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## Hate Crime in Northern Ireland: The Need for Legislation and a Bespoke Version of the Prevent Strategy

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# Hate Crime in Northern Ireland: The Need for Legislation and a Bespoke Version of the Prevent Strategy

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## ABSTRACT

Following the rise in hate crime in Northern Ireland, in 2019 the Northern Ireland Assembly appointed Judge Marrinan to conduct a review into hate crime. Publishing his findings in his review in December 2020, this article examines the key recommendations that should be included in a Hate Crime Bill. As the Assembly is currently suspended, the article examines the hate crime statistics recorded following the publication of the review to illustrate why it is imperative that when it reconvenes, the Assembly introduce a Hate Crime Bill at the earliest opportunity. The article also argues that a prevention programme is introduced alongside the Bill to safeguard and prevent young people being drawn towards paramilitary activity along with hate crime and non-paramilitary terrorist activity. Young people are the focus of introducing an initial programme with the demographics in the hate crime statistics revealing a high number of offenders are that category. Following an examination of current programmes in place and the threat posed by paramilitaries and extremists, including the far right and extreme far right (neo-Nazis), the article recommends the current WRAP programme is developed to help and safeguard young people drawn to the paramilitaries to include hate crime and extremist related terrorism.



## KEYWORDS

Hate crime; paramilitaries; extremism; far-right; terrorism

## Introduction

The last few years has seen an increase in the rise of hate crime in Northern Ireland that became a cause of concern resulting in the Northern Ireland Assembly's Justice Minister appointing Judge Marrinan in 2019 to review hate crime in the country. In addition to the threat posed by the paramilitaries, there is the growing insidious threat emanating from the far right and extreme far right (neo-Nazis) in Northern Ireland. It is important to differentiate between the far right and the extreme far right. The far right are predominantly anti-immigration, anti-Islam and anti-European Union, whereas the extreme far right are white supremacists following Nazi ideology that is racist, antisemitic, homophobic, promoting an overthrow of liberal democracies and advocate violence to their cause, therefore, making them far more dangerous. This article is based on my research and early work on Northern Ireland's Hate Crime Bill and the introduction of a strategy to prevent and safeguard young people from being drawn towards hate crime, paramilitarism and non-paramilitary-related terrorism.

As there is currently no legislation governing hate crime in Northern Ireland, the article commences with an examination of the Public Prosecution Service (PPS) definition that is applied by the Police Service of Northern Ireland (PSNI) that leads to Judge Marrinan's review of hate crime in Northern Ireland. Published in December 2020, the article carries out a doctrinal legal analysis of

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Judge Marrinan's key recommendations in his review that contains suggestions to ensure future legislation is a workable statute that can be applied effectively by the PSNI and prosecuted by the PPS.

To underpin the importance as to why Northern Ireland needs to introduce hate crime legislation, the article examines the diversity of Northern Ireland's hate crime statistics along with recent examples of the hate crime committed in the country from serious damage to Belfast's Multicultural Centre to sectarian attacks on Roman Catholic churches. This leads to a recommendation that to compliment hate crime legislation a prevention programme is also introduced and implemented alongside the statute. Initially, by considering Britain's Prevent strategy that was introduced to safeguard the vulnerable from being drawn towards terrorism as a result of becoming imbued with extremist ideology, the article considers the relevant parts of Prevent that could be applied in a Northern Ireland prevention policy. It is recommended that a truly multi-agency approach is taken, from which a variation of the Channel panel is created to meet the specific needs of each individual referred to it. In assessing the current Northern Ireland prevention programmes aimed at reducing the influence of paramilitaries on individuals, identifying that many children and young people are drawn into paramilitary activity, a demographic similar to that found in Prevent, the article recommends that the WRAP programme aimed at supporting children and young people from paramilitarism is expanded to include all forms of extremism that can lead to hate crime and terrorist activity.

The article will examine the threat to having a successful prevention programme. The examination commences with the threat posed by both republican and loyalist paramilitaries. As paramilitarism is deeply embedded and influential in many geographical areas and the communities in Northern Ireland, this threat cannot be underestimated. The article also examines the threat posed by the far right and extreme far right. This threat these groups pose is a more recent phenomenon in Northern Ireland, and while they have no direct connection with the paramilitaries, this threat is a growing influence. The article concludes that the threat from the far right and the extreme far right in particular should not be underestimated in Northern Ireland, and it is recommended to widen the focus from solely looking at the threat paramilitaries pose to all forms of extremism. Using examples of extreme far-right violence in Britain and Germany, this article reveals how easy it is to cross the threshold from a hate crime into an act of terrorism that is not paramilitary related. The article concludes that a prevention strategy is put in place as soon as practicable to deal with this threat, and once the Assembly reconvenes to introduce a Hate Crime Bill.

### **Hate crime: PPS definition**

There is no statutory definition of hate crime in Northern Ireland, as the Public Order Act 1986 introduced in the Westminster Parliament applies only in England and Wales. As a result, the PSNI and the PPS prosecuting the offence, apply the following definition:

any incident which constitutes a criminal offence perceived by the victim, or any other person, to be motivated by prejudice or hate towards a person's race, religion, sexual orientation or disability.<sup>1</sup>

A perception-based approach is applied as set out in the 1997 McPherson Report (into the murder of Stephen Lawrence in London).<sup>2</sup> In relation to hate, "hatred" means hatred against a group of persons defined by reference to religious belief, sexual orientation, disability, colour, race, nationality (including citizenship), or ethnic or national origin.<sup>3</sup> The test for prosecution is where the evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction (evidential test) and prosecution is required in the public interest (public interest test).<sup>4</sup> Where the defendant admits the offence and they are aged between ten and eighteen years of age a diversionary measure of a Youth Conference can be used as an alternative to prosecution.<sup>5</sup> A problem for both the PSNI and the PPS is that they are having to make hate crime fit current, but inept statutes. This was a major reason why the Northern Ireland Assembly considered the introduction of hate crime legislation that would be specifically meet the needs of the county.

## Judge Marrinan's hate crime review

### Background

Due to concerns relating to hate crime incidents being recorded in 2017, the former Justice Minister, Clare Sugden MLA called for a review to be held. Due to the suspension of the Northern Ireland Assembly at that time it was two years later, in June 2019 when Judge Marrinan was appointed to conduct a review. Published in December 2020, Judge Marrinan's review is comprehensive, and includes recommendations regarding the process in implementing and operation of hate crime legislation. For this section the key legal recommendations have been selected to assess how hate crime could be drafted into a workable statute.

### Main legal recommendations

Judge Marrinan gave thirty-four recommendations, where some of the key ones include:

- (1) A hate crime may be defined as a criminal act perpetrated against individuals or communities with protected characteristics based on the perpetrator's hostility, bias, prejudice, bigotry or contempt against the actual or perceived status of the victim or victims.<sup>6</sup> If compared to hate crime legislation in England and Wales contained in the Public Order Act 1986, Judge Marrinan gives a more detailed characteristics underpinning a perpetrator's actions. As he points out, there is no universally acceptable definition in law of the term "hate crime."<sup>7</sup> In defining hate, he states looking at the perpetrator's characteristics clarifies a hate crime as a base offence which is committed with a hate or bias element where the characteristics can form the *mens rea* of a hate crime.<sup>8</sup> What widens the characteristics here is the term bigotry as it will incorporate religious bigotry where a person has an unreasoning attachment of one's own belief with a narrow-minded intolerance of beliefs opposed to them. One form of hate crime associated with Northern Ireland is sectarian based between the Catholic and Protestant communities, but an advantage in adopting this characteristic is that it can go wider and include bigotry applying to different faiths, for example between Christian and Hinduism or with one faith, like Islam where bigotry can exist between Sunni and Shia Muslims.

- (2) Statutory aggravations should be added to all existing offences in Northern Ireland and become the core method of prosecuting hate crimes in Northern Ireland. This would mean that any criminal offence could be charged in its aggravated form.<sup>9</sup>

While ideally this should be the case, it is recommended that in drafting initial legislation the focus should be on public order offences, assaults, wounding, and criminal damage. Most of the hate crime offences recorded cover these categories of offences. If it is applied to sexual offences such as rape it will be more difficult to prove it was "hate" related. Obviously, this will depend on the evidence, but in sexual offences like rape one of the main evidential points centres on consent, and this already places victims under stress and anxiety, especially when giving evidence during a trial. If it is applied to murder, then it is submitted it has gone beyond a hate crime and leans more to a terrorist act where the cause can be political, religious, ideological or racial.<sup>10</sup> An example of this where a seventeen-year-old boy was charged with an incel-inspired terror attack after killing a woman in Toronto.<sup>11</sup> If there is an incel (involuntary celibate ideology) motivated assault, damage or public order offence, it can remain a hate crime.

- (3) Adopting England's Section 28 of the Crime and Disorder Act 1998 as a starting point, its equivalent in Northern Ireland could read:

... Any offence (the basic offence) may be aggravated in relation to (one or more of the protected characteristics) for the purposes of this section if:

- (a) At the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility, bias, prejudice, bigotry or contempt based on the victim's membership (or presumed membership) of one or more of (name the protected characteristic/s); or
- (b) The offence is motivated (wholly or in significant part) by hostility bias, prejudice, bigotry or contempt towards members of (name the protected characteristic/s) based on their membership (or presumed membership) of that group/s; or
- (c) The offence is committed (wholly or in significant part) by reason of hostility, bias, prejudice, bigotry or contempt based on the victim's membership (or presumed membership) of (one or more of the protected characteristic/s).<sup>12</sup>

Section 28 Crime and Disorder Act 1998 states that an offence is racially or religiously aggravated if at the time of committing the offence or immediately before or after doing so the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group, or, the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.<sup>13</sup> Under the Act a racial group is a group of persons defined by race, colour, nationality (including citizenship) or ethnic or national groups.<sup>14</sup>

- (4) Should there be a new statutory aggravation for sectarian prejudice? It is recommended the introduction of the new offence of statutory aggravation for sectarian prejudice should be carefully monitored by the proposed Hate Crime Commissioner on an annual basis and provide an annual report to the Northern Ireland Assembly.<sup>15</sup>

This is an important and challenging recommendation. There is currently no statutory definition of sectarianism. Sectarianism is wider than Catholic- and Protestant-based sectarian hate. As stated above it can apply to other religions like Islam where there is sectarian hate between Sunni and Shia Muslims. While the term is usually associated with religion, it could expand into political sectarianism. Northern Ireland has a unique opportunity in drafting their legislation to derive a workable definition.

- (5) In Recommendation 14, Judge Marrinan recommends that the equivalent of sections 4, 4A, and 5 of the Public Order Act 1986 be introduced into The Public Order (Northern Ireland) Order Act 1987.<sup>16</sup> The Public Order Act 1986 offences are:
  - (a) Section 4—where a person uses threatening, abusive or insulting words or behaviour or distributes or displays to another person any writing or other visible representation which is threatening, abusive or insulting with intent to cause that person that immediate unlawful violence will be used against him or to provoke immediate unlawful violence.
  - (b) Section 4A—like section 4 that where with intent to cause a person harassment, alarm or distress he uses threatening, abusive or insulting words or behaviour or displays any writing sign or other visible representation which is threatening, abusive or insulting causing another harassment, alarm or distress.
  - (c) Section 5—where a person uses threatening or abusive words or behaviour or disorderly behaviour or displays any writing, sign or other visible representation which is threatening or abusive within the hearing or sight of a person likely to be caused harassment, alarm or distress.
- (6) There needs to be a clear and unambiguous statutory duty on relevant public authorities including Councils, the Department for Infrastructure and the Northern Ireland Housing Executive, to take all reasonable steps to remove hate expression from their own property and, where it engages their functions, broader public space.<sup>17</sup>

A similar process was undertaken when the U.K. introduced the Human Rights Act 1998, hence why it was introduced in 2000. This is a practical recommendation and public authorities should be given a reasonable period of time from the Bill receiving assent to its introduction as an Act to assess all their policies to ensure they are free of any prejudice or bias that could be perceived as linked to hate expression. An example would be in relation to home visits of Muslim women, where it would be preferable if a female member of the department was present during the visit.

- (7) In terms of jurisdiction for dealing with online hate speech, the law needs to be clarified to confirm that any online material downloadable in Northern Ireland is acknowledged to be within the jurisdiction of the courts of Northern Ireland.<sup>18</sup>

This is an important recommendation as, in addition to in person expression, hate speech is frequently seen online from various forms of social media and websites. In Britain extremists be it from Islamist or extreme far right have exploited this, including grooming young people. An example of this is where the extreme far right have both glorified or promoted violence for their cause and attracted young people to their cause via an online game such as ROBLOX.

- (8) All hate crime and hate speech law, including public order legislation, apart from law dealing with reserved matters, needs to be consolidated into a new Hate Crime and Public Order (Northern Ireland) Bill.<sup>19</sup>
- (9) The establishment of a Hate Crime Commissioner for Northern Ireland needs to be established. Judge Marrinan believes that the issues involved in the area of hate crime and hate speech fully justify such a dedicated post.<sup>20</sup>

This is an important recommendation as a Hate Crime Commissioner will be able to oversee the recording and prosecution of hate crime. It would be advantageous and imperative for this post holder to have a legal background, preferably a judicial post, thereby providing a more independent review to each case from which to advise the PPS and the PSNI. For example, one important role will be ascertaining if speech is protected under the right to freedom of expression (for Northern Ireland will be article 10 European Convention on Human Rights) or has crossed the line and is glorifying or promoting violence or is incites hate.

With Judge Marrinan recommending that the Assembly legislate for hate crime, an examination of the recent hate crime statistics over the last few years since the publication of his review reveals why it is an imperative that as soon as the Northern Ireland Assembly reconvenes the introduction of a Hate Crime Bill is a priority.

### **Northern Ireland hate crime statistics**

The Northern Ireland hate crime statistics released show why a Bill should be introduced at the earliest opportunity. As stated, this is unlikely to happen in the short term. At the time of writing, post the May 2022 Assembly elections, there is an impasse between the Democratic Unionist Party (DUP) and Sinn Fein in forming an Executive leading to the Assembly being suspended. Recorded hate crime figures reveal why action is a priority to both tackle hate crime and prevent those who are vulnerable to being drawn towards both hate crime and, potentially, terrorism.

In 2022 the population of Northern Ireland was 1.8 million, where 98.3 percent of the population were white, 1.06 percent were Asian and 0.2 percent were black, but the number of non-white members of the population is increasing.<sup>21</sup> Regarding the recorded hate crime statistics provided by the PSNI, the figures from October 2021 to September 2022 revealed an increase in four of the six categories:

- (1) Racist crime up thirty-nine from 865 to 904
- (2) Homophobic crime up seventy-four from 266 to 340
- (3) Sectarian crime up fifty-four from 802 to 856
- (4) Disability crime up thirty-three from eighty to 113
- (5) Faith/Religion crime down nineteen from fifty-four to thirty-five
- (6) Transphobic crime, no change, thirty-five incidents<sup>22</sup>

Although there was an increase in 2022, it is a smaller increase in comparison with the 2021 figures where racist hate crime saw a rise of 276 from 588 to 864 and sectarian crime rise of 176 from 628 to 802. While the number of Faith/Religion figures dropped in 2022, in 2021 it rose by forty-one from twelve to fifty-three.<sup>23</sup>

In September 2021 Westminster's Northern Ireland Affairs Committee held a meeting looking at the experience of minority ethnic and migrant people in Northern Ireland that included representatives from Northern Ireland Law Centre, Northwest Migrant Forum (based in Derry), Northern Ireland Community of Refugees and Asylum Seekers and The Ethnic Minority Police Association (Northern Ireland).

Key points relating to hate crime raised during the meeting were:

- (1) Since 2016 1,800 Syrian refugees arrived in Northern Ireland under the settlement programme;
- (2) No refugee integration strategy has been implemented since 2005;
- (3) The September 2021 race hate crime statistics did not include online hate crime;
- (4) While complaints of hate crime were made in the whole of Northern Ireland, most complaints came from traditional unionist areas;
- (5) Unlike the rest of the U.K., there has been no update on the Race Equality Act since 2000;
- (6) Not having the equivalent of sections 4, 4A and 5 in Public Order Act 1986 in The Public Order (Northern Ireland) Order 1987 gives PSNI officers limited options in dealing with hate crime.<sup>24</sup>

The following examples of the hate crime committed post Judge Marrinan's review highlight the type and breadth of hate crime committed. Arson was suffered at the Multicultural Centre in Belfast on two occasions: January 14, 2021 and April 8, 2022.<sup>25</sup> The 2021 fire resulted in over £60,000 worth of damage. The Multicultural Centre is an important hub for interface between the local black, ethnic minorities and Muslim communities. The fire was seen as sending a message of real fear to the people in those communities.<sup>26</sup> On April 18, 2021 a Syrian family home was attacked in Carlingford, Newry where the home's windows were smashed and graffiti sprayed in the property.<sup>27</sup> On August 26, 2022 in Bangor two children were assaulted by male with a weapon that is being treated as a racially motivated attack.<sup>28</sup> In September 2022 a nurse was racially abused at a hospital in Derry where she was subjected to hours of abuse by a patient who constantly gave her racial slurs.<sup>29</sup>

Examples of recent sectarian hate crime includes a Catholic church in Limavady daubed with loyalist graffiti, UDA, UFF and KAT.<sup>30</sup> The UDA and UFF refer to two loyalist paramilitaries the Ulster Defence Association and the Ulster Freedom Fighters, with KAT standing for "Kill all Taigs," a derogatory term for Catholics and Irish nationalists. In another example of sectarian hate crime, three boys aged eleven, thirteen and fifteen were arrested after they entered a Catholic church in Magherafelt and damaged several religious items and verbally abused the priest.<sup>31</sup> In March 2023 an Ulster Volunteer Force (UVF) flag (a proscribed terrorist organisation) was hoisted on a telegraph pole outside a Catholic chapel in Inishgarry, County Down, the same week "Kill all Taigs" and "No Fenians Welcome" graffiti was daubed over a bookmakers in Derry, where the PSNI are treating both events as a hate crime.<sup>32</sup> What is concerning in these examples is the young age of the offenders, raising issues regarding the influences motivating them to commit this crime.

It is submitted that in addition to introducing hate crime legislation, a programme is introduced alongside the legislation designed to assist those vulnerable to being drawn towards extremism and hate crime as well as paramilitarism to prevent individuals getting to the stage where they commit



either hate crime or terrorist offences. Currently there are a series of prevention programmes in place in Northern Ireland introduced under the 2015 Fresh Start Agreement. These prevention programmes focus on preventing people being drawn towards the influence of the paramilitaries that could be developed further to include being drawn towards hate crime and non-paramilitary related terrorism. Considering that not only are targeted children and young people influenced by the paramilitaries, but they are also targets of extremists, including the Irish far-right nationalists who are promoting hate and violence in all thirty-two Irish counties.<sup>33</sup> It is worth differentiating between far-right Irish nationalists and Irish nationalists. Irish nationalists desire a reunification of all the thirty-two counties which would involve the end of British rule in Northern Ireland and the end of Northern Ireland itself, whereas far-right Irish nationalists are like their counterparts in other European states. They are anti-immigration, anti-Islam and anti-European Union. Any violence carried out from incitement by the far right in Northern Ireland that involves more serious offences being committed could under section 1 of the Terrorism Act 2000 be treated as an act of terrorism under either a political or ideological cause.<sup>34</sup> Before examining the current programmes running in Northern Ireland to prevent people from being influenced by the paramilitaries, it is worth considering whether aspects of Britain's Prevent strategy could be incorporated into the current programmes to enhance the capability of safeguarding children and young persons who are vulnerable to being drawn towards paramilitarism to also include hate crime and non-paramilitary linked terrorism. The primary aim of prevention programmes is not only designed to safeguard the vulnerable being drawn towards these crimes, but to protect the public from those that pose a security threat.<sup>35</sup>

### **Britain's prevent strategy**

Prevent is one of the four "P's" in the U.K. government's counter-terrorism strategy CONTEST (the others being Pursue, Protect and Prepare). The Prevent strategy's aim is to protect vulnerable persons from extremist ideologies where they become radicalised to such an extent it leads to them committing acts of hate crime or terrorist activity. Prevent is essentially a pre-criminal process where the aim of the strategy is not to prosecute, but support individuals vulnerable to being drawn towards terrorism and hate crime through a multi-agency approach and the individual referred must give their consent to partake in the process. In the case of children and young people, the consent of an appropriate adult is also required.

Since the 2011 revision Prevent now covers all forms of extremism through three main objectives:

- (1) Tackle the causes of radicalisation and respond to the ideological challenge of terrorism.
- (2) Safeguard and support those most at risk of radicalisation through early intervention, identifying them and offering support.
- (3) Work with sectors and institutions where there are risks of radicalisation that need to be addressed.<sup>36</sup>

This has resulted in the focus on radicalisation being defined as the process by which a person comes to support terrorism through *all* forms of extremism.<sup>37</sup>

### **The prevent statutory duty on referrals**

Any person, be it a concerned family member or friend, can make a Prevent referral where they have concerns that an individual is vulnerable to being drawn towards terrorism. Since 2015 a statutory duty has been imposed on staff working in specified authorities to have due regard to the need to prevent people from being drawn into terrorism.<sup>38</sup> The specified authorities this duty applies to are:

- (1) Local Government;
- (2) Prisons;
- (3) Probation;
- (4) Education;
- (5) Health and Social Care;
- (6) Police<sup>39</sup>

In relation to further and higher education establishments a further duty is imposed on staff in that they must:

- (1) Have particular regard to ensure freedom of speech if it is subject to that duty; and
- (2) Have particular regard to the importance of academic freedom.<sup>40</sup>

Academic Freedom is defined in the Education Reform Act 1988 as having regard to the need:

(a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;

(b) to enable qualifying institutions to provide education, promote learning and engage in research efficiently and economically; and

(c) to apply the principles of justice and fairness.<sup>41</sup>

Academic freedom is the ability for both academics and students to challenge established views, doctrines or theories with views that may be unpopular or controversial, but, as is carried out in academia, this must be supported by evidence be it research, or other work carried out in that area.

### ***Prevent: Referrals and Channel panels***

Prevent referrals to Channel panels can be made through local authorities or the police where consideration is given as to whether a Channel panel should be formed, where that panel formulate and decide on a plan to assist the referred individual. Not all referrals go directly to a Channel panel. The police screen all referrals to check the individual is not already or should be part of a terrorism investigation, as these individuals are not appropriate for Channel support.<sup>42</sup> If they are not part of an investigation, the local authority and the police can assess the referrals to decide if the individual should go onto a Channel panel and if not, either no further action is required, or an assessment is made if other forms of support are more appropriate for the referred individual. It is the duty of local authorities to ensure a Channel panel consists of relevant persons is in place for its area with the function of assessing the vulnerability of identified individuals.<sup>43</sup> In addition to local authority and police representatives, importantly, the local authority has a duty to create a panel that includes persons considered appropriate from various agencies, be it generally or in the case of a particular identified individual, thereby making it truly a multi-agency approach.<sup>44</sup>

The development of Prevent through the statutory changes have ensured that Prevent is no longer police led, it is a truly multi-agency approach where the primary emphasis is in safeguarding vulnerable individuals where the local authority takes the lead and on Channel panels, and the police take a less primary role. Under the Prevent strategy for the year up to March 2021, of the 4,915 referrals, 688 cases referred to the Channel programme 46 percent (317) were related to the extreme far right, 22 percent (154) related to Islamist radicalisation, with nearly a third, 30 percent (205) related to, "... those with a mixed, unstable or unclear ideology."<sup>45</sup> As can be seen, Prevent is not a programme solely targeting the Islamist cause that focuses on British Muslims, the majority of referrals were linked to the extreme far right. Mixed, unstable or unclear ideology covers other causes, for example the Incel ideology that is predominantly males espousing misogyny.

### **Who are those most vulnerable to being drawn towards hate crime and terrorism?**

When examining the characteristics of those being referred under Prevent in Britain, there is a great degree of similarity to that found in Northern Ireland with the programmes linked to initiatives dealing with paramilitaries. They include:

- (1) Young & impressionable
- (2) Learning difficulties & mental health issues
- (3) Lack of knowledge and wider understanding of political and social issues
- (4) Those suffering social exclusion.
- (5) Those suffering poor economic issues.
- (6) Conflict with or rejection by peer, faith, social group or family
- (7) Unmet aspirations or under-achievement.

To see how Northern Ireland prevention programmes can be developed to include safeguarding and supporting children and young people from being drawn towards paramilitarism, hate crime and terrorism two programmes, *Aspire* and *WRAP* that came about following the 2015 Fresh Start Programme will be considered.

### **Northern Ireland prevention programmes under the fresh start agreement: a comparison with Britain's prevent strategy**

The 2015 Fresh Start Agreement was introduced with the main aim to tackle paramilitary and organised crime. Phase two commenced in April 2021 with the key aims being:

- (1) Ensuring people and communities are safe from the harm caused by paramilitarism; and
- (2) Ensuring people and communities are more resilient to paramilitary influence and involvement in paramilitarism, criminality and organised crime.

One important aspect of the Fresh Start agreement is in having a cross-departmental programme to prevent vulnerable young people being drawn into paramilitary activity.<sup>46</sup>

In their 2020 third report on Fresh Start, the IRC noted that improving opportunities for young people, equipping them with qualifications and skills to enhance their prospects of employment, and reducing their vulnerability to paramilitary influence are all key steps to tackling educational under-achievement. It commissioned research to inform an analysis of approaches to address educational under-attainment and the efficacy of interventions and concluded that addressing the issue of educational under-attainment is central to the ending of paramilitarism.<sup>47</sup>

It is worth focusing on the demographic of children and young people as they are among the most vulnerable to being drawn into paramilitary activity and potentially hate crime. In Britain's Prevent programme the statistics released in November 2021 showed that between March 2020 and April 2021 59 percent (2,974) of Prevent referrals were from ten to twenty-five years of age in England & Wales,<sup>48</sup> and 71 percent (thirty-nine) of referrals in Scotland.<sup>49</sup> This demographic could be the starting point to introduce and include aspects from Britain's Prevent strategy to tackle hate crime and other forms of terrorist related activity in Northern Ireland. The rationale behind this is when comparing the demographics and the factors listed of those who are vulnerable found in the Prevent strategy, they are very similar to that found under Fresh Start programmes.

### **Fresh start programmes**

Two programmes that emanated from the Fresh Start Programme that are the most relevant to young people and education have been selected.

## **Aspire**

Aspire could be considered as suitable to run alongside the introduction of hate crime legislation. It was developed by the Probation Board for Northern Ireland. It became operational in 2017 and was endorsed by the IRC in 2018. Led by the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) Aspire is supported by NI Alternatives and Community Restorative Justice Ireland (CRJ).<sup>50</sup> Aspire's aim is to address the experiences and needs of young men at risk of becoming involved or further involved in criminality and paramilitary influence by combining restorative practices and peer mentoring with targeted support in relation to employment, training, housing, health and social services. The target group for inclusion are sixteen- to thirty-year-old males either subject to statutory supervision or outside the criminal justice system (non-statutory) and fitting the following criteria:

- (1) Originating from families experiencing inter-generational trauma;
- (2) Originating from families living in high social deprivation;
- (3) From households where lack of parental control is an issue;
- (4) With mental health issues and low levels of self-esteem;
- (5) Who may be in drug debt;
- (6) With a lack of prospects and social marginalisation;
- (7) Who are unemployed, with low educational attainment;
- (8) Involved in drug and/or alcohol abuse;
- (9) Involved in anti-social behaviour;
- (10) Who may be under threat (or previous threat) within their community;
- (11) Looking to “find their place, a sense of belonging.”<sup>51</sup>

This criterion is very similar to the criteria of those vulnerable to being drawn into hate crime and terrorism being referred under Britain's Prevent strategy. While Aspire has had a degree of success, it focuses solely on helping those vulnerable to being drawn towards paramilitary activity and involves three main agencies. This is an understandable focus, but in comparison to the Prevent strategy that covers all forms of extremism that can draw the vulnerable towards not just paramilitary activity, it can cover non-paramilitary linked terrorist activity and hate crime that adopts a truly multi-agency approach.

## **The WRAP programme**

Called the WRAP programme as it is a “Wrap-around,” flexible education service to children and young people facing significant challenges in four existing geographical areas in Northern Ireland. The WRAP programme was developed from a pilot programme in 2019 to provide wrap-around education services to children and young people facing significant challenges. Phase 1 of the WRAP programme pilot was developed to allow for flexible interventions, to deliver against both Department of Education (DE) and Tackling Paramilitarism Programme objectives and was designed and implemented in the community. Internal reviews of Phase 1 were completed within the DE, however, the DE reported that findings were limited due to its short duration (September 2019—March 2021) and the challenges of delivering the programme as planned during periods of lockdown and COVID-19 restrictions. Nonetheless, the DE stated that the interim review found strong results against the Programme Objectives.

Phase 2 of the WRAP programme was approved to continue in 2021/22. Funding for 2022/23 and 2023/24 will be subject to approval, with proposals being submitted by Departments each year. Based on learnings from Phase 1, the objectives for the WRAP Programme are:

- (1) To provide a range of needs-based, education-in-the-community, interventions enabling children and young people to reach their full potential in core skills of literacy, numeracy, digital skills and the broader areas of the curriculum.
- (2) To provide emotional well-being support; helping children and young people to be ready to learn resulting in improved emotional self-regulation, improved behaviour and positive attitudes to education.
- (3) To support children and young people through effective collaboration, including between parents, family, community, schools & service providers, and breaking down barriers between communities.<sup>52</sup>

Thus, providing interventions to support children and young people in academic achievement, support positive behaviour and involve the family and the community, especially in traditional working-class areas like the loyalist community in the Shankill, Belfast or the republican community in the Creggan, Derry, children and young people are less likely to be drawn towards the paramilitaries. As seen with Aspire, the main focus of WRAP is in tackling paramilitarism. However, by having several agencies and the community support, WRAP is a programme that would only require minor development to be a programme similar to Prevent that could cover all forms of extremism and paramilitary activity leading towards terrorist activity and hate crime. Also, in developing WRAP, its demographic focus covers ten- to eighteen-year-olds, as seen with the Prevent data above this demographics among the most vulnerable to being drawn towards extremists and paramilitaries.

### **Youth service projects**

The initiatives undertaken cover a wide range of activity working directly with young people within communities, who have been harmed by paramilitary groups and/or those who are most at risk of becoming involved in paramilitary activity. Youth workers across these programmes aim to:

- (1) Prevent young people being drawn into paramilitary activity.
- (2) Protect young people through the use of trauma informed practices.
- (3) Provide skills-based interventions developed on each young person's individual needs.
- (4) Promote the personal transition.

The Aspire programme should remain in its current format with the sole focus on the influence of paramilitaries on young people from sixteen to thirty years of age. With the focus of WRAP and Youth Services on children and young persons, these programmes are ideal to be developed further to assist and safeguard young people from being drawn towards paramilitarism and other forms of extremism that can lead towards the commission of hate crime or other non-paramilitary inspired terrorist activity. They can be merged into one programme that adopts a truly multi-agency approach in creating a bespoke programme for each young person. Such a merger enhances the effectiveness of the programmes, with the inclusion of experienced staff from a variety of agencies, who, in essence are looking at and dealing in very similar areas, thus ensuring the safeguarding of children and young people. A prevention programme can only be successful if the threats to the success of such programmes are identified. In relation to Northern Ireland that emanates from both republican and loyalist paramilitaries and extremists, particularly the far right and extreme far right. In identifying those threats, this process must also look at why and how they pose a threat to enable staff on prevention programmes to nullify that threat and ensure the correct assistance is given to those vulnerable to being drawn to such activity.

## Threats to hate crime and preventative programmes posed by paramilitaries

In their 2022 Report, the IRC stated they were encouraged by the good work undertaken through Fresh Start but remained concerned about the risks to society by the continuing existence of paramilitary structures which can be harnessed for the purpose of violence or the threat of violence.<sup>53</sup> This section examines that threat to both Northern Irish society and the threat paramilitaries pose to the work carried by prevention programmes and hate crime.

### *NIRA and Saoradh: A move towards unifying Irish Republicanism?*<sup>54</sup>

In July 2012 there was a degree of unification among some of the dissident republicans when the Real IRA, Republican Action Against Drugs (RAAD) and other unaligned dissident republicans merged to form “The IRA.” Better known as the New IRA (NIRA), they recognised the splits in republicanism left them being too weak to spoil the 1998 Good Friday Agreement (GFA) peace process and in mounting a significant challenge to the prominence of Sinn Féin.<sup>55</sup> When formed, NIRA’s Army Council statement proclaimed it came together as a “unified structure” following consultation with Irish republicans and several organisations involved in the “armed struggle” against British armed forces. The statement reaffirms NIRA’s commitment to the full realisation of the ideals and principles enshrined in the 1916 Proclamation, a claim that all dissident republican groups state their commitment to.<sup>56</sup> As Morrison points out, republican groups using the proclamation of the 1916 Easter Rising as historical legitimatisation is not unique to NIRA, such a claim has been evident across each dissident republican group both pre- and post NIRA’s merger (except for RAAD), but it does seem to be a prerequisite for republican groups that affirms their commitment to the unification of all thirty-two counties under a neo-Marxist republic.<sup>57</sup>

The threat to the peace process posed by dissident republican groups and the influence they have on younger people in certain communities like the Creggan in Derry, recruiting them into paramilitary activity cannot and should not be underestimated. Since 2015 NIRA has been recruiting young members and involving them in serious civil disorder, including murder.<sup>58</sup> Examples include the six nights of rioting in the Bogside area of Derry in July 2018 where in addition to petrol bombs being thrown at the PSNI, two NIRA Improvised Explosive Devices (IED) were targeted at PSNI vehicles, three nights of rioting in the Creggan and Bogside areas of Derry in July 2019, live rounds were fired at the PSNI, the bombing of Derry’s Bishop Road courthouse in January 2018, and the murder of journalist Lyra McKee in 2019 in the Creggan a young NIRA member fired live rounds from a semi-automatic pistol at PSNI officers, killing McKee who was standing by PSNI vehicles.<sup>59</sup> While Continuity IRA and the Irish National Liberation Army (INLA) still exist, NIRA poses the greatest threat, leading to Operation Arbacia, a joint operation between the U.K. Security Service (MI5), the PSNI, An Garda Síochána (Irish Police) and Police Scotland’s Counter-Terrorism Unit, launched in 2020 resulting in the arrest of ten NIRA members in August 2020.<sup>60</sup> It is still an ongoing operation and in August 2022, two further NIRA members were arrested<sup>61</sup> and charged with the offences of directing terrorist organisation<sup>62</sup> and planning/preparing a terrorist act.<sup>63</sup> Investigations into dissident republican groups involve both the PSNI and MI5 as by targeting the PSNI and public buildings they are committing political crimes. MI5 and PSNI intelligence have found that NIRA have approximately 500 followers with one hundred of them prepared to carry out terrorist attacks.<sup>64</sup> This occurred recently in Mount Carmel Heights in Strabane where in November 2022 NIRA detonated an IED by a PSNI vehicle intending to kill two PSNI officers (fortunately neither officer was injured).<sup>65</sup> Also in November 2022, a delivery driver was forced at gunpoint to drive a suspicious object, that was found to be a viable device, to Derry’s Waterside police station. Initially the PSNI believed was carried out by NIRA,<sup>66</sup> but a splinter group Arm na Poblachta (Army of the Republic—ANP) claimed responsibility.<sup>67</sup> In February 2023 DCI Crawford, an off-duty PSNI officer was shot several times in front of his son at a sports venue in Omagh where NIRA claimed responsibility in a statement they posted on a wall in Derry that also threatened PSNI officers saying that while PSNI officers try to live

normal lives, "... the IRA will be waiting."<sup>68</sup> In March 2023, the ANP, that evolved in 2017 in County Tyrone, sent a threat message via *The Irish News* saying that relatives of PSNI officers are now considered as legitimate targets.<sup>69</sup> Again in the Creggan, on March 12 and 13, 2023 while the PSNI were carrying out a search operation related to violent dissident republican terrorism, over thirty youths were involved in throwing stones and bottles at PSNI vehicles, encouraged by adult dissident republicans.<sup>70</sup> From the incidents covered above, it is concerning how NIRA/Saoradh and the ANP, with their ideology and narrative, are exploiting young people, most of whom have characteristics recognised in the Prevent strategy, Aspire and WRAP programmes of those who are vulnerable to being drawn towards paramilitarism or hate crime, and involving them in violent demonstrations and riots. Politically, Brexit has not been a direct catalyst for dissident republican activity. However, the same cannot be said in relation to loyalist groups, where Brexit brought about the Northern Ireland Protocol it has raised fears that loyalist groups will return to political violence.

### ***Loyalist groups: Defending territory, flag protests and the Northern Ireland protocol***

Between 1966 and the 1994 ceasefire, loyalist paramilitaries were responsible for 997 murders, 75 percent of whom were civilian Catholics.<sup>71</sup> In December 2020 it was reported that loyalist paramilitaries have an estimated membership of 12,500, posing a "clear and present danger."<sup>72</sup> Loyalists do not view themselves as a danger, rather that they are "the people of Ulster"<sup>73</sup> and do not see themselves as terrorists or criminals as they are defending their territory from all enemies.<sup>74</sup> Defending loyalist territory is an important issue. Geographical space has been flagged as a potential factor in radicalisation that includes "places of vulnerabilities" and "gateways" which can facilitate both exposure to extremist ideology and create and sustain social connections to people who endorse such ideologies.<sup>75</sup> This can apply to all paramilitary groups in Northern Ireland both republican and loyalist, and, as seen in certain towns and cities in Britain, can arguably also apply to the influence of the far right in relation to hate crime.<sup>76</sup> This certainly applies to loyalist groups and using the examples of two loyalist areas, the Shankill in West Belfast and the West Bank in Derry, both surrounded by nationalist/republican areas, it is very evident. Walking around Derry's city walls by the West Bank, one of the murals sums this up saying "Londonderry West Bank Loyalists. Still under siege. NO SURRENDER." Regarding the Shankill, it is a sectarian product of the militancy of the Troubles, especially because of its direct experience of republican violence<sup>77</sup> between which it is geographically hemmed.<sup>78</sup> Post the GFA, this mindset is still present due mainly to what Southam sees as "imprudent planning" resulting in building houses that will be occupied predominantly by Catholics on land close to the Shankill has reduced the community's confidence in mainstream local politics.<sup>79</sup> This may explain why housing segregation driven by paramilitary groups is rife in Northern Ireland, which is more prevalent among loyalist groups with punishment beatings and shootings.

At a Northern Ireland Committee meeting in November 2022 at Westminster, evidence from Northern Ireland's Committee in the Administration of Justice (CAJ) confirmed that because of their background people know it is not safe to move into and live in certain areas.<sup>80</sup> At the meeting evidence was also submitted that people from minority and ethnic backgrounds were being "severely impacted" by housing intimidation, leading to the CAJ to say there is cowardice in public bodies and politicians not to call out the link between hate crime and paramilitaries.<sup>81</sup> The CAJ's evidence to Westminster's Northern Ireland Committee is one of the extremely rare official moments where paramilitary activity is linked to hate crime that goes beyond traditional tensions between republican and loyalist communities, and is now having a detrimental impact on those from minority and ethnic backgrounds living within these communities. While intimidation like that seen from loyalist groups is traumatic for nationalists or republican sympathisers living in loyalist areas, there is a fall back of obtaining support from nationalist/republican communities. It is worse for those from minority or ethnic backgrounds, for example Syrian refugees, where some members of both republican and loyalist communities will see as them as the "other" taking over housing and possibly gaining employment at the cost for those unemployed in traditional communities. Apart from the PSNI, they have little support or protection

within either community. This can be seen as an extremely important factor amongst a number of emerging extreme trends that demonstrate why a Hate Crime Bill being introduced at the Northern Ireland's Assembly is a priority along with a strategy to prevent those vulnerable to being drawn towards hate crime and paramilitarism is developed, like the WRAP programme mentioned above.

Perhaps of greater concern to the threat of the GFA peace process is the Northern Ireland Protocol. Brexit has caused an issue in relation to the border with Ireland resulting in a complex conundrum for politicians in Northern Ireland, the U.K., Ireland, the EU and beyond. Following the GFA, with both the U.K. and Ireland, then both being EU member states, the freedom of movement of people, goods and services applied allowing post the Troubles greater ease in crossing the border. However post-Brexit this has caused a major socio-political problem as, along with the freedom of movement, EU customs law would only apply in Ireland and not in Northern Ireland. To ensure no hard border was formed, an agreement between the U.K., Ireland and the EU was to place the border in the Irish Sea resulting in the anomaly that although part of the U.K., Northern Ireland was still subject to EU customs law, freedom of movement of goods and the jurisdiction of the Court of Justice of the European Union, with goods coming over to Northern Ireland from Britain being checked at the ports like Belfast and Larne before entering Northern Ireland. At the time of writing this position, although under intense discussions and scrutiny, has yet to be resolved and has polarised positions among Northern Irish political parties and communities.

While the majority of Northern Ireland's electorate voted Remain in the 2016 Referendum, two thirds of the unionist/loyalist electorate voted Leave in the belief that leaving the EU would enable them to regain their sovereignty and oppose further integration between Ireland and Northern Ireland.<sup>82</sup> The fact that the Protocol is still in place, for loyalists and most unionists, is seen as an issue that not only erodes their sovereignty but is a step to ending the state of Northern Ireland with further integration with Ireland that will ultimately lead to unifying all thirty-two counties. Recent Northern Irish elections is beginning to show cracks in the unionist block as people in unionist communities are increasingly shunning unionist politicians, who they see as leading them into poverty and Protocol pessimism and are opting for either progressive political parties like the Alliance party or, of greater concern, into the arms of loyalist paramilitaries.<sup>83</sup> Regarding the latter, during the centenary year of the creation of the state of Northern Ireland under the Government of Ireland Act 1920, young males from loyalist communities carried out violent protests around the peace gate in Springfield Road and other parts of Belfast regarding their opposition to the Protocol as they felt unionist parties were not defending Northern Ireland's place in the U.K., with working class loyalists feeling forgotten and marginalised.<sup>84</sup> This is building on the loyalists' narrative that the rot set in after the GFA where Sinn Fein and its allies used the agreement to chip away at Northern Ireland, removing royal symbols, remove the union flag from Belfast City Hall and erect Irish language signs.<sup>85</sup> As seen in the 2012 flag protests, once more loyalist groups recruited and used young people to carry out violent protests.

In March 2021 the Loyalist Community Council (LCC), a legal organisation that represents loyalist terrorist groups the UDA, UVF and Red Hand Commando, wrote to the U.K. Prime Minister saying they were withdrawing its support for the GFA. Although the LCC's chairman, David Campbell, said the LCC was determined that loyalist opposition to the Protocol should be peaceful and democratic, there is the underlying, veiled threat that loyalist opposition may not always be through peaceful protest, as seen in the April 2021 protests.<sup>86</sup> At that time, Billy Hutchinson, the leader of the Progressive Unionist Party (the UVF's political wing) said that while loyalists were angry, the political process needs to take these fears away, adding that in relation to the prospect of loyalist violence, "... it's not the time to ratchet all this up."<sup>87</sup> The impasse in forming an Executive in the Northern Ireland Assembly at Stormont following the May 2022 elections, where the DUP is currently refusing to form an Executive by submitting a Deputy First Minister to Sinn Fein's First Minister, which the DUP says is over the Protocol issue, adding it needs to be resolved before they will form an Executive. This has led the Secretary of State for Northern Ireland, Chris Heaton-Harris having to make decisions to overcome the impasse. Consideration is now being given to having another Assembly election in 2023.



Another alternative is direct rule of Northern Ireland from Westminster, with one other consideration mooted being a joint rule between Westminster and the Irish Government in the Dáil. The latter is a total anathema to loyalists and as a result, in November the LCC wrote to all the leaders of the unionist parties warning of “dire consequences” should joint rule of U.K. and Irish governments be imposed on Northern Ireland. Loyalist blogger, Jamie Bryson sees the Northern Ireland Protocol as a powder-keg situation saying the Irish Sea border should not be tolerated as it results in an economically united Ireland causing further erosion of unionist/loyalist culture and sovereignty.<sup>88</sup>

The threat of a return to terrorist activity by loyalist groups emerged in March 2022 when two suspected UVF members hi-jacked a lorry at gunpoint and forced the driver to drive a device, he thought was a live IED, to Holy Cross church in north Belfast, close to where the Irish Foreign Minister, Simon Coveney was speaking at a peacebuilding event.<sup>89</sup> This forced Coveney to abandon his speech and leave the area immediately, although, it was later found to be a hoax device. On November 20, 2022 four East Belfast UVF members were arrested and charged with possession of a firearm with intent to endanger life<sup>90</sup> following a PSNI operation where they seized eight handguns and three pipe bombs.<sup>91</sup> While the Holy Cross incident can be perceived as making a sabre rattling statement of their intent, albeit a dangerous intent, the November 2022 arrest of UVF members reveals that loyalist groups do have the ability and the ambition to carry out terrorist acts. It is worth noting the PSNI did not charge the four UVF members with terrorist offences such as planning or preparing terrorist acts, as this was part of an investigation into organised crime.<sup>92</sup> It does reveal that loyalist groups have access to both firearms and IED’s should they wish to carry out a terrorist attack. Following the bomb hoax in March 2022, terrorism is a move loyalist groups could take, especially when the Taoiseach, Leo Varadkar at Fine Gael’s November 2022 Ard Fheis said the Irish government needs to engage more with all communities in Northern Ireland, adding the current stalemate at Stormont is “not a realistic option.”<sup>93</sup> As seen with the Coveney incident, loyalist groups will see this as both as interference in Northern Ireland by the Irish government and further erosion of their sovereignty, potentially triggering loyalist groups to return to terrorist violence, as indicated in the LCC’s letters to unionist party leaders.

At the time of writing, it remains to be seen if the Windsor Framework on the Protocol issue agreed between the U.K. and the EU in February 2023 will be accepted by all parties in Northern Ireland. A recent poll revealed that while 66 percent of Northern Irish people would back the deal, 75 percent DUP voters would not and this may influence the DUP’s position on the agreement.<sup>94</sup> In turn, this will also affect the loyalist groups’ response too with an increased potential in them returning to political violence.

Both the loyalists and dissident republican groups are exploiting the political and socio-economic conditions in Northern Ireland to influence and recruit young people, posing a threat to programmes in place to assist people, in particular young people from being caught up with the paramilitaries and hate crime. As stated, it is not just the paramilitaries that pose a threat, as the next section covers, there has been a growing threat from the far right and extreme far right that has steadily been growing.

### **Increased presence of far right groups in Northern Ireland**

Another more worrying threat emerging is posed by far-right groups. In November 2022, a male from Derry was convicted for a hate crime after attending Derry’s Altnagelvin Hospital for treatment where he gave a Nazi salute, shouted a Nazi phrase and continually shouted racist abuse. On his arrest he told the police that he is “white and proud of it.”<sup>95</sup> This incident has no paramilitary influence, it was a far right influenced incident that could have taken place anywhere in the U.K. In the last five years the far right have been active in Northern Ireland, initially by the group Britain First. Created in 2011 in Northern Ireland by Jim Dowson and former British National Party councillor, now Britain First leader, Paul Golding, as a British ultranationalist political party. Britain First is an anti-immigration, anti-Islam and anti-European Union political party, opposed to political or religious doctrines they consider to be destructive in British society.<sup>96</sup> In September 2021 the Electoral Commission approved Britain First’s application and once again is a political party.<sup>97</sup>

After being convicted in England for public order offence of racial harassment in 2016, Golding and former deputy leader Jayda Fransen have also been convicted of stirring up hatred in Northern Ireland.<sup>98</sup> From comments in her speech at the 2017 Britain First rally held outside Belfast City Hall, Fransen was convicted in 2019 of stirring up hatred.<sup>99</sup> In 2019, just over 6,000 Muslims were living in Northern Ireland.<sup>100</sup> Golding was also charged with stirring up hatred from comments he made at the rally but was acquitted where he was a co-defendant at the same trial with Fransen.<sup>101</sup> He was convicted for distributing material likely to stir up hatred in Ballymena (the material targeted the Romany population), a conviction that was upheld by Antrim County Appeal Court in 2020.<sup>102</sup> As revealed in BBC's Spotlight documentary on Britain First, Golding tried to align himself with the loyalist groups to gain support. In his speech at the 2017 rally, Golding used phrases associated with loyalism, "For God and Ulster," "For Queen and Country," and "No Surrender." As shown in the documentary, in the videos Britain First produced and posted on their website during their time in Northern Ireland, Fransen filmed a house in south Belfast saying it was a mosque. Following the posting of this video, the building, which is the Belfast Islamic Centre, pork was thrown into the hallway of the building.<sup>103</sup> Again after the posting of Fransen's video, prior to this incident a pig's head was left at the entrance to the Islamic Centre in Newtownards.<sup>104</sup> Since 2017 Golding has struggled to have a positive alignment with loyalist groups, that maybe due the loyalist groups distancing themselves from Golding and Britain First due to their involvement in organised crime.<sup>105</sup> In 2022 Golding has been seen canvassing support for Britain First, mainly in counties Down and Antrim.<sup>106</sup>

Britain First is not the only far-right group to cross the Irish Sea to Northern Ireland. Formed in Leeds in 2019, Patriotic Alternative have made tentative moves to spread their white supremacist doctrine. On their website they have already started to target minorities in Ireland with a post "You DO Have to be White to be Irish."<sup>107</sup> At the time of writing, Patriotic Alternative have not held any rallies like their "White Lives Matter" or campaigns they run such as that by 2066 whites will be the minority in the U.K. like they have in England. It will only be a matter of time before they do. Patriotic Alternative's reach is extending beyond Northern Ireland's borders into the Republic where the Gardai are aware of and monitoring communications between the group and far-right Irish nationalists.<sup>108</sup> Added to this, English far-right activist Tommy Robinson was in Ireland in February 2023 attending demonstrations against asylum seekers that has been increasing co-operation between British and Irish far-right movements and the Gardai are aware of the extensive contact between the two prior to his visit to Ireland.<sup>109</sup> In February 2023 an anti-immigration rally was held outside Finglas Garda station in Dublin where speakers incited hate crime violence against migrants, with some attendees carrying swastika flags.<sup>110</sup> Based on a few people carrying swastika flags at a rally has not led to an alarmist hypothesis on the influence of the far right and extreme far right (the neo-Nazis) in Northern Ireland and the Republic. In March 2023 a secret extreme far right concert was held in north Belfast organised by the Ulster branch of the neo-Nazi group Blood and Honour.<sup>111</sup> Formed in the U.K., Blood and Honour is not a proscribed terrorist organisation in the U.K. but is in Canada and Germany. Hope Not Hate's head of intelligence, Matthew Collins, has found loyalist areas of Northern Ireland are *fertile* and *safe ground* for the extreme far right.<sup>112</sup> As such, it does not take much for actions inspired by the extreme far right to cross from a hate crime into an act of terrorism where an act involves serious violence to a person, endangers a person's life or involves serious damage to property to intimidate the public or a section of the public to advance a political cause.<sup>113</sup>

It is worthy to consider the importance of the incident where the male convicted in Derry for making the Nazi salute and racist remarks, had no associations with the paramilitaries and, considering the facts within the case, it could be perceived that the ideology of the far right currently being peddled in Northern Ireland influenced his behaviour. Hate crime is escalating in Northern Irish communities with the statistics revealing it is escalating at an alarming rate. Although currently not on the scale of violence carried out by dissident republican and loyalist paramilitaries, the radicalisation of people to the far right and extreme far right cause and the peddling of hate should not be underestimated, especially on vulnerable and influential children and young people.

## Conclusion

As discussed, there has been, and is, an escalation of hate crime in Northern Ireland that demonstrates clearly and coherently the need for hate crime legislation to be enacted. In doing so Northern Ireland has a unique opportunity to legally define sectarianism and misogyny that no other jurisdiction has done to date. While a Bill based on Judge Marrinan's report is being drafted, it cannot progress until the current political impasse at the Assembly in Stormont is resolved. That does not mean there cannot be progress in other areas designed to prevent people from being drawn towards paramilitarism and extremism that can lead to the commission of hate crime and terrorism, where among the most vulnerable are children and young people. As shown here, compared to the rest of the U.K., unique to Northern Ireland is the strong influence both dissident republican and loyalist paramilitaries have in their communities. There has been a recent increase in political violence by the dissident republican groups, and while involved in organised crime, the threat of a return to political violence by loyalist over the Protocol issue is a real concern.

In addition to this, and not unique to Northern Ireland, is the rise in influence of both the far right and extreme far right who to date in Northern Ireland have only been inciting hate crime in the country. It can only be a matter of time before this also includes acts of terrorism. While understandably focusing on the threat paramilitaries pose, it would be irresponsible and imprudent for Northern Irish politicians and policy makers to treat and view the far right and extreme far right as irrelevant because their activities have to date have only been carried out by a handful of activists. This is an extremely serious threat. One only has look at the targets of terrorist acts carried out by extreme far-right activists in other countries that have included convictions for the terrorist related murder of politicians. This includes in England the conviction of Thomas Mair for the terrorist-related murder of Labour MP Jo Cox in 2016 that led to the proscription of the extreme far-right group, National Action<sup>114</sup> and in Germany with the murder of leading German politician Walter Lübcke in June 2019 by male connected to the group Combat 18 Deutschland leading to that group being proscribed in Germany.<sup>115</sup> This potential should be heeded, especially as the targeting of politicians is not a threat new to Northern Ireland. During the Troubles the INLA killed the Conservative MP Airy Neave with a car bomb in 1979<sup>116</sup> and the Provisional IRA targeted the Prime Minister, Margaret Thatcher and her cabinet with the Brighton bomb during the Conservative Party conference in 1984.<sup>117</sup> In the U.K. extreme far-right activists have committed the offence of planning and preparing acts of terrorism under the Terrorism Act 2006, an offence that in Northern Ireland has so far has only been applied to paramilitary groups.<sup>118</sup> An example is the 2019 conviction of Jack Renshaw in England who had connections with terrorist group, National Action when he planned to kill the MP Rosie Cooper.<sup>119</sup> Hate crime can easily be transposed to acts of terrorism where, for example, synagogues, mosques and other establishments linked to racial and religious minorities are attacked then section 1 of the Terrorism Act 2000 applies as such action is taken to intimidate a section of the public under a political cause.

Due to the immediate threat, they pose the focus of attention in Northern Ireland is the influence of the paramilitaries and programmes like *Aspire* are excellent in helping vulnerable individuals from being drawn towards them. It is imperative that Northern Ireland does not dismiss as a non-threatening sideshow or ignore the growing influence other extremists are exercising in the country, especially the far right and the extreme far right. The primary victims recruited by these groups are children and young people and programmes like the *WRAP* programme is an ideal programme to develop to include the threat from both the paramilitaries and extremists that can become a truly multi-agency approach. While comparison was given here to Britain's *Prevent* strategy, it is not suggested that Northern Ireland follow that strategy to the letter but take out what works well in *Prevent* and create their own version of a Channel panel. While the hate crime legislation is delayed in passing through the Assembly, as seen with how children and young people are being recruited and used, developing and introducing a programme that deals with the paramilitaries and all extremists requires immediate attention to curtail as far as possible their harmful influence. If the development of such a programme in Northern Ireland is successful and therefore effective, it has the potential to be a model to be followed by other states globally that have a problem with the influence and radicalisation by extremists on members of their population.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

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