

All Party Group on Ethnic Minority Communities

Date: Tuesday 16 September 2014

Time: 15:30

Venue: Senate Chamber, Parliament Buildings, Stormont

In Attendance

Political Representatives

Anna Lo MLA (Alliance – Chair)

Chris Lyttle (Alliance), Danny Kinahan (UUP)

Danielle Glassner (PA to David McIlveen)

BME Sector Representatives

Kristyene Boreland (WWW@North Down), Maria Lourenco (WWW@North Down), Justin Kouame (NICRAS), Luke Kelly (NICEM), Paul McGlinchey (NICEM), Helena Macormac (NICEM – Secretariat), Patrick Yu (NICEM) Frances Wong (Oi Yin Women's Group), Phoebe Wong (Oi Yin Women's Group), Eddis Nicholl (NICRAS), James Holmlund (Bahai NI) Fungayi Mukosera (Zimbabwe Solidarity Association), Fidelma McCoy (Armagh Traveller Support Group), Kevin Yu (NICEM) Joseph Ricketts (ACSONI), Bobby Rao (SECA), Brenda Skillen (NIMFA)

Other Representatives

David Russell (NIHRC), Leanne Cohrane (NIHRC), Paul Noonan (ECNI)

Apologies

Nick Cassidy - OECSG

Edwin Graham – Inter-faith Forum

Speakers

Paul Noonan (ECNI), David Russell (NIHRC), Patrick Yu (NICEM)

1. Apologies

2. Approval of the last meeting

Minutes from last meeting approved

3. Matters arising from the last meeting

The Secretariat received three responses to Parliamentary questions directed to Ministers, two from Arlene Foster (promoting economic mobility for ethnic minorities) and one from Dr Stephen Farry - improve qualification equivalence service in line with BME Parliament recommendations

4. Racial Equality Strategy Consultation

- Anna welcomed the return of the APG. She also expressed apologies for the low attendance of MLAs due to Question Time overrunning.

- Public consultation on draft RES with deadline for 10th October – 3 weeks approximately from today.
- Anna stated that Common Platform meeting at Stormont the previous week had been successful and she urged members of the APG to support the initiative. Anna also mentioned that CWA would be hosting an OFMDFM consultation from 7:30-9pm on 17th September. Many organisations are organisation consultation events, official events are advertised on the OFMDFM website.

Equality Commission NI (ECNI) Briefing- Paul Noonan

Background Information/Context

- APG on EMC is a key opportunity/platform to present ECNI position on RES
- Statutory duties applicable to ECNI under RR(NI)O 1997 as amended
- Background to development of thinking
- Elements of draft RES that we welcome followed by key concerns
- Briefly focus on comments on specific chapters on RES
- Oversight governance arrangements necessary
- Further information on draft response and recommendations will shortly be released on website
- Sign-posted relevant ECNI resources on racial equality to date; ECNI Racial Equality Policy Position Paper and legislative reform proposals for RRO
 - These publications were produced following close consultation with sectoral representatives on a range of policy areas for ethnic minorities (e.g. pre-consultation with NICEM on draft consultation for ECNI commissioners)
- ECNI initially sat on Racial Equality Forum(REF) but not initially invited to Racial Equality Panel (REP). Invited later for REP.
- ECNI received embargoed draft of RES (i.e. pre-consultation document) but their feedback and recommendations have largely been neglected in the revised draft RES released for public consultation
- Unanimity of sector in shortcomings reflected in the recent Common Platform launch event at Stormont

Positives

- Inclusion of ECNI legislative proposals
- Ethnic monitoring commitments as priority
- Action plans informed by available research and specific programmes of work for Irish Travellers and Roma and potential for positive action measures for inherited disadvantage

Weaknesses

- Draft strategy very weak – limited assessment of racial inequalities
- Lack of action plan
- Lack of comprehensive baseline assessment of priority areas (no information on size or spatial distribution or demographics or record of inequalities)
- Lack of action orientated plan attached to strategy
- Inattentive to work of NGOs and civil society actors in conducting relevant research and undertaking key work to address racial inequalities
- No clear picture of what will be delivered by whom and when
- One action on ethnic monitoring – no indication of when an action plan is likely to be developed or timetabled commitment to legislative reform, disparities in protections under law with GB
- Lack of reference to contribution of ethnic minorities
- No commitment to resource capacity building or community development or work currently being undertaken at a local level
- Bids for funding to implement the strategy will be subject to competing priorities – current climate of austerity and budget cuts – lack of ring fencing of funding for new programmes of work
- Lack of high level commitment – governance arrangements and accountability
- Ministerial panel to set strategic direction and provide oversight
- No Ministerial representation on REP
- Disparities with TBUC
- Consultations are integral to credibility of RES
- Equality Scheme commitment of ECNI to take into account feedback of community members
- Consultation questions challenging for BME communities and grass-roots BME groups
- OFMDFM made little attempts to source existing data
- Minimal actions/intended impacts to assess
- The RES will do very little to address racial discrimination, harassment and intimidation which BME communities face on regular basis

Recommendations

- Comprehensive baseline assessment of racial inequalities (OHCHR guidance drafting national action plans against racism)
- Centres on inequalities – racial – or associated multiple discrimination, rather than religious alone
- Action plan – short – medium and long term goals

- Set out which department responsible, timeframe, specific performance indicators to assess whether objectives have been met
- Recommend that OFMDFM give consideration to ensuring RES is mainstreamed within the Department – consider reinstating RE Champions within Department
- ECNI welcomes reference to recommendations on legislative reform. Should include a timetabled commitment to undertake reforms in line with proposals. Need for law reform in NI identified by a number of treaty monitoring bodies – CoE Advisory committee FCNM and CERD
- Outlines times for completion of goals – discrete funding necessary for realisation of aims and objectives
- OFMDFM should ensure information sharing component and effective consultation process be prioritised to engage with vulnerable BME groups (e.g. asylum seekers/refugees)
- Need for Traveller, Roma integration strategy – need for reconvened Sub Group on Travellers
- Need for Refugee integration strategy
- Need for Equality Impact Assessment compliant with the ECNI guidance

David Russell – NIHRC

Commission has not yet approved response – Commission meeting scheduled for 29th September. However, the NIHRC provided a satellite overview of three key priority areas, participation; legality; and action.

a. Participation

- Level of interaction with sector, cognizant of common platform, participation is key element of Human Rights policy – listening to rights holders, key to getting it right
- Strategy is a domestic approach – high level approach – human rights approach more concerned with actions – OHCHR guidance on national action plans - lack of targeted actions in strategy itself
- Need for broader participation from civil society in REP in line with IHR standards – reluctance of NIHRC to sit on REP. If it is too narrow in terms of membership it may forfeit its independence and deprive rights holders of platform for participation.

b. Legality

- The RES provides no definition of racism – it should adopt the ECRI definition or draw on other international standards– Need for formal recognition of racial discrimination under CERD. Cognizant of TBUC – need to cross-reference with

parallel strategies. Education Committee Inquiry into Shared Education is another area of interaction.

- RES needs to be vehicle to implement CERD
- Binding legal obligations rather than loose and abstract principles – need to be more explicit in focus on CERD
- Article 27 and Article 15 – no reference to right to culture – sole focus on CERD is not sufficiently protective – need for cognizance of all international standards, including the European Convention on Human Rights

c. Action

- David – difficulty from NIHRC perspective – recommend general sense actions required by state under international obligations in line with statutory remit//Participation element is key on what ought to be done to meet the needs of rights holders
- Need for national action plan – strategy are not what human rights standards require
- David - TBUC asking for definition of sectarianism. Need for similarly robust definition of racism.
- David – welcomed the inclusion of ECNI legislative reform proposals (i.e. input from a domestic equality authority) in RES. However, the lack of reference to the NIHRC racist hate crime report was noted with concern. Ineffective nature of Section 75(2) ineffective and not fully in line with international standards. Need for recognition of cultural sensitivity/language used (e.g. Good relations duty set out in domestic law – tolerance, mutual respect and understanding as set out under international law)
- Engagement with DoJ implementation group on hate crime. Also engaging with OFMDFM on recommendations. Need for implementation there.

Patrick Yu (NICEM)

- Starting point – profound lack of progress
- 2007 motion debate to endorse race strategy and criticise action plan
- Everything frozen since then
- APG 2009 – proposed motion debate at assembly – cross-party political support for reform of race legislation – lack of action
- Lack of timetabled commitment to legislative reform in the consultation document
- Government is the largest employer and service provider in NI – legislation is crucial
- Updated strategy weak and lacks commitment to action

- Huge volume of research and basic information overlooked
- Based on previous six shared aims. Need for updated inequalities and new action plan.
- Shared concerns with key speakers
- Focus on few key issues
- Power and politics - Race is always bottom of the pecking order (two communities first then gender, age, disability, sexual orientation) ethnic minorities excluded – failure to take into consideration needs and disadvantage
- Two communities approach – the Programme for Government / Delivering for Social Change (DSC) Framework / Childcare, Child Poverty, TBUC – ethnic minorities routinely neglected in terms of flagship policies
- Need for a joined up approach with parallel anti-discrimination strategies
- Need for greater emphasis on mainstreaming
- Lack of action, lack of commitment or provision of resources
- Highlighted demographic change and changing migrant profile - Socio-economic status of BME communities – insecure and non-skilled jobs – impact of austerity cuts and prolonged economic recession – proof from research of in-work poverty
- Stark contrast between levels of home ownership of ethnic minorities over the years – alarm bells in NI – BME communities can no longer afford to own a house. 10 years ago – settled ethnic minority population in NI had a higher rate of home ownership than indigenous population
- Issues around discrimination in access to public services (e.g. housing)
- Mapping/Integration – key policy areas impacting on integration
- Employment/Jobs – unemployment or lack of recognition of qualifications)
- Access to Public Services (e.g. housing)
- Impact on racist attacks and racial discrimination
- Also emphasised importance of participation
- Endorsement of ECNI legislative reform proposals
- In comparison with TBUC – Ministerial reporting on Departmental progress
- RES – 2 Junior Ministers should jointly chair with BME community representative to set tone of accountability of government
- Need for RE Champion at Assistant Secretary Level on key functional areas
- Implementation, monitoring and resources – share much of ECNI feedback
- Draw attention to action plan – without action,

- Single department action plans in isolation will likely fail – need for joined up approach to tackle key issues
- 2 types of action plans
- Departmental Action Plans (2 focused recommendations)
- Thematic/Overarching – use baseline to highlight key priorities)
- Ethnic monitoring – data gaps provides an excuse to say there is no evidence of inequalities. Cannot provide targeted service provision. Lack of commitments to commission of new data sets
- Need for baseline equality monitoring data to benchmark progress
- NI Census information – lack of disaggregation of white/non-white data (country of birth inadequate) Polish community much larger – concerns over access to and uptake of services
- Immigration – most controversial – more narrow focus on business case for immigration – Need for joint sovereignty – SMP in first term renegotiate with Labour government – commissioned forecast of future labour force in Scotland – economy cannot be sustained without the input of migrant workers in light of ageing population - Immigration toxic area with upcoming elections
- Immigration chapter should provide a narrow focus on business case
- Current regime under Home Office does not reflect unique position of NI
- Skills shortages in NI – NI Executive never prepare anything for Home Office
- Migration Advisory Committee – annual exercise
- Home Office – shortage occupation list in England, Wales and Scotland (e.g. even when there is demand for high skilled jobs in NI)
- NI Executive should commission research into labour force needs for NI – benchmark research on skills shortages in line with Scottish approach
- Still need to fight for fairness and equality
- Noel Chomsky – “If you assume that there is no hope, you guarantee that there will be no hope. If you assume that there is an instinct for freedom, that there are opportunities to change things, then there is a possibility that you can contribute to making a better world”

Anna Lo – questions for speakers

- Chris Lyttle – endorsement of recommendation that the Strategy adopt the CoE European Commission on Racism and Intolerance (ECRI) definition of racism
ACTION POINT
- Anna Lo – need to explicitly define ‘institutional racism’ in Strategy – an area which is overlooked. Need for broader remit on issues such as racist bullying in

Anna Lo – Disappointed at the volume of shortcomings of the RES. Questions raised around Roma/Traveller Integration and Refugee Integration Strategy

- Paul Noonan (ECNI) – generic RES will not fulfil depth and complexity of specific needs and inter-relationships between different aspects of inequalities (e.g. travellers – health, housing, education etc) Sub-set of strategy to articulate specific needs

Anna Lo – need for departmental reporting on progress in the implementation on the RES. Question raised over what the rationale was behind the abandonment of the Racial Equality Champions? Question directed to NICEM who are represented on the REP.

- Danny Kinahan – recommended that Racial Equality Champions have a role in providing information to relevant Committees on pertinent racial equality matters (e.g. Health, Education) This would allow for areas of concern to be escalated and actions can be discussed to implement the strategy.
- Patrick Yu (NICEM) NICEM received a small grant from OFMDFM – Runymede Trust – development of action plans – 5 different trainings for first action plan. None of the Departments took account of this. DARD only Department to directly adopt recommendations (Nb. good practice model)
- Patrick Yu (NICEM) – in relation to the development of separate Strategies to address the needs of vulnerable sub-groups (e.g. Roma/Traveller, Asylum seekers and refugees, migrant workers). If RES is working and robust, it should fulfil these needs. If separate strategies are devised, it may result in further delays and inaction.

Anna Lo – question directed to NIHRC on recommendations for immigration chapter of RES

- David Russell (NIHRC) – priority concerns include those without recourse to public funds (NRPF) and health issues surrounding the denial of access to treatment contravening Article 3 of the ECHR. Acknowledgement that there is only so much you can ask of NI Executive – outside of devolved competence – responsibility of Westminster/Central Government – possible discussions over devolution

Paul Noonan and Patrick Yu noted that ‘Traveller, Roma and Gypsy’ should capture relevant sub-groups whilst recognising distinctive communities

- Fidelma McCoy (Armagh Traveller Support Group) noted difficulties in language used. Traveller distinct needs from Roma. Patrick emphasised international definition of Roma captures all. Paul (ECNI) noted that Traveller community struggle with Gypsy as it has historically been used as a pejorative term.

Fidelma McCoy (ATSG) questions over the role and composition of the Racial Equality Panel. Patrick Yu updated – recommendations from common platform for open public appointments procedure under terms of reference for REP.

- Patrick Yu (NICEM)– REP being used pragmatically. Claim that different organisations are represented but recommendations/proposed actions not implemented by OFMDFM Racial Equality Unit.

- Racial Equality Forum, Sub group on migrant workers and Sub Group on Irish travellers dissolved
- Need to facilitate participation with ethnic minority community representatives playing a key role in the monitoring and accountability process
- David (NIHRC) Need for inclusion of rights holders – BME community representatives
- James Holmlund (Bahai NI)- Need for transparency in makeup of REP. Need to bring feedback of BME communities to consolidate response.

Anna Lo and Chris Lyttle endorsement of common platform response **ACTION POINT**

Anna Lo – not the same sanction/European Commission infringement proceedings for violation of EU Directive as there is for violations of UN treaties

- David (NIHRC)– issue centres around legality. Sanction from Secretary of State – nuclear option not likely to be invoked.
- David (NIHRC) – accountability – strategic priorities of NIHRC = good governance. Need for OFMDFM to hold NI Executive to account for compliance with Int. treaty bodies. Challenge with cross-Departmental actions being taken forward hostage to Ministers. Sees no reason that the claims that RES transpose CERD Treaty, that other Departments take a role. Left for individual pleas to individual Committees-bitsy approach. Equivalent need for OFMDFM Committee to hold individual Departments to account
- Chris Lyttle– legal framework from NIHRC on OFMDFM helpful. Legal obligation to report on progress (e.g. child poverty). Need for greater awareness of legal responsibilities.
- David – NIHRC annual statement – held to account on annual statement. OFMDFM Committee duty bound to report on progress under treaty monitoring bodies (e.g. CERD)
- Patrick Yu (NICEM) – OFMDFM Committee not taking CERD Concluding Observations very seriously

Anna Lo – Questions over what the priority areas for action are going forward (e.g. employment, housing, law reform)

- Patrick (NICEM)– organising specific communities to identify 2-3 issues in each policy area. 20 something consultation questions in OFMDFM RES difficult for communities to respond to. Need to focus on key policy areas – e.g. health, housing, employment
- Joseph (ACSONI) – need for more defined actions on racism. Need for clear commitments. Need to define institutional racism and racist bullying in schools.
- Joseph (ACSONI) Need for workforce monitoring to identify areas of under-representation and occupational segregation. Need for concrete commitments. Useful for asylum seekers and refugees in targeting job opportunities
- Anna Lo – need for greater focus on vulnerable BME children – education in schools/racist bullying

- Justin Kouame (NICRAS) – PSNI should provide progress on convictions/prosecutions for racist hate crime.
- Krystene Boreland (WWW@ND) – Need an integrated approach – e.g. education bodies and community groups in coordinating in challenging racism and racist hate crime. Division between two indigenous community groups – need for education on background of sectarianism and racism
- Anna Lo – need to see inter-relationship between racism and sectarianism
- Justin (NICRAS)– need for comprehensive ethnic monitoring
- Anna Lo– very limited data sets
- Phoebe Wong (Oi Yin) – need for timetabled commitments to actions. Strategy useless without a robust action plan
- Fungayi Mukosera (Zimbabwe Solidary Association)– question over holding OFMDFM to account for failure to bring across recommendations from consultation process
- SMART, need for transparency for evaluation
- Justin (NICRAS)– no positive commitments other than simply we welcome the RES in vague terms. Is Ken Frazer really going to take forward recommendations. Need for BME ownership
- Need for Departments to go public with aims/objectives/actions to deliver RES
- Anna Lo – lot of research neglected
- Paul Noonan (ECNI) – options for action – common platform groups might issues some kind of statement on publication of RES – extent to which it measures up to shortcomings in the strategy

Discussion over role of public sector as largest employer and service provider in NI

- Important point – Patrick Yu – public sector is largest employer and largest service provider – personal experience – really useful to have measures put in place to help ensure that existing legislation is better implemented. Section 75 public sector equality duty – should be better implemented. No easy mode of redress - almost renders it meaningless. Another observation – whatever the strategy is like when it is released – need for pressure to implement the document.
- **ACTION POINT** Patrick suggested that a motion debate could be drafted and endorsed by all APG members. Anna asked the secretariat to prepare this
- Maria Lourenco – going to ombudsman isn't enough. Institutional racism is endemic. Every employer has a responsibility.
- Kristyene Boreland – ethnic minorities have served as buffering zone during post-conflict politics in NI. Recent migrants and backlash of racism.

5. AOB

6. Date of Next Meeting

21st October 2014