

COMMUNITIES IN TRANSITION PROGRAMME

SUBMISSION TO THE ROUNDTABLE FORUM CONSULTATION ON

A BILL OF RIGHTS FOR NI

1.0 INTRODUCTION

1.1 The Communities in Transition Programme is a programme of development and support for areas of weak community infrastructure and community tension from across Northern Ireland and the Border Regions. It is managed by the Community Foundation for Northern Ireland and funded by the International Fund for Ireland and a private donor. The Communities in Transition Programme began in 2002 and part of the Programme has involved local community activists from ten geographical areas working together to share their learning, address policy and practice issues and discuss local, regional and international learning and implications for peacebuilding and conflict resolution.

2.0 A BILL OF RIGHTS FOR NI

2.1 The Communities in Transition Programme welcomes the opportunity to make a submission to the Consultation on the development of a Bill of Rights for NI.

2.2 In March 2007 we established a Bill of Rights Focus Group to explore and develop our response to the Bill of Rights consultation. This focus group of members representing different local Communities in Transition projects was awarded a small grant under the Community Foundation for Northern Ireland's Bill of Rights Programme. This submission to the Bill of Rights Roundtable Forum was devised over the course of three separate sessions with this small focus group. All members of the focus group agreed to the content of the full submission. This group reflects a wide variety of backgrounds and interests and includes Loyalist and Republican ex-prisoners/ex-combatants and current and former members of the security forces. The members of the focus group are:

- Charmaine Brennan, Cross Glebe Community Association, Harpur's Hill, Coleraine
- Leah-Ann Dollard, Harpur's Hill, Coleraine
- Paul Gallagher, Teach na Failte, Strabane
- Kat Healy (Facilitator), Community Foundation for Northern Ireland
- Con Holmes, Newtowncunningham Community Development Initiative, Newtowncunningham, Co Donegal

- Philomena Keenan, North Cavan Community Development Initiative, Bunnoe, Co Cavan
- Dawn Marshall, Newtowncunningham Community Development Initiative, Newtowncunningham, Co Donegal
- Denver McMeekin, Harryville Partnership Initiative, Harryville, Ballymena
- Susan McKay, Bridges Community Group, Portglenone
- Philip O'Neill, Crumlin Together, Crumlin, Co Antrim
- Monina O'Prey (Facilitator), Community Foundation for Northern Ireland
- Noel Rogan, PSNI, Seacourt Community Council, Seacourt, Larne
- Bertie Shaw, Seacourt Community Council, Seacourt, Larne
- Ian Smith, North Cavan Community Development Initiative, Laragh, Co Cavan
- Robert Sturgeon, North Cavan Community Development Initiative, Stonepark, Co Cavan
- Robbie Winters, Melmount Community Forum, Ballycolman, Strabane.

3.0 THE RIGHTS OF CHILDREN AND YOUNG PEOPLE

3.1 We believe the Bill of Rights should establish and protect the rights of children and young people in the particular circumstances of Northern Ireland. This includes the following specific rights:

3.2 Education

- The right to education.
- The right to choose integrated education.
- The right to attend the educational institution of your choice.
- The right to access the type of education that meets the needs of the child, suitable for its age, ability, aptitude, family circumstances and special needs, at school or otherwise and including vocational training and education for life (e.g. parenting skills).

3.3 Health Care

- The right to quality, free, accessible and appropriate health care, including dental health care.
- The right to mental health care services.
- The right to quality health care services and support for children and young people with special needs.
- The right for a child not to be a carer.

3.4 Basic Rights

- The right to be free from all forms of abuse (physical, sexual, mental and neglect).
- The right to promote and practice culture and diversity with mutual respect.
- The right to family life.
- The right to a name and identity.
- The right to a home.
- The right to be heard and consulted.
- The right to access legal guidance and the right to fair treatment within the justice system.
- The right to safe play.
- The right to be free from bullying.
- The right not to be recruited as a child soldier.
- The right to be free from poverty.

3.5 Youth Services

- The right to association with one's peers.
- The right to accessible, appropriate and safe provisions and services.
- The right to high quality childcare.
- The right to free access to guidance and advice.

4.0 MEN'S RIGHTS

4.1 We believe the Bill of Rights should establish and protect the rights of men in the particular circumstances of Northern Ireland. This includes the following specific rights:

- The right to divorce.
- The right to be free from enforced marriage.
- The right to equal parenting rights.
- The right to education for life (e.g. parenting skills).
- The right to health education.
- The right to quality, affordable childcare.
- The right to be protected from domestic violence.

5.0 WOMEN'S RIGHTS

5.1 We believe the Bill of Rights should establish and protect the rights of women in the particular circumstances of Northern Ireland. This includes the following specific rights:

- The right to divorce.
- The right to be free from enforced marriage.
- The right to equal participation in social, political and economic life.
- The right to equal pay.
- The right to education for life (e.g. parenting skills).
- The right to health education.
- The right to quality, affordable childcare.
- The right to be protected from domestic violence.

6.0 CRIMINAL JUSTICE AND VICTIMS

6.1 We believe the Bill of Rights should establish and protect criminal justice and victims in the particular circumstances of Northern Ireland. This includes the following specific rights:

- The right to have Diplock Court records expunged.
- The right to be free from fear and to feel safe in your own home/neighbourhood/community.
- The right to be free from crime against the person.
- The right to a fair trial with a jury of one's peers.
- The right to have victims statements presented to a jury prior to sentencing.
- The right to access support for victims of crime.
- The right to fair treatment and equality of all prisoners in prison or in police custody.
- The right of political ex-prisoners to have equal access to social, legal and economic rights (including adoption, fostering, claims and mortgages) and the right to travel internationally.
- The right to independent legal advice.
- The right to equitable access to reparations.
- The right to access legal advice and the justice system in a language one fully understands.
- The right to fair, accountable policing.
- The right to independently monitored policing.
- The right to accessible, responsive and adequate policing.
- The right to a Police Ombudsman, Prison Ombudsman and Independent Monitoring Bodies (independent of the service and of government).

- The right to access the Police Ombudsman, Prison Ombudsman and Independent Monitoring Bodies.
- The right to a truth recovery process.

7.0 CULTURE, IDENTITY AND LANGUAGE

7.1 We believe the Bill of Rights should establish and protect culture, identity and language in the particular circumstances of Northern Ireland. This includes the following specific rights:

- The right to promote and practice culture and diversity with mutual respect.
- The right to access basic English language training and education.
- The right to use Irish as a language.
- The right to be educated at an Irish medium school.
- The right to multilingual advice services.
- The right to practice a religion of your choice or no religion.
- The right to a pluralist society free from racism and sectarianism.
- The right to choose British or Irish citizenship and identity.
- The right to be free from discrimination.

8.0 ECONOMIC AND SOCIAL RIGHTS, INCLUDING RELEVANT EQUALITY ISSUES

8.1 We believe the Bill of Rights should establish and protect economic and social rights, including relevant equality issues, in the particular circumstances of Northern Ireland. This includes the following specific rights:

- The right to quality, affordable childcare for all families, including subsidies for those in need.
- The right to affordable housing.
- Age should never hamper care of any kind.
- The right to an adequate income.
- The right to clean water, sewerage provision and electricity.
- The right to employment and a safe working environment.
- The right to be free from poverty.
- The right to access to transport.
- The right to train for employment.
- The right to a clean and sustainable environment.
- The right to quality, free, accessible and appropriate health care, including dental health care.

- The right to maternity pay and maternity leave.
- The right to paternity leave.
- The right to be free from intimidation.
- The right to equal pay for men and women.
- The right to appropriate care services.
- The right to a carers allowance for as long as the care need exists.
- The right to respite care.
- The right of disabled people to have equal access to services, facilities, employment, education and health services.

9.0 CIVIL AND POLITICAL RIGHTS, INCLUDING RELEVANT EQUALITY ISSUES

9.1 We believe the Bill of Rights should establish and protect civil and political rights, including relevant equality issues, in the particular circumstances of Northern Ireland. This includes the following specific rights:

- The right of equitable access to housing, services, employment and education for disabled people.
- The right to protest.
- The right to freedom of political expression.
- The right to freedom of movement.
- The right to freedom of association.
- The right to fair and democratic elections.
- The right to freedom from forced marriage.
- The right to vote.
- The right to divorce.
- The right to be free from discrimination.
- The right to protection of personal data.
- The right not to carry identity cards.
- The right to join a trade union.
- The right to strike.

10.0 PREAMBLE, ENFORCEMENT AND IMPLEMENTATION

10.1 *PREAMBLE:* We believe the Bill of Rights for NI should include a Preamble which reflects the time and context within which it was developed and looks to the future of NI's shared society. The Preamble should state that the Bill of Rights protects all people in our country, affirms the democratic values of human dignity, equality and freedom and reflects the principles of equity, diversity and interdependence. The Preamble should set out the state's responsibility to

respect, protect, promote and fulfil the rights included in the Bill of Rights in order to make all people feel safe and secure in a shared society.

- 10.2 *ENTRENCHMENT*: We believe the Bill of Rights should be entrenched so that it is made a permanent part of the law of NI and has some protection from repeal and/or amendment by future governments.
- 10.3 *AMENDEMENT AND REPEAL*: We believe there should be some scope for amendment to enable the Bill of Rights to reflect society's changing ideas of what should be regarded as a fundamental right. However, the mechanism for amendment must reflect broad consensus and so should take the form of a referendum or agreement among eighty per cent or more of the Assembly's elected representatives.
- 10.4 *SPECIAL COURTS*: We believe that the Bill of Rights should be mainstreamed, but there should be a Special Court to deal with appeals.
- 10.5 *TAKING COMPLAINTS REGARDING VIOLATIONS*: We believe that complaints should be allowed to be taken by individuals, those acting on the behalf of others (with their consent), as well as class action complaints. Furthermore, we believe that legal aid and specialist Human Rights advice should be available to all taking a complaint. Finally, we believe that there must be a quick resolution to complaints, especially when circumstances necessitate an immediate response, and that this should not be left to a judicial review.
- 10.6 *REMEDIES*: We believe that a variety of remedies for breaches of human rights should be available, including but not limited to the following: fines, compensation, public apologies and statements of vindication.

11.0 CONCLUSION

- 11.1 The Communities in Transition Programme Bill of Rights Focus Group urges the Bill of Rights Forum to include all of the above rights in the Bill of Rights for Northern Ireland.
- 11.2 We would welcome an opportunity to meet with the Bill of Rights Forum or any of its Working Groups to provide clarification or further information and to answer any questions in relation to this submission.