

A Rights Based Northern Ireland

Human Rights Consortium manifesto
for the Westminster Elections



Our Priorities

Brexit

Bringing the UK out of the EU involves a high degree of risk to the current set of rights and protections that we currently enjoy through EU membership.

While the UK government has indicated that it will transfer the *acquis* of EU Law into domestic law they have not committed to retaining access to the Charter of Fundamental Rights or the European Court of Justice. This immediately removes access to an important source of human rights protection and an important third party oversight mechanism. Even the prospect of downloading existing EU law holds many risks, as current proposals leave it likely that Henry VIII powers could be used to remove existing rights at a later stage by Ministers without consultation or referral to Parliament.

At a local level in Northern Ireland it is unclear how the relationship between EU powers currently devolved to the Assembly and Executive and those that will be downloaded to Westminster shall be handled. Questions remain about whether those powers will be retained by Westminster or how any of those powers might be transferred onwards to the Assembly.

At a minimum, any existing rights that are currently available in Northern Ireland should be retained and like all current human rights protections, seen as a minimum floor rather than a ceiling.

An additional concern is that political parties in Northern Ireland may, during a talks process, attempt to define a collective approach to Brexit that fails to appropriately reflect the centrality of human rights to EU membership, our peace process and any of the arrangements that should be put in place to deal with the unique circumstances of Northern Ireland.

The letter from the then First and Deputy First Minister on 10 August 2016 to the Prime Minister, which is our only indication of a potential joint approach, mentions nothing about the protection of rights and equalities currently enjoyed through our membership of the EU.

Rather the letter focusses largely on trade, business and cross border access. Our fear is that any political agreement on Brexit at a local level would simply try to achieve a lowest common denominator approach to Brexit to allow the restoration of the

Assembly. An approach that might ignore human rights and seek to preserve the status quo, without really engaging or negotiating on how very different viewpoints on Brexit can be reconciled.

The protection of the peace process and addressing the unique circumstances of Northern Ireland and the border with the Republic of Ireland have now been accepted by all the main parties involved in the Brexit negotiations and placed amongst the first three issues that the European Union wants to see resolved.

This puts Northern Ireland in a unique position to be able to influence these negotiations. That influence would be exponentially increased if local parties and/or the NI Executive were able to present a common position on how to proceed that had clearly faced up to the major points of divergence politically, agreed a set of common priorities that moved beyond the top-line position of retaining the status quo to detailed proposals that ensured all interests and standards of protection, including human rights and equality, were protected to the highest possible standards.

The Consortium sees the untapped potential of a Northern Ireland Bill of Rights as a mechanism by which existing human rights and equality standards drawn from the EU could potentially be transferred and entrenched. This may only be one element of what might be a broader scheme of solutions for Brexit. This is already an outstanding

commitment in the Belfast/Good Friday Agreement that has renewed relevance and potential given the Brexit threat.



Retain existing EU derived Human Rights and Equality protections



Ensure no race to the bottom on any Brexit agreement between political parties



Develop a Northern Ireland Bill of Rights as a vehicle to transpose EU derived Human Rights and Equality protections



Westminster Manifesto 2017

Human Rights Act

A core protection of the peace process, giving access to European Convention rights for everyone. Has helped protect widowed people, those in care homes, people with disabilities and countless others.

Retain HRA in Legislation



Brexit

Leaving the European Union has massive implications for many sectors of life including rights and equalities. The EU provided extensive legislative and regulatory protection of human rights and equalities within its sphere of influence.

Retain/replicate existing EU rights

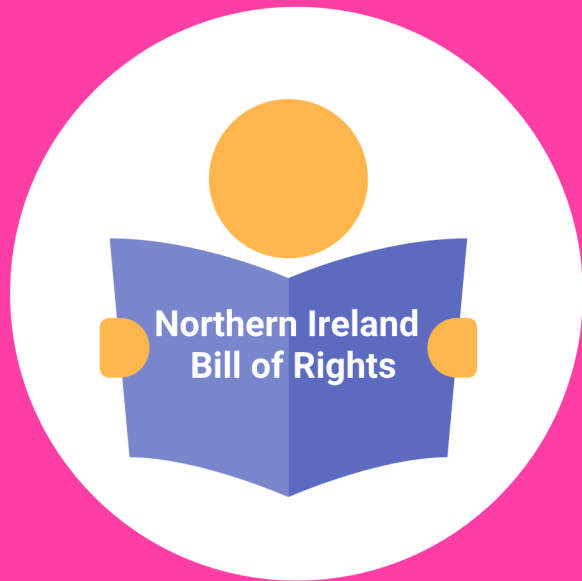


International Standards

Under its International Human Rights Commitments the UK and therefore NI has a commitment to continually seek ways to implement various UN human rights standards domestically.

Adopt Int Standards into NI law and practice

Human Rights and Equality Commitments we wish to see from Political Parties



Bill of Rights

A Bill of Rights for NI was explicitly provided for as part of the B/GFA. In fact it was listed along with the ECHR/HRA as one of the safeguards to ensure that the Assembly and NI Executive functioned effectively. 19 years on and it is clear that neither have been functioning effectively. A Bill of Rights could ensure that rights and equality frameworks and decision making were placed at the heart of our Government. In a time of threat to other rights such as the HRA/ECHR and the rights we currently take for granted as part of the EU, the NI BoR could also be a vehicle to replicate, retain and add to those existing rights.

Develop a NI Bill of Rights into law



Human Rights Act

A key element of the Belfast/Good Friday Agreement and the Northern Ireland peace process more broadly was the adoption human rights frameworks and protections within the new structures of governance at Stormont.

Whilst core elements of that agreement such as the Northern Ireland Bill of Rights remain undelivered, the Human Rights Act fulfilled the UK governments commitment to:

'complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention,' including power for the courts to overrule Assembly legislation on grounds of inconsistency.'

The Human Rights Act (HRA) has since played a fundamental role in placing checks and balances on the exercise of power at Stormont, proved pivotal in the reforms to policing structures and practices and help defend the rights of many groups and individuals across Northern Ireland. These include pensioners, widowed people, people in care homes, children and young people in care and people with disabilities.

The UK Government has threatened to scrap the HRA when evidence from Northern Ireland indicates substantive support for this legislation. The Prime Minister has also lately threatened to run

future elections on the promise of withdrawing the UK entirely from the European Convention of Human Rights.

This would be in direct contravention of the Belfast/Good Friday Agreement and would remove access for all UK residents to the ECHR and European Court of Human Rights.

We would urge parties to commit to the retention of the Human Rights Act in legislation and to ensure this legislation will not be undermined.

We would also urge parties to proceed with developing a Northern Ireland Bill of Rights in Westminster legislation in a manner that is in keeping with the commitments of the Belfast /Good Friday Agreement. The Agreement clearly envisages a role for the Bill of Rights in protecting ECHR rights directly.

'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.'

A clear opportunity exists to both protect and entrench the provisions of the HRA and the ECHR by developing a Bill of Rights for Northern Ireland in line with the Belfast/Good Friday Agreement.



Retain and protect the Human Rights Act



Develop a Northern Ireland Bill of Rights in a manner consistent with the Belfast/Good Friday Agreement so as to incorporate the ECHR

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.'

Far from being a document that solely enumerates additional or 'supplementary' rights to the ECHR, the B/GFA clearly envisages that a Bill of Rights will consist of 'these additional rights' being 'taken together with the ECHR.'

Therefore, the B/GFA makes provision for the ECHR forming a core element of the Bill of Rights. Likewise, EU law represents a clear authoritative source of international human rights instruments that are supplemental to ECHR rights.

The UK has also made a series of commitments under international human rights law to ensure the 7 human rights treaties the government is signed up to are incorporated in local law.

There is now an opportunity to ensure incorporation of these rights into local law and a Northern Ireland Bill of Rights provides the perfect conduit to achieve this.

Both the British and Irish governments, as guarantors of the Agreement, have a duty to take steps to advance the development of a Northern Ireland Bill of Rights. A local Northern Ireland Bill of Rights will be a catalyst to re-build confidence in our local institutions, implement the complete vision of those institutions from our peace agreement

Bill of Rights

The current Brexit debate and the other underlying threats such as that to the HRA/ECHR has renewed interest in the Bill of Rights for Northern Ireland.

This perfect storm of threats has mobilized many groups to consider options for how existing EU and Convention rights could be protected or replicated. Provision for developing a Bill of Rights in Northern Ireland is detailed in the Belfast/Good Friday Agreement as follows:

'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.

and ensure equal protection and access to adequate human rights standards for everyone in our society.

No political party should have a veto over the development of a Northern Ireland Bill of Rights but local parties can play an important role in making the NI Bill of Rights a reality.



Develop and Implement a Northern Ireland Bill of Rights



International Standards

The UK is a signatory to a range of International Human Rights Treaties and Covenants established and supervised by the United Nations and Council of Europe.

These treaties place a duty on the UK to take measures to make the rights contained in them available to people living in the UK through domestic law, policy and practice.

Human rights monitoring bodies have consistently recommended over the last ten years that the UK Government completes the process of developing a Northern Ireland Bill of Rights. In fact the UPR examination of the UK raised the issue of an NI Bill of Rights in May this year.

The bodies which supervise the Convention on the Rights of the Child, the Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination have also recommended the NI Bill of Rights be used to transpose international rights into domestic law.

The Human Rights Consortium agrees with these recommendations. The Belfast/Good Friday Agreement already makes provision for additional rights 'drawn from international standards'. The commitments made by the UK in the B/GF Agreement also form part of an international agreement between the UK and Republic of Ireland and all of its provisions should be implemented - including outstanding provisions like an NI Bill of Rights.



Comply with UN recommendations to develop a Northern Ireland Bill of Rights



Use the Northern Ireland Bill of Rights to download international human rights standards into local law.

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