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**NICEM submission  
to  
  
the Committee  
on the Elimination of  
Racial Discrimination  
on  
  
Strengthening the  
Interaction between  
the Committee  
and NGOs**

**JULY 2010**

## Introduction

NICEM is an independent national non-governmental organisation monitoring human rights and racial equality in Northern Ireland. Our aim is to promote good race relations and to endeavour the elimination of racial discrimination and the promotion of racial equality.

Our vision is of a society where equality and diversity are respected, valued and embraced, a society free from all forms of racism, sectarianism, discrimination and social exclusion, where human rights are guaranteed. NICEM works in partnership, to bring about social change through partnership and alliance building, and to achieve equality of outcome and full participation in society.

As an umbrella organisation we represent the interests of black and minority ethnic groups in Northern Ireland. Currently we have 29 affiliated black and minority ethnic groups as our full members; this composition is representative of the majority of black and ethnic minority communities in Northern Ireland.

NICEM has been involved, through our submissions, with the work of the Committee since 1995. NICEM was set up in 1994 as the result of the successful lobbying of the Committee in 1993 by the Race Subgroup of the Committee on the Administration of Justice, following a decision by the Committee the British government was forced to introduce domestic legislation to outlaw racial discrimination in Northern Ireland.<sup>1</sup> Therefore we have a particular interest in welcoming the Committee's decision to hold this informal meeting with NGOs to discuss ways of strengthening the interactions between the Committee and NGOs.

NICEM was also involved with the regional preparation for the UN World Conference on Racism. NICEM was a member of the NGO Resource Group of the Council of Europe and through this role NICEM helped to organise the NGO Forum and also worked with the Council of Europe Working Group in the preparation of the European Conference Against Racism in Strasbourg in 2000. Our Executive Director was the Rapporteur of the Legal Caucus in the NGOs Forum in Durban in 2001. NICEM also participated at the Committee's Thematic Discussion on the Rights of non-citizens in 2003.

Fighting against racism is a task that the United Nations and its members cannot undertake alone. For this reason, the United Nations Charter (Article 71) recognizes the role of NGOs in helping to carry out the goals and activities of the United Nations. As an independent NGO we can play a crucial role to collect vital information to reflect what human rights standards are on the ground.

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<sup>1</sup> The first piece of legislation to outlaw racial discrimination in United Kingdom was introduced in 1965 (the Race Relations Act 1965) but it never extended to Northern Ireland. The NGOs in Northern Ireland had fight for the new legislation since 1991 and was subsequently introduced in 1997 as the result of CERD conclusion observation in 1993.

**How to strengthen the role of NGOs in the reporting process under ICERD, including in relation to the follow-up procedure as well as the use of communication system under Article 14 and the early warning measures and urgent action procedures.**

The biggest challenge for NGOs in the United Kingdom is how to empower key national NGOs and grassroots groups to understand that racism is a serious violation of human rights and fundamental freedoms as enshrined in international law. Key NGOs are often lacking in the knowledge required to incorporate a sound human rights dimension into their work when dealing with racism. The use of Human Rights Mechanisms is vital in the empowerment of NGOs who are engaged in tackling racism. Such Mechanisms equip NGOs with the correct knowledge to collect meaningful evidence that highlights weaknesses and inconsistencies in Government policy and practice. Such NGOs are vital in exposing this as they have the relevant links on the ground that Government agencies cannot. The process enables NGO's to identify situations and incidents that can be classed as violations of international human rights standards. Without the engagement of NGOs with links in communities, larger coordinating policy based NGOs are in danger of just doing a paper exercise without real engagement at the grassroots level. Such engagement at all levels of NGO work promotes and fosters a human rights culture beneficial to all in society.

It is unfortunate that most State parties have not yet adopted a National Human Rights action plan, as recommended in the 1993 Vienna Declaration and Programme of Actions, indeed recommendations recognizing in particular the realization of economic, social and cultural rights are frequently ignored.<sup>2</sup> This failure inhibits the creation of a wider active human rights culture within the jurisdiction of the State party. Collective action from various state institutions is absent in this regard, national human rights institutions could potentially play a crucial role in developing action plans they could also be instrumental in the promotion of wider public education on human rights. The Committee should recommend that the State party should consult widely with civil society and national human rights institutions in the preparation of the national human rights action plan with regard to specific Conventions, such as ICERD.

Although the State party is encouraged to consult widely with civil society on their preparation of the State Report to CERD<sup>3</sup>, for different reasons most NGOs will not respond at this stage. Due to lack of resources it is difficult for local, regional and national NGOs to engage in the shadow reporting process. As there are very few resources for core central co-ordination, NGOs frequently make submissions in isolation, listing priorities which may be different from other organizations, this can be confusing for the Committee who obviously have limited time in reading submissions and making judgments on issues of priority. If resources are available, the key national NGOs should work together to co-

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<sup>2</sup> Para. 14 of the Conclusion Observations of the Committee on Economic, Social and Cultural Rights on United Kingdom, E/C.12/GBR/CO/5, 22 May 2009.

<sup>3</sup> Para. 26 of the

ordinate and develop one national shadow report through a national consultation process. This process should involve statistical data collection and case studies reflecting experience of racism. National NGOs should facilitate round table discussions so NGOs can prioritise issues collectively and present a united voice to the Committees.

With regard to follow-up procedures for NGOs attending the CERD meeting the state party should take responsibility to inform the general public on the CERD Concluding Observations through communication to media, government departments, agencies and NGOs at national and local level. NGOs individually and collectively also have a role to monitor the progress of recommendations from the Committee. NGOs who find any new developments or government policies which will have a negative or differential impact on vulnerable groups within the mandate of ICERD (individually or collectively) should report back to the Secretariat as soon as practicable with further information.

Most of the NGOs are not aware of the early warning and urgent action procedure. It would be worthwhile to have an awareness-raising programme which would involve training up some NGOs on the requirements of both procedures, with a particular focus on the quality of information. Such NGOs, resource permitting, could then disseminate information to NGOs on the ground.

NICEM has experience of such procedures through assistance given to Hong Kong NGOs (the Executive Director is originally from Hong Kong), regarding the early warning measures in relation to the Hong Kong Special Administrative Region Legislative Council in December 2006 introduced a Race Discrimination Bill which did not conform with the Committee's recommendations, in particular the Bill provided for a narrow definition of direct and indirect discrimination (borrowed from the UK Race Relations Act 1976, not the wider 2003 Race Regulations). This differed from the Hong Kong Sex Discrimination and Disability Discrimination Ordinances (borrowed from the Australia anti-discrimination law). There was no CERD meeting in China since 2001 due to a huge backlog. At a subsequent CERD meeting in March 2008 the Hong Kong NGO delegation (including NICEM) met and briefed the Committee on the latest development of the proposed Bill. The delegation also attended the early warning meeting during the Committee session.

### **Modalities of participation of NGOs in the Committee's session.**

In our experience the modalities of participation of NGOs in the Committee's session may include the followings:

- Submission of relevant information to the Secretariat prior to the Committee consideration of a State party's report;
- Early communication with the country Rapporteur on the key issues and supplementary questions on the State party's report;

- Submission to the Secretariat of a collective shadow report, written statement and/or of information in the form of a report, and/or oral presentations before the Committee at the “NGOs hearing” prior to the Committee session;
- Submission to the Secretariat or Country Rapporteur on supplementary questions and comments during the Committee session on a State party’s report;
- Observing and monitoring the Committee’s dialogue with the State party delegation during the Committee session;
- Submission of information to the Secretariat on the state party’s implementation of the recommendations contained in the concluding observations
- Submission of information to the Secretariat under the early warning measures;
- Submission of information to the Secretariat under the urgent action procedure.

### **Experiences and best practice of NGOs submissions to the Committee.**

In our experience a collaborative process with a collective of relevant NGOs, with a clear central co-ordination body enables a strong shadow report to be developed with a mandate of support from NGOs at a local, regional and national level (See above point in previous section regarding experience of collaboration with other NGOs)

Currently the key UK NGOs are using such a model to engage in the process to prepare the UK Shadow Report for next year. NICEM is one of three organizations (the other two are the Runnymede Trust (England) and the 1990 Trust (England) who will co-ordinate the national process. We will organise consultation meetings in the four countries of the UK, namely England, Wales, Scotland and Northern Ireland. There will be one consultation event in Scotland and Wales and three events in England. In Northern Ireland we have already had set up a joint working group from grassroots groups, resources from a current project have enabled us to do this. The joint working group has also delivered 2 training sessions on ICERD as part of the process to prepare the Northern Ireland section.

We will bring some grassroots leaders who have participated in the ICERD training from Northern Ireland to attend the Committee meeting next August. Participation in this process will reinforce their understanding of international human rights standards; such experiences can strongly influence organisations engagement with, and promotion of, human rights standards within their communities. It greatly empowers communities to realize that their views will be listened, frequently such communities face negative comments from the media and government officials so it can be a powerful experience realizing that such grievances will be listened to at the international level. Such experience also

gives organizations the confidence and enthusiasm to also engage in a meaningful follow up lobbying process.

### **How the work of the Committee could better impact the work of NGOs at local level.**

If resources are available and other practical constraints are removed (including no objection from the State party), it can be highly beneficial for the Country Rapporteur to have a country visit prior to the Committee session on a State party's report. If this is feasible, the local or national NGOs can invite Committee members and/or the Country Rapporteur to look at a specific issues or problems. The visit might include meeting with NGOs at different levels (local, regional and national), national human rights institutions, and government agencies, etc. It is also useful to include site visits to areas which have been impacted by the issues which the committee will address, it can provide context to reports if committee members can experience meeting individuals and communities whose lives are effected on a daily basis.

It can be problematic as to how we as NGO's can ensure that the State party will implement recommendations contained in the Committee's Concluding Observations. Without a real visible and immediate change on the ground, it is difficult to convince local NGOs to participate in the future CERD process. Therefore the Committee should develop a mechanism to encourage the State party to involve NGOs in advising, making suggestions and monitoring the implementation of the Concluding Observations.

As stated, many NGOs are unaware of Human Rights mechanisms the state should be obligated to create better educational and promotion tools in order to highlight the benefit and put the human rights discourse in the public consciousness. NGOs should also develop communication strategies to ensure the local media is interested in taking account of and monitoring the Concluding Observations of the State party's report. The media can also be used to generate more publicity during the Committee's visit.

If a national parliament has a standing Human Rights Committee (e.g. UK Joint Committee of Human Rights), the Secretariat should communicate with the Committee on its Concluding Observations and request their support to monitor the implementation of the Concluding Observations.

**For further information about this submission, please contact:**

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