

# Shadow Report to the Committee on the Elimination of All Forms of Racial Discrimination (CERD) July 2024

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# 1 Executive Summary

- 1.1 This report has been prepared by the Equality Commission for Northern Ireland (ECNI), a non-departmental public body established under the Northern Ireland Act 1998 with a specific remit for implementing racial equality legislation in Northern Ireland (NI) and overseeing statutory duties on public authorities to promote equality of opportunity.<sup>1</sup>
- 1.2 We welcome the opportunity to submit a Shadow Report to the Committee to assist in its examination of the UK Government's twenty-fourth to twenty-sixth periodic reports in August 2024.
- 1.3 Whilst ECNI welcomed almost a decade ago the Executive's publication of the Racial Equality Strategy 2015-2025<sup>2</sup> (RES), we, and other stakeholders, were concerned at the failure to develop an outcome focused action plan to eradicate racial inequalities, and since publication of the Strategy, the slow progress made towards racial equality overall.
- 1.4 Furthermore, whilst the current RES is drawing towards a close, commitments which were also part of the previous 2005-2010 Racial Equality Strategy still remain undelivered e.g. the introduction of ethnic equality monitoring; reform of racial equality legislation; and the publication of a Refugee Integration Strategy.
- 1.5 **We urge the Committee to support our calls to see the completion and delivery of priority outputs including:**
- **Reform of Race Equality Law;**
  - **A new Racial Equality Strategy;**
  - **Ethnic Equality Monitoring to improve public service delivery;**
  - **Hate Crime Legislation;**
  - **Refugee Integration, including via a dedicated Strategy.**
- 1.6 We have identified key issues and recommended questions that the Committee may wish to raise with the UK Government and/or the Northern Ireland Executive (the Executive) as part of its examination. These are outlined below.

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<sup>1</sup> The Equality Commission for Northern Ireland (ECNI) is an independent public body established under the [Northern Ireland Act 1998](#). The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, age, sexual orientation and disability. ECNI's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under [Section 75 of the Northern Ireland Act \(Section 75\)](#) and the [disability duties](#) under the [Disability Discrimination Act 1995](#). ECNI, along with the Northern Ireland Human Rights Commission (NIHRC), has been designated under the United Nations Convention on the Rights of People with Disabilities as the [independent mechanism](#) tasked with promoting, protecting and monitoring implementation of the UNCRPD in Northern Ireland. ECNI, together with NIHRC, also has powers and responsibilities to monitor, advise, report on and enforce the UK Government's adherence to its commitment under [Article 2 of the Ireland/Northern Ireland Protocol](#) (now the Windsor Framework), to protect certain equality and human rights in Northern Ireland after Brexit.

For further information visit: <http://www.equalityni.org/AboutUs>

<sup>2</sup> The Office of the First Minister and the Deputy First Minister (now The Executive Office) (2015): [Racial Equality Strategy 2015-2025](#)

***The Convention in domestic law and the institutional and policy framework for its implementation (Articles 1 and 2):***

- We **recommend** that the Executive advance comprehensive single equality legislation, or in its absence deliver updated racial equality legislation as a priority, in line with Commission recommendations, during year 2025/26 of the current NI Assembly mandate<sup>3</sup>;
- We **recommend** that the Executive seek to introduce protections against combined/ intersectional discrimination across the equality grounds, and introduces changes to racial equality legislation further to its ‘keeping pace’ obligations under Windsor Framework Article 2, going beyond EU standards where this strengthens rights and aligns with international human rights standards<sup>4 5</sup>;
- We **recommend** 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.<sup>6</sup>

1.7 We **recommend** that the Committee asks the Executive what action has been taken to:

- ensure the delivery of a new Racial Equality Strategy (RES) by 2025, taking account of lessons from the existing 2015-2025 Strategy;
- deliver an associated resourced and co-ordinated cross-departmental action plan to reduce and eradicate racial inequalities, including to address the impact of Brexit (incorporating clear targets, actions, responsibilities and time scales);
- identify a single point of accountability in the Executive for monitoring and co-ordinating implementation of the RES; and
- provide evidence of how the Executive is ensuring it is giving effect to CERD obligations.

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<sup>3</sup> Despite previous recommendations in 2016 from the [Committee on the Elimination of Racial Discrimination](#) (paragraph 8 (c), p. 3) and the [European Commission Against Racism and Intolerance](#) (paragraph 22, p. 14) on the need for legal reform and commitments in [A Racial Equality Strategy for Northern Ireland](#) (p. 74) and the [Racial Equality Strategy 2015-2025](#) (pp. 24-27), law reform has still not been delivered.

<sup>4</sup> ECNI has recommended that the NI Executive and relevant NI Departments must ensure that, further to the UK Government’s dynamic alignment obligations under Windsor Framework Article 2, race equality law in NI must ‘keep pace’ with any EU changes to the Racial Equality Directive in Windsor Framework Annex 1, including as a result of the EU Directive on Binding Standards for Equality Bodies, in line with the transposition deadline for the Directive (to the extent that the EU directive ([2024/1499](#)) amends or replaces the Race Equality Directive, race equality law in NI must be amended, in line with the transposition deadline for the Directive, namely, 19 June 2024)

<sup>5</sup> The Commission has also called for changes to the definition of discrimination to include “intersectional” or combined discrimination (Source: ECNI (2023): [Consultation Response: The Executive Office: Consultation on the Review of the Race Relations \(NI\) Order 1997](#)). We consider that the vast majority of provisions in the EU Pay Transparency Directive, including on intersectional discrimination, amend or replace the gender employment equality directive, and also fall within the scope of the dynamic alignment obligations under Windsor Framework Article 2. For example, the [Pay Transparency Directive](#), clarifies in Article 3, via a new definition, that discrimination includes “intersectional discrimination”, which amends the gender employment equality directive (Directive 2006/54/EC). See ECNI and NIHRC (2024). [Briefing Paper: The EU Pay Transparency Directive: The UK Government’s dynamic alignment obligations relating to Windsor Framework Article 2](#) (ECNI, NIHRC, 2024)

<sup>6</sup> ECNI (2023): [Race Law Reform - Priorities and Recommendations](#), pp. 96-98.

1.8 We **recommend** that the Committee asks the Executive what action has and will be taken to:

- ensure the introduction of effective ethnic equality monitoring by NI Departments and wider public authorities to:
  - improve the delivery of public policy and public service;
  - ensure the collection, monitoring and evaluation of appropriate disaggregated data relating to minoritised ethnic groups for that purpose;
  - set out a clear timetable for full implementation and review.

***Racist hate crime (Article 5):***

1.9 We **recommend** that the Committee asks the Executive to:

- provide evidence of the effectiveness of any specific actions to promote respect, and tackle racism and discrimination;
- to provide specific detail on what action is being taken to reduce and eliminate racial violence in NI (including to address issues of under reporting, the low number of prosecutions for racist hate crime) and address any identified impact of Brexit; and
- to set out a timetable for implementing *in full* the key recommendations made by the Independent (Marrinan) Review of Hate Crime in Northern Ireland, including those relating to Hate Speech.

***Situation of national or ethnic minorities (Articles 2-7):***

1.10 We **recommend** that the Executive are asked to set out evidence of key outcome-focused actions being taken in NI to:

- reduce or eradicate key inequalities experienced by minoritised ethnic communities (particularly marginalised groups such as Travellers and Roma); and
- to promote integration of minoritised ethnic communities and migrant people by addressing barriers to education, health, housing, employment and social protection, including those resulting from Brexit.

***Situation of migrants, asylum seekers, refugees and stateless persons (Articles 2 and 5):***

1.11 ECNI **recommends** that the Committee ask the Executive:

- what urgent steps it is taking to sign-off, publish, resource and implement a Refugee Integration Strategy (RIS);
- how it will ensure that the strategy includes specific resourced and time-bound actions with lead responsibility attributed to specific Departments.

- how it will ensure that the actions are outcome focused with links to specific NI orientated indicators, linked to Home Office Indicators of Integration<sup>7</sup>.

1.12 We also **recommend** that the Committee ask the UK Government what urgent steps it is taking to review and amend the Illegal Migration Act 2023 and the Safety of Rwanda Act (Asylum and Immigration) 2024, to ensure their provisions are human rights compliant and to protect against any diminution of rights in NI law, contrary to the Windsor Framework Article 2; and to confirm that Windsor Framework Article 2 will be considered and complied with throughout the development and implementation of regulations and guidance relating to the Nationality and Borders Act 2022.

1.13 ECNI **recommend** that the Committee ask the UK Government and Executive what urgent measures are being taken to address the issues leading to destitution (including homelessness) among asylum seekers and refugees; and the negative impact of the approach of the asylum process and restrictions on asylum seekers.

1.14 We also **recommend** that the Committee seek to ensure progress on key cross-cutting actions - to target interventions and track impacts; to ensure that key datasets contain comprehensive equality data to facilitate full equality analysis; to ensure leadership at all levels on equality issues; to ensure stakeholder involvement in design, delivery and review; and to ensure time-bound and resourced action plans to underpin effective delivery.

## 2 Background and Context

2.1 Northern Ireland (NI) has become an increasingly diverse society over the last twenty years. A review (2023) by The Executive Office (TEO) and the Statistics and Research Agency (NISRA) of the 2021 Census data<sup>8</sup>, which took into account minority ethnic people recorded under the ‘white’ category<sup>9</sup> (4.7% of the population), concluded that the total minority ethnic population in Northern Ireland now constitutes 8.1% (153,000 people) of the total population for NI of 1.9 million people, representing a considerable increase since 2001.<sup>10</sup>

2.2 Stakeholders however often express concerns that issues relating to minoritised ethnic people have historically been “overlooked” in politics and policymaking in NI as there was a perceived priority given to “Green and Orange” issues,

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<sup>7</sup> Home Office (2019): [Indicators of Integration 2019, Third Edition](#)

<sup>8</sup> The Executive Office (November 2023): Review of Minority Ethnic Census 2021 Data – 8.1% NI Population.

<sup>9</sup> For example, Polish, Lithuanian etc.

<sup>10</sup> Census figures for Northern Ireland showed that in 2001 there were 14,300 people (0.8%) belonging to minority ethnic groups (MEGs), increasing to 32,400 (1.8%) in 2011 and increasing further to 65,600 (3.4%) in 2021 [Source: NISRA (September 2022): [Main Statistics for Northern Ireland - Statistical Bulletin- Ethnic Group](#), p. 5]. The current consolidated figure derived from the 2021 Census and agreed by TEO and NISRA for MEGs is 8.1%.

resulting in the marginalisation of minoritised ethnic and migrant communities, often seen as “other”.<sup>11</sup>

2.3 In response to criticism regarding lack of progress, exacerbated by Black Lives Matters protests in NI in 2020<sup>12</sup>, TEO proposed in October 2021 that for the remainder of the current RES there would be a focus on three priorities:

- development of the legislative framework, both in terms of racial equality more generally and hate crime;
- development of public sector ethnic monitoring to provide the data and enable analysis of inequalities;
- training and development across Government.<sup>13</sup>

2.4 It is important to acknowledge that while the implementation of the RES has in general been slow. in the last five years there has been some progress made towards these priority areas. This is noted further below.<sup>14</sup>

2.5 However, while progress is noted, it is also important to emphasise that there has been no actual delivery / completion to date on any of these key racial equality policy commitments by the NI Executive and Departments.

2.6 **It is in this context that the Commission intends to focus our submission to the Committee, seeking recommendations in the concluding observations that will encourage completion and delivery of priority actions regarding:**

- Reform of Race Equality Law;
- A new Racial Equality Strategy;
- Ethnic Equality Monitoring to improve public service delivery;
- Hate Crime Legislation;
- Refugee Integration, including via a dedicated Strategy.

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<sup>11</sup> See, for example: Northern Ireland Affairs Committee (2022): [The Experiences of Migrant and Minority Ethnic People in Northern Ireland](#), pp. 5-6; Pivotal (2023): [The impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#) (ECNI, 2023), pp. 4-5. Minoritised ethnic and migrant people participants in the research felt they were not a priority and perceived there to be little focus from government or statutory bodies on the particular challenges they faced resulting from Brexit.

Legislation prohibiting racial discrimination in Northern Ireland - [The Race Relations \(Northern Ireland\) Order 1997](#) – was introduced thirty two years after the first such legislation was introduced in Great Britain (the [Race Relations Act 1965](#).)

<sup>12</sup> Irish News (4 June 2020): [Black Lives Matter rallies organised across Ireland as hundreds turn out for Belfast protest](#)

<sup>13</sup> The Executive Office (October 2021): Racial Equality Strategy Mid-Term Stocktake.

<sup>14</sup> With regard to racial equality training for civil servants, consultants were appointed to inform development and delivery of NICS racial equality training. Their report is to be completed in ‘Spring 2024’ and will be presented to Ministers to consider and decide next steps. At the time of writing, the report has yet to be shared with external stakeholders, including The Executive Office’s Racial Equality Sub-Group. Progress on reform of racial equality legislation, the introduction of ethnic equality monitoring, the introduction of hate crime legislation and the adoption of a Refugee Integration Strategy is set out elsewhere in the body of this submission.

ECNI also acknowledges the establishment by TEO of a Refugee and Asylum Seeker Integration Division and Thematic Groups on Travellers and Roma.

### 3 The Convention in domestic law and the institutional and policy framework for its implementation (Articles 1 and 2)

#### *Law Reform*

- 3.1 ECNI has a role, under the Race Relations (Northern Ireland) Order 1997 (the 1997 Order), ‘to keep under review the working of this Order and, when it is so required by the Department or otherwise thinks it necessary, draw up and submit to the Department proposals for amending this Order’<sup>15</sup>. We have long standing priorities for change.<sup>16</sup>
- 3.2 Individuals in NI currently have protection against unlawful racial discrimination under the 1997 Order, as amended<sup>17</sup>. However, legislation in Northern Ireland is increasingly dated. Further legislation in neighbouring jurisdictions has moved ahead (for example the introduction of a unified ‘Equality Act 2010’ in Great Britain) meaning that there is now significantly less protection for individuals against discrimination, harassment and victimisation across all racial grounds and in a wider range of areas in Northern Ireland than in other parts of the United Kingdom, or on the island of Ireland<sup>18</sup>.
- 3.3 ECNI continues to recommend that Single Equality Legislation (SEL) is the most effective way to harmonise, strengthen and clarify equality law in NI. In the absence of such legislation, we recommend urgent reform of race equality law.<sup>19</sup>

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<sup>15</sup> See: [Article 42 \(c\) of the Race Relations \(Northern Ireland\) Order 1997](#)

<sup>16</sup> ECNI (2023): [Race Law Reform - Priorities and Recommendations](#)

<sup>17</sup> The Order outlaws discrimination on racial grounds. Racial grounds include colour, race, nationality or ethnic or national origins. The Irish Traveller community is specifically identified in the RRO 1997 as a racial group which is protected against unlawful racial discrimination.

<sup>18</sup> ECNI (2023): [Race Law Reform - Priorities and Recommendations](#), paragraphs 1.20 - 1.21, p. 4.

In [Article 2\(1\) of the Windsor Framework](#) (formerly Ireland/Northern Ireland Protocol) the UK Government has committed to ensuring no diminution of certain equality and rights protections in NI, due to Brexit. In addition, there is a commitment that NI law will dynamically align with any EU changes to six EU Equality Directives in Annex 1. See NIHRC and ECNI (2022): [Working Paper: The Scope of Article 2\(1\) of the Ireland/Northern Ireland Protocol](#); while Windsor Framework Article 2 provides some protection for certain rights after Brexit in NI, there is the potential for equality and rights protections in NI to fall increasingly behind that of its neighbours in Ireland as well as GB. See ECNI (2023): [Policy Recommendations: European developments in Equality and Human Rights: The Impact of Brexit on the Divergence of Rights and Best practice on the Island of Ireland](#). Pp. 5-8.

<sup>19</sup> It should be noted that, as equality is a devolved matter, ECNI’s proposals for legal reform go further, in a number of respects than [The Equality Act 2010](#) appertaining in GB. See: ECNI (2023): [Race Law Reform - Priorities and Recommendations](#) for further detail.

ECNI’s key priorities for race law reform are:

- Harmonisation and expansion of the scope of racial grounds (pp. 14-21);
- Increased protection for individuals against racial discrimination and harassment by public bodies carrying out their functions (pp. 26-30);
- Introduction of protections against combined discrimination (pp. 30-35);
- Greater protection for employees against third party racial harassment (pp. 34-37);
- Expansion of the scope of positive action (pp. 52-56).



- 3.4 Following significant engagement with TEO, ECNI welcomed the public consultation on proposed changes to the 1997 Order<sup>20</sup> carried out in 2023.<sup>21</sup>
- 3.5 Whilst broadly satisfied with most of the proposals for reform identified in the consultation document, ECNI was disappointed to note that reference to the prohibition of combined (intersectional) discrimination was omitted from the TEO document, despite being identified as one of our priority areas for change.<sup>22</sup>

### **Recommendations**

- 3.6 ECNI requests that the Committee **recommend**:
- that the Executive advance comprehensive single equality legislation, or in its absence deliver updated racial equality legislation as a priority, in line with Commission recommendations, during year 2025/26 of the current NI Assembly mandate;
  - that the Executive seek to introduce protections against combined/ intersectional discrimination across the equality grounds, and introduces changes to racial equality legislation further to its ‘keeping pace’ obligations under Windsor Framework Article 2, going beyond EU standards where this strengthens rights and aligns with international human rights standards<sup>23 24</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.<sup>25</sup>

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<sup>20</sup> [Race Relations \(Northern Ireland\) Order 1997](#)

<sup>21</sup> The Executive Office (2023): [Review of the Race Relations \(NI\) Order 1997 – consultation document](#). The Commission’s response to the consultation is available [here](#)

<sup>22</sup> ECNI understands that a consultation report is with Ministers for approval with a view to introducing a Bill to the Assembly in 2025.

<sup>23</sup> ECNI has recommended that the NI Executive and relevant NI Departments must ensure that, further to the UK Government’s dynamic alignment obligations under Windsor Framework Article 2, race equality law in NI must ‘keep pace’ with any EU changes to the Racial Equality Directive in Windsor Framework Annex 1, including as a result of the EU Directive on Binding Standards for Equality Bodies, in line with the transposition deadline for the Directive (to the extent that the EU directive ([2024/1499](#)) amends or replaces the Race Equality Directive, race equality law in NI must be amended, in line with the transposition deadline for the Directive, namely, 19 June 2024)

<sup>24</sup> The Commission has also called for changes to the definition of discrimination to include “intersectional” or combined discrimination (Source: ECNI (2023): [Consultation Response: The Executive Office: Consultation on the Review of the Race Relations \(NI\) Order 1997](#)). We consider that the vast majority of provisions in the EU Pay Transparency Directive, including on intersectional discrimination, amend or replace the gender employment equality directive, and also fall within the scope of the dynamic alignment obligations under Windsor Framework Article 2. For example, the [Pay Transparency Directive](#), clarifies in Article 3, via a new definition, that discrimination includes “intersectional discrimination”, which amends the gender employment equality directive (Directive 2006/54/EC). See ECNI and NIHRC (2024). [Briefing Paper: The EU Pay Transparency Directive: The UK Government’s dynamic alignment obligations relating to Windsor Framework Article 2](#) (ECNI and NIHRC, 2024).

<sup>25</sup> ECNI (2023): [Race Law Reform - Priorities and Recommendations](#), pp. 96-98.



### ***Racial Equality Strategy***

- 3.7 Whilst ECNI welcomed, almost a decade ago, the Executive's publication of the Racial Equality Strategy 2015-2025<sup>26</sup> (RES), we, and other stakeholders, were concerned at the failure to develop an outcome focused action plan to eradicate racial inequalities, and since publication of the Strategy, the slow progress made towards racial equality overall.<sup>27</sup>
- 3.8 Furthermore, whilst the current RES is drawing towards a close, commitments which were also part of the previous 2005-2010 Racial Equality Strategy still remain undelivered e.g. the introduction of ethnic equality monitoring<sup>28</sup>; reform of racial equality legislation<sup>29</sup>; and the publication of a Refugee Integration Strategy.<sup>30</sup>

### ***Recommendations:***

- 3.9 We **recommend** that the Committee asks the Executive what action has been taken to ensure the delivery of a new Racial Equality Strategy (RES) by 2025, taking account of lessons from the existing 2015-2025 Strategy; deliver a co-ordinated cross-departmental action plan to reduce and eradicate racial inequalities, including to address the impact of Brexit<sup>31</sup> (incorporating clear targets, responsibilities, time scales and dedicated resources); to identify a single point of accountability in the Executive for monitoring and co-ordinating implementation of the RES; and to provide evidence of how the Executive is ensuring that the Executive is giving effect to CERD obligations.

### ***Ethnic Equality Monitoring to improve public service delivery***

- 3.10 The lack of reliable and comprehensive statistical data on the inequalities experienced by minoritised ethnic groups is a key issue in NI<sup>32</sup>.

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<sup>26</sup> The Office of the First Minister and the Deputy First Minister (now The Executive Office) (2015): [Racial Equality Strategy 2015-2025](#)

<sup>27</sup> See for example: House of Commons Northern Ireland Affairs Committee (2022): [The experiences of migrant and minority ethnic people in Northern Ireland](#); Pivotal (2023): [The impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#) (ECNI); Refugee and Asylum Forum (2023): [Priorities for Action](#)

Shared Aim One of the RES is 'the elimination of racial inequality' and although Departmental Racial Equality Champions were appointed in 2018, a plan to target and eliminate racial inequalities is yet to be developed and placed in the public domain.

An Independent Review of the RES, commissioned by TEO, commenced in August 2023. At the time of writing, a submission on the Independent Review Team's final report is being prepared for Ministers to consider and decide next steps. It is not clear if the Review of the RES will be made public.

<sup>28</sup> Office of the First Minister and Deputy First Minister (2005): [A Racial Equality Strategy for Northern Ireland 2005-2010](#), paragraph 4.21, p. 42 and paragraph 4.25, p. 43.

<sup>29</sup> Ibid, paragraph 4.18, p. 36 and p.74.

<sup>30</sup> Ibid, paragraph 4.48, p. 52. The Commission understands that a draft Refugee Integration Strategy is with Junior Equality Ministers for sign-off prior to being brought to the Executive for discussion and approval. The draft RIS has not yet been made public.

<sup>31</sup> ECNI: Policy Recommendations: The Impact of Brexit on Minority Ethnic and Migrant people in NI pp. 87-88, (to be published, 2024).

<sup>32</sup> Lucas, O. and Jarman, N. (2016): [Poverty and Ethnicity: Key Messages for Northern Ireland](#), p. 4. There is very little statistical evidence about outcomes for minoritised ethnic groups in relation to employment, health, education or housing and the lack of comprehensive and disaggregated ethnic monitoring by Departments in Northern Ireland makes evaluation of these policies difficult. The lack of systematic racial monitoring of the

- 3.11 Research by the Joseph Rowntree Foundation (JRF) (2013)<sup>33</sup> found an ‘absence of robust, reliable statistical or administrative analysis, significant gaps exist in the knowledge base’<sup>34</sup> on minoritised ethnic groups in NI and that whilst an ethnic monitoring guide had been published by OFMdfM in 2011, ‘many would argue that this falls short...as there is no clear lead from the top in respect of implementation’<sup>35</sup>.
- 3.12 The RES 2015-2025 included an action to examine where ethnic monitoring should be introduced and consult on proposals for implementation.<sup>36</sup>
- 3.13 TEO commissioned the NI Assembly Research Service (NIARS) to undertake this project and a final report, ‘Ethnic Monitoring in Northern Ireland – The Way Forward’ was submitted in November 2020.<sup>37</sup>
- 3.14 To date there has been no formal response issued by Ministers to the report’s recommendations. However, the Review of the Race Relations (NI) Order 1997 consultation document issued by TEO in 2023 stated that ‘we intend during the drafting stage of this new legislation to include a section to enact Ethnic Equality Monitoring through secondary legislation, at a later date, once we have pushed forward with Public Sector Ethnic Equality Monitoring as a means of offering good practice and advice to the private sector.’<sup>38</sup>
- 3.15 A cross-departmental working group on ethnic equality monitoring (EEM) was convened in January 2022 and issued an updated version of earlier guidance on ethnic EEM in the public sector in March 2023.<sup>39</sup> Although Roma were a category in the NI Census 2021, the guidance does not recommend that Departments collect equality data on Roma, despite widespread

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use of public services also makes it extremely difficult to assess, and plan for public service provision needs in the future.

[Section 75 of the Northern Ireland Act 1998; \(Schedule 9\)](#).requires public authorities to prepare an equality scheme showing how they propose to fulfil the duties imposed by Section 75, including monitoring the adverse impact of policies on the promotion of equality of opportunity (see ECNI (2007): [Monitoring Guidance for use by public authorities](#), p. iii). ECNI also recommends that public authorities monitor more broadly than strictly for adverse impacts, and monitor policies to identify opportunities to better promote equality of opportunity and good relations for the relevant Section 75 categories (including ‘race’) [see: ECNI (2010): [Section 75 of the Northern Ireland Act – A Guide for Public Authorities](#), p. 42].

The [Racial Equality Strategy for Northern Ireland 2005-2010](#) acknowledged (at p. 42) that ‘To have a racial equality policy without ethnic monitoring has been likened to aiming for good financial management without keeping financial records’ (Office of the First Minister and the deputy First Minister: 2005)

<sup>33</sup> Joseph Rowntree Foundation (2013): [Poverty and Ethnicity in Northern Ireland](#).

<sup>34</sup> Ibid, p. 9. The report also highlighted (at p. 22) that ‘any impact on outcomes for people of ethnic minority backgrounds is unclear as data is required to demonstrate the policy effectiveness’.

<sup>35</sup> Ibid, p. 22.

<sup>36</sup> The Office of the First Minister and the deputy First Minister (now The Executive Office) (2015): [Racial Equality Strategy 2015-2025](#), p. 5.

<sup>37</sup> Russell, R. (2020): [Ethnic Monitoring in Northern Ireland – The Way Forward \(NIARS\)](#). The report recommended, inter alia, that ethnic monitoring should become mandatory in the public sector through amending The Race Relations (Northern Ireland) Order 1997 by inserting provisions relating to the Public Sector Equality Duty (Section 149) and ‘specific duty’ regulations (Section 153) of the Equality Act 2010.

<sup>38</sup> The Executive Office (2023): [Review of the Race Relation \(NI\) Order 1997](#), p. 36.

<sup>39</sup> The Executive Office (March 2023): [Guidance for Ethnic Equality Monitoring in the Public Sector](#)

acknowledgement that they experience multiple disadvantage across a range of public policy domains.<sup>40</sup>

- 3.16 The guidance sets out that EEM will be phased in, with the public and private sectors being taken forward separately through adopting an incremental approach. The planned phases being: (i) Northern Ireland Civil Service (NICS) workforce monitoring (pilot)<sup>41</sup>; (ii) Public sector service provision (across all departments) (iii) Wider public sector (e.g. local government); (iv) Private sector (once legislation is enacted).
- 3.17 An update issued by the TEO in May 2024 revealed that although officials had engaged with Department of Finance colleagues to take forward implementation of NICS workforce monitoring, the Department had revealed that the associated costs were not profiled within the DoF budget<sup>42</sup> i.e. the project is currently unable to proceed.

### **Recommendations:**

- 3.18 ECNI **recommends** that the Committee asks the Executive what action has and will be taken to ensure the introduction of effective ethnic equality monitoring by NI Departments and wider public authorities, to improve the delivery of public policy and services through the collection, monitoring and evaluation of appropriate disaggregated data relating to minoritised ethnic groups for that purpose; and set out a clear timetable for full implementation and review.

## **4 Racist hate speech and hate crimes (Articles 2, 4, 6 and 7)**

- 4.1 Although evidence from the most recent Northern Ireland Life and Times (NILT) surveys suggests that there has been a decrease in negative attitudes towards minoritised ethnic groups, those who hold such attitudes still represent a significant minority.<sup>43</sup>

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<sup>40</sup> For example, the [Racial Equality Strategy 2015-2025](#) references, at paragraph 6.20, p. 31, 'the particular challenges and vulnerabilities facing particular groups such as Irish Travellers and the Roma.' See also: BBCNI News (10 February 2022): [Roma families face 'inhumane' challenges in Northern Ireland](#); Loader, R., Jiménez, E., O'Boyle, A. and Hughes, J. (2023): [Experiences of education among minority ethnic groups in Northern Ireland](#), pp. 36-38 (Queens University Belfast and the Nuffield Foundation); Northern Ireland Housing Executive (2019): [The Roma community in Northern Ireland and housing - a scoping review](#); Public Health Agency (undated): [Roma Health and Wellbeing Issues in Northern Ireland](#); European Roma Rights Agency (1 November 2018): [Britain First Facists stir up anti-Roma hate in Ballymena](#); South Belfast Roundtable et al (2016): [Roma Empowerment and Support for Inclusion](#), p. 4.

<sup>41</sup> The Executive Office (March 2023), Op. Cit., p.10. 'NICS workforce monitoring will be introduced as the initial pilot project to provide the opportunity to highlight and mitigate any unforeseen issues and identify lessons learned before wider public service monitoring begins.'

<sup>42</sup> The Executive Office (14 May 2024): TEO Racial Equality Division (RED) Update. In the interim officials have advised that they are exploring ways to progress public service provision monitoring until such times as workforce monitoring can be revisited and have commenced work on the development of a gateway to equality data on the NISRA Data Portal' [Source: The Executive Office: Minutes of meeting of Racial Equality Subgroup's Working Group (RESWG) on Ethnic Equality Monitoring (EEM), 1 May 2024].

<sup>43</sup> Pivotal (2023): [The impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#), pp. 43-44 (ECNI).

ECNI's (2016) equality awareness survey '[A Question of Attitude](#)', found that the five most negatively viewed groups were all racial groups: Travellers (19%); Roma (18%); Asylum Seekers/Refugees (15%); Migrant Workers (11%); Minority Ethnic Groups (10%), p. 3.

- 4.2 Nonetheless, 60% of respondents to a 2022 NILT survey considered that there was more (24%) or the same (36%) level of racial prejudice in NI now than there was 5 years ago. Just over 1 in 4 respondents to a 2022 NILT survey described themselves as ‘a little prejudiced against people of minority ethnic communities.’<sup>44</sup>
- 4.3 Levels of racial hate incidents and racial hate crimes have remained high and have, on occasion, exceeded the number of sectarian hate incidents and crimes.<sup>45</sup>
- 4.4 Police Service of Northern Ireland (PSNI) statistics for the period ending 31 December 2023<sup>46</sup> show that racial hate crimes and incidents were the most common form of hate crime during 2023 with 1,317 racial hate incidents and 857 racial hate crimes<sup>47</sup>
- 4.5 Evidence also suggests that hate crime is generally under-reported.<sup>48</sup>
- 4.6 The Independent Review of Hate Crime Legislation in NI (‘Marrinan Review’)<sup>49</sup> noted the absence of any legal definition or specific offence of hate crime, highlighted the shortcomings of the current enhanced sentencing approach provided for by the Criminal Justice (No. 2) (Northern Ireland) Order 2004<sup>50</sup> and the underuse of the hate speech provisions in Part III of the Public Order (Northern Ireland) Order 1987<sup>51</sup> and made a number of substantial proposals for reform, including the adoption of a statutory aggravation model.<sup>52</sup>

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<sup>44</sup> [Northern Ireland Life and Times Survey 2022](#)

ECNI-commissioned research identified that participants from minoritised ethnic and migrant groups felt that racism was a normal part of day-to-day life in NI. Brexit was described as a ‘trigger event’ for racist abuse for participants, with a perceived increase in open expressions of racism and a perceived rise in racial bias since the Brexit referendum, which had impacted on their ability to access services and to secure employment. [See: Pivotal, (2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#), pp 47-53 (ECNI)]. In addition, results from ECNI’s 2024 public awareness survey on Article 2 revealed that a substantial proportion of participants felt that attitudes toward minority ethnic people, migrant workers and refugees and asylum seekers had got worse after Brexit (48%, 46% and 53% for minority ethnic people, migrant workers and refugees and asylum seekers respectively).

<sup>45</sup> Police Service for Northern Ireland (29 February 2024): [Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland - Update to 31st December 2023](#), figure 1, p. 6.

In his Independent Review of Hate Crime legislation in Northern Ireland (2020), Judge Marrinan pointed out that there is approximately a one in 31 chance of being the victim of a reported racial hate incident compared to 7 approximately one in 1777 chance of being a victim of a reported sectarian hate incident (see: [Hate Crime legislation in Northern Ireland – Independent Review Executive Summary](#) (December 2022), pp. 6-7).

<sup>46</sup> Ibid, Table 1, p. 5.

<sup>47</sup> During the same period there were 1,087 sectarian hate incidents and 747 sectarian crimes.

<sup>48</sup> [Written evidence from the Police Service of Northern Ireland, relating to The experiences of minority ethnic and migrant people in Northern Ireland Inquiry \(MEM0030\)](#) [Northern Ireland Affairs Committee (2022): [The experiences of minority ethnic and migrant people in Northern Ireland](#), p.24];

NI Human Rights Commission (2013): [Racist Hate Crime – Human Rights and the Criminal Justice System](#), p. 63; Jarman, N. (2012): [Criminal Justice Responses to Hate Crime in Northern Ireland](#), Institute for Conflict Research.

<sup>49</sup> ECNI was represented on the Hate Crime Working Group of the Independent Review (2019-2020) of Hate Crime Legislation in Northern Ireland.

<sup>50</sup> [The Criminal Justice \(No. 2\) \(Northern Ireland\) Order 2004](#).

<sup>51</sup> [The Public Order \(Northern Ireland\) Order 1987](#).

<sup>52</sup> [Hate Crime legislation in Northern Ireland – Independent Review Executive Summary](#) (Dec 2022); ECNI submitted a [response](#) to the consultation by the Department of Justice on reform of hate crime legislation and subsequently published a comprehensive [policy position on hate crime in NI](#).

4.7 On 20 May 2024 the Minister for Justice informed the NI Assembly that she would not now be proceeding with a standalone Hate Crime Bill. However, she committed to ensuring that some aspects of the proposed hate crime bill, including an aggravated sentencing model, would instead be incorporated through proposed Sentencing Bill and Victims of Crime Bills scheduled for introduction towards the end of the current Assembly mandate.<sup>53</sup> Actions to address the recommendations made by the Independent Review in respect of Hate Speech have not yet been developed or agreed.

4.8 We **recommend** that the Committee asks the Executive to:

- provide evidence of the effectiveness of any specific actions to promote respect, and tackle racism and discrimination;
- to provide specific detail on what action is being taken to reduce and eliminate racial violence in NI (including to address issues of under reporting, the low number of prosecutions for racist hate crime) and address any identified impact of Brexit; and
- to set out a timetable for implementing, *in full*, the key recommendations made by the Independent (Marrinan) Review of Hate Crime in Northern Ireland, including those relating to Hate Speech.

## 5 Situation of national or ethnic minorities (Articles 2-7)

5.1 Within the limitations of available data (see earlier discussion), ECNI has identified key issues for minoritised ethnic groups in NI including:

- the segregation of minority ethnic and migrant workers in low pay, low skill jobs, high levels of harassment at work<sup>54</sup>, exploitation and forced labour<sup>55</sup>, including highlighting concerns that Brexit has impacted on this exploitation<sup>56</sup>;
- lower levels of educational attainment among minority ethnic groups<sup>57</sup> with female attainment decreasing dramatically<sup>58</sup>;
- barriers to accessing rights and entitlements including public services such as healthcare, social security and education as a result of Brexit.<sup>59</sup>

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<sup>53</sup> See: [Northern Ireland Assembly Official Report \(Hansard\) Monday 20 May 2024 Volume 159, No 4](#), pp. 31-32; Newsletter (21 May 2024): [Northern Ireland Justice Minister Naomi Long drops plans for stand-alone Hate Crime Bill, saying three remaining years of Assembly Mandate is not enough time.](#)

<sup>54</sup>ECNI (2018): [Key Inequalities in Employment](#), paragraphs 7.35- 7.49, pp. 87-91.

For the last two years, harassment at work has been most common complaint on racial grounds and in 2014/15 accounted for over a fifth (23%) of all applications/enquiries to the Commission.

<sup>55</sup> Jarman, N. (2015): [Forced Labour in Northern Ireland – an update, Joseph Rowntree Foundation and Pivotal](#) (2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#), pp. 104-106.(ECNI).

<sup>56</sup> Pivotal (2023): Op Cit. p. 106.

<sup>57</sup> Burns, S., Leitch, R. and Hughes, J. (2015): [Education Inequalities in Northern Ireland](#), p. 174.

<sup>58</sup> Ibid, p. 201.

<sup>59</sup> Pivotal (2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#), pp 78-87 (ECNI); Wright K.A.M, McAreavey, R. and Donaldson, R. (2024): [The Impact of Brexit on Women in Northern Ireland](#), pp. 62-64 (ECNI).



- poor conditions and overcrowding in housing particularly where accommodation is tied to employment<sup>60</sup>;
- inadequate support for transitioning refugees leading to poverty and destitution;<sup>61</sup>  
the lack of involvement of members of minoritised ethnic communities in government in NI<sup>62</sup>.

5.2 We have also identified a range of inequalities experienced by minoritised ethnic women including lack of affordable accessible childcare<sup>63</sup>; barriers to accessing English classes (including, for example, transport)<sup>64</sup>; and structural issues for victims of domestic violence leading to financial dependence on abusive partners and no recourse to public funds and particular barriers for migrant women in obtaining settled status under the EU Settlement Scheme (EUSS) after Brexit.<sup>65</sup>

5.3 Travellers, Roma, Refugees and Asylum Seekers are amongst the most marginalised minority ethnic groups in NI.<sup>66</sup>

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<sup>60</sup> Wallace, A. (2015): [Housing and Communities' Inequalities in Northern Ireland](#), pp. 130-131 (Centre for Housing Policy, University of York for ECNI); Pivotal (2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#), p.106 (ECNI); Northern Ireland Housing Executive (2019): [The Roma Community in Northern Ireland and housing need – a scoping review](#).

<sup>61</sup> United Nations Special Rapporteur on Extreme Poverty and Human Rights (16 November 2018): [Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights](#), (v), p. 19; Refugee and Asylum Forum (2023): [Priorities for Action](#), pp.13-14; Murphy, F. and Vieten, U.M. (2017): [Asylum Seekers and Refugees experiences of life in Northern Ireland](#), pp. iv, vi, 51, pp. 63-66 (Queens University Belfast for The Executive Office); Northern Ireland Council of Refugees and Asylum Seekers (2016): [The Effect of Destitution on Refugees and Asylum Seekers in Northern Ireland](#), pp. 13-15; Commission on the Integration of Refugees (2024): [From Arrival to Integration - Building Communities for Refugees and for Britain](#), p. 36; See also: Right to Remain (6 February 2018): ["We deserve a life we can LIVE, not just exist": Asylum seekers in Belfast demand dignity](#); Housing4All (2019): [A Prison Without Walls – Asylum, Migration and Human Rights](#).

<sup>62</sup> Currently, there is no political representation in terms of ethnic minorities within the Northern Ireland Assembly [Source: [Ethnic diversity in politics and public life](#), House of Commons Library briefing paper, 2 October 2023]. In 2019, only one councillor was of a recorded minority ethnic background out of a total of 462 [Source: [Ethnic diversity in politics and public life](#), House of Commons Library briefing paper, 2 October 2023, p. 20].

<sup>63</sup> ECNI (2014): [Racial Equality Priorities and Recommendations](#), paragraph 5.10, p. 21.

<sup>64</sup> Ibid, paragraph 5.13, p. 22.

<sup>65</sup> Under the Withdrawal Agreement an EU/European Economic Area (EEA) citizen or a family member of an EU/EEA citizen resident in the UK prior to the end of the Brexit transition period must obtain settled or pre-settled status under the EU Settlement Scheme (EUSS) to continue to live, work and study in the UK after it leaves the EU. See Pivotal (2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#), pp. 65-66 (ECNI).

<sup>66</sup> For example, research on Irish Travellers shows that:

- two-thirds (67.0%) of all Irish Traveller school leavers did not achieve any GCSEs for the combined years 2008-2012 (compared to 1.8% of the general school leaver population in 2011/12) (Source: Burns, S., Leitch, R. and Hughes, J. (2015): [Education Inequalities in Northern Ireland](#), p. 177); [Data provided to the Equality Commission by the Department of Education in 2022 showed that by the Department for Education<sup>66</sup> 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<sup>66</sup>. The Department's figures show that over this period, only 4 Traveller students entered higher education<sup>66</sup> i.e. only 4% of Traveller school leavers [Source: Correspondence with the Department of Education Statistics Branch]; In contrast, the percentage of non-Traveller school leavers entering higher education in both 2020 and 2021 is estimated at 47.9% [Source: BBC NI (27 May 2022): [Record number of school leavers enter university](#)].
- life expectancy of Traveller women is still 11.5 years lower than women in the general population and suicide rates are almost seven times higher for Traveller men than in the general population [Source:

- 5.4 ECNI remains concerned by the ‘severe undersupply of decent, culturally sensitive accommodation for Travellers, which provides meaningful choice for householders regarding their way of life’<sup>67</sup>. The NI Human Rights Commission report ‘Out of Sight, Out of Mind: Travellers’ Accommodation in Northern Ireland’<sup>68</sup> (2018) highlighted 13 systemic issues of concern.<sup>69</sup> Furthermore, there are now fewer sites available than there were fifteen years ago.<sup>70</sup>
- 5.5 In addition, ECNI has highlighted particular barriers and issues for migrant workers, and particularly Roma, arising as a result of Brexit, including in relation to accessing the EUSS, proving residency status to access rights and entitlements and exploitation in employment and in accessing information on rights after Brexit.<sup>71</sup>

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

- Travellers are less likely to be in employment and more likely to be economically inactive than other ethnic groups.  
[ECNI’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].  
[ECNI’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].
- public attitudes towards working with Irish Travellers tend to be more negative than for any other ethnic group.  
[A 2023 NI Life and Times Survey showed that 33% of respondents would not willingly accept Travellers living in a house as a resident in their local area, 31% would not be willing to accept a Traveller as a close friend and 32% would not willingly accept a Traveller as a relative by way of marriage to a close member of their family. Source: ARK (2023): [Northern Ireland Life and Times Survey – Minority Ethnic People module](#)].

<sup>67</sup> ECNI (2014): [Racial Equality Policy Priorities and Recommendations](#), paragraphs 6.1-6.6, pp. 24-26.

<sup>68</sup> Northern Ireland Human Rights Commission (2018): [Out of Sight, Out of Mind: Travellers’ Accommodation in Northern Ireland](#)

<sup>69</sup>These included: resource availability; provision of a sufficient level of culturally adequate Travellers’ accommodation; and the adequacy of Travellers’ accommodation in Northern Ireland, including a lack of adequate stopping sites, a lack of resources for Traveller accommodation and a lack of emphasis on Travellers being involved in the decision-making process.

Recent research by [The Lead](#) (2024)<sup>69</sup> found that public sites for Irish Traveller communities in Northern Ireland are affected by recurrent and persistent sanitary issues including sewage and vermin problems alongside continuing threats of paramilitary violence against Traveller communities.

<sup>70</sup> In 2009, the ECNI’s [Outlining minimum standards for Traveller accommodation](#), reported (at p. 17) that the Northern Ireland Housing Executive (NIHE) operated six serviced sites comprising 77 units; five transit sites comprising 40 units; three emergency sites comprising 18-24 units.

In 2024, Craigavon Travellers Support Committee report that there are now only four sites operated by the NIHE; 2 serviced sites and 2 Transit / de-facto serviced sites. According to the Committee there were 122 Traveller Families on the Social Housing Waiting List in 2022 due to overcrowding [Source: Craigavon Travellers Support Committee (2024): Update on the implementation of the Northern Ireland Human Rights Commission’s Recommendations: Out of Sight, Out of Mind: Traveller Accommodation in Northern Ireland 2018].

<sup>71</sup> ECNI: Policy Recommendations - The Impact of Brexit on Minority Ethnic and Migrant people in NI; (to be published, 2024); Pivotal (2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#). (ECNI).



5.6 ECNI welcomes the recent establishment by TEO of Thematic Groups on Roma and Travellers<sup>72</sup>. However, to date there have been no specific actions agreed to target inequalities experienced by either group.<sup>73</sup>

5.7 ECNI has also highlighted a number of issues which act as barriers to the integration of migrant communities<sup>74</sup>. The policy response to addressing key inequalities has been mixed. Despite some welcome developments, minoritised ethnic groups in NI continue to face key inequalities across a range of social policy areas.

***Recommendations:***

5.8 We **recommend** that the Executive are asked to set out evidence of any outcome-focused actions being taken in NI to:

- reduce or eradicate key inequalities experienced by minoritised ethnic communities (particularly marginalised groups such as Travellers and Roma); and
- to promote integration of minoritised ethnic communities and migrant people by addressing barriers to education, health, housing and employment, including those resulting from Brexit.

5.9 In particular, we **recommend** that the Committee ask the Executive:

***Employment***

5.10 What specific measures Government will advance to tackle racial discrimination, low pay and occupational segregation among migrant workers in NI?

5.11 How will Government ensure that migrant workers in NI will be adequately protected from exploitation and discriminatory treatment, including to assess and address any identified impact due to Brexit?

***Education***

5.12 What steps Government will take to improve disaggregated data on educational attainment by ethnicity and address educational inequalities experienced by minoritised ethnic groups in NI?

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<sup>72</sup> See: [Roma Thematic Group - Membership | The Executive Office \(executiveoffice-ni.gov.uk\)](#); [Travellers Thematic Group - Membership | The Executive Office \(executiveoffice-ni.gov.uk\)](#). Office of the First Minister and the Deputy First Minister (2015): [Racial Equality Strategy for Northern Ireland 2015-2025](#), paragraph 6.19, p. 31 and p. 53. See also: ECNI (2014): [Racial Equality Policy Priorities and Recommendations](#), paragraph 5.11, p. 22.

<sup>73</sup> ECNI continues to stress the need for overarching Traveller and Roma Strategies to address the complex, multi-faceted needs of these communities in a more systematic and co-ordinated way.

<sup>74</sup> For example, the English for Speakers of Other Languages (ESOL) (Skills for Life) programme in NI is not included as part of the Essential Skills programme as it is in the rest of GB. For further information, see Good, S. (2015): [Overview of post-16 ESOL provision, accreditations, standards and delivery across Northern Ireland](#), p. 65 (Northern Ireland Council for Ethnic Minorities & the Office of the First Minister and the Deputy First Minister).

- 5.13 How it will ensure that, following the current evaluation of the Traveller Child in Education Action Framework<sup>7576</sup>, that further steps will be resourced and taken, to improve educational outcomes for Traveller pupils in NI?

### ***Health and Accommodation***

- 5.14 What steps have been taken by the Department of Health in NI to reduce and eradicate health inequalities for minoritised ethnic communities?
- 5.15 What steps has Executive taken to ensure minoritised ethnic groups (including Roma and Travellers) have access to appropriate accommodation, and have adequate access to health services, including to address barriers due to Brexit?

### ***Integration, participation, and social protection***

- 5.16 What specific actions has the Executive taken to improve the integration of minoritised ethnic communities particularly Roma, Traveller, Asylum-Seeker and Refugee communities in NI; and how effective have they been?
- 5.17 Whether there are any plans to designate English for Speakers of Other Languages as an Essential Skill in NI?
- 5.18 What specific measures has Government taken to maximise the participation of members of minoritised ethnic groups in public and political life in NI; and how effective have they been?

## **6 Situation of migrants, asylum seekers, refugees and stateless persons (Articles 2 and 5)**

- 6.1 The number of people seeking sanctuary in Northern Ireland, through claiming asylum has increased in recent years<sup>77</sup>. In December 2023, there were 2,831 people receiving asylum support in Northern Ireland.<sup>78 79</sup>
- 6.2 Research<sup>80</sup> has highlighted particular problems suffered by asylum seekers and refugees, including financial, educational, health, accommodation, and

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<sup>75</sup> Department of Education NI (2013): [Traveller Child in Education Action Framework](#). The Framework seeks to give effect to the policy of the Department of Education to take additional positive actions to ensure that every Traveller child and young person is given the opportunity to fulfil their educational potential. Published in 2013, it includes a commitment (at p. 13) to monitor and review the Framework biannually by a small Monitoring and Review Group.

<sup>76</sup> The action plan was due to be reviewed on a Bi-Annual basis by a small Monitoring and Review Group (p. 13 of the [Traveller Child in Education Action Framework](#)).

<sup>77</sup> Law Centre NI (April 2024): [Northern Ireland refugee statistics](#).

<sup>78</sup> Home Office (2023): [Immigration system statistics data tables](#) [last updated 29 February 2024]. See: [Asylum seekers in receipt of support detailed datasets, year ending December 2023, Asy\\_D09](#).

<sup>79</sup> A Law Centre NI briefing (2023) on [Northern Ireland refugee statistics](#) (at p. 1) sets these statistics in context: Northern Ireland hosts 2.6% of all the people in the UK who are seeking sanctuary. The UK ranks 16th in Europe for the asylum applications per head of population. Worldwide, the large majority (70%) of the world's refugees live in neighbouring countries, which tend to be low and middle income countries.

<sup>80</sup> Refugee and Asylum Forum (2023): [Priorities for Action](#); Pivotal (2023): [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#), pp. 96-100 (ECNI); Murphy, F. and Vieten, U.M. (2017): [Asylum Seekers and Refugees experiences of life in Northern Ireland](#) (Queens University Belfast for The Executive Office).

communication. Asylum seekers and refugees are often faced with legal issues relating to their residence status.<sup>81</sup> Refugees and asylum seekers also experience racist harassment and hate crimes.<sup>82</sup>

- 6.3 Although immigration, including policy on asylum seekers, is an excepted matter under paragraph 8, Schedule 2 of the Northern Ireland Act 1998<sup>83</sup>, and therefore the responsibility of the Home Office<sup>84</sup>, NI Departments are responsible for providing services to asylum seekers in areas such as education and healthcare.
- 6.4 ECNI has expressed concerns that provisions in UK legislative developments on immigration, such as the Nationality and Borders Act,<sup>85</sup> Illegal Migration Act<sup>86</sup> and the Safety of Rwanda Act,<sup>87</sup> diminish the rights of refugees and asylum seekers in NI after Brexit and are a potential breach of Windsor Framework Article 2, as well as potentially incompatible with the European Convention on Human Rights (ECHR).

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<sup>81</sup> The Office of the First Minister and the Deputy First Minister (2005): [Racial Equality Strategy 2005-2010](#), paragraph 3.7, p. 29.

<sup>82</sup> Michael, L. and Devine, P. (November 2018): [A welcoming Northern Ireland? Understanding sentiment towards asylum seekers and refugees](#), ARK research update No.124.

See also: BBC (2021): [Refugees: 'Racist events' stopped resettlement of refugees in NI DUP councillor Marc Collins faces backlash for Carrickfergus asylum seeker comments - BelfastTelegraph.co.uk](#); McVeigh, R. (2015): [Living the peace process in reverse: racist violence and British nationalism in Northern Ireland](#); Doeblar, S., McAreavey, R. and Shortall, S. (2018): [Is racism the new sectarianism? Negativity towards immigrants and ethnic minorities in Northern Ireland 2004 to 2015](#); Lippard, C.D and McNamee, C.B (2021): [Are Refugees Really Welcome? Understanding Northern Ireland Attitudes Towards Syrian Refugees](#), *Journal of Refugee Studies*, Volume 34, Issue 3, September 2021, pp. 3091–3112; United Nations Committee on the Elimination of All Forms of Racial Discrimination (2017): [Concluding observations on the twenty-first to twenty- third periodic reports of the United Kingdom of Great Britain and Northern Ireland](#) CERD/C/GBR/CO/21-23, paragraph 15, p. 4; Advisory Committee on the Framework Convention for the Protection of National Minorities (2017): [Fourth Opinion on the United Kingdom adopted on 26 May 2016](#), ACFC/OP/IV(2016)005, paragraphs 72-73, p. 25; McNulty, M. (2021): [Refugees in Northern Ireland 2020-21 - some basic facts](#), (Belfast: Embrace). McNulty (at p. 9) points out that there has also been considerable goodwill towards refugees.

<sup>83</sup> [Northern Ireland Act 1998](#), Schedule 2, paragraph 8.

<sup>84</sup> [The Illegal Migration Act 2023](#) has established that anyone seeking safety in the UK via anything other than a 'safe and legal' route will be unable to claim asylum, detained, and removed to a third country. 'Safe and legal routes' are channels whereby people are granted visas to come to or stay in the UK for humanitarian reasons and are different from asylum routes where individuals usually have to resort to irregular means to gain entry. For further details see: Law Centre NI (December 2023): [Northern Ireland refugee statistics](#). The UK Government has subsequently passed the [Safety of Rwanda \(Asylum and Immigration\) Act 2024](#) which confirms Rwanda as a safe third country for the removal of people entering the UK under new immigration laws, and seeks 'to deter migration by unsafe and illegal routes'. [The Act was passed despite concerns raised](#) by the UN High Commissioners for Refugees and Human Rights. See: United Nations High Commissioners for Refugees and Human Rights (23 April 2024): [UK's newly passed 'Safety in Rwanda' bill is anything but safe: UN officials](#).

The National Asylum Support Service (NASS), a Home Office body, chairs a co-ordinating group that includes Northern Ireland departments, or their appropriate non-departmental public bodies with responsibility for services to asylum seekers and refugees and representatives of voluntary and community sector organisations, to facilitate a "joined-up" approach to service provision by NASS and Northern Ireland departments.

<sup>85</sup> NIHRC and ECNI (2022): [Joint NIHRC / ECNI Briefing Paper on the Modern Slavery and Human Trafficking and Electronic Travel Authorisation provisions in the Nationality and Borders Bill](#).

<sup>86</sup> ECNI (2023): Submission to the House of Lords on the Illegal Migration Bill.

<sup>87</sup> ECNI (2024): Submission on the Safety of Rwanda (Asylum and Immigration) Bill.

- 6.5 A breach of Windsor Framework Article 2 and the ECHR was confirmed recently by the NI High Court<sup>88</sup> in a decision relating to a legal challenge against the Illegal Migration Act 2023 by the NIHRC.<sup>89</sup> The UK Government is appealing against the ruling.<sup>90</sup>
- 6.6 In 2005, the NI Executive committed to the development of a Refugee Integration Strategy (RIS) for Northern Ireland.<sup>91</sup> In 2021, TEO issued a public consultation on a draft RIS.<sup>92</sup>
- 6.7 However, the draft RIS was an overarching framework document and did not include specific actions attributed to Executive Departments or indicators which would enable monitoring and evaluation of the extent to which integration is being achieved.<sup>93</sup>
- 6.8 ECNI, in its response<sup>94</sup>, welcomed the recognition in the draft RIS that support for integration should commence at the point of application for asylum<sup>95</sup> and that integration is a two-way process<sup>96</sup>.
- 6.9 Although the draft RIS emphasised that ‘the integration of refugees into local communities and societies here is a common goal that all government departments, public authorities, district councils and partners in the voluntary and community sector must work towards in order to build a united and cohesive community’<sup>97</sup>, there was little detail of actions focused on local communities.
- 6.10 Research<sup>98</sup> has suggested that there are particular barriers to refugee integration in Northern Ireland arising from the political and religious divisions in

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<sup>88</sup> Judicial Communications Office (13 May 2024): [Court rules provisions of the Illegal Migration Act are incompatible with Article 2\(1\) of The Windsor Framework and should be disapplied – Summary of Judgement](#); BBC Northern Ireland News (13 May 2024): [Illegal Migration Act: Parts should not apply in NI, judge rules](#). Justice Humphreys found that several elements of the act cause a "significant" diminution of the rights enjoyed by asylum seekers residing in Northern Ireland under the terms of the Good Friday Agreement, that parts of the act are incompatible with the European Convention on Human Rights and that the act breaches Windsor Framework Article 2.

See also: NI Rights Commission (20 May 2024): [Illegal Migration Act challenge Factsheet – updated 20 May 2024](#)

<sup>89</sup> For further details see: NI Human Rights Commission (20 May 2024): [Illegal Migration Act challenge Factsheet – updated 20 May 2024](#)

<sup>90</sup> The Guardian (13 May 2024): [Rwanda deportation law should not apply in Northern Ireland, court rules](#).

<sup>91</sup> The Office of the First Minister and the Deputy First Minister (2005): [Racial Equality Strategy 2005-2010](#), paragraph 4.48, p. 52.

<sup>92</sup> The Executive Office (2021): [Draft Refugee Integration Strategy 2022-2027](#)

<sup>93</sup> The Racial Equality Strategy 2015-2025, also a framework document, has been criticised for being process orientated rather than outcome focused (See: House of Commons Northern Ireland Affairs Committee (2022): [Inquiry into the experiences of migrant and minority ethnic people in Northern Ireland](#), paragraph 20, p. 13.)

<sup>94</sup> ECNI (2022): [Response to the consultation by The Executive Office on the draft Refugee Integration Strategy 2022 - 2027](#)

<sup>95</sup> The Executive Office (2021): [The draft Refugee Integration Strategy 2022-2027](#), p. 21

<sup>96</sup> Ibid, p. 12. We consider that it is important that at the earliest possible stage, steps are taken to minimise barriers to social cohesion.

<sup>97</sup>Ibid, p. 15.

<sup>98</sup> Malischewski, C.A. (2013): Integration in a divided society? Refugees and asylum seekers in Northern Ireland, Working Paper, Series 91, Refugee Studies Centre, University of Oxford; Lippard, C.D and McNamee, C.B (2021): [Are Refugees Really Welcome? Understanding Northern Ireland Attitudes Towards Syrian Refugees](#), *Journal of Refugee Studies*, Volume 34, Issue 3, September 2021, pp. 3091–3112.

society. Protests have been held against asylum seekers in Belfast, Bangor and Portrush and there have been sporadic related incidents previous to these.<sup>99</sup>

- 6.11 These events imply that there is work to be done in raising awareness amongst the host population of the circumstances and needs of asylum seekers and refugees and promoting anti-racism.
- 6.12 In 2022, TEO established the Refugee and Asylum Support and Integration Division (RASID).<sup>100</sup>
- 6.13 ECNI acknowledges the work undertaken by RASID to develop a draft RIS for Northern Ireland<sup>101</sup> but notes that almost two decades since the 2005 commitment, the final strategy has yet to be approved or published, with no firm public timetable for its publication (the Commission understands that a draft strategy may be put before Ministers for consideration later this year).

### **Recommendations:**

- 6.14 ECNI **recommend** that the Committee ask the Executive:
- what urgent steps it is taking to sign-off, publish, resource and implement a Refugee Integration Strategy (RIS);
  - how it will ensure that the strategy includes specific resourced and time-bound actions with lead responsibility attributed to specific Departments.
  - how it will ensure that the actions are outcome focused with links to specific NI orientated indicators, linked to Home Office Indicators of Integration<sup>102</sup>.
- 6.15 We also **recommend** that the Committee ask the UK Government what urgent steps it is taking to review and amend the Illegal Migration Act 2023 and the Safety of Rwanda Act (Asylum and Immigration) 2024, to ensure their provisions are human rights compliant and to protect against any diminution of rights in NI law, contrary to the Windsor Framework Article 2; and to confirm that Windsor Framework Article 2 will be considered and complied with

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<sup>99</sup>Count Down Spectator (29 February 2024): [Protesters 'not representative' of wider North Down support](#); BBC NI News (8 November 2023): [Belvoir: Protest held outside social housing tower blocks](#); Belfast Telegraph (23 May 2023): [Those behind 'far right' asylum seeker protests on north coast 'represent nobody' says councillor](#); Sunday World (17 March 2023): [Far-right agitator Dee Wall joins anti-asylum seeker protest in Co Down](#); See also: [Belfast Live \(23 July 2021\): Stormont urged to 'robustly defend' asylum seekers staying at hotel in Carrickfergus](#); Police were called to a demonstration against Syrian refugees arriving in Northern Ireland in 2015 (see: The Guardian (5 December 2015): [Riot police called over anti-refugee protest in Belfast](#)); A government scheme to resettle refugees from the Democratic Republic of Congo to Northern Ireland was cancelled as a result of Home Office concerns after racist attacks on the Roma community in 2009 (See: BBC NI News (20 December 2021): [Refugees: 'Racist events' stopped resettlement of refugees in NI](#)).

<sup>100</sup> The Executive Office (November 2022): Racial Equality Subgroup - TEO RASID Summary Report for 29th November meeting.

RASID oversees a number of workstreams which relate to the implementation of the draft Refugee Integration Strategy, including: Asylum seeker support; Vulnerable Persons Resettlement Scheme implementation; Afghan resettlement implementation; Ukrainian visa schemes implementation; Community Sponsorship; British Nationals Overseas support; Future resettlement/visa schemes; Influencing policy, local impact and mitigations.

<sup>101</sup> Currently the only jurisdiction within the United Kingdom without such a strategy.

<sup>102</sup> Home Office (2019): [Indicators of Integration 2019, Third Edition](#)

throughout the development and implementation of regulations and guidance relating to the Nationality and Borders Act 2022.

- 6.16 ECNI **recommend** that the Committee ask the UK Government and Executive what urgent measures are being taken to address the issues leading to destitution (including homelessness) among asylum seekers and refugees; and the negative impact of the approach of the asylum process and restrictions on asylum seekers.

## 7 Cross-Cutting Priorities

7.1 We **recommend** that the Committee seek to secure progress on the following priority areas across a range of Government strategies, programmes and plans:

- Targeting Interventions, Tracking Impacts: All key measures of Government should not only be tracked in aggregate but also for the impact on individuals from across the full range of equality grounds. Providing comprehensive equality metrics for all key measures will assist equality considerations to be a core component of public policy design and delivery, facilitating the fuller targeting and delivery of interventions, including for the full range of equality groups.
- Equality Data: There is a need for Government and Public Authorities to collect and share comprehensive equality data to underpin the targeting of interventions and tracking of equality impacts. Key datasets should contain comprehensive equality data to facilitate full equality analysis. There is also a need to address gaps in the equality data, and to make this information accessible to a wide range of decision makers and stakeholders.
- Leadership: There is a need for leadership at all levels on equality issues. Leadership must promote positive attitudes, challenge stereotypes and discrimination and ensure that options to advance equality are considered at the earliest point, and across the lifecycle, of all policy development and service delivery.
- Stakeholder Involvement: There is a need for full and routine stakeholder involvement and co-design. Government and Public Authorities must fully and routinely involve key stakeholders in the design, delivery and review of law and public policy and service delivery, so as to benefit from their expertise and experience.
- Resources: There is a need for SMART, time-bound and resourced action plans as a basis for effective, on-time and prioritised delivery. Stakeholder organisations and the Equality Commission must also be properly resourced to support individuals, organisations, and Government / Departments to better shape and assist the delivery of the Programme for Government and related services, towards advancing equality of opportunity and good relations.

7.2 The delivery of law and public policy in Northern Ireland should 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.