



Northern Ireland
**Council for
Racial Equality**

NICRE

**Submission to the UN Committee on the
Elimination of All Forms of Racial Discrimination**

on

**the 24th to 26th Periodic Reports of the
United Kingdom and Northern Ireland**

15th June 2024

Introduction

1.1 NICRE is a black led membership based organization. It is currently had 18 ethnic minority and migrant organizations as well as individuals' members. NICRE was set up to continue the policy work of the previous NICEM (NI Council for Ethnic Minority) which was under voluntary administration in November 2016. NICRE's vision is of a society where human rights are respected and guaranteed. Our mission is of a society that is fair and inclusive, where there is racial equality and justice for all. And our aim is to promote good race relations and to endeavour the elimination of racial discrimination and the promotion of human rights and racial equality.

1.2 NICRE welcomes the publication of the United Kingdom and Northern Ireland State Report for the 24th to 26th periodic report cycle but we are disappointed that neither the 2021 draft State Report nor the 2023 State Report consulted with NGOs and Human Rights Agencies in Northern Ireland in which in breach of the Convention that based on differential treatment.

Implementation of the Convention in domestic law (Article 1-4): legal, institutional and policy framework (State Report paragraph 59-119)

Article 1: 'Decent' and 'Caste' under Definition of racial discrimination

Article 2: Legislation

Paragraph 59-62 highlights the British Government lowering down the protection of racial discrimination by repealing section 9(5)(a) of the Equality Act 2010 on "caste duty" through "emerging case-law as developed in courts and tribunal is the best way to provide the necessary protection against discrimination."

In Northern Ireland, equality is the sole responsibility of the Northern Ireland Executive ("Executive Government). It is also the sole responsibility of the British Government if the Executive Government failed to observe the implementation of the Convention in Northern Ireland.

We are concerned that whilst there have previously been plans to reform the legislation dating back to 2004¹, no associated actions to realise these have materialised. Moreover, the NI Assembly unanimously passed a motion to review NI's racial discrimination legislation in 2009.² Moreover, no associated action on race law and the subsequent Racial Equality Strategy 2015-2025 had outlined the Review of the Race Relation Order. What have been achieved in the past 9 years? The Review has been started in 2023. So far not even published their draft Review Report. The Strategy will be expired next year.

Suggested Questions:

When will the Executive Government to put the Race Law in statutory book in order to implement Article 1 and 2 of the Convention?

¹ Racial Equality Strategy (2005): *Racial Equality Strategy 2005 – 2010*, para 2.14, page 23.

² Official Report, 'Northern Ireland Assembly: 26 May 2009' (2009), pp.144-155

<https://archive.niassembly.gov.uk/record/reports2008/090526.pdf>

Article 2: Rights after UK Withdrawal from EU

- (a) **Article 2 of the Windsor Framework states that “(1)The United Kingdom shall ensure that no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Agreement entitled Rights, Safeguards and Equality of Opportunity results from its withdrawal from the Union, including in the area of protection against discrimination, as enshrined in the provisions of Union law listed in Annex 1 to this Protocol, and shall implement this paragraph through dedicated mechanisms.**
- (2)The United Kingdom shall continue to facilitate the related work of the institutions and bodies set up pursuant to the 1998 Agreement, including the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland and the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland, in upholding human rights and equality standards.**
- (b) **The High Court in Northern Ireland ruled that the Rwanda Act 2024 is in breach of Article 2(1) and (2) of the Windsor Framework.³**
- (c) **Single Equality Act is in breach of Article 2(1) and (2) of the Windsor Framework.**
- (d) **Human Rights Act Reform is in breach of Article 2(1) and (2) of Windsor Framework.**
- (e) **Bill of Rights for Northern Ireland is in breach of Article 2(1) and (2) of the Windsor Framework.**
- (f) **Racial Profiling**

Suggested Questions:

- 1. When will the British Government withdraw the Rwanda Act 2024?**
- 2. When will the Executive Government to enact the Single Equality Bill for Northern Ireland?**
- 3. Will the British Government withdraw the Human Rights Act Reform?**
- 4. Will the current Secretary of State for Northern Ireland endorse the Northern Ireland Human Rights Commission’s advice on the Bill of Rights for Northern Ireland?**

Policy Framework: Racial Profiling

Equality Commission for Northern Ireland Response to the consultation by the Northern Ireland Office: Update of the Code of Practice (Northern Ireland) for the Authorisation and Exercise of Stop and search Powers relating to Sections, 43, 43A, and 47A of, and Schedule 6B to, the Terrorism Act 2000 highlights that October 2022 to September 2023 there were 26,133 people in Northern Ireland by using Terrorism Act 2000 to stop and search people. Among 26,133 people, there is 407 Irish Travellers, 439 Other Ethnic Group, 288 Black, 223 Asian, 107 Mixed and 79 not specified. 59 Irish Travellers, 51 Other Ethnic Group, 32 Black, 18 Asian, 3 Mixed and 5 not specified were subsequently arrested.⁴ We received complaints about the misuse the Terrorism Act 2000 to suspect someone by using stop and search under 2000 Act under the Common Travel Area (CTA) and/or Electronic Travel Authorisation (ETA). This is in breach of Article 2(1) and (2) of the Windsor Framework.

³ <https://www.bbc.co.uk/news/uk-northern-ireland-69001673>

⁴ chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.psni.police.uk/sites/default/files/2023-11/PSNI%20Stop%20and%20Search%20Report%20Q2%202023_2024.pdf

The Director of the Dedicated Mechanism, Equality Commission for Northern Ireland Roisin Mallon in her Blog wrote on 30 June 2023 that The Research Report “The Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland” found that they experience racist bullying in schools and racial profiling, including at airports and crossing the border. This is in breach of Article 2(1) and (2) of the Windsor Framework.⁵

Suggested Question:

Will the Northern Ireland Office, the Police Service Northern Ireland and the Border Police follow the Summary Recommendations from the Equality Commission?

Article 3: Racial Segregation

1. ‘Institutionalised Racism’ and ‘structural racism’ are the daily life of the Black and Minority Ethnic people⁶. “Disparities do persist. Racism and discrimination remain a factor in shaping people’s life outcomes, and the adherent attitudes continues in our society’s institution and increasingly online. Institutional and Structural Racism continue to add the experience of BME and migrant people living in Northern Ireland.”⁷
2. The Stephen Lawrence Inquiry Report defined Institutional Racism 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 prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people.” (MacPherson Report 1999)⁸
3. On 16th May 2024 the Police Service Northern Ireland published Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland. “There were 132 more race incidents and 41 fewer race crimes recorded. The 1,353 race incidents in 2023/24 is the highest financial year level recorded since the data series began in 2004/5. Faith/religion incidents from 46 to 68 and crimes increase from 33 to 48.”⁹
4. The Criminal Justice Inspectorate in 2007 highlighted that “Every hate crime is a failure for our society and in 2016 over eight hate incidents were reported to the police every single day,” said Brendan McGuigan, Chief Inspector of Criminal Justice

⁵ [https://www.equalityni.org/Blog/Articles/June/Tackling-racism-and-hate-crime-post-Brexit-\(1\)](https://www.equalityni.org/Blog/Articles/June/Tackling-racism-and-hate-crime-post-Brexit-(1)chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/DMU/ImpactOfBrexit-MinorityEthnicMigrantPeople.pdf)

⁶ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/DMU/ImpactOfBrexit-MinorityEthnicMigrantPeople.pdf

⁷ <https://nicre.org/wp-content/uploads/2021/06/NICRE-APG-Joint-Submission-to-NI-Affairs-Committee.pdf>

⁸ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://assets.publishing.service.gov.uk/media/5a7c2af540f0b645ba3c7202/4262.pdf

⁹ <https://www.psni.police.uk/system/files/2024-05/1154691941/Hate%20Motivations%20Bulletin%20Period%20ending%2031st%20March%202024.pdf>

in Northern Ireland.¹⁰ This was the last report and since then no follow-up on hate crime.

5. Northern Ireland Policing Board Human Rights Adviser highlighted that “In recognising that discrimination and abuse based on race is an issue with grave concern within Northern Ireland, that must be addressed with some urgency, the Board through its Performance Committee, undertook a thematic review to examine policing with and for members of the community may be identified as being a minority racial group.¹¹ This was the last thematic review and since then no follow-up on hate crime.
6. In viewing the Racial Equality Strategy which prioritise hate crime works, the two key agencies, the Criminal Justice Inspectorate Northern Ireland and the Northern Ireland Policing Board, have no further report since 2017. This shows that our Executive Government put racial equality into the bottom of the piles of priority in terms of law, policy and practice as well as training and resources to implement it.

Suggested Questions:

1. **What measures have been introduced by Executive Government to root out Institutional Racism and Structural Racism in terms of law, policy and practice and training?**
2. **What progress on Sectarism and Racism (CERD/C/GBR/CO/21-23, para. 15 and 16)?**
3. **How Chief Constable/Justice Minister/Executive Government are accountable to the ever increasing of hate crime in Northern Ireland?**

Article 4: Prohibition of the promotion of incitement

1. Hate Crime and Hate Speech

The “discriminatory” nature of hate crime:

The Chair of the All Party Group on Ethnic Minority Community, Dr Steve Aiken MLA OBE, has sponsored the Private Members’ Bill on Hate Crime in February 2020. In his Irish News¹² interviews he warned the Justice Minister Naomi Long MLA in her plan to introduce legal protection on hate crime is too late until next Assembly which have already been outpaced by extensions to legislation in England and Wales. The Justice Minister has received a comprehensive report from Judge Desmond Marrinan who chaired the Independence Review on Hate Crime in last December. However, the Law Commission in England and Wales published their consultation paper on the Hate Crime Final Paper in September 2020¹³ which is much more progressive than that proposed by Judge Marrinan.

We propose to use the “group selection” model also known as the ‘discriminatory model’. An offender must have “selected” his or her victim because of victim’s

¹⁰ <http://www.cjini.org/TheInspections/Inspection-Reports/2017/October-December/Hate-Crime>

¹¹ <https://www.nipolicingboard.org.uk/files/nipolicingboard/media-files/race-hate-crime-thematic-review.PDF>

¹² <https://www.irishnews.com/news/northernirelandnews/2021/02/18/news/-bring-in-race-hate-crime-before-it-is-too-late---assembly-members-urge-justice-minister-naomi-long-2227302/>

¹³ <https://lawcom.gov.uk/project/hate-crime/>

protected group characteristics. Evidence of the offender's prejudiced or bias motivation is not required. Instead, it is considered that, by virtue of specifically targeting a victim because of the victim's identity characteristics, the offender has evinced prejudice or bias towards that individual. For example, the Criminal Code in Illinois read as follows:

“Sec. 12-7.1. Hate crime

- (a) A person commits hate crime when, **by reason** of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individuals, regardless of the existence of any other motivating factor or factors, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, harassment by telephone, or harassment through electronic communication...”¹⁴

In our Briefing Paper: The Reform of Hate Crime Law in NI- Hate Speech & Negationism¹⁵ that based on the Framework Decision on Racism and Xenophobia (Framework Decision).¹⁶ The uniformity of the Union law requires Member States to ensure that hate speech with intentional conduct is punishable when directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin:

*Publicly inciting to violence or hatred, including by public dissemination or distribution of tracts, pictures or material;

*Publicly condoning, denying or grossly trivializing

*Crimes of genocide, crimes against humanity and war crimes as defined in Article 6, 7 and 8 of the Statue of the International Criminal Court (ICC) or

*The crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945.

According to the international best practice from Article 20 of the International Covenant Civil and Political Rights and Article 4 of the International Convention for the Elimination of all forms of Racial Discrimination as well as the European Commission against Racism and Intolerance of the Council of Europe provides a comprehensive analysis which identifies issues and concerns to reform the current law that based on the legal case study. We endorse this approach and form the basis to reform the hate crime law in the context of incitement to violence and hatred whether it is a speech or a behaviour.

2. Hate Crime and Paramilitarism

¹⁴ France, Bulgaria and Denmark use a version of the discriminatory selection model: see OSCE, Hate Crime Laws – A Practical Guide (Warsaw: OSCE, 2009).

¹⁵ <https://nicre.org/wp-content/uploads/2019/09/The-Reform-of-Hate-Crime-Law-in-NI-Part-II-Final.pdf>

¹⁶ Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, 28 November 2008.

1. The Northern Ireland Council for Ethnic Minority (NICEM) in 2011(paragraph 6.1 regarding the International Monitoring Commission)¹⁷ and 2016 (paragraph 4)¹⁸ to make submission to CERD with details involvement from Loyalist paramilitarism in racist violence and intimidation, increasingly targeting Muslim community with Far Rights Groups in Northern Ireland and UK.
2. On 16th May 2024 the Police Service Northern Ireland published Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland. “There were 132 more race incidents and 41 fewer race crimes recorded. The 1,353 race incidents in 2023/24 is the highest financial year level recorded since the data series began in 2004/5. Faith/religion incidents from 46 to 68and crimes increase from 33 to 48.”¹⁹
3. Although Racial Motivated Crimes are dropping and Islamophobic Crimes are increasing, paramilitarism is still the main culprit in Northern Ireland. Takura Makoni, the Policy Officer of African & Caribbean Support Organisation and community activist, became the victim of racial intimidation moved house despite has lived in Belfast over 20 years, a BBC Report on 28th May 2024.²⁰ On 6th March, a BBC Report about Takura Makoni was afraid to leave home over anti-immigrant signs. Similar signs have previously been seen in places including west Belfast, Belvoir and Newtownards.²¹ This is not an isolated incidents in Belfast.
4. On 13th June 2023, the Belfast Telegraph reported that Belfast man ‘living in fear’ after eight months of racist attacks on car and home.²² On 18th September 2023, a BBC Report about racist attacks to force a Syrian businessman to move shop away from Donegal Road of South Belfast.²³ On 26 June 2023, a BBC Report about a man smashes windows with a hammer in racist attacks in Ballymena, North-east in Antrim. It is understood the homes of four Bulgarian families and one Portuguese family were attacked.²⁴ The Belfast Telegraph on 27th August 2022 reported that two teenagers were in racist attacks with head injuries in Bangor, the coastal are in the east of Northern Ireland.²⁵
5. Luke Butterly, The Detail Justice & Crime correspondent wrote on 28th September 2023 that race hate crime in Botanic, which includes predominantly loyalist areas of Sandy Row and Donegall Pass have risen from 70 in 2017/18 to 147 in 2022/23. The area has seen a series of attacks against immigrant-own business over the

¹⁷ <https://www.dropbox.com/scl/fi/8cdyaio6wtzesdwdk2m0y/Submission-to-the-UN-Committee-on-the-Elimination-of-all-forms-of-Racial-Discrimination-July-2011.pdf?rlkey=emnjwag6wnf2qghceoc0kzpkb&e=1&dl=0>

¹⁸ <https://www.dropbox.com/scl/fi/3p7off0iezu1v6l8rgfwm/NICEM-CERD-Alternative-Report-2016-final.pdf?rlkey=kiiy5pcz8iy7dub69ggb1nw&e=1&dl=0>

¹⁹ <https://www.psni.police.uk/system/files/2024-05/1154691941/Hate%20Motivations%20Bulletin%20Period%20ending%2031st%20March%202024.pdf>

²⁰ <https://www.bbc.co.uk/news/articles/cz997qqxyk4o>

²¹ <https://www.bbc.co.uk/news/uk-northern-ireland-68484120>

²² <https://www.belfastlive.co.uk/news/belfast-news/belfast-man-living-fear-after-27114986>

²³ <https://www.bbc.co.uk/news/uk-northern-ireland-66844192>

²⁴ <https://www.bbc.co.uk/news/uk-northern-ireland-66018866#:~:text=Ballymena%3A%20Man%20smashes%20windows%20with%20a%20hammer%20in%20racist%20attack,-Published&text=Windows%20at%20a%20number%20of,one%20Portuguese%20family%20were%20attacked.>

²⁵ <https://www.belfastlive.co.uk/news/northern-ireland/psni-investigating-racist-attack-teenagers-24871239>

summer. And an anti-racist protest early this week, which was held close to the scene of the attacks, protesters said they were pelted with cans and bottles.²⁶ These paramilitarism strongly show the Ulster Volunteer Force, Ulster Defence Association, Ulster Freedom Fighters are behind these attacks in the local areas.

6. Regarding Islamophobic Hate, a BBC Report on 8th April 2022 about the Belfast Multi-cultural Association fire police treated as hate crime. It is the second time a fire has broken out at the building, after a suspected arson attack caused significant damage in January 2021 which is in Donegall Pass, the South of Belfast.²⁷
7. The Guardian correspondent Matthew Weaver on 29th October 2018 reported that people in hooded Ku Klux Klan costumes posed outside centre in Newtownards, County Down. At least eight people who posed in Ku Klux Klan outfits outside an Islamic prayer centre near Belfast at the weekend, in an incident that is being investigated as hate crime.²⁸
8. The BBC NI correspondent Robbie Meredith on 26th March 2019 reported that there have been at least 320 hate crimes against people from Muslim background in Belfast alone over the past five years. That is one of the findings of detailed research on the experiences of people from Muslim community in the city.²⁹
9. The New Arab Staff on 24th August 2023 reported that Muslim fear far-right attacks after Nazi flags outside Belfast mosque. Three swastika flags and SS insignia were discovered on Wednesday morning close to the Iqraa Mosque in Dunmurry, West Belfast in an incident that is being treated by the police as “racial motivated hate crime”.³⁰
10. The BBC News Sara Monetta on 22nd February 2024 reported that Anti-Muslim cases surges since Hama attacks, charity finds. Tell Mama has documented 2,010 incidents between 7th October to 7th February – a steep rise from 600 it recorded for the same period the year previously.³¹ These figures are including Northern Ireland cases.

Suggested Questions:

1. **What measures have been introduced by the UK Government and Executive Government to root out Racial Hate Crimes and Paramilitarism, including through effective monitoring and adequate allocation of resources?**
2. **What progress on Hate Crime and Racism (CERD/C/GBR/CO/21-23, para. 15 and 16)?**

Article 5(a): Equal Treatment

1. **Fee charging for migrants, asylum seekers and refugees:**

²⁶ <https://www.thedetail.tv/articles/race-hate-crimes-in-one-area-of-belfast-have-doubled-since-2017#:~:text=Analysis%20by%20The%20Detail%20has,to%20147%20in%202022%2F23>.

²⁷ <https://www.bbc.co.uk/news/uk-northern-ireland-61036031>

²⁸ <https://www.theguardian.com/uk-news/2018/oct/29/ku-klux-klan-incident-at-islamic-prayer-centre-newtownards-hate-say-belfast-police#:~:text=The%20KKK%20represents%20a%20brand,that%20is%20a%20hate%20crime.>

²⁹ <https://www.bbc.co.uk/news/uk-northern-ireland-47697618>

³⁰ <https://www.newarab.com/news/nazi-flags-flown-outside-belfast-mosque-spark-muslim-fears>

³¹ <https://www.bbc.co.uk/news/uk-england-68374372>

It is unfair to discriminate against migrants and its family members on their renewal of the work permit. When the family is eligible for permanent residence status as well as naturalisation, they need to pay fees individually. The amount is an extortion for a migrant family.

According to the Migration Observatory, Oxford University in their website as on 24th May 2024 which provides details analysis of the Immigration Fees for the migrants and students:

“How much are the charges?”

Fee levels vary depending on the type of visa and whether any family members are included. For example, in early 2024, a study visa cost £490, compared to £2,885 for settlement (also known as *indefinite leave to remain* or *ILR*). These figures do not include the additional cost of the IHS for temporary visas, which stood at £1,035 per person a year (or £776 for students and children) in April 2024.

The total amount migrants pay during their stay in the UK is often higher than this because migrants will often need to make several applications. Dependants are required to pay fees too. A family of four, for example, would pay the relevant application fee four times.

Figure 1 shows the cumulative amount an individual or family will pay in immigration fees depending on their visa route and length of stay in the UK. Health and Care workers face the lowest cost from entry to citizenship (just under £5,100), because they do not have to pay the health surcharge. Outside of health and care, the total cost from entry to citizenship ranges from just over £11,200 for a Skilled Work visa holder with no family, to around £36,700 for a parent and child on a ten-year route to settlement. A skilled worker with a partner and two children would pay around £41,500 in total.

Note that the immigration charges paid by students will only be displayed if the filter “Dependants” is set to “No dependants”.³²

What is the rationale for immigration charges?

Until 2003, application fees only covered the administrative cost of processing immigration applications. Since 2004, however, the Home Office has been permitted to set fees higher, using the additional revenue to [subsidise](#) the UK’s wider immigration system.

In 2022/23, the Home Office’s visa and immigration [income](#), which included revenue from visitor visas, totalled £2.2 billion. This was equivalent to 29% of the

³² <https://migrationobservatory.ox.ac.uk/resources/commentaries/qa-immigration-fees-in-the-uk/>

department's [spending](#) on the immigration, asylum and border system in the same year: £7.5 billion. Among the wider activities funded partly by fee revenues are enforcement operations and refugee resettlement programmes.

Fee increases have also been linked to Home Office spending that is unrelated to migration. For example, the government [suggested](#) that the October 2023 application fee increase would indirectly help to fund a pay rise for the police. This was on because higher fees would reduce the extent to which tax revenue was required to fund immigration activities, allowing the tax revenue to be redirected elsewhere. Income raised by IHS is used to fund healthcare in the UK, with the rate set according to the estimated average cost of providing NHS services to migrants who face the surcharge. In 2022/23, IHS payments [totalled](#) over £1.7 billion. Note, however, that most migrants will *also* pay for the NHS in the same way as UK citizens: through their taxes. The IHS thus represents a form of double taxation – migrants who are [net fiscal contributors](#) to the UK's public finances pay twice.

How do the charges affect migrants?

While there is limited available evidence on the impact of application fees and IHS, surveys conducted by charities have indicated that migrants living in the UK can incur financial hardship to meet payments (Migrant Voice, 2022; Mort et al., 2023). Some respondents reported difficulty building up savings, whereas others borrowed money to pay fees and IHS—most commonly from family and friends. Respondents also noted a negative impact on their health and wellbeing, citing the uncertainty created by the requirement to pay fees at each visa renewal to maintain legal status in the UK.

Certain family migrants can have immigration charges waived if they cannot afford them. The Home Office predicted that the proportion of family migrants receiving a fee waiver would increase due to the IHS rate rise in February 2024—its [impact assessment](#) (IA) of the change estimated that just over half of eligible applications submitted between 2023/24 and 2028/29 would receive a fee waiver, compared to 35% before the increase. According to the IA, the number of fee waivers granted would be around 60,000 each year.

Advocacy groups have also [argued](#) that higher immigration charges could increase labour exploitation. This is because migrants will arrive in more debt, and debt increases their reliance on their work (and their employer), creating a larger power imbalance. Exploitation is [more common](#) in lower-paying roles – such as in the care sector – or in cases where migrants pay large recruitment fees while they are being recruited from outside the UK.

Article 5(b): The Right to Security of Person and Protection by the State violence and bodily harm - Counter-Terrorism Measure:

Suggested Question: Progress in relation to targeting Muslim community; stop and search by using Counter-Terrorism and Security Act 2015; racist attacks by Loyalist paramilitarism and Far-Rights groups (CERD/C/GBR/CO/21-23, para. 18 and 19).

Article 5d(viii): The Right to Freedom of Opinion and Expression

1. Online Hate Crime and Hate Speech
2. Racism and Sectarianism

Suggested Questions:

1. **Progress made in relation to the new Hate Crime and Hate Speech Law (CERD/C/GBR/CO/21-23, para. 15,16 and 17).**
2. **Progress in relation to Sectarism and Racism (CERD/C/GBR/CO/21-23, para. 36 and 37).**

Article 5e: Economic, Social and Cultural Rights

Poverty

1. In 2022/23, 18 per cent of individuals in NI (approximately 349,000), were considered to be in relative poverty, while 14 per cent of individuals (approximately 271,000) were considered to be in absolute poverty.³³ The need for warm banks was emerging across NI and the use of foodbanks increased.⁸⁹ Additionally, food costs rose, particularly for individuals with specific dietary requirements.³⁴ In 2023, it was reported that the lack of a functioning NI Executive and Assembly means that NI is the only part of the UK without a policy response to the rising costs of living.³⁵
2. In 2022, research identified that inequalities in employment is a key issue impeding minority ethnic groups from moving out of poverty, with migrant workers over-represented in low paid work in NI, while Travellers are less likely to be in employment than other ethnic groups.³⁶

Suggested Question:

1. **What effective steps the UK Government and NI Executive have taken to ensure that migrant women without recourse to public funds who are victims of domestic abuse in NI can access effective, specialised services and support on an equal basis?**

³³ <https://www.communities-ni.gov.uk/news/northern-ireland-poverty-and-income-inequality-report-2022-23-released#:~:text=In%202022%2F23%2C%2018%25,13%25%20in%202021%2F22.>

³⁴ <https://www.belfasttelegraph.co.uk/news/uk/more-councils-looking-at-warm-banks-for-residents-amid-rising-energy-bills/41947348.html>

³⁵ <https://www.itv.com/news/utv/2023-07-19/ni-has-lacked-a-proper-policy-response-to-cost-of-living-crisis-report-says>

³⁶

https://www.researchgate.net/publication/366558169_Inequalities_experienced_by_Black_Asian_Minority_Ethnic_Traveller_People_A_report_for_Belfast_City_Council_Belfast_Health_and_Social_Care_Trust_and_Public_Health_Agency_NI

Irish Traveller and Gypsy accommodation

1. Existing law and practice do not provide for sufficient and culturally adequate Travellers' and Gypsy accommodation in Northern Ireland.³⁷ The Unauthorised Encampments (NI) Order 2005 has a disproportionate impact on Traveller communities.³⁸

Suggested Question:

1. **What effective the Executive Government has taken to ensure that it is recognising and facilitating the cultural rights of Travellers and Gypsy in NI to live their traditional lifestyle. This includes ensuring that there is sufficient Traveller and Gypsy-specific accommodation available in NI with sufficient access to essential utilities on a long-term basis, and that the Unauthorised Encampments (NI) Order 2005 is promptly repealed?**

Educational needs of specific groups of children

1. In 2021/2022, children of migrant families made up 5 percent of all school enrolments in NI.³⁹ Support in NI is ad-hoc and short-term which impacts provision, including access to language supports, uniform grants, free school meals and free school transport.⁴⁰
2. Traveller children and Roma children have some of the lowest levels of educational attainment of all equality groups in NI.⁴¹ Early intervention, teacher training and a bespoke approach to the school curriculum reflecting a child's specific needs is required.⁴² The funding required to address the issue could not be progressed while the NI Executive was suspended.⁴³

Suggested Questions:

1. **What effective steps the Executive Government has taken to ensure that an up-to-date policy and action plan for educating children of migrant families is in place in NI and that teacher training is provided that promotes cultural awareness within schools and ensures a curriculum bespoke to pupils' specific needs and experiences is provided across Northern Ireland?**

³⁷ NI Human Rights Commission, 'Out of Sight, Out of Mind: Travellers' Accommodation in NI' (NIHRC, 2018); Children's Law Centre and South Tyrone Empowerment Programme, 'Joint Submission to the Framework Convention on the Protection of National Minorities Advisory Committee: Rights of Traveller Children and Families in NI' (CLC and STEP, 2022).

³⁸ <https://nihrc.org/news/detail/nihrc-launches-report-out-of-sight-out-of-mind-travellers-accommodation-in>

³⁹ In 2021/2022, there were 18,356 children of migrant families enrolled in NI schools, which equates to 5 per cent of all school enrolments. Of the 18,356 children of migrant families, 2,943 had special educational needs (17 per cent) and 5,003 were entitled to free school meals (28 per cent). See NI Statistics and Research Agency, 'Newcomer Pupils 2021/2022' (DoE, 2022).

⁴⁰ Children's Law Centre and South Tyrone Empowerment Programme, 'Joint Submission to CoE Framework Convention on the Protection of National Minorities Advisory Committee: Rights of Asylum Seeker Children Living in Contingency Accommodation (Hotel Buildings) in NI, Run by Mears Group PLC' (CLC and STEP, 2022).

⁴¹ Expert Panel on Educational Underachievement, 'A Fair Start: Final Report and Action Plan' (DoE, 2021). Reasons for lower levels of educational attainment among Traveller and Roma children are nuanced, this is not a homogenous group.

⁴² Expert Panel on Educational Underachievement, 'A Fair Start: Final Report and Action Plan' (DoE, 2021).

⁴³ Expert Panel on Educational Underachievement, 'A Fair Start: Final Report and Action Plan' (DoE, 2021).

- 2. What effective steps the Executive Government has taken to ensure educational underachievement in NI, particularly for Traveller and Roma children, is addressed?**

Bullying in Schools

1. In 2021, the Executive Office published an assessment of the current Racial Equality Strategy (2015-2025), which highlighted that in 2019, 45 per cent of young people said they had witnessed racist bullying or harassment in their school.⁴⁴ In 2023, despite the Addressing Bullying in Schools (NI) Act 2016 coming into force,⁴⁵ research identified that racist bullying remains prevalent and that schools' responses to such incidents were often considered inadequate.⁴⁶

Suggested Question:

- 1. What effective steps the Executive Government has taken to evaluate the effect of the Addressing Bullying in Schools (NI) Act 2016 to examine its effectiveness, with particular attention being given to reporting, monitoring and accountability mechanisms?**

For further information or inquiry of this submission, please contact the following:

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⁴⁴ NI Statistics and Research Agency, 'NI Racial Equality Indicators Report: 2014-2019' (TEO, 2021), at 18.

⁴⁵ Department of Education, 'Press Release: Schools to implement Addressing Bullying Act', 21 April 2021.

⁴⁶ Rebecca Loader et al, 'Experiences of Education among Minority Ethnic Groups in NI' (QUB, 2023), at para 6.3.