



Preliminary Findings Report – Brexit, Xenophobia and Racism in Northern Ireland

What is the theme?

The aim of this aspect of the project is to reflect on the impact of Brexit on xenophobia and racism in Northern Ireland, as well as assess the potential consequences of Brexit in this area. There are unique features to this component of the Brexit debate. In particular, the intersection between discussions of the border on the island of Ireland (once the UK leaves) and how solutions will impact on the treatment of EU citizens and all minority ethnic communities.

What are the main issues?

There are four principal issues under consideration:

- The nature of the Brexit discussion continues to cause significant concern, particularly its impact on minority ethnic communities and on the rights of EU citizens in Northern Ireland
- Questions arise over the current legal framework and ensuring its effective implementation
- Thought is being given to (and is need on) the adequacy and effectiveness of existing law and policy
- Brexit poses dilemmas regarding the type of border that may emerge on the island of Ireland and what the consequences for minority ethnic communities will be

What problems have been identified and what solutions have been proposed?

First, there is a risk that the existing framework of law and policy might be undermined and that Brexit may lead to an erosion of established guarantees. The solution to this is relatively straightforward; there should be a clear commitment to no regression in relation to rights and equality. In this context, that means the prohibition of racial discrimination in particular. On EU protections there is a live discussion about how the special status and unique circumstances of Northern Ireland will be reflected and respected. While existing guarantees might be frozen for now this will not be the case for the Charter of Fundamental Rights of the EU and there are legitimate questions about keeping pace with positive developments at the EU level in the future. The solutions here largely circle around no regression and leaving scope for progressive development linked to future EU initiatives. But this will also include a more intensive focus on the domestic and international legal obligations and institutions that will remain.

Second, there are problems with the content of current law and policy as well as its implementation. These points are not solely Brexit specific, it has simply heightened their relevance; Brexit has provided a basis for a more intensified focus on an already harsh approach to, for example, immigration and asylum, and it is taking place in a difficult counter-terrorism environment where hate crime and issues of incitement are a significant problem. One approach to this would be to enhance the overall human rights and equality framework in Northern Ireland based on proposals that are already there. For example, there is a long-standing debate about enacting both a Bill of Rights and a Single Equality Act for Northern Ireland. This would be assisted by ensuring that this work builds on and does not undermine what is there now, including the Charter of Fundamental Rights of the EU.

Third, the terms of the debate, and the nature of the negotiations, have contributed to a culture of fear and instability. In Northern Ireland, the solution is to ensure existing laws and



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policies to tackle racial discrimination and hate crime are implemented effectively and necessary reforms are taken forward. This work includes the current duties on public authorities to tackle racism, as well as dealing with racial discrimination, hate crimes and incitement to hatred. This should also be advanced by a proper application of the ‘good relations’ duties under section 75 of the Northern Ireland Act 1998.

Finally, the question of the border and the impact of immigration controls continues to raise hard questions about racial and ethnic profiling. Whatever ‘solution’ is found to the land border on the island of Ireland much work will be needed (including through awareness raising and training) to challenge and confront racism and xenophobia, in all its forms. The nature of the ‘solution’ to the land border must therefore ensure full account is taken of the human rights and equality implications of proposals (through, for example, human rights and equality impact assessments). There is a real risk that legitimate and necessary discussions of the rights of British and Irish citizens will overlook the impact of Brexit on *everyone* in Northern Ireland. That is why an enhanced, robust and inclusive human rights and equality framework is of such value.