



# Equality Commission for Northern Ireland

## Consultation Response to the Draft Programme for Government 2024-2027

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# 1 Executive Summary

- 1.1 The Commission welcomes the Executive's commitment *to tackle inequalities and make sure that everyone has the best possible opportunity to succeed in life*, and the recognition that equality of opportunity and good relations are central to the goal of shaping a fairer or more peaceful society.
- 1.2 It is our view however that overall the draft Programme for Government lacks inclusion of sufficient specific actions for legislative reform and public policy development in support of promoting equality of opportunity and good relations, and better tackling inequalities, across the priority areas.
- 1.3 We consider that there is a clear opportunity and need to mainstream specific actions across each individual priority area of the Programme for Government, including to adopt intersectional and collaborative approaches to more fully tackle inequalities and advance good relations.
- 1.4 **The Commission urges that the draft Programme for Government is revised to incorporate explicit actions across the priority areas that will identify and/or address already known key inequalities, setting clear goals and targets for what is to be achieved to advance equality and good relations by the end of this PfG and Mandate in 2027.**
- 1.5 In particular, we call for the Programme for Government to also incorporate priorities and actions to:
- ensure race law reform is completed and implemented, commencing work also to modernise and simplify equality legislation across the full range of equality grounds, including addressing long-standing shortfalls with regards to protection from age related discrimination in the area of goods, facilities and services (Age-GFS).
  - deliver hate crime legislation, supported by wider actions to ensure good relations across our many communities.
  - fulfil Windsor Framework Article 2 commitments, including to transpose by June 2026 relevant provisions of recent EU

Directives on Pay Transparency and Standards for Equality Bodies.

- ensure clear commitment and timelines to deliver and implement all four Social Inclusion strategies, and a revised racial equality strategy by 2027.
- ensure effective access to education and learning for all equality groups across all stages of life, recognising the key importance of education in determining an individual's life chances and combatting inequality and poverty.
- identify and address inequalities that have arisen or been exacerbated by COVID-19 or the policy response to it

1.6 We also highlight the importance of effectively mainstreaming equality and good relations considerations across the PfG, and call for actions across the PfG which:

- ensures the priority areas explicitly commit to actions to advance equality and good relations, giving express effect to the PfG's cross-cutting commitment to promote equality of opportunity and good relations.
- provides leadership by effectively and consistently promoting positive attitudes, and challenging stereotypes and discrimination.
- adopts intersectional and collaborative approaches, across Departments and with stakeholders, to more fully tackle inequalities and advance good relations.
- gives effect to the outcome focus of the PfG with specific targets and associated actions that will reduce inequalities within this mandate and beyond.
- ensures that all PfG measures are not only tracked in aggregate but also for the impact on individuals from each of the Section 75 grounds, in support of mainstreaming equality into the design, delivery and review of the PfG.
- ensures the allocation of adequate resources so that planned actions also effectively target inequalities and advance good relations within this mandate.

## 2 Introduction

- 2.1 The Programme for Government (PfG) sets out the ambition of the Government to address significant issues facing Northern Ireland. The PfG is an essential tool for establishing and communicating government priorities and informing budget allocations for the remainder of this mandate.
- 2.2 The Commission welcomes the Executive's commitment *'to tackle inequalities and make sure that everyone has the best possible opportunity to succeed in life'*.
- 2.3 *We also welcome* the recognition that equality of opportunity and good relations are central to the goal of shaping a fairer or more peaceful society.
- 2.4 We also welcome the inclusion within the Executive's priority areas issues that the Commission has previously identified and called for action in support of advancing equality - for example Childcare, SEN, and Safer Communities and Housing.
- 2.5 It is essential, however, that the PfG includes explicit actions for legislative reform and public policy which will tackle inequalities and advance equality of opportunity and good relations.
- 2.6 This paper summarises a number of recommendations which the Commission considers would improve the PfG, including with regards to the Executive's commitment to tackle inequalities and shape a fairer and more peaceful society.

### 3 Key Issues

#### ***Equality mainstreaming and cross-cutting recommendations***

- 3.1 While welcoming the above commitment and recognition, we consider that there is limited consistent reference across each individual priority area of the Draft PfG regarding the explicit actions that will deliver the commitment to tackle inequality.
- 3.2 The Commission has consistently highlighted the need for a clear commitment in the PfG to identifying, addressing and monitoring the key inequalities experienced by the Section 75 equality groups, as well as to promoting good relations. These commitments need to be underpinned by the inclusion of robust, outcome focused action measures.
- 3.3 Explicit mentions of promoting equality in the draft PfG are limited to a subset of priority areas and are often general in nature – e.g. the need for gender equality in relation to childcare; addressing inequalities generally in relation to health waiting times; consideration of issues such as gender-based violence, racism and hate crime within the commitment to Safer Communities; and the commitment to introduce a ‘strategic approach to racial equality’.
- 3.4 Further, while explicit references to inequality are welcomed where they do appear, the PfG in general does not convey how what will be expressly achieved by the end of the PfG in 2027.
- 3.5 We also note limited specific actions or commitments to address inequalities experienced by groups such as minority ethnic, LGB or transgender communities. We further note a lack of detailed action and commitment to addressing poverty (with the exception of actions on Fuel Poverty) which can serve to exacerbate inequality across the equality grounds.
- 3.6 The Commission recommends that the PfG must ensure:
- that promoting equality of opportunity and good relations are not only cross-cutting themes but are given express effect across the priority areas of the PfG.

- that all relevant PfG measures are not only tracked in aggregate but also for the impact on individuals from each of the Section 75 grounds.
- that there is a clear commitment in the PfG, and in associated priority areas and action plans, to stakeholder involvement from across the equality categories – in the design, delivery and rolling review of impacts.
- that leadership is demonstrated in promoting positive attitudes, challenging stereotypes and discrimination, and ensuring that options to advance equality are considered at the earliest point and across the lifecycle of law, public policy and service delivery.

3.7 We recommend that the PfG commits also to identifying and addressing inequalities that have arisen or been exacerbated due to COVID-19 or the policy response to it – for example time out of formal education or early years provision, impacts on health and wellbeing including mental health etc. We previously highlighted the potential for COVID-19 to create or exacerbate persistent long-term impacts on equality groups<sup>1</sup>, particularly on those equality groups more likely to experience poverty. It is concerning there is no reference to addressing long-term impacts of COVID-19 or associated policy responses within the draft PfG and associated actions to mitigate those impacts.

3.8 While noting the two mentions of ‘Good Relations’ in the context an underpinning focus on Peace, and a commitment therein to refresh the Good Relations Programme, we are concerned at the absence of any mainstreamed actions to promote good relations within the nine priority areas of the PfG, including for example priority areas such as Housing or Safer Communities.

3.9 The Commission has made recommendations across a range of policy areas for actions to advance equality and good relations. Further information is available via [www.equalityni.org/pfg](http://www.equalityni.org/pfg)

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<sup>1</sup> For example, see <https://www.equalityni.org/Education/Covid19>

## ***Law Reform***

- 3.10 There are also very few references to updating and modernising the legislative framework, nor to the Executive's own legislative programme that was previously announced. Employment Rights legislation appears to be the only legislation specifically referenced. This is of particular concern in terms of ensuring a continued focus / delivery of key areas commenced but not completed under the previous Mandate such as Race Equality Law and Hate crime legislation.
- 3.11 The Commission recommends that equality law in Northern Ireland should urgently be reformed to meet international obligations and reflect international human rights standards, taking account of any best practice from Great Britain, Ireland and wider jurisdictions to meet the specific needs of Northern Ireland.
- 3.12 The current legal framework in Northern Ireland provides limited and inconsistent protections across different equality grounds and adds to complexity and cost. For instance, in Northern Ireland there are no protections against age discrimination outside employment, unlike all other equality grounds in NI, and age provisions in Great Britain and Ireland.
- 3.13 There are clear and persistent weaknesses in equality law in Northern Ireland. For example, different equality laws provide differing levels of protection. These gaps result in a hierarchy of rights, with people having more protection from discrimination on some of their equality characteristics, but not on others.
- 3.14 There are also increasing shortfalls over time relevant to international standards and in comparison to jurisdictions such as Great Britain, Ireland and elsewhere.
- 3.15 This lack of consistency, and the ongoing failure to simplify, harmonise and modernise our equality laws over time impacts negatively on individuals, employers, service providers, and those providing advice, including the Commission.
- 3.16 Aligned to our statutory remit to keep the workings of the anti-discrimination legislation under review, the Commission has over the past two decades made a number of specific recommendations for

reform<sup>2</sup>. Various international human rights bodies have also highlighted the need to reform Northern Ireland's equality laws, many taking account of or directly supporting the Commission's recommendations for change<sup>3</sup>.

3.17 Reform of the equality legislation should be taken forward as a priority, with explicit commitments made in this and future PfGs.

3.18 In the immediate term we urge the full delivery within this Assembly mandate of reforms recently commenced, or with imminent deadlines. This includes:

- **Reform of race equality law:** The Executive Office has indicated<sup>4</sup> the reformed legislation will be introduced in 2025/26. It is vital that this is prioritised within the PfG and achieved.
- **Compliance with June 2026 deadlines for transposition into NI law of relevant EU Directives:** We consider, aligned to Windsor Framework Article 2 'keeping pace' commitments, that there is requirement to transpose the EU Pay Transparency Directive and the EU Standards for Equality Bodies Directives into NI law. The PfG should commit to achieve this.
- **Delivery of comprehensive hate crime law:** Reformed legislation should include provision to reflect the statutory aggravation model; expand protections to gender, gender identity, intersex and age; and address gaps in relation to incitement to hatred offences. Mindful of statements made by the Minister of Justice, the PfG should be clear on what will be achieved within this mandate, and what is intended to be progressed in the next mandate.

3.19 There is limited remaining time in this mandate, and less than two years to transpose relevant EU Directives. Urgent work is therefore needed now to progress and achieve these reforms.

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<sup>2</sup> For further information, see [www.equalityni.org/LawReform/Policy](http://www.equalityni.org/LawReform/Policy)

<sup>3</sup> For instance, CERD (2024) [Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), paras 13-14.

<sup>4</sup> NI Assembly (2024) [AQW 13854/22-27](#)



3.20 Beginning now, action is also needed now to **commence work to modernise and simplify equality legislation across the full range of equality grounds**, including addressing long-standing shortfalls with regards to protection from age related discrimination in the area of goods, facilities and services (Age-GFS). In this context the Commission recommends prompt action, commencing now, to:

- Clarify, simplify, harmonise and strengthen legal protections against discrimination.
- Reflect best international practice and meet the needs of Northern Ireland.
- Give consideration to the additional benefits of single equality approach.
- Ensure compliance with Article 2 of the Windsor Framework.

3.21 A single equality act approach would improve and maintain 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.

### ***Social Inclusion / Equality Strategies***

3.22 While we note the inclusion within the long-term Mission on ‘People’ of the commitment to ‘make sure *that everyone can participate through the introduction of social inclusion strategies*’, the draft PfG does not mainstream this commitment into any of the nine priority areas, nor confirm that all four Social Strategies will be introduced and resourced before the end of this Assembly mandate. We note also that reference to introducing “a strategic approach to racial equality” is mentioned only in the context of the long-term mission on peace, and is not included in the context of any of the 9 specific priorities areas for this current mandate. The current racial equality strategy expires in 2025.

- 3.23 The four social inclusion strategies (anti-poverty, disability, LGBTQI+<sup>5</sup> and gender equality) were intended to be launched together as a suite by December 2021<sup>6</sup>. Despite this previous commitment, the Strategies have not yet been delivered. A number of equality strategies have now long expired and some have never been in place. The recently published Department for Communities Business Plan 2024/25 Deliverables<sup>7</sup> refers only to the anti-poverty and disability strategies, with no mention of LGBTQI+ and gender equality strategies.
- 3.24 In this context we are concerned about the lack of explicit commitment and specific detail which would better underpin the delivery and implementation of all four Social Inclusion strategies, and a revised racial equality strategy by 2027.
- 3.25 While recognising the difficult financial situation, the strategies must be progressed to fulfil the objective of identifying and addressing the issues, barriers and disadvantages that undermine equality of opportunity in our community<sup>8</sup>. Clear commitment, timelines, and actions should be highlighted within the PfG to provide confidence that these strategies will be prioritised over the remainder of this mandate.
- 3.26 We recommend also that there is a renewed commitment to fully involving stakeholders and Strategy co-design group members in revising and refining the social strategies, including input to working drafts ahead of any consultation exercises. We have continually reiterated the importance of ensuring stakeholder involvement from across the equality grounds, not only in co-design, but in delivery, and in the rolling monitoring and review of impacts.

***Ensure effective access to education and learning for all equality groups across all stages of life.***

- 3.27 The Commission has consistently highlighted that Access to education and training plays a key role in determining an individual's life chances and is often a route to advancing equality and combatting poverty. The Commission has also recently highlighted

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<sup>5</sup> This had been intended to be a Sexual Orientation Strategy. The Commission understands that following a recommendation from an Expert Panel, the Department for Communities had been working on a LGBTQI+ Strategy.

<sup>6</sup> DfC (2020) [Social Inclusion Strategies](#) (accessed 02/10/24).

<sup>7</sup> DfC (2024) [Key Deliverables 2024 – 2025](#)

<sup>8</sup> DfC (2020) [Social Inclusion Strategies](#) (accessed 02/10/24).

‘Access to Curriculum and career paths’ as a priority area within its work on Measuring Equality in Northern Ireland (Education) Report<sup>9</sup>

- 3.28 Access to education and training is a key factor in determining an individual’s life chances, playing a key role in a person’s development and progression. It has significant benefits for those most at risk of underachievement and poverty, and also has an important role in tackling disadvantage and in developing an understanding and respect for diversity.
- 3.29 The Commission recommends a comprehensive focus within this and future PfGs on ensuring access and progression to education and training at all stages of life - from early years support, through primary and post-primary, further and higher education, training and onwards into lifelong learning and professional development.
- 3.30 Such access must meet the needs of a range of equality groups – including people with special educational needs, disability, people for whom English is an additional language, and people with caring responsibilities - including those providing care for children, or for people who are elderly or with a disability who have care needs.
- 3.31 We have consistently highlighted inequalities across childcare and early years, education, further and higher education, training and employment. The Commission has called<sup>10</sup> for appropriate and accessible early-years provision to meet the diverse needs of all children. It is also essential that provision meets the needs of parents and carers and wider society, and overcomes barriers to employment, training and education.
- 3.32 We have further highlighted the need to identify and remove barriers to accessing training and work, including those experienced by women and those providing caring, people with disabilities, older people and minority ethnic workers<sup>11</sup>.
- 3.33 Given the persistent nature and cumulating impact of educational inequalities, we are concerned that there is no detailed reference in the draft PfG to ensuring effective access for individuals from across the range of equality grounds to education and training, and across

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<sup>9</sup> ECNI (2024) [Measuring Equality in Northern Ireland: Education \(Full Report\)](https://www.equalityni.org/MeasuringEqualityNI). See also [www.equalityni.org/MeasuringEqualityNI](https://www.equalityni.org/MeasuringEqualityNI)

<sup>10</sup> For further details, see: <https://www.equalityni.org/Childcare>

<sup>11</sup> For further details, see: <https://www.equalityni.org/Employment/Policy>

all stages of life. Various targeted actions could be identified within the PfG, for example commitment to developing, publishing, and appropriately resourcing a new action plan to address longstanding inequalities in education experienced by Traveller children.

- 3.34 Actions to maximise attendance are also important, including actions to tackle negative stereotypes and promote diversity and good relations, and to address bullying.
- 3.35 We have also highlighted the importance of ensuring effective transitions and support for those most at need (including children with SEN) when moving between different stages of education and life. Further, we have reinforced the importance of mainstreaming equality into initial teacher education and continuous professional development, so that teachers are better enabled to support those with diverse needs.
- 3.36 As previously highlighted, we also recommend a particular focus on identifying and addressing inequalities which have emerged or been exacerbated by COVID-19 or the policy response to it. We previously noted that the pandemic had the potential to exacerbate existing educational inequalities, both for children now and over their lifetime. There may be persistent long-term impacts for specific equality groups, particularly those more likely to experience poverty.

### ***Resourcing***

- 3.37 It is essential that priorities identified within the PfG are effectively resourced so that they can be delivered within this mandate. Such resourcing should include a focus on tackling inequality, and advancing equality of opportunity and good relations.
- 3.38 Stakeholder organisations and the Equality Commission must also be sufficiently resourced to support individuals, organisations, and Government / Departments to better shape and assist the delivery of the PfG and related legislation, policy and services, towards advancing equality of opportunity and good relations for all.

## 4 The Executive's PfG Priority Areas

4.1 We welcome that a number of the Executive's priority areas relate to areas which the Commission has previously identified and called for action, for example, Childcare, SEN, and Safer Communities and Housing.

4.2 We set out below recommendations that we consider would further assist the Executive and the PfG to advance equality and good relations in these areas.

### ***Grow a Globally Competitive and Sustainable Economy***

4.3 Improving access to, and progression within, employment is a key driver of economic and social wellbeing. Whilst socio-economic disadvantage is not a specified ground under the equality legislation in Northern Ireland, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion.

4.4 The removal of barriers to work, including those experienced by women, people with disabilities, older people and minority ethnic workers, will contribute to realising Northern Ireland's full economic potential with improved employment opportunities for all.

4.5 We note the PfG's reference to 'helping individuals address barriers into employment', but firm commitments and further detail on actions to tackle inequality are needed.

4.6 We reinforce the importance of economic independence, specifically mindful of the needs of women. We have also raised the need to promote flexible working practices and to encourage men to share responsibility for childcare; as well as addressing structural factors within society and the workplace and that tackles issues such as the concentration of women in part time, low paid work.

4.7 There is also clear evidence of the economic exclusion of people with disabilities. People with disabilities face barriers to employment and require support in terms of accessing and remaining in the workplace.

4.8 Further, we recommend support for initiatives aimed at tackling the exploitation of migrant workers; raising awareness of the rights of migrant workers; and maximising migrant workers' access to the

labour market.<sup>12</sup> We also call for actions to reduce disadvantage experienced by minority ethnic workers in employment.

- 4.9 Despite reference to better quality jobs, there is no reference to discrimination in employment. Workplaces should be welcoming and inclusive, with freedom from prejudice and harassment at work. We recommend action to reduce discrimination in employment, including due to pregnancy and maternity and disability.
- 4.10 We note the reference to the Employment Rights Bill within the draft PfG. In our response<sup>13</sup> we highlighted that whilst we welcomed the fact that the consultation recognised pay and benefits as a central component of ‘Good Jobs’ and the aim was to improve pay and benefits via employment law reform, we were disappointed at the lack of any recognition of the need for legislation to strengthen protection against pay discrimination in the workplace on grounds of gender. This includes the lack of any commitment to introduce of gender pay gap reporting legislation.
- 4.11 It is important also that work to ensure ‘Good Jobs’ is cross-Departmental, and considered in relation to other strategic work, including the development of the Early Learning and Childcare Strategy, the Racial Equality Strategy, and the Social Inclusion Strategies (anti-poverty, disability, sexual orientation/ LGBTQI+ and gender equality<sup>14</sup>).
- 4.12 Further, Section 19(11) of the Employment Act (Northern Ireland) 2016<sup>15</sup> requires that ‘*the Department must, in consultation with trade unions, publish a strategy including an action plan, on eliminating differences in the pay of male and female employees*’. Despite a 2017 statutory deadline, this Strategy has never been published.
- 4.13 Consideration should also be given in this context of promoting employment equality to any obligations under Windsor Framework Article 2 to transpose by June 2026 relevant provisions of recent the EU Directive on Pay Transparency.

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<sup>12</sup> The Commission has made a number of recommendations related to these areas in our recently published [Policy Recommendations: Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#) (ECNI, August 2024).

<sup>13</sup> ECNI (2024) [Consultation Response: The Department for the Economy: The ‘Good Jobs’ Employment Rights Bill](#), p. 3.

<sup>14</sup> We understand that the Executive’s Gender Equality Strategy will include issues relating to gender pay.

<sup>15</sup> [Employment Act \(Northern Ireland\) 2016](#)

- 4.14 For further information on the Commission’s policy recommendations relating to employment, see [www.equalityni.org/Employment/Policy](http://www.equalityni.org/Employment/Policy)

### ***Deliver More Affordable Childcare***

- 4.15 We welcome the inclusion of childcare as a priority. Nevertheless, it is important the PfG does not solely prioritise the affordability of childcare. The Commission has longstanding recommendations on childcare and early learning, including to ensure the provision of appropriate, accessible, flexible and affordable childcare and early-years provision to meet the diverse needs of all children.
- 4.16 We welcome commitment to support existing childcare and early years programmes, such as Sure Start, Pathway and Toybox. Toybox is an example of a tailored response to address inequalities experienced by Travellers.
- 4.17 We also welcome references to the sustainability of the sector and the importance of early years intervention to provide the best long-term outcomes for our children, particularly those facing disadvantage.
- 4.18 Provision must meet the needs of parents/ carers and wider society, and overcomes barriers to employment, training and education.
- 4.19 We note the recent interim measures announced by the Education Minister in May 2024<sup>16</sup>. It was welcome that there were measures which aligned with the Commission’s recommendations, including targeted support for particular groups, affordability provisions, support for sustainability of the sector, and collection of comprehensive data.
- 4.20 However, this package is only a first step and further action is needed. It is welcome that the draft PfG refers to the development of an Early Learning and Childcare Strategy. It is essential that we see publication of a Strategy within this mandate, further to commitments in the New Decade, New Approach Agreement<sup>17</sup>, and previous consultations in 2013 and 2015.

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<sup>16</sup> Department of Education (23/05/24) [Written Ministerial Statement: Early Learning and Childcare Measures 2024/25](#).

<sup>17</sup> UK and Irish Governments (2020) [New Decade, New Approach](#), p. 9.

- 4.21 It is important that the Strategy consider the diverse needs of all children. We note that the Subsidy Scheme is available only for those eligible for tax-free childcare for children below primary school aged. Although we recognise the constrained budget, it is important the Strategy considers the needs of other groups, including for families who do not meet the eligibility for tax-free childcare, and older children who need childcare, including older disabled children.
- 4.22 Relevant also to other PfG priority areas, the PfG should also include actions to address wider issues of relevance – such as the need to address stereotypes and to better encourage and facilitate both women and men to better share childcare responsibility (including parental leave), mindful of the diverse range of family types. In 2021<sup>18</sup>, 31% of women with dependent children worked part-time, compared with only 5% of men with dependent children.
- 4.23 Likewise, the PfG should include actions to assist employers and training providers. They should be supported to develop carer friendly practices, including the promotion of flexible working practices and the sharing of family responsibilities.
- 4.24 While a focus on the economic participation of women is important, the PfG should also consider how best to meeting the needs of parents generally and across wider equality groups – including migrant, minority ethnic or Traveller families who may face cultural and language barriers. Lone parents, those with wider caring responsibilities, or families with multiple or younger children also have particular difficulties with costs and balancing work / family commitments<sup>19</sup>.
- 4.25 The PfG should ensure a cross-Departmental approach to effectively address inequalities linked to early years provision and childcare, taking account of wider relevant Strategies and work programmes, such as the Independent Review of Education, the Executive’s Anti-Poverty and Gender Equality Strategies, the Department of Health’s Review of Minimum Standards for Childminding and Day Care, and the Department of Economy’s Good Jobs focus. It will also be vital to further engage with relevant

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<sup>18</sup> ONS (2021) [Families and the labour market, Northern Ireland](#)

<sup>19</sup> McQuaid, R., Graham, H. and Shapira, M (2013) [Child care: Maximising the economic participation of women](#), ECNI.



stakeholders, including parents, providers and representatives of particular equality groups.

- 4.26 For further information on the Commission's recommendations in relation to childcare and early learning, please see [www.equalityni.org/Childcare](http://www.equalityni.org/Childcare)

### ***Cut Health Waiting Times***

- 4.27 We welcome the objectives of reducing health inequalities within this Priority Area, however, this could be strengthened by targeting specific inequalities experienced by equality groups, and ensuring actions to address them. While the explicit mention of equalities is welcomed, there is currently little detail within the PfG regarding specific health inequalities, who experiences them, and actions that would address them.
- 4.28 We continue to recommend actions to identify and remove barriers to health, social care and well-being experienced by particular Section 75 equality groups, including older people; lesbian, gay, bisexual (LGB) people; trans people; Irish Travellers and other minority ethnic communities; people with disabilities; and young people in regard to mental health. Actions highlighted within the PfG to transform health services and reduce health inequalities should also focus on addressing barriers to accessing health services across the range of equality groups.
- 4.29 Furthermore, actions are required to ensure investment in health care to address the specific needs of equality groups, including the health care needs of people with disabilities and young people's mental health needs. There is a need to address gender health inequalities, impacting on both men and women, and the need to mitigate negative impacts across the equality groups of COVID-19 and the policy responses to it.

### ***Ending Violence Against Women and Girls***

- 4.30 We welcome the commitment in the PfG to end violence against women and girls. We recognise that much of this work will be taken through the Strategic Framework on Ending Violence Against Women and Girls (EVAWG).

- 4.31 While we welcome reference to ‘collaborative working and alignment with other strategies where there are clear shared outcomes, such as the Domestic Violence and Sexual Abuse strategy’, it remains important to ensure that there is clarity and understanding regarding the specific focus of each of these strategies, and their inter-relationship. As highlighted in our relevant consultation responses<sup>20</sup>, further clarity would be helpful, including through the PfG.
- 4.32 Action in these areas should also take into account work being undertaken by the Department for Communities in relation to the development of social strategies.
- 4.33 The PfG should prioritise action, including through the delivery of effective strategies, to tackle the nature and specific impact of gender-based violence on women and men and due to a person’s gender identity; to tackle cultural and stereotypical attitudes, including through education, aimed at raising awareness of, and tackling, gender-based violence; and to ensure effective resources and services for those who are subject to gender-based violence<sup>21</sup>.
- 4.34 Prioritised actions should also ensure a gender specific (non-gender neutral) approach to tackling the specific nature and impact of domestic violence on women and men, including issues faced by those with specific multiple identities<sup>22</sup>.
- 4.35 The final Strategic Framework for Ending Violence Against Women and Girls takes an intersectional approach<sup>23</sup>. While we recognise the PfG is a high-level document, it would be important to make clear that the focus and monitoring of all PfG outcomes will also adopt an intersectional approach – for example consideration of women with multiple identities, including d/Deaf and disabled women, and women from ethnic minority communities.
- 4.36 It is welcome that the PfG proposes to ‘tackle the root causes of violence against women and girls to help stop this violence before it starts’. This should include prioritised action to tackle gender

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<sup>20</sup> ECNI (2023) [Response to consultation: The Executive Office: Strategic Framework to End Violence Against Women and Girls and Foundational Action Plan](#), paras 2.10-2.13.

<sup>21</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), para 10.17.

<sup>22</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), para 10.17.

<sup>23</sup> TEO (2024) [Strategic Framework to End Violence against Women and Girls](#), p. 18.

stereotypes and prejudicial attitudes<sup>24</sup> -including action in schools to tackle gender-based bullying and embed equality in the curriculum.

- 4.37 Further, we have recommended, in addition to any changes required by the keeping pace obligation under the Windsor Framework, the Executive Office ensure NI law aligns, on a voluntary basis, with any enhancement to equality and human rights pursuant to the EU Directive on combatting violence against women and domestic violence (2024)<sup>25</sup>, where these enhancements align with international human rights standards and best practice. We therefore recommend that the PfG should include a commitment to review current legislation in Northern Ireland aimed at combatting violence against women and domestic violence in light of the recent EU Directive on combatting violence against women and domestic violence.

### ***Better Support for Children and Young People with Special Educational Needs***

- 4.38 We welcome inclusion of actions to better support children and young people with Special Educational Needs (SEN) within the draft PfG.
- 4.39 While we welcome the inclusion of this priority area, and actions to improve education provision for children with SEN, we recommend that the PfG makes explicit reference to the multiple inequalities currently faced by children with SEN, and the need to specific actions to address them.
- 4.40 The Commission has highlighted inequalities experienced by children with SEN regarding access to education, attainment, attendance, and experiences of bullying<sup>26</sup>. Children with Special Educational Needs (SEN) leave school with poorer educational outcomes, have poorer attendance, and experience more bullying than other school children. Experience of SEN also differs by equality group and socio-economic status. None of these inequalities are referenced in the PfG. A focus on addressing

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<sup>24</sup> ECNI (2016) [Gender Equality: Policy Priorities and Recommendations](#), para 5.12.

<sup>25</sup> Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence (europa.eu).

<sup>26</sup> For further details, see: <https://www.equalityni.org/SEN>

inequalities experienced by children with SEN should be explicitly referenced in the final PfG.

- 4.41 We also highlight the need for actions to address the needs of children with SEN from across the equality groups. Targeted and specific measures are required to support children with SEN with different equality characteristics and from different backgrounds. For example, specific and appropriate support should be provided for children with SEN who speak English as an additional language. Acknowledgement that children with SEN from across the equality groups may have different needs should be included within the PfG.
- 4.42 We additionally welcome commitment in the PfG to ensure clear pathways of opportunity for further training, education or employment at post 16 and post 19. We have consistently highlighted that it is essential that young people with SEN are not left without support simply due to a change in their age. It is also essential to support young people with SEN to transition into adult life including assistance to pursue opportunities in further / higher education and employment, alongside other young adults without SEN. Consideration should be given to the merits of extending the statutory duty to support young adults with SEN and Disability beyond the age of 19.
- 4.43 We note the current End-to-End Review being undertaken by the Department of Education and the reference within the PfG to the existence of over 200 recommendations on how to improve SEN services across various reports. While acknowledging the range of actions highlighted within the PfG, a comprehensive and coordinated action plan for transforming SEN services is required and should be committed to within the PfG. As highlighted in relation to other areas, this plan should be SMART, time-bound and resourced sufficiently to ensure effective, on-time and prioritised delivery.
- 4.44 For further information on our positions on SEN, please see: <https://www.equalityni.org/SEN>

## ***Provide more Social, Affordable and Sustainable Housing***

- 4.45 We welcome actions to provide social, affordable, and sustainable housing, and particularly welcome acknowledgement of the need to prevent homelessness for young people leaving care.
- 4.46 While we welcome actions to provide more social, affordable and sustainable housing, we are concerned there is no explicit recognition of housing inequalities in the draft PfG, and no specific actions to address inequalities. Specific actions, and related targets and outcomes could include, for example, addressing the longer waiting-list times for social housing experienced by households with a Catholic religion household reference person and ensuring the provision of sufficient disability related accommodation.
- 4.47 Furthermore, while ensuring objectively assessed need is the primary driver of decisions to provide and allocate housing, it is concerning there is no ambition within the PfG to provide shared housing. We restate our view on the value of shared housing and that segregated housing in Northern Ireland is not the way forward for our society.

## ***Safer Communities***

- 4.48 The Commission has consistently advocated for actions to develop shared, safe communities based on equality, dignity and respect.
- 4.49 While we welcome the inclusion of Safer Communities as a priority area, we were disappointed that there appears to be a lack of specific actions (within both the Safer Communities section and the Priority area on Social, Affordable, and Sustainable Housing) on actions to promote safe and shared communities, or actions to tackle prejudicial attitudes.
- 4.50 It is essential that specific actions are prioritised to eliminate discrimination and intimidation; tackle prejudicial attitudes; and promote values of acceptance and respect for difference within our communities<sup>27</sup>.
- 4.51 As previously highlighted, while the PfG identifies the need for an “introduction of a strategic approach to racial equality” within the section on Peace, there is in general a lack of focus on actions to

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<sup>27</sup> For further details, see: <https://www.equalityni.org/Housing/Policy>

address inequalities experienced by minority ethnic groups and the need to prioritise good relations across the priority areas. This is particularly relevant given racially motivated violence including that in August 2024, and should be prioritised in this PfG<sup>28</sup>.

- 4.52 There is limited reference in the draft PfG to the impacts of, and actions needed to tackle, hate crime. Although there is some brief reference to racism, we consider that this does not reflect the scale of hatred faced by our ethnic minority communities. Furthermore, there is a lack of acknowledgement of the hate faced by other equality groups. Without action to prevent, tackle and legally address hate crimes, it will not be possible to achieve safer communities for everyone in Northern Ireland. Such actions should be prioritised in the PfG.
- 4.53 Although Judge Marrinan published his review of hate crime legislation in 2020<sup>29</sup>, reform has not yet been progressed, and is not referred to in the PfG. The current hate crime legislation in Northern Ireland has considerable weaknesses, and is underused. We have recommended a statutory aggravation model, with expanded protections to cover gender, gender identity, intersex and age, and refer to sectarian hate crime<sup>30</sup>. We have called for legislative gaps to be addressed in relation to Public Order legislation, and for the consolidated of hate crime provisions into a single piece of legislation.
- 4.54 We note that the Department of Justice has indicated that it will not bring forward comprehensive legislation to address hate crime in the current mandate<sup>31</sup>. We reiterate our view on the importance of urgently tackling hate crime and that a comprehensive Hate Crime Bill would provide greater clarity and certainty, and address gaps in protections. It is vital that legislation takes forward best practice approaches to addressing hate, for example we understand that the planned Sentencing Bill will include a statutory aggravation model for hate crime. Legislation should also expand protections against

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<sup>28</sup> The Commission has called for the prioritisation of the following actions to promote racial equality and good relations: Reform of Race Equality Law; A new Racial Equality Strategy, with an outcome-based focus to reduce or eradicate key inequalities experienced by minority ethnic communities; Ethnic Equality Monitoring to improve public service delivery; Hate Crime Legislation; and Refugee Integration, including via a dedicated Strategy.

<sup>29</sup> Judge Marrinan (2020) [Hate Crime Legislation in Northern Ireland: Independent Review](#)

<sup>30</sup> Section 2 of the Criminal Justice (No. 2) (Northern Ireland) Order 2004 already refers to racial, religious and sexual orientation groups, and disability.

<sup>31</sup> Department of Justice (09/10/2024) [Written Ministerial Statement: Hate Crime Legislation](#)

hate crime to reflect the Commission's recommendations, fulfilling also the Minister's stated commitment<sup>32</sup> to include transgender people and sectarian hate crime.

- 4.55 Beyond legislative reform, wider action is needed to prevent and tackle hate crimes, and prejudicial attitudes and negative stereotypes, so as to ensure that workplaces, services, public spaces and communities are free from harassment and/or discrimination across the equality grounds.
- 4.56 Action is also required to address the under-reporting of hate crime by a range of equality groups, including by building trust and confidence in the criminal justice system/agencies amongst victims of hate crime, addressing any fears of reporting, and working in partnership with equality groups. There is also a need to remove barriers to particular equality groups reporting hate crime by, for example, ensuring reporting mechanisms are accessible. The PfG should prioritise actions to address these inequalities.
- 4.57 Recommendations made further above with regards to ending violence against women and girls, and Domestic Violence and Sexual Abuse are Also relevant to deliver safer communities. Ensuring a Cross-Departmental and intersectional approach is thus vital.
- 4.58 For further information on the Commission's recommendations on hate crime, see [www.equalityni.org/HateCrimePolicy](http://www.equalityni.org/HateCrimePolicy)

### ***Protecting Lough Neagh and the Environment***

- 4.59 We note the commitment to an Environment Strategy and the recently published Environmental Improvement Plan. Actions within the plan, such as “establishing a Just Transition Commission to oversee the implementation of the just transition elements of the Climate Change Act (NI) 2022 & to provide advice to NI departments on just transition matters, to help ensure that Northern Ireland's pathway to net zero is fair for everyone” are welcomed. It is essential that actions under the plan are consider with regards to how they can best advance equality.

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<sup>32</sup> NI Assembly (04/06/24) [Official Report \(Hansard\), Vol 160, No 1](#), pp. 40-43.

## ***Reform and Transformation of Public Services***

- 4.60 We welcome recognition for the need for both leadership and collaborative working, within the Priority Area of Reform and Transformation of Public Services.
- 4.61 In this context we highlight specific legislation that already places a statutory duty on Departments to collaborate such as the Children's Services Co Operation Act (Northern Ireland)<sup>33</sup> 2015 which aims to improve co-operation amongst Departments and Agencies and places a duty on Children's Authorities to co-operate where appropriate as they deliver services aimed at improving the wellbeing of children and young people. The Act requires "*co-operation among certain public authorities and other persons in order to contribute to the well-being of children and young persons; to require the adoption of a children and young persons strategy; and for connected purposes*".
- 4.62 The PfG should include actions to ensure the effective implementation of such mechanisms, particularly in light of the Department of Education's recent [Report on the operation of the Children's Services Co-operation Act](#) which highlighted a number of areas in which cooperation and collaboration across Departments must be improved, for example, better data sharing, and better engagement with young people.
- 4.63 We recommend that the PfG commit the Department of Finance to consider creating guidance on how the Children's Services Co-operation Act (Northern Ireland) 2015 may be used in practice. This, with associated training, should better provide officials with practical information on how resources can be shared and pooled between different Departments. To date, while the Department has highlighted relevant existing guidelines, development of specific advice has not occurred and anecdotal evidence suggests that Officials are not always clear in practice on the potential or mechanisms for collaboration.

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<sup>33</sup> For further details, see: [Children's Services Co-operation Act \(Northern Ireland\) 2015 \(legislation.gov.uk\)](#)



## **5 Windsor Framework Article 2 commitments**

- 5.1 The Executive will be aware that the NI Assembly, NI Ministers and NI Departments cannot legislate or act in a way that is incompatible with Windsor Framework Article 2<sup>34</sup>.
- 5.2 We note that there is no explicit reference in the draft PfG to a commitment to comply with Windsor Framework Article 2 obligations. We recommend that the PfG includes a clear commitment to act in accordance with the UK Government's obligations under Windsor Framework Article 2. We also recommend that the Executive Office ensure NI law aligns, on a voluntary basis, with EU Directives where these enhancements align with international human rights standards and best practice.
- 5.3 For context, the UK Government made commitments to rights and equality in NI after the UK withdrawal from the EU in Article 2(1) of the Windsor Framework<sup>35</sup>, formerly known as the Protocol on Ireland/Northern Ireland of the UK-EU Withdrawal Agreement<sup>36</sup>. These include commitments to the non-diminution of certain rights and equalities, as well as the obligation to 'keep pace' with enhancements by the EU to the six EU equality directives contained in Windsor Framework Annex 1, covering a range of protected equality grounds: race, gender, religion and belief, disability, age and sexual orientation.
- 5.4 There are two areas of EU law which require immediate action in this regard.

### ***EU Pay Transparency Directive***

- 5.5 The Commission, alongside the NI Human Rights Commission, has advised that, further to the Windsor Framework 'keeping pace' requirement, the relevant provisions of the EU Pay Transparency

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<sup>34</sup> Section 6 of the NI Act 1998 provides that the NI Assembly is prohibited from making any law which is incompatible with Windsor Framework Article 2. Section 24 of the 1998 Act also provides that all acts of the departments should be compatible with Windsor Framework Article 2.

<sup>35</sup> Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework.

<sup>36</sup> Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, 24 January 2020.

Directive (PTD) must be transposed into NI law by the transposition deadline of June 2026.<sup>37</sup>

5.6 Aligned to this, we recommend that the PfG includes a commitment to take forward proposals to transpose into NI law relevant provisions of the PTD by June 2026.

5.7 We therefore recommend that work is progressed as a matter of urgency to introduce these changes by June 2026, and that consultations on proposed legislation are taken forward by the relevant Executive Departments in the coming months.

### ***EU Directives on Standards for Equality Bodies***

5.8 We have also advised that the EU Directives on Standards for Equality Bodies<sup>38</sup> amend or replace the provisions of a number of the Windsor Framework Annex 1 Directives and engage the ‘keeping pace’ obligation under Windsor Framework Article 2. We consider that the relevant provisions of the Directives must be transposed into NI law by 7 June 2026.

5.9 The introduction of standards underpinning the mandate, independence, resources and powers of equality bodies would further assist ECNI in carrying out its role and remit as the designated equality body for NI in the areas covered by the Directives, and in turn would be of benefit and value to individuals in NI seeking redress against discrimination.

5.10 The previous UK Government in 2023 indicated that it considered that the proposed EU directives, as drafted at that time, fell within the scope of Windsor Framework Article 2, which the Commission has welcomed<sup>39</sup>.

5.11 We recommend that the PfG makes clear the Executive’s commitment to transpose the Directives on Standards for Equality Bodies into Northern Ireland law by June 2026, in accordance with the UK Government’s obligations under Windsor Framework Article 2.

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<sup>37</sup> [‘ECNI and NIHRC Briefing Paper: The EU Pay Transparency Directive: The UK Government’s dynamic alignment obligations relating to Windsor Framework Article 2’](#) (March 2024)

<sup>38</sup> EU Directives on Standards for Equality Bodies: ([Directive \(EU\) 2024/1500](#) and [Directive \(EU\) 2024/1499](#))

<sup>39</sup> Letter from the Minister of State for NI, Steve Baker MP, to the House of Lords Sub Committee on the Protocol on Ireland/Northern Ireland, 18 September 2023.

## **6 Conclusion**

- 6.1 The Commission welcomes the Executive's commitment *to tackle inequalities and* the recognition that equality of opportunity and good relations are central to a fairer and more peaceful society.
- 6.2 We consider however that there is a clear opportunity and need to mainstream related actions across each individual priority area of the Programme for Government, including to adopt intersectional and collaborative approaches to more fully tackle inequalities and advance good relations.
- 6.3 The Commission is available to further discuss any of the points raised in this response.

**Equality Commission for Northern Ireland**

**October 2024**