



Company Registration No: NI. 36868

Northern Ireland Charity No: NIC100169

NICEM

SUBMISSION

**Draft Amendments to the Sex Discrimination
(Northern Ireland) Order 1976**

OFMDFM

December 2015

January 2016

Introduction

- 1.1 The Northern Ireland Council for Ethnic Minorities (NICEM) is an independent non-governmental organisation. As an umbrella organisation¹ we represent the views and interests of black and minority ethnic (BME) communities.² 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 The full and adequate implementation of European Union (EU) law is of paramount importance to ensuring that equality between various groups is furthered in Northern Ireland (NI). Therefore, NICEM welcomes the opportunity to comment on the Department's proposals for amending the Sex Discrimination (NI) Order 1976, in order to bring provision in line with the United Kingdom's (UK's) EU obligations as regards Council Directive 2006/54/EC.

Indirect Discrimination Against Transgender Persons in the Provision of Goods, Facilities and Services

- 2.1 NICEM is largely satisfied with the Department's proposals to implement Council Directive 2006/54/EC on the equal opportunities and equal treatment of men and women in matters of employment and occupation.
- 2.2 However, it is noted that the Sex Discrimination (NI) Order 1976 does not prohibit indirect discrimination against transgender persons in the provision of goods, facilities and services, as is provided for in the rest of the UK under Section 29 of the Equality Act 2010.
- 2.3 While this is not an issue that is addressed within Council Directive 2006/54/EC itself, it is a requirement of Council Directive 2004/113/EEC, which applies to transgender individuals and not just to individuals of one sex or the other.³

¹ 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.

² 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.

³ Council of the European Union, 'Draft Minutes: 2606th Meeting of the Council of the European Union (Employment, Social Policy, Health and Consumer Affairs) held in Luxembourg on 4 October 2004' (2004) 13369/04, p.7

2.4 As the Department already intends to amend the Sex Discrimination (NI) Order 1976, this could be a good opportunity to ensure that NI is compliant with Directive 2004/113/EEC in the same way as the rest of the UK.

2.5 NICEM recommends that the Sex Discrimination (NI) Order 1976 be amended to prohibit indirect discrimination against transgender persons in the provision of goods, facilities and services.

For further enquiries about this submission, please contact the following:

Mr. Luke Kelly, Volunteer Policy Officer or
Patrick Yu, Executive Director of NICEM

Northern Ireland Council for Ethnic Minorities
Ascot House, 1/F
24-31 Shaftesbury Square
Belfast BT2 7DB
Northern Ireland
UK

Tel: +44 28 9023 9645

Fax: +44 28 9031 9485

Email: luke@nicem.org.uk or patrick@nicem.org.uk