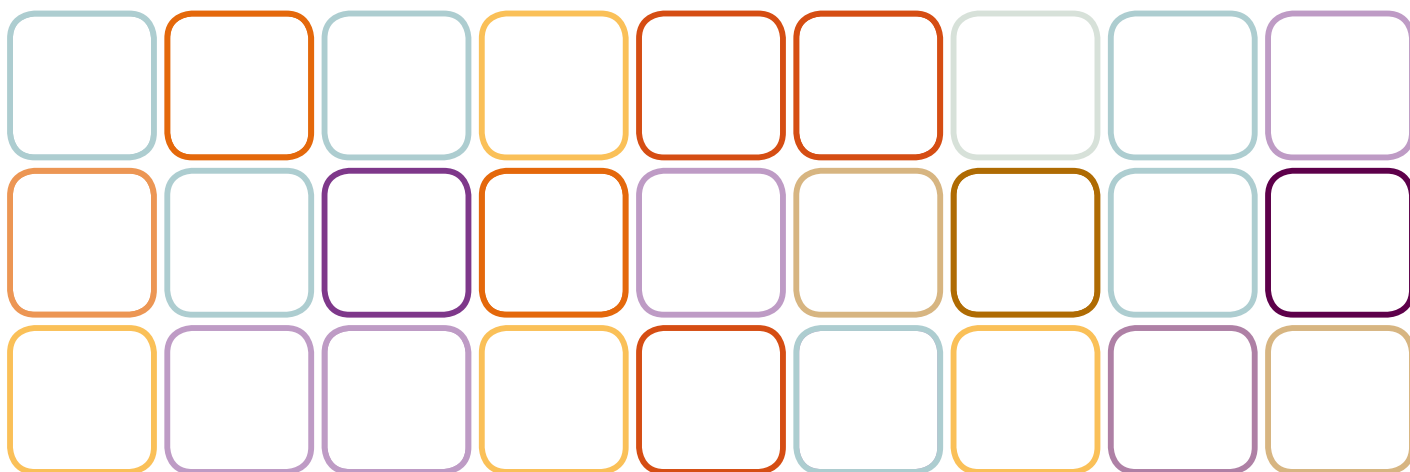




NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

# Summary

A Bill of Rights for Northern Ireland  
Advice to the Secretary of State for Northern Ireland







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Advice to the Secretary of State for Northern Ireland

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# 1. Introduction

This document is intended to promote a greater understanding of the Northern Ireland Human Rights Commission's (the Commission) recommendations on a Bill of Rights for Northern Ireland. The Northern Ireland Office will conduct a public consultation on its response to the Commission's recommendations in the autumn of 2009. Individuals and organisations responding to the consultation are encouraged to compare and contrast the Commission's recommendations with those of the Government when formulating their opinions.

Download the Bill of Rights advice from [www.nihrc.org](http://www.nihrc.org)

The Commission's full Bill of Rights advice to the Secretary of State was published on 10 December 2008 in a document called **A Bill of Rights for Northern Ireland: Advice to the Secretary of State for Northern Ireland**. The report is available on the Commission's website: [www.nihrc.org](http://www.nihrc.org).

## The Commission's mandate

The Belfast (Good Friday) Agreement 1998 included the commitment that the Commission would be asked:

**...to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights (ECHR), to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and – taken together with the ECHR – to constitute a Bill of Rights for Northern Ireland.**

Issues for consideration were to include:

**the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.**<sup>1</sup>

This commitment was subsequently reflected in the Northern Ireland Act 1998.<sup>2</sup>

## The framework of a Bill of Rights for Northern Ireland

The Commission's advice to government sets out a series of recommendations on the content of a Bill of Rights for Northern Ireland. Many of these recommendations are not absolute and the proposed obligations on government to fulfil the rights are limited or qualified. The Commission's advice seeks to explain how its recommendations should apply in practice. The advice is not draft legislation; rather, so as to be clear what is meant, it sets out in detail how the law should be drafted.

### The relationship with the Human Rights Act 1998 (HRA)

The Human Rights Act 1998 (HRA) is based on the European Convention on Human Rights (ECHR). The Commission recommends that the provisions of the HRA should be included within a Bill of Rights for Northern Ireland. This is in keeping with the Commission's mandate and means that the HRA will, in practice, continue to apply in Northern Ireland.

<sup>1</sup> Belfast (Good Friday) Agreement 1998, pp 16-17.

<sup>2</sup> Northern Ireland Act 1998, section 69(7).

## Summary of the Human Rights Act 1998

- Article 2** Every person's life shall be protected by law.
- Article 3** No one shall be subjected to torture or to inhuman or degrading treatment or punishment.
- Article 4** No one shall be subjected to slavery or forced labour.
- Article 5** Everyone shall have the right to liberty and security of person.
- Article 6** Everyone is entitled to a fair and public hearing when facing a criminal charge or where their civil rights are at stake.
- Article 7** No one shall be punished without law.
- Article 8** Everyone has the right to respect for their private and family life, their home and correspondence.
- Article 9** Everyone has the freedom of thought, conscience and religion.
- Article 10** Everyone has the right to freedom of expression.
- Article 11** Everyone has the right to freedom of peaceful assembly, to form and to join trade unions and to associate with others.
- Article 12** Everyone has the right to marry and to found a family.

- Article 14** The rights contained in the Convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- Article 16** Draws attention to Articles 10, 11 and 14. It makes clear that nothing contained within those Articles prevents a government from imposing restrictions on the political activity of people who are not citizens.
- Protocol 1**
- Article 1** Everyone is entitled to peaceful enjoyment of his or her possessions. No one shall be deprived of his or her possessions without compensation.
- Protocol 1**
- Article 2** No person shall be denied the right to education.
- Article 3** Everyone has the right to participate in free elections conducted with a secret ballot.
- Protocol 13**
- Article 1** The death penalty shall be abolished.



### The relationship with the European Convention on Human Rights (ECHR)

Not all of the rights in the ECHR were included in the HRA when the Act was introduced in 2000. The Commission recommends that some ECHR rights not contained in the HRA, and therefore not part of United Kingdom (UK) domestic law, should be included in a Bill of Rights for Northern Ireland because of its particular circumstances.

#### Rights supplementary to the ECHR

The Commission recommends a number of rights supplementary to those contained in the ECHR should be included in a Bill of Rights for Northern Ireland. The majority of these are drawn from international human rights treaties to which the UK has already agreed and is legally bound.<sup>3</sup>

Many of the supplementary rights recommended are already protected in separate domestic legislation, but the particular circumstances of Northern Ireland justifies their inclusion in a Bill of Rights as mandated by the Belfast (Good Friday) Agreement 1998. These recommendations are not therefore new, but are rights which the UK Government already has obligations to protect and fulfil.

### The criteria for including supplementary rights

A methodology reflecting the mandate from the Agreement, unanimously agreed by Commissioners, was used to help determine the content of the Commission's advice.<sup>4</sup> As part of this methodology, Commissioners considered in detail the fundamental issues of whether each recommendation:

- a) was justifiable because of the particular circumstances of Northern Ireland
- b) was supplementary to the ECHR and HRA and compatible with their existing provisions

- c) was in line with best practice according to international human rights standards and experience, and
- d) would help reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem.

### The relationship with a Bill of Rights for the UK

The Joint Committee on Human Rights at Westminster

Download the Commission's full methodology from [www.nihrc.org](http://www.nihrc.org)

published a report on **A Bill of Rights for the UK?** in August 2008,<sup>5</sup> concluding that the UK should adopt a Bill of Rights and Freedoms in order to provide necessary protections, particularly to marginalised and vulnerable people. The Committee acknowledged the considerable progress that had already been made towards realising a Bill of Rights for Northern Ireland. It also concluded that "devolved governance arrangements do not preclude a UK Bill of Rights from being drawn up" and that "having Bills of Rights at both the national and the devolved levels is desirable".

In April 2009, the Government published a Green Paper on Rights and Responsibilities. In this paper, the Government acknowledges the separate process of formulating a Bill of Rights for Northern Ireland and states that it "does not wish the public debate around a UK instrument to detract from the process relating to a potential Bill relating to the particular circumstances of Northern Ireland".<sup>6</sup>

<sup>3</sup> The international human rights instruments and their respective monitoring bodies are available at: <http://www2.ohchr.org/english/law/index.htm>.

<sup>4</sup> NIHR (2008) A Bill of Rights for Northern Ireland: Advice to the Secretary of State for Northern Ireland, 10 December 2008, NIHR, Belfast, Appendix A.

<sup>5</sup> House of Lords, House Commons, Joint Committee on Human Rights (2008) A Bill of Rights for the UK?, Twenty-ninth Report of Session 2007-08, Vol 1, TSO, London.

<sup>6</sup> Ministry of Justice (2009) Rights and Responsibilities: Developing our Constitutional Framework, Cm 7577, TSO, London.

## 2. Implementation and enforcement of a Bill of Rights for Northern Ireland

Before reaching a conclusion on whether you agree or disagree with each of the Commission's recommendations, we believe it is important to read the whole document. The rights may appear self-explanatory, but it is necessary to understand how they are to be implemented and enforced, the limitations that may be applied, and the role that elected politicians would have in this regard at the Westminster Parliament and the Northern Ireland Assembly.

### Defining a public authority

A Bill of Rights for Northern Ireland would impose obligations on public authorities. The term 'public authority' is used in the Human Rights Act (HRA) but the courts have adopted a narrow interpretation of what constitutes a public authority. The Commission recommends that there should be a wider definition of 'public authority' to include any person or body performing a public function.

### Who can make a claim under a Bill of Rights for Northern Ireland?

The HRA adopts a narrow victim-based definition of those who can make a claim under the Act. The Commission believes the HRA definition is too narrow for the purposes of a Bill of Rights for Northern Ireland. It recommends that an individual or organisation should be able to make a claim provided they can demonstrate a 'sufficient interest' in doing so.

### How the rights contained in a Bill of Rights for Northern Ireland can be enforced by courts

The justiciability of a right refers to the extent to which it can be enforced by courts. The Commission recommends that all of the rights contained in a Bill of Rights for Northern Ireland should be justiciable.

All of the proposed rights will have a minimum core that must be given immediate effect by public authorities. But some rights will also have aspects that should be realised increasingly over time. These rights are

All of the rights are justiciable

identifiable throughout Chapter 3 by the phrase 'with a view to achieving progressively the full realisation of this right'.

The Commission has recommended that the Government should report on what it is going to do, and, what it has done, in order to achieve rights that are to be progressively realised. Specifically, we have recommended that the Executive should report to the Assembly annually on the progress made during the previous year.

This does not prevent the Government, however, from setting policy and spending priorities. In Northern Ireland, the Executive Committee's Programme for Government 2008-11 and the delivery framework established in accordance with Public Service Agreements already establishes a robust and effective basis for monitoring, with published annual reports. This is a strong foundation upon which to implement the Commission's recommendations and to promote, protect and fulfill the progressive realisation of rights.

A Bill of Rights should be enforceable in the existing courts

### Do we need new courts?

The Commission recommends that the best method of enforcing a Bill of Rights is through the existing court structure in Northern Ireland, avoiding burdensome and expensive litigation procedures which may result if Bill of Rights claims had to be separated from other claims and diverted to a different court.

### Guidance for courts interpreting the content

Bills of rights often include guidance to courts on interpreting the meaning and scope of the various rights contained in them, identifying certain principles which the court must take into account when reaching decisions. The Commission recommends that the Bill of Rights for Northern Ireland should be interpreted in a way that ensures harmony, to the greatest extent possible, with the HRA and the European Convention on Human Rights (ECHR). However, we believe nothing should prevent the Bill of Rights for Northern Ireland providing more extensive protections than are provided under the HRA or the ECHR.

The Commission recommends that guidance should be given to the courts to pay proper regard to the Preamble of the Bill of Rights; to the case law of the European Court of Human Rights and to international human rights law, including relevant judgments of foreign and international courts and tribunals.

The Commission also recommends that the Bill of Rights should include a non-retrogression clause with the aim of ensuring that there would be no reduction of current human rights protections.

## Remedies for people whose rights are violated

The Commission recommends that a clause should be included in the Bill of Rights for Northern Ireland requiring courts to grant an effective remedy to everyone whose rights have been violated. This would give the court the discretion to decide the most just and appropriate remedy.

Courts should be allowed to decide an effective remedy for Bill of Rights cases

## How the proposed rights can be limited

Very few human rights are absolute. The obligation on the state to fulfil many rights can be limited or qualified. For this reason, bills of rights commonly include a provision which ensures that rights cannot be limited or restricted by government without a legitimate aim and only to the extent necessary in a democratic society.

The Commission recommends that a general limitation provision should be included in a Bill of Rights for Northern Ireland, drafted to ensure that supplementary rights are subject only to such limitations as are prescribed by law and are necessary in a society based on the values of human dignity, democracy, liberty, and equality, taking account of all relevant factors, including:

- a) the nature of the right
- b) the importance and legitimacy of the purpose of the limitation
- c) the nature of the limitation

- d) the relation between the limitation and its purposes, and
- e) the availability of less restrictive means to achieve the purpose that the limitation seeks to achieve.

## Suspension of a Bill of Rights for Northern Ireland in times of emergency

Some bills of rights contain 'derogation' clauses, which allow governments to suspend certain human rights in times of emergency. The HRA and the ECHR contain the option to derogate from certain rights "in time of war or public emergency threatening the life of the nation".

The Commission recommends that a Bill of Rights for Northern Ireland should permit derogation in limited circumstances, and in accordance with transparent and fair procedures. It recommends that a state of emergency must be declared and confirmed by the Westminster Parliament before any derogation from the Bill of Rights for Northern Ireland could be made. The declaration and any related legislation should be published as soon as reasonably possible and it should be effective for no more than three months. After this time it should be reviewed and a further decision made.

## Making amendments to a Bill of Rights for Northern Ireland

The Bill of Rights for Northern Ireland will be enacted by Westminster as primary legislation. In the UK, no Parliament can prevent a future Parliament from legislating as it wishes. This means that a future Parliament could decide to amend or even to repeal the Bill of Rights for Northern Ireland. The Commission recommends that before the Bill of Rights can be amended, cross-community approval must be obtained in the Northern Ireland Assembly. This will provide an important layer of protection and a guarantee of democratic accountability.

A Bill of Rights could be changed through cross-community approval at the Northern Ireland Assembly

### 3. Proposed contents of a Bill of Rights for Northern Ireland

#### Preamble

It is usual for a Bill of Rights to have a Preamble, that is, an introductory section setting the context. The Commission recommends a Preamble for the Bill of Rights for Northern Ireland based on the principles set out in the Universal Declaration of Human Rights and other international human rights standards, the European Convention on Human Rights (ECHR), the Belfast (Good Friday) Agreement 1998 and the St Andrews Agreement 2006.

The Bill of Rights for Northern Ireland is an Act to give further effect to rights and freedoms guaranteed under Schedule 1 of the Human Rights Act 1998 plus a number of supplementary rights that arise out of the particular circumstances of Northern Ireland.

Founded on the principles of full respect for, and equality of, civil, political, economic, social, and cultural rights and of freedom from discrimination it:

Recognises that a just and equal society is best maintained by a stable and functioning democracy and the common observance of human rights;

Acknowledges the dignity and worth of every person and the equal and inalienable rights of all;

Reiterates an absolute commitment to exclusively peaceful means of resolving differences;

Addresses the legacy of the past and the special needs of victims and survivors of the conflict;

Enshrines the entitlement of all to the full range of human rights and fundamental freedoms, safeguarded by the rule of law;

Strives to ensure that every child will grow up safe and secure;

Values the role of women in public and political life and their involvement in advancing peace and security;

Cherishes our common humanity and advocates freedom from fear and want;

Seeks to protect our common heritage and natural environment for future generations;

Accepts the commitment to mutual respect and the religious and civil rights of everyone;

Welcomes the rich variety of languages, beliefs and traditions which is the cultural wealth of our society; Upholds the existing rights and protections of individuals and groups especially those that guarantee free and fair participation in economic, social and political life; and

Is dedicated to the achievement of reconciliation and the vindication of the human rights of all.

#### Rights recommended by the Commission for inclusion in a Bill of Rights for Northern Ireland

This section sets out the rights that the Commission has recommended for inclusion in a Bill of Rights for Northern Ireland. The ECHR rights not included in the Human Rights Act (HRA) and the rights supplementary to the ECHR are placed in boxes for ease of reading. There is also a short statement explaining why these rights are important.

##### The right to life

ECHR Article 2 protects the right to life. It is included in the HRA. The Commission recommends that Article 2 be included in a Bill of Rights for Northern Ireland. It also recommends the following supplementary rights.

A provision should be drafted to ensure that –

Legislation must be enacted to ensure that all violations of the right to life relating to the conflict in Northern Ireland are effectively investigated. Any mechanisms established must be fully in compliance with international human rights law.

The conflict in Northern Ireland resulted in widespread and systematic violations of the right to life by state and non-state actors. As a direct consequence of the conflict, 3,703 people were killed and many more suffered injury, illness or loss. The lack of effective

investigation of unsolved deaths relating to the conflict has been a source of bitter dispute in Northern Ireland.

ECHR Article 2 imposes a duty on states to take measures to protect the right to life and to effectively investigate suspicious deaths. However, it has been held that the HRA does not apply to situations which arose before it came into force in October 2000. At the moment, therefore, different standards apply in domestic law to investigating lethal force deaths, depending on whether the death occurred before or after October 2000. This recommendation seeks to ensure that investigations of alleged violations of the right to life relating to the conflict in Northern Ireland which occurred before October 2000 are conducted according to the same procedural standards as those conducted after this date.

### Freedom from torture, inhuman or degrading treatment

ECHR Article 3 protects the absolute right to freedom from torture, inhuman or degrading treatment. It is included in the HRA. The Commission recommends that Article 3 be included in a Bill of Rights for Northern Ireland. It does not recommend any supplementary rights.

### Prohibition of slavery and forced labour

ECHR Article 4 prohibits slavery and forced labour. It is included in the HRA. The Commission recommends that Article 4 be included in a Bill of Rights for Northern Ireland. It does not recommend any supplementary rights.

### The right to liberty and security

ECHR Article 5 protects the right to liberty and security. It is included in the HRA. The Commission recommends that Article 5 be included in a Bill of Rights for Northern Ireland. It also recommends a part of the ECHR not included in the HRA and the following supplementary rights.

Provisions should be drafted to include ECHR Protocol Four, Article 1 –

No one shall be deprived of his liberty merely on the ground of the inability to fulfil a contractual obligation.

Provisions should be drafted to ensure that –

1. Everyone who is arrested or detained has the right to consult promptly and privately with a legal representative and of prompt access where appropriate to a medical practitioner.
2. Everyone who is arrested or detained has the right to be visited by a family member under appropriate supervision.
3. Everyone who is questioned under arrest has the right to have a legal representative present during the questioning and to have it aurally and visually recorded.
4. Public authorities must take all appropriate measures to reintegrate into society those in detention or alternative care by providing support, prior to and after discharge, towards independent living.
5. Every child or vulnerable adult who is questioned under arrest, held in detention without charge, or being charged, has the right to have a legal representative and appropriate adult present to represent their best interests.
6. Every child alleged to, accused of, or proven to have infringed the criminal law has the right to be treated in a manner that pays due regard to the child's age, understanding, and needs and is directed towards the child's reintegration in society.
7. Every child has the right not to be detained except as a measure of last resort, in which case, the child may be detained only for the shortest appropriate period of time, and has the right to be:
  - a) kept separately from detained persons over the age of 18 years; and
  - b) treated in a manner, and kept in conditions, that pays due regard to the child's age.
8. No child in the criminal justice system shall be subject to the use of force or methods of restraint unless it is absolutely necessary to avoid serious injury to the child or another person.

The Commission has made these recommendations because the Belfast (Good Friday) Agreement recognised the need for reform of the criminal justice system in Northern Ireland. Reasons for detaining suspects, the conditions of detention and the treatment of suspects have raised human rights concerns in Northern Ireland. The reintegration of prisoners into society remains a significant issue. Outside the criminal justice system, there has been an over-reliance on long-stay hospitals and resettlement has been slow compared to the rest of the UK. The Commission considers that the proposed supplementary rights will help to build confidence in the criminal justice system and ensure that the vulnerabilities of children are adequately addressed.

### The right to a fair trial and no punishment without law

ECHR Articles 6 and 7 protect the right to a fair trial and the right to no punishment without law. They are included in the HRA. The Commission recommends that Articles 6 and 7 be included in a Bill of Rights for Northern Ireland. It also recommends the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone has the right to trial by jury for serious offences and the right to waive it.
2. Evidence obtained through torture or inhuman and degrading treatment must be excluded. Evidence obtained through breach of any other right in a Bill of Rights for Northern Ireland must be excluded, unless it is established that the admission of the evidence would not render the trial unfair or otherwise be detrimental to the administration of justice.
3. In the case of children and vulnerable adults accused of a criminal offence, the procedures must be such so as to pay due regard to their age, their understanding and the desirability of promoting their rehabilitation.
4. Every witness has the right, prior to and after giving evidence, to such protection and support as is appropriate to their needs as witnesses.

5. Every juror has the right to such protection and support as to allow them to fulfil their role properly.
6. Every member of the judiciary and legal profession has the right to such protection as to allow them to perform their duties properly.

The Commission has made these recommendations because law and practice relating to the conduct of trials has raised distinct human rights concerns in Northern Ireland. Judges and legal professionals have been intimidated and murdered. Only in Northern Ireland were defendants tried for certain offences without the right to a trial by jury. It is still the case that defendants can be tried without a jury under circumstances in Northern Ireland that are not applicable to the rest of the UK. These recommendations will help create a fair and impartial criminal justice system in which everyone can have confidence, by providing additional protections for those involved in the trial process and guaranteeing that the vulnerabilities of children are effectively addressed.

### The right to respect for private and family life

ECHR Article 8 protects the right to respect for private and family life. It is included in the HRA. The Commission recommends that Article 8 be included in a Bill of Rights for Northern Ireland. It does not recommend any supplementary rights.

### Freedom of thought, conscience and religion

ECHR Article 9 protects freedom of thought, conscience and religion. It is included in the HRA. The Commission recommends that Article 9 be included in a Bill of Rights for Northern Ireland. It does not recommend any supplementary rights.

### Freedom of expression

ECHR Article 10 protects freedom of expression. It is included in the HRA. The Commission recommends that Article 10 be included in a Bill of Rights for Northern Ireland. It does not recommend any supplementary rights.

### Freedom of assembly and association

ECHR Article 11 protects freedom of assembly and association. It is included in the HRA. The Commission recommends that Article 11 be included in a Bill of Rights for Northern Ireland. It does not recommend any supplementary rights.

### The right to marriage and civil partnership

ECHR Article 12 protects the right to marry. It is included in the HRA. The Commission recommends that Article 12 be included in a Bill of Rights for Northern Ireland. It also recommends the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone who is married has the right to legal termination of marriage in accordance with the laws governing the exercise of this right.
2. Everyone has the right to enter civil partnership and the right to legal termination of civil partnership in accordance with the laws governing the exercise of these rights.

The Commission has made these recommendations because homosexuality was not decriminalised in Northern Ireland until 1982, 15 years after similar legislation in England and Wales. Significant opposition to the rights of gay and lesbian people and civil partnership remains in Northern Ireland. In these particular circumstances, it is necessary that the right to civil partnership and to termination of both it and marriage be given additional protection. In contributing, with other rights, to a fully inclusive and equal society, this additional protection will help promote respect and equality.

### The right to equality and prohibition against discrimination

ECHR Article 14 prohibits discrimination. It is included in the HRA. The Commission recommends that Article 14 be included in a Bill of Rights for Northern Ireland. It also recommends the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone is equal before and under the law and has the right to equal protection and equal benefit of the law, including the full and equal enjoyment of all rights and freedoms.
2. No one shall be unfairly discriminated against by any public authority on any ground such as: race, membership of the Irish Traveller community, colour, ethnicity, descent, sex, pregnancy, maternity, civil, family or carer status, language, religion or belief, political or other opinion, birth, national or social origin, nationality, economic status, association with a national minority, sexual orientation, gender, identity, age, disability, health status, genetic or other predisposition toward illness, irrelevant criminal record, property or a combination of any of these grounds, on the basis of characteristics associated with any of these grounds, or any other status.
3. Unfair discrimination consists of any provision, criterion or practice which has the purpose or effect of impairing the ability of any person to participate on an equal basis with others in any area of economic, social, political, cultural or civil life.
4. Without prejudice to the immediate effect of recommendations on the Right to Equality and Prohibition on Discrimination, legislation must be enacted to prevent or prohibit unfair discrimination.
5. Public authorities must take all appropriate measures, to eliminate unfair discrimination and where circumstances so warrant and in accordance with the law, must take all appropriate and proportionate measures to ameliorate the conditions of disadvantaged groups, including those individuals or groups disadvantaged because of the prohibited grounds in Recommendation 2.

6. Nothing in a Bill of Rights for Northern Ireland shall preclude any law, programme or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those individuals or groups disadvantaged because of the prohibited grounds in Recommendation 2, and is a proportionate means of achieving this objective.
7. Public authorities must take all appropriate measures to promote the rights of older persons and those who are disabled to lead a life of independence, enjoy social, cultural and occupational integration, and to participate in the life of the community.

The Commission has made these recommendations because inequality between the two main communities and discrimination has been a source of conflict in Northern Ireland. The way in which government has responded to further inequalities suffered by individuals outside of the two main communities is also particular to Northern Ireland. For example, it has taken longer to provide equivalent protections to those in force throughout the rest of the UK. These recommendations encompass both the principles and provisions required to combat discrimination experienced by anyone in the public and private sector. They directly address the need to promote mutual respect and parity of esteem between the two main communities.

The Belfast (Good Friday) Agreement 1998 required the Commission to consider the formulation of two additional equality and non-discrimination obligations in the context of its Bill of Rights advice. These were:

**the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.<sup>7</sup>**

The Commission aims to clarify, codify and expand equality and non-discrimination protections so that equality becomes a foundation stone of a Bill of Rights for Northern Ireland.

### Democratic rights

ECHR Protocol One, Article 3 protects the right to free elections. ECHR Article 16 allows for restrictions to be imposed on the political activity of people who are not citizens. Both are included in the HRA. The Commission recommends that they be included in a Bill of Rights for Northern Ireland. It also recommends the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone has the right and the opportunity, without any of the distinctions mentioned in Recommendation 2 of the Right to Equality and Prohibition on Discrimination section of this Advice and without unreasonable restriction, to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections, which must be by universal and equal suffrage, and must be held by secret ballot, guaranteeing the free expression of the will of the electors.
2. Everyone has the right to have access, on general terms of equality, to public service.
3. Elections must be subject to proportional representation at both regional and local level.
4. A Bill of Rights for Northern Ireland recognises the safeguards contained in the Belfast (Good Friday) Agreement 1998 for inclusive, proportionate and equitable participation in regional government and recommends, by means to be determined in legislation, equivalent safeguards for local government.

<sup>7</sup> Belfast (Good Friday) Agreement 1998, pp 16-17.



5. Public authorities must take effective measures to facilitate the full and equal participation of women in political and public life, including, where appropriate, the use of temporary special measures.
6. The membership of public bodies must, as far as practicable, be representative of society in Northern Ireland.
7. There must be an independent electoral authority to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with laws which are compatible with a Bill of Rights for Northern Ireland.

The Commission has made these recommendations because in a divided society it is necessary to protect the basic components of democracy, so as to ensure that the procedures and institutions of government are reflective of the society they serve and in whose name decisions must be made. This has been affirmed in the Belfast (Good Friday) Agreement and the St Andrews Agreement. To strengthen democracy, a Bill of Rights should include guarantees that elections will be conducted in a free and fair manner, with independent electoral oversight. It should also provide assurances of inclusive and equitable government and participation in public bodies. These recommendations are fundamental to the promotion of mutual respect and parity of esteem.

### Property rights

ECHR Protocol One, Article 1 protects the right to property. It is included in the HRA. The Commission recommends that Protocol One, Article 1 be included in a Bill of Rights for Northern Ireland. It does not recommend any supplementary rights.

### Education rights

ECHR Protocol One, Article 2 protects the right to education. It is included in the HRA. The Commission recommends that Protocol One, Article 2 be included in a Bill of Rights for Northern Ireland. It also recommends the following supplementary rights.

Provisions should be drafted to ensure that –

1. Education in all its forms must be directed towards the promotion of human rights, equality, dignity of the person, respect for diversity and tolerance.
2. No child shall be denied the right to access the full Northern Ireland education curriculum.

The Commission has made these recommendations because schools, regardless of type, play a powerful and positive role in normalising society, helping to make it sustainable and vibrant, and enabling sharing among often divided communities. It is appropriate that a Bill of Rights includes a provision that will ensure education promotes human rights and, given the particular circumstances of Northern Ireland, mutual respect and parity of esteem for both main communities. One specific difficulty in the delivery of education has been ensuring that all children in Northern Ireland have access to the full statutory curriculum. For example, the Home Office Crime Action Plan which moves responsibility for the delivery of education to children in detention from the prison service to the Department for Children, Schools and Families does not extend or have an equivalent in Northern Ireland. A Bill of Rights should provide assurances that this will no longer be the case.

### Freedom of movement

ECHR Protocol Four, Articles 2(1) and 2(4) protect the right to freedom of movement. They are not included in the HRA. The Commission recommends that Protocol Four, Articles 2(1) and 2(4) be included in a Bill of Rights for Northern Ireland.

Provisions should be drafted to include ECHR Protocol Four, Article 2, Freedom of movement –

- (1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- (4) The rights set forth in paragraph 1 may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society.

The Commission has made these recommendations because the Belfast (Good Friday) Agreement recognised that people should have the right to freely choose their place of residence. Exceptional powers for the police service and army, the existence of peace walls and gates and the threat of sectarian violence have all restricted people's freedom of movement and residence in ways particular to this society. Given the patterns of movement and residency, and the extent to which they have impacted on individuals, there is clear need to address these concerns.

### Freedom from violence, exploitation and harassment

The ECHR does not specifically protect the right to freedom from violence, harassment or sexual exploitation, nor does it recognise the particular threat of violence and abuse in the private sphere. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone has the right to be free from all forms of violence and harassment, from either public or private sources, including but not limited to:
  - a) domestic violence or harassment;
  - b) sexual violence or harassment;
  - c) gender-related violence or harassment;
  - d) sectarian violence or harassment; and
  - e) violence or harassment motivated by hate on any prohibited ground of discrimination.
2. Everyone has the right to be protected from sexual exploitation and sexual and other forms of trafficking.
3. Public authorities must take all appropriate measures to ensure protection of the rights in Recommendations 1 and 2.

The Commission has made these recommendations because the levels of violence and harassment suffered in Northern Ireland as a consequence of the conflict are unparalleled in the rest of the UK. The experience of violence was not limited to expressions of sectarianism or exclusive to the public sphere. Sectarian incidents still continue and some forms of abuse, for example, violence against women and hate crime, are increasing. The Belfast (Good Friday) Agreement 1998 acknowledges the importance of effectively tackling these issues. Sharing a land border with another European Union state makes Northern Ireland unique from the rest of the UK. It is susceptible to illicit cross-border activity including human trafficking. A Bill of Rights must protect the most vulnerable from such exploitation.

### The right to identity and culture

The ECHR does not specifically protect the right to identity and culture. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. The right of the people of Northern Ireland to identify themselves and be accepted as Irish or British or both, as they may so choose, with no detriment or difference of treatment of any kind. This right would not be affected by any future change in the status of Northern Ireland.
2. The right of the people of Northern Ireland to hold British or Irish citizenship or both in accordance with the laws governing the exercise of this right, with no detriment or differential treatment of any kind. This right would not be affected by any future change in the status of Northern Ireland.
3. Public authorities must fully respect, on the basis of equality of treatment, the identity and ethos of both main communities in Northern Ireland.

No one relying on this provision may do so in a manner inconsistent with the rights and freedoms of others.

4. Everyone belonging to a national, ethnic, religious, linguistic or cultural minority in Northern Ireland has the right, individually and in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public. No one exercising these rights may do so in a manner inconsistent with the rights and freedoms of others.
5. Public authorities must encourage a spirit of tolerance and dialogue, taking effective measures to promote mutual respect, understanding and co-operation among all persons living in Northern Ireland, irrespective of those persons' race, ethnicity, language, religion or political opinion.
6. No one may be compelled in Northern Ireland to take an oath, or to take an oath in a manner, that is contrary to their religion or belief, or that requires them to express a belief that they do not hold.

The Commission has made these recommendations because the Belfast (Good Friday) Agreement recognises the right to British and Irish identities and citizenship, and mandated the Commission to consider for inclusion in a Bill of Rights an obligation on public authorities to respect the identity and ethos of both communities. Given the historic and continuing division between the two main communities, and the co-existence of British and Irish identities, the Commission concluded that

such an obligation is necessary and desirable in order to promote mutual respect and parity of esteem. There is also need, however, to protect other linguistic, cultural and ethnic minorities so as to prevent the creation or reinforcement of a hierarchy of rights protections. These recommendations will provide necessary protection for identity and culture while recognising that, to build a stable and lasting peace, it is necessary to promote mutual respect, understanding and co-operation among all the people of Northern Ireland.

### Language rights

The ECHR does not specifically protect language rights. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone belonging to a linguistic minority has the right to learn or be educated in and through their minority language where there are substantial numbers of users and sufficient demand.
2. Everyone has the right to access services essential to life, health or security through communication with a public authority, assisted by interpretation or other help where necessary, in a language (including sign language) and a medium that they understand.
3. Public authorities must, as a minimum, act compatibly with the obligations undertaken by the UK Government under the European Charter for Regional or Minority Languages in respect of the support and development of Irish and Ulster-Scots.

The Commission made these recommendations because particular to Northern Ireland is a dispute over language rights directly related to the political conflict. The importance of respect, understanding and tolerance in relation to linguistic diversity, the Irish language, Ulster-Scots and the languages of the various ethnic communities has been recognised in the Belfast (Good Friday) Agreement. As a party to the European Charter for Regional or Minority Languages, the Government is obliged to protect and promote Irish and Ulster-Scots. Enshrining language protections, including Sign language, within a Bill of Rights is crucial so as to ensure respect and equality for all and the promotion of parity of esteem between the two main communities.

### Rights of victims

The ECHR does not specifically protect victims' rights. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. Every victim of crime has the right to appropriate material, medical, psychological and social assistance.
2. Every victim of crime has the right to be informed about the progress of the investigation and relevant legal proceedings.
3. Legislation must be enacted to recognise all the victims of the Northern Ireland conflict and to ensure that their rights are protected. These rights include rights to redress and to appropriate material, medical, psychological and social assistance.

The Commission has made these recommendations because the Belfast (Good Friday) Agreement acknowledges the need to address the suffering of victims of the conflict to make this a necessary element of reconciliation. The special needs of victims have been recognised in the Programme for Government, the draft Victims and Survivors Strategy, and the establishment of the Commission for Victims and Survivors and the report

of the Consultative Group on the Past. For a long time in Northern Ireland, the focus of the criminal justice system was “directed primarily at the interests of the State in dealing with criminal behaviour and gave less attention to victims who were directly affected by criminal behaviour”.<sup>8</sup> The Belfast (Good Friday) Agreement has provided the underpinning for policy development and modernisation of practices in relation to the needs of victims of crime. “The status of the victims has yet to be elevated beyond past practice and a stronger focus on the individual victim’s actual needs has to be developed”.<sup>9</sup> These recommendations will help secure confidence in a more balanced system of justice.

### The right to civil and administrative justice

The ECHR does not specifically protect the right to civil and administrative justice. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone has the right of access to any information held by public authorities, in accordance with laws governing the exercise of this right.
2. Everyone has the right to administrative action that is lawful, procedurally fair, rational, proportionate and taken within a reasonable time.
3. Public authorities must give reasons for their decisions and, where feasible, provide appropriate mechanisms for internal review or appeal of their decisions.

The Commission has made these recommendations because holding public authorities to account and ensuring all reasonable requests for information are met openly and with transparency is vital for ensuring confidence in the system of civil and administrative justice. Enabling members of the public to review the stewardship of public funds and the extent to which key government objectives have been met is central to the operation of democratic institutions in society emerging

<sup>8</sup> Justice Oversight Commissioner (2006) Sixth Report, Office of the Justice Oversight Commissioner, Belfast, para 2.18.

<sup>9</sup> Above.

from conflict. A Bill of Rights should include such guarantees given the contested nature of political and public life in Northern Ireland.

### The right to health

The ECHR does not specifically protect the right to health. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone has the right to the highest attainable standard of physical and mental health. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.
2. No one shall be refused emergency medical treatment and essential primary healthcare.
3. Everyone has the right to appropriate healthcare and social care services free at the point of use and within a reasonable time. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.
4. Women and girls have the right to access gender-sensitive and appropriate healthcare services and information.

The Commission has made these recommendations because the conflict has directly impacted on the health of the people of Northern Ireland. The loss of life, injury and trauma arising from the ‘troubles’ has had a profound effect on the physical and mental health of individuals and their families. The secondary effects often reduced standards of life for dependents with the Government acknowledging that there is a correlation between poor health and high levels of violence.

The Government has recognised that the overall health status of the population requires attention and it has

set itself a programme of action to reduce health inequalities in Northern Ireland. One strategic objective in health planning is to ensure the use of gender-sensitive decision-making and access to appropriate services. A Bill of Rights should ensure that no one will be denied emergency and essential healthcare. It should also ensure the ongoing improvement of the provision and accessibility of services.

### The right to an adequate standard of living

The ECHR does not specifically protect the right to an adequate standard of living. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone has the right to an adequate standard of living sufficient for that person and their dependents. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.
2. No one shall be allowed to fall into destitution.

The Commission has made these recommendations because the Government has acknowledged that grievances concerning social and economic discrimination had substantial foundation in Northern Ireland. The Belfast (Good Friday) Agreement recognises that tackling economic disadvantage and promoting social inclusion are key components of building a lasting peace. The Government has also stated that it is committed to “proactively change the existing patterns of social disadvantage by using increased prosperity and economic growth to tackle ongoing poverty”.<sup>10</sup> Such a commitment, we believe, should be enshrined in a Bill of Rights. The Government should also guarantee immediate protection for the most vulnerable and marginalised members of society.

<sup>10</sup> Programme for Government 2008-11 (2007) Northern Ireland Executive, Belfast, p 7.

### The right to accommodation

The ECHR does not specifically protect the right to accommodation. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone has the right to adequate accommodation appropriate to their needs. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.
2. No one may be forced out of their home by threats or harassment or evicted without an order of a court. Public authorities must take all appropriate measures to ensure the protection of this right.
3. Everyone has the right to appropriate emergency accommodation.

The Commission has made these recommendations because segregated patterns of housing caused by intimidation remain a problem in Northern Ireland, and discrimination in the allocation of social housing was a contributing factor to the conflict. Addressing the first of these issues, and enshrining a guarantee that the second will not reoccur, is fundamental to promoting mutual respect and parity of esteem between both main communities. It is essential that a Bill of Rights places a duty on relevant government agencies to allocate housing without discrimination. Increasing social and affordable housing is an important aspect of delivering this outcome. However, we believe it is also crucial that agencies protect persons from intimidation and harassment in their own homes and provide emergency shelter for those in need.

### The right to work

The ECHR does not specifically protect the right to work. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone has the right to work, which includes the right to the opportunity to gain their living by work which they freely choose or accept. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.
2. Everyone has the right to enjoyment of just and favourable conditions of work irrespective of the status of the worker, including:
  - a) remuneration which provides all workers, as a minimum with:
    - i. fair wages and equal remuneration for work of equal value without distinction of any kind, in particular, women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
    - ii. a decent living for themselves and their families;
  - b) safe and healthy working conditions;
  - c) freedom from all forms of unfair discrimination and from harassment including taking all appropriate measures to eliminate discrimination against women in the field of employment, including on the grounds of pregnancy or maternity;
  - d) rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.
3. Workers have the right to strike and the right to engage in collective bargaining.
4. Everyone with caring responsibilities has the right to appropriate respite from those responsibilities. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.

The Commission has made these recommendations because exclusion from, and discrimination in, employment contributed to the conflict in Northern Ireland. Separated labour markets, intimidation in the workplace and sectarian discrimination were, and remain, particular to this society. The Belfast (Good Friday) Agreement contained a commitment to combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need. These recommendations, in our opinion, will ensure that a Bill of Rights guarantees the opportunity for equal access to work under just and favourable conditions, including respite for carers, since they can be seen as requisites to addressing discrimination and social disadvantage. Where just and favourable conditions are not safeguarded, it is necessary that workers are protected in a Bill of Rights so that they can engage with employers or withdraw their labour to ensure rights protections.

### Environmental rights

The ECHR does not specifically protect environmental rights. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. Everyone has the right to have the environment protected so as to foster the health and well-being of present and future generations, while promoting justifiable economic and social development.
2. Public authorities must adopt legislative and other measures to:
  - a) limit pollution and ecological degradation;
  - b) promote conservation and biodiversity; and
  - c) secure the sustainable development and use of natural resources.

The Commission has made these recommendations because environmental protection in Northern Ireland has suffered from underinvestment. Northern Ireland is the only part of the UK not to have an independent environmental regulator. Environmental protection is

also different because of the unique circumstance in sharing a land border with another European Union state. This is recognised in the Belfast (Good Friday) Agreement by the provision for a North-South Ministerial Council, the responsibilities of which include protection of the environment, pollution control, water quality, and waste management. The Government recognises it is vitally important to protect the environment, not only to promote Northern Ireland as a place to live, work and visit, but also in enhancing well-being and the quality of life for everyone. We believe provisions are needed in a Bill of Rights in order to protect and enhance the environment for present and future generations.

### Social security rights

The ECHR does not specifically protect social security rights. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary right.

A provision should be drafted to ensure that –

1. Everyone has the right to social security, including social assistance, social insurance and pension. Public authorities must take all appropriate measures, including legislative measures, to the maximum of their available resources, with a view to achieving progressively the full realisation of this right.

The Commission has made this recommendation because Northern Ireland has had different welfare provisions from elsewhere in the UK. These were based on residency requirements to reflect its unique geographical location in sharing a land border with another sovereign jurisdiction. Special measures were also introduced to deal with debt recovery following refusals to pay rent and rates as a form of political protest. Both the Belfast (Good Friday) Agreement and the St Andrews Agreement make reference to issues of social exclusion and economic disadvantage and the need to address these.

The particular circumstances of Northern Ireland have led to a high proportion of people receiving out-of-work benefits; high numbers of people without paid work (or in low paid work) and high numbers of people receiving

Disability Living Allowance for mental health reasons. There is also a recognised and substantive correlation between those areas most directly impacted by the conflict and levels of relative poverty. For these reasons, the Commission believes Northern Ireland requires the inclusion of social security protections in a Bill of Rights.

### Children's rights

The ECHR does not specifically protect children's rights. The Commission recommends that a Bill of Rights for Northern Ireland includes the following supplementary rights.

Provisions should be drafted to ensure that –

1. For the purpose of benefiting from any of the specific rights of the child in a Bill of Rights for Northern Ireland, a child means every human being below the age of eighteen years.
2. The rights in a Bill of Rights for Northern Ireland must be guaranteed to every child, without discrimination on any of the grounds listed in Recommendation 2 of the Right to Equality and Prohibition on Discrimination, whether the ground of discrimination applies in respect of the child or the child's parents or legal guardians.
3. Public authorities must ensure that, in all actions concerning the child, whether undertaken by public authorities or private institutions, the best interests of the child shall be the primary consideration.

In adoption, or any other child placement proceedings, the best interests of the child shall be the paramount consideration.

4. Public authorities must take all appropriate measures to ensure the right of every child to access safe and appropriate play and leisure facilities.
5. Every child who is temporarily, or permanently, deprived of his or her family environment has the right to special protection and assistance for as long as they need it.

6. Public authorities must take all appropriate legislative, administrative, social and educational measures to protect every child from all forms of violence, maltreatment, neglect, exploitation and harassment.
7. Public authorities must take all appropriate measures to ensure the right of every child to be informed of their rights and to have his or her views respected, considered and given due regard in all matters affecting the child, taking into consideration the child's age, level of understanding and evolving capacities.
8. Public authorities must take all appropriate measures to ensure the right of every child to be protected from direct involvement in any capacity in armed conflicts or civil hostilities including their use as intelligence sources.

The Commission has made these recommendations because the trans-generational impact and continuing legacy of the conflict has had serious consequences for children in Northern Ireland. Almost 300 children were killed and thousands were affected as a result of having family and friends injured, killed or imprisoned. There is now evidence of trauma affecting the children of those who grew up during the conflict. Children were abused by both state and non-state actors, and some were subject to so-called punishment violence by armed groups. One of the most explicit differences between the lives of children in Northern Ireland compared to the rest of the UK is the lasting impact of segregation within communities and in housing, education, play and leisure facilities. In order to repair the damage of the past and protect future generations, it is important that children in Northern Ireland are afforded additional protections. Ensuring a common system of protecting the rights of all our children will, together with other rights, promote mutual respect and parity of esteem between the two main communities.



## 4. Legal effect of a Bill of Rights for Northern Ireland on devolved and non-devolved matters

Responsibility for issues affected by a Bill of Rights for Northern Ireland will lie with the Westminster Parliament, UK Government, the Northern Ireland Assembly and the Northern Ireland Executive. The Commission has considered therefore the legal effect that a Bill of Rights for Northern Ireland should have on these institutions.

### Northern Ireland Assembly and public authorities

The Commission recommends that the Northern Ireland Assembly, the Northern Ireland Executive and all other Northern Ireland public authorities should be bound by a Bill of Rights and be under a duty to act compatibly with a Bill of Rights in all of their activities.

### UK Government and public authorities

The Commission recommends that the UK Government and relevant public authorities should be bound by a Bill of Rights for Northern Ireland insofar as they perform their functions either in Northern Ireland or in relation to Northern Ireland.

Public authorities would be under a duty to act compatibly with a Bill of Rights

### Northern Ireland Assembly legislation

At the moment, legislation passed by the Northern Ireland Assembly must be compatible with the European Convention on Human Rights (ECHR). The Commission recommends that the Assembly should issue statements declaring its legislation compatible with a Bill of Rights for Northern Ireland. If it is incompatible, the legislation should be declared invalid.

### Westminster legislation

In order for the supplementary rights in a Bill of Rights for Northern Ireland to be considered of equal status to the ECHR and the Human Rights Act (HRA), the Commission recommends that when a Bill affecting Northern Ireland is being passed through the Westminster Parliament, the Minister in charge should be required to make a statement declaring the legislation compatible with the Bill of Rights for Northern Ireland.

### Incompatible legislation

Courts currently have the power under the HRA to issue declarations that Westminster legislation is incompatible with ECHR rights. The Commission recommends that such a power to make declarations of incompatibility should also apply under the Bill of Rights for Northern Ireland. Courts should have the power to invalidate Northern Ireland Assembly legislation and Northern Ireland subordinate legislation which is incompatible with the Bill of Rights. In addition, the Commission recommends that Westminster subordinate legislation which is incompatible with the Bill of Rights for Northern Ireland should not apply in Northern Ireland.

## 5. Oversight of a Bill of Rights for Northern Ireland

### The role of the Northern Ireland Human Rights Commission

Under the Northern Ireland Act 1998, the Commission has a statutory duty to keep under review the adequacy and effectiveness of law and practice relating to the protection of human rights. The Commission proposes that it will monitor and audit compliance with a Bill of Rights for Northern Ireland.

The Human Rights Commission would monitor Bill of Rights compliance

### Creating a Northern Ireland Assembly Committee on Human Rights

All branches of government have a role in the protection and promotion of human rights. The Commission recommends that the Northern Ireland Assembly should establish its own Standing Committee on Human Rights and Equality, with a mandate to examine and report on all human rights and equality issues coming within the competence of the Northern Ireland Assembly, including the compatibility of bills within relevant human rights standards; and the Committee should be empowered to conduct inquiries into human rights issues.

### Periodic review process

The Commission recommends a periodic review process to ensure proper implementation of a Bill of Rights for Northern Ireland.

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## Further information

Further information on a Bill of Rights for Northern Ireland, the Human Rights Act and the European Convention on Human Rights can be obtained from the following sources.

- **Northern Ireland Human Rights Commission:** [www.nihrc.org](http://www.nihrc.org)  
Bill of Rights dedicated website: [www.borini.info](http://www.borini.info)
- **Bill of Rights Forum, 2006-08:** [www.billofrightsforum.org](http://www.billofrightsforum.org)
- **NGOs working on a Bill of Rights**  
Human Rights Consortium: [www.billofrightsni.org](http://www.billofrightsni.org)  
CFNI: [www.communityfoundationni.org](http://www.communityfoundationni.org)  
NICEM: [www.nicem.org.uk](http://www.nicem.org.uk)
- **Human Rights Act 1998 and ECHR**  
OFMdFM: [www.ofmdfmi.gov.uk/human-rights](http://www.ofmdfmi.gov.uk/human-rights)  
Ministry of Justice: [www.justice.gov.uk](http://www.justice.gov.uk)  
Council of Europe: [www.coe.int](http://www.coe.int)





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