



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**Submission to the Department of Education's  
Consultation on the Early Learning and  
Childcare Strategy**

**March 2026**

# Table of Contents

<b>Table of Contents</b> .....	<b>2</b>
<b>Summary of Recommendations</b> .....	<b>3</b>
<b>1.0 Introduction</b> .....	<b>6</b>
<b>2.0 Human Rights Framework</b> .....	<b>7</b>
<b>3.0 General Comments</b> .....	<b>12</b>
Participation.....	12
Affordability of Childcare.....	13
Universal Credit.....	16
Accessibility of Early Learning Provision .....	17
Children from Socially Disadvantaged Circumstances .....	17
Refugee and Asylum-Seeking Children, Migrant Children and Black and Minority Ethnic Children.....	18
Children with Disabilities.....	22
Intersectional discrimination.....	23
Valued Workforce .....	24
Informal Care Arrangements and Support for Carers .....	24
<b>4.0 Funding</b> .....	<b>25</b>

## Summary of Recommendations

The NIHRC recommends that:

- 2.10** the NI Executive, working with Department of Education, commits to adopting a human rights approach within the Early Learning and Childcare Strategy, including incorporation of a list of relevant human rights standards and ensures that the obligations flowing from these standards are reflected throughout the Strategy. The Ending Violence Against Women and Girls Strategic Framework 2024-2031 provides an example of how this can be achieved.
- 2.13** the NI Executive, working with the Department of Education, undertakes a detailed assessment of the draft Early Learning and Childcare Strategy to ensure compliance with Windsor Framework Article 2, including in relation to the EU Racial Equality Directive, the EU Reception Directive (2003) and the EU Qualification Directive (2004).
- 3.6** the NI Executive, working with the Department of Education, commits to regular engagement with children who do or are intended to benefit from childcare and early learning services as part of its monitoring and evaluation process for the Early Learning and Childcare Strategy. This engagement should be conducted in ways suitable for the child's age and include children from minority groups such as, but not limited to, Traveller and Roma children, children from refugee and asylum-seeking families and children with disabilities.
- 3.15** the NI Executive, working with the Department for Education ensures that incremental rises in childcare costs by providers does not diminish or indeed defeat entirely the financial benefits of the NI Childcare Subsidy Scheme.
- 3.20** the NI Executive, working with the Department for Education, sets out short-term, medium-term and long-term actions to address barriers to affordability and accessibility of childcare provision for families in receipt of Universal Credit and Childcare Vouchers within the Early Learning and Childcare Strategy. These actions should be developed and implemented in meaningful consultation with recipients of the childcare element of Universal Credit and

**Childcare Vouchers as well as relevant representative organisations.**

- 3.30 the NI Executive, working with the Department for Education, ensures that the expansion of services for Traveller and Roma children to include migrant children is considered carefully in light of the different experiences and needs of different children. This should be progressed alongside meaningful consultation with all affected communities.**
- 3.31 the NI Executive, working with the Department for Education, ensures that services required to expand to meet the needs of children from distinct communities is provided with adequate, secure and ring-fenced funding.**
- 3.33 the NI Executive, working with the Department of Education, considers the minimum standards for access to education for refugee children under the EU Qualification Directive (2004) and for asylum-seeking children guaranteed by the EU Reception Directive (2003) throughout this consultation process and in the development and implementation of the Early Learning and Childcare Strategy. This should include the monitoring of any relevant case law of the CJEU.**
- 3.38 the NI Executive, working with the Department of Education, collects, collates and publishes regular, disaggregated data on the accessibility of childcare provision across NI, inclusive of black and minority ethnic children.**
- 3.40 the NI Executive, working with the Department of Education, monitors any proposed changes by the EU to the EU Racial Equality Directive, including relevant case law of the CJEU, throughout this consultation process and in the development and implementation of the Early Learning and Childcare Strategy.**
- 3.47 the NI Executive, working with the Department of Education, ensures that meaningful and effective consultation with people with disabilities, including children with disabilities, is embedded in the design, implementation, monitoring and evaluation of relevant actions to address accessibility of early learning and childcare services in the Early Learning and Childcare Strategy.**

- 3.52 the NI Executive, working with the Department of Education considers how its Early Learning and Childcare Strategy addresses intersectional discrimination in adherence with international human rights standards, inclusive of requirements under Windsor Framework Article 2.**
- 3.59 the NI Executive, working with the Department of Education, commits within the Early Learning and Childcare Strategy to undertake and publish research on the contribution of unpaid, informal care arrangements in NI, with the view to consider the inclusion of actions to support persons involved in unpaid care arrangements within the Strategy.**
- 4.4 the NI Executive, alongside the Department of Education, ensures that the Early Learning and Childcare Strategy is effectively funded to the maximum of its available resources and includes an express commitment to the principles of progressive realisation and non-retrogression.**

## 1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (NIHRC), pursuant to section 69(1) of the Northern Ireland Act 1998 (NI Act), reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). The NIHRC is also required, under section 78A(1) of the NI Act to monitor the implementation of Article 2(1) of the Windsor Framework.<sup>1</sup> In accordance with these functions, the following advice is submitted to the Department of Education in respect of its consultation on the Early Learning and Childcare Strategy.
- 1.2 The NIHRC bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights and Fundamental Freedoms (ECHR), as incorporated by the Human Rights Act 1998, and the treaty obligations of the Council of Europe (CoE) and the United Nations (UN).
- 1.3 The NIHRC advises on the UK Government's commitment in Article 2 of the Windsor Framework to ensure there is no diminution of rights, safeguards and equality of opportunity as set out in the relevant section of the Belfast (Good Friday) Agreement as a result of the UK's withdrawal from the European Union (EU). This is given effect in UK law by section 7A of the EU (Withdrawal) Act 2018. Section 6 of the NI Act 1998 prohibits the NI Assembly from making any law which is incompatible with Windsor Framework Article 2. Section 24 of the 1998 Act also requires all acts of NI Ministers and NI Departments to be compatible with Windsor Framework Article 2. The relevant EU measures in this context include the EU Racial Equality Directive,<sup>2</sup> the EU Reception Directive (2003),<sup>3</sup> and the EU Qualifications Directive (2004).<sup>4</sup>
- 1.4 The NIHRC welcomes the opportunity to respond to the Department of Education's consultation on the NI Executive's Early Learning and Childcare Strategy (the draft Strategy).

---

<sup>1</sup> The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the Agreement on the Withdrawal of the UK of Great Britain and NI from the EU and the EEAC, 24 January 2020 (UK-EU Withdrawal Agreement) (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

<sup>2</sup> Directive 2000/43 EC, 'EU Council Directive Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000.

<sup>3</sup> Directive 2003/9/EC, 'EU Council Directive Laying Down Minimum Standards for the Reception of Asylum Seekers', 27 January 2003.

<sup>4</sup> Directive 2004/83/EC, 'EU Council Directive on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who Otherwise Need International Protection and the Content of the Protection Granted', 29 April 2004.

## 2.0 Human Rights Framework

- 2.1 Human rights standards provide a baseline for human rights compliance, setting minimum standards which States are encouraged to build upon. When the UK Government ratifies a human rights treaty of the UN or CoE, it is binding itself and devolved governments, including the NI Executive, to adhere to the obligations contained within.<sup>5</sup> Moreover, the UK has incorporated the ECHR into NI law by the Human Rights Act 1998, which means the rights contained in the ECHR are directly enforceable in NI. Express reference to the relevant human rights standards within government strategies is important; it is no more onerous than to reference the relevant legal framework. It is also useful for public authorities who wish to ensure policy is effective and lawful. It also provides guidance for individuals and their representative organisations. Several human rights standards are relevant to the provision of early learning and childcare. ECHR rights that are engaged by this draft Strategy include Article 2 of Protocol 1, on the right to education, Article 8, on respect for private and family life and Article 14, on non-discrimination.
- 2.2 While primary responsibility for the upbringing and development of children rests with parents and legal guardians, international human rights law makes clear that States have a duty to assist parents in the fulfilment of their child-rearing responsibilities by ensuring that parents can benefit from child-care services.<sup>6</sup> Article 10 of the International Covenant on Economic, Social and Cultural Rights (UN ICESCR) states that “the widest possible protection and assistance should be accorded to the family... particularly for its establishment and while it is responsible for the care and education of dependent children”.<sup>7</sup> The UN ICESCR Committee has recommended that the UK Government and NI Executive “strengthen measures to ensure the availability, accessibility and affordability of childcare through increased public funding and targeted financial support, such as childcare allowances”.<sup>8</sup> Other rights that are engaged by the draft Strategy include, but are not limited to, the right to education,<sup>9</sup> the right

---

<sup>5</sup> Article 14, Vienna Convention 1969; Section 26, NI Act 1998.

<sup>6</sup> See Article 10, UN International Covenant on Economic, Social and Cultural Rights; Article 16, European Social Charter 1961; Article 18, UN Convention on the Rights of the Child.

<sup>7</sup> Article 10, UN International Covenant on Economic, Social and Cultural Rights.

<sup>8</sup> E/C.12/GBR/CO/7, ‘UN ICESCR Committee Concluding Observations on the Seventh Periodic Report of the UK of Great Britain and NI’, 12 March 2025, at para 43(a).

<sup>9</sup> Article 13, UN Covenant on Economic, Social and Cultural Rights 1966; Articles 28 and 29, UN Convention on the Rights of the Child 1989; Article 10, UN Convention on the Elimination of Discrimination Against Women 1979; Article 5(e)(v), UN Convention on the Elimination of Racial Discrimination 1965; Article 24, UN Convention on the Rights of Persons with Disabilities 2006; E/C.12/1999/10, ‘UN ICESCR Committee General Comment No 13: The Right to Education’, 8 December 1999, at paras 43-46; CRC/GC/2001/1, ‘UN CRC Committee General Comment No 1: The Aims of Education’, 17 April 2001; CRPD/C/GC/4, ‘UN CRPD Committee General Comment No 4: The Right to Inclusive Education’, 25

to an adequate standard of living,<sup>10</sup> the right to work,<sup>11</sup> and freedom from discrimination.<sup>12</sup> It is important to acknowledge that a lack of adequate childcare provision can disproportionately affect other protected groups. Consideration of these groups can be aided by the more specialised human rights treaties, namely women,<sup>13</sup> children,<sup>14</sup> racial discrimination,<sup>15</sup> and persons with disabilities.<sup>16</sup>

### 2.3 Human rights standards explicitly recognise the link between childcare provision and women's equal enjoyment of their human rights. Article 11 of the UN Convention on the Elimination of Discrimination against Women (UN CEDAW) states:

In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures... to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities.<sup>17</sup>

---

November 2016, at paras 39-43; Article 2 of the Protocol 1, European Convention on Human Rights 1950 (Protocol 1 was adopted in 1952).

<sup>10</sup> Article 11, UN Covenant on Economic, Social and Cultural Rights 1966; Article 27, UN Convention on the Rights of the Child 1981; Article 28, UN Convention on the Rights of Persons with Disabilities 2006; Article 14(2)(h), UN Convention on the Elimination of Discrimination against Women 1979; Article 5(e)(iii), UN Convention on the Elimination of Racial Discrimination 1965; Article 31, European Social Charter 1961; E/1992/23, 'UN ICESCR Committee General Comment No 4: The Right to Adequate Housing', 1991, at para 7; E/1998/22, 'UN ICESCR Committee General Comment No 7: The Right to Adequate Housing - Forced Evictions' 1997, at para 8; E/C.12/1999/5, 'UN ICESCR Committee General Comment No 12: The Right to Adequate Food', 12 May 1999, at paras 14-20; E/C.12/2002/11, 'UN ICESCR Committee General Comment No 15: The Right to Water', 20 January 2003, at paras 17-29.

<sup>11</sup> Article 6, UN International Covenant on Economic, Social and Cultural Rights 1966; Article 5(e)(i), UN Convention on the Elimination of Racial Discrimination 1965; Article 11(1), UN Convention on the Elimination of Discrimination against Women 1979; Article 32, UN Convention on the Rights of the Child 1989; Article 27, UN Convention on the Rights of Persons with Disabilities 2006; Article 1, European Social Charter 1961; E/C.12/GC/18, 'UN ICESCR Committee General Comment No 18: The Right to Work', 6 February 2006, at para 31; UN CEDAW Committee General Recommendation No 13: Equal Remuneration for Work of Equal Value', 1989; CRPD/C/GC/8, 'UN CRPD Committee General Comment No 8: the Right of Persons with Disabilities to Work and Employment', 7 October 2022, at paras 63-64.

<sup>12</sup> Article 2(2), UN Covenant on Economic, Social and Cultural Rights 1966; Article 2(1), UN Covenant on Civil and Political Rights 1966; Article 2, UN Convention on the Elimination of Racial Discrimination 1965; Article 2, UN Convention on the Elimination of Discrimination against Women 1979; Article 2, UN Convention on the Rights of the Child 1989; Article 5, UN Convention on the Rights of Persons with Disabilities 2006; Article 14, European Convention on Human Rights 1950. See also E/C.12/GC/20, 'UN ICESCR Committee General Comment No 20: Non-Discrimination in Economic, Social and Cultural Rights', 2 July 2009, at para 7; 'UN Human Rights Committee General Comment No 18: Non-Discrimination', 1989, at para 3; 'UN CERD Committee General Recommendation No 20: Non-Discrimination in the Implementation of Rights', 1996, at para 1; CEDAW/C/GC/28, 'UN CEDAW Committee General Recommendation No 28: Core Obligations under Article 2' 16 December 2010, at paras 8-13; CRC/GC/2003/5, 'UN CRC Committee General Comment No 5: General Measures of Implementation', 27 November 2003, at para 12; CRPD/C/GC/6, 'UN CRPD Committee General Comment No 6: Equality and Non-Discrimination', 26 April 2018, at paras 4-7.

<sup>13</sup> UN Convention on the Elimination of Discrimination Against Women 1981.

<sup>14</sup> UN Convention on the Rights of the Child 1989.

<sup>15</sup> UN Convention on the Elimination of All Forms of Racial Discrimination 1965.

<sup>16</sup> UN Convention on the Rights of Persons with Disabilities 2006.

<sup>17</sup> Article 11(2), UN Convention on the Elimination of Discrimination Against Women 1981.

- 2.4 The UN CEDAW Committee notes that caring responsibilities for older women in particular are considerable and rarely remunerated, stating that “it is a known fact that many older women care for... dependent young children spouses... The financial and emotional cost of this unpaid care is rarely recognised”.<sup>18</sup>
- 2.5 Beyond the implications for gender equality, a lack of adequate childcare and access to early learning will have an impact upon children’s development. Under Article 3 of the UN Convention on the Rights of the Child (UN CRC), “the best interests of the child” should be “the primary consideration”. This extends to all decisions, actions, inaction or failure to take action that directly or indirectly affect children.<sup>19</sup> A child’s best interests considers their well-being and development, this includes “their basic material, physical, educational and emotions needs, as well as needs for affection and safety”.<sup>20</sup>
- 2.6 It is always in a child’s best interests that they develop appropriately. Childcare often supports early learning and boosts children’s life chances. Rather than consider childcare and education as two separate services, the UN CRC Committee encourages States to consider the concept of “educare”, whereby childcare is understood to realise the right to early childhood education.<sup>21</sup> The UN CRC Committee notes that young children are particularly vulnerable to discrimination because of their dependence on others for the realisation of their rights.<sup>22</sup> Therefore, the UN CRC Committee identifies that “actions may be required that guarantee that all children have an equal opportunity to benefit from available services”.<sup>23</sup>
- 2.7 There is no reference to relevant human rights standards regarding childcare provision and early learning in the draft Early Learning and Childcare Strategy. This contrasts with other NI Executive Strategies that expressly recognise and set out the relevant human rights standards. For example, the Racial Equality Strategy 2015-2025 sets out an expansive list of relevant human rights standards in relation to racial equality.<sup>24</sup> The

---

<sup>18</sup> UN CEDAW Committee, ‘General Comment No 27: Older Women and the Protection of Human Rights’ 10 December 2010, at para 20.

<sup>19</sup> CRC/C/GC/14, ‘UN CRC Committee General Comment No 14: The Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration’, 29 May 2013, at paras 17-19.

<sup>20</sup> CRC/C/GC/14, ‘UN CRC Committee General Comment No 14: The Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration’, 29 May 2013, at para 71.

<sup>21</sup> CRC/C/GC/7/Rev.1, ‘UN CRC Committee General Comment No 7: Implementing Child Rights in Early Childhood’, 20 September 2006, at para 30.

<sup>22</sup> CRC/C/GC/7/Rev.1, ‘UN CRC Committee General Comment No 7: Implementing Child Rights in Early Childhood’, 20 September 2006, at para 11(a).

<sup>23</sup> CRC/C/GC/7/Rev.1, ‘UN CRC Committee General Comment No 7: Implementing Child Rights in Early Childhood’, 20 September 2006, at para 12.

<sup>24</sup> The Executive Office, ‘Racial Equality Strategy 2015-2025’ (TEO, 2015), at Annex 1.

Ending Violence Against Women and Girls Strategic Framework 2024-2031 also expressly incorporates relevant international human rights standards.<sup>25</sup>

2.8 Consideration of human rights standards is critical if a human rights-based compliant policy is to be achieved. A human rights-based approach to policy is one informed by human rights standards, which puts “human rights and corresponding State obligations at the heart of policy making”.<sup>26</sup> As noted above, it is a legal requirement that law and policy is compatible with obligations in the ECHR protected by the Human Rights Act. Furthermore, all legislation emanating from the Stormont Assembly must comply with the ECHR if it is to have any legal force. Thus, applying a human rights-based framework is important to safeguard rights for rights-holders, who can be individuals or social groups that have entitlements in relation to duty bearers. Duty bearers are State, or delegated non-State actors, which have an obligation to ensure that the human rights of rights-holders are respected, protected and fulfilled. The PANEL principles offer guidance on how to achieve a human rights-based approach. These are:

- Participation – everyone is entitled to active participation in decision-making processes which affect the enjoyment of their rights.
- Accountability – duty-bearers are held accountable for failing to fulfil their obligations towards rights-holders. There should be effective remedies in place when human rights breaches occur.
- Non-discrimination and equality – all individuals are entitled to their rights without discrimination of any kind. All types of discrimination should be prohibited, prevented and eliminated.
- Empowerment – everyone is entitled to claim and exercise their rights. Individuals and communities need to understand their rights and participate in the development of policies which affect their lives.
- Legality – approaches should be in line with the legal rights set out in domestic and international laws.

---

<sup>25</sup> The Executive Office, 'Ending Violence Against Women and Girls Strategic Framework 2024-2031' (TEO, 2024), at 10.

<sup>26</sup> European Network of National Human Rights Institutions, 'Human Rights-Based Approach'. Available at: [Human Rights-Based Approach - ENNHRI](#)

- 2.9 Consideration of a human rights-based approach informed by relevant human rights standards is necessary in the draft Strategy to ensure that it is legally enforceable and fit for purpose.
- 2.10 **The NIHRC recommends that the NI Executive, working with Department of Education, commits to adopting a human rights approach within the Early Learning and Childcare Strategy, including incorporation of a list of relevant human rights standards and ensures that the obligations flowing from these standards are reflected throughout the Strategy. The Ending Violence Against Women and Girls Strategic Framework 2024-2031 provides an example of how this can be achieved.**
- 2.11 Windsor Framework Article 2 requires the UK Government and NI Executive to ensure that there is no diminution of the rights, safeguards and equality of opportunity contained in the relevant part of the Belfast (Good Friday) Agreement 1998, because of the UK's withdrawal from the EU. The rights listed in the 1998 Agreement include the "civil rights ... of everyone in the community" and in particular, the right to "equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity".
- 2.12 Articles 2 and 13 of the Windsor Framework require that NI law 'keeps pace' with any improvements to minimum standards of equality protection enshrined in six EU Equality Directives listed in Annex 1 to the Windsor Framework. For other EU obligations, the UK Government and NI Executive's commitment is measured by the relevant EU standards as they were on 31 December 2020.<sup>27</sup> As outlined in further detail below, the EU Racial Equality Directive establishes minimum standards to combat discrimination on the grounds of racial or ethnic origin, including in the areas of education, social advantages, and goods and services.<sup>28</sup> The EU Reception Directive (2003)<sup>29</sup> and the EU Qualifications Directive (2004)<sup>30</sup> establish minimum standards for access to education for asylum-seeking children and refugee children respectively.

---

<sup>27</sup> UK Government, 'UK Government Commitment to No-diminution of Rights, Safeguards and Equality of Opportunity in Northern Ireland' (NIO, 2020), at para 13.

<sup>28</sup> Directive 2000/43 EC, 'EU Council Directive Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000.

<sup>29</sup> Directive 2003/9/EC, 'EU Council Directive Laying Down Minimum Standards for the Reception of Asylum Seekers', 27 January 2003.

<sup>30</sup> Directive 2004/83/EC, 'EU Council Directive on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who Otherwise Need International Protection and the Content of the Protection Granted', 29 April 2004.

- 2.13 **The NIHRC recommends that the NI Executive, working with the Department of Education, undertakes a detailed assessment of the draft Early Learning and Childcare Strategy to ensure compliance with Windsor Framework Article 2, including in relation to the EU Racial Equality Directive, the EU Reception Directive (2003) and the EU Qualifications Directive (2004).**

## 3.0 General Comments

### Participation

- 3.1 The NI Executive identifies that the draft Strategy has been “informed by extensive stakeholder engagement”, including the views of a Stakeholder Engagement Forum.<sup>31</sup> Further to this, the draft Strategy identifies that a reconvened Strategic Engagement Forum will be part of the monitoring and oversight procedure for the Strategy.<sup>32</sup>
- 3.2 The right to participation is protected in several international human rights instruments and is essential for good policy.<sup>33</sup> It is clear that affected individuals, including children, should be involved in decision-making, policy making, and the preparation of laws at all stages (including design, implementation, monitoring and evaluation).
- 3.3 Article 12 of UN CRC provides that the child has a right to express his or her views freely in all matters affecting the child, and to have them taken into account.<sup>34</sup> The UN CRC Committee has emphasised that this applies to young children as well as older children, noting that States should “take all appropriate measures to ensure that the concept of the child as rights holder with freedom to express views and the right to be consulted in matters that affect him or her is implemented from the earliest stage in

---

<sup>31</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 14-15.

<sup>32</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 58.

<sup>33</sup> Article 25, UN Convention on Civil and Political Rights 1966; CCPR/C/21/Rev.1/Add.7, ‘UN Human Rights Committee General Comment No 25: Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service’, 12 July 1996; Article 12(1), UN Convention on the Rights of the Child 1989; Article 4(3), UN Convention on the Rights of Persons with Disabilities 2006; CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities Including Children with Disabilities, Through Their Representative Organisations, In the Implementation and Monitoring of the UN CRPD’, 9 November 2018, at paras 11 and 22; A/55/18/Annex V, ‘UN CERD Committee General Recommendation XXVII: Discrimination Against Roma’, 16 August 2000, at paras 41-46; CEDAW/C/GC/40, ‘UN CEDAW Committee General Recommendation No 40: Equal and Inclusive Representation of Women in Decision-Making Systems’, 25 October 2024.

<sup>34</sup> Article 12, UN Convention on the Rights of the Child.

ways appropriate to the child’s capacities, best interests, and rights to protection from harmful experiences”.<sup>35</sup>

- 3.4 Article 4(3) of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) requires States to “closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations” in the development and implementation of legislation and policy and other decision-making processes.<sup>36</sup> The UN CRPD Committee emphasises the importance of including children with disabilities in decision-making processes, noting that “children with disabilities are themselves best placed to express their own requirements and experiences, which are necessary in developing appropriate legislation and programmes in accordance with [UN CRPD].<sup>37</sup>
- 3.5 The NIHRC welcomes that the draft Strategy was produced alongside engagement with some key stakeholders and will continue to be informed by a Strategic Engagement Forum. However, there is a notable lack of commitment to engage with children who will be in receipt of the services proposed by the strategy.
- 3.6 **The NIHRC recommends that the NI Executive, working with the Department of Education, commits to regular engagement with children who do or are intended to benefit from childcare and early learning services as part of its monitoring and evaluation process for the Early Learning and Childcare Strategy. This engagement should be conducted in ways suitable for the child’s age and include children from minority groups such as, but not limited to, Traveller and Roma children, children from refugee and asylum-seeking families and children with disabilities.**

## Affordability of Childcare

- 3.7 The draft Strategy identifies affordable childcare as a core objective, noting that “it is a vital enabler of child development, financial stability, parental employment and inclusive economic growth”.<sup>38</sup>

---

<sup>35</sup> CRC/C/GC/7/Rev.1, ‘UN CRC Committee General Comment No 7: Implementing Child Rights in Early Childhood’, 20 September 2006, at para 14(a).

<sup>36</sup> Article 4(3), UN Convention on the Rights of Persons with Disabilities 2006.

<sup>37</sup> CRPD/C/GC/7, ‘UN CRPD Committee General Comment No 7: Participation of Persons with Disabilities’, 9 November 2018, at para 25.

<sup>38</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 33.

- 3.8 The importance of the affordability of childcare has been reflected in international human rights monitoring systems. The UN ICESCR Committee has emphasised that childcare should be affordable.<sup>39</sup>
- 3.9 The UN CEDAW Committee has raised concern to the NI Executive noting that “childcare costs remain excessive, in particular in Northern Ireland, which constitutes an obstacle for women in entering into and progressing in the workplace”.<sup>40</sup> The UN CEDAW Committee has recommended that the NI Executive ensure “the availability of affordable and accessible childcare facilities and/or arrangements throughout the State party, in particular in Northern Ireland”.<sup>41</sup>
- 3.10 The affordability of childcare in NI has been a longstanding concern. An independent review of childcare services in NI found that issues with the cost of childcare in NI are having a significant effect on parents’ employment, particularly for women, one parent families, low-income households, households in receipt of Universal Credit and parents whose children have additional needs.<sup>42</sup>
- 3.11 Objective 2.1 of the draft Strategy proposes to make childcare more affordable. Objective 2.1 sets out several actions to help with childcare costs. Short term Category 1 actions include the continuation of the NI Childcare Subsidy Scheme, which provides a 15 per cent subsidy on childcare costs for eligible working families. The draft Strategy notes that when combined with the UK-wide Tax-Free Childcare, a scheme offering a 20 per cent Government top up on childcare costs,<sup>43</sup> this measure could reduce childcare bills by 32 per cent.<sup>44</sup> Medium term Category 2 actions include increasing the NI Childcare Subsidy Scheme contribution to 20 per cent for all eligible children from April 2026, with the view to increasing the contribution to 30 per cent subject to satisfactory review, introduce fee publication requirements for childcare providers operating the NI Childcare Subsidy Scheme, annually increase the cap on the maximum subsidy which can be claimed through the NI Childcare Subsidy Scheme, and raise

---

<sup>39</sup> E/C.12/GBR/CO/7, ‘UN ICESCR Committee Concluding Observations on the Seventh Periodic Report of the UK of Great Britain and NI’, 12 March 2025, at para 43(a).

<sup>40</sup> CEDAW/C/GBR/CO/8, ‘UN CEDAW Committee’s Concluding Observations on the Eight Periodic Review of the UK of Great Britain and NI’, 14 March 2019, at para 45.

<sup>41</sup> CEDAW/C/GBR/CO/8, ‘UN CEDAW Committee’s Concluding Observations on the Eight Periodic Review of the UK of Great Britain and NI’, 14 March 2019, at para 46(a).

<sup>42</sup> Department of Education, ‘Review of Childcare Services in NI – Final Report’ (DE, 2023), at 130-142.

<sup>43</sup> See UK Government, ‘Tax-Free Childcare’. Available at: [Tax-Free Childcare: What Tax-Free Childcare is - GOV.UK](#) Parents who open a childcare account will receive £2 top up from the UK Government for every £8 that they pay into the account. The total top up you can get for each child is £500 every 3 months (up to £2,000 a year). This goes up to £1,000 every 3 months if your child is disabled (up to £4,000 a year).

<sup>44</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 40.

awareness of the full range of financial supports available.<sup>45</sup> The long term Category 3 actions under Objective 2.1 note the intention to increase the NI Childcare Subsidy Scheme contribution to 40 per cent, subject to satisfactory review, by April 2032 and to Extend Digital Economy Act powers to NI to enable sharing of information from the Tax-Free Childcare scheme to streamline verification requirements for NI Childcare Subsidy Scheme users.<sup>46</sup>

- 3.12 The NIHRC welcomes the commitment to tackle the costs of childcare in NI through an increase in the NI Childcare Subsidy Scheme. The Scheme has created financial relief for families since its introduction.<sup>47</sup> However, many families who are unlikely to be able to afford childcare are not eligible for the NI Childcare Subsidy Scheme. Parents can only receive support for the Scheme if they are claiming Tax-Free Childcare. Individuals in receipt of Universal Credit or Childcare Vouchers are not eligible for the Tax-Free Childcare scheme.<sup>48</sup>
- 3.13 Additionally, when the NI Childcare Subsidy Scheme was first introduced, many childcare providers increased their fees to deal with external costs.<sup>49</sup> This meant that costs were passed on to families. While the NI Childcare Subsidy Scheme has helped with financial pressures, price increases continue to put pressure on families availing of childcare. The draft Strategy explains that the Department for Education has “been monitoring fee data under the [NI Childcare Subsidy Scheme], this data indicates that the vast majority of providers have not increased their fees disproportionately following the introduction of the subsidy”.<sup>50</sup> However, the Department’s own data demonstrates that between September 2024 and September 2025, the average full-day rate increased by around 12 per cent.<sup>51</sup> This is not insignificant given that as costs increase on childcare, the portion of childcare costs left to families to pay after the 15 per cent subsidy increases as well. It is therefore likely that if costs continue to rise, the financial benefits of the scheme for parents will be eroded.

---

<sup>45</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 40.

<sup>46</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 40.

<sup>47</sup> NI Assembly Hansard, ‘NI Assembly: Childcare Providers: Funding’, 21 January 2025.

<sup>48</sup> NI Direct, ‘Help Paying for Approved Childcare’, Available at: [Help paying for approved childcare | nidirect](#)

<sup>49</sup> NI Assembly Hansard, ‘NI Assembly: Childcare Providers: Funding’, 21 January 2025.

<sup>50</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 37.

<sup>51</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 37.

- 3.14 The draft Strategy stipulates that actions to consider increasing contributions up to 30 per cent under category 2 and 40 per cent under category 3 will be subject to budget availability.<sup>52</sup> The draft Strategy does not set out any potential alternative solutions to curtail childcare costs for families if the budget does not allow for the increased contributions under Categories 2 and 3 of Objective 2.1.
- 3.15 **The NIHRC recommends that the NI Executive, working with the Department for Education ensures that incremental rises in childcare costs by providers does not diminish or indeed defeat entirely the financial benefits of the NI Childcare Subsidy Scheme.**

### **Universal Credit**

- 3.16 As noted above, those in receipt of Universal Credit are not eligible for the NI Childcare Subsidy Scheme.
- 3.17 Currently, the Childcare element of Universal Credit covers up to 85% of eligible childcare costs, with monthly caps set at £1,031.88 for one child and £1,768.94 for two or more children.<sup>53</sup> At least the other 15 per cent of the costs are paid by families. Recipients of the childcare element are generally expected to pay the full cost of the childcare themselves and then report the payment to Universal Credit to claim up to 85 per cent back.<sup>54</sup>
- 3.18 The former UN Special Rapporteur on Extreme Poverty observed that the “[Universal Credit] childcare support requires families to pay for childcare up front and then seek reimbursement, meaning families may have to go into debt to take a job”.<sup>55</sup>
- 3.19 The NIHRC is concerned that the draft Strategy does not appropriately consider barriers to accessibility of childcare provision for families in financially precarious situations. There is a notable absence of actions targeting families in receipt of Universal Credit. As costs of childcare rise, the portion of childcare costs that families in receipt of the childcare element of Universal Credit cover will increase.

---

<sup>52</sup> NI Executive, 'Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare' (DoE, 2025), at 39.

<sup>53</sup> UK Government, 'Universal Credit Childcare Costs'. Available at: [Universal Credit childcare costs - GOV.UK](https://www.gov.uk/universal-credit-childcare-costs)

<sup>54</sup> UK Government, 'Universal Credit Childcare Costs'. Available at: [Universal Credit childcare costs - GOV.UK](https://www.gov.uk/universal-credit-childcare-costs)

<sup>55</sup> A/HRC/41/39/Add.1, 'Report of the Special Rapporteur on extreme poverty and human rights on his Visit to the UK of Great Britain and NI', 23 April 2019, at para 54.

- 3.20 **The NIHRC recommends that the NI Executive, working with the Department for Education, sets out short-term, medium-term and long-term actions to address barriers to affordability and accessibility of childcare provision for families in receipt of Universal Credit and Childcare Vouchers within the Early Learning and Childcare Strategy. These actions should be developed and implemented in meaningful consultation with recipients of the childcare element of Universal Credit and Childcare Vouchers as well as relevant representative organisations.**

## **Accessibility of Early Learning Provision**

### **Children from Socially Disadvantaged Circumstances**

- 3.21 Objective 1.1 of the Strategy sets out actions to move towards the provision of 22.5 hours of pre-school education per week for children in their pre-school year. This is a welcome objective. However, the NIHRC queries the inclusion of a Category 2 action to “consult on legislative changes to remove the current statutory admissions criteria prioritising children from socially disadvantaged circumstances when applying for funded pre-school education places”.<sup>56</sup>
- 3.22 Social disadvantage is a commonly recognised barrier to education.<sup>57</sup> The UN CRC Committee requires States to ensure that all young children “are guaranteed access to appropriate and effective services, including programmes... care and education specifically designed to promote their well-being”.<sup>58</sup> The UN CRC Committee observes that “particular attention should be paid to the most vulnerable groups of young children and to those who are at risk of discrimination. This includes... children living in poverty”.<sup>59</sup>
- 3.23 The UN CRC Committee has recommended that the NI Executive “strengthen measures to address inequalities in educational attainment and improve educational outcomes for children in disadvantaged

---

<sup>56</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 21.

<sup>57</sup> Colin Knox, ‘Educational Underachievement in NI’ (NI Assembly, 2025).

<sup>58</sup> CRC/C/GC/7/Rev.1, ‘UN CRC Committee General Comment No 7: Implementing Child Rights in Early Childhood’, 20 September 2006, at para 24.

<sup>59</sup> CRC/C/GC/7/Rev.1, ‘UN CRC Committee General Comment No 7: Implementing Child Rights in Early Childhood’, 20 September 2006, at para 24.

situations, including children in socioeconomically disadvantaged situations".<sup>60</sup>

- 3.24 The UN ICESCR Committee has noted its concern at "the disparities in coverage of early childhood education between different regions and different income groups" in NI.<sup>61</sup> The UN ICESCR Committee has recommended that the NI Executive "guarantee high-quality and affordable early childhood education for all children, across all jurisdictions, especially for those from disadvantaged backgrounds".<sup>62</sup>
- 3.25 The draft Strategy explains that the objective of full-time pre-school provision will maximise access to free school meals for eligible children, which, in its assessment, will remove the requirement for the current statutory admissions criteria to prioritise children from socially disadvantaged circumstances when applying for funded pre-school education places.<sup>63</sup> No further explanation is offered for this action on the face of the draft Strategy but further consideration and explanation would be helpful.

### **Refugee and Asylum-Seeking Children, Migrant Children and Black and Minority Ethnic Children**

- 3.26 Objective 1.2 of the draft Strategy sets out proposals to expand services for children facing disadvantage. This is a welcome addition to the draft Strategy.
- 3.27 The UN CERD Committee has identified its concern at "the persistence of ethnic disparities in education, in particular low educational attainment" in the UK and NI.<sup>64</sup> The UN CERD Committee has recommended to the NI Executive that it:

strengthen its measures to ensure the availability, accessibility and quality of education for children belonging to ethnic minorities, notably

---

<sup>60</sup> CRC/C/GBR/CO/6-7, 'UN CRC Committee Concluding Observations on the Combined Sixth and Seventh Periodic Reports of the UK of Great Britain and NI', 22 June 2023, at para 47(a).

<sup>61</sup> E/C.12/GBR/CO/7, 'UN ICESCR Committee Concluding Observations on the Seventh Periodic Report of the UK of Great Britain and NI', 12 March 2025, at para 56(a).

<sup>62</sup> E/C.12/GBR/CO/7, 'UN ICESCR Committee Concluding Observations on the Seventh Periodic Report of the UK of Great Britain and NI', 12 March 2025, at para 57(a).

<sup>63</sup> NI Executive, 'Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare' (DoE, 2025), at 20.

<sup>64</sup> CERD/C/GBR/CO/24-26, 'UN CERD Committee Concluding Observations on the Combined Twenty-Fourth to Twenty-Sixth Periodic Reports of the UK of Great Britain and NI', at para 45.

children belonging to Gypsy, Roma and Traveller communities, children of African descent and migrant, asylum-seeking and refugee children”.<sup>65</sup>

- 3.28 The UN ICESCR Committee has further recommended that the NI Executive “ensure that Gypsy, Roma and Traveller children, children with disabilities, migrant children and children from disadvantaged backgrounds have access to quality education that is culturally appropriate and adapted to their needs”.<sup>66</sup>
- 3.29 The NIHRC welcomes the NI Executive’s commitment to expand services to include support for migrant children. The Category 2 action to “expand the Toybox project to include support for Newcomer children (0–4 years) and their families” by March 2028 is a positive step to ensuring wrap around services for migrant children. However, the NI Executive should ensure that it does not conflate the accessibility barriers which affect Traveller and Roma communities, currently supported through the Toybox project, with those faced by refugee and asylum-seeking children and migrant children. When considering the expansion of services to provide specific support for various distinct groups, the NI Executive should meaningfully consult with affected communities and ensure that funding is suitable for the expanded mandate of the service.
- 3.30 **The NIHRC recommends that the NI Executive, working with the Department for Education, ensures that the expansion of services for Traveller and Roma children to include migrant children is considered carefully in light of the different experiences and needs of different children. This should be progressed alongside meaningful consultation with all affected communities.**
- 3.31 **The NIHRC recommends that the NI Executive, working with the Department for Education, ensures that services required to expand to meet the needs of children from distinct communities is provided with adequate, secure and ring-fenced funding.**
- 3.32 The NI High Court has confirmed that people seeking asylum, as individuals, are included in the “wide compass of ‘everyone in the community’” and are therefore protected by Windsor Framework Article 2.<sup>67</sup> The High Court also found that rights particular to people seeking

---

<sup>65</sup> CERD/C/GBR/CO/24-26, ‘UN CERD Committee Concluding Observations on the Combined Twenty-Fourth to Twenty-Sixth Periodic Reports of the UK of Great Britain and NI’, 24 September 2024, at para 46(a).

<sup>66</sup> E/C.12/GBR/CO/7, ‘UN ICESCR Committee Concluding Observations on the Seventh Periodic Report of the UK of Great Britain and NI’, 12 March 2025, at para 57(d)

<sup>67</sup> *In the Matter of an Application by the NI Human Rights Commission for Judicial Review* [2024] NIKB 35, at para 68-69.

asylum fall within the concept of civil rights in the Belfast (Good Friday) Agreement and are underpinned by EU measures which bound the UK before Brexit, including the EU Reception Directive (2003) and the EU Qualification Directive (2004).<sup>68</sup> The EU Reception Directive (2003) sets minimum standards for access to education for asylum-seeking children. This stipulates that such children should have access to the education system under similar conditions as nationals, the maximum period of time within which that access must be granted, and that where such access is not possible due to the specific situation of the minor, the state may offer other education arrangements. The EU Directive requires that the best interests of the child be a primary consideration in its implementation. The EU Qualification Directive (2004) stipulates that the state must grant full access to the education system to all minors granted refugee or subsidiary protection status, under the same conditions as nationals. The Directive requires that the best interests of the child be a primary consideration when implementing these provisions. Outside of services targeted at the broad category of children described as “newcomer children”, the draft Strategy makes no specific mention of how refugee and asylum-seeking children will be accommodated in the early learning education system in a way that meets these minimum standards.

**3.33 The NIHRC recommends that the NI Executive, working with the Department of Education, considers the minimum standards for access to education for refugee children under the EU Qualification Directive (2004) and for asylum-seeking children guaranteed by the EU Reception Directive (2003) throughout this consultation process and in the development and implementation of the Early Learning and Childcare Strategy. This should include the monitoring of any relevant case law of the CJEU.**

3.34 The NIHRC notes that actions under Objective 1.2 of the draft Strategy target Traveller and Roma children and so called “newcomer children”. The draft Strategy does not contain actions to target barriers to accessibility of childcare experienced by children from black and minority ethnic backgrounds, with the exception of Traveller and Roma children.

---

<sup>68</sup> *In the Matter of an Application by the NI Human Rights Commission and JR295 for Judicial Review* [2024] NIKB 35 at paras 70-71 and 74-173 referencing Directive 2005/85/EC, ‘EU Council Directive on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status’, 1 December 2005; Directive 2004/83/EC, ‘EU Council Directive on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who Otherwise Need International Protection and the Content of the Protection Granted’, 29 April 2004; Regulation 2013/604/EU, ‘EU Parliament and Council Regulation Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-country National or a Stateless Person’, 26 June 2013.

- 3.35 As noted above, the UN CERD Committee has recommended that the NI Executive strengthen accessibility to quality education for ethnic minorities, notably children belonging to Gypsy, Roma and Traveller communities, children of African descent and migrant, asylum-seeking and refugee children.<sup>69</sup>
- 3.36 Black and Minority Ethnic communities experience distinct barriers when accessing early learning and childcare services.<sup>70</sup> Consideration of actions to provide inclusive services for minority ethnic groups should be expansive and suitably specific so as to eliminate barriers to service provision for all children from black and minority ethnic backgrounds.
- 3.37 The draft Strategy makes provision under Objective 2.2 to “establish regular and ongoing sector wide data collection and monitoring” for the purpose of mapping supply and demand of childcare provision across all geographical areas, identifying sustainability challenges in specific areas and identifying trends in childcare requirements and labour market decisions.<sup>71</sup> It would be pertinent to include within this commitment, a requirement to collate and publish disaggregated data on the accessibility of childcare provision for all children, including black and minority ethnic children to ensure that childcare provision is universally accessible.
- 3.38 **The NIHRC recommends that the NI Executive, working with the Department of Education, collects, collates and publishes regular, disaggregated data on the accessibility of childcare provision across NI, inclusive of black and minority ethnic children.**
- 3.39 The EU Racial Equality Directive established minimum standards to combat direct or indirect discrimination on the grounds of racial or ethnic origin, including in the areas of education, social advantages, and goods and services.<sup>72</sup> The UK Government’s dynamic alignment obligations under Windsor Framework Article 2 and Article 13 mean that NI law must keep pace with any improvements to minimum standards enshrined in the EU Directive. The EU is currently in the process of considering revisions to the EU Racial Equality Directive.

---

<sup>69</sup> CERD/C/GBR/CO/24-26, ‘UN CERD Committee Concluding Observations on the Combined Twenty-Fourth to Twenty-Sixth Periodic Reports of the UK of Great Britain and NI’, 24 September 2024, at para 46(a).

<sup>70</sup> Department of Education, ‘Review of Childcare Services in NI – Final Report’ (DE, 2023); Barnardo’s NI, ‘Believe in Childcare? Believe in Children’ (Barnardo’s NI, 2013).

<sup>71</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 44.

<sup>72</sup> Directive 2000/43 EC, ‘Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin’, 29 June 2000.

- 3.40 **The NIHRC recommends that the NI Executive, working with the Department of Education, monitors any proposed changes by the EU to the EU Racial Equality Directive, including relevant case law of the CJEU, throughout this consultation process and in the development and implementation of the Early Learning and Childcare Strategy.**

### **Children with Disabilities**

- 3.41 Objective 3.2 of the draft Strategy commits to enhancing accessible early learning and childcare for children with additional needs.
- 3.42 Lack of available and accessible childcare has been a particular concern in NI. The UN CRPD Committee has recommended that policies are developed and implemented in NI to secure “sufficient and disability-sensitive childcare as a statutory duty”.<sup>73</sup>
- 3.43 The UN CRC Committee observes that States should ensure that all young children are “guaranteed access to appropriate and effective services, including programmes of health, care and education specifically designed to promote their well-being... including children with disabilities”.<sup>74</sup>
- 3.44 The UN CRPD Committee provides a thorough assessment of what constitutes accessible learning environments, noting that learning environments “must be accessible, including buildings, information and communications tools (comprising ambient or frequency modulation assistive systems), the curriculum, educational materials, teaching methods, assessments and language and support services”.<sup>75</sup>
- 3.45 The UN CRPD Committee further notes that States “must consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations, in all aspects of planning, implementation, monitoring and evaluation of inclusive education policies”.<sup>76</sup>
- 3.46 The NIHRC welcomes the inclusion of actions to enhance accessibility to early learning and childcare for children with additional needs. However,

---

<sup>73</sup> CRPD/C/GBR/CO/1, ‘Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland’, 3 October 2017, at para 21.

<sup>74</sup> CRC/C/GC/7/Rev.1, ‘UN CRC Committee General Comment No 7: Implementing Child Rights in Early Childhood’, 20 September 2006, at para 24.

<sup>75</sup> CRPD/C/GC/4, ‘UN CRPD Committee General Comment No 4: Inclusive Education’, 25 November 2016, at para 22.

<sup>76</sup> CRPD/C/GC/4, ‘UN CRPD Committee General Comment No 4: Inclusive Education’, 25 November 2016, at para 7.

the NIHRC stresses that the design, implementation and evaluation of such actions should progress in consultation with people with disabilities, including children with disabilities.

- 3.47 **The NIHRC recommends that the NI Executive, working with the Department of Education, ensures that meaningful and effective consultation with people with disabilities, including children with disabilities, is embedded in the design, implementation, monitoring and evaluation of relevant actions to address accessibility of early learning and childcare services in the Early Learning and Childcare Strategy.**

### **Intersectional discrimination**

- 3.48 Children can experience overlapping forms of discrimination in education based on a number of protected characteristics. The barriers to education created by this intersectional discrimination are not addressed in the draft Strategy.
- 3.49 The UN ICESCR Committee has identified the need to recognise intersectional discrimination, where someone is discriminated against on multiple prohibited grounds, for example, based on both sex and disability.<sup>77</sup>
- 3.50 The UN CRPD Committee notes that discrimination can be based on a single characteristic, such as disability or gender, or on multiple and/or intersecting characteristics.<sup>78</sup> Intersectional discrimination relating to a person with a disability occurs when “a person with a disability or associated to disability suffers discrimination of any form on the basis of disability, combined with, colour, sex, language, religion, ethnic, gender or other status”.<sup>79</sup>
- 3.51 The Department of Education should take into account recent EU law developments in this area. Under the Windsor Framework dynamic alignment obligation, the definition of discrimination in NI equality law should be amended to include intersectional discrimination in line with the

---

<sup>77</sup> E/C.12/GC/20, 'UN ICESCR Committee General Comment No 20: Non-Discrimination and Equality', 2 July 2009, at para 27.

<sup>78</sup> CRPD/C/GC/6, 'UN CRPD Committee General Comment No 6: Equality and Non-Discrimination', 26 April 2018, at para 19.

<sup>79</sup> CRPD/C/GC/6, 'UN CRPD Committee General Comment No 6: Equality and Non-Discrimination', 26 April 2018, at para 19.

EU Pay Transparency Directive, which acknowledges that disadvantage may arise from a combination of protected grounds.<sup>80</sup>

- 3.52 **The NIHRC recommends that the NI Executive, working with the Department of Education considers how its Early Learning and Childcare Strategy addresses intersectional discrimination in adherence with international human rights standards, inclusive of requirements under Windsor Framework Article 2.**

## Valued Workforce

- 3.53 Objective 3.3 of the draft Strategy sets out actions to improve early years infrastructure through a skilled and enhanced workforce. This is a welcome objective.
- 3.54 In NI, childcare providers report that childcare is not “widely perceived as a profession” and that there has been “little investment” in the sector. This can cause difficulties in recruiting and retaining staff.<sup>81</sup> Research concurs as to the “lack of value assigned to the importance of childcare” and attributes this to being the root cause for the poor terms and conditions for childcare workers.<sup>82</sup>
- 3.55 The actions set out under Objective 3.3 are commendable, particularly the requirement that all Early Learning and Childcare providers, funded by Government, will pay their staff at least the Real Living Wage.<sup>83</sup> The NIHRC welcomes that.

## Informal Care Arrangements and Support for Carers

- 3.56 Friends and family members play a significant role in caring for children through informal childcare arrangements, which are likely to be unpaid.
- 3.57 Particular groups, such as single parents, are more likely to be reliant on such care arrangements.<sup>84</sup> Grandparents are particularly likely to be involved in childcare: almost two thirds of households in NI rely on

---

<sup>80</sup> Article 3, Directive 2023/970/EU, ‘EU Parliament and Council Directive to Strengthen the Application of the Principle of Equal Pay for Equal Work or Work of Equal Value, Between Men and Women Through Pay Transparency and Enforcement Mechanisms’, 10 May 2023.

<sup>81</sup> Employers for Childcare, ‘Northern Ireland Childcare Survey’, 2019 at 41.

<sup>82</sup> Northern Ireland Committee of Irish Congress of Trade Unions, ‘Childcare in Northern Ireland: cost, care and gender equality’, (NICTU, 2019), at 17.

<sup>83</sup> NI Executive, ‘Early Learning and Childcare Strategy: A Strategy for More Affordable, Accessible, High-Quality Early Learning and Childcare’ (DoE, 2025), at 55.

<sup>84</sup> Equality Commission NI, ‘Gender equality: policy priorities and recommendations’, (ECNI, 2016), at 29.

grandparents to provide some or all of their family's childcare needs.<sup>85</sup> It tends to be older women who take on this caring role. The UN CEDAW Committee notes that the caring responsibilities for older women are considerable and rarely remunerated.<sup>86</sup>

- 3.58 The draft Strategy makes no reference to unpaid care provided for by relatives, who are disproportionately women. While it is important for child development to provide formal care settings, it should not overlook the contribution of informal care.
- 3.59 **The NIHRC recommends that the NI Executive, working with the Department of Education, commits within the Early Learning and Childcare Strategy to undertake and publish research on the contribution of unpaid, informal care arrangements in NI, with the view to consider the inclusion of actions to support persons involved in unpaid care arrangements within the Strategy.**

## 4.0 Funding

- 4.1 The NIHRC recalls the obligations to respect, to protect and to fulfil human rights and to maximise available resources, as identified within human rights treaties including Article 2(2) of the UN ICCPR, Article 2(1) of the UN ICESCR and Article 4(2) of the UN CRPD.
- 4.2 The effective allocation of resources is a key element in the enjoyment of human rights and requires States not only to distribute existing resources, but also to effectively mobilise resources within a country, including through fiscal reform.<sup>87</sup> The UN ICESCR Committee has previously raised concerns about the impact of the UK's fiscal policy on its capacity to "collect sufficient resources to achieve the full realisation of economic, social and cultural rights for the benefit of disadvantaged and marginalised individuals and groups".<sup>88</sup>
- 4.3 It is difficult to assess the effectiveness and feasibility of a Strategy, or indeed its compliance with human rights standards, which might not be

---

<sup>85</sup> Employers for Childcare, 'Northern Ireland Childcare Survey', 2019 at 11.

<sup>86</sup> UN CEDAW Committee, 'General Comment No 27: Older Women and the Protection of Human Rights' 10 December 2010, at para 20.

<sup>87</sup> UN Human Rights Office of the High Commissioner, 'Realising Human Rights Through Government Budget' (OHCHR, 2017).

<sup>88</sup> 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 16.

fully implemented because of a lack of financial resource. While the draft Strategy reads as an ambitious document, it will only be transformative if it can be actioned.

- 4.4 **The NIHRC recommends that the NI Executive, alongside the Department of Education, ensures that the Early Learning and Childcare Strategy is effectively funded to the maximum of its available resources and includes an express commitment to the principles of progressive realisation and non-retrogression.**

## Contact us

For inquiries: [Colin.Caughey@NIHRC.org](mailto:Colin.Caughey@NIHRC.org);  
[Eilis.Haughey@NIHRC.org](mailto:Eilis.Haughey@NIHRC.org)

www.nihrc.org | info@nihrc.org | +44 (0)28 9024 3987  
4<sup>th</sup> Floor, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED

