

**Northern Ireland assembly  
Tuesday 22 May 2007**

**Private Members' Business  
Single Equality Bill**

**Source:** <http://www.niassembly.gov.uk/record/reports2007/070522.htm#2>

**Ms Anderson:** I beg to move

That this Assembly recognises that discrimination operates in many different ways and on many different levels and encourages the Executive to bring forward harmonising legislation, in a single equality Bill, for discussion and consultation at the earliest opportunity.

Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom labhairt ar son an ruin. In moving the motion and reflecting on our responsibilities, as Ministers or MLAs, to build a new society that guarantees equality for all in a shared future, Sinn Féin welcomes the fact that the single equality Bill is to be high on the agenda of the new Executive. Discussion on this key, cross-cutting exercise has been ongoing for more than six years.

As we look to build a new future for all of our people, let us equip ourselves with the instruments and competency to do so.

Members, we live alongside discrimination and exclusion every day. Some of the barriers that inhibit our development as individuals, communities, or communities of interest, can be blatant or unseen. For example, women continue to suffer discrimination in gaining employment; in salary levels in the workplace; and through under-representation in public life. We have only to look around the Chamber to see what we must do. There is a long way to go to achieve proportional representation of women in this Chamber, among others.

As a legislative Assembly, we have the obligation and the power to put in place an equality framework that looks to the future of our developing and increasingly complex society. In the North, the fragmented array of legislative instruments applies different standards of protection across the discrimination strands. That has proved difficult, confusing and costly for individuals who are seeking to assert rights, and for employers and service providers who seek to understand and observe their legal obligations. Confused law is no law at all, and when that is added to the fact that discrimination is, in many cases, a multiple-identity issue, then the case for harmonisation is compelling.

The legislation in force is a hotchpotch of different Acts that need to be brought together into one compelling Bill, which sets out clear protections against the discrimination of groups, especially children. We need a robust conciliation and interpretation of the different legal instruments, which will harmonise and enhance them to produce a Rolls Royce of legislation.

It is no protection against discrimination that the law should simply declare discrimination to be illegal and leave the burden on victims to bring justice for themselves or their peer groups. An effective anti-discrimination Act must stipulate, in enforceable law, the positive action that needs to be taken to ensure that discriminatory practices cease. It must include obligations on those who discriminate to undertake positive action to change existing practices that are discriminatory.

It has long been recognised that a "same-treatment approach" will never be enough to deliver substantive equality; and by that we mean equal outcomes. After all, people and groups do not start from the same place. Because of the discrimination and disadvantage suffered by certain

groups, the playing field is not level, and additional measures are therefore needed to address those issues if equality is to be achieved. A combined affirmative-action/anti-discrimination model should be the baseline from which future legislative improvements are made.

It is clear to us that rather than merely affording direct and indirect discrimination, the single equality Bill must contain positive duties to promote equality of opportunity and deliver substantive equality in society of the type that protects everyone.

It is our collective responsibility to move that process on.

A consultation exercise in 2002 was to have been followed by a draft single equality Bill, but that did not happen. Instead, it was decided that a further consultation exercise should be undertaken to consider in much more detail the key issues and main policy options. That second exercise, which took place in 2004, was wide-ranging and detailed, as were many of the responses that were received from key stakeholders.

The second consultation document identified the overall aim as being the harmonisation of equality law into a single legal instrument, and set out the principles on which such an instrument would be based. Among the stated principles were:

“to acknowledge ... human rights ... in their broadest sense, ... to demonstrate no regression from existing law ... [and] to minimise the tendency for [the creation of] hierarchies of inequalities”.

Members should consider the process that is required from this point on. Two major public consultation exercises have already taken place and have secured substantive responses from all the key stakeholders, whose positions will not have significantly changed. Much work has already been done, which we must use and build on. I urge the Executive to introduce a draft single equality Bill that reflects the weight of submissions already received. It is vital that we progress this without any further delay and take the lead in developing a robust Bill that will prevent discrimination and promote equality of opportunity for all in the North.

We must legislate to respect the different needs of all the people who live here. If we merely plug gaps and, in effect, force the existing provisions into a single instrument, we shall end up with a cobbling exercise, not a harmonisation exercise, and that will offend the principles of minimising hierarchies of inequality.

Therefore, let us build on the First Minister's remarks on 8 May about the past being the ways of yesterday. Let us set a course to make the discrimination and exclusion that many in our society have suffered, whether in the Shankill or Shantallow, the New Lodge or New Buildings, a thing of the past. Let discrimination and inequality belong to the ways of yesterday. I urge all Members to grasp the huge significance of what we do today. It is our obligation to do so. Our people deserve no less, regardless of their religious denomination or the colour of their skin.

Ba mhaith liom an rún a mholadh. I move the motion.

**Mr McCausland:** The issues of equality and human rights are important, and they should certainly be embedded in the heart of our vision for Northern Ireland. We can trace those issues back to the time of the Enlightenment, especially to the time of the Scottish Enlightenment. In fact, one of our local folk, Francis Hutcheson from County Down, contributed much to the development of the Scottish Enlightenment. These are issues that we should feel comfortable with.

However, the motion gives me cause for concern. The issue of a single equality Bill is a long-standing one. The proposer of the motion has mentioned the extensive consultations that have already taken place on the issue — but how extensive and inclusive were those consultations? I

suspect that if we went out into the centre of Belfast, or any other part of Northern Ireland, and asked people on the street what they knew about a single equality Bill, or whether they were aware of the consultations that took place or had been asked to contribute to them, the vast majority would say that they knew nothing about it.

10. 45 am

The reason for that could be that so much of the consultation has been conducted through what is generally described as “the voluntary sector”. I refer to some figures about that sector, which has taken such a key role through organisations such as the Northern Ireland Council for Voluntary Action (NICVA) on those matters. The monitoring reports of the Equality Commission for Northern Ireland (ECNI) for the years 2002-04 show an employment pattern of significant and increasing disadvantage — some might say, discrimination — against the Protestant community in the voluntary sector. The 2004 employment figures for NICVA, which is supposed to represent the community, show that only 40% of its staff came from the Protestant community, whereas 60% came from the Roman Catholic community. Other key organisations in that sector — for example, the Rural Community Network (RCN) — have reached the stage at which their representation from the Protestant community is less than 25%. Consequently, there is an issue about how inclusive and representative much of the consultation has really been.

There is another matter to which I wish to draw Members’ attention. We are grateful to the Equality Commission — the key organisation in the equality sector — for sending a briefing by email yesterday in which it calls for greater enforcement powers. It might wish to use those powers against itself. This is an organisation that is tasked with monitoring and changing employment patterns in every section of Northern Ireland society, yet it cannot get that right itself. Among its staff there is a 60% representation from the Roman Catholic community — only 40% are drawn from the Protestant community. That is a deterioration from 2002, when Protestants represented 44% of the workforce and 56% came from the Roman Catholic community.

Key organisations in the voluntary sector, and the Equality Commission itself, have significant work to do to make themselves fit for purpose, so that there can be real debate and engagement on the issue of equality, the type of legislation that is required and, indeed, the sort of commission that is needed. We must get those matters right. It is an absolute disgrace that the Equality Commission, year after year, has abjectly failed to improve the position of its own employment pattern.

Before proceeding with a single equality Bill, we must demand that the Equality Commission and the voluntary sector, which represents — or so it claims — communities across Northern Ireland, put their house in order. For that reason, I oppose the motion.

**Mr Kennedy:** I welcome the opportunity to speak in this important debate. I want to make some preliminary remarks in respect of my new responsibility as Chairperson of the Committee of the Centre. I shall then outline some personal remarks on behalf of the Ulster Unionist Party.

The Committee of the Centre has met on only one occasion since restoration and has not had the opportunity to consider a single equality Bill. I shall therefore limit my comments, as Chairperson, to more general observations on the proposal for a Bill to harmonise equality legislation and on the role that the Committee may wish to take on that issue.

I expect that the Committee will attach considerable importance to equality issues and will be provided with a detailed briefing on the work of the equality directorate in the Office of the First Minister and the Deputy First Minister (OFMDFM) at the earliest opportunity. The Committee has provisionally included in its work programme a discussion of policy issues that relate to a single equality Bill.

In advance of more detailed consideration by the Committee of the Centre, I nevertheless wish to signal the Committee's interest in the single equality Bill and its expectation that it will be involved in discussions and consultations on the Bill and related policy matters.

In its early consideration of policy matters that relate to the single equality Bill, I expect that my Committee will wish to be entirely satisfied, most importantly, that the objectives of the proposed Bill are clear, unambiguous, and understood by all those who have a relevant interest. Without such clarity, it will be impossible to assess whether the provisions of the Bill will achieve the intended outcomes.

I have no doubt that my Committee will wish to see robust evidence that the Bill will produce real and tangible benefits for all those whom it aims to protect. I anticipate that my Committee will wish to be reassured — while welcoming, in principle, the value of harmonised legislation — that the provisions of the Bill are practicable and will be implemented without unnecessary bureaucracy.

(Mr Deputy Speaker [Mr McClarty] in the Chair)

I turn to my own view and that of my party. The Ulster Unionist Party believes that, for too long, the issue of equality in Northern Ireland has been the subject of a politicised mantra, and that, for too long, it has been used as a political football, particularly by Sinn Féin. The equality issue has been used to somehow justify ideological agendas that belong to yesterday. Just as we must build a new society in Northern Ireland, we must confront the challenges of securing equality of opportunity for all. We need an equality agenda that deals with the twenty-first century and that is not stuck in the past.

There is a good case for a single equality Bill that brings together equality protections, simplifies procedures, and rationalises the numerous and, at times, extremely burdensome provisions of existing legislation. There is an economic and social imperative to guarantee equality of opportunity. A prospering economy and a fairer society require equality legislation that is robust and flexible, secures equality of opportunity for all, and provides effective remedies to unfair discrimination. That is why the Ulster Unionists will support a single equality Bill that provides appropriate equality safeguards.

**Mrs D Kelly:** My party and I support the motion, unlike Mr McCausland, who appears to lack knowledge of the membership of the voluntary and community sector. I wish to begin by placing on record my thanks to the community, voluntary and private sectors for their valuable contributions to the single equality Bill process to date.

**Mr McCausland:** Does the Member accept that the figures that I quoted were all taken from annual reports that have been published by the Equality Commission?

**Mrs D Kelly:** Indeed, but those figures relate to the employment make-up of those organisations, not the membership make-up. I am aware that many community and voluntary sector members represent the loyalist, Protestant and unionist sector. Anyone can pick out statistics to make particular points.

It is unfortunate that, for some in the DUP, equality is still a matter for Catholics. I hope that the DUP will take an objective interest in its own communities, which suffer from inequality in many ways.

I will now return to my original point. The community, voluntary and private sectors responded in detail to the consultation on the issue, and brought to the table ideas and facts we can depend on: if only the response from the Government were so dedicated.

Under direct rule, the single equality Bill was occasionally degraded and treated as a political pawn, as was much else. That was disgraceful, given the position of all parties on equality and rights. However, it would be unforgivable were that situation not to improve now that we have control of our own decisions.

The eyes of the world are upon us now, as they will not be again for some time. This is our chance to show that Stormont will offer a regime of equal opportunity and that no one will be discriminated against in the way that so upset our history. I am deeply concerned that if we continue as we have started, we will let ourselves, and our voters, down.

Never has it been clearer that there is a mandate in the North for power to be shared, and to be seen to be shared. A single equality Bill must reflect the wish of the people. No Member is here on a mandate of discrimination. However, unwillingness to co-operate with the creation of the Bill, and lack of effort and drive, are a backhanded show of support for the discrimination that tore our society apart in the past.

As I said earlier, the response to consultation on the single equality Bill was remarkable. A variety of intelligent and well-argued responses covered a multitude of positions, but represented much shared ground as well. In light of that, the consultation report that was released in March — quietly, and to a select few — was, to put it mildly, frustrating. Various reasons have been suggested for the paper's brevity, lack of detail and absence of imagination, but none was convincing.

Indeed, the matter has been on the long finger for too long and the Assembly must move quickly on it. However, that is no reason to ignore the progress that has already been made: quite the opposite. Even the framing of the process has, suddenly, gone into reverse. It was clear that the remit of the Bill was to mainstream legislation and to harmonise as far as possible — not as little as possible. However, that is what we hear from the Office of the First Minister and the Deputy First Minister — in a whisper, of course, so as not to upset anyone.

I wonder how comfortable the people who elected us would feel about their rights and liberties being handled in that way. I suggest that the public likes its politicians to behave openly and accountably, to get on with the job of working together and to come up with the kind of results that befit their salaries. Let us inject some common sense into our approach, and get on with doing just that.

Working together accountably means engaging with the detail of the local framework, while remembering the considerable protection given by European legislation, on which we can all rely and agree. However, it is not necessary to look continually over our shoulder at Westminster. We must do something impressive and directional in the Assembly, and present that to Westminster as evidence of our capability.

The North is currently a global leader in terms of equality legislation. Is that a reason to be half-hearted, or outright resistant, when engaged with improving the system? I think not. Let us keep the ball rolling, and capitalise on the one area in which we really excel. Let others come to us to learn about best practice.

I urge the Assembly to take a consistent view of all areas, and urge Members to remember their parties' policies.

**Mrs Long:** On behalf of the Alliance Party, I welcome, in general, the wording of the motion. However, my comments will make it clear that I take issue with some of what the proposer of the motion said in moving it.

The Alliance Party welcomes the opportunity to comment on the matter. The party has, for some time, supported the introduction of such legislation, and its members are pleased that that will be taken forward.

A single equality Act should amend, standardise, harmonise and extend equality law in its application, not only by extending the scope of the existing regimes but by further innovative thinking and development. New areas of equality of access to employment and services must be considered. Also, as medicine progresses, for instance, there will be increasing discrimination on the basis of genetic predisposition. We must be aware of such developments now as we review the legislation.

There should be no regression in what we do; protections should be upwardly enhanced as we harmonise.

There should not be a hierarchy between forms of discrimination. However, the Alliance Party believes that too much prevalence is given to religious and political matters above all others in Northern Ireland. That leads not to equality but to discrimination against those for whom religious and political affiliations are not an issue.

11.00 am

The Alliance Party believes that our approach to equality must be governed by certain principles, and I will put them on the record. The individual citizen is the foundation of society, and all individuals are of equal worth and should be treated as equal citizens. Individuals are also members of religious, ethnic, cultural and regional communities. Those identities are open and fluid, and people can hold a range of identities and loyalties to different structures and different levels of government.

Citizens have different needs, and equal treatment requires full account to be taken of difference. When equality ignores difference, uniformity of treatment leads to injustice and inequality. Society needs to be cohesive, as well as respectful, of diversity, and it should nurture diversity while fostering a common sense of belonging and shared identity among its members.

On that basis, I will touch briefly on three issues. First, although I am in favour of the principle of equality of outcome, I cannot subscribe to the notion that it should be engineered. It is important that we end discrimination rather than choose to reverse its direction or target; we should seek to end discrimination completely. To merely reverse the direction and change the targets of discrimination would be destructive and discriminatory towards others. Furthermore, we should not rest at saying that equality of opportunity is sufficient. We should not shy away from taking affirmative action to build capacity and to encourage participation. We can do that and yet stop well short of positive discrimination.

Secondly, on the issues of fair employment and equality monitoring, it is vital that we continue to adequately review and monitor equality in employment and recognise the importance and improvements that have been made over the years. However, the use of community background, particularly the residuary method for identifying people with a community with which they have chosen not to identify themselves, for the purposes of monitoring is an unacceptable breach of human rights.

People have the right to define their own identity, and that right should be equally respected whether the identity common in this society or rare. The cornerstone of equality is that everyone is treated equally. Therefore, those who choose not to associate themselves with a community designation must have their choice respected as much as those who choose to associate with a designation. To continue using the residuary method of designation for monitoring purposes undermines the basis of equality in society. We must therefore review how equality is monitored in order that people are not discriminated against.

Thirdly, the motion states that:

“discrimination operates in many different ways and on many different levels”.

However, I want to address one way that is pertinent in this place. The lack of equality in the Chamber between Members who choose to designate themselves as unionist or nationalist and those who choose not to so designate is a matter that the Assembly must take seriously. In previous debates, Members have discussed the need for increased diversity in the Chamber. It is therefore vital that the voting mechanisms of the Assembly are reflective of that diversity.

The discrimination in the Assembly’s voting system must be addressed so that those of us who choose to define ourselves in more inclusive ways are not ignored or counted as less important in key votes. The current voting system dismisses a positive statement of our identity as a member of the United Community group as simply “Other”. Until that inequality in the Chamber is dealt with, it will be difficult for us to have credibility on the issue of equality outside it.

**Lord Morrow:** The DUP has great concerns about the motion. My colleague David Simpson and I sought to table an amendment to the motion that would have resulted in universal support in the House. It is regrettable that it was not accepted, but we must debate the motion as we see it.

I listened to the proposer of the motion and was appalled to hear her be selective in who would benefit from a single equality Bill and who would not. I remind the Member that there are many victims out there, and she would know something about them.

They were not mentioned. They are not to be included. My party would include them, and would defend and uphold their rights. For that reason, we sought to table an amendment.

No political party is opposed in principle to an equality Bill. However, these issues seem to take legs, and to go in all directions. They often lose the focus of what they are supposed to deliver. We must ensure that it is the public — those who are not being treated equally — who benefit in the end; not barristers’ bank accounts. We used to criticise the amount of equality legislation and its impact on workloads, and we talked sarcastically of the development of an “equality industry”. Things have deteriorated to such an extent that that situation now exists. The “equality industry” has become a professional term. One website for diversity managers, equal opportunities and social inclusion workers advertises itself as the “home of the equality industry.” Is that what we seek? Is that the equality we set out to achieve? Hardly; yet there are many lawyers who are only too happy to see that industry continue and mushroom even further.

In his recent blog on the website of ‘The Guardian’, Peter Tatchell argued for a comprehensive equal rights Act in Great Britain, that would ensure that:

“all forms of discrimination were tackled in a uniform and coherent way.”

He went on to stress that upgraded protection should be provided on the basis of :

“marital status, social background, genetic inheritance, physical appearance, area of residence and medical condition.”

Just where would any finance minister begin to deal with every individual who might have a gripe about any of those issues?

In 2002, R Brubaker argued that potential benefits to individuals were being lost on account of a phenomenon which he termed “groupism”. He stated that:

“an equality industry, or set of vested interests have exaggerated the importance and significance of group social identities at the expense of the individuality of the people concerned.”

He maintained that that was “harmful to minority social groups”. The vested interests of the equality industry, to which he attributed groupism, have been created by state recognition of social group statuses and their inscription into equality measures.

Recognition by the state generates its own dynamic in the agendas and the positions of organisations claiming to represent minority groups and individuals. The new equality “mega-quango” across the water, the Commission for Equality and Human Rights, is up and running. It is estimated that it will spend about £50 million a year. Trevor Philips will become the chairman, but of his 13 fellow-commissioners, three are trade unionists, two are academics, three are civil servants — or quangocrats — and three are professionals in non-governmental organisations. Only two have jobs in the wealth-creating sector. They will be paid salaries of between £130,000 and £134,000.

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle.

I congratulate my colleague Martina on tabling the motion, and I welcome the opportunity to take part in debate. A variety of legislation attempts to deal with inequalities in all areas of life. Sometimes that leads to unnecessary confusion. A single equality Act has the potential not only to harmonise equality law, but to extend the scope of equality legislation.

A single law can address the interests of everyone and provide a framework for achieving equality for everyone. However, much more than a commitment is needed to prohibit discrimination and to promote equality of opportunity.

Any single equality Bill must be underpinned by equality of access, of outcome, and of condition.

Last week, we debated the under-representation of women in public life and the consequences of that for the development of policies that are sensitive to the needs of women. There are many areas of life in which women face discrimination.

I wish to concentrate on the elements of a single equality Bill and any related consultations that are of particular significance to women. I support the broadening of marital and family status to include all persons with dependents, whether they are married, single, or cohabiting — including opposite-sex and same-sex couples. That would provide a greater degree of security for many people through entitlements to pensions and other benefits, and in the general treatment that they receive.

The under-representation of women in large sectors of the economy is of critical importance. That issue cannot be tackled effectively without affirmative action that is directed at the structural barriers that prevent women from participating equally within the labour market. Despite the Sex Discrimination Act 1975 and other equal pay legislation, there is still a problem of low and unequal pay for women. Women earn on average only 81% of male full-time earnings, and female workers remain disproportionately concentrated in low-wage jobs.

The recommendations of the equal pay task force on flexible working patterns, the provision of childcare, and the tax benefit system must also be examined and potentially addressed by a single equality Bill if we are to achieve equality of outcome.

Pregnancy and maternity continue to be a chief basis of discrimination against women. There has been a clear increase in the number of cases that has been taken to employment tribunals. Clarification is needed in the single equality Bill so that direct discrimination on grounds of pregnancy is defined as direct discrimination on grounds of sex.



If the single equality Bill is to be effective as a tool for enforcing the rights of all groups to equality of treatment, and for preventing all forms of discrimination, there must also be effective protections against victimisation and harassment.

**Mr Storey:** Will the Member give way?

**Ms J McCann:** No; I only have a short time to complete my remarks.

In the short period of available time, I have succeeded in highlighting only some of the important measures for ensuring equality of opportunity and outcome for women. The task of tackling deeply rooted discrimination and changing attitudes must be at the core of any commitment to end all forms of discrimination, particularly against the most vulnerable in society. I hope that the Executive will publish a draft single equality Bill for discussion and consultation at the earliest opportunity. I support the motion.

**Mr Campbell:** I imagine that every political party, in Northern Ireland or elsewhere, is in favour of equality legislation, provided that it delivers what it is supposed to — a more equal society. My party does not oppose a single equality Bill in principle, but examination of what fair employment legislation has, in practice, delivered in the past leaves us with a jaundiced view of what such a Bill can achieve.

For example, we have seen the passing of the Fair Employment and Treatment (Northern Ireland) Order 1998, and the Fair Employment (Northern Ireland) Act 1989 — both pieces of legislation that would no doubt be endorsed by those who are promoting the single equality Bill. Implementation bodies emerged from those pieces of legislation: the Equality Commission and its predecessors. What results have the Equality Commission and the legislation that provided for it produced in Northern Ireland?

11.15 am

The Equality Commission is supposed to oversee issues regarding gender, religion and race. There is no doubt that the problems that continue to exist with gender are improving. It might be argued that they are not improving quickly enough, but they are improving. Issues to do with race need more work, but they are improving. The one area in which there is no improvement is the one that the hon Member for North Belfast Mr McCausland mentioned: the Protestant community in Northern Ireland. There is no improvement there; in fact matters are getting worse in spite of legislation that was made in the House of Commons and supported by those who say that they are in favour of equality. That makes the DUP very jaundiced about a single equality Bill.

The Equality Commission in place today does not rail against the discrimination of members of the Protestant community who apply for jobs in the police force — it actually supports that. It says that that is good. The Equality Commission is supposed to be against discrimination, yet it is in favour of it, and we are asked to support legislation like that. The Equality Commission that exists today does nothing about the worsening Protestant under-representation in the Civil Service. It recognises the issue but does nothing about it — and people want us to support an Equality Bill that would replicate that.

It is easier proportionately for a Roman Catholic to become a member of the Police Service than it is for a Protestant to become a housing officer, but there is no implementation of the 50:50 rule as regards recruitment to the Housing Executive. Under-representation is becoming worse because of legislation that we were told would deliver equality.

Those people who are prepared to say that they want equality for all should begin to turn the magnifying glass on the area where a lack of equality is getting worse and tell us what they plan to do about it.

**Mr Storey:** Does the Member agree that those who expound the virtues of equality need to ensure equality for Christians in Northern Ireland who have grave reservations about legislation that has been introduced that discriminates against them because they hold a particular religious view?

**Mr Campbell:** That is the case, and I thank my hon Friend for his point. Many in the Christian and evangelical community feel that they are being disadvantaged, and legislation that the Assembly is considering must address that. A Minister said yesterday that we have got to feel comfortable with the wording of legislation — but it also has to deliver the goods. If a single equality Bill could do that then the DUP would support it, but past experience shows that such a Bill would not, and that it would actually make matters worse for my community. Come up with the goods that will deliver pure and genuine equality, and we will support them.

**Mr Elliott:** Who could argue with the wording of the motion, which states:

“discrimination operates in many different ways and on many different levels”?

Of course, it does. What concerns me is that mostly when republicans talk about equality and discrimination, one would think that they are the only people who are being discriminated against in the Province. That is far from the truth, and other Members who have spoken have alluded to that. The Member who moved the motion, as Lord Morrow said, almost talked of selective discrimination and selective equality. I am concerned that we will bring forward equality legislation that will actually discriminate against a section of the community in Northern Ireland.

Victims have been mentioned, but they have often been ignored in the equality process. What equality and rights did the families of the victims Fred Love and William Hassard in Fermanagh have when Sinn Féin/IRA erected a monument to an IRA murderer right beside where their family members were murdered by the IRA?

What rights and equality did the people who were killed in the Enniskillen and Omagh bombs or the Kingsmill massacre have? We could spend all day asking about the equality that those victims had. I am interested in hearing from Sinn Féin Members how they propose to address equality for those victims but, as yet, I have not heard anything.

**Mr Storey:** The IRA statement of 2005 endorsed the IRA campaign, describing it as “entirely legitimate” and handed over the baton to the party that sits opposite. Does the Member agree that the serious question must be asked of the party opposite whether it is of that view today?

**Mr Elliott:** I cannot disagree with the Member’s comments, and I thank him for them. That question needs to be answered by those Members on the other side of the House — not by me. Those people are now in the Government of Northern Ireland, sitting in the Executive of this Assembly. Have they changed? They serve as Ministers acting on behalf of Her Majesty The Queen and her realm. I hope that they have changed; if so, I want to hear it clearly.

Any single equality Bill should not deal only with the issues of inequality and discrimination that I have mentioned — and I have talked about some negatives. The Bill should set a positive framework for the promotion of equality especially for traditionally marginalised groups, such as people with disabilities and those with learning disabilities. Effective remedies for inequality must place an emphasis on disability. The distinct nature of disability inequality demands a focused approach in order to recognise the long-term social, economic and institutional nature of the discrimination and disadvantage experienced by disabled people.

The United Nations Convention on the Rights of Persons with Disabilities was adopted in December last year and signed by our UK Government. The Convention, which is awaiting ratification at Westminster, offers clear progress on a range of areas. Those include raising

awareness, protecting the integrity of the person, personal mobility, independent living, access to information and many more.

The single equality Bill may not, as yet, be able to legislate for the changes that will arise once the UN Convention is ratified by the UK. However, it is important to strengthen disability protection from the outset in anticipation of ratification. I therefore call for proactive and inclusive support for anything that emerges from this equality Bill. However, those on the other side of the House should realise that if there is to be equality, it will be for everyone, not only for those who seem to believe that they are the only people who have been discriminated against.

I was quite interested in the comments of the Member for West Tyrone Barry McElduff who asked if short-sleeve order had been introduced in the Chamber. My recollection is that it is an army regulation — I wonder in what army Mr McElduff picked that up.

**Mr Dallat:** Mr Deputy Speaker, I congratulate you on your elevation to high office.

The introduction of a single equality Bill presents new opportunities to go much further than harmonising anti-discrimination laws. Indeed, it is an ideal opportunity to extend protection well beyond that demanded by European Union directives. Furthermore, it is our opportunity to frame Northern Ireland's equality legislation more positively and to include proactive duties to promote equality of opportunity. In a world that is full of inequality, there is a need to demonstrate that, beyond a shadow of doubt, this is a fair place where reasonable adjustments are made in order to recognise disability and where there is fair participation by two communities.

The underlying principles of the single equality Bill must include a commitment to the following core principles: upward harmonisation of existing anti-discrimination and equality coverage; fulfilment of the Belfast Agreement mandates; adherence to European law and international best practice; provisions in accordance with existing equality duties under section 75 of the Northern Ireland Act 1998; and a positive, unified conception of equality — something that I have not heard this morning.

Several issues arise from the effort to harmonise existing laws. In particular, there must be no watering down of those laws. The added protection offered by section 75 of the Northern Ireland Act 1998 must be ring-fenced. Protection must be given to marital and family status, and there must be a clear understanding of what is meant by "disability".

I share many people's concern that adequate protection is not offered to those who continue to experience the wrath of the paramilitary groups that still terrorise communities. It is unacceptable that families, having been intimidated out of their homes, are given nothing more than a piece of paper from the PSNI advising them that there is information that suggests that their lives are at risk. It is unacceptable that those families are left homeless — often for long periods of time — with little intervention from the Housing Executive or the Northern Ireland Office. That is not equality in any democracy. My heart goes out to those families who continue to experience inequality caused by terror groups who do not seem to have discovered that their day has gone — I hope, for ever.

Enforcement is all-important; any legislation that is not followed through is, to all intents and purposes, as useless as a handbrake on a canoe. The SDLP believes that there is an ideal opportunity to complement the Bill with a single equality tribunal, and that an independent equality appeals tribunal is justified. None of that rules out the increasing role for mediation that was suggested in the consultation paper.

There should be a recognition that considerably greater statutory powers and resources will be required if an outcome-based approach to equality is to take root. In that respect, as in the fields of enforcement and monitoring, the Equality Commission has shown itself to be of great value.

Finally, let me emphasise the need to promote the extension of positive action measures to all grounds. Positive measures should be allowed, so as to ensure fair participation or good practice in order to facilitate full equality in practice. In these circumstances, and in an atmosphere of partnership, all our citizens are winners and there are no losers. Equality is no longer a demand — it is a right, enshrined in the Good Friday Agreement and emulated by genuine democracies throughout the free world. Sadly, there is much still to be done. Equality is not the remit of one party or another, but of all of us.

Here, at least, we can make a difference — although it is long overdue. In other parts of the world, through famine, disease, war, and unfair trading practices, there is no equality, no justice, and no hope. Let us go forward positively, accepting that in the past many people in both communities did not have equality — not even the right to live.

Finally, I was interested to hear Mr Storey calling for the rights of religious groups. A very short time ago he complained about a religious icon on Royal Mail postage stamps. I think that that underlines Mr Storey's hypocrisy.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom tacaíocht a thabhairt don rún, agus ar dtús ba mhaith liom cothrom na Féinne a thabhairt do Martina as an rún a chur romhainn.

I commend Martina for proposing this motion. She also raised the matter at a meeting of the Committee of the Centre last Wednesday afternoon. She has highlighted the fact that the current legislation is very fragmented and that it needs to be pulled together and strengthened in the form of a harmonised single equality Bill. Martina also said that there was an obligation and an opportunity to do that now and that we have the power to deliver on the matter. The Executive can lead the way in this matter if they, and the Members of this House, have the political will.

It has also been pointed out that, to date, consultation has been extensive and that substantive contributions have been made to at least two major consultations so far.

11.30 am

Nelson McCausland said at the outset of the debate that he supported equality. However, I was counting the seconds until he said “however” or “but”. It was like one of those goals that is scored in the first minute of a football match. Nelson was very quick to qualify his support for equality by immediately reaching —

**Mr Storey:** If the Member is so keen to ensure that others are precise in their definition and support of equality, will he now condemn the IRA's 35-year murderous campaign and admit that it could not be described as having been in the interests of equality?

**Mr McElduff:** I thank the Member for his irrelevant intervention.

However, when Nelson McCausland spoke in support of equality, I was counting the seconds until he said “however” or “but”. He then said that he was against the motion. If Members were to read the motion, I do not know how they could be against it yet claim to support equality. The motion states:

“That this Assembly recognises that discrimination operates in many different ways and on many different levels and encourages the Executive to bring forward harmonising legislation, in a Single Equality Bill, for discussion and consultation at the earliest opportunity.”

How a Member can suggest in one breath that he supports equality but in another that he will oppose the motion defies my understanding.

The DUP needs to show more maturity in examining motions. The important matter is not from where the motion has come; it is about its substance and whether a Member or party agrees or disagrees with it. The DUP should stop the silly practice of objecting to Sinn Féin motions and instead examine the substance of the issue at hand. A Latin phrase can be applied to that practice: the DUP could be said to be playing the game *ad hominem*. That party should therefore look at the issues, not from where they emanate.

When Danny Kennedy spoke as the Chairperson of the Committee of the Centre, I was conscious that we have not yet had a full opportunity to discuss single equality legislation at Committee level. Danny asked the interesting question of whether such proposed legislation would result in tangible benefits. I think that it would. He also asked whether equality legislation is a political football or a politicised mantra. The motion is searching for equality: it does exactly what it says on the tin. It is about introducing composite and harmonised equality legislation that focuses not on yesterday's agenda but on tomorrow's. Some unionist contributors to the debate seem to be nervous about recognising that discrimination either existed in the past or exists now and has been suffered extensively in the past by nationalists, among others, across the board.

Dolores Kelly defended the reputation of the voluntary and community sector. The debate was being taken in a different direction at that time, so her contribution was very valuable.

The DUP should be more objective and examine aspects of its own community, such as education. It is well known that the unionist political parties, particularly the DUP, are doing a very bad job of representing Protestant and unionist children and young people who come from socially disadvantaged backgrounds. We need only listen to —

**Mr Deputy Speaker:** Order. The Member's time is up.

**Mr McElduff:** On a point of order, Mr Deputy Speaker. I am delivering my winding-up speech.

**Mr Deputy Speaker:** Order.

**Mr Simpson:** Although we clearly do not want to see anyone being discriminated against, the new Administration must tread carefully. In recent years, Northern Ireland has spawned an equality industry. In the 10 years since 1996, 4,735 cases of religious discrimination at work were reported, with just 50 of those being upheld.

Staff costs and fees were estimated at £2.2 million, and none of that total included the cost of getting legislation passed or appointing equality watchdogs. Of course, to Sinn Féin, and, also, to the SDLP, minor details such as efficiency or budgetary constraints appear to be of little concern. They might well relate to a former Congressman of the United States who once said:

"A billion here, a billion there, pretty soon you're talking real money."

Where has all of this got us? We are now in a situation where Christians who run guest houses have the choice of allowing practices to occur under their roofs that they find objectionable, or of being dragged through the courts, or of selling up. Those choices will be faced in the full knowledge that parties in this Chamber approve of every penalty faced and every hardship endured by those families.

It is also the case that if anyone in any part of Northern Ireland sees a news report about an assault in another distant part of the Province and decides that, regardless of evidence and how it was reported, the assault was a hate crime, that viewer can pick up the phone and report his or her perception to the local police. The incident is then recorded by the PSNI as a hate incident, regardless of any evidence to the contrary. There is a danger that if such a proposal were not handled correctly it could make the situation worse. It could multiply costs, turn even more

ordinary, law-abiding people into criminals, find ever-new ways to set aside the right to expression and freedom of speech, and further restrict civil and religious liberty.

It is no surprise that such a proposal is made by Sinn Féin's spokesperson for Protestant and unionist outreach. That is a contradiction in terms if ever I heard one. If someone from the proposer's background thinks that she can reach out to unionists, she must think that she can sell snow to Eskimos.

The Executive must consider a number of points, including the basic question of whether such a Bill is necessary or desirable.

**Mrs D Kelly:** Will the Member give way?

**Mr Simpson:** No, I have almost finished. The Member had her opportunity.

The Assembly must look at the whole question of costs and efficiency, and, indeed, consider whether some new piece of crippling legislation is needed. It should also set about undoing some of the bad legislation that has already been passed, and make right some of the deep wrongs that have been done in the name of equality.

I reaffirm the DUP's commitment to genuine equality for all. The DUP will not be supporting the motion, as it would put us deeper into the mire that we are already in. I urge every Member to do likewise.

**The Deputy First Minister (Mr M McGuinness):** Go raibh maith agat, a LeasCheann Comhairle.

I congratulate you, Mr Deputy Speaker, on your elevation to your new position.

I am pleased to address the Assembly on the matter of equality. Equality and anti-discrimination measures are cornerstones of international law. The legislation already in place to protect the vulnerable defines our standards as a community. The mark of an advanced society is that it tackles inequality and protects the vulnerable.

Equality is an important principle. It is a priority to work together to eliminate inequalities. The concept of having new equality legislation has been around for a considerable time. Work was begun by previous Administrations, and the first Programme for Government identified a single equality Bill as an objective. Consultations took place to seek views and to evaluate what a single equality Bill might look like, because it is recognised that this is a large and complex area.

Direct rule Ministers made it clear that their preference was that a Bill should be taken forward by a restored, devolved Administration. When launching the 2004 consultation, John Spellar said that, ideally, he would like to see the legislation brought through the Assembly so that those who had initially decided that there should be legislation would have the opportunity to debate and shape it.

Since 2004, there has been much progress in strengthening different areas of equality legislation. That has resulted in extra protection on the grounds of gender and for those with disabilities. Recognition of the importance of this issue and a commitment to making progress on it were included in the St Andrews Agreement in October 2006. Now that there are functioning, devolved institutions, the Assembly can finally focus on bringing the legislation forward.

I thank all the contributors to the debate today. Nelson McCausland asked how extensive and inclusive the consultation has been — the Equality Commission survey of 2006 showed that there was 92% support for a single equality Bill and that a majority recognised that discrimination occurred on many grounds and in many ways. We are currently talking to a wide range of

stakeholders including employers' representatives, trade unions, the Churches and the voluntary and community sector. The 2004 consultation was wide-ranging and targeted the same groups.

Dolores Kelly argued that OFMDFM is suggesting the implementation of minimal harmonisation in the community. Proposals for the extent of harmonisation have yet to be put to the Executive, and there is no presumption of minimum harmonisation.

Several MLAs argued for extending the grounds to provide new protection for areas of marital status, genetic predisposition and victims. In bringing forward proposals for a Bill, the Executive will consider the case and the evidence for introducing new grounds.

Gregory Campbell spoke about equality legislation having to be comfortable for everyone. Equality legislation is about protecting everyone's rights. By implementing equality legislation, the Assembly must ensure that all rights, without exception, are protected.

What is the purpose of a single equality Bill? Equality is a right regardless of gender, religion, race, political opinion or other defining factors. Any equality legislation must effectively embrace diversity and enable people to fulfil their potential.

**Mr McNarry:** The Member who moved the motion, Ms Anderson, mentioned 'A Shared Future' and social engineering. Does the Deputy First Minister agree with me that it would be helpful if the Office of First Minister and the Deputy First Minister clarified whether or not there is official endorsement of 'A Shared Future', given that his predecessors were unable to endorse it in the past?

In addition, does he agree that it would be useful to know if the Office of First Minister and the Deputy First Minister is responding jointly to today's debate? Finally, does he accept that, regrettably, in the light of his party's tone during this debate, my party has altered its opinion of the nature of, and the reasoning behind, this motion and is unable to support it.

**The Deputy First Minister:** Whether a party decides to support or oppose the motion is a matter for that party.

Today, I am speaking on behalf of the Office of the First Minister and the Deputy First Minister.

11.45 am

As many Members know, and as the motion states, discrimination can operate in many different ways and on many different levels. It is not always easy to recognise prejudice and intolerance, but it is all too apparent to those who suffer as a result of discrimination and inequality. In June 2006, the Equality Commission commissioned an independent survey of 1,000 adults, 'Awareness of Equality Issues amongst the General Public'. The findings indicate that some 17% of the adults who were surveyed felt that they had been treated unfairly or had been harassed in the previous three years. [Interruption.]

**Mr Deputy Speaker:** Order.

**The Deputy First Minister:** It is therefore important that we address discrimination issues for all parts of our community. It is essential that we continue to build an inclusive, progressive and equal society, and that we welcome and celebrate diversity and difference.

The first public event that was organised by the First Minister and me took place in Stormont on 9 May, when we invited people from a wide range of backgrounds and nationalities who have chosen to come here to live and work among us. We wanted to thank them and all those people who have brought their skills, expertise and unique culture into our society. We spoke to people from all ethnic backgrounds, and the fact struck me that we are all united in our desire to make

this society a better place in which to live and work. At that event, the First Minister and I made clear our determination to tackle and stand against all forms of prejudice and intolerance. We wanted to show that the Administration celebrate and welcome diversity. That event was about showing political leadership in a tangible way, and it was a clear statement of our opposition to inequality and discrimination.

The business sector has also recognised the benefits of maintaining equality standards. If a society is based on inequality and discrimination, the best person does not always get the job or promotion.

I wish to take a little time to put the concept of the equality agenda in context, to outline some of the progress that has been made to date, and to describe briefly the way ahead. My officials are engaged in a series of meetings with key interested groups. Those officials are listening to the views of those groups and are keeping them informed of our current thinking. I am conscious that that work has been ongoing for the past eight years, so there is a justifiable sense that the issue must be resolved early in a way that makes a real difference.

The Administration intend to present proposals to the Executive for their earliest consideration and approval. Those policy proposals will detail the range of available protections, any changes that we consider necessary or desirable, and the arrangements that will be put in place to ensure the continued effectiveness of any possible provisions, examining, in particular, the role of the Equality Commission.

What is our thinking, and what are our principles? There is a strong argument about the need to streamline and consolidate the legislation into one legal instrument. Our purpose in considering the issue is to ensure that the most effective protection is available to all people.

Much work lies ahead, but we remain absolutely committed to the view that equality is a right and that it is good for individuals, the community and the economy. It is our intention that any possible equality legislation will provide an effective framework for everyone in our increasingly diverse and multicultural society. We need to send a signal to all people that our future will be based on justice, equality and protection from discrimination.

I welcome today's debate and the focus that it has brought to this important area of work. I look forward to working constructively with the Assembly on this vital issue.

Go raibh míle maith agat.

**Mr Deputy Speaker:** I remind Members that they must all switch off their mobile phones, however attractive their ringtone.

**Ms Anderson:** Go raibh maith agat. As the proposer of this motion, I appreciate the fact that the First Minister and the Deputy First Minister are present for the debate. I have listened with keen interest to many of the contributions. It is important that all Members recognise that this motion is a serious attempt to put in place a law that will be effective for everyone in society. I am not at all singling out the nationalist and republican section of our society; I am talking about the Protestant, unionist and loyalist community, the nationalist and republican community, and all those who do not identify themselves in those ways. This legislation should be introduced for everyone's benefit.

Despite what David Simpson said about me and the work that I am involved in as director of unionist engagement, I know from conversations that I have had with many people from the Protestant, unionist and loyalist community that there is an appetite for engagement. Inequality and disadvantage definitely exist within that community. I care as much about the fact that only 2% of children in the Shankill area pass the 11-plus as about under-representation in Shantallow



and elsewhere. I care about all our children across this society. It is unfortunate that the UUP has arrived at the conclusion that it has.

The motion states:

“That this Assembly recognises that discrimination operates in many different ways and on many different levels and encourages the Executive to bring forward harmonising legislation, in a Single Equality Bill, for discussion and consultation at the earliest opportunity.”

As Members, we have an obligation and a duty to put in place an equality framework to address the fragmented array of legislative instruments that are causing confusion across society. Let us build on the opportunity that we have. Let us take advantage of where we have come from and all that has happened since 8 May. We have a duty and responsibility to build a genuine shared future on equality. For that reason, I ask Members to reflect on the motion and to support it. Go raibh maith agat.