



EQUALITY COMMISSION FOR NORTHERN IRELAND

Summary Position: Response to the OFMDFM consultation on proposals for 'a Racial Equality Strategy for Northern Ireland 2014-2024'

October 2014

The Commission welcomes OFMDFM's consultation on proposals for a Racial Equality Strategy for Northern Ireland. In particular we welcome positive references to our recommendations for policy and law reform. We are however concerned that the consultation document does not contain, nor seek views on a comprehensive suite of headline actions; and as such there is no clear picture of what will be delivered, when or by whom; nor any discrete funding allocated.

The Consultation is an important first step.

The Commission welcomes this consultation as an important first step towards the development of a new Racial Equality Strategy. We welcome the positive reference to our recommendations in relation to policy and law reform and inclusion of a commitment to develop specific programmes to address particular challenges faced by groups such as Roma and Refugees.

We 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.

We 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*' 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.

A Racial Equality Strategy must however address key weaknesses in the consultation proposals.

The proposed strategy should set out clear evidence of the social, political and economic inequalities faced by minority ethnic communities; develop and communicate clear rationales in support of priority actions; ensure actions are clearly defined, timetabled, allocated

and resourced; and ensure appropriate high level commitment and oversight arrangements.

The consultation does not present a baseline assessment identifying the key inequalities experienced by BME people; it does not use such an assessment to identify specific priority groups in need of protection, nor highlight specific gaps in legislative or policy provision that need to be addressed. It identifies no key actions (save for one on ethnic monitoring); lacks high level oversight; and includes no dedicated funding. As such it provides little guidance, including to Departments, on the key priority areas which need to be addressed or of those groups facing particular disadvantage.

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 cultural life; the role of the arts and sport in promoting minority ethnic participation; of the need to build on work currently being undertaken at local level; or of the resources which will be made available to build capacity among the BME sector.

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’ . However the consultation does not set out high level actions with the result that there is no clear picture of what will be delivered, when or by whom.

We recommend specific actions to tackle prejudice, racism & hate crime and promote equality.

Aligned to the priorities set out in our 2014 publication ‘[Racial Equality Policy – Priorities and Recommendations](#)’, the Strategy should set out specific actions to tackle prejudicial attitudes, racism and hate crime; alongside ensuring equality of opportunity in education, employment, accommodation, healthcare and access to social welfare.

It should be made clear that the 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’* .

The strategy should acknowledge (and contain commitments to raise awareness of) the contribution made by BME citizens to economic, political, social and cultural life in Northern Ireland.

It should also contain clear indications on how the Strategy will fulfil the Executive’s international treaty commitments with respect to racial equality.

The Strategy should contain a timetabled commitment to reform race equality law aligned to our proposals.

In Northern Ireland we have less legal protection against racial discrimination than in other parts of the UK. We recommend that the Strategy contain a specific and timetabled commitment to reform race equality law aligned to our proposals - '[Race Equality Law Reform: Strengthening legal protection](#)'.

The Commission remains concerned that individuals in Northern Ireland have less protection against racial discrimination, harassment and victimisation across, than people in other parts of the UK. The Advisory Committee on the Framework Convention for the Protection of National Minorities¹ and the UN Committee on the Convention for the Elimination of all forms of Racial Discrimination (CERD)² has urged the NI Executive to address legislative shortcomings, supplementing the Commission's consistent calls.

The Strategy should focus on inequalities faced by BME groups and associated multiple identities.

The Strategy should focus on inequalities experienced by BME groups and associated multiple identities (e.g. where discrimination is based on race; or race in combination with other equality grounds). Extensive engagement with minority ethnic groups / individuals should be central to developing the Strategy. The strategy should also commit to developing targeted sub-strategies for Traveller, Roma, and Refugee Integration.

The Commission has long recognised the need for focused initiatives targeted at Travellers, and Refugees and, more recently, Roma, given the multi-faceted, complex, intractable and persistent, inequalities these groups experience. We recommend that the Executive develops a Refugee Integration Strategy and a Strategy for Travellers and Roma. These individual targeted strategies should nest within or be considered a sub-set of the overarching (mainstreaming) Racial Equality Strategy.

The Commission is also clear that the Strategy should be capable of tackling the full range of multiple identity racial inequalities. The Commission therefore recommends that the proposed framework is amended so as to tackle

¹ Third Opinion on the UK, the Advisory Committee on the Framework Convention for the Protection of National Minorities, Dec 2011

http://www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_3rd_OP_UK_en.pdf

² UN Committee on CERD, Concluding Observations on UK, Sept 2011, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.CO.18-20.pdf>

inequalities centred on race or associated multiple identities (i.e. where race, or race and an additional equality ground are engaged).

OFMDFM should ensure that the information-sharing component of the consultation and subsequent action planning process includes the views of particularly 'hard to reach' groups, such as Roma and Refugees.

Leadership is key to effective implementation

We recommend that OFMDFM ensures a high level of ministerial engagement through the Racial Equality Panel to oversee implementation of the Strategy; and ensures a coherent and co-ordinated approach to the delivery of the strategy (in the context of linkages with associated strategies such as Together: Building a United Community).

There appears to be a relatively less high level commitment to the Racial Equality Strategy. In particular, the Commission notes 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 Executive³, to set the strategic direction for the TBUC Strategy and oversee its delivery. In contrast, there is *no* ministerial representation on the Racial Equality Panel. The Panel is instead to be chaired by an OFMDFM official⁴ and is only required to report to the Minister once a year⁵.

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 in improving relations in our society.

The Strategy must contain a comprehensive baseline assessment establishing the rationale for key actions

The inclusion of a comprehensive baseline assessment should present a clear rationale for the strategic actions to be advanced; identify high-priority groups in need of protection; and gaps in existing programme coverage.

³ OFMDFM (2013): Together: Building a United Community Strategy, page 7. Available at: <http://www.ofmdfmi.gov.uk/together-building-a-united-community>

⁴ 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>

⁵ Ibid, page 51.

The consultation lacks a comprehensive baseline assessment, providing little guidance to Departments on the key priority areas which need to be addressed. It includes no comprehensive assessment of the social, political and economic inequalities faced by minority ethnic communities including identification of those groups facing particular disadvantage. It contains no information on the size of the ethnic minority population, its make-up or spatial distribution.

Clarity in relation to key inequalities to be addressed and associated baseline data and measures is essential to assist Departments to develop meaningful, coordinated and targeted action plans.

The Commission has set out its views on key inequalities to be addressed in our 2014 publication '[Racial Equality Policy – Priorities and Recommendations](#)'.

The Strategy should include specific actions for each shared aim, with clear responsibilities and resourcing. The Strategy should set out specific headline actions to be advanced in key areas (e.g. education, health, housing etc). This should be accompanied by a detailed action plan setting out specific actions to be advanced; which Departments will lead; who will be involved; and the funding allocated.

The consultation does not set out specific actions in support of the strategic aims, with the result that there is no clear picture of what will be delivered, when or by whom. The consultation commits 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.

The Commission is 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. There should be a clear indication of 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 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.

The Commission is concerned that bids for funding to implement the Strategy will be ‘assessed against the competing priorities within government’⁶, with no discrete funding being made available. In the current climate of financial austerity and budget cuts, it is conceivable that this leave open the potential that insufficient funds will be available to ensure that the Strategy is effectively implemented or to take forward new programmes of work. The Executive should ensure the strategy not only contains high level actions to achieve each of the aims, but also allocated associated funding.

The Strategy should establish structures to mainstream racial equality

Having an integrated and systematic approach to mainstreaming racial equality issues is key to the strategy’s success. The Department should ensure that there are structures in place to ensure that Strategy is mainstreamed across and within Departments at all levels - including, for example, the potential for nominated Racial Equality Champions.

The Commission 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).

The Strategy must ensure effective evaluation.

We welcome the commitment in the consultation to ethnic monitoring and associated data collection. We recommend that OFMDFM provides for appropriate and independent evaluation of the racial equality strategy, including via the Racial Equality Panel.

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. 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 .

We also recommend that 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

⁶ OFMDFM (2014), A Sense of Belonging: Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014 – 2024 - page 58.

Racial Equality Panel cannot agree with the annual report submitted by OFMDFM on the implementation of the programme of work.

Proposals must be equality impact assessed in line with Section 75 scheme commitments

OFMDFM's Equality Scheme commits to adhering to the principles of Section 75 of the Northern Ireland Act 1998. We note with concern that a meaningful assessment of equality impact has not been presented. The Commission anticipated at least a screening template being attached to the consultation.

The Consultation notes that there are gaps in the data/evidence currently available and sets out limited data in Chapters 2 and 5 of the consultation document. The data presented is not analysed by Section 75 category. The policy making process would clearly benefit from the inclusion of assessment information alongside the consultation document as it enables consultees to fully consider the evidence.

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. We recommend that OFMDFM sets out the evidence of impacts in the six priority areas proposed in the consultation, assisting the future development of detailed options, policies and actions.