

Equality Commission: Response to draft Delivery plan for Indicator 1: Prevalence rate (% of the population who were victims of any NI Crime Survey crime)

- 1.1 In January 2016, the Equality Commission ('the Commission') published¹ priority issues and recommendations to be advanced through the Programme for Government (PfG) and Budget. In our July 2016 response to the Programme for Government Framework consultation², we reiterated our recommendations that the PfG should include 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. We also made it clear that we supported the inclusion of the proposed indicator '*to reduce crime*'.
- 1.2 The following considers the delivery plan content (version downloaded on 17 January 2017) against the key inequalities and policy priorities highlighted by the Commission in January 2016.
- 1.3 We hope that this information, in tandem with our response³ to the consultation on the draft PfG, will be of assistance in the further development of the delivery plan.

We recommend targeted actions to tackle prejudicial attitudes, behaviour and hate crime across the Section 75 categories.

- 1.4 We welcome the commitment to develop a new cross-Executive action plan on hate crime to be published in 2017.
- 1.5 We have made it clear that there is a need for action aimed at tackling hate crime experienced by a number of Section 75 equality groups, including sectarian, racist, homophobic, transphobic, and disability hate crime.
- 1.6 We also welcome the recognition in the draft delivery plan of the need to address the under-reporting of crime, including hate crime and domestic and sexual violence; as well as the need to support victims of crime. We also welcome the commitment to actions to address causative factors, including through early intervention, prevention and detection of crime. These are aligned with Commission recommendations which have called for an improvement in the operational response to, and detection of, hate crime⁴.
- 1.7 We however *recommend* the draft delivery plan makes clear the specific actions that will be taken to address prejudicial attitudes and behaviour experienced by particular groups/ individuals within the Section 75 categories, which will contribute

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

² ECNI (July 2016) [PfG Framework - Full Response](#)

³ ECNI (2016), [Response to the Executive's consultation on a draft Programme for Government 2016-21](#)

⁴ See, for example, ECNI specific recommendations on addressing hate crime as outlined in the following publications: Transphobic hate crime – see ECNI (2016) [Full Report: Gender Equality Policy Priorities and Recommendations](#) at p41 ; Race hate crime- see ECNI (2014) Full Report: [Race Equality Policy Priorities and Recommendations](#) at p12; Disability hate crime –see ECNI (2014) [NI 'Parallel' Jurisdictional Report](#), Working Paper at p28 (published with NIRHC in our joint role as 'Independent Mechanism for Northern Ireland' under the UNCRPD).

to reducing and tackling incidents of hate crime, as well as reducing overall levels of crime. Such actions will contribute not only to achieving the proposed Outcome 7, but also the Outcomes 9 and 10⁵, and are therefore relevant to this delivery plan (Indicator 1), as well as the draft delivery plan for Indicators 26, 31 and 35.

- 1.8 We 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.
- 1.9 However, we consider that the scope of social attitudes related activities, as set out within the relevant PfG draft delivery plans, largely focus on Protestants and Catholics, with only some limited references to other (e.g. minority ethnic) groups, and disability specific activity.
- 1.10 For example, we note that there are also no specific actions in the draft delivery plan for Indicator 1 or other PfG delivery plans in relation to challenging gender stereotypes. It is of note that according to the UN, across the EU, stereotyping is considered '*the most substantial challenge of the work ahead*' in achieving gender equality⁶.
- 1.11 In addition, in the context of some aspects of debate around the UK Referendum to leave the EU, we also consider that there is the need to effectively tackle prejudicial attitudes and hate crime in Northern Ireland, including on the grounds of race. This includes tackling prejudicial attitudes/hate crime towards migrant workers and asylum seekers, and their families. It also includes highlighting and valuing the important contribution that migrant workers make to the NI economy, across all sectors, as well as to wider society.
- 1.12 Whilst we note that there is no indication to date that race hate crime has increased in Northern Ireland following the EU Referendum in June 2016, recent statistics show that race hate crime did increase in other parts of the UK in the immediate aftermath of the EU referendum⁷. There is also evidence to suggest that

⁵ Proposed **Outcome 7**: We have a safe community where we respect the law, and each other. **Outcome 9**: We are a shared society that respects diversity; **Outcome 10**: We are a confident, welcoming, outward-looking society.

⁶ Maria Regina Tavares da Silva (2010) [*Strengthening National Mechanisms for Gender Equality and the Empowerment of Women – National Mechanisms for Gender equality in EU Member States and Candidate countries and Other Developed Regions of the UNECE Region*](#), page 54, United Nations. *The questioning and elimination of stereotypes constitutes the biggest challenge for governments, for national mechanisms and for society at large* - *ibid*, page 62.

⁷ See Home Office Report [*Hate crime, England and Wales*](#) 2015/16, October 2016 which indicated that was a sharp increase in the number of racially or religiously aggravated offences recorded by the police in England and Wales following the EU Referendum. The number of racially or religiously aggravated offences recorded by the police in July 2016 was 41% higher than in July 2015. The number of aggravated offences recorded then declined in August 2016, but remained at a higher level than prior to the EU Referendum. However, it is important to note that PSNI statistics for NI (published in Aug 2016) show a decrease in race hate crime in the 12 months prior to end of June 2016; with levels reported lower than in financial year 2015/16. It will also be noted that there was a rise in racist hate crime (both incidents and crime) between April-Jun 2016; though the levels remained below those at the start of the reporting year (ie July 2015) and below the levels of the same period for the previous year (ie Apr-Jun 2015). Whilst statistics as regards hate crime levels in NI after the end of June 2016 have not yet been published by the PSNI, the PSNI confirmed in July 2016 that there was no increase in race hate crime in NI in the period immediately after the EU Referendum. See [report](#) of Irish News on 16 July 2016.

other forms of hate crime, for example, LGBT hate crime have also increased across parts of the UK immediately following the EU referendum vote⁸.

1.13 Further, in our *draft Age Equality: Policy Priorities and Recommendations* (2016) we advocate action to challenge of age-based negative and prejudicial attitudes, as well to address the fear of crime among older people⁹.

1.14 We therefore *recommend* that the delivery plan sets out actions to advance these matters. This includes the inclusion of a commitment to take actions to tackle prejudicial attitudes and behaviour experienced by particular groups/ individuals within the Section 75 categories, with the aim of reducing hate crime; as well as action to address the fear of crime amongst older people.

We recommend specific actions to tackle the nature and specific impact of gender based violence, including challenging gender stereotypes.

1.15 We note that the draft delivery plan 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.'

1.16 We also note the continued commitment to develop a cross-Executive action plan on domestic and sexual violence.

1.17 In our recent [Gender Equality Policy Priorities and Recommendations](#)¹⁰, we highlight the need for steps, including through the delivery of effective strategies, that tackle the nature and specific impact of gender based violence on women and men, and due to a person's gender identity. We recommend that such strategies include actions to tackle cultural and stereotypical attitudes, including through education, aimed at raising awareness of, and tackling gender based violence; and to ensure effective resources and services for those who are subject to gender based violence.

1.18 We also recommend that steps are taken, appropriate to the NI Executive's responsibilities, to assist the UK Government to ratify the Council of Europe's *Convention on preventing and combating violence against women*¹¹ and *domestic violence* (the Istanbul Convention 2014¹²). To date the UK Government has signed, but not ratified, the Istanbul Convention. Further, we recommend a gender specific (non-gender neutral) approach to tackling the specific nature of domestic violence on women and men, including issues faced by those with specific multiple identities.

⁸ See for example, [report](#) in Guardian on 8 October 2016 that Galop, the LGBT anti-violence charity, has indicated that hate crimes against LGBT people in the UK had increased by 147% during July, August and September 2016 compared to the same period in the previous year.

⁹ ECNI (2016): [Draft Age Equality: Policy Priorities and Recommendations](#)

¹⁰ See ECNI [Gender Equality Policy Priorities and Recommendations](#), Nov 2016

¹¹ The [Istanbul Convention](#) is based on the understanding that 'violence against women' is a form of gender-based violence. "Violence against women" is considered to be a "violation of human rights and a form of discrimination against women...".

¹² The UK Government has signed the Istanbul Convention and is working with the devolved administrations to put in places the necessary actions to allow ratification. ([Theresa May MP to JtCHR 250714](#))

1.19 We therefore *recommend* that the delivery plan sets out actions to advance these matters, including specific actions to challenge gender stereotypes.

We recommend a clearer reference to addressing the exploitation and forced labour of migrant workers.

1.20 We welcome the reference to tackling modern slavery¹³ in the draft delivery plan

1.21 However, while we note this reference, actions to take this forward are not clear. There thus appears to be no explicit commitment or actions to tackle the exploitation of migrant workers.

1.22 The Commission's formal investigation into the *Role of the Recruitment Sector in the Employment of Migrant Workers*¹⁴ (2010) found evidence of exploitation of migrant workers in Northern Ireland and revealed that despite a considerable body of legislation governing the sector, not all recruitment agencies worked within its terms and barriers to equality of opportunity existed for those who used their services.

1.23 We therefore *recommend* that the PfG and the delivery plan includes a commitment to take actions to address the exploitation and forced labour of migrant workers.

We recommend the inclusion of actions to progress a full consultation on abortion law.

1.24 In our response to the Department of Justice consultation in 2015 in relation to the proposed changes to the criminal law on abortion, we expressed disappointment that a full consultation on abortion law had not been undertaken¹⁵. We also agreed that there was a pressing need to consider a change to the criminal law on abortion to provide for lawful termination of pregnancy as an option for women in certain limited and clearly defined circumstances, including on the ground of lethal foetal abnormality, where such changes are considered compatible with human rights law¹⁶.

1.25 We note that there is no reference in the draft PfG to bringing forward a full consultation on abortion law. We continue¹⁷ to *recommend* that the PfG, and relevant delivery plans, should include key commitments and actions to progress a full consultation on abortion law in Northern Ireland.

¹³ We note the recent publication of the DOJ *NI Human Trafficking and Modern Slavery Strategy 2016/17* that indicates that modern slavery encompasses both human trafficking and slavery, servitude and forced labour.

¹⁴ ECNI (2010) [Role of the Recruitment Sector in the Employment of Migrant Workers](#)

¹⁵ See ECNI *Response to Department of Justice consultation Criminal Law on abortion – lethal foetal abnormality and sexual crime*, ECNI, 2015 – www.equalityni.org/Dept-of-Justice-Criminal-Law-on-Abortion

¹⁶ In responding to the DOJ consultation, *The Criminal Law on Abortion: lethal foetal abnormality and sexual crime* we also supported the Department's proposal to consider whether or not to make provision for abortion in the case of pregnancy resulting from sexual crime. In addition, we supported the Department's proposal to consider how, in the event of changes to the criminal law relating to abortion, a right of conscientious objection might be included. ECNI [Response to DOJ consultation on abortion](#) 2015

¹⁷ [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

We recommend all relevant PfG indicators are tracked for the impact across all Section 75 categories and gaps in equality data are addressed.

- 1.26 We note that the draft delivery plan highlights that the source for the proposed Indicator 1, the *NI Crime Survey*, has data limitations; for example, it does not cover children, or those in care homes, and excludes certain types of crimes, including crimes towards children. We also note that although there is a proposal to develop data to enable the measurement of harm caused by crime with a particular focus on the most vulnerable, there is no commitment to address the identified data limitations within the *NI Crime Survey*.
- 1.27 We also note that the *NI Crime Survey* does not collect data on the grounds of sexual orientation or political opinion¹⁸.
- 1.28 We continue to recommend that all relevant PfG indicators are not only tracked in aggregate but also for the impact on individuals from across all of the Section 75 categories. Where robust data for any given indicator is not currently available across all Section 75 grounds, we *recommend* that further work should be progressed at the earliest possible opportunity to address these issues, including through a timetabled data development agenda.
- 1.29 We therefore *recommend* that there is clear commitment in the draft delivery plan to take action to address these gaps in equality data.

26 January 2017

¹⁸ See NISRA PfG Framework Measurement Annexes