

"PARTICULAR RIGHTS AFFECTED BY THE PARTICULAR CIRCUMSTANCES OF NORTHERN IRELAND"

(This is a personal submission and not a report from the Working Party on Criminal Justice and Victims. It is not necessarily exhaustive.)

Preliminary

Neil Faris's submission (10/10/07) deserves further consideration. "The 'particular circumstances' [of Northern Ireland] are those concerning the lack of mutual respect and parity of esteem as pertaining between both communities in and before 1998." Should the Forum, or each Working Party, draw its own conclusions on this issue? Should we obtain Opinion from Senior Counsel on the Forum's Terms of Reference?

"Needs" are not necessarily "rights."

"Victims"

The Forum is considering "the particular circumstances of Northern Ireland", yet it does not include any representative from a victims' organisation. However, the term "victim" is emotionally charged. We need to consider the rights of those who suffered bereavement, injury or loss as a result of the conflict, such rights to include entitlement e g to compensation, access to support services, health care, etc.

Criminal Justice System

The Northern Ireland conflict was neither ordinary criminality nor a conventional war but a tertium quid which the criminal justice system was not designed to deal with. It could therefore be considered, but also the right to live free from paramilitary threat.

Ethical issues

If – I repeat if - our terms of reference permit proposals on such issues as abortion, family values, sexual orientation, etc they should be fair and balanced. The rights of all reasonable viewpoints need to be protected, including the right to reasonable freedom of expression, and the right of individuals and corporate bodies like Churches not to be forced into accepting and promoting any particular set of beliefs, standards and values as a pre-condition for receiving grants

from the public purse for the various charitable services they provide.

Many church-related activities receive grants from the public purse, but Church members also contribute to the public purse by paying their taxes. Access to public funds should not be denied to charitable activities because of reasonable creed or belief.

(Cf. The U N Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981).

Parades

The right to parade and the right to protest against parades are obviously part of our "particular circumstances." The former NIHRC seemed to ignore this issue; the Forum cannot avoid it.

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