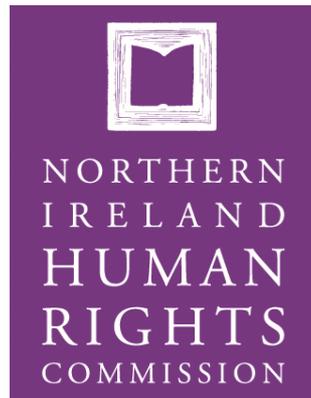


**Northern Ireland Human Rights Commission Submission  
to the UN Committee on Economic Social and Cultural  
Rights 58<sup>th</sup> Session on the Sixth Periodic Report of the  
United Kingdom's Compliance with ICESCR**

**April 2016**



Northern Ireland Human Rights Commission

Temple Court, 39 North Street

Belfast BT1 1NA

Tel: +44 (0) 28 9024 3987

Fax: +44 (0) 28 9024 7844

Textphone: +44 (0) 28 9024 9066

SMS Text: +44 (0) 7786 202075

Email: [information@nihrc.org](mailto:information@nihrc.org)



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## **Executive Summary**

The Northern Ireland Human Rights Commission (the NIHRC) is a statutory public body established in 1999 to promote and protect human rights. In accordance with the Paris Principles, the NIHRC reviews the adequacy and effectiveness of measures undertaken by the UK Government and NI Executive to promote and protect human rights, specifically within Northern Ireland (NI).

The NIHRC is one of the three A status National Human Rights Institutions (NHRIs) in the United Kingdom (UK). The NIHRC's mandate extends to all matters relating to the protection and promotion of human rights in NI, both matters within the competence of the NI Assembly and those within the competence of the Westminster Parliament.

With respect to the UK's Sixth Periodic report on compliance with the International Covenant on Economic, Social and Cultural Rights, the UN Committee on Economic, Social and Cultural Rights may wish to consider the following recommendations.

### **Northern Ireland Executive Involvement in Treaty Reporting**

The Committee may wish to recommend that the State party ensures effective coordination in the report drafting process between the UK Government and NI Executive to ensure that the Committee is given full information on the implementation of Covenant Rights in NI.

### **Northern Ireland Human Rights Commission**

The Committee may wish to recommend that the State party ensures that the NIHRC has a stable and sufficient budget in order to discharge its functions independently and effectively, and maintain its accreditation status.

### **Human Rights Act and proposed repeal**

The Committee may wish to recommend that any legislation introduced to replace the Human Rights Act 1998, would be aimed at building on existing human rights, recognize the standing of the Belfast (Good Friday) Agreement as an international treaty and provide effective protection of those rights across all jurisdictions.

### **A Bill of Rights for NI**

The Committee may wish to seek an update from the State Party on measures it has taken to progress the adoption of a Bill of Rights for Northern Ireland.

## **UK referendum on membership of the European Union**

The Committee may wish to recommend that the State party ensures that all necessary steps are taken so that there is no detriment to all current rights and benefits for UK citizens and EU Nationals residing in the UK in relation to employment, social security, health care and public services in the EU, notwithstanding the outcome of the referendum.

## **Article 2(1) - Maximum Available Resources**

### **Agreement on Welfare Reform in NI**

The Committee may wish to recommend that the State party:

- provides clarity on how it will be ensured that the “bedroom tax” will not be implemented in NI;
- reports on the effectiveness of the mitigation scheme in protecting the most vulnerable from any potential adverse impact associated with social security reform in NI and any learning for other parts of the UK;
- conducts a review on how social security reforms respect the principles of non-retrogression, non-discrimination, progressive realisation and use of maximum available resources in relation to social security in NI;
- considers how these principles will be respected when the mitigation scheme comes to an end in NI.

## **Article 2 (2)- Non-Discrimination**

### **Single Equality Bill**

The Committee may wish to ask the State party what steps will be taken to harmonise, simplify and streamline discrimination legislation and may wish to recommend the establishment of a Single Equality Act in NI.

### **Intersectional Discrimination**

The Committee may wish to recommend that the State party introduces legal protection against intersectional discrimination in NI.

### **Age Discrimination in the Provision of Goods, Facilities and Services**

The Committee may wish to recommend that the State party:

- prioritises the introduction of age discrimination legislation in the area of goods, facilities and services;
- ensures that the proposed age discrimination legislation in NI is extended to under 16s;

- in the alternative if the proposed legislation is not extended, that legislation should be introduced within a specific and reasonable timeframe to protect children and young people under 16.

### **Racial Equality Strategy**

The Committee may wish to note the publication of a Racial Equality Strategy in Northern Ireland and:

- ask for an update on its implementation;
- recommend that the review of the Race Relations (NI) Order 1997 is prioritised;
- recommend the publication of an associated action plan and a clear timetable for implementation;
- ask for an update on the establishment of the Racial Equality Sub Group.

### **Article 3- Equal Rights of Men and Women**

#### **Institutional mechanisms and the Gender Equality Strategy**

The Committee may wish to recommend the State party prioritises the publication of a new Gender Equality Strategy for consultation in NI and ensures the new strategy addresses issues raised in the 2013 review.

#### **Gender Pay Gap**

The Committee may wish to recommend that the State party introduces measures to ensure protections against gender pay inequality in NI are at least as effective as in the rest of the UK.

### **Article 6-The Right to Work**

#### **Persons with Disabilities**

The Committee may wish to ask for an update on the implementation of the Employment Strategy for People with Disabilities and on the establishment of the Disability Employment Stakeholder Forum.

#### **National Living Wage**

The Committee may wish to recommend that the State party monitors the impact of the National Living Wage to consider its impact on measures of poverty and household inequalities.

#### **Asylum Seekers and Permission to work**

The Committee may wish to take note of House of Lords amendments to the Immigration Bill and recommend the State party takes measures to ensure that asylum seekers are not restricted in their access to the labour market while their claims for asylum are being processed.

## **English for Speakers of Other Languages (ESOL)**

The Committee may wish to recommend that the State party:

- considers designating ESOL as an essential skill in NI in line with the rest of the UK;
- ensures that the cost of ESOL is not a barrier to accessing provision in NI.

## **Article 7-The Right to Just and Favourable Conditions of Work**

The Committee may wish to ask the State party:

- what plans the State party has to transpose Directive 2009/52 and 2004/81 and ratify both the UN International Convention on the Protection of Rights of All Migrant Workers and Members of their Families (1990) and the ILO Migrant Workers (Supplementary Provisions) Convention 1975 (No.143);
- to clarify what plans there are to extend the role of the Director of Labour Market Enforcement beyond the National Minimum Wage in NI and what plans there are to pass a Legislative Consent Motion;
- to ensure that the focus of the Director of Labour Market enforcement is on the rights of workers rather than immigration control.

## **Article 10-Protection of the Family, Mothers and Children**

### **Accessible Childcare**

The Committee may wish to recommend that the State party:

- prioritises the urgent publication of a Childcare Strategy in NI and dedicates the necessary resources to ensure the availability of accessible and affordable childcare;
- ensures a model that operates outside traditional working hours to meet the needs of those working atypical shift patterns, as is the case for many parents in NI, including in particular BME parents.

### **Female Genital Mutilation**

The Committee may wish to ask the State party for an update on the Safeguarding Board for NI's development of an action plan to combat Female Genital Mutilation in NI that meets the recommendations made by the NIHRC.

### **Child, Early and Forced Marriage**

The Commission invites the Committee to recommend that the State party take immediate efforts to repeal all legal provisions permitting the

marriage of children in Northern Ireland, in line with the UNCRC Committee's General Comment.

### **Domestic and Gender Based Violence**

The Committee may wish to recommend that the State party:

- provides an update on the implementation of the Stopping Domestic Violence and Sexual Abuse Strategy in NI and on the guidance relating to Domestic Violence Protection Notices and Orders;
- take note of the consultation on offences that capture coercive behaviour and domestic violence disclosure scheme and recommend similar provision in NI as exists in other parts of the UK;
- takes steps to extend provision for victims of domestic violence to persons who enter the UK other than on a spousal visa.

### **Human Trafficking**

The Committee may wish to ask the State party for an update on progress on implementation of the Independent Guardian Regulations as provided for in the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015.

### **Article 11- Right to an Adequate Standard of Living**

#### **Poverty in NI**

The Committee may wish to recommend that the State party:

- prioritises the publication of the Anti-poverty strategy based on objective need in NI; and
- ask for an analysis for eradication of Child Poverty in NI against the targets set by the UK Government to eliminate Child Poverty by 2020.

#### **Human Rights, Fiscal Policy and Poverty**

The Committee may wish to recommend that the State party:

- reviews measures and intensifies action to ensure that corporations pay their tax liabilities. This will assist the State party in meeting its obligations to dedicate maximum available resources to the realisation of economic and social rights.
- Ensures that any discussions in relation to devolution of additional fiscal powers in NI are grounded in human rights principles with an emphasis on poverty reduction and progressive realisation of economic and social rights.

#### **Food Banks**

The Committee may wish to recommend that the State party:

- takes action to improve access to affordable food by supporting projects in NI tackling this issue;
- ensures that social assistance levels correspond to meeting the basic necessities required to enjoy the human right to an adequate standard of living in NI.

## **Social assistance for Asylum Seekers, Refugees and Migrants**

### **Changes to asylum Support**

The Committee may wish to ask the State party:

- how it will ensure that the proposed changes to the law concerning failed asylum seekers and irregular migrants do not, as a consequence, lead to individuals falling into destitution;
- to ensure there is not retrogression in social assistance levels given cost of living increases.

### **The Crisis Fund**

The Committee may wish to recommend to the State party:

- that the Crisis Fund is continued on a more permanent basis in NI;
- that the UK Government and NI Executive addresses the causes of destitution in the first instance, rather than rely on a discretionary fund to address destitution when it emerges.

## **Housing in NI**

### **Changes related to Local Housing Allowance and the Private Rented Sector**

The Committee may wish to recommend the State party updates guidance as a priority on Discretionary Housing Payments to ensure payments are targeted at those most in need in NI.

### **Security of Tenure in the Private Rented Sector**

The Committee may wish to recommend that the State party publishes firm proposals to ensure greater security of tenure in the private rented sector in NI for those whose circumstances require it, given that many use the private rented sector as a long term housing option.

### **Fitness Standard in Housing**

The Committee may wish to ask whether the Housing Health and Safety Rating System will be incorporated in NI as part of the outcome of the review of the fitness standard.

### **Homelessness and complex needs**

The Committee may wish to recommend that the State party ensures there is an increased emphasis on a joint delivery of services to address homelessness in relation to persons with complex needs including physical and mental health issues as well as substance abuse in NI.

### **Lack of Refuge Places**

The Committee may wish to recommend that the State party ensures the necessary resources to ensure adequate refuge places are available for victims escaping domestic violence.

### **Supply and Demand in Housing**

The Committee may wish to:

- take note of the recommendations of the Housing Supply Forum in NI and ask for an update on the implementation of these recommendations;
- recommend that the State party takes concerted action to increase housing supply to meet demand in NI within a reasonable and specified timeframe.

### **Mortgages and Repossessions**

The Committee may wish to take note of the recommendations of the Mortgage Repossession Taskforce report and ask the State party:

- for an update on implementation of recommendations;
- what plans there are to introduce a Mortgage Rescue Scheme in NI;
- given the higher proportion of people in debt and at risk of repossession in NI compared to the rest of the UK, what action will be taken in respect of waiting times for Support for Mortgage Interest in NI and if changes are made, how will the impact be monitored.

### **Equality Impact Assessments and Equality Data**

The Committee may also wish to recommend that the State party:

- reports on implementation of the recommendations of the investigation and on compliance with Equality Scheme commitments in respect of housing policies in NI in the next periodic report;
- collects robust equality data to assess and monitor inequalities in housing and to allow for evaluation of Government Department actions to address inequalities in NI.

### **Segregated and shared housing**

The Committee may wish to note the policy developments in relation to residential segregation and integration in NI. The Committee may wish to recommend that the State party proactively concentrates efforts to promote the development of shared social housing within a clear timeframe to improve community relations in NI.

### **Traveller Accommodation**

The Committee may wish to recommend that the State party:

- addresses the legislative anomaly and removes the need to obtain site licences from District Councils in NI;
- ensures planning rules take into account the needs of Travellers in NI;
- repeals the provisions of the Unauthorised Encampments (NI) Order 2005 in NI as recommended by the ICESCR Committee in 2008;
- complies with the Housing (NI) Order 2003 to improve basic living conditions on serviced and halting sites in NI.

### **Article 12-The Right to Physical and Mental Health**

#### **Termination of Pregnancy**

The Committee may wish to recommend that the State party takes urgent action to ensure that criminal law is compliant in NI with human rights standards and that women and girls have access to termination of pregnancy in cases of Serious Foetal Malformation, including Fatal Foetal Abnormality and in cases of sexual crime such as rape and incest.

#### **Eligibility on Blood Donations**

The Committee may wish to recommend to the State party that the issue of eligibility of blood donations by men who have sex with other men is settled without delay in NI.

#### **Use of Electro-convulsive therapy in NI**

The Committee may wish to ask the State party to clarify the reasons why the use of electroconvulsive therapy without consent has increased in NI.

#### **Suicide Prevention**

The Committee may wish to recommend that the State party prioritises the consultation and publication of the new Protect Life Strategy in NI.

#### **Access to Healthcare for Asylum Seekers and Migrants**

The Committee may wish to recommend that the State party monitors and reviews the operation of the Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 to identify

any barriers for asylum seekers and other groups, such as irregular migrant children in accessing healthcare.

## **Articles 13 and 14-The Right to Education**

### **Traveller Education**

The Committee may wish to recommend that the State party ensures the effective implementation of the Traveller Child in Education Action Framework and the establishment of the Monitoring Group to ensure effective oversight in NI.

### **Shared and Integrated Education**

The Commission invites the Committee to recommend that the State party:

- ensures the roll out of shared education initiatives throughout NI to allow children throughout the jurisdiction the opportunity to be educated alongside children from different backgrounds; and
- expeditiously undertake concrete measures to significantly increase the availability of integrated schools in NI.

### **Inequality in Education**

The Committee may wish to recommend that the State party:

- intensifies actions to address persistent educational inequalities in NI;
- takes steps to improve data collection to enable the NI Executive to effectively address inequalities in education.

## **Article 15-Cultural Rights**

### **Irish Language Act**

The Committee may wish to ask for an update on the implementation of the Irish language strategy and may wish to recommend that the State party provides the necessary support to progress legislation in order to protect and promote the Irish Language in NI.

### **Ulster- Scots Strategy**

The Committee may wish to ask for an update on the establishment of the Ulster Scots Academy and recommend that the State party ensures necessary support including structures are in place to ensure full implementation of the Ulster Scots Strategy in NI.

### **Flags, Identity, Culture and Tradition**

The Committee may wish to ask for an update on the establishment and work of the Commission on Flags, Identity and Culture in NI.

## **Introduction**

1.1 The Northern Ireland Human Rights Commission (the NIHRC) is a statutory public body established in 1999 to promote and protect human rights. In accordance with the Paris Principles<sup>1</sup> the NIHRC reviews the adequacy and effectiveness of measures undertaken by the UK Government and NI Executive to promote and protect human rights, specifically within Northern Ireland (NI).

1.2 The NIHRC is one of the three A status National Human Rights Institutions (NHRIs) in the United Kingdom (UK). The NIHRC's mandate extends to all matters relating to the protection and promotion of human rights in NI, both matters within the competence of the NI Assembly and those within the competence of the Westminster Parliament. This submission relates to the protection of human rights in NI.

1.3 As part of the NIHRC's engagement with the United Nations (UN) and Council of Europe treaty monitoring processes, it presents this submission regarding the UK's Sixth Periodic Report on compliance with the United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) to the UN Committee on Economic, Social and Cultural Rights (the Committee) at its 58<sup>th</sup> Session.

## **Northern Ireland Executive Involvement in Treaty Reporting**

2.1 The NIHRC advised the Committee on Economic, Social and Cultural Rights in its previous submission in 2015 that the NI Executive had had limited involvement in the State report drafting process. The NIHRC notes that there is very limited reference to Northern Ireland in the State's reply to the List of Issues. Where there is reference to Northern Ireland, the document states that an update will be provided at the examination.<sup>2</sup> The NIHRC continues to advise the Committee on the need for improved coordination between the UK Government and NI Executive to ensure effective engagement in the Treaty reporting process.

**The Committee may wish to recommend that the State party ensures effective coordination in the report drafting process between the UK Government and NI Executive to ensure that the Committee is given full information on the implementation of Covenant Rights in NI.**

## **Northern Ireland Human Rights Commission**

3.1 The Advisory Committee on the Framework Convention for the Protection of National Minorities has raised concerns about the budget cuts faced by the NIHRC, noting that it "is an important part of the institutional architecture of the Belfast (Good Friday) Agreement".<sup>3</sup>

3.2 Since the last monitoring round, the NIHRC has faced a number of cuts to its budget, in line with other government departments and

agencies. In 2010/2011, the NIHRC's cash budget was £1,638,000. The NIHRC's budget for 2016/17 is £1,149,000 (a reduction of 29.8 per cent since 2010/11). The budget is set to decrease by £25,000 each year until 2019-20, which will be £1,075,000.<sup>4</sup> This equates to approximately a 34 per cent reduction in the NIHRC's budget from 2010/11.

3.3 The NIHRC is currently seeking reaccreditation, as an A status institution, with the International Coordinating Committee of National Human Rights Institutions and the application raised concerns about the continuing cuts to its budget. Similarly, the UN Human Rights Committee, in its 2015 Concluding Observations on the UK, raised concerns that the budget cuts could undermine the fulfilment of the NIHRC's mandated activities.<sup>5</sup>

**The Committee may wish to recommend that the State party ensures that the NIHRC has a stable and sufficient budget in order to discharge its functions independently and effectively, and maintain its accreditation status.**

### **Human Rights Act and proposed repeal**

4.1 The Human Rights Act 1998 (HRA) remains the key mechanism in NI through which international human rights standards are incorporated. The HRA gives domestic effect to the European Convention on Human Rights (ECHR). The ECHR is the only international human rights treaty that has been given such domestic effect.

4.2 In the 2015 Queen's Speech, the UK Government set out its intention over the period of the current Parliament to "bring forward proposals for a [British] Bill of Rights to replace the [HRA]."<sup>6</sup> According to the UK Government, "[t]his would reform and modernise our human rights legal framework and restore common sense to the application of human rights laws."<sup>7</sup> To date, no substantive proposals have been published in relation to repeal.

4.3 The European Union and Justice Sub-Committee of the House of Lords is currently conducting an Inquiry into the potential impact of repealing the Human Rights Act on European Union Law. The Lord Chancellor and Secretary of State for Justice gave evidence to the Committee in February 2016 and indicated a number of the underlying reasons for seeking to repeal the Human Rights Act. These included the status of the jurisprudence of the European Court of Human Rights in domestic courts, the extra-territorial effect of human rights and, although the majority of rights under the ECHR will be affirmed by a new Bill of Rights, the desire to be able to emphasise the importance of one right over another.<sup>8</sup> The Parliamentary Under-Secretary of State for Justice has recently said that the UK Government's plans do not involve withdrawal from the European Convention on Human Rights.<sup>9</sup>

4.4 In a response to Harriet Harman MP, Chair of the Joint Committee on Human Rights, the Justice Secretary Michael Gove MP stated:<sup>10</sup>

We have been clear that a Bill of Rights will remain faithful to the basic principles which we have signed up to in the European Convention on Human Rights (ECHR). We are confident that we make progress from within the ECHR...While we want to remain part of the ECHR, we would not want to stay in at any cost and our plans are aligned to that objective.

4.5 The three UK national human rights institutions have issued a joint statement to the UN Human Rights Committee setting out the value of the HRA as:

providing essential protection to everyone in the United Kingdom enabling fundamental rights to be enforced in domestic courts...the HRA is well crafted and both reflects and is embedded in the constitutional arrangements for the UK. In particular, it maintains parliamentary sovereignty, a primary role for domestic courts in the interpretation of the ECHR and is central to arrangements for devolution in NI, Wales and Scotland.<sup>11</sup>

4.6 The Belfast (Good Friday) Agreement, agreed in April 1998, is a treaty between the UK and Ireland and is lodged at the UN. Therein, the UK Government outlines its intention to incorporate into NI the ECHR "with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule [NI] Assembly legislation on grounds of inconsistency".<sup>12</sup> The HRA, incorporating the ECHR, came into force in October 2000.

4.7 The subsequent St Andrews Agreement 2006 reaffirms that human rights and equality are at the heart of the new dispensation in NI,<sup>13</sup> and the recent Stormont House Agreement 2014 confirms that future measures on parades and inquests will comply with the ECHR.<sup>14</sup>

4.8 As demonstrated, human rights protection and compliance has been the cornerstone of the Belfast (Good Friday) Agreement and subsequent agreements. Any attempt to dilute the role of the ECHR and the ECtHR jurisprudence within proposals to repeal the HRA and replace it with a British Bill of Rights would run counter to the Belfast (Good Friday) Agreement. The NIHRC believes that any legislative proposals should not undermine the commitments contained within the Belfast (Good Friday) Agreement.<sup>15</sup>

4.9 In June 2015, the NIHRC gave a joint briefing with the Irish Human Rights and Equality Commission (IHREC) to the Joint Oireachtas Committee on the Implementation of the Good Friday Agreement in which both NHRIs raised concerns about the impact of the proposed repeal of the HRA on Northern Ireland's peace agreements.<sup>16</sup> In his evidence to the

Committee the Chief Commissioner emphasised the centrality of the HRA to the Belfast (Good Friday) Agreement stating:

In effect, human rights protection and compliance has been a cornerstone of the Belfast/Good Friday Agreement and subsequent agreements. Attempts to dilute the role of the European Court of Human Rights and the European Court of Human Rights jurisprudence, runs counter to the Belfast/Good Friday Agreement. The Commission believes that any legislative proposals should not undermine the commitments contained within the Belfast/Good Friday Agreement.<sup>17</sup>

4.10 Following its examination of the UK in 2015, the UN Human Rights Committee recommended that the UK:

Ensure that any legislation passed *in lieu* of the Human Rights Act 1998, were such legislation to be passed, would be aimed at strengthening the status of international human rights, including the provisions of the Covenant, in the domestic legal order and provide effective protection of those rights across all jurisdictions.<sup>18</sup>

**The Committee may wish to recommend that any legislation introduced to replace the Human Rights Act 1998, would be aimed at building on existing human rights, recognize the standing of the Belfast (Good Friday) Agreement as an international treaty and provide effective protection of those rights across all jurisdictions.**

### **A Bill of Rights for NI**

5.1 In addition, the Belfast (Good Friday) Agreement provided for a Bill of Rights for NI to include, together with the European Convention on Human Rights, rights supplementary to those in the ECHR to reflect the particular circumstances of NI, drawing as appropriate on international instruments and experience. As required by the Belfast (Good Friday) Agreement and the NI Act 1998, the NIHRC provided advice to the UK Government on the content of a Bill of Rights for NI in 2008. On receipt of its advice the NIO sought views by way of a public consultation.<sup>19</sup>

5.2 In December 2010 the Minister of State within the NIO reported that there was:

considerable support from human rights and community groups for a wide-ranging Bill of Rights along the lines of that recommended by the NI Human Rights Commission.<sup>20</sup>

5.3 Since 2010 it has been consistently stated that there has been a lack of political consensus around a Bill of Rights for NI.<sup>21</sup> The Commission reported on the absence of any significant development to progress a Bill

of Rights for NI in its submission on the State Party's 5<sup>th</sup> Periodic Report in 2009 and the position remains the same.<sup>22</sup>

5.4 In 2015 the Commission updated the UN Human Rights Committee on the lack of progress in relation to a Bill of Rights for NI. The UN Human Rights Committee subsequently expressed concern:

about the slow progress in introducing the Bill of Rights for Northern Ireland and about the lack of a comprehensive mechanism for the review of existing gaps and inconsistencies between the domestic human rights legal framework and the rights as set forth in the Covenant.<sup>23</sup>

5.5 The Committee recommended that the State Party:

Ensure that the Bill of Rights for Northern Ireland incorporates all the rights enshrined in the Covenant and expedite the process of its adoption.<sup>24</sup>

**The Committee may wish to seek an update from the State Party on measures it has taken to progress the adoption of a Bill of Rights for Northern Ireland.**

## **UK referendum on membership of the European Union**

6.1 A referendum will be held on 23 June 2016 on whether the UK should remain in the European Union. The UK Government's position is that it believes that voting to remain in the European Union is the best decision for the UK.<sup>25</sup> The UK Government has set out that for NI: <sup>26</sup>

The terms of the exit would be significant for the people of Northern Ireland, and citizens of Ireland who live in, visit or work in the UK. There would be implications for the border and cross border trade and co-operation, which has helped strengthen relations between Northern Ireland and Ireland in recent years.

6.2 The UK Government notes that the withdrawal negotiations would need to address a range of issues related to the withdrawal as UK citizens currently enjoy a range of rights to live and work in other EU Member States and have access to pensions, health care and public services that are guaranteed by EU Law. The UK Government indicates that there would be no requirement under EU law for these rights to be maintained if the UK left the EU. The Government also emphasises that any terms which the UK seeks for its own citizens would have to be offered to EU citizens wishing to come to or stay in the UK.<sup>27</sup>

6.3 Under Article 50 of the Treaty of the European Union, the European Union Treaties shall cease to apply to a State leaving the EU two years after notifying the European Council that it wanted to leave. Legislation

that implements EU Directives would remain in force in the UK until amended or repealed by the Parliament, however EU Regulations would no longer apply.<sup>28</sup>

**The Committee may wish to recommend that the State party ensures that all necessary steps are taken so that there is no detriment to all current rights and benefits for UK citizens and EU nationals residing in the UK in relation to employment, social security, health care and public services in the EU, notwithstanding the outcome of the referendum.**

## **Article 2(1) - Maximum Available Resources**

### **(Article 2 (1) on Maximum Available Resources and Article 9 on the Right to Social Security)**

#### **Agreement on Welfare Reform in NI**

7.1 In September 2015, the NIHRC advised the ICESCR Committee that the Welfare Reform Bill 2012 did not pass the final stage of the legislative process, causing uncertainty in the sphere of social security in Northern Ireland. Financial penalties of £114m were imposed in 2015-16 by the UK Treasury because welfare reform was not implemented at that time in NI.<sup>29</sup>

7.2 The NIHRC advises that after the conclusion of political talks, agreement was reached on a package of measures on welfare, paramilitarism and a commitment to a start date for the devolution of corporation tax. The agreement, known as "A Fresh Start: The Stormont Agreement and Implementation Plan" set out the approach agreed by the Executive to implementing welfare reforms.<sup>30</sup> The Executive agreed to allocate a total of £585 million from Executive funds over four years to top-up the UK welfare arrangements in NI with a review in 2018-19.<sup>31</sup>

7.3 The Executive also established a working group to bring forward recommendations on how the impact of the Welfare Reform (NI) Order (which gives effect in NI to the welfare changes in Great Britain) and the Welfare Reform and Work Act 2015 could be mitigated within the financial envelope.<sup>32</sup> The Group was tasked with recommending proposals to maximise the use of these additional resources and the Executive agreed to implement the findings. The agreement also stipulated that the social sector size criteria – more commonly called "the bedroom tax" – would not apply.<sup>33</sup> The so called bedroom tax applies a reduction in housing benefit to a social housing tenant where they occupy a property considered under criteria to have surplus bedrooms relative to their needs.<sup>34</sup>

7.4 The Northern Ireland Assembly passed a Legislative Consent Motion in November 2015 to allow Westminster to legislate for the introduction of welfare reform.<sup>35</sup> The Northern Ireland (Welfare Reform) Act 2015 was

given Royal Assent on 25 November 2015. The Act provided for an Order in Council for Westminster to legislate for welfare reform in Northern Ireland and to confer a power on the Secretary of State or on a Northern Ireland Department to make further provision by regulation or order. The introduction of welfare reform in Northern Ireland brought the regime of financial penalties to an end.

7.5 The Welfare Reform (Northern Ireland) Order 2015 provides for the introduction of broadly equivalent welfare reforms in Northern Ireland to the Welfare Reform Act 2012. However, it makes provision for agreed Northern Ireland specific welfare related flexibilities and top ups, a slightly different sanctions regime,<sup>36</sup> and the ability for payments to be made on a fortnightly rather than monthly basis.<sup>37</sup> The Department for Social Development is required to lay an independent report before the Assembly on the operation of the Order, not later than three years after the date the Order is made.<sup>38</sup> The Order contains a number of regulation making powers to introduce welfare reform in Northern Ireland.

7.6 The Welfare Reform Mitigations Working Group established under the Fresh Start agreement published its report in January 2016. The report recommends a mitigation strategy with three strands: providing supplementary payments to carers, persons unable to work due to ill health, persons with disabilities and families; supporting and protecting claimants with independent advice; and ways to alleviate hardship as a result of the introduction of Universal Credit.<sup>39</sup>

7.7 Carers who will lose Carer's Allowance if the person they care for does not qualify for Personal Independence Payments (PIP), will receive a supplementary payment to cover their financial losses for one year. This will provide breathing space to seek independent advice and lodge fresh appeals.<sup>40</sup>

7.8 Persons unable to work due to ill health will receive an early warning of three months that their entitlement to the work related activity group in the contributory Employment and Support Allowance (ESA) will soon be exhausted. This will allow time for them to get independent advice and seek reassessment. An automatic check should be made to determine whether or not they have an entitlement to income related Employment and Support Allowance (ESA), when Contributory ESA ceases. If these do not assist the person, a supplementary payment will be made for one year providing there is continuing medical evidence relating to fitness to work.<sup>41</sup>

7.9 People with disabilities will also be entitled to a supplementary payment if they are refused PIP on reassessment but lodge an appeal. Supplementary payment will also be made to moderately and severely disabled persons who qualify for PIP after appeal but at a reduced rate where the weekly loss exceeds more than £10. Payments will be made from the point PIP is reduced for one year and will be equal to 75 per cent

of the loss. The report also makes recommendations in respect of claimants with a conflict related injury in NI judged to have no entitlement to PIP, including that they should get supplementary payments for one year at the standard rate of whichever PIP component is most advantageous to them.<sup>42</sup>

7.10 The working group noted that the benefit cap is not expected to have a significant impact in NI in terms of numbers of claimants affected given lower rents and the exemption of households where there is entitlement to ESA, DLA/PIP or Working Tax Credit. However, the working group acknowledged the cap may affect some families and to protect the welfare of children and avoid the disruption that a need to seek cheaper accommodation might cause, the Group recommended supplementary payments should be made for up to four years, depending on the date of application of the cap.<sup>43</sup>

7.11 The working group also recommended supplementary payments for families and others depending on resources available to mitigate the impact of the migration from tax credits to Universal Credit. The Working Group recommended £35 million for each of three years should be provided from 2017-18. The working group also noted reports from Scotland that the introduction of Universal Credit is causing hardship and confusion. To mitigate problems, the report recommended that a contingency fund of £2 million should be set aside from 2017 to make emergency payments where hardship occurs as a result of difficulties which are not due to any fault on the part of the claimant.<sup>44</sup>

7.12 The report welcomed the provision in the Fresh Start Agreement to provide full mitigation of the bedroom tax in Northern Ireland Housing Executive and Housing Association tenants. Article 75 of the Welfare Reform (NI) Order 2015 includes a provision for the determination of appropriate maximum housing benefit. The NIHRC understands that discussions are going on with the Minister to determine how that will operate.<sup>45</sup> The Court of Appeal ruled in January 2016 that the "bedroom tax" discriminated against a domestic violence victim and the family of a disabled teenager.<sup>46</sup> This is one of a number of appeals by both claimants and the Department for Work and Pensions before the Supreme Court.<sup>47</sup>

7.13 The First Minister of NI has said that she will fully implement the recommendations made by the working group to mitigate the impact of welfare reform.<sup>48</sup> The NIHRC welcomes the Welfare Reform Mitigations Working Group Report and the clarity regarding welfare mitigations over the next four years.

7.14 Officials from the Department for Social Development briefed the Social Development Committee of the NI Assembly on the introduction of regulations. They proposed that the regulations will be brought in two tranches. The initial set which provide mitigation payments for claimants affected by the first changes to the benefit system- people unable to work

due to ill health and those affected by the benefit cap. The separate set of regulations, expected to be brought to the Social Development Committee after the Assembly elections in May, will cover claimants affected by the remaining welfare reforms, including disability changes.<sup>49</sup>

7.15 New regulations, the Welfare Supplementary Payments Regulations (Northern Ireland) were issued in March 2016 to allow for supplementary payments to be made to mitigate the effects of the introduction of the benefit cap, the time limiting of contributory employment and support allowance for those in the work related activity group.

7.16 There are also other developments at Westminster, some of which will have an adverse impact on NI. The Welfare Reform and Work Act 2016 contain provisions that extend to NI. These include provisions which freeze Child Benefit and tax credits for four tax years<sup>50</sup> changes to child tax credit and Universal Credit, including a less generous means testing arrangement withdrawing financial support much earlier.<sup>51</sup>

7.17 However, some planned changes to social security have been abandoned. The Chancellor abandoned planned changes to tax credits in the Autumn 2015 statement after a rebellion in the House of Lords and amongst his own party's MPs.<sup>52</sup> The Chancellor decided that changes to tax credits should be avoided altogether as tax credits were being phased out with the introduction of Universal Credit, although the same changes to Universal Credit were maintained. The UK Government's Budget in March 2016 also announced reductions to Personal Independence Payment.<sup>53</sup> This decision was taken in the context of cutting the rate of Corporation Tax in the UK to 17 per cent in 2020 and increasing the higher rate tax threshold by £2,000 to £45,000 in 2017/18.<sup>54</sup>

7.18 The announcement in the Budget on reductions in Personal Independence Payment resulted in the resignation of the Work and Pensions Secretary responsible for Social Security. Subsequently the new Work and Pensions Secretary confirmed that changes outlined in the Budget were cancelled and that there were no further plans for welfare cuts to pay for abandoning cuts to PIP.<sup>55</sup> Nevertheless, many other adverse changes to social security by the UK Government remain in place during this UK Parliament, including: changes to Employment Support Allowance; working age benefits freeze, housing benefit freeze, household benefit cap; local housing allowance cap; changes in Universal Credit which impose a two child benefit limit on households with more than two eligible children to take effect from April 2017; changes to housing benefit for 18-21 year olds from 2017; and conversion of Support for Mortgage Interest to a loan.<sup>56</sup>

7.19 The Institute for Fiscal Studies published a report in January 2016, estimating that 2.1 million working households will get less in social security benefits as a result of the introduction of Universal Credit (an average loss of £1,600). The report estimated that 1.8 million working

households will get more (an average gain of £1,500). Furthermore, working single parents and two earner households are likely to lose. Working single parents would be on average £1,000 a year worse off if the long run Universal Credit system applied now.<sup>57</sup>

7.20 The NIHRC notes the principles applied by the Committee on Economic Social and Cultural Rights in General Comment No.19 on the right to social security. The Committee notes that while the Covenant provides for progressive realisation and acknowledged constraints due to limits of available resources, State parties have obligations of immediate effect. General Comment No.19 provides that State parties have immediate obligations to ensure the right to social security is exercised without discrimination of any kind and there is a strong presumption against retrogression on the right to social security.<sup>58</sup> Furthermore, if deliberately retrogressive measures are taken, the State party must prove they have considered all of the alternatives and are justified by reference to the totality of rights provided for in the Covenant, in the context of full use of maximum available resources of the State party.<sup>59</sup>

7.21 The NIHRC also reiterates comments of the Chair of the Committee on Economic, Social and Cultural Rights in the 2012 open letter to State parties on the protection of Covenant rights in times of economic and financial crisis. The letter advises that while some adjustments will be inevitable in such a context, a number of requirements must be followed. These include, that the policy or measure must: (1) be temporary covering only the period of crisis; (2) be necessary and proportionate, in that failure to act would be detrimental to ESC rights; (3) not be discriminatory and must comprise all possible measures including tax measures to support social transfers to mitigate inequalities; and (4) identify the minimum core content of rights or a social protection floor.<sup>60</sup>

**The Committee may wish to recommend that the State party:**

- **provides clarity on how it will be ensured that the “bedroom tax” will not be implemented in NI;**
- **reports on the effectiveness of the mitigation scheme in protecting the most vulnerable from any potential adverse impact associated with social security reform in NI and any learning for other parts of the UK;**
- **conducts a review on how social security reforms respect the principles of non-retrogression, non-discrimination, progressive realisation and use of maximum available resources in relation to social security in NI;**
- **considers how these principles will be respected when the mitigation scheme comes to an end in NI.**

## **Article 2 (2)- Non-Discrimination**

### **Single Equality Bill**

8.1 The NIHRC previously advised the Committee that NI law does not provide for a single legislative framework to consolidate and clarify existing equality protections, unlike the rest of the UK where discrimination legislation is harmonised and consolidated in the Equality Act 2010. Instead, discrimination is prohibited in NI by a complex framework of various laws and regulations.<sup>61</sup> The NIHRC notes that the UK's reply to the list of issues to the CEDAW Committee in 2013 stated:<sup>62</sup>

In Northern Ireland, the Office of First Minister and Deputy First Minister are undertaking a scoping of equality legislation to identify gaps in provision and how existing legislation would be harmonised, simplified and streamlined without any loss of the protections already available in law.

**The Committee may wish to ask the State party what steps will be taken to harmonise, simplify and streamline discrimination legislation and may wish to recommend the establishment of a Single Equality Act in NI.**

### **Intersectional Discrimination**

9.1 The NIHRC advised the Committee in September 2015 that the law in NI did not recognise intersectional discrimination cases. Currently the law in NI only considers one prohibited factor at a time.

9.2 The NIHRC notes that the Equality Act 2010 in the UK contains a dual discrimination provision, although this has not been brought into force.<sup>63</sup> This provision would enable a person to bring a claim if they had experienced less favourable treatment on the grounds of two protected characteristics. However, it is limited to direct discrimination.

9.3 The domestic equality authority in Northern Ireland, the Equality Commission for Northern Ireland reported in 2014 that over a 12 month period in 2013/2014, it received 113 hybrid race discrimination inquiries/applications.<sup>64</sup> The Equality Commission for Northern Ireland recommended the introduction of protection against intersectional multiple discrimination so that there would be legal protection for individuals, who experience discrimination or harassment because of a combination of equality grounds, including racial grounds.<sup>65</sup>

**The Committee may wish to recommend that the State party introduces legal protection against intersectional discrimination in NI.**

## **Age Discrimination in the Provision of Goods, Facilities and Services**

10.1 The NIHRC advised the Committee in its previous submission that there was no prohibition on discrimination in the provision of goods, facilities and services (GFS) in Northern Ireland on the basis of age. This remains the case. The NIHRC advises that in July 2015, the Office of First Minister and Deputy First Minister consulted on proposals to extend age discrimination legislation to the provision of GFS.

10.2 While welcoming the general principle of prohibiting age discrimination in the provision of GFS, the NIHRC noted that the proposals excluded children and young people under 16 from the scope of the legislation. Similar concerns were raised by the Northern Ireland Commissioner for Children and Young People and the Equality Commission for Northern Ireland.<sup>66</sup> The NIHRC advised the Office of the First Minister and the Deputy First Minister that if the proposed legislation was not extended to include under 16s, then assurances should be provided that legislation should be introduced to protect this group within a specific and expedited timeframe.<sup>67</sup>

10.3 According to a response to an Assembly question, the Children's Commissioner's office lodged a section 75 pre-complaint letter with Office of the First Minister and the Deputy First Minister. The Office of First Minister and Deputy First Minister responded to that letter and the Children's Commissioner's office lodged a formal section 75 complaint in respect of failure to comply with the Department's equality scheme in relation to this consultation. The Equality Commission for Northern Ireland has to decide whether it investigates this complaint.<sup>68</sup>

### **The Committee may wish to recommend that the State party:**

- **prioritises the introduction of age discrimination legislation in the area of goods, facilities and services;**
- **ensures that the proposed age discrimination legislation in NI is extended to under 16s;**
- **in the alternative if the proposed legislation is not extended, that legislation should be introduced within a specific and reasonable timeframe to protect children and young people under 16.**

## **Racial Equality Strategy**

11.1 The NIHRC advises the Committee that since the List of Issues was published, the Office of the First Minister and Deputy First Minister published the Racial Equality Strategy 2015-2025 in December 2015.<sup>69</sup> The strategy is not accompanied by detailed action plans, despite responses from a number of organisations that effective and robust action plans should accompany the strategy.<sup>70</sup> In fact, the strategy states that

departments and local authorities will not be required to draw up action plans, although they may wish to do so.<sup>71</sup> The Equality Commission for Northern Ireland recently called for the Programme for Government to ensure effective equality strategies including the Racial Equality Strategy, the creation of associated action plans and a clear timetable to take the work forward.<sup>72</sup> The NIHRC welcomes the publication of the strategy and will continue to monitor its implementation in Northern Ireland.

11.2 The strategy contains a number of proposed actions. Although not an exhaustive list, the proposed actions include: a review of the Race Relations (NI) Order 1997 and Fair Employment legislation, work with relevant departments to tackle racist bullying in schools and race hate crime, examining where ethnic monitoring should be introduced and to identify Racial Equality Champions across departments.<sup>73</sup>

11.3 The NIHRC welcomes the commitment by the Office of the First Minister and Deputy First Minister to review the current Race Relations (NI) Order 1997, with a view to legislation being in place in the 2017-18 Assembly session.<sup>74</sup> The NIHRC previously called on Office of the First Minister and the Deputy First Minister to examine the NI Act 1998, along with the Race Relations (NI) Order 1997 with a view to introducing legislative measures to fulfil the obligation to prohibit racial discrimination by any person, group or organisation.<sup>75</sup>

11.4 A Racial Equality Sub Group will be established under the strategy. The Sub Group will monitor and review progress on the implementation of the Strategy and report annually to the Together: Building a United Community Ministerial Panel.<sup>76</sup> The NIHRC understands that invitations have been sent to key stakeholders in relation to the sub-group.<sup>77</sup>

### **The Committee may wish to note the publication of a Racial Equality Strategy in Northern Ireland and:**

- **ask for an update on its implementation;**
- **recommend that the review of the Race Relations (NI) Order 1997 is prioritised;**
- **recommend the publication of an associated action plan and a clear timetable for implementation;**
- **ask for an update on the establishment of the Racial Equality Sub Group.**

## **Article 3- Equal Rights of Men and Women**

### **Institutional mechanisms and the Gender Equality Strategy**

12.1 The NIHRC advises that there have been some developments since its submission in September 2015 on the representation of women in the judiciary. In October 2015, two women were appointed as High Court judges for the first time in the history of the NI judiciary.<sup>78</sup> Although women generally continue to be under-represented in political life, in January

2016, Arlene Foster, MLA became the First Minister of Northern Ireland, the first woman to hold this office.<sup>79</sup>

12.2 The NIHRC advised the Committee in September 2015 that the Office of the First Minister and the Deputy First Minister Gender Equality Strategy 2006-16 is the policy framework under which the NI Executive promotes gender equality in Northern Ireland. A review of the strategy in 2013 found that the strategy and its elements such as strategic objectives, vision and key action areas were still relevant.<sup>80</sup> However, the review concluded that progress against the strategy was limited and monitoring could be improved.<sup>81</sup> The Review also found that action plans to implement the strategy were not Specific, Measureable, Achievable, Realistic and Timebound. Subsequently, the Gender Equality Unit in the Office of the First Minister and the Deputy First Minister indicated that it would revise the current strategy. The NIHRC advised that the Gender Equality Unit was pursuing a strategy of co-design for the strategy but consultation with the Women's Ad Hoc Policy Group had stalled.<sup>82</sup>

12.3 The NIHRC advises that no consultation has taken place to date on the strategy. The Office of the First Minister and the Deputy First Minister indicated that the Gender Advisory Panel was to meet in January 2016 to further develop the new strategy and then a public consultation will take place. The 2006-2016 strategy will remain in place until the new strategy is developed and operational.<sup>83</sup>

12.4 The Equality Commission for Northern Ireland published a Gender policy position paper in 2015, which made a number of recommendations to advance gender equality in NI. These included gender mainstreaming, gender budgeting, impact assessment, positive action and temporary special measures. The Equality Commission also recommended improving the collection of disaggregated data and the implementation of an effective Gender Equality Strategy.<sup>84</sup>

**The Committee may wish to recommend the State party prioritises the publication of a new Gender Equality Strategy for consultation in NI and ensures the new strategy addresses issues raised in the 2013 review.**

## **Gender Pay Gap**

13.1 Statistics published by the Office of the First Minister and the Deputy First Minister show that in 2014, the mean full-time gross weekly earnings was higher for males (£550.80) than females (£495.60). The median measure of full-time gross weekly earnings showed a reduced gap between males (£460.50) and females (£444.40) in 2014.<sup>85</sup> Excluding overtime, median full-time gross hourly earnings of females (£11.48) was slightly higher than that of males (£11.12) in 2014. However, the mean full-time gross hourly earnings (excluding overtime) was higher for males (£13.55) than females (£13.21). For part-time work, both the median and

mean gross hourly earnings excluding overtime was higher for females than males.<sup>86</sup>

13.2 According to an Equality Commission for Northern Ireland report in October 2015, “whilst there is a small gender pay gap in favour of women [in Northern Ireland], the gross weekly earnings of men remain higher than those of women”. Note that the gender pay gap is based on hourly earnings but the Equality Commission is here drawing attention to the difference in weekly earnings; the report in a footnote mentions that overtime and incentive payments feature more in men’s weekly pay than women’s. The small gender pay gap is due to a higher proportion of jobs in the public sector, the fact more women tend to be employed in the public sector than men and these jobs tend to be higher paid than in the private sector. The Equality Commission for Northern Ireland has emphasised that it is essential that attempts to rebalance the economy, such as cuts to public sector jobs or cuts in pay do not have a disproportionate impact on women.<sup>87</sup> The Peace Monitoring Report in 2014 explained the trends in pay, noting that men tend to work more overtime, so would earn more and women tend to work part time more than men where overall pay rates are lower.<sup>88</sup> Department of Enterprise, Trade and Investment (DETI) figures show that in 2015, 38 per cent of women work part time, compared to 10 per cent of men in NI.<sup>89</sup>

13.3 In October 2015, the Equality Commission for Northern Ireland recommended a need to reform sex equality and equal pay legislation. Some of the Commission’s proposals included:<sup>90</sup> new protection for employees aimed at prohibiting employers from preventing employees having discussions about their pay to establish whether or not there is pay discrimination; requiring tribunals to order a respondent judged to have committed an equal pay breach to carry out an equal pay audit and introducing a power to allow for the making of regulations requiring large private and voluntary sector employers in NI to publish information about the difference of pay between their male and female counterparts. The NIHRC advises that these proposals have already been implemented elsewhere in the UK.<sup>91</sup> In February 2016, the UK Government unveiled plans for a league table ranking firms by gender pay gap from 2018.<sup>92</sup>

13.4 In February 2016, an amendment was tabled at Further Consideration stage of the Employment Bill which would require employers, in accordance with regulations laid down by the Office of the First Minister and the Deputy First Minister, to publish information relating to the pay of employees, for the purposes of determining whether there are differences in pay between male and female employees. Where there are differences between the pay of male and female employees, an employer will be required to publish an action plan to eliminate those differences.<sup>93</sup> According to the amendment, the first regulations would have to be made by 30 June 2017. The amendment was passed at Further Consideration Stage and the Bill is awaiting Royal Assent.<sup>94</sup> This

amendment is welcome but some of the other differences identified by the Equality Commission remain i.e. the provision on pay secrecy clauses and the power of a tribunal to order an equal pay audit.

**The Committee may wish to recommend that the State party introduces measures to ensure protections against gender pay inequality in NI are at least as effective as in the rest of the UK.**

## **Article 6-The Right to Work**

### **Persons with Disabilities**

14.1 There is a continuing employment gap in NI between persons with disabilities and persons without. Statistics published showed that in the final quarter of 2015, one in five persons of working age (22 per cent) in Northern Ireland had a disability. Almost three times the proportion (32 per cent) of persons with disabilities had no qualifications compared to persons without a disability (12 per cent). People without a disability were more than twice as likely to be in employment (79 per cent) than those with a disability (33 per cent).<sup>95</sup> In comparison to the UK, NI had a higher percentage of economically inactive (16-64) who were sick or disabled (33 per cent compared to 25 per cent).<sup>96</sup>

14.2 The NI Executive's "Strategy to improve the lives of people with disabilities 2012 – 2015" included: a theme on "employment and employability"; and strategic priorities aimed at "increasing the number of people with disabilities entering all levels of employment and safeguard[ing] the rights of those disabled people already in work". In addition the strategy contained priorities for "increas[ing] the opportunities for people with disabilities to attain skills and qualifications through access to appropriate training and lifelong learning opportunities."<sup>97</sup> The strategy has been extended to 2017.<sup>98</sup> The Office of the First Minister and Deputy First Minister conducted a consultation on a set of draft indicators to measure the success of the strategy which closed in February 2015. The NIHRC understands that the Office of the First Minister and Deputy First Minister is currently working on finalising the analysis of the consultation.<sup>99</sup>

14.3 According to research published in 2013, a range of factors can affect the employment of persons with disabilities, including: a lack of qualifications and skills (for example, persons with disabilities are more likely to leave compulsory education with no qualifications); employer and wider societal attitudes; lack of joined up thinking in service provision; and a lack of sustainability of employment.<sup>100</sup>

14.4 The Department of Employment and Learning consulted on an Employment Strategy for People with Disabilities which closed on the 27 November 2015. The draft strategy contained proposals that will help the Department, working in partnership with others, to address the difficulties

and inequalities that people with significant disabilities are attempting to overcome in employment. The strategy was launched at the end of March 2016.<sup>101</sup>

14.5 An Action Plan forms part of the strategy, which will put in place the foundations and infrastructure for the five-year strategy. One of the actions in year one is the establishment of a Disability Employment Stakeholder Forum which will have responsibility to agree actions plans for subsequent years. The Forum will be comprised of senior officials from a number of key government departments, along with select employers or employer groups; people with disabilities, and representatives from the local disability sector.<sup>102</sup>

**The Committee may wish to ask for an update on the implementation of the Employment Strategy for People with Disabilities and on the establishment of the Disability Employment Stakeholder Forum.**

### **National Living Wage**

15.1 The NIHRC advised the Committee in its previous submission that the UK summer budget in July 2015 promised a “new national living wage”, by introducing a new premium on top of the National Minimum Wage.<sup>103</sup> This started on 1 April 2016 at £7.20 and will increase to over £9 per hour by 2020.<sup>104</sup> The UK Government limited this to a specific category of persons: workers aged 25 and above.

15.2 A report by the Institute for Fiscal Studies reported in February 2016 that although the National Living Wage will significantly increase the incomes of low earners, it is projected to have very little impact on measures of poverty or household income inequality in 2020-2021. The Institute for Fiscal Studies explained that those who benefit from the National Living Wage may have low hourly pay but not necessarily low household incomes. For example, those paid less than the National Living Wage but have a higher earning partner may benefit from the National Living Wage but have a household income sufficient to be in the top half of the income distribution.<sup>105</sup>

**The Committee may wish to recommend that the State party monitors the impact of the National Living Wage to consider its impact on measures of poverty and household inequalities.**

### **Asylum Seekers and Permission to work**

16.1 The NIHRC previously reported in October 2015 that asylum seekers were not allowed to work while awaiting a decision on their asylum application. If it has taken longer than 12 months for a decision to be made on an asylum application, a person can request permission to work. However, the Secretary of State will only consider an application if, in the

Secretary of State's opinion, any delay in reaching a decision in the first instance cannot be attributed to the applicant.<sup>106</sup>

16.2 The NIHRC also reported to the Committee in 2015 that the Immigration rules restricted the types of employment asylum seekers can obtain to the UK's official shortage occupation list.<sup>107</sup> The Law Centre NI in its submission to a Parliamentary inquiry on asylum support highlighted in 2012 that they were only aware of two people who had applied to work that year and expressed concerns that "the current policy is so restrictive it is almost meaningless."<sup>108</sup>

16.3 Similar calls have been made in research in the UK by Still Human Still Here and by the British Red Cross who have called for asylum seekers to be granted permission to work after six months.<sup>109</sup> A House of Commons research paper suggested advantages of extending asylum seekers' right to work, included:<sup>110</sup>

- alleviat[ing] some of the difficulties that asylum seekers can face during the asylum determination process, such as social and economic exclusion, de-skilling, low self-esteem, poor mental health, and improve asylum seekers integration and employment prospects in the event of a positive asylum decision; and,
- reduc[ing] asylum seekers' vulnerability to exploitation through working illegally.

16.4 The Immigration Bill which is currently making its way through the UK Parliament makes it an offence for a person subject to immigration control to work if they have not been granted leave to enter or remain or have overstayed that leave.<sup>111</sup> The Immigration Bill was amended by the House of Lords to provide that permission to work for asylum seekers must be granted if a decision has not been taken on the applicant's asylum claim within six months of the date on which it was recorded. Furthermore, the provision stipulates that permission to work must be granted if an individual makes further submissions which raise asylum grounds and a decision on that new claim or to refuse to treat such further submissions as a new claim has not been taken within six months of the date on which the submissions were recorded. Permission for persons seeking asylum would be on terms no less favourable to those upon which permission is granted to a person recognised as a refugee to take up employment.<sup>112</sup> The response of the Commons to the House of Lords amendment is awaited.

**The Committee may wish to take note of House of Lords amendments to the Immigration Bill and recommend the State party takes measures to ensure that asylum seekers are not restricted in their access to the labour market while their claims for asylum are being processed.**

## **English for Speakers of Other Languages (ESOL)**

17.1 The Department for Employment and Learning (DEL) is providing access to ESOL provision (English for speakers of other languages) and other further education courses to those under the Vulnerable Persons Relocation Scheme (VPRS), a scheme to resettle Syrian Refugees. From 1<sup>st</sup> February 2016, DEL has also agreed to provide free English classes for all refugees, bringing arrangements into line with provisions for asylum seekers and those with humanitarian protection.<sup>113</sup> The policy does not apply to economic migrants.<sup>114</sup> The classes will be provided through further education colleges and will be accredited.

17.2 There does not appear to be an associated strategy for the provision of language classes, and concerns have been raised with the NIHRC that the issue of ESOL not being designated as an essential skill causes a disparity compared to the rest of the UK. Although the extension of access noted above is welcome, migrants not falling within the scheme will have to pay for such courses, which may be financially prohibitive.<sup>115</sup> Research published in 2015 highlighted that migrant workers are in NI to work and to settle for most of their life and need access to ESOL.<sup>116</sup>

### **The Committee may wish to recommend that the State party:**

- **considers designating ESOL as an essential skill in NI in line with the rest of the UK;**
- **ensures that the cost of ESOL is not a barrier to accessing provision in NI.**

## **Article 7-The Right to Just and Favourable Conditions of Work**

### **Forced Labour**

18.1 Research by the Northern Ireland Strategic Migration Partnership in 2013 has shown that employment rights in NI have been bolstered by the Gangmasters' Licensing Act introduced in 2004 and the Agency Workers Regulations which came into effect in NI in 2011. Nevertheless, the Northern Ireland Strategic Migration Partnership has reported that evidence also suggests that exploitation of migrant labour is persistent and is prevalent among some sectors and nationalities more than others.<sup>117</sup>

18.2 One area of concern highlighted by the Northern Ireland Council for Ethnic Minorities is trafficking for forced labour or for the purposes of labour exploitation.<sup>118</sup> Research conducted by the Joseph Rowntree Foundation in 2011 identified problems of forced labour in NI among migrant working in the mushroom picking, fishing and catering industries.<sup>119</sup> The Northern Ireland Council for Ethnic Minorities noted that the UK had opted out of a number of EU Directives that could offer migrants protection, including Directive 2009/52<sup>120</sup> and Directive

2004/81.<sup>121</sup> The UK has also not ratified the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990) or the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143).

18.3 The Modern Slavery Act 2015 and equivalent legislation in NI, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015 both received Royal Assent in 2015. Section 54 of the Modern Slavery Act 2015 requires commercial organisations over a certain size, to publish a slavery and human trafficking statement, which sets out the steps it has taken to ensure there is no slavery or human trafficking in its supply chains. The Human Trafficking and Exploitation Act (Criminal Justice and Support for Victims) Act (NI) 2015 creates an offence of slavery, servitude, forced and compulsory labour, extends preparatory offences to slavery like offences and sets out a list of aggravating factors the courts are required to take into account for the purposes of sentencing.

### **Director of Labour Market Enforcement**

19.1 The Immigration Bill currently going through Westminster makes provision for a Director of Labour Market Enforcement. The Director would oversee the National Minimum Wage, employment agencies and work related to agriculture and the gathering of shellfish.<sup>122</sup> The Director would be responsible for setting an overall enforcement strategy and would report annually to the Home Secretary and Business Secretary.<sup>123</sup>

19.2 According to the UK Government policy proposals, the role of the Director would apply to NI in respect of the National Minimum Wage and the Government would consult the NI Executive as to whether it wishes the proposals to extend to NI more generally. This would require agreement of the NI Assembly.<sup>124</sup>

19.3 A report by Focus on Labour Exploitation in 2015 highlights the importance of not conflating immigration control and labour enforcement, citing evidence from the Netherlands that an overlap between the two prevents identification of trafficking for labour exploitation.<sup>125</sup> Focus on Labour Exploitation calls for amendments to the Bill to specify that the primary purpose of the Director should be to enforce the rights of workers and prevent exploitation.<sup>126</sup>

### **The Committee may wish to ask the State party:**

- **what plans the State party has to transpose Directive 2009/52 and 2004/81 and ratify both the UN International Convention on the Protection of Rights of All Migrant Workers and Members of their Families (1990) and the ILO Migrant Workers (Supplementary Provisions) Convention 1975 (No.143);**

- **to clarify what plans there are to extend the role of the Director of Labour Market Enforcement beyond the National Minimum Wage in NI and what plans there are to pass a Legislative Consent Motion;**
- **to ensure that the focus of the Director of Labour Market enforcement is on the rights of workers rather than immigration control.**

## **Article 10-Protection of the Family, Mothers and Children**

### **Accessible Childcare**

20.1 Unlike the rest of the UK, NI only has a draft childcare strategy and there is no statutory duty on public authorities to ensure adequate childcare.<sup>127</sup> The NIHRC notes that a 2013 report by the Equality Commission for Northern Ireland on *Childcare: Maximising the Economic Participation of Women*, emphasised the need for a childcare strategy in light of the “lack of centralised direction” within the NI Executive, as well as the need to “substantially increase” resources.<sup>128</sup> The Equality Commission for Northern Ireland also noted that “access to childcare is particularly limited for: rural families; parents with disabled children; families with more than two children; Travellers; migrant and minority ethnic families; those on low-incomes and single parent families”.<sup>129</sup> For some of these groups, the Equality Commission for Northern Ireland’s concerns were rooted in availability, while for others it was affordability.

20.2 Research published in 2014 by Barnardo’s, *Believe in Childcare? The Childcare Needs of Ethnic Minorities in NI*, found that parents from ethnic minority communities use a wide variety of formal and informal childcare.<sup>130</sup> The report noted that many parents, including in particular Black and Minority Ethnic (BME) parents, work atypical hours and shift patterns, suggesting the need for a childcare model to incorporate the needs of BME parents working outside traditional working hours.<sup>131</sup>

20.3 Pursuant to a Programme for Government 2011-2015 commitment,<sup>132</sup> as well as those outlined within the NI Executive’s framework document “Bright Start”,<sup>133</sup> the Office of the First Minister and the Deputy First Minister published a draft Childcare Strategy for consultation ending on 13 November 2015.<sup>134</sup> The NIHRC called on the Executive to publish the final strategy as soon as possible and to clarify the availability of necessary resources.<sup>135</sup> In response to an Assembly question in February 2016, the Office of the First Minister and the Deputy First Minister stated:<sup>136</sup>

Officials are currently collating and analysing responses to the public consultation with a view to finalising the draft Childcare Strategy over the coming months. This will be undertaken in partnership with other Executive departments and with childcare stakeholders.

20.4 Officials from the Office of the First Minister and Deputy First Minister briefed the Committee for First Minister and Deputy First Minister on the outcomes of the consultation on the draft Childcare strategy in March 2016. The officials informed the Committee that the process of drafting would be completed in four to six weeks and would be signed off by the NI Executive after the NI Assembly elections in May. The work on the strategy will be taken over by the Department of Education under the transfer of functions.<sup>137</sup>

**The Committee may wish to recommend that the State party:**

- **prioritises the urgent publication of a Childcare Strategy in NI and dedicates the necessary resources to ensure the availability of accessible and affordable childcare;**
- **ensures a model that operates outside traditional working hours to meet the needs of those working atypical shift patterns, as is the case for many parents in NI, including in particular BME parents.**

**Female Genital Mutilation**

21.1 In 2014, the NIHRC welcomed the Department of Finance and Personnel targeted consultation on draft Multi-Agency Guidelines on Female Genital Mutilation. The Guidelines provide advice and support to frontline professionals who are responsible for safeguarding children and protecting adults from the abuses associated with female genital mutilation.<sup>138</sup>

21.2 The NIHRC has advised the Department of Finance and Personnel that human rights law requires the NI Executive to “modify social and cultural patterns which see women as subordinate to men.” Female genital mutilation is a severe form of child abuse and a violation of human rights, as well as a “manifestation of deeply entrenched gender inequality and patriarchal cultural norms.”<sup>139</sup>

21.3 The NI Executive approved the publication of Multi-Agency Guidelines in July 2014. The NIHRC welcomed the robust measures to combat this ongoing human rights abuse. The NIHRC considers that the practice guidelines and initiatives by the NI Executive should be supported by an action plan to ensure the guidelines are operationalised. In November 2015, the NIHRC wrote to the relevant NI Executive Ministers to seek assurance that a detailed action plan would be developed to include: training; awareness raising; research into the prevalence of Female Genital Mutilation; implementation of regional guidance; care pathways; and actions which can be taken to identify and prosecute perpetrators.<sup>140</sup>

21.4 The Safeguarding Board NI sub group on Female Genital Mutilation has been established in NI and as part of its terms of reference, an action plan will be developed.

**The Committee may wish to ask the State party for an update on the Safeguarding Board for NI's development of an action plan to combat Female Genital Mutilation in NI that meets the recommendations made by the NIHRC.**

### **Child, Early and Forced Marriage**

22.1 The NIHRC notes that paragraph 20 of UNCRC General Comment No. 4 (2003) states that:<sup>141</sup>

The Committee strongly recommends States Parties to review and, where necessary, reform legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.

The NIHRC notes that this recommendation reflects that of the CEDAW Committee within its General Recommendation 21.<sup>142</sup>

22.2 The Marriage (Northern Ireland) Order 2003 provides that 18 is the minimum age at which an individual can consent to marriage, in keeping with the rest of the UK. However, under the 2003 Order, a child aged 16 or 17 years of age may be married with the consent of their parents, legal guardians or a court. A court may also dispense with the relevant consents required if it is satisfied that the marriage is in the best interests of the young person.<sup>143</sup> The NIHRC notes that in Northern Ireland, 68 children were married in 2014; of these 42 were girls and 26 were boys.<sup>144</sup> The law of Northern Ireland therefore runs contrary to the UNCRC Committee's recommendation on the minimum age for marriage.

22.3 The Forced Marriage (Civil Protection) Act 2007 makes provision for protecting individuals against being forced to enter into marriage without their free and full consent and extends to Northern Ireland and England & Wales.<sup>145</sup> A person who contravenes a Forced Marriage Protection Order is liable to a fine, or a term of imprisonment not exceeding six months or to both.<sup>146</sup> The NIHRC understands that one Forced Marriage Civil Protection Order has been made in NI in 2010.<sup>147</sup> The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 introduces the offence of forced marriage and the offence of deceiving a person into leaving the UK with the intention of forcing a marriage.<sup>148</sup>

**The Commission invites the Committee to recommend that the State party take immediate efforts to repeal all legal provisions permitting the marriage of children in Northern Ireland, in line with the UNCRC Committee's General Comment.**

## **Domestic and Gender Based Violence**

23.1 The Police Service of Northern Ireland has recorded 28,322 domestic abuse incidents from January to December 2015 and this is the highest level recorded since 2004/05 (20,959). There was a 0.1 per cent increase on the 2014/15 figure of 28,287 and is 35 per cent higher than the 2004/05 figure.<sup>149</sup> There has been an increase of 12 per cent in incidents since 2011/12 (25,196).<sup>150</sup>

23.2 For domestic abuse crimes, the PSNI record that the figure for the latest 12 months (13,704) is the highest recorded since 2004/05(9,647). This is 42 per cent higher than the 2004/05 figures.<sup>151</sup>

23.3 The NIHRC previously advised the Committee in October 2015 that between January and April 2014, the Department of Justice for NI and the Department of Health, Social Services and Public Safety for NI consulted on a draft "Stopping Domestic and Sexual Violence and Abuse Strategy 2013-2020" for NI. The NIHRC advised that the final strategy should, among other things:

- ensure that responses to domestic and sexual violence and abuse are gender sensitive and age appropriate;
- recognise the structural and societal issues which cause the disproportionate impact of domestic and sexual violence and abuse on women, and include measures to address these;
- recognise that certain groups of persons, for example, persons with disabilities, persons in detention and migrant women, are at an increased risk of domestic and sexual violence and abuse, and outline provisions to be undertaken to address these vulnerabilities; and,
- provide a specific, time-bound commitment regarding the feasibility of the implementation of domestic violence specialist courts across NI.<sup>152</sup>

23.4 On the establishment of domestic violence specialist courts, the Justice Minister recently stated:<sup>153</sup>

Members, of course, will be aware that, as part of its work last year, the Organisation for Economic Co-operation and Development carried out a specific study of the Derry court arrangements. I hope that we will shortly see its formal report, which will enable us to inform the future direction and development of problem-solving courts in Northern Ireland.

23.5 The final strategy was launched in March 2016 and focuses on five key strands: leadership, prevention, support, services and justice. Within these strands, the strategy has also identified 20 priority areas, which will underpin the development of action plans within the life of the strategy.<sup>154</sup>

23.6 The Justice (NI) Act 2015 included a provision for domestic violence protection notices and orders aimed at ensuring the immediate protection of victims or potential victims of domestic violence.<sup>155</sup> In a response to an Assembly question, the Justice Minister stated:<sup>156</sup>

Work is ongoing with relevant agencies regarding the development of suitable and robust guidance to allow for a pilot project for the commencement and introduction of Domestic Violence Protection Notices and Orders in Northern Ireland which was introduced through the Justice Act (Northern Ireland) 2015.

23.7 The Department of Justice is consulting on whether there should be a specific offence that captures patterns of coercive and controlling behaviour and the establishment of a Domestic Violence Disclosure Scheme in NI, would be based on processes which would enable new partners of previously violent individuals to find out about their partner's history of violence and abuse.<sup>157</sup> The Department of Justice is currently consulting on four options: to continue existing arrangements under common law: a "Right to Ask" national disclosure scheme; a "Right to Know" national disclosure scheme; and a "Right to Ask" and a "Right to Know" national disclosure scheme. A domestic violence disclosure scheme was rolled across England and Wales in 2014 and in Scotland in 2015.<sup>158</sup>

23.8 The NIHRC advised the Committee in its previous submission that the "no recourse to public funds" rule prevents persons with insecure immigration status from accessing benefits such as refuge support.<sup>159</sup> Non-nationals who are victims of domestic violence and on a spousal visa may be eligible for the Destitute Domestic Violence (DDV) concession.<sup>160</sup> The concession aims to help some of these women to leave their partner safely and secure their immigration in the UK.<sup>161</sup> Under the concession, women on spousal visas whose relationship has broken down because of domestic violence who are destitute and planning to apply for indefinite leave to remain will be granted access to public funds for a three month period.<sup>162</sup> During this three month period the person should make a separate application for indefinite leave to remain under the Domestic Violence Rule.<sup>163</sup> There are strict eligibility criteria for the concession and so there are some groups who may not benefit.<sup>164</sup>

23.9 Women's Aid Federation NI in its Annual report 2014-15 highlighted that women with no recourse to public funds are not eligible to benefits such as housing benefit whilst in refuge, and are prohibited from employment. Non-UK national victims of domestic and sexual violence are faced with a choice between destitution and a life of violence and abuse.<sup>165</sup> Women's Aid Federation NI have emphasised the importance of the Crisis Fund to domestic violence victims, stating:<sup>166</sup>

The fund was a lifeline to women who were affected by domestic violence and had no recourse to public funds. Even small amounts of money made a huge difference to their lives.

## **The Committee may wish to recommend that the State party:**

- **provides an update on the implementation of the Stopping Domestic Violence and Sexual Abuse Strategy in NI and on the guidance relating to Domestic Violence Protection Notices and Orders;**
- **take note of the consultation on offences that capture coercive behaviour and domestic violence disclosure scheme and recommend similar provision in NI as exists in other parts of the UK;**
- **takes steps to extend provision for victims of domestic violence to persons who enter the UK other than on a spousal visa.**

## **Human Trafficking**

24.1 In 2015, the UK National Referral Mechanism received 53 referrals of potential victims first encountered in NI. This represented a 17.8 per cent increase on 2014 referrals and 1.6 per cent of all UK referrals to the National Referral Mechanism. The figures included 25 females and 28 males, with 40 referred for adult exploitation categories and 13 referred as exploitation as a minor.<sup>167</sup>

24.2 The NI Assembly approved a Legislative Consent Motion in December 2014 to enable aspects of the Modern Slavery Act 2014 to apply in NI. These aspects dealt with enforcement powers in relation to ships, the establishment of an Independent Anti-Slavery Commissioner and transparency in supply chains.<sup>168</sup> The first UK Independent Anti-Slavery Commissioner was appointed in November 2014 and his first strategic plan was published in October 2015.<sup>169</sup>

24.3 The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015 received Royal Assent in January 2015. The Act makes provision about human trafficking and other forms of exploitation, including measures to combat and prevent such exploitation and to provide support for victims of such exploitation.

24.4 The Department of Justice (DoJ) is required to refresh the Northern Ireland Human Trafficking and Exploitation Strategy 2015/16 on an annual basis. The first annual strategy was published in September 2015.<sup>170</sup> The Strategy has been developed around four key strategic priorities: pursue; protect and support; prevent; and partnership.<sup>171</sup>

24.5 The 2015 Act makes provision for an Independent Guardian to be appointed for a child who is a victim or a potential victim and is determined to be a separated child.<sup>172</sup> The Department of Health, Social Services and Public Safety consulted on Independent Guardian Regulations in September 2015. The Committee for Health, Social Services and Public Safety were briefed on the draft regulations by

department officials in March 2016. However the Committee expressed concern that there was not sufficient time for scrutiny and agreed that the Regulations would be brought back before the Committee after the Assembly elections.<sup>173</sup>

24.6 In May 2015, the National Crime Agency was given full powers in Northern Ireland, subject to scrutiny by the Policing Board.<sup>174</sup> The UK Human Trafficking Centre is part of the Organised Crime Command in the National Crime Agency.<sup>175</sup> The Justice Minister has recently announced that the scope of the National Referral Mechanism will be extended in Northern Ireland to all victims of modern slavery, not just those who have been trafficked.<sup>176</sup>

**The Committee may wish to ask the State party for an update on progress on implementation of the Independent Guardian Regulations as provided for in the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015.**

## **Article 11- Right to an Adequate Standard of Living**

### **Poverty in NI**

25.1 In Northern Ireland, statistics published by the Department for Social Development indicated that 21 per cent of individuals were in relative poverty in 2013-14 (approximately 376,000 individuals). This is an increase from 19 per cent the previous year. The overall long term trend on poverty has remained stable since 2002-2003, with approximately one-fifth living in relative poverty. Couples without children had the lowest risk of being in relative poverty (12 per cent). The family type with the highest proportion of individuals living in relative poverty was single females without children (30 per cent).<sup>177</sup>

25.2 The Department for Social Development statistics further illustrated that 20 per cent of working age adults were living in poverty in 2013-14, (approximately 213,000), an increase from 18 per cent the previous year; 21 per cent of pensioners (approximately 63,000) were in poverty, an increase from 20 per cent the previous year.<sup>178</sup>

25.3 Statistics also showed that 23 per cent of children were living in relative poverty in 2013-14, approximately 101,000 children. This is an increase from 20 per cent the previous year. One quarter of children living in lone parent families were living in relative poverty in 2013-14. Half of children living in workless households were living in relative poverty in 2013-14.<sup>179</sup>

25.4 The Department for Social Development statistics also reported that 23 per cent of individuals were in absolute poverty in 2013-14 (before housing costs), approximately 409,000 individuals. This figure was an increase of 3 percentage points from the previous year; in 2013-14, 24

per cent of individuals were in absolute poverty (after housing costs), representing 435,000 individuals.<sup>180</sup>

25.5 The Department for Social Development published figures on in-work poverty in February 2016. In 2012/13, approximately 190,000 people living in relative poverty were working age adults. Out of all the working age adults living in poverty, 111,000 were living in households where at least one adult was working.<sup>181</sup> The contributing factors in the rise for in-work poverty included: average wage increases below the price of goods; childcare elements of Working Tax Credit being frozen; and changes to tax credits that reduced the amount someone could earn before losing their benefits.<sup>182</sup> The report concluded that:<sup>183</sup>

As the economy starts to improve and benefit and tax changes are implemented it remains to be seen whether the numbers in work and living in households experiencing poverty will reduce.

25.6 According to a report published by the Institute for Fiscal Studies in March 2016, absolute pensioner poverty in the UK is expected to fall from 14.9 per cent in 2015-16 to 10.8 per cent in 2020-2021 due to increased participation in the labour market, private pension income growth and state pension rises in line with earnings. However, absolute child poverty is expected to increase from 15.1 per cent in 2015-16 to 18.3 per cent in 2020-21. The Institute for Fiscal Policy states that "this increase is driven entirely by a sharp rise in poverty among families with three or more children, which is itself the result of planned tax and benefit reforms".<sup>184</sup> Relative pensioner poverty is likely to be roughly unchanged, however relative child poverty is expected to increase from 17.8 per cent in 2015-16 to 25.7 per cent in 2020-21.<sup>185</sup>

25.7 According to the Institute for Fiscal Studies, household income inequality is expected to increase between 2015-16 and 2020-21.<sup>186</sup> A quarter of this projected increase is attributable to tax and social security reforms, three quarters is largely due to earnings growing in real terms, which will outpace price indexed benefits.<sup>187</sup>

25.8 According to a report published by the Joseph Rowntree Foundation in March 2016, the composition of those living in poverty has changed over the last five years as there are more working age adults, particularly young people, more private renters and fewer pensioners in poverty.<sup>188</sup> NI has not experienced the same employment performance as in GB. The overall employment rate in NI (68 per cent) is five percentage points lower than in GB (73 per cent) and average weekly pay is lower in NI than a decade ago, after inflation.<sup>189</sup>

## **Strategies aimed at Tackling Poverty**

26.1 The NIHRC previously advised the Committee that the High Court in NI ruled in June 2015 that the NI Executive failed to adopt an identifiable

anti-poverty strategy based on objective need, meeting its obligations under Section 28E of the NI Act 1998. An anti-poverty strategy remains outstanding and work is ongoing by the Office of the First Minister and the Deputy First Minister to develop an anti-poverty strategy based on objective need.

26.2 The Joseph Rowntree Foundation noted in its 2016 report that thinking around poverty in NI is dominated by one short term development (the Welfare Reform Mitigations Package) and one longer term development (the Executive must now develop an anti-poverty strategy). The Joseph Rowntree Foundation concluded that the strategy needs to face up to the potential problems caused by welfare reform as well as the changing composition of the poverty landscape, where there are more young people, private renters and working families in low income.<sup>190</sup>

26.3 The UK Government amended the Child Poverty Act 2010 which will now be called the Life Chances Act 2010. This legislation changed child poverty measures which may have implications for the Child Poverty Strategy in NI.<sup>191</sup> The Government proposed that targets related to relative income, combined low income and material deprivation, absolute low income and persistent poverty would all be repealed. The Child Poverty Action Group argued:<sup>192</sup>

these proposed reporting requirements are not measures of poverty; they are supplements to it ... Any measure that is not sensitive to changes in income cannot be regarded as a robust measurement of poverty.

26.4 The House of Lords voted against the Government's proposals, voting for an amendment which would require the Government to report to Parliament based on existing child poverty measures.<sup>193</sup> The Government made an amendment to the Bill which would require the Government to publish data on children living in low income households. The Welfare Reform and Work Act 2016 has now completed legislative passage and received Royal Assent in March 2016. The 2016 Act makes provision for the Government's changes to child poverty measures.<sup>194</sup> There are a number of reports concluding that the target to eliminate child poverty by 2020 is unlikely to be reached and in fact child poverty is likely to increase by 2020.<sup>195</sup>

26.5 The revised NI Child Poverty Strategy and Child Poverty Strategy Annual report for 2014/15 were both published in March 2016.<sup>196</sup> The strategy adopts an outcomes based approach. The strategy sets out the indicators that will be used to measure its achievements, including two headline indicators, which are two of the measures set out in the Child Poverty Act 2010, absolute child poverty and relative child poverty. In addition, the strategy also contains four outcomes: that families experience well being; that children in poverty learn and achieve; are

healthy; and live in safe, secure and stable environments. For each of these outcomes, three further population indicators will be used to measure achievements. For example, in relation to the outcome that families will experience well being, the population indicators are: combined low income and material deprivation, the proportion of children living in workless households and the percentage of all households with children where at least one adult is in work and the household is in poverty.<sup>197</sup> The NI Executive states that “the strategy and its action plan deals with the current situation and will be reviewed and revised, as necessary, on an ongoing basis.”<sup>198</sup>

**The Committee may wish to recommend that the State party:**

- **prioritises the publication of the Anti-poverty strategy based on objective need in NI; and**
- **ask for an analysis for eradication of Child Poverty in NI against the targets set by the UK Government to eliminate Child Poverty by 2020.**

### **Human Rights, Fiscal Policy and Poverty**

27.1 The NIHRC notes that there has been emerging human rights discourse around the importance of embedding human rights in fiscal policy.<sup>199</sup> A report by the UN Special Rapporteur on Extreme Poverty and Human Rights highlighted the importance of fiscal policy, in particular taxation as a major determinant for the enjoyment of human rights.<sup>200</sup> The UN Special Rapporteur explained the scope of obligations relevant to revenue raising and stated:<sup>201</sup>

although non-tax revenues are also important for most States, taxation is the primary source of public resource generation, besides being also the most sustainable and predictable source of financing for the provision of public goods and services.

27.2 The UN Special Rapporteur calls on States to realise the full potential of tax collection as a tool to generate revenue for the fulfilment of human rights obligations to redress discrimination and inequalities. Furthermore, human rights principles such as participation, transparency, accountability and non-discrimination should be embedded in the revenue raising cycle.<sup>202</sup>

27.3 The UN Special Rapporteur also focuses on the issue of tax abuse, emphasising that it “is not a victimless practice: it limits resources that could be spent on reducing poverty and realising human rights”.<sup>203</sup> In addition, the UN Rapporteur concludes that States which do not take strong measures against tax abuses cannot be said to be ensuring that maximum available resources are dedicated to the realisation of economic, social and cultural rights.

27.4 The NIHRC's previous submission advised the Committee that the UK's budget in 2015 contained a number of commitments to tackle tax evasion and avoidance.

27.5 In January 2016, the Tax Justice Network wrote to the European Commission, requesting that the Commission initiate an investigation into administrative measures taken by the UK Government to selectively lower the tax rate of companies operating within its jurisdiction.

27.6 The NIHRC advises the Committee that over 90 per cent of NI's expenditure is funded by the Block Grant which is provided by the UK Government from UK wide revenues.<sup>204</sup> At present, major taxes such as income tax remain within the purview of Westminster and NI has limited fiscal variation, although the Regional Rate and Air Passenger Duty direct long haul are devolved forms of taxation.<sup>205</sup>

27.7 There have been some developments in relation to fiscal devolution in NI. Westminster legislation was passed in 2015 to devolve Corporation Tax powers to the NI Assembly.<sup>206</sup> The Fresh Start Agreement contained a commitment the NI Executive to a commencement date of April 2018 and a tax rate of 12.5 per cent.<sup>207</sup> The current rate paid by businesses is 20 per cent.<sup>208</sup> A cut in Corporation Tax would mean less revenue for the Treasury and estimates are that £200-300m could be taken from the Block Grant.<sup>209</sup> This estimate may change as the UK Government has announced a reduction in the rate of Corporation Tax across the UK to 17 per cent by 2020.<sup>210</sup> The argument for reducing Corporation Tax is that it would stimulate investment that would ultimately create net benefits.<sup>211</sup>

27.8 In 2013, the UK Government and NI Executive agreed in an economic pact that devolution of further tax powers might have the potential to enable politicians to respond in a more tailored way to the economic and social challenges faced in NI and committed to examining the potential for devolving specific additional fiscal powers.<sup>212</sup> The pact was later reflected in the Stormont House Agreement, which highlighted that the Executive is examining a range of new taxes. The Agreement contained a commitment for the Government to consider additional fiscal devolution for NI including Aggregates Levy, Stamp Duty Land Tax and Landfill Tax. The Committee for Finance and Personnel recommended at the end of the Assembly session, that the incoming committee consider follow up work by the Department of Finance and Personnel arising from the economic pact to consider the potential to devolve additional fiscal powers beyond Corporation Tax in the next assembly mandate.<sup>213</sup>

**The Committee may wish to recommend that the State party:**

- **reviews measures and intensifies action to ensure that corporations pay their tax liabilities. This will assist the State party in meeting its obligations to dedicate maximum**

**available resources to the realisation of economic and social rights.**

- **Ensures that any discussions in relation to devolution of additional fiscal powers in NI are grounded in human rights principles with an emphasis on poverty reduction and progressive realisation of economic and social rights.**

## **Food Banks**

28.1 Recent figures published by the Trussell Trust in April 2016 showed that 25,755 emergency food parcels were given to people in crisis in 2015/16, including 11,155 children. This is a 48 per cent increase from the 2014/15 figure of 17,425 food parcels.<sup>214</sup>

28.2 The Department for Social Development published research in 2015 which considered why people were using food banks in NI.<sup>215</sup> For food banks who provided available figures, the largest number of users were single people, followed by families and thirdly, lone parents.<sup>216</sup> Many of the food banks surveyed in the research documented low income as the main reason people are referred. This can include people who are working and on minimum wage or zero hours contracts. Food bank staff surveyed in the Department for Social Development research also highlighted the general increased cost of living and lack of salary rises.<sup>217</sup>

28.3 Delays in payments of social security entitlements and changes to social security entitlements were also highlighted as common reasons for using food banks, as well as refusal of crisis loans.<sup>218</sup> Three quarters of survey respondents said they were unemployed and 89 per cent of these respondents were on social security benefits.<sup>219</sup> Mental health was also cited as a common reason, including: inability to budget, addiction problems, and social phobia.<sup>220</sup>

28.4 In terms of the pattern of use, the Department of Social Development research showed that many clients tended to use the food banks only once with most people using them no more than a few times.<sup>221</sup> Of the 74 per cent of respondents who had used a food bank more than once, 46 per cent said they had used it 2-3 times in the last year; over a quarter (26 per cent) said they had been to a food bank 4-5 times; and 12 per cent said they had used it more than five times in the last year.<sup>222</sup>

28.5 The Report of the Welfare Reform Mitigation Working Group acknowledged the need to address food poverty beyond the use of food banks. The working group highlighted that other strategies were developing and highlighted examples such as community food shops, social stores and supermarket community initiatives.<sup>223</sup> The working group recommended that support be given to projects that meet a number of criteria, including respect for dignity of recipients, promoting employability of those delivering help, providing nutritious food and

meeting the needs of children who qualify for free school meals in term-time, during school holidays.<sup>224</sup>

28.6 The NIHRC notes a parallel concern raised by the Committee on Economic, Social and Cultural Rights in respect of Canada in March 2016 regarding increased reliance on food banks, particularly in Northern Canada.<sup>225</sup> The Committee called on Canada to take effective measures to implement the recommendations of the 2012 report of UN Special Rapporteur on the Right to Food. The UN Special Rapporteur recommended that Canada revise social assistance levels to correspond to the basic necessities required to enjoy the human right to an adequate standard of living and setting the minimum wage as a living wage.<sup>226</sup>

#### **The Committee may wish to recommend that the State party:**

- **takes action to improve access to affordable food by supporting projects in NI tackling this issue;**
- **ensures that social assistance levels correspond to meeting the basic necessities required to enjoy the human right to an adequate standard of living in NI.**

### **Social assistance for Asylum Seekers, Refugees and Migrants**

#### **Changes to asylum Support**

29.1 Individuals who claim asylum are not permitted to work while they are waiting on their claim being processed, but can access asylum support under section 95 of the Immigration and Asylum Act 1999. In July 2015, the UK government brought in regulations introducing a flat rate in asylum support. From August 2015, the standard rate is now £36.95 per week provided to each supported person of all ages.<sup>227</sup> This cash amount is in addition to free accommodation and free medical care; dental care and free education for children from age 5 to age 17. Under the new system:

- a single parent with 1 child will receive £73.90 as opposed to £96.90 in the previous system;
- a single parent with two children will receive £110.85 as opposed to £149.86 under the previous system;
- a couple with one child will receive £110.85 as opposed to £125.48 under the previous system; and
- a couple with two children will receive £147.80 as opposed to £178.44 under the previous system.<sup>228</sup>

29.2 The Refugee Council has called on the government to abandon the planned cuts until it had commissioned an independent review into the fairness of current support levels.<sup>229</sup> The Children's Society also highlight that the introduction of a flat rate will have a direct impact on children, pushing families further into poverty. They argued that in some cases, families on asylum support are getting just half of what they would get

in the mainstream system and the cuts will push families onto income rates 60 per cent below the poverty line.<sup>230</sup> The Children's Society has called for a reversal to proposed cuts to section 95 asylum support to ensure that children within the asylum support system are able to meet their essential living needs. The Children's Society has also called for the application of a cost of living rise to asylum support rates so that they reflect at least 70 per cent of mainstream social security support rates and increase this in line with inflation annually.

29.3 The NIHRC further advises that the UK Home Office consulted on proposals to reform existing support to failed asylum seeker and other "illegal migrants" in August 2015. The proposals included:

- Repealing section 4(1) of the Immigration and Asylum Act, which provides support to those on temporary admission, and those temporarily or otherwise released from immigration detention. Section 95 support will be available for those who are destitute;
- Closing off section 4(2) support for failed asylum seekers who make no effort to leave the UK at the point that their asylum claim is rejected. Support would continue to be available to those whose claim had finally been rejected but could not be expected to avoid destitution by leaving the UK because they had lodged with the Home Office further submissions that were outstanding;
- Changing section 95 support arrangements so that those who have a dependent child or children with them when their asylum claim is refused and any appeal is finally rejected are no longer classed as "asylum seekers" for the purposes of eligibility for support;
- Transfer of onus from Home Office to those in receipt of state support to make the application before the 28 day grace period expired and to demonstrate why they could not leave the UK and that they would in their circumstances be destitute.<sup>231</sup>

29.4 These proposals have been taken forward in the Immigration Bill. The NIHRC prepared a briefing for the House of Lords stage of the legislative process, outlining the concerns that the proposals are retrogressive concerning the enjoyment of the right to an adequate standard of living and the right to social security. Furthermore, the removal of section 95 support for failed asylum seekers with dependents and putting the onus on parents and guardians to demonstrate after a grace period, why they cannot leave the UK and would otherwise become destitute before support can be continued, is contrary to the UNCRC best interests of the child principle. Finally, the proposed safeguards to extend the grace period to 28 days and the possibility of an extension on application by the claimant if there is a practical obstacle preventing the family's departure from the UK may not be sufficient to meet human rights requirements.<sup>232</sup>

**The Committee may wish to ask the State party:**

- **how it will ensure that the proposed changes to the law concerning failed asylum seekers and irregular migrants do not, as a consequence, lead to individuals falling into destitution;**
- **to ensure there is not retrogression in social assistance levels given cost of living increases.**

## **The Crisis Fund**

30.1 The NIHRC previously advised the Committee that the Office of the First Minister and the Deputy First Minister provided social assistance known as the Crisis Fund to support migrants who lacked a support network including vulnerable migrants (EU and non-EU nationals), destitute refugees and asylum seekers and other identifiable vulnerable groups such as Roma.<sup>233</sup> The fund stemmed from the recognition that many migrants and others were not entitled to social security and other support in a wide range of circumstances.

30.2 The 2014/15 Crisis Fund, administered by the British Red Cross in NI paid £36,621 through over 980 interventions covering 930 people, including dependants.<sup>234</sup> Women's Aid Federation NI distributed £3,625 through eight of its local groups. The funds supported 23 women and their children and the financial support was used to provide food, heat and essential clothing.<sup>235</sup>

30.3 The 2015/16 Fund became active again in early 2016 with a budget of £100,000, and continues to be administered by the Red Cross.<sup>236</sup> The Crisis Fund is not a long-term fund but it was hoped that it could become a permanent fixture in NI.<sup>237</sup> The Red Cross has continued to provide support when the fund is not accessible. From 1 Jan to 31 Dec 2015, 877 people were recorded as presenting to Refugee Support (made up of 441 individual service users and 436 dependents). Of the 877 people, 768 received support related to destitution (made up of 387 individual service users and 381 dependents).<sup>238</sup>

### **The Committee may wish to recommend to the State party:**

- **that the Crisis Fund is continued on a more permanent basis in NI;**
- **that the UK Government and NI Executive addresses the causes of destitution in the first instance, rather than rely on a discretionary fund to address destitution when it emerges.**

## **Housing in NI**

### **Homelessness statistics in NI**

31.1 In 2014/15, 19,621 households presented as homeless to the Northern Ireland Housing Executive an increase of 4 per cent (759) from

the previous year.<sup>239</sup> The most common reasons for presenting to the Northern Ireland Housing Executive included: sharing breakdown or family dispute (3,891) and accommodation not being reasonable (3,663). These are the most common reasons provided since 2008-09.<sup>240</sup>

31.2 The household types with the highest number of homeless presenters in 2014/15 included single males (35 per cent) and families (32 per cent).<sup>241</sup> Of the 19,621 households presenting as homeless in 2014/15, 11,016 (56 per cent) were accepted as Full Duty Applicants (FDAs) and 6,797 were rejected. Of households accepted as FDAs, 3,568 were dealt with in 2014/15.<sup>242</sup>

31.3 Research has shown that the rates for statutory homeless acceptances are higher in NI than anywhere elsewhere in the UK. In 2012/13, statutory acceptances per 1,000 households in NI ran at 13.4 per cent compared to 11.8 per cent in Scotland, in Wales, 4.2 per cent and 2.3 per cent in England.<sup>243</sup>

### **Changes related to Local Housing Allowance and the Private Rented Sector**

32.1 Changes to social security housing benefit announced in 2010 affected Local Housing Allowance (LHA) rates, so that rates were changed from the median rates to the 30<sup>th</sup> percentile of local rents.<sup>244</sup> This means that in each specific departmental market area, if there were 100 properties available for letting at the appropriate size, the LHA would be based on the 30<sup>th</sup> lowest rent of these properties and assistance is capped to no more than this level.<sup>245</sup> Research published in 2014 indicated that landlords felt that rent arrears had increased. Furthermore, whilst this research found that there was no widespread evidence of tenant displacement or landlord exodus from the sector, the LHA measures would have ongoing impact over the years as other welfare reform measures are phased in.<sup>246</sup>

32.2 Housing Rights highlighted in its submission to the Review on the Private Rented Sector that 57 per cent of private rented sector tenants are currently in receipt of social security benefits and with changes to benefits and rising rents, there potentially are significant affordability concerns.<sup>247</sup> Housing Rights emphasised the importance of Discretionary Housing Payments to meet the shortfall between housing benefit and accommodation costs and although it was outside the remit of the review, called for the updating of DHP guidance as a matter of priority to ensure that DHP are targeted at those most in need.<sup>248</sup>

**The Committee may wish to recommend the State party updates guidance as a priority on Discretionary Housing Payments to ensure payments are targeted at those most in need in NI.**

## **Security of Tenure in the Private Rented Sector**

33.1 In Northern Ireland, the default term for a tenancy in the private rented sector is six months.<sup>249</sup> In 2014, the Private Tenants' Forum published an Agenda for Action, making a number of recommendations to be considered by policymakers to improve the private rented sector. One of the recommendations was for greater security of tenure. The Forum noted that many tenants would welcome greater security of tenure, particularly those with children and who want to set roots down in the community. The Forum recommended that landlords should offer greater security of tenure after a probationary period had been completed.<sup>250</sup> Housing Rights also noted that private rented housing is often the long term option for many unable to afford their own home or have their need met in the social housing sector.<sup>251</sup>

33.2 The Department for Social Development consulted on its discussion document on the review of the Private Rented Sector in November 2015 and sought views on whether longer term tenancies would be a good idea. The consultation closed in February 2016. A number of organisations welcomed the option of longer terms tenancies.<sup>252</sup> The Department for Social Development published a summary of responses to the discussion paper which reported that 71 per cent of respondents agreed that longer terms tenancies were a good thing.<sup>253</sup>

**The Committee may wish to recommend that the State party publishes firm proposals to ensure greater security of tenure in the private rented sector in NI for those whose circumstances require it, given that many use the private rented sector as a long term housing option.**

## **Fitness Standard in Housing**

34.1 Figures obtained from Housing Rights show that a significant amount of queries to its advice line related to disrepair and unfitness issues. Housing Rights' figures indicate that the highest number of calls emanated from private rented tenants. In 2014/15, 81 per cent of calls came from private rented sector tenants, 15 per cent from social rented tenants and 4 per cent were owner-occupier.<sup>254</sup>

34.2 The current fitness standard is contained within the Housing (NI) Order 1981. A house is fit for human habitation if it is:<sup>255</sup>

- structurally stable;
- free from serious disrepair;
- free from dampness prejudicial to the health of occupants;
- has adequate provision for lighting, heating and ventilation;
- has an adequate supply of piped wholesome water;
- there are satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water;

- it has a suitably located water-closet for the exclusive use of the occupants (if any);
- it has, for the exclusive use of the occupants (if any), a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water; and
- it has an effective system for the draining of foul, waste and surface water.

34.3 Weaknesses have been identified in the current fitness standard. One weakness is that there is a very low threshold for finding that a property meets the fitness standard. For example, a common complaint is a lack of heating. However, under the current standard having access to an electrical socket is sufficient to meet the standard for an adequate provision of heating. Furthermore, it does not take account of thermal comfort i.e. lack of a heating system will not mean that a property fails the fitness test.<sup>256</sup> The Housing Health and Safety Rating System (HHSRS), used in England, Wales and the USA has been suggested as the best model for incorporation in NI. It has a link to enhancing the well being of occupants as well as addressing unfitness and disrepair issues.<sup>257</sup>

34.4 The NI Housing Strategy Action Plan contains an action to review the fitness standard across all tenures. An update on the action plan published in September 2015 indicated that this action is broadly on track for achievement. According to the update, preliminary discussions with key stakeholders have now been completed and the policy is being developed for consultation. A discussion paper on the future of the standard has been circulated for comment with the period of responses running to 10 June 2016. The Department for Social Development are also in the process of commissioning an economic appraisal on the options for change identified to determine cost implications.<sup>258</sup>

**The Committee may wish to ask whether the Housing Health and Safety Rating System will be incorporated in NI as part of the outcome of the review of the fitness standard.**

### **Homelessness and complex needs**

35.1 Five homeless persons have died on the street in Belfast in early 2016.<sup>259</sup> The Social Development Committee of the NI Assembly were informed that some of these individuals were to varying degrees users of homelessness services.<sup>260</sup>

35.2 Significant investment has been given in recent years to the delivery of homelessness services. For example, in Belfast, there has been an investment of £13m to deliver homelessness services.<sup>261</sup> It has been highlighted to the Social Development Committee at the Northern Ireland Assembly that there are a small number of rough sleepers. The issue is much more than housing, as some of these people that present to services have a range of complex needs, including mental health,

addiction to alcohol or drugs, including psychoactive substances, dual diagnosis and personality disorder. Pathways into services can be complex, difficult to access and a person may have to reach a critical stage before intervention. Suggestions to tackle the issue made by practitioners working in organisations dealing with homelessness included: a need for housing solutions with wraparound support, detox facilities for homeless people, and delivery of specialist support at the point of contact.<sup>262</sup>

35.3 A Ministerial High-Level Group has recently been established, comprising the Ministers for Social Development, Health and Justice in response to the developments. The Committee for Social Development has called for a holistic approach to support the homeless and rough sleepers. The Social Development Committee welcomed the establishment of the Ministerial High Level Group and stated: <sup>263</sup>

It is our sincere hope that this will provide a genuine opportunity to develop new proposals and practical action plans to enhance collaboration and co-ordination between the Departments and to ultimately deliver a better service to the homeless here.<sup>264</sup>

**The Committee may wish to recommend that the State party ensures there is an increased emphasis on a joint delivery of services to address homelessness in relation to persons with complex needs including physical and mental health issues as well as substance abuse in NI.**

### **Lack of Refuge Places**

36.1 Women's Aid Federation NI has reported a lack of bed places in refuges, reporting that 439 women were unable to access refuge services in their area because there were no beds available to them. This presented a 9 per cent increase from the previous year's figure of 402 women. A small number of these women were accommodated in Women's Aid refuges in other parts of Northern Ireland, but according to Women's Aid Federation NI, due to the extremely high demand, many women were unable to access refuge services.<sup>265</sup>

**The Committee may wish to recommend that the State party ensures the necessary resources to ensure adequate refuge places are available for victims escaping domestic violence.**

### **Supply and Demand in Housing**

37.1 At March 2015, the total number of applicants on the social housing waiting list was 39,338. Of these applicants, 22,097 were in housing stress, where they had 30 or more points under the Common Selection Scheme. The number of properties allocated by the Northern Ireland Housing Executive and Housing Associations to applicants on the waiting list who were not already social housing tenants was 8,129 in 2014-15.

There were 2,763 allocations made by the Northern Ireland Housing Executive and Housing Associations to tenants who had applied for a transfer from an existing tenancy.<sup>266</sup>

37.2 There is an overall requirement of 190,000 new dwellings required in Northern Ireland between 2008 and 2025, an annual figure of 11,200.<sup>267</sup> The Programme for Government 2011-2015 contained a commitment to build 8,000 social and affordable homes.<sup>268</sup> An annual target of 2,000 new social dwellings is required for the next five years to address the cumulative backlog in the waiting list, as well as take into account the lower rate of private sector new build over the next 3-5 year period.<sup>269</sup> The Social Housing Development Programme target for 2015/16 is to deliver 1,500 social homes (with aspiration to deliver 2000) with the remainder to be developed as affordable and private market housing.<sup>270</sup> According to the Northern Ireland Housing Executive, there are a range of conditions impacting on meeting the demand for social housing, stating:<sup>271</sup>

Reduced funding for the Social Housing Development Programme, planning constraints and difficulties in securing land and support for local communities in appropriate locations will combine to create a challenging environment as the Housing Executive and Housing Associations work in partnership towards a target of starting 1,500 new dwellings in 2015/16.

37.3 The Department of Social Development Housing Strategy "Facing the Future" 2012-17 committed to ensuring access to decent affordable sustainable homes across all tenures and meet housing need and support the most vulnerable.<sup>272</sup> The Housing Supply Forum was established as a result of the NI Housing strategy with a view to identifying ways of helping to increase housing supply in NI.<sup>273</sup>

37.4 The Forum published its report in January 2016, concluding that there were not enough homes being constructed in NI to meet demand.<sup>274</sup> The Forum made a number of recommendations, including issues such as: the completion of a mapping exercise, assessing demand and availability; and increased support and encouragement from Government for joint ventures between Housing Associations and private developers. It also recommended that powers be made available to the new local councils to enable sites to be developed for the benefit of the whole community and to ensure appropriate delivery of housing need.<sup>275</sup>

37.5 The Department for Social Development is now considering the recommendations in the Forum's final report, however not all solutions fall within the gift of the Government alone to deliver but will require active participation from the private sector.<sup>276</sup>

**The Committee may wish to:**

- **take note of the recommendations of the Housing Supply Forum in NI and ask for an update on the implementation of these recommendations;**
- **recommend that the State party takes concerted action to increase housing supply to meet demand in NI within a reasonable and specified timeframe.**

## **Mortgages and Repossessions**

38.1 The most common reason for repossession cases is arrears in mortgage repayments.<sup>277</sup> There were 241 mortgage cases received by the courts during the last quarter of 2015 (writs and originating summonses issued), a 58 per cent decrease from the same period in 2014 (579). This is the lowest volume of cases received during the October to December quarter since the time series began in 2007. There were 260 mortgage cases disposed of between October to December 2015, a 54 per cent decrease from the same period in 2014 (561) and the lowest number of mortgage cases disposed during this quarter since the time series began in 2007. There were 264 orders made between October to December 2015, a 54 per cent decrease from the same period in 2014 (569).<sup>278</sup>

38.2 Whilst the number facing possession proceedings appear to be falling in NI, this may be an artificial picture as the Council for Mortgage Lenders caveats that a legal case has somewhat distorted repossessions in 2015, causing some possession actions to be put on hold as lenders wait for uncertainty to be resolved.<sup>279</sup> A group of Bank of Scotland mortgage holders won their High Court Case in Belfast over a problem relating to how the lender was dealing with their mortgage arrears.<sup>280</sup>

38.3 The Housing Repossession Taskforce was established by the Department for Social Development in 2014 to investigate the impact of arrears repayment, repossessions and negative equity in NI. The Taskforce found:<sup>281</sup>

While affordability problems or the risk of repossession may be familiar to many households in Great Britain, the magnitude of the crash in Northern Ireland fundamentally distinguishes the region from the aggregate UK picture. As a result of the heavier impact there is a bigger proportion of households with problem debt and at risk of repossession in Northern Ireland than in other parts of the UK.

38.4 The Taskforce made a number of recommendations to the Department for Social Development, including: resourcing mortgage debt advice to meet demand; and commissioning a feasibility study into a mortgage rescue scheme.<sup>282</sup> Other recommendations included that the UK Treasury continues to fund support for mortgage interest into the next budgetary period.<sup>283</sup> Further recommendations included: the monitoring of development of the Mortgage Pre-Action Protocol in England to

consider whether any further modifications were required in NI; and continued funding for the Housing Possession Court Duty Scheme.<sup>284</sup>

38.5 Officials from the Department for Social Development informed the Social Development Committee in February 2016 that significant progress has been made on a number of the recommendations.<sup>285</sup> Funding for the Mortgage Debt Advice Service has been increased by 50 per cent to £340,000 a year. The Department for Social Development undertook a study with the Behavioural Insights team regarding early engagement and the report has been published. The Minister for Justice agreed to fund the Court Duty Possession Scheme until 2018. The Judiciary has indicated they are progressing on reviewing the Pre-Action protocol in NI.<sup>286</sup> The Department for Social Development also reported that after a campaign, early engagement with lenders has remained elusive and the Behavioural Insights Team is working on a second phase of work.<sup>287</sup>

38.6 Mortgage Rescue Schemes have operated in England, Wales and Scotland to support households facing repossession.<sup>288</sup> According to the Taskforce, the experience in Scotland has shown the scheme to be an effective last resort for the most vulnerable homeowners.<sup>289</sup> The Northern Ireland Federation of Housing Associations was commissioned by the Department for Social Development to conduct a feasibility study on a Mortgage Rescue Scheme for NI, which has been completed and concluded that a scheme was feasible in NI and would cost around £5-6m a year. A business case has been prepared for the Department of Finance and Personnel.<sup>290</sup>

38.7 Support for Mortgage Interest (SMI) is a means of financial support for struggling homeowners in NI.<sup>291</sup> During the recession, the waiting time for SMI was reduced from 39 weeks to 13 weeks. The UK Summer Budget in 2015 announced that from April 2016 SMI would return to the pre-recession length of 39 weeks waiting time and from April 2018, new SMI payments would be made as loans.<sup>292</sup> Concerns have been raised by Housing Rights in respect of the proposals given that early access to SMI, alongside specialist support and advice is critical for keeping people in their homes.<sup>293</sup>

**The Committee may wish to take note of the recommendations of the Mortgage Repossession Taskforce report and ask the State party:**

- **for an update on implementation of recommendations;**
- **what plans there are to introduce a Mortgage Rescue Scheme in NI;**
- **given the higher proportion of people in debt and at risk of repossession in NI compared to the rest of the UK, what action will be taken in respect of waiting times for Support for Mortgage Interest in NI and if changes are made, how will the impact be monitored.**

## **Equality Impact Assessments and Equality Data**

39.1 The NIHRC recently advised the Committee that in May 2014, the Equality Commission for Northern Ireland initiated an investigation into the Department for Social Development arising from concerns that a number of housing policies were being taken forward without fulfilling the commitment to screen and where appropriate, equality impact assess policies.<sup>294</sup> Relevant policies included (1) "Facing the Future: Housing Strategy for Northern Ireland 2012-17"; (2) Facing the Future: Housing Strategy for Northern Ireland Action Plan 2012-17"; (3) Housing Strategy Action Point 33: Social Reform Programme; and (4) Housing Strategy Action Point 25 "Building Successful Communities."<sup>295</sup>

39.2 The Equality Commission for Northern Ireland concluded that the Department for Social Development failed to comply with its equality commitment with respect to two policies, namely "Facing the Future: Housing Strategy for Northern Ireland 2012-17" and "Building Successful Communities."<sup>296</sup> A number of recommendations were addressed to the Department for Social Development, including: fully complying with Equality Scheme commitments to screen and where appropriate conduct equality impact assessments (EQIA) in respect of ongoing development and implementation of revised housing policies; timely consideration of high level strategies; robust screening and equality impact assessments as part of development process; and that the department report to the Equality Commission for Northern Ireland within nine months of receipt of investigation report with regards to compliance with recommendations.<sup>297</sup>

39.3 The Equality Commission for Northern Ireland concluded in a Statement on Key Inequalities in Housing in 2016 that, despite monitoring guidance for public authorities, there is a lack of robust housing and communities data relating to a number of equality groups including: Transgender people; people's political opinion; asylum seekers and refugees; minority ethnic groups; LGB people and those without dependents. The Equality Commission for Northern Ireland emphasised that the lack of such data could impact on assessing and monitoring inequalities and monitoring and evaluating actions taken by Government Departments to address these inequalities.<sup>298</sup>

### **The Committee may also wish to recommend that the State party:**

- **reports on implementation of the recommendations of the investigation and on compliance with Equality Scheme commitments in respect of housing policies in NI in the next periodic report;**
- **collects robust equality data to assess and monitor inequalities in housing and to allow for evaluation of Government Department actions to address inequalities in NI.**

## **Segregated and shared housing**

40.1 The NIHRC has advised the Committee in 2015 that due to the particular circumstances of Northern Ireland, a high percentage of social housing stock is segregated, particularly in more urban areas. Research published by the Northern Ireland Housing Executive in 2009 reported that based on the 2001 census, 91 per cent of social housing in Belfast Northern Ireland Housing Executive estates were highly polarised, defined as having more than 80 per cent of one community or less than 20 per cent of one community in an estate.<sup>299</sup>

40.2 Shuttleworth and Lloyd in 2009 reported that “holdings in Belfast District Council area appear to be more segregated, in the sense of greater population unevenness between estates than those in other district council areas when combined together”.<sup>300</sup> In 2014, the Peace Monitoring Report reported that data from 582 local government wards in the 2011 census indicated over the preceding decade there was a steep decline in the proportion of single identity wards from 55 per cent to 37 per cent. Furthermore, in line with the growth of the Catholic population, there was a change in 28 wards to a Catholic majority, with none going the other way.<sup>301</sup>

40.3 Recent research commissioned by the Equality Commission for Northern Ireland notes that the situation is complex as spatial segregation declined from the period 2001 to 2011 when a growing middle ground was observed, i.e some people who may have identified as no religion, may have previously identified as Protestant in 2001.<sup>302</sup> This may have exaggerated Protestant decline in some wards and international migration may have bolstered the Catholic population in some formerly wholly Protestant wards.<sup>303</sup>

40.4 One of the key priorities under the Together Building a United Community Strategy (TBUC) is the creation of new shared communities as the NI Life and Times Survey indicates that 82 per cent of respondents would prefer to live in a mixed neighbourhood and 87 per cent believe that better relations will come about through more mixing. Two of the commitments under TBUC are the creation of ten new “Shared Neighbourhood Developments”; and conducting a review of housing to bring forward recommendations on how to enhance shared neighbourhoods.<sup>304</sup>

40.5 In February 2016, the Northern Ireland Housing Executive formally launched its Community Cohesion Strategy 2015-20 which is delivered across five themes including: segregation/integration; race relations; communities in transition; interface areas; flags, emblems and sectional symbols.<sup>305</sup>

40.6 In relation to residential segregation and integration, the strategy contains a number of actions including: supporting research into

segregated and shared housing including updating the Mapping Segregation report; facilitating and encouraging mixed housing schemes in the social and affordable sector; and work with Office of the First Minister and the Deputy First Minister, the Department for Social Development, Housing Associations and others to bring proposals forward for ten Shared Future capital build projects of mixed housing schemes in the medium term.<sup>306</sup>

40.7 The strategy also commits to developing programmes of action to address issues of residential segregation and integration across three years, as well as developing legacy programmes targeting young champions in neighbourhoods.<sup>307</sup> The NIHRC understands that at the time of writing, five shared housing schemes were currently on site and the remaining five have been selected and are due to commence in the coming year, thus achieving the TBUC target which was not time bound.<sup>308</sup> There are 484 units in total.<sup>309</sup>

40.8 Recent research commissioned by the Equality Commission for Northern Ireland on Housing and Communities' Inequalities in Northern Ireland concluded that in using data for all of Northern Ireland, Catholic households waited longer than Protestant households to be allocated proportionately fewer homes, despite comprising a greater proportion of the waiting list and a greater proportion of applicants in housing stress.<sup>310</sup>

**The Committee may wish to note the policy developments in relation to residential segregation and integration in NI. The Committee may wish to recommend that the State party proactively concentrates efforts to promote the development of shared social housing within a clear timeframe to improve community relations in NI.**

### **Traveller Accommodation**

41.1 The NIHRC advised the Committee in September 2015 that there was an undersupply of appropriate accommodation for Travellers in Northern Ireland. An analysis conducted by the Northern Ireland Housing Executive showed a gross need for 18 units of grouped accommodation, 28 serviced site pitches, two transit site pitches, 51 units of social housing and 13 units of other accommodation forms.<sup>311</sup>

### **Site licences and planning permission**

42.1 The NIHRC advised the Committee that there are a number of barriers impeding the supply of appropriate accommodation for Travellers in NI relating to planning permission and obtaining site licences in NI. The NIHRC reported a legislative anomaly in NI which can create practical difficulties in ensuring adequate site provision as the Northern Ireland Housing Executive is required to obtain site licences from local councils.<sup>312</sup> The NIHRC previously called for an amendment to be made to the relevant legislation in 2011, however no amendment was made and the

position remains that the Northern Ireland Housing Executive is required to obtain site licences.<sup>313</sup> The NIHRC understands that one application to Craigavon Borough Council has been made for a licence, however this has not yet been granted.<sup>314</sup>

42.2 Planning permission can impede progress in providing suitable facilities for Traveller accommodation. The Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) expressed concern in 2011 on the difficulties facing Gypsies and Travellers in all regions of the UK when seeking to obtain planning permission for private sites. The Advisory Committee called for planning rules to be applied in a manner that takes into account the specific needs of Gypsies and Travellers and that does not lead to discriminatory practice.<sup>315</sup>

42.3 The NIHRC understands that since 2011, four applications for planning permission have been submitted by the Northern Ireland Housing Executive, of which three have been approved. In relation to the fourth application, the Northern Ireland Housing Executive lodged an appeal in 2015 regarding a decision by a local council to stop it building a temporary facility for Travellers on the Rathenraw site in Antrim. There is no decision as yet regarding the appeal.<sup>316</sup> The Department for Social Development have informed the NIHRC that "extensive land searches have been completed in North Belfast, Antrim and West Belfast to acquire suitable land for Traveller site provision, initially on a temporary basis in order to facilitate the search for a permanent solution."<sup>317</sup>

### **Unauthorised Encampments (NI) Order 2005**

43.1 The NIHRC has also advised the Committee that the Unauthorised Encampments (NI) Order 2005 remains in force. This legislation created a power for a police officer to direct a person to leave land and remove any vehicle or other property with him on that land. It also created an offence and a power of seizure for non-compliance with a direction. Failure to comply with a direction can result in a fine or imprisonment.<sup>318</sup> The NIHRC called for repeal of the provisions, advising that the 2005 Order actively contributed to the disadvantage faced by the Traveller community in NI and conflicted with equality and human rights legislation.<sup>319</sup>

43.2 The powers under the 2005 Order are rarely used. The Department for Social Development has reviewed the 2005 Order on an annual basis since it was commenced. Figures obtained from the Department for Social Development in October 2015 showed that over the previous two years there was a noticeable decrease in police involvement in relation to unauthorised encampments. One direction was issued during that monitoring period and on two occasions over a seven-year period was a vehicle confiscated. The Department for Social Development's view is that the Order is therefore not having an adverse impact on Irish Travellers.

43.3 The NIHRC also notes Northern Ireland Housing Executive operates a co-operation policy. This policy permits Travellers to set up an unauthorised encampment on public land for which there is no current or immediate use and permits them to occupy the land provided it does not create a public health or traffic hazard and the land is maintained in a reasonable and orderly manner.<sup>320</sup> The Northern Ireland Housing Executive emphasises that the policy is not a substitute for permanent or transit sites but is intended to act as a way of dealing with a humane requirement.<sup>321</sup> The NIHRC welcomes the policy but advises that the measures in the 2005 Order potentially have a chilling impact; these measures enable a national minority to become liable to criminal prosecution for following their traditional lifestyle in a context of inadequate site provision.<sup>322</sup>

### **Standards of Traveller accommodation**

44.1 The Equality Commission for Northern Ireland reported in February 2016, that limited access to accommodation for Irish Travellers, with lack of basic amenities is a key housing inequality in NI.<sup>323</sup> The All Ireland Traveller Health Survey in 2010 reported a considerable number of families who lived in Group Housing or sites reported a lack of footpaths, public lighting, fire hydrants and safe play areas.<sup>324</sup> A quarter of families in NI considered their place of residence to be unhealthy or very unhealthy and 29 per cent of NI families considered their place of residence unsafe.<sup>325</sup> In a submission to the Committee on the Elimination of Racial Discrimination in 2011, the Equality Commission reported that an undersupply of accommodation as well as a lack of basic amenities was central to the high levels of social exclusion and poverty experienced by Travellers.<sup>326</sup>

44.2 Concerns were raised by the Northern Ireland Council for Ethnic Minorities in 2014 noting that a lack of plumbing and washing facilities was common and that frequently there was no electricity provided and inadequate or non-existent refuse management.<sup>327</sup> Research mapping the views of Irish Travellers in 2014 found that the need for improved site provision came out strongly.<sup>328</sup>

44.3 Recommendations from both reports called for the Northern Ireland Housing Executive to comply with the Housing (NI) Order 2003 to ensure the improvement of socio-economic and basic living conditions on serviced and halting sites to guarantee access to electricity, clean water and adequate sanitation, and washing facilities in line with the right to an adequate standard of living.<sup>329</sup>

### **The Committee may wish to recommend that the State party:**

- **addresses the legislative anomaly and removes the need to obtain site licences from District Councils in NI;**

- **ensures planning rules take into account the needs of Travellers in NI;**
- **repeals the provisions of the Unauthorised Encampments (NI) Order 2005 in NI as recommended by the ICESCR Committee in 2008;**
- **complies with the Housing (NI) Order 2003 to improve basic living conditions on serviced and halting sites in NI.**

## **Article 12-The Right to Physical and Mental Health**

### **Termination of Pregnancy**

45.1 In its previous submission, the NIHRC has advised the Committee that it had initiated legal proceedings in December 2014 against the NI Department of Justice, arguing that the law on termination of pregnancy in instances of serious malformation of the foetus, including fatal foetal abnormality or pregnancy as a result of rape or incest in NI is incompatible with articles 3 (prohibition on torture, inhuman and degrading treatment), 8 (right to private, family life, home and correspondence) and article 14 (prohibition of discrimination) of the ECHR.

45.2 The High Court in NI ruled in November 2015 that the law on termination on pregnancy in NI was incompatible with Article 8 of the ECHR in cases of fatal foetal abnormality at any time and sexual crime up to the date the foetus becomes capable of an existence independent of the mother.<sup>330</sup> The High Court in December 2015 granted a Declaration of Incompatibility, which means that the onus is now on the NI Assembly to change the law in respect of termination.

45.3 The Health Minister in NI has reported that he circulated guidance on termination of pregnancy to Executive colleagues on 1 December 2015.<sup>331</sup> The guidance was published in March 2016. The guidance does not change the law in Northern Ireland or acknowledge the issues currently before the court.<sup>332</sup>

45.4 In February 2016, a number of amendments were tabled to the Justice No.2 Bill to amend the law on abortion in cases of fatal foetal abnormalities, rape and incest.<sup>333</sup> However, the Northern Ireland Assembly voted against changing the legislation, thus failing to comply with the court judgment.<sup>334</sup> The Health Minister was asked by his party to establish a working group to make recommendation on how the issue on Fatal Foetal Abnormalities can be addressed.<sup>335</sup> The Health Minister announced in March 2016 that he and the Justice Minister have agreed to proceed with creating an inter-departmental working group comprised of officials from both departments and work is ongoing to finalise the terms of reference. The Health Minister said that the working group should engage with health professionals and those affected by Fatal Foetal

Abnormality, as well as take into account the recent consultation on the proposal for legislative change.<sup>336</sup>

45.5 The Attorney General and the Justice Minister have both lodged appeals to the High Court's ruling in January 2016.<sup>337</sup> The NIHRC has also cross-appealed the decision and will introduce all of the original grounds brought before the Court.<sup>338</sup> The appeal is to take place in the Court of Appeal in June 2016.

45.6 The NIHRC notes General Comment No.22 of the UN Committee on Economic, Social and Cultural Rights on reproductive and sexual health in which the Committee has outlined State parties' core obligations to repeal or eliminate laws, policies and practices that criminalize, obstruct or undermine individual's or particular group's access to sexual and reproductive health facilities, services, goods and information.<sup>339</sup>

45.7 In March 2016, a woman who bought drugs on the internet to induce a miscarriage was given a suspended prison sentence. It was reported that she had been unable to raise the funds to travel to England for a termination.<sup>340</sup>

**The Committee may wish to recommend that the State party takes urgent action to ensure that criminal law is compliant in NI with human rights standards and that women and girls have access to termination of pregnancy in cases of Serious Foetal Malformation, including Fatal Foetal Abnormality and in cases of sexual crime such as rape and incest.**

### **Eligibility on Blood Donations**

46.1 The NIHRC has advised the Committee in its previous submission that there is currently a life time ban on blood donations from men who have sex with other men. The NIHRC also advised that in 2013 the High Court in NI ruled that the life time ban on blood donations from men who have sex with other men was irrational. Both the Department of Health, Social Services and Public Safety in NI and the UK Department of Health appealed the decision. It was reported in October 2015 that 30 men have been prevented from donating blood in clinics since 2011 after they informed staff they had sexual contact with other men.<sup>341</sup>

46.2 The NIHRC also advised the Committee that the European Court of Justice ruled in April 2015 that a permanent deferral of blood donation from men who have sex with other men may be justified having regard to the situation in the member state concerned. For example, it must be established whether those persons are at a high risk of acquiring severe infectious diseases, such as HIV and that there are no effective detection techniques or less onerous methods for ensuring a high level of health protection from recipients.<sup>342</sup>

46.3 In December 2015, the Health Minister reportedly stated that no policy decision could be taken while the Court of Appeal considered the issue. The Minister reported that he had written to the Secretary of State for Health in the UK suggesting that they ask the Advisory Committee on the Safety of Blood, Tissues and Organs (SABTO) undertake a piece of work on the current state of evidence regarding the risks for blood recipients. He stated:

I firmly believe that if such a piece of work affirms emerging evidence that blood safety has been increased in Great Britain, it would be my view that such evidence should be followed and that Northern Ireland should adopt the same policy on blood donations from MSM [men who have sex with men] as the rest of the United Kingdom.

Should the latest scientific evidence indicate that safety has increased, coupled with improvements in testing for HIV, hepatitis and other transfusion transmitted infections, I think it would be only right and proper for Northern Ireland to follow suit.<sup>343</sup>

46.4 The Court of Appeal delivered its judgment in March 2016. The Court ruled that the Health Minister in NI is the correct decision maker in respect of decisions relating to removing the lifetime ban. The Court also concluded that there was no evidence that the previous NI Health Minister's decision in this case was irrational or was predetermined by his Christian beliefs.<sup>344</sup> As a result the majority of the Court of Appeal ruled the Minister should be allowed to make a new decision and the Court would not predetermine the lawfulness of that decision.<sup>345</sup>

**The Committee may wish to recommend to the State party that the issue of eligibility of blood donations by men who have sex with other men is settled without delay in NI.**

### **Use of Electro-convulsive therapy in NI**

47.1 The BBC has reported that the number of patients in NI receiving electroconvulsive therapy (ECT) who have not given consent has risen since 2012. In 2011-12, the figure for such referrals was 36; this has increased to 55 in 2013-14, and 53 in 2014-15.<sup>346</sup>

47.2 A report by the Regulation and Quality Improvement Authority in 2014 highlighted "that Electro-convulsive therapy is considered an important and necessary form of treatment for some of the most severe psychiatric conditions and is, in many instances a life-saving treatment, particularly for patients with severe depression."<sup>347</sup> The Regulation and Quality Improvement Authority reported that a total of 159 patients received ECT from 1 April 2013 to 31 March 2014, compared with 113 in 2012/13. Overall, 67 per cent of the patients receiving ECT were female.

The percentage of persons receiving ECT on a voluntary basis and capable of giving valid consent was 66 per cent.<sup>348</sup>

47.3 This issue was not raised in the UK's National Preventative Mechanism report for 2014-15. Whilst not making reference to ECT, the report does highlight that the Regulation and Quality Improvement Authority inspection findings showed lower levels of compliance with respect to capacity and consent, individualised assessment and management of need and risk.<sup>349</sup>

**The Committee may wish to ask the State party to clarify the reasons why the use of electroconvulsive therapy without consent has increased in NI.**

### **Suicide Prevention**

48.1 Since 2012, Northern Ireland continues to have the highest suicide rate in the UK, per head of population. In 2014, there were 16.5 suicides per 100,000 population in NI, followed by Scotland (14.5 deaths per 100,000), England (10.3 deaths per 100,000) and Wales (9.2 deaths per 100,000). However, the number of suicides in Northern Ireland decreased from 303 deaths in 2013 to 268 deaths in 2014.<sup>350</sup> Provisional statistics from the Registrar General indicated that there has been an increase: there were 318 deaths in 2015 as a result of suicide, self-inflicted injury and events of undetermined intent.<sup>351</sup> Males made up 77 per cent of all suicides in Northern Ireland in 2014.

48.2 The Minister of Health Social Services and Public Safety has committed to prioritising funding for suicide prevention services such as community-based intervention, Lifeline, training and awareness raising, and bereavement support.<sup>352</sup> Over £7m is allocated annually to suicide prevention by the Department of Health, Social Services and Public Safety in NI.<sup>353</sup>

48.3 A new suicide prevention strategy is at an advanced stage of development and is in the process of being finalised.<sup>354</sup> In response to an Assembly question on when the new suicide prevention strategy will be implemented, the Minister of Health, Social Services and Public Safety stated:<sup>355</sup>

Pre-consultation on the new strategy has been completed and has helped to shape the further refinement of the draft strategy. Work has now started on the development of a "costed" implementation plan. A final draft of the new strategy is to be submitted to me by mid-March for approval to proceed with public consultation which is expected to commence after the Assembly election.

The NIHRC understands that the Public Health Agency continues to work to the 2012-14 *Protect Life Strategy*.<sup>356</sup>

48.4 The NIHRC advises the Committee on Economic, Social and Cultural Rights that there is potentially a gap in non-statutory provision for those at risk of suicide. For example, an organisation that provided support to more than 2000 people at risk suicide, substance abuse and self-harm across five sites in NI recently suspended its services.<sup>357</sup> Some of the gap in service provision is to be addressed by other organisations.<sup>358</sup>

**The Committee may wish to recommend that the State party prioritises the consultation and publication of the new Protect Life Strategy in NI.**

### **Access to Healthcare for Asylum Seekers and Migrants**

49.1 As of 3 March 2015, new regulations on access to primary and secondary healthcare are in place.<sup>359</sup> The new regulations provide significant improvements so, that in certain cases, no charge for health services will be imposed on a person not ordinarily resident in Northern Ireland, called “visitors” in the regulations. Certain services are exempt from charge, and certain groups of visitors are exempt from charges. Services exempt from charge include accident and emergency services, family planning services, treatment for specified diseases, treatment of sexually transmitted diseases, and treatment under mental health powers.<sup>360</sup> The regulations make provision for treatment in respect of infection for any Human Immunodeficiency Virus. Officials informed the Committee for Health, Social Services and Public Safety that the policy intention is that the regulations provide an exemption from charge for full HIV treatment, bringing NI into line with the rest of the UK.<sup>361</sup>

49.2 Visitors not required to pay for their health care treatment include: visitors who have lawfully resided in the UK for the previous 12 months; students who are present for full time study that is substantially funded in the UK and is of at least six months duration; persons present in the UK for specific purpose, e.g employed, self-employed or volunteering; visitors exercising EU rights; refugees, asylum seekers and children in care; victims of human trafficking; where treatment is required for exceptional humanitarian reasons; diplomats, NATO forces, long term visits by UK pensioners, war pensioners, missionaries, prisoners and detainees, employees on ships and family members of visitors.<sup>362</sup>

49.3 In order to reflect the changes to the new regulations, the Department of Health, Social Services and Public Safety has also amended the General Medical Services Regulations so that any visitor exempt from charges is able to access GP services. The aim of the amendments is to ensure that a person not ordinarily resident accesses healthcare at the most appropriate setting.<sup>363</sup>

49.4 The NIHRC welcomes the changes in the regulations as a very positive development, as they ensure that asylum seekers and other vulnerable groups can access free healthcare in Northern Ireland.

However, we noted concerns that the previous regulations did not allow children of irregular migrants to access healthcare.<sup>364</sup> Irregular migrant children remain outside the scope of the new regulations. The NIHRC's research paper in 2011 recommended that an amendment or policy direction may be required to ensure that the full set of GP services, including access to a GP list (subject to discretion) is genuinely available to any persons.<sup>365</sup>

49.5 The NIHRC is concerned that there are practical barriers impeding refused asylum seekers accessing healthcare. For example, the NIHRC has received reports that although refused asylum seekers are entitled, there are difficulties in getting to health care appointments because support provided by government (section 4 support) is voucher only support.<sup>366</sup> This means for example, no cash to pay for transport to appointments. The NIHRC has also received reports of instances in which pregnant women are not receiving section 4 support until quite late in their pregnancy, this has been due to delay in decision making and delays in processing awards once the decision has been made. Again, transport is an issue; if receiving section 4 support, the support given is though a voucher so there is no cash to pay for example for transport to prenatal appointments.<sup>367</sup>

**The Committee may wish to recommend that the State party monitors and reviews the operation of the Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 to identify any barriers for asylum seekers and other groups, such as irregular migrant children in accessing healthcare.**

## **Articles 13 and 14-The Right to Education**

### **Traveller Education**

50.1 In November 2013 the Minister of Education for Northern Ireland published the Traveller Child in Education Action Framework, at the launch of the Framework the Minister stated:

This is very much a Framework for action. It is the start of the journey of inclusion, to ensure that Traveller children have the opportunity to benefit from the educational opportunities on offer.<sup>368</sup>

The Minister further stated:

An independent Monitoring and Evaluation Group will be established within the next few months to monitor the Action Framework. That group will report progress directly to me.<sup>369</sup>

50.2 In January 2016 in responding to a written question the Minister stated that: "The Traveller Education Monitoring Group has not yet been established."<sup>370</sup> This remains the position. The absence of a Monitoring Group is a significant obstacle to assessing the effectiveness of the Framework.

**The Committee may wish to recommend that the State party ensures the effective implementation of the Traveller Child in Education Action Framework and the establishment of the Monitoring Group to ensure effective oversight in NI.**

## **Shared and Integrated Education**

51.1 In recent years, the NI Executive has pursued a commitment to shared education as an approach to addressing segregation in education.<sup>371</sup> Shared education encompasses a continuum of practice, from children attending classes in other schools, to shared campuses and even shared management.

51.2 The School of Education at Queen's University Belfast began piloting shared education programmes in 2007.<sup>372</sup> The Department of Education commissioned a report from an independent Ministerial Advisory Group on Advancing Shared Education, which was published in April 2013. The report highlighted the need for significant financial investment to support the delivery of shared education programmes by teachers and youth workers and in the schools estate to enable schools to share facilities. The Minister welcomed all 20 of the report's recommendations, accepting some in full and deferring others for further debate by the NI Assembly.<sup>373</sup>

51.3 The NI Executive's "Together: Building a United Community Strategy" published in May 2013 contains a further commitment to shared education with a concrete target of establishing ten new shared education campuses.<sup>374</sup> This led to the development of the Shared Education Campuses Programme, jointly funded by Office of the First Minister and the Deputy First Minister, the Department of Education and the Atlantic Philanthropies Fund, which has now undertaken two rounds of applications from interested schools.<sup>375</sup>

51.4 The Shared Education Bill was introduced to the Northern Ireland Assembly in 2015 and is currently awaiting Royal Assent. According to the Bill, the purposes of shared education are to: deliver educational benefits to children and young persons; to promote the efficient and effective use of resources; to promote equality of opportunity; to promote good relations; and to promote respect for identity, diversity and community cohesion. The Bill confers a duty on the Department of Education (so far as its powers extend) to encourage, facilitate and promote shared education. The Bill confers a duty on the Department to report to the Assembly on the level of shared education, the extent to which there has

been any increase or decrease in participation and the extent to which the purpose of shared education has been achieved.

51.5 In its earlier submission, the Commission advised the Committee on Economic, Social and Cultural Rights that there is a statutory obligation upon the Department for Education in NI to “encourage and facilitate the development of integrated education” (the Article 64 duty).<sup>376</sup> There has however, been relatively slow growth in the integrated sector with no new integrated schools established since 2008. The last successful transformations to integrated status were in 2010. The Minister also approved development proposals for transformation of Mallusk and Loughries Primary schools to controlled integrated status from September 2015 and September 2016, respectively.<sup>377</sup> In 2014/15, only 7 per cent of pupils in NI attended an integrated school.<sup>378</sup>

51.6 In January 2016, the Minister of Education announced a review of the planning, growth and development of integrated education.<sup>379</sup> In announcing the review the Minister acknowledged that: “Overall growth of the number of schools with an integrated management type has slowed since 2000 ... Whilst the findings from various surveys suggest a high parental demand/support for integrated education, the numbers enrolling their children in integrated schools do not match this support”.<sup>380</sup> The Review team will: “develop short and medium term proposals to develop a more integrated education system based on current legislation, enhance the network of viable schools and are cost effective and value for money”.<sup>381</sup>

51.7 The Stormont House and Fresh Start Agreements contain a commitment from the UK Government to make a contribution of up to £500m over ten years of new capital funding to support shared and integrated education subject to individual projects being agreed between the NI Executive and UK Government.<sup>382</sup>

### **The Commission invites the Committee to recommend that the State party:**

- **ensures the roll out of shared education initiatives throughout NI to allow children throughout the jurisdiction the opportunity to be educated alongside children from different backgrounds; and**
- **expeditiously undertake concrete measures to significantly increase the availability of integrated schools in NI.**

### **Inequality in Education**

52.1 The Equality Commission for Northern Ireland has found that many inequalities remain persistent and difficult to address. In particular males have persistently lower levels of educational attainment, beginning in

primary school and continuing throughout schooling to GCSE and A Level.<sup>383</sup> The Equality Commission reported ongoing underachievement and lack of progression among young Protestant working class males. Protestant male pupils entitled to free school meals have the lowest rates of attainment in GCSE and A Level results. They have the highest proportions of non-attainment and the lowest proportion of school leavers moving on to higher education.<sup>384</sup>

52.2 Children from the Traveller community and Roma children have some of the lowest levels of attainment across all the equality groups. Students with special educational needs or a disability have lower levels of attainment than students without and are less likely to go on to higher education.<sup>385</sup>

52.3 The research also highlighted that there are significant gaps in data across a number of themes, including gender identity, religion, political opinion and sexual orientation. There is also a lack of disaggregated data in relation to ethnicity, disability status, marital status and dependency status.<sup>386</sup>

#### **The Committee may wish to recommend that the State party:**

- **intensifies actions to address persistent educational inequalities in NI:**
- **takes steps to improve data collection to enable the NI Executive to effectively address inequalities in education.**

### **Article 15-Cultural Rights**

#### **Irish Language Act**

53.1 Currently, there is no statutory protection for the Irish language in Northern Ireland, despite the ICESCR Committee's recommendation in previous concluding observations calling for the State party or the devolved administration to adopt an Irish Language Act.<sup>387</sup>

53.2 In its previous submission, the NIHRC advised the Committee that the Department of Culture, Arts and Leisure had published proposals on an Irish Language Bill in February 2015. The Department of Culture, Arts and Leisure has since published its report on the consultation in December 2015.<sup>388</sup> The report highlighted that the Department of Culture, Arts and Leisure received 12, 911 responses to the consultation. The report said that the consultation attracted huge support for Irish Language legislation, with 94.7 per cent of responses indicating support, while 5.3 per cent of responses expressed opposition.<sup>389</sup>

53.3 As previously highlighted, a lack of political consensus could continue to stymie progress on this issue. Politicians from the largest Unionist party in Northern Ireland recently indicated that their party will not support an Act "not only because of how divisive it would be but

because of the cost of implementing the use of Irish in the courts and in the Assembly and the cost of having an Irish Language Commissioner.”<sup>390</sup> In January 2016, the Minister for Culture, Arts and Leisure confirmed in an Assembly question that she has asked Executive colleagues to agree the strategy and her proposals for an Irish Language Bill.<sup>391</sup>

53.4 The Minister for Culture, Arts and Leisure published a progress report on the implementation of the strategy in March 2016. Noting that whilst much had been achieved, there was still much to be done and that the full potential of the strategy can only be realised if NI Executive departments, local councils and the Irish language community work together.<sup>392</sup> The work on the Strategy will move to the new Department of Communities after the Assembly elections in May.<sup>393</sup> The Minister reaffirmed her commitment in the progress report to an Irish Language Act, noting that in other jurisdictions, legislation is seen as an effective way to protect languages.<sup>394</sup>

53.5 It was reported in March 2016 that an Irish language group is to take a legal challenge against the NI Executive for failing in its duty to implement an Irish Language strategy.<sup>395</sup>

**The Committee may wish to ask for an update on the implementation of the Irish language strategy and may wish to recommend that the State party provides the necessary support to progress legislation in order to protect and promote the Irish Language in NI.**

### **Ulster- Scots Strategy**

54.1 The NIHRC previously advised the Committee that the Department of Culture, Arts and Leisure published a strategy on Ulster-Scots language, culture and heritage. The strategy sets out, across a 20 year time frame, a number of key areas for action including education, media, public services, culture research and development.<sup>396</sup>

54.2 The Minister for Culture, Arts and Leisure published a progress report on the implementation of the strategy. As part of the strategy, the Ulster Scots Agency, working with the department will draft proposals to establish an Ulster Scots Academy and a project team has been established within the department to assist with this work.<sup>397</sup> The work on the Ulster Scots strategy will also move to the new Department of Communities after the Assembly elections in May.<sup>398</sup>

**The Committee may wish to ask for an update on the establishment of the Ulster Scots Academy and recommend that the State party ensures necessary support including structures are in place to ensure full implementation of the Ulster Scots Strategy in NI.**

## **Flags, Identity, Culture and Tradition**

55.1 The NIHRC previously advised the Committee that the Stormont House Agreement (SHA) agreed that a Commission on Flags, Identity Culture and Tradition would be established by June 2015 and report within 18 months of being established.<sup>399</sup> The establishment of the Commission was delayed as a result of the political talks in 2015. However, the Commission was expected to be set up before March 2016 however this has not happened to date.<sup>400</sup> The closing date for applications to the Commission was 15 January 2016.<sup>401</sup> The Commission will be comprised of 15 members: seven political appointees; and eight drawn from outside government.<sup>402</sup>

55.2 Researchers from Queen's University, Belfast published a report in 2016, which noted that controversies over the flying of flags increased in the summers of 2013, 2014 and 2015. According to the report, there have been rows over the flying of paramilitary flags and the spread of flags into neutral areas, or into arterial routes that run through Catholic areas. There have also been rows over the flying of the Israeli and Palestinian flags in Protestant and Catholic areas respectively, and in July 2015, the brief appearance of swastikas in Carrickfergus and in Craigavon, the flag of apartheid era of South Africa. The report indicated that the problem is not going away and it appears to have become intractable.<sup>403</sup>

55.3 The *Together Building a United Community* Strategy published by the Office of the First Minister and the Deputy First Minister noted that flags and symbols used to glorify violence, hate or prejudice can present a barrier to the development of truly shared public spaces.<sup>404</sup> The Office of the First Minister and the Deputy First Minister 2005 policy *A Shared Future* highlighted the concerns of many people that certain practices are unacceptable in legitimising illegal organisations and effectively threatening people in communities.<sup>405</sup>

**The Committee may wish to ask for an update on the establishment and work of the Commission on Flags, Identity and Culture in NI.**

## Endnotes

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- <sup>1</sup> UN Principles relating to the Status of National Institutions ([Paris Principles](#)). Adopted by General Assembly resolution 48/134 of 20 December 1993.
- <sup>2</sup> [UN international Covenant on Economic, Social and Cultural Rights: United Kingdom, British Overseas Territories and Crown Dependencies Reply to the “list of issues”](#) (April 2016).
- <sup>3</sup> [Advisory Committee on the Framework Convention for the Protection of National Minorities: Third Opinion on the United Kingdom for the Protection of National Minorities](#) ACFC/OP/III (2011)006, para 70.
- <sup>4</sup> In July 2015, the Human Rights Committee expressed concern at the NIHRC’s reduction in budget, see Human Rights Committee, [Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland](#) (August 2015) CCPR/C/GBR/CO/7, para 7.
- <sup>5</sup> Ibid.
- <sup>6</sup> [The Queen's Speech](#) (27 May 2015), p 75.
- <sup>7</sup> Ibid.
- <sup>8</sup> The Select Committee on the European Union, Justice Sub-Committee, [Inquiry on the Potential Impact on EU law of repealing the Human Rights Act](#) (2 February 2016) pp 3-4.
- <sup>9</sup> House of Commons Hansard [Human Rights Framework: Scotland](#) Col 357WH (02 March 2016).
- <sup>10</sup> [Letter from Rt Hon Michael Gove MP to Rt Hon Harriet Harman MP \(22 November 2015\)](#)
- <sup>11</sup> EHRC, SHRC, NIHRC Correspondence to the UN Human Rights Committee (July 2015).
- <sup>12</sup> Belfast (Good Friday) Agreement 1998, Annex 1.
- <sup>13</sup> [St Andrew's Agreement 2006](#), para 3.
- <sup>14</sup> The [Stormont House Agreement 2014](#), states that: any legislation on parades will have “proper regard for fundamental rights protected by the ECHR” (para 19); and, that “the Executive will take appropriate steps to improve the way the legacy inquest function is conducted to comply with ECHR Article 2 requirements.” (para 31).
- <sup>15</sup> NIHRC (Chief Commissioner), [Northern Ireland Human Rights Commission briefing on the proposal to repeal the United Kingdom Human Rights Act 1998 and its potential effect on the Good Friday Agreement](#) (June 2015).
- <sup>16</sup> NIHRC [Joint Statement of IHERC and NIHRC](#) (June 2015).
- <sup>17</sup> Ibid.
- <sup>18</sup> Human Rights Committee, [Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland](#) (August 2015) CCPR/C/GBR/CO/7Para 5(c).
- <sup>19</sup> NIO Consultation Paper: A Bill of Rights for NI: Next Steps (November 2009).
- <sup>20</sup> Minister of State Hugo Swire MP, [Written Ministerial Statement to Parliament](#), (16 December 2010).
- <sup>21</sup> Westminster Hall [Mr Christopher Chope in the Chair] [Bill of Rights \(NI\)](#) Column 190WH (16 July 2013).
- <sup>22</sup> Northern Ireland Human Rights Commission [Submission to the UN Committee on Economic, Social and Cultural Rights: Parallel Report on the Fifth Periodic Report of the United Kingdom under the International Covenant on Economic, Social and Cultural Rights](#) (April 2009), para 9.
- <sup>23</sup> UN Human Rights Committee [Concluding observations on seventh periodic report submitted by the UK](#) CCPR/C/GBR/CO/7 (2015) para 5.
- <sup>24</sup> Ibid, Para 5(b).
- <sup>25</sup> HM Government [Why the Government believes that voting to remain the EU is the best decision for the UK](#) (April 2016)
- <sup>26</sup> HM Government [The Process for Withdrawing from the European Union](#), CM9216 (February 2016), para 5.10
- <sup>27</sup> Ibid, p 17
- <sup>28</sup> House of Commons Library [Exiting the EU:UK Reform Proposals., Legal Impact and Alternatives to Membership](#) (February 2016) p 49.
- <sup>29</sup> [AQW 49746/11-16](#) tabled by Mr Alex Easton MLA (13 October 2015).
- <sup>30</sup> [A Fresh Start: The Stormont Agreement and Implementation Plan- an agreement to consolidate the peace, secure stability, enable progress and offer hope](#) p 22.
- <sup>31</sup> Ibid.
- <sup>32</sup> Ibid.
- <sup>33</sup> Ibid.

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<sup>34</sup> Housing Rights [Bedroom Tax](#)

<sup>35</sup> The motion was “That this Assembly consents to the Northern Ireland (Welfare Reform) Bill 2015 being taken forward by the Westminster Parliament; approves the welfare clauses of the Welfare Reform and Work Bill as initially introduced at Westminster; the draft Welfare Reform (Northern Ireland) Order 2015; and the Executive’s proposals to enhance payments flowing from the agreement announced on 17 November 2015.” The Assembly divided ayes: 70, Noes 22. [See Official report of the NI Assembly](#), (18 November 2015).

<sup>36</sup> For example, Section 31 of the Order provides that the maximum period during which a sanction for failure to comply with specified work-related requirements may be applied is 18 months, as opposed to 3 years in Great Britain.

<sup>37</sup> See Explanatory Memorandum to Welfare Reform (Northern Ireland) Order 2015, para 7.5.

<sup>38</sup> Section 94 of the Welfare Reform (Northern Ireland) Order 2015.

<sup>39</sup> [Welfare Reform Mitigations Working Group Report](#) (January 2016), p 4.

<sup>40</sup> *Ibid*, p 5.

<sup>41</sup> *Ibid*, p 6.

<sup>42</sup> *Ibid*, p 8.

<sup>43</sup> *Ibid*, p 10.

<sup>44</sup> *Ibid*, pp 14-15.

<sup>45</sup> See a presentation by Tommy O’Reilly, Chief Executive of the Social Security Agency, Department for Social Development at Policy Forum for Northern Ireland Keynote Seminar: Tackling Poverty and assessing the impact of Welfare Reform in Northern Ireland, (3 February 2016). The provision in the 2015 Order is Article 75.

<sup>46</sup> CPAG [Court of Appeal rules that Bedroom Tax is unlawful](#) (January 2016).

<sup>47</sup> *R (on the application of Rutherford and another) (Respondents) v Secretary of State for Work and Pensions (Appellant)*, Case ID: UKSC 2016/0029. The hearing started on 29 February 2016 and finished on 2 March 2016.

<sup>48</sup> BBC News NI [NI Welfare Reform: Arlene Foster “will fully implement” welfare mitigation proposals](#) (22 January 2016).

<sup>49</sup> NI Assembly Official Report [Welfare Supplementary Payments Regulations \(Northern Ireland\) 2016: Social Security Agency](#) (03 March 2016).

<sup>50</sup> Sections 10 and 11 of the Welfare Reform and Work Bill 2015-16 (HL Bill 92).

<sup>51</sup> Section 12 of the Welfare Reform and Work Bill 2015-16 (HL Bill 92). The maximum entitlement to child tax credit (CTC) would be restricted to two children only for families who become responsible for a child or children or qualifying young person(s) born on or after 6 April 2017. The changes will take effect from the 2017/18 tax year.

<sup>52</sup> HM Treasury [Spending Review and Autumn Statement 2015](#) (November 2015).

<sup>53</sup> HM Treasury [Budget 2016](#) (March 2016), p 26.

<sup>54</sup> *Ibid*, p 29.

<sup>55</sup> House of Commons Hansard Debates [Welfare](#) Col 1268 (21 March 2016).

<sup>56</sup> The Guardian UK [Billions of Pounds of Cuts on the Way despite PIP U-Turn](#) (23 March 2016).

<sup>57</sup> IFS [Universal Credit Cuts Support for Working Families, but help makes work pay where current system creates problems](#) (3 February 2016).

<sup>58</sup> CESCR [General Comment No.19: The Right to Social Security \(Article 9\)](#).

<sup>59</sup> *Ibid*, para 42.

<sup>60</sup> [Letter dated 16 May 2012 addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to State parties to the International Covenant on Economic, Social and Cultural Rights.](#)

<sup>61</sup> See Employment Equality (Age) Regulations (NI) 2006, Disability Discrimination Act 1995, Special Educational Needs and Disability (NI) Order 2005, Equal Pay Act(NI) 1970, Sex Discrimination (NI) Order 1976, Race Relations (NI) Order 1997, Fair Employment and Treatment (NI) Order 1998, Employment Equality (Sexual Orientation) regulations (NI) 2003, Equality Act (Sexual Orientation) Regulations (NI) 2006, and Northern Ireland Act 1998, sections 75, 76 and Schedule 9.

<sup>62</sup> CEDAW [Replies of United Kingdom of Great Britain and Northern Ireland to the List of Issues to be taken up in connection with its seventh Periodic Report](#) Para 17. CEDAW/C/GBR/Q/7/Add.1.

<sup>63</sup> See ECNI [Strengthening Protection against Racial Discrimination: Recommendations for law reform](#) (August 2014), p 34.

<sup>64</sup> *Ibid*, p 35.

<sup>65</sup> *Ibid*, p 33. The ECNI highlighted that the rationale would remove unjustifiable legal barriers that individuals face when trying to prove discrimination on more than one ground, including difficulties in identifying an actual or hypothetical comparator.

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- <sup>66</sup> NICCY [Response to the Office of First Minister and Deputy First Minister Consultation on Proposals to Extend Age Discrimination Legislation in the Provision of Goods, Facilities and Services](#) (August 2015).  
ECNI [Response to OFMDFM Consultation on Proposals to Extend Age Discrimination Legislation to Goods, Facilities and Services](#) (September 2015).
- <sup>67</sup> NIHRC [Response to Consultation on Proposals to Extend Age Discrimination Legislation \(Age, Facilities and Services\)](#), para 25.
- <sup>68</sup> [AQO 9721/11-16](#) tabled by Mr Sam Gardiner, MLA.
- <sup>69</sup> OFMDFM [Racial Equality Strategy 2015-2025](#).
- <sup>70</sup> See Women's Aid Federation [Response to a Consultation on a Racial Equality Strategy 2014-2024](#) (10 October 2014); ECNI [Shadow report from the Equality Commission for Northern Ireland to the Advisory Committee for the Framework Convention for the Protection of National Minorities on the Fourth Monitoring of the UK Report](#). (January 2016); See S Rogers and G Scullion [Voices for Change: Mapping the Views of black and ethnic minority people on integration and their sense of belonging in Northern Ireland](#) (November 2014), p 9.
- <sup>71</sup> OFMDFM [Racial Equality Strategy 2015-2025](#) p 36.
- <sup>72</sup> ECNI [Recommendations for PFG and Budget](#) (January 2016).
- <sup>73</sup> *Ibid*, p 5.
- <sup>74</sup> OFMDFM [Racial Equality Strategy 2015-2025](#) p 26.
- <sup>75</sup> NIHRC [Response of the Northern Ireland Human Rights Commission to the OFMDFM Consultation on "A sense of Belonging: Delivering Social Change through a Racial Equality Strategy for Northern Ireland 2014-2014"](#), para 9.11.
- <sup>76</sup> OFMDFM [Racial Equality Strategy 2015-2025](#) p 51.
- <sup>77</sup> Information obtained from OFMDFM via phone call on 5 April 2016.
- <sup>78</sup> BBC News NI [First Women Appointed as NI High Court Judges](#) (23 October 2015).
- <sup>79</sup> The Guardian [Arlene Foster becomes Northern Ireland's First Minister](#) (11 January 2016).
- <sup>80</sup> OFMDFM/NISRA [Gender Equality Strategy Review 2006-2016](#) p 5.
- <sup>81</sup> *Ibid*.
- <sup>82</sup> [NIHRC Submission to the United Nations' Committee on Economic, Social and Cultural Rights: Parallel Report on the Sixth Periodic Report on the UK under the International Covenant on Economic, Social and Cultural Rights](#) (September 2015), p 18.
- <sup>83</sup> [AQO 9133/11-16](#), Mr Danny Kennedy, MLA UUP, tabled on 12 November 2015.
- <sup>84</sup> ECNI [Gender Policy Position Paper](#) (October 2015), pp 47-48.
- <sup>85</sup> OFMDFM [Gender Equality Statistics: 2015 Update](#) (July 2015), p 12.
- <sup>86</sup> *Ibid*.
- <sup>87</sup> ECNI [Gender Equality: Policy Priorities and Recommendations](#) (October 2015), p 21.
- <sup>88</sup> P Nolan [The Northern Ireland Peace Monitoring Report: Number Three](#) (March 2014), p 90.
- <sup>89</sup> DETI [Women in the Labour Market](#) (September 2015), p 14.
- <sup>90</sup> ECNI [Gender Equality: Policy Priorities and Recommendations](#) (October 2015), pp 42-43.
- <sup>91</sup> Section 77 of the Equality Act 2010 prohibits pay secrecy clauses within employment contracts. Section 78 of the Equality Act 2010 provides regulations may require employers to publish information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees. It does not apply to employers with less than 250 employees. The Equality Act (Equal Pay Audit) Regulations 2014 allows tribunals to order an equal pay audit after a finding of an equal pay breach against an employer.
- <sup>92</sup> The Guardian [Gender Pay Gap reporting for big firms to start in 2018](#) (12 February 2016).
- <sup>93</sup> See Amendment 4 which would insert new Clause 16A into the [Employment Bill](#).
- <sup>94</sup> [Official Report of the NI Assembly](#) (22 February 2016).
- <sup>95</sup> NISRA [Quarterly Supplement to the Labour Market Report: October –December 2015](#) (26 February 2016), p 2.
- <sup>96</sup> *Ibid*.
- <sup>97</sup> OFMDFM, "A Strategy to improve the lives of people with disabilities 2012 – 2015", pp 22-23.
- <sup>98</sup> OFMDFM Press release, [Junior Ministers Jennifer McCann and Michelle McIlveen have announced the Executive's Disability Strategy will be extended until the end of March 2017](#) (12 May 2015).
- <sup>99</sup> Information obtained from correspondence from OFMDFM (23 March 2016).

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- <sup>100</sup> McQuaid R, Graham H, et al [DELNI Economic Inactivity Strategy: Literature Review Project](#) (28 February 2013) pp 106-107.
- <sup>101</sup> DEL [Supporting Equality Through Inclusive Employment: An Employment Strategy for People with Disabilities](#) (March 2016).
- <sup>102</sup> Ibid, p 10.
- <sup>103</sup> UK Government, [Budget 2015: key announcements](#).
- <sup>104</sup> Ibid; GOV.UK [National Living Wage](#) (1 April 2016).
- <sup>105</sup> IFS [Living Standards, Poverty and Inequality in the UK 2015-16 to 2020-2021](#) IFS Report R114, (February 2016) pp 2, 34.
- <sup>106</sup> See Rule 360 of the [Immigration Rules, Part 11B](#).
- <sup>107</sup> Rule 360A of the [Immigration Rules, Part 11B](#).
- <sup>108</sup> Law Centre NI [Inquiry into asylum support for children and young people](#) (14 November 2012). See also, HM Government, [Tier 2 Shortage Occupation List](#).
- <sup>109</sup> Still Human Still Here [At the end of the Line: restoring the integrity of the UK's Asylum System](#) (2010), and British Red Cross "Those who seek sanctuary in Northern Ireland should not be left destitute". See also Red Cross website, [Ending destitution](#) page.
- <sup>110</sup> House of Commons Library Research Paper, Number 1908 [Should Asylum Seekers have unrestricted rights to work in the UK?](#) (10 June 2015), p 3.
- <sup>111</sup> Clause 8 of the Immigration Bill.
- <sup>112</sup> Clause 39 of the Immigration Bill; See also [Revised Marshalled List of Amendments to be moved on Report](#)
- <sup>113</sup> NI Executive [Farry announces free English Classes for All Refugees](#) (15 January 2016).
- <sup>114</sup> Ibid.
- <sup>115</sup> See for example, calls from the Refugee and Asylum forum to designate ESOL as an essential skill - Refugee and Asylum Forum, "5 Key Actions: ensuring Northern Ireland responds to the needs of refugees"; Research by Susan Good indicated that costs for ESOL classes vary depending on the level of course and time length. Fees for a full time IELTS course for Non EU nationals is £4500. An ESOL Skills for life speaking and listening course is £340 for 14 weeks and a 5 week is £140. A 14-week preliminary course costs £415. Good, S [Overview of post 16 ESOL provision, accreditations, standards and delivery across Northern Ireland](#) (November 2015), p 64.
- <sup>116</sup> Good, S [Overview of post 16 ESOL provision, accreditations, standards and delivery across Northern Ireland](#) (November 2015), p 9.
- <sup>117</sup> NISMP [Assessing the Effectiveness of Enforcement Mechanisms in upholding the Employment Rights of Migrants in NI](#) (November 2013), pp 18-19 .
- <sup>118</sup> The [NICEM Benchmarking Report 2013/14](#) p 54.
- <sup>119</sup> L Allamby, J Bell, C Hamilton, et al [Forced Labour in Northern Ireland: Exploiting Vulnerability](#) (June 2011).
- <sup>120</sup> Directive 2009/52 introduced sanctions to employers of illegally staying third country nationals.
- <sup>121</sup> Directive 2004/81 would allow for the residence permits to be granted for victims of trafficking.
- <sup>122</sup> House of Commons Library [Immigration Bill 2015-16](#) (6 October 2015), p 7.
- <sup>123</sup> Clause 2 of the Immigration Bill.
- <sup>124</sup> Department for Business, Innovation and Skills and Home Office [Tackling Exploitation in the Labour Market](#) (October 2015), p 31.
- <sup>125</sup> FLEX [Combatting Labour Exploitation Through Labour Inspection](#) (October 2015), p 4.
- <sup>126</sup> FLEX [Flex Briefing: Immigration Bill](#), (October 2015).
- <sup>127</sup> Section 6 of the Childcare Act 2006 in England and Wales places a statutory duty on local authorities to ensure there is ample provision of childcare for working parents available in their area.
- <sup>128</sup> The ECNI report states, "elements of responsibility sit with different government departments, but no single department is responsible for ensuring that the totality of provision is adequate". [ECNI, Childcare: Maximising the Economic Participation of Women](#) (February 2013), pp 65-66.
- <sup>129</sup> Ibid, p 67.
- <sup>130</sup> Barnardos NI [Believe in Childcare? The Childcare Needs of Ethnic Minorities in NI](#) (March 2014).
- <sup>131</sup> Ibid, p 51.
- <sup>132</sup> NI Executive [Programme for Government 2011-2015: building a better future](#), p 10.
- <sup>133</sup> NI Executive, [The NI Executive's Programme for Affordable and Integrated Childcare Strategic Framework and Key First Actions](#).
- <sup>134</sup> NI Executive, [Delivering Social Change Through Childcare: A Ten Year Strategy for Affordable and Integrated Childcare, 2015-2025 consultation](#).

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- <sup>135</sup> NIHRC [Response to the Draft Childcare Strategy](#) (2015), para 36.
- <sup>136</sup> [AQO 9389/11-16](#), Tabled by Karen McKeivitt, MLA (answered 10 February 2016).
- <sup>137</sup> [Briefing by OFMDFM officials to the Committee for OFMDFM](#), (2 March 2016).
- <sup>138</sup> DFP [Multi Agency Practice Guidelines on Female Genital Mutilation](#) (January 2014).
- <sup>139</sup> DFP [Analysis of the Responses to the Consultation on Multi Agency Practice Guidelines on Female Genital Mutilation](#), section on NICEM.
- <sup>140</sup> NIHRC [The 2015 Annual Statement: Human Rights in Northern Ireland](#), p 40.
- <sup>141</sup> UNCRC [General Comment No.4:Adolescent Health and Development in the Context of the Convention on the Rights of the Child](#), para 20, CRC/GC/2003/4
- <sup>142</sup> Committee for the Elimination and Discrimination against Women General Recommendation No. 21 (13th session, 1994) [Equality in marriage and family relations](#), para 36.
- <sup>143</sup> Sections 22 and 23 of the Marriage (Northern Ireland) Order 2003.
- <sup>144</sup> These figures were provided by NISRA upon request from the Commission. 35 were aged 16 and 33 were aged 17.
- <sup>145</sup> The Forced Marriage (Civil Protection) Act 2007, section 2 and Schedule 1.
- <sup>146</sup> The Forced Marriage (Civil Protection) Act 2007, schedule 1, para 7.
- <sup>147</sup> [G and D \(Risk of Forced Marriage: Forced Marriage Protection Order\)](#) [2010] NIFam (26 March 2010).
- <sup>148</sup> Section 16 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.
- <sup>149</sup> The calculation on the increase in 2015 from 2004/05 was provided by DHSSPS in press release [A Step Forward in Stopping domestic and sexual violence and abuse](#) (15 March 2016)
- <sup>150</sup> PSNI [Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland: Quarterly Update to 31 December 2015](#) (26 February 2016), figure 1.
- <sup>151</sup> Ibid.
- <sup>152</sup> NIHRC, [Response to the public consultation on the Draft Strategy on Stopping Domestic and Sexual Violence and Abuse in Northern Ireland, 2013-2020](#) (2014).
- <sup>153</sup> [NI Assembly Official Report](#) (8 March 2016).
- <sup>154</sup> DHSSPS and DoJ [Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy](#) (March 2016).
- <sup>155</sup> Section 97 and schedule 7 of the Justice Act (NI) 2015.
- <sup>156</sup> [AQO 9448/11-16](#) tabled by John McAllister (14 January 2016).
- <sup>157</sup> The consultation closes on 29 April 2016. DoJ [Domestic Abuse Offence and Domestic Violence Disclosure Scheme- A Consultation](#) (February 2016).
- <sup>158</sup> BBC News [Clare's Law: 1,300 domestic abuse disclosures made](#) (26 January 2016); BBC News [Clare's Law; domestic abuse scheme rolled out in Scotland](#) (1 October 2015).
- <sup>159</sup> Women's Aid Federation NI [Pathways to Support: Annual Report 2014-15](#) p 29.
- <sup>160</sup> R Dudley "[Domestic Abuse and Women with No Recourse to Public Funds: Where Human Rights do not reach](#)", Executive Summary, p 2; Women's Resource Centre, [Destitute Domestic Violence Concession](#) (October 2012).
- <sup>161</sup> Women's Resource Centre, [Destitute Domestic Violence Concession](#) (October 2012).
- <sup>162</sup> Ibid.
- <sup>163</sup> NRPF [The Destitute Domestic Violence Concession](#) .
- <sup>164</sup> In order to be eligible to apply, the person must have entered the UK or been given indefinite leave to remain as the spouse, civil partner, unmarried or same sex partner of a British citizen or someone settled in the UK, or as the partner of a member of HM Forces who has served for at least 4 years; have had a relationship break down due to domestic violence; be destitute and in need of financial help and intend to apply to stay in the UK permanently under the domestic violence rule. Spouses of EEA nationals do not fall within the scope of the concession, see NRPF [the Destitute Domestic Violence Concession](#) .
- <sup>165</sup> Women's Aid Federation NI [Pathways to Support: Annual Report 2014-15](#) p 29.
- <sup>166</sup> Ibid.
- <sup>167</sup> NCA [National Referral Mechanism Statistics: End of Year Summary 2015](#) p 20.
- <sup>168</sup> NI Assembly Official Report [Modern Slavery Bill: Legislative Consent Motion](#) (8 December 2014).
- <sup>169</sup> Gov.UK [UK's First Independent Anti-Slavery Commissioner announced](#) (13 November 2014); Independent Anti-Slavery Commissioner [Independent Anti-Slavery Commissioner: Strategic Plan 2015-17](#) (October 2015).
- <sup>170</sup> DoJ [Northern Ireland Human Trafficking and Exploitation Strategy 2015-16](#).
- <sup>171</sup> Ibid.

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- <sup>172</sup> Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015.
- <sup>173</sup> Committee for Health, Social Services and Public Safety [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) \(Independent Guardian Regulations\) Northern Ireland \(2016\)](#) (9 March 2016).
- <sup>174</sup> OCTF [The Northern Ireland Organised Crime Strategy](#) (April 2016).
- <sup>175</sup> [National Crime Agency UK Human Trafficking Centre](#).
- <sup>176</sup> DoJ [Ford announces measures to support victims of slavery](#) (24 March 2016).
- <sup>177</sup> DSD [Households Below Average Income: Northern Ireland 2013-14](#) (3 September 2015), p 1.
- <sup>178</sup> *Ibid*, p 2.
- <sup>179</sup> *Ibid*, pp 1-2.
- <sup>180</sup> *Ibid*, p 37.
- <sup>181</sup> DSD [Can you be in Poverty if You Have a Job?](#) (February 2016).
- <sup>182</sup> *Ibid*.
- <sup>183</sup> *Ibid*.
- <sup>184</sup> IFS [Living Standards, Poverty and Inequality in the UK 2015-16 to 2020-2021](#) IFS Report R114,(March 2016), p 2.
- <sup>185</sup> *Ibid*
- <sup>186</sup> *Ibid*. According to the report, the 90:10 ratio is projected to increase from 3.8 to 4.2. The 90:10 ratio is defined by the IFS as the ratio of income at the 90<sup>th</sup> percentile of household income distribution to income at the 10<sup>th</sup> percentile.
- <sup>187</sup> *Ibid*.
- <sup>188</sup> Joseph Rowntree Foundation [Monitoring Poverty and Social Exclusion in NI 2016](#) (March 2016).
- <sup>189</sup> *Ibid*.
- <sup>190</sup> Joseph Rowntree Foundation [Monitoring Poverty and Social Exclusion in NI 2016](#) (March 2016).
- <sup>191</sup> The Welfare Reform and Work Bill proposed to amend the Child Poverty Act to become the Life Chances Act. New legislation to amend the Child Poverty Act 2010 will use: the proportion of children living in workless household as well as long-term workless household; and the educational attainment of all pupils and the most disadvantaged pupils at age 16, see HM Government Press Release [Government to strengthen child poverty measure](#) (1 July 2015).
- <sup>192</sup> CPAG [Welfare Reform and Work Bill- Commons Second Reading](#) (21 July 2015), p 6.
- <sup>193</sup> CPAG [House of Lords defeats Government on Child Poverty Measures](#) (25 January 2016).
- <sup>194</sup> Welfare Reform and Work Act 2016.
- <sup>195</sup> Joseph Rowntree Foundation [Monitoring Poverty and Social Exclusion in NI 2016](#) (March 2016);IFS [Living Standards, Poverty and Inequality in the UK 2015-16 to 2020-2021](#) IFS Report R114, (March 2016) p 2.
- <sup>196</sup> NI Executive [The Executive's Child Poverty Strategy](#) (25 March 2016); NI Executive [Annual Report on Child Poverty 2014-15](#) (24 March 2016).
- <sup>197</sup> NI Executive [The Executive's Child Poverty Strategy](#) (25 March 2016), pp 3, 65-66.
- <sup>198</sup> *Ibid*, p 25.
- <sup>199</sup> For example, see UN Special Rapporteur on Extreme Poverty Philip Alston [Report of the Special Rapporteur on extreme poverty and human rights, Philip Alston, on extreme inequality and human rights](#) (2015) UN Doc. A/HRC/29/31; CESR [A Post 2015 Fiscal Revolution- Human Rights Policy Brief](#) 2014.; I Saiz ., "Resourcing Rights" in A Nolan, R O'Connell and C Harvey . "Human Rights and Public Finance: Budgets and Promotion of Economic and Social Rights" Hart Publishing, Oregon, 2013, p 83; International Bar Association [Tax Abuses, Poverty and Human Rights](#) A Report of the International Bar Association's Human Rights Institute Task Force on Illicit Financial Flows, Poverty and Human Rights, (October 2013) p 148.
- <sup>200</sup> Human Rights Council [Report of the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepulveda Carmona](#), (22 May 2014), A/HRC/26/28.
- <sup>201</sup> *Ibid*, para 2.
- <sup>202</sup> Human Rights Council [Report of the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepulveda Carmona](#), (22 May 2014), A/HRC/26/28 para 79.
- <sup>203</sup> *Ibid*, para 59.
- <sup>204</sup> HM Government and NI Executive [Building a Prosperous and United Community](#) (2013), p 7,
- <sup>205</sup> PWC [A Review of the Fiscal Powers of the Northern Ireland Assembly: a Report prepared by PWC on behalf of the Northern Ireland Council for Voluntary Action's Centre for Economic Empowerment](#) (June 2013),p 5.
- <sup>206</sup> Corporation Tax (Northern Ireland) Act 2015.

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- <sup>207</sup> NI Executive [A Fresh Start: The Stormont Agreement and Implementation Plan- an agreement to consolidate the peace, secure stability, enable progress and offer hope](#) p 21.
- <sup>208</sup> Gov.UK [Corporation Tax and Reliefs](#).
- <sup>209</sup> BBC News [Q&A: Corporation Tax in Northern Ireland](#) (8 January 2015).
- <sup>210</sup> HM Treasury [Budget 2016](#) (March 2016), p 3.
- <sup>211</sup> PWC [A Review of the Fiscal Powers of the Northern Ireland Assembly: a Report prepared by PWC on behalf of the Northern Ireland Council for Voluntary Action's Centre for Economic Empowerment](#) (June 2013).p 15
- <sup>212</sup> HM Government and NI Executive [Building a Prosperous and United Community](#) (2013), p 7.
- <sup>213</sup> Committee for Finance and Personnel [Legacy Report 11-16](#) NIA 337/11-16, p 14.
- <sup>214</sup> Trussell Trust [Latest Stats](#) (April 2016).
- <sup>215</sup> Northern Ireland Statistics and Research Agency [An Insight into Food Banks in Northern Ireland](#) (August 2015).
- <sup>216</sup> Ibid, p 8.
- <sup>217</sup> Ibid.
- <sup>218</sup> Ibid, p 9.
- <sup>219</sup> Ibid p 16.
- <sup>220</sup> Ibid, p 9.
- <sup>221</sup> Ibid, p 9.
- <sup>222</sup> Ibid, p 15.
- <sup>223</sup> The [Welfare Reform Mitigations Working Group Report](#) highlighted models such as: Footprints Women's Centre where registered members can access canned and dry food for a small donation; UK Community Shops secure surplus food from manufacturers and persons on means tested benefits can buy from these shops; and social stores in France which provide food to people on low incomes at a reduced price of 10-20per cent of their retail price , see p 31.
- <sup>224</sup> Ibid, p 15.
- <sup>225</sup> CESCR, [Concluding Observations: Canada](#), (March 2016) E/C.12/CO/6, para 47.
- <sup>226</sup> UN Special Rapporteur on the Right to Food [Mission to Canada](#) A/HRC/22/50/Add.1 (24 December 2012), p 20.
- <sup>227</sup> Regulation 2 of The Asylum Support (Amendment No.3) Regulations 2015.
- <sup>228</sup> Explanatory Memorandum to The Asylum Support (Amendment No.3) Regulations 2015.
- <sup>229</sup> Refugee Council [Families' asylum support drastically cut](#) (16 July 2015).
- <sup>230</sup> The Children's Society [Government threatens children fleeing persecution with vital cuts to support](#) (June 2015) p 1.
- <sup>231</sup> UK Home Office, [Reforming support for failed asylum seekers and other illegal migrants consultation](#) (August 2015), para 20.
- <sup>232</sup> NIHRC, [Briefing on Support for Certain Categories of Migrant- Committee Stage of the Immigration Bill](#), House of Lords (28 January 2016).
- <sup>233</sup> [AQW 51207/11-16](#), Fearghal McKinney, SDLP, (tabled 20 November 2015).
- <sup>234</sup> Ibid.
- <sup>235</sup> Women's Aid Federation NI [Pathways to Support: Annual Report 2014-15](#) p 29.
- <sup>236</sup> NI Assembly, [Official Report: Minority Ethnic Development Fund: Update](#) (18 January 2016).
- <sup>237</sup> Scope NI [Crisis Fund: can a little go a very long way](#) (31 July 2015).
- <sup>238</sup> Information obtained via emails from the British Red Cross on 26 February 2016 and on 12 April 2016.
- <sup>239</sup> NISRA [Northern Ireland Housing Statistics 2014/15](#). (17 November 2015) p 45; A person is homeless if they have nowhere else to live in the UK or elsewhere, because: they are afraid to return home because someone has been violent; they do not have permission to live where they are staying; they have nowhere they can live together with all the people they normally live with; they have a home but cannot access it because they have been illegally evicted; a landlord has taken them to court and the date has passed by which the court says they have to leave; or their home is a caravan or boat and they have nowhere to legally park it or moor it, see NIHE [Homelessness Explained](#) (November 2010).
- <sup>240</sup> NISRA [Northern Ireland Housing Statistics 2014/15](#). (17 November 2015) p 45.
- <sup>241</sup> Ibid.
- <sup>242</sup> Ibid, p 46.
- <sup>243</sup> JRF [The Homelessness Monitor: Northern Ireland 2013](#) (May 2014) p xvi.
- <sup>244</sup> Beatty, C, Cole, I, Green S et al [Monitoring the Impact of recent Measures Affecting Housing Benefit and Local Housing Allowances in the Private Rented Sector in Northern Ireland](#) (2014), p i.

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- <sup>245</sup> Housing Rights [Written Submission to the Work and Pensions Committee on the Impact of Changes to Housing Benefit announced in the June 2010 Budget](#).
- <sup>246</sup> Beatty, C, Cole, I, Green S et al [Monitoring the Impact of recent Measures Affecting Housing Benefit and Local Housing Allowances in the Private Rented Sector in Northern Ireland](#) (2014), p iii.
- <sup>247</sup> Housing Rights [Review of the Private Rented Sector: Policy Response](#) (February 2016), p 5.
- <sup>248</sup> Ibid.
- <sup>249</sup> Article 13 of the Private Tenancies (NI) Order 2006.
- <sup>250</sup> Private Tenants' Forum [Agenda for Action](#) (2014).
- <sup>251</sup> Housing Rights [Review of the Private Rented Sector: Policy Response](#) (February 2016), p 18.
- <sup>252</sup> Housing Rights [Review of the Private Rented Sector: Policy Response](#) (February 2016), p 3: Chartered Institute of Housing support longer terms tenancies but also recognise the need for flexibility when neither the landlord nor tenant want to be fixed into a lease for lengthy periods, see [Response to DSD: Review of the Role and Regulation of the Private Rented Sector in NI](#) (February 2016), p 12.
- <sup>253</sup> DSD [Review of the Role of the Private Rented Sector: Summary of Responses](#), p 59
- <sup>254</sup> Housing Rights [Policy Briefing on the Housing Health and Safety Rating System](#) (November 2014), p 2.
- <sup>255</sup> Article 46 of the Housing (NI) Order 1986. See also Article 17 of the Private Tenancies (NI) Order 2006.
- <sup>256</sup> Note that this is not an exhaustive list of issues, see Housing Rights [Policy Briefing on the Housing Health and Safety Rating System](#) (November 2014), p 4.
- <sup>257</sup> Ibid, p 2.
- <sup>258</sup> [Information](#) obtained via correspondence from the DSD (18 March 2016).
- <sup>259</sup> As of 19 March 2016, five homeless people have died on streets in Belfast. BBC NI [Belfast City Centre: Homeless Man found dead "loveable rogue"](#) (8 February 2016); The Belfast Telegraph City Homelessness Summit after three deaths in a fortnight (19 February 2016); The Belfast Telegraph [Homeless Action Call as fourth man dies in Belfast](#) (26 February 2016) ; BBC NI [Homeless Woman dies in shop doorway](#) (19 March 2016).
- <sup>260</sup> Information obtained from a joint briefing to [NI Social Development Committee by Homeless Organisations and NIHE](#), (3 March 2016).
- <sup>261</sup> There are 13 outreach hours a day, a wet facility known as Stella Maris, in terms of crash facilities, there are 920 units of accommodation and 25000 bed spaces. There are 300 bed spaces in low threshold, low tolerance services. Information obtained from a joint briefing to [NI Social Development Committee by Homeless Organisations and NIHE](#), (3 March 2016).
- <sup>262</sup> Ibid.
- <sup>263</sup> NI Assembly Social Development Committee [Holistic Approach Needed to Help Homeless Says Committee](#) (3 March 2016).
- <sup>264</sup> Ibid.
- <sup>265</sup> Women's Aid Federation NI [Pathways to Support: Annual Report 2014-15](#) p 46.
- <sup>266</sup> Figures obtained from NISRA [Northern Ireland Housing Statistics 2014/15](#). (17 November 2015), p 42.
- <sup>267</sup> NIHE [NI Housing Market Review and Perspectives 2015-18](#) p 23.
- <sup>268</sup> [Programme for Government 2011-2015](#), PFG Commitment 28.
- <sup>269</sup> NIHE [NI Housing Market Review and Perspectives 2015-18](#) p 41.
- <sup>270</sup> Housing Supply Forum [Report and Recommendations](#) (January 2016), p 7.
- <sup>271</sup> NIHE [NI Housing Market Review and Perspectives 2015-18](#), p 17.
- <sup>272</sup> DSD [Facing the Future: Housing Strategy for NI 2012-17](#) and DSD [Facing the Future: Housing Strategy Action Plan Update](#).
- <sup>273</sup> Housing Supply Forum [Report and Recommendations](#)(January 2016).
- <sup>274</sup> Ibid p 10.
- <sup>275</sup> Note this is not an exhaustive list, for recommendations see Ibid, pp 13-19.
- <sup>276</sup> [Information](#) obtained via correspondence from the DSD (18 March 2016).
- <sup>277</sup> NISRA [Northern Ireland Housing Statistics 2014/15](#). (17 November 2015), p 67.
- <sup>278</sup> All figures obtained from NICTS [Mortgages: Actions for Possession Bulletin- October to December 2015](#) (12 February 2016), pp 4-5.
- <sup>279</sup> Council for Mortgage Lenders [Market Commentary 2016-16](#) (December 2015).
- <sup>280</sup> Housing Rights [Bank of Scotland held to Account Over Bad Practice with Customers Mortgage Arrears](#) (19 August 2014).
- <sup>281</sup> DSD [Housing Repossessions Taskforce Final Report](#) (February 2015), p 8.
- <sup>282</sup> Ibid, p 4.

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<sup>283</sup> Ibid.

<sup>284</sup> *ibid*, p 5.

<sup>285</sup> [Evidence from DSD Officials to the Social Development Committee](#), (18 February 2016).

<sup>286</sup> Ibid.

<sup>287</sup> Ibid.

<sup>288</sup> DSD [Housing Repossessions Taskforce Final Report](#) (February 2015), p 33.

<sup>289</sup> Ibid

<sup>290</sup> [Evidence from DSD Officials to the Social Development Committee](#), (18 February 2016).

<sup>291</sup> DSD [Housing Repossessions Taskforce Final Report](#) (February 2015), p 29.

<sup>292</sup> HM Treasury [Summer Budget 2015](#) (July 2015), p 89.

<sup>293</sup> See Janet Hunter, Director of Housing Rights in The View, [Providing a Helping Hand](#), issue 35, (February 2016), p 16.

<sup>294</sup> ECNI [Investigation Report under Schedule 9 of the Northern Ireland Act 1998- Department for Social Development: Housing Policy Proposals](#) (November 2015).

<sup>295</sup> Ibid, p 2.

<sup>296</sup> Ibid, pp 25, 26-27

<sup>297</sup> Ibid, p 29-30.

<sup>298</sup> ECNI [Key Inequalities in Housing Draft Statement](#) (February 2016), p 3.

<sup>299</sup> NIHE (2009) [Mapping Segregation in Northern Ireland](#) by I Shuttleworth and C Lloyd, p 4; See also Chartered Institute of Housing [Religious segregation and allocations in Northern Ireland's social housing](#) (10 March 2015).

<sup>300</sup> NIHE (2009) [Mapping Segregation in Northern Ireland](#) by I Shuttleworth and C Lloyd, p 4.

<sup>301</sup> P Nolan [Northern Ireland Peace Monitoring Report No 3](#), (March 2014) p 115.

<sup>302</sup> A Wallace [Housing and Communities Inequalities in Northern Ireland](#) (June 2015) p 76.

<sup>303</sup> Ibid.

<sup>304</sup> OFMDFM, [Together: Building a United Community Strategy](#) (2013) p 27 and p 54.

<sup>305</sup> NIHE [Community Cohesion Strategy 2015-2020](#)

<sup>306</sup> Ibid, p 34.

<sup>307</sup> Ibid.

<sup>308</sup> Information obtained in communication via email from NIHE on 29 February 2016.

<sup>309</sup> Information obtained in communication via email from NIHE on 06 April 2016.

<sup>310</sup> A Wallace [Housing and Communities Inequalities in Northern Ireland](#) (June 2015) p 76.

<sup>311</sup> NIHE [Traveller Accommodation Needs Assessment 2014](#) p 29.

<sup>312</sup> Schedule 1, paragraph 11 of the Caravans Act 1963 provided that a site licence shall not be required for the use as a caravan site of land occupied by a district council. The legislative anomaly occurred when the power was transferred from local councils to the Northern Ireland Housing Executive under Section 125 and Schedule 2 of the Housing (NI) Order 2003, inserting Article 28A to the Housing (NI) Order 1981.

<sup>313</sup> The NIHRC called for an amendment to the 1963 Act via the Caravans Bill 2011, see NIHRC [Written evidence to the Committee for Social Development on the Caravans Bill](#) (June 2010), para 21.

<sup>314</sup> Information obtained via correspondence from the DSD (18 March 2016).

<sup>315</sup> [Advisory Committee on the Framework Convention for the Protection of National Minorities: Third Opinion on the United Kingdom for the Protection of National Minorities](#), ACFC/OP/III (2011)006, para 88.

<sup>316</sup> A search of the PAC database was conducted on 11 February 2016 but no decision has been published yet. Information obtained via correspondence from DSD on 18 March 2016 also notes there is no decision as yet.

<sup>317</sup> [Information](#) obtained via correspondence from the DSD (18 March 2016).

<sup>318</sup> Section 6 of the Unauthorised Encampments(NI) Order 2005.

<sup>319</sup> NIHRC [Written evidence to the Committee for Social Development on the Caravans Bill](#) (June 2010), para 22.

<sup>320</sup> DSD [Guide to the Unauthorised Encampments \(NI\) Order 2005](#).

<sup>321</sup> NIHE [Our Co-operation Policy for Travellers](#).

<sup>322</sup> NIHRC [Submission by the Northern Ireland Human Rights Commission to the Advisory Committee on the Framework Convention for the Protection of National Minorities](#) (May 2007), para 7; NIHRC [Written evidence to the Committee for Social Development on the Caravans Bill](#) (June 2010), para 22.

<sup>323</sup> ECNI [Key Inequalities in Housing Draft Statement](#) (February 2016), p 25.

<sup>324</sup> Abdella, S. et al [Our Geels: All Ireland Traveller Health Study](#).(2010), a lack of safe play areas was reported by 79 per cent of NI respondents, p 46.

<sup>325</sup> Ibid.

- <sup>326</sup> Equality Commission for Northern Ireland [Shadow Report to the UN Committee on the Elimination of Racial Discrimination \(CERD\) on the UK Government's 18<sup>th</sup> periodic report](#), para 50.
- <sup>327</sup> The [NICEM Benchmarking Report 2013/14](#), p 96.
- <sup>328</sup> G Scullion and S Rogers [Traveller Voices for Change](#) (November 2014), p 23.
- <sup>329</sup> The [NICEM Benchmarking Report 2013/14](#), p 99; G Scullion and S Rogers [Traveller Voices for Change](#) (November 2014), p 34.
- <sup>330</sup> [The Northern Ireland Human Rights Commission's Application \[2015\] NIQB 96](#).
- <sup>331</sup> BBC News NI [NI abortion law: Health Minister Simon Hamilton issues draft guidelines](#) (1 December 2015).
- <sup>332</sup> DHSSPS [Guidance for Health and Social Care Professionals on Termination of Pregnancy on Northern Ireland](#). (March 2016).
- <sup>333</sup> NI Assembly [Marshalled List of Amendments](#) (3 February 2016).
- <sup>334</sup> NI Assembly [Official Report](#) (10 February 2016).
- <sup>335</sup> Ibid.
- <sup>336</sup> DHSSPS [Health Minister welcomes Executive agreement on Termination of Pregnancy Guidance and provides update on FFA working group](#) (March 2016).
- <sup>337</sup> BBC News NI [NI Abortion Law: Attorney General lodges an appeal over High Court ruling](#) (25 January 2016); BBC NI [Abortion: NI Justice Minister to Appeal NI High Court ruling](#) (27 January 2016).
- <sup>338</sup> NIHRC [Human Rights Commission set to cross appeal in termination of pregnancy case](#) (27 January 2016).
- <sup>339</sup> CESCR [General Comment No. 22 \(2016\) on the Right to Sexual and Reproductive Health \(article 12 of the International Covenant on Economic, Social and Cultural Rights](#) para 49a.
- <sup>340</sup> BBC News [Woman who bought drugs online to terminate pregnancy given a suspended sentence](#) (4 April 2016).
- <sup>341</sup> BBC News NI [Gay Blood Donation: Thirty men turned down over sex ban](#) (12 October 2015).
- <sup>342</sup> *Leger v Ministre des Affaires sociales, de la Santé* Case C-528/13.
- <sup>343</sup> Newsletter.co.uk [Evidence will be my guide on gay blood ban: Minister](#) (12 December 2015).
- <sup>344</sup> NICTS [In the Matter of an Application by JR 65 for Judicial Review](#) [2016] NICA 20 (16 March 2016).
- <sup>345</sup> Ibid.
- <sup>346</sup> BBC NI [Use of electric shock therapy without patients' consent rises in NI](#) (18 February 2016).
- <sup>347</sup> RQIA [Report on the Administration of Electroconvulsive Therapy in NI](#) (November 2014), p 4.
- <sup>348</sup> Ibid.
- <sup>349</sup> NPM [Monitoring Place of Detention: Sixth Annual Report of the UK's National Preventative Mechanism 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2015](#), p 59.
- <sup>350</sup> Office of National Statistics [Suicides in the United Kingdom: 2014 Registrations](#).
- <sup>351</sup> In 2015 the provisional figures provided by the Registrar General for deaths by suicide, self inflicted injury and events of undermined events are as follows: Quarter 1 -72 deaths caused by suicide; Quarter 2- 87 deaths; Q 3-87 deaths; and Quarter 4-72 deaths. See [Registrar General Quarterly Tables](#)
- <sup>352</sup> [AQO 9470/11-16](#) asked by Ms Bronwyn McGahan, MLA (answered 27/01/2016).
- <sup>353</sup> Official Report of the Committee for Health, Social Services and Public Safety [Protect Life Strategy: DHSSPS and Public Health Agency](#) (2 March 2016) p 5.
- <sup>354</sup> Ibid p 2.
- <sup>355</sup> [AQW 53371/11-16](#) tabled by Ms Maeve McLaughlin, MLA,(answered 10 February 2016).
- <sup>356</sup> Official Report of the Committee for Health, Social Services and Public Safety [Protect Life Strategy: DHSSPS and Public Health Agency](#) (2 March 2016).
- <sup>357</sup> BBC News NI [FASA closure: Father fears lives will be lost if charity closes](#) (10 March 2016).
- <sup>358</sup> BBC NI [FASA: Charity Extern to take on some of the work of FASA and 27 of its staff](#) (11 April 2016)
- <sup>359</sup> The regulations were adopted in February 2015 but there was a short window in which they could be challenged, see Law Centre NI [New rules on access to healthcare for migrants in Northern Ireland](#) (10 March 2015). The [regulations](#) revoke a number of regulations including: Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2005; Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2008; Regulation 3 of The Charges for Drugs and Appliances and Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2009 and Provision of Health Services to Persons not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2013 .
- <sup>360</sup> See Regulation 4 of the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2015.

- <sup>361</sup> Official Report of the Committee for Health, Social Services and Public Safety, [Implementation of EU cross border health directive and overseas visitors policy](#), (27 November 2013).
- <sup>362</sup> See Regulations 5-22 and 24 of the Provision of Health Services to Persons not Ordinarily Resident Regulations (Northern Ireland) 2015.
- <sup>363</sup> The Health and Personal Social Services (General Medical Services Contracts) (Amendment) Regulations. (Northern Ireland) 2015 amend the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004, “the GMS Contract Regulations.
- <sup>364</sup> Law Centre NI [Accessing healthcare for migrants: problems and solutions](#) (June 2013), p 11.
- <sup>365</sup> See NIHRC [Access Denied or Paying When You Shouldn’t. Access to publicly funded medical care, residency, visitors and non-British/Irish Citizens](#) (2011) p 49.
- <sup>366</sup> Section 4 of the Immigration and Asylum Act 1999.
- <sup>367</sup> Information obtained in communication via email from the British Red Cross on 26 February 2016.
- <sup>368</sup> NI Executive Press Release: [Traveller children and young people should be encouraged to value education and supported to reach their full potential. Wednesday](#), (13 November 2013).
- <sup>369</sup> Ibid.
- <sup>370</sup> [AQW 53269/11-16](#), question tabled on 22 January 2016 by Jonathan Craig, MLA.
- <sup>371</sup> The NI Executive, [Programme for Government 2011-2015: building a better future](#), contained four key commitments to shared education, the most ambitious of which was to “[e]nsure that all children have the opportunity to participate in shared education programmes by 2015”.
- <sup>372</sup> The [Shared Education Programme website](#) sets out the various stages of programme development.
- <sup>373</sup> Ministerial Statement, [Advanced Shared Education](#) (22 October 2013).
- <sup>374</sup> OFMDFM, [Together: Building a United Community](#).
- <sup>375</sup> DENI website, [Shared Education Campuses Programme](#).
- <sup>376</sup> Education Reform Order (NI) 1989, art. 64.
- <sup>377</sup> DENI [Review of the Planning, growth and development of integrated education: a call for evidence](#), p 30
- <sup>378</sup> See DENI website, [Integrated Education](#).
- <sup>379</sup> DENI [Terms of Reference: Review of the Planning, growth and Development of Shared Education](#) (26 February 2016).
- <sup>380</sup> Ibid, paras 12 and 13.
- <sup>381</sup> Ibid, para 22.
- <sup>382</sup> [The Stormont House Agreement Financial Annex: A Fresh Start: The Stormont Agreement and Implementation Plan- an agreement to consolidate the peace, secure stability, enable progress and offer hope](#) (November 2015) p 24.
- <sup>383</sup> ECNI [Draft Statement on Key Inequalities in Education](#) (October 2015), p 2.
- <sup>384</sup> Ibid, p 3.
- <sup>385</sup> Ibid.
- <sup>386</sup> Ibid p 1.
- <sup>387</sup> CESCR, [Concluding observations on the UK](#), UN Doc. E/C.12/GBR/CO/5, (12 June 2009), para 37.
- <sup>388</sup> DCAL [Proposals for an Irish Language Bill: Consultation Report](#) p 5.
- <sup>389</sup> Ibid.
- <sup>390</sup> [AQO 9365/11-16](#), Gordon Lyons, DUP MLA, (tabled on 4 January 2016).
- <sup>391</sup> [AQO 9560/11-16](#) Cathal Boylan MLA, (tabled 28 January 2016) .
- <sup>392</sup> DCAL [The Irish Language Strategy: One Year On](#) (March 2016) p 11
- <sup>393</sup> ibid, p 11
- <sup>394</sup> Ibid, p 10.
- <sup>395</sup> BBC News [Conradh Na Gaeilge: Irish Language Group in NI Executive Challenge](#) (4 April 2016).
- <sup>396</sup> DCAL [Strategy to develop the Ulster-Scots language, culture and heritage 2015-2035](#).
- <sup>397</sup> DCAL [The Ulster Scots Strategy: One Year On](#) (March 2016), p 1.
- <sup>398</sup> Ibid, p 2.
- <sup>399</sup> [The Stormont House Agreement 2014](#), (December 2014), p 3.
- <sup>400</sup> [AQT 3163/11-16](#) asked by Ms Rosaleen McCorley, MLA (23 November 2015).
- <sup>401</sup> [AQW 52791/11-16](#) tabled by Mr Basil McCrea, MLA (12 January 2016).
- <sup>402</sup> NI Executive [A Fresh Start: The Stormont Agreement and Implementation Plan- an agreement to consolidate the peace, secure stability, enable progress and offer hope](#), p 33.
- <sup>403</sup> Nolan P and Bryan D [Flags: Towards a New Understanding](#) (February 2016), p 3.
- <sup>404</sup> OFMDFM [Together Building a United Community](#) (23 May 2015), p 56.

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<sup>405</sup> OFMDFM [A Shared Future: Policy and Strategic Framework for Good Relations In Northern Ireland](#) (2005), p 21.