

HUMAN RIGHTS CONSORTIUM

Updated submission to the
UN Committee on Economic,
Social and Cultural Rights



April 2009



Submission by the HUMAN RIGHTS CONSORTIUM to the United Nations Committee on Economic, Social and Cultural Rights in advance of its examination of the UK Government.

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Introduction

The Human Rights Consortium made a submission to the pre-sessional Working Group of the Committee on Economic Social and Cultural Rights in May 2008 outlining our support for the development of a strong and inclusive Bill of Rights for Northern Ireland; our belief that a Bill of Rights for Northern Ireland offered the UK government the ideal opportunity to implement domestically many of the social and economic rights contained within the ICESCR; and the strong public support that existed for a strong Bill of Rights of this nature in Northern Ireland. That submission also outlined our suggestions on questions that the Committee may wish to ask the UK Government on its commitment to developing a Bill of Rights for Northern Ireland.

The Human Rights Consortium wishes to supplement its submission of May 2008 by providing this update to the CESCR on the most recent developments in the Northern Ireland Bill of Rights process.

Consortium Role

The Human Rights Consortium is an independent, non-governmental coalition of 130 civic society organisations from Northern Ireland. The Consortium was established in 2000 and campaigns for the development of a strong and inclusive Bill of Rights for Northern Ireland. It does this through the promotion of the Bill of Rights debate, engagement and lobbying of governments, political parties, other stakeholders and the development of strong civil society support in favour of a Bill of Rights in Northern Ireland.

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

Bill of Rights Context

Under the Belfast/Good Friday Agreement 1998 the Northern Ireland Human Rights Commission (NIHRC) was given statutory responsibility for providing advice to the Secretary of State for Northern Ireland on the scope for developing a Bill of Rights for Northern Ireland.

Update on process

Following completion of the work of the Bill of Rights Forum on the 31st March 2008, its report was handed to the NIHRC which began its own deliberations on what advice it would give the Secretary of State on the content of a Bill of Rights for Northern Ireland.

On the 10th December 2008 (International Human Rights Day) the NIHRC fulfilled its mandate by submitting a report of its recommendations to the Secretary of State for Northern Ireland¹.

The Commission's report contains detailed advice on the content of a Bill of Rights; included in which are the following rights which reflect similar individual clauses of the ICESCR;

- The right to the highest attainable standard of physical and mental health²,
- The right to an adequate standard of living³,
- The right to accommodation⁴,
- The right to work⁵
- The right to social security⁶.

It is the Consortium's opinion that the NIHRC recommendations would represent the delivery of substantial elements of the ICESCR if brought forward through legislation to become domestically justiciable rights within a Bill of Rights for Northern Ireland.

Following receipt of the NIHRC recommendations the UK Government has again reaffirmed its commitment to run a public consultation on the content of a Bill of Rights. However, the key concern of the Human Rights Consortium remains the lack of any commitment by the Government to developing the process beyond that step.

Update on community support

¹ 'A Bill of Rights for Northern Ireland – Advice to the Secretary of State for Northern Ireland' – Northern Ireland Human Rights Commission, 10th December 2008. Available at http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/51/A_Bill_of_Rights_for_Northern_Ireland_%28December_2008%29.pdf

² Ibid (Pg 45)

³ Ibid (Pg 46)

⁴ Ibid (Pg 47)

⁵ Ibid (Pg 48)

⁶ Ibid (Pg 50)

In our 2008 submission we outlined the various statistics that evidenced the wide cross community support that exists both for the concept of a Bill of Rights in Northern Ireland and also for the inclusion of strong social and economic rights protections within that Bill of Rights.

We would like to supplement that further by providing the following statistical evidence. Millward Brown Ulster, an independent market research company interviewed a random sample of 1,007 adults aged 16+ in February 2009. Interviews were conducted across Northern Ireland with a representative sample of the adult population.

Those surveyed were asked, “How important or not do you think it is for Northern Ireland to have a Bill of Rights?” 70% of respondents replied positively saying that it was quite important or very important. 69% of the Protestant and 72% of the Catholic community supported this view.

In addition those surveyed were asked four other questions based closely on the content of the Commission’s recommendations.

They were asked “How important is it for the right to highest attainable standard of physical and mental health to be included in a Bill of Rights for Northern Ireland”. 94% of those surveyed thought it was quite important or very important. 95% of the Protestant and 93% of the Catholic community supported this view.

“How important is it for the right to an adequate standard of living to be included in a Bill of Rights for Northern Ireland?” 92% of those surveyed thought it was either quite important or very important. 93% of the Protestant and 93% of the Catholic community supported this view.

“How important is it for the right to work to be included in a Bill of Rights for Northern Ireland?” 93% of those surveyed thought it was either quite important or very important. 94% of the Protestant and 93% of the Catholic community supported this view.

“How important is it for the right to adequate accommodation to be included in a Bill of Rights for Northern Ireland?” 93% of those surveyed thought it was either quite important or very important. 93% of the Protestant and 94% of the Catholic community supported this view.

These figures provide overwhelming evidence of the public appetite and support that exists not only for a Bill of Rights but for strong social and economic rights protections within a Bill of Rights for Northern Ireland.

UK Government role

While there have been some process developments (*delivery of NIHRC advice to the NI Secretary of State*) since our previous submission most of the substantive points we wish to make on the role of the UK Government are unchanged since our submission to the Working Group of May 2008.

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

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

In its 2007 response to this observation, the UK government explains its commitment to establishing the Bill of Rights Forum and receiving recommendations from the NIHRC. We very much welcomed the government's commitment to the Bill of Rights Forum process and its commitment to receiving advice from the NIHRC. It has now following receipt of that advice additionally agreed to conduct a public consultation on the Bill of Rights.

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

While the government has agreed to conduct a public consultation to assess community support for the Bill of Rights it has also previously indicated that it will need to assess cross party political support for the Bill of Rights proposals before advancing the Bill of Rights.

Given the large cross community public support that exists for a Bill of Rights in Northern Ireland that includes economic and social rights the Consortium feels that its delivery should be advanced regardless.

4. Proposed Questions for UK Government

The Committee may wish to ask the government what commitment it will give to the development of a Bill of Rights for Northern Ireland beyond the planned public consultation.

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

The Committee may wish to recommend that the government give effect to the provisions of the Covenant by incorporating enforceable social and economic rights in a Bill of Rights for Northern Ireland.

Submitted by

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Annex A

Human Rights Consortium – Membership List

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

Help the Aged
HIV Support Centre
Housing Rights Service
Include Youth
Indian Community Centre
Interaction Belfast
INTERCOMM
Irish Congress of Trade Unions
Irish Congress of Trade Unions - NI Committee
Kilcranny House
Latinoamerica Unida
Law Centre (NI)
Linc Resource Centre
Lower Castlereagh Community Group
Making Women Seen and Heard
Mencap
Mercy Sisters
Multi-Cultural Resource Centre
Newstart Education Centre
NIACRO
NICDA Social Economy Network
Northern Ireland African Cultural Centre
Northern Ireland Anti-Poverty Network
Northern Ireland Assoc. of Citizen Advice Bureau
Northern Ireland Business Education Partnership
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Integrated Education
Northern Ireland Council for Voluntary Action
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Women's European Platform
Northern Ireland Youth Forum
North West Community Network
North West Consortium on Human Rights
North West Forum of People with Disabilities
NUS/USI
Old Warren Partnership
Omagh Ethnic Communities Support Group
Omagh Forum for Rural Associations
Organisation of the Unemployed Northern Ireland
PAKT
Parkanaur College
Pat Finucane Centre
Peace People
Pobal
PPR Project
Rainbow Project
Relate Northern Ireland
Rethink Severe Mental Illness
Rights in Community Care
Rural Community Network

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