown: The Scottish Government has not been the subject of any civil action in Scottish courts by a person in relation to them having a non-crime hate incident recorded against them.

<https://www.parliament.scot/chamber-and-committees/questions-and-answers/question?ref=S6W-27678>

Northern Ireland Assembly Debate

Hate Crime Legislation in Northern Ireland

12.00 Sinéad McLaughlin (SDLP): I beg to move

That this Assembly notes the alarming prevalence of hate-motivated crimes in Northern Ireland and across these islands; recognises that legislation governing hate-motivated crimes in Northern Ireland is outdated and no longer fit for purpose; believes that hate crime legislation can protect communities with protected characteristics while ensuring adequate protection for the freedom of speech and reasonable religious political or other beliefs; acknowledges the work of the Marrinan review into hate crime legislation in Northern Ireland; expresses disappointment at the lack of progress that has been made in enacting the recommendations of the review in the past four years; and calls on the Minister of Justice to introduce stand-alone hate crime legislation, based on the definition and recommendations set out in the Marrinan review, within the next 12 months. ...

Hopefully, we are all united in finding the statistics on hate crime utterly horrifying. In the 12 months from 1 April 2023 to 31 March 2024, the following hate-motivated crimes were reported: 839 on the basis of race; 241 on the basis of sexual orientation; 730 on the basis of sectarianism; 58 on the basis of disability; 48 on the basis of faith and religion; and 41 on the basis of transgender identity. There should be no place for hate crimes anywhere across the North. We must root out hate everywhere we find it and never allow it to fester, including by dismantling the attitudes that drive those crimes in the first place. ...

Many hate incidents have gone unpunished. ...

In 2020, Judge Marrinan published his seminal independent review of hate crime legislation in Northern Ireland. It engaged extensively with academics, experts and stakeholders. Its recommendations were clear and unambiguous, and he said that the current system and current laws were not fit for purpose. He also made clear, in recommendation 31, the need to end the current piecemeal approach and consolidate current hate crime legislation into one Bill. ...

At the time, the Equality Commission said that strengthening hate crime legislation by consolidating it in one Bill: *"will make the legislation easier to understand, provide greater clarity and certainty and ensure a consistent approach, including to addressing hate crime across a number of equality groups."*

Similarly, the Public Prosecution Service (PPS) confirmed that a single piece of legislation would assist in communicating to the public how seriously such matters were taken. ...

The call for stand-alone hate crime legislation is a recommendation that has also been repeatedly accepted and endorsed by the Justice Minister. In April 2021, speaking in the Chamber, the Minister said: *"I agree with Judge Marrinan that his recommendations merit a stand-alone hate crime Bill. That is planned for introduction in the next mandate"*. — [*\[Official Report \(Hansard\), Bound Volume 138, p36, col 2\]*](#). ...

Unfortunately, it appears that, by last month, the Minister had concluded that insufficient time remains in this mandate to take forward a stand-alone Bill. ...

We were told that that was the reality of government. The reality of government is also that we need to live up to the responsibilities of our commitments ...

Of course, legislation is not the only way in which we, as an Assembly and a society, can combat hate crime. Legislation is only one part of tackling that heinous scourge. It is also crucial to change attitudes from the very earliest age through effective education. ...

Preventative work is crucial. It cannot be solely the responsibility of any legal framework to eradicate hate crime. However, the Assembly needs to send out a very serious signal that addressing hate crime is not only the morally right thing to do but our political priority. I fear that, by stepping back from that commitment, we are sending the opposite message. ...

Stewart Dickson (Alliance): I beg to move the following amendment:

Leave out all after "hate crime legislation in Northern Ireland;" and insert: "regrets the lack

of progress over the past three and a half years due to the lack of a functioning Executive and Assembly; and welcomes the Minister of Justice's commitment to legislate for foundational hate crime provisions as part of her legislative programme in this Assembly mandate." ...

... our amendment ... simply deals with the real and practical logistics of delivering good legislation, coupled with a desire, which I am sure that we all aspire to, to send a clear signal to victims of hate crime that the perpetrators who, on sentencing, are found to have been hate-motivated will receive enhanced sentences for their crimes. ...

12.15 Effective hate crime legislation does not just provide justice but sends a powerful message that our society will not tolerate hate crime in any form. Hate crime strikes at the very heart of our communities, creating fear and division. ... Legislation alone will not eliminate hate crimes, however. We need to take a comprehensive approach that tackles the root causes of prejudice, intolerance and hate. ...

A commitment to improve current legislation to support hate crime victims has been included in draft Programmes for Government as far back as 2016 and up until 2021. ... We are not backing away. ...

Deidre Hargey (Sinn Féin): ... Hate and hate crimes are wrong and have no place in our communities and, indeed, in wider society. They must be opposed wherever they raise their head and be robustly challenged. ...

Sinn Féin recognises that our hate crime legislation is out of date, is not fit for purpose and needs to be reformed. We acknowledge the work that has been done so far by the Marrinan review, the Department of Justice's public consultation and its call in 2022 for views on how to improve the effectiveness of our hate crime legislation. We also welcome the fact that the Justice Minister has committed to introducing a hate crime Bill in this mandate. The Bill must strike the difficult balance between providing freedom of expression and protecting people from hate crime. ...

Joanne Bunting (DUP): From the outset, let me state that abuse of a person, physically or verbally, because of a protected characteristic is serious and on the increase. ... At present, hate is recorded at the perception of the claimant and is considered to be an aggravating factor in other crimes, rather than a crime in itself. Whilst the Minister may have stated that we are not creating new crimes, it is difficult at this point to see how we would not be ...

Scotland should serve as an example enough of the potential perils and pitfalls. Calum Steele, the general secretary of the Scottish Police Federation, expressed concern over the Scottish Bill even as it passed through Parliament. He said: *"Police officers are all too aware that there are individuals in society who believe that to feel insulted or offended is a police matter.*

The bill would move even further from policing and criminalising of deeds and acts to the potential policing of what people think or feel, as well as the criminalisation of what is said in private."

Similarly, the Law Society of Scotland warned: *"the Bill presents a significant threat to freedom of expression, with the potential for what may be abusive or insulting to become criminalised."*

Free speech and civil liberties are no small matter in our value system. There is no right not to be offended. If we are only to express views that are popular and mainstream, freedom is merely a concept and we will have cancelled diversity of thought. We must preserve the ability to discuss and debate at all costs, because abuse and opinion are not the same as crime. ...

With regard to the private dwelling defence, legitimate concerns have been raised about malicious communications by individuals in the course of private conversations online or on forms of social media. ... We believe that a comprehensive approach to tackling online harm should be the starting point for tackling this wrongdoing. Moreover, we must not create a hierarchy of victims, as can often result from intersectionality, and, rather, should

ensure that justice is blind and even-handed for all. ...

Douglas Beattie (UUP): ... nobody should promote hate of any kind, regardless of whether that is due to religion, sex, disability, sexual orientation, race or age. Neither should hate be tolerated in isolating people because of the way they look, the way they speak or the place where they live. However, the reality is that eradicating some prejudices, unconscious bias or bias is incredibly difficult, no matter how you try. ...

... we have to be careful not to be offended by some things and not to try to make the law be able to protect absolutely everything. ...

12.30 Paul Frew (DUP): ... we are in danger of calling for legislation for the sake of it. We already have laws that govern us around hate crime ...

Of course, whilst we should all agree that crimes motivated by hate are wrong, I also look to a few years ago, when a section of people chose not to avail themselves of a medicine or disclose their personal, private medical history, and those people were hated upon. They were discriminated against by the Government and by business. Should those people who chose not to avail themselves of a medicine or disclose their medical history also be included in a protected group? ...

Naomi Long (Minister of Justice, Alliance): Does the Member accept that, under the aggravator model that Judge Marrinan recommended and that I hope to introduce, when somebody commits a crime — for example, an assault such as the one that you have just mentioned — the hate motive that is being made out is an aggravating factor? If they are not convicted of the hate motivation, they can still be convicted of the assault. ...

Paul Frew: Of course, yes, but why are we trying to reinvent the wheel? Under the Criminal Justice (No. 2) (Northern Ireland) Order 2004, offences are aggravated by hostility. There are already laws about aggravation. ...

Connie Egan (Alliance): ... We must take sincere and pragmatic action to protect our communities, ensuring that everyone has full legal protection to be who they are without targeted abuse or harassment. ... It is essential that the steps that we take are victim-centred and recognise the trauma for people of any hate incident or crime ...

Hate crime, which is an attack on someone because of who they are or what they believe in, is unacceptable across the board. It leaves people and the communities around them feeling not just hurt but totally discriminated against and unaccepted by the world. ...

Over the last 12 months preceding March this year, we saw a spike in racially motivated hate incidents, with an increase of over 132, and there was an increase in incidents against those who are transgender and those with faith or who practise religion. ... We cannot let those statistics sit on a shelf, not acted on or challenged in the most impactful and efficient way ... Such violations of anyone's basic human rights to be and live as who they are go against our principles and the moral fabric of our progressive society. ...

Kate Nicholl (Alliance): ... Takura Makoni from the African and Caribbean Support Organisation Northern Ireland (ACSONI) has been brave in speaking out about the experience of having racist graffiti put on his home. ... I have worked with two businesses that have been forced out. A Sudanese father of four who arrived here as a refugee ... set up a business and was providing a really important service in the community and had that business burnt down after a series of threats. ... women who live in contingency accommodation and who are subjected to regular abuse because they wear a hijab ... live in fear.

Thomas Elliott (UUP): ... will she also accept that that type of behaviour and hate crime went on for years in urban and rural areas of Northern Ireland, where people were forced out of their homes because they were a certain religion? ...

Kate Nicholl: ... I agree. ... Anna Lo, the first and only minority-ethnic MLA the Assembly has ever had ... was outspoken on how racism and sectarianism are two sides of the same coin. ... I sometimes fear that there is a tolerance in our society for hate and othering. ...

12.45 The reality is that hate crimes exist in our society, and they should not. ... This motion

is not virtue signalling. This is a motion about how we can support people who are victims of hate crime ...

Colin McGrath (SDLP): ... hate crime has become a prevalent issue in our communities, and it is high time that we took concrete steps to combat that menace. By enacting dedicated hate crime legislation, we can send a strong message that intolerance and discrimination will not be tolerated.

Hate crimes are not just ordinary crimes. ... They target individuals on the basis of their race, religion, ethnicity, sexual orientation, gender identity or disability. Those acts of hatred not only harm the victims personally but create a climate of fear and divisiveness in communities. ...

Currently, hate crimes in Northern Ireland are channelled into general criminal legislation that does not adequately address the specific nature and impact of the offences. We need a stand-alone hate crime Bill that explicitly identifies hate crimes as distinct offences and provides appropriate legal provisions to deal with them effectively. Such legislation would send a clear signal that our society stands united against hate and intolerance.

A stand-alone hate crime Bill could also serve several crucial purposes. It could provide a comprehensive definition of hate crime, which would ensure that no act goes unpunished. The definition should encompass a wide range of offences, including physical violence, harassment, verbal abuse and, as was referenced earlier, online hate speech. ...

Naomi Long: ... All those crimes are already on the books. The purpose of hate crime legislation is to add an aggravator ...

Colin McGrath: ... It is important to signal what we can do and how we want to challenge the issues that still lie in front of us. It is about clearly defining hate crimes and, as mentioned, ensuring that our agencies are equipped to identify and prosecute offenders. A dedicated hate crime Bill could establish enhanced penalties for hate crimes. It is essential that we send a strong message to those undertaking such crimes that their actions will be met with severe consequences. ...

We also have the issue of data collection. Again, by introducing a specific Bill, we could examine the types of data that are collected and how they are collected. That would help us to challenge hate behaviour in the future ...

James Allister (Traditional Unionist Voice): ... the proposer of the motion ... was reciting to us figures on the hundreds upon hundreds — running, I think, to almost 2,000 — of hate offences that have been investigated in recent times. I am left struggling to understand what would be different under new legislation. If someone is assaulted, for example, for a motive related to their ethnic background, that is an assault, and, at present, the law provides that the motivation can be hate-designated as an aggravator, thus enhancing the sentence. What would be different under new legislation that states that it is an offence to assault someone because of their ethnic background? The outcome would be precisely the same ...

Paul Frew: Is it not also the case that a bystander — a witness — can perceive something to be a hate crime, without knowing any of the detail or context behind it? ...

James Allister: Any law that is based on perception rather than on reality is the road to absolute folly. That is one of the fatal flaws in legislation that has been propagated under the hate crime title elsewhere. ...

There is no legal right to not be offended. If we go down the road of saying, "I feel despised. I feel humiliated. I feel demeaned because of what was said. I'm offended, so it must be a crime", it will be absolute folly, yet that is where this talk and new legislation could lead us. ...

[debate suspended]

2.45 Naomi Long: ... I want to begin by stating clearly that hate and prejudice have no place in our society. Recent events demonstrate only too well the appalling and destructive impact that hate can have on society in Northern Ireland. ...

Even one incident is too many. Not only does each hate-motivated incident impact on the primary victim but the ripple goes outwards through their family, friends and other members of their community. That does not, in talking about hate crime legislation, create a hierarchy of victims, as some people have suggested. It recognises the wider impact of crime that is committed with a hate motivation, and the creation of secondary and tertiary victims. ...

A commitment to improve current legislation to support hate crime victims was included in the draft Programme for Government in 2016-2021. ... Recommendations from Judge Marrinan's review have provided a valuable framework in which to strengthen current legislation. They have provided the impetus to ensure that action is taken where necessary and to increase victims' confidence in the system that brings offenders to justice.

Hate crimes are committed, as I said, against an individual based on a personal attribute or group identity. They are known to have a pronounced impact on victims, and the ramifications can extend beyond the direct victim to their communities by signalling that members of certain groups are not welcomed, valued or worthy of equal respect. Effective hate crime legislation can provide redress to victims, ensure that sentences reflect the harm that is caused not just to the victim but to wider society and support law enforcement agencies in the operation of their own hate crime policies.

Following Judge Marrinan's review recommendations, the Department accepted the need for a new legislative statutory aggravation model for all criminal offences, whereby each existing offence can be aggravated and provision for higher maximum sentences will be retained. That is the central element of hate crime reform and is the most impactful part of Judge Marrinan's report for victims. ...

Since 2020, substantial and valuable work has been undertaken by my Department in implementing Judge Marrinan's 34 recommendations, including progress in working towards the development of that hate crime Bill. ...

The Department has also undertaken significant engagement with a wide range of stakeholders as part of the policy development process. ...

Engagement with a broad spectrum of non-statutory organisations representing hate crime advocacy and victims' groups has also been maintained. ...

Policy development on hate crime issues often involves consideration of complex and publicly contested issues, and we have heard references to that already here today. Indeed, it is evident that, in recent debates on freedom of speech and cultural and political expression, views have become increasingly polarised. In that context, I am very mindful of the need to balance the protection of freedom of expression with protection for victims of hate crime and hate speech, and to do no harm. ...

The loss of two years of Assembly business time and the constraint on resources in the Department and the wider justice system has, however, left my Department facing some difficult decisions. ...

In that context, it was evident to me that a stand-alone hate crime Bill could not, therefore, be fully developed to address all of Desmond Marrinan's recommendations in the remaining three years of this mandate. ...

I am now considering which of two possible legislative vehicles — a victims of hate crime Bill or a split between a victims and a sentencing Bill — would be most appropriate to deliver progress urgently. As part of those considerations, my officials and I have been engaging with the sectoral groups that represent those minority communities that we are seeking to protect. ... The core element of a statutory aggravator model will remain the foundation for all other future provisions. ... a key consideration is the fact that, if the statutory aggravator model were moved into the sentencing Bill, it would be in force one year sooner than if it were in the victims Bill, or if it were in a stand-alone hate crime Bill ... All existing offences will be able to be aggravated by hostility that is based on membership or perceived membership of a group based on race, religion, disability or sexual orientation, which are the current protected groups. ...

... no new offences will be created by the proposed model. The model will be an

aggravating model, and, in that way, if someone commits a crime that is motivated by hate and the crime can be proven but the motivation cannot, they can still be convicted of the underlying crime. It is only when the hate motivation can be made out in court that the aggravator will then be applied to sentencing. ...

I intend to allow victims of hate crime to have automatic entitlement to special measures and to be protected from in-person cross-examination. Again, I intend to advance those provisions in this mandate as part of the victims Bill ...

3.00 Paula Bradshaw (Alliance): ... We are all keenly aware that politicising such an objective will go down poorly with the public. What matters is delivery. ...

The outcome of the Minister's legislative plans is clear: we will see the introduction of a new statutory aggravation model for prosecuting hate crime, providing for better outcomes for victims during this mandate. Furthermore, legislation will be future-proofed ... I urge the Assembly to commend her work and to unite behind the clear route laid out, which will provide practical and better outcomes for victims. ...

Matthew O'Toole (SDLP): ... I draw attention to one particularly stark and startling example: the burning of the Belfast Multi-Cultural Association (BMCA) centre on Donegall Pass on more than one occasion. The people who owned and operated the BMCA centre ... simply gave up on occupying the premises, because they did not see any meaningful investigation that was going to lead to prosecutions for what was, self-evidently, more than one hate crime being committed against their premises ... That is why the urgency exists today. ...

The Alliance manifesto promised a stand-alone hate crime Bill. ... It was, with the greatest of respect, a specific pledge in your party's manifesto.

3.15 Naomi Long: ... Given that we are in the situation in which we are, with two years missing from the mandate and very restricted resources, does the Member accept that the fact that we have accelerated provisions to give protection to vulnerable victims, rather than wait for a stand-alone hate crime Bill, should be commended, not criticised?

Matthew O'Toole: ... my job is to hold Ministers to account ...

A stand-alone Bill is what was promised, however, and that is what people have the right to expect. ...

Hate crime legislation will not solve all those problems ... It can, however, set out a clear framework for tackling hate crime.

Vote on the amended motion – Ayes: 70; Nos: 5

To read the full transcript see

<https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2024/06/04&docID=403413#4425001>

and

<https://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2024/06/04&docID=403413#4425371>

The Marrinan Review, referred to above, can be read at

<https://www.justice-ni.gov.uk/sites/default/files/publications/justice/hate-crime-review.pdf>

The Scottish Bill referred to above by Joanne Bunting is the Hate Crime and Public Order (Scotland) Act 2021, and can be read at

<https://www.legislation.gov.uk/asp/2021/14/contents/enacted>

The Scottish Police Federation comments, referred to above by Joanne Bunting, can be read at

<https://policeprofessional.com/news/spf-sounds-warning-on-proposed-hate-crime-legislation/>

The Law Society of Scotland comment referred to above by Joanne Bunting can be read at

<https://www.lawsco.org.uk/news-and-events/law-society-news/lack-of-clarity-in-hate-crime-bill-could-threaten-freedom-of-expression/>

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Other Relevant Information

European Union Agency for Fundamental Rights (FRA)

Fundamental Rights Report 2024

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-fundamental-rights-report-2024_en.pdf

FRA Opinions: Fundamental Rights Report 2024

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-fundamental-rights-report-2024-opinions_en.pdf

TOP

Relevant Legislation ** new or updated today

UK Parliament

Holocaust Memorial Bill

<https://bills.parliament.uk/bills/3421>

Scottish Parliament

Assisted Dying for Terminally Ill Adults (Scotland) Bill

<https://www.parliament.scot/bills-and-laws/bills/assisted-dying-for-terminally-ill-adults-scotland-bill>

Gender Recognition Reform (Scotland) Bill

<https://www.parliament.scot/bills-and-laws/bills/gender-recognition-reform-scotland-bill>

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Consultations ** new or updated today

Faith school designation reforms (closing date 20 June 2024)

<https://consult.education.gov.uk/faith-schools-policy-team/faith-school-designation-reforms/>

Review of the RSHE statutory guidance (closing date 11 July 2024)

<https://consult.education.gov.uk/rshe-team/review-of-the-rshe-statutory-guidance/>

Petitioning against the Holocaust Memorial Bill (closing date 17 July 2024)

<https://committees.parliament.uk/work/8481/petitioning-against-the-holocaust-memorial-bill/>

House of Lords: Guidance on the right to be heard

<https://bills.parliament.uk/publications/55634/documents/4871>

House of Lords: Guidance on submitting your petition

<https://bills.parliament.uk/publications/55632/documents/4869>

£20k registration threshold for charities in Northern Ireland (closing date 11 August 2024)

<https://www.communities-ni.gov.uk/consultations/consultation-ps20k-registration-threshold-charities-northern-ireland>

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