



From left to right: Patricia McKeown (UNISON), Baroness Helena Kennedy KC, and Naomi Long MLA

Preventing misogynistic crime in Northern Ireland

Robyn Scott, Communications and Equality Coalition Coordinator, CAJ

From street harassment to online abuse, misogyny takes many forms. It remains a huge problem in Northern Ireland and slowly chips away at women's sense of safety and security as they go about their daily lives. Almost all women reading this will be able to recall multiple examples of experiencing misogyny firsthand.

In March 2022, the Working Group on Misogyny and Criminal Justice in Scotland produced the report, [Misogyny – A Human Rights Issue](#), which provides a blueprint for tackling **misogynistic crime** through the criminal law. Meanwhile, in Northern Ireland, the Department of Justice (DoJ) recently conducted a first stage consultation seeking views on the inclusion of misogyny in relation to a future hate crime bill, following an independent review of hate crime legislation led by Judge Marrinan. The possibility of legislation being introduced has been paused, however, for the foreseeable future, in the absence of the NI Assembly.

During the last few years, the Equality Coalition (which is co-convened by CAJ and UNISON) has compiled a significant body of work on hate crime and, specifically, misogyny, including engaging extensively with the review of hate crime legislation. We have also been working closely with the NI women's sector on these issues.

In December 2022, the Equality Coalition held an in-person seminar in Stormont on 'Preventing misogynistic crime, the Scottish

model', which was sponsored by Naomi Long MLA (former NI Justice Minister) and co-sponsored by Sinéad Ennis MLA and Diane Forsythe MLA.

The purpose of the seminar was to reflect on the potential application of the Scottish model to NI. It followed on from a previous webinar on misogyny, held in June 2022 in conjunction with Coalition Against Hate Crimes Ireland (CAHC). Our keynote speaker at the seminar (as at the webinar) was Baroness Helena Kennedy KC, who led the Scottish working group on misogyny and has been a legal practitioner for five decades. The event sponsors also shared their views on preventing misogyny during the event, as did a range of civil society speakers, including Patricia McKeown (UNISON), Elaine Crory (WRDA), and Luna Lara Liboni (ICCL).

At the seminar, Baroness Kennedy provided an overview of the Scottish model and explained why it is so important that we try to address misogyny as a society: "I considered titling the report 'Something needs to be done', instead of 'Misogyny – A Human Rights Issue'... There is not a single woman in this room who can't give an example of being harassed. Not all men do it, but there is not a single woman who hasn't experienced it. Young women are saying that they have had enough."

She explained that she sees misogyny as a different kind of hate: "Misogyny is about believing in the primacy of the male - it is so embedded that it is displays in behavior.

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Misogynistic behavior tends to be directed at **particular types of women**. It is underpinned by the idea that women should ‘know their place’.”

She added, “From the age of eight or nine, girls are taught they have to be self-protective. Boys are not given the equivalent instruction that you must make girls feel safe.”

What exactly does the Scottish model propose?

When the Hate Crime and Public Order (Scotland) Act 2021 received Royal Assent, the UK Parliament left open the opportunity to add 'sex' as a further protected category at a later date. Baroness Kennedy was invited to establish a working group to decide whether this would be an effective way of protecting women, or whether an alternative option of creating a separate, standalone offence based on misogyny might be more appropriate (a suggestion that was already finding favour with many women because hate crime legislation is principally designed to protect minorities, and women are not a minority).

The conclusions of the working group were set out in *Misogyny – A Human Rights*. The report proposes that a standalone act on misogyny be introduced since misogyny is so “deeply rooted in our patriarchal ecosystem that it requires a more fundamental set of responses”. Specifically, the report advocates for the introduction of a dedicated Misogyny and Criminal Justice (Scotland) Act, which would:

1. Create a new Statutory Misogyny Aggravation which operates outside of the Hate Crime and Public Order

(Scotland) Act 2021;

2. Create a new offence of Stirring Up Hatred Against Women and Girls;
3. Create a new offence of Public Misogynistic Harassment; and;
4. Create a new offence of Issuing Threats of, or Invoking, Rape or Sexual Assault or Disfigurement of Women and Girls online and offline.

Outcome of the seminar

The seminar generated a lot of constructive discussion around the Scottish model, including amongst the political representatives present. Former Justice Minister Naomi Long commented that the event had been “really helpful in furthering the discussions we’ve been having within the [Justice] department”.

It is unclear when this issue will next be progressed at Stormont – we do not even know when the next Assembly election will be held. Even if there is an election soon, it may not lead to a restoration of power sharing. No matter what, the Equality Coalition will continue to advocate for the law to be strengthened on misogynistic crime and will provide a platform for discussing how to prevent misogyny in NI.

As Baroness Kennedy said during the event, when she was summing up, “We have a long way still to go. If you want to fix the culture, you have to be radical. This is our moment and you have to seize it.”

The ‘low income’ crisis

Les Allamby, Chair of the Social Security Independent Mitigations panel

We have slept walked once again into a false narrative, which will have a long term adverse impact on those living in poverty; namely, that we are in a ‘cost of living’ crisis. We are not. Instead, there is a low-income crisis. In effect, the increase in the cost of living has done two things. First, those who were already struggling are finding it even tougher to make ends meet. Second, the increased expenses have caught more households in its net who are finding it financially difficult. Arguably, those in the bottom half of household income are now facing hardship. The problem with the current narrative is that in a year’s time when inflation and fuel costs have reduced, the spotlight will move on and those families who were struggling before the recent cost of living increases will still be struggling.

By way of illustration, the total additional amounts paid to those on Universal Credit (UC) under the various schemes introduced by the UK government for 2022/23 and 2023/24 are effectively around the same amount as lost by the ending of the £20 uplift to UC during the same period. Moreover, it does little for those caught by the two-child limit who lose almost £60 a week per child for a third child and every additional child thereafter. This also takes no account of the fact that means-tested benefits only increased by 3.1% during the financial year 2022/2023, considerably lower than the inflation rate.

We have been here before a decade ago. Then, the UK Chancellor George Osborne heralded, “We are all in this together”, when introducing austerity measures, including severe reductions to social security benefits for working age claimants. The NI Human Rights Commission (NIHRC) published its *Cumulative impact assessment of tax and social security reforms in Northern Ireland* in November 2019. The report examined all the changes to social security and tax from 2010 onwards through to what was then known to be in the pipeline up until 2022. The measures covered included changes to income and indirect tax, national insurance, social security, and the national minimum wage. In the report, NIHRC examined the impact of these changes by income decile (from the top 10% of households by income to the bottom 10%). The results showed that the top 10% had made modest losses (mainly due to tax arrangements on occupational pensions), while those in the top 20% and 30% of incomes had gained over the decade. In contrast, those in the bottom 40% had become significantly worse off. In practice, we were **not** ‘all in it together’, with those on lower incomes having borne the greatest burden.

One of the NI Executive’s responses to social security reductions in 2016 was to agree a budget and commission an independent review into mitigating the impact of the social security cuts. The review led to arrangements to ensure both the ‘bedroom tax’ for claimants in public housing and the benefit cap for families were never implemented, alongside a soft landing for those who lost out due to moving from Disability Living Allowance (DLA) to Personal Independence Payment (PIP) and from changes to Employment Support

Allowance (ESA). The Joseph Rowntree Foundation's report on *UK Poverty 2020/21* concluded that social security mitigations in Northern Ireland and Scotland had contributed to the lower rates of child poverty compared to England and Wales. Moreover, child poverty leads to poorer health and educational outcomes and creates more expenditure elsewhere as a result. The report also recommended the retention of keeping the 'bedroom tax' and 'benefit cap' at bay.

In November 2021, the Department for Communities (DfC) announced an independent review of the existing mitigations in tandem with looking at the scope for further support, which would be led by an expert panel. The 'Social Security Independent Mitigations Panel' decided to focus on the impact of any proposals by household income. The thinking was that targeting those on low income would also capture substantial numbers of people with disabilities, lone parents, carers, and other disadvantaged groups. Working age families were also concentrated on, given that poverty for this group was more than double the rate found in pensioner households.

The resulting report, [*Welfare Mitigations Review - Independent Advisory Panel Report*](#), recognises the significant changes in the social security landscape, with over 123,000 households now on UC and the introduction of the two-child limit for those families on UC, Child Tax Credit (CTC), and Housing Benefit (HB). The report makes a series of recommendation for change, which were costed and assessed by their impact on income decile, gender, disability (child and adult), household composition, age, and ethnicity. It was not possible to provide a meaningful breakdown by community background due to limitations on the tax benefit models. The recommendations draw significantly on reforms already introduced or proposed in Scotland. The costings were shared with DfC's Professional Services Unit (PSU) and drew on the department's own future forecasts on the number of claimants for various benefits.

The core recommendations include introducing a Better Start Larger Families payment for 16,000 families to offset the two-child limit, at a cost of £46 million in 2023/2024. This reflects research from the Institute for Fiscal Studies, which shows that the projected increase in child poverty is substantially concentrated in families with three children or more. This payment would be in addition to the introduction of a Better Start grant for families on means-tested benefits, which would include additional maternity needs support at birth and payments for subsequent children.

Further, one-off lump sum payments would also be made at key developmental milestones – i.e. when starting nursery education and primary school, on transferring to secondary level education, and on reaching school leaving age. This would cost £10 million in 2023/2024. Assistance with maternity needs has been particularly affected by cuts with the removal of extra help in tax credits for children under 12 months old, the limiting of Sure Start Maternity Grants to one child only, the abolition of the Health in Pregnancy payment and freezing of Child Benefit for three years all happening in 2011.

For carers receiving Carer's Allowance, the report proposed a lump sum recognition payment be made twice a year and a Young Carers payment be made to carers aged 16 to 18 years of age. Additionally, the report recommended that earnings before Carer's Allowance is withdrawn be increased to the 16 hour rate of the National Living Wage. These reforms would cost £28.7 million in 2023/24.

Another recommendation was for the introduction of a Cost of Work Allowance, entailing paying those in work and on low pay an annual payment. The amount would vary by whether a household has children or not, with an additional payment for individuals in work and on the Personal Independence Payment. The rationale for this payment includes the increasing prevalence of in-work poverty, as well as the lack of childcare financial support available outside the social security system compared to the rest of the UK and elsewhere in Ireland. On top of this, a Job Start Grant for young people and proposals to retain underlying entitlement to UC when taking up employment would be introduced.

Other recommendations include a low income winter heating assistance payment for those on means-tested benefits and a disabled child winter payment; a road map to tackle the difficulties created by the five week wait for the first payment of UC; and funding a Financial Inclusion Service, with access to grants to help claimants in the private rented sector, who have to spend on average almost £30 a week to meet the shortfall between housing benefit and the rent charged on their accommodation under the Local Housing Allowance provisions. The report also recommended mainstreaming additional funding for advice services, with money ring-fenced for rural advice initiatives in recognition of the specific disadvantages people living in rural areas face.

The analysis included within the report shows that the recommendations would be progressive by focusing on low-income households and capturing large numbers of women and households with a child or adult with a disability. The total cost of the package would be £140.6 million in 2023/24, rising to £149.5 million the following year. This is close to the annual sums set aside in the original budget agreed for the first set of social security mitigations by Peter Robinson and Martin McGuinness in 2016. Accordingly, it is affordable with the right political will.

The *Welfare Mitigations Review* report acknowledges that its proposals must be part of a wider programme to complement an anti-poverty and that other strategies need to be implemented by DfC. Nonetheless, the report on its own can make a difference, particularly so once the focus on short-term additional support with fuel costs is withdrawn. It will need agreement within the NI Executive to move forward, adding to the formidable list of issues facing the Executive and Assembly once devolution resumes.



UK pressing ahead with NI legacy bill – and could even make it worse

Daniel Holder, Deputy Director, CAJ

As 2022 drew to a close, the Council of Europe (CoE) Commissioner for Human Rights, Dunja Mijatović, called on the UK to withdraw its [NI legacy bill](#) due to “serious issues of compliance with the [European Convention on Human Rights]”. This call coincided with a formal decision from the CoE Committee of Ministers, which expressed growing concern because the Northern Ireland Troubles (Legacy and Reconciliation) Bill had not been paused and strongly reiterated that it may not be compliant with ECHR.

In the same month, two UN Special Procedures Mandate holders, Fabián Salvioli (truth, justice, non-recurrence) and Morris Tidball-Binz (extrajudicial executions) also issued a further call on the UK to withdraw the legacy bill. The two Special Rapporteurs raised concerns that the bill would “thwart victims’ right to truth and justice”; “undermine the country’s rule of law”; and place the UK in “flagrant contravention of its international human rights obligations”.

Into the new year, the NI Victims Commissioner, Ian Jeffers, also called on the UK government to withdraw the bill, raising concerns it would “not deliver truth recovery” and “remove the opportunity for justice”. These calls joined those emanating from the NI Human Rights Commission (NIHRC), Irish government, NI political parties, and civil society groups, including CAJ, for the bill to be ditched.

The Scottish government has also refused legislative consent for the bill, with the same NI ministers taking the same position. On a visit to Belfast, Kier Starmer, the leader of the Labour Party (the UK opposition), said in response to a question from Kieran McEvoy that he was committed to repealing the bill should he become Prime Minister.

Just News readers will be familiar with the aims of the legacy bill. To recap, it was introduced into Westminster last May after the UK government unilaterally reneged on one of the agreements of the peace settlement (the Stormont House Agreement 2014). The aims of the bill are broadly threefold. Firstly, it will shut down all existing judicial and investigative legacy mechanisms in Northern Ireland, including legacy inquests, at a time when such mechanisms are delivering historical clarification like never before. Secondly the bill will introduce a *de facto* amnesty through a ‘conditional immunity’ scheme with a conspicuous low threshold. Finally, the bill will establish a new time limited legacy body – the Independent Commission for Reconciliation and Information Recovery (ICRIR) – to conduct limited ‘reviews’ of certain cases under a significant degree of Ministerial control.

So serious is international concern about the bill that, later in January, the UN’s top human rights official, the UN High Commissioner for Human Rights, Volker Türk, issued a statement calling on the UK to ‘reconsider its approach’ given the bill’s incompatibility with human rights obligations. The response of UK ministers, however, has been to press on with the bill, pointing to their majority in the UK Parliament, as if the rule of law does not apply to them. The



government has also made clear that they will also break constitutional convention and override the devolved legislatures to push the bill through.

Ministers had, however, long promised significant amendments to the bill to address the concerns of victims and the international community. After a long delay, around 50 government amendments were tabled in late January as the bill returned to the House of Lords for its substantive Committee stage. This last minute tabling was itself criticised by the UN High Commissioner as preventing meaningful scrutiny. CAJ hurriedly put together a critique of the amendments in a [submission](#) to the CoE.

The CAJ assessment of the amendments concluded that, despite ministerial claims, in reality, the amendments did not even attempt to address any of the areas identified by victims groups or the UN and CoE international human rights mechanisms. This included reconsidering the ‘conditional immunity’ scheme, and the prohibition on future civil claims and legacy inquests.

Some of the amendments appear to be mere ‘window dressing’ to give the appearance of change. For example, calls from critics of the bill for the NI legacy bodies to be internationally constituted, or have international involvement in appointments, appear to have been responded to by a government amendment stating one ICRIR Commissioner could have ‘international experience’. This is clearly not the same thing.

Some of the amendments make the provisions of the bill worse and entrench the extent to which impunity will be facilitated. This includes further provisions to prohibit the Police Ombudsman for Northern Ireland (PONI) from any inquiry that touches on police actions during the conflict (beyond the existing prohibition in the bill on dealing with future and current complaints from victims). Of particular concern is a new amendment that would abolish the Good Friday Agreement (GFA) Early Release Scheme (whereby persons with conflict related convictions serve a maximum of two years). The purpose is to incentivise persons to instead apply for the amnesty. This is problematic. Whilst the Early Release Scheme reduces jail time, it does not prevent an Article 2 ECHR compliant investigation, prosecution, trial, and investigative report from being produced. By contrast, the ‘conditional immunities’ scheme will put suspects put beyond the reach of any meaningful legacy investigation with teeth, as it is difficult to see how police-type powers can be used against a suspect who has immunity from prosecution.

The official assertions that the government amendments would address the concerns raised by victims and others fit a broader pattern of misinformation relating to the legacy bill. None of the above of course means that the bill is a done deal. It is likely to sail through the UK Parliament, but will face relentless challenge in the courts, including at

Strasbourg, where the views of the UN and CoE mechanisms are given considerable weight.

CAJ along with others will continue to mobilise international awareness of the harms of the bill.

Parliamentary housing intimidation

Úna Boyd, Immigration Project Solicitor & Coordinator, CAJ

In May 2022, CAJ submitted [evidence](#) to the Westminster NI Affairs Committee (NIAC) inquiry into 'The effect of paramilitary activity and organised crime on society in Northern Ireland'. Following this submission, CAJ Deputy Director, Daniel Holder, and Immigration Project Solicitor & Coordinator, Úna Boyd, were invited to provide oral evidence to the committee in November 2022. A transcript and recording of the evidence session are available [here](#).

CAJ's evidence focused on the key issue of paramilitary housing intimidation. CAJ has examined this issue as part of our Immigration Project, examining the links between racist housing intimidation and paramilitaries, and highlighting the impact on migrant and minority ethnic communities in NI. We have also examined paramilitary housing intimidation as part of our work on hate expression, including in our recent [report](#), *Dealing with Hate Expression in Public Space in Northern Ireland*. Sectarian intimidation linked to paramilitaries - and the threat of it - is a major causal factor in housing segregation and related housing inequality in Northern Ireland. Racist intimidation in areas of paramilitary control has also long formed part of this pattern. Despite this, there is limited attention or strategic intervention in relation to this issue.

In our evidence to the committee, CAJ highlighted how housing intimidation remains rife in Northern Ireland, 25 years on from the Good Friday Agreement. The public policy response has not moved much beyond assistance in moving victims of intimidation. CAJ also emphasised the lack of transparency and public scrutiny in the handling of the issue. This includes a level of obfuscation of data as to which paramilitary groups are thought to be the source of threats. Data has not been routinely published or desegregated in an accessible way. Instead, data has had to be drawn out through media [requests](#).

In cases of housing intimidation, the PSNI and NI Housing Executive (NIHE) may act to verify a threat as coming from a source with the capability of inflicting dealt or serious injury. Despite this, neither body provides records as to which organisation the source of threat is connected to. It is difficult to understand how a threat can be verified by NIHE or PSNI as coming from a source with the capability of inflicting dealt or serious injury, but no record is kept as to which organisation the source of threat is connected to. The lack of transparency over data appears to have had a knock-on effect in the issue of housing intimidation being reflected in strategic policy on paramilitarism.

Deputy Director, Daniel Holder, stated, "We would like to see a situation whereby the state response to that moves beyond

simply verifying that the threat is credible and moving the victim. At the moment, it is not even being properly documented what patterns there are in particular areas or which group is felt to be responsible. It is known, if you are making that assessment, but information on patterns is not being made available."

CAJ also raised the link between sectarian and racist housing intimidation and the use of hate expression in public spaces. This can include racist and sectarian slogans in graffiti or banners or the use of flags, including paramilitary flags, for the purposes of intimidation. CAJ also referenced our aforementioned report, *Dealing with Hate Expression in Public Space in Northern Ireland*, which examines broader questions of public authority practices in relation to removing hate expression from public space, including expression used for intimidation from housing. The report is critical of practices of non-intervention by some relevant public authorities, including the PSNI. The report recommends an alternative approach in line with Recommendation 15 of the [Independent Review of Northern Ireland Hate Crime Legislation](#), which was led by Judge Desmond Marrinan.

During oral evidence, Immigration Project Solicitor & Coordinator, Úna Boyd, emphasised the severe impact of paramilitary led racist housing intimidation on migrant and minority ethnic people in NI. Úna referred to CAJ's recent [report](#), *Frontline Lessons for the Future: Collaborative research on the impact of immigration law and policy in post-Brexit Northern Ireland*. In the report, frontline organisations working with the migrant community in NI raised paramilitary connections to racist hate crimes and housing intimidation as a key issue.

Úna commented, "There is a huge amount of evidence that migrant and minority ethnic people are being severely impacted by housing intimidation, and there is a lot of frustration... the people working directly with impacted communities were really frustrated that this is not being called out. One person phrased it as 'cowardice' on the part of public bodies and politicians to not acknowledge the link between racist hate crimes, paramilitaries and housing intimidation."

CAJ's evidence to the committee gained significant media attention, with articles published by the [BBC](#) and [Belfast Telegraph](#). Deputy Director Daniel Holder was also interviewed on BBC Radio Ulster.



The Impact of WRDA's MAS Project on perinatal mental health

Aoife Mallon, Policy Assistant, WRDA

It is estimated that one in five women experience mental health issues during pregnancy or after giving birth. Perinatal mental health issues include mental health issues that affect women during pregnancy and up to 12 months after birth, such as depression, anxiety, and post-partum psychosis.

The Women's Resource and Development Agency (WRDA) is conducting research into health inequalities faced by women in Northern Ireland. This research will include three research reports that examine three different areas of health inequalities. The first in this series of reports focuses on the impact of the Maternal Advocacy and Support (MAS) project on women in Northern Ireland experiencing perinatal mental health issues.

The MAS project is a three-year project led by WRDA, in partnership with Aware NI, that works with more than 200 women from across eight women's centres in Northern Ireland. MAS seeks to develop a network of peer support groups for those experiencing perinatal mental health issues.

There are currently several gaps in the statutory provision of maternal mental healthcare in Northern Ireland. For example, Northern Ireland is the only part of the United Kingdom without a Mother and Baby Unit (MBU), which is a specialist inpatient treatment unit where mothers experiencing severe mental illness are admitted with their babies.

Currently, women in NI experiencing severe perinatal mental health issues are admitted to a general psychiatric care facility, where they are separated from their babies while they receive care. Research has shown that this separation has negative outcomes for both mothers and their babies.

Northern Ireland also continues to lag behind the rest of the UK in terms of implementing perinatal mental health specialist teams across all health trusts. In January 2021, Robin Swann announced £4.7 million in annual funding for these services. However, as of January 2023, only four of the five health trusts have begun to accept referrals and services remain inconsistent across various trusts.

It is important to note that even if an MBU was established and specialist teams were fully implemented, these services would only cater for women experiencing severe mental health issues and would not provide support for women experiencing mild mental health issues. Support of this nature is not currently available to women who do not meet the criteria for the specialist teams, due to NHS constraints and lack of government funding.

The MAS project is a preventative and early-intervention service for mothers experiencing mild perinatal mental

health issues. For example, it supports mothers who are experiencing anxiety, depression, loneliness, and grief.

Women involved in the MAS project attend weekly peer-support groups in their local women's centre where they can discuss their mental health, build friendships, and develop skills.

Between September and December 2022, WRDA conducted primary research into the impact of MAS on perinatal mental health. This research took the form of an anonymous online survey, in-person focus groups and an online focus group. The findings from this research show that:

- **100%** of MAS participants said that the project had a positive impact on their perinatal mental health.
- **100%** of MAS participants said that, as a result of being involved in the project, they felt more supported and able to advocate on issues relating to maternal mental health.
- As a result of being involved in the MAS project, participants said their mental health improved, they had become more confident and that feelings of loneliness had reduced.

This research also found that women face several barriers to accessing support for perinatal mental health. For example, lack of access to childcare can prevent women from accessing health appointments. MAS participants find the MAS project to be accessible because it is located in women's centres, where participants can access free on-site childcare while they attend a MAS session.

Overall, MAS participants said that the project provides them with holistic, accessible, personalised, and judgement-free support, which they were unable to access elsewhere.

This research also found that the MAS model, developed by WRDA, is unique because it combines perinatal mental health support with opportunities for women to advocate, campaign, and develop their skills. For example, MAS participants have attended workshops on sewing, sign language, and mindfulness.

MAS participants have also been involved in campaigns focusing on the de-stigmatisation of breastfeeding and the introduction of an MBU for Northern Ireland. WRDA primary research found that taking part in these campaigns made MAS participants feel like they had a voice during a time when they otherwise felt voiceless.

For more information about the MAS project, please visit the [WRDA website](#). The research report on the MAS project is available [here](#).



The (inadequate) provision of Relationships and Sexuality Education (RSE) in NI schools

Elaine Crory, Women's Sector Lobbyist, WRDA

Relationships and Sexuality Education (RSE) is a controversial issue. But should it be? The framing of this subject, in public conversation, has made it a sensitive topic to approach, one guaranteed to bring about emotional reactions and to polarise political opinion. That framing is a part of the issue because, as well as generating more heat than light and thereby stalling progress in reforming RSE, it also misunderstands the issue - which is at its heart about the rights of young people to education on RSE - and leads the discussion down a cul de sac.

First, it's important to be clear what we mean when we speak about RSE, and indeed what we do not mean. There is some RSE taking place in schools across Northern Ireland, all schools must deliver this requirement. In secondary schools, it usually takes place under Learning for Life and Work. The actual content of the RSE can vary widely, and it is quite often delivered by external providers, invited to the school specifically to deliver that training, rather than teachers.

The reason for the variation in content is because the RSE must meet a 'minimum content order', but beyond that the school is free to decide what to include or exclude, in line with their ethos. An online 'RSE hub' exists to collate a variety of resources that are available to teachers to lead RSE lessons. The resources are excellent, but they are used fairly sparsely – the minimum content order is capable of loose interpretation, while the school ethos can often be quite restrictive.

For those who defend the status quo, this is framed as a necessary compromise; they say that it means schools can hold true to their ethos, and a minimum standard is still guaranteed. But is this minimum really meeting young people's needs? Advocates for reform of RSE say that the bar is too low at the moment, and that this is reflected in the satisfaction levels of young people who are currently in or have recently left school.

Research by Belfast Youth Forum with QUB's Centre for Children's Rights and Common Youth shows that young people believe that the sex education they received was not good enough, with 60% saying that they found the information they received "not very useful" or "not useful at all".

The vast majority of students who responded to the survey knew they had a right to RSE in school, but felt that this right was not being met. The top priority that students identified



was learning about how to navigate personal relationships (66%) with many stating that they want to learn about a range of issues as diverse as menstruation, domestic abuse and consent in a way that is inclusive of everyone.

This right to RSE is something that is raised too rarely in the debate; in fact the Education Minister (when in post) and the Assembly have both a moral and legal duty to meet this need for our young people, as per the Northern Ireland (Executive Formation etc) Act 2019, which enshrined into law the obligation to fulfil the 2018 CEDAW recommendation for age - appropriate, comprehensive, and scientifically accurate education on sexual and reproductive health and rights. This is the right at the heart of the debate; not a purported right of parents or schools to choose on behalf of children what they can learn about.

Further, Judge John Gillen also recommended comprehensive RSE as part of the Gillen Review into the law and procedures in serious sexual offences, recognising the role that this plays in the prevention of such crimes and in achieving justice in any trials that take place. Judge Gillen has recently repeated calls for progress to be made on this front.

The Royal College of Midwives (RCM) has also called for progress on this in light of a report published on 31 March 2021, citing the "direct impact on the overall health of women" and adding "Children and young people need to be given the knowledge and skills they need to manage their sexual and reproductive health and wellbeing across the life course. This must begin with high quality relationships and sex education in schools".

The failure to fulfil the right to mandatory, comprehensive, inclusive, and age appropriate RSE has a human cost, one we have only a snapshot of. We could transform outcomes for these young people within a short space of time, with the correct action. Key to this is reframing the problem when the debate is raised; this is not an issue of parents' or schools' rights to control the curriculum that their children learn from, it is an obligation that we, collectively, owe to children.

An update on the UNCRC reporting process 2022

Fergal McFerran, Policy & Public Affairs Manager, CLC

This year, the UN Committee on the Rights of the Child will report on the work carried out by the UK government and Northern Ireland Executive to protect children's rights. This is to make sure they are fulfilling their obligations under the UN Convention on the Rights of the Child (UNCRC).

The UK government signed up to the UNCRC in 1990 and it was ratified in 1991. By ratifying the UNCRC, the UK government have a duty under international law to make sure the rights of all children and young people in Northern Ireland are protected, and to work towards making these rights a reality in law.

The UK government must report to the UN Committee on the Rights of the Child every five years to explain how well they are protecting children's rights in Northern Ireland. The committee then makes concluding observations and recommendations for the UK government to implement.

The Children's Law Centre (CLC) leads the Northern Ireland voluntary sector in submitting evidence to inform the examination process. The Centre's youth panel, youth@CLC, also submits a children and young people's report.

In December, CLC submitted three major reports to the committee. The reports were developed in consultation with a wide range of NGOs, as well as over 1,000 children. They give an authoritative position on the state of children's rights here. Unfortunately, the picture is extremely worrying.

A number of the major recommendations from previous concluding observations remain unimplemented. These include raising the age of criminal responsibility, removing the defence of reasonable punishment, (finally) enacting a Bill of Rights for Northern Ireland, and introducing age discrimination legislation to protect children. These are all issues raised in 2016 that have still not been addressed.

Adding to this, subsequent years have become even more perilous for children and young people. Since 2016, we've had attacks on human rights from the UK government, uncertainty around rights protected by the Good Friday Agreement, escalating pressures on public services, the impact of Covid policies on vulnerable children, and a growing failure to protect newcomer children.

In addition, issues that did not feature in 2016 are now major concerns, including the rising number of unaccompanied asylum-seeking children being held in unsuitable temporary accommodation. While concerns around the disproportionate numbers of children being stopped and searched remain, we now also have serious concerns around the strip searching of children and the use of 'spit hoods'. Far from being protected and progressed, children's rights have gone backwards.

When we look at the children and young people's report

submitted by our youth panel, youth@CLC, we begin to understand why that is. One of the most damning statistics in their report is that only 15% of children and young people feel they are listened to by politicians. For 16 to 17 year old young people, this figure drops to 9%. Decision makers simply aren't listening and it's little wonder children are being failed.

Listening to children and young people is the basic first step and it's being missed. Once we listen, we quickly understand why fewer than half of children who responded to our survey agreed they could quickly see a counsellor or specialist when they needed support for their mental health. In the words of one young person answering our survey: "From hearing friends talk about their experience with things like counsellors or Child and Adolescent Mental Health Services (CAMHS), it seems like it would make me feel worse or not work".

The proportion able to quickly access mental health support was lower again for children on free school meals, children with a disability, and 16 to 17 year olds, all of whom are more likely to rely on the service. It's clear, when it comes to mental health support, for example, we're failing children. Or as put more succinctly by one young person in a workshop: "CAMHS is shite, they put no time into helping you".

The picture is similar across other areas. In schools, children tell us they're being failed by not having standardised relationship and sex education. In care, we're failing children by stigmatising them and failing to understand their particular needs. In the youth justice system, young people tell us the police don't understand their mental health needs.

Disabled young people list a whole catalogue of ways they're being failed within the school system and in the community, generally feeling less positive about their participation in society, their health and development and the opportunities they have available to them.

In February 2022, CLC will be leading a delegation of children and young people to meet with the committee in Geneva to give evidence. Unfortunately, it won't be an opportunity for them to show how children's rights in Northern Ireland have progressed since 2016.

All three reports submitted by CLC to the UN Committee on the Rights of the Child are available [here](#).

CLC would like to thank our youth panel, youth@CLC, for helping us develop and submit the Rights Here, Right Now survey and report. We would like to thank the 1,026 respondents to the survey, the 127 children and young people who took part in workshops and the NGOs that contributed to the Stakeholder Report 2, and associated Stakeholder Report 2 Evidence.

Finally, we would like to thank Jerome Finnegan of Save the Children for his assistance in developing and analysing the survey and Dr Deena Haydon for her extensive work gathering, analysing and writing up the information presented in these reports.



A new script for mental health

Sara Boyce, *Mental Health Rights Organiser, PPR*

“Mental health policies and services are in crisis - not a crisis of chemical imbalances, but of power imbalances. We need bold political commitments, urgent policy responses and immediate remedial action.” - Professor Dainius Puras, UN Special Rapporteur on the Right to Health

In recent years, both the UN and the World Health Organization (WHO) have publicly called for a fundamental paradigm shift in relation to mental health. They have criticised the dominant biomedical model of mental health, a theory that suggests that chemical imbalances are the reason for mental health problems and that medication plus a focus on the individual, can address this balance. They have called for an end to the medicalisation of normal reactions to life's many pressures, for the need to address critical social determinants of distress and the adoption of a trauma-informed, human rights-based approach to mental health.

In his 2017 [landmark report](#) on mental health and human rights, the UN Special Rapporteur on the Right to Health, Professor Dainius Puras addressed the asymmetry of power that underpins the biomedical model: “Current mental health policies have been affected to a large extent by the asymmetry of power and biases because of the dominance of the biomedical model and biomedical interventions. This model has led not only to the overuse of coercion in case of psychosocial, intellectual and cognitive disabilities, but also to the medicalization of normal reactions to life's many pressures, including moderate forms of social anxiety, sadness, shyness, truancy and antisocial behaviour.”

Professor Puras pointed to the way forward: “The (dominant) message diverts policies and practices from embracing two powerful modern approaches: a public health approach and a human rights-based approach ...”

This call by the UN was then reinforced by the WHO in June 2021, when it published a 300-page document entitled *Guidance on Community Mental Health Services: Promoting Person-Centred and Rights-Based Approaches*. It argued: “Critical social determinants that impact on people's mental health such as violence, discrimination, poverty, exclusion, isolation, job insecurity or unemployment, lack of access to housing, social safety nets, and health services, are often overlooked or excluded from mental health concepts and practice. This leads to an over-diagnosis of human distress and over-reliance on psychotropic drugs to the detriment of psychosocial interventions.”

The WHO set out a vision of a transformed approach to mental health, one that is person-centred, holistic and rights-based: “A fundamental shift within the mental health field is required, in order to end this current situation. This means rethinking policies, laws, systems, services and practices across the different sectors which negatively affect people with mental health conditions and psychosocial disabilities, ensuring that human rights underpin all actions in the field of mental health.”



A photo of the exhibition held as part of the campaign launch

“In the mental health service context specifically, this means a move towards more balanced, person-centered, holistic, and recovery-oriented practices that consider people in the context of their whole lives, respecting their will and preferences in treatment, implementing alternatives to coercion, and promoting people's right to participation and community inclusion.”

The UN and WHO together have set out a route map for a new approach to mental health. Regrettably, in the north of Ireland, the medical, disease-based model continues to dominate the narrative. One need only examine the funding spent on antidepressants versus funding for talking therapies for evidence of this. Approximately six times the amount is spent on antidepressants as is spent on talking therapies. Year on year, the spend on anti-depressants rises by 3% to 5%. This is despite a major scientific review published in 2022, which revealed no links between serotonin and depression, thereby debunking the ‘chemical imbalance’ theory.

Paradoxically however, despite the deepening crisis here around mental health, that is causing much harm and suffering for so many, it is also a hopeful moment. That hope is being nurtured and spread from the ground up. By people with direct experience of mental health services, people who have too often experienced harm rather than healing, who are now at the forefront of a new mental health movement.

Exciting alliances are being formed between directly impacted individuals, families, people working in mental health services who are experiencing moral injury, grassroots community groups, trade unions, academics, and others, all of whom share a vision of a radically different approach to mental health. Their vision is for an equal, inclusive and rights-based society, which actively works to prevent the abuses of power that cause emotional distress and trauma.

They are coming together under the banner of the ‘New Script for Mental Health’, a movement grounded in human rights and trauma-informed principles and underpinned by values of connection, compassion, community and choice. They are committed to making this vision a reality.

Get involved in the campaign [here](#).

New Script
FOR MENTAL HEALTH

FLOP 27 and FLOP 15 – The rich countries of the UN fail to deliver again

Declan Owens, CEO, Ecojustice Ireland

The major fossil-fuel countries and companies used the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP27) during November 2022 as a vehicle for greenwashing and to further delay climate action. This was reflected in a report by the NGOs Corporate Accountability, Corporate Europe Observatory, and Global Witness, released during the summit, which found that 636 ‘fossil-fuel lobbyists’ had registered for COP27 – an increase of 25% from COP26. The number of fossil-fuel lobbyists was greater than the number of delegates from the world’s most climate-vulnerable countries.

It was within this context that developing and climate-vulnerable countries sought financial assistance for loss and damage – money needed to rescue and rebuild the physical and social infrastructure of countries devastated by extreme weather. They had been campaigning on this issue for three decades of the COP process and there was finally agreement on a fund; however, the fund must still be set up, and there is no agreement on how the finance should be provided or where it should come from. Yet even this modest achievement was weakened by the ‘Sharm el-Sheikh implementation plan’ which excluded any mention of winding down the use of fossil fuels. It also provided little indication that rich countries were serious about scaling up efforts to cut emissions.

The Paris Agreement in 2015 contained two temperature goals – to keep the rise “well below 2%” above pre-industrial levels, and “pursuing efforts” to keep the increase to 1.5%. Science since then has shown clearly that 2% is not safe, so at COP26 in Glasgow in 2021 countries agreed to focus on a 1.5% limit. As their commitments on cutting greenhouse gas emissions were too weak to stay within the 1.5% limit, they also agreed to return each year to strengthen them, a process known as ‘the ratchet’. At COP27, some countries even tried to renege on the 1.5% goal, and to abolish the ratchet. They failed, but a resolution to cause emissions to peak by 2025 was taken out, to the dismay of environmentalists.

Since COP26, the Intergovernmental Panel on Climate Change (IPCC) has published its latest vast assessment of climate science, warning of catastrophic impacts that can only be averted by sharp and urgent cuts in greenhouse gas emissions. The IPCC was set up by the UN to advise on science, yet some countries wished to remove references to its latest findings from the final text of COP27. This is despite the knowledge that 2022 has seen epic floods in Pakistan,



directly affecting thirty-three million people; as well as wildfires, extreme heat, ice melt, drought, and extreme weather events on many continents. The climate and biodiversity crisis, and the immediate effects of catastrophic events, impact more severely on women, children, elders, and indigenous peoples. Therefore, the human rights of much of the world’s population are already being negatively impacted by climate change (with worse consequences inevitable).

It is also important to note the failures of the 15th meeting of the Conference of the Parties to the UN Convention on Biological Diversity (COP15) in Montreal in December 2022. The destruction of forests and other vital ecosystems must stop by 2030 if the world is to meet 1.5%, according to the IPCC. Therefore, the main (weak) objective of COP15 was to protect 30% of land and sea by 2030 (the so-called ‘30 x 30’). During the negotiations, Brazil led a group of developing countries that walked out of a finance meeting, protesting that donor countries were refusing to create a new fund for biodiversity. COP15 ultimately failed to agree to take the necessary action to achieve its objective.

In 2022, the Republic of Ireland convened a Citizens Assembly on Biodiversity Loss and there have been some promising recommendations for constitutional amendments, including the human right to a safe, clean, healthy, and sustainable environment. Increased protection for the environment in the Republic of Ireland will serve to highlight the severe weaknesses in biodiversity protection in Northern Ireland, which does not even have an independent environmental protection agency.

Whatever is agreed through the COP processes, the capitalist system can at best mitigate, not end, the causes of environmental destruction because they are woven into the fabric of the system itself. Genuine climate and biodiversity loss solutions cannot be based on the very market system that created the problem. Future COPs need to put social justice and human rights at the centre of negotiations, but they are likely to continue to fail to do so and, accordingly, they will continue to flop. In Northern Ireland, as elsewhere, the main hope lies with environmental campaigners and community groups to advance a deep awareness of ecojustice, human rights, and the need for systemic change.

The destruction of Palestinian civil society

Fionnuala Ní Aoláin, UN Special Rapporteur on counter-terrorism and human rights

In October 2021, the Israeli government designated six of the oldest and most venerable Palestinian non-profit organisations as “terrorist organisations” and “unlawful organisations” under the Israeli Counter-Terrorism Law 5776 of 2016 and the Defense (Emergency) Regulations of 1945 respectively. The designated organisations included Al Haq (recipient of the Carter-Menil Human Rights Prize), Addameer (a prisoner’s rights organisation), the Defence of Children International, The Bisan Centre for Research and Development, the Union of Agriculture Work Committees, and the Union of Palestinian Women’s Committees.

Collectively, they represent the most essential human rights advocates for an array of Palestinian human rights issues including the rights of the child, the rights of women and girls, the rights of agricultural workers, and the rights of persons incarcerated (including children) in Israeli jails. All these organisations are not only recognised for their trenchant and well-grounded criticism of Israel’s entrenched occupation, which is defined by systemic human rights violations and institutionalized discrimination, but they have consistently identified the violations of human rights carried out by the Palestinian Authority against the Palestinian people.

All these organisations have carried a human rights torch without fear or favor. Their independent advocacy has cost them dearly, including a long history of harassment, legal challenge, and disruption by the Israeli government but now a more momentous and consequential set of consequences have been triggered by designating them as ‘terrorists’.

The impact of these designations was almost immediate. Offices were raided, papers and computers were seized, and individual employees of some of the six organisations were brought in for questioning. But beyond the specific measures and tactics taken, the symbolic effect of identifying these well-regarded, internationally known human rights organisations - many of whom have worked with the United Nations human rights mechanisms for years - as ‘terrorist’ organisations, was far more insidious. It was to brand the work of human rights defenders, those addressing and documenting the daily costs of the occupation for Palestinians, as ‘terrorists’ and to undermine and delegitimize their work locally and globally.

The goal of doing so would appear to be to make daily functioning impossible for these organisations, and to ensure that they could not function financially, thus imposing such high operational costs for the organisations that the easiest



route would be to stop their work. The practical realities for these organisations of being designated in this way has been blocked and delayed bank transfers, bank account closures, currency restrictions and related currency exchange losses, and the potential for the termination of banking and donor relationships.

All these kinds of measures have serious human rights implications for the individuals who are employees / board members of these organisations, but also for broader Palestinian society, including the impact on the right to freedom of association, freedom to participate in political affairs, right to freedom of expression, and the right to work. It also negatively impacts the capacity of human rights defenders to undertake their essential work.

The use of counter-terrorism measures against civil society actors is not new. Repressive states around the world have consistently identified human rights defenders as ‘terrorists’ and accused those who dissent and disagree with them as endangering state security. This is not, per se, a new tactic. What is new however, is the wholesale (rather than retail) designation of an entire civil society as ‘terrorist’, by a state which claims democratic credentials, and maintains a language of democracy in its outward facing stance.

Moreover, as Western states, the traditional allies of Israel including the United States and the EU, have found the purported intelligence and security basis of the designation to be bogus and based on highly flawed sources and reasoning, the position on designations appears to have entrenched rather than softened.

Such attacks on independent civil society underscore the need to robustly defend the defenders, and to see the attacks on human rights defenders and their work as a direct assault on the rule of law. Moreover, in the context of conflict and occupation, recognising the necessity of civil society access to conflict resolution and conflict negotiation underscore the need to defend the defenders in order to make peace possible and fair over the long-run.

Civil Liberties Diary - Dec 2022 to Jan 2023

Compiled by Cara Magennis from various newspapers



9 December 2022: Dunja Miljatović, the Council of Europe Commissioner for Human Rights, has recommended that the UK government withdraw its legacy bill. The Legacy and Reconciliation Bill has garnered almost no support in NI and has been widely criticised internationally. The Bill will prevent any further investigation into criminal acts during the troubles and, as a result, the bill has a high risk of being ruled unlawful, particularly by international courts.

14 January 2023: Mary Lou McDonald, leader of the Sinn Féin party, was not invited to talks between the Stormont leadership and the UK government. In response to this the NI secretary, Chris Heaton-Harris said that she had not been invited because she was a representative of a parliament in an EU member state. This resulted in Sinn Féin and the SDLP being absent from the talks, meaning that there was little political representation from the nationalist community. It was admitted by the NI Secretary that only a slight amount of progress had been made and there was still a lot of work still to be done.

16 January 2023: UK Prime Minister, Rishi Sunak, decided

has blocked the Scottish Parliament's bill regarding gender

recognition. This is the first time that the Scotland Act 1998 has been used as a legislative veto. The proposed Gender Recognition Bill would have lowered the age of application for a Gender Recognition Certificate from 18 to 16, and would have removed the need for evidence of living in the acquired gender for two years, along with the need for a medical diagnosis. Nancy Kelley, Chief Executive of Stonewall (a leading transgender rights charity) has criticised the act as using trans people's lives as a "political football".

17 January 2023: Christmas day saw a shocking number of 110 calls from victims and concerned friends and family regarding domestic abuse incidents. The total amount of reported incidents, over the festive period from the 24 November to the 2 January, reached to approximately 3604 calls regarding domestic abuse across Northern Ireland - which was a 10% increase from 2021.

Human rights 25 years after the Agreement, with Alyson Kilpatrick

Following our AGM in December 2022, CAJ held an in-person seminar in the Queen's Film Theatre exploring how human rights have progressed in Northern Ireland during the 25 years since the signing of the Good Friday Agreement (GFA).

Alyson Kilpatrick, Chief Commissioner for the Northern Ireland Human Rights Commission (NIHRC), was our keynote speaker. CAJ's Director, Brian Gormally, and Chair, Dr Anna Bryson (QUB), also shared their views during the event.

Next year will mark the 25 years since the GFA solidified peace in Northern Ireland. However, the process of transforming our society to one based on human rights remains unfinished. This is a theme CAJ will continue to explore during 2023.



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