

Equality Commission

FOR NORTHERN IRELAND

# **European Commission against Racism and Intolerance (ECRI)**

**sixth monitoring cycle review of the  
United Kingdom of Great Britain and  
Northern Ireland**

**Submission by**

**EQUALITY COMMISSION FOR NORTHERN IRELAND**

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## Executive Summary

- i. The Equality Commission for Northern Ireland (the Commission) is an independent non-departmental public body established under the Northern Ireland Act 1998.
- ii. We welcome the opportunity to provide input to the sixth cycle monitoring report on the United Kingdom (UK). With respect to the specific focus of sixth cycle monitoring, the Committee may wish to consider recommending, via the UK State Party as appropriate:
  - that the NI Executive **produce equality strategies** which convey leadership and gives effect to Equality Commission's published recommendations **for Racial, Sexual Orientation and Transgender Equality**;
  - that the NI Executive **develop a Refugee Integration Strategy and Strategies for Travellers and Roma** which take account of the published recommendations of the Equality Commission; and these individual targeted strategies should nest within or be considered a sub-set of an overarching (mainstreaming) Racial Equality Strategy;
  - with regards to hate crime, actions in Northern Ireland to address **under-reporting and support for victims**; reviewing the **legal framework for addressing racist violence**; improving the **accessibility of reporting** for those for whom English is an additional language; improving **minority representation in police and criminal justice** staff; and co-ordinating action to address **institutional racism**;
  - That equality protections are strengthened, harmonised and updated through single equality legislation, which meets best international practice, aligned with the Commission's recommendations;
  - In the absence of single equality legislation, urgent reform of race, sex, and sexual orientation legislation is undertaken to give effect to the published recommendations of the Equality Commission.
- iii. For a full list of the recommendations, see Annex 1.
- iv. The Commission would be happy to further discuss any of the points raised in this response.

# 1 Input to ECRI sixth monitoring cycle

- 1.1 We welcome the opportunity to provide input to the sixth cycle monitoring report on the United Kingdom (UK). In our response we specifically focus on issues aligned to our remit which have been identified by ECRI<sup>1</sup> as common topics for sixth cycle reports: effective equality and access to rights; hate speech and hate-motivated violence; integration and exclusion, legislative issues, hate speech and violence, and integration policies.

## ***Remit and Work of the Equality Commission***

- 1.2 The Equality Commission for Northern Ireland (the Commission) is an independent non-departmental public body established under the Northern Ireland Act 1998.
- 1.3 The Commission works to:
- give advice and support to individuals with potential complaints under the anti-discrimination legislation;
  - give guidance to employers and service providers about their obligations under the law and good practice;
  - encourage public authorities to promote equality of opportunity and address inequalities in fulfilling their equality and good relations duties;
  - ensure that equality considerations are central to decision-making by focusing particular attention in a number of key public policy areas.
- 1.4 The Commission has particular duties under the Race Relations (Northern Ireland) Order 1997 (RRO 1997),<sup>2</sup> 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.<sup>3</sup> Likewise, the Commission has particular duties under the sex equality<sup>4</sup>, and sexual orientation equality<sup>5</sup> legislation, including to work to eliminate unlawful sex and

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<sup>1</sup> ECRI (2014): [Information document on the fifth monitoring cycle of the European Commission on Racism and Intolerance](#)

<sup>2</sup> [The Race Relations \(Northern Ireland\) Order 1997 \(legislation.gov.uk\)](#)

<sup>3</sup> Equality Commission for Northern Ireland (2014) [Racial Equality Policy Priorities and Recommendations](#). P.4

<sup>4</sup> [Sex Discrimination \(Northern Ireland\) Order 1976](#) as amended, and the [Equal Pay Act 1970](#) as amended.

<sup>5</sup> The [Employment Equality \(Sexual Orientation\) Regulations \(NI\) 2003](#) and [The Equality Act \(Sexual Orientation\) Regulations \(NI\) 2006](#)

sexual orientation discrimination and harassment, to promote equality of opportunity, and to keep the working of the legislation under review.

- 1.5 In addition to the range of anti-discrimination legislation, the duties imposed on public authorities by Section 75 of the Northern Ireland Act 1998, include the duty to have due regard to the need to promote equality of opportunity between people belonging to nine equality categories and to have regard to the desirability of promoting good relations between three equality categories (both duties include the category of people of different racial group).<sup>6</sup>
- 1.6 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 Act.<sup>7</sup> It is also empowered to authorise investigations into alleged failures by such authorities to comply with equality scheme commitments.
- 1.7 The Equality Commission for Northern Ireland along with the Northern Ireland Human Rights Commission (NIHRC) is mandated, in accordance with Article 2(1) (Protocol Article 2) of the Protocol on Ireland/Northern Ireland of the UK-EU Withdrawal Agreement (the Protocol), to oversee the UK Government's commitment on rights and equality in Northern Ireland (NI) after EU withdrawal.<sup>8</sup> The Commissions can exercise these functions separately or jointly.<sup>9</sup>
- 1.8 In addition, the Commission, along with the NIHRC and the Irish Human Rights and Equality Commission (IHREC), has an oversight role on the all-island dimension on rights and equalities falling within the scope of the Article 2(1) commitment.<sup>10 11</sup>

## 2 Effective Equality and Access to Rights

### *Equality bodies*

#### Resourcing

- 2.1 The Equality Commission has been subject to successive year on year cuts for more than a decade. Our budget has reduced by nearly

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<sup>6</sup> Equality Commission for Northern Ireland (2014) [Racial Equality Policy Priorities and Recommendations](#). p. 4.

<sup>7</sup> Equality Commission for Northern Ireland (2014) [Racial Equality Policy Priorities and Recommendations](#). p. 4.

<sup>8</sup> [Sections 78A-78E, Northern Ireland Act 1998](#).

<sup>9</sup> [Section 78E, Northern Ireland Act 1998](#).

<sup>10</sup> [UK Government commitment to "no diminution of rights, safeguards and equality of opportunity" in Northern Ireland: What does it mean and how will it be implemented? \(paragraph 19\)](#)

<sup>11</sup> The Commission also has a duty under section 42 (2) of the Race Relations (Northern Ireland) Order 1997: (a) to work towards the elimination of discrimination; (b) to promote equality of opportunity, and good relations, between persons of different racial groups generally

40% in that period and our staffing numbers are currently 50% less than our establishment figure. This is despite the Commission taking on new statutory responsibilities.

- 2.2 A further proposed 10% budget reduction imposed by the sponsoring body, The Executive Office<sup>12</sup> (TEO), will compound this situation further. The level of funding is now at a critical stage and impacting significantly on the nature and scale of the work we can do to improve people's lives through addressing inequalities and tackling discrimination.
- 2.3 The Chief Commissioner for the Equality Commission for Northern Ireland has highlighted that: "This is particularly disappointing as we celebrate 25 years of the Belfast/Good Friday Agreement which established the Commission as one of its safeguards"<sup>13</sup>.

### Enquiries for advice and assistance (race and sexual orientation)

- 2.4 Across the period April 2020 – March 2023, the Commission received 758 enquiries from the public (around 9% of total enquiries) for advice and assistance on the ground of race, of which 22 were hybrid cases. Enquiries for advice and assistance on the ground of sexual orientation during the same period were 143 (around 1.7% of total enquiries) of which 62 were hybrid cases.
- 2.5 Of 117 new applications for legal support in racial discrimination cases, The Commission granted support in 20 cases (17%) and refused assistance in 97 (83%) cases. Of these, 14 (19%) out of 72 applications on solely race grounds were granted, with 58 applications refused (81%).
- 2.6 Out of 45 hybrid cases which included race, 6 applications (13%) were granted and 39 refused (87%).
- 2.7 Of 25 new applications for legal support in sexual orientation discrimination cases, The Commission granted support in 12 cases (48%) and refused assistance in 13 (52%). Of these, 7 (64%) out of 11 applications on solely sexual orientation grounds were granted, with 4 applications refused (36%).

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<sup>12</sup> The Executive Office (2023): [Equality Impact Assessment: The Executive Office's Spending Plans for 2023–2024](#), p. 26.

<sup>13</sup> BBC NI News (18 May 2023): [Education funding: schools face 50% cut in shared education cash/Equality Commission funding 'at critical stage'](#)

2.8 Out of 13 hybrid cases which included sexual orientation discrimination, 5 applications (38%) were granted and 8 refused (62%).

### Powers of the Equality Commission

2.9 The Commission has made a range of recommendations for the strengthening of our powers in order for us to fulfil our duties, most recently in relation to race equality law, where we have recommended reforms such as increasing our powers to issue Race Codes of Practice, strengthen formal investigation powers; and empower the Commission to bring a claim on behalf of named individuals and in our own name<sup>14</sup>.

2.10 However, we note that TEO, in their current consultation on reform of race equality law in Northern Ireland, is considering the removal of several of our powers, including to undertake research and education, and to address persistent discrimination, enforce of articles 29-31, take preliminary action in employment cases<sup>15</sup>.

2.11 We have recommended that such powers are maintained in order for us to be effectively able to tackle discrimination and promote equality of opportunity<sup>16</sup>.

2.12 We would also note that it is difficult for us to make recommendations relating to Commission powers for only one area of equality law. As Commission powers vary across different legislation, a consideration of Commission powers is less effective when considered on a ground by ground basis through the lens of reform of only one piece of legislation, as is currently being undertaken through the review of the racial equality legislation. It is important that Commission powers are maintained, and, where appropriate, harmonised upwards.

#### *Proposal to ECRI*

In relation to Equality Bodies, ECRI may wish to recommend that:

- The Commission receives adequate resources to fulfil our duties; and
- The Commission's powers are strengthened, in line with published recommendations made by the Commission

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<sup>14</sup> Equality Commission for Northern Ireland (2023): [Policy Position: Race Law Reform: Priorities and Recommendations](#), pp. 70-86.

<sup>15</sup> The Executive Office (2023): [Review of the Race Relations \(NI\) Order 1997: Consultation Document](#), pp. 27-31.

<sup>16</sup> Equality Commission for Northern Ireland (2023): [Consultation Response: The Executive Office: Review of the Race Relations \(NI\) Order 1997](#), pp. 57-69.

## ***Inclusive education***

### **Reflection of BME issues in the curriculum**

- 2.13 Research (Queens 2013)<sup>17</sup> has noted the need ‘to look beyond achievement gaps in assessing minority ethnic children’s differential experiences in education, highlighting the potential of belongingness<sup>18</sup> as a concept for further study’<sup>19</sup>. The Queens University research<sup>20</sup> 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 were found in relation to other outcomes like their self-worth, participation in clubs and their subjective health’<sup>21</sup>
- 2.14 The Commission is aware that a number of resources have been used in schools to promote awareness of racial equality issues. However, it is not clear how widely these are used in schools (there seems to be a lack of uniform approach), whilst there are also questions about how well equipped teachers are to use these materials via Initial Teacher Training and In-Service Training. Finally, there appears to be a lack of evidence that the effectiveness of these materials has been evaluated.

### **Anti-Bullying in Schools Act**

- 2.15 Over two fifths of minority ethnic students having been the victims of racist bullying and harassment.<sup>22</sup>
- 2.16 The Commission welcomes the signing of the Commencement Order in relation to the Addressing Bullying in Schools Act<sup>23</sup>. The Act provides a common definition of bullying; establishes a new duty for schools to record all incidents of bullying, their motivation and their

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<sup>17</sup> Biggart, A., O’Hare, L. and Connolly, P. (2013): [A need to belong?](#) The prevalence of experiences of belonging and exclusion in school among minority ethnic children living in the “White Hinterlands” in Irish Educational Studies, 32, 2, pp. 79-195.

<sup>18</sup> 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”.

<sup>19</sup> Biggart, A., O’Hare, L. and Connolly, P. (2013): [A need to belong?](#): The prevalence of experiences of belonging and exclusion in school among minority ethnic children living in the “White Hinterlands” in Irish Educational Studies, 32, 2, pp. 179-195.

<sup>20</sup> Biggart, A. et al O’Hare and Connolly (2013): Op. Cit.

<sup>21</sup> Ibid, p. 17.

<sup>22</sup> National Childrens Bureau NI and ARK Young Life & Times (2010): [Attitudes to Difference: Young people's attitudes to, and experiences of contact with people from different ethnic and migrant communities in Northern Ireland](#), p. 55. Table 16 - 42% of 16 year olds from a minority ethnic group stated that they had been victims of racist bullying and harassment in school.

<sup>23</sup> Department for Education (14 April 2021): [Schools to implement Addressing Bullying in Schools Act](#)



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.

- 2.17 Records of incidents of prejudice-based bullying, as required by the Addressing Bullying in Schools Act, are currently retained at school level and are not collated or analysed by the Department of Education (DE). In this context, it is essential that data is collected now (at the commencement of the legislation) and thereafter on a rolling basis, potentially via an all-pupil Northern Ireland level survey, to track the prevalence of bullying. The findings must be disaggregated by equality categories.<sup>24</sup>
- 2.18 This will allow the Department and wider stakeholder groups, including the Education Authority, management bodies and representative groups, to gauge the effectiveness of current interventions and focus attention on areas of concern. Consideration should also be given as to how best to gather data on the prevalence, nature and any specific impacts of cyber-bullying.
- 2.19 We have also recommended<sup>25</sup> action to ensure guidance on complying with the requirements of the Addressing Bullying in Schools Act, and on responding to and preventing incidents of bullying behaviour, is comprehensively implemented and updated as required, and actions to tackle unintentional acts of prejudice-based bullying, which are not covered by the statutory definition of bullying are adequately dealt with in guidance.

### Lack of monitoring of spend of per capita allowances for Newcomer, Traveller and Roma children and young people

- 2.20 Through the Common Funding Formula (CFF), schools receive additional money (0.5 of the Age Weighted Pupil Unit) per Traveller child each financial year (c. £1040 per child) from the Department of Education.
- 2.21 However, no part of the school's budget can be ring-fenced by the Department, as the budget can be spent at the discretion of the

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<sup>24</sup> Equality Commission for Northern Ireland (2022): [Tackling Bullying and Challenging Stereotypes - Policy Recommendations](#), paragraph 2.3, p. 4.

<sup>25</sup> ECNI (2022): [Tackling Bullying and Challenging Stereotypes - Policy Recommendations](#), paragraphs 2.13 - 2.22, pp. 6 - 7.

school. Decisions regarding the annual budget are made by the Board of Governors in conjunction with the Principal.

- 2.22 The provision of additional funding by the Department of Education to schools via an additional ‘premium’ per Traveller pupil is not guaranteed, therefore, to be spent for the sole benefit of that pupil.
- 2.23 In 2016, the Joseph Rowntree Foundation (JRF) noted that there does not appear to be a clear system for monitoring how schools are spending funding received in terms of whether it is being used for evidence-based interventions that will raise the attainment of children from low-income backgrounds.<sup>26</sup>
- 2.24 The majority of Traveller pupils are also entitled to Free School Meals (67%) and schools also receive additional Targeting Social Need ‘weighting’ which significantly increase the per pupil capitation payment to schools. There are no planning or reporting duties placed on schools to indicate how they intend to use the funding as it received or report back on how it has improved outcomes after it has been expended.
- 2.25 A similar per-capita allowance for Newcomer (including Roma) children paid by the Department to schools also lacks a mechanism to ensure that the money benefits the children in question.

### LGBTI and education

- 2.26 Homophobic and transphobic bullying at school can blight the lives of young people, negatively affecting their attendance and attainment as well as having a long-term impact on their life chances.
- 2.27 We have identified tackling prejudice based bullying and challenging stereotypes as a priority area for intervention, and we have made a range of related recommendations<sup>27</sup>, in addition to those above relating to the Addressing Bullying in Schools Act.
- 2.28 Strong and visible leadership from the school Principal, senior management team and board of governors is needed to promote an anti-bullying culture within every school. To achieve this culture, it is important that schools recognise the range of factors to be considered as part of a whole school approach. These include creating an inclusive culture and environment; ensuring the participation of

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<sup>26</sup> Equality Commission for Northern Ireland (2022): [Education policy priorities and recommendations for Northern Ireland.](#)

<sup>27</sup> Equality Commission for Northern Ireland (2022): [Tackling Bullying and Challenging Stereotypes - Policy Recommendations.](#)

learners and their parents / carers; staff training; relationship and sexual education (RSE) and using curriculum opportunities to cover controversial topics. The Commission had also recommended<sup>28</sup> that steps are taken to ensure that schools are supported to deal with issues in a sensitive, non-discriminatory way, including when delivering RSE to pupils.

2.29 Further, research also points to the need to challenge gender roles, including across the curriculum generally, and within RSE specifically. Measures to tackle bullying should include challenging gender roles to further the broader societal aim of preventing gender-based bullying.

In relation to Inclusive Education and aligned to the Equality Commission's recommendations, ECRI may wish to consider **recommending:**

- that 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;<sup>29</sup>
- that the Department of Education should undertake comprehensive research to establish, and track over time, the prevalence and nature of prejudice-based bullying, and to assess school compliance with the Addressing Bullying in Schools Act;<sup>30</sup>
- that DE and other stakeholders should ensure that support materials and opportunities within the curriculum comprehensively address prejudice-based bullying;<sup>31</sup>
- that DE and individual schools take steps, aligned with Commission recommendations to tackle bullying and challenge stereotypes; and

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<sup>28</sup> Equality Commission for Northern Ireland (2013): [Promoting Sexual Orientation Equality: Priorities and Recommendations](#)

<sup>29</sup> Equality Commission for Northern Ireland (2014): [Racial Equality Policy Priorities and Recommendations](#), p. 16.

<sup>30</sup> Equality Commission for Northern Ireland (2022): [Tackling Bullying and Challenging Stereotypes - Policy Recommendations](#), paragraph 1.9, pp. 2-3.

<sup>31</sup> Ibid.

- that DE monitor budget allocations for identified groups, including Traveller, Roma and Newcomer children, to assess how they improve outcomes for pupils;<sup>32</sup>

## ***Access to rights of irregularly present migrants***

### **Education**

- 2.30 The Refugee and Asylum Forum note that although the majority of asylum seeker and refugee children have experienced considerable disruption to their education, 'refugee education does not seem to be a priority for the Department of Education: its policy for 'newcomer' pupils is 14 years old and makes no reference to the concept of 'interrupted' education'.<sup>33</sup>
- 2.31 The Equality Commission's Racial Equality policy priorities and recommendations (2014) has noted that there are complex challenges facing young refugees and asylum seekers in the education system.
- 2.32 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 16. The National Children's 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'.<sup>34</sup>
- 2.33 The Refugee and Asylum Forum have revealed that 'There is no formal assessment of family needs and not all schools use the interpretation services to allow parents to get involved with children's education'.<sup>35</sup>
- 2.34 Furthermore accommodation is offered to asylum seekers on a 'no choice' basis requiring families to move house, often a number of times, so that children also have to move schools or travel considerable distances.<sup>36</sup>

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<sup>32</sup> Equality Commission (2022): [Equality in education - policy recommendations](#), paragraphs 7.39-7.45, pages 43-44.

<sup>33</sup> Refugee and Asylum Forum (2023): [Priorities for Action](#) (Law Centre NI Migration Justice Project)

<sup>34</sup> 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](#)

<sup>35</sup> Refugee and Asylum Forum (2023): [Priorities for Action](#), p. 21 (Law Centre NI Migration Justice Project).

<sup>36</sup> Refugee and Asylum Forum (2023): [Priorities for Action](#), p. 21 (Law Centre NI Migration Justice Project).

2.35 The Refugee and Asylum Forum have drawn attention to the lack of strategy or investment in education for refugee and asylum seeker young people aged 15 and upwards. The Forum points out that such young people rarely obtain school places and then struggle to find appropriate college places or English classes and warn that this 'is inevitably going to result in an increasing cohort of young people who feel disenfranchised and excluded from wider society.'<sup>37</sup>

### *Proposal to ECRI*

Aligned to the Equality Commission's recommendations to the Department of Education (DE), ECRI may wish to consider **recommending:**

- that DE take steps to promote development of the first language competence of newcomer pupils<sup>38</sup> and assist schools in making effective use of dual language resources to help learners access the curriculum;<sup>39</sup>
- that DE identifies and addresses the complex emotional, educational and social needs of asylum seeking and refugee children;
- that the 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.<sup>40</sup>

### Health care

2.36 The Commission have drawn attention to research (2012)<sup>41</sup> detailing the experiences of asylum seekers and refugees among the Horn of Africa community in Belfast, which found 'striking' evidence of the 'impact of the experience of conflict, displacement and migration on mental health and low uptake of mental health services'<sup>42</sup>. The mental

<sup>37</sup> Refugee and Asylum Forum (2023): [Priorities for Action](#), p. 22 (Law Centre NI Migration Justice Project).

<sup>38</sup> 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

<sup>39</sup> Her Majesty's Inspectorate of Education in Scotland (2009): [Count Us In: Meeting the needs of children and young people newly arrived in Scotland](#)

<sup>40</sup> Equality Commission for Northern Ireland (2014): [Racial Equality Policy Priorities and Recommendations](#), pp. 16-17.

<sup>41</sup> Institute of Conflict Research (2012): [The Horn of Africa Community in Belfast - A Needs Assessment](#), p. 22.

<sup>42</sup> Ibid, p. 22.

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 society.<sup>43</sup>

- 2.37 Murphy and Vieten (2017) have revealed that ‘asylum seekers and refugees encounter unique barriers in accessing health services; these include but are not limited to challenges in cross-cultural communications, cultural beliefs about health practices and limited cultural awareness on the part of the service providers (both administrators and front-line staff). The mental health and wellbeing of asylum seekers is of urgent concern.’<sup>44</sup>
- 2.38 The Northern Ireland Strategic Migration Partnership has highlighted a range of barriers to mental health services for asylum seekers and refugees<sup>45</sup> and made a number of recommendations to address these<sup>46</sup>.
- 2.39 The Refugee and Asylum Forum (2023) have highlighted that asylum seekers and refugees are ‘more likely to experience poor mental health than the local population, including higher rates of depression, PTSD and other anxiety disorders. The increased vulnerability to mental health problems that refugees and asylum seekers face is linked to pre-migration experiences (such as war) and post-migration conditions that are exacerbated by hostile environment policies.’<sup>47</sup>
- 2.40 The Forum also highlight research that shows that asylum seekers are five times more likely to have mental health needs than the general

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<sup>43</sup> MIND (2009): [A civilised society – Mental Health Provision for Refugees and Asylum Seekers in England and Wales](#)

<sup>44</sup> Murphy, F. and Vieten, U.M. (2017): [Asylum Seekers and Refugees experiences of life in Northern Ireland](#), p. 6.

<sup>45</sup> Northern Ireland Strategic Migration Partnership (2018): Overview of NISMP Roundtable on mental health care needs of asylum seekers and refugees 1 June 2017.

<sup>46</sup> These included, inter alia, that:

- Asylum seekers who have been denied NASS or housing assistance are offered a referral to Health and Social Care for a care needs assessment.
- Department of Health should ensure that psychological therapies are accessible to asylum seekers and refugees through:
  - Providing targeted information on available mental health services and how to access them for asylum seeker and refugee communities
  - Issuing guidance for health providers and mental health advocates on indicators of poor mental health among asylum seekers/refugees
- Department of Health should establish models to facilitate triaging and support of asylum seekers and refugees with low levels of wellbeing and mental ill-health. A suggested model is:
  - Funding and expanding the remit of NINES or a mental health charity to support GPs in the diagnosis and referral process;
  - Specialist services for Troubles related psychological trauma should be funded to expand these services to asylum seekers and refugees.

<sup>47</sup> Refugee and Asylum Forum (2023): [Priorities for Action 2023](#), p.18.

population and yet are much less likely to receive the support they need.<sup>48</sup> For example, asylum seekers are not entitled to disability benefits.

- 2.41 In contrast to Britain and the Republic of Ireland there are no specialist health services for victims of torture in Northern Ireland. The Refugee and Asylum Forum has highlighted the adverse impact on patient health and the barriers to asylum seekers obtaining the medico-legal expert reports that would provide corroborating evidence in an asylum claim.<sup>49</sup>
- 2.42 An additional issue is that despite the high prevalence of trauma within refugee communities, the Northern Ireland Regional Trauma Network service is only available to those who have experienced Northern Ireland conflict-related trauma.<sup>50</sup>
- 2.43 Most GP practices operate a telephone triage system which requires the patient to have sufficient English language skills to be able to secure an appointment. Low rates of asylum support mean that some asylum seekers cannot even afford to attend health appointments.
- 2.44 Refused asylum seekers experience enforced destitution and although HSC Trusts may have certain responsibilities to assist under Human Rights or Social Services legislation, there are a lack of clear processes for doing so.

### *Proposal to ECRI*

Aligned to the Equality Commission's recommendations to the Northern Ireland Executive, ECRI may wish to consider **recommending:**

- that, as part of a Refugee Integration Strategy, the Department for 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 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.<sup>51</sup>

<sup>48</sup> Refugee and Asylum Forum (2023): [Priorities for Action 2023](#), p.18.

<sup>49</sup> Refugee and Asylum Forum (2023): [Priorities for Action 2023](#), p. 20.

<sup>50</sup> Refugee and Asylum Forum (2023): Ibid.

<sup>51</sup> Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 7.18, p. 33.

## Housing

- 2.45 The Commission has highlighted anecdotal evidence from those working with the refugee community in Belfast<sup>52</sup> that asylum seekers who are granted refugee status have 28 days to leave their accommodation, giving them very little time to find suitable alternative housing. The ability of refugees to find housing in the private rented sector is often limited by difficulties in providing deposits or a suitable guarantor.<sup>53</sup>
- 2.46 Murphy and Vieten (2017) have pointed to significant detriments experienced by asylum seekers and refugees regarding access to housing: ‘Housing insecurity features as a major issue in the everyday life experiences of asylum seekers and refugees here. Asylum seekers experience multiple moves and a general sense of lack of control over their personal housing situation, resulting in feelings of insecurity, fear and unpredictability. Both families and lone individuals experience unsuitable housing conditions (including but not limited to overcrowding, poor conditions, difficulties with landlords, discrimination)’<sup>54</sup>
- 2.47 Housing 4 All have highlighted a range of accommodation issues experienced by asylum seekers and refugees. A survey undertaken by Housing 4 All (2019) found that 31% of respondents<sup>55</sup> said their home was not safe, liveable or secure, their privacy was not protected, or they didn’t have access to essential services and facilities including energy and heating.<sup>56</sup>
- 2.48 There has been a significant increase in the number of asylum seekers arriving in Northern Ireland since January 2021.<sup>57</sup>

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<sup>52</sup> Conversation with representative of NI Community of Refugees and Asylum Seekers of 4th February 2014.

<sup>53</sup> Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 6.9, p. 27.

<sup>54</sup> Murphy, F. and Vieten, U.M. (2017): [Asylum Seekers and Refugees experiences of life in Northern Ireland](#), p. 6 (Queens University Belfast for The Executive Office).

<sup>55</sup> Housing 4 All (2019): [A Prison Without Walls - Asylum, Migration and Human Rights](#), p. 16. 91% of people surveyed by Housing4All they were living in accommodation provided by the Home Office through the National Asylum Support Service (NASS)

<sup>56</sup> The main reasons people gave for this included unresolved maintenance issues (26.7%), privacy not respected (16.7%), dampness (10%), location not close to services (3.3%) and other (43.3%). Comments given in response to ‘other’ included “sometimes heat not working, sometimes no gas or electricity” and “sometimes very cold and smelling”.

<sup>57</sup> According to the Children’s Law Centre and the South Tyrone Empowerment Programme, this increase may be attributed to the fact that the UK is no longer part of the Common European Asylum System and thus the Dublin Regulation framework no longer applies. See CLC and STEP (April 2022): [Joint submission to FCNM Advisory Committee](#)



- 2.49 Prior to mid-2021, asylum seekers in Northern Ireland were primarily accommodated in ‘Dispersal Accommodation’ in apartments and houses throughout Belfast.
- 2.50 In June 2021, the Home Office introduced the concept of ‘contingency accommodation’ using hotels, bed & breakfasts and accommodation blocks to accommodate asylum seekers while their claims are processed.
- 2.51 The percentage of asylum seekers being accommodated in temporary hotels rooms rose dramatically from 2% in June 2021 to 56% between June-December 2021. Those numbers have continued to rise, as have the percentage of families being accommodated in this way. There are estimated to be 14 hotel buildings in use as contingency accommodation centres in Northern Ireland. As the living spaces are generally very small, families are often split up amongst several different rooms, at times even on different floors, presenting safeguarding concerns. Children and families are being held in temporary hotel accommodation for 4- 6 months despite implications for their health, wellbeing and enjoyment of rights.
- 2.52 The Law Centre NI, the Children’s Law Centre and the South Tyrone Empowerment Programme have highlighted concerns about barriers experienced by asylum seekers living in contingency accommodation including: access to education; right to play; privacy and family life; right to health; freedom of assembly; effective participation in society; respect for and opportunity to practice and develop their own culture.<sup>58</sup>

*Proposal to ECRI*

Aligned to the Equality Commission’s recommendations to the Northern Ireland Executive, ECRI may wish to consider **recommending:**

- that the Refugee Integration Strategy take account of the need to provide support and advice to asylum seekers who are either in emergency accommodation provided by NASS support, are otherwise pursuing an application for NASS support, are receiving NASS support, or have recently received a decision and need support to move on.<sup>59</sup>

<sup>58</sup> Law Centre NI (May 2022): [Law Centre submission to the Advisory Committee to the Framework Convention on the Protection of National Minorities](#);

Children’s Law Centre and South Tyrone Empowerment Programme (2022): [Joint Submission to FCNM Advisory Committee: Rights of Asylum Seeker Children Living in Contingency Accommodation \(Hotel Buildings\) in NI, run by Mears Group PLC](#), p. 5.

<sup>59</sup> McVeigh, R. (2002): Refugees and asylum seekers in Northern Ireland: A place of refuge, p. 27 (Belfast: Refugee Action Group); Harvey, C and Ward, M. (2001): [No welcome here? Asylum Seekers and refugees in Ireland and Britain](#), p. 14 (Belfast: Democratic Dialogue).

## Labour protection

- 2.53 In 2011, research by the Joseph Rowntree Foundation (JRF)<sup>60</sup> explored evidence of forced labour among new migrants to Northern Ireland in a range of employment sectors. The research found severe exploitation and forced labour, including poor working conditions, low pay, restricted movements and verbal and physical abuse, experienced by migrants working in the fishing, mushroom and catering industries and among Filipino and Romanian Roma migrants. Exploitation was often associated with the vulnerability of the worker: a lack of English language skills, limited access to social networks, and a lack of local knowledge.
- 2.54 The Refugee and Asylum Forum has expressed about exploitation of Ukrainian refugees in employment. The Forum maintains that ‘the Ukraine Scheme has shone a light on the poor conditions that some Ukrainians are working in - particularly in the agri-food sector.’ Whilst acknowledging that some measures have been adopted to support Ukrainians working on mushroom farms, the Forum has described the overall government response as lacklustre. Furthermore, the Forum is not aware of any efforts to support workers of other nationalities who may be ‘working in equally difficult conditions on the same farms’.<sup>61</sup>
- 2.55 The Forum also highlights that the policy of 'enforced destitution', for refused adult asylum seekers, leads to homelessness and destitution and risks exploitation.<sup>62</sup> Furthermore, most migrant victims of labour exploitation experience barriers to obtaining labour justice due to the doctrine of illegality in the Industrial Tribunal, despite justice and employment being devolved matters.<sup>63</sup>

### *Proposal to ECRI*

Aligned to the Equality Commission’s recommendations to the Northern Ireland Executive and the UK Government , ECRI may wish to consider recommending:

- That the phenomena of exploitation and forced labour are considered by The Executive Office in the context of the revised Racial Equality Strategy with a view to developing a strategy to address the problems experienced by migrants in relation to these issues;

<sup>60</sup> Joseph Rowntree Foundation (2014): [Forced Labour in Northern Ireland - an update](#)

<sup>61</sup> Refugee and Asylum Forum (2023): [Priorities for Action 2023](#), p. 30.

<sup>62</sup> Refugee and Asylum Forum (2023): [Priorities for Action 2023](#), p. 19.

<sup>63</sup> Refugee and Asylum Forum (2023): [Priorities for Action 2023](#), p. 26.

- Such a strategy should include 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 maximising migrant workers access to the labour market.

## Justice

- 2.56 The Refugee and Asylum Forum have highlighted the inaccessibility of immigration legal services for refugees and asylum seekers, particularly as a result of lack of specialist immigration solicitors outside Belfast. Legal restrictions on providing immigration advice preclude migrant support NGOs and generalist advice organisations from assisting.
- 2.57 The number of legal professionals who provide immigration advice is insufficient to meet the demand from an increasing number of asylum seekers.<sup>64</sup>

## Destitution

- 2.58 Recent research undertaken for the Equality Commission has revealed the very small amount of weekly income provide to asylum seekers<sup>65</sup>, highlighting that ‘the rates of support are widely criticised as inadequate, making asylum seekers vulnerable to destitution and reliant on supplementary support by charities for food, clothing and hygiene products’.<sup>66</sup>
- 2.59 The Law Centre NI<sup>67</sup> and the Northern Ireland Community of Asylum Seekers and Refugees<sup>68</sup> have highlighted the risk of destitution for

<sup>64</sup> Refugee and Asylum Forum (2023): [Priorities for Action 2023](#), p. 28.

<sup>65</sup> Section 95 support of £40.85 per person is available to those awaiting an asylum decision, or those who have been rejected for asylum but have children (Source: No Recourse to Public Funds Network: [Section 95 asylum support](#)). Section 4 support of £40.85 applies to those who have been rejected for asylum but are not currently able to safely leave the country (Source: NRPF Network: [Section 4 asylum support](#)).

<sup>66</sup> Harper, B. and Watt, A. (June 2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). p. 97 (Pivotal for Equality Commission NI)

<sup>67</sup> Law Centre NI (2016): [Time to act - refugees and delays in benefits](#)

<sup>68</sup> Northern Ireland Community of Refugees and Asylum Seekers (2016): [The effects of destitution on refugees in Northern Ireland](#)

NICRAS have recommended, inter alia, that:

- Asylum support should be continued until the first payments of the individuals new support has been received. Until this can be achieved, interim payments should have an immediate start and be actively offered by the Jobs and Benefits Office;
- Social Security Agency staff should proactively offer support such as interim payments and Crisis Loans to prevent destitution, and be aware of the entitlement of refugees to this support;
- Similarly, when changing benefits either payments of the previous benefit should not stop until the new one has been received or there should be interim payments to bridge this gap;
- Jobs and Benefits Office staff should process all claims for welfare support when the end of asylum support letter (NASS35) is issued, regardless of whether the person has received their National Insurance number yet;
- There needs to be a more accommodating attitude towards the need for documentation such as birth

those asylum seekers granted refugee status, as a result of asylum support then being withdrawn, 28 days after status is granted leading to food poverty, homelessness and isolation.

2.60 The Law Centre notes that: ‘Effectively, the refugee has one month to secure housing, employment and/or benefits before support is withdrawn. Many refugees are unable to successfully navigate the numerous processes in such a short time. As a result, they become destitute and entirely reliant on charitable support despite having clear statutory entitlement to support. Reliance on charitable support can go on for many months while entitlement to benefits is secured. This creates huge hardship for refugees. It also places considerable demands on the charities and detracts from their efforts in assisting those with no statutory entitlement to support’<sup>69</sup>

2.61 The Law Centre has revealed that existing services and mechanisms are not always offered to refugees or used and that there are a range of misunderstandings about whether:

- Refugees need to wait until asylum support has ceased before benefit applications can be processed;
- Being in possession of a national insurance number is necessary for the benefit application to progress;
- Whether a bank account is needed;
- The Genuine Prospects of Work test and the three month residency rule is applicable to refugees.<sup>70</sup>

2.62 The Centre highlight that the most difficult process has been with the HMRC administered benefits i.e. Child Benefit and Child Tax Credit, which often comprise the majority of a family’s income (particularly lone parent households) with the consequence that delays in payments are felt very keenly.<sup>71</sup>

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certificates, taking into account the refugee’ experience, the difficulties that they often face in obtaining these documents, and the fact that these documents may not exist through no fault of the individual;

- Training should be provided to the Social Security Agency staff to ensure that they are aware of the rights of refugees and the support they are entitled to;
- There should be a member of staff in such offices with expertise in refugee and asylum issues, who can be applied to by their colleagues for advice and help when handling such cases.

<sup>69</sup> Law Centre NI (2016): [Time to act - refugees and delays in benefits](#)

<sup>70</sup> Law Centre NI (2016): [Time to act - refugees and delays in benefits](#)

<sup>71</sup> Ibid. The Law Centre has recommended, inter alia, that:

- the Department for Communities should insert a refugee ‘marker’ into the benefit process. This would enable individual applications to be tracked over a specified time period. This monitoring would enable decision makers to better understand current difficulties and would help identify and address causes of delay
- the Department for Communities should recognise refugees as a priority customer group, a measure that would be consistent with the Equality Commission’s recommendation that refugees may require ‘specific targeted action’.

- 2.63 The situation has been exacerbated since the introduction of Universal Credit, which has a minimum five-week lead-in period from date of claim until first payment.

*Proposal to ECRI*

Aligned to the Equality Commission's recommendations to the Northern Ireland Executive and the UK Government, ECRI may wish to consider recommending:

- 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.

Social security

- 2.64 In its Submission to the Committee on the Elimination of Racial Discrimination (CERD)<sup>72</sup> the Commission noted that aspects of immigration legislation deny many foreign nationals access to state housing support when they are not working. The Commission also noted that rules for eligibility to access social support mean that there is a lack of 'safety net' provisions for migrant workers.
- 2.65 An evaluation of the Office of the First Minister and Deputy First Minister's (now The Executive Office) 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'.<sup>73</sup>
- 2.66 A cross-party working group<sup>74</sup> 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 stay.<sup>75</sup>

<sup>72</sup> Equality Commission for Northern Ireland (2011): [Shadow Report to the UN Committee on the Elimination of Racial Discrimination on the UK's 18th Periodic Report](#).

<sup>73</sup> McKittrick, N and McCann, J. (2012): [Evaluation of the OFMDFM Emergency Fund Pilot August 2011 - March 2012](#), p. 4.

<sup>74</sup> [Report of the Parliamentary inquiry into asylum support for children and young people](#) (January 2013).

<sup>75</sup> Ibid, p. 15.

- 2.67 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.<sup>76</sup> 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’.<sup>77</sup>
- 2.68 Anecdotal evidence<sup>78</sup> 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.
- 2.69 Furthermore, recent independent research undertaken for the Equality Commission found that participants reported frequently being advised by public sector bodies to seek advice or support from third sector organisations with a specialism in helping minority ethnic and migrant groups. While in some circumstances this may be an appropriate response, it was often seen as the public sector bodies not fulfilling their remit to provide services to all members of the community, with the person being re-directed to a third sector organisation instead.<sup>79</sup>
- 2.70 The research reported that there was very clear message that there was a lack of support for minority ethnic and migrant groups who were seeking help or advice about issues like social security, housing, healthcare or education. Furthermore ‘Third sector service providers reported being completely overwhelmed with people seeking their help... (suggesting)...that the funding available to these organisations is insufficient to meet increasing needs.’<sup>80</sup>

### *Proposal to ECRI*

Aligned to the Equality Commission’s recommendations to the Northern Ireland Executive and the UK Government, ECRI may wish to consider recommending:

- that the Executive and relevant Departments ensure that first tier generalist advice, including access to the services of an interpreter, is available for those...impacted on by the changes

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<sup>76</sup> Ibid, p. 15.

<sup>77</sup> Ibid, p. 2.

<sup>78</sup> Belong (2013): Response to Commission’s Racial Equality Policy Paper – Draft Priorities and Recommendations.

<sup>79</sup> Harper, B. and Watt, A. (June 2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). p. 99 (Pivotal for Equality Commission NI).

<sup>80</sup> Ibid.

to the welfare system and that the application process is accessible, particularly to those who live in rural areas. It is also recommended that Departments develop clearer guidance training for decision makers with regard to applications from refugees;<sup>81</sup>

- that the Executive and the Department for Communities recommended undertake an assessment of the barriers faced by refugees in accessing benefits including the accessibility of services.<sup>82</sup>

## ***LGBTQI equality***

### **Law Reform**

- 2.1 As expanded upon below, the Commission continues to recommend the introduction of single equality legislation<sup>83</sup>, but in its absence, has recommended action is taken to reform protections relating to both sexual orientation<sup>84</sup> and gender<sup>85</sup>.
- 2.2 It is welcome to see some progress on wider law reform, for instance in relation to same sex marriage and civil partnerships, since ECRI's fifth report.
- 2.3 However, further reform to equality law itself is required, including measures such as introducing protection against combined discrimination in relation to both gender and sexual orientation, amending the definition of 'gender reassignment' so as to remove the requirement that a person undergoing gender reassignment must be under medical supervision; giving consideration to prohibiting discrimination on the wider ground of 'gender identity', and expanding protection for trans people in relation to indirect discrimination, and in fields such as education.
- 2.4 The sexual orientation legislation also requires reform, including to give stronger protection against sexual orientation harassment, ensure increased protection against discrimination by public bodies

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<sup>81</sup> Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 8.16, p. 37.

<sup>82</sup> Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#), paragraph 7.18, p. 33.

<sup>83</sup> See: [www.equalityni.org/SingleEqualityAct](http://www.equalityni.org/SingleEqualityAct)

<sup>84</sup> Equality Commission for Northern Ireland (2013): [Promoting Sexual Orientation Equality: Priorities and Recommendations](#), paragraphs 7.2-7.4, p. 28.

<sup>85</sup> Equality Commission for Northern Ireland (2016): [Gender Law Reform Summary Report: Policy Priorities and Recommendations](#), pp 11-13.

when carrying out public functions, and expanding the scope of positive action.

### Adoption of effective LGBTQI+ Strategy

- 2.5 In addition to legislative reform, the Commission recommends the adoption by the NI Executive of an effective Sexual Orientation Strategy.
- 2.6 Northern Ireland has never had a Sexual Orientation Strategy. The previous iteration of the Gender Equality Strategy expired in 2016, with limited resourcing or progress.
- 2.7 The Department for Communities (DfC) have commenced work on a LGBTQI+ Strategy (the scope of the Strategy has widened from Sexual Orientation to include transgender issues), as part of a suite of Social Inclusion Strategies, also including Disability, Anti-Poverty and Gender Equality Strategies.
- 2.8 We have recommended that priority areas for strategic action for the strategy are:
- Law reform
  - Equality (LGBTQI+) Data Collection
  - Embedding Anti-Bullying
  - Visible leadership re: Social Attitudes
  - COVID-19 Recovery
- 2.9 However, this work has been delayed, and seemingly cannot progress to consultation in the absence of Ministers. The Commission sits on the co-design group for all four Social Inclusion Strategies, including both the LGBTQI+ Strategy and the Gender Equality Strategy, but has raised concerns around the process, including a lack of opportunity for the relevant sectoral organisations to meaningfully input into the design of the Strategies.

### Employment

- 2.10 The LGBTQI+ community may face difficulties in the working environment. For example:
- Trans people face prejudice and hostility in employment and are less likely to be open about their gender identity in the workplace<sup>86</sup>. Ignorance of trans issues from employers and

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<sup>86</sup> See O'Doherty, J. (2016): [OUTstanding in your field: Exploring the needs of LGB&T people in rural Northern Ireland. The Rainbow Project](#); Belfast and; McNeil, J., Bailey, L., Ellis, S. and Regan, M. (2013): [Speaking from the Margins: Trans Mental health and Wellbeing in Ireland](#). TENI: Ireland.



work colleagues is a key issue in trans people participating in and sustaining employment<sup>87</sup>.

- Lesbian, gay and bisexual people often face negative comments and bullying at work due to their sexuality<sup>88</sup>, and may be reluctant to come out in the workplace due to fears of victimisation<sup>89</sup>.

- 2.11 This may impact on their ability to participate in employment, sustain employment and progress in employment<sup>90</sup>.
- 2.12 The Commission has made a range of recommendations<sup>91</sup> for action including raising awareness of responsibilities under the equality legislation and sharing of good practice and encouraging employers to promote LGBTQI+ equality in the workplace.

### Healthcare

- 2.13 Overall, it is important to ensure the effective targeting of health care services in order to meet the particular needs of LGBTQI+ people and to remove all unjustifiable barriers to accessing these services. This includes, for example, access to fertility services<sup>92</sup>.
- 2.14 We have recommended<sup>93</sup> action to raise awareness and understanding amongst health and social care professionals of issues relating to gender equality, including barriers experienced by trans people, through, for example, workplace diversity training and continuous professional development. We have also recommended<sup>94</sup> research be conducted as regards the experiences of trans people.
- 2.15 We have also recommended<sup>95</sup> that the Department of Health should ensure the early availability of services and hormone suppressants to meet the needs of young trans people. We recommend that

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<sup>87</sup> See Gender Equalities Office (2011): Transgender survey #3 and; McNeil, J., Bailey, L., Ellis, S. and Regan, M. (2013): [Speaking from the Margins: Trans Mental Health and Wellbeing in Ireland](#). TENI: Ireland.

<sup>88</sup> See Mc Dermott, M. (2011): [Through Our Eyes. Experiences of Lesbian, Gay and Bisexual People in the Workplace](#); and, Guasp, A. (2013): Gay in Britain. Lesbian, Gay and Bisexual People's Experiences and Expectations of Discrimination. Stonewall: London.

<sup>89</sup> Mc Dermott, M. (2011): [Through Our Eyes. Experiences of Lesbian, Gay and Bisexual People in the Workplace](#)

<sup>90</sup> Mc Dermott, M. (2011): [Through Our Eyes. Experiences of Lesbian, Gay and Bisexual People in the Workplace](#)

<sup>91</sup> Equality Commission for Northern Ireland (2013): [Promoting Sexual Orientation Equality: Priorities and Recommendations](#), paragraphs 6.14-6.24.

<sup>92</sup> Equality Commission for Northern Ireland (2013): [Promoting Sexual Orientation Equality: Priorities and Recommendations](#), paragraphs 6.41 and 7.1.

<sup>93</sup> Equality Commission for Northern Ireland (2016): [Gender Equality: Policy Priorities and Recommendations](#), paragraphs 11.8-11.11.

<sup>94</sup> Equality Commission for Northern Ireland (2016): [Gender Equality: Policy Priorities and Recommendations](#), paragraphs 11.8-11.11.

<sup>95</sup> Equality Commission for Northern Ireland (2017): [Age Equality: Policy Priorities and Recommendations](#), paragraphs 4.12-4.21.

consideration is given to further developing the service provision for young trans people, including taking account of any learning from the delivery of the ‘Knowing our Identity’ service locally, and the ‘Gender Identity Development Service’ in Great Britain.

- 2.16 Older LGBTQI+ people should have their domiciliary, residential or nursing care needs fully met. In addition, Healthcare workers providing domiciliary, residential or nursing care, should receive specific training in the provision of intimate care for these groups and in the needs and sensitivities of LGBTQI+ people<sup>96</sup>. Further any decisions on care plans and in the sharing of information between medical facilities and/or care providers should include the full involvement of the care recipient.
- 2.17 The Department of Health should ensure that provisions for Child and Adolescent Mental Health Services (CAMHS) are adequate to meet the mental health needs of all children and young people, including LGBTQI+ children and young people<sup>97</sup>. Wider mental health services should also take account of the exacerbating impacts of the COVID-19 pandemic on mental health and well-being.

### Interactions between authorities and LGBTI people

- 2.18 We continue to recommend<sup>98</sup> the full and effective involvement of those from across the full range of equality categories, including LGBTQI+ people, in the design, delivery, monitoring and evaluation of strategic actions undertaken by public authorities, including through relevant strategies. This should be supported by the effective resourcing of, and capacity building within, the sector.
- 2.19 Related to this, we highlight the importance of participation in public and political life<sup>99</sup>. In 2015, research<sup>100</sup> funded by the Commission reported that when analysing nineteen areas of public life, there was a complete absence of data on sexual orientation. In this context it is difficult to make specific recommendations, based on up to date local evidence, for key issues to be addressed. Accordingly, we urgently recommend improving equality data collection in this area<sup>101</sup>. Capacity building opportunities (for example through training, board / work

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<sup>96</sup> Equality Commission for Northern Ireland (2019): [Housing and Communities: Policy Priorities and Recommendations](#), paragraphs 6.32-6.39. pp. 38-40.

<sup>97</sup> Equality Commission for Northern Ireland (2017): [Age Equality: Policy Priorities and Recommendations](#), paragraphs 4.4-4.11, pages 9-10.

<sup>98</sup> Equality Commission for Northern Ireland (2019): [Equality in Participation in Public Life](#), paragraphs 8.4-8.8, p.37 and paragraphs 8.10-8.12, p. 31.

<sup>99</sup> Equality Commission for Northern Ireland (2019): [Equality in Participation in Public Life](#).

<sup>100</sup> Ipsos MORI (2015): [Inequalities in Participation in Public Life: An Investigation of the Nine Section 75 grounds](#).

<sup>101</sup> Equality Commission for Northern Ireland (2019): [Equality in Participation in Public Life](#), paragraph 4.2-4.11, pp. 8-9.

experience, and / or mentoring) aligned to common skills and experience criteria for public life posts should be delivered to overcome barriers and widen access<sup>102</sup>.

- 2.20 Our guidance<sup>103</sup> for public authorities on monitoring gives practical guidance on how public authorities can monitor on this equality issue, for example stressing as regards workplace monitoring the need for employers to create a workplace culture in which employees are not fearful of disclosing their sexual orientation.
- 2.21 The Commission has previously recommended<sup>104 105</sup> that the Executive, Departments and other key stakeholders adopt actions aimed at removing barriers when accessing goods and services and the exercise of public functions. We also recommend proactive strategic targeting of services in order to meet the particular needs of LGB+, and trans people.
- 2.22 Action is also needed to address barriers to LGBTQI+ people participating across the full range of activities – for example in sport, including homophobia (against LGB+ people) and transphobia<sup>106 107</sup>.

Aligned to the Equality Commission's recommendations to the NI Executive and key departments, ECRI may wish to consider recommending:

- In the absence of single equality legislation, urgent reform of race, sex, and sexual orientation legislation is undertaken to give effect to the published recommendations of the Equality Commission;
- The prioritised development of the Social Inclusion Strategies, including LGBTQI+ and Gender Equality Strategies, which take account of the recommendation of the Equality Commission; sectoral involvement in their design, delivery and rolling review; and mainstreamed for delivery with allocated resources;

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<sup>102</sup> Equality Commission for Northern Ireland (2019): [Equality in Participation in Public Life](#), paragraphs 8.52-8.66, pp. 39-41.

<sup>103</sup> Equality Commission for Northern Ireland (2007): [Monitoring Guidance for Use by Public Authorities](#)

<sup>104</sup> Equality Commission for Northern Ireland (2013): [Promoting Sexual Orientation Equality: Priorities and Recommendations](#), paragraphs 6.40-6.48, pp. 22-24.

<sup>105</sup> Equality Commission for Northern Ireland (2016): [Gender equality: Policy priorities and recommendations](#) – section 11 (Healthcare), pp. 42-46.

<sup>106</sup> Equality Commission for Northern Ireland (2013): [Promoting Sexual Orientation Equality: Priorities and Recommendations](#), paragraphs 4.31-4.40, pp. 10-11.

<sup>107</sup> Equality Commission for Northern Ireland (2016): [Gender Equality: Policy Priorities and Recommendations](#), paragraphs 12.5-12.7, p. 47.

- Action, aligned with Commission recommendations, to ensure LGBTQI+ equality in employment and service provision, including health care;
- Effective resourcing and capacity building for the LGBTQI+ sector; and
- Action, aligned with Commission recommendations, to improve data collection in relation to LGBTQI+ participation in public life, and to increase capacity.

### 3 Hate Speech and Hate-motivated violence

#### *Hate speech*

- 3.1 The Commission has made a range of recommendations in relation to incitement to hatred offences, including addressing legislative gaps in protection against hate crime under the Public Order legislation, extending the provisions to cover gender, gender identity and intersex, and ensuring the legislation prohibits incitement to discriminate on the protected grounds<sup>108</sup>.
- 3.2 We note that ECRI's Fifth Report on the UK recommended that the authorities review the provisions on incitement to hatred with a view to making them more effective and usable.
- 3.3 We have also recommended action to tackle online hate speech and abuse<sup>109</sup>, including by increasing awareness and understanding of the scale, nature and specific impact of online hate speech and abuse, and placing greater responsibility on Social Media Companies to remove online hate speech.

Aligned to the Equality Commission's recommendations, in relation to hate speech, ECRI may wish to consider recommending:

- that the incitement to hatred provisions in Northern Ireland be amended in line with the recommendations of the Equality Commission
- that action is taken to effectively tackle online hate speech

<sup>108</sup> Equality Commission for Northern Ireland (2020): [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paragraphs 4.136 – 4.188, pp. 77-88.

<sup>109</sup> Equality Commission for Northern Ireland (2020): [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paragraphs 3.80 -3.87, pp. 20-22.

## ***Hate-motivated violence***

- 3.4 There has been a sharp rise in the number of racist incidents and crime between 2020/21 and 2021/22. The number of racist incidents and crimes fell back in 2022/23, but each remains the third highest level in the data series.
- 3.5 Recent research carried out for the Commission (2023) explored PSNI data on race related hate crime, there was a marked increase in race related hate crimes in Northern Ireland over the last two years, as evidenced by PSNI Hate Motivation Statistics for the period ending March 2022.<sup>110</sup>
- 3.6 The research report further notes that in the past two years, recorded racist hate crimes committed against those from Asia and Africa has overtaken recorded racist crimes committed against EU nationals in Northern Ireland.
- 3.7 The research report also notes the review of hate crime legislation in Northern Ireland carried out by Judge Marrinan in 2020, which showed that whilst there was a one in 31 chance of becoming a victim of a reported racial hate incident, there was a one in 1,777 chance of becoming a victim of a reported sectarian hate incident.<sup>111</sup>
- 3.8 PSNI statistics<sup>112</sup> record that reported homophobic motivated incidents and crimes increased between 2006/07 and 2015/16, followed by a slight fall. There has been a sharp increase in homophobic crimes and incidents in 2020/21 and 2021/22, rising to the highest levels seen since recording began in 2004, at 463 incidents and 337 crimes.
- 3.9 Since 2017/2018, the PSNI reports<sup>113</sup> that the number of transphobic crimes and incidents has risen since they were first recorded in 2009/10; in 2021/22, the number of transphobic motivated crimes increased to the highest levels recorded, at 42.
- 3.10 Both reported transphobic and homophobic crimes and incidents have fallen in 2022/23, compared with the previous year<sup>114</sup>.
- 3.11 Whilst recognising that the number of reported transphobic incidents and crimes appears relatively low, compared to other categories of

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<sup>110</sup> Harper, B. and Watt, A. (June 2023): [Impact of Brexit on Migrant and Minority Ethnic People in Ireland](#), pp. 48-61 (Pivotal for Equality Commission for Northern Ireland).

<sup>111</sup> Marrinan, D. (2020): [Hate crime legislation in Northern Ireland - independent review](#)

<sup>112</sup> Police Service for NI/ NI Statistics and Research Agency (2022): [Trends in Hate Motivated Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2021/22](#), p. 7.

<sup>113</sup> PSNI/ NISRA (2022): [Trends in Hate Motivated Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2021/22](#), p. 9.

<sup>114</sup> PSNI/ NISRA (2023): [Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland Update to 31st March 2023](#)

hate crime, in interpreting these figures, account must be taken of the relative small size of the transgender population in Northern Ireland compared to other equality groups monitored under hate crime monitoring and that the data captures only reported incidents/ crime.

*Progress on DoJ Review of Hate Crime Legislation.*

- 3.12 In its 2022 report on the experiences of minority ethnic and migrant people in Northern Ireland, the Northern Ireland Affairs Committee (NIAC) called for legislation on hate crime to be strengthened in Northern Ireland in order to ensure better protection is provided for victims of hate crime<sup>115</sup>. The report also noted the relative weakness of the legislative framework in Northern Ireland (compared to Great Britain) in respect of hate crime legislation<sup>116</sup>.
- 3.13 The NIAC welcomed the launch by the Department of Justice in January 2022 of a public consultation on the new Hate Crime Bill which had been due to be introduced in the Assembly. It urged a 'speedier timetable' for this given how far behind Northern Ireland is compared with the rest of the UK, and stressed that in the worst-case scenario where the Executive does not function for a prolonged period, Westminster should deliver on this legislation.<sup>117</sup>
- 3.14 In March 2022, the Commission responded to the Department of Justices' consultation on improving the effectiveness of hate crime legislation in Northern Ireland.<sup>118</sup> While the Commission recognised and welcomed the steps already taken to tackle hate crime in Northern Ireland, it highlighted that more needs to be done to ensure a more robust, co-ordinated and effective policy response to the persistent and growing problem of hate crime.
- 3.15 The Commission has underlined the need to update, harmonise, consolidate, and strengthen the hate crime legislation, including by addressing the significant gaps in the legislation.<sup>119</sup>
- 3.16 The Commission has recommended that hate crime legislation is strengthened through the introduction of a statutory aggravation

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<sup>115</sup> House of Commons Northern Ireland Affairs Committee (2022): [The experiences of minority ethnic and migrant people in Northern Ireland](#), paragraph 14, p.10.

<sup>116</sup> Ibid, paragraph 29, p. 18.

<sup>117</sup> House of Commons Northern Ireland Affairs Committee (2022): [The experiences of minority ethnic and migrant people in Northern Ireland](#), paragraph 14, p.10.

<sup>118</sup> Equality Commission for Northern Ireland (2022): [Response to Consultation: Improving the effectiveness of Hate Crime Legislation in NI](#).

<sup>119</sup> Ibid.

model. We have also recommended a specific reference to the term ‘sectarian’.

- 3.17 We have recommended<sup>120</sup> that revised hate crime legislation cover gender, gender identity and intersex people. In relation to the inclusion of gender identity<sup>121</sup>, we recommended the definition of ‘gender identity’ within the hate crime legislation should be widely defined so as to also cover a range of people whose gender identity differ in some way from traditional gender assumptions, including those made about them when they are born.
- 3.18 The Commission also highlighted that the Department of Justice should ensure consideration of, and compliance with, Windsor Framework Article 2 obligations in reforming hate crime legislation, noting that the EU Victims Directive falls within the scope of the non-diminution principle in Article 2<sup>122</sup>.
- 3.19 The DOJ had previously published a response to Judge Marrinan’s review<sup>123</sup>, as well as a recent summary report of stage one consultation responses<sup>124</sup>. These documents include an indication that they accept a statutory aggravation model; that a definition of sectarian offending will be included in hate crime legislation to support the creation of a sectarian aggravator; the inclusion of transgender as a protected characteristic; and appropriate recognition of intersectionality.
- 3.20 We understand that further consultation is due on other issues relating to hate crime legislative reform, subject to the return of Ministers<sup>125</sup>.
- 3.21 More widely, we have also recommended **additional policy and legislative action** to improve the effectiveness of the hate crime legislation, including:
- **Guidance and Training:** We recommend the production of guidance and training for criminal justice agencies, including the Police Service of Northern Ireland, Public Prosecution Service and judiciary;

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<sup>120</sup> Equality Commission for Northern Ireland (2020): [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), paragraphs 4.31-4.39, pp. 57-58; paragraphs 4.72-4.103, pp. 64-70.

<sup>121</sup> Equality Commission for Northern Ireland (2020): [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#)

<sup>122</sup> Equality Commission for Northern Ireland (2022): [Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales](#), pp. 68-70.

<sup>123</sup> Department of Justice (2021): [Review of Hate Crime Legislation NI: Departmental Response](#)

<sup>124</sup> Department of Justice (2023): [Improving the effectiveness of Hate Crime Legislation in Northern Ireland: Summary of Phase One Consultation and Call for Views Responses and Way Forward](#)

<sup>125</sup> Department of Justice (2023): [Improving the effectiveness of Hate Crime Legislation in Northern Ireland: Summary of Phase One Consultation and Call for Views Responses and Way Forward](#), paragraph 9.5, p. 69.

- **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; and
- **Shared and safe housing:** We recommend actions designed to incentivise and advance safe, shared housing and communities based on equality, dignity and respect.

### ***Proposal to ECRI***

Aligned to the Equality Commission’s recommendations, in relation to hate-motivated violence, ECRI may wish to consider recommending:

- the urgent reform of hate crime legislation in Northern Ireland, in line with the recommendations of the Equality Commission
- actions to give effect to the published recommendations of the Equality Commission with regards to under-reporting and support for victims, and the effectiveness of hate crime legislation;
- improving the accessibility of reporting for those for whom English is an additional language;
- improving minority representation in police and criminal justice staff; and
- co-ordinating action to address any instances of institutional racism.

## **4 Integration and Inclusion**

### ***Strategies***

- 4.1 The NI Executive has devolved responsibilities for equality issues in Northern Ireland. In addition to responsibility for equality laws, its Programme for Government 2012-15 included references to a Racial



Equality Strategy and a Sexual Orientation Action Plan as ‘building blocks’ under Priority 2 ‘Creating Opportunities and Tackling Disadvantage and Improving Health and Wellbeing’<sup>126</sup>.

4.2 The Executive’s strategy, *Together - Building a United Community*<sup>127</sup> also included a commitment to produce a sexual orientation strategy by the end of 2013, following a public consultation exercise.

4.3 The Programme for Government Draft Outcomes Framework (2021) includes references to both a racial equality strategy and a sexual orientation strategy.<sup>128</sup>

### Racial Equality Strategy

4.4 In 2014 the Commission published ‘priorities and recommendations’<sup>129</sup> for racial equality. In our response to the OFMDFM consultation on the draft Racial Equality Strategy, the Commission recommended, inter alia, that the Strategy should set out specific actions to tackle prejudicial attitudes, racism and hate crime; alongside ensuring equality of opportunity in education, employment, accommodation, healthcare and access to social welfare<sup>130</sup>.

4.5 Of relevance to ECRI’s interests, and supplemental to the points made elsewhere in this document, we have recommended that the Executive and Departments:

- implement specific long-term measures to: eliminate racism and racial discrimination; to tackle prejudicial attitudes and to promote values of acceptance and respect for difference<sup>131</sup>.
- use early intervention in education to combat negative attitudes, reduce racism and promote good relations<sup>132</sup>.
- consider the findings of the Leveson report with regards to ‘*discriminatory, sensational or unbalanced reporting in relation to ethnic minorities, immigrants and/or asylum seekers*’ and takes relevant action to ensure appropriate media reporting in Northern Ireland<sup>133</sup>.

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<sup>126</sup> Northern Ireland Executive (2011): [Programme for Government 2011-2015 Building a Better Future](#).

<sup>127</sup> Office of the First Minister and the Deputy First Minister (2013): [Together: Building a United Community](#).

<sup>128</sup> Northern Ireland Executive (25 January 2021): [Programme for Government Draft Outcomes Framework - Consultation Document](#), pp. 17 and 26.

<sup>129</sup> See: Equality Commission for Northern Ireland (2014): [Racial Equality policy priorities and recommendations](#) (summary version),

<sup>130</sup> Further information available at: <http://www.equalityni.org/Delivering-Equality/Equality-Themes/Racial-equality.aspx>

<sup>131</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 3.12, p.11.

<sup>132</sup> Equality Commission for Northern Ireland (2014): [Racial Equality Policy – Priorities and recommendations](#), paragraph 3.12, p. 11.

<sup>133</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 3.16, p. 12.

- take appropriate action to support integration and foster community cohesion through both the revised Race Equality and United Community strategies<sup>134</sup>.
- ensure the collection, monitoring and evaluation of appropriate data to ensure effective policy and service development.<sup>135</sup>

4.6 In 2015, The Executive Office published a Racial Equality Strategy 2025-2025.<sup>136</sup>

4.7 The RES set out 11 proposed actions<sup>137</sup>, which have been criticised by the Commission as being too process oriented rather than outcome focused<sup>138</sup> e.g. review of racial equality legislation; establishment of a Racial Equality Sub-Group; the appointment of Racial Equality Champions; a review of the Minority Ethnic Development Fund.

4.8 The Northern Ireland Affairs Committee (2022) commented that it had heard many concerns about the lack of progress made on the aims and actions of the Executive's original and current Racial Equality Strategies.

4.9 In evidence to the Committee, The Executive Office advised on progress citing that:

- a review of the Race Relations (Northern Ireland) Order 1997 had been taken place;
- that a draft Refugee Integration Strategy had been issued for consultation;
- that the minority ethnic development fund had increased in size since 2005;
- that there had been an increase in the TEO crisis fund for migrants;
- that a thematic group on Travellers and a strategic planning group on Travellers and Roma had been established;
- a racial equality subgroup established; and

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<sup>134</sup> Equality Commission for Northern Ireland (2014): [Racial Equality Policy – Priorities and recommendations](#) paragraph 3.15, p. 12.

<sup>135</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 10.3, pp. 41-42.

<sup>136</sup> The Executive Office (2015): [Racial Equality Strategy 2015-2025](#)

<sup>137</sup> Ibid, p.5. The proposed actions are set out in Annex 2 below.

<sup>138</sup> House of Commons Northern Ireland Affairs Committee (2022): [The experiences of migrant and minority ethnic people in Northern Ireland](#), p. 13.

- racial equality champions appointed in each of the NI Executive departments.<sup>139</sup>

- 4.10 The Commission notes that although shared aim 1 of the RES is to: ‘To eliminate racial inequalities and promote equality of opportunity in all aspects of economic, social, cultural, political and public life, for people of different ethnic backgrounds’, none of the actions outlined in the strategy seek to directly tackle racial inequalities.
- 4.11 Chapter 4 of the RES entitled ‘Racism and racial inequalities’ consisted of a mere three paragraphs, concluding that in the absence of ethnic equality monitoring, evidence of inequalities was unavailable.
- 4.12 This approach ignored a considerable body of qualitative research as well as quantitative research available at that time, much of it referenced in the Equality Commission’s (2014) [Racial Equality Policy Priorities and Recommendations](#).
- 4.13 The current RES 2015-2025 is now in its final phase of implementation within its current lifespan and focused on three priority areas: (i) Reform of racial equality legislation; (ii) the introduction of ethnic equality monitoring in the NI Civil Service; (iii) the development of training on racial equality for NI Civil Service staff.
- 4.14 With regard to the post 2025 RES, the Equality Commission wishes to see an outcome focused strategy that sets targets for the reduction and elimination of racial inequalities experienced by migrant and minority ethnic people across policy domains with accompanying performance indicators and timelines. The future Strategy should take account of both quantitative research as well as qualitative research that is in the public domain, including research commissioned by Equality Commission for Northern Ireland on the impact of Brexit on minority ethnic and migrant people in Northern Ireland.<sup>140</sup>

#### *Proposal to ECRI*

Aligned to the Equality Commission’s recommendations to the NI Executive and key departments, ECRI may wish to consider **recommending**:

- that the NI Executive produces a race equality strategy which conveys leadership and gives effect to the Equality Commission’s published recommendations for Race Equality – including actions to reduce and eradicate racial inequalities

<sup>139</sup> House of Commons Northern Ireland Affairs Committee (2022): [The experiences of migrant and minority ethnic people in Northern Ireland](#), p. 13.

<sup>140</sup> Harper, B. and Watt, A. (2023): [The impact of Brexit on minority ethnic and migrant people in Northern Ireland](#) (Pivotal for ECNI).

reform of the law; tackling prejudicial attitudes, racism and hate crime; taking action to support integration and foster community cohesion; and ensuring effective monitoring and evaluation.

The strategy should:

- take full account of the principles and obligations outlined in the UN Convention for the Elimination of all forms of Racial Discrimination (CERD) and other relevant international standards;
- take full account of the revised guidance associated with Section 75 of the Northern Ireland Act 1998<sup>141</sup> – specifically to develop targeted action plan;
- have a clear (singular) overarching aim of the strategy which is then accompanied by strategic objectives for action by the Executive and Departments;

The strategy should also:

- ensure that each strategic goal is built upon a strong rationale for action (e.g. where the greatest inequality exists and/or the greatest impact can be made) derived from a summary of relevant evidence demonstrating the key inequalities to be addressed.
- identify SMART<sup>142</sup> actions with associated performance indicators;
- allocate targeted resources;
- set out clear arrangements in respect of accountability and progress reporting by Departments to the Racial Equality Sub-Group and other stakeholders;
- set out that The Executive Office will continue to take the lead in co-ordinating the collection of disaggregated data to monitor the actions and outcomes which the strategy seeks to advance.
- ensure that Departmental and other public authority staff receive initial and in-service anti-racism and cultural diversity training and ensure that information and services are accessible and culturally appropriate.

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<sup>141</sup> Equality Commission for Northern Ireland (2012): [Section 75 of the Northern Ireland Act 1998 - A Guide for Public Authorities](#)

<sup>142</sup> Specific, Measurable, Attainable, Realistic and Time-bound.

## **Integration Strategies**

- 4.15 The Commission has recognised the need for focused initiatives targeted at Travellers, and Refugees and, more recently, Roma, given the multi-faceted, complex, intractable and persistent inequalities these groups experience.
- 4.16 The 2014 consultation by OFMDFM on *A Sense of Belonging - Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014-2024*, sought views as to whether there is a need for a specific refugee integration strategy and whether there is a need for specific programmes of work to address particular challenges and vulnerabilities facing particular groups.
- 4.17 We recommended that the Executive develop a Refugee Integration Strategy<sup>143</sup> and a Strategy for Travellers and Roma<sup>144</sup>. These individual targeted strategies should nest within or be considered a sub-set of the overarching (mainstreaming) Racial Equality Strategy.

## **Asylum Seekers and Refugees**

- 4.18 Immigration and asylum are reserved matters and are the responsibility of the UK Government's Home Office. While UK immigration policy is centrally controlled, Northern Ireland Departments have policy responsibilities relating to a range of areas of service provision such as health care, legal aid and education<sup>145</sup>.
- 4.19 Unlike Scotland<sup>146</sup> and Wales<sup>147</sup>, Northern Ireland does not have a separate national strategy on refugee integration<sup>148</sup>.
- 4.20 The Commission has advocated that, as part of a Refugee Integration Strategy, the NI Executive should:
- undertake a range of initiatives aimed at encouraging migrants, asylum seekers and refugees to take an active role in political and public life<sup>149</sup>;

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<sup>143</sup> Equality Commission for Northern Ireland (May 2014): *Racial Equality Policy Priorities and Recommendations*, paragraph 6.13, p. 27.

<sup>144</sup> Equality Commission for Northern Ireland (May 2014): *Response to the consultation by OFMDFM on 'A Sense of Belonging- Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014-2024'*, paragraph 8.47.

<sup>145</sup> Potter, M (2014): [Asylum seekers and Refugees in Northern Ireland](#), p. 9 (Northern Ireland Assembly Research Service).

<sup>146</sup> Scottish Government (2013): [New Scots: Integrating Refugees in Scotland's Communities, Edinburgh](#)

<sup>147</sup> Welsh Government (2008): [Refugee Inclusion Strategy](#) (Wales: Welsh Assembly Government).

<sup>148</sup> There has been no national Integration Strategy in England. The last Integration Strategy, *Integration Matters*, was published in 2005.

<sup>149</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 3.15, p. 12.

- identify and address the complex emotional, educational and social needs of asylum seeking and refugee children<sup>150</sup>;
- increase access to employment and volunteering opportunities for refugees and ensure that employability strategies and mainstream services benefit and are accessible for, refugee users<sup>151</sup>;
- take account of the need to provide support and advice to asylum seekers who are either in emergency accommodation provided by NASS<sup>152</sup> support, are otherwise pursuing an application for NASS support, or have recently received a decision and need support to move on<sup>153</sup>;
- identify and address the specific disadvantages faced by refugees in obtaining and accessing appropriate services (including mental health services)<sup>154</sup>;
- assess the barriers faced by migrants (including asylum seekers and refugees) in accessing benefits including the accessibility of services<sup>155</sup>.

4.21 In 2022, the Commission responded<sup>156</sup> to a consultation by The Executive Office on a draft Refugee Integration Strategy<sup>157</sup>

4.22 In its response the Commission recommended that the Strategy consider what the implications for integration and the development of an intercultural society are for the host communities as well as for of asylum seekers and refugees.<sup>158</sup>

4.23 Although the Commission acknowledged that the strategy is a high-level framework, we recommended that, for it to be effective, it should be populated with specific time-bound actions with lead responsibility attributed to particular Departments.<sup>159</sup>

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<sup>150</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 4.20, p. 18.

<sup>151</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 5.21, p. 24.

<sup>152</sup> National Asylum Support Service.

<sup>153</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 6.13, pp. 27-28.

<sup>154</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 7.8, p. 30.

<sup>155</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 8.15, p. 37.

<sup>156</sup> Equality Commission for Northern Ireland (2022): [Response to the consultation by The Executive Office on the draft Refugee Integration Strategy 2022-2027](#)

<sup>157</sup> The Executive Office (2022): [Draft Refugee Integration Strategy 2022-2027](#)

<sup>158</sup> Equality Commission for Northern Ireland (2022): [Response to the consultation by The Executive Office on the draft Refugee Integration Strategy 2022-2027](#), paragraph 4.5, p. 8.

<sup>159</sup> Equality Commission for Northern Ireland (2022): [Response to the consultation by The Executive Office on the draft Refugee Integration Strategy 2022-2027](#), paragraph 4.7, p.9.

- 4.24 Furthermore, we also recommended that the actions should be outcome focused with links to specific Northern Ireland orientated indicators, based on the Home Office Indicators of Integration.<sup>160</sup>
- 4.25 We have also recommends that a data development agenda in respect of appropriate local statistics linked to the Home Office Indicators of Integration is considered as part of the ongoing work of the cross-departmental working group, led by TEO, on ethnic equality monitoring.<sup>161</sup>
- 4.26 The Commission has also urged that the Strategy include measures to mitigate the effect of the hostile environment, including serious and long term repercussions on physical and mental health and on the individual's journey towards integration.<sup>162</sup>

### ***Travellers and Roma***

- 4.27 The Commission has advocated that the NI Executive works to eliminate inequalities and promote the integration of Traveller and Roma communities by:
- establishing a multi-agency Taskforce on Traveller accommodation to direct work and formalise the relationship between the various authorities/agencies in the identification, acquisition and development of land and in the development and maintenance of sites;<sup>163</sup>
  - developing Traveller specific, long-term initiatives to improve employment opportunities;<sup>164</sup>
  - monitoring and evaluating the Traveller Education Support Service (TESS) (now incorporated into the Intercultural Education Service) delivery plan and ensuring Traveller parents are closely involved in the development and implementation;
  - co-ordinating 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;<sup>165</sup>

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<sup>160</sup> Home Office (2019): [Indicators of Integration 2019](#), Third Edition

<sup>161</sup> Equality Commission for Northern Ireland (2022): [Response to the consultation by The Executive Office on the draft Refugee Integration Strategy 2022-2027](#), paragraph 4.8, p. 9.

<sup>162</sup> [Response to the consultation by The Executive Office on the draft Refugee Integration Strategy 2022-2027](#) paragraph 4.10, pp 9-10.

<sup>163</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 6.10, p. 27.

<sup>164</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 5.19, p. 23.

<sup>165</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 7.14, p. 32.

- addressing the barriers faced by Roma children in accessing education including the training and employment of culturally competent bi-lingual classroom assistants<sup>166</sup>.
- supporting the Roma community into employment by supporting self-employment; providing first work experience and vocational and on-the-job training, by providing access to lifelong learning and skills development and by identifying ways for Roma to enter mainstream employment<sup>167</sup>.
- assessing the barriers faced by migrants (including Roma), in accessing benefits including the accessibility of services<sup>168</sup>.

4.28 The Executive Office established a Travellers Thematic Group in May 2021, under the aegis of the Racial Equality Strategy, comprised of representatives of NGOs (including some Traveller Support Groups) and statutory bodies (including the Equality Commission and the NI Human Rights Commission).<sup>169</sup>

4.29 However, despite the establishment of the group, progress has been slow. A proposal to commission independent research to prepare a needs assessment has yet to be signed off.

4.30 Meetings held by the representatives of the TTG during 2022 with the officials from the Departments of Education and the Economy to highlight the barriers experienced by Travellers in primary, secondary and tertiary education and to suggest ways to address these have not resulted in any subsequent positive actions by either Department.

4.31 Some initial meetings have been held between the Executive Office and stakeholders working with Roma to discuss creating a Roma Thematic Group but this has yet to be established.

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<sup>166</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 4.18, p. 18.

<sup>167</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 5.20, pp. 23-24.

<sup>168</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 8.15, p. 37.

<sup>169</sup> The Travellers Thematic Group has been established by the Executive Office under the RES to:

- To ensure Travellers voices are heard at the heart of government.
- To ensure government is aware of the impact of policies and practice on Travellers.
- To provide an advisory function to the NI Executive via The Strategic Planning Group on Travellers and Roma.
- Provide challenge, independent scrutiny and to hold government departments and relevant arms-length bodies to account for completing actions in relation to addressing Travellers inequalities.

The TTG is, inter alia, tasked with engaging with The Strategic Planning Group on Travellers and Roma, Ministers and relevant departmental staff including policymakers and strategic developers to ensure racial equality for Travellers is embedded in planning, delivery and outcomes.



## ***Proposal to ECRI***

Aligned to the Equality Commission's recommendations to the NI Executive and key departments, ECRI may wish to consider recommending:

- that the Executive develop a Refugee Integration Strategy<sup>170</sup> and Strategies for Travellers and Roma<sup>171</sup> which take account of the published recommendations of the Equality Commission;
- that these individual targeted strategies should nest within or be considered a sub-set of an overarching (mainstreaming) Racial Equality Strategy.

### Language and integration courses

- 4.32 The Law Centre<sup>172</sup> has highlighted the great number of benefits, including economic benefits, associated with asylum seekers and refugees being able to speak English. The Law Centre<sup>85</sup> also notes that, 'the key difference between Northern Ireland and GB is that ESOL is not designated as an Essential Skill in Northern Ireland. The practical effect of this is that colleges do not receive the necessary funding to offer free ESOL classes'.
- 4.33 Research by the Institute of Conflict Research (2012) into the experience of individuals from the Horn of Africa (Djibouti, Eritrea, Ethiopia, Somalia and Sudan) living in Belfast 'found that 75% of those questioned described their levels of spoken English as either "poor", "very poor" or could not speak it at all. The figures for levels of written English were worse again. This issue permeated every aspect of life for the individuals concerned, particularly in relation to employment, and as a result economic independence.'<sup>173</sup>
- 4.34 The Law Centre has also highlighted that women are more likely to find transport a barrier to attending ESOL classes 'e.g. more likely to be apprehensive about walking in the dark, less likely to ride a bike, etc. In addition, women are more likely to be restricted by childcare, may have lower aspirations and are less likely to understand the benefits of having English language skills'.<sup>174</sup>

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<sup>170</sup> Equality Commission for Northern Ireland (May 2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 6.13, pp. 27-28.

<sup>171</sup> Equality Commission for Northern Ireland (May 2014): Response to the consultation by OFMDFM on 'A Sense of Belonging - Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014-2024', paragraph 8.47.

<sup>172</sup> Law Centre (2011): Access to free accredited ESOL Classes for asylum seekers and refugees (Update)

<sup>173</sup> Institute of Conflict Research (2012): [The Horn of Africa Community in Belfast - a needs assessment](#), p. 22.

<sup>174</sup> Law Centre (2013): The DEL ESOL pilot: Comments from the Community and Voluntary Sector

- 4.35 The Refugee and Asylum Forum emphasise that English language skills crucial to facilitate integration, enabling people ‘to volunteer, obtain employment, participate in their child's education and play a more active role in society and public life’.<sup>175</sup>
- 4.36 The Forum maintains that English for Speakers of Other Languages (ESOL) should be seen it is an essential plank of integration policy, noting that Northern Ireland does not have an ESOL strategy. Although Further Education colleges provide ESOL they are unable to meet demand.
- 4.37 Furthermore, the Forum notes that lack of childcare and assistance with transport costs are significant barriers for women seeking to access ESOL. The result is a dependency on voluntary and community organisations for English classes.<sup>176</sup>

### ***Proposal to ECRI***

Aligned to the Equality Commission’s recommendations to the NI Executive and key departments, ECRI may wish to consider recommending:

- that the Department of the Economy give consideration to the merits of designating English as an ‘Essential Skill’;
- that DfE ensure that ESOL provision takes into account the particular barriers experienced by refugee women.

### ***Education***

Minority ethnic students suffer racist bullying in school. Bullying can hinder academic success<sup>177</sup>. Minority ethnic students have reported being bullied - such as, mean names or comments about their race or colour<sup>178 179</sup>. Research by the NI Council for Ethnic Minorities (2011)<sup>180</sup> 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.

<sup>175</sup> Refugee and Asylum Forum (2023): [Priorities for action](#), p. 24.

<sup>176</sup> Refugee and Asylum Forum (2023): [Priorities for action](#), p. 24

<sup>177</sup> RSM McClure Watters (2011): [The Nature and Extent of School Bullying in Schools in the North of Ireland](#)

<sup>178</sup> [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.

<sup>179</sup> 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, p. 55, Table 16.

<sup>180</sup> NI Council for Ethnic Minorities (2011): Promoting racial equality in NI post primary schools.

- 4.38 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 2021<sup>181</sup>. 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.
- 4.39 Staff training is an important aspect of the school's work to prevent and tackle racist bullying
- 4.40 It is reported that Irish Traveller children encountered the most negative experiences of education<sup>182</sup>. In 'Every Child an Equal Child'<sup>183</sup>, the Commission noted the high levels of poor literacy and low levels of educational attainment among the Irish Traveller community<sup>184</sup>. 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.
- 4.41 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 2014/15<sup>185</sup>.
- 4.42 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.
- 4.43 The Commission's 2008 policy statement, *Every Child an Equal Child*<sup>186</sup>, highlighted serious shortcomings in relation to the provision of support for children who have English as an additional language, as

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<sup>181</sup> Department of Education (14 April 2021): [Schools to implement Addressing Bullying in Schools Act](#)

<sup>182</sup> 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'](#).

<sup>183</sup> Equality Commission for Northern Ireland (Nov 2008): [Every Child an Equal Child - Statement on Key Inequalities in Northern Ireland and a strategy for intervention](#), p. 19.

<sup>184</sup> 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.

<sup>185</sup> The Equality Commission for Northern Ireland (2017): [Statement of Key Inequalities in Education](#), paragraph 5.2, pp. 14-15.

<sup>186</sup> Equality Commission for Northern Ireland (Nov 2008): [Every Child an Equal Child - Statement on Key Inequalities in Northern Ireland and a strategy for intervention](#)

well as with existing funding formulas<sup>187</sup>. In our 2011 CERD shadow report<sup>188</sup>, we highlighted the challenges in providing appropriate support for BME and newcomer children, especially those with gaps in their educational backgrounds.

- 4.44 In 'Every Child an Equal Child'<sup>189</sup>, the Commission noted that children of new residents and migrant workers face difficulty accessing grammar schools<sup>190</sup>. While the reasons for the disparity are unclear, a range of factors which may be at play including the 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 admission<sup>191</sup>.
- 4.45 While there has been little formal research on the experience of pupils, anecdotal evidence suggests exceptionally high levels of educational disadvantage exacerbated by a low level of English language proficiency, social exclusion and poverty.
- 4.46 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 16<sup>192</sup>.
- 4.47 Research (2013)<sup>193</sup> has also noted the need 'to look beyond achievement gaps in assessing minority ethnic children's differential experiences in education, highlighting the potential of

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<sup>187</sup> Equality Commission for Northern Ireland (2006): [Mainstreaming Equality of Opportunity for Travellers in Education: Towards a Strategy](#), pp. 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.

<sup>188</sup> 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](#)

<sup>189</sup> Equality Commission for Northern Ireland (Nov 2008): [Every Child an Equal Child - Statement on Key Inequalities in Northern Ireland and a strategy for intervention](#)

<sup>190</sup> Only 13.7% of newcomers attend a grammar school compared to 42.5% of non-newcomers.

<sup>191</sup> NI Council for Ethnic Minorities (2011): Promoting Racial Equality in Northern Ireland's Post Primary Schools, p. 15.

<sup>192</sup> 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'.

<sup>193</sup> 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](#), pp. 179-195.

belongingness<sup>194</sup> as a concept for further study<sup>195</sup>. The research<sup>196</sup> 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 were found in relation to other outcomes like their self-worth, participation in clubs and their subjective health’<sup>197</sup>.

- 4.48 The Commission notes concerns from stakeholders about proposed cuts<sup>198</sup> to education services arising from the allocation of a budget to Northern Ireland Departments by the Secretary of State for Northern Ireland<sup>199</sup>.
- 4.49 The Commission understands that funding from the Department of Education (NI) for an early years service for Traveller children, Toybox, will cease after June 2023 as a result of the cuts.
- 4.50 Equality Commission analysis of DE data (2007/08 - 2014/15) has shown that the proportion of Irish Travellers school leavers with no GCSEs in 2007/08 was 50.0%, in 2008/09 was 82.4%, in 2009/10 was 66.7%, in 2010/11 was N/A, in 2011/12 was 64.9%, in 2012/13 was 65.9%, in 2013/14 was 61.3% and in 2014/15 was 57.1%.
- 4.51 In contrast, Commission analysis of DE data (2007/08 - 2014/15) has shown that the proportion of all school leavers with no GCSEs in 2007/08 was 3.6%, in 2008/09 was 2.9%, in 2009/10 was 2.1%, in 2010/11 was 2.2%, in 2011/12 was 1.8%, in 2012/13 was 1.6%, in 2013/14 was 1.0% and in 2014/15 was 0.5%.<sup>200</sup>
- 4.52 Figures provided by the Department for Education<sup>201</sup> show that over the period 2016/17 – 2020/21 between 12 and 28 Traveller students

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<sup>194</sup> 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”.

<sup>195</sup> 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.

<sup>196</sup> Biggart, A. et al (2013): Ibid.

<sup>197</sup> Ibid, p. 17.

<sup>198</sup> BBC NI News (24 May 2023): [Northern Ireland education cuts 'equivalent to losing 6,600 staff'](#)

BBC NI News (17 May 2023): [Education funding: Schools face 50% cut in shared education cash](#)

BBC NI News (9 May 2023): [NI education: Education Authority 'reluctantly' submits £14m cuts](#)

BBC NI News (25 April 2023): [Education cuts: No new school buildings to be started in 2023-24](#)

<sup>199</sup> BBC NI News (27 April 2023): [Stormont Budget: NI secretary denies setting out 'punishment budget'](#)

<sup>200</sup> See also: Equality Commission for Northern Ireland (2022): [Inequalities in Education - Equality Commission for Northern Ireland \(equalityni.org\)](#)

<sup>201</sup> Source: School Leavers Survey.

left school in years 12 and above, an average of 20 per annum<sup>202</sup>. The Department's figures show that over this period, only 4 Traveller students entered higher education<sup>203</sup> i.e. only 4% of Traveller school leavers.

4.53 In contrast, the percentage of non-Traveller school leavers entering higher education in both 2020 and 2021 is estimated at 47.9%<sup>204</sup>.

4.54 The TEO Travellers Thematic Group<sup>205</sup> has highlighted:

- Low uptake of pre-school places;
- Persistent underachievement at all key stages;
- Early school drop-out including non-transfer to secondary school;
- Children 'missing' from education due to 'off-rolling' and elective home education.
- Almost no Traveller children in higher education.<sup>206</sup>

### ***Proposal to ECRI***

Aligned to the Equality Commission's recommendations to the NI Executive and key departments, ECRI may wish to consider **recommending** 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;

<sup>202</sup> The Department for Education provided the following figures for the number of Traveller students enrolling at year 12 and above during this period:- 2016/17: 34; 2017/18: 37; 2018/19: 41; 2019/2020: 51; 2020/21: 47; 2021/22: 44.

<sup>203</sup> The destinations for the other Traveller school leavers were recorded as follows:- Institutes of Further Education: 21; Employment: 14; Training: 26; Unemployment/unknown: 35.

<sup>204</sup> BBC NI (27 May 2022): [Record number of school leavers enter university](#) Over half (56.3%) of female school leavers entered university in 2021 compared to about four in ten (39.8%) male leavers.

<sup>205</sup> The Travellers Thematic Group has been established by the Executive Office under the RES to:

- To ensure Travellers voices are heard at the heart of government.
- To ensure government is aware of the impact of policies and practice on Travellers.
- To provide an advisory function to the NI Executive via The Strategic Planning Group on Travellers and Roma.
- Provide challenge, independent scrutiny and to hold government departments and relevant arms-length bodies to account for completing actions in relation to addressing Travellers inequalities.

The TTG is, inter alia, tasked with engaging with The Strategic Planning Group on Travellers and Roma, Ministers and relevant departmental staff including policymakers and strategic developers to ensure racial equality for Travellers is embedded in planning, delivery and outcomes.

<sup>206</sup> Figures provided by the Department for Education (source: School Leavers Survey) show that over the period 2016/17 – 2020/21 between 12 and 28 Traveller students left school in years 12 and above, an average of 20 per annum.

- DE seeks to ensure that ethnic minority children see their culture and language reflected in the classroom and school curriculum;
- DE disseminate best practice procedures around induction and admissions; and
- DE guidance on promoting the participation of newly-arrived children in the wider life of the school;
- that DE ensure 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;
- 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 assessing educational needs identifying and addressing any attainment differentials;
- that DE review the effectiveness of current English as an Additional Language (EAL) support;
- that DE identify appropriate strategies to support the teaching of newcomer pupils through the development of effective newcomer pupil programs;
- that DE ensure the provision of accessible information on the education system in Northern Ireland;
- that DE take steps to promote development of the first language competence of newcomer pupils<sup>207</sup> and assist schools in making effective use of dual language resources to help learners access the curriculum<sup>208</sup>.
- 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
- 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.

<sup>207</sup> 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.

<sup>208</sup> Her Majesty's Inspectorate of Education in Scotland (2009): [Count Us In: Meeting the needs of children and young people newly arrived in Scotland](#).

- that DE take targeted action in line with Recommendation 3 of the CERD General Recommendation XVII on Discrimination Against Roma<sup>209</sup>, to address the barriers faced by Roma children in accessing education including the training and employment of culturally competent bi-lingual classroom assistants.
- that measures to address the educational inequalities among Roma pupils be developed as part of a wider Roma Integration Strategy led by The Executive Office, taking account of the EU framework for national Roma Integration Strategies<sup>210</sup> and Council Recommendation on effective Roma Integration measures in Member States<sup>211</sup>.

## **Employment**

- 4.55 The Commission's (2018) statement of 'Key Inequalities in Employment'<sup>212</sup> found that Irish Travellers are less likely to be in employment<sup>213</sup> and more likely to be economically inactive<sup>214</sup> than other ethnic groups. Traveller women, in particular, are less likely to participate in employment and are more likely to be economically inactive<sup>31</sup> than women from all other ethnic groups.
- 4.56 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.
- 4.57 A report by Barnardo's and NICEM<sup>215</sup> has highlighted that the ethnic minority community also experience a number of barriers in accessing childcare including a lack of affordable, flexible childcare provision at local level to meet the needs of parents working atypical hours or zero-hours contracts.

<sup>209</sup> UN Committee on the Elimination of All Forms of Racial Discrimination (2003): [General Recommendation XXVII Discrimination against Roma](#)

<sup>210</sup> 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.

<sup>211</sup> European Commission: [Proposal for a Council Recommendation on effective Roma integration measures in Member States](#), Brussels 26.06.13 COM (2013) 460 final.

<sup>212</sup> Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.13-7.34, pp. 81-86.

<sup>213</sup> 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.

<sup>214</sup> 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.

<sup>215</sup> Kernaghan, D. (March 2014): [Believe in Childcare? Believe in Children: An investigation into the Childcare Needs of Ethnic Minorities in Northern Ireland](#) (Belfast: NICEM and Barnardos).



- 4.58 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 sectors<sup>216</sup>.
- 4.59 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 workers<sup>217</sup>.
- 4.60 The Commission has 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).<sup>218</sup>
- 4.61 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 high<sup>219</sup>.
- 4.62 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.
- 4.63 People from minority ethnic groups and migrant workers are subject to prejudice and discrimination both within and outside the workplace,

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<sup>216</sup> Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.35-7.49, pp. 87-91

<sup>217</sup> Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.63-7.73, pp. 95-97.

<sup>218</sup> Equality Commission for Northern Ireland (2018): [Racial Equality Policy Priorities and Recommendations](#), paragraph 7.14 (Belfast, ECNI)

<sup>218</sup> Equality Commission for Northern Ireland (2023): [Race Law Reform: priorities and recommendations](#), pp. 38-41.

<sup>219</sup> Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.50-7.62, pp. 91-94.

with prejudicial attitudes expressed toward Irish Travellers, migrant workers and minority ethnic groups.<sup>220</sup> 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 workplaces<sup>221</sup>.

- 4.64 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.
- 4.65 The Runnymede Trust<sup>222</sup> and the Institute of Fiscal Studies<sup>223</sup> have highlighted a range of labour market-related inequalities experienced by BME groups.
- 4.66 The Runnymede Trust has drawn attention to [The 2017 McGregor-Smith Review](#) which highlighted significant inequalities 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.
- 4.67 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.
- 4.68 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

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<sup>220</sup> See Equality Commission for Northern Ireland (2016): Equality Awareness Survey [Focus on Race](#)

<sup>221</sup> Equality Commission for Northern Ireland (2018): [Key Inequalities in Employment](#), paragraphs 7.74-7.94, pp. 98-104.

<sup>222</sup> Runnymede Trust (26 March 2020): [Coronavirus will increase race inequalities](#)

<sup>223</sup> Institute for Fiscal Studies (1 May 2020): [Are some ethnic groups more vulnerable to COVID-19 than others?](#) ,

from minority ethnic groups are more likely to be affected by the lockdown<sup>224</sup>.

- 4.69 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 UK<sup>225</sup>.

### **Proposal to ECRI**

Aligned to the Commission's recommendations, ECRI may wish to consider **recommending**:

- that the UK Government ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families<sup>226</sup>;
- that the UK Government extend the remit of the Gangmasters (Licensing) Act (2004) to all (2004) sectors where migrant labour is prevalent.
- 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;
- that the NI Executive support 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;
- that the NI Childcare strategy includes actions to address the specific needs of minority ethnic parents, as recommended by the Barnardos / NICEM report<sup>227</sup>;
- 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

<sup>224</sup> Platt, L. and Warwick, R. (1 May 2020): [Are some ethnic groups more vulnerable to COVID-19 than others?](#), p. 4 (Institute for Fiscal Studies).

<sup>225</sup> 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>

<sup>226</sup> 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](#)

<sup>227</sup> Webb, M., Kernaghan, A.D., and Caffrey, M. (2014): Barnardos (2014): [Believe in Childcare - the childcare needs of ethnic minority communities](#), (Belfast: Barnardos/NICEM).

opportunities; and a greater focus on including Travellers in mainstream employment training provision;

- that DfC 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 development<sup>228</sup>, as part of a Roma Integration Strategy;
- that as part of a broader integration strategy, Northern Ireland Executive increases access to employment and volunteering opportunities for refugees and ensures that employability strategies and mainstream services benefit and are accessible for, refugee users and that the Department broaden the range of volunteering experiences for asylum seekers;
- that Government and the Northern Ireland Executive take steps to mitigate the disproportionate economic impact of Covid-19 on black and minority ethnic groups.

## ***Housing***

### Asylum Seekers and Refugees

- 4.70 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.
- 4.71 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.
- 4.72 Horn of Africa People's Aid NI (HAPANI), a charity working with nationals of Somalia and Eritrea living in Northern Ireland, has raised concerns<sup>229</sup> that female refugees have to share with others who have drug and alcohol dependencies. HAPANI also note that those who

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<sup>228</sup> [Council of the European Union Recommendation of 9 December 2013 on effective Roma Integration measures in Member States](#), paragraph 1.4.

<sup>229</sup> Email Correspondence (August 2015) from Horn of Africa People's Aid NI to Equality Commission for Northern Ireland.

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.

- 4.73 The Commission note the schemes being provided by Choice, Participation and the Practice of Rights and others<sup>230</sup>, which uses privately held housing stock and services from the other partners to provide accommodation and support services to destitute unsuccessful asylum seekers.

### Irish Travellers

- 4.74 The Commission has observed that while some progress has been made, access to appropriate accommodation to meet the needs of Irish Travellers remains limited.
- 4.75 A 2018 report by the Northern Ireland Human Rights Commission (NIHRC)<sup>231</sup> 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.
- 4.76 The Irish Traveller Accommodation Survey (2019) indicated that around 7-15%<sup>232</sup> 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 lifestyle<sup>233</sup>.

### Migrants and minority ethnic groups

- 4.77 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

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<sup>230</sup>Housing for All, Community Foundation and East Belfast Mission.

<sup>231</sup> Northern Ireland Human Rights Commission (March 2018): [Out of Sight, Out of Mind: Travellers Accommodation in Northern Ireland](#)

<sup>232</sup> Northern Ireland Housing Executive (2019): [Irish Traveller Accommodation Survey 2018-19](#), p. 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).

<sup>233</sup> Wallace, A. (2015): [Housing and Communities Inequalities in Northern Ireland](#)

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.

### *Proposal to ECRI*

Aligned to the Commission’s recommendations, ECRI may wish to consider **recommending**:

- the provision of appropriate culturally sensitive accommodation for those groups eligible for services and the provision of suitable emergency accommodation for those currently ineligible;
- 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 Assessment<sup>234</sup>;
- that accommodation providers ensure greater awareness of the rights, responsibilities and housing options relevant to minority ethnic groups. Such information should be provided in methods and formats accessible to the identified audience both in terms of language and dissemination channels;
- that frontline staff (including those from the NI Housing Executive, 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.

### **Health**

- 4.78 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

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<sup>234</sup> NIHE (2015): [Traveller Accommodation Needs Assessment 2014](#)

Travellers<sup>235</sup> and in its most recent submission to the UN Committee on the Elimination of all forms of Racial Discrimination (CERD)<sup>236</sup>.

4.79 The 2010 All Ireland Traveller Health Study<sup>237</sup> 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 non-Traveller counterparts, a deterioration on comparable figures since 1987<sup>238</sup>.

4.80 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 complications<sup>239</sup>.

4.81 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 assistance<sup>240</sup>.

4.82 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

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<sup>235</sup> 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.

<sup>236</sup> 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](#); Equality Commission for Northern Ireland (2016): [Shadow Report to the UN Committee on the Elimination of All Forms of Racial Discrimination](#)

<sup>237</sup> Kelleher, C. et al, (2010): [All Ireland Traveller Health Study](#), University College Dublin (Department of Health and Children & DHSSPS).

<sup>238</sup> Ibid, p.96.

<sup>239</sup> DHSSPS (2011): Equality Action Plan for the Department of Health Social Services and Public Safety.

<sup>240</sup> Wright, D. (undated): [Roma Health and Wellbeing in Northern Ireland](#)

of access to health and social care service provision to reduce bureaucracy<sup>241</sup>.

4.83 Research<sup>242</sup> 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 groups<sup>243</sup>;
- fears about entitlements to health care;
- lack of confidence, frustration and stress regarding
- 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
- healthcare staff;
- immigration restrictions;<sup>244</sup>
- healthcare officials are also 'restricted by or unsure of the level of responsibility in light of limited rights and entitlements'<sup>245</sup>.

4.84 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'<sup>246</sup>.

4.85 Anecdotal evidence from those working within the healthcare sector suggests that some EU nationals, especially Roma, continue to experience difficulties in registering with a GP and accessing some health services.

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<sup>241</sup> 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](#)

<sup>242</sup> Belfast Health Development Unit (2010): [Barriers to Health - Migrant Health and Well-being in Belfast](#)

<sup>243</sup> Particularly those with no permanent address, a requirement for registration in Northern Ireland.

<sup>244</sup> Belfast Health Development Unit (2010): Op. Cit., p.31.

<sup>245</sup> Wright, D. (undated): [Roma Health and Wellbeing in Northern Ireland](#)

<sup>246</sup> Refugee Action Group: *Asylum seekers should not be restricted access to Healthcare says Refugee Charity*



- 4.86 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’<sup>247</sup>. 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 society<sup>248</sup>.
- 4.87 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 virus<sup>249</sup>.
- 4.88 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 held<sup>250</sup>.

<sup>247</sup> Institute of Conflict Research (2012): [The Horn of Africa Community in Belfast - a needs assessment](#), p. 22.

<sup>248</sup> MIND (2009): [A civilised society - Mental Health Provision for Refugees and Asylum Seekers in England and Wales](#)

<sup>249</sup> 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?](#), p. 3

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

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](#)

<sup>250</sup> 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)

## **Proposal to ECRI**

Aligned to the Commission's recommendations, ECRI may wish to consider **recommending**:

- 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;
- that facilities and services for BME groups are underpinned by the AAAQ<sup>251</sup> human rights framework;
- that the Department of Health and Health & Social Care (HSC) 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;
- that HSC Trusts work with BME, newcomer and Traveller populations to increase knowledge and confidence around access to services
- the development by the Department of Health 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;
- that as part of a Refugee Integration Strategy, 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.

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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.'

<sup>251</sup> AAAQ: Available, Accessible, Acceptable, Appropriate and of good quality. Further information available [here](#)

- that Government, including the devolved administration, take steps to mitigate the disproportionate impact of Covid-19 infection and mortality on minority ethnic groups;
- that data on Covid-19 infection rate and mortality rates are kept for equality categories, including persons of different racial group.

## Policing

- 4.89 In evidence to the recent Inquiry by the Northern Ireland Affairs Committee on the experiences of minority ethnic and migrant people in Northern Ireland, the National Black Policing Association and the Ethnic Minority Policing Association highlighted a number of concerns about the approach of the Police Service of Northern Ireland racial matters.<sup>252</sup>
- 4.90 These included the under-representation in the PSNI of officers of a minority ethnic background<sup>253</sup>, recruitment and retention of minority ethnic staff, problems with the culture of the PSNI, racial profiling in the use of stop and search and in the policing of Black Lives Matters protests, lack of outreach to black and minority ethnic communities.
- 4.91 The Associations maintained that, unlike in Great Britain the PSNI does not have sufficient focus on race issues. Whilst there had been positive action measures within the PSNI relating to gender and community background, these had not been developed for ethnic minority officers and staff members., concluding that there was ‘a need to bring communities members in to upskill our workforce on the intricacies of racism and hate crime’.
- 4.92 Amnesty International has revealed racial disparity in PSNI stop and search data<sup>254</sup>, highlighting that ‘last year, of 21,190 stops, people from Black, Asian and minority ethnic backgrounds accounted for

<sup>252</sup> Northern Ireland Affairs Committee - The Experience of Minority Ethnic and Migrant People in Northern Ireland (16 June 2021): [Written evidence submitted by National Black Police Association \(MEM0018\)](#)  
Northern Ireland Affairs Committee - The Experience of Minority Ethnic and Migrant People in Northern Ireland (15 September 2021): [Oral evidence: The experience of minority ethnic and migrant people in Northern Ireland, HC 159 - II: Sgt Richard Williams, Chair, Ethnic Minority Police Association; Andy George.](#)

<sup>253</sup> EMPA maintain that representation of ethnic minority officers and staff have not moved from 0.5 – 0.6% in the last 10 years, whilst [NI Census 2021 figures](#) show that 3.4% of the population belonged to minority ethnic groups. The percentage of people living in Northern Ireland who were born outside the United Kingdom and Ireland was 6.5% in 2021, whilst 4.9% held a non-UK/Ireland passport only (correspondence with Equality Commission for Northern Ireland).

<sup>254</sup> Amnesty International (15 February 2023): [Northern Ireland: PSNI stop and search figures show continued racial disparity](#)

See also: Amnesty International (18 February 2022): [Northern Ireland: PSNI Stop and Search figures show racial bias](#)

1,259 stops, or almost 6% of the total despite making up just 3.4% of the total population according to the 2021 census figures.<sup>255</sup>

- 4.93 The Executive Office Racial Equality Sub-Group has advised the Chief Constable of the PSNI that the organisation should develop a Racial Equality Action Plan which would include:
- a strong commitment to tackle racial discrimination and inequalities and to promote racial equity;
  - a commitment to introduce ethnic equality monitoring;
  - and to consider how positive action can be used to improve representation of Black and Minority Ethnic officers and staff in the PSNI with regard to both recruitment and progression.<sup>256</sup>

### ***Proposal to ECRI***

Aligned to the Equality Commission's recommendations to the NI Executive and key departments, ECRI may wish to consider recommending:

- actions to give effect to the published recommendations of the Equality Commission with regards to improving minority representation in police and criminal justice staff; and co-ordinating action to address any instances of institutional racism.

### ***Participation in public life***

- 4.94 The Commission has recommended that political parties should be permitted to take positive action measures when selecting candidates for elections to the UK Parliament, the Northern Ireland Assembly and local Councils, provided that the purpose of the arrangements is to reduce racial inequality in the party's representation in the elected body<sup>257</sup>.
- 4.95 There should be consideration of time-limiting any such measures.
- 4.96 Elections are an excepted matter under the devolution settlement<sup>258</sup>. However, we have encouraged action to secure progress via Westminster.

<sup>255</sup> See also: Harper, B. and Watt, A. (June 2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#), p. 12 (Pivotal for the Equality Commission for Northern Ireland).

<sup>256</sup> Note of a meeting between the Racial Equality Sub-Group and the Chief Constable, Police Service of Northern Ireland, 30 March 2023.

<sup>257</sup> ECNI (2023) [Race Law Reform: Priorities and Recommendations](#), paras 3.233-3.242.

<sup>258</sup> Cabinet Office/ NIO (2019) [Devolution settlement: Northern Ireland](#) [accessed 18/05/23]

4.97 Research undertaken on behalf of the Commission<sup>259</sup> found that available data was limited to Government Public Appointments, Access to Voting System and the Judiciary<sup>260</sup>. 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

6.89 The Commission has noted that there are only two elected representatives at district council level from an ethnic minority background in Northern Ireland.<sup>261</sup> 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 Assembly<sup>262</sup>.

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<sup>259</sup> 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).

<sup>260</sup> The researched revealed (p. 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 and
- Community Police Liaison Committees
- Neighbourhood Watch Committees
- Community Associations or fora
- School Boards of Governors
- Elected representatives

<sup>261</sup> Irish Times (22 May 2023): ['It's our duty to build a tolerant society': Northern Ireland elects its first black councillor](#)

<sup>262</sup> See: <https://www.equalityni.org/Delivering-Equality/Addressing-inequality/Participation-in-public-life/Research-investigations>

## ***Proposal to ECRI***

Aligned to the Commission’s recommendations, ECRI may wish to consider **recommending**:

- that government and political parties 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, including by developing and broadening candidate pools<sup>263</sup>;
- Legislative reform to allow political parties to take positive action measures when selecting candidates

### ***Ethnic Equality Monitoring***

- 4.98 Although the Racial Equality Strategy 2005-2010 stated that ‘To have a racial equality policy without ethnic monitoring has been likened to aiming for good financial management without keeping financial records.’<sup>264</sup>, the Northern Ireland Affairs Committee has highlighted (2022) that ‘Minority ethnic communities may be largely invisible to policy makers for another reason, too: the lack of ethnic monitoring and data on the population. This concern was identified frequently by witnesses during our inquiry, and in this regard Northern Ireland trails behind the rest of the UK’.<sup>265</sup>
- 4.99 The Executive Office has established a cross-departmental working group on ethnic equality monitoring which has produced draft guidance on monitoring for Northern Ireland Executive departments.<sup>266</sup> The Commission understands that it is proposed that ethnic equality monitoring will be introduced in a phased approach with the public and private sectors being taken forward separately. The planned phases being:
- NICS workforce monitoring (pilot);
  - Public sector service provision (across all Departments);
  - Wider public sector (e.g. local government and NDPB’s);

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<sup>263</sup> Equality Commission for Northern Ireland (2019): [Equality in Participation in Public Life - Priorities for Action](#), paragraph 29, p. 17.

<sup>264</sup> Office of the First Minister and the Deputy First Minister (2005): [A Racial Equality Strategy for Northern Ireland 2005-2010](#)

<sup>265</sup> House of Commons Northern Ireland Affairs Committee (2022): [The experiences of minority ethnic and migrant people in Northern Ireland](#), paragraph 9, p. 7.

<sup>266</sup> The Executive Office: [Racial Equality Sub-Group Main Meeting 8 September 2022](#)

- Private sector (once legislation mandating ethnic equality monitoring is enacted).

4.100 The Commission notes, however, that The Executive Office have not committed to a timetable for the introduction of ethnic equality monitoring<sup>267</sup>.

4.101 We recommend<sup>268</sup> that any revised racial equality legislation includes provision for effective ethnic equality monitoring to ensure the effective design and delivery of law, policy and public services. We called for the key measures of government to not only be measured in aggregate, but also disaggregated across all equality grounds, including racial equality grounds. We also recommended that the government and Department's ensure appropriate equality monitoring and related evaluation are in place across all areas of public policy and service provision.

### ***Proposal to ECRI***

Aligned to the Commission's recommendations, ECRI may wish to consider recommending:

- Ensure provision for effective ethnic equality monitoring to improve the delivery of public services, aligned with the Equality Commission's recommendations;
- that the Northern Ireland Executive and Departments ensure appropriate monitoring and evaluation are in place for the Racial Equality Strategy and across all relevant policy areas, including those outlined above in this document.

## **5 Topics specific to the UK**

5.1 We note that ECRI's 2019 Conclusions on the Implementation of the Recommendations in Respect of the United Kingdom subject to Interim Follow-Up, found that the recommendation that the authorities in Northern Ireland consolidate equality legislation into a single equality act, has not been implemented.

5.2 Unfortunately, there has been no further progression towards single equality legislation, although, as noted above, TEO are undertaking a review of the racial equality legislation.

<sup>267</sup> Advisory Committee on the Framework Convention on the protection of National Minorities (May 2023):

<sup>268</sup> Equality Commission for Northern Ireland (2023): [Race Law Reform: Priorities and Recommendations](#), paragraphs 6.1-6.2, p. 96.

- 5.3 Single equality law in Northern Ireland would harmonise and simplify the protections available for everyone, both now and in the future. It is the most effective way to strengthen and maintain protections against discrimination in Northern Ireland.
- 5.4 It would improve consistency, understanding and efficiency - saving time and costs for individuals from all equality groups, as well as employers, service providers, advisory services, and those interacting with equality legislation more generally.
- 5.5 This legislation should reflect international human rights standards and best practice, taking account of lessons from Great Britain, Ireland and wider jurisdictions. Any legislation should also consider and comply with the Protocol Article 2 commitment and keep pace with all future EU equality laws that enhance protections.

### **Racial equality law discrimination law**

- 5.6 In the absence of single equality legislation, and as noted in ECRI's fifth interim report, work has begun on reforming the racial equality legislation in Northern Ireland. As above, TEO is currently consulting on proposals for reformed racial equality legislation in Northern Ireland.
- 5.7 The Commission has made a full range of recommendations on race law reform, and made a response to the consultation.
- 5.8 We have identified five priorities for change:
- Harmonise and expand the scope of racial grounds
  - Increase protection for individuals against racial discrimination and harassment by public bodies when carrying out their public functions
  - Introduce protections against combined discrimination
  - Ensure greater protection for employees against third party racial harassment
  - Expand the scope of positive action

### **Law reform in relation to LGBTI+ equality**

- 5.9 As above, in section 2, in relation to LGBTI+ equality, the Commission has made recommendations in relation to both gender and sexual orientation equality legislation.



## *Proposal to ECRI*

In relation to single equality legislation for Northern Ireland, ECRI may wish to consider **recommending**:

- That equality protections are strengthened, harmonised and updated through single equality legislation, which meets best international practice, aligned with the Commission's recommendations
- In the absence of single equality legislation, urgent reform of race, sex, and sexual orientation legislation is undertaken to give effect to the published recommendations of the Equality Commission

## **6 Further Information**

- 6.1 We have sought to include a range of references and pointers to further information sources should the Commission require further detail or rationale for our recommendations. We would be happy to further discuss any of the points raised in this submission.

**Equality Commission for Northern Ireland  
June 2023**

## **Annex 1: Summary of recommendations**

The below summarises the Commission's relevant policy recommendations. ECRI may wish to consider taking these into account when considering recommendations as part of the 6<sup>th</sup> cycle report.

### ***Equality Bodies***

- The Commission receives adequate resources to fulfil our duties; and
- The Commission's powers are strengthened, in line with published recommendations made by the Commission.

### ***Inclusive Education***

- that 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;
- that the Department of Education should undertake comprehensive research to establish, and track over time, the prevalence and nature of prejudice-based bullying, and to assess school compliance with the Addressing Bullying in Schools Act;
- that DE and other stakeholders should ensure that support materials and opportunities within the curriculum comprehensively address prejudice-based bullying;
- that DE and individual schools take steps, aligned with Commission recommendations to tackle bullying and challenge stereotypes; and

- that DE monitor budget allocations for identified groups, including Traveller, Roma and Newcomer children, to assess how they improve outcomes for pupils;

### ***Access to rights of irregularly present migrants***

- that DE take steps to promote development of the first language competence of newcomer pupils and assist schools in making effective use of dual language resources to help learners access the curriculum;
- that DE identifies and addresses the complex emotional, educational and social needs of asylum seeking and refugee children;
- that the 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;
- that, as part of a Refugee Integration Strategy, the Department for 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 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;
- that the Refugee Integration Strategy take account of the need to provide support and advice to asylum seekers who are either in emergency accommodation provided by NASS support, are otherwise pursuing an application for NASS support, are receiving NASS support, or have recently received a decision and need support to move on;

- That the phenomena of exploitation and forced labour are considered by The Executive Office in the context of the revised Racial Equality Strategy with a view to developing a strategy to address the problems experienced by migrants in relation to these issues;
- Such a strategy should include 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 maximising migrant workers access to the labour market;
- 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;
- that the Executive and relevant Departments ensure that first tier generalist advice, including access to the services of an interpreter, is available for those impacted on by the changes to the welfare system and that the application process is accessible, particularly to those who live in rural areas. It is also recommended that Departments develop clearer guidance training for decision makers with regard to applications from refugees; and
- that the Executive and the Department for Communities recommended undertake an assessment of the barriers faced by refugees in accessing benefits including the accessibility of services.

### ***LGBTQI+ equality***

- In the absence of single equality legislation, urgent reform of race, sex, and sexual orientation legislation is undertaken to give effect to the published recommendations of the Equality Commission;
- The prioritised development of the Social Inclusion Strategies, including LGBTQI+ and Gender Equality Strategies, which take account of the recommendation of the Equality Commission; sectoral involvement in

their design, delivery and rolling review; and mainstreamed for delivery with allocated resources;

- Action, aligned with Commission recommendations, to ensure LGBTQI+ equality in employment and service provision, including health care;
- Effective resourcing and capacity building for the LGBTQI+ sector; and
- Action, aligned with Commission recommendations, to improve data collection in relation to LGBTQI+ participation in public life, and to increase capacity.

### ***Hate speech and hate-motivated violence***

- that the incitement to hatred provisions in Northern Ireland be amended in line with the recommendations of the Equality Commission;
- that action is taken to effectively tackle online hate speech;
- the urgent reform of hate crime legislation in Northern Ireland, in line with the recommendations of the Equality Commission;
- actions to give effect to the published recommendations of the Equality Commission with regards to under-reporting and support for victims, and the effectiveness of hate crime legislation;
- improving the accessibility of reporting for those for whom English is an additional language;
- improving minority representation in police and criminal justice staff; and
- co-ordinating action to address any instances of institutional racism.

### ***Integration and Inclusion***

- that the NI Executive produces a race equality strategy which conveys leadership and gives effect to the Equality Commission's published recommendations for Race Equality – including actions to reduce and eradicate racial inequalities reform of the law; tackling

prejudicial attitudes, racism and hate crime; taking action to support integration and foster community cohesion; and ensuring effective monitoring and evaluation.

The strategy should:

- take full account of the principles and obligations outlined in the UN Convention for the Elimination of all forms of Racial Discrimination (CERD) and other relevant international standards;
- take full account of the revised guidance associated with Section 75 of the Northern Ireland Act 1998 – specifically to develop targeted action plan;
- have a clear (singular) overarching aim of the strategy which is then accompanied by strategic objectives for action by the Executive and Departments;

The strategy should also:

- ensure that each strategic goal is built upon a strong rationale for action (e.g. where the greatest inequality exists and/or the greatest impact can be made) derived from a summary of relevant evidence demonstrating the key inequalities to be addressed.
- identify SMART actions with associated performance indicators;
- allocate targeted resources;
- set out clear arrangements in respect of accountability and progress reporting by Departments to the Racial Equality Sub-Group and other stakeholders;
- set out that The Executive Office will continue to take the lead in co-ordinating the collection of disaggregated data to monitor the actions and outcomes which the strategy seeks to advance.
- ensure that Departmental and other public authority staff receive initial and in-service anti-racism and cultural diversity training and ensure that information and services are accessible and culturally appropriate.
- that the Executive develop a Refugee Integration Strategy and Strategies for Travellers and Roma which

take account of the published recommendations of the Equality Commission;

- that these individual targeted strategies should nest within or be considered a sub-set of an overarching (mainstreaming) Racial Equality Strategy;
- that the Department of the Economy give consideration to the merits of designating English as an 'Essential Skill';
- that DfE ensure that ESOL provision takes into account the particular barriers experienced by refugee women;
- 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;
- DE seeks to ensure that ethnic minority children see their culture and language reflected in the classroom and school curriculum;
- DE disseminate best practice procedures around induction and admissions;
- DE guidance on promoting the participation of newly-arrived children in the wider life of the school;
- that DE ensure 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;
- 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 assessing educational needs identifying and addressing any attainment differentials;
- that DE review the effectiveness of current English as an Additional Language (EAL) support;

- that DE identify appropriate strategies to support the teaching of newcomer pupils through the development of effective newcomer pupil programs;
- that DE ensure the provision of accessible information on the education system in Northern Ireland;
- that DE take steps to promote development of the first language competence of newcomer pupils and assist schools in making effective use of dual language resources to help learners access the curriculum;
- 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;
- 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;
- that DE take targeted action in line with Recommendation 3 of the CERD General Recommendation XVII on Discrimination Against Roma, to address the barriers faced by Roma children in accessing education including the training and employment of culturally competent bi-lingual classroom assistants;
- that measures to address the educational inequalities among Roma pupils be developed as part of a wider Roma Integration Strategy led by The Executive Office, taking account of the EU framework for national Roma Integration Strategies and Council Recommendation on effective Roma Integration measures in Member States;
- that the UK Government ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- that the UK Government extend the remit of the Gangmasters (Licensing) Act (2004) to all (2004) sectors where migrant labour is prevalent;



- 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;
- that the NI Executive support 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;
- that the NI Childcare strategy includes actions to address the specific needs of minority ethnic parents, as recommended by the Barnardos / NICEM report;
- 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; and a greater focus on including Travellers in mainstream employment training provision;
- that DfC 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 development, as part of a Roma Integration Strategy;
- that as part of a broader integration strategy, that Northern Ireland Executive increases access to employment and volunteering opportunities for refugees and ensures that employability strategies and mainstream services benefit and are accessible for, refugee users, and that the Department broaden the range of volunteering experiences for asylum seekers;
- that Government and the Northern Ireland Executive take steps to mitigate the disproportionate economic impact of Covid-19 on black and minority ethnic groups;
- the provision of appropriate culturally sensitive accommodation for those groups eligible for services

and the provision of suitable emergency accommodation for those currently ineligible;

- 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 Assessment;
- that accommodation providers ensure greater awareness of the rights, responsibilities and housing options relevant to minority ethnic groups. Such information should be provided in methods and formats accessible to the identified audience both in terms of language and dissemination channels;
- that frontline staff (including those from the NI Housing Executive, 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;
- 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;
- that facilities and services for BME groups are underpinned by the AAAQ human rights framework;
- that the Department of Health and Health & Social Care (HSC) 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;
- that HSC Trusts work with BME, newcomer and Traveller populations to increase knowledge and confidence around access to services;
- the development by the Department of Health 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;

- that as part of a Refugee Integration Strategy, 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.
- that Government, including the devolved administration, take steps to mitigate the disproportionate impact of Covid-19 infection and mortality on minority ethnic groups;
- that data on Covid-19 infection rate and mortality rates are kept for equality categories, including persons of different racial group;
- actions to give effect to the published recommendations of the Equality Commission with regards to improving minority representation in police and criminal justice staff; and co-ordinating action to address any instances of institutional racism;
- that government and political parties 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, including by developing and broadening candidate pools;
- Legislative reform to allow political parties to take positive action measures when selecting candidates;
- Ensure provision for effective ethnic equality monitoring to improve the delivery of public services, aligned with the Equality Commission's recommendations; and
- that the Northern Ireland Executive and Departments ensure appropriate monitoring and evaluation are in place for the Racial Equality Strategy and across all relevant policy areas, including those outlined above in this document.

### ***Topics specific to Northern Ireland***

- That equality protections are strengthened, harmonised and updated through single equality legislation, which meets best international practice, aligned with the Commission's recommendations; and
- In the absence of single equality legislation, urgent reform of race, sex, and sexual orientation legislation is undertaken to give effect to the published recommendations of the Equality Commission.

## **Annex 2: The Executive Office Racial Equality Strategy 2015-2025 – Summary of Key Actions**

1. Review of current Race Relations (NI) Order 1997 and other relevant aspects of other legislation.
2. Review Fair Employment Legislation.
3. Work with DE to identify ways to tackle racist bullying in schools.
4. Work with DOJ to develop our approach to tackling race hate crime.
5. Examine where ethnic monitoring should be introduced and consult on proposals for implementation.
6. Develop and roll out a collaborative design process with the Minority Ethnic Community to identify linkages with Delivering Social Change and Together: Building a United Community.
7. Establish a new Racial Equality Subgroup under the auspices of the Ministerial Panel on Together: Building a United Community.
8. Identify Racial Equality Champions in all departments.
9. Establish a Shared Learning Forum for the Racial Equality Champions and develop and implement a training and development package to support Champions in carrying out their role.
10. Work through the Northern Ireland Strategic Migration Partnership (NISMP) to reflect our regionally specific needs in the development and implementation of UK immigration policy.
11. Review the delivery model for the Minority Ethnic Development Fund (MEDF) and identify gaps in provision to inform ongoing operation of the Fund.