

Joint Northern Ireland Civil Society submission to the United Nations Committee on Economic, Social and Cultural Rights (CESCR)

January 2023



1. A range of Northern Ireland civil society organisations¹ have collaborated to provide this parallel report to the Committee on Economic, Social and Cultural Rights in advance of the committee's Pre-sessional Working Group (PSWG) for the UK's 7th review under the International Covenant on Economic Social and Cultural Rights (ICESCR). This report attempts to provide substantive civil society evidence, analysis and commentary on the status of the covenant rights within Northern Ireland in advance of the PSWG.

Article 2 – Progressive realization, legislative measures, non-discrimination and non-nationals

2. People in Northern Ireland are facing an increasing number of barriers to fully enjoying their economic, social, and cultural rights. Direct action taken by the UK Government to curb or remove access to legal rights, alongside the failure to deliver commitments in the Belfast/Good Friday Agreement has left the protection of human rights in Northern Ireland in a precarious state.

3. During the reporting period the Northern Ireland Assembly and Executive experienced significant instability following the collapse of the institutions between 2016 and 2020. This led to a legislative hiatus which further complicated the challenges within the region and these challenges continue due to underfunding and the complexity associated with addressing legislative gaps and deficits which exist in the absence of agreement on measures such as a local Bill of Rights. The institutions became operational again in early 2020 but have faced continuing challenges in the context of the ongoing Covid-19 crisis and the implications of Brexit. A further political crisis emerged when the Executive again collapsed in February 2022 following disputes² over the Northern Ireland Protocol³ and has yet to be restored.

NI Bill of Rights

4. Following the last review of the UK the committee urged 'the State party to take all necessary measures to expedite the adoption of a bill of rights for Northern Ireland.'⁴ A revised Bill of Rights process was included in the New Decade, New Approach Agreement⁵ in January 2020 as part of a wider set of measures to re-establish the Northern Ireland Assembly and Executive.

5. The Ad Hoc Committee's own survey⁶ published in March 2021 found that 80% of respondents across all communities were in favour of a Bill of Rights for Northern Ireland and that 82% felt it should contain a spectrum of rights reflective of international standards. The Ad-Hoc Committee published its report in February 2022⁷. While there was no political consensus on a detailed set of proposals for a Bill of Rights in the report, the Ad-Hoc Committee process successfully created the conditions in which majority political support for a Bill of Rights was achieved for the first time in many years⁸. Four out of the five parties (SDLP, UUP, Sinn Fein & Alliance) have stated their support for a new Bill of Rights with additional rights for people in Northern Ireland. This is in parallel with the broad-based cross community support that exists at a public level (for a Bill of Rights including social and economic rights) in every main party voter base⁹.

6. Yet following the report the UK government continues to insist on the concept of 'political consensus' in order to progress legislation for a Bill of Rights.¹⁰ The requirement for consensus has been accurately highlighted by other political parties as providing an unacceptable veto on rights progression¹¹ and in the context of ICESCR once again denies the possibility of developing legislation that could incorporate the Covenant rights into domestic law.

Human Rights Act

7. Despite the clear and consistent appetite for increased rights protections in Northern Ireland the UK Government have been moving in the opposite direction by pursuing attempts to scrap the Human Rights Act (HRA). The HRA is a foundational and constitutionally significant piece of legislation which fulfils commitments made in the 'Rights, Safeguards and Equality of Opportunity'

chapter of the Belfast/Good Friday Agreement to incorporate the European Convention on Human Rights into domestic law.

8. While the ECHR protects mainly civil and political rights it does provide some significant protection for economic, social and cultural rights.¹² The UK government has introduced a 'Bill of Rights Bill' into Parliament;¹³ civil society more aptly terms it a Rights Removal Bill. The Bill would replace the Human Rights Act 1998 and introduce new procedures for how ECHR rights would apply in the UK.

9. The Bill of Rights Bill / Rights Removal Bill (BORB/RRB) would be a seriously retrogressive step in the protection of all rights in the UK. The Bill would introduce significant legal uncertainty into the protection of human rights in UK courts and make it more likely that victims of violations would need to go to the ECtHR in Strasbourg to vindicate their rights. Several clauses in the Bill would have a particularly detrimental impact on the protection of economic and social rights.¹⁴

Retgression of existing rights

10. The reporting period has been a period in which rights have regressed - : the continued impact of Welfare Reform¹⁵; the impact of Brexit on the retrogression of rights¹⁶; the impact of the Covid-19 crisis including the collapse of services, inappropriate use of DNRs and withdrawal of medical treatment¹⁷; the ongoing impact of the reduction of public finance budgets and austerity on public service delivery¹⁸; under-resourcing of the CVS and Human Rights Organisations in particular.

11. Article 2 of the Protocol on Ireland/Northern Ireland contains important, if limited, non-diminution protections to mitigate against the loss of rights which has occurred following the UK's exit from the EU. However, we remain highly concerned at the UK Government's ongoing disregard for these important protections in its legislative outputs.¹⁹ The Northern Ireland Human Rights Commission has also been subject to a five per cent reduction in its core budget, with further cuts expected. This will significantly undermine its ability to fulfil its statutory duties and as a result its status as a category 'A' rated NHRI is under review by the Global Alliance of National Human Rights Institutions.²⁰

Non-Discrimination

12. Across civil society in our scrutiny of both Government action and rhetoric, we have observed a worrying trend in the increasing demonisation and marginalisation of particular groups accessing and enforcing human rights protections, in particular migrants and refugees as well as prisoners.

13. This was made particularly transparent through the Bill of Rights Bill, which attempted to strip refugees and asylum seekers of their ability to use their Article 8 right to private and family life in deportation cases in all but extreme circumstances. It also attempted to prioritise the concept of "overwhelming public interest" over the ability of prisoners to enforce their rights through domestic courts.

14. The current equality and non-discrimination framework in Northern Ireland is widely regarded as deeply inadequate. With equality legislation contained in several pieces of legislation without a common framework and clear gaps such as age discrimination legislation. The Equality Act 2010 is also still not applicable in Northern Ireland despite the previous recommendation of the committee.²¹

15. While there have been some initiatives aimed at addressing the imbalanced enjoyment of rights (through attempts to draft Anti-Poverty, Disability, LGBTQIA+, and Racial Equality Social Strategies) we have seen extremely limited progress. These Strategies and Action Plans have too often

remained mired in a cycle of endless development, followed by a collapse of Government and changing context which requires the work to be restarted with limited action taken in the interim.

16. The ongoing and pervasive cost-of-living crisis impacts many different groups in intersecting and overlapping ways. This has meant that the most marginalized have often borne the brunt of the impact and existing inequalities have been enhanced even further without adequate or consistent responses by the Government.

Hate Crime

17. There is no specific hate crime legislation in Northern Ireland for people with characteristics protected under equality law. The Criminal Justice (No.2) (NI) Order 2004²² enables a sentence to be increased where it is proven that the basic offence for which a person has been convicted was motivated by hate crime against one of the currently protected characteristics (race, religion, sexual orientation, or disability). This legislation has been criticised because the hate element of the crime is only considered at the sentencing stage and can sometimes be overlooked. The person is only charged with the crime of assault rather than the hate element that motivated it. The charge is assault, and the hate element of the crime is not recorded in the charges.

18. The Department of Justice commissioned an independent review of hate crime legislation in 2019²³ which made 34 recommendations²⁴. The Department has indicated that 'Recommendation 6: A New Hate Crime model' is to be considered further. The model proposed a third "by reason of" threshold to supplement the current thresholds of demonstration of hostility and motivation. The hate crime review recommended gender and gender identity (to encompass hate crime perpetrated against trans, intersex and gender diverse communities) as new protected characteristics, but rejected a stand-alone misogyny offence²⁵; a subsequent consultation sought further views on this²⁶.

Covid-19 Response

19. The degree to which the NI Executive and the Westminster Government adequately considered the needs of equality groups and those living in poverty in their responses to covid-19 is unclear. Many of the areas of concern regarding the impact of Covid-19 in Northern Ireland are devolved matters, particularly health, transport, education, communities, and employment.

20. There are concerns that particular decisions were made in the absence of consideration of the impact on equality groups including disabled people, older people, care home residents and people living in poverty²⁷. The Department for Communities established a Covid-19 Emergencies Leadership Group (ELG) which did not include any organisations working specifically with migrants, ethnic minorities, women and/or disabled people²⁸.

21. There was no engagement with migrant, ethnic minority, women's and disabled people's organisations meaning that these groups were not specifically targeted within the measures with significant risk²⁹. This group has been recalled to address the Cost of Living Emergency and the lack of engagement with equality groups remains a key concern.

22. The Covid-19 pandemic exposed and exacerbated ingrained social and economic inequalities in our society. The opportunity existed to ensure that the learning and legacy of that experience was the enhancement of legislative protections for those rights in Northern Ireland and across the UK. The UK Government and the NI Assembly and Executive have fundamentally failed to deliver on that opportunity.

Non-Nationals

23. We have observed a pattern in the current UK Government of pushing back on the rights of non-nationals, alongside the dehumanisation of, in particular, asylum-seeking individuals. There has also been a worrying focus from the Government on ensuring that “foreign criminals” cannot “abuse” human rights processes to ensure they are not subject to unfair conditions or treatment.

24. The UK Government introduced what has become known as the ‘hostile environment’ policy towards migrants, wherein they adopted administrative and legislative measures intended to encourage, through a systemic campaign of attrition, the “self-removal” of immigrants residing in the UK without indefinite leave to remain.³⁰

25. The Government implemented immigration status checks by public bodies and statutory agencies in Northern Ireland, such as the Health and Social Care Trusts, the Housing Executive, social welfare services, and the Police Service for NI. They also introduced charges for certain migrants using the NHS, while applying a “No Recourse to Public Funds” policy to migrants without indefinite leave to remain, barring them from accessing public services including social housing and welfare.

26. These ‘hostile environment’ policies were extended to EU/EEA nationals who did not have Settled or Pre Settled status on January 21st 2021. We will explore under individual Articles the particular impacts of this hostile environment on non-nationals relevant to those Articles.

27. The Committee may wish to ask/recommend that the State Party:

- Ensure that a distinct Bill of Rights for Northern Ireland is developed through Westminster legislation without further delay in accordance with the Belfast /Good Friday Agreement;
- Refrain from removing or undermining the Human Rights Act given its centrality to the Belfast/Good Friday Agreement and the protection of rights in Northern Ireland;
- Ensure that there is no weakening of the Article 2 ‘non-diminution of rights’ protections within the Ireland/NI Protocol and ensure these duties are fully implemented;
- Ensure that the Northern Ireland Human Rights Commission are adequately funded to fulfil their statutory duties;
- Take measures to ensure equal access to all Covenant rights across all section of society- particularly minority and marginalised communities;
- Respect the universality of human rights;
- Withdraw the hostile environment policies which limit full access to economic, social and cultural rights;
- Progress effective hate crime legislation with protection expanded for equality groups including gender-based hatred, and protections for transgender people;
- Ensure that lessons learned from Covid-19 are applied to future emergency planning and that equality groups are effectively considered and included in planning processes

Article 3 – Right to Gender Equality

Gender Equality

28. Alongside the other Social Strategies referenced above, the Department for Communities undertook to develop and deliver a Gender Equality Strategy, specifically focused on the needs of women and gender minorities across a wide range of areas including economic empowerment, access to healthcare, appropriate housing, and safety from domestic and sexual violence. These vital strategies are currently on hold due to the lack of devolved governance and hence the inability to receive Executive sign-off. There are particular gendered issues arising across all the material rights contained in Articles 6-15 of the Covenant. We will raise these gendered impacts under the specific Articles to which they apply.

29. The Committee may wish to recommend that the State Party:

- Ensure meaningful engagement with women in policy and decision making
- Introduce gender sensitive decision making processes, such as gender budgeting
- Strengthen representation of women in public life, including strengthening support for women to engage with decision making

Article 6 - The Right to Work

Asylum Seekers

30. The right to work is currently denied to those seeking asylum in the UK. This ban has a significant impact on the enjoyment of a range of economic, social and cultural rights, including the right to an adequate standard of living. With asylum seekers forced to survive on minimal asylum support payments (£40.85 per person per week or £5.84 a day) which are well below the current spiralling cost of living.³¹

Childcare

31. The right to work is being impeded (particularly for women) because of the lack of accessible and affordable childcare provision in Northern Ireland. With 44% of parents having difficulty working due to an inability to access childcare (58% mothers/27% fathers³²) and 41% of parents having to regularly use means other than their income to pay for childcare costs— rising to 55% of lone parents. The specific impact for women is borne out by economic inactivity rates which are increasing for women (31%). Despite a commitment in the New Decade, New Approach Agreement to publish a Childcare Strategy³³ to address these issues and the previous recommendations of the Committee³⁴, Northern Ireland remains the only region of the UK without a Childcare Strategy.

Access to Employment

32. Economic inactivity rates in Northern Ireland (26.7%) are higher than all other regions of the UK (21.5%) and have been consistently so for the last 15 years.³⁵ This represents a decrease in male economic inactivity (21.9%) whereas the rate for women increased (31.3%).

European Social Fund

33. The European Social Fund (ESF) represents a positive example of an employment support programme in NI. Under the terms of the UK-EU Withdrawal Agreement³⁶ the UK is not eligible to apply for structural funds after the 2014-2020 budget cycle but may complete funding claims for projects supported in this budget cycle up to the end of 2023³⁷. NI received €510m, or €280 per person from the ERDF and ESF combined³⁸. This funding will cease in March 2023. The UK Government have made a commitment to continuing to support the fund but have provided no clarity regarding how this will be achieved. At the time of writing no action had been taken to resolve this issues.

Access to Employment by Disabled People

34. There are higher rates of disability in (more than 1 in 5 people)³⁹ Northern Ireland and we have the lowest rate of employment for deaf and disabled people in the UK with only 37.8% in employment compared to 80.1% for non-deaf and disabled people⁴⁰. This is much lower than the EU rate of employment for deaf and disabled people which is 50.8%⁴¹.

35. Disability discrimination is the most common enquiry to the Equality Commission (49.5% were disability related enquiries in 2020/21)⁴² and failure to make reasonable adjustments is a common concern⁴³ which results in thousands of disabled workers a year being managed out of the workplace⁴⁴. Protections for deaf and disabled people in the Disability Discrimination Act 1995 do not provide acceptable protection within employment.⁴⁵

36. The Committee may wish to recommend that the State Party:

- Remove the ban on asylum seekers working.
- Take measures to increase employment rates for disabled people
- Introduce stronger equality legislation to protect disabled people in accessing and maintaining employment.
- Ensure the availability, accessibility and affordability of childcare services to encourage the full realisation of the right to work for women

Article 7 - Right to just and favourable conditions of work

Employment Status

37. Precarious, flexible and seasonal working arrangements have become well established in the UK. Such workers are at greater risk of suffering from low pay and financial insecurity, poor work life balance, and face obstacles to career development and progression. Such workers are also vulnerable because they are excluded from the employment protection legislation afforded to those defined under UK law as 'employees,' and can often be denied the lesser protections available to those designated as 'workers' due to their limited duration of continuous employment. Those incorrectly identified by their employers as 'self-employed' (mainly in the 'gig economy') are excluded from virtually all employment rights.

Statutory Sick Pay

38. Current levels of Statutory Sick Pay are inadequate and amongst the lowest in Europe.⁴⁶ Workers must earn an average of at least £123 per week, be classed as an 'employee,' and have been ill for four consecutive days before they become entitled to a payment of £99.35 per week. The Covid-19 pandemic exposed dangers of having Statutory Sick Pay at an unliveable level when it became widely reported that workers with Covid-19 type symptoms were ignoring government advice and reporting for work.

Low Pay

39. Northern Ireland has a problem with low pay, with approximately 25% of employees earning below the Real Living Wage⁴⁷. This culture of low pay is compounded by rising inflation and a real terms loss of pay leading to increasing levels of in work poverty and hardship. Age based discrimination in the application of the National Living Wage also needs to be addressed. The National Minimum Wage (NMW), a lower amount, applies to those under 23-years-old, whereas the National Living Wage (NLW) applies to 23-years-old and above.⁴⁸ The National Living Wage, as a minimum should apply equally to all those in employment, regardless of their age.

Gender Pay Gap

40. The Employment Act Northern Ireland (2016)⁴⁹ made provision for Gender Pay Gap Reporting regulations and a Gender Pay Gap Strategy and Action plan to be drawn up. This commitment is outstanding and there is no clarity as to the timetable for the development and implementation of the regulations. Northern Ireland is now the only jurisdiction of the UK without a reporting requirement on employers in relation to the gender pay gap. The gender pay gap remains at around 10 per cent⁵⁰.

Disability Employment Gap

41. The disability payment gap is widening having increased by 20% between 2019 and 2020 from £1.65 to £2.10. This means that a deaf and disabled worker working 35 hours per week could earn £3,822 per year less than a non-disabled worker⁵¹. There is no mandatory mechanism for disability pay gap reporting in NI.

Safe and Healthy Working Conditions

42. The deregulation agenda of the UK Government in respect of workplace health and safety legislation is of major concern.⁵² This agenda is further exacerbated by the threat to withdraw large swathes of employment rights, including health and safety rights, in the Retained EU Law Bill⁵³. EU-derived health and safety regulations support the Health and Safety at Work Act and include the 'six pack' regulations which cover the management of health and safety at work.

43. The Committee may wish to ask/recommend that the State Party:

- Replace all legal employment categories with a single status of 'worker' for everyone apart from those genuinely self-employed in business on their own account;
- Replace the practice of 'zero hours contracts' with guaranteed hours contracts based on actual hours worked;
- Address the particular discrimination faced by pregnant women and people who are currently classed as agency workers and therefore subject to a qualifying period of 12 weeks before being eligible for rights to paid time off to attend important medical appointments;
- Abolish the earnings threshold for SSP - making it payable from the first day of sickness;
- Increase SSP to match the real living wage;
- Create a flexible model of SSP which allows for a phased return to work, and income protection for workers.
- Increase the National Living wage to match the Real Living Wage⁵⁴
- Increase the NLW to the rate advised by the Real Living Wage Foundation for all those in employment, regardless of age.
- Outline what steps they are taking to ensure that the Gender Pay Gap in Northern Ireland is eliminated including, specifically, when Gender Pay Gap reporting regulations will be introduced in Northern Ireland;
- Outline what steps are being taken to close the Disability Pay Gap;
- Outline how it intends to maintain and protect existing health and safety guarantees if the EU Retained Law Bill is pursued.

Article 8 - Right to Join Trade Unions

Collective Bargaining and the Right to Strike

44. Collective bargaining strength is positively associated with a higher labour share and with lower economic inequality⁵⁵. Lower levels of inequality are associated with quality of life, well-being benefits for the entire population and the resultant positive impact on the economy. Despite this, workers in Northern Ireland are at risk of being further disadvantaged given that the new EU Adequate Minimum Wages Directive⁵⁶ will not apply to the UK. Additionally, Northern Ireland Trade Unions are concerned that the Northern Ireland Executive has yet to use its devolved power over employment law to make good on commitments contained in the New Decade New Approach Agreement to protect workers' rights⁵⁷. This could include measures to incorporate the EU Directive on adequate minimum wages and the promotion of collective bargaining. UK trade unions are also extremely concerned at the current direction indicated by the UK Government in relation to plans to restrict trade union rights.⁵⁸

45. The Committee may wish to ask/recommend that the State Party:

- Keep pace with new protections for workers by reflecting the protections of the EU Adequate Minimum Wages Directive in Northern Ireland law.
- Fulfil its commitment in the New Decade, New Approach agreement to protect workers' rights.
- Desist from any actions that would limit the right to join a trade union, take strike action and collective bargaining.

Article 9 - Right to Social Security

Universal Credit & Discretionary Support

46. The inadequacy of various specific benefits, and of Universal Credit as a whole, has had a significant effect on various economic, social and cultural rights of many particularly vulnerable groups. E.g. those on Carers Allowance reported a higher rate of worry about financial security, with almost half reporting struggling to make ends meet compared with around a quarter of carers on the whole⁵⁹.

47. Research conducted by the University of Ulster also found that Universal Credit was repeatedly described as a driver for illegal lending,⁶⁰ particularly around the harm caused by the five-week wait and issues with short-term benefits loans that were repaid from future benefits.

48. Another motivator for accessing illegal lending was the replacement of the UK-wide Social Fund with the more restrictive Discretionary Support Fund in 2016⁶¹. This fund is limited to basic needs, including food, heat, housing and maintenance of essential household appliances,⁶² and eligibility is also dependent on an Annual Income threshold currently set at 45 hours per week at NLW⁶³.

49. An Independent Review of Discretionary Support⁶⁴, commissioned by the Department for Communities, made a number of recommendations⁶⁵ for the improvement of this system within the existing departmental budget. Unfortunately, these recommendations require legislative changes to be implemented.

Personal Independence Payment (PIP)

50. There are clear issues around the assessment of Personal Independence Payment (PIP), given that 60% of claimants who appealed their PIP refusal/low payment won their case⁶⁶. A report (2021) by the Northern Ireland Public Services Ombudsman (NIPSO) found that people seeking to have their PIP claims reviewed or seeking an appeal are systematically disadvantaged because of the inadequate and inconsistent gathering of further evidence for progressing a review or an appeal of the PIP decision.⁶⁷

51. Many PIP claimants are subject to repeat face to face assessments on average every three years for the duration of their claim. This includes people with physical disabilities whose disability is unlikely to change. The Department for Communities stated that the Minister is committed to ending privatisation of the PIP service and bringing it 'in-house' in partnership with the Department of Health but that such a partnership was 'not currently feasible'⁶⁸. As a result of the Covid-19 pandemic the initial Capita Contract has been extended by the Department to 2023⁶⁹.

Impact on Women

52. A decade of austerity and welfare reform policies have disproportionately impacted on women. 86% of the savings to the Treasury through tax and benefit changes since 2010 have come from women. By 2020, men have borne just 14% of the total burden of welfare cuts, compared with 86% for women.⁷⁰ Further, research commissioned by the NI Human Rights Commission⁷¹ found that women on lower incomes have seen their incomes fall by up to £400 per year as a result of welfare reform.

53. The two child cap under Universal Credit remains^{72,73}, deepening child and maternal poverty⁷⁴. While split payments are available on request in Northern Ireland⁷⁵, women as the typically lower earners can be disadvantaged by the lower threshold for Universal Credit, sometimes making working unrealistic. Women may also find it difficult to request this, particularly where the relationship is abusive⁷⁶. Universal Credit claims almost doubled between February 2020 and February 2021⁷⁷. The only change to the system, a £20 per week increase, was cut from October

2021⁷⁸⁷⁹. There is a culture of mistrust regarding migrants; claims and appeals can be delayed and advisors may suggest applicants are lying about UK work history.

Hostile Environment – No Recourse to Public Funds

54. The aforementioned ‘No Recourse to Public Funds’ policy stripped migrants without indefinite leave to remain of their ability to access benefits and social security, while also removing their ability to seek work. This also has particular impacts for disabled migrants who may have higher costs of living due to their disability, and are unable to access that vital support.

55. This also has an impact for individuals with indefinite leave to remain, some of whom received benefits sanctions due to being unable to navigate the system as a result of language barriers, or had been mis-advised by their benefits office on what evidence was accepted for an immigration status check.⁸⁰

Political Instability

56. The absence of devolved governance has hampered an effective response to the current cost-of-living crisis. The promised pre-Christmas £600 payment to NI households was delayed until Jan ‘23⁸¹. The Executive’s previous welfare reform mitigation package⁸² was found by an Independent Review to be successful, making recommendations to extend and expand these mitigations⁸³. The inability to progress legislative changes through the Assembly has frustrated the implementation of this review. A submission by Ulster University academics identified an “urgent need” to implement social security reforms which can “provide some financial relief for those in extreme poverty”.⁸⁴

57. The Committee may wish to ask/recommend that the State Party:

- Implement fully and without delay the recommendations made by the Independent Review of the Welfare Reform Mitigations Package commissioned by the Department for Communities;
- Urgently review the assessment of Personal Independence Payment and its adequacy for enabling the enjoyment of other economic, social, and cultural rights;
- Ensure that all stakeholders are represented in decision-making processes around social security, in particular disabled people and organisations, women’s sector organisations and those working with migrant individuals and families;
- Urgently commission a comprehensive review of Universal Credit and its adequacy for enabling the enjoyment of other economic, social and cultural rights for the most vulnerable in our society;
- Consider the potential for the implementation of the Human Rights based model of social security which has been implemented in Scotland;
- Adopt the recommendations from the British Deaf Association for a separate benefit for d/Deaf people to access language interpretation services;
- End the practice of private contracts in the delivery of social security as adopted in Scotland.

Article 10 – Protection of Family and care of children

58. Northern Ireland lacks a childcare strategy⁸⁵; work on a strategy promised in the 2017-22 Assembly mandate was not initiated. Childcare is difficult to access, particularly in rural areas, and the average cost for full time childcare is £170 per week⁸⁶. Children in their immediate pre-school year (aged 3-4) are entitled to a nursery school place for 2.5-4 hours per day, but no free childcare provision is in place⁸⁷.

59. Adult social care is severely stretched, and involves complex, often significant contributions from service users and their families⁸⁸. Caring is the primary reason why many women are unable to participate in the labour force, or work fewer hours than they’d like⁸⁹, with financial impacts as a

result. The issue is particularly acute for lone parent households, which constitute 21% of all families in Northern Ireland (the highest proportion in the UK)⁹⁰, and over 90% of which are headed by women⁹¹. Women with disabilities are also at significant risk of poverty, with only 40% of women who report being disabled also in employment.⁹² In addition, women are more likely to report that they cannot accept work offers, as many employers particularly in lower paid sectors demand full flexibility throughout the week, and childcare outside regular office hours is virtually non-existent in Northern Ireland.

Protection of LGBTQ+ People

60. Despite the established evidence of need in Northern Ireland⁹³, currently there is no targeted support for LGBTQ+ people who experience domestic abuse. A Gendered Violence project aimed at LGBTQ+ women and girls aged 12 years+ who are at risk of domestic and sexual violence or abuse, funded by a charitable trust, is no longer funded.

61. LGBTQ+ people who wish to start a family do not have access to the same state funded provisions as heterosexual couples. To obtain funded IUI or IVF LGBTQ+ women couples must first privately access rounds of IUI treatment or self-insemination whereas heterosexual couples need to have unprotected sex for a year. This creates a financial burden on LGBTQ+ couples, or forces them to take legal and health risks should they pursue home insemination to meet the requirements.

62. There are also issues for LGBTQ+ couples in relation to passing citizenship to their children in certain circumstances i.e. where the child is not born on the island of Ireland, is not born through a registered clinic, or is born outside of the UK to a non-national birth parent, and a British non-birth parent. This is not the case for heterosexual couples.⁹⁴

Reproductive rights

63. Abortion was decriminalised in October 2019⁹⁵, and the Abortion (Northern Ireland) Regulations 2020⁹⁶ came into force in March 2020⁹⁷. However, the Regulations have not been implemented, and no action has followed⁹⁸⁹⁹ legislation introduced at Westminster to force implementation in July 2021¹⁰⁰¹⁰¹ and further in May 2022¹⁰². In December 2022, the Secretary of State for Northern Ireland confirmed commissioning of services will be introduced, but delivery is as yet to begin¹⁰³.

64. Early medical abortions are only provided for up to 9 weeks' 6 days' gestation. Telemedicine is not permitted, further widening the gap to England and Wales¹⁰⁴, Scotland¹⁰⁵ as well as Ireland¹⁰⁶.

Disabled women

65. Deaf and disabled women are of greater risk of violence, abuse, and exploitation than people who are not disabled¹⁰⁷. Evidence suggests that deaf and disabled women two times more likely to suffer physical abuse from an intimate partner than nondisabled women¹⁰⁸ and that deaf and disabled women who experience domestic abuse face compound oppressions¹⁰⁹. The ongoing Covid-19 crisis has been connected to an increased risk of domestic violence¹¹⁰.

66. Deaf and disabled women experience disproportionate levels of domestic violence and face barriers to accessing appropriate support¹¹¹. Women's Aid Northern Ireland report that 41% of women in refuges and 41% of women accessing outreach services are disabled women¹¹². The UK has not ratified the Istanbul Convention¹¹³ which provides a legal framework to tackle numerous forms of Violence Against Women and Girls (VAWG), including domestic violence, rape, sexual assault, female genital mutilation (FGM), so-called 'honour-based' violence, and forced marriage. It has been termed the 'gold standard approach' to tackling these widespread instances of gender-based violence¹¹⁴.

67. The Committee may wish to ask/recommend that the State Party:

- Invest in commissioning of fully accessible services for people experiencing domestic and sexual violence including access to redress;
- Develop prevention programmes aimed at changing attitudes and norms that encourage violence and abuse;
- Ensure the implementation of healthy relationships education and consent programmes within schools.

Article 11 - Right to Adequate Standard of Living, including Food, Clothing and Housing

Risk of Homelessness and Destitution

68. The inadequacy of our social housing system in NI is becoming more apparent. With the monumental waiting lists for social housing¹¹⁵ pushing more and more people into the private rental sector, many Universal Credit claimants are struggling to cover rent and bills due to the aforementioned shortfall between their benefits and their rent¹¹⁶.

69. Northern Ireland is projected to have twice the increase in destitution experienced by the rest of the UK¹¹⁷. The NI Consumer Council found that the 'lowest earning households' (average income under £12,200) have been left with only £29 per week after paying bills and essential costs.

70. A quarter of households in NI could not afford to pay an unexpected £500 Bill¹¹⁸, while research found that around 72% of households locally would be spending over 10% of net income on energy by January 2023¹¹⁹. The NI Consumer Council estimated in October 2022¹²⁰ that around 34% of NI households are currently in fuel poverty, while 80% of those living in a private rental accessing Universal Credit have a shortfall between their allotted housing support and their monthly rent¹²¹.

71. There is a lack of provision for accessible and affordable housing for d/Deaf and disabled people coupled with challenges in making adaptations at home¹²². Long delays in accessing housing limits the right to live independently¹²³. The most recent published data from the Housing Executive demonstrates that almost 400 disabled people are waiting for major adaptations to their Housing Executive home¹²⁴. The most recent published data from the Department for Communities demonstrates that there are only 1,111 accessible social homes in the region. Disabled people are trapped in unsuitable housing due to this housing shortage.

No Recourse to Public Funds

72. The Government's 'Hostile Environment' policy has had a significant impact on the social and economic rights of people without leave to remain. Under the Immigration and Asylum Act 1999 there is provisions for an asylum support payment to be made to persons who are 'destitute or likely to become destitute' but the payment of £40.85 asylum support per person per week is highly unlikely to provide sufficient support in the current economic climate.¹²⁵ The NRPF condition prevents homeless and rough sleeping migrants accessing vital extra support.

Immigration Detention

73. According to information obtained through FOI request by End Deportations Belfast, a large number of vulnerable asylum seekers, including 8 pregnant women between 2016 & 2022¹²⁶, 49 disabled people between 2018 & 2022¹²⁷, and an undetermined number of LGBTQ+ people¹²⁸ have been detained in Larne House in recent years. 47 individuals entered immigration detention directly in a prison¹²⁹. Alternatives to Detention (ATDs) have never been explored for use in NI¹³⁰.

74. There are also concerns regarding safeguarding of refugee families in contingency accommodation, with the lack of an established safeguarding entity independent of the Home Office.

Unpaid Carers

75. Those involved in care work continue to struggle financially often with serious repercussions for their mental and physical wellbeing. Survey data collected locally showed that 29% of unpaid carers surveyed said they were struggling to make ends meet, with more than 1 in 10 cutting back on essentials¹³¹. These issues are exacerbated for those in receipt of carers allowance¹³².

Impact on Women

76. Women are generally more likely than men to live in poverty across their lifetimes. Lone parents (in Northern Ireland 91% of lone parents are women¹³³) are even more vulnerable to poverty. In Northern Ireland 37% of single parents are living in poverty.¹³⁴

77. Women are disproportionately represented among the poorest population groups, and a significant proportion of single parent households headed by women are in either absolute or relative poverty. Recent research by Women's Regional Consortium with women in Northern Ireland shows that over half of participants were in debt, and experienced both physical and mental health impacts¹³⁵. Many reported going without food and other essentials to provide for their families on at least an occasional basis, and using foodbanks to make ends meet.

78. Families waiting for the first Universal Credit payment are among those most likely to be forced to use foodbanks¹³⁶, although demand for foodbanks has risen significantly during 2022 as a result of inflation. Holiday food payments for families entitled to free school meals were retained following the Covid-19 pandemic in 2021¹³⁷¹³⁸, but inflation is affecting the value of these payments.

Disabled People

79. Deaf and disabled people are 50% more likely to live in poverty and disadvantage than non-disabled people¹³⁹. Households with one or more deaf and disabled members faced large and disproportionately negative impacts from tax and benefit changes made between 2010 and 2018¹⁴⁰. More than 62% of working age deaf and disabled people are referred to their network for support¹⁴¹. Families, where someone has a disability, have lost an average of £2,000 per year as a result of changes to disability related benefits¹⁴², while PIP entitlements are subject to on average 3 year reviews even for those with chronic conditions.

80. The Committee may wish to ask/recommend that the State Party:

- Urgently explore and implement Alternatives to Detention (ATDs) for asylum seekers and refugees detained in Larne Detention Centre, in prisons in Northern Ireland, and in contingency accommodation such as B&Bs and hotels;
- Review and reform the building and provision of social housing including accessible housing to begin addressing unacceptable wait times;
- Implement gender budgeting, ensuring that women no longer act as the shock absorbers of austerity and inflation;
- Ensure that unpaid carers have access to an adequate standard of living;

Article 12 - Right to Highest Attainable Standard of Physical and Mental Health

81. The right to health is even more pertinent in the context of Covid-19. Demand for services, such as GP care, has increased and is anticipated to continue to rise after the pandemic subsides¹⁴³. Many secondary care/specialist services are experiencing extreme pressure¹⁴⁴ without a devolved Government to deliver vital reform, and some have almost stopped functioning entirely, with some individuals waiting over 5 years for their first appointment with local gender identity services¹⁴⁵.

82. Mental health is recognised as one of the four most significant causes of ill health and disability in Northern Ireland along with cardiovascular disease, respiratory disease, and cancer¹⁴⁶. Northern

Ireland is currently experiencing a mental health crisis¹⁴⁷. Northern Ireland has a higher prevalence of mental ill health (by 25%) and a lower per capita spend on mental health (£160) than England (£220) or Ireland (£200)¹⁴⁸. There is a significant funding gap in mental health provision¹⁴⁹. There is a lack of provision for people experiencing mental health crisis¹⁵⁰ concerns over the prevalence of mental health conditions¹⁵¹ and high suicide rates.¹⁵²

83. The Department of Health concedes that across NI, targets for access to services are regularly missed. Almost 2,000 people are waiting more than 9 weeks for access to adult mental health services, 240 children and young people are waiting more than 9 weeks for core CAMHS services and more than 900 people are waiting more than 13 weeks for psychological therapies¹⁵³. The impact of the Mental Health Strategy¹⁵⁴ is limited by the lack of a clear delivery plan and clarity regarding which aspects of the health service are responsible for actions.

84. The committee may wish to ask/recommend that the State Party:

- Implement a dedicated and well-resourced strategy to address health inequalities which includes a timescale for implementation with key deliverables and milestones;
- Invest in mental health provision including age appropriate provision combined with a strategy to remove barriers of access and which increases the provision of community mental health services.

Article 13 & 14 - Right to Education, Including Free, Compulsory Primary Education

Educational underachievement

85. There are a number of factors fuelling educational underachievement within Northern Ireland, including: socio-economic inequalities leading to disparities in educational achievement based on wealth and class; gender; inequalities between and within religiously defined groups; questions about the fairness of assessments related to academic selection; and the impact of COVID-19.¹⁵⁵

86. Similarly to a lot of other areas, action on tackling educational underachievement has stalled due to the lack of Executive and Education Minister. An Expert Panel, appointed by the (then) Minister in 2020, published its final report and action plan examining the links between educational underachievement and socio-economic background in 2021¹⁵⁶, which has remained unimplemented.

87. There is limited financing of apprenticeships in traditionally female dominated sectors such as childcare and adult social care, and pay in these sectors is low, with limited progression routes.¹⁵⁷ There are no programmes planned to assist women to access training or alternative employment¹⁵⁸. Investment in apprenticeships have focused on the construction and IT sector¹⁵⁹, with no plan to invest in care¹⁶⁰ and limited focus on addressing gender segregation. A Skills Strategy launched in 2022 introduces a focus on STEM, including increasing women's participation in these sectors, but lacks an analysis of wider societal needs and an associated plan for providing such skills long term.¹⁶¹

Non-Discrimination

88. There are a number of particular issues for minority groups accessing education, particularly for Traveller children¹⁶², Roma children¹⁶³, children in care¹⁶⁴, d/Deaf¹⁶⁵ and disabled children. Specific issues were also identified for LGBTQ+ pupils¹⁶⁶. Refugee and asylum seeking children often experience severe disruption to their learning, which continues as they resettle in a new country. There is a lack of research and data on these experiences. The recent move by the Education Authority (EA) to cut youth service funding and merge funds previously ringfenced for, e.g., LGBTQ+ youth services, migrant and refugee youth services, and disabled youth services, all into one funding pot, is likely to have disastrous consequences for many of the vital services across the region¹⁶⁷.

Special Educational Needs (SEN) Provision

89. The 'New Decade, New Approach' agreement outlines a commitment to 'deliver a new Special Educational Needs Framework to support young people with special needs to achieve their full potential'¹⁶⁸. This has not been actioned at the time of writing.

90. An internal audit identified a range of entrenched failures in the Children and Young People's Services Directorate¹⁶⁹. This report highlighted inconsistencies in the identification of children with SEN and unacceptable delays in the statementing process¹⁷⁰. The findings were confirmed by a report published in September 2020 by the Northern Ireland Audit Office¹⁷¹. This report referenced the rights-based review of SEN provision in mainstream schools (2020) undertaken by the Northern Ireland Commissioner for Children and Young People (NICCY)¹⁷². The review concluded that the education system was finding it difficult to respond to the scale and complexity of SEN¹⁷³.

91. There has also been a clear reluctance to conduct statutory assessments of SEN including where parents have requested such an assessment take place.¹⁷⁴ Where the EA has refused a parental request and they have appealed, over 97% of cases resulted in a successful outcome for the parent¹⁷⁵, indicating poor decision-making within EA. The number of children with SEN who require specialist provision is increasing each year, with organisations including the Children's Law Centre experiencing a significant uptake in the requests for support around accessing SEN specialist provision.¹⁷⁶

92. There continues to be an attainment gap between children with and without special educational needs¹⁷⁷. The attainment gap has reduced 46 to 23 percentage points between SEN 1-4 pupils and those with no SEN for those obtaining 5 GCSEs A*-C¹⁷⁸. While this is improving, there has been no strategic evaluation of the support provided to these children to ensure the best possible outcomes.

93. Protection from disability discrimination for children and young people in NI is significantly out of step with the law in the rest of the UK and protections are weaker.¹⁷⁹ Concerns are routinely reported by stakeholders that children with disabilities are unlawfully excluded from school; placed on reduced timetables; isolated from peers; subjected to bullying; excluded from school trips and activities and punished for minor behaviours which are connected to their disabilities¹⁸⁰.

94. There is no access to an appeal in Northern Ireland when a child has been formally excluded from school through suspension as the Department has not published regulations to facilitate these appeals¹⁸¹. Stakeholders report multiple instances of the use of informal exclusion of d/Deaf and disabled children from school in NI without due process. This is the "norm", rather than the exception in many schools, raising questions about the validity of EA's decision-making processes¹⁸².

The Use of Restraint in Education

95. There is no legal requirement for schools in NI to record incidents of restraint and seclusion. A study attempted to assess the use of restrictive practices on children with additional needs in schools across the UK, including NI, which demonstrated concerning levels of use of restraint and seclusion¹⁸³. NICCY reported seclusion being used as 'informal' suspensions for breaches of uniform rules¹⁸⁴.

96. The Department of Education NI (DENI) produced revised interim guidance on the use of restraint and seclusion in May 2021¹⁸⁵ and published a report into a review of restraint and seclusion in educational settings in March 2022, recommending the introduction of comprehensive statutory guidance on these practices¹⁸⁶.

Relationships and Sexuality Education (RSE)

97. Beyond the statutory minimum content for RSE, schools have significant flexibility in how they deliver these programmes. This means that issues such as abortion, sexuality and gender identity, and abuse can be excluded or addressed differently dependent on the ethos of the school¹⁸⁷, including in negative and potentially harmful ways. Current RSE provision is inadequate, often failing to connect with the ‘lived reality’ of young people’s lives and experiences.¹⁸⁸

98. The Committee may wish to ask/recommend that the State Party:

- Implement the Expert Panel Report and Action Plan examining the links between educational under-achievement and socio-economic background;
- Implement the 2018 UN CEDAW Inquiry recommendations¹⁸⁹ pertaining to RSE;
- Reverse recent cuts to youth services and ensure the provision of ringfenced funds for particularly marginalised communities;
- What actions are being taken to improve educational attainment for all pupils in Northern Ireland, particularly amongst groups where disparities exist between pupil cohorts;
- Ensure equal access and enjoyment of education amongst all marginalized groups;
- Recommend the establishment of an independent review on informal exclusions from school
- Recommend an independent review on the extent to which restraint and seclusion are taking place, and ensure current guidelines are in line with rights-based standards;
- Clarify what action the State Party is taking to reduce the use of restraint;
- Recommend ensuring that the voices of children and their families are sought and heard in the development and implementation of new SEN regulations and Code of Practice;
- Recommend the collection of consistent good quality data on educational outcomes, transitions, and quality of educational experiences for d/Deaf and disabled children;
- Introduce mandatory training on disability and SEN across teacher training programmes;
- Recommend the introduction of regulations to provide for appeal for suspensions under Article 33 of the Education and Libraries (NI) Order 2006;

Article 15 – Right to Engage in Cultural Life

Sign Language

99. In Northern Ireland there are two recognised sign languages, Irish Sign Language (ISL) and British Sign Language (BSL). BSL and ISL are distinct languages, not dependent upon, nor strongly related to spoken English and Irish. Many BSL and ISL users see themselves as a cultural and linguistic minority community rather than a disability group¹⁹⁰. The COVID-19 pandemic has highlighted the necessity of adequate ISL and BSL services particularly for public health messaging as well as digital communication services. A Sign Language Bill is in development but cannot be advanced in the absence of a functioning Executive and Assembly.¹⁹¹

100. The Committee may wish to ask/recommend that the State Party:

- Seek assurances that the Sign Language Bill will be enacted in legislation

¹ [Human Rights Consortium](#) (coordinating), [HereNI](#), [Women’s Support Network](#), [Migrant Centre NI](#), [Disability Action](#), [Irish Congress of Trade Unions](#), [North West Forum of People with Disabilities](#), [Women’s Platform](#), [AgeNI](#), [Amnesty International \(NI\)](#), [Northern Ireland Public Service Alliance \(NIPSA\)](#), [Rural Community Network](#), [Women’s Resource and Development Agency \(WRDA\)](#), [The Rainbow Project](#), [Children’s Law Centre](#) and the [Northern Ireland Council for Racial Equality](#).

² Irish Times (2022): [Paul Givan resigns as First Minister of Northern Ireland in DUP protocol protest](#) (accessed 19 February 2022).

³ DfEEU (2018): [New Protocol on Ireland/Northern Ireland and Political Declaration](#). London: HMSO. Article 2 Rights of Individuals (accessed 29 November 2021).

⁴ E/C.12/GBR/CO/6, UN ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI, 14 July 2016, Para 10.

⁵ [2020-01-08 a new decade a new approach.pdf \(publishing.service.gov.uk\)](#) Pts 5.26 to 5.29

⁶ <http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/ad-hoc-bill-of-rights/written-briefings/bill-of-rights-survey-report.pdf>

⁷ [Report of the Ad Hoc Committee on a Bill of Rights \(niassembly.gov.uk\)](#)

⁸ Four of the five main political parties in Northern Ireland support the development of a Bill of Rights as evidenced in the Ad-Hoc Committee's report.

<http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/ad-hoc-bill-of-rights/reports/report-on-a-bill-of-rights/report-of-the-ad-hoc-committee-on-a-bill-of-rights.pdf>

⁹ The Consortium, Ulster University and Queen's University jointly commissioned polling that evidenced 80%+ support from the public and across political party voters for social and economic rights in a Bill of Rights and for those same rights to be enforceable by law. <http://www.humanrightsconsortium.org/polling-shows-public-demand-strongest-rights-protections-following-covid-19/>

¹⁰ <https://www.irishnews.com/news/northernirelandnews/2022/02/17/news/headline-2590735/>

¹¹ 'If you go with consensus, at a certain point it becomes a veto, and no party in the House should have a veto.' – Mike Nesbitt, UUP MLA speaking in the Assembly plenary debate on the Ad-Hoc Committees report. <http://data.niassembly.gov.uk/HansardXml/plenary-14-02-2022.pdf>, Pg 83.

¹² As long ago as 1979 the European Court of Human Rights (ECtHR) recognised that there is 'no water-tight division' separating economic and social rights from the ECHR rights (*Airey v Ireland* para 26). Relevant provisions in this regard include the prohibition on slavery and forced labour (article 4), the right to form unions (article 11), the right to property (article 1, protocol 1), the right to education (article 2, protocol 1). Some rights have also been interpreted to give indirect protection to economic social and cultural rights eg article 3's prohibition on torture, inhuman and degrading treatment, article 8's right to respect for family and private life. In addition, the ECHR contains a non-discrimination clause which applies to the ambit of ECHR rights and this ambit has been extensively interpreted to include for example social security payments - *Stec v United Kingdom* App nos 65731/01 and 65900/01 (6 July 2005). The ECHR also protects fair trial rights which can be helpful in ensuring access to the courts and fair procedures in relation to economic and social claims.

¹³ [Bill of Rights Bill 2022](#).

¹⁴ The BORB/RRB clause 3 would require UK courts to treat the ECtHR's jurisprudence as a ceiling rather than a floor. At the moment the UK courts can interpret the ECHR rights to protect rights even if the ECtHR has not decided the precise question. This has been relevant to economic, social and cultural rights. In *Limbuela* for instance the UK courts decided that reducing asylum seekers to a state of destitution breached article 3's prohibition on torture, inhuman and degrading treatment. This was five years before the ECtHR reached a similar conclusion (*MSS v Belgium and Greece*). The BORB/RRB would also discourage the UK courts from developing and applying positive obligations. Curtailing the UK courts' ability to recognise and apply positive obligations under the BORB/RRB would undermine their ability to protect economic, social and cultural rights. The BORB/RRB seeks to limit the circumstances in which people can argue against deportation because of a risk to the family and private life; this raises issues with article 10 ICESCR. The BORB/RRB seeks to limit access to the courts by introducing a new permission stage in claims involving ECHR rights. Under clause 15 a person can only bring proceedings if the person is or would be a victim and if the person had suffered or would suffer a 'significant disadvantage'. This last is inspired by article 35(3) ECHR and also resembles article 4 ICESCR OP. However, clause 15 lacks some of the safeguards associated with these other provisions. Clause 15 only allows the courts to waive the significant disadvantage criterion 'for reasons of wholly exceptional public interest'.

¹⁵ EHRC (2020): [The cumulative impact of tax and welfare reforms](#), pp.15-16. (accessed 3 November 2021).

¹⁶ Prime Minister's Office (2017): [Joint report on progress during phase 1 of negotiations under Article 50 TEU on the UK's orderly withdrawal from the EU](#), December 2017. London: HMSO, paragraph 53, p.8 (accessed 29 November 2021)

¹⁷ ECNI (2020): [People with disabilities must not be left behind by response to COVID-19](#) (accessed 28 December 2021)

¹⁸ Women's Policy Group (NI) (2020): [Covid-19 Feminist Recovery Plan: Summary of Recommendations](#). 4.1, 1.2, 1.4, 3.2, 4.2, 2.3. (accessed 30 October 2021)

¹⁹ [Human Rights Consortium Submission to the House of Lords Sub-Committee Inquiry into Ireland/Northern Ireland Protocol](#)

²⁰ [SCA-Report-October-2021 E.pdf \(ohchr.org\)](#)

²¹ E/C.12/GBR/CO/6, 'UN ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 14 July 2016, Para 22-23.

²² [The Criminal Justice \(No. 2\) \(Northern Ireland\) Order 2004](#)

²³ DoJ (2019): [Review of Hate Crime Legislation launched](#)

The review was established to address the following issues:

- a workable and agreed definition of a hate crime;
- whether the current enhanced sentence approach is appropriate for Northern Ireland;
- whether new categories of hate crime should be created for characteristics such as gender and any other characteristics (which are not currently covered);
- the implementation and operation of the current legislative framework for incitement offences, in particular Part III of the Public Order (Northern Ireland) Order 1987 and make recommendations for improvements;
- how any identified gaps, anomalies and inconsistencies can be addressed in any new legislative framework ensuring this interacts effectively with other legislation guaranteeing human rights and equality;
- whether there is potential for alternative or mutually supportive restorative approaches for dealing with hate motivated offending.

²⁴ Department of Justice (December 2020) [Final Report into Hate Crime legislation in Northern Ireland Independent Review](#)

²⁵ Ibid. As an example of gender blind policy making, in their consultation responses, the Equality Commission for Northern Ireland and Human Rights Commission advocated for hate crimes against men and women equally

²⁶ Department for Justice press release 27 January 2022 ['Long: Have your say on how we tackle hate crime'](#)

²⁷ Member organisations have expressed concern at the lack of engagement and subsequent failings in areas such as: Disproportionate impact of lock down; Cessation of respite and day care services; Access to food and medicine; Lack of provision of social care; Disproportionate impact of covid-19 on in terms of morbidity and mortality; Inadequate collection of data; Inaccessibility of public messaging with respect to Covid-19; Inaccessibility of vaccine programmes and the reduction in access to vaccines by carers; Increases in domestic violence and abuse; Cessation of education provision for children; Barriers in accessing healthcare; Whether effective prevention measures were in place when social care services resumed to protect against transmission; Inappropriate use of DNRs; Withdrawal or withholding of treatment.

²⁸ The Emergency Leadership Group consisted of:

Moira Doherty, Deputy Secretary DfC, Chair; Fiona McLeod, Red Cross, Joint Chair; Kevin Higgins, Advice NI; Lisa McElherron, Inspire; Charles Lamberton, TRIAX, Derry; Koulla Yaisoumma, Commissioner for Children and Young People; Maeve Monaghan, NOW Group; Jonny Currie, East Belfast Community Development Agency; Denise Hayward, Volunteer Now; David Smyth, Evangelical Alliance; Gerry McConville, Falls Community Council; Kate Clifford, Rural Community Network; Andrew McCracken, CFNI; Joanne Morgan, CDHN; Jim Girvan, Upper Andersonstown Community Forum; Seamus McAleavey, NICVA; Stephen Reid, SOLACE (North Down and Ards Borough Council); and Sharron Russell, DfC.

²⁹ ECNI (2020): [People with disabilities must not be left behind by response to COVID-19](#)

³⁰ The Impact of Brexit on Migrant Communities in Northern Ireland – Migrant Centre NI, May 2022 (copy accessible on request)

³¹ [Asylum support: What you'll get - GOV.UK \(www.gov.uk\)](#)

³² [Northern Ireland Childcare Survey 2021 - Employers For Childcare](#)

³³ [2020-01-08 a new decade a new approach.pdf \(publishing.service.gov.uk\)](#), Pg 40.

³⁴ E/C.12/GBR/CO/6, 'UN ICESCR Committee Concluding Observations on the Sixth Periodic Report of the UK of Great Britain and NI', 14 July 2016, para 44 - [Concluding observations on the 6th periodic report of the United Kingdom of Great Britain and Northern Ireland](#) :

³⁵ [Labour Market Report - December 2022 \(nisra.gov.uk\)](#)

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- ³⁶ Department for Exiting the European Union (2019): [New Withdrawal Agreement and Political Declaration, Policy Paper](#)
- ³⁷ Institute for Government (2021): [European structural funds: the UK Shared Prosperity Fund](#)
- ³⁸ Ibid.
- ³⁹ ONS (2019) [Disability and employment, UK: 2019](#).
- ⁴⁰ Ibid
- ⁴¹ European Disability Forum (2020) [European Human Rights Report 2020: Poverty and Social Exclusion](#). p.48.
- ⁴² ECNI (2021) [Annual Report and Accounts](#). P.18.
- ⁴³ Disability Action (2016) [Hard at Work: Employment and Disability in NI](#)
- ⁴⁴ All Party Group on Disability (2016) '[Ahead of the Arc – A contribution to halving the disability employment gap](#)'. Para 8. P.7
- ⁴⁵ DfC (2020) [Disability Strategy and Expert Advisory Panel: Report and Recommendations](#). p.83.
- ⁴⁶ The European Committee of Social Rights found it 'not in conformity' with the European Social Charter <https://www.ier.org.uk/news/uk-sick-pay-nearly-worst-in-europe-and-in-breach-of-international-law/>
- ⁴⁷ <https://www.nerinstitute.net/blog/low-pay-northern-ireland-update>
- ⁴⁸ The rates for both NLW and NMW are due to rise to the following in April 2023. **NLW** – currently £9.50 rising to £10.42. **NMW** for 21 – 22 year old - £9.18 rising to £10.18. For 18 – 20 year old - £6.83 rising to £7.49. For 16 – 17 year old - £4.81 rising to £5.28.
- ⁴⁹ <https://www.legislation.gov.uk/nia/2016/15/contents>
- ⁵⁰ Wilson, L. (2020) [How Unequal? The unadjusted gender pay gap in earnings in Northern Ireland and the Republic of Ireland](#); NISRA (November 2020) [Northern Ireland Annual Survey of Hours and Earnings publication](#). A frequently highlighted figure indicates a gender pay gap in full time pay in favour of females. This is largely explained by a very small number of high earning women in senior positions, particularly in the public sector. The response to the Feminist Recovery Plan further illustrates the limitations and poor use of equality data, by referencing this figure, alongside slower increase in the employment rate for women and women's enduring high 'economic inactivity rate' without any further analysis. The pay gap is explained by women 'choosing' to work part time, highlighting the impact of gender stereotypes on policy. The gap is larger for women who work part time, women with children, and older women. Women, particularly young women, are overrepresented in the lowest paid occupation sectors
- ⁵¹ TUC (2020) [Disability pay and employment gaps 2020](#) (accessed 1 February 2022).
- ⁵² <https://www.tuc.org.uk/news/risks-1061-attacking-employment-rights-bad-safety>
- ⁵³ <https://www.cieh.org/news/press-releases/2022/retained-eu-law-bill-threatens-health-and-safety-protections-says-cieh/>
- ⁵⁴ [Living Wage Foundation | For the real cost of living](#)
- ⁵⁵ <https://www.nerinstitute.net/blog/collective-bargaining-and-economic-performance>
- ⁵⁶ <https://www.consilium.europa.eu/en/press/press-releases/2022/10/04/council-adopts-eu-law-on-adequate-minimum-wages/>
- ⁵⁷ Workers' Rights x. *'There will be an enhanced focus within the Programme for Government on creating good jobs and protecting workers rights. The parties agree that access to good jobs, where workers have a voice that provides a level of autonomy, a decent income, security of tenure, satisfying work in the right quantities and decent working conditions, should be integral to public policy given how this contributes to better health and wellbeing by tackling inequalities, building self-efficacy and combating poverty.'* Page 44, [2020-01-08 a new decade a new approach.pdf \(publishing.service.gov.uk\)](#)
- ⁵⁸ In their report to the [ILO Committee of Experts](#) , the TUC highlight a new set of restrictions which, if implemented, will further hinder industrial action and the right to strike.
- ⁵⁹ As above, State of Caring 2021 – A snapshot of unpaid care in Northern Ireland
29% of carers on the whole who responded to the CarersNI survey said they were struggling to make ends meet. For those on Carer's Allowance, almost half (46%) were struggling to make ends meet and more than a quarter (27%) are or have been in debt because of caring. Only a third (32%) of those in receipt of Carer's Allowance said that they felt confident that they would be able to manage financially over the next 12 months.
- ⁶⁰ [Illegal Money Lending and Debt Project, Research Report of Findings](#), Ulster University and the Consumer Council, March 2020
- ⁶¹ The Northern Ireland Discretionary Support Scheme was implemented in 2016 by the [Discretionary Support Regulations \(Northern Ireland\) 2016](#), following the abolition of the Social Fund in England, Scotland and Wales

under the Welfare Reform Act 2012 and in Northern Ireland under the Welfare Reform (Northern Ireland) Order 2015.

⁶² [Discretionary Support Regulations \(Northern Ireland\) 2016 – Part 3 - Eligibility](#)

⁶³ [Discretionary Support \(Amendment No. 2\) \(COVID-19\) Regulations \(Northern Ireland\) 2020](#)

⁶⁴ [Discretionary Support Independent Review](#)

⁶⁵ Ibid, The Review made recommendations including replacing the income threshold to ensure that it was not disadvantaging larger families, lone parents, and some of those in receipt of disability benefits. It also recommended ensuring access to 3 grants and 1 loan within a 12 month period, compared with the current allowance for 3 loans and 1 grant, as this can push individuals further into a Universal Credit debt cycle.

⁶⁶ [PIP: Six in 10 disability claimants win case on appeal](#) – BBC NI

⁶⁷ Northern Ireland Public Services Ombudsman (2021): [PIP and the Value of Further Evidence: An investigation by the Northern Ireland Public Services Ombudsman into Personal Independence Payment](#) p.260

⁶⁸ BBC (8 July 2021): [PIP disability benefit claims 'misrepresented' by assessors](#)

⁶⁹ The Belfast Telegraph (2021): [PIP assessment firm Capita could lose contract in overhaul, Communities Minister Hargey suggests](#), 24 June 2021 (accessed 5 November 2021).

⁷⁰ [Estimating the gender impact of tax and benefit changes, Richard Cracknell, Richard Keen, Commons Briefing Papers SN06758, December 2017](#)

⁷¹ Portes and Reed (2019) Cumulative impact assessment of tax and social security reforms in Northern Ireland. Belfast: Northern Ireland Human Rights Commission. The research identified that both women who are lone parents and women with a disability have seen incomes fall particularly steeply. Older women have also been significantly affected, losing up to £450 per year on average for women over 75.

⁷² Supreme Court judgement 9 July 2021 [R\(on the application of SC, CB and 8 children v. Secretary of State for Work and Pensions \[2021\] UKSC 26](#) found that limit is not in breach of the European Convention of Human Rights, as it is justified although the Court recognised a disproportionate impact on women. The appellants have taken the case to the European Court of Human Rights.

⁷³ See NI Direct [website](#) overview of Universal Credit two child limit

⁷⁴ See e.g. Child Poverty Action Group (November 2022) [Cost of a Child 2022](#)

⁷⁵ An overview of the Universal Credit system in Northern Ireland is available on the [NI Direct website](#)

⁷⁶ All Party Parliamentary Group on Universal Credit (July 2021): [Evidence session on Domestic abuse and Universal Credit: Report from informal meeting 29 April 2021](#)

⁷⁷ Department for Communities (February 2021) [Northern Ireland Benefits Statistics Summary](#); Universal Credit is paid by household and no gender breakdown is available. The majority of claimants are in low paid work. 30 per cent are lone parents and ten per cent two parent families; in addition, over 8,000 lone parent families continue to claim the legacy Income Support benefit.

⁷⁸ The Guardian 7 July 2021 [‘Universal credit £20 top-up will end this autumn, MPs are told’](#)

⁷⁹ The two child cap and benefit cap have not been removed and a [Supreme Court ruling](#) in July 2021 states that the two child cap is not discriminatory (R (on the application of SC, CB and 8 children) (Appellants) v Secretary of State for Work and Pensions and others (Respondents), and split payments remain the exception. For impacts see: [Women’s Regional Consortium Response to Work & Pensions Committee Inquiry into Universal Credit Five Week Wait for First Payment](#); [Impact of ongoing austerity: Women’s perspectives; Making ends meet: Women’s perspectives on access to lending](#)).

⁸⁰ Migrant Centre NI, who contributed to this report, provided testimony from their support workers who engaged with individuals on cases such as these.

⁸¹ [£600 energy support payment to be made to Northern Ireland consumers in January](#) – Belfast Telegraph “The delay in delivering the payment in the region has been blamed on the political impasse at Stormont.”

⁸² [Welfare Reform Mitigations Working Group Report](#)

⁸³ [Welfare Mitigations Review - Independent Advisory Panel Report](#)

The Independent Advisory Panel recommended a number of new, NI-specific welfare measures:

- Better Start Larger Families Payment to offset the two-child limit on awards of universal credit, child tax credit and housing benefit
- Better Start Grant modelled on Scotland’s Best Start Grant, which pays grants on behalf of children in families in receipt of low-income benefits at birth, two to three years and the start of primary school, with additional Northern Ireland-specific payments at 11 and 16

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- A carer's recognition payment of £231, paid twice a year to carer's allowance claimants, modelled on the Scottish carer's allowance supplement, and a young carer's (16 to 18 years) recognition payment of £308 per year, modelled on the Scottish young carer grant
 - Increase the earnings allowance before carer's allowance is withdrawn to the equivalent of 16 hours per week at the national living wage
 - A cost of work allowance for in-work claimants of universal credit or working tax credit whose earnings fall within a certain range, plus a Job Start grant for young people aged 18 to 24 (25 if care experienced) when moving into paid work after at least six months on an out- of-work benefit
 - Introduce low income winter heating assistance (£50) and child disability winter heating assistance (£202) payments, broadly mirroring equivalent awards in Scotland
 - Establish a working group to devise a practical means of wholly or partly mitigating the five- week wait for a first universal credit payment; in the interim, increase the budget for and promotion of the existing universal credit contingency fund
 - Set up a Financial Inclusion Service to support private tenants, with funds for a grant scheme to support tenants whose rent exceeds the maximum local housing allowance for their area
 - 'Mainstream' the additional funding for advice services recommended by the Welfare Reform Mitigations Working Group (£2 million per year, currently renewable annually) and provide additional funds for advice work targeting rural areas

⁸⁴ [Written evidence submitted by Dr Ciara Fitzpatrick, Dr Alexandra Chapman, Professor Ann-Marie Gray, Goretti Horgan, Professor Gráinne McKeever, and Dr Mark Simpson, researchers at Ulster University, relating to the Cost of Living in Northern Ireland non-inquiry \(COL0003\)](#)

⁸⁵ See overview of current position at <https://www.employersforchildcare.org/campaign/childcare-for-all/>

⁸⁶ Employers for Childcare (2021) [Northern Ireland Childcare Survey 2021](#)

⁸⁷ Ibid

⁸⁸ Department of Health Northern Ireland (2022) [Consultation on the reform of adult social care in Northern Ireland](#)

⁸⁹ NISRA (March 2022) [Women in Northern Ireland 2020-21](#)

⁹⁰ Office for National Statistics (2021) [Families and households in the UK: 2020](#)

⁹¹ Portes and Reed (2019) Cumulative impact assessment of tax and social security reforms in Northern Ireland. Belfast: Northern Ireland Human Rights Commission.

⁹² NISRA (2021) [Disability Employment Gap in Northern Ireland 2020](#)

⁹³ The Rainbow Project 'State of the Community' Survey (2021) found that 49% of LGB women, 45% of trans people and 34% of men responding have been in a relationship that was harmful or hurtful, either verbally, physically or sexually. This is not limited to intimate partner relationships, 60% of respondents felt frightened because of the behaviour of a partner/ someone at home.

⁹⁴ [Children born outside UK to British parents in same-sex couples left 'stateless'](#) - The Guardian

⁹⁵ The Inquiry into abortion legislation in Northern Ireland under Article 8 of the Optional Protocol to CEDAW directly contributed to the decriminalisation of abortion through an amendment to the [Northern Ireland \(Executive Formation etc\) Act 2019](#) passed by the Westminster Parliament in July 2021.

⁹⁶ [Abortion \(Northern Ireland\) Regulations 2020](#)

⁹⁷ The Regulations provide for abortions up to 12 weeks' gestation without a specific reason, and beyond this time period in specific circumstances including fatal foetal abnormality

⁹⁸ No services have been commissioned by the Department of Health, and there has been no training, funding or staff resources, resulting in a postcode lottery for abortion access. Surgical abortions are not being performed, and the Health and Social Care Trusts authorised to perform these are interpreting available guidance in a manner where each case is adjudicated on individually by the Trust Board. The Department of Health has confirmed no communication campaign is planned, and no central information source is available. There is anecdotal evidence from Doctors and from Alliance for Choice of women being delayed past ten weeks, following contact with healthcare providers opposed to abortion, funded by American fundamentalist organisations, which feature prominently in online searches for emergency pregnancy services.

⁹⁹ For further information see e.g. Alliance for Choice (21 October 2020) [Open Letter to Robin Swann, Health Minister for Northern Ireland](#); abortion has been added to the existing sexual and reproductive health service with no additional funding resulting in abortions not being performed.

¹⁰⁰ [The Abortion \(Northern Ireland\) Regulations 2021](#)

¹⁰¹ House of Commons (22 July 2021) [Statement by the Secretary of State for Northern Ireland made on 22 July 2021: The Abortion Services Directions 2021](#)

¹⁰² [The Abortion \(Northern Ireland\) Regulations 2022](#)

¹⁰³ Northern Ireland Office press release 2 December 2022 ‘[Secretary of State for Northern Ireland instructs the Department of Health to commission abortion services](#)’

¹⁰⁴ Department of Health (30 March 2020) [Temporary approval of home use for both stages of early medical abortion](#)

¹⁰⁵ Scottish Government (31 Mar 2020) [Abortion – Covid-19 – approval for mifepristone to be taken at home and other contingency measures.](#)

¹⁰⁶ Irish Medical Times, 27 March 2020 ‘[Telemedicine abortion consultations permitted — Health Minister](#)’

¹⁰⁷ DfC (2020): [Disability Strategy and Expert Advisory Panel: Report and Recommendations](#), p.58

¹⁰⁸ Slayter, E. (2009): Intimate partner violence against women with disabilities: implications for disability service case management practice, *Journal of Aggression, Maltreatment and Trauma* 2009, 18: pp.182–199. doi:10.1080/10926770802675668 reference in Breckenridge et al. *BMC Pregnancy and Childbirth* 2014, 14:234. Available at <http://www.biomedcentral.com/1471-2393/14/234>

¹⁰⁹ Nixon, J. (2009): Domestic violence and women with disabilities: locating the issue on the periphery of social movements, *Disability and Society* 2009, 24:77–89.

¹¹⁰ Hughes, K. et al (2012): Prevalence and risk of violence against adults with disabilities: a systematic review and meta-analysis of observational studies. Hughes, K. et al. *The Lancet*, 2012, Vol. 379. 30; Trevillion, K. et al. (2012): Experiences of domestic violence and mental disorders: a systematic review and meta-analysis.

¹¹¹ DfC (2020): [Disability Strategy and Expert Advisory Panel: Report and Recommendations](#). pp.59-60

¹¹² Women’s Aid Federation NI (2020): [Annual Report 2019-2020](#).

¹¹³ CUHRLS (2020): [Why hasn’t the UK Government ratified the Istanbul Convention eight years after signing it?](#)

¹¹⁴ UN Women (2013): [Comment made by then-UN Women Deputy Executive Director, Lakshmi Puri: The Istanbul Convention: strengthening the response to ending violence against women.](#)

¹¹⁵ [Northern Ireland Housing Statistics 2020-2021](#)

As of the last reporting period, 43,971 people were on the waiting list for social housing.

¹¹⁶ As above, AQW 2508/22-27

82% of private renters relying on Universal Credit to afford their rent have a shortfall between the amount of support they receive from Universal Credit and the amount of rent they owe. The average shortfall is £119 per month.

¹¹⁷ [National Institute of Economic and Social Research - UK Economic Outlook - Powering Down, Not Levelling Up – Winter 2022](#)

The UK headline projection for those who will fall into destitution as a result of the cost-of-living crisis/rising levels of inflation is 30% – in Northern Ireland the figure is 67%.

¹¹⁸ [The Other Division in Northern Ireland: public attitudes to poverty, economic hardship and social security – Northern Ireland Life and Times](#)

¹¹⁹ [Fuel Poverty – Estimates for the UK – University of York](#)

¹²⁰ [NI Consumer Council Research Report – Fuel Poverty Levels in NI](#)

¹²¹ [AQW 2508/22-27](#)

According to the NI Housing Executive:

As at the end of March 2022:

(i) There were 32,673 households in the Private rented sector in receipt of Universal Credit

(ii) Of these, 26,797 were in receipt of an LHA-capped housing payment that was lower than their declared rent

(iii) The average shortfall between rent and LHA was £119.17

As at the end of March 2021:

(i) There were 32,236 households in the Private rented sector in receipt of Universal Credit

(ii) Of these, 25,941 were in receipt of an LHA-capped housing payment that was lower than their declared rent

(iii) The average shortfall between rent and LHA was £120.17

¹²² Department for Communities (2021): [NI Homelessness Bulletin](#) (accessed 5 November 2021).

¹²³ They Work For You (2021): [Social Housing: East Belfast, Joanne Bunting, DUP](#)

¹²⁴ AQW 954/17-22

¹²⁵ [Immigration and Asylum Act 1999 \(legislation.gov.uk\)](#)

¹²⁶ [FOI Ref: 72097](#), obtained by End Deportations Belfast

¹²⁷ [FOI Ref: 72494](#), obtained by End Deportations Belfast

¹²⁸ FOI Ref: [TBC], obtained by End Deportations Belfast -

¹²⁹ [FOI Ref: 61814](#), obtained by End Deportations Belfast

¹³⁰ [Law Centre NI response to JCHR Inquiry into Immigration Detention](#), para 10

“Law Centre does not consider that alternatives to detention are properly explored and used in Northern Ireland. We are aware of ‘repeat’ detentions whereby the same individual is detained and then released on a number of occasions: this draws into question the effectiveness of their detention.”

¹³¹ [State of Caring 2021 - A snapshot of unpaid care in Northern Ireland](#) - Carers NI, October 2021

The 2021 survey conducted by Carers NI found that:

- 29% of carers said they were struggling to make ends meet.
- A further 17% are in or have been in debt as a result of caring.
- More than 1 in 20 said that they cannot afford important bills like gas, electricity, rent/mortgage.
- More than 1 in 10 are cutting back on essentials like food and heating and a third are cutting back on seeing friends and family.
- For those on Carer’s Allowance, almost half (46%) were struggling to make ends meet and more than a quarter (27%) are or have been in debt because of caring. Only a third (32%) of those in receipt of Carer’s Allowance said that they felt confident that they would be able to manage financially over the next 12 months.
- Over half (55%) of carers said they feel anxious or stressed when they think about their financial situation.

¹³² As above, [State of Caring 2021 – A Snapshot of Unpaid Care in Northern Ireland](#)

Just over a third of respondents (35%) said that their financial situation had worsened since the start of the pandemic, with 70% saying they have had to spend more on household bills, shopping and everyday items. Almost a quarter of respondents (23%) said that they were spending more on equipment or products for the person they care for. For those on Carer’s Allowance, the situation is even more stark, with almost a half (46%) saying their financial situation had worsened and more than three quarters (78%) spending more on necessities.

¹³³ [Census 2011 – Key Statistics for Gender, Research and Information Service Research Paper, Ronan Savage and Dr Raymond Russell, Northern Ireland Assembly, 5 September 2014](#)

¹³⁴ [Households Below Average Income: Northern Ireland 2018/19, DfC & NISRA](#)

¹³⁵ Women’s Regional Consortium (September 2022) [Women living with debt](#)

¹³⁶ Women’s Regional Consortium (April 2020) [Response to Work & Pensions Committee Inquiry into Universal Credit Five Week Wait for First Payment](#)

¹³⁷ Department of Education press release 19 November 2020 [‘School holiday food grants to be extended until Easter 2022’](#)

¹³⁸ Department of Education press release 20 October 2022 [‘McIlveen announces £5.5m school holiday food grant’](#)

¹³⁹ EHRC (2020): [The cumulative impact of tax and welfare reforms](#), p.15 (accessed 3 November 2021).

¹⁴⁰ NIHR (2019): [Cumulative impact of tax and social security reforms in Northern Ireland](#), paragraph 7.2, page 101

¹⁴¹ BBC (2021): [Coronavirus: Food bank need for NI children 'at historic level'](#) – According to Trussell Trust Foodbank Network, which operates 36 food banks across Northern Ireland, more than 62% of working age deaf and disabled people are referred to their network for support.

¹⁴² Northern Ireland Human Rights Commission (November 2019): [Cumulative Impact Assessment \(CIA\) of the Impact by Reforms to the Tax and Social Security System in Northern Ireland](#), see Section Heading 4.2 Impact by Disability Status of Adults and Children in the Household, pages 53-59

¹⁴³ RAISE (2021): [Suicide in Northern Ireland](#) (accessed 16 December 2021).

¹⁴⁴ [Northern Ireland health service pressure amazingly unprecedented](#) - BBC News NI, Jan 23

¹⁴⁵ [Gender identity: Belfast Trust apologises for 'excessive delays' at clinic](#) – BBC News NI, Dec 22

BBC News found that 698 people are on the adult waiting list. The Belfast Trust, who runs the only gender identity services in Northern Ireland, said that the longest waiting time is five years and three months. Forty-

seven young people are on a waiting list for the gender identity service for those aged 18 and under, with the longest wait currently 50 weeks.

¹⁴⁶ Wilson, G., Montgomery, L., Houston, S., Davidson, G., Harper, C. and Faulkner, L. (2015): [Regress? React? Resolve? An Evaluation of Mental Health Service Provision in Northern Ireland](#), page v. (accessed 31 January 2022)

¹⁴⁷ The Irish Times (2021): [North braced for mental health crisis as a direct result of the pandemic](#), 29 June 2021 (accessed 10 October 2021)

¹⁴⁸ ECNI (2021) [Response to the consultation by the Department of Health on the draft Mental Health Strategy 2021-2031](#), paragraph 1.27, p.6

¹⁴⁹ Belfast Telegraph (13 May 2021): [Mental health crisis: Patients are sleeping on chairs, says Swann](#)

¹⁵⁰ Ibid

¹⁵¹ Northern Ireland has a 25% higher overall prevalence of mental health conditions than England – 1 in 5 adults here have a mental health condition at any one time. Inequality gaps for mental health indicators have narrowed. Despite this, admissions for suicide and self-harm are higher within the most deprived areas. More than 20% of young people are experiencing significant mental health problems by the time they turn 18. 17% of men and 32% of women aged 35-44 show signs of depression. AMH (2018): Mental Health in Northern Ireland

¹⁵² There are significant concerns about the high suicide rate in Northern Ireland, compounded by a lack of reliable data. Previously, NI was said to have the highest rates of suicide in the UK, however, a data anomaly has since resulted in a review of these statistics. In 2018, it was reported that over 750 young people aged between 16 and 24 died by suicide in the UK and Ireland. RAISE (2021): [Suicide in Northern Ireland](#) The National Confidential Inquiry into Suicide and Safety in Mental Health concluded that Northern Ireland had the highest rate of suicide in young adults within the UK NCISH (2021) [Annual report 2021: England, Northern Ireland, Scotland and Wales](#), paragraph 1, p.5 Risk factors may be compounded by peer pressure, bullying, the influence of social media, academic stress, eating disorders, discrimination regarding sexual orientation, gender identity, and ethnicity, amongst many others - ibid. In 2020, 13,348 referrals were made to Child and Adolescent Mental Health Services - NI Assembly Question [AQW 14125/17-22](#). Mr Gerry Carroll (People Before Profit Alliance - West Belfast): To ask the Minister of Health to detail the number of young people presenting to child and adolescent mental health services in 2020; the number that received support. Referrals figures include Step 2, Step 3, Eating Disorders, Drug and Alcohol Mental Health Service, Crisis and the Regional Family Trauma Centre. Answered on 15/02/2021. The increased mental health burden associated with the COVID-19 pandemic is likely to be profound and felt for many years - Matthias, P., Hope, H., Ford, T., Hatch, S., Hotopf, M., John, A., Kontonpantelis, E., Webb, R., Wessely, S., McManus, S. and Abel, K. (2020): [Mental health before and during the COVID-19 pandemic: a longitudinal probability sample survey of the UK population](#). There is evidence emerging that the mental health of younger people in particular has been disproportionately affected - BBC News NI (2021): [Covid-19 having 'devastating effect' on children](#)

¹⁵³ Department of Health (2021): [Mental Health Strategy 2021-2031 consultation draft](#), paragraph 16, p. 11

¹⁵⁴ <https://www.health-ni.gov.uk/publications/mental-health-strategy-2021-2031>

¹⁵⁵ [Educational Underachievement in Northern Ireland – Review of Research 2021](#) – Centre for Research in Educational Underachievement (CREU)

¹⁵⁶ Expert Panel on Educational Underachievement in Northern Ireland (2021) [A Fair Start. Final Report and Action Plan](#), May 2021.

¹⁵⁷ Ballantine, J, Rouse, M & Gray, AM (2021) [Gender Budgeting: Working Paper 2 Case Study: Apprenticeships in Northern Ireland](#). Belfast: Access Research Knowledge

¹⁵⁸ Department for Communities (January 2021) [Equality Impact Assessment - Draft DfC Budget 2021-2022](#)

¹⁵⁹ Northern Ireland Statistics and Research Agency (March 2021) [Statistical Bulletin: Higher Level Apprenticeships \(Level4/5\) in Northern Ireland: Academic years: 2017/18 - 2019/20'](#)

¹⁶⁰ Department for the Economy (February 2021) [Economic Recovery Action Plan](#)

¹⁶¹ Department for the Economy (July 2021) [A Skills Strategy for Northern Ireland – Skills for a 10x economy](#)

¹⁶² [Report of the Taskforce on Traveller Education to the Department of Education](#) - McVeigh, R. and Joyce, C. (2011) Taskforce on Traveller Education

The Taskforce identified that inequalities in educational access span across the lifetime of many Traveller individuals. In childhood, Travellers are more likely to be excluded from school, have lower school attendance, be victims of bullying, and leave without qualifications.

¹⁶³ Haydon, D. (2015) Promoting and Protecting the Rights of Roma Children and Young People in Northern Ireland, Children's Law Centre, p39-42

¹⁶⁴ Include Youth submission, September 2020; [Include Youth response to NICCY Corporate Plan 2020-2023](#) p7-8

Haydon, D. (2022) Rights Here, Right Now: Children and Young People's Report to the UN Committee on the Rights of the Child, Belfast: Children's Law Centre

Care experienced children and young people have highlighted how negative experiences of mainstream education are exacerbated by their learning difficulties not being identified, by problems experienced while in care not being understood by teachers, by a restrictive learning environment and by negative adult/child relationships in schools where challenging behaviour often leads to suspension or expulsion.

¹⁶⁵ National Deaf Children's Society submission, October 2022

According to Department of Education data from 2020/21, only 55% of deaf school leavers obtained 5+ GCSEs at grades A*-C2 including English and Maths, compared to 78% of the total school population. This is an attainment gap of 23%. In 2014/15 it was 18%, demonstrating that the situation has worsened in the intervening years.

¹⁶⁶ [Post-primary school experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender \(LGB&T\)](#) – Department of Education NI

¹⁶⁷ [LGBTQ youth group cuts would be disastrous, says Cara Friend group](#) – BBC NI

¹⁶⁸ UK Government (2020): [New Decade New Approach](#), p.7

¹⁶⁹ Children's Law Centre submission, September 2020

¹⁷⁰ NIAO (2017): [Special Educational Needs](#) p.3

¹⁷¹ [Impact Review of Special Educational Needs](#) – Northern Ireland Audit Office, September 2020

¹⁷² NICCY (2020): [Too Little Too Late](#)

¹⁷³ Ibid.

¹⁷⁴ Education Authority (2021) Education Authority Freedom of Information Request Response, Ref: FOI6727 The Education Authority confirmed that it received 881 parental requests for statutory assessment in the 2019/20 financial year. 544 (62%) of these parental requests led to a 'Notice of decision not to make a statutory assessment of educational needs'. Of these 544, 117 subsequently progressed to assessment during 2019/20. 234 appeals were lodged with the Special Educational Needs and Disability Tribunal [SENDIST] in relation to Notices of a decision not to make a statutory assessment.

¹⁷⁵ Children's Law Centre UNCRC submission, November 2022

Figures demonstrate that the Education Authority has an extremely high fail rate at SENDIST appeals, and the number of appeals has risen significantly in recent years. In 2015/16 there were 145 SEN Appeals (of which only 4 were dismissed), compared with 378 in 2018/19 (of which only 11 were dismissed and 184 were recorded as conceded by the Education Authority).

This means that in over 97% of cases, parents obtained a successful outcome for their child by either winning or settling and withdrawing their appeals, indicating poor first instance decision-making which is not evidence-based.

¹⁷⁶ Children's Law Centre UNCRC submission, November 2022

Between October 2021 and September 2022, SEN placement issues were raised 149 times on Children's Law Centre's advice line. Also within this time period, out of 1,612 education-related queries to the Children's Law Centre's advice line, 1,041 were in relation to SEN and 420 related to Statements of SEN.

¹⁷⁷ ECNI (2017): [Educational Inequalities in Northern Ireland](#)

¹⁷⁸ EA (2018): [Audit of Inequalities](#), paragraph 1.3, p.3

¹⁷⁹ The Equality Act 2010 [Equality Act, 2010, Section 19](#) introduced protection against indirect discrimination and 'discrimination arising out of disability in GB. There are no such protections available in NI. This creates a barrier to access to justice in education cases in the region. Furthermore, the remedies available do not reflect the range and severity of the impacts which a child may suffer at school, or when excluded from school because of disability discrimination e.g. financial compensation is not available for disability discrimination by a school - See [section 22\(4\)](#) of the Special Needs and Disability (Northern Ireland) Order 2005; In contrast, sections 18-20 and 54 of the [Race Relations Order \(Northern Ireland\) 1997](#) allow for financial compensation

where a child has experienced unlawful racial discrimination in school. See also: IMNI (2017): [Jurisdictional 'Parallel' Report on Implementation in Northern Ireland](#), p.8 . Evidence indicates that children's access to justice often depends on the goodwill of adults and the support they may or may not provide. In many cases, parents, particularly those with lower levels of literacy, are uncertain how to support children to exercise their rights. Furthermore, children often need financial support to meet legal fees - Grandjean, A. (2010): [No Rights Without Accountability: promoting access to justice for children](#), International Development Law Organization, Legal Empowerment Working Paper 10.

¹⁸⁰ DfC (2020): [Disability Strategy and Expert Advisory Panel: Report and Recommendations](#), p.92.

¹⁸¹ School exclusions are governed by Article 33 of [The Education \(Northern Ireland\) Order 2006](#)

¹⁸² NICVA (2021): [Disability discrimination against children is "institutionalised" within NI's education system](#)

¹⁸³ The Challenging Behaviour Foundation (2019): Reducing Restrictive Intervention of Children and Young People Case study and survey results, January 2019, Chatham: The Challenging Behaviour Foundation.

The research included a survey carried out by CBF with 204 parents whose children have additional needs, as well as analysis of 566 case studies of families being supported by PBSS gathered over a 12-month period. The survey revealed that:

- 88% of parents reported that their child had been restrained in school with 35% stating this happened on a regular basis;
- 71% of families reported that their child had been secluded in school, with 21% stating this was happening on a daily basis;
- 50% of respondents' children had been prescribed medication specifically to manage challenging behaviour.

¹⁸⁴ Children and Young People's Commissioner Scotland, Children's Commissioner for Wales and the Northern Ireland Commissioner for Children and Young People (No Date): [Joint submission to the United Nations Committee Against Torture 66th session on the sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland by the Scotland, Wales and Northern Ireland Children and Young People's Commissioners](#), paragraph 6.4

¹⁸⁵ DfE (2021): [Interim guidance on use of restraint and seclusion in educational settings](#) The purpose of the guidance was to remind educational settings that reasonable force/restraint should only be used as a last resort.

¹⁸⁶ DfE (2022): [Review of restraint and seclusion in educational settings](#)

The report recommends the introduction of statutory guidance on the use of restrictive and support practices for educational settings under Article 18 1(c) of the Education and Libraries (Northern Ireland) Order 2003 which places a duty on the Board of Governors of a grant-aided school to have regard to the guidance when determining the measures to be taken at the school (by the Board of Governors, the staff of the school or other persons) to protect pupils from physical or mental abuse (whether at school or elsewhere).

¹⁸⁷ [CEA Relationships and Sexuality Education Guidance: An Update for Post-Primary Schools \(2015\)](#)

¹⁸⁸ This includes sexting, family diversity, and LGBTQI+ relationships. This has a knock-on impact on the Article 12 right to physical and mental health for young people, as well as their Article 10 rights regarding protection from domestic and sexual violence.

¹⁸⁹ CEDAW (2018) Report of the inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/OP.8/GBR/1, 23 February 2018, para 86d

In its inquiry into rights violation of rights as a consequence of restrictive access to abortion for girls and women in Northern Ireland, the Committee on the Elimination of Discrimination against Women [CEDAW] recommended that the State Party should make "age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory curriculum component for adolescents, covering early pregnancy prevention and access to abortion".

¹⁹⁰ British Deaf Association (2014): [Legal Status of BSL – ISL](#) - There is also no agreed estimate of the number of people within the d/Deaf community in Northern Ireland. Some figures estimate that approximately 18,000 BSL and ISL users live in Northern Ireland, 7,500 of whom are d/Deaf. The Health and Social Care Board reported difficulties in capturing the numbers of full-time equivalent interpreters and the levels of unmet need for interpretation support in NI.

¹⁹¹ The Bill proposes to require the government to ensure the use of British and Irish sign language across public services and ensure a duty to promote sign language in educational settings and allow more people to learn it for free.