



Northern
Ireland
Office

Northern Ireland Office
Stormont House
Stormont Estate
Belfast BT4 3SH
Telephone 028 9052 7888
Facsimile 028 9052 7040
www.nio.gov.uk

Minister of State

Mr Peter O'Neill
Chief Executive
Northern Ireland Human Rights Commission
Temple Court
39 North Street
Belfast
BT1 1NA

22 January 2010

Dear Peter

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thank you for your letter to Jonathan Phillips regarding the Concluding Observations of the United Nations Committee on Economic, Social and Cultural Rights. You requested information on the UK's response to the Concluding Observations falling within the NIO's remit and it is more appropriate that I respond as the responsible Minister.

Irish Language Act

You refer to a letter from the Chief Commissioner to the Secretary of State on 22 June 2009, the response to which was issued on 18 December 2009 and set out the current position in respect of an Irish Language Act.

Following the St Andrews Agreement the Government commenced work on developing an Irish Language Bill, launching a consultation on strategic approaches to the issue on 13 December 2006. Following that consultation and taking into account the responses received, the Government published a second consultation paper on 13 March 2007. This paper set out the Government's best assessment of the most acceptable way of delivering an Irish Language Act which met the needs of all sections of the community. The



INVESTOR IN PEOPLE



Northern Ireland Office

consultation included proposals for a requirement on public authorities to produce an Irish language scheme setting out how they proposed to make themselves accessible to Irish speakers and the establishment of an Irish Language Commissioner to approve and oversee language schemes and included indicative draft clauses showing how the legislation enacting this might look. However, during that second consultation period – on 8 May 2007 – devolution was restored in Northern Ireland and the restored devolved institutions once more became responsible for this issue, including the outcome of the consultation.

In your letter you also refer to the commitment to introduce an Irish Language Act in Northern Ireland as a formal international commitment. However, the St Andrews Agreement – other than those parts of it which effected practical changes to the operation of the institutions of the 1998 Belfast Agreement, which were formalised in international law by the Intergovernmental Agreement between the Irish Government and the Government of the United Kingdom of Great Britain and Northern Ireland (Cm 7078) – is not a legally binding treaty. This does not mean that the UK Government was any less committed to its undertakings in those parts of the St Andrews Agreement that did not constitute the Intergovernmental Agreement. Indeed the work undertaken by Direct Rule Ministers in advance of devolution demonstrates the level of commitment felt by the Government on the issue. However, following devolution it is right that the boundaries of the devolution settlement are respected which mean that taking forward Irish language legislation is for the Northern Ireland Assembly.

However, the Government recognises the close connection between language and identity, and understands the concern of speakers of minority languages to see that their language is respected. That is why it legislated in the Northern Ireland (St Andrews Agreement) Act to place a duty on the Northern Ireland Executive to adopt strategies setting out how it proposes to enhance and protect the development of the Irish language





Northern
Ireland
Office

(and enhance and develop the Ulster Scots language, heritage and culture). The Government believes that these duties are important and is continuing to work with the Executive to encourage the publication of these strategies. Separately, the Government remains committed to facilitating greater use of the Irish language within its own area of responsibility.

Unauthorised Encampments (Northern Ireland) Order 2005

This legislation now falls within the transferred field and is primarily the responsibility of the Department for Social Development (DSD). This query has been passed to the Northern Ireland Executive for response.

Violence against women

Your letter raises both domestic and sexual violence against women. It may be helpful, however, if I explain first of all in general terms how domestic and sexual violence are being addressed in Northern Ireland. As you will be aware, five-year strategies and annual action plans are in place to guide our efforts on both domestic and sexual violence. These are:

- *"Tackling Violence at Home – A Strategy for Addressing Domestic Violence and Abuse in Northern Ireland"*. This was launched in October 2005 as the Government's strategy for tackling domestic violence in Northern Ireland. The Strategy sets out a five-year programme for tackling domestic violence and abuse in the three key areas: prevention; protection and justice; and support. The strategy is accompanied by a series of annual Action Plans.



INVESTOR IN PEOPLE



Northern Ireland Office

- *"Tackling Sexual violence and Abuse – A Regional Strategy"*. This strategy was launched in June 2008 and like the domestic violence strategy it sets out the Government's strategy for tackling sexual violence in Northern Ireland. The Strategy also sets out a five-year programme for tackling sexual violence and also covers the areas of prevention; protection and justice; and support. The strategy is accompanied by a series of annual Action Plans.

Some examples of the Government's efforts to tackle domestic and sexual violence include:

- **Raising awareness and offering support to victims** – we have funded a number of joint media campaigns aimed at raising awareness of both domestic and sexual violence. The most recent campaign aimed to drive home the message that sexual abuse and violence are always wrong, and encourage anyone needing help to call Lifeline free, in confidence, 24/7. During previous media campaigns victims of domestic violence were similarly encouraged to contact the Government-funded 24-hour freephone domestic violence Helpline.
- **Specialist training** - specialist training has been delivered to investigating officers. Both PSNI and the Public Prosecution Service have been developing models of best investigative practice so that more offences can achieve the threshold for prosecution thereby improving the prospects of a successful conviction.
- **Changes to the law** - recent significant changes in the law on sexual offences, sentencing and arrangements for managing offenders afford greater levels of public protection. New powers introduced on 30 September, under the Domestic Violence Crime and Victims Act 2004 allow the courts to serve a restraining order for any offence even when someone has been acquitted in order to better protect victims.





Northern
Ireland
Office

- **New arrangements to assess risk** - on 14 December 2009, Health Minister Michael McGimpsey and I launched the roll-out, across Northern Ireland, of Multi Agency Risk Assessment Conferences (MARACs) to help protect the safety of victims of domestic violence.

Tackling domestic and sexual violence is a cross-Government issue and, as you will be aware, the NIO holds joint responsibility with the Department for Health, Social Services and Public Safety (DHSSPS) for developing policy in this area. However Health Minister, Michael McGimpsey, through his chairmanship of the Northern Ireland Inter-Ministerial Group, currently has primacy and more general queries on efforts to combat domestic and sexual violence should be directed to DHSSPS for response.

Corporal punishment of children

Like England and Wales, the law in Northern Ireland on the physical punishment of children is based on the concept of "reasonable chastisement". The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 had the effect making NI law consistent with law in England and Wales under Section 58 of the Children Act 2004.

As in England and Wales, the law in Northern Ireland limits a person's defence solely to the summary charge of common assault (i.e. it cannot be relied upon in anything more serious); or, in a civil case to claims for damages where the harm alleged does not amount to actual bodily harm. In other words, reasonable chastisement can still be used as a defence but only in very minor matters.

The Government believes that the current law provides the right balance between child protection and the avoidance of criminalising parents who may occasionally administer a



INVESTOR IN PEOPLE



Northern
Ireland
Office

'mild smack'. Any new proposals for changing the law on smacking of children in Northern Ireland would be best developed and implemented by the Northern Ireland Assembly, once it assumes responsibility for the criminal law.

Abortion

The Government currently has no plans to amend the abortion law in Northern Ireland. It believes that the appropriate forum for discussion around, and decisions on, this matter is the Northern Ireland Assembly once it has assumed responsibility for the criminal law.

I hope this is helpful. Once finalised, the UK Government's full response to the Committee will be circulated to national human rights institutions and non-governmental organisations by the Ministry of Justice in due course.

Yours sincerely
Paul

THE RT HON PAUL GOGGINS MP
Minister of State for Northern Ireland



INVESTOR IN PEOPLE