

16<sup>th</sup> Report of the United Kingdom Under the International Convention  
on the Elimination of All Forms of Racial Discrimination

Submission by the Northern Ireland Human Rights Commission to  
United Nations Committee on the Elimination of Racial Discrimination



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## **The Northern Ireland Human Rights Commission**

The Northern Ireland Human Rights Commission (NIHRC) is grateful for the opportunity to convey its views through this paper to members of the Committee on the Elimination of Racial Discrimination.

We appreciate the welcoming of the establishment of this Commission in the Committee's Concluding Observations of 2001. Due to limited resources, the Northern Ireland Human Rights Commission was only able to submit a very brief letter to the Committee in response to the UK's 15<sup>th</sup> Periodic Report. Unfortunately, despite an increase in the funding which the Northern Ireland Human Rights Commission receives from Government, our resources still remain stretched and are not entirely adequate for the functions that we carry out.

This Commission has also not been endowed with the full range of powers and resources required to comply with the UN *Principles relating to the status and functioning of national institutions for the protection and promotion of human rights* (the Paris Principles). Specifically, we have not been given powers to compel witnesses, to require production of documents, or to enter premises. The Secretary of State initially suggested that such powers were not necessary because relevant institutions would co-operate voluntarily in aiding this Commission in executing its functions. However, this co-operation has not been consistent across Government and real problems of co-operation still remain.

One major area in which our work is inhibited by the lack of consultation on the part of Government is the international treaty monitoring process. There has to date been a general lack of awareness within the Whitehall departments that co-ordinate UN reports, and even within the Northern Ireland administration, of the existence and functions of this Commission. In the drafting of the UK Report to the Committee no views were sought from this Commission in its capacity as a national human rights institution in the UK. Instead, we were given a fairly final draft at the same time as NGOs. More recently, we have made some advances in this area through persistent letters, e-mails and telephone calls to relevant Ministers and officials explaining our role. Some progress has been made and we have received some informal assurances that we will be consulted appropriately in future and included in the drafting process at an early stage. However, it is regrettable that these exchanges were necessary, and that the Departments had clearly not been briefed about the Commission's role and functions already.

Nevertheless, we remain committed to working to the best of our ability to encourage and monitor compliance in our region with all of the United Kingdom's international obligations.

**We do hope that the Committee might press the UK for its reasons for not granting this Commission the full range of powers in accordance with the Paris Principles. We also hope that the Committee will stress the need for consulting appropriately with national human rights institutions and enquire as the extent to which the UK is committed to that consultation process.**

## **Overview of ethnic minorities in Northern Ireland**

The ethnic minority community in Northern Ireland remains small compared to that in Great Britain. Estimates suggest that 0.85% of the population is from an ethnic minority while the figure for the UK as a whole is 7.9%.<sup>1</sup> This has often led to the incorrect and unfortunate assumptions that problems of racial discrimination do not exist in Northern Ireland or that the numbers affected are so small that the issue does not warrant the same attention as in Great Britain. The lack of attention paid to ethnic minorities in Northern Ireland is exemplified by the distinct lack of information in the UK's Report relating to this region. Where Northern Ireland is referred to, it is by way of brief reference to those measures in place that are *intended* to meet the UK's obligations under the Convention. There is no indication in the Report of how effective these measures have actually been. Indeed, the Report fails to give any accurate or meaningful account of the situation facing ethnic minorities in Northern Ireland.

This paper will, therefore, draw the Committee's attention to some key omissions in the UK Report and where possible fill in the gaps. However, there is substantial information that, of course, only State Parties themselves have access to and are able to provide. We trust that the UK will have at hand and be forthcoming with any further information requested by the Committee. This Commission of course offers its full co-operation to the Committee and its members in their work.

### **The 2001 Census**

For the first time in Northern Ireland the Census carried out in 2001 contained a question on ethnicity. As stated above, the findings suggest that the ethnic minority community accounts for 0.85% of the total Northern Ireland population. However, a number of organisations working with the ethnic minority sector have expressed dissatisfaction with the findings.

First, it has been suggested that significant numbers from ethnic minorities did not complete Census forms and that therefore there has been an under-reporting of the numbers. This has been attributed to the fact that the Census form was only available in English, that some members of ethnic minorities are suspicious and mistrustful of official forms and/or that some feel that such forms are not relevant to them.

Second, 32% of those identifying themselves as belonging to an ethnic minority chose to describe themselves as 'other' or 'mixed'.<sup>2</sup> The ambiguity of these options on the Census form fails to provide an accurate picture of the ethnic make-up of Northern Ireland. In the absence of more accurate information it is difficult for policy makers and service providers to respond appropriately to the needs of ethnic minorities here.

**In light of the Concluding Observations of the Committee in 2001, in which disaggregated data giving details of the ethnic composition of the population was sought, it might be asked if the relevant Northern Ireland agency would consider**

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<sup>1</sup> These figures are from the 2001 Census. Some of the problems around that Census will be discussed below.

<sup>2</sup> The other main categories were Irish Traveller, Indian, Pakistani, Bangladeshi, Other Asian, Black Caribbean, Black African, Other Black, Chinese.

**holding a mid-term Census, that addresses the specific concerns identified above, in order to provide a more accurate account of the ethnic make up of the region.**

#### **Interpretation of Article 4**

The Commission understands the need for the UK to balance the obligations it has under Article 4 of the Convention and those obligations it has to guarantee the right to freedom of expression under a number of international human rights treaties. However, since the submission of the 15<sup>th</sup> Periodic Report there have been a number of worrying developments in the UK regarding the standing of organisations which do incite racial discrimination. The British National Party (BNP) is a political party which among other things proposes to introduce a system of ‘voluntary resettlements’ for what it refers to as all ‘legal immigrants’;<sup>3</sup> that white Britons have been made second-class citizens as a result of ‘positive discrimination’ schemes; which proposes to clamp down on the flood of asylum seekers all of whom the Party claims are bogus or can find refuge much nearer their home countries; and which categorically claims that ‘Islam is the menace’.<sup>4</sup> As of May 2003 the BNP held a total of 16 Council seats in England. This development has obviously caused great concern among those involved in fighting racial discrimination and prejudice and there is apprehension over how those elected will seek to use their positions to the detriment of good race relations.

While the BNP does not operate in Northern Ireland, an increasing number of the Party’s posters and advertisements can be seen on the streets of the region. This Commission is concerned about what this might mean for race relations here in Northern Ireland.

In Northern Ireland, the White Nationalist Party a white supremacist political party, many of whose members are former members of the BNP, has mobilised and operates under the name Ulster White Nationalist Party (UWNP). This group has been organising events throughout the region as part of its recruitment drive.

The group has been hailing its recruitment drive as a ‘success’ and of course the Commission appreciates the need to treat such statements with caution. However, it is equally important that Government learn from the experiences of England and address the problems posed by such groups before their candidates stand for election and are able to secure places on representative bodies.

In particular the UWNP embarked on a concerted campaign in February/March 2003 against plans to build a Mosque in the Portadown area by distributing leaflets and placing posters and stickers across the city.<sup>5</sup> The group opposed the building of the Mosque claiming that it would become a recruiting ground for Al-Qaeda members.

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<sup>3</sup> In that term the Party would include those who have been born and raised in the UK but whose parents or grandparents migrated.

<sup>4</sup> British National Party <http://www.bnp.org.uk/> (29/5/2003)

<sup>5</sup> The leaflet reads “We are proud of our British culture, land and our nation. We do not need Mosques, temples or Islamic terrorists here in Ulster.”

Muslim community leaders have since withdrawn their plans for the construction of the Mosque, citing fear of attacks on the building and worshippers as one of the reasons.

Both the BNP and UWNP also rally around anti-asylum campaigns claiming that asylum seekers are responsible for increases in crime and for straining public services and that in any case most claims for asylum are disingenuous. They will also argue that a multi-cultural and multi-religious society is not sustainable and will inevitably lead to civil conflict and unrest.

This Commission is concerned that the problem posed by such groups to UK society as a whole has not been acknowledged in the UK Report and hence that no information is provided on how Government proposes to counter their actual and potential successes in elections.

**The Commission would therefore suggest that the Committee enquire about what steps Government is taking to counter these developments. No doubt, Government will point out that it frequently refers to the positive contribution ethnic minorities make to the UK and their integral place in UK society. However, these periodic statements by Government Ministers have clearly not been sufficient given the increasing number of seats being gained by the BNP.**

**More specifically the Committee might enquire whether the UK acknowledges that the existence of parties such as the UWNP do constitute a problem in Northern Ireland and if so how it proposes to tackle that problem. At the very least this Commission would hope that, even if the UK does not envisage that such parties could be successful in the election process, it acknowledges that the presence of such groups and their propaganda cause ethnic minorities offence and intimidation and that it might be able to forward some information on a strategy to deal with this reality.**

### **Legislation to combat racial discrimination**

#### ***The Race Relations (Amendment) Act 2000***

Reference is made in the UK Report under Paragraph 12 to the Race Relations (Amendment) Act 2000. However, this piece of legislation does not extend to Northern Ireland. The Commission is aware that the UK Government may advance two reasons for this discrepancy. First, as the Report also points out, there is a statutory duty imposed by section 75 of the Northern Ireland Act 1998 on all public authorities in Northern Ireland to have due regard to the need to promote equality of opportunity for nine categories including racial groups. Thus it might be argued that provisions similar to the Race Relations (Amendment) Act 2000 already exist in Northern Ireland. However, as the Report also points out under the Race Relations (Amendment) Act 2002 the Commission for Racial Equality “will play a key role in ensuring compliance with the legislation”. That key role is the power given to the Commission for Racial Equality to issue a compliance notice to any public authority which it feels is not complying with the duties set down by the Home Secretary. In the event of the public authority failing to comply within three months the Commission for Racial Equality is then able to apply to a county court to have it make

an order to compel the public authority to comply. Under section 75 of the Northern Ireland Act there is no body that is empowered in this way. The Equality Commission for Northern Ireland, which is tasked with monitoring equality across nine categories, including race, can only refer an equality scheme to the Secretary of State but does not provide a remedy equivalent to the compliance notice.

Also 'public body' is defined very broadly in the Race Relations (Amendment) Act 2000. Under the Act every school and hospital has to comply with the general duty whereas in Northern Ireland the duty rests only on higher level education and health authorities.

Second, it might also be suggested that the enactment of a Single Equality Act will bring Northern Ireland's race legislation into line with that of Great Britain's. This Act intends to harmonise the current array of equality legislation in Northern Ireland. It is hoped that the legislation will aid individuals in proving discrimination on multiple grounds (for example, against someone as a Muslim male) when these grounds are covered by separate laws. However, the earliest that this Act will be introduced is late 2004. This Commission is disappointed at the delay in moving forward the timetable for consolidating this legislation.

The result is that since 2001 ethnic minorities living in Northern Ireland have been accorded lesser protection than those in Great Britain and the situation is not guaranteed a resolution until 2004 at the earliest.

**Perhaps the Committee could seek an explanation for this anomaly and enquire after the reasons for the delay in the Single Equality Act and also seek an assurance that the Act will raise and not dilute the standard of protection offered to ethnic minorities in Northern Ireland.**

### *The European Race and Employment Directives*

Reference is also made to the European Race and Employment Directives. In February 2003 the Northern Ireland Office issued for consultation a draft of the Regulations that would implement the Directives in Northern Ireland. As they stand, the Regulations aim to address discrimination on grounds of race or ethnic or national origin. Thus discrimination on grounds of colour is not included and this omission raises questions as to the compatibility of the Regulations with Article 1(1) of the Convention.

The draft Regulations have also failed to include nationality as one of the grounds under which it will be unlawful to discriminate. While Article 1(1) of the Convention does not specifically mention nationality, it appears to this Commission that Article 1(3) along with General Recommendation No. XI does oblige states to protect individuals from discrimination on nationality grounds. Moreover, subsequent developments provide a strong case for State Parties having to legislate in order to prevent discrimination on grounds of nationality. Indeed, the conference held in Durban 2001 was a World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In fact the Directive's own objective is to counter "racism and xenophobia". This Commission asserted in its response to the consultation that countering xenophobia requires specific protection against

discrimination on grounds of nationality. We also forwarded our hopeful opinion that even without this explicit reference to nationality the courts would in any case interpret the reference to 'national origin' to the same effect but that nonetheless it would be preferable to make specific reference to the term in the Regulations. The Commission also expressed concern that by omitting both colour and nationality the Regulations were narrower in scope than the existing Race Relations (NI) Order 1997.

Parliamentary Under-Secretary of State, Des Browne MP has since written to the Commission explaining that it is not the intention of the legislation to extend to the grounds of nationality or colour. He does however, state that the Single Equality Bill will provide the opportunity to harmonise the law across all the protected grounds in the Race Relations (NI) Order 1997. As pointed out above, the Single Equality Bill is not likely to reach the statute book for some time.

**The Committee might therefore ask why the UK does not feel it a matter of urgency in terms of its obligations under the Convention to protect persons in the area of employment from discrimination on the grounds of both colour and nationality.**

As stated above, it is also this Commission's concern that the Single Equality Act may not necessarily harmonise the law to the highest existing standards but may instead aim to lessen protection for the sake of harmonisation.

**Thus we would ask the Committee to seek assurances from the UK that the Single Equality Act will in fact harmonise legislation to the highest level including in this case, the protection against discrimination on grounds of colour and nationality in employment.**

#### *The National Action Plan Against Racism (NAPAR)*

Reference is also made to the drafting of a national action plan against racism (NAPAR) as part of the UK's follow-up to the World Conference Against Racism (WCAR). The experience of Northern Ireland in that process again highlights the extent to which the presence of ethnic minorities here has often been over-looked by policy makers in London. It was clear from the original draft of that NAPAR (circulated in November 2002) that no input had been given from the administration in Northern Ireland and in particular the Office of the First Minister and Deputy First Minister (OFMDFM) under which the Race Equality Unit operates. Instead OFMDFM launched a Race Equality Strategy in February 2003 explaining that this would form the backbone of Northern Ireland's contribution to the NAPAR. It is difficult for this Commission to envisage how that is possible. The Strategy does not reflect the three years of consultations and recommendations resulting from the UK NGO consultation process, the European Conference Against Racism or the World Conference Against Racism. The Race Equality Strategy simply outlines broad objectives and there is no commitment in the document to additional legislative initiatives or to extra resources being made available to Government departments and agencies.

Overall, progress on the NAPAR has been extremely slow and Government has so far failed to devote the necessary resources that would result in a draft that the voluntary

and statutory sector is satisfied with. This Commission is particularly concerned at the seeming lack of commitment from Government to the NAPAR. For example, a Government Minister failed to attend the first follow-up conference to the WCAR in November 2002 at which the first draft was distributed. There has also been a failure of senior members of the Race Equality Unit at the Home Office to attend the steering group meetings. There has in fact been no significant progress on the project to date almost two years on from the WCAR.

**The Committee might ask for the reasons behind the stalling of the process, for a more solid timetable for moving it forward and for an indication of the resources that are being devoted to it.**

## **Racial Attacks and Harassment**

### *Institutional Racism*

The UK Report aims to address the concerns of the Committee regarding the findings of institutional racism within the police force and other public institutions. However, this Commission is concerned about the lack of attention paid to combating this in Northern Ireland. Research conducted in Northern Ireland<sup>6</sup> on awareness of and reactions to the findings of the Lawrence Inquiry as published in the Macpherson Report indicates a distinct lack of knowledge of what is meant by the term institutional racism and what is expected of public institutions to combat it. The research found “overall, however, there was scant evidence of systematic attempts to analyse or tackle the problem of institutional racism across the public sector, although this may change as the sector implements its section 75 equality duties”.

This Commission is of the view that while section 75 places a duty to promote equality of opportunity and good relations between persons of different race, it does not refer specifically to the problem of institutional racism as that term is defined in the Macpherson Report.<sup>7</sup>

The Commission is aware that some race awareness training is provided for officers within the Police Service of Northern Ireland (PSNI). However, a number of problems have been identified with that training. First, the training is restricted to race awareness and does not cover more specifically anti-racism training. Second, it is our understanding that the training tends to be restricted to new recruits and is not an ongoing process that involves established police officers.

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<sup>6</sup> Paul McGill and Quintin Oliver, *A Wake-up Call on Race: Implications of the Macpherson Report for Institutional Racism in Northern Ireland*, A Report for the Equality Commission Northern Ireland, March 2002.

<sup>7</sup> "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin which can be seen or detected in processes; attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people."



This Commission has itself been approached by a group of Muslim women experiencing racial harassment verbally and physically from police officers. The group also expressed great reluctance to make any formal complaint for fear of retaliation.

**The Committee might then ask if there are plans to extend the scope of the existing training and if so when that might come into operation. Information could also be sought on the way in which complaints against the police are dealt with and of any outreach work undertaken in this area to encourage ethnic minorities to make and follow through complaints when police officers do behave in a racist manner. Information might also be sought on what protective measures do exist for individuals/groups making complaints against police officers.**

On a more positive note we understand that the PSNI was to take the lead in establishing a multi-agency working group on issues of racial harassment. However, we have been unable to discover any further information on the working group, its members and any progress and certainly this Commission has not been asked to participate.

**We would appreciate the Committee asking for a brief account of the progress of the group to date. If its membership has already been decided it might then ask for the reasons for excluding this Commission which would have been in a position to contribute its knowledge of human rights standards on policing.**

In terms of some of the other public authorities covered in the Macpherson Report the record is even more disappointing. The Northern Ireland Housing Executive (a statutory agency and the largest social landlord in Northern Ireland) does not collate figures specifically on racial harassment experienced by its tenants.

The Department of Education has issued guidelines on dealing with bullying which fail to differentiate between bullying due to other factors and that motivated by racism.

In terms of monitoring the ethnicity of employees, this simply does not happen within the Northern Ireland Civil Service. The Civil Service only collects information on 'white' or 'other' employees and not on ethnic groups more specifically. This is a significant deviation from the practice in Great Britain, where the ethnicity of employees is monitored.

**The UK should be asked to comment on the lack of attention given to monitoring and addressing the experiences of ethnic minorities in Northern Ireland. More generally it might be asked to outline what race awareness and anti-racism training is provided to all public authority employees in the region.**

### *Racial Incidents*

According to the PSNI figures, the number of reported racial incidents has fallen from 260 in 2000/2001 to 185 in 2001/2002. This, of course, does not necessarily indicate a fall in the number of racial incidents but may simply indicate a fall in the reporting

of them. In fact a number of media reports indicate a rise in racial incidents in recent years and more specifically since the September 11 attacks on New York.<sup>8</sup>

**The Committee might ask the extent to which the PSNI engages in outreach work with ethnic minority communities, to inform them of the procedures for reporting racial incidents, and to reassure them that their complaint will be dealt with sensitively and that adequate protection will be provided where the complainant does fear reprisal from the perpetrator(s).**

Also of importance is the fact that the PSNI racist incident monitoring form does not include religion as one of the categories that is monitored. This has made it more difficult to ascertain the extent to which the attacks of September 11 have resulted in an increase in attacks on the Muslim community in Northern Ireland. Given that a rise in Islamophobia has been noted by community leaders throughout the UK and indeed constitutes a very serious problem, it would be appropriate for PSNI to consider revising its monitoring form to include information on religion in the way that similar forms in England and Wales do.

### Asylum seekers and refugees

Before outlining the more specific problems experienced by asylum seekers and refugees in Northern Ireland we would like to provide a brief overview of the asylum debate in the UK as a whole. As stated above, the issue of asylum is being used by some political parties to stir up xenophobic and racist attitudes amongst the population. The Commission is deeply concerned that Government is not responding appropriately to this issue.

In January 2003, the Prime Minister remarked on the BBC *Breakfast with Frost* programme “[we may] have to consider further measures, including fundamentally looking at the obligations we have under the Convention of Human Rights... the problem with removing people is that under the obligations we have you cannot remove someone to a country where they might be subject to torture”.

These comments suggest that the UK might be prepared to send those seeking asylum to countries where they could be subjected to torture. The UK’s obligations under the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the Convention Against Torture would of course prevent it from taking such action but the remarks above also seem to suggest that Government might be prepared to withdraw from these treaties in order to cut the number of asylum seekers in the country. Such an action would of course constitute a fundamental violation of the individual’s human rights but even the suggestion that Government would be prepared to take such action sends out a very negative message on asylum seekers. It implies that certain individuals seeking asylum are not, according to this Government, owed the same protection from human rights abuses as citizens of the UK.

More recently the Prime Minister has pledged to halve the number of people seeking asylum in the UK by September 2003.<sup>9</sup> Given that there is no indication of a decline

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<sup>8</sup> *Sunday World*, 4.8.2002

in the conflicts and non-democratic regimes across the globe that make it necessary for persons to seek asylum, it is difficult for this Commission to see how Government can fulfil this pledge while treating each asylum application fairly with full regard for the applicant's human rights. Again such remarks suggest that the goal of Government is to keep out or deport asylum seekers and that this goal supersedes the obligation of Government under a host of international human rights treaties including the Convention on the Elimination of all Forms of Racial Discrimination. In light of the Committee's Concluding Observations of 2001 it seems that Government is not taking "leadership in sending out positive messages about asylum seekers".

### *Detention of Asylum Seekers*

In our last correspondence to the Committee we pointed out that despite our efforts we were unable to persuade the Government that those asylum seekers who are detained in Northern Ireland should not be detained in a maximum security prison alongside many other persons convicted of violent crimes. Unfortunately this detention still remains the practice and there are on average 9 – 11 immigration or asylum detainees held at any one time in Maghaberry Prison in Northern Ireland. The Commission feels strongly that it is inappropriate for such persons to be detained in these circumstances, not only because of the human rights implications of this to the individual immediately affected but also because of the wider message this sends out to the general population. Indeed, there is a danger that such detentions perpetuate prejudice toward asylum seekers because they suggest that individuals seeking asylum constitute a threat to society in the same way as persons convicted of violent crimes.

### **We would suggest that the Committee ask the UK to explain this policy of detention.**

The Commission is aware that some organisations in Northern Ireland have proposed the establishment of a small detention facility with structured arrangements for access to interpreters and legal advice and other specialist facilities. However careful consideration needs to be given to this proposal. There is a danger that such a facility might essentially become a ghetto camp particularly if, as has been suggested, children are to be educated in such a centre rather than in public schools. Such a facility may also become an easy target for racially motivated attacks. A detention facility may obstruct better relations and understanding between asylum seekers and the host population and the integration of asylum seekers if and when their application is successful.

### *Access to services*

On 5 June 2003 the Lord Chancellor's Department proposed a package of reforms that would cap asylum seekers' access to legal aid. Under the proposals legal aid would pay for only five hours of help up to the point of the asylum seeker's interview with the Home Office. This would concentrate on preparing the client's written case, but legal aid would no longer pay for the solicitor attending the interview. These proposals if adopted are likely to result in a seriously inadequate access to legal services for asylum seekers.

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<sup>9</sup> *The Guardian* 8.1.03

**We hope the Committee might ask the UK to comment on the proposals.**

We would like the Committee's attention to be drawn to the fact that, in Northern Ireland, asylum applicants are obliged to travel weekly to an airport 18 miles away from Belfast, at their own expense, because the Government requires weekly registration. These travel costs represent a large proportion of any benefit entitlement and asylum seekers already struggle to meet basic living expenses.

**Perhaps the UK might be asked if there are any proposals to alleviate this extra burden on asylum seekers in Northern Ireland.**

**The Irish Traveller Community**

The Irish Traveller community is one of the largest ethnic minority communities in Northern Ireland and this Commission regrets the UK's failure to provide more substantial information on its situation. Indeed, this community has experienced serious disadvantage in all areas of social and economic provision and very little progress has been made in alleviating that situation. For example, 92% of Irish Travellers leave education with no qualifications; the rate of unemployment amongst the community is 70%; the infant mortality rate is around ten times that of the UK average and life expectancy is much lower than average. The UK Report refers to 400 caravans in Northern Ireland. It fails to mention the seriously insufficient sanitation provided on both serviced and 'side of the road' sites where many Travellers live. Moreover not all Travellers live in caravans. Prejudiced attitudes persist in Northern Ireland toward this community and research has shown that high numbers experience intimidation and harassment.<sup>10</sup>

The UK Report refers to the strategic response to the Promoting Social Inclusion Working Group Report. That response has now been published and it acknowledges the "particularly severe disadvantages encountered by members of the Traveller community".

Despite this acknowledgement on the part of Government there are serious shortcomings in that strategic response. While in several areas the response states i.e. "the Government accepts the thrust of the recommendations" there is no explicit commitment to making extra funding available to support the recommendations.

The response also refers to the Race Forum, which has been set up in response to recommendations made by the PSI Working Groups on Minority Ethnic People and on Travellers and which will monitor and review Government's plans as laid out in the response. The forum may identify further action which it believes needs to be taken forward. However, the response also states: "any recommendations it makes will be subject to the normal decision-making, budgetary and planning procedures." It continues: "Departmental Ministers will need to consider the likely costs of implementing any recommendations and whether these can be met from within available resources." Given that Government has consistently failed to secure the rights of the Traveller community for so many years, it is difficult to see how the

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<sup>10</sup> *Travellers Accommodation Needs Assessment in Northern Ireland*, Northern Ireland Housing Executive Research Unit, 2002

problems can be addressed without making additional funding available. A rights-based approach stresses that access to employment, health, housing and education must be guaranteed by Government. This approach, along with the recognition that Travellers have rights to employment, health, housing and education, puts a clear onus on Government to make the necessary funding available when those rights have clearly not been respected.

**The Committee might enquire as to precisely how Government aims to make these facilities available to Irish Travellers in a way that accommodates the culture and practices of that community without committing additional resources.**

### **Migrant workers**

The UK Report does not include any information on the situation of migrant workers in Northern Ireland. The Commission notes that the Concluding Observations of 2001 do not specifically mention the situation of migrant workers either. Therefore the UK may appear justified in its decision not to include this information as this Report was to be an updating one addressing the points raised in those Concluding Observations. However, there is growing concern in the region about the treatment migrant workers are being subjected to, particularly in the workplace. The UK has also not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which would further strengthen the rights of such workers in the UK. Moreover, under General Recommendation No XI states are under an obligation to report fully upon legislation on foreigners and its implementation.

**We hope that the Committee will therefore give the information below some consideration.**

Due to the lack of research carried out by Government it is difficult to ascertain the exact number of migrant workers in Northern Ireland. This Commission has been approached by the Amalgamated Transport and General Workers Union in the hope that more might be done to protect the rights of such individuals. Reports suggest that migrant workers are in some cases being forced to work up to 12 hours a day, will have their passports confiscated by their employers, work with dangerous chemical substances without appropriate training or safety equipment and be subjected to racial abuse. Some, but not all, such workers will have gained entry to the UK illegally. Most will have gained their employment via a recruitment agency that is often aware of the working conditions. It would appear that there are two strands to this issue, which the UK ought to address.

First, as regards, those migrants who are working legally in this country, those working with permits will still tend not to report their unsatisfactory working conditions for fear of being dismissed by their employer and/or unawareness of what, if any, remedies are available to them.

Second, as regards those who are working without permits, these individuals will obviously not report their situation because they will then face deportation.

**Perhaps the Committee could ask for: an outline of what measures exist to protect migrant workers from economic and physical exploitation and harassment in the workplace; some information on what legislation governs the practices of agencies recruiting workers from outside the UK; an outline of the procedures for dealing with illegal workers and particularly where such workers will be detained; what guidelines are issued to those employed by Government who are likely to come into contact with such persons and in particular whether human rights and anti-racism training is undertaken by these employees.**

**June 2003**

**The Northern Ireland Human Rights Commission**