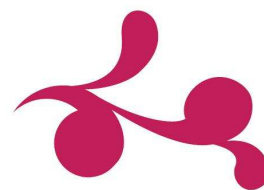


# HUMAN RIGHTS CONSORTIUM submission

UN ICESCR  
examining Committee

May 2008



 **HUMAN RIGHTS  
CONSORTIUM**  
campaigning for a strong & inclusive bill of rights

Submission by the HUMAN RIGHTS CONSORTIUM  
to the pre-sessional working group of the United Nations  
Committee on Economic, Social and Cultural Rights in advance of  
its examination of the UK's 5th periodic report.

**May 2008**

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## **1. The Human Rights Consortium**

The Human Rights Consortium is an independent, non-governmental coalition of 123 civic society organisations from Northern Ireland. The Consortium was established in 2000 and campaigns for the development of a strong and inclusive Bill of Rights for Northern Ireland. It does this through the promotion of the Bill of Rights debate, engagement and lobbying of governments, political parties, other stakeholders and the development of strong civil society support in favour of a Bill of Rights in Northern Ireland.

For a full Consortium membership list please see **Annex A**.

## **2. Executive Summary**

Members of the Human Rights Consortium wish to see the strong public support which exists in Northern for a Bill of Rights<sup>1</sup> translated into reality by the UK Government.

The HRC believes that while the ECHR (*European Convention on Human Rights*) and its domestic enactment in the UK Human Rights Act 1998 (*HRA*) provide strong civil and political rights protections in Northern Ireland, the extensive range of economic and social problems in Northern Ireland need to be addressed through domestic human rights law.

One of the key principles within the Consortium's goal of a strong and inclusive Bill of Rights is a desire to see the inclusion of justiciable social and economic rights which will make a tangible difference to the lives of the most vulnerable in Northern Ireland.

We therefore believe that a Bill of Rights for Northern Ireland provides the ideal opportunity and vehicle for the UK government to introduce domestically enforceable social and economic rights in Northern Ireland.

## **3. Main points**

### **Bill of Rights process in NI**

As referenced in Page 21 (Point 18) of the UK government's 2007 submission to the Committee, the Northern Ireland Human Rights Commission has responsibility for submitting advice to the government on the scope for a Bill of Rights for Northern Ireland.

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<sup>1</sup> (Page 4 of this report, Millward Brown survey results)

The NIHRC advanced this duty by carrying out an extensive public consultation in Northern Ireland in 2001 aimed at developing concrete proposals on the content of a Bill of Rights. Despite much work at the time by the NIHRC there was not full political participation in the consultation process and debate. Additionally, the resulting recommendations did not receive substantial political or civic society support.

Following the suspension of devolution in Northern Ireland in 2002 the Bill of Rights process was effectively shelved until provision was made for a Bill of Rights Forum in the St Andrews Agreement (November 2006) prior to power-sharing and devolved government being restored to Northern Ireland in May 2007.

The Bill of Rights Forum provided a setting for an equal number of civic society representatives and representatives of all political parties in Northern Ireland to discuss the specific content of a Bill of Rights for Northern Ireland and make recommendations on the same to the NIHRC who would then, under its statutory duty, provide advice to the UK government.

The Forum was successful in addressing the previous lack of full political engagement in the Bill of Rights process. Its report has now been submitted to the NIHRC, which plans to make its final recommendations to the Secretary of State by the 10<sup>th</sup> December 2008.

The report contains a number of specific social and economic rights, including education, adequate standard of living, health, housing, right to work and the right to social security. - (Pages 78 - 102, NI Bill of Rights Forum Report, March 2008).

The full text of the Bill of Rights Forum report is available at - [http://www.billofrightsforum.org/borf\\_final\\_report.pdf](http://www.billofrightsforum.org/borf_final_report.pdf)

### **The case for social & economic rights in Northern Ireland**

The Consortium believes that the overwhelming majority of people living in Northern Ireland support the development of a Bill of Rights for Northern Ireland and the inclusion within the Bill of Rights of strong social and economic rights protections.

#### General Bill of Rights support

In recent pre and post advertising campaign survey results the Human Rights Consortium found notably consistent support for a Bill of Rights in Northern Ireland.

Millward Brown Ulster, an independent market research company interviewed a random sample of 1,024 adults aged 16+ in November 2007. Interviews were conducted across Northern Ireland with a representative sample of the adult population.

Those surveyed were asked, “How important or not do you think it is for Northern Ireland to have a Bill of Rights?” Seventy-five per cent of respondents replied positively saying that it was important or very important.

In March 2008 amidst the very public and often controversial political debates that dominated the work of the Bill of Rights Forum, another survey, again amongst a fully representative sample of the adult population of NI (n=1,005) was conducted asking the same question. The percentage figure remained almost exactly the same at seventy three percent despite the negative Bill of Rights media coverage around issues such as the age of criminal responsibility and the right to life of the unborn child.

Indeed the survey results show increasing support levels for a Bill of Rights. A 2004 survey by the Northern Ireland Human Rights Commission showed that 70% of respondents thought a Bill of Rights for Northern Ireland was either essential or desirable.

The survey results in 2007 and 2008 also show consistently high cross community support for a Bill of Rights. In the 2007 survey 74% of the Protestant community and 78% of the Catholic community surveyed felt that a Bill of Rights for NI was either important or very important. In the 2008 survey the result remains high - with 69% of the Protestant community and 77% of the Catholic community saying that a Bill of Rights was either important or very important.

#### Specific support for Social & Economic rights

In the survey commissioned by the Northern Ireland Human Rights Commission (NIHRC) in 2004 strong support was expressed for the protection of social and economic rights.

In a survey of a random sample of 1,000 people in Northern Ireland aged 18 years and over 76% of respondents said that specific protections for social and economic rights were essential or desirable in a Bill of Rights for Northern Ireland. This support existed across the community in Northern Ireland with 72% of the Protestant and 83% of the Catholic community supporting this view.

For the full NIHRC survey results please see - [http://www.borini.info/uploads/documents/bor\\_survey\\_04.pdf](http://www.borini.info/uploads/documents/bor_survey_04.pdf)

#### Additional information

Many of the Consortium's member organisations are making parallel submissions to the Committee and have specialised knowledge and expertise on the social and economic situation in Northern Ireland that more specifically sets out the statistical case for the introduction of explicit social and economic rights within Northern Ireland. The Consortium supports many of the arguments made for social and economic rights made by these organisations.

We would however like to bring to the attention of the Committee some broad statistical examples that highlight the needs of some disadvantaged and vulnerable groups in Northern Ireland who would very directly benefit from strong social and economic rights protections here in Northern Ireland.

These statistics are set out for the Committee's attention in **Annex B**.

### **UK Government role**

We note and highlight our concern that the UK government report to the ICESCR Committee has little or no analytical detail but is largely descriptive in nature. The Consortium supports the general point made by our colleagues in CAJ (Committee on the Administration of Justice) that a more analytical report which contains baseline data, measures of progress or regression and a plan of action for improvement would be much more useful in assessing the UK Government's commitment to implementing the provisions of the ICESCR.

The Consortium recognises and welcomes the ICESCR Committee's previous recommendations to the UK Government in its 2002 Concluding Observations to make the ICESCR domestically enforceable.

We believe that a Bill of Rights for Northern Ireland is an ideal method by which the substance of the Convention, if not the Convention itself, could be adopted into domestic law for Northern Ireland. With that in mind we also welcome the ICESCR Committee's previous Concluding Observation to the UK government in its 2002 examination recommending the inclusion of economic and social rights in a Bill of Rights for Northern Ireland.

In its 2007 response to this observation, the UK government explains its commitment to establishing the Bill of Rights Forum and receiving recommendations from the NIHRC. We very much welcome the government's commitment to the Bill of Rights Forum process and its commitment to receiving advice from the NIHRC.

We do however raise a concern that the UK government's response to this Concluding Observation and its commitment to the delivery of social and economic rights within a Northern Ireland Bill of Rights limits itself to these two targets only.

The government has previously indicated that it will need to assess cross party political support for the Bill of Rights proposals after December 2008 before advancing the Bill of Rights. Given the large cross community public support that exists for a Bill of Rights in Northern Ireland that includes economic and social rights the Consortium feels that its delivery should be advanced regardless.

#### **4. Proposed Questions for UK Government**

**The Committee may wish to ask the government** what commitment it will give to the development of a Bill of Rights for Northern Ireland beyond the receipt of recommendations from the Northern Ireland Human Rights Commission (NIHRC).

**The Committee may wish to ask the government** what commitment it will give to the inclusion of enforceable social and economic rights within such a Bill of Rights for Northern Ireland, given the extensive cross-community support that exists for such rights.

**The Committee may wish to ask the government** to give specific analytical evidence of how it is meeting its requirements under each of the ICESCR clauses in Northern Ireland.

## **5. Appendices**

### **Annex A**

#### Membership list of the Human Rights Consortium

Action on Medical Negligence Association  
Advice NI  
Afro-Community Support Organisation NI  
Age Concern Northern Ireland  
Al-Nisa Association NI  
Alternatives NI  
Amnesty International  
An Munia Tober  
Barnardos  
Belfast & District Trades Council  
Belfast Carers' Centre  
Belfast Unemployed Resource Centre  
Carers Northern Ireland  
Carers UK, Belfast Central Branch  
Centre for Global Education  
Children in NI  
Children in Crossfire  
Children's Law Centre  
Community Foundation for Northern Ireland  
Chinese Welfare Association  
Coalition on Sexual Orientation  
Committee on the Administration of Justice  
Community Development & Health Network  
Community Dialogue  
Community Change  
Community Relations Forum  
Confederation of Community Groups  
Conflict Trauma Resource Centre  
Contact A Family  
Conference of religious of Ireland  
Corrymeela Community  
Council for the Homeless (NI)  
Democratic Dialogue  
Dennett Interchange  
Derry Trades Council  
Disability Action  
Disability Action Human Rights Centre  
Ely Centre  
EPIC – Ex Prisoners Interpretive Centre

Family Planning Association  
Good Shepherd Congregation  
Groundwork NI  
Hands That Talk  
Help the Aged  
HIV Support Centre  
Housing Rights Service  
Include Youth  
Indian Community Centre  
Interaction Belfast  
INTERCOMM  
Irish Congress of Trade Unions  
Irish Congress of Trade Unions - NI Committee  
Kilcranny House  
Latinoamerica Unida  
Law Centre (NI)  
Linc Resource Centre  
Making Women Seen and Heard  
Mencap  
Mercy Sisters  
Multi-Cultural Resource Centre  
Newstart Education Centre  
Northern Ireland African Cultural Centre  
Northern Ireland Anti-Poverty Network  
Northern Ireland Assoc. of Citizen Advice Bureaux  
Northern Ireland Business Education Partnership  
NICDA Social Economy Network  
Northern Ireland Council for Integrated Education  
Northern Ireland Council for Voluntary Action  
NI Women's European Platform  
Northern Ireland Youth Forum  
Northern Ireland Association for the Care and Resettlement of Offenders  
Northern Ireland Council for Ethnic Minorities  
Northern Ireland Public Service Alliance (NIPSA)  
North West Community Network  
North West Consortium on Human Rights  
North West Forum of People with Disabilities  
NUS/USI (National Union of Students/Union of Students in Ireland)  
Old Warren Partnership  
Omagh Ethnic Communities Support Group  
Omagh Forum for Rural Associations  
Organisation of the Unemployed Northern Ireland  
PAKT (Parents and Kids Together)  
Parkanaur College

Pat Finucane Centre  
Peace People  
Pobal  
Participation and the Practice of Rights Project  
Rainbow Project  
Relate Northern Ireland  
Rethink Severe Mental Illness  
Rights in Community Care  
Rural Community Network  
Save the Children  
South Down Action on Healing Wounds  
Seymour Hill and Conway Community  
Simon Community Northern Ireland  
Social Economy Agency  
Soroptomist International  
Springboard Opportunities  
Star Neighbourhood Centre  
St Columb's Park House  
STEER Mental Health  
South Tyrone Empowerment Programme  
Terry Enright Foundation  
The Nexus Institute  
Training for Women Network  
Ulster Human Rights Watch  
Ulster Peoples College  
UNISON Northern Ireland  
Upper Springfield Development Trust  
Victim Support  
WAVE Trauma Centre  
West Belfast Partnership Board  
Willowbank Community Resource Centre  
Windsor Women's Centre  
Women into Politics  
Women's Aid Federation Northern Ireland  
Women's Information Group  
Women's Support Network  
Workers Educational Association  
Women's Resource and Development Agency  
Young Citizens in Action  
Youthnet

## Annex B

### ***Statistical Examples supporting the case for social and economic rights in NI***

#### **Fuel Poverty**

“Northern Ireland already has the highest rates of fuel poverty in the United Kingdom and there is the prospect that rising energy costs will put more household budgets under real strain. Now is the time to have a serious discussion about the next step to meaningfully tackle fuel poverty and this needs political leadership.”<sup>2</sup>

In Northern Ireland, average weekly household expenditure on domestic fuels (including electricity) has increased from £17.90 to £21.70 between 2001 and 2006, an increase of 21%. The percentage of the total household expenditure spent on electricity, gas and other fuels has increased from 4.7% to 5.2% over the same time-period. The proportion of households in Northern Ireland who do not have any savings (41%) is one and a half times the UK level (27%), indicating that there may be little financial reserve to cope with rising fuel prices.<sup>3</sup>

In Northern Ireland, more than half of all households headed by people over 75 and/or people with a disability experience fuel poverty (54% and 52% respectively).<sup>4</sup>

In rural areas of Northern Ireland, 33% of pensioners live in households experiencing income Poverty<sup>5</sup>

#### **Child Poverty**

Child poverty rate: 29% or 122,000 children in Northern Ireland are living in poverty. (Similar to GB average)<sup>6</sup>

Severe child poverty rate: - 10% or 44,000 children in Northern Ireland are living in severe child poverty -. (Slightly above GB average)<sup>7</sup>

Persistent child poverty rate: - 21% of children in NI were in poverty at least 3 years out of 4 - compared to only 9% in GB.<sup>8</sup>

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<sup>2</sup> (Press Release from the website of the NI Utility Regulator, 24<sup>th</sup> April 2008) (<http://ofreg.nics.gov.uk/24%20April%202008.htm>)

<sup>3</sup> (Central Anti-Poverty Unit. *Lifetime Opportunities – Government’s Anti-Poverty and Social Exclusion Strategy for Northern Ireland*. Belfast: Office of the First Minister and the Deputy First Minister; 2007.)

<sup>4</sup> (Department for Social Development. *Ending Fuel Poverty – A Strategy for Northern Ireland*. Belfast: Department for Social Development; 2004.)

<sup>5</sup> (Central Anti-Poverty Unit. *Lifetime Opportunities – Government’s Anti-Poverty and Social Exclusion Strategy for Northern Ireland*. Belfast: Office of the First Minister and the Deputy First Minister; 2007)

<sup>6</sup> (Family Resources Survey 2005-6 (reported in the Households Below Average Income report 2005-6)

<sup>7</sup> (Save the Children commissioned analysis of Family Resources Survey)

## Disability

More than 1 in 5 or 21% of the population in Northern Ireland has a disability. The incidence of disability is higher in Northern Ireland than any other part of the UK.<sup>9</sup>

Only 3% of people with disabilities are born with a disability.<sup>10</sup>

On average it costs three times more to raise a child with a disability than a child without.<sup>11</sup>

Approximately 3 in 5 (57%) disabled children are living in poverty and approximately 3 in 5 (59%) of children living with a chronically ill or disabled parent are living in poverty.<sup>12</sup>

There are more households with sick or disabled adults under the pension age in NI (26%) than in the UK (21%).<sup>13</sup>

56% of households comprising one or more person with a disability are in poverty compared to 29% of households without people with a disability.<sup>14</sup>

Over 50% of people with disabilities have some difficulty using a range of services.<sup>15</sup>

Over twice the number of people with disabilities have no qualifications compared to people without disabilities.<sup>16</sup>

Only 32% of people with disabilities are in employment compared to 79% of people without disabilities.<sup>17</sup>

A higher proportion of economically inactive persons of working age in Northern Ireland identify sickness or disability (31%) as their main reason for not working, compared to 26% in the UK.<sup>18</sup>

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<sup>8</sup> (Save the Children and Queen's University Belfast analysis of Household Panel Survey, [http://www.savethechildren.org.uk/en/41\\_4263.htm](http://www.savethechildren.org.uk/en/41_4263.htm))

<sup>9</sup> (Northern Ireland Statistics and Research Agency (2007) First Report of the Northern Ireland Survey of Activity Limitation and Disability (NISALD), NISRA: Belfast.)

<sup>10</sup> (Barnardo's 2000/01 ([www.barnardos.org.uk](http://www.barnardos.org.uk)).

<sup>11</sup> (Neera Sharma, (2002) 'Still Missing Out?' *Ending poverty and social exclusion: messages to government from families of disabled children*, Barnardo's.)

<sup>12</sup> (McLaughlin, E. and Monteith, M. (2006) *Child and Family Poverty in Northern Ireland*, Equality and Social Need Division: Office of First Minister and Deputy First Minister: Belfast.)

<sup>13</sup> (*Family Resources Survey 2003-2004* [http://www.dsdni.gov.uk/index/publications/family\\_resources/family\\_resources\\_survey\\_report\\_03-04.htm](http://www.dsdni.gov.uk/index/publications/family_resources/family_resources_survey_report_03-04.htm))

<sup>14</sup> (*Poverty and Social Exclusion in Northern Ireland Survey 2003.*)

<sup>15</sup> (*Equality Commission for Northern Ireland May 2003* ([www.equalityni.org](http://www.equalityni.org)).

<sup>16</sup> (*Northern Ireland Labour Force Survey: Spring (April-June) 2007.*)

<sup>17</sup> (Ibid)

<sup>18</sup> (Ibid)