

# EQUALITY COMMISSION FOR NORTHERN IRELAND

## Racial Equality – Policy Priorities and Recommendations (Summary Version)

May 2014

### 1 Key Priorities

- 1.1 This summary<sup>1</sup> document sets out the Commission's policy priorities and recommendations to advance racial equality in Northern Ireland. Our recommendations take account of the Commission's remit, relevant policy developments and extended engagement with stakeholders over the last year.
- 1.2 The document highlights the need to combat prejudicial attitudes and to develop robust and reliable statistical information to better target and monitor key policies and actions. There is also an urgent need for legislative reform to strengthen the rights of individuals in Northern Ireland against racial discrimination and harassment and ensure, at minimum, the law here keeps pace with legislative developments in Great Britain.
- 1.3 We recommend that the Executive, Departments and other key stakeholders take priority action in the following areas, including via the proposed Racial Equality Strategy (RES).
- Reform of the law, to address key shortfalls in legal protections
  - Tackling Prejudicial Attitudes, Racism and Hate Crime
  - Ensuring equality of opportunity in education, employment, accommodation, healthcare and access to social welfare
  - Ensuring effective monitoring and evaluation, supported by robust data collection
- 1.4 We also highlight the importance of taking account of multiple identities and the importance of the appropriate development and implementation of a revised Racial Equality Strategy. We therefore also set out some key recommendations to assist the effective design, delivery and review of the proposed strategy.

### 2 Law Reform

- 2.1 The Commission is concerned that Black and Minority Ethnic (BME) individuals in Northern Ireland have less protection against racial discrimination, harassment and victimisation across, than people in other parts of the UK. The Advisory Committee on the Framework Convention for the Protection of National Minorities<sup>2</sup> and the UN Committee on the Convention for the Elimination of all

<sup>1</sup> You can download the full policy position (40 pp) or further specific detail regarding race equality law reform from [www.equalityni.org](http://www.equalityni.org).

<sup>2</sup> Third Opinion on the UK, the Advisory Committee on the Framework Convention for the Protection of National Minorities, Dec 2011

[http://www.coe.int/t/dghl/monitoring/minorities/3\\_fcnmdocs/PDF\\_3rd\\_OP\\_UK\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_3rd_OP_UK_en.pdf)

forms of Racial Discrimination (CERD)<sup>3</sup> has urged the NI Executive to address legislative shortcomings, supplementing the Commission's consistent calls<sup>4</sup><sup>5</sup> for the Race equality legislation to be harmonised and strengthened.

2.2 In summary<sup>6</sup>, the Commission recommends the race equality legislation<sup>7</sup> is amended to:

- provide increased protection against racial discrimination and harassment on the grounds of colour and nationality; and introduce protection against multiple discrimination<sup>8</sup>;
- ensure increased protection against racial discrimination and harassment by public bodies<sup>9</sup>, give stronger protection against victimisation and racial discrimination and harassment in employment;
- remove or modify certain exceptions, including those relating to immigration, and the employment of foreign nationals; and expand the scope for positive action which employers and service providers can take in order to promote racial equality;
- strengthen tribunal powers to ensure effective remedies ; amend the enforcement mechanism for education complaints; improve the powers of the Commission to issue additional Codes of Practice and to enforce the race equality legislation.

### **3 Prejudicial attitudes, racist hate crime and institutional racism**

3.1 The Commission's most recent Equality Awareness Survey<sup>10</sup> found the persistence of some negative attitudes (for example, Travellers, Eastern European Migrant Workers and BME individuals amongst others). It is also the case that while in 2012/13 racist hate crime was the second most common form

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<sup>3</sup>UN Committee on CERD, *Concluding Observations on UK*, Sept 2011,  
<http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.CO.18-20.pdf>

<sup>4</sup> Equality Commission (2000): *Recommendations for Changes to the Race Relations (NI) Order 1997*, (Belfast: ECNI).

<sup>5</sup> Equality Commission for Northern Ireland (2009): *Proposals for legislative reform* (Belfast: ECNI) Available at: [http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Proposals\\_for\\_legislative\\_reform060209.pdf?ext=.pdf](http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Proposals_for_legislative_reform060209.pdf?ext=.pdf)

<sup>6</sup> A separate paper setting out the Commission's proposals for Race Law reform can be downloaded from Available at: [http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Proposals-for-reform-of-the-race-law-\(1\)/executive-summary](http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Law-reform/Related-work/Proposals-for-reform-of-the-race-law-(1)/executive-summary)

<sup>7</sup> We have also recommend changes to the fair employment legislation to include workforce monitoring on racial grounds.

<sup>8</sup> 'Multiple discrimination' occurs when a person is treated less favourably because of more than one equality ground. The current discrimination law framework does not always provide a remedy for it.

<sup>9</sup> Currently, protection against discrimination by public authorities when exercising public functions is limited to four areas; namely, social security, health care, social protection or social advantage.

<sup>10</sup> ECNI (2012): *Do you mean me? Equality Awareness Survey 2011*. Available at:  
<http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/DYMMequalityawarenesssurveyreport2012.pdf>

of hate crime in Northern Ireland<sup>11</sup>, research<sup>12</sup> has also found that “underreporting of hate crimes by victims was commonplace” and that hate crime legislation is used less often in Northern Ireland than in other parts of the UK<sup>13</sup>. We are also concerned about a relative lack of participation in public life<sup>14</sup> and evidence of discriminatory, sensational and unbalanced media reporting at UK-wide level<sup>15</sup>

### 3.2 The Commission recommends that:

- the Executive and Departments implement specific long-term measures to: eliminate racism and racial discrimination; to tackle prejudicial attitudes; and to promote values of acceptance and respect for difference;
- the Executive prioritises the reduction and elimination of racial violence through a range of actions including; addressing issues of under reporting; early intervention; improved operational response to hate crime and support for victims of racist hate crime;
- the criminal justice agencies improve the accessibility of reporting for victims and take appropriate steps to increase ethnic minority representation among police and criminal justice staff;
- the Executive takes appropriate action to support integration, foster community cohesion and promote participation in public life through both the revised RES and United Community strategies;
- the Executive considers the findings of the Leveson report<sup>16</sup> and takes relevant action to ensure appropriate media reporting in Northern Ireland;
- OFMDFM co-ordinates departmental action aimed at identifying and addressing any institutional racism.

## 4 Education

### 4.1 The Commission has long been concerned<sup>17</sup> <sup>18</sup> about racist bullying, high rates of non-attendance at school, high drop-out rates and poor educational outcomes

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<sup>11</sup> Northern Ireland Human Rights Commission (2013): *Racist Hate Crime, Human Rights and the Criminal Justice System in Northern Ireland*, page 3 (Belfast): NIHRC. Available at:

[http://fra.europa.eu/sites/default/files/frc-2013-q-sauberli-investigation\\_report\\_full\\_en.pdf](http://fra.europa.eu/sites/default/files/frc-2013-q-sauberli-investigation_report_full_en.pdf)

<sup>12</sup> Ibid, page 63.

<sup>13</sup> Jarman, N. (2012): *Criminal Justice Responses to Hate Crime in Northern Ireland*, (Belfast: Institute for Conflict Research). Available at: <http://www.conflictresearch.org.uk/9E73E24A-19AD-43D0-AF5C-861115B2F468/FinalDownload/DownloadId-B5E033D7613A69856FA55E7968F7CC01/9E73E24A-19AD-43D0-AF5C-861115B2F468/Resources/Documents/Report%2001%20Complete%20Low%20Res.pdf>

<sup>14</sup> Collaboration NI (2013): ‘A Black and Minority Ethnic Parliament come to Stormont in May 2014’. Available at: <http://www.collaborationni.org/news/black-and-ethnic-minority-parliament-northern-ireland-comes-stormont-may-2014>

<sup>15</sup> Leveson (November 2012): *Criticism of the Culture, Practices and Ethics of the Press*, para 8.5.1. Available at: [http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780\\_ii.pdf](http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780_ii.pdf)

<sup>16</sup> Leveson (2012): *Criticism of the Culture, Practices and Ethics of the Press*, para 8.51. Available at: [http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780\\_ii.pdf](http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780_ii.pdf)

<sup>17</sup> ECNI (Nov 2008): *Every Child an Equal Child – Statement on Key Inequalities in Northern Ireland and a strategy for Intervention*. Available at:

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Keyinequalitiesineducation2008.pdf>

<sup>18</sup> ECNI (2011): *Shadow Report to the UN Committee on the Elimination of Racial Discrimination on the UK Government’s 18<sup>th</sup> Periodic Report*, page 2. Available at:

experienced by Irish Travellers. The Commission is also aware that Newcomer and Roma or refugee children can also lack English language skills; encounter difficulty accessing school or adapting to school regimes; have high levels of non-attendance and can have limited participation in the school community and experience racist bullying<sup>19</sup>.

- 4.2 The Commission recommends that relevant Departments adopt a holistic approach to the development of education policy which includes measures aimed at promoting a sense of belonging and in particular:
- ensures that minority ethnic children see their culture and language reflected in the classroom and school curriculum;
  - identifies barriers and provide guidance on promoting the participation and progression of newly arrived, Roma, asylum / refugee or BME children in education – including assessing educational needs; reviewing the current English as an Additional Language (EAL) support; and identifying appropriate strategies to support the teaching of such pupils;
  - ensures that the Traveller Child in Action Framework and Traveller Education Support Service (TESS) is progressed, monitored and evaluated;
  - ensures that schools provide pre-service and in-service training to staff on strategies to tackle and prevent racist bullying; and that schools put in place appropriate mechanisms to consider complaints from parents in relation to schools' handling of bullying incidents;
  - ensures that educational inequalities among pupils are taken forward as part of relevant strategies – for example a wider Roma integration strategy;
  - considers placing a duty on schools to record disaggregated data on incidents of prejudice-based bullying.

## 5 Employment

- 5.1 Racial harassment in work remains an issue<sup>20 21</sup> while research<sup>22</sup> also suggests that issues impacting on migrant workers include underemployment, recognition of overseas qualifications, lack of English language skills, problems in accessing childcare, gaps in legal protection, racial harassment, severe exploitation and forced labour. For Irish Travellers, issues include a lack of recognition of

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[http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2011/Shadow\\_Report-UN\\_Elimination\\_Racial\\_Discrimination-\(CERD\).pdf?ext=.pdf](http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2011/Shadow_Report-UN_Elimination_Racial_Discrimination-(CERD).pdf?ext=.pdf)

<sup>19</sup> The Equality Commission (March 2012): *Inequalities in Education*. Available at:

[http://www.equalityni.org/archive/pdf/EveryChildIndicators\\_FinalMainReport250412.pdf](http://www.equalityni.org/archive/pdf/EveryChildIndicators_FinalMainReport250412.pdf)

Education and Training Inspectorate (2009): *An Evaluation of the Provision to Support Newcomer Pupils in a range of primary and post-primary schools*. Available at: <http://www.etini.gov.uk/index/surveys-evaluations/surveys-evaluations-primary/surveys-evaluations-primary-2009/an-evaluation-of-the-provision-to-support-newcomer-pupils-in-a-range-of-primary-and-post-primary-schools.pdf>

Connolly, P. And Keenan, M. (2000): *Opportunities for All: Ethnic Minority People's Experience of Education, Training and Employment in Northern Ireland* (NISRA).

<sup>20</sup> Northern Ireland Council for Ethnic Minorities (2012): Op. Cit., pages 22 & 23.

<sup>21</sup> BBC (16<sup>th</sup> December 2013): Sharp increase in racist attacks. Available at: [http://www.bbc.co.uk/news/health-25368332#story\\_continues\\_1](http://www.bbc.co.uk/news/health-25368332#story_continues_1)

<sup>22</sup> Joseph Rowntree Foundation (2013): *Poverty and Ethnicity in Northern Ireland*. Available at:

<http://www.jrf.org.uk/publications/poverty-ethnicity-northern-ireland>

Traveller culture ; low expectations and fear of losing benefits. We are also concerned about the exclusion of asylum seekers from labour market while awaiting a decision on their Refugee application<sup>23</sup>.

5.2 The Commission recommends that the UK Government, Executive, or Departments, (as appropriate):

- ratify the Migrant Workers Convention<sup>24</sup> and extend the remit of the Gangmasters (Licensing) Act 2004 to relevant sectors;
- advance initiatives aimed maximising the participation and progression in volunteering and/or employment of minority ethnic group (including Travellers, Roma, and Asylum seeker), including ensuring initiative such as the Northern Ireland Childcare Strategy address the specific needs of minority ethnic parents;
- tackle the exploitation of migrant workers; reduce minority ethnic disadvantage in employment; raise awareness of the rights of migrant workers and maximise access to the labour market; consider the development of a strategy to address the use of forced labour and exploitation of migrant workers;
- Develop long-term Traveller specific initiatives to improve employment opportunities for members of that community. Take specific actions to support the Roma community into employment; and increase access to employment and volunteering opportunities for refugees
- Ensure that Travellers, Roma and Asylum seekers are also involved in mainstream employment training provision including support in employment and training<sup>25</sup> and ensure that employability strategies and mainstream services are accessible to such groups. Introduce measures to broaden the range of volunteering opportunities for asylum seekers;
- Consider the merits of designating ESOL<sup>26</sup> as an ‘Essential Skill’ and addresses the barriers experienced by refugee women in accessing ESOL provision.

## 6 Accommodation and Housing

6.1 The Commission remains concerned<sup>27 28</sup> that there is an undersupply of accommodation and lack of basic amenities for Irish Travellers with no key driver of provision. Evidence has also shown that Migrant Workers experience overcrowded accommodation provision, insecurity of tenure and poor standards

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<sup>23</sup> The majority of families researched for the report were waiting for four years on average for an outcome on their initial application for refugee status.

<sup>24</sup> The United Nations Convention on the Rights of All Migrant Workers and Members of their Families. Available at: <http://www2.ohchr.org/english/bodies/cmw/cmw.htm>

<sup>25</sup> Initiatives should incorporate learning from projects such as Belfast Health and Social Services Trust (BHSSST) Traveller employment project, where two Travellers were employed as Traveller Health Liaison Workers.

<sup>26</sup> English for speakers of other languages.

<sup>27</sup> ECNI (2009) ECNI (2009): *Outlining minimum standards in Traveller accommodation*, page 9. Available at: <http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Housing-communities/Research-investigations>

<sup>28</sup> ECNI (2009): Ibid.

as well as incorrect decision-making by public authorities regarding entitlement to assistance<sup>29</sup>.

6.2 The Commission is aware that Roma experience overcrowding in housing as well as tensions with local communities<sup>30</sup>. Issues for refugees appear to include a lack of time to find suitable alternative housing once granted refugee status and difficulties in providing deposits or a suitable guarantor with regard to housing in the private rented sector<sup>31</sup>.

6.3 The Commission recommends that:

- the Department of Social Development (DSD) establish and lead a multi-agency Taskforce on Traveller accommodation to direct and co-ordinate the various authorities/agencies involved in all aspects of the development and maintenance of sites<sup>32</sup>;
- the Executive and Departments introduce measures to address the housing needs of migrants and improve management conditions for the private rented sector;
- relevant front-line staff are trained on the entitlements of European Union Migrants (EU) migrants to housing benefit; and that information is available in an accessible format;
- OFMDFM takes the lead for “coordinating the government’s strategic policy response to the needs of all asylum seekers and refugees in Northern Ireland<sup>33</sup> as part of a broader integration strategy.

## 7 Health

7.1 The Commission remains concerned<sup>34</sup> about the low life expectancy and the high levels of suicide and infant mortality experienced by the Irish Traveller community<sup>35</sup>. We are also aware that maternal and infant mortality is higher among BME groups and that there are difficulties for some groups in accessing

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<sup>29</sup> ECNI (2007): Op. Cit.

Northern Ireland Council for Ethnic Minorities (2013): *Submission to DSD consultation on ‘Facing the Future’: Housing Strategy for Northern Ireland* (Belfast: NICEM). Available at:

[http://www.nicem.org.uk/uploads/publications/NICEM\\_DSD\\_Consultation\\_on\\_Facing\\_the\\_Future.pdf](http://www.nicem.org.uk/uploads/publications/NICEM_DSD_Consultation_on_Facing_the_Future.pdf)

<sup>30</sup> Anecdotal evidence from those working closely with the Roma community suggests that over half live in accommodation with 10 or more people. If these figures are considered in tandem with the small number working and deriving a small income, and acknowledging the absence of Housing Benefit entitlement for Roma families, it is highly likely that shared accommodation has been driven by need rather than choice.

<sup>31</sup> Conversation with NICRAS of 4<sup>th</sup> February 2014

<sup>32</sup> Equality Commission for Northern Ireland (2009): *Outlining minimum standards in Traveller accommodation*, page 12. Available at: <http://www.equalityni.org/Delivering-Equality/Addressing-inequality/Housing-communities/Research-investigations>

<sup>33</sup> McVeigh, R. (2002): *Refugees and asylum seekers in Northern Ireland: A place of refuge?* (Belfast: Refugee Action Group). Available at: <http://www.mcrc-ni.org/PDFs/APOR.pdf>

<sup>34</sup> ECNI (2011): Op. Cit, page 24.

<sup>35</sup> Kelleher, C. et al. (2010): *All Ireland Traveller Health Study*, University College Dublin (Department of Health and Children & DHSSPS). Available at:

[http://www.dohc.ie/publications/aiths2010/ExecutiveSummary/AITHS2010\\_SUMMARY\\_LR\\_All.pdf?direct=1](http://www.dohc.ie/publications/aiths2010/ExecutiveSummary/AITHS2010_SUMMARY_LR_All.pdf?direct=1)

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

primary and secondary health care<sup>36</sup>. Research<sup>37</sup> into migrant health and wellbeing in Belfast suggested that key barriers included lack of awareness; low levels of GP registration with GP; fears about entitlements; frustration and stress in accessing healthcare; and negative attitudes etc. The limited evidence that is available suggests that health outcomes are generally worse for Roma than for majority population<sup>38</sup>.

## 7.2 The Commission recommends that:

- the Executive and Department for Health, Social Services and Public Safety (DHSSPS) co-ordinate actions to address the known health inequalities amongst BME, newcomer and Traveller populations, to ensure measurable improvements in health outcomes;
- DHSSPS ensures that migrants have access to primary and secondary healthcare based on clinical need and without unlawful discrimination;
- DHSSPS and Health and Social Care (HSC) Trusts provide information and services consistent with equality of access and that staff are trained in anti-racism and cultural awareness;
- That DHSSPS and HSC Trusts develop a system for monitoring health inequalities experienced by ethnic minorities, including the comprehensive data collection/review so that adverse impacts can be identified and addressed;
- DHSSPS, as part of an integration strategy, identifies and addresses the specific disadvantages faced by refugees in accessing appropriate services; ensures that the needs of asylum seekers and refugees are taken into account in the development and delivery of services.

## 8 Social Welfare

8.1 The Commission is aware that Migrant Workers experience restrictions to benefits because of residence rules and have limited access to advice in rural areas<sup>39</sup>. Asylum Seekers and Refugees may experience low levels of asylum

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<sup>36</sup> DHSSPS (2011): *Equality Action Plan for the Department of Health Social Services and Public Safety*. Wright (undated): *Roma Health and Wellbeing in Northern Ireland*. Available at:

<http://www.publichealth.hscni.net/sites/default/files/Denise%20Wright%20-%20Roma.pdf>

Belfast Health Development Unit (2010): *Barriers to Health – Migrant Health and Well-being in Belfast*.

Available at: <http://www.belfasttrust.hscni.net/pdf/Migrant-Health-Strategy.pdf>

Law Centre (2013): *The case for free healthcare for asylum seekers*. Available at

<http://www.lawcentreni.org/Publications/Frontline/Frontline-90.pdf>

BBC Democracy Live (3<sup>rd</sup> December 2013): *Call for universal healthcare for failed asylum seekers*. Available at <http://www.bbc.co.uk/democracylive/northern-ireland-25223423>

Institute of Conflict Research (2012): The Horn of Africa Community in Belfast - a needs assessment. Available at: <http://www.conflictresearch.org.uk/Resources/Documents/HAPANIapril12.pdf>

<sup>37</sup> Belfast Health Development Unit (2010): *Barriers to Health – Migrant Health and Well-being in Belfast*.

Available at: <http://www.belfasttrust.hscni.net/pdf/Migrant-Health-Strategy.pdf>

<sup>38</sup> Wright (undated): *Roma Health and Wellbeing in Northern Ireland*. Available at:

<http://www.publichealth.hscni.net/sites/default/files/Denise%20Wright%20-%20Roma.pdf>

<sup>39</sup> Inside Housing (January 2013). *No housing benefit for unemployed EU migrants*. Available at

<http://www.insidehousing.co.uk/regulation/no-housing-benefit-for-unemployed-eu-migrants-from-april/7001721.article>

Aire Centre (2011): Note on infringement proceeding against the UK

support, restricted access to benefits, delays in administration of benefits during transition to refugee status and thus are at risk of destitution<sup>40</sup>. An evaluation (2012) of the OFMDFM Emergency fund pilot highlighted that “access to social security, housing, social services and other support is a maze” and “the length of time waiting on support that people are entitled to or the length of time to reach a decision is a major concern”<sup>41</sup>. As part of the welfare reform agenda, the UK Government has also introduced changes to the benefit system which further restrict access to welfare for EU migrants, including extended time before out of work benefits become available<sup>42</sup> and changes to housing benefit eligibility<sup>43</sup>.

## 8.2 The Commission recommends that:

- the UK government undertake a review of the asylum system to ensure smooth transition from one form of public support to another and that asylum seekers receive appropriate support from arrival until voluntary departure or compulsory removal;
- OFMDFM takes appropriate steps to ensure the long term sustainability of the Emergency fund<sup>44</sup>;
- the Executive ensures that changes associated with Welfare Reform are compatible with EU<sup>45</sup> and Human Rights law;
- the DSD and the Social Security Agency undertake an assessment of the barriers to accessing benefits faced by migrants, asylum seekers and refugees;
- the Executive and relevant Departments ensure that first tier generalist advice is available for those migrants impacted on by the changes to the welfare system
- Departments develop clearer guidance and training for decision makers.

## 9 Multiple identities

9.1 In 2013, the European Union Agency for Fundamental Rights noted that certain people are seen as particularly vulnerable to unequal treatment, because they share a combination of characteristics that may trigger discrimination<sup>46</sup>. A recent EU report found that people belonging to ethnic minorities are almost five times

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Sky News (30<sup>th</sup> May 2013): *EU to take UK to court over migrant benefits*. Available at <http://news.sky.com/story/1097256/eu-to-take-uk-to-court-over-migrant-benefits>

<sup>40</sup> Report of the Parliamentary Inquiry into asylum support for children and young people (January 2013).

Available at [http://www.childrenssociety.org.uk/sites/default/files/tcs/asylum\\_support\\_inquiry\\_report\\_final.pdf](http://www.childrenssociety.org.uk/sites/default/files/tcs/asylum_support_inquiry_report_final.pdf)

<sup>41</sup> McKittrick, N and McCann, J. (2012): *Evaluation of the OFMDFM Emergency Fund Pilot August 2011 – March 2012*, page 4 Available at: <http://www.communityfoundationni.org/download/files/efundpilot2.pdf>

<sup>42</sup> Government UK (December 2013): *Accelerating Action to stop rogue benefit claimants*. Available at: <https://www.gov.uk/government/news/accelerating-action-to-stop-rogue-eu-benefit-claims>

<sup>43</sup> Inside Housing (January 2013): ‘No housing benefit for unemployed EU migrants’. Available at: <http://www.insidehousing.co.uk/regulation/no-housing-benefit-for-unemployed-eu-migrants-from-april/7001721.article>

<sup>44</sup> McKittrick, N. and McCann, J. (April 2012): *Evaluation of the OFMdFM Emergency Fund Pilot*, pages 15&16. Available at: <http://www.communityfoundationni.org/download/files/efundpilot2.pdf>

<sup>45</sup> The principle of non-discrimination is enshrined in Article 45 of the Treaty on the Functioning of the European Union. In addition, article 3(e), (f) and (h) of the Race Equality Directive 2000/43 lays down a framework for combating discrimination on the grounds of racial or ethnic origin in relation to social security.

<sup>46</sup> FRA – European Union Agency for Fundamental Rights (2013): *Inequalities and multiple discrimination in access to and quality of healthcare*, page 85. Available at: [http://fra.europa.eu/sites/default/files/inequalities-discrimination-healthcare\\_en.pdf](http://fra.europa.eu/sites/default/files/inequalities-discrimination-healthcare_en.pdf)

more likely to experience multiple discrimination than members of the majority population<sup>47</sup>.

9.2 Recent GB research<sup>48</sup> concerning the experiences of black and minority ethnic gay people has highlighted that “people working across public services make a general assumption that all black and ethnic minority gay people are heterosexual” and many public service workers never consider the issue of multiple identities. Evidence<sup>49</sup> also shows that BME women can experience a range of issues including financial dependence, no recourse to public funds for some groups, particular barriers for those experiencing domestic violence and a lack of affordable subsidised childcare.

9.3 The Commission recommends that

- particular attention should be paid to multiple identity issues within the delivery of public services and associated Government strategies;
- that equality and diversity training should incorporate training on multiple identity issues; and
- that the delivery of public services and associated information provision should be targeted at multiple identity individuals<sup>50</sup> e.g. BME women, BME people with disabilities etc.

## 10 Ethnic Monitoring

10.1 Recent research by the Joseph Rowntree Foundation<sup>51</sup> has noted that ‘with the current absence of robust, reliable statistical or administrative analysis, significant gaps exist in the knowledge base’<sup>52</sup> on BME groups in Northern Ireland. The report also highlighted that ‘any impact on outcomes for people of ethnic minority

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<sup>47</sup> European Union (2010): European Union Minorities and Discrimination Survey. Available at: [http://fra.europa.eu/sites/default/files/fra\\_uploads/1454-EU\\_MIDIS\\_DiF5-multiple-discrimination\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1454-EU_MIDIS_DiF5-multiple-discrimination_EN.pdf) Twice as many ethnic minority/immigrant women compared with ethnic minority/immigrant men indicated that they experienced discrimination on the basis of gender.

<sup>48</sup> Runnymede Trust (Aug 2012): *One Minority at a time: Being black and gay*. Available at: <http://www.runnymedetrust.org/uploads/publications/pdfs/OneMinorityAtATime-2012.pdf>

<sup>49</sup> See for example, European Union (2010): European Union Minorities and Discrimination Survey. Available at: [http://fra.europa.eu/sites/default/files/fra\\_uploads/1454-EU\\_MIDIS\\_DiF5-multiple-discrimination\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/1454-EU_MIDIS_DiF5-multiple-discrimination_EN.pdf) (Twice as many ethnic minority/immigrant women compared with ethnic minority/immigrant men indicated that they experienced discrimination on the basis of gender).

NICEM (2013): *The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland*. Available at <http://www.nicem.org.uk/userFiles/File/CEDAW%20reports/PRBMEWEDVNI.pdf>

Institute of Conflict Research (2012): *The Horn of Africa Community in Belfast - a needs assessment*, page 22. Available at: <http://www.conflictresearch.org.uk/Resources/Documents/HAPANIapril12.pdf>

<sup>50</sup> For example, in 2012 the DHSSPS began a pre-consultation on a new strategy to tackle domestic and sexual violence. The Commission recommends that the revised strategy to tackle domestic and sexual violence addresses, as a theme, the specific forms of violence experienced by ethnic minority women.

<sup>51</sup> Joseph Rowntree Foundation (2013): *Poverty and Ethnicity in Northern Ireland*. Available at:

<http://www.jrf.org.uk/sites/files/jrf/poverty-ethnicity-northern-ireland-full.pdf>

<sup>52</sup> Joseph Rowntree Foundation (2013): *Ibid*, page 9.

backgrounds is unclear as data is required to demonstrate the policy effectiveness<sup>53</sup>.

- 10.2 While publication in 2011 of an ethnic monitoring guide by OFMDFM (as part of the implementation of the racial equality strategy) has been a welcome first step in addressing the issue, JRF noted that ‘many would argue that this falls short of overcoming the lack of data, as there is no clear lead from the top in respect of implementation’<sup>54</sup>. Without disaggregated ethnic data ‘the situation of disadvantaged ethnic minorities cannot be ascertained but only guestimated’<sup>55</sup>.
- 10.3 The Commission recommends that:
- all Government Departments and other public authorities undertake the collection, monitoring and evaluation of appropriate data to ensure effective policy / service development and delivery and to fulfil obligations arising from Section 75 of the Northern Ireland Act 1998;
  - the Executive and Department’s ensure appropriate monitoring and evaluation are in place for the proposed Racial Equality Strategy and across all relevant policy areas, including those outlined in this document;
  - the Executive should adopt a systemic approach to produce disaggregated data which is comparable at EU level.

## **11 Development and Delivery of Racial Equality Strategy**

- 11.1 The Commission welcomes the Executive’s indication that it intends to develop within the current Programme for Government, a revised Racial Equality Strategy and Action Plan to address the wide range of barriers faced by BME people in Northern Ireland.
- 11.2 We recommend that the revised racial equality strategy takes account of the above recommendations. In addition the strategy should:
- takes full account of the principles and obligations outlined in the UN Convention for the Elimination of all forms of Racial Discrimination (CERD) and other relevant international standards,
  - takes full account of the revised guidance associated with Section 75 of the Northern Ireland Act 1998<sup>56</sup> – specifically to develop targeted action plans.
  - Has a clear (singular) overarching aim of the strategy which is then accompanied by strategic objectives for action by the Executive and Departments.

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<sup>53</sup> Joseph Rowntree Foundation (2013): *Ibid*, page 22.

<sup>54</sup> *Ibid*, page 22.

<sup>55</sup> European Network Against Racism (2013): *Recycling Hatred: Racism in Europe today*, page 173. Available at: [http://antigone.gr/en/library/files/selected\\_publications/eu/SymposiumReport\\_LR%20final.pdf](http://antigone.gr/en/library/files/selected_publications/eu/SymposiumReport_LR%20final.pdf)

<sup>56</sup> <http://www.equalityni.org/archive/pdf/S75GuideforPublicAuthoritiesApril2010.pdf>

- Ensures that each strategic goal is built upon a strong rationale for action (e.g. where the greatest inequality exists and/or the greatest impact can be made) derived from a summary of relevant evidence demonstrating the key inequalities to be addressed.
- Identifies SMART actions with associated performance indicators
- allocates targeted resources and to considers the potential of equality budgeting processes in assisting Government to ensure that equality and good relations aspects are appropriately resourced to deliver relevant outcomes.
- sets out clear arrangements in respect of accountability and progress reporting by Departments to the Racial Equality Panel and other stakeholders.
- Sets out that OFMDFM will take the lead in co-ordinating the collection of disaggregated data to monitor the actions and outcomes which the strategy seeks to advance.

11.3 In developing actions to promote racial equality, public authorities should ensure that staff receive initial and in-service anti-racism and cultural diversity training and ensure that information and services are accessible and culturally appropriate.

## **12 Further Information**

12.1 You can download the full policy position (40 pp) or further specific detail regarding race equality law reform from [www.equalityni.org](http://www.equalityni.org)



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