

Teach na Failte

Bill of Rights Submission

1. Introduction

Teach na Failte is a registered charitable organisation whose main aim is the social re-integration and social inclusion of former INLA prisoners and combatants and their families.

We operate on an all Ireland basis, building capacity and assisting and encouraging our client base and their families in the aim of adequately addressing their needs as part of society which is emerging out of conflict.

In doing so, we are attempting to articulate the concerns of the Republican Socialist community whilst simultaneously working to overcome the obstacles, both perceived and real, to addressing the legacy of the conflict.

We liaise with a wide range of agencies from whom we draw support that enables us to give our members support in making use of services in relation to employment, education, training, personal development, skills development and social services.

We aim to provide confidence and trust within the Republican Socialist community, assisting and encouraging that community's transition from conflict to peace.

2. Context of Teach na Failte's Submission to the Bill of Rights Consultation

Teach na Failte is one of twenty groups included in CFNI's Training and Support Programme. We have worked closely with a mentor over the greater part of the past year to organize a variety of activities and events. These have included in-house training seminars on Human Rights that explored the political and philosophical logic behind the idea of rights as well as the practical legal mechanisms and international conventions that are used to underpin Human Rights. In the course of training we also liaised with Human Rights activists from Europe and the Middle East to explore the international experience of ex-political prisoners, inter alios.

We felt there was a need to equip ourselves with a global yardstick that would enable us to measure the impact of Human Rights both as a reality and, in some cases, as a much trumpeted but un-enforced pipe-

dream. The international experts with whom we consulted advised that a culture of rights can only be created through actions and assertions; they also warned that rhetoric about rights that are not enforced can be counter-productive and, in (community) conflict situations, can aggravate the sense of grievance held by one community and contaminate the political process with cynicism. We are particularly concerned, therefore, that the proposed Bill of Rights should be a bona fide document designed to enhance equality and human dignity for all, as well as to challenge discrimination and provide access to justice for all. As an organization, we are concerned with the general welfare of ex-political prisoners of the Republican Socialist Movement and so the following submission will focus on issues that touch their lives.

3. Bill of Rights Proposals

- The status of ex-political prisoners should be recognized as equal with every other citizen in Europe. Current laws that discriminate against ex-political prisoners (claiming compensation for accidents, injuries, damage to property etc.) should be seen as in conflict with the equality provisions contained in the Bill of Rights.

The continued existence of these discriminatory laws is regarded as oppressive and vindictive and a source of alienation affecting not just ex-political prisoners, but their families and their communities.

- Full equality should also apply to employment rights. Although there has been some movement towards remedying employers' discrimination against ex-political prisoners, this needs to be underpinned in the Bill of Rights.
- Full equality should apply when an ex-political prisoner wishes to exercise the right to adopt or foster children; this is currently being denied.
- Full equality should apply in an explicit way when ex-prisoners apply for mortgages, loans or other economic or financial benefits.
- The records of ex-political prisoners should not be used to stiffen sentencing or to draw adverse inferences in subsequent legal proceedings whether civil or criminal.
- The rights granted in the Bill of Rights should supersede security legislation, especially where political motivation is discernible. For

example, the presumption of innocence should be fortified to preclude the soliciting of security personnel's "opinions" as part of the evidential basis to convict someone of membership of an illegal organization since there is an obvious conflict of interest. In short, the Bill of Rights should make the protections afforded to the individual more robust so as to reflect the interests of justice. Increased transparency might also serve this end.

- Ex-political prisoners and their families should have the right to access adequate mental health services to meet their needs in respect of trauma and conflict-related care.
- The Bill of Rights should recognize that there are still political prisoners in Ireland and Britain who are imprisoned due to the conflict or its current aftermath. These prisoners should have the right to safety, segregation, education, free association, and to wear their own clothes. These prisoners should also be housed as close to their families as possible.
- The internal disciplinary codes and appeal procedures of prisons should be human rights-proofed to eliminate the ongoing reality of discrimination on political grounds, as for example, when a prisoner chooses to wear an Easter lily.
- Ex-political prisoners also endure travel restrictions caused by their records, if the Bill of Rights could say something about the equal status of ex-political prisoners it might help in challenging the travel restrictions that are imposed by other states.

4. Postscriptum

Finally we would like to thank CFNI and all those involved in the Bill of Rights Consultation for the opportunity to make a contribution to the process of building a culture of rights in Ireland and among the ex-PoWs of the Republican Socialist Movement.