



**CAJ**

**Committee on the  
Administration of Justice**

*CAJ's submission to the*

**United Nations Committee on Economic, Social and  
Cultural Rights**

**March 2009**

**Submission No. S.225  
Price: £2.00**

**Submission No. S.225  
Price £2.00**

**Promoting Justice / Protecting Rights**

45/47 Donegall Street, Belfast,  
BT1 2BR  
[www.caj.org.uk](http://www.caj.org.uk)  
Tel: (028) 90961122  
Fax: (028) 90246706  
Email: [info@caj.org.uk](mailto:info@caj.org.uk)



The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Hilda Mullen Foundation, Joseph Rowntree Charitable Trust, Oak Foundation and UNISON.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

**Committee on the Administration of Justice (CAJ) Ltd**

45/47 Donegall Street, BELFAST BT1 2BR  
Northern Ireland

Tel: (00 44 (0) 28 9096 1122 Fax: (00 44 (0) 28 9024 6706  
Email: [info@caj.org.uk](mailto:info@caj.org.uk) Web: [www.caj.org.uk](http://www.caj.org.uk)

**Promoting Justice / Protecting Rights**

*Winner of the Council of Europe Human Rights Prize*



## **Submission from the Committee on the Administration of Justice (CAJ) to the United Nations Committee on Economic, Social and Cultural Rights**

**March 2009**

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities under international human rights law. Its membership is drawn from across the community in Northern Ireland and beyond. The organisation works across the whole gamut of human rights – civil, political, economic, social and cultural – and has made submissions to all the various UN treaty bodies over the years. CAJ was honoured with the Council of Europe Human Rights Prize in 1998 for our efforts to mainstream human rights and equality into the Northern Ireland peace agreement.

CAJ is supportive of the submissions the Committee may receive from other civil society groups from Northern Ireland. Our comments below relate to the specific economic, social, and cultural rights issues which we work on directly, and we hope they will help the Committee in its examination of the UK government.

### **1. Status of the Covenant**

#### **(a) ICESCR and Ratification of the Optional Protocol**

CAJ very much welcomes the fact that on December 10<sup>th</sup> 2008 the United Nations adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Clearly, this is an

important development in that it allows victims of economic, social and cultural rights to bring complaints to the Committee on Economic, Social and Cultural Rights directly if they are unable to achieve adequate redress in their domestic system.

CAJ understands however that the position of the UK Government is that they do not intend to ratify the Optional Protocol because they do not consider that economic, social and cultural rights – because of their progressively realisable nature - lend themselves to third party adjudication in the same way as civil and political rights. For this reason, we understand that the United Kingdom Government is sceptical of the practical benefits of the individual complaints mechanism that is included in the Optional Protocol.

CAJ totally rejects these arguments, which were in fact dealt with at length during the discussions which preceded the adoption of the Optional Protocol. CAJ feels that it is particularly important that the UK government ratify the Optional Protocol in light of the lack of rights-based social and economic legal protection in UK law and the UK's failure to ratify the Additional Protocol to the European Social Charter which makes provision for a regional complaints mechanisms in relation to social and economic rights violations.

- ❖ **The Committee may wish to ask the UK Government to explain fully their refusal to ratify the Optional Protocol to the International Covenant on Economic Social and Cultural Rights, and urge it to ratify the Protocol as soon as possible.**

#### **(b) Incorporation of the Covenant into Domestic Law and a Bill of Rights**

CAJ notes that according to the UK Government submission to the Committee the position of the United Kingdom, in line with its approach to international treaties generally, is to ensure compliance with the Covenant through specific domestic law measures and policies rather than incorporation. The UK Government also argues in its submission that domestic law and specific official guidance provide officials with the best framework for delivery of services to the public and that it is more appropriate for service providers to focus on their duties under the specific laws and policies which they are required to implement, rather than on the provisions of the Covenant as such. We also note the claim from the Government that it does not believe that further awareness

raising of the general provisions of the Covenant would be of practical benefit to officials delivering specific services, or to improved standards of service.

CAJ disagrees fundamentally with these arguments, which we consider have the effect of diminishing the status of the Covenant as a whole. Firstly, we would point to the incorporation of the European Convention on Human Rights (ECHR) into domestic law vis-à-vis the Human Rights Act 1998 as an example of successful incorporation into domestic law in the UK of an international treaty. There is widespread acceptance of the benefits to the legal system as a whole provided by incorporation of the ECHR into domestic law.

Secondly, we disagree that domestic law and specific official guidance provide officials with the best framework for delivery of social and economic services to the public. Domestic law and corresponding official guidance in relation to social and economic issues is not rights based, but rather relates to the provision of individual services. We do not accept the claim in the UK Government submission that the benefits and services provided by the Welfare State (such as the National Health Service, and free schooling) have become so deeply engrained in the culture of the UK, that they are universally regarded as “rights”, and therefore equivalent to a legally enforceable Bill of Rights for example.

It is crucial therefore that in the absence of incorporation of the Covenant as a whole into domestic law, domestic law contains a rights based mechanism to cover economic, social and cultural rights. CAJ is of the view that the best way in which this can be addressed is through a strong and judicially enforceable Bill of Rights mechanism which addresses economic, social, and cultural rights.

Significantly, there has been quite a debate about this issue for some time within Northern Ireland, given the reference in the Belfast/Good Friday peace agreement to a Bill of Rights for Northern Ireland. Recently the Northern Ireland Human Rights Commission (NIHRC) provided advice to the Secretary of State for Northern Ireland on the way forward for a Bill of Rights for Northern Ireland. The advice provided by the NIHRC contained strong recommendations for judicially enforceable economic, social and cultural rights and outlined specific clauses which would give effect to these.

**❖ The Committee may wish to question the UK Government closely on how it proposes to take forward the advice from the**

**NIHRC regarding a future Bill of Rights for Northern Ireland, which was an important component of the rights framework contained within the peace agreement.**

- ❖ **In particular, the Committee may wish to recommend that the best way to give effect to the provisions of the Covenant is through a strong and robust Bill of Rights for Northern Ireland which contains protection for legally enforceable economic, social and cultural rights.**

## **2. Problems with the UK Approach to Awareness of the Covenant and the UK Approach to Reporting on the Covenant Generally**

### **(a) Lack of Systematic Analysis and Measurement of Progressive Realisation**

Further problems with the UK approach to the Covenant lie with the fact that by focusing on domestic law, and service delivery mechanisms which are not rights based, the overall approach to reporting on the Covenant becomes somewhat haphazard and inconsistent, outlining policies and programmes without any systematic analysis of how they relate to the substantive requirements of the Covenant.

The UK Government submission refers in various places to policies and measures that it has put in place, but does not set these within the context of how exactly they impact on the progressive realisation of social and economic rights. As such, there is no systematic analysis of the extent to which “progressive realisation” is taking place, particularly with reference to baseline data. This is particularly disappointing given the specific requests by the Committee in the list of issues for detailed statistics and disaggregated data.

CAJ also strongly disagrees with the statement in the government’s response to the list of issues that it does not believe that further raising of awareness of the provisions of the Covenant would be of practical benefit to the general public, or that it would necessarily lead to better standards of service.

- ❖ **The Committee may wish to question the UK Government closely on the appropriateness of their approach to the Covenant generally, and in particular seek to determine how merely focusing on domestic law and programmes without**

**measuring progressive realisation in a systematic way is an adequate approach to implementing the Covenant.**

- ❖ **The Committee may wish to question the UK Government on their approach to lack of awareness raising around the Covenant and in particular their conclusion that there would be no practical benefit in raising awareness about the Covenant.**

**(b) Region Specific Reporting and the particular circumstances of Northern Ireland**

Another manifestation of the haphazard and inconsistent approach to reporting by the UK Government is the way in which the issues pertaining to the various regions of the UK are addressed. CAJ is an organisation that is based in, and works exclusively on, human rights issues in Northern Ireland. As such, we are deeply concerned at the inconsistent, and in many cases, total neglect of reporting on economic, social, and cultural rights within Northern Ireland, which are significantly different from the rest of the UK.

Northern Ireland is made up of a cross-party devolved government elected on a D'Hondt system to ensure multiple representation at Executive level. This government system is unique in the UK and retains significant responsibility for devolved matters relating to social and economic issues. However, overall responsibility for reporting to the international mechanisms rests with the central UK government. As such, it is important that the government remains accountable for devolved matters to the UN.

Northern Ireland is a region of the UK which is in transition, having emerged from a violent conflict that over thirty years claimed over 3000 lives. CAJ is of the view that abuses around social, economic, and cultural rights fed and fuelled this conflict. In particular, the conflict in Northern Ireland impacted most significantly on the poorest communities, with overt violence interfacing with social and economic rights issues.

According to the Government's own measure of deprivation, 19 out of the 20 most deprived areas in Northern Ireland are located in either North or West Belfast or Derry. It is no coincidence that these were the areas which saw the highest levels of violence throughout the conflict. It is worth noting that a recent study carried out by a Consultative Group on

the Past (a cross-community group which was tasked by the UK government with examining the impact of the events of Northern Ireland's conflict) found that:

*“Particular areas bore the brunt of the violence during the last 40 years. Working class and border areas, in particular, experienced victimisation, ranging from economic and social deprivation to the oppressive presence of military and paramilitary forces”.*<sup>1</sup>

In terms of the overall effects of the conflict, the report from the Consultative Group on the Past went on to state that in their wide-ranging research of the impact of the events of the previous thirty years:

*“Many attributed the high suicide rates now seen in Northern Ireland, as well as the high rates of dependency on alcohol and drugs, or both, to the legacy of the conflict....they are concerned that resources are not being made available to support the next generation to cope with the legacy of the conflict.”*<sup>2</sup>

Looking at the way forward for Northern Ireland the report concluded that a Legacy Commission be established, working through a Reconciliation Forum with other relevant bodies, to act as a determined champion:

*“to keep attention focused on the most deprived areas of NI to ensure that the economic benefits experienced across post conflict NI are equally experienced in deprived areas.”*<sup>3</sup>

Given the significance of these statements, and indeed, the significance of economic, social and cultural rights in ensuring that political stability and peace is maintained, it is somewhat remarkable that no reference whatsoever to these issues is to be found in the UK government submission. This is all the more important in light of the fact that statistics show that in the decade following the commencement of the peace process, the proportion of workless households actually increased. This would suggest that those living in areas of most need are relatively worse off in socio-economic terms following the conflict than they had been during the conflict.

---

<sup>1</sup> Report of the Consultative Group on the Past, January 2009, p. 26. See <http://www.cgpmi.org/fs/doc/Consultative%20Group%20on%20the%20Past%20Full%20Report.pdf>

<sup>2</sup> Ibid. p. 27.

<sup>3</sup> Ibid. p. 28.



Moreover, part of the “peace dividend” has involved the transfer of significant amounts of land from military to civilian use. Many of these former military bases are located in the most deprived areas, with significant development potential. It is imperative however that the redevelopment of these former military sites is used to contribute to the benefit of the local communities, some of whom are in chronic housing need, rather than used to serve the interests of private developers as CAJ fears.

- ❖ **The Committee may wish to question the UK Government about the overall reporting process with regard to regions of the UK generally, and Northern Ireland specifically.**
- ❖ **The Committee may wish to question the UK Government about how they propose to address the socio-economic legacy of the conflict in Northern Ireland.**
- ❖ **The Committee may wish to question the UK Government about how they can ensure that the process of peace building and conflict resolution can impact positively on those living in the poorest areas of Northern Ireland.**

**(c) Consultation**

CAJ has previously highlighted the wholly inadequate approach to consultation adopted by the UK government in the preparation of its reports to the UN. In the preparation of its response to the list of issues on this occasion, once again the government did not consult with NGOs, instead inviting them to a meeting (in London) after the report had been submitted, thus not allowing NGO commentary on or input to any drafts. As regards Northern Ireland, CAJ had to press the government to organise a local meeting with the significant number of NGOs in Northern Ireland who are participating in this process. Again, however, this was held after the report had been submitted, and the government’s focus in the meeting was on trying to ascertain what NGOs would be raising in their submissions so they could prepare their responses to these points.

**3. Specific issues relating to compliance with Covenant Articles**

CAJ does not propose to address every issue in the Covenant in this submission but will rather focus on a number of key issues.<sup>4</sup> Moreover, we are aware of some excellent work that has been undertaken by other NGOs in Northern Ireland who will be making submissions on specific aspects of the Covenant, e.g. trade union rights, Irish Language, a Bill of Rights, and the monitoring of progressive realisation at local level. We support these submissions, which in our view provide a more accurate reflection of the current position with regard to implementation of the Covenant in Northern Ireland than the document which has been produced by the Government.

### **Article 2 - Non-Discrimination**

It is true to say that the UK has a fairly robust legal framework in place to outlaw discrimination (although this is largely due to the UK's membership of the EU, which has been particularly proactive in bringing forward Directives in this area which the UK Government is required to implement).

However, despite the existing legislative framework around non-discrimination, there are serious questions around the extent to which the UK Government is giving effect to the guarantee in Article 2 that the rights enumerated in the Convention will be exercised without discrimination. There are likely to be a number of factors which contribute to these ongoing patterns of discrimination and inequality; however one significant factor is the lack of availability of funding for those who wish to seek redress for having suffered discrimination.

- ❖ **The Committee may wish to question the UK Government about the lack of funding available to victims of discrimination, and the impact this gap has on those victims who are most vulnerable and least able to pay for their own legal costs.**

### **Issue 4**

Notwithstanding the significant level of protection within domestic law providing protection against discrimination it is clear that significant gaps remain. For some years now there has been discussion about introducing a Single Equality Act for Northern Ireland to cover the gaps that exist

---

<sup>4</sup> Detailed and accurate references for all the information and statistics cited can be provided on request.

within the current system. To date, little progress on this issue has taken place. However CAJ has welcomed the robust equality clause put forward in the advice from the NI Human Rights Commission (NIHRC) to the Secretary of State on the way forward for a Bill of Rights for Northern Ireland.

- ❖ **The Committee may wish to question the UK Government on how it intends to take forward the advice provided by the NIHRC regarding the protection of equality.**

### **Article 3 – Equal rights of men and women**

#### **Issue 8**

CAJ notes the statement in the submission from the UK Government that the Department for Employment and Learning funds childcare payments, to assist any students who would otherwise be particularly disadvantaged in entering the labour market because they have childcare responsibilities. No mention is made, however, of the lack of childcare provision in Northern Ireland which is significantly worse than the rest of the UK, and which undoubtedly has a serious detrimental impact on the ability of women in Northern Ireland to access the labour market. Significantly, the Equality Commission of Northern Ireland's "Statement on Key Inequalities" document (October 2007) highlighted the fact that of those females who are economically inactive, almost half (45%) are unavailable for work due to family commitments.

- ❖ **The Committee may wish to question the government about how they specifically plan to address the serious problems with lack of adequate childcare provision in Northern Ireland.**

#### **Issue 9**

Under-representation of women in public life remains a significant issue in Northern Ireland. The Statement on Key Inequalities produced by the Equality Commission of Northern Ireland highlighted that women make up only 32% of government public appointments in Northern Ireland. Moreover, only 17% of Northern Ireland's Members of the Legislative Assembly (18 out of 108) are women, and only 21% of local councillors in Northern Ireland are women. Of the judiciary, while 47% of the Northern Ireland judiciary as a whole are women, when lay magistrates

are excluded, only 23% are women and of these none are in senior judicial positions.

- ❖ **The Committee may wish to express concern similar to that articulated by both CEDAW and the Human Rights Committee in their recent examinations of the UK government in relation to this issue.**

## **Article 6 - the Right to Work**

### **Issue 10**

CAJ notes that the main employment training programme in Northern Ireland - New Deal - has been replaced with a new programme, Steps to Work. Whether this programme will be more adequate in dealing with the issues facing those currently excluded from the labour market remains to be seen.

CAJ has particular concerns about the level of labour market inequalities that continue in Northern Ireland. The recent 2007 Labour Force Survey for example has highlighted that the economic inactivity rate for Catholics continues to be higher than for Protestants. What this means is that in terms of absolute numbers, in 2007, there were approximately twice as many economically inactive Catholics of working age (31,000) that want to work compared to Protestants (15,000).

- ❖ **The Committee may wish to ask the UK government what measures are in place to address the persistent inequalities that exist in economic inactivity rates in Northern Ireland.**

### **Issue 11**

The 2007 Labour Force Survey shows that 63% of working age disabled people in Northern Ireland are economically inactive - 3 times the rate experienced by non disabled people. This level of economic inactivity is persistent, in 1998 it was 64%. The figure is also significantly higher than the UK rate for disabled people, which is just under 50%. Employment rates of disabled people are also very low - the 2007 employment rate for disabled people of working age in Northern Ireland was 34% - more than half the rate for non disabled people which was 79%.

Concern has been expressed at the lack of specialist support for people with disabilities and in particular those with significant disabilities following the removal of Disablement Employment Advisors (DEAs). DEAs continue to provide a service to people with disabilities in Great Britain but in Northern Ireland the service has been replaced by Personal Advisers resulting in a loss of expertise and specialism. Interventions by the responsible Department in Northern Ireland (Department for Employment and Learning) are in the main, targeted at people with disabilities who are job ready and there is insufficient focus on those furthest from the labour market.

- ❖ **The Committee may wish to ask the government what steps it will take to ensure that the persistent and higher levels of economic inactivity and unemployment of disabled people in Northern Ireland are addressed, and in particular how they will ensure that people with significant disabilities have equality of opportunity to access appropriate training and employment prospects.**

## **Article 10 - protection of the family, mothers and children**

### **Issue 18**

CAJ notes the reference in the UK government report to the Sanctuary scheme, and payment of £86,000 to the Women's Aid Domestic Violence Helpline and the payment of £349,000 in Housing Benefit to the various Women's Aid schemes throughout Northern Ireland. We also note the reference to the payments to Women's Aid from the Supporting People division. Such measures are however woefully inadequate to deal with this problem and do not sufficiently answer the questions posed by the Committee in relation to gender violence.

- ❖ **The Committee may wish to question the UK Government closely on the extent to which their measures designed to deal with sexual abuse and violence are adequate for addressing the scale of the problems.**

### **Issue 19**

The Northern Ireland Commissioner for Children and Young People (NICCY) recently challenged the legislation which allows use of the defence of reasonable punishment in respect of a charge of common assault, thus allowing the case on 21 December 2007, and the Applicant was unsuccessful. The case was appealed to the Court of Appeal in Northern Ireland and in February 2009 this appeal was rejected; the Court of Appeal largely based its decision on its view that NICCY did not have standing to take the case. NICCY is considering whether to appeal the decision further.

- ❖ **The Committee may wish to reiterate the recommendation of the UN Committee on the Rights of the Child to “with urgency adopt legislation to remove the “reasonable chastisement” defence and prohibit all corporal punishment in the family and in any other contexts not covered by existing legislation.”**

### **Article 11 - the right to an adequate standard of living**

#### **Issue 22**

CAJ has serious concerns about the measures that are in place to deal with the problem of poverty and social exclusion in Northern Ireland, particularly the latest anti-poverty strategy for Northern Ireland, “Lifetime Opportunities”. In particular we are concerned about the lack of new policies and lack of funding attached to the strategy, while the actions outlined in the strategy will not in our view address the problems that exist within Northern Ireland.

CAJ is also concerned about the potential impact of some new measures that have been introduced as part of the recent welfare reform agenda. In particular, the latest proposals contained in the Green Paper, “No One Written Off: Reforming Welfare to Reward Responsibility” are likely to have a seriously detrimental impact on families who are in poverty, and reliant on benefits. The new proposals from Government move even more towards the welfare to work model, whereby the entitlement to social security is removed, and replaced with benefits that are contingent upon taking up various forms of employment or training. The problem is exacerbated by the fact that in many cases, meaningful jobs will not exist, and even if they do, there will be insufficient childcare measures in place to ensure that lone parents, for example, are able to avail of the training or employment measures available.

CAJ was particularly surprised to see no reference to poverty levels in Northern Ireland in the UK government's various reports. Twenty per cent of the Northern Ireland population (equivalent to 350,000 people) are living in income poverty; twenty five per cent of children (some 100,000) are living in income poverty; and deprivation and poverty levels in Northern Ireland are persistent, showing the inadequacy of government measures to address them.

- ❖ **The Committee may wish to question the UK Government about which specific measures in the “Lifetime Opportunities” anti-poverty strategy for Northern Ireland will address the persistent poverty levels that prevail.**
- ❖ **The Committee may wish to further ask what specific and additional resources will be allocated to these measures.**
- ❖ **The Committee may wish to explore with government how protection of the right to an adequate standard of living in a Bill of Rights for Northern Ireland will help protect the most vulnerable from persistent poverty.**

## **Issue 24**

CAJ is concerned that in Northern Ireland there has been a failure to deliver on a commitment made by Government in 2005 for 5 transit sites for Travellers. In addition, there have been delays in providing permanent sites in Northern Ireland, most notably in the Craigavon area where between 20-30 Traveller families have lived on a temporary site for some time with limited water, electricity and sanitation.

- ❖ **The Committee may wish to question the UK Government about the failure to deliver on halting sites and permanent sites for Travellers in Northern Ireland.**

CAJ was surprised to see no reference in the government's reports on the significant housing problems in Northern Ireland. For example, the numbers of those presenting as homeless in Northern Ireland have from increased from 11,000 households in 1995/1986 to 17,000 households in 2004/05. A further particular problem in Northern Ireland is the inequalities that exist in the allocation of public housing. For example, as of 2008, in Belfast the average waiting time on the social housing waiting

list for the Catholic community was twice that of the Protestant community (23 months for the former as opposed to 12.5 for the latter).

- ❖ **The Committee may wish to ask the government for more information on how it intends to address the housing problems that exist in Northern Ireland.**

## **Issue 25**

One impact that the Olympic Games will have indirectly on Northern Ireland is that some £40 million of lottery funding previously available to support community organisations in Northern Ireland has now been diverted to support the Olympics.

- ❖ **The Committee may wish to question the UK Government on the extent to which indirect adverse impacts such as this can be addressed.**

## **Article 12 - the right to the highest attainable standard of physical and mental health**

## **Issue 26**

CAJ has two major concerns with respect to this issue. Firstly, once again there is absolutely no reference to health inequalities in Northern Ireland in the government's reports, despite the significant level of health inequalities that exist in Northern Ireland, and secondly, the fact that increased spending within the healthcare system is being directed increasingly to those who are in least need, thereby increasing health inequalities.

In relation to health inequalities in Northern Ireland, for example:

- The rate of infant mortality in the most deprived fifth of areas is one third higher than the rate elsewhere;
- The incidence of mental health problems is disproportionately high among vulnerable groups of young people, including children and young people with disabilities, living in poverty, in conflict with the law, in or leaving care, or who identify as LGBT;
- In 2004, in the more deprived areas of Northern Ireland, 7 girls in every 1000 aged 13-16 gave birth, whereas in other areas just 2



girls in every 1000 gave birth, with research showing that the figures are worsening in the more deprived areas but improving in the other areas; and

- Research suggests a connection between the conflict and the risk of mental ill-health - the greater the extent to which someone's area or life has been affected by the conflict, the greater the likelihood they will have poorer mental health.

- ❖ **The Committee may wish to examine the government more closely on the health inequalities that prevail in Northern Ireland and the measures that are needed to address them.**

As the figures above show, there are significant health inequalities in Northern Ireland and yet the government recently introduced a revised funding formula for distributing resources across the health sector in Northern Ireland which will further direct money away from those in most need. Therefore, while the government may argue that it has injected significantly increased resources into the health service in Northern Ireland, the reality is that these have not been targeted at the areas in most need.

- ❖ **The Committee may wish to question the UK Government about the impact of resources being directed away from those in most need by the new Regional Capitation Formula.**

## **Articles 13 and 14 - the right to education**

### **Issue 32**

Educational attainment amongst Traveller young people in Northern Ireland is significantly lower than that of their peers:

- In 2004-05, 24% of Travellers achieved 5+GCSEs graded A\*-G compared with 89% of all pupils;
- At Key Stage 3, 19% of Travellers achieved the expected level in English compared with 73% of all pupils, 29% of Travellers achieved the expected level in Maths compared with 71% of all pupils, and 26% of Travellers achieved the expected level in Science compared with 70% of all pupils.

- In the 2006-07 academic year, 55% of Travellers attending both primary and post-primary education were identified as having special educational needs compared with 22% of the primary school population and 16% of the post-primary school population.
  
- ❖ **The Committee may wish to ask the government what specific measures and resources they will dedicate to reducing the drastic inequalities that exist in relation to the education of Traveller children in Northern Ireland.**

CAJ would like to draw the Committee's attention to a number of other significant educational inequalities that exist in Northern Ireland:

In 2007-08, of the 147,942 children attending post-primary schools, 62,279 (42%) attended Grammar schools which select pupils primarily on the basis of their performance in academic selection tests. The remaining 85,663 (58%) attended non-selective Secondary schools. The system of academic selection that has operated for post-primary education is discriminatory in a way that impacts on some of the most vulnerable and disadvantaged children in Northern Ireland. The most commonly voiced concern among parents, education practitioners and NGOs is that children may be discriminated against on the basis of their socio-economic background in circumstances where their parents do not have the academic ability, or financial resources to pay for private tuition, to assist them in preparing for the transfer tests (known as the 11+).

Achievement in the transfer test has been shown to be related to poverty, a proxy measure for which is receipt of free school meals, so for example, as the proportion of pupils entitled to free school meals increases, the proportion of pupils achieving grade A in the transfer test decreases. It is also worth noting that among children entitled to free school meals, the proportion getting few or no GCSEs in post-primary education has remained at around 30 per cent, double the rate for all sixteen year olds on average.

While the planned abolition of this academic selection is welcome, it will be vital to ensure that all children are included in proposed admissions arrangements for post-primary schools. This will require the Department of Education to establish admissions criteria which provide equality of access to suitable educational provision for every child (including those

with disabilities or special educational needs, from minority ethnic backgrounds, and from poor families).

- ❖ **The Committee may wish to ask the government how it will ensure that children from vulnerable groups in Northern Ireland are not discriminated against in admissions arrangements for post-primary schools.**

One particularly disadvantaged group is young people who have been in care. In 2003, fifty per cent of these young people had no qualifications at all on leaving school - ten times the national average - and only ten per cent got 5 or more GCSE grades, compared to a national average of sixty per cent.

- ❖ **The Committee may wish to ask the government what specific measures and resources they will introduce to address the educational disadvantage suffered by young people in care in Northern Ireland.**

The UK Government's commitment to the promotion and protection of the right of disabled people to education is highly questionable, evidenced by their willingness to propose reservations to Article 24 of the UN Convention on the Rights of Persons with Disabilities, thus accepting less than the agreed international standard in protecting the human rights of disabled people in accessing education. Despite being one of the States which recognized the crucial need for the Convention and indeed playing a leading role in its negotiation, the UK Government, by proposing a reservation in this area, has failed to grasp its core obligations to protect the human rights of disabled people as much as those of non-disabled people.

- ❖ **The Committee may wish to question the government on why it feels it is necessary to weaken human rights protection in relation to education for disabled people.**