

Additional Information to CERD Secretariat
on the intersectionality
between race, religion and political opinions
in Northern Ireland

1. In page 3 of my Oral Statement before the Committee on 22 August 2011 (enclosed a copy for your information), I strongly argued that it is unwise to conflate issues of sectarianism and racism in Northern Ireland as appears to be the suggestion of the Northern Ireland Human Rights Commission. I also provided a number of examples about the hierarchy of rights in the denial of the cultural, linguistic and religious rights, in addition to the political, economic and social rights under the Convention, enjoyed by ethnic minorities as result of the two communities approach (Catholic and Protestant) to make policy in Northern Ireland. I further identified the main issue is the lack of political leadership to introduce the Bill of Rights for Northern Ireland as promised in the Belfast Agreement with over 80% voted in favour of the Agreement in the island of Ireland. We are grateful of the Committee in paragraph 19 of CO highlighted “should take immediate steps to ensure that a single equality law and a Bill of Rights are adopted in Northern Ireland or that the Equality Act 2010 is extended to Northern Ireland.” This is the best approach to tackle both human rights and equality law in Northern Ireland in order to realise that human rights and non-discrimination for everyone.
2. In my Oral Statement this time, I highlighted the implications of Brexit. Firstly it is highly likely that the border issue, whether it will be a physical one for custom duties or for immigration control under the UK-Ireland Common Travel Area. The sudden Brexit will increase (currently it is random check without a physical check point) racial profiling for any potential white (EU citizens) or non-white who cross the border to the other side or vice versa. The potential victims of racial profiling will also include both the Irish, as well as the British. Any border change will also destabilise the constitutional settlement in Northern Ireland (see attached Additional Information), in particular from the Catholic side.
3. Secondly, the rise and legitimisation of anti-migrant racism is increasing. Although we do not have immediate upsurge of racist violence after the Brexit, we did have one high profile harassment and language abuse case against a Palestinian activist who is a professional nurse when he walked into the Belfast city centre the day after Brexit. The fewer attacks or language abuse in compare with England and Wales were also in the context of the timing as we were approaching the annual July 12 Parade - the main sources of sectarian

violence in Northern Ireland. Over the last five years the sentiment against migrant workers who were scapegoat to take their jobs, their house and lazy to work for benefits are the mindset of local Catholic and Protestant. This partly explained the increase of racist attacks in our submission to CERD this time, as well as the incitement of religious hatred by our First Minister (see para. 10.1 to 10.7).

4. Thirdly, it is the threat to repeal Human Rights Act and also the possibility to withdraw the European Convention of Human Rights. Brexit will destabilise the constitutional settlement in Northern Ireland resulting from the repeal of the Human Rights Act and the border issue. My additional information to the Rapporteur highlighted the complex of the political settlement in Northern Ireland through the Belfast Agreement (see attachment).

Conclusion:

1. In viewing the circumstances of Brexit, there is a highly likely the possibility to re-ignite and entrench further sectarian and racial violence in Northern Ireland. The only issue is whether we should extend the current protection to the intersectionality between race, religion and political opinions (in the case of Northern Ireland) on this specific sectarian and racial violence. NICE has change slightly in our 2011 position to support this specific protection as result of the foreseeable erupt of sectarian and racial violence, just reiterates the same principle of human rights and non-discrimination protection for all.
2. It is not uncommon for the Loyalist paramilitary to organise the attack on ethnic minority (see para. 10.2 of our submission as well as para. 6.1.9 of our 2011 submission) when they bargain something politically. Three years ago when the Belfast City Council voted successfully to put the Union Jack in front of the City Hall buildings in accordance with rule on certain number of days per year instead of 365 days. It orchestrated a new trend of sectarian protest and violence and unfortunately ethnic minorities were being attacks as result. Majority of migrants are living in the Loyalist and Protestant areas due to the availability of private owned house to let. They attacked the innocent ethnic minorities as we are the easy target whom are living in their territorial controlled area either by the Ulster Volunteer Force (UVF), the Ulster Freedom Fighters (UFF), the Ulster Defence Association (UDA) or the Red Hand Commando. These are the proscribed terrorist organisation in Northern Ireland.
3. In line with para. 20 of the previous CO, the Committee should ask the Northern Ireland Executive to provide the following information within a year of the CO:
 - (i) An Impacts assessment report of the current Together

building a united community (TBUC) Framework on the ground and how it benefits to ethnic minorities;

- (ii) A new legal definition of “Good Relations” in place which is the major barrier for the full implementation of TBUC, in line with the protection of the intersectionality between race, religion and political opinions. Good relations, in Northern Ireland context, is about the relationship between Catholic and Protestant and the relationship between ethnic minority and the ethnic majority;
 - (iii) Create a new category of hate crime, namely the “Sectarian Hate Crime”
 - (iv) Safeguard and measures to protect sectarian and racial violence.
4. Until the above conditions are met and shows it is a genuine need to extend such protection. We will support the extension of the intersectionality between race, religion and political opinions under the Durban Declaration and Programme of Action, under Article 4 of the Convention.

Prepared by Patrick Yu, the Executive Director of NICEM on 8 August 2016