



# Submission to the Review of Hate Crime Legislation in Northern Ireland

Grand Orange Lodge of Ireland  
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## Introduction

The Orange Institution has existed in Ireland since 1795 and is the largest fraternal Protestant organisation in the United Kingdom & Ireland.

The Grand Orange Lodge of Ireland is made up of more than 1100 Private Lodges, 120 District Lodges and 12 County Grand Lodges in both Northern Ireland and the Republic of Ireland, meeting in approximately 700 Orange Halls. These halls are community facilities, operated at the heart of both urban and rural local society, delivering spaces for a wide variety of activities and groups for a range of communities.

Unfortunately, these properties are a regular target for attack, and since the 1970s there have been almost 700 recorded attacks and 62 halls have been totally destroyed, usually through arson<sup>1</sup>.

A parading organisation, the Orange Institution organises more than 1,200 parades per year, over 600 of which take place annually on the 12 July. These are public events, supported and attended by the wider general public and which attract substantial numbers of tourists annually.

Sadly, our members and parades are subjected to regular attack, including verbal and physical assaults which constitute hate crimes. This continues to affect our membership and our capacity for public, cultural expression, community capacity and outreach.

## Current Hate Crime Legislation

Part III of the Public Order (Northern Ireland) Act 1987 is currently the primary authority on the definition of a hate crime. Within this text, 'hatred' is defined as:

'hatred against a group of persons defined by reference to religious belief, sexual orientation, disability, colour, race, nationality (including citizenship) or ethnic or national origins'<sup>2</sup>

A notable absence within the definition of hatred, therein, is provision for political opinion & cultural identity. Many attacks on Orange members, events and properties have a political & cultural dimension. This is most commonly evidenced in graffiti which is left at the scene when a Hall is attacked, the verbal abuse directed at our members when on parade, and the regular theft and destruction of flags and symbols of Orange culture.

Any new definition of a hate crime should reference political and cultural motivations on par with those outlined within the Public Order (NI) Act 1987.

## Potential for Introduction of Standalone Hate Crime Legislation & Enhanced Sentencing

It is the view of the Grand Orange Lodge of Ireland that standalone legislation dealing with Hate Crime would be a welcome inclusion to the statute books. Hate crime, whilst obviously not a new phenomenon, continues to rapidly evolve and broadens the modus operandi and medium used with the advent of new technologies.

Bespoke legislation should encompass a concise definition of hate crime and using precise terminology give due prominence to the scale of detrimental impact which such crimes have on victims and local communities.

The Grand Orange Lodge of Ireland is aware of the enhanced sentencing provided by Sections 145 & 146 of the Criminal Justice Act 2003 in cases where criminal offences have a racial, religious, disability, sexual orientation or transgender dimension.

The Institution would welcome the introduction of statutory aggravated offences which would give due prominence to cases which have been motivated by hatred, including those which were committed with a political or cultural motivation.

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<sup>1</sup> See Appendix A & B

<sup>2</sup> The Public Order (Northern Ireland) Act 1987, Part III, Section 8

## Restorative Justice

In addition to custodial and non-custodial sentencing, restorative justice initiatives have provided an opportunity to realign the views of those who commit crime, and those who have the potential to commit crime in the future, through education.

The Grand Orange Lodge of Ireland believes that restorative justice, in addition to existing sentencing provisions, would provide a further deterrence to those who would seek to commit crimes based on hatred.

Restorative justice should not be a substitute for custodial sentencing. Instead it should complement accordingly, to demonstrate to offenders the tangible harm, both direct and societal, which hate crimes continue to cause.

## Reporting of Incidents

Historically, the Grand Orange Lodge of Ireland has experienced difficulty with the under-reporting of incidents directed at the Orange Institution. Some of our members - especially in border areas - are reluctant to report incidents to the Police and typically shy away from any media coverage on incidents for fear of further attacks. In some instances, this culture of fear contributes to the Orange community being forced to withdraw from the wider community.

Lodges which have had their halls attacked in the past, typically invest in security measures such as steel shutters for windows, reinforced doors, CCTV, alarms etc. in an attempt to mitigate future attacks. This activity diverts vital funds from improving the community facility, outreaching to the wider community and ultimately stems the capacity of Orange lodges to provide a valuable resource in local areas.

Under-reporting also contributes to an already abysmal conviction rate for hate crimes directed against the Orange Institution, which further hampers the provision of Policing resources in areas which are prone to attack.

## Recording of Incidents

The Orange Institution has experienced great difficulty in ascertaining the extent and frequency of hate crime incidents directed against its events and members from PSNI statistics. Instead, the Institution has had to rely on internal reporting mechanisms. It appears that attacks directed at Orange parades and people which are reported to the PSNI are not recorded on Police databases in a way which categorises the nature of the incident appropriately and this has led to a situation where the databases cannot be properly interrogated to accurately establish the scale of the problem.

The inevitable knock-on effect of this situation is that the PSNI does not have an accurate snapshot of the scale of the problem and therefore cannot direct appropriate resources to anticipate and counter it. This is a very concerning revelation and we would implore the Review to ensure that any subsequent recommendations or legislation makes special provision for the proper recording and categorising of hate crime incidents in a way which correctly identifies hate crimes against organisations, groups and communities.

## Resourcing

Whilst the Grand Orange Lodge of Ireland is aware of the Victim Support NI service, the overwhelming majority of our members and local Lodges are not. The establishment of one-stop community hubs for those who have been the victim of hate crime would be a welcome improvement in both awareness and support of victims of hate crime.

The Grand Orange Lodge of Ireland would also welcome pro-active engagement with the Orange community to raise awareness of the support available in the event of an attack on Orange people, parades or property.

## Online & Social Media

The law in the United Kingdom has struggled to keep pace with the relatively recent phenomena of online digital communication including the Internet and, particularly, social media.

Indeed, Social Media stands apart from other forms of online communication and deserves specific attention and resources when considering its place and impact upon society and the modern world. There have been significant legal implications of Social Media's emergence, rapid proliferation and ultimately dominance of the online space which have resulted in a legal vacuum whereby the law appears powerless and ill-equipped to deal with issues of abuse and harm which in any other arena would be defined as offences, punishable by law.

The emergence of anonymous trolls, people who have dedicated vast resources and time to the abuse, ridicule and bullying of others online has been compounded by the integration of end-to-end encryption by social media and other online networks which have rendered police powers of investigation and evidence gathering virtually ineffective.

It is in this context that minorities, individuals and organisations with a public profile have felt the impact of online campaigns of abuse against them. The anonymous nature of those who troll and otherwise subject others to such abuse has led to a 'wild west' environment where 'anything goes' and law enforcement is thinly spread and under-equipped.

Threats, abuse, hate-speech, bigotry, racism and other acts which in an offline setting are rightly defined as offences, go largely unrecorded and unpunishable in the online sphere.

It is clear that existing hate crime legislation, such as the Public Order (Northern Ireland) Act 1987, is woefully inadequate to tackle these issues. This has been evident when attempting to prove 'hatred' and even 'intent' when referring to 'causing a breach of the peace', a particularly blunt instrument in online settings but one to which Police still reluctantly rely.

In practice, even relatively recent legislation such as the Communications Act 2003 still falls extremely short as a means of handling online offending. 'Improper use of a public communications network' has become a mainstay of attempting to address online manifestations of hate speech and yet large gaps have emerged as social media networks or elements thereof have withdrawn into slightly less-public arenas such as private groups and semi-public 'conversations' conducted on platforms such as WhatsApp. Within these domains, which are typically encrypted and therefore inaccessible to law enforcement agencies, the victim may not even be directly aware that threats or hatred have been made or directed at them and perpetrators are able to side-step the definition of such environments as 'public communications networks'.

The vast and ever-expanding volume of online hate speech and abuse has also proved exceptionally difficult to both control by the Police and deal with by the Courts. Even when there is clear evidence of wrongdoing and where an offence is caught by existing legislation, Police lack the human resources necessary to properly investigate such crime and authorities lack the legislative resources to bring a successful prosecution. This has been compounded by the issue of under-reporting, and indeed becomes a self-perpetuating cycle as many victims determine there is little value in reporting online crime due to insufficient police resources to successfully prosecute.

Northern Ireland requires legislation which is appropriately equipped to deal with this situation and to stem this tide. If legislation is not urgently brought forward to address online hate crime as it exists in the modern world, then the phenomena of bigotry which has traditionally been daubed on gable walls in streets throughout our communities will continue to move into the virtual world where it can expand and thrive at an exponential rate in front of a global audience.

The Grand Orange Lodge of Ireland continues to receive dozens of instances of online abuse against the organisation and its members on a daily basis. This manifests itself via various media, including email, comments pages on mainstream media outlet webpages and, overwhelmingly, on Social Media. We consider

all such incidents as hate crimes, whether online or offline, and the vacuum in our legislation to deal with such incidents must be urgently filled.

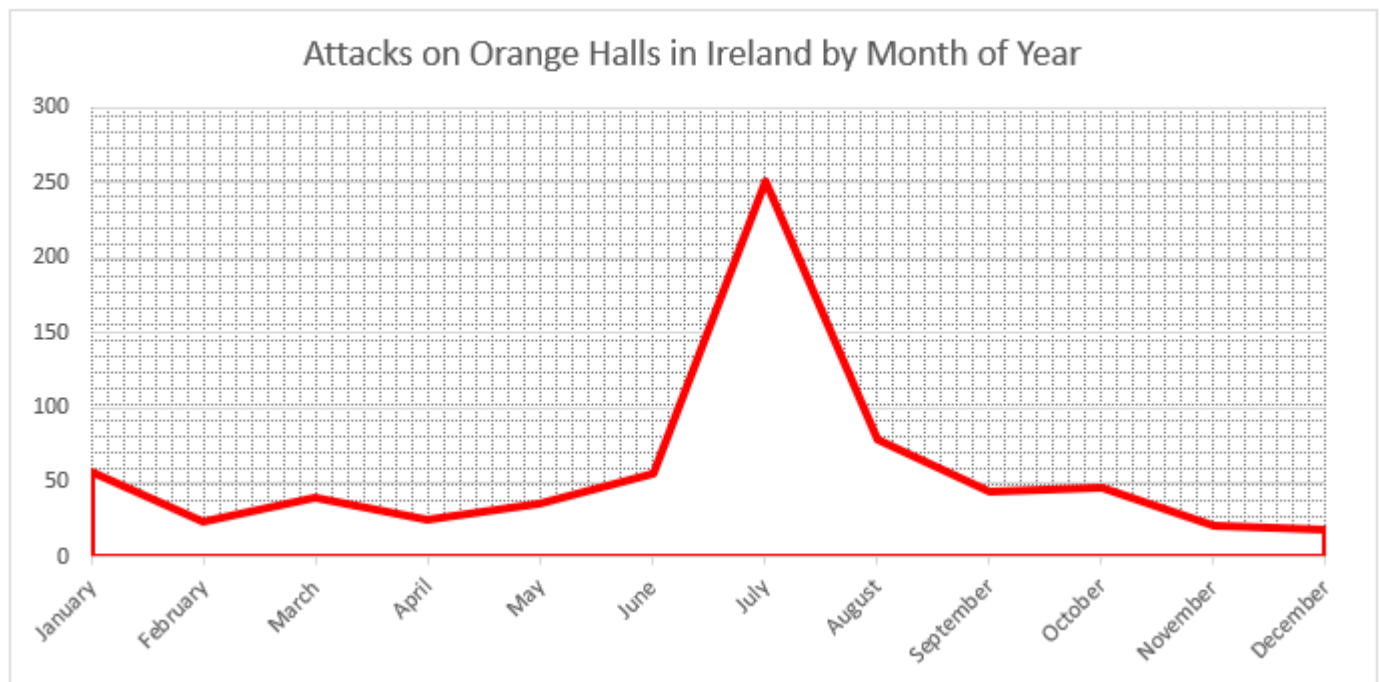
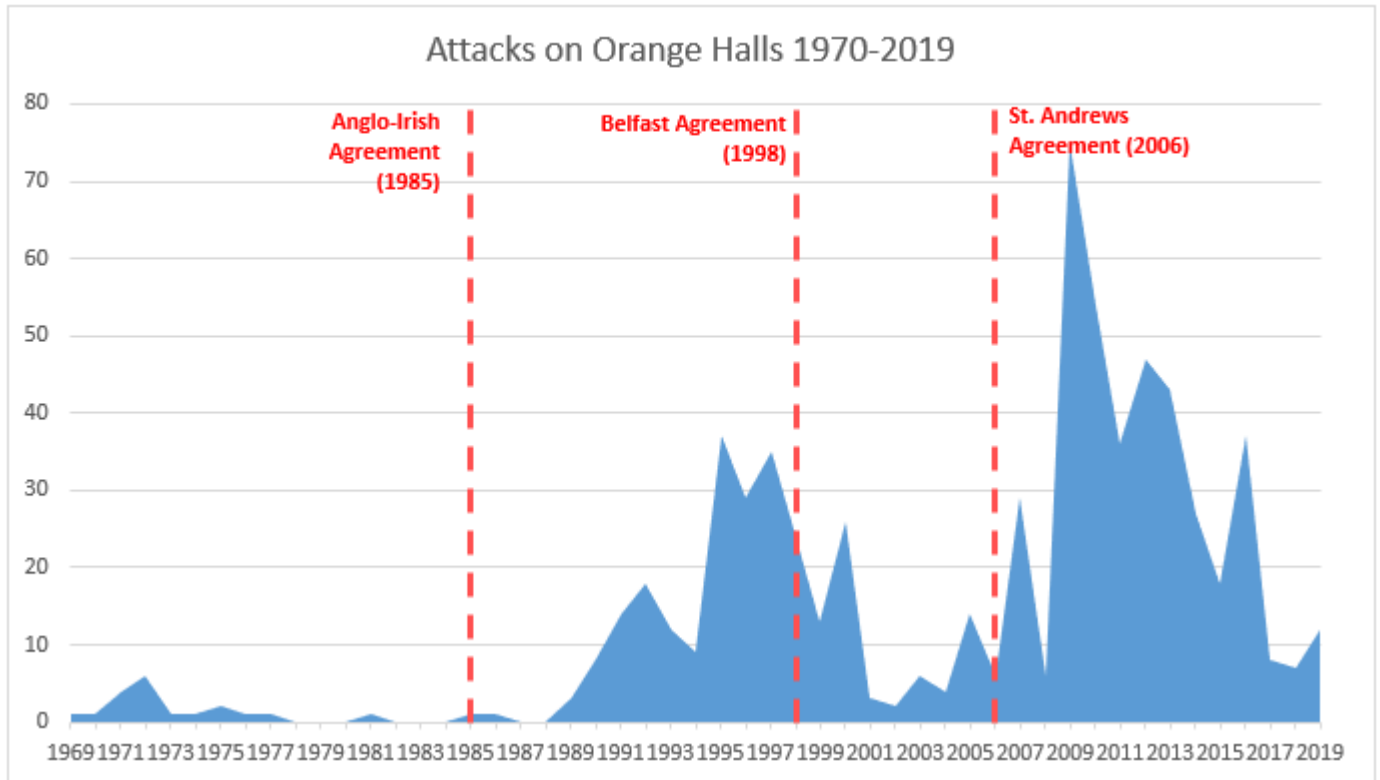
## Conclusion

The Loyal Orange Institution, its members, properties and parades continue to be subject to hate crime on a year-round basis. Almost 700 attacks on Orange Halls have been recorded, 62 of which were totally destroyed. Many of these attacks have taken place in rural and deprived areas where Orange Halls provide the only available and accessible community facilities.

In the online setting, the Grand Orange Lodge of Ireland and its members are regularly and incessantly subjected to abuse and hate speech, overwhelmingly via Social Media. It is clear that the authorities do not have the resources required to address these incidents, nor are they properly and legislatively equipped to deal with the offences as they take place.

The Grand Orange Lodge of Ireland, therefore supports any measures, including new legislation, which would ensure that victims of hate crime, including those who have been targeted for religious, political or cultural reasons as members of the Orange Institution, receive the support and resources necessary and to deter further attacks.

# Appendix A



# Appendix B

Month	No. Attacks
January	57
February	24
March	40
April	25
May	36
June	56
July	251
August	78
September	44
October	47
November	21
December	19

County	No. Attacks
Tyrone	128
Down	113
Armagh	85
Antrim	164
Londonderry	67
Belfast	50
Fermanagh	36
Donegal	26
Cavan	7
Monaghan	6
Leitrim	1
<b>Total</b>	<b>683</b>

1970s 17 Attacks  
 1980s 6 Attacks  
 1990s 199 Attacks  
 2000s 172 Attacks  
 2010s 261 Attacks

**62 Halls**  
 Totally Destroyed

Orange Hall Attacks in Ireland Statistics  
 1969-2019

Hall Attacks by County

