



Northern Ireland  
Assembly

## Research and Information Service Briefing Note

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# Summary of International Human Rights Standards' Concluding Observations on Northern Ireland

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This paper provides a summary of equality issues relating to Northern Ireland as identified by Concluding Observations of UN treaty body examinations of the UK and Council of Europe reports on the UK. It also highlights where these recommendations could potentially require changes to legislation.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

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## Introduction

The UK has obligations under international human rights instruments. The Treaty monitoring processes linked to these obligations generate issues for consideration in upholding international human rights standards. Some of these observations, which are considered in this paper, are specific to Northern Ireland.

The Committee for The Executive Office commissioned the Assembly's Research and Information Service (RaISe) to produce a summary of those Concluding Observations of various international conventions and international treaties that refer explicitly to Northern Ireland, which may require new legislation. It draws on, and updates where appropriate, RaISe paper 84-16.<sup>1</sup>

This research is intended to inform the Committee's inquiry on gaps in equality legislation in Northern Ireland (NI). It covers both United Nations and Council of Europe Conventions, as listed below alongside the year of the latest relevant report referenced in this paper (**not the date of ratification**). These treaties are listed below.

### United Nations Conventions

- Convention on the Elimination of all forms of Racial Discrimination (CERD), 2016
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 2016
- International Covenant on Civil and Political Rights (ICCPR), 2024
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). 2019
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 2019
- Convention on the Rights of the Child (CRC), 2023

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<sup>1</sup> RaISe research paper (2016) [International human rights standards: recommendations relating to Northern Ireland](#)

- Convention on the Rights of People with Disabilities (CRPD), 2017

### **Council of Europe Charters and Conventions**

- European Social Charter (ESC), 2023
- European Charter for Regional or Minority Languages (ECRML), 2021
- Convention on Action against Trafficking in Human Beings (CATHB), 2021
- Framework Convention for the Protection of National Minorities (FCPMN), 2023

Please note that, given that the purpose of this paper is to inform the Committee inquiry, and for reasons of space, this paper focuses on the concerns raised by the monitoring bodies and not by the positive actions taken by the UK which are also noted in the final reports. It should also be noted that this is an overview of the recommendations relating to Northern Ireland specifically emanating from these reports and is not intended to be an exhaustive analysis of potential legal requirements leading from these recommendations.

## **1 Summary of potential legislation recommended by international human rights bodies**

This section of the report provides an overview of the recurring themes from the various reports on human rights in Northern Ireland and presents the main references to legislative changes required. Please also see RalSE paper 84-016 for further detail and historic recommendations.

As with the previous RalSe paper, this paper concerns itself with specific references by treaty bodies to Northern Ireland. There may, however, be additional UK-wide issues that are within the legislative competence of the devolved Northern Ireland administration that have not been covered here. Conversely, observations specifically mentioning Northern Ireland that are not devolved are included. This paper includes the two examinations outlined in the 2016 paper where there has been no update since that analysis – i.e. CERD

and ICESCR. It only covers the final monitoring report and not supporting evidence.

Concluding observations on each subject usually begin with a statement summarising what is being done in a particular area (positive or negative), then refer to shortcomings and recommended action. For brevity, this paper focuses on the challenges presented by committees as areas for potential development.

As highlighted in the previous 2016 paper, there are a number of issues that are referenced across different treaty body reports in this paper. These include: single equality legislation; a Bill of Rights; termination of pregnancy; Irish language protection and promotion, Ulster-Scots; poverty; legacy issues; historical institutional abuse, and the minimum age of criminal responsibility.

In some cases, there have been some developments in the legal framework in the last eight years (i.e. termination of pregnancy; promotion of the Irish language and Ulster-Scots) and in others, not (single equality legislation).

There is a short summary of potential legislative changes following each Convention considered in the following sections. Please note however this is a thematic summary and not based on legal opinion as to the legislative change required – unless this has been flagged specifically in the relevant report from the treaty body. These potential changes are summarised in the table below.

Potential areas for legislation	Convention(s)
Single Equality Act	<ul style="list-style-type: none"><li>• CERD, 2016</li><li>• ICESCR, 2016</li><li>• CEDAW, 2019</li><li>• FCPNM, 2023</li></ul>
Bill of Rights for Northern Ireland	<ul style="list-style-type: none"><li>• CERD, 2016</li><li>• ICESCR, 2016</li><li>• ICCPR, 2024</li><li>• CRC, 2023</li></ul>

Sanctions for racial hate crimes	<ul style="list-style-type: none"> <li>• CERD, 2016</li> </ul>
Consultation with the Traveller community	<ul style="list-style-type: none"> <li>• CERD, 2016</li> </ul>
Data collection by schools on bullying and exclusions on the grounds of race, colour, decent or national or ethnic origin	<ul style="list-style-type: none"> <li>• CERD, 2016</li> <li>• FCPMN, 2023</li> </ul>
Intersectionality	<ul style="list-style-type: none"> <li>• CERD, 2016</li> </ul>
Guaranteed targeted support for all those in poverty or at risk of poverty	<ul style="list-style-type: none"> <li>• ICESCR, 2016</li> </ul>
Adequate access to culturally appropriate accommodation for the Roma, Gypsy and Traveller communities	<ul style="list-style-type: none"> <li>• ICESCR, 2016</li> </ul>
Repeal of the Unauthorised Encampments (Northern Ireland) Order 2005	<ul style="list-style-type: none"> <li>• ICESCR, 2016</li> </ul>
Legal framework to prohibit hate crimes applied to all protected groups	<ul style="list-style-type: none"> <li>• ICCPR, 2024</li> </ul>
Prohibition of conversion therapy	<ul style="list-style-type: none"> <li>• ICCPR, 2024</li> </ul>
Legislation to eliminate intrusive requirements for legal gender requirements	<ul style="list-style-type: none"> <li>• ICCPR, 2024</li> </ul>
Increase in the Minimum Age of Criminal Responsibility from the age of 10	<ul style="list-style-type: none"> <li>• ICCPR, 2024</li> <li>• CAT, 2019</li> <li>• ESC, 2023</li> </ul>
Legislation to protect women from all gender-based violence	<ul style="list-style-type: none"> <li>• CEDAW, 2019</li> </ul>

Review of and amendments to legislation relating to prostitution	• CEDAW, 2019
Implementation of section 43a of the Sex Discrimination (Northern Ireland) Order 1976	• CEDAW, 2019
The provisions regarding mandatory pay gap reporting in the Employment Act (Northern Ireland) 2016	• CEDAW, 2019
Any inconsistencies between existing legislation and the CRC	• CRC, 2023
Mandatory child-rights impact assessment procedures for legislation and policies	• CRC, 2023
Prohibition of marriage under the age of 18	• CRC, 2023
Legislation to protect children under 18 from age discrimination	• CRC, 2023
Consultation on lowering the voting age to 16	• CRC, 2023
Prohibition of non-statutory stop-and-search checks against children	• CRC, 2023
Repeal of the legal defence of “reasonable punishment” in relation to corporal punishment	• CRC, 2023
Legislation to protect children against “abuse of trust”	• CRC, 2023
Disability rights reform to include direct and indirect discrimination and discrimination by association	• CRPD, 2017

Prohibition of non-consensual electroconvulsive therapy	• CRPD, 2017
Extension of support packages to mitigate the negative impact of social security reform	• CRPD, 2017
The collection of disaggregated data on the grounds of race, including for Roma and Irish Travellers	• FCPMN, 2023
Revision of the Identity and Language (Northern Ireland) Act 2022 to address the conflation of Ulster Scots and Ulster British identities.	• FCPMN, 2023

The following sections consider the findings of each treaty in more detail, with a summary of potential areas for legislation.

## 2 Convention on the Elimination of all forms of Racial Discrimination

The Convention on the Elimination of all forms of Racial Discrimination was signed by the UK on 11 October 1966 and ratified on 7 March 1969. The treaty is monitored by the Committee on the Elimination of Racial Discrimination<sup>2</sup>, which last examined the UK in August 2016.

Concluding observations of relevance to Northern Ireland include the following<sup>3</sup>:

- The Committee reiterated its concern that the Equality Act 2010 does not apply to Northern Ireland, where comprehensive anti-discrimination has

<sup>2</sup> Committee on the Elimination of Racial Discrimination web pages: <http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx>.

<sup>3</sup> Committee on the Elimination of Racial Discrimination (2016), [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), 26 August 2016



yet to be adopted. The Committee recommended the authorities of Northern Ireland act without further delay to adopt comprehensive legislation prohibiting racial discrimination in accordance with the provisions of the Convention (Paragraph 8(c)).

- The Committee reiterated its concern no progress has been made to adopt a Bill of Rights. The Committee recommended that the State party expedite the process of adopting the Bill of Rights for Northern Ireland, and ensure that it is in line with the provisions of the Convention and other international human rights standards (Paragraph 10).
- The Committee expressed concern that data are neither collected systematically in all fields where racial discrimination exists, nor uniformly across the State party's jurisdiction, most notably in Northern Ireland. The Committee recommended that the governments of Northern Ireland, Scotland, Wales, the British Overseas Territories and the Crown dependencies systematically collect and publish disaggregated data on the enjoyment of rights by members of ethnic minorities in all fields of life (Paragraph 14).
- The Committee was seriously concerned at the sharp increase in the number of racist hate crimes, especially in England, Wales and Northern Ireland, in the weeks prior to and following the referendum on the membership of the European Union. The Committee recommended that the State party:
  - Investigate all reported acts of racist hate crimes, prosecute and punish the perpetrators with sanctions commensurate with the gravity of the offence, and provide effective remedies to victims;
  - Systematically collect disaggregated data on hate crimes ensure that measures to combat racist hate crimes are developed with the meaningful participation of affected groups, and undertake a thorough impact assessment of the measures adopted to ensure their continued effectiveness;
  - Adopt concrete measures, in consultation with affected groups, to increase the reporting of racist hate crimes by ensuring that the reporting mechanism is transparent and accessible, and that victims have trust in the police and the justice system;

- Adopt comprehensive measures to combat racist hate speech and xenophobic political discourse;
  - Take effective measures to combat racist media coverage (Paragraph 16).
- While noting the efforts made to improve the situation of Gypsies, Travellers and Roma, the Committee reiterated its concern that their condition has not substantially improved. The Committee recommended the State party:
  - Develop a comprehensive strategy, in consultation with members of the Gypsy, Traveller and Roma communities, to ensure a systematic and coherent approach in addressing the challenges that they continue to face in the fields of health, education, housing and employment, and ensure its effective implementation by adopting specific action plans and effective oversight and monitoring mechanisms to track progress, with adequate human and financial resources;
  - Ensure the provision of adequate and culturally appropriate accommodation and stopping sites as a matter of priority throughout the State party;
  - Ensure the representatives of Gypsy and Traveller communities are adequately consulted before any measures that affect their situation are implemented (Paragraph 25).
  - The Committee remained concerned at continued reports of racist bullying and harassment in schools across the State party, as well as the disproportionate rate of school exclusion of pupils from Gypsy, Traveller, Roma or African Caribbean communities. The Committee recommended the State party:
    - Strengthen efforts to eliminate all racist bullying in the State party's schools, including by requiring schools to collect qualitative and quantitative data on bullying and school exclusions on grounds of race, colour, descent or national or ethnic origin, and to use the data to develop concrete strategies;
    - Ensure that schools comply with their public sector equality duty under the Equality Act 2010 and Section 75 of the Northern

Ireland Act 1998 to challenge racist bullying and to promote respect for diversity, including through the training of educational personnel (Paragraph 35)

The Committee reiterated its previous concern that measures to tackle racism and sectarianism are kept outside the framework of protections against discrimination provided by the Convention and the Durban Programme of Action. The Committee recommended that the State party consider the standards, duties and actions prescribed by the Convention and the Durban Declaration and Programme of Action on inter-sectionality between ethnic origin, religion and other forms of discrimination in its measures to combat racism and sectarianism. The Committee also requested that the State party provide, in the next periodic report, information on concrete measures adopted to address racial discrimination in Northern Ireland, and on the impact of the “Together: Building a United Community” strategy in addressing discrimination experienced by ethnic minority groups (Paragraph 37).

#### **Potential legislation stemming from the summary of CERD Concluding Observations**

- Recommendation to introduce a Single Equality Act
- Recommendation to introduce a Bill of Rights for Northern Ireland
- Consideration given to the appropriateness of sanctions for racial hate crimes
- Consideration given to adequate consultation with the Traveller Community
- Data collection by schools on bullying and exclusions on grounds of race, colour, descent or national or ethnic origin
- Consideration given to intersectionality between ethnic origin, religion and other forms of discrimination in relation to the CERD and the Durban Agreement and Programme of Action.

### 3 International Covenant on Economic, Social and Cultural Rights<sup>4</sup>

The ICESCR was signed by the UK on 16 September 1968 and ratified on 20 May 1979. The treaty is monitored by the Committee on Economic, Social and Cultural Rights<sup>5</sup>, which last examined the UK in June 2016.

Concluding observations with relevance to Northern Ireland included the following:

- While noting the complex structure of the State party, with devolved administrations in Wales, Scotland and Northern Ireland, as well as its responsibility with regard to the British Overseas Territories and the Crown Dependencies, the Committee regretted the lack of involvement and participation of Northern Ireland in the review process. The Committee reminded the State Party of its ultimate responsibility for the implementation of the Covenant in all its jurisdictions (Paragraph 8).
- The Committee regretted that a bill of rights for Northern Ireland has not yet been adopted. The Committee urged the State party to take all necessary measures to expedite the adoption of a bill of rights for Northern Ireland (Paragraph 10).
- The Committee regretted that, despite its previous recommendation, the Equality Act 2010 is not applicable in Northern Ireland and does not explicitly include all prohibited grounds of discrimination, such as national or social origin. The Committee urged the State party to provide the same access to an independent equality body and a similar level of protection to rights holders with regard to all grounds of discrimination for all individuals in all jurisdictions of the State party, including Northern Ireland (Paragraph 23).
- The Committee was concerned about the limited availability and high costs of childcare in the State party. The Committee recommended that

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<sup>4</sup> International Covenant on Economic, Social and Cultural Rights:  
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

<sup>5</sup> Committee on Economic, Social and Cultural Rights web pages:  
<http://www.ohchr.org/en/hrbodies/cescr/pages/cescrindex.aspx>.

the State party increase its efforts to ensure the availability, accessibility and affordability of childcare services throughout the State party, particularly in Scotland and Northern Ireland (Paragraph 44).

- The Committee noted with concern that the State party does not have a specific definition of poverty and that the new Life Chances Strategy, as contained in the Welfare Reform and Work Act 2016, has repealed the duty to meet time-bound targets on child poverty, which remains high and is projected to increase in the future, especially in Northern Ireland. The Committee recommended that the State party take steps to introduce measures to guarantee targeted support to all those living in poverty or at risk of poverty, in particular persons with disabilities, persons belonging to ethnic, religious or other minorities, single-parent families and families with children, and adopt an anti-poverty strategy in Northern Ireland (Paragraph 48).
- The Committee reiterated its previous concern that Roma, Gypsies and Travellers continue to face barriers in accessing adequate and culturally appropriate accommodation across the State party, with adequate access to basic services such as water and sanitation. The Committee also remained concerned about persistent inequality in the access to adequate housing in North Belfast, affecting Catholic families in particular. The Committee urged the State party to:
  - Ensure adequate access to culturally appropriate accommodation and stopping sites for the Roma, Gypsy and Traveller communities, as appropriate; take steps to avoid all forms of discrimination in the provision of accommodation; and repeal the Unauthorised Encampments (Northern Ireland) Order 2005
  - Intensify its efforts to address the challenges to overcoming persistent inequalities in housing for Catholic families in North Belfast, including through meaningful participation by all actors in decision-making processes related to housing (Paragraph 50).
- The Committee was concerned about the significant rise in homelessness in the State party, particularly in England and Northern Ireland, affecting mainly single persons, families with children, victims of domestic violence, persons with disabilities and asylum seekers. The

Committee urged the State party to take immediate measures, including by allocating appropriate funds to local authorities, to reduce the exceptionally high levels of homelessness, particularly in England and Northern Ireland, and to ensure adequate provision of reception facilities, including emergency shelters and hostels, as well as social rehabilitation centres (Paragraph 52).

- The Committee was concerned that termination of pregnancy in Northern Ireland is still criminalised [as of 2016] in all circumstances except when the life of the woman is in danger, which could lead to unsafe abortions and disproportionately affects women from low-income families who cannot travel to other parts of the United Kingdom. The Committee recommended that the State party amend the legislation on termination of pregnancy in Northern Ireland to make it compatible with other fundamental rights, such as women's rights to health, life and dignity (Paragraph 62).
- The Committee remained concerned [in 2016] about the lack of effective measures adopted by the State party to promote the use of the Irish language in Northern Ireland. The Committee recommended that the State party adopt an Irish language act (Paragraph 68).
- The Committee requested the State party to ensure effective coordination with all devolved administrations, particularly Northern Ireland, and with its Overseas Territories and Crown Dependencies at all stages of the implementation of the recommendations contained in the present concluding observations and in the preparation of its next periodic report (Paragraph 72).

#### **Potential legislation stemming from the summary of ICESR Concluding Observations**

- Recommendation to introduce a Single Equality Act, which also includes discrimination on grounds of national or social origin
- Recommendation to introduce a Bill of Rights for Northern Ireland

- Need for measures to guarantee targeted support for all those in poverty or at risk of poverty
- Adequate access to culturally appropriate accommodation for the Roma, Gypsy and Traveller communities
- Repeal of the Unauthorised Encampments (Northern Ireland) Order 2005
- Legislation on abortion<sup>6</sup> which make it compatible with other human rights, such as women's rights to health, life and dignity

## 4 International Covenant on Civil and Political Rights

The ICCPR<sup>7</sup> was signed by the UK on 16 September 1968 and ratified on 20 May 1979. The treaty is monitored by the Human Rights Committee<sup>8</sup> which last reported on the UK in May 2024.

Concluding observations with relevance to Northern Ireland included the following:

- The Committee reiterated the need to for the UK Government to increase its efforts to expedite the process of adopting the Bill of Rights for Northern Ireland and ensure that it incorporates all the rights enshrined in the Covenant (paragraph 5).
- The Committee is concerned by the adoption of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, which occurred despite the warnings [...] it would be in breach of the Good Friday Agreement and would violate the State party's international human rights obligations, including its obligations under the Covenant. In particular, the Committee is concerned about the conditional immunity scheme for persons who have committed serious human rights violations, the weakness of the

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<sup>6</sup> Please note that the ICESCR report dates from 2016 and the legislative context in Northern Ireland has changed since that time through legislation in Westminster

<sup>7</sup> [International Convention on Civil and Political Rights](#)

<sup>8</sup> Human Rights Committee web pages:  
<http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>.

“review” function of the Independent Commission for Reconciliation and Information Recovery, the allegations concerning the Commission’s lack of independence, the absence of any power of investigation to guarantee the right to truth for victims, and the procedural barriers and obstacles to criminal investigations, civil suits and other remedies, effectively stifling any criminal or civil proceedings connected to the Troubles. The Committee is also concerned about the increased use of closed material proceedings for legacy cases (paragraph 10).

- The Committee welcomes the appointment of the non-statutory independent panel in 2023, which gives survivors the means to provide testimony, but is concerned that no transitional justice mechanisms have been put in place to address the systematic abuse of women and children in Northern Ireland between 1922 and 1995 in institutions such as the Magdalene laundries and mother and baby homes (arts. 2, 6, 7 and 14) (paragraph 10).
- The Committee calls on the State party to repeal or reform the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 and to adopt proper mechanisms with guarantees of independence, transparency and genuine power of investigation that discharge the State party’s human rights obligations and deliver truth, justice and effective remedies, including reparations to victims of the Northern Ireland conflict.
- Furthermore, it should ensure the prompt establishment of a transitional justice mechanism to address abuses in institutions such as the Magdalene laundries and mother and baby homes in Northern Ireland, ensuring that perpetrators are prosecuted and punished with penalties proportionate to the gravity of the offence and that all victims obtain an effective remedy (paragraph 11).
- The Committee recommends that the State party should intensify its efforts to combat hate crimes and, in particular:
  - Take steps to establish a clear and comprehensive legal framework to ensure that the prohibition of hate crimes applies to



all protected groups, including... by taking effective steps to promptly enhance hate crime legislation in Northern Ireland (paragraph 17)

- The Committee is concerned about reports that conversion therapy is considered a protected religious practice in Northern Ireland. It recommends that the State party should continue its efforts and adopt the measures necessary to prohibit the practice of so-called conversion therapy against lesbian, bisexual and transgender persons, including in Northern Ireland. Furthermore, it should take legislative and other measures to eliminate intrusive requirements for legal gender recognition, including psychiatric diagnosis, and provide for and effectively implement a quick, transparent and accessible procedure for legal gender recognition that is compatible with the provisions of the Covenant (paragraph 18).
- The Committee welcomes the decriminalisation of abortion in Northern Ireland in October 2019 and the formal commissioning of abortion services in 2022. It is concerned, however, about reports that abortion services are not yet fully operational and that several barriers continue to seriously impede access to abortion services in Northern Ireland (paragraph 22). It calls on the State party to: strengthen its efforts to remove barriers currently impeding access to abortion care in Northern Ireland, including by ensuring adequate, long-term funding in every Health and Social Care Trust and access to telemedicine for early medical abortions.
- The Committee also expresses concern at the number of persons, mainly members of minority groups and women, being imprisoned for failure to pay fines, particularly in Northern Ireland (paragraph 34).
- It is concerned about the depletion of legal aid lawyers, especially in Northern Ireland and Scotland, in part owing to low salaries (paragraph 48).

- The Committee is concerned that... the legal defence of “reasonable punishment” remains in England and Northern Ireland. Furthermore, [it] is concerned that the minimum age at which children can be held criminally responsible is still set at 10 years in... Northern Ireland (paragraph 54). It recommends that the State party enact[s] legislation that explicitly and clearly prohibits corporal punishment of children in all settings, removing the common law defence of “reasonable chastisement”, throughout the United Kingdom and that it raise[s] the minimum age of criminal responsibility, in accordance with internationally accepted standards, throughout the United Kingdom (paragraph 55).

#### **Potential legislation stemming from the summary of ICCPR**

##### **Concluding Observations**

- Recommendation to introduce a Bill of Rights for Northern Ireland
- Transitional justice mechanisms to address abuses institutions such as the Magdalene laundries and mother and baby homes
- A clear and comprehensive legal framework to ensure that the prohibition of hate crimes applies to all protected groups and promptly enhancing hate crime legislation in Northern Ireland
- Prohibition of the practice of conversion therapy
- Legislative and other measures to eliminate intrusive requirements for legal gender requirements
- Increase in the Minimum Age of Criminal Responsibility in Northern Ireland from the age 10 in line with international standards

## **5 Convention on the Elimination of All Forms of Discrimination against Women**

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was signed by the UK on 22 July 1981 and ratified on 7 April 1986. The treaty is monitored by the Committee on the Elimination of

Discrimination against Women,<sup>9</sup> which last examined the UK in March 2019. The Concluding Observations raised the following concerns in relation to Northern Ireland:

- The Committee noted that the Equality Act of 2010 prohibits both direct and indirect discrimination on the basis of sex. It reiterated its previous concern, however, that the applicability of the Equality Act does not extend to Northern Ireland, and regrets that the State party, invoking the principle of devolution, has not taken any measures to ensure that women in Northern Ireland have at least the same protections with regard to equality as do their counterparts in the other administrations of the State party, notwithstanding the [then] lack of a functioning government in Northern Ireland. The Committee recommended that the State party revises its legislation in Northern Ireland to ensure that it affords protection to women there on an equal basis with women in other administrations of the State party (paragraph 16)
- The Committee was concerned that women living in Northern Ireland will be particularly affected by Brexit, including by changes affecting cross-border trade. The Committee recommended that the State party undertakes a thorough impact assessment of its withdrawal from the European Union on the rights of women, including women in Northern Ireland, and adopt effective measures to mitigate the negative effects (paragraph 22).
- The Committee highlighted the lack of uniform protection of women and girls from all forms of gender-based violence across the jurisdiction of the State party, noting with particular concern the inadequacy of laws and policies to protect women in Northern Ireland (paragraph 29). It recommended that the State party adopts legislative and comprehensive policy measures to protect women from all forms of gender-based violence throughout the State party's jurisdiction, including Northern Ireland (paragraph 30).

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<sup>9</sup> Committee on the Elimination of Discrimination against Women web pages: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>.

- It recommended that research should be undertaken into the prevalence and nature of prostitution in Northern Ireland and Scotland, in addition to the research that is currently under way in England and Wales, to identify the necessary changes to be made to legislation and policy (paragraph 36)
- The Committee was concerned about the underrepresentation of women in political and public life in Northern Ireland. It called upon the State party to take measures to address the low representation of women in political and public life in Northern Ireland, including by ensuring the implementation of section 43 A of the Sex Discrimination (Northern Ireland) Order 1976 enabling the use of gender quotas (paragraph 38).
- The Committee reiterated its concern regarding the lack of measures taken by the State party to implement Security Council resolution 1325 (2000) in Northern Ireland, where women continue to face intimidation by paramilitary groups and are underrepresented in post-conflict reconstruction and peacebuilding processes. The Committee recommended that the State party take concrete measures to ensure the effective participation of women in post-conflict reconstruction and peacebuilding processes in Northern Ireland, in line with resolution 1325 (2000), including by: (a) addressing the obstacles to their participation, including intimidation by paramilitary groups, as noted in the report on the inquiry conducted in 2014 by the Northern Ireland Assembly All Party Group on Women, Peace and Security and the Westminster Associate Parliamentary Group on Security Council resolution 1325 (2000) on women and peace and security; (b) guaranteeing the participation of women in the context of the transitional justice mechanisms envisaged in the Northern Ireland (Stormont House Agreement) Bill.
- The Committee recommended that the State party ensures that the provisions regarding mandatory pay gap reporting in the Employment Act (Northern Ireland) 2016 are brought into effect in Northern Ireland (paragraph 44)
- The Committee was concerned that childcare costs remain excessive, in particular in Northern Ireland, which constitutes an obstacle for women in

entering into and progressing in the workplace It recommended that the State Party ensures the availability of affordable and accessible childcare facilities and/or arrangements, [and] in particular in Northern Ireland (paragraph 46).

- The Committee deeply regretted the continued failure of the State party to implement the Committee 's previous recommendations... in which the Committee found that the State party was responsible for grave and systematic violations of women's rights under the Convention in Northern Ireland, to ensure access for women to abortion services, including by decriminalising abortion, on the grounds that abortion is a matter for the authorities in Northern Ireland to consider (paragraph 49) and recommends that the State party implement... the recommendations contained in the report of the Committee on the inquiry under article 8 of the Optional Protocol to the Convention (CEDAW/C/OP.8/GBR/1).

**Potential legislation stemming from the summary of CEDAW  
Concluding Observations**

- Recommendation to extend the Single Equality Act 2010 to Northern Ireland
- Recommendation to adopt legislative and comprehensive policy measures to protect women from all forms of gender-based violence in Northern Ireland
- Identification of necessary changes to be made to legislation and policy in relation to prostitution
- The low representation of women in political and public life to be addressed by implementing section 43A of the Sex Discrimination (Northern Ireland) Order 1976 to enable gender quotas
- The provisions regarding mandatory pay gap reporting in the Employment Act (Northern Ireland) 2016 should be brought into effect

## 6 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CAT was signed by the UK on 15 March 1985 and ratified on 8 December 1988.

The treaty is monitored by the Committee Against Torture<sup>10</sup>, which last examined the UK in June 2019.<sup>11</sup>

Concluding observations with relevance to Northern Ireland included the following:

- The Committee was concerned that the age of criminal responsibility in England, Wales and Northern Ireland remains at 10 years. It reiterated its previous recommendation (CAT/C/GBR/CO/5, para. 27) that the State party raise the minimum age of criminal responsibility and ensure the full implementation of juvenile justice standards (paragraph 22).
- Accountability for conflict-related violations in Northern Ireland: the Committee made a number of recommendations relating to legacy issues based on the political context of 2019 (paragraphs 40 and 41).
- The Committee reiterated its concern about reports that paramilitary groups continue to function as alternative authorities in certain areas of Northern Ireland, inflicting punishments resulting in severe pain and suffering against people alleged to have committed criminal offences... the Committee was also concerned about reports that these groups continue to recruit children (art. 16). It recommended that the State party should: (a) strengthen its efforts to promptly and effectively investigate cases of paramilitary violence in Northern Ireland, including against children, ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and ensure that victims have access to effective protection and can obtain redress; (b) intensify its efforts to prevent the recruitment of children by paramilitary groups in Northern Ireland (paragraphs 42 and 43).

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<sup>10</sup> Committee Against Torture web pages:

<http://www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx>.

<sup>11</sup> Committee against Torture (2019) [Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland](#)

- In relation to the Historical Abuse Inquiry, the Committee expressed its extreme concern and recommended that, as a matter of urgency, the State Party should adopt measures to provide victims of ill-treatment identified by the HIA Inquiry with redress, including compensation and the means for as full a rehabilitation as possible; (b) expedite the process of carrying out an impartial and effective investigation into the practices of the Magdalene laundries and mother-and-baby homes in Northern Ireland that is capable of promptly identifying victims of ill-treatment inflicted at those institutions and providing them with redress (paragraph 45).
- The Committee recommended that the State party ensure that all women and girls in the State party, including in Northern Ireland, have effective access to the means of terminating a pregnancy when not doing so is likely to result in severe pain and suffering, such as when the pregnancy is the result of rape or incest, when the life or health of the pregnant person is at risk and in cases of fatal fetal impairment. The State party should also ensure that women and girls in Northern Ireland have effective access to post-abortion health care and that neither patients nor their doctors face criminal sanctions or other threats for seeking or providing such care (paragraph 47).

**Potential legislation stemming from the summary of CAT Concluding Observations**

- Increase in the Minimum Age of Criminal Responsibility in Northern Ireland from 10 years of age

## 7 Convention on the Rights of the Child

The CRC was signed by the UK on 19 April 1990 and ratified 16 December 1991. The treaty is monitored by the Committee on the Rights of the Child,<sup>12</sup> which last examined the UK in June 2023.<sup>13</sup>

Concluding observations with relevance to Northern Ireland included the following:

- In relation to legislation (paragraph 8), the Committee recommends that the State party:
  - Strengthens its efforts to fully incorporate the Convention into national legislation in England, Wales, Northern Ireland, the overseas territories and the Crown dependencies and conduct a comprehensive review of all legislation to align it with the Convention and address any inconsistencies
  - Enacts a bill of rights for Northern Ireland
  - Develops mandatory child-rights impact assessment procedures for legislation and policies relevant to children in England, Northern Ireland and Wales.
- The Committee recommended that the State party incorporate a child rights-based approach into the State budgeting process in all jurisdictions...including “withdraw[ing] the budget for Northern Ireland for the period 2023–2024 and fully consider the equality and human rights implications for a new budget, taking all possible steps to mitigate any adverse impact on children’s rights before issuing a revised budget” (paragraph 11).

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<sup>12</sup> Committee on the Rights of the Child web pages: [www.ohchr.org/en/treaty-bodies/crc](http://www.ohchr.org/en/treaty-bodies/crc)

<sup>13</sup> Committee on the Rights of the Child (2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#)



- The Committee is concerned that children who are 16 and 17 years of age do not always receive protection as children and that marriage under 18 years of age remains permissible in Northern Ireland. The Committee recommended that the State party:
  - Ensures that all children, including those who are 16 and 17 years of age, are defined as children in law and receive protection as children in practice, including by undertaking a review of age-based legislation throughout all jurisdictions of the State party (paragraph 20)
  - Prohibits all marriages of children under 18 years of age, without exception, in Scotland, Northern Ireland... (paragraph 18)
- It is also concerned about discrimination on the basis of age and recommends that the State party should take legislative and other measures to ensure the protection of all children below 18 years of age from discrimination on the grounds of their age, particularly in England and Northern Ireland, address discriminatory stereotypes against children and promote a positive image of children as rights holders.
- It also recommended consulting with children and civil society organisations in England and Northern Ireland on lowering the voting age to 16 years (paragraph 23).
- In relation to freedom of expression and religion, the Committee recommended that the State party should guarantee the right of all children to freedom of expression and to practise freely their religion or belief by:
  - Revising the religious education syllabus in Northern Ireland to include education on and respect for a diversity of religions
- In relation to the right to privacy, the Committee stated that the use of non-statutory stop-and-search checks against children should be prohibited in Northern Ireland (paragraph 28)

- It stated that the legal defence of “reasonable punishment” in relation to corporal punishment should be repealed in Northern Ireland (paragraph 31).
- The Committee highlighted its concerns about abuse (including sexual abuse) and neglect and recommended that the State party should strengthen measures aimed at tackling violence against children, including by implementing the recommendations of the Gillen Review in Northern Ireland and by strengthening the implementation of legislation protecting children from “abuse of trust” in all environments and extracurricular activities in Northern Ireland (paragraph 33). It also called on the State party to “strengthen measures to protect children from intimidation, racist attacks and other forms of violence committed by non-State actors, including so-called paramilitary organizations in Northern Ireland, and from recruitment by such actors into violent activities” (paragraph 34).
- It recommended that the State party establishes childcare strategies in Northern Ireland... to ensure that all children in socioeconomically disadvantaged situations have access to free childcare (paragraph 36).
- Finally, the Committee recommended that adolescent girls have access to age-appropriate family planning services, affordable contraceptives and safe abortion and post-abortion care services, particularly in Northern Ireland... with a view to ensuring that no adolescent girl has to travel to other jurisdictions of the State party to access reproductive health care (paragraph 44).

**Potential legislation stemming from the summary of CRC****Concluding Observations**

- Recommendation to introduce a Bill of Rights for Northern Ireland
- Recommendation to address any inconsistencies between existing legislation and the CRC

- Recommendation to develop mandatory child-rights impact assessment procedures for legislation and policies relevant to children in Northern Ireland
- Prohibition of marriage for those under the age of 18
- Legislative measures to protect children under the age of 18 from age discrimination
- Consultation on lowering the voting age to 16
- Prohibition of non-statutory stop-and-search checks against children
- Repeal the legal defence of “reasonable punishment” in Northern Ireland in relation to corporal punishment
- Introduction of legislation to protect children from “abuse of trust”
- Access for adolescent girls to age-appropriate family planning services, affordable contraceptives and safe abortion and post-abortion care services, particularly in Northern Ireland

## 8 Convention on the Rights of People with Disabilities

The UK signed the Convention on the Rights of People with Disabilities in 2007 and ratified it in 2009. The Committee<sup>14</sup> published its Concluding Observations in October 2017.<sup>15</sup>

Concluding observations with relevance to Northern Ireland included the following:

- The Committee was concerned about the uneven implementation of the CRPD and specifically about the lack of State party-led initiatives aimed at assessing and sufficiently addressing the inclusion of and living conditions for persons with disabilities, particularly in Northern Ireland (paragraph 8).

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<sup>14</sup> Committee on the Rights of People with Disabilities web pages: [www.ohchr.org/en/treaty-bodies/crpd](http://www.ohchr.org/en/treaty-bodies/crpd)

<sup>15</sup> Committee on the rights of people with disabilities (2017) [Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland](#)

- It stated that the State party should “take the necessary measures through the appropriate authorities, once the Northern Ireland government is in place, to ensure that the Northern Ireland Executive reform on disability rights law reflects the recommendations made by the Equality Commission for Northern Ireland in its 2012 *Strengthening Protection for Disabled People* report to protect persons with disabilities in Northern Ireland from direct and indirect disability-based discrimination and discrimination through association” (paragraph 17).
- The Committee also recommended that the use of non-consensual electroconvulsive therapy should be prohibited, safeguards should be based on the human rights model, and appropriate authorities should help ensure monitoring of this development, particularly in Northern Ireland (paragraph 37).
- It was concerned about access to healthcare and, in particular, the suicide rate among persons with disabilities, especially in Northern Ireland (paragraph 54).
- The Committee also highlighted the need to extend support packages to mitigate the negative impacts of social security reform in Northern Ireland (paragraph 59).

#### **Potential legislation stemming from the summary of CRPD Concluding Observations**

- Disability rights reform to include direct and indirect disability discrimination and discrimination through association – and reflecting the recommendations of the Equality Commission for Northern Ireland in its 2012 report
- Prohibition of non-consensual electroconvulsive therapy
- Extension of support packages to mitigate the negative impact of social security reform in Northern Ireland

## 9 European Social Charter

The ESC was signed by the UK on 18 October 1961 and ratified on 11 July 1962. The UK is not part of the collective complaints procedure, but is subject to the regular examination process, undertaken by Charter article, where states are declared ‘in conformity’ or ‘not in conformity’ with individual articles, or decisions on those articles are deferred. Incidences where the UK was deemed ‘not in conformity’ where Northern Ireland has been mentioned include the following:

### 9.1 Thematic group: Children, families and migrants (2023)<sup>16</sup>

#### **Article 16: right of the family to social, legal and economic protection**

In its previous conclusion (Conclusions XXI-4 (2019)), the Committee asked for information on measures taken to support vulnerable families and single-parent families in England, Scotland, Wales and Northern Ireland. It said that the UK was not in conformity with Article 16 of the 1961 Charter due to the failure to supply information on these measures. It was also judged to be not in conformity due to the failure to provide information on housing policies for families in Northern Ireland, including the supply and demand for social housing.<sup>17</sup>

#### **Article 17: right of mothers and children to social and economic protection<sup>18</sup>**

The Committee notes that in Northern Ireland, the age of criminal responsibility is 10 years old. In these circumstances, the Committee reiterates its conclusion of non-conformity on the ground that the age of criminal responsibility is too low.

**Potential legislation stemming from the summary of ESC recommendations**

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<sup>16</sup> [European Committee of Social Rights Conclusions XXII-4](#) (2023)

<sup>17</sup> ESR: [Article 16 - Right of the family to social, legal and economic protection](#)

<sup>18</sup> [ESR: Article 17 - Right of mothers and children to social and economic protection](#)

- Increase in the Minimum Age of Criminal Responsibility in Northern Ireland from 10 years of age

## 10 European Charter for Regional or Minority Languages

This Charter was signed by the UK on 2 March 2000 and ratified on 27 March 2001. The treaty is both a commitment to certain principles for the preservation of minority languages and a series of measures to promote the use of minority languages on the territory of a signatory state.<sup>19</sup> Commitments to these measures are assessed by a Committee of Experts, advising the Council of Ministers, which constitutes the enforcement mechanism for the Charter.<sup>20</sup> The Committee last reported on the UK in March 2021.

Findings of the Committee of Experts included the following in relation to Northern Ireland:<sup>21</sup>

- A comprehensive law and a strategy on the promotion of Irish in Northern Ireland
  - The New Decade, New Approach agreement suggests three amendments to the Northern Ireland Act (1998), one of which would offer official recognition of the Irish language for the first time, repeal the 1737 Administration of Justice Act prohibiting the use of Irish in courts, which as previously stated is considered discriminatory by the Committee of Experts, and institute an Irish Language Commissioner.

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<sup>19</sup> [European Charter for Regional or Minority Languages](#)

<sup>20</sup> Committee of Experts of the European Charter for Regional or Minority Languages web pages: [http://www.coe.int/t/dg4/education/minlang/aboutcommittee/default\\_en.asp](http://www.coe.int/t/dg4/education/minlang/aboutcommittee/default_en.asp).

<sup>21</sup> Council of Europe (2021) European Charter for regional or Minority Languages [Evaluation by the Committee of Experts of the Implementation of the Recommendations for Immediate Action contained in the Committee of Experts' fifth evaluation report on the UNITED KINGDOM and ISLE OF MAN](#)

- Adoption of a strategy to promote Ulster Scots in education and other areas of public life.
  - A New Decade, A New Approach includes a commitment to an amendment to the Northern Ireland Act, which would include a commitment to ‘enhance and develop’ Ulster-Scots language, heritage and culture, and the creation of the position of a Commissioner for Ulster Scots. Once in post, this Commissioner would provide guidance on the implementation of the Charter and other international treaties, raise awareness of Ulster Scots, provide advice and guidance to public authorities, and investigate complaints against public authorities which fail to have due regard for advice the Commissioner gives’.

The Identity and Language (Northern Ireland) Act 2022 was passed in Westminster in 2022.<sup>22</sup> There does not appear to be a strategy as yet for either language.

**Potential legislation stemming from the summary of ECRML recommendations**

- Not applicable

## 11 Council of Europe Convention on Action against Trafficking in Human Beings

This convention is aimed at supporting victims of human trafficking and also measures for the disruption and conviction of human traffickers. The Convention was signed by the UK on 23 March 2007 and ratified on 17 December 2008.

The implementation of the Convention is overseen by the Group of Experts on Action against Trafficking in Human Beings (GRETA), which visits parties to the

<sup>22</sup> [Identity and Language \(Northern Ireland\) Act 2022](#)

Convention and reports on progress.<sup>23</sup> The first GRETA visit to the UK was in 2012. The second evaluation round was commenced in 2015, with an initial report published in October 2016<sup>24</sup>. The third report was published in October 2021.

Recommendations relating to Northern Ireland include:

- Ensuring that the amount of compensation from the Northern Ireland Criminal Injuries Compensation Authority is not made dependent on the victim's co-operation with the authorities or prior convictions (paragraph 132).

**Potential legislation stemming from the summary of CATHB recommendations**

- Not applicable

## 12 Framework Convention for the Protection of National Minorities

The FCPMN was signed on 1 February 1995 and ratified on 15 January 1998. Monitoring of the Framework Convention is through an Advisory Committee<sup>25</sup> which provides evidence for the Council of Ministers to make resolutions. The latest report and recommendations were published in 2023.<sup>26</sup> The report made a number of observations in relation to Northern Ireland, including:

<sup>23</sup> Group of Experts on Action against Trafficking in Human Beings web pages: <http://www.coe.int/en/web/anti-human-trafficking>.

<sup>24</sup> GRETA (2016), [\*Report Concerning the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by the United Kingdom\*](#)

<sup>25</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities web pages: <http://www.coe.int/en/web/minorities/advisory-committee>.

<sup>26</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities (2022) [\*Fifth opinion on the United Kingdom\*](#)



- A comprehensive strategy for England and for Northern Ireland to tackle antigypsyism – including anti-nomadism – is necessary to fundamentally combat the widely-held prejudices against this minority.
- The need to increase efforts to promote integrated education through boosting the number of places available in integrated schools and providing incentives to pupils and parents (particularly in the context of the collapse of the institutions and EU Exit)
- Proposals relating to the Irish language and Ulster Scots have now been passed by the UK Parliament “however these proposals further contribute to the sectarianism surrounding cultural questions: the naming of a commissioner for Ulster Scots as for the Ulster Scots and the Ulster British Tradition, conflating a minority identity with a political identity. It also states that more could be done in regard to the protection of languages.
- The levels of hate crime in Northern Ireland against people from Black, Asian and minority ethnic backgrounds and Irish Travellers is “particularly alarming”. Further, Travellers are not represented or consulted.
- There is little equality data to inform decision-making.

Its final recommendations where Northern Ireland is specifically referenced included:

- Increase the share of pupils and students attending integrated schools, and seek to actively motivate parents and provide incentives for pupils and students studying in such schools, with a view to creating a fully integrated education system in Northern Ireland (Recommendation 4)
- Intensify efforts to develop and increase the offer and support to Irish-medium education in Northern Ireland, including for children with special educational needs (Recommendation 5)

- Effectively guarantee to persons belonging to national minorities the right to equality before the law by adopting comprehensive equality legislation for Northern Ireland and by harmonising protection across the UK.
- Review the Northern Ireland Race Equality Strategy 2015-2025 in close consultation with minority representatives to ensure it is adequately funded, outcome focused and tailored to the needs of the minorities. Authorities should also draw-up a strategy to combat antigypsyism for Northern Ireland.
- Complete the process allowing for the collection of disaggregated data on the ground of “race”, including for Roma and Irish Travellers, in order to design and implement targeted policies promoting their full and effective equality (Recommendation 6)
- Review, in meaningful consultation with civil society, proposals made in the Northern Ireland Troubles (Legacy and Reconciliation) Bill with a view to substantively promoting intercultural dialogue and reconciliation. The authorities should take steps to promote intercultural dialogue in Northern Ireland, effectively counter paramilitarism and actively work to foster integration of society as a whole. (Recommendation 9)
- Ensure the implementation of the Identity and Language (Northern Ireland) Act, and work with representatives of the Irish-speaking community to further develop Irish language policy in Northern Ireland. The authorities should also consider revising the Act in consultation with the Ulster Scots minority representatives to address the conflation of Ulster Scots and Ulster British identities. (Recommendation 11)
- Take priority measures to tackle racist bullying in schools, in particular against Gypsies, Roma and Travellers, including through making recording instances of racist bullying mandatory in schools in Great Britain, adding ethnic identifiers on such recording in Northern Ireland (Recommendation 13)
- Ensure effective access to healthcare and a healthy standard of living for persons belonging to national minorities, in particular Gypsies, Roma and Travellers... In Northern Ireland, adequate measures in response to the All-Ireland Traveller Health Survey should be designed (Recommendation 16).

**Potential legislation stemming from the summary of FCPMN recommendations**

- Adoption of comprehensive equality legislation for Northern Ireland
- Completion the process to allow for the collection of disaggregated data on the grounds of race, including for Roma and Irish Travellers
- Consideration of revisions to the Identity and Language (Northern Ireland) Act 2022 to address the conflation of Ulster Scots and Ulster British identities.
- Mandatory recording of racist bullying in schools