
We already have all the rights we need

When the British government was reviewed by the UN Committee on its commitments to the International Covenant on Economic, Social and Cultural Rights (ICESCR) in May this year, there were no representatives from the Northern Ireland Assembly present. Scotland, England and Wales all sent members as part of the overall UK government delegation, led by Dr Vijay Rangarajan, Constitution Director in the Ministry of Justice (MOJ), comprising 23 representatives in all.

CAJ had led an intensive awareness raising exercise in anticipation of the examination including a briefing on how to access and respond to this process, email updates, meetings with the Ministry of Justice and OFMDFM equality and human rights departments and providing help and support to local organisations. As such, a strong delegation from the community and voluntary sector in NI, including CAJ, were present at the examination and beforehand for an opportunity to meet with committee members. This meeting was useful in giving up-to-date information specific to NI which was either poorly represented or entirely missing from the UK government's report. There were approximately 16 submissions from NI and around 13 from England, Scotland and Wales combined. The Concluding Observations are testament to the high level of participation from Northern Ireland. It is therefore particularly disappointing that there were no representatives from Northern Ireland to answer the Committee's questions in relation to NI.

A couple of overarching themes which affect the UK mentioned in the Concluding Observations issued by the Committee include the old chestnut of whether the UK government intends to incorporate the ICESCR into national legislation. *'The MOJ... maintained that the UK is not going to make economic, social and cultural rights directly enforceable as people "have so many already".'*¹ It will surely come as a surprise to the 341,000 people in NI who, according to the OFMDFM website, *'live in relative income poverty. Over 100,000 of these are children,'* that they have so many rights already and therefore do not need to have this protection in law!²

Another issue that arises regularly in the monitoring of ICESCR is public awareness of the Covenant; this is one area that CAJ persistently raises in its submissions to the Committee on Economic, Social and Cultural Rights (CESCR). The MOJ acknowledged that the general public was unaware of the rights as set forth in the Covenant but expressed that, *"generally speaking,"* people understand what their rights are. CAJ believes it would be hard pushed in reality to find someone who most needs these rights protected who is aware of this particular Covenant and much more awareness raising is needed by the government.¹

More specific to Northern Ireland, there was an unambiguous call in the concluding observations for a Bill of Rights for NI with the Committee stating *'... the draft Bill of Rights for Northern Ireland, which includes economic, social and cultural rights which are justiciable and calls for its enactment without delay'*. During the examination, the UK delegation was asked about the Bill of Rights for Northern Ireland and the government's resistance to adoption of the Bill. The MOJ explained that there was no resistance by the UK government and referred to the process as a key step toward peace in Northern Ireland but also as an inclusive process, which explained the need for continued analysis and discussion with communities on the issue.¹ CAJ calls on the Northern Ireland Office to make public its arrangements for a consultation on a Bill of Rights and enact legislation as soon as possible.

Other details specific to Northern Ireland included housing, mentioning particularly the chronic shortage of social housing among disadvantaged groups, especially Catholic families in North Belfast, and called upon the State party to intensify its efforts to ensure that everyone has access to housing, including social housing. Unfortunately a representative from Northern Ireland was not available to provide information on housing issues but a promise was made to send a written response at a later date. Also included in the Concluding Observations were educational rates, particularly for Roma/Gypsies, Irish Travellers and drop-out rates of children from ethnic minority backgrounds; that there is limited information in the government's report specific to each devolved administration; that the Abortion law in NI be changed in line with the rest of the UK; that Equality Impact Assessments are properly implemented in NI and that an Irish Language Act be adopted, similar to that in Scotland and Wales.

Many other areas of direct interest were mentioned, such as healthcare, migrant workers and the Optional Protocol to the Covenant which would allow individual complaints. Let us hope that the lack of attendance by the NI officials at the examination in Geneva does not indicate a lack of commitment by the NIO and the Assembly in living up to their obligations under this and other Covenants. The Committee requested that the State party submit its sixth periodic report prepared in accordance with the revised reporting guidelines of the Committee by 30 June 2014.

¹ *Treaty Body Monitor, International Service for Human Rights, Human Rights Monitor Series. E-mail: information@ishr.ch Website: www.ishr.ch*

² *www.ofmdfmi.gov.uk Central Poverty*

For Concluding Observations and other information on the Treaty see www.ohchr.org