



Amnesty International UK

A Sense of Belonging:
Delivering Social Change through a Racial Equality
Strategy for Northern Ireland 2014-2024

Submission to the
Office of the First Minister and Deputy First Minister

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Amnesty International UK Section

Amnesty International UK (AIUK) is a national section of a global movement of over three million supporters, members and activists. We represent over 250,000 supporters in the United Kingdom. Collectively, our vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. Our mission is to undertake research and action focused on preventing and ending grave abuses of these rights. We are independent of any government, political ideology, economic interest or religion.

Introduction

AIUK welcomes the publication of the revised Racial Equality Strategy 2014-2024 and this opportunity to contribute to the OFMDFM consultation. However, we are concerned at its limited scope and shortcomings. In its current format it is unlikely to deliver on its stated aim of achieving racial equality in Northern Ireland.

At the outset, AIUK takes this opportunity to remind OFMDFM of the binding obligations under international human rights and racial equality standards to which they must adhere.

We believe the strategy fails to consider adequately these obligations.

We note with particular concern the scarcity of commitments to practical actions to implement the strategy, including the urgent need to introduce timetabled reforms to racial equality legislation.

We are concerned that the approach adopted under the Delivering Social Change Framework and Together: Building United Communities (TBUC), with which this strategy is supposed to mesh, fails to prioritise compliance with human rights standards or make a robust and consistent commitment to tackling racial discrimination and inequalities in Northern Ireland.

Background

AIUK notes with concern the extended lapse of time without an operational Racial Equality Strategy. In an Assembly Motion Debate on 3 July 2007, instigated as a result of the inaction

in implementing the Racial Equality Strategy 2005-2010, the Assembly voted unanimously in support of the Racial Equality Strategy and requested its full and immediate implementation. At the motion debate, political parties across the spectrum strongly criticised the failure of government departments to effectively address the socio-economic disadvantage and systematic discrimination in accessing public services experienced by ethnic minorities in Northern Ireland.

However, the Strategy expired in 2010 and its failure to deliver change was implicitly acknowledged by the OFMDFM Race Unit, which gave evidence to the OFMDFM Committee on 12 March 2014, stating that little had been achieved in terms of addressing racial inequality in the past 10 years. Evidently, insufficient priority has been attached to ensuring the Strategy is effective, despite evidence of drastic socio-economic inequalities and unacceptable levels of racist hate crime.

Recent widespread public concern at the increase in racist incidents and attacks, and the failure of political leadership in this area - including the failure to deliver a Racial Equality Strategy, was manifest on the streets of Belfast with a mass-participation rally and march, organised by AIUK, NICE and NIC-ICTU, on the 7th of June 2014. This event was notable for the very large turn-out by members of ethnic minority communities in a political demonstration for the first time in the history of Northern Ireland. It was worth noting that it was these and other public calls for the publication of the Racial Equality Strategy which finally prompted the government to release the long-overdue document for consultation. This gave the appearance of a knee-jerk reaction by government – a view reinforced by the lacunae in the document when it was launched.

Comments

Ministerial Foreword

The Ministerial foreword should be strengthened to strongly condemn racism and make a sufficiently robust commitment to eradicating it. It should reflect the urgency of addressing unacceptable levels of racist hate crime in Northern Ireland.

The foreword provides no recognition of the time which has elapsed without an operational Strategy or the urgency of reintroducing a framework for furthering racial equality in Northern Ireland.

Chapter 1: Introduction and Background

The UK has failed to meet human rights obligations with respect to the protection of racial minorities in Northern Ireland. There are weaker protections against racial discrimination in NI in comparison to Great Britain (GB), as has been outlined by the Equality Commission for Northern Ireland.¹

The Racial Equality Strategy represents a crucial opportunity to put this right.

Whilst the consultation document refers to some international rights standards, it does not indicate how commitments will be delivered, particularly the implementation of the Concluding Observations of various Treaty Bodies (including CEDAW, CRC, UNCRPD, ICCPR, ICESCR). Moreover, alarmingly, there is no reference to the European Convention of Human Rights and the majority of EU human rights law (e.g. EU Charter of Fundamental Rights, Racial Equality Directive, Victims Directive, Employment Equality Directive) is overlooked.

Omitting to consider these interrelated instruments, including CEDAW, ignores the burden that multiple discrimination presents for those with multiple identities, particularly ethnic minority women. The Strategy should be particularly cognisant of recommendations issued by the UN Committee on the Elimination of Discrimination Against Women, recognising the need to 'strengthen the implementation of programmes and policies aimed at providing effective access for women to health-care, particularly... asylum-seeking and Traveller women'.²

¹ Equality Commission for Northern Ireland, 'Racial Equality Policies: Priorities and Recommendations' (2014) Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/RacialEquality_PolicyPosition2014.pdf>

² Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), 'Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland' (2013) Available at: <<http://www.scottishhumanrights.com/application/resources/documents/ConcObsCEDAW.doc>> para.53

The Strategy does not consider targeted guidance issued by the UN Office of the High Commissioner for Human Rights (OHCHR) on the development of National Action Plans Against Racial Discrimination, drafted to support the implementation of the UN Convention on the Elimination of Racial Discrimination and the Durban Declaration and Programme of Action.³

Indeed, the UN Committee on the Elimination of Racial Discrimination, in its Concluding Observations on the UK, in 2011 recommended that ‘the State party develop and adopt a detailed action plan, with targets and monitoring procedures, in consultation with minority and ethnic groups, for tackling race inequality as an integral part of the Equality Strategy, or separately provide an action plan for an effective race equality strategy’.⁴

The CERD Committee also recognised the diminished human rights protections and safeguards against racial discrimination in Northern Ireland compared with the rest of the UK. Indeed, in its 2011 Concluding Observations on the UK, the Committee stated its wish to ‘remind the State party that the obligation to implement the provisions of the Convention [CERD] in all parts of its territory is borne by the State party... the Committee recommends that the State party should... ensure that a single equality law and a Bill of Rights are adopted in Northern Ireland or that the Equality Act 2010 is extended to Northern Ireland’.⁵

Chapter 2: Racism and Racial Inequalities: The Scale of the Challenge

OHCHR guidance on developing racial equality action plans indicates that one of the ‘first tasks [of a racial equality action plan] should be to conduct or commission a systematic study about the state of racial discrimination in the country’ in order to establish a reliable baseline.⁶

³ Office of the High Commissioner for Human Rights (OHCHR), ‘Developing National Action Plans Against Racism: A Practical Guide’ (OHCHR, Geneva 2014)

⁴ Committee on the Elimination of Racial Discrimination (CERD), ‘Concluding Observations of the Committee on the Elimination of Racial Discrimination: United Kingdom of Great Britain and Northern Ireland’ (2011) Available at:

<www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.CO.18-20.pdf> para.17

⁵ *ibid* para.19

⁶ *op cit* n 15 p.74

Additionally, it states that the Strategy should 'clearly describe the current situation of racial discrimination... [and] identify what problems need to be overcome'.⁷

The Strategy fails to do this adequately by its reliance on out-of-date information and research and the omission of, or suitable explanation for, the failure to commission more recent research with which to create a solid evidence base.

The previous Strategy contained an important chapter on 'Minority Ethnic Communities in Northern Ireland'.⁸ The revised Strategy omits this section, providing no commentary on recent demographic shifts in the population of Northern Ireland. Nor is the positive contribution of migrants to Northern Ireland sufficiently recognised and valued in the Strategy.

Chapter Three: The Purpose, Vision and Aims of this Strategy

The vision statement is weak and does not recognise the State's obligation to safeguard human rights and uphold racial equality standards. AIUK endorses the alternative wording put forward by NICEM which reads: "A society in which ethnic diversity is supported, understood, valued and respected and where we live together as a society free from racism and sectarianism and social exclusion and where human rights and equality are protected for all."⁹

Chapter Four: The Relationship of the Strategy to Together: Building a United Community (TBUC) and Delivering Social Change (DSC)

It is important that these Strategies coordinate effectively with the Racial Equality Strategy, in order to ensure that ethnic minority needs are considered when developing actions on a wide range of issues. However, beyond vague commitments to ensure that TBUC, DSC and the RES are linked, there is little clarity as to how these strategies will interact. Additionally,

⁷ *ibid* p.11

⁸ OFMDFM, 'A Racial Equality Strategy for Northern Ireland 2005-2010' (2005) Available at: <www.ofmdfmi.gov.uk/racial-equality-strategy-2005-2010.pdf>

⁹ NICEM Submission to OFMDFM consultation:

A Sense of Belonging: Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014-2024, August 2014. Available at: <<http://nicem.org.uk/wp-content/uploads/2014/09/Racial-Equality-Strategy-2014-2024-Consultation-Response.pdf>>

relevant concluding observations from UN treaty-monitoring bodies other than CERD are not drawn upon. This is despite the fact that international guidance on racial discrimination action plans states that 'great care is needed to ensure linkage' with existing anti-discrimination strategies.¹⁰ This constitutes a failure to adequately address multiple discrimination and the intersectionality between different forms of discrimination, including racism and sectarianism.

A number of ethnic minority individuals are rendered particularly vulnerable by their additional status as migrant workers, refugees and asylum seekers or Irish Travellers, Roma, etc. A commitment to addressing the needs of these vulnerable sub-groups through the Section 75 audits of inequality of departments and relevant agencies could be useful in ameliorating the disadvantages facing these particular groups.

Chapter 5: The Evidence of Racial Inequalities and Ethnic Monitoring

The current system of monitoring ethnic demography is inadequate, as it fails to account for the drastic demographic change in Northern Ireland over the last decade; Polish, Lithuanian and other former A8 and A2 countries, which are the dominant ethnic minority groups in NI, are misleadingly aggregated under the 98% 'White' ethnicity category.

Therefore, the concept of 'ethnicity' utilised in Northern Ireland is not particularly useful. A term that is designed to address difference currently suggests a remarkable homogeneity. Current categorisation arguably constructs an importance to whiteness and sensitivity to 'race' that does not exist among most residents, forcing 98% of the population to be listed simply as 'white'. If a single issue should be changed in terms of race and statistics, it is this constant affirmation of a non-variegated white 'ethnic majority'. The issue is stark in Northern Ireland because of the 98% 'ethnic majority' figure and should be changed.

Ethnicity monitoring should play a key role in both delivering equality and service provision and planning. However, to achieve this the ethnic categories adopted need to be fit for purpose - any analysis of ethnicity in Northern Ireland needs to capture the complexity of an increasingly multicultural and multi-ethnic society. Thus, suggesting that over 98% of the population belong to a single ethnic group offers little in terms of either equality, clarity or planning.

¹⁰ op cit n 15 p.7

Chapter 6: The Legislative Framework

Ethnic minority people have suffered racial inequalities, socio-economic disadvantage and systematic discrimination, as a by-product of the lack of effective legal protections against racial discrimination in Northern Ireland. Without introducing urgent, timetabled legislative reforms to the Race Relations (Northern Ireland) Order 1997 (RRO), in order to improve protection against racial discrimination and harassment, the consultation document lacks the ability to make a measurable impact.

The Strategy should provide for measures that address inconsistencies in the level of legislative protection afforded against racial discrimination in Northern Ireland in comparison to Great Britain. The limited scope of the RRO and failure to extend the Equality Act 2010 to Northern Ireland highlights the disparity in the level of protection afforded against racial harassment and discrimination in Northern Ireland. Key areas of disparity include the weaker protection afforded against discrimination on the ground of colour and nationality in Northern Ireland as compared to GB, as highlighted by the Equality Commission for Northern Ireland.¹¹

In its 2011 Concluding Observations on the UK, the Committee on Racial Discrimination highlighted the legal disparity between NI and GB, emphasising that ‘the obligation to implement the provisions of the Convention [CERD] in all parts of its territory is borne by the State party... the Committee recommends that the State party should... ensure that a single equality law and a Bill of Rights are adopted in Northern Ireland or that the Equality Act 2010 is extended to Northern Ireland’.¹²

It is also notable that the Equality Commission has identified a number of key areas where legislation could be improved, which have been acknowledged within the Strategy. Particularly relevant is the Commission’s emphasis on the need to strengthen protections against racial discrimination and harassment on the grounds of colour and nationality, which has implications for the RRO. AIUK supports these recommendations and the more recent 2013 recommendations, which recommend increased protection in various areas for a number of vulnerable ethnic minority groups, including migrants and agency workers.¹³

¹¹ ECNI, ‘Gaps in Equality Law Between Great Britain and Northern Ireland’ (2014) Available at: <<http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2014/Gaps-in-Equality-Law-in-GB-and-NI-March-2014.pdf?ext=.pdf>> pp.2-3

¹² op cit n 16 para.19

¹³ Equality Commission for Northern Ireland, ‘Racial Equality Policies: Priorities and

Recommendations

The Ministerial foreword should be strengthened to strongly condemn racism and make a sufficiently robust commitment to eradicating it. It should reflect the urgency of addressing unacceptable levels of racist hate crime in Northern Ireland.

The Strategy should attach greater emphasis to multiple identity issues by recognising overlooked international human rights standards.

The Strategy should address the diminished protections against racial discrimination in Northern Ireland in comparison with the rest of the UK, through timetabled commitments to legislative reforms.

The Strategy should set out the importance of agreement on a Bill of Rights for Northern Ireland to provide a strengthened rights framework to meet the particular circumstances of Northern Ireland.

The Strategy should provide a rigorous review of recent available evidence on racial inequalities in Northern Ireland.

The Vision Statement should be reworded in line with the NICEM recommendation.

How other relevant government strategies will coordinate effectively with the Racial Equality Strategy should be clarified, in order to ensure that ethnic minority needs are considered and not marginalised when actions are developed on a wide range of issues.

A commitment to addressing the needs of particularly vulnerable Black and Minority Ethnic (BME) groups through the Section 75 Audits of inequality of departments and relevant agencies could be useful in ameliorating the disadvantages facing these groups.

The current system of monitoring ethnic demography should be revised to better account for the drastic demographic change in Northern Ireland over the last decade.

AIUK recommends that a key measure in the thematic action plan for OFMDFM be a timetabled legislative proposal to reform the current race relations law in line with Equality Commission proposals, with a deadline of 2017 for full implementation.

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