Comments on the draft Programme for Government 2011-15

The Northern Ireland Human Rights Commission welcomes the publication of the draft Programme for Government (PfG). The Commission recognises that achieving the Executive’s agreement to this second PfG is a confirmation of the progress that continues to be made within our political institutions. Such leadership is vital for the protection of human rights.

The Commission appreciates the difficulties faced in framing the PfG against a background of austerity measures. The First Minister and deputy First Minister have correctly acknowledged the impact that this is having on daily lives. A reduction in social security benefits, coupled with public expenditure cuts to health, education and housing will have adverse consequences for those people most dependent on our public services.

At the same time much of the PfG, if implemented, will contribute to the protection of the human rights of people in Northern Ireland. Supporting the promotion of 25,000 new jobs and our investment infrastructure, improvements to and an increase of 8,000 in social housing stock, the continued assurance of no additional water-charges: these are just a few of the commitments made that are to be commended.

In the Commission’s view government policies that will reduce funding for public services must be subjected to a rigorous assessment so as to determine their compatibility with the UK’s international human rights obligations.
The current economic situation reinforces the need to fully incorporate social and economic rights into the framework of existing protections. The Commission again calls on all political parties to work together and agree a Bill of Rights for Northern Ireland that integrates economic, social and cultural rights.

**How to place human rights at the centre of the PfG**

The emphasis given by the PfG to the principle of equality is to be commended. It recalls the opening words of the Universal Declaration of Human Rights, ‘All human beings are born free and equal in dignity and rights’. It also recalls the obligation on the Executive to honour the full commitment to equality that is set out in the human rights treaties that have been accepted by the UK.

The PfG mentions at present only two of these treaties, the United Nations (UN) Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities. There is no reference to the European Convention on Human Rights, the European Social Charter, the two UN Covenants on Human Rights or any of the European and UN specialised instruments. This is an oversight that needs to be addressed. Simply listing treaties or referring to them in only one priority area, as is now the case, is not good enough. Human rights serve as a legally binding framework that should underlie the entire PfG.

**Identifying the most vulnerable and disadvantaged**

The application of treaty commitments is greatly assisted by the relevant findings of the international expert monitoring bodies, as they review and comment upon human rights protections across the UK. It is this work that the Executive should have turned to when attempting to identify the vulnerable and disadvantaged people referred to in the PfG introduction.

Many of those facing hardships belong to groups, the plight of which has been highlighted repeatedly by the expert bodies, but still they receive no specific mentioned in the PfG. Take just two examples, the first group vulnerable and the second disadvantaged:
1. Victims of crime

The PfG commits to ‘improving access to justice’ and ‘reducing the level of serious crime.’ It also commits to tackle crime against older and vulnerable people by more effective and appropriate sentences and other measures.

These commitments are welcomed and go some way to identify how the Minister for Justice will focus resources on those identified as most in need of protection. A human rights analysis, however, indicates that there is also a serious need to provide in particular enhanced services to support the victims of sexual violence.

Northern Ireland still does not have a centralised sexual assault referral centre. Nor do we have such specialist domestic violence courts as exists elsewhere in the UK. Victims of trafficking, including those forced into prostitution, do not receive the levels of protection and care that are needed. Taking account of victims rights the Executive should commit to a comprehensive approach to tackling sexual violence. But this is missing from the PfG.

2. The travelling community

The PfG commits to ‘improving literacy and numerous levels among all schools leavers, with additional resources targeted at areas of educational underachievement’. It also commits to ‘increase the proportion of young people from disadvantaged backgrounds who achieve at least 5 GCSE’s at A*-C or equivalent in Maths and English.’

These commitments are welcome, but they say little about where the increasingly scarce resources available to the Minister for Education might be best directed. A human rights analysis indicates that the high levels of illiteracy found within the travelling community should make this group a priority concern. Taking account of the right to education, the Executive should have included the delivery of a promised action plan for traveller education as an urgent objective. But this pledge is absent from the PfG.

Dealing with issues of general concern

Among the groups of vulnerable and disadvantaged people acknowledged in the PfG are those living in poverty, with a particular emphasis given to children and the rural poor. This is a good starting point, but the
proposals to tackle poverty need to be reinforced as issue of general concern. Combating poverty should be a core aim of the PfG and not just a set of issues to be address by departments taking individual actions. Collective government means that all economic proposals should be set against the objective of reducing poverty across Northern Ireland. This is a human rights treaty obligation which binds the Executive and must be recognised as such in the PfG.

In addition to tackling poverty, a PfG that is fully committed to human rights needs the Executive to make a public commitment to address the legacy of the Northern Ireland conflict in a comprehensive and integrated fashion. In the language of human rights, a commitment to ‘transitional justice’ must be made in the PfG. Some specific initiatives, such as finalising ‘the Cohesion, Sharing and Integration Strategy’ or actively seeking ‘local agreement to reduce the number of peace walls’ have been included and are welcome. But other important actions are missing, like the envisaged service for victims and survivors. The Executive should demonstrate its human rights credentials by committing to put in place a wide-ranging consultative process on transitional justice, in full compliance with the applicable international standards of good practice, and to be implemented within the lifetime of the PfG.

**Participation**

In order to comply with the UK’s binding human rights obligations, the PfG needs to do more than just deliver human rights-compatible outputs. Respect for human rights also concerns the very processes by which the PfG is further developed and implemented. A consultation, such as the present one, is an important way to ensure that the people have their say. But it is equally important to listen and act upon the responses by reflecting them in the final draft.

No less significant than the consultation is a guarantee for those who will be affected by the decisions contained in the PfG, that their voices will be heard in the subsequent design and delivery. The Commission is concerned that no reference is made to there being a role for affected communities within the PfG’s statement of ‘programme arrangements and delivery framework’. For example, with regard to the commitment to deliver 8,000 social and affordable homes, a human rights approach would ensure that those most in need are first identified and that a
respectful dialogue takes place to allocate this scarce resource and construct the accommodation that take account of their particular needs.

In conclusion, while the Commission welcomes the fact that an equality impact assessment of the PfG is underway, we also advise the Executive that this process is a much too narrow basis upon which to determine if the PfG adheres to international treaty obligations. For that purpose, a human rights audit should be undertaken at key moments in the design and implementation of the PfG. The Commission stands ready to advise the Executive on the operation of such an audit. The Commission also reiterates its commitment to supporting the State, through its specific mandate, in delivering human rights for the people of Northern Ireland on the basis of the international human rights standards to which the UK has committed itself.

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