

Submission by the Equality Coalition to the draft Programme for Government Consultation

October 2024

About the Equality Coalition

The Equality Coalition is co-convened by the Committee on the Administration of Justice (CAJ) and UNISON. It is a network of over 100 non-governmental organisations and trade unions that cumulatively work across all nine equality categories within Section 75 of the Northern Ireland Act 1998 (as well as on other protected equality grounds). The Equality Coalition provides a forum for unity between multiple sectors when campaigning for equality and is the representative umbrella forum for the equality sector.

The Equality Coalition has a long track record of campaigning for the full implementation of the rights-based commitments of the peace agreements and compliance with international treaty-based obligations.

Programme for Government consultation and legal framework

This is a submission to the Executive Office's 2024 consultation on [the draft Programme for Government 2024-2027 'Our Plan: Doing What Matters Most'](#).

Under the Belfast/Good Friday Agreement (GFA) the function of annually seeking to agree and review a Programme for Government “*incorporating an agreed budget linked to policies and programmes*” sits with the Northern Ireland Executive. The relevant provision in the GFA is Paragraph 20 of Strand 1 which provides:

“The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis”.

This duty is given direct legal effect by virtue of Section 20(3) of the Northern Ireland Act 1998.

There has not been an agreed Programme for Government (PfG) in NI since 2011.

The previous Draft PfG in the New Decade New Approach deal

In 2020, a draft outline PfG was negotiated and included in the New Decade New Approach agreement (NDNA). This followed a period when the institutions had not been sitting (2017-2020) in which there had been a participative process to input into restoration and a PfG. The Equality Coalition engaged in this process and gave oral evidence to the working groups established and produced a *Manifesto for a Rights Based Return to Power Sharing* listing areas

on which our members were keen to see progress with a focus on unfulfilled commitments from previous peace-process agreements.

This draft PfG incorporated within NDNA included important commitments to tackle disadvantage and drive economic growth “on the basis of objective need” and was underpinned by “key supporting strategies”, this included the:

- Anti-Poverty Strategy;
- a Racial Equality Strategy;
- a Disability Strategy; a Gender Strategy;
- a Sexual Orientation Strategy;
- Irish Language Strategy Ulster Scots Strategies

A process to take forward discussions on the outstanding Bill of Rights were also committed to as were measures to strengthen employment rights among other rights-based commitments.

Despite a commitment to publish a full PfG by the end of January 2020, and a consultation on a draft PfG *outcomes framework* (but not an actual PfG) conducted in 2021, the NDNA draft PfG was never formally adopted or implemented before the institutions again collapsed in 2022.

The 2024 PfG consultation

Four years on, and following two years without the institutions, many of the commitments outlined in the NDNA draft outline PfG remain unadopted or unimplemented, despite the Executive having a legal obligation to implement some, such as the Anti-Poverty Strategy and the Irish Language Strategy.

The Equality Coalition is concerned that very few of the commitments made in the NDNA draft PfG are explicitly reflected in the current draft PfG.

Notably, in reference to the social inclusion strategies, the current draft merely states: *“In addition to crucial policies on childcare, housing, the economy and education, we will make sure that everyone can participate through the introduction of social inclusion strategies.”*

This vague reference fails to specify the individual strategies, nor does it clarify how or when the Executive intends to fulfil these commitments, leaving the extent of their implementation unclear, and potentially subject to approval by the Executive Committee if they are outside of the PfG, and deemed cross-cutting, significant or controversial. There are no references even to the Anti-Poverty and Irish Language strategies despite being legal obligations that the courts have held have been previously breached and remain outstanding

It appears to the Equality Coalition that the present draft PfG has essentially removed, without explanation, practically all of the rights-based commitments committed to under NDNA.

In addition, the final PfG must incorporate an agreed budget linked to policies and programmes. If it fails to do so, it will fall short of even minimum legal requirements on a PfG that the Executive is to consider.

Equality Coalition members ‘asks’ for areas in the PfG

The appendix contains a list of priority areas that Equality Coalition member groups would wish to be considered for the PfG. This includes further examples of specific commitments in the draft NDNA PfG that are not mentioned (or only mentioned vaguely) in the new draft PfG.

Conclusion

The Equality Coalition expresses deep concern that many of the rights-based commitments outlined in the draft NDNA PfG are not explicitly included in the current draft PfG.

The Coalition strongly advocates for a renewed focus on these commitments, emphasising the importance of returning to the principles and goals set forth in the NDNA draft outline PfG to ensure equality, accountability, and progress for all sections of society.

We are also concerned at the potential for policies which progress rights-based commitments to be blocked at the Executive Committee if they are not explicitly included in the PfG, and that as things stand the draft PfG does not meet the minimum legal standards provided for in Section 20(3) of the Northern Ireland Act 1998.

Appendix

EQUALITY COALITION PROGRAMME FOR GOVERNMENT ASKS 2024

This document has been developed following discussion with Equality Coalition members and is a living document. It encompasses our priorities for the 2024 NI Executive Programme for Government, building on the [prior Policy Asks](#) developed in 2022.

Overarching and Cross-Departmental Asks:

- Adopting a Programme for Government (PfG) containing policies and programmes and linked to an agreed budget, in accordance with the legal duties flowing from the GFA.
- Adopt and implement the outstanding Executive Anti-Poverty Strategy based on objective need, and equality strategies on disability, LGBTQI+, and gender equality.
- Seek urgent implementation of a funding framework from the UK Government that allows Executive Departments to address inequalities and invest in public services on the basis of need.
- Full implementation by public authorities of the Section 75 equality duty, including the gathering of disaggregated data and removal of ‘good relations impact assessments’ from Equality Screening.
- Compliance within the NI Executive and Assembly with the Ministerial Code, record keeping duties, Freedom of Information (FOI) duties, and the NI-specific Open Government action plan commitments on improved transparency, accountability, and citizen participation.
- An end to ‘gender neutral’ policy making.
- Full and proper application of Rural Needs Impact Assessments.
- Legislate to roll back the UK Home Office ‘hostile environment’ where in devolved competence.
- Implement, resource and monitor the NI Executive ‘Scoring Social Value’ policy on public procurement across Departments and non-departmental public bodies and mainstream the payment of a real Living Wage as a minimum for all those delivering public contracts.
- Secure best practice in the operation of public procurement processes, protecting equality and promoting human rights through ethical procurement, implementing the recommendations of the Northern Ireland Human Rights Commission on human rights

and procurement¹ and following the guidance of the Equality Commission and Central Procurement Directorate 'Equality of Opportunity and Sustainable Development in Public Sector Procurement', to embed equality of opportunity within the procurement process.²

- Implement a comprehensive cross-governmental strategy to reduce health inequalities.

Executive Office

- In accordance with treaty-based obligations for the Irish language, commence the relevant provisions of the Identity and Language (Northern Ireland) Act 2022.
- Continued implementation of the Strategic Framework to End Violence against Women and Girls
- The adoption of robust, best practice single equality legislation.
- Targeted actions to counter the current hostile climate in NI where human rights defenders, academics, journalists, lawyers, politicians, trade unionists, and others active in civic space can face sectarian and misogynistic abuse, threats, and harassment.
- Implementation of services and support for all victims of the NI conflict.
- Ensure that the Racial Equality Strategy is upgraded, renewed and implemented.
- Implementation of strategies on active aging and children and young people, all with proper resourcing, review mechanisms, and robust monitoring arrangements.

Department for Communities

- The adoption of the Anti-Poverty Strategy and Anti-Poverty Act, based on objective need.
- Implementation of NDNA commitments to make welfare mitigations permanent. We also support their extension to mitigate against the 'two child rule'. Progression of the Discretionary Support Review and introduce child payments.
- Adoption of the Irish language strategy, as recommended by the Expert Advisory Panel; adoption of an Ulster Scots strategy compatible with treaty-based standards on linguistic minorities.
- Progress legislation to ban conversion therapy in Northern Ireland.

¹ Public Procurement and Human Rights in Northern Ireland', Northern Ireland Human Rights Commission, November 2013.

² 'Equality of Opportunity and Sustainable Development in Public Procurement' Equality Commission and Central Procurement Directorate, May 2008.

- Revise and update equal pay legislation and develop and implement robust gender pay gap reporting legislation.

Department of Health

- Implement a public health model, with the eradication of health inequalities at its core.
- Ensure that all health service transformation proposals, or service reconfiguration proposals, fully assess the impact on the promotion of equality of opportunity and on rural needs. Such initiatives should reduce health inequalities.
- A women's health strategy in Northern Ireland, as in other UK jurisdictions.
- Creation of a mother and baby unit in NI.
- Ensure that carers' rights are enshrined in legislation.
- Remove barriers to trans healthcare.
- Compliance with the 2018 ruling of the UN CEDAW Committee on women's reproductive rights.
- Ensure that the Department of Education's new guidance on Relationships and Sexual Education (RSE) meets legal and human rights requirements as set out by the UN CEDAW Committee.

Department of Education

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- Adopt a universal approach to nutritious, free school meals and restore the School Holiday Food Grant scheme ('holiday hunger' payments).
- Implementation of a childcare strategy with proper resourcing, review mechanisms, and robust monitoring arrangements.

Department of Justice

- Full and continued implementation of peace process justice and policing reforms.
- Legislate for the outstanding Gillen Review recommendations.
- Take forward the independent review of hate crimes legislation in NI.

Department for Infrastructure

- Develop and adopt a written policy on removing public hate expression.

- Progress on use of Irish language placenames in road signage.
- Mitigating racial profiling through monitoring of border passport controls on Translink services.

Department of Finance

- Incorporate cumulative equality impact assessments and gender responsive budgeting tools into the budget process, mainstreaming gender analysis at the development, implementation, and monitoring stages of the budget with support to mitigate against impacts and promote equality at every opportunity.
- Continue to drive the use of public procurement for public/social purposes.

Department for the Economy

- The development and implementation of comprehensive, progressive legislation protecting and enhancing workers' and trade union rights.

Department for Agriculture, Environment and Rural Affairs

- Public acquisition of Lough Neagh.
- Full and proper implementation of the Climate Change Act 2022.
- A funded independent Environmental Protection Agency with enforcement powers.

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