

November 07.

Sinn Fein welcomes the opportunity to set out some preliminary examples of the range of specific areas of the rights infringements our society has experienced arising from the particular circumstances pertaining in the north of Ireland. We believe these require supplementary protections in a Bill of Rights. The work of the Forum will look at a broad range of perspectives, political and civic, to inform participants. The contributions from all represented on the Forum will assist the process of dialogue on these matters.

Note on 'Particular circumstances'

Remit of Forum

"To produce 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 instruments and experience."

Some of the particular circumstances which characterize society in the North of Ireland are:

- The effects of the undemocratic partitioning of the Irish nation by Britain. The creation of a state in the 6 counties

("Northern Ireland") wherein a majority supports the union with Britain. This situation is politically contested by a substantial minority.

- The effects of 50 years of unionist party political and cultural dominance and discrimination-
 - in the institutions of the state
 - in employment practices
- The effects of the 40 year armed conflict which arose from this.
- The effects of almost two decades of governance by direct rule from Westminster which was neither accountable to, nor responsive to, the needs of the people.
- The resulting sectarian discrimination remains entrenched in many key areas of society despite the legislative and other equality frameworks in place.
- The social fabric in communities is increasingly decimated by gangsterism, intimidation, drug dealing and racketeering by armed gangs.
- Sectarian, indiscriminate and violent attack on minorities are widespread.
- A highly polarised society in which the political parties draw their support primarily on the basis of where they stand on

the constitutional issue. There is a strong sectarian element to this.

- A society dominated by a single identity based on majoritarianism produced a unionist state for a unionist people. Discrimination resulted against minority and disadvantaged groups.
- A system of local government, with severely, and exceptionally, restricted powers, remit, and participatory structures of governance, or engagement with NGO and community sectors, and continues, in many areas, to run, and legitimise exclusive, majoritarian governance.
- Housing, health and other public institutions run by mostly un-elected Quangos which have no democratic mandate or accountability to the people, which maintain sectarian policies, including continuing ghettoisation of communities.
- Aspects of the education system are discriminatory and need to be addressed.
- The economy remains a predominantly satellite economy, dependent upon and run for and by, the needs of Westminster. There is no fiscal or monetary autonomy. Powers, to regulate commerce and trading agreements, are not in the hands of the partitioned state, nor are there sovereign powers to engage the pillars of society - the community, business, trade unions and the agricultural

sector - to work together to plan longer term economic development and growth.

- There are particularly high economic inactivity rates, low investment growth and low expenditure on research and development. The economy remains skewed to the non-productive service sector, with its characteristically low paid, casual employment, and employment in the non-productive public sector.
- There is a systematic in-built rejection of opportunities to engage with the rest of the island, in joint economic development to mutual advantage.
- There remain exceptionally high pockets of persistent disadvantage, within geographical areas, as in cross cutting disadvantaged sectors, such as women, lone parents, gays and homosexuals, migrant workers, rural dwellers, disabled, aged and youth.
- There has been substantial immigration, from both EU and non-EU countries. A pattern of racism and racist attacks have become common.

The North is a state which has been based on majoritarianism and domination by a single identity culture. This has fed a culture of systematic discrimination often reinforced by violent attack and fear, against any and all minority groups, and the socio-economically disadvantaged.

In these circumstances civil and political rights, and socio-economic rights. are inextricable and indivisible as the international experience is clearly demonstrating. They cannot be dealt with piece-meal.

The Bill of Rights must therefore enshrine rights to 'freedom from fear and want' (US President Thomas Roosevelt), and establish trust and legitimacy through a process embodying inclusive participation, and commitment to a multidimensional culture grounded in commonly accepted human rights, with an effective process of redress.

The following are some areas around additional Rights which we believe reflect our particular circumstances are taken directly from the Good Friday Agreement and should be incorporated in the Bill of Rights:

- The right of free political thought
- The right to freedom and expression of religion
- The right to pursue democratically national and political aspirations
- The right to seek constitutional change by peaceful and legitimate means
- The right to freely choose one's place of residence
- The right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity
- The right to freedom from sectarian harassment and

- The right of women to full and equal political participation

These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem in respect of:

- language

- culture

- the use of symbols and emblems for public purposes

There are other areas of the Good Friday Agreement in relation to equality and non-discrimination, to parity of esteem between the two main communities and to the development of a culture of equality and human rights for all which should also be reflected in the Bill of Rights.

The Forum's seven Working Groups are in the process of examining a range of potential rights. We believe it would be premature to put forward definitive lists of rights as the Working Groups, political parties and representatives of civic society, are still engaged in their deliberations. However we believe that the Bill of Rights must reflect the need to ensure that socio-economic rights are defined as they have played a key role within our particular circumstances and can play a significant role in transforming our society if defined in a Bill of Rights. It is our view that the Agreement does not restrict us to formulating a narrow set of rights but charges us with building a new society where everyone's rights are enhanced and protected.

We believe we need to look at rights with regard to health, education, housing and employment. We need to identify how the rights of older people in our society, of carers, women, children and young people; of the disabled, ex-prisoners, travellers, GBLT and of our new communities are to be protected. We need to look at the rights of victims of the conflict and truth; of marching with regard to the rights of host communities; trade union rights and employers rights; language rights; at the rights of those accused with regard to the criminal justice system, environmental and developmental rights which affect our communities rights to meaningful participation in decision-making.

In conclusion Sinn Fein welcomes the Forum's collective agreement to produce recommendations/advice to the North's Human Rights Commission that will protect the rights of all in the Bill of Rights.

We believe a comprehensive and inclusive Bill of Rights will benefit not only citizens and groups but the structures of governance itself. Bills of Rights in other countries have actively assisted governments in taking decisions that shape policies and spending priorities in order to take measurable and progressive steps to produce comprehensive change in the quality of life for everyone. In the new opportunity that we have been given, it would be a wasted opportunity to do anything less.