



**EQUALITY COMMISSION FOR NORTHERN IRELAND**

**Response to the  
Executive's consultation on a  
draft Programme for Government  
2016-21**

December 2016

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# 1 Executive Summary

## ***Overarching Key Recommendations***

- 1.1 We welcome and strongly support the proposed focus on achieving outcomes.
- 1.2 We also welcome the introductory high-level commitments to equality; however, we consider that these commitments need to be comprehensively mainstreamed into actions.
- 1.3 We recommend that PfG measures should not only be tracked in aggregate terms, but also for the impact on individuals across all the Section 75 categories.
- 1.4 The PfG should commit the Executive to ensure there is no regression from current levels of equality protections following our exit from the EU.

## ***Recommendations on Equal Society/ Shared Society Outcomes***

- 1.5 We recommend the focus of the proposed ‘*equal society*’ outcome is on securing equality of opportunity for all Section 75 categories across all areas.
- 1.6 We recommend the ‘*shared society*’ outcome adopts a greater focus on improving outcomes and well-being across the Section 75 categories, in addition to any focus on addressing socio-economic issues.
- 1.7 We recommend a greater focus on advancing a ‘shared society’ - including across the spaces where we live, work and are educated.

## ***ECNI Priority issues and recommendations***

### Social attitudes

- 1.8 We recommend a clearer commitment and actions to tackle prejudicial attitudes, behaviour and hate crime across all Section 75 categories.

### Education

- 1.9 We recommend a clearer commitment to address the educational inequalities experienced by people across a range of Section 75 categories.

## Employment

- 1.10 We recommend a clearer commitment to addressing employment inequalities - particularly to support women's economic independence; address the exploitation and low pay of some migrant workers; and ensure employment and training provision are inclusive for all.

## Access to Social protection

- 1.11 We recommend actions to protect the most vulnerable from welfare reform, including extending or putting in place mitigating measures in advance of the expiry of the current time-limited programme.

## Accommodation, Housing and Communities

- 1.12 We recommend clarification, in terms of the scale and focus, of proposed actions to address housing inequalities experienced by older people and people with disabilities, and to advance sharing in housing and communities.
- 1.13 We also recommend actions to address the housing needs of members of particular equality categories, such as Irish Travellers, and people from minority ethnic communities, including migrant workers and refugees.

## Health & social care and wellbeing

- 1.14 We recommend further commitments to the identification and removal of access barriers for older people; LGB people; transgender people; Irish Travellers and other minority ethnic people; and persons with learning disabilities.

## Public life and decision making

- 1.15 We recommend a clearer commitment to increase further actions to increase the participation in public/political life of those from under-represented Section 75 groups.

## Reform of Equality Law

- 1.16 We recommend a clearer commitment to reform and strengthen equality law across a number of equality categories; as well as reform of wider areas of the law that impact on individuals across the Section 75 equality categories.

## Address gaps in equality data

- 1.17 We recommend a clearer commitment to address the key gaps in equality data, including on the grounds of gender identity, sexual

orientation, and race; and to rectify the lack of data disaggregation in relation to ethnicity, disability and gender.

- 1.18 We recommend that consideration is given to the appropriateness of a 'Life Satisfaction' Indicator (42) solely for those with disabilities.

### Develop and implement equality strategies

- 1.19 We recommend a timetabled commitment to ensure effective equality/ good relations strategies are implemented and updated across the full range of equality grounds, including the implementation of the Childcare Strategy.

### Compliance with International Conventions

- 1.20 We recommend a clearer commitment in the PfG (and associated delivery plans) to ensure delivery of, and track compliance against, international obligations –including the UNCRPD.

### Compliance with Statutory Duties

- 1.21 In the development of the PfG, budget and delivery plans, Departments should ensure compliance with their statutory equality and good relations duties.

## 2 Introduction

- 2.1 In January 2016<sup>1</sup> the Equality Commission for Northern Ireland (“the Commission”) set out and published priority issues and recommendations it wished to see advanced through the forthcoming Programme for Government (PfG) and Budget, in order to address key inequalities and promote equality of opportunity.
- 2.2 Aligned to these recommendations, we set out a number of additional recommendations in our response<sup>2</sup> to the Executive’s consultation on a draft PfG Framework<sup>3</sup> in July 2016.
- 2.3 Building on the recommendations set out in our response, we highlight below our further recommendations in response to the Executive’s consultation on a draft PfG<sup>4</sup>.
- 2.4 We note that the PfG is to be supported by an updated Investment Strategy; a revised Economic Strategy; and a new Social Strategy which will include how the Executive proposes to tackle poverty, social exclusion and patterns of deprivation based on objective need. We note that the Executive is proposing to consult and engage on these draft Strategies,
- 2.5 We wish to see our specific PfG recommendations advanced through the Programme for Government and these Strategies and the work of government generally to ensure the mainstreaming of equality of opportunity and good relations in the key outcomes to be achieved over the 2016-21 mandate.

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<sup>1</sup> [ECNI \(2016\). Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

<sup>2</sup> ECNI (2016) [PfG Framework - Full Response](#)

<sup>3</sup> NI Executive (2016) [Draft Programme for Government Framework 2016-21 and questionnaire](#)

<sup>4</sup> NI Executive PfG Consultation Document, Oct 2016

### 3 Overarching Recommendations

***We welcome and strongly support the proposed focus on achieving outcomes.***

- 3.1 As highlighted in our earlier response<sup>5</sup> to the PfG Framework, we welcome and strongly support the Executive's proposed focus on achieving outcomes, specifically given the potential that this offers to advance equality of opportunity and good relations for those who live with and experience inequalities and the absence of good relations. We note that there was 'widespread support for the move to an outcomes-based approach'.
- 3.2 We also support the Executive's approach to focus on the impact on people, rather than solely on the actions taken within Government.
- 3.3 Further, we support the emphasis on working across Government, partnership working, and on full engagement and co-design with stakeholders in every stage of development and delivery; as well as the commitment to transparency on reporting progress on delivering outcomes. In general, the approach has the potential to be transformative and to deliver tangible outcomes.
- 3.4 We look forward to the opportunity to work closely with the Executive to advance equality of opportunity and good relations through PfG in line with our key role as the independent body with a statutory remit to challenge discrimination and promote equality of opportunity.

***Whilst we welcome the introductory high-level commitments to equality, these commitments need to be comprehensively mainstreamed into actions.***

- 3.5 Our response<sup>6</sup> to the Framework consultation had recommended that there should be 'a clear commitment in the PfG to addressing key inequalities experienced by Section 75 categories, as well as to promoting good relations'; and that this commitment be underpinned by the inclusion of robust outcome focused action measures.
- 3.6 We had also recommended that promoting equality of opportunity and good relations should be cross cutting themes

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<sup>5</sup> See NI Executive PfG Consultation Document, Oct 2016, p4

<sup>6</sup> ECNI (2016) [PfG Framework - Full Response](#)

across all Government strategies, policy development and actions – including the PfG.

3.7 We therefore welcome that the introduction to the draft PfG includes a new section on ‘equality of opportunity’. We note there is reference to equality of opportunity and good relations as ‘framing themes’ across all Executive strategies, development plans and delivery actions’; that the Executive ‘wants to make a clear commitment to addressing key inequalities, particularly those experienced by the Section 75 equality groups....and to tracking progress for these groups in relevant PfG population indicators or associated performance indicators, wherever the data permits’<sup>7</sup>; that the Executive commits to ‘promoting good relations’, in line with its vision; as well as a commitment to ensuring data on all relevant Section 75 categories is used for monitoring delivery and to analyse impact *‘to ensure that we provide both an equal society and that we actively promote equality of opportunity at every opportunity’*<sup>8</sup>.

3.8 Whilst we welcome these and other inclusions, we are concerned that these introductory high-level commitments are, in a number of cases, not mainstreamed into the actions associated with the PfG indicators or their associated delivery plans.

***PfG measures should not only be tracked in aggregate, but also for the impact on individuals across all the Section 75 categories.***

3.9 We remain concerned that, in some cases, indicators (and associated actions) are narrowly focussed, thus missing the opportunity to track and/or address inequalities across the full range of equality categories. We have set out in more detail in the following sections specific examples that highlight this.

***The PfG should commit the Executive to ensure there is no regression from current levels of equality protections following our exit from the EU.***

3.10 We welcome the reference in the draft PfG introduction that the Executive will ensure that Northern Ireland interests are protected and advanced in any arrangements which emerge as

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<sup>7</sup>See NI Executive PfG Consultation Document, Oct 2016, p2

<sup>8</sup> Ibid

regards the United Kingdom's future relationship with the European Union (EU).

- 3.11 We note however that there is no explicit commitment, in relation to the outcomes relating to a more equal and shared society, to ensure that there will be no regression from current levels of protection under equality law in Northern Ireland in the context of any future relationship with the EU.
- 3.12 We recommend that the Executive, and the UK Government, ensures that the promotion of equality of opportunity and good relations in Northern Ireland are considered priority and core issues in the context of the United Kingdom's exit negotiations and final agreement with the EU.
- 3.13 We also recommend that the Executive includes within the PfG a commitment, in relation to the outcomes relating to a more equal and a shared society, to ensure there is no regression from current levels of protection under equality law in NI and seeks to maximise opportunities to promote equality of opportunity and good relations.

## 4 Recommendations on Equal Society / Shared Society Outcomes

***We recommend the focus of the proposed ‘equal society’ outcome is on securing equality of opportunity for all Section 75 categories across all areas.***

- 4.1 We welcome the continued inclusion of the proposed *equal society* outcome.
- 4.2 Our response<sup>9</sup> to the earlier Framework consultation had recommended that this outcome contained a number of commitments, including: to promoting equality of opportunity and addressing key inequalities; to challenging discrimination and reforming equality law; to implementing effective equality/good relations strategies; to ensuring that equality/good relations are cross cutting themes across Government policy development; to ensuring compliance with statutory obligations, as well as international human rights conventions; and to addressing key gaps in equality data.
- 4.3 We note the inclusion of commitments in this outcome to fulfilling ‘equality obligations, including compliance with international human rights conventions’. There is also a recognition by the Executive of its ‘responsibility to deliver better equality outcomes across all areas of this PfG’ and that ‘in particular, the data for all outcomes will be collated and reported on across all Section 75 categories’ and ‘where gaps in data for equality groups exist, we will require these to be addressed wherever possible’<sup>10</sup>.
- 4.4 We note that the wording of this outcome in the draft PfG Framework had a stronger focus on promoting diversity, widening access to opportunities regardless of people’s identities, and ending discrimination and hate crime. We suggest that a focus in these areas is reinforced in the PfG.
- 4.5 Further, the focus of the outcome (and associated indicators and actions) is not about delivering better outcomes / addressing inequality across *all* areas of social policy but is on addressing inequalities only in the areas of health; employment; education; and poverty. We recommend that the PfG identifies

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<sup>9</sup> ECNI (2016) [PfG Framework - Full Response](#)

<sup>10</sup> See NI Executive PfG Consultation Document, Oct 2016, p42

and commits to actions in these areas aligned to the Commission's recommendations.

- 4.6 We note that the focus of the 'equality' outcome, and associated indicators and actions across the PfG, is often on tackling socio-economic disadvantage, and not on addressing key inequalities by Section 75 category, though we recognise that the measure on reducing health inequality considers both the impact of both deprivation and gender<sup>11</sup>.
- 4.7 The Commission has made it clear that there is a need for urgent action to address poverty and social exclusion experienced by a range of equality groups. Whilst socio-economic disadvantage is not a specified ground under the equality legislation, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion.
- 4.8 We have also made it clear that we *support* the proposed indicators relating to tackling poverty and socio-economic disadvantage<sup>12</sup> to the extent that they can be utilised to address the poverty and social exclusion experienced by a range of equality groups<sup>13</sup>.
- 4.9 There is however a need to ensure that equality of opportunity and good relations are also advanced across the PfG as a whole.
- 4.10 We therefore recommend that the focus in the PfG on creating a more equal society is in support of an underpinning goal of advancing and securing equality of opportunity across all Section 75 groups, and improving outcomes for all Section 75 categories, *in addition to* the focus on addressing socio-economic disadvantage.

***We recommend the 'shared society' outcome adopts a greater focus on improving outcomes and well-being across the Section 75 categories.***

- 4.11 In our response to the PfG Framework<sup>14</sup> we supported the inclusion of a '*shared society*' outcome and we welcome its

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<sup>11</sup> There is a proposed indicator "*Reduce health inequality: Gap between highest and lowest deprivation quintile in healthy life expectancy (HLE) at birth*". This tracks the gap in HLE between the most deprived quintiles for males and females.

<sup>12</sup> For example: reduce poverty; increase economic opportunities for our most deprived communities.

<sup>13</sup> ECNI (2016) [PfG Framework - Full Response](#)

<sup>14</sup> Ibid

continued inclusion. We note that there is a commitment to tackling barriers to participation in society experienced across the Section 75 categories, as well as a recognition that '*respect may be experienced differently by individuals and groups as defined by local and international law*'.

### Sharing across all Section 75 Categories

- 4.12 However, we are concerned that the proposed indicators and actions appear to largely focus on community background, with some limited mention of ethnicity and disability, and not Section 75 categories more widely.
- 4.13 In relation to ensuring a focus on public spaces and communities, our response<sup>15</sup> to the PfG Framework consultation recommended that the proposed indicator on shared space be amended to focus on the accessibility to all Section 75 categories. We note that this has not been adopted, with the indicator remaining focussed on Protestant and Catholics.
- 4.14 We note that the associated delivery plan states: 'Other S75 groups may also experience difficulties in using shared space in various contexts such as education facilities, public spaces, workplaces and communities including ethnic minorities (Irish Travellers, migrant workers, asylum seekers and refugees); children and young people; LGB and trans people; people with disabilities; and people with multiple identities'<sup>16</sup>. It states that it will seek, where possible, to collect data for Section 75 categories. We recommend that there is a firm commitment to collect data for all Section 75 categories.
- 4.15 In relation to the proposed indicator on reconciliation, we note that the associated draft delivery plan states that while the need for reconciliation is likely to be greatest between Catholics and Protestants, '*particular issues and difficulties may be experienced ...by sub groups within communities, for example: ... Travellers and ethnic minorities*'<sup>17</sup>
- 4.16 The indicator, however, remains limited in relation to its focus on community background and gender. The draft delivery plan undertakes to draw upon additional Good Relations indicators including: on relations between Catholics and Protestants; young people socialising with those of other religions; mixed

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<sup>15</sup> ECNI (2016) [PfG Framework - Full Response](#)

<sup>16</sup> At paragraph 20

<sup>17</sup> At paragraph 19

neighbourhoods; peace lines; and the percentage of those who think the culture and traditions of Catholics, Protestants and minority ethnic communities add to the richness and diversity of Northern Ireland society. We recognise that the proposal to draw on the above Good Relations indicators opens up the potential that there will be some consideration relating to race.

- 4.17 In relation to the proposed indicator on respect, we note that a *Respect Index* is currently being developed, with a range of questions being trialled and the range of data being considered. The narrative of the delivery plan notes<sup>18</sup> that: *'Respect may be experienced differently by individuals across the range of S75 and other groups in a range of scenarios including education, health services, public spaces, employment and communities. However, lack of respect may be experienced particularly by: ethnic minorities; older people; children and young people; LGB and trans people; people with disabilities; and people with multiple identities.'*
- 4.18 Despite this, there is no explicit commitment in the delivery plan that the *Respect index* will be developed across all Section 75 categories.
- 4.19 In summary, we continue to recommend that the proposed indicators on shared space; reconciliation (cultural identity respected); and respect should be capable of measuring sharing for, and by, each of the Section 75 categories, rather than being more narrowly focussed on just community background.
- 4.20 While the delivery plans may provide opportunities to advance these matters, we consider that the PfG proposals continue to fall short of our recommendations that these indicators should be capable of measuring sharing for each of the Section 75 categories.

### 'Life Satisfaction'

- 4.21 We note that this outcome also includes a proposed indicator focused on increasing life satisfaction – but that this relates only to disabled people and not to Section 75 categories more widely<sup>19</sup>.

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<sup>18</sup> At paragraph 18

<sup>19</sup> Proposed indicator is 'increase quality of life for people with disabilities and their families'.

- 4.22 It is not clear why the Executive, with a stated core PfG focus on population ‘well-being’, would adopt such a narrow focus in a section focused on respecting diversity.
- 4.23 We had queried in our response to the draft PfG Framework why it included a focus on the life satisfaction of people with disabilities, but not other Section 75 categories, for example, LGB individuals or members of minority ethnic groups<sup>20</sup>.
- 4.24 If a life satisfaction indicator is to be retained, we consider that it should be in the context of a high-level measure aligned to the overall ‘wellbeing’ focus of the PfG, and not solely in the specific context of advancing equality for those with disabilities (for which we have other recommendations – see later). If retained in this context, we continue to *recommend* that the proposed lead measure (life satisfaction score) collects data so that it is possible to track this life satisfaction measure for people from all Section 75 categories.

***We recommend a greater focus on advancing a ‘shared society’ - including across the spaces where we live, work and are educated.***

- 4.25 We note the focus of the shared spaces indicator largely being on spaces associated with leisure / free time – leisure centres; parks; libraries and shopping centres – and not on places where we live, work, and are educated.
- 4.26 Accordingly, we continue to recommend the inclusion of additional indicators aimed at tracking progress in securing increased sharing in *employment, education and housing*, in addition to the existing proposed indicator<sup>21</sup>. We also again recommend actions to challenge prejudicial attitudes, behaviour and hate crime in these contexts.

**Employment**

- 4.27 We note that action to challenge prejudicial attitudes and behaviour in the workplace is limited. Whilst there is a focus on challenging attitudes towards disabled people in the employment sector, there is no reference to challenging prejudicial attitudes towards people from other equality categories, as regards sexual orientation, gender/gender

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<sup>20</sup> ECNI (2016) [PfG Framework - Full Response](#) para 5.41

<sup>21</sup> ECNI (2016) [PfG Framework - Full Response](#)

identity, community background, race and age in the workplace.

- 4.28 Further, we note that references to the *Respect Index* include mention of workplaces, but the proposed measurement is against Indicator 2.2b of the *Good Relations Indicators* (*% who would prefer a workplace with people of only their own religion, or a mixed religion workplace*) which is disaggregated by religion and gender only.

### Education

- 4.29 As highlighted above, we had recommended the inclusion of an additional indicator on sharing in education.
- 4.30 We note that the delivery plan<sup>22</sup> for indicators 26, 31 and 35 states that: ‘the segregation in our society particularly in terms of housing and education can work against our ambition to increase respect, reconciliation and shared space.’ It further notes that investment in shared education has been shown to have a positive impact on young people.
- 4.31 We further note that Outcome 9 includes a reference to the statutory duty under the Shared Education Act (NI) 2016, and with regard to integrated education, including through consideration of the Review of Integrated Education. In addition, we note that Outcome 7 includes the commitment to encourage, facilitate and promote shared education to ensure *all* young people have the opportunity to learn together (aligned to the Department’s statutory duty).
- 4.32 We consider that this delivers in part on our recommendation with regards to the coverage including *all* young people. However, it does not set out key actions that will be taken to advance the statutory education duties mentioned, nor does it provide any confirmation that the proposed actions will advance ‘*a move to a system of education which routinely teaches pupils together via a shared curriculum in shared classes; where sharing impacts meaningfully and substantively on every learner; and is central to the education system as a whole*’; as recommended by the Commission.
- 4.33 Further, we note that the delivery plan undertakes to draw upon additional indicators - including the existing Good Relations Indicator (2.1d) (the percentage of schools who have shared classes (classes, teachers, resources, projects)). It further

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<sup>22</sup> At paragraph 14

undertakes to seek to collect data for other groups where possible. However, it is not clear how these indicators will be used, nor what outcomes will result and, as a result, we consider that this conditional proposal currently falls short of our recommendation and what we consider is necessary to progress towards a shared society.

## Housing

- 4.34 We welcome the commitment in the delivery plan for indicators 8 and 48: ‘to support more shared housing and reduce the extent and impact of residential segregation, we will develop a programme of financial incentives using money available through the Fresh Start agreement to incentivise the development of more mixed tenure, mixed use sites underpinned by a shared ethos.’ The delivery plan undertakes seek to collect data for other groups where possible.
- 4.35 We reiterate the recommendation set out in our response<sup>23</sup> to the PfG Framework consultation calling for the addition of indicators on shared housing<sup>24</sup> - in particular to make clear the outcomes that are expected from the above proposed actions.

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<sup>23</sup> ECNI (2016) [PfG Framework - Full Response](#)

<sup>24</sup> ECNI (2016) [PfG Framework - Full Response](#)

## 5 ECNI Priority issues and recommendations

- 5.1 As indicated above, in January 2016 we published<sup>25</sup> priority issues and recommendations to be advanced through the Programme for Government (PfG) and Budget
- 5.2 In the sections below, we set out where we consider that the draft PfG contributes to these priorities as well as, critically, areas that remain outstanding and where an additional focus is required in the PfG.

## 6 Social attitudes

***We recommend a clearer commitment and actions to tackle prejudicial attitudes, behaviour and hate crime across all Section 75 categories.***

- 6.1 In January 2016, the Commission recommended that the PfG should include key actions to:
- challenge prejudicial attitudes, behaviour and hate crime, so as to ensure that workplaces, services, public spaces and communities are free from harassment and/or discrimination across the equality grounds.
- 6.2 We therefore welcome actions in the delivery plan for the disability indicator (indicator 42) to raise awareness and change attitudes towards disability, including public awareness raising initiatives.
- 6.3 We also welcome that, in relation to hate crime, actions in the delivery plan for the 'respect' indicator include the development of cross-Executive action plans on hate crime and other community safety issues.
- 6.4 In relation to gender based violence, we note that the delivery plan on the draft indicator on 'prevalence rate' commits the Department of Justice to ensure that *'effective powers, measures and legislation are in place to tackle crime, anti-social behaviour and organised crime, including the introduction of new Domestic Violence Protection Notices and Orders, a new Domestic Abuse Offence and Domestic Violence Disclosure Scheme as well as Domestic Homicide Reviews.'*

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<sup>25</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

- 6.5 We note the continued commitment to develop a cross-Executive action plan on domestic and sexual violence. We have again recently highlighted the need for action to tackle gender based violence; and domestic violence in gender specific contexts. <sup>26</sup>
- 6.6 The scope of social attitudes related activities, as set out within the relevant delivery plans, however, retain a focus on Protestants and Catholics, with some limited reference to minority ethnic groups, and disability specific activity. There are also no specific actions referenced in relation to challenging gender stereotypes. This falls short of our key recommendations and what the Commission considers necessary to progress towards a more equal society

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<sup>26</sup> See ECNI Summary Gender Equality Policy Priorities and Recommendations, Nov 2016

## 7 Education

***We recommend a clearer commitment to address the educational inequalities experienced across a range of Section 75 categories.***

- 7.1 In January 2016, the Commission<sup>27</sup> recommended the PfG include key actions to:
- ensure a move to a system of education which routinely teaches all pupils together via a shared curriculum in shared classes, and where sharing impacts meaningfully and substantively on every learner;
  - tackle prejudice based bullying; address gender stereotyping in education; and remove the barriers facing looked after children and young carers;
  - address education inequalities, including those experienced by Irish Travellers; those entitled to free school meals, particularly boys, notably Protestant boys; and children/young people with disabilities;
  - mainstream equality in education, including in the curriculum, teacher training and the policies/practices of schools and wider education bodies.
- 7.2 In summary, it is apparent that there are a range of measures set out within the PfG and delivery plans which have the potential to address educational inequalities but, in the main, we note that they are not targeted at particular equality groups. It is therefore difficult to assess the degree to which the actions will operate to address inequalities experienced by some Section 75 categories. We again reiterate the importance of also tracking and targeting actions by Section 75 category.
- A system of education which routinely teaches all pupils together via a shared curriculum in shared classes, and where sharing impacts meaningfully and substantively on every learner**
- 7.3 As set out earlier in this paper in the section on a shared society, it is not clear that the proposed actions will serve to deliver this recommendation. We therefore reiterate our

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<sup>27</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

recommendation and call for appropriate action and /or clarification of how delivery plans will advance this.

Tackle prejudice based bullying; address gender stereotyping in education; and remove the barriers facing looked after children and young carers

- 7.4 With regard to bullying, we note that there is no commitment in relation to prejudice based bullying - apart from a potential reference in the delivery plan on indicators 11, 12 and 13<sup>28</sup> to environments that are 'healthy and safe'. This falls short of our recommendation and what the Commission considers necessary to progress towards a more equal society.
- 7.5 We further note that there are no specific commitments to addressing gender stereotyping in education in the PfG or associated delivery plans.
- 7.6 We welcome the fact that Outcome 8 '*we care for others and we help those in need*' highlights the need for improved support for looked after children. We note that this includes in relation to education, as it states that '*for too many education and other outcomes tend to fall significantly below those of the general population. This is something we want to change.*'

Address education inequalities, including those experienced by Irish Travellers; those entitled to free school meals, particularly boys, notably Protestant boys; and children/young people with disabilities

- 7.7 We note that Outcome 3 makes reference to reducing educational inequality in order to secure a more equal society.
- 7.8 We welcome that under Outcome 3, it is noted that challenges to those with special educational needs will continue to be addressed through targeted provision and support: '*Likewise, the services designed to help newcomer learners, looked after children, children with disabilities, and Traveller and Roma children will offer specific interventions and supports to support them to attain*<sup>29</sup>.'
- 7.9 We note that it is also stated under Outcome 3 that it 'will tackle those areas of most significant and persistent underachievement within a context of improving educational

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<sup>28</sup> See page 7 thereof.

<sup>29</sup> At paragraph 41 thereof.

attainment. The focus will be on those who have the potential to attain level 2 but might not (reflecting underachievement).’

- 7.10 Further, we note that Outcome 14 (we give our children and young people the best start in life) states the need to address persistent levels of educational underachievement among certain groups. It highlights boys, those from disadvantaged backgrounds and Protestants as particular groups of concern. This reflects our recommendations and we welcome this.
- 7.11 We note that the delivery plan for indicators 11, 12 and 13 states that ‘the services designed to help newcomer learners, looked after children, and Traveller and Roma children will offer specific interventions and support them to attain.’ However, the nature, extent and focus of these interventions is not detailed and so it is not clear if these interventions are a continuation of, or addition to, existing interventions – and as such if they will have the effect of addressing key inequalities.
- 7.12 In addition, we note that the delivery plan argues that not all children have the potential to reach level 2 (5 GCSEs)<sup>30</sup>. It states: *‘There will be children who face particular educational and personal challenges to attainment at this level, including looked after children, children with disabilities, those with special educational needs, and those newcomers who face language barriers. The challenge remains to address these barriers with tailored support so that each child reaches their full potential.’* We support the focus on providing tailored support so that each child reaches their full potential.

Mainstream equality in education, including in the curriculum, teacher training and the policies/practices of schools and wider education bodies

- 7.13 We note that there is no reference to mainstreaming equality in the curriculum or teacher training, nor to the policies and practices of schools and wider education bodies and therefore recommend that this is addressed in the final PfG.

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<sup>30</sup> At paragraph 17)

## 8 Employment

***We recommend clearer commitment to addressing employment inequalities - particularly to support women's economic independence; address the exploitation and low pay of some migrant workers; and ensure employment and training are inclusive for all.***

8.1 In January 2016, the Commission made the following recommendations<sup>31</sup>:

- support women's economic participation, including through access to appropriate, accessible and affordable childcare;
- address the exploitation and forced labour of migrant workers and the concentration of some minority ethnic workers in low paid employment;
- support people with disabilities to access and remain in the workplace;
- ensure training and programmes to enable people to get into or stay in work that are accessible and inclusive for all.

### Supporting women's economic participation, including through childcare

8.2 We note that the PfG identifies women as having significantly lower employment rates than others<sup>32</sup> and we welcome the commitment to target the gender (and age) profile of specific groups with lower employment rates under the Economic Inactivity Strategy<sup>33</sup>.

8.3 We also welcome the commitment to support female entrepreneurship through introducing a new women's programme. We also welcome the focus on reducing economic inactivity for people with caring responsibilities and the focus on reducing underemployment, which the PfG states is most likely to impact on women (as well as younger workers).

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<sup>31</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

<sup>32</sup>Along with younger and older workers -who are also identified as have significantly lower employment rates than others. There is also a focus on supporting care leavers in training and employment (and education).

<sup>33</sup> See delivery plan for indicators 17,32, 33.

- 8.4 We note that there are a range of measures aimed at targeting all people who are economically inactive, but we are concerned that none appear to adopt a gender sensitive approach to identifying key actions.
- 8.5 Further, we are concerned that there is also no specific mention of actions aimed at addressing the concentration of women in low paid, part time employment or mitigating the impact of rebalancing the economy; nor to promoting flexible working or to encourage men to share family roles / responsibilities<sup>34</sup>.
- 8.6 As regards childcare, we welcome that access to affordable childcare is highlighted as a barrier to increased employability for lone parents and families on low incomes (with a particular impact on women). We note, however, that the draft PfG considers lack of access to childcare a '*personal circumstance*' and there is no reference to it as a structural barrier to employment.
- 8.7 Whilst there is a reference to giving further consideration to proposals to expand childcare<sup>35</sup>, as well as a commitment to provide better access to childcare provision for disabled children through the Childcare Strategy<sup>36</sup>, we are concerned that there is a lack of specific actions to deliver a comprehensive strategy and actions for appropriate, accessible and affordable childcare as recommended as necessary by the Commission. This should be addressed in the final PfG.

### Addressing the exploitation of migrant workers and the concentration of some minority ethnic workers in low paid employment

- 8.8 Whilst there is a reference to tackling modern slavery, we note that there is no specific reference or actions to tackling the

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<sup>34</sup> See *ECNI Gender Equality Policy Priorities and Recommendations* for further details on our recommendations aimed at promoting gender equality in employment. These include eliminating occupational and industrial segregation – for example, increasing the representation of women in Science Technology, Engineering and Maths (STEM) related professions.

<sup>35</sup> There is a commitment to explore the feasibility (with DE) to extend free childcare provision available to working parents for up to 38 weeks per child for 3 / 4 years old. There is also a reference to the fact that “the impact of childcare on employability will also be addressed, at least in part, by Universal Credit, which will pay up to 85% of childcare costs to lone parents and couples (where both members are in work).” In addition, it states that “under Universal Credit, claimants can work less than 16 hours and still receive support with the cost of childcare, in contrast to current rules”.

<sup>36</sup> There is a commitment to “work with our colleagues in Education and Universal Credit regarding childcare and the implementation of the Childcare Strategy in order to provide better access to childcare for parents of children with disabilities and children of parents who have disabilities”.

exploitation or forced labour of migrant workers or tackling the concentration of some MEG workers in low paid employment. This need to be addressed in the final PfG

### Supporting those with disabilities in(to) work

- 8.9 We welcome the commitments to take a range of measures to support disabled people to access employment, including through the Economic Inactivity Strategy<sup>37</sup>, as well as upskilling disabled people and support them in further / higher education<sup>38</sup>.
- 8.10 It is essential that these commitments are underpinned by effective action measures and resources, including as regards the Disability Employment Strategy.

### Ensure training and programmes to enable people to get into or stay in work that are accessible and inclusive for all

- 8.11 We note that there are a number of planned interventions<sup>39</sup> designed to improve the overall employment rate and to target all people who are economically inactive (including disabled people and those with caring responsibilities). There is also a focus on supporting care leavers in training and employment (and education).
- 8.12 From the detail available, it is not clear if actions will be taken generally to ensure that training and programmes are accessible and inclusive for all, across Section 75 categories and we are recommend that this is addressed in the final PfG.

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<sup>37</sup> There are commitments to: introduce job trails for those who are not sure about what they can and cannot do in the context of their health condition and work; to trial direct access to occupational health support to a small number of GPs aimed at young adults with mental health conditions; to support people living with cancer with a focus on work support, finances, health and wellbeing. There is a commitment to “explore support options that will enable more young people with disabilities to access pre-employment, educational and vocational programmes”; to “implement the Employment Strategy for people with a disability to create a pathway that will help more young adults move into work”; to “ensure that disabled people who are economically inactive are, where possible, helped back into the labour market”

<sup>38</sup> There is an action to “Identify the main barriers which inhibit different groups of learners from participating in provision “relating to further education. which includes a focus on young people and disabled people and those experiencing economic inactivity

<sup>39</sup> For example, a Work, Health and Wellbeing Framework to support people to find work and support employers to fill jobs.

## 9 Access to Social protection

***We recommend actions to protect the most vulnerable from welfare reform, including extending or putting in place mitigating measures in advance of the expiry of the current time-limited programme.***

9.1 In January 2016, the Commission recommended<sup>40</sup> that the PfG includes key actions to:

- protect the most vulnerable from the adverse impact of welfare reform, particularly mindful of the impact on people with disabilities and women, and the barriers experienced by minority ethnic communities (including asylum seekers and refugees);
- identify/commit to specific measures which will mitigate the adverse impact of welfare reform, or any alternate policies which might better achieve the promotion of equality of opportunity.

Protect the most vulnerable from the adverse impact of welfare reform, particularly mindful of the impact on people with disabilities and women, and the barriers experienced by minority ethnic communities (including asylum seekers and refugees).

9.2 We note that there is an acknowledgement in Outcome 8, '*We care for others and we help those in need*', that people in Northern Ireland have worse mental health than in other comparable jurisdictions<sup>41</sup> and a commitment to '*plan carefully how we will allocate available resources in this area to prioritise those services which will deliver the greatest benefit to the wider range of people*'<sup>42</sup>.

9.3 We welcome the actions identified under Indicator 42 to address social protection for persons with disabilities, including ensuring that people with disabilities continue to benefit from

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<sup>40</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

<sup>41</sup> See our comments above on identification of mental health as a key issue in UNCRPD reporting.

<sup>42</sup> At p105 .

the Department for Communities improving benefit take-up campaign; and a commitment to review the eligibility criteria of the fuel poverty scheme to address the differential in fuel poverty between disabled and non-disabled people<sup>43</sup>.

- 9.4 While there are some welfare reform mitigations (see next section), we note that these protections are temporary in duration, ranging from 1-4 years.
- 9.5 We consider that the delivery plan for Indicator 19 - '*% population living in absolute and relative poverty (before housing costs)*' - does not provide sufficient information to enable a judgement to be made about the extent to which the proposed holistic *Social Inclusion Wraparound Service* will meet any needs created as a result of the expiry of the welfare reform mitigation measures. We look forward to the Executive publishing in due course full details of the proposed Social Inclusion Wraparound programme for public consultation.
- 9.6 We note that the draft PfG includes a commitment that the data for all outcomes will be collated and reported on across all Section 75 categories, and that where gaps in data for equality groups exist, these will be addressed '*wherever possible*'. In addition to our concerns regarding the qualified nature of this commitment to address data gaps, we are also concerned that the PfG commitment to address data gaps across Section 75 categories is not replicated in the delivery plan for Indicator 19.
- 9.7 We further note that there is no reference to actions to address barriers to social protection experienced by minority ethnic communities (including asylum seekers and refugees) and this needs to be addressed in the final PfG.

Identify/commit to specific measures which will mitigate the adverse impact of welfare reform, or any alternate policies which might better achieve the promotion of equality of opportunity

- 9.8 We welcome the fact that the PfG and delivery plans include a commitment to financially protect individuals with a disability impacted by the welfare changes up to a period of 12 months to afford them time to adjust to the new welfare reforms. This includes support for people currently on Disability Living

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<sup>43</sup> See page 12, Indicator 42 delivery plan.

Allowance (DLA) who lose out as a result of the introduction of Personal Independence Payment (PIP).

9.9 We also welcome the following wider commitments:

- that the introduction of the benefit cap, which is to make sure that no household receives more in benefits than an average wage or salary, will not apply if any member of the household qualifies for a disability benefit (2017-18);
- development of a comprehensive *Social Inclusion Wraparound Service*, providing tailored interventions to support people at risk to access services from across the Social Inclusion Group (SIG) and across government.
- full implementation of the *Active Ageing Strategy* with an emphasis on continuing progress in terms of benefit uptake, tackling financial abuse of older people, fuel poverty and digital inclusion.

9.10 However, we remained concerned that the welfare reform mitigation measures are of temporary duration ranging from one year (e.g. mitigation for those who lose out as a result of the transfer from DLA to PIP) to four years (e.g. spare room subsidy/bedroom tax) and we therefore recommend that the Executive publish full details of how they will mitigate impacts after the expiry of the current time-limited programme.

## 10 Accommodation, Housing and Communities

10.1 In January 2016, the Commission recommended<sup>44</sup> the PfG should include key actions to:

- develop safe, shared communities based on equality, dignity and respect;
- ensure that everyone has access to a safe, secure home and enjoys the right to independent living, including for people with disabilities and older people;
- address the housing needs of particular equality groups, such as Irish Travellers, and minority ethnic communities (including migrant workers and refugees).

***We recommend clarification, in terms of the scale and focus, of proposed actions to address housing inequalities experienced by older people and people with disabilities, and to advance sharing in housing and communities.***

Develop safe, shared communities based on equality, dignity and respect

10.2 We had recommended the inclusion of additional indicators aimed at tracking progress in securing *increased sharing in housing*<sup>45</sup>. As highlighted in the section on shared spaces, we note, however, that this recommendation has not been actioned in the consultation proposals, although some actions are described within the delivery plan.

10.3 In relation to safe, shared communities, we welcome that the delivery plan for Indicators 8 and 48 commits: ‘to support more shared housing and reduce the extent and impact of residential segregation, we will develop a programme of financial incentives using money available through the Fresh Start agreement to incentivise the development of more mixed tenure, mixed use sites underpinned by a shared ethos.’

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<sup>44</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

<sup>45</sup> See ECNI (2016) [PfG Framework - Full Response](#).

Ensure that everyone has access to a safe, secure home and enjoys the right to independent living, including for people with disabilities and older people

10.4 As regards addressing housing inequalities, we welcome that the draft PfG refers to people with disabilities and older people. We note the proposals to streamline the adaptations and disabled grants process to reduce waiting times and increase the provision of accessible homes. We also note that the delivery plan proposes to stimulate demand for supply of affordable accommodation for older people. However, we also note that it does not refer to minority ethnic people, including Irish Travellers and recommend that this is addressed in the final PfG.

10.5 As regards independent living, we further note that the delivery plan proposes to develop affordable housing options for older people and people with disabilities; and that the delivery plan on Indicator 42 (*average life satisfaction scores of people with disabilities*) acknowledges the need for cross-cutting action including improving independent living and the provision of suitable homes.

***We recommend actions to address the housing needs of particular Section 75 categories, including Irish Travellers and people from minority ethnic communities.***

Address the housing needs of members of particular equality categories, such as Irish Travellers, and people from minority ethnic communities, including migrant workers and refugees

10.6 In relation to addressing the housing needs of particular groups, we note that there is no reference to specifically addressing the accommodation needs of minority ethnic communities, including Irish Travellers and recommend that this is addressed in the final PfG.

10.7 We welcome that the PfG includes a commitment to develop new affordable housing solutions which would meet the needs of single people under 35 and on benefits.

## 11 Health & social care and wellbeing

***We recommend further commitments to the identification and removal of access barriers for older people; LGB people; transgender people; Irish Travellers and other minority ethnic people; and persons with learning disabilities.***

11.1 In January 2016, the Commission recommended<sup>46</sup> that the PfG should include key actions to:

- identify and remove barriers to health and social care and well-being experienced by particular Section 75 equality categories, including older people; lesbian, gay, bisexual people; trans people; Irish Travellers and other minority ethnic communities; and people with disabilities;
- ensure investment in health care to address the specific needs of equality groups, including the health care needs of people with disabilities; and young people's mental health needs.

### Identify and remove barriers to health and social care and well-being experienced by particular Section 75 equality categories

11.2 We welcome that Outcome 4 'We enjoy long, healthy, active lives', contains an acknowledgement of 'the need to tackle systemic and/or attitudinal barriers to access that may lead to disadvantage and subsequent health inequalities within some communities'.

11.3 We note the inclusion of '*health inequalities*' as a strategic aim of the *Healthier Lives* programme and the commitment to collaboration with the Department of Education on a potential research proposal to learn from what is currently working to reduce health and educational inequalities in school. We further note the commitment to develop better information and analysis on inequalities for HSC staff and organisations to inform priority setting and approaches.

11.4 There is however no indication if the term '*inequality*' is being used with reference to Section 75 categories or otherwise - for

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<sup>46</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

example, with regards to deprivation, as is the case elsewhere in Outcome 4 and in the draft PfG.

11.5 We welcome that women and those with a disability will benefit from specific commitments – for example:

- a Healthy Pregnancy Programme including core care pathway to antenatal care; an updated perinatal healthcare pathway and development of service models for women with long term conditions;
- a data development Agenda (designed in collaboration with the central regional disability forum).

11.6 Whilst we welcome the focus on women and those with disabilities, we also note the absence of any specific commitments with regards to identifying and removing barriers for older people<sup>47</sup>; lesbian, gay, bisexual people; trans people; and Irish Travellers and people from other minority ethnic communities.

Ensure investment in health care to address the specific needs of equality groups, including the health care needs of people with disabilities; and young people's mental health needs

11.7 We welcome the acknowledgement of the right to independent living and the right to self-determination. We strongly support the need for the development of advocacy services and the concept of 'self-directed support'.

11.8 With regards to meeting the particular health needs of specific equality groups, we welcome actions to address inequalities in health and social care for people with disabilities - for example the implementation of the second phase of the *Physical and Sensory Disability Strategy and Action Plan (2012 – 2015)* and action to address barriers and to increase take up of self-directed support and direct payments.

11.9 However, it is not clear in the PfG and delivery plans whether persons with learning disabilities will be particularly targeted

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<sup>47</sup> We note that the Increasing life expectancy delivery plan includes a Healthier Lives programme which in turn includes action to promote active ageing and age friendly communities.

within these actions - a priority which we had identified in our UNCRPD Jurisdictional 'Parallel' Report<sup>48</sup>.

- 11.10 We note the identification of '*emerging*' priorities for action on mental health and the identification of '*emerging*' agreement on need for more funding in mental health.
- 11.11 We continue to welcome the inclusion of an Indicator on improving support for adults with care needs. However, we propose that the questions asked as part of the patient experience survey include questions, for those in receipt of domiciliary care, (i) as to whether the standard of care meets the needs of care recipients and additionally (ii) promotes independent living, where this is the individual's wish.
- 11.12 We again note that equality data in relation to the proposed lead measure on *improving mental health* indicator is not collected across a number of Section 75 categories; including disability, sexual orientation and race. Aligned to our overarching key recommendation, we continue to recommend that these indicators are tracked not only in aggregate terms but also for each Section 75 ground.
- 11.13 With regards to addressing our specific recommendation regarding young people's mental health needs - we note an '*emerging*' acknowledgement of the need to improve CAMHS provision. We have previously recommended that the Department of Health ensures that provisions for Child and Adolescent Mental Health Services (CAMHS) are adequate. We also note the wider programme of action including publication of the refreshed suicide prevention strategy.
- 11.14 We also welcome the '*emerging*' focus on young people and mental health; and those with disabilities.
- 11.15 However, we note that the delivery plans linked to health and social care do not make explicit reference to targeting inequalities experienced by lesbian, gay, bisexual people; trans people; Irish Travellers and other minority ethnic communities; and people with learning disabilities. This should be addressed in the final PfG.

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<sup>48</sup> ECNI (2014) [NI 'Parallel' Jurisdictional Report](#), Working Paper. Published with NIRHC in our joint role as 'Independent Mechanism for Northern Ireland' under the UNCRPD.

## 12 Public life and decision making

***We recommend a clearer commitment in the PfG to increase the participation in public/political life of those from under- represented Section 75 categories.***

12.1 In January 2016, the Commission recommended<sup>49</sup> that the PfG include key actions to:

- increase the participation of women in political/public life and decision making, including peacebuilding;
- promote the participation of other under-represented Section 75 categories in public life, including people with disabilities, lesbian, gay and bisexual people; older people, and minority ethnic communities.

### Participation of women in political/public life and decision making, including peacebuilding

12.2 We are disappointed that there is no particular focus in the draft PfG on the participation of women in political/public life and decision making, including peacebuilding. In addition, we note that there is no reference to, or recognition of, the fact that the Northern Ireland Executive has already agreed targets for the appointment of women to public bodies<sup>50</sup>. We recommend that this is addressed in the final PfG.

12.3 Further, ensuring women's effective participation at all levels of decision making in political, economic and public life is a specific element of the UN Sustainable Development Goals<sup>51</sup>; which the Executive has indicated that the outcomes and indicators in the PfG will support.

### Participation of other under-represented Section 75 categories in public life, including people with

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<sup>49</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

<sup>50</sup> See *CPANI (2016) Annual Report 2015/16* at p8.

<sup>51</sup> See UN Sustainable Development Goals (SDGs) contained in [Transforming our world: the 2030 Agenda for Sustainable Development](#), 2015 . In particular, see Goal 5 on "gender equality", which includes the need to "ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life".

disabilities, lesbian, gay and bisexual people; trans people; older people, and minority ethnic communities

- 12.4 We note that the draft PfG draft does not include an additional indicator on increasing the participation of under-represented Section 75 categories in public life- as we had previously recommended.
- 12.5 We welcome the fact that the delivery plan for Indicators 26, 31 and 35 highlights the beneficial impact of widening social and cultural participation on respect, reconciliation and shared space, including the “*increased involvement and visibility of minority groups in public life and decision making*”<sup>52</sup>. It is, however, unclear how the actions within the delivery plan contribute to this. There are, for example, no clear actions set out in this delivery plan designed to increase the visibility of minority groups in public life and decision making.
- 12.6 We welcome that the delivery plan for Indicator 42 (disability indicator) sets out a range of actions to improve the participation of people with disabilities in public and community life. We note that they include setting up a regional disability forum to monitor implementation of the delivery plan; development of a disability sport action plan; working with the Commissioner for Public Appointments to increase the number of people with disabilities in public appointments; improving opportunities to participate in community life; improving outdoor recreation opportunities; and seeking to ensure the actions associated with the *Active Ageing Strategy* reflect the needs of people with disabilities.
- 12.7 However, we consider that the actions associated with the proposed indicator 27, and indicators 26, 31 and 35, do not appear to show a clear commitment to advancing participation in public /political life (unlike indicator 42 with potential benefits for those with disability, and potentially older people due to the linkage between them). The range of indicators does not specifically address the other issues as described in our recommendations set out above and this should be addressed in the final PfG.
- 12.8 Although we note that the proposed indicator 27 (engagement in arts and cultural activities) was not widened to include sport as we had recommended, we welcome the fact that the delivery

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<sup>52</sup> At paragraph 17 thereof.

plan for this indicator includes a focus on increasing participation in sport. We further note that the delivery plan indicates that participation in sport will be measured at *programme* not population level; and that there are proposed actions to promote the participation of disabled people and women in sport and promote cross-community youth sport (via TBUC). We further welcome proposed actions designed to improve cultural engagement amongst groups with lower levels of engagement.

## 13 Reform of Equality Law

***We recommend a clearer commitment to reform and strengthen equality law across a number of equality categories; as well as reform of wider areas of the law that impact on people from the Section 75 equality categories.***

- 13.1 In January 2016, the Commission recommended<sup>53</sup> that the PfG should include key actions to:
- reform and strengthen equality law across a number of equality grounds, including age (as regards the provision of goods, facilities and services (age GFS)), race, disability, sex, fair employment, and sexual orientation;
  - reform wider areas of the law that impact on members of the Section 75 equality categories.

### Reform and strengthen equality law across a number of equality grounds

- 13.2 In summary, whilst we welcome the commitments to strengthen race equality law and to consider proposals to strengthen disability law, we are disappointed that a number of our recommendations for equality law reform have not been advanced.
- 13.3 For example, we note that there is an absence of an explicit commitment to advance Age-GFS legislation as well as lack of commitments to sex equality law reform (public functions); sexual orientation law reform; and to introduce single equality legislation. In addition, there is a commitment to only a limited amendment of the fair employment legislation (FETO).
- 13.4 Whilst we welcome the recognition in the delivery plan for indicators 26, 31 and 35 that legislative gaps remain and that existing legislation will need to be reviewed over time, we note that there are no commitments in relation to a number of priority areas for equality law that we have consistently highlighted -

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<sup>53</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

and which these include areas where legislation has already been enacted in other parts of the United Kingdom.

- 13.5 We note the commitment to “*strengthen our racial equality legislation*” by 2018, building on the pre-existing commitment in the *Racial Equality Strategy 2015-2025* to consider proposals aimed at strengthening the race legislation.
- 13.6 Further, whilst we welcome the new commitment to consider proposals to strengthen disability law by 2017, we note that this review is aimed at ensuring the same levels of protection as that provided under equality law in Great Britain (GB). It should be noted that this falls short of a number of our recommendations on disability law reform that go beyond current levels of protection in GB<sup>54</sup>.
- 13.7 We note that, whilst there is already a commitment in the *Racial Equality Strategy 2015-2025* to review FETO workplace monitoring requirements, there is no specific reference to this commitment in the PfG. We therefore seek clarification that the timetabled commitment in the *Racial Equality Strategy 2015-2025* to also review FETO workplace monitoring requirements will be delivered. We recommend that action is also taken in parallel to advance our recommendation with regards to the removal of the teachers’ exception in FETO.
- 13.8 We also note that there is a commitment to develop and review implementation of legal and statutory duties for Section 75 categories (and Section 28E of the NI Act 1998)<sup>55</sup> by 2017. However, the exact scope of that commitment is unclear and we seek clarification of the scope of this proposal, including, in particular, whether this involves a commitment to review all of the equality legislation.
- 13.9 Further, whilst we welcome the recognition in the delivery plan for indicators 26, 31 and 35 that “*legislation also provides a driver to challenge and change prejudicial attitudes...*”, we consider that additional opportunities to introduce equality legislation that will change prejudicial attitudes have been missed.
- 13.10 For example, the introduction of age discrimination legislation in the provision of goods and services (‘age-GFS legislation’)

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<sup>54</sup>See [ECNI Disability Law Reform](#) for further details on our recommendations.

<sup>55</sup> Section 28E of the NI Act 1998 states that “*The Executive Committee shall adopt a strategy setting out how it proposes to tackle poverty, social exclusion and patterns of deprivation based on objective need*”.

would have helped tackle prejudicial attitudes towards older and younger people by service providers.

- 13.11 It is clear from the outcome of the OFMDFM consultation on age GFS law reform in 2015 that there was strong public support for the introduction of this legislation, including for all ages<sup>56</sup>. We recommend that the final PfG includes a clear commitment to advance this reform.

### Reform wider areas of the law that impact on Section 75 equality categories

- 13.12 As highlighted above we had recommended that equality law reform include wider changes to the law that impact on Section 75 groups; for example, changes to the law so as to permit same-sex marriage in Northern Ireland.
- 13.13 We note that there are no such commitments to wider areas of law reform that impact on members of Section 75 categories.

### UK's exit from EU

- 13.14 We have already highlighted above that in the context of the UK decision to leave the EU, there should be *no weakening or regression* from current levels of protection under NI equality law.
- 13.15 Other rights, for example, employment rights, that help promote equality of opportunity for Section 75 categories, including for NI citizens working / living outside UK in EU Member States, should also not be diluted.
- 13.16 In addition, we have consistently highlighted that there are already significant gaps in equality protection between Northern Ireland and Great Britain. We recommend strongly that the NI Executive ensures that, following the UK's exit from the EU, actions are taken to address gaps and that there is a commitment to ensure that *further* gaps in equality protections do not develop.

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<sup>56</sup> See evidence by OFMDFM to OFMDFM Committee on 20 January 2016. The Hansard minutes of evidence for this meeting are not available but a recording of the meeting can be viewed [here](#).

## 14 Address gaps in equality data

***We recommend a clearer commitment to address the key gaps in equality data, including on the grounds of gender identity, sexual orientation, and race; and rectify the lack of data disaggregation in relation to ethnicity, disability and gender.***

14.1 In January 2016, the Commission recommended<sup>57</sup> that the PfG should include key actions to:

- address the key gaps in equality data, including on the grounds of gender identity, sexual orientation, and race;
- rectify the lack of data disaggregation in relation to ethnicity, disability and gender.

14.2 Where data for any given indicator is not currently available across all Section 75 grounds, and/or does not currently meet standards of quality, we recommend that further work should be progressed at the earliest possible opportunity to address these issues, including through a timetabled data development agenda. Improved measurement could be achieved through the use of the 2021 Census and other measures such as administrative data linkages, aggregation of survey data across multiple years and/or primary quantitative / qualitative research.

14.3 Finally, as noted above in previous sections, it is often the case that PfG measures are not explicitly tracked for the impact on individuals from across all of the Section 75 categories. Indicators relating to culture, for example, historically tend to focus mainly on community background. We reiterate our recommendation that PfG measures should not only be tracked in aggregate terms, but also for the impact on individuals across all the Section 75 categories.

### Address key gaps in equality data

14.4 We welcome the commitment in the introduction of the PfG to addressing key inequalities, particularly those experienced by the Section 75 equality categories, and to tracking progress for these groups in relevant PfG population indicators or

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<sup>57</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

associated performance indicators. However, we note that this commitment is conditional based on “*wherever the data permits*”.

- 14.5 In delivery plans, data development agendas note they will seek *where possible* to collect data for Section 75 categories. These conditional clauses suggest that action may fall short of our recommendation to address data gaps across Section 75 categories. This needs to be addressed in the final PfG.
- 14.6 There is also limited evidence in the associated delivery plans to indicate that data will be collected to measure the impact of various actions identified therein by Section 75 category or that gaps in collection of section 75 data will be addressed.
- 14.7 The PfG EQIA sets out the indicators for which equality data is available. We note that of the 48 PfG indicators (of which approximately 30 relate directly to people) data is reported as available by equality grounds as follows: gender (24 indicators); religion (19); age (18); disability (14); race (6); political opinion (1); and sexual orientation (0).
- 14.8 We consider that the implication arising from this is that the PfG outcome framework as currently constituted is, for example, not able to baseline, or demonstrate relative progress for LGB individuals across any of the outcome indicators of the PfG. This needs to be addressed.
- 14.9 In addition, in the areas of education<sup>58</sup> and housing and communities<sup>59</sup> we have highlighted significant and specific gaps in the collection and robustness of data relating to several equality groups, including: gender identity, sexual orientation and race, as well as multiple identities<sup>60</sup>. We recommend that action is taken to address this.

### Rectify the lack of data disaggregation in relation to ethnicity, disability and gender

- 14.10 We have also highlighted the lack of data disaggregation in relation to some equality grounds, such as ethnicity, disability and gender.

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<sup>58</sup> Burns, S., Leitch, R. and Hughes, J. (2015) Education Inequalities in Northern Ireland. ECNI: Belfast. See: <http://www.equalityni.org/EqualityData>

<sup>59</sup> Wallace, A. (2015) Housing and Communities' Inequalities in Northern Ireland. ECNI: Belfast. See: <http://www.equalityni.org/EqualityData>

<sup>60</sup> ECNI (2016) Programme for Government and Budget Recommendations. ECNI: Belfast. See: <http://www.equalityni.org/EqualityData>

14.11 We note that there is limited evidence across the PfG and delivery plans that action will be taken to rectify the lack of disaggregated data for ethnicity, disability or gender. The final PfG and delivery plans should contain clear commitments to address this.

***We recommend that consideration is given to the appropriateness of a ‘Life Satisfaction’ Indicator (42) solely for those with disabilities***

14.12 We had queried in our response to the draft PfG Framework why it included a focus on the ‘life satisfaction’ of people with disabilities, but not other Section 75 categories, for example, LGB individuals or members of minority ethnic groups<sup>61</sup>.

14.13 If a life satisfaction indicator is to be retained, we consider that it should be in the context of a high-level measure aligned to the overall ‘wellbeing’ focus of the PfG - with disaggregation across all Section 75 categories, and not solely in the specific context of advancing equality for those with disabilities.

14.14 We do not consider such a measure to be appropriate, if only to be applied to those with disabilities. In particular, it should not be considered as a substitute for a direct measure of whether all the indicators set out in the PfG are advancing equality of opportunity and good relations, nor if the Executive is delivering on all obligations for individuals of particular section 75 categories (see section on international obligations further below)

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<sup>61</sup> ECNI (2016) [PfG Framework - Full Response](#) para 5.41

## 15 Develop and implement equality strategies

***We recommend a timetabled commitment to ensure effective equality/ good relations strategies are implemented and updated across the full range of equality grounds.***

15.1 In January 2016, the Commission recommended<sup>62</sup> that the PfG should include key actions to:

- ensure effective equality/ good relations strategies and action plans are implemented and updated across the full range of anti-discrimination grounds;
- set out a timetabled commitment to take this key work forward - including as regards a Gender Equality Strategy; a Racial Equality Strategy; a Disability Strategy; a Sexual Orientation Strategy; a Children and Young People's Strategy; an Active Ageing Strategy, as well as a Strategy to promote good relations (Together: Building a United Community: TBUC).

Ensure effective equality/ good relations strategies and action plans are implemented and updated across the full range of anti-discrimination grounds.

15.2 We note the commitment in the delivery plan for Indicators 26, 31 and 35 “to the continued development, implementation and review of a range of equality strategies aimed at specific Section 75 categories”. We also note that the following strategies are specifically referred to as examples:

- Racial Equality Strategy
- Children and Young People's Strategy
- Active Ageing Strategy
- Together: Building a United Community

15.3 However, we note that there is *no* specific reference to the development of a revised Gender Equality Strategy, a new Disability Strategy (current strategy expires in 2016), nor a Sexual Orientation Strategy.

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<sup>62</sup> [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

- 15.4 We welcome the commitments outlined in the delivery plan for Indicator 42 (average life satisfaction for people with disabilities) to a series of actions that correspond with a substantial number of our policy priorities and recommendations to improve the lives of people with disabilities (2013). However, we consider that these commitments fall short of the development of a comprehensive disability strategy and there are a range of gaps in the proposals that we feel could be encompassed in an updated strategy.
- 15.5 We have recently published updated and refined recommendations to advance gender equality<sup>63</sup> which should inform the content of the PfG, delivery plans and a revised gender equality strategy.
- 15.6 The development of a comprehensive sexual orientation strategy would significantly contribute to the delivery of the proposed *shared society* outcome; for example, by actions to tackle the high levels of prejudicial attitudes towards LGB people. The Commission has published<sup>64</sup> '*Promoting Sexual Orientation Equality - Priorities and Recommendations*' which could inform the content of the PfG, delivery plans and a sexual orientation equality strategy.
- 15.7 Beyond equality and good relations strategies, we note that there are commitments to implementing the Employment Strategy (which includes a pathway for disabled people to move into work); the Stormont House and Fresh Start Agreements; as well as a limited reference to working to improve childcare, but not to implement a Childcare Strategy per se. We recommend that the final PfG contains a commitment to urgently implement a childcare strategy reflecting the Commission's recommendations in this area<sup>65</sup>.

**Set out a timetabled commitment to advance equality strategies - including as regards Gender; Race; Disability; Sexual Orientation; Children and Young People; Active Ageing; as well as a Strategy to promote**

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<sup>63</sup> See ECNI (2016) [Summary Gender Equality Policy Priorities and Recommendations](#),

<sup>64</sup> ECNI (2013) '[Promoting Sexual Orientation Equality - Priorities and Recommendations](#)'

<sup>65</sup> ECNI (2013), [SUMMARY: Policy Positions on Childcare: Maximising the Economic Participation of those with childcare responsibilities](#)

good relations (Together: Building a United Community: TBUC)

- 15.8 We note that there is no specific timetabled commitment in the PfG in relation to taking forward strategies in any of the above areas.
- 15.9 Such a commitment is important in light of the fact that, despite their importance, there have been significant delays in the development, implementation and/or review of a number of equality strategies. We recommend the inclusion of such a commitment in the final PfG.

## 16 Compliance with International Conventions

***We recommend a clearer commitment in the PfG (and associated delivery plans) to ensure delivery of, and track compliance against, international obligations – including the UNCRPD.***

- 16.1 We continue to recommend that the PfG should include key actions to:
- address key shortfalls in Northern Ireland so as to ensure compliance with obligations under international human rights conventions, including the UN Convention on the Rights of People with Disabilities (UNCRPD).
- 16.2 We note that as regards Outcome 3 - 'we are a more equal society' - there is an indication that stakeholders placed emphasis on the importance of legal protections for rights, including international convention rights. We also note the inclusion of commitments in the proposed *shared society* outcome to fulfilling 'equality obligations, including compliance with international human rights conventions'. In addition, we note the reference to the UN Sustainable Development Goals<sup>66</sup> (SDGs) and the indication that the outcomes and indicators in the PfG "*will support the SDGs*".
- 16.3 Despite this, we note that no actions in the draft PfG explicitly mention ensuring delivery of international obligations, nor that are in pursuance of addressing shortfalls in compliance identified in the concluding observations UN international human rights monitoring bodies.
- 16.4 We therefore recommend that these high-level commitments to compliance with international human rights conventions and the SDGs, are mainstreamed into the specific actions associated with the PfG indicators and into delivery plans.
- 16.5 The Commission has identified a range of shortfalls with regards to potential gaps<sup>67</sup> in compliance with international

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<sup>66</sup> See UN Sustainable Development Goals (SDGs) contained in [Transforming our world: the 2030 Agenda for Sustainable Development](#), 2015 .

<sup>67</sup> We have highlighted, for example, that there are key gaps, in terms of policies and programmes, aligned to a number of UNCRPD Articles to be addressed. Our CEDAW Shadow Report (2013)

obligations (particularly with regards to UNCRPD, CERD and CEDAW) which may be of assistance in addressing this recommendation.

- 16.6 We do however note that the delivery plans - for example, for Indicator 42 (average life satisfaction for people with disabilities), include a series of proposed actions which, if fully implemented, have the potential to significantly advance Convention (UNCRPD) rights. For example, the PfG and delivery plan for Indicator 42 includes a commitment to strengthen disability discrimination legislation.
- 16.7 Further, the SDGs<sup>68</sup> which have been adopted by the UK Government include goals and targets on tackling poverty and reducing inequalities, as well as a specific goal on achieving gender equality<sup>69</sup>. We have already identified a wide range of further actions that we recommend are taken in support of achieving these SDGs across the Section 75 categories.
- 16.8 We recommend that consideration is given to developing indicators, or a composite index, of the extent to which international obligations are being provided for relevant equality groups – including for those with disabilities.

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highlighted a range of areas that need to be addressed in regard to equality between women and men. In our FCNM Shadow Report (2016) we raised the importance of addressing inconsistencies in the race equality legislation and gaps in protection; our proposals for reform of the fair employment legislation; and the need to address inequalities faced by migrant workers.

<sup>68</sup> See UN Sustainable Development Goals (SDGs) contained in [Transforming our world: the 2030 Agenda for Sustainable Development](#), 2015. In particular, see Goal 5 on “gender equality”, which includes the need to “ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life”.

<sup>69</sup> For example, there is a goal on “gender equality”, including targets on ending all forms of discrimination against women and girls and ensuring women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. There is also a goal on “reduced inequalities”, including targets to ensure equal opportunity and reduce inequalities of outcome, and by 2030 to empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status. See [UN Sustainable Development Goals](#), contained in [Transforming our world: the 2030 Agenda for Sustainable Development](#), 2015

## 17 Compliance with Statutory Duties

***In the development of the PfG, budget and delivery plans, Departments should ensure compliance with their statutory equality and good relations duties.***

- 17.1 The statutory equality and good relations duties apply to The Executive Office (TEO) in respect of its responsibilities including its functions to produce and lead on the PfG. The Commission has provided advice to TEO on these responsibilities in respect of the PfG and the budget<sup>70</sup>. The Commission has emphasised in its guidance<sup>71</sup> that the statutory Section 75 duty entails assessments both of negative impacts and of opportunities to promote equality and good relations.
- 17.2 Compliance with statutory equality and good relations duties  
The Commission welcomes the commitment in the PfG ‘to instil as a norm the expectation that government intervention will not only avoid inequality but that it will actively promote enhancing equality and a common sense of fairness in all its actions through reflective practice’.
- 17.3 Given the potential impact of the PfG on equality of opportunity and good relations, visible evidence of screening and equality impact assessment is required. The recently published equality impact assessment on the PfG is framed with a future focus, outlining how the PfG outcomes based approach will provide resources and information to enable public authorities to fulfil their statutory equality and good relations duties going forward. The EQIA commits to future monitoring arrangements as well as ensuring better data gathering to inform how key inequalities will be addressed. Further consideration is being given to the equality impact assessment.
- 17.4 The EQIA does not provide an aggregate assessment of impacts but states that, “The impact of the Programme for Government, in equality terms and more generally is wholly mediated through Delivery Plans”.

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<sup>70</sup> ECNI (July 2016) [PfG Framework Response](#)

<sup>71</sup> Section 75 of The Northern Ireland Act 1998 A Guide for Public Authorities. ECNI April 2010

- 17.5 To date, it appears that screening documents have not been made available for each delivery plan. The ‘evolving’ nature of this process makes it difficult for consultees, including the Commission, to adequately consider the PfG in terms of public authorities’ compliance with section 75 requirements and to see whether the required level of regard has been paid. Of those screening documents that have been made available or referred to in delivery plans, the screening decision determines that there are no adverse impacts and therefore that a more detailed equality assessment is not necessary<sup>72</sup>.
- 17.6 The Commission expects TEO and each of the Departments to clearly demonstrate, at each stage of the development and delivery of the PfG, that the appropriate level of regard has been paid to the need to promote equality of opportunity and to the desirability of promoting good relations and that Equality Scheme commitments have been applied. In compliance with each Departments’ Scheme commitments, where either major adverse impact or major potential to promote equality is identified, the relevant Department should normally undertake a more detailed equality assessment. The Commission emphasises the importance of continuing to improve the data which facilitates equality assessments.
- 17.7 The Commission continues to provide advice and support to each Department to comply with their Equality Scheme commitments and will seek to reinforce the importance of these commitments. We will be vigilant in monitoring TEO and Departmental implementation of their Equality Scheme commitments, mindful of our statutory remit in this area.
- 17.8 The Commission also emphasises the need to impact assess budgetary decisions aligned to PfG and delivery plans. Such assessments should consider the impacts of public expenditure plans across the range of equality grounds set out in Section 75 of the Northern Ireland Act 1998 in a timely manner so that the assessments inform the final budget decisions. The Commission advice is contained in a short guide on this [Section 75 and Budgets short guide.pdf](#).

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<sup>72</sup> Position at 16 December 2016

