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**Human Rights Priorities for the Northern Ireland Programme for Government 2016-2021**

**Introduction**

The Northern Ireland Human Rights Commission (the Commission) is one of three ‘A’ status National Human Rights Institutions in the United Kingdom and is required by section 69(1) of the Northern Ireland Act to “keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights”.

The Commission recognises that the approach adopted in this Programme for Government is radically different from approaches previously adopted in previous equivalent consultation documents.

While welcoming the more outcomes focussed and cross-cutting framework adopted it remains unclear as to how the outcomes sought will be achieved. There is a need to outline the processes and activities to be undertaken within government in order to reassure citizens that the outcomes are being actively pursued.

The Commission is also disappointed that the document places no emphasis on a rights based approach to delivering indicators, measures and outcomes. Scotland has enshrined a human rights based approach through its national performance framework and adoption of a national action plan for human rights. The Scottish government has articulated a vision where everyone is able to live with human dignity with a focus on action by the public, private and voluntary sector to achieve human dignity through the realisation of internationally recognised human rights. A similar over-arching purpose would be welcome in Northern Ireland.

Our response is based on the Commission’s 2015 Annual Statement on human rights and continuing work. The Commission has identified human rights priorities which it advises should be addressed through commitments made by the Northern Ireland (NI) Executive in its Programme for Government 2016-2021. The Draft Programme for Government Framework 2016-2021 contains 14 strategic outcomes. The response indicates which strategic outcomes each of the recommended human rights priorities support within the draft Programme for Government framework.

Further detail on which of these priorities, and others for which the UK government is responsible, can be found in the Commission’s Annual Statement 2015 and periodic reports submitted to the UN. These are available at: [www.nihrc.org](http://www.nihrc.org) **Draft Programme for Government Framework 2016-2021 strategic outcomes**

The Draft Programme for Government Framework 2016-2021 commits to 14 strategic outcomes:

Outcome 1: We prosper through a strong, competitive regionally balanced

Economy

Outcome 2: We live and work sustainably - protecting the environment

Outcome 3: We have a more equal society

Outcome 4: We enjoy long, healthy, active lives

Outcome 5: We are an innovative, creative society, where people can fulfil their potential

Outcome 6: We have more people working in better jobs

Outcome 7: We have a safe community where we respect the law, and each Other

Outcome 8: We care for others and we help those in need

Outcome 9: We are a shared society that respects diversity

Outcome 10: We are a confident, welcoming, outward-looking society

Outcome 11: We have high quality public services

Outcome 12: We have created a place where people want to live and work, to visit and invest

Outcome 13: We connect people and opportunities through our infrastructure

Outcome 14: We give our children and young people the best start in life

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1. **Consolidating, strengthening and clarifying equality protections**

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| Outcome 3: We have a more equal society |

The Equality Act 2010 developed and streamlined equality protections in the rest of the United Kingdom but no comparative Act has been introduced in Northern Ireland.[[1]](#endnote-1) Three United Nations treaty bodies have raised concerns that Northern Ireland law does not provide for a single legislative instrument to consolidate, clarify and enhance existing equality protections, resulting in a complex framework contained in various laws.[[2]](#endnote-2) **The Commission continues to advise on the need to strengthen, simplify and harmonise NI equality legislation within a single equality act.**

1. **Intersectional multiple discrimination**

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| Outcome 3: We have a more equal society |
| Outcome 9: We are a shared society that respects diversity |

NI legislation does not recognise intersectional multiple discrimination cases.[[3]](#endnote-3) At present, each discrimination ground has to be considered and ruled on separately. There is “clear evidence” that individuals in NI experience multiple discrimination.[[4]](#endnote-4) For example, over a twelve month period during 2013/14, the Equality Commission for NI received 113 hybrid ‘race’ discrimination enquiries/applications.[[5]](#endnote-5) **There was no commitment from the NI Executive to introduce legislation in the last Assembly mandate providing for intersectional multiple discrimination claims in NI.[[6]](#endnote-6)**

1. **Sectarianism**

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| Outcome 7: We have a safe community where we respect the law, and each  other |
| Outcome 9: We are a shared society that respects diversity |
| Outcome 12: We have created a place where people want to live and work, to  visit and invest |

Sectarian attitudes and violence continue in NI. Flags, cultural symbols and emblems remain a source of dispute.[[7]](#endnote-7) The Stormont House Agreement proposed the establishment of a Commission on Flags, Identity, Culture and Tradition. This was to be established by June 2015 and produce a report within 18 months.[[8]](#endnote-8) The Commission was finally appointed on 20 June 2016.[[9]](#endnote-9)

A report into ‘Building a United Community’ was published by the Committee for Office of the First Minister and Deputy First Minster in 2015.[[10]](#endnote-10) The Committee recommended that an annual report on ‘Together Building a United Community’ be produced and that this should be laid before the NI Assembly.[[11]](#endnote-11) Referring to advice provided by the Commission and others, the Committee recognised **the need for statutory definitions of both ‘sectarianism’ and ‘good relations.’ This is an outstanding commitment contained within the ‘Together Building a United Community’ strategy.[[12]](#endnote-12)**

**The Commission continues to advise that the current legal requirement on NI public authorities to ‘have regard to the desirability’ to promote good relations is not fully in accordance with the human rights obligation to take ‘immediate and effective measures’.[[13]](#endnote-13) The Commission recommends amending and strengthening domestic legislation to address this issue. [[14]](#endnote-14)**

## Age discrimination in the provision of goods, facilities and services

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| Outcome 3: We have a more equal society |
| Outcome 9: We are a shared society that respects diversity |
| Outcome 11: We have high quality public services |
| Outcome 14: We give our children and young people the best start in life |

Proposals were made during the mandate of the last NI Assembly to extend age discrimination legislation to the provision of Goods, Facilities and Services.While welcoming the general principle of the proposals, it was noted that children and young people under 16 were excluded from the scope of the legislation.

**Age discrimination legislation in the area of goods, facilities and services has not yet been introduced to the NI Assembly. This should be prioritised by the NI Executive and the proposals extended to under 16s. In the alternative, if the proposals are not extended, then further legislation should be introduced within a specific and reasonable timeframe to protect children under 16.**

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## Gender Equality Strategy

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| Outcome 3: We have a more equal society |
| Outcome 4: We enjoy long, healthy, active lives |
| Outcome 5: We are an innovative, creative society, where people can fulfil their  potential |
| Outcome 6: We have more people working in better jobs |
| Outcome 9: We are a shared society that respects diversity |
| Outcome 11: We have high quality public services |
| Outcome 12: We have created a place where people want to live and work, to  visit and invest |

## In the previous NI Assembly mandate the Gender Equality Unit in the Office of the First Minister and the Deputy First Minister indicated that it would revise the current Gender Equality Strategy.[[15]](#endnote-15) The 2006-2016 strategy was to remain in place until a new strategy was developed and operational.[[16]](#endnote-16) However, no public consultation has yet taken place.

## The right to work (Persons with Disabilities)

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| Outcome 3: We have a more equal society |
| Outcome 5: We are an innovative, creative society, where people can fulfil their  potential |
| Outcome 6: We have more people working in better jobs  Outcome 9: We are a shared society that respects diversity |
| Outcome 12: We have created a place where people want to live and work, to  visit and invest |

There is a continuing employment gap in NI between persons with disabilities and persons without.[[17]](#endnote-17) An Employment Strategy for People with Disabilities was launched at the end of March 2016.[[18]](#endnote-18) An Action Plan forms part of the document, which should put in place the foundations and infrastructure for a five-year plan. One of the actions in year one is the establishment of a Disability Employment Stakeholder Forum with responsibility to agree actions plans for subsequent years.[[19]](#endnote-19) **The establishment of the Disability Employment Stakeholder Forum and delivery of targets within the Employment Strategy for People with Disabilities should be prioritised by the NI Executive.**

1. **Historical abuse of children and adults**

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| Outcome 7: We have a safe community where we respect the law, and each  Other |
| Outcome 14: We give our children and young people the best start in life |
| Outcome 8: We care for others and we help those in need |

In 2015 the Historical Institutional Abuse Inquiry established by the NI Executive was extended by one year. It is now expected to report in January 2017.[[20]](#endnote-20) The Inquiry has commenced consideration of files and documents relating to Kincora Boys Home.[[21]](#endnote-21) An attempt in 2016 to challenge the decision to keep Kincora within the scope of the Inquiry was unsuccessful.[[22]](#endnote-22) **Concerns remain, however, that the Inquiry may not be properly constituted to review abuse allegations relating to Kincora Boys Home.[[23]](#endnote-23) In particular, it lacks the power to compel production of Government documents and the attendance of certain witnesses, including British Army or security services personnel.**

The Commission continues to advise of the need to ensure thorough and effective investigations into all allegations of abuse. [[24]](#endnote-24) **The Commission notes that the Inquiry’s remit does not extend to adult residents of Magdalene laundry type institutions or those abused in private settings. It has highlighted that the NI Executive should set out how the victims of such human rights violations and abuses, outside the remit of the current Inquiry, can access thorough and effective independent investigations.[[25]](#endnote-25)**

1. **Parades and protests**

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| Outcome 7: We have a safe community where we respect the law, and each  Other |
| Outcome 9: We are a shared society that respects diversity |

The Commission has previously referred to the call by the UN Special Rapporteur on Peaceful Assembly, Parades and Association for “political resolution of the issues – such as parades, flags and emblems – that still make the enjoyment of freedom of peaceful assembly problematic in NI”.[[26]](#endnote-26) **The Stormont House Agreement proposed that responsibility for parades and related protests should, in principle, be devolved to the NI Assembly.[[27]](#endnote-27) It also proposed that the Office of Legislative Counsel, working in conjunction with the Office of the First Minister and Deputy First Minister, should have produced a range of options on how the remaining key issues which include the Code of Conduct, criteria and accountability could be addressed in legislation. Proposals to be brought to the NI Executive by June 2015 have not been delivered.**

1. **The Irish language**

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| Outcome 3: We have a more equal society |
| Outcome 9: We are a shared society that respects diversity |

Currently, there is no statutory protection for the Irish language in NI, despite the UN Committee on Economic, Social and Cultural Rights having called upon the United Kingdom Government or the devolved administration to adopt an Irish Language Act. A lack of political consensus could continue to stymie progress on this issue. It was reported in March 2016 that an Irish language group is to take a legal challenge against the NI Executive for failing in its duty to implement an Irish Language strategy.

**The Commission recommends that the NI Executive commit to the implementation of the Irish language strategy and to support the introduction of legislation in order to protect and promote the Irish Language in NI.**

1. **Ulster Scots**

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| Outcome 3: We have a more equal society |
| Outcome 9: We are a shared society that respects diversity |

A strategy on Ulster-Scots language, culture and heritage was published in 2015. It sets out, across a 20 year time frame, a number of key areas for action including education, media, public services, culture research and development. As part of the strategy, the Ulster Scots Agency, working with the department will draft proposals to establish an Ulster Scots Academy and a project team has been established to assist with this work.

**The Commission recommends that the NI Executive further commit to the establishment of the Ulster Scots Academy and ensuring that necessary support is in place to guarantee the full implementation of the Ulster Scots Strategy in NI.**

## English for Speakers of Other Languages (ESOL)

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| Outcome 3: We have a more equal society |
| Outcome 5: We are an innovative, creative society, where people can fulfil their  potential |
| Outcome 6: We have more people working in better jobs |
| Outcome 9: We are a shared society that respects diversity |
| Outcome 10: We are a confident, welcoming, outward-looking society |
| Outcome 11: We have high quality public services |
| Outcome 12: We have created a place where people want to live and work, to  visit and invest |
| Outcome 14: We give our children and young people the best start in life |

During the previous NI Assembly mandate the Department for Employment and Learning provided access to ESOL provision and other further education courses to those under the Vulnerable Persons Relocation Scheme, a scheme to resettle Syrian Refugees. From 1st February 2016, the provision of free English classes for all refugees, bringing arrangements into line with provisions for asylum seekers and those with humanitarian protection was also agreed.[[28]](#endnote-28) This policy does not apply to economic migrants.[[29]](#endnote-29)

**There does not appear to be an associated strategy for the provision of ESOL classes in NI, and concerns have been raised that this is not designated as an essential skill causing a disparity when compared to the rest of the UK. This should be addressed by the NI Executive.**

1. **Defamation**

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| Outcome 3: We have a more equal society |
| Outcome 7: We have a safe community where we respect the law, and each  other |
| Outcome 9: We are a shared society that respects diversity |

The UN has raised concerns that the:

practical application of the law of libel [in the UK] has served to discourage critical media reporting on matters of serious public interest, adversely affecting the ability of scholars and journalists to publish their work, including through the phenomenon known as “libel tourism.”… The State party should re-examine its technical doctrines of libel law, and consider the utility of a so-called “public figure” exception, requiring proof by the plaintiff of actual malice in order to go forward on actions concerning reporting on public officials and prominent public figures…[[30]](#endnote-30)

The Defamation Act 2013, to some extent, addressed this recommendation. But crucially the Act the does not extend to NI. The Minister for Finance and Personnel asked the NI Law Commission to consider the possible reform of NI libel law, including the possible extension of the 2013 Act.[[31]](#endnote-31) In 2015, the NI Law Commission ceased operating before reporting on this matter. Dr Andrew Scott, who was undertaking the review on behalf of the Law Commission, was then asked to complete the review and produce a final report, with recommendations.[[32]](#endnote-32)

**A final report on libel law has not yet been produced. The Commission also notes that a Private Members Bill proposing reforms, which it previously advised upon, was not introduced during the mandate of the last NI Assembly.[[33]](#endnote-33)**

1. **Blasphemy**

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| Outcome 3: We have a more equal society |
| Outcome 7: We have a safe community where we respect the law, and each  other |
| Outcome 9: We are a shared society that respects diversity |

The Criminal Justice and Immigration Act 2008 abolished the common law offence of blasphemy in England and Wales.[[34]](#endnote-34) During the passage of the 2008 Act the House of Lords debated extending the Act to include NI.[[35]](#endnote-35) The Lords noted that blasphemy was part of the common law of Ireland but that it was unclear if the common law precedent survived the disestablishment of the Church of Ireland by the Irish Church Act 1869.[[36]](#endnote-36)

**Since the devolution of policing and justice powers to the NI Assembly, the NI Executive has not undertaken a review of blasphemy laws to determine if the common law offence is still in place.**

## Accessible childcare

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| Outcome 3: We have a more equal society |
| Outcome 5: We are an innovative, creative society, where people can fulfil their  potential |
| Outcome 6: We have more people working in better jobs |
| Outcome 12: We have created a place where people want to live and work, to  visit and invest |
| Outcome 14: We give our children and young people the best start in life |

Unlike the rest of the UK, NI only has a draft childcare strategy and there is no statutory duty on public authorities to ensure adequate childcare.[[37]](#endnote-37)

**The Commission has called on the NI Executive to publish the final Childcare strategy as soon as possible and to clarify the availability of necessary resources.[[38]](#endnote-38)**

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## Female Genital Mutilation

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| Outcome 7: We have a safe community where we respect the law, and each  other |
| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |
| Outcome 14: We give our children and young people the best start in life |

The NI Executive approved the publication of Multi-Agency Guidelines on Female Genital Mutilation in 2014. In November 2015, the Commission wrote to the relevant NI Executive Ministers to seek assurance that a detailed action plan would be developed.

**The Safeguarding Board NI has established a sub group on Female Genital Mutilation and as part of its terms of reference an action plan is to be developed. The NI Executive should ensure that the action plan includes: training; awareness raising; research into the prevalence of Female Genital Mutilation; implementation of regional guidance; care pathways; and actions which can be taken to identify and prosecute perpetrators as recommended by the Commission.[[39]](#endnote-39)**

1. **Child, early and forced marriage**

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| Outcome 7: We have a safe community where we respect the law, and each  other |
| Outcome 8: We care for others and we help those in need |
| Outcome 14: We give our children and young people the best start in life |

The UN Committee on the Rights of the Child, General Comment No. 4 strongly recommends the review and, where necessary, reform of legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.

The Commission notes that in NI, 68 children were married in 2014; of these 42 were girls and 26 were boys. The law and practice in NI therefore runs contrary to the UN Committee’s recommendation on the minimum age for marriage.

**The Commission recommends that the NI Executive take immediate steps to repeal all legal provisions permitting the marriage of children in NI, in line with the UN Committee on the Rights of the Child, General Comment No. 4.**

1. **Anti-poverty strategy**

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| Outcome 3: We have a more equal society |
| Outcome 4: We enjoy long, healthy, active lives |
| Outcome 6: We have more people working in better jobs |
| Outcome 8: We care for others and we help those in need |
| Outcome 12: We have created a place where people want to live and work, to  visit and invest |
| Outcome 14: We give our children and young people the best start in life |

In June 2015, the High Court ruled that the NI Executive had failed to adopt an identifiable anti-poverty strategy based on objective need, meeting its obligations under Section 28E of the NI Act 1998.

**An anti-poverty strategy based on objective need in NI remains outstanding and the Commission advises the NI Executive to prioritise the publication of the strategy.**

## Food banks

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| Outcome 3: We have a more equal society |
| Outcome 4: We enjoy long, healthy, active lives |
| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |
| Outcome 14: We give our children and young people the best start in life |

Figures published by the Trussell Trust in April 2016 showed that 25,755 emergency food parcels were given to people in crisis in 2015/16, including 11,155 children. This is a 48 per cent increase from the 2014/15 figure of 17,425 food parcels.[[40]](#endnote-40)

NI Statistics and Research Agency data published in 2015 considered why people were using food banks in NI.[[41]](#endnote-41) For food banks who provided available figures, the largest number of users were single people, followed by families and thirdly, lone parents.[[42]](#endnote-42) Delays in payments of and charges in entitlements to social security were highlighted as common reasons for using food banks, as well as refusal of social fund crisis loans.[[43]](#endnote-43) Three quarters of survey respondents said they were unemployed and 89 per cent of these respondents were on social security benefits.[[44]](#endnote-44) Mental health was also cited as a common reason, including: inability to budget, addiction problems, and social phobia.[[45]](#endnote-45)

**The Commission advises the NI Executive to consider prioritising actions to improve access to affordable food by supporting projects in NI tackling this issue, and to ensure social assistance levels correspond to meeting the basic necessities required to enjoy the human right to an adequate standard of living.**

1. **Domestic abuse offence and domestic violence disclosure scheme**

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |

The Commission notes that the Serious Crime Act 2015 criminalised coercive and controlling behaviour in an intimate relationship in England and Wales. The Department of Justice is proposing a similar law in NI and an option to introduce a new domestic violence disclosure scheme.

**The Commission has advised that the proposals to criminalise coercive and controlling behaviour in an intimate relationship and introduce a domestic violence disclosure scheme is generally in line with international human rights instruments and would encourage the NI Executive to support the introduction of this measure to the NI Assembly.**

### Refuge places for victims of domestic violence

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |

Women’s Aid Federation NI has reported a lack of bed places in refuges, reporting that 439 women were unable to access refuge services in their area because there were no beds available to them. This presented a 9 per cent increase from the previous year’s figure of 402 women. A small number of these women were accommodated in Women’s Aid refuges in other parts of NI, but according to Women’s Aid Federation NI, due to the extremely high demand, many women were unable to access refuge services.[[46]](#endnote-46)

**The Commission recommends that the NI Executive commit to ensuring the necessary resources to ensure adequate refuge places are available for victims escaping domestic violence.**

### Homelessness and complex needs

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| Outcome 3: We have a more equal society |
| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |

Five homeless persons have died on the street in Belfast in early 2016.[[47]](#endnote-47) The NI Assembly was informed that some of these individuals were to varying degrees users of homelessness services.[[48]](#endnote-48) It has been highlighted that there are a small number of rough sleepers. The issue is however much more than housing, as some people that present to services have a range of complex needs, including: mental health, addiction to alcohol or drugs, including psychoactive substances, dual diagnosis and personality disorder. Pathways into services can be complex, difficult to access and a person may have to reach a critical stage before intervention.[[49]](#endnote-49) A Ministerial High-Level Group has recently been established.[[50]](#endnote-50)

**The Commission advises that the NI Executive should ensure an increased emphasis on joint delivery of services to address homelessness in relation to persons with complex needs including physical and mental health issues as well as substance abuse.**

1. **Supply and demand in housing**

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| Outcome 3: We have a more equal society |
| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |

At March 2015, the total number of applicants on the social housing waiting list was 39,338. Of these applicants, 22,097 were in housing stress, where they had 30 or more points under the Common Selection Scheme. There is an overall requirement of 190,000 new dwellings required in NI between 2008 and 2025, an annual figure of 11,200.

The Housing Strategy “Facing the Future” 2012-17 committed to ensuring access to decent affordable sustainable homes across all tenures and meet housing need and support the most vulnerable. The Housing Supply Forum was established as a result of the NI Housing strategy with a view to identifying ways of helping to increase housing supply in NI. The Forum published a report in January 2016, concluding that there were not enough homes being constructed in NI to meet demand. It made a number of recommendations, including issues such as: the completion of a mapping exercise, assessing demand and availability; and increased support and encouragement from Government for joint ventures between Housing Associations and private developers. It also recommended that powers be made available to the new local councils to enable sites to be developed for the benefit of the whole community and to ensure appropriate delivery of housing need.

**The Commission recommends that the NI Executive commit to taking concerted actions aimed at increasing housing supply to meet need in NI within a reasonable and specified timeframe.**

1. **Mortgages and repossessions**

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| Outcome 8: We care for others and we help those in need |

The most common reason for repossession cases is arrears in mortgage repayments. There were 241 mortgage cases received by the NI courts during the last quarter of 2015 (writs and originating summonses issued), a 58 per cent decrease from the same period in 2014 (579). Whilst the number facing possession proceedings appear to be falling, this may be an artificial picture as the Council for Mortgage Lenders caveats that a legal case has somewhat distorted repossessions in 2015, causing some possession actions to be put on hold as lenders wait for uncertainty to be resolved.

The Housing Repossession Taskforce was established in 2014 to investigate the impact of arrears repayment, repossessions and negative equity in NI. It made a number of recommendations including: resourcing mortgage debt advice to meet demand; and commissioning a feasibility study into a mortgage rescue scheme. Further recommendations included: the monitoring of development of the Mortgage Pre-Action Protocol in England to consider whether any further modifications were required in NI; and continued funding for the Housing Possession Court Duty Scheme. In May 2016, the waiting period before support with mortgage interest is provided for new claims of specific means tested benefits was increased from 13 to 39 weeks.

**The Commission recommends that the NI Executive consider prioritising the implementation of the Housing Repossession Taskforce recommendations, including the introduction of a Mortgage Rescue Scheme and actions to reduce waiting times for Support for Mortgage Interest in NI.**

1. **Segregated and shared housing**

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| Outcome 9: We are a shared society that respects diversity |
| Outcome 11: We have high quality public services |

One of the key priorities under the Together Building a United Community Strategy is the creation of new shared communities, including the creation of ten new “Shared Neighbourhood Developments”; and conducting a review of housing to bring forward recommendations on how to enhance shared neighbourhoods.[[51]](#endnote-51)

In February 2016, the NI Housing Executive formally launched its Community Cohesion Strategy 2015-20 which is delivered across five themes. At the time of writing, five shared housing schemes were currently on site and the remaining five have been selected and are due to commence in the coming year.[[52]](#endnote-52) There are 484 units in total.[[53]](#endnote-53)

**The Commission recommends that the NI Executive proactively encourage efforts to promote a greater increase in the development of shared social housing within a clear timeframe.**

1. **Traveller accommodation**

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| --- |
| Outcome 3: We have a more equal society |
| Outcome 4: We enjoy long, healthy, active lives |
| Outcome 9: We are a shared society that respects diversity |
| Outcome 11: We have high quality public services |

The Commission has consistently advised that there is a documented undersupply of appropriate accommodation for Travellers in NI.[[54]](#endnote-54) There are a number of barriers including a requirement that the NI Housing Executive obtain site licences [[55]](#endnote-55) and the provisions of the Unauthorised Encampments (NI) Order 2005. In addition, the standard of accommodation remains a concern with the lack of basic amenities continuing to present as a key housing inequality.[[56]](#endnote-56)

**The Commission recommends that the NI Executive commits to addressing the legislative anomaly that requires the need to obtain site licences from District Councils, that the provisions of the Unauthorised Encampments (NI) Order 2005 be repealed; and that prioritised actions are taken in compliance with the Housing (NI) Order 2003 to improve basic living conditions on serviced and halting sites** **in NI**.

## Termination of pregnancy

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| Outcome 3: We have a more equal society |
| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |

The Commission has repeatedly advised that the law on termination of pregnancy in instances of serious malformation of the foetus, including fatal foetal abnormality or pregnancy as a result of rape or incest in NI is incompatible with human rights standards.

The High Court in NI ruled in November 2015 that the law on termination on pregnancy in NI was incompatible with Article 8 of the ECHR in cases of fatal foetal abnormality at any time and sexual crime up to the date the foetus becomes capable of an existence independent of the mother.[[57]](#endnote-57) The High Court in December 2015 granted a Declaration of Incompatibility. The Department of Justice and Attorney General then appealed the judgment and the Commission is cross-appealed re-introducing all of the original grounds it brought before the High Court. The appeal was heard in June 2016 and judgment deferred until the autumn.[[58]](#endnote-58)

**The Commission continues to advise the NI Executive to prioritise and support urgent action to ensure that the criminal law is compliant in NI with human rights standards and that women and girls have access to termination of pregnancy in cases of Serious Foetal Malformation, including Fatal Foetal Abnormality and in cases of sexual crime such as rape and incest.**

1. **Alternative care arrangements for children**

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| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |
| Outcome 14: We give our children and young people the best start in life |

In 2008 the UN Committee on the Rights of the Child has raised concern at the level of instability in alternative care arrangements for children with, “too frequent moves between places for children in alternative care.”[[59]](#endnote-59) The Commission published a report in 2015 entitled ‘Alternative Care and Children’s Rights in NI’.[[60]](#endnote-60) This report highlighted a series of shortcomings and made 29 recommendations.

The Commission notes that despite recognition, as far back as 2006, that the “Adoption Order is based on an English equivalent from the 1970s and is out of date, and potentially out of step with various pieces of recent domestic equality legislation and European Conventions,”[[61]](#endnote-61) the Adoption (NI) Order 1987 has not been replaced.

**The Commission recommends the NI Executive commit to a comprehensive review and replacement of Adoption (NI) Order 1987.**

1. **Safeguarding children**

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 14: We give our children and young people the best start in life |

The Children (NI) Order 1995 is the legislative framework safeguarding children in NI. This legislation is now over 20 years old and there is a strong case for review.The Commission’s report into alternative care provision for children[[62]](#endnote-62) considered the compatibility of the 1995 Order with the UN Convention on the Rights of the Child and its impact on children in care. The Commission found that in practice a number of the provisions of the 1995 Order are not complied with, for instance the Order requires health and social care authorities to compile registers of children with disabilities, these registers are not currently being produced.[[63]](#endnote-63) The 1995 Order also requires an annual general report on the operation of the Order “to be prepared and laid before the Assembly.”[[64]](#endnote-64) However, although regular statistics are compiled, this statutory requirement has not been fulfilled, reducing the available data and information for analysis of the 1995 Order. Moreover the report concluded that despite Departmental commitments for the rights of the child to be heard and taken seriously there remained inadequate information to allow children to be heard and taken seriously and to participate meaningfully in decision-making, care planning and in court procedures.

**The Commission recommends that the NI Executive commit to reviewing the Children (NI) Order 1995 and ensuring that its related guidance are up to date and in compliance with human rights obligations.**

1. **Suicide prevention**

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| Outcome 4: We enjoy long, healthy, active lives |
| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |

NI continues to have the highest suicide rate in the UK, per head of population and the previous Minister of Health Social Services and Public Safety committed to prioritising funding for suicide prevention services such as community-based intervention, Lifeline, training and awareness raising, and bereavement support. A new suicide prevention strategy is to be developed and is in the process of being finalised. The Commission understands that the Public Health Agency continues to work to the 2012-14 Protect Life Strategy. As it stands, there is potentially a gap in non-statutory provision for those at risk of suicide. For example, an organisation that provided support to more than 2000 people at risk of suicide, substance abuse and self- harm across five sites in NI recently suspended its services. Some of the gaps in service provision are addressed by other organisations.

**The Commission recommends that the NI Executive prioritises the consultation and publication of the new Protect Life Strategy in NI.**

1. **Access to healthcare for asylum seekers and migrants**

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| Outcome 3: We have a more equal society |
| Outcome 8: We care for others and we help those in need |
| Outcome 9: We are a shared society that respects diversity |
| Outcome 11: We have high quality public services |
| Outcome 12: We have created a place where people want to live and work, to  visit and invest |

As of 3 March 2015, new NI regulations on access to primary and secondary healthcare are in place.[[65]](#endnote-65) The new regulations provide significant improvements so, that in certain cases, no charge for health services will be imposed on a person not ordinarily resident in Northern Ireland, called “visitors” in the regulations. In order to reflect the changes to the new regulations, amendments have been made to the General Medical Services Regulations so that any visitor exempt from charges is able to access GP services.[[66]](#endnote-66)

The Commission remains concerned however that there are practical barriers impeding refused asylum seekers accessing healthcare. For example, reports have been that although refused asylum seekers are entitled, there are difficulties in getting to health care appointments because support provided by government (section 4 support) is voucher only support.[[67]](#endnote-67) The Commission has also received reports of instances in which pregnant women are not receiving section 4 support until quite late in their pregnancy, this has been due to delay in decision making and delays in processing awards once the decision has been made.[[68]](#endnote-68)

**The Commission recommends that the NI Executive commit to monitoring and reviewing the operation of the Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 to identify any barriers for asylum seekers and other groups, such as irregular migrant children in accessing healthcare.**

1. **Supported lodgings standards**

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| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |

Draft Standards for Supported Lodgings for Young Adults setting out standards for service providers to ensure the provision of high quality social care and housing support where consulted upon in 2015.[[69]](#endnote-69) The Commission provided advice to the DHSSPS on the Standards.[[70]](#endnote-70)

**The Commission advises the NI Executive to prioritise the publication of findings from the consultation exercise and to issue the finalised Standards for Supported Lodgings for Young Adults.**

1. **Mental capacity**

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| Outcome 3: We have a more equal society |
| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |
| Outcome 14: We give our children and young people the best start in life |

In the last NI Assembly mandate the Mental Capacity (NI) Act introduced a presumption of capacity in all persons over the age of 16.[[71]](#endnote-71) For under 16 year olds a commitment was made to review how the current legal framework, principally the Children (NI) Order 1995, reflects the emerging capacity of children in a health and welfare context. However, in 2015 during the Second Stage debate on the Bill the Minister for Health stated that there are “simply no available resources and arguably no time to undertake such a wide-ranging project at this moment”.[[72]](#endnote-72)

**The Commission advises the NI Executive to prioritise a review of the legal framework in NI governing the capacity of children to ensure full respect is given to the emerging capacity of children.**

1. **Racist hate crimes**

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| Outcome 3: We have a more equal society |
| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 9: We are a shared society that respects diversity |
| Outcome 11: We have high quality public services |
| Outcome 12: We have created a place where people want to live and work, to  visit and invest |

In 2015 the PSNI reported increasing numbers of hate incidents and crimes; a trend that is most pronounced where the incident is perceived to be based on a racist motivation.[[73]](#endnote-73) The PSNI has reported 1,356 racist incidents and 921 racist crimes in the financial year 2014/15 an increase on the previous year, with 374 additional incidents and 230 additional crimes recorded.[[74]](#endnote-74)

The Commission’s investigation report ‘Racist hate crime: human rights and the criminal justice system in NI’ included 66 findings and 29 recommendations. Correspondence received in July 2014 indicated that the seven recommendations would be considered within the context of the Racial Equality Strategy. The Department of Justice accepted the Commission’s report and has worked towards implementing the recommendations through the Hate Crime Delivery Group.

**The Commission continues to advise the NI Executive to work towards the full implementation of the recommendations contained in the Commission’s 2013 report Racist hate crime: human rights and the criminal justice system in NI’.**

1. **Conflict related deaths: transitional justice and individual cases**

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| Outcome 3: We have a more equal society |
| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |

In 2014 the Stormont House Agreement was reached.[[75]](#endnote-75) However, the establishment of the institutions envisaged by the Stormont House Agreement has stalled and an Implementation Plan published in November 2015 does not address the issue of investigations into conflict related deaths.[[76]](#endnote-76)

Four bodies and one specific service to deal with ‘The Past’ are to be established. These are:

* The Oral History Archive[[77]](#endnote-77)
* Victims and Survivors’ ‘Services’, which will include a Mental Trauma Service, a proposal ‘for a pension for severely physically injured victims’, and advocate-counsellor assistance.[[78]](#endnote-78)
* The Historical Inquiries Unit.[[79]](#endnote-79)
* The Independent Commission on Information Retrieval.[[80]](#endnote-80)
* The Implementation and Reconciliation Group.[[81]](#endnote-81)

In 2015, the UN Human Rights Committee once again focused its attention on NI, recommending that the UK, including the NI Executive:

(a) Ensure, as a matter of particular urgency, that independent, impartial, prompt and effective investigations, including those proposed under the Stormont House Agreement, are conducted to ensure a full, transparent and credible account of the circumstances surrounding events in Northern Ireland with a view to identifying, prosecuting and punishing perpetrators of human rights violations, in particular the right to life, and providing appropriate remedies for victims;

(b) Ensure, given the passage of time, the sufficient funding to enable the effective investigation of all outstanding cases and ensure its access to all documentation and material relevant for its investigations[[82]](#endnote-82)

**The Commission advises the NI Executive to commit to ensuring the resolution of all outstanding matters related to the Stormont House Agreement and to prioritise the implementation process.**

1. **Alternatives to imprisonment**

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |

In 2015 figures on reoffending rates for those convicted of criminal offences demonstrated that 46.8% of persons released from custody reoffended within one year of release. Of those who received a supervised community disposal 34.2% reoffended within one year of completion.[[83]](#endnote-83)

The Prison Review Team recommended in 2011 that proposals be developed “to ensure that effective community sentences are the preferred method of dealing with those who would otherwise get short custodial sentences”.[[84]](#endnote-84) In 2014, the Prison Review Oversight Group noted that this particular recommendation had not secured political consensus and no adequate proposals were forthcoming.[[85]](#endnote-85) The Oversight Group held its final meeting in 2015, the recommendation remained outstanding.[[86]](#endnote-86)

**The Commission recommends that the NI Executive prioritise the introduction of measures that will enable the administration of effective community sentences as the preferred method of dealing with those who would otherwise receive a short term custodial sentence.**

1. **Imprisonment for fine default**

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| Outcome 3: We have a more equal society |
| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |

The Commission has consistently raised concerns about the numbers of people imprisoned in NI for fine default and has reported concerns to the UN on a number of occasions.[[87]](#endnote-87)

In 2015 the Justice (No. 2) Bill was introduced to the NI Assembly proposing a statutory framework for the collection of fines.[[88]](#endnote-88) In its submission to the Committee for Justice, the Commission welcomed the emphasis on ensuring the collection of fines to avoid the imprisonment of persons for fine default.[[89]](#endnote-89)

**The Commission advises that the NI Executive continue to commit to ensuring that imprisonment is used as a measure of last resort in NI and effective implementation of the statutory framework for the collection of fines.**

1. **Women in prison**

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| Outcome 3: We have a more equal society |
| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 11: We have high quality public services |

It is ten years since the Commission first advised that the absence of a discrete prison facility for women and gender appropriate services in NI undermines the reformative and rehabilitative aims which imprisonment should strive towards.[[90]](#endnote-90)

In the last NI Assembly mandate the Minister of Justice indicated support for the construction of a separate custodial facility for women in NI. However, he emphasised that the delivery of this commitment is subject to appropriate funding.[[91]](#endnote-91) The construction of a new separate custodial facility for women has not commenced.

**The Commission advises the NI Executive to prioritise the allocation of necessary funding to enable the construction, without delay, of a new separate custodial facility for women.**

1. **Imprisonment of children with adults**

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |
| Outcome 14: We give our children and young people the best start in life |

The UN Convention on the Rights of the Child requires that: “every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so”.[[92]](#endnote-92)

The Criminal Justice (Children) (NI) Order 1998, makes provision for a 15-17 year old offender, considered likely to injure him or herself or others to be detained in the young offenders centre at Hydebank Wood, which accommodates offenders up to 21 years of age.

**The Commission advises the NI Executive to commit to introducing legislation amending the Criminal Justice (Children) (NI) Order 1998 and removing the legal basis for the imprisonment of children at Hydebank Wood.**

1. **The remand of children**

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |
| Outcome 14: We give our children and young people the best start in life |

In 2015 the National Preventative Mechanism designated under the Optional Protocol to the UN Convention Against Torture published a report of an announced inspection of Woodlands Juvenile Justice Centre.[[93]](#endnote-93) It recorded that only 9% of children imprisoned at Woodlands in 2013-14 had been sentenced following a conviction. Of the remainder, 47% were formally remanded to custody and 44% related to PACE proceedings.[[94]](#endnote-94) The National Preventative Mechanism found that the rate of PACE admissions to the Juvenile Justice Centre has almost trebled between 2008–9 and 2013–14 and has described this as ‘disproportionately high’.[[95]](#endnote-95)

The UN Human Rights Committee called in 2015 for actions to:

ensure that detention on remand of child defendants is used only as a measure of last resort and for the shortest possible period of time and that suitable bail packages are available to child defendants in Northern Ireland.[[96]](#endnote-96)

**The Commission advises the NI Executive to commit to taking immediate action and introduce suitable bail arrangements for children, bringing to an end the serious risk of human rights violations.**

1. **Corporal punishment of children**

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 14: We give our children and young people the best start in life |

The Law Reform (Miscellaneous Provisions) (NI) Order 2006 continues to allow for a defence of reasonable chastisement of a child, and provides that this is a defence to a charge of common assault tried summarily. In June 2014, the UN Committee on the Rights of the Child once again recommended repeated call for a prohibition “as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, such as reasonable chastisement.”[[97]](#endnote-97)

**The Commission advises the NI Executive to commit to amending the Law Reform (Miscellaneous Provisions) (NI) Order 2006 to abolish the defence of reasonable chastisement of a child to a charge of common assault.**

1. **Child prostitution and sexual exploitation**

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 8: We care for others and we help those in need |

In its report on the Optional Protocol on the sale of children, child prostitution and child pornography the UN raised concerns that:

the Sexual Offences (Northern Ireland) Order 2008, for certain grave offences of sexual exploitation of children between 13 and 16 years of age, such as meeting a child following sexual grooming, engaging in sexual activity with a child, arranging or facilitating a child sex offence, the defendant may claim that he/she believed the victim to be above 16 years.[[98]](#endnote-98)

The Committee recommended reform to the 2008 Order to include “a provision that for child victims, the burden of proof would be reversed”. The DOJ ‘Tackling Child Sexual Exploitation in NI Action Plan’ contains a commitment to consider the 2008 Order and its compatibility with international standards.[[99]](#endnote-99) This commitment was to be realised by December 2015. However, the results of these considerations have not been published.

**The Commission advises the NI Executive to commit to ensuring the legal framework protecting children from sexual exploitation in NI is fully in compliance with the UN Convention on the Rights of the Child and that the burden of proof under Sexual Offences (Northern Ireland) Order 2008 be reversed in appropriate circumstances to safeguard child victims.**

1. **Avoidable delay – custodial time limits**

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 11: We have high quality public services |

Custodial time limits were first introduced to England and Wales in 1991.[[100]](#endnote-100) The Criminal Justice Inspector for NI has stated that failure to introduce statutory custodial time limits in NI “consigns the justice process here to continuing unacceptable delay in processing cases”. [[101]](#endnote-101) There have been no proposed legislative reforms providing for statutory custodial time limits within the adult criminal courts in NI.[[102]](#endnote-102) There are plans to introduce time limits in the Youth Court, however it is unclear if these time limits will be set in statute or will instead operate as administrative guidance.[[103]](#endnote-103) The Commission notes that there have been a number of bills relating to criminal justice introduced to the NI Assembly in the last mandate. However, these legislative opportunities have not been used to introduce statutory custody time limits. The draft programme for Government outlines that guidance on time limits are being developed in the short term.

The UN has recommended the introduction of: concrete measures to reduce avoidable delays in the criminal justice system in NI including by introducing custodial time limits.[[104]](#endnote-104)

**The Commission advises the NI Executive to commit to the introduction of concrete measures to reduce avoidable delays in the criminal justice system in NI including by introducing custodial time limits.**

1. **Age of criminal responsibility**

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| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 14: We give our children and young people the best start in life |

The age of criminal responsibility remains at ten years old in NI, as in England and Wales. Whilst it remains at eight in Scotland, the Criminal Justice and Licensing (Scotland) Act 2010 renders any prosecution of a child under twelve incompetent.[[105]](#endnote-105) The recommended minimum age of criminal responsibility in line with international human rights standards is 12.[[106]](#endnote-106) The Review of Youth Justice (2011) recommended that the: minimum age of criminal responsibility in Northern Ireland should be raised to 12 with immediate effect, and that following a period of review of no more than three years, consideration should be given to raising the age to 14. The Minister of Justice in the last NI Executive publicly stated his support for increasing the age of criminal responsibility to twelve but did not brought any legislative proposals before the NI Assembly due to a lack of consensus on this matter.[[107]](#endnote-107) In June 2016, the UN Committee on the Rights of the Child once again recommended raising “the minimum age of criminal responsibility in accordance with acceptable international standards.”[[108]](#endnote-108)

**The Commission advises the NI Executive to prioritise reaching a consensus and supporting the introduction of legislation to the NI Assembly to increase the age of criminal responsibility to 12 with immediate effect, and to consider raising the age to 14.**

1. **Prison review and conditions**

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| Outcome 3: We have a more equal society |
| Outcome 7: We have a safe community where we respect the law, and each other |
| Outcome 11: We have high quality public services |

The UN has recommended robust measures:

to prevent self inflicted deaths (suicides), including suicides and self-harm in custody, inter alia by: (a) Studying and addressing the root causes of the problem, continuing improving the identification of persons at risk of suicide and self-harm and operating effective early prevention strategies and programmes;(b) Providing adequate training to prison officials on suicide and self-harm prevention; (c) Ensuring adequate protection of, and appropriate mental health and other support services to, prisoners;(d) Combating bullying in custody facilities effectively.[[109]](#endnote-109)

In March 2016, the Department of Health and Department of Justice published a joint Draft Strategy entitled ‘Improving Health within Criminal Justice’.[[110]](#endnote-110)

**The Commission recommends that the NI Executive prioritise the publication of a strategy to improve health and social care services within the prisons.**

1. **Traveller Education**

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| Outcome 3: We have a more equal society |
| Outcome 4: We enjoy long, healthy, active lives |
| Outcome 6: We have more people working in better jobs  Outcome 9: We are a shared society that respects diversity |
| Outcome 11: We have high quality public services |
| Outcome 14: We give our children and young people the best start in life |

In November 2013 the Minister of Education for Northern Ireland published the Traveller Child in Education Action Framework, at the launch of the Framework the Minister stated:

This is very much a Framework for action. It is the start of the journey of inclusion, to ensure that Traveller children have the opportunity to benefit from the educational opportunities on offer.[[111]](#endnote-111)… An independent Monitoring and Evaluation Group will be established within the next few months to monitor the Action Framework. That group will report progress directly to me.[[112]](#endnote-112)

In January 2016 in responding to a written question the Minister stated that: “The Traveller Education Monitoring Group has not yet been established.”[[113]](#endnote-113) This remains the position.

**The Commission recommends that the NI Executive prioritise the effective implementation of the NI Traveller Child in Education Action Framework and the establishment of the Monitoring Group to ensure effective oversight.**

1. **Segregation in Education**

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| Outcome 5: We are an innovative, creative society, where people can fulfil their  potential |
| Outcome 9: We are a shared society that respects diversity |
| Outcome 11: We have high quality public services |
| Outcome 12: We have created a place where people want to live and work, to  visit and invest |
| Outcome 14: We give our children and young people the best start in life |

The Shared Education Act 2015 places an obligation on the Department of Education to promote: “shared education’, which is defined in the Act as ‘the education together of—(a) those of different religious belief, including reasonable numbers of both Protestant and Roman Catholic children or young persons; and (b) those who are experiencing socio-economic deprivation and those who are not, which is secured by the working together and co-operation of two or more relevant providers.” The delivery of obligations contained within the Shared Education Bill should go some way towards ending segregation in schools in NI.

In 2014-15, according to the Northern Ireland schools census, there was 339,127 children attending schools. Excluding those integrated schools, the combined total of designated Protestants attending Catholic schools and Catholics attending controlled schools was 12,802. This equates to 3.8 percent of the school population. The statistics differ between schools, and in some cases the proportion of those attending from a minority designated Protestant or Catholic background in schools other than those formally designated as integrated can be substantial.[[114]](#endnote-114)

In January 2016 the Minister of Education during the last Assembly mandate announced a review of the planning, growth and development of integrated education.[[115]](#endnote-115) In announcing the review the Minister acknowledged that: “Overall growth of the number of schools with an integrated management type has slowed since 2000 … [despite]… a high parental demand/support for integrated education”.[[116]](#endnote-116)

In June 2016, the UN Committee on the Rights of the Child recommended in Northern Ireland, the active promotion of “a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration.”[[117]](#endnote-117)

**The Commission advises the NI Executive to continue to take appropriate measures to facilitate the establishment of additional integrated schools in NI to meet the demand of a significant number of parents[[118]](#endnote-118), ensure the roll out of shared education initiatives, and actively promote a fully integrated education system[[119]](#endnote-119) throughout the jurisdiction.**

1. **Academic selection**

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| Outcome 3: We have a more equal society |
| Outcome 5: We are an innovative, creative society, where people can fulfil their  potential |
| Outcome 14: We give our children and young people the best start in life |

As a result of the lack of a legislative framework for school admissions, an informal system of academic testing which is not regulated by the Department of Education, has emerged with most grammar schools continuing to use entrance exam results as the primary determinant for admission to school. Two different exams, both provided by private companies, are commonly used with many children completing both sets of tests. The Commission has highlighted evidence to the UN Committee on the Rights of the Child that the lack of a legislative framework for non-selective post primary school admissions disadvantages children from lower socio-economic groups. In December 2015 the findings of a report into the links in achievement and deprivation further corroborated this evidence, reporting that: “access to the best education is too often determined by socio-economic status” and that “The current system significantly favours those with positive family norms around education, for example, academically successful parents, and the financial capacity to afford, for example, private tutors”. [[120]](#endnote-120)

In June 2016, the UN Committee on the Rights of the Child recommended the abolition of the “practice of unregulated admission tests to post-primary education in Northern Ireland.”[[121]](#endnote-121)

**The Commission recommends that the NI Executive in line with the recommendation from the UN commit to effectively “put an end to the two-tier culture in NI…and ensure that all children are included in admission arrangements in post-primary schools.”[[122]](#endnote-122)**

1. **Special educational needs and disability**

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| Outcome 3: We have a more equal society |
| Outcome 8: We care for others and we help those in need |
| Outcome 9: We are a shared society that respects diversity |
| Outcome 11: We have high quality public services |
| Outcome 14: We give our children and young people the best start in life |

Since the Committee’s pre-session meeting the Special Education Needs Act 2016 has received Royal Assent. The Act introduced a new revised process for the statementing of children. There have been concerns that under the revised process children with special needs will receive less support.[[123]](#endnote-123) An announcement by the Education Authority of an intention to reduce from 4.5 hours to 2.5 hours the time pre-school children with moderate to severe learning difficulties attend nurseries has raised further concerns that budgetary constraints will result in regression in educational support to children with disabilities.[[124]](#endnote-124) The revised process will provide for reduced timescales for the assessment of children and their needs, such a reduction would be welcome, to realise this goal significant investment and robust cross-Departmental processes must be put in place.[[125]](#endnote-125) Under the new scheme only children of compulsory school age will be afforded the right to appeal to the Special Educational Needs Tribunal.[[126]](#endnote-126) The Act empowers the Department to pilot the provision of appeal rights for children under compulsory school age.[[127]](#endnote-127) However, there is no obligation to actually conduct a pilot and the Department has ten years in which to conduct the pilot.

**The Commission recommends that the NI Executive commit to ensuring that the implementation of the Special Educational Needs Act 2016 does not result in regression in terms of the numbers of children with special needs who are supported and the level of support which they receive and that revised assessments of children with special needs are sufficiently robust and carried out within an expedited timeframe. The pilot of appeal rights to the Special Educational Needs Tribunal for children under the compulsory school age should be made a priority.**

1. **Armed Forces Covenant**

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| Outcome 3: We have a more equal society |
| Outcome 8: We care for others and we help those in need |
| Outcome 11: We have high quality public services |

The Armed Forces Covenant exists to redress the disadvantage that members of the armed forces may face in comparison to other citizens.[[128]](#endnote-128) The principles of the Covenant were enshrined within the Armed Forces Act 2011.[[129]](#endnote-129) Concerns have been raised that the Armed Forces Covenant has not been implemented in NI as in the rest of the UK due to the different political and legal situation. The NI Affairs Committee at Westminster announced its inquiry into the implementation of the Covenant in NI in 2012. The Committee stated in its report that:[w]e accept that the different political and legal situation in NI, compared to Great Britain, makes issues relating to the Armed Forces delicate and potentially contentious. However, this should not mean that the Armed Forces Community in NI should be disadvantaged either compared with other groups there, or when compared to that community elsewhere in the UK, beyond that variation which would be expected under normal devolution.[[130]](#endnote-130)

**The Commission advises the NI Executive to commit to reviewing the needs of Armed Forces personnel in NI in the areas of health, housing and education to ensure, as is the case in the UK, that they do not suffer disadvantage compared to the rest of the population.**

1. The Equality Act 2010 applies to England and Wales, with a majority also applying to Scotland. Its application to NI is limited. [↑](#endnote-ref-1)
2. CESCR, ‘Concluding observations on the UK’, UN Doc. E/C.12/GBR/CO/5 (12 June 2009), para 16; CERD, ‘Concluding observations on the UK’ UN Doc. CERD/C/GBR/CO/18-20 (14 September 2011), para 19; CEDAW, ‘Concluding observations on the UK’ UN Doc. CEDAW/C/GBR/CO/7 (26 July 2013) para 18. See, Employment Equality (Age) Regulations (NI) 2006; Disability Discrimination Act 1995; Special Educational Needs & Disability (NI) Order 2005; Equal Pay Act (NI) 1970; Sex Discrimination (NI) Order 1976; Race Relations (NI) Order 1997; Fair Employment & Treatment (NI) Order 1998; Employment Equality (Sexual Orientation) Regulations (NI) 2003; Equality Act (Sexual Orientation) Regulations (NI) 2006; and, Northern Ireland Act 1998. [↑](#endnote-ref-2)
3. 'Intersectional discrimination’ refers to a discriminatory experience based on two or more grounds taken together, but where each ground could not prove the discrimination if taken individually. [↑](#endnote-ref-3)
4. [ECNI, ‘Strengthening protection against racial discrimination: Recommendations for law reform (full report)](http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/RaceLawReform-FullReport.pdf)’(August 2014), p 35 (see pp33-38). [↑](#endnote-ref-4)
5. Ibid. [↑](#endnote-ref-5)
6. The Commission notes that the UK Government has not brought into force a narrowly drafted provision within the Equality Act 2010 permitting dual discrimination cases elsewhere in the UK. The Equality Act 2010, Section 14 (applicable in GB only) includes provision for dual discrimination cases limited to direct discrimination claims only but this provision has never been brought into force. [↑](#endnote-ref-6)
7. BBC News NI ‘Irish tricolour flag flown over Stormont’ 3 June 2015 [↑](#endnote-ref-7)
8. The Stormont House Agreement, 2014, p. 4 [↑](#endnote-ref-8)
9. <https://www.northernireland.gov.uk/news/foster-and-mcguinness-announce-membership-commission-flags-identity-culture-and-tradition> [↑](#endnote-ref-9)
10. OFMDFM Committee Report on the Inquiry into Building a United Community

    Reference: NIA 257/11-16 [↑](#endnote-ref-10)
11. Ibid., Recommendation 3 [↑](#endnote-ref-11)
12. OFMDFM ‘Together Building a United Community’ 2015 para 136 see: <http://www.ofmdfmni.gov.uk/together-building-a-united-community-strategy.pdf> [↑](#endnote-ref-12)
13. NI Act 1998 section 75 [↑](#endnote-ref-13)
14. NIHRC ‘Advice to OFMDFM Committee on its Inquiry into Building a United Community‘ (February, 2015) para 63 [↑](#endnote-ref-14)
15. [NIHRC Submission to the United Nations’ Committee on Economic, Social and Cultural Rights: Parallel Report on the Sixth Periodic Report on the UK under the International Covenant on Economic, Social and Cultural Rights](http://www.nihrc.org/uploads/publications/NIHRC_Parallel_ICESCR_Report_2015.pdf) (September 2015), p 18. [↑](#endnote-ref-15)
16. [AQO 9133/11-16](http://aims.niassembly.gov.uk/questions/printquestionsummary.aspx?docid=250671), Mr Danny Kennedy, MLA UUP, tabled on 12 November 2015. [↑](#endnote-ref-16)
17. NISRA [Quarterly Supplement to the Labour Market Report: October –December 2015](https://www.detini.gov.uk/sites/default/files/publications/deti/Quarterly%20Supplement%20to%20the%20Labour%20Market%20Report%20-%20Oct-Dec%202015.PDF) (26 February 2016), p 2. [↑](#endnote-ref-17)
18. DEL [Supporting Equality Through Inclusive Employment: An Employment Strategy for People with Disabilities](https://www.delni.gov.uk/sites/default/files/consultations/del/Disability%20Strategy%20report%20%28Web%29.pdf) (March 2016). [↑](#endnote-ref-18)
19. Ibid, p 10. [↑](#endnote-ref-19)
20. Inquiry into Historical Institutional Abuse (Amendment of Terms of Reference) Order (Northern Ireland) 2015 [↑](#endnote-ref-20)
21. BBC News Kincora boys' home abuse: Files handed to HIA inquiry 23 July 2015 [↑](#endnote-ref-21)
22. http://www.bbc.co.uk/news/uk-northern-ireland-35997873 [↑](#endnote-ref-22)
23. NIHRC ‘Submission to the UN Human Rights Committee on the Seventh Periodic Report of the UK on compliance with the ICCPR’ May 2015 pp. 13 -14 [↑](#endnote-ref-23)
24. NIHRC Correspondence from Interim Chair John Corey to Home Secretary Rt. Hon. Theresa May MP June 2014 [↑](#endnote-ref-24)
25. NIHRC ‘Submission to the UN Human Rights Committee on the Seventh Periodic Report of the UK on compliance with the ICCPR’ May 2015 para 6.17-6.19 [↑](#endnote-ref-25)
26. Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, on his mission to the United Kingdom (14-23 January 2013)A/HRC/23/39/Add.1, para 96 . available at: <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-39-Add1_en.pdf> [↑](#endnote-ref-26)
27. Stormont House Agreement, 2014, para 17 [↑](#endnote-ref-27)
28. NI Executive [Farry announces free English Classes for All Refugees](http://www.northernireland.gov.uk/news-del-150116-farry-announces-free) (15 January 2016). [↑](#endnote-ref-28)
29. Ibid. [↑](#endnote-ref-29)
30. UN Human Rights Committee ‘Concluding observations on sixth periodic report submitted by the UK’ (30 July 2008)CCPR/C/GBR/CO/6 [↑](#endnote-ref-30)
31. NI Law Commission Consultation Paper: Defamation Law in Northern Ireland - NILC 19 (2014) [↑](#endnote-ref-31)
32. AQW 48758/11-16 Mr Mike Nesbitt (UUP - Strangford) 14 September 2015 [↑](#endnote-ref-32)
33. BBC News NI ‘Libel laws: Nesbitt claims 'overwhelming support' for NI reform’ 29 January 2014 [↑](#endnote-ref-33)
34. UN Human Rights Committee ‘UN Human Rights Committee ‘Concluding observations on sixth periodic report submitted by the UK’ (30 July 2008) CCPR/C/GBR/CO/6 30. [↑](#endnote-ref-34)
35. Hansard script Wednesday 28 Oct 2009 Volume No. 713 Part No. 125 [↑](#endnote-ref-35)
36. House of Lords ‘Religious Offences in England and Wales - First Report’ HL Paper 95 -1 10 April 2003 see appendix 5 [↑](#endnote-ref-36)
37. Section 6 of the Childcare Act 2006 in England and Wales places a statutory duty on local authorities to ensure there is ample provision of childcare for working parents available in their area. [↑](#endnote-ref-37)
38. NIHRC [Response to the Draft Childcare Strategy](http://www.nihrc.org/uploads/publications/Advice_on_Childcare_Strategy_%28FINAL%29.pdf) (2015), para 36. [↑](#endnote-ref-38)
39. NIHRC [The 2015 Annual Statement: Human Rights in Northern Ireland](http://www.nihrc.org/uploads/publications/NIHRC_Annual_Statement_2015.pdf), p 40. [↑](#endnote-ref-39)
40. Trussell Trust [Latest Stats](http://www.bbc.co.uk/news/uk-northern-ireland-30239373) (April 2016). [↑](#endnote-ref-40)
41. Northern Ireland Statistics and Research Agency [An Insight into Food Banks in Northern Ireland](https://www.dsdni.gov.uk/sites/default/files/publications/dsd/dsd-research-food-bank-research.pdf) (August 2015). [↑](#endnote-ref-41)
42. Ibid, p 8. [↑](#endnote-ref-42)
43. Ibid, p 9. [↑](#endnote-ref-43)
44. Ibid p 16. [↑](#endnote-ref-44)
45. Ibid, p 9. [↑](#endnote-ref-45)
46. Women’s Aid Federation NI [Pathways to Support: Annual Report 2014-15](http://www.womensaidni.org/assets/uploads/2015/12/Womens-Aid-Annual-Report-2014-15.pdf) p 46. [↑](#endnote-ref-46)
47. As of 19 March 2016, five homeless people have died on streets in Belfast. BBC NI [Belfast City Centre: Homeless Man found dead "loveable rogue"](http://www.bbc.co.uk/news/uk-northern-ireland-35522393) (8 February 2016); The Belfast Telegraph City Homelessness Summit after three deaths in a fortnight (19 February 2016); The Belfast Telegraph [Homeless Action Call as fourth man dies in Belfast](http://www.belfasttelegraph.co.uk/news/northern-ireland/homeless-action-call-as-fourth-man-dies-in-belfast-34487459.html) (26 February 2016) ; BBC NI [Homeless Woman dies in shop doorway](http://www.bbc.co.uk/news/uk-northern-ireland-35853752) (19 March 2016). [↑](#endnote-ref-47)
48. Information obtained from a joint briefing to [NI Social Development Committee by Homeless Organisations and NIHE,](http://niassembly.tv/live-stream-2/) (3 March 2016). [↑](#endnote-ref-48)
49. Ibid. [↑](#endnote-ref-49)
50. NI Assembly Social Development Committee [Holistic Approach Needed to Help Homeless Says Committee](http://niassembly.gov.uk/news-and-media/press-releases/holistic-approach-needed-to-help-homeless-says-committee/) (3 March 2016). [↑](#endnote-ref-50)
51. OFMDFM, [Together: Building a United Community Strategy](https://www.ofmdfmni.gov.uk/sites/default/files/publications/ofmdfm_dev/together-building-a-united-community-strategy.pdf) (2013) p 27 and p 54. [↑](#endnote-ref-51)
52. Information obtained in communication via email from NIHE on 29 February 2016. [↑](#endnote-ref-52)
53. Information obtained in communication via email from NIHE on 06 April 2016. [↑](#endnote-ref-53)
54. NIHE [Traveller Accommodation Needs Assessment 2014](http://www.nihe.gov.uk/traveller_accommodation_needs_assessment_2014__published_march_2015_.pdf) p 29. [↑](#endnote-ref-54)
55. The NIHRC called for an amendment to the 1963 Act via the Caravans Bill 2011, see NIHRC [Written evidence to the Committee for Social Development on the Caravans Bill](http://www.nihrc.org/uploads/documents/advice-to-government/2010/caravans-bill-written-dsd-committee-june-2010.pdf) (June 2010), para 21. [↑](#endnote-ref-55)
56. ECNI [Key Inequalities in Housing Draft Statement](http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Housing-KeyInequalities_DraftStatement.pdf) (February 2016), p 25. [↑](#endnote-ref-56)
57. [The Northern Ireland Human Rights Commission’s Application [2015] NIQB 96](http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2015/%5b2015%5d%20NIQB%2096/j_j_HOR9740Final.htm). [↑](#endnote-ref-57)
58. http://www.nihrc.org/news/detail/challenge-to-termination-of-pregnancy-laws-at-court-of-appeal [↑](#endnote-ref-58)
59. UNCRC Committee, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/4, 2008, para 44. [↑](#endnote-ref-59)
60. NIHRC ‘Alternative Care and Children’s Rights in Northern Ireland’ August 2015 [↑](#endnote-ref-60)
61. DHSSPS, Adopting the Future, June 2006, available at:

    http://www.dhsspsni.gov.uk/adopting\_the\_future.pdf, p. 9. [↑](#endnote-ref-61)
62. NIHRC ‘Alternative Care and Children’s Rights in Northern Ireland’ 2014 [↑](#endnote-ref-62)
63. Children Order, Schedule 2(3): Every authority shall open and maintain a register of

    disabled children within the authority’s area. [↑](#endnote-ref-63)
64. Article 181 In its report ‘Alternative Care and Children’s Rights in Northern Ireland’ the Commission recommended that The Children Order requirement to establish a register of disabled children should be addressed; either the legislation should be complied with, or if following consultation it is determined that a different approach is preferable, the legislation should be amended. [↑](#endnote-ref-64)
65. The regulations were adopted in February 2015 but there was a short window in which they could be challenged, see Law Centre NI [New rules on access to healthcare for migrants in Northern Ireland](http://www.lawcentreni.org/news/recent-news/1-news/1172-new-rules-on-access-to-healthcare-for-migrants-in-northern-ireland.html)  (10 March 2015). The [regulations](http://www.legislation.gov.uk/nisr/2015/27/made) revoke a number of regulations including: Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005; Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2008; Regulation 3 of The Charges for Drugs and Appliances and Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2009 and Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2013 . [↑](#endnote-ref-65)
66. The Health and Personal Social Services (General Medical Services Contracts) (Amendment) Regulations. (Northern Ireland) 2015 amend the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004, “the GMS Contract Regulations. [↑](#endnote-ref-66)
67. Section 4 of the Immigration and Asylum Act 1999. [↑](#endnote-ref-67)
68. Information obtained in communication via email from the British Red Cross on 26 February 2016. [↑](#endnote-ref-68)
69. DHSSPS ‘ Consultation on draft Standards for Supported Lodgings for Young Adults’ 2015 [↑](#endnote-ref-69)
70. NIHRC ‘The Department of Health, Social Services and Public Safety consultation on the Draft Standards for Supported Lodgings for Young Adults (aged 16-21) in Northern Ireland’ 2015 [↑](#endnote-ref-70)
71. NIHRC ‘The 2013 Annual Statement: Human Rights in NI ‘ (NIHRC, 2013) p. 45 [↑](#endnote-ref-71)
72. Official Report: Tuesday 16 June 2015 [↑](#endnote-ref-72)
73. See earlier statistics on sectarianism [↑](#endnote-ref-73)
74. Police Service of Northern Ireland ‘Trends in Hate Motivated Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2014/15’ Annual Bulletin published 06 August 2015 p. 10 available at: <http://www.psni.police.uk/hate_motivated_incidents_and_crimes_in_northern_ireland_2004-05_to_2014-15.pdf> [↑](#endnote-ref-74)
75. NI Office ‘Stormont House Agreement’ 23 December 2014 [↑](#endnote-ref-75)
76. NIO ‘A Fresh Start: The Stormont House Agreement and Implementation Plan’ 17th November 2015 p. 6 In his foreword to the Implementation Plan the Minister for Foreign Affairs and Trade states, ‘While important progress was made on taking forward aspects of the Stormont House Agreement dealing with the legacy of the past, it did not prove possible to resolve all of the key issues within the timescale of this negotiation. Nevertheless, the two Governments will persist in our efforts to secure an agreed basis for the establishment of the institutions dealing with the past envisaged in the Stormont House Agreement’. [↑](#endnote-ref-76)
77. Ibid., para 22 [↑](#endnote-ref-77)
78. Ibid., para 26-29 [↑](#endnote-ref-78)
79. Ibid., 2014, para 30 [↑](#endnote-ref-79)
80. Ibid., 2014, para 41 [↑](#endnote-ref-80)
81. Ibid., 2014, para 51 [↑](#endnote-ref-81)
82. UN Human Rights Committee ‘Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland’ Adopted by the Committee at its 114th session (29 June–24 July 2015). CCPR\_C\_GBR\_CO\_7\_21192 para 11(b) [↑](#endnote-ref-82)
83. DoJ ‘Analytical Services Group: Adult and Youth Reoffending in Northern Ireland’ (2012/13 Cohort) Research and Statistical Bulletin 17/2015 [↑](#endnote-ref-83)
84. Prison Review Team’ Review of the Northern Ireland Prison Service Conditions, management and oversight of all prisons’ Recommendation 3 October 2011 [↑](#endnote-ref-84)
85. Prison Review Oversights Group ‘Second Annual Report’ March 2014 [↑](#endnote-ref-85)
86. Prison Review Oversight Group : Justice Committee Summary Report May 2015 [↑](#endnote-ref-86)
87. See, NIHRC, ‘Response to Department of Justice Consultation on Fine Default in Northern Ireland’ (October 2011). See also, NIHRC submissions to the UN CEDAW Committee: ‘Parallel Report on the 7th Periodic Report of the United Kingdom of Great Britain and Northern Ireland under the Convention on the Elimination of all Forms of Discrimination against Women’ (June 2013), paras 32-34; ‘Shadow Report on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland’ (May 2008), paras 16-19. See also, NIHRC submission to the Committee Against Torture: ‘Parallel Report on the 5th Periodic Report of the United Kingdom under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’, para 5.3 - 5.5. See also, NIHRC Annual Statement 2012, p 19-20 and NIHRC Annual Statement 2013, p 20. [↑](#endnote-ref-87)
88. Justice (No. 2) Bill 57/11-16 Part 1 [↑](#endnote-ref-88)
89. NIHRC ‘Submission to the Committee for Justice Call for Evidence on the Justice (No. 2) Bill’ (September 2015) para 15 [↑](#endnote-ref-89)
90. NIHRC ‘The Hurt Inside: The imprisonment of women and girls in NI’ (NIHRC: 2005) See also: NIHRC, ‘Response to DoJ Prison Estate Policy Consultation’ (December 2012) para 33 [↑](#endnote-ref-90)
91. AQO 5401/11-15 Ms Michaela Boyle (SF - West Tyrone) 16/01/2014

    AQO 6690/11-15 Ms Bronwyn McGahan (SF - Fermanagh and South Tyrone) 18/09/2014 [↑](#endnote-ref-91)
92. CRC, Article 37(c) [↑](#endnote-ref-92)
93. National Preventative Mechanism ‘An announced inspection of Woodlands Juvenile Justice Centre’ May 2015 . 20 statutory bodies make up the UK National Preventive Mechanism [↑](#endnote-ref-93)
94. Ibid., para 2.5 [↑](#endnote-ref-94)
95. Ibid., para 2.18 [↑](#endnote-ref-95)
96. NIHRC ‘Submission to the UN Committee on the Rights of the Child on the

    United Kingdom’s Fifth Periodic Report on compliance with the UN Convention on the Rights of the Child’ (July, 2015) para 23 [↑](#endnote-ref-96)
97. Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, para 40. [↑](#endnote-ref-97)
98. Concluding observations on the report submitted by the United Kingdom of Great Britain and NI under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography CRC/C/OPSC/GBR/CO/1 8 July 2014 [↑](#endnote-ref-98)
99. DoJ Tackling Child Sexual Exploitation in Northern Ireland Action Plan – March 2015 see <https://www.dojni.gov.uk/sites/default/files/publications/doj/doj-action-plan-tackling-child-sexual-exploitation-august-2015.pdf> [↑](#endnote-ref-99)
100. NI Assembly Research ‘Statutory Time Limits’ 125-12 (31 March 2012) [↑](#endnote-ref-100)
101. Official Report (Hansard) Session: 2013/2014 Date: 25 June 2014 [↑](#endnote-ref-101)
102. The Justice (No. 2) Bill progressing through the NI Assembly currently does not make provision for statutory time limits. [↑](#endnote-ref-102)
103. Department of Justice NI ‘Time Limits in the Youth Court’ 2014 See Official Report (Hansard) Session: 2014/2015 Committee for Justice Date: 24 September 2014 See further Committee for Justice minutes of proceedings Thursday 8 October 2015 Room 30, Parliament Buildings [↑](#endnote-ref-103)
104. UN Human Rights Committee ‘Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland’ Adopted by the Committee at its 114th session (29 June–24 July 2015). CCPR\_C\_GBR\_CO\_7\_21192. para 22 [↑](#endnote-ref-104)
105. Criminal Justice and Licensing (Scotland) Act 2010, s. 52 [↑](#endnote-ref-105)
106. UN CRC Committee , Concluding Observations on the UK’s third and fourth periodic report, 3 October 2008, CRC/C/GBR/CO/4; Concluding Observations on the UK’s

     second periodic report, 9 October 2002, CRC/C/15/Add 188; Concluding Observations on the UK’s initial report, 15 February 1995, CRC/C/15/Add 34 [↑](#endnote-ref-106)
107. Belfast Telegraph ‘Call to raise criminal age limit’ 12 February 2015 [↑](#endnote-ref-107)
108. Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, para 78. [↑](#endnote-ref-108)
109. UN Human Rights Committee ‘Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland’ Adopted by the Committee at its 114th session (29 June–24 July 2015). CCPR\_C\_GBR\_CO\_7\_21192. para 16 [↑](#endnote-ref-109)
110. (DHSSPS, ‘Improving Health Within Criminal Justice: Consultation Document’, March 2016, available at: <https://www.health-ni.gov.uk/sites/default/files/consultations/dhssps/improving-health-within-justice-system-consultation.pdf>) [↑](#endnote-ref-110)
111. NI Executive Press Release: Traveller children and young people should be encouraged to value education and supported to reach their full potential. Wednesday, 13 November 2013 [↑](#endnote-ref-111)
112. Ibid [↑](#endnote-ref-112)
113. AQW 53269/11-16 [↑](#endnote-ref-113)
114. Northern Ireland Schools Census, Table 5: Religion of pupils by school type and management type, 2015/16 Nursery, Primary, Post Primary and Special Schools. <https://www.google.co.uk/?gws_rd=ssl#q=Religion+of+pupils+by+school+type+and+management+type%2C+2015%2F16> [↑](#endnote-ref-114)
115. Department of Education ‘A review of integrated education setting out how the sector can be developed for the future will be completed by June 2016’. Wednesday, 27 January 2016 <http://www.northernireland.gov.uk/news-de-270116-review-of-integrated?WT.mc_id=rss-news> [↑](#endnote-ref-115)
116. Ibid paras 12 - 13 [↑](#endnote-ref-116)
117. Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, para 72. [↑](#endnote-ref-117)
118. UNCRC Committee, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, CRC/C/15/Add.188, 2002, para 48. [↑](#endnote-ref-118)
119. UNCRC Committee, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, CRC/C/15/Add.188, 2002, para 48. [↑](#endnote-ref-119)
120. BBC News NI Academic selection 'reinforces privilege and disadvantage' says report 10 December 2015 [↑](#endnote-ref-120)
121. UNCRC Committee, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, CRC/C/15/Add.188, 2002, para 48. [↑](#endnote-ref-121)
122. UNCRC Committee, Concluding Observations: United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/4, 2008, para 67 [↑](#endnote-ref-122)
123. Northern Ireland Human Rights Commission “The 2012 Annual Statement Human Rights in Northern Ireland” December 2012 see discussion on right to education [↑](#endnote-ref-123)
124. BBC News NI ‘Special needs nursery cuts: O'Dowd says decision by Education Authority is 'flawed'’ 8 March 2016 [↑](#endnote-ref-124)
125. DHSSPS ‘Hamilton announces £2m investment in autism services’ 14 February 2016 [↑](#endnote-ref-125)
126. Sections 11 and 12 [↑](#endnote-ref-126)
127. Section 13 [↑](#endnote-ref-127)
128. MOD Policy Paper, [‘2010-2015 government policy: armed forces covenant’](https://www.gov.uk/government/publications/2010-to-2015-government-policy-armed-forces-covenant/2010-to-2015-government-policy-armed-forces-covenant). [↑](#endnote-ref-128)
129. [Armed Forces Act 2011](http://www.legislation.gov.uk/ukpga/2011/18/contents). [↑](#endnote-ref-129)
130. Northern Ireland Affairs Committee “Implementation of the Armed Forces Covenant in Northern Ireland”, First Report of session 2013/14, p 9. [↑](#endnote-ref-130)