



**United Nations International Covenant on Economic, Social and Cultural Rights
United Kingdom, British Overseas Territories, Crown Dependencies
6th periodic report**

***Factual Comments on the report draft from the Participation and the Practice of
Rights organisation, Northern Ireland***

1. Participation and the Practice of Rights (PPR)

1.1. The Participation and the Practice of Rights (PPR) organisation was established in 2006. PPR supports disadvantaged groups to make their socio-economic rights real and assert their right to participate in government decisions which affect their lives. PPR enables groups to challenge and change current government decision making practices which exclude them, and which lead to poor service delivery, entrenched inequalities and ineffective use of public money. To do this, PPR supports affected groups to use a human rights based approach (HRBA) to the economic and social issues that directly impact their lives.

1.2. PPR's human rights based approach to support social housing residents was cited as best practice by the United Nations Office of the High Commissioner for Human Rights in the 2012 publication "Human Rights Indicators: A Guide to Measurement and Implementation".¹

1.3. PPR currently works with participant groups in Northern Ireland (NI) on issues relating to the implementation of rights under the International Covenant on Economic, Social and Cultural Rights such as the right to adequate housing (Art 11), the right to work (Art 6) and the right to the highest attainable standard of health (Art 12).

1.4. It is on the basis of our work with these groups that PPR has reviewed the draft periodic report and wish to contribute factual comments limited to these specific issues. In advance of this, however, the following general comments should be noted.

2. Key gaps in information relating to Northern Ireland

2.1. A general lack of information on Northern Ireland is evident throughout the entirety of the report. However the absence of certain specific information is particularly concerning.

2.2. Despite specific attention to Northern Ireland issues from UN CESR in the 2009 Concluding Observation and interventions from other UN mechanisms such as the Special

¹ For further, please see

<http://www.ohchr.org/EN/NewsEvents/Pages/IndicatorsestablishmenttoolsinrealizationofHR.aspx>

Rapporteur on Adequate Housing earlier this year; these concerns are not meaningfully considered, most notably in relation to the issue of housing inequality impacting Catholic families in North Belfast. This issue is covered in more detail in Section 4.2.

3. Divergence from the revised CESCR reporting guidelines

3.1. UNCESCR guidelines on treaty specific documents to be submitted by State parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights are noted as influencing the structure and content of the draft Periodic report.² Whilst it is noted that the revised CESCR reporting guidelines recommend a page limit of approximately 40 pages, it is also noted that they emphatically require the State party to not only detail measures taken but also the *impact* these measures have had on the enjoyment of Covenant rights; with the guidelines specifically requesting this information under each Covenant right.³

3.2. Having reviewed the draft Periodic report, it is concerning to note that throughout the report, the impact of measures is often not discussed as required and where it is, information relating to the impact of NI specific policies is left largely unrecorded.

4. Factual Comments

4.1. Unemployment

4.1.1. The UN CESCR Concluding Observations issued in 2009 noted the following concerns with regards to unemployment:

“The Committee, while acknowledging the rate of employment in the State party, is yet concerned about the substantial number of persons unemployed, in particular the most disadvantaged and marginalized individuals and groups.

The Committee recommends that the State party strengthen its measures to reduce the substantial number of unemployed persons and to counteract the impact of the economic downturn on employment in order to implement fully the right to work, in particular with regard to the most disadvantaged and marginalized individuals and groups. It also calls upon the State party to reinforce its measures aimed at ensuring that persons with disabilities, including those with learning disabilities, have equal opportunities for productive and gainful employment, equal pay for work of equal value, and provide them with improved, expanded and equal opportunities to gain the necessary qualifications, in line with its general comment no. 5 (1994) on persons with disabilities.”⁴

4.1.2. The comments relating to this concern included in the draft 6th Periodic Report (Paras 24-28) do not include information on Northern Ireland.

4.1.3. This is despite the persisting issues with unemployment in Northern Ireland which are noted in UK government and NI Executive figures. A comparison of the Office of National

² Guidelines on Treaty Specific Documents to be submitted by State Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (March 2009) UN DOC e/c.12/2008/12

³ Ibid., See for example Part C; Part of the report relating to specific rights

⁴ Concluding Observations of the Committee on Economic, Social and Cultural Rights, United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Dependent Territories (June 2009) UN Doc E/C.12/GBR/CO/5 para.20

Statistics (ONS) Claimant Count data for Parliamentary Constituency (April 2014) and Department for Enterprise Trade and Investment (DETI) Claimant Count data also by Parliamentary Constituency for the same period show that when taken together, NI areas have amongst the highest levels of unemployment in the UK. In April 2014, the NI constituencies of Foyle, North Belfast and West Belfast rated the 3rd, 5th and 8th highest respectively out of 650 UK constituencies.

4.1.4. Furthermore, the CESCR revised guidelines specify that State parties must “*provide information on effective measures taken to reduce unemployment including...the impact of targeted employment programmes*”⁵ and “*indicate that technical and vocational training programmes are in place in the State party and their impact on empowering the workforce, especially disadvantaged and marginalised individuals, to enter or re-enter the labour market.*”⁶

4.1.5. Despite this no information is presented on measures taken by the NI Executive to reduce unemployment or the impact of such measures, nor is information presented regarding technical and vocational training and any such impact this has particularly on disadvantaged or marginalised groups. Assessments of the impact of NI specific policies such as Steps to Work⁷ as well as details of the steps taken by the NI Executive through the Department for Employment and Learning and the Department for Enterprise Trade and Investment should be sought prior to the submission of the 6th Periodic Report.

4.1.6. PPR recommends that NI specific information regarding unemployment and the impact of NI Executive measures to tackle this is considered and included in the final report prior to its submission.

4.2. Right to housing, homelessness & the chronic shortage of housing in North Belfast

4.2.1. PPR and its participant groups reported directly to the UN CESCR structure during the last examination of the UK in 2009 and the Concluding Observations of the Committee reflect concerns raised on issues relating to religious inequality in housing impacting Catholic families in North Belfast (Para. 29), the ineffective use of Equality Impact Assessments particularly with regards urban regeneration (Para. 31) and the increasing rates of suicide and the difficulties in accessing the complaints system (Para.35).

4.2.2. The former Special Rapporteur on Adequate Housing, Ms Raquel Rolnik (2008-2014) during her official mission to the UK in September 2013 re-stated the concern at the international level regarding the provision of social housing in North Belfast. In her final report presented to the UN Human Rights Council in March 2014. Ms Rolnik states;

“In May 2009, the Committee on Economic, Social and Cultural Rights expressed concern that inequality in housing policy in North Belfast continued to affect the Catholic community (E/C.12/GBR/CO/5, Para. 29). The Special Rapporteur recognizes the efforts of the Government to address these challenges. However, during her visit, she observed that long-standing issues related to inequality continue to require concerted efforts. She notes that

⁵ Guidelines on Treaty Specific Documents to be submitted by State Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (March 2009) UN DOC e/c.12/2008/12 Para 15 (b)

⁶ Ibid., Para 18

⁷ For further please see, for example, DELNI webpage <http://www.delni.gov.uk/index/finding-employment-finding-staff/fe-fs-help-to-find-employment/stepstowork.htm>

*concerns about differences in the way information is collected, disaggregated and presented have been raised.*⁸

4.2.3 In the only Northern Ireland specific recommendation issued in the report, a corresponding direction to the UK government and devolved administrations is stated;

*“Put in place additional efforts to address challenges to overcome persistent inequalities in housing in North Belfast. For this purpose, active, free and meaningful participation of all in decisions made about housing should be promoted, including in relation to the collection of official data, that should be disaggregated, open and accessible to all;”*⁹

4.2.4 Despite this the issue of inequality impacting Catholic families in North Belfast, Northern Ireland is absent from consideration in the periodic report.

4.2.5. These concerns were also not addressed in the UK Government’s response to the recommendations contained in the report of the UN Special Rapporteur on Adequate Housing which is referenced in this section of the draft Periodic Report. The UK Government response to the Official Report states;

*“As housing is a matter for the devolved administrations, it is not appropriate for the UK government to respond to these points”*¹⁰

4.2.6. Despite housing being a matter for the devolved administrations, it is appropriate that the periodic report assesses matters concerning the right to housing in all UK jurisdictions, especially those highlighted as concerning by UN structures and mechanisms.

PPR therefore respectfully recommend that information relating to the impact of NI Executive measures to address the chronic shortage of housing for the Catholic community in North Belfast is considered and included in the final report prior to its submission.¹¹

4.2.7. PPR note the references in the Periodic Report to both the *“Facing the Future: Housing Strategy for Northern Ireland 2012-2017”* and the *“Social Housing Reform Programme”* announced in January 2013. The UK Ministry of Justice may also wish to take under review recent developments regarding both polices which, alongside the NI Executive’s Building Successful Communities programme (first announced in the Facing the

⁸ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik. Addendum Mission to the United Kingdom of Great Britain and Northern Ireland (Dec 2013) UN Doc A/HRC/25/54/Add.2 Para. 73

⁹ Ibid., Para 80 (i)

¹⁰ Comments of the United Kingdom of Great Britain and Northern Ireland on the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Raquel Rolnik, following her mission to the United Kingdom (29 August- 11 September 2013) (March 2014) UN Doc A/HRC/25/54/Add.4, Para 80

¹¹ 4.3.8. Further detail on inequalities in housing in North Belfast is available from www.pprproject.org. An analysis of the impact of government policies in this area, including details relating to waiting lists for obtaining social housing, as specifically requested under the revised CESCR reporting guidelines¹¹, is also included in the 2013 PPR research publication “Equality Can’t Wait”.¹¹

Future Strategy) are the subject of an Equality Commission Paragraph 11 Investigation. The Paragraph 11 investigation announced in May 2014 will assess whether the NI Department for Social Development in bringing forward these policies has breached its own Equality Scheme and thus failed to pay due regard to the promotion of equality.¹²

PPR note the lack of information in the Periodic Report on the impact of both these NI Executive policies as required in the revised CESC reporting guidelines, particularly with regards disadvantaged and marginalised individuals or families.¹³

4.2.8 The Periodic Report (para.47) also references the spare room subsidy also known as the “bedroom tax”. The periodic report explains the policy rationale as being “to avoid funding people to live in social housing with more bedrooms than they actually need; the change will help families who live in overcrowded accommodation to find a new home, and reduce the number of people on waiting lists for social housing.” It should be noted firstly that this policy is not yet in place in Northern Ireland. It should also be noted that in Northern Ireland, the existing housing stock is simply not capable of addressing the demand for smaller housing that this policy could create. Official surveys of Northern Ireland Housing Executive stock consistently identify higher proportions of larger properties with bungalows (21.1% of total stock), terraced house (27.6%), semi detached houses (21.7%) and detached properties (20.9%) with smaller flats or apartments only accounting for 8.7% of housing stock.¹⁴

4.2.9. The Concluding Observations also highlighted concerns “about the extent of homelessness in the State party. (art. 11)”¹⁵ and stated;

*“The Committee calls upon the State party, in line with its general comment no. 4 (1991) on the right to adequate housing, to intensify its efforts to ensure that everyone has access to housing and to review its policies and develop effective strategies, including a gender impact assessment, aimed at increasing the levels of affordable housing, including social housing. The Committee also recommends that the State party take into consideration the Homelessness etc. (Scotland) Act 2003 as best practice, especially its provision relating to the right to housing as an enforceable right.”*¹⁶

The comments included in the draft 6th Periodic report (Paras 47-50) only partially assess these concerns.

4.2.10 The revised CESC reporting guidelines also instruct State parties to provide information as to “measures taken to ensure access to adequate and affordable housing with

¹² For further please see press statement released by the Equality Commission for Northern Ireland on 15th May 2014 available here <http://www.equalityni.org/Footer-Links/News/Delivering-Equality/Investigation-DSD-Equality-Scheme-compliance> PPR have also expressed concerns about the impact of these policies on the most disadvantaged and incompatibility with rights provisions here http://www.pprproject.org/sites/default/files/PPR%20response%20to%20Facing%20the%20Future%20071212_0.pdf

¹³ Guidelines on Treaty Specific Documents to be submitted by State Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (March 2009) UN DOC e/c.12/2008/12 Para 51(b)

¹⁴ NIHE House Condition Survey (2011) available to view here http://www.nihe.gov.uk/northern_ireland_house_condition_survey_main_report_2011.pdf p.22

¹⁵ Ibid

¹⁶ Ibid. Para 29

*legal security of tenure for everyone, irrespective of income or access to economic resources.*¹⁷

4.2.11. PPR note the absence of such information as relevant to Northern Ireland and specifically draw the Ministry of Justice’s attention to the availability of statistics on homelessness in Northern Ireland from both the Northern Ireland Housing Executive and the Department for Social Development. PPR also draw attention to the proposed Housing (Anti-Social Behaviour) Bill (Northern Ireland) which has implications for the right to security of tenure.¹⁸

4.3. Inequality

4.3.1. The UN CESCR Concluding Observations issued in 2009 noted the following concerns with regards to “*the persistent levels of deprivation and inequality throughout Northern Ireland, despite the adoption of the Northern Ireland Equality Impact Assessment. (art. 11)*”¹⁹

4.3.2. The Concluding Observations further noted that;

*“The Committee recommends that the human rights framework, including the Equality Impact Assessment, be effectively implemented in Northern Ireland, particularly in the context of urban regeneration programmes by ensuring the participation of the affected populations and the development of adequate policies and targeted measures to promote substantive equality, provide for improved health care, as well as an increase in skills training and employment opportunities for young people and adequate housing programmes for the poor and, in particular, Catholic families.”*²⁰

4.3.3. The comments included in the draft periodic report (Paras 55 and 16) do not fully address these concerns.

The draft periodic report (Para 16) refers to

“...the efforts of the Northern Ireland Executive in progressing human rights and equality in Northern Ireland, for example through the Equality Schemes which require approval by the Equality Commission for Northern Ireland (ECNI), and which include Northern Ireland public authorities’ arrangements for: assessing their compliance with the equality duties under section 75 Northern Ireland Act 1998; assessing and consulting on the likely impact of policies on the promotion of equality of opportunity; monitoring any adverse impact of policies on the promotion of equality of opportunity; publishing the results of such assessments; training staff; ensuring and assessing public access to information and services provided by the public authority”

¹⁷ Guidelines on Treaty Specific Documents to be submitted by State Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (March 2009) UN DOC e/c.12/2008/12 Para 51(a)

¹⁸ PPR has highlighted concerns with the DSD Proposed Housing (Anti-Social Behaviour) Bill (Northern Ireland) and the implications this legislation will have for security of tenure rights here <http://pprproject.org/sites/default/files/PPR%20Response%20to%20ASB%20Bill%20final.pdf>

¹⁹ Concluding Observations of the Committee on Economic, Social and Cultural Rights, United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Dependent Territories (June 2009) UN Doc E/C.12/GBR/CO/5 Para. 31

²⁰ Ibid.

4.3.4. It should be noted that since the previous report to Committee, and despite the use of Equality Schemes and Equality Impact Assessments, government statistics show that the situation in the most deprived communities such as North and West Belfast and Derry remain static and unchanged.

4.3.5. The draft periodic report (Para 55) also references the NI Executive launch of “Together: Building a United Community” strategy. It should be noted however that whilst the intended impact of this policy may be “improving community relations” it is not aimed at addressing inequality and deprivation. The citation of this policy is therefore not in keeping with the Committee recommendation.

4.4. Mental Health and Suicide

4.4.1. The UN CESCR Concluding Observations issued in 2009 noted the following concerns with regards to *“the increasing suicide rates in Northern Ireland and Scotland, particularly among mental health patients, who face difficulties in accessing the complaints system. (art. 12)”*.²¹

4.4.2. The Concluding Observations further state;
*“The Committee recommends that the State party intensify its efforts to decrease the number of suicides among mental health patients by dealing with the causes of suicide and strengthening the provision of psychological counselling services, as well as training of health professionals on the causes and symptoms of depression and other mental health problems. It also recommends that the State party take all appropriate measures to ensure access of such patients to the complaints system.”*²²

4.4.3. The draft Periodic Report (Paras 70-74) assesses these concerns but comments regarding Northern Ireland are limited despite being an area specifically highlighted as of concern to the Committee.

The report states (Para 74);

“In Northern Ireland, the Northern Ireland Executive has measures in place to reduce the suicide rate, including “The Northern Ireland Suicide Prevention Strategy 2012-2014”.

4.4.4. It should be pointed out that current suicide rates in Northern Ireland are still unacceptably high. Critically, the periodic report does not note that the number of registered deaths by suicide in Northern Ireland has not been reduced since the last CESCR report; in 2009 there were 260 registered deaths by suicide the latest figures (2012) show that there were 278 registered deaths by suicide.²³

4.4.5. Furthermore, according to the Chief Medical Officer for NI’s Annual Report published in April 2014 the official NI Executive figures of 278 registered deaths by suicide in 2012 is around five times higher than the number of people killed in road traffic accidents in the

²¹ Concluding Observations of the Committee on Economic, Social and Cultural Rights, United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Dependent Territories (June 2009) UN Doc E/C.12/GBR/CO/5 Para. 35

²² Ibid.

²³ Please see NINIS ‘Deaths by Cause (administrative geographies) 1999-2012’ dataset.

same period.²⁴ It is also not made clear that the parliamentary constituencies of North and West Belfast consistently occupy the highest ratings for registered deaths by suicide nor is it noted that the suicide disproportionately affects men.²⁵

4.4.6. The Northern Ireland Suicide Prevention Strategy 2012-2014 referred to in the Periodic Report is an extension of the previous strategy which ran from 2006-2011 and is non-specific in terms of proposed actions and outcomes. No meaningful evaluation of the success or limitations of the previous strategy, which did not result in a lowering of the suicide rate, was conducted prior to the publishing of the current strategy.

4.4.7. Despite specific reference by the Committee to problems accessing effective complaints system, the periodic report is also lacking information regarding the complaints process in Northern Ireland.

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²⁴ For further please see p.12-13 available here <http://www.nidirect.gov.uk/chief-medical-officer-annual-report-12-13.pdf>

²⁵ For further, please see NI government statistics on suicide such as the NINIS dataset "Deaths by Cause" available at <http://www.ninis2.nisra.gov.uk/>