

**Submission to the UN Human Rights Committee on the
United Kingdom's Seventh Periodic Report on compliance
with the International Covenant on Civil and Political Rights.**



NORTHERN
I R E L A N D
HUMAN
RIGHTS
COMMISSION

Executive Summary

The Northern Ireland Human Rights Commission (NIHRC) NIHRC is one of the three A status National Human Rights Institutions in the United Kingdom (UK). In accordance with the Paris Principles 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 Northern Ireland (NI).¹

With respect to the UK's Seventh Periodic Report on compliance with the International Covenant on Civil and Political Rights (ICCPR) the UN Human Rights Committee may wish to ask the State Party:

- To set out the factors leading to the failure of the NI Executive to engage in the international human rights system and to set out measures taken to ensure this failure is not repeated.
- In what circumstances will the State Party transfer responsibilities relating to the NIHRC to the devolved institutions?
- To confirm that if a transfer is to take place, the current responsibilities of the Secretary of State will be transferred to the Northern Ireland Assembly in accordance with the Belgrade Principles?
- What measures will be put in place to further guarantee the independence and effectiveness of the NIHRC under the Paris Principles?
- To provide an assurance that the NIHRC shall have adequate funding as set out by the Paris Principles and that there is no regression in the NIHRC's capacity to meet its responsibilities as a national human rights institution.
- How it intends to meet its obligation emerging from the Belfast (Good Friday) Agreement to implement a Bill of Rights for Northern Ireland and to provide the timeline for delivery?
- What plans are there to simplify, harmonise and strengthen equality protections in Northern Ireland?
- What measures are being taken to ensure increased representation of women and ethnic minorities in the judiciary, in line with the Committee's recommendation?
- What measures are being taken to increase representation of women in public office in Northern Ireland?
- What measures are being taken to ensure women's participation in accordance with UNSCR 1325 in addressing the legacy of the conflict?

- What consideration has been given to replacing attenuating energy projectiles with alternative methods of force?
- What assessment has been carried out of the injuries sustained by persons who have been struck by an AEP, which includes persons targeted and those accidentally struck?
- What progress has been made on developing a comprehensive framework for transitional justice in Northern Ireland, which ensures that prompt, thorough and independent investigations are conducted to establish the truth and to prosecute perpetrators and ensure adequate redress for victims?
- To provide an update on the operation of the Inquiries Act 2005, including its use in Northern Ireland in relation to conflict related deaths.
- What ongoing investigations are being carried out into the murder of Pat Finucane?
- To provide an update and assessment of the effectiveness of each mechanism established to investigate conflict related deaths in Northern Ireland, including specific information on measures taken to address delays in the Coroner's court and to ensure investigators have access to documentation to guarantee an effective investigation.
- To provide full details of the administrative scheme and its implications for the future prosecution of those processed by the scheme for terrorist or criminal offences.
- To provide information on the security situation in Northern Ireland and on measures taken to address the continued threat posed by paramilitary organisations.
- What actions have been taken to institute prompt, independent and thorough investigations and ensure that all victims of abuse obtain redress and have an enforceable right to compensation.
- Provide an assessment of the State Party's ability to conduct effective policing in Northern Ireland for the purpose of protecting children from exploitation and online abuse
- What actions are being taken to ensure the criminal law is sufficiently robust to prevent the abuse of health and social care users in Northern Ireland?
- What measures are the NI Executive taking to tackle violence against women, in particular, what progress has been made on adopting a strategy on domestic and sexual violence and abuse for Northern Ireland, which is underpinned by international human rights standards?
- Whether the NI Executive intends to introduce DVPNs or measures providing similar protections in Northern Ireland and when?

- When will legislation be introduced to reform the abortion laws in Northern Ireland ensuring the availability of termination of pregnancy services in circumstances of rape, incest and serious malformation of the foetus?
- When will legislation be introduced to reform the abortion laws in Northern Ireland ensuring the availability of termination of pregnancy services in circumstances of rape, incest and serious malformation of the foetus?
- What actions are being taken to ensure the abortion laws meet the principle of legal certainty?
- To share the findings of the PSNI Review of the Terrorism Act 2000 section 41 arrest power.
- To provide its assessment of the use of Terrorism Act 2000 section 41 arrest powers and on the number of persons arrested who are subsequently charged and/or convicted of a terrorism related offence.
- To set out its position on the availability of bail to terrorist suspects in pre-charge detention and to provide an update on current legal challenges to the legislation.
- To set out for the Committee the circumstances that must exist for the State Party to no longer consider the non-jury trial provisions necessary and to set out measures that are being taken to address these circumstances.
- To provide an update on the reform of the prison service and to set out how performance has improved within in the prison system.
- To provide information on the progress in ensuring prisoners with mental health problems at risk of suicide and self-harm are adequately protected.
- To provide information on arrangements for immigration detention in Northern Ireland, particularly on rules applicable in the short term holding facility and protection measures in place for victims of torture and trafficking.
- What actions it will take to increase the minimum age of criminal responsibility?
- What efforts are being made to ensure the repeal of provisions within the Criminal Justice (Children) (NI) Order 1998, which permit the imprisonment of children alongside adults?
- What measures are being taken to ensure children are held in custody only when this is absolutely necessary and as a measure of last resort?
- When will the law of bail in Northern Ireland be reformed and what proposals will it contain in relation to children specifically?

- To provide information on the use of anti-social behaviour orders in Northern Ireland and to set out any plans for reform.
- To provide up to date assessments of the extent of delays across the criminal justice system in Northern Ireland.
- To set out the measures the Northern Ireland Executive will take to address delay in the criminal justice system, along with projections of their likely success.
- To set out what measures it will take to ensure compatibility of the test for a miscarriage of justice with the ICCPR, Article 14 (6).
- To explain how the indefinite retention of an adult's DNA and fingerprints is considered proportionate given its blanket approach.
- To provide an update on changes to the powers of stop and search contained within the Justice and Security (NI) Act 2007.
- To provide its assessment of how recent changes to rules and regulations governing powers of stop and search ensure compliance with ICCPR, Article 17.
- To provide information on measures taken to monitor and evaluate the use of powers of stop, search and question in Northern Ireland, to ensure the powers are exercised in accordance with ICCPR, Article 2.
- What assessment has been made on the ability of the Defamation Act 2013 to re-balance UK defamation laws and to what extent does the limited territorial extent of the Act impact on its effectiveness?
- Whether it intends to abolish existing blasphemy laws in Northern Ireland?
- What actions are being taken to combat negative attitudes towards minority groups?
- What actions are being taken to effectively enforce domestic laws prohibiting hate speech and hate crime in Northern Ireland?
- What actions are being taken to implement the recommendations of the NIHRC's investigation into racist hate crimes?

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NIHRC Submission

Introduction

The Northern Ireland Human Rights Commission (the NIHRC) is a statutory public body established in 1999 to promote and protect human rights. In accordance with the Paris Principles 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 Northern Ireland (NI).²

The NIHRC is one of the three A status National Human Rights Institutions in the United Kingdom (UK). The NIHRC's mandate extends to all matters relating to the protection and promotion of human rights in Northern Ireland, both matters within the competence of the Northern Ireland Assembly and those within the competence of the Westminster Parliament. This submission relates to the protection of human rights in Northern Ireland.

As part of the NIHRC's engagement with the United Nations and Council of Europe treaty monitoring processes, it presents this submission regarding the UK's Seventh Periodic Report on compliance with the International Covenant on Civil and Political Rights (ICCPR) to the UN Human Rights Committee (the Committee).

Information on Northern Ireland

The NIHRC draws the Committee's attention to paragraph 11 of the State Report which states:

"Despite requests from the UK Government, the devolved administration in Northern Ireland has been unable to agree a contribution to this Report reflecting the views and actions of the Northern Ireland Executive relating to those Articles for which they have policy responsibility under the devolution settlement."

The State Report is therefore incomplete and the Committee lacks important information to inform itself of the human rights situation in Northern Ireland. The NIHRC has previously drawn this matter to the Committee's attention and is grateful for the interest which it has shown. The NIHRC advises that the NI Executive has failed to submit information to human rights treaty bodies on a number of occasions.

The Committee may wish to ask the State Party:

- **To set out the factors leading to the failure of the NI Executive to engage in the international human rights system and to set out measures taken to ensure this failure is not repeated.**

Information on the National Human Rights Institution

Under the Northern Ireland Act 1998 the NIHRC is currently accountable to the Westminster Parliament and its Commissioners are appointed by the Secretary of State for Northern Ireland.³ In 2013 the Westminster Parliament amended the 1998 Act to allow for the Secretary of State's responsibilities relating to the NIHRC to be transferred to the devolved institutions at some point in the future.⁴ This proposal raised concerns regarding potential encroachments upon the independence of the NIHRC and its operation in line with the Paris Principles. Parliament amended the relevant legislation to ensure that, before a transfer can take place, a report is to be provided to Parliament on any potential implications for the independence and status of the NIHRC.⁵

The Committee may wish to ask the State Party:

- **In what circumstances will the State Party transfer of responsibilities relating to the NIHRC to the devolved institutions?**
- **To confirm that if a transfer is to take place, the current responsibilities of the Secretary of State will be transferred to the Northern Ireland Assembly in accordance with the Belgrade Principles?**
- **What measures will be put in place to further guarantee the independence and effectiveness of the NIHRC under the Paris Principles?**

The State Party has reduced its financial support for the NIHRC by 25% over the last 4 years. It is currently proposing an additional reduction of 11.15% in 2015. The NIHRC advises that the proposed reduction puts at risk the status of the NIHRC as an A status national human rights institution as recognised by the International Coordinating Committee.

The Committee may wish to ask the State Party:

- **To provide an assurance that the NIHRC shall have adequate funding as set out by the Paris Principles and that there is no regression in the NIHRC's capacity to meet its responsibilities as a national human rights institution.**

Bill of Rights for Northern Ireland

The NIHRC recalls paragraph 6 of the Committee's concluding observations on the UK's Sixth Periodic Report, recommending that the rights of the ICCPR be given effect in domestic legislation. The NIHRC advises that, pursuant to its mandate under the Belfast (Good Friday) Agreement 1998, advice on a Bill of Rights for Northern Ireland was provided to the UK Government in 2008.⁶ Whilst the NIHRC has continued to provide advice on a Bill of Rights for Northern Ireland, there has been little political progress towards enacting legislation.

The Committee may wish to ask the State Party:

- **How it intends to meet its obligation emerging from the Belfast (Good Friday) Agreement to implement a Bill of Rights for Northern Ireland and to provide the timeline for delivery?**⁷

Single Equality Bill (Articles 2, 3, 26)

In Northern Ireland there are a number of laws and regulations prohibiting discrimination on certain grounds, including sex, racial group, religious belief, political opinion, sexual orientation, age, disability, pregnancy and maternity, gender reassignment, and marital or civil partnership status.⁸ There is no single equality act consolidating all the laws; the Equality Act 2010 does not extend to Northern Ireland.

The NI Executive has no plans to introduce a single equality bill, but has stated its intention to update the current legislative framework.⁹ Given the complexity of the various laws and unequal legal protections provided to different individuals and groups, it is paramount that the current equality provisions be simplified, harmonised and strengthened.¹⁰

The Committee may wish to ask the State Party:

- **What plans are there to simplify, harmonise and strengthen equality protections in Northern Ireland?**

Judicial (Articles 2, 3, 25 and 26)

The NIHRC recalls paragraph 8 of the Committee's concluding observations on the UK's Sixth Periodic Report, in which it recommended that the State Party strengthen efforts to increase representation of women and ethnic minorities in the judiciary. The NIHRC advises that only 22.1% of the judiciary in Northern Ireland are female and that there are no female High Court judges. There are no judicial office holders from a minority ethnic background.¹¹

The Committee may wish to ask the State Party:

- **What measures are being taken to ensure increased representation of women and ethnic minorities in the judiciary, in line with the Committee's recommendation?**

Participation of Women in Public and Political Life (Articles 2, 3, 25 and 26)

Public office

Legislation allows political parties to take positive measures to reduce inequality between men and women elected to Parliament, the NI Assembly, District Councils and the European Parliament.¹² Generally, however, women hold only one fifth of elected positions in NI.¹³ Although the majority of employees in the

public administration are women, they remain underrepresented in publicly appointed and leadership positions.

The Committee may wish to ask the State Party:

- **What measures are being taken to increase representation of women in public office in Northern Ireland?**

UN Security Council Resolution 1325 (UNSCR 1325)

There has been a refusal by the UK Government to apply UNSCR 1325 in Northern Ireland. The Associate Westminster Parliamentary Group on Women, Peace and Security (APG-WPS), tasked with monitoring and holding to account the UK Government in implementing UNSCR 1325, includes a focus on Northern Ireland. It conducted an inquiry into women, peace and security in Northern Ireland in 2013.¹⁴

The Committee may wish to call upon the UK Government to accept the applicability of UNSCR 1325 in Northern Ireland and to ask the State Party:

- **What measures are being taken to ensure women's participation in accordance with UNSCR 1325 in addressing the legacy of the conflict?**

Use of Force (Article 6)

The NIHRC advises that police officers in Northern Ireland may have recourse to force including; firearms, tasers, attenuating energy projectiles (AEPs), water canons and batons. The Police Service of Northern Ireland (PSNI) Code of Ethics, Article 4, states:

Police officers, in carrying out their duties, shall as far as possible apply non-violent methods before resorting to any use of force only if other means remain ineffective or have no realistic chance of achieving the intended result.¹⁵

The NIHRC notes that following his mission to the UK in 2013, the UN Human Rights Council Special Rapporteur on Peaceful Assembly recommended that the PSNI stop using AEPs.¹⁶ The potential for the use of AEPs to impact adversely on community confidence in the PSNI has been highlighted by the NI Policing Board.¹⁷

The NIHRC advises that under PSNI guidelines, an AEP may only be used if a police officer genuinely, honestly and reasonably believes it is absolutely necessary to do so to reduce a serious risk of loss of life or serious injury.¹⁸ The test is the same as for conventional firearms. An AEP should only be used where an individual aggressor or aggressors can be identified and targeted.¹⁹

Where a firearm, taser or AEP has been discharged, the Police Ombudsman for Northern Ireland will investigate the incident.²⁰ From 1 April 2013 – 30 September 2013, 98 AEPs were fired by 33 officers.²¹ During this period there were a number of significant public order incidents in NI.²²

The Committee may wish to ask the State Party:

- **What consideration has been given to replacing attenuating energy projectiles with alternative methods of force?**
- **What assessment has been carried out of the injuries sustained by persons who have been struck by an AEP, which includes persons targeted and those accidentally struck?**

Transitional Justice (Articles 2, 6, 7 and Article 14(1))

Absence of a Comprehensive Framework

The Northern Ireland Department of Justice has recently acknowledged that:

*the current arrangements for dealing with criminal justice aspects of the past are complex; costly; and can fail to achieve satisfaction for victims and survivors in individual cases; thus damaging the wider objective of societal healing...*²³

A 2012 Report by the Commission for Victims and Survivors recognised that “as they move on, victims need to see the justice system doing what it can to right historical failings regarding the investigation or non-investigation of serious crime.” However, the Commission stated that, “since historical investigations are limited solely to killings, the much greater number of crimes relating to the Troubles is set to remain unsolved and largely unexplained. Thus, the seriously injured and the traumatized are unlikely to achieve anything more from the justice system.”²⁴

In 2013, the NIHRC conducted a review of the opportunities and needs in the area of transitional justice in Northern Ireland, led by independent expert Priscilla Hayner.²⁵ The review found that:

*Among those consulted, many called for a more holistic approach to transitional justice in Northern Ireland. The absence of any centralised oversight or co-ordination of transitional justice efforts was felt both to impede those trying to make advances in this area, and to contribute to the public perception that little was being done. Experts, victims, and others stressed the need for a medium to long term strategy on these issues, in contrast with the current ad hoc approach to policy and funding.*²⁶

The Criminal Justice Inspector for Northern Ireland has similarly recognised the need for a co-ordinated response to investigations of conflict related deaths, which addresses the needs of victims.²⁷

In May 2013 the UN Committee against Torture recommended that:

the State party develop a comprehensive framework for transitional justice in Northern Ireland and ensure that prompt, thorough and

*independent investigations are conducted to establish the truth and identify, prosecute and punish perpetrators.*²⁸

The State Party has submitted follow up information to the CAT Committee and this is currently under consideration.²⁹

In July 2013 the Northern Ireland Executive established an all party panel under the chairmanship of Dr Richard Haass to:

*Bring forward a set of recommendations by the end of 2013 on parades and protests; flags, symbols, emblems and related matters stemming from the past that will provide long-term and sustainable solutions that are in the best interests of this community and will make the peace more resilient going forward. In doing so the Group will seek the views of, and evidence from, interested stakeholders on how best to address the issues that cause community division.*³⁰

The all party panel was unable to reach a consensus on the issues. The Chairperson subsequently published the draft proposed agreement.³¹ Further efforts have been made to reach agreement amongst political parties in Northern Ireland regarding dealing with the past, parades and flags.³² However a resolution has not yet been reached.

The failure to reach agreement means that, whilst the piecemeal mechanisms established to investigate conflict related deaths have each been subject to significant criticism, there continues to be no co-ordinated approach. Furthermore, matters relating to the conflict, such as parades and protests, which often result in disorder undermining the enjoyment of human rights, remain unresolved.³³ The draft proposed agreement made specific recommendations around medical, emotional, financial, and other support for victims.³⁴

The Committee may wish to ask the State Party:

What progress has been made on developing a comprehensive framework for transitional justice in Northern Ireland, which ensures that prompt, thorough and independent investigations are conducted to establish the truth and to prosecute perpetrators and ensure adequate redress for victims?

Existing Mechanisms: Inquiries

The NIHRC recalls paragraph 9 of the Committee's concluding observations on the UK's Sixth Periodic Report and notes the updated information provided in the State Report, at paragraphs 531 - 536. The NIHRC remains of the view, as previously communicated to the Committee, that the Inquiries Act 2005 makes it impossible to set up truly independent inquiries by virtue of an unprecedented subordination of the inquiry process to the control of Government ministers at every stage, even though the actions of the Executive may, more often than not, be the very subject of the investigation.³⁵

Further to paragraph 536 of the State Report the NIHRC advises that Sir Desmond de Silva published the report of his review into State involvement in the murder of Pat Finucane in December 2013.³⁶ In his Report Sir Desmond states: "*agents of the State were involved in carrying out serious violations of human rights up to and including murder*".³⁷ The Prime Minister has indicated that there will not be a further independent inquiry into the murder of Mr Finucane.³⁸

Furthermore, the Government has indicated that there is unlikely to be any further inquiries into conflict related deaths in Northern Ireland, and appeals for inquiries into deaths and incidents have been turned down.³⁹ In addition, the Attorney General for Northern Ireland has called for an end to prosecutions for conflict related murders.⁴⁰

The Committee may wish to ask the State Party:

- **To provide an update on the operation of the Inquiries Act 2005, including its use in Northern Ireland in relation to conflict related deaths.**
- **What ongoing investigations are being carried out into the murder of Pat Finucane?**

Existing Mechanisms: Investigatory Processes

The State Party has informed the Committee that, "*public inquiries are only one mechanism through which deaths attributable to the Troubles have been addressed in Northern Ireland*".⁴¹ The packages of measures developed by the State Party to investigate conflict related deaths includes the work of the Police Service of Northern Ireland's Historical Enquiries Team (HET), the work of the Office of the Police Ombudsman for Northern Ireland and the work of the Northern Ireland Coroner.

The HET and Northern Ireland Coroner are confined to investigating deaths, whereas the Police Ombudsman examines serious criminality conducted by the police. There is currently no dedicated mechanism to investigate other human rights abuses that occurred during the conflict, for instance where State complicity or acquiescence in incidents of torture or inhuman and degrading treatment has been alleged. The NIHRC advises the Committee that concerns have emerged regarding each of the established processes.

In 2013 a report by HM Inspectorate of Constabulary (HMIC) into the HET found that:

*"the HET's approach to state involvement cases is inconsistent with the UK's obligations under Article 2 ECHR [right to life]. The inconsistency in the way that state involvement and non-state involvement cases are dealt with undermines the effectiveness of the review process in Article 2 terms. In addition, the deployment of former RUC [Royal Ulster Constabulary] and PSNI officers in state involvement easily gives rise to the view that the process lacks independence."*⁴²

HMIC made a total of twenty recommendations to address the identified inconsistencies and a Working Group has been established to monitor implementation of the recommendations. The work of the HET is currently suspended.⁴³

In 2012 a review into the Police Ombudsman's investigations of historic cases similarly identified "an inconsistent investigation process, a varied approach to communication with stakeholders and differences in quality assurance."⁴⁴ Investigations by the Police Ombudsman into historic cases recently recommenced and are still under review.

The coronial process has similarly been subject to criticism. The issue of delays at the NI Coroners has been a source of significant concern for many years.⁴⁵ The European Court of Human Rights recently found that: "*carrying out of investigations, including holding inquests, into killings by the security forces in Northern Ireland has been marked by major delay.*"⁴⁶

Whilst improvements have been made since this judgment, such as the establishment of a cross agency working group,⁴⁷ on 6 May 2014 the Senior Coroner wrote to the Minister of Justice stating:

*Inquests are being funded on a drip fed basis and that there is no demonstrable commitment to ensure that [conflict related] inquests are properly resourced and otherwise facilitated so that they can take place timeously. In the meantime, the families of the deceased and the witnesses' age, and many have already died without these Inquests having been heard. The delay for the families of the deceased and for many of the witnesses involved must be nothing short of intolerable.*⁴⁸

The Senior Coroner has consistently highlighted the reluctance of relevant authorities to disclose sensitive security documents as a factor leading to delay.⁴⁹ The Police Ombudsman has recently brought legal proceedings against the Chief Constable of the PSNI alleging his obstruction of the Ombudsman's investigations and seeking the disclosure of documents containing intelligence material relating to incidents that occurred during the conflict.⁵⁰

The Committee may wish to ask the State Party:

- **To provide an update and assessment of the effectiveness of each mechanism established to investigate conflict related deaths in Northern Ireland, including specific information on measures taken to address delays in the Coroner's court and to ensure investigators have access to documentation to guarantee an effective investigation.**

Prosecutions

It has emerged that in September 2000 an administrative scheme was established by the UK Government to deal with individuals living outside of the UK, who believed they might face questioning or arrest in connection with terrorist or other criminal offences relating to the conflict in Northern Ireland if they returned to the UK.

The existence of the scheme emerged in February 2014 during the prosecution of John Downey for offences relating to an IRA bombing in the UK in which four soldiers were killed. Mr Downey had previously applied to the administrative scheme and was in receipt of a letter from senior officials within the Northern Ireland Office stating:

"The Secretary of State for Northern Ireland has been informed by the Attorney General that on the basis of the information currently available, there is no outstanding direction for prosecution in Northern Ireland, there are no warrants in existence nor are you wanted in Northern Ireland for arrest, questioning or charge by the police. The Police Service of Northern Ireland are not aware of any interest in you from any other police force in the United Kingdom. If any other outstanding offence or offences came to light, or if any request for extradition were to be received, these would have to be dealt with in the usual way."⁵¹

As a result of the letter the presiding judge accepted an abuse of process application and the prosecution was stayed.

The Government has emphasised that the letters do "*not amount to immunity, exemption or amnesty from arrest*".⁵² Prime Minister David Cameron established an inquiry, led by Lady Justice Hallett, to review the operation and extent of the administrative scheme. Lady Justice Hallett reported in July 2014 and concluded that the administrative scheme did not grant immunity from prosecution and that the judgement in the Downey case is non-binding.⁵³ In addition a review is being undertaken by the Northern Ireland Affairs Committee of the House of Commons, this review is also considering the use of the royal prerogative of mercy and is ongoing at the time of writing.⁵⁴

The Committee may wish to ask the State Party:

- **To provide full details of the administrative scheme and its implications for the future prosecution of those processed by the scheme for terrorist or criminal offences.**

Paramilitary-Style attacks and Deaths related to the Security Situation

The NIHRC draws the Committee's attention to the ongoing problem of paramilitary-style attacks and deaths related to the security situation in Northern Ireland. There has been a reduction in the number of such attacks in recent years, however, this issue remains a serious concern.

PSNI statistics regarding Paramilitary-Style attacks from 2004 to 2014 record the following:

2004/05:	93 shootings and 116 assaults.
2005/06:	76 shootings and 76 assaults.
2006/07:	26 shootings and 48 assaults.
2007/08:	7 shootings and 45 assaults.
2008/09:	20 shootings and 41 assaults.
2009/10:	46 shootings and 81 assaults.

2010/11: 33 shootings and 50 assaults.
2011/12: 33 shootings and 46 assaults.
2012/13: 27 shootings and 36 assaults.
2013/14: 28 shootings and 42 assaults.⁵⁵

PSNI statistics from 2004 to 2011 record the following deaths related to the security situation:

2004/05: 4
2005/06: 6
2006/07: 4
2007/08: 1
2008/09: 5
2009/10: 2
2010/11: 1
2011/12: 1
2012/13: 2
2013/14: 1⁵⁶

The Committee may wish to ask the State Party:

- **To provide information on the security situation in Northern Ireland and on measures taken to address the continued threat posed by paramilitary organisations.**

Historical Institutional Abuse (Articles 2 and 7)

In 2013 the Historical Institutional Abuse Inquiry was established to investigate the experiences of abuse of children in residential institutions (other than schools) in Northern Ireland between 1922 and 1995.⁵⁷ The CEDAW Committee has recommended that the remit of the Inquiry should be extended to include adult residents of Magdalene laundry type institutions.⁵⁸ In addition the CAT Committee in its 2013 report regretfully noted that clerical abuse survivors who were abused in private settings were not included within the scope of the inquiry.⁵⁹ There has been some discussion concerning other categories of abuse victims in Northern Ireland.⁶⁰ However there are no plans in place to either extend the existing inquiry or to establish separate inquiries.

The Committee may wish to ask the State Party:

- **What actions have been taken to institute prompt, independent and thorough investigations and ensure that all victims of abuse obtain redress and are able to obtain compensation.**

Abuse & Exploitation of Children

The Commission notes that the State Party has established a National Crime Agency with responsibilities, inter alia, for preventing the sexual exploitation of children. The Northern Ireland Assembly has not passed a motion of legislative consent to permit the NCA to operate with respect to matters within its competence.⁶¹ This has been noted by the UN Committee on the Rights of the

Child which raised concerns regarding the ability of the NCA to protect vulnerable children in Northern Ireland.⁶² Some political parties in Northern Ireland have expressed their concern at the absence of legal mechanisms to ensure accountability to the local policing oversight architecture, principally the NI Policing Board.⁶³

The Committee may wish to ask the State Party to:

Provide an assessment of the State Party's ability to conduct effective policing in Northern Ireland for the purpose of protecting children from exploitation and online abuse.

Abuses in Health and Social Care Settings (Article 7)

The NIHRC's report 'In Defence of Dignity' examined the human rights of older people living in nursing homes. It identified that in certain circumstances the excessive use of restraints, routinely used in care homes, had amounted to individuals being treated in an inhuman and degrading manner.⁶⁴ In addition, in recent years a number of incidents of serious abuse in health and social care settings, in particular in homes caring for persons with disabilities, have been identified.⁶⁵

There are currently proposals to introduce a criminal offence of ill-treatment or wilful neglect of an over 16 year old who lacks mental capacity in Northern Ireland.⁶⁶ This provision is unduly limited in scope and will not protect under 16 year olds or over 16 year olds who have capacity. The NIHRC considers that a new offence of wilful or reckless neglect or mistreatment of any individual in a health and social care setting should be introduced to Northern Ireland.⁶⁷ This offence should apply in all health and social care settings. Reforms to the criminal law should be underpinned by robust standards governing health and social care settings, in particular residential homes.

The Committee may wish to ask the State Party:

- **What actions are being taken to ensure the criminal law is sufficiently robust to prevent the abuse of health and social care users in Northern Ireland?**

Violence against Women (Articles 3, 7 and 9)

In 2013/14 the PSNI recorded 27,628 domestic abuse incidents.⁶⁸ In 2012/13 domestic violence accounted for approximately one quarter of all violence against the person offences, 20.9% of all sexual offences and 29.4% of all murders recorded in the jurisdiction.⁶⁹ 70% of the victims of domestic violence are women.⁷⁰

The Department of Justice (DoJ) and the Department of Health, Social Services and Public Safety (DHSSPS) carry principal responsibility in tackling domestic violence and abuse. In December 2013 the DoJ and DHSSPS opened their strategy "Stopping Domestic and Sexual Violence and Abuse in Northern Ireland, 2013-2020" for public consultation to which the NIHRC responded. The NIHRC

thereby highlighted the need to recognise the gendered nature of domestic and sexual violence and to ensure government responses were gender sensitive and also address the underlying issues giving rise to violence against women.⁷¹

The Committee may wish to ask the State Party:

- **What measures are the NI Executive taking to tackle violence against women, in particular, what progress has been made on adopting a strategy on domestic and sexual violence and abuse for Northern Ireland, which is underpinned by international human rights standards?**

In its consultation response, the NIHRC further raised the issue of Domestic Violence Protection Notices (DVPNs), which are not available in Northern Ireland. DVPNs allow the police to prevent the suspected perpetrator from entering the victim's residence for a set period of time. The current legislation provides for non-molestation orders and occupation orders, both of which must be applied for at the Magistrates' Court. These procedures require legal assistance and may not always provide timely and adequate protection for victims. The Criminal Justice Inspectorate of Northern Ireland (CJINI) recommended the introduction of DVPNs in 2010 but the DoJ has not yet decided on whether to introduce them.⁷²

The Committee may wish to ask the State Party:

- **Whether the NI Executive intends to introduce DVPNs or measures providing similar protections in Northern Ireland and when?**

Termination of Pregnancy (Articles 3, 7 and 15)

In Northern Ireland it is illegal to perform an abortion unless it is necessary to preserve the life of a pregnant woman, or there is a risk of real and serious adverse effect on her physical or mental health, which is either long term or permanent.⁷³ The administering of an abortion outside of such circumstances is punishable with a maximum penalty of life imprisonment.⁷⁴ Therefore performing an abortion on grounds of rape, incest or serious malformation of the foetus is illegal. The failure to report an unlawful abortion also constitutes a criminal offence with a maximum penalty of 10 years imprisonment.⁷⁵

Women refused a termination of pregnancy in Northern Ireland must either carry the pregnancy to term or make arrangements for a termination outside of Northern Ireland, usually in other parts of the United Kingdom. In such circumstances, a woman from Northern Ireland must pay for the procedure and pay for the costs of travel and accommodation.

The NIHRC notes the Committee's and other treaty bodies' comments, observations and jurisprudence on the issue of access to safe abortion.⁷⁶ The NIHRC has repeatedly advised Department of Health Social Services and Public Safety (DHSSPS) and Department of Justice (DoJ) that a change in the law is required to provide for safe abortions on grounds of rape, incest and serious malformation of the foetus. The DHSSPS consulted on draft guidelines in 2013, but confirmed that guidance "cannot change the law."⁷⁷ The DoJ has stated its

intention to initiate a consultation on updating the laws governing abortion.⁷⁸ At the time of writing, no proposals have been published.

The NIHRC advises that in addition to being restrictive, the criminal law governing abortion in Northern Ireland lacks clarity and does not provide health professionals with sufficient legal certainty. The penalties that can be imposed against health professionals are disproportionate and have a negative impact on health staff discharging their professional duty of care and confidentiality towards clients.⁷⁹

In addition, there is uncertainty whether providing information to or assisting a pregnant woman in obtaining an abortion outside the jurisdiction amounts to a criminal offence.⁸⁰ This lack of clarity was recently acknowledged by the DHSSPS in the aforementioned draft guidelines which sought to provide clarity to health practitioners. The draft guidelines stated that those scenarios had "*never been considered by the courts. This is a 'grey area' in which, pending clarification by the courts, the lawfulness of such conduct would have to be regarded as uncertain.*"⁸¹ The Director of Public Prosecutions has subsequently appeared in the media to state that "*where individuals have felt it necessary to travel to England to have an abortion because of serious foetal abnormality, in those circumstances, I can envisage no situation where anyone giving advice and assistance in that regard would fall foul of the law*".⁸² However the draft guidelines are not yet finalised.

The Committee may wish to ask the State Party:

- **When will legislation be introduced to reform the abortion laws in Northern Ireland ensuring the availability of termination of pregnancy services in circumstances of rape, incest and serious malformation of the foetus?**
- **What actions are being taken to ensure the abortion laws meet the principle of legal certainty?**

Arrest and Detention (Articles 9 and 14)

Powers of Arrest for Terrorist Offences

The Terrorism Act 2000 at section 41 empowers a police officer "*to arrest without warrant a person whom he reasonably suspects to be a terrorist*". Referring to section 41, the UK's Independent Reviewer of Terrorism Legislation in his report of 2012 stated: "*It is a notably wide power of arrest, in particular because the arresting officer need have no specific offence in mind.*"⁸³

In his 2011 report, the Independent Reviewer stated that he was struck "*by the very low proportion of those arrested under section 41 [in Northern Ireland] who are subsequently charged under the Terrorism Acts: less than 5% (a total of 8 people) in 2009-10.*"⁸⁴ Subsequently, the PSNI carried out a review to ensure that section 41 arrests were being carried out in appropriate circumstances. The findings of this review were shared with the NI Policing Board. The Independent Reviewer noted in his 2013 report that higher number of persons arrested under section 41 being charged with terrorism related offences.⁸⁵ However in the

financial year 2013/14 of the 168 persons arrested under section 41 of the Terrorism Act 2000 only 32 were charged with a criminal offence.⁸⁶

The Committee may wish to ask the State Party:

- **To share the findings of the PSNI Review into the use of the section 41 arrest power.**
- **To provide its assessment of the use of section 41 arrest powers and on the number of persons arrested who are subsequently charged and/or convicted of a terrorism related offence.**

Bail Conditions for Terrorist Offences

The current maximum period of pre-charge detention for terrorist suspects is 14 days, set by Schedule 8 of the Terrorism Act 2000, as amended by the Protection of Freedoms Act 2012.

The NIHRC advises that the Terrorism Act 2000 does not make provision for persons arrested under section 41 to be released on bail. During judicial review hearings relating to persons arrested under the 2000 Act, the Northern Ireland Court of Appeal stated:

"There is no provision for conditional release on bail within the statutory scheme. The respondent submitted that persons arrested under this legislation would be likely to interfere with evidence or witnesses, fail to attend trial, obstruct the course of justice or commit offences while on bail. We do not consider that such generalisations are appropriate."⁸⁷

Both the Joint Committee on Human Rights and the Independent Reviewer of Terrorism have expressed the view that bail should be available in terrorism cases.⁸⁸ This matter is currently under review by the European Court of Human Rights.⁸⁹

The Committee may wish to ask the State Party:

- **To set out its position on the availability of bail to terrorist suspects in pre-charge detention and to provide an update on current legal challenges to the legislation.**

Further to paragraphs 875 – 881 of the State Party Report the NIHRC advises the Committee that non-jury trial provisions relating solely to Northern Ireland have once again been extended and are now provided for until 31 July 2015.

The Committee may wish to ask the State Party:

- **To set out for the Committee the circumstances that must exist for the State Party to no longer consider the non-jury trial provisions necessary and to set out measures that are being taken to address these circumstances.**

Prison Conditions (Articles 2 and 10)

The NIHRC advises that a comprehensive review of the conditions of detention, management and oversight of all prisons in Northern Ireland reported in 2011.⁹⁰ The Review found that 'overhauling' of the entire prison system is required to address the underlying problems and bring about sustainable improvement to the prison system.⁹¹ An oversight group has been established to review implementation of the Review report's recommendations.⁹² The NIHRC welcomed the recommendations and emphasised the need to urgently address the high number of deaths in prison by suicide.⁹³

The NIHRC notes that despite reforms of policies and procedures aimed at assisting prisoners with mental health problems, incidents of suicide and self-harm remain high.⁹⁴ Furthermore, the NIHRC is concerned that weaknesses in the system of support appear to consistently re-occur. Deaths in prison are investigated by the Prisoner Ombudsman for Northern Ireland who produces a detailed report which identifies the circumstances of a prisoner's death.⁹⁵ The NIHRC notes that the circumstances of a number of suicides in prisons in Northern Ireland recorded in the Ombudsman's reports share similar contributory factors. These factors include; a failure to appropriately apply procedures and policies relating to prisoners at risk; ineffectiveness in dealing with the trade of illicit substances and prescribed medications; failures in the provision of healthcare and ineffective approaches to address bullying.⁹⁶

The Committee may wish to ask the State Party:

- **To provide an update on the reform of the prison service and to set out how performance has improved within in the prison system.**
- **To provide information on the progress in ensuring prisoners with mental health problems at risk of suicide and self-harm are adequately protected.**

Immigration detention (Articles 9, 10 and 12)

The NIHRC recalls paragraph 21 of the Committee's concluding observations on the UK's Sixth Periodic Report. The NIHRC advises that in July 2011, 'Larne House', an immigration short term holding facility was established in Northern Ireland. The facility can hold up to 19 persons who can be detained for a maximum of 7 days.⁹⁷ From February 2013 to January 2014, a total of 2,035 persons had been detained at Larne House.⁹⁸ Her Majesty's Chief Inspector of Prisons and an Independent Monitoring Board appointed by the Home Office Minister for Immigration are responsible for inspecting the facilities and treatment of detainees held there.

The NIHRC notes that the State Report does not contain statistics on persons subject to deportation who are removed from Northern Ireland to Great Britain, as previously requested by the Committee. Furthermore, the State Report contains no details on conditions or applicable rules within the institution. In addition there is no information on mechanisms to identify individuals who may have been tortured or trafficked.

The Committee may wish to ask the State Party:

- **To provide information on arrangements for immigration detention in Northern Ireland, particularly on rules applicable in the short term holding facility and protection measures in place for victims of torture and trafficking.**

Children in the Criminal Justice System

Age of Criminal Responsibility (Articles 14 and 24)

In Northern Ireland the age of criminal responsibility is 10 years old.⁹⁹ The NIHRC recalls the Committee's view that under Article 24, a "State party cannot absolve itself from its obligations under the Covenant regarding persons under the age of 18, notwithstanding that they have reached the age of majority under domestic law."¹⁰⁰ The NIHRC has advised for the minimum age of criminal responsibility to be raised to at least 12 in line with international human rights standards.¹⁰¹ The CRC Committee has also recommended on three separate occasions that the State Party increase the minimum age of criminal responsibility.¹⁰²

The Committee may wish to ask the State Party:

- **What actions it will take to increase the minimum age of criminal responsibility?**

Imprisonment of Children (Articles 10 and 24)

The Criminal Justice (Children) (NI) Order 1998, continues to make provision for a 15-17 year old offender, considered likely to injure himself or others to be detained in HM Young Offenders Centre Hydebank Wood, which accommodates offenders up to 21 years of age. Whilst at present there are no children imprisoned at Hydebank Wood and Departmental officials have indicated that the practice has ceased, the legislative provision remains in place.¹⁰³ The NIHRC has advised that the provision should be repealed to ensure the practice cannot resume.¹⁰⁴

The Committee may wish to ask the State Party:

- **What efforts are being made to ensure the repeal of provisions within the Criminal Justice (Children) (NI) Order 1998, which permit the imprisonment of children alongside adults?**

Remand/Pre-Trial Detention of Children (Articles 14 and 24)

A high percentage of child defendants in custody in Northern Ireland are on remand, most of whom will not go on to serve a custodial sentence.¹⁰⁵ In addition to the established grounds for pre-trial detention, a child who has been arrested may be remanded in a prison when it is deemed to be in their best interests.¹⁰⁶

The Youth Justice Review found that the overuse of remand in custody resulted from a "serious gap in the provision of suitable bail packages to the court at an early stage that would ensure that young defendants can be safely and securely bailed to reside in the community".¹⁰⁷ The NIHRC has advised that a child should be held in custody only when absolutely necessary and that suitable arrangements should be developed to accommodate child defendants who are on bail.¹⁰⁸ The DoJNI has subsequently consulted on reform of bail law, including the suggestion that legislation should prohibit the detention of children and young people on the grounds of a lack of suitable accommodation where a child or young person can be held on bail.¹⁰⁹

The Committee may wish to ask the State Party:

- **What measures are being taken to ensure children are held in custody only when this is absolutely necessary and as a measure of last resort?**
- **When will the law of bail in Northern Ireland be reformed and what proposals will it contain in relation to children specifically?**

Anti-Social Behaviour (Article 14)

The NIHRC notes that paragraph 203 of the State Party Report sets out proposals for reform of the law of England and Wales relating to anti-social behaviour. The Report contains no information on Northern Ireland.

The Committee may wish to ask the State Party:

- **To provide information on the use of anti-social behaviour orders in Northern Ireland and to set out any plans for reform.**

Delay in the Criminal Justice System (Article 14)

The CJINI reported in 2012 that on average Crown Court defendants, many of whom may be held in pre-trial detention, wait more than 400 days from being charged with a serious offence to disposal.¹¹⁰ The CJINI has identified that there is a lack of a collaborative approach across the justice system to achieve the goal of reducing avoidable delay.¹¹¹ There are currently no statutory time limits on the length of time an individual can be held on remand before a case commences.¹¹²

The Committee may wish to ask the State Party:

- **To provide up to date assessments of the extent of delays across the criminal justice system in Northern Ireland.**
- **To set out the measures the Northern Ireland Executive will take to address delay along with projections of their likely success.**

Right to Compensation (Article 14)

Legislative changes in 2014 redefined the test for a miscarriage of justice to require an applicant who has been wrongfully imprisoned to prove his or her

innocence of a crime in order to obtain compensation.¹¹³ This new test applies for all offences in England and Wales and for offences related to terrorism in Northern Ireland. During passage of the legislation the NIHRC advised that this approach disproportionately limited the right to compensation as protected by ICCPR, Article 14(6).¹¹⁴

The Committee may wish to ask the State Party:

- **To set out what measures it will take to ensure compatibility with the ICCPR, Article 14 (6).**

Retention of DNA (Article 17)

Recalling paragraph 970 of the State Party Report the NIHRC advises that the Criminal Justice (NI) Act 2012 has been enacted in Northern Ireland reflecting the provisions of Part 1, Chapter 1 of the Protection of Freedoms Act 2012. The NIHRC notes that both legislative frameworks make provision for the indefinite retention of the DNA profile and fingerprints of an adult who has been convicted of an imprisonable offence, regardless of its seriousness.¹¹⁵

The Committee may wish to ask the State Party:

- **To explain how the indefinite retention of an adult's DNA and fingerprints is considered proportionate given its blanket approach.**

Powers of Stop and Search (Articles 2 and 17)

As referred to at paragraph 664 of the State Report, the Justice and Security (NI) Act 2007 empowers a police officer in Northern Ireland to stop and question any person for so long as necessary to establish his or her identity and movements.¹¹⁶ It further empowers police officers to search persons and premises (including vehicles) for wireless apparatus or munitions.¹¹⁷ The Protection of Freedoms Act 2012 amended the 2007 Act in line with amendments made to the Terrorism Act 2000. A Code of Practice governing the exercise of powers within the Act was introduced in May 2013.

The Committee may wish to ask the State Party:

- **To provide an update on changes to the powers of stop and search contained within the Justice and Security (NI) Act 2007.**
- **To provide its assessment of how recent changes ensure compliance with ICCPR, Article 17.**

In 2013 the Policing Board NI carried out a thematic review of the use of stop and search powers by the police in Northern Ireland. In its Report the Policing Board recommended that the PSNI should as soon as reasonably practicable consider how it recorded the community background of all persons stopped and searched under powers contained within the Terrorism Act 2000 and within the Justice & Security (NI) Act 2007.¹¹⁸

The Committee may wish to ask the State Party:

- **To provide information on measures taken to monitor and evaluate the use of powers of stop, search and question in Northern Ireland, to ensure the powers are exercised in accordance with ICCPR, Article 2.**

Defamation (Article 19)

The NIHRC recalls the Committee's recommendation at paragraph 25 of its concluding observations on the Sixth Periodic Report of the UK. The NIHRC advises that the Defamation Act 2013 does not extend to the jurisdiction of Northern Ireland.¹¹⁹ The Act does not extend to Northern Ireland as this is a matter which falls within the competence of the Northern Ireland Assembly and a legislative consent motion permitting the Act's extension to NI was not considered. Concerns have been raised in the House of Lords that this limitation in the Act undermines its ability to address the 'phenomenon of libel tourism'.¹²⁰

On 28 November 2013, the Finance Minister for Northern Ireland, Simon Hamilton MLA, asked the NI Law Commission to examine whether the Defamation Act 2013 should extend to Northern Ireland. At the time of writing an initial consultation document from the NI Law Commission is awaited.

The Committee may wish to ask the State Party:

- **What assessment has been made on the ability of the Defamation Act 2013 to re-balance UK defamation laws and to what extent does the limited territorial extent of the Act impact on its effectiveness?**

Blasphemy (Article 19)

The NIHRC notes that the Committee previously noted the abolition of blasphemy laws in England & Wales as a positive measure.¹²¹ The NIHRC advises that the common-law offences of blasphemy and blasphemous libel remain in Northern Ireland.¹²²

The Committee may wish to ask the State Party:

- **Whether it intends to abolish existing blasphemy laws in Northern Ireland?**

Hate Speech and Hate Crime (Articles 18, 20 and 26)

The NIHRC recalls paragraph 16 of the Committee's concluding observations on the UK's Sixth Periodic Report. In 2013/14 the Police Service of Northern Ireland (PSNI) recorded 2,700 hate incidents and 1,922 hate crimes in Northern Ireland, an increase from 2,479 incidents and 1,563 crimes in the previous year.¹²³ Statistics relating to convictions are not published as a matter of course; a number of reports have, however, highlighted low attrition rates and inadequate recording systems.¹²⁴

In May 2014 a sermon by a Christian pastor,¹²⁵ followed by supporting comments by the First Minister of Northern Ireland were reported to have caused distress among minority groups and Muslims in particular.¹²⁶ The First Minister has apologised for his remarks.¹²⁷ The NIHRC has raised its concerns regarding the matter with the CERD Committee and sought its advice. These comments were particularly disappointing given the international emphasis placed on the role of political leaders in mobilising to combat racism and racial discrimination.¹²⁸

In 2012/13 the NIHRC conducted an investigation into the measures taken to address racist hate crimes in Northern Ireland.¹²⁹ Based on a framework of international human rights standards, the NIHRC made 66 findings and 29 recommendations to the Northern Ireland Executive and criminal justice agencies. In particular, the NIHRC found that across all criminal justice agencies, staff demonstrated minimal knowledge of the legislative framework prohibiting hate speech and hate crime.¹³⁰ As a result, the practical application of the domestic laws and policies was not consistent and the overall response at times was inadequate. The NIHRC also found that there is no comprehensive strategy endorsed by the Northern Ireland Executive to combat negative attitudes and promote tolerance and good relations between ethnic, religious and other groups.¹³¹

The Committee may wish to ask the State Party:

- **What actions are being taken to combat negative attitudes towards minority groups?**
- **What actions are being taken to effectively enforce its domestic laws prohibiting hate speech and hate crime in Northern Ireland?**
- **What actions are being taken to implement the recommendations of the NIHRC's investigation into racist hate crimes?**

¹ Principles relating to the Status of National Institutions (The Paris Principles) Adopted by General Assembly resolution 48/134, 20 December 1993.

² Principles relating to the Status of National Institutions (The Paris Principles) Adopted by General Assembly resolution 48/134, 20 December 1993.

³ Northern Ireland Act 1998, Schedule 7.

⁴ Northern Ireland (Miscellaneous Provisions) Act 2014, section 11.

⁵ The report must set out the Secretary of State's view of the effect (if any) that the Order would have on—

(a) the independence of the Northern Ireland Human Rights NIHRC;

(b) the application of internationally accepted principles relating to national human rights institutions; and

(c) the relationship between the Northern Ireland Human Rights NIHRC and the Assembly.

⁶ NIHRC, 'A Bill of Rights for Northern Ireland Advice to the Secretary of State for Northern Ireland', 10 December 2008, available at: <<http://www.nihrc.org/documents/bill%20of%20rights/bill-of-rights-for-northern-ireland-advice-to-secretary-state-2008.pdf>>.

⁷ Joint Declaration by the British and Irish Governments April 2003 Annex 3 para 2 A Northern Ireland Human Rights Commission has been established and has, among other tasks, undertaken significant work towards a Bill of Rights for Northern Ireland. At the conclusion of that process, and after consultation with the parties, the British Government is committed to bringing forward legislation at Westminster where required to give effect to rights supplementary to the ECHR to reflect the particular circumstances of Northern Ireland.

⁸ 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; Northern Ireland Act 1998; NB: the amending Regulations have not been included.

⁹ CEDAW, 'Reply of the UK to the List of Issues', UN Doc. CEDAW/C/GBR/Q/7/Add.1 (5 February 2013), para 17.

¹⁰ The 2010 Act provides increased protection for disabled people against harassment when accessing goods and services and express protection for people, such as carers, friends or family members, who are subjected to direct discrimination or harassment due to their association with a disabled person or for individuals because they are wrongly perceived to be disabled.

¹¹ NI Statistics & Research Agency, 'The Judiciary in NI: 2013 Equity Monitoring Report', 1 April 2013.

¹² The Sex Discrimination (Northern Ireland) Order 1976, section 43A.

¹³ 23.5% of Councillors in Local Government Districts in NI are women. Of the 26 Districts Councils, 8 have a female Mayor/Chair. Women represent 19% of members of the NI legislative assembly (MLAs). Women represent 22% of NI Members of the Westminster Parliament (MPs). See, Department of Finance and Personnel for NI (DFPNI), 'Women in Northern Ireland' (September 2013). Available at, <http://www.detini.gov.uk/women_in_northern_ireland_september_2013.pdf?rev=0>.

¹⁴ Terms of Reference

http://www.peacewomen.org/assets/file/Initiatives/ni_inquiry_call_for_written_evidence.pdf

¹⁵ The PSNI Code of Ethics 2008 (this was first adopted in 2003 and revised in 2008).

¹⁶ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, Addendum Mission to the United Kingdom of Great Britain and Northern Ireland, A/HRC/23/39/Add1 dd1, para 95.

¹⁷ Policing Board Northern Ireland, 'Human Rights 2012: compliance of the Police Service of Northern Ireland with the Human Rights Act 1998', p 84.

¹⁸ Policing Board Northern Ireland 'Human Rights 2013: compliance of the Police Service of Northern Ireland with the Human Rights Act 1998', pp 83 – 85, available at: <http://www.nipolicingboard.org.uk/human_rights_annual_report_2013.pdf>.

¹⁹ Ibid, p 85.

²⁰ Under the Police (NI) Act 1998 section 55 the Police Ombudsman may investigate any matter which appears to the Ombudsman to indicate that a member of the police force may have (i) committed a criminal offence; or (ii) behaved in a manner which would justify disciplinary proceedings on his own motion.

²¹ Ibid, p 87, Table 1.

²² Community Relations Council, 'Northern Ireland Peace Monitoring Report Number 3', March 2014, pp 157 – 162.

²³ See Information submitted by the UK Government to the Committee of Ministers of the Council of Europe.

²⁴ Commission for Victims and Survivors, 'Comprehensive Needs Assessment', February 2012, paras 4.2.2-4.2.3, available at: <<http://www.cvsni.org/images/stories/publications/CNA/pdfs/cvsni-cna-final-web-opt.pdf>>.

²⁵ NIHRC, 'Dealing with Northern Ireland's Past: Towards a Transitional Justice Approach', 31 July 2013.

²⁶ *Ibid*, para 53.

²⁷ CJINI, 'A Review of the Cost and Impact of Dealing with the Past on Criminal Justice Organisations in Northern Ireland', November 2013.

²⁸ Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, adopted by the Committee at its fiftieth session (6-31 May 2013) CAT/C/GBR/CO/5, 24 June 2013, available at: <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f5&Lang=en>.

²⁹ Follow-up information in response to the Concluding Observations adopted by the Committee Against Torture on the 5th periodic report of the United Kingdom of Great Britain and Northern Ireland, May 2014, available at:

<http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/GBR/INT_CAT_FCO_GBR_15304_E.pdf>.

³⁰ See The Panel of Parties of the NI Executive website <<http://panelofpartiesnie.com/terms/>>.

³¹ Proposed Agreement 31 December 2013: An Agreement Among the Parties of the Northern Ireland Executive on Parades, Select Commemorations, and related Protests, Flags and Emblems and Contending with Past, available at: <<http://www.northernireland.gov.uk/haass.pdf>>.

³² BBC News NI 'Renewed NI talks on flags, parading and the past at Stormont' 2 July 2014

³³ Between 1 July 2012 and 28 August 2013 approximately 682 police officers were injured in public order incidents. See Paul Nolan 'Northern Ireland Peace Monitoring Report 2014' Community Relations Council. In addition, parades and protests often impact on the rights of persons living nearby. See NIHRC, Parades and Protests in Northern Ireland, November 2013; NI Courts Service, 'Court allows challenge to PSNI's Policing of the Flag Protests' 28 April 2014 see: <http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/SummaryJudgments/Documents/Court%20allows%20challenge%20to%20PSNI%E2%80%99s%20policing%20of%20the%20flag%20protests/j_j_Summary%20of%20judgment%20-%20In%20re%20DB%2028%20Apr%2014.htm>.

³⁴ Proposed Agreement 31 December 2013: An Agreement Among the Parties of the Northern Ireland Executive on Parades, Select Commemorations, and related Protests, Flags and Emblems and Contending with Past, available at: <http://www.northernireland.gov.uk/haass.pdf> States: *"We particularly encourage the assessment to consider two areas of critical concern to victims, survivors, their families, and wider society. The first is the provision of easy-to-access, high quality mental health care. We encourage the commissioner, as part of her assessment of the VSS, to consider establishing or funding a comprehensive Mental Trauma Service to attend to the substantial unmet need of victims in this area. Second, we ask the commissioner, as part the same process, to give special consideration to those who lost years of their working life to severe physical or mental injury as a result of the conflict, as has been done in similar situations in other countries. In addition, as these victims age, their need for medical, emotional, financial, and other support may rise, and we believe it is crucial that the assessment take particular note of their circumstances and financial requirements. We would strongly encourage the commissioner to make specific recommendations for policy to the Northern Ireland Executive and OFMDFM in her assessment."*

³⁵ NIHRC Correspondence to the UN Human Rights Committee, 24 August 2009.

³⁶ Rt Hon Sir Desmond de Silva, 'The Pat Finucane Review' 2012, available at:

<<http://www.patfinucanereview.org/report/index.html>>.

³⁷ *Ibid*.

³⁸ Prime Minister David Cameron statement on Patrick Finucane 12/10/2012 available at:

<<https://www.gov.uk/government/speeches/prime-minister-david-cameron-statement-on-patrick-finucane--2>>. The family of Mr Finucane have sought to judicially review this decision. See Finucane's (Geraldine) Application [2013] NIQB 45.

³⁹ NIO 'Press release: Decision on Ballymurphy independent review panel' 29 April 2014

⁴⁰ BBC News NI, 'NI attorney general John Larkin calls for end to Troubles prosecutions', 20 November 2013.

⁴¹ Information received from the United Kingdom of Great Britain and Northern Ireland on the implementation of the concluding observations of the Human Rights Committee (CCPR/C/GBR/CO/6), 11 August 2009, para 8.

⁴² Inspection of the Police Service of Northern Ireland Historical Enquiries Team HMIC 3, July 2013, pp 90 – 92.

⁴³ For Terms of Reference see UK Government Submission Committee of Ministers

⁴⁴ CJINI 'An inspection into the independence of the Office of the Police Ombudsman for Northern Ireland' September 2011, available at: <<http://www.cjini.org/CJINI/files/fe/fee7c8c8-4e16-4492-ba70-fefbaf39427f.pdf>>.

⁴⁵ CM/Inf/DH(2006)4 revised 2 23 June 20061 - Cases concerning the action of security forces in Northern Ireland – Stocktaking of progress in implementing the Court's judgments - Memorandum prepared by the Secretariat incorporating information received up to 12 June 2006, paras 85 – 109. See further Communication from the UK concerning the McKerr group of cases against UK (App. No. 28883/95).

⁴⁶ *McCaughey and others v the United Kingdom* (Application no: 43098/09) 16th July 2013 and *Collette and Michael Hemsworth v the United Kingdom* (Application no: 58559/09), 16th July 2013, para 144.

⁴⁷ See Information submitted by the UK Government Action Plan on the McCaughey and Helmsworth judgements submitted to the Committee of Ministers of the Council of Europe, 15 April 2012.

⁴⁸ Correspondence provided to the NIHRC – see further Official Report (Hansard) Session: 2013/2014 14 May 2014 Committee for Justice Legal Aid and Coroners' Courts Bill: Oral Evidence Event.

⁴⁹ Belfast Telegraph Inquest delays 'embarrass' coroner 06 February 2014. On 4 June 2014 the Senior Coroner in open court referred to correspondence he had dispatched to the Secretary of state for Northern Ireland stating: ""These [historic] cases have been plagued by delay and slow progress, caused principally (but not exclusively) in the senior coroner's view by a lack of provision of appropriate resources to allow the PSNI to provide proper disclosure and the coroner to pursue other lines of inquiry in an effective and timely fashion."

⁵⁰ BBC News NI 'Police ombudsman PSNI action 'couldn't be more significant' 4 June 2014.

⁵¹ Northern Ireland Office Written Ministerial Statement by Rt Hon Theresa Villiers MP following High Court Judgement on Downey Case 25 February 2013 available at <https://www.gov.uk/government/speeches/wms-high-court-judgment-on-downey-case>

⁵² Northern Ireland Office Statement by Secretary of State following the decision to hold an independent inquiry into the operation of the OTR administrative scheme 27 February 2014 available at: <https://www.gov.uk/government/news/villiers-further-statement-on-otr-scheme>.

⁵³ BBC News 'On the Runs: Lady Justice Hallett to head review' 24 March 2014 <<http://www.bbc.co.uk/news/uk-northern-ireland-26528449>>. See Hallett Review online report at <http://www.hallettreview.org/chapter/conclusions/conclusions-legal-issues/>

⁵⁴ Terms of reference for the inquiry available at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/northern-ireland-affairs-committee/inquiries/parliament-2010/administrative-scheme-for-on-the-runs/>

⁵⁵ PSNI, Police Recorded Security Situation Statistics Annual Report covering the period 1st April 2013 – 31st March 2014, 8 May 2014, available at: < http://www.psni.police.uk/58C0F780-27C8-4BB4-B637-7D08C936240D/FinalDownload/DownloadId-B291641643410F84F11F0D9102895CB4/58C0F780-27C8-4BB4-B637-7D08C936240D/annual_security_situation_statistics_report_2013-14.pdf>.

⁵⁶ Ibid pg 3

⁵⁷ <<http://www.hiainquiry.org/index/documentation/terms-of-reference.htm>>.

⁵⁸ CEDAW, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, 30 July 2013, para 25.

⁵⁹ CAT, Concluding Observations on the fifth periodic report of the United Kingdom, adopted by the Committee at its fiftieth session (6-31 May 2013), para 24.

⁶⁰ Committee of the Office of the First and deputy First Minister minutes of proceedings 3 July 2013.

⁶¹ Official Report (Hansard) Monday 4 February 2013 Volume 81, No 5 pg 61 available at <http://www.niassembly.gov.uk/Documents/Official-Reports/Plenary/2012-13/Microsoft%20Word%20-%20@@aims-hansard-20130204210834577.pdf>

⁶² CRC/C/OPSC/GBR/CO/1 23 June 2014 para 25

⁶³ Official Report (Hansard) Monday 4 February 2013 Volume 81, No 5 pg 61 available at <http://www.niassembly.gov.uk/Documents/Official-Reports/Plenary/2012-13/Microsoft%20Word%20-%20@@aims-hansard-20130204210834577.pdf>

⁶⁴ NIHRC, In Defence of Dignity: The Human Rights of Older People in Nursing Homes, Belfast, 2012. p. 61. The Report made a number of recommendations with respect to the standards governing nursing homes in Northern Ireland, these have been positively received by the Minister for Health in Northern Ireland and relevant regulations are currently being updated.

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- ⁶⁵ National Preventative Mechanism, 'Monitoring places of detention' Third Annual Report of the United Kingdom's National Preventive Mechanism 2011–12, pp. 22-23.
- ⁶⁶ Department of Health Social Services and Public Safety NI 'Draft Mental Capacity Bill (NI): Consultation Document' May 2014.
- ⁶⁷ See proposals in England & Wales by Department of Health 'New offence of ill-treatment or wilful neglect Consultation document' February 2014.
- ⁶⁸ PSNI, Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland: Quarterly Update to 31 March 2014, 8 May 2014, p 2.
- ⁶⁹ PSNI, Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2012/13, p 8-10.
- ⁷⁰ In 2012/13, the PSNI recorded 10,217 domestic abuse crimes where there was a person victim. Men accounted for 30% of victims. Breaches of non-molestation orders are considered as state-based offences and are therefore not disaggregated by gender. *Ibid.*, p 14.
- ⁷¹ NIHRC, Response to the public consultation on the draft strategy on 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland, 2013-2010', p 13-14.
- ⁷² Criminal Justice Inspection Northern Ireland, 'Domestic Violence and Abuse: A follow-up review of inspection recommendations', October 2013, p. 9, available at: <<http://www.cjini.org/CJNI/files/34/34118bcc-00c5-4071-bf2f-5397e6b20332.pdf>>.
- ⁷³ The Offences Against the Person Act 1861, sections 58 and 59; The Criminal Justice Act (Northern Ireland) 1945, section 25.
- ⁷⁴ *Ibid.*
- ⁷⁵ The Criminal Law Act (NI) 1967, section 5.
- ⁷⁶ Human Rights Committee, General Comment No. 28, CCPR/C/21/Rev.1/Add.10 (2000), para 11; CCPR/C/79/Add.92, para 11; CCPR/C/DOM/CO/5, para 15; CCPR/C/DJI/CO/1, para 9; CCPR/C/PRY/CO/3, para 13; *K.N.L.H. v Peru* CCPR/C/85/D/1153/2003 Rev. 1 (14 August 2006); CEDAW Committee, CEDAW/C/GBR/CO/7 (30 July 2013), para 51.
- ⁷⁷ NI Assembly Committee for Health, Social Services and Public Safety, Termination of Pregnancy Guidance: DHSSPS Briefing (29 January 2014).
- ⁷⁸ Meeting and correspondence between the NIHRC and DoJ, 18 December 2013 and 25 January 2015.
- ⁷⁹ See for example, responses by the Royal College of Nursing, Response to DHSSPS consultation on termination of pregnancy, 31 July 2013, available at: <http://www.rcn.org.uk/newsevents/news/article/northern_ireland/rcn_response_to_dhssps_consultation_on_termination_of_pregnancy> and the Royal College of Psychiatrists in Northern Ireland, 29 July 2013.
- ⁸⁰ NI Department for Health, Social Services and Public Safety (DHSSPS), 'The Limited Circumstances for a Lawful Termination of Pregnancy in Northern Ireland: A Guidance Document for Health and Social Care Professionals on Law and Clinical Practice, April 2013' ('Draft Termination Guidelines'), 2.7ii, available at, <<http://www.dhsspsni.gov.uk/guidance-limited-circumstances-termination-pregnancy-april-2013.pdf>>.
- ⁸¹ *Ibid.* Previous guidelines were subject to judicial reviews and withdrawn due to lack of legal certainty on a number of points.
- ⁸² BBC News NI 'Assisting lawful abortion in England 'not a crime', says DPP' 17 October 2013
- ⁸³ David Anderson Q.C. Independent Reviewer of Terrorism Legislation 'Report of the Independent Reviewer of the Terrorism Act 2000 and Part 1 of the Terrorism Act 2006', available at: <<http://terrorismlegislationreviewer.independent.gov.uk/publications/report-terrorism-acts-2011?view=Binary>>, para 7.26.
- ⁸⁴ *Ibid.*
- ⁸⁵ During 2011/2012, of 159 section 41 TACT detainees, 39 (25%) were charged and of those, 19 (12%) were charged with terrorism related offences. During 2012/2013, of 157 TACT detainees, 50 (32%) were charged, and of those, 38 (24%) were charged with terrorism related offences. See Policing Board Northern Ireland 'Human Rights 2013: compliance of the Police Service of Northern Ireland with the Human Rights Act 1998' .
- ⁸⁶ PSNI 'Police Recorded Security Situation Statistics: Annual Report covering period 1st April 2013 – 31st March 2014' 8 May 2014 – A further breakdown of persons charged under the Terrorism Act 2000 is not available
- ⁸⁷ In the matter of an application for judicial review by Colin Duffy and others (No. 2) [2011] NIQB 16 (24 Feb 2011), para 31.
- ⁸⁸ JCR Counter-Terrorism Policy and Human Rights: Bringing Human Rights Back In HL Paper 86 HC 111, March 2010, para 88. And David Anderson Q.C. Independent Reviewer of Terrorism Legislation 'Report of the Independent Reviewer of the Terrorism Act 2000 and Part 1 of the Terrorism Act 2006', available at:

<<http://terrorismlegislationreviewer.independent.gov.uk/publications/report-terrorism-acts-2011?view=Binary>>, pp. 88-89. An application, in the names of Duffy and Magee (emanating from the aforementioned Northern Ireland case) has been lodged with the ECHR challenging the unavailability of bail to terrorist suspects held on pre-charge detention and the process for obtaining warrants for further detention. At the time of writing the case not been considered by the ECHR. Applications nos. 29062/12 and 26289/12.

⁸⁹ An application, in the names of Duffy and Magee (emanating from the aforementioned Northern Ireland case) has been lodged with the ECHR challenging the unavailability of bail to terrorist suspects held on pre-charge detention and the process for obtaining warrants for further detention Applications nos. 29062/12 and 26289/12.

⁹⁰ Prison Review Team, Review of the Northern Ireland Prison Service: Conditions, management and oversight of all prisons, October 2011. (Hereinafter, Review of the NI Prison Service). Available at: <<http://www.prisonreviewni.gov.uk/final-prison-review-oct11.pdf>>.

⁹¹ NI Assembly Committee for Justice Briefing 'Review of the Northern Ireland Prison Service Corporate Governance Arrangements', 29 March 2012, available at: <<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2011-2012/March-2012/Review-of-the-Northern-Ireland-Prison-Service-Corporate-Governance-Arrangements/#sthash.u7rVUZ6Z.dpuf>>.

⁹² Ibid.

⁹³ NIHRC, 'The 2012 Annual Statement Human Rights in Northern Ireland', 10 December 2012, p 18.

⁹⁴ See Prisoner Ombudsman for Northern Ireland Annual Report 2012 -13

⁹⁵ See Prisoner Ombudsman for Northern Ireland Annual Report 2012 -13 Key Issues at page 10 available at: <http://www.niprisonerombudsman.com/publications/NIPO_Annual_Report_2012-2013.pdf>.

⁹⁶ See latest report into the circumstances surrounding the death of "Mr F" in Maghaberry Prison [21 March 2014] available at: http://www.niprisonerombudsman.com/publications/WEB_VERSION_-_Mr_F_Report.PDF

⁹⁷ HM Chief Inspector of Prisons, 'Report on an unannounced inspection of the short-term holding facility at Larne House', 18 November 2013, available at

<<http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/short-term-holding-facility-reports/2013-larne-house-sthf.pdf>>.

⁹⁸ Independent Monitoring Board for the Glasgow, Edinburgh & Larne Short Term Holding Facilities (STHFs), Annual Report, 2014, available at: <<https://www.justice.gov.uk/downloads/publications/corporate-reports/imb/annual-reports-2014/glasgow-edinburgh-2013-14.pdf>>.

⁹⁹ The Criminal Justice (Northern Ireland) Order 1998, section 3.

¹⁰⁰ CCPR, General Comment No 17: Article 24 (Rights of the Child), 7 April 1989, para 4.

¹⁰¹ See NIHRC Submission to the Department of Justice on the 'Custodial Arrangements for Children in Northern Ireland', January 2014, para 19, available at: <<http://www.nihrc.org/documents/advice-to-government/2013/Custodial%20Arrangements%20for%20Children%20Consultation%20January%202014.pdf>>.

¹⁰² CRC/C/GBR/CO/4 3 October 2008; CRC/C/15/Add 188 9 October 2002; CRC/C/15/Add 34 15 February 1995.

¹⁰³ Official Report (Hansard) Committee for Justice Youth Justice Review: Changes to Custodial Arrangements for Children, 7 May 2014.

¹⁰⁴ NIHRC, 'Response to DoJNI Custodial Arrangements for Children in Northern Ireland', January 2014.

¹⁰⁵ DoJ, 'Review of the Youth Justice System in Northern Ireland', 2011, para 3.6.2.

¹⁰⁶ Police and Criminal Evidence (NI) Order 1989, Article 39(1)(b)(ii), (6), (8).

¹⁰⁷ DoJ, 'Review of the Youth Justice System in Northern Ireland', 2011, para 3.6.2.

¹⁰⁸ NIHRC, 'Response on the Department of Justice Consultation on the Northern Ireland Law Commission Report on Bail in Criminal Proceedings', 2013.

¹⁰⁹ DoJ, 'Consultation on Northern Ireland Law Commission Report on Bail in Criminal Proceedings', 1 July 2013, available at: <<http://www.dojni.gov.uk/index/public-consultations/archive-consultations/consultation-on-ni-law-commission-report-on-bail-in-criminal-proceedings-july-2013.pdf>>.

¹¹⁰ CJINI, 'Avoidable Delay: A Progress Report', January 2012, available at: <<http://www.cjini.org/CJINI/files/0b/0b926375-5443-44b6-b2f9-7a88e6f6725b.pdf>>.

¹¹¹ CJINI, 'Avoidable Delay', June 2010, available at: <<http://www.cjini.org/CJINI/files/c0/c0243f51-1e73-47e8-a6fa-344d5f0063c5.PDF>>.

¹¹² The CJINI recommended that as a first step to bring about collaborative change Statutory Time Limits restricting the length of time which a defendant can wait from charge to commencement of trial or final disposal should be introduced. The Department of Justice has consulted on proposals but these are yet to be introduced to the NI Assembly.

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- ¹¹³ The Anti-social Behaviour, Crime and Policing Act 2014 makes amendments to section 133 of the Criminal Justice Act 1988.
- ¹¹⁴ Correspondence from the Chief NIHRs of the NIHR to the Secretary of State for Northern Ireland.
- ¹¹⁵ See Police and Criminal Evidence (NI) Order 1989, Schedule 2, Article 63 F; See comments Gaughran's (Fergus) Application [2012] NIQB 88 para 43.
- ¹¹⁶ Justice and Security (NI) Act 2007, Section 21(1).
- ¹¹⁷ Ibid, Section 24 and Schedule 3.
- ¹¹⁸ Policing Board Northern Ireland, 'Human Rights Thematic Review on the use of police powers to stop and search and stop and question under the Terrorism Act 2000 and the Justice and Security (NI) Act 2007', October 2013.
- ¹¹⁹ Defamation Act 2013 c. 26 section 17
- ¹²⁰ See House of Lords debate at: <<http://www.theyworkforyou.com/lords/?id=2014-02-25a.833.3&s=%22defamation+act%22+%22northern+ireland%22#g884.2>>.
- ¹²¹ By way of the common-law offences of blasphemy and blasphemous libel
- ¹²² On 28 October 2008 the House of Lords debated Amendment 75A to the then Coroners and Justice Bill. tabled by the noble Lord, Lord Lester, which proposed the abolition of blasphemy and blasphemous libel in Northern Ireland. The amendments were unsuccessful.
- ¹²³ PSNI, Incidents and Crimes with a Hate Motivation Recorded by the Police in Northern Ireland: Quarterly Update to 31 March 2014, 8 May 2014, table 1.
- ¹²⁴ Criminal Justice Inspection Northern Ireland, 'Hate Crime: A follow-up inspection of the management of hate crime by the criminal justice system in Northern Ireland', July 2010; Neil Jarman, 'Criminal Justice Responses to Hate Crime in Northern Ireland', November 2012, p 37.
- ¹²⁵ Sermon, Whitewell Tabernacle, 18 May 2014, available at: <<https://www.youtube.com/watch?v=UUJFIMciQA8>>.
- ¹²⁶ BBC News, 'Peter Robinson backs Pastor James McConnell over Islamic remarks', 28 May 2014, available at: <<http://www.bbc.co.uk/news/uk-northern-ireland-27605185>>.
- ¹²⁷ The Guardian, 'Northern Ireland's Peter Robinson apologises for Muslim comments', 3 June 2014, available at: <<http://www.theguardian.com/politics/2014/jun/03/peter-robinson-northern-ireland-muslims-apology-preacher>>.
- ¹²⁸ 'Ban Ki Moon Condemns Ideas Based on Racism' 21 March 2014
- ¹²⁹ NIHR, Racist Hate Crime: Human Rights and the Criminal Justice System in Northern Ireland (2013), available at: <http://nihrc.green17.tv/uploads/publications/103141_NIHR_Racist_Hate_Crime_4_Combined_%28%29.pdf>.
- ¹³⁰ The Public Order (Northern Ireland) Order 1987, Article 9-13 criminalise stirring up hatred or arousing fear; The Criminal Justice No. 2 (Northern Ireland) Order 2004, Article 2 provides that any crime which is found to be aggravated by hostility based on religion, sexual orientation, disability or racial group should be treated as more serious by the court.
- ¹³¹ NIHR, Racist Hate Crime: Human Rights and the Criminal Justice System in Northern Ireland (2013), p 29.