

## Summary of our Submission to United Nations Committee on the Elimination of All Forms of Discrimination Against Women in response to the UK's seventh Periodic Report

**June 2013**

### **Realising the Rights of Ethnic Minority Women in Northern Ireland**

This document provides a summary of recommendations to eliminate discrimination against ethnic minority women in Northern Ireland (NI), this work is part of an extensive grass roots participatory process that included;

- over 16 CEDAW focus groups with ethnic minority women across (NI)
- over 450 CEDAW questionnaire responses from ethnic minority women in NI
- a CEDAW conference in Belfast with over 70 participants
- an independent scoping study in to the protection of ethnic minority women experiencing domestic violence in NI
- a research report in to the experiences of ethnic minority women living in NI

The findings of this work will be presented by a delegation of ethnic minority women from NI at the United Nations Committee on the Elimination of Discrimination Against Women hearing in Geneva in July 2013



## Meet the delegation:

for further information on any of the issues contained within this report please approach the following delegates;



**Barbara Purcell** is a community activist and an Irish Traveller community member, she has extensive experience in working Irish Travellers.



**Maneka Tohani** is completing a PhD thesis on how the Roma community can access their rights to education, healthcare and welfare in Northern Ireland. She is the Project Officer for Black and Ethnic Minority groups with Ards Borough council in NI.



**Mimi Unamoyo** is the secretary of the Northern Ireland Community of Refugees and Asylum Seekers, she is a founding members of the Congo Support Project in NI.



**Karolina Winiecka-Morgan** is the Black and Minority Ethnic Family Support Worker with Barnardo's Tuar Ceatha Project in NI, she co-ordinates a variety of ethnic minority mother and toddler groups.



**Yasmin Malik** is a former policy intern with NICEM, she is an active member of the NI Muslim Family Association and she is currently completing a law degree at Queens University Belfast.



**Helena Macormac** is the Strategic Advocacy Project Manager with NICEM, she attended the 2008 CEDAW hearing on behalf of NICEM



**Karen McLaughlin** is the Legal Policy Officer with NICEM

## **About NICEM**

The Northern Ireland Council for Ethnic Minorities (NICEM) is an independent non-governmental organisation. As an umbrella organisation, with approximately 30 member groups, we represent the views and interests of black and minority ethnic (BME) communities.

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

## **NICEM's engagement with the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

As part of NICEM's Strategic Advocacy Project, we combine community development work with policy and lobbying work to uphold BME communities' human rights. Capacity building and grassroots participation of BME communities lies at the core of NICEM's work and through this experience we have seen how BME women are often underrepresented in leadership and/or decision-making roles. This reflects the CEDAW Committee's (hereafter referred to as 'the Committee') observation in 2008 that "ethnic and minority women are underrepresented in all areas of the labour market ... [and] in political and public life" (paragraph 292).

NICEM has a rich history of engaging with UN human rights mechanisms and this has proved to be a powerful mechanism in the past as engagement with the Committee on the Elimination of Racial Discrimination (CERD) heavily influenced the introduction of race equality legislation in the late 1990s. NICEM also engaged with the CEDAW process in 2008. Building on that experience, NICEM has engaged with the process surrounding the UK Government's submission of its seventh Periodic Report to the CEDAW Committee during the period 2012/13. NICEM has been involved with the formal UN process as well as engaging in targeted activities to reach BME women in NI.

## **About this document**

The Executive Summary should be read in conjunction with the full shadow report. The purpose of the Executive Summary is to present an overview of the issue affecting BME women in Northern Ireland with specific reference to key points and recommendations in the wider shadow report. It is also recommended to read this document alongside the following two pieces of research commissioned by NICEM in preparation for CEDAW:

- *Monica McWilliams and Priyamvada Yarnell: The Protection and Rights of Black and Minority Ethnic Women Experiencing Domestic Violence in Northern Ireland, 2013, Belfast.*
- *Sarah Isal: The Experiences of Ethnic Minority Women in Northern Ireland, 2013, London.* These reports are all available at: [www.nicem.org.uk](http://www.nicem.org.uk).



## **Executive summary**

Since the last examination in 2008, the socio-economic and political landscape has changed significantly in the UK and even more so in Northern Ireland, as the continued efforts of the peace process have become more apparent - yet there is more to do. For example, the economic downturn has led to the introduction of draconian austerity measures and has also had an impact on the availability of job opportunities. Politically, justice matters have been devolved to Northern Ireland, yet Westminster retains control over immigration law and policy.

The purpose of this report is to highlight the key issues affecting black and minority ethnic women in Northern Ireland and therefore, the concept of intersectionality in the context of a post-conflict society forms the cornerstone of this report. The purpose of the Executive Summary is to present an overview of these issues with specific reference to key points and recommendations in the wider shadow report.

### ***National machinery for the advancement of women (Articles 1-4 CEDAW – section 2)***

This section presents an overview of the constitutional, legislative and institutional frameworks that exist for the advancement of BME women's rights in Northern Ireland. In terms of the constitutional framework, the State Report highlights the key role of the equality duty set out in section 75 of the Northern Ireland Act. However, in 2008 the Committee noted the "varying levels of public understanding of the concept of substantive equality". In addition, the UK Government has failed to deliver a Bill of Rights for Northern Ireland, which formed a crucial part of the peace agreement.

In terms of the legislative framework, the race relations legislation (Race Relations (Northern Ireland) Order 1997) has not been reformed in the same way in NI as it has been in Great Britain, so there are some gaps between the level of protection afforded to BME communities in Great Britain as compared to the protection in NI. Moreover, it must be noted that the Equality Act 2010 does not apply to Northern Ireland and the NI Executive has neglected to introduce a single consolidated piece of equality legislation for NI. As a result vulnerable groups are protected by a number of pieces of different legislation, which does not provide a legal framework to deal with intersectionality and multiple discrimination.

In like manner, policy has also been developed in silos. In respect of BME women there is no dedicated policy that addresses the issue of intersectionality with regard to all aspects of CEDAW. Instead, two separate strategies, the Gender Equality Strategy 2006-2016 (GES) and the Race Equality Strategy 2005-2010 (RES) deal with these issues in a piecemeal fashion. The recent review of the GES is to be welcomed but the findings are not yet publically available. However, it is possible to state that the action plans deriving from the strategy were not sufficient to address the issues affecting BME women. In addition, the continued delay of a renewed RES is unacceptable.

### **Recommendations:**

*All NI Government Departments should follow OFMDFM's guidance for monitoring racial equality and OFMDFM should monitor the implementation of the guidance and issue annual reports that collect the statistics from all Departments.*

*The NI Government should introduce policy and legislation to address multiple discrimination and ensure that all collected statistics can be disaggregated, which can then be easily used to develop laws and policies to advance the rights of BME women in NI.*

*The NI Government should also conduct studies on the impact of the economic recession and austerity policies on BME women.*

*The NI Government should take steps, beyond training, to ensure that substantive equality is realised and of the concepts of intersectionality and multiple discrimination form the basis of all policy and administrative practices.*

*The UK Government should work with the Government of the Republic of Ireland and the NI administration to ensure that a strong and inclusive Bill of Rights for Northern Ireland is legislated for, as per their obligations Belfast Agreement, as a matter of urgency.*

*NICEM calls for the implementation of CERD's recommendation in the Concluding Observations of 2011 recommending the UK to "take immediate steps to 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".*

*The NI Government should publish a legislative timeframe for the review of equality legislation and, if each piece of legislation is to be updated separately, the Government should provide for intersectionality and multiple discrimination within each piece of legislation.*

*The NI Government should reconsider adopting a Single Equality Bill as the preferred model.*

*The NI Government should produce a new Racial Equality Strategy with explicit links to the Gender Equality Strategy, and the review of the Gender Equality Strategy should be published and all actions implemented.*

*The NI Government should incorporate protections for vulnerable groups with multiple identities into their departmental Gender Equality action plans.*

### ***Violence against Women (General Recommendation No. 19 – section 3)***

The NI Government's action plans must include reference to multiple discrimination and intersectionality to properly address violence against BME women and girls. Research shows the compounded effects of more than one form of discrimination. The research draws attention to the additional barriers in accessing criminal justice and welfare systems due to non-citizen status and/or unfamiliarity with the English language and local systems. Low income, economic dependency, isolation and stigma also have to be factored in as additional barriers. Special measures should be introduced to correspond to the risks and barriers faced by BME women reporting domestic violence. Public bodies are also falling short of the data collection requirement outlined by the Committee's General Recommendation 19 para. 24(c). Vigorous data collection systems should be put in place to identify victims on ethnicity and nationality and ensure proper resource allocation as well as measures for protection and prevention.

In addition, based on the research attached at Annex 3, the following 12 recommendations have been developed in line with CEDAW, should be implemented in full to tackle the issue of violence against BME women in NI:

#### ***Article 2: Policy Measures***

- 1. The UK Government should extend the Domestic Violence Rule under the Immigration Rules to all BME women experiencing domestic violence*



2. *The UK Government should reduce the cost of the application for indefinite leave to remain for victims of domestic violence;*
3. *The UK Government should review evidentiary requirements in the Domestic Violence Rule so as to bring them in line with what BME victims of domestic violence would reasonably be able to provide, considering the barriers highlighted in this study;*

**Articles 5 and 16: Sex Role Stereotyping and Prejudice and Marriage and Family Life**

4. *The UK Government should eliminate the perpetuation of gender role stereotypes that see women as financially dependent on men, which are currently reinforced through the government's "no recourse to public funds" policies, as well as deficiencies in the benefits system (see also recommendations 1-3, 7);*

**Article 11: Employment**

5. *The Committee may wish to ask the UK Government how and whether it intends to ensure that adequate social services are in place to enable mothers who have left an abusive home to balance family obligations with employment, thereby fostering economic independence;*

**Article 12 and General Recommendation 24: Health**

6. *The UK Government should ensure that appropriate interpretation services are provided in health services, and to ensure that all interpreters and medical personnel are appropriately trained to respond effectively to domestic violence;*

**Article 13: Economic and Social Benefits**

7. *The UK Government should amend the current guidelines in the Child Benefit Agency to enable victims of domestic violence to access benefits more easily where the male partner is in receipt of Child Benefit;*

**General Recommendations 12 and 19: Monitoring Violence Against Women**

8. *The UK Government should ensure rigorous data collection systems are in place to identify victims of domestic violence on grounds of ethnicity and nationality, to enable appropriate allocation of resources and to establish measures for protection and prevention.*

**General Recommendation 19: Violence Against Women**

9. *The UK Government should ensure that the devolved administration in Northern Ireland provides education to staff of public services to prevent prejudicial attitudes based on racism and sexism and to encourage effective support to all victims of domestic violence, in order to ensure there are adequate protective and support services for BME women;*
10. *The UK Government should provide effective training to staff of public services to ensure that interpretation services are provided, and to ensure that all interpreters are appropriately trained on responding effectively to domestic violence, in order to ensure there are adequate protective and support services for women who are not proficient in English;*
11. *The Northern Ireland Executive should explain why the allocation of emergency funds has been interrupted over the past six months and whether the government intends to renew the Northern Ireland Crisis Fund to ensure that there are adequate protective and support services for women with insecure immigration status;*
12. *The UK Government should increase funding to NGOs such as Women's Aid and NICEM to enable them to provide protection and support for BME women experiencing, or who have*

*experienced, domestic violence, and to foster grassroots leadership to challenge customs and norms in relation to domestic violence within BME communities.*

#### **Human Trafficking (Article 6 – section 4)**

Since the last examination in 2008, the UK has ratified the Council of Europe's Convention against Trafficking in Human Beings and an EU Directive on Human Trafficking has been introduced. As a result a number of legislative and policy changes have been introduced in NI, which are to be welcomed. For example, the establishment of the NGO Group on Human Trafficking is particularly welcomed and it is hoped that this group will play a key role in the implementation of the recommendations recently published by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA). However, more needs to be done to ensure the full implementation of these instruments, such as provision of rehabilitation and respite care as well as immigration advice. In addition, there are instances where NI policy is not in line with the rest of the UK; for example, despite having consulted on guidelines in Autumn 2012, the Public Prosecution Service for NI still does not have any prosecution guidelines in relation to human trafficking.

#### **Recommendations:**

*It is recommended that the Northern Ireland Executive develop one single consolidated piece of legislation to deal with the complex nature of human trafficking, taking into account the concept of multiple discrimination.*

*NICEM calls for robust NGO participation and support and urges the UK Government to designate Women's Aid as a first responder in the National Referral Mechanism.*

*The UK Government should ensure its approach to tackling trafficking is in compliance with all elements of the EU Directive by taking steps to implement outstanding obligations, including the appointment of an independent anti-trafficking coordinator.*

*NICEM calls upon the Department of Justice to ensure that the action plan on Human Trafficking is fully implemented with monitoring mechanisms put in place to gauge its effectiveness.*

#### **Participation (Articles 5-6 CEDAW – section 5)**

Recent UK studies have placed NI at the bottom of the leader board when it comes to participation in political and public life. Moreover, while some BME women are active in their local communities, many have expressed concerns about the under-developed and resourced nature of the BME women's sector in NI. This, as well as economic dependence and childcare responsibilities (due to lack of affordable care subsidised by the state), act as key barriers to the full participation of BME women. With respect to asylum-seeker women, participation has also been directly impacted by government policies such as 'no recourse to public funds' and the legal restrictions, i.e. the denial of the right to work.

#### **Recommendations:**

*The NI Executive should ensure that dedicated resources on building the capacity of BME women's groups, so that women will be empowered to tackle issues affecting their own communities, should be included as a part of each Department's action plan under the GES.*



*Temporary special measures, such as quotas for BME women specifically, should be considered as part of these plans.*

*The NI Executive should prioritise the participation of BME women in public life during the upcoming reviews of the Gender Equality Strategy and the Race Equality Strategy and subsequent action plans.*

*It is recommended that the review of the equality strategies should be taken as an opportunity to specifically review the work being done with BME women and to ensure that such work is adequately resourced.*

## **Education and Employment (Articles 10-11 – section 6)**

### *Education*

Results from NICEM's survey research revealed that BME women in NI have high levels of qualifications, which have usually been obtained abroad. Most of these women also self-assessed their language skills as being good, very good or excellent.

Nevertheless, there are many concerns in relation to the NI education system, and the educational opportunities that it affords to young BME girls, as evidenced by the statistics set out in section 6.1 of the report. However, as detailed in the submission, there are considerable issues with monitoring since the statistics are not effectively disaggregated. Of particular concern is the low-level of education attainment of BME communities in some instances and the impact of racist bullying on young girls' educational experiences. Moreover, the Priorities for Youth policy is mentioned in the State Report and NICEM is concerned that if the proposals in the consultation come to fruition, youth work will be linked to formal education outcomes and those people who are already disadvantaged will be at risk of further alienation.

### *Employment*

Statistics from NICEM's survey research revealed that more of the respondents were unemployed and those who had a job were often not matched to their qualifications. A number of factors were listed as determining factors in labour market participation such as the impact of the recession. In addition, worrying trends were evident in relation to the underemployment of BME women in NI and issues emerged in relation to the recognition of qualifications obtained abroad.

### *Childcare*

A common barrier to participation in the labour force, and indeed in public life, was identified as a lack of affordable childcare appropriate to the needs of BME communities living in NI.

### **Recommendations:**

*It is recommended that the Department of Education carries out a full Equality Impact Assessment to examine how the attachment of formal educational outcomes will affect youth work policy and the potential for engaging with and facilitating the participation of marginalised BME communities, particularly girls.*



*It is recommended that the Department of Education review its ethnic monitoring policy in line with OFMDFM's guidance (mentioned above) and provides disaggregated information detailing the educational attainment of newcomer pupils, minority ethnic communities (including a breakdown of the white category), and BME girls.*

*The Department of Education and the NI Government should recognise racist bullying as a specific form of bullying which requires a targeted policy response and commit to a zero tolerance approach to racist bullying in schools. Furthermore, the Government should ensure that all schools have monitored, targeted action plans in place, which aim to eradicate bullying.*

*The NI Government should ensure migrant workers' skills are recognised and that BME women are supported through positive measures to actively participate at all levels of the labour market.*

*The NI Government should develop an action plan setting out how it will address the measures set out in General Recommendation No. 26.*

*The UK Government should ratify the United Nations Convention on the Rights of Migrant Workers and take steps to implement it in the national law.*

*When finalising the new Childcare Strategy, OFMDFM should commit to ensuring that childcare will be provided for all children regardless of their mother's immigration status in order to ensure that BME women will have the opportunity to participate in the labour market.*

### ***Health (Article 12 – section 7)***

While the majority of respondents to NICEM's survey research felt they enjoyed very good, good or satisfactory access to both their local doctor (GP) and/or hospital, there are a number of barriers which may impact on access to healthcare, such as language barriers and the provision of culturally appropriate services. In addition, policy in NI departs from the rest of the UK with respect to persons 'not ordinarily resident' in NI having to pay to access certain forms of healthcare. A report from the NI Human Rights Commission on this issue recommended that the policy link between health care access and ordinary residence should be revoked.

In addition, some of the respondents to the survey research indicated mental health issues. NICEM is aware that it can be very difficult for BME women because it is not appropriate to access appropriate treatment because it is difficult to do so through an interpreter.

### ***Recommendations:***

*The Department of Health, Social Security and Public Safety (DHSSPS) should remove the link between nationality and access to primary health care in order to ensure that health needs are catered for.*

*In the cross-departmental Gender Equality action plans, the NI Government (DHSSPS) should incorporate measures with monitoring mechanisms to address the barriers BME women experience when accessing healthcare.*

*Northern Ireland should learn from best practice in the rest of the UK to ensure that bespoke mental health services are provided for BME communities.*

### ***Social and economic benefits (Article 13 – section 8)***

NICEM's survey findings revealed that nearly all respondents were in receipt of benefits. As a result many BME women experienced difficulties when navigating the complex social security system. Such difficulties can include experiencing prejudice and discrimination when applying for a benefit and also for some migrants there are often issues with decision-makers understanding of European law and immigration rules. Furthermore, NICEM is deeply concerned about the discriminatory provision contained in the Welfare Reform (Northern Ireland) Bill 2012 which purports to treat certain EEA nationals (persons with caring responsibilities, who would often primarily be women) differently from British/Irish nationals.

#### ***Recommendations:***

*The NI Executive should work with the civil society to ensure that the concerns raised in the Ad Hoc Committee on Equality and Human Rights Requirements: Welfare Reform recommendations are taken into consideration and measures are also taken to mitigate the negative impacts of welfare reform.*

*It is recommended that all front-line staff undergo rigorous equality and anti-discrimination training as well as training on the application of EU law and the entitlements of EU migrants to ensure that migrant workers are afforded access to the benefits they are entitled to in a timely fashion.*

### ***Vulnerable groups of BME women (Section 9)***

#### ***Asylum seeking women***

As mentioned above, the NI Government does not have the authority to set asylum and immigration law and policy. Therefore, NICEM endorses the submission of the Women's Resource Centre on UK-wide policy in this area. However, since the NI Government is required to ensure that asylum-seeking women's rights are protected and respected, it is important to reflect on the lived experiences of those women in NI. The key concerns raised during NICEM's consultation with asylum-seeking women was in relation to their standard of living; for example the provision of gender-sensitive and culturally appropriate accommodation and in some instances asylum-seeking women are living in destitution.

#### ***Recommendation:***

*The UK Government should urgently review its asylum and immigration policies in order to ensure it is in compliance with international human rights obligations, particularly in relation to the right to family life and the right to an adequate standard of living.*

#### ***Traveller women***

During NICEM's consultation process with Traveller women, we found that high levels of discrimination continue to exist, particularly in relation to access to goods, facilities and services. Lack of culturally sensitive accommodation is a key factor that has a wide-ranging impact on a Traveller woman's life. This impact is most visible in the area of health – a Traveller female life expectancy is 70.1 years, which is 11.5 years less than women in the general population and the equivalent of that in the 1960's. Case studies in section 9.2.2



### Stay Involved!

NICEM has a blog detailing our work on CEDAW, as well as other issues of interest for BME women and girls. 'Break Out: Words and Actions from Minority Women'

You can find details at <http://www.nicemwomenbreakout.wordpress.com>

Follow us during the hearing on twitter: Twitter@NICEMNI

### Follow up work

As a result of this collective body of work around CEDAW a **BME women's network will be established in Northern Ireland**, the objective of which will be to develop the capacity of BME women so that they can assist and support their communities in accessing services, furthering their human rights and developing community based leadership. We will be using the Concluding Observations of the committee to assist and inform this work.

[www.NICEM.org.uk](http://www.NICEM.org.uk)

