



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

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Office of the First Minister and  
Deputy First Minister  
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ANTI-POVERTY

05 OCT 2005

RECEIVED

4 October 2005

Dear Ms McMeekin

### **Anti-poverty Strategy for Northern Ireland**

I regret that it was not possible within resource constraints for the Northern Ireland Human Rights Commission to provide a detailed and timely response to the recent consultation proposals on the Anti-Poverty Strategy which is to replace the current New TSN policy. This should not be taken as indicating any lack of interest on our part. Indeed, this area of policy is one of great importance to the future governance of Northern Ireland and to the work of the Commission, which sees poverty as one of the most pressing human rights concerns in this region. Our primary focus is, of course, on securing full compliance in Northern Ireland with the international human rights obligations of the state, including in this context the International Covenant on Economic, Social and Cultural Rights, the European Social Charter, and the 'soft law' or best practice standards produced by the international human rights systems. We will certainly want to engage with your Department, and other parts of government, in the further development and application of the Strategy.

It was regrettable that the consultation was run over the summer months. We are aware that other organisations found that the timing of the consultation exercise was problematic, and surprising in the context of such an important policy. The Commission would welcome a commitment from the Department that future consultations on such substantial and important documents will be planned so as to allow for a wide-ranging discussion of the proposals by as many stakeholders as possible.

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Chief Commissioner: Professor Monica McWilliams

Chief Executive: Ms Paddy Sloan

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At this time, the Commission would like<sup>to</sup> bring to the Department's attention the following points:

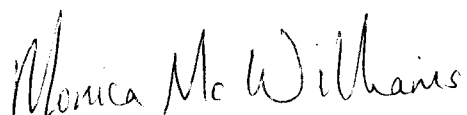
1. It is disappointing that the Strategy does not mention human rights proofing as one of its priorities. A human rights based approach to poverty reduction has been in the mainstream of international thinking, not least within the framework of the development work of the United Nations. This introduces new elements to anti-poverty measures, including the responsibility of government departments as duty-holders, a focus on the process as well as the outcomes of the strategies and accountability on the part of the State for the fulfilment of the right to an adequate standard of living. As the Department will be aware, the Commission's work on developing proposals for a Bill of Rights for Northern Ireland has focused to a considerable degree on effective statutory protections for the social and economic rights already recognised in the international treaty commitments of the United Kingdom. Our extensive consultation found strong and cross-community support for the inclusion of such rights, and the implementation of such a Bill would require the introduction of human rights based thinking on poverty reduction at all levels of government. Such an approach could be applied now, and we would welcome the inclusion of human rights proofing as one of the main elements of policy design across all of government. Recognising the need to avoid over-burdening policy makers, the Commission would suggest that this might best be addressed not by imposing a wholly new process but by gradually integrating rights proofing into the section 75 EQIA model. In the first instance, and again to minimise the effort required, we would suggest that the focus be on what is already a statutory requirement, namely Human Rights Act compliance. Over time, it should be possible to introduce measurements of compliance with the major international standards, so that impact of a policy on, for example, gender is assessed not merely on s.75 considerations but as against the UN Convention on the Elimination of Discrimination Against Women, and similarly for other instruments and the corresponding grounds of discrimination. In nearly all cases the treaty provisions map closely to domestic legal obligations, so that this ought not to constitute a much greater burden. The Commission is willing to engage with your Department, and of course with our Equality Commission colleagues, on the development of any such assessment tool.

2. The Commission is concerned that little attention has been given in the strategy to the fact that the conflict in Northern Ireland has had a significant impact on the causation and distribution of poverty and social exclusion, the particular character of poverty in Northern Ireland and the ways in which responses are developed, as evidenced by research quoted within the consultation document. We are concerned, therefore, that there are no actions put forward that would address this specific problem. In particular, there needs to be some coherence between anti-poverty measures and the community relations strategy, making links between peace-building and actual or perceived levels of community deprivation. The need to recognise the impact of conflict on poverty in Northern Ireland has been raised within earlier consultations on <sup>an</sup> anti-poverty strategy. The Commission finds it unsatisfactory that the consultation document limits itself to stating that division in the society is "costly in both social and public resource terms" (page 98) while not proposing any particular measures to address conflict related poverty.
3. In this connection, the Commission would strongly advocate a robust, regional approach to the design of the strategy, meeting local needs while remaining within the context of the UK implementation of the common European framework of National Action Plans for Social Inclusion (NAPs/incl). This should include measures that recognise the impact of the conflict and propose specific actions that would address the differences in the structure of poverty in Northern Ireland in comparison to other regions of the United Kingdom. The UK National Action Plan (2003-05) indicated a number of issues of particular relevance to this region, including financial exclusion, training and employability, entrepreneurship, homelessness, Traveller accommodation, home energy efficiency, access to culture and leisure provision, teenage pregnancy, substance misuse, services for children, urban regeneration, the range of problems addressed by *Investing for Health* and 'digital inclusion'. It would surely be desirable to correlate the analysis and proposed measures as between the NAPs/incl and the regional Anti-Poverty Strategy.
4. Lastly, the Commission is concerned that the proposals seem to be largely based on the ongoing strategies such as New TSN and introduce few new elements. We are also concerned that the document does not seem to take on

board many of the criticisms that have been expressed by stakeholders within this and earlier consultation on the policy, notably around the specification of time-bound targets and a dedicated budget. (Here, of course, we are not suggesting that the emphasis should be on quick fixes for what are often deep-rooted problems requiring very long-term investment; rather, we believe that time-bound and realistic targets should be used to encourage and assess progress.) The opportunity must not be missed to introduce innovative initiatives to address the specific impact of poverty in Northern Ireland. Matters worthy of consideration in this context include the vastly greater incidence of fuel poverty in Northern Ireland as compared to other UK jurisdictions, with the correspondingly greater impact of recent fuel price increases; the issues around 'post code discrimination' in the health sector, and redressing differentials in health care as between Northern Ireland and wealthier UK regions; and the scope, with reference to any institutional, administrative or political obstacles, for departing from the parity principle in social security legislation, to address the higher levels of need in this region.

We realise that these are limited comments, but we hope that they will be able to inform any work that follows the consultation process. We look forward to future opportunities to contribute to the development and outworking of this Strategy.

Yours sincerely

A handwritten signature in black ink that reads "Monica McWilliams". The signature is written in a cursive, flowing style.

**Monica McWilliams**  
**Chief Commissioner**