



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to the UN Special Rapporteur on
Violence Against Women and Girls**

February 2024

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1.0 Introduction

1.1 The Northern Ireland Human Rights Commission (NIHRC) is one of three A-status National Human Rights Institutions of the UK. In accordance with the Paris Principles and section 69(1) of the NI Act 1998, the NIHRC reviews the adequacy and effectiveness of measures undertaken by the UK Government and NI Executive to promote and protect human rights, specifically within NI. In accordance with section 78A(1) of the NI Act, the NIHRC also monitors the UK Government's commitment under Article 2(1) of the Windsor Framework (Windsor Framework Article 2) to ensure there is no diminution of rights and safeguards protected in the relevant part of the Belfast (Good Friday) Agreement as a result of the UK withdrawal from the EU.¹

2.0 Context

2.1 Between February 2022 and February 2024, NI was without a fully functioning NI Executive and Assembly.² In the absence of elected ministers, government departments were run by civil servants who were unable to make major policy decisions or introduce legislation. The reinstatement of the NI Executive and NI Assembly is welcomed, however the required actions relating to violence against women and girls are not guaranteed to be implemented expeditiously, if at all.

2.2 The 2023-2024 budget for NI resulted in significant reductions across all NI Departments.³ Consequently, there have been wide-ranging cuts to public services and programmes with concerns regarding the effect on women and girls.⁴ For example, the

¹ The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement and all references to the Protocol in this document have been updated to reflect this change. (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

² This was the second suspension period in five years with the previous suspension from January 2017 until January 2020.

³ Department of Finance, 'Press Release: NI Secretary announces 2023-2024 Budget and contingency plans for governance', 27 April 2023.

⁴ NI Human Rights Commission, 'Submission to the Department for Communities on its Budget 2023-2024 Allocations' (NIHRC, 2023); Equality Commission for NI, 'Briefing Note: Concerns regarding Cumulative

Department of Health's cuts to the community voluntary sector disproportionately affects women due to significant reduction in funding to organisations providing advice, support, and refuge to women experiencing domestic violence.⁵

- 2.3 As part of restoration of the NI devolved institutions, the UK Government has pledged £1 billion to NI to stabilise public services.⁶ With a continued reliance on annual budgets, this additional money will not address the wider need for long-term stability. It is unclear if this money will be used to reinstate services that were suspended or withdrawn due to the cuts. Furthermore, these additional funds will not address the extensive reforms that are urgently required across all NI's public services.
- 2.4 **The NIHRC recommends that the UK Government and NI Executive take effective steps to ensure that a comprehensive assessment of the cumulative impact of budgets in NI is conducted with a focus on the human rights of women and girls.**

3.0 UK's Withdrawal from the EU

- 3.1 Following UK's withdrawal from the EU, the UK Government committed, in Article 2 of the Windsor Framework, to ensuring that certain rights, safeguards and equality of opportunity protections are not diminished, as a result of UK withdrawal.⁷ The UK Government and the NI Assembly and Executive are prohibited from

Equality Impacts of Proposed Departmental Budget Allocations for 2023-24' (ECNI, 2023); NI Council for Voluntary Action, 'Budget Cuts and Inequality in NI'. Available at: [Budget cuts and inequality in Northern Ireland | NICVA](#); Letter from Women's Policy Group to Secretary of State for NI, 15 August 2023.

⁵ The Department for Communities supports the community voluntary sector through the Core Grant Funding Scheme. See Liam Tunney, 'Women's Aid NI now only UK federation without government funding, says CEO', *Belfast Telegraph*, 29 September 2023.

⁶ In December 2023, the UK Government pledged a total of £3 billion to NI. The remaining £2 billion is to be used to develop a new method of deciding how much money NI receives from the UK Government and to assist in addressing issues with public sector pay. See NI Office, 'Press Release: Secretary of State – Returning Executive can unleash NI's potential', 29 December 2023.

⁷ The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, 24 January 2020 and all references to the Protocol in this document have been updated to reflect this change. (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

acting in a way that is incompatible with it.⁸ EU law, binding on the UK on 31 December 2020, which underpins a relevant right, safeguard or equality of opportunity protection, continues to set standards below which the law in NI must not fall. The UK Government accepts that the EU Victims' Directive falls within scope of the non-diminution commitment.⁹ The NIHRC has also identified additional relevant EU law which provide for protections and support for victims of trafficking¹⁰ and child sexual exploitation.¹¹

3.2 Windsor Framework Article 2 provides specific, enhanced protection against discrimination in the directives in Annex 1 of the Windsor Framework, including on grounds of gender in employment, social security and goods and services.¹² NI law must keep pace with changes made to improve the minimum standards of protection under these Directives on or after 1 January 2021.¹³

⁸ Section 7A of the European Union (Withdrawal) Act 2018 gives effect to all the rights, obligations and remedies arising under the UK-EU Withdrawal Agreement in UK law without the need for further enactment. The Northern Ireland Act has also been amended to prohibit the NI Assembly and NI departments from acting in a way that is incompatible with Article 2 of the Windsor Framework.

⁹ Directive 2010/18/EU, 'Council Directive implementing the revised Framework Agreement on parental leave', 8 March 2010. NI Office, 'UK Government Commitment to "No Diminution of Rights, Safeguards and Equality of Opportunity" in NI: What Does it Mean and How Will it be Implemented?' (NIO, 2020), at para 13. Further EU law falling within scope of this commitment identified by the UK Government includes the EU Pregnant Workers Directive (Directive 92/85/EEC, 'Council Directive on the Introduction of Measures to Encourage Improvements in the Safety and Health at Work of Pregnant Workers and Workers who have Recently Given Birth or are Breastfeeding', 19 October 1992) and the EU Parental leave Directive (Directive 2010/18/EU, 'Council Directive implementing the revised Framework Agreement on parental leave', 8 March 2010).

¹⁰ Directive 2011/36/EU, 'Council Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims', 5 April 2011.

¹¹ Directive 2012/29/EU, 'Directive of the European Parliament and of the Council Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime', 25 October 2012; Directive 2011/36/EU 'Council Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims', 5 April 2011; Directive 2004/80/EC, 'Council Directive relating to the Compensation to Crime Victims', 29 April 2004.

¹² Directive 2004/113/EC, 'EU Council Directive on Implementing the Principle of Equal Treatment between Men and Women in the access to and supply of goods and Services', 13 December 2004; Directive 2006/54/EC, 'EU Council Directive on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation', 5 July 2006; Directive 2010/41/EU, 'EU Parliament and EU Council Directive on the Application of the Principle of Equal Treatment between Men and Women Engaged in an Activity in a Self-employed Capacity', 7 July 2010; Directive 79/7/EEC, 'EU Council Directive on the Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security', 19 December 1978. Other Directives listed in this annex include protection against discrimination on grounds of race, sexual orientation, age, religion and disability. Directive 2000/43/EC, 'EU Council Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin', 29 June 2000; Directive 2000/78/EC, 'EU Council Directive on Establishing a General Framework for Equal Treatment in Employment and Occupation', 27 November 2000.

¹³ Article 13(3) of the Windsor Framework to the Agreement on the Withdrawal of the UK of Great Britain and NI from the EU and the European Atomic Energy Community 2020; This includes any changes deriving from EU caselaw (see Article 13(2)). In December 2022, the European Commission published proposals on two Directives on standards for equality bodies. The NIHRC considers that the proposed Directives amend

- 3.3 The NIHRC recommends that the UK Government and NI Executive take effective steps to develop and roll out training and guidance on Windsor Framework Article 2 across government departments and act promptly to ensure that guidance on policy and legislative development is updated to include consideration of Windsor Framework Article 2.**

4.0 Single Equality Act

- 4.1 In NI, discrimination is prohibited across several pieces of legislation, resulting in a complex framework. Unlike other parts of the UK, there is no single legislative instrument to consolidate, clarify and enhance existing equality protections in NI. There is currently no plan to bring forward a Single Equality Act for NI.¹⁴
- 4.2 The NIHRC recommends that that the UK Government and NI Executive take effective steps to introduce a Single Equality Act for NI and provide the necessary support to secure the necessary political consensus to deliver this.**

5.0 Multiple Intersectional Discrimination

- 5.1 NI legislation does not provide for cases of intersectional multiple discrimination. At present in NI, each ground for discrimination must form its own case, meaning it must be considered and ruled on separately.¹⁵

provisions of a number of the Annex 1 equality directives and it is therefore important that NI equality law is amended to keep pace with any changes to these equality directives, if the proposals are introduced; Proposal for a Council Directive on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in the field of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and deleting Article 13 of Directive 2000/43/EC and Article 12 of Directive 2004/113/EC. Proposal for a Directive of the European Parliament and of the Council on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and deleting Article 20 of Directive 2006/54/EC and Article 11 of Directive 2010/41/EU.

¹⁴ Email correspondence from the Executive Office to NI Human Rights Commission, 11 October 2022.

¹⁵ Equality Commission for NI, 'Recommendations for Law Reform: Strengthening Protection Against Racial Discrimination' (ECNI, 2014), at 38. The Equality Act 2010 which applies in England, Scotland and Wales, contains a dual discrimination provision, which has not been brought into force.

5.2 In 2020, an Independent Review Team recommended that any new hate crime legislation should provide appropriate recognition of the importance of intersectionality.¹⁶ It also recommended that intersectionality is reflected when considering statutory aggravations to existing offences.¹⁷ In 2022, the Department of Justice accepted that hate crime legislation should address intersectionality.¹⁸ However, if implemented, this will only address intersectionality in the context of hate crime.

5.3 The NIHRC recommends that the UK Government and NI Executive take effective steps to ensure that intersectional multiple discrimination claims in NI are effectively addressed, including providing for intersectionality within equality legislation as required.

6.0 Data Collection

6.1 The system for the collection of relevant data in NI is inconsistent and not comprehensive.¹⁹ UK-wide data indicates that one in two disabled women experience domestic abuse in their lifetime²⁰ and that one in four of all lesbian and bisexual women have experienced domestic abuse.²¹ However, no specific data is available for NI. Data collected domestic abuse in NI is not disaggregated by disability, sexual orientation or gender identity.²²

6.2 Additionally, there are challenges in tracking a victim's journey through the criminal justice process in NI due to different data

¹⁶ Independent Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020), at Recommendation 11.

¹⁷ Ibid.

¹⁸ In 2022, the Department of Justice committed to considering how to implement the Independent Hate Crime Review's recommendations in a two-stage consultation process. See Department of Justice, 'Improving the Effectiveness of Hate Crime Legislation in NI: A Public Consultation and Call for Views' (DoJ, 2022); NI Human Rights Commission, 'Response to Public Consultation on Improving the Effectiveness of Hate Crime Legislation in NI' (NIHRC, 2022), at para 6.10.

¹⁹ CEDAW/C/GBR/CO/8, 'UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI', 14 March 2019, at para 25; The UN CEDAW Committee has expressed concern regarding the lack of systematic collection of disaggregated data within the UK, including NI, in particular with regard to intersecting forms of discrimination against women.

²⁰ Women's Budget Group, 'Disabled Women and Austerity' (WBG, 2018), at 5.

²¹ Department for Communities, 'Gender Equality Strategy Expert Advisory Panel Report' (DfC, 2021), at 139.

²² NI Human Rights Commission roundtable meetings with public bodies on CoE Istanbul Convention, 25 September 2023.

collecting systems by the Police Service of NI and the Public Prosecution Service.²³

- 6.3 The NIHRC recommends that the UK Government and NI Executive take effective steps to adopt measures that improve the collection of disaggregated data on violence against women and domestic abuse. This includes collecting data in a way which reflects society in NI and enables comprehensive comparison with other parts of the UK.**

7.0 Gender Neutral Policy Making

- 7.1 There is no commitment to adopt a gender sensitive approach in relevant NI policies. Consequently, the draft domestic and sexual abuse strategy for NI and draft Modern Slavery and Human Trafficking Strategy for NI take a gender-neutral approach.²⁴
- 7.2 The NIHRC recommends that the UK Government and NI Executive take effective steps to explicitly adopt a gender-sensitive approach to tackle all forms of violence against women and girls in NI. This includes access to specialised, gender-sensitive, accessible support services.**

8.0 Paramilitarism

- 8.1 Paramilitary activity is having a particular effect on women within the affected communities in NI.²⁵ Domestic and sexual abuse victims' access to justice is affected in two respects, affiliation with paramilitary groups provides power to perpetrators, and

²³ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

²⁴ In response to both draft strategies on domestic and sexual abuse and modern slavery and human trafficking, the NIHRC raised issues relevant to taking a gender-neutral approach to tackling violence against women and girls and the relevance of Windsor Framework Article 2. See Department of Health and Department of Justice, 'Draft Domestic and Sexual Abuse Strategy: 2023-2030' (DoH and DoJ, 2023); Department of Justice, 'NI Draft Modern Slavery and Human Trafficking Strategy: Consultation' (DoJ, 2022); NI Human Rights Commission, 'NIHRC Response to the Department of Health and the Department of Justice's Consultation on a Draft Domestic and Sexual Abuse Strategy' (NIHRC, 2023); NI Human Rights Commission, 'NIHRC Submission to Department of Justice Consultation on the Draft Modern Slavery and Human Trafficking Strategy' (NIHRC, 2023).

²⁵ Roundtable discussions with NI women's policy groups and NI women's community groups, October 2017, November 2017, February 2018 and March 2018; Jessical Leigh Doyle and Monica McWilliams, 'Intimate Partner Violence in Conflict and Post-Conflict Settings' (Ulster University, 2018), at 57.

paramilitary groups are seen to provide a more “rapid response” to domestic abuse, bypassing the criminal justice system.²⁶

- 8.2 Victims’ access to social housing allocation in NI relating to paramilitary intimidation is affected where the perpetrator has a connection to a paramilitary organisation, as the leadership will deny the intimidation.²⁷ Many social housing estates are segregated and paramilitary-controlled.²⁸ Women can often be placed on housing lists for years awaiting safe accommodation.²⁹
- 8.3 Personal debt is higher in NI than other parts of the UK,³⁰ which raises concerns regarding debt vulnerability for individuals in receipt of social security, particularly women.³¹ In NI, this has an added dimension with paramilitary groups often operating as illegal lenders.³²
- 8.4 Additionally, paramilitary intimidation can dissuade women and women’s groups in NI from participating in public and political life, including peace initiatives.³³

²⁶ Jessical Leigh Doyle and Monica McWilliams, ‘Intimate Partner Violence in Conflict and Post-Conflict Settings’ (Ulster University, 2018), at 57; House of Commons NI Affairs Committee, ‘The Effect of Paramilitary Activity and Organised Crime on Society in NI’ (NIAC, 2024), at para 16.

²⁷ Women’s Aid Federation NI, ‘Hear Her Voice’ (WAFNI, 2023), at 45; House of Commons NI Affairs Committee, ‘The Effect of Paramilitary Activity and Organised Crime on Society in NI’ (NIAC, 2024), at para 15.

²⁸ The NIHRC was granted leave to take a Judicial Review against the Department for Communities and the NI Housing Executive in relation to housing allocation points. See *Ibid*, at 19; NI Human Rights Commission, ‘Fact Sheet: NI Human Rights Commission legal action on housing points scheme’. Available at: [Fact Sheet: Northern Ireland Human Rights Commission legal action on housing points scheme | Northern Ireland Human Rights Commission \(nihrc.org\)](#); The NIHRC was granted leave to take a Judicial Review against the Department for Communities and the NI Housing Executive in relation to housing allocation points.

²⁹ *Ibid*, at 19; NI Human Rights Commission, ‘Fact Sheet: NI Human Rights Commission legal action on housing points scheme’. Available at: [Fact Sheet: Northern Ireland Human Rights Commission legal action on housing points scheme | Northern Ireland Human Rights Commission \(nihrc.org\)](#); The NIHRC was granted leave to take a Judicial Review against the Department for Communities and the NI Housing Executive in relation to housing allocation points.

³⁰ Financial Conduct Authority, ‘Financial Lives Survey 2017 (Updated 2020)’ (FCA, 2020).

³¹ Women and Equalities Committee, ‘Unequal Impact: Coronavirus and the Gendered Economic Impact’ (WEC), at para 36.

³² Consortium for the Regional Support for Women in Disadvantaged and Rural Areas ‘Women Living with Debt’ (CRSWDRA, 2022); ‘Spotlight: Paramilitary loan sharks targeting food bank users’, BBC News, 13 December 2022; House of Commons NI Affairs Committee, ‘The Effect of Paramilitary Activity and Organised Crime on Society in NI’ (NIAC, 2024).

³³ Roundtable discussions with NI women’s policy groups and NI women’s community groups, October 2017, November 2017, February 2018 and March 2018; House of Commons NI Affairs Committee, ‘The Effect of Paramilitary Activity and Organised Crime on Society in NI’ (NIAC, 2024).

8.5 The NIHRC recommends that the UK Government and NI Executive take effective steps to consider the specific gendered effect of paramilitarism in NI when implementing programmes to tackle the issue, particularly its effect on women and girls that are victims and survivors of violence and domestic abuse.

9.0 Family Courts

9.1 The family court system in NI is reportedly being manipulated by abusers to continue to abuse victims and survivors, including through child contact arrangements.³⁴ Continuous litigation through family courts in NI can be used to further perpetuate emotional and financial abuse, as women repeatedly have to pay legal fees to be represented in proceedings.³⁵

9.2 The NIHRC recommends that the UK Government and NI Executive take effective steps to ensure that the court process for child contact arrangements in NI are not being used to perpetrate domestic abuse.

10.0 Migrant Women

10.1 Migrant women in domestic abuse situations in NI may be unable to or fear seeking help due to having precarious residence status in the UK, or being under the impression that they are in such a situation.³⁶ Migrant women in NI with no recourse to public funds continue to face barriers to accessing support, including refuge support.³⁷

10.2 Migrant victims of domestic abuse can apply for the Destitution Domestic Violence Concession, offering an initial three-month visa, allowing successful applicants access to benefits and to apply for

³⁴ Women's Aid Federation NI, 'Hear Her Voice' (WAFNI, 2023), at 43.

³⁵ Ibid.

³⁶ Free Movement, 'How to Apply for Leave to Remain as a Victim of Domestic Violence'. Available at: [How to apply for leave to remain as a victim of domestic violence – Free Movement](#); NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023; In NI, there have been reports of the Police Service of NI reporting women with insecure migration status, who have come forward for help with domestic abuse to the Home Office.

³⁷ NI Human Rights Commission, 'The 2022 Annual Statement: Human Rights in NI' (NIHRC, 2022), at 103.

leave to remain.³⁸ However, this is reportedly not enough time to make a second application.³⁹

10.3 The UK Government has a reservation against Article 59 of the Istanbul Convention.⁴⁰

10.4 **The NIHRC recommends that the UK Government withdraws its reservation to Article 59 of the Istanbul Convention and ensures that specialised support for domestic and sexual violence and abuse in NI is available regardless of an individual's immigration status.**

11.0 Women Seeking Asylum

11.1 The Nationality and Borders Act 2022 has created a two-tier system of legal protections that penalises individuals who arrive to the UK through unofficial routes.⁴¹ Under the Illegal Migration Act 2023 women who arrive in NI via unofficial routes will be ineligible to claim asylum based on being victims of gender-based violence.⁴²

11.2 The 2023 Act provides a limited right to defer a decision for removal in cases of "serious harm" or "factual" claims.⁴³ The meaning of "serious and irreversible harm" can be amended by the Secretary of State. This could potentially create a higher threshold which could be inconsistent with the principle of non-refoulement.⁴⁴

³⁸ Home Office, 'Victims of Domestic Violence (DDV) Concession' (UK Gov, 2019).

³⁹ NI Human Rights Commission roundtable with civil society organisations on CoE Istanbul Convention, 20 September 2023.

⁴⁰ Article 59 of the Istanbul Convention includes protections related to residence status.

⁴¹ NI Human Rights Commission, 'Response to Call for Evidence by the Joint Committee on Human Rights on the Nationality and Borders Bill' (NIHRC, 2021), at paras 4.5-4.25 and 7.1-7.12.

⁴² The Illegal Migration Act 2023 denies access to the UK asylum system for individuals arriving in the UK through unofficial routes, instead individuals could face detention and removal to another country. See Sections 1(1) and 1(4), Illegal Migration Act 2023; NI Human Rights Commission, 'Illegal Migration Act Factsheet'. Available at: [Illegal Migration Act challenge Factsheet | Northern Ireland Human Rights Commission \(nihrc.org\)](https://www.nihrc.org/illegal-migration-act-challenge-factsheet);

⁴³ Sections 38(2) and 44, Illegal Migration Act 2023; Where these claims are rejected, an appeal can be made under a very narrow set of circumstances.

⁴⁴ Section 40, Illegal Migration Act 2023; NI Human Rights Commission, 'Submission to the House of Lords on the Illegal Migration Bill' (NIHRC, 2023).

11.3 In September 2023, the NIHRC issued a judicial review arguing that the Illegal Migration Act 2023 is not compliant with the ECHR and Windsor Framework Article 2.⁴⁵

11.4 **The NIHRC recommends that the UK Government ensures that asylum law that applies in NI is human rights compliant, including with the principle of non-refoulment, and its obligations under Windsor Framework Article 2.**

12.0 Relationship and Sexuality Education

12.1 The NIHRC's investigation into relationships and sexuality education in schools in NI found that there are some positive examples of post-primary schools providing comprehensive and scientifically accurate relationships and sexuality education.⁴⁶ However, in most NI schools this is not the case, where resources are not always considered to be comprehensive, pluralistic and objective.⁴⁷ In relation to gender inequalities, "work should be done to ensure that school policies promote gender equity, address gender-based violence, stereotypes and misogyny; and avoid the promotion of sexual double standards around sexual practices, including shaming and victim blaming narratives".⁴⁸

12.2 Following the NIHRC's investigation, the UK Government introduced the Relationships and Sexuality Education (NI) (Amendment) Regulations 2023. These Regulations make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion, a compulsory component of the curriculum.⁴⁹

⁴⁵ The judicial review is against the Secretary of State for the Home Department, and the Secretary of State for NI.

⁴⁶ NI Human Rights Commission, 'Relationships and Sexuality Education in Post Primary Schools in NI: A Compelling Case for Reform' (NIHRC, 2023).

⁴⁷ Ibid.

⁴⁸ Ibid, at 61.

⁴⁹ These regulations amend the Education (NI) Order 2006, and the Education (Curriculum Minimum Content) Order (NI) 2007. See Regulation 2(2), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023; Regulation 3, Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

12.3 The Regulations further require the Department of Education NI to make provision about the circumstances in which, at the request of a parent, a pupil may be excused from receiving relationships and sexuality education, or specified elements of that education.⁵⁰ In December 2023, regulations were introduced that specified that children in years 8-11 (ages 11-15) can be withdrawn from relationship and sexuality education at their parents request.⁵¹ Pupils in year 12 (age 15 and 16) can also be withdrawn at their parents request, if the pupil does not object.⁵² Several civil society organisations have raised concerns that such a provision may pose a safeguarding risk and prevent certain children from accessing critical information relating to their sexual and reproductive health.⁵³ The NIHRC has also noted that the Education (Curriculum Minimum Content) Order (NI) 2007 does not identify which topics must be included in relationship and sexuality education to be considered "comprehensive".⁵⁴ There is therefore a risk that topics such as domestic and sexual violence or female genital mutilation will only be included at the discretion of individual schools in NI.

12.4 The NIHRC recommends that the UK Government and NI Executive ensures that all elements of 'comprehensive' relationships and sexuality education are taught consistently in post primary schools in NI. This should be developed to achieve the aim of ensuring that all elements of comprehensive relationships and sexuality education are delivered within every post-primary school in NI.

⁵⁰ Regulation 2(3), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

⁵¹ Regulation 3, Curriculum (Circumstances in which a Pupil may be Excused from Sexual and Reproductive Health and Rights Education) Regulations (Northern Ireland) 2023.

⁵² Regulation 3, Curriculum (Circumstances in which a Pupil may be Excused from Sexual and Reproductive Health and Rights Education) Regulations (Northern Ireland) 2023.

⁵³ Meeting between NI Human Rights Commission and civil society organisations, 25 July 2023.

⁵⁴ Within Part 5 of the Minimum Content Order, in relation to Key Stage 3 Learning for Life and Work, the following are mentioned: Explore the implications of sexual maturation; Explore the emotional social and moral implications of early sexual activity. Within Part 6 of the Minimum Content Order, at Key Stage 4, under Learning for Life and Work, it states that pupils should be enabled to; develop their understanding of relationships and sexuality and the responsibilities of healthy relationships; develop an understanding of the roles and responsibilities of parenting. See Education (Curriculum Minimum Content) Order (NI) 2007.

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