



## **EQUALITY COMMISSION FOR NORTHERN IRELAND**

### **Response to the consultation by OFMDFM on 'A Sense of Belonging- Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014-2024'**

#### **Table of Contents**

<b>1</b>	Introduction .....	<b>2</b>
<b>2</b>	A step in the right direction .....	<b>2</b>
<b>3</b>	Key Concerns .....	<b>3</b>
<b>4</b>	General Summary of the Commission's Recommendations.....	<b>6</b>
<b>5</b>	Consultation questions .....	<b>11</b>
<b>6</b>	Chapter 1: Introduction and background .....	<b>11</b>
<b>7</b>	Chapter 2: Racism and racial Inequalities: the scale of the challenge.....	<b>13</b>
<b>8</b>	Chapter 3: The purpose, vision and aims of this Strategy .....	<b>18</b>
<b>9</b>	Chapter 4: The relationship of the Strategy with Together Building a United Community (TBUC) and Delivering Social Change (DSC) .....	<b>31</b>
<b>10</b>	Chapter 6: The legislative framework .....	<b>38</b>
<b>11</b>	Chapter 7: Immigration .....	<b>44</b>
<b>12</b>	Chapter 8: Making it happen: implementing the Racial Equality Strategy .....	<b>48</b>
<b>13</b>	Chapter 9: Resourcing implementation of the Racial Equality Strategy .....	<b>55</b>
<b>14</b>	Chapter 10: Monitoring and reviewing progress .....	<b>56</b>
<b>15</b>	Annex A: Equality assessment .....	<b>59</b>

## **1 Introduction**

- 1.1 Given the recent rise in racial violence over the last year, the Equality Commission welcomes the long-awaited public consultation on a new Racial Equality Strategy for Northern Ireland as an important first step towards promoting racial equality and tackling racist hate crime.
- 1.2 The Commission is, however, disappointed that, despite our previous feedback to the Department on the pre-consultation version of the Strategy, many of the shortcomings of that document remain in the current consultation version. It has no detailed narrative to demonstrate why it is needed; lacks strong high level commitment and includes no discrete funding. But perhaps most importantly, it does not include an action plan.
- 1.3 To be effective the Strategy needs to set out clear evidence of the social, political and economic inequalities faced by minority ethnic communities (including multiple identity issues); develop and communicate clear rationales in support of priority actions and ensure those actions are clearly defined, timetabled, allocated and resourced. It must also ensure appropriate high level commitment and oversight arrangements to ensure effective delivery and review.

## **2 A step in the right direction**

- 2.1 Before setting out its key concerns, the Commission has highlighted a number of positives aspects to the Strategy, which it would hope to see replicated in the final version:
- 2.2 The Commission welcomes those amendments that have been made to the draft Strategy as a result of feedback to the Department on the pre-consultation version of the document. In particular, **we welcome the continued inclusion of the Commission's recommendations in relation to legislative reform; amendments by the Department in relation to the corresponding questions on this issue; and reference to the need for a Refugee Integration Strategy.**
- 2.3 In terms of proposed actions, **we also welcome the Department's commitment to introduce ethnic monitoring**

**as a matter of priority**, to address the significant gaps in the knowledge base on Black and Minority Ethnic (BME) groups and individuals and to assess the effectiveness of policies designed to promote equality of opportunity and to tackle racial discrimination.

- 2.4 **We support the continued inclusion of the recommendation that action plans will be informed by available research including the Equality Commission’s paper ‘Racial Equality Policy – Priorities and Recommendations - August 2013’.** However, we would draw the Department’s attention to the fact that the August 2013 paper has now been revised following consultation with stakeholders. The final, May 2014 version, is available on the Commission’s website at: <http://www.equalityni.org/Delivering-Equality/Equality-Themes/Racial-equality.aspx>

We also welcome the inclusion of a commitment to develop ‘specific programmes of work to address particular challenges and vulnerabilities facing particular groups such as Irish Travellers and Roma’<sup>1</sup> as well as acknowledgement of the potential for positive action measures to prevent or compensate for the disadvantage suffered by groups of a particular racial or ethnic origin.

### **3 Key Concerns**

- 3.1 In addition to the specific concerns raised in relation to the consultation questions (Sections 5 –12 below), the Commission has the following general concerns in relation to the draft Strategy, which we would hope to see addressed in the final document:
- 3.2 In general, the **draft Strategy is weak** in that **It does not include baseline data to support a meaningful assessment of the racial inequalities experienced by ethnic minority communities; it does not develop clear rationale to support, nor contain, headline actions across**

---

<sup>1</sup> Office of the First Minister and the Deputy First Minister (2014): *A Sense of Belonging – Delivering Social Change through a Racial Equality Strategy for Northern Ireland*, page 25. Available at <http://www.ofmdfmi.gov.uk/racial-equality-strategy-2014-2024-consultation.pdf>

**all areas; nor allocate new resources and lacks high level commitment to drive forward its implementation.**

- 3.3 **The draft Strategy is missing a comprehensive baseline assessment, providing little guidance to Departments on the key priority areas which need to be addressed.** It includes no information on the size of the ethnic minority population, its make-up or spatial distribution. Nor is there a comprehensive assessment of the social, political and economic inequalities faced by minority ethnic communities including identification of those groups facing particular disadvantage.
- 3.4 **The Commission is concerned regarding the reasoning provided for extending the Strategy to non-Christian faiths<sup>2</sup>.** It does not seem to appreciate why some groups have been recognised under the law as ‘racial groups’<sup>3</sup> whilst others have not or the position of the Committee for the Elimination of all Forms of Discrimination on this issue<sup>4</sup>. The Commission is clear that the Strategy should be capable of tackling the full range of multiple identity racial inequalities.
- 3.5 The current consultation document acknowledges that ‘if the Strategy is to make a real difference, it must result in action across Government and wider civic society to tackle racism and racial inequalities on the ground’<sup>5</sup>. However **the Strategy itself does not, in fact, contain an action plan with the result that there is no clear picture of what will be delivered, when or by whom.** The culmination of the Department’s work on the Strategy is commitment to a single action on ethnic monitoring – there are no other actions within the Strategy and no indication when an action plan is likely to be developed.

---

<sup>2</sup> At page 21, the consultation document states that the Strategy will provide ‘a framework for tackling inequalities experienced by followers of minority non-Christian faiths’ and ‘that the definition of ‘racial group’ has, in ‘any case, been extended by case law to include mono-ethnic religious communities such as Jews and Sikhs’.

<sup>3</sup> For example: see reasoning in *Mandla v Dowell-Lee* [1982] [UKHL 7](#)

<sup>4</sup> The ICERD practice is not to include any group solely differentiated on religion as falling under its definition of racial discrimination – it will only do so where there is overlap with the other indicators of ethnicity in article 1(1).

<sup>5</sup> OFMDFM (2014): *A Sense of Belonging – Delivering Social Change through a Racial Equality Strategy for Northern Ireland*, page 46. Available at <http://www.ofmdfmi.gov.uk/racial-equality-strategy-2014-2024-consultation.pdf>

- 3.6 Consultations are crucial for the credibility and ultimately the effectiveness of the plan<sup>6</sup>. There is a clear commitment in the OFMDFM equality scheme to take into account the results of consultations. However, **the majority of the consultation questions are complex or technical in nature, bearing little relevance to people's lived experiences**, thus making it more difficult for the full range of consultees to be able to respond in a meaningful way.
- 3.7 **Another fundamental weakness in the Strategy is that it contains no commitment to a timetabled programme for legislative reform.** This means that Black and Minority Ethnic (BME) individuals in Northern Ireland will continue to have **less protection** against racial discrimination, harassment and victimisation than people in other parts of the UK.
- 3.8 There is a lack of high level commitment to the Racial Equality Strategy. In particular, the Commission notes with concern the weaker governance arrangements accorded to the Racial Equality Strategy compared to those accorded to T:BUC. The Together Building a United Community (TBUC) strategy, which repeatedly notes the importance of tackling racism, establishes a Ministerial Panel comprising *all* Ministers from the Executive<sup>7</sup>, to set the strategic direction for the Strategy and oversee its delivery. This suggests a level of engagement with the issues which requires political leadership and ongoing Ministerial engagement through the Panel.
- 3.9 However, in stark contrast, **there is no ministerial representation on the Racial Equality Panel.** The Panel is instead to be chaired by an OFMDFM official<sup>8</sup> and is only required to report to the Minister once a year<sup>9</sup>.
- 3.10 **There are also a number of omissions within the document.** There is no reference to the positive contribution made by ethnic minority communities to the local economy or

---

<sup>6</sup> Office of the High Commissioner for Human Rights (2014): *Developing National Action Plans against Racial Discrimination – A practical guide*, page 65. Available at <http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf>

<sup>7</sup> OFMDFM (2013): *Together: Building a United Community Strategy*, page 7. Available at: <http://www.ofmdfmi.gov.uk/together-building-a-united-community>

<sup>8</sup> OFMDFM (2014): *A Sense of Belonging – Delivering Social Change through a Racial Equality Strategy for Northern Ireland*, page 76. Available at <http://www.ofmdfmi.gov.uk/racial-equality-strategy-2014-2024-consultation.pdf>

<sup>9</sup> *Ibid*, page 51.

cultural life; the role of the arts and sport<sup>10</sup> in promoting minority ethnic participation; of the need to build on work currently being undertaken at local level (by for example, NICEM or South Belfast Roundtable) or of the resources which will be made available to build capacity among the BME sector.

3.11 The Commission is **concerned that bids for funding to implement the Strategy will be ‘assessed against the competing priorities within government’<sup>11</sup>, with no discrete funding being made available.** In the current climate of financial austerity and budget cuts, it is conceivable that insufficient funds will be available to ensure that the Strategy is effectively implemented or to take forward new programmes of work.

3.12 Finally, the Commission **notes with concern, that a meaningful assessment of impacts is not presented in the Strategy.** While Annex A, ‘*Consideration of available data and research*’, states that Chapters 2 and 5 of the Strategy set out data and evidence relating to the Section 75 groups, it notes that there are gaps in the data/evidence currently available. Only limited data is set out in these chapters and the data is not analysed by Section 75 category. It is therefore unclear as to OFMDFM’s determination of how relevant this strategy is to the duties and the evidential basis for the policy development process.

## **4 General Summary of the Commission’s Recommendations**

4.1 The Commission has also set out a number of key recommendations to be included in the final draft Strategy. We consider these important if the Strategy is to improve the lives of ethnic minority people here or address the racial intimidation and harassment some ethnic minority people face on a regular basis.

---

<sup>10</sup> Research by the Northern Ireland Assembly in 2010, ‘[Barriers to Sports and Physical Activity Participation](#)’, found that ethnic minorities face a number of barriers to sports and physical activity participation including racism, stereotyping and lack of awareness around local opportunities to participate.

<sup>11</sup> OFMDFM (2014): *A Sense of Belonging – Delivering Social Change through a Racial Equality Strategy for Northern Ireland*, page 58. Available at <http://www.ofmdfmi.gov.uk/racial-equality-strategy-2014-2024-consultation.pdf>

- 4.2 It should also be made clear that the Racial Equality Strategy is a **Strategy for all the people of Northern Ireland**. As recommended by the OHCHR, the Strategy should ‘engage with the wider community [in] forging partnerships, raising awareness and mobilizing support for anti-discrimination measures, such as legislation, policies and programmes’<sup>12</sup>.
- 4.3 Before the Strategy is finalised, the Commission recommends that the Department conducts and includes a **comprehensive baseline assessment to present** the basis or rationale for the strategic actions to be developed; identifies high-priority groups in need of protection and gaps in programme coverage that need to be addressed’<sup>13</sup>.
- 4.4 The Commission recommends that the final Strategy focuses on inequalities experienced by BME groups and associated multiple identities (e.g. where discrimination is based on race in combination with other grounds such as gender or religion).
- 4.5 We recommend inclusion of a stronger and signed Ministerial foreword which makes a clear commitment on behalf of the Executive to remove racial inequalities and eradicate racist hate crime. **The foreword should also acknowledge the contribution made by BME citizens to economic, political, social and cultural life.** In addition the foreword should set out the Executive’s intention to **fulfil its international treaty commitments with respect to racial equality.**
- 4.6 The Commission is also of the view that the Strategy should set out high level actions across all areas and be accompanied by **an action plan which sets out SMART goals for the short, medium and long-term.** The action plan should represent a **comprehensive programme of activities** aimed at progressively bringing about aims and high level actions to be set out with the strategy, towards improvements in the promotion of racial equality.

---

<sup>12</sup> Office of the High Commissioner for Human Rights (2013): *National Action Plans Against Racial Discrimination*. Available at: [www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf](http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf)

<sup>13</sup> Office of the High Commissioner for Human Rights (2014): *Developing National Action Plans against Racial Discrimination – A practical guide*, page 74. Available at <http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf>

- 4.7 For each of the high level actions in the strategy, the associated action plan should set out the Department/s responsible, the timeframes and specific performance indicators. It will also be important that the action plan for the Strategy is developed in context of related cross departmental plans, including other Equality Strategies, TBUC and S75 Action Plans. An action-orientated Strategy and action plan is required to identify models of good practice; build on local ideas and provide co-ordination around the delivery of services.
- 4.8 The Commission also recommends that OFMDFM gives consideration to how best it can ensure that the Racial Equality Strategy and associated action plans are **mainstreamed within Departments, including, for example, the potential for nominated Racial Equality Champions**. (The role of the ‘champion’ would be as agents of change with responsibility for overseeing the implementation of the strategy and developing and reporting on departmental action plans).
- 4.9 While the Commission welcomes the Executives reference to the Equality Commission’s recommendations on legislative reform, the Commission recommends **that the final Strategy contains a timetabled commitment to reform the race equality legislation aligned with the Commission’s proposals**. Law reform has been recommended by international human rights monitoring bodies. For example, both the *Advisory Committee on the Framework Convention for the Protection of National Minorities*<sup>14</sup> and the *UN Committee on the Convention for the Elimination of all forms of Racial Discrimination (CERD)*<sup>15</sup> have urged the NI Executive to address legislative shortcomings within the race equality legislation, supplementing the Commission’s consistent calls<sup>16</sup> or the race equality legislation to be harmonised and strengthened.
- 4.10 The Executive should ensure the strategy not only contains high level actions to achieve each of the aims, but also

---

<sup>14</sup> See: [Third Opinion on the United Kingdom](#) of the Advisory Committee on the Framework Convention for the Protection of National Minorities, June 2011.

<sup>15</sup> See: *UN Committee on CERD, Concluding Observations on UK*, Sept 2011.

<sup>16</sup> Equality Commission (2000): [Recommendations for Changes to the Race Relations \(NI\) Order 1997](#)



allocated associated funding. The associated action plan should be accompanied by a detailed **funding programme to accompany the action plan for the Racial Equality Strategy, with funding linked to outcomes and timelines for completion of goals.** As highlighted by the OHCHR, 'it is essential to secure sufficient funding for all stages of the plan's development. It shows the political determination to carry it out'<sup>17</sup>.

- 4.11 Broad and extensive engagement with minority ethnic groups and individuals should be a key part of developing the Strategy. OFMDFM should therefore ensure that the **information-sharing component of the consultation and subsequent action planning process is effective and includes the views of particularly 'hard to reach' groups, such as Roma and Refugees.**
- 4.12 While the Commission welcomes the Department's acknowledgement of the need to develop specific programs for particular groups, **we recommend that the Strategy contains a specific commitment to develop a co-ordinated overarching Traveller and Roma Integration Strategy and commits to the development of a Strategy on Refugee integration.** One practical option for the development of a policy focus on Roma within the revised Racial Equality Strategy would be to address their issues within a reconvened Travellers Thematic sub-group of the Racial Equality Panel i.e. a Roma and Travellers Thematic Sub-Group.
- 4.13 These **individual targeted strategies should nest within or be considered a sub-set of the overarching (mainstreaming) Racial Equality Strategy.** The targeted strategies could be developed consecutively as long as the final RES contains a timetabled commitment to do so.
- 4.14 Political leadership is required to drive forward implementation of the Strategy and proposed action plan. The Commission recommends that the OFMDFM **ensures a high level of ministerial engagement through the panel to oversee implementation of the Strategy; ensure a more coherent**

---

<sup>17</sup> OHCHR (2014): *Developing National Action Plans against Racial Discrimination – A practical guide*, page 64. Available at <http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf>

**and co-ordinated approach to its delivery and monitor its effectiveness.**

- 4.15 The Commission also recommends **a coherence of approach with the arrangements under T:BUC for implementation and accountability** to ensure that commonality of issues and the intersection between the two strategies is maintained on the issues of importance of improving relations in our society.
- 4.16 The Commission recommends that the provision should be made within the terms of reference for the Racial Equality Panel to be able to submit **a minority report to OFMDFM Ministers and the OFMDFM Committee** in the event that the Racial Equality Panel cannot agree with the annual report submitted by OFMDFM to Ministers and the OFMDFM Committee on the implementation of the programme of work.
- 4.17 As highlighted by OHCHR, monitoring mechanisms for review of the action plan should be independent from the agencies or bodies in charge of the plan's implementation<sup>18</sup>. The Department should consider how it will establish a **process for independent monitoring and/or external review of the Racial Equality Strategy as whole**, based on consultation with minority ethnic communities and their representatives. To streamline the monitoring and evaluation process, as recommended by the OHCHR, **a standardized reporting format should be developed**<sup>19</sup>. Monitoring and evaluation activities should be established for the ongoing action plans as well as for the plan as a whole<sup>20</sup>.
- 4.18 The Commission notes the OFMDFM's commitment to adhering to the principles of Section 75 of the Northern Ireland Act 1998, when reviewing and developing policy (Annex A). The Equality Scheme contains the arrangements OFMDFM commits to using in order to fulfil its Section 75 duties. In line with these commitments, an assessment process is required. **We recommend that this should set out the evidence of impacts in the six priority areas** and would assist the future development of detailed options, policies and actions. **The**

---

<sup>18</sup> OHCHR (2014) *Developing national action plans against racial discrimination – A practical guide*, page 86. Available at <http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf>

<sup>19</sup> OHCHR (2014) *Ibid*, page 98.

<sup>20</sup> OHCHR (2014): *Ibid*.

**policy making process would clearly benefit from the inclusion of assessment information** alongside the policy document as it enables consultees to fully consider the evidence. The Commission would anticipate **at the least a screening template to be attached to this document.**

## **5 Commission Response to Specific Consultation Questions**

- 5.1 In addition to the broad summary comments provided above, the Commission has also responded to the specific questions set out in the Strategy. The responses to the questions have been developed following consultation with the NGO sector at meetings and events and at the All Party Working Group on Ethnic Minority Communities on 16<sup>th</sup> September.

## **6 Chapter 1: Introduction and background (pages 7-14)**

*Do you agree that the Strategy should last for 10 years with reviews to fit with the Comprehensive Spending Review? (page 10)*

- 6.1 The Office of the United Nations High Commissioner for Human Rights (OHCHR) has highlighted that ‘a period of five years is often chosen for economic plans and has been considered desirable for national human rights plans of action’<sup>21</sup>. As highlighted by the OHCHR, while a Strategy should allow enough time for the necessary administrative, resource and infrastructure measures to be put in place for some of the objectives to be achieved, it should not be so long that the overall perspective or sense of continuity around the Strategy is difficult to maintain<sup>22</sup>.
- 6.2 The Commission is of the view that if the timeframe for the Strategy is to be set at ten years, it must be completely re-evaluated at after the 3 – 4 review period. As acknowledged in the consultation document, since the last Racial Equality Strategy was published in 2005 much has changed (for example, since 2004, there has been an high level of

---

<sup>21</sup> OHCHR (2014): *Developing national action plans against racial discrimination – A practical guide*, page 91. Available at <http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf>

<sup>22</sup> OHCHR (2014): *Ibid*, page 74.

migration to Northern Ireland which has impacted on services such as housing, health care and education). While it is unlikely that there will be such a significant change in migration patterns in the near future, this particular point illustrates the risks involved in setting an overly long timeframe for the Strategy, without an appropriate review mechanism.

- 6.3 The Commission agrees that, to allow the necessary administrative and resource measures to be put in place to achieve progress in relation to the key actions identified, the action planning process should align with the Programme for Government and the allocation of department budgets.

*Do you agree that these are the most important instruments? Are there any other instruments which should be considered? (page 12)*

- 6.4 The Commission is of the view that the Strategy should be firmly based on the full range of human rights standards. In addition to the instruments referenced in the document, the Strategy should also reference the Durban Declaration and Programme of Action.

- 6.5 It is also recommended that the Strategy should contain specific actions to address<sup>23</sup> to the conclusions *and recommendations* of:

- the Committee on the Elimination of Racial Discrimination and the Committee on Migrant Workers;
- the United Nations Convention on the Elimination of Discrimination Against Women (CEDAW);
- the United Nations Convention on the Rights of the Child 1989;
- the Framework Convention for the Protection of National Minorities;
- the 1951 UN Convention Relating to the Status of Refugees; the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

---

<sup>23</sup> The consultation document currently refers to the 'concluding observations' issues by treaty bodies following periodic reports to the UK but does not specifically reference any Committees.

- Reference should also be made to the Human Rights Act, 1998. Key documents, such as ICERD and the Durban Declaration and Programme of Action should be hyperlinked in the consultation document.

6.6 As recommended in our comments on the pre-consultation version of the Strategy, further references to the relevant human rights instruments should be linked to the content of the draft strategy throughout<sup>24</sup>.

## **7 Chapter 2: Racism and racial Inequalities: the scale of the challenge (pages 15-20)**

*Do you agree that the issues identified by Paul Connolly are still relevant? Are there any issues you wish to add? (page 20)*

7.1 The issues identified by the Paul Connolly research are still relevant. However, the document dates back to 2000 and is therefore outdated, particularly in its description of the minority ethnic population in Northern Ireland and government policy.

7.2 In addition, there are other cross-cutting issues which are not included within the list of cross cutting issues at pages 17 and 18 of the document, such as the gaps in legal protection for ethnic minorities; racial discrimination and hate crime<sup>25</sup>; ethnic monitoring; participation in public life; the role of the media and integration. There are also specific inequalities for different ethnic groups which are not highlighted in the consultation document (such as the exceptionally low levels of education and high levels of unemployment experienced by the Traveller community), nor is there any reference to multiple identities.

7.3 The draft Strategy also contains no reference to the role of the private sector. The document should specifically reference the fact that Government must work alongside statutory, voluntary, community and private sector, in accordance with the Durban Declaration and Plan of Action, if the shared vision and aims of this Strategy are to be achieved.

---

<sup>24</sup> Equality Commission (24<sup>th</sup> January 2014): *Response from the Equality Commission for Northern Ireland to the pre-consultation by the Office of the First and Deputy First Minister on A Sense of Belonging: Delivering Social Change through the Racial Equality Strategy for Northern Ireland.*

<sup>25</sup> See NI Human Rights Commission (2013): *Racist Hate Crime and Criminal Justice in Northern Ireland.*

- 7.4 The Commission recommends that the Strategy defines racism. For example, the definition of racism developed by the European Commission on Racism and Intolerance is: “Racism” shall mean the belief that a ground such as race, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or group of persons, or the notion of superiority of a person or group of persons<sup>26</sup>”.
- 7.5 In addition, in relation to the ‘four manifestations of racism’<sup>27</sup> listed in the consultation document, the wording ‘racist graffiti’ should be amended to read ‘damage to property including racist graffiti’: reference should also be made to ‘racist hate speech’.

*Do you have any comments on the key issues identified by the Joseph Rowntree research? (page 20)*

- 7.6 The Commission welcomes the Departments reference to the 2013 Joseph Rowntree Foundation (JRF) report on poverty and ethnicity in Northern Ireland, within the consultation document and broadly agrees with the report’s findings. In particular, we would ask the Executive to note that JFR report concluded that ‘there is a case for embedding equality principles in society by strengthening equality legislation to make it more difficult for employers and organisations to act with impunity’<sup>28</sup>.
- 7.7 However, while the Commission broadly supports the report’s findings, we also recommend consideration of other recent relevant reports by the JRF e.g. *Forced Labour in Northern Ireland (2011)*<sup>29</sup>; *Forced Labour in Northern Ireland: an Update (2014)*<sup>30</sup> and *The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland*<sup>31</sup>, all which

---

<sup>26</sup> European Commission on Racism and Intolerance: *General Policy Recommendation No. 7 on National Legislation to combat Racism and Racial Discrimination*. Available at:

<sup>27</sup> Page 16.

<sup>28</sup> Joseph Rowntree Foundation (2013): *Poverty and Ethnicity in Northern Ireland*, page 51 Available at <http://www.jrf.org.uk/publications/poverty-ethnicity-northern-ireland>

<sup>29</sup> Joseph Rowntree Foundation (2011); *Forced Labour in Northern Ireland*. Available at <http://www.jrf.org.uk/publications/forced-labour-northern-ireland-exploiting-vulnerability>

<sup>30</sup> Joseph Rowntree Foundation (2014): *Forced Labour in Northern Ireland. An Update* Available at <http://www.jrf.org.uk/publications/forced-labour-northern-ireland-update>

<sup>31</sup> Joseph Rowntree Foundation (2014): *The economic and social mobility of ethnic minority communities in Northern Ireland*. Available at <http://www.jrf.org.uk/publications/mobility-of-ethnic-minority-communities-in-northern-ireland>

should also be taken into account in a comprehensive baseline assessment.

- 7.8 Inequalities for BME individuals in accessing and progressing in employment have also been omitted from the document. There is no mention of racial harassment at work (an issue specifically highlighted by the Commission as well as NICEM and others<sup>32</sup>); barriers for ethnic minority communities in accessing promotion; or the particular barriers for ethnic minority parents in accessing suitable childcare<sup>33</sup>.
- 7.9 Nor is there any mention of the particular gaps in legal protection for ethnic minority workers (for example certain categories of agency workers who currently fall outside the scope of the race equality legislation) or for those who are recruited by agencies outside of the UK<sup>34</sup>.
- 7.10 In addition, the 'lack of data' on the inequalities experienced by ethnic minorities is a cross-cutting issue and should be more prominent in the document.
- 7.11 Combating racism and promoting racial equality requires a comprehensive approach across all areas of government. It requires the setting of practical goals, development of policies and programmes to ensure that goals are delivered and the allocation of sufficient resources, all with the aim of eliminating racial discrimination and promoting racial equality.

*Are there any specific inequalities that you would wish to highlight? Any information or evidence you can give us will be greatly appreciated (page 20).*

- 7.12 The Commission has highlighted some of the specific inequalities which minority ethnic communities experience in the sections above. The Commission's May 2014 policy and recommendations paper also sets out, in detail, the inequalities experienced by BME Groups in relation to a range of areas including health; employment; education; housing

---

<sup>32</sup> For example, see NI Council for Ethnic Minorities reports: '[Bayanihan – The Filipino Community in Northern Ireland](#)' and '[Za Chelbem – the impact of the economic downturn on the Polish Community](#)'

<sup>33</sup> See Barnardos and NICEM (2014): *Believe in Childcare – An investigation into the Childcare needs of Ethnic Minority Communities in Northern Ireland*. Available at [www.barnardos.org.uk/9632-believe-in-childcare.pdf](http://www.barnardos.org.uk/9632-believe-in-childcare.pdf)

<sup>34</sup> For further details, see: [http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Race-forms-of-discrimination/agency-workers-\(1\)](http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Race-forms-of-discrimination/agency-workers-(1))

and law reform and is available at  
<http://www.equalityni.org/Delivering-Equality/Equality-Themes/Racial-equality.aspx>

- 7.13 In addition, the OHCHR emphasises the importance of an ‘accurate and frank assessment of the pressing problems in the fight against racism is essential to identifying solutions’<sup>35</sup> and recommends that, in developing an national action plan against racism States undertake a comprehensive baseline study that ‘seeks to reach detailed conclusions on discriminatory practices, attitudes and outcomes’<sup>36</sup> relevant to ‘all areas of human rights’.
- 7.14 In developing action plans, the OHCHR recommends that information should be drawn from a range of sources including legislation and regulations; questionnaires; interviews; statistics; parliamentary inquiries or reports; decisions of judicial bodies and studies and research from academia or other research centres and civil society organisations<sup>37</sup>. In assessing the ‘scale of the challenge’ in terms of racism and racial inequalities, the consultation only references two research reports, which would seem to fall far short of the comprehensive baseline study envisaged by the OHCHR.
- 7.15 While the Commission welcomes reference within the consultation document to the Equality Commission’s now updated paper ‘Racial Equality Policy – Priorities and recommendations’<sup>38</sup>, which highlights key inequalities experienced by ethnic groups, it is the Department’s responsibility to use such information and evidence to set out the racial inequalities impacting on minority ethnic groups, as part of a comprehensive baseline assessment.
- 7.16 For the Department ‘to press ahead in its fight against racial discrimination, it is important to know where it stands at present’<sup>39</sup>. The Equality Commission’s policy paper should inform but not substitute for the Department’s own

---

<sup>35</sup> OHCHR (2014): *Developing national action plans against racial discrimination – A practical guide*, page 86. Available at: <http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf>.

<sup>36</sup> OHCHR (2014): *Ibid*, page 86.

<sup>37</sup> OHCHR (2014): *Ibid*, pages 85-86.

<sup>38</sup> Available at:

[http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/RacialEquality\\_Policy\\_Position2014.pdf](http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/RacialEquality_Policy_Position2014.pdf)

<sup>39</sup> OHCHR (2014): *Op. Cit.*, page 74.



assessment of the relevant issues, including multiple identity issues.

7.17 An equality impact assessment, in accordance with Commission guidance and the Department's equality scheme commitments, which draws upon the range of quantitative and qualitative data available, would enable identification of inequalities experienced by particular BME groups (See our further comments below on the Equality Assessment included in the draft Strategy document).

7.18 It is also important that the Department undertake a comprehensive baseline study before the Strategy is finalised. As recommended by the OHCHR, 'a participatory approach at the grassroots level should be encouraged for the assessment of needs'<sup>40</sup>.

7.19 It is important that key concepts are defined in the Racial Equality Strategy by way of guidance for public authority staff and other stakeholders involved in the implementation of the strategy. For example, it may also be useful to include the definition of institutional racism outlined in the Report of the Stephen Lawrence Inquiry<sup>41</sup>. Finally, the Commission recommend that the Chapter makes reference to the MacPherson definition of a racist incident, which is victim focused:

- "A racist incident is any incident which is perceived to be racist by the victim or any other person";
- that the term "racist incident" must be understood to include crimes and non-crimes in policing terms; and
- that both must be reported, recorded and investigated with equal commitment<sup>42</sup>.

The Commission considers that it is essential that all stakeholders, including public authorities, the media and citizens, are aware of and accept the above definition.

---

<sup>40</sup> OHCHR (2014): Op. Cit., page 76.

<sup>41</sup> The Stephen Lawrence Inquiry - Report of an Inquiry by Sir William Macpherson of Cluny (1999), Cm 4262-I, paragraphs 6.34. Available at:

<https://www.gov.uk/government/uploads/system/uploads/.../4262.pdf>

<sup>42</sup> Ibid, Chapter 47, paragraphs 12-14.

## **8 Chapter 3: The purpose, vision and aims of this Strategy (pages 15-20)**

*Do you agree that the Strategy should also provide a framework for tackling inequalities experienced by minority non-Christian faiths? (page 25)*

- 8.1 The consultation document states that the Strategy will provide 'a framework for tackling inequalities experienced by followers of minority non-Christian faiths' and references 'that the definition of 'racial group' has, in 'any case, been extended by case law to include mono-ethnic religious communities such as Jews and Sikhs'.
- 8.2 However, the Commission is concerned that the reasoning provided for extending the Strategy to non-Christian faiths is flawed and does not distinguish between groups which have been recognised as 'racial groups', in law and those who have not e.g. the Muslim community, the Rastafarian community.
- 8.3 The Commission considers that a key focus of the strategy as a whole, and specifically the proposed framework, should be to address inequalities not only on the ground of race, but also where race intersects with other (i.e. multiple) identities.
- 8.4 The Commission therefore recommends that the proposed framework is amended so as to tackle inequalities centred on race or associated multiple identities (i.e. where race, or race and an additional equality ground are engaged).
- 8.5 Such an approach would allow the strategy and framework to tackle inequalities on a more comprehensive intersectional or multiple identity basis - for example, race and religion, or race and gender etc.
- 8.6 As aligned with the position on the Committee for all Forms of Racial Discrimination, the Commission is of the view that the Strategy should only cover religion where there is an intersection between religion and one of the grounds covered under Article 1(1) of the Convention (i.e. race, colour, descent, or national or ethnic origin), which would align with the position of the Committee for the Elimination of All Forms of Racial Discrimination.

- 8.7 The CERD Committee has made clear<sup>43</sup> that discrimination based solely on religious grounds does not fall in the scope of ICERD. The CERD Committee has however also stated that claims of multiple discrimination could be considered by them where one of the grounds did fall within the scope of CERD. Specifically, CERD has expressed its view<sup>44</sup> that the Committee “would be competent to consider a claim of ‘double’ [multiple] discrimination on the basis of religion and another ground specifically provided for in Article 1 of the Convention, including national or ethnic origin”.
- 8.8 The OHCHR also acknowledges that cumulative discrimination, including on the grounds of religion has a unique and specific impact on individuals and merits particular consideration in the national action plan against racial discrimination<sup>45</sup>.
- 8.9 In Northern Ireland equality protections (covering employment and the provision of goods, facilities and services) on the grounds of religious belief are set out in the Fair Employment and Treatment (Northern Ireland) Order 1998.
- 8.10 The rights of non-Christian faiths should already be covered under the T:BUC strategy. The Ministerial Forward to T:BUC states that [T:BUC] ‘provides the framework for government action in tackling sectarianism, racism and other forms of intolerance while seeking to address division, hate and separation’<sup>46</sup>. It is, however, recommended that the Executive gives further consideration to the issue of non-Christian faiths and clarifies how T:BUC or other strategies will cover this group, including well-evidenced rationale supporting key actions.
- 8.11 The Commission considers that a key focus of the strategy as a whole, and specifically the proposed framework, should be to address multiple inequalities where there is an overlap with Article 1(1) of the Convention and another ground (e.g. where discrimination is based on both race and religion).

---

<sup>43</sup> Committee on the Elimination of All Forms of Racial Discrimination: Concluding Observations on Colombia (2009), CERD/C/COL/CO/14, paragraph 18.

<sup>44</sup> CERD General Recommendation No. 32, paragraph 7.

<sup>45</sup> OHCHR (2014): Op. Cit., page 25.

<sup>46</sup> OFMDFM (2013): *Together Building a United Community*, Ministerial Foreword, page 2. Available at: <http://www.ofmdfmi.gov.uk/together-building-a-united-community-strategy.pdf>

- 8.12 An outworking of embedding, within the strategy, a framework to tackle race centred multiple identify issues, would be that references in the strategy to 'BME groups' would be taken to mean 'BME groups and associated multiple identities' – i.e. a specific racial group, or racial group intersecting with other equality grounds such as religious belief or gender etc.

The Commission recognises that within the strategy or framework there may be specific rationales to support the targeting of actions at certain minority ethnic groups at certain points in time (and or specific multiple identity sub-groups thereof). We would expect any such targeting to be clearly evidenced and articulated in the strategy, and subject to appropriate equality impact assessment.

*Are you happy with the six shared aims? Do they cover everything which needs to be covered? Do any of them need reworded? (page 25)*

- 8.13 The Commission notes that under, one of the six shared aims, 'Social Cohesion', the aim is to 'strengthen social relations, interactions and ties between *different faiths* [our emphasis] and cultural backgrounds'. This is in contrast to the other Aims which focus on '*ethnic background*'.
- 8.14 As stated above, the Commission considers that the Strategy should cover religion only where there is an intersection between religion and another ground covered under Article 1 of the Convention. While the Commission recognises the intersectionality between race and religion, reference to strengthening social cohesion between 'different faiths' appears too wide in scope and would seem to sit better within the T:BUC Strategy. As such it is recommended that this aim is amended.
- 8.15 The Commission is also of the view that the aims of the Strategy need to be supported by objectives and actions. The strategy should set out high level actions associated with each shared aim. An action plan should accompany the Strategy to detail the Department responsible for the action along with target dates and performance indicators. The lack of even headline actions for each of the shared aims is a fundamental weakness of the document.

8.16

ing

8.17

*'combating racism and hate crime'*, should also include reference to *preventing* hate crime

8.18

While the document does not contain a consultation question in relation to the vision of the Strategy, we recommend that this is reworded. The vision should not simply be to create a society in 'which racial equality is *understood, valued and respected*'. It should be recognised that diversity and difference are positive strengths to be *embraced*. This would reflect a more aspirational vision which is more closely aligned with the T:BUC vision of society 'which is strengthened by its diversity, where cultural expression is celebrated and embraced'<sup>48</sup>.

8.19

It is further recommended that the vision includes reference to a society based on equality of opportunity. For ethnic minority communities to contribute and feel part of the society they must have the same life chances as all people living here.

8.20

Furthermore, in light of the recent rise in racist attacks, the vision statement should also include a reference to enabling people of minority ethnic background to live in dignity and security.

8.21

The vision's wording would also suggest that it is *minority ethnic people's sense of belonging* which should be 'acknowledged and valued', rather than their culture or diversity.

8.22

Finally, the vision should also include reference to an inclusive society based on shared aspirations or common goals and where all enjoy the full range of human rights. While it is important to acknowledge where we have come from; it is also important to have a sense of where we are going together.

---

<sup>47</sup> See paragraph 132 of the Durban Declaration. Available at: [www.un.org/WCAR/durban.pdf](http://www.un.org/WCAR/durban.pdf)

<sup>48</sup> OFMDFM (2013): *Together Building a United Community*, page 3. Available at: <http://www.ofmdfmi.gov.uk/together-building-a-united-community-strategy.pdf>

*Is there a need for a shared aim concerning the rights to maintain one's cultural identity? (page 25)*

- 8.23 Under Article 5 of the Council of Europe Framework Convention on the Protection of National Minorities (which the UK has ratified), there *is* an onus on the States Parties to promote the conditions necessary for persons belonging to national minorities to 'maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage'<sup>49</sup>.
- 8.24 While there is an onus on States Parties to promote cultural identity, the Commission acknowledges that this does not include practices which are not legally permitted or are inconsistent with the rights of others. For example, there is clear distinction between the issue of arranged marriage – where both parties give their free consent - and forced marriage – where one or both parties are forced into marriage against their will.
- 8.25 The Council of Europe's Explanatory Report on the Framework Convention states that reference to "traditions" is not an endorsement or acceptance of practices which are contrary to national law or international standards' (examples might include crimes in the name of honour, trafficking or Female Genital Mutilation). In other words, 'traditional practices remain subject to limitations arising from the requirements of public order'<sup>50</sup>.
- 8.26 Therefore, it is clear from the above that the state should take steps in furtherance of Article 5 but that the cultural practices in question must not be outwith the prohibitions in domestic legislation and the rights established by the Human Rights Act 1998 and the various international standards such as CEDAW, CERD etc.
- 8.27 One example of the practical outworking of Article 5 would be through the provision of an adequate number of transit sites to enable members of the Irish Traveller community to practice their cultural tradition of nomadism which has been inhibited over the last 30-50 years.

---

<sup>49</sup> See: <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>

<sup>50</sup> Council of Europe: *Explanatory Report on the Framework Convention for the Protection of National Minorities* (ETS No.157). Available at: <http://conventions.coe.int/Treaty/EN/Reports/Html/157.htm>

*Do you agree that positive action measure should be used in certain circumstances to achieve the six shared aims? (page 25)*

8.28 The Commission has consistently advocated the use of lawful positive action measures as a means of addressing the causes and consequences of racial discrimination and agrees that positive action measures should be used in certain circumstances to the achieve the six shared aims in the Strategy.

8.29 As highlighted by the OHCHR, positive action measures which target specific groups, including those in a vulnerable situation and/or those who have historically been discriminated, who would not otherwise achieve formal equality<sup>51</sup> are permitted under Article 1 (4) of the Convention of the Elimination of all Forms of Racial Discrimination<sup>52</sup>

8.30 In its proposals for the reform of the race equality legislation, the Commission has also advocated the expanding the scope of voluntary positive action that employers and service providers and public bodies can lawfully take under the in order to promote racial equality in Northern Ireland and recommends that the reforms are included any review of the race equality legislation<sup>53</sup>.

*What do you think of the idea of a “sense of belonging” as the vision and in the title? Does it make sense? Is it easy enough to understand? Do we need to have research on “the sense of belonging of ethnic minority people in Northern Ireland” to benchmark the progress of this Strategy? (page 25)*

8.31 The Commission welcomes the Departments reference to “a sense of belonging” which appears in the title of the document and in the vision. Research has shown that “social capital and

---

<sup>51</sup> OHCHR (2014): Op. Cit., page 46.

<sup>52</sup> The Convention stipulates that special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different groups based on their national or ethnic origin, and that they shall not be continued after the objectives for which they were taken have been achieved

<sup>53</sup> For more information see: [http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Race-forms-of-discrimination/Expand-the-scope-of-positive-action-\(1\)](http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Race-forms-of-discrimination/Expand-the-scope-of-positive-action-(1))

a 'sense of belonging' are understood to foster civic engagement in a modern society which is otherwise characterised by individualism and consumerism – neither of which are conducive to democratic participation or collective action'<sup>54</sup>.

- 8.32 However, for 'a sense of belonging' to be used as a title for the Strategy, the concept should be further explained within the document. For ethnic minority people to have a 'sense of belonging' they must be able to participate in society, in safety, free from intimidation and racial discrimination. Belonging must be based on equal participation and equal membership of the community.
- 8.33 The Strategy should also reference relevant research and statistics in relation to feelings of belonging, experienced by people from ethnic minority backgrounds. The Northern Ireland Life and Times (NILT) survey 2013 has highlighted that less than half minority ethnic backgrounds<sup>55</sup> feel a sense of belonging to Northern Ireland<sup>56</sup>. The research also found that a sense of belonging was weaker among those who were wary of ethnic diversity<sup>57</sup>; perhaps indicating that prejudice can arise as much from insecurity in group identity as from bravado<sup>58</sup>. Respondents to the Young Life and Times survey aged 16 years old were the least likely of all age groups surveyed to express a definite sense of belonging to Northern Ireland at 24 per cent<sup>59</sup>.
- 8.34 The Commission is also of the view that the Strategy must address the majority, including the small section of whom create fear and intimidation among BME individuals through acts of racism and intimidation. The action plan accompanying the Strategy must include targeted action to better understand attitude formation; increase public understanding of asylum and migration issues and positively influence attitudes around diversity.

---

<sup>54</sup> Hayward, K., Dowds, L. and Shaw, C. (2014): *Belonging and Alienation in the new Northern Ireland*. Available at: <http://www.ark.ac.uk/publications/updates/update93.pdf>

<sup>55</sup> Among respondents from minority ethnic groups, the sense of belonging was much weaker with 41 per cent saying they probably or definitely felt a sense of belonging to their neighbourhood and 39 per cent saying probably or definitely felt a sense of belonging to Northern Ireland respectively

<sup>56</sup> See Northern Ireland Life and Times Survey at: <http://www.ark.ac.uk/nilt/results/comrel.html>

<sup>57</sup> Those agreeing with the statement "In relation to colour and ethnicity, I prefer to stick with people of my own kind"

<sup>58</sup> Hayward, K., Dowds, L. and Shaw, C. (2014): Op. Cit.

<sup>59</sup> See Northern Ireland Life and Times Survey at: <http://www.ark.ac.uk/nilt/results/comrel.html>



- 8.35 It is also important that the document highlights that while minority ethnic communities face barriers to belonging, (such as language and cultural differences); BME groups experience certain additional barriers by virtue of Northern Ireland's legacy of conflict. A report by STEP highlights that 'dimensions of exclusion as a direct result of the conflict in N. Ireland present a significant barrier to integration of minority ethnic and migrant populations in the jurisdiction, which sets measures to promote inclusion and integration apart from other parts of the United Kingdom or island of Ireland'<sup>60</sup>.
- 8.36 The research also highlighted that while 'a sense of belonging has to encompass a confidence in personal safety and an understanding that diversity is respected and valued, 'the majority of migrants tend to find accommodation in areas where housing prices are lower, where there are higher levels of insecurity, separating the ideal from the reality'<sup>61</sup>.
- 8.37 Research has shown that different groups (e.g. majority ethnic long-term residents, minority ethnic long-term residents and new arrivals) often have different degrees of intensity of belonging<sup>62</sup>. Minority ethnic long-term residents and new arrivals are more explicit in their expression of multiple belongings and other significant places of origin<sup>63</sup>.
- 8.38 The Commission therefore recommends that further research on a 'sense of belonging', including a particular focus on the views of BME individuals, would be useful 'to examine the sense of trust, confidence and 'belonging' that may be crucial to the building of a 'united community'<sup>64</sup> and to identify targeted actions to foster a sense of belonging among BME groups, young people and others.

---

<sup>60</sup> South Tyrone Empowerment Programme (2010): *Research to identify additional difficulties faced by minority ethnic groups and migrant workers due to the conflict in N. Ireland* (Dungannon: STEP).

<sup>61</sup> *Ibid*, page 78.

<sup>62</sup> Joseph Rowntree Foundation (2007): *Immigration and Social Cohesion in the UK*, page 163 (York: JRF).

<sup>63</sup> *Ibid*, page 184.

<sup>64</sup> Hayward, K., Dowds, L. and Shaw, C. (2014): *Op. Cit.*

*Do you agree that there is a specific need for a Refugee Integration Strategy? (page 26)*

- 8.39 As previously stated, the Commission welcomes the reference to a Refugee Integration Strategy within the consultation document. However, we recommend that the rationale cited in the document for developing a separate Strategy – ‘to ensure a smooth transition between being an asylum seeker and refugee’<sup>65</sup> - is too limited and should be amended. The purpose of a Refugee integration Strategy should be to empower refugees to achieve their full potential, access the services which they are entitled to and promote integration. It should also be recognised that integration is a two way process, built on positive engagement between the Refugees and the settled community.
- 8.40 The Commission also recommends that there is a *specific commitment* to develop a Refugee Integration Strategy as part of the new Racial Equality Strategy as previously recommended in our policy paper, *Racial Equality Policy – Priorities and Recommendations – May 2014*.
- 8.41 Although immigration and asylum are currently matters reserved to the UK Government, refugee integration encompasses many aspects which are the responsibility of the Northern Ireland Executive such as Education, Health and Housing. For integration to be effective, it must be co-ordinated across all areas of government: ‘well-meaning policy in one area of integration can sometimes have minimal effects if not accompanied by rights across all aspects of integration’<sup>66</sup>.
- 8.42 Unlike Scotland and Wales, Northern Ireland does not have a Refugee Integration Strategy. This is of particular relevance given that that integration is embedded within the context of a

---

<sup>65</sup> Page 24.

<sup>66</sup> Scottish Refugee Council (2013): *In search of normality – Refugee integration in Scotland*, pages 3&4. Available at [http://www.scottishrefugeecouncil.org.uk/policy\\_and\\_research/research\\_reports](http://www.scottishrefugeecouncil.org.uk/policy_and_research/research_reports)

divided society<sup>67</sup> and that ‘newcomers are often seen within the parameters of the conflict’<sup>68</sup>

- 8.43 The Commission also acknowledges that there are a number of factors which impact upon refugees ability to integrate into society such as:
- prolonged waiting times for an asylum decision (affecting both physical and mental health);
  - restrictions on training and employment during the asylum process (making it more difficult to find work once refugee status has been granted)<sup>69</sup>;
  - and difficulties in finding appropriate accommodation for those who have received a positive decision on their asylum application<sup>70</sup> (which has been identified ‘as having a distorting effect on enabling refugees to access the range of housing pathways available’)<sup>71</sup>.

- 8.44 In developing a Refugee Integration Strategy, the Commission also recommends that OFMDFM consider expanding the scope of the strategy to encompass asylum seekers. Specifically, the Commission considers that asylum seekers and refugees should be supported to integrate into society from “day one” of their arrival to Northern Ireland.

*Do you agree that there is a need for specific programmes of work to address particular challenges and vulnerabilities facing particular groups? (page 26)*

- 8.45 OHCHR has advised that, in developing national action plans, States should consider as a priority, the human rights situation

---

<sup>67</sup> Malischewski, C.A. (2013): *Integration in a Divided Society? Refugees and Asylum Seekers in Northern Ireland*, Working Paper Series No 91 (Oxford: Refugee Studies Centre). Available at: <http://www.rsc.ox.ac.uk/publications/integration-in-a-divided-society-refugees-and-asylum-seekers-in-northern-ireland>

<sup>68</sup> South Tyrone Empowerment Programme (2010): *Research to identify additional difficulties faced by minority ethnic groups and migrant workers due to the conflict in N. Ireland* (Dungannon: STEP). Available at: <http://www.migrationni.org/DataEditorUploads/STEP%20Report%20Migrants%20and%20the%20Conflict.pdf>.

<sup>69</sup> Northern Ireland Strategic Migration Partnership (2013): *A proposal for a Refugee Integration Strategy 2013*, pages 40-41. Available at: <http://www.migrationni.org/DataEditorUploads/Refugee%20Integration%20Strategy%20Proposal%20Final%20draft.pdf>

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

of individuals and groups that are vulnerable' (e.g. Roma, Travellers, migrants and refugees and asylum seekers<sup>72</sup>) and advocates the prioritization of groups of individuals who face multiple discrimination (such as women and girls).

- 8.46 The Commission has long recognised the need for specific targeted action to address the needs of particular groups and recommends the development of both a Refugee Integration Strategy and a Roma and Traveller Integration Strategy.
- 8.47 While the Commission does not wish to see a 'proliferation of Strategies for every ethnic group'<sup>73</sup>, we recognise that the inequalities experienced by some groups, such Roma and Travellers, are multi-faceted, complex, intractable and persistent and best addressed through a separate Strategy. What a bespoke strategy offers is the structural framework to address complex inequalities in a targeted co-ordinated way to ensure that actions deliver practical results on the ground. For groups facing multiple complex inequalities, action in one area, however well meaning, will not be effective if it is not co-ordinated with action in another.
- 8.48 In its policy paper, *Racial Equality Policy - Priorities and Recommendations* (May 2014) the Equality Commission recommended that the Executive develop of a Roma Inclusion for Northern Ireland.
- 8.49 There are a number of reasons why an overarching Roma Inclusion Strategy is needed:
- a. Based on reports by the NGO sector, (including of a mapping exercise conducted by SBRT<sup>74</sup>), **the Roma Community in Northern Ireland appears to be larger than official OFMDFM figures suggest.** The Roma community in Northern Ireland is now similar in numbers to the Traveller Community, suggesting that a **dedicated Roma Inclusion Strategy would be better placed to meet the needs of this community.** Explicit but not exclusive **targeting** of the Roma is essential for policy initiatives to ensure inclusion.

---

<sup>72</sup> OHCHR (2014): *Developing national action plans against racial discrimination – A practical guide*, page 79. Available at: [www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf](http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf)

<sup>73</sup> Page 25.

<sup>74</sup> South Belfast Roundtable.

- b. Despite being small in numbers, the Roma Community in Northern Ireland are **one of the most disadvantaged communities in Northern Ireland** experiencing very poor educational attainment, high levels of unemployment, poor health, exploitation and discrimination. Therefore addressing the needs of the Roma community presents **significant difficulties compared to other minority issues**. These **difficulties are varied and complex** (including low socio-economic status, a culture unfamiliar to the majority population, alienation from authorities, institutional discrimination and political and popular hostility) and require a co-ordinated response. As emphasised by the European Commission in its 2012 assessment of the UK's national Roma Integration Strategy<sup>75</sup>, "the role of [government] at local level is crucial to taking the lead for the integration of Roma and Travellers".
- c. In addition, the **current small size of the Roma community presents a significant opportunity to develop and pilot responses** that can be successfully utilised within the expanding population. Conversely, **if the disadvantage is not addressed, there is a risk of the development of expanding Roma "ghettos", increased marginalisation and the development of social hostility against the Roma.**
- d. While some **good work is being undertaken by voluntary and community sector** (and in particular by certain individuals) to address issues of Roma Inclusion, much of the work is **short term and unco-ordinated**<sup>76</sup>. **Without long-term funding, the sustainability of initiatives is uncertain** and there are **challenges in upscaling the work or placing it on a permanent footing**<sup>77</sup>. In addition, the work which is being undertaken at community and voluntary level **is not monitored and evaluated at central level** to ensure improvements in outcomes for the Roma population.

---

<sup>75</sup> Available at:

[http://ec.europa.eu/justice/discrimination/files/roma\\_country\\_factsheets\\_2013/uk\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_country_factsheets_2013/uk_en.pdf)

<sup>76</sup> Information provided in meeting with Denise Wright (Chair of the Roma Working Group) and Denis Long (Roma Community Development Worker for Mediation NI) on 16<sup>th</sup> June 2014.

<sup>77</sup> Ibid.

- e. EU analysis of Member States approaches' to Roma Inclusion have highlighted implementation issues where a dedicated Roma Inclusion Strategy has not been developed. Analysis of the legal and financial instruments and EU level policies on Roma inclusion in 2008<sup>78</sup> found that while “existing instruments and policies are in principle appropriate and suitable for the inclusion of Roma, it was reported that there was often an **implementation gap at the national, regional and local levels. The main reasons for their limited effectiveness on the ground are a lack of political will, a lack of strong partnerships and coordination mechanisms, but also an unwillingness to recognise Roma as an issue**<sup>79</sup>.
- f. Based on the 2012 UK report, it appears that the **structural pre-conditions<sup>80</sup> necessary to effectively meet EU Roma Integration goals are absent in Northern Ireland.** The current approach **lacks co-ordination and a central focus as well as effective systems for monitoring and evaluation.** The Northern Ireland Section of the UK report demonstrates that there has been **little work done at a Governmental level to comprehensively address the EU Roma Integration goals or to make effective use of EU funds.**
- 8.50 One practical option for the development of a policy focus on Roma within the revised Racial Equality Strategy would be to address their issues within a reconvened Travellers Thematic sub-group of the Racial Equality Panel i.e. a Roma and Travellers Thematic Sub-Group.

---

<sup>78</sup> Commission staff working document accompanying the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the committee of the Regions. Non-discrimination and equal opportunities: *A renewed commitment. Community Instruments and Policies for Roma Inclusion*, Commission of the European Communities, COM (2008) 420). Available at: <http://ec.europa.eu/social/BlobServlet?docId=546&langId=en>

<sup>79</sup> University of Salford (2013): *Migrant Roma in the United Kingdom: Population size and experience of local authorities and partners*, page 11. Available at: [http://www.salford.ac.uk/data/assets/pdf\\_file/0004/363118/Migrant\\_Roma\\_in\\_the\\_UK\\_final\\_report\\_October\\_2013.pdf](http://www.salford.ac.uk/data/assets/pdf_file/0004/363118/Migrant_Roma_in_the_UK_final_report_October_2013.pdf).

<sup>80</sup> As identified by the European Commission in May 2012.

## 9 Chapter 4: The relationship of the Strategy with Together Building a United Community (TBUC) and Delivering Social Change (DSC) (pages 27-35)

*How should we focus on addressing issues of multiple identities and multiple discrimination? (page 30)*

- 9.1 The Commission is of the view that the greater elucidation of the issues concerning 'multiple Identities and multiple discrimination and disadvantage' would benefit the Strategy document and provide further information for stakeholders.
- 9.2 The section does not acknowledge that multiple discrimination can be experienced in several different ways. Multiple discrimination describes the first of three situations where a person can be subjected to discrimination on more than one ground. This involves a situation where discrimination takes place on the basis of several grounds operating separately (also known as additive discrimination). The other two situations are compound discrimination (where a person suffers discrimination on two or more grounds at the same time and where one ground adds to discrimination on another ground) and intersectional discrimination (where several grounds operate and interact with each other at the same time in such a way that they are inseparable)<sup>81</sup>.
- 9.3 Nor are there any examples of the different types of multiple discrimination likely to be experienced by minority ethnic individuals. For example, 'when a Romani woman gives birth in a hospital, she may experience discrimination not only because she is a woman (not all women face such discrimination), and not only as Roma (not all Roma face such a situation), but because of the combination of two characteristics'<sup>82</sup>. Lack of dignity and of respect for other cultures can also be a barrier which impacts on particular groups of women. Migrant women, and especially Muslim women, can be uncomfortable with male doctors and nurses which may prevent them from seeking healthcare<sup>83</sup>.

---

<sup>81</sup> European Commission (2007): *Tackling Multiple Discrimination – Practices, policies and laws*, pages 16-17 (Luxembourg: Directorate General for Employment, Social Affairs and Equal Opportunities). Available at: <http://www.ec.europa.eu/social/BlobServlet?docId=776&langId=en>

<sup>82</sup> Fundamental Rights Agency (2012): *Inequalities and Multiple Discrimination in Healthcare*.

Available at <http://fra.europa.eu/en/node/6142>

<sup>83</sup> Ibid.

9.4 It is important to distinguish between the different types of multiple discrimination, because in cases of intersectional discrimination, the current discrimination law framework does not always provide a remedy for it<sup>84</sup>. This is primarily due to the fact that current legal processes solely focus on one prohibited factor at a time and are unable to adequately address in tandem complaints on more than one ground<sup>85</sup>. In the absence of the introduction of a single equality bill for Northern Ireland, (which, in the Commission's view, is the most effective and appropriate means of addressing this legislative gap), we recommend that the race equality legislation is amended to include protection against intersectional multiple discrimination<sup>86</sup>.

9.5 The Commission is also of the view that the action plan accompanying the Strategy should also contain specific action to address multiple identity issues e.g. the development of guidance, the provision of training arrangements for the collection of monitoring data. As highlighted by the OHCHR, 'such cumulative discrimination has a unique and specific impact on individuals and merits particular consideration in the national action plan'<sup>87</sup>.

*Do you agree that we should refer to T:BUC and DSC? (page 30)*

9.6 The Commission has consistently recommended that the Executive develop a co-ordinated, joined-up approach to the promotion of racial equality and good relations. Equality and good relations are inseparably linked. The one cannot be effectively pursued without the other and neither will find its full expression in the absence of the other<sup>88</sup>.

9.7 While the same might be said of Together: Building a United Community (T:BUC) and the draft Racial Equality Strategy,

---

<sup>84</sup> Equality Commission (2014): *Policy Priorities and Recommendations*, page 7. Available at <http://www.equalityni.org/Footer-Links/News/Delivering-Equality/Recommendations-to-achieve-racial-equality>

<sup>85</sup> *Ibid*, page 25.

<sup>86</sup> *Ibid*, page 7.

<sup>87</sup> OHCHR (2014): *Op. Cit.*, page 79.

<sup>88</sup> ECNI (2010): *Response to Executive's consultation on the Cohesion Sharing Integration (CSI) strategy 2010*. Available at: <http://www.equalityni.org/Search-Results?searchtext=equality+commission+response+to+cohesion+sharing+and+integration&searchmode=anyword>



the relationship between the two Strategies is, at present, not clear.

- 9.8 T: BUC states that “it [the Strategy] is not intended to replace or subsume our work on racial equality and good relations. Rather it will complement and provide the co-ordinated framework for aspects of its delivery’. While in practical terms, this might mean that T:BUC includes the good relations actions which more closely align with its four strands<sup>89</sup>, this is not at all clear within either the draft Racial Equality Strategy or within T:BUC. Paragraph 1.30 of the T:BUC states that ‘Chapter 6 outlines how interventions to promote racial equality and good race relations will be co-ordinated and driven forward within the delivery architecture established under this Strategy’<sup>90</sup>. However, such interventions, for instance the Racial Equality Strategy, are not subsequently referenced in Chapter 6.
- 9.9 For the vision and aims of either Strategy to be realised, there needs to be clarity as to how actions aimed at promoting good relations between the majority communities and minority ethnic communities will be delivered. Had an Equality Impact Assessment (EQIA) been conducted on T:BUC, (a concern which was previously raised by the Commission in its consultation response<sup>91</sup>), or one that follows the methodology recommended by the Commission on a set of policy options or specific proposals for this draft Strategy - the synergy between the two documents may have been clearer.
- 9.10 The same can also be said of the coherence between Delivering Social Change (DSC) and the Racial Equality Strategy. The consultation document states that ‘we will ensure that the collective voice of the Racial Equality Panel is listened and responded to through these structures [the Delivering Social Change Programme Board and Ministerial

---

<sup>89</sup> Children and Young people (including education, volunteering, leadership and citizenship); shared community (including shared spaces, facilities and housing); safe community (including peace walls; reporting harassment and monitoring community safety) and cultural expression including the role of District Councils; the All Party Group (parades, emblems and the past.

<sup>90</sup> OFMDFM (2013): *Together: Building a United Community*, page 18. Available at: <http://www.ofmdfmi.gov.uk/together-building-a-united-community>

<sup>91</sup> ECNI (2013): *Response to Executive’s consultation on the Together Building a United Community Strategy*. Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/TogetherBuildingaUnitedCommunityOctCommpaper.pdf>

Sub-Committees<sup>92</sup>]. However, no details are provided as to how minority ethnic issues will be mainstreamed. Furthermore, it is unclear whether the Signature Projects which have already been developed take into account the needs of ethnic minority communities or monitor impacts by ethnic group<sup>93</sup>.

9.11 In addition, the Racial Equality Strategy does not set out the broader policy context for implementation of the DSC and T:BUC. For example, there is no reference to the fact that the growth of the Northern Ireland economy will depend on the willingness of companies to invest here and that events, including the significant rise in racist hate crime, represent a chill factor to investment and tourism. The Programme for Government is only referred to in the context of DSC and not as an overarching mechanism for the delivery of the T:BUC or the Racial Equality Strategy whilst other key Strategies, policies and programmes (e.g. the Economic Strategy and the Social Investment Fund) are not referenced.

9.12 From a pragmatic perspective, an integrated approach to the development of the three Strategies should avoid duplication and lead to more effective implementation and better targeting of resources. Responsibilities and actions as well as creative ways of aligning different oversight functions and monitoring processes, need to be properly considered, before the Racial Equality Strategy is implemented.

*Do you agree that we should retain the Racial Equality Panel and a specific focus on race?*

9.13 The Commission is of the view that the Executive should have a continued, specific focus on 'race' through the Racial Equality Strategy. The recent rise in racist attacks demonstrates how far we as a society have yet to travel in order to eradicate racism. The phenomenon raises new questions about community cohesion, with tensions likely to be exacerbated at a time of increasing economic and social inequality.

---

<sup>92</sup> OFMDFM (2014): *A Sense of Belonging – Delivering Social Change through a Racial Equality Strategy for Northern Ireland*, page 28. Available at <http://www.ofmdfmi.gov.uk/racial-equality-strategy-2014-2024-consultation.pdf>

<sup>93</sup> The Commission understands that neither an equality screening nor equality impact assessment has been carried out on the Delivering Social Change strategy.

- 9.14 The development of a specific and dedicated Racial Equality Strategy also demonstrates Government's commitment to giving effect to its international commitments under ICERD and other relevant international human rights instruments as well as under relevant domestic legislation, including S75 of the Northern Ireland Act 1998. A dedicated Racial Equality Strategy provides the basis 'for a comprehensive public policy for the promotion of racial equality'<sup>94</sup> as envisaged by the Durban Declaration and Programme of Action. It provides the context to translate the Executive's commitment to promote racial equality and tackle racial discrimination into practical activities aimed at achieving realisable targets.
- 9.15 While the Commission also supports the retention of the Racial Equality Panel, it notes with concern, the difference between the governance arrangements for the Racial Equality Strategy compared with T:BUC. Unlike T:BUC, the Racial Equality Panel, will not have ministerial representation and will be chaired by an OFMDFM official, rather than one of the Junior Ministers. This difference between the two approaches suggests a lack of commitment towards tackling racial equality, compared with community relations.
- 9.16 As previously stated, although the T:BUC strategy states that 'Chapter 6 outlines how interventions to promote racial equality and good race relations will be co-ordinated and driven forward within the delivery architecture established under this strategy'<sup>95</sup>, in fact no further details are contained in the chapter in question.
- 9.17 The Commission is also concerned about the history of delays between meetings of the Racial Equality Panel e.g. following a meeting in September 2011, the Panel did not meet again until December 2013. For the group to offer a continuity of focus and an effective oversight function, it must meet quarterly.
- 9.18 For the vision and aims of the Strategy to be realised, the Executive must ensure that the necessary governance

---

<sup>94</sup> OHCHR (2014): Op. Cit., page 79.

<sup>95</sup> OFMDFM (2013): *Together Building a United Community*, para 1.30, page 18. Available at: <http://www.ofmdfmi.gov.uk/together-building-a-united-community>

arrangements are put in place to ensure effective implementation of the Strategy.

- 9.19 The Commission recommends that the OFMDFM **ensures a high level of ministerial engagement through the Panel to drive forward implementation of the Strategy and ensure a more coherent and co-ordinated approach to its delivery.**
- 9.20 The Commission recommends that OFMDFM gives consideration to how effective and appropriate governance arrangement will be put in place across the range of proposed equality and good relations strategies and within the context of Delivering Social Change Framework.
- 9.21 The Commission also recommends that the BME members of the Panel should be chosen through a public appointments process to ensure that representatives of communities have the necessary knowledge and skills to effectively contribute to its work.

*Do you agree that ethnic monitoring is a critically important measure that Government should take? (page 35)*

- 9.22 Effective monitoring is an important tool for measuring performance and progress towards equality outcomes. In its policy paper, *Racial Equality Policy - Priorities and Recommendations*, the Commission noted recent research by the Joseph Rowntree Foundation<sup>96</sup> which found that ‘with the current absence of robust, reliable statistical or administrative analysis, significant gaps exist in the knowledge base’ on BME groups in Northern Ireland. The report also highlighted that ‘any impact on outcomes for people of ethnic minority backgrounds is unclear as data is required to demonstrate the policy effectiveness’<sup>97</sup>.
- 9.23 As previously advised, the Commission is of the view that ethnic monitoring is not only critically important to understanding the inequalities experienced by BME groups and developing policies to address those inequalities, it is also

---

<sup>96</sup> Joseph Rowntree Foundation (2013): *Poverty and Ethnicity in Northern Ireland*. Available at: <http://www.jrf.org.uk/sites/files/jrf/poverty-ethnicity-northern-ireland-full.pdf>

<sup>97</sup> Ibid.

critical to monitoring whether those policies are having an impact.

9.24 Data on ethnic monitoring is an essential component of any meaningful Racial Equality Strategy and should be used to develop indicators to measure the Departments progress against the aims of the Strategy and in the development of new action plans. It is an essential tool to enable assessment of the extent to which mainstream services are actually being accessed by BME citizens.

9.25 Furthermore, the Commission considers that the number of Executive Departments carrying out ethnic monitoring should itself be an indicator for the effective implementation of the Racial Equality Strategy. The absence of an effective system of ethnic monitoring in place with Departments, the basic building block essential for measuring effective access to, delivery of and outcomes from public services to BME communities, will render the laudable aims of the RES redundant.

*What form should this monitoring take so that we can move to outcomes as a matter of urgency?*

9.26 In its policy paper, *Racial Equality Policy - Priorities and Recommendations*, the Commission noted that the publication of ethnic monitoring guidance by OFMDFM was a welcome first step in addressing the need for ethnic monitoring<sup>98</sup>. However, as highlighted by recent research<sup>99</sup>, the publication of this Guidance falls short of overcoming the lack of data, as there is no clear lead from the top in respect of implementation'. Therefore, as a first step, the Commission recommend that the Executive commits to ensuring that Departments implement the Ethnic Monitoring Guidance<sup>100</sup> issued by OFMDFM in July 2011.

9.27 The Commission have also recommended changes to the fair employment legislation aimed at improving workforce

---

<sup>98</sup> Equality Commission for Northern Ireland (2014): *Racial Equality Policy: Priorities and Recommendations*, page 7. Available at: <http://www.equalityni.org/Footer-Links/News/Delivering-Equality/Recommendations-to-achieve-racial-equality>

<sup>99</sup> Joseph Rowntree Foundation (2013): *Poverty and Ethnicity in Northern Ireland*. Available at: <http://www.jrf.org.uk/sites/files/jrf/poverty-ethnicity-northern-ireland-full.pdf>

<sup>100</sup> OFMDFM (2011): *Guidance for Monitoring Racial Equality*. Available at: [www.ofmdfmi.gov.uk/guidance\\_for\\_monitoring\\_racial\\_equality\\_v2.pdf](http://www.ofmdfmi.gov.uk/guidance_for_monitoring_racial_equality_v2.pdf)

monitoring by employers. In particular, the Commission has recommended that registered employers in Northern Ireland are required, under the fair employment legislation, to collect monitoring information as regards nationality and ethnic origin<sup>101</sup>.

9.28 Under recent changes to the public sector equality duties in Great Britain, certain public bodies in Great Britain are already under a duty to collect and publish monitoring information relating to employees across a number of equality grounds including race<sup>102</sup>.

9.29 The adoption of workforce monitoring would assist employers in identifying discriminatory practices which might impact on employees as well identifying positive actions measures which could be taken to help people from minority ethnic backgrounds to access employment. The information would also be an important source for the development of government strategies, including the Racial Equality Strategy.

## 10 Chapter 6: The legislative framework (pages 36-40)

*Do you agree that effective legal protection will enhance the achievement of the six shared aims of this Strategy? (page 40)*

10.1 Effective legal protection is an essential prerequisite to achieve the first and second shared aims of the RES i.e. 'Elimination of Racial Inequality' and 'Combating racism and hate crime'. The first aim references the need 'to eliminate racism, racial inequality and unlawful discrimination and promote equality of opportunity in all aspects of life'<sup>103</sup>. The second aim references the provision of '...effective protection and redress against all manifestations of racism...'<sup>104</sup>

---

<sup>101</sup> Equality Commission for Northern Ireland (2014): *Racial Equality Policy: Priorities and Recommendations*, page 7. Available at: <http://www.equalityni.org/Footer-Links/News/Delivering-Equality/Recommendations-to-achieve-racial-equality>

<sup>102</sup> For more information see: [http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Proposals-for-reform-of-the-race-law-\(1\)/workforce-monitoring-on-racial-grounds](http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Proposals-for-reform-of-the-race-law-(1)/workforce-monitoring-on-racial-grounds)

<sup>103</sup> OFMDFM (2014): *A Sense of Belonging: Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014-2024*, page 22.

<sup>104</sup> Ibid.

- 10.2 Effective legal protection is also necessary to enable compliance with the requirements of the United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD).
- 10.3 Article 2.1 of CERD requires that States Parties ‘undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination<sup>105</sup> in all its forms’ whilst Article 6 requires that States Parties ‘shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against **any** (our emphasis) acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination’.
- 10.4 The Equality Commission is not just a ‘key stakeholder’, (as described at page 38), it has a specific legal duty, under Section 42 (2) (c) of the Race Relations (Northern Ireland) Order 1997, as amended, to keep the working of the Order under review and, when it thinks it necessary, to draw up and submit to the Department proposals for amending the Order<sup>106</sup>. This duty is not referenced in the Chapter 6 of the draft RES. The Commission recommends that the duty should be specifically referenced in the final RES given its centrality to any description of the legislative framework in Northern Ireland.
- 10.5 Following from the above-mentioned duty, the Commission is on record as setting out its belief that urgent changes are required to **strengthen, simplify and harmonise the race equality legislation** in Northern Ireland<sup>107</sup>.
- 10.6 Our recommendations<sup>108</sup> relate to a **wide range of areas** covered by the race equality legislation and therefore

---

<sup>105</sup> Article 1.1 of CERD makes it clear that the term "racial discrimination" shall mean **any** distinction, exclusion, restriction or preference based on race, **colour**, descent, or **national** or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (our emphasis). Full text of CERD is available at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

<sup>106</sup> See: <http://www.legislation.gov.uk/nisi/1997/869/contents>

<sup>107</sup> See: <http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work>

<sup>108</sup> See: [Ibid.](#)

strengthen the rights of individuals as employees, customers, pupils in school, tenants, as members of private clubs and as students in further and higher education.

10.7 In summary, we recommend that the **race equality legislation** is strengthened to:-

- provide increased protection against discrimination and harassment on the grounds of **colour** and **nationality**. We are clear that this is a **priority area** for reform<sup>4</sup>;
- ensure broader protection against racial discrimination and harassment by **public bodies when carrying out their public functions**. Currently, protection against discrimination by public authorities when exercising their public functions is **limited to four areas**; namely, social security, health care, social protection and social advantage;
- give stronger protection against **racial harassment**, including greater protection for employees against racial harassment by customers or clients;
- increase protection for certain categories of **agency workers** against racial discrimination and harassment;
- introduce new protection for **Councillors** against racial discrimination and harassment by local councils;
- increase protection against **victimisation**; including, changes designed to make it easier for individuals who have been subjected to unfair treatment because, for example, they have made a complaint of racial discrimination, to bring a victimisation complaint.
- introduce new protection against **multiple discrimination**; so that individuals have protection if they experience discrimination or harassment because of a combination of equality grounds; for example, due to a combination of being both black and female.



- expand the scope of voluntary **positive action**; so as to enable employers and service providers to lawfully take a wider range of steps to promote racial equality;

### **Exceptions**

- remove the **exception** which permits discrimination on the grounds of ethnic or national origins in relation to **immigration**;
- narrow the **exception** that restricts the employment of foreign nationals in the civil, diplomatic, armed or security and intelligence services and by certain public bodies

### **Enforcement and Remedies**

- increase the **powers of the Equality Commission** to issue additional Race Codes of Practice and to effectively carry out formal investigations;
- strengthen **tribunal powers** to ensure effective remedies for individuals bringing race discrimination complaints;
- harmonise and simplify the **enforcement mechanism for education complaints**; so as to remove unnecessary procedural barriers to pupils in schools making complaints relating to racial discrimination in education

### **Fair Employment Legislation**

In summary, we **recommend** that the **fair employment legislation** is strengthened to:-

- amend the fair employment legislation so as **require** registered employers in Northern Ireland, in addition to monitoring the community background and sex of their employees and job applicants, to collect **monitoring information** as regards **nationality** and **ethnic origin**.
- The primary reason for this change is to ensure the continuing usefulness of the fair employment Monitoring Regulations, and in particular, to enable employers to

make a more accurate and meaningful assessment of fair participation in employment in their organisation. We are clear that this is also a **priority area** for reform<sup>5</sup>.

- 10.8 The Commission recommends that, in light of the clear need for reform of the racial equality legislation, that there is a timetabled commitment in the final RES to address the legislative gaps highlighted above so that individuals in Northern Ireland have effective protection against racial discrimination and harassment.
- 10.9 As highlighted previously, Northern Ireland race equality legislation since its introduction in 1997 has, in a number of key respects, consistently failed to keep pace with legislation in Great Britain which has strengthened and improved protection against racial discrimination for different racial groups. Following the enactment of the Equality Act 2010, the gap in protection between the two jurisdictions has now significantly widened. The UN Committee on the Elimination of Racial Discrimination has also expressed its regret that the Equality Act 2010 does not apply to Northern Ireland<sup>109</sup>.
- 10.8 Should the final Racial Equality not include a commitment to legal reform, it will be difficult for the Executive to assert that the relevant commitments in the Racial Equality Strategy (to eliminate racial inequality and provide effective protection and redress against all manifestations of racism<sup>110</sup>), have been addressed.
- 10.9 Furthermore, given that OFMDFM has responsibility for reform of the racial equality legislation, we urge the Department to include a timetabled commitment to reform of the legislation, an issue which must be addressed in the final Strategy.
- 10.10 The Commission also notes that Chapter 6 does not provide a full picture of the legal protections across the full range of areas addressed in the draft Strategy e.g. S75 legislation, hate crime legislation and recommends that it should do so.

---

<sup>109</sup> Committee on the Elimination of Racial Discrimination (14 September 2001): *Concluding observations of the Committee on the Elimination of Racial Discrimination – United Kingdom of Great Britain and Northern Ireland*, CERD/C/GBR/CO/18-20. Available at:

<http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.CO.18-20.pdf>

<sup>110</sup> Page 22.

*Do you think that reform of the Race Relations (Northern Ireland) Order 1997 is a priority? (page 40)*

- 10.11 The Equality Commission for Northern Ireland has consistently called for review of the Race Relations legislation including in 2000, 2009 and 2014<sup>111</sup>. Indeed a number of key recommendations highlighted in 2000 remain outstanding and remain in our current proposals for reform. We believe that reform of the 1997 Order must be a key priority for the final Racial Equality Strategy.
- 10.12 Law reform has also been recommended by international human rights monitoring bodies. For example, both the *Advisory Committee on the Framework Convention for the Protection of National Minorities*<sup>112</sup> and the *UN Committee on the Convention for the Elimination of all forms of Racial Discrimination (CERD)*<sup>113</sup> have urged the NI Executive to address legislative shortcomings within the race equality legislation, supplementing the Commission's consistent calls<sup>114</sup> for the race equality legislation to be harmonised and strengthened.
- 10.13 Furthermore, as highlighted above, Article 2.1 of CERD requires that States Parties 'undertake to pursue by all appropriate means and **without delay** (our emphasis) a policy of eliminating racial discrimination<sup>115</sup> in all its forms'. The Commission strongly believes, therefore, that reform of the 1997 Order must be a key priority for the final RES.

---

<sup>111</sup> See: [http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Proposals-for-reform-of-the-race-law-\(1\)/The-context](http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Proposals-for-reform-of-the-race-law-(1)/The-context)

<sup>112</sup> See: *Third Opinion on the United Kingdom* of the Advisory Committee on the Framework Convention for the Protection of National Minorities, June 2011.

<sup>113</sup> See: UN Committee on CERD, *Concluding Observations on UK*, Sept 2011.

<sup>114</sup> Equality Commission (2000): *Recommendations for Changes to the Race Relations (NI) Order 1997*

<sup>115</sup> Article 1.1 of CERD makes it clear that the term "racial discrimination" shall mean **any** distinction, exclusion, restriction or preference based on race, **colour**, descent, or **national** or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life (our emphasis).

## 11 Chapter 7: Immigration (pages 41- 45)

*Are there any actions that we can and should take under existing devolved powers in this area? What should the aims of a regional immigration policy? (page 45)*

- 11.1 The Equality Commission does not have a strategic remit in relation to immigration issues per se. However, we do have an interest in the equality issues which are impacted upon by immigration e.g. in relation to the impact of immigration restrictions on access to healthcare), and in the promotion of good relations and social cohesion. Our response below reflects the Commission's particular focus.
- 11.2 While immigration is a reserved matter, many of the economic impacts of migration are felt most acutely<sup>116</sup> at local level (for example in relation to social cohesion or public services)<sup>117</sup>. Immigration policy is designed centrally and to date there has been a lack of attention in its development to differences in demographic and other conditions in different parts of the UK.
- 11.3 However, economic and demographic circumstances vary widely across regions (for example there is a considerable degree of demographic diversity between Northern Ireland and London and the South East). Immigrants are likely to experience different employment opportunities and conditions depending on the local labour market. Meanwhile employers may require different skills or find it more difficult to recruit immigrants to some areas than others<sup>118</sup>. In light of these differences, the Commission's view is that a system which takes into consideration these differences would work more effectively than a 'one-size fits all' approach.

---

<sup>116</sup> Simons, J. (2013): *What are the social and public service impacts of international migration at a local level??* Available at:

[http://webcache.googleusercontent.com/search?q=cache:5QKF3buvXRIJ:www.compas.ox.ac.uk/fileadmin/files/Events/Breakfast\\_briefings/JON\\_SIMMONS\\_BRIEFING\\_FINAL.pdf+&cd=3&hl=en&ct=clnk&gl=uk](http://webcache.googleusercontent.com/search?q=cache:5QKF3buvXRIJ:www.compas.ox.ac.uk/fileadmin/files/Events/Breakfast_briefings/JON_SIMMONS_BRIEFING_FINAL.pdf+&cd=3&hl=en&ct=clnk&gl=uk)

For example: Research has shown that EEA migrants or high-skilled migrants will have little impact on public services whereas asylum seeker and refugee families have a higher impact than other groups

<sup>117</sup> Sumpton, M. (2014): *Giving cities and regions a voice in Immigration Policy*. Available at:

<http://migrationpolicy.org/research/giving-cities-and-regions-voice-immigration-policy-can-national-policies-meet-local-demand>

<sup>118</sup> DETI has identified Telecommunications & ICT, Life & Health Sciences, Agrifood, Advanced Materials and Advanced Engineering as priority sectors for growth in Northern Ireland; Business Services and Financial Services are recognized as key enabling sectors for growth.

- 11.4 While it the Commission's view that immigration law and policy should reflect local priorities and circumstances, it also acknowledges that there is a lack of evidence base to inform a regional policy (e.g. whether there is a need for a separate shortage occupation list for Northern Ireland).
- 11.5 As highlighted by the NISMP 'large scale economic migration to Northern Ireland is a relatively recent phenomenon and one that to date has not been sufficiently monitored with regards to numbers of migrants coming to work and live in the region, patterns of employment nor economic impact'<sup>119</sup>.
- 11.6 There is also a lack of systematic ethnic monitoring of the use of public services in Northern Ireland which makes it extremely difficult to assess what the future impact of migration will be or its impact on the local infrastructure, such as transport and housing.
- 11.7 In developing regional priorities which best reflect the needs and circumstances of Northern Ireland, the Commission recommends that the Executive work with the Northern Ireland Strategic Migration partnership and other key stakeholders to develop robust evidence base to and regional priorities for immigration which reflect the regional needs.
- 11.8 There are also links between immigration and social cohesion with the focus of debate mainly centering on the perceived impact of increased ethnic, religious and cultural heterogeneity; and the pressure of immigration on public service provision. Data from the Northern Ireland Life and Times survey<sup>120</sup>, (which is referenced in the Strategy<sup>121</sup>), highlights a degree of ambivalence towards migration: 24% of respondents viewed immigration as bad overall, with a further 31% stating that it was neither good nor bad. However, what the Strategy fails to recognise or reference is that views on migration are much more nuanced.

---

<sup>119</sup> Northern Ireland Strategic Migration Partnership (2013): *Mapping the deployment of Migrant Labour in Northern Ireland*. Available at:

[http://www.migrationni.org/DatabaseDocs/new\\_6420381\\_mapping-the-deployment-of-migrant-labour-in-ni.pdf](http://www.migrationni.org/DatabaseDocs/new_6420381_mapping-the-deployment-of-migrant-labour-in-ni.pdf)

<sup>120</sup> ARK (2013): *A shared society – attitudes on immigration and diversity*. Available at:

<http://www.ark.ac.uk/publications/updates/update86>

<sup>121</sup> At page 42.

- 11.9 While overall, respondents to the NILTS were ‘largely supportive’<sup>122</sup> in principle of increasing levels of diversity and the impact of these social changes, these ‘feelings appeared to dissipate when participants were faced with the scenario of having closer personal contact with migrants’<sup>123</sup>. This information is important as it highlights where concerns on migration are focussed and where actions should be targeted.
- 11.10 As highlighted in research undertaken by ARK, ‘the focus of future strategies must now firmly be on the practical application of equality needs and intercultural dialogue at grass roots community level. Only then might some of the concerns [about immigration] identified in the 2012 NILT be counteracted and tackled effectively’<sup>124</sup>.
- 11.11 On a general note, the Commission also wishes to highlight the link between restrictive immigration policies and exploitation within the labour market. Migrants are one of the many groups affected by forced labour in the UK, working on the periphery of low-paid employment sectors under poor conditions. ‘Under these circumstances, immigration policy and insecure immigration status can provide an environment conducive to exploitation by employers. The lack of, or highly conditional, access to legal work and/or welfare, may also be particularly important in rendering migrants who have few other choices susceptible to forced labour’<sup>125</sup>.
- 11.12 Finally, the Commission is also concerned over the impact of range of legislative measures within the Immigration Act 2014 which are designed to restrict migrants’ access to services, including the introduction of landlord checks<sup>126</sup> and the introduction of a new charging regime for migrants accessing healthcare. While, in practice, compliance with equality law will depend on how the measures in the Act and associated legislation are implemented, the Commission urges the Executive to ensure that implementation of the relevant

---

<sup>122</sup> ARK (2013): Op. Cit.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Dwyer, P., Lewis, H., Scullion, L. and Waite, L. (2011): *Forced labour and UK immigration policy – status matters*, Joseph Rowntree Foundation, page 6. Available at:

<http://www.jrf.org.uk/sites/files/jrf/forced-labour-immigration-status-full.pdf>.

<sup>126</sup> Due to a number of political concessions it has now been agreed that this aspect of the Act will initially be a pilot scheme restricted to one geographical area. Where the pilot scheme will take place has not yet been announced.

provisions does not result in unlawful discrimination or the unfair refusal of services (e.g. those with complex immigration histories, and/or those who entered the UK prior to the introduction of the new rules, could be unfairly refused access to free healthcare).

11.13 Finally, in its proposals for legislative reform, the Commission has also recommended the removal of the immigration exception in the race equality legislation which permits discrimination on the grounds of ethnic or national origins in the carrying out of immigration functions<sup>127</sup>.

11.14 For example, research commissioned by the Northern Ireland Human Rights Commission (NIHRC) *Our Hidden Borders: The UK Border Agency's Powers of Detention* (2009) raised specific concerns 'particularly around what appeared to be the practice of racial profiling', by the UK Border Agency and recommended that the practice of singling out particular nationalities and people visibly from a minority ethnic background should cease immediately<sup>128</sup>.

Currently, due to this exception, it would not be possible for a person of a particular ethnic or national origin who is singled out by immigration authorities for a more rigorous examination because of his/her ethnic or national origin to bring a race discrimination complaint<sup>129</sup>. This change will result in the removal of an unjustified exception which permits, for example, immigration practices that can have a discriminatory and disproportionate impact on minority groups.

*Do you agree with the proposal for a forum for Ministers from the devolved administrations and the Home Office as a mechanism for change? Do you have any alternative views on how we might lever change? (page 45)*

11.15 The Commission recognises the benefits of discussion between the devolved administrations and the Home Office in relation to immigration. Therefore, we recommend that the Executive work with NISMP and other key stakeholders to

---

<sup>127</sup> See Article 20C of Race Relations (NI) Order 1997, as amended.

<sup>128</sup> NI Human Rights Commission (2009): *Our Hidden Borders: The UK Border Agency's Powers of Detention*. Available at:

<http://www.statewatch.org/news/2009/apr/Our%20Hidden%20Borders%20April%202009.pdf>.

<sup>129</sup> Provided the practice is authorised by a Minister.

identify gaps in information and appropriate ‘levers for change’, in terms of ensuring that national immigration policy also reflects local circumstances. In general, we advocate the need for a more comprehensive research base around migration and population change in Northern Ireland to provide the evidence base for a regional perspective in relation to immigration policy.

- 11.16 We also welcome the Executive’s commitment to work jointly with the other devolved administrations to consider the implications of the migrants’ access to public services measures in the Immigration Act 2014, as agreed at the Joint Ministerial Committee of October 2013<sup>130</sup>.

## **12 Chapter 8: Making it happen: implementing the Racial Equality Strategy (pages 46-56)**

*Are you content with the proposals as defined above? (page 48)*

- 12.1 As noted above, the Commission is concerned at the lack of cross-referencing in the draft Racial Equality Strategy to the delivery structures for T:BUC.
- 12.2 The Commission notes with concern the weaker governance arrangements for accountability accorded to the Racial Equality Strategy compared to those accorded to T:BUC (no Junior Minister to chair the Racial Equality Panel or representation from all Ministers from the Executive in addition to senior representatives from a range of statutory agencies, local government and community partners and where each Minister will be required to report against the actions and targets attributed to his or her department.)
- 12.3 The draft Racial Equality Strategy does not include a project board with senior officials from all Government Departments who will act as senior responsible officers for the various aspects of the Strategy’s delivery and who are accountable to a Ministerial Panel

---

<sup>130</sup> Communiqué following the Joint Ministerial Committee meeting in 10 Downing Street chaired by Prime Minister Cameron on 16 October 2013. Available at <https://www.gov.uk/government/news/joint-ministerial-committee-communicue-october-2013>



- 12.4 The Commission also notes that, in contrast to the proposed arrangement for the Racial Equality Panel (which has no ministerial representation), the Minister for Children and Young People will have a key role in driving forward the Children and Young People's strategy, with the assistance of the Ministerial Sub-Committee for Children and Young People. The approach to implementation of both T:BUC and the Children and Young Peoples Strategy suggests a level of engagement with the issues which requires political leadership and ongoing Ministerial engagement through the Panel, which is absent from the proposed Racial Equality Panel.
- 12.5 The Commission therefore recommends a coherence of approach with the arrangements under T:BUC for implementation and accountability to ensure that commonality of issues and the intersection between the two strategies is maintained on the issues of importance of improving relations in our society.
- 12.6 In addition, the proposed structures for the implementation of the Racial Equality Strategy lack arrangements for a body/bodies to provide an independent challenge and scrutiny function. T:BUC, on the other hand, has tasked the Equality and Good Relations Commission with an independent challenge and scrutiny role, requiring the Commission, inter alia, to carry out an assessment of progress against the objectives of the strategy and produce a report to the Assembly every two years.
- 12.7 However, the Commission welcomes the proposal that the Racial Equality Forum, which had become unwieldy with 50 plus members, will no longer meet and be replaced by the smaller Racial Equality Panel, which will assume oversight of the Immigration and Migration Worker thematic sub-groups. As noted above, we recommend that selection of representatives of BME communities and organisations is via a merit-based public appointments process.
- 12.8 In addition, the Strategy contains no requirement for a senior civil servant within each department to be appointed as a Racial Equality Champion, a key feature of the last Racial Equality Strategy. As evidence by the recent Women in Councils initiative the creation of a network of champions has

proven to be a successful model in making equality work in practice. Learning from the project highlighted that by 'creating a network of champions what emerged was a determined and committed coalition of people determined to advocate, sponsor and own change so that we achieved the desired result'<sup>131</sup>.

The Commission therefore recommends that OFMDFM gives consideration to how best it can ensure that the Racial Equality Strategy and associated action plans are mainstreamed within Departments, including the potential for nominated Racial Equality Champions. The role of the 'champion' would be as agents of change with responsibility for overseeing the implementation of the strategy and developing and reporting on departmental actions. As noted above, The Commission considers the implementation by Departments of ethnic monitoring as an essential pre-requisite for mainstreaming of policies and services.

*Are you content with the terms of reference and membership of the Racial Equality Panel? (page 48)*

- 12.9 As noted above, the Commission notes that the proposed oversight structure for the Racial Equality Strategy is considerably weaker than that associated with Together Building a United Community.
- 12.10 The latter involves, at the highest level, a Ministerial Panel comprising all Ministers from the Executive together with senior representatives from a range of statutory organisations and community partners, in order to harness the collective commitment across Government and to 'reflect the collaborative leadership...essential to achieving the vision of the Strategy'. 'The primary role of the Ministerial Panel will be to oversee the delivery of this strategy, set the strategic direction...and to identify key areas of action'. 'Each Minister will be required to report against the actions or targets attributed to his or her department and show how, and to what

---

<sup>131</sup> Equality Commission (2013): *Making Equality Work*, page 39. Available at: <http://www.equalityni.org/Publications/Employers-Service-Providers/Employment-issues/Making-Equality-Work-Employer-case-studies?ID=339>

extent, departmental policies are achieving the objectives aligned to this strategy'<sup>132</sup>.

- 12.11 In turn a Project board comprising senior officials for the various aspects of the TBUC Strategy's delivery will report to the Ministerial Panel on delivery and performance.
- 12.12 In contrast, an annual report to Ministers and the OFMDFM Committee on the progress on implementation of the Racial Equality Strategy will be via OFMDFM, 'taking account of the forum's (sic) comments'<sup>133</sup>.
- 12.13 The section on membership of the Racial Equality Panel (at pages 73 -74) should make explicit reference to the number of representatives from the minority ethnic sector, in the context of ensuring an appropriate numerical balance between the representatives of the sector and other representatives on the Panel. Such balance is important to help ensure that the voice of the sector is sufficiently robust to be heard.
- 12.14 Furthermore, as referred to above, provision should be made within the terms of reference for the Racial Equality Panel to be able to submit a minority report to OFMDFM Ministers and the OFMDFM Committee in the event that the Racial Equality Panel cannot agree with the annual report submitted by OFMDFM to Ministers and the OFMDFM Committee on the implementation of the programme of work. This would ensure that the Panel has a strong and independent voice in advising Government on what is required to deliver an effective Racial Equality Strategy.

*Do you agree with these proposals for developing a programme of work? (page 52)*

- 12.15 The Commission notes the absence of targets and an action plan as an integral part of the Racial Equality Strategy in contrast to T:BUC which sets out a series of measurable targets which Ministers and their Departments must meet.
- 12.16 The draft Racial Equality Strategy puts the emphasis on the identification by the Racial Equality Panel of priorities for actions by Departments whose programme of work will be co-

---

<sup>132</sup> OFMDFM (2013): *Together Building a United Community*, page 99. Available at: <http://www.ofmdfmi.gov.uk/together-building-a-united-community>

<sup>133</sup> Page 51.

ordinated by the Racial Equality Unit. It is proposed that the Panel will monitor and assess progress on implementation of the programme of work. However, an annual report to Ministers and the OFMDFM Committee will be via OFMDFM, 'taking account of the forum's (sic) comments'<sup>134</sup>, a caveat which considerably dilutes the independent challenge function of the Panel.

- 12.17 The Enhancing Policy advice and Challenge to Government Commitments in T:BUC contrasts with the arrangements for challenge and support with regard to the RES where the Racial Equality Unit is identified as having a challenge role (although as part of Government, the Unit cannot be considered to be independent). It is also not clear whether the Unit has the necessary resources to carry out this function effectively across the full range of Departments.
- 12.18 The Commission welcomes the intention that Departments will use available research, including our *Racial Equality Policy – Priorities and Recommendations* (an updated May 2014 version is now available at: <http://www.equalityni.org/Footer-Links/News/Delivering-Equality/Recommendations-to-achieve-racial-equality>) as well as their Audits of Inequalities and Equality Action Plans.
- 12.19 However, it is important to note that the standard of audits varies across Departments and that they are not necessarily available. Furthermore, actions may not greatly assist as they are developed by authorities in relation to all their functions. For example, OFMDFM's Equality Action Plan includes only one racial equality target – to increase the number of people from ethnic minorities applying for public appointments<sup>135</sup>.
- 12.20 The Commission would welcome clarification as to whom is meant by 'others' in the sentence at page 49-50 which reads 'They (Departments) will also share knowledge, expertise and good practice with others'. Likewise, the meaning of the sentence (at the top of page 50), 'These are in line with departments' work to meet their obligations under Section 75 of the Northern Ireland Act 1998', would benefit from further clarification. Greater clarity is also required regarding the

---

<sup>134</sup> OFMDFM (2014): Op. Cit., page 51.

<sup>135</sup> Letter from OFMDFM to Chief Executive Equality Commission for Northern Ireland (16 May 2014): 'Audit of inequalities and Equality Action Plan'.

meaning and relevance of the sentence (at page 50), 'The help and advice provided by OFMDFM will take full account of the different legislative context in Northern Ireland, including Section 75 of the Northern Ireland Act 1998'. Does this mean different to Great Britain, for example? It is widely understood that there are differences between a range of legislation applying in Northern Ireland and that applying in Great Britain.

12.21 It is not clear as to why the RRO district council duty is presented at page 52 of the consultation document. There is nothing in the document that describes why it is there, nor any explanation of the relationship between this and Section 75.

12.22 The Commission considers that it might be helpful for the revised Racial Equality Strategy to include some consideration as to how racial equality and good relations might best be promoted by Councils in the context of their new community planning powers; and or the relationship with T:BUC and general reviews of funding.

*How do you think the proposed Equality and Good Relations Commission should fulfil the role outlined above in respect of racial equality and good relations? (page 56)*

12.23 Regardless of T:BUC and Equality and Good Relations proposals, the current Equality Commission has clear powers and duties to promote racial equality and good relations between different racial groups.

12.24 It is important to recall that 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, disability and age.

12.25 The Equality Commission also has a specific statutory role (in s42 (2) of the Race Relation Order (Northern Ireland) 1998, as amended, to:

- (a) to work towards the elimination of discrimination;
- (b) to promote equality of opportunity, and good relations, between persons of different racial groups generally; and
- (c) to keep under review the working of this Order and, when it is so required by the Department or otherwise thinks it necessary, draw up and submit to the Department proposals for amending this Order.

12.26 The Commission's remit also includes overseeing the statutory duties on public authorities have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.

12.27 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;
- keeping the legislation under review.

12.28 The Equality Commission, together with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCPRD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of the Convention in Northern Ireland.

With regard to T:BUC, the Executive has indicated that it intends the augmented Commission to play a specific role in relation to the delivery of the strategy, and is, therefore, engaged with the Commission to plan appropriately for this to occur. No such equivalent is presented or alluded to in the Racial Equality Strategy.

### **13 Chapter 9: Resourcing implementation of the Racial Equality Strategy (pages 57-59)**

*Do you wish to make any comments on the resourcing of the Racial Equality Strategy? (page 59)*

- 13.1 While the Commission welcomes the reference to mainstreaming equality within the draft Strategy, we are concerned that no new funding will be available to implement the revised Racial Equality Strategy. The lack of a national implementation plan and linked funding is a key failing of the Strategy and has been identified as a major barrier to the implementation of successful equality strategies in a number of other jurisdictions<sup>136</sup>.
- 13.2 The OHCHR emphasises that ‘experiences with the development of national action plans for human rights and national actions plans for human rights education, as well as experiences from States that have already developed national action plans against racial discrimination, suggest that ..the adequate commitment of resources can have a key bearing on a particular plan’s effectiveness’<sup>137</sup>. Furthermore, ‘the success of the plan will depend to a considerable extent on the availability of resources to support its activities, such as the baseline study...therefore, a financial strategy for the national action plan should be developed from the beginning’<sup>138</sup>.
- 13.3 For the vision and aims of the strategy to be effectively realised, it must have concrete backing. However, in the context of prior commitments and existing pressures on

---

<sup>136</sup> Flynn, E. (2012): *From Rhetoric to Action – Implementing the UN Convention on the Rights of Persons with Disabilities*, page 235.

<sup>137</sup> OHCHR (2014): *Development of national action plans against racial discrimination – A practical guide*, page 18. Available at: [www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf](http://www.ohchr.org/Documents/Publications/HR-PUB-13-03.pdf)

<sup>138</sup> Ibid, page 64.

departmental budgets, it is conceivable that no funding will be available to implement the Strategy. The Commission therefore recommends that the final Strategy contains a departmental action plan with additional linked funding for each stage of the plan's development. It is only through linking actions to funding that the Executive will demonstrate the political commitment necessary to implement the Strategy. The Department should also give consideration to resourcing community development and capacity building for the BME Community.

- 13.4 The Commission has long promoted the use of public expenditure to mainstream equality of opportunity and good relations by public authorities, including through the use of equality budgeting and social clauses in public procurement. We believe that public sector procurement can be used by public authorities to advance equality and to achieve societal benefits, such as creating employment and training opportunities. Taking the needs of S75 Groups into account in the procurement of services also improves efficiency and effectiveness and therefore value for money. Further examples of how mainstreaming equality in public procurement works in practice can be found in the Commission's guidance on public procurement<sup>139</sup>.

## **14 Chapter 10: Monitoring and reviewing progress (pages 60-62)**

*Do you agree on the need to treat TBUC indicators and Indicators for the Racial Equality Strategy separately? (page 62)*

- 14.1 Although the TBUC strategy states that it is intended to complement rather than subsume work on racial equality, there is a lack of clarity, as noted above, on how interventions to promote racial equality and good race relations will be co-ordinated and driven forward within the delivery architecture. No details are provided as to how the racial equality strategy

---

<sup>139</sup> Equality Commission for Northern Ireland and the Department of Finance and Personnel (2008): *Equality of Opportunity and Sustainable Development in Public Sector Procurement*. Available at: <http://www.equalityni.org/archive/pdf/ECNIPublicSector0508.pdf>



‘nests’ within T:BUC and it is difficult, therefore, to answer this particular consultation question in the absence of same.

- 14.2 The ECNI response to the consultation on the T:BUC indicators<sup>140</sup> noted that ‘given the intention to progress good relations across a range of strategies, the Commission recommends that indicators developed in support of ‘United Community’ should be capable of extension, beyond religion / political opinion / community background to the wider suite of grounds’<sup>141</sup>.
- 14.3 The Commission notes that both sets of draft indicators have similarities with the focus shifted to relate to either Community relations (T:BUC) or ethnic minority (racial equality) e.g. social contact, sense of belonging to their neighbourhood.
- 14.4 Given this, there are draft T:BUC indicators (as included in the consultation document) that may be specifically useful for measuring the Race Equality Strategy, e.g.
- Indicator 1.1b: % who are favorable towards people from the Minority Ethnic Community (YLT) – aligned to strategic priority 1: Our children and young people;
  - Indicator 3.1a: number of racial incidents and crimes recorded – aligned to strategic priority 3: Our safe community;
  - Indicator 4.2a: % who thinks that the culture and traditions of the Minority Ethnic community add to the richness and diversity of Northern Ireland society - aligned to strategic priority 4: An increased sense of community belonging.
- 14.5 However, the Commission’s response to TBUC indicators also noted ,with regard to these particular examples, that:
- ‘...while the Commission welcomes that consideration is being given to groups beyond community background (in this case racial....) it is not clear how this relates to the focus of the ‘United Community’ Strategy on advancing community relations. These indicators may thus be better considered in*

---

<sup>140</sup> Equality Commission for Northern Ireland (2014): *Response from the Equality Commission for Northern Ireland to the Consultation by the Office of the First Minister and the deputy First Minister on Good Relations Indicator Review 2013/2014*. Available at: <http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2014/ResponseOFMDFMGo odRelationsIndicatorsReviewMar2014.pdf>.

<sup>141</sup> Ibid, para 3.15, page 5.

*the context of the wider equality strategies being developed and the commitment to develop good relations indicators therein.'*

- 14.6 The Commission remains of the view that, in the absence of further information on the relationship between T:BUC and the Racial Equality Strategy, that it would be best to keep separate indicators given that each strategy has specific strategic aims, priorities and outcomes with specific indicators having been aligned to each of these.
- 14.7 However, the Commission does not support the duplication of indicators in either strategy. Dependent on the final set of (post-consultation) agreed TBUC indicators, we consider that it would be beneficial to be able to use any relevant TBUC indicators to further support the Racial Equality Indicators to measure the progress of the Race Equality Strategy.
- 14.8 The Commission has also responded to the separate consultation on the proposed Racial Equality Indicator Review (see Appendix 2).
- 14.9 As highlighted by OHCHR, monitoring mechanisms for review of the action plan should be independent from the agencies or bodies in charge of the plan's implementation<sup>142</sup>. The Department should consider how it will establish a **process for independent monitoring and/or external review of the Racial Equality Strategy as whole**, based on consultation with minority ethnic communities and their representatives. To streamline the monitoring and evaluation process, as recommended by the OHCHR, **a standardized reporting format should be developed**<sup>143</sup>. Monitoring and evaluation activities should be established for the ongoing action plans as well as for the plan as a whole<sup>144</sup>.

---

<sup>142</sup> OHCHR (2014): Op. Cit., page 86.

<sup>143</sup> OHCHR (2014): Op. Cit., page 98.

<sup>144</sup> OHCHR (2014): Ibid.

## 15 Annex A: Equality assessment (pages 63-67)

*Do you agree that using positive action as a mitigation measure or alternative policy is appropriate to redress the experience of racial inequalities, social exclusion disadvantage of minority ethnic people in Northern Ireland? (page 67)*

- 15.1 The Commission has long advised on positive action to address inequalities. Consideration of the use of positive action need not be confined to the context of mitigation or alternative policies; positive action objectives can frame the purpose of the policy in itself and shape options. Associating positive action with the due regard/regard duties potentially diminishes what can be done, given that paying regard/due regard does not determine the policy outcome and the objectives for the policy options are already set.
- 15.2 It is through the assessment of the impacts in relation to a policy where further amendments to the policies (mitigation), or alternatives might be identified, which could still achieve the policy goal but ensure that it is delivered in such a way as to better promote equality of opportunity and/or good relations. It is this to which due regard/regard is paid when decisions are taken.
- 15.3 The Government has previously made it clear that ‘Section 75 in no way calls into question the ability of public authorities to take affirmative action in appropriate cases to correct disadvantage’ and that ‘Furthermore, Section 75 means that public authorities are bound to have regard to the need for affirmative action when considering their duty under this clause’<sup>145</sup>.
- 15.4 The Commission’s ‘Practical Guidance on Equality Impact Assessment’ (2005) advises that ‘There may be occasions where differential impact can be justified as part of a wider strategy associated with positive or affirmative action in relation to particular groups, or where the policy deliberately attempts to encourage equality of opportunity for a particular

---

<sup>145</sup> Equality Commission for Northern Ireland (2010): *Section 75 of the Northern Ireland Act 1998 – A guide for Public Authorities*, page 9 (Belfast: ECNI). Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75GuideforPublicAuthoritiesApril2010.pdf>.

group... Where this is the case any actions must be justified in terms of data collected and a clear rationale provided for adopting these aims and actions'<sup>146</sup>.

- 15.5 'Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities' (2010) states that 'Public authorities should give particular consideration to positive action where the impact of a policy will affect different people in a different way, ...Public authorities should take an approach which recognises that certain groups...may experience higher levels of inequalities...'<sup>147</sup>,

*Are there any other data or information that might be drawn upon to assess the equality impact of the proposals in this Strategy? (page 67)*

- 15.6 While Annex A, 'Consideration of available data and research', states that Chapters 2 and 5 of the Strategy set out data and evidence relating to the Section 75 groups, it notes that there are gaps in the data/evidence currently available. Only limited data is set out in these chapters and the data is not analysed by Section 75 category. It is therefore unclear as to OFMdFM's determination of how relevant this strategy is to the duties and the evidential basis for the policy development process.
- 15.7 Although the draft RES acknowledges that 'evidence of racial inequalities and exclusion suffered by minority ethnic people continues to mount as further research is carried out into their experiences here' and that 'there has been a considerable amount of research since the previous Strategy was published', the document only identifies two particular sources of data in Chapter 2 'Racism and racial inequalities: the scale of the challenge'. These are Dr Connolly's report: "Race and racism in Northern Ireland: A Review of the Research Evidence" (2002) and the Joseph Rowntree study on "Poverty and ethnicity in Northern Ireland" (2013); whilst PSNI statistics on hate crime and research on the impact of the economic

---

<sup>146</sup> Equality Commission for Northern Ireland (2005): *Practical Guidance on Equality Impact Assessment*, para 4.3, page 30. Available at: <http://www.equalityni.org/Employers-Service-Providers/Public-Authorities/Section75/Section-75/What-is-an-EQIA>

<sup>147</sup> Equality Commission for Northern Ireland (2010): *Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities*, page 9. Available at: <http://www.equalityni.org/Employers-Service-Providers/Public-Authorities/Section75/Section-75/What-is-an-EQIA>

downturn on the Polish community are referenced in footnotes.

- 15.8 The only sources of data referred to in the ‘Equality assessment’ are ‘Dr Paul Connolly’s recent reports on racism’ (no further details are provided on the reports in question).
- 15.9 The Equality Commission’s ‘Racial Equality Policy Priorities and Recommendations’ (2014) draws on an extensive (but not exhaustive) list of (qualitative and quantitative) data sources. For ease of reference, these are presented at Appendix A.

*Do you consider that the proposals have any positive or negative impacts on any of the groups included within Section 75 of the Northern Ireland Act 1998 and if so how? (page 67)*

- 15.10 It is difficult to answer a question about additional information for assessing impacts when it is not clear what has already been used; it is similarly difficult to answer a general question about positive/negative impacts of the whole proposal without any information on what has already been assessed. Hence the methodology of screening and EQIA which provides the framework to present this information to consultees, and enable additional information or reaction to an authority’s analysis to be framed.
- 15.11 The ‘equality assessment’ draws attention to ‘substantial gaps in the available data’<sup>148</sup> stating that ‘because of the population size most of the research in this area... has been qualitative to date’, concluding that the research has clearly highlighted an “ethnic penalty” within Northern Ireland with regard to language, racist attitudes, exclusion of minority ethnic people, difficulties in accessing services and a general lack of understanding on the part of the so called “majority white” population.
- 15.12 Amongst the issues which an effective screening or EQIA would seem likely to identify are the particular needs of Irish Travellers and Roma who experience situations of multi-faceted and entrenched disadvantage; the particular needs of

---

<sup>148</sup> OFMDFM (2014): *A Sense of Belonging – Delivering Social Change through a Racial Equality Strategy for Northern Ireland*, page 64. Available at <http://www.ofmdfmi.gov.uk/racial-equality-strategy-2014-2024-consultation.pdf>

asylum seekers and refugees as well as the particular needs of multiple identity groups (for example: BME women, disabled members of BME communities and members of BME communities of different sexual orientation) who tend to experience specific forms of disadvantage which are likely to require targeted policy responses. The persistent nature of disadvantage experienced by Irish Travellers reveals the risk that new strategies or policies aimed at improving the situation of BME communities in general may not necessarily provide the 'rising tide' that 'lifts all boats' and suggests that a targeted approach is necessary for these groups.

*Do you consider that, taking account of existing legislation, there are alternative approaches to the promotion of racial equality, and, if so, what are they? (page 67)*

- 15.13 It is unclear what this question is asking, and how it fits with equality assessment questions. Does this refer to what is presented in Chapter 6, which as previously noted neglects to reflect the full range of provisions in the RRO, such as the role and purpose of the Equality Commission?; does this refer to the statutory equality duties on Public Authorities under Section 75 of the Northern Ireland Act 1998? It is not clear why Section 67 of the Race Relations Order 1997 is simply stated on page 52 in Chapter 8, 'Making it happen: implementing the Racial Equality Strategy'.

*Do you have any other comments on the assessment of the equality impact of these proposals? (page 67)*

- 15.14 The Commission notes that paragraph 4.2 of the OFMDFM Equality Scheme commits that 'In making any decision with respect to a policy adopted, or proposed to be adopted we take into account any assessment and consultation carried out in relation to the policy, as required by Schedule 9 9. (2) of the Northern Ireland Act 1998'

- 15.15 Furthermore, paragraph 4.3 of the scheme states that 'OFMDFM uses the tools of **screening** and **equality impact assessment** to assess the likely impact of a policy on the promotion of equality of opportunity and good relations. In carrying out these assessments we will relate them to the intended outcomes of the policy in question and will also follow Equality Commission guidance:

- the guidance on screening, including the screening template, as detailed in the Commission's guidance '*Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities (April 2010)*' and
- on undertaking an equality impact assessment as detailed in the Commission's guidance '*Practical guidance on equality impact assessment (February 2005)*'.

15.16 Commission Guidance states that an EQIA is a 'thorough and systematic analysis of a policy...irrespective of the scope of that policy' and that the 'assessment must make reference to the nine equality categories as defined in Section 75...'

15.17 Furthermore, an EQIA should encompass all groups contained within each category as well as multiple identity...groups'.

15.18 For example, Commission guidance on consideration of available data and research advises public authorities to:

- 'Collect and analyse existing quantitative data by relevant equality category as a minimum base from which to judge outcomes;
- Use qualitative or evaluative research or information gathered by government and bodies such as voluntary, community and trade union organizations;
- Identify gaps in available information for equality categories and where more detailed data are needed take steps in order to have the optimum information on which to consult and base subsequent decisions;
- If necessary, commission new data (qualitative or quantitative). As outlined above co-operation within and between sectors should be considered; and Relevant, reliable and up-to-date information is essential. Statistics alone do not provide reasons or explanations for differences. Public authorities must therefore institute a system of information gathering across all nine equality categories to supplement available statistical and qualitative research. While the collection of relevant data is important, public

authorities must be aware that particular issues of sensitivity and confidentiality may arise in relation to disability, sexual orientation and political opinion. Public bodies must recognise the particular benefit of discussion and information gathering with groups representing people with disabilities and of different sexual orientations, in the absence of extensive data on these matters, among their employees and recipients of services’.

- 15.19 The primary function of an EQIA is to determine the extent of the extent of the differential impact of the policy upon the groups and in turn whether that impact is adverse. If it is decided that the policy has an adverse impact, the public authority must consider measures which might mitigate the adverse impact, and alternative policies which might better achieve the promotion of equality of opportunity.
- 15.20 The Commission notes the OFMdfM’s commitment to adhering to the principles of Section 75 of the Northern Ireland Act 1998, when reviewing and developing policy (Annex A).
- 15.21 As noted above, the Equality Scheme contains the arrangements OFMdfM commits to using in order to fulfil its Section 75 duties. In line with these commitments, an assessment process is required. We recommend that this should set out the evidence of impacts in the six priority areas and would assist the future development of detailed options, policies and actions. The policy making process would clearly benefit from the inclusion of assessment information alongside the policy document as it enables consultees to fully consider the evidence.
- 15.22 As such, the Commission would anticipate at the least a screening template to be attached to this consultation document and note with concern, that a meaningful assessment of impacts is not presented.



## Appendix A

### Bibliography

Aire Centre (2011): *Note on infringement proceeding against the UK concerning the right-to-reside test*. Available at: [http://www.airecentre.org/data/files/Right to Reside Infringement Proceedings.pdf](http://www.airecentre.org/data/files/Right_to_Reside_Infringement_Proceedings.pdf)

Anti-Trafficking Monitoring Group (June 2013): *In the Dock: Examining the UK's Criminal Justice Response to Trafficking* (London: Anti-Trafficking Monitoring Group and Anti-Slavery International). Available at: [http://www.antislavery.org/includes/documents/cm\\_docs/2013/i/in\\_the\\_dock\\_final.pdf](http://www.antislavery.org/includes/documents/cm_docs/2013/i/in_the_dock_final.pdf)

ASCONI (2012): *African Images and their impact on public perception* (Belfast: ASCONI). Available at: <http://www.acsoni.org/reports.php>

Advisory Committee on the Framework Convention for the Protection of National Minorities (2011): *Third Opinion on the UK* (Strasbourg: Council of Europe). Available at: [http://www.coe.int/t/dghl/monitoring/minorities/3\\_fcnmdocs/PDF\\_3rd\\_OP\\_UK\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_3rd_OP_UK_en.pdf)

Australian Human Rights Commission (2013): *Racism – it stops with me and the national anti-racism strategy one year on* (Sydney: AHRC). Available at: [http://www.humanrights.gov.au/sites/default/files/document/publication/WEB\\_RISWM\\_one\\_year\\_on\\_report%20final.pdf](http://www.humanrights.gov.au/sites/default/files/document/publication/WEB_RISWM_one_year_on_report%20final.pdf)

BBC Democracy Live (3rd December 2013): *Call for universal healthcare for failed asylum seekers*. Available at: <http://www.bbc.co.uk/democracylive/northern-ireland-25223423>

Belfast Health Development Unit (2010): *Barriers to Health – Migrant Health and Well-being in Belfast* (Belfast: BHSCT). Available at: <http://www.belfasttrust.hscni.net/pdf/Migrant-Health-Strategy.pdf>

Biggart, A., O'Hare, L. and Connolly, P. (2013): 'A need to belong?: The prevalence of experiences of belonging and exclusion in school among minority ethnic children living in the "White Hinterlands"' in *Irish Educational Studies*, 32, 2, pages 179-195.

British Red Cross (2013): *Not gone, but forgotten* (London: Red Cross). Available at:

<http://www.redcross.org.uk/Aboutus/News/2010/June/~-/media/BritishRedCross/Documents/Archive/GeneralContent/N/Destitution%20report%20Not%20gone%20but%20forgotten.pdf>

Collaboration NI (2013): 'A Black and Minority Ethnic Parliament come to Stormont in May 2014'.

Available at: <http://www.collaborationni.org/news/black-and-ethnic-minority-parliament-northern-irelandcomes-stormont-may-2014>

Committee on the Elimination of All Forms of Racial Discrimination: *General Recommendation XVII on Discrimination Against Roma*.

Available at: <http://www1.umn.edu/humanrts/gencomm/genrexxvii.htm>

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, An EU Framework for National Roma Integration Strategies up to 2020, Brussels 5.4.2011, COM (2011) 173 final. Available at:

[http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf)

Connolly P. and Keenan M. (2000): *Opportunities for All: Ethnic Minority People's Experience of Education, Training and Employment in Northern Ireland* (Belfast: NISRA).

Council of the European Union Recommendation of 9 December 2013 on effective Roma Integration measures in Member States. Available at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:378:0001:01:EN:HTML>

Coy, M., Kelly, L. and Foord, J. (2007): *Map of Gaps: The Postcode Lottery of Violence Against Women Support Services* (London: End Violence Against Women and Equality and Human Rights Commission). Available at:

[http://www.equalityhumanrights.com/uploaded\\_files/research/map\\_of\\_gaps1.pdf](http://www.equalityhumanrights.com/uploaded_files/research/map_of_gaps1.pdf)

Department of Education (2012): *Traveller Child in Education Action Framework* (Bangor: DE). Available at:

[http://www.deni.gov.uk/english\\_action\\_framework.pdf](http://www.deni.gov.uk/english_action_framework.pdf)

Department of Education (2011): *Nature and Extent of Pupil Bullying in Schools* (Bangor: DE). Available at: [http://www.deni.gov.uk/rb2\\_2011.pdf](http://www.deni.gov.uk/rb2_2011.pdf)

Department of Justice (2013): *Hate Crime action plan* (Belfast: DOJ). Available at:

<http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-communitysafety/community-safety-strategy-action-plan.htm>

Equality Commission for Northern Ireland (2012): *Do you mean me? Equality Awareness Survey 2011* (Belfast: ECNI). Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/DYMMequalityawarenesssurveyreport2012.pdf>

Equality Commission for Northern Ireland (2012): *Inequalities in Education – Facts and Trends 1998-2008* (Belfast: ECNI). Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/InequalitiesinEducationfactsandtrends1998-2008.pdf>

Equality Commission for Northern Ireland (2012): Commission response to consultation on "Facing the Future: Housing Strategy for Northern Ireland" (Belfast: ECNI). Available at:

<http://www.equalityni.org/Delivering-Equality/Consultancy-responses?subject=All&type=All&year=2012>

Equality Commission for Northern Ireland (December 2011): *Response to the DSD consultation on the Welfare Reform Bill 2011 and EQIA* (Belfast: ECNI). Available at:

[http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2011/DSD-Welfare\\_Reform\\_Bill-EQIA.pdf](http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2011/DSD-Welfare_Reform_Bill-EQIA.pdf)

Equality Commission for Northern Ireland (2011): *Shadow Report to the UN Committee on the Elimination of Racial Discrimination on the UK Government's 18th Periodic Report* (Belfast: ECNI). Available at: [http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2011/Shadow\\_Report-UN\\_Elimination\\_Racial\\_Discrimination-\(CERD\).pdf](http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2011/Shadow_Report-UN_Elimination_Racial_Discrimination-(CERD).pdf)

Equality Commission for Northern Ireland (2010): *Role of the Recruitment Sector in the Employment of Migrant Workers, A Formal Investigation* (Belfast: ECNI). Available at:

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/migrantworkersreportSUMMARY.pdf>

Equality Commission for Northern Ireland (2010): *Section 75 of the Northern Ireland Act 1998 – A revised Guide for public authorities* (Belfast: ECNI). Available at:  
<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75GuideforPublicAuthoritiesApril2010.pdf>

Equality Commission for Northern Ireland (2009): *Outlining minimum standards in Traveller accommodation* (Belfast: ECNI). Available at:  
<http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Housing-communities/Researchinvestigations>

Equality Commission for Northern Ireland (2008): *Every Child an Equal Child. An Equality Commission Statement on Key Inequalities in Education and a Strategy for Intervention* (Belfast: ECNI). Available at  
<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/S75%20P10%20investigation%20reports/Keyinequalitiesineducation2008.pdf>

Equality Commission for Northern Ireland (2007): *Key inequalities in Northern Ireland* (Belfast: ECNI). Available at:  
[http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Keyinequalities\(F\)1107.pdf](http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Keyinequalities(F)1107.pdf)

Equality Commission for Northern Ireland (2006): *Mainstreaming Equality of Opportunity for Travellers in Education: Towards a Strategy* (Belfast: ECNI). Available at:  
<http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/MainstreamingequalityforTravellerchildreninschools2008.pdf>

Equality Commission for Northern Ireland (2006): *Racial Equality in Health and Social Care – a good practice* (Belfast: ECNI). Available at:  
<http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/RaceEqualityinhealthsocialcareGoodpracticeguide2002.pdf>

Equality Commission for Northern Ireland (2001): *Response from the Equality Commission for Northern Ireland to the consultation on 'The Final Report of the Promoting Social Inclusion Working Group on Travellers* (Belfast: ECNI).

Equality Commission for Northern Ireland (2000): *Recommendations for Changes to the Race Relations (NI) Order 1997* (Belfast: ECNI).

The Equality Company (March 2012): *Inequalities in Education* (Belfast: ECNI). Available at:

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/InequalitiesinEducationfactsandtrends1998-2008.pdf>

Education and Training Inspectorate (2009): *An Evaluation of the Provision to Support Newcomer Pupils in a range of primary and post-primary schools*. Available at:

<http://www.etini.gov.uk/index/surveys-evaluations/surveys-evaluations-primary/surveys-evaluationsprimary-2009/an-evaluation-of-the-provision-to-support-newcomer-pupils-in-a-range-of-primary-and-postprimary-schools.pdf>

European Commission Proposal for a Council Recommendation on effective Roma integration measures in Member States, Brussels 26.06.13 COM (2013) 460 final. Available at:

[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lisa/139979.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lisa/139979.pdf)

FRA – European Union Agency for Fundamental Rights (2010): *European Union Minorities and Discrimination Survey* (Vienna: FRA).

Available at:

[http://fra.europa.eu/sites/default/files/fra\\_uploads/1454-EU\\_MIDIS\\_DiF5-multiple-discrimination\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1454-EU_MIDIS_DiF5-multiple-discrimination_EN.pdf)

FRA – European Union Agency for Fundamental Rights (2013): *Inequalities and multiple discrimination in access to and quality of healthcare* (Luxembourg: FRA). Available at:

[http://fra.europa.eu/sites/default/files/inequalities-discrimination-healthcare\\_en.pdf](http://fra.europa.eu/sites/default/files/inequalities-discrimination-healthcare_en.pdf)

Goodenow, C., & Grady, K. E. (1993): 'The relationship of school belonging and friends' values to academic motivation among urban adolescent students' in *Journal of Experimental Education*, 62(1), 60-71.

Harvey, C and Ward, M. (2001): *No welcome here? Asylum Seekers and refugees in Ireland and Britain* (Belfast: Democratic Dialogue).

Hansard (23rd October 2012): *Law Centre Submission to the Committee for Social Development on the Welfare Reform Bill*. Available at:

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2012-2013/October-2012/Welfare-Reform-Bill-Law-Centre-NI-Briefing/>

Her Majesty's Inspectorate of Education in Scotland (2009): *Count Us In: Meeting the needs of children and young people newly arrived in Scotland* (Livingstone: HM Inspectorate of Education). Available at: [http://www.educationscotland.gov.uk/Images/cuimnnus\\_tcm4-619478.pdf](http://www.educationscotland.gov.uk/Images/cuimnnus_tcm4-619478.pdf)

Hinds, B. (2010): *The Northern Ireland economy: Women on the Edge – A comprehensive analysis of the impacts of the financial crisis*. (Belfast: Women's Resource and Development Agency). Available at: <http://www.wrda.net/Documents/The%20NI%20Economy%20%20Women%20on%20the%20Edge%20Exec%20Summary.pdf>

Home Office and Southall Black Sisters (2012): *Three Steps To Escaping Violence Against Women and Girls*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97924/english-3-steps.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97924/english-3-steps.pdf)

Inside Housing (January 2013): 'No housing benefit for unemployed EU migrants'. Available at: <http://www.insidehousing.co.uk/regulation/no-housing-benefit-for-unemployed-eu-migrants-fromapril/7001721.article>

Institute of Conflict Research (2012): *The Horn of Africa Community in Belfast - a needs assessment* (Belfast: ICR). Available at: <http://www.hapani.org/reports>

Irwin, J., Murphy, N. and McAreavey, R. (2014): *The economic and social mobility of minority ethnic communities in Northern Ireland* (York: Joseph Rowntree Foundation). Available at: <http://www.jrf.org.uk/publications/mobility-of-ethnic-minority-communities-in-northern-ireland>

Jarman, N. (2012): *Criminal Justice Responses to Hate Crime in Northern Ireland*. (Belfast: Institute for Conflict Research). Available at: [http://www.niacro.co.uk/filestore/documents/hate\\_crime\\_project\\_papers/01\\_Criminal\\_Justice\\_Responses\\_to\\_Hate\\_Crime\\_in\\_NI.pdf](http://www.niacro.co.uk/filestore/documents/hate_crime_project_papers/01_Criminal_Justice_Responses_to_Hate_Crime_in_NI.pdf).

Joseph Rowntree Foundation (2013): *Poverty and Ethnicity in Northern Ireland* (York: Joseph Rowntree Foundation). Available at: <http://www.jrf.org.uk/publications/poverty-ethnicity-northern-ireland>

Joseph Rowntree Foundation (2011): *Forced Labour in Northern Ireland, Summary Findings Ireland* (York: Joseph Rowntree Foundation).

Available at: <http://www.jrf.org.uk/sites/files/jrf/forced-labour-Northern-Ireland-summary.pdf>

Kelleher, C. et al, (2010): *All Ireland Traveller Health Study*, University College Dublin (Dublin: Department of Health and Children & DHSSPS).

Available at:

[http://www.dohc.ie/publications/aiths2010/ExecutiveSummary/AITHS2010\\_SUMMARY\\_LR\\_All.pdf?direct=1](http://www.dohc.ie/publications/aiths2010/ExecutiveSummary/AITHS2010_SUMMARY_LR_All.pdf?direct=1)

Kernaghan, D. (March 2014): *Believe in Childcare? Believe in Children. An investigation into the Childcare Needs of Ethnic Minorities in Northern Ireland* (Belfast: NICEM and Barnardos). Available at:

[http://www.barnardos.org.uk/9632\\_-\\_believe\\_in\\_childcare\\_.pdf](http://www.barnardos.org.uk/9632_-_believe_in_childcare_.pdf)

Law Centre (NI) (2013): *Policy Briefing – Accessing healthcare for migrants in Northern Ireland: Problems and Solutions* (Belfast: The Law Centre). Available at:

<http://www.lawcentreni.org/Publications/Policy-Briefings/Policy-Briefing-Migrants-and-health-care-Law-Centre-NI-2013.pdf>

Law Centre (2013): *The DEL ESOL pilot: Comments from the Community and Voluntary Sector* (Belfast: The Law Centre).

Law Centre (2011): *Access to free accredited ESOL Classes for asylum seekers and refugees* (Update) Available at:

<http://www.lawcentreni.org/component/content/article/63-policy-briefings/806-access-to-free-accredited-esol-classes-for-asylum-seekers-and-refugees.html>

The Right Honourable Lord Justice Leveson (November 2012): *Criticism of the Culture, Practices and Ethics of the Press* (London: The Stationery Office).

Available at: [http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780\\_ii.pdf](http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780_ii.pdf)

McGill, P. and Oliver, Q. (2002): *A wake-up call on race: Implications of the MacPherson report for Institutional Racism in Northern Ireland* (Belfast: ECNI). Available at:

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/WakeUpCallonRace-McPherson-Report.pdf>

McGovern, J., Meas, W. H. and Webb, M. A. (2011) *Supporting Refugee and Asylum Seeking Families Living in Northern Ireland* (Belfast: Barnardo's Northern Ireland). Available at:  
[http://www.barnardos.org.uk/8886\\_-\\_tuar\\_ceatha.pdf](http://www.barnardos.org.uk/8886_-_tuar_ceatha.pdf)

McKittrick, N and McCann, J. (2012): *Evaluation of the OFMDFM Emergency Fund Pilot August 2011– March 2012* (Belfast: OFMDFM). Available at:  
<http://www.communityfoundationni.org/download/files/efundpilot2.pdf>

McQuaid, R., Hollywood, E., Canduela, J., (2010): *Employment Inequalities in an Economic Downturn*, Employment Research Institute, Edinburgh Napier University (Belfast: ECNI). Available at:  
<http://www.equalityni.org/Publications/Delivering-Equality/Employment-inequalities-in-an-economic-downturn?ID=441>

McVeigh, R. (2013): *Race and the Criminal Justice System in Northern Ireland*. (Belfast: NICEM). Available at: [http://nicem.org.uk/wp-content/uploads/2014/02/Race\\_and\\_Criminal\\_Justice\\_2013.pdf](http://nicem.org.uk/wp-content/uploads/2014/02/Race_and_Criminal_Justice_2013.pdf)

McVeigh, R. (2002) *Refugees and asylum seekers in Northern Ireland: A place of refuge*. (Belfast: Refugee Action Group). Available at:  
<http://www.mcrc-ni.org/PDFs/APOR.pdf>

McWilliams, M. and Yarnel, P. (2012): *The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland* (Belfast: NICEM). Available at:  
<http://www.hscbusiness.hscni.net/pdf/PRBMEWEDVNI.pdf>

MIND (2009): *A civilised society – Mental Health Provision for Refugees and Asylum Seekers in England and Wales*. Available at:  
<http://www.mind.org.uk/media/273472/a-civilised-society.pdf>

National Children's Bureau (2010): *New to Northern Ireland – A study of the issues faced by migrant, asylum-seeking and refugee children in Northern Ireland*. Available at:  
[http://www.ncb.org.uk/media/886382/ntni\\_web\\_final.pdf](http://www.ncb.org.uk/media/886382/ntni_web_final.pdf)

Northern Ireland Council for Ethnic Minorities (2013): *The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland* (Belfast: NICEM). Available at:  
<http://www.nicem.org.uk/userFiles/File/CEDAW%20reports/PRBMEWEDVNI.pdf>



Northern Ireland Council for Ethnic Minorities (2013): *Submission to DSD consultation on 'Facing the Future' Housing Strategy for Northern Ireland 2012-2017* (Belfast: NICEM).

Northern Ireland Council for Ethnic Minorities (2012): *Bayanihan: the Filipino community in Northern Ireland* (Belfast: NICEM). Available at <http://nicem.org.uk/e-library/bayanihan-filipino-community-northern-ireland>

Northern Ireland Council for Ethnic Minorities (2011): *Promoting Racial Equality in Northern Ireland's Post Primary Schools* (Belfast: NICEM). Available at: <http://nicem.org.uk/e-library/promoting-racial-equality-northern-irelands-post-primary-school>

Northern Ireland Council for Ethnic Minorities (2009): *Za Chlebem – The impact of the economic downturn on the Polish community in Northern Ireland* (Belfast: NICEM). Available at: <http://nicem.org.uk/e-library/za-chlebem-impact-economicdownturn-polish-community>

Northern Ireland Human Rights Commission (2013): *Racist Hate Crime – Human Rights and the Criminal Justice System* (Belfast: NIHRC). Available at: [http://fra.europa.eu/sites/default/files/frc-2013-g-sauberli-investigation\\_report\\_full\\_en.pdf](http://fra.europa.eu/sites/default/files/frc-2013-g-sauberli-investigation_report_full_en.pdf)

Police Service for Northern Ireland (February 2014): *Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland: Quarterly Update to 31st December 2013*(Belfast: PSNI). Available at: [http://www.psni.police.uk/updates\\_domestic\\_and\\_hate\\_motivation\\_statistics\\_archive](http://www.psni.police.uk/updates_domestic_and_hate_motivation_statistics_archive)

Police Service for Northern Ireland (2013): *Trends in Hate Motivated Incidents and Crimes recorded by the Police in Northern Ireland from 2004/05 – 2012/13* (Belfast: PSNI). Available at: [http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID\\_ITEMS=39042](http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=39042)

Refugee Action Group: *Asylum seekers should not be restricted access to Healthcare says Refugee Charity* (Belfast: RAG). Available at: [http://www.refugeeaction.org.uk/about/media\\_centre/our\\_news/837\\_asylum\\_seekers\\_should\\_not\\_be\\_restricted\\_from\\_access\\_to\\_healthcare\\_says\\_refugee\\_charity](http://www.refugeeaction.org.uk/about/media_centre/our_news/837_asylum_seekers_should_not_be_restricted_from_access_to_healthcare_says_refugee_charity)

*Report of the Parliamentary Inquiry into asylum support for children and young people* (January 2013). Available at:

[http://www.childrenssociety.org.uk/sites/default/files/tcs/asylum\\_support\\_inquiry\\_report\\_final.pdf](http://www.childrenssociety.org.uk/sites/default/files/tcs/asylum_support_inquiry_report_final.pdf)

Runnymede Trust (Aug 2012): *One Minority at a time: Being black and gay*. Available at:

<http://www.runnymedetrust.org/uploads/publications/pdfs/OneMinorityAtATime-2012.pdf>

United Nations Committee on the Elimination of Racial Discrimination (Sept 2011):

*Concluding Observations on UK*. Available at:

<http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.CO.18-20.pdf>

Webb, M., Kernaghan, A.D., and Caffrey, M. (2014): *Believe in Childcare? The Childcare needs of ethnic minority communities in Northern Ireland, Policy and Practice briefing No 17*. (Belfast: Barnardo's/NICEM). Available at:

[http://www.barnardos.org.uk/15920\\_pp\\_briefing\\_no17.pdf](http://www.barnardos.org.uk/15920_pp_briefing_no17.pdf)