

SEEKING ADVICE AND
REDRESS AGAINST
RACISM IN
NORTHERN IRELAND
AN INFORMATION
HANDBOOK

MARCH 2005

EQUALITY COMMISSION FOR NORTHERN IRELAND
AND NATIONAL CONSULTATIVE COMMITTEE
ON RACISM AND INTERCULTURALISM



**This booklet is intended for information purposes only.
It is not a legal document.**

**A large format version of this publication is available on
*www.nccri.ie and www.equalityni.org***

Seeking Advice and Redress Against Racism in Northern Ireland

An Information Handbook

March 2005

Equality Commission for Northern Ireland and
National Consultative Committee on Racism & Interculturalism

Contents

Introduction	5
1 Discrimination (racial discrimination law)	7
1.1 Defining discrimination	7
1.2 Discrimination in employment matters	9
1.3 Discrimination in the provision of goods, facilities and services	10
1.4 Making a complaint	11
1.5 Other complaint mechanisms	13
1.6 Dealing with discrimination: Useful contacts	15
2 Racial Incidents (criminal law)	17
2.1 Defining racist incidents	17
2.2 Assaults including fatal assaults	17
2.3 Threatening behaviour and incitement to hatred	19
2.4 Hate crime	19
2.5 Making a complaint	20
2.6 Recording incidents	22
2.7 Dealing with racist incidents: Useful contacts	22
3 The Media and the Internet	25
3.1 The Broadcast Media (television and radio)	25
3.2 Newspapers	26
3.3 Internet, email and mobile phones	27
3.4 Advertising	28
3.5 Making a complaint	28
3.6 The media and the internet: Useful contacts	29
4 Other Useful Contacts	31
5 Publications and Resources	35

Disclaimer

While every effort has been made to ensure that the information in this handbook is up to date and accurate, the NCCRI and ECNI will not to be held responsible for any errors.

Introduction

The purpose of this handbook is to provide information to individuals, community groups and advice organisations on where to seek redress on the different forms of racism in Ireland, North and South. It has been published by the Equality Commission for Northern Ireland (ECNI) and the National Consultative Committee on Racism and Interculturalism (NCCRI), based in Dublin to mark International Day Against Racism March 21 2005.

This section of the handbook relates to Northern Ireland. The reverse section of the handbook refers to Ireland (Republic of Ireland).

The handbook recognises that racism is a multifaceted issue that can range from assaults and threatening behaviour to discrimination in the workplace or in the provision of goods, facilities and services. It seeks to provide guidance on where you can seek advice, make complaints and seek redress against racism/racial discrimination. It is published to coincide with the forthcoming Race Equality Strategy in Northern Ireland and the recent launch of the National Action Plan Against Racism in Ireland.

The handbook acknowledges that many people will know that if they need to complain or seek advice and redress against discrimination they may wish to contact the Equality Commission for Northern Ireland. The Commission can provide advice and assistance but does not itself decide cases of discrimination. A person must bring their complaint, within certain time limits, to the Industrial Tribunal and/or Fair Employment Tribunals ('the Tribunal system') in employment matters or the County Court for non-employment matters.

However what is less well known are issues such how to complain about racism on the internet? Whose responsibility is it to remove racist graffiti that appears on a wall in your neighbourhood? What complaint mechanisms are in place if you consider that an advertisement or a television programme causes serious offence to minority ethnic groups? What other related complaint mechanisms are available in respect of employment or accommodation? This handbook seeks to bring all this information together in an accessible handbook for the first time. This first edition of the handbook is structured as follows:

- Part 1:** Focuses on discrimination in the area of employment and in the provision of goods, facilities and services
- Part 2:** Focuses on racist incidents including assaults threatening behaviour and incitement to hatred
- Part 3:** Focuses on the media and the Internet

Making a complaint: Some practical advice

The following is general advice on making a complaint on racism.

- 1 Make careful records of the incident(s).
- 2 Seek witnesses to the incident and if possible the contact details of witnesses.
- 3 Seek evidence that will substantiate your complaint (for example in cases of assault, seek written confirmation of injuries sustained from a medical source).
- 4 Using this handbook, decide what type of racism took place. The two main categories are a) discrimination (racial discrimination law) and b) racist incidents (criminal law).
- 5 If the incident is one of discrimination the primary bodies of complaint and redress are the Equality Commission for Northern Ireland and the employment tribunals and the County Court.
- 6 Ensure that your complaint is made in time (see this handbook for deadlines under the equality legislation).
- 7 If the incident is a racist incident (criminal law) the primary bodies of complaint and redress are the police (Police Service for Northern Ireland) and the courts.
- 8 In the case of reporting a racist incident, you can also get in contact with the local Police Minority Liaison Officers (contact details in this handbook).
- 9 From this handbook identify other bodies that might help you, for example, trade unions in relation to an employment issue or the Northern Ireland Council for Ethnic Minorities (NICEM) who operate a harassment project.
- 10 Consider the full range of possible redress. For example, mediation can play a role in certain circumstances.
- 11 Make careful records of your complaint as it progresses, including copies of completed forms and correspondence.

Part 1: Discrimination

(racial discrimination law)

Part 1 of this handbook provides basic information about racial discrimination law in Northern Ireland in employment and in the provision of goods, facilities and services, the management of premises, accommodation and housing and in the area of employment, education and training. This part of the handbook also looks at related complaint mechanisms in relation to employment and accommodation.

The Equality Commission for Northern Ireland has responsibility for enforcing the Race Relations (Northern Ireland) Order, 1997 (as amended) and it has a specific duty to advise and assist individuals who wish to complain of racial discrimination. Part 1 of the handbook is structured as follows:

- 1.1 Defining Discrimination
- 1.2 Discrimination in employment matters
- 1.3 Discrimination in the provision of goods, facilities and services
- 1.4 Making a complaint
- 1.5 Other complaint and support mechanisms
- 1.6 Dealing with discrimination: Useful contacts

1.1 Defining discrimination

The Race Relations (Northern Ireland) Order, 1997 (as amended) makes racial discrimination unlawful in the following areas:

- Employment
- Goods, facilities and services
- Education
- Housing and accommodation
- Management and disposal of premises.

Racial discrimination is defined in the law as discrimination on the grounds of colour, race, nationality or ethnic or national origins. Irish Travellers are specifically named under this law as a racial group and are also afforded protection from racial discrimination. Travellers' nomadic way of life is also covered by the legislation.

Types of discrimination

Three types of racial discrimination are defined:

- Direct Discrimination
- Indirect Discrimination
- Harassment

Direct Discrimination arises where one person, or organization, treats another less favourably, on racial grounds, than he or she treats (or would treat) someone else in the same or similar circumstances.

An example of direct discrimination would be if an Asian worker was not appointed to a job because of the racial group to which she/he belongs. It could also be where a Traveller is refused access to a shop, pub or club. Segregating a person from others on racial grounds can also amount to discrimination.

Indirect discrimination occurs where a provision, criterion or practice is applied which, although applied equally, it has the effect of disadvantaging those belonging to a particular racial group and it cannot be justified on non-racial grounds.

An example is excluding immigrants from renting or accessing housing or accommodation. The effect of this is that it disproportionately disadvantages a racial group and cannot be justified; or where an employer or service provider refuses to provide interpreter services and as a result, individuals who cannot speak English, cannot gain access to the service or facilities. This could also be a form of direct discrimination.

Harassment occurs where a person engages in unwanted conduct which has the purpose or effect of:

- a) violating another person's dignity;
- b) or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person

In deciding whether harassment took place the tribunal or court will have regard to all the circumstances, including in particular the perception of the person complaining of harassment.

Victimisation is also an unlawful form of direct discrimination. This is when someone is treated less favourably because they have, for example, complained

of racial discrimination or have assisted someone else to complain. For example, if a customer from the settled community complained about the refusal to serve an Irish Traveller in a shop or a pub, and as a consequence they were also refused or excluded.

People who believe that they may have suffered unlawful discrimination may take legal action. Legal proceedings are determined by an independent Industrial Tribunal, fair employment tribunal or the county court.

1.2 Discrimination in employment matters

It is unlawful for any employer to discriminate:

- In recruitment and selection, including arrangements for deciding who should be offered employment
- In the terms on which employment is offered, or
- By refusing or deliberately omitting to offer a person employment

In the terms and conditions of employment:

- In relation to access to benefits, including opportunities for promotion, transfer, training or any other benefits, or the refusal of those opportunities
- By dismissing an employee or causing him/her any other detriment after the employment relationship has ended.

Racial harassment in the workplace

Racial harassment or abuse in the workplace is a form of direct discrimination. It is unwanted conduct, on racial grounds and it has the purpose or effect of violating someone's dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive.

For example, racial harassment can include racist jokes, banter, insults, circulation of offensive material, including email, isolating or excluding individuals, being condescending about personal dress or speech or generally creating a hostile or intimidating atmosphere.

Complaints of racial harassment may be made against the employer as well as the harasser and both can be held liable and required to pay compensation to the victim.

Genuine Occupational Requirement (GOR)

Before 2003 the law allowed for a number of specific situations where the race relations legislation did not apply e.g. for dramatic performance, as a

photographic model and also for jobs where food or drink was served to the public. These exceptions had to be linked to a 'reason of authenticity' and as such the job required someone from a specific racial group. In addition there was an exception where the jobholder provides persons of a particular racial group with personal services promoting their welfare and those services can most effectively be provided by a person of the same racial group.

In 2003 the law was amended and now includes this list approach together with a general exception for a Genuine Occupational Requirement.

The new general approach leaves it up to employers to satisfy themselves that by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, a given characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate. This may include the provision of personal support services to particularly vulnerable people within specific communities.

1.3 Discrimination in provision of Goods, Facilities and Services

It is unlawful for all service providers to discriminate on racial grounds in the provision of goods, facilities and services. Goods or access to facilities or services cannot be refused or offered at a lesser quality. Service providers include hotels, insurance companies, pubs, certain types of clubs, cinemas and restaurants.

The Race Relations Order (Amendment) Regulations (NI) 2003 extends protection to cover all public authority functions that relate to the provision of goods, facilities and services. This makes it unlawful for public authorities to discriminate against a person on the grounds of race or ethnic or national origins, or to harass someone in carrying out any functions, in the areas of social security, healthcare and any other form of social protection or any form of social advantage. This also covers harassment in the provision of goods, facilities and services.

Equality Duty

Public authorities in Northern Ireland also have a duty under Section 75 of the Northern Ireland Act 1998 to have due regard to the need to promote equality of opportunity between persons of different racial groups and to have

regard to the desirability of promoting good relations between persons of different racial groups.

If you consider a public authority has not complied with this duty you should contact the Equality Commission's Statutory Duty Unit which will advise you further: Telephone 0044 (0)28 90500590.

1.4 Making a Complaint

Staff in the Equality Commission for Northern Ireland can offer advice and assistance in making a complaint in relation to racial discrimination. If at any time you would like to speak to a member of the complaints staff they can be contacted by phone, textphone or at their offices (by appointment). The Commission can give free and confidential advice to prospective complainants. It will also consider all applications for legal assistance in cases of alleged discrimination. However, the Commission does not rule on whether or not discrimination has occurred: this is for the employment tribunal or a court to decide.

Further information is contained in the *Racial Discrimination - How can we help?* and *Racial Equality - Advice and Assistance* booklets. For details of these and other useful publications see www.equalityni.org or contact the Equality Commission's Information and Advice team on 0044 (0)28 90500590. Application forms for registering your complaint with an employment tribunal can be obtained from the Equality Commission's office or may be obtained from most Citizens' Advice Bureaux.

Equality Commission for Northern Ireland

Equality House

7 - 9 Shaftesbury Square

Belfast

BT2 7DP

Tel: 0044 (0)28 90500590

Fax: 0044 (0)28 90331544

Textphone: 0044 (0)28 90500589

Email: information@equalityni.org

Website: www.equalityni.org

Northern Ireland Human Rights Commission

The Northern Ireland Human Rights Commission is charged with the protection of individual human rights and this includes breaches of human rights on racial grounds. Whilst the Equality Commission for NI is the agency

responsible for providing advice and assistance to those who are victims of racial discrimination and the Police Service of Northern Ireland has responsibility for protecting those under threat of violence or attack and investigating racially motivated crime. The NI Human Rights Commission does play a role at a policy level to enhance protection against racism in all its forms. If you wish to seek advice on human rights aspects of dealing with racism you can obtain further information from their website (contact details are set out in section 1.6).

The employment tribunals and the county court

The 'employment tribunals' is the name that is often commonly applied to describe the Industrial Tribunals and the Fair Employment Tribunal. These are independent tribunals that adjudicate on claims of discrimination in employment under the racial discrimination legislation.

The Industrial Tribunals hears and determines complaints in relation to the racial equality legislation. They also have functions in relation to other employment and anti discrimination law (see section 1.5).

The Fair Employment Tribunal hears and determines complaints of discrimination on the grounds of religious belief or political opinion. Complaints about discrimination in the provision of goods, facilities and services (i.e. areas other than employment) are heard in the County Court.

Time limits

Anyone who believes they may have been the victim of unlawful discrimination should seek advice from the Equality Commission as soon as possible, as time limits apply to legal proceedings.

In most employment discrimination cases, complaints should be made to the Industrial Tribunal within 3 months of the date of the act of discrimination. In exceptional situations, the Tribunal has the power to extend this 3 month time limit. The Equality Commission, trade union or local citizen's advice bureau can advise you more on this.

Complaints relating to discrimination in the areas of goods, facilities, services and premises must be made to the County Court within 6 months of the date the discrimination took place.

Complaints about racial discrimination in education must be made to the County Court, normally within 6 months. In certain cases, a complaint must first go to the Department of Education for Northern Ireland.

1.5 Other complaint mechanisms

This section looks at other complaint, support and redress mechanisms in relation to employment and accommodation that could be considered.

Employment

If you are in employment and there is a trade union where you work, they may be able to help you to take out a grievance. Discrimination should be a disciplinary, in some cases even a dismissible, offence. But you should not delay seeking advice about filing a complaint while trying to resolve matters through the company's internal procedures - you could miss the deadline for applying under the racial discrimination legislation (see section 1.4). You can always withdraw your case at any time if you reach a satisfactory agreement with your employer. The Industrial Tribunal has a role to hear and determine complaints under various employment protection legislation (for example legislation related to minimum wage and breach of contract) as well as the various anti-discrimination enactments, under sex discrimination, race relations and fair employment legislation.

The Labour Relations Agency was established in 1976 as a non-departmental public body with responsibility for promoting the improvement of employment relations in Northern Ireland. It provides an impartial and confidential employment relations service to those working in industry, commerce and the public services. The Agency's services include the provision of advice on good employment practices and assistance with the development and implementation of employment policies and procedures. The Agency is also active in resolving disputes through its conciliation, mediation and arbitration services.

Users of the Agency's services are normally workers, employers, employers' associations, trade unions and other organisations or individuals who require assistance with matters relating to employment practices and employment relations.

Housing and accommodation

It is unlawful to discriminate against a person on racial grounds in connection with the selling, letting or management of premises. This provision applies to the Northern Ireland Housing Executive, housing associations, hostels, private landlords, estate agents, property developers, managing agents, owner-occupiers, banks and building societies. Certain types of property are exempt from the Order. For further information contact the Equality Commission for Northern Ireland.

The following forms of accommodation are considered:

- The Northern Ireland Housing Executive and other forms of social housing
- Direct provision for asylum seekers and refugees
- Traveller specific accommodation

Northern Ireland Housing Executive and other forms of social housing

The Northern Ireland Housing Executive (NIHE) provides help and advice to its tenants and members of the public on housing matters. Its Tenant Charter sets out the standards of service the public can expect from each of their offices. The NIHE core values are 'equity, value for money, consultation and participation'. The NIHE has a complaints procedure, details of which are available on their website www.nihe.gov.uk or from an NIHE office in the form of the 'how to make a complaint' leaflet. It is NIHE policy to try and address complaints within 15 working days. Informal meetings can also be arranged through the NIHE information officer in the area office.

The NIHE published its first draft Race Relations Policy for consultation in January 2005. The policy includes:

- Placing Black and minority ethnic issues at the heart of policy development
- Tackling racial harassment and intimidation (see Part 2 of this handbook)
- Promoting Black and minority ethnic social inclusion
- Encouraging community participation and development
- Addressing migrant worker issues

If you need to complain about the NIHE's services you can contact the Northern Ireland Ombudsman's Office www.ni-ombudsman.org.uk. This site will give you a step by step guide to making a complaint to the Ombudsman.

Other forms of social housing, such as Housing Associations and Co-operatives also have their own complaint mechanisms which are available from local managers or their head office.

Direct provision for asylum seekers and refugees

The National Asylum Seekers Support Service (NASS) under the Home Office in Britain has responsibility for providing advice and support to those seeking asylum in Northern Ireland. Complaints regarding any aspect of this service provision should be raised initially with the Belfast NASS office, contact details are set out in the Other Useful Contacts section. If a complaint is not resolved locally then it should be referred directly to the Home Office, email: Julie.martin@homeoffice.gsi.gov.uk

Traveller specific accommodation

Traveller specific accommodation is the responsibility of the Northern Ireland Housing Executive (see above). Advice and support may also be provided by local NGO Traveller support groups and by Traveller Movement (Northern Ireland). See also Part 4 of this handbook.

1.6 Dealing with Discrimination Useful Contacts

Equality Commission for Northern Ireland

Equality House
7-9 Shaftesbury Square
Belfast, BT2 7DP
Tel: 0044 (0)28 90500600
Fax: 0044 (0)28 90248687
Textphone: 0044 (0)28 90500589
Website: www.equalityni.org

Function: The Equality Commission for Northern Ireland has responsibility for enforcing the Race Relations (Northern Ireland) Order, 1997 (as amended) and it has a specific duty to advise and assist individuals who wish to complain of racial discrimination.

Office of the Industrial Tribunals and Fair Employment Tribunal (the 'employment tribunals')

Long Bridge House
20-24 Waring Street
Belfast, BT1 2EB
Tel: 0044 (0)28 90327666
Fax: 0044 (0)28 90230184
Website: www.industrialfairemploymenttribunalsni.gov.uk

Function: The Industrial Tribunal has a role to hear and determine complaints under various employment protection legislation and the various anti-discrimination enactments, under Sex Discrimination, Race Relations and fair employment legislation. The Fair Employment Tribunal hears and determines complaints of discrimination on the grounds of religious belief or political opinion.

Northern Ireland Housing Executive

Head Office
Housing Centre
Adelaide Street
Belfast BT 1
Tel: 0044 (0)28 90240588
Website: www.nihe.gov.uk

See NIHE website for list of area, district and grant offices

Function: The regional housing management authority for Northern Ireland has a wide range of functions including identification of housing need and house build and Traveller accommodation.

Northern Ireland Citizens Advice Bureaux (NIACAB)

Lower Crescent

Belfast

Tel: 0044 (0)28 90231120

Fax: 0044 (0)28 90236522

info@citizensadvice.co.uk

Website: www.citizensadvice.co.uk

Function: Provides independent advice through network of local offices throughout Northern Ireland.

Labour Relations Agency

HEAD OFFICE

2-8 Gordon Street

Belfast, BT1 2LG

Tel: 0044 (0)28 90321442

Fax: 0044 (0)28 90330827

Email: info@lra.org.uk

Website: www.lra.org.uk

Function: among the Agency's services include the provision of advice on good employment practices and assistance with the development and implementation of employment policies and procedures.

Labour Relations Agency Regional Office

1-3 Guildhall Street

Londonderry, BT48 6BJ

Tel: 0044 (0)28 71269639

Fax: 0044 (0)28 71267729

Email: info@lra.org.uk

Website: www.lra.org.uk

Northern Ireland Human Rights Commission

Temple Court Belfast.

Tel: 0044 (0)28 90243987

Email: nihrc@belfast.org.uk

Website: www.nihrc.org

Function: Includes a focus on racism in relation to human rights and policy issues.

Part 2: Racist Incidents

Part Two of this handbook focuses on racist incidents that are for the most part covered by the criminal law. These racist incidents can take many different forms, for example, personal assaults, damage to the home or property, as well as verbal abuse, hate mail or circulating racist leaflets and material. This section focuses on racial incidents that are primarily criminal law issues. This part of the handbook is divided as follows:

- 2.1 Defining racist incidents
- 2.2 Assaults including fatal assaults
- 2.3 Threatening behaviour and incitement to hatred
- 2.4 Hate crime
- 2.5 Making a complaint
- 2.6 Recording incidents
- 2.7 Dealing with racist incidents: Useful contacts

2.1 Defining a racist incident

The Police Service of Northern Ireland (PSNI) will record any incident perceived to have been committed against any person or property on the grounds of a particular persons ethnicity, sexual orientation, religion, political opinion or disability, whether it amounts to a crime or not. These incidents are commonly referred to as hate crimes. Hate crimes can take many forms, including, physical assault, verbal abuse, intimidation and damage to property.

According to the Police Service for Northern Ireland (PSNI), a racist incident is defined as 'any incident which is perceived to be racial by the victim or any other person'.

It is therefore very important to report all known racist incidents. Not only does reporting enable investigation and prosecution of the perpetrators but it also helps organisations and agencies working to tackle racism measure the extent to which this form of racism is developing. It also helps them to lobby Government and policing services to ensure that adequate resources are targeted to reduce and prevent this racist hate crime.

The key pieces of legislation in the area of racist incidents are:

- Public Order (Northern Ireland) Order 1987
- Criminal Justice (No. 2) (NI) Order 2004

- Offences Against the Person Act 1861
- Criminal Damage (NI) Order 1977
- Protection from Harassment (NI) Order 1997

2.2 Assaults Including Fatal Assaults

Fatal Offences

A person can be convicted under common law of murder if he/she is of sound memory and discretion and unlawfully kills any human being with malice aforethought, either express or implied. A person can be convicted of manslaughter under common law where he/she unlawfully kills another without malice, either express or implied.

Non-Fatal Offences

Offences Against the Person Act 1861

Under *section 42*, a Constable may arrest any person whom within his view unlawfully assaults or beats any person.

Under *section 47*, it is an offence to assault any person thereby occasioning actual bodily harm.

Under *section 18*, it is an offence to unlawfully and maliciously wound or cause any grievous bodily harm to any person.

Under *section 20*, it is an offence to unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument.

Criminal Damage (NI) Order 1977

Article 3 of the order states that a person who without lawful excuse destroys or damages property belonging to another intending to destroy or damage any such property shall be guilty of an offence.

Protection from Harassment (NI) Order 1997

Article 3 of this order prohibits a person from pursuing a course of conduct which amounts to harassment. References to harassing a person include alarming the person or causing the person distress. In order to commit the offence it is necessary to show that harassment was caused by a 'course of conduct' defined in the order on more than one occasion. Course of conduct may include speech and the alleged offender must know, or ought to know, that the course of conduct amounts to harassment of the other.

Criminal Justice (No2) (Northern Ireland) Order 2004

Provides courts with powers to impose heavier sentences when an offence is aggravated by hostility based on the victims actual or presumed religion, race, sexual orientation or disability.

2.3 Threatening Behaviour and Incitement to Hatred

Part III of the Public Order (Northern Ireland) Order 1987 currently provides offences and penalties against the use of threatening, abusive or insulting words or behaviour, the display and distribution of written material, and related activities intended or likely to stir up hatred or arouse fear. The protections are currently provided with regard to religious belief, colour, race, nationality, ethnic or national origins. The penalties for stirring up hatred or arousing fear in such cases is: on summary conviction, a maximum of 6 months imprisonment, a fine not exceeding the statutory maximum, or both; on conviction on indictment, a maximum of 2 years imprisonment, a fine, or both.

Graffiti

The Northern Ireland Housing Executive is responsible for removing racist graffiti from its property. Complaints in this regard should be made to the local NIHE District Office. Interpreter facilities will be made available if needed at the point of contact.

In other cases it is the property owner's responsibility to remove offensive racist graffiti from their own property. If you have difficulty in identifying the owner of the property, the NIHE or Department of the Environment can assist in identifying the owner (also see section 2.5)

2.4 Hate Crime

In September 2004 new powers were introduced under the Criminal Justice (No. 2) (NI) Order 2004 to give judges greater powers in sentencing where hostility is proven, including increases in maximum sentences for a series of violent offences. Judges now have additional powers to hand down sentences which fit the seriousness of the crime.

The new laws see the maximum penalties for causing grievous bodily harm, assault occasioning actual bodily harm, and putting someone in fear of violence increase from five to seven years. The penalty for criminal damage has increased from 10 to 14 years.

The key features of the Criminal Justice (No. 2) (NI) Order 2004 are:

- Where an offence involves hostility based on religion, race, sexual orientation, or disability, on conviction the Court must take this into account when sentencing.

- The Court's sentencing powers - mainly in relation to specified crimes of violence which are often connected with "hate crime" - will also increase.
- For example, offences of "grievous bodily harm", "assault occasioning actual bodily harm" and "putting someone in fear of violence" will increase from 5 to 7 years imprisonment; and criminal damage will increase from 10 to 14 years imprisonment. Common assault will have a maximum penalty of two years imprisonment, a fine, or both.
- Hostility based on race, religion, sexual orientation or disability, can be based both on hatred of a group or of an individual. The legislation will cover attacks on both people or property.

2.5 Making a Complaint

Contact the Police Service For Northern Ireland:

- Telephone 999 in an emergency
- Telephone 0800 555 111 (www.crimestoppersni.com)
- Reporting on-line at www.psni.police.uk

The PSNI has access to interpreters 24 hours a day for those individuals who have difficulty understanding English.

Minority Liaison Officers have been appointed in every Police District in Northern Ireland. These officers are specifically trained to advise and support victims of racist crime. Local contact details for Minority Liaison Officers are available in section 2.7 of this handbook.

The Police Racial Incident leaflet is also available on the police website www.psni.police.uk in Urdu, Hindi, Arabic, Italian, Portuguese, traditional Chinese and simplified Chinese.

Complaints about the police

The Office of the Police Ombudsman provides a free, independent and impartial police complaints system for the people and police under the Police (Northern Ireland) Act 1998 and 2000. It deals with complaints from people about how police officers do their jobs. Although the word 'police' is in their title, it is there simply to identify the people it investigates. The Office is entirely independent of the police and investigates complaints about how the police behave when they are doing their job. Complaints may involve allegations of criminal behaviour by a police officer, or allegations that a police officer broke the police code of conduct for example racist behaviour.

Even if a complaint is not made the Police Ombudsman can investigate a matter if they have reason to think that a police officer may have committed a criminal offence or broken the police code of conduct. It can also investigate a matter if the Secretary of State, the Chief Constable or the Policing Board asks them to. The Police Ombudsman also monitors complaints against the police and checks whether the complaints follow any trends or patterns.

Complaints to the Northern Ireland Housing Executive

If you wish to complain about racist incidents that occur on a Northern Ireland Housing Executive estate you should write to the local District Office Manager. Addresses of all local offices are in the telephone directory or on the NIHE *website* www.nihe.gov.uk

In criminal cases the individual can lodge a complaint in their local police station, where the Minority Ethnic Liaison Officer is trained to assist the victims of racially motivated crime and to deal with such complaints.

Complaints in regard to graffiti should be made to the local NIHE District Office. Interpreter facilities will be made available if needed at the point of contact. It is the property owner's responsibility to remove offensive racist graffiti from their own property. If you have difficulty in identifying the owner of the property, the NIHE or Department of the Environment can assist in identifying the owner.

In the case of NIHE property, a complaint can be made directly to the local District Office in person or in writing to the local District Manager and details of this complaints procedure are on the NIHE website www.nihe.gov.org.uk Further advice and assistance relating to any of these matters concerning NIHE's policy on tackling racism can be obtained from the NIHE Equality Unit or the Race Relations Officer in the NIHE Community Cohesion Unit through the NIHE Head Office (see also Part 1 of this handbook in relation to racial discrimination and accommodation).

Other sources of advice and support

The Equality Commission for Northern Ireland can provide advice on a wide range of issues related to racism.

The Northern Ireland Council for Ethnic Minorities (NICEM) has developed a project that focuses on the problem of racial harassment in Northern Ireland. See their website for further details www.nicem.org.uk

There are also many NGO's working in this area of concern, some of which are listed in Part four of this handbook

The Northern Ireland Citizens Advice Bureaux are also a very useful source for information and advice.

2.6 Recording incidents

The Police Service of Northern Ireland currently collate details on reported racially motivated incidents and further details about how you can do this are contained in this guide. In recognition of the fact that many racist incidents may not constitute a criminal offence and to ensure that Government has a more accurate picture of hate crime generally, the Community Support Unit of the Northern Ireland Office in cooperation with equality and human rights agencies, some key public authorities and the police as well as voluntary and community organisations working in this field have been developing a more comprehensive monitoring and reporting system across the voluntary, community and public sectors. The Monitoring and Recording of Hate Crime in Northern Ireland (MRHNI) system is currently being finalised and will be piloted at sample locations across Northern Ireland later this year.

2.7 Dealing with racist incidents: Useful contacts

Police Service for Northern Ireland

- Telephone 999 in an emergency
- Telephone 0800 555 111 (www.crimestoppersni.com)
- Reporting on-line at www.psni.police.uk

Website: www.psni.police.uk

Function: To provide a comprehensive policing service in Northern Ireland. The Police Minority Liaison officers can be contacted at the following numbers:

Minority Liaison Officers	Telephone
North Belfast	0044 (0)28 90259207
South Belfast	0044 (0)28 90700509
East Belfast	0044 (0)28 90259786
West Belfast	0044 (0)28 90259892
Antrim	0044 (0)28 94481657
Ards	0044 (0)28 91829041
Armagh	0044 (0)28 37521153
Ballymena	0044 (0)28 25664013
Ballymoney/Moyle	0044 (0)28 70350958
Banbridge	0044 (0)28 40621368
Carrickfergus	0044 (0)28 90259622
Castlereagh	0044 (0)28 90700314
Coleraine	0044 (0)28 70350906
Cookstown	0044 (0)28 79399406
Craigavon	0044 (0)28 38315355
Down	0044 (0)28 44611109
Dungannon & South Tyrone	0044 (0)28 87750503
Fermanagh	0044 (0)28 66321557
Foyle	0044 (0)28 71379751
Larne	0044 (0)28 28271055
Limavady	0044 (0)28 77766797
Lisburn	0044 (0)28 92600978
Magherafelt	0044 (0)28 79633701
Newry & Mourne	0044 (0)28 30259267
Newtownabbey	0044 (0)28 90259319
North Down	0044 (0)28 91474957
Omagh	0044 (0)28 82246177
Strabane	0044 (0)28 71379803

Police Complaints Ombudsman

New Cathedral Buildings

St Anne's Square

11 Church St

Belfast, BT11PG

Tel: 0845 6012931/0044 (0)28 90828600

Fax: 0044 (0)28 90828659

Function: Independent, impartial, free complaints agency. It deals with complaints from people about how police officers do their jobs.

Northern Ireland Housing Executive

Head Office

Housing Centre

Adelaide Street

Belfast, BT 1

Tel: 0044 (0)28 90240588

Website: www.nihe.gov.org.uk

Function: The regional housing management authority for Northern Ireland with a wide range of functions including identification of housing need and house build and Traveller accommodation.

Part 3: Media and the Internet

The media and the Internet is often a difficult and complex area in respect of making a complaint or seeking redress against racism. At stake is both the issue of the right to free speech on the one hand and the right to be protected against racism on the other.

The Equality Commission for NI has published research on Press Reporting on Minority Ethnic Issues and Racism (Racial Equality Bulletin no 2, 1999). In cooperation with the National Union of Journalists (NUJ) the Equality Commission developed and published Anti Racist Reporting Guidelines aimed at journalists and newspaper editors as an outcome. Copies of this publication and the accompanying Anti Racist Reporting Guidelines are available from the Equality Commission.

Part 3 of this handbook is structured as follows:

- 3.1 The broadcast media (radio and television)
- 3.2 Newspapers
- 3.3 Internet, e-mail and phones
- 3.4 Advertising
- 3.5 Making a complaint
- 3.6 The media and the Internet: Useful contacts

3.1 The broadcast media (radio and television)

The Office of Communications (OFCOM) is the regulator for the UK communications industries, with responsibilities across television, radio, telecommunications and wireless communications services. One of the aims of the OFCOM is to:

- Balance the promotion of choice and competition with the duty to foster plurality, informed citizenship, protect viewers, listeners and customers and promote cultural diversity.

OFCOM replaces the role of the former Broadcasting Complaints Commission and deals with complaints of racism in broadcasting. You can contact them by email or online. Full contact details are set out in section 3.6.

3.2 Newspapers

Press Complaints Commission

The Press Complaints Commission is an industry self-regulating body. In other words it is not a statutory agency with independent power of investigation. However it does investigate complaints under its Code and adjudicates on these and publishes its decisions. It mainly deals with complaints from members of the public about the editorial content of newspapers and magazines. This service to the public is free, quick and easy. It aims to deal with most complaints in just 32 working days.

The PCC has published an Editors' Code of Practice and all complaints are investigated under the Editors' Code of Practice, which binds all national and regional newspapers and magazines. The Code - drawn up by editors themselves - covers the way in which news is gathered and reported. It also provides special protection to particularly vulnerable groups of people such as children, hospital patients and those at risk of discrimination.

In the area of discrimination the PCC Code states:

'The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex, sexual orientation or to any physical or mental illness or disability.

Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

The Press Complaints Commission will only uphold complaints of discrimination where it considers the offending article or publication is in breach of the above clause.

You may of course write directly to the newspaper to complain. Some papers have a policy of correcting mistakes if asked or printing letters of complaint and some have a readers' 'watch-dog' to whom you may complain.

The main trade union for those involved in the media is the National Union of Journalists, although there is also some staff, particularly those involved in media production in other trade unions. Part of its role is to provide guidance to its members and the NUJ has published non-binding 'Guidelines on Race Reporting'. All NUJ members are bound by the NUJ Code of Conduct.

3.3 Internet, email and phones

Internet and e-mail

Ensuring effective protection against racism requires tackling the growing phenomenon of the use of the internet which along with other computer generated illegal activity is collectively known as 'cybercrime'.

There has been an emergence of websites in UK and Ireland in recent years containing material that would have been prohibited if printed and distributed in Ireland and which can provide a permanent form of incitement if left unchallenged. There are different ways in which racism has been spread through the Internet, including through e-mail, web sites, usenet/user groups or through an internet club. Racism on the Internet can and has been tackled through a number of strategies, including reporting the problem to the internet hotline. The internet hotline for the UK is hosted by the Internet Watch Foundation (IWF) www.iwf.org

The IWF provide a 'notice and take down' service to Internet Service Providers (ISPs) in the UK so they can remove potentially illegal content from their servers and the IWF works closely with law enforcement agencies both within and outside the UK to help them trace offenders.

If you receive an e-mail of a racist nature you can also report it to the hotline and/or report it to the internet company who hosts the email account and request that they delete the account. In respect of the workplace, the e-mail should also be reported to the employer (see also Part 1 of this handbook which deals with discrimination).

Many internet server companies have codes of conduct in relation to the use of email accounts, which stipulate that the account cannot be used to transmit emails of a racist nature. These codes of conduct are available on the server's webpage. This can be a useful tool in preventing abusive e-mails from a particular address. There are, of course, also practical measures you can take to block unwanted e-mail sources through the software on your computer.

Phones

OFCOM recommend that if you a problem with your telephone provider or other telecommunications issue you should contact your service provider. If the issue cannot be resolved, all service providers have procedures for handling complaints from customers. Contact your service provider for details. If you believe your complaint has been not handled properly by the service provider, and your complaint has been outstanding for 12 weeks you

can make a complaint through an Alternative Dispute Resolution (ADR) Scheme (see OFCOM Website) or to OFCOM itself.

3.4 Advertising

The role of the Advertising Standards Agency (ASA) is to make sure all advertising, including radio and television commercials, meets the high standards laid down in the advertising codes. Their website will tell you more about the rules for advertising, let you complain online, and explain how the ASA is working to keep advertising standards as high as possible.

3.5 Making a complaint

The body to which complaints are made depends on what form of media/communications the complaint applies. It is important that a complaint is made as quickly as possible as most complaints processes have time limits.

Broadcast media (radio and television)

If you have a concern or issue with something broadcast on television or radio (except advertisements, see 3.4), the procedure for resolving it is outlined here. If you have a concern or issue with something broadcast on television or radio (except advertisements, see 3.4), the procedures for resolving your complaint are outlined here. The first contact is to the television or radio broadcasting company involved. You should record some details, the name of the programme, time broadcast, channel and your reason for complaint. The OFCOM website has a list of television and radio licencees where you can access the details of the company. If you have made a formal complaint and believe you have been dealt with unfairly you should contact the OFCOM contact centre at the address below.

Newspapers

Contact the Press Complaints Commission (PCC), an industry self regulating body. You can also contact the newspaper itself. Check out what complaint mechanism the newspaper has in place such as a readers watchdog, mechanism for clarifications and apologies.

Internet, email and phones

The internet hotline (including problems related to racist e-mails) for the UK is hosted by the Internet Watch Foundation www.iwf.org

In respect of telephones, contact your service provider; the Alternative Dispute Resolution (ADR) Scheme (see OFCOM Website) or to OFCOM itself (see broadcast media).

Advertising

Contact the Advertising Standards Agency at www.asa.org.uk. It is also unlawful to publish racially discriminatory advertisements and this is outlawed under the Race Relations legislation. For more information and advice contact the Equality Commission of Northern Ireland.

3.6 The media and the internet: Useful contacts

Office of Communications (OFCOM) Contact Centre

Riverside House

2a Southwark Bridge Road

London

SE1 9HA

Tel: 0044 (0) 845 456 3000 or 0044 (0) 207981 3040

Fax: 0044 (0) 20 7981 3333

Website: www.ofcom.org.uk

Function: Independent regulator for the UK communication industries with responsibilities across television, radio, telecommunications and wireless communications services.

Internet Watch Foundation

East View

5 Coles Lane

Oakington

Cambridge

CB4 5BA

Tel: 0044 1223 237 700

Fax: 0044 1223 235 921

Website: www.iwf.org.uk

Function: The IWF operate the only authorised 'hotline' in the UK for the public to report their inadvertent exposure to illegal content on the Internet. They provide a 'notice and take down' service to ISPs in the UK so they can remove racist content from their servers.

Press Complaints Commission

1 Salisbury Square

London

EC4Y 8JB

Help Line: 0044 (0)20 73533732

Switchboard: 0044 (0)20 73531248

Fax: 0044 (0)20 73538355

Textphone: 0044 (0)20 75832264

Email: complaints@pcc.org.uk

Website: www.org.uk

Function: a self regulation body dealing with complaints in relation to newspapers.

Advertising Standards Authority

Mid City Place

71 High Holborn

London WC1V 6QT

Tel: 0044 (0)20 74922222

Textphone: 0044 (0)20 72428159

Fax: 0044 (0)20 72423696

Email: enquiries@asa.org.uk

Website: www.asa.org.uk

Function: The role of the Advertising Standards Agency (ASA) is to make sure all advertising, including radio and television commercials, meets the high standards laid down in the advertising codes.

Part 4: Other Useful Contacts

This section looks at other useful contacts that can provide advice or support in relation to racism in Northern Ireland.

Northern Ireland Council for Ethnic Minorities (NICEM)

3rd Floor, Ascot House
24-31 Shaftesbury Square
Belfast, BT2 7DB
Tel: 0044 (0)28 90238645
Fax: 0044 (0)28 90319485
Email: info@nicem.org.uk
Website: www.nicem.org.uk

Northern Ireland Citizens Advice Bureau (NIACAB)

Lower Crescent
Belfast
Tel: 0044 (0)28 90231120
Fax: 0044 (0)28 90236522
Email: info@citizensadvice.co.uk
Website: www.citizensadvice.co.uk

Anti Racism Network

C/o MCRC
9 Lower Crescent
Belfast, BT7 1NR
Website: www.arnni.tk

The Multi-Cultural Resource Centre (NI)

12 upper Crest
Belfast, BT7 1NT
Tel: 0044 (0)28 90244639
Fax: 0044 (0)28 90329581
Email: info@mcrc-ni.org
Website: www.mcrc-ni.org

Chinese Welfare Association

133-135 University Street
Belfast, BT7 1HP
Tel: 0044 (0)28 90288277
Fax: 0044 (0)28 90288278

Email: contact@cwa-ni.org
Website: www.cwa-ni.org

Traveller Movement (NI)

30 University Street
Belfast, BT7 1FZ
Tel: 0044 (0)28 90202727
Fax: 0044 (0)28 90202005
Email: info@tmni.org
Website: www.tmni.org

Victim Support

Annsgate House
70/74 Ann Street
Belfast, BT4EH
Tel: 0044 (0)28 90244039
Fax: 0044 (0)28 90313838
Email: info@victimsupport.org.uk
Website: www.victimsupport.org

Belfast Islamic Centre

38 Wellington Park
Belfast, BT9 6DN
Tel: 0044 (0)28 90664465
Fax: 0044 (0)28 90913148
Email: info@belfastislamiccentre.org.uk
Website: www.belfastislamiccentre.org.uk

Northern Ireland Muslim Family Association

7 Rugby Road
Belfast, BT7 1PS
Tel: 0044 (0)28 90315784
Email: nimbelfast@aol.com
Website: www.nimfa.org

Law Centre NI

124 Donegal Street
Belfast, BT1 2GY
Tel: 0044 (0)28 90244401
Fax: 0044 (0)28 90236340
Email: admin.belfast@lawcentreni.org
Website: www.cinni.org

Children's Law Centre

Phillips Law Centre
123-137 York Street
Belfast, BT15 1AB
Tel : 0044 (0)28 90245704
Fax: 0044 (0)28 90245679
Email: info@childrenslawcentre.org
Website: www.childrenslawcentre.org

Community Relations Council for NI

Glendenning House
6 Murray Street
Belfast, BT1 6DN
Tel: 0044 (0)28 90227500
Fax: 0044 (0)28 227500
Email: info@community-relations.org.uk
Website: www.community-relations.org.uk

Northern Ireland Council for Voluntary Action

61 Duncairn Gardens
Belfast, BT15 2GB
Tel: 0044 (0)28 90877777
Fax: 0044 (0)28 90877799
Email: nicva@nicva.org
Website: www.nicva.org

Committee on the Administration of Justice

45-47 Donegal St
Belfast, BY1 2BR
Tel: 0044 (0)28 90961122
Fax: 0044 (0)28 04890246
Email: info@caj.org.uk
Website: www.caj.org.uk

Northern Ireland Committee Irish Congress of Trade Unions

Congress House
3 Crescent Gardens
Belfast, BT7 1NS
Tel: 0044 (0)28 90247940
Fax: 0044 (0)28 90247940
Email: info@ictuni.org
www.ictuni.org

National Asylum Support Service

(Belfast Office)

Home Office

PO Box 833

NASS Northern Ireland

Belfast, BT1 6WZ

Tel: 0044 (0)28 90585971

Fax: 0044 (0)28 90500880

Email: brenda.webb-o'kane@homeoffice.gsi.gov.uk

National Helpline: 0845 6021739

Immigration & Nationality Directorate General Enquiries: 0870 6067766

Website: www.homeoffice.gov.uk

Northern Ireland Ombudsman's Office

The Ombudsman

Freepost BEL 1478

Belfast, BT1 6BR

Freephone: 0800 34 34 24

Fax: 0044 (0)48 90234912

Email: ombudsman@ni-ombudsman.org

Website: www.ni-ombudsman.org

National Union of Journalists

c/o Kansas Avenue

Belfast, BT15 5AX

Tel: 0044 (0)28 90777299

Email: photoline@supanet.com

Website: www.nuj.org.uk

Part 5: Publications and Resources

Equality Commission for NI (1999): **Racial Discrimination - How can we help?**

Equality Commission for NI(2004): **Racial Equality Advice and Assistance NICEM (2004) Racial Harassment Project**
(see www.nicem.org.uk for further details)

Equality Commission for NI, (1999): **Press Reporting on Minority Ethnic Issues and Racism (Racial Equality Bulletin No 2).**

Equality Commission for NI (1999): **Anti Racist Reporting Guidelines, Press Complaints Commission Editor's (2004 version), Code of Practice.**

Labour Relations Agency (2004): **Bullying in the Workplace. Advisory Guide No3.**

