

Oral Statement by Mr. Patrick Yu, Executive Director of the Northern Ireland Council for Ethnic Minorities, presented at the 90th session of the UN Committee for the Elimination of all forms of Racial Discrimination on UK 21-23 Periodical Report on 3rd August 2016 at Palais Wilson

Madam Chair, distinguished Committee members,

Devolution in the UK created a national Parliament in Scotland, a national Assembly in Wales and a national Assembly in Northern Ireland. This process transferred, and continues to transfer, varying levels of power from the UK Parliament to the 4 nations of the devolved administration. This complex transfers of power disguise the United Kingdom as a whole in terms of law, policy and practice under the Convention obligation for full implementation to all the devolved governments.

We urge the Committee as the matters of urgency to ask the 4 nations of the UK government in the future report to provide information on all areas of devolved policy and good practice within their jurisdiction in order to compile with the Reporting mechanism of the Convention.

Regrettably our Northern Ireland Executive Government failed to supply all basic data and information under Article 2 to 7 of the Convention except what measures they have been introduced in this report. Without basic information and data set, we cannot benchmark the progress of the Convention in Northern Ireland and indeed across the whole United Kingdom or do we know whether these measures have any impacts? **How on earth ethnic minorities could enjoy the progressive realisation of rights, if no benchmark data collected.**

Recently our Executive Government published the draft Programme for Government Framework for consultation in June. NICEM has serious concerns that human rights and equality are not mainstreamed into the draft Framework; we welcome and support the use of an outcomes-based approach in the draft Framework which creates a process of engagement and participation, including co-design with stakeholders in civil society, to focus on the impact on people, rather than actions, from each of these outcomes.

The indicators, which form the backbone of the evidence-based data collection that monitors the progress of the proposed Programme, are our core concern. The proposed indicators, by design or otherwise, will exclude ethnic minorities as well as other vulnerable groups under Section 75 due to the lack of data collection on ethnicity.

Key to this exclusion of ethnic minorities is the dominance of the ‘two-communities’ focus which refers to the Catholic and the Protestant community, throughout the draft Framework, particularly in Indicators 26, 31 and 35 that relate to good relations. As a public document, it was the first time in history that Indicators 31 of the Shared Space is for the Catholic and Protestant community only. Focusing on the two majority communities to the exclusion of other groups within this Framework will not only perpetuate social exclusion, but is also incompatible with the Government’s obligations under Article 1-7 of the Convention as well as Sections 75(1) and (2) of the NIA.

NICEM would like to use this opportunity to demand for a robust monitoring data collection and the disaggregation of existing data under this Framework into Section 75 groups, in order to track the outcomes of each of the Section 75 groups. This approach will advance equality of opportunity and good relations on one hand and promote social inclusion and social cohesion on the other, through an evidence-based tracking system.

We urge the Committee to take immediate action to ensure that the 4 nations of the UK government are in full compliance of the Convention by introducing compulsory ethnic monitoring and disaggregated the collected data through Article 1 special measures across the 4 nations of United Kingdom.

In 1993 one of our successful story in lobbying this Committee was to introduce domestic law to eradicate racial discrimination in Northern Ireland under Article 1 of the Convention in 1997. In the last two Conclusion Observation we still wait for our government to reform the current law as result of the Race Relations (Amendment) Act 2000 in England, Wales and Scotland and the transposition of the Racial Equality Directive in 2004 in which “colour and nationality” are not protected. At the same time, our Executive Government amended the Race Relations (NI) Order in 2012 as result of the European Commission infringement proceedings against the UK Government failed to protect the European Economic Area (EEA) nationals who were paid below the minimum wage as seafarers due to their nationality.

This action is arising from our successful lobbying to the Economic, Social and Cultural Committee in 2009 and this Committee in 2011 as result of the Filipino seafarers who were exploited through an agency contract which paid far below the minimum wages and poor working conditions that not compatible to the EU Working Time Directive. Now the law has change but only apply to the EEA nationals without extend to all nationality, in particular the Filipino and seafarers from outside EEA countries. This questions the equality principle that enshrined in the international human rights standards of equal before the law and equal protection within the law.

We urge the Committee to take immediate action to ensure that the Executive Government in Northern Ireland to reform the current law in accordance with the timetable 2016/17 that sets out in the Racial Equality Strategy 2015-2025 with commitment and resources (human and money) for full implementation. This legislative timetable as well as the Racial Equality Strategy should also form part of the outcomes under the Programme for Government Framework. We also urge the Committee to ensure that the UK government is in full compliance of the Convention by making the Northern Ireland Executive accountable to the international obligation, in particular Article 1 obligation.

Now I turn to the impacts of Breixt to ethnic minorities and diminish international human rights protection as result. I will be in brief as I run out of the time and happy to answer the questions from the Committee

The threat to the Human Rights Act.

The same xenophobia exhibited by the leaders of the Brexit campaign is one of the roots of the threat to repeal the Human Rights Act and possibly also to withdraw from the European Convention of Human Rights and other Council of Europe treaties as it will be in breach of

the Belfast Agreement on human rights protection, including international human rights standards.

The rise and legitimisation of anti-migrant racism.

There is anecdotal evidence of more hate crimes against migrants or people who are deemed to be “foreign” in England and Wales but not upsurge in Northern Ireland as we were approaching the annual matching season. Ethnic minority community is not the target now but we still have ongoing racist violence and in some cases it also involved with the Loyalist paramilitary whom targeted migrant community in the most vicious attacks and racial violence. We will closely monitor the situation.

Increase the racial profiling within the UK-Ireland Common Travel Area

NICEM has serious concern following the UK decision to leave the EU in which Northern Ireland voted for remains there will be upsurge of immigration checks on the land border between Northern Ireland and the Republic of Ireland and on internal journeys between Northern Ireland and Great Britain which will target perceived non-British and Irish citizens on the basis of racial profiling.

We urge the Committee to take immediate action to prevent the UK government to lower down international human rights standards on one hand, to address the racist violence and racial profiling as a matter of urgency.