NORTHERN IRELAND HUMAN RIGHTS COMMISSION CONSULTATION: STRATEGIC PLANNING

Response from Northern Ireland Humanists, November 2021

ABOUT NORTHERN IRELAND HUMANISTS

Northern Ireland Humanists is a section of Humanists UK, working with the Humanist Association of Ireland. 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 100,000 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.

We are a founding member of the End Blasphemy Laws campaign,[1] make regular interventions in favour of repealing such restrictions at the United Nations Human Rights Council, and were the leading organisation supporting the abolition of these laws in England and Wales. We support the full repeal of Northern Ireland's blasphemy laws.

We have a long history of work in education, children's rights, and equality, with expertise in the 'religion or belief' strand. We have been involved in policy development around the school and the curriculum for over 60 years. We also provide materials and advice to parents, governors, students, teachers and academics, for example through our 'Understanding Humanism' website (https://understandinghumanism.org.uk/) and our school speakers programme. We have made detailed responses to all recent reviews of the school curriculum in England, Wales, and Northern Ireland, and regularly submit memoranda of evidence to MPs, MLAs, civil servants, and select committees on a range of education issues.

RESPONSE TO CONSULTATION QUESTIONS

1. What are the main human rights issues affecting you at the moment?

Ending religious segregation in our schools

We advocate for schools which educate children from different religious and belief backgrounds together and have long campaigned for a single system of education. At present, most children from Catholic and Protestant backgrounds are educated apart from one another. According to the Government's latest school enrolment data, just 672 pupils classified as 'Protestant' attend Catholic maintained primary schools, representing less than 1% of the 78,766 pupils who attend such schools. In the post-primary sector, this number has been suppressed. This is presumably because the number is so low that it would be possible to identify specific pupils if it were published. In the controlled sector, which, while nominally open to pupils from all backgrounds, primarily serves the

[1] End Blasphemy Laws campaign, https://end-blasphemy-laws.org/

Protestant community, just 8% of primary pupils are classified as 'Catholic'. In controlled non-grammar secondaries, this figure drops to 4%.[2]

By contrast, integrated schools work hard to balance the proportion of pupils from each community they serve. They aim at having 40% of pupils from Catholic backgrounds, 40% from Protestant backgrounds, and 20% from other backgrounds (including the non-religious and minority faiths). However, according to school enrolment data published this year, at present, 29% of pupils attending integrated schools are from backgrounds other than Protestant and Catholic (which account for 36% and 35% of pupils respectively). This rises to 34% at primary level.[3]

Integrated education seeks to address the harms caused by segregation and there is a wealth of robust evidence to suggest that positive contact of the kind that happens in schools with diverse intakes is pivotal to community cohesion.[4] For example, research conducted by Professor Miles Hewstone and a team from the University of Oxford found that pupils in ethnically mixed schools in England are more trusting and have more positive views of children from different backgrounds than do pupils in segregated schools.[5] Elsewhere, the authors of the same study argue that 'faith schools, to the extent that they are segregated, deprive young people of the opportunity to mix across ethnic and religious lines' in a manner that thwarts positive attitudes to members of so-called 'outgroups'[6].

Perhaps because of the positive contribution they make to social cohesion, integrated schools are popular amongst parents. A 2018 poll showed that 67% of parents would support their child's school becoming integrated.[7] Previous research also suggests that 91% think these schools are 'important for promoting a shared and better future'.[8]

However, just 7% of schools are integrated (a figure that drops to less than 6% at primary level).[9] The dearth of integrated schools therefore means that this option is not available to most parents who

---

[2] NISRA Enrollments 2020-2021: https://www.education-ni.gov.uk/topics/statistics-and-research/school-enrolments
[3] *ibid.*
[4] For an overview see http://accordcoalition.org.uk/research/ and http://fairadmissions.org.uk/wp-content/uploads/2017/08/2017-08-29-FINAL-Religious-Selection-Research-Survey.pdf
[5] Department for Education, *Diversity and Social Cohesion in mixed and secondary schools in Oldham 2017* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/634118/Diversity_and_Social_Cohesion_in_Oldham_schools.pdf
[6] Miles Hewstone et al, *Theory and Research in Education*: 'Influence of segregation versus mixing' https://journals.sagepub.com/doi/full/10.1177/1477878518779879
[7] *The Irish News*: 'Churches and politicians have stalled integrated school growth, poll finds' https://www.irishnews.com/news/2018/03/22/news/churches-and-politicians-have-stalled-integrated-school-growth-poll-finds-1284568/
[8] Ulf Hansson, Una O'Connor Bones, John McCord, *Integrated education: a review of policy and research evidence 1999-2012* https://www.ulster.ac.uk/__data/assets/pdf_file/0004/224572/Integrated-Ed-Full-report.pdf
[9] NISRA, *Annual enrolments at schools and in funded pre-school education in Northern Ireland 2020-2021* https://www.education-ni.gov.uk/sites/default/files/publications/education/Revised%2028%20May%202021%20-%20Annual%20enrolments%20at%20schools%20and%20in%20funded%20prescho....pdf

would prefer it for their children. Indeed, recent research from the UNESCO Centre at Ulster University established that 28% of households 'are located in areas of Northern Ireland where access to integrated primary schools is limited and a similar percentage (26%) are remote from integrated post-primaries'. And even in areas where there are integrated schools, high demand means that families can still find it difficult to secure a place. On this basis, the authors say that the choice of an integrated school is often 'illusory'.[10]

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 69 percent Christian, 27 percent of no religion (roughly the same as those identifying as Catholic), and less than one percent of other religions.[11] 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. We have suggested such an amendment to the Integrated Education Bill, which would introduce a core syllabus for RE that is critical, objective, and pluralistic and is drawn up by a group involving representatives from the principal religious and non-religious belief groups in Northern Ireland, alongside teacher representatives. 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

[10] Transforming education: Parental choice of primary and post-primary schools: myth or reality? https://humanists.uk/wp-content/uploads/TEUU-Report-08-Parental-Choice.pdf
[11] Northern Ireland Life and Times Survey, 2020: https://www.ark.ac.uk/nilt/2020/Background/RELIGION.html

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.

Repealing blasphemy laws

The NIHRC should prioritise freedom of speech and freedom of religion or belief in Northern Ireland as an international human rights issue, specifically to support the repeal of its blasphemy laws. Since 2018 the Northern Ireland Human Rights Commission has recommended:

> *'the NI Executive introduce legislation to the NI Assembly to abolish the common law offence of blasphemy and blasphemous libel to ensure compatibility with the ICCPR, Article 19.'*[12]

We have worked closely with and secured the support of the Minister for Justice Naomi Long and the Minister for Finance Conor Murphy to bring forward legislation. We anticipate that this could be achieved either through an amendment to a Bill within this session of the Assembly or through an Executive or Private Members' Bill after May 2022.

Repealing these laws would send a clear message of solidarity to the victims of religious or belief repression abroad. Blasphemy in Northern Ireland is a criminal offence under the common law, and is also underpinned in legislation by the Criminal Libel Act 1819,[13] the Libel Act 1843,[14] the Newspaper Libel and Registration Act 1881,[15] and the Law of Libel Amendment Act 1888.[16] These need to be repealed or to be amended to omit references to 'blasphemy' to remove these crimes from the statute books. For both the common law and statutory offences, judges have discretion over sentencing and can impose either a fine, or imprisonment, or both. The common law offence is based just on Christianity, whereas the statutory offences, although devised with Christianity in mind, don't specify a particular religion, so theoretically could apply to other religions as well.

A prosecution has not occurred in Northern Ireland since 1855, although it could be revived at any time, as it was in Denmark in 2017, with respect to Islam, and as was threatened in the Republic of Ireland that same year, with respect to Stephen Fry. The relevant legislation also applied to England and Wales until it was repealed in 2008; there it was last used in 1977. In October 2018, citizens in the Republic of Ireland voted overwhelmingly in a referendum to repeal the country's blasphemy laws. In Scotland, the common law offense was abolished in 2021 under the Hate Crime and Public Order Act, which has received Royal Assent. Since 2015, Canada, Denmark, Greece, Norway, Iceland, Malta, New Zealand, and France have also abolished their blasphemy laws. Spain is also in the process of bringing forward legislation to do so.

Commissioning abortion services in line with CEDAW recommendations

---

[12] Northern Ireland Human Rights Commission, *The 2018 Annual Statement: Human Rights in Northern Ireland*: https://www.nihrc.org/uploads/publications/2018_Annual_Human_Rights_Statement.pdf
[13] Criminal Libel Act 1819, section 1(1): http://www.legislation.gov.uk/ukpga/Geo3and1Geo4/60/8
[14] Libel Act 1843, section 7: http://www.legislation.gov.uk/ukpga/Vict/6-7/96/section/7
[15] Newspaper Libel and Registration Act 1881, section 4: http://www.legislation.gov.uk/ukpga/Vict/44-45/60/section/4
[16] Law of Libel Amendment Act 1888, Section 4: http://www.legislation.gov.uk/ukpga/Vict/51-52/64/section/4

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. In 2018, Humanists UK intervened at the Supreme Court in a case brought by the NIHRC which established that Northern Ireland's restrictions on abortion access were in breach of human rights in cases where a pregnancy had arisen as a result of sexual crime or where there had been a diagnosis of fatal foetal abnormality. We also worked with a number of MPs and peers to support amendments to the Northern Ireland (Executive) Formation Act 2019, which brought about the decriminalisation of abortion in Northern Ireland.

However, we remain concerned that over two years on from decriminalisation, the commissioning of services is being obstructed by the Minister for Health. There is a clear legal obligation on the Northern Ireland Executive and the UK Government to make sure that every pregnant person has access to safe, legal, and local access to abortion. This was determined by the UN Committee on the Eradication of Discrimination Against Women (CEDAW) in its report on abortion in Northern Ireland and enacted through Westminster by the repeal of the criminal offence and the passing of regulations. Abortion in Northern Ireland is therefore a settled matter. The failure of the Department of Health to commission these services looks like a disappointing attempt to place unnecessary obstacles in the way of free, safe, and legal reproductive health care. The failure to commission services has meant that some trusts have suspended abortion services or have been unable to provide them at all. During the pandemic over 100 Northern Ireland women still had to travel to England to receive abortion care.

Pastoral support in public institutions
We campaign for an end to religious discrimination in publicly funded posts, most notably in the provision of chaplaincy/pastoral support services in Health and Social Care, 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 trained and accredited the first cohorts of non-religious pastoral supporters in Northern Ireland. However, there are currently no non-religious pastoral supporters in paid roles in any HSC Trust or prisons in Northern Ireland. Such roles are almost exclusively restricted to Christian candidates and we are currently being blocked from applying for the same statutory funding in the prison service that is open to religious chaplains.

2. What services and support would you like to see from the Commission?

Repealing blasphemy and blasphemous libel laws
We would like the NIHRC to support our campaign to repeal the blasphemy and blasphemous libel laws. We would like the NIHRC to publish a briefing paper and legal position on the human rights implications of maintaining these laws, including how this violates the International Covenant of Civil and Political Rights.

Ending religious segregation in our schools
We advocate for schools which educate children from different religious and belief backgrounds together and have long campaigned for a single system of education in Northern Ireland. With this in mind, we firmly support the current Integrated Education Bill's overarching intention to further expand integrated education.

We acknowledge the NIHRC's recent response to the consultation on the Integrated Education Bill which welcomes the widening of the definition of integrated education, which recognises all cultures and religious and non-religious beliefs. We believe that the NIHRC needs to go further in supporting an amendment to the Bill to require the curriculum for religious education to be objective, critical, and pluralistic and to replace worship with inclusive assemblies. The Northern Ireland Education Committee has discussed significantly watering down the Integrated Education Bill. In its current form, the Bill requires the promotion of integrated education, but this may be removed following a meeting in Stormont. A number of amendments to the Bill were proposed, including changing the promoting requirement to merely supporting integrated education. There was also a discussion on removing the need to 'increase' integrated provision to simply 'meeting demand'.

Commissioning abortion services in line with CEDAW recommendations
We supported the NIHRC taking legal action over the failure to commission services earlier this year. We would like to see the NIHRC continuing to hold the Northern Ireland Executive and UK Government to account to ensure that services are commissioned in the first half of 2022.

Pastoral support in public institutions
We would like the NIHRC to provide guidance on when genuine occupational requirements can and cannot be used in recruiting for pastoral support roles and to get involved in providing advice when individual cases arise.

3. Please list up to three issues you would like to see us prioritise over the next three years:

- Ending religious discrimination in schools
- Repeal of the blasphemy laws
- Pastoral support in public institutions

4. Looking at the priorities in our previous strategic plan, are there any you agree we should continue to focus on in the next strategic plan?

- Building a culture of human rights
- Protecting human rights as a consequence of leaving the EU
- Meeting domestic and international human rights standards and good governance

5(a). How has the COVID Pandemic impacted on human rights in NI?
No comment.

5(b). And how can the Commission help address these issues?
No comment

6(a). How has Brexit impacted on human rights in NI?
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, 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. In practice, this

means that Northern Ireland is much more reliant on EU law than the rest of the UK. Therefore Brexit has exposed equality provision much more starkly than in the rest of the UK.

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.

6(b). And how can the Commission help address these issues?
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.

7. How do you think we can better engage young people on human rights issues?
We strongly agree that building a culture of respect for and understanding of human rights should be a top priority for the 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. Please see our answer above on reform to religious education and collective worship.

8(a). Sport and human rights is a priority for our engagement strategy. What do you think the Commission should do in this area to make sure we are effective?
No comment.

8(b). Business and human rights is a priority for our engagement strategy. What do you think the Commission should do in this area to make sure we are effective?
No comment.

8(c). What other areas should be prioritised for our engagement strategy?
We strongly agree that building a culture of respect for and understanding of human rights should be a top priority for the 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.

9. What changes need to happen to improve human rights in Northern Ireland?
We believe that one of the most important legislative changes that can secure an improvement in the human rights situation in Northern Ireland would be to stabilise the Northern Ireland Assembly to prevent further breakdowns as we saw between 2017 and 2019. During this period it was not possible to advance any human rights focused legislation. This will involve a variety of reforms, most notably to the petition of concern mechanism.

Northern Ireland Humanists

10(a). How will we know human rights have been improved over the next three years?

From our perspective we hope that within three years, we will see:

- A marked decrease in the number of pupils subject to religious selection and discrimiantion in our school system and an increase in the percentage of pupils attending integrated schools,
- the repeal of Northern Ireland's blasphemy laws,
- abortion services fully commissioned across all trusts in Northern Ireland, and
- non-religious pastoral carers operating both in voluntary and paid positions in hospitals and prisons.

10(b). What do we need to do to measure and track progress better?

No comment.

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

Boyd Sleator
Northern Ireland Humanists Coordinator
07918 975795
boyd@humanists.uk
humanists.uk