

A Human Rights Bill for Northern Ireland

(Submission to the Northern Ireland Affairs Committee by the Human Rights Consortium)



May 2009

1. The Human Rights Consortium is a coalition of NGOs, Trade Unions and Community and Voluntary Groups which campaigns for the development of a strong and inclusive Bill of Rights for Northern Ireland. It was established in 2000 to encourage widespread community participation in the consultation process on the proposed Bill of Rights for Northern Ireland. Its membership has now grown to over one hundred and thirty organisations which represent a huge number of people from a diverse range of constituencies and communities across Northern Ireland. A list of our membership is included at the end of this submission.
2. The unifying factor in the Human Rights Consortium is a firmly-held belief that a strong and inclusive Bill of Rights can play a fundamental role in the creation of a better, more just, inclusive and shared Northern Ireland.
3. Over the last nine years, members of the Human Rights Consortium have promoted awareness of and participation in the Bill of Rights consultation process by thousands of people across Northern Ireland. Member groups have made a series of detailed submissions to the Northern Ireland Human Rights Commission, based on these consultations and on expert local and international research.
4. Following the initial Bill of Rights Consultation, the Consortium developed its role to directly campaigning for a Bill of Rights. While it does not take specific positions on the detailed content of a Bill of Rights, it campaigns for a strong and inclusive Bill of Rights. By strong, we mean no undermining of current international/regional human rights protections, recognisable gains, especially for the most disadvantaged and effective enforcement mechanisms. By inclusive, we mean it should represent the diversity that is Northern Ireland, promote equality for all and also move beyond the European Convention on Human Rights and the Human Rights Act to include, in particular, socio-economic rights.
5. The Consortium has helped to put the Bill of Rights onto the agenda of local churches, trade unions and civic society more generally and promoted dialogue

with local political parties. We are in the process of taking this support forward by mobilising widespread popular and political support behind a strong and inclusive Bill of Rights for Northern Ireland.

6. The Consortium members believe that in addition to representing the completion of commitments within the Belfast/Good Friday Agreement, the development of a Bill of Rights can help address many of the issues which are a legacy of the conflict in Northern Ireland and help underpin the current peace with a set of basic rights for everyone in Northern Ireland.

7. The remainder of this submission will focus on three issues which are at the heart of the Bill of Rights debate. Social and economic rights, the particular circumstances of Northern Ireland and cross community support for a Bill of Rights.

Social and Economic Rights

8. A Bill of Rights would set out a common set of rights for all communities, placing no community or section of a community above another. The Consortium members believe that the Bill of Rights debate here can allow all sections of a divided society to come together and voice their views about what rights need to be protected for everyone equally as we move forwards. The Bill of Rights in this way can help unite all communities in Northern Ireland around a common set of shared values which protect everyone.

9. It is clear that the social and economic fabric of Northern Ireland suffered greatly during the conflict and formed part of our 'Particular Circumstances'. It is therefore essential that the protection of social and economic rights plays a central role in the process of rebuilding Northern Ireland. Social and economic rights also encapsulate the day to day range of issues which are of the most immediate relevance to the public, particularly during these times of financial uncertainty. Statistical data supports this.

10. Representative polling across both main communities has shown high levels of support in Northern Ireland for the development of a local Bill of Rights with even higher levels of support for social and economic rights.¹ Over ninety percent of people in both communities support rights to adequate standards of living, rights to the highest attainable standards of physical and mental health, the right to work and rights to social security.

11. Millward Brown Ulster, an independent market research company, interviewed a random sample of 1,007 adults aged 16+ in February 2009. Interviews were conducted across Northern Ireland with a representative sample of the adult population.

¹ Human Rights Consortium Polling carried out by Millward Brown Ulster, February 2009.

12. Those surveyed were asked a range of questions to assess support for the inclusion of social and economic rights in a Bill of Rights. The rights were based closely on the content of the Commission's recommendations. They were asked:

- (a) "How important is it for the right to highest attainable standard of physical and mental health to be included in a Bill of Rights for Northern Ireland?" 94% of those surveyed thought it was quite important or very important. 95% of the Protestant and 93% of the Catholic community supported this view.
- (b) "How important is it for the right to an adequate standard of living to be included in a Bill of Rights for Northern Ireland?" 92% of those surveyed thought it was either quite important or very important. 93% of the Protestant and 93% of the Catholic community supported this view.
- (c) "How important is it for the right to work to be included in a Bill of Rights for Northern Ireland?" 93% of those surveyed thought it was either quite important or very important. 94% of the Protestant and 93% of the Catholic community supported this view.
- (d) "How important is it for the right to adequate accommodation to be included in a Bill of Rights for Northern Ireland?" 93% of those surveyed thought it was either quite important or very important. 93% of the Protestant and 94% of the Catholic community supported this view.

13. The Consortium does not see the Bill of Rights usurping the role of politicians but rather as a natural part of the checks and balances of a modern democracy that sets minimal standards for everyone and ensures a safety net for the most vulnerable in society. The Bill of Rights in the first instance would be implemented by our elected representatives who would use it as a human rights guide to the development of policy and legislation, ensuring its compliance with the Bill of Rights.

14. The implementation of social and economic rights could be progressively realised in accordance with international best practice, using benchmarks and indicators to continuously assess whether the rights in a Bill of Rights were being implemented over a period of time. At the opposite end of that spectrum, if the government consistently refuse or fail to take minimal incremental steps towards implementing those rights, individuals should have an ultimate judicial mechanism of holding the government to account.

15. The Consortium believes that the Northern Ireland Human Rights Commission's recommendations to the UK government on the content of a Bill of Rights represent a positive basis for developing the Bill of Rights, being closely reflective of international standards and the particular circumstances of Northern Ireland. Its inclusion of social and economic rights are of particular importance

and would be close to achieving the Consortium's aim of a strong and inclusive Bill of Rights if implemented in legislation.

Particular Circumstances

16. The term 'particular circumstances' is open to interpretation but the Human Rights Consortium interprets it in the broadest sense, encompassing the political, civil, cultural and socio-economic factors that are specific to Northern Ireland.

17. It is widely agreed that a Bill of Rights for Northern Ireland needs to address the specific realities of our society. Few could disagree that Northern Ireland is a society where people have experienced an abuse of their basic human rights over a long period of time. This is a society of great inequalities and divisions.

18. Northern Ireland has the highest rate of economic inactivity in the UK. 35% of 16 year old school leavers in Northern Ireland failed to achieve 5 A-C GCSEs in 2007. As many as one in five people here has a disability and people with a disability are twice as likely to be unemployed. In addition, the areas that suffered the worst levels of violence during the conflict also had, and continue today to have, the highest levels of deprivation in Northern Ireland. The infant mortality rate among the Travelling community is unacceptably high and over 500 older people die of cold here every year. Moreover, we should not ignore the legacy of the past. In a relatively small population of one and a half million people, over 3,600 individuals have been killed and many thousands injured in the last 30 years of violence.

19. Thousands of people, mainly young males, have passed through the prison system at some point or other. At the same time, many other individuals have been excluded from the mainstream of society. Society's focus on the political conflict has meant that many vulnerable groups and individuals, for example, have suffered even greater marginalisation than they might have in more stable societies.

20. A Bill of Rights that adequately meets the needs of Northern Irish society must address all of these aspects of our society's 'particular circumstances' as we emerge from conflict. A broad understanding of the 'particular circumstances of Northern Ireland' would avoid creating a 'hierarchy of suffering' in which some people are made to feel that their experiences have not been as bad as others, but on the contrary, that society wants to address the different human rights needs of different groups. Recognising a common set of rights in a document that all can identify with and commit to is thus an important element in building a new society. For this reason, it is important that the rights identified should not be too narrow in their focus.

21. The narrower the range identified, the less likely it is that individuals will identify with the bulk of rights on the list. In particular, the more the rights specified are seen to appeal across different communities, the more likely it will be that rights can be seen as something that binds the community together, rather than divides it.

22. For this reason, it might be misguided to focus a Northern Ireland Bill of Rights only on those rights which address specifically Northern Ireland concerns in a narrow way. Such a Bill of Rights would focus only on issues of language, discrimination, minority rights and so on, rather than providing a vision that unites across communities. It would reinforce the idea that human rights are only a trade-off between those communities. It separates rather than offering a vision of shared common values. Perhaps the broader the definition of protected rights, the more it specifically addresses Northern Ireland's circumstances.

Cross Community Support

23. The public debate about the Bill of Rights has, despite the efforts of the Consortium, too often centred on negative political debates split along traditional Unionist and Nationalist political party lines. All political parties here are positively supportive of having a Bill of Rights for Northern Ireland but have disagreed on the content. Despite the political debates on the Bill of Rights, representative polling across both main communities has shown that around three quarters of people in Northern Ireland support the development of a local Bill of Rights.

24. In the same survey mentioned above, those surveyed were also asked, *"How important or not do you think it is for Northern Ireland to have a Bill of Rights?"* 70% of respondents replied positively saying that it was quite important or very important. 69% of the Protestant and 72% of the Catholic community supported this view.

25. The Consortium believes that this clear support among the Northern Ireland public must be respected and transferred to the final content of a Bill of Rights. Additionally, we believe that this public opinion will be reflected in any forthcoming public consultation if the government commits to a wide reaching and engaging consultation that reaches and attracts all areas of society. We feel that this level of commitment is necessary given the government's duties under Section 75 of the Northern Ireland Act.

Conclusions

26. We therefore wish to ask for the Northern Ireland Affairs Committee's support in a number of areas concerning the Bill of Rights for Northern Ireland.

(1) We firstly would urge the Committee to assist in putting pressure on the government to commit to the form of wide ranging and engaging public consultation necessary to elicit the wide support that exists for a Bill of Rights among the Northern Ireland community.

(2) We ask the Committee to recognise the need for the inclusion of the social and economic rights necessary to deliver a strong and inclusive Bill of Rights which reflects the 'particular circumstances' of Northern Ireland

and creates a cohesive set of rights that can unite the traditional communities in Northern Ireland.

(3) We would ask for the Committee's support in developing the Bill of Rights into legislation within the lifetime of this government in order to finally deliver on this remaining commitment of the Belfast/Good Friday Agreement.

27. We thank the Committee for its consideration of what the Consortium believes to be one of the most pressing, relevant and meaningful issues facing Northern Ireland today. We look forward to reading the results of your inquest and hope that its conclusions reflect the clear will that exists in Northern Ireland for a strong and inclusive Bill of Rights.

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Human Rights Consortium Membership List

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Advice NI

Afro-Community Support Organisation NI

Age Concern Northern Ireland

Al-Nisa Association NI

Alternatives NI

Amnesty International

An Munia Tober

Aware Defeat Depression

Barnardos

Belfast & District Trades Council

Belfast Carers' Centre

Belfast Unemployed Resource Centre

Carers Northern Ireland

Carers UK, Belfast Central Branch

Centre for Global Education

Children in NI

Children in Crossfire

CO3

Children's Law Centre

Community Foundation for Northern Ireland
Chinese Welfare Association
Coalition on Sexual Orientation
Committee on the Administration of Justice
Community Arts Forum
Community Development & Health Network
Community Dialogue
Community Change
Community Relations Forum
Confederation of Community Groups
Conflict Trauma Resource Centre
Contact A Family
Conference of Religious of Ireland
COSTA
Corrymeela Community
Council for the Homeless (NI)
Currynrierin Women's Action Committee
Dennett Interchange
Derry Trades Council
Disability Action
Disability Action Human Rights Centre
Ely Centre
EPIC – Ex Prisoners Interpretive Centre
Family Planning Association
Good Shepherd Congregation
Groundwork NI
Hands That Talk
Help the Aged
HIV Support Centre
Housing Rights Service
Include Youth
Indian Community Centre
Interaction Belfast
INTERCOMM
Irish Congress of Trade Unions
Irish Congress of Trade Unions - NI
Committee
Kilcranny House
Latinoamerica Unida
Law Centre (NI)
Linc Resource Centre
Lower Castlereagh Community Group
Making Women Seen and Heard
Mencap
Mercy Sisters

Morton Community centre
Multi-Cultural Resource Centre
Newstart Education Centre
NIACRO
NICDA Social Economy Network
Northern Ireland African Cultural Centre
Northern Ireland Anti-Poverty Network
Northern Ireland Assoc. of Citizen Advice
Bureau
Northern Ireland Business Education
Partnership
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Integrated
Education
Northern Ireland Council for Voluntary Action
Northern Ireland Public Service Alliance
(NIPSA)
Northern Ireland Women's European
Platform
Northern Ireland Youth Forum
North West Community Network
North West Consortium on Human Rights
North West Forum of People with Disabilities
NUS/USI
Old Warren Partnership
Omagh Ethnic Communities Support Group
Omagh Forum for Rural Associations
Organisation of the Unemployed Northern
Ireland
PAKT
Parkanaur College
Pat Finucane Centre
Peace People
Pobal
PPR Project
Rainbow Project
Relate Northern Ireland
Rethink Severe Mental Illness
Rights in Community Care
Rural Community Network
Save the Children
South Down Action on Healing Wounds
Seymour Hill and Conway Community
Signature
Simon Community Northern Ireland
Social Economy Agency
Soroptomist International

Springboard Opportunities
Star Neighbourhood Centre
St Columb's Park House
STEER Mental Health
South Tyrone Empowerment Programme
Terry Enright Foundation
The Nexus Institute
Training for Women Network
Ulster Human Rights Watch
Ulster Peoples College
UNISON Northern Ireland
Upper Springfield Development Trust
Victim Support
WAVE Trauma Centre
West Belfast Partnership Board
Willowbank Community Resource Centre
Windsor Women's Centre
Women into Politics
Women's Aid Federation Northern Ireland
Women's Information Group
Women's Support Network
Workers Educational Association
Womens Resource and Development Agency
Young Citizens in Action
Youthnet