MME Council

SEEKING SOCIETAL RESPONSES AND SOLUTIONS TO KEY ISSUES

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SUBMISSION
FROM THE MME COUNCIL
TO THE AD HOC COMMITTEE CONSULTATION ON

A BILL OF RIGHTS FOR NORTHERN IRELAND

FEBRUARY 2021

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1. Introduction

The MME Council is a strategic advocacy and community think tank that seeks responses and solutions to key societal issues.

Our vision is of an inclusive and fair society where the rights and civic responsibilities of everyone are upheld.

The MME Council welcomes progress made on a Northern Ireland Bill of Rights (NIBOR). This is a long overdue constitutional duty, by virtue of the Belfast or Good Friday Agreement, and we therefore encourage the Assembly not to delay adopting the NIBOR any further.

We endorse the goal of creating a Bill which will stand as a guarantee of civil, political, economic, social and cultural rights for *all* in our society, whatever their background. We urge that this process be taken as an opportunity to build the values of diversity and inclusion into the fabric of the institutions shaping Northern Ireland's political, economic and social life.

2.   Beyond the binary

The debate on a Bill of Rights for Northern Ireland, which stretches back at least into the 1960s, was set on its current course by the Belfast (Good Friday) Agreement (the Agreement) of 1998, with the work of the Northern Ireland Human Rights Commission (NIHRC) on the matter.

The MME Council endorses the principles of democracy and nonviolence that underpin the Agreement, and welcome the progress in peacebuilding that has come in its wake. Yet the Agreement was principally concerned with resolving a conflict interpreted, according to the dominant paradigm of its time, as being between "obviously… between two opposed communities" (White, 1990).

Because the 'two communities' model underpinned interpretations of the conflict, the solution proposed by the Agreement was to construct some sort of modus vivendi (McGarry and O'Leary 1989); but this model thus preserved the binary division it set out to manage (Macartney, 2019).

As a result, the political-economic institutions governing life in Northern Ireland have tended to produce 'exclusion amid inclusion' (Mikhael, 2021); that is, the marginalisation and underrepresentation of certain concerns in favour of solutions to 'green versus orange' problems. As a result, newcomers find the spaces to create meaningful political or social change in the Province limited (Mikhael, 2021).

The MME Council believes the NIBOR process presents an invaluable opportunity to look beyond the binary, to ensure the voices of 'others' are heard in all their variety, multiplicity and fluidity (as discussed in our news article and video/podcast: see MME Council, 2021). A clear, strong statement in a Bill of Rights of equality in diversity could help set the conditions for a Northern Ireland in which all the people can be enabled to play a full part in the democratic life of our community.

Further, that the current process is taking place in the wake of the UK's exit from the EU provides significant context. The article 2.1 provisions of Ireland/ Northern Ireland protocol of the Withdrawal Act 2020 provide that the UK and local NI Executive have a 'non-diminuition' duty for the existing rights and safeguards for NI people, and encourage both authorities to advance such existing rights and safeguards by adopting best legal practices.

We call on the Committee to follow such provisions, upholding and advancing the acquis of existing rights in NI by adopting a more inclusive and open approach to the rights and safeguards for all, including Black, Asian and Minority Ethnic (BAME) communities, Migrants, Refugees, Asylum Seekers and other 'newcomers'.

3.   A Diverse Democracy

If we are to build a diverse democracy, barriers to participation must be dismantled. For some, those barriers will relate to gender, or sexual orientation; for others, they will relate to physical or mental impairments; for others it will be a question of age, or any of the other matters identified in Section 75 of the Northern Ireland Act – and of course, it is important to note that these areas can and do intersect.

The MME Council endorses calls for the upholding and enhancement of rights across all these areas. However, here we wish to highlight issues relating to ethnicity, racial justice and migrant status.

In formulating the provisions of a NIBOR, we urge decision makers to give rigorous consideration to the following:

3.1   Inclusive service provision

Migrant and minority ethnic (MME) communities have found there to be gaps in service provision in Northern Ireland (McAreavey, 2017). In part, these needs have been met by the tireless efforts of organisations in the voluntary and community centre. This, however, is not sustainable. We believe that it is the responsibility of government to bring the scope, authority and resources which only it commands to bear in closing gaps in provision.

3.2   Representation and data transparency

MME communities tend to be underrepresented in public organisations. Action to address representation gaps, either sector specific or within institutions along the career ladder, including affirmative action, should be identified, with accountability to the authorities who are responsible (RPA Consortium, 2020).

Greater visibility and understanding of and among MME communities is imperative across Northern Ireland. Transparent data on representation at various levels of public organisation in tableaus that allow for public access, analysis and accountability in terms of staff composition and progression is essential.

These matters should be borne in mind when drafting a NIBOR.

3.3   Education for diversity

Action should be taken to improve the educational attainment of school children across different ethnic and socio-economic status groups. Problems of social exclusion and negative stereotyping faced by children from MME communities, including children from the Irish Traveller community, must be addressed.

Positive intergroup contact should be facilitated (Doebler et al, 2017) across all schools in Northern Ireland.

3.4 Health

Research indicates that increased resources to support newly arrived communities, and training supports for frontline staff, are needed to address inequalities in health outcomes of people in different ethnic groups (RPA Consortium, 2020). We believe government has a duty to give full support to newcomers to enable them to enjoy the same access to health that other citizens enjoy. A NIBOR should frame the value of equality as one which takes differences, and different needs, into account – rather than attempting a 'one-size fits all' or 'colour blind' approach.

3.5 Justice system

The recent fire at the Belfast Multi-Cultural Association building came as a sobering reminder that racist hate crime remains a real risk in NI.

More generally, in relation to the criminal justice system as a whole, there has been concern internationally that minority groups can experience worse outcomes in the system (Lammy, 2017; Spohn, 2015; United Nations Network on Racial Discrimination and Protection of Minorities, 2015). The recent report of the PSNI Ombudsman relating to the Black Lives Matter protests of 2020 suggest that Northern Ireland is not immune to these structural problems, and we believe urgent steps to dismantle institutional racism must be taken in Northern Ireland (MME Council, 2020).

A NIBOR should take both these elements – overt hate crimes and less obvious, but nonetheless consequential structural discrimination – into account in relation to the justice system. In particular, consideration should be given to a duty to ensure members of ethnic and other minority groups are included on advisory panels shaping the policy and practice of the police and other elements of the judicial system.

4. Conclusion

Long known on the world stage for conflict, Northern Ireland can and should become a place of sanctuary which upholds the civil, political, economic, social and cultural rights of all; embraces diversity and equality; and ensures that all, from the longest established to the most recent arrivals, including newcomers, refugees and asylum seekers, are treated with dignity and afforded the respect due to each of us, for all our differences.

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