



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Northern Ireland Executive's 2008-2011 draft Budget and draft Programme for Government Response of the Northern Ireland Human Rights Commission

1. The Northern Ireland Human Rights Commission (the Commission) is a statutory body created by the Northern Ireland Act 1998. It has a range of functions including reviewing the adequacy and effectiveness of Northern Ireland law and practice relating to the protection of human rights,¹ advising on legislative and other measures which ought to be taken to protect human rights,² advising on whether a Bill is compatible with human rights³ and promoting understanding and awareness of the importance of human rights in Northern Ireland.⁴ In all of that work the Commission bases its positions on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), other treaty obligations in the Council of Europe and United Nations systems, and the non-binding 'soft law' standards developed by the human rights bodies.
2. The Commission takes a keen interest in both the Budget and Programme for Government (PFG) as vehicles for the delivery in Northern Ireland of the international human rights obligations accepted by the state. While the Commission seeks over time to develop the capacity to respond in detail to these high-level consultations, in addition to the detailed commentary it provides on specific items of legislation and policy, it is not yet in a position to respond in detail, but would like to make a number of observations on the proposals.

¹ Northern Ireland Act 1998, s.69(1).

² *Ibid.*, s.69(3).

³ *Ibid.*, s.69(4).

⁴ *Ibid.*, s.69(6).

3. There is no indication of the role human rights obligations have played in informing and directing the development process of the PFG or Budget, nor any assessment provided of the potential human rights impacts of either. The Commission is particularly disappointed that in contrast to previous PFGs the present PFG does not even make any reference to Human Rights. The Commission would encourage the Executive to ensure that all policy is subjected to an impact assessment in relation to its potential to advance or be regressive of human rights and indeed that human rights obligations are mainstreamed into the development process. Our primary focus is, of course, on securing full compliance in Northern Ireland with the international human rights obligations of the state, including, in the context of public spending policy, the International Covenant on Economic, Social and Cultural Rights, the European Social Charter, and the 'soft law' or best practice standards produced by the international human rights systems.
4. The draft budget makes reference in chapter 7 to High Level Impact Assessments, also referred to in the summaries from a number of Departments. Some Departments reference this instrument in terms of equality and good relations, others as a more integrated instrument incorporating assessments of impacts on Equality, Good Relations, poverty/social inclusion and sustainable development. However it is not indicated that human rights more broadly are a point of reference in this impact assessment. Despite the context of international human rights obligations and the language of human rights within the Belfast (Good Friday) Agreement the language throughout the document is rarely rights based.
5. In relation to specific areas of expenditure we note concerns expressed from various quarters of the impact on provision of particular functions and services. The Commission, having regard to the obligation to secure "progressive realisation" of economic and social rights, will seek to monitor certain areas where there may be potential for regression. These include:
 - DSD: the potential negative impacts in relation to the provision of social housing and on fuel poverty if sufficient resources are not allocated.
 - DHSSPS: the potential impacts on advancing health without sufficient resources in relation to health care and specific programmes such as Mental Health and Learning Disability in the context of the Bamford

Review. In the case of the latter there is no reference to the legislative programme required to implement Bamford.

6. References are made to the need to ensure considerable efficiency savings within Departments to ensure redirection of resources to the priority areas outlined. Whilst redirection of resources has potentially positive impacts, care should be taken that efficiency savings do not have detrimental human rights impacts. For example, programmes aimed at communities, equality promotion or alleviating poverty can be targeted as 'soft' areas of expenditure. Frontline services facilitating equality of access to minorities, such as interpreting, can be wrongly deemed administrative and placed under threat. In addition there is a danger there will be a detrimental impact on the socioeconomic rights of vulnerable workers should savings be sought through for example, subcontracting services, without adequate safeguards in relation to the terms and conditions of those affected.

January 2008

**Northern Ireland Human Rights Commission
Temple Court, 39 North Street
Belfast BT1 1NA, Northern Ireland
Telephone: (028) 9024 3987
Textphone: (028) 9024 9066
Fax: (028) 9024 7844
Email: information@nihrc.org
Website: www.nihrc.org**