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## **NORTHERN IRELAND HUMAN RIGHTS COMMISSION CONSULTATION: STRATEGIC PLAN FOR 2019-2022**

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### **Response from Northern Ireland Humanists, March 2019**

#### **ABOUT NORTHERN IRELAND HUMANISTS**

Northern Ireland Humanists is the section of Humanists UK, working with the Humanist Association of Ireland, which furthers the humanist cause in Northern Ireland through a wide range of campaigning and community services activities. We've been active in Northern Ireland for decades, but in 2016, we came together under the name 'Northern Ireland Humanists' to join together our members, supporters, campaigners, and activists to help put humanism into practice and to bring about a secular, inclusive society to promote free thinking and freedom of choice for everyone in Northern Ireland.

At Humanists UK, we want a tolerant world where rational thinking and kindness prevail. We work to support lasting change for a better society, championing ideas for the one life we have. Our work helps people be happier and more fulfilled, and by bringing non-religious people together we help them develop their own views and an understanding of the world around them. Founded in 1896, we are trusted to promote humanism by over 85,000 members and supporters and over 100 members of the All Party Parliamentary Humanist Group. Through our ceremonies, pastoral support, education services, and campaigning work, we advance free thinking and freedom of choice so everyone can live in a fair and equal society.

#### **RESPONSE TO CONSULTATION QUESTIONS**

##### **Strategic Priority 1: Building a culture of rights**

###### **We will:**

- **Promote human rights through developing educational materials including films and animations.**
- **Work with government, public authorities, private sector and others on training and other initiatives to develop human rights based approaches to delivering services.**
- **Continue to support and service the business and human rights forum.**
- **Work with partners to promote human rights through sport.**

##### **Do you agree with this as a strategic priority? Do you have any additional comments to add?**

We strongly agree that building a culture of respect for and understanding of human rights should be a top priority for the Northern Ireland Human Rights Commission (NIHRC). We support the NIHRC's aim to continue to work towards the creation of a Bill of Rights for Northern Ireland and to preserve the Human Rights Act 1998. However, we believe that the proposals to develop educational materials should go further by looking at how else the curriculum can be used to develop a culture of rights, even when not addressing human rights directly. A particularly clear example of that is with respect to the RE curriculum, where Northern Ireland falls far short of the rest of the UK.

We believe that Religious Education (RE) is an important vehicle to promote integration and tackle prejudices. Northern Ireland differs strongly from the rest of the UK in almost exclusively teaching about Christianity until the age of 16, with little mention of humanism or any other religions. Today, Northern Ireland is a multi-cultural society made up of individuals from every walk of life, with diverse perspectives on ethical and existential questions, but with a school system that is deeply divided on the basis of religion.

Further, all the usual contemporary justifications for the subject of Religious Education in the school curriculum – its contribution to social cohesion and mutual understanding, its presentation of a range of answers to questions of meaning and purpose, its role in educating about the history and present culture of humanity, and its role in the search for personal identity and values – can only be served by including humanist perspectives and non-religious students, as well as different religions.

The latest Northern Ireland Life and Times Survey puts the population of Northern Ireland as 76 percent Christian, 19 percent of no religion, and 3 percent of other religions.<sup>1</sup> The share that is non-religious rises to 26 percent amongst those aged 18-24, 31 percent amongst those aged 25-34, and 25 percent amongst those aged 35-44. This also points to the need to teach about non-religious worldviews.

The curriculum as it stands is determined by an RE Advisory Working Group organised by the Council for Curriculum, Examinations, and Assessment, with representatives only from the four largest Christian churches and almost no input from other religious or humanist groups. We believe that it is time for a wider diversity of groups to become actively involved, taking inspiration from the RE model used in communities across Britain. The next generation should be encouraged to understand the religious and non-religious worldviews around them through a fully inclusive, non-confessional RE curriculum that encourages them to learn about and critically engage with a wide variety of religions and beliefs beyond Christianity. We recommend that the NIHRC supports reform of the RE curriculum to make it fully inclusive of non-Christian religions and humanism.

We are also concerned that in the past the NIHRC has partnered with groups to make films and animations, such as the Evangelical Alliance, who have campaigned against recognising human rights for women and members of the LGBT community. We believe if the NIHRC is to partner with external organisations to promote a culture of rights, it is imperative that those organisations uphold the values of universal human rights and equality, including the sexual and reproductive rights and the human rights of LGBT people.

### **Recommendations:**

- A wider diversity of religious and humanist groups should input to the RE Advisory Working Group
- The RE curriculum should be fully inclusive of major religions and humanism.

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<sup>1</sup> Northern Ireland Life and Times Survey, 2017:

<https://www.ark.ac.uk/nilt/2017/Background/RELIGION.html>

## **Strategic Priority 2: Protecting human rights as a consequence of leaving the European Union**

### **We will:**

- **Engage in minimising the human rights impact of leaving the European Union, whether through the role of a dedicated mechanism or otherwise.**
- **Continuing to work with the Irish Human Rights and Equality Commission through the Belfast (Good Friday) Agreement Joint Committee.**
- **Continue working alongside the Equality Commission NI and others to ensure the strongest possible human rights protections in any final withdrawal agreement.**
- **Deliver the role of monitoring, supervision, enforcement and development of rights under the final withdrawal agreement.**

### **Do you agree with this as a strategic priority? Do you have any additional comments to add?**

Overall, we agree that protecting and advancing human rights in the challenging context of Brexit should be a top priority for the NIHRC, and that it should seek to work closely on these matters with the Equality Commission and the Irish Human Rights and Equality Commission.

Equality is a devolved matter in Northern Ireland, and in the absence of a single equality act, mirroring the Equality Act 2010, such protections in Northern Ireland have not kept pace with those in Britain, and provisions are not fully compliant with EU equality directives. In practice, this means that Northern Ireland is much more reliant on EU law than the rest of the UK. Therefore, the process of withdrawal from the EU exposes equality provision much more starkly than in the rest of the UK. The NIHRC and Equality Commission must jointly establish how it can be ensured that all EU equality provisions are transposed into law in Northern Ireland. This is most problematic for women's rights, such as pay equality, pregnancy discrimination, and sex discrimination, which have traditionally been sidelined by a political narrative defined by sectarianism, and risk being sidelined further in the context of Brexit.

In 2016, 724 women resident in Northern Ireland travelled to England and Wales to access abortion services, due to the severe restrictions on such services in Northern Ireland. Until recently, women making this journey experienced significant financial and emotional barriers to accessing these services, including NHS charges, as well as the cost of travel and accommodation. In 2015, the NIHRC brought a case to the High Court arguing that in the cases of fatal foetal abnormality and sexual crime, the restrictions on abortion in Northern Ireland breach Article 8 of the European Convention on Human Rights. The case is now pending consideration by the European Court of Human Rights. We are concerned that the impact of Brexit will impede the ability of women to make this journey should arrangements for customs and border checks after Brexit mean that the Common Travel Area is discontinued. This will mean that access to abortion services, even for those who are currently able to afford the journey, will be further restricted. Women must be permitted to travel without being hindered or delayed by an 'Irish sea border' or a hard border on the island of Ireland preventing women from seeking these services in the Republic of Ireland.

We are also concerned about the impact of Brexit on religious discrimination in the employment of teachers in denominational schools. Currently, the European

Employment Directive does not apply to denominational schools in Northern Ireland out of regard to the legacy of sectarian divisions in the region. This means that such schools can require all teaching staff, including for subjects unrelated to religious instruction, to share the religious character of the school. This provision goes significantly beyond what could be legitimately argued to be a genuine occupational requirement for the role, and disadvantages non-religious and minority religious teachers. As the UK leaves the European Union, the Directive (and hence its exemption for Northern Ireland schools) could cease to apply. This is an opportunity for such discrimination to be addressed and for fairer employment regulations to be applied to Northern Ireland schools. Doing so would not only give teachers the same protection under the law as other employees, it would contribute to a more open and inclusive atmosphere in schools that are currently segregated along religious lines.

#### **Recommendations:**

- Prioritise measures to ensure that Brexit does not impose any additional burdens on Northern Ireland women seeking an abortion in Britain.
- Continue to campaign for safe and legal access to abortion in Northern Ireland.
- Support measures to address religious discrimination in employment in Northern Ireland's schools.

#### **Strategic Priority 3: Poverty, health and wellbeing**

##### **We will:**

- **Continue to focus on economic and social rights recognising their importance to people's everyday lives in Northern Ireland, including the impact of working age poverty, housing need, homelessness and looked after children and the multiple disadvantages they face.**
- **Monitoring and following the recommendations of the Travellers Accommodation inquiry.**
- **Undertake research on tax justice and its relationship to realising international standards on economic and social rights.**

#### **Do you agree with this as a strategic priority? Do you have any additional comments to add?**

We agree that the NIHRC should play a role in protecting human rights and equality in the field of healthcare, and this should involve prioritising equal access to healthcare services for all patients regardless of religion or belief.

We campaign for an end to religious discrimination in publicly funded posts, most notably in the provision of chaplaincy/pastoral support services in the Health and Social Care in Northern Ireland, the prison service, and the armed forces. In the past two years we have challenged a number of NHS Trusts across England and Wales who have unlawfully restricted roles to candidates of certain religions.

We have recently trained and accredited the first cohorts of non-religious pastoral supporters in Northern Ireland. However, there are currently no non-religious pastoral supports in paid roles in any HSC Trust in Northern Ireland. Such roles are almost exclusively restricted to Christian candidates. We would like the NIHRC to consider taking a legal case to establish when genuine occupational requirements (GORs) can and cannot be used in recruiting for pastoral support roles.

Abortion law in Northern Ireland is one of the most restrictive in Europe and the criminal sanctions imposed are amongst the harshest in the world, with the maximum sentence being life imprisonment. Current restrictions force women to either travel to the UK to receive treatment, risk prosecution for procuring illegal online abortion pills, or continue their pregnancies against their wishes and in violation of their rights. There is no exception made for pregnancies that arise as a result of sexual crime or where there is a diagnosis of fatal foetal abnormality.

Humanists UK intervened in the Supreme Court case brought by the Northern Ireland Human Rights on this issue in 2018. We would like to see the Commission continue to prioritise the decriminalisation of abortion in Northern Ireland.

**Recommendations:**

- Continue to campaign for safe and legal access to abortion in Northern Ireland.
- Support measures to address religious discrimination in employment in pastoral support positions.

**Strategic Priority 4: Meeting domestic and international human rights standards and good governance**

**We will:**

- **Continue to play a pro-active role in giving evidence to the UN Treaty monitoring bodies' periodic review of the UK government obligations to human rights standards that it has signed up to.**
- **Play a full part in both the Global Alliance of National Human Rights Institutions and European Network of National Human Rights Institutions.**
- **Seek to play a positive role in ensuring effective local accountability and oversight of human rights obligations.**
- **Ensure a human rights compliant based approach is taken to deliver the institutions contained in the Stormont House Agreement, alongside maintaining our active interest in outstanding legacy and other issues.**
- **Continue to respond to parliamentary committees in London and Belfast on the human rights issues arising from their work on legislation, policy and practice.**

**Do you agree with this as a strategic priority? Do you have any additional comments to add?**

We are very supportive of the NIHRC's continued prioritisation of domestic and international human rights standards, particularly on the issue of access to abortion. Last year, Humanists UK intervened at the Supreme Court in a case brought by the NIHRC which established that Northern Ireland's restrictions on abortion access are a breach of human rights in cases where the pregnancy has arisen as a result of sexual crime or where there has been a diagnosis of fatal foetal abnormality. Although the Supreme Court determined that the NIHRC did not have standing to bring the case, we hope that the NIHRC will continue to prioritise and intervene in litigation in this area, including the ongoing case of Sarah Ewart, and that the law is changed so as to give it standing.

We would also like the NIHRC to prioritise freedom of speech in Northern Ireland as an international human rights issue, specifically to support the repeal of its blasphemy laws. Blasphemy or blasphemous libel is a crime in Northern Ireland under the Law of

Libel Amendment Act 1888 and the Criminal Libel Act 1819. This is a violation of the human rights to freedom of speech and expression, as well as freedom of religion or belief. In October 2018, citizens in the Republic of Ireland voted overwhelmingly in a referendum to repeal the country's blasphemy laws. In England and Wales, these same laws were repealed in 2008. In Scotland, the Scottish National Party last year adopted policy in support of repeal,<sup>2</sup> and we hope this will come about as part of the current Hate Crime review. More and more western countries around the world are repealing their blasphemy laws, with seven having done so over the last four years, including Canada<sup>3</sup> in December and New Zealand this very month.<sup>4</sup> The Spanish Government is also moving to do the same thing.<sup>5</sup>

We believe the NIHRC should prioritise the same rights for the citizens of Northern Ireland. Retaining blasphemy laws, even if they are not often used, legitimises their use in countries such as Pakistan and Saudi Arabia, where people face the death penalty for expressing views deemed to be blasphemous or for apostasy, and where such laws are often justified on the basis of laws that are extant in the west.

#### **Recommendations:**

- Continue to campaign for safe and legal access to abortion in Northern Ireland.
- Support the repeal of Northern Ireland's blasphemy laws.

#### **Strategic Priority 5: Protecting human rights in a digital age**

##### **We will:**

- **Undertake to explore a greater awareness and understanding of the ramifications of technological advances and what they mean for the rights of individuals, with areas potentially covering research on privacy and rights issues; and awareness raising initiatives around competing rights engaged between freedom of speech and cyber bullying, intolerance, hate speech and crime.**

#### **Do you agree with this as a strategic priority? Do you have any additional comments to add?**

We agree with the NIHRC's prioritisation of the challenges to human rights in a digital age, but have no further suggestion to make in this area.

#### **Additional Comments**

#### **Are there any further points you would wish to make to help us as we shape our strategic plan for the next 3 years?**

No.

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<sup>2</sup>

<https://humanism.org.uk/2018/03/27/snp-commits-to-repeal-of-blasphemy-law-in-scotland/>

<sup>3</sup>

<https://humanism.org.uk/2018/12/13/success-canada-passes-bill-to-repeal-its-blasphemy-law/>

<sup>4</sup> <https://humanism.org.uk/2019/03/05/new-zealand-scraps-its-blasphemy-law/>

<sup>5</sup>

<https://humanism.org.uk/2018/10/24/spanish-congress-takes-first-vote-in-favour-of-repealing-blasphemy-laws/>

**For more details, information and evidence, contact Humanists UK:**

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