



**Northern Ireland Human Rights Commission submission to
the UN Committee on the Elimination of Racial Discrimination
regarding the List of Themes concerning the 21st to 23rd
Periodic Reports of the United Kingdom of Great Britain and
Northern Ireland**

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1. The Northern Ireland Human Rights Commission (NIHRC) is a statutory public body established in 1999 to promote and protect human rights. In accordance with the Paris Principles, the NIHRC reviews the adequacy and effectiveness of measures undertaken by the United Kingdom (UK) Government and the Northern Ireland (NI) Executive to promote and protect rights in NI.
2. The NIHRC is one of the three A status National Human Rights Institutions in the United Kingdom (UK). The NIHRC's mandate extends to all matters relating to the protection and promotion of human rights in NI, both matters within the competence of the NI Assembly and those within the competence of the Westminster Parliament. This submission relates to the protection of human rights in NI.
3. As part of the NIHRC's engagement with the CERD Committee, it presents this informal briefing in advance of its substantive report, which will be submitted in July 2016. The issues outlined below will form the basis of the NIHRC's parallel report; however, this is not an exhaustive list and new issues may be identified.

Constitutional arrangements of NI

4. The NIHRC will highlight the relationship between the Belfast (Good Friday) Agreement 1998, as the NI peace agreement, and the Human Rights Act 1998, outlining concerns about the proposed repeal of this legislation. The NIHRC will also provide an update on the Bill of Rights for NI.

Prohibition of discrimination - Article 2

5. The NIHRC highlights the complex legislative framework prohibiting discrimination in NI; it does not protect against intersectional multiple discrimination and there is no progress towards a single equality bill. The NIHRC notes the recently published Racial Equality Strategy and the commitment to a review of the Race Relations (NI) Order 1998.

Refugees – Articles 2 and 5

6. The NIHRC notes the arrangements for the UK's Syrian Vulnerable Person Relocation Scheme in NI and the lack of a refugee integration strategy.

Stop and Search - Articles 2 and 5

7. The NIHRC will set out the foundation for stop and search powers in NI and issues concerning the monitoring of these powers in relation to ethnicity and community background.

Immigration Facilities - Article 2 and 5

8. The NIHRC highlights concerns about the operation of short term holding facilities in NI and the early identification of victims of torture, inhuman and degrading treatment.

Violence against Women and Girls - Articles 2 and 5(b)

9. The NIHRC notes the new legislative provisions and guidelines to protect against domestic violence and female genital mutilation. It will also address issues of child, early and forced marriage.

Hate Crime - Articles 2, 4 and 5

10. The NIHRC will comment on the prevalence of racial and sectarian hate crime in NI and the effectiveness of 'hate crime' legislation.

Representation - Articles 2 and 5(c)

11. The NIHRC will note the statistics on minority representation in the public sector and policing, with no representation at the NI Assembly or in the judiciary.

Deprivation of Citizenship - Articles 2 and 5

12. The NIHRC highlights the legislative developments to empower the Home Secretary to deprive a person of their British citizenship but notes that this power has yet to be used.

Right to Work - Articles 2 and 5(e)(i)

13. The NIHRC will set out the rules relating to permission to work for asylum seekers and the proposed changes under the Immigration Bill 2016. It will also consider the new legislative frameworks regarding human trafficking and forced labour in NI.

Right to Housing - Articles 3 and 5(e)(iii)

14. The NIHRC will set out concerns about the adequacy of sites and accommodation for Travellers; to include the continuing existence of the Unauthorised Encampments (NI) Order 2005 and the Caravans Act (NI) 1963. The NIHRC also highlights the segregation of housing stock in NI, particularly in respect of social housing.

Rights to Health and Social Security - Articles 2 and 5(e)(iv)

15. The NIHRC will set out the changes under the Provision of Health Services to Persons Not Ordinarily Resident Regulations (NI) 2015 and continuing barriers to accessing healthcare. The NIHRC will highlight the 'no recourse to public funds rule' for persons with insecure immigration status and issues relating to financial support for asylum seekers and other vulnerable

groups. Concerns will also be raised about the Immigration Bill, which is currently before the Westminster Parliament, in terms of ensuring that retrogression does not occur.

Right to Education and Training - Articles 2 and 5 (e)(v)

16. The NIHRC will highlight inequalities in education, in terms of attainment and access for minorities, in particular Traveller and Roma children. The NIHRC will also set out steps being taken in NI in respect of integrated and shared education. For speakers of other languages, the NIHRC will highlight disparity in access to ESOL (English for speakers of other languages) courses and the financial barriers for some groups.

Use of Minority Languages – Articles 5(a) and (e)(vi)

17. The NIHRC notes the lack of progress towards an Irish Language Act and the implementation of the Irish and Ulster Scots language strategies. The Administration of Justice (Language) Act (Ireland) 1737 continues to restrict the use of the Irish language in the courts. The NIHRC will also comment on the use of translation and interpretation for speakers of minority languages.

Sectarianism - Article 7

18. The NIHRC refers to the Together Building a United Community Strategy, and its commitment to tackling racism, sectarianism and other forms of intolerance, and raises concerns about the application of CERD and the Durban Programme of Action.