



EQUALITY COMMISSION FOR NORTHERN IRELAND

**Proposals for inclusion in UNCERD
(Convention on the Elimination of All
Forms of Racial Discrimination) Committee
'List of Themes'**

May 2016

1 Submission to UNCERD ‘List of Themes’

- 1.1 The Equality Commission for Northern Ireland¹ welcomes the opportunity to make a submission to the Committee in relation to the UK’s compliance with the Convention on the Elimination of All Forms of Racial Discrimination and specifically this opportunity to highlight key themes relevant to Northern Ireland for inclusion in the examination of the UK State Party’s twenty-first to twenty-third periodic reports.

Context

- 1.2 Since the Committee’s previous Shadow report, the Commission has continued to publish research on key inequalities in Northern Ireland and has published detailed policy positions² to advance racial equality in Northern Ireland. We have also made recommendations³ to the Northern Ireland Executive on the development of a new Racial Equality Strategy for Northern Ireland.
- 1.3 We also note the changed context since the last UK examination including continuing economic pressures and recognise the efforts made by the Executive, working in partnership with voluntary sector organisations, to resettle migrants under the Vulnerable Person Relocation Scheme.

2 Priority Themes

- 2.1 Based on our work to date, and aligned to Articles of the CERD Convention, we highlight the following as priority areas for consideration for inclusion into the Committee’s list of themes:
- Policy Framework and Action Plan (Article 2);
 - Legislative Reform (Article 2);
 - Disaggregated data and ethnic monitoring (covering Article 2);
 - Racist hate crime (Article 5);
 - Tackling racial inequality and promoting integration (Article, 1, 5, 7 and General Recommendation No. 25 on gender-related dimensions of racial discrimination).

¹ A short note on the Equality Commission and its statutory remit can be found in Annex 2.

² ECNI (2014) [Racial Equality Policy Priorities & Recommendations](#)

³ ECNI (2014) [Response to consultation on a ‘Racial Equality Strategy for Northern Ireland 2014-2024’](#)

Policy Framework and Action Plan (Article 2):

- 2.2 While a Racial Equality Strategy for Northern Ireland has recently been published, progress on racial equality has been slow (with publication of a new Strategy having come some 5 years after the expiration of the previous strategy). While we welcome the publication of the strategy, we remain concerned that it includes no baseline quantitative assessment, and a detailed action plan to accompany the Strategy is yet to be developed.
- 2.3 We **recommend** that the Committee asks the UK Government what action has been taken to develop a co-ordinated cross-departmental action plan in Northern Ireland to advance racial equality (incorporating clear targets, actions & timescales); and to provide evidence of how it is ensuring that the Northern Ireland Executive is giving effect to CERD obligations.

Legislative Reform (Article 2):

- 2.4 There are significant gaps between racial equality law in Northern Ireland as compared to other parts of the United Kingdom. While we welcome the NI Executive's recent commitment to have new legislation in place by the 2017-2018 Assembly Session, we remain concerned in that, despite previous similar commitments to reform race legislation⁴, no substantive progress was made.
- 2.5 We **recommend** that the Committee asks Government to set out a detailed timetable for the review of, and public consultation on, the racial equality and fair employment legislation in Northern Ireland to achieve the NI Executive's stated goal of having new legislation in place by the 2017/18 Assembly.

Disaggregated data and ethnic monitoring (Article 2):

- 2.6 The lack of reliable and comprehensive and disaggregated statistical data on minority ethnic groups in relation to employment, health, education or housing outcomes presents a fundamental barrier to the monitoring and evaluation of public policy, strategies and programmes to address racial inequality in Northern Ireland. While the 2005 Racial Equality Strategy included a commitment to implement ethnic monitoring, the new (2015) Strategy, contains

⁴ The previous Racial Equality Strategy 2005-2010 stated that the Strategy would be implemented within the legal framework and proposed legislation in this area (in its consultation on a NI Single Equality Bill in 2004, OFMDFM recognised the need to increase protection from discrimination and harassment on the grounds of colour and nationality and indicated its intention to rectify this gap in the race equality legislation). An [Assembly debate](#) in May 2009 has shown clear support for the reform of the race equality legislation across the political spectrum.

only a commitment to ‘consult on proposals’, with no corresponding timeframe for implementation.

- 2.7 We **recommend** that the Committee asks the UK Government what action has been taken by the NI Executive to collect, monitor and evaluate comprehensive and disaggregated data relating to minority ethnic groups across the full range of Government Departments / functions; and to outline specific timeframes for consultation on, and implementation of, comprehensive ethnic monitoring to improve public policy and service delivery in Northern Ireland.

Racist hate crime (Article 5):

- 2.8 Despite a recent focus on hate crime by criminal justice agencies in Northern Ireland, the general trend since the Committee’s last report is one of an increase in racist incidents and crimes. Research has highlighted an increasing trend in negative/prejudicial attitudes in Northern Ireland. Prosecution for racist hate crime also remains low and the lack of joined-up ‘end to end’ data to track the progress of hate crimes through the criminal-justice system remains an issue.
- 2.9 We **recommend** that the Committee asks the UK Government to provide evidence of the effectiveness of any specific actions to promote respect, and tackle racism and discrimination; and to provide specific detail on what action is being taken to reduce and eliminate racial violence in Northern Ireland (including to address issues of under reporting, the low number of prosecutions for racist hate crime, and to clarify if it will ensure the publication of comprehensive ‘end to end’ data to allow hate crimes to be tracked through the criminal-justice system);

Addressing inequality and promoting integration (Articles 1, 5, 7 and General Recommendation 25):

- 2.10 The Commission has identified a range of key inequalities and/or barriers to integration for minority ethnic groups in Northern Ireland across a range of areas – employment, education, health, housing, public participation; and social protection. In Northern Ireland the policy response to addressing key racial inequalities has however been mixed. Despite some welcome developments (such as the decision to consult on a Refugee Integration Strategy), minority ethnic groups continue to face key inequalities across a range of social policy areas.

2.11 We **recommend** that the UK Government are asked to set out evidence of the actions being taken in Northern Ireland to address key inequalities experienced by minority ethnic communities (particularly marginalised groups such as Travellers and Roma); and to promote integration of minority ethnic communities by addressing barriers to education, health, housing, employment and social protection (including for asylum seekers and refugees).

3 Further Consideration

3.1 Should it be of assistance, each of the above proposed themes is expanded upon below in Annex 1, to provide further detail on the key themes and associated issues.

3.2 The Equality Commission for Northern Ireland will be happy to provide the Committee with further information in support of the above or any matters related to advancing racial equality in Northern Ireland. Please contact Paul Noonan, Senior Policy Officer, via pnoonan@equalityni.org

3.3 Further information on the Commission's priorities to advance racial equality in Northern Ireland can be found at:

<http://www.equalityni.org/Race>

4 ANNEX 1: Further detail in support of proposals for inclusion in UNCERD List of Themes.

4.1 Each of the above proposed themes is expanded upon below, including a number of more detailed questions which may assist the Committee in its examination.

Policy Framework and Action Plan (Article 2)

4.2 The Commission welcomes the recent publication of a new Racial Equality Strategy for Northern Ireland⁵ including commitments to consult on a Refugee Integration Strategy⁶ and to review the racial equality legislation⁷. However, we are concerned that progress on racial equality has been slow: publication of a new Strategy has taken five years⁸ and the Racial Equality Subgroup⁹ (tasked with developing an action plan for the Strategy) has yet to meet.

4.3 While there are some positive commitments in the new Strategy in the form of eleven ‘proposed actions’, the Commission remains concerned that many of these lack detail or are process driven: there is no baseline assessment underlying the Strategy; and a detailed action plan to accompany the Strategy is still to be developed.

4.4 Under the Strategy, a Racial Equality Subgroup (comprised of representatives of Office of the First and Deputy First Minister (now The Executive Office¹⁰), NGOs and the Northern Ireland Equality and Human Rights Commissions)¹¹ will be given the responsibility of working with departments (and vice-versa) to ‘develop an implementation plan and monitor and review progress on implementation’¹².

⁵ OFMDFM (2015): [Racial Equality Strategy for Northern Ireland 2015-2025](#)

⁶ OFMDFM (2015): [Racial Equality Strategy for Northern Ireland 2015-2025](#), para 6.19, page 31.

⁷ OFMDFM (2015): [Racial Equality Strategy for Northern Ireland 2015-2025](#), para 5.11, page 26.

⁸ The previous Racial Equality Strategy expired in 2010.

⁹ The new Racial Equality Subgroup was due to be established under the Strategy. Terms of reference for the Subgroup are attached at Annex C of the [Racial Equality Strategy for Northern Ireland 2015-2025](#), pages 51-54.

¹⁰ The Office of the First and Deputy First Minister has been renamed the Executive Office, following a reorganisation of the Government Departments which comprise the Northern Ireland Executive, with effect from May 2016.

¹¹ There will be no permanent departmental representation on the Strategy.

¹² OFMDFM (2015): [Racial Equality Strategy for Northern Ireland 2015-2025](#), para 8.7, page 36.

- 4.5 Apart from OFMDFM / The Executive Office, there will be no permanent members drawn from Government Departments. Rather it is anticipated that representatives of different government departments will appear by invitation.
- 4.6 The Commission is of the view that the State Party has responsibility for ensuring that a comprehensive and overarching national strategy and policy is in place for the implementation of the CERD Convention throughout the United Kingdom.

Recommendations:

- 4.7 We **recommend** that the Committee asks the UK Government what action has been taken to develop a co-ordinated cross departmental action plan in Northern Ireland, to accompany the Strategy; and to demonstrate that the action plan includes clear targets, practical actions and appropriate timescales for implementation;
- 4.8 We **recommend** that the Committee asks the UK Government to demonstrate how it will ensure that the Northern Ireland Executive is giving effect to CERD obligations generally and via cross departmental working (including via effective Departmental involvement in the Racial Equality Subgroup; the development of the Racial Equality Strategy implementation plan; and a single point of accountability in the Northern Ireland Executive for monitoring of the Racial Equality Strategy).

Legislative Reform (Article 2)

- 4.9 Individuals in Northern Ireland currently have protection against unlawful racial discrimination under the Race Relations (NI) Order 1997, as amended ('RRO 1997')¹³. However, there are significant gaps between racial equality law in Great Britain (GB) and Northern Ireland which have widened since the introduction of single equality legislation – the Equality Act 2010¹⁴.
- 4.10 In its 2011 Concluding Observations, the Committee¹⁵ urged the State Party to address legislative shortcomings within the race

¹³ 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.

¹⁴ For a further information see the Commission's [Key Point Briefing](#)

¹⁵ CERD (2011): [Concluding Observations of the Committee on the Elimination of Racial Discrimination on UK](#), para 19, page 5.

equality legislation in Northern Ireland, supplementing the Commission's consistent calls for the racial equality legislation to be harmonised and strengthened¹⁶.

4.11 While the Commission welcomes the NI Executive's recent commitment to review the Racial Equality legislation (including a commitment to new legislation being in place by the 2017-2018 Assembly Session¹⁷), we are concerned that whilst there have previously been plans to reform the legislation dating back to 2004¹⁸, no associated actions to realise these have materialised.

4.12 The Commission has published proposals for reform of the racial equality legislation¹⁹ which were referenced in OFMDFM's Racial Equality Strategy^{20,21}. However, without a detailed timetable for reform of the legislation, it is unclear what, if any, progress has been made to review the legislation.

Recommendations:

4.13 We **recommend** that the Committee asks Government to:

- set out a detailed timetable for review of the racial equality and fair employment legislation in Northern Ireland²²;
- set out a detailed timetable for consultation on proposals for legislative change arising from the review;
- confirm that the proposed timetable will be such as to have new legislation in place, as committed to in the Racial Equality Strategy, by the 2017/18 Assembly.

4.14 We also **recommend** that the Committee asks the UK Government²³ to confirm if the commitment to reform the racial equality legislation will also be included as a key deliverable of the new Northern Ireland Programme for Government.

¹⁶ ECNI (2014): [Strengthening protection against racial discrimination recommendations for law reform – full report](#), para 2.7 – 2.17, pages 7-10.

¹⁷ OFMDFM (2015): [Racial Equality Strategy for Northern Ireland 2015-2025](#), para 5.11, page 26.

¹⁸ Racial Equality Strategy (2005): [Racial Equality Strategy 2005 – 2010](#), para 2.14, page 23.

¹⁹ ECNI (2014), [Strengthening protection against racial discrimination](#).

²⁰ OFMDFM (2015): [Racial Equality Strategy for Northern Ireland 2015-2025](#), para 6.19, page 31.

²¹ The Strategy also includes a commitment to review the Fair Employment legislation, para 5.14, page 27.

²² Race Relations (Northern Ireland) Order and the Fair Employment and Treatment (Northern Ireland) Order 1998.

²³ A commitment given in the new [Racial Equality Strategy for Northern Ireland 2015-2025](#)

Disaggregated data and ethnic monitoring (Article 2)

- 4.15 The lack of reliable and comprehensive statistical data on the inequalities experienced by minority ethnic groups is a key issue in Northern Ireland²⁴. Often data is either unavailable or fails to fully represent the complexity of the ethnic composition of Northern Ireland and the intersectionalities between ‘racial group’ and other equality grounds.
- 4.16 There is very little statistical evidence about outcomes for minority ethnic groups in relation to employment, health, education or housing, and while the UK’s periodic report references a number of programmes and strategies to address racial inequality, 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 use of public services also makes it extremely difficult to assess, and plan for public service provision needs in the future.
- 4.17 Section 75 of the Northern Ireland Act 1998²⁵ 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 opportunity²⁶. The Commission 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 categories²⁷ (including ‘race’).
- 4.18 The last Racial Equality Strategy included a commitment to implement ethnic monitoring, and guidance was produced for Departments in 2011²⁸. However, the only Department to introduce ethnic monitoring has been the Department of Health.
- 4.19 A renewed, but weaker commitment, to ‘consult on proposals’ to implement ethnic monitoring has been included as part of the new Racial Equality Strategy²⁹, but there is no corresponding timeframe for implementation.

²⁴ Lucas and Jarman (2016): [Poverty and Ethnicity: Key Messages for Northern Ireland](#), page 4.

²⁵ [Legislation.gov.uk \(retrieved 16 May 2016\), The Northern Ireland Act, Section 75](#) (Schedule 9).

²⁶ ECNI (2007): [Monitoring Guidance for use by public authorities](#), page iii.

²⁷ ECNI (2010): [Section 75 of the Northern Ireland Act – A Guide for Public Authorities](#), page 42.

²⁸ OFMDFM (2011): [Guidance for monitoring racial equality](#)

²⁹ OFMDFM (2015): [Racial Equality Strategy for Northern Ireland 2015-2025](#), para 6.19, page 31.

Recommendations:

- 4.20 We **recommend** that the Committee asks the UK Government what action has been taken by the NI Executive and key Departments to collect, monitor and evaluate appropriate data relating to minority ethnic groups across the full range of Government Departments / functions in line with S75 obligations and the ethnic monitoring guidance published by OFMDFM³⁰ in 2011;
- 4.21 We also **recommend** that the Committee asks the UK Government to outline timeframes for consultation on³¹, and implementation of, comprehensive ethnic monitoring to improve public policy and service delivery in Northern Ireland, including setting out how it will ensure that monitoring is implemented by Departments.

Racist Hate Crime (Article 5)

- 4.22 Since the Committee's last report, racist incidents and crimes in Northern Ireland have increased markedly each year from 2011/12 to 2014/15³².
- 4.23 In 2014/15, racist hate crime was higher than in any other recorded period and was more double that in 2011/12. The reason for the increase is unclear. Despite the recent focus on hate crime by criminal justice agencies, the general trend (with the exception of a slight decrease in the very latest figures³³) is that police statistics continue to reflect increasing numbers of racist hate crime over time.
- 4.24 Prosecution for racist hate crime remain low³⁴ and the lack of joined-up data to track the progress of hate crimes through the criminal-justice system³⁵ remains an issue. Research has highlighted the prevalence of negative/prejudicial attitudes toward

³⁰ Now the Executive Office.

³¹ A commitment given in the new [Racial Equality Strategy](#), Proposed Action 5, page 5.

³² Table 1.2: [Number of hate crimes with a hate motivation 2004/05 – 2014/15](#).

³³ The number of racist incidents and crimes recorded in the latest 12 months to December 2015 (1,298 incidents and 899 crimes) show a slight decrease compared with the financial year 2014/15 (58 fewer incidents and 21 fewer crimes).

³⁴ According to Public Prosecution Service statistics only 25 defendants received an enhanced sentence under the Criminal Justice (No 2) Order 2004 for racist hate crime.

³⁵ Criminal Justice Inspectorate for Northern Ireland (2010): [Hate Crime A follow-up inspection of the management of hate crime by the criminal justice system in Northern Ireland](#), pages 11-13

minority ethnic groups in Northern Ireland (with the increasing trend in negative attitudes continuing for the third year running)³⁶.

Recommendations:

4.25 The Commission **recommends** that the Committee asks the UK Government to:

- provide evidence on the effectiveness of specific long-term measures in Northern Ireland to eliminate racism and racial discrimination; tackle prejudicial attitudes; and promote values of acceptance and respect for differences between communities in Northern Ireland;
- provide specific detail on what action is being taken to reduce and eliminate racial violence in Northern Ireland (including addressing issues of under reporting and the low number of prosecutions for racist hate crime);
- clarify if it will ensure the publication of comprehensive and joined-up 'end to end' data to allow the progress of hate crimes to be tracked through the criminal-justice system.

***Addressing inequality and promoting integration
(Articles 1, 5, 7 and General Recommendation No. 25)***

4.26 Within the limitations of available data in Northern Ireland (see earlier discussion), the Commission has identified key issues for minority ethnic groups in Northern Ireland including:

- the segregation of minority ethnic workers in low pay, low skill jobs high levels of harassment at work³⁷, exploitation and forced labour³⁸;
- lower levels of educational attainment among minority ethnic groups³⁹ with female attainment decreasing dramatically in the last five years⁴⁰;
- poor conditions and overcrowding in housing particularly where accommodation is tied to employment⁴¹;

³⁶ Ark (2015): [Attitudes towards minority ethnic people](#)

³⁷ 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.

³⁸ Jarman (2015): [Forced Labour in Northern Ireland – an update, Joseph Rowntree Foundation](#)

³⁹ Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#), page 174.

⁴⁰ Burns, S., Leitch, R. and Hughes, J. (2015) [Education Inequalities in Northern Ireland](#), page 201.

⁴¹ ECNI (2011): ECNI (2012): *Do you mean me? Equality Awareness Survey 2011*. Table 2.1, page 16.

- failures within the social benefit support system for transitioning refugees⁴², leading to poverty and destitution^{43,44};
- the lack of involvement in local government, specifically, of minority ethnic women⁴⁵.

4.27 We have also identified a range of inequalities experienced by minority ethnic women including lack of affordable accessible childcare⁴⁶, barriers to accessing English classes (e.g. transport)⁴⁷, Female Genital Mutilation (FGM) and structural issues for victims of domestic violence leading to financial dependence on abusive partners and no recourse to public funds⁴⁸.

4.28 Travellers, Roma, Refugees⁴⁹ and Asylum Seekers⁵⁰ are amongst the most marginalised minority ethnic groups in Northern Ireland.

4.29 For example, research on Irish Travellers shows that:

- two-thirds (67.0%) of all Irish Traveller school leavers did not achieve any GCSEs⁵¹ (compared to 1.8% of the general school leaver population in 2011/12)⁵²;
- 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 population⁵³;
- the rate of economic inactivity of Irish Travellers is 69%⁵⁴ (more than double that of the majority White population)⁵⁵;

⁴² Transitioning from asylum seekers Need to include reference for underpinning evidence.

⁴³ ECNI (2014): [Racial Equality – Priorities and Recommendations](#), para 8.5 and 8.6, pages 34 & 35.

⁴⁴ See recent [campaign](#) and [report](#) on homelessness among destitute asylum seekers

⁴⁵ ECNI (2014): [Racial Equality – Priorities and Recommendations](#), Para 3.7, page 10.

⁴⁶ ECNI (2014): [Racial Equality – Priorities and Recommendations](#), para 5.10, page 21.

⁴⁷ Ibid, para 5.13, page 22.

⁴⁸ Ibid, para 9.6, page 40.

⁴⁹ The UN Refugee Agency (UNHCR) defines “A refugee is a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country” - see <http://www.unhcr.org/about-us/the-uk-and-asylum.html> (web page retrieved 27 May 2016).

⁵⁰ The UN Refugee Agency (UNHCR) defines “An asylum seeker is someone who has applied for asylum and is waiting for a decision as to whether or not they are a refugee. In other words, in the UK an asylum seeker is someone who has asked the Government for refugee status and is waiting to hear the outcome of their application” - see <http://www.unhcr.org/about-us/the-uk-and-asylum.html> (web page retrieved 27 May 2016)

⁵¹ For the combined years 2008-2012.

⁵² Burns, S., Leitch, R. and Hughes, J. (2015): [Education Inequalities in Northern Ireland](#), page 177.

⁵³ Kelleher, C. et al, (2010): *All Ireland Traveller Health Study, University College Dublin (Department of Health and Children & DHSSPS)*, Available at

⁵⁴ 69% compared to 33.9%.

- public attitudes towards working with Irish Travellers are more negative than for any other ethnic group⁵⁶.

4.30 The Commission remains concerned by the ‘severe undersupply of decent, culturally sensitive accommodation for Travellers, which provides meaningful choice for householders regarding their way of life’⁵⁷.

4.31 The Commission has also highlighted a number of issues which act as barriers to the integration of migrant communities⁵⁸. For example, the ESOL⁵⁹ (Skills for Life) programme in Northern Ireland is not included as part of the Essential Skills programme as it is in the rest of Great Britain⁶⁰.

4.32 The policy response to addressing the key inequalities has been mixed. Despite some welcome developments, minority ethnic groups in Northern Ireland continue to face key inequalities across a range of social policy areas.

4.33 We welcome the decision by OFMDFM / The Executive Office to consult on a Refugee Integration Strategy and establish a thematic group on Roma, Gypsies and Travellers⁶¹. However, we continue to stress the need for an overarching Traveller and Roma Strategy to address the complex, multi-faceted needs of these communities in a more co-ordinated way.

4.34 While immigration is a reserved matter, many of the economic impacts of migration are felt most acutely⁶² at local level (for example in relation to social cohesion or public services)⁶³. In

⁵⁵ Irwin, McAreavey and Murphy (2014): [The economic and social mobility of ethnic minority communities in Northern Ireland](#), page 29.

⁵⁶ 38% of people surveyed indicated that they would mind a little or a lot having a Traveller as a work colleague in 2011, an increase from 24% in 2008. See ECNI (2012): [Do you mean me? – Equality Awareness Survey](#), page 21.

⁵⁷ ECNI (2014): [Racial Equality Policy Priorities and Recommendations](#), paras 6.1-6.6, pages 24-26

⁵⁸ For example, see ECNI (2014): [Racial Equality Policy Priorities and Recommendations](#), para 5.11, page 22.

⁵⁹ English as a second language.

⁶⁰ For further information, see Good (2015): [Overview of post-16 ESOL provision, accreditations, standards and delivery across Northern Ireland](#), page 65 (NICEM & OFMDFM).

⁶¹ OFMDFM (2015): [Racial Equality Strategy for Northern Ireland 2015-2025](#), para 6.19, page 31 and page 53.

⁶² Simons (2013): What are the social and public service impacts of international migration at a local level. For example: Research has show that EEA migrants or high-skilled migrants will have little impact on public services whereas asylum seeker and refugee families have the highest impact than other groups

⁶³ Sumpton (2014); *Giving cities and regions a voice in Immigration Policy*

2014 we therefore welcomed the joint commitment⁶⁴ of the Government and the devolved administrations to “continued joint working” to consider the implications for the work of the 3 devolved administrations of the migrants’ access to public services measures in the Immigration Act 2014.

- 4.35 We also continue to express concerns regarding the potential impact of the Immigration Act on migrant communities - for example the potential impact of the right to rent provisions on non-British nationals and British nationals with ethnic minority backgrounds.

Recommendations:

- 4.36 The Commission **recommends** that further information is sought on the action taken by government to:
- address key inequalities experienced by minority ethnic communities (particularly marginalised groups such as Travellers and Roma);
 - promote integration of minority ethnic communities by addressing barriers to education, health, housing and employment; and by addressing the issues leading to destitution (including homelessness) among asylum seekers and refugees.
- 4.37 In particular, we **recommend** that the Committee ask the UK Government:
- Employment
- 4.38 what specific measures Government will advance to tackle racial discrimination, low pay and occupational segregation among migrant workers in Northern Ireland?;
- 4.39 given that the remit of the Gangmasters Licensing Authority is likely to be extended in England and Wales, how will Government ensure that migrant workers in Northern Ireland will be adequately protected from exploitation and discriminatory treatment?;

⁶⁴ As agreed at the Joint Ministerial Committee of October 2013. Source: Communiqué (16 Oct 2013) following the Joint Ministerial Committee meeting in 10 Downing Street chaired by David Cameron on 16 October 2013. Available at <https://www.gov.uk/government/news/joint-ministerial-committee-communicue-october-2013>

Education

- 4.40 what steps Government will take to improve disaggregated data on educational attainment by ethnicity and address educational inequalities experienced by minority ethnic groups in Northern Ireland (including if there are any specific plans to review the Department of Education's Supporting Newcomer Pupils Guidance⁶⁵)?;
- 4.41 whether there has been any evaluation of the Traveller Child in Education Action Framework⁶⁶⁶⁷ and what further steps are being taken, as a result of any evaluation, to improve educational outcomes for Traveller pupils in Northern Ireland?;

Health and Accommodation

- 4.42 what key health inequalities for minority ethnic communities have been identified by the Department of Health in Northern Ireland through the introduction of ethnic monitoring and how is this information being used to address inequalities?;
- 4.43 how will the UK government monitor the provision of specialised support services for women and girls who have suffered from FGM in Northern Ireland and what steps have been taken to promote guidance on FGM among health professionals in Northern Ireland?;
- 4.44 what steps has Government taken to ensure minority ethnic groups (including Travellers) have access to appropriate accommodation and have adequate access to health services?;

Integration, participation, and social protection

- 4.45 what specific actions has Government taken to improve the integration of minority ethnic communities particularly Roma, Traveller, Asylum-Seeker and Refugee communities in Northern Ireland; and how effective have they been?
- 4.46 what is the timeline for Consultation and implementation of a Refugee Integration Strategy in Northern Ireland?;

⁶⁵ Department of Education Northern Ireland (2011): [Supporting newcomer pupils](#)

⁶⁶ Department of Education Northern Ireland (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 Page 13) to monitor and review the Framework biannually by a small Monitoring and Review Group.

⁶⁷ The action plan was due to be reviewed on a Bi-Annual basis by a small Monitoring and Review Group (page 13 of the [Traveller Child in Education Action Framework](#))

- 4.47 whether there are any plans to designate ESOL as an Essential Skill in Northern Ireland?;
- 4.48 what specific measures has government taken to maximise the participation of minority ethnic groups in public and political life in Northern Ireland; and how effective have they been?;
- 4.49 What action has and will the government take to ensure that implementation of the provisions of the Immigration Acts (2014 and 2016) does not result in unlawful discrimination or the unfair refusal of services;
- 4.50 what action has the UK Government and the Northern Ireland Executive taken to monitor and evaluate the impact of the Immigration Act on migrant communities in Northern Ireland; and to fulfil their 2013 commitment⁶⁸ to consider the implications of the Immigration Act for the work of devolved administrations?
- 4.51 how effective have steps been, including addressing the difficulties arising from existing policy with respect to the transition from asylum seeker to refugee status, to ensure that vulnerable groups of migrants in Northern Ireland do not fall into destitution?

5 Summary of Recommendations for UNCERD ‘List of Themes’

Policy Framework and Action Plan (Article 2):

- 5.1 We **recommend** that the Committee asks the UK Government what action has been taken to develop a co-ordinated cross-departmental action plan in Northern Ireland to advance racial equality (incorporating clear targets, actions & timescales); and to provide evidence of how it is ensuring that the Northern Ireland Executive is giving effect to CERD obligations.

Legislative Reform (Article 2):

- 5.2 We **recommend** that the Committee asks Government to set out a detailed timetable for the review of, and public consultation on, the racial equality and fair employment legislation in Northern Ireland

⁶⁸ As agreed at the Joint Ministerial Committee of October 2013. Source: Communiqué (16 Oct 2013) following the Joint Ministerial Committee meeting in 10 Downing Street chaired by David Cameron on 16 October 2013. Available at <https://www.gov.uk/government/news/joint-ministerial-committee-communicue-october-2013>

to achieve the NI Executive's stated goal of having new legislation in place by the 2017/18 Assembly.

Disaggregated data and ethnic monitoring (Article 2):

- 5.3 We **recommend** that the Committee asks the UK Government what action has been taken by the NI Executive to collect, monitor and evaluate comprehensive and disaggregated data relating to minority ethnic groups across the full range of Government Departments / functions; and to outline specific timeframes for consultation on, and implementation of, comprehensive ethnic monitoring to improve public policy and service delivery in Northern Ireland.

Racist hate crime (Article 5):

- 5.4 We **recommend** that the Committee asks the UK Government to provide evidence of the effectiveness of any specific actions to promote respect, and tackle racism and discrimination; and to provide specific detail on what action is being taken to reduce and eliminate racial violence in Northern Ireland (including to address issues of under reporting, the low number of prosecutions for racist hate crime, and to clarify if it will ensure the publication of comprehensive 'end to end' data to allow hate crimes to be tracked through the criminal-justice system);

Addressing inequality and promoting integration (Articles 1, 5, 7 and General Recommendation 25):

- 5.5 We **recommend** that the UK Government are asked to set out evidence of the actions being taken in Northern Ireland to address key inequalities experienced by minority ethnic communities (particularly marginalised groups such as Travellers and Roma); and to promote integration of minority ethnic communities by addressing barriers to education, health, housing, employment and social protection (including for asylum seekers and refugees).

6 ANNEX 2: Equality Commission for Northern Ireland

The Equality Commission for Northern Ireland 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.

The Commission'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.

The Commission, along with the Northern Ireland Human Rights Commission, 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.

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