

NICRE BRIEFING ON RACE EQUALITY MOTION

Introduction

NICRE welcome the Race Equality Motion from Emma Sheerin MLA who is also the vice-Chair of the APG on Ethnic Minority Community. It is timely to have such debate on the contribution of Black and Minority Ethnic people to Northern Ireland on one hand, on the daily racism they are experiencing on the others. Race equality is a neutral issue in Northern Ireland in which all parties should support and makes change to have law, policy and practice in promoting racial equality in Northern Ireland.

“We must never underestimate the moral responsibility that our political leadership has in articulating the vision of a Northern Ireland that celebrates and protects diversity and embraces the richness that difference can bring to our lives. Leaders must always speak in unambiguous and unequivocal terms, in supporting through actions those who are marginalised or threatened both in their homes and in public space. But words alone are not enough if they are not accompanied by clear actions that demonstrate and reinforce our societal vision.”

Brendan McGuigan Chief Inspector of Criminal Justice in Northern Ireland¹

Structural Discrimination and Institutional Racism

The current structural discrimination and institutional racism, simply it lacks of comprehensive legal protection on racial discrimination. Our race law is almost copied and pasted from the Race Relations Act 1976 in which the GB legislation completely change as result of the Stephen Lawrence’s Inquiry Report through the Race Relations (amendment) Act 2000. We have an outdated law which has no teeth to protect our daily life whether it is our jobs or access to basic public services.

Due to the First and Deputy First Minister announced the Single Equality Bill for Northern Ireland in 2000, the Black and Minority Ethnic (BME) community agreed to incorporate the new amendment from GB into the Single Equality Bill which was highly desirable to have intersectionality of race and other grounds.

As a matter of fact that under the House of Lords decision in Amin², if private sector is not providing the same service in public sector, the race law will not apply. Therefore, HMRC in this case and the entire criminal justice agencies are outside the current race law which is precisely the key findings of the Stephen Lawrence Inquiry Report on “Institutional Racism” which defines as:

“The collective failure of an organisation to provide an appropriate and professional services to people because of their colour, culture or ethnic origin which can be seen or detected in processes; attitudes and behaviour which amount to discrimination through unwitting

¹ At Chief Inspector’s Forward <http://www.cjini.org/getattachment/a48b8a89-f32f-4b02-bd3c-8f77989630eb/report.aspx>

² Regina V Entry Clearance Officer, Bombay, Ex parte Amin: HL [1983] 2 ALL ER 864

prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people.”
(MacPherson Report 1999)

Therefore, a good race law should follow the Conclusion Observations of the UN Committee on Racial Discrimination in August 2016 stated, **“Ensure that the authorities of Northern Ireland act without further delay to adopt comprehensive legislation prohibiting racial discrimination in accordance with the provisions of the Convention.”** (Para. 8(c)) Act now without further delay!

Data collection and policies to tackle racial discrimination

The NI Housing Executive and the Department of Health are the only public sector which has ethnic monitoring, but for the rest they do collect relevant data for their functioning areas, but are not disaggregated. In fact, the then OFMDFM had published “Guidance for Monitoring Racial Equality” in July 2011 which was part of the pilot project in which the previous NICEM, three local Trusts and Department of Health took part in. NICEM argued that if Department of Health could do it, no other department nor their next step agencies could argue that they couldn’t! But no other departments nor their next step agencies to opt for ethnic monitoring. Even, the PSNI has a robust collection of hate crime data but no data on domestic or sexual violence is another example to illustrate the importance of data information.

The Executive Office in autumn 2018 appointed the Assembly Research Officer, Dr. Raymond Russell, to examine where ethnic monitoring should be introduced and consult proposals for implementation. The final draft Report had sent in February 2020 but no response nor any comments. Only recently, the researcher wrote to the Head of the Directorate, the final draft report was disseminated to the members of the Race Sub-group for briefing and discussion in July. The Report recommends the followings (Executive Summary, p.3):

1. Appointing an Independent Advisor on Race Equality;
2. Setting up an Ethnic Monitoring Unit;
3. Enacting a Public Sector Equality Duty (PSED);
4. Extending Fair Employment legislation;
5. Mapping existing sources of equality data, and identify gaps;
6. Developing an Equality Evidence Strategy;
7. Setting up a Data Hub; and
8. Implementing ethnic monitoring.

The Executive Office should implement the recommendations in full without further delay that promotes racial equality on one hand, benchmark data collection and related equality evidence strategy on the others. The proposed measures are mirrored with the Conclusion Observations in 2016 which are follows:

“Given the importance of collecting accurate and updated disaggregated data to develop effective policies to combat racial discrimination and to monitor the impact of measures taken, the Committee recommends that the State party ensure that the governments of Northern Ireland, Scotland,

Wales, the British Overseas Territories and the Crown dependencies systematically collect and publish disaggregated data on the enjoyment of rights by members of ethnic minorities in all fields of life, and to include such information in the next periodic report. The Committee also recommends that the State party:

(a) Carefully review the impact of existing policies and programmes aimed at promoting integration so as to ensure that they do not constitute indirect discrimination;

(b) Consider adopting a detailed action plan with concrete targets, monitoring mechanisms and sufficient resources, including temporary special measures, to secure the adequate advancement of certain ethnic groups to ensure that persons belonging to such groups are able to enjoy their rights on an equal footing, taking into account the Committee's general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.

Racist harassment and racist attacks in Northern Ireland

Although the latest hate incident and crime figures, in general, are coming down compare 12 months ago, except transphobic incident and crime (29 incidents and 26 crimes more).³ The trend, in general, is coming down, too, except the upsurge in 2006/07, 2014/15 and 2018/19.⁴ The Criminal Justice Inspectorate in its latest inspection report in December 2017 highlighted the followings:

"In Northern Ireland during 2016, there were over eight hate incidents reported to the police every single day. These equated to almost six (5.94) recorded hate crimes. When population is considered, this figure is higher than the equivalent rate in England and Wales (5.47). Hate incidents are greatly underreported so the true rate of incidents perpetrated against people because they are perceived to be different in some way is much higher." (at p. 7)⁵

The Department of Justice appointed Judge Marrinan⁶ to review the current hate crime law in June 2019 with the support of an expert group and a bigger stakeholders' group to assist the process. A consultation document was out in early January this year with extended closing date due to COVID-19. The final Report will be coming out shortly. We urge the Executive Office and the Department of Justice to implement the new law to safeguard the victims of hate crime with robust legislative timetable and sufficient resources for full implementation.

³ <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/hate-motivation-statistics/2020-21/q1/hate-motivation-bulletin-jun-20.pdf>

⁴ <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/hate-motivation-statistics/2018-19/hate-motivated-incidents-and-crimes-in-northern-ireland-2004-05-to-2018-19.pdf>

⁵ <http://www.cjini.org/getattachment/a48b8a89-f32f-4b02-bd3c-8f77989630eb/report.aspx>

⁶ <https://www.hatecrimereviewni.org.uk/>

Racial Equality Strategy 2015-2025

The current government policy on race equality is the Racial Equality Strategy 2015-2025 which is an agreed policy at the Executive at that time. But sadly, this Strategy is far worse than the first one which was being frozen as result of the Assembly voted down in May 2007 on the Good Relations Framework which was introduced by the Direct Rule Minister. The current one does not have any evidence base research nor data collection to prove the race inequality, structural discrimination and institutional racism (see Raymond Russell recommendation on Equality Evidence Strategy above). Moreover, the previous one required each Department and their next step agencies produce a Race Action Plan which was criticised by all Assembly Members in July 2007 as they were in failure to capture racial equality either too many actions to disguise their functional areas or no additional resources targeting race⁷.

The requirement for an Action Plan is now being benchmark with robust timetable and outcome based action plan as good governance. Sadly, the current one has appointed a champion in each department but no Action Plan requirement. It is fall fault of good governance of a Department to ensure that tax payer money are well served with impacts and outcomes on the life of Black and Minority Ethnic people in Northern Ireland.

END

If you have any query about this Briefing, please contact Patrick Yu, Secretary of NICRE at patrick@nicre.org or 07710 767235

⁷ <http://archive.niassembly.gov.uk/record/reports2007/070703.htm#1>