



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

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

List of Themes

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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 in 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 the rights and safeguards protected in the relevant part of the Belfast (Good Friday) Agreement 1998 as a result of the UK withdrawal from the European Union (EU).²
- 1.2 Between February 2022 and February 2024, NI was without a fully functioning NI 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.
- 1.3 The NIHRC welcomes the opportunity to inform the UN Committee on the Elimination of Racial Discrimination's (UN CERD Committee) List of Themes ahead of its periodic review of the UK's compliance with the UN Convention on the Elimination of Racial Discrimination (UN CERD). The overarching themes included in this report affect racial and ethnic minorities in NI. This is not an exhaustive list. The NIHRC will further explore the UK Government and NI Executive's compliance with UN CERD in its report for the UN CERD

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.

Committee's main review, to be submitted in July 2024. The UN CERD Committee may wish to include these themes within its List of Themes issued to the State party ahead of the examination.

2.0 Legislative Framework

UK Human Rights Act Reform

- 2.1 In 2022, the Bill of Rights Bill was introduced to the UK Parliament. The Joint Committee on Human Rights advised that the Bill should not progress as it undermined the universality of human rights, weakened human rights protection and there was an overwhelming lack of support for the proposed reforms.⁴
- 2.2 In 2023, the UK Government confirmed that it was not proceeding with the Bill of Rights Bill, instead seeking to reform the UK's human rights framework through a piecemeal approach, including through the Safety of Rwanda (Asylum and Immigration) Bill (discussed below at 6.8–6.10).⁵ The proposed changes will reduce access to domestic courts for individuals seeking human rights-based remedy, including in the post-Brexit context.⁶
- 2.3 **The Committee may wish to ask the UK Government what effective steps it has taken to ensure the fundamental principles of human rights are adhered to and that any reforms to the UK's human rights framework do not weaken human rights protections, but build on the Human Rights Act 1998.**

⁴ House of Commons and House of Lords Joint Committee on Human Rights, 'Legislative Scrutiny: Bill of Rights Bill' (HoC and HoL, 2023), Chapter 9.

⁵ 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.

⁶ 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).

UK Withdrawal from the EU

- 2.4 Pursuant to Windsor Framework Article 2,⁷ EU law, binding on the UK on 31 December 2020, which 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. The UK Government and the NI Assembly and Executive are prohibited from acting in a way that is incompatible with this commitment.⁸ 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.⁹ 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 Race Equality Directive.¹⁰
- 2.5 The High Court in NI has adopted a purposive approach in interpreting Windsor Framework Article 2,¹¹ held that Windsor Framework Article 2 has direct effect,¹² affirmed the continuing relevance of the EU Charter on Fundamental Rights,¹³ and concluded that a narrow interpretation of "civil rights" in the Belfast

⁸ 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. 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.

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

¹⁰ Directive 2000/43/EC, 'EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June appendix 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 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.

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

¹² *In the Matter of an Application by Angesom 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.

¹³ *In the Matter of an Application by Angesom 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.

(Good Friday) Agreement 1998 undermines the future-facing dimension of the non-diminution commitment.¹⁴

- 2.6 The NIHRC has not seen evidence of detailed consideration being given to WFA2 during the development of legislation, such as the inclusion of relevant analysis in Human Rights Impact Assessments or Explanatory Memoranda. Examples include the Illegal Migration Act 2023, Safety of Rwanda Bill and Retained EU Law Act 2023 which resulted in related concerns and recommendations being expressed by Westminster parliamentary committees.¹⁵
- 2.7 **The Committee may wish to ask the UK Government and NI Executive what steps they are taking 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.**

Bill of Rights for NI

- 2.8 The Belfast (Good Friday) Agreement 1998 committed to introduce a Bill of Rights for NI.¹⁶ In 2020, the NI Assembly Ad Hoc Committee on a Bill of Rights was established to consider the creation of a Bill of Rights for NI.¹⁷ A panel of experts was to be appointed by the First Minister and Deputy First Minister to support the work of the Ad Hoc Committee.¹⁸ With no agreement on its membership, the expert panel was not appointed.¹⁹ In 2022, the Ad Hoc Committee on a Bill of Rights concluded it "supported the creation of a Bill of Rights [for NI] in principle",²⁰ but it was unable to advise as to what form this should take due to the absence of the

¹⁴ *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.

¹⁵ See Joint Committee on Human Rights, 'Safety of Rwanda (Asylum and Immigration) Bill, Second Report of Session 2023-2024' (HoC and HoL, 2024); Letter from Lord Jay of Ewelme, Chair of the Sub-Committee on the Windsor Framework, to Lord Sharpe of Epsom, Parliamentary Under Secretary of State Home Office, 7 March 2024; Letter from Lord Jay of Ewelme, Chair of the Protocol on Ireland/Northern Ireland Sub-Committee, to Rt Hon Kemi Badenoch, MP Secretary of State for Business and Trade, 12 July 2023.

¹⁶ The Belfast (Good Friday) Agreement 1998, at 17.

¹⁷ NI Office, 'New Decade, New Approach' (NIO, 2020), at para 5.26.

¹⁸ NI Office, 'New Decade, New Approach' (NIO, 2020), at para 5.26.

¹⁹ NI Assembly, 'Report of the Ad Hoc Committee on Bill of Rights' (NIA, 2022), at para 8.

²⁰ 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.

expert panel and the Democratic Unionist Party's disagreement with the majority position, with no further progress.²¹

2.9 The Committee may wish to ask the UK Government what effective steps it has taken to fulfil its commitment to legislate for a Bill of Rights in NI, as set out in the Belfast (Good Friday) Agreement.

Equality Protections in NI

2.10 Unlike the rest of the UK, NI does not have a single legislative instrument to consolidate equality protections. Equality protections are contained across a range of different instruments.²² Nor does NI legislation provide for intersectional discrimination. Each ground for discrimination must form its own case, meaning it is considered and ruled on separately.²³ NI equality law should also be amended to keep pace with changes to Windsor Framework Annex 1 equality law, including the Pay Transparency Directive which provides a new definition that includes intersectional discrimination.²⁴

2.11 The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken to prioritise and enable political consensus towards the introduction of a single equality act for NI.

2.12 The Committee may also wish to ask the UK Government and NI Executive what effective measures they have taken to ensure that legislation providing for intersectional multiple discrimination is introduced in NI.

²¹ NI Assembly, 'Report of the Ad Hoc Committee on Bill of Rights' (NIA, 2022), at para 13.

²² The Single Equality Act 2010. 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.

²³ Equality Commission for NI, 'Recommendations for Law Reform: Strengthening Protection Against Racial Discrimination' (ECNI, 2014), at 38.

²⁴ Article 3, Directive 2023/970/EU, 'Directive of the EU Parliament and Council 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. In accordance with Article 13(3), Windsor Framework this must be transposed into NI law by 7 June 2026 (See Article 34, Pay Transparency Directive). See Equality Commission for NI and NI Human Rights Commission, 'Briefing Paper: The EU Pay Transparency Directive - The UK Government's dynamic alignment obligations relating to Windsor Framework Article 2' (ECNI and NIHRC, 2024). The EU Commission has also published proposals for two EU Directives on standards for equality bodies which will amend provisions of the EU Race Equality Directive, which is specified in Annex 1 to Windsor Framework.

Racial Equality in NI

- 2.13 In 2015, the Executive Office committed to an independent review of the progress of implementation of the Racial Equality Strategy 2015-2025²⁵; the report from this review is expected soon. However, as of 2024, other commitments under the Strategy have yet to be implemented.²⁶ Plans for a replacement strategy have not yet been announced by the Executive Office.²⁷ In 2023, a public consultation on a review of the Race Relations (NI) Order 1997 was conducted.²⁸ The necessary legislative change was hindered by the suspension of the NI Executive and Assembly.
- 2.14 **The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken to ensure the full implementation of the Racial Equality Strategy 2015-2025 for NI is given priority.**

3.0 Hostile Environment in NI

- 3.1 The hostile environment refers to a set of policies introduced by the UK Home Office to control immigration.²⁹ A UK Government review of these policies found they had a “disproportionate impact on people of colour”.³⁰ Research indicates that the UK Government’s hostile environment policies are exacerbating anti-migrant sentiment.³¹
- 3.2 While immigration is a matter reserved to Westminster, these policies significantly encroach on rights protections where the NI Executive have devolved responsibility, including on housing, marriage, driving, social security benefits, health and social care, employment, banking and the administration of justice.³² Despite the discriminatory nature of these policies, the NI Executive will

²⁵ The Executive Office, ‘Racial Equality’. Available at: [Racial Equality | The Executive Office \(executiveoffice-ni.gov.uk\)](https://www.executiveoffice-ni.gov.uk); The Executive Office, ‘Racial Equality Strategy 2015-2025’ (TEO, 2015).

²⁶ NI Human Rights Commission roundtable meeting with civil society organisations, 10 April 2024.

²⁷ NI Human Rights Commission roundtable meeting with civil society organisations, 10 April 2024. It should be noted that The Executive Office has indicated that the current strategy can be continued until a replacement strategy is developed.

²⁸ NI Human Rights Commission, ‘Response to The Executive Office’s Consultation on the Review of the Race Relations (NI) Order 1997’ (NIHRC, 2023).

²⁹ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

³⁰ Home Office, ‘Compliant Environment: Overarching Equality Impact Assessment’ (UK Gov, 2023).

³¹ 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.

³² Committee for the Administration of Justice, ‘Can Stormont Rollback the Home Office “Hostile Environment”?’ (CAJ, 2021).

often defer to the Home Office position on these issues, despite the matters being within the NI Executive's devolved competency.³³

- 3.3 The Committee may wish to ask the UK Government what effective steps it has taken to address the discriminatory effect of its hostile environment policies. The Committee may also wish to ask the NI Executive what effective steps it has taken to mitigate the discriminatory effect of the hostile environment policies to the full extent of its devolved competence.**

4.0 Racial Profiling in NI

Electronic Travel Authorisations and the Common Travel Area

- 4.1 NI is in a unique position within the UK of having an open land border with a separate jurisdiction. Racial profiling during custom checks have been reported when travelling between NI and other parts of UK and Ireland.³⁴
- 4.2 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.³⁵ The NIHRC remains concerned about the risk of racial profiling in the context of additional checks arising from EU exit.³⁶
- 4.3 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.³⁷ Irish citizens are excluded.³⁸ The UK Government confirmed that non-visa nationals who are lawfully resident in Ireland will be exempt from the

³³ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

³⁴ Equality Commission, 'Impact of Brexit on Minority Ethnic and Migrant People in NI' (ECNI, 2022).

³⁵ 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.

³⁶ 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.

³⁷ 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.

³⁸ Section 3ZA, Immigration Act 1971.

requirement.³⁹ However, concerns remain that a significant number of individuals who do not hold recognised UK immigration status will be affected despite free movement across the island of Ireland.⁴⁰ The increased risk of racial profiling remains a concern.⁴¹

4.4 The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken 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.

Stop and Search

4.5 Between January 2023 and December 2023, 25,535 people were stopped and searched.⁴² Of these 25,535 people subject to stop and search, 1,441 people were from ethnic minority community backgrounds.⁴³ Civil society has raised concerns with the NIHRC that Schedule 7 of the Terrorism Act 2000 may be being used to compel racial and ethnic minority people to show identification where there is no evident threat.⁴⁴ The Independent Reviewer of Terrorism has acknowledged that Schedule 7 is “a counter-terrorism power that elicits particular concern amongst a significant minority”.⁴⁵

³⁹ Home Office, ‘Statement of Changes to the Immigration Rules - HC 1160’, 9 March 2023.

⁴⁰ 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).

⁴¹ Committee on the Administration of Justice, ‘Briefing Note: Electronic Travel Authorisation (ETA) September 2023’ (CAJ, 2023).

⁴² Police Service NI, ‘Use of Stop and Search Powers by the Police Service NI: 1 January 2023 to 31 December 2023’ (PSNI, 2024), at 4.2.

⁴³ Police Service NI, ‘Use of Stop and Search Powers by the Police Service NI: 1 January 2023 to 31 December 2023’ (PSNI, 2024), at 4.2. Police Service NI data identifies that a degree of undercounting of Irish Travellers may exist as they are likely to be categorised as white.

⁴⁴ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

⁴⁵ Independent Reviewer of Terrorism Legislation, ‘The Terrorism Acts in 2020 Report of the Independent Reviewer of Terrorism Legislation’ (IRTL, 2022).

- 4.6 There has been little progress regarding the lack of community background recording of persons stopped and searched under the Justice and Security (NI) Act 2007.⁴⁶
- 4.7 **The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken 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.**

5.0 Data Collection and Ethnic Equality Monitoring

- 5.1 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”.⁴⁷ The Strategy recommended that the Race Relations (NI) Order 1997 is amended to impose a duty on specified public authorities to collect data on racial equality and set racial equality objectives.⁴⁸ In 2023, in its review of the Race Relations Order, the NI Executive Office consulted on its plans to introduce ethnic equality monitoring.
- 5.2 **The Committee may wish to ask the UK Government and NI Executive what effective steps they are taking to introduce robust data collection and ethnic equality monitoring in NI expeditiously and in line with international best practice and the commitment to no diminution of rights under Windsor Framework Article 2.**

⁴⁶ 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.

⁴⁷ The Executive Office, 'Racial Equality Strategy 2015-2025' (TEO, 2015), at 5.

⁴⁸ This would be analogous to sections 149 and 153 of the Equality Act 2010, which does not extend to NI.

6.0 Refugees and People Seeking Asylum

Refugee Integration Strategy

- 6.1 Despite a commitment within the Racial Equality Strategy 2015-2025,⁴⁹ NI remains the only part of the UK without a Refugee Integration Strategy.⁵⁰ In 2021, the Executive Office consulted on a draft Refugee Integration Strategy.⁵¹ However, further progress was hindered by the suspension of the NI Executive.⁵²
- 6.2 In 2022, the NI Affairs Committee published an inquiry report, recommending that the Refugee Integration Strategy is finalised and delivered at pace.⁵³ In 2023, the NI Refugee and Asylum Forum highlighted that the lack of strategy is hindering all aspects of integration in NI and 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.⁵⁴
- 6.3 **The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken to ensure the prompt introduction and implementation of an adequately resourced and effectively monitored Refugee Integration Strategy for NI.**

Asylum, refugee law and resettlement

- 6.4 The Illegal Migration Act 2023 denies access to the UK asylum system for individuals who have arrived through unofficial routes, preventing such individuals from presenting claims for protection, no matter how compelling their case may be.⁵⁵ Individuals can face detention before being removed to another country.⁵⁶ There are concerns with limitations on judicial oversight and access to

⁴⁹ The Executive Office, 'Racial Equality Strategy 2015-2025' (TEO, 2015).

⁵⁰ The NIHRC recommends stating early 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. NI Human Rights Commission, 'Response to Public Consultation on Draft Refugee Integration Strategy' (NIHRC, 2022), at para 2.12 and 2.13.

⁵¹ The Executive Office, 'Refugee Integration Strategy Consultation Document' (TEO, 2021).

⁵² The Executive Office, 'Racial Equality Subgroup: Minutes of the Meeting on 29 November 2022' (TEO, 2022).

⁵³ 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).

⁵⁴ Law Centre NI, 'Refugee and Asylum Forum: Priorities for Action 2023' (LCNI, 2023).

⁵⁵ Section 1(1)-(2), Illegal Migration Act 2023.

⁵⁶ Section 1(4), Illegal Migration Act 2023.

effective remedies, the removal of support to victims and potential victims of modern slavery and human trafficking, and the weakening of child protection arrangements.⁵⁷ The NIHRC is legally challenging the compliance of the 2023 Act with the ECHR and EU minimum standards in respect of victims of trafficking⁵⁸ and asylum seekers and refugees⁵⁹ and Windsor Framework Article 2.⁶⁰

6.5 The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken to ensure that the Illegal Migration Act 2023 is amended to ensure compliance with the UK’s international human rights obligations and Windsor Framework Article 2, and that there is no diminution of protection for refugees and people seeking asylum in NI.

6.6 The use of privately managed “contingency accommodation” for people seeking asylum has increased across the UK.⁶¹ In NI, families, including children, are being kept in hotels for long periods with no set timeframe for moving on.⁶² The move to dispersal accommodation can be conducted without advance notice or any meaningful support to ensure access to services.⁶³ The conditions of dispersal accommodation are often inadequate, with reports of high levels of damp.⁶⁴ In 2023, the UK Government commenced using

⁵⁷ NI Human Rights Commission, ‘Submission to the House of Lords on the Illegal Migration Bill’ (NIHRC, 2023).

⁵⁸ Directive 2011/36/EU, ‘EU Council Directive on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims’, 5 April 2011.

⁵⁹ 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.

⁶⁰ The case was heard in the High Court in January 2024 and a judgement is pending.

⁶¹ 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). The Mears Group PLC is sub-contracted by the Home Office to provide accommodation for people seeking asylum in NI. See UK Visas and Immigration, ‘A Home Office Guide to Living in Asylum Accommodation’ (HO, 2019); UK Government, ‘Contracts Finder – Asylum Accommodation and Support Services Contract NI’. Available at: [AASC - Asylum Accommodation & Support Services Contract NI - Contracts Finder](#); Independent Chief Inspector of Borders and Immigration, ‘An Inspection of Contingency Asylum Accommodation May 2021–November 2021’ (UK Gov, 2022).

⁶² Meetings between NI Human Rights Commission and civil society organisations, May 2022, August 2022 and October 2022.

⁶³ Meetings between NI Human Rights Commission and civil society organisations, May 2022, August 2022 and October 2022.

⁶⁴ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

alternative forms of asylum accommodation, such as tents and barges.⁶⁵

- 6.7 The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken 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.**

Rwanda Asylum Proposals

- 6.8 In 2022, a partnership between the UK and Rwanda was established to relocate migrants who arrived in the UK irregularly to Rwanda.⁶⁶ 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.⁶⁷
- 6.9 In November 2023, the UK Supreme Court declared the Rwanda asylum policy was unlawful.⁶⁸ In December 2023, the UK Government signed a new treaty with Rwanda and introduced the Safety of Rwanda (Asylum and Immigration) Bill, which proposes to declare Rwanda as a safe third country and removes the possibility of challenging this categorisation.⁶⁹
- 6.10 The Committee may wish to ask the UK Government what effective steps it is taking to:**

⁶⁵ Such an approach is yet to be adopted in NI, but there is the possibility that people seeking asylum in NI could be moved to alternative accommodation such as this elsewhere in the UK. See Andrew McDonald, 'UK to house migrants in ex-army barracks, mulls use of barges', Politico, 29 March 2023; Home Office, 'Factsheet: Asylum accommodation on a vessel in Portland Port' 18 July 2023; Kiran Stacey, 'UK ministers accused over asylum backlogs after 2,000 tents bought', The Guardian, 28 July 2023; Rajeev Syal, 'First occupants of Bibby Stockholm barge are taken onboard', The Guardian, 7 August 2023.

⁶⁶ 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.

⁶⁷ 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.

⁶⁸ AAA and Others Secretary of State for the Home Department [2023] UKSC 42.

⁶⁹ 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).

- **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 way. This should include taking into account the difficult journey and trauma experienced by many prior to arriving in the UK.**
- **immediately and thoroughly reassess the Safety of Rwanda (Asylum and Immigration) Bill and amend as required to ensure there is no diminution of rights in NI contrary to Windsor Framework Article 2.**

Asylum Financial Support

6.11 People seeking asylum are not able to work in the UK, including NI, for the first year that their claim is being considered. Such individuals are therefore at a greater risk of destitution as many have no means to supplement their income. 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. In March 2023, 3,030 people seeking asylum were in receipt of section 95 support in NI, compared to 1,404 individuals in March 2022.⁷⁰ Between 2021 and 2022, several reports indicated that people seeking asylum find it difficult to afford the basic essentials.⁷¹

6.12 In July 2023, the High Court of England and Wales found that the then Secretary of State for the Home Department, Suella Braverman MP, acted unlawfully in failing to promptly provide basic support to people seeking asylum, including young children and pregnant women.⁷²

6.13 The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken to ensure

⁷⁰ 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.

⁷¹ British Red Cross, 'The Longest Year: Life Under Local Restrictions – NI Briefing' (BRC, 2021).

⁷² *HA, SXX, K, NY, and AM v Secretary of State for the Home Department* [2023] EWHC 1876.

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. The Committee may also wish to ask the UK Government to review restrictions placed on asylum seeking people on taking up work while their claims are being processed.

7.0 Hate Crime and Hate Speech

- 7.1 Racist hate crime and hate incidents are on the rise in NI.⁷³ In 2023, there were increased reports of “organised” hate crimes in NI, particularly racist hate crimes.⁷⁴ Unlike the rest of the UK, NI has no standalone offence for prosecuting hate crime. Following an Independent Hate Crime Review report,⁷⁵ work is ongoing to draft a Hate Crime Bill and related policies.⁷⁶ However, this process was hindered by the suspension of the NI Executive and Assembly.⁷⁷
- 7.2 Civil society and community organisations have raised concerns with the NIHRC that the police response to hate crime and hate incidents in NI is ineffective.⁷⁸ It is noted that the numbers of prosecutions for racially motivated hate crimes in NI remain low.⁷⁹
- 7.3 **The Committee may wish to ask the UK Government and NI Executive what effective steps they are taking to promptly enhance hate crime legislation in NI, ensuring alignment**

⁷³ Police Service NI, ‘Incidents and Crimes with a Hate Motivation Recorded by the Police Service NI’ (PSNI, 2023), at Table 1.

⁷⁴ Meeting of refugee and ethnic minority business owners hosted by Participation and Practice of Rights, 31 August 2023; ‘Sandy Row: Belfast fire treated as racially motivated hate crime’, BBC News, 18 August 2023; ‘Belfast Multi-Cultural Association building for sale after arson attacks’, BBC News, 14 February 2023; ‘Belfast mosque leader’s worries after Nazi flags flown nearby’, BBC News, 23 August 2023; Sarah McKinley, ‘South Belfast businesses in emergency meeting over multiple racist attacks’, UTV News, 1 September 2023; Sara Girvan and Eimear Flanagan, ‘Syrian man to move shop after four racist attacks’, BBC News, 18 September 2023; Sara Givern, ‘Why has there been a spike in racist attacks in south Belfast?’, BBC News, 17 October 2023; Paul Ainsworth, ‘SDLP councillor says Belvoir residents support removal of racist posters’, Irish News, 1 November 2023.

⁷⁵ Independent Hate Crime Review Team, ‘Hate Crime Legislation in NI: An Independent Review - Consultation Paper’ (IHCRT, 2020).

⁷⁶ 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).

⁷⁷ Email correspondence from Department of Justice NI to NI Human Rights Commission, 20 June 2023.

⁷⁸ NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

⁷⁹ Public Prosecution Service, ‘Statistical Bulletin: Cases Involving Hate Crime 1 April 2022 to 31 March 2023’ (PPS, 2023).

with race and community relations strategies to ensure effective investigation, prosecution and support for victims.

Paramilitary Intimidation

- 7.4 A legacy issue of NI's post-conflict status is the continued presence of paramilitary organisations within communities. This can present challenges for migrant communities, particularly in relation to housing. Paramilitary groups can perpetrate sectarian or racist intimidation in public spaces to deter targeted groups from taking up housing in these areas.⁸⁰ This intimidation can include racist or sectarian graffiti, banners or the use of flags.⁸¹
- 7.5 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.⁸² Women are particularly vulnerable to paramilitary intimidation.⁸³
- 7.6 **The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken to address the specific effect of continued paramilitarism on racial and ethnic minorities in NI, including through effective monitoring and adequate allocation of resources.**

8.0 Sectarianism

- 8.1 The level of sectarian incidents in NI in 2022/2023 is the second highest recorded since 2015/2016.⁸⁴
- 8.2 The 'New Decade, New Approach' Agreement in 2020 recognised "the need to tackle sectarianism... in seeking to eliminate discrimination... [and] to see sectarianism given legal expression as

⁸⁰ 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).

⁸¹ 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).

⁸² NI Human Rights Commission roundtable meeting with civil society organisations, 9 April 2024.

⁸³ The Executive Office, 'Ending Violence Against Women and Girls Strategic Framework' (TEO, 2023), at 19.

⁸⁴ Police Service of NI, 'Incidents and Crimes with a Hate Motivation Recorded by the Police in NI: Financial Year Update' (PSNI, 2022), at 4.

a hate crime”.⁸⁵ In 2021, the Department of Justice agreed in principle to define sectarian offences in NI legislation.⁸⁶ The Department of Justice also agreed in principle to include a new statutory aggravation for sectarian prejudice (subject to an agreed definition of sectarianism), which could be monitored by the Victims of Crime Commissioner.⁸⁷ Progress on the commitment was hindered by the suspension of the NI Executive and NI Assembly.

8.3 The Committee may wish to ask the UK Government and NI Executive what effective steps they are taking to introduce statutory definitions of ‘sectarianism’ and ‘good relations’ in NI.

9.0 Economic, Social and Cultural Rights

Poverty

9.1 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.⁸⁸ 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.⁹⁰ In 2023, it was reported that the lack of a functioning NI Executive and Assembly means that NI is the only

⁸⁵ NI Office, 'New Decade, New Approach' (NIO, 2020), at 43.

⁸⁶ Department of Justice, 'Review of Hate Crime Legislation in NI - Departmental Response' (DoJ, 2021), at 6-7; The Department of Justice agreed in principle to the recommendation of Judge Marrinan; see Independent Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), at Recommendation 12.

⁸⁷ Department of Justice, 'Review of Hate Crime Legislation in NI - Departmental Response' (DoJ, 2021), at 6-7.

⁸⁸ Department for Communities, 'NI Poverty and Income Inequality Report 2022/2023', (DfC, 2024).

⁸⁹ 'Urgent 'warm banks' demand', *The Irish News*, 18 October 2022; Richard Vernalls, 'More councils looking at 'warm banks' for residents amid rising energy bills', *Belfast Telegraph*, 30 August 2022; Sherie Ryder and Rozina Sini, 'Cost of living: 'We started up a warm bank'', *BBC News*, 20 October 2022; Trussell Trust, 'Emergency food parcel distribution in Northern Ireland: April 2022 – March 2023' (TT, 2023); Trussell Trust and Ipsos, 'Hunger in NI' (TT and Ipsos, 2023), at 26.

⁹⁰ Food Standards Agency, 'NI Food Advisory Committee (NIFAC) Update from Director of Regulatory Compliance, People and NI to NI Food Advisory Committee 18th January 2023'. Available at: <https://www.food.gov.uk/our-work/northern-ireland-food-advisory-committee-nifac-update-from-director-of-regulatory-compliance-people-and-northern-ireland-to-1>; Trussell Trust, 'Emergency food parcel distribution in NI: April 2022 – March 2023' (Trussell Trust, 2023); Trussell Trust and Ipsos, 'Hunger in NI' (TT and Ipsos, 2023), at 26; NI Commissioner for Children and Young People, 'A Place to Call Home – Report Launch', 23 February 2023; Sara Neill, 'Cost of Living: NI woman with coeliac disease says food bill has doubled', *BBC News*, 24 July 2023; NI Assembly Hansard, 'Written Answers: Free School Meals – Minister of Education, Michelle McIlveen MLA – AQW 974/22-27', 21 June 2022.

part of the UK without a policy response to the rising cost of living.⁹¹

- 9.2 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.⁹²
- 9.3 **The Committee may wish to ask the UK Government and NI Executive what effective steps they are taking to eradicate the disproportionate effect of poverty on minority ethnic groups in NI.**

No Recourse to Public Funds

- 9.4 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.⁹³ The Destitute Domestic Violence concession allows a person who has leave to remain in the UK as a spouse or partner to apply for indefinite leave to remain where a relationship has broken down due to domestic abuse.⁹⁴ The strict criteria required to access this concession means that not all migrant victims and survivors of domestic abuse in NI will be able to use this option to access support services.⁹⁵
- 9.5 **The Committee may wish to ask the UK Government and NI Executive what effective steps they 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.**

⁹¹ 'Lack of Stormont meant NI only part of UK without proper response to cost of living crisis', *UTV News*, 19 July 2023.

⁹² 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.

⁹³ NI Human Rights Commission, 'The 2022 Annual Statement: Human Rights in NI' (NIHRC, 2022), at 103.

⁹⁴ 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/)

⁹⁵ NI Human Rights Commission roundtable with public authorities on CoE Istanbul Convention, 25 September 2023.

Irish Traveller Accommodation

- 9.6 Existing law and practice do not provide for sufficient, habitable and culturally adequate Travellers' accommodation in NI.⁹⁶ The Unauthorised Encampments (NI) Order 2005 has a disproportionate impact on Traveller communities.⁹⁷
- 9.7 **The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken 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, and that the Unauthorised Encampments (NI) Order 2005 is promptly repealed.**

Educational needs of specific groups of children

- 9.8 In 2021/2022, children of migrant families made up 5 percent of all school enrolments in NI.⁹⁸ 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.⁹⁹
- 9.9 **The Committee may wish to ask the UK Government and NI Executive what effective steps they have 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 NI.**

⁹⁶ 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).

⁹⁷ NI Human Rights Commission, 'Out of Sight, Out of Mind: Travellers' Accommodation in NI' (NIHRC, 2018).

⁹⁸ 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).

⁹⁹ 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).

9.10 Traveller children and Roma children have some of the lowest levels of educational attainment of all equality groups in NI.¹⁰⁰ Early intervention, teacher training and a bespoke approach to the school curriculum reflecting a child's specific needs is required.¹⁰¹ The funding required to address the issue could not be progressed while the NI Executive was suspended.¹⁰²

9.11 The Committee may wish to ask the UK Government and NI Executive what effective steps they have taken to ensure educational underachievement in NI, particularly for Traveller and Roma children, is addressed.

Bullying in Schools

9.12 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.¹⁰³ In 2023, despite the Addressing Bullying in Schools (NI) Act 2016 coming into force,¹⁰⁴ research identified that racist bullying remains prevalent and that schools' responses to such incidents were often considered inadequate.¹⁰⁵

9.13 The Committee may wish to ask the UK Government and NI Executive what effective steps they have 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.

¹⁰⁰ 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.

¹⁰¹ Expert Panel on Educational Underachievement, 'A Fair Start: Final Report and Action Plan' (DoE, 2021).

¹⁰² Expert Panel on Educational Underachievement, 'A Fair Start: Final Report and Action Plan' (DoE, 2021).

¹⁰³ NI Statistics and Research Agency, 'NI Racial Equality Indicators Report: 2014-2019' (TEO, 2021), at 18.

¹⁰⁴ Department of Education, 'Press Release: Schools to implement Addressing Bullying Act', 21 April 2021.

¹⁰⁵ Rebecca Loader et al, 'Experiences of Education among Minority Ethnic Groups in NI' (QUB, 2023), at para 6.3.

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