

NORTHERN IRELAND  
JOINT CIVIL SOCIETY

# ICESCR SUBMISSION



**HUMAN  
RIGHTS  
CONSORTIUM**

# 2025

ECONOMIC, SOCIAL & CULTURAL RIGHTS

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Joint Updated NI (ICESCR) Shadow Report to the  
Committee on Economic, Social and Cultural Rights

January 2025



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January 2025

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1. A range of Northern Ireland civil society organisations have collaborated to provide this updated parallel report to the Committee on Economic, Social and Cultural Rights in advance of the committee's review of the United Kingdom under the International Covenant on Economic Social and Cultural Rights (ICESCR)<sup>1</sup>. This updated report aims to provide two things. Firstly, it provides further evidence, analysis and commentary on the status of the covenant rights in Northern Ireland since our last submission to the PSWG in January 2023.<sup>2</sup> Secondly, it illustrates overarching themes, structural barriers and threats to the enjoyment of these rights in Northern Ireland.

## I. The realization of ICESCR rights in Northern Ireland

### **Art. 2.1. Maximum available resources**

2. During the reporting period the Northern Ireland Assembly and Executive experienced significant instability following the collapse of the institutions between 2017 and 2020. This led to a legislative hiatus which further complicated addressing legislative gaps and deficits which exist in the absence of measures such as a local Bill of Rights. The institutions returned in January 2020 under the New Decade, New Approach Agreement, but the Covid-19 crisis and ongoing Brexit implications overshadowed regular governance. In February 2022, the Executive collapsed again following disputes over the Northern Ireland Protocol, which sets out NI's post-Brexit relationship with both the EU and Great Britain. After 24 months the Executive returned in February 2024, the hiatus being characterised by a series of public sector strikes, budgetary cuts and limited access to health services, with significant impacts on communities, in particular on women and low-income groups.<sup>3</sup>

3. The budget for Northern Ireland in 2024-25 represents 120% more than the per-head allocation for England. However, the Northern Ireland Fiscal Council has estimated that we require a needs-based allocation of 124% more because of the greater difficulty providing public services here and the added policing and justice costs.<sup>4</sup> This point has been accepted by the UK Government during the negotiations on the restoration of the Stormont institutions and negotiations are now ongoing between Treasury and Department of Finance (DoF) around the mechanism for how funding will be topped up.

### **Art. 2.2. Non-discrimination**

4. There has been a trend in the increasing marginalisation and demonisation of groups accessing and enforcing human rights protections, in particular migrants and asylum seekers. This has been echoed in what has become known as the 'hostile environment policy', which is

a pattern in UK politics that aims at pushing back the rights of migrants, non-nationals, alongside the dehumanisation of asylum-seeking individuals.

5. Those seeking asylum in the UK, are denied the right to work, which forces them to survive on minimal support payments. If they are living in a self-catered accommodation, they receive £49.18 per week. If meals are provided the weekly payment is reduced to £8.86 per person.<sup>5</sup>

6. Not only is the provided housing of poor security and quality, but it is also not stable. This means that asylum seekers and refugees can be moved repeatedly without knowing where they will be staying and for how long. This also affects family life and education, as children may need to change schools.<sup>6</sup>

7. The newest available statistics regarding the number of racist incidents and racist crimes in NI shows that the number of racially motivated crimes is at an all-time high since the beginning of recording in 2004/2005 by the Police Service of Northern Ireland (PSNI).<sup>7</sup> This data does not yet include the number of incidents that happened during the racist riots following the Southport murders in August of 2024. Plans to introduce a stand-alone Hate Crime Bill to improve reporting, data collection and prosecution have again been put on hold with the Justice Minister citing timetable constraints and limited resources.<sup>8</sup>

8. The increasing extension of immigrations checks into public services means that health and other service providers as well as landlords are required to verify individuals' immigration status. There are serious concerns regarding racial profiling during those immigration checks, leading to fear and uncertainty among migrants about their rights and entitlements<sup>9</sup>. For example, the changing health policy context after Brexit disproportionately affects women with different types of immigration status. Although they are eligible for healthcare, they often experience discrimination and are denied guaranteed access to that care.<sup>10</sup>

### **Art. 3 Equal rights of men and women**

9. Despite Executive approval on the development of a new Gender Equality Strategy in 2020, it was indefinitely postponed by the Minister of Communities in October 2024. The previous strategy officially expired in 2016, leaving Northern Ireland without a Gender Equality Strategy for 8 years. The Department for Communities justified this lack of progression with spending cuts associated with its 2023-2024 budget.<sup>11</sup>

10. While a new Gender Equality Strategy does not feature in the draft Programme for Government (PfG), it prioritised delivery of the first ever strategy on violence against women and girls. The strategy was launched in September 2024.<sup>12 13</sup>

11. 2024 data on the NI Gender Pay Gap: After adjusting for factors like age, job-related, and personal characteristics, showed that the wage gap was still at 9.4% for private sector and 2.8% in the public sector.<sup>14</sup>

12. A study on Living standards, poverty and inequality in the UK from 2024 showed that private pensions and savings are the second most important income source for pensioners. In the past, women were mostly represented in the unpaid labour sector of the home, they are now disproportionately affected by much wider gaps in private pension income.<sup>15</sup> The gender pension gap, detailing the percentage difference in pension income or wealth between women and men, is the highest in the UK with a gap of 44% between male and female pension pots.<sup>16</sup>

13. A study by the Equality Commission for Northern Ireland and Newcastle University indicates that Brexit led to potential risks to existing legal protections in NI related to equality in the workplace, healthcare, and anti-discrimination measures.<sup>17</sup>

14. The loss of EU funding for community projects creates general uncertainty regarding securing replacement funding by the UK government and significantly impacted the women's sector, resulting in "patchwork provision of services".<sup>18</sup> While there has been a first Delivery Plan to the new Strategic Framework to End Violence Against Women and Girls, it remains to be seen if financial security can be provided long term.

#### **Art. 6 Right to work**

15. Although Brexit has had significant consequences for migrant and EU cross-border workers, there has been little to no support in the application process for the Frontier Worker permit scheme, which aims at ensuring that people who live in one jurisdiction but work in another can continue their employment without interruption.<sup>19</sup> This lack of support and available information can lead to the loss of healthcare for both the cross-border worker and their family members if they do not live in Northern Ireland. A study commissioned by the Northern Ireland Human Rights Commission highlighted evidence that disability and language skills might prevent migrant and EU frontier workers from accessing the scheme.<sup>20</sup>

16. An independent review of childcare services in NI (2023) indicated that a lack of access to formal childcare prevents around half of the parents surveyed from increasing their hours and around two thirds of parents in very low-income households to work full time. 78% of parents whose children had disabilities, special needs or additional needs stated that challenges in childcare had impacted their employment opportunities.<sup>21</sup> The average cost of childcare at around £10,000 per year. Childcare was named as a priority in the draft Programme for Government, but as of now no strategy exists and planned development is currently on hold.

17. The Disability Discrimination Act 1995 does not provide acceptable protections within employment for deaf and disabled people. In NI there is a higher disability employment gap as well as lower levels of pay for people with disabilities than equivalent groups in the rest of the UK.<sup>22</sup> In September 2020, the Department for Communities announced the development of a new Disability Strategy. While the Report by the Expert Advisory Panel was published in March 2021, the Minister of Communities has failed to launch a strategy and is yet to provide meaningful progress on this commitment.<sup>23</sup>

18. Almost a third of women (29.5%) are not in paid employment, with 25% citing family/home responsibilities as the main reason. For men this was the least common reason with 8%.<sup>24</sup>

19. While there have been government-funded initiatives like SkillSET RNIB and the 50+ JobStart scheme, there are concerns that these schemes are insufficient in scale and level and not suitable to meaningfully tackle employment inequalities at the root.

20. After Brexit and the loss of funding through the European Social Fund, the UK government announced The Shared Prosperity Fund (SPF) as a replacement. This funding is now set to end in March 2026, but with only £900 Million for the entire UK the budget is approximately half of what was previously available through the European Social Fund. Confirmation on the continuation of SPF funding has only been received roughly 6 months prior to the initial end of the fund (March 2025), leaving workers with job insecurity and uncertainty regarding the longer-term funding of their projects.<sup>25 26</sup>

### **Art. 7 Right to just and favourable conditions of work**

21. Migrant workers are more vulnerable to or experienced exploitation and forced labour. Poor employment practices include confined, temporary and irregular work, long working hours as well as withholding wages or personal documents<sup>27</sup>. There is reason to believe that changes under the Nationality and Borders Act (due to Brexit) might result in an increase in undocumented work and further exploitation<sup>28</sup>. As of now there is insufficient evidence about the impact of Brexit on migrant and cross-border workers.

22. The measures taken to remove barriers to work does not appropriately consider the group of people out of work aged 50+, which makes up about 130,000 people in Northern Ireland. Being out of work in this age bracket is one of the biggest determinants for poverty post-retirement. Barriers that are disproportionately (but not exclusively) faced by people aged 50+ include the flexibility required to manage existing health conditions, caring responsibilities or reskilling.

23. While the statutory minimum wage raises are the same across the UK, Northern Ireland's wage levels tend to be the lowest compared to England, Wales and Scotland. Looking at the 12 UK regions, Northern Ireland ranks third lowest, with weekly earnings more than £60 below the UK average in 2024.<sup>29</sup> Both statutory instruments (The Minimum Wage and The National Living Wage) are set below what an independently calculated instrument called the real Living Wage suggests people actually need to cover basic living expenses. Paying workers the real Living wage is not a legal requirement.<sup>30</sup>

24. The Annual Survey of Hours and Earnings (ASHE) 2024 data suggests that, in Northern Ireland, the proportion of workers paid below the real living wage has increased from 14.4% in 2022 to 20.5% in 2024.<sup>31</sup> In 2023, further research revealed that 60% of low/paid workers had used a food bank, 39% regularly skipped meals and 39% had fallen behind on household bills.<sup>32</sup>

25. Vulnerable groups, including part-time workers, young workers, women, and people with disabilities continue to face disproportionately low pay. Above that, workers in customer service and elementary roles (such as cleaners, security guards and construction labourers) are the most likely to struggle to meet basic living standards.<sup>33</sup>

26. In the UK, employers are not required to pay for the first three days of employees being on sick leave. The Statutory Sick Pay only applies when the employee is unable to work on a minimum of 4 consecutive days. This has in the past led to fear of financial hardship and workers showing up to work despite being sick, risking the infection of their co-workers.

27. Employment law is a devolved matter, which is why the Labour governments' proposal for the new Employment Rights Bill will not have direct impact on the enjoyment of employment rights in Northern Ireland. If the Northern Irish government does not follow suit on these reforms (which include ending exploitative zero-hours contracts, enhanced maternity protections and Statutory Sick Pay from day one) this will lead to Northern Ireland once again lagging in rights protection in comparison to both the rest of the UK and the Republic of Ireland. While the Department for the Economy has recently consulted on a Good Jobs' Bill, it is unclear to what extent that process will result in legislation passing through the NI Assembly that provides the same level of rights protection as the Employment Rights Bill.

28. There are a range of concerns regarding a safe working environment for journalists in NI, including intimidation and increasing threats, surveillance by UK authorities and online abuse.<sup>34</sup>

<sup>35</sup> This is especially evident with journalists investigating paramilitary and criminal activity.<sup>36</sup>

### **Art. 8 Trade Union Rights**

29. Collective bargaining strength is positively associated with a higher labour share and with lower economic inequality.<sup>37</sup> Lower levels of inequality are associated with quality of life, well-being benefits for the entire population and the resultant positive impact on the economy. Since the last review of the UK, the Dedicated Mechanism Unit of the Equality and Human Rights Commissions has determined that the Adequate Minimum Wages Directive may be within scope of Article 2 of the Windsor Framework and has further determined that it is inherently linked with an Annex 1 Directive which establishes a general framework for equal treatment in employment and occupation.<sup>38</sup> The report produced for the ECNI and NIHRC recommend that the UK Government and the NI Executive implement the standards of the Adequate Minimum Wages Directive as a matter of voluntary alignment; it further recommends that the ECNI and NIHRC produce an analysis to determine if the Directive amends or replaces an Annex 1 Directive.

30. As employment law is devolved to Northern Ireland, we welcome the NI Executive's recent consultation on an Employment Bill for Northern Ireland and the intention to strengthen a range of employment rights including collective bargaining, as promised in the New Decade New



Approach agreement.<sup>39</sup> The consultation on the Employment Bill has just finished at the time of writing and we await the draft Bill.

### **Art. 9 Right to social security**

31. As of December 2024, Northern Ireland still does not have an anti-poverty strategy in place, although this was set out in the 1998 Belfast Agreement. The percentage of individuals in absolute poverty in 2022/2023 stood at 14% while 18% of individuals are living in relative poverty (before housing costs).<sup>40 41</sup>

32. The previously developed Child Poverty Strategy was in place from 2016 to 2022 and was called a “catalogue of failures” by the NI Assembly’s Public Accounts Committee, with poverty levels remaining stagnant or even rising during the span of the strategy. The most recent figures from 2022/2023 reveal that nearly 1 in 5 children lives in absolute poverty and nearly 1 in 10 children live in households that cannot afford basic goods.<sup>42</sup>

33. Discretionary Support: This scheme is unique to Northern Ireland and is aimed at providing emergency support for people on a low income in a crisis via an interest-free loan or a non-repayable grant. The Discretionary Support Grant Budget was reduced to £20 million in 2023-24 in light of budget pressures and increased to £22 million in the 2024-25 budget.<sup>43</sup> A comprehensive Review of Discretionary Support in 2021 revealed that most of the claimants had to rely on the crisis scheme because other social security and employment support systems failed. There are multiple barriers to access the support for claimants in need. One example: To be eligible for the Discretionary Support Scheme the claimant’s income must be below a certain threshold. Lone parents, large families and disabled people were disadvantaged in claiming support because their benefits were included in the assessment of income, which often results in them being just above the threshold.<sup>44</sup>

34. Universal Credit (UC): People must wait five weeks before receiving their first UC payment. During this period, many people do not have the financial means to cover their basic needs, such as food and housing. Discretionary Support can help but is often not enough to bridge that five-week waiting period. With no other options, some end up in the arms of illegal money lenders, often linked to paramilitary groups or other loan sharks.<sup>45</sup> Women are more likely to be in need of Universal Credit, making them more vulnerable to such dangerous forms of debt.<sup>46</sup> The latest statistics reveal that while 39% of UC claimants were male, 60% were female.<sup>47</sup>

35. Personal Independence Payment (PIP): This is a benefit aimed at supporting people with disabilities or long-term health conditions to cover extra costs. In the past, the claims were not properly handled and assessed, leading to refusals or to a lower payment than what the claimants were entitled to. Although some of the recommendations made by the NI Ombudsman have been met since the last report, there is still criticism regarding the outsourcing of assessment reports to the private sector, which can make the process more susceptible to errors. Additionally, the use of automated statements in communication continues to make decision letters difficult to understand for claimants.<sup>48</sup>

36. Carer's Allowance: People who care for their sick and/or disabled family members/friends experience one of the direst situations in the Northern Irish welfare system. To be eligible for government support, the carer must provide unpaid care for a minimum of 35 hours a week and not earn above £151 from other employment. Around 48,000 people receive this Carer's Allowance which stands at £81.90 a week, effectively putting 46% of recipients into poverty.<sup>49</sup> Those who do not qualify for Carer's Allowance because they only provide 34 hours of care or earn £152 pound per week suffer from poverty, too, putting the poverty rate for carers in NI at a total of 28.3%. This rate is higher than the poverty rate for carers in the rest of the UK (23.6%).<sup>50</sup> By the age of 46, half of women have been an unpaid carer; for men the age is 57.<sup>51</sup>

37. Homelessness: The homelessness crisis is worsening, with an increase of 9% of households in need of temporary accommodation.<sup>52</sup> The total number of households accepted as statutorily homeless from July to December 2023 (5316) rose by 17.1% in comparison to the total number in the same period one year prior (4,538).<sup>53</sup> However, a recent poll suggests that there are between 3,600-13,300 people in NI who are currently experiencing homelessness under the radar, meaning that they are not engaging with statutory bodies and therefore do not appear in conventional homelessness statistics.<sup>54</sup>

38. The increase in the Universal Credit earnings threshold in May 2024 appears to have a disproportionate effect on women, resulting in an increase of 27.9% in female claimants over the year as opposed to 6.1% in males. This could be a result of female overrepresentation in low-paid and/or part-time work, showing that women are in a generally more vulnerable position to be reliant on claiming Universal Credit / Job Seeker's Allowance.<sup>55</sup>

39. No Recourse to Public Funds: This part of the hostile environment policies aimed at migrants severely limits the ability of people without indefinite leave to remain accessing social security, while simultaneously not allowing them to seek work. While those with disabilities suffer even more, because they are unable to meet the higher costs of living.

40. Winter Fuel Payment: The Winter Fuel Payment System in Northern Ireland changed drastically for the winter 2024/2025, leaving many pensioners with reduced support compared to previous years. While the executive promised a £100 winter payment to older people throughout NI two things remain unclear. Firstly, as of now there it is not clear if these payments will be made again next year. Secondly, the allocated amount still may fall short of what older people really need to stay warm, causing possible health problems.<sup>56</sup>

41. Two-child-limit: This is a policy that affects families receiving Universal Credit, resulting in them only being able to claim financial support for their two first born children after April 6, 2017. Families affected by the limit lose out on £3,445 per year for each additional child beyond the first two. Northern Ireland is especially affected given 21.4% of families having three or more children compared to 14.7% in the rest of the UK. There is a strong coalition (Cliff Edge Coalition) of more than 100 organisations across Northern Ireland that campaign against the two-child-limit.<sup>57</sup>

## **Art. 10 Protection of the family and children**

42. The households accepted as statutorily homeless between July to December 2023 included a total number of 3,557 children. This is an increase of 12.6% compared to the total number in the same period one year prior.<sup>58</sup>

43. The most recent Northern Ireland Income Inequality report reveals that children are at a higher risk of living in poverty than the overall Northern Ireland population in both relative and absolute measures. Between 2021/22 and 2022/23 child poverty levels increased significantly. While the proportion of children in absolute poverty rose from 15% to 19%, the proportion of children in relative poverty now stands at 24%, which marks an increase of 6 percentage points since 2021/22.<sup>59</sup>

44. Childcare remains significantly less affordable in Northern Ireland than in the rest of the UK.<sup>60</sup> Childcare costs are often the largest or second-largest monthly expense for households in Northern Ireland, putting an enormous financial pressure on families, especially those with one parent or those with a disabled family member. A recent study found that the average cost of a full-time childcare place now stands at £10,036 a year<sup>61</sup>, with parents stating that there is not enough local childcare provision. 88% of parents changed their working arrangements due to the cost of childcare. Women and lower income households are disproportionately affected.<sup>62</sup>

45. The Department for Education introduced the Childcare subsidy scheme in September 2024 to address these issues. However, this scheme only offers short-term payments and does not replace a comprehensive early learning and childcare strategy. In 2023 more providers of childcare are in a distressed financial situation than two years before.<sup>63</sup>

46. LGBTQ+ people who wish to start a family do not have access to the same state funded provisions as heterosexual couples. To obtain funded IUI or IVF LGBTQ+ women couples must first privately access rounds of IUI treatment or self-insemination whereas heterosexual couples need to have unprotected sex for a year. This creates a financial burden on LGBTQ+ couples or forces them to take legal and health risks should they pursue home insemination to meet the requirements.<sup>64</sup>

47. A Review of the Regional Care Home Contract by COPNI (The Commissioner of Older People NI) has shown that the protection of the human rights of elderly people is at significant risk. The failings identified include that legally the residents are not deemed tenants and are thus subject to arbitrary decision-making (i.e. evictions or compulsory transfers) with no support from an independent complaints system. The imbalanced power relationship between care provider and resident leads to a heightened vulnerability of elderly people in their rights protection.<sup>65</sup>

## **Art. 11 Right to an adequate standard of living**

48. The effects of inflation rates diverge significantly between the richest and poorest fifths of households, with poorer households being disproportionately affected in light of the cost-of-living crisis.<sup>66</sup>

49. Since the last report the social housing situation deteriorated even further. As of now, there are around 47,000 households on the waiting list for social housing in NI, with around 35,000 being in housing stress.<sup>67</sup> That means that nearly three quarter of households on the waiting list have an urgent need for housing. Reasons can include insecurity of tenure, the poor condition of a current home, having mobility/other health related issues and/or having to move to be closer to family for support.<sup>68</sup> Lack of emergency and affordable housing is a major barrier for women experiencing domestic abuse to leave the relationship, even though domestic abuse is a primary reason to be deemed statutorily homeless.

50. Although the new Communities Minister stated that housing was a key priority, there is limited evidence of efforts to build new social houses or to update/renovate existing social housing to meet the overwhelming demand. The target of 2,200 new homes per year was cut to 400 for this year due to lack of funding<sup>69</sup>. Even if no new households would enter the waiting list and the target of 2,200 new homes were to be achieved in the following years, it would still take over 20 years to meet the current demand for social housing.

51. Evidence from the end of 2022 reveals that Northern Ireland is projected to have twice the levels of destitution experienced by the rest of the UK.<sup>70</sup>

52. There is a lack of provision for accessible and affordable housing for d/Deaf and disabled people coupled with challenges in making adaptations at home due to poor management of the Disabled Facilities Grant system. Long delays in accessing housing or waiting for basic changes to their existing homes limits the right to live independently, which negatively affects older people as well.<sup>71</sup>

53. Unlike all other parts of the UK, Northern Ireland does not have a dedicated fund for housing decarbonisation. While there is desperate need for new housing, energy-efficiency and updating existing housing, must also be considered to meet environmental targets and ensure sustainable living conditions for residents.<sup>72</sup>

54. Trussel (a charity which supports a nationwide network of foodbanks) recently developed a measure called ‘hunger and hardship’ which both captures people that are likely to need food bank support now and in the future. They define this group as “people whose total resources are more than 25% below the Social Metrics Commission’s poverty line”<sup>73</sup>. Their numbers reveal that 19% of people living with three or more children face hunger and hardship. A significant contributing factor in this situation is the Two Child Limit. Living in a family with either a disabled adult or child also means that you are almost twice as likely to face hunger and hardship than if you are living in a family without disabilities.<sup>74</sup>

55. Figures by the Trussell network in NI showed that there has been an increase of 11% in the distribution of emergency food parcels in comparison to 2022/2023. The percentage increase is more than double the increase for England, and more than 10 times the increase for Wales. This number has almost trebled in NI in comparison to their numbers from 2017/2018, which shows only one facet of the devastating effects of the cost of living crisis.<sup>75</sup>

56. A recent study by the Migration Justice Project and Rainbow Refugees NI showed that of the LGBTQIA+ refugees and asylum seekers surveyed 4 out of 5 experienced some sort of homophobic abuse/violence from other refugees or asylum seekers. Of those who experienced abuse, the majority (79%), experienced it within their asylum accommodation. For some, homophobic discrimination based on their gender identity and/or sexual orientation is part of why they had to leave their home country. Thus, it can be traumatising for LGBTQIA+ people to experience homophobic abuse at the place they seek refuge.<sup>76</sup> The survey also identifies a high prevalence of self-harm and suicide ideation amongst respondents: 44% have tried to take their own life while living in asylum accommodation while 26% have self-harmed there.<sup>77</sup> There are certain barriers for LGBTQIA+ people to request a relocation, including low levels of trust in interpreters, recounting events and talking openly to various agencies about their own sexual orientation and/or gender identity and in most cases experiencing some kind of homophobic abuse before action is taken.<sup>78</sup>

#### **Art. 12 Right to physical and mental health**

57. Although legislation establishing the right to abortion in Northern Ireland was passed in 2019, there is still no consistently local and equal access to abortion services, despite official statements that “the majority of demand” is met locally.<sup>79</sup> A 2023 report by Amnesty International UK indicates that there are barriers that hinder practical access to abortion services. These barriers include severely understaffed abortion providers, anti-abortion harassment and misinformation in both the public and in health services. Furthermore, the absence of telemedicine services in NI particularly affects those without transport, in violent or coercive relationships and those in precarious work situations.<sup>80</sup> A failure to ensure comprehensive abortion service provision after 10 weeks’ gestation also forces pregnant women to travel to England to access services, which proves extremely difficult for the above-mentioned group and migrant women with an uncertain immigration status.<sup>81</sup>

58. Despite an official inquiry identifying major flaws in obstetric care and a provider commissioned review finding waits in gynaecological care extensive, women’s health is not listed in the draft Programme for Government.<sup>82</sup> A survey by the Community Foundation Northern Ireland additionally revealed that nearly 80% of female survey respondents experienced incidents where they felt dismissed, felt that their symptoms were downplayed or have not been listened to by a health professional.<sup>83</sup> An action plan regarding Women’s Health was promised in early 2024 but has not yet been developed.

59. A study on the take-up of the criminal justice system indicated that only 54% of 15–24-year-old women would report being a victim of sexual abuse/violence and only 62% said they would be “very likely” to report being victims of domestic abuse. This shows that affected women fear their rights will not be protected once they come forward.<sup>84</sup> This lack of trust in the criminal justice system can lead to a deterioration of physical and mental health in women, and in the worst case, femicide.

60. Data on waiting time figures for Northern Ireland’s five health trusts are currently not accessible / incomplete. Because of a new patient digital record system, it is difficult for CSOs to reliably analyse trends spanning the entirety of NI, but experts say that the health service remains in a precarious state with significant staff shortages. Recent estimations by the Department of Health show that there are now more than half a million people on waiting lists to have their first consultation with a specialist.<sup>85</sup>

61. Northern Ireland is experiencing a mental health crisis. A report by the NI Audit Office on the Mental Health Services in Northern Ireland in 2023 highlights that the prevalence of mental health problems in NI is higher than elsewhere in the UK.<sup>86</sup> The prevalence being 25% higher than in England is associated with both greater levels of deprivation and the lasting impact of the Troubles.<sup>87</sup>

62. Nearly half of adults and children in need of access to mental health services in Northern Ireland wait longer than nine weeks. The 10-year Mental Strategy, which was introduced in 2021, has shown little to no progress in transforming mental health services, with the Department of Health only committing one eighth of the necessary investment to implement the strategy this year.

63. The economic inactivity rate due to sickness and disability remains consistently higher in Northern Ireland than in all other regions of the UK, affecting around 140,500 people aged 16 to 64.<sup>88</sup>

64. The access to health services for the LGBTQIA+ community is severely limited. This applies especially to gender-affirming health care. As of 27 August 2024, the private sale and supply of puberty-suppressing hormones, affecting transgender and non-binary youth in NI was blocked by the Department of Health. While NHS patients who began their treatment before March 2020 can still get access to those hormones, all new patients under 18 are denied access, even via the NHS.<sup>89</sup> People 17.5 and older in need of gender affirming healthcare face a similarly dire situation. In Northern Ireland, there is only one health service clinic providing specialist treatment, which is only seeing people who were referred to them up to October 2017. There are currently 972 people on the waiting list with 7 years being the longest waiting time.<sup>90</sup>

65. As a result of the recent violent disorder in Northern Ireland in August 2024, members of minority ethnic and migrant communities were faced with potential dangers to their physical safety. Reports showed that many were scared to leave their house to go to work or do their shopping, with some even considering leaving the country.<sup>91</sup>

## **Art. 13-14 Right to education**

66. During the collapse of power-sharing between 2022 and the beginning of 2024, there were extensive cuts to provision for disadvantaged children and young people imposed through the budgets for NI enacted by Westminster. A recent publication by The Independent Review of Education also revealed that there is a per-pupil funding gap of £155 million between the NI education resource budget compared to that of England and Wales.<sup>92</sup> A research paper detailing the consequences of these cuts identifies poverty as the main driver of educational underachievement in NI. The draft Programme for Government released in September 2024 does not feature ending child poverty as a standalone priority, risking the deepening of structural inequality.<sup>93</sup>

67. Northern Ireland's special education needs and disabilities system (SEND) is faced with a substantial crisis. Children with SEND have the right to either be schooled at a mainstream school or at a special school. Both see a significant increase of enrolment of students with complex needs, without the trained staff or space to accommodate and educate them.<sup>94</sup> In the last six years, the number of children with a SEN statement (meaning they have been officially assessed with special educational needs) has increased by 51%. At the same time, enrolment in special schools rose by 25% in that timeframe.<sup>95</sup> This has led to a dire situation where at the beginning of each school year, a significant number of children with SEN have not been able to access their most basic entitlement to a school place.<sup>96 97</sup>

68. 93% of children in Northern Ireland attend schools that are still largely segregated along religious and ethnic lines.<sup>98</sup> This segregation is also mirrored in the educational staff, with teachers often having passed through school and their Initial Teacher Education in a "culturally encapsulated setting"<sup>99</sup>.

69. While the Belfast Agreement provides the right for parents to freely choose a school for their children, there have been concerns that without a more integrated approach in the future, this could have a negative impact in our post-conflict society and dealing with the challenge of overcoming sectarianism in Northern Ireland.<sup>100</sup>

70. Evidence shows that a majority of parents would actually prefer Integrated education, meaning bringing together children and staff from Catholic, Protestant and other backgrounds in one school, and wish those schools would be more widely available.<sup>101</sup> As of now, only 6-8% of all NI schools are integrated schools.<sup>102</sup>

71. The Department of Education introduced a new programme in 2024 to address educational underachievement and educational disadvantage<sup>103</sup>, but there are concerns with the system used to determine the eligibility of schools to partake in the program. There are also concerns that this approach is too narrow to reduce the widespread disadvantage that economic disparities have on students in NI.<sup>104</sup>

72. Relationship and Sexuality Education (RSE): A report by the Department of Education states that despite young people expressing the wish to receive RSE in school they indicated that they receive little to none.<sup>105</sup> A recent public consultation on RSE which included questions about whether parents should be able to excuse their children from science-based RSE. The consultation responses were dominated by parents' concerns about their children learning about early pregnancies and abortion.<sup>106</sup> As of now, parents are able to request to have students excused from education about sexual health and rights.<sup>107</sup>

### **Art.15 Cultural rights**

73. Roma and Irish Travellers in Northern Ireland face significant challenges in their enjoyment of social and economic rights and their overall quality of life. Across the UK, a nomadic way of life has been discriminated against, by placing halting sites close to polluted and environmentally hazardous areas and further away from settled communities.<sup>108</sup> Around 2,600 people in Northern Ireland identify as Irish Traveller and around 1,500 identify as Roma.<sup>109</sup> However, there is little to no current research or statistics concerning their enjoyment of human rights in Northern Ireland.

74. Northern Ireland is legally not covered by the British Sign Language Act from 2022, limiting d/Deaf people in their right to equal access to health, education, and employment. Additionally, many in the d/Deaf community fight for their acknowledgement as a cultural-linguistic minority rather than being identified as having a disability.<sup>110</sup> Despite a commitment to bring forward a Sign Language Bill in February 2024, the Department of Communities has not made any progress in achieving this goal.

## **II. Intersections, barriers and threats**

75. Since the last reporting cycle was completed following the concluding observations in July 2016, the Northern Ireland Executive has been non-functioning for nearly 6 years. During that period, civil servants have had to manage the administration of government without significant power to process legislative changes and to properly adapt to arising circumstances. Civil society organisations thus had to shoulder the difficult task of supporting people that were negatively impacted by executive shortcomings (both by Stormont and the UK government) as well as those who fell through the significant gaps within our legal framework. In a workshop organised to update this report, many of the Human rights Consortium's member organisations voiced that they had to bridge a gap in providing people with information on claiming benefits that they are legally entitled to, because the government has failed to provide accessible procedures.

76. One of the main problems in this regard is the complete failure of the Stormont system to address the significant and historic gaps in equality and human rights legislation in Northern Ireland. There has been no significant rights or equality legislation introduced by the Assembly throughout its 26-year history. This failure is largely due to the mandatory model of governance



in the Assembly and Executive that includes a series of vetoes which allows political parties that are opposed to rights progression to block progress.

77. This ongoing resistance to the progression of human rights legislation also has a cooling effect on the development of rights and equality compliant policies and practice within government. With evidence of civil service resistance to the inclusion of international human rights standards as grounding principles in the development of draft Strategies / Action Plans or other key initiatives being the norm in the administration of government.

78. The key measure designated within the Belfast/Good Friday Agreement to progress rights standards beyond the ECHR and to ensure that the Assembly operated in a rights compliant manner was a Bill of Rights for Northern Ireland to be delivered via Westminster legislation. Successive UK Governments continue to refuse to take this pledge forward without political consensus in Northern Ireland<sup>111</sup> despite this never being a condition of the original commitment. Majority political support exists for the development of our own Bill of Rights<sup>112</sup> and there is overwhelming public support<sup>113</sup> for such legislation to incorporate the protection of social and economic rights.

79. There have also been additional threats to existing rights standards from the UK Government itself. With threats to the Human Rights Act being a consistent feature of our rights landscape. While the previous government's Bill of Rights Bill, which would have replaced the Human Rights Act of 1998, was withdrawn last year, there are still valid concerns that future UK governments might pick up the plans to circumvent the HRA or leave the European Convention on Human Rights. This would have serious implications for NI, as both of those legislative frameworks play an integral role in the NI Peace Process as well as devolution.<sup>114</sup>

80. While there are various pieces of equality legislation on the statute book in Northern Ireland, there is no comprehensive equality legislation to bind these protections together, make them more accessible and act as a vehicle to extend equality protections like there is in the rest of the UK under The Equality Act 2010. There have been consistent calls for a Single Equality Act in Northern Ireland to fulfil this role but given our bespoke political landscape in Northern Ireland this approach has been vetoed. This results in Northern Ireland lagging behind in substantive areas of equality law, e.g. with age discrimination legislation.

81. Article 2 of the Windsor Framework outlines the UK government's commitment that there will be no diminution of rights contained within the Belfast/Good Friday Agreement in Northern Ireland as a result of the UK's exit from the European Union. It also extends a commitment that the six EU non-discrimination Directives contained in Annex 1 are areas of EU law where 'dynamic alignment' must be maintained, meaning that NI's laws must reflect any updates or changes to these directives. However, this legal protection is limited in scope and is not an alternative to a NI Bill of rights, as promised in the Good Friday Agreement.

82. Despite this being a standstill provision that protects against non-diminution and provides for dynamic alignment on certain areas of non-discrimination law the UK Government already have a poor record in adhering to these duties. The previous Conservative Government

introduced a Legacy Act and an Illegal Migration Act which have both been found by NI Courts to be in violation of the Art 2 protections.<sup>115</sup> Despite these rulings the current Labour Government continue to appeal these rulings and challenge the scope of the Article 2 protections.<sup>116</sup>

83. This divided political system results in a piecemeal and defensive rights landscape that provides little scope for the advancement of additional human rights protections. With the development of rights that go beyond the ECHR and into the territory of other covenants such as ICESCR being the consistent victims of this divided system.

84. A commitment to complying with the protections of the Windsor Framework in UK policy and legislation, developing Single Equality legislation in the NI Assembly and finally delivering a Northern Ireland Bill of Rights that both protected the ECHR and incorporated ICESCR and other international human rights standards would enable significantly enhanced rights and equality protections in Northern Ireland.

### III. Recommendations

In addition to the detailed set of recommendations<sup>117</sup> made in our earlier submission we wish to draw the committee's attention to the following recommendations:

- a. The UK Government should fulfil its commitment under the Belfast/Good Friday Agreement by delivering a Bill of Rights for Northern Ireland via Westminster legislation. Such a Bill of Rights should incorporate the European Convention of Human Rights and international human rights treaties such as ICESCR into domestic law.
- b. The UK Government should fully protect and adhere to the Windsor Framework Article 2 commitments to the non-diminution of rights in Northern Ireland.
- c. The Northern Ireland 'Good Jobs' Bill should aim high and follow suit with the GB Employment Rights Bill to ensure the same legal protections for all UK citizens.
- d. The Two-Child-Limit should be banned in Northern Ireland, following suit with the Scottish government, which just announced plans in December 2024 to abolish the benefit cap for families in Scotland.<sup>118</sup>
- e. A Single Equality Act should be delivered and equality legislation should be updated with socioeconomic status included as a protected characteristic. Gender budgeting and gender mainstreaming should be mandatory to ensure decision making is gender responsive.
- f. The UK Government should respond to the recommendations from the ECNI NIHRC and align with the Adequate Minimum Wages Directive.
- g. A Northern Ireland Anti-Poverty Strategy should be developed and implemented.

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Age NI <https://www.ageni.org/>  
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Here NI <https://hereni.org/>  
Women's Support Network  
Migrant Centre NI <http://migrantcentreni.org/>  
Disability Action <https://www.disabilityaction.org/>  
Women's Platform <https://womensplatform.org/>  
NIPSA <https://nipsa.org.uk/>  
The Rainbow Project <https://www.rainbow-project.org/>  
Amnesty International NI <https://www.amnesty.org.uk/issues/Northern-Ireland>  
Women's Resource and Development Agency <https://www.wrda.net/>  
Rural Community Network <https://www.ruralcommunitynetwork.org/>  
Unite the Union <https://unitetheunionireland.org/>  
North West Forum of People with Disabilities <https://www.nwdisabilityforum.org/>  
Children's Law Centre <https://childrenslawcentre.org.uk/>  
Northern Ireland Council for Racial Equality  
Northern Ireland Committee: Irish Congress of Trade Unions <https://www.ictuni.org/>  
Centre for Global Education <https://www.centreforglobaleducation.com/>  
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Conway Education Centre <https://www.conwayeducation.org/>

We are grateful to Katharina Geldsetzer for her support in helping to draft this updated report and reflect the concerns of our members organisations. The groups above were also assisted by academics from Ulster University, including [Professor Rory O'Connell](#), [Caitriona Mackel](#) and [Dr Mark Simpson](#) who helped co-host and deliver a one day workshop in October 2024 to inform and develop the updated report.

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1. Ensure that a distinct Bill of Rights for Northern Ireland is developed through Westminster legislation without further delay in accordance with the Belfast /Good Friday Agreement;
  2. Refrain from removing or undermining the Human Rights Act given its centrality to the Belfast/Good Friday Agreement and the protection of rights in Northern Ireland;
  3. Ensure that there is no weakening of the Article 2 ‘non-diminution of rights’ protections within the Ireland/NI Protocol and ensure these duties are fully implemented;
  4. Ensure that the Northern Ireland Human Rights Commission are adequately funded to fulfil their statutory duties;
  5. Take measures to ensure equal access to all Covenant rights across all section of society particularly minority and marginalised communities;
  6. Respect the universality of human rights;
  7. Withdraw the hostile environment policies which limit full access to economic, social and cultural rights;
  8. Progress effective hate crime legislation with protection expanded for equality groups including gender-based hatred, and protections for transgender people;
  9. Ensure that lessons learned from Covid-19 are applied to future emergency planning and that equality groups are effectively considered and included in planning processes
  10. Ensure meaningful engagement with women in policy and decision making
  11. Introduce gender sensitive decision making processes, such as gender budgeting
  12. Strengthen representation of women in public life, including strengthening support for women to engage with decision making
  13. Remove the ban on asylum seekers working.
  14. Take measures to increase employment rates for disabled people
  15. Introduce stronger equality legislation to protect disabled people in accessing and maintaining employment.
  16. Ensure the availability, accessibility and affordability of childcare services to encourage the full realisation of the right to work for women
  17. Replace all legal employment categories with a single status of ‘worker’ for everyone apart from those genuinely self-employed in business on their own account;
  18. Replace the practice of ‘zero hours contracts’ with guaranteed hours contracts based on actual hours worked;
  19. Address the particular discrimination faced by pregnant women and people who are currently classed as agency workers and therefore subject to a qualifying period of 12 weeks before being eligible for rights to paid time off to attend important medical appointments;
  20. Abolish the earnings threshold for SSP - making it payable from the first day of sickness;
  21. Increase SSP to match the real living wage;
  22. Create a flexible model of SSP which allows for a phased return to work, and income protection for workers.

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23. Increase the National Living wage to match the Real Living Wage
  24. Increase the NLW to the rate advised by the Real Living Wage Foundation for all those in employment, regardless of age.
  25. Outline what steps they are taking to ensure that the Gender Pay Gap in Northern Ireland is eliminated including, specifically, when Gender Pay Gap reporting regulations will be introduced in Northern Ireland;
  26. Outline what steps are being taken to close the Disability Pay Gap;
  27. Outline how it intends to maintain and protect existing health and safety guarantees if the EU Retained Law Bill is pursued.
  28. Keep pace with new protections for workers by reflecting the protections of the EU Adequate Minimum Wages Directive in Northern Ireland law.
  29. Fulfil its commitment in the New Decade, New Approach agreement to protect workers' rights.
  30. Desist from any actions that would limit the right to join a trade union, take strike action and collective bargaining.
  31. Implement fully and without delay the recommendations made by the Independent Review of the Welfare Reform Mitigations Package commissioned by the Department for Communities;
  32. Urgently review the assessment of Personal Independence Payment and its adequacy for enabling the enjoyment of other economic, social, and cultural rights;
  33. Ensure that all stakeholders are represented in decision-making processes around social security, in particular disabled people and organisations, women's sector organisations and those working with migrant individuals and families;
  34. Urgently commission a comprehensive review of Universal Credit and its adequacy for enabling the enjoyment of other economic, social and cultural rights for the most vulnerable in our society;
  35. Consider the potential for the implementation of the Human Rights based model of social security which has been implemented in Scotland;
  36. Adopt the recommendations from the British Deaf Association for a separate benefit for d/Deaf people to access language interpretation services;
  37. End the practice of private contracts in the delivery of social security as adopted in Scotland.
  38. Invest in commissioning of fully accessible services for people experiencing domestic and sexual violence including access to redress;
  39. Develop prevention programmes aimed at changing attitudes and norms that encourage violence and abuse;
  40. Ensure the implementation of healthy relationships education and consent programmes within schools.
  41. Urgently explore and implement Alternatives to Detention (ATDs) for asylum seekers and refugees detained in Larne Detention Centre, in prisons in Northern Ireland, and in contingency accommodation such as B&Bs and hotels;
  42. Review and reform the building and provision of social housing including accessible housing to begin addressing unacceptable wait times;
  43. Implement gender budgeting, ensuring that women no longer act as the shock absorbers of austerity and inflation;
  44. Ensure that unpaid carers have access to an adequate standard of living;
  45. Implement a dedicated and well-resourced strategy to address health inequalities which includes a timescale for implementation with key deliverables and milestones;
  46. Invest in mental health provision including age appropriate provision combined with a strategy to remove barriers of access and which increases the provision of community mental health services.
  47. Implement the Expert Panel Report and Action Plan examining the links between educational under-achievement and socio-economic background;
  48. Implement the 2018 UN CEDAW Inquiry recommendations<sup>189</sup> pertaining to RSE;
  49. Reverse recent cuts to youth services and ensure the provision of ringfenced funds for particularly marginalised communities;
  50. What actions are being taken to improve educational attainment for all pupils in Northern Ireland, particularly amongst groups where disparities exist between pupil cohorts;
  51. Ensure equal access and enjoyment of education amongst all marginalized groups;
  52. Recommend the establishment of an independent review on informal exclusions from school

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53. Recommend an independent review on the extent to which restraint and seclusion are taking place, and ensure current guidelines are in line with rights-based standards;
  54. Clarify what action the State Party is taking to reduce the use of restraint;
  55. Recommend ensuring that the voices of children and their families are sought and heard in the development and implementation of new SEN regulations and Code of Practice;
  56. Recommend the collection of consistent good quality data on educational outcomes, transitions, and quality of educational experiences for d/Deaf and disabled children;
  57. Introduce mandatory training on disability and SEN across teacher training programmes;
  58. Recommend the introduction of regulations to provide for appeal for suspensions under Article 33 of the Education and Libraries (NI) Order 2006.

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