



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to the Department for Communities
in Response to Their Equality Impact
Assessment of the Draft Budget 2021-22**

February 2021

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Recommendations

- 2.8 The NIHRC recommends that decisions regarding the budget for 2021-22 should reflect the best use of the maximum available resources and uphold the principle of non-retrogression.**
- 2.14 The NIHRC recommends that the DfC address the support available for working households to address levels of in-work poverty.**
- 2.24 The NIHRC recommends that the Department of Finance provide additional funding to the DfC to ensure that they can fulfil their statutory obligations and adequately meet the increased need for support for social security claimants.**
- 2.25 The NIHRC recommends that the DfC take steps to mitigate the impact of delays on benefit claimants as a result of under staffing as soon as possible to ensure that those already in crisis are not pushed further into debt.**
- 2.30 The NIHRC advises the Department that the New Mitigation Package, guided by the Cumulative Impact Assessment of Tax and Social Security Reforms commissioned by the NIHRC, would assist in redressing the regressive financial impacts of 2010 social security reforms.**
- 2.36 The NIHRC recommends that the Independent Advice Sector receive adequate funding to ensure the continued effective provision of independent information and advice on social security benefits to those who require it most.**
- 2.40 The NIHRC recommends that the Social Sector Size Criteria and Benefit Cap for families mitigations continue and that the Social Sector Size Criteria gaps in mitigations are resolved.**
- 3.12 The NIHRC recommends that the UK government repeal the two-child limit and in the interim the NI Executive provides mitigation measures to deal with this provision.**
- 3.13 The NIHRC recommends the Executive Office produce a Childcare Strategy in line with its commitments under New Decade New Approach, and commits funding to financially support the cost of childcare.**

3.20 The NIHRC recommends that the DoF implement the additional £20 payment to low income households with a person with a disability, as reflected in the New Mitigation package recommended by the NIHRC, to offset the disproportionate losses to annual income experienced by households with disabilities because of tax and social security reforms since 2010.

3.26 The NIHRC recommends that the NI Executive commit to the uplift to the Carer's Allowance to support carers with the additional impact of Covid-19 on their caring responsibilities.

3.32 The NIHRC advises that social security measures already have a disproportionate adverse impact on certain Section 75 categories. Any policies taken forward that have a disproportionately adverse impact on certain groups as a result of the flat resource budget must be justified, necessary, proportionate and temporary, in line with international human rights standards.

1.0 Introduction

- 1.1. The Northern Ireland Human Rights Commission (NIHRC), pursuant to Section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). In accordance with this function, the following advice is submitted to the Department for Communities (DfC) in respect of its consultation on the Equality Impact Assessment of the Draft Budget 2021-22.
- 1.2. The NIHRC bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, and the treaty obligations of the Council of Europe (CoE) and United Nations (UN). The relevant regional and international treaties in this context include:
 - European Convention on Human Rights (ECHR);¹
 - UN Convention on Economic, Social and Cultural Rights (UN ICESCR);²
 - UN Convention on Elimination of Discrimination against Women (UN CEDAW);³
 - UN Convention on the Rights of the Child (UN CRC)⁴; and
 - UN Convention on the Rights of Persons with Disabilities (UN CRPD).⁵
- 1.3. In addition to these treaty standards, there exists a body of 'soft law' developed by the human rights bodies of the CoE and UN. These declarations and principles are non-binding, but provide further guidance in respect of specific areas.
- 1.4. The NIHRC welcomes the opportunity to respond to the DfC's equality impact assessment of the draft Budget for 2021-22. While we welcome the extension of pre-existing mitigation measures to ease the impact of social security reforms in NI, the NIHRC would refer the Department to its Cumulative Impact Assessment on Tax and Social Security Reforms in Northern Ireland for recommendations on New Mitigation packages with its analysis of the income redistribution impact and hence anti-poverty value.⁶

¹ Ratified by the UK in 1951.

² Ratified by the UK in 1976.

³ Ratified by the UK in 1979.

⁴ Ratified by the UK in 1991.

⁵ Ratified by the UK in 2009.

⁶ NI Human Rights Commission, 'Cumulative Impact Assessment of Tax and Social Security Reforms', (NIHRC, 2019).

2.0 Key Challenges to the Draft Budget and Social Security Provision

- 2.1 While there is no explicit right to social security in the European Convention on Human Rights (ECHR), European Court of Human Rights (ECtHR) jurisprudence has repeatedly reflected social security rights, with cases brought under articles 8 and 14 and article 1 of protocol 1.⁷
- 2.2 Article 9 of the UN International Covenant on Economic, Social and Cultural Rights (ICESCR) protects the right to social security, noting “the States Parties to the present Covenant recognize the right of everyone to social security, including social insurance”. The right to social security is also provided for by the UN Convention on the Elimination of Discrimination against Women (UNCEDAW),⁸ the UN Convention on the Rights of the Child (UNCRC),⁹ and the UN Convention on the Rights of Persons with Disabilities (UNCRPD).¹⁰
- 2.3 Article 2(1) of the ICESCR obligates States Parties to take steps to “individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant”. Article 2(2) identifies that the rights contained within the Covenant will be enjoyed “without discrimination”.¹¹
- 2.4 While the right to social security should be progressively realised to the maximum of the state’s available resources, there remains a duty to not apply policies or measures that disproportionately discriminate against certain groups. The UN Committee on Economic, Social and Cultural Rights (CESCR) has identified that the ICESCR:

The obligation of States parties to guarantee that the right to social security is enjoyed without discrimination (article 2, paragraph 2, of the Covenant), and equally between men and women (article 3), pervades all of the obligations under Part III of the Covenant.¹²

- 2.5 While the State Parties can take steps with the view to progressively achieving rights contained within the Covenant, the CESCR has identified the obligation on State Parties to move expeditiously toward full realisation of rights and any deliberately retrogressive measure would require careful

⁷ Moskal v Poland [2009] 50 EHRR 22; Kjartan Ásmundsson v Iceland [2004] ECHR 512; in both cases pertain to applicants who had pension payments removed by the state, the ECtHR held a violation to Article 1 of Protocol 1 in both cases.

⁸ At article 13.

⁹ At article 26.

¹⁰ At article 28.

¹¹ The right to non-discrimination is also protected by Article 14 of the ECHR; see also Article 2 of CEDAW, Article 2 of CRC, Article 5 of CRPD and Article 2 of CERD.

¹² E/C.12/GC/19, UN Committee on Economic, Social and Cultural Rights, ‘General Comment No. 19: The Right to Social Security (art. 9)’, (CESCR, 2007), at para 29.

consideration and justification in the context of the full use of maximum available resources.¹³

- 2.6 In its most recent concluding observations on the UK, the CESCR identified its concerns that social security reforms were having a disproportionate, adverse impact on the enjoyment of rights by marginalised groups.¹⁴ The CESCR reminded the UK government of its obligation under article 2 of UNCESCR, and noted that any policies or measures enacted to manage a period of crisis must be “temporary, necessary, proportionate and not discriminatory, must not disproportionately affect the rights of disadvantaged and marginalized individuals and groups and respect the core content of rights”.¹⁵
- 2.7 DfC identified that, in a normal year, adverse impacts on Section 75 groups resulting from a flat Resource budget would be modest.¹⁶ However, the DfC recognises that the Covid-19 pandemic’s impact on the economy and individual households means, “operating with a flat budget will impact on core service delivery and potentially a number of Section 75 categories”.¹⁷ The NIHRC would highlight that social security benefits, as a minimum, should guarantee an adequate standard of living for all recipients. Moreover, decisions on social security budget allocation must reflect the best use of maximum resources and uphold the principle of non-retrogression.
- 2.8 The NIHRC recommends that decisions regarding the budget for 2021-22 should reflect the best use of the maximum available resources and uphold the principle of non-retrogression.**

Poverty and Social Security

- 2.9 The CESCR has identified their concerns at levels of poverty in the UK, noting higher rates of poverty among persons with disabilities, persons belonging to ethnic, religious or other minorities, single-parent families and families with children.¹⁸ The CESCR recommended that the State introduce targeted support for those living in poverty and for those at risk of poverty.¹⁹

¹³ E/1991/23, UN Committee on Economic, Social and Cultural Rights, ‘General Comment No. 3: The Nature of States Parties’ Obligations’, (CESCR, 1990), at para 9.

¹⁴ E/C.12/GBR/CO/6, UN Committee on Economic, Social and Cultural Rights, ‘Concluding Observations on the Sixth Periodic Review of the United Kingdom of Great Britain and Northern Ireland’ (CESCR, 2016), at para 18.

¹⁵ Ibid, at para 19.

¹⁶ Department for Communities, ‘Equality Impact Assessment’, (DfC, 2020), at para 6.5.

¹⁷ Ibid.

¹⁸ E/C.12/GBR/CO/6, UN Committee on Economic, Social and Cultural Rights, ‘Concluding Observations on the Sixth Periodic Review of the United Kingdom of Great Britain and Northern Ireland’ (CESCR, 2016), at para 47.

¹⁹ Ibid, at para 48.

- 2.10 Research for 2018/19 indicates that 19% of individuals (approximately 350,000) lived in relative poverty before housing costs (BHC) in NI, while 16% of individuals (approximately 303,000) lived in absolute poverty. In the same year, 24% of children (approximately 107,000) were living in BHC relative poverty, while 21% of children (approximately 92,000) lived in absolute poverty.²⁰
- 2.11 Overall, tax and social security reforms since 2010 are estimated to increase BHC relative child poverty by 8 percentage points, household poverty by 2 percentage points and adult poverty by 1 percentage point in 2021-22.²¹
- 2.12 In recent years, there has been a marked rise in “in-work” poverty, which occurs when working households do not have enough income to lift them above the poverty line and provide a decent standards of living.²² This can be attributed in part to the significant scaling back of means-tested support for working families under previous UK reforms of social security.²³ In the UK, the level of in-work poverty among adults has risen by 26.5% between 2004/05 and 2014/15.²⁴ In NI, in-work poverty equates to 45% of all income poverty, meaning, “over three fifths of individuals in poverty in the jurisdiction reside in households with at least one adult in work”.²⁵
- 2.13 The DfC’s equality impact assessment states that work is widely recognised as the best route out of poverty.²⁶ While work has many positive benefits, only well paid work with associated decent terms and conditions is a guaranteed route out of poverty, as evidenced by the continued increase in poverty among working households. This is particularly true for lone parent families, families with dependents and those in low paid, insecure work.²⁷
- 2.14 The NIHRC recommends that the DfC address the support available for working households to address levels of in-work poverty.**

Covid-19 Pandemic and Rise in Unemployment

²⁰ Department for Communities, ‘Northern Ireland Poverty Bulletin 2018/19’, (DfC, 2020).

²¹ NI Human Rights Commission, ‘Cumulative Impact Assessment of Tax and Social Security Reforms’, (NIHRC, 2019), at 96.

²² Women’s Regional Consortium, ‘In-Work Poverty: Women’s Perspectives’, (WRC, 2018), at 4.

²³ Ibid, at 19.

²⁴ Ibid, at 4

²⁵ Ibid.

²⁶ Department for Communities, ‘Equality Impact Assessment’, (DfC, 2020), at para 6.15.

²⁷ NI Human Rights Commission, ‘Cumulative Impact Assessment of Tax and Social Security Reforms’, (NIHRC, 2019), at 96.

- 2.15 Social distancing and lockdown measures taken in respect of the Covid-19 pandemic have seen the highest recorded contraction of the UK economy and seen a rise in unemployment.²⁸
- 2.16 The Northern Ireland Statistics and Research Agency have identified that rates of unemployment remained higher than pre-Covid-19 levels while employment rates remain below pre-Covid-19 levels. Unemployment has risen to 3.2%, employment has fallen to 70.6%, and the rate of economic inactivity has risen to 27%.²⁹ During 2020 there were 11,000 collective redundancies proposed with 4,680 confirmed to have taken place, the highest number of proposed and confirmed redundancies in ten years.³⁰
- 2.17 The DfC identified that the Universal Credit caseload has increased from 63,170 households pre-pandemic, to over 140,000 households since the beginning of March 2020.³¹ The level of household claimants is expected to increase as Covid-19 restrictions continue, and the potential ending of furlough schemes take effect on the economy.³²
- 2.18 The DfC's Equality Impact Assessment identifies that the proposed flat resource budget will adversely impact on benefit delivery for working age customers given the increased demand for working age social security and employment support.³³
- 2.19 The draft budget provides no additional allocation to address the need for increased staffing numbers to process and pay working age benefits.³⁴ Insufficient staffing resources mean processing times will increase with additional delays in processing people's change in circumstances, which will result in under or over payments.³⁵ The DfC have identified that this will adversely impact some Section 75 groups.
- 2.20 Universal Credit is already designed with a five-week delay between a person filing a claim and when they receive payment of the benefit. In his 2019 report on the United Kingdom, the (then) Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, identified that these delays often take up to twelve weeks pushing many claimants who may already be in crisis "into debt, rent arrears and serious hardship".³⁶ Professor Alston recommended that the UK government should "eliminate the five-week delay in receiving initial UC benefits".³⁷ Rather than

²⁸ 'UK Economy Suffered Record Annual Slump in 2020', (BBC, 2020).

²⁹ Northern Ireland Statistics and Research Agency, 'Northern Ireland Labour Market Report', (NISRA, 2020), at 6.

³⁰ Ibid

³¹ Department for Communities, 'Equality Impact Assessment', (DfC, 2020), at para 6.6.

³² Ibid.

³³ Ibid, at 6.5.

³⁴ Ibid, at para 6.11.

³⁵ Ibid.

³⁶ A/HRC/41/39/Add.1, 'Visit to the United Kingdom of Great Britain and Northern Ireland, Report of the United Nations Special Rapporteur on extreme poverty and human rights', 23 April 2019, at para 52.

³⁷ A/HRC/41/39/Add.1, 'Visit to the United Kingdom of Great Britain and Northern Ireland, Report of the United Nations Special Rapporteur on extreme poverty and human rights', 23 April 2019, at para 96(h)

redressing the delay in benefit payment that is driving people further into debt, this draft budget will exacerbate its impact.

- 2.21 Through their concluding observations on the UK, the CESCR has repeatedly recommended that the state “review its employment policies to address the root causes of unemployment ... with a specific focus on groups disproportionately affected by unemployment, such as young people, persons with disabilities and persons belonging to ethnic, religious or other minorities”.³⁸
- 2.22 The International Labour Organisation (ILO) has identified labour market interventions to mitigate unemployment and help the unemployed back into work as an effective way to manage a crisis.³⁹ In response to the economic impact of Covid-19, the ILO have called for “urgent and immediate policy responses to actively support transitions into decent work and prevent a significant drop in labour market participation”.⁴⁰
- 2.23 The DfC had planned to introduce a JobStart programme for 16-24 year olds, the Advisory Discretion Fund Expansion including payments to cover Childcare costs and a Work Experience Programme for 18-24 year olds, all of which will now be postponed under the draft budget.⁴¹ Due to the flat resource budget, these programmes will not be able to go ahead, meaning that NI will be the only area of the UK “not adequately resourced to support people who face unemployment in the middle of the biggest economic crisis faced in our lifetime”.⁴² This will impact on those Section 75 groups who faced pre-existing barriers to employment.
- 2.24 The NIHRC recommends that the Department of Finance provide additional funding to the DfC to ensure that they can fulfil their statutory obligations and adequately meet the increased need for support for social security claimants.**
- 2.25 The NIHRC recommends that the DfC take steps to mitigate the impact of delays on benefit claimants as a result of under staffing as soon as possible to ensure that those already in crisis are not pushed further into debt.**

New Decade New Approach Agreement and Mitigation Packages

- 2.26 As part of the Fresh Start Agreement, the Executive committed to a

³⁸ E/C.12/GBR/CO/6, UN Committee on Economic, Social and Cultural Rights, ‘Concluding Observations on the Sixth Periodic Review of the United Kingdom of Great Britain and Northern Ireland’ (UNCESCR, 2016), at para 30; see also E/C.12/GBR/CO/5, UN Committee on Economic, Social and Cultural Rights, ‘Concluding Observations on the Fifth Periodic Review of the United Kingdom of Great Britain and Northern Ireland’ (UNCESCR, 2009), at paras 20-21.

³⁹ International Labour Organisation, ‘Covid-19: Public Employment Services and Labour Market Policy Responses’, (ILO, 2020).

⁴⁰ Ibid, at 15.

⁴¹ Department for Communities, ‘Equality Impact Assessment’, (DfC, 2020), at para 6.6.

⁴² Ibid, at para 6.16.

£585m mitigation package to help ease the financial impact of social security reform, with the view to review the funding package in 2018/19.⁴³ The agreement also made provisions for additional funding to independent advice services “in recognition of the complexity of welfare and tax credit changes”.⁴⁴ The New Decade New Approach agreement extended the mitigation package beyond March 2020 and identified that “a review of welfare mitigation measures will be taken forward as a priority, with any agreed measures in place before March 2020”.⁴⁵

- 2.27 Pre-existing mitigation packages have absorbed some of the financial burden caused by social security reform in Northern Ireland, particularly for the most vulnerable groups. The Joseph Rowntree Foundation identified that lower housing costs and “the mitigation of some benefits and tax credit changes” have attributed to lower levels of child poverty in NI compared to England and Wales, while mitigation measures “may have contributed to the lower poverty rate among disabled people in Northern Ireland than in the UK as a whole”.⁴⁶
- 2.28 While current mitigation packages have eased some of the adverse impacts of social security reform, members of the independent advice sector have called for a revised package to mitigate the hardship associated with “emerging issues” around Universal Credit, housing, children and families, and advice support.⁴⁷
- 2.29 The DfC identified that their New Decade New Approach bids included £57.7m funding for a range of new mitigations recommended by the NIHRC.⁴⁸ The proposed mitigation package reduces the average loss from social security reforms from £825 to £575 per year, an overall reduction of 30%.⁴⁹ The new mitigations package would see lone parents’ losses fall from around 11% of net income to around 6.5%, while couples with children would see losses to net income reduced from around 3% to just under 2%.⁵⁰ Households with a disability score of 6 or more would see a reduction to the overall losses to their net income by around one-third.⁵¹ However, the draft budget settlement provides no allocation for the DfC to

⁴³ NI Office, ‘Fresh Start: Stormont Agreement and Implementation Plan’ (NIO, 2015), at Section C.

⁴⁴ *Ibid.*, at Section C, para 3.1.

⁴⁵ NI Office, ‘New Decade, New Approach’, (NIO, 2020), at Appendix 1, xvi.

⁴⁶ Joseph Rowntree Foundation, ‘Poverty in Northern Ireland 2018’, (JRF, 2018).

⁴⁷ Advice NI, Housing Rights and Law Centre NI, ‘Welfare Reform: Mitigations on a cliff edge’ (Advice NI, Housing Rights and Law Centre NI, 2018), at 3.

⁴⁸ NI Human Rights Commission, ‘Cumulative Impact Assessment of Tax and Social Security Reforms’, (NIHRC, 2019); see chapter 8 for a full list of proposed mitigations.

⁴⁹ *Ibid.*, at 131.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

deliver on the New Mitigations package.⁵² This will have an adverse impact on those who are already negatively impacted by social security reforms.

2.30 The NIHRC advises the Department that the New Mitigation Package, guided by the Cumulative Impact Assessment of Tax and Social Security Reforms commissioned by the NIHRC, would assist in redressing the regressive financial impacts of 2010 social security reforms.

Independent Advice Sector Funding

- 2.31 The CESCR identified that reforms to legal aid systems have “restricted access to justice in areas such as employment, housing, education and social welfare benefit”.⁵³ The CESCR recommended that the UK government review its legal aid reforms with the view to ensuring access to justice, particularly in respect of marginalised individuals and groups.⁵⁴
- 2.32 Section 10 of the Access to Justice (Northern Ireland) Order 2003 provides for services to give advice on the application of the law in certain circumstances.⁵⁵
- 2.33 The (then) Department for Social Development’s strategy for the Delivery of Generalist Advice Services in Northern Ireland 2015-2020, which now falls under the responsibility of the DfC, identified its commitment to “enhance the sustainability of the Advice Sector” under objective 3.⁵⁶ The strategy identified that the period covered by the strategy was likely to be a challenging budget environment, but the Advice Sector would play a key role in “exploring alternative funding models, exploring alternative funding sources, being open to new service delivery models, reducing bureaucracy and using shared services”.
- 2.34 The proposed budget provides no allocation for the independent advice sector to support social security change. The DfC has noted that this equates to a £1.5m reduction in funding to the advice sector which provides support to the most vulnerable groups in NI, meaning this lack of

⁵² Ibid, at para 6.17.

⁵³ E/C.12/GBR/CO/6, UN Committee on Economic, Social and Cultural Rights, ‘Concluding Observations on the Sixth Periodic Review of the United Kingdom of Great Britain and Northern Ireland’ (UNCESCR, 2016), at para 20.

⁵⁴ Ibid, at para 21.

⁵⁵ *Access to Justice (Northern Ireland) Order 2003*, at section 10(3).

⁵⁶ Department for Social Development, ‘Advising, Supporting and Empowering: A Strategy for the Delivery of Generalist Advice Services in Northern Ireland 2015-2020’, (DSD, 2015), at 5.

funding will likely negatively impact on a number of Section 75 categories.⁵⁷

- 2.35 There are pre-existing accessibility issues around social security payments in NI, including substantial reliance on online interaction, lack of practice support, documentation requirements and bureaucratic delays.⁵⁸ Vulnerable groups are particularly impacted as a result, including people who may not use or access the internet, including rural communities without appropriate internet connection, people with specific disabilities and refugees and those seeking asylum who may not have the required documentation.⁵⁹ Thus, the continuation of funding for independent advice is crucial in delivering “clear, transparent and impartial information” to people accessing social security benefits.⁶⁰

2.36 The NIHRC recommends that the Independent Advice Sector receive adequate funding to ensure the continued effective provision of independent information and advice on social security benefits to those who require it most.

Housing Transformation

- 2.37 The DfC have identified that they have received no allocation in the draft budget for Housing Transformation, which will delay the progression of the NI Housing Executive’s (NIHE) revitalisation programme to secure the long term future of social housing stock.⁶¹
- 2.38 Northern Ireland’s social housing has high levels of under-occupancy and low levels of availability of smaller properties.⁶² The DfC have identified that this means claimants affected by the Social Sector Size Criteria policy are often unable to downsize homes to avoid a reduction to their benefit entitlement.⁶³ Moreover, there are circumstances where a move can lead to a loss of the Social Sector Size Criteria mitigations.⁶⁴

⁵⁷ Department for Communities, ‘Equality Impact Assessment’, (DfC, 2020), at para 6.19.

⁵⁸ NI Human Rights Commission, ‘Submission to the Northern Ireland Affairs and Work and Pensions Committees’ Joint Inquiry into Northern Ireland’s Social Security Policy’, (NIHRC, 2020), at para 7.2.

⁵⁹ NI Human Rights Commission, ‘Submission to the Northern Ireland Affairs and Work and Pensions Committees’ Joint Inquiry into Northern Ireland’s Social Security Policy’, (NIHRC, 2020), at para 7.3.

⁶⁰ NI Human Rights Commission, ‘Submission to the Northern Ireland Affairs and Work and Pensions Committees’ Joint Inquiry into Northern Ireland’s Social Security Policy’, (NIHRC, 2020), at para 4.19.

⁶¹ Department for Communities, ‘Equality Impact Assessment’, (DfC, 2020).

⁶² Joseph Rowntree Foundation, ‘Universal Credit Could be a Lifeline in Northern Ireland But it Must be Designed by the People Who Use It’, (JRF, 2020), at 7.

⁶³ Department for Communities, ‘Review of Welfare Mitigation Schemes’ (DfC, 2019), at 39.

⁶⁴ Chartered Institute of Housing NI, ‘Chartered Institute of Housing NI Welcomes Extension of Bedroom Tax Mitigations’, (CIH, 2020).

2.39 Further, those families affected by the benefit cap elsewhere in the UK have particular difficulties in paying their rent.

2.40 The NIHRC recommends that the Social Sector Size Criteria and Benefit Cap for families mitigations continue and that the Social Sector Size Criteria gaps in mitigations are resolved.

3.0 The Impact of the Draft Budget on Section 75 Groups

People of Different Ages

- 3.1. The CESCR identified concerns regarding disproportionately high rates of unemployment among younger people in the UK, recommending the State party review its employment policies to address root causes of unemployment and produce an action plan with a specific focus on groups disproportionately impacted by unemployment, including young people.⁶⁵ Rates of unemployment among young people have only risen as a consequence of the Covid-19 pandemic.
- 3.2. The Institute of Fiscal Studies identified that sectors that were shut down as a result of Covid-19 social distancing measures employed 30% of employees under the age of 25.⁶⁶ NI Assembly research indicates that under 25s were most likely to be affected by job loss, interruption of their employment and to be furloughed resulting in a 20% pay cut which was later increased.⁶⁷ This equated to a rise in younger people claiming out of work benefits in the period from February to May 2020.⁶⁸
- 3.3. The lack of budget allocation for job market interventions to help people back into employment will have a disproportionate impact on young people who have lost their jobs as a result of Covid-19. This impact will likely worsen when furlough schemes end should more redundancies follow.
- 3.4. Pre-existing accessibility issues in relation to social security payments in NI, including and over-reliance on online interaction have a disproportionate impact on older people who do not have access to the internet.⁶⁹ Budget cuts to the Independent Advice Sector, as well as no allocation for increased staffing levels to process benefits will have a disproportionate impact on older people.

⁶⁵ E/C.12/GBR/CO/6, UN Committee on Economic, Social and Cultural Rights, 'Concluding Observations on the Sixth Periodic Review of the United Kingdom of Great Britain and Northern Ireland' (UNCESCR, 2016), at paras 29-30.

⁶⁶ Institute for Fiscal Studies, 'Sector Shutdowns During the Coronavirus Crisis: Which Workers are Most Exposed?' (IFS, 2020).

⁶⁷ Northern Ireland Assembly, 'Northern Ireland Economy: Autumn 2020 Update', (NIA, 2020).

⁶⁸ Ibid.

⁶⁹ NI Human Rights Commission, 'Submission to the Northern Ireland Affairs and Work and Pensions Committees' Joint Inquiry into Northern Ireland's Social Security Policy', (NIHRC, 2020), at para 7.3.

Men and Women Generally

- 3.5. Women are more likely to claim social security benefits than men, are more reliant on public services, and more likely to be in low-paid, part-time or insecure work. Moreover, women have more caring responsibilities for children and other family members.⁷⁰ Consequently, changes to social security are more likely to impact women than men. The Committee on the Elimination of Discrimination against Women (CEDAW) has repeatedly identified its concern that ongoing social security measures were having a disproportionately negative impact on women in its concluding observations on the United Kingdom.⁷¹
- 3.6. The Institute for Fiscal Studies (IFS) identified that women were more likely to be negatively impacted by lockdown measures to deal with the Covid-19 pandemic than men, noting that “because women disproportionately work in retail and hospitality, Covid-19 is likely to have a bigger effect on their earnings”.⁷² The IFS further identified that, on the eve of the lockdown crisis, women were one third more likely than men to work in a sector that is now shut down.⁷³
- 3.7. Unlike the rest of the UK, Northern Ireland remains without a childcare strategy or a range of statutory duties to ensure adequate childcare provision. This is so, despite the commitments within New Decade New Approach.⁷⁴ The DfC has identified that there is no allocated budget for the payment of upfront childcare costs to support parents returning to employment, identifying that this will have a disproportionate impact on women, lone parents and those from disadvantaged backgrounds.⁷⁵ Moreover, women represent 91% of lone parents in the UK.⁷⁶
- 3.8. Article 3 of the ICESCR protects the “equal right of men and women” to the enjoyment of rights set forth in the Covenant. The CESCR notes in General Comment No. 19 on the Right to Social Security, that restrictions to social security schemes should “be reviewed to ensure that they do not discriminate in law or in fact”.⁷⁷
- 3.9. CEDAW identified its concerns regarding the lack of affordable access to childcare in Northern Ireland as an obstacle for women entering

⁷⁰ Women’s Regional Consortium, ‘Impact of Ongoing Austerity: Women’s Perspectives’, (WRC, 2019), at 6.

⁷¹ CEDAW/C/GBR/CO/8, UN Committee on the Elimination of Discrimination Against Women, ‘Concluding Observations on the Eighth Periodic Report of the United Kingdom of Great Britain and Northern Ireland’, (CEDAW, 2019), at para 17; see also CEDAW/C/GBR/CO/7, UN Committee on the Elimination of Discrimination Against Women, ‘Concluding Observations on the Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland’, (CEDAW, 2013), at para 20.

⁷² Institute for Fiscal Studies, ‘Sector Shutdowns During the Coronavirus Crisis: Which Workers are Most Exposed?’ (IFS, 2020)

⁷³ Ibid

⁷⁴ NI Office, ‘New Decade New Approach’, (NIO, 2020), at 9.

⁷⁵ Department for Communities, ‘Equality Impact Assessment’, (DfC, 2020), at para 6.22.

⁷⁶ Feminist recovery plan

⁷⁷ E/C.12/GC/19, UN Committee on Economic, Social and Cultural Rights, ‘General Comment No. 19: The Right to Social Security (art. 9)’, (CESCR, 2007), at para 30.

employment and recommended that the state “Ensure the availability of affordable and accessible childcare facilities and/or arrangements throughout the State party, in particular in Northern Ireland”.⁷⁸

- 3.10. The DfC have identified that there is no allocated budget to offset the two-child policy which limits child tax credit for new claimants to two children per family.⁷⁹ Women are disproportionately impacted by the two-child limit as the vast majority of child tax credit payments are paid to a female parent, whether a lone parent or a woman within a couple.⁸⁰ It also has additional negative impacts on families from specific cultural and religious backgrounds who may have larger families, or moral objections to the use of contraception, emergency contraception and abortion.⁸¹
- 3.11. Exceptions are made to the two-child limit where a child is born as a result of rape, where the mother does not live with the rapist. This places a burden on women to come forward about sexual assault before they are ready, which can be re-traumatising, can risk stigmatising the child and there may be risk of retaliatory violence.⁸² CEDAW has recommended the repeal of the two-child limit, stating it has “a perverse and disproportionate impact on women”.⁸³ The Committee on the Rights of the Child (CRC) have recommended the state “conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms... on children, including children with disabilities and children belonging to ethnic minority groups”.⁸⁴

3.12. The NIHRC recommends that the UK government repeal the two-child limit and in the interim the NI Executive provides mitigation measures to deal with this provision.

3.13. The NIHRC recommends the Executive Office produce a Childcare Strategy in line with its commitments under New Decade New Approach, and commits funding to financially support the cost of childcare.

Persons with Disabilities

- 3.14. Research by the Joseph Rowntree Foundation recognises strong links between disability and poverty, noting that disabled people are more likely to have low incomes compared to non-disabled people.⁸⁵ In NI 27% of

⁷⁸ CEDAW/C/GBR/CO/8, UN Committee on the Elimination of Discrimination Against Women, ‘Concluding Observations on the Eighth Periodic Report of the United Kingdom of Great Britain and Northern Ireland’, (CEDAW, 2019), at paras 45-46.

⁷⁹ Department for Communities, ‘Equality Impact Assessment’, (DfC, 2020), at para 6.19.

⁸⁰ Women’s Regional Consortium, ‘Impact of Ongoing Austerity: Women’s Perspectives’, (WRC, 2019), at 36.

⁸¹ Ibid, at 37.

⁸² NI Human Rights Commission, ‘Submission to the Northern Ireland Affairs and Work and Pensions Committees’ Joint Inquiry into Northern Ireland’s Social Security Policy’, (NIHRC, 2020), at para 6.4.

⁸³ CEDAW/C/GBR/CO/8, UN Committee on the Elimination of Discrimination Against Women, ‘Concluding Observations on the Eighth Periodic Report of the United Kingdom of Great Britain and Northern Ireland’, (CEDAW, 2019), at paras 51-52.

⁸⁴ CRC/C/GBR/CO/5, UN Committee on the Rights of the Child, ‘Concluding Observations on the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland’, (CRC, 2016), at para 71.

⁸⁵ Joseph Rowntree Foundation, ‘Poverty in Northern Ireland 2018’ (JRF, 2018), at 15.

disabled people live in poverty compared to 19% of non-disabled people.⁸⁶ The Joseph Rowntree Foundation highlighted that there are lower rates of poverty among disabled people in NI compared to England and Wales, which they attributed to the availability of mitigation packages in NI.⁸⁷

- 3.15. Changes to tax and social security provisions since 2010 have seen losses to annual net income for households where a person has a disability. Households with at least one disabled adult and one disabled child have seen annual losses of around £1800, and households with no disabled adults but one disabled child have seen annual losses of just under £2100.⁸⁸
- 3.16. Several of the NIHRC recommendations for a new mitigation package included specific provisions for people with disabilities, including offsetting the Benefit Cap, Offsetting the “Bedroom Tax”, and an additional payment of £20 per month for disabled people in low-income households.⁸⁹ No allocation for the provision of new mitigations will have an adverse impact on people with disabilities.
- 3.17. The employment rate of disabled people in NI is 35%, which is significantly lower compared to 42% in Scotland, 47% in Wales and 50% in England.⁹⁰ Disabled people in NI have identified that the NI Statistics and Research Agency’s categorisation of different types of disability are too restrictive and as a result, figures on disability employment statistics are a conservative estimate of the reality.⁹¹
- 3.18. The DfC have identified that the lack of labour market support interventions as a result of the flat resource budget will have an adverse impact on disabled people, who already face barriers to employment.⁹² The Committee on the Rights of Persons with Disabilities (CRPD) identified their concerns at the “persistent employment gap” and “insufficient affirmative measures and provision of reasonable accommodations” to ensure disabled people can enter the work force in their concluding observations on the UK.⁹³
- 3.19. As previously mentioned, there are benefit take up issues around social security payments in NI.⁹⁴ The DfC have tried to address these issues through the Make the Call Helpline service. However, people with

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ NI Human Rights Commission, ‘Cumulative Impact Assessment of Tax and Social Security Reforms’, (NIHRC, 2019), at 106, at 55-56.

⁸⁹ Ibid, at 104-106.

⁹⁰ Joseph Rowntree Foundation, ‘Poverty in Northern Ireland 2018’ (JRF, 2018), at 9.

⁹¹ UK Independent Mechanism, ‘Progress on Disability Rights in the United Kingdom: the UK Independent Mechanism Update Report to the UN Committee on the Rights of Persons with Disabilities’, (UKIN, 2018), at 29.

⁹² Department for Communities, ‘Equality Impact Assessment’, (DfC, 2020), at para 6.22.

⁹³ CRPD/C/GBR/CO/1, UN Committee on the Rights of Persons with Disabilities, ‘Concluding Observations on the Initial Report of the United Kingdom of Great Britain and Northern Ireland’, (CRPD, 2017), at para 56.

⁹⁴ NI Human Rights Commission, ‘Submission to the Northern Ireland Affairs and Work and Pensions Committees’ Joint Inquiry into Northern Ireland’s Social Security Policy’, (NIHRC, 2020), at para 7.2.

disabilities have identified fears in relation to using this service.⁹⁵ Thus, the identified £1.5m cut to the Advice Sector will exacerbate access to independent advice and information further for disabled people.

3.20. The NIHRC recommends that the DoF implement the additional £20 payment to low income households with a person with a disability, as reflected in the New Mitigation package recommended by the NIHRC, to offset the disproportionate losses to annual income experienced by households with disabilities because of tax and social security reforms since 2010.

Persons with Dependants and Persons Without

- 3.21. The Joseph Rowntree Foundation has identified high rates of poverty (40%) among lone parents, while poverty levels among single people without children are 24%. The Foundation further indicated that couples without children have always had the lowest poverty rates (13%), while levels of poverty among couples with children sat at 19%.⁹⁶
- 3.22. Negative implications on service provision due to staffing shortages as a result of the flat resource budget are likely to have a disproportionately adverse impact on persons with dependents as a result of higher levels of working poverty and increased reliance on social security. Moreover, no allocation to cover costs of childcare will impede persons with dependants from progressing with employment.
- 3.23. Tax and social security reforms introduced since 2010 have had a disproportionately adverse effect on households with children. Households with three or more children have seen an average loss of £2,575 per year, compared to an average annual loss of £50 for households with one child.⁹⁷ Universal Credit and current mitigation measures for the benefit cap and bedroom tax only reduce this loss by around £450 per year.⁹⁸ New mitigation packages intended to offset these losses are not being brought forward in the flat resource budget, which will have a disproportionate impact on persons with dependents.
- 3.24. In NI, approximately 272,000, people are providing care for a family member or friend.⁹⁹ Carer support in NI is valued at £4.6 billion per year, yet carers are often bearing additional financial costs alone.¹⁰⁰ In a survey carried out by Carers NI, 39% of respondents reported that they were struggling to make ends meet, with over two thirds reporting that they

⁹⁵ NI Human Rights Commission, 'Submission to the Northern Ireland Affairs and Work and Pensions Committees' Joint Inquiry into Northern Ireland's Social Security Policy', (NIHRC, 2020), at para 7.3.

⁹⁶ Joseph Rowntree Foundation, 'Poverty in Northern Ireland 2018' (JRF, 2018), at 7.

⁹⁷ NI Human Rights Commission, 'Cumulative Impact Assessment of Tax and Social Security Reforms', (NIHRC, 2019), at 62.

⁹⁸ Ibid.

⁹⁹ Carers NI, 'State of Caring: A Snapshot of Unpaid Care in Northern Ireland', (Carers NI, 2019), at 4.

¹⁰⁰ Ibid.

were using their own income to pay for caring responsibilities.¹⁰¹ Research suggests that, throughout the Covid-19 pandemic, 81% of carers have had to take on additional caring responsibilities.¹⁰² In March 2020, the Chancellor announced a £20 per week, or £1,040 per year, uplift to social security payments as part of a package to support workers during the Covid-19 crisis.¹⁰³ This is set to be cut from April 2020, with 61% of families on Universal Credit reporting that they will likely fall behind on bills as a result.¹⁰⁴

3.25. New mitigations recommended by the NIHRC would raise Carers Allowance from £66.15 to £73.10 per week, in line with similar measures introduced in Scotland. This recommendation was intended to better support carers who are not well supported by current social security measures.¹⁰⁵

3.26. The NIHRC recommends that the NI Executive commit to the uplift to the Carer's Allowance to support carers with the additional impact of Covid-19 on their caring responsibilities.

Minority Ethnic Communities

3.27. Minority ethnic communities were not identified by the DfC's equality impact assessment. However, there are links between poverty and ethnicity in Northern Ireland. This is attributed to higher unemployment rates and over-representation in low-paid work.¹⁰⁶

3.28. The Committee on the Elimination of Racial Discrimination (CERD) has expressed concern at the higher rates of unemployment among persons of African and Asian descent and a high concentration of persons from ethnic minorities in low paid work in the UK.¹⁰⁷

3.29. No allocation for job market interventions in the draft budget for 2021-22 will have an adverse impact on minority ethnic communities, who already face barriers to employment within NI.

3.30. Minority ethnic communities have been disproportionately impacted by Covid-19 due to "systemically unequal access to services and opportunities" including health care, education, housing and access to

¹⁰¹ Ibid.

¹⁰² Carers UK, 'Unpaid Carers Save UK State £530 million Every Day of the Pandemic', accessed at [Unpaid carers save UK state £530 million every day of the pandemic - Carers UK](#)

¹⁰³ Resolution Foundation, 'Key Take-Aways for the Chancellor's Package of Measures to Support Workers in the Coronavirus Crisis', (Resolution Foundation, 2020).

¹⁰⁴ Resolution Foundation, 'The Debts that Divide Us: Flash Finding from a Survey of Families Claiming Universal Credit', (Resolution Foundation, 2021).

¹⁰⁵ NI Human Rights Commission, 'Cumulative Impact Assessment of Tax and Social Security Reforms', (NIHRC, 2019), at 106.

¹⁰⁶ Joseph Rowntree Foundation, 'Poverty and Ethnicity: Key Messages for Northern Ireland', (JRF, 2016).

¹⁰⁷ CERD/C.GBR/CO/21-23, UN Committee on the Elimination of Racial Discrimination, 'Concluding Observations on the Combined twenty-first to twenty-third Periodic Reports of the United Kingdom of Great Britain and Northern Ireland', (CERD, 2016), at para 32.

employment and justice.¹⁰⁸ Members of minority groups are more exposed to the virus because of their over-representation in low-paid, insecure work.¹⁰⁹

3.31. Complex documentation required to apply for social security payments already adversely impact migrant workers in NI.¹¹⁰ Proposed cuts to the Independent Advice Sector alongside no additional staff to process social security payments will exacerbate these pre-existing issues for minority ethnic and migrant workers.

3.32. The NIHRC advises that social security measures already have a disproportionate adverse impact on certain Section 75 categories. Any policies taken forward that have a disproportionately adverse impact on certain groups as a result of the flat resource budget must be justified, necessary, proportionate and temporary, in line with international human rights standards.

¹⁰⁸ UN High Commissioner for Human Rights, 'Addressing the Disproportionate Impact of Covid-19 on Minority Ethnic Communities' (OHRCHR, 2020).

¹⁰⁹ Ibid.

¹¹⁰ NI Human Rights Commission, 'Submission to the Northern Ireland Affairs and Work and Pensions Committees' Joint Inquiry into Northern Ireland's Social Security Policy', (NIHRC, 2020), at para 7.3.

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