



## **Equality Commission comments on the Government's draft Race Equality Strategy**

**May 2005**

### **Introduction**

1. The Equality Commission has, as part of the Race Forum, been provided with an opportunity to comment on the further draft of the Race Equality Strategy. This opportunity has been provided on a limited time scale, and this response has been framed on this basis.
2. The Equality Commission welcomes this new draft, particularly as it incorporates many of the points we made about the previous version. However we do have grave concerns about a strategy which does not have any associated actions within it. Our understanding is that a strategy is the framework and means of delivery. Part of this is still missing. We are concerned that the credibility of this document, given the development timescales, will be undermined.
3. We would also like to re-assert the need for the statutory obligations on public authorities to be clear in this strategy. The delivery of race equality is not an option, it is a statutory duty.

### **Context**

4. The Equality Commission for Northern Ireland ("the Commission") is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation and disability. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998.

5. The Commission's general duties include:
  - working towards the elimination of discrimination;
  - promoting equality of opportunity and encouraging good practice;
  - promoting positive / affirmative action;
  - promoting good relations between people of different racial groups;
  - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities; and
  - keeping the legislation under review.
  
6. The Equality Commission considers that government policies and programmes aimed at reducing poverty and social exclusion make a significant contribution to the promotion of equality of opportunity. Furthermore the specific objective of TSN to reduce community differentials and the formal arrangements within TSN to work to reduce social exclusion within vulnerable groups such as disabled people, minority ethnic people, Travellers etc are of particular importance to the work of the Commission.
  
7. The Equality Commission for Northern Ireland ("the Commission") has responsibility for implementing the legislation on fair employment, sex discrimination and equal pay, sexual orientation, race relations and disability discrimination. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations.

### **General Observations**

8. The Commission is content to see greater emphasis on the following issues, or key themes, that are now reflected in the strategy, such as:
  - A strong vision statement; with the shared strategic aims that are evidenced based and largely reflect where the key interventions are required to affect change, with capacity building now one of the seven aims.

- The principles outlined in paragraph 4.3 of the document are helpful in terms of government making express commitments on how it will work to achieve greater racial equality and race relations. However, we must ensure that these go beyond the statutory requirements in relation to RRO and S75 to real and positive targeted action to improve the quality of life for individuals.
  - The recognition of the need to address institutional racism and a clear acknowledgement of its continued existence here which was not so visible in the initial draft strategy.
  - There is also a clear recognition of the multiple identities of people from Black and minority ethnic communities here which shape their experiences and views at different times, in different circumstances. This recognition supports the need for responsive policies and strategies at regional and local level.
  - The recognition of Irish Travellers, as a distinct racial group indigenous to Ireland and with very clear needs to be addressed through the strategy, should help accountability on adequate provision of services to the Traveller community.
9. However we do have a number of comments on the current content which we believe need to be considered and incorporated to ensure that the strategy is as effective as it can be. These comments cover both broad themes and also the detail of the text.

*Key areas of concern*

10. The final strategy remains a government strategy, based on the commitments of the 11 government departments and does not seek to gain commitment from wider society in relation to our responsibilities and contributions to making Northern Ireland a society where everyone rejects racism and prejudice in all its forms.
11. The ongoing lack of coherence with the Durban commitments, which do require wider engagement with businesses, employers, the voluntary and community sectors and public

service providers, needs to be robustly addressed. For this reason, it is our view that the current strategy does not meet the full requirements of the Durban commitments and that the National Action Plan against Racism which the UK committed itself to producing, still needs to be progressed.

12. Crucially, this racial equality strategy must *reduce* the inequalities that Irish Travellers have experienced for centuries here, providing greater equality outcomes in key impact areas such as health and education, if it wishes to be considered as an effective intervention. The issue of improved relations between the settled and Traveller communities also needs to be addressed, not least including the portrayal of Travellers in the popular media. Improving life chances for Irish Travellers will be a critical success factor for the strategy and a major challenge for government.
13. Closely associated with this concern is one that the effectiveness of consultation is undermined by the perceived lack of action following the PSI working group recommendations, and the failure to fully reflect the contribution made by these working groups. The group on Travellers reported in 2000, and the implementation of action is still being discussed, in many instances, five years on.
14. There is also real need to go beyond the mere compliance with the processes of Section 75, to acting in the spirit of the legislation to improve outcomes and achieve equality of opportunity and good relations. This will mean that stakeholders, not least the BME communities, see government wishing to take risks to redress the chronic racism and racist violence which Northern Ireland is fast becoming world renowned for.
15. The Strategy is targeted specifically at Black and minority ethnic groups (para 1.8) and does not make reference to the majority communities who also are affected by this strategy and who need to take ownership of it. The Race Relations (NI) Order 1997, as amended, is a symmetrical piece of legislation, which can be used by anyone, if they believe they have been unlawfully discriminated against on the grounds of race, as with Section 75 of the Northern Ireland Act. There is surely a role for the wider majority communities to implement this

strategy. They need to own this strategy to ensure that racist incidents do not occur, that language provision and training takes place etc. It is a limiting exercise to have a strategy that is aiming to address some basic inequalities and fears amongst minority communities simply through focusing in on them. Amending paragraph 1.8 to reflect this would then mean paragraph 1.9 fits more appropriately, and then 1.11 allows for actions to be developed with those communities who experience the disadvantage.

16. This focus also needs to filter through into the actions taken and remedies to counter disadvantage. For example, the description under Capacity Building on page 32 can be read as though it is simply addressing minority communities and only action here will achieve the results. Recognition is needed of the institutional barriers that exist and the need for training and capacity building within majority communities to achieve this goal.
17. There is a need to have a clearer “fit” with the vision, aims and objectives of “A Shared Future” and use of common terminology so that there is coherence and clarity in implementing each.
18. There needs to be a wider reflection of the legislative framework and part of the strategy needs to be a legislative programme. There are differences between the Race Directive and the RRO for definitions and the grounds. There is also reference in the strategy to the positive duties on District Councils, which should be linked to the Section 75 duties, which has a framework for implementation and is enforceable. We would expect a legislative programme to be part of the implementation plan.
19. There needs to be a greater recognition of the work being taken forward by the Equality Commission, in terms of the work we have done to date and also in respect of our current business plan priorities on racial equality and good relations.
20. It is also important that the strategy recognises that racism in our society is shaped by sectarianism and whilst there is much to learn from other jurisdictions on addressing racism, the context for racism here is perhaps different to that in East

London or Oldham. The interventions set out in implementation plans need to be consistent with this view.

21. As has already been discussed, the circumstances of Northern Ireland differ from elsewhere, and the main priority areas look at setting a number of baselines for identifying outcome areas where inequalities can be tackled in future. However, for indicative measures set out in the table on pages 47 and 48 there is the opportunity to tie these into the key issues identified in appendix 4, which are seen to be the key issues by the community. Despite the lack of data, high level measures could be included in this to demonstrate a commitment to improving the quality of life for individuals in key areas, for example a measure on proportion of GP registrations, or sequential measures on English language support at different stages in education. Otherwise there is a danger that the measures are process driven and the impact of the overall strategy will be lessened.
22. Monitoring, reviewing and evaluating should be key aspects of the action plans, but this should not be at the expense of actions that address already known disadvantages where they occur. The evidence base should be developed which will help target the next stages of activity through the life of this strategy and the next. For the next strategy we would expect to see priorities in health, education, housing and other areas as needed, arising from an evidence base.
23. Given the aspirational nature of the strategy, the content, while setting out vision, priorities and principles, does not set out any standards or expectations. This strategy could usefully define behaviours or identify standards that should be part of the delivery of a strategy. For example, if departments are to achieve equality, what actions could be taken if an individual in a workforce displays racist behaviour? What are the measures that departments can adopt through procurement or funding to ensure the recipients of public funds promote equality and good relations?

### **Specific comments**

24. There are other documents that could be referred to within the Strategy:

- Reference may need to be made to other international commitments, for example the Framework Convention for the Protection of National Minorities.
  - Footnote 18. There should also be reference to the ECNI publication: A Wake up Call on Race, by Paul McGill and Quintin Oliver.
25. Where reference is made in the text to eliminating racial discrimination, this should be amended to say eliminating *unlawful* racial discrimination.
  26. Paragraph 2.13 needs to include harassment as defined in the regulations arising from the Race Directive.
  27. Paragraph 2.21 reads very defensively. We would suggest that racists exist in our society and therefore they are likely to be represented in all workplaces. However, this paragraph could be more helpfully worded by removing these first two sentences. An addition to the end of paragraph could read: “This is not to imply that everyone working within an organisation is a racist.”
  28. Paragraph 2.6 should also make reference to sedentarism, as defined by the PSI Working Group on Travellers in 2000. This would be a clear manifestation of systematic racism and reference to it would underline a commitment to address racism as experienced by Travellers.
  29. Paragraph 3.4 and the section on Asylum Seekers and Refugees. This section reads as though the status of both of these groups is the same. We understand that refugees, or those with leave to remain, are not treated in the same way as asylum seekers; for instance, they can work.
  30. Paragraph 4.3, bullet point one. This again may need to be amended to ensure that the strategy addresses race equality regardless of race or ethnicity. The needs of people from minority ethnic communities are likely to be the same as anyone else (articulated in the Audit Commission’s Journey to Race Equality), and so the response needs to be in relation to the discrimination and disadvantage experienced compared to others.

31. Bullet point 6. this again should be expressed in terms of those experiencing greatest disadvantage.
32. Bullet point 7. we are not sure that the wording “colour and culture proof” is appropriate. Achieving equality of outcome would be more appropriate.
33. Paragraph 4.5. There needs to be greater read across between tools and statutory requirements. The Audit Commission’s self-assessment tool was developed as part of their responsibilities under the Race Equality Duty, and therefore if this is being used in Northern Ireland, it needs to be linked back to Section 75.
34. The proposed Implementation Plan will need to take very clear account of the Report of the PSI Working Group on Travellers which has not been adequately addressed, and the deliberations of the PSI Working Group on Ethnic Minorities. In terms of detail, the terms of reference, as presented in the strategy, for the Travellers thematic group (para 5.13) is inappropriately limited. The group also has a role to “keep the effectiveness of current provision to Travellers under review....”
35. Paragraph 5.3. We are one of many of the partners involved in this project, and it would not be appropriate to present our role as greater than others.
36. In Chapter six the structures and responsibilities are set out. We are concerned that, given the absence of clear action plans, the accountability and challenge roles are not fully established through this strategy. The Race (Equality) Forum will provide a challenge role as part of its remit, but OFMDFM needs to ensure the Forum is fully inclusive and it is not then used to divert attention from the actions that are needed to drive the strategy forwards by departments. The additional questions raised in relation to this chapter include:
  - Will there be a Permanent Secretary or Social Steering Group role to ensure that the strategy is implemented by departments?



- What challenge role does the OFM Race Equality Unit fulfil?  
There is a clear advice role set out, but who will determine whether the actions put forwards by departments are good enough to achieve the desired outcomes?
37. Under paragraph 6.5 and the departmental responsibilities, there is no sense that the departments will take on a role to ensure that the wider public is appraised of its activities or actions to achieve the goals. Under Section 75 and within the commitments in an Equality Scheme, access to information forms a key part of the scheme. We would expect each Department to take a lead role and show leadership in terms of making this strategy a success.
  38. In bullet point 6 of this section, we would expect to see reference made to procurement as another means to cascade the principles of race equality (along with the other grounds) and a key means to achieving success.
  39. In paragraph 6.10, we will be interested to see the text which will be added to assure us that the actions will not simply be those which were already planned.
  40. In the measures on page 37, there is reference to a proportionate reduction in bullying in schools. This is the type of outcome measure that we welcome, however we are not aware that incidents of bullying are currently recorded according to ethnicity. We would welcome further discussions on how this could be achieved, and similarly in other areas, as we believe it would be a valuable addition to the monitoring systems.
  41. Annex 1, Equality Assessment, we have not had sufficient time to consider the information presented here.

**Equality Commission**  
**13 May 2005**