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***A submission to the United Nations Committee on
Economic, Social and Cultural Rights
for consideration during the Committee's
listing of issues relevant to the UK government report***

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Introduction

This submission has been prepared by the Committee on the Administration of Justice (CAJ) which is a cross community civil liberties group based in Belfast and affiliated to the International Federation for Human Rights.

The CAJ has worked for many years on a range of issues across the spectrum of economic, social and cultural rights (as well as civil and political rights, which we see as inseparable from the latter) and has produced several publications about the situation prevailing in Northern Ireland, which have already been forwarded to the secretariat of the Committee on Economic, Social and Cultural Rights. CAJ recently convened a meeting of relevant NGOs and statutory organisations to make more people aware of the existence of the Committee and the importance of its work. The Committee will receive submissions directly from some of these groups; in any event, the CAJ has drawn on their expertise in the current submission. The organisation has previously made submissions to a variety of UN bodies including the Human Rights Commission, the Committee Against Torture, the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination.

Preamble of International Covenant

CAJ believes that our experiences in Northern Ireland give practical expression to the principle that the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Justice and fairness have been at the heart of the conflict in Northern Ireland, and they must therefore be at the heart of any peace process. Yet, the UK government appears either to have used human rights issues as bargaining counters in the political negotiations, or deferred their consideration until "bigger" political problems are solved. In other societies, human rights language and principles have actually facilitated progress in resolving wider political questions.

It would be helpful if the UK government were asked how it has integrated human rights concerns into the peace process in Northern Ireland, and what advances, if any, have been made in reassuring unionists and nationalists that their economic, social and cultural rights will be protected whatever political structures are eventually determined.

Article 1

Reference is made in the UK report to the importance of its membership of the European Community in protecting various economic, social and cultural rights. However, the key mechanism in this regard is the Social Chapter, and the UK government is the sole member of the EC to have opted out of its provisions. The incoming government has committed itself to accepting the Social Chapter.

It would be helpful if the UK government were asked when it intends to sign up to the Social Chapter, which is the key instrument within the EC for the protection of many of the rights cited in the International Covenant.

Article 2

CAJ has lobbied for many years for the introduction of a Bill of Rights. All the political parties in Northern Ireland accept the need for a written entrenchment of rights. The elaboration of an agreed text would encourage a stronger commitment both to the protection of one's own rights and those of others. In a divided society such as Northern Ireland, a public debate of this kind would be highly beneficial.

It would be helpful if the UK government were asked how it intends to entrench the rights laid down in the Covenant, and what steps it intends to take to introduce a Bill of Rights.

Articles 3 - 5

These issues are addressed as and when appropriate under other articles.

Article 6

This article recognises the central importance of the "right to work". The government report acknowledges that the UK continues to have a serious and continuing problem with structural unemployment. According to official statistics, there are 2.5 million unemployed (ie 8.8% of the labour force). It ought to be pointed out however that there have been thirty-three changes to the statistical basis on which unemployment is calculated - all but one of which have brought the official statistics down. Many economists put the real figure much higher. In Northern Ireland, the situation is particularly acute with 11.9% of the male labour force unemployed; with particularly serious pockets of deprivation - for example on certain public housing estates the figures has run as high as 85+%. Long term unemployment is particularly serious in Northern Ireland with half of the unemployed being classified as long term unemployed (and nearly one fifth of the unemployed have been so for more than five years). In addition to the huge personal costs involved in long term unemployment, all the evidence suggests that the longer unemployment lasts, the more difficult it is for people to re-enter the labour market.

It would be helpful if the UK government were closely questioned as to what it specifically intends to do to address the structural causes and consequences of unemployment and, in particular, long term unemployment.

The article also goes on to state that steps must be taken to ensure "full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual". The government report cites legislative protections to counter various forms of discrimination, yet in Northern Ireland we can cite many employment problems faced by workers because of their religious or political beliefs, their gender, race, or disability.

The Fair Employment Act is the legislation introduced to prevent discrimination in employment on religious or political grounds. Nevertheless, despite many advances, the differential in unemployment levels is stark. It remains the case that Catholic males are more than twice as likely as Protestant males to be unemployed (the differential is only slightly less with regard to Catholic and Protestant females, where

the ratio is 1:1.8). Furthermore, the very legislation introduced to prevent discrimination on religious and political grounds makes exemptions on grounds of "national security, public safety or public order" (section 42), and research shows that this provision disproportionately impacts on the Catholic community. A major review of fair employment is currently underway, and many recommendations have been made by CAJ and others as to how work in this area could be made more effective. Consistently over many years, external observers and experts have urged the government, for example, to (a) amend the definition of indirect discrimination (b) strengthen affirmative action measures, especially in relation to the long term unemployed (c) allow class actions which would complement individual redress (d) provide full legal aid for complainants. These proposals, and others, many of which have come from the statutory bodies established to advise government in this area, have been ignored.

It would be helpful if the UK government were asked about the priority it accords to ending religious and political discrimination in employment in Northern Ireland, given the previous unwillingness to introduce changes such as those indicated above. In view of the fact that the fair employment review will be completed by June, the Committee should ask the government to submit a further report to the November session. This report should outline the government's response to the review and indicate a timetable for action.

Religious and political discrimination is not, however, the only problem faced by workers in Northern Ireland. The Equal Opportunities Commission for Northern Ireland (EOC-NI) has consistently called for significant amendments to be made to the Sex Discrimination (NI) Order. Some recommendations (for example, in relation to indirect discrimination) mirror the criticisms of the fair employment legislation. Others - such as the overhaul of the Equal Pay Act - are gender specific. Many of those campaigning for womens' rights argue that current UK legislation falls well short of the right to equal treatment enshrined in article 119 of the Treaty of Rome and in article 7 of the International Covenant. As regards maternity pay in particular, the EOC (NI) has stated that the UK has the worst maternity pay conditions of the European Community.

It would be helpful if the UK government were asked why it has consistently ignored recommendations from the statutory body in Northern Ireland appointed to advise on gender discrimination, to the effect that the legislation covering sex discrimination be strengthened. It could also be asked about differential funding arrangements which leave EOC-NI seriously under-funded.

After many years of lobbying, and strong criticism from the UN Committee for the Elimination of Racial Discrimination, the government eventually agreed to extend protection for members of ethnic minorities to those who live in Northern Ireland. Race relations legislation applicable in Britain had not previously extended to Northern Ireland. Enthusiasm for this move from ethnic minority communities was however tempered by the fact that the government refused to introduce legislation of a kind which would overcome the difficulties its British predecessor has already encountered. Indeed, if anything, the Northern Ireland Race Relations Order is in some respects weaker than its British counterpart. In Northern Ireland, the requirement in the legislation that local authorities ensure equality of opportunity cannot apply to anything like the same extent as in Britain, since local authorities here have much more limited power.

It would be helpful if the UK government could be asked why it introduced anti-racism legislation which had been shown already to be inadequate in Britain, and when does it plan to introduce the necessary improvements to the legislation which would gain the support of minority ethnic communities.

Probably the longest section of the UK government's report in response to implementation of article 6 of the Covenant relates to rights guaranteed persons with disabilities. However, they failed to mention that this piece of legislation was only reluctantly introduced following the furore over the sabotage of the Civil Rights (Disabled Persons) Bill. This latter draft legislation was favoured by people with disabilities, and the groups representing their interests, even to the extent where many actively campaigned against the introduction of the new Disability Discrimination Act. Opposition to the current legislation is both on technical and conceptual grounds. Thus, for example, unlike all other anti-discrimination legislation, there are no provisions for a statutory enforcement agency. Furthermore, the medical model of disability is the key focus of the legislation, and complainants must show how "incapable" they are in order to gain relief.

It would be helpful if the UK government were asked when it intends to introduce new disability legislation which has proper enforcement powers and which respects fully the rights of people with disabilities.

To conclude this commentary under article 6, we must express some surprise at the fact that the government has failed to mention one of the most progressive measures it has introduced to promote equality of opportunity, namely the Policy Appraisal and Fair Treatment guidelines. According to government:

"The aim of the PAFT initiative is to ensure that, in practice, issues of equality and equity condition policy making and action in all spheres and at all levels of government activity, whether in regulatory and administrative functions, or in delivery of services to the public. The guidelines identify a number of areas where there is potential for discrimination or unequal treatment to occur and outline steps which those responsible for the development of policy and the delivery of services should take to ensure that, in drawing up new policies or reviewing existing policies, they do not unjustifiably or unnecessarily discriminate against specific sections of the community".

These guidelines apply to people regardless of religious or political beliefs, of gender, marital status, having or not having a dependant, ethnicity, disability, age or sexual orientation. As such, they provide protection to social groups which have had no legislative protection against discrimination to date, and they are meant to mainstream issues of fairness throughout government policy making and service delivery.

The reason that reference was not made in the government report to the existence of the guidelines may be due, in part at least, to the fact that in the three years of their operation they have not been effectively implemented. Such is the support for the important principles enunciated in the guidelines, and the frustration with the slowness in implementation, many groups are now calling on the government to put the guidelines on a statutory footing.

It would be helpful if the UK government were closely questioned on the failure thus far to implement PAFT effectively, and as to when they propose giving the PAFT guidelines a stronger statutory basis.

Article 7

This article talks of the right of everyone “to the enjoyment of just and favourable conditions of work”. There are at least two crucial issues which we suggest must be addressed here by the Committee.

Firstly, there is the need for fair wages and equal remuneration. Rising inequalities in society have been a feature of the UK economy in recent years: in the 1980s, poverty increased faster in the UK than in any other EC country. Between 1979 and 1992, the poorest 10% of the population saw their incomes drop by 17%, whereas the richest 10%, saw their incomes rise by 62%. Northern Ireland is the poorest region within the UK, with over 27% of people living in poverty, and a staggering 39% of children living in poor households. Recent studies show that private sector earnings in Northern Ireland are 20% lower than those in Britain, and the GDP per head is at 79% of the EU average. At the same time, Northern Ireland has the highest male unemployment rates of the UK (11.9%), and has some of the highest EU levels for long term, and very long term, unemployment.

From these figures, it can be seen that Northern Ireland disproves the government’s contention that low pay leads to lower unemployment. On the contrary, low pay and high unemployment, continue to produce high levels of poverty. Since the abolition of the Wages Councils, the Low Pay Network has discovered that throughout the UK, pay has fallen. In the clothing industry, it has fallen by 7.2%; in the hotel industry by 5.3% - both of these are particularly important labour sectors in Northern Ireland. There is no clear evidence of any increase in employment in these areas.

Furthermore, some of these issues have a particularly serious impact on the female workforce. Since 63% of the low paid are women, the absence of a minimum wage is indirectly discriminatory. Furthermore, in arguing against the abolition of the Wages Councils, the Equal Opportunities Commission (NI) said that it was “one of the most practically effective systems in the UK and Northern Ireland for maintaining and protecting the principles of equal pay”.

It would be helpful if the UK government were asked what steps they intend to take to halt and reverse the growing disparities in income and increasing poverty levels, particularly in Northern Ireland?

Secondly, since 1979, government labour market policy has been one of deregulation, which has resulted in an erosion of workers rights. It is the contention of government (strongly averred in its report under articles 6 and 7) that the abolition of Wages Councils, the refusal to set a minimum wage, and the operation of the free market, are justified on the grounds that they ensure higher levels of employment. Thus, for example, the government consistently opposed the extension of equal rights to part time workers arguing that “changes will make employers more reluctant to create part time jobs and may threaten them” (Michael Portillo, former MP and then Minister for Employment). Yet, the statistics prove this claim wrong. In 1994, a House of Lords judgement ran counter to the prevailing government orthodoxy, and extended the rights of part time workers. Whereas, in 1994 such work had increased by 70,000, after the ruling in 1995 they increased by 280,000. Indeed between 1985 and 1994, part time working increased faster in the Netherlands, Belgium, Ireland, France and Germany - all countries which have greater regulations in force than the United Kingdom.

It is worth emphasising that, in September 1996, 74% of all part time workers in Northern Ireland were women, and 45% of all women workers are part time. Accordingly, a lack of regulations protecting the rights of groups such as part time workers has an important indirectly discriminatory impact on women workers. The Equal Opportunities Commission for Northern Ireland carried out a study into the impact of the government policy of competitive tendering. Examining twenty contracts entered into by the Health and Education Boards the study found that:

- the majority of services selected for competitive tendering were female dominated;
- there was a higher rate of overall job loss for women than for men; and nearly three times as many female full time jobs were lost as male full time jobs;
- the average working hours were cut twice as much for women as men and there was a 3% increase in the overall pay differential between genders after tendering.

Of concern to both men and women was the fact that the study found the number of people without access to statutory employment rights increased, and that after tendering, 99% of the women and 95% of the men had basic wages falling below the Low Pay Unit's definition of low pay.

It would be helpful if the UK government were asked what steps they intend to take to ensure that workers' rights, undermined under its predecessor by an active policy of deregulation, will be reasserted. What steps will government take to halt the particularly discriminatory impact of deregulation and competitive tendering on women?

Article 8

A separate submission to the Committee from the Northern Ireland Committee of the Irish Congress of Trade Unions - the umbrella organisation for the trade union movement in Northern Ireland - talks in some detail about the limitations which have been placed on workers in terms of their right to form and join a trade union, and the rights of unions to function freely. The legislation introduced by the Conservative government regarding trade union rights allows, amongst other things, for workers to be dismissed for engaging in industrial action, and it severely curtails the rights of unions to secure recognition, and therefore to represent effectively the interests of their members. Clearly the right to trade union membership is seriously limited, and some might say effectively denied, if members can be victimised for their trade union membership, and if unions are unable to organise.

It would be helpful if the UK government were asked how they intend to give substance to the principle enunciated in article 8 of the Covenant. What legislative reforms will they introduce to ensure that people cannot be unfairly discriminated against because of their trade union membership and/or activities? What measures will be introduced to ensure that, when workers have made it clear that they want to secure recognition for their union, this facility will be accorded to their duly appointed representatives?

Article 9

The government has given an extensive commentary on medical care and social security provisions but has not highlighted the extent to which such provision has been seriously undermined by recent government policies.

It is clear that, far from providing a comprehensive health service to improve the physical and mental health of the population as a whole, government reforms have effectively created a two-tier system, with those in most need bearing the brunt of cuts in health service provision. This further exacerbates the already large disparity between the health of the general population and that pertaining to marginalised groups in society. For example, the government's own Advisory Committee on Travellers has pointed out that the life expectancy for Travellers (an indigenous nomadic minority ethnic group in Ireland) is 20% lower than that of the rest of the population. The mortality rate for Traveller children is approximately ten times that for settled children. Yet despite these disturbing statistics, the government has refused to establish a task force to tackle the health problems experienced by Travellers. Other minority ethnic communities often face serious language barriers in getting their health needs addressed. The Chinese community, for example, when surveyed, revealed that 90% of those interviewed faced language barriers; 72% indicated limited knowledge about available services; and 50% noted that access to health services was problematic.

It would be helpful if the UK government were asked about its intentions regarding effective resourcing and management of the health service. It could specifically be asked what concrete and measurable improvements have been made in the health profile of Travellers. Additionally, the government could be asked to explain what steps it is taking to ensure equal access and culturally sensitive delivery of health and personal social services to members of minority ethnic communities.

On the social security side, the universal right to social security, as encapsulated in article 9, could be said to have ended in Northern Ireland with the introduction of the Jobseeker's Act in 1995. Under the terms of this Act, unemployed people must provide evidence of their efforts to find work before they receive benefit. In addition to removing a fundamental right to benefit, there were a number of other objections raised about the introduction of the JSA. The trade union movement, which is actively campaigning for its repeal, expressed a number of concerns, namely it: (a) cheats workers out of benefit rights they have already paid for; (b) undermines the pay and conditions of all workers; (c) cuts the already inadequate benefits unemployed people rely upon; and (d) increases the stress and insecurity faced by the unemployed. Its very title - supposedly intended to raise people's hopes and aspirations - too often seems like a humiliating mockery, when jobs are not available to be sought. The signing of a formal agreement outlining the measures the job-seeker will undertake to try and secure work is demeaning, in that it assumes that many unemployed people are not willing to work. It is also coercive: claimants have, on occasion, been told to get their hair cut, or alter their dress style, so as to make themselves more "employable", and show their good intent in seeking work. The JSA is also discriminatory towards people in the 18-25 age range since they are given a lower rate of benefit.

It would be helpful if the UK government were asked how legislation such as the Jobseeker's Act, which makes entitlement to benefit contingent upon

proving sufficient efforts have been made to find work, is compatible with the principle of entitlement in article 9 of the Covenant.

Changes to incapacity benefit have also been condemned as having created an "Incapacity Benefit gap" whereby needy people fall through the social security net. Previously "incapacity" was defined in terms of one's ability or otherwise to work. Accordingly, if an individual were found to be unable to work, he or she would automatically qualify for incapacity benefit. Now the two concepts have been separated, allowing people to fall through the system. Thus, people have discovered that, even when their incapacity has been officially recognised as preventing them from work, they are not considered to be sufficiently incapacitated to qualify for incapacity benefits.

Unemployment benefits - given the size of the unemployed population - are a particularly important provision in Northern Ireland. A separate submission to your Committee from the student body (NUS/USI) explains that students are denied these benefits with, in many cases, serious consequences. Nor is there, as there used to be, an option for transitional assistance when people leave the ranks of the unemployed (where they may have accumulated debts, but precious little savings) to take up work. Moreover, in 1988, the government ended the automatic entitlement of young people in the 16-18 age group to unemployment benefits, replacing it with the possibility of payments in cases of extreme hardship only. Financial assistance is now largely contingent on participation in government training and education programmes which are low paid, often of poor quality, and have been characterised as economic exploitation.

A major concern, however, applying to all social security provision and to all those in receipt of benefit, is the extent to which the value of many of the benefits has been eroded. Benefits have been linked to the Retail Price Index since 1984 rather than to wages. At present, the level of benefit is the third lowest in Europe. People and households who are dependant on benefits (and in Northern Ireland, this is nearly one fifth of all households) have been getting proportionately poorer over the last decade and more.

It would be helpful if the UK government were asked how it intends to reform the benefit system to ensure that people in genuine need secure adequate provision.

Article 10

An important omission from the government's report related to the provision - or lack of provision - of childcare facilities. In a report by the Equal Opportunities Commission (NI), it was noted that Northern Ireland has less publicly funded childcare facilities than Great Britain, which in turn has the poorest rate of provision in the European Union. The Social Services Inspectorate commenting on daycare provision in Northern Ireland in 1994 said that "*total provision is negligible relative to demand*". According to the Office for National Statistics for the UK, the Northern Ireland region has the youngest population, the highest proportion of children, the highest birth rate, and an average household size which has fallen but which "*remains far the highest*". Where one in four families are headed by a lone parent, the absence of proper childcare provision is particularly problematic, since it

becomes extremely difficult for those lone parents to pursue further education, gain qualifications, or take up employment, and they are forced into a kind of benefit-dependency.

It would be helpful if the UK government were asked how it intends to increase childcare provision in Northern Ireland.

Another topic which did not seem to merit any attention from the government under this article of the Covenant is the problem of domestic violence. In Northern Ireland, between 1990-1994, 21 women were killed by their partners. Recent studies of the problem highlighted a number of particular concerns - the fact that many police were unaware of the existence of force guidelines on the handling of domestic violence even several years after such guidelines were introduced; there was a very low rate of arrest (only 12 to 16% of the 3000 or so incidents attended every year); more than half of the police interviewed favoured a mediation/counselling approach; one third of cases are dropped before they reach trial; there is a consistent pattern of charges being downgraded and of lower sentences being awarded. The authorities have to consider how they can better protect women from violent partners. This would probably involve introducing more parity in the prosecution and sentencing policies applied to domestic crimes, as well as greater support and funding for groups working closely with abused women and their families. At the very least, the criminal justice system, and the policing of it, need to be made more responsive to the needs of women.

It would be helpful if the UK government were asked what they intend to do to increase protection for women in abusive situations.

Despite an extensive section of the government's report referring to "maternity protection" no specific reference is made to the treatment of pregnant women whilst in prison. Yet this has been a particularly topical issue over recent months as TV and media exposes have highlighted women prisoners being shackled to prison officers, both immediately before and immediately after childbirth. Recent international attention has focused on the case of Roisin McAliskey, on whose behalf Amnesty International issued an urgent action. Ms McAliskey is awaiting extradition to Germany. She is in the advanced stages of pregnancy with a number of serious health problems. Yet she has been subjected to repeated strip-searching and denied adequate access to medical treatment, exercise, fresh air and association with other prisoners. Independent medical experts have attested to the serious dangers to her safety, and that of her unborn child, but the authorities have repeatedly refused her bail.

Despite much pressure, the UK government has been very slow to return prisoners to Northern Ireland from Britain to serve their sentences. The real victims of such a policy are the partners (nearly always wives) and children of the prisoners. Family life is severely curtailed given the practical difficulties of travelling long distances to visit the imprisoned family member.

It would be helpful if the UK government were asked what steps they intend to introduce in the prison regime to respond to the very special problem of pregnant prisoners, and women prisoners wanting to keep young infants with them. In particular, the government should be asked to confirm that, short of granting her immediate bail, Ms McAliskey will be more humanely treated and allowed to keep her child with her in due course. The government should be

asked whether it intends to expedite the transfer of prisoners who wish to be transferred, thereby respecting their family life to the extent possible.

The report talks of the protection the government offers to children, and cites in particular the legislation introduced around the creation of the Child Support Agency. Unfortunately, this legislation has been criticised by many different groups as it arguably focuses more on the need to make savings for the public exchequer than on any desire to extend the freedoms of children and/or their carers. The report, however, does not address several other issues which would be of relevance to the special needs of children of Northern Ireland. Firstly, there is the problem that these children are living in a conflict zone. Little research has been done on the impact of the conflict on children and young people, and yet it is clear that there are important needs which are not being met. Secondly, poverty affects 39% of our children and has been effectively described as “a war against children”. Thirdly, while the sexual abuse of children is in no sense peculiar to Northern Ireland, the response of the authorities regarding compensation has been quite different here.

In Britain, compensation for adult survivors of child sexual abuse is available, even though the statute of limitations would normally mean that those over 21 are not able to claim financial help. Although the same discretionary power is held by the Secretary of State for Northern Ireland, he has chosen not to exercise it. In response to media coverage of cases where abuse had occurred some years previously, it had been hoped that the Northern Ireland practice would be brought in line with England and Wales. However, shortly before Christmas 1996, the Northern Ireland Office made it be known that, as a result of pressure on the public expenditure budget, no such discretionary compensation payments would be made. In an interview with the then Secretary of State, campaigners were told that he was unapologetic, and that Northern Ireland “will pay for Drumcree” (an allusion to the costs involved as a result of the serious public disorder which broke out across Northern Ireland last year).

It would be helpful if the UK government were asked when it intends to extend to Northern Ireland the compensation practices available to adult survivors of child sexual abuse in England and Wales.

Article 11

This article recognises the right of all to an adequate standard of living, including adequate food, clothing, and housing. According to the government's report, “*the UK has an excellent food supply, and there is now a wider variety of safe, wholesome and nutritious foods than ever before*” (para 125). However, it is important to point out that access to this food supply is contingent on income. The government's own statistics show that, whilst average income levels in Northern Ireland are lower than in Great Britain, households in Northern Ireland spend higher amounts on food (and fuel) than their British counterparts. This disparity clearly has important ramifications for those on low incomes or receiving benefits.

In relation to housing, it is important to point out that housing unfitness in Northern Ireland, as measured by the 1991 House Condition Survey, indicated an 8.8%

unfitness level. Also, between March 1990 and January 1996, the number of housing applicants on the urgent waiting list increased by almost one third. As to the situation of the homeless, the statement that "*there is no official evidence of anyone sleeping rough in Northern Ireland*" (para 195) is disingenuous. Housing campaign groups believe that the problem of homelessness is real but hidden, and that it is part of government's responsibility to monitor the situation closely to ascertain the size of the problem, so as to respond appropriately.

It would be helpful if the UK government were asked to provide more information regarding the monitoring of, and responses to, homelessness in Northern Ireland.

The accommodation situation of the Travellers is particularly bad. Provision of accommodation for homeless people from the majority sedentary community is mandatory under the Housing (Northern Ireland) Order 1981. The provision for Travellers, who pursue a nomadic way of life, is however discretionary and is administered by local authorities. In spite of a series of plans and promises, local authorities have signally failed to meet the accommodation needs of Travellers. It is still the case that only 55% of Travellers live on serviced sites offering basic amenities, and even the standard of this provision is almost universally abysmal. These problems are exacerbated by the effective exclusion of Travellers from the design of these facilities. The remaining 45% of Travellers generally do not have access to the most basic facilities such as running water, sanitation, electricity or refuse collection.

It would be helpful if the UK government could be asked to explain why the provision of accommodation for Travellers is a discretionary matter supposedly dealt with by local authorities rather than the Northern Ireland Housing Executive which has a mandatory responsibility to provide accommodation for homeless members of the settled population. Furthermore, the government should be asked to explain why it is persisting in using a failed mechanism to deal with the accommodation needs of Travellers in Northern Ireland.

The government has announced proposals to end the "designation" provisions, whereby a quota for the number of Travellers allowed in a particular local authority area in Northern Ireland could be set. CAJ and others welcome the proposal to end "designation" status but are very concerned at the suggestion that these provisions be replaced with a general power enabling the removal of unauthorised campers. We are fearful that this power will be exercised almost exclusively against the Traveller community. This is all the more serious given the lack of adequate provision of sites for Travellers. Such action is clearly discriminatory and effectively criminalises the Traveller way of life.

It would be helpful if the UK government could be asked to explain how it will ensure that any proposal to replace the designation legislation will not be implemented in a discriminatory way against Travellers.

Article 12

Much of the concerns around health have already been commented upon under article 9 (see earlier p. 7). It is worth emphasising, however, that poverty has been described by Save the Children as “a serious, contagious, and sometimes fatal illness”. Unsurprisingly, given the high levels of poverty, and of unemployment, in Northern Ireland, there are concomitant health problems. Infant mortality in the Traveller community, for example, as mentioned elsewhere is ten times that of the settled population. Yet cuts in public expenditure have led to dramatic reductions in health service provision, and the move to centralise health services, with a view to financial savings, has particularly serious consequences for people living in rural areas. There is a perception that much of the health provision “west of the Bann” (ie in the western part of this jurisdiction) is being adversely affected. Given that this area has a dispersed - largely rural - population, is predominantly Catholic, with disproportionate numbers of very young and very old, such cutbacks, if they are occurring, would appear to have little medical or social justification.

It would be helpful if the UK government were asked what steps they are taking to develop an integrated and coherent health strategy which will tackle inequality and provide greater access to people across Northern Ireland.

Articles 13 & 14

Northern Ireland has retained a system of selective education at secondary level, largely abandoned in Britain. A competitive transfer procedure at age eleven determines which of two school sectors - grammar or secondary - the child will enter. The procedure has been criticised as placing undue stress on children at an inappropriately early age. Moreover, given the public perception of the two schooling sectors, there is a strong sense of “success” or “failure” foisted on the child very early in life. There is abundant evidence that the selective process leads to educational inequalities, reflects and maintains social disadvantage, and has a large impact upon later social and economic participation. In particular, selection discriminates against children from poorer families: in 1995, 36% of secondary school children fell below the official poverty line, entitling them to free school meals, but only 9% of grammar school children did. In Belfast, secondary school pupils are seven times more likely to come from poor families than their counterparts in grammar schools. In Northern Ireland (as elsewhere) this disadvantage carries on into the world of work, since those leaving school without qualifications are twice as likely to be unemployed. Thus, the cycle of deprivation is continually reinforced with children from disadvantaged backgrounds much more likely to fail the “11-plus” exam; to go to secondary schools rather than grammar; to leave school earlier with fewer (or no) qualifications; and in time to be unemployed.

Of particular concern is the fact that studies show that the gap between rich and poor has widened as a result of recent changes in the nature of the test, so that 52% of pupils in schools in well-off areas achieved the top grade, compared to 16% in schools in more deprived areas. Since Catholics are more likely to live in deprived areas, they perform less well as a group, and a wide gap has opened up between Protestant and Catholic performance in the last three years. This is bound, in due course, to exacerbate the differentials which already exist in the unemployment rates of the two communities.

Despite the growing evidence of the divisive nature of the selection procedure, a parliamentary committee recently rejected a proposal that the Department of Education investigate alternatives. The department has therefore to rely on programmes such as Targeting Social Need (TSN) and Raising School Standards Initiative (RSSI) to address these problems. However, only 5% of the total education budget is allocated to TSN projects and this will be affected by the dramatic expenditure cuts to public spending. In any event, there is evidence that both TSN and RSSI programmes are inconsistently applied.

It would be helpful if the UK government were asked if they recognise the role played by the selection process in reproducing social and economic inequalities, and what they intend doing about it. Does the government recognise the importance of protecting from public expenditure cuts that portion of educational funding specifically targeted at social need?

Although the issue of whether or not to have a selective educational system affects all school-age children in Northern Ireland, and their hopes of effectively participating in society in later life, there are problems peculiar to particular groups of children.

Thus, the government has only recently recognised the demand for educational provision to be made via the medium of Irish language, and has - after extensive lobbying - agreed to fund a limited number of Irish-medium schools. The funding criteria, however, are very restrictive which has meant that some schools have had to wait as much as thirteen years before receiving funding and parents must fund the total costs in the interim. The same problems arise for those parents and children wanting to opt-out of what is de facto a religiously-segregated educational system with most schools catering either for Catholic or Protestant pupils. Increased financial provision has been made in recent years to the multi-denominational integrated school sector, however choice in the matter is still very limited and almost non-existent in some parts of Northern Ireland. Furthermore, the specific needs of children from ethnic minority communities, and most particularly Travellers, have been largely ignored by the educational sector

It would be helpful if the UK government were asked why it continues to limit funding support to Irish-language schools. What steps are being taken to increase the choice available to people wanting to avail of integrated schooling? The government could also be asked what steps are being taken to ensure appropriate educational support for those members of ethnic minorities whose first language is neither English nor Irish, and for members of the Travelling community who have very specific educational needs?

Developing a culture of rights is crucial to the well-being of any society. In divided societies like Northern Ireland, programmes such as "Education for Mutual Understanding" are welcome additions to the core curriculum, but it would be important also to focus specifically on human rights. Schools need to encourage - by word and example - a better understanding amongst their pupils of how they should assert not only their own rights but also the rights of others.

It would be helpful if the UK government were asked what resources have been devoted explicitly to human rights education in the classroom.

Article 15

Although people in Northern Ireland are rarely if ever explicitly excluded from participation in the cultural life of society, many obstacles stand in the way of full enjoyment of the fruits of science and culture. Perhaps most importantly, poverty is a crucial barrier to people enjoying cultural diversity to the full. Many of the problems alluded to earlier regarding access apply to the arts and sciences as much as to health and work. Furthermore, people with disabilities are often disadvantaged in their enjoyment of the arts because of physical and other access problems which, with more planning and respect for their rights, could be overcome.

Obstacles of a less physical kind are often placed in the way of those who use languages other than English. Regarding the main indigenous minority language, Irish, the UK government has failed to sign the European Charter for Regional or Minority Languages, there are no measures to prevent discrimination against Irish speakers, and public funding of Irish language activities, is seriously deficient compared to the funding of Welsh in Wales and Gaelic in Scotland. Language support to the ethnic minority communities is virtually non-existent in Northern Ireland - for example, public libraries cater almost exclusively for English speakers.

It would be helpful if the UK government were asked to indicate what measures it is planning to prevent discrimination against Irish speakers and to ensure their full participation in the cultural life of Northern Ireland in keeping with the terms of the European Charter for Regional or Minority Languages, and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Similarly, what measures is it taking to provide full access to the arts and sciences by members of the different ethnic minority communities? What specific measures ensure the inclusion of people with disabilities in the enjoyment of these rights?

Conclusion

We believe that many of the issues raised in this submission regarding poverty, growing social inequalities, the marginalisation of certain groups, and the differential access to economic, social and cultural rights, can be effectively addressed by government. Indeed, in Northern Ireland, the government already has in place two major policy initiatives which, if implemented effectively, would allow it to address many of the concerns highlighted here. **Targeting Social Need (TSN)** is a government spending policy which says its *"objective is to tackle areas of social and economic difference by targeting government policies and programmes more sharply at those in greatest need - that is, those areas or sections of the community suffering the highest levels of disadvantage and deprivation"*. The programme does not necessarily require extra resources, but says that current (or additional) resources should be skewed to those in most need. The guidelines on **Policy Appraisal and Fair Treatment (PAFT)**, see p.4) should ensure that any such targeting of resources is done in a genuine attempt to secure greater equality of opportunity for all and does not, wittingly or unwittingly, exacerbate other areas or sectors of disadvantage. Unfortunately, neither TSN nor PAFT have received sufficient government commitment to date.

It would be helpful if the UK government were asked how it intends to give more effect in Northern Ireland to TSN and PAFT than it has to date.

Summary of questions:

It would be helpful if the Committee on Economic, Social and Cultural Rights were to ask the UK government:

- 1. How it has integrated human rights concerns into the peace process in Northern Ireland, and what advances, if any, have been made in reassuring unionists and nationalists that their economic, social and cultural rights will be protected whatever political structures are eventually determined.**
- 2. When it intends to sign up to the Social Chapter, which is the key instrument within the EC for the protection of many of the rights cited in the International Covenant.**
- 3. How it intends to entrench the rights laid down in the Covenant, and what steps it intends to take to introduce a Bill of Rights.**
- 4. What it specifically intends to do to address the structural causes and consequences of unemployment, especially long term unemployment.**
- 5. What priority it accords to ending religious and political discrimination in employment in Northern Ireland, given the previous unwillingness to introduce changes. In view of the fact that a major review of fair employment review will be completed by June, the Committee could ask the government to submit a further report to the November session. This report should outline the government's response to the review and indicate a timetable for action.**
- 6. Why it has consistently ignored recommendations from the statutory body in Northern Ireland appointed to advise on gender discrimination, to the effect that the legislation covering sex discrimination be strengthened. It could also be asked about differential funding arrangements which leave EOC-NI seriously under-funded.**
- 7. Why it introduced anti-racism legislation to Northern Ireland which had been shown already to be inadequate in Britain, and when does it plan to introduce the necessary improvements to the legislation which would gain the support of minority ethnic communities.**
- 8. When it intends to introduce new disability legislation which has proper enforcement powers and which respects fully the rights of people with disabilities.**
- 9. Why it has failed thus far to implement PAFT effectively, and as to when they propose giving the PAFT guidelines a stronger statutory basis.**
- 10. What steps they intend to take to halt and reverse the growing disparities in income and increasing poverty levels, particularly in Northern Ireland?**
- 11. What steps they intend to take to ensure that workers' rights, undermined under its predecessor by an active policy of deregulation, will be reasserted. What steps will government take to halt the particularly**

discriminatory impact of deregulation and competitive tendering on women?

- 12. How they intend to give substance to the principle enunciated in article 8 of the Covenant. What legislative reforms will they introduce to ensure that people cannot be unfairly discriminated against because of their trade union membership and/or activities? What measures will be introduced to ensure that, when workers have made it clear that they want to secure recognition for their union, this facility will be accorded to their duly appointed representatives?**
- 13. About its intentions regarding effective resourcing and management of the health service. The government could specifically be asked what concrete and measurable improvements have been made in the health profile of Travellers. Additionally, the government could be asked to explain what steps it is taking to ensure equal access and culturally sensitive delivery of health and personal social services to members of minority ethnic communities.**
- 14. How legislation such as the Jobseeker's Act, which makes entitlement to benefit contingent upon proving sufficient efforts have been made to find work, is compatible with the principle of entitlement in article 9 of the Covenant.**
- 15. How it intends to reform the benefit system to ensure that people in genuine need secure adequate provision.**
- 16. How it intends to increase childcare provision in Northern Ireland.**
- 17. What they intend to do to increase protection for women in abusive situations.**
- 18. What steps they intend to introduce in the prison regime to respond to the very special problem of pregnant prisoners, and women prisoners wanting to keep young infants with them. In particular, the government should be asked to confirm that, short of granting her immediate bail, Ms McAliskey will be more humanely treated and allowed to keep her child with her in due course. The government should be asked whether it intends to expedite the transfer of prisoners who wish to be transferred, thereby respecting their family life to the extent possible.**
- 19. When does it intend to extend to Northern Ireland the compensation practices available to adult survivors of child sexual abuse in England & Wales.**
- 20. To provide more information regarding the monitoring of, and responses to, homelessness in Northern Ireland.**
- 21. To explain why the provision of accommodation for Travellers is a discretionary matter supposedly dealt with by local authorities rather than the Northern Ireland Housing Executive which has a mandatory responsibility to provide accommodation for homeless members of the settled population. Furthermore, the government should be asked to**

explain why it is persisting in using a failed mechanism to deal with the accommodation needs of Travellers in Northern Ireland.

22. How it will ensure that any proposal to replace the designation legislation will not be implemented in a discriminatory way against Travellers.

23. What steps they are taking to develop an integrated and coherent health strategy which will tackle inequality and provide greater access to people across Northern Ireland.

24. Whether they recognise the role played by the selection process in reproducing social and economic inequalities, and what they intend doing about it. Does the government recognise the importance of protecting from public expenditure cuts that portion of educational funding specifically targeted at social need?

25. Why it continues to limit funding support to Irish-language schools. What steps are being taken to increase the choice available to people wanting to avail of integrated schooling? The government could also be asked what steps are being taken to ensure appropriate educational support for those members of ethnic minorities whose first language is neither English nor Irish, and for members of the Travelling community who have very specific educational needs?

26. What resources have been devoted explicitly to human rights education in the classroom.

27. To indicate what measures it is planning to prevent discrimination against Irish speakers and to ensure their full participation in the cultural life of Northern Ireland in keeping with the terms of the European Charter for Regional or Minority Languages, and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Similarly, what measures is it taking to provide full access to the arts and sciences by members of the different ethnic minority communities? What specific measures ensure the inclusion of people with disabilities in the enjoyment of these rights?

28. How it intends to give more effect in Northern Ireland to TSN and PAFT than it has to date.
