



## Conference Report

# Getting the Bill Right – An Update Political panel discussion

Chaired by Martina Purdy, BBC.

### **Panellists:**

Stephen Farry MLA, Alliance Party

Stephen McIlveen, DUP

Dawn Purvis MLA, PUP

Alban Maginness MLA, SDLP

Shannonbrooke Murphy, Sinn Féin

Stephen Nicholl, UUP

**Dawn Purvis, PUP:** The Progressive Unionist Party has always advocated a Bill of Rights for Northern Ireland. I joined the party in 1994 and it was a fundamental part of the Progressive Unionist Party's 'Sharing Responsibility' document on a way forward for Northern Ireland. We approached the notion of a Bill of Rights from the position that we look at what went wrong in Northern Ireland over the last 35 to 40 years and how can we ensure that that does not happen again. And what basic fundamental rights and freedoms do we need to put in place in order to ensure that that does not happen again. But also to ensure that we build a shared future, a better future in Northern Ireland where everyone can have their place in the sun. So, basically, that is where the Progressive Unionists Party comes from in its approach to the Bill of Rights.

I know that there have been difficulties around the discussions in the Bill of Rights Forum and I have heard from a number of my political colleagues as to how those discussions went. My sense is that politicians approached the discussion on what should be included in a Bill of Rights from their own selfish, narrow political perspectives. I think that we need to be looking at a Bill of Rights for all, not just for exclusive groups or to suit political ideologies. We need to get to that position and how we get to that position, I think, certainly the Bill of Rights Forum and the discussions that took place there have helped in that, but we are still a long way from reaching agreement on what should be included in a Bill of Rights for Northern Ireland.

So, while politicians have a role in that, I think the civic society, the community and voluntary sector, and other NGO sectors have a larger role to play, if you like, in what should happen in terms of what is included in a Bill of Rights and how that should be implemented.

I am sure more will come out in the discussions around individual rights and different issues and I am happy to take any questions and answer any questions that I can. But, suffice to say, that the Progressive Unionist Party would be very much pro-a Bill of Rights for Northern Ireland.

**Shannonbrooke Murphy, Sinn Féin:** Any impartial observer will agree that routine and systematic violations of human rights were both causes and consequences of the conflict and that this legacy must be redressed and robust and permanent legal safeguards introduced as part of the peace building process to ensure that such violations are firmly consigned to the past.

To achieve this objective, a Bill of Rights, specifically for the north, the upwards harmonisation of human rights standards throughout Ireland in an all-Ireland charter of rights and the establishment of a specialised constitutional court to adjudicate on all of these are essential and not optional, if we are to truly move forward to a shared and equal future.

As you know, and as we will be discussing over the course of the next day and a half, the Bill of Rights Forum made extensive and detailed recommendations, including draft provisions on supplementary civil and political rights, due process rights, victims' rights and other rights within the criminal justice system. As well as totally new economic, social, and cultural rights and other rights specific to society's most vulnerable who suffer disproportionately as a consequence of the conflict.

Now, while the Forum could not reach full agreement in most instances, I believe its final report accurately reflects the degree of support for various provisions and the rationales for all parties dissenting. And, I would like to take the opportunity to pay tribute to the integrity and the impartiality of the independent international Chair, Chris Sidoti to the inclusiveness of the Forum and to acknowledge that despite entrenched differences of opinion, the two main Unionists parties fully participated in the process right up to its conclusion. I believe that there is growing appetite for rights and greater scope for commonality around protections that stand to benefit all our communities and all within all our communities.

Routine violation with impunity of civil and political, as well as economic, social, and cultural rights and the long-term suspension and systematic violation of certain rights under the pretext of an emergency or state of exception, were major contributing factors to the exacerbating and prolonging of the conflict. These are the particular circumstances that the Bill is meant to address. In all cases, therefore, Sinn Fein argues for the maximum scope in rights protections. For maximum justiciability and enforceability and that block suspensions should never be allowed again. Not under the spurious pretext of national security and not even under regulation by a derogation regime.

Regardless of our support for the HRA and the ECHR, generally, we believe that the HRA contains flaws and should be amended as part of the Bill of Rights process to strengthen on the delivery of all rights. Therefore, the proposals we support go beyond existing HRA standards and in particular, we believe that the enforcement mechanisms under the HRA, and indeed, in the ECHR Act in the 26 counties, are insufficiently robust. On this basis, we argue for a single document incorporating both the ECHR rights from the HRA and the supplementary rights because this open the possibility of more robust enforcement and, in particular, the establishment of a dedicated human rights court with the power to declare invalidity or disapplication of laws in violation for the entire set of rights.

I do not accept that the single document inherently risks diminution of existing rights. On the contrary, repeal of the Human Rights Act, as it applies here, and its replacement by a semi-permanently entrenched single document with unified stronger enforcement provisions and mechanisms, covering both European Convention and supplementary rights, would represent a significant advance.

The Good Friday Agreement imposes clear invalidation requirements where Assembly legislation on transferred matters is found to be incompatible with the Bill of Rights. But, it is our position that the Bill should apply generally to acts and actions emanating from either Westminster or the Assembly, regardless of whether these are primary or secondary, devolved, reserved, or accepted. We cannot agree to exclude any matter entirely from the reach of the Bill of Rights. In addition, remedies should require legal and structural change where necessary, not just individual restitution.

In our view, the HRA's declaration of incompatibility mechanism is insufficiently robust and we therefore are seeking a general requirement for a declaration of compatibility, an interpretive obligation on the courts and the power to invalidate or disapply incompatible legislations, in so far as it applies here, regardless of its origin or nature. Now, the Forum's Legal Advisor for the Legal and Technical Working Group confirmed that these options are all legally and constitutionally feasible, at least in theory and there exists precedent for differing application of law across the regions.

While disapplication has heretofore applied exclusively to European legislation in view of special circumstances, it does remain open to the British Government to consider the Good Friday Agreement provisions, the conditions that led to them and the objective of peace-building as an equally compelling special circumstance, warranting consent to disapply primary legislation where appropriate.

We reject the argument that some rights are categorically unsuitable for enforcement. The justiciability of economic and social rights, in particular, was controversial at the Forum and may well be controversial here over the course of the next day and a half. However, as Bruce explained, there is support in international law for full justiciability of economic and social rights where there is immediate obligation and also for justiciability of such rights and other programmatic rights on the basis of progressive realisation. For this reason, we argue for the adoption of the South African model of justiciability of such rights and we reject the Directive Social Principles model embodied in the Indian and Irish Constitutional approach, which prevents justiciability in the absence of a determined and creative activist judiciary. So, this Bill of Rights must provide for full justiciability, including economic and social rights, such that both immediate and non-immediate or progress realisation obligations can be ruled on by the court.

It is essential that the Bill contains a general non-diminution clause. The effect of which is to prevent anything in it from regressing any rights currently available under the HRA or under sources of international law. The Bill of Rights process must not be misused by anyone to undermine existing rights, hard won to date. I welcome that the Forum achieved general consensus on this very important point and hope that it is adopted by both the Human Rights Commission and the British Government in the final Bill.

We are now about one quarter of the way through the Bill of Rights process and the year ahead is the crucial period for final decision-making. If we have the courage to be ambitious, there is huge potential for this Bill to change utterly the human rights landscape, internationally, as well as here at home, precisely because this Bill has the potential to help finally realise rights for all in this jurisdiction, but also because it equally has the potential to fail the people and to bring disgrace upon the process if we get it wrong or if we seek or achieve too little. It is imperative that we take sufficient care to get it right. So, let this focus our minds. Each and every one of us here today has our own part to play.

**Stephen McIlveen, Democratic Unionist Party:**

I think that the presentation from Sinn Féin shows that there are significant differences between the various parties. Sinn Féin has a very clear view of what it wants to achieve in an all-Ireland context, and, obviously, being a Republican party and us being a Unionist party, we want to see it within a UK context, safeguarding what we have at this current time and protecting the rights of the individuals within the province.

I want to speak about how the DUP approached the Bill of Rights and maybe some of the difficulties which we had in the Forum discussions and within the working groups and the concerns that we had regarding the makeup of the Forum. We did approach the Bill of Rights Forum with an open mind, despite Martina saying that we had boycotted the launch of the report as such. We did have some concerns regarding the content of the document. I think if you read the report, you will see quite clearly that we did object to a large portion of the matters that came forward within it.

It is no secret that we did have some difficulty with the membership of the Forum and as a direct result of that, with the membership of the working groups. In stating that, it did not necessarily reflect the population of Northern

Ireland and the view of the electorate of Northern Ireland. We were concerned regarding the distribution of seats on the Forum. We felt that given that the political parties had a mandate to be on it, that it should be more reflective of the parties on it.

We did welcome the input of members of civic society. They have the experience on the ground of particular issues that rise up in relation to human rights. We did have some concerns that some groupings may have come to the table with a political agenda. I know that maybe contradicts some of what Dawn had said that she felt that civic society come in, a lot of the NGOs come in, they lobby politicians, and they want to achieve certain things on the political level. It is not just about delivery of human rights and issues like that. They do have certain views that they do lobby.

Our party, from the outset, did have concerns that certain members of society were not represented on the Forum. In particular, we were concerned regarding the Loyal Orders, given the remit under the Belfast Agreement for the Bill of Rights to be concerned with the particular circumstances in Northern Ireland. What is more particular the circumstances in Northern Ireland than issues such as parading? We did lobby then. The Loyal Orders were given Observer status in the Forum. But, again, they were not given their own voice and input in the working groups, such as the Cultural Working Group.

Other issues which we were concerned about were the lack of representation from Evangelical Churches. The churches were represented in the form of the Catholic Church and the Irish Council of Churches, but the Evangelical Churches do not subscribe to the Irish Council of Churches and they represent about 75,000 people. Evangelical Christians do have quite different views from a lot of Churches that are on the Irish Council of Churches.

We did take a particularly narrow view of the interpretation of what constituted the particular circumstances in Northern Ireland. I think perhaps the Ulster Unionists did as well. That created some problems because other parties and members of civic society have a more general view that the particular circumstances in Northern Ireland presented a blank canvas in which they wished to work. We prefer to see the narrow view of supplementing rights that currently exist in the ECHR, as reflected in the Human Rights Act and moving forward from there rather than seeing everything as fair game in relation to it.

There was a lot of discussion, particularly by my own working group, and the answer was always was, “what is a particular circumstance of Northern Ireland?” Whenever you asked for an explanation, it never went beyond that. There were other difficulties raised in the engagement of outreach workers, which came very late. It is acknowledged in the report that they therefore were not able to go out and do the important consultation work which I felt would have been vital to a well rounded report at the end of the day. I felt this lack of engagement was ultimately damaging to the process.

I think it is clear from the report itself that there is not cross-community support in this report. I think that if we are going to move forward the argument of a Bill of Rights, there has to be accommodation. We have to find a middle road. We have to see where we can link in with cross-community support. Ultimately, we have to find out what the satisfactory definition is for the particular circumstances of Northern Ireland and the principles of mutual respect, both communities and parity of esteem. I think it is very difficult for us to actually formulate a Bill of Rights until we decide on these definitions, to the satisfaction of everyone involved. If you do not have that, where do you go? But there is hope in relation to this. Clearly, all the political parties got involved, there were discussions. I look forward to seeing what comes in the next stage and I will certainly be following it with interest, but I think there are significant hurdles to come over as well to overcome in relation to this, but I would be hopeful at the end of the day.

**Alban Maginness, SDLP:** I think that today is an important event and if the Forum has done anything, it has achieved the mobilisation of various interested human rights groups and lobby groups to form a very energetic human rights lobby within Northern Ireland. I think that is an important achievement and something which I think you in the Human Rights Consortium should congratulate yourselves on. I think it is a good achievement. Continue that work. It is very, very important for the development of human rights in Northern Ireland, both politically and legally and judicially. It is important that you continue your work irrespective of what has been achieved in the Forum.

I was honoured and pleased to be a member of the Forum. It was hard work. It did not achieve consensus at the end of the day, but it was an important process. Important because all the issues, or most issues, certainly in relation to human rights, were discussed and discussed very, very thoroughly. I have heard remarks about the representation on the Forum and I think it was reasonably good.

It could not have exhaustively represented all the various interest groups within Northern Ireland, but it was a good stab at doing that. It was good stab at getting political buy-in to that process because remember that the reason why we had the Forum was that some of the political parties, in particular the Unionist parties, were not really engaged in the process of building a Bill of Rights or getting a draft Bill of Rights, which would have been universal to all the political parties in Northern Ireland. So, it was very important that a Forum, as an alternative, was developed.

I think it was partially successful. I suppose a wee bit like the curate's egg - good in parts. I think the process itself was good. There were two central arguments that seemed to dominate the Forum and they were not, in fact, resolved.

The first argument was the particular circumstances of Northern Ireland. And, as I said in the Forum myself, this phrase is so elastic that it could mean anything. It could mean a lot or it could mean very little. We chose, in the SDLP, to interpret it in the widest possible form. Others chose not to do that and that was their right to do that. We also said that the work of the Forum and the creation of a Bill of Human Rights or draft Bill of Human Rights was not confined to the particular circumstances of Northern Ireland, in any event. And, so, whether it was elastic or inelastic, you could still consider other matters.

The other great theme that dominated the Forum was whether or not the Bill of Rights should include social and economic rights. I think, together with colleagues in Sinn Fein, the SDLP, together with most, I think, groups in civic society, supported the idea of an extensive Bill of Rights, including social and economic rights. And, you can argue about how far you go in that. You can argue about the enforceability of that and the whole essence of that argument was a good one. But, the reality is, the world has moved on in terms of human rights, in terms of whenever the Declaration was made, 1948, the Universal Declaration was focused on political and constitutional rights.

The reason for that was at that stage there was no consensus internationally in relation to the remit of human rights. So, it was necessarily a more restrictive declaration of human rights. But, that has been augmented and added on to over the years and so, I think, we have reached the stage where we must say

that human rights are inseparable from economic and social human rights, which are inseparable from political and constitutional human rights. So, those arguments were not resolved, sadly, but there it is. And, that is where we are at.

In relation to the final product, I was not happy with it. I do not think anybody in this room was happy with it. If I was to make one criticism of it, I think we tried to do too much and we ended up with an overly bloated document. I think that what now is required, is for people to look at the document that we produced, which was a successful document in many ways, to look at that, to abstract from that the real principles that people were arguing about and in that way, to make a much more definitive draft for the British Government and for the Westminster Parliament to consider, because ultimately they will have to do that and there will be tensions between what Westminster wants and what we want here in Northern Ireland. And, of course, there will be tensions between ourselves and the Human Rights Commission because they obviously have the duty of refining what has been produced. But, that is a good, healthy tension.

One final word of warning; I hope that in the discussions over policing and justice transfer, which is inevitable and will probably happen quite soon, I hope that that the Bill of Rights will not be horse-traded. I think there is a danger that in order to expedite the transfer of policing and justice powers to Northern Ireland, that some deal will be done in relation to a Bill of Human Rights. I think it is important that we look at this free from political consideration and look at it in its essence, which is to provide for the people of Northern Ireland a culture of human rights and to provide a legal framework for that, which will be enforceable and entrenched for the foreseeable future.

**Stephen Farry, Alliance Party:**

I am essentially speaking from a liberal perspective on this and in doing so I would stress my support and my parties support for a strong, robust Northern Ireland Bill of Rights. I think the process of searching for this Bill in Northern Ireland is going back as far as 1962, whenever it was first discussed in the old Stormont, though if anyone can go further than that I am happily open to suggestions. That said, I think the process which is underway at the moment is flawed.

Any Bill of Rights for Northern Ireland has to be based upon the building block of the European Convention and the Human Rights Act and that is a solid body

of law that exists across Europe and across the UK as we stand at the moment. I certainly would be very concerned at any attempts to rip that up and repackage it for Northern Ireland. I think that creates a huge minefield.

That said, I recognise the deficiencies in the Convention, not least in terms of economic, social, and environmental rights and also rights pertaining to persons belonging to communities or minorities. I have a problem with the mandate set out for the Bill of Rights going back to the Good Friday Agreement. I think the wording in the Agreement itself was a rush a job and was not subject to consultation. A lot of difficulties have actually arisen from that moment.

I have a problem with the notion of entrenching two communities in Northern Ireland at the expense of other identities and recognising an individual's rights to define their own identity. I think that it is important to recognise that we have a lot more diversity in Northern Ireland than the monolithic framework of two communities would suggest.

We have to recognise that there are people who have broken away from those blocks. We have ethnic minorities moving in, we have people who are in mixed marriages, mixed relationships, and fundamentally there is not an overlap between political identity, religious identity and national identity. There might be a strong correlation but in the number of cases those identities do not properly align. I think it is important that we recognise that reality and that anything we produce is universal and consistent with international standards. That is something which is a very strong concern for us.

Similarly, in relation to the notion of particular circumstances of Northern Ireland, I am keen to have a strong, robust Bill as I stated and I am quite open to pushing that phrase as far as possible, but for me, there is a very way simple way of judging this. The particular circumstances of Northern Ireland are, in effect, what the British Government, and to an extent, the Irish Government, would permit to be legislated for in terms of a Bill of Rights for Northern Ireland, separately from the other jurisdictions. Whatever meets that test clearly is something that can go forward on that separate Northern Ireland basis.

That said, I would like to see a stronger regime right throughout the UK and in also covering the Republic of Ireland. I do not think Northern Ireland is as special, is as much a place a part as a lot of us would think it has been in the

past. With a freedom of movement of people going back between the different jurisdictions, I think it is important that we have as consistent a regime as possible.

The classic example on this would be the issue of social security. That is one of the issues which was being pushed in terms of economic rights, the right to social security. In practice, Northern Ireland legally can set its own social security regime, however, we are funded from the UK Treasury. We have a very strong parity principle. We do not have the resources to maintain the current standard based upon our own resources. So, simply to demand a right to social security for Northern Ireland, independent of the financial realities of how social security is delivered on a UK-wide basis, I think, is a little bit naïve.

In terms of the Forum itself, for me this was a huge missed opportunity. I am concerned that people are overstating the fact that all the parties were around the table right to the very end. I think that masks quite a deep chasm between the parties when they were at the table. There is very, very little agreement in the actual report of the Bill of Rights Forum.

The Forum itself was set up to try to bridge the political gaps that had existed on a Bill of Rights over the past ten years. In essence, it was a restatement, perhaps a more clear and definitive statement of everyone's different positions, but in terms of bridging gaps, virtually nothing was done on that. So, in that sense the Forum actually failed in an important aspect of its mandate and certainly something that I understood at the Forum to be about. There were a number of groups, particularly from civil society, who were there pursuing maximalist agendas and there was no real attempt to understand, or try to reconcile the demands of some with respect of others. It was about putting down as much on paper as could possibly get away with. I do not think it actually helped the process in the end.

We have to be mindful of two fundamental objectives. One, is that whatever we produce must be consistent with international standards - that goes without saying. Secondly, we have to have cross-community support in Northern Ireland. This is not something that can be imposed from the outside over the heads of the population. I think we need to be mindful of that. Those two points are not mutually exclusive. They actually must run together.

**Stephen Nicholl, Ulster Unionist Party:** At the very outset, the Ulster Unionist Party entered the process on the basis that we were going to engage and going

to be supportive of the process that was intended to identify whether or not there were any additional rights required to the human rights legislation due to particular circumstances of Northern Ireland. What we found was that the failure to define those particular circumstances meant that we had basically a stampede of people who came with their own agendas in order to fill the pages of a rather large Bill of Rights.

There was not very much engagement other than 'this is what we want to see, end of story, take a vote.' So, the actual discussion and negotiation around it was practically non-existent. When we were seeking to look towards issues relating to particular circumstances in Northern Ireland, that term disappeared off the table quite early on in the process as far as I could see.

We became engaged in the process that was about defining an exemplar Bill of Rights for the world. Some within the legal community and the legal advisors and those who are professionals in the human rights industry, thought that this was the chance for them, basically, to make a name for themselves.

Instead of looking at what the issues were for Northern Ireland, on occasions we were presented with sections from Bills of Rights from around the world, whether it be South Africa, or New Zealand, or wherever. Bits were lifted out to try and make up a case - let's take all the good bits from all the other Bills of Rights around the world and see if we can pull them all together. I think in that case we have missed a tremendous opportunity to do something for Northern Ireland, taking account of the needs of Northern Ireland.

From our perspective, this process now does not have very far to go in this format. I think it is a case that the Human Rights Commission is going to be starting, if not afresh, but certainly looking to go in a different direction rather than using this as the framework, which it could have used to go forward.

The UUP is still committed to engaging in this process and still committed to seeing whether or not there are very particular rights, due to the particular circumstances. But, those we would define as being relatively narrow. We must—and this is where we were coming from in all of this—have new democracy in Northern Ireland. And, it is still learning and it is still growing. And, the last thing that we want to do is to set aside that new democracy and replace it with governance by judiciary, because we feel that would be very wrong and is not the way to go for Northern Ireland.

## QUESTIONS

**Martina Purdy:** How limited is the debate by the differing interpretations of the phrase 'particular circumstances' and can that gap can be squared or are we just going to end up with deadlock and other people in London making decisions for us?

**Shannonbrooke Murphy, Sinn Féin:** All of the members of the Forum did agree to a certain way in which we were going to be using and interpreting, finally, unfortunately this did not happen at the beginning at the process, it happened, really, right at the very end of the process when we were signing off the report. All the members of the Forum, it is my understanding, did agree to sign off that introduction, though the diversity and divergence of opinion is well documented throughout the balance of the report.

I do not think that it is impossible to come to an agreement on how we understand particular circumstances, but perhaps, it needs to be revisited and more work on that dimension is required. I understand that the Human Rights Commission have also taken a stab at outlining elements of guidelines that they intend to use as they go through and measure each particular proposal against those guidelines. I think we can all look at those and use them as a benchmark as well to see if those are considered acceptable or not.

**Martina Purdy:** Can you square it and is the debate being distorted by this differing interpretation?

**Stephen McIlveen, DUP:** I think it is. I think it is something that the further this went ahead, the terms should have been set down exactly what we should be considering. We should have settled on what a definition of particular circumstances in Northern Ireland is. I think that comes across in the report and in the submissions from the parties and from the civic groups as of their views of the recommendations.

A lot of it was to do with things already being covered in the Human Rights Act or that do not apply because it is not in the particular circumstances of Northern Ireland. Really until a settled definition and exactly what that means is agreed between everybody, I think it is very difficult to move it forward.

**Dawn Purvis, PUP:** Again, I come at it from the point of view of individual political parties and their own political ideology. I do not think that political

parties - Unionists, Nationalists, Republican, Loyalist - can reach agreement on the particular circumstances of Northern Ireland, for a number of reasons, the main one being that they cannot agree on the causes of the conflict in the first place. So, if you cannot agree on the causes of conflict, how are you going to agree on the particular circumstances for Northern Ireland?

For example, Republicanism, Nationalism, and ourselves to a certain extent, believe that the causes of the conflict were based around discrimination, in other words, social and economic rights. That needs to be included in a Bill of Rights. The DUP and the Ulster Unionists, to a certain extent, believe that the causes of the conflict were a security problem. Although, you can argue against both when you look at the terms of the Good Friday Agreement and the political settlement.

I do not think you need to start off from the premise of needing an agreement around that particular phrase and setting in stone. But it does set the parameters of the debate about what should be included in a Bill of Rights.

**Alban Maginness, SDLP:** The reason why we had the Forum was simply because we could not reach political agreement. To argue that we should have reached agreement on particular circumstances and then had the Forum, just does not make sense. The reason why we had the Forum was because of political division. But during the course of the Forum the arguments were well rehearsed.

But also during the course of the Forum, I felt that some people were losing sight of the specific circumstances in which political division actually arose in Northern Ireland. And people were treating the exercise almost academically, as if we were just some part of England or some part of France or Germany, where you just did not have these sorts of divisions. We were almost excluding the circumstances. Now, that was unreal and we had to draw people back and say "look, you know, there is a conflict here." It was not just a paramilitary conflict, it was a conflict of ideals, a conflict of nationality, a conflict of communities, and people had to be reminded of that.

**Stephen Farry, Alliance Party:** The particular circumstances will eventually be determined by the British and Irish Governments and what gets passed them in practice has been recognised as being particular to Northern Ireland. I think we need to be mindful however, of how we go in terms of trying to push the parameters on this. Saying that parts of Northern Ireland are more deprived

than the parts of some of the inner cities in England or Scotland, is going to create political difficulties at a UK-wide level. I think we need to acknowledge that problem and be sensitive to it.

**Elizabeth Zammit, REAL Group:** I have not heard one member of any of the parties mention people with disabilities. Most of the parties do not even have a speaker on people with disabilities. We are the people at the end of the day that have little, if any, rights. I cannot even enter my own bank to do my business. I have to get a clerk to come outside to the street. Many of you or your parties have to do the same and I have not heard one of you mention the rights of those people that have had no rights and no say, even before the conflict and whatever other conflicts you want to come up with.

**Shannonbrooke Murphy:** I would say that if the Bill of Rights that we eventually get for the north does not serve people with disabilities then the Bill will fail. I do not think that any Bill that does not deliver equal economic, social, and cultural rights to all is acceptable, frankly. So, I welcome your comments and I think you are quite right.

**Bernie McCrea, NIC-ICTU:** There is a massive increase in Hate Crimes in Northern Ireland and that is against older people, against disabled people, against people of different nationality. I think the individual parties must put their differences behind them and concentrate on the future and concentrate on the positive aspects of the Bill of Rights for everyone.

**Stephen Nicholl, UUP:** This is one of the issues that we came up against in the whole process. There is an issue about whether or not specific issues need to be addressed within a Bill of Rights or whether or not there is a responsibility on our government in Northern Ireland or the Executive in our Assembly, to strengthen the existing laws. The issue is whether or not you are saying that you do not trust them enough to leave these issues in their hands - that you want to take it out of the democratic process of people going before the electorate and saying I want to improve rights for people with disabilities and if policing and justice comes, I want to increase the laws around hate crime. Those are political issues that need to be debated and improved within a debateable forum within the Assembly.

For us, that is the way in which you build that consensus and you move forward rather than starting off with a system where you give the politicians a very narrow framework in which to work, where the programme for

government is decided by judges rather than by politicians. I think we want to see the democratic system grow as we think that is the best way that Northern Ireland could go forward.

**Dawn Purvis, PUP:** I fundamentally disagree with that. I fundamentally disagree with that because people have a right to live free from harassment, free from any form of abuse or hatred directed at them. Government can legislate but they cannot uphold that right. They can bring in equality legislation but they cannot ensure that that happened through policy. They just cannot do it.

People have a right to fully participate in equal lives right across society - people with disabilities, people from different backgrounds, from different political opinion; and that must be included in any Bill of Rights. It has to be included in our Bill of Rights because a Bill of Rights has to be inclusive. If it is not inclusive, it will not gain the support of all sections of the community.

**Stephen Nicholl, UUP:** Having that in a Bill of Rights is no more going to stop a thug going out and abusing somebody because of their colour or religion than having it in normal law.

**Dawn Purvis, PUP:** It places and onus on the state to uphold those rights.

**Alban Maginness:** There is a fundamental misunderstanding in relation to social and economic rights, at least, that we will be handing over decision-making to the judiciary, to judges, to decide on the issues. The reality is that does not happen and would not happen under that type of regime. So, I think we have to, first of all, accept that reality.

The other point that has been made about hate crime is this - hate Crime is vile and I think everyone in this room and all our speakers would oppose it and see the need for special measures to deal with it. But the point is, we cannot do anything about it unless we have the transfer of policing and justice powers to Northern Ireland. We must have those in order to properly administer our system of justice here. The more we delay that transfer, the more we delay local solutions to local problems. I think that is an important lesson that we all should bear in mind.

**Martina Purdy:** Are you, as a politician, prepared to fund those rights and do you think that cost is justified and are you prepared to do that?

**Stephen Farry, Alliance Party:** There is always a trade-off in terms of how you use scarce resources in any society. I think equality and equality of access, equality of treatment, is one of those fundamental points that have to be given priority. On the specifics of that, we do have the Disability Discrimination Act in place. Now, depending on circumstances of individual buildings, they are at different stages of compliance with that. That is a fundamental issue. If that is not robust enough in terms of addressing all concerns then, we as politicians need to come back and to address that. There is also a Single Equality Bill looming on the horizon.

**Martina Purdy:** But, it clearly is not been addressed with law, because Elizabeth Zammit cannot get into her bank.

**Stephen Farry:** Well, that is what we are hearing from the case of what is happening up in Derry with that individual bank. It may be a case of seeking to challenge that to see if they are in full compliance with their duties under the law at present. If they are and the law is not robust, then as politicians we need to look at that again.

On the issue of hate crime, the Crime and Disorder Act passed in Northern Ireland includes specifically a crime based upon and motivated by a hatred of someone with a disability, can actually get an aggravated sentence. But the law is not being used. It is on the statute books.

**Deirdre McAliskey, Women into Politics:** I do not know if all of the speakers had the benefit of Bruce's presentation earlier but he made a comment that I think is central to this conversation when he said the value system should determine the decision mechanisms. And, my question then to the members of the panel is one in the spirit of an honest conversation, which is, is your party committed in its value systems to the fundamental principles of human rights for all? Is your party - yes or no will suffice - committed in its value system to the fundamental principles of human rights?

And, the second part of the question is, how willing or open are you, as a party, in government or not in government, to take an opportunity to transform society and that means in terms of government policy and it means in terms of the types of changes to judiciary and new roles that Bruce talked about this morning?

**Stephen McIlveen, DUP:** It is a very open question in relation to the human rights. Of course we wish to protect universal human rights. That is obvious. But whether or not it comes down to what you define as a human right. In the particular document that came forward, suddenly a million things became a human right. It depends what you are defining as a universal human right. Are they the human rights that are contained in the ECHR or are they the rights that are contained in this particular document?

I did not have the benefit of listening to Bruce's presentation so unfortunately I am not able to comment on it and the surrounding circumstances. But, in relation to changing society, I think everybody gets involved in politics and the political process. One sees things that they want to improve and they do want to improve society and move society on. I do not think anybody wants to go back to the way things were. I think all the parties have come forward and joined into the Assembly to move things forward and to create a better society for the people of Northern Ireland as a whole and not discriminate against any sector of society at all.

**Stephen Nicholl, UUP:** The very quick answer is, yes. But, the defining issue around it then is what human rights are and how broadly or narrowly do you define them?

**Elizabeth Zammit, REAL Network:** The right to live, the same as everyone else in society – that is what a human right is. Being treated equally. That we as people can carry on with our lives in the same way that other people in Northern Ireland carry on with their lives. I am afraid people with disabilities cannot do that.

**Stephen Nicholl, UUP:** And, I have absolutely no problem in saying that the issues around making this society open and available for everyone to engage in on an equal basis is an issue, but I believe it is a political issue rather than being an issue which has to be legislated through the Human Rights Act.

**Shannonbrooke Murphy, Sinn Féin:** Firstly, in terms of the human rights grounding, what we are seeking is not a Bill of Rights just for republicans. We are not seeking a Bill of Rights just for nationalists. This Bill of Rights has to address rights for all in society here - in all society's diversity. And, if it fails to do that, well then, it has not done the job.

I think that both major traditions, if you go back far enough, have a very fundamental rights basis that they are rooted in. Both traditions can draw from this rights basis and new communities as well have a rights basis in their own traditions which we can draw from and the Bill can benefit from those traditions as well.

Regarding whether we are willing to stand these commitments into economic and social policy? Well, absolutely, what would be the point otherwise? And, what we are looking for, really, is a Bill that will establish standards below which no government can fall because it is entrenched in permanent law. Now, what you do separate and apart and on top of that is up for any government as a matter of policy, but we as a society have to agree certain standards below which we will not accept any government, regardless of ideology, regardless of policy platform to fall. That is what the Bill of Rights is about.

**Stephen Farry, Alliance Party:** The answers very simply are, 'yes' and 'yes.' Human rights equality permeates the fundamental values of our party and has done right throughout our history. I think we all want to transform society, but the fundamental point is that there will be different visions from different political parties and different sections of society as to how you transform society and what we are transforming it into. Not least, there is a fundamental chasm as to where we are transforming, are we staying in the UK or transforming into United Ireland—at the very top of the pile? The issue is whether we build a shared future or whether we maintain divisions and manage divisions in society. So, there are huge debates there that have to be had.

A Bill of Rights is relevant in addressing aspects of that. Other aspects fundamentally will remain a political problem to be resolved through parties coming to the table and discussing them in a rational manner.

**Alban Maginness, SDLP:** Thirty-eight years ago our party was founded and was founded on the basis of trying to achieve human and civil rights. The achievement of those rights is our basic, founding principle. And, we have not waived throughout those 30 years. We have opposed oppressive legislation. We have opposed paramilitaries. We have opposed those who have encouraged bigotry and discrimination. And, we will continue to do that. That is a fundamental principle of our party.

So, yes, those values are important and those values will be translated into the policies that this party supports. And, we will continue to hold human and civil rights as sacred to our political objective.

**Dawn Purvis:** Yes, to the first question. And, in relation to the second one around values, I am sorry I missed Bruce's contribution this morning. Values probably go through the heart of the arguments around a Bill of Rights of Northern Ireland. The political parties have different political values, different religious values and I think we need to start from the premise of what kind of society you want to live in. Do you want to live in a society where women are criminalised for accessing reproductive rights? Do you want to live in a society where people are beaten up because of their sexual orientation? Do you want to live in a society where people, because of a disability, cannot access their bank, cannot live in their own home, that they are institutionalised?

So, we need to ask ourselves, if that is the type of society we want to live in? And, if it is not, if we want a society where everyone can access the goods, services, the life that we all want to have, then that is the premise from and that is the value that we start to build a Bill of Rights on.