

Submission to UN Special Rapporteur on extreme poverty & human rights (United Kingdom Country Visit)

Equality Issues in Northern Ireland

September 2018

Equality Commission for Northern Ireland

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1 Introduction

- 1.1 The Equality Commission for Northern Ireland ('the Commission')^{1 2} welcomes the opportunity to provide the United Nations Special Rapporteur on extreme poverty and human rights with a written submission in advance of his official visit to the United Kingdom of Great Britain and Northern Ireland in November 2018.

Scope of Equality Legislation in Northern Ireland

- 1.2 Whilst socio-economic disadvantage is not a specified ground under the equality legislation in Northern Ireland, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion.
- 1.3 The Commission continues to proactively highlight the link between poverty and social exclusion, and the inequalities faced by individuals protected under the equality legislation across a number of areas of public policy (for example, areas such as education, housing and social protection³).

¹ The Commission is a non-departmental public body established by the Northern Ireland Act 1998. Our powers and duties derive from a number of statutes that provide protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation. We also have responsibilities arising from the Northern Ireland Act 1998 in respect of the statutory equality and good relations duties that apply to public authorities.

² The Equality Commission and the Northern Ireland Human Rights Commission (NIHRC) are jointly designated as the 'independent mechanism' to promote, protect and monitor implementation of UN Convention on Rights of People with a Disability. It is our responsibility to look at how UNCRPD is being implemented in Northern Ireland, and report on this to the UN Committee.

³ The Commission has also drawn attention to the adverse impact of welfare reform on people belonging to a number of groups protected under equality legislation including: disabled people; women and lone parents; younger people; mixed aged households and people from ethnic minority backgrounds and called for consideration of mitigating measures. See: ECNI (2018): [Welfare-Reform Policy Responses](#)

Focus of this submission

- 1.4 We set out below our response to a number of thematic issues of interest to the rapporteur⁴. Our responses are limited to the scope of our formal remit.

2 General Questions on Poverty

Question 2 (measurement of poverty)⁵:

Key Recommendations:

- Government actions to address poverty and social exclusion must positively impact across a range of equality groups.
- Section 75⁶ equality screening data could be used to help shape government plans, allowing the targeting of specific interventions and outcomes.
- Attention should be given to the potential for additional data collection across the Section 75 equality grounds.

- 2.1 The Northern Ireland Executive's draft Programme for Government (PFG) for 2016 to 2021 included proposed actions aimed at reducing the percentage of people living in absolute poverty and the percentage living in relative poverty.^{7 8}

⁴ As set out in [Call for written submissions - Visit by United Nations Special Rapporteur on extreme poverty and human rights to the United Kingdom of Great Britain and Northern Ireland from 15 to 16 November 2018](#)

⁵ **Q2: What is your view on the current official measurement of poverty by the government, what are the shortcomings of the current measurement and what alternatives would be feasible?**

⁶ Section 75 (1) of the Northern Ireland Act 1998 requires public authorities to have due regard for the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally;
- persons with a disability and persons without;
- persons with dependents and persons without.

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive action to promote equality of opportunity and encourages public authorities to take action to address inequality among the groups listed above. See: ECNI (2018): [Section 75 Duties](#)

⁷ In June 2014 the High Court ruled that the Northern Ireland Executive had failed to develop an anti-poverty strategy for Northern Ireland. This followed legal action by the human rights watchdog Committee on the Administration of Justice (CAJ) see:

Belfast Telegraph (30 June 2015): [Stormont Executive Failed To Develop An Antipoverty Strategy](#)

⁸ Northern Ireland Executive (2016): [Draft Programme for Government Framework 2016 to 2021](#). The reduction of poverty is a key indicator; see pages 13 and 15.

- 2.2 The Commission has made it clear that we support the proposed Delivery Plan for PFG Indicators to address poverty in Northern Ireland to the extent that they can be utilised to address the poverty and social exclusion experienced by a range of equality groups⁹.
- 2.3 We noted that the equality screening of the delivery plan sets out a range of Section 75 groups adversely affected by poverty and suggest that this data could be used to help shape the plan to target specific interventions and outcomes. For example, it notes that minority ethnic children are more vulnerable to poverty, but specific actions to address this are not apparent¹⁰.
- 2.4 We also suggested that the plan should take account of the potential for data collection across the Section 75 grounds. We also stressed that there is a need to ensure that equality of opportunity and good relations for members of Section 75 categories are also advanced and monitored across the PfG as a whole.

Question 3 (Human Rights violations)¹¹:

- 2.5 In 2016, the Committee on the Rights of Persons with Disabilities (CRPD) carried out an inquiry under article 6 of the Optional Protocol to the Convention^{12 13 14}.
- 2.6 The inquiry¹⁵ found that disabled people have been disproportionately affected by social security reforms and that they had resulted in a struggle for many disabled people to maintain an adequate standard of living.¹⁶ The CRPD Committee

⁹ ECNI (2017): [Response to the proposed Delivery Plan for Programme for Government Indicators 19 & 28](#)

¹⁰ Northern Ireland Executive (2017): [Programme for Government Delivery Plan Indicators 19 and 28](#), pages 22-26.

¹¹ **Q3: What are the most significant human rights violations that people living in poverty and extreme poverty in the United Kingdom experience? Please exemplify by referring to specific cases and relevant norms of international human rights law.**

¹² This related to concerns regarding the adverse impact on persons with disabilities of the implementation of a process of reforms of legislation and policies by the UK State party.

¹³ ECNI assisted in the Northern Ireland leg of the Inquiry, in our capacity as part of the Independent Monitoring Mechanism for Northern Ireland – see: UKIM (2016): [Key concerns of the UK Independent Mechanism following the release of the CRPD Committee's inquiry into the UK under Article 6 of the CRPD Optional Protocol, and the UK Government's response](#)

¹⁴ The examination was declared by the Committee rapporteur, Mr Stig Langvad, to be “the most challenging exercise in the history of the Committee”. See: Committee on the Rights of Persons with Disabilities (13 September 2017): [Summary Record of 349th meeting](#), CRPD/C/SR/349, paragraph 85, page 13.

¹⁵ CRPD Committee (2016): [Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report of the Committee](#)

¹⁶ “It has become evident that the committee has a very different perception on how human rights should be understood and implemented within the State Party. The committee is deeply concerned that the State Party still considers itself as a champion of human rights, the lack of demonstration of the commitments following the ratification of the convention and the following inconsistency with the State Party on disability policies”. See: Committee on the Rights of Persons with Disabilities (13 September 2017): [Summary Record of 349th meeting](#), CRPD/C/SR/349, paragraph 85, page 13.

recommended¹⁷ that the UK Government ensure ‘*any intended measure of the welfare reform is rights-based...and does not disproportionately and/or adversely affect the rights of persons with disabilities*’ and recommended a human rights-based cumulative impact assessment of the social security reforms since 2010.

- 2.7 The UK Government responded stating that it “*strongly disagrees*” with the findings¹⁸ ¹⁹. Committee rapporteur, Mr Stig Langvad, noted²⁰ the government’s “*lack of recognition of the findings and recommendations of the (2016) Inquiry*” which found ‘*grave and systematic violations of disabled people’s human rights*’.

Question 5 ((*intersection with economic and social rights*))-²¹

- 2.8 The Commission has identified the need for urgent action to address poverty and social exclusion experienced by a range of specified equality groups, across a number of key areas as follows:

Health and Social Care

Action is required to:

- Improve accessibility of health and social care services to Older People; People with a Disability; Travellers; Migrant workers and New Residents.
- Address gendered health inequalities impacting on both men and women.
- Address inequalities in investment in mental health and learning disability.

¹⁷ CRPD Committee (2016): [Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report of the Committee](#), page 21.

¹⁸ CRPD Committee (13 January 2017): [Observations by the United Kingdom of Great Britain and Northern Ireland on the report of the Committee on its inquiry carried out under article 6 of the Optional Protocol](#), CRPD/C/17/R.3, paragraph 1, page 3.

¹⁹ The UK Government have subsequently announced the development of an Inter-Ministerial Group on Disability and Society. Details of how this Group will relate to devolved governments and its remit in relation to addressing the UN Committee’s recommendations are unclear. See: UKIM (2018): [Briefing on Government Response to UNCRPD Report, page 2](#).

²⁰ CRPD (2017): Committee on the Rights of Persons with Disabilities (13 September 2017): [Summary Record of 349th meeting](#), CRPD/C/SR/349, paragraph 85, page 13.

²¹ (Q5) 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)?

- 2.9 The Marmot Review has highlighted that health inequalities are observed along a social gradient – the lower one’s social and economic status, the poorer one’s health is likely to be²².
- 2.10 A number of factors can contribute to health inequalities including socio-economic and environmental circumstances; lifestyle and health behaviour; and access to effective health and social care²³.
- 2.11 The Commission has highlighted the need to remove barriers to accessing health and social care experienced by particular Section 75 equality groups.²⁴
- 2.12 We have also highlighted the need to ensure investment in health care to address the specific needs of equality groups; for example, people with disabilities, including the sexual health and maternity needs of women with disabilities; as well as young people’s mental health needs and to address the high suicide rates among men, Irish Travelers, and young people.²⁵
- 2.13 The Commission has called for a full consultation on abortion law in Northern Ireland ²⁶ ²⁷. There is also the need to ensure the collection by the Department of Health, of system wide data across the Section 75 grounds; and that appropriate account is taken of people’s multiple identities.
- 2.14 The Commission has highlighted health inequalities for groups at greater risk of poverty relating to the following issues:²⁸

²² Michael Marmot (2010): [The Marmot Review - Fair Society, Healthy Lives](#), pages 15 – 16.

²³ ECNI (2018): [Health & Social Care Policy Responses](#)

²⁴ Such as older people; lesbian, gay and bisexual people; trans people; Irish Travellers and other minority ethnic communities. See: Equality Commission (2017): [PfG Priorities: Health and Social Care](#). These include barriers relating to prejudice, information, language, culture and, particularly for rural people, lack or affordability of transport.

²⁵We have also raised concerns regarding barriers to accessing health and social care, including those faced by children and young people in accessing age -appropriate health care; as well as ageist attitudes experienced by older people, and stereotypes that portray older people as cared for, rather than care givers. See: Equality Commission (2017): [PfG Priorities: Health and Social Care](#)

²⁶ ECNI (2018): [Women in Northern Ireland](#), United Nations Committee on the Elimination of All Forms of Discrimination Against Women, Submission to inform ‘List of Issues’ (Examination of United Kingdom 2019), Section 7, pages 13-14

The Commission has called for actions to remove barriers to reproductive healthcare experienced by women in Northern Ireland. There is a clear need for urgent Government action and response regarding reform of abortion law in Northern Ireland and we have called for a full public consultation on abortion law.

²⁷ In June 2018 women the UK Government abolished charges for Northern Ireland women receiving NHS abortions in England since charges were abolished by the government last June. Support is also available with travel costs for women in receipt of less than £15,300 per year. The campaign coalition Alliance for Choice have noted that this "makes a difference for some people - but [travel is] still a really unreasonable hurdle for the poorest and most vulnerable." BBC (2018): [Rise in NI women seeking free abortions](#)

²⁸ ECNI (2007): [Statement of Key Inequalities](#), page 16.

- **Access to health and social care services for migrant workers and new residents.**²⁹
- **Accessibility of health and social care services to older and disabled people.**³⁰
- **Inequalities in investment in mental health and learning disability.**³¹
- **Gender inequalities in access to health care.**³²
- **Poor levels of health experienced by Travellers.**³³
- **Accessibility of health and social care services to older people.**³⁴
- **The impact of caring on health outcomes.**³⁵

²⁹ Ibid., 16. Migrant workers and new residents experience difficulties in accessing health and social care services. As our economy grows, reflecting a new era for Northern Ireland's prosperity. There is an emerging pattern of inequalities experienced by migrant workers and new residents here, in particular unequal access to basic health care. For example, projects such as STEP and Animate have reported difficulties for those from minority ethnic communities trying to avail of public health provision. The importance of service delivery and of removal of barriers for migrant workers and their families is supported in recent research.

³⁰ Ibid., 16. Approximately one in five (18%) living in private households in Northern Ireland has some form of disability (21% for adults and 6% of children). Despite disabled people being major users of health care in Northern Ireland, there are often many unmet needs.

³¹ Ibid., 17. The Bamford Review of Mental Health and Learning Disability found that mental ill-health affects one in every four citizens. The Review concluded that there was "clear evidence of inequalities in the investment associated with mental health and learning disability over many years compared with the other countries within the UK", despite higher levels of ill-health in Northern Ireland.

³² Ibid., 18. Access to social care presents an obstacle to both women and men. Women, for example, may be more likely than men to find their access to health care limited by caring responsibilities and by a lack of transport while, for men, obstacles are more likely to include reluctance to go to a doctor, combined with the limited access associated with the inconvenience of opening times of health care facilities. Women in NI have a more restricted access to particular services, specifically to reproductive health services.

³³ Ibid., 18. The Promoting Social Inclusion Working Group on Travellers drew attention to significantly poorer levels of health amongst Travellers than amongst the majority population. Research has also highlighted the poor health status of the Traveller children, with mortality rates among Traveller children up to ten years of age having been found to be significantly higher than that of children from the 'settled' population.

³⁴ Ibid., 18. The social inclusion of **older people** is inextricably linked to their well-being and access to services. Over 80,000 older people live alone in Northern Ireland and recent work by Help the Aged indicates that 53% of older people feel that loneliness is the major issue facing older people today. Social isolation is caused by a number of factors, including differential access to and availability of health and social care alongside lack of affordable public transport, and differential access to financial services. Inclusion, however, must go beyond the provision of health and social care services. For **older women**, participation is also constrained by pensioner poverty.

³⁵ Ibid., 19. Carers are important in our society providing support, often on an unpaid basis, for thousands of older people and those with disabilities⁷⁴ and they suffer higher levels of ill health. Almost one in five (19%) of those providing substantial care (50+ hours per week) feel they are in poor health. This compares with 14% of the non-carer population. One in five carers (21%) are aged 60 years or over. Women are more likely to be informal carers than men and over one third (34%) of female carers report that they spend at least 30 hours per week caring⁷⁶. Providing such caring throughout life can result in multiple disadvantages in later life - it can impact on income, pension accumulation and the development of social networks. See: DHSSPS (2006) *Caring for Carers*.

Education

Action is required to:

- Address comparative lower levels of attainment and educational progression experienced by Males; Protestants; Traveller Children; Children with a Disability or Special Educational Need (SEN); and Children entitled to free school meals.
- Address bullying including prejudice-based bullying. Children from a Minority Ethnic Background; LGBT+ Background; and / or with a Disability or SEN are more vulnerable to prejudice-based bullying, or more likely to be bullied, in schools.

2.15 Education plays a key role in determining a person's life chances and opportunities in terms of social and economic mobility. Those with fewer qualifications and skills are disadvantaged when competing for available opportunities.

2.16 Research by the Joseph Rowntree Foundation has shown that children on free school meals are much more likely not to attain expected levels of education qualifications. In 2010, 69% of children on free school meals did not achieve 5 GCSE at A to C (including Maths and English) compared to 36% of other pupils and this gap has not closed over time³⁶.

2.17 The Commission has identified the following key inequalities in education for S75 groups at greater risk of poverty, as follows³⁷:

- There is persistent underachievement of school leavers entitled to free school meals, particularly Protestants, notably Protestant males³⁸.
- Children from Children from the Traveller community and Roma children have some of the lowest levels of attainment of all equality groups³⁹.

³⁶ MacInnes, T. et al (2012); [Monitoring Poverty and Social Exclusion in Northern Ireland](#) York, JRF, pages 4 and 41.

³⁷ ECNI (2017): [Education Key Inequalities Final Statement](#), page ii.

³⁸ Ibid., iii. In 2014/15, just over a quarter of Protestant males entitled to free school meals attained 5+ GCSEs (incl. English and Maths)(A*-C) compared with over four in ten of all school leavers entitled to free school meals, and almost three quarters of all school leavers not entitled to free school meals.

³⁹ Ibid., iv. Over the 2007/08-2014/15 period, anywhere between a half to over eight in ten Irish Traveller children left school with no GCSEs. This is in stark contrast to the proportions of all school leavers with no GCSEs, which has reduced from 3.5 percent in 2007/08 to 0.5 percent in 2014/15.

- Students with SEN or a disability have lower attainment levels than students without any SEN or disability, and are less likely to go on to higher education.⁴⁰
- Prejudice-based bullying, in schools is a persistent problem.⁴¹

Employment

Action is required to:

- Address the persistent employment gap between people with and without disabilities.
- Address barriers experienced by lone parents, carers and women with dependants entering, progressing and remaining in employment.
- Address structural barriers and prejudicial attitudes experienced by people with disabilities, women, trans people, lesbian, gay and bisexual people, people from minority ethnic groups, including Travellers & Roma, migrant workers and those of different religious beliefs.

2.18 The Commission’s understanding of the importance of addressing inequalities relating to employment remains:

“It is generally accepted that improving access to, and progression within, employment is seen in public policy as a key driver of economic and social wellbeing, a key route to improved social mobility and inclusion as well as a route out of poverty.”⁴²

2.19 The Commission identified the following employment inequalities for S75 groups at greater risk of poverty:⁴³

⁴⁰ Ibid., iv. Between 2007/08 and 2014/15, there have been increases in attainment levels for all SEN and/or pupils with a disability, and in particular for SEN 1-4 school leavers. The attainment gap, for those obtaining 5+ GCSEs Grades A*-C, between SEN 1-4 pupils and those with no SEN decreased from 46 to 23 percentage points. While SEN 5 pupils have also experienced increases in attainment, it has not been to the same extent as for SEN 1-4 pupils. The attainment gap between SEN 5 pupils and those with no SEN decreased from 59 to 48 percentage points.

⁴¹ Ibid., ii. A number of equality groups are more vulnerable to prejudice-based bullying. Research has identified that: over two fifths of minority ethnic students having been the victims of racist harassment; six out of ten trans pupils, and students with same sex attraction have been called hurtful names related to their identity; over two fifths of pupils with a disability being bullied; and students with SEN also experience bullying.

⁴² ECNI (2007): [Statement on Key inequalities in Northern Ireland](#) (see page 8).

⁴³ ECNI (2018): [Employment Key Inequalities Statement](#) (see page iii).

- There is a persistent employment gap between people with and without disabilities.⁴⁴
- People with disabilities face wider barriers such as access to transport and limited support in employment.
- People with mental health issues and/or a learning disability are less likely to be employed compared to people with other disabilities.
- Lone parents with dependents experience barriers to their participation in employment.⁴⁵
- Limited availability and cost of childcare particularly creates barriers into work for women.⁴⁶

2.20 The Commission has also identified additional inequalities in employment impacting on people with disabilities⁴⁷; men⁴⁸; women⁴⁹; lone parents and carers⁵⁰; men, people under 25 and people with learning disabilities or mental ill health⁵¹; Irish Travellers⁵²; migrant workers and refugees⁵³; people aged 18 to 24⁵⁴; and people aged 50 – 64⁵⁵.

2.21 Prejudicial attitudes both within and outside the workplace are experienced by people with disabilities, women, Trans people, lesbian, gay and bisexual people, people from minority ethnic groups, migrant workers and those of different religious beliefs.

⁴⁴ Ibid., 1. People with a disability are much less likely to be in employment than people without disabilities. In 2018 79% of those without a disability were employed compared to 35% of those with a disability.

⁴⁵ Ibid., 3. Lone parents with dependents experience a lower employment rate and a higher economic inactivity rate, particularly for women who constitute the majority of lone parents.

⁴⁶ Ibid., 2. Northern Ireland has one of the lowest levels of available childcare and is one of the most expensive regions for childcare in the UK. Low-skilled and low-paid jobs often do not allow women to afford paid childcare.

⁴⁷ Ibid., 1. People with disabilities are more likely to be in part-time employment than those without disabilities.

⁴⁸ Ibid., 1. Men are more likely to be unemployed than women.

⁴⁹ Women experience a lower employment rate and a higher economic inactivity rate when they have dependents.

⁵⁰ Ibid., 7. Women, lone parents and carers are more likely to be in part-time employment.

⁵¹ Men are significantly more likely to have a criminal conviction than women. After the age of 25 there is a steep drop in contact with the criminal justice system criminal activity. In addition people experiencing mental ill health and with special educational needs are both disproportionately more likely to come into contact with the criminal justice system and there are a range of socio-economic factors which have been shown to have an impact on reoffending. In the absence of revised legislation, people with past convictions in Northern Ireland continue to be faced with significantly higher 'rehabilitation periods' than in the rest of the UK. This is a significantly barrier to work. See: CIPD (2017): [Pre-employment Checks](#)

⁵² Ibid., 9. Irish Travellers are less likely to be in employment than all other ethnic groups.

⁵³ Ibid., 9. Migrant workers and refugees face multiple barriers to employment and are vulnerable to exploitation.

⁵⁴ Ibid., 6. Those aged 18-24 years old have higher unemployment rates than those aged 25 years and older.

⁵⁵ Those aged 50-64 years old are more likely to be economically inactive than those aged 25-49 years old.

These are barriers to accessing employment and to progression in employment.

Housing

Action is required to:

- Address waiting times for social housing applicants and the disproportionate impact on people from a Catholic community background.
- Address barriers to independent living experienced by disabled people, especially people with learning disabilities.
- Address poor housing conditions and limited access to appropriate accommodation impacting on Travellers and migrant workers.
- Address neighbourhood safety issues impacting on minority ethnic people; migrants; and Lesbian, Gay and Bisexual (LGB) people.

2.22 Housing is a basic human need and provides a foundation for family and community life. Good quality, affordable housing in safe, sustainable communities is essential to ensuring health, well-being and a prosperous society⁵⁶.

2.23 Research commissioned by ECNI has highlighted that poor housing outcomes are fundamentally associated with income and wealth inequality and that the intersection of low incomes and poverty with characteristics associated with each of the equality grounds is important.⁵⁷

2.24 The Commission has identified the following housing inequalities:⁵⁸

- **Catholic household applicants for social housing continue to experience the longest waiting times.**⁵⁹
- **Access to accommodation for Irish Travellers is limited.**⁶⁰

⁵⁶ ECNI (2018): [Housing policy priorities and recommendations - draft proposals](#)

⁵⁷ Wallace, A. (2015): Housing & Communities in Northern Ireland, University of York, page 20.

⁵⁸ ECNI (2018): [Statement on inequalities in housing and communities in Northern Ireland](#), pages i-v.

⁵⁹ Ibid.,35. An examination of Northern Ireland Housing Executive (NIHE) waiting list time data for social housing shows that Catholic household applicants experienced the longest median waiting times for social housing.

⁶⁰ Ibid.,38 Whilst the NIHE Traveller Needs Assessment (2015) identified three council areas in 2014 that presented the most need for Traveller accommodation, data supplied by the NIHE shows that, of the eight

- **The homes of minority ethnic people and migrant groups may be vulnerable to racial attacks.**⁶¹
- **Migrant workers are vulnerable to tied accommodation with poor conditions and overcrowding.**⁶²
- **Those with a learning disability are not always afforded an opportunity to live independently.**⁶³
- **Many people with disabilities live in homes that are not adequate to meet their disability related needs**⁶⁴.
- **Lesbian, Gay and Bisexual (LGB) people can feel harassed and unsafe in their own homes.**⁶⁵

Question 7 (Key organisations):⁶⁶

2.25 The Northern Ireland Human Rights Commission⁶⁷ have a particular role in the monitoring and implementation of international human rights treaties in Northern Ireland⁶⁸, including those dealing with economic and social rights. Alongside representatives from government departments, members of groupings such as the Equality Coalition⁶⁹ will be able to provide direct insights into the

applications lodged between 2007 & 2015, none were in two (Belfast or Dungannon) of the three areas of identified need.

⁶¹ Ibid.,.10. The most recent PSNI Recorded Crime Statistics data (from 2013/14 to 2015/16) showed an increased number of incidences of criminal damage that had a racist motivation compared to 2012/13.

⁶² Ibid.,.41. In 2011, Allamby et al. reported that for migrant workers in Northern Ireland, 'work and accommodation are often linked, [where] many cannot leave their job as this would also render them homeless, creating a vicious circle of working long hours and living in poor conditions' . This accommodation can also be expensive, overcrowded, excessively controlled by landlords and unsuitable for children.

⁶³ Ibid.,.22. The Bamford Review (2007) found that whilst the resettlement of people with learning disabilities and mental health problems away from hospital settings and into the community had taken place many people were resettled in similar institutional shared settings.

⁶⁴ Ibid.,.22. The Northern Ireland Survey of Activity Limitation and Disability (NISALD), conducted in 2006/07, found that nearly a fifth of those respondents who did not have adaptations to their homes did have a requirement for modifications or adaptations. The 'Lifetime Homes' standards do not apply to the private sector. Further, specific wheelchair standards have been called for as existing standards are not considered to be adequate.

⁶⁵ Ibid.,.10. Research suggests that a fifth of homophobic incidents occur in the LGB person's home; and that nearly a quarter of incidents involved a perpetrator who was a neighbour or lived locally. PSNI crime statistics show increased year-on-year 'Violence against the person offences' between 2007/08 and 2013/14.

⁶⁶ **(Q7) Which individuals and organizations should the Special Rapporteur meet with during his country visit to the United Kingdom?**

⁶⁷ See www.nihrc.org

⁶⁸ We would also suggest that the Special Rapporteur might wish to meet with the NI Children's Commissioner, The Commissioner for Older People for Northern Ireland, Disability Action; The Joseph Rowntree Foundation; the NI Fuel Poverty Coalition; NI Poverty & Social Inclusion Project; and the Northern Ireland Child Poverty Alliance.

⁶⁹ See: www.equalitycoalition.net

issues of poverty and social exclusion facing a range of equality groups.

3 Austerity & Welfare Reform

Questions 9, 10 & 11 (impact of austerity on vulnerable groups and levels of poverty / inequality)⁷⁰:

- 3.1 Implementation of welfare reform in Northern Ireland was agreed in the 'Fresh Start' Stormont Agreement⁷¹. Some time-bound mitigation measures, designed to act as a buffer against some of the effects of the changes, were subsequently agreed by the Executive⁷².
- 3.2 The Welfare Reform (Northern Ireland) Order was introduced in November 2015⁷³ bringing forward significant changes to our current benefit systems.
- 3.3 The Commission has highlighted the need to protect the most vulnerable from the adverse impact of welfare reform including disabled people; women and lone parents; younger people; mixed aged households and people from ethnic minority backgrounds and called for consideration of mitigating measures⁷⁴.
- 3.4 As part of the Independent Mechanism for Northern Ireland (IMNI), the Commission made a submission to the CRPD inquiry under the Optional Protocol of the UNCRPD⁷⁵, which focused on the impact of welfare reform on persons with disabilities.
- 3.5 The Commission has recommended that Northern Ireland Executive take a number of specific actions to protect the most vulnerable from any adverse impact of welfare reform⁷⁶.

⁷⁰ (Q9) Have austerity measures implemented by the government taken adequate account of the impact on vulnerable groups and reflected efforts to minimize negative effects for those groups and individuals?

(Q10) What have the effects of austerity been on poverty (and inequality) levels in the United Kingdom in the last decade?

(Q11) Have the human rights of individuals experiencing poverty been affected by austerity measures?

⁷¹ DFC (2016): [A Fresh Start - The Stormont House Agreement and Implementation Plan](#), pages 22-23.

⁷² TEO (2016): [Welfare Reform Mitigations Working Group Report](#)

⁷³ [The Welfare Reform \(Northern Ireland\) Order 2015](#)

⁷⁴ ECNI (2011): [Response to the Department for Social Development's consultation on the Welfare Reform Bill \(Northern Ireland\)](#) and ECNI (2016) [Recommendations: Programme for Government \(PfG\) and Budget](#), page 2.

⁷⁵ CRPD Committee (2017): [Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report](#).

⁷⁶ These are: 1) Ensure that changes associated with Welfare Reform are compatible with Equality Law and the Human Right Rights Act 1998. 2) We urge restraint in the blanket application of sanctions for non-

- 3.6 We further recommend that the Executive take action to mitigate against the adverse impact on **persons with disabilities**⁷⁷.
- 3.7 We have also called for action to mitigate against the identified adverse impact on **women, lone parents and persons with dependants**.⁷⁸
- 3.8 We have also called for action to mitigate against identified adverse impact on **younger people and mixed age couples**.⁷⁹
- 3.9 Take action to mitigate against the identified adverse impact on people from **ethnic minorities**⁸⁰.

Question 16 (impact of Universal Credit on specific groups)⁸¹

- 3.10 We recommend the eligibility condition for universal credit payment is flexible to enable lone parents to qualify. The lack of affordable childcare remains a key barrier and requiring a lone parent to meet the eligibility condition of being available for work and to spend time actively seeking work could be unrealistic.

compliance with work-related requirements, and recommend that each case should be considered on its own merits. 3) Closely monitor the impact of welfare changes on vulnerable groups.

See: ECNI (2017): [The Main Equality Implications of the Welfare Reform Bill](#)

⁷⁷ 1) Closely monitor the impact of welfare changes on disabled people and commit to further measures to mitigate the adverse impact of welfare reform on disabled people following the expiry of the current time-limited measure. 2) Progress further mitigation of the withdrawal of the spare room subsidy to mitigate the impact of this on people with disability after 2020. 3) Consider opening the Independent Living Fund to new applicants, removing the restriction on new applicants. See: ECNI (2017): [The Main Equality Implications of the Welfare Reform Bill](#)

⁷⁸ 1) Address concerns about limits placed on Child Tax Credit eligibility and particularly the current exception policy, which requires women to prove that they conceived their 3rd child through rape to access child tax credits. 2) Address concerns that levels of conditionality placed on single parents will lead to unreasonable sanctioning in the absence of an adequate childcare infrastructure. 3) Address concerns for those with no recourse to public funds who are subjected to domestic violence (mainly minority ethnic women). See: ECNI (2017): [The Main Equality Implications of the Welfare Reform Bill](#)

⁷⁹ 1) Assessment is undertaken to ascertain the impact on unemployed 18-21 year olds when access to housing benefit is withdrawn, and that steps are taken to ensure changes do not result in a rise in youth homelessness. 2) An assessment of the impact of Universal Credit on low income mixed age couples should be considered. 3) Further and ongoing assessment is undertaken to identify and commit to specific measures to mitigate any adverse impacts of welfare reform on people of different age. We recommend further assessment is undertaken of the impact of the Welfare Reform programme on particular age groups. See: ECNI (2017): [Age Policy Priorities](#) (Page 55).

⁸⁰ 1) Ensure that first tier generalist advice for claimants impacted by the changes to the welfare system accommodates people whose first language is not English (including access to interpreter services). 2) undertake a review of the asylum system to ensure any problems are addressed during transition from one form of public support to another and ensures that asylum seekers receive appropriate support from arrival until voluntary departure or compulsory removal from the UK.

See: ECNI (2014): [Racial Equality Policy Position 2014](#) (Page 34).

⁸¹ **(Q16) It would be helpful to also distinguish the specific impact of Universal Credit on specific groups, including for example children, persons with disabilities, women and other groups which may be more vulnerable on the basis of their identity and circumstances.**

- 3.11 Northern Ireland, unlike England and Wales, does not have legislation on the provision of childcare and is recognised as providing the worst childcare facilities in the UK, in terms of affordability and availability⁸².
- 3.12 We have also recommend that payment is made to the primary carer, which is usually the mother of the children. We are concerned that the proposal of paying universal credit to the main earner will leave many women without income.
- 3.13 **Question 17 (impact of digital delivery of universal credit)⁸³:** Regarding the payment of benefits online, the Commission has urged that safeguards be put in place and that the Department should consider the measures and investment necessary to ensure the digital inclusion of disabled people and older people⁸⁴.
- 3.14 We have also recommended that safeguards should be put in place to ensure accurate information is conveyed to claimants in a timely manner. The proposal of moving the payment of benefits to online may have an adverse impact on claimants if information is wrongly calculated or recorded.
- 3.15 Payments received online will be outside the control of the claimant and therefore it is necessary to ensure a safeguard is put in place. All information relating to a claimant's entitlement needs to be conveyed to the claimant in a timely manner.
- 3.16 The Commission has urged the Executive to protect the most vulnerable from the adverse impact of welfare reform and to identify and commit to specific measures which will mitigate the adverse impact of welfare reform on the promotion of equality of opportunity, or any alternate policies which might.
- 3.17 A number of time bound 'flexibilities' and 'mitigation measures designed to act as a buffer against some of the harsher effects of the changes were agreed by the Executive in 2014⁸⁵.

⁸² Employers for Childcare Charitable Group (2011): [Northern Ireland Childcare Cost Survey 2011](#)

⁸³ **(Q17) What has been the impact of Universal Credit being a 'digital-only benefit' on the ability of potential claimants to apply for this benefit? How does this relate to broadband internet access in the UK and the so-called 'digital divide'?**

⁸⁴ Equality groups in Northern Ireland, such as those representing older people or people with sensory disabilities, report lower internet usage than the general population. A 2011 survey on internet usage by the Office for National Statistics revealed that, in Northern Ireland, people with a disability (46.3%) were much less likely than non-disabled people (77.4%) to have 'ever used the internet'. The figures also reveal that internet usage amongst disabled people here is less than the UK average for people with disability (63.8%).

⁸⁵ GOV.UK (2015): [A Fresh Start for Northern Ireland](#).

- 3.18 As noted above, we have recommend that the Executive take further and longer-term action to mitigate against the identified adverse impact of welfare reform proposals on the identified equality groups.

4 Child Poverty

4.1 **Question 25 and 26 (evolution of child poverty and implications of UNCRC):**^{86 87}

- 4.2 The Equality Commission has also called for action in respect of services for younger people, to include: the provision of adequate age appropriate mental health support services; transition services from child to adult services; and support for young trans people.

- 4.3 In relation to education, we strongly recommend that the consideration of poverty (using free school meal entitlement as a proxy for social disadvantage) is disaggregated by Section 75 category. We recommend that the actions within a revised delivery plan are aligned to tackling poverty and social exclusion experienced across the range of equality categories.⁸⁸

5 BREXIT'

5.1 **Questions 29 (implications of Brexit):**⁸⁹

- 5.2 The Commission has identified a number of implications and opportunities for equality and human rights protections in the context Brexit, as well as the need to secure that there is no regression in our existing equality and human rights protections⁹⁰.

⁸⁶ (Q25) What is the extent of child poverty in the United Kingdom, and how has it evolved over the last decade?

⁸⁷ (Q26) What are the implications of child poverty for rights enumerated in the Convention on the Rights of the Child?

⁸⁸ ECNI (2017): [Response to the proposed Delivery Plan for Programme for Government Indicators 19 & 28](#)

⁸⁹ (Q28) What are the potential implications of Brexit for those living in poverty in the UK?

⁹⁰ The Commission has called on the UK Government to ensure that the UK's exit from the EU does not negatively impact on initiatives that support equality, good relations and the peace process. We have also highlighted that the right to equality of opportunity, including in all social and economic activity, was a core issue in the Good Friday/ Belfast Agreement and that equality and good relations should be treated as priority issues in EU exit negotiations. See: ECNI (2018): [The UKs Exit From The EU](#)