



**Human Rights Consortium Submission to the
UN Special Rapporteur on Extreme Poverty**

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The Human Rights Consortium is a not for profit coalition of civil society organisations from across Northern Ireland which was established in 2000. We have almost 170 member organisations from a range of community and voluntary grassroots groups, NGOs and Trade Unions, drawn from all sections of the community and all parts of Northern Ireland. We work together towards a human rights based Northern Ireland.

(1) What is the definition of poverty and extreme poverty that your organization employs?

One of the most commonly used statistical indicators of poverty in Northern Ireland are Government statistics on Relative Poverty and Absolute Poverty. Relative Poverty is the proportion of individuals who have incomes below 60% of the UK median and Absolute Poverty is the proportion of individuals who have incomes below 60% of the UK (inflation adjusted) median income in 2010/11. These statistics are published annually in the households below average income report for Northern Ireland.¹

(2) What is your view on the current official measurement of poverty by the government?

These HBAI figures help provide broad patterns of low income but they do not provide information on the income situation of certain sections of society that are particularly vulnerable to the risk of poverty such as ethnic minority groups or persons with a disability. These and other gaps in disaggregated data do not allow for a more holistic measurement of poverty in Northern Ireland. The Social Metrics Commission have recently published their own suggested changes to how poverty could be measured across the UK that positions the measure of poverty within a wider measurement framework.² Suggesting approaches such as taking account of inescapable costs such as the extra costs of disability, childcare, rental and mortgage costs within an assessment of poverty.

(3) What are the most significant human rights violations that people living in poverty and extreme poverty in the United Kingdom experience?

Individuals living in poverty in Northern Ireland and indeed the wider UK are unable to seek redress for violations of the social and economic rights guaranteed under the International Covenant of Economic Social and Cultural Rights (ICESCR) to which the UK is a signatory. Indeed, there is also no dedicated programmatic or financial mechanism that is explicitly linked to the realisation of these rights in either Northern Ireland or the wider UK. This has a profound impact on the status of those rights within these territories and continues to make their realisation all the more unlikely.

Provision for a Bill of Rights for Northern, which was to build upon the rights contained within the European Convention of Human Rights (ECHR) by including supplementary rights influenced by International Standards and our local circumstances, was committed to in the Belfast/Good Friday Agreement³ and voted for by an overwhelming majority of people in Northern Ireland through referendum.

¹ <https://www.communities-ni.gov.uk/publications/households-below-average-income-northern-ireland-201617>

² http://socialmetricscommission.org.uk/MEASURING-POVERTY-FULL_REPORT.pdf

³ The Agreement stated, "The new Northern Ireland Human Rights Commission will be invited to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and – taken together

The Northern Ireland Human Rights Commission, created and tasked by this Agreement with providing advice on a Bill of Rights for Northern Ireland, fulfilled that duty in 2008.⁴ The NIHRC advice called for the inclusion of additional Economic, Social and Cultural Rights (ESCRs) such as: an expanded right to education, the right to identity and culture, language rights, the right to health, the right to an adequate standard of living, the right to accommodation, the right to work, environmental rights, social security rights and children's rights (including play and leisure). All of which dovetail with and indeed are often inspired by rights contained within ICESCR. Since that point the UK Government's response has been to seek to diminish the significance of the NIHRC advice and ignore the widespread public support for a Bill of Rights.

At a local level the Northern Ireland Executive has also failed to implement legislative or programmatic initiatives to help respect, protect or fulfil the social and economic rights of individuals. As part of a consultation response to the Northern Ireland Executive's Draft Programme for Government 2016 the Consortium recommended the adoption of a human rights-based approach to this pivotal policy framework⁵ in line with UN recommendations.⁶ Despite adopting an Outcomes Based Approach (OBA) the Draft programme had failed to include measures aimed at protecting human rights while the previous Programme for Government had made no references to human rights or equality whatsoever. This is despite substantial evidence that public opinion supports the utilisation and adoption of International Human Rights standards as a mechanism for good governance and creating a fairer society where those who are vulnerable are adequately protected.⁷

(4) Could you specify how poverty and extreme poverty in the United Kingdom intersect with economic and social rights issues (such as the right to education or the right to health care)? Please exemplify by referring to specific cases and relevant norms of international human rights law.

At 4.0% the current unemployment rate is still one of the lowest recorded for Northern Ireland but at 69.3% the employment rate remains below the UK (75.5%) and is the lowest of the UK regions. The economic inactivity rate (27.7%) is similar to rates 5 years ago and continues to be the highest of the UK regions. Economic inactivity also continues to be one of the key drivers of poverty.

Increases overtime in long-term unemployment, in youth unemployment and NEET rates in Northern Ireland and relative to GB point to the inadequacy of measures to facilitate the exercise of the right to work and the associated income which could enable the realization of other ESC rights.

While a failure to maintain systematic approaches to the protection of several key social and economic rights have likewise created and exacerbated this unemployment situation over time.

with the ECHR – to constitute a Bill of Rights for Northern Ireland.” Belfast Agreement, “Rights, safeguards and equality of opportunity”, pp 16-17

⁴ Full advice available at <http://www.nihrc.org/Publication/detail/advice-to-the-secretary-of-state-for-northern-ireland>

⁵ <http://www.humanrightsconsortium.org/wp-content/uploads/2016/08/HRC-PfG-Framework-submission-July-2016.pdf>

⁶ Human Rights Indicators, A Guide to Measurement and Implementation. United Nations Office of the High Commissioner for Human Rights (OHCHR), HR/PUB/12/5 Available at http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf

⁷ Attitudes to Human Rights in Northern Ireland : Polling Data <http://www.humanrightsconsortium.org/human-rights-unite-northern-ireland/>

For a more detailed explanation of the failure to protect ESR in Northern Ireland and its impact please see our submission to the UNCESCR.⁸

(5) What are the potential implications of Brexit for the situation of those living in poverty in the United Kingdom?

The economic climate post Brexit will likely have a disproportionate impact on those living in poverty. Indeed, Brexit is already having a negative economic impact in Northern Ireland.

In the immediate aftermath of the Brexit referendum the pound took its steepest one day drop ever. It dropped 10% against the dollar. It's steepest decline in 31 years. Since that time the pound has continued to fluctuate and hasn't recovered back to Pre-Referendum levels.

When sterling is lower companies based in the UK need to spend more to operate when their business involves buying equipment, ingredients or other products from overseas. Those costs have inevitably been passed on to consumers through higher prices and led to a lowering of household incomes. Based on projections from May 2016, household incomes are now down by £900 from what they were projected to be at this stage.⁹

Predictions continue to be made that a no deal Brexit could have catastrophic outcomes for the wider UK economy akin to the 2008 financial crisis, with significant rises in unemployment and a substantive decline in house prices just a few of the predicted financial implications.¹⁰

In Northern Ireland specifically, the economic landscape has been in decline following the Brexit referendum¹¹ with a decrease in economic activity in what has been a time of growth at a European and international level. Leading to speculation of NI sitting on the edge of a potential recession.¹²

While lack of economic growth is not a singular indicator of the status of poverty in Northern Ireland it does create less opportunities for employment, reduced tax revenues for public services and an economic climate that is less likely to attract foreign and domestic financial investment.

The ongoing debates and lack of clarity about what the trade, customs and financial landscape might be following Brexit is a key driver of this economic uncertainty and instability. Discussions around the future UK participation in the Single Market and Customs Union, the operation of a soft or hard border and doubt about what tariff or non-tariff barriers will apply for cross border trade are creating a very uncertain economic climate in Northern Ireland and the Republic of Ireland.

Both these jurisdictions have benefitted from the advantages of the 'all-island economy' that has been built upon the structures, benefits and environment created by common EU membership and

⁸ Submission from the Human Rights Consortium to the United Nations Human Rights Committee on Economic, Social and Cultural Rights (CESCR's) Review of the UK's 6th Periodic Report April 2016 <http://www.humanrightsconsortium.org/wp-content/uploads/2016/06/HRC-ICESCR-Submission-April-2016-.pdf>

⁹ <https://www.theguardian.com/politics/2018/may/22/brexit-vote-cost-uk-mark-carney-bank-of-england>

¹⁰ <https://www.msn.com/en-gb/news/brexit/no-deal-brexit-could-be-as-bad-as-2008-financial-crash-carney-says/ar-BBNiAtD?ocid=spartanntp>

¹¹ The Northern Ireland Composite Economic Index (NICEI) <https://www.nisra.gov.uk/statistics/economic-output-statistics/ni-composite-economic-index>

¹² <http://www.cbi.org.uk/news/cbi-ni-comment-on-nicei-data-on-local-economic-performance/>

it is unavoidable that Brexit will diminish those advantages regardless of the eventual deal struck between the EU and UK.

- In 2017 intra-island trade in goods between Northern Ireland and Ireland was worth €3.23bn/£2.84bn.
- Total consumer spending in the all-island economy is approximately £60.9b/€74.3bn per annum of which approximately £44.6bn/€54.4bn is spent in Ireland and £16.3/€19.9bn Northern Ireland.
- Exports from Ireland to Northern Ireland and in the other direction are dominated by the indigenous sectors of the economy and especially agri-food.
- 64% of the non-UK and Ireland visitors to Northern Ireland arrived via Ireland (448,000 of the total 700,000)¹³

Companies located on the island of Ireland draw advantages from an increased available customer market through open access to both NI and the RoI, a bigger pool of workers to draw from and the ability to source supplies on either side of the border. Barriers to the movement of goods, services, people or capital will undoubtedly have a negative impact on these established advantages for companies and in turn disturb economic development, employment and standards of living.

(6) What are the potential implications of Brexit in terms of protecting the human rights of low-income groups and of persons living in poverty?

Northern Ireland has benefitted significantly from the UK's membership of the EU. Many of the rights that are enjoyed in Northern Ireland are derived from and underpinned by EU law. There is a real risk that when this supporting mechanism is removed that many human rights protections will be undermined or lost altogether. The EU has demonstrated that it has been a progressive force for rights in Northern Ireland – pulling the region forward in relation to the rights of LGBT people, the rights of disabled people, workers' rights, environmental protection and women's rights. A detailed analysis of the human rights impact of EU membership and the potential impact of EU withdrawal on Northern Ireland has been set out in our 'Rights at Risk' report.¹⁴

Essentially, as the UK exits the safeguards of being part of EU supranational structures the way in which rights are protected within Northern Ireland will be fundamentally and detrimentally changed. Brexit is having a profoundly disruptive effect on the UK constitutional structure and the impact appears to be resulting in a recentralisation of power in the hands of the UK government and removal of existing EU rights through the EU Withdrawal Act.¹⁵ The reality of losing the external supervision of the CJEU (Court of Justice of the European Union) also risks threatening the significant post-conflict confidence building mechanism of knowing that decisions or laws of the local or UK government and parliament which are in breach of EU law, including human rights protections, can be challenged in the courts. The supremacy of the CJEU also ensures that all parts of the UK keep pace with changes to EU human rights standards which are interpreted through the courts. Any such interpretation is automatically applied in the Northern Ireland courts and is binding on law and policy makers too. While the EU Withdrawal Act makes it clear that the case law of the CJEU which exists on Brexit day will be binding on all courts in the UK, any human rights interpretations after

¹³ Business on a Connected Island - Joint Ibec and CBI NI report on economic development and job creation on the island of Ireland http://www.cbi.org.uk/index.cfm/_api/render/file/?method=inline&fileID=94039523-3C22-4579-9C897F2D1A65216E

¹⁴ <http://www.humanrightsconsortium.org/wp-content/uploads/2018/01/RIGHTS-AT-RISK-Final.pdf>

¹⁵ European Union (Withdrawal) Act 2018 <http://www.legislation.gov.uk/ukpga/2018/16/contents/enacted>

that date will not automatically apply, which threatens to create a gap between human rights standards in Northern Ireland and Ireland (and the rest of the EU).

Similarly, the UK government's decision to exclude the EU Charter of Fundamental Rights from all the laws and policies carried over in the Bill creates a human rights vacuum. The EU Charter acts as an important constitutional safeguard underpinning human rights protections in Northern Ireland and its removal weakens the quality and range of human rights protections available here, particularly as its scope extends beyond the largely civil and political rights contained within the ECHR to areas of employment, health, social security, environment and beyond.

The EU and UK had made a number of substantive commitments to the protection of the Belfast/Good Friday Agreement, human rights and citizenship rights in the December 2017 Joint Report from their negotiations¹⁶ but the draft negotiation text to set these principles in legal format in March 2018 had a number of significant gaps in how it translated these commitments into specific legal guarantees.¹⁷

Also of significance are the EU funds to vulnerable groups, projects and sources of support that will be lost following the withdrawal from the EU. One of the priority areas for the EU has been social inclusion, poverty reduction and rural economic development. The European Social Fund for instance has been significant in supporting unemployed women to get the skills and experience necessary to get back into the workforce.

Therefore, as the Brexit process stands, people who live in Northern Ireland will suffer a significant and detrimental loss of rights and support once the UK exits the EU. Many of those employment, equality and non-discrimination supports protected the human rights of low-income groups and of persons living in poverty. This 'rights gap' is of particular concern in the region of the UK which has the only physical border with the EU, whose peace process was underpinned by EU membership and whose stability, economic development and prosperity were driven by this partnership. Failure to shore up this gap will likely have the biggest impact on the most vulnerable. It is our belief that the provision contained with the Belfast/Good Friday Agreement for a Bill of Rights for Northern Ireland could be utilized as a vehicle to ensure that this rights gap is effectively bridged, and these groups and individuals adequately protected.

¹⁶ Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union. 8 December 2017 https://ec.europa.eu/commission/sites/beta-political/files/joint_report.pdf

¹⁷ Draft Withdrawal Agreement - 19 March 2018 <https://www.gov.uk/government/publications/draft-withdrawal-agreement-19-march-2018>