

BACKGROUND

In March 2021, the Communities Minister Deirdre Hargey published the reports of four Expert Advisory Panels to help inform the development of the new social inclusion strategies for Northern Ireland. Below are summaries of each of the four reports and their key recommendations.

1. REPORT FROM THE GENDER EQUALITY STRATEGY EXPERT ADVISORY PANEL

OVERVIEW

- The report was written by Ann Marie Gray (UU), Louise Coyle (NIRWN), Rachel Powell (WRDA), and Siobhán Harding (WSN). All are experts on gender policy, and all aside from Ann Marie are extremely active members of the Women's Policy Group.
- This is an extremely detailed document; the executive summary is a 52 pages long, while the full report is 200 pages.
- The report advocates for the development of a five-year Gender Equality Strategy, which would be reviewed on an annual basis. This strategy would be led by DfC, but implemented AND resourced on a cross-departmental basis.
- The authors call for the strategy to be underpinned by CEDAW and other international obligations: "In developing a gender equality strategy consideration must be given to the key conventions, laws and regulations". This is raised in the opening chapter of the report, in section 1.2. During the last few years, the women's sector in NI has increasingly adopted a human rights based approach and it's good to see this coming across so strongly here.
- The report argues against the use of a gender-neutral approach (which is often adopted in NI policymaking against the advice of the women's sector), and instead advocates for a gender perspective to be "at the heart of decision making and budgeting".
- The authors criticise the current pronounced lack of robust, disaggregated data as a 'major challenge' and area of 'critical concern'.
- 'Priority recommendations' are made across nine key areas. These are: equality and human rights legislative frameworks; employment, pay and work-life balance; poverty and economic justice; adult social care; health; representation, public life, peacebuilding and community cohesion; gender-based violence, misogyny and justice; education, training and changing culture; environment and climate change.

KEY RECOMMENDATIONS:

- Develop several supporting strategies to respectively cover bullying, violence against women, women's employment, and childcare. The women's sector has been campaigning in support of the latter for years.
- Establish an expert group to conduct a rapid review into data on inequalities (including examining data gaps in relation to S75 groups).
- Give greater focus to training policy makers, employers, and service providers on anti-discrimination law, Section 75, and positive action.
- Increase the resourcing of the women's sector, which since 2015 has endured deep funding cuts, including more funding for adult education.
- Rebalance resources to ensure adequate funding for rural areas.
- Ensure women are given representation in groups with a role in Covid-19 recovery planning, the outworkings of Brexit, and the co-design of new governmental strategies and projects, etc.
- Provide an abortion service that is fully in line with the CEDAW recommendations. In this context, develop an integrated sexual and reproductive health service.
- Establish an expert panel to direct future RSE (as was done in Wales).

- Fully implement the recommendations from the Independent Review of Hate Crime Legislation and the Gillen Review.
- Remove gaps in protection for those affected by domestic abuse – some will remain despite the new legislation being progressed at Stormont (e.g. there will not be a Domestic Abuse Commissioner under current proposals).
- Make reporting on the gender pay gap mandatory for all employers with 10-20+ employees (this directly contradicts the advice from ECNI, published in 2019, which said only employers with more than 250 employees should have to report on this).
- Require mandatory analysis of all public appointments by whatever body has overseen the recruitment process, including seeking feedback from applicants (i.e. so that the scrutiny is not solely the responsibility of the Commissioner for Public Appointments).
- Strengthen welfare mitigations, and make the £20 UC uplift permanent.
- Increase salaries for paid carers and provide more support for unpaid ones (including increasing carer's allowance and providing more assessments for carers through the HSBC).
- Ensure that efforts to create a 'green economy' are done in a gender responsive / gender aware way. For example, the definition of 'green jobs' should be expanded further to include more jobs that are primarily staffed by women.
- Engage rural women and girls in policy making on climate change and the development of a new rural development programme for NI.

The full report is available here: <https://www.communities-ni.gov.uk/publications/report-gender-equality-strategy-expert-advisory-panel>

2. REPORT FROM THE DISABILITY STRATEGY EXPERT ADVISORY PANEL

OVERVIEW

- The report was authored by Dr. Bronagh Byrne, Seán Fitzsimons, Tony O'Reilly, and Professor Eilionóir Flynn.
- It takes the United Nations Convention on the Rights of Persons with Disabilities (CRPD) as the primary point of departure. The panel chose to focus on the General Principles of the CRPD set out in Article 3 of the Convention, as a guide to what should be included in any Disability Strategy. So far, only limited measures have been taken to give effect to the CRPD in NI. Other jurisdictions in the UK are beginning to explore how the CRPD can be given direct and legal effect.
- The recommendations and measures contained in the report are to be taken as a starting point. The panel recommends that the Disability Strategy cover a five-year period with an in-built review at the midway point, and annual progress reports. Clear structures to oversee implementation and monitoring of the strategy should be established in advance of the Strategy's commencement. The actions in the Strategy must also be properly resourced.
- Recommendations and measures cover the following thematic areas: General measures; Autonomy and independent living; Equality and non-discrimination; Accessibility; and Intersectionality.
- Based on this, the panel feel that there are four core priorities underpinning this present report which should be reflected in the final disability strategy: Participation and leadership of d/Deaf and disabled people (recognising their multiple identities and spanning the entire spectrum of disability); Economic security of d/Deaf and disabled people; Autonomy of d/Deaf and disabled people; and Resources to achieve the Strategy's objectives.
- The Strategy must be supported by up to date, consistent and disaggregated data on d/Deaf and disabled people's experiences of their rights in Northern Ireland; something that continues to be significantly lacking.

- The Strategy is intended to be informed by the lived experience of disability community - **there must be nothing about us, without us.**

KEY RECOMMENDATIONS

- Explore ways in which the Convention on the Rights of Persons with Disabilities (CRPD) can best be given legal effect in NI, including (urgently) drafting new Disability Equality Legislation (replacing the Act Disability Act (Northern Ireland) 2016), and considering ways in which CRPD could be given effect through a BoR.
- Develop regulations to ensure that d/Deaf and disabled people can exercise their legal capacity. Provide supports (including legal aid) to d/Deaf and disabled people who experience deprivations of liberty so they can legally challenge their situation and enable civil society groups to pursue legal redress for d/Deaf and disabled people.
- Contract d/Deaf and disabled people to design inclusive training on access to justice and disability for legal and practitioners police and prison staff.
- Develop a Northern Ireland Disability Forum to work with the government and ensure disabled persons' organisations (DPOs) are resourced so they – and individual members of the d/Deaf and disabled community - can engage effectively in decision making.
- Conduct all appointments to Strategy implementation and monitoring structures in transparent manner. Minutes and (annual) progress reports should be publicly available in accessible formats.
- Strengthen the public sector equality requirements under S75 and ensure effective enforcement through ECNI.
- Develop awareness raising strategies in relation to disability and disability related hate crimes (etc) at all levels (including amongst school aged children).
- Address welfare reform and develop a social security system that better reflects the experiences of those with disabilities. Suggested actions include extending the welfare mitigations further, reforming UC, repealing PIP outright and replacing it with a better alternative, and reopening the Independent Living Fund to new applicants. Also, in terms of housing, redefine 'homelessness' to consider the accessibility of properties and how this impacts people with disabilities.
- Reform the Mental Capacity Act 2016 to remove discrimination on the basis of disability in the context of deprivation of liberty.
- Begin a process of deinstitutionalisation - resource and timetable the closure of all remaining long stay hospitals and replace these with community-based care alternatives. Place those d/Deaf and disabled people currently institutionalised at the heart of decision making about their future. Ensure that all detentions of children and young people in the Iveagh Centre are appropriate.
- Develop Adult Safeguarding legislation based on informed consent in collaboration with d/Deaf and disabled people. Also, commission research examining their experiences of domestic violence.
- Conduct a review with d/Deaf and disabled people of all statutory controls that influence the built environment. Promote digital inclusion and accessibility. Work closely with the Inclusive Mobility and Transport Advisory Committee (IMTAC) to advance recommendations aimed at improving transport for people with disabilities.
- Develop a new Disability Employment Strategy and revise disability employment law. Support the participation of d/Deaf and disabled people at all levels of the workforce e.g. by monitoring the disability pay gap in employment and ending the practice of reasonable adjustment being used as a punitive measure. With regards to public appointments, remove additional burdensome qualifying criteria not essential to the successful appointments.
- In schools, establish independent review on informal exclusions and on the extent to which restraint and seclusion is taking place, and ensure current guidelines are in line with rights-based

standards. Also ensure mandatory training on disability and SEN across teacher training programmes.

- Provide d/Deaf and disabled children with a comprehensive and integrated package of services for transition to adulthood, and ensure their voices are heard.
- Involve d/Deaf and disabled people's organisations and individuals in the Developing Better Services programme, which is designed to introduce more patient-centred approaches in NI. Likewise, involve people with disabilities in developing guidance and disability human rights and equality training for healthcare and social care providers.
- Establish and resource a cross departmental emergency planning disability advisory panel.
- Reform the provisions of the Gender Recognition Act 2004 to remove pathologizing approaches to gender identity and ensure that d/Deaf and disabled people can apply for gender recognition on an equal basis with others.
- Support third sector organisations to refine existing services to be more inclusive of d/Deaf and disabled people from ethnic minority communities. Work with d/Deaf and disabled asylum seekers, refugees and migrants to understand the barriers they face as they enter the NI 'system'.
- Provide support for d/Deaf and disabled people to express and explore their sexuality on an equal basis with others.
- Ensure people with disabilities have their needs considered and engaged with in developing the other pending equality strategies.

The full report is available here: <https://www.communities-ni.gov.uk/publications/report-disability-strategy-expert-advisory-panel>

3. REPORT FROM THE EXPERT ADVISORY PANEL ON THE ANTI-POVERTY STRATEGY (APS)

OVERVIEW

- The panel in this case were Goretti Horgan, Pauline Leeson, Bernadette McAliskey, and Mike Tomlinson.
- As stated in the report, the panel's key assumption is that the purpose of an APS is to raise living standards and reduce living costs for those below an agreed, objectively-defined poverty line. The report provides a blueprint for a strategy for years to come and calls for an APS based on social and economic rights in UN conventions and the SDGs.
- The report identifies families with children as constituting the majority of those in poverty; most of these families have someone in work (mainly part time). Poverty is most pronounced outside Belfast and in the west of NI.
- Pensioner poverty is the only group experiencing a decline; child poverty are rates getting worse; destitution is growing problem, and better understanding of it urgently required;
- The report highlights that "any realistic attempt to reduce poverty will require expenditure over time that is unlikely to be delivered under current constitutional arrangements ... the problem lies fundamentally with the UK government's political choice, pre-pandemic, to run a low tax, low public spending economy and the knock-on consequences of this for NI." The panel states that the NI Executive has remit to address this problem with the UK government and can also "prioritise addressing poverty by skewing spending programmes to that end".
- Costings are given; the overall calculation at present is that £780 million per year is would be the cost of lifting people out of poverty in NI (i.e. an amount less than the budget of the Eat Out to Help Out Scheme). The report breaks this figure down as follows: £306m to end child poverty; £380m to end poverty for working age adults; and £98m to end pensioner poverty. It states one fifth of the poverty gap is due to housing costs. The report calculates the cost of ended poverty **to be less than what poverty currently costs the economy**. For example, child poverty costs alone were calculated (in 2016) to be £825m (including £420m direct cost of services).

- The report is critical of past investment decisions, such as the lasting effects of siting the new Ulster University campus at Coleraine. It is critical of InvestNI for prioritising ‘wealth creation’ over jobs – and not investing in the west of NI - citing audit office findings, which show that investments in ‘disadvantaged areas’ were not assessed for their impact on the actual employment of people living in those areas. The Strategic Investment Board is also criticised for not evaluating ‘social clauses’.

KEY RECOMMENDATIONS

- Base the APS on “a definition of poverty that refers to social as well as material needs”. This definition should be easily expressed as a measurable standard of living, below which no-one should fall - for example, a possible definition could be: *People are living in poverty if their income and other resources are so low that they are unable to meet their basic needs, including participation in society.*
- Ensure the APS includes policies aimed at eradicating destitution, hunger, and ‘severe’ poverty, including homelessness. No adult or child should be excluded from emergency funds or food provision because of a ‘hostile environment’ immigration policy.
- Introduce a duty to reduce child poverty with targets and timetables. Also include a duty to review plans and progress against targets every five years.
- Make discrimination in good, facilities, and services unlawful on grounds of socio-economic status and age.
- Introduce a ‘poverty proofing’ socio-economic statutory duty on public bodies when making strategic decisions (as per Equality Act in Britain).
- Establish an Anti-Poverty Commission (based on the Scottish model) to: a) monitor progress on reducing poverty and income inequality; b) promote the reduction of poverty and income inequality; and c) advise the Executive on any matters relating to poverty.
- Regularly quantify total ‘objective need’ by auditing the ‘costs of poverty’ and estimating the expenditure required to end household poverty.
- Implement the New Decade New Approach (NDNA) commitment on addressing low pay through the NI government adopting a Real Living Wage and the Executive becoming a ‘Living Hours’ employer.
- Require the Strategic Investment Board and Invest NI to have plans and targets for addressing geographical inequalities in employment and unemployment.
- Introduce a new weekly ‘Child Payment’ of between £12.50 and £15 for 0-4 year olds and 5-15 year olds in receipt of free school meals.
- Permanently end the ‘bedroom tax’, ‘two child rule’, benefit cap, and five-week wait for universal credit. Also, increase the uptake of certain benefits.
- Make participation in school cost free to reduce family outgoings through a number of measures, including offering free school meals over holidays and expanding Sure Start provision and breakfast and homework clubs.
- Develop a Childcare Strategy, providing for affordable, accessible, diverse, and quality care.
- Address cross-cutting themes, particularly housing. Reverse the trend of families in poverty being housed in the private rented sector and regulate this sector; invest in social housing; end the ‘right to buy’; and pass legislation in the Assembly that will enable the NI Housing Executive (NIHE) to set up a Mutual Trust to build social housing.
- Intervene to increase the employment of disabled, young, and older people.
- Make changes to the measurement of poverty and to the indicators used to monitor progress.

The full report is available here: <https://www.communities-ni.gov.uk/articles/social-inclusion-strategies>

4. REPORT FROM THE EXPERT ADVISORY PANEL ON LGBTQI+

OVERVIEW

- The report is excellent and should provide a comprehensive framework for a LGBTQI+ strategy.
- The Expert panel was appointed in October 2020. The purpose of the report was to recommend themes and key actions the LGBTQI+ strategy should include and the gaps in current provision that the Strategy should address. The panel was comprised of: Dr. Fidelma Ashe, Cara McCann, Ellen Murray, and John O'Doherty.
- The expert group proposes changing the name of the strategy from Sexual Orientation to LGBTQI+ (Lesbian, Gay, Bisexual, Transgender, Queer (or Questioning), Intersex +) to encompass the diversity of the LGBTQI+ community, including sexual orientation and gender identity issues.
- The report recommends that there should be an LGBTQI+ implementation fund for the Strategy, to fund work done both by Government and by the LGBTQI+ charity sector in implementing the action plan.
- The panel also recommends the 2021 strategy is reviewed annually and is used to help identify differential impacts for minority populations within the LGBTQI+ community. They suggest the initial strategy is followed by a 'Stage 2' plan, informed by further research, after five years.

KEY RECOMMENDATIONS

- Ensure gender affirming healthcare services follow international best practice and that NI's gender recognition legislation is fit for purpose and is reflective of the diversity of genders here.
- End intersex genital mutilation in NI.
- Take action to achieve zero new HIV diagnosis by 2030.
- Ensure LGBTQI+ mental/emotional health needs are met by service providers. There should be equal access for LGBTQI+ people to fertility services, adoption, and foster care.
- End conversion therapy in NI.
- Take a zero tolerance approach to hate crimes and online harassment within schools or learning environments. Schools, EOTAS (education other than at school), and facilities provided by the Education Authority's Youth Services must be safe for LGBTQI+ young people, with mechanisms in place to address any experiences of bullying or harassment.
- Ensure trans and gender-questioning young people have the support they need to express themselves and be fully included at school and in EOTAS.
- Provide all young people with access to age appropriate relationship and sexuality education inclusive of LGBTQI+, which is universal and not dependent on school ethos.
- Ensure the statutory curriculum is inclusive of the diversity of society and visibly includes minority communities such as LGBTQI+ people, and that teacher training is inclusion of diversity and human rights. Create an environment in which LGBTQI+ teachers can be themselves at work.
- Support access to sports, activities, uniforms, and facilities that is inclusive of all genders and gender identities.
- Protect LGBTQI+ people from hate crime. Victims of hate crime must be provided with appropriate forms of support.
- Ensure the PSNI protect LGBTQI+ people's human right to equal protection under the law in ways that are responsive to their circumstances and needs. LGBTQI+ criminal or civil detainees should not ever be subjected to physical and psychological harms.
- Address gaps and weaknesses in the legal protection of LGBTQI+ people's rights (and their damaging effects).
- Build specific funding into spending plans to support LGBTQI+ people dealing with discrimination and the harmful effects of specific laws.

- Effectively protect LGBTQI+ people against domestic violence and sexual violence.
- Provide LGBTQI+ people with safe and secure housing.
- Gather quantitative and qualitative data sets that monitor the effectiveness of legal protections for LGBTQI+ people.
- Monitor sexual orientation and gender identity alongside other Section 75 monitoring (i.e. community background, sex, race, religion, ability etc), and ensure S75 obligations are met.
- Include gender identity questions in the census. Alongside this, put guidance in place to protect private data concerning the characteristics and history of transgender people.
- Have the Northern Ireland Civil Service set the standard as an exemplar employer for collecting data on sexual orientation and gender identity.
- Update departmental systems to ensure monitoring of sexual orientation and gender identity in all cases (unless a business case has been developed to justify its exclusion).
- Ensure LGBTQI+ people are visibly participating in all aspects of public life. Remove barriers that may prevent this and monitor the extent of involvement of LGBTQI+ people.
- Ultimately, ensure NI is a society that values LGBTQI+ people and their families.

The full report is available here: <https://www.communities-ni.gov.uk/publications/report-sexual-orientation-strategy-expert-advisory-panel>

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