

## **Equality Commission for Northern Ireland**

### **Shadow Report to the Council of Europe under the Framework Convention for the Protection of National Minorities**

#### **1. Introduction**

1. The Equality Commission for Northern Ireland (“the Commission”) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, age and disability.
2. The Commission’s remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 and those positive duties outlined in the Disability Discrimination Order requiring public authorities to promote positive attitudes towards disabled people and the participation of disabled people in public life.
3. The Commission’s general duties include:
  - working towards the elimination of discrimination;
  - promoting equality of opportunity and encouraging good practice;
  - promoting positive / affirmative action;
  - promoting good relations between people of different racial groups;
  - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities; and
  - keeping the legislation under review.
4. Given the Commission’s remit, we are particularly interested in ensuring that the rights and provisions outlined in the Framework Convention on the Protection of National Minorities (the Convention) are implemented in Northern Ireland. This draft shadow report outlines some key issues and recommendations which are based on our experience of

implementing anti-discrimination legislation and positive statutory duties to promote equality and good relations in Northern Ireland.

The Convention is aimed at promoting and protecting the rights of national minorities; government should ensure that the rights of such individuals as citizens should also be promoted and pursued so that there is awareness and culture of rights and responsibilities on the part of government and all citizens in society.

## **2. Article 4**

5. The UK report outlines provisions in Northern Ireland (NI) in respect of anti discrimination measures and the positive duties under Section 75 of the Northern Ireland Act. The Commission has direct responsibility for enforcing the legislation in these equality related areas.

### Section 75 of the Northern Ireland Act

6. The Commission has recently undertaken an effectiveness review of Section 75 and found that:-
  - The legislation has had a positive impact in terms of policy development and in terms of individuals from the S75 equality groups yet positive outcomes for individuals has been hard to gauge;
  - In particular, benefits have been cited for members of the Black and Minority Ethnic Communities in Northern Ireland with most impacts being seen in accessing public service, especially health provision.
  - In terms of religious belief and political opinion, the review has found a better understanding among policy makers of the issues relevant to equality in these grounds and especially in terms of minority faiths in Northern Ireland which had previously been ignored given the particular focus on Protestant and Roman Catholic issues.
  - However, the effectiveness review found that much more can be done to achieve positive outcomes that make a difference to people's lives and that the full potential of the positive duties have yet to be realized.

- Equality Schemes as a framework were welcomed in terms of providing consistency and comparability however there is a need to ensure they commit public authorities to actions which will result in positive outcomes for individuals.
  - The Commission will set a baseline for compliance with the duties in the future and clarify our expectations of what we want public authorities to achieve in terms of equality and good relations.
  - Leadership is a critical ingredient in ensuring the effective implementation of the duties, including political leadership and at the most senior levels of management in the public service.
7. The Commission would welcome the Advisory Committee's attention to evidence of leadership in terms of implementing the Convention in the UK as it is complementary to the statutory equality duties.

#### Existing anti-discrimination legislation

8. The Commission has responsibility for enforcing the anti-discrimination legislation in respect of employment:
9. The Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO) makes it unlawful to discriminate against someone on the grounds of their religious belief or political opinion. The legislation places a number of duties on employers to register with the Commission, monitor community background and conduct reviews of workforce trends. The primary aim of these duties is to enable employers to determine whether appropriate affirmative action measures should be taken to secure or maintain fair participation.
10. The Race Relations (Northern Ireland) Order 1997 (as amended) (RRO) prohibits discrimination on the grounds of race; colour; ethnic or national origins, nationality and belonging to the Irish Traveller community. The fair employment legislation does not impact on the Race Relations Order 1997.
11. In relation to anti-discrimination legislation, the Commission welcomes the development in Northern Ireland of a single

equality act. The Commission believes that the SEA offers a unique opportunity:

- to simplify and clarify existing laws;
- to comply with the new European equality directives and other international obligations;
- to harmonise existing and new areas of protection and to develop a best practice approach, having regard to examples of such practice in other jurisdictions;
- for the legislature to revisit and to expand the list of groups to which equality must be guaranteed and to review objectively the extent of protection from discrimination that should be given to people in their day to day activities;
- to focus on clear commitments to equality with an increasing emphasis on equality of outcome.

12. In the Commission's view, there are a number of key principles which should underpin the SEA. In particular, there should be 'non regression' from current standards of protection and due process which currently exist in the Northern Irish equality law system. There should be universal move beyond the 'anti-discrimination' approach common to all regimes, to a more positive, proactive approach.

The Commission envisages a 'rising floor' of principles below which the standards of the SEA cannot fall. It wishes to see satisfaction of EU and international standards and harmonisation to the 'best standard' in the existing regimes. It is committed to a 'common template' across all the grounds in the SEA, setting out common principles exceptions and means of redress. Although also committed to 'equality of the inequalities', it recognises that the differing nature of equality law grounds justifies variations of the 'common template'.

13. The Commission has made a number of recommendations for change in relation to the equality grounds of religion, political opinion and race- some of which also apply across the equality spectrum. In particular, the Commission seeks to highlight the following key recommendations:-

- Definition of indirect discrimination (already mentioned in paper at p3). It should also be noted that the harassment duty under the amended RRO, does not extend to colour and nationality.

- An extension of the duties on employers, as regards monitoring, conducting reviews of workforce trends and determining affirmative action, which currently exist under FETO (see paragraph below) to all equality grounds covered by the SEA, including race, with some accommodation depending on the nature of the ground.
  - A significantly expanded scope for positive action in the area of race equality and other grounds, within the limits of the EU definition.
  - The extension of the ‘reasonable accommodation’ duty, which currently exists only in the area of disability, apply to all grounds covered by the SEA, including race.
  - A strengthening of the enforcement powers for the Commission; particularly as regards the carrying out of formal investigations under the race equality legislation.
  - Extension of the Commission’s duty under Article 41 of the Race Relations Order in relation to promoting good relations to include other equality grounds.
14. In the interim, we wish to ensure that the anomaly which arose during implementation in NI, of the EU Race Directive and the Employment Framework Directive in relation to the grounds covered in the new definitions of indirect discrimination and harassment is amended.
  15. The new definition of indirect discrimination covers indirect discrimination on the grounds of “race or ethnic or national origins” (Article 1A). Similarly the grounds for protection from harassment are limited to these (Article 4A). As stated in paragraph 10 above, the grounds in the RRO itself originally included colour and nationality and therefore the additional protections are not afforded on the same basis.
  16. Similarly, through the legislative process to introduce the European Directives, there has not been the opportunity to amend the RRO in line with the Race Relations Act 1976 (as amended) in Britain. The specific additional area of inconsistency is the extension of coverage of this legislation

for all public functions. The change in Britain arose from the MacPherson enquiry and brought all public functions (with some limited exceptions) within scope of the Act. The equivalent provisions in the RRO are limited to the areas specified in the Directives and therefore the scope of coverage of public functions in Article 20A is limited to an exhaustive list of areas.

17. The Commission would welcome a recommendation from the Advisory Committee that the NI government resolves these issues as a matter of urgency to provide fuller protection from discrimination to minority community members here and to reflect the provisions in the Race Relations Order.
18. There have been recent findings of discrimination regarding the treatment of Travellers by an employer; also the discriminatory actions of a recruitment agency regarding differential terms and conditions for those who were recruited from overseas. There are ongoing issue of racial inequalities, discrimination and harassment in the workplace.
19. The Equality Commission delivers an employer advisory service to support best practice, through the provision of employer advice and information so that anti-discrimination legislation is firmly embedded in policy and practice. In the past year our work with employers to promote equality of opportunity for ethnic minorities includes the distribution to all employers registered with the Commission (approx 4,300) an information booklet entitled "Employing Migrant Workers: A Good Practice Guide For Employers For Promoting Equality Of Opportunity"; as well as the provision of race employer training, facilitated networks and individual meetings with employers. As part of this contact with employers we have encouraged employers to develop equality plans, which specifically include measures to promote equality for ethnic minorities.
20. The Commission also assists individuals who believe that they have been discriminated against. In terms of discrimination on the grounds of race, during the period April 2000 to mid April 2007, the Commission had provided assistance in 389 cases; in relation to cases of discrimination on the grounds of religious belief and/or political opinion for the same period, the

Commission assisted 956 cases. Currently, the Commission is assisting 41 race related discrimination cases and 59 in relation to religion and politics.

21. However there have also been a number of specific actions to address these inequalities both by public authorities and NGOs. In many instances, the recent actions have focussed on those who are moving to Northern Ireland for specific jobs, with welcome packs produced by various organisations giving general advice and information, as well as rights based information; efforts made to provide English language classes to meet increasing demand; action through Equality Schemes to ensure access to information provided by public authorities through interpretation and translation services. The Equality Commission has been working with its own employer client base to improve practices and procedures and advising accordingly to ensure good practice.
22. However, as highlighted below our concerns about the Racial Equality Strategy and associated outcomes and indicators also apply when considering the issue of employment. We have been involved in action planning relating to migrant workers and wait to see the outcomes of implementation of this plan, and we continue to contribute to projects to focus and identify improvements that result from government intervention, and associated indicators.

Improving Opportunities for Travellers: Article 4 (2)

23. The Commission welcomes the points set out in the UK report about Travellers in the UK but is disappointed that neither the Race Equality Strategy for Northern Ireland nor previous government initiatives have provided adequately or appropriately for Irish Travellers here resulting in this racial group arguably being the most marginalised in our society.
24. The Northern Ireland 2001 Census contained a specific Traveller category, which produces the most accurate figure for the number of Travellers in Northern Ireland. It must be noted that this will not guarantee full enumeration due to the nomadic lifestyle for a small number of Travellers, whether this is by choice or as a result of public policy in relation to

accommodation, or a reluctance to identify themselves as Travellers.

25. The 2001 census found that there were 1,715 Irish Travellers in Northern Ireland. Males accounted for 52.3% and 47.7% were female. 32.2% were under the age of 16, this compared with 23.5% for the non-Traveller population. The largest concentration is found in west Belfast, with others in Newry, Derry, Strabane, Omagh, Coalisland and Craigavon.
26. The Promoting Social Inclusion Report (PSI) (see below) highlighted a number of revealing statistics, which showed the level of exclusion and inequality that Travellers experience:
  - Travellers are eight times more likely to live in overcrowded conditions, have limited access to basic amenities such as running water, electricity and sanitation, this includes some of those living on serviced sites;
  - The mortality rate of Traveller children up to the age of 10 has been found to be 10 times that for the population as a whole. Overall the life expectancy of Travellers is around 20% lower than the general population. Only 10% of the Traveller population are over 40 years of age and only 1% is aged over 65;
  - Attitudes and behaviour of the non-Traveller population appears to compound the problems. A recent survey found that over half the population, 57%, did not want Travellers as residents in their local area and 66% would not accept a Traveller as a work colleague;

### Traveller employment issues

27. The Final Report of the Government's Promoting Social Inclusion (PSI) Working Group on Travellers (2000) found that only 11% of Travellers were in paid employment of one form or another, while 70% of those who are economically active have had no paid work in the last ten years.
28. A study of 'Racial Attitudes and Prejudice in Northern Ireland' commissioned by the Northern Ireland Statistics and Research Agency found that 66% of respondents would not willingly accept Travellers as a work colleague.

29. Given the well-established link between unemployment, access to good quality accommodation, health status and educational attainment, the persistence of long-term unemployment among Travellers gives rise to concern because of its contribution to the multi-faceted exclusion experienced by this community.
30. The PSI Working Group's report made a series of recommendations to begin to address the issues, including the collection of baseline information on employment and training needs, the identification of good practice training and employment models in Britain and Ireland and consideration by Government Departments to the resourcing of existing Traveller-specific training projects.
31. These recommendations have only begun to be actioned by the Department of Employment and Learning over the last 18 months and details of the results have not yet been made available.
32. The Equality Commission, as a partner in the transnational Roma EDEM Project<sup>1</sup> made a series of recommendations for action to address the training and employment situation of Irish Travellers including:
  - That the Department for Employment and Learning should co-ordinate action with other Departments and Agencies. The Department of Education also has a major role to play to ensure that current problems arising from the educational deficit experienced by the Traveller community are eradicated.
  - That public authorities should commit to using the positive action provisions of the Race Relations (NI) Order and FETO to enable training and employment opportunities for Travellers;
  - Official recognition of the Traveller economy by Government requiring the acknowledgement of the

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<sup>1</sup> The Equality Commission joined with NGOs and statutory equality and human rights bodies from 5 EU countries in an initiative (2005-2006) supported by the EU Anti-Discrimination Programme, which advocated the integration and equal treatment of Roma and Travellers in education and employment.

Traveller Economy in high level and strategic economic development policy documents;

- That Invest Northern Ireland should engage with Traveller organisations to discuss what is required to enable Travellers to access appropriate business support programmes and set targets for action. Travellers should be empowered to organize their own businesses in ways which they are comfortable with and for which flexible advice/support is available;
  - The Department of Social Development and the Social Security Agency should address the concerns of Travellers who are unemployed or working in the 'unofficial' economy about moving from benefit to sufficient income.
33. The Equality Commission is concerned that the elimination of long-term unemployment among Travellers is not given sufficient consideration within the current Racial Equality Strategy for Northern Ireland and that more needs to be done to promote full and effective equality in economic life as required by Article 4.(2). The Commission particularly emphasizes the relevance of the requirement for parties to take due account of the specific conditions of the persons belonging to national minorities with regard to the above.

#### Traveller Accommodation

34. The Advisory Committee has concerns in relation to the Control of Unauthorised Encampments Order (UEO) which was introduced in NI last July (2007) and these are shared by the Equality Commission.
35. The Commission has continued to monitor the implementation of UEO and has met with the Minister responsible to ensure that our concerns have been heard at the highest level in government. In particular, the NI government commitment to Traveller accommodation is stated in the UK report, however the delays in implementing the Traveller accommodation strategy is of concern. The delays in identification of land, land acquisition and planning are all preventing progress on the strategy, and therefore the provision of adequate accommodation. There have been other delays on issues such as the programme of group housing schemes. In relation to emergency halting sites, there have been issues as to what

constitutes essential provision and in some cases this has not included electricity and running water.

36. Given this, the Commission viewed implementation of legislation in the absence of adequate accommodation provision to be short sighted and draconian. However, we recognise that the implementation of the legislation was delayed by one year to reflect the Minister's acknowledgement that the provision of appropriate accommodation was a necessary antecedent to implementation of UEO.
37. The Northern Ireland Housing Executive and the Police Service for Northern Ireland are responsible for collecting monitoring information on the UEO. The NIHE statistics to date show that all incidents have been resolved within the current policy frameworks and options available, without recourse to the measures allowed in the UEO. The Commission does not have any statistics from the Police service of Northern Ireland in relation to the application of the legislation.
38. The Commission welcomes the Advisory committee's ongoing attention to the provision for Irish Travellers, a racial group specifically named and protected under the provisions of the RRO.

### **3. Article 6**

39. The Commission acknowledges the efforts made by government here in developing the Race Equality Strategy and "*A Shared Future*", the government good relations' policy and strategic framework, however we have real concerns about the effective implementation of both and in particular the outcomes and benefits to be derived for the people of NI.
40. In terms of the Race Equality Strategy, the Commission wishes the Advisory Committee to note the following:
  - The strategy was initiated in 2003 and launched in June 2005. In implementation terms, the strategy relied heavily on an annual action plan, published at a later date in April 2006. There is a concern, given the dramatic increase in inward migration in Northern Ireland during this period, that

the strategy may have been out of date by the time it was ready for implementation.

- The strategy is a reflection of commitments from 11 government departments. The Commission has expressed its disappointment that the opportunity was not grasped to demonstrate the contribution wider society can make to addressing racism and promoting race equality. The strategy in our view should have sought commitments from across the NI statutory sector and business sector, including employers, to ensure that actions from all key players were harnessed to maximise effect. Whilst some bodies are included in the action plan, they are not present in the strategy itself.
- The strategy and action plan in the Commission's view contains some commitments that amount to minimum requirements in respect of compliance with the duties outlined under section 75 of the NI Act.
- The strategy (as outlined in paragraph 196 of the UK report) has three broad objectives yet the action plan has over 200 actions, rendering the potential for strategic impact very difficult. The Commission has consistently called for government strategy to have outcome related actions with associated targets to ensure they are transparently measured. Many actions in the triennial action plan are process orientated so there is a concern that even accumulatively, they will not effect change. The Commission wishes to see a radically reduced number of actions that will meet the objectives set out in the strategy;
- Government established a Race Equality Forum to provide an accountability and monitoring mechanism for the racial equality strategy and the Commission is very supportive of such an approach (and is a member of the Race Equality Forum). However, the Forum has grown in size which has impacted on its role to monitor implementation. Fundamentally, in terms of accountability, information provided is not sufficient to enable Forum members to adequately scrutinize progress. The Commission recognises that OFMDFM is reviewing the Forum to improve such issues.
- Finally, the Commission has concerns that the Travellers thematic sub-group of the Forum has not met for some time and has not been afforded the attention that this group needs. Its purpose was to monitor the implementation of

the recommendations of a government initiative “Promoting Social Inclusion of Travellers” which reported in 2000 with many recommendations outstanding some seven years later. The Commission would welcome the Advisory Council’s attention to this issue.

41. In terms of “*A Shared Future*” the Commission commends government for taking steps to reduce sectarianism racism and prejudice in all its form in NI and we recognise the “separate but equal” approach to public services is neither sustainable nor moral as an approach. However, we have concerns that the policy did not grasp the opportunity to capitalise on the legal requirements placed on all public authorities by Section 75(2) relating to the desirability to promote good relations on the grounds of religious belief, political opinion and race; Stronger visibility in “*A Shared Future*” of the complementarity between government policy and Section 75(2) and the inter-dependence between equality, rights and good relations, would in the Commission’s view have strengthened this crucial policy area. Findings from the Commission’s recent effectiveness review have confirmed that there is confusion in terms of who is responsible for implementing good relations and whilst the legislation is clear and specific on the role of the Commission, government must provide clarity on this issue so that unnecessary barriers are created in the delivery of the good relations agenda.

#### **4. Article 10**

42. The Commission welcomed the recent opportunity to comment on proposed provisions for Irish language legislation for Northern Ireland. We recognise the significance of this development in terms of the rights of minority language speakers within the context of this Convention and the EU Regional Charter on Minority Languages and that a specific language statute is an appropriate mechanism of protection and would provide greater clarity on legal protection.
43. Given the current lack of specific direction on language rights in Northern Ireland, the proposed legislation provides an opportunity to bring about clarity in respect of the level of protection for speakers of Irish within a range of spheres, including education and the courts. The Commission believes

that a separate provision will be required to clarify the position and entitlement of speakers of Ulster Scots and urges the Advisory committee to support this development as the UK Report does not commit to it.

44. There is also an obligation on government to provide access to services in a language that the service user can understand. Section 75 of the NI Act has supported this obligation so that public authorities now provide interpreting and translation services for many minority communities here. However, the Commission is aware that the level of provision is not consistent across all public services and would seek support from the advisory committee in ensuring that public services are fully accessible to individuals from minority communities whose first language is not English.

## **5. Article 12**

45. The Commission recognises the fundamental importance of education in supporting access to equality of opportunity throughout life and that equal access to education itself is a pre-cursor to life chances. The Commission is surprised given the importance of education provision to the implementation of the Convention, that the UK report does not contain any information on the contribution from NI schools.
46. The Commission has recently had a particular policy focus on education provision and we have progressed some key initiatives in this area. We also have some key priorities that we wish the Advisory committee to support, as they support further implementation of Article 12:-
  - ECNI has produced a Good Practice Guide in relation to racial equality in schools and under the devolved administration, an action plan was developed by the DE to implement it. The Commission continues to have concerns about the extent to which the action plan is being implemented.
  - The Commission is a member of the Racist Bullying Task Force which includes a number of NGOs and statutory bodies across NI. The Taskforce will report in June 2007 and will address the issue of racist bullying in schools experienced by long term established minority ethnic

communities in NI, including Travellers and also the experiences of newly arrived communities in light of the dramatic increase in the numbers of migrants to NI.

- For the past two years the education sector in Northern Ireland has been a key target of the Equality Commission's North/South Intercultural Week initiative, in conjunction with the NCCRI in Ireland. Initiatives have included dedicated classroom resources for both primary and second level schools, a Schools Against Racism poetry competition, mini film festivals with post screening discussions and creative workshops on the theme of racism and interactive theatre productions focusing on barriers facing migrant workers and their families coming to Northern Ireland;
- The Commission has prioritised education work in its plans for 2007/8. Aligned to EU year of Equality Opportunities for all 2007. The Commission plans include intercultural projects including education activities. The Commission has developed a partnership with a theatre group to provide an educational plan of activities in schools exploring racial discrimination and also racist bullying. Other activities are being planned to reinforce previous work on anti-racism in schools.
- In terms of equal access to education provision for national minorities, the Commission has provided statutory advice in relation to the provision of English as an Additional Language (EAL) support in schools and a new policy is currently being put in place. ECNI has concerns with the fact that funding for EAL is largely informed by the school census which occurs 11 months ahead of the funds being provided. During this period, numbers could have increased significantly given the increase in inward migration to Northern Ireland. Currently additional children attending school in that 11 month period are not provided for. The Commission would like assurances from the Department that sufficient funding will be allocated for pupils arriving after the October census. The Commission has also advised the Department that it should adopt a strategic planning role, to analyse population trends in order to anticipate the demands on individual schools.
- In terms of our policy priority issues, the Commission is currently exploring how schools can better mainstream equality in NI and is currently considering policy options, including designation of schools for the purposes of S75;

inclusion of an equality and Good Relations specific module in teacher training and Continuous Professional Development of teachers, and; inclusion of equality and GR related performance indicators in schools' annual inspections.

47. Research undertaken by the Commission in 2004 highlighted that teachers would welcome additional training in equality and good relations so that they could better a knowledge of the culture, history, language and religion of their national minorities and to deal with issues of sectarianism and racism in a sensitive manner. This is of particular importance given over thirty years of political and community conflict here and the current make-up of our education system.
48. Also, the Commission's experience in relation to implementing and enforcing S75 has demonstrated that where clear targets and measurements are set for equality and good relations, that due attention is afforded them and, as part of mainstreaming equality and good relations in schools, we aim to work with the Education Inspectorate to set realistic and achievable targets for schools which may include monitoring on the level of racist bullying in our schools.
49. During their recent visit to Belfast Advisory committee members were concerned with the nature of the Northern Ireland education system. The Commission has welcomed the recent review of the school's estate and more recently the development of policy aimed at securing the sustainability of schools for the future in NI. The Commission recognises that the rights of parents and children to a quality education and to education of choice should be balanced with an aspiration for fostering greater contact among students and teachers of different communities (article 12(3)).
50. In terms of legislative reform, to reflect new policy developments to support shared education provision, the Commission has called for the removal of the teachers' exemption currently provided within the Fair Employment and Treatment Order; the Order provides protection against discrimination on the grounds of religious belief or Political Opinion. The legislation does not apply however to the recruitment of teachers in Northern Ireland.

51. The Equality Commission conducted a Formal Investigation into the operation of the 'Teachers Exemption' and called for this to be restricted to the recruitment of new teachers into primary schools initially, with the long term goal of its removal.
52. In view of policy development in relation to sustainable schools, the Commission is concerned that the failure to remove or restrict the teachers' exemption will be detrimental to equality of opportunity in employment as teacher recruitment opportunities decline. The maintenance of the exemption is likely to have a greater bearing on teachers perceived to be from the Protestant Community due to the requirement that teachers in Catholic maintained schools have a specific teaching qualification for Catholic education, whereas teaching posts in the state sector have no such requirements. In effect teachers from a Catholic community background are more likely to meet the essential criteria for posts in the State sector, than Protestant teachers applying for posts in the Catholic Maintained sector.

### Traveller education

53. The Commission continues to focus on equal access to education for Irish Traveller children. The social exclusion of Irish Travellers in our society is highlighted earlier in this report;
54. As regards education, there are high levels of illiteracy among the Traveller community. The vast majority have no formal qualifications, 92% have no GCSEs or equivalent. This is exacerbated by the high levels of non-school attendance where the majority of Traveller children do not attend school regularly after primary education. This is despite some recent improvements in school attendance and achievement.
55. There are approximately 677 pupils attending school in NI. However it is suggested that the number of Traveller pupils is underestimated as there are fears of bullying if they disclose their ethnicity. It is important that this is factored into any data collection and that the benefits of monitoring are explained to Traveller parents and pupils.

56. The Commission recently consulted directly with Traveller parents and children on their experiences of education in Traveller specific provision, mainstream provision and those not currently in education. Initial findings suggest that Travellers want their children to be engaged in education but also recognise that attendance at school will not necessarily result in acceptable attainment levels for their age group. The following quotes from a child and a parent highlight this:

*“If I was sitting on my own.... who ever was asked to sit beside me wouldn’t do it and the teacher would say ‘ach go on she’s a nice girl’. And if I waited off a day, I’d loose a lot of work and I’d try and get it done and I wouldn’t be able to catch up. No one would give me their notes. If there was me and other girls in the class with their hand up the girls would say, ‘why are you going over to her?’”*

*“My children have very good attendance, great! I never let them miss school, little as they learn at school it is more than what they would learn around the site”.*

57. Our policy work to date has highlighted a number of issues for Travellers in terms of access to education which shape our solutions and of the need to tackle prejudice and discrimination. For example:

#### *Tackling Prejudice*

- The significant level of racial prejudice and hostility towards Travellers is a real concern. Evidence<sup>2</sup> shows that 77% of people do not want Travellers as a family member or close friend; 66% of people would not willingly accept a colleague at work who is a Traveller; 57% would not be willing to accept Travellers as residents in their local area; 40% felt that the nomadic lifestyle of Travellers was an invalid one that should not be supported or resourced by Government.

#### *Attendance*

- The high levels of non-attendance at school amongst Travellers, especially the high drop rate for those aged 14

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<sup>2</sup> Connolly, P and Keenan M. 2000. Racial Attitudes and Prejudice in Northern Ireland Belfast. NISRA.

and over is problematic. Recent research<sup>3</sup> found that non-attendance tended to be caused by three factors: disillusionment; fear of bullying; and the perceived irrelevance of education for Travellers. Evidence from our consultation exercise with Travellers, highlights that some Traveller children do not attend school and there is little/no follow up action from the statutory agencies.

#### *Attainment*

- The vast majority of Travellers leave school with no qualifications and there are high levels of illiteracy amongst Travellers. The lack of accurate data in this area means that it is difficult to compare Key Stage levels of Traveller children with non Traveller children.

#### *Participation*

- Following consultation with Traveller parents and children it is evident that Traveller children are often marginalised within schools in terms of participation in school activities whether extra curricular or an integral component of the school curriculum.
- There is a need to counteract the high level of Traveller children who do not attend school past the age of 14; and the non-existent attendance of Travellers at tertiary level are issues that need to be addressed immediately.

#### *Transitions*

- The need to reduce problems associated with transitions throughout the school life cycle, the availability of education provision and in what settings.

58. The Commission is currently working with the Department of Education and key statutory education providers to progress the issues outlined above. We welcome the Advisory Committee's ongoing attention to Traveller education issues.

## **6. Conclusions**

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<sup>3</sup> Connolly, P. and Keenan, M. 2000. *Opportunities for All: Minority Ethnic People's Experiences of Education, Training and Employment in Northern Ireland* Belfast. NISRA.

59. The Commission welcomes the opportunity to submit a shadow report on the Framework Convention on the Protection of National Minorities given its significance to a society which is witnessing radical demographic change, inward migration and resulting new residents and communities. The Commission is committed to fulfilling its role in terms of protection of rights of new citizens from discrimination and the active pursuit of equality and good relations for all. We welcome further support from the Advisory Committee for the Framework Convention given its complementarity with our work. The Commission is happy to discuss further the contents of this report with Advisory Committee members.

Received by the Secretariat of the FCNM on 23 May 2007