

## **Austerity and Inequality:**

### **‘A Threat to Peace?’**

**Conference Report and Papers 2015**

both Governments recognise that many disadvantaged areas, including areas which are predominantly loyalist or nationalist, which have suffered the worst impact of the violence and alienation of the past, have not experienced a proportionate peace dividend. They recognise that unless the economic and social profile of these communities is positively transformed, the reality of a fully peaceful and healthy society will not be complete.

*Paragraph 28 Joint Declaration of the British and Irish Governments 2003*

## **Austerity and Inequality: ‘A Threat to Peace?’**

### **Report of conference held in UNISON, Galway House, Belfast on Thursday 15 October 2015.**

The Equality Coalition is co convened by the Committee on the Administration of Justice (CAJ) and UNISON. It is a network of over 80 NGOs from across the nine equality categories within section 75 of the Northern Ireland Act 1998 and beyond. While allowing for the diversity of its members’ work and views the Equality Coalition provides a forum for unity between all sectors when campaigning for equality by facilitating a strong message from diverse equality groups, mutual support between members and consideration of the multiple identity aspects of equality work.

Conference organised by the Equality Coalition in partnership with the Irish Congress of Trade Unions (ICTU), The Human Rights Consortium and the Participation and Practice of Rights Project (PPR).

December 2015



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## **Acknowledgements**

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Thanks also to our supporting organisations ICTU, the Human Rights Consortium and PPR for helping us reach out to a wide audience.

Thanks to all the panel chairs and speakers, especially those that travelled to be with us.

Thank you to the staff at CAJ for making this conference become a reality particularly Emma Patterson-Bennett, Liz McAleer and the team of CAJ volunteers Jeanette Murtagh, Ryan McDowell, Philip Kidd and Christina Verdirame. Thanks to Stan Nikolov for his excellent photography of the event.

The text in this report is supplied by the speakers.

## Introduction

This one day conference explored perspectives from home and abroad on the impacts of austerity on socio-economic rights. The event sought to address the question of the immediate and long term impacts of austerity on inequality in Northern Ireland. It also sought to open debate about the implications of such impacts in a divided society emerging from a conflict in which inequality had been a significant issue.

The conference took place in October 2015 in a context whereby since the onset of the banking bailout (according to official figures contained in the November 2015 Stormont Agreement Implementation Plan) £3.7 billion of cuts had already been imposed on Northern Ireland in the years 2008-15.

At the time of the conference for over a year the power-sharing political institutions established under the Belfast/Good Friday Agreement had been on the brink of collapse over the question of the extent local parties would agree to implement social security cuts and other 'austerity' policies sought by the UK government. This is perhaps most openly characterised by the first section of the Stormont House Agreement (SHA), published in December 2014 by the Northern Ireland Office. This section, entitled 'finance and welfare', essentially sets out a structural adjustment programme for Northern Ireland containing provisions for cuts to the size of the public sector, cuts to social security provision (with a mitigating fund), an OECD review of the public sector, and a reduction in the taxes paid by businesses.

The SHA was derailed initially by questions over the scale of mitigations for social security cuts. Subsequently there was also the announcement of further cuts beyond the terms of the SHA by the Conservative Government that took office in May 2015. In November 2015 a further agreement, the *'Fresh Start' Stormont Agreement and Implementation Plan*, was published with the aim of implementing the financial provisions of the SHA.

The conference, chaired by broadcaster Susan McKay, was introduced by the Equality Coalition Co-Conveners Daniel Holder (CAJ) and Patricia McKeown (UNISON). The first session on 'From the Global to the Local' featured presentations from Virginia Brás Gomes, a member of the UN ICESCR committee; Adam Ostry, the head of the OECD mission to NI, and Bernadette McAliskey of STEP.

Three workshops focused on 'using the law', 'mobilising against austerity' and 'mapping austerity'.

A third session featured the presentation of interim findings of research by Professor Christine Bell and Dr Robbie McVeigh into the equalities impacts of the SHA. A final discussion panel featured presentations from the Chief Commissioners of the Equality and Human Rights Commissions. The key points agreed by the Equality Coalition as having emerged from the Conference are included as appendix 1.

## Conference Programme

10.00	<b>Welcome by Conference Chair</b>	<b>Susan McKay</b> Author and Journalist
	<b>Introduction and Overview of the Conference</b>	<b>Daniel Holder</b> CAJ / Co-convener Equality Coalition
10:15	<b>Session One: <i>Austerity and Inequality- The global to the Local</i></b>	
	<b>Impact of austerity and fiscal adjustment on rights</b>	<b>Virginia Brás Gomes</b> Member UN Committee on Economic and Social Rights / Senior Social Policy Adviser, Ministry of Solidarity, Employment and Social Security, Portugal
	<b>OECD work on public-governance reform for inclusive growth</b>	<b>Adam Ostry</b> OECD, Project Manager, Public Governance Review Northern Ireland, Public Governance Directorate,
	<b>Downgrading rights: the cost of austerity in Greece</b>	<b>Elena Crespi</b> <sup>1</sup> FIDH - International Federation for Human Rights
	<b>Austerity here and now</b>	<b>Bernadette McAliskey</b> STEP - South Tyrone Empowerment Programme
11.30	Coffee Break	
11.45	<b>Session Two: Austerity and Inequality - Impact and Organising</b>	
	<b>Introduction and Overview of Workshops</b>	<b>Patricia McKeown</b> UNISON/ Co-convener Equality Coalition
	<b>1: <i>Using the Law</i></b>	Chair: <b>Prof Colin Harvey</b> Queen's University
	- <b>CAJ anti-poverty strategy judicial review</b>	<b>Gordon Anthony BL</b> Barrister/Queen's University
	- <b>Experience of applying the 'Section 75' equality duty</b>	<b>Sharon Fitchie</b> Former Equality Officer DARD

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<sup>1</sup> Elena was unfortunately unable to travel on the day of the conference, her presentation, and the link to the broader FIDH research on the impact of austerity in Greece are included in this report.

- 2: Mobilising Against Austerity**      Chair: **Anne Speed** NIC-ICTU
- **PPRs Organising Model**      **Nicola Browne** PPR
  - **Re-balancing the NI economy – the impact on women: Corporation Tax and the Empty purse campaign**      **Lynn Carvill** Women’s Budget Group/ Reclaim the Agenda
  - **Rural communities and cuts**      **Charmain Jones** Rural Community Network
  - **The Bill of Rights campaign**      **Kevin Hanratty** Human Rights Consortium
- 3: Mapping Austerity**      Chair: **Kate Ward** PPR
- **Analyzing spending and cuts**      **Paul MacFlynn** Nevin Economic Research Institute (NERI)
  - **Cuts to the health sector**      **Jonathan Swallow** UNISON
  - **Child poverty**      **Goretti Horgan** NI Child Poverty Alliance / Ulster University

13.15 Lunch

**14.00**      **Session Three: Research Briefing: interim findings**  
*The equality impacts of the Stormont House Agreement on the “two main communities”*  
**Professor Christine Bell and Dr Robbie McVeigh**

**15.00**      **Session Four: Panel Discussion**  
**Les Allamby**, Chief Commissioner, NI Human Rights Commission  
**Michael Wardlow**, Chief Commissioner, Equality Commission for NI  
**Adam Ostry**, OECD & **Virginia Brás Gomes**, Member UN ICESCR Committee / Senior Policy Adviser Portugal.

**16.00**      **Closing Call to Action:**  
**Patricia McKeown**, UNISON/ Co-convener of the Equality Coalition

## Speakers and Chairs

**Susan McKay** is an award winning journalist and author from Derry. Her book, "Bear in Mind These Dead" (Faber, 2008) is a study of the aftermath of the Northern Irish conflict for those bereaved and injured by it. It was shortlisted for the Ewart Biggs prize. She has carried out work for WAVE and the Pat Finucane Centre, interviewing victims and survivors and recently facilitated discussions by the Victims and Survivors Forum on the Stormont House Agreement. Her work has been widely praised for its integrity, even-handedness and compassion. She is a former Northern editor of the Sunday Tribune and currently writes for the Irish Times, the Guardian/ObsERVER and other titles.

**Daniel Holder** has been employed as the Deputy Director of the Committee on the Administration of Justice (CAJ) since 2011 and is currently co-convenor of the Equality Coalition. Prior to this he worked in the policy team of the Northern Ireland Human Rights Commission for five years, and before that he led a migrant worker equality project run by the NGO the South Tyrone Empowerment Programme (STEP) and Dungannon Council. He previously worked in Havana, Cuba as a language professional for the University of Havana, press agency *Prensa Latina* and national broadcaster, ICRT. He has a primary degree in Spanish and Sociology and an LLM in Human Rights Law, both from Queens University.

**Maria Virgínia Brás Gomes** is a Member of the UN Committee on Economic, Social and Cultural Rights. From 2008 to 2010 she served as vice-chair of the Committee and from 2012 to 2014, as rapporteur. She is presently involved in the drafting of a new General Comment on Article 7 of the International Covenant on Economic, Social and Cultural Rights, on the enjoyment of just and favourable conditions of work. She is a trainer on economic, social and cultural rights, women's rights and treaty body reporting on behalf of the Office of the High Commissioner for Human Rights (OHCHR) and a Senior social policy adviser in the Ministry of Solidarity, Employment and Social Security of Portugal.

**Adam Ostry** joined the OECD in 2010 as Senior Counsellor, Regional Development Policy. Before joining the OECD, Mr Ostry worked in the Government of Canada's Cities Secretariat. He advised Cabinet on creating the Gas Tax Fund, the programme that, in cooperation with the provinces and territories, shares revenues from the federal excise tax on gasoline with municipalities for sustainable infrastructure. He was Canada's delegate to the OECD's Working Party on Urban Areas, chairing it from 2007 to 2010. Mr. Ostry joined the Public Service of Canada in 1982 and has worked in the federal and provincial levels of government. He was President/CEO, Ontario Media Development Corporation (1999-2002), head of the Strategy and Plans unit in the Intergovernmental Affairs secretariat of the Privy Council Office (1996-1999) and Director General, Sport Canada (1994-1996). Mr Ostry earned a BA (Political Economy) from the University of Toronto, an MA (Political Science) from the Université Laval and is a foreign graduate of France's Ecole nationale d'administration.



**Elena Crespi** heads the Western Europe Programme at FIDH (International Federation for Human Rights), focusing on human rights protection and promotion in Europe and coordinating the work that FIDH is conducting with its member organisations across the continent. She previously worked as an advocate and legal officer at Amnesty International's EU office, within the legal department of Italy's Permanent Representation to the EU and in private law practice. Among her areas of expertise are economic, social and cultural rights, migration and asylum and criminal justice. She lives and works in Brussels, where she is based at FIDH Permanent Delegation to the EU.

**Bernadette McAliskey** is the Co-ordinator of South Tyrone Empowerment Programme (S.T.E.P). Since her time as an MP, Bernadette has devoted herself to the building of successful community infrastructure in her local area of South Tyrone. She has been a keen community activist on a number of subjects, as coordinator of STEP she has assumed management of the organisations four distinct but inherently linked departments – Community Development, Tutor Led Training, Online Learning and the Migrant Workers Programme.

**Patricia McKeown** is Regional Secretary of UNISON the Public Service Union and one of the most senior trade unionists in Ireland. She is currently Co-Convenor of the Equality Coalition. She was President of the Irish Congress of Trades 2007-09 and Chairperson of its Northern Committee 2005-07 and is former Deputy Chairperson of the Equal Opportunities Commission NI. Patricia is an elected member of both the NI Committee and the Executive Council of ICTU. She has recently been appointed as a worker representative for Ireland on the European Economic and Social Committee. Patricia has pioneered a range of partnership initiatives with employers in both the public and private sector, including international initiatives with unions and employers in the US. Her union is an outstanding champion of programmes on lifelong learning and continuous professional development and has pioneered an award-winning jobs project in West Belfast with the Belfast Trust and the West Belfast and Greater Shankill taskforces delivering real jobs in areas of greatest objective need while developing parallel career opportunities for existing health service workers.

**Colin Harvey** is Professor of Human Rights Law, School of Law, Queen's University Belfast. He is a member of the Academic Panel at Doughty Street Chambers in London. In 2011, he was appointed to the Research Excellence Framework 2014 Panel for Law, and to the REF2014 Equality and Diversity Advisory Panel. He served as Head of the Law School at QUB (2007-2012), as a member of Senate (2010-2012) and as Director of the Human Rights Centre (2005-2008). He was Professor of Constitutional and Human Rights Law at the University of Leeds from 2000-2005. He has held Visiting Professorships at the London School of Economics, the University of Michigan, and Fordham University. Prof Harvey served on the NI Higher Education Council (2002-2006), and the NI Human Rights Commission (2005-2011). Prof Harvey is the General Editor of Human Rights Law in Perspective, and is on the editorial boards of: International Journal of Refugee Law, Human Rights Law Review, European Human Rights Law Review, and the NI

Legal Quarterly. He has written extensively on human rights and constitutionalism.

**Gordon Anthony** is Professor of Public Law at Queen's University of Belfast, and a Barrister-at-Law. He teaches, researches and practices almost exclusively in the area of judicial review. His books include *Textbook on Administrative Law* (Oxford University Press, 8th ed, forthcoming 2016 (with Peter Leyland)) and *Judicial Review in Northern Ireland* (Hart Publishing, Oxford, 2nd ed, 2014).

**Sharon Fitchie**, as a career civil servant, Sharon worked across four Government Departments and for several different Ministers. For the last 12 years she has provided strategic leadership and direction on the setting and monitoring of the Department of Agriculture and Rural Development's (DARD) equality agenda, ensuring that the Dept has taken forward ambitious work programmes, and that equality considerations were central to its budgetary assessments and key policy work such as its Rural Development and TRPSI (anti-poverty) Programmes. Under her leadership, DARD has set a strong equality pace particularly on its work to improve participation and representation in decision-making for people with disabilities, its commitment to working towards bold gender targets and publishing its second Children and Young People's Action Plan, the only Department to do so. In recent weeks Sharon has decided to take a sabbatical from DARD and is currently exploring options for getting involved with equality related projects, both at home and abroad.

**Anne Speed** currently leads on representation and bargaining for UNISON NI, covering NI-wide negotiations in Health, Education and the Community & Voluntary sector. She is a member of the Executive Council of the Irish Congress of Trade Unions and also sits on the NI Committee of the Congress. She also has widespread experience negotiating in the private sector having worked previously with the trade union SIPTU for over 30 years. Her last post before coming to UNISON was to head up policy and campaigning throughout Ireland for that union. With the establishment of the All Ireland bodies under the Good Friday Agreement, Anne was nominated to and served 8 years on the All Island Food Safety Promotion Board. In addition Anne has extensive experience in campaign building and has worked on international solidarity issues such as Palestine. She has also been a leading advocate of women's rights and has participated in the Republic of Ireland in a number of campaigns to legalise contraception and secure abortion rights.

**Nicola Browne** is the Director (Policy) for the Participation and the Practice of Rights (PPR). She is a founder staff member of PPR, and played a key role in developing PPR's unique participatory human rights indicator methodology which was recognised as a best practice example by the United Nations in 2012. Alongside the Director (Development), Nicola has responsibility for the strategic direction of PPR. Under their leadership, PPR has grown from a pilot project focused on mental health and housing in North Belfast into an internationally acclaimed human rights organisation working with marginalised people on a wide range of issues including employment and

social security, urban regeneration, asylum, homelessness, domestic violence and Irish language rights. Nicola has an LLB (Hons) degree in Law from the University of Dundee and an LLM in International Human Rights Law from the University of Nottingham. Nicola worked for four years as a Researcher for the Centre for Capital Punishment Studies at Westminster University in London, which researches penal policy and practice in death penalty retentionist countries worldwide. She also worked as Protection Intern for the UN High Commission for Refugees Liaison Office in Dublin, carrying out appraisals of local asylum policy and co-ordinating international family reunification procedures for individuals granted refugee status in Ireland.

**Lynn Carvill** joined WOMEN'STEC as CEO in late February 2014. Prior to this she was a Lobbyist with Women's Resource and Development Agency where she worked to bring a gendered perspective to political discussions and decision-making. In 2010 she secured resources from OFMDFM to undertake research into the impact of the financial downturn on women in NI, resulting in the groundbreaking report, written by Bronagh Hinds – 'The Northern Ireland Economy: Women on the Edge?' In her earlier career, Lynn was Regional Co-ordinator of the Organisation of the Unemployed: NI – a network of unemployed centres and groups that worked to bring the views of unemployed people to bear on the policy decisions that affect them.

**Charmain Jones** joined Rural Community Network (RCN) in December 2010 as the Community Development Officer for Cohesion, Sharing and Integration. Charmain's role involves co-ordinating, designing, implementing and disseminating rural community development support initiatives to address social need, social exclusion, social cohesion and community capacity in rural communities at a regional level. She has varied experience in the voluntary sector since 2000, in a paid and voluntary capacity, very much at a grass roots level, as Project Co-ordinator for the PLACE Initiatives, Youth Leader in Charge of Goal Line Youth Centre, Community Development Officer for Carleton Street Community Development Association and more recently as Co-ordinator for REACT in Armagh City. She is a graduate from Ulster University with a BA (Hons) Degree in Business Studies and a Masters Degree in Marketing Management. She also has a Diploma in Conflict Management and Politics from QUB and has recently qualified from QUB with a Certificate in Management Practice. She has undertaken other pieces of training and certified courses in History and Culture, Community Capacity Building, Good Relations, Civic Leadership and Community Leadership.

**Kevin Hanratty** is the Director of the Human Rights Consortium, a coalition of almost 200 civil society groups from across NI that campaign for a Bill of Rights for Northern Ireland and increased understanding, protection and utilisation of human rights in Northern Ireland. He previously worked as a Human Rights Officer with the OSCE mission to Bosnia Herzegovina and as a political consultant with the NDI in Macedonia.

**Kate Ward** is the Policy & Research Support Officer with the Participation and Practice of Rights (PPR) organisation in Belfast, where she has worked since 2009. Kate holds a Bachelor's degree in Law and Spanish from Queen's University, Belfast and a Masters degree in International Human Rights Law from the Irish Centre for Human Rights in Galway. PPR was founded in 2006 by human rights and trade union activist, the late Inez McCormack and works to put the power of human rights at the service of those who need it most.

**Paul MacFlynn** is an economist at the Nevin Economic Research Institute (NERI) specialising in the NI Economy. He is a graduate of University College Dublin with a BA in Economics and Politics and the University of Bristol with an MSc in Economics and Public Policy, specialising in the economic impacts of political devolution in the UK. His most recent research has focused on low pay, industrial policy and the impact of austerity on the NI economy.

**Jonathan Swallow** is a trainer and consultant who specialises in supporting public services, those who benefit from them, and those who work in them. As well as his longstanding engagement here with UNISON, he has also worked with Councils and Education Boards on keeping services in-house. For a number of years he has been tracking the decline in budgets and outcomes in health and social care, and supporting challenges to ineffective delivery and bad practice in health and social care.

**Goretti Horgan** is a lecturer in Social Policy in the School of Criminology, Politics and Social Policy at Ulster University. Before joining the University, she was a Senior Research Officer with the National Children's Bureau, and then Save the Children. Goretti moved to the University in 2003, where she lectures, is a member of the Institute for Research in Social Sciences and Deputy Director of Policy with ARK [[www.ark.ac.uk](http://www.ark.ac.uk)]. She researches and writes about child and family poverty, as well as children's and women's rights generally.

**Christine Bell** is Professor of Constitutional Law, and Assistant Principal (Global Justice) University of Edinburgh, a Fellow of the British Academy and a partner in An Dúchán. She read law at Selwyn College, Cambridge, (1988) and gained an LL.M in Law from Harvard Law School (1990), supported by a Harkness Fellowship. She is a former Director of the Human Rights Centre at QUB and of the TJI, Ulster University. She was also Chairperson of CAJ, and a founder member of the NI Human Rights Commission established under the Belfast Agreement. Her research interests lie in the interface between constitutional and international law, gender and conflict, and legal theory, with a particular interest in peace processes and their agreements. She has participated in a number of peace negotiations. In 2007 Christine won the American Society of International Law's Francis Deake Prize for her article on 'Peace Agreements: Their Nature and Legal Status' 100(2) American Journal of International Law. She has authored two books: *On the Law of Peace: Peace Agreements and the Lex Pacificatoria* (Oxford University Press, 2008) which won the Hart Socio-Legal Book Prize, awarded by the Socio-legal Studies Association UK, and *Peace Agreements and Human Rights* (Oxford University Press, 2000).

**Robbie McVeigh** is research director with An Dúchán, a partnership providing community based consultancy, evaluation and research services. He has extensive experience of working with statutory and community organisations across NI. He has also published extensively with a particular focus on human rights and equality in NI. His work includes theoretical and policy-oriented research as well as primary research with minority ethnic groups and community organisations. Much of his research and academic work has focused on racism and sectarianism in Ireland, north and south. His publications include *Racism and Anti-racism in Ireland* (with Ronit Lentin, *Beyond the Pale*, 2002) and *After Optimism? Ireland, Racism and Globalisation* (with Ronit Lentin, *Metro Eireann* 2006). Dr McVeigh has extensive experience of working internationally on minority ethnic issues, including commissions by European Year Against Racism, European Union Monitoring Centre on Racism and Xenophobia and European Roma Rights Centre.

**Les Allamby** has been appointed Chief Commissioner of the NI Human Rights Commission for a period of five years. He took up post on 1 September 2014. Les is a solicitor and formerly the Director of the Law Centre (NI). He was appointed honorary Prof of Law at Ulster University last year and is a trustee of CFNI. He was a former Chair of an Advisory group to Human Rights Commission on proposals for economic and social rights within a Bill of Rights for NI and a former chair of CAJ. He has also been the Chair of the Social Security Standards Committee for Northern Ireland, the Northern Ireland member and vice chair of the Social Security Advisory Committee, a member of the Legal Services Commission (NI) and a member of the Legal Services Review Group. He has undertaken election monitoring for the Organisation for Security and Cooperation in Europe (OSCE) and International Organisation for Migration in Bosnia, Pakistan and Georgia. Les was also a former Chair of the immigration sub group (OFMDFM) and a former member of the Northern Ireland Strategic Migration Partnership (Home Office).

**Michael Wardlow** is the Chief Commissioner for the Equality Commission for Northern Ireland, a public appointment he has held since March 2012. In September 2009 Dr Wardlow set up a freelance consultancy, in which role he specialises in assisting organisations, nationally or internationally based, which are working in the broad area of equality, citizenship, cohesion, integration, peace building and reconciliation. Until August 2009, he was the CEO of NICIE a post he held from 1995. Prior to this, following 7 years in commerce, the majority of his work experience, both paid and in a voluntary capacity, has been in the area of peace building and reconciliation, focusing on youth work and leadership training. In the past decade, he has spoken at a variety of international reconciliation events and has carried out a number of evaluations of peace building projects in Europe, Asia and Africa and continues to be involved in reconciliation and peace building work both at home and on a wider scale through his membership of various committees both locally and nationally. He holds Bachelor's and Master's degrees in Theology from QUB, as well as a Doctorate in Education. Professionally, he is a Chartered Fellow of the Chartered Institute of Personnel and Development and a Fellow of the Chartered Insurance Institute.



## The Conference

### Overview of the day

#### Daniel Holder

#### CAJ/Co-convener Equality Coalition

...both Governments recognise that many disadvantaged areas, including areas which are predominantly loyalist or nationalist, which have suffered the worst impact of the violence and alienation of the past, have not experienced a proportionate peace dividend. They recognise that unless

the economic and social profile of these communities is positively transformed, the reality of a fully peaceful and healthy society will not be complete.

*Paragraph 28 Joint Declaration of the British and Irish Governments 2003*

The above quotation is from one of the Agreements between the two Governments that make up the peace settlement, the 2003 Joint Declaration. The position of the two governments is that unless the social and economic profile of disadvantaged communities here is positively transformed we will not have a fully peaceful and healthy society.

Following through the logic of that position if the government with jurisdiction conversely follows policies that it knows are going to make the economic and social profile of such communities much worse, we are going to have anything but a 'fully peaceful and healthy' society.

It is this which brings us to the title of today's conference, as this is the reality we have now lived with for several years. Whatever the political spin that cuts to social security and other public services will somehow provide people with a path out of poverty; the UK government has now had enough years to watch the growth of food banks and other indicators of poverty and inequality to know that this is not the case. We are in a situation whereby, under the banner of austerity, London is knowingly pursuing policies that are going to make the living conditions of the most disadvantaged much worse. This puts the state in direct conflict with its human rights commitments under instruments such as the UN International Covenant on Economic, Social and Cultural Rights (ICESCR). It also puts into reverse the very commitments that were made and seen as essential to lasting peace, to reverse historical patterns of inequality.

I would like to further outline the meaning of the title of our conference, starting with the term 'austerity'.

#### **Defining Austerity**

The Financial Times lexicon defines austerity policies as follows:

*“Austerity measures refer to official actions taken by the government, during a period of adverse economic conditions, to reduce its budget deficit using a combination of spending cuts or tax rises.”*

Others have taken a more cynical approach preferring to define ‘austerity’ as more of an ideological term. Some have regarded it in practice as a vehicle for the transfer of wealth to the rich from everyone else, others have characterised it as simply a vehicle for a particular type of economic ideology.

In relation to the latter conceptualisation it is notable that the types of measures often promoted as part of austerity packages are strikingly similar to those promoted by particular ‘neo-liberal’ or free market economic ideologies. The ‘austerity’ measures are often found in fiscal or structural adjustment programmes which typically will include the following provisions:

- *Cuts to the public sector and services;*
- *Cuts to social security;*
- *Privatisation of state assets;*
- *Cuts to the taxes of companies and the wealthy;*

Such packages are often imposed on a country by an external international body such as the IMF, EU etc in the context of the conditions for the repayment of, or facilitation of, loans. Indeed such institutions have significant leverage over states to oblige them to take up such packages in the context of debts. It is important to note that such ‘structural adjustment’ etc type programmes are not sold as some sort of terrible but necessary punishment to allow a country to return to solvency and then make a fresh start. Rather they are often sold as an essential mechanism to ‘modernise’ a state and produce the conditions that will lead to private sector investment and growth. This in turn will lead to growing wealth and prosperity which will ‘trickle down’. The rising tide will raise all boats, relieve inequality and provide people with a path from poverty. If this is the case such programmes would positively contribute to the realisation of economic and social rights.

Now over the years I, like others here, have had the privilege of meeting delegations of trade unionists and other human rights activists who have travelled here, mostly from Latin America, but also from elsewhere. These are women and men who do the same work as many of the people in this room today. They have shared their experiences of being subjected to ‘austerity’ / structural adjustment type programmes, and we would do well to learn from them. We have always discussed the extent they work in practice to achieve the above goals. Without exception their message has been that such programmes do not work. What wealth is created stays in the hands of a few. Inequality and poverty significantly increase, rather than decrease. The realisation of economic and social rights regresses, it does not progress. In the immediate term ‘austerity’ also leads to economic stagnation rather than growth. This is fairly obvious, the public sector and the people who used to work in it have less money to spend, which then damages the private sector.

Today we will hear from speakers engaging an international perspective. We have Virginia Brás Gomes, a member of the UN ICESCR Committee; Adam Ostry, head of the OECD mission on public sector reform in Northern Ireland and we also have material from Elena Crespi of the FIDH (International Federation for Human Rights),

on the organisations study on the impact of austerity on rights in Greece. Elena unfortunately is a late withdrawal from the line up.

The dynamic of austerity in relation to the UK state is significantly different to other places. The UK did create a budget deficit by bailing out the banks. However, there is no IMF or other international creditor banging on the door demanding a repayment schedule or setting conditions for it. There is no external central bank threatening to turn off the cash machines in banks and create chaos. Rather the UK is setting its own priority that the most important thing is to pay off the deficit as quickly as possible through similar measures to those outlined above. It is not that there is no money for anything. £100 billion can be found for a new post-Trident generation of weapons of mass destruction, in contravention of the UK's international obligations under the Nuclear Non-Proliferation Treaty. But policy choices are being made to significantly reduce public spending, public services and social security, which the most disadvantaged rely on more. The current government desires a reduction in public spending to relative levels last seen in the 1930s.

Northern Ireland has for some time already suffered significant 'austerity' cuts to its budgets. Facts and figures on this will be given in the 'mapping austerity' workshop later today which will be chaired by Kate Ward from PPR. Paul MacFlynn of the Nevin Economic Research Institute will detail just how much has already been cut and how much is planned to be cut from the Northern Ireland budgets. Jonathan Swallow from UNISON will give us facts and figures regarding the real term cuts to the health budget in recent years. Goretti Horgan from Ulster University and a member of the NI Child Poverty Alliance will outline the impact of austerity on child poverty. We will also shortly hear from Bernadette McAliskey of the South Tyrone Empowerment Programme (STEP) on how hard austerity is already biting here and now.

Austerity in Northern Ireland has its own dynamic too, as it is a 'devolved' region of a state. One vehicle for imposing austerity here is through artificially creating 'debt' for the Belfast institutions. This has been done through the levying of economic sanctions on Stormont in the form of 'fines' or 'penalties' of around £100 million a year for not passing equivalent legislation to the Welfare Reform Act 2012. It is worth noting however that even if these sanctions were lifted, a gaping hole in the finances has still been created by other significant cuts. This is likely to exacerbate inequality, the second word in our conference title.

## **Defining Inequality**

Inequality can be defined fairly straightforwardly as the gap between rich and poor, i.e. inequality on what could be otherwise referred to as class or socio-economic grounds. Inequality is also the gap between other equality groups - like men and women. For the avoidance of doubt it is not sexist to say women still face more disadvantage than men. Equally it is not sectarian to say that Catholics are more disadvantaged than Protestants. In both cases it is a statistical reality. That does not mean that there are not also many Protestant men who are facing poverty and deprivation, there of course are. A correlation is more likely to be on socio-economic grounds or class, rather than gender or ethnicity; we need to make sure we are including all these elements. The human rights framework to tackle inequality involves targeting those most disadvantaged regardless of who they are. Our local legal framework further to the peace agreements uses the concept of 'objective need'.



Yet we cannot be afraid to name specific forms of inequality if we are going to tackle it, not to regard the issue as taboo, or 'divisive'. This still happens.

I have even heard the position that it is 'difficult' to take a position on passing the Welfare Reform Bill in the Assembly in a context whereby nationalist parties (as well as the Green Party) were opposing passage and unionist (together with the Alliance Party) were supporting it. This was on the grounds that that meant 'taking sides' which would be 'sectarian'. This is nonsense at a number of levels. The only side being taken is the side of those who will be hit by welfare cuts. We need to challenge policies which exacerbate inequality on the basis of principle regardless of who else is supporting them and not be afraid to argue our case.

There are organising models which can bring everybody together with a sense of common purpose to tackle inequality. This is being done at a grassroots level across all communities and groups as we speak. Our second workshop will deal with organising against austerity, and will be chaired by Anne Speed who sits on ICTU's NI Committee. It will feature presentations from Nicola Browne from the Participation and Practice of Rights Project (PPR), Lynn Carvill from the Women's Budget Group and Reclaim the Agenda, Charmain Jones from the Rural Community Network (RCN), and from Kevin Hanratty of the Human Rights Consortium.

Another problem that we also come across is that too often in official and academic statistical analysis of poverty the approaches of analysing trends are not joined up. On the one hand you tend to find analysis that just looks at poverty indicators on the basis of socio-economic indicators, and might also disaggregate by gender and some aspects of ethnicity but rarely does on the basis of community background or other equality categories. On the other hand you can see 'section 75' equality analysis that provides data on the nine equality categories but does not correlate it with indicators of poverty, disadvantage or need. On that basis you could 'resolve' an unemployment differential or an equal pay gap by making everyone unemployed or paying everyone nothing respectively. A human rights based approach to substantive equality does not provide for such downward harmonisation and neither is the approach that is intended to be taken in section 75 equality impact assessments. We really need to see these two approaches joined up more often. Poverty analysis needs not to overlook the section 75 categories and Equality Impact Assessments should not divorce themselves from considerations of disadvantage and objective need.

Substantive equality is a human rights concept used in ICESCR that is about not just removing formal discrimination but steps to reduce inequality across all grounds. As set out in the UN ICESCR Committee's General Comment 16 on gender equality in economic, social and cultural rights "*Substantive equality is concerned, in addition, with the effects of laws, policies and practices and with ensuring that they do not maintain, but rather alleviate, the inherent disadvantage that particular groups experience.*" It is also worth reading through ICESCR General Comment 20 on non-discrimination in Covenant rights. ICESCR does not divorce the duties to make progress on substantive rights, like rights to health or housing, from the principles of non-discrimination. It also is a framework in which a state party is not supposed to take 'retrogressive steps'. Meaning a state is in conflict with its ICESCR duties if it deliberately follows policies which make the living conditions of the most disadvantaged worse, as is happening.

It is notable that international institutions like the IMF and OECD have both come out and stated that inequality is bad for economic growth. From the Good Friday/ Belfast Agreement on there were also provisions that conceded inequality here was also bad for peace.

### **Tackling inequality and provisions in the peace agreements**

The Belfast/Good Friday Agreement in 1998 did include a number of human rights provisions, including those relating to substantive equality. It provided for the establishment of Equality and Human Rights Commissions, and we will hear from the respective Chief Commissioners of both institutions in our afternoon panel.

The Agreement provided for the incorporation of the ECHR and a Bill of Rights, which given it was to be ECHR+ would have been the vehicle to incorporate economic, social and cultural rights, had it actually happened. The ECHR incorporation was legislated for under the Human Rights Act 1998, which the new UK government, in flagrant breach of the Agreement, have now said they will repeal.

The Agreement did 'affirm' certain rights – including the 'right of women to full and equal political participation' and 'the right to equal opportunity in all social and economic activity' regardless of grounds including 'class' and also 'creed, disability, gender and ethnicity'. The Agreement did nothing but 'affirm' these rights, more substantive was what was put into law in the Section 75 equality duty and revised fair employment legislation, albeit the latter still has not addressed the 'national security' exemptions. The Agreement also established power-sharing, albeit with unqualified powers of veto, meaning the 'petition of concern' mechanism whilst ostensibly there to protect minorities, has in fact been used to block minority rights measures, including recently, votes on marriage equality.

On the tackling poverty front, the Belfast/Good Friday Agreement did provide for a new and more focused 'Targeting Social Need' (TSN) initiative and a range of measures aimed at combating unemployment and eliminating the unemployment differential by targeting objective need. The St Andrews Agreement took this a step further by, for the first time setting up the concept of 'objective need' on a statutory basis and providing for the concept to be the basis of a statutory duty to tackle poverty, social exclusion and patterns of deprivation. Or at least it would have been had such a strategy actually been adopted, it was not. Nor was the clear commitment in St Andrews for Irish language legislation, or the single equality legislation the Agreement anticipated. Following legal proceedings by CAJ the High Court recently found that the NI Executive had acted unlawfully for not adopting the anti-poverty strategy. Most of the political parties have now welcomed that judgment, and we need to keep a watching brief as to how the matter is now taken forward. In another of our workshops on 'austerity and the law,' chaired by Professor Colin Harvey, we will hear from Gordon Anthony BL, who acted for CAJ in the anti-poverty challenge. We will also hear from Sharon Fitchie, a former equality officer in a government department, on her experience of applying the section 75 framework in practice. We also have information from family law practitioner Sinéad Larkin, who has been called to court and cannot make today, on the impact of legal aid cuts in family law cases and on victims of domestic violence.

To take stock whilst the implementation of a number of the equality provisions in the peace agreements leaves a lot to be desired.

It is worth highlighting that the Agreements did at least envisage and provide for a break with the patterns of inequality in the past as a key element of lasting peace. We are now at a stage whereby government policy is going to take us in precisely the opposite direction, and worsen and entrench inequality.

### **From Haass-O'Sullivan to the Stormont House Agreement**



In December 2013 we had the Haass-O'Sullivan 'Proposed Agreement' to deal with three outstanding issues that deemed to have created a 'crisis' in the peace settlement, namely flags, parades and dealing with the past. I know the picture of the participants round the table in those talks has been put up at times to demonstrate the ongoing under representation of women in peace building. I am including it for a different reason – to highlight the absence of one woman in particular – the Secretary of State for Northern Ireland, Theresa Villiers MP. The UK government did not participate in these talks. They were not even around the negotiating table.

Fast forward a year of talking later to the December 2014 Stormont House Agreement, things had changed. The British government chaired and led the talks, which were still meant to resolve flags, parades and the past. The Northern Ireland Office published the Stormont House Agreement and hailed it as a great success. So what prompted this change of position and new found enthusiasm? The clue is in that paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the Agreement do not mention either flags, parades or the past. Paragraph 15 does deal with flags, it is the only paragraph that does. It is followed by a few paragraphs on parades. On neither issue is anything of significance agreed. Dealing with the past has a different dynamic not least given the implosion of the existing 'package of measures'. CAJ, Amnesty International, Ulster University and Queens University ran a separate conference on these issues and that report is now available on the CAJ website. The NIO in part may have reached agreement on the past to get its desired paragraphs 1-14 over the line. There are now clear signs that the NIO will not implement the 'dealing with the past' part of the Agreement in good faith and once again human rights compliance will have to be fought for.

So what are in paragraphs 1-14 of the Stormont House Agreement? It is headlined 'finance and welfare' and put together it reads very much like Northern Ireland's very own Structural Adjustment Programme, it provides for:

- Agreement for a 'balanced budget' for 2015-16, which will require the implementation of cuts sought to public spending;
- A comprehensive programme of Public Sector Reform and Restructuring, including a significant reduction in the size of the public sector with a 'Voluntary Exit Scheme' for up to 20,000 public sector jobs to be funded by borrowing of up to £700m;
- An OECD independent strategic review of public sector reform;
- Implementation of wide-reaching cuts to the welfare state introduced in Great Britain under the Welfare Reform Act 2012, but with a top up fund for existing claimants;
- Devolution of powers over Corporation Tax with a view to lowering the rate in NI to 12.5%;
- Consideration of privatisation of public assets (termed in the Agreement as departments considering how "best to realise the value of their capital assets" to realise income and savings);

Whilst this is clearly London's agenda (save for the provision for a separate rate of corporation tax for Northern Ireland that has been very much driven by local business) it is not universally being opposed locally as an economic model. Like many structural adjustment programmes this was not sold as a terrible yet necessary punishment, rather David Cameron described it as a 'workable' agreement "that can allow Northern Ireland to enjoy a brighter, more prosperous future."

Whilst the Agreement puts all the measures in one place, pressure was being exerted to implement such austerity policies anyway, and it could be much worse. At least for now the redundancies are voluntary. It is worth highlighting however that even if every cut Stormont House envisaged was made it would no longer produce a 'balanced budget'. Following the election of a majority Conservative Government in May 2015, that administration has stepped outside the terms of its own Stormont House Agreement to levy and require further cuts. Even doing everything required under Stormont House is no longer going to suffice, unless there is an open ended commitment to savage austerity, the institutions will become untenable. The agreement has proved anything but 'workable', with the top up fund for social security cuts being particularly disputed.

### **An Equality Impact Assessment (EQIA) of austerity?**

Given the enormity of policy change austerity is bringing you would expect that the tools introduced under the peace settlement to come into play. This means especially the equality impact assessment (EQIA) duties which oblige the consideration of alternative policies and mitigating measures on changes which impact on equality of opportunity. Let's take some of the provisions of austerity:

- *Downsizing public sector employment:* what will be the impacts on the unemployment differential and on equal pay for women etc? We also know higher proportion of public sector employment is in places that suffer higher deprivation like West Belfast and L'Derry, what will be the impacts in these areas?

- *Downsizing public services*: presumably the 20,000 public sector jobs (and others) that are to go permanently actually do something like providing services, those in objective need tend to be more reliant on such services than others;
- *Cutting social security*: by definition this will hit persons in most objective need, the elephant in the room is also that it is known that it is going to exacerbate religious inequality, as the measures will disproportionately affect Catholics;
- *Private sector investment*: assuming that the premise of private sector investment comes to fruition where will this investment be spread across NI? If not will it entrench inequalities?

Given the wide impacts of austerity on policy you would hope there would be plenty to draw on from EQIAs. This has not been our experience. Equality Coalition members have repeatedly experienced many public authorities getting away with not screening decisions on cuts at all. The Department of Social Development notoriously missed out four of the nine categories in its EQIA of the Welfare Reform Bill, with the effect of disguising the impact of religious inequality the provisions will have. Neither the Department of Finance and Personnel nor the NIO have conducted an EQIA on the Stormont House package as a whole, nor have we seen one on elements of it like the Voluntary Exit Scheme. To plug some of these gaps we will later be hearing from Professor Christine Bell and Dr Robbie McVeigh on their research into the impacts of the Stormont House Agreement in relation to inequalities between the two main ethnic groups in Northern Ireland.

I just want to give one example of a public authority and how it has handled the duties to equality impact assess the cuts, namely the NI Assembly Commission, the body which runs the Stormont Assembly. One decision this body took was to discontinue its existing childcare scheme which meant, going on its own figures, an average loss of £2,333pa per employee who used the scheme, all of whom by definition fall into at least one equality category of ‘persons with dependents’. Whilst £2k plus is a hefty hit to most peoples’ pay packet the Commission remarkably decided this was a ‘minor’ impact for equality screening purposes, alleviating them, until challenged, of the duty to conduct a full Equality Impact Assessment.

The application of the Voluntary Exit Scheme did not fare much better. Below is a copy of the equality screening exercise produced. The Assembly Commission concluded, on the basis the scheme was on paper open to almost all employees, that there could not be any level of impact on any equality category, regardless of a) who applied or b) who was selected. Clearly if those who are selected are disproportionately within a section 75 group which is, or becomes, underrepresented within Assembly Commission staff, there is going to be an equalities impact. An EQIA is an important safeguard, but only if it is applied properly.

6. Current Assessment of Impact  
Having looked at the data/information referred to above at point 5, what does this tell you are the needs, experiences and priorities for the people who fall into the groups below, in relation to your policy? And what is the actual or likely adverse impact on equality of opportunity for those affected by the policy. (See appendix 1 for information on levels of impact).

Section 75 category	Details of needs/experiences/priorities and details of policy impact	Level of impact
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	None	None
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	None	None
Dependants	None	None

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## **A threat to peace?**

Finally I would like to address the question of the conference as to whether austerity and inequality are a 'threat to peace'. One media commentator was quite alarmed when the conference title was put out, but I think it is material circumstances rather than the titles of our conferences that will change things on the ground. We are of course not suggesting that austerity is going to cause a war.

We are not suggesting that Stormont House is going to send us straight back to the pre-1994 ceasefire days, grassroots peace building and institutional reform are far too advanced for that. We do however mean a threat to peace in other ways. Why would it not be when it is a threat to stability everywhere else? Inequality and poverty fuel conflict in many places— and it is much more dangerous in a divided society that is emerging from conflict.

It is also an end to the vision in the 2003 Joint Declaration that I read out at the beginning as policy is now entirely backtracking on what was deemed necessary to create a peaceful society and entrenching and reversing the very patterns of inequality the settlement was to tackle. Austerity is going to re-create conditions that were among the root causes of conflict in the first place.

The question could also be asked is austerity and inequality a threat to the status quo? It is in most places. It appears people can only put up with so much inequality before something snaps. Now we know that from our own history but it is happening elsewhere, albeit not without serious resistance from the establishment. Yet quite significant changes have resulted to the political order in many places either through new parties or changes in existing political parties or constitutional arrangements. We have seen this in Latin America and have started to see it in Europe, in Greece, Spain and closer to home. So what about here – is austerity a threat to the institutions of the peace settlement? It clearly is as it has had Stormont on the brink of collapse for over a year now. Once other matters are dealt with as they are likely to be, this issue will not go away it will remain. It has to, the sums do not add up. Whilst a lot of people would welcome an alternative to the political order at Stormont, that is not just going to magically emerge on its own, it would have to be worked for.

It is also not the case that all political parties and movements which gain support in conditions of austerity are committed to ending inequality. Far from it as we can see across Europe austerity can also create the conditions that lead to a rise in popularity of those right-wing groups who project the simplistic notion that all the problems of a nation can be blamed on some other ethnic group. Unfortunately, as we have already seen from the plague of racist attacks, Northern Ireland is fairly fertile ground for far right groups, even if they are not normally called that here. A divided society further risks the blame for cuts and the allocation of diminishing resources to be 'othered'. This is another area where austerity can threaten what peace there is.

Internationally protests at regression in economic and social rights often lead to repression of civil and political rights. We have seen that in laws criminalising protests in Spain. Just one other statistic - 7% of people in Greece voted for the far-right Golden Dawn party, but one survey shows that 50% of police officers did. That does not inspire confidence that the application of public order and other policing powers are going to be used impartially there in the face of opposition to austerity.

That should not happen here as there are now a range of post-Patten safeguards to try and ensure human rights compliant policing. However such safeguards already risk being rolled back and dismantled in the name of austerity. We have just witnessed a senior official in the Policing Board reacting to cuts by trying to dispense with the entire function of an independent human rights advisor to the board. In general austerity could be a vehicle for the opponents of accountability to quietly dismantle key safeguards that have been built up as part of the process of institutional reform.

It is also the case that we are not in an entirely 'peaceful' society. The investigative journalist website *the Detail* recently published official figures on the number of persons who had to leave their homes due to violence and intimidation in the last three years. The figure was 1,842, with over 1,000 having to be re-housed for the period of 2012-2015. These figures do not encompass persons evicted by agents of the banks, but rather evictions mostly by paramilitaries. The figures, as is commonplace here, are compiled in a way which disguises the backgrounds of victims and names of the groups suspected to be responsible. We do not know the individual circumstances of each eviction, although it is fairly safe to say though that none were caused by the title of our conference today. Given all of this: the extent to which austerity and the inequality which flows from it are a threat to what peace we have is a reasonable question for us to address today.

## Session One

### Austerity and Inequality: The Global to the Local



**Top Row:** Daniel Holder, Virginia Brás Gomes, Susan McKay  
**Bottom Row:** Patricia McKeown, Bernadette McAliskey, Adam Ostry

#### **Impact of austerity and fiscal adjustment on rights**

**Virginia Brás Gomes**, Member UN Committee on Economic and Social Rights / and Senior Social Policy Adviser, Ministry of Solidarity, Employment and Social Security, Portugal

#### **OECD work on public-governance reform for inclusive growth**

**Adam Ostry**, Project Manager, Public Governance Review Northern Ireland, Public Governance Directorate, OECD

#### **Downgrading rights: the cost of austerity in Greece**

**Elena Crespi**<sup>2</sup>, Western Europe Programme Officer, FIDH

#### **Austerity here and now**

**Bernadette McAliskey**, South Tyrone Empowerment Programme (STEP)

<sup>2</sup> Elena was unfortunately unable to travel on the day of the conference. Her presentation and the link to the broader FIDH research on the impact of austerity in Greece are nevertheless included in this section.



## Impact of austerity and fiscal adjustment on rights

### Virginia Brás Gomes



I am a social policy advisor to the Government of Portugal and that is where most of my experience comes from. I am also a member of the UN Committee on Economic, Social and Cultural Rights (CESCR) and I am proud of that but I am here in my personal capacity. I wish to share with you some of the experience I have gathered whilst on the Committee but also what I have seen happening in public policy in Portugal due to our fiscal adjustment programs and the bank bailouts. I am also pleased to be sitting with my co-panellists and am looking forward to the discussion at the end of the panel.

My point of departure is that states around the world through their Governments have made commitment to human rights treaties to fulfil political, social and economic and cultural rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR) has been ratified already by 164 states parties so it is quite a powerful treaty in terms of the rate of ratification. It sets an internationally agreed framework to assess the fulfilment of the commitments that Governments have assumed towards the realisation of the rights guaranteed in the Covenant to everyone living under the jurisdiction of the state party.

In reality what it means is that everyone living under the state party is covered by the protection of the Covenant, perhaps not covered in the same way but covered in the sense that no one can be left without protection. Then we have the Optional Protocol to the Covenant (the complaint mechanism) that came into force in 2013 and has by now been ratified by 21 states parties, among which a number of European countries.

We have a very low level of ratifications from Asia (only Mongolia) and a not so bad level of ratifications from Africa and there is a very good level from Latin America. As we all know, but it is always good to remind ourselves that there are two cross-cutting principles that apply to all covenant rights and these are the principles of non-discrimination and the principle of equal rights of men and women to the enjoyment of all economic, social and cultural rights. These two principles need to be read together with all the substantive rights in the Covenant (the right to work and rights at work, the right to social security, the right to an adequate standard of living, the right to the highest attainable status of physical and mental health, the right to education and the right to take part in cultural life and benefit from scientific progress).

Actually, it is really a Covenant that covers almost every area of daily life. Sometimes people consider the civil and political rights Covenant (ICCPR) as 'The Covenant' and it is of course very important but when we are doing training for children, we often tell them that economic, social and cultural rights are all about everyday lives with

everyday written in small letters and that is what most people have. Not all people have a daily life written in capital letters but everyone has a daily life written in small letters.

The framework for the implementation of the Covenant is based on three fundamental axes. One is that social, economic and cultural rights are justiciable individual rights. They are not aspirations, they are justiciable rights. Two, is that they impose three types of obligations on states parties and that is also very important to remember in times of austerity - the obligation of states to respect rights, in other words, to refrain from interference; to protect against violations by third parties; and to fulfil and when we talk of fulfilment, we include core obligations and obligations of progressive realisation.

Let me tell you how the CESCR Committee has been dealing with the impact of fiscal adjustment and austerity measures within this framework. We have been using a two pronged approach. On one hand at the macro level, we keep reminding states that the adoption of austerity measures aimed solely at cutting social expenditure without carrying out the necessary reflection on the adverse impacts those cuts may have on the enjoyment of economic, social and cultural rights, have had across the board, three results - increased income inequality and other inequalities; weakening of the role of universal public policies; and pushing individuals and families into situations of poverty or increasing their risk of falling through the cracks of various protection systems. This has been happening everywhere, in all regions, to a lesser or stronger degree. Of course we have to recognise that states parties have a margin of appreciation within which to set national social and economic policies. But in a letter dated 16<sup>th</sup> May, 2012 the Chairperson of the Committee reminded states that while they have this margin of appreciation, in order not to violate Covenant rights, any proposed austerity related policy changes or adjustments need to first fulfil the minimum core content of rights or a social protection floor as developed by the international labour organisation and once that core content is defined it has to be protected at all times.

We found the definition of a social protection floor of the International Labour Organisation (ILO) in its Recommendation 202 of 2012 very useful to illustrate the idea of what the core content of the right to social security could be. The social protection floor refers to a set of basic social security guarantees including access to basic services, and income security. What is interesting is that the ILO tells us that all countries have the possibility to start building a social protection floor, because it takes approximately 2% of GDP to start building it as the first step towards a comprehensive universal social security system.

We have also been reminding states that in times of austerity policy changes need to be non-discriminatory, temporary, necessary and proportionate in the sense that the adoption of any other policy or a failure to act would be more detrimental to economic, social and cultural rights.

Changes should comprise all possible measures including tax measures to support social transfers to mitigate inequalities that grow in times of crisis and to ensure that the rights of the disadvantaged and marginalised individuals and groups are not disproportionately affected.

A final point in the letter of the Chairperson of the Committee is to reaffirm that international assistance and cooperation is a fundamental obligation for the universal progressive realisation of economic, social and cultural rights.

At the more specific level, and this is the second prong of our approach, in reference to European countries, we highlighted some of the more recurrent instances of the negative impact of austerity measures on particularly disadvantaged individuals and groups. I will give you one example in relation to the rights to social security and an adequate standard of living and that is the increasingly stringent conditions for eligibility to contributory benefits, such as unemployment and sickness benefits. The qualifying conditions are becoming so stringent that hardly anyone is able to qualify so the right is there but the qualification for the right has become increasingly more difficult. The duration of the benefits has decreased the benefit amounts have decreased so while the right is still there, the materialisation of the right is extremely weak. Most importantly we have been referring to cuts in social assistance benefits that are normally last recourse allowances for people who have nothing else and therefore these benefits guarantee, for them, the respect for the core content of their right. We have repeatedly called attention to the fact that a loss of security benefits leads to a range of connected violations regarding access to healthcare, to housing, to food, to clothing, education etc.

The two-pronged approach has allowed us on one hand to reiterate the nature of core obligations that not all countries accept, in particular those that do not believe in the immediate justiciability of the rights, but rather that economic, social and cultural rights are aspirational rights only subject to progressive realisation. We have been able to reiterate that core obligations are meant to satisfy at least the minimum essential levels of each of the rights. Of course it is not for the committee to determine what the essential level of each of the rights is, that is something for the states to define at national level but there is plenty of literature, there is plenty of experience, there are plenty of case studies that would allow states to define, for example, the social protection floor as the core content of the right to social security.

Why is this important? Because without compliance with core obligations the Covenant would be deprived of any meaningful content. Are states now more aware of the need to fulfil core obligations? Unfortunately not! Many states have put in place fragmented and temporary programs and measures to protect the most vulnerable but with neither the indispensable human rights approach nor inbuilt evaluation and accountability mechanisms. In other words, many countries have developed charity based and social assistance measures with no sustainability guarantee and these measures are replacing social security benefits that should be accessible, available and of an adequate amount for all on a non-discriminatory basis.

I think Daniel gave the example of social security cuts with a local top-up fund. So you give with one hand and take away with the other and that really is not the right concept for realising the right.

If we look at progressive realisation and how the Covenant describes progressive realisation and what it indicates to be the components of progressive realisation, we see that due to austerity it has to come to some kind of a stand-still across the board. Very often this amounts to retrogression, and though the Committee has not taken a conclusive stand on this, very often there is evidence that the standstill to which progressive realisation has come really leads to retrogression.

In addition to the progressive realisation provision of the Covenant, in a statement on maximum available resources, the Committee has indicated that the availability of resources, although an important qualifier of the obligation to take steps does not alter the immediacy of the obligation nor can resource restraints alone justify inaction. Moreover, even in times of severe resource constraints, states must protect the most disadvantaged and marginalised members of society by adopting targeted programs.

What is happening in the so called post-crisis economic recovery? States are not making targeted efforts to make sure that effective protection of the rights under the Covenant is enhanced in line with the so called post-crisis economic recovery – and I use “so called” because this is what we experience in Portugal. We all hear about the economic recovery, we all hear that things are getting better, we have not felt it and our Government says the recovery is there but the people have not felt it yet and the next question is then, what is the country if not the people? That is why I prefer to refer to it as “so called” economic recovery because until we feel it on the ground, it will be so called.

The Committee’s message to European state parties once they have exited the assistance program is consistent because we really want to make it clear that things should not go back to business as usual. In our concluding observations to Ireland last year, for example, we recommended a review based on human rights standards of all the measures that have been taken in response to the financial crisis and are still in place, though the delegation did tell us that many of them have been phased out. We recommended that Ireland review its tax regime with a view to increasing its revenues to restore the pre-crisis levels of public services and social benefits in a transparent manner.

In the case of Greece, we reviewed them two weeks ago, we went a little further because Greece is in a very particular position. The delegation was looking for concluding observations from the Committee that might help them in their negotiating position in the third bailout programme. So the message we got was that the stronger our recommendations were the more they could be used in trying to get more favourable conditions, especially in relation to employment and the social security system. Therefore, one of our recommendations was that all cuts to social assistance be reversed immediately and that other cuts to social security benefits be reviewed as soon as possible.

The issue of resources will also become very important in the consideration of individual complaints under the Optional Protocol to the Covenant because there is a standard of review in the OP that is materialised in the reasonableness of steps taken by a state party.

This means that in order to decide if there is any violation, we have to consider the reasonableness of the measures taken by the Government using maximum available resources, while also keeping in mind the possibility of states to adopt a variety of measures to implement Covenant rights.

This was in the negotiating deal to adopt the Optional Protocol. We recognise the need for resource allocations but then we also recognise the capacity of Governments to take a range of measures and it will be very interesting to see how both these elements play out, especially in the context of austerity.

Unfortunately, the UK has still not ratified the Optional Protocol and there is no indication that it will be done in the near future, given the well-known position the UK follows that economic, social and cultural rights are not justiciable.

What I would like to keep as the final message is that even before austerity became a backdrop for the limitation of economic, social and cultural rights, there were various on-going negative trends like the crumbling of the welfare state, the unequal distribution of costs and benefits of globalisation, unemployment, under-employment, financial crises, food crises, land-grabbing, development projects that have led to so much displacement and forced evictions, the free trade and investment agreements that have had such a negative impact on social and economic rights. The general environment was really not conducive for the realisation of rights but austerity only made it worse and had a disproportionate impact on disadvantaged groups.

What we are looking at now is this whole paradigm shift from the welfare state to the welfare society, the welfare mix – that hardly anyone know exactly what it means, but we do know that it involves public-private partnerships and has privatisation and decentralisation as its main elements. These elements have permeated the entire human rights discourse because people who are more disadvantaged are facing growing difficulties in accessing goods and services. I come from a public policy background so to me what is important, bottom-line, is that of course this is a changing world, of course this is not an ideal world, of course states have to cover traditional risks that have not been dealt with and they have to face new risks, so what they do need is clear goals and strategies that integrate economic and social policies and rights. The notion of the centrality of the equality of rights, of conditions and opportunities has yet to be understood in its full dimension. We have spoken a lot of peace today and heard peace described in different ways. I would like to think of peace in a way that refers broadly to ways in which people are able to participate in society as citizens, to exercise their entitlement to resources and their ability to contribute to the well-being of themselves, their families and their communities.



## OECD<sup>3</sup> work on public-governance reform for inclusive growth

### Adam Ostry, OECD

I am going to deliver information on the OECD's inclusive growth agenda. I would first like to thank the Equality Coalition for inviting the OECD to this conference today. As alluded to earlier one of the list of items on public sector reform in the Stormont House Agreement was the OECD review. I would simply like to add my two cents worth to that which is that the OECD, as I underscored in the meeting

with the Equality Coalition and ICTU in May, is neither the IMF (International Monetary Fund) nor the European Commission. We were not asked by the Department of Finance and Personnel (DFP) to provide a list of how many nurses and doctors and police officers should be cut from the public pay roll. We were asked to provide advice to the best of our ability on how to reform the public sector and most importantly the Northern Ireland Civil Service in order to design and implement policies in a way that will maximize outcomes and improve results for people. The OECD is not the enemy here. We are simply here to help.

For those of you who may not know, the OECD was founded in 1945, it had a different name then, it was the Organization for European Economic Cooperation and it was the institution designed to implement the 'Marshall Plan' in devastated Europe. In 1961 it was transformed, essentially when the Americans' decided they were sick and tired of footing the bill when they were not a member and were not on the board so membership was enlarged to include the United States and Canada and then subsequently Japan and Korea and various countries in Latin America and Europe joined. We now have 34 member states. The President of Chile when Chile joined called it 'the club of best practices'. My secretary general Angel Gurría calls it not only a 'think tank' but a 'do tank'.

We offer advice to the best of our ability on, and we accompany governments to, implement that advice when that advice is accepted. I would like to talk to you today about a point that Virginia made when she talked about this so called economic recovery. Slow growth, high unemployment and widening inequalities. What we are calling inclusive growth at the heart of policy debates in many parts of the world.

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<sup>3</sup> The Organisation for Economic Co-operation and Development (OECD) has 34 member states and has a mission "to promote policies that will improve the economic and social well-being of people around the world". The Stormont House Agreement references the OECD conducting an independent strategic review of public sector reform in Northern Ireland due to report at the end of 2015.

Central to this debate is the ability of Governments to put in place public policies that deliver stronger economic growth together with better sharing of the benefits of increased prosperity among social groups, these benefits go beyond income to include inclusive outcomes across the different dimensions that matter for societal well-being, including jobs, health and education.

### **Inclusive growth and inequality**

The growing attention to inclusive growth is motivated to a large extent by rising inequalities in many parts of the world. Income inequality has grown rapidly in OECD countries over the last three decades; the income of the top 10% of earners is now around ten times that of the bottom 10% whereas three decades ago it was less than seven times. The incomes of the poor and the middle class have risen less rapidly than that of the better off and income gaps have widened since the onset of the global crisis. In addition to rising inequality, the crisis has led to a marked increase in absolute poverty and in relative poverty in many OECD countries. Between 2007 and 2011 anchored poverty, which is simply real low incomes benchmarked to the pre-crisis level, has more than doubled in Greece rising to 27% of the population in that country and in Spain to 18% of the population.

There has also been a shift in the age profile of the poor with rising poverty rates in children and especially young people. Inequality is a multi-dimensional phenomenon that goes far beyond income; employment, job satisfaction, health outcomes, educational opportunities, these matter for peoples' well-being and are heavily conditioned on socio-economic status or place. In the wake of the crisis, disadvantaged groups such as the young have borne the brunt of increased unemployment, non-standard working arrangements have proliferated and around 8% of the working age population in OECD countries is currently affected by in-work poverty. Within countries a difference of employment rate of up to 32% can be found between regions of the OECD, almost twice as high as the difference between the best and the worst performing OECD countries.

Public Governance through the principles and mechanisms driving decisions underpins sound, sustainable policy making for inclusive growth. The multi-dimensional nature of inclusive growth calls for capacity to deal with complex problems to ensure strong levels of policy coherence. This in turn requires new approaches to policy making that enable the analysis of complementarities and trade-offs across policy sectors and across levels of Government and encourage joined-up delivery in the pursuit of multi-dimensional policy outcomes.

The OECD has been working on the trends and policy-drivers of inclusive growth, three broad elements inform the approach: multi-dimensionality, a focus on distributional considerations and policy impact. When we talk about growth, what are we talking about? Multi-dimensionality recognises the importance of going beyond income when assessing policy impact to include dimensions which also matter for peoples' well-being and for their productive participation in the economy and society such as jobs, health and education. Indeed growth and income and material living standards may not lead to improvements in all dimensions of well-being, in other words, increased material prosperity as a result of economic growth may not necessarily translate into better non-income outcomes such as greater job satisfaction, higher life-expectancy or better community and individual well-being.

Secondly whose growth? Performance is most commonly gauged on the basis of average outcomes where those that are measured for representative individuals or households rather than looking at the full distribution of outcomes across social groups and regions or across cities within countries. Instead inclusive growth stresses the need to assess policy impacts, on income and other dimensions not only at the mean but along the distribution curve, including not least the median household, the middle class, the poor and the well off.

Finally, why outcomes? Conventional analysis looks at the effects of policies on selected outcomes separately – How do they affect educational outcomes? How do we affect health outcomes? Attention to multi-dimensionality and distributional considerations requires a broader approach to the evaluation of policy impacts, a better understanding of the causal links between policies and outcomes in various areas is therefore important in enabling policy makers to exploit synergies among mutually reinforcing policy levers and to make compensatory action when trade-offs are identified. Pursuing inclusive growth requires a whole government approach that aligns vision, incentives and delivery mechanisms across the policy making cycle: A strong centre of government, medium term budgetary considerations and comprehensive ex ante and ex post policy assessment are able to shed light on the distributional impact of policies – these are among the key requirements for policy making for inclusive growth. At the same time inclusive institutions are essential for shaping policies that are closer to society's needs, openness and accountability in decision-making ensure that the preferences and concerns of stake-holders, including under-served populations, are reflected in decision making. By the same token, efforts to prevent policy capture so that decision making reflects collective rather than specific or special interests contribute to the achievement of an inclusive growth agendas.

### **The policy framework and the public sector**

Policy making for inclusive growth needs to align design, delivery and accountability to pursue multi-dimensional outcomes. Many countries are already developing frameworks to identify multi-dimensional policy objectives but their use in policy making remains limited both at the national and sub-national levels. For example, well-being based frameworks allow for policy objectives to be defined on the basis of the aspects of life that matter for peoples' satisfaction, including income, jobs and health, as well as social capital and participation in public life. However translating these multi-dimensional policy objectives into concrete deliverables requires joined up efforts that cut across policy areas and administered boundaries.

The centre of Government plays a strong, convenient steering role which is essential in such a multi-dimensional framework. However the degree of influence of the centre of Government varies significantly across countries with only a minority exercising high influence overlying ministries. There has been much progress in many countries to bolster the evidence base for policy making but room for improvement remains in this area. A number of Governments are already using key national indicators to guide priority setting and multi-dimensional policy design however information gaps need to be filled, including on the distributional aspects of policies on different social groups and locations.



Several policy instruments are available for lining inclusive growth objectives with resource allocation mechanisms, these include medium term expenditure frameworks, performance budgeting, evaluation tools such as ex post and ex ante budgetary and regulatory impact analysis and expenditure appraisals for both current and capital spending.

New approaches to service delivery including social innovation, co-design, co-production, co-delivery and online service delivery are particularly useful for the attainment of inclusive growth objectives and can be used more widely, these approaches offer opportunities for maximizing access, reach and quality of public services while empowering beneficiaries and communities. Sustaining and strengthening available evaluation techniques and extending them into the broader reaches of public policy is essential to assess and communicate progress in delivering inclusive growth outcomes and to know and understand what works and what does not. Work remains to be done to promote a holistic approach to evaluation that integrates ex-ante and ex-post dimensions. Inclusive institutions, the actual institutions that engage in policy development and delivery are essential for shaping inclusive growth policies and outcomes.

Countries are increasingly mainstreaming consultation and engagement at different stages of the policy making cycle, efforts in this area which include open Government initiatives, more broadly, can lead to more effective policies but here too issues remain. Averting policy capture is a crucial element to achieve and sustain inclusive growth. Governments are making progress in this area and they have much to gain from continued action to secure unbiased and inclusive policy making, including by increasing transparency and integrity in lobbying and conflict-of-interest management. Despite laudable initiatives in many countries more action is needed to make the public sector more inclusive and more reflective of a society that pays its bills.

An inclusive public sector can better represent and address the needs of society while offering greater opportunity and diversity to boost public sector engagement and innovation. When I say public sector, I mean public sector at large, I mean the police service and public safety. To give you an anecdote: Ferguson, Missouri two years ago from memory 60% of that community were black, 90% of arrests were black people, what was the proportion of black cops on the police force in Ferguson, Missouri? Out of the 53 cops on the police force, three of them were African American. The building blocks for policy making and policy shaping for inclusive growth are present to varying degrees across OECD countries, the principle challenge is to align those building blocks into an integrated framework that sets a new vision for the public sector and enables the delivery of ambitious whole, government, multi-dimensional policy outcomes for inclusive growth.



## Austerity here and now

### Bernadette McAliskey, STEP

I want to start by setting my contribution in context. Firstly, what is the South Tyrone Empowerment Programme – STEP, on whose behalf I speak here? STEP was formed in 1996/'97 by an unlikely group of people who sat down together, to decide what it was we wanted to do, coming out from the period of conflict, in the geographical space we shared. Our aim was to make our collective contribution to the creation of a society in N.I, and

specifically in South Tyrone/Dungannon where we lived, in which people could live peacefully and prosperously as equal participants in a society that embraced diversity, respected difference and allowed people to actively participate in the decisions that affected their daily lives. We have been repeatedly advised to get a sharper, more marketable strap line but we like what we did all those years ago to agree that aim, and so we keep just setting it out there as is, in the knowledge that there are far too many words in it for social media, slick marketing and messaging. It is still what we are actually about.

The people who came together to form 'STEP' were from local and neighbour groups who had survived during the 'war.' We came together in many different ways; some were groups in the different village communities. Our international guests may not be aware of the segregated pattern of our localities which remains virtually unchanged all these years after the signing of the peace agreement. The area in which I live and work is basically a rural area with a number of small central towns and then satellite scattered rural villages around them. The towns are where people congregate so the towns tend to be on a 65/45 swing to one of the 'main communities' – as they are described here today –, or the other with the villages being predominantly either one community or the other.

STEP came together as cross community network of village community organisations and 'other' local interest groups - the group that I was a part of myself was a women's group rather than a geographic group, there was a disability group, and a youth group. They were actually all groups involving areas that were too poor or too much on the fringes to be of interest to anybody in the war.

When we came together what really interested us as a group was that we all had a sense that the methodology and structures that were being put up around 'peace' would make desegregating and de-sectarianising N.I more difficult and the lives of the poor worse. We had no belief that the basis and structures of the peace process really enabled the people who formed our groups and the people in our area to effectively envisage and find a way forward for what we were looking for. The reason we felt that, was that it was based on consolidating the interactions between what were described as the 'two main communities' and so the diversity of complexities within any one of those communities or the people who did not fit into either of them were, in the constructing of the peace, already further marginalised and for us that was very much

affirmed in where the equality clause comes. It was the 75<sup>th</sup> most important thing in drawing up the peace. If you look there is section 1 then 2 but it is only when you get to paragraph 75 that the sense of equality across a whole range of groups comes in.

One of the things that I would ask as we go forward is that recognising the complexity of our communities as it existed and the increasing diversity and complexity of our society as it now exists - could we change our language and stop talking about 'two main communities' because what constitutes a 'main' community depends on what marker you use and where you put the importance of what you are doing. If main or majority is about numerical strength, then the biggest community in N.I is the community of the poor and it is getting bigger.

I have no clear recollection of who brought it to the meeting, it may well have been me, Boutros Boutros Ghali's United Nations document 'Agenda for Peace' right in the middle of rural N.I it informed the thinking of these 'eccentric, outliers' people and we formed our alternative community empowerment programme on the basis of the 'Agenda for Peace'.

Today's agenda is 'Austerity- a threat to Peace' but I need to say that I see no evidence, in my lived experience or in working on the ground every day that there is any illusion or delusion, any coherent belief amongst the poor that leadership in getting out of the growing difficulties in which people find themselves will be found in Stormont, absolutely none! The last time we had this crisis—in—Stormont circus people were frightened that if Stormont did not work, we might return to war and fear of that roll-back to war has gone, replaced with fear of not surviving austerity, and with it has gone the illusion that somehow in order to prevent ourselves going to a worse place we have to put up with the process and structure that has been shown to be fundamentally flawed.

One of the things that we have got to begin to do, very seriously – and that is quite difficult for people who have invested a lot in getting this far – is to critically review, with an open mind whether the structures and understanding of the way our political solutions were created to get us out of violent conflict, serve any useful purpose for active civic participation, for democracy and for the resolution of our problems.

Instead of consistently spending our time trying to patch up something that time again has proven to be fundamentally flawed we have to be brave enough to say, we are not in any imminent danger of returning to war, we have to look at this process and structures and have to define structures that allow us to move forward into a participatory and more equal, open and transparent democracy, otherwise we are in real trouble.

It is not austerity that imminently threatens the peace, but the sectarian infrastructure of the politics of the peace which tolerate and facilitate austerity.

Moving on to austerity itself - I love words and spend a lot of time talking, and talking about language I am fascinated with the way people use it but there are some words that are really annoying me currently. One of them is 'austerity' and the other is neo-liberalism. I do not know when people invented these words or began to use them to take the hard edge off reality but austerity is a noun that comes from 'austere' meaning severe or harsh, frugal almost puritanical in outlook. It is not a Government programme or tactic to reform the economy.

That is a new invention of meaning to lend a sense of respectability and purpose to a policy of increasing in this case of poverty, of neglect, of want thrust upon a growing number of human beings. Neo-liberalism appears to be the excuse for it. I am an old, radical socialist, trade unionist, agitator, trouble maker and the word neo-liberalism to me means, in a phrase, the unbridled greed of capitalism. I think if we changed the strap line 'impact of austerity in the age of neo-liberalism' to plain English, and talked about 'the increased severity of poverty created by capitalist greed', we would begin to see where the solution of the problem actually lies.

This is not Africa, this is Belfast, this is not the Middle East, Latin America, or a country situated in the Southern hemisphere that has historically borne the brunt of imperial and mercenary greed of the powers of the Northern hemisphere. This is actually Europe whose wealth and democracy and progress was built on the back of people in those other countries, we are not a poor country. The United Kingdom is not a poor country. The Republic of Ireland is not a poor country. There is insufficient national wealth located in the public purse, which is not actually a big problem. It can be solved by taxing the rich. The poor are by and large dependant on the public purse for their health, wellbeing, social and economic progression. The Government could and should increase the percentage of the country's wealth that is in the public purse. The simple way to do that is to raise taxation.

Where is the money that people might need to take forward socially progressive economic policies?

It is not that the resource does not exist. It is not like a child's excuse for undone homework- the cat did not eat it! It is there in the bank accounts of large international corporations who post up their profits in billions of billions every year, it is there for all to see – and yet the conversation we have is on how to lower not enforce corporation tax!

If we are to participate as citizens about how we address poverty, we have to look at the reality of those questions seriously, not confine the discussion to the pre-set parameter that the government does not have enough money so we must prioritise and make the best of it.

Moving to the bottom of the ladder where the poor live, and where in this part of my life, choose to live; I grew up there and spent most of my childhood and teenage years trying to escape. We all do this, get ourselves educated and get an income then the first thing you do is 'move out of the ghetto' if you have any sense.

I now choose to live there because there I find the most innovative work and the best, most creative and resilient and humane people. That is where real things, ideas, creativity, human intelligence and solidarity is – but do not all come at once because we allegedly have a housing shortage in the area. What does this austerity look like from the ground? There are really only two classes of people in the world, those who live by the money they earn and those who live by the money other people earn,- the middle classes are confused about which side of that line they are on until recession and austerity arrives and comes up to their level.

So basically there is the waged worker, there is the non-waged worker – who I will leave you to think about for a minute – and then there is the person who is unable to work - these might be children or the disabled. There are also those who do not work, they just ‘own’ wealth and the profits of the work done.

Instead of there being two ‘main communities’ in our locality there are three: The people who exchange their labour for money, those who exchange their labour for things other than money - predominantly women working in the home or carers of the elderly, volunteers - then those who cannot work or exchange labour. All of these people are getting poorer and poorer and poorer. Those at the very bottom, that is children and the most vulnerable, are losing out the most because they have the very least control or capacity to do anything about it. Children with a disability are having all their benefits cut, young and old they are being pushed increasingly into a non-existent labour market – we have a very cruel sense of humour at the frontline, we say that even when a person dies they cannot get benefits because you can give them a job as a door-stop - the perfect job for a corpse.

We live in a welfare state where the welfare of children is paramount. Within the social services system, children whose parents are unable to properly provide for them will be taken into the care of the state. Since we abolished the workhouse that process has been about child neglect, problems affecting parents’ ability and in the most extreme circumstances because the child has been emotionally, physically or intellectually abused. In STEP, we are now routinely seeing something that I have never seen before, in 21st century Europe seeing children being taken into care because their parents are too poor to feed, clothe and keep them warm. We are fighting day-to-day battles trying to get the social services to retain children in their families and build a social care package around them - provide finance. That is a disgrace; there is no other word for it but disgrace. It is traumatic for families and social workers.

We are also seeing a dramatic increase in mental illness of people caused by the pressure of poverty and debt. We see people who are in work and earning their living becoming mentally ill because they cannot stop working for fear they will become even poorer, not being able to get benefits. The money they are earning is not enough to keep anybody. We are seeing increased homelessness because people cannot afford to maintain mortgages, homes have no monetary value and the greedy buy-up the property and corner the rental market.

So what should we do? Save Stormont at any price!

I think we need to recognise human solidarity for a start, and begin a campaign to resist what is happening. We need to organise alternative collective solidarity and methods for circumventing and preventing what is happening to us. The old plain English words for that - we need to organise, we need to educate and we need to agitate.

There are three things around which we can do that effectively would change what is happening here and reduce poverty

- Wages: A real living wage as set out by the Living Wage Foundation
- Free / Affordable childcare/ elder/ disability care for worker - parents/ carers.
- Rent control: Regulation of landlords and a ceiling on rents

Three things the Government could do that would make an instant difference to how people can get out of immediate poverty.

To do those three things without bankrupting the public purse, we need to change the taxation system which creates a fourth and fundamental campaign issue:

- Taxation: Enforcement not Reduction of taxes on wealth and profit.

The framework exists to pose these questions within the human rights narrative, infrastructure process and procedures, in my view, it does not properly exist within the N.I Peace narrative, infrastructure process and procedures.

STEP is a rights-based community empowerment model based it on the United Nation's 'Agenda for Peace'. We know that responsibility for the protection of human rights lies primarily with the state, they are the duty bearer and we encourage the poorest, the least educated and least articulate to recognise themselves as rights holders; grab the piece of string that is their fundamental right and keep pulling on it until they find the duty bearer and hold them to account. That may be through taking human rights litigation against the Government on the evidence based impact on peoples' human rights, of denying them their fundamental, basic protections to life, equality, safety, family that are all being eroded by what we call austerity. It is the people on the ground, the newcomer, the migrants, the asylum seeker, the refugee, the woman, the person with mental illness; the impoverished wage earner, the mother , the child – that constituency has the expertise and experiential knowledge to overcoming adversity and austerity. We need to stop changing the Stormont House Agreement and the Peace and start changing the conversation to humanity, equality and protection of human rights. We can survive without Stormont; we cannot survive without these.

## Downgrading rights: the cost of austerity in Greece

Elena Crespi, FIDH

**fidh**

*Downgrading rights:  
the cost of austerity in Greece*

Elena Crespi, Western Europe Programme Officer, FIDH

*'Austerity and Inequality: a threat to peace?'*

15 October 2015, UNISON, Galway House, Belfast



**fidh**

**2013: FIDH congress, Istanbul** → FIDH places works on economic crisis and human rights among its priorities for the region (*research, advocacy, litigation*)

**2014: FIDH fact-finding mission to Greece** to investigate impact of economic crisis and austerity measures on human rights (ESCR, CPR)

**December 2014:** report *'Downgrading rights: the cost of austerity in Greece'* (<https://www.fidh.org/International-Federation-for-Human-Rights/europe/greece/16675-greece-report-unveils-human-rights-violations-stemming-from-austerity> )

Greece → case study from which observations can be drawn that are applicable to other countries in Europe

- To which extent have the crisis and anti-crisis policies and programmes restricted or violated human rights?
  
- Under which conditions are these restrictions and violations permissible?
  
- When these are not permissible, who is responsible? How to ensure accountability?

### **Economic, social and cultural rights**

#### *Right to work*

**Unemployment:** from less than 8% to close to 28% in September 2013 (25,40% February 2015). **Youth unemployment:** 60,8% (February 2013). Real unemployment 5-6% higher (GSEE estimate)

- Inadequate investment in **policies to tackle unemployment** (European Committee of Social Rights, Conclusions XX-1 (2012))
  
- 20 years to bring unemployment rate back to pre-crisis levels (GSEE estimate)



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➤ **Vulnerable groups** (eg young people, women, migrants) face greater barriers

➤ **Power relationship between employers and workers changed:**

-> employees lost negotiating power in contractual relationships: impact on working conditions (lower wages; part-time contracts, rotations and other flexible forms)

-> changes to labour legislation to render labour more flexible and protect employers further (measures to facilitate dismissals; limitation collective bargaining – *ILO Committee on Freedom of Association, 365<sup>th</sup> Report, November 2012*)

➤ **OECD employment protection indicator:** went down by 15% (2008-2013)

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### *Right to health*

➤ Troika-imposed **cap on public spending on health (6% GDP max).**

Greece exceeded goal: 5.9% (2011). OECD average: 6.7%

-> hospitals merged or closed

-> reduced number hospital beds

-> reduced staff (understaffing; stress)

-> hospitals stopped buying new equipment

-> essential public health programmes cut

-> cuts to mental health services (-20% in 2010-2011 and -55% in 2011-2012 while depressions went from 3.3% to 8.2% in 2011 and +36% people attempting suicide in 2009-2011)

-> re-emergence illnesses considered extinct (eg malaria)

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Number severely materially deprived from 11% (2007-2010) to 20% (2012). EU average: 10%.

### **1/3 Greek population not covered by health insurance (2014)**

#### ➤ **Cost-shifting-to-patient policies**

➤ **Vulnerable groups** (eg women, migrants) suffered disproportionately

➤ **Self-reported unmet need for medical examination:** from 7.3% (2006) to 9.9% (2012) - +50% higher than the EU 27 average. Main cause: costs.

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### **Civil and political rights**

*Indivisibility and interrelatedness between CPR and ESCR.*

➤ Police violence

➤ The far-right threat (2014 European elections: Golden Dawn came third with 536,910 votes; 9.39% support)

➤ Challenges to free speech and media independence

(*RSF World Press Freedom Index 2014*: Greece ranked 99th.

-15 positions from 2013 and -68 from 2008).

-> closure Greek Public Radio and Television Broadcast Service (ERT), 2013



### **Human rights obligations in a crisis situation**

**Austerity measures** adopted by Greece on request by its international lenders **fail to meet the criteria required for their negative human rights impact to be acceptable under international law.**

➤ **ICESCR** (as interpreted by the *UN-CESCR, General Comment n. 3*): provides guidance on how states should deal with financial crises within a human rights framework, but also indicates legal obligations they must abide by in such a context

➤ **OHCHR** : provided detailed criteria for imposing austerity measures that into account the human rights framework (OHCHR, *Report on Austerity Measures and Economic and Social Rights*, submitted pursuant to General Assembly Resolution 48/141 (2012)).



### **Who is responsible?**

#### **Shared responsibility (Greece, EU, EU member states, IMF)**

➤ **Greece**: holds primary responsibility for failing to uphold its obligation to respect, protect and fulfil human rights

➤ **EU**: its responsibility derives from :

-> EU primary law (articles 2, 3(1), (3), (5) and 6 TEU)

-> international law and universal human rights standards the EU has pledged to uphold and protect (see also *CJEU, Case C-366/10, Grand Chamber, 21 December 2011*).

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Financial assistance structured **outside the EU framework** to guarantee that the EC, ECB and member states did not breach article 125 TFEU ('no-bailout clause').

(CJEU, Case C-370/12, *Thomas Pringle v. Government of Ireland, Ireland and The Attorney General*, [2012] OJ C 303, 06.10.2012).

By allowing its institutions and bodies (EC, ECB) to negotiate financial stabilisation **outside the framework of EU law and beyond the limits set by the EU Charter of Fundamental Rights** and incite Greece to adopt policies that will foreseeably violate its human rights obligations → **EU violated its own obligations under the TEU and created a legal void in which ESC rights of people in Greece, and elsewhere, can no longer be protected.**

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- **EU member states.** Positive and negative obligations to assist Greece in meeting its human rights obligations (UN Charter, ICESCR) - as a minimum: abstain from impairing Greece's capacity to respect its international human rights commitments:

-> **Duty to cooperate under Article 55 and 56 UN Charter and International Bill of Rights (notably Article 2(1) ICESCR)** – When providing financial assistance states are required to do so in a manner consistent with their own and the recipient state's international human rights obligations.

-> **Provided aid and assistance to Greece in implementing programmes that all parties knew, or ought to have known, would breach its international obligations** (derivative responsibility principle).

-> **By using EU, ESM (and its predecessors) and IMF to condition Greece's access to financial resources on conditions that, had they been imposed by member states, would constitute a breach of their obligations** (Article 61(1) *International Law Commission Draft Articles on the Responsibility of International Organisations*; *Maastricht Principles on Extra-Territorial Obligations of States in the area of Economic, Social and Cultural Rights*, Principle 15).

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These obligation should have been discharged in participating in Troika deliberations that led to adopting programmes, by **framing them in a way that accounted for human rights obligations or refusing to take part in programmes that knowingly led to widespread human rights violations** (eg Slovakia's opt out from 1st economic assistance package).

›**IMF :**

→ As a specialised agency under Article 57 UN Charter it should respect goals of the UN (set forth in Article 55) which include respect for and observance of human rights and fundamental freedoms for all

→ Customary rules and general principles of international law

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**Questions :**

- Challenges in addressing austerity from an ETO perspective?

- How to meet them? (research; advocacy (UN, EU, CoE); litigation (UN-CESCR, ECtHR/ECSR, CJEU)

***THANK YOU !***

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## Session Two

### Austerity and Inequality: Impact and organising



**Patricia McKeown**, UNISON/ Co-convenor Equality Coalition

As Co-Convenor of the Coalition, I welcome you to UNISON and I want to set the scene for our workshop sessions.

I want to start by drawing your attention to the painting of Inez McCormick, our former leader and inspiration. Inez was never in any doubt that the prevailing discrimination and the major inequality across the globe is endured by women - women in all our multiple identities. She found it a deep source of frustration that it is not generally regarded as politically contentious discrimination. She spent a great part of her working life being attacked for challenging what *is* regarded as the politically contentious discrimination in this society - religious and political discrimination. Ironically, we have moved from that being highly visible and from developing strong laws to challenge it, to the current situation where we are told by many in power that talking about it is introducing sectarianism. Daniel set out some of the detail enshrined in the Peace Agreement to eliminate it. Regrettably we are not yet at that stage.

That fact is key to this event. The patterns of the past have not significantly changed for the poorest people in this society. In planning the conference and the workshop themes, we considered the increasing lack of opportunity for the direct engagement of civil society in the decisions that are being taken about our lives and the lack of opportunity to influence the political agreements that are being struck in response to crisis.

By 1998 and the emergence of the Good Friday Agreement civil society had been deeply engaged in the conversations that led up to it, albeit only some of those voices were being heard. The Equality Coalition was created to underpin that dialogue. We are now a large umbrella group of other mainly 'umbrella' groups representing some of the most disadvantaged people in this society.

Some of us are dedicated to advancing single issues, whilst others are working to challenge all the forms of inequality to enable us to secure a peace process that benefits all of the people in our society and not just some.

However, by 2007 civil society had been edged out of any meaningful input into the St Andrews Agreement, save for the commitment to challenging poverty. That agreement saw some regression on equality and human rights. By 2014 and the emergence of the Stormont House Agreement, concluded behind closed doors, we were firmly excluded and the issues of equality and human rights which had been so core to the Good Friday Agreement no longer featured. Today, there are further talks and there may be some other form of political agreement emerging. It is our hope that we may influence that process on some of the key areas agreed today.

We have been concerned that the early days of optimism on equality and human rights are rapidly declining. We still have strong equality and human rights tools and we have evidence that when we convince our government to use them, they produce a positive impact. However, by 2006 the Committee on the Administration of Justice (CAJ) were mapping the state of inequality from a range of perspectives – unemployment, structural unemployment, disability, growing health inequalities and our course poverty. Using the governments own statistics it was clear that for many in our society nothing had changed.

With Devolution we started with genuine optimism. We were developing a real dialogue between civil society, our parties and the government. We moved quickly to produce what was described as one of the best public health models in the English speaking world. Unfortunately, that was shelved and by 2010 the Department of Health was confirming that in NI, for and the most disadvantaged communities, life expectancy had dropped and premature death rates had risen. How different this might have been had our excellent public health model been put into operation.

That model identified key targets such as challenge poverty, improving educational attainment, tackling long term unemployment and improving housing. It put these social and economic indicators of health inequality at the top of the list even before it detailed the need to challenge our unacceptable cancer statistics.

However, by 2014 and the Stormont House Agreement, we found ourselves in a very poor place for a very large number of people in this society. All of this happened before the so-called ‘global financial crisis’ and before there was something called ‘austerity.’ So we already had the problems, but we know now that the decisions that have been taken since 2010 have further impacted on what already were unacceptable levels of inequality and continuing patterns of discrimination. We are determined to challenge that.

It is a little known fact that for the past two and a half years the trade union movement here has been working in close cooperation with all our main political parties in a project that supports the Colombian peace process.

I have listened to our politicians, across all parties; outline the key ingredients for a peace process, including issues such as ceasefires but also the need for mechanisms to ensure that the process is not derailed. They also speak of the centrality of equality and human rights and the direct engagement of the people as key ingredients for a successful peace process.

We do have politicians that understand what is necessary for a successful peace process, particularly around the direct engagement of the people, but that must be brought to bear in our own process too. We need to find a new way of intervening with our own politicians and the decision-making system and that is the idea behind the workshops.

There are three workshops. We could have chosen many different topics for them. One workshop considers the overall economic position and the current impact. Other workshops consider some of the tools available to challenge this including the successful CAJ judicial review on the lack of an anti-poverty strategy, and the need for new forms of activism. These issues need to form a core part of political conversation. If they do not, then the impact is further destabilisation in this society. While we may not immediately go back to war, we have not been violence free since the Good Friday Agreement. The patterns may well continue into yet another generation if left unchecked,

Please enjoy the workshops - discuss and take part. The contribution from today will be written up and published. We also want to draw out some core points that the Coalition can use to try to influence the ongoing talks, and effect some sort of fundamental change on these topics.

Thank you.



## Session Two: Workshops

### Austerity and Inequality- Impact and Organising

#### Workshop 1: Using the Law

Chair: Prof Colin Harvey (Queen's University)

Panellists: **Gordon Anthony BL** (Barrister/  
Queen's University)  
**CAJ Anti-poverty Strategy  
Judicial Review**



**Sharon Fitchie** (Former Equality Officer Department of Agriculture and Rural Development- DARD)  
**Experience of Applying the 'Section 75' Equality Duty**

#### Workshop 2: Mobilising Against Austerity (Chair: Anne Speed NIC-ICTU)

Panellists: **Nicola Browne** (PPR)  
**PPR's Organising Model**



**Lynn Carvill** (Women's Budget Group/ Reclaim the Agenda)  
**Re-Balancing the NI economy – the impact on women: corporation  
Tax and the Empty purse campaign**

**Charmain Jones** (Rural Community Network)  
**Rural communities and Cuts**

**Kevin Hanratty** (Human Rights Consortium)  
**Bill of Rights**

#### Workshop 3: Mapping Austerity (Chair: Kate Ward PPR)

Panellists: **Paul MacFlynn** (Nevin Institute)  
**Analysing Spending and Cuts**



**Jonathan Swallow** (UNISON)  
**Cuts to the Health Sector**

**Goretti Horgan** (Ulster University/  
NI Child Poverty Alliance)  
**Child Poverty**



## Workshop 1- Using the Law

### CAJ anti-poverty strategy judicial review

**Gordon Anthony, Barrister / Queen's University**



Section 28E of the Northern Ireland Act 1998 (as amended by the Northern Ireland (St Andrews Agreement) Act 2006) reads:

#### **28E Strategy relating to poverty, social exclusion etc**

(1) The Executive Committee shall adopt a strategy setting out how it proposes to tackle poverty, social exclusion and patterns of deprivation based on objective need.

(2) The Executive Committee—

- (a) must keep under review the strategy; and
- (b) may from time to time adopt a new strategy or revise the strategy.

The case really focused upon 28E(1) because CAJ's concern was that there was no anti-poverty strategy at all in place so that, if CAJ was right about this, the second paragraph of Section 28 would fall by the way side.

That first sub-section says: '*the Executive Committee shall*' and this of course means that there is a mandatory duty in the legislation. I was rather hoping when we were putting the case together that the government would not talk about it as a 'target duty', which thankfully they didn't, because target duties are in a different category. We were of the view that this is a more robust duty – '*the Executive Committee shall*' adapt a strategy setting out how it proposed to tackle poverty, social exclusion and patterns of deprivation.

When we were putting the case together we didn't dance on the pin heads of whether or not there was any distinction between poverty, social exclusion and patterns of deprivation, but rather read those terms conjunctively. The part of it that was the most interesting for me was the legislation's reference to a strategy 'based on objective need'. This was clearly novel because, if you trawl through the databases, you will not find a definition of the term, or the concept. You might find the term used in a couple of other places but this case gave the applicant an opportunity to try to explore – and invite the court to explore – what objective need means. While the case wasn't actually won on that point, there was some mention of what objective need might mean and so that case, in that sense, arguably took the law forward.

When I received instructions from CAJ there were two questions that were to be considered. One was whether or not there was a strategy in place, and that was a leading question because CAJ and the Equality Coalition were of the view that there was no anti-poverty strategy in place. I will just explain this point to you in a little more detail. CAJ and the Equality Coalition had been involved in a process of correspondence with OFMDFM certainly over a year or more in which the first letter had asked ‘what is your strategy for the purposes of Section 28E?’ and the response came back and made mention of the fact that the Executive had adopted the “broad principles of *Lifetime Opportunities*” as the basis for its strategy (‘Lifetime Opportunities’ was a document adopted under the stewardship of Peter Hain). CAJ then wrote back and asked for more detail about precisely what that means? That letter was then sent to another official who replied that the strategy is not, in fact, *Lifetime Opportunities*, but rather a part of the Programme for Government. CAJ then was of the view that this amounted to the government talking at cross purposes, so this is where the first point in its instructions to me came from.

The second point – if there were a strategy, was it based on objective need? – begged the question of how to define objective need? If any of you have been involved in litigation of this kind I think one of the interesting lessons from this case is the importance of pre-action correspondence (I do apologise if I’m telling anyone things they know but perhaps not everyone is familiar with the process of Judicial Review). Before a party lodges papers with the Court in an application for Judicial Review, it must first engage in pre-action protocol correspondence, so CAJ drafted a pre-action protocol letter to OFMDFM that stated that CAJ did not think that the government had a strategy in place and asking when a strategy would be adopted. A pre-action protocol letter then also includes a heading under which an applicant can list documents that it would wish to request from the respondent. CAJ wrote to request all internal government documents that use the term ‘objective need’, define ‘objective need’, and explain how the government mainstreams ‘objective need’ into its decision making. This was the first letter that was sent, and I will come back to the significance of that letter in a second.

CAJ also made a request for exactly the same information under the Freedom of Information Act, where it was thought that the request might go to a different person. It is unclear whether that actually was the case, but the letter that was sent again asked for documents on “objective need”, how it is defined, how it is mainstreamed.

When CAJ received a reply to the pre-action protocol letter, it included a lengthy explanation as to why the respondent thought that there was a strategy in place. It also gave a definition of ‘objective need’, but stated that the respondent would not be disclosing the documents that had been requested unless the case was to go forward and the documents were to be disclosed in that context. CAJ then also received a letter back under FOI and when this letter came, to the request for information about how OFMDFM defined ‘objective need’, the letter recorded that nothing to that effect was held. In the result, there were two letters that were not entirely consistent or maybe not even consistent at all.

Of course, in real terms there is no point taking a case unless you have an idea of what ‘objective need’ is and, at this pre-litigation stage, this was certainly the most challenging aspect of the case. CAJ ultimately pinned its hopes upon the Noble criteria associated with the work of Professor Mike Noble of the University of Oxford.

These are indices for measuring multiple deprivation and so, when the case went forward, we talked about the Noble indices as one of the stand out ways of measuring objective need. Building upon that – and there were some laboured discussions of this point – CAJ then said in its evidence to the Court that ‘objective need’ could best be understood as a concept that is intended to reduce in its entirety the scope for discrimination between persons in need by tying the allocation of resources to neutral criteria that measure deprivation irrespective of community background or other affiliation.

In our submissions to the Court, we were adamant that the importance of ‘objective need’ is that it locks down discretion on the part of the decision makers. Take something like section 24 of the Northern Ireland Act by comparison – if a Government department discriminates against you, you can get a remedy *ex post facto*. However, we were trying to make the argument to the Court that ‘objective need’ locks down discretion because the allocation of resources almost becomes a mathematical exercise where there is very little room for discretion on the part of the decision maker. CAJ was firmly of the view that discretion is the source of discrimination, as discretion is what opens the door to arbitrariness or capriciousness.

That was the fundamental point that was made about ‘objective need’ – that it would lock down discretion. It would remove the opportunity for decision makers to make choices within their margin of appreciation. In the pre-action protocol letter that we received from the respondent they adopted a very broad definition of ‘objective need’ and said that it gave them very broad discretion. CAJ was of the view that that could not be right, that would be subjective rather than objective. That’s how the case went forward.

The judgment of the court was delivered by Mr Justice Treacy and he decided, with reference to the evidence before him, that there was no strategy in place. Then the judge in essence said that everything that has been put before me shows there is no strategy in place. The respondent, when making their arguments, did put forward a great deal of evidence about discrete anti-poverty measures, as it not at all the case that the Government is sitting on its hands and there are no anti-poverty measures at all – of course there are. However, the whole point in the case was that the strategies that were in place weren’t built around a coherent strategic objective and that this was contrary to section 28E.

I want to read one very brief part of the judgment because it is on the question of a strategy. The respondent had said, we think we have a strategy in place because we look at all of these things and we use the Noble criteria and so on and so forth but the Judge held that he would not agree with that. This is the most important part of the judgment;

*“I cannot agree with that view. The Oxford English Dictionary defines a strategy as; a plan of action designed to achieve a long term or overall aim. In adapting only the architecture and principles [that goes back to the point of the first initial correspondence to OFMDFM about the broad architecture of lifetime opportunities, the judge said] in adapting only the architecture and principles the Executive adapted something that was inchoate.*

*There is no evidence before me that this inchoate strategy was ever finalised, there is no evidence that it was ever crafted into a road map designed to tackle the issues referred to in this section. [The judge then goes on to say in quite a bit of detail what he thinks a strategy should look like] A strategy is intended to guide, to set a course it must therefore be implicit in the idea of a strategy that that strategy must be identifiable, it must be complete, it must have a start, a middle and an end. It must aim to be effective. Its effectiveness must be capable of measurement and the actions which are taken intended to implement that strategy must be referable back to the overarching strategy. In order for the strategy to fulfil these implicit requirements and to inform all the many stakeholders that an anti-poverty strategy...it must be a written document or a collection of strategy level documents intended to be read together as such, it must be capable of being referred back to and providing policy level guidance to the stakeholders charged with achieving its goals”.*

That’s a very far reaching statement from the judge in terms of what a strategy is and what it should look like. There was no appeal in the case so that is now the final judgement on the issue. The judge then said on ‘objective need’,

*“Given the finding that there was no strategy in existence, the arguments in relation to whether such strategy is properly based on objective need are academic. However the applicant correctly identified Section 28E is an important milestone in the development of equality law in NI because the concept of objective need had for the first time been put on statutory footing. This provision was to provide the Executive Committee’s strategy for tackling poverty etc the concept of objective need is obviously central to the statutory provision the intention of which is to remove or reduce the scope for discrimination by tying the allocation of resources to neutral criteria that measure deprivation irrespective of community background or other affiliation It is difficult to see how the Executive could develop and deliver a Section 28E compliant strategy without adapting some agreed definition of objective need but that will be a matter for the executive in due course”.*

The Judge did in that sense borrow the definition of ‘objective need’ that had been put forward by the applicant. He didn’t say that it has to be the definition that is within the strategy once it is adopted but he did give a hint that, if there is going to be a strategy based on ‘objective need’, this is as useful a starting point as any others. The significance of the case is at one level it confirms what we know about Government in Northern Ireland- it doesn’t work terribly effectively. You can speculate about why the Executive Committee has been unable to agree upon an anti-poverty strategy based on ‘objective need’. From a more Public Law point of view it is an important case because it makes clear that the duties in the Northern Ireland Act 1998 are not aspirational and they should be acted upon. The Government cannot park the duties for reasons of convenience, and the Court was willing to grant a declaration about the duty in this case. The case is also significant for the reason that I have already given - it offers a working definition of what a strategy should look like and how ‘objective need’ might be defined.



## **Workshop 1- Using the Law**

### **Experience of applying the 'Section 75' equality duty**

#### **Sharon Fitchie, Former Equality Officer, DARD**

All I can speak about is my experience within the Department of Agriculture (DARD); other departments will have had different experiences of pushing forward the equality duties and equality generally. Over the next ten minutes I want to give you a potted version of where we started from in DARD and where I left off and my hopes/fears for equality moving forward. I have been involved with the public sector equality duties for 15 years within DARD, the last 12 of those years I have been heading up the team taking forward the equality agenda for all DARD, prior to that I was the Department's Equal Opportunities Officer, so it was dealing with discrimination and harassment cases as well mainly looking after staff interests and needs. I was based in the Department of Agriculture's headquarters, Dundonald House which is planned to move to Ballykelly in the next few years.

The progress and successes I have had in DARD have been helped as I have been there for a long time but it is based on having no budget and a very small team and how to get things done in a big department with 3000 plus staff and a very wide customer base. I obviously needed to collaborate and work closely with others both within my department and outside organisations. Over the years I have been very grateful to many of you within this room and groups represented at the conference itself, that I and my colleagues have engaged with in order to get things done. It certainly would not have been possible for the equality work within DARD to have moved at such a pace without collaboration and without working to help other people's agendas where possible too and that is basically the way I took equality work forward. When I took over the equality role it was 2001, we were just getting started and nobody really knew what to do and yes we had Section 75 but that was all a bit of a mystery back then, if I'm truthful. I thought ok let's look at how we can begin on Section 75 but I also need to mobilise energy within DARD, within the staff, within the customer base and to get DARD started and I thought of all the equality groupings the one that would be easiest to sell (and it was a selling game) would be disability, because its one equality aspect you don't have to explain, people get it so that's what I did, I started with disability.

In 2001 I launched the first disability conference in the NI Civil Service with over 200 staff with disabilities / long-term health conditions attending and with representatives from every disability/equality organisation in NI you could think of including a UN one too.

Following that event, I set up a disability forum for staff; I persuaded our Permanent Secretary to become a disability champion for DARD. I also introduced 'Easyreads' to assist people with disabilities. DARD committed to providing an Easyread to accompany any document that runs to 30 pages or more so that helped cut down lengthy reports to fewer than 30 pages.

We also introduced reasonable health adjustments within the work place but made the process very simple and very quick. That garnered a lot of interest externally for DARD but also internally because staff with disabilities were for once getting things done, and they had access to an open door to their permanent secretary as their disability champion. It also helped provide a positive picture of DARD that our permanent secretary and his senior team could be proud of and that they could say "actually we're doing quite well on disability" and it was something that other permanent secretaries colleagues took an interest in too, and I was asked to advise other departments on the work we were doing. So some small successes on disability gave me a footing to begin to push forward with the other equality categories.

So while disability work was still on-going I began to think about getting started to do some work in relation to gender. Now I do not know if you know much about the Department of Agriculture but it has generally been a very male orientated Department, and its work covers similar topics too, such as farming, spuds, cows, tractors, animal disease, forestry so taking forward gender equality initiatives within an environment like that, has been very difficult to do. So my starting point was to find enlightened speakers (preferably male) on gender equality that the senior male audience would be keen to listen to and that would explain how gender equality and better female representation would help impact on helping to achieve better business outcomes and enhance the reputation of the Department. I found this link to business outcomes to be a more effective approach than to have speakers simply restating that gender equality was an issue that needed to be tackled I also held gender related workshops for senior staff with no money. It's amazing what you can get when you barter, bargain and collaborate with other organisations.

I was able to secure agreement for DARD to commit to working towards 50/50 gender targets to improve female representation. These targets are published which I think is a huge and brave step for DARD. Of course the senior team were very worried about committing to such a target especially as no other department was doing this.

The way I sought to calm their thinking was to get representatives from the women's sector to speak with the senior team and to support the bold targets being set, but also to acknowledge that even if DARD does not achieve it, the sector will commend the Department for trying. That put the minds at rest of the senior team.

Another area of work in relation to equality that has been taken forward is on children and young people. DARD has just published for consultation, its second children and young people's action plan, again the only department to do so. There is a NI children and young people's action pack which I'm sure you are aware of, it runs to more than a 100 pages and the main strategic targets from DARD are in it. You would have to go through it with a microscope and a highlighter pen to find them.

So basically we extracted our actions back out of that big document, published it in a smaller document as well as a lot of more practical and immediate actions.

I involved the sector organisations and groups of young people themselves in shaping the targets, wording used, and 'look' of that document, as well as providing photographs for including in it.

Something like that costs no money so it is possible for departments to do things, and the amount of praise and public acknowledgement that DARD got for it was great. Small successes and positive feedback help create an environment where DARD policymakers and the senior team can see the equality and business benefits and it is this that makes equality work easier to do, when I go back at a later stage and ask them to do something else.

I try not to use that dirty word 'equality' too much when I am talking to the senior team because I realise it is a turn off to be told constantly that something must be done because it's the law. Instead if I talk to them about; 'Here is how we can make your business better', 'Here is how we can get more young people', 'more women', 'more of the farming community who have disabilities engaged with this department to improve your business or your services' then I have their interest. I leave equality to the very last when I have the agreed actions identified and they have signed on the dotted line. Another equality aspect that I was been involved was the development of the DARD strategic plan in 2012 that runs from 2012-2020. At the time when work was going on to shape up what the five strategic goals would look like I thought that this was an ideal opportunity to screen this high level document. It had not been done before we did not know how to do it, how do you do something which is stretching so far into the future, but with the Equality Commission's help the department agreed to equality screen it, and committed to a programme of equality impact assessments which are all now coming to fruition.

I have realised that it is important to have the backing of the senior team. I know when I consider that equality related actions are needed and if I have explained my rationale clearly and have the support and backing of the senior team then progress can certainly be made.

Policy makers too, within DARD, probably a core of thirty people there that I could approach at any time and I know their first question when I say could you do this, is not 'no' or 'do I have to' but is 'how can I help', 'what have you in mind'. I think within every organisation you will find individuals like that, people that you know you can go to and you will get things done and even within departments that you are already engaging with, those individuals while they may not be the right policy person for they will likely have other contacts that they can introduce you to, this initial contact helps, and is a good starting point.

Also as part of the budgeting process and you will be aware that the budget was only consulted on for a very short window, three or four weeks. However, DARD agreed to run its consultation period for twelve weeks, the only Department to do so, and we sought comments on the DARD aspects of the NI Budget from all of the local equality organisations and my finance director accompanied me. I arranged a series of meetings with quite a few of you in this room and for the first time our financial director engaged with sectoral organisations and heard their views and concerns about budget impacts.



So if there is a way you can encourage finance directors of departments to meet with you, it should help develop better understanding of the constraints and concerns of both sides and build relationships.

In relation to screening and equality impact assessment, I understand there is a lot of frustration by the sector. There are so many screening exercises where you will see 'no evidence', 'no impact', etc. I took the view in DARD, that if you have no evidence to back up how you have or propose to screen something out it should be screened in, no evidence = screened in automatically. We should be advocating for evidence based screening assessments.

Finally looking ahead these are only my own personal concerns, thoughts about austerity and inequality and what happens next. New Government departments are being set up from next April 2016, the departments will be merging, we will be reducing to 9 departments and this will impact on all those you do business with certainly for DARD it means importing 700/800 staff from DOE and staff from DCAL, as well as that we will be losing experienced staff through the voluntary exit scheme. So there will be a lot of experienced blood going out and a lot of new people coming in. And although there will be benefits with these changes too, I think that if you multiply these impacts across all departments there is a big risk in losing a lot of your key players, a lot of experienced policy makers who have a wealth of knowledge. We will need to start re-educating new policy makers on equality generally and building up the networks.

So this I think is a big risk and will take a big dip on the equality agendas throughout government. Also next year every department as far as I am aware is due to produce a new Equality Scheme. I assume the Equality Commission may give Departments a by ball for six months or so until the new departments are formed but new equality schemes is another big risk and it is something you need to be aware of. At the moment the Equality Scheme is the tool you can use to hold the department to account if they are not doing something, and you can lodge a challenge against it. However I would worry that with the new schemes there is a potential there for equality to be watered down and rolled back in tandem with what we are hearing earlier today from conference speakers. I would say as a starting point that the equality schemes that are in place now should be used as a benchmark and that you should demand departments build on those, and not start again from a blank sheet. For instance, equality schemes generally commit to consultation periods of 12 weeks, the SHA would wish to see this period reduced.

Impact of public sector staff reductions, this is big. I have mentioned a little about policy makers leaving but as well as that the impact on the reduction of services and potentially the impact on the equality agenda. Whether we like it or not equality is still seen very much as a luxury within departments because you are not actually producing anything. I'm very aware that equality needs to add value to the business of a department, or there is a danger that the equality agenda will lose resources and commitment within departments.

I think as a sector challenging government to do things- consider your approaches that you are using at the minute and if there is any way that it could be joined up perhaps a little bit better do that.

Some of the difficulties that equality teams within departments experience is that there is an awful lot of interest groups, Section 75 groups etc and it's nearly impossible to go round them all and sometimes the message and issues are different even within one sector.

So I think if you want to get the most from departments, consider and agree on the key priorities for your sector, and find the department or departments that are really of particular interest to your issues rather than always maybe going for OFMDFM or DFP.

There is merit I think in building alliances with unlikely departments as a lever for helping to get things done and also my final point would be to focus on the use of tools that are available to you to hold departments to account; screening, EQIAs, equality schemes, challenge, ask questions, and seek supporting evidence.



## **Workshop Two - Mobilising against Austerity**

### **Participation and the Practice of Rights (PPR) Organising Model**

#### **Nicola Browne, PPR**

In terms of the message of PPR and the title of this session which is about why would you organise and mobilise communities I am going to talk about enabling the powerless to be part of

change and changing how they see themselves, which changes everything and that has certainly been our experience in terms of starting campaigns with participation at the forefront within PPR. We were set up originally in 2006 and we were set up deliberately to bridge the gap that was very clear between people who knew about human rights, usually academics, NGOs, lawyers and people who needed that knowledge and who needed those tools to make change in their lives and that was what we were set up to do.

We deliberately started our work in North and West Belfast in 2006, this was all pre-austerity but things were still pretty bad in North and West Belfast, this is where most of the conflict deaths happened, it is where the worst inequality and the worst social and economic deprivation has been before, during and after the conflict. 17 years after the Good Friday Agreement, those statistics have not changed and those areas are still the most deprived areas, so those areas have not seen the benefits of peace and have once again been hit with austerity, cuts that have not formally come in on welfare reform but they have been here for years and we have seen that.

We deliberately wanted to work there because we wanted to test something that could become a model; we thought that if we could bring human rights out of the ivory towers and into those communities then maybe they can be of some use to other communities and to other areas. I think it is well known that if change does not start at the hardest end, it does not get there, and that has certainly been the experience in North and West Belfast.

We have tested a model using a human rights based approach, the key thing to know about this approach is that it is based on international human rights standards but it is not just about looking at the outcome you get, it is about how you get the outcome, so we are looking at realising international human rights on the ground and in communities, but we are also careful about how we do that.

So poverty is very well known to be not just a lack of material things but also exclusion, a silencing of your voice, your views do not matter, your life experience is not taken into account, that is what poverty is about so we are looking at how we can make changes on the ground in communities but in a way that the people who are

experiencing those rights violations, that inequality, they have their voices heard and they are at the front of the campaigns and PPR are the support enabling them to do that. So that is what we are doing.

We have used this model on mental health and housing, one of our first campaigns that is still going is around the right to housing, it started off in the Seven Tower blocks in the New Lodge which is very much a physical manifestation of housing inequality in North Belfast which impacts the Catholic community, which has existed again before, during and after the conflict with the added complication that now in the New Northern Ireland it is not meant to be a problem anymore. This does not fit with the image of the new peaceful, good relations based Northern Ireland.

If I had been the one thinking about what campaign we would do, I would have looked at statistics and the evidence and say right, the issue here is housing inequality but when you go into the towers, and we knocked on the doors in the towers, did a survey and started speaking to people, because one of the key things we have found in organising work is that you need to start where people are and not from where you are, and when we walked in there and spoke to people, mainly women were involved in that first campaign again, and still in most of our activist groups, it is mainly women, the issues were – damp, damp on the walls, sewage coming out the bath, pigeon waste on the landings, this was how they were experiencing that housing inequality in their lives because they were forced to live in conditions that were sub-standard, that were undignified and that was effecting their health, their mental health and their children's physical health, there were very high rates of asthma, respiratory disease in the seven towers, GPs in that area will tell you.

Those were the things they had decided to campaign on and because those issues were their issues, that was key to keeping them on board and keeping them involved. We have also worked with mental health and homelessness, we also worked on the right to play, in a group with children and adults, to show how children can be involved in this work as well which was brilliant. We do a lot of work around unemployment now, one of our groups started in 2012, well before welfare reform bills were in the air. All of our groups were somewhat divided – you work on mental health, you work on housing – but it is all linked, one of the things that kept coming from all of them was jobs, unemployment and how it was obviously linked to housing and mental health and they said they wanted to do something about this, so we started off in the dole office, on Corporation Street and we stood out there and did our usual thing of doing a little survey, speaking to people and talking about what the issues here are and that is how that one started up.

So, start where people are, I suppose that is one of the key things in terms of organising – start where people are at if you want to get them involved and get them participating and recognising that the things they tell you on the survey or the things they tell you themselves in the towers, that is an expertise people have in their own lives in how systems exclude them and work against them and how they are not heard.

When you give them space for them to be heard, the solutions they come up with are often very low-cost, very practical and they are very do-able and this is what we have been able to see, so usually we would start with a big list of those issues and just get everybody to put it all down, write it all up there, whatever it is, just put them all up there and then we would work to identify what the key issues are.

We look at what are the strongest from a human rights base, we want to bring in the rights based standards because it is useful, it builds alliances, it gives a framework for your campaign and there would be a process of discussion strategically looking at issues, so for example when we looked at issues for the Seven Towers group, they did not monitor, necessarily, housing inequality, they did not campaign on that specifically, they campaigned on the damp, on the sewage, on children being housed in those flats, even though the children's commissioner has said they were unsuitable for housing children, who were still housed there because of the bigger issues out here around housing inequality but this was how they were choosing to get to that bigger issue.

There are a lot of elements to it, gathering evidence has been really important, people building their case, being involved in that, doing surveys, giving people the tasks that they can do and that they feel confident to do and everyone will come at that in a different way. Some people will do a survey; some people will jump in front of a camera and be happy to talk to the press it will vary. We have found that when it comes to change, time is a really important factor, very often our groups get in front of the decision maker and accept the situation for what it is but it just takes a long time, we do not have the money, it is not the right time and what we have found is that time is normally given in terms of change happening at the time in which people are comfortable, who do not necessarily need it and we have tried to put a framework that actually monitors what things are happening on the ground to actually harness that as a framework for the campaign and say, well here is the time in which it is actually acceptable for us to make this change and using that to go ahead and challenge government and challenge decision-makers.

To conclude, participation in our work is the starting point of our work, so we start with the groups, but in our view it should be the ending point of all the campaigns and should be the success measure, in some ways our group's great successes are in the campaigns on the ground but what we are looking for is that thing I was talking about in terms of poverty being about exclusion, inequality being about exclusion, that is why the Good Friday Agreement is so important and so strong on participation, that was written right the way through that agreement, right the way through the equality provisions in that structural change is delivered through participation, and people who are never heard having their voices heard and having a say in the decision making, not being heard, being invisible, your experience is anecdotal, those are the realities of people on the ground, in terms of decision making and what we are trying to do is turn that around, so that is recognised as expertise and they are able to bring those solutions that they have at their disposal.

I will end there, thank you very much.



## **Workshop 2 - Mobilising Against Austerity**

**(Re)balancing the NI economy...  
The impact on women  
Corporation Tax and the Empty  
Purse Campaign**

**Lynn Carvill, Women's Budget  
Group / Reclaim the Agenda**

Good afternoon everyone, I was asked to focus on Corporation Tax, which is more about policy input and the impact of this agenda upon women rather than campaigning, however I will touch on both. I think although we campaigned well around welfare reform (and the gendered impacts), we have not considered the similar impacts that the reduction of corporation tax would have on women.

### **Campaigning**

In 2011, we established the Northern Ireland Women's Budget Group (NIWBG). Women's Budget Groups already existed in Scotland and England so we used these as an example. The NIWBG consists of people from different backgrounds – academics, activists, feminists. Its purpose is to provide a feminist and gendered perspective on budgets and spending plans in Northern Ireland. It examines how taxpayers' money is spent and highlights the differential impacts this has on men and women. It encourages the NI Executive and Assembly to ensure a proper and transparent budgetary process is in place and to use gender analysis to improve its policy making and spending plans. The NIWBG meets frequently but has little capacity to carry out work. However, I am hoping that that is going to change with the new women sector lobbyist in WRDA who is planning to work on this Reclaim the Agenda (RTA) is a collective of women's sector representatives, grassroots feminist activists, trade union activists and interested individuals who campaign on 6 key themes:

- To live free from poverty
- To live free from discrimination
- To have health care services that meet our particular needs
- To live our lives free from domestic and sexual violence and abuse
- To live in a society where women are equally represented as decision makers
- To have access to good, affordable and flexible childcare provision

Through this collective, we ran the Empty Purse Campaign based on the gendered impacts of welfare reform. We have been campaigning on this since 2010.

The UK government's approach to reducing the deficit has been largely based on cuts to the welfare system and reductions in public spending. The majority of these cuts have heavily impacted upon women (UK wide). In 2010-2014, £14 billion was raised through changes to tax and benefits, almost 80% was taken from women.<sup>4</sup> From 2015-2020, £24 billion of the £34 billion net extra money being raised from households will come from women.<sup>5</sup>

Initially, perhaps due to the delay in implementing the Northern Ireland Welfare Reform Bill, the impact of the cuts was not as severe but people are feeling them now and, in particular, women are experiencing the severity of these. The new Conservative government's plans to save £4.4 billion by cutting Tax Credits is going to have a hugely disproportionate impact upon women as women are in receipt of 80% of tax credits.<sup>6</sup> These changes include reducing the earning taper from £6420 to £3850 and increasing the taper rate from 41% to 48%. A report by the Social Security Agency shows that in Northern Ireland the reduction of the earning taper will impact on 121,000 households who will, on average, lose £918 per year (£17.60 weekly) from their household income.<sup>7</sup>

On top of these changes to people's incomes, especially women's incomes, there is the plan to reduce corporation tax in Northern Ireland. Currently the rate of corporation tax stands at 20% in the UK whereas in the Republic of Ireland it is 12.5%. Corporation tax is an issue that women do not often talk about as it is considered to be 'economics' but really it is about money and that affects us all. Changes to corporation tax will impact on all our lives. It is estimated that the reduction in corporation tax will cost NI a minimum reduction of £300 million/year from the block grant. Any reduction from the block grant will be made up from our public spending, our public services and those services which women are much, much more likely to rely on. The question is, will a reduction in corporation tax actually stimulate investment and job creation and is there a gender impact?

This week, it was announced that the social network giant Facebook (UK) paid just £4327 corporation tax in 2014. The most recent Companies House filing shows Facebook as making a pre-tax loss of £28.5m last year however the firm also paid its 362 UK staff a total of £35.4m in share bonuses. The taxation system for large businesses is opaque and lacks transparency with many loopholes which are often taken advantage of by these businesses to avoid a large tax bill. There is no evidence to say that a reduction in corporation tax benefits society. What has happened in the Republic of Ireland is the issue of brass plating: Set up your headquarters in a fabulous street in Dublin with one or two employees and that is where you pay your tax but it is not actually where your work necessarily happens - so it is just another way of allowing people to evade tax.

As Diane Elson, a pre-eminent economist who works with the UK Women's budget group has said: 'Tax avoidance tends to make corporation tax voluntary for multinational companies, there is no evidence to suggest otherwise.' What is definite is that any revenue lost in terms of a reduction in corporation tax will directly lead to impact on women on the ground because it will remove money from those who are living in communities that already live in poverty.

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<sup>4</sup> House of Commons Library Research quoted in The Independent 8th March 2014

<sup>5</sup> House of Commons Library Research quoted by Yvette Cooper in The New Statesman 8<sup>th</sup> July 2015

<sup>6</sup> House of Commons Library Research quoted in the Independent 6<sup>th</sup> May 2015

<sup>7</sup> Social Security Agency (2015) The Impact of Summer Budget 2015

If a reduction in corporation tax brought about a stimulation of investment, would women benefit? In Northern Ireland, the number of women in business is quite small. In 2015, in the UK as a whole there were 23.5% of women on boards of FTSE 100 companies and 18% of women on FTSE 250 companies.<sup>8</sup> In the Belfast Telegraph list of 2015 top 100 Northern Ireland companies, there were only 6 women leaders.

The Total Entrepreneurship Activity rate for NI women in 2014 stood at an all-time high of 4.4% whereas it was 9.2% of men. Northern Ireland has the lowest entrepreneurial rate for women across the whole of the UK.<sup>9</sup>

Alongside the reduction in corporation tax, part of the plan to rebalance the NI economy includes expanding the private sector while reducing the public sector. For women, this will have a detrimental impact of their potential income. The public/private sector pay gap for women is huge. Median gross weekly earnings for women working full-time in the public sector stands at £569.60 compared with £338.70 in the private sector.<sup>10</sup>

The public sector workforce in NI is to be reduced by 20,000 jobs over the next four years. Reducing the public sector will result in a disproportionate number of women losing their jobs. The proportion of men in the public sector equals 9.6% of all employee jobs whereas women in the public sector equals 19.6% of all employee jobs. Private sector jobs are less flexible, lower paid and less regulated further disadvantaging women who are usually the main carers in the family.

NI is marketed as a highly cost competitive location in relation to private sector wages in order to attract foreign direct investment. Compared with the UK and RoI, private sector wages are shown to be significantly lower in NI.

For women, the gap between public sector and private sector wages is huge whereas the gap for men's wages is considerably smaller (see table).

		Northern Ireland			United Kingdom		
		Public	Private	Difference between public and private sector	Public	Private	Difference between public and private sector
April 2014	Men	573.8	431	-£142.8	634.9	536.2	-£98.7
	Women	569.6	338.7	<b>-£230.9</b>	539.8	407.3	-£132.5
	All	570.3	405.1	-£165.2	578.6	493.1	-£85.5

### Median gross weekly earnings for full-time employees in the public and private sectors<sup>11</sup>

<sup>8</sup> Davies Review Annual Report (2015) Women on Boards

<sup>9</sup> WRDA (2011) Women on the Edge

<sup>10</sup> NISRA (2015) Women in Northern Ireland 2015

<sup>11</sup> Annual Survey of Hours and Earnings 2014



Here in Northern Ireland, the impact of welfare reform and the (re)balancing of the economy on women is aggravated by the lack of (any) accessible, affordable childcare; limited regulation of working practices in private companies (with many employees reluctant to complain when there is a breach of regulations which particularly impacts upon women in relation to maternity regulations); the reductions to 'in-work' benefits as many women are in low paid, part time employment and zero-hour contracts. These factors remove the motivation for women to leave the home to become part of the labour force.

We need subsidised childcare right across Northern Ireland to enable women to enter the workforce. We need better regulation of the private sector and their employment practices and for them to provide greater flexibility around work. We would ask that welfare reforms are reviewed, particularly in regards to the gendered impact of these. We ask for greater fiscal transparency from government and businesses so people can see what is happening. We need to have conversations about the gendered impacts of these issues.



## **Workshop Two Mobilising against Austerity**

### **Rural Communities and the Cuts**

#### **Charmain Jones, Rural Community Network**

I work for Rural Community Network based in Cookstown but we cover the whole of rural Northern Ireland. I will be focusing on the cuts to the third sector, particularly in our organisation and where we were placed within that. I will also

be looking specifically at the cuts happening across rural communities but all within the context of the peace process. I am an open and honest person so I have written this very much from my own lived experiences of how I felt personally and professionally about how things have developed, particularly in the last year.

There are only a few of us outside of the good relations departments in local councils that work on good relations in rural areas; I am about one of three or four so we have quite a large geographic area to cover. For me the starting point was, when I started RCN about five years ago, that rural communities were the forgotten voice of the conflict, the war or the troubles, whatever you want to call it, and also the ongoing peace process. While I have been out and about in rural communities in the last five years, people have been saying, "nobody has ever come and asked us this before, nobody has ever asked us our opinion, how we felt about the troubles and where we are now placed in society" so I have been, in the last five years the connector between rural dwellers and peace and that is how I have seen my role. I am normally a really positive person, as a couple of people here know me, I would be a positive person but I have to say that 2015 for me has been a very, very difficult year in the context of working in the third sector.

I have been doing this type of work for 15 years, and the reason for the difficulties has been, internally as an organisation, I am sure there is not one of us sitting here today cannot say that in some way the budget cuts have not impacted your organisation. We have shrunk down as a staff team dramatically with programmes ending and budgets shrinking, unprecedented cuts that RCN had never seen before.

So we have been trying to work with a regional rural remit with a smaller number of staff, where the issues have gotten bigger and bigger and I think there is nobody in the room that cannot say that for themselves. We are trying to do business in a downsized environment where the needs are still there.

Also in terms of my work and peacebuilding and reconciliation work, that infrastructure has also shrunk dramatically as well. There were nine organisations that, on the 31<sup>st</sup> of March I was working with, by the 30th of April I was not working with them, they had gone.

They had either lost their staff, they had lost their funding, their funding had come to an end with no continuation funding, or they had downsized to merely 7 hours a week. I personally felt that I had gone back on my journey which started 15 years ago – what new relationships can I now form? How am I ever going to serve the rural needs of the whole of Northern Ireland in terms of peacebuilding and reconciliation work? So that has been a hard journey for me, personally, also because of the relationships that I had with those individuals and those organisations who were willing to go out into rural communities day and night, evenings and weekends in the most rural of places and the most rural of communities to help me address some of these issues, they were now gone. I was back to the start again, but this is not just about RCN and me, this is about the impact on the rural communities that I work with and the one point that I want to get across is about what I am finding in terms of apathy of good relations work in rural areas and the deteriorating relationship between the political process and themselves.

I have been involved with dialogue sessions in the last three months across rural Northern Ireland with men and women of all ages and what I am hearing from most of them, if not all, and I quote “if Stormont cannot model reconciliation, how can they ever expect us to be the same” and there has become a bit of apathy there particularly around the talks on welfare reform and the different stances the political parties are taking which is aired by the media all the time. I can assure you today that whatever happens here in Belfast ripples out into the most rural of communities in this society. If it is felt in Belfast, it will be felt across this island as a whole.

There is a positive note, as I said I like to be positive, every now and then I see a little beacon of hope, somebody will say to me, ‘our community are further on than Stormont will ever be and we will continue to do what we are doing.’ So for me, mobilising is very much at a grassroots level. Communities can get up off their knees whenever they have the support to do so, I think Lynn’s point as well, I particularly work with rural women, and I would like to just highlight the importance of rural women as the peace builders of today. I am privileged, I have to say, working with a number of women’s groups who really do say, ‘I want to help build peace here in Northern Ireland, I want to raise my hand and say, I am willing to do the job on a voluntary basis.’

But the under-resourcing of rural and women’s groups has meant that the groups I am working with have been afforded very little funding so the women are having to pay out of their own pocket, which is not necessarily a bad thing, you cannot get things for free all the time but surely in terms of inequality that is not right and I am working towards trying to address that.

I was thinking about the ordinary rural dweller, the person who is out there, not in a group, sitting at home either in Cookstown or Derry/Londonderry or outside Belfast or in the Kingdom of Mourne and I can tell you, there are concerns over the economy and the unfolding austerity policy no matter where I go across this country.

Rural people are afraid of the rising unemployment, they are afraid of losing their public sector jobs, many rural women are afraid of cuts to their benefits, there are fuel-poverty concerns, personal debt concerns, affordable housing and the welfare changes.

I can tell you, the list of issues keeps growing; at RCN we hear concerns about waiting lists in hospitals, rural schools closing, school shared education programme funding decreasing, some sure-starts under threat and the decreasing level of public transport.

I have heard somebody saying today exactly what a rural dweller said to me, "they are giving with one hand and taking away with the other." What concerns me more though, really, and this is where peacebuilding comes into it, when people really start to feel those cuts frustration can set in. I know I feel it as an individual working professionally. Anger can set in, issues can become more complex, fear can set in and that is where the world of poverty and peace can collide and for me there is something about that as well.

We do not really have a specific "campaign" for this kind of stuff at RCN as such, I am just out doing it as a full-time job as well as I can, but for me, how I have helped try to mobilise myself and communities is through innovation and collaboration. Everybody knows that peacebuilding is not easy work, it is not a 9 to 5 job, it deals with the hardest contentious issues in society, the hurts of the past, stories never told and on top of that you have all the resource pressures that we are currently facing and I am not ashamed to say that I am now the 'Oliver' with a begging bowl for the rural communities. I am not afraid to do that because I know if I do not ask it is not going to come to me, rural does not get its fair share so I am never going to get my hands on it, so I try to be resourceful, I try to be creative.

I have tried to go back to the good old days of community development before the gold-rush of the Peace money. If there is a social need and I do not have the money to meet it, I will find a way. If there is no money on the table, we work around it. Collaboration has been key for me, again going back to the start, I do not own rural Northern Ireland, it is a big enough place, if someone has something to share with me, I will share with them and vice versa, that is the way we have had to work to try and help deal with rural community issues and I think the final point I will say is, we will continue as an organisation to shout louder. The sector may have shrunk but rural voices will get louder, RCN will ensure that their rural voices get louder and that rural needs are addressed in times of austerity.

I think in terms of the conflict in Northern Ireland, we have found that every rural community is different, there exist differing dynamics, there is a climate of distrust and disillusionment but we try to inspire, and I try to inspire people to act. As one older person said to me recently, 'Charmain I am really worried about all these benefit cuts and what they are going to do to me', and I said to that person, your "benefits may get cut but there is one thing that can never be taken away from you, "you are a quiet peace-maker and you never forget that you are contributing to society more than you will ever know." That is my job, to help people on a path to peace no matter what is happening at the higher levels, my job is to mobilise them and hopefully it is your job to do that too. So I will leave that with you.

## **Workshop Two - Mobilising against Austerity**

### **The Bill of Rights Campaign**

#### **Kevin Hanratty, Human Rights Consortium**



I will first tell you a bit about the Human Rights Consortium, our goals, how we work and what we have been trying to achieve. The Consortium was established back in 2000 as an ad hoc group of NGOs, civil society organisations, trade unions and charities who really saw the potential in the idea of a Bill of Rights in the Belfast peace agreement as a mechanism to create a framework of rights that would protect against abuses of rights that had been experienced historically in Northern Ireland, but also help set up a system whereby the decisions politicians were taking were made within a human rights framework drawn from international standards.

In the same way that Section 75 of the Northern Ireland Act was developed to remove historical inequalities and uphold equality of opportunity, the Bill of Rights was supposed to set in place key standards that our politicians were to aspire towards delivering in any decisions, policies or draft legislation they made. When I was 19 I voted for the Belfast/ Good Friday Agreement, I think that the notion of a Bill of Rights may not have been at the top of peoples' perceptions of the Agreement, the idea of a new power sharing assembly was probably more to their forethought, an end to the conflict, some sort of agreement and new ways of doing politics. When you consider the Agreement's structures what we essentially agreed to was allowing five very different political parties – ideologically, socially, culturally, religiously – to come together to do business and form a government and supposedly make coherent decisions about the future of Northern Ireland.

A divided country that had just come through conflict, that had huge trauma and social and economic issues – how on earth were they going to do that? How were they going to agree on the colour of the walls of Stormont, never mind economic policies, a budget or the program for government given the vast differences in their outlooks and perspectives?

The things that were supposed to be put in place to address those huge differences were elements like Section 75 and a Bill of Rights so that Stormont could be made to work a bit more effectively.

If you remember that famous phrase that now seems to have been lost in the ether of peace processing in the last 17 years: 'confidence building measures.' A Bill of Rights was to be one of those core confidence building measures.

So that anyone in Northern Ireland could have the confidence that, yes there is a government in place in Stormont, you may not like one party or the other because of their history, ideology or other factor but because of things like Section 75 or a Bill of Rights, I can be assured that a) they are legally bound to make decisions under these certain standards and b) the outcome for me is going to be equal or proportionate to my circumstances.

Unfortunately we have not seen that, the Bill of Rights 17 years later has not been delivered. Some of the other protections like Section 75 as we heard earlier, has only been delivered in a piecemeal manner or have been misinterpreted. In our work, we have been trying to mobilize the community, civil society to evidence the support that exists for that type of framework for governance.

Thankfully we have been able to do that because we have largely focused on the issues that unite people, again those social and economic rights that people sought comfort in, that people could identify with, that were slightly more removed from some of the more divisive issues, contested civil and political rights perhaps in Northern Ireland instead of social and economic rights. What we have seen is that we have almost 200 member organisations within the Consortium and that is spread across the political spectrum, across communities and geographically across Northern Ireland, so we have an organisation that has a diverse membership with ex-loyalists and republican political prisoner groups and the disabled police officers association with similar comparisons across our membership since its inception.

Unfortunately what we have seen is regression in terms of the political emphasis being placed on rights and equality frameworks in the various peace process negotiations and agreements that have come forth since 1998. The Good Friday Agreement 1998 referenced the need for a Bill of Rights and taking that forward in the commissions' advice. The 2003 Joint Declaration committed the British Government to bring forth legislation for a Bill of Rights.

Then the St Andrews Agreement 2006 developed a forum to agree on the content of a Bill of Rights. Then things changed when we got to the Hillsborough Castle Agreement, the Haass-O'Sullivan Process and the latest package from last year, the Stormont House Agreement. In those last three phases we have seen a phasing out of references and commitments to a Bill of Rights or extending human rights and equality protections.

Throughout this period what the consortium has been able to evidence is that there is massive public support for the idea of those frameworks of rights for equality or social and economic rights. Frame the conversation within the language of a Bill of Rights or whatever you wish to call it, Bill of Rights does not have to be the title; it is the concept, the framework, the actual protections that people want to see.

Surveys from as far back as 2003/2004, right up to 2011 consistently show that over 80% of people want and support the idea of a Bill of Rights for Northern Ireland and 85-93% of people across all political parties.

We have actually poled people on the basis of their political party support – support the idea of inclusion, of social and economic rights like adequate standard of living, access to healthcare, housing, education, all of those rights because those again are issues that will unite people.

That has been the work of the consortium, evidencing public support. Unfortunately translating that into political action has been much more difficult and I think this is where some of the comparisons with the austerity agenda are quite strong.

Rather than logical financial arguments against social and economic rights I think that like the austerity agenda, ideological decisions are driving resistance to a Bill of Rights. I think there is an ideological opposition to the idea of rights and perhaps it comes down to the idea of politicians being held to account. If you look at the idea of austerity or poverty, even the concept of poverty in Northern Ireland is disputed, - even the very clear evidence that Northern Ireland's children are in greater absolute and persistent child poverty than other areas of the UK is either disputed here by commentators or ignored when it comes to developing effective policies and legislation to tackle the problem. It is not top of the political agenda in the programme for government, developing child-poverty strategies or on the agenda in the latest crisis talks. The fact that we do not have an anti-poverty strategy or strategies for dealing with race, disability or sexual orientation are all symptomatic of the resistance to issues that should be top of the political agenda.

This is why I believe that there is ideological opposition to some of those concepts; I think that is what we are also seeing with austerity as well. The financial arguments for austerity are very, very weak. A series of Nobel winning economists around the world have questioned the austerity agenda. Paul Krugman for instance said that the UK is experiencing what he calls 'austerity fever' and points out that in a crisis where there are deficits, you do not cut money, you actually have to spend to create the economic situation in which people can be brought out of poverty and jobs can be created. So if the utilisation of an austerity approach by the British Government does not make economic sense there must be an ideological element that is driving it. This may be the reduction of government or the development of private wealth. I am not sure but those same attitudes are reflected in the way rights are treated in Northern Ireland by some political parties and some commentators.

I think we also have similar conceptual difficulties with the idea that there is a link between poverty and violence. Those links are well documented but are largely ignored and the austerity agenda is maintained without reference to those problems. If civil society is not to be believed on this point then believe the four main churches who recently in their appeal to political parties said that 'threats to the peace process are most keenly felt in those areas that benefitted least from the progress of recent years and that a long term vision of how to deal with social and economic issues is what is needed in the peace process.'

My point is that there is an ideological opposition to the idea of social and economic rights in the same way that there is an ideological driver behind the austerity agenda. I think those are the issues that we really need to tackle, if we are tackling austerity, tackling social and economic rights.

We have been able to evidence that public support exists for these things but I think the real challenge now for civil society, NGOs and charities is to challenge that ideology and find the real blockages. To convince the people that need convinced that there is nothing to fear from frameworks that uphold rights.

We need to make the detailed financial arguments for removing austerity, for putting in place these human rights frameworks and for protecting rights and making sure that our government works within the frameworks of the confidence building measures that were supposed to be there because the absence of those frameworks has led to disputes over welfare reform, budgets and generally an inability to deal with difficult issues within the Stormont system.



## Workshop 3 - Mapping Austerity

### Analysing Spending Cuts

**Paul MacFlynn, Nevin  
Economic Research Institute  
(NERI)**



Today we should look at austerity in relation to society and the economy in a more holistic sense. What we get are the positives that come from NI's political situation but the significant limitations from it.

Breaking austerity down into three groups is important because of the different responsibilities of each group. So we have, 'resource DEL' (Day to day government spending that comes from the block grant that is spent on teachers doctors etc), 'capital DEL' (Capital spending in order to build schools and hospitals) and the 'annually managed expenditure' or AME. AME is a contentious issue and will continue to be in the future. This is the money NI receives for pensions and welfare payments. We get this on an 'as you need basis'.

Statistics have shown the annually managed expenditure (AME) has gone up significantly. This is important because welfare will be the new battleground where disagreements regarding cuts will occur. The amount is determined by the amount of people who require welfare payments or pension payments. When talk about budgets in NI we refer to the process of dividing up money DEL between the different departments. We do not have a department of finance in NI; we have a department of 'divvy up.'

Comparing NI and UK, cuts have been slightly larger at a UK level. The vast majority of the NI budget is devoted to health and education which have been slightly more protected than many other departments. It is still a significant cut for NI. 40% of AME is immediately off limits, this relates to the pension payments and credits. The other two significant elements are 14% tax credits and 12% is housing benefit. NI has suffered for not adhering to placing austerity measures on disability living allowance and employment support allowance. DLA is not an out of work benefit, it is paid to you whether at work or not.

The Stormont House Agreement was meant to accept welfare reform and the devolution of corporation tax. NI was told that £2 billion pounds in new money would be available. There is no £2 billion. This is a complete myth. £700 million of that was to fund a reduction in public service employment. It is a borrowing facility.

Every year NI can borrow £200 million to fund spending. Over four years NI would have the ability to borrow £800m. The Stormont House Agreement allowed us to say we can use £700 million of that to hand out redundancy payments to public service workers.

Recognising that that possibly limits your ability to invest in things, we will then lob in an extra £350 million in borrowing powers. So NI emerges from the Stormont House Agreement with £350 million less to spend on investment and 20,000 less public sector employees.

A pot of £50 million per annum over ten years of shared education, capital spending - that is real money. £30 million over 5 years is then devoted to dealing with the past. We were also told we have flexibility to use privatisation of state assets to pay back our fines on welfare reform. Post 2015, the UK is heading towards further cuts stretched over 4 years. £34 billion pounds worth of cuts and of that, cuts to non-pension benefits of £12 billion and £5 billion of that is going to come from cuts to tax credits.

A further £17 billion of cuts from departmental spending will be enforced to decrease the deficit. Housing benefit and tax credit cuts will have a severe effect on child poverty. Another myth to bust, the definition of the national living wage is spurious. It is a slightly higher national minimum wage. It is **not** a living wage and it will not protect low paid workers from cuts to tax credits. It is false when being offered as recompense for those claiming tax credits.

The impact of the next five years will be drastic. Departmental pressures will be massive. The next tranche of cuts are going to be in areas that we cannot control - particularly in tax credits. It's a reserved matter. This will have a massive impact for low income households. It does raise an issue about the NI Executive, we do not control the money and we are forced to make a choice by taking that money from public services. Limited revenue raising powers in NI means money to protect welfare comes from the budget to public services. The NI Executive perhaps needs to negotiate control of the purse strings over welfare reform rather than the control over the development and implementation of welfare policy.

## **Workshop 3 Mapping Austerity**

### **Cuts to the Health Sector**

**Jonathan Swallow,  
UNISON**



Let us look at the workings of the austerity process in health and social care in NI. The last budget spoke very little about health except the base figure. The next stage is the Ministerial Direction. I long for a Health Minister who could use their power to produce a radical reforming Ministerial Direction. Jim Wells was totally different in structure from Edwin Poots. Targets were fiddled and softened by the previous Ministers so that results would not look as bad. We then got 'Trust Savings Plans'.

This year nearly 50% of the savings proposed by Trusts were vetoed by the Public Health Agency because they put patient and client safety at risk. This was not the Trusts being bad people; this was not the Armageddon budget tactic. It is how close the system is now to the edge. The language is not of doing no harm, but language of managing risk - I find this very alarming.

We then get Commissioning Plans from the Health and Social Care Board and the Public Health Agency. The key issue with these is that they do not identify the real inequality issues. They appear to deliver the best with what they have got. Month to month, they put Finance and Performance reports on the website if you wish to see them. They show continuing financial difficulties and collapsing performance. Trust board reports look at performance by Trust area. However minutes are not available until the next Board meeting report, therefore they lag behind.

Trust Chief Executives are primarily accounting officers and their job is to balance the books. Trust Chief Executives also have a statutory duty of care and are starting to acknowledge the conflict between the balancing of the books obligation and the duty of care obligation. The majority of savings are called 'cash savings' and any 'productivity savings' are achieved by not filling posts, in an endless process of vacancy control. Here, savings made on productivity are essentially not producing health and social care.

This system is a microcosm of George Osborne's Fiscal Charter. We see the pressure on the entire system from this in terms of collapsing targets, collapsing performance and crises in care.

If you factor in additional demand due to ageing populations the results reinforce the damage. The effective annual cut has been 6% for the last 3 years. This system is riddled with transaction costs because Direct Rule left us with the Commissioner-Provider split. That can put 15% onto the cost of any treatment. Therefore we have deficits and target failure with fiddled targets. Closures are happening but administrative law cases are slowing down closure processes.

In Mental Health there is continuing evidence that no one is tackling it. Domiciliary care get a mere 15 minutes or 10 minutes in a home. You must now have proof of residence to become a care worker in Northern Ireland!

Austerity damages health (Stuckler and Basu) 'The Body Economic'. Increasing inequality and the deepening of Social Gradient damage the health of all (Sir Michael Marmont). The evidence is compelling. When will those who implement these policies be held to account?

## Workshop 3 Mapping Austerity

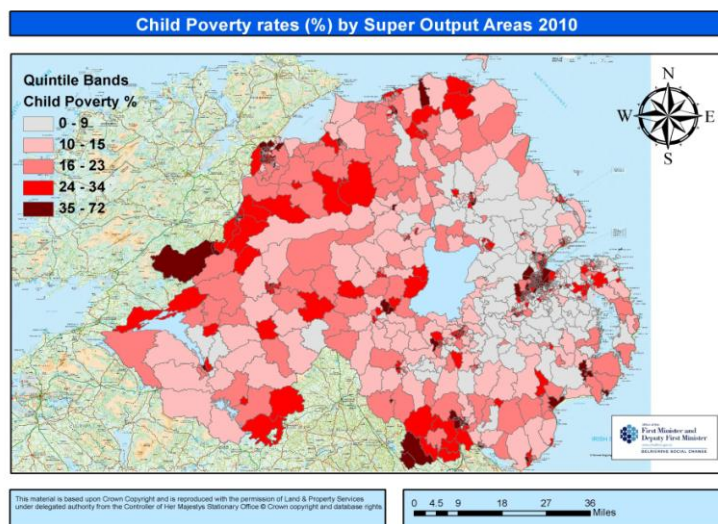
### Child Poverty

**Goretti Horgan, NI  
child Poverty  
Alliance and Ulster  
University**



My statistics are entirely government ones and were released last week by OFMDFM- they are quite worrying. The number of children in relative poverty appears to be on the rise again. It is noticeable that child poverty levels are on the rise even though wages have not increased, 1 in 10 children in most of the UK can expect to be living in poverty for most of their childhood. For NI, it's actually 1 in 5, more than twice the rate in Britain.

Growing up in persistent poverty can really exacerbate the downsides such as poor educational attainment, poor health and acquisition of criminal records. 1 in 10 of NI children is living in severe poverty. With the eventual impact of further tax credit cuts, more children will fall below the poverty line. This map is frightening and the dark colours show the places that have the highest amounts of child poverty.



In particular we see Derry City with nearly 2/3 of children in poverty. Employment rates in these areas are so low and this says something about the geographical divide in a region like Northern Ireland. Why is such an area in such disadvantage? Could this be an issue regarding the legacy of sectarian investment patterns?

According to the institute of fiscal studies over the next five years, households with children in NI stand to lose more by 2020 than most other regions in the UK. By 2020 30% of our children will be in relative poverty and 33% will be in absolute poverty. Absolute poverty means that children in 2020 will be living below what was the poverty level in 2010-11. That is very worrying. NI is going to lose more income than any other region outside of London due to welfare reform. The poorest families are going to lose the most. With benefit rates plummeting, child benefit capped and working tax credit cuts families will struggle massively.

The new proposed benefit cap will impose tight restrictions on family size. The NI Government must deal with this. They cannot say we are pro family and pro life parties and then propose this limit on family size.

The NI poverty and social exclusion survey found 1 in 10 households across the region being unable to keep their homes warm and damp free.

The NI Anti Poverty Network ran this statistic past some people living in poverty and their response was that it's a lot more than 1 in 10. And, of course, given the concentration of poverty in the North, it is a lot more in the poorest areas. It's probably 8 out of 10 people in the poorest areas who cannot keep their homes warm enough to be damp-free. The implications of a non damp free home are detrimental to health in terms of respiratory diseases and this can have a knock on effect in terms of the household's overall health.

According to research by Barclays regarding NI, there are a lot of millionaires in the region; if there are should Stormont unfreeze regional rates? I would argue they should link the regional rates to ability to pay and increase them for those at the top, thereby increasing the amount available to the public purse.

## Session Three: Research Briefing

### ‘The equality impacts of the Stormont House Agreement on the ‘two main communities’



**Professor Christine Bell and Dr Robbie McVeigh**

Interim findings were presented of research into the question of the equality impacts of the ‘finance and welfare’ provisions of the Stormont House Agreement. The research focuses on these impacts with relation to the ‘two main communities in Northern Ireland’ and addresses wider equality issues - including gender and broader ethnicity- as these intersect with Protestant and Catholic differences. As a piece of ‘action research’ it uses its partnership with the Equality Coalition to ground its analysis in the experience of many of those organisations closest to the ongoing efforts for equality in Northern Ireland. The Research is supported by the Reconciliation Fund of the Department of Foreign Affairs and Trade and a report was subsequently finalised building on the learning from the conference. The following is a transcript of the presentation to the conference.

**Christine Bell:** This is really one talk given by two people. So I will make it brief, and will set out a summary for the framework of Robbie’s talk.

First of all I have called the Stormont House Agreement somewhat ironically the ‘new deal’. And that wording is really taken from the recession in the 1930s, which is the benchmark from which all other recessions are started, and famously, President Roosevelt tried to get New Deal legislation through, which is the first time the US had health and safety laws as a matter of federal law, had provisions, and it’s a kind of striking phrase to begin with because the New Deal was about saying that when private employers and employers do not provide these things, they actually steal from state, because they force the state to pick up the pieces, and that having a minimum floor to the capitalist system is part of how you can alter the future, and it’s quite different from the rhetoric and the approach to recession today.

So part of the new deal of the Stormont House Agreement was the OECD independent review of public sector reform, the programme of public sector reform, the up to £700 million of capital borrowing for the voluntary exit scheme, which is to involve 20,000 posts, devolution of power over corporation tax, and implementation of the wide ranging changes to the welfare state. Why that in some ways was a new deal, again I think people are aware of this, but just to stress it is that equality was really central to the peace process. Political equality was a part of the new institutions and the power-sharing arrangements that are in place. But underwritten throughout were principles that keep appearing again and again in the Agreement – consent, non-violence, but also equality and human rights. And when we look at forms of power-sharing globally, there's a difference between corporatist power-sharing which is just about groups and groups divvying up spoils, and more liberal forms of power-sharing, which are about having some sort of equality platform that provides the buffer and the restraint against a corporate divvying up of spoils.

So our model was actually, importantly, a model of liberal – using that not in a neo-liberal sense – but in the sense of that, if you like, part of the opposition and the tension in which power-sharing would have to be held was equality.

It was centrally addressed in subsequent agreements, even in agreements rolled back somehow the commitments and have turned into much narrower processes, such as the St. Andrews Agreement. So the Stormont House Agreement has really been an outlier and a departure from all the previous agreements in not really having equality at its centre. In fact, part of the reason for the two main communities title and the thrust of this research, and we have put it in quotes and those quotes are important, is that there's a very small reference to gender equality in Stormont House Agreement, which is welcome, but there's no reference to equality and a wider agenda, in particular in terms of the sectarian divide. Given the centrality in the first and the subsequent agreements on equality, that itself is really notable.

There are many options for activists in this room in terms of austerity – reject it outright, reject the agreement outright, and so on. But we took as our framework for this research these principles. First of all, that it is definitely more difficult to do equality when resources are contracting. And as Robbie will set out, we always said that as equality activists, at the time of the Agreement, that it is easier to do equality when you have an increasing pie, it's easy to divide the pie up differently than you've been doing it. So it's always more challenging to do equality when resources are contracting. But austerity, using that also as shorthand, doesn't automatically mean that equality gains have to be stalled or lost. Of course things like the very foundation of the National Health are very good examples, of how during an austerity period that our entire welfare state system was constructed, as a response to post-war austerity. And thirdly, that equality doesn't happen by accident. Maintaining equality gains doesn't happen by accident. I think one of the things that really has struck me about the statistics Robbie is going to present are that even though there's a long way to go, and even though it's patchy and probably from the NGO sector we sort of see the job not done, that actually the equality gains have been quite striking, and there is something important there to be lost.

To just get a summary of where we're going with the research, in short we really say there have been some real gains from the equality measures so far. But this is a job that wasn't completed and that there is a language of unfinished business behind the



last two rounds of talks. But equality, too, is unfinished business. That the policing figures and the reverses that have taken place even since 50/50 tell us that all the gains are all too easily reversible. And that there is no evidence, really, of any sufficient consideration to equality proofing, or even in equality-aware approach to implementing the welfare reforms. It's very strikingly invisible in the SHA itself. And also in a sense because that was in a negotiated agreement, it's almost like it should be lifted up and outside and out with the equality proofing processes that would have happened had it just been a policy and I think that's something that needs addressed. And that also good practice globally and our own history tells us that financial measures post-conflict have to take account of the nature of the political settlement that has been agreed if they're not to undo it.

Actually that in development discourse, that is almost essential mantra of how you engage in post-conflict context. So with that I'm going to hand over to Robbie to give the details of some of that outline, and I will come back to present what are recommendations to provoke discussion really, rather than to leave them sitting.

**Robbie McVeigh:** I should say a little about the research process. The research has been done in tandem with the Equality Coalition, so it is very explicitly action research. Sometimes from a research point of view, that makes research even more difficult than it is in ordinary or academic circumstances. It also makes it much better, much more relevant research; it certainly should become a key tool in the struggle for economic justice here, from our point of view the more engagement we get from more people, the better to strengthen the arguments within that document.

In some ways, in terms of framing the whole discussion I should make the basic point that speaks to some of the issues that Bernadette and others raised this morning. It is that the notion that the two main communities are Protestant and Catholic is always based on a pretty divisive bifurcation of society in Northern Ireland, and that explicitly does not speak to the reality of the society which has developed here post-GFA. Nobody really records this accurately in terms of official statistics; you see the tensions between the communities identified in terms of religion or perceived religion, community background and so on. But none of them really speak to the core issue, which is that the conflict here is essentially from our perspective, one that is best described in terms of ethnicity, rather than religious faith or belief.

Now if you begin to reframe the community and the state here from that perspective, you get a much more sophisticated and more accurate sense of the kind of community that we are trying to create equality between. Take the statistics from the Department of Education this year summarised in the above pie chart. It's interesting because they use ethnicity very simply, and some would argue simplistically, in terms of whiteness and non-whiteness, but at least there's a characterisation of the community in those terms. But they also divide them up into Protestant, Catholic, and other. So you begin to see the relative complexity of the state that we're living in, and the kind of state that we're asking to support an equality agenda towards.

Now if you break that down, you see the top line, black and minority ethnic communities still pretty small across those different categories, small but growing really significant, and very often marginalised in the most extreme ways, both economically and in other terms. But in terms of that broader white community, you get a Catholic community which is 50% of the population, and Protestant community which is 35% and an 'other' which is 11%.

All of the equality discourse that we have to engage with now has to find ways of making sense of that tripartite distinction and division. It's not about two communities anymore; it's about three that are quite complexly divided by other issues. And I suppose just on that note, I would also add that obviously one of the changes that we've seen – and I'm going to speak to it in a wee minute – has been a massive increase in the Catholic middle class, corresponding in some senses is the increase in the immiseration of some sections of the Protestant community. But there is less movement in terms of class or poverty. No real change in terms of the huge differences between affluent and less affluent people across the notion of class.

But it is also important to suggest that things have changed in a positive way, not least because of the human rights and equality interventions that many of the people in this room are involved in. The point is that there has definitely been a convergence in terms of the characteristics of the two main communities, as understood in terms of Protestants and Catholics. Big increase in the proportion of Catholics who are economically active; a big decrease in the proportion of Catholics who are economically inactive. The unemployment differential still remains problematic, as a key indicator of ongoing differences and divisions. And a massive decrease in the number of people who do not have qualifications from both the Protestant and Catholic community so a general improvement across the board there. But 25, 30 years ago that was disproportionately Catholic, now Catholics are slightly better qualified than Protestants.

So some of the structural changes are suggesting that there's been good progress but the process is not finished. The unemployment rate, the gap year on year has increased recently, very significant and not good. But there are also negative trends in terms of the Protestant community. Some of those explained by the disproportionate number of older people in the community, but nevertheless if you see the economic inactivity proportion increasing and the economically active proportion of the population decreasing it's a bad sign and something that needs at least to be monitored.

But broadly those are positive changes that have happened in the context of interventions, like the MacBride Principles, all the fair employment legislation from '76 onward. So, it's important to emphasise that they happened in the context of progressive state intervention to deliver equality. And this gives us an overview of the whole community, the whole workforce in terms of the Protestant – Catholic divide. It isn't perfect, but it's not too bad – it's much better than it used to be. And I suppose you have to remember that the baseline date in this is changing in the way that I illustrated in the first slide. That as the Catholic proportion of the population grows, then you would expect the Catholic proportion of people employed in the public sector and private sector to increase as well. So there is still fairly significant underrepresentation of Catholics in the private sector, but this is much better than it was 20 or 30 years ago.

But it does not mean that there are not still issues or problems or things to be addressed specifically in terms of sectarian differential or differences between Protestants and Catholics. This is the most recent data on unemployment, both short-term and long-term unemployed. And you can see particularly in terms of the long-term unemployed, and the unemployed in general, that figure is far too high for Catholics.

It shouldn't be anywhere near that. So the one issue that was specifically addressed in the agreement in terms of something that had to change to indicate that equality was moving in the right direction has not been resolved yet and needs continued monitoring.

Just to move us on quickly to the question of what does this mean in terms of where we are going with the trends in terms of the current economic context of austerity and the potential implications of the Stormont House Agreement.

The Institute for Fiscal Studies has made a generally supportive intervention in terms of welfare reform. It's being honest and saying you can see the consequent increase in terms of poverty. It's absolutely clear, there's no ambiguity around that, and I think Goretti's figure from earlier, a different measure would be even higher, maybe a third of children end up living in poverty. One of the first things you learn in this area is just how complex different measurements of child poverty are. But whatever way you measure it, there's no question that the proportion of children living in poverty in Northern Ireland is going to increase substantially over the next five years. And the proportion of children who are in poverty is already shocking enough.

The only figure I really want to point to here in terms of making a broad political point is the proportion of children in low income families by the Parliamentary constituencies, and the proportion of those constituencies who are Catholic. We all know that West Belfast, there's particular reference in terms of peace and the peace process and conflict. And to me, and these are Parliament's own figures, the notion that 17 years after the Agreement, that 40% of kids in West Belfast are living in poverty is shocking, and the notion that we can build peace on top of figures like that is unlikely I have to say.

Another way of giving some illustration of the differences in terms of inequality and the community, this is free schools meals entitlement. In the schools you can see that the figures are high for both Protestant, Catholic and Other. And about a quarter of Protestant children are qualifying for free school meals, and a third of the Catholic population, and a quarter of the other population. So very deeply entrenched is the deprivation and inequality in the school community population.

And then this begins to speak to some of the issues around education, which have been in the news recently. I suppose the most interesting thing is that Catholics are disproportionately presenting to the education system from deprived backgrounds, or higher proportions of Catholics are qualifying for free school meals. But despite that factor, Catholics are emerging from the school system with relatively better qualifications. And the interesting thing is not just about poor Protestant boys, which a lot of the discussion is focused on, but you can see there in terms of higher qualifications, there's quite a stark difference between Protestant and Catholic girls, there's no easy explanation for that, but it's still an equality issue that would need to be addressed as part of the wider question of what's happening in terms of education and ethnic and other differences.

Christine is going to speak to the recommendations very briefly. I suppose there are a couple of points that I want to make in reviewing the data that we have. I think we have heard already today, but there's nothing, in our view, of the likely impacts of the Stormont House Agreement that would suggest that they can do anything other than increase inequality in general, and more particularly increase sectarian inequality in particular areas, particularly if you look at the comparative size of the Protestant and

Catholic young people in Northern Ireland. If you increase child poverty to the kind of levels that that analysis is suggesting, there's no question that welfare cuts are going to impact disproportionately on the Catholic population.

I suppose I just want to end by saying that there is a problem with some of this discourse, because as Daniel said at the start, there's a terrible tendency from people here to say we do not talk like this anymore. We cannot speak to this issue because it's sectarian. I think it's the opposite of that, we have to find ways of speaking to it, and some people still do. The civil service actually does monitor it in a fairly clear way that lets you measure the implications of changes within the civil service. The Labour Force Survey Religion Report does it as well. And the PSNI do it, so some statutory organisations can do it, and it's really important for equality for others to do it. Other people have to find ways of doing it. And I think the Housing Executive stands out, failing to address this issue almost completely, which is truly shocking in this society which is still structurally segregated on sectarian lines. So we have to find ways across the whole of the public and private sectors of continuing to speak to this, because that's the only way we can support and build on the general positive trends that I identified at the start.

I think the Stormont House Agreement has to be equality-proofed. I can see Inez McCormack's Portrait looking intently down from the wall and reminding us that Section 75 had an important, positive political function. It said sort out this stuff before it becomes a problem. Sort out this stuff before people start getting injured and worse again. So that's why addressing this question in the context of peace is really not about threatening but about realistically assessing what are the consequences of some of these policies. Sadly, there's no evidence of that happening at all across any of the proposals in the Stormont House Agreement.

There are two reasons why this is so dangerous. First is because of the principle which Christine spoke to already. Equality was absolutely embedded in the Good Friday Agreement. It was a democratic process; most of us subscribed to that, both Protestants and Catholics, supported that process in a way that none of the other agreement-making has been endorsed publicly or democratically. That is the bedrock for this process, that's what we have to build peace around. The notion that you can just turn equality into an afterthought is really, really dangerous in principle. In practice, as I've suggested, some of the consequences are going to increase inequality generally, and inequality for Catholics in particular, in a way that is politically destabilising and really problematic.

And I suppose just before I hand over to Christine, I think it's important as people who were part of this peace process but as people who have left to reflect on our experience coming back. We were talking about this last night. There is a terrible sense of bleakness I think in the North of Ireland at the minute, which hits us every time we come back here. For all the difficulties around this process, it's really important to say that if you pick up Susan McKay's fantastic book *Bear in Mind These Dead* or indeed *Lost Lives* itself, all of us who lived through that do not want to live through it again. And ensuring that the equality agenda continues and is delivered is a key part of making sure that we never do, and that's why it's so important.

**Christine Bell:** Thanks Robbie. We thought that it was important to try to put out some recommendations. We don't necessarily have total faith in all these recommendations ourselves, but part of the event today was to take back from the conference and from the meeting other ideas and initiatives. And also we do really want to put in some notion of what would be positive action in the report.

We thought we'd road test some of our ideas. There is too many of them and I'll try not to just go through them. They are there in the handout on the last two pages and you can scan down and use them for questions.

But it's our view that there does need to be, I think, some pressure around some public engagement, in particular from the political parties around equality. And we talk often about naive optimism, but actually I really like the phrase naive pessimism, because often pessimism is incredibly naive. It assumes that absolutely nothing is doable. But if all of us had accepted that, we wouldn't be where we are now. It is possible, I think, to envisage a best case scenario that equality could be a new way of both the DUP and Sinn Féin finding a common way through a programme of government and welfare reform. Both of them at Westminster are opposed to most of the key welfare reforms, and equality is the way that the Welsh Government and the Scottish Government found to push back against Westminster around how they have to recalibrate what's happened. In fact, the Welsh Government use and welcome judicial reviews, saying we have to deal with implementation around issues like disability differently. To be optimistic, equality is a ground on which the parties could be persuaded to broker with each other, and find a common language to push back. I think that is not an impossible dream that has to be argued for.

Secondly, I think there has to be pushing for a full equality-proofing, a way that that could start an equality audit of the Stormont House package. At the minute we don't know exactly how it is going to be rolled out, and of course everything is very stalled, but it can't be policy review exempt because it was negotiated. There needs to be a improvement in the statistics, that is very, very key. It was very clear to us – none of the Government statistics are original. We've used the statistics from the departments and from requests to the departments. But there is an unevenness and that's clear in the frustration of official statistics body in the UK, with how statistics are held and presented. And there also needs to be a much clearer breakdown, for example of the 'other' category, which includes two quite different groups.

We think there need to be pre modelled figures for any planned cuts which would be a basis for comparing equality impacts for different forms of severance, some of them already in play with regards to impact, on both the structural transfer of wealth. For example, you might get rid of a lot of people and this will help a lot of the imbalance or just get rid of the most expensive people at the top who may be quite close to retirement. When you see the figure of £700 million for voluntary severance this can be quite heartbreaking in terms of the other austerity measures that are happening all around us that have equality consequences as well.

There also needs to be an overarching anti-poverty strategy for Northern Ireland, we need to take another look at the fair employment review, we would welcome a public, civic dialogue with the OECD and we are glad to see them here today. This needs to be engagement on the specific effect of public sector reform on a post conflict state such as Northern Ireland.

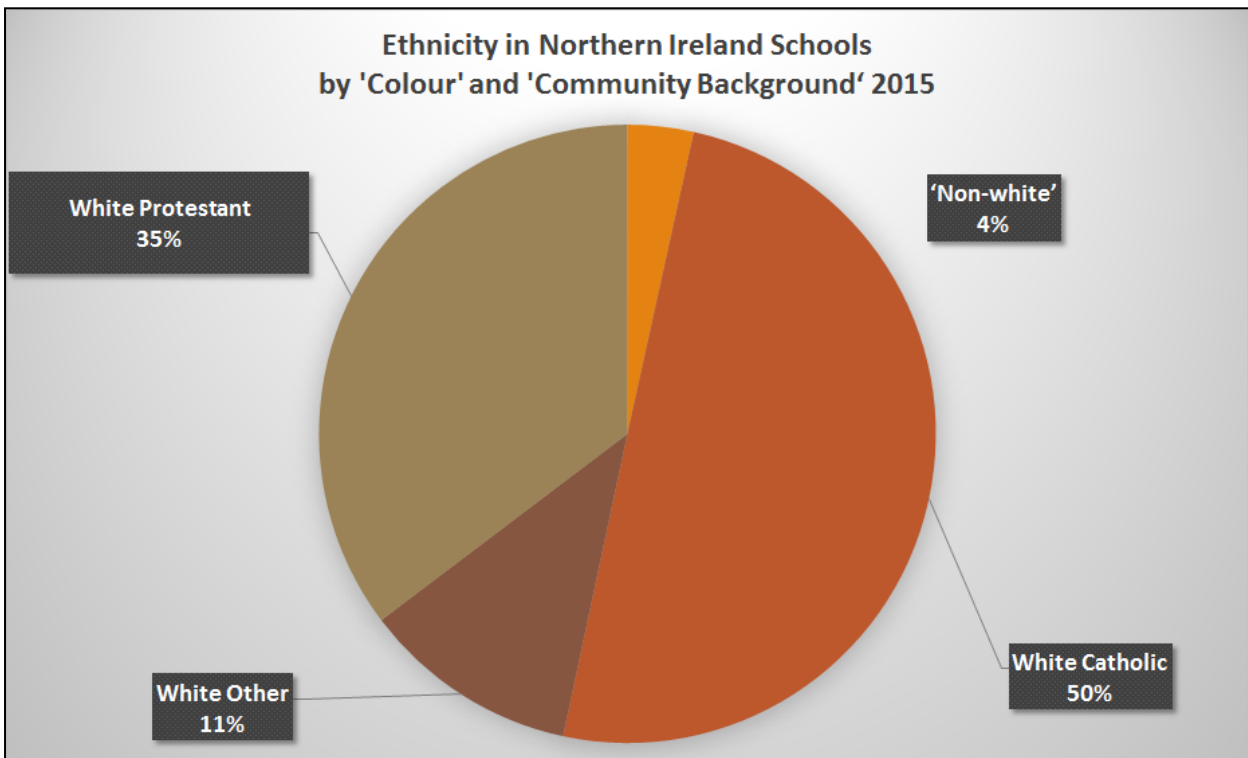
There are other areas where public services are not being planned and are not taking on board the demographic shifts that are in play that should be pre planned around equality.

We also believe that it is vitally import to engage the guarantors of the peace process, those people outside of Northern Ireland who have championed some of the issues – both the British and Irish Governments should be pushed to acknowledge the centrality of equality and as itself a piece of unfinished business.

Also think of those who have pressed for equality internationally such as the EU that have funded Northern Ireland the years since the 1998 Agreement, UN Human Rights Bodies, again it is great to see a member of a UN Committee here today, and the MacBride signatories need to address that austerity always poses a threat to equality if not implemented properly with the relevant safeguards.

With the situation we are currently in of potential or partial collapse of the institutions, there is a mechanism in the Good Friday Agreement which provides for a joint review by the two Governments. It would be useful coming fresh from the 15 year anniversary of UN Security Council Resolution 1325 Women, Peace and Security to showcase that inclusive peace processes have statistically much more success compared to un-inclusive ones. This can be clearly followed on social media, all UN Ambassadors calling for inclusivity.

There are small victories that the community and voluntary sector are making with regards to the talks. But they also know themselves that often these just create another hole in the budget so this definitely cannot be solved without civic dialogue and the politicians. Without this there can be no effective delivery of public services and fair application of any austerity measures.



## Session Four: Panel Discussion



**Chair, Susan McKay**, Author and Journalist

**Les Allamby**, Chief Commissioner, NI Human Rights Commission

**Michael Wardlow**, Chief Commissioner, Equality Commission for NI

**Adam Ostry**, Project Manager, Public Governance Review Northern Ireland,  
Public Governance Directorate, OECD

**Virginia Brás Gomes**, Member UN Committee on Economic and Social Rights





## **Les Allamby** **Chief Commissioner of the Northern Ireland Human Rights Commission**

Thank you to the Equality Coalition for organising this event, I am particularly impressed by the mix of international and local speakers, I say that because some of my colleagues are in Geneva today giving evidence on the list of issues to the Committee on economic, social and cultural rights international covenant. Two of the issues we are focusing on in Geneva are; first that we have a raft of strategies which for political reasons are not being progressed or introduced never mind implemented, there is a saying 'we don't launch ships anymore we launch strategies instead' well we aren't even doing that anymore.

The ones we are particularly highlighting are sexual orientation, anti poverty, racial equality and childcare amongst others. It is really important that we bear in mind the international dimension. Secondly we are discussing UK social security policy and the impact on Northern Ireland and the fines stalemate that we find ourselves in.

I would like to take time to pay tribute to the work that is done by NGOs and others in terms of what goes on in international treaties, you could get apathetic about the UK Government and how much they take seriously the international mechanisms but I would say they do not like criticism about how they are performing or in some cases not performing and Northern Ireland features way above its size and population in terms of international treaty reporting mechanisms and that is really important and NGOs can take considerable credit for this.

I want to reflect on where we are and where we can go and I want to take the rubric of practicality that Daniel presented this morning. There have been very big reductions in spending in social security in the UK. The last Government inherited £4 billion in cuts around employment support allowance then had a CSR round and then an emergency budget in 2010 which took £11 billion and then another £7 billion out of the social security system and the summer budget this year, which I will come back to because it is a game changer, will take another £13.5 billion out of the system. Much of all of this affects working age families and therefore the overwhelming impact is on people in and out of work who are of working age and those whose disabilities or ill health is debilitating but who are not at the sharpest end of disability, these are the groups that have borne the overall burden of all of this.

The real politick is that, we will have to do a deal around social security in the Stormont House Agreement simply in terms of the IT systems that run our social security all are UK based when the old system is due to be turned off then, we may have to then pay for that to continue. I am not misty eyed over the current system, for those of us who remember when income support was introduced in 1988, the earning disregard for a single person was £4, it is now £5 so you barely work three quarters of an hour on national minimum wage before you lose some of your social security and therefore we should not get too nostalgic about what we currently have, it is a flawed system.



We also know how the system of fines works; we lost £87 million in 2014/15, we are going to lose £114 million this year and those figures are projected to rise. So the reality is that we will have some kind of deal.

In theory if the UK Government wants to, they can take social security back but it is deeply unattractive. This is for a number of reasons, one you look at where devolution is going in Scotland and Wales and we appear to be going in reverse gear in Northern Ireland, that does not play particularly well in UK political circles but on a more practical level even if you did take social security back and it became a reserved matter and you leased it back like the Scottish model you still have to get a legislative consent motion through the NI Assembly. We know if you do not do a deal on social security you will not get the legislative consent motion through. If you put the Bill through in Britain you still have that conundrum, you could ignore the convention but there would be real unease in Scotland and Wales if you decide to utilise the Sewell convention. Scotland and Wales will not find that palatable so it is deeply unattractive for the UK Government to have to take back social security and they will take a political hit if they do so.

In terms of this summer's budget, it is not a game changer in a positive way. It was a very clever piece of political manoeuvring in terms of the living wage but overall the package is deeply regressive, deeply retrograde, and in terms of the impact on policy and human rights it is very bad news indeed. Now the living wage is a good thing, it will cost employers about £4.5 billion as we get to 2020 but after tax and national insurance it will put £2.7 billion into the pockets of those who are on the current national minimum wage and it might have a ripple effect.

The social security changes in the summer that are paying for this and more will take about £13.5 billion out of people's pockets but £1.1 billion of that will be from Northern Ireland, we know this because DSD produced the figures the other day. That is a much greater proportion of savings than our population would suggest.

The twin aims of Universal Credit (and the original idea for it was a good one) has been fatally undermined, namely, the ideas of a simpler system not just to administer but also to understand and of making work pay.

The impact of the changes in the summer, combined with the proposals on the living wage are clear. Certain people gain for example, childless couples, single people, those people outside of tax credit and universal credit system including someone who is on a reasonable wage with a partner on a low wage and couples who both work full time will gain although we know that in couples on a low wage usually one works full time the other part time and this is usually the woman.

Who will lose; people under 25 with children, young people under 21 who do not live at home, working age families out of work with more than two children will all lose a lot coming into 2017, families who go on to have more than two children after April 2017 and lone parents who originally stood to gain will also now lose out because of the changes and those who are out of work and continue to be out of work will be hard hit.

We have had a long discussion today about equality, distributionally there is the myth of the 'squeezed middle' there is not a squeezed middle but in fact an 'unsqueezed upper middle.'

If you look at the work of the Institute for Fiscal Studies it shows that the top 10% of earners have lost some, they have lost it because of changes to occupational pensions but are frankly well able to bear the loss. The next 10-20% of earners are actually gaining with regards to the changes, then the next 20-30% are little or no worse off at all. The burden is borne by those in the bottom 40%.

All this becomes important because many of the changes in the Welfare to Work bill in Britain will come in regardless of what happens with the Stormont House Agreement because the tax credit changes, the freezing of benefits, benefits not going up with the rate of inflation, all of those things will happen anyway. The other part of the welfare to work bill that we need to focus on is that the Government are changing the indicators of child poverty away from income to worklessness and educational attainment, effectively muddying the waters. It is important because as we have heard today from Goretta and from the research by Robbie and Christine that child poverty is going upwards we need to make sure it is measured properly.

### **Where does that leave us and where can we go?**

First there is still a deal to be done within Stormont House Agreement, the additional monies set aside in December 2014 are still really important and spending that money wisely is vital. We could do more to future proof the system and this can be done relatively inexpensively again for this we can look to Scotland who recently looked at additional passporting of free school meals beyond claimants of tax credits and universal credit.

Second through making administrative changes. There are a vast array of things that can be done that do not cost anything but can make a big difference, they will not come out of the talks but a working group could be set up to look at them. Sanctions are one example, initiatives can be taken to reduce the need for sanctions and this does not cost anything.

Finally we need to move forward in the debate around inequality and tax justice and redistribution of wealth. Human rights does have something to say about that. There is a special rapporteur on extreme poverty Philip Alston and he and his predecessor have started to do work on this issue globally and not only is it around the topic of corporations paying their tax which is extremely important, but also that the group that IFS has identified of people in the top 30% income bracket who have done very well should pay more tax. We need to start a debate locally, a long term debate about tax justice because if we really want equality then we have to look at this both in terms of income and distribution as well as the section 75 groups and implementation of equality.

## Michael Wardlow

### Chief Commissioner of the Equality Commission for Northern Ireland



I would like to take this time to reflect on some points from today and tell you a bit about what the Equality Commission for Northern Ireland is working on.

I would welcome the opportunity to contribute; I believe it is very timely. I do not believe that equality happens by accident. Although some people engage with equality issues because they believe in the principle, more often people appear to need some legal requirement or basis made before they engage.

Some people regard Section 75 as golden bullet, but the fact remains that there is work to do to ensure its effective implementation by all public authorities and we know that deployment of the range of our enforcement powers is important in this regard.

The conference references austerity and the Commission has been consistent in expressing our concern about the impact of the economic downturn and reducing public expenditure on equality. We are also consistent in stressing that addressing inequalities was and is essential to creating and maintaining the conditions for peace in Northern Ireland.

As an aside, I must admit to have been disappointed when it became clear that we would not become an Equality and Good Relations Commission at this time, because it remains my view that although the equality duties are our bedrock we need to hold these duties in tension with and alongside the need to ensure people treat one another respectfully. I believe that new duties from the Commission would have better equipped us to have carried out this role.

If we only pay heed to equality issues because the law says we have to, in my view that is not a good place to be. Equality is also a hearts and minds issue and so it involves the balance of using the law while at the same time addressing how we change people's attitudes. I am happy that 40 years on from legislative change we have significant numbers of good and harmonious workplaces. But more has to be done, as only last week at a business meeting a young man said he wanted to set up a business but when he did he would not employ women because 'they only get pregnant.'

So, 40 years of fair employment and equal opportunities legislation and a much more balanced workforce, but we still have work to do address those embedded beliefs and barriers. We need to help people see that it is inherently a good thing to treat each equally not simply because the law says so.

Last week we issued our draft statement on educational inequalities. Although it once again raised concerns about the under achievement of working class Protestant boys, that was not the only issue that came out of the report. We are concerned on the lack of progress on a number of fronts. For example, the report highlighted the fact that BME Girls have dropped 10% in A level and 20% in GCSE attainment and I would like to understand why? While it is not acceptable that only 1 in 3 male Protestant boys on free school meals leave school with good GCSEs, it is equally unacceptable that the majority of Travellers will not finish school or that children who present with a disability are less likely to attend further education and are not being well served in terms of attainment at GCSE. The report also indicated that prejudice based bullying is on the increase. In addition, we have extremely limited statistics for young mums at school or young carers and again this is a major concern for the Commission.

There are other areas of concern for the Commission. The Single Equality Bill is one of these, and the fact remains that, despite being promised, it has not yet materialised. Same sex marriage is another matter of concern and it appears to me at least to be a strange situation for two men or women who have married in GB or Ireland that when they cross the Irish Sea or the land border with Ireland, the marriage ceases to be recognised.

Let me list some other ongoing work of the Commission. We continue to monitor 3500 workplaces, a number which covers about 70% of the workforce - teachers, the self employed, those on government training schemes and small employers who have under 11 staff are not monitored. We are currently doing some research into inequality in housing and we hope to publish before early next year. We are tendering for a similar piece on health inequalities, and will be using both research reports to update our key statement of key inequalities last published in 2007.

We continue in our strategic enforcement role, - 3500 people contact us every year with potential discrimination complaints and from this we end up supporting between 70 and 80 cases a year. 40% of those every year are disability related. Out of the gender calls, 40% of those are pregnancy related. In this regard, we are currently running an investigation into pregnancy and maternity in Northern Ireland - as during times of austerity we had observed some worrying employment patterns emerging relating to young women who are pregnant and/or returning to work

We are currently completing a paragraph 11 investigation into the Department of Social Development's compliance with its equality scheme in relation to a number of Housing Policies; this report will be available very soon. We have also been in conversation with the Civil Service on equality matters which may arise as a result of the Voluntary Exit Scheme.

I would want to emphasise that although we are not an anti poverty agency we are committed to looking at all of the equality grounds through a poverty lens and through this process to see if there are ways of tackling poverty or social economic disadvantage across all of those grounds.

We would like to see reform of our legislative frameworks and are concerned about the lack of progress on the necessary reforms to equality legislation to enhance protections from discrimination. We are concerned about the lack of progress on the range of Equality Strategies identified in the last PFG.

Also, we are clear that regard should be had to the principle of non regression on rights – in response to the Donaldson Review in April, we sought assurance that any current disadvantages experienced by equality constituencies in the delivery of health and social care are not compounded and new disadvantages are not created resulting in the undermining of the right to health and social care as a consequence of the reconfiguration of services and delivery arrangements – we pointed out that the obligation to prevent progression of rights has been articulated by the UN Committee on Economic Social and Cultural Rights.

The Equality Commission believes that within its authority and remit we have the statutory authority to say and do a number of things but alone we cannot deliver the whole range of huge and significant changes we need and so it is vital we work in partnership with others. I think during austerity more people on the margins of society are being left voiceless and this is not acceptable.

My hope for today is that we do not come out with just another statement but that it is a call to action and what can I as the Chief Commissioner of the Equality Commission do to assist in delivering for all who suffer enduring inequalities? We do not want it to be the case for future generations that a Protestant does not meet a Catholic until they go to work or University.

In this regard, I would suggest that continuing to talk about the two ‘main’ communities is a false dichotomy, as we are increasing multicultural and as this is a relatively new place to be it will continue to present us with some issues as we address enduring inequalities alongside new, emerging areas.

We need to be part of the solution, can we do better? - Yes we can and we should.

## Closing Call to Action



**Patricia McKeown** UNISON/ Co-convenor of the Equality Coalition

Thank you all very much. As we said at the start, the Equality Coalition will bring together everything that has been said today, produce a conference report and launch it. Significantly, today we have had a conversation that is well overdue. We are living in a world that increasingly pushes us into 'silo' working. That has been a source of increasing frustration for the Coalition membership.

When the change we seek does not come quickly enough or appears to be blocked there is a tendency for organisations to concentrate on our own issues. In today's event we have revived our collective approach on how we might better collaborate to make a better society by using equality and human rights tools. In the current climate that is essential.

A number of points strike me post 2007 and post the St Andrews Agreement in particular. It appears from what many of our constituent organisations say, that there tends to be agreement from nationalist/ republican political parties on the centrality of equality and human rights and from unionist parties there tends to be disagreement on the same issues. Of course, it is not just as simple as that. We all know from experience that many of our Unionist politicians individually subscribe to the proposals we make to create a society better but 'party lines' appear to get in the way.

Since the Good Friday Agreement, the NI Act 1998 and the establishment of our devolved Government, we have possibly not given sufficient attention to precisely how an enforced power-sharing coalition should work. This became particularly relevant in 2007 when the 'new' political leads - DUP and Sinn Fein appeared to be irrevocably opposed to each other. How should power sharing work and what is our role trying to make it work?

I do not think we have had that conversation yet to any significant extent and that may be our next step.

The absence of human rights and regression on rights and equality is happening almost universally. Here, we have a unique form of government. Our government may need more assistance than they think.

That assistance is not coming in any constructive way from the governments that are co-signatories of the Peace Agreement. It is much more likely that we in civil society need to find new ways of re-engaging on our agenda.

One of key issues I picked up from the workshops is that there is a distinct appetite for mobilising. Each organisation has been engaged in different forms of activism. What is the most successful? Is it one model or many? At this event today we know that we are a wide ranging cross section of society. Many of the organisations are themselves 'umbrella' groups but we also know that we are not the 'People' and we cannot be used as gate keepers. One of the toughest things I regularly confront in my job as a trade unionist is how to engage the members and how to encourage ordinary people; with all the problems they face in daily life, to become active on these issues. Enthusiasm about our devolved political system has given way to widespread cynicism. Most people are 'informed' by the spin they read or hear in the press, on the radio, or TV. Cynicism feeds the attitude that 'nothing can be done' or it deepens sectarian division. From our perspective this conference is a call to action. We must go back and re-engage with our own people and share the conversations we have been having today. Getting many more people mobilised around these issues was a clarion call from all the workshops.

From the workshop on mapping austerity came a clear example of how we can take the 'driest' of subjects and make it human and accessible. In that workshop we saw a demonstration of great expertise as the contributors translated for us how a budget decision or an austerity measure actually impacts on an ordinary person's life. We need to have that conversation and use those real life case studies to a much greater degree.

There are many inequalities in this society. We have mapped them. This week the under achievement of working class protestant boys is making a headlines again. We know that this is one of the many unacceptable outcomes of our education system. However, it is an issue we need to discuss with the affected communities where opposition to the equality and human rights agenda has often been fostered. Understanding the root cause of one form of inequality or absence of rights opens up the conversation on many more.

In this very room two years ago the Human Right Consortium organised a session with the UK Bill of Rights Commission which had been established by the UK Government to serve its agenda of removing the Human Rights Act. A very wide range of civil society organisations gave evidence that we needed a specific Bill of Rights for Northern Ireland as promised in our peace agreement. We also had representatives from deprived loyalist communities who were very honest about the fact that they had thought that this whole equality and human rights agenda was a stalking horse for a united Ireland. Due to the outreach work of the Consortium within those communities they gave clear evidence that they needed equality and human rights implementation to turn things around - to make life better, fairer and much more decent. Much more of this kind of work needs to be done.

It is not permissible for politicians and others to use flags and emblems as a diversion or to constantly bombard people with the myth that there are in dire straits because 'those people over there' have got something at 'your' expense. We are all dedicated to equality and human rights and engagement is something that needs to come out of this work.

It has been good to have the UN here today. We also have the OECD and we have human rights lawyers participating. We all heard what was said in the Using the Law workshop. Sharon was a committed civil servant who pushed equality but she described the 'line' that she had to walk in order to have this agenda progressed. Why should anyone have to walk such a tight line to implement government policy and the law? She also advised that if you get a Minister who is committed to equality then some things might happen but if you don't then nothing will happen.

The Equality Commission also flagged up this issue of political will. There are codes. There is policy and law. There is collective responsibility and Ministers should not be able to just do their own thing. A Minister's party or his/her personal belief system cannot be used as an excuse for ignoring equality and human rights obligations. The workshop also explored the implications of the celebrated judicial review.

CAJ succeeded against NI Executive on the lack of an anti poverty strategy for Northern Ireland as set out in 28E of the NI Act 1998. The question was posed - what do we do next? Can we force them to do something? The answer seems to be that it is up to us to exert the pressure.

How do we put them under pressure from today? The NI Human Rights Commission made a point about not taking the poor case that will lose, but instead pursuing the smart strategic case. There are codes of conduct for our Ministers. There is the Good Friday Agreement itself, subsequent agreements and the NI Act. We also have anti discrimination laws. We need to make sure that the people we elect behave in accordance to those codes that we also agreed were part of this peace process. Today's workshops have demonstrated that we have a great deal more work to do. From expanding activism on the ground right through to where we might put some manners on those areas of our decision-making system which are failing us.

This was what the people voted for in 1998 – the chance of a better future and it is possible. I think that renewed commitment and common cause clearly emerged from all of the workshops. There is still a very vibrant section of civil society who wants to keep this agenda alive. We are under no illusions as to the obstacles. Many of the organisations engaged in this work have been decimated by cuts. If opponents really want to obstruct the human rights and equality agenda then one way to do it is to start picking off the organisations who are most vocal in pursuit of those rights. Some of the jobs may be gone but for a lot of the people at this Conference the commitment remains. Many are working, voluntarily, to get the job done.

Thank you for your participation today. Thanks to all who presented. As we hoped we have had thought provoking presentations and interventions. It is clear that we are ready to take back the space and re-engage as civil society with those we elect.



# **Austerity and Inequality: A threat to peace?**

## **Key points from Conference**

Equality Coalition members at their meeting of the 3 November 2015 agreed the following key points:

### **1: Austerity and resultant inequality are a threat to peace**

- The two governments themselves in the 2003 Joint Declaration took the position that unless the 'economic and social profile' of the most disadvantaged communities, including areas which were 'predominantly loyalist or nationalist' were 'positively transformed' the reality of a 'fully peaceful' society would not be complete. Government has however for a number of years been pursuing austerity policies that it knows are going to make the conditions for people in such communities much worse;
- We cannot be blind to international experience. The impacts of austerity fuel both inequality and conflict in many places. To impose them in a divided society emerging from a conflict in which inequality was a major issue carries significant additional dangers. The very patterns of deprivation, disadvantage and inequality that the peace settlement committed to tackling are likely to be now exacerbated and entrenched.

### **2: Whilst austerity is London-imposed the Northern Ireland Executive have some powers to make policy choices that can mitigate its impacts**

- The NI Executive should, on the basis of objective need, adopt the strategy to tackle poverty, social exclusion and patterns of deprivation that it is legally required to do;
- The NI Executive should raise revenue through increasing the rates paid on properties owned by the better off;
- The NI Executive should introduce rent controls to both alleviate the cost pressures on low income families and, by reducing Housing Benefit monies paid to property owners, provide an alternative method of reducing social security costs;
- The NI Executive should adopt a childcare strategy that implements comprehensive provision and boosts the economy by allowing parents to stay in work and increasing the economic participation of women.

### **3: The UK government should not impose economic policies blind to the particular circumstances of Northern Ireland and the peace settlement**

- The UK government should cease to impose economic sanctions on Northern Ireland and rescind the 100s of millions of pounds of 'fines' already levied for resistance to implementing social security cuts. The UK government knows such cuts would exacerbate deprivation, religious inequality, child poverty, and a situation of high rates of disability in conflict with its commitments in the peace agreements;
- Rather than a norm of blanket introduction government should proof its macro policies against the particular circumstances of Northern Ireland. For example how is an ideological drive to reduce the size of the state going to impact in a context where areas most affected by the conflict here tend to be those most reliant on a higher proportion of public sector employment and services? How is it going to impact on existing inequalities in health and housing?
- The UK government should cease rolling back the equality and human rights provisions of the peace Agreements and implement its many outstanding commitments.

### **4: Austerity measures, including the Stormont House Agreement package, must be subject to the equality proofing tools of the peace settlement.**

- There is a concerning pattern emerging whereby major policy decisions on social security or public sector cuts are studiously avoiding proper equality proofing. Equality Impact Assessments (EQIAs) require the consideration of alternative policies where proposed policies will negatively impact on equality. There is no exemption for austerity.
- The permanent disappearance of up to 20,000 public sector jobs and the services they provide under the 'Voluntary Exit Scheme' is being taken forward without an overarching EQIA. Some public authorities have already taken the view that there will be no equality impacts regardless of who applies and who is selected, even if the VES exacerbates the unemployment differential, unequal pay or leads to the under representation of other equality groups in the workforce;
- As well as the equality duties other tools such as human rights budget analysis should also be used to scrutinise the impact of policies and proposals. At present there is no centralised monitoring of the cuts and their impacts on substantive equality across all categories. All austerity policies including those under the Stormont House Agreement should be properly equality proofed.

## Appendix 2: Delegates List

Allamby	Les	NI Human Rights Commission
Alexander	Geraldine	NIPSA
Anthony	Gordon	Barrister / Queen's University
Antova	Ivanka	Queen's University Belfast
Attwood	Gemma	NI Community Relations Council
Bates	Evan	Health Sector
Bell	Christine	University of Edinburgh
Bras Gomes	Maria Virginia	ICESCR Committee Member
Bray	Patricia	Disability Action
Browne	Nicola	Participation & the Practice of Rights
Carolan	Fidelma	UNISON
Carvill	Lynn	Women's Budget Group
Corrigan	Patrick	Amnesty NI
Crickard	Helen	Women's Information NI
Devlin	Fiona	Department of Foreign Affairs
Eyben	Karin	Corrymeela
Fairmichael	Rob	CCWA
Finlay	Ellen	WRDA
Fitchie	Sharon	Former Equality Office DARD
Gibson	Diane	
Gormally	Brian	CAJ
Graham	Phyllis	
Griffith	Liz	Law Centre NI
Guelke	Adrian	Queen's University Belfast
Hanratty	Kevin	Human Rights Consortium
Hardy	Patrice	Equality Commission
Harper	Irene	Greater Belfast Seniors Lifestyle Forum
Harvey	Colin	Queen's University Belfast
Hawkins	David	Public Interest Litigation Service
Holder	Daniel	CAJ/ Equality Coalition
Horgan	Goretti	NI Child Poverty Alliance / UU
Jones	Charmain	Rural Communities Network
Jordan	Glenn	Law Centre NI
Kearney	Declan	Sinn Féin National Chairperson
Kidd	Philip	CAJ Volunteer
Kuhlann	Rebecca	WIFNI
Lanao	Charo	
Larumbe	Frank	Volunteer Now
Long	Alistair	UNISON
MacFlynn	Paul	NEVIN Institute
Mackel	Paddy	NIPSA
Mackey	Mari-Louise	

Mahaffy	Thomas	UNISON/ Equality Coalition
McAleer	Liz	CAJ
McAliskey	Bernadette	STEP
McAnenny	Donna	
McCabe	Áine	Special Advisor deputy First Minister
McCloskey	Stephen	Centre for Global Education
McDowell	Ryan	CAJ Volunteer
McEneaney	Jenny	
McKay	Susan	Author and Journalist
McKeever	Lucia	UNISON
McKeown	Gemma	CAJ
McKeown	Patricia	UNISON/ Equality Coalition
McLean	John	
McNaull	Gillian	Queen's University Belfast
McNulty	Janette	Department of Education
McVeigh	Robbie	Researcher
McVicker	Anne	WRDA
Miller	Ryan	Nick Garbutt
Murtagh	Jeanette	CAJ Volunteer
Nikolov	Stan	Photographer
Ni nhearain	Una	UNISON
Ni Shabhaois	Ursula	Conradh na Gaeilge
Noonan	Paul	Equality Commission NI
Ostry	Adam	OECD
O'Toole	Nuala	
Otto	Antje	
Patterson-Bennett	Emma	CAJ/ Equality Coalition
Reynolds	Joe	OFMDFM Equality Unit
Robinson	Michael	Dept Regional Development
Rooney	Eoin	Sinn Féin
Ruddy	Jenny	MS Society
Smith	Janet	
Speed	Anne	UNISON/ NIC-ICTU
Super	Elizabeth	
Swallow	Jonathan	UNISON
Tennant	Alex	NI Commissioner for Children & Young People
Vasiliauskaite	Egle	
Verdirame	Christina	CAJ Volunteer/ QUB
Walsh	Caroline	Women's Support Network
Ward	Kate	PPR
Wardlow	Michael	Equality Commission for NI
Yu	Patrick	NI Council for Ethnic Minorities
Yu	Kevin	NI Council for Ethnic Minorities



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