

Address by Professor Chris Sidoti, Chair of the Northern Ireland Bill of Rights Forum, on handing the Forum's report to Professor Monica McWilliams, Chief Commissioner of the Northern Ireland Human Rights Commission

Belfast, 31 March 2008

Chief Commissioner

Words cannot express adequately my delight in handing you today the report of the Northern Ireland Bill of Rights Forum. Having run our stage in this relay, we now pass the baton to you and your colleagues at the Northern Ireland Human Rights Commission.

The Northern Ireland Bill of Rights Forum was set up and appointed by the Secretary of State for Northern Ireland. It was tasked with producing

agreed recommendations to inform the Northern Ireland Human Rights Commission's advice to Government on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international human rights instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and – taken together with the ECHR – to constitute a Bill Rights for Northern Ireland.

The Forum comprised 28 members, representing the five main political parties and a broad range of civil society sectors. Its representivity was not comprehensive; there were some significant groups and sectors not in full membership. But it was broad. And our extended family included representatives of nine official observers, 39 working group members, seven human rights legal advisers, four outreach workers, and I was Chair.

Today, having completed what we were mandated to do, we hand our recommendations to you on behalf of your Commission.

I need to make some comments about what our report does and what it does not do.

Our report reflects the spirit and content of our discussions over the last twelve months. It sets out views on more than 50 areas of human rights, and on many

more times that number of particular issues in relation to these more than 50 principal areas. Its coverage, therefore, is not only broad but truly comprehensive of the range of human rights seen by various members of the Forum to be necessary to be addressed in the particular circumstances of Northern Ireland. That is our first contribution to the Human Rights Commission.

In relation to each matter, indeed at times in relation to many quite specific issues, the range of views expressed by the political parties and sectors on the Forum are fully reported. That is our second contribution. Your Commission will have the benefit of knowing exactly what view each political party and each sector on the Forum holds in relation to each area of rights covered. We have been able to reach consensus on a few issues, but not many. We had all hoped for far more consensus but, in retrospect, more than we have achieved was too much to expect of the process at this stage. You will have your own deliberations about your advice; there will be debate in the Assembly; the Secretary of State will express his views; there will be public consultation; proposals must be submitted to the Parliament. There are simply too many stages of this relay to go to induce anyone to enter into final stage negotiations and to make concessions during the Forum's year. Nonetheless, discussions, even negotiations, have well and truly begun. We are handing to you a well advanced process.

I must also draw to your attention some work we were unable to complete by today. We have worked to a very tight timetable and, I am told, uniquely for such processes in Northern Ireland, we are reporting today on time and within budget. This has meant that we have had to make some compromises in our process and with our product.

First, I need to point out that many of the recommendations are lengthy and read at times more like legislation or even programmes than a Bill of Rights. We did not have the opportunity to review the recommendations in detail and fine tune them to make them accord more to what a Bill of Rights should look like. Our approach was to lose nothing, to ensure that the report we hand to you today fully reflects all the issues that we raised and discussed. It certainly does that. But it could have been further advanced in honing the recommendations in the manner I have described. That job is one we have to leave to you and your Commission.

Second, the Forum was able to reach out successfully to many groups in Northern Ireland that are difficult to reach and that have not been as fully involved in past discussions about a Bill of Rights as they could or should be. We were able to contribute to information and awareness raising about a Bill of Rights. Many of our working groups were also assisted through contributions from members of the public, obtained through submissions, meetings and discussions. However, I need to record that we did not undertake a full proper consultation either on the general question of a Bill of Rights or on specific proposals. This will certainly be required before any legislation for the better

protection of human rights is enacted. We will assist this by providing you with names and contact details of all the groups we have reached and we urge your Commission, and after you the Secretary of State, to follow up with them to ensure their continued involvement in and contribution to the process.

In handing over our report today, I express my thanks, as Chair of the Forum and personally, to all those who have contributed so much to the work we have undertaken.

The members and alternate members of the Forum have all made great sacrifices of their time and energy for this work, serving in voluntary capacities. When we began a year ago, we knew it would be demanding but I doubt that anyone of us knew just how demanding it would prove to be. Members of the Forum have contributed through long, arduous Forum meetings, written contributions, working groups and countless informal consultations. Many of them have also been diligent in attending as many public meetings and discussions as possible, to contribute and to hear what people in Northern Ireland have to say about a Bill of Rights.

I thank as well those who participated in the Forum's working groups. Members of the working groups were drawn from the political parties and sectors represented on the Forum, They made major contributions through their participation in the working groups. They were very well supported by the highly qualified legal advisers, drawn from seven universities, who provided advice, information, drafting and other support. I formally acknowledge the contribution of the legal advisers and thank them sincerely for it.

I have already mentioned our four outreach workers and add as well my thanks to them. They laboured under significant difficulties, having been appointed relatively late in our year and with an assignment that took time to clarify and refine. Yet they managed to offer information to a very large number of the hardest to reach groups in Northern Ireland and to draw them into the Bill of Rights discussions for the first time. Their work was invaluable to our process.

Finally, I offer particular thanks and appreciation to the core members of the Forum's secretariat, Gillian Preece, Gareth Wright and Ben Lee. Their efforts throughout the year have been enormous, keeping the process on the rails and ensuring that everything that needed to be done was done. They have had to cope with my wild ideas and flights of fancy and made up for my deficiencies. Their efforts during these past few weeks have been especially onerous. As Forum members are aware, there has been a succession of nights when documents have been prepared and distributed after midnight, even after 5am yesterday morning. I say without qualification that the Forum's mandate would not have been fulfilled, and fulfilled on time, without their great skills and their unstinting commitment.

The Forum is finished and hands the baton to you and your colleagues at the Human Rights Commission. I return to my own country but the political parties and sectors represented on the Forum are from this region and remain fully committed to continuing this work. I am very pleased that the Secretary of State has advised that they will all be involved in future consultations around the development of a Bill of Rights. The dialogue commenced through the Forum, across and among the parties and the sectors, must continue. I encourage them all to remain engaged and actively involved.

I would like to conclude with some very personal comments. There are various views within the Forum about the proposal for a Bill of Rights and those views are reflected in the report. Over the year that I have worked here on this process, I have become personally convinced that there are deficiencies, serious deficiencies, in the existing levels and procedures for the protection and promotion of human rights in Northern Ireland. These deficiencies need to be addressed and should be addressed, in the interests of all the people of this region. The work of the Forum has contributed to that but it has not finished the task. A Bill of Rights for Northern Ireland has been debated for decades. It has received extensive, formal consideration for the ten years since the 1998 Agreement. We in the Forum have devoted ourselves to the task for the past year. The baton now is passed to the Human Rights Commission and then to the Secretary of State. But none of this is enough. The people of Northern Ireland are entitled not merely to a process. They are entitled to a product. And that product is legislation that ensures far better protection and promotion of human rights than is possible at the moment.

I welcome your commitment today, Chief Commissioner, to provide the Commission's advice to the Secretary of State on 10 December this year, the 60th anniversary of the Universal Declaration of Human Rights. I urge the Secretary of State to complete his consideration of the Commission's advice, undertake the necessary public consultation and present legislation to Parliament as soon as possible after that. The people of Northern Ireland are entitled to a Bill of Rights and it should be enacted next year.