

EQUALITY COMMISSION FOR NORTHERN IRELAND

Submission to the Inquiry by the Northern Ireland Affairs Committee into the experiences of minority ethnic and migrant people in Northern Ireland

June 2021

1 Introduction

- 1.1 The Equality Commission welcomes the opportunity to contribute to the Inquiry by the Northern Ireland Affairs Committee into the experiences of minority ethnic and migrant people in Northern Ireland.
- 1.2 The Equality Commission for Northern Ireland ('the Equality Commission') is an independent public body established under the Northern Ireland Act 1998. It is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
- 1.3 The Equality Commission has particular duties under the Race Relations (Northern Ireland) Order 1997, ('RRO 1997') as amended. It has a duty to work to eliminate unlawful racial discrimination and harassment, to promote equality of opportunity, to promote good relations between persons of different racial groups and to keep the working of the legislation under review.
- 1.4 The Commission is empowered under Schedule 9 of the Northern Ireland Act 1998 to, inter alia, offer advice to public authorities and others in connection with the duties imposed by Section 75 of the Act². It is also empowered to authorise investigations into alleged failures by such authorities to comply with equality scheme commitments.

2 Summary

- 2.1 This briefing¹ provides an overview of the Commission's policy priorities and recommendations to advance racial equality in

Northern Ireland. In particular, we highlight the importance of law reform, tackling prejudicial attitudes and effective monitoring and evaluation, supported by robust data collection. We recommend that the Executive, Departments and other key stakeholders take action in the following areas, including via the Racial Equality Strategy (RES) 2015-2025.

Law Reform

- 2.2 Black & Minority Ethnic (BME) individuals in Northern Ireland currently have less protection against racial discrimination, harassment and victimisation, than people in other parts of the UK. **The Commission recommends** specific changes to give greater protections to BME individuals in Northern Ireland – including increased protection from racial harassment and victimisation; the removal of unjustified exceptions; along with enhanced scope for employers to take positive action and tribunal powers.

Tackling Prejudicial Attitudes and Racism

- 2.3 Research has highlighted the persistence of negative attitudes towards BME groups and migrant workers; lack of participation in public life; and under-reporting of hate crime. **We recommend** actions to tackle prejudicial attitudes; to tackle racial violence and improve reporting; to promote values of acceptance and respect so as to improve good relations; and to increase representation in public life.

Education

- 2.4 The Commission has long been concerned about bullying, nonattendance, drop-out rates and poor educational outcomes experienced by Irish Travellers. The Commission is also aware that Newcomer, Roma or refugee learners can also encounter similar difficulties. **We recommend** that the cultures and language of learners are reflected in the curriculum; that barriers to participation and progression are identified and addressed; that targeted strategies and training are used to progress key issues such as bullying; and that relevant data is collected, and evaluation of progress undertaken.

Employment

- 2.5 In addition to harassment at work, research suggests that key issues include lack of recognition of culture; concentration in low grade, low paid employment; low expectations; recognition of

qualifications, lack of English language skills, problems in accessing childcare, gaps in legal protection, exploitation and forced labour. **We recommend** ratification of the Migrant Workers Convention and the extension of the Gangmasters (Licensing) Act 2004; targeted initiatives to maximise participation in employment and training; to ensure access to appropriate employment support including childcare and ESOL); to tackle exploitation, and to address gaps in employment rights.

Accommodation and Housing

- 2.6 An undersupply of appropriate accommodation for Travellers, insecurity of tenure and overcrowding for migrants remain key issues. Issues for refugees also include a lack of time to find suitable alternative housing and difficulties in providing deposits or a suitable guarantor. **We recommend** an adequate programme of accommodation to meet the cultural needs of the Irish Traveller community; specific measures to address the housing needs of migrants; accessible information and training for relevant front-line staff on the entitlements of EU Migrants; and a coordinated strategic policy response to the needs of all asylum seekers and refugees.

Health

- 2.7 Poor life expectancy and high levels of suicide persist for the Irish Traveller community. Maternal and infant mortality is also an issue for some BME groups. There are also concerns about poor health outcomes for the Roma community. **We recommend** co-ordinated actions to monitor (including collection of relevant data) and address the key health inequalities amongst BME, newcomer and Traveller populations, to ensure measurable improvements in health outcomes; that barriers to access are addressed and that relevant training is provided to service providers; targeted actions to address the needs of BME groups, including asylum seekers and refugees.

Social Welfare

- 2.8 Migrant Workers experience restrictions to benefits because of residence rules and may have more limited access to advice. Asylum Seekers and Refugees have similar issues with regards to accessing advice and support. **We recommend** that the Executive ensures action to remove key barriers to accessing benefits so as to ensure appropriate support; clear guidance and support; and that The Executive Office takes appropriate steps to

ensure the long-term sustainability of the Emergency fund for destitute migrants.

Ethnic Monitoring

- 2.9 Research has noted the current absence of robust, reliable statistical or administrative analysis and significant gaps in the knowledge base. **We recommend** that public authorities ensure effective monitoring systems are in place to ensure effective policy development and service delivery.

A Racial Equality Strategy

- 2.10 We highlight the importance of the effective implementation of an outcome focused Racial Equality Strategy. The strategy should take account of relevant international obligations²³; and ensure responsibilities for delivery and review.

3 The experiences of minority ethnic and migrant people living in Northern Ireland

Prejudice and Hate Crime

- 3.1 The Equality Commission's most recent Equality Awareness Survey (2018)⁴ found that all five of the most negatively viewed

² In August 2016, the CERD Committee published its [Concluding Observations on the UK \(pdf\)](#). Several of its observations and recommendations specifically referenced Northern Ireland and echoed the concerns raised by the Commission as part of our engagement with the Committee. For example, the Committee:

- called on the Executive to adopt 'comprehensive' anti-discrimination legislation 'without further delay'
- raised concerns that data is not collected systematically in all fields 'most notably in Northern Ireland' and called on the Executive to publish disaggregated data on the enjoyment of rights by members of ethnic minorities and monitor the impact of its actions
- called on the UK State Party to adopting a detailed action plan with concrete targets, monitoring mechanisms and sufficient resources
- called on Government to take forward a range of actions to address issues of underreporting and tackle racist hate crime and racist hate speech
- raised concerns that the situation of Gypsies, Travellers and Roma has 'not substantially improved' and called for Government to develop a comprehensive Strategy in consultation with these communities

³ See also: Advisory Committee on the Framework Convention on the Protection of National Minorities (2017): [Fourth Opinion on the UK](#); European Commission Against Racism and Intolerance (2016): [ECRI report on the United Kingdom \(fifth monitoring cycle\)](#)

⁴ Equality Commission for Northern Ireland (2018): [A Question of Attitude](#); See also: <https://www.equalityni.org/Delivering-Equality/Equality-Awareness-Survey.aspx?t=1>

groups were racial groups: Irish Travellers, Roma, asylum seekers and refugees, migrant workers and minority ethnic groups.

Group	Negative	Neither +/-	Positive
Traveller	19%	15%	66%
Roma	18%	15%	68%
Asylum seekers & refugees	15%	15%	71%
Migrant workers	11%	12%	77%
Minority ethnic groups	10%	14%	77%

- 3.2 Travellers, Roma, migrant workers and minority ethnic groups were also the equality groups with the highest proportions of respondents who 'would mind' them as a work colleague, a neighbour or as an in-law.

Proportion of people who 'would mind' having people from these groups as:

Group	Work colleague	Neighbour	In-law
Traveller	25%	33%	33%
Roma	23%	27%	29%
Migrant workers	16%	19%	20%
Minority ethnic	16%	18%	20%

- 3.3 Overall, attitudes to Travellers were not as negative as in previous surveys, but they were still the equality group that attracted the most negative attitudes across all areas that we surveyed:

In general, how positive or negative do you feel towards Travellers?

Year	Negative %	Neither -/+ %	Positive %
2008	28%	26%	46%
2011	30%	30%	40%
2016	19%	15%	66%

Would you personally mind a Traveller as a work colleague/a neighbour/an in-law?

Group	2005	2008	2011	2016
Work colleague	24%	38%	35%	25%
Neighbour	41%	51%	54%	33%
Close relative	38%	51%	55%	33%

- 3.4 More people responded with negative attitudes to Travellers in all three social distance scenarios than to any other group. The closer the relationship, proportionally more people minded. One quarter would mind working alongside a Traveller, and a third would mind a Traveller as a neighbour or a relative by marriage.
- 3.5 The Executive Office's Northern Ireland Racial Equality Indicators Report: 2014 – 2019 reported that, at 2019, the proportion of respondents reporting they were prejudiced against people from minority ethnic communities had increased significantly since the baseline and 2018 (2014: 24%; 2018: 20%; 2019: 29%)⁵.
- 3.6 The Independent Review of hate crime legislation in Northern Ireland (2020), undertaken by Justice Marrinan for the Department of Justice, notes that there is approximately a 1 in 31 chance of being the victim of a reported racial hate incident compared to an approximately 1 in 1777 chance of being a victim of a reported sectarian hate incident⁶.

Recommendations

- 3.7 The Equality Commission has **recommended** the adoption of a statutory aggravation model similar to that adopted in hate crime legislation in Great Britain together with the introduction of sentencing guidelines for hate crimes in Northern Ireland.
- 3.8 We have also recommended **additional policy and legislative action** to improve the effectiveness of the hate crime legislation:
- **Guidance and Training:** We recommend the production of guidance and training for criminal justice agencies, including

⁵ See: <https://www.executiveoffice-ni.gov.uk/news/northern-ireland-racial-equality-indicators-report-2014-2019>

⁶ [Hate Crime Legislation in Northern Ireland - Independent Review](#) (2020), paragraph 38, pages 6-7.

the Police Service of Northern Ireland, Public Prosecution Service and judiciary.

- **Holistic approach:** We recommend the adoption of a holistic approach to tackling hate crime.
- **Outcome rates:** We recommend action to improve outcome rates for hate crime.
- **Increasing Hate crime:** We recommend that measures are in place to tackle any increase in hate crime due, for example, to Brexit and the Covid 19 pandemic.
- **Prejudicial attitudes:** We recommend the implementation of measures to eliminate discrimination, hate crime and tackle prejudicial attitudes and negative stereotypes against equality groups.
- **Equality Law:** We recommend measures to strengthen equality law, including against harassment and multiple discrimination.
- **Sharing in Education:** We recommend a move to a system of education which routinely teaches all pupils together via a shared curriculum in shared classes, in support of better advancing a shared society.
- **Bullying:** We recommend action to address bullying in schools including on prejudice- based grounds, including through the curriculum in an age appropriate way, and via leadership and commitment from Principals and Boards of Governors.
- **Shared and safe housing:** We recommend actions designed to incentivise and advance safe, shared housing and communities based on equality, dignity and respect.
- **Harassment when accessing health services:** We recommend that measures are taken to ensure that women, including women with multiple identities, are able to access all health services, including sexual and reproductive health services, free from discrimination or harassment. Measures should be compliant with human rights legislation.
- **Equality/Good relations Strategies:** We recommend prompt implementation of equality and good relations strategies, to

include actions to address prejudicial attitudes, stereotypes and hate crime⁷.

Education

- 3.9 Minority ethnic students suffer **racist bullying** in school. Bullying can hinder academic success⁸. Minority ethnic students have reported being bullied - such as, mean names or comments about their race or colour^{9 10}. Research by the NI Council for Ethnic Minorities (2011)¹¹ suggested that a barrier to addressing bullying in schools is that schools tend to lack knowledge of how to effectively confront the issue of racist bullying and may in some cases have difficulty acknowledging that a problem exists.
- 3.10 The Commission welcomes the recent signing of the Commencement Order in relation to the Addressing Bullying in Schools Act, which will take effect from 1 September 2021¹². The Act provides a common definition of bullying; establishes a new duty for schools to record all incidents of bullying, their motivation and their outcome; and requires the school Boards of Governors collectively to take responsibility for the development, implementation, monitoring and periodic review of the school's anti-bullying policies and procedures.
- 3.11 It is reported that Irish Traveller children encountered the most negative experiences of education¹³. In 'Every Child an Equal Child'¹⁴, the Commission noted the high levels of poor literacy and low levels of educational attainment among the Irish Traveller

⁷ Equality Commission for Northern Ireland (April 2020): [Response to consultation: Hate Crime Legislation in Northern Ireland - Independent Review](#), paragraph 1.2, page 1 and paragraph 1.3, pages 4-5.

⁸ RSM McClure Watters (2011): [The Nature and Extent of School Bullying in Schools in the North of Ireland](#)

⁹ [Young Life and Times Survey NI](#) (2014) - Two fifths of 16 year olds had witnessed racist bullying in school, with one in ten experiencing racist bullying themselves. Of those from ethnic minorities, two-thirds aged 16 years stated that they had been victims of racist bullying, with seven out of ten having witnessed racist bullying.

¹⁰ NCB, NI and ARK YLT (2010) Attitudes to Difference: Young people's attitudes to, and experiences of contact with people from different minority ethnic and migrant communities in Northern Ireland, page 55, Table 16.

¹¹ NI Council for Ethnic Minorities (2011): *Promoting racial equality in NI post primary schools*,

¹² Department of Education (14 April 2021): [Schools to implement Addressing Bullying in Schools Act](#)

¹³ Biggart, A. et al. (2013): [A need to belong? The prevalence of experiences of belonging and exclusion in school among minority ethnic children living in the 'White hinterlands'](#).

¹⁴ Equality Commission for Northern Ireland (Nov 2008): [Every Child an Equal Child - Statement on Key Inequalities in Northern Ireland and a strategy for intervention](#), page 19.

community¹⁵. We continue to note longstanding and unparalleled educational disadvantage for Traveller children who in particular experience exceptionally poor educational outcomes, low levels of school attendance and racist bullying.

- 3.12 Over the 2007/08-2014/15 period, anywhere between a half to over eight in ten Irish Traveller children left school with no GCSEs. This is in stark contrast to the proportions of all school leavers with no GCSEs, which has reduced from 3.5 percent in 2007/08 to 0.5 percent in 2014/15¹⁶.
- 3.13 Newcomer children also face a number of barriers to educational achievement, including limited English language ability, lack of knowledge of the education system, racist bullying and social exclusion.
- 3.14 The Commission's 2008 policy statement, *Every Child an Equal Child*¹⁷, highlighted serious shortcomings in relation to the provision of support for children who have English as an additional language, as well as with existing funding formulas¹⁸. In our 2011 CERD shadow report¹⁹, we highlighted the challenges in providing appropriate support for BME and newcomer children, especially those with gaps in their educational backgrounds.
- 3.15 In 'Every Child an Equal Child'²⁰, the Commission noted that children of new residents and migrant workers face difficulty accessing grammar schools²¹. While the reasons for the disparity are unclear, a range of factors which may be at play including the

¹⁵ The vast majority of Travellers have no formal educational qualifications and 92% have no GCSE's at all, compared with 4% of all Northern Ireland school leavers.

¹⁶ The Equality Commission for Northern Ireland (2017): [Statement of Key Inequalities in Education](#), paragraph 5.2, pages 14-15.

¹⁷ Equality Commission for Northern Ireland (Nov 2008): [Every Child an Equal Child - Statement on Key Inequalities in Northern Ireland and a strategy for intervention](#)

¹⁸ Equality Commission for Northern Ireland (2006): *Mainstreaming Equality of Opportunity for Travellers in Education: Towards a Strategy*, pages 13-14. Each full time pupil designated on the day of the school census as being of the Traveller community will generate an additional allocation for the school equivalent to the 0.5 of the basic Age Weighted Pupil Units (AWPU). This is problematic as Traveller children may not be in school on the day of the school census or may attend another school in the same year. As the money is not ring fenced, it may be appropriated for the general school budget. It is unclear whether the use of this extra funding is monitored and linked to tangible achievements for Travellers.

¹⁹ Equality Commission for Northern Ireland (2011): [Shadow Report to the UN Committee on the Elimination of Racial Discrimination on the UK Government's 18th Periodic Report](#)

²⁰ Equality Commission for Northern Ireland (Nov 2008): [Every Child an Equal Child - Statement on Key Inequalities in Northern Ireland and a strategy for intervention](#)

²¹ Only 13.7% of newcomers attend a grammar school compared to 42.5% of non-newcomers.

free exercise of parental choice, lack of knowledge of the educational system and how to apply to grammar schools and the use of tests to determine admission²².

- 3.16 While there has been little formal research on the experience of Roma pupils, anecdotal evidence suggests exceptionally high levels of educational disadvantage exacerbated by a low level of English language proficiency, social exclusion and poverty.
- 3.17 There are also complex challenges facing young refugees and asylum seekers in the education system. Refugee and asylum seeking children often have very limited English Language skills and may have experienced trauma and other serious stresses before coming to Northern Ireland. Accessing second level education can also be problematic for those aged almost or over 16²³.
- 3.18 Research (2013)²⁴ has also noted the need 'to look beyond achievement gaps in assessing minority ethnic children's differential experiences in education, highlighting the potential of belongingness²⁵ as a concept for further study'²⁶. The research²⁷ found that ethnic minority pupils experienced lower levels of belonging and higher levels of exclusion compared to their White, settled Northern Irish peers. The experiences of Irish Traveller children were the most negative. While educational aspirations were high among Chinese/Asian children, 'less positive outcomes

²² NI Council for Ethnic Minorities (2011): *Promoting Racial Equality in Northern Ireland's Post Primary Schools*, page 15.

²³ National Children's Bureau (2010): *New to Northern Ireland – A study of the issues faced by migrant, asylum-seeking and refugee children in Northern Ireland*. The Bureau has noted that 'for such young people it is very difficult to get a school place and sometimes virtually impossible unless the young person had 'high exam results from their country of origin' or 'exceptionally good spoken English'.

²⁴ Biggart, A. et al. (2013): [A need to belong? The prevalence of experiences of belonging and exclusion in school among minority ethnic children living in the 'White hinterlands'](#), Queens University Belfast, pages 179-195.

²⁵ Goodenow, C., & Grady, K. E. (1993): 'The relationship of school belonging and friends' values to academic motivation among urban adolescent students' in *Journal of Experimental Education*, 62(1), 60-71. Goodenow and Grady's definition of belong is well recognised by scholars and is defined as the extent to which students "feel personally accepted, respected, included and supported in the school environment".

²⁶ Biggart, A. et al. (2013): [A need to belong? The prevalence of experiences of belonging and exclusion in school among minority ethnic children living in the 'White hinterlands'](#), Queens University Belfast, page 1.

²⁷ Biggart, A. et al (2013): Ibid.

were found in relation to other outcomes like their self-worth, participation in clubs and their subjective health'²⁸.

Recommendations

- 3.19 The Equality Commission **recommends** that the Department of Education (DE) adopts a holistic approach to the development of education policy which includes measures aimed at promoting a sense of belonging. The Department should seek to ensure that ethnic minority children see their culture and language reflected in the classroom and school curriculum; disseminate best practice procedures around induction and admissions; and provide guidance on promoting the participation of newly-arrived children in the wider life of the school.
- 3.20 The Commission **recommends** that provision for Traveller children is subject to ongoing monitoring and evaluation with progress reported at the recently established (as part of the Racial Equality Strategy) TEO Traveller Thematic Group and that Traveller children and parents are closely involved in the development and implementation, to ensure that tangible outcomes are delivered.
- 3.21 With regard to providing appropriate support for BME and newcomer children, we **recommend** that the Executive and DE work with the regional Inclusion and Diversity Service to understand and improve the experiences of and outcomes for newcomer (including Roma and asylum seeker) children and BME pupils including identifying and addressing any attainment differentials; assessing educational needs; reviewing the effectiveness of current English as an Additional Language (EAL) support; identifying appropriate strategies to support the teaching of newcomer pupils through the development of effective newcomer pupil programs and the provision of accessible information on the education system in Northern Ireland.
- 3.22 We also **recommend** that DE take steps to promote development

²⁸ Ibid, page 17.

of the first language competence of newcomer pupils²⁹ and assist schools in making effective use of dual language resources to help learners access the curriculum³⁰.

- 3.23 Staff training is an important aspect of the school's work to prevent and tackle bullying. The Commission **recommend** that the Department ensures that schools provide regularly updated in-service training to staff on the impact of racist bullying and on the strategies to tackle and prevent it and that training on prejudice-based bullying is incorporated within teacher training.
- 3.24 The Commission also **recommend** that schools develop practical strategies for communicating with parents in relation to bullying and that appropriate mechanisms are put in place to consider complaints from parents in relation to schools' handling of bullying incidents.
- 3.25 The Commission **recommend** that DE take targeted action in line with Recommendation 3 of the CERD General Recommendation XVII on Discrimination Against Roma³¹, to address the barriers faced by Roma children in accessing education including the training and employment of culturally competent bi-lingual classroom assistants.
- 3.26 We also **recommend** measures to address the educational inequalities among Roma pupils be developed as part of a wider Roma Integration Strategy taking account of the EU framework for national Roma Integration Strategies³² and Council Recommendation on effective Roma Integration measures in Member States³³.

²⁹ In developing its approach DE should seek to incorporate learning from projects such as the GCSE Family Language Project in England, which allows primary children whose first language is not English to study for a GCSE in their mother tongue, alongside a parent or other adult family member.

³⁰ Her Majesty's Inspectorate of Education in Scotland (2009): *Count Us In: Meeting the needs of children and young people newly arrived in Scotland*.

³¹ UN Committee on the Elimination of All Forms of Racial Discrimination (2003): [General Recommendation XXVII Discrimination against Roma](#)

³² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, [An EU Framework for National Roma Integration Strategies up to 2020](#), Brussels 5.4.2011, COM (2011) 173 final.

³³ European Commission: [Proposal for a Council Recommendation on effective Roma integration measures in Member States](#), Brussels 26.06.13 COM (2013) 460 final.

Accommodation

Asylum Seekers and Refugees

- 3.27 The Commission has noted that particular issues arise for individuals from minority ethnic groups (MEG) who are resident in Northern Ireland as refugees and asylum seekers, while those who have been unsuccessful in their asylum application have no right to any accommodation support, refugees do have entitlement.
- 3.28 On being recognised as refugees, individuals are required to vacate their Home Office provided accommodation and access other appropriate accommodation within 28 days ('the transition period'). Organisations working closely with refugees, have advised that the 28-day period is very short for anyone to find accommodation. Those who wish to rent privately often have difficulties in finding a guarantor and having just recently been granted refugee status, have no savings to rely on. Furthermore, concerns have been raised about the suitability of provision.
- 3.29 Horn of Africa People's Aid NI (HAPANI), a charity working with nationals of Somalia and Eritrea living in Northern Ireland, has raised concerns³⁴ that female refugees have to share with others who have drug and alcohol dependencies. HAPANI also note that those who have been unsuccessful in their asylum applications are deemed 'ineligible service users' and lose the right to such accommodation. Such individuals must depend on charity or friends, and cannot access government-funded schemes.

Recommendation

- 3.30 The Commission **recommends** the provision of appropriate culturally sensitive accommodation for those groups eligible for services. For those currently ineligible, we **recommend** the provision of suitable emergency accommodation. We note the scheme being provided by Choice, Participation and the Practice of Rights and others³⁵, which uses privately held housing stock and services from the other partners to provide accommodation and support services to destitute unsuccessful asylum seekers.

³⁴ Email Correspondence (August 2015) from Horn of Africa People's Aid NI to ECNI

³⁵Housing for All, Community Foundation and East Belfast Mission

Irish Travellers

- 3.31 The Commission has observed that while some progress has been made, access to appropriate accommodation to meet the needs of Irish Travellers remains limited.
- 3.32 A 2018 report by the Northern Ireland Human Rights Commission (NIHRC)³⁶ found thirteen systematic concerns around Traveller accommodation including inadequacy of sites and racial discrimination and that there had been *'an erosion of nomadic life through the policies and practices that have been developed and applied to Travellers and Travellers' accommodation'*. Among other "systematic concerns" highlighted in the report was provision of Traveller-specific accommodation, resources for Traveller accommodation and a lack of emphasis on Travellers being involved in the decision-making process.
- 3.33 The Irish Traveller Accommodation Survey (2019) indicated that around 7-15%³⁷ of all Irish Traveller households still travel. It therefore remains important that the provision of accommodation is such that it continues to cater for those who wish to have a nomadic lifestyle. Indeed, as noted in Wallace, for some Irish Travellers, 'bricks and mortar' accommodation may be inappropriate where it does not accord with their nomadic lifestyle³⁸.

Recommendation

- 3.34 The Commission continues to **recommend** an adequate programme of accommodation to meet the cultural needs of the Irish Traveller community and remains concerned by the lack of progress in securing planning permission for sites in the areas identified as most in need in the NIHE Traveller Accommodation Needs Assessment³⁹.

³⁶ Northern Ireland Human Rights Commission (March 2018): [Out of Sight, Out of Mind: Travellers Accommodation in Northern Ireland](#)

³⁷ Northern Ireland Housing Executive (2019): [Irish Traveller Accommodation Survey 2018-19](#), page 29. In 2014, 18% (n=69, N=384) of Traveller households travelled. In 2002 - 20% (n=62, N=316) and in 2008 - 29% (n=130, N=449) of respondents said that they travelled. See: NIHE Travellers Accommodation Needs Assessments (2002; 2008; 2015).

³⁸ Wallace, A. (2015): [Housing and Communities Inequalities in Northern Ireland](#)

³⁹ NIHE (2015): [Traveller Accommodation Needs Assessment 2014](#)

Migrants and minority ethnic groups

- 3.35 Research suggests there is potentially limited awareness of rights and/or limited accommodation choices available to migrants and minority ethnic groups. Furthermore, these groups may lack a wider network of family and friends with knowledge of the Northern Ireland housing market, which would enable them to make better informed choices. Our *Statement on Key Inequalities in Housing and Communities* noted that migrant workers were often at risk of being subject to ‘tied accommodation’ with poor conditions and overcrowding. Greater awareness of rights and the market could act to empower potential tenants to explore the full range of options open to them.

Recommendations

- 3.36 The Commission **recommend** that accommodation providers ensure greater awareness of the rights, responsibilities and housing options relevant to minority ethnic groups.
- 3.37 Such information should be provided in methods and formats accessible to the identified audience both in terms of language and dissemination channels. We further **recommend** that frontline staff (including those from the NIHE, Housing Associations and advice centres) be trained on the entitlements of EU and other migrants to benefits and more broadly on the rights and responsibilities of refugees and asylum seekers. We continue to **recommend** that government should take account of the need to provide support and advice to asylum seekers as regards emergency and subsequent accommodation.

Social Security

- 3.38 An evaluation of the OFMDFM Emergency fund pilot highlighted that ‘access to social security, housing, social services and other support is a maze’ and ‘the length of time waiting on support that people are entitled to or the length of time to reach a decision is a major concern’⁴⁰.
- 3.39 Research has also highlighted that, while emergency funding provides important short term support for destitute asylum

⁴⁰ McKittrick, N and McCann, J. (2012): [Evaluation of the OFMDFM Emergency Fund Pilot August 29011-March 2012](#), page 4.

seekers, key policy changes are required to the asylum system, to improve the situation of this vulnerable group⁴¹. For example, asylum support is terminated once a final decision has been made on an asylum application as those who are granted leave to remain in the UK become eligible to work and can access mainstream welfare benefits. A cross-party working group⁴² found that, while the UKBA ends its support 28 days after a final decision has been made on an asylum application, it often takes much longer to receive standard benefits (as much as six months for child benefit). As a result, adults who had been seeking asylum were often most at risk three months after being allowed to stay⁴³.

- 3.40 In addition, the cross-party inquiry found widespread examples of families on levels of support far below mainstream benefits. ‘Some children become destitute when families gain refugee status and move from Home Office support to mainstream support. Other children are born into destitution because their parents are cut off from asylum support but are unable to leave the UK.⁴⁴ Other periods of destitution are caused by administrative gaps and delays, which cause some families to go without income or a place to stay for weeks and months’.⁴⁵
- 3.41 Anecdotal evidence⁴⁶ has also highlighted that ‘there are ongoing issues with inconsistent decision-making with regard to persons from abroad’ and that significant delays in processing benefits often leave migrants in debt or at risk of homelessness.
- 3.42 The Commission has also made a number of significant policy interventions concerning Welfare Reform (including responses to the Welfare Reform Bill EQIA⁴⁷; and associated policy consultations) drawing attention, inter alia, to the absence of data on people of different racial group and the importance of public authorities ensuring the effective application of their Section 75

⁴¹ British Red Cross (2013): [Not gone, but forgotten - the urgent need for a more humane asylum system](#)

⁴² Report of the Parliamentary Inquiry into asylum support for children and young people (January 2013).

⁴³ Ibid, page 15.

⁴⁴ Ibid, page 15.

⁴⁵ Ibid, page 2.

⁴⁶ Belong (2013): *Response to Commission’s Racial Equality Policy Paper – Draft Priorities and Recommendations*.

⁴⁷ ECNI (December 2011): [Response to the DSD consultation on Welfare Reform Bill 2011 and EQIA](#).

duties.

Recommendations

- 3.43 The Commission **recommends** that the UK government undertake a review of the asylum system to ensure any problems are addressed during transition from one form of public support to another and ensures that asylum seekers receive appropriate support from arrival until voluntary departure or compulsory removal from the UK.
- 3.44 The Commission welcomes The Executive Office's commitment to put the Emergency fund on a more secure footing through greater, long-term funding, as **recommended** by the pilot evaluation and the Commission.
- 3.45 We **recommend** that TEO take appropriate steps to ensure the sustainability of the fund in the longer term, by addressing those challenges highlighted by the pilot evaluation such as the need for increase administrative support and the lack of service provision in some regions.
- 3.46 The Commission **recommend** an assessment of the barriers faced by migrants (including Roma), asylum seekers and refugees in accessing benefits including the accessibility of services.
- 3.47 The Commission also **recommends** that the Executive and relevant Departments ensure that first tier generalist advice, including access to the services of an interpreter, is available for those migrants impacted on by the changes to the welfare system and that the application process is accessible, particularly to those who live in rural areas. Finally, the Commission **recommends** that Departments develop clearer guidance training for decision makers with regard to applications for persons from EU member states.

Participation in Public Life

- 3.48 Research undertaken on behalf of the Commission⁴⁸ found that available data was limited to Government Public Appointments,

⁴⁸ Banks, G., Hamilton, E. and Rooney, F. (2015): [Inequalities in Participation in Public Life in Northern Ireland](#) (Ipsos MORI for the Equality Commission for Northern Ireland).

Access to Voting System and the Judiciary⁴⁹. An examination of the data shows that Minority Ethnic groups experience persistent key inequalities in terms of their underrepresentation in participation in public life within:

- Government Public Appointment positions (Applicants and Appointments)
- Judicial Office positions across the eight groupings
- Lay Magistrate positions
- Judicial Office Court positions (Applicants)
- Judicial Office Tribunal (Legal) Applicants
- Recommendations for Judicial Appointments
- Recommendations for Renewal of Judicial Appointments

3.49 The Commission has noted that there are no elected representatives from ethnic minority backgrounds in Northern Ireland. Currently, there is no political presence in terms of ethnic minorities within the Northern Ireland Assembly. However, previously (2007-2016) [one MLA](#) (Anna Lo, Alliance party) was elected to the Northern Ireland Assembly⁵⁰.

3.50 The Commission **calls** on government and political parties to take prompt steps to further promote and support the participation in political life of women, and those from minority ethnic groups, by actively tackling the barriers they may face. We also **recommend** actions to develop and broaden candidate pools⁵¹.

⁴⁹ The researched revealed (page 184) an absence of data available with respect to:

- Local Strategic Partnerships
- Citizens Panels
- Public Bodies focus and or working groups
- School Councils
- Youth Councils
- User groups for a service provided by a Public Authority
- Members of Political Fora
- Litigants – Access to Law and Courts
- Jurors
- Recruitment and Selection Panels
- Members of a voluntary group
- Community Police Liaison Committees
- Neighbourhood Watch Committees
- Community Associations or fora
- School Boards of Governors
- Elected representatives

⁵⁰ See: <https://www.equalityni.org/Delivering-Equality/Addressing-inequality/Participation-in-public-life/Research-investigations>

⁵¹ Equality Commission for Northern Ireland (2019): [Equality in Participation in Public Life - Priorities for Action](#), paragraph 29, page 17.

4 The challenges that minority ethnic and migrant people face in Northern Ireland

Data collection and ethnic monitoring

- 4.1 Research by the Joseph Rowntree Foundation⁵² has noted that ‘with the current absence of robust, reliable statistical or administrative analysis, significant gaps exist in the knowledge base’⁵³ on BME groups in Northern Ireland. The report also highlighted that ‘any impact on outcomes for people of ethnic minority backgrounds is unclear as data is required to demonstrate the policy effectiveness’⁵⁴.
- 4.2 While publication in 2011 of an ethnic monitoring guide by OFMDFM (as part of the implementation of the racial equality strategy) has been a welcome first step in addressing the issue, JRF noted that ‘many would argue that this falls short of overcoming the lack of data, as there is no clear lead from the top in respect of implementation’⁵⁵. Without disaggregated ethnic data the situation of disadvantaged ethnic minorities cannot be ascertained but only guesstimated.
- 4.3 The Racial Equality Strategy for Northern Ireland 2015-2025 committed to ‘examine where ethnic monitoring should be introduced and consult on proposals for implementation’⁵⁶.
- 4.4 The Executive Office subsequently commissioned research from the NI Assembly Research Service ‘Ethnic Monitoring – The Way Forward’. The report recommends that the Race Relations (Northern Ireland) Order 1997 is amended to incorporate provisions analogous to Sections 149 and 153 of the Equality Act 2010 (but on the racial equality ground only), so as to impose a general duty on specified public authorities to work towards the elimination of racial discrimination and a specific duty to collect data on racial equality and set racial equality objectives.

⁵² Joseph Rowntree Foundation (2013): *Poverty and Ethnicity in Northern Ireland*. Available at: <http://www.jrf.org.uk/sites/files/jrf/poverty-ethnicity-northern-ireland-full.pdf>

⁵³ Joseph Rowntree Foundation (2013): *Ibid*, page 9.

⁵⁴ Joseph Rowntree Foundation (2013): *Ibid*, page 22.

⁵⁵ Joseph Rowntree Foundation (2013): *Ibid*, page 22.

⁵⁶ Office of the First Minister and the deputy First Minister (2015): [Racial Equality Strategy 2015-2025](#), page 5

- 4.5 The Commission understands that while the proposals set out in the report have not yet been formally considered by Ministers, TEO is contemplating a pilot ethnic monitoring scheme across a small number of public authorities.
- 4.6 The UN Committee on the Elimination of All Forms of Racial Discrimination has recommended the systematic collection and publication of disaggregated data on the enjoyment of rights by members of ethnic minorities in all fields of life by government in Northern Ireland⁵⁷. The Advisory Committee on the Framework Convention on the Protection of National Minorities has recommended that: *'The authorities should prioritise integrating the collection of disaggregated equality data on the situation of persons belonging to national and ethnic minorities into the practices of all relevant departments and agencies in Northern Ireland as a means to adopting and implementing effective minority protection and equality promotion policies'*⁵⁸.

Recommendations

- 4.7 The Commission **recommends** the collection, monitoring and evaluation of appropriate data to ensure effective policy / service development and delivery and to fulfil obligations arising from Section 75 of the Northern Ireland Act 1998. The Commission recommends that the Executive and Department's ensure appropriate monitoring and evaluation are in place for the proposed Racial Equality Strategy and across all relevant policy areas, including those outlined in this document.
- 4.8 We further **recommend** that the Executive should adopt a systemic approach to produce disaggregated data that is comparable at EU level.

⁵⁷ United Nations Committee on the Elimination of All Forms of Racial Discrimination (2016): [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), paragraph, 14 page 4.

⁵⁸ Advisory Committee on the Framework Convention for the Protection of National Minorities (2017): [Fourth Opinion on the United Kingdom adopted on 25 May 2016](#), paragraph 50, page 17.

5 The steps the UK Government can take to help ensure effective racial equality legislation in Northern Ireland

Law reform

- 5.1 ECNI believe that urgent changes are required to **strengthen the race equality legislation** in Northern Ireland⁵⁹. This legislation protects individuals in Northern Ireland from being subjected to unlawful discrimination because of their race. The changes are aimed at **strengthening, simplifying and harmonising** the race equality legislation.
- 5.2 Our **recommendations** relate to a **wide range of areas** covered by the race equality legislation and therefore strengthen the rights of individuals as employees, customers, pupils in schools, tenants, as members of private clubs and as students in further and higher education.
- 5.3 We also **recommend** changes to the **fair employment legislation**. This legislation protects individuals from being subjected to unlawful discrimination because of their religious belief or political opinion. In particular, our recommendations are aimed at improving **workforce monitoring on racial grounds** by registered employers.
- 5.4 The need for reform of the race equality legislation in Northern Ireland has also been reinforced by developments in Great Britain. In particular, the introduction of the Equality Act 2010 in October 2010, has addressed in Great Britain a number of recommendations raised by the Commission in relation to Northern Ireland, and has resulted in individuals in Northern Ireland having less protection against racial harassment and discrimination than people in other parts of the UK.
- 5.5 The **need for reform** of the race equality legislation in Northern Ireland **has been recognised at a number of levels; both locally and internationally**. The *Advisory Committee on the Framework Convention for the Protection of National Minorities*¹ and the *UN Committee on the Convention for the Elimination of all forms of Racial Discrimination* (CERD) has urged the NI Executive to take proactive steps to address legislative

⁵⁹ Equality Commission for Northern Ireland (2014): [Strengthening protection against racial discrimination - recommendations for law reform](#)

shortcomings within the race equality legislation.⁶⁰ Research by the Joseph Rowntree Foundation in 2013⁶¹, also concluded “*there is a case for embedding equality principles in society by strengthening equality legislation to make it more difficult for employers and organisations to act with impunity.*”

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

Forms of discrimination

- provide increased protection against discrimination and harassment on the grounds of **colour** and **nationality**. We are clear that this is a **priority area** for reform⁶²;
- ensure broader protection against racial discrimination and harassment by **public bodies when carrying out their public functions**. Currently, protection against discrimination by public authorities when exercising their public functions is **limited to four areas**; namely, social security, health care, social protection and social advantage;
- give stronger protection against **racial harassment**, including greater protection for employees against racial harassment by customers or clients;
- increase protection for certain categories of **agency workers** against racial discrimination and harassment;
- introduce new protection for **Councillors** against racial discrimination and harassment by local councils;
- increase protection against **victimisation**; including, changes designed to make it easier for individuals who have been subjected to unfair treatment because, for example, they have made a complaint of racial discrimination, to bring a victimisation complaint;
- introduce new protection against **multiple discrimination**; so that individuals have protection if they experience discrimination or harassment because of a combination of equality grounds;

⁶⁰ See *Third Opinion on the United Kingdom*, of the Advisory Committee on the Framework Convention for the Protection of National Minorities, June 2011 and [Fourth Opinion on the United Kingdom of the Advisory Committee on the Framework Convention for the Protection of National Minorities](#), February 2017, paragraph 12, page 7 and paragraph 27, pages 11-12. Committee on the Elimination of All Forms of Racial Discrimination (2016): [Concluding observations on the twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), paragraph 8 c), page 3.

⁶¹ Joseph Rowntree Foundation (2013): [Poverty and Ethnicity in Northern Ireland](#)

⁶² See Equality Commission for Northern Ireland (2009): [Proposals for legislative reform](#)

for example, due to a combination of being both black and female;

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

Exceptions

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

Enforcement and remedies

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

Fair employment legislation

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

- amend the fair employment legislation so as **require** registered employers in Northern Ireland, in addition to monitoring the community background and sex of their employees and job applicants, to collect **monitoring information** as regards **nationality** and **ethnic origin**.

The primary reason for this change is to ensure the continuing usefulness of the fair employment Monitoring Regulations, and in particular, to enable employers to make a more accurate and meaningful assessment of fair participation in employment in their organisation. We are clear that this is also a **priority area** for reform⁵.

5.8 The Racial Equality Strategy 2015-2025 commits to (i) a review of current Race Relations (NI) Order 1997 and other relevant aspects of other legislation; and (ii) review Fair Employment Legislation⁶³. The Commission understands that The Executive Office is currently undertaking a review but that final proposals for reform and arrangements for public consultation on these have yet to be agreed.

6 The health and economic outcomes of minority ethnic and migrant people in Northern Ireland, and the steps the UK Government can take to help improve them

Health

6.1 The Commission has raised concerns about the differential health status of Irish Travellers in its response to the consultation on the Final Report of the Promoting Social Inclusion Working Group on Travellers⁶⁴ and in its most recent submission to the UN Committee on the Elimination of all forms of Racial Discrimination (CERD)⁶⁵.

6.2 The 2010 All Ireland Traveller Health Study⁶⁶ highlighted that:

- average life expectancy for Traveller men has decreased since 1987;
- life expectancy of Traveller women is still 11.5 years lower than women in the general population;
- suicide rates are almost seven times higher for Traveller men than in the general population;
- mortality rates are considerably higher than the general population at all age ranges for both men and women;
- Traveller infants are 3.6 times more likely to die than their counterparts, a deterioration on comparable figures since 1987⁶⁷.

⁶³ Office of the First Minister and the deputy First Minister (2015): [The Racial Equality Strategy 2015-2025](#), page 5.

⁶⁴ Equality Commission for Northern Ireland (2001): *Response from the Equality Commission for Northern Ireland to the consultation on 'The Final Report of the Promoting Social Inclusion Working Group on Travellers*.

⁶⁵ ECNI (2011): [Shadow Report to the UN Committee on the Elimination of Racial Discrimination on the UK Government's 18th Periodic Report](#); ECNI (2016): [Shadow Report to the UN Committee on the Elimination of All Forms of Racial Discrimination](#)

⁶⁶ Kelleher, C. et al, (2010): [All Ireland Traveller Health Study](#), University College Dublin (Department of Health and Children & DHSSPS).

⁶⁷ Ibid, page 96.

- 6.3 The Department of Health and Social Services and Public Safety's S75 Action Plan (2011) has also highlighted that maternal and infant mortality are higher among BME groups. BME women are also more likely to access services late (e.g. antenatal appointments) and to have complications⁶⁸.
- 6.4 The limited evidence that is available suggests that health outcomes are generally worse for Roma than for majority population. Factors that impact on their health status include poverty, low levels of education, poor housing and sanitary conditions, low levels of health screening and late presentation for medical assistance⁶⁹.
- 6.5 Our 2011 submission to CERD also highlighted difficulties for black and minority ethnic communities in obtaining access to healthcare provision. The submission also highlighted the need for training for Healthcare staff and recommended the development of single points of access to health and social care service provision to reduce bureaucracy⁷⁰.
- 6.6 Research⁷¹ into migrant health and wellbeing in Belfast identified a number of difficulties experienced by all migrant and BME groups when accessing any of the public services. While most difficulties centre on language barriers, there are a range of other issues, including:
- lack of awareness and lack of appropriate information of the services available;
 - low levels of registration with GPs amongst certain groups⁷²;
 - fears about entitlements to health care;
 - lack of confidence, frustration and stress reported by the process of accessing the healthcare system, often a system different to their country of origin;
 - failure to meet basic cultural needs e.g. dietary requirements and religious observance;
 - institutional racism and the negative attitudes of some

⁶⁸ DHSSPS (2011): *Equality Action Plan for the Department of Health Social Services and Public Safety*.

⁶⁹ Wright, D. (undated): [Roma Health and Wellbeing in Northern Ireland](#)

⁷⁰ ECNI (2011): [Shadow Report to the UN Committee on the Elimination of Racial Discrimination on the UK Government's 18th Periodic Report](#)

⁷¹ Belfast Health Development Unit (2010): [Barriers to Health - Migrant Health and Well-being in Belfast](#)

⁷² Particularly those with no permanent address, a requirement for registration in Northern Ireland.

- healthcare staff;
- immigration restrictions;⁷³
- healthcare officials are also 'restricted by or unsure of the level of responsibility in light of limited rights and entitlements'⁷⁴.

6.7 The Refugee Action Group have stated their view that, across the UK, that the 'vast majority of refused asylum seekers are destitute. They are homeless, have no income or no means of supporting themselves and would not have any money to pay fees to the NHS'⁷⁵.

6.8 A2 nationals including Roma have been able to access free health care since 1st January 2014. However, anecdotal evidence from those working within the healthcare sector suggests that some A2, especially Roma, continue to experience difficulties in registering with a GP.

6.9 In relation to asylum seekers and refugees, research (2012) on the experiences of the Horn of Africa community in Belfast found 'striking' evidence of the 'impact of the experience of conflict, displacement and migration on mental health and low uptake of mental health services'⁷⁶. The mental health organisation MIND, has also identified that the language barrier, cultural differences, a lack of clarity around health care entitlements and gaps in service provision, can exacerbate existing mental health conditions and can often lead to asylum seekers and refugees becoming further excluded and marginalised within society⁷⁷.

6.10 There has been evidence that the COVID-19 pandemic has affected some sections of the population more than others, and there are concerns that minority ethnic groups are overrepresented in hospitalisations and deaths from the virus⁷⁸.

⁷³ Belfast Health Development Unit (2010): Op. Cit., page 31.

⁷⁴ Wright, D. (undated): [Roma Health and Wellbeing in Northern Ireland](#)

⁷⁵ Refugee Action Group: *Asylum seekers should not be restricted access to Healthcare says Refugee Charity*

⁷⁶ Institute of Conflict Research (2012): [The Horn of Africa Community in Belfast - a needs assessment](#), page 22.

⁷⁷ MIND (2009): [A civilised society - Mental Health Provision for Refugees and Asylum Seekers in England and Wales](#)

⁷⁸ Guardian (12 May 2020): [Equality watchdog urged to investigate Covid-19 impact on BAME people](#)
Institute for Fiscal Studies (1 May 2020): [Are some ethnic groups more vulnerable to COVID-19 than others?](#), page 3

Guardian (1 May 2020): [British BAME death rate 'more than twice that of whites'](#)

6.11 However, in Northern Ireland the Department of Health and the Northern Ireland Statistics and Research Agency have disclosed that data on infection and mortality rates relating to Covid-19 among ethnic minorities is not held⁷⁹.

Recommendations

6.12 The Commission **recommends** that the Executive and Department of Health co-ordinate actions to address the known health inequalities amongst BME, newcomer and Traveller population, ensuring that all policies result in measurable improvements in health outcomes for this group.

Office for National Statistics. [Coronavirus \(COVID-19\) related deaths by ethnic group, England and Wales: 2 March 2020 to 10 April 2020](#). Updated 7 May 2020

Sky News (30 April 2020): [Coronavirus - BAME health workers should be removed from danger says Royal College of Surgeons](#)

[Guardian \(22 April 2020\): Ethnic minorities dying of Covid-19 at higher rate, analysis shows](#)

Guardian (16 April): [Failure to publish data on BME deaths could put more lives at risk, MPs warn](#)

Guardian (16 April): [Inquiry launched into disproportionate impact of Coronavirus on BAME communities](#)

Butcher, B, & Massey, J. (BBC news 9 April 2020): [Are minorities being hit hardest by coronavirus](#)

Guardian (7 April 2020): [BAME groups hit harder by Covid-19 than white people, UK study suggests](#)

United Nations Working Group of Experts on People of African Descent (6 April 2020): [Racial equity and equality must guide state action on COVID-19 response, says UN experts](#)

Race Equality Foundation (2 April 2020): [What we know about Covid-19 and the risk factors relating to it](#)

NHS Confederation (April 2020): [The impact of COVID-19 on BME communities and health and care staff](#)

Runnymede Trust (26 March 2020): [Coronavirus will increase race inequalities](#)

⁷⁹ In correspondence with the Equality Commission, the Department of Health advised (16 May) that “NISRA Vital Statistics Branch are currently looking at country of birth information recorded on death certificates. ONS has published differential death numbers based on linking Census and death registration information. Given that migration to Northern Ireland peaked more recently than 2011 when the last Census was taken, NISRA feel that country of birth from death registrations will be more meaningful in the Northern Ireland context. This work is currently at an early stage but we would hope to be able to make such stats available in the next 4-6 weeks’. Country of birth data will not, however, capture Covid 19 infection and mortality rates for members of minority ethnic groups who were born in Northern Ireland.

On 25 June 2020, NISRA advised the Commission that ‘In terms of further plans to analyse deaths based on the death certificate, we are constrained by the variables collected at the point of death registration and there are no current plans to enhance the data collected which would likely require legislation. Place of birth (country) was also analysed in the new monthly bulletin, although this obviously does not equate with ‘ethnicity’...the Administrative Data Research Centre in Northern Ireland, in which NISRA is a partner (ADR UK Initiative), is planning to work with a national consortium of BAME researchers and organisations to understand COVID-19’s disproportionate impact on different ethnic groups. This work is in its infancy but is of a high priority. Although NISRA holds ethnicity details for the population as at 2011 in the Census record, given the elapsed time, the post-2011 immigration and the comparatively small numbers of COVID-19 deaths in Northern Ireland, the methodology used by ONS (imputing ethnicity from the last Census) will not work for us here. In short, we plan to address this gap.

- 6.13 The Commission further **recommends** that facilities and services for BME groups are underpinned by the AAAQ⁸⁰ human rights framework.
- 6.14 We **recommend** that the Department of Health and Health & Social Care Trusts provide information and services in a way which is consistent with equality of access and that staff are trained in anti-racism and cultural awareness. It is also recommended that HSC Trusts work with BME, newcomer and Traveller populations to increase knowledge and confidence around access to services.
- 6.15 We continue to **recommend** the development of a system for monitoring health inequalities experienced by ethnic minorities, including the comprehensive collection and review of data also by S75 category so that any adverse impacts of access outcomes can be identified and addressed.
- 6.16 As part of a Refugee Integration Strategy, we also **recommend** that the Department of Health:
- identifies and addresses the specific disadvantages faced by refugees in obtaining and accessing appropriate services (including mental health services);
 - ensures that the needs of asylum seekers and refugees are taken into account in the planning, commissioning and delivery of services; and
 - supports asylum seekers and refugees to understand their rights and entitlements to healthcare.
- 6.17 The Commission **recommend** that Government, including the devolved administration, take steps to mitigate the disproportionate impact of Covid-19 infection and mortality on minority ethnic groups.
- 6.18 The Commission **recommend** that data on Covid-19 infection rate and mortality rates are kept for equality categories, including persons of different racial group.

⁸⁰ AAAQ: Available, Accessible, Acceptable, Appropriate and of good quality. Further information available [here](#)

Employment

- 6.19 The Commission's (2018) statement of 'Key Inequalities in Employment'⁸¹ found that Irish Travellers are less likely to be in employment⁸² and more likely to be economically inactive⁸³ than other ethnic groups. Traveller women, in particular, are less likely to participate in employment and are more likely to be economically inactive³¹ than women from all other ethnic groups.
- 6.20 Low educational attainment, prejudice and discrimination in the labour market, a greater traditional emphasis on family and home, and cultural resistance to the use of formal childcare are all major barriers to the participation of Irish Travellers in employment.
- 6.21 Migrant workers face considerable barriers to *sustaining employment and progressing in employment*. **Migrant workers, particularly those from Eastern European countries, are subject to industrial and occupational segregation**, with migrant workers over-represented in low paid, low status jobs, and in low-paid industry sectors⁸⁴.
- 6.22 **Migrant workers are vulnerable to exploitation**, which can impact on their ability to *sustain employment and progress in employment*. Many migrant workers who are agency workers are confined to temporary and irregular work, including zero-hour contracts. Many face poorer terms and conditions than local workers and are vulnerable to poor employment practices. In addition, human trafficking is an issue in Northern Ireland, with evidence of practices that constitute forced labour of migrant workers⁸⁵.

⁸¹ Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.13-7.34, pages 81-86.

⁸² The Commission's analysis of Census 2011 data revealed that 20.0% of Irish Travellers were employed compared to: 57.6% of White; 64.0% of Asian; 56.7% of Black; 54.4% of Mixed; and, 58.5% of Other ethnic groups.

⁸³. The Commission's analysis of Census 2011 data revealed that 69.0% of Travellers were economically inactive compared to 33.9% of White; 27.8% of Asian; 26.3% of Black; 29.8% of Mixed; and, 28.3% of Other ethnic groups.

⁸⁴ Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.35-7.49, pages 87-91.

⁸⁵ Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.63-7.73, pages 95-97.

- 6.23 Migrant workers and refugees face **multiple barriers** to employment in Northern Ireland. Recognition of qualifications is an issue for migrant workers and refugees progressing in employment. In addition, inadequate language proficiency is a major barrier for migrant workers qualifying for and participating in employment, particularly where the standard of English proficiency for particular professions is set very high⁸⁶.
- 6.24 Uncertainty among employers about an employee's 'right to work' may create perceived legislative barriers for foreign nationals accessing and sustaining employment in Northern Ireland. In addition, the long transition period between seeking and being granted asylum, represents a long time out of employment, which can deskill refugees. This can create a lack of confidence and may require them to retrain or gain new skills prior to seeking employment.
- 6.25 People from minority ethnic groups and migrant workers are subject to **prejudice and discrimination** both within and outside the workplace, with prejudicial attitudes expressed toward Irish Travellers, migrant workers and minority ethnic groups. Racial prejudice and discrimination can impact on the ability of minority ethnic groups and migrant workers to participate in employment, stay in employment and progress in employment. Racial prejudice has been identified in accessing employment and in experiences of racial harassment and intimidation in workplaces⁸⁷.
- 6.26 The Commission notes that a number of NGOs and other sources have commented on the disproportionate economic impact of the Covid-19 pandemic on BME communities.
- 6.27 The Runnymede Trust⁸⁸ and the Institute of Fiscal Studies⁸⁹ have highlighted a range of labour market-related inequalities experienced by BME groups.
- 6.28 The Runnymede Trust has drawn attention to The 2017 McGregor-Smith Review which highlighted significant inequalities

⁸⁶ Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.50-7.62, pages 91-94.

⁸⁷ Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.74-7.94, pages 98-104.

⁸⁸ Runnymede Trust (26 March 2020): [Coronavirus will increase race inequalities](#)

⁸⁹ Institute for Fiscal Studies (1 May 2020): [Are some ethnic groups more vulnerable to COVID-19 than others?](#)

and disadvantage experienced by ethnic minority groups at every stage of their careers in the UK labour market. Furthermore, the Trust also points out that in 2015 one in eight of the working age population were people from BME backgrounds, yet BME people made up only 10% of the workforce and held only 6% of top management positions.

- 6.29 The Trust also cites the Governments (2016) Race Disparity Audit which showed that while employment rates have been improving overall, BME groups were, on average, twice as likely to be unemployed than their white British counterparts, and much more likely to be in low skilled and low paying occupations. Runnymede also cite a (2019) TUC report which showed that black and ethnic minority groups were twice as likely to be in precarious employment, including zero hour contracts and agency contracts. Runnymede conclude that BME groups in Britain will be less likely to weather the economic fallout from the COVID-19 crisis.
- 6.30 The Institute of Fiscal Studies also highlights number of factors as to why BAME groups are likely to be disproportionately and adversely economically impacted upon as result of the Covid-19 pandemic crisis including that many ethnic minorities are more economically vulnerable to the current crisis than are white ethnic groups whilst men from minority ethnic groups are more likely to be affected by the lockdown⁹⁰.
- 6.31 There is also evidence of increasing levels of racism in the workplace following the Covid 19 outbreak. For example, the NASUWT teachers' union in Northern Ireland has stated that reports by its members of abuse, prejudice, xenophobia and racism in schools, including against teachers and pupils, have increased since the outbreak reached the UK⁹¹.

Recommendations

- 6.32 We reiterate our **recommendation** to Government to ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families⁹².

⁹⁰ Platt, L. and Warwick, R. (1 May 2020): [Are some ethnic groups more vulnerable to COVID-19 than others?](#) , page 4 (Institute for Fiscal Studies).

⁹¹ NASUWT Northern Ireland (2020), Letter to Peter Weir, Education Minister, 3 March 2020 <https://www.nasuwt.org.uk/uploads/assets/uploaded/4501331f-6d4e-44d1-8d1586e857349362.pdf>

⁹² Equality Commission for Northern Ireland (2011): [Shadow Report to the UN Committee on the Elimination of Racial Discrimination on the UK Government's 18th Periodic Report](#)

- 6.33 We **recommend** that the phenomena of exploitation and forced labour are considered by The Executive Office in the context of the Racial Equality Strategy with a view to developing a strategy to address the problems experienced by migrants in relation to these issues.
- 6.34 The Commission **recommend** support for initiatives aimed at tackling the exploitation of migrant workers; reducing ethnic minority disadvantage in employment; raising awareness of the rights of migrant workers and maximizing migrant workers access to the labour market.
- 6.35 We have previously expressed concerns that agency workers (many of whom are migrant workers), may not be afforded the same levels of protection from discrimination as those directly employed by end-users (hirers) and **recommend** that the UK Government extend the remit of the Gangmasters (Licensing) Act (2004) to all sectors where migrant labour is prevalent.
- 6.36 We also **recommend** that the NI Childcare strategy includes actions to address the specific needs of minority ethnic parents, as recommended by the Barnardos / NICEM report⁹³.
- 6.37 We again highlight the particular employment issues for Travellers and **recommend** the development by the Department for Communities (DfC), in collaboration with relevant training providers and NGOs, of Traveller specific, long-term initiatives to improve employment opportunities. We also **recommend** a greater focus on including Travellers in mainstream employment training provision including support in employment and training.
- 6.38 We **recommend** that Department for Communities take action to support the Roma community into employment by supporting self-employment; providing first work experience and vocational and on-the-job training and by providing access to lifelong learning and skills development⁹⁴, as part of a Roma Integration Strategy. It is also recommended that DfC identify ways for Roma to enter mainstream employment based on learning from successful

⁹³ Webb, M., Kernaghan, A.D., and Caffrey, M. (2014): Barnardos (2014): [Believe in Childcare - the childcare needs of ethnic minority communities](#), (Belfast: Barnardos/NICEM).

⁹⁴ [Council of the European Union Recommendation of 9 December 2013 on effective Roma Integration measures in Member States](#), para 1.4.

international projects such as the Spanish Acceder project.

- 6.39 As part of a broader integration strategy, the Commission **recommend** that The Executive Office increases access to employment and volunteering opportunities for refugees and ensures that employability strategies and mainstream services benefit and are accessible for, refugee users. We also **recommend** that the Department broaden the range of volunteering experiences for asylum seekers.
- 6.40 The Commission **recommend** that DfC consider how best to address the issues raised by the Law Centre in its input⁹⁵ to the DfC review of the ESOL pilot, including the merits of designating English as an 'Essential Skill'. Steps to improve ESOL provision should also address the particular barriers experienced by refugee women.
- 6.41 The Commission **recommend** that Government take steps to mitigate the disproportionate economic impact of Covid-19 on black and minority ethnic groups

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⁹⁵ Law Centre (July 2013): *The DEL ESOL pilot: Comments from the voluntary and community sector*