

Written Evidence to the Northern Ireland Affairs Committee inquiry into ‘The effect of paramilitaries on society in Northern Ireland’: Paramilitarism and housing intimidation

May 2022

1. The Committee on the Administration of Justice (CAJ) is an independent human rights organisation with cross community membership in Northern Ireland and beyond. It was established in 1981 and lobbies and campaigns on a broad range of human rights issues. CAJ seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the Government complies with its obligations in international human rights law.
2. We welcome the opportunity to submit evidence to the Committee on its inquiry into ‘The effect of paramilitaries on society in Northern Ireland.’¹ This submission will focus on the specific issue of the involvement of paramilitaries in intimidation from housing.

Housing segregation is driven by ongoing paramilitary intimidation

3. Tackling housing segregation in Northern Ireland has been long raised as one of the key factors in ensuring greater integration and tackling housing inequality. Given this it is remarkable that there is limited attention and strategic intervention in relation to the major driving factor behind housing segregation – paramilitary intimidation from housing.
4. This includes sectarian and racist intimidation in areas where there is a level of paramilitary control. It encompasses actual violent intimidation from housing by paramilitary organisations or persons with paramilitary connections as well as the broad threat of intimidation which is the primary factor in deterring families from moving into particular areas where they have a real and realistic concern they would be subject to intimidation. There is also the related phenomenon of slogans and other items placed on public property as a form of sectarian and racist intimidation to deter persons from taking up housing.
5. It is no exaggeration to suggest that housing is an area of public policy in Northern Ireland that is still extensively shaped by paramilitary control and coercion. The public policy response has not moved much beyond assistance in moving victims of intimidation. There is a lack of transparency and public scrutiny in the handling of the issue. This includes a level of obfuscation of data as to which paramilitary groups are thought to be the source of threats.
6. Intimidation, including from housing, has long been a specific criminal offence in Northern Ireland.² However, the assessment of ongoing paramilitary activity commissioned by the Secretary of State in 2015 lists areas of crime it assesses

¹ <https://committees.parliament.uk/work/6630/the-effect-of-paramilitaries-on-society-in-northern-ireland/>

² <https://www.legislation.gov.uk/apni/1969/29/section/1>

paramilitaries are involved in. Despite the prevalence of housing intimidation, no reference is made to it, nor is there any reference to sectarian or racist crime.³

7. An outworking of this is that neither housing intimidation nor racist (including sectarian) incidents are mentioned in the Executive programme for tackling paramilitary activity or its associated Action Plan. The word intimidation is only mentioned once, in a reference to organised crime.⁴
8. A Ministerial Statement to the Northern Ireland Assembly from the Communities Minister in November 2020 set out that alternatives were being examined to the processes used to verify intimidation from housing with a view to adopting an alternative model.⁵ At worst the present model can be limited to an intermediary verifying that the threat is credible and then the public authority moving the victim and not taking further action against the suspected perpetrator. Whilst understanding the primary duty under ECHR Article 2 is to take all reasonable steps to preserve life it is unclear why, particularly in times of relative peace, further action cannot be taken against paramilitary groups involved in housing intimidation. We would therefore welcome an alternative broader approach being adopted.

Data on the prevalence of housing intimidation

9. Data has not been routinely published or desegregated in an accessible way but has been drawn out by media requests.
10. In 2015 *The Detail* investigative journalism website obtained figures from the Northern Ireland Housing Executive (NIHE) documenting 1,842 cases of persons made homeless through intimidation over a three year period between 2012-2015, with over 70% of cases concerning paramilitary intimidation. There was an unclear separation in these NIHE figures of paramilitary incidents from racist, sectarian and homophobic incidents, that may also involve paramilitaries. In close to 900 of the cases of paramilitary intimidation the NIHE confirmed the threshold of risk of death or serious injury was met. Yet despite such assessments being conducted the NIHE would not release statistical data on the paramilitary organisations suspected of being responsible. Rather *The Detail* was left to seek to triangulate general

³ Paragraph 8 of the report lists a range of areas of crime which are attributed to members, including some senior members, of the UDA as “drugs dealing, robbery, extortion and the distribution of counterfeit and contraband goods.” Reference is also made to paramilitary-style assaults, street disorder and violent protests. Paragraph 5 in relation to the UVF states that members, including senior members, are ‘extensively involved’ in organised crime including ‘drug-dealing, extortion and smuggling’ *Paramilitary Groups in Northern Ireland: An assessment commissioned by the Secretary of State for Northern Ireland on the structure, role and purpose of paramilitary groups focusing on those which declared ceasefires in order to support and facilitate the political process* (Northern Ireland Office: 2015).

⁴ ‘[Tackling Paramilitary Activity, Criminality and Organised Crime](#)’ NI Executive Action Plan, July 2016.

⁵ “I do not intend to proceed with the proposal to remove intimidation points. People in danger in their own home need prioritisation under the selection scheme. The manner of that prioritisation needs to be tightly focussed on such people, including victims of domestic violence. But, consistent with this, the mechanisms for such prioritisation need to prevent abuse and provide robust verification. They need to ensure that the manner in which the scheme responds to cases of intimidation does not distort the list. Officials are investigating options for an alternative proposal, including consideration of a statutory body to independently manage this verification process. I will be able to update the Assembly further on this in due course.” Housing Statement from Communities Minister Carál Ní Chuilín 3 November 2020 <https://www.communities-ni.gov.uk/news/housing-statement-communities-minister-caral-ni-chuilin-3-november-2020>

geographical location to reach conclusions, with the NIHE stating ‘We cannot provide information regarding the origin of paramilitary threats as this is not recorded.’⁶

11. It is difficult to understand how a threat can be verified by NIHE or PSNI as coming from a source with the capability of inflicting death or serious injury, but no record is kept as to which organisation the source of threat is connected to. It would be expected that these agencies would want to map paramilitary activity to be able to counter it and inform broader strategic interventions.
12. Housing intimidation figures were also released by NIHE under Freedom of Information legislation following a request from the *Belfast Telegraph* for the period of 2015-2018 – recording over 2,000 cases of intimidation from housing in the time period, with 73% attributed to paramilitaries (1,488).⁷
13. Further information is provided in a report by the Criminal Justice Inspection NI (CJINI) report into the work of BASE2 who provide “information from community sources to support the verification process provided by the PSNI and the work of the NIHE.” The CJINI puts into the public domain general statistics from 2012-2018 regarding threat verification assessments by BASE2, the vast majority of which are conducted on the basis of referrals from NIHE. This includes a table on the ‘alleged sources of threats’ at the time of such referrals reflecting the applicants’ classification of the nature of the threat. The figures for each year highlight that the majority of such threats come from ‘Loyalists’ (there is no further disaggregation). Numbers of threats from ‘Republican’ and ‘community’ are also recorded.⁸
14. In relation to data from the PSNI the Policing Board have previously sought data on source of threat in 2016.⁹ The PSNI responded that the issue was a ‘complex’ matter and they would return to it; it is not clear if this occurred. The then Policing Board Annual Human Rights Report (running to 2015) cited PSNI statistics of 1,262 certificates issued by the PSNI Chief Constable in respect of persons intimidated from their homes between from the time of the Belfast/Good Friday Agreement (April 1998) and 2015. This would equate to an average of 70 per year.¹⁰ These figures only refer to owner-occupiers and relate to certificates for the SPED (Special Purchase of Evacuated Dwellings) scheme. They therefore constitute a fraction of those intimidated from housing. Some annual SPED figures were given to the Policing Board in 2014, but despite conducting the assessment and issuing the certificates the PSNI was unable to give statistics on which paramilitary was suspected has having been responsible or connected to the threat.¹¹ This was further probed by the Policing Board’s Performance Committee in February 2015, which noted the figures were not an accurate reflection of people having to leave homes, as they do not

⁶ <https://thedetail.tv/articles/paramilitaries-in-northern-ireland-forcing-hundreds-from-their-homes-each-year>

⁷ <https://www.belfasttelegraph.co.uk/news/northern-ireland/exclusive-2000-households-forced-out-of-their-homes-paramilitaries-blamed-for-73-of-cases-37676384.html>

⁸ <https://www.cjini.org/TheInspections/Inspection-Reports/2020/January-March/BASE-2-WORKING-TO-SUPPORT-INDIVIDUALS-UNDER-THREAT>

⁹ See Policing Board Questions to Chief Constable, Intimidation which results in people having to remove [sic] out of their home (Pat Sheehan), question published 3 March 2016

¹⁰ NIPB Human Rights Annual Report, 2015, p171.

¹¹ NIPB Questions to Chief Constable, Paramilitary Style Attacks (Performance Committee), December 2014, p29.

cover those who had left NIHE or private-rented property, those who had not applied for a SPED certificate or situations where one family member, such as a child, moves out due to threats. The Performance Committee sought information to be gathered by the PSNI to 'more accurately reflect the extent of paramilitary intimidation' in relation to housing. The PSNI responded that although there may be liaison between the PSNI and NIHE locally they did not collate statistics, and whilst they could gather more data the PSNI asserted that it was 'not clear what policing purpose this would serve'.¹²

15. The lack of transparency over data appears to have had a knock on effect in the issue of housing intimidation being reflected in strategic policy on paramilitarism. For a long time a similar concern has been raised, regarding racist intimidation and broader racist crime, by both ethnic minority organisations and the Northern Ireland Human Rights Commission. Back in 2006 a report commissioned by the NI Council for Ethnic Minorities found it 'astounding' that the then Independent Monitoring Commission (IMC) on paramilitary activity had 'almost completely ignored loyalist paramilitary involvement in racist violence.'¹³ In 2011 the Human Rights Commission made reference to an IMC report recommending that an 'important step would be for loyalist paramilitaries, including the UDA to stop targeting nationalists and members of ethnic minorities', but the Human Rights Commission raised concerns that 'this context is only intermittently referred to in official policy and strategy.'¹⁴ Into 2022 a similar phenomenon continues to exist in relation to paramilitary involvement in housing intimidation, including that which is grounded in sectarianism or other forms of racism.

Links to sectarian and racist hate expression

16. A core part of sectarian and racist intimidation from housing can be the use of hate expression in public space to deter persons from the targeted groups from remaining in or taking up housing. This can include racist and sectarian slogans in graffiti or banners ('locals only' '[x] out') or the use of flags, including paramilitary flags, for the purposes of intimidation. This can include individual incidents of intimidation (e.g. when a flag is solely placed outside the home of the only ethnic minority family in a street) or more generalised forms, where for example flags are placed at the entrance to new housing developments – including those expressly developed to be 'shared' – with the purpose or effect of deterring the 'other' from moving in to the area. One example of this is the T:BUC Cantrell Close shared housing scheme in South Belfast where the placement of flags for such a purpose was followed by Catholic families being violently intimidated out of their homes, which the PSNI attributed to the UVF.¹⁵

¹² NIPB Questions to the Chief Constable, Extent of Paramilitary Intimidation, February 2015, p7-8.

¹³ McVeigh, Robbie 'The Next Stephen Lawrence? Racist Violence and Criminal Justice in Northern Ireland' (NICEM, 2006) Paragraph 4.11.

¹⁴ NIHRC, Submission to the Committee on the Elimination of Racial Discrimination, Parallel Report on the 18th and 19th Periodic Reports of the United Kingdom under the ICERD (2011), paragraph 84. Referencing reference to paragraphs 3.32-5 of the Eighth Independent Monitoring Commission report.

¹⁵ "PSNI: 'UVF behind intimidation of Catholic families'" <http://www.bbc.co.uk/news/uk-northern-ireland-41515142> see also <https://www.belfasttelegraph.co.uk/news/northern-ireland/psni-approach-to-removing->

17. CAJ recently produced a research report into the broader questions of public authority practices in relation to removing hate expression from public space, including expression used for intimidation from housing.¹⁶ The report is critical of practices of non-intervention by some relevant public authorities. Specifically, we are critical of the PSNI position being grounded in a public order lens only rather than giving due weight to the harms of hate expression. In this sense the PSNI will not remove hate expression if there would then be possible disorder and may even prevent the removal of paramilitary-approved expression as it is those individuals most likely to react with violence if it is removed. Whilst not dismissing public order as a legitimate concern we do raise concerns that this approach provides an incentive to paramilitaries to create a threat to control the type of expression that is permitted in a particular area.¹⁷
18. The report recommends an alternative approach in line with Recommendation 15 of the Independent Review of Northern Ireland Hate Crime Legislation, led by Judge Desmond Marrinan which issued its final report in late 2020 and recommended a statutory duty on relevant public authorities to take reasonable steps to remove hate expression from their own property and, when engaging their functions, broader public space.¹⁸

CAJ, May 2022

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[loyalist-flags-frustrating-38319474.html](https://www.belfasttelegraph.co.uk/news/northern-ireland/alliance-disappointed-by-police-response-to-uvf-flags-in-cantrell-close-38318559.html) , see also: <https://www.belfasttelegraph.co.uk/news/northern-ireland/alliance-disappointed-by-police-response-to-uvf-flags-in-cantrell-close-38318559.html>

¹⁶ <https://caj.org.uk/2022/05/12/hate-expression-report-may-22/>

¹⁷ For further discussion and the PSNI response see: <https://www.thedetail.tv/articles/psni-prioritisation-of-public-order-over-hate-expression-criticised-in-report>

¹⁸ Recommendation 15: *There should 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.* Department of Justice (December 2020), *Hate Crime Legislation in Northern Ireland: Independent Review*, Final Report (hereafter 'Hate Crime Review') para 10.76.