

**All Party Group on Ethnic Minority Communities**

**Date:** Tuesday 24<sup>th</sup> March 2015.

**Time:** 15.30

**Venue:** Room 106, Parliament Buildings, Stormont

**In attendance:**

*Political Representatives:*

Danny Kinahan MLA (Ulster Unionist Party)

Anna Lo (Alliance Party)

*Speakers*

Kristyene Boreland (BMEWN)

*Community Representatives*

Frances Wong (Oi Yin Women's Group)

James Holmlund (Bahai NI)

Nick Cassidy (OECSG)

Dr. A. Abdelrahman (SCANI/NICRAS)

Justin Kouame (NICRAS)

Maria Lourenco (Ards & Down BME Network)

Judize Riya (ACSONI)

Joseph Ricketts (ACSONI)

Michael Abiona (NANI/NICEM)

Anwar Mady (Belfast Islamic Centre)

Patrick Yu (NICEM)

Luke Kelly (NICEM)

**1. Apologies**

Claire Choulavong (BMEWN)

Edwin Graham (Ba'hai Council)

Dr. Singhul (ICC)

Katy Radford (Jewish Community)

Phoebe Wong (Oi Yin Women's Group)

Claire Sugden MLA

**2. Approval of minutes from last meeting**

Danny Kinahan MLA assumes chair.

Minutes approved.

**3. Matters arising from the last meeting**

- (i) **Proposed motion debate on Racial Equality Strategy and OFMDFM Committee recent evidence gathering on Racial Equality Strategy**

Danny Kinahan (DK) – Has a written question been asked on this? I know we raised it at the chamber

Patrick Yu (PY) – The motion debate has still not gone ahead. I should take this opportunity to raise the evidence presented before the OFMDFM Committee on the 18th March 2015. The Common Platform and NICEM were asked to provide evidence on the RES. As NICEM is part of the Common Platform, we attended together. 5 representatives attended. I raised race legislation and ethnic monitoring. Kasia Garbal from the Irish Congress of Trade Unions raised employment rights issues. Dr Kahn, a retired consultant, raised healthcare issues. A representative from the Indian Community Centre raised education issues. Bernadette McAliskey raised issues about general cohesion. Committee members raised questions, although one quite negative question questioned why we need a race strategy. Hansard will be issued tomorrow, so attendees can read it. An official briefing by civil servants from the OFMDFM Race Unit on the RES was also made. The process is behind schedule, so officials had to give an oral update because they have yet to produce a consultation report. Officials noted that over 80% of responses asked to reform race legislation, which is exciting. The Committee expressed discontent at the civil servants' assertion that they will be meeting CRC again, so long after the consultation was due to expire, as this will produce considerable further delay. I will forward a report on the proceedings to the APG (**action point**)

**(ii) AQW to the First and Deputy First Ministers on “Vote! You are at Home!” campaign**

Anna Lo (AL) enters and assumes chair

PY - have we heard back from OFMDFM on this?

AL – I have submitted the question, but have yet to hear back from OFMDFM

**(iii) Minority Ethnic Development Fund (see email on 20<sup>th</sup> February from the Secretariat and Anna meeting the Junior Ministers on 23rd March 2015)**

PY – In the OFMDFM Committee meeting on the 18th of March, a Race Unit official was asked by Chris Lyttle MLA what the status of the funding was and how long the delay will be. Official stated that there will be an extension, but after the extension period is over, recipients will have to complete an application to gain funding for the rest of the financial year. The extension will be until the fund is ready to be reissued.

AL – I met with the two Junior Ministers and their special advisors about the next round of MEDF funding from the 1<sup>st</sup> April. Expressed my and your concerns about the delay and uncertainty over when and how the next round of funding is to be delivered. Unfortunately, the Ministers didn't have the Race Unit present for us to question, but they were thinking of extending 2 months of funding to all organisations currently receiving funding from this programme to cover April and May, and they were thinking of advertising in the next few weeks for a fresh round of applications for the next 10 months - the remainder of the financial year. My point to the two Ministers is why they don't just extend the current funding for another year, rather than having 2 months, applying for 10 months and then applying for the following 12 months. Ministers said they would talk to the Race Unit, although they have not made a commitment to extend the funding in the manner I have suggested.

Nick Cassidy (NC) – We are one of the groups that benefits from the funding, so we are very grateful for the work you are doing on this. We agree with the two month issue – granting such short term funding is counterproductive. If it is to be extended, then it makes far more sense to extend it for a year.

Joseph Ricketts (JR) – it is a waste of resources for groups, in terms of having to re-recruit staff for example.

Justin Kouame (JK) – I watched the OFMDFM Committee proceedings – the Race Unit said that even if you get a two-month extension, you might not get the rest of the year's funding upon application.

PY – It takes time to write a comprehensive funding application – calling for applications as late as February/March and beyond is unacceptable. Leaving groups with 2 weeks to create an application is unworkable.

AL – Yes, I also raised this before the ministers. I suggest that the groups of the APG should write a letter to OFMDFM to put pressure on the Ministers to deliver the MEDF (**Action Point**)

JR – Organisations need to have the confidence of knowing that funding is available, so that they can make long-term plans.

#### **4. Presentation from BME Women's Network on "Domestic Violence and No Recourse to Public Funds" – Kristyene Boreland (BMEWN)**

Kristyene Boreland (KB) – Thank you chair, for the opportunity to speak. I am speaking on behalf of the BME Women's Network, which is an offspring of NICEM, set up over the last 2 years to tackle issues involving minority ethnic women. This was made possible and feasible by the NICEM Strategic Advocacy Project, in conjunction with funding received from the Office of the First Minister and Deputy First Minister's Minority Ethnic Development Fund.

This important piece of work was a timely research to assist in the diminution of discrimination against ethnic minority women in Northern Ireland, informing policy approached whilst empowering ethnic minority women through facilitating a better understanding of issues impacting upon their lives.

Informed by these research findings and NICEMs broader policy, research, development and advocacy work in the intervening period from the 2008 hearing until now, NICEM has produced a shadow report to the Committee on the Elimination of Discrimination Against Women (CEDAW). The findings of the collective work was presented at the Geneva Committee of July 2013 by a delegation of 5 ethnic minority women from Northern Ireland. Thus, the establishment of the BME Women's Network with the objective of developing 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.

There were 2 components to these research findings, one covering CEDAW Articles 1 to 16 and the other on the theme of domestic violence.

The sample comprised 49.5% of respondents from the EU, A8 and A2 countries i.e. the Eastern European countries and Baltic countries that jointed the EU in 2004 and 2007. The Polish group was the largest group, comprising over a third of the

responses, making it 38.7% of the whole sample. In the last 8 years, A8/A2 migrants have been the largest group migrating to Northern Ireland, which was consistent with the McVeigh and McAfee research in 2009. Other nationalities of the A8/A2 group included Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Romanian and Slovakian.

The South East Asian respondents of 12% come from the Chinese, Thai and other Asian Nationalities, including East Timor, Indonesia, Laos, Malaysia, Singapore and Taiwan. Only one respondent came from the Phillipines, in contrast with the fact that the majority of the nursing sector is staffed by Filipinos.

The third largest group from the EU - at 10% - is represented by the Dutch, French, German, Greek, Italian, Portuguese and Spanish groups, of which the majority of migrants were Portuguese.

British and Irish respondents were not included and were kept separately for analysis. The British made up 9.2%, whilst the Irish made up 1.8%. The Irish responses included Irish Travellers, as well as BME individuals.

The South Asian Group comprised India, Pakistan and Bangladesh. Other countries included Egypt, Russia, Kosovo, Moldavia, Kazakhstan, Iraq and Jordan. A small sample of the Asian respondents who acquired UK citizenship fell in the 'British' category and those with dual nationality were included in the British group. Africa, including the North Congo, the Ivory Coast, Nigeria, Somalia, Sudan, Zambia and Zimbabwe, made up 6.5% of respondents.

Central Asia made up 4.4%, of which Russians made up the largest group. It was notable that some claiming Russian nationality were based in Baltic countries, such as Lithuania or Estonia where they are considered national minorities.

2.3% of the respondents were from North Africa or the Mid East, with 1.2% from South America, namely Brazil, Argentina and Venezuela. Three respondents were from North America.

The methodology for data collection was a self-completed questionnaire, covering women's life-related issues in line with CEDAW. The 67 questions covered nationality, education, employment, family, childcare, school, political participation, health, racial harrassment, knowledge of the English language, transport and rural life, access to benefits and the impact of the recession.

The open-ended question provided space for respondents to highlight their main concerns. The analysis provided was based on 434 returned questionnaires.

The questionnaire was translated into 8 languages, with NICEM staff piloting the questionnaire. It was worth noting that a number of the respondents did not seem to understand some of the questions. In some instances, a large number of respondents skipped particular questions altogether.

Inconsistent definitions in equality and anti-discrimination law points to a deficiency in the approach to the consultation with civil society. This piecemeal approach cannot address the issues of intersectionality and multiple discrimination, thus disabling the rights of those with multiple identities.

The lack of co-relation between the Racial Equality Strategy 2005-2010 and the Gender Equality Strategy 2005-2016 effectively leads to multiple discrimination against vulnerable groups, such as the BME communities, who are often not adequately covered by such isolated policies. Thus clearly fails to discharge the Northern Ireland Government's obligations under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women, since the Committee has stated that such a policy "must identify women within the jurisdiction of the State Party (including non-citizen, migrant, refugee, asylum seeking and stateless women) as the rights bearers,

with particular emphasis on the groups of women who are most marginalised and who may suffer from various forms of intersectional discrimination".

NICEM has sought to prioritise racist hate crime through close coordination with the criminal justice agencies, press and media contacts, policy and legislative scrutiny through research into racist violence and institutional racism in the criminal justice system.

The economic downturn has had a significant impact on race relation in Northern Ireland, with misplaced resentment towards migrants in the wake of growing unemployment contributing towards growing hostility against migrants. It is concerning that the prevalence of anti-immigration rhetoric in the mainstream media with xenophobic and racist sentiment has distorted the public perception of migrant workers, particularly in low-skilled industries. Myths surrounding 'benefit tourism' and 'A2 migrants flooding to the UK to claim benefits' should be assuaged by figures on A8 immigrants who triggered similar concerns in the run down to EU enlargement in 2004. Figures from the UCL Institute for Fiscal Studies show that A migrants were '59% less likely than natives to receive State benefits or tax credits' and '29% less likely than natives to live in social housing'.

Further research undertaken by the Joseph Rowntree Foundation indicated that three quarters of employers felt that EU enlargement has been good for business, bringing a larger labour pool. Media rhetoric against immigration has escalated further alongside a wider concerted political campaign to consider an exit from the EU altogether, which would likely have serious consequences for human rights protection in the UK.

The absence of such EU instruments as the Charter of Fundamental Rights, made legally enforceable under the Treaty of Lisbon in 2009, would inevitably detract from rights enjoyment in the UK.

Ethnic minorities frequently find themselves to be scapegoats during times of economic hardship, with political rhetoric on immigration becoming harsher. This rhetoric is received in Northern Ireland, which does not have devolved control over immigration, through media coverage of current political affairs in the wider UK.

Within Northern Ireland, the Public Order (NI) Order 1989 outlines five separate offences that criminalise acts intended or likely to stir up hatred or fear, the definition of hate speech captures 'threatening, abusive or insulting words or behaviour, or displays of any written material which is threatening, abusive or insulting' and includes religious belief, colour, race and nationality as protected categories.

Over the last few years, UKIP and the BNP have gained an increased amount of political support and respectability in Great Britain. Both right-wing political parties propagate racist and xenophobic policies and campaign for the withdrawal of the UK from the European Convention of Human Rights.

By virtue of being both an ethnic minority and a woman, BME women often experience greater vulnerability to domestic and sexual violence and greater barriers in accessing services and the criminal justice system. These may be cultural, religious, linguistic or immigration-related issues. Many BME women face greater isolation by virtue of not having informal support structures of friends and family, limited proficiency in English and mistrust of public authorities and criminal justice processes.

They are differentially affected by 'honour' based violence, forced marriage, intimate partner homicide, suicide, female genital mutilation and trafficking for the purposes of sexual exploitation. These factors have generated a culture of impunity for offenders and under-reporting by victims, resulting in a uniform denial of access to justice and minimal uptake of essential support services.

There is also a greater need to provide specialist services to certain ethnic groups, including South Asian women, Traveller, Roma and Gypsy women and refugee and asylum seekers. Indeed, protection measures need to be in place for child victims and children of victims.

In 2013, NICEM's extensive research on the BME victims of domestic violence escalated key concerns in its submission to the UN Committee on the Elimination of Discrimination Against women, showing a sharp increase in the number of ethnic minority women seeking advice and support services as victims of domestic violence and abuse, with recent figures from Women's Aid reflecting a 22% increase in demand between April 2012 and March 2013.

The eligibility criteria and evidential requirements attached to the domestic violence rule under immigration rules are exclusionary and do not provide sufficient protection to the majority of BME victims. This should be amended to ensure that the burden of proof is a reasonable threshold for victims to meet. Indeed, the evidential criteria must be cognisant of the trauma and distress experienced by victims who have often been subject to diffuse forms of sexual and domestic violence and abuse.

The prohibitive cost of applications for indefinite leave to remain for victims of domestic violence leaves BME women with insecure immigration status acutely vulnerable. Fee waivers are only granted when a woman is capable of demonstrating that she is 'destitute' and 'totally reliant on third party support'. Women who do not meet these criteria may be forced to remain in the abusive relationship at considerable risk to save sufficient funds to meet the costs of an ILR application and must pay additional fees to ensure their dependent children are entitled to remain in their care. Tragically, Hansard figures reveal that over a five-year period, 67% of applicants are unsuccessful.

A BME woman's immigration status depends on the relationship with their partner or spouse, making them directly reliant on their partners for access to public services. A breakdown in a relationship has severe consequences for women and children, often during a period when welfare support is most needed.

In early 2013, NICEM did groundbreaking research into domestic violence, showing the compounded effects of more than one form of discrimination. Attention is drawn to the additional barriers to accessing criminal justice and welfare systems due to non-citizen status and/or unfamiliarity with the English language and local systems. Low income, economic dependence, isolation and stigma are additional barriers. There is a need here for differential responses by public bodies tasked with responding to domestic violence against BME women and girls.

In addition to the issues highlighted in NICEM's research regarding the persistent lack of special measures for BME women currently needed to correspond to these additional risks and barriers in Northern Ireland, are further broader issues of violence affecting BME women, which are interlinked with trafficking, sexual violence, forced marriage and harmful cultural practices, like female genital mutilation.

As we welcome the UK's ratification of the Council of Europe Convention Against Trafficking in Human Beings in December 2008, there is a lack of rehabilitation and respite care, as well as immigration advice for victims. The lack of a coordinated approach between agencies means that victims are passed from one authority to another, without receiving the care and assistance that they need.

It is very concerning that trafficking victims are rarely granted refugee status, despite a high risk of re-trafficking. The periodic report stated that Migrant Helpline, in conjunction with the Women's Aid Federation of Northern Ireland, are providing support to victims. It is worth noting that Migrant Helpline, which only supports male

victims, is part of the National Referral Mechanism for reporting trafficking, but Women's Aid is not.

The lack of access to public funds in the cases of EU migrants who are not able to satisfy the strictures of the habitual residence test and refused asylum seekers (non-EEA nationals) who have exhausted their appeal rights and face deportation renders these individuals homeless and destitute, relying exclusively on charitable donations and the good will and flexibility of hostels.

The current Homelessness Strategy of the Northern Ireland Housing Executive (NIHE) inadequately addresses the difficulties experienced by migrants, particularly in the area of social housing. The action plan of the DSD Audit of Inequalities is restricted to primarily conducting a comprehensive Traveller Needs Assessment. More broadly, insufficient resources have been allocated by the DSD and the NIHE in meeting BME specific housing needs.

It is worth considering the reinstatement of the OFMDFM crisis fund as a matter of urgency to assist individuals with insecure immigration status and no recourse to public funds, to mitigate the risk of homelessness and destitution.

The 2008 concluding observations of the Committee on the Elimination of Discrimination Against Women was for the State Party to "take effective measures to increase the participation of ethnic and minority women in the labour market". In 2013, the UN Committee on the Elimination of Discrimination Against women called for the UK to intensify its efforts to eliminate discrimination against ethnic minority women who are under-represented in all areas of the labour market and political and public life.

The Joseph Rowntree Foundation highlighted, in 2013, the negligible attention given to coordinating the implementation of parallel strategies to strengthen protection against multiple discrimination and build greater awareness of intersectionality, as this approach diminishes the level of protection afforded to the most vulnerable and marginalised sections of society.

The Istanbul Convention that the UK Government has signed up to has yet to be ratified. The eligibility criteria and evidential requirements attached to the domestic violence rule under immigration rules are exclusionary and do not provide sufficient protection to the majority of BME victims.

Institutional and cultural discrimination are both difficult to see and are often difficult to accept. Moreover, institutional discrimination can come about subtly, via governing policies e.g. Westminster policies limiting rights, choices, mobility or access to information, including human rights. Those feeling the after-effects of these are most often the BME communities and single mothers being helped out of a violence domestic situation.

Support groups like Women's Aid, Refuge and the Domestic violence Team aim towards breaking the cycle of violence by encouraging women to regain control of their lives and create a safe environment for themselves and their children, as the future of society and its needs depend on the wellbeing and mental good health of mothers exercising their rights towards a full participation in public life and political representation. Thank you.

## **5. Question and Answer session**

DK – Is it the case that Migrant Helpline only assists male victims?

KB – This was my understanding, in its role as part of the National Referral Mechanism.

PY – The main issue with Migrant Helpline is that it is part of a wider policy to create a national focal point for the National Referral Mechanism. Policy should be changed to be more localised, rather than having a national focal point. We should consider taking certain actions – we could ask our MP to write to Westminster, as the Home Secretary will not answer us.

KB – Women married and living in this country should have a contact point here. Going to the Home Office in London makes little sense.

PY – Many women do not know that there is a new system as regards the domestic violence rule and it can be difficult to provide women with this information, especially if their spouses are isolating them.

DK – Should we MLAs be pushing organisations like Women's Aid to ensure that people have a contact point here?

Maria Lourenco (ML) – Funding issues are preventing organisations such as Women's Aid from taking in women, even if they want to.

PY – Before the new system established to give status to victims of domestic violence, women were not entitled to any benefits due to having no recourse to public funds. Under the new system - due to the Council of Europe Convention and the EU Directive - the Home Office will consider if there is sufficient evidence of domestic violence in order to grant status.

JK – One woman came to NICRAS, married to a man in NI. Suddenly, her relationship ended and her spouse took her passport. Now she is destitute. One has to prove that there was domestic violence, but how is she to prove this? Police were never involved. She is dependent on NICRAS to survive.

Anwar Mady (AM) – Being under Home Office control is a problem in and of itself. I have received calls from women who have not been beaten or subjected to physical assault, but they have been threatened by their husbands with withdrawing their status and sending them home.

PY – This is the kind of issue that the new law is attempting to address. We could do training, or seminars to raise awareness of what this law actually covers. We could invite police or relevant authorities to the next meeting, in order to explain how they will access and work with BME communities.

JK – Women's Aid and other groups should be well-versed on this legislation, so that they know that they can help these people and in what circumstances.

PY – Raising awareness on this law is the State's responsibility. It should be emphasised by Government that spouses threatening women with withdrawing their status is another form of slavery.

DK – So, you will invite the police for the next meeting?

PY – Yes. **(Action Point)**. Also notable is the fact that police do not collect data on how many domestic violence incidents involve BME individuals. We should ask them in the next meeting what data they are collecting and how they will access BME communities.

ML – Could you have someone from social services as well? They are the ones who will be issuing the vouchers and benefits. There is a lot of misunderstanding over people's entitlements for benefits. People should not be being asked whether or not they have the right to live here after they have been living here for 5 years.

JK – When social services do come, they come just for the children. Not for the mother or for the father. Often, the money that they give to families will just be for the children.

PY – Current law only protects children where their parent/s have no recourse to public funds. When you are under NRPF, unless you get permanent residence status, you have no entitlement to any kind of public funding. That is, unless you prove yourself to be a victim or survivor of domestic violence or human trafficking.

NC – The vulnerability of non-EU citizens is particularly obvious, due to their background and differential legal protections. However, the majority of our clients are now EU citizens – the insidious change in the law to deny EU citizens benefits for a period of time has resulted in a number of EU citizens suddenly finding themselves, where a relationship breaks down, without any kind of financial aid.

PY – Partly this is due to many families not registering for residence after following the husband into the country. Even though individuals could register for jobseekers' allowance, many people are not aware of their entitlement in this regard.

NC – However, individuals can only get jobseekers' for 6 months whereupon it will be withdrawn if they do not have a reasonable prospect of employment. Naturally this is often found to be so for single parents with children, who are fleeing an abusive partner.

PY – Could we compile case studies on this issue? **(Action Point)**

NC – Yes.

JK – Who should we refer people to?

PY – To Claire Choulavong of the BMEWN. It would be much more powerful for people to speak out about their own experiences.

NC – A further example of increasing difficulties for EU citizens is where an EU citizen has to work 24 hours to be able to get working tax credit. There are more and more limits being introduced.

PY – I think it is important to get the bigger picture, from people from all different backgrounds and countries of origin.

KB – This is a great idea – when it comes to issues of domestic, people can find it difficult to speak out, but getting people to write it down can help foster a discussion.

DK – Do people not go to their local MLAs?

PY – Very few.

DK – I've had one or two people come to my office. I think this practice should be encouraged.

PY – For benefit issues, it is best to go to an MLA rather than to a social worker. MLAs can make social workers accountable for their work. Ultimately, this is a very problematic issue. I suggest that in the next meeting we ask the police and the DoJ to come – one in charge of operation and the other in charge of policy – and ask them what is being done for BME communities in NI.

ML – The world is changing – more and more, people are finding spouses from other countries and they never expect to be sent away. Another issue is regarding housing – individuals can only refuse housing 2 or 3 times before they have to accept a house, even if it is in an area where they are vulnerable to racist attacks.

JK – In terms of refugees, individuals cannot refuse the accommodation that they are offered. Individuals are moved into hostile areas, with no ability to refuse.

PY – No new houses being built is a big contributor to this problem.

Michael Abiona (MA) – Question concerning Nigerian Association – funding application – quite sure my organisation has not made a funding application, can NANI make one in this short period?

PY – At the moment, we still don't know about whether new applications will apply only to existing Tier 2 and Tier 3 funding holders. Currently, you can apply to Tier 1 (small grant, up to £15,000).

## **6. AOB**

ML – FGM, NI is starting to move forward on this issue. Joseph and I have been invited to a big seminar with the Royal College of Nurses. Was shocked that even nurses working with patients for many years had no training or guidance on this issue. We are trying to bring the issue to the APG. Social workers, school system etc. need to be educated and to raise awareness in turn. We are working to create an awareness seminar, to which all Departments will be invited.

PY – This seems like a good initiative, but are the organisers sensitive to the Muslim community? Have they been consulted on this?

AM – Although, this is not only an issue related to faith. This is a cultural practice, not a faith-based one.

DK – I could ask a question to the ministers of health, justice, education and social development. This would at least raise awareness. **(Action Point)**

Date of next meeting

21<sup>st</sup> April 2015