



<b>Subject:</b>	<b>Review of Hate Crime Legislation – Response from Permanent Secretary Department of Justice</b>
<b>Date:</b>	22nd September, 2023
<b>Reporting Officer:</b>	Ms. N. Largey, Interim City Solicitor/Director of Legal and Civic Services
<b>Contact Officer:</b>	As above

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Sometime in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To consider a response from the Permanent Secretary, Department of Justice, to the Committee's request for an update on the independent review of hate crime legislation in Northern Ireland.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is asked to note the response.
<b>3.0</b>	<b>Main Report</b>
	<b><u>Key Issues</u></b>
3.1	The Committee will recall that, at the meeting on 26th June, it granted approval for the new draft amenity bye laws governing the City Centre to be issued for formal public consultation. The Committee agreed also, at the request of Councillor de Faoite, to request an update from

the Department of Justice on the independent review of hate crime legislation in Northern Ireland.

3.2 A response to that request has since been received from Mr. R. Pengelly, the Permanent Secretary in the Department of Justice, a copy of which is attached.

3.3 The Permanent Secretary begins by stating that, following the publication of Judge Marrinan's Independent Review of Hate Crime Legislation Report in December 2020, the Department of Justice has been progressing work to implement recommendations aimed at improving the criminal justice system's response to addressing hate crime and providing redress to victims. Where relevant, a number of recommendations from the Review will be implemented through the provision of a Hate Crime Bill and work on policy development and public consultation, in preparation for a Bill, is ongoing. This work, in the legislative sphere, will complement and strengthen non-legislative work also being taken forward to address hate crime, including working collaboratively with partners in relation to tackling the enabling factors of hate crime such as intolerance, prejudice and hate.

3.4 He points out that, in response to the complexity of some issues and the desire to advance public engagement in the Department's consultation process, it was agreed to approach the public consultation on hate crime legislation in two phases. The first of two planned public consultations has now been completed and a summary report on the consultation findings and (then) Ministerial approved way forward was published in March 2023 and is available here : [www.justice-ni.gov.uk/publications/phase-one-summary-responses-hate-crime-review-legislation](http://www.justice-ni.gov.uk/publications/phase-one-summary-responses-hate-crime-review-legislation)

3.5 The Permanent Secretary then explains that work on developing policies to be included in the phase two public consultation process has now commenced, with the intention of publishing a public consultation on these issues in 2024, subject to the return of Ministers. The remaining policy aspects relate to consideration of the following three strategic themes:

- adding age and sex/ gender/ variations in sex characteristics as protected characteristics within hate crime legislation (Recommendations 9-11);
- range of issues relating to stirring up offences (Recommendation 14); and
- a statutory duty for named public authorities to remove hate expressions from their buildings and public spaces where they carry out their functions (Recommendation 15).

3.6	<p>He concludes by stating that, whilst it remains the intention to introduce a Hate Crime Bill in the current 2022-2027 mandate, the timing will be subject to any impact on the Department of Justice’s wider legislation programme due to delays in the formation of an Executive and an incoming Minister will wish to review the current programme, taking account of the time available for delivery.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>None associated with this report.</p> <p><b><u>Equality or Good Relations Implications</u></b></p> <p>None associated with this report.</p>
4.0	<b>Document Attached</b>
	Response from Permanent Secretary, Department of Justice