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## **NICEM SUBMISSION**

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

**OFMDFM  
June 2014**

**AUGUST 2014**

## EXECUTIVE SUMMARY

NICEM welcomes the publication of the revised Racial Equality Strategy 2014-2024, but are concerned at its limited scope and extensive shortcomings. It is unlikely in its current format to deliver racial equality in Northern Ireland. Particular concerns include the insufficient evidence base on the nature, scale and severity of racial inequalities in Northern Ireland (Chapter 2). It also fails to take into account crosscutting Departmental issues and issues of intersectional identities and multiple discrimination (Chapter 4). It also fails to adequately consider binding obligations under international human rights and racial equality standards (Chapter 1).

There are also significant shortcomings in the monitoring and accountability mechanisms attached to the Strategy, which must be strengthened as a matter of priority (Chapter 8). Moreover, NICEM note with particular concern the scarcity of commitments to practical actions to implement the strategy, including the urgent need to introduce timetabled reforms to racial equality legislation (Chapter 6), the lack of commitment to introducing an adequately resourced and robust thematic action plan (Chapter 9), the failure to renew commitments to the appointment of Departmental Racial Equality Champions or institute specific affirmative action measures or Departmental targets (Chapter 8, 3 & Annex A).

In addition, the Executive's "Good Relations" agenda continues to marginalise the needs of ethnic minorities by focusing on good relations from an exclusionary 'two communities' approach. The approach adopted under the Delivering Social Change Framework and Together: Building United Communities (TBUC) fails to prioritise compliance with human rights standards or make a robust and consistent commitment to tackling racial discrimination and inequalities in Northern Ireland (Chapter 4).

Moreover, the document fails to recognise the contribution that ethnic minorities make to the NI economy and society, in particular to the benefits of diversity to our deep-rooted divided society. Given the significant demographic changes in Northern Ireland since the previous document and the recent spate of high profile racist violence coupled with the rise of poverty amongst ethnic minority communities, it is essential that all political parties, ethnic minority community members and the wider community respond to this consultation demanding a robust strategy which is fit for purpose.

Therefore, we recommend the following changes of the consultation document:

### Ministerial Foreword

1. **The Ministerial foreword should be strengthened to condemn racism and demonstrate political leadership through a robust commitment to eradicating racial inequalities. It should reflect the urgency of addressing wide-ranging socio-economic inequalities and the unacceptable levels of racist hate crime in Northern Ireland.**

2. **The foreword should also recognise the positive contribution of ethnic minorities to the local economy and linguistics, religious and cultural diversity in NI**

#### Chapter 1: Introduction and background

3. **NICEM welcome the proposed 10-year Strategy, which is needed to monitor the outcomes of high-level policy intervention.**
4. **The Strategy should attach greater emphasis to multiple identity issues by acknowledging overlooked international human rights standards.**
5. **The Strategy should be used as a vehicle to rectify Northern Ireland's relative lack of racial equality protections in comparison to the rest of the UK, through timetabled commitments to legislative reform.**

#### Chapter 2: Racism and racial inequalities: the scale of the challenge

6. **Chapters 2 and 5 should be rewritten to provide a rigorous review of available evidence on racial inequalities in NI. These two chapters should form the backbone of both the Departmental and thematic Action Plans NICEM proposes.**
7. **Chapter 2 should include equivalent contextual information on the concepts of racism and racial discrimination to that included in the previous Strategy. This should include accessible definitions of concepts such as institutional racism and indirect discrimination.**
8. **Current, relevant research reports on racial inequality and social exclusion, and Departmental/next step agency Audit of Inequality Reports and Action Plans, should be annexed to substantiate the current racial inequalities in Northern Ireland.**

#### Chapter 3: The purpose, vision and aims of this Strategy

9. **Using the phrase 'A Sense of Belonging' in the vision and title of the Strategy is inappropriate and does not accurately reflect the scale of the challenges facing ethnic minorities. We recommend its deletion. Furthermore, baseline data on ethnic minorities' sense of belonging should be gathered through the commissioning of research.**
10. **NICEM proposes a reworded vision, reading: "A society in which ethnic diversity is supported, understood, valued and respected and where we live together as a society free from racism, sectarianism and social exclusion and where human rights and equality are protected for all."**

11. We support the current 6 shared aims of the Racial Equality Strategy and also support the use of "positive action", based on research and data, to achieve these shared aims.
12. Minority non-Christian faiths need not be specifically addressed, as there are currently sufficient laws protecting these groups, which address incitement and religious discrimination. However, the level of protection is still subject to the improvement of the Race Relations law and the final document should state clearly up-front that it protects both racial and religious minorities.
13. There is no need to have a separate Strategy for a specific vulnerable group, as particular vulnerabilities and needs should be met within the Strategy's framework. Therefore, there is no need for specific Refugee Integration Strategy. Rather, specific programmes of work should be devised and a Thematic Working Group under the Racial Equality Panel should be established to produce a programme of action to provide for these vulnerable groups.
14. Government policy should seek to move beyond a 'two communities' perspective to ensure that ethnic minorities' needs and multiple identity issues are addressed. Therefore, it is vital that these Strategies coordinate effectively with the Racial Equality Strategy, in order to ensure that ethnic minority needs are considered in developing actions.
15. Regarding the issue of multiple identities, it is notable that a number of ethnic minority individuals are rendered particularly vulnerable by their additional status as women, having a disability, having a different religion or belief, having a different skin colour; as well as being migrant workers, refugees and asylum seekers, or Irish Travellers or members of the Roma and Gypsy communities. A commitment to addressing the needs of these vulnerable sub-groups through the Section 75 Audits of Inequality of Departments and relevant agencies could be useful in ameliorating the disadvantages facing these particular groups.
16. A commitment should be made to coordinate the implementation of the Strategy with action plans adopted under TBUC, DSC and other anti-discrimination strategies, through thematic actions.
17. The Strategy includes a commitment to ensure that the Racial Equality Panel is 'listened and responded to' through DSC bodies. However, no clarification is provided on issues such as the frequency of engagement and the authority of Racial Equality Panel members in influencing these bodies. Therefore, the Strategy should clarify how these structures will interact with each other and whether the Panel will be represented in these bodies.

## Chapter 5: The evidence of racial inequalities and ethnic monitoring

18. **Information gathered on the population's ethnic characteristics can be used by private and public organisations to monitor equal opportunities and anti-discrimination policies, and to inform future resource allocation and service provision. Therefore, adequately resourced ethnic monitoring should be mandatory across all Departments and their next step agencies.**
19. **The current system of monitoring ethnic demography, following the '16+1' codes, is inadequate, as it fails to account for the drastic demographic change in NI over the last decade; Polish, Lithuanian and other former A8 and A2 countries, which are the dominant ethnic minority groups in NI, are rendered invisible due to their aggregation under the 98% 'White' ethnicity category.**
20. **We suggest the following changes to ensure that ethnic monitoring is capable of capturing the demographic reality on the ground:**
  - **Disaggregate the 'White' ethnicity category into the following the groups: Polish, Lithuanian and Slovakian;**
  - **Remove the Irish Traveller category and create a new grouping under the EU definition of "Roma". Under this grouping include the following sub-categories: Irish Traveller, Gypsy and Roma;**
  - **Add "Filipino" as a new category.**

## Chapter 6: The legislative framework

21. **Ethnic minorities have experienced inequality, socio-economic disadvantage and systematic discrimination, due to the lack of effective legal protections against racial discrimination in NI. NICEM recommends that a key measure in the thematic action plan for OFMDFM be a timetabled legislative proposal to reform the current race relations law in line with Equality Commission proposals, with a deadline of 2017 for full implementation.**

## Chapter 7: Immigration

22. **NICEM welcomes the discussion of immigration policy, which is long overdue. The real issue for consideration is how we protect the economic interests of Northern Ireland regarding the issue of work permits to address skills shortage, which have a negative impact on our economic development. Currently, there is a UK Tier 2 Shortage Occupation List and a separate list for Scotland<sup>1</sup>, but no list that reflects our situation is available for Northern Ireland. On that basis, NICEM supports a business case to intervene in order to protect Northern Ireland's economic interests, which**

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<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/308513/shortage\\_occupationlistapril14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308513/shortage_occupationlistapril14.pdf)

form the basis of our regional immigration policy.

23. **We need political leadership and a commitment to protect our economic interests and address skills shortages in Northern Ireland, through the development of a regional immigration policy. Any future immigration policy should take into account the current toxic debate of immigration and must use an integrated approach to tackle racism and prejudice, through Aims 1 and 2 of the RES and with reference to TBUC. We also suggest that the Northern Ireland Executive commission research to look at both skills shortages and the long term supply of labour power in order to develop an evidence-based immigration policy.**
24. **The Immigration chapter of the final document should seek to dispel immigration myths and recognise the positive fiscal and financial contribution of ethnic minorities in Northern Ireland.**

#### Chapter 8: Making it happen: implementing the Racial Equality Strategy

25. **The Racial Equality Panel should be jointly chaired by the two Junior Ministers and an ethnic minority community representative in order to reinforce governance and accountability.**
26. **The annual reporting mechanism and Racial Equality Champions should be reinstated to provide annual reporting on and scrutiny of Departmental progress through the Racial Equality Panel's "Annual Progress Review". Thus, the reporting and accountability mechanisms attached to the RES should be significantly enhanced.**
27. **There should be a formal review every 3 to 4 years in line with the Comprehensive Spending Review, in order to ensure that the Strategy remains relevant, responsive and effective, especially in light of its proposed 10-year time-span.**
28. **NICEM recommends the adoption of two types of Action Plan in the revised Strategy. The first type should be based on thematic topics and/or issues, which require inter-departmental actions and a joined-up approach. OFMDFM should develop this overarching thematic action plan, which coordinates key action measures across Departments. It should provide a limited number of strategic, realistic actions for each Department.**
29. **The second type should be a Departmental/next step agencies' Action Plan, adhering to the 'SMART' (specific, measurable, achievable, realistic and timeframe) framework, and which should have no more than two strategic actions, which would be able to secure more resources and thus have a more long-term impact.**

30. The final document should detail on how the Racial Equality Panel is to cooperate with the bodies and mechanisms emanating from equality and equality-related Strategies other than TBUC and DSC.
31. The final document should detail how the Racial Equality Unit oversee the implementation of the Strategy across Departments as well as how Departments will ensure that their policies/practices 'take account' of the aims and principles of the Strategy. The Strategy also needs to detail how Departments will 'cascade' the Strategy to public bodies and other service providers in order to share expertise and best practices.
32. NICEM are concerned that using the phrase 'programme of work' is simply a method of buying time to develop actions. Therefore, the final document should have a detailed timetable as to when relevant bodies should submit the two types of action plan to the Northern Ireland Executive for both monitoring and accountability purpose.
33. NICEM supports the use of targeted positive action measures based on evidence of racial inequality, to be built into both thematic and Departmental action plans.

#### Chapter 9: Resourcing implementation of the Racial Equality Strategy

34. Due to racial inequality, social exclusion and institutional racism, access to public services by ethnic minority communities, including various vulnerable groups, is far from perfect and we will expect the revised Strategy to address this systematic discrimination and social exclusion. Therefore, the role of Race Champion in each Department is crucial to ensuring that resources are available and positive measures or measures to address these deficits are developed through the implementation of the strategic Action Plans of Departments and their next step agencies.
35. For the thematic Action Plan, OFMDFM should co-ordinate a joint bid with various Departments. We suggest the joint bid should be approved by the Executive in order to attain sufficient priority and resources.
36. NICEM suggests that the bid for ethnic monitoring from various Departments should be treated as a Thematic Action and the securing of resources from the Executive as a matter of urgency and high priority.
37. NICEM also suggests that the current Minority Ethnic Development Fund should have more robust governance and accountability, including detailed policy and procedures, mirroring the Core Funding Policy for the Voluntary and Community Sector within the Department of Social Development.

## Chapter 10: Monitoring and reviewing progress

38. **In addition to the ethnic monitoring and Good Relations Indicators, there should be a specific set of indicators developed by each Department and their next step agencies for the purpose of Action Plans, including the Thematic and/or Issue oriented Action Plan. Therefore, OFMDFM should co-ordinate with Departments to develop robust indicators and an evaluation framework to monitor and review progress through the Annual Progress Review and 3-year review on the impact of the Action Plans.**
39. **It is notable that the current Racial Equality Indicators do not allow for the gathering of any *new* data, but rather simply collate data that is already available. For ethnic monitoring to effectively address gaps in current data, it is vital that commitments are made to commission further disaggregated data collection.**
40. **NICEM welcomes the commitment for employers to ‘examine the ethnic make-up of their workforce and of applicants and appointees’; the Strategy should, as a matter of urgency, deploy positive action on the basis of this required monitoring. NICEM suggests that it should comprise part of the current system for monitoring applicants’ gender and political/religious background.**

## ANNEX A: Equality Assessment

41. **In view of the inadequacy of the Equality Impact Assessment in ANNEX A, NICEM suggests a rewrite the Equality Impact Assessment in conformity with the Guidance produced by the Equality Commission in the final document.**
42. **The EQIA should be strengthened to improve the evidence base on racial inequalities and adhere to guidance issued by the Equality Commission, as outlined above.**



## 1. Background Context

- 1.1 The Northern Ireland Council for Ethnic Minorities (NICEM) is an independent non-governmental organisation. As an umbrella organisation<sup>2</sup> we represent the views and interests of black and minority ethnic (BME) communities.<sup>3</sup> 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.
- 1.2 NICEM note with concern the extended lapse of time without an operational Racial Equality Strategy. In an Assembly Motion Debate on 3 July 2007, instigated by the inaction in implementing the Racial Equality Strategy 2005-2010, the Assembly voted unanimously in support of the Racial Equality Strategy and requested its full and immediate implementation. At the motion debate, political parties across the spectrum strongly criticised the failure of Government Departments to effectively address the socio-economic disadvantage and systematic discrimination in accessing public services experienced by ethnic minorities in Northern Ireland.
- 1.3 However, the Strategy expired in 2010 and its failure to deliver change was implicitly acknowledged by the OFMDFM Race Unit, which gave evidence to the Committee of OFMDFM on 12 March 2014, stating that little had been achieved in terms of addressing racial inequality in the past 10 years. Evidently, insufficient priority has been attached to ensuring the Strategy is effective, despite evidence of drastic socio-economic inequalities and unacceptable levels of racist hate crime.
- 1.4 Recent controversial remarks made by the First Minister saw the ethnic minority people of Northern Ireland, for the first time in history and with support from trade unions and civil society, stage a mass demonstration on the 7th of June 2014. Public calls for the publication of the Racial Equality Strategy prompted the government to release the long overdue document for consultation.

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<sup>2</sup> Currently we have 27 affiliated BME groups as full members. This composition is representative of the majority of BME communities in Northern Ireland. Many of these organisations operate on an entirely voluntary basis.

<sup>3</sup> In this document “Black and Minority Ethnic Communities” or “Minority Ethnic Groups” or “Ethnic Minority” has an inclusive meaning to unite all minority communities. It is a political term that refers to settled ethnic minorities (including Travellers, Roma and Gypsy), settled religious minorities, migrants (EU and non-EU), asylum seekers and refugees and people of other immigration status united together against racism.

## Good Relations Agenda

- 1.5 NICEM is concerned by the diminished focus on human rights and racial equality standards evident within the NI Executive's "Good Relations" agenda. The failure to prioritise race relations is a symptom of the politics of power, in which the specific needs of ethnic minorities are overlooked in favour of an exclusionary "two communities" approach, thus rendering "Race Relations" concerns subordinate to the wider interests of "Good Relations". This is particularly reflected in the disparity between the protections afforded by the Executive's good relations strategy and those embodied within the draft RES.
- 1.6 More broadly, the Committee on the Administration of Justice (CAJ) has noted the 'chill factor' and dilution of public sector equality duties under Section 75, which is likely to result from proposals to reform Equality Impact Assessments and to amalgamate the Community Relations Council and Equality Commission.<sup>4</sup>
- 1.7 In terms of changes in the good relations framework in Northern Ireland, the Assembly voted against the Good Relations Framework document ("A Shared Future") in May 2007, which resulted in the old RES being frozen. A good relations strategy was not produced until 2013, with the publication of Together: Building a United Community (TBUC), which constituted a framework of actions for furthering Good Relations in NI. TBUC refreshed the commitment to develop a separate RES.

## Demographic Changes

- 1.8 Recent Census data indicates that 4.5 per cent (80,621 in total) of the recorded population were not born in the UK or Ireland.<sup>5</sup> Indeed, the population of migrants who have arrived in NI between 2001- 2011 is equivalent to more than double the settled ethnic minority population. This shift in the demographic composition of Northern Ireland has been triggered primarily by EU enlargement in 2004 and 2007. However, NICEM notes that the Census does not fully scope NI's ethnic minority population. Ethnic minority communities have not fully engaged with the Census, despite the Census Office's provision of free interpretation and translated questionnaires. Additionally, the Census' 'White' ethnicity category does not desegregate data on key white minority communities (Polish, Lithuanian, Filipino etc.), which in reality constitute a large portion of the NI ethnic minority population.

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<sup>4</sup> Committee on the Administration of Justice, 'Community Relations Week Commentary: Briefing Paper no2: The Equality Commission's Raymond McCreesh Park investigation implications and analysis for proposed "Equality and Good Relations Impact Assessments"' (2014) Available at: <[http://www.caj.org.uk/files/2014/06/17/CAJ\\_TBUC\\_Briefing\\_Paper\\_implications\\_of\\_Equality\\_Commissions\\_McCreesh\\_judgement.pdf](http://www.caj.org.uk/files/2014/06/17/CAJ_TBUC_Briefing_Paper_implications_of_Equality_Commissions_McCreesh_judgement.pdf)> [Accessed: 26/08/14] p.2

<sup>5</sup> Vargas-Silva C, 'Briefing: Migration Flows of A8 and other EU Migrants to and from the UK' (2013) Available at: <<http://www.migrationobservatory.ox.ac.uk/briefings/migration-flows-a8-and-other-eu-migrants-and-uk>> [Accessed: 26/08/14]

- 1.9 Migrant workers contribute immensely to the local economy and often fill occupational shortages and skills gaps in the Northern Ireland labour market. Indeed, migrant workers contributed £1.2 billion GVA to the economy between 2004-2008 and created nearly 40,000 jobs.<sup>6</sup> Migrant workers have continued to contribute to our economy even in recession, particularly in the food processing sector, agricultural industries, health care sector and the hospitality industry. Indeed, it is widely accepted that the Agri-food industry, which constitutes 20% of Northern Ireland's private sector, makes heavy use of migrant labour.<sup>7</sup>
- 1.10 Migrant workers have continued to contribute to our economy even in recession, particularly in the food processing sector, agricultural industries, health care sector and the hospitality industry. Again, it is widely accepted that the Agri-food industry, which constitutes 20% of Northern Ireland's private sector, makes heavy use of migrant labour.<sup>8</sup> New migrants frequently endure low-grade, low-paid employment, despite many having high level qualifications and skills.<sup>9</sup> Additionally, the majority of new migrants face challenges building proficiency in English which limits access to employment and services.<sup>10</sup> This fundamental shift from a relatively stable business/employment status of settled ethnic minorities to the frequent job insecurity of recent migrants has generated higher levels of socio-economic disadvantage and systematic discrimination compared to 10 years ago.
- 1.11 Recent research on the social mobility of ethnic minority communities in Northern Ireland states that 'poverty is fundamentally linked to low income, and routes out of poverty are therefore based on labour market participation and progression', which has contributed to 'Northern Ireland...[representing] one of the most disadvantaged regions in the UK', particularly for recent migrants.<sup>11</sup>

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<sup>6</sup> FGS McClure Watters and Perceptive Insight Market Research, 'The Economic, Labour Market and Skills Impact of Migrant Workers in Northern Ireland' (2009) Available at: <[http://www.delni.gov.uk/the\\_economic\\_labour\\_market\\_and\\_skills\\_impact\\_of\\_migrant\\_workers\\_in\\_northern\\_ireland.pdf](http://www.delni.gov.uk/the_economic_labour_market_and_skills_impact_of_migrant_workers_in_northern_ireland.pdf)> [Accessed: 01/09/14]

<sup>7</sup> Lynn, S., 'Mapping the Deployment of Migrant Labour in Northern Ireland' (2013) Available at: <<http://www.migrationni.org/DataEditorUploads/Mapping%20the%20Deployment%20of%20Migrant%20Labour%20in%20NI.pdf>> [Accessed: 26/08/14] pp. 13 and 54

<sup>8</sup> *ibid*

<sup>9</sup> Irwin, J., McAreavey, R. and Murphy, N., 'The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland' (2014) Available at: <<http://www.jrf.org.uk/sites/files/jrf/ethnic-minorities-northern-ireland-full.pdf>> [Accessed: 27/08/14] p.14

<sup>10</sup> Wallace, A., McAreavey, R. and Atkin, K., 'Poverty and Ethnicity in Northern Ireland: An Evidence Review' (2013) Available at: <<http://www.jrf.org.uk/sites/files/jrf/poverty-ethnicity-northern-ireland-full.pdf>> [Accessed: 27/08/14] pp.34-35

<sup>11</sup> Irwin, J., McAreavey, R. and Murphy, N., 'The Economic and Social Mobility of Ethnic Minority Communities in Northern Ireland' (2014) Available at: <<http://www.jrf.org.uk/sites/files/jrf/ethnic-minorities-northern-ireland-full.pdf>> [Accessed: 27/08/14] p.14

## **2. Ministerial Foreword**

- 2.1 The Ministerial foreword should be strengthened to strongly condemn racism and make a sufficiently robust commitment to eradicating it. It should reflect the urgency of addressing wide-ranging socio-economic inequalities and unacceptable levels of racist hate crime in Northern Ireland.
- 2.2 The foreword fails to recognise the valuable contribution of migrant workers to the local economy and labour market - often filling skills gaps and addressing job shortages – or to the linguistic, cultural, entrepreneurial, and religious diversity on our society. Considering the increasingly diverse population of Northern Ireland, recognising the contribution of BME communities to the cultural, religious, social, economic and political makeup of Northern Ireland is essential.
- 2.3 The foreword provides limited contextual information and no recognition of the time-lapse without an operational Strategy or the urgency of reintroducing framework for furthering racial equality in Northern Ireland. The foreword attached to TBUC, for example, is far more aspirational and comprehensive.

### **Recommendations:**

- **The foreword should strongly condemn racism and demonstrate political leadership through a robust commitment to eradicating racial inequalities. It should reflect the urgency of addressing wide-ranging socio-economic inequalities and the unacceptable levels of racist hate crime in NI.**
- **The foreword should recognise the positive contribution of ethnic minorities to NI's local economy and its lingual, religious and cultural diversity.**

## **3. Chapter 1 – Introduction and Background**

- 3.1 NICEM welcomes the proposed 10-year Strategy, but notes that it fails to substantiate the assertion that ‘much has already been done towards achieving the strategic aims in the previous Strategy’.<sup>12</sup> The Racial Equality Unit stated to the OFMDFM Committee in March 2014 that the list of priority issues under consideration at present remains ‘exactly the same as that compiled in 2003-04’, which is indicative of a profound lack of progress. Lessons should be learned from the previous Strategy in order to substantiate and improve the proposed one.

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<sup>12</sup> OFMDFM, ‘A Sense of Belonging: Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014 – 2024’ (2014) Available at: <<http://www.ofmdfmi.gov.uk/racial-equality-strategy-2014-2024-consultation.pdf>> [Accessed: 26/08/14] p.9

## International Human Rights Standards and Multiple Identity issues

3.2 The UK has failed to meet Human Rights obligations with respect to the protection of racial minorities in Northern Ireland. There are weaker protections against racial discrimination in NI in comparison to Great Britain (GB), as has been outlined by the Equality Commission.<sup>13</sup> The Racial Equality Strategy represents a critical opportunity to rectify this.

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

3.4 Omitting to consider these interrelated instruments, including CEDAW, ignores the burden that multiple discrimination presents for those with multiple identities, particularly ethnic minority women. The Strategy should be particularly cognizant of recommendations issued by the UN Committee on the Elimination of Discrimination Against Women (CEDAW), recognising the need to 'strengthen the implementation of programmes and policies aimed at providing effective access for women to health-care, particularly...asylum-seeking and Traveller women'.<sup>14</sup>

3.5 The Strategy does not consider targeted guidance issued by the UN Office of the High Commissioner for Human Rights (OHCHR) on the development of National Action Plans Against Racial Discrimination, drafted to support the implementation of the UN Convention on the Elimination of Racial Discrimination and the Durban Declaration and Programme of Action.<sup>15</sup> Indeed, the UN Committee on the Elimination of Racial Discrimination, in its Concluding Observations on the UK, in 2011 recommended that **'the State party develop and adopt a detailed action plan, with targets and monitoring procedures, in consultation with minority and ethnic groups, for tackling race inequality as an integral part of the Equality Strategy, or separately provide an action plan for an effective race equality strategy'**.<sup>16</sup>

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<sup>13</sup> Equality Commission for Northern Ireland, 'Racial Equality Policies: Priorities and Recommendations' (2014) Available at: <[http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/RacialEquality_PolicyPosition2014.pdf)> [Accessed 26/08/14]

<sup>14</sup> Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), 'Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland' (2013) Available at: <<http://www.scottishhumanrights.com/application/resources/documents/ConcObsCEDAW.doc>> [Accessed: 26/08/14] para.53

<sup>15</sup> Office of the High Commissioner for Human Rights (OHCHR), 'Developing National Action Plans Against Racism: A Practical Guide' (OHCHR, Geneva 2014)

<sup>16</sup> Committee on the Elimination of Racial Discrimination (CERD), 'Concluding Observations of the Committee on the Elimination of Racial Discrimination: United Kingdom of Great Britain and

3.6 The CERD Committee also recognised the diminished human rights protections and safeguards against racial discrimination in Northern Ireland compared with the rest of the UK. Indeed, in its 2011 Concluding Observations on the UK, the Committee stated its wish to **‘remind the State party that the obligation to implement the provisions of the Convention [CERD] in all parts of its territory is borne by the State party...the Committee recommends that the State party should...ensure that a single equality law and a Bill of Rights are adopted in Northern Ireland or that the Equality Act 2010 is extended to Northern Ireland’**<sup>17</sup>.

#### **Recommendations:**

- **NICEM welcomes the proposed 10-year Strategy, which is needed to monitor the outcomes of high-level policy intervention.**
- **The strategy should attach greater emphasis to multiple identity issues by recognising overlooked international human rights standards**
- **The Strategy should address the diminished protections against racial discrimination in Northern Ireland in comparison with the rest of the UK, through timetabled commitments to legislative reforms**

#### **4. Chapter 2 – Racism and Racial Inequalities: The Scale of the Challenge**

4.1 NICEM are concerned at the failure to reference highly relevant and up-to-date research and data produced by public authorities and civil society. Indeed, the inclusion of obsolete research from 2002<sup>18</sup> and out-of-date statistics<sup>19</sup> may seriously inhibit the relevance of much of the Strategy’s objectives unless it is verified by other, recent research. Indeed, the 2002 research focused on the settled Chinese, Asian and Irish Traveller communities and precedes both EU enlargement and the recent Joseph Rowntree Foundation research report on ethnicity and poverty in Northern Ireland. Consequently, the Strategy fails to consider the ‘critical factor’ of EU enlargement - which has instigated a ‘rapid change in the composition and size’ of Northern Ireland’s BME communities - and the differing needs of our BME population as a consequence of this change.

<sup>20</sup> For example, research has evidenced that many “new migrants” are economically vulnerable.<sup>21</sup>

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Northern Ireland’ (2011) Available at:

<[www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.CO.18-20.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.CO.18-20.pdf)> [Accessed: 26/08/14]

para.17

<sup>17</sup> *ibid* para.19

<sup>18</sup> *op cit* n 12 pp.17-18

<sup>19</sup> *ibid* p.15

<sup>20</sup> *op cit* n 10 p.12

<sup>21</sup> *ibid* p.27

- 4.2 It should be noted here that OHCHR guidance on developing racial equality action plans indicates that one of the 'first tasks [of a racial equality action plan] should be to conduct or commission a systematic study about the state of racial discrimination in the country' in order to establish a reliable baseline.<sup>22</sup> Additionally, it states that the Strategy should 'clearly describe the current situation of racial discrimination...[and] identify what problems need to be overcome'.<sup>23</sup>
- 4.3 As a means of addressing the omission of evidence, NICEM suggests that the proposed Strategy list all available research reports, particularly those from the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland, concerning key government policy (employment and training, education, health, housing, racial discrimination and racial violence, planning, transport, etc.), as well as thematic government policy (poverty, childcare, etc.) in an Annex, in order to substantiate the extent of racial inequality in Northern Ireland. Moreover, each Departments' and next step agencies' Section 75 Audit of Inequality Reports and Action Plans could form the basis of the Strategy's Action Plans - these should also be listed in the Annex.
- 4.4 BME communities continue to experience pronounced inequalities in access to education, employment, housing and health services, which are likely to worsen under proposed welfare reforms. Ethnic minorities also face a heightened vulnerability to issues ranging from domestic violence to trafficking for the purposes of forced labour to sexual exploitation. Furthermore, the current legal protection against racial discrimination in terms of employment and access to public services in Northern Ireland is weak, and racist hate crime has proliferated in tandem with the xenophobia and immigration myths that saturate mainstream media and political discourse.
- 4.5 However, the Strategy lacks essential contextual information and does not provide adequate definitions of the manifestations of racism, such as 'institutional racism' or 'indirect discrimination'. Furthermore, it fails to reference the four unlawful forms of racial discrimination under the Race Relations Order 1997, despite an analysis of these provisions being included in the previous Strategy.<sup>24</sup> Sections describing these concepts are important in delineating the basis of the Strategy itself – such sections should be provided in the text of the Strategy, with reference to relevant authorities.
- 4.6 It is also notable that, while the previous Strategy highlighted the impact of stereotyping in our society<sup>25</sup> and, using the Stephen Lawrence Inquiry definition of institutional racism<sup>26</sup>, recognised the need for all public bodies and others to

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<sup>22</sup> op cit n 15 p.74

<sup>23</sup> ibid p.11

<sup>24</sup> OFMDFM, 'A Racial Equality Strategy for Northern Ireland 2005-2010' (2005) Available at: <[www.ofmdfmni.gov.uk/racial-equality-strategy-2005-2010.pdf](http://www.ofmdfmni.gov.uk/racial-equality-strategy-2005-2010.pdf)> [Accessed: 27/08/14] para.2.10

<sup>25</sup> ibid para. 2.17

<sup>26</sup> ibid, para. 2.10

prevent systematic or institutional racism in public services,<sup>27</sup> the current draft does not provide any analysis of stereotyping or institutional racism.

4.7 Additionally the previous Strategy contained a chapter on 'Minority Ethnic Communities in Northern Ireland'. The revised Strategy omits this section, providing no commentary on recent demographic shifts in the population of Northern Ireland.

#### **Recommendations:**

- **Chapters 2 and 5 should be rewritten to provide a rigorous review of available evidence on racial inequalities in NI. These two chapters should form the backbone of both the Departmental and thematic Action Plans expanded upon below.**
- **Chapter 2 should include equivalent contextual information on the concepts of racism and racial discrimination, as included in the previous Strategy. This should include accessible definitions of complex concepts such as institutional racism and indirect discrimination.**
- **All the current relevant research reports on racial inequality and social exclusion, including the Audit of Inequality Reports and Action Plans of each Department and their next step agencies, should be annexed to substantiate the current racial inequalities in Northern Ireland.**

### **5. Chapter Three - The Purpose, Vision and Aims of this Strategy**

#### **Sense of Belonging as title and vision**

5.1 The extent of institutional racism, which is manifested in racial inequalities, socio-economic disadvantage, social exclusion and systemic discrimination against ethnic minority people, is widespread in Northern Ireland. Using the title 'A Sense of Belonging' in the forthcoming Racial Equality Strategy is totally inappropriate and does not accurately reflect the scale of the challenges facing ethnic minorities. Additionally, making this phrase the title when it is part of one of the six aims of the Strategy is unnecessary and confusing. Therefore, we suggest a simple rewording to: "Racial Equality Strategy for Northern Ireland 2014-2024". Although we oppose this phraseology in the title and the vision, baseline data does need to be gathered on minority communities' sense of belonging, through commissioned research.

Additionally, the proposed seventh aim in this Chapter is unnecessary, as cultural issues are already addressed under aims 4 and 5.

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<sup>27</sup> *ibid*, paras. 2.18 and 2.19



## Vision Statement

- 5.2 The vision statement is weak and does not recognise the State's obligation to safeguard human rights and uphold racial equality standards. NICEM proposes that the vision read: "A society in which ethnic diversity is supported, understood, valued and respected and where we live together as a society free from racism and sectarianism and social exclusion and where human rights and equality are protected for all."

## Protection of Minority non-Christian Faiths through the Strategy

- 5.3 The Strategy suggests that it should provide a framework for protecting minority non-Christian faiths. However, this is unnecessary. Protection against religious discrimination is already afforded by many pieces of legislation, including the Fair Employment and Treatment (NI) Order 1998 and the Public Order (NI) Order 1987, and the Attorney General has recently released guidance that addresses hate crime, including the incitement of racial and religious hatred.
- 5.4 Additionally, the Strategy itself notes that case law has already recognised some mono-ethnic religious communities (such as the Jewish and Sikh but not Muslim communities) as constituting racial groups. Therefore, relevant religious communities will already be protected under the Strategy, without the unnecessary extension of provisions to cover additional religious groups. The key issue is that the Muslim community is not protected under Race Relations law, thus the proposed Strategy should clearly state that it protects both racial and religious minorities.

## Refugee Integration Strategy

- 5.5 NICEM firmly believe that if the proposed Strategy is robust, there is no need to have a separate strategy for a specific vulnerable group, as particular vulnerabilities and needs may be addressed within the Strategy's framework. Therefore, a Refugee Integration Strategy is unnecessary. Rather, actions are needed to address the inequalities and social exclusion endured by various vulnerable groups. Additionally, a Thematic Working Group under the Racial Equality Panel should be established to produce a programme of action to provide for these vulnerable groups.

## Positive Action

- 5.6 NICEM supports the use of targeted positive action measures, based on evidence of racial inequality, particularly those addressing the uptake of public services those concerning capacity-building ( e.g. the use of bi-lingual staff). OFMDFM's Guidance for Ethnic Monitoring is crucial to establish a data set for guiding positive actions measures, and thus should be compulsory for all Departments and their next step agencies to undertake. This system is also crucial to tackling institutional racism.

Moreover, as the Government is both NI's largest employer and service provider, it should take the lead in introducing positive action measures through Departmental and thematic action plans and public procurements.

### **Recommendations:**

- **Using the phrase 'A Sense of Belonging' in the vision and title of the Strategy is inappropriate and does not accurately reflect the scale of the challenges facing ethnic minorities. We recommend its deletion. Furthermore, baseline data on ethnic minorities' sense of belonging should be gathered through the commissioning of research.**
- **NICEM proposes a reworded vision, reading: "A society in which ethnic diversity is supported, understood, valued and respected and where we live together as a society free from racism, sectarianism and social exclusion and where human rights and equality are protected for all."**
- **We support the current 6 shared aims of the Racial Equality Strategy and also support the use of "positive action", based on research and data, to achieve these shared aims.**
- **Minority non-Christian faiths need not be specifically addressed, as there are currently sufficient laws protecting these groups, which address incitement and religious discrimination. However, the level of protection is still subject to the improvement of the Race Relations law and the final document should state clearly up-front that it protects both racial and religious minorities.**
- **There is no need to have a separate Strategy for a specific vulnerable group, as particular vulnerabilities and needs should be met within the Strategy's framework. Therefore, there is no need for specific Refugee Integration Strategy. Rather, specific programmes of work should be devised. A Thematic Working Group under the Racial Equality Panel should be established to produce a programme of action to provide for these vulnerable groups.**

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

6.1 Minority ethnic communities, despite making a vital social, economic and cultural contribution to Northern Ireland, are often overlooked in political decision-making, enjoying only the residual rights of the two majority communities on which policy is based. The Delivering Social Change framework and current

flagship strategies, such as the Anti-Poverty Strategy and the Childcare Strategy under the OFMDFM, are all largely based on an exclusionary two-community approach. The current Good Relations Policy: Together Building a United Community (TBUC) perpetuates the 'two communities' approach and omits consideration of race relations in any action plan.

- 6.2 Consequently, it is of pivotal importance that these Strategies coordinate effectively with the Racial Equality Strategy, in order to ensure that ethnic minority needs are considered when developing actions on a wide range of issues. However, beyond vague commitments to ensure that TBUC, DSC and the RES are linked, there is little clarity as to how these Strategies will interact. Additionally, relevant concluding observations from UN treaty-monitoring bodies other than CERD are not drawn upon. This is despite the fact that international guidance on racial discrimination action plans states that 'great care is needed to ensure linkage' with existing anti-discrimination strategies.<sup>28</sup> This constitutes a failure to adequately address multiple discrimination and the intersectionality between different forms of discrimination, including racism and sectarianism.
- 6.3 Additionally, NICEM are concerned at the severely diminished monitoring and high-level accountability mechanisms attached to the RES in comparison to TBUC. There are also negligible commitments on practical actions to implement the RES, in contrast with the wealth of 'headline actions' and 'targets' adopted under TBUC.<sup>29</sup> Furthermore, there is no oversight over how MEDF funding is distributed, in contrast with the rigorous scrutiny and evaluation procedures under TBUC.
- 6.4 NICEM supports the use of cross-Departmental, thematically-based actions to tackle racial inequality, as part of a proposed bipartite action-plan system that is discussed further under Chapter 8. This approach is particularly important for addressing the issues of in-work poverty and child poverty, increasingly suffered by many ethnic minorities. The Anti-Poverty Strategy, the Child Poverty Strategy and the Delivering Social Change Framework offer no targeted initiatives to meet the specific needs of ethnic minorities, thus such strategies must maintain clear links with the RES in order to avoid an exclusive, two-communities policy approach.
- 6.5 Further regarding the issue of multiple identities, it is notable that a number of ethnic minority individuals are rendered particularly vulnerable by their additional status as migrant workers, refugees and asylum seekers or Irish Travellers etc. A commitment to addressing the needs of these vulnerable sub-groups through the Section 75 Audits of Inequality of Departments and relevant agencies could be useful in ameliorating the disadvantages facing these particular groups.

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<sup>28</sup> op cit n 15 p.7

<sup>29</sup> OFMDFM, 'Together: Building a United Community' (2013) Available at: <<http://www.ofmdfmi.gov.uk/together-building-a-united-community-strategy.pdf>> [Accessed: 27/08/14] p.9

## DSC Programme Board and Ministerial Sub-Group

6.6 The Strategy includes a commitment to ensure that the Racial Equality Panel is 'listened and responded to' through various DSC bodies.<sup>30</sup> However, no clarification is provided on the frequency of engagement or the projected authority of Racial Equality Panel members in influencing these bodies. Therefore, the Strategy should consider how these structures will interact each other and whether the Panel will have any representation in these bodies.

### **Recommendations**

- **The current government policy and strategy should seek to move beyond an exclusive 'two communities' approach to ensure that multiple identity issues and the needs of ethnic minorities are not neglected. How other relevant Strategies will coordinate effectively with the RES should be clarified, in order to ensure that ethnic minority needs are considered when actions are developed on a wide range of issues.**
- **A commitment to addressing the needs of particularly vulnerable BME groups through the Section 75 Audits of Inequality of Departments and relevant agencies could be useful in ameliorating the disadvantages facing these groups.**
- **Commitment should be made to coordinate the implementation of the Racial Equality Strategy with action plans adopted under TBUC, DSC and other anti-discrimination strategies through thematic action plans.**
- **The Strategy includes a commitment to ensure that the Racial Equality Panel is 'listened and responded to' through DSC bodies. However, no clarification is provided on the frequency of engagement, the authority of Racial Equality Panel members in influencing these bodies and so forth. Therefore, the Strategy should clarify how these structures will interact with each other and whether the Panel will be represented in these bodies.**

## **7. Chapter 5 – The Evidence of Racial Inequalities and Ethnic Monitoring**

7.1 NICEM broadly endorse OFMDFM Guidance for Monitoring Racial Equality and commitments to jointly scale up the use of ethnic monitoring as a 'matter of priority'. However, NICEM notes with concern the lack of information on existing data gaps in ethnic monitoring and the fact that ethnic monitoring is not made an obligatory action for Departments to take. The lack of a meaningful commitment to ethnic monitoring is likely to result in piecemeal and inconsistent practice.

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<sup>30</sup> op cit n 12 p.28

- 7.2 It is vital that ethnic monitoring is made compulsory for Departments to undertake and that any disparities in data-collection between Great Britain and Northern Ireland are addressed by this monitoring. Particularly notable is the current lack of data gathered in NI on migrant occupational and sectoral patterns, despite migrant labour reports in England including such data.<sup>31</sup> Recommendations on improved data collection from international bodies (e.g. UN Concluding Observations) should be referred to and the transparency in areas in which disaggregated data is not routinely collected (e.g. arrests and prosecutions, number of hospital admissions for female genital mutilation etc.) should be improved.
- 7.3 Additionally, when a fulsome and targeted system of ethnic monitoring is instituted, it is important that a commitment is made by Departments to utilise the data arising from this mechanism to produce relevant actions. The Strategy should commit to ensuring that actions are forthcoming from the monitoring system.
- 7.4 Furthermore, NICEM supports commitments to analyse available data to 'investigate the underlying causes' of inequalities and adopt mitigating measures to 'remove any unfairness or disadvantage'.<sup>32</sup> However, the Strategy should make this commitment actionable by explicitly tying it to the routine updating of Departmental audits of inequality and Section 75 action plans.
- 7.5 The current system of monitoring ethnic demography, following the '16+1' codes, is inadequate, as it fails to account for the drastic demographic change in NI over the last decade; Polish, Lithuanian and other former A8 and A2 countries, which are the dominant ethnic minority groups in NI, are misleadingly aggregated under the 98% 'White' ethnicity category.
- 7.6 Therefore, the concept of 'ethnicity' utilised in NI is not functional. A term that is designed to address difference currently suggests a remarkable homogeneity. Current categorisation arguably constructs an importance to whiteness and sensitivity to 'race' that doesn't exist among most residents – it forces 98% of the population to be 'white'. If a single issue should be changed in terms of race and statistics, it is this constant affirmation of a non-variegated white 'ethnic majority'. While this is a problem in Britain, too, the issue is particularly stark in Northern Ireland because of the 98% 'ethnic majority' figure. This needs to change.
- 7.7 If proof were needed that Northern Ireland no longer fitted this characterisation of ethnic homogeneity, it was provided by recent research by NISRA (2014) on the latest generation of Northern Ireland citizens. Here the 'Country of Birth of Mother' data provides startling evidence of a demographic transition. Despite the twin 'push factors' of economic downturn and increasingly draconian migration regimes, this demographic change is likely to continue. The 'Country

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<sup>31</sup> op cit n 7 p.41

<sup>32</sup> op cit n 12 p.32

of Birth of Mother' data revealed that in 2013 10% of births registered in Northern Ireland were to mothers who were not born in the UK or Ireland.<sup>33</sup> It explained this change in terms of two key new migrant communities: first, women coming to live in Northern Ireland from the eight countries that joined the European Union in 2004 – the A8<sup>34</sup> countries; second, the increase in the number of births to mothers born in 'All Other Countries'.<sup>35</sup>

7.8 Thus, current data on ethnicity is failing to capture this increasing ethnic diversity. Moreover, it bears emphasis that this data matters. As ONS suggests: The ethnic group question provides information on the population's ethnic characteristics that can be used by private and public organisations to monitor equal opportunities and anti-discrimination policies, and to plan for the future through resource allocation and informing provision of services.<sup>36</sup> Therefore, ethnicity monitoring should play a key role in both delivering equality and service provision and planning. However, to achieve this the ethnic categories adopted need to be fit for purpose – any analysis of ethnicity in Northern Ireland needs to capture the complexity of an increasingly multicultural and multi-ethnic society. Naturally, suggesting that over 98% of the population belong to a single ethnic group offers little in terms of either equality or planning. This acknowledged, there are no simple solutions to current challenges.

7.9 Ethnicity is a complex concept – and it is under critical pressure even in situations in which it has been functioning for decades, like England and Wales. The relatively simple identities associated with first generation migration – where people are largely identified in terms of where they come from (West Indies, South Asia, Ireland etc.) are fading. These are replaced by more complex and interrelated identities – the 'mixed' ethnic category grows exponentially as multi-ethnic and inter-ethnic society takes shape. In this context any simple, bifurcation associated with ethnic monitoring and classification become more complicated. In particular, people may have complex overlapping identities, which involve elements of national identity colour and ethnicity.

7.10 Moreover, even in terms of ethnicity, people may have ethnicities rather than ethnicity – these change profoundly in different national contexts. For example, Irish Travellers in Britain are both Irish and Travellers. Therefore, monitoring ethnicity is an increasingly complex task. A further complication for NI is the fact that 'Protestant' and 'Catholic' also appear as significant ethnic categorisations. Thus, when the reality of new migrant communities is added to

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<sup>33</sup> Northern Ireland Statistics and Research Agency, 'Births in Northern Ireland 2013' (2014) Available at: <[http://www.nisra.gov.uk/archive/demography/publications/births\\_deaths/Births\\_2013.pdf](http://www.nisra.gov.uk/archive/demography/publications/births_deaths/Births_2013.pdf)> [Accessed 01/09/14]

<sup>34</sup> The A8 countries are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia

<sup>35</sup> This 'all other countries' category includes the newest EU member states – the 'A2 countries' Bulgaria and Romania.

<sup>36</sup> Office for National Statistics, 'Ethnicity and National Identity in England and Wales 2011' (2012) Available at: <[http://www.ons.gov.uk/ons/dcp171776\\_290558.pdf](http://www.ons.gov.uk/ons/dcp171776_290558.pdf)> [Accessed 01/09/14] p.12

the complex ethnic history and conflict of sectarian demographics, 'ethnicity' becomes difficult to quantify. However, this makes the task all the more important, rather than rendering it impossible. To address this challenge, a wider analysis of ethnicity and lessons learned in other situations of ethnic monitoring must be drawn upon.

#### **Recommendations:**

- **Information gathered on the population's ethnic characteristics can be used by private and public organisations to monitor equal opportunities and anti-discrimination policies, and to inform future resource allocation service provision. Therefore, adequately resourced ethnic monitoring should be mandatory across all Departments and their next step agencies.**
- **The current system of monitoring ethnic demography, following the '16+1' codes, is inadequate, as it fails to account for the drastic demographic change in NI over the last decade; Polish, Lithuanian and other former A8 and A2 countries, which are the dominant ethnic minority groups in NI, are misleadingly aggregated under the 98% 'White' ethnicity category.**
- **We suggest the following changes to ensure that ethnic monitoring is capable of capturing the demographic reality on the ground:**
  1. **Desegregate the 'White' ethnicity category into the following groups: Polish, Lithuanian and Slovakian;**
  2. **Remove the Irish Traveller category and create a new grouping under the EU definition of "Roma". Under this grouping include the following sub-categories: Irish Traveller, Gypsy and Roma;**
  3. **Add "Filipino" as a new category.**

### **8. Chapter 6 – The Legislative Framework**

8.1 The previous RES highlighted the fact that potential reform of the Race Relations law was delayed by work on a Single Equality Bill for NI. Due to political stalemate on the Single Equality Bill, ethnic minority people have suffered racial inequalities, socio-economic disadvantage and systematic discrimination, as a by-product of the lack of effective legal protections against racial discrimination in Northern Ireland. Without introducing urgent, timetabled legislative reforms to the RRO, in order to improve protection against racial discrimination and harassment, the consultation document lacks the ability to make a measurable impact. Legal reforms are of particular importance given that the government is both the largest employer and service provider in NI.

8.2 The Strategy should provide for measures that address inconsistencies in the level of legislative protection afforded against racial discrimination in Northern Ireland in comparison to Great Britain. The limited scope of the RRO and failure to extend the Equality Act 2010 to Northern Ireland highlights the disparity in the

level of protection afforded against racial harassment and discrimination in Northern Ireland. Key areas of disparity include the weaker protection afforded against discrimination on the ground of colour and nationality in NI as compared to GB.<sup>37</sup>

8.3 A reluctance to improve legislative protections constitutes a trend in Northern Irish law and policy; the RRO has had to be reactively amended twice due to impending infringement proceedings from the European Commission. Indeed, the RRO remains internally inconsistent and inadequate, despite the fact that the Assembly voted to compel OFMDFM to initiate reform of the legislation in 2009.

8.4 In its 2011 Concluding Observations on the UK, the Committee on Racial Discrimination highlighted the legal disparity between NI and GB, emphasising that **‘the obligation to implement the provisions of the Convention [CERD] in all parts of its territory is borne by the State party...the Committee recommends that the State party should...ensure that a single equality law and a Bill of Rights are adopted in Northern Ireland or that the Equality Act 2010 is extended to Northern Ireland’**<sup>38</sup>.

8.5 It is also notable that the Equality Commission for Northern Ireland has identified a number of key areas where legislation could be improved, which have been acknowledged within the Strategy. Particularly relevant is the Commission’s emphasis on the need to strengthen protections against racial discrimination and harassment on the grounds of colour and nationality, which has implications for the RRO. NICEM supports these recommendations and the more recent 2013 recommendations, which recommend increased protection in various areas for a number of vulnerable ethnic minority groups, including migrants and agency workers.<sup>39</sup>

## Recommendations:

- **Ethnic minorities have experienced inequality, socio-economic disadvantage and systematic discrimination, due to the lack of effective legal protections against racial discrimination in NI. NICEM recommends that a key measure in the thematic action plan for OFMDFM be a timetabled legislative proposal to reform the current race relations law in line with Equality Commission proposals, with a deadline of 2017 for full implementation.**

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<sup>37</sup> ECNI, ‘Gaps in Equality Law Between Great Britain and Northern Ireland’ (2014) Available at: <<http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2014/Gaps-in-Equality-Law-in-GB-and-NI-March-2014.pdf?ext=.pdf>> [Accessed 01/09/14] pp.2-3

<sup>38</sup> op cit n 16 para.19

<sup>39</sup> Equality Commission for Northern Ireland, ‘Racial Equality Policies: Priorities and Recommendations’ (2014) Available at: <[http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/RacialEquality\\_PolicyPosition2014.pdf](http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/RacialEquality_PolicyPosition2014.pdf)> [Accessed 26/08/14]



## **9. Chapter 7 – Immigration**

9.1 NICEM welcomes the long overdue discussion of immigration policy under the devolved administration. However, the real issue for consideration is how the economic interests of Northern Ireland can be protected regarding the issue of work permits to address skills shortages that have a negative impact on economic development, whether owned by foreign companies or local firms. The current permit regime is overwhelmingly determined by the wage level of the City of London (finance sector), meaning that the minimum qualifying wage benchmark in order to qualify for a Work Permit under Tier 2 is disproportionately high. Currently, Tier 2 Work Permit sets the minimum qualifying wage at £20,500 per annum for general skills worker.<sup>40</sup> There is a UK Tier 2 Shortage Occupation List and a separate list for Scotland,<sup>41</sup> but no list that reflects our situation is available for Northern Ireland. On that basis, NICEM supports a business case to intervene, in order to protect Northern Ireland's economic interests, which form the basis of our regional immigration policy.

9.2 We have neglected to look at our own interests for too long, tacitly accepting the political argument that immigration is a reserved matter. Immigration policy is doubtlessly a reserved matter, but at the same time this policy area also crosses the line of devolved powers. We have taken a very different route from the Scottish Executive under the first term of the Scottish National Party, in which they re-negotiated with the then Labour government to have more say in immigration matters. Firstly, the Scottish government established the fact that they needed migrant workers in order to continue the supply of labour to drive the Scottish economy over the next 20 years. They also review and identify skill shortages and the workforce in order to determine whether they need migrant workers. This is purely a business and economic case and has taken a more positive step to promote migration, to the benefit of the local economy.

9.3 Therefore, we need political leadership and commitment to protect our economic interests and address skill shortages in Northern Ireland, through the development of our regional immigration policy. Any future immigration policy should take into account the current toxic debate of immigration and must use an integrated approach to tackle racism and prejudice through Aims 1 and 2 of the Strategy. We also suggest that the Northern Ireland Executive commission research to look at both skills shortage and the long term supply of labour power in order to develop an evidence-based immigration policy.

### **The current toxic immigration debate**

9.4 Since 2008, ethnic minority people (somehow viewed as distinct from British ethnic minorities) have been victims of accelerating levels of xenophobic

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<sup>40</sup> See: <https://www.gov.uk/tier-2-general/eligibility>

<sup>41</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/308513/shortage\\_occupationlistapril14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308513/shortage_occupationlistapril14.pdf)

sentiment, with myths being perpetuated around migrants 'stealing' local jobs, benefits tourism, illegal working and sham marriages. Indeed, the Leveson Inquiry highlighted the definitive presence of a catalogue of racial stereotyping in the UK media addressing ethnic minorities and migrants.<sup>42</sup>

9.5 The issue of racist stereotyping has also been raised on an international level, with the Working Group of Experts on People of African Descent highlighting the proliferation of the negative stereotyping of particular groups in its 2012 visit to the UK.<sup>43</sup> The Working Group also specifically noted the damaging effects of the erroneous association of migrants with criminality.<sup>44</sup>

9.6 Ethnic minority communities continue to experience a hostile environment in which racist hate crimes have been committed against BME people and their homes and businesses. Significant barriers persist in terms of workplace discrimination and barriers to business development.

9.7 Consequently, NICEM are concerned at the lack of commentary on the positive contribution of migrants in Northern Ireland, particularly following EU enlargement and the opening of local labour markets, which has driven inward investment. This chapter should acknowledge this change and focus greater attention on the financial and fiscal contribution of migrant workers to local economy and labour markets, rather than discussing issues of benefits and entitlements.

- **NICEM welcomes the discussion of immigration policy, which is long overdue. The real issue for consideration is how we protect the economic interests of Northern Ireland regarding the issue of work permits to address skills shortage, which have a negative impact on our economic development. Currently, there is a UK Tier 2 Shortage Occupation List and a separate list for Scotland, but no list that reflects our situation is available for Northern Ireland. On that basis, NICEM supports a business case to intervene in order to protect Northern Ireland's economic interests, which form the basis of our regional immigration policy.**
- **We need political leadership and a commitment to protect our economic interests and address skills shortages in Northern Ireland, through the development of a regional immigration policy. Any future immigration policy should take into account the current toxic debate of immigration and must use an integrated approach to tackle racism and prejudice, through Aims 1 and 2 of the RES and with reference to TBUC. We also suggest that**

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<sup>42</sup> Leveson, LJ., 'An Inquiry into the Culture, Ethics and Practices of the Press – Volume II' (2012) Available at: <[http://webarchive.nationalarchives.gov.uk/20140122145147/http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780\\_ii.asp](http://webarchive.nationalarchives.gov.uk/20140122145147/http://www.official-documents.gov.uk/document/hc1213/hc07/0780/0780_ii.asp)> [Accessed 27/08/14] pp.668-673

<sup>43</sup> United Nations General Assembly, 'Report of the Working Group of Experts on People of African Descent on its Twelfth Session' (2013) Available at: <<http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/24/52/Add.1&Lang=E>> [Accessed: 27/08/14] p.15

<sup>44</sup> *ibid*

the Northern Ireland Executive commission research to look at both skills shortages and the long-term supply of labour power in order to develop an evidence-based immigration policy.

- The Immigration chapter of the final document should seek to dispel immigration myths and recognise the positive fiscal and financial contribution of ethnic minorities in Northern Ireland

## **10. Chapter 8 - Making it Happen: Implementing the Racial Equality Strategy**

### Annual Reporting and Triennial Review

10.1 The previous RES made a commitment to annual reporting, with a formal review within three years.<sup>45</sup> However, the revised Strategy states that reviews of the Strategy will be conducted in line with Comprehensive Spending Reviews every three to four years.<sup>46</sup> Frequent reviews are vital to ensuring that the Strategy remains relevant, responsive and effective, especially in light of its proposed 10-year time-span. Thus, a formal review should be conducted at least every three years, as was the case with the previous Strategy. Additionally, the annual reporting arrangement should be reinstated in the form of **“Annual Progress Review”**, with Racial Equality Champions providing annual updates on Departmental progress in line with the accountability requirement.

10.2 NICEM are concerned that whilst the Strategy includes reference to a proposed ‘programme of work’ in abstract terms. The document is a framework rather than a strategy, as it does not include a requirement for an action plan or a timetable for implementation. Again, this is a particularly concerning aspect of the Strategy, as it contradicts international guidance on racial discrimination action plans, which states that ‘to be effective, the national action plan against racial discrimination requires the development of a system of accountability based on specific, ascertainable goals’.<sup>47</sup>

### Composition and Chairmanship of the Racial Equality Panel

10.3 In order to strengthen the accountability and governance of the strategy, the Racial Equality Panel (Chapter 8) should be jointly chaired by the two Junior Ministers and an ethnic minority community representative.

### Development of Action Plans

10.4 NICEM recommends the adoption of two types of Action Plan in Chapter 8, under the revised Racial Equality Strategy. The first type of Action Plan should

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<sup>45</sup> op cit n 24 para.1.19

<sup>46</sup> op cit n 12 pp.9-10

<sup>47</sup> op cit n 15 p.27

be based on thematic topics and/or issues, which require inter-departmental actions and a joined-up approach. OFMDFM should develop an overarching thematic action plan that coordinates key action measures across Departments. It should provide a limited number of strategic, realistic actions for each Department.

10.5 The second type should be a Departmental/next step agencies' Action Plan, adhering to the 'SMART' (specific, measurable, achievable, realistic and timeframe) framework, and which should have no more than two strategic actions, which would be able to secure more resources and thus have a more long-term impact. A summary of said documents should be included in the Annex of the final approved Strategy.

10.6 Additionally, further clarification should be provided on how the Racial Equality Panel is to cooperate with the bodies and mechanisms emanating from equality and equality-related Strategies other than TBUC and DSC.

#### Annual Progress Review

10.7 Furthermore, there should be an annual review of the progress on the implementation of the thematic and Departmental Actions Plans. Departmental Racial Equality Champions should also be appointed to report on progress to the Panel at an annual implementation review meeting.

10.8 No explanation is provided in the Strategy as to how the Racial Equality Unit will oversee the implementation of the Strategy across Departments. No clarification is provided over how Departments will ensure that their policies/practices 'take account' of the aims and principles of the RES. Furthermore, the Strategy fails to provide any elaboration over how Departments will 'cascade' the Strategy to public bodies and other service providers in order to share expertise and best practices. These issues should be clarified.

#### Diminished Accountability between RES 2005-2010 and current RES

10.9 NICEM is also concerned by the diminished accountability mechanisms under the revised Racial Equality Strategy, embodied within this chapter. The dissolution of the Racial Equality Forum, the Sub-Group on Travellers and the Department for Employment and Learning Sub-Group on Migrant Workers reflect the reduced oversight attached to the implementation of the Strategy compared to its predecessor.

#### Departmental Racial Equality Champions

10.10 Indeed, the Strategy fails to renew commitments to appoint Departmental Racial Equality Champions to scrutinise and monitor the implementation of the RES. Racial Equality Champions were provided for in the old RES, which stated

that their role was to ‘ensure that messages about the importance of racial equality and good race relations are consistent and visible to all staff’.<sup>48</sup> Racial Equality Champions would be useful both in overseeing Departmental implementation and in ensuring Departmental accountability.

10.11 Additionally, there is no commitment to coordinate implementation with parallel action plans from other equality and equality-related strategies, such as the Gender Equality Strategy. This seems a particularly significant oversight in light of recent concluding observations issues by the Committee on the Elimination of All Forms of Discrimination Against Women, which recommended that the UK ‘intensify its efforts to eliminate discrimination against ethnic minority women’.<sup>49</sup>

### Positive Action Measures

10.12 Furthermore, whilst reference is made to positive action in this chapter, there is no commitment to specific practical actions or the adoption of targets that would constitute such action. NICEM supports the use of positive action measures based on evidence of racial inequality and international standards.<sup>50</sup> Particular issues, such as the current uptake of public services by ethnic minorities, should be monitored by Government Departments. Ethnic monitoring, discussed further below, is crucial to determining the extent of institutional racism in each department and their next step agencies. Additionally, NICEM supports the OFMDFM Guidance on Ethnic Monitoring from 2011 (Chapter 5), as it was a product of the partnership between OFMDFM, DHSSPS, NICEM and the three Health Trusts.

### Comparative Analysis with TBUC

10.13 NICEM is also concerned by the duplication of a large section of TBUC in this chapter, followed by the assertion that this section applies equally to the RES. Some of the information in this quotation is inherently inapplicable, such as references to bodies that do not exist under the RES and have no equivalent, and it is viewed as a worrying indication of the conflation of the Good Relations and Racial Equality agendas. This section should either be significantly rewritten in order to ensure its relevance, or should be removed entirely.

10.14 More generally, there are negligible commitments to practical actions to Implement the RES throughout the Strategy, which contrasts with the ‘headline actions’ and ‘targets’ included within the TBUC Strategy.<sup>51</sup> Moreover, NICEM are concerned that it will be subsumed into the Delivering Social

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<sup>48</sup> op cit n 24 para.5.12

<sup>49</sup> op cit n 14 para.61

<sup>50</sup> For example: UN Convention on the Elimination of All Forms of Racial Discrimination, Article 1(4) and Directive 2000/43/EC, Article 5.

<sup>51</sup> op cit n 29

Change (DSC) model, which is a framework that seeks to co-ordinate key actions across Departments to tackle poverty and social exclusion.

10.15 The reporting and accountability mechanism envisaged under the RES is severely diminished in contrast with the TBUC Strategy. Under the draft RES, OFMDFM will report to Ministers and the OFMDFM Committee, whilst TBUC compels Ministers themselves to report on implementation. While it is accepted that this level of oversight may not be available for both TBUC and the Racial Equality Strategy independently, it is clear that a more authoritative system of accountability is required for the RES.

#### **Recommendations:**

- **The Racial Equality Panel should be jointly chaired by the two Junior Ministers and an ethnic minority community representative in order to establish governance and accountability.**
- **The annual reporting mechanism and Racial Equality Champions should be reinstated to provide annual reporting on and scrutiny of Departmental progress through the Racial Equality Panel's "Annual Progress Review". Thus, the reporting and accountability mechanisms attached to the RES should be significantly enhanced.**
- **There should be a formal review every 3 to 4 years in line with the Comprehensive Spending Review, in order to ensure that the Strategy remains relevant, responsive and effective, especially in light of its proposed 10-year time-span.**
- **NICEM recommends the adoption of two types of Action Plan in the revised Strategy. The first type should be based on thematic topics and/or issues, which require inter-departmental actions and a joined-up approach. OFMDFM should develop this overarching thematic action plan, which coordinates key action measures across Departments. It should provide a limited number of strategic, realistic actions for each Department.**
- **The second type should be a Departmental/next step agencies' Action Plan, adhering to the 'SMART' (specific, measurable, achievable, realistic and timeframe) framework, and which should have no more than two strategic actions, which would be able to secure more resources and thus have a more long-term impact.**
- **The final document should detail how the Racial Equality Panel is to cooperate with the bodies and mechanisms emanating from equality and equality-related Strategies other than TBUC and DSC.**
- **The final document should detail how the Racial Equality Unit oversee the implementation of the Strategy across Departments as well as how**

Departments will ensure that their policies/practices 'take account' of the aims and principles of the Strategy. The Strategy also needs to detail how Departments will 'cascade' the Strategy to public bodies and other service providers in order to share expertise and best practices.

- NICEM are concerned that using the phrase 'programme of work' is simply a method of buying time to develop actions. Therefore, the final document should have a detailed timetable as to when relevant bodies should submit the two types of action plan to the Northern Ireland Executive for both monitoring and accountability purpose.
- NICEM supports the use of targeted positive action measures based on evidence of racial inequality, to be built into both thematic and Departmental action plans.

## **11. Chapter 9 – Resourcing the Implementation of the Racial Equality Strategy**

11.1 A crucial factor for the implementation of the revised Strategy is resourcing and the availability of resources due to the current austerity cuts. Firstly, we need to make a distinction between the functions of each Department and the proposed Departmental Action Plan. The public services provided by each Department and their next step agencies are the functional area that benefit ethnic minority communities. Unfortunately, due to racial inequality, social exclusion and institutional racism, access to public services by ethnic minority communities, including various vulnerable groups, is far from perfect and we will expect the revised Strategy to address this systematic discrimination and social exclusion. Therefore, the role of Race Champions is crucial to ensuring that resources are available and that positive measures or measures to redress these deficits are developed through the implementation of the strategic Action Plans within the Departments and their next step agencies.

11.2 For the thematic Action Plan, OFMDFM should co-ordinate a joint bid with various Departments. We suggest the joint bid should be approved by the Executive, in order to attain sufficient priority and resources.

11.3 NICEM disagrees that the current annual process of developing policy priorities and budgets has positive impacts on Section 75 groups through the mainstreaming of racial. Due to the lack of equality monitoring data, the ethnic minority group is screened out in every single government policy, or it is stated that this policy is neutral and will benefit all groups without looking at Departments' Audit of Inequality Reports, including those of OFMDFM and DFP. Therefore, NICEM suggests that the bid for ethnic monitoring from various Departments should be treated as a Thematic Action and the securing resources from the Executive as a matter of urgency and high priority.

11.4 NICEM also suggests that the current Minority Ethnic Development Fund should have more robust governance and accountability, including detailed policy and procedures, mirroring the Core Funding Policy for the Voluntary and Community Sector within the Department of Social Development.

**Recommendations:**

- **Due to racial inequality, social exclusion and institutional racism, access to public services by ethnic minority communities, including various vulnerable groups, is far from perfect and we will expect the revised Strategy to address this systematic discrimination and social exclusion. Therefore, the role of Race Champion in each Department is crucial to ensuring that resources are available and positive measures or measures to address these deficits are developed through the implementation of the strategic Action Plans of Departments and their next step agencies.**
- **For the thematic Action Plan, OFMDFM should co-ordinate a joint bid with various Departments. We suggest the joint bid should be approved by the Executive in order to attain sufficient priority and resources.**
- **NICEM suggests that the bid for ethnic monitoring from various Departments should be treated as a Thematic Action and the securing of resources from the Executive as a matter of urgency and high priority.**
- **NICEM also suggests that the current Minority Ethnic Development Fund should have more robust governance and accountability, including detailed policy and procedures, mirroring the Core Funding Policy for the Voluntary and Community Sector within the Department of Social Development.**

**12. Chapter 10 – Monitoring and Reviewing Progress**

12.1 Ethnic Monitoring and Good Relations Indicators are some of the available information and data for monitoring and reviewing the progress of the thematic and Departmental action plans. In addition, there should be specific indicators developed by each Department and their next step agencies for the purpose of the action plans, including the Thematic and/or Issue oriented action plans. Therefore, OFMDFM should co-ordinate with Departments to develop robust indicators and an evaluation framework to monitor and review progress through an Annual Progress Review and the 3-year review on the impact of the Action Plans.

12.2 NICEM is concerned that, in discussing ethnic monitoring, the Strategy does not provide sufficient information on existing data gaps in monitoring by ethnicity, or make commitments to remedy disparities in comparable data with Great Britain.



12.3 Additionally, it is notable that the current Racial Equality Indicators do not allow for the gathering of any *new* data, but rather simply collate data that is already available. For ethnic monitoring to effectively address gaps in current data, it is vital that commitments are made to commission further disaggregated data collection.

12.4 Furthermore, while NICEM welcomes the commitment for employers to ‘examine the ethnic make-up of their workforce and of applicants and appointees’, the Strategy should provide clarification on how this is to occur. For example, it should be clarified whether it will comprise part of the current system for monitoring applicants’ gender and political/religious background.

12.5 It is also notable that, whilst NICEM supports the adoption of discrete racial equality indicators, the draft consultation document is replete with gaps (e.g. no health or housing indicators under service provision). This is despite assurances in the Strategy that indicators have already been ‘reviewed by an expert advisory group’.<sup>52</sup>

#### **Recommendations:**

- **In addition to the ethnic monitoring and Good Relations Indicators, there should be a specific set of indicators developed by each Department and their next step agencies for the purpose of Action Plans, including the Thematic and/or Issue oriented Action Plan. Therefore, OFMDFM should co-ordinate with Departments to develop robust indicators and an evaluation framework to monitor and review progress through the Annual Progress Review and 3-year review on the impact of the Action Plans.**
- **It is notable that the current Racial Equality Indicators do not allow for the gathering of any *new* data, but rather simply collate data that is already available. For ethnic monitoring to effectively address gaps in current data, it is vital that commitments are made to commission further disaggregated data collection.**
- **NICEM welcomes the commitment for employers to ‘examine the ethnic make-up of their workforce and of applicants and appointees’; the Strategy should, as a matter of urgency, deploy positive action on the basis of this required monitoring. NICEM suggests that it should comprise part of the current system for monitoring applicants’ gender and political/religious background.**

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<sup>52</sup> op cit n 12 p.61

### **13. ANNEX A: Equality Impact Assessment**

- 13.1 Equality Impact Assessments (EQIAs) are frequently undertaken by Departments to assess the equality impact of proposed legislation or policy. While Departments are not legally required to conduct EQIAs when creating new policies, they are, where they deem an EQIA appropriate, required to follow Equality Commission (ECNI) guidance on EQIAs<sup>53</sup> if they have stated that they will do so in their equality scheme. This requirement derives from the fact that equality schemes have legal character under Schedule 9 of the Northern Ireland Act 1998. It is notable that the Office of the First Minister and Deputy First Minister (OFMDFM) does commit to following ECNI guidance in drafting EQIAs at paragraph 4.17 of its approved 2013 equality scheme.<sup>54</sup>
- 13.2 The EQIA that accompanies the current draft RES diverges from ECNI guidance in a number of ways. Guidance requires EQIAs to have particular sections, some of which are omitted entirely from the RES EQIA – this includes an initial section defining the aims of the policy in question, one considering measures that might mitigate any adverse impact/alternative policies that might better achieve the promotion of equality of opportunity, and a section on monitoring for adverse impact in the future/publication of the results of such monitoring.
- 13.3 Where the EQIA does address issues referred to in the guidance, the level of analysis provided is frequently inadequate. For example, while the draft RES EQIA does consider available data and research, as required by the ECNI guidance, it does not reference any quantitative data. This is despite the guidance's assertion that the analysis of quantitative data is a 'minimum base' upon which to judge the policy's outcomes.<sup>55</sup> Furthermore, in assessing the impact of the policy, the draft RES EQIA does not analyse evidence to support its conclusion that the policy will have a positive impact on persons of different racial groups.
- 13.4 The draft RES EQIA even appears to directly contradict the ECNI guidance at points. For example, the draft EQIA states that the policy's targeting of one particular group (i.e. race) does not necessarily lead to a less positive impact upon other groups. However, the ECNI guidance states that 'any policy which is targeted at particular groups will by definition have differential impact' and that this should be assessed.<sup>56</sup>

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<sup>53</sup> ECNI, 'Section 75 of the Northern Ireland Act 1998: Practical Guidance on Equality Impact Assessment' (2005) Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/PracticalGuidanceonEQIA2005.pdf?ext=.pdf> [Accessed: 27/08/14]

<sup>54</sup> OFMDFM, 'Equality Scheme for the Office of the First Minister and Deputy First Minister' (2013) Available at: [http://www.ofmdfmi.gov.uk/ofmdfm\\_equality\\_scheme\\_\\_revised\\_september\\_2013\\_.pdf](http://www.ofmdfmi.gov.uk/ofmdfm_equality_scheme__revised_september_2013_.pdf) [Accessed: 27/08/14] para.4.17

<sup>55</sup> op cit n 49 p.11

<sup>56</sup> ibid p.29

13.5 Ultimately, the draft EQIA diverges from guidance in numerous ways, both major and minor. An EQIA that adopts a strong evidence-base and conducts an adequate analysis of differential impact, particularly amongst individuals with multiple identities, must be conducted.

**Recommendations:**

- **In viewing the inadequacy of the Equality Impact Assessment in ANNEX A, NICEM suggests a rewrite the Equality Impact Assessment in conformity with the Guidance produced by the Equality Commission in the final document.**
- **The EQIA should be strengthened to improve the evidence base on racial inequalities and adhere to guidance issued by the Equality Commission, as outlined above.**

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