



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to the UN Committee on the
Elimination of Racial Discrimination for the
review of the Combined Twenty-Fourth to
Twenty-Sixth Periodic Report on the United
Kingdom's Compliance with the UN Convention
on the Elimination of Racial Discrimination**

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1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (NIHRC) is one of three A-status National Human Rights Institutions of the United Kingdom (UK). In accordance with the Paris Principles and pursuant to Section 69(1) of the Northern Ireland (NI) Act 1998, the NIHRC reviews the adequacy and effectiveness of measures undertaken by the UK Government and NI Executive to promote and protect human rights, specifically within NI. In accordance with section 78A(1) of the NI Act, the NIHRC also monitors the UK Government's commitment under Article 2(1) of the Windsor Framework¹ (Windsor Framework Article 2) to ensure there is no diminution of rights and safeguards protected in the relevant part of the Belfast (Good Friday) Agreement as a result of the UK withdrawal from the EU.²
- 1.2 Between February 2022 and February 2024, NI was without a fully functioning Executive and Assembly. This was the second suspension period within this monitoring round.³ In the absence of elected ministers, government departments were run by civil servants who were unable to make major policy decisions or introduce legislation. The reinstatement of the NI Executive and NI Assembly is welcomed, however it does not guarantee that the required UN CERD-related actions will be implemented expeditiously, if at all.

2.0 Article 1 – Definition of Racial Discrimination

Inclusion of “descent” and “caste”

- 2.1 UN CERD requires the prohibition of discrimination on the basis of descent and forms of social stratification, such as caste and analogous systems of inherited status.⁴ NI is yet to adopt a comprehensive anti-discrimination legislation that recognises “descent” and “caste” as grounds for discrimination distinct from race. In 2023, the NIHRC recommended that the review of the Race Relations (NI) Order 1997 includes effective consultation to determine whether both descent and caste, or their

¹ The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement 2020 and all references to the Protocol in this document have been updated to reflect this change. (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

² The UK-EU Withdrawal Agreement, including the Windsor Framework, is incorporated into UK law via the EU (Withdrawal) Act 2018, including Section 7A.

³ The previous suspension ran from January 2017 until January 2020.

⁴ 'UN CERD General Recommendation No XXIX on Article 1, Paragraph 1, of the Convention (descent)', 1 November 2022.

equivalent, are directly referenced in the Order.⁵

- 2.2 **The Committee may wish to recommend that the UK Government and NI Executive engage meaningfully with affected individuals and communities, and directly reference “descent” and “caste” in relevant legislation.**

Racial discrimination and victimisation

- 2.3 There have been proposals to extend the definition of discrimination in NI law to include discrimination by way of victimisation.⁶ Protection from victimisation is provided for in Article 9 of the EU Race Equality Directive and in other Annex 1 of the Windsor Framework Equality Directives, such as the EU Gender Equality Directive.⁷ In relation to protection from victimisation in Article 24 of the EU Gender Equality Directive, the Court of Justice of the European Union (CJEU) has held that an essential part of effective judicial control to protect the principle of equal treatment is ensuring victimisation is not interpreted restrictively.⁸
- 2.4 **The Committee may wish to recommend that the UK Government and NI Executive ensures that the proposed definition of discrimination is informed by and compliant with international human rights obligations, including Windsor Framework Article 2.**

3.0 Article 2 – Prohibition of Discrimination

Rights after the UK’s withdrawal from the EU

- 3.1 Pursuant to Windsor Framework Article 2, EU law, which was binding on

⁵ NI Human Rights Commission, ‘Response to the Executive Office’s Consultation on the Review of the Race Relations (NI) Order 1997, (NIHRC, 2023), at para 11.5. The NIHRC has recommended that a review of the Race Relations (NI) Order 1997 includes effective consultation to determine whether both descent and caste, or their equivalent, are directly referenced in the Order.

⁶ The Executive Office, ‘Review of the Race Relations (NI) Order 1997: Consultation Document’ (TEO, 2023), at 12. The ECtHR’s definition of victimisation, as well as EU law and CJEU’s jurisprudence, are relevant to NI. For example, the ECtHR has accepted married partners, unmarried partners, parents, siblings, children, and nephews as indirect victims. See *Velikova v Bulgaria* (2000) ECHR 198; *Ramsahai and Others v the Netherlands* (2007) ECHR 393; *Giuliani and Gaggio v Italy* (2011) ECHR 513; *Andronicou and Constantinou v Cyprus*, Application No 86-1996-705-897, Judgment of 9 October 1997; *McKerr v UK* (2001) ECHR 329; *Yasa v Turkey* (1998) ECHR 83. See NI Human Rights Commission, ‘Response to the Executive Office’s Consultation on the Review of the Race Relations (NI) Order 1997, (NIHRC, 2023), at para 4.20.

⁷ Article 9, Directive 2000/43/EC, ‘EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin’, 29 June 2000; Article 24, Directive 2006/54/EC, ‘EU Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation’, 5 July 2006. Recital 20 of the EU Race Equality Directive states “the effective implementation of the principle of equality requires adequate judicial protection against victimisation”. See Recital 20, Directive 2000/43/EC, ‘EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin’, 29 June 2000.

⁸ *Hakelbracht C-404/18*, 28 May 2018, at paras 33-34.

the UK on 31 December 2020 and underpins a relevant right, safeguard or equality of opportunity protection in the relevant chapter of the Belfast (Good Friday) Agreement 1998, continues to set standards below which the law in NI must not fall, which is known as the 'no diminution commitment' in Windsor Framework Article 2.⁹ The UK is prohibited from acting in a way that is incompatible with this commitment.¹⁰ There are several EU Directives falling within this commitment that have specific relevance to UN CERD, including in the area of victims' rights, asylum and migration.¹¹

- 3.2 The High Court in NI has adopted a purposive approach in interpreting Windsor Framework Article 2.¹² The Court held that Windsor Framework Article 2 has direct effect;¹³ affirmed the continuing relevance of the EU Charter on Fundamental Rights;¹⁴ and concluded that the provisions of the Belfast (Good Friday) Agreement 1998 as a whole are broad in scope and "civil rights" encompass the political, social and economic rights that can be upheld by appeal to the law.¹⁵
- 3.3 In addition to the 'no diminution' commitment, Windsor Framework Article 2 provides specific protection against discrimination, requiring the law in NI to 'keep pace' or dynamically align with changes to the six main EU equality directives listed in Annex 1 of the Windsor Framework, which includes the EU Race Equality Directive.¹⁶

⁹ NI Human Rights Commission and the Equality Commission for NI, 'Working Paper: The Scope of Article 2(1) of the Northern Ireland Protocol' (NIHRC & ECNI, 2022), at 17.

¹⁰ Section 7A of the [European Union \(Withdrawal\) Act 2018](#) gives effect to all the rights, obligations and remedies arising under the UK-EU Withdrawal Agreement in UK law without the need for further enactment – see *re NIHRC* [2024] NIKB 35, at paras 54-57. The Northern Ireland Act has also been amended to prohibit the NI Assembly and NI departments from acting in a way that is incompatible with Article 2 of the Windsor Framework.

¹¹ See Appendix 1 to the NI Human Rights Commission and Equality Commission for NI, 'Working Paper: The Scope of Article 2(1) of the Ireland/Northern Ireland Protocol' (NIHRC and ECNI, 2022).

¹² In the matter of an application by Martina Dillon and others for Judicial Review [2024] NIKB 11, at para 535.

¹³ In the Matter of an Application by Angsom for Judicial Review [2023] NIKB 102, at para 95; the Court of Appeal had previously set out a six-part test to test the engagement of Article 2 of the Windsor Framework test – see *Society for the Protection of the Unborn Child Pro-Life Ltd v Secretary of State for NI* [2023] NICA 35, at para 54.

¹⁴ *Re NI Human Rights Commission* [2024] NIKB 35, at para 65. See, for example, section 54, *Illegal Migration Act* which, according to the court, "runs contrary to this right to an effective remedy in Article 39 of the EU Procedures Directives when read with Article 47 [of the EU Charter of Fundamental Rights]" (at para 115). See also *In the Matter of an Application by Angsom for Judicial Review* [2023] NIKB 102, at para 93; *Secretary of State for Work and Pensions v AT* [2023] EWCA Civ 1307, at para 113.

¹⁵ *Re NI Human Rights Commission* [2024] NIKB 35, at para 70. Colton J also found that a narrow interpretation of "civil rights" in the Belfast (Good Friday) Agreement 1998 undermines the future-facing dimension of the non-diminution commitment see *In the matter of an application by Martina Dillon and others for Judicial Review* [2024] NIKB 11, at para 554. See also A case involving the removal of an asylum seeker from NI to Scotland – *In the Matter of an Application by Angsom for Judicial Review* [2023] NIKB 102, at para 107.

¹⁶ Directive 2000/43/EC, 'EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000; Directive 2000/78/EC, 'EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000; Directive 2004/113/EC, 'EU Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and Services', 13 December 2004; Directive 2006/54/EC, 'EU Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation', 5 July 2006; Directive 2010/41/EU, 'EU Parliament and EU Council Directive on the

- 3.4 In 2022, the EU Commission launched a public consultation, to pinpoint potential gaps in the EU Racial Equality Directive.¹⁷ To the extent that any amendments to this Directive brought forward by the EU enhance protections, NI equality law should be amended to keep pace with this change.
- 3.5 In May 2024, the EU Parliament adopted two EU Directives on standards for equality bodies.¹⁸ It is considered that the Directives would amend provisions of the EU Race Equality Directive,¹⁹ which is specified in Annex 1 to the Windsor Framework. NI equality law should be amended to keep pace with these changes.²⁰
- 3.6 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure consideration of Windsor Framework Article 2 is embedded at an early stage in the development of law and policy, including details of progress in developing and rolling out a comprehensive guidance and training programme on Windsor Framework Article 2.**
- 3.7 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps, pursuant to Articles 2 and 13 of the Windsor Framework, to ensure NI law is amended to keep pace with those provisions of the relevant EU directives which, if adopted, would amend or replace Annex 1 equality directives.**

Human Rights Act Reform

- 3.8 In 2022, the Bill of Rights Bill was introduced to the UK Parliament. The Joint Committee on Human Rights advised that the UK Government

Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010; Directive 79/7/EEC, 'EU Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security', 19 December 1978.

¹⁷ Directive 2000/43/EC, 'Council of the EU Directive on Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000.

¹⁸ Council of the EU, 'Press release: Strengthening the role of equality bodies across the EU: Council adopts two directives', 7 May 2024. See COM(2022) 688, 'Proposal for a Directive on Standards for Equality Bodies in the Field of Equal Treatment and Equal Opportunities between Women and Men in Matters of Employment and Occupation, and Deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU', 7 December 2022; COM(2022) 689, 'Proposal for a Directive on Standards for Equality Bodies in the Field of Equal Treatment between Persons Irrespective of their Racial or Ethnic Origin, Equal Treatment in the Field of Employment and Occupation Between Persons Irrespective of their Religion or Belief, Disability, Age or Sexual Orientation, Equal Treatment Between Women and Men in Matters of Social Security and in the Access to and Supply of Goods and Services, and Deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC', 7 December 2022.

¹⁹ Directive 2000/43/EC, 'Council of the EU Directive on Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000.

²⁰ This 'keep pace' obligation derives from Article 13(3) of the Windsor Framework which requires that references to EU law in the Windsor Framework are interpreted as references to those measures as amended or replaced.

“should not progress the... [Bill of Rights Bill] in its current form”.²¹ In 2023, the UK Government confirmed that it was not proceeding with the Bill of Rights Bill, instead reforming the UK’s human rights framework through a piecemeal approach.²² These changes reduce access to domestic courts for individuals seeking human rights-based remedy.²³

- 3.9 **The Committee may wish to recommend that the UK Government and NI Executive takes effective steps to ensure the fundamental principles of human rights are adhered to and any reform to the UK’s human rights framework does not weaken human rights protections but builds on the Human Rights Act 1998.**

Bill of Rights for NI

- 3.10 In 2022, the NI Assembly Ad Hoc Committee on a Bill of Rights concluded it "supported the creation of a Bill of Rights [for NI] in principle",²⁴ but it was unable to advise as to what form this should take due to the absence of the expert panel and the Democratic Unionist Party's disagreement with the majority position,²⁵ with no further progress.

- 3.11 **The Committee may wish to recommend that the UK Government and NI Executive takes effective steps to fulfil its commitment to legislate for a Bill of Rights for NI, as set out in the Belfast (Good Friday) Agreement 1998.**

Single Equality Act

- 3.12 Unlike the rest of the UK, NI does not have a single legislative instrument to consolidate equality protections. Equality protections are contained in a

²¹ House of Commons and House of Lords Joint Committee on Human Rights, 'Legislative Scrutiny: Bill of Rights Bill' (HC and HoL, 2023), at para 339: The Committee noted that the Bill undermined the universality of human rights, weakened human rights protection and there was an overwhelming lack of support for the proposed reforms.

²² For example, the Illegal Migration Act, the NI Troubles (Legacy and Reconciliation) Act and the Safety of Rwanda (Asylum and Immigration) Bill. See 'Government officially scraps Dominic Raab's Bill of Rights plan', Politics.Co.UK, 27 June 2023.

²³ NI Human Rights Commission, 'Evidence to Joint Committee on Human Rights Legislative Scrutiny of the Bill of Rights Bill' (NIHRC, 2022); NI Human Rights Commission, 'Advice on the Bill of Rights Bill' (NIHRC, 2022); NI Human Rights Commission, 'Submission to the House of Lords on the Illegal Migration Bill' (NIHRC, 2023); NI Human Rights Commission, 'Advice on NI Troubles (Legacy and Reconciliation) Bill' (NIHRC, 2022); NI Human Rights Commission, 'Supplementary Briefing: UK Government's Proposed Amendments to NI Troubles (Legacy and Reconciliation) Bill' (NIHRC, 2023); Letter from the NI Human Rights Commission to the Lord Jay, Chair of the House of Lords Sub-Committee on the Ireland/Northern Ireland Protocol, 30 January 2023; NI Human Rights Commission, 'Supplementary Briefing: UK Government's Additional Proposed Amendments to NI Troubles (Legacy and Reconciliation) Bill' (NIHRC, 2023).

²⁴ It concluded that "human rights of many individuals and groups in NI are not sufficiently protected". See NI Assembly, 'Report of the Ad Hoc Committee on Bill of Rights' (NIA, 2022), at paras 9 and 11.

²⁵ NI Assembly, 'Report of the Ad Hoc Committee on Bill of Rights' (NIA, 2022), at para 13.

range of instruments.²⁶

3.13 The Committee may wish to recommend that the UK Government and NI Executive takes effective steps to prioritise and enable political consensus towards the introduction of a Single Equality Act for NI.

Multiple Intersectional Discrimination

3.14 NI legislation does not provide for protection from intersectional discrimination, and the current proposals for reforming the Race Relations (NI) Order do not refer to intersectional discrimination.²⁷ Each ground for discrimination must form its own case, meaning it is considered and ruled on separately.²⁸ In 2020, the Independent Hate Crime Review recommended that intersectionality is reflected when considering statutory aggravations to existing offences.²⁹

3.15 In May 2023, the EU Pay Transparency Directive came into force.³⁰ The Directive, clarifies in Article 3, via a new definition, that discrimination includes “intersectional discrimination”, which is discrimination based on a combination of sex and a number of other equality ground/s protected under EU equality directives.³¹

3.16 The NIHRC considers that, pursuant to Articles 2 and 13 of the Windsor Framework, NI equality law must amend the definition of discrimination to include “intersectional” discrimination within the deadline for transposition (7 June 2026).³²

3.17 The Committee may wish to recommend that the UK Government and NI Executive takes effective steps to ensure that intersectional

²⁶ In NI, equality legislation includes Employment Equality (Age) Regulations (NI) 2006; Disability Discrimination Act 1995; Special Educational Needs and Disability (NI) Order 2005; Equal Pay Act (NI) 1970; Sex Discrimination (NI) Order 1976; Race Relations (NI) Order 1997; Fair Employment and Treatment (NI) Order 1998; Employment Equality (Sexual Orientation) Regulations (NI) 2003; Equality Act (Sexual Orientation) Regulations (NI) 2006; NI Act 1998.

²⁷ The Executive Office, 'Review of the Race Relations (NI) Order 1997 Consultation Document' (TEO, 2023).

²⁸ Equality Commission for NI, 'Recommendations for Law Reform: Strengthening Protection Against Racial Discrimination' (ECNI, 2014), at 38.

²⁹ Independent Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), at Recommendation 11.

³⁰ Directive 2023/970/EU, 'EU Parliament and Council Directive to strengthen the application of the principle of equal pay for equal work or work of equal value, between men and women through pay transparency and enforcement mechanisms', 10 May 2023.

³¹ The NIHRC considers that, pursuant to Articles 2 and 13 of the Windsor Framework, the relevant provisions of the EU Pay Transparency Directive amend and/or replace provisions in Directive 2006/54/EC, 'EU Parliament and Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)', 5 July 2006 which is listed in Annex 1 of the Windsor Framework.

³² Equality Commission for NI and NI Human Rights Commission, 'Briefing Paper: The EU Pay Transparency Directive: The UK Governments dynamic alignment obligations relating to Windsor Framework Article 2' (ECNI and NIHRC, 2024).

multiple discrimination claims in NI are effectively addressed, including providing for intersectionality within equality legislation as required.

- 3.18 The Committee may wish to recommend that the NI Executive and the Department for Communities take steps, in accordance with Windsor Framework Articles 2 and 13, to amend the definition of discrimination in relevant NI equality law to include “intersectional discrimination”, aligned to the relevant provisions of the EU Pay Transparency Directive by 6 June 2026.**

Racial Equality Strategy

- 3.19 In 2015, the NI Executive Office committed to an independent review of the progress of implementation of the Racial Equality Strategy 2015-2025; this review is ongoing.³³ The Racial Equality Strategy has not been fully implemented. The Strategy expires in 2025; at this point, it is unclear what will replace it.
- 3.20 The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that implementation of the Racial Equality Strategy 2015-2025 for NI is given priority.**

Refugee Integration Strategy

- 3.21 Despite a commitment within the Racial Equality Strategy 2015- 2025,³⁴ NI remains the only part of the UK without a Refugee Integration Strategy.³⁵ In 2021, the Executive Office consulted on a draft Refugee Integration Strategy.³⁶ The Strategy could not progress without a NI Executive, despite calls for it to be delivered at pace.³⁷

³³ The Executive Office, 'Racial Equality'. Available at: [Racial Equality | The Executive Office \(executiveoffice-ni.gov.uk\)](https://www.executiveoffice-ni.gov.uk/racial-equality)

³⁴ The Executive Office, 'Racial Equality Strategy 2015-2025' (TEO, 2015).

³⁵ The NIHRC recommends that the strategy is human rights-based, requiring public authorities to adopt this approach and to expand and clarify the list of relevant human rights standards, incorporating EU obligations supporting Windsor Framework Article 2's non-diminution commitment. See NI Human Rights Commission, 'Response to Public Consultation on Draft Refugee Integration Strategy' (NIHRC, 2022), at para 2.12 and 2.13.

³⁶ The Executive Office, 'Refugee Integration Strategy Consultation Document' (TEO, 2021).

³⁷ In 2022, the NI Affairs Committee published an inquiry report, recommending that the Refugee Integration Strategy is delivered at pace. Housing provision, access to healthcare services and the Belfast-centred provision of services were identified as particular issues facing refugees in NI. See House of Commons NI Affairs Committee, 'The Experiences of Minority Ethnic and Migrant People in NI' (HoC, 2022). In 2023, the NI Refugee and Asylum Forum highlighted that the lack of strategy is hindering all aspects of integration in NI. The Forum emphasised the need for reliable data and the provision of quality and authoritative information on rights and entitlements of refugees and asylum seekers in NI. Law Centre NI, 'Refugee and Asylum Forum: Priorities for Action 2023' (LCNI, 2023).

- 3.22 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure the prompt introduction and implementation of a NI Refugee Integration Strategy that is effectively monitored and adequately resourced.**

Review of the Race Relations Order

3.23 In 2015, the Executive Office (TEO) committed to reviewing the Race Relations (NI) Order 1997.³⁸ In 2023, the Commission responded to the TEO-led consultation on its review of the Race Relations (NI) Order 1997, with the TEO intending to bring forward legislation to tackle racism and discrimination.³⁹ The Commission noted the importance of a human rights-based approach and compliance with Windsor Framework Article 2, including the obligation to keep pace with any changes to the EU Race Equality Directive.⁴⁰

- 3.24 **The Committee may wish to recommend that the UK Government and the NI Executive undertake meaningful engagement with individuals affected by racial discrimination and their representative organisations at every stage of the process of reviewing the Race Relations (NI) Order, in order to ensure a human rights-based approach to racial equality.**

Data Collection and Ethnic Equality Monitoring

3.25 The Racial Equality Strategy for NI acknowledges that ethnic equality monitoring is an important tool in tackling inequality and racism and committed to “examine where ethnic monitoring should be introduced”.⁴¹ The Strategy recommended that the Race Relations (NI) Order 1997 be amended to impose a duty on specified public authorities to collect data on racial equality and set racial equality objectives.⁴² In 2023, in its review of the Race Relations Order, the NI Executive Office consulted on its plans to introduce ethnic equality monitoring.⁴³

- 3.26 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to introduce robust data**

³⁸ The Executive Office, 'Racial Equality Strategy 2015-2025' (TEO, 2015).

³⁹ The Executive Office, 'Review of the Race Relations (NI) Order 1997: Consultation Document' (TEO, 2023).

⁴⁰ NI Human Rights Commission, 'Response to The Executive Office's Consultation on the Review of the Race Relations (NI) Order 1997' (NIHRC, 2023).

⁴¹ The Executive Office, 'Racial Equality Strategy 2015-2025' (TEO, 2015), at 5.

⁴² This would be analogous to sections 149 and 153 of the Equality Act 2010, which does not extend to NI.

⁴³ The Executive Office, 'Review of the Race Relations (NI) Order 1997: Consultation Document' (TEO, 2023).

collection and ethnic equality monitoring in NI expeditiously and in line with international best practice and the commitment.

Hostile Environment

- 3.27 The UK Government’s “hostile environment” policies, which it now refers to as “compliant environment” policies, refers to a range of measures aimed at identifying and reducing the number of migrants in the UK with no right to remain.⁴⁴ A UK Government review of its hostile environment policies found they had a “disproportionate impact on people of colour”.⁴⁵ Research indicates that the UK Government’s hostile environment policies are exacerbating anti-migrant sentiment.⁴⁶ While immigration is a matter reserved to Westminster, these policies significantly encroach on rights protections where the NI Executive has devolved responsibility, including on housing, marriage, driving, social security benefits, health and social care, employment, banking and the administration of justice.⁴⁷ Despite the discriminatory nature of these policies, the NI Executive will often defer to the Home Office position on these issues, despite the matters being within the NI Executive’s devolved competency.⁴⁸
- 3.28 **The Committee may wish to recommend that the UK Government take effective steps to address the discriminatory effect of its hostile environment policies. The Committee may also wish to recommend that the NI Executive take effective steps to mitigate the discriminatory effect of the hostile environment policies to the full extent of its devolved competence.**

4.0 Article 3 – Prohibition of Racial Segregation and Apartheid

Racism in NI

- 4.1 In 2016, the CERD Committee expressed concerns at reports that persons of African descent face institutional racism in their enjoyment of rights, including the specific areas of concern mentioned in the present concluding

⁴⁴ Russell Taylor, ‘Impact of “Hostile Environment” Policy Debate: Library Briefing’ (HoL, 2018).

⁴⁵ Home Office, ‘Compliant Environment: Overarching Equality Impact Assessment’ (UK Gov, 2023).

⁴⁶ Hope Not Hate, ‘State of Hate 2024: Pessimism, Decline and the Rising Radical Right’ (Hope Not Hate, 2024); NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

⁴⁷ Committee for the Administration of Justice, ‘Can Stormont Rollback the Home Office “Hostile Environment”?’ (CAJ, 2021).

⁴⁸ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

observations, such as health, employment, education, stop and search practices and the criminal justice system.⁴⁹ The Commission has heard reports of people facing institutional racism in the field of employment,⁵⁰ and there have been reports about people from minority ethnic backgrounds experiencing institutional hurdles in the field of health,⁵¹ especially during the COVID pandemic.⁵²

4.2 The Committee may wish to recommend that the UK Government and the NI Executive take effective steps to introduce measures to examine the extent of institutional racism experienced by Black and minority ethnic people, and introduce measures to address institutional racism.

Racial profiling in NI

4.3 NI is in a unique position within the UK of having an open land border with a separate jurisdiction.⁵³ Racial profiling during custom checks has been reported when travelling between NI and other parts of UK and Ireland and remains a concern.⁵⁴

4.4 In 2022, the Nationality and Borders Act introduced Electronic Travel Authorisations which will be required for all non-British citizens who require leave to enter the UK.⁵⁵ Despite the UK Government confirming that Irish citizens are excluded from the requirements,⁵⁶ and that non-visa nationals who are lawfully resident in Ireland will also be exempt,⁵⁷ concerns remain that a significant number of individuals who do not hold recognised UK

⁴⁹ CERD/C/GBR/CO/21-23, "Committee on the Elimination of Racial Discrimination Concluding observations on the combined twenty-first to twenty third periodic reports of the United Kingdom of Great Britain and Northern Ireland", 3 October 2026, at para 22.

⁵⁰ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024. NI Human Rights Commission roundtable meeting with civil society organisations, 10 April 2024.

⁵¹ Pivotal, 'Impact of Brexit on minority ethnic and migrant people in Northern Ireland' (ECNI, 2023). Equality Commission NI, 'Race Equality in Health and Social Care' (ECNI, 2011).

⁵² Women's Resource & Development Agency, 'WRDA Response to The Executive Office (TEO) Consultation on the Review of the Race Relations (NI) Order 1997' (WRDA, 2023).

⁵³ In 2021, updated guidance on the Common Travel Area took effect, stating that travellers into the UK from Ireland may be asked to show a document confirming their identity and nationality. See Home Office, 'Common Travel Area - Version 11.0' (HO, 2021), at 44-47. EEA and Swiss citizens may be asked to show their passport or identity card to enter Great Britain when travelling from Ireland if they are encountered by Border Force.

⁵⁴ Pivotal, 'Impact of Brexit on minority ethnic and migrant people in Northern Ireland' (ECNI, 2023). Letter from NI Human Rights Commission to Home Office, 20 December 2021; Letter from Equality Commission for NI to Home Office, January 2021. The NIHRC has asked the Home Office about the training, guidance and procedures in place to prevent and address occurrences of racial profiling in light of these new measures.

⁵⁵ Section 75, Nationality and Borders Act 2022. The legislative framework was introduced in 2022, but ETAs started in November 2023 for Qatari Nationals and will be further extended in February 2024 to a limited number of other Gulf states.

⁵⁶ Section 3ZA, Immigration Act 1971.

⁵⁷ Home Office, 'Statement of Changes to the Immigration Rules - HC 1160', 9 March 2023.

immigration status will be affected, which might increase the risk of racial profiling.⁵⁸

- 4.5 Civil society has raised concerns with the NIHRC that Schedule 7 of the Terrorism Act 2000 may be being used to compel members of minority ethnic communities to show identification where there is no evident threat.⁵⁹ The Independent Reviewer of Terrorism has acknowledged that Schedule 7 is “a counter-terrorism power that elicits particular concern amongst a significant minority”.⁶⁰ In addition, there has been little progress regarding the lack of community background recording of persons stopped and searched under the Justice and Security (NI) Act 2007.⁶¹
- 4.6 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that measures are in place to prohibit racial profiling in immigration checks in the UK, including at NI ports and airports and in the context of cross border travel and, where checks do take place, that appropriate data is recorded for the purposes of effective monitoring.**
- 4.7 **The Committee may wish to recommend to the UK Government that all journeys into NI that originate from Ireland should be exempt from Electronic Travel Authorisation requirements.**
- 4.8 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure the expedited development and implementation of a suitable methodology for recording disaggregated data on the community background of individuals stopped and searched under the Justice and Security (NI) Act 2007 in NI.**

⁵⁸ In October 2023, the Sovereign Affairs Committee to the British Irish Parliamentary Assembly published a report on the Common Travel Area post-Brexit. The Committee raised concerns about the incompatibility of the Electronic Travel Authorisation system with tourism on the island of Ireland and recommended that all permanent residents in NI or Ireland be exempt from the requirement to obtain a visa for short visits to other jurisdictions. See Sovereign Affairs Committee (Committee A) of the British Irish Parliamentary Assembly, ‘Protecting the Common Travel Area in the Post-Brexit Era’ (BIPA, 2023). Committee on the Administration of Justice, ‘Briefing Note: Electronic Travel Authorisation (ETA) September 2023’ (CAJ, 2023).

⁵⁹ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

⁶⁰ Independent Reviewer of Terrorism Legislation, ‘The Terrorism Acts in 2020 Report of the Independent Reviewer of Terrorism Legislation’ (IRTL, 2022).

⁶¹ *In the Matter of an application by Stephen Ramsey (No 2)* [2020] NICA 14, at paras 55-58; Professor Marie Breen-Smyth, ‘Report of the Independent Reviewer Justice and Security (NI) Act 2007: Fifteenth Report - 1 August 2021-31 July 2022’ (NIO, 2023), at para 2.35.

5.0 Article 4 – Prohibition of the Promotion of Incitement

Hate Crime in NI

- 5.1 Racist hate crime and hate incidents are increasing in NI.⁶² Unlike the rest of the UK, NI has no standalone offence for prosecuting hate crime. Following an Independent Hate Crime Review,⁶³ work had begun to draft a Hate Crime Bill and related policies,⁶⁴ however progress was hindered by the suspension of the NI Executive and Assembly.⁶⁵ The Department of Justice NI has indicated its intention to address hate crime in some capacity during this mandate, but it remains unclear what form this will take.⁶⁶
- 5.2 Civil society organisations have raised concerns with the NIHRC that the police response to hate crime and hate incidents in NI is ineffective.⁶⁷ It is noted that the number of prosecutions for racially motivated hate crimes in NI remains low.⁶⁸
- 5.3 **The Committee may wish to recommend that the UK Government and NI Executive act promptly to introduce hate crime legislation in NI, in line with its international human rights obligations and Windsor Framework Article 2, ensuring alignment with race and community relations strategies to ensure effective investigation, prosecution and support for victims.**

Paramilitary Intimidation

- 5.4 The continued presence of paramilitary organisations remains an issue in NI. This can present challenges for migrant communities, particularly in relation to housing. Paramilitary affiliated individuals have reportedly perpetrated racist intimidation in public spaces to deter targeted groups

⁶² Police Service NI, 'Incidents and Crimes with a Hate Motivation Recorded by the Police Service NI' (PSNI, 2023), at Table 1.

⁶³ Independent Hate Crime Review Team, 'Hate Crime Legislation in NI: An Independent Review - Consultation Paper' (IHCRT, 2020).

⁶⁴ See NI Human Rights Commission, 'Response to Public Consultation on Improving the Effectiveness of Hate Crime Legislation in NI', (NIHRC, 2022). For example, the NIHRC has highlighted the relevance of Directive 2012/29/EU, 'EU Parliament and Council Directive establishing minimum standards on the rights, support and protection of victims of crime', 25 October 2012 (EU Victims Directive).

⁶⁵ Email correspondence from Department of Justice NI to NI Human Rights Commission, 20 June 2023.

⁶⁶ Email correspondence from the Executive Office NI to the NI Human Rights Commission, 31 May 2024.

⁶⁷ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

⁶⁸ Public Prosecution Service, 'Statistical Bulletin: Cases Involving Hate Crime 1 April 2022 to 31 March 2023' (PPS, 2023).

from taking up housing in these areas.⁶⁹ This intimidation can include racist graffiti, banners or the use of flags.⁷⁰

- 5.5 The presence of paramilitary organisations in NI has an impact on access to justice for victims of racially motivated hate crimes as there is often a reluctance to report crimes to the Police Service NI.⁷¹ Women are particularly vulnerable to paramilitary intimidation.⁷²
- 5.6 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to address the specific effect of continued paramilitarism on racial and ethnic minorities in NI, including through effective monitoring and adequate allocation of resources.**

6.0 Article 5(a)-(d) Racial Discrimination and Right to Equality

Legislation Affecting People Seeking Asylum

- 6.1 The Illegal Migration Act 2023 denies access to the UK asylum system for individuals who have arrived through what are considered by the UK Government to be unofficial routes and prevents such individuals from presenting claims for protection.⁷³ Individuals can face detention before being removed to another country.⁷⁴ There are concerns in relation to limitations in judicial oversight and access to effective remedies, the removal of support to victims and potential victims of modern slavery and human trafficking, and the weakening of child protection arrangements.⁷⁵ The NIHRC legally challenged the compliance of the 2023 Act with the

⁶⁹ Committee on the Administration of Justice, 'Written Evidence to the Northern Ireland Affairs Committee inquiry into 'The effect of paramilitaries on society in Northern Ireland': Paramilitarism and housing intimidation' (CAJ, 2022).

⁷⁰ Committee on the Administration of Justice, 'Written Evidence to the Northern Ireland Affairs Committee inquiry into 'The effect of paramilitaries on society in Northern Ireland': Paramilitarism and housing intimidation' (CAJ, 2022).

⁷¹ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

⁷² The Executive Office, 'Ending Violence Against Women and Girls Strategic Framework' (TEO, 2023), at 19.

⁷³ Section 2(2)-(6), Illegal Migration Act 2023 sets out four conditions, which are essentially that the person arrived in the UK irregularly after 20 July 2023 and did not come directly to the UK from a country in which their life and liberty were threatened. There are minor exceptions in Section 2(11).

⁷⁴ Sections 11-15, Illegal Migration Act 2023.

⁷⁵ NI Human Rights Commission, 'Submission to the House of Lords on the Illegal Migration Bill', (NIHRC, 2023).

ECHR and EU minimum standards in respect of victims of trafficking⁷⁶ and asylum seekers and refugees,⁷⁷ and Windsor Framework Article 2.⁷⁸

- 6.2 In May 2024, the NI High Court found that certain provisions of the Illegal Migration Act 2023 are incompatible with Windsor Framework Article 2 and the ECHR.⁷⁹ The Court found that the provisions on arrangements for: removal and leave; disregard of some claims for asylum, including human rights claims; the powers to grant immigration bail; and decisions relating to a person's age, would cause a diminution of the rights enjoyed by people seeking asylum contrary to the commitment in Windsor Framework Article 2, therefore the relevant sections were disapplied in NI.⁸⁰
- 6.3 Further, the Court issued a declaration of incompatibility in respect of those provisions that were contrary to the ECHR, which applies across the UK. For example, the removal of persons who have advanced valid protection or human rights claims without an assessment was found to be incompatible with Article 3 ECHR.⁸¹
- 6.4 In 2022, a partnership between the UK and Rwanda was established to relocate migrants, who arrived in the UK irregularly, to Rwanda.⁸² In June 2022, the initial flight carrying people to Rwanda was halted due to the European Court of Human Rights (ECtHR) issuing an interim measure.⁸³
- 6.5 In November 2023, the UK Supreme Court declared the Rwanda asylum policy unlawful.⁸⁴ In December 2023, the UK Government signed a new

⁷⁶ Directive 2011/36/EU, 'EU Council Directive on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims', 5 April 2011.

⁷⁷ Directive 2005/85/EC, 'EU Council Directive on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status', 1 December 2005; Directive 2003/9/EC, 'EU Council Directive Laying Down Minimum Standards for the Reception of Asylum Seekers' 27 January 2003; Directive 2004/83/EC 'EU Council Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees', 29 April 2004; Regulation 2013/604/EU, 'Dublin III Regulation', 26 June 2013.

⁷⁸ *In the Matter of an Application by the Northern Ireland Human Rights Commission for Judicial Review in the Matter of an Application by JR295 For Judicial Review and In the Matter of the Illegal Migration Act 2023* [2024] NIKB 35.

⁷⁹ *In the Matter of an Application by the Northern Ireland Human Rights Commission for Judicial Review in the Matter of an Application by JR295 For Judicial Review and In the Matter of the Illegal Migration Act 2023* [2024] NIKB 35.

⁸⁰ *In the Matter of an Application by the Northern Ireland Human Rights Commission for Judicial Review in the Matter of an Application by JR295 For Judicial Review and In the Matter of the Illegal Migration Act 2023* [2024] NIKB 35, at para 178.

⁸¹ *In the Matter of an Application by the Northern Ireland Human Rights Commission for Judicial Review in the Matter of an Application by JR295 For Judicial Review and In the Matter of the Illegal Migration Act 2023* [2024] NIKB 35, at para 206.

⁸² The Memorandum of Understanding also contained a commitment by the UK and Rwanda to uphold "fundamental human rights and freedoms without discrimination". Yet, it is not binding in international law and compliance with this arrangement is not "justiciable in any court of law by third-parties or individuals". See Home Office, 'Press Release: UK and Rwanda migration and economic development partnership', 14 April 2022; Memorandum of Understanding Between the Government of the UK of Great Britain and NI and the Government of the Republic of Rwanda for the Provision of an Asylum Partnership Arrangement, 13 April 2022.

⁸³ The ECtHR issued the interim measure to prevent irreversible harm to an applicant challenging the legality of their deportation. See European Court of Human Rights, 'Press Release: The European Court grants urgent interim measure in case concerning asylum-seeker's imminent removal from the UK to Rwanda', 14 June 2022.

⁸⁴ *AAA and Others Secretary of State for the Home Department* [2023] UKSC 42.

treaty with Rwanda and introduced the Safety of Rwanda (Asylum and Immigration) Bill, which declares Rwanda as a safe third country and removes the possibility of challenging this categorisation.⁸⁵ The Bill became an Act in April 2024.

- 6.6 **The Committee may wish to recommend that the UK Government takes immediate steps to repeal the Illegal Migration Act 2023 and provide access to status determination mechanisms for asylum-seekers, refugees and stateless persons to help ensure that they have their claims processed expeditiously and that those granted protection are able to integrate effectively.**
- 6.7 **The Committee may wish to recommend that the UK Government take effective steps to:**
- **completely withdraw from all asylum agreements declaring Rwanda a safe third country of removal and ensure all people seeking asylum in the UK are processed in a human rights compliant manner; and**
 - **immediately repeal the Safety of Rwanda (Asylum and Immigration) Act 2024 as required in line with the UK's international human rights obligations, including Windsor Framework Article 2.**

Counter-Terrorism Measures

- 6.8 In 2024 the UN Human Rights Committee once again raised concerns that the definition of terrorism is broadly formulated and in need of review to ensure compliance with the principles of legality, certainty, predictability and proportionality.⁸⁶ The UK Government continues to express the view that the definition of terrorism is fit for purpose.⁸⁷
- 6.9 **The Committee may wish to recommend that the UK Government takes effective steps to revise its broad definition of terrorism ensuring full compliance with the principles of legality, certainty, predictability and proportionality.**

⁸⁵ The definition of Rwanda as a safe third country is not subject to criteria, such as set out in Article 27 of the EU Procedures Directive, which were reflected in UK law prior to Brexit. The NIHRC considers this may diminish rights contrary to Windsor Framework Article 2. See NI Human Rights Commission, 'Advice on the Safety of Rwanda (Asylum and Immigration) Bill' (NIHRC, 2024); Home Office, 'UK-Rwanda Treaty: Provision of an Asylum Partnership' (HO, 2023).

⁸⁶ CCPR/C/GBR/CO/8, 'UN Human Rights Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI', 3 May 2024.

⁸⁷ UK Parliament Hansard, 'Written Answers: Hate Crime – Baroness Williams of Trafford – HL Deb', 4 February 2022.

Legal Aid

- 6.10 Despite steps being taken to address concerns regarding access to justice in NI, individuals have been impacted by financial pressures, structural issues in the legal aid system and the suspension of the NI Executive.⁸⁸ Numbers of specialist immigration solicitors are low and centralised in Belfast, which affects the availability of immigration legal services.⁸⁹ Windsor Framework Article 2 requires that there is no diminution of the minimum standards for legal assistance in respect of asylum claims as set out in the EU Procedures Directive.⁹⁰
- 6.11 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure immigration legal services in NI satisfy needs, prevent unfair penalties for asylum seekers without adequate legal advice, and is compliant with Windsor Framework Article 2.**

Access to Support for Victims of Violence Against Women and Girls

- 6.12 Migrant women without recourse to public funds who experience domestic abuse in NI do not have the same access to safe refuge accommodation or other support, including financial support.⁹¹ The Destitute Domestic Violence concession allows a person with leave to remain in the UK as a spouse or partner to apply for indefinite leave to remain where a relationship has ended due to domestic abuse.⁹² The strict criteria required to access this means that not all migrant victims in NI will be able to use this option to access support services.⁹³
- 6.13 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that migrant**

⁸⁸ See Legal Services Agency NI, 'Annual Report and Accounts 2022-2023' (LSANI, 2023), at 1; The Law Society of NI and The Bar of NI, 'Access to Justice Under Threat: A Joint Submission on the Draft NI Executive Budget 2022-25' (LSNI and Bar of NI, 2022); The Law Society of NI and The Bar of NI, 'Written evidence submitted by The Law Society of NI and The Bar of NI, relating to the funding of public services in NI' (LSNI and Bar of NI, 2023); Department of Justice, 'Press Release: Additional £10.9m for Legal Aid services', 17 November 2023; Department of Justice, 'Press Release: Fundamental review of criminal legal aid commenced', 2 October 2023.

⁸⁹ See Law Society of NI, 'Immigration Practitioners' List –Law Society of NI'. Available at: <https://www.lawsoc-ni.org/immigration-practitioners-list-law-society-of-northern-ireland>; Meeting between NI Human Rights Commission and the Law Centre NI, 27 November 2023; Law Centre NI, 'Refugee and Asylum Forum Priorities for Action 2023' (LCNI, 2023), at 28; Migrant Centre NI, 'Submission to the UK Parliament NI Affairs Committee's Call for Evidence on "The Experience of Minority Ethnic and Migrant People in Northern Ireland"' (UK Parliament, 2021).

⁹⁰ Article 15, Directive 2013/32/EU, 'Directive of the European parliament and of the Council on common procedures for granting and withdrawing international protection (recast)', 26 June 2013.

⁹¹ NI Human Rights Commission, 'The 2022 Annual Statement: Human Rights in NI' (NIHRC, 2022), at 103. A person will have no recourse to public funds when they are subject to immigration control.

⁹² No Recourse to Public Funds Network, 'Immigration Options'. Available at: [Migrant Victims of Domestic Abuse Concession | NRPf \(nrpfnetwork.org.uk\)](https://www.nrpfnetwork.org.uk/migrant-victims-of-domestic-abuse-concession)

⁹³ NI Human Rights Commission roundtable with public authorities on CoE Istanbul Convention, 25 September 2023.

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.

Female Genital Mutilation

- 6.14 Female genital mutilation is illegal in NI.⁹⁴ The Serious Crime Act 2015 provides for Female Genital Mutilation Protection Orders. There have been no prosecutions for female genital mutilation in NI.⁹⁵ Maternity appointments are the only time when routine steps are taken to identify and record cases of female genital mutilation in NI. In 2019/2020, there were 25 incidents of female genital mutilation recorded in NI.⁹⁶
- 6.15 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to investigate and prosecute perpetrators of female genital mutilation. The Committee may wish to further recommend that the NI Executive increase efforts to collect comprehensive, disaggregated data on instances of female genital mutilation in NI, raise awareness that it is both a form of child abuse and violence against women and girls, and ensure access to specialised support for all victims.**

Child, Early and Forced Marriage

- 6.16 The Marriage (NI) Order 2003 permits the marriage of a child aged 16 or 17 years, with the consent of their parents or legal guardians, or the courts. In 2022, 36 girls and 9 boys were married in NI.⁹⁷ Civil society organisations have raised concerns with the NIHRC that some young people from the Roma community have been taken out of NI to be married and then returned.⁹⁸
- 6.17 In 2022, the NIHRC advised the Department of Finance in NI that international human rights standards consider child marriage to be a form of forced marriage.⁹⁹ In 2022, then Minister for Finance, Conor Murphy

⁹⁴ Female Genital Mutilation Act 2003.

⁹⁵ NI Human Rights Commission, 'Annual Statement 2023' (NIHRC, 2023). It is understood that the act of female genital mutilation most commonly takes place outside of NI.

⁹⁶ Health and Social Care NI, 'NI Maternity Systems'. Available at: [Metadata \(hscni.net\)](https://hscni.net)

⁹⁷ Email correspondence from NI Statistics and Research Agency to NI Human Rights Commission, 21 June 2023.

⁹⁸ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

⁹⁹ NI Human Rights Commission, 'Submission to Department of Finance Consultation on Marriage Law' (NIHRC, 2022). See also: Recital 17, Directive 2012/29/EU, 'Directive of the European Parliament and of the Council Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime', 25 October 2012. The EU Victims' Directive recognises forced marriage as a form of gender-based violence and therefore, Windsor Framework Article 2 is engaged.

MLA, prepared legislation to raise the minimum age for marriage in NI to 18 years old.¹⁰⁰ This could not be progressed due to the lack of functioning NI Executive and Assembly.

- 6.18 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to expeditiously introduce legislation to repeal all legal provisions permitting the marriage of children in NI and increase the minimum age for marriage in NI to 18 years.**
- 6.19 **The Committee may wish to recommend that the NI Executive ensures that cross-Departmental efforts to combat forced marriages are strengthened, including by sensitising individuals and communities on the need for full and free consent of the persons who are to be married.**

Modern Slavery and Human Trafficking

- 6.20 The Illegal Migration Act 2023 includes provisions regarding modern slavery and human trafficking in respect of people who have entered the UK in breach of immigration control. This would deny access to support services to victims of human trafficking who have arrived in the UK irregularly.¹⁰¹ In May 2024, the NI High Court found that the provisions of the Illegal Migration Act 2023 which remove protections, including the right to support and assistance, for victims of trafficking will cause a diminution in rights contrary to Windsor Framework Article 2 and should be disapplied.¹⁰² The Court also held that the trafficking provisions of the 2023 Act are incompliant with Article 4 of the ECHR when read in conjunction with the Council of Europe Convention on Action against Trafficking in Human Beings ("ECAT").¹⁰³

¹⁰⁰ Department of Finance, 'Marriage Law: Written Ministerial Statement - Conor Murphy MLA - Minister of Finance' (DoF, 2022).

¹⁰¹ NI Human Rights Commission, 'Submission to the Joint Committee on Human Rights' Inquiry on the Illegal Migration Bill' (NIHRC, 2023). Article 11 of the Trafficking Directive imposes a duty on Member States to ensure assistance and support to victims of trafficking as soon as the competent authorities have reasonable grounds for believing that a person might have been subjected to human trafficking. See Article 11, Directive 2011/36/EU, 'Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA', 5 April 2011.

¹⁰² *In the Matter of an Application by the Northern Ireland Human Rights Commission for Judicial Review in the Matter of an Application by JR295 For Judicial Review and In the Matter of the Illegal Migration Act 2023* [2024] NIKB 35, at para 156.

¹⁰³ *In the Matter of an Application by the Northern Ireland Human Rights Commission for Judicial Review in the Matter of an Application by JR295 For Judicial Review and In the Matter of the Illegal Migration Act 2023* [2024] NIKB 35, at para 225.

- 6.21 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all victims of modern slavery and human trafficking in NI are able to access specialist support services, appropriately tailored to take account of age, gender and culture, regardless of how they came to enter the UK.**
- 6.22 **The Committee may wish to recommend that the UK Government immediately repeal the Illegal Migration Act 2023 to ensure human rights compliant support and assistance is provided to all potential victims of modern slavery and human trafficking in line with its international human rights obligations and Windsor Framework Article 2.**

Women in Immigration Detention

- 6.23 Women immigration detainees are held with men in Larne House short-term holding facility in NI. Women are accommodated in a separate area, but this area cannot be locked off from the men's section and there is no separate communal room available.¹⁰⁴
- 6.24 The Illegal Migration Act 2023 allows for pregnant women to be detained for up to 72 hours, or up to seven days if "authorised personally by a Minister of the Crown".¹⁰⁵ A pregnant woman who has been released, can be detained again for the specified periods.¹⁰⁶ The Royal College of Midwives previously stated that even a 72-hour detention period can be harmful and that the practice of detaining pregnant women for immigration purposes must end.¹⁰⁷ In May 2024, the NI High Court found that certain provisions of the Illegal Migration Act 2023 were incompatible with Windsor Framework Article 2 and the ECHR.¹⁰⁸
- 6.25 **The Committee may wish to recommend that the UK Government promptly take effective steps to ensure that women immigration detainees are safe and have the option of gender-specific**

¹⁰⁴ HM Inspectorate of Prisons, 'Report on an Unannounced Inspection of the Residential Short-term Holding Facilities at Larne House, Manchester Airport and Yarl's Wood by HM Chief Inspector of Prisons' (HMIP, 2021), at para 2.27; Email correspondence from Larne House Visitors Group to NI Human Rights Commission, August 2023. In 2023, Larne House submitted tenders to the Home Office for alterations, including a separate communal room for women immigration detainees.

¹⁰⁵ Section 2(2D), Illegal Migration Act 2023.

¹⁰⁶ Sections 2(2E), Illegal Migration Act 2023.

¹⁰⁷ Royal College of Midwives, 'Position statement: Detention of Pregnant Women' (RCM, 2017).

¹⁰⁸ *In the Matter of an Application by the Northern Ireland Human Rights Commission for Judicial Review in the Matter of an Application by JR295 For Judicial Review and In the Matter of the Illegal Migration Act 2023* [2024] NIKB 35.

communal areas and takes immediate steps to end detention of pregnant women and nursing mothers in NI.

Employment in the Public Sector and Policing

- 6.26 People from ethnic minority backgrounds are underrepresented in employment in the public sector and policing in NI. In 2023, 0.5 per cent of NI Civil Service staff were recorded as being from an ethnic minority.¹⁰⁹ As of March 2024, 0.6 per cent of police officers in NI were from an ethnic minority.¹¹⁰
- 6.27 **The Committee may wish to recommend that the UK Government and NI Executive take specific measures to address the under-representation of ethnic minorities in public sector and policing workforces.**

7.0 Article 5(e) – Other Economic and Social Rights

Irish Traveller Accommodation

- 7.1 Existing law and practice do not provide for sufficient, habitable and culturally adequate Travellers' accommodation in NI.¹¹¹
- 7.2 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that it is recognising and facilitating the cultural rights of Travellers in NI to live their traditional lifestyle. This includes ensuring that there is sufficient Traveller-specific accommodation available in NI with sufficient access to essential utilities on a long-term basis.**

Unauthorised Encampments

- 7.3 The Unauthorised Encampments (NI) Order 2005 allows for a police officer to direct a person to leave land and remove any vehicle or property on that land and creates an offence and power of seizure for non-compliance.¹¹²

¹⁰⁹ NI Statistics and Research Agency, 'Equality Statistics for the NI Civil Service 2023: An overview of diversity and equality in the NI Civil Service at 1 January 2023 and how it has changed over time' (NISRA, 2023).

¹¹⁰ Police Service NI, 'Workforce Composition Statistics'. Available at: [Workforce Composition Statistics | PSNI](#)

¹¹¹ 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).

¹¹² Unauthorised Encampments (NI) Order 2005, Explanatory Memorandum.

The NIHRC completed an investigation on the provision of Traveller accommodation in NI, finding that the 2005 Order has a disproportionate impact on Traveller communities and threatens their nomadic culture.¹¹³

7.4 The Committee may wish to recommend that the NI Executive ensures that the Unauthorised Encampments (NI) Order 2005 is promptly repealed.

Poverty

7.5 Data on poverty in NI is not disaggregated based on race or ethnicity. NI remains without an Anti-Poverty Strategy.¹¹⁴

7.6 Ethnic minority groups are disproportionately affected by food insecurity in NI.¹¹⁵ Inequality in employment is a key issue impeding minority ethnic groups in NI from moving out of poverty, with migrant workers over-represented in low paid work, while Irish Travellers are less likely to be in employment than other ethnic groups.¹¹⁶ The impact of no recourse to public funds disproportionately affects racial and ethnic minorities, particularly where people have intersecting marginalised identities.¹¹⁷ Eligibility for benefits designed to support children, like Child Benefit, is based on the immigration status of the parents or carers of children. As a result, children who are UK citizens or have indefinite leave to remain are unable to receive entitlements because of their parents' status.¹¹⁸

7.7 The Committee may wish to recommend that the UK Government and NI Executive take effective steps to address the disproportionate effect of poverty on minority ethnic groups in NI. This should include systematically and regularly collecting and publishing disaggregated data on the impact of poverty in NI on people from ethnic minority groups.

¹¹³ NI Human Rights Commission, 'Out of Sight, Out of Mind: Travellers' Accommodation in NI' (NIHRC, 2018), at 288.

¹¹⁴ Anti-Poverty Strategy Expert Advisory Panel, 'Recommendations for an Anti-Poverty Strategy' (DfC, 2021). Work to develop an anti-poverty strategy was delayed due to the lack of functioning NI Executive and Assembly. Department for Communities, 'NI Poverty and Income Inequality Report 2022/2023', (DfC, 2024): 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.

¹¹⁵ The Trussell Trust, 'Hunger in NI' (Trussell Trust, 2023), at 32.

¹¹⁶ Lucy Michael et al, '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' (BCC, HSC and Public Health Agency NI, 2022), at 3 and 46.

¹¹⁷ Citizen's Advice, 'How do I Survive? The Impact of Living with No Recourse to Public Funds' (Citizen's Advice, 2021), at 8.

¹¹⁸ Citizen's Advice, 'How do I Survive? The Impact of Living with No Recourse to Public Funds' (Citizen's Advice, 2021), at 10.

- 7.8 **The Committee may also wish to recommend that the UK Government and NI Executive ensure that comprehensive strategies to tackle child poverty are implemented in NI, and specific targets with a set timeframe and measurable indicators that take into account the effect on children from ethnic minority groups that are at higher risk of poverty.**

Housing

- 7.9 There is a shortage of social housing in NI.¹¹⁹ Due to the particular circumstances of NI, social housing stock is largely segregated between two communities. Research suggests that those who identify as other or no religion, often minority ethnic residents, live in the smallest homes, experience the most overcrowding and are more likely to live in poor standard housing in NI.¹²⁰ Evidence suggests that Roma communities have specific difficulties in finding appropriate rental properties, with reports of discrimination by rental agencies.¹²¹ This leads to overcrowding in already small residential properties, as multiple families are forced to share.¹²²
- 7.10 **The Committee may wish to recommend that the UK Government and NI Executive take immediate steps to address the lack of adequate, affordable and accessible social housing in NI.**
- 7.11 **The Committee may wish to recommend that the UK Government and NI Executive take immediate steps to address discrimination against minority ethnic communities in private rental markets in NI.**

Access to Healthcare

- 7.12 Migrants can encounter barriers to accessing healthcare in NI.¹²³ There have been reports of barriers to accessing General Practitioner services and National Health Service dental services.¹²⁴ There is a lack of healthcare

¹¹⁹ Niamh Campbell, 'Housing Shortages in NI: The causes, effects and potential solutions', *Belfast Telegraph*, 5 October 2023.

¹²⁰ Lucy Michael et al, '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' (BCC, 2022), at 7.

¹²¹ UK Parliament Hansard, 'NI Affairs Committee: The Experiences of Minority Ethnic and Migrant People in Northern Ireland Inquiry – Forward South Partnership – MEM0031', October 2021.

¹²² UK Parliament Hansard, 'NI Affairs Committee: The Experiences of Minority Ethnic and Migrant People in Northern Ireland Inquiry – Forward South Partnership – MEM0031', October 2021.

¹²³ NI Human Rights Commission, 'Submission to the NI Affairs Committee Inquiry into the Experience of Minority Ethnic and Migrant People in NI' (NIHRC, 2021): These barriers include travel to healthcare appointments, delays in the decision-making process that affect pregnant women in particular, and a lack of access to translation and interpretation services.

¹²⁴ Meeting between NI Human Rights Commission and NI Council for Racial Equality, 9 August 2022.

provision for irregular migrants who are traumatised or have complex needs.¹²⁵ Delays in issuing asylum registration cards and HC2 certificates, which are required to register and receive full support for many health care services, were also reported.¹²⁶ People seeking asylum in temporary and contingency hotel accommodation have raised concerns about lack of access to healthcare information, inadequate provision for medical needs and significant delays in health assessments.¹²⁷ The NIHRC is aware of instances where migrants have been questioned about immigration status at point of contact with health services.¹²⁸ There is further evidence of difficulties in accessing mental health services and reports of declining mental health amongst disabled migrants.¹²⁹

7.13 There are concerns that UK Home Office changes to procedures on decision making for late applications to the EU Settlement Scheme¹³⁰ might lead to further delays in issuing a Certificate of Application and inhibit further access to healthcare for EU Settlement Scheme applicants.¹³¹

7.14 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to identify and minimise procedural barriers to all migrants and people seeking asylum accessing healthcare. This includes introducing guidance for healthcare professionals on providing effective access.**

7.15 **The Committee may wish to recommend that the UK Government and NI Executive provide further guidance on the rights of people with pending and late applications to the EU Settlement Scheme, to applicants to the Scheme and to healthcare professionals to ensure no diminution of the current provision and protect the rights to the highest attainable standard of healthcare.**

¹²⁵ House of Commons NI Affairs Committee, 'Inquiry into the Experience of Minority Ethnic and Migrant People in NI - Oral Evidence', 8 September 2021, at Question 19.

¹²⁶ House of Commons NI Affairs Committee, 'Inquiry into the Experience of Minority Ethnic and Migrant People in NI - Oral Evidence', 8 September 2021, at Question 22.

¹²⁷ Children's Law Centre and South Tyrone Empowerment Programme, 'Joint Submission to 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).

¹²⁸ Roundtable on Access to Healthcare and Protocol Article 2 hosted by the NI Human Rights Commission, 6 June 2022.

¹²⁹ Independent Mechanism in NI Disability Forum Meeting, 2 August 2022.

¹³⁰ Home Office, 'EU Settlement Scheme: EU, Other EEA and Swiss Citizens and their Family Members. Version 20.0' (HO, 2023).

¹³¹ Engagement meeting with the Home Office Future Borders and Immigration System Advisory Group, 18 July 2023.

Access to Education

- 7.16 In 2021/2022, children of migrant families made up 5 percent of all school enrolments in NI.¹³² Support for these children is ad-hoc and short-term which impacts provision, including access to language supports, uniform grants, free school meals and free school transport.¹³³
- 7.17 The NIHRC has received reports that children who have been granted refugee status or other humanitarian protection can experience disruption to their education as they and their families are evicted from UK Home Office accommodation.¹³⁴
- 7.18 Traveller children and Roma children have some of the lowest levels of educational attainment of all equality groups in NI.¹³⁵ Early intervention, teacher training and a bespoke approach to the school curriculum reflecting a child's specific needs is required.¹³⁶
- 7.19 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that all children seeking asylum and children from migrant families in NI have timely access to education and other necessary supports, such as language classes, uniform grants, school meals and transport.**
- 7.20 **The Committee may wish to recommend that the NI Executive takes effective steps to review the curriculum, initial teacher education and in-service professional development to ensure sufficient representation and awareness of racial, ethnic and cultural diversities across education in NI. This should include meaningful consultation with parents, guardians, children and representative organisations at every stage of the process.**
- 7.21 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure educational**

¹³² 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 these, 2,943 children 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).

¹³³ 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).

¹³⁴ Meeting between NIHRC and the Horn of Africa People's Aid NI, 16 April 2024: Families often have to present as homeless and can be moved to alternative accommodation away from their children's schools, forcing them to find new school places which can result in disruption and delay. See also Ita Dungan, 'My Children haven't been to School Since January', *BBC News NI*, 30 May 2024.

¹³⁵ 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.

¹³⁶ Expert Panel on Educational Underachievement, 'A Fair Start: Final Report and Action Plan' (DoE, 2021). Required funding to address this issue could not progress while the NI Executive was suspended.

underachievement in NI is addressed, including a focus on addressing inequalities for Traveller and Roma children.

Bullying in Schools

- 7.22 In 2023, despite the Addressing Bullying in Schools (NI) Act 2016 coming into force,¹³⁷ research identified that racist bullying remains prevalent and that schools' responses to such incidents were often considered inadequate.¹³⁸
- 7.23 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps 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.**

Permission to Work for People Seeking Asylum

- 7.24 People seeking asylum are not able to work in the UK, including NI, for the first year that their claim is being considered.¹³⁹ Such individuals are therefore at a greater risk of destitution as many have no means to supplement their income.
- 7.25 **The Committee may wish to recommend that the UK Government review restrictions placed on asylum seeking people on taking up work while their claims are being processed.**

Asylum Financial Support

- 7.26 Section 95 of the Immigration and Asylum Act 1999 provides support for people seeking asylum and their dependents who appear to be destitute or who are likely to become destitute.¹⁴⁰ In 2023, 3,030 people seeking asylum were in receipt of section 95 support in NI, compared to 1,404

¹³⁷ Department of Education, 'Press Release: Schools to implement Addressing Bullying Act', 21 April 2021.

¹³⁸ Rebecca Loader et al, 'Experiences of Education among Minority Ethnic Groups in NI' (QUB, 2023), at para 6.3.

¹³⁹ Melanie Gower, CJ McKinney and Lulu Meade, 'Asylum Seekers: Permission to Work Policy' (HoC, 2022). People seeking asylum can apply to work in the UK if they have been waiting on a decision on their application for at least 12 months and they are not considered responsible for the delay.

¹⁴⁰ Section 95, Immigration and Asylum Act 1999. Directive 2003/9/EC, 'Council Directive laying down minimum standards for the reception of asylum seekers', 27 January 2003 falls within scope of the non-diminution commitment under Article 2 of the Windsor Framework and requires State Parties to provide the minimum standards for the reception of asylum seekers to ensure they have a dignified standard of living. See also *In the matter of an application by Aman Angsom for Judicial Review* [2023] NIKB 102.

individuals in 2022.¹⁴¹ Reports indicate that people seeking asylum find it difficult to afford the basic essentials.¹⁴²

- 7.27 In 2023, the High Court of England and Wales found that the then Secretary of State for the Home Department acted unlawfully in failing to promptly provide basic support to people seeking asylum, including young children and pregnant women.¹⁴³
- 7.28 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure that the level of financial support provided to asylum seeking people reflects the cost of living across the UK and that no individual is exposed to destitution.**

Accommodation for People Seeking Asylum

- 7.29 The use of privately managed 'contingency accommodation' for people seeking asylum has increased across the UK.¹⁴⁴ In NI, private hotels are often used as contingency accommodation for families.¹⁴⁵ An inspection of contingency accommodation in NI by the Independent Chief Inspector of Borders and Immigration raised concerns that the average length of time families spend in hotels is 201 days, with some families reporting they had been there for over a year.¹⁴⁶ The report noted that statutory support services in NI have concerns about their ability to meet the complex social, physical and mental health needs of families in hotels, that families experience negative attitudes from staff working in hotels, and issues with the provision of quality, culturally appropriate food and a lack of engagement with the views of children and young people living in hotels.
- 7.30 The NIHRC has been made aware that UK Home Office dispersal accommodation, where asylum seekers are moved to after contingency

¹⁴¹ Home Office, 'Immigration Statistics: Asylum and Protection - Section 95 Support By Local Authority' (HO, 2023). See also Gov.UK, 'What You'll Get'. Available at: <https://www.gov.uk/asylum-support/what-youll-get>; Section 95 support includes housing and £47.39 allowance per week for each person in self-catered accommodation. For people in accommodation that is catered they receive £9.58 allowance per week. Up to £3 per week is available for people seeking asylum that are pregnant or a mother of a child aged one to three years old. Up to £5 is available for a mother of a baby under 1 year old.

¹⁴² British Red Cross, 'The Longest Year: Life Under Local Restrictions – NI Briefing' (BRC, 2021).

¹⁴³ *HA, SXK, K, NY, and AM v Secretary of State for the Home Department* [2023] EWHC 1876.

¹⁴⁴ It is intended that there are two types of asylum accommodation in the UK, including NI. The two types of accommodation are initial accommodation (short-term housing for first three to four weeks) and dispersal accommodation (longer-term housing while awaiting determination of asylum claim).

¹⁴⁵ Meetings between NI Human Rights Commission and civil society organisations, May 2022, August 2022 and October 2022.

¹⁴⁶ Independent Chief Inspector of Borders and Immigration, 'An Inspection of Contingency Asylum Accommodation for Families with Children in NI' (ICIBI, 2024).

accommodation, is often inadequate, with residents living with damp or mould in some cases.¹⁴⁷

- 7.31 After individuals and families receive their refugee status, they are evicted from Home Office dispersal accommodation and have 28 days to find alternative accommodation, referred to as 'moving on'.¹⁴⁸ Reports suggest that this notice period is sometimes shorter.¹⁴⁹ Refugees will present to the NI Housing Executive as homeless and will be offered available accommodation, which can often be temporary hotel accommodation, and often in a different area.¹⁵⁰
- 7.32 **The Committee may wish to recommend that the UK Government takes effective steps to ensure that the support and accommodation provided to refugees and people seeking asylum in NI is urgently reviewed to ensure it is adequate, fit for purpose and culturally appropriate.**
- 7.33 **The Committee may wish to recommend that the UK Government and NI Executive take effective steps to ensure the adoption of a realistic, long-term strategy aimed at expeditiously ending the use of the 'contingency' asylum accommodation model in NI, particularly for families with children and people with specific needs.**
- 7.34 **The Committee may wish to recommend that the UK Government and NI Executive work together, in consultation with affected parties, to ensure that the transition from Home Office accommodation to "move on" accommodation for people who receive refugee status is co-ordinated and as undistruptive as possible, particularly where children are affected.**

8.0 Article 7 – Effective Measures to Combat Prejudice

Sectarianism

- 8.1 The rate of sectarian hate crimes in NI is increasing.¹⁵¹ In 2020 there was official recognition of "the need to tackle sectarianism... in seeking to

¹⁴⁷ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

¹⁴⁸ Section 22, Asylum Support Regulations 2000.

¹⁴⁹ Meeting between the NI Human Rights Commission and the Horn of Africa People's Aid NI, 16 April 2024.

¹⁵⁰ Meeting between the NI Human Rights Commission and the Horn of Africa People's Aid NI, 16 April 2024.

¹⁵¹ The level of sectarian incidents in 2022/2023 is the second highest financial year recorded since 2015/2016. See Police Service of NI, 'Incidents and Crimes with a Hate Motivation Recorded by the Police in NI: Financial Year Update' (PSNI, 2022), at 4.

eliminate discrimination... [and] to see sectarianism given legal expression as a hate crime".¹⁵² In 2021, the Department of Justice, in response to a recommendation from Judge Marrinan,¹⁵³ agreed in principle to define sectarian offences in NI legislation¹⁵⁴ and to include a new statutory aggravation for sectarian prejudice (subject to an agreed definition of sectarianism).¹⁵⁵ In April 2024, the Department of Justice indicated that a Hate Crime Bill was scheduled to be introduced in 2026;¹⁵⁶ however, the Department has since indicated that this may not be possible due to insufficient time remaining in this mandate, and the Minister may instead seek to address hate crime through other bills scheduled for introduction towards the end of the current mandate.¹⁵⁷

8.2 The Committee may wish to recommend that the UK Government and NI Executive take effective steps to introduce statutory definitions of 'sectarianism' and 'good relations' in NI.

¹⁵² NI Office, 'New Decade, New Approach' (NIO, 2020), at 43.

¹⁵³ Independent Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), at Recommendation 12.

¹⁵⁴ Department of Justice, 'Review of Hate Crime Legislation in NI -Departmental Response' (DoJ, 2021), at 6-7.

¹⁵⁵ Department of Justice, 'Review of Hate Crime Legislation in NI -Departmental Response' (DoJ, 2021).

¹⁵⁶ Email correspondence from Department of Justice to NI Human Rights Commission, 5 April 2024.

¹⁵⁷ Email correspondence from The Executive Office Racial Equality Delivery Team to NI Human Rights Commission, 31 May 2024.

Contact us:
Colin.Caughey@nihrc.org

www.nihrc.org | info@nihrc.org | +44 (0)28 9024 3987
4th Floor, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED

