



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to the United Nation's
Committee on Economic, Social and Cultural
Rights**

**Parallel Report for the List of Issues in
Relation to the Seventh Periodic Report of
the United Kingdom**

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1.0 Introduction

- 1.1 The NIHRC is one of three A-status National Human Rights Institutions of the United Kingdom (UK). In accordance with the Paris Principles and section 69(1) of the Northern Ireland (NI) Act 1998, the NIHRC reviews the adequacy and effectiveness of measures undertaken by the United Kingdom Government and NI Executive to promote and protect human rights, specifically within NI. In accordance with section 78A(1) of the NI Act, the NIHRC also monitors the UK Government's commitment under Article 2(1) of the Ireland/NI Protocol.¹
- 1.2 NI has been without a fully functioning NI Executive and NI Assembly since February 2022. This is the second suspension period within this monitoring round, with a previous suspension running from January 2017 until January 2020. Between February and October 2022, the NI Ministers continued in a caretaking capacity. In October 2022, as experienced during the previous suspension, responsibility for managing devolved issues moved to the Head of the Civil Service and Departmental Permanent Secretaries.² Since February 2022, no new policies or legislation have been able to progress, and this will remain the case until the NI Executive and NI Assembly are reinstated. In the absence of any political developments, this arrangement can continue until at least April 2023.³ Additionally, the lack of a functioning NI Executive may inhibit the Executive Office, which is the coordinating department in NI, from fully engaging with the UN International Covenant on Economic, Social and Cultural Rights (UN ICESCR) monitoring process.
- 1.3 This submission is presented to the UN Committee on Economic, Social and Cultural rights (the Committee) in respect of the UK's compliance with the UN ICESCR. It proposes questions that the Committee may wish to ask the State Party (SP), being the UK Government and NI Executive as relevant, regarding compliance of the UN ICESCR in NI.

2.0 Maximum Available Resources

- 2.1 Recalling the Committee's previous recommendation,⁴ there is a persistent lack of data available and lack of State-conducted cumulative impact assessments in NI.⁵ **What effective steps is the SP taking to ensure there is comprehensive, consistent disaggregated data available in NI that reflects societal makeup? Also, what steps the SP is taking to conduct cumulative impact assessments to inform decisions in NI?**

3.0 Constitutional Issues

NIHRC budget

- 3.1 The NIHRC has been subject to a five per cent reduction in its core budget, with further cuts expected.⁶ **What effective steps is the SP taking to ensure the NIHRC has adequate and secure long-term funding that is sufficient to fulfil its statutory functions and ensure its compliance with the UN Paris Principles?**

Bill of Rights for NI

- 3.2 Recalling the Committee's previous recommendation,⁷ the NI Assembly Ad Hoc Committee on Human Rights supported the creation of a Bill of Rights in principle.⁸ However, there is no clear plan to progress this. **What steps is the SP taking to fulfil its commitment to legislate for a Bill of Rights for NI, as set out in the Belfast (Good Friday) Agreement 1998?**

UK's Withdrawal from EU

- 3.3 In Article 2 of the Ireland/NI Protocol (Protocol Article 2) to the UK-EU Withdrawal Agreement 2020, the UK Government commits to ensuring there is no diminution of rights, safeguards and equality of opportunity contained in the relevant chapter of the Belfast (Good Friday) Agreement 1998 as a result of the UK's withdrawal from the EU, as well as a requirement that NI 'keeps pace' with any enhancements to the six EU Equality Directives in Annex 1 of the Protocol.⁹ This includes any changes deriving from caselaw.¹⁰ In 2022, the UK Government introduced NI Protocol Bill which risks weakening the UK Government commitments under Protocol Article 2.¹¹ **What effective steps is the SP taking to ensure that, consistent with a no regression approach to rights, there is no weakening of the Protocol Article 2 'no diminution' commitment or the rights, safeguards and oversight mechanisms relating to this commitment?**
- 3.4 In 2022, the UK Government introduced the Retained EU Law (Revocation and Reform) Bill, which will automatically repeal or revoke retained EU law by the end of December 2023, unless it is preserved and/or restated under delegated powers given to Ministers.¹² This may apply to retained EU law affecting economic, social and cultural rights.¹³ **What effective steps is the SP taking when making changes to retained EU law impacting economic, social and cultural rights, to ensure that policy changes are made by primary legislation rather than secondary legislation or other 'accelerated processes'? Also,**

what effective steps is the SP taking to assess compliance with Protocol Article 2?

Reform of the Human Rights Act

- 3.5 Recalling the Committee's previous recommendation,¹⁴ the NIHRC draws attention to the Bill of Rights Bill which seeks to repeal the Human Rights Act 1998 and weaken human rights protection.¹⁵ **What effective steps is the SP taking to ensure the fundamental principles of human rights are adhered to and any reform to the UK's human rights framework does not weaken human rights protections, but builds on the Human Rights Act 1998, as part of further progress in strengthening the promotion and protection of human rights in the UK? This includes ensuring compliance with the Belfast (Good Friday) Agreement and Article 2 of the Ireland/NI Protocol.**

4.0 Articles 2(2) and 3 – Equality and Non-discrimination

Equality laws and policies

- 4.1 Recalling the Committee's previous recommendation,¹⁶ discrimination legislation in NI continues to "lag behind the rest of the UK" without a single equality act.¹⁷ **What steps is the SP taking to consolidate, strengthen and clarify equality protections in NI within a Single Equality Act, which includes intersectional multiple discrimination?**
- 4.2 Recalling the Committee's previous recommendation,¹⁸ several up-to-date equality-related strategies are lacking in NI including a Gender Equality Strategy, Lesbian, Gay, Bisexual, Transgender, Queer (Or Questioning), Intersex+ Strategy, and Refugee Integration Strategy. **What effective steps is the SP taking to ensure that up-to-date robust, gender-sensitive, culturally appropriate equality-related strategies and action plans with ring-fenced funding are promptly developed, implemented and monitored in NI?**

Hate crime

- 4.3 Hate crime is increasing in NI, including in the areas of racism, homophobia, sectarianism, disability and faith/religion,¹⁹ which significantly impacts on the enjoyment of UN ICESCR rights of individuals affected. **What effective steps is the SP taking to promptly and effectively eradicate and remedy hate crime in NI, including improving hate crime legislation?**

Access to sports

- 4.4 Decisions are being taken by sporting bodies which may impede access for transgender people to participate and compete in sports in NI.²⁰ **What effective steps is the SP taking to ensure individuals who wish to participate in sport in NI are supported to do so irrespective of diverse sexual orientations, gender identities, gender expressions, and sex characteristics, guided by the principles of reasonableness, proportionality and non-discrimination?**
- 4.5 90 per cent of deaf and disabled people surveyed in NI have not been active in their gym or sports club since the COVID-19 pandemic due to sport facilities not being open, sports opportunities not operating or being anxious about participating.²¹ **What effective steps is the SP taking to remove the barriers to persons with disabilities accessing sports in NI, with particular consideration of addressing barriers that have arisen due to COVID-19?**

5.0 Articles 6 and 7 – Right to Work and Right to Just and Favourable Work Conditions

Accessible childcare

- 5.1 Recalling the Committee's previous recommendation,²² there remains no statutory duty in NI to provide adequate childcare provision.²³ **What effective steps is the SP taking to ensure that childcare facilities and arrangements in NI are available, affordable and accessible? This includes ensuring that a flexible and accessible childcare model is in place in NI that operates outside traditional working hours. It also includes introducing statutory arrangements in NI to deliver extended, affordable, responsive, high-quality provision of early education and care initiatives for families with children, using the provision available in other parts of the UK as a starting point.**

Gender pay gap

- 5.2 Recalling the Committee's previous recommendation,²⁴ mandatory pay gap reporting is not yet in force in NI.²⁵ **What effective steps is the SP taking to ensure that the gender pay gap and insecure, low paid employment of women in NI is effectively addressed and monitored? This includes ensuring that the provisions regarding mandatory pay gap reporting in the Employment Act (NI) 2016 are brought into effect in NI. It also includes ensuring that employers in NI are required to**

publish a narrative with their gender pay gap data and that this is evaluated.

Persons with disabilities

- 5.3 NI has the lowest employment rate for deaf and disabled people.²⁶ NI has the largest gap between the employment rates of deaf and disabled and non-disabled people within the UK.²⁷ There are concerns about the future, long-term funding arrangements for disability employment projects previously or currently supported by EU funding.²⁸ **What effective measures is the SP taking to tackle the low employment rate for deaf and disabled people in NI, and how the SP intends to guarantee the provision of long-term funding arrangements for new and existing disability employment projects in NI?**

Rehabilitation of Offenders

- 5.4 In NI, the failure to provide a mechanism by which an individual can apply to have their criminal convictions considered spent regardless of the passage of time and their personal circumstances can affect an individual's job prospects.²⁹ **What effective steps is the SP taking to promptly amend the Rehabilitation of Offenders (NI) Order 1978 for the purpose of enabling an offender to be rehabilitated if their circumstances satisfy human rights compliant criteria, particularly when the NI Executive and NI Assembly are suspended?**

Working conditions of migrant workers

- 5.5 Recalling the Committee's previous recommendation,³⁰ migrant workers in NI are vulnerable to exploitation.³¹ Individuals that rely on sponsorship visas are particularly vulnerable, including being charged by their employer if they try to leave before their contract is finished.³² This is a particular issue regarding non-unionised sectors, agriculture, the care home sector, and zero-hour contract employers.³³ **What effective steps is the SP taking to protect migrant workers against exploitation and abuse, this includes ensuring that all migrant workers enjoy the same conditions as other workers in NI, and have effective access to complaint mechanisms and legal assistance?**

Modern slavery and human trafficking

- 5.6 Trafficking and Exploitation Risk Orders are not available in NI. Furthermore, the Nationality and Borders Act 2022 disapplies the EU Trafficking Directive, which specifically refers to the best interests of the child, where it is incompliant with a provision of the 2022 Act.³⁴ It also requires that a potential victim's late compliance

with a Trafficking Information Notice, without good reason, must be taken into account as damaging the person's credibility.³⁵ **What effective steps is the SP taking to ensure that the root causes of human trafficking and exploitation are addressed in NI and that trauma-informed, specialised, accessible support for victims of human trafficking and exploitation is sufficient and promptly available when required, and adequately funded across NI? This includes promptly introducing Trafficking and Exploitation Risk Orders in NI, that are guided by individual victim's assessments. It also includes reviewing and amending as required legislation and policy, such as the Nationality and Borders Act 2022, to ensure it adopts a victims-based approach.**

6.0 Articles 9 and 11 – Social Security and Adequate Standard of Living

Cost of Living

6.1 Recalling the Committee's previous recommendations,³⁶ in 2020/2021, 17 per cent of people and 11 per cent of children in NI lived in relative income poverty (before housing costs).³⁷ Increasing energy prices are expected to impact on individuals living in NI to a greater extent than other parts of the UK.³⁸ Warm banks are emerging across NI.³⁹ In addition to food costs set out below, education costs are another contributor to the rising cost of living, for example, available uniform grants in NI are insufficient for need.⁴⁰ **What effective steps is the SP taking to comprehensively eradicate poverty in NI, including fuel poverty and child poverty? This includes developing, implementing and monitoring an up-to-date anti-poverty strategy and action plan. It also includes ensuring that education support grants in NI, such as a uniform grant, are sufficient and proportional to costs.**

Access to food

6.2 Recalling the Committee's previous recommendations,⁴¹ in 2021/2022, at least 61,597 food parcels were distributed across 55 foodbanks in NI.⁴² Compared to other UK regions, NI had the greatest percentage increase of distributed food parcels in 2019/2020.⁴³ The main support is provided by charitable organisations. The continued rise in food prices is a growing concern, with foodbanks facing increased demand and reduced donations.⁴⁴ There is no long-term commitment to continue Free School Meals during school holidays as standard in NI.⁴⁵ **What effective steps is the SP taking to tackle food insecurity in NI on an emergency and long-term basis? This includes**

ensuring children in NI receive Free School Meals during school holidays as standard.

Social security

6.3 Recalling the Committee's previous recommendations,⁴⁶ social security reform has disproportionately affected vulnerable groups in NI.⁴⁷ Several steps have been taken to mitigate the impact,⁴⁸ however there is no comprehensive long-term solution. There are particular concerns regarding protection for private renters,⁴⁹ five week wait for first Universal Credit payment,⁵⁰ two-child tax credit limit (with the rape exemption a particular concern in NI),⁵¹ assessment process for Personal Independent Payments,⁵² and use of household (not separate) payments as default for Universal Credit.⁵³ **What effective steps is the SP taking to effectively ensure that social security is accessible, promptly available in NI, and maximum available resources are used to guarantee an adequate standard of living to all recipients, which is guided by a cumulative impact assessment that is regularly monitored? This includes ensuring that a comprehensive and secure mitigation package is applied in NI where necessary and maintained for as long as required. It includes repealing the two-child tax limit, making separate Universal Credit payments the primary option, remedying the five-week wait for Universal Credit, and promptly remedying accessibility and assessment issues with Universal Credit and Personal Independent Payment.**

Debt vulnerability

6.4 Personal debt is higher in NI than other parts of the UK,⁵⁴ which raises concerns regarding debt vulnerability for individuals on social security, particularly from a gendered perspective. In NI, this has an added dimension with paramilitary groups often operating as illegal lenders.⁵⁵ The rising cost of living will likely increase this exploitation.⁵⁶ The necessary legislative change cannot progress while the NI Executive and NI Assembly is suspended. **What effective steps is the SP taking to reduce income inequalities and progressively extend social protection, in addition to providing the necessary financial support, debt relief and education to ensure individuals in NI are not reliant on illegal lenders? This includes support for individuals in NI to safely extract themselves from illegal lending and to prosecute the illegal lenders.**

Crisis Fund

6.5 Recalling the Committee's previous recommendation,⁵⁷ in 2021/2022, the Executive Office's Crisis Fund supported 2,366

people, including 932 children.⁵⁸ The primary causes of destitution that led to reliance on the Crisis Fund “were asylum issues (including No Recourse to Public Funds), benefits issues and employment issues”.⁵⁹ The Crisis Fund remains a temporary measure. **What effective steps is the SP taking to address the causes of destitution in the first instance, and to introduce measures targeted at all individuals living in or at risk of poverty in NI, including people seeking asylum, refugees, migrants and other vulnerable groups? Additionally, what effective steps is the SP taking to place interim necessary support in NI, such as the Crisis Fund, on a permanent footing and with guaranteed funding?**

Asylum financial support

6.6 Recalling the Committee’s previous recommendation,⁶⁰ people seeking asylum remain unable to work in the UK, including NI. In June 2022, 2,413 people seeking asylum were in receipt of section 95 support in NI,⁶¹ with 23 in receipt of subsistence only and 2,390 in dispersed accommodation.⁶² The £40.85 per week payments are not proportional to the cost of living and are issued on cards that cannot be used online and can only be used in certain shops.⁶³ There is also an unknown number of people seeking asylum in NI who have no recourse to public funds. Reliance on local authority provision as an alternative source of support is a specific problem in NI, where local councils do not have responsibility for housing, social services or education.⁶⁴ **What effective steps is the SP taking to ensure people seeking asylum in NI are not destitute and are provided with financial support that is proportional to the cost of living, takes account of specific needs and is not unnecessarily restricted (for example, it can be used to make purchases online)? This includes reviewing restrictions that prevent people seeking asylum from working while claims are being processed.**

Carers

6.7 As of 2022, there are at least 290,000 unpaid carers in NI.⁶⁵ During the COVID-19 pandemic, it is estimated that the care provided by unpaid carers increased to £6.9 billion per year.⁶⁶ Nearly 30 per cent of carers in NI live in poverty, the highest rate of carer poverty in the UK.⁶⁷ **What effective steps is the SP taking to ensure unpaid carers, particularly young and older carers, in NI are adequately supported proportional to the cost of living? This includes uplifting the Carers Allowance and introducing additional carers recognition payments that are proportional to the cost of living.**

Homelessness

- 6.8 Recalling the Committee's previous recommendations,⁶⁸ in 2020/2021, 9,889 households were accepted as statutorily homeless in NI.⁶⁹ This figure does not include the 'hidden homeless', cases who have had their application rejected or did not apply in the first place. There has been a marked increase in deaths of rough sleepers, particularly women, on the streets of Belfast.⁷⁰ Lack of accommodation, addition services, mental health treatment and the rising cost of living are contributing factors.⁷¹ **What immediate and effective steps is the SP taking to eliminate all forms of homelessness in NI? Also, what effect steps is the SP taking to address the factors contributing to the deaths of rough sleepers in NI?**

Social Housing

- 6.9 Recalling the Committee's previous recommendations,⁷² on 30 June 2022, the number of applicants on the social housing waiting list was 44,229.⁷³ Of these applicants, 31,663 were in housing stress.⁷⁴ Current targets for housing provisions fall short of housing need.⁷⁵ Social housing in NI is allocated on a points-based system, which determines applicant's position on the waiting list.⁷⁶ The current definition for intimidation points excludes domestic violence, coercive control or intimidation due to nationality.⁷⁷ There is no official appeals mechanism, and the informal complaints procedure is lengthy and exacerbates harm on already vulnerable households. In 2017, the current Housing Strategy for NI expired.⁷⁸ **What effective steps is the SP taking to ensure that there is sufficient and appropriate long-term social housing available to meet demand in NI, including mitigating measures to address existing waiting lists? This includes revising the housing selection scheme in NI to ensure that it effectively considers applicants' circumstances and reflects up-to-date common challenges faced by individuals and households in NI, in addition to providing adequate mechanisms for appeal.**
- 6.10 In NI, 90 per cent of NI Housing Executive estates are segregated.⁷⁹ Between August 2021 and July 2022, 145 households presented themselves as homeless, with 117 of these cases due to paramilitary or sectarian intimidation.⁸⁰ There is no strategy in place that offers mitigating measures.⁸¹ There also continues to be a lack of robust housing and communities' data.⁸² **What effective steps is the SP taking to promptly, robustly and collaboratively eradicate paramilitary and sectarian intimidation that causes families to be forced out of their homes in NI? This includes actively monitoring the situation by ensuring that**

comprehensive equality data on housing in NI is regularly gathered, monitored, evaluated and published.

Asylum and refugee resettlement

6.11 There are concerns that the Nationality and Borders Act creates a two-tiered system of legal protections, penalising refugees who arrive in the UK through irregular means.⁸³ There is an increased use of 'contingency accommodation' to house people seeking asylum.⁸⁴ Direct accounts of living conditions in NI contingency accommodation have reported inadequate access to dietary required or culturally appropriate food, restrictions on family and private life and insufficient access to basic services such as health and education.⁸⁵ The process of moving from contingency accommodation into longer-term accommodation is often conducted with minimal information, without advance notice or access to services.⁸⁶ **What effective steps is the SP taking to ensure that the support and accommodation provided to refugees and people seeking asylum in NI is adequate, fit for purpose and in compliance with human rights standards, with particular consideration of the needs of families and persons with disabilities? Also, what effective steps is the SP taking to end the use of hotels as contingency accommodation for people seeking asylum in NI?**

Travellers' accommodation

6.12 Recalling the Committee's previous recommendations,⁸⁷ existing law and practice does not provide for sufficient, adequate, habitable and culturally adequate Travellers' accommodation in NI.⁸⁸ The Unauthorised Encampments (NI) Order 2005 has a disproportionate impact on Traveller communities.⁸⁹ **What effective steps is the SP taking to ensure that it is recognising and facilitating the cultural rights of Travellers in NI to live their traditional lifestyle? This includes ensuring that there is sufficient Traveller-specific accommodation available in NI with sufficient access to essential utilities on a long-term basis, and that the Unauthorised Encampments (NI) Order 2005 is promptly repealed.**

7.0 Article 10 – Protection of Family, Mothers and Children

Access to financial support for unmarried couples

7.1 In 2018, the UK Supreme Court ruled that the requirement that couples must be married to access Widowed Parent's Allowance breached their ECHR rights.⁹⁰ The draft Bereavement Benefits

(Remedial) Order 2022 which intends to remedy the incompatibility will only have a limited retrospective effect.⁹¹ **What effective steps is the SP taking to ensure that unmarried couples in NI can make retrospective bereavement benefit claims dated back to February 2016?**

Foster Care

7.2 NI does not have minimum standards of foster care,⁹² and the approval for foster care placements is extremely lengthy.⁹³ **What effective steps is the SP taking to ensure that there are minimum standards for foster care and a statutory requirement for foster care to be inspected in NI?**

Climate and environmental regulations

7.3 The Onshore Fracking (Prohibition) Bill 2021 has not been able to progress due to the suspension of the NI Assembly.⁹⁴ **What effective steps is the SP taking to ensure that climate justice values are adopted in all laws and policies aimed at tackling climate change in NI, including ensuring there is a focus on the specific needs of and preventative measures for individuals most affected? This includes ensuring that there is a statutory ban on all forms of fracking in NI.**

Child, early and forced marriage

7.4 The Marriage (NI) Order 2003 permits the marriage of a child aged 16 or 17 years with the consent of their parents or legal guardians. This is in disparity with England and Wales, where the minimum age has been raised to 18.⁹⁵ In 2021, 39 girls and 15 boys were married in NI.⁹⁶ **What effective steps is the SP taking to ensure that child marriage is prohibited in NI? This includes ensuring that necessary legislative changes are undertaken in NI to increase the minimum age for marriage to 18 years. It also includes strengthening efforts in NI to combat forced marriages, such as sensitising parents on the need for full and free consent of their child to marry.**

Domestic abuse and violence

7.5 Disaggregated data is lacking, but domestic and sexual abuse remains high in NI, with a particular impact on women.⁹⁷ Reports increased during Covid-19 lockdowns.⁹⁸ There is insufficient refuge support in NI.⁹⁹ Persons with insecure immigration status have limited access to the support that does exist in NI.¹⁰⁰ **What effective steps is the SP taking to ensure that all policies and support for victims of domestic and sexual violence and abuse in NI are specialised, accessible, gender-sensitive and guaranteed sustainable funding? This includes gathering and**

monitoring relevant disaggregated data and conducting meaningful engagement with victims, survivors and representative organisations in NI. It also includes ensuring that support is available, regardless of immigration status, and that sufficient refuge places are available in NI according to need.

Visitation in health and social care settings

- 7.6 Since the Covid-19 pandemic, restrictions have been placed on visiting health and social care settings.¹⁰¹ This has had a particular impact on persons with disabilities.¹⁰² **What effective steps is the SP taking to ensure that the UK COVID-19 Inquiry is conducted expeditiously and that it fully examines the response in NI? Also, how will the SP ensure that the recommendations from the UK COVID-19 Inquiry are effectively implemented in NI, particularly in relation to the management of the pandemic in care homes, ensuring that learning is disseminated across the sector and that a human rights-based plan is in place in NI for any future outbreak?**

8.0 Article 12 – Highest Attainable Standard of Health

Access to healthcare for irregular migrants

- 8.1 Recalling the Committee's previous recommendation,¹⁰³ there remains a lack of healthcare provision for irregular migrants who are traumatised or have complex needs.¹⁰⁴ Individuals seeking asylum or with irregular status experience delays in getting the necessary documents for accessing healthcare,¹⁰⁵ challenges in registering for and accessing GP and NHS dental services,¹⁰⁶ and a lack of translation and interpretation services.¹⁰⁷ Travelling to appointments for individuals seeking asylum remains difficult, since their financial support cannot be used for transport. Pregnant migrant women do not receive financial support until late in their pregnancy.¹⁰⁸ There are difficulties in accessing mental health services in NI, with mental health declining amongst deaf and disabled migrants.¹⁰⁹ **What effective steps is the SP taking to identify and minimise procedural barriers to people seeking asylum in NI accessing healthcare, particularly women, persons with disabilities and people in temporary or contingency accommodation?**

Access to reproductive healthcare

- 8.2 Recalling the Committee's previous recommendation,¹¹⁰ abortion has been legalised in NI on a range of grounds.¹¹¹ In the absence of commissioned services, individual Health and Social Care Trusts in

NI have been staffing, resourcing and funding these services with no additional support.¹¹² This has created a disparity of access to reproductive healthcare across NI in terms of the type and consistency of services available. The UK Government has instructed the Department of Health to commission the required services, however no additional, long-term funding has been made available.¹¹³ Until resolved, the risk remains that many women and girls in NI will continue to have to access services in England, Ireland or access unregulated services. Long-standing barriers to contraceptive use in NI remain.¹¹⁴ **What effective steps is the SP taking to ensure ring-fenced, long-term funding is in place and effectively utilised to ensure accessing safe abortion services locally across NI? Also, what effective steps is the SP taking to ensure that non-biased, scientifically sound and rights-based counselling and information on all methods of contraception are available, affordable and fully accessible across NI. This includes adopting a protocol that facilitates access at pharmacies, clinics and hospitals in NI.**

Gender recognition

- 8.3 Waiting lists extend for at least three years for gender-affirming healthcare in NI.¹¹⁵ Gender recognition continues to be based on a medical model of assessment.¹¹⁶ **What effective steps is the SP taking to address the waiting lists for gender-affirming healthcare in NI, including adopting a self-declaration approach to gender recognition?**

Mental health

- 8.4 Recalling the Committee's previous recommendation,¹¹⁷ poor mental health remains the largest cause of disability in NI.¹¹⁸ Despite this, the proportion of spend on mental health in NI remains the lowest in the UK.¹¹⁹ **What effective steps is the SP taking across the UK to ensure ring-fenced, long-term funding is in place for mental health care in NI that effectively addresses objective need?**

National Health Service waiting lists

- 8.5 NI has lower rates of efficiency compared to England and Wales, which is reflected in persistently longer waiting lists in NI.¹²⁰ This has been further exacerbated by COVID-19, with increasing pressure on healthcare staff.¹²¹ In NI, there is also a significant shortage of new patient slots for National Health Service dentists.¹²² Many National Health Service dentists in NI are delivering care at a financial loss.¹²³ **What effective steps is the SP taking to address the existing National Health Service health and dental care waiting lists in NI, including building service**

capacity to meet demand and ensure timely and adequate access to health and dental care in NI when required?

Menopause

- 8.6 There is currently no specific protection against discrimination relating to menopause in NI.¹²⁴ The law also does not reflect the intersectional nature of menopause in many cases.¹²⁵ There remains a lack of support, medication, and treatment for menopause in NI.¹²⁶ **What effective steps is the SP taking to ensure perimenopausal and menopausal women in NI have equal access to employment throughout their working life? Also, what immediate steps is the SP taking to ensure perimenopausal and menopausal women in NI have access to medication and treatments on a long-term and affordable basis?**

Period poverty

- 8.7 There have been significant developments in addressing period poverty in NI,¹²⁷ but the details are still being worked through. **What effective steps is the SP taking to ensure that the provision of free period products in NI is as wide as possible to avoid divergence in access, that this provision does not become an undue burden on organisation or premises affected, and that period products that are not free are not inaccessibly priced and fully accessible as need requires?**

Relationship and sexuality education

- 8.9 The Secretary of State for NI is required to ensure that there is comprehensive and scientifically accurate education on sexual and reproductive health and rights is a compulsory component of the curriculum in NI secondary schools.¹²⁸ Yet schools continue to be able to provide education in line with their own ethos.¹²⁹ The NIHRC has commenced a statutory investigation on relationship and sexuality education in NI.¹³⁰ **What effective steps is the SP taking to ensure comprehensive, scientifically accurate, age-appropriate relationships and sexuality education is delivered as standard in all schools in NI?**

9.0 Articles 13 and 14 – Education

Academic selection

- 9.1 Unregulated academic selection continues in NI,¹³¹ which is damaging children's mental health,¹³² "magnifies inequalities" for specific disadvantaged groups of children,¹³³ and "damag[es] the life-chances of a large proportion of the school population".¹³⁴ **What effective steps is the SP taking to ensure that there is a non-**

selective system of post-primary school admission NI, including abolishing the two-tier system of education?

Bullying

- 9.2 There have been developments in addressing bullying in NI schools,¹³⁵ however specific groups of children in NI remain particularly affected by bullying, including lesbian, gay, bisexual, transgender, queer (or questioning) and intersex+ pupils and individuals from a minority ethnic community.¹³⁶ **What specific steps is the SP taking to address bullying experienced by particular groups of children in NI, such as by lesbian, gay, bisexual, transgender, queer (or questioning) and intersex+ pupils and children from ethnic minorities? This includes ensuring that children, all teachers and other education providers in NI are trained on how to identify, address and remedy the impacts of bullying, including online bullying.**

Educational needs of specific groups of children

- 9.3 Recalling the Committee's previous recommendation,¹³⁷ in 2021/2022 children of migrant families made up 5 percent of all school enrolments in NI.¹³⁸ Support in NI is ad-hoc and short-term which impacts provision, including access to language supports, uniform grants, free school meals and free school transport.¹³⁹ **What effective steps is the SP taking to ensure that an up-to-date policy and action plan for educating children of migrant families is in place in NI and that teacher training is provided that promotes cultural awareness within schools and ensures a curriculum bespoke to pupils' specific needs and experiences is provided across NI?**
- 9.4 Traveller and Roma children have some of the lowest levels of educational attainment of all equality groups in NI.¹⁴⁰ Early intervention, teacher training and a bespoke approach to school curriculum's reflecting a child's specific needs is required.¹⁴¹ The funding required to address the issue cannot be progressed while the NI Executive is suspended.¹⁴² **What effective steps is the SP taking to ensure educational underachievement in NI, particularly for Traveller and Roma children, is addressed. This includes early intervention, teacher training, implementation of the bespoke approach to school curriculums in line with a child's specific needs and provision of ring-fenced funding.**

Integrated education

- 9.5 There are 70 grant-aided integrated schools in NI.¹⁴³ In 2021/2022, there were 25,794 pupils educated in integrated education in NI, an

increase of 933 from 2020/2021.¹⁴⁴ Statutory duties regarding integrated education in NI have been extended.¹⁴⁵ **What effective steps is the SP taking to ensure that sufficient integrated education is available across NI, including ensuring that the Integrated Education Act (NI) 2022 is implemented in full and prompt action is taken across NI to satisfy the demand for integrated education?**

Shared education

9.6 After the UK's exit from the EU, future funding for shared education in NI is unclear.¹⁴⁶ **What effective steps is the SP taking to ensure that long-term, secure funding for shared education is guaranteed in NI, including ensuring that any potential negative impact on funding of shared education due to the UK's withdrawal from the EU is adequately mitigated?**

Special educational needs

9.7 The Special Educational Needs and Disability Act (NI) 2016 has not been fully commenced. Between 2017 and 2020, significant shortcomings in how the Education Authority NI managed its Special Educational Needs assessment process and its provision of early intervention services were identified.¹⁴⁷ For example, in 2019, 85 per cent of pupils did not complete the statementing process within the 26-week statutory period.¹⁴⁸ Furthermore, neither the Department of Education nor the Education Authority NI could demonstrate value for money in the provision of special education needs support in mainstream schools.¹⁴⁹ **What effective steps is the SP taking to ensure that children with special educational needs in NI are promptly and comprehensively assessed and provided with the appropriate support? This includes appropriate education support, as well as transport and other measures, to ensure effective educational engagement to improve children's outcomes. For example, what steps is the SP taking to ensure the full and effective implementation of the Special Educational Needs and Disability Act (NI) 2016 without further delay? Furthermore, what effective steps is the SP taking to ensure children with special educational needs that have been adversely affected by delays in the assessment process are effectively remedied in NI?**

10.0 Article 15 – Participation in Cultural Life

Minority culture and language

10.1 Recalling the Committee's previous recommendation,¹⁵⁰ the Identity and Language (NI) Act 2022 has been given Royal Assent.

Development of an Irish Language Strategy and an Ulster Scots Strategy is ongoing,¹⁵¹ however, it is reported that initial progress was blocked 26 times by the NI Executive, when it was fully operating.¹⁵² **What effective steps is the SP taking to protect, promote and progress minority language and culture in NI, particularly regarding Irish language and Ulster Scots culture and heritage? This includes undertaking meaningful engagement with minorities and their representative organisations in NI.**

Supporting the arts

10.2 Since 2011, considering inflation, funding for arts organisations in NI has decreased by 40 per cent.¹⁵³ Rising supplier and energy costs are having a particular impact.¹⁵⁴ There is a lack of affordable, long-term premises available to artists in NI.¹⁵⁵ Artists are often subject to zero hour contracts.¹⁵⁶ The lack of security is having a negative effect on artists' mental health.¹⁵⁷ **What effective steps is the SP taking to ensure that there are sufficient legal protections and ring-fenced, long-term funding that is proportional to inflation for artists in NI?**

11.0 Business and economic, social and cultural rights

Business and Human Rights

11.1 Recalling the Committee's previous recommendation,¹⁵⁸ the UK Government's updated National Action Plan on Business and Human Rights does not have a specific NI focus.¹⁵⁹ **What effective steps is the SP taking to ensure that NI is included in the UK's national action plan on business and human rights?**

¹ The new powers for the NIHRC are given effect in UK law by section 7A of the EU (Withdrawal) Act 2018.

² NI (Executive Formation etc) Act 2019.

³ Jayne McCormack and Matt Fox 'Stormont stalemate: Heaton-Harris pushes back NI election deadline', *BBC News*, 9 November 2022.

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, at para 19.

⁵ NI Human Rights Commission, 'Cumulative Impact Assessment of Tax and Social Security Reforms' (NIHRC, 2019).

⁶ The NIHRC has been advised to plan a further 5 per cent contingency to meet any unexpected costs that may arise during between 2022/2023 and 2024/2025. The Global Alliance of National Human Rights Institutions' Sub-Committee on Accreditation has twice deferred the NIHRC's accreditation due to the current and prospective funding position which it regards as very serious and time sensitive. The Sub-Committee on Accreditation has strongly recommended that an improved sustainable position is reached within the deferral period. It is due to consider the NIHRC's accreditation in early 2023. The cuts to the NIHRC's budget affect its ability to undertake its functions in respect of Protocol Article 2(1) since this relies on its capacity to undertake its functions across the organisation as a whole. See Global Alliance of National Human Rights Institutions, 'Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation: 18-29 October 2021' (GANHRI, 2021); Global Alliance of National Human Rights Institutions, 'Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation: 3-7 October 2021' (GANHRI, 2022).

⁷ 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, at para 10.

⁸ An NI Assembly Ad Hoc Committee on a Bill of Rights was established to consider the creation of a Bill of Rights for NI. A panel of five experts was to be appointed by the First Minister and Deputy First Minister to support the work of the Ad Hoc Committee on a Bill of Rights. However, these appointments have not been made. See NI Assembly, 'Report of the Ad Hoc Committee on Bill of Rights' (NIA, 2022), at para 13.

⁹ Directive 2000/43/EC, 'EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000; Directive 2000/78/EC, 'EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000; Directive 2004/113/EC, 'EU Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and Services', 13 December 2004; Directive 2006/54/EC, 'EU Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation', 5 July 2006; Directive 2010/41/EU, 'EU Parliament and EU Council Directive on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010.; Directive 79/7/EEC, 'EU Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security', 19 December 1978.

¹⁰ Article 13(2) of the Protocol on Ireland/NI to the Agreement on the Withdrawal of the UK of Great Britain and NI from the EU and the European Atomic Energy Community 2020.

¹¹ The NI Protocol Bill means that certain provisions of the Protocol will no longer have domestic effect in the UK and provides that domestic courts are not bound by principles or decisions made by the CJEU after the Bill comes into force, contrary to the 'keeping pace' obligation deriving from Protocol Article 13. While the Bill provides some protection for Protocol Article 2, this protection is incomplete and risks weakening the non-diminution commitment.

¹² The EU (Withdrawal) Act 2018 repealed the European Communities Act 1972, however, sections 2-4 of the 2018 Act carry over EU-derived law and direct EU obligations into the domestic legal framework on or after the 31 December 2020 to ensure that rights, obligations and remedies available before the UK exited the EU would continue to be recognised and available after exit day. Section 5 of the 2018 Act identifies a number of exclusions from retained EU law, including the EU Charter of Fundamental Rights. General Principles of EU law are recognised but are given a much more limited scope. See Clause 1 of the Retained EU Law (Revocation and Reform) Bill on sunset of EU-derived subordinate legislation which applies in NI and retained direct EU legislation; Clause 1(5) provides for an exclusion of certain NI legislation. See Clause 2 on extension of sunset; see Clauses 12-15 on powers to restate, revoke and replace retained EU law. See NI Human Rights Commission and Equality Commission for NI, 'Submission of the NI Human Rights Commission and Equality Commission for NI to the House of Lords Sub-Committee on the Protocol's Call for Evidence for its New Inquiry into the UK Government's NI Protocol Bill' (NIHRC and ECNI, 2022).

¹³ EU Regulations fall within the definition of 'retained direct EU law' to be automatically repealed by the end of December 2023 unless preserved or restated by Ministers. The ECNI and NIHRC have identified a range of Regulations affecting rights. See for example, Regulation (EC) No 1107/2006, 'European Parliament and of the EU Council Concerning the Rights of Disabled Persons and Persons with Reduced Mobility When Travelling by Air', 5 July 2006.

¹⁴ 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, at para 10.

¹⁵ The Bill of Rights Bill proposes to create a hierarchy of rights by elevating freedom of speech and freedom of religion. It proposes to create a hierarchy of rights protection for individuals, particularly focusing on expressly denying perceived criminals' and immigrants' full enjoyment of their rights. It also proposes to reduce access to domestic courts for individuals seeking human rights-based remedy, which is contrary to the ECHR and the

Belfast (Good Friday) Agreement 1998. The Bill is awaiting its second reading at the House of Commons, with no date for progression.

¹⁶ 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, at paras 22-23.

¹⁷ Discrimination remains prohibited across several pieces of legislation in NI, resulting in a complex framework. See House of Commons NI Affairs Committee, 'The Experiences of Minority Ethnic and Migrant People in NI: Second Report of Session 2021-22' (NIAC, 9 March 2022), at 3. The UK Government has a further obligation under Protocol Article 2 to ensure that NI law keeps pace with Directive 2000/43/EC Racial Equality Directive, to the extent that rights or protections are enhanced as a result of amendments or replacement.

¹⁸ 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, at para 8.

¹⁹ In 2021/2022, there were 3,119 recorded incidents of hate crime and 2,236 recorded hate crimes in NI, an increase from 2,493 recorded incidents of hate crime and 1,757 recorded hate crimes in 2020/2021. The number of hate motivated incidents recorded rose across five of the six hate motivations (racist, homophobic, sectarian, disability and faith/religion), when compared with the previous 12 months. The number of crimes recorded also increased across all six motivations (racist, homophobic, sectarian, disability, faith/religion and transphobic). This was the highest number of crimes recorded since the beginning of the data series for four out of six motivations (racist, homophobic, disability and transphobic). In 2020, the Independent Hate Crime Review Team published its report on improving hate crime legislation in NI. See Police Service NI, 'Incidents and Crimes with a Hate Motivation Recorded by the Police Service in NI' (PSNI, 2022); Independent Hate Crime Review Team, 'Hate Crime Legislation in NI: An Independent Review - Consultation Paper' (IHCRT, 2020).

²⁰ NI Human Rights Commission Engagement with Civil Society Organisations on the UN ICESCR, 11 October 2022.

²¹ Disability Sport NI, 'The Impact of COVID-19 on People Who Are Deaf, Have Hearing Loss or Tinnitus's Mental Health and Participation in Sport and Active Recreation' (Sport NI, 2022).

²² 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, at para 44.

²³ The only childcare strategy for NI expired in 1992. In 2021, the average cost of a full-time childcare place in NI was £170 per week. The average cost for a day nursery per week is £186, and £166 per week for a childminder. 54 per cent of families report challenges in accessing the formal childcare they need and raise issues of cost, flexibility and accessibility. Parents and carers in NI can apply to the UK-wide Tax-Free Childcare scheme. NI has the highest growth of childcare account usage across the UK. In 2021/2022, there were 11,050 accounts in NI using this scheme, an increase from 7,425 in 2020/2021. See Employers for Childcare, 'NI Childcare Survey 2021' (EfC, 2021); UK Government, 'Tax-Free Childcare'. Available at: <https://www.gov.uk/tax-free-childcare>; UK Government, 'Tax-Free Childcare Statistics Commentary March 2022'. Available at: <https://www.gov.uk/government/statistics/tax-free-childcare-statistics-march-2022/tax-free-childcare-statistics-commentary-march-2022>

²⁴ 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, at para 27(b).

²⁵ In 2021, considering all employees regardless of working pattern, females earned 5.7 per cent less than males in NI - for every £1 earned by men, women earned £0.94. The Employment Act (NI) 2016 creates reporting requirements for certain employers. The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 apply to all private and voluntary sector employers with 250 or more employees in England, Wales and Scotland. Public sector employers with 250 or more employees that are listed in the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 are also required to publish information on their gender pay gap. See NI Statistics and Research Agency, 'Employee Earnings in NI' (NISRA, 2021), at 26; Women's Policy Group NI, 'NI COVID-19 Feminist Recovery Plan: Relaunch - One Year On' (WPG, 2021). The UK Government has a further obligation under Protocol Article 2 to ensure that NI law keeps pace with Directive 2006/54/EC EU Gender Equality (Employment) Directive, and any enhancements to rights or protections under the Directive.

²⁶ University of Ulster Economic Policy Centre, 'Disability and the Labour Market' (UUEPC, 2022), at 'Disability and the Labour Market'.

²⁷ Ibid.

²⁸ NI Union of Supported Employment, 'Future Funding for Disability Employment Services (NIUSE, 2019).

²⁹ This relates to Article 6(1) of the Rehabilitation of Offenders (NI) Order 1978, which was recently challenged by the NIHRC and found to be in violation of Article 8 of the European Convention on Human Rights. See *In the Matter of an Application by JR123 for Judicial Review* [2022] NIQB 42.

³⁰ 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, at para 35.

³¹ NI Human Rights Commission Engagement with Civil Society Organisations on the UN ICESCR, 11 October 2022.

³² Jane Starling, 'If you want a reference, pay up.' How UK care homes are exploiting overseas nurses', *UNISON Magazine*, 24 February 2022.

³³ NI Human Rights Commission Engagement with Civil Society Organisations on the UN ICESCR, 11 October 2022.

³⁴ The NIHRC considers the EU Trafficking Directive within scope of Protocol Article 2 and therefore, a diminution in minimum rights and equality protections set out in the EU Trafficking Directive could potentially

breach the UK Government's commitments under Protocol Article 2. See NI Human Rights Commission, 'Joint NI Human Rights Commission/Equality Commission for NI Briefing Paper on the Modern Slavery and Human Trafficking and Electronic Travel Authorisation Provisions in the Nationality and Borders Bill' (NIHRC, 2022).

³⁵ In 2021, 363 potential victims of human trafficking were identified in NI, an increase from 128 in 2020. The figure of 363 included 38 child victims. The reasons for exploitation included for criminal activity, labour and sexual exploitation. Of 363 potential victims, 38 were children. Additionally, 325 were from overseas. The actual number of people in NI affected by modern slavery is unknown, as it often goes unreported and undetected within the community. See Home Office, 'Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, End of Year Summary 2021: Data Tables', 3 March 2021, at Tables 2 and 3; 'Potential upsurge in modern slavery in NI', *ITV News*, 18 October 2018; NI Human Rights Commission, 'Joint NI Human Rights Commission/Equality Commission for NI Briefing Paper on the Modern Slavery and Human Trafficking and Electronic Travel Authorisation Provisions in the Nationality and Borders Bill' (NIHRC, 2022).

³⁶ 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, at paras 48 and 54.

³⁷ In 2015, the NI High Court ruled that the NI Executive had failed to adopt an identifiable strategy setting out how it proposes to tackle poverty, social exclusion and patterns of deprivation based on objective need in furtherance of its obligation to do so under section 28E of the NI Act 1998. See Department for Communities, 'Poverty Bulletin: NI 2020/2021' (DfC, 2022); *Brian Gormally's Application* [2015] NIQB 59.

³⁸ In 2011, the last fuel poverty strategy in NI was published and has not been updated. Any energy payments in NI post-October 2022 have been delayed due to the suspension of the NI Executive. See Pippa Cerar, 'Two-thirds of UK families could be in fuel poverty by January, research finds', *The Guardian*, 18 August 2022; 'Crushed by the Cost of Living Crisis', 'Press Release: Cost of living briefing', 24 September 2022; 'Crushed by the Cost of Living Crisis', 'Emergency Response Measures to the Cost of Living Crisis' (CCLC, 2022); 'Energy Bills Support Scheme: Stormont impasse "hindering" £400 payment', *BBC News*, 10 November 2022; Department for Communities, 'A New Fuel Poverty Strategy for NI' (DfC, 2011).

³⁹ 'Urgent "warm banks" demand', *The Irish News*, 18 October 2022; Richard Vernalls, 'More councils looking at "warm banks" for residents amid rising energy bills', *Belfast Telegraph*, 30 August 2022; Sherie Ryder and Rozina Sini, 'Cost of living: "We started up a warm bank"', *BBC News*, 20 October 2022.

⁴⁰ Rebecca McGirr, 'Cost of living: Minister urged to "step up" over uniform costs', *BBC News*, 6 August 2022; UK Government, 'Press Release: New law to make school uniform costs affordable for all', 29 April 2021; NI Human Rights Commission Engagement with Civil Society Organisations on the UN ICESCR, 11 October 2022.

⁴¹ 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, at para 54.

⁴² See Trussell Trust, 'End of Year Stats'. Available at: <https://www.trusselltrust.org/news-and-blog/latest-stats/end-year-stats/>

⁴³ Trussell Trust, 'End of Year Stats'. Available at: <https://www.trusselltrust.org/news-and-blog/latest-stats/end-year-stats/>

⁴⁴ UK Parliament, 'House of Commons Library Research Briefing – Rising Cost of Living in the UK' (HoC, 2022), at 7.

⁴⁵ NI Assembly Hansard, 'Response to Written Questions: Free School Meals – Peter Weir MLA – AQW 7681/17-22', 8 October 2020; Robbie Meredith, 'Free school meals: Meals to be funded during holidays until 2022', *BBC News*, 20 November 2020; Department of Education, 'Press Release: Ministers take action in relation to Free School Meals payment', 26 March 2020; Department of Finance, 'Press Release: Murphy allocates funds for Health, Childcare and Free School Meals', 30 June 2020; NI Assembly Hansard, 'Written Answers: Free School Meals – Minister of Education, Michelle McIlveen MLA – AQW 947/22-27', 20 June 2022.

⁴⁶ 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, at paras 19, 41-42.

⁴⁷ NI Human Rights Commission, 'Cumulative Impact Assessment of Tax and Social Security Reforms' (NIHRC, 2019); Women's Policy Group NI, 'NI COVID-19 Feminist Recovery Plan: Relaunch – One Year On' (WPG, 2021).

⁴⁸ A financial package for mitigation social security reforms has been operational in NI since 2016. In 2022, after several years of uncertainty, bedroom tax mitigations have been extended indefinitely. The Welfare Supplementary Payment (Amendment) Regulations (NI) 2022 extend all other existing mitigations, including benefit cap mitigations, until March 2025. The 2022 Regulations also ensure that claimants do not lose their bedroom tax if they move home and that any person who is responsible for children can get an extra payment to cover the benefit cap with the payment being the full value of the cut to their benefits. See Department for Communities, 'Press Release: 37,000 now have long term protection from the bedroom tax', 1 March 2022; Welfare Supplementary Payment (Amendment) Regulations (NI) 2022.

⁴⁹ Housing Rights NI, 'Falling Behind: Exploring the Gap Between Local Housing Association and the Availability of Affordable Private Rented Accommodation in NI' (HRNI, 2019), at 14.

⁵⁰ UK Parliament Hansard, 'Committee for Work and Pensions: Universal Credit – The Wait For A First Payment – Thirteenth Report of Session 2019-2021' (CWP, 2020); Civil Society Organisations on the UN ICESCR, 11 and 13 October 2022.

⁵¹ The average family size in NI is 2.57 children. A child born as a result of rape or non-consensual conception where the mother no longer lives with the rapist is exempt from the two child limit, but this risks stigmatising the child and re-traumatising victims of rape. Specific to NI, the law obligates anyone that is aware of a crime to report it to the police or face prosecution. Despite non-guaranteed assurances by the Attorney General of NI, there are fears that the non-reporting of a rape declared through the two-child limit process will lead to

prosecution of the mother, support network or an employee involved in processing the claim. The Universal Credit (Removal of Two Child Limit) Bill is currently being considered by the UK Parliament. See Gov.UK, 'Child Tax Credits: Support for a Maximum of 2 Children'. Available at: <https://www.gov.uk/guidance/child-tax-credit-exceptions-to-the-2-child-limit>; Women's Aid Federation NI, 'Press Release: Women's Aid NI statement on 2-child tax credit rule and 'rape clause', 30 March 2017; Section 5 of the Criminal Law Act (NI) 1967; Attorney General for NI, 'Human Rights Guidance for the Public Prosecution Service NI and the Police Service NI: The Application of Section 5 of the Criminal Law Act (NI) 1967 To Victims of Serious Sexual Offences and Those to Whom They Make Disclosures' (AGNI, 2020), at para 3; Women's Policy Group NI, 'NI COVID-19 Feminist Recovery Plan: Relaunch – One Year On' (WPG, 2021).

⁵² In 2017, the England and Wales High Court ruled that changes to the Personal Independence Payment mobility descriptors unlawfully discriminated against claimants with poor mental health. The NI Public Service Ombudsman has found that there was "systemic maladministration having identified repeated failures which are likely to reoccur if left remedied". An independent review of the Personal Independent Payment in NI found that "the current process is not a positive experience for everyone, and is still viewed by many with mistrust and suspicion". See *RF v Secretary of State for Work and Pensions and Others* [2017] EWHC 3375; NI Public Service Ombudsman, 'Personal Independence Payment and the Value of Further Evidence: An Investigation by the NI Public Ombudsman into Personal Independence Payment' (NIPSO, 2021); Marie Cavanagh, 'Personal Independence Payment: A Second Independent Review of the Assessment Process' (DfC, 2020), at 9.

⁵³ Separate Universal Credit payments are permitted in exceptional circumstances. However, the burden is on the claimant to declare their circumstances. Separate payments are not available for online applicants, as you can only provide one bank account per application. Claimants wishing for separate payments must apply in person. There is a lack of awareness among staff and the wider community that separate payments are an option and when applying in person new claimants may be automatically directed to apply online. See Email correspondence from the Department for Communities to the NI Human Rights Commission, 6 September 2022; NI Human Rights Commission Engagement with Civil Society Organisations on the UN ICESCR, 13 October 2022.

⁵⁴ Financial Conduct Authority, 'Financial Lives Survey 2017 (Updated 2020)' (FCA, 2020).

⁵⁵ Consortium for the Regional Support for Women in Disadvantaged and Rural Areas 'Women Living with Debt' (CRSWDRA, 2022); 'Spotlight: Paramilitary loan sharks targeting food bank users', *BBC News*, 13 December 2022.

⁵⁶ Consortium for the Regional Support for Women in Disadvantaged and Rural Areas 'Women Living with Debt' (CRSWDRA, 2022).

⁵⁷ 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, at para 48.

⁵⁸ Email correspondence from the Executive Office to NI Human Rights Commission, 6 September 2022.

⁵⁹ *Ibid.*

⁶⁰ 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, at para 25.

⁶¹ Home Office, 'Report on review of weekly allowances paid to asylum seekers and failed asylum seekers: 2021' (HO, 2022).

⁶² Office for National Statistics, 'Immigration Statistics: Asylum and Resettlement - Asylum Seekers in Receipt of Support' (ONS, 2022).

⁶³ British Red Cross, 'The Longest Year: Life Under Local Restrictions – NI Briefing' (BRC, 2021).

⁶⁴ NI Human Rights Commission, 'Response to the NI Affairs Committee Inquiry into the Experience of Minority Ethnic and Migrant People in NI' (NIHRC, 2021).

⁶⁵ Carers Week, 'Make Caring Visible, Valued and Supported – Carers Week 2022 Report' (CW, 2022), at 23.

⁶⁶ Carers UK, 'Unseen and Undervalued: The Value of Unpaid Care During the COVID-19 Pandemic' (CUK, 2020), at 4.

⁶⁷ Joseph Rowntree Foundation, 'Poverty in NI 2022' (JRF, 2022), at 31.

⁶⁸ 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, at paras 50(b) and 52.

⁶⁹ NI Statistics and Research Agency, 'NI Housing Statistics 2020-2021' (DfC, 2021).

⁷⁰ In 2020, 18 people were estimated to be sleeping rough in NI, a 50 per cent decrease 36 people in 2019. The reduction could be attributed to temporary measures taken to protect homeless from COVID-19, which included ensuring all rough sleepers had a bed available to them for the night. There are no publicly available up-to-date statistics on rough sleeping in NI. See NI Housing Executive, '2020 Rough Sleeping Count/Estimates' (NIHE, 2020); Rory Carroll and Simon Hattenstone, 'Protest march called in Belfast after the deaths of 14 homeless people', *The Guardian*, 22 July 2022.

⁷¹ Rory Carroll and Simon Hattenstone, 'Protest march called in Belfast after the deaths of 14 homeless people', *The Guardian*, 22 July 2022.

⁷² 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, at paras 50(a) and 50(e).

⁷³ Department for Communities, 'NI Housing Bulletin: April-June 2022' (NISRA, 2022).

⁷⁴ *Ibid.*

⁷⁵ In 2015, the NI Housing Executive reported that an overall requirement of 190,000 new dwellings was required in NI between 2008 and 2025, an annual figure of 11,200. Current targets fall short of this. In 2020/2021, the total housing stock was 814,210, an increase of only 6,398 dwellings from 2019/2020. In 2020/2021, there were 653 new dwelling completions in the social sector, but this has decreased annually from

1,214 completions in 2017/2018. In 2017, the current Housing Strategy for NI expired. See NI Housing Executive, 'NI Housing Market Review and Perspectives 2015-2018' (NIHE, 2015), at 23; Department for Social Development, 'Facing the Future: The Housing Strategy for NI 2012-2017' (DSD, 2012).

⁷⁶ Article 22, Housing (NI) Order 1981.

⁷⁷ In 2022, the NIHRC assisted several individuals who have not been awarded intimidation points, despite being victims of intimidation. Intimidation points are awarded to applicants whose home has been destroyed or seriously damaged or they are in serious and imminent risk of being killed or seriously injured as a result of a terrorist, racial or sectarian attack, or because of an attack motivated by hostility because of an individual's disability or sexual orientation or result of an attack due to neighbourhood nuisance or other similar forms of anti-social behaviour. See NI Housing Executive, 'Housing Selection Scheme Rules' (NIHE, 2014), at Rule 23.

⁷⁸ Department for Social Development, 'Facing the Future: The Housing Strategy for NI 2012-2017' (DSD, 2012).

⁷⁹ Department for Communities, 'Housing Supply Strategy 2022 - 2037: Call for Evidence Summary Report' (DfC, 2021), at 28.

⁸⁰ NI Assembly Hansard, 'Written Answers: Housing Stock - Minister for Communities, Deirdre Hargey MLA - AQW 2764/22-27', 16 August 2022.

⁸¹ Brett Campbell, 'Belfast families living in fear on mixed estate where Catholics forced to flee', *Belfast Telegraph*, 29 September 2017.

⁸² NI Human Rights Commission, 'Submission to the CoE Advisory Committee on the Framework Convention for the Protection of National Minorities – Parallel Report to the CoE Advisory Committee on the Fifth Monitoring Report of the UK' (NIHRC, 2022), at para 5.37.

⁸³ NI Human Rights Commission, 'Response to Call for Evidence by the Joint Committee on Human Rights on the Nationality and Borders Bill' (NIHRC, 2021), at paras 4.5-4.25 and 7.1-7.12.

⁸⁴ On 14 November 2022, 1,267 individuals seeking asylum were accommodated in hotels in NI, of which 174 were school aged children under 16. See Independent Chief Inspector of Borders and Immigration, 'An Inspection of Contingency Asylum Accommodation May 2021-November 2021' (UK Gov, 2022); Email correspondence from the Home Office to the NI Human Rights Commission, 14 November 2022.

⁸⁵ Meetings between NI Human Rights Commission and civil society organisations, May 2022, August 2022 and October 2022; Children's Law Centre and South Tyrone Empowerment Programme, 'Joint Submission to Framework Convention on the Protection of National Minorities Advisory Committee: Rights of Asylum Seeker Children Living in Contingency Accommodation (Hotel Buildings) in NI, Run by Mears Group PLC' (CLC and STEP, 2022); Independent Chief Inspector of Borders and Immigration, 'An Inspection of Contingency Asylum Accommodation May 2021-November 2021' (UK Gov, 2022).

⁸⁶ Participation and Practice of Rights, 'Update: New Case of Concern Amongst Asylum Seekers in Hotel "Contingency Accommodation" in NI – 9 June 2022' (PPR, 2022); Meetings between NI Human Rights Commission and civil society organisations, May 2022, August 2022 and October 2022.

⁸⁷ E/C.12/GBR/CO/5, 'UN ICESCR Committee Concluding Observations on the Fifth Periodic Report of the UK of Great Britain and NI', 22 May 2009, at para 30; 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, at para 50.

⁸⁸ NI Human Rights Commission, 'Out of Sight, Out of Mind: Travellers' Accommodation in NI' (NIHRC, 2018); Children's Law Centre and South Tyrone Empowerment Programme, 'Joint Submission to the Framework Convention on the Protection of National Minorities Advisory Committee: Rights of Traveller Children and Families in NI' (CLC and STEP, 2022).

⁸⁹ NI Human Rights Commission, 'Out of Sight, Out of Mind: Travellers' Accommodation in NI' (NIHRC, 2018).

⁹⁰ *In the Matter of an Application by Siobhan McLaughlin for Judicial Review (NI)* [2018] UKSC 48.

⁹¹ The draft Bereavement Benefits (Remedial) Order 2022 proposes a retrospective effect to 30 August 2018. Where a claimant's late partner died before this date, the revised draft Remedial Order proposes a part payment of the higher rate of Bereavement Support Payment, if the death was after 5 April 2017, provided that the claim is made within 12 months of the Remedial Order coming into force. Under the revised draft Remedial Order, claimants will also be eligible for Widowed Parent's Allowance, where their late partner died before 6 April 2017, and they continue to meet the entitlement conditions on 30 August 2018. This does not extend the benefit to individuals who do not have children, to make ex gratia payments to fully recompense individuals bereaved back to February 2016, when the NI High Court first considered this issue. The revised draft Remedial Order will be subject to further scrutiny before it comes into force, which is not expected to occur until at least February 2023. See House of Commons and House of Lords Joint Committee for Human Rights, 'Proposal for a Draft Bereavement Benefits Remedial Order 2021: Discrimination against Cohabiting Partners' (JCHR, 2021).

⁹² Regulatory and Quality Improvement Authority, 'Review of Statutory Fostering Services Overview Report' (RQIA, 2013).

⁹³ Meeting between NI Human Rights Commission and the Fostering Network, 12 May 2020.

⁹⁴ Rebecca Black, 'Fracking prohibition Bill unlikely to be passed this Assembly term', *Irish News*, 2 March 2022.

⁹⁵ Marriage and Civil Partnership (Minimum Age) Act 2022.

⁹⁶ Email correspondence from NI Statistics and Research Agency to NI Human Rights Commission, 4 August 2022.

⁹⁷ In 2020/2021, there were 31,196 domestic abuse incidents recorded. In 2020/2021, 69 per cent of victims of domestic abuse crimes were women and 31 per cent were men. At least 85 per cent of offenders are men and up to 14 per cent are women. Due to lack of reporting, these figures are only indicative of the extent of

the issue, particularly regarding violence against women and girls. See Police Service NI, 'Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in NI 2004/2005 to 2020/2021' (PSNI 2021), at 5 and 14; Women's Resource and Development Agency, 'Violence Against Women and Girls in NI: NI Women's Policy Group Research Findings' (WRDA, 2022).

⁹⁸ Police Service NI, 'Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in NI 2004/2005 to 2020/2021' (PSNI 2021), at 14.

⁹⁹ In 2020/2021, 530 women and 319 children in NI accessed refuges run by Women's Aid NI. However, in that same period, 276 women could not access a refuge because there was no space. Women's Aid NI recorded 5,536 women and 5,143 children accessed outreach support, allowing them to stay in their own homes. See Women's Aid Federation NI, 'Annual Report 2019–20' (WAFNI, 2020).

¹⁰⁰ In 2022, the no recourse to public funds rule continues to operate, preventing persons with insecure immigration status from accessing benefits, such as refuge support. The strict eligibility criteria for the Destitute Domestic Violence concession also continues, which may prevent some groups, such as women from the European Economic Area, from benefiting. Delays in issuing the concession also continue. See Centre for Social Justice, 'Out from the Shadows: Transforming support for victims of Modern Slavery and Domestic Abuse with No Recourse to Public Funds' (CSJ 2021).

¹⁰¹ An inquiry into the impact of COVID-19 on care homes in NI found that restrictions on the physical and mental wellbeing of residents and carers. In respect of visitation had a negative and sometimes traumatic impact. It concluded that there should be "safe and meaningful visiting be facilitated and resourced through the identification, development and implementation of innovative measures". It also recommended that residents and families are included in decision making to ensure the needs and particular circumstances of each resident are considered. See NI Assembly Committee for Health, 'Inquiry Report on the Impact of COVID-19 in Care Home' (NIA, 2021); Commissioner for Older People for NI, 'Press Release: Commissioner says denial of care home visits a breach of human rights', 10 March 2021.

¹⁰² During 2020, "70 per cent of people living in supported accommodation or residential care [in NI] were not allowed by service providers to have visitors into their home". By August 2021, "around five per cent of persons with a milder learning disability still had restrictions placed upon them, but these restrictions rose to 25 per cent of those with more severe disabilities". Two thirds of individuals with severe or profound disabilities were reported by carers to have experienced "isolation, boredom, frustration, and confusion about why things had changed". See University of Ulster, 'The Impact of COVID-19 on People with Learning Disabilities in NI: Implications for Policy and Practice' (UU, 2021).

¹⁰³ 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, at para 56.

¹⁰⁴ UK Parliament Hansard, 'NI Affairs Committee Inquiry into the Experience of Minority Ethnic and Migrant People in NI - Oral Evidence', 8 September 2021, at Question 19.

¹⁰⁵ Ibid, at Question 22.

¹⁰⁶ Meeting between NI Human Rights Commission and NI Council for Racial Equality, 9 August 2022.

¹⁰⁷ NI Human Rights Commission, 'Submission to the NI Affairs Committee Inquiry into the Experience of Minority Ethnic and Migrant People in NI' (NIHRC, 2021); NI Human Rights Commission Engagement with Civil Society Organisations on the UN ICESCR, 11 October 2022.

¹⁰⁸ NI Human Rights Commission, 'Submission to the NI Affairs Committee Inquiry into the Experience of Minority Ethnic and Migrant People in NI' (NIHRC, 2021).

¹⁰⁹ Independent Mechanism in NI Disability Forum Meeting, 2 August 2022.

¹¹⁰ 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, at para 62.

¹¹¹ Abortion has been legalised in NI on request up to 12 weeks and where there is a risk of injury to the physical or mental health of the pregnant woman up to 24 weeks. Abortion is also permitted in NI on the grounds of immediate necessity, a risk to life or grave permanent injury to physical or mental health of the pregnant woman, a diagnosis of a severe foetal impairment or fatal foetal abnormality. See Regulations 3 and 4, Abortion (NI) (No 2) Regulations 2020.

¹¹² In 2020/2021, there were 1,373 notifications of early medical abortions provided in NI. The British Pregnancy Advisory Service estimated over 300 bookings were made for women and girls living in NI to travel to other parts of the UK for a termination. At minimum, all Health and Social Care Trusts in NI offer termination services up to ten weeks, however due to resource constraints there can be significant periods where this service has been suspended in one or more Trust areas. For example, currently the Northern Health and Social Care Trust and the South Eastern Health and Social Care Trust have suspended termination services. The remaining Trusts do not have the resources to take referrals from women and girls in these Trust areas. See Informing Choices, 'Press Release: Northern Trust Resumes Early Medical Abortion Service' 4 January 2021; Amnesty International NI, 'Press Release: NI: Abortion services cease at South Eastern Trust following Health Department failure', 5 January 2021; Eimear McGovern, 'NI health trust pauses abortion service referrals due to shortage of nurses', *Belfast Telegraph*, 23 April 2021; NI Human Rights Commission, 'Monitoring Report on Reproductive Healthcare Provision in NI' (NIHRC, 2021).

¹¹³ NI Office, 'Press Release: Secretary of State for NI instructs the Department of Health to commission abortion services', 2 December 2022; Christopher Leebody, 'NI Secretary of State formally instructs Department of Health to commission abortion services', *Belfast Telegraph*, 2 December 2022.

¹¹⁴ These barriers include inadequate and inconsistent sexual health education, a lack of public awareness of different methods and their effectiveness, a failure to provide postpartum contraception, a lack of provision within general practice, and a lack of provision within community clinics. This has been a long-standing issue in

NI that impacts the provision of and access to safe, non-biased and scientifically accurate family planning. See NI Abortion and Contraception Task Group, 'Report on Sexual and Reproductive Health in NI' (NIACT, 2018); CEDAW/C/OP.8/GBR/1, 'UN CEDAW Committee Inquiry Concerning the UK of Great Britain and NI Under Article 8 of the Optional Protocol to the UN CEDAW', 6 March 2018, at para 45; Email correspondence from the Department of Health to the NI Human Rights Commission, 12 April 2021; NI Human Rights Commission, 'Monitoring Report on Reproductive Healthcare Provision in NI' (NIHRC, 2021).

¹¹⁵ The Rainbow Project, 'Trans Healthcare'. Available at: <https://www.rainbow-project.org/trans-healthcare-nhs-and-private/>

¹¹⁶ Eligibility criteria for a Gender Recognition Certificate requires that an applicant is over 18, diagnosed with gender dysphoria, has lived in the acquired gender for more than two years and intends to do so permanently. Under the Gender Recognition Act 2004, for a transgender person's acquired gender to be legally recognised in the UK, an application must be submitted to a Gender Recognition Panel, which issues a Gender Recognition Certificate if the application is successful. Currently, the Gender Recognition Panel process for the UK is centralised and based in England. Consultations on possible amendments to the gender recognition process have been conducted in England, Wales and Scotland, but not NI. There are concerns that any change to the process for the rest of the UK, without making provision to accommodate applicants from NI seeking gender recognition, which could in effect deny transgender individuals in NI from accessing a legal gender recognition process. See NI Direct, 'Gender Recognition'. Available at: <https://www.nidirect.gov.uk/articles/gender-recognition>; Scottish Government, 'Review of the Gender Recognition Act 2004: A Consultation' (Scottish Government, 2017); Gender Equalities Office, 'Reform of the Gender Recognition Act – Government Consultation' (GEO, 2018).

¹¹⁷ 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, at para 58.

¹¹⁸ Poor mental health is estimated to be 20 to 25 per cent higher in NI than in the rest of the UK. The legacy of violence and socio-economic factors are cited as major contributors to the high levels of mental illness, with deprivation being a major predictor of area level mental wellbeing. In 2020, there were 219 suicides in NI, which included 59 females and 160 males who died from suicide. In every year since 2001, more than 70 per cent of people dying from suicide have been male. NI's most deprived areas had a suicide rate that was almost twice that of the least deprived areas. In 2020, suicides were highest for men between the ages of 35 and 39 years old, and for women the highest number of suicides were between the ages of 40 and 44 years old. Overall, one in every four suicide deaths was to someone under the age of 30. It is estimated that one in eight children and young people (12.6 per cent) in NI suffer from emotional disorders such as anxiety and depression. It is estimated that 80 per cent of women in NI have no access to specialist perinatal support, and child health outcomes are amongst the poorest in Western Europe. See Jennifer Betts and Janice Thompson, 'Mental Health in NI' (RAISE, 2017); Northern Ireland Statistics and Research Agency, 'Review of Suicide Statistics in Northern Ireland, 2015 – 2020', (NISRA, 2022), at 2 and 18; Youth Wellbeing NI, 'The Mental Health of Children and Parents in Northern Ireland: Results of the Youth Wellbeing Prevalence Survey', (YWNII, 2020) at 11; Mindwise, 'Our Strategy: 2022-2027' (2022), at 14.

¹¹⁹ Despite the evidence of substantial levels of need, the proportion of spend on mental health in NI remains the lowest at approximately 8 per cent of the total healthcare budget. See Lesley-Ann Black and Keara McKay, 'Suicide Statistics and Strategy in NI: Update' (RAISE, 2019).

¹²⁰ For example, a person in NI is at least 48 times as likely as a person in Wales to wait more than a year for healthcare. Without any intervention, waiting lists could rise to 600,000-700,000 by 2026. See Mark Dayan and Deirdre Heenan, 'Change or Collapse: Lessons From the Drive to Reform Health and Social Care in NI' (Nuffield Trust, 2019); NI Fiscal Council, 'Sustainability Report 2022 – Special Focus – Health' (NIFC, 2022), at 10; Jonathan McCambridge, 'NI waiting lists 'will double in five years' without urgent intervention', *Belfast Telegraph*, 26 July 2021.

¹²¹ NI Human Rights Commission Engagement with Civil Society Organisations on the UN ICESCR, 13 October 2022.

¹²² In August 2022, a BBC investigation found that 90 percent of dental practices in NI were not accepting new adult patients and 88 percent were not accepting child patients. See 'Disappearing Dentists: Most practices in NI not taking new NHS patients', *BBC News*, 8 August 2022.

¹²³ National Health Service dentists have experienced a 40 per cent reduction in income since 2008/2009 and practices are confronting soaring costs with many delivering care at a financial loss. See 'Disappearing Dentists: Most practices in NI not taking new NHS patients', *BBC News*, 8 August 2022.

¹²⁴ Menopause-related claims in the UK are often argued on the grounds of sex, age and disability discrimination. See for example Equal Pay Act (NI) 1970, Sex Discrimination (NI) Order 1976; Maternity and Parental Leave etc. Regulations (NI) 1999.

¹²⁵ Certain groups may face particular challenges related to menopause including lesbian, gay, bisexual, transgender, queer, intersex+ people, younger women and ethnic minority women. See House of Commons Women and Equalities Committee, 'Menopause and the Workplace' (HoC, 2022), at 30.

¹²⁶ Women make up nearly half of the working population in NI and with the recent change in pension age, it is likely that more women will be working into later life. A shortage of hormone replacement therapy in NI has also contributed to women's distress and difficulties in managing their symptoms. See NI Committee Irish Congress of Trade Unions, Equality Commission for NI and Labour Relations Agency, 'Promoting Equality in Employment for Women Affected by Menopause: Guidance for Employers, Trade Union Representatives and Employees' (ICTUNI, 2021), at 3; 'Hormone replacement therapy: NI shortage "distressing" for women', *BBC News*, 8 November 2021.

¹²⁷ In 2021, 27.5 per cent of school pupils surveyed who have a period in NI have had difficulty accessing period products. 83.2 per cent of pupils surveyed who had difficulty accessing period products experienced this because they did not have what they needed with them in school. 6.5 per cent of pupils surveyed had difficulty accessing period products because their parents could not afford them, while 11.8 per cent said they themselves could not afford them. 9.7 per cent of pupils surveyed who menstruate in NI have missed school multiple times because they did not have sufficient period products. In 2022, the Period Poverty (Free Provision) Act came into force. It requires period products to be obtainable free of charge by all persons who need to use them. This includes there being sufficient products to meet the person's needs while in NI. The Department of Health has one year to establish the arrangements for fulfilling these statutory obligations, which is to be reviewed on an annual basis. At minimum free period products must be available in health and education settings. See Period Poverty (Free Provisions) Act 2022; Department of Education, 'Consultation on Period Products (Free Provision) Regulations' (DoE, 2022).

¹²⁸ The current structure of the curriculum, based on the Education (Curriculum Minimum Content) Order (NI) 2007, sets out the minimum content for each area of learning at each key stage, thus providing for schools with significant flexibility in delivering education in line with its ethos. A Relationships and Sexuality Hub has been developed, which contains materials for schools to choose from regarding such education. The Education Authority NI has also published its non-statutory guidance for supporting transgender pupils in schools, education other than at school centres, and youth services. The framework for schools' delivery of relationship, sexuality and gender identity education is significantly less clear than, for example, in England and elsewhere in the UK where the public sector equality duty also applies to schools. Civil society organisations have raised concerns regarding the effectiveness of relationship and sexuality education in NI. See CEDAW/C/OP.8/GBR/1, 'UN CEDAW Committee Inquiry Concerning the UK of Great Britain and NI Under Article 8 of the Optional Protocol to the UN CEDAW', 6 March 2018; Education (NI) Order 2006; NI Curriculum, 'Relationships and Sexuality Education Guidance: An Update for Post-Primary Schools' (NIC, 2019); Education Authority NI, 'Guidance for Schools, EOTAS Centres and Youth Service on Supporting Transgender Young People' (EANI, 2019).

¹²⁹ NI Curriculum, 'Relationships and Sexuality Education Guidance: An Update for Post-Primary Schools' (NIC, 2019).

¹³⁰ The Commission's findings and recommendations are due to be published after March 2023.

¹³¹ In 2020, the Association of Quality Education and Post Primary Transfer Consortium cancelled post-primary transfer tests in NI due to uncertainty around the duration of COVID-19 lockdowns. In 2021, almost all grammar schools in NI did not use any academic criteria to select pupils. Instead, parents filled out an online form managed by the Education Authority NI stating at least four schools in order of preference. The individual Boards of Governors made the decision on which pupils were admitted based on their criteria. In February 2022, grammar schools in NI formally established the Schools' Entrance Assessment Group, which oversees a single common entrance assessment. This group also deals with concerns regarding the dual testing organisations in NI. It is anticipated that the new testing format will consist of two papers held on two Saturdays two weeks apart. The first tests are scheduled for November 2023. See Robbie Meredith, 'Transfer tests: Education Minister rejects test suspension call', *BBC News*, 19 May 2020; Robbie Meredith, 'Transfer tests: More than 23,500 children find out school places', *BBC News*, 13 June 2021; NI Assembly Hansard, 'Written Question: Single Post-primary Transfer Test - Claire Sugden MLA - AQW 2295/22-27', 15 July 2022.

¹³² Participation and the Practice of Rights, 'Could Make Or Break a Child: The State of Human Rights and Academic Selection in NI' (PPR, 2019).

¹³³ Leanne Henderson et al, 'Educational Underachievement in NI' (Stranmillis University College, 2020), at 6.

¹³⁴ Ulster University UNESCO Centre, 'Transforming Education in NI - Academic Selection and the Transfer Test' (IEF, 2021).

¹³⁵ The Addressing Bullying in Schools (NI) Act 2016 came into force in 2021, placing statutory duties on grant-aided schools to prevent bullying and record bullying incidents. The 2016 Act does not require schools to report incidences to the Department of Education or the Education Authority NI. See Public and Corporate Economic Consultants, 'Department of Education: Post Primary School Experiences of 16-21 Year Olds' (PACEC, 2016); NI Statistics and Research Agency, 'NI Racial Equality Indicators Report: 2014-2019' (TEO, 2021), at 18.

¹³⁶ Public and Corporate Economic Consultants, 'Department of Education: Post Primary School Experiences of 16-21 Year Olds' (PACEC, 2016); NI Statistics and Research Agency, 'NI Racial Equality Indicators Report: 2014-2019' (TEO, 2021), at 18.

¹³⁷ 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, at para 64.

¹³⁸ In 2021/2022, there were 18,356 children of migrant families enrolled in NI schools, which equates to 5 per cent of all school enrolments. Of the 18,356 children of migrant families, 2,943 had special educational needs (17 per cent) and 5,003 were entitled to free school meals (28 per cent). See NI Statistics and Research Agency, 'Newcomer Pupils 2021/2022' (DoE, 2022).

¹³⁹ Children's Law Centre and South Tyrone Empowerment Programme, 'Joint Submission to CoE Framework Convention on the Protection of National Minorities Advisory Committee: Rights of Asylum Seeker Children Living in Contingency Accommodation (Hotel Buildings) in NI, Run by Mears Group PLC' (CLC and STEP, 2022).

¹⁴⁰ Expert Panel on Educational Underachievement, 'A Fair Start: Final Report and Action Plan' (DoE, 2021).

¹⁴¹ Ibid.

¹⁴² NI Assembly Hansard, 'Written Question: A Fair Start - Diane Dodds MLA - AQW 3017/22-27', 26 January 2022.

¹⁴³ Department of Education, 'Integrated Schools'. Available at: <https://www.education-ni.gov.uk/articles/integrated-schools>.

¹⁴⁴ NI Statistics and Research Agency, 'Annual Enrolments At Schools and in Funded Pre-school Education in NI 2021-2022' (DoE, 2022), at 6.2.

¹⁴⁵ Integrated Education Act 2022 widens the statutory definition of integrated education, placing the ethos on a statutory footing and requiring the Department of Education to publish a strategy within six months.

¹⁴⁶ The Shared Education Act (NI) 2016 places an obligation on the Department of Education to promote shared education, which is educating together individuals of different religious belief, individuals who are experiencing socio-economic deprivation and individuals who are not. In 2019, 48 per cent of schools in NI and 87,385 children and young people in NI (25 per cent of the NI school population) were participating in shared education. In 2021, 48 per cent of schools remained involved in shared education, but due to a suspension of face-to-face education as a result of COVID-19, only 17,476 children and young people (5 per cent of the NI school population) participated in shared education. See Department of Education, 'Shared Education'. Available at: <https://www.education-ni.gov.uk/articles/what-shared-education>; Department of Education, 'Advancing Shared Education: Third Report to the NI Assembly' (DoE, 2022).

¹⁴⁷ In 2021/2022, a total of 64,486 pupils had special educational needs. Of the 64,486 pupils, 22,187 had a statement of special educational needs. In 2021/2022, there were 6,653 children enrolled in special schools in NI. In August 2022, there were 33 children with statements of special educational needs identified as requiring either a new or change of placement for September 2022 who were waiting to receive confirmation. See NI Assembly Hansard, 'Committee for Education: Special Educational Needs Assessment and Statementing Audit – Education Authority', 4 March 2020; NI Statistics and Research Agency, 'Special Educational Needs 2021/2022' (DoE, 2022); NI Assembly Hansard, 'Written Question: Special Educational Needs - Connie Egan MLA - AQW 2731/22-27', 26 August 2022.

¹⁴⁸ An internal audit of the Education Authority NI's special educational needs assessment processes found significant failings in the management and delivery of services. There is an evident need for an urgent review and overhaul of the Special Educational Needs processes in place in the Education Authority NI. See NI Assembly Hansard, 'Committee for Education: Special Educational Needs Assessment and Statementing Audit – Education Authority', 4 March 2020; NI Audit Office, 'Impact Review of Special Educational Needs' (NIAO, 2020); NI Assembly Public Accounts Committee, 'Report on Impact Review of Special Educational Needs' (NIA, 2021).

¹⁴⁹ NI Audit Office, 'Special Educational Needs' (NIAO, 2017).

¹⁵⁰ 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, at para 68.

¹⁵¹ In 2017, the NI High Court held that "the Executive Committee has failed in its statutory duty... to adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language". In 2020, a commitment was made to publish an Irish Language Strategy and an Ulster Scots Strategy. See *In the Matter of an Application by Conradh na Gaeilge* [2017] NIQB 27; NI Office, 'New Decade, New Approach' (NIO, 2020), at 16.

¹⁵² NI Human Rights Commission Engagement with Civil Society Organisations on the UN ICESCR, 13 October 2022.

¹⁵³ Investment from the NI Executive in the arts in NI has fallen from £14.1 million in 2011/2012 to £10.2 million in 2021/2022. NI invests £5.32 per capita on the arts. Yet, Wales invests £10.18 per capita and Ireland invests £26.09 per capita. Ireland has introduced a three year pilot, the Basic Income for the Arts, that provides a weekly grant of €325 per week with the aim of providing a basic income to artists and creative arts workers. The pilot is due to run from 2022 until 2025. See NI Arts Council, 'Press Release: Arts Council highlights cost of living crisis for NI arts sector', 9 November 2022; Citizens Information, 'Basic Income for the Arts'. Available at: https://www.citizensinformation.ie/en/employment/unemployment_and_redundancy/employment_support_schemes/basic_income_arts

¹⁵⁴ NI Arts Council, 'Press Release: Arts Council highlights cost of living crisis for NI arts sector', 9 November 2022; Roundtable with civil society organisations, 11 October 2022.

¹⁵⁵ 'Belfast Cathedral Quarter fire: Protest over lack of affordable space for artists', *BBC News*, 7 October 2022; Roundtable with civil society organisations, 11 October 2022.

¹⁵⁶ Roundtable with civil society organisations, 11 October 2022.

¹⁵⁷ Ibid.

¹⁵⁸ 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, at para 12.

¹⁵⁹ Foreign and Commonwealth Office, 'Implementing the UN Guiding Principles on Business and Human Rights: May 2020 Update' (FCO, 2020).