



WRDA Response to The Executive Office (TEO) Consultation on the Review of the Race Relations (NI) Order 1997

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1. Introduction

The Women's Resource and Development Agency (WRDA) is a membership organisation that supports women's groups and networks across Northern Ireland. Our members are a key part of WRDA, they keep us relevant and ensure we are working on the issues which really matter to grass roots women. We keep our members up to date with the latest developments in the wider women's sector and provide them with opportunities to publicise their own work. We also act as an information hub for the women's sector, while also striving to raise the profile of women's issues in the wider media.

WRDA carries out regular policy work and lobbies decision makers on behalf of women. We work to enhance how the women's sector and women on the ground are communicating with all levels of government, ensuring women have their rightful say in the policies affecting them, including the development of a Bill of Rights for Northern Ireland. As part of our vision to make women a visible force for change in Northern Ireland, we are actively lobbying and campaigning on issues that affect women.

We work with politicians, policy makers and influencers to advocate for law and policy that promotes women's rights and equality and for services that meet women's needs. We take a participative, grassroots approach to this work. All women have the right to be involved in decision-making and we aim to amplify the voices of the women who engage with the women's sector. We also work on a range of initiatives relating to health, including breast, cervical and bowel screening awareness and the Maternal Advocacy and Support project.

WRDA also provides the secretariat for the Northern Ireland Women's Policy Group which is a platform for women working in policy and advocacy roles in different organisations to share their work and speak with a collective voice on key issues. WRDA were involved in the development of the WPG COVID-19 Feminist Recovery Plan, which was launched in July 2020 and relaunched in July 2021, which provided a comprehensive overview of the impact of the pandemic on women in Northern Ireland and their civil, political, economic and social human rights.

1.1 Endorsements

WRDA is in favour of increasing protections and clarifying race law in Northern Ireland, particularly because strengthened protections will likely assist women from minority ethnic communities who may face racist discrimination. Therefore, we would like to endorse the following recommendation from the Equality Commission for Northern Ireland who recommend that:

Equality law reform reflects best international standards, advances equality of opportunity, prevents discrimination, and clarifies the law.

2. General Comments on the Race Relations Order Review

We would like to begin by recognising that although WRDA works with several women's groups and organisations across Northern Ireland and has a diverse membership, the majority of our staff and members do not identify as ethnic minority and therefore the lens through which this response is written may not necessarily be reflective of the views of women from ethnic minority communities. However, although we do not claim to speak for all women in Northern Ireland, we are committed to working in a way that promotes gender equality through an intersectional feminist lens and challenges systemic injustice and discrimination affecting all women and girls.

We are responding to this consultation with the aim to ensure that women's voices are taken into account in this consultation process. We encourage The Executive Office to facilitate sustained meaningful engagement with organisations that work directly with communities this legislation will primarily impact. In particular, we encourage The Executive Office to engage directly with organisations that work directly with ethnic minority women who face unique forms of discrimination because of their identity as both women and belonging to an ethnic minority group.

As WRDA is not a specialist organisation in the field of race law, we have not attempted to answer all of TEO's consultation questions. Rather, this response will provide comments relating to the gendered impacts of these proposals and specific areas of interest for WRDA.

3. Specific Comments on the Race Relations Order Review

3.1 Intersectionality

As previously mentioned, WRDA is committed to working in a way that promotes gender equality through an intersectional lens. This means raising awareness of the fact that women experience gender inequality differently depending on a range of identity factors such as race, religion, sexual orientation, location including rurality, disability and age. American lawyer and scholar, Kimberlé Williams Crenshaw, first introduced the theory of Intersectionality in 1989 and coined the term in 1993. This extremely influential theory explains how overlapping identities relate to systems and structures of oppression, domination or discrimination.

With regards to discrimination, intersectionality is vital as it more accurately describes how people encounter the reality of the experience; it allows for the fact that certain kinds of racially charged abuse may be accompanied by a unique kind of misogyny named by academic Moya Bailey as *misogynoir*¹, for instance. The hypothetical person who has this experience has experienced both kinds of discrimination at once, and it will be incoherent to them and for the law to separate the two and to limit their experience to one form of discrimination.

¹ Northwestern University, From the Combination of Racism and Sexism, here is the story of a new word, 2023: <https://news.northwestern.edu/stories/2023/05/professor-coins-new-word-misogynoir/>

The same applies to other forms of combined discrimination, and this is a common experience.

We are extremely concerned that TEO have not consulted on intersectionality in this consultation or given a clear acknowledgement that the way individuals and groups experience inequality can be compounded if they are exposed to overlapping forms of oppression, such as racism, sexism, homophobia and transphobia. We understand that TEO do not consider this to be within their remit for this legislation review, however, we would like clarification regarding why this is, given its importance and relevance to understanding people's lived experiences of racial inequality.

We know that intersectionality is not a new concept to TEO, as we have seen the Department use intersectional analysis in other areas of their work. For example, the recent TEO EQIA on proposed spending plans for 2023 provided an intersectional analysis of how women would be impacted by budget cuts. It noted that although cuts to funding for the Ending Violence Against Women and Girls (EVAWG) Strategy would impact all women, it would have particular impacts for marginalised women such as refugee, migrant and disabled women, in addition to women who have children or dependents. As such we urge a similar approach to this Review and indeed to all initiatives coming from TEO as standard.

We support the Equality Commission's recommendation to introduce specific protections against intersectional or combined discrimination so that there is legal protection for individuals who experience direct or indirect discrimination, victimisation or harassment on several equality grounds, including race and gender. This includes judicial protections so that courts and tribunals can take into account the effect of the combination of racial discrimination with discrimination on other grounds.

3.2 The role of public bodies

WRDA is concerned about gaps that currently exist in the area of protections from discriminatory behaviour by public bodies and is in favour of increasing protection from public bodies whilst exercising public functions. At the moment there are gaps in protections against public bodies racially discriminating in some public functions, for example police stop and arrest functions. We recommend that public bodies be prohibited from racial discrimination or harassment as regards all public functions, except in some narrowly defined limited areas where they can be objectively justified. This recommendation is made in the context of the fact that the Sex Discrimination Order 1976 provides no protection against public bodies exercising public functions i.e. functions which are not services (more detail [available here](#)).

3.3 Single Equality Legislation

WRDA is in favour of developing single equality legislation for Northern Ireland and believes that this legislation would be the most effective way of reforming equality law. This was supported by a recommendation made by the Gender Equality Strategy Expert Panel in their

2021 Report². WRDA is keen to engage in discussions regarding these developments and would like to be meaningfully involved any further work in this area. The introduction of this legislation would be particularly beneficial for those who are most impacted by social inequalities, such as women, ethnic minority groups, disabled people and LGBTQIA+ people.

With that said, Single Equality Legislation must be an improvement from the current state of affairs, and indeed an improvement from the 2010 Equality Act in operation in Britain. This Act does not currently enable individuals to bring cases of intersectional discrimination because section 14 of that legislation has not been enabled, and any future legislation in Northern Ireland should remedy that oversight and include this option from the start.

In addition, we must ensure with any Single Equality Legislation that all minority rights are respected, and that a mechanism is included for regular review to continue the advancement of equality and to ensure that the Act can keep up to date with developments in legal theory and practice, as well as to ensure adequate stakeholder engagement on an ongoing basis.

Single Equality Legislation would be an opportunity to harmonise protections across equality law, including in relation to gender. This legislation should reflect best international standards, and clarify and strengthen legislation. It would also make equality law much easier for individuals, employers and service providers to use and would represent an improvement on piecemeal approaches to equality legislation.

² <https://www.communities-ni.gov.uk/system/files/publications/communities/dfc-social-inclusion-strategy-gender-expert-advisory-panel-report.pdf>

4. Summary of Recommendations

Based on the above comments, in relation to the TEO Race Relations Review consultation, WRDA recommends the following:

1. Ensure equality law reform reflects best international standards, advances equality of opportunity, prevents discrimination, and clarifies the law.
2. Continue to engage with organisations that work directly with communities this legislation will primarily impact. In particular, organisations that work directly with ethnic minority women who face unique forms of discrimination because of their identity as both women and belonging to an ethnic minority group
3. Introduce specific protections against intersectional or combined discrimination so that there is legal protection for individuals who experience direct or indirect discrimination, victimisation or harassment on several equality grounds,
4. Begin scoping and engaging work with key stakeholders on the introduction of single equality legislation
5. Ensure public bodies be prohibited from racial discrimination or harassment as regards all public functions, except in some narrowly defined limited areas where they can be objectively justified.

5. Concluding remarks

In conclusion, WRDA are in favour of increasing protections and clarifying the law around race as part of the review of the existing Race Relations Order 1997. These strengthened protections are likely to be particularly beneficial to ethnic minority women who may face discrimination on several grounds including race and gender. We encourage TEO to ensure that women's voices are central to conversations around reforming race law in Northern Ireland and that an intersectional lens is applied when considering issues relating to inequality and discrimination.

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