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15 December 2007

Bill of Rights Forum
Interpoint Centre
1st Floor
20-24 York St
Belfast
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Dear Sir/Madam

Our Ref: Bill of Rights Submission

Please find attached submission for Bill of Rights forum for your consideration.

This follows a five half day workshops facilitated by Community Dialogue.

Yours faithfully

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A. Limitations/Hesitations about Rights

1. We recognise that it is easier to argue in favour of basic human rights than of social and political rights. The latter involve degrees of delivery which the former do not. So the right to life places a duty on the state to respect life. But what duty does a right to health place on the state? To provide health care for all? Or for those with means? And, if so, to what degree: basic, or very expensive, life-threatening diseases? In a situation of limited resources how can a state be held liable? The same issues arose in relation to education.

2. We recognise that there are a variety of arguments in favour of a Human Rights Bill, including:

§ To express our aspirations

§ To change public opinion

§ To introduce implementable legal change

However we also recognised a need for caution: the wider a Human Rights Bill becomes the less focus there is on particular rights. Also there is a greater danger of legal decisions which bring rights into ridicule.

3. We asked if Rights are meant to be universal why is there a need for particular rights in Northern Ireland? One answer given is the need to deal with the past. We recognise that rights have a role to play here, especially in holding the state accountable for past actions. We note that both Unionists and Nationalists have suffered from abuses by the state. But we also note that the effort to win rights in this area is seen by many in the wider Unionist community as an attack on `their' security forces.

6. We noted that rights will often not help in conflict resolution, e.g. in parading disputes.

7. We recognised that in the absence of an agreed society rights can be used as weapons by groups against each other and are likely to further divisions rather than to build consensus.

8. We recognise that making a wish list into a Bill of Rights is problematic

a) because it does not take account of budgetary issues;

b) because there are dangers with giving courts greater powers than parliament. However, if we had to choose between these we would give more powers to the courts.

B. Issues we want raised in a Northern Ireland Bill of Rights

Despite our reservations we want consideration given to the inclusion of the following in a Northern Ireland Bill of Rights:

1. Health

We regard equal access to health as a really important value in society. We are opposed to private medicine because it means people are treated on the basis of wealth rather than need. We need to end profiteering in the Health Service.

We recognise that care needs to be taken with rights-based legislation in the area of health care, because of the problems of deciding on hard medical choices.

We therefore propose:

§ That there should be equal access to public medicine for all on the basis of need, including mental health.

§ That there should be no public funding for private medicine.

§ That there should be no preferential treatment for private patients in public hospitals

§ That all organs for transplant should be the property of the State and should therefore be given on the basis of medical need, rather than at present when they are available for purchase by private means.

§ That no tax breaks should encourage private medicine.

§ That regular audits of the health system are carried out to expose ways in which people are not treated on the basis of need, and to expose ways in which public funding is being used to subsidise private treatment.

§ In the Health System we need to get back to the pre-Thatcher stage when proper public funding was being put into the system. We also need to examine critically the profits excessive being made out of the Health system by multinationals.

2. Education

§ That all public subsidies of private education be ended. This includes public subsidies of religious schooling.

§ That the right to religious freedom be seen as subordinate to the right of children to experience diversity and not to be reared in an apartheid society.

3. Affordable child care:

§ That all parents have the right to affordable child care in order to encourage education, training and employment.

4. Criminal Justice

§ That government documents on the past within the context of the past and for the purposes of investigations into State abuses be discoverable by legitimate legal processes. We recognise that there may be a need for confidentiality provided this does not block a proper and full investigation. The aim should be not to allow indiscriminate access to documents but to make it less easy for the State to hold on to documents and thereby cover up past abuses.

5. Employment

§ That employment training be offered to all up to qualification level in trades and/or 25 years of age.

§ That second-chance adults be entitled to free education up to and including primary degree level.

6. Housing

§ That everyone is entitled to affordable housing.

7. Implementation of a Bill of Rights

§ We believe there is a need for a Northern Ireland court to oversee a Northern Ireland Bill of Rights, but this court should include judges from other countries.

End