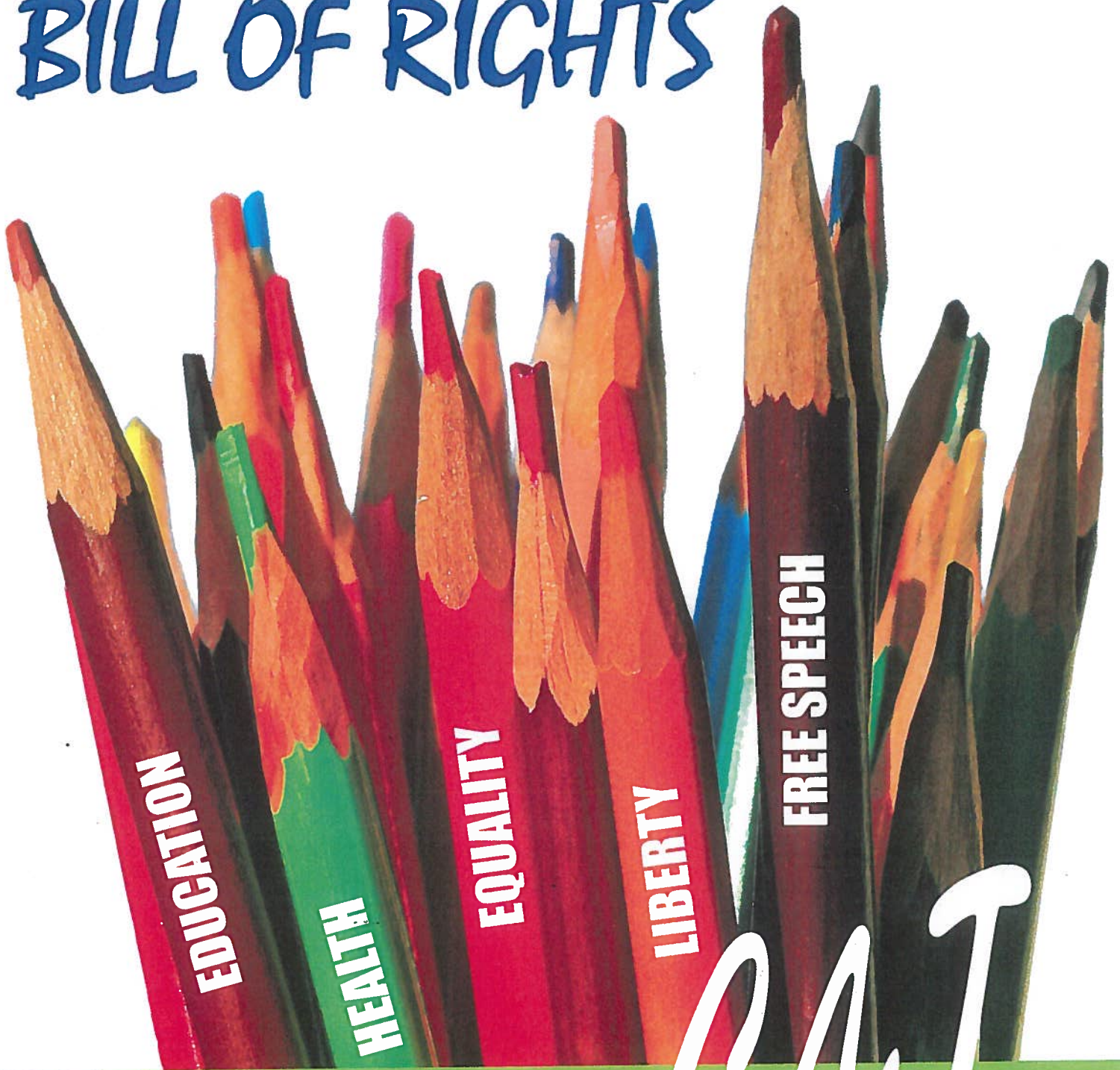


BILL OF RIGHTS



EDUCATION

HEALTH

EQUALITY

LIBERTY

FREE SPEECH

CAJ

INFORMATION
PACK

Committee on the
Administration
of Justice

This pack contains a booklet for the group leader, and a number of separate handouts. The information in the group leader's booklet is divided into three steps. These can be delivered to the group during one session or over a number of sessions, depending on the time you have available and the level of detail and discussion the group wants to have.

- What is the Northern Ireland Bill of Rights debate and why is it important to encourage discussion around it?
- Where has the idea of a Bill of Rights come from?
- Includes international examples of Bills of Rights and two group exercises.
- What are social and economic rights?
- Why does NI need a Bill of Rights and what are the particular circumstances that a Bill of Rights should consider?
- Includes two group exercises.
- Contains FAQs and further information on a number of related topics if the group would like more detail.

There are also 11 handouts to be photocopied and handed out to the group at the appropriate times during the delivery of this information.

- Handout 1:** Simplified version of the Universal Declaration of Human Rights (Step 1:1)
- Handout 2:** Introduction to the Bill of Rights debate. (Step 1:2)
- Handout 3:** Scenario and instructions for group exercise. (Step 1:3)
- Handout 4:** The development of human rights. (Step 1:4)
- Handouts 5,6 & 7:** Extracts from the Bill of Rights from the US, the Republic of Ireland and South Africa. (Step 1:5)
- Handout 8:** Issues for consideration in group exercise (Step 2:2)
- Handout 9:** Why does Northern Ireland need a Bill of Rights? (Step 2:3)
- Handout 10:** Timeline of the Bill of Rights process in Northern Ireland
- Handout 11:** Summary of CAJ's position on a Bill of Rights for NI.

Also included is a poster which we would encourage you to keep and display.

There is no set way of delivering this information. We have included suggestions for delivery in the booklet but we would recommend tailoring these instructions to suit the needs and level of knowledge of your group.

There is an evaluation sheet included at the back of the pack. We would be grateful if you could photocopy it and ask group members to fill it in and return it to us in the envelope provided with feedback and suggestions, so that we can keep the information pack updated.

Date as postmarked.

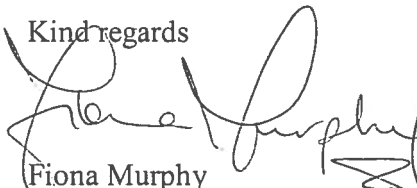
Dear friend

Thank you for requesting CAJ's Bill of Rights Information Pack. This edition was produced in the Spring of 2007 to coincide with the Bill of Rights Forum process to support and encourage community involvement in the debate, which concluded in April 2008 (www.billofrightsforum.org). Some details are now out-of-date and as far as possible we have removed or updated these. If however you are unsure of some of the facts or would like some support in delivering the material, please contact fiona@caj.org.uk.

The Northern Ireland Human Rights Commission (NIHRC) handed over its final advice on the Bill of Rights on the 10th December 2008. This advice can be found on www.nihrc.org and a consultation on the advice is now pending from the Secretary of State for NI/NIO. It is vital that people respond to this consultation stating their support for a Bill of Rights for NI and broad support for the NIHRC's advice, which is both inclusive and offers strong protections. CAJ will be offering support to respond to this consultation.

For more information on the work of CAJ, our protection of rights programme and current information on the consultation, please see www.caj.org.uk.

Kind regards



Fiona Murphy
Human Rights Programme Officer

Basic International Human Rights Standards*

The following is a list of human rights protected in many countries by the Universal Declaration of Human Rights, which was adopted by the United Nations in 1948. 190+ countries, virtually all the nations of the world, have agreed to abide by it.

The right to:

- Life
- Liberty and security of the person
- A fair trial
- Respect for private and family life
- Freedom of thought and religion
- Freedom of expression
- Peaceful assembly
- Marry and have a family
- Freedom from torture, cruel, inhuman, or degrading treatment
- Freedom of association
- Freedom from slavery
- Self-determination
- Freedom of movement
- Equality before the law
- Recognition of the person
- Nationality and a name
- Participate in public affairs
- Fair conditions of work
- Join a trade union
- Social security
- Maternity leave
- Be protected from exploitation (children)
- An adequate standard of living
- Housing
- Freedom from hunger
- Education
- Participate in cultural life

*Taken from "Law in Our Lives" – a Teacher's Handbook produced by the Northern Ireland Curriculum Council (1993)

What is the Bill of Rights debate in Northern Ireland?

Bill of Rights; A legally enforceable agreement between a state and the people within it, of the fundamental rights and freedoms that the government must protect.

Background; During the conflict many people's human rights were denied or abused.



The 1998 Agreement; Contained a strong commitment to human rights and equality to ensure that there could not be a return to the past. Stated that Northern Ireland should have a Bill of Rights that would be based on what the people of Northern Ireland need, that will promote equality between, and respect for, all communities in our society.



The Northern Ireland Human Rights Commission; The Agreement asked them to consult with the people of Northern Ireland to find out what human rights protections Northern Ireland needs, and what they would like to see in a Bill of Rights.



Roundtable Forum; The St. Andrews Agreement stated that a roundtable forum should be created. Politicians and civil society are currently (2007) discussing what rights should be contained to the Bill of Rights and their recommendations will be passed onto the NIHRC.

Why is it important to encourage discussion around it?

What is the point in having a Bill of Rights for Northern Ireland if no-one understands what it is or how it affects them and their everyday lives?

By discussing the Bill of Rights in groups such as this, it will ensure that more people can contribute to the debate, so that when it comes into effect, everyone will understand what it is, how it works and how they can use it to protect their own rights and benefit their own communities. Everyone is entitled to protection of their human rights and a Bill of Rights will ensure that this happens.

Group Exercise

Read the following information and discuss an imaginary situation in which....

The government has decided that a Bill of Rights for Northern Ireland will only contain six basic human rights. Before any decisions are made about which rights these will be, they are carrying out a consultation process to find out which rights are most important to people and what impact losing these rights might have on their lives.

In small groups, choose from the list of rights in the Universal Declaration (Handout 2), six rights which you definitely would not want to lose, discuss and agree why you are choosing these rights, and what impact it would have on your lives to lose them.

The Development of Human Rights

1948 - Universal Declaration of Human Rights (UDHR)

- Followed World War II
- Developed to promote and protect human rights

1950 - European Convention on Human Rights (ECHR)

- Binding on all European Union member states
- Protects mainly civil and political rights

1961 - European Social Charter (ESC)

- Fills in gaps left by the ECHR
- Protects social and economic rights

1966 - International Covenants on Civil and Political Rights, and Economic Social and Cultural Rights

- Makes the rights contained in the UDHR binding

1970s-1990s

- Increasingly specialised texts such as the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC)

1998 – Agreement

- Strong commitment to human rights
- NIHR asked to consult on a Bill of Rights

1998 - Human Rights Act

- Incorporated ECHR rights into domestic law

International examples of Bills of Rights:

Internationally, many countries use a Bill of Rights to ensure the protection of people's rights. Usually, a country's Bill of Rights will be written in a way that reflects the particular needs and concerns of the people of that country. Good examples of this include the USA, the Republic of Ireland and South Africa.

Summary of the South African Constitution – Bill of Rights (1996)*

The State is obliged to respect, promote and fulfil the rights in the Bill of Rights. The Bill of Rights applies to the state and all its organs and, in certain circumstances, ordinary persons. Everyone is equal, and discrimination by the state and ordinary people is not allowed.

The following rights are protected:

- Life
- Freedom and security of the person
- To be free from slavery, servitude of the person
- Privacy
- Freedom of religion, belief and opinion
- Freedom of expression
- Freedom of assembly, demonstration, picket and petition
- Freedom of association
- Political rights
- Citizenship
- Freedom of movement and residence
- Labour relations
- Environmental rights
- Property
- Housing
- Health care, food, water and social security
- Children's rights
- Education
- Language and culture
- Education
- Access to information
- Just administrative action
- Access to courts
- Rights on arrest, detention and accusation

*adapted from original version by Ulster People's College

- What does this extract from the Bill of Rights say about the country it is from? i.e. the society, its experiences, its values.
- Would you add or remove any of these rights?
- Would any of these rights be particularly useful in Northern Ireland's Bill of Rights?

Summary of provisions of the Irish Constitution relating to Fundamental Rights (1937) *

Personal Rights: Article 40:

- All citizens shall be held equal before the law
- No title of nobility
- The State shall protect life, person, good name and property rights of every citizen
- Protects citizens through criminal and court proceedings
- Privacy
- The State guarantees liberty; free expression; the right to assemble peaceably and without arms; the right to form associations and trade unions

The Family: Article 41:

- The State guarantees to protect the family as the natural primary and fundamental unit group of society
- Protects a woman's role within the home so that she is not obliged by economic necessity to engage in labour
- Marriage

Education: Article 42:

- Primary and natural educator of the child is the family
- Free primary education

Private Property: Article 43:

- Private ownership
- Regulated by the principles of social justice and the common good

Religion: Article 44:

- Respect and honour religion
- Freedom of conscience and the free profession and practice of religion

*Adapted from original version by Ulster People's College

- What does this extract from the Bill of Rights say about the country it is from? i.e the society, its experiences, its values.
- Would you add or remove any rights?
- Would any of these rights be particularly useful in Northern Ireland's Bill of Rights?

Simplified extract from the Constitution of the United States of America Bill of Rights (1791 – 1865)

1. Freedom of religion, speech, press and assembly
2. A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed
3. Private property
4. Freedom from unreasonable searches and seizures
5. No-one shall be deprived of life, liberty or property without due process of law
6. The right to a speedy and public trial
7. Freedom from the possibility of double jeopardy
8. The right to bail
9. Deals with conflicting rights
10. Limits the power of federal government
11. Foreign power cannot use an American court to prosecute an American citizen
12. The right to vote
13. Abolition of slavery

*Adapted from original version by Ulster People's College

- What does this extract from the Bill of Rights say about the country it is from? i.e the society, its experiences, its values.
- Would you add or remove any rights?
- Would any of these rights be particularly useful in Northern Ireland's Bill of Rights?

Group Exercise

Social and Economic Rights

Issues for consideration:

1. The closure of a local Accident and Emergency Room so that resources can be concentrated on an A&E unit 40 miles away.
Debate: local residents v senior consultant from the new unit.
2. The lack of affordable housing in secure areas for mixed marriages. A vacant plot of land has been given planning permission for luxury apartments. **Debate: a couple who cannot afford to live somewhere safe and want the land to be used for public sector housing v the Minister for Housing.**
3. Jim, an 18 year old man, leaves his job because the wages are too low to pay his rent and live on. He is disqualified from receiving social security assistance for six months.
Debate: Jim v local employer's representative who is having difficulty recruiting unskilled labour.
4. Kate, a 14 year old girl with special educational needs, wishes to be educated in a mainstream primary school. The education authority says it "is not compatible with the efficient use of resources" to educate her in an ordinary school and have placed her in a special school. **Debate: Kate v a representative from the education authority.**

Why does NI need a Bill of Rights?***How are our human rights currently protected?*****ECHR (1948)**

- List of our Fundamental Human Rights.
- These Rights could only be enforced in the European Court of Human Rights.
- Making a complaint to the European Court is a lengthy and expensive process.

**HUMAN RIGHTS ACT 1998**

- Protects most of the rights contained in the ECHR.
- Allows these rights to be enforced in courts within the UK.
- Made the complaints process quicker, easier and cheaper for people who believe their rights have been violated.

If our human rights are already protected then why do we need a Bill of Rights?**Gaps in the ECHR / HUMAN RIGHTS ACT**

- The ECHR is over 50 years old and does not reflect the developments that have taken place since then.
- We do not have protection for our social and economic rights.
- Due to the conflict, Northern Ireland has its own needs and human rights requirements that the ECHR and Human Rights Act do not reflect.

**1998 AGREEMENT**

- Acknowledged the need for a specific set of human rights protections for Northern Ireland.
- Directed the Northern Ireland Human Rights Commission to consult with the people of Northern Ireland to develop a Bill of Rights that would reflect "particular circumstances" of NI.

What are the "particular circumstances" of Northern Ireland?

- Years of human rights abuses with no accountability or redress.
- A police service and criminal justice system that does not have the support and confidence of all communities.
- Persistent inequalities, discrimination and social deprivation.
- One of the highest child poverty levels in the UK.
- As many as 1 in 5 people with a disability.
- Women earn, on average, 84% of a man's salary.

Timeline in the process of securing a Bill of Rights for Northern Ireland

The process of securing a Bill of Rights for Northern Ireland will be a lengthy one. There will be many opportunities for people to intervene and participate in the debate. Below is an approximate guide to the main phases of such a debate.

Step 1: Public launch of consultative phase; establishment of NIHRC Working Groups; call for submissions (deadline for responses to the Commission – 28 February 2001).



Step 2: NI Human Rights Commission issues draft Bill of Rights for consultation (September 2001).



Step 3: Public debate; submissions to the Commission in response to their draft (deadline - December 2001).



Step 4: NI Human Rights Commission considers submissions and identifies issues requiring further clarification. Launches next phase in December 2002 which involves deeper exploration of these issues and increased contact with political parties.



Step 5: NI Human Rights Commission produces “progress report” in April 2004 containing latest proposals for a Bill of Rights.

Step 6: Establishment of Roundtable Forum involving all political parties and representatives of civil society to discuss the Bill of Rights, in December 2006. Findings would go to NIHRC who would likely submit a paper to then inform the Secretary of State.

FUTURE POSSIBLE STEPS...

Step 7: Secretary of State MAY decide to launch consultative phase (this happened in response to the Patten report, the Criminal Justice Review, and other major proposals). If this happens the normal consultation period would last 8 weeks.

Step 8: Secretary of State presents draft legislation before parliament. On the basis of past experience, it would seem that the earliest this could happen would be Spring 2008.

Step 9: The draft legislation passes through the House of Commons and the Lords (this phase normally takes several months).

Step 10: The legislation comes into force and Northern Ireland has its own Bill of Rights (2008/9).

Step 11: Individuals and groups begin to put the Bill of Rights into practice: teaching about rights in schools, taking cases through the courts, using the rights framework to inform dispute resolution etc.

15. Timeline in the process of securing a Bill of Rights for Northern Ireland. The process of securing a Bill of Rights for Northern Ireland will be a lengthy one. There will be many opportunities for people to intervene and participate in the debate. Below is an approximate guide to the main phases of such a debate

Step 1 — Public launch of consultative phase; establishment of Working Groups; call for submissions (deadline for responses to NIHRC — 28th February 2001).

Step 2 — NIHRC issues draft Bill of Rights for consultation (September 2001).

Step 3 — Public debate; submissions to the NIHRC in response to their first draft (December 2001).

Step 4 — NIHRC considers submissions and identifies issues requiring further clarification. Launches Phase 3 in December 2002, which involves deeper exploration of these issues and increased political contact.

Step 5 — Following political negotiations (Oct 2006), proposals for a Roundtable Forum on a Bill of Rights are included in the text of the St Andrew's Agreement.

Step 6 — The Bill of Rights Forum held its first meeting in December 2006. The Forum was made up of fourteen representatives from the main political parties, fourteen members of civic society and representatives from the Churches and business sector. An independent chair, Australian human rights lawyer Chris Sidoti, was also appointed.

Step 7 — In March 2008, the Bill of Rights Forum handed over its final report to the Northern Ireland Human Rights Commission, which is responsible for making recommendations on a Bill of Rights to the Secretary of State.

Step 8 — The Northern Ireland Human Rights Commission delivers its advice to the Secretary of State on **10th December 2008**, International Human Rights Day.

Step 9 — The Secretary of State has committed to launching a consultative phase. This is due Autumn 2009 and the normal consultation period would last 8-12 weeks.

Step 10 — The Secretary of State presents draft legislation before Parliament.

Step 11 — The draft legislation passes through the House of Commons and the House of Lords (this phase usually takes several months).

Step 12 — The legislation comes into force and Northern Ireland has its own Bill of Rights.

Step 13 — Individuals and groups begin to put the Bill of Rights into practice.



Bill of Rights Training Evaluation Form

To be photocopied and filled in by participants and group leaders.

Please put an X on the bullseye to indicate what you thought of the training.....

A target diagram consisting of four concentric ovals. The text is centered within each oval:

- Outermost oval: UNSATISFACTORY
- Second oval: SATISFACTORY
- Third oval: USEFUL BUT COULD BE IMPROVED
- Innermost oval (bullseye): VERY USEFUL

What part of the training did you find the most useful?

What part of the training did you find the least useful?

How do you think the training could be improved?

Do you think this information will benefit you and your community?

Any other comments?



What is the CAJ?

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Hilda Mullen Foundation, Joseph Rowntree Charitable Trust, Oak Foundation and UNISON.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

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***CAJ works for a just and peaceful society in Northern Ireland
where the human rights of all are protected***

CAJ Bill of Rights Information Pack

Errata Slip

Handout 3

Where reference is made to **Handout 2** it should refer to **Handout 1**.

Handout 8 (issue 4)

Reads: Kate, a 14 year old girl with special needs, wishes to be educated in a **mainstream primary school**.

Should read: Kate, a 14 year old girl with special needs, wishes to be educated in a **mainstream school**.

Handouts 10 & 11

These have become reversed:

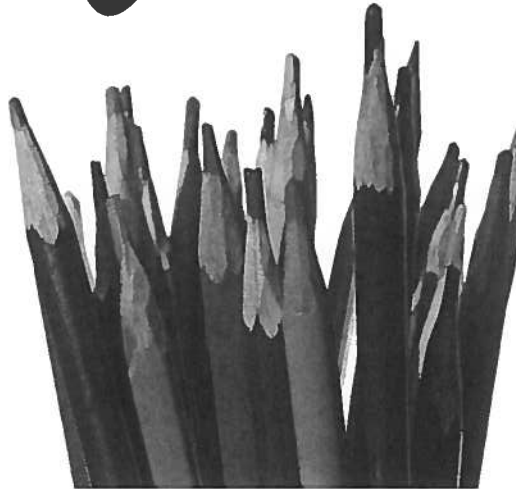
Handout 10 is in fact Handout 11.

Handout 11 is in fact Handout 10.

**BILL OF RIGHTS
GROUP LEADER'S BOOKLET**

CAJ

**Committee on the
Administration
of Justice**





**Committee on the
Administration
of Justice**

A Bill of Rights Information Pack Guide for Group Leaders

Preparation:

Once you have read through the pack yourself, think about the type of group you are delivering the information to and consider; what issues are they most concerned with? What rights in the potential Bill of Rights will they be most interested in? How could the Bill of Rights improve their lives and community?

Introduction:

Briefly introduce yourself and explain to the group that;

The purpose of this session is to provide a brief introduction to the Bill of Rights debate; what it is, where it has come from and how it can benefit the people of Northern Ireland.

Give the group a brief outline of the session you have planned, i.e. how long it will take, if there will be a break if a lot of time will be spent on group exercises etc.



This symbol indicates a **listening exercise**; The information provided should be presented to the group using a flip chart or by simply talking it through.



This symbol indicates a **group exercise**; Follow the instructions provided and encourage group members to engage in discussion and debate around the issues raised.

Time Guide:

Step 1:1	Group exercise	20 - 30 minutes
Step 1:2	Listening exercise	5 minutes
Step 1:3	Group exercise	20-30 minutes
Step 1:4	Listening exercise	10 minutes
Step 1:5	Group exercise	20-30 minutes
Step 2:1	Listening exercise	5 minutes
Step 2:2	Group exercise	30-35 minutes
Step 2:3	Listening exercise	10 minutes
Step 2:4	Group exercise	20-30 minutes



Step 1:1

Introduction to human rights

This group exercise should be used to encourage the group to think about the role and significance human rights protections play in our lives and our society.

You will need for this exercise: Copies of Handout 1 for each group member, pens, paper and a flipchart.

Time: 20-30 minutes depending on the depth of discussion around it.

Instructions:

1) Divide the group into smaller groups of between two and four, and ask them to discuss **“What do people need to flourish and develop as human beings?”** Examples might include - “a roof over their head” or “right to one’s religious beliefs”.. The group should be given 5-10 minutes to do this, and people should be encouraged to make their lists as long as possible.

2) Ask a member of each group to then report back to the whole group with their ideas. Write the main ideas up on the flipchart.

3) Distribute a simplified copy of the Universal Declaration of Human Rights (Handout 1) to everyone and encourage them to discuss as a whole group the overlap between this declaration and their own basic needs (as noted on the flipchart).



Step 1:2

The Bill of Rights debate

This listening exercise provides the group with information on the Bill of Rights Debate in Northern Ireland.

You will need for this exercise: Copies of Handout 2 for each group member.

Time: 5 minutes.

Information:

A Bill of Rights is a legally enforceable agreement between a state and the people within it, of the fundamental rights and freedoms that the government of the state must protect.

What is the Bill of Rights debate in Northern Ireland?

Over the past 30 years the basic human rights of people from every community in Northern Ireland have been abused and denied. A key element of The Agreement in 1998, was a commitment to the protection of human rights and equality, in the hope this would help Northern Ireland’s transition from conflict to peace, and ensure that a return to the past was impossible.

It was decided by all parties to the Agreement that a Bill of Rights would be the best way of protecting the

human rights of everyone in Northern Ireland. It stated that the rights contained in the Bill of Rights should “reflect particular circumstances of Northern Ireland”, i.e. considering Northern Ireland’s history what rights and protections do we need. It also stated that these rights should promote equality between, and respect for, all communities in Northern Ireland.

The Northern Ireland Human Rights Commission, set up under the Agreement, were asked to consult with the people of Northern Ireland to find out what they thought the particular needs and circumstances of Northern Ireland are and what rights they would want to see included in the Bill of Rights.

The NIHRRC’s initial public consultation has now finished and a Roundtable Forum has been set up between politicians and civil society to bring forward the debate and determine what rights should be contained in the Bill of Rights.

Why is it important to encourage discussion around Northern Ireland’s Bill of Rights?

What is the point in having a Bill of Rights for Northern Ireland if no-one understands what it is or how it affects them and their everyday lives?

By discussing the Bill of Rights in groups such as this, it will ensure that more people can contribute to the debate so that when it comes into effect, everyone will understand what it is, how it works and how they can

use it to protect their own rights and benefit their own communities. Everyone is entitled to protection of their human rights and a Bill of Rights will ensure that this happens.



Step 1:3 What are our basic rights?

This group exercise encourages the group to consider the basic needs of the people of Northern Ireland and allows them to consider the point of view of others on this issue.

You will need for this exercise: Copies of Handout 3 for each group member, pens, paper and a flipchart.

Time: 20-30 minutes.

Instructions:

- 1) Divide the group into smaller groups of three or four and read out the scenario outlined in Handout 3.
- 2) Give the groups 5-10 minutes to discuss this scenario, and record which six rights they have chosen.
- 3) Ask a member of each group to then report back to the whole group with their six chosen rights, why they chose them, and why they did not choose others. Record this information on the flipchart for groups to compare their results.

4) Spend the next 10-20 minutes discussing the issues this exercise raised. Specifically:

- Was it difficult to identify only six rights?
- What issues did the exercise bring up (e.g. are basic human rights negotiable?)
- Would the discussion and decisions have been different if there had been different people discussing.
- What differences do you think it would make if it were left to politicians to make this decision without consultation?

“It is vital to find ways in which rights are made meaningful to the people who need them most. This goal requires a process of owning, sharing, and shaping rights so that they become the basis for human social development. People can never be, as I have often said in the past, the docile subjects of rights. Rights are not in that sense “given” to people. Rights must be claimed and asserted”

- Mary Robinson, UN High Commissioner for Human Rights, 2002



Step 1:4

Where has the idea of a Bill of Rights come from?

This listening exercise provides the group with background information on the development of human rights and looks at international examples of Bills of Rights. (see Step 3:1 of this pack for further information on this topic)

You will need for this exercise: Copies of Handout 4 for each member of the group.

Time: 10 minutes.

Information:

The development of human rights

Human Rights protections have been gradually developed since at least the Magna Carta of 1215, with key milestones such as the 1689 English Bill of Rights and the 1789 French and American Bills of Rights. Modern developments have included:

1948 Universal Declaration of Human Rights (UDHR):

After the atrocities of World War II, the United Nations wanted to ensure that such events could never happen again. The Declaration was developed to promote and protect the human rights of all.

1950 European Convention on Human Rights (ECHR):

Unlike the UDHR, the ECHR is binding on all European Union member states and is now a pre-condition for membership. It protects mainly civil and political rights such as the right to life, the right to a fair trial and the right to freedom of expression. Complaints can be made to the European Court of Human Rights if human rights under the Convention have been breached.

1961 European Social Charter (ESC):

The European Social Charter was developed to fill in the gaps left by the ECHR. It protects social, economic and cultural rights such as; the right to housing, the right to work and the right to healthcare. Unlike the ECHR individual complaints cannot be made under the Charter.

1966 International Covenants on Civil and Political Rights, and Economic Social and Cultural Rights:

These Covenants further developed and make legally binding the rights contained in the UDHR.

1970s-1990s:

A number of human rights documents on specific issues were developed to supplement the UDHR, for example; the Convention on the Elimination of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). Again these Conventions bound all countries which ratified them.

1998 Agreement

Pledged a strong commitment to human rights in Northern Ireland, set up the Northern Ireland Human Rights Commission and asked it to consult on a Bill of Rights.

1998 Human Rights Act

Incorporated most of the ECHR into UK domestic law, meaning that any individual in the UK can enforce their Convention rights in a domestic court.

International examples of Bills of Rights

Internationally, many countries use a Bill of Rights to ensure the protection of people's rights. Usually, a country's Bill of Rights will be written in a way that reflects the particular needs and concerns of the people of that country. Good examples of this include:

USA:

The USA adopted their Bill of Rights over 200 years ago, in the form of amendments to the US Constitution. These amendments limit the federal government's powers, protecting the rights of the people by preventing Congress from breaching rights such as:

- Freedom of speech
- Freedom of the press
- Freedom of religious worship
- Freedom of assembly

Over time, the US Bill of Rights could reflect changing times in the US. For example, early amendments related to the powers of federal government over the

states, whereas later amendments reflected the changes brought by the end of the civil war and the abolition of slavery.

Republic of Ireland:

The constitution of the Republic of Ireland was adopted by referendum in 1937. Articles 40-44 list the rights of everyone in the Republic, these include:

- The right to be equal before the law
- The right to liberty
- Freedom of association
- Freedom of expression

Under the 1998 Agreement, the government of the Republic of Ireland has committed itself to ensuring that Ireland has "at least an equivalent level" of human rights protections as Northern Ireland.

South Africa:

Adopted in 1996, the South African Constitution is one of the best examples of how a Bill of Rights can use the experiences of the past to protect human rights in the future. One of the most inspiring elements of the South African Constitution is its commitment to the protection of social and economic rights. Apartheid created vast social and economic inequalities, and the creators of the Constitution wanted to make sure this could never happen again. As a result the following rights were included in the Bill of Rights:

- The right to food and water
- The right to housing
- The right to healthcare
- Special rights for children

Step 1:5



What a Bill of Rights says about its country

This group exercise looks more in depth at how these countries have used their Bills of Rights to address the particular needs and circumstances of their country.

You will need for this exercise: Copies of Handouts 5,6 & 7, pens, paper and a flipchart.

Time: 20-30 minutes.

Instructions:

1) Break participants into three groups and give one group a copy of the extract from the South African Bill of Rights, one group a copy of the US version, and one group a copy of the Irish version (Handouts 5,6 & 7).

2) Give the groups 10-15 minutes to examine the Bills of Rights and answer the questions at the bottom of each handout:

- What does this extract from a Bill of Rights say about the country it is from? i.e. the society, its experiences, its values.
- Would you add or remove any rights?
- Would any of these rights be particularly useful in Northern Ireland's Bill of Rights?

3) Ask one member of each group to report back to the whole group with their findings, and record the key points on the flipchart or sheet of paper.

Step 2:1



Brief introduction to social and economic rights

This listening exercise introduces the group to social and economic rights.

There are no materials needed for this exercise.

Time: 5 minutes.

Information:

What are they?

Social and economic rights are essential rights that protect our social and economic security.

They include:

- the right to an adequate standard of living
- the right to the highest attainable standard of health
- the right to education

Where do they come from?

The 1948 Universal Declaration of Human Rights was the first of many international human rights documents to talk about social and economic rights. While they may not have received as much attention as civil and political rights since then, there is increasing recognition that social, economic and cultural rights, and civil and political rights need to work together; one cannot work without the other.

Former UN High Commissioner for Human Rights, Mary Robinson, made the point that;

“How can one argue that the right to vote is more important than the right to a roof over one’s head? And yet, without the vote – and all that entails in terms of democratic choice – how will people ever secure the policies which will provide roofs over their heads?”

Why do they need protection in our Bill of Rights?

Northern Ireland has many inequalities, that need addressed. By enshrining protection for our social and economic rights in a legal document, we can ensure that all people in Northern Ireland can enjoy the highest possible standard of living, healthcare and education.

Step 2:2



Should social and economic rights be included in Northern Ireland’s Bill of Rights?*

This group exercise should be used to encourage discussion as to whether specific rights to health, work, housing and an adequate standard of living should be in the Bill of Rights.

You will need for this exercise: Copies of Handout 8, a flipchart, paper and pens.

Time: 30-40 minutes

Instructions:

- 1) Divide participants into three groups; the government and two other groups representing each of the two sides of the debate. Distribute Handout 8 to each group
- 2) Ask all groups to discuss and identify their key arguments. Ask them to frame their arguments in terms of human rights. This discussion should take 10-15 minutes.
- 3) Going through each case individually, allow the opposing groups to make their case to the government (no more than 2 minutes each for each issue).

4) Give the government 5 minutes to take decisions on each of the issues. Then tell them they have an extra one million pounds to spend on one issue, which would they choose

5) Conclude the exercise by asking the group to discuss the difficulties they faced in deciding between the various competing priorities; whether rights which involve public spending should be included in the Bill of Rights for Northern Ireland; and if so, whether these rights should be limited in any way?

*This exercise has been taken from the NIHRC's Bill of Rights For Northern Ireland - A Training Manual (2000)



Step 2:3

Why does Northern Ireland need a Bill of Rights?

This listening exercise provides the group with information on the reasons why Northern Ireland needs a Bill of Rights and what "particular circumstances" the Bill of Rights should reflect.

You will need for this exercise: Copies of Handout 9 for each member of the group.

Time: 10 minutes

Information:

Our human rights are currently protected by the European Convention on Human Rights. Up until 1998, we could only enforce our ECHR rights in the European Court of Human Rights, which was a lengthy and expensive process.

The Human Rights Act in 1998 incorporated most of the Convention rights into domestic law, meaning that we can now enforce these rights in courts at home. If our human rights are already protected, why do we need a Bill of Rights?

Gaps in the Human Rights Act 1998:

- **Age of the ECHR:** The ECHR was drafted over 50 years ago and the rights included in it reflect the issues of post-war Europe. Political, social and technological developments, since then, have created rights issues that the Convention does not cover. This was not catered for in the Human Rights Act 1998. A Bill of Rights would supplement the Convention rights we have under the Human Rights Act, by providing human rights protection in the areas where it falls short: for example, the rights of women, children and victims.
- **ECHR lacks protection for social and economic rights:** The rights contained in the Convention are predominantly civil and political rights, such as the right to vote, the right to a fair trial, and the right to property. Very little protection is given to social, economic and cultural rights, i.e. rights to housing, health and work. The Bill of Rights is an opportunity for Northern Ireland to modernise and protect everyone's social and economic rights.
- **Northern Ireland has its own needs:** The Human Rights Act covers the human rights of not just Northern Ireland, but everyone in the UK. What the people of Northern Ireland need, however, is not necessarily the same as what the people of England, Scotland and Wales need. A Bill of

Rights would look specifically at the experience of the people of Northern Ireland, and set out a list of rights that would best protect them.

The 1998 Agreement:

The Agreement acknowledged the need for a more specific set of rights protections for Northern Ireland. The Agreement directed the Northern Ireland Human Rights Commission to "consult and advise" Northern Ireland's Secretary of State on the "particular circumstances" that a potential Bill of Rights should reflect.

What are the particular circumstances of Northern Ireland?

Over 30 years of conflict, inequality and injustice sets Northern Ireland apart from any of its neighbours. The conflict claimed the lives of over three and a half thousand people and left few households untouched by its effects. These experiences will not, and should not, be forgotten. By looking at the past we can decide what we want, or what we do not want, for our future. We need to consider:

- The consistent abuse of human rights during the course of the conflict.
- The lack of accountability or redress for such abuses.
- A police force and criminal justice system that did not have the support, trust and confidence of all communities.



Step 2:4 Group Exercise

What do you think should be included in a Bill of Rights?

Based on what they have learnt, the group should now discuss and draw up their own Bill of Rights. This should reflect what they think the needs and particular circumstances of Northern Ireland are, and what they as a group or community would benefit from.

You will need for this exercise: pens and paper, a flipchart, the “Our Bill of Rights” poster.

Time: 20 - 30 minutes.

Instructions:

1) Divide the group into smaller groups of three or four, give each group a few sheets of paper and ask them to consider all the information they have gained so far on the Bill of Rights.

2) The groups should then discuss, and record, what rights they would like to see protected in Northern Ireland’s Bill of Rights.

3) Ask each group to report back to the main group with their suggestions, noting all suggestions on the flip chart (except repetitions).

We also need to consider the social and economic impact of the ‘Troubles’:

- Persistent inequalities, discrimination and social deprivation.
- One of the highest rates of child poverty in the UK.
- As many as one in five people with a disability.
- Women earning, on average, 84% of a man’s salary.

4) Now ask the group as a whole to discuss which of the suggested rights should be included in their final Bill of Rights, and allow each member of the group to write up an agreed right on the “Our Bill of Rights” poster.

5) This poster can be kept by the group and pinned up in a prominent area, so they may work towards the protection of these rights within their community, while the debate around a Bill of Rights continues.

“...as people sat down to talk together, to debate, to argue about the sort of society that they are wanting to see replace, in being able to concentrate on things such as a Bill of Rights, they soon got to the point of realizing that their erstwhile adversaries were human. They seemed to be longing for the same kinds of things as did those people whom they thought of as not normal. Very soon they were building a consensus about their common dreams.”

-Archbishop Desmond Tutu (2001)

Step 3

Material for further information and discussion

The following section deals with some of the most frequently asked questions about human rights. A group leader may wish to read this in case these questions are asked by the group, or may want to initiate discussion of these issues themselves. There are an extensive number of publications and resources available which would inform these debates (see contact addresses at the back of this guide). However, the following handy hints might be helpful for those unable to easily access other sources of information. Note that there are few ‘right’ and ‘wrong’ answers to the various issues that will arise, and the following is intended merely to help people with no previous knowledge in this area.

3:1 Where do human rights come from?

Human rights is not a concept that was dreamt up after the two World Wars, it has been discussed and developed throughout our history:

Judaeano – Christian tradition: Both the Old and New Testaments proclaim the rights of every human being who is created in the image and likeness of God. Most major religions draw on similar roots

Greek & Roman periods: Citizens asserted their political rights to determine the laws and practices of

the city-state. Rights were not generally thought to be held by women, or by slaves, or by non-citizens.

1215 – Magna Carta: The English lords forced King John to agree to certain limitations on his powers as a sovereign – for example, from this time on, it was agreed that the king could not arbitrarily imprison or tax people without justification.

1689 – The English Bill of Rights: The major struggles of the Reformation period led to a Bill of Rights emphasising jury trial, the banning of cruel and unusual punishments, and the need for civil and religious liberties. These liberties did not, however, extend to all – for example, Catholics, Dissenters, Jews and many others.

1789 – the French and American Bill of Rights: As a result of revolution in both America and France, clear written texts on the rights of the individual were elaborated in both countries. It was recognised that people had rights to life, to liberty, to property and to the pursuit of happiness. Many of these rights were still not, however, seen as applying to non-whites or to women, or to the poor generally.

3:2 Who checks up on governments' respect for human rights?

At the international/regional level: The United Nations, Council of Europe and other governments all

have a responsibility to ensure that a member of the UN meets the obligations it agreed to undertake. There are a variety of ways in which these bodies can intervene to help.

➤ **At the governmental level:** Countries do not normally like to be embarrassed internationally and can often be “shamed” into acting fairly.

➤ **Politically:** Politicians can and do intervene on individual cases and to ensure that laws are fair and treat everyone equally.

➤ **Legally:** The courts can be used to insist on one's rights.

➤ **Media:** The media can be effective in publicising and creating pressure among the wider public around particular human rights abuses.

➤ **Specialist organisations:** The Ombudsman, the NI Human Rights Commission, the Equality Commission, the Policing Board, the Police Ombudsman and many other such groups have a responsibility to work on behalf of individuals and groups who feel that their rights have not been protected.

Advocacy groups: Many groups exist to inform people as to their rights and to assist them in finding out which of the above avenues might be the best to pursue

for example Citizens Advice Bureau, the Law Centre, the Committee on the Administration of Justice etc.

Most effective scrutiny occurs when all of these different bodies and tactics are used, so that, by a mixture of encouragement and - where necessary - criticism, people's rights are assured, e.g. lobbying etc.

3:3 Why are human rights so frequently violated and abused, and what can be done about it?

Groups may have very different ideas about why rights are violated and abused. People should be encouraged to exchange ideas about why it is that some people are homeless and hungry? Why is it that some people are denied their rights to join trade unions, or to have certain religious beliefs, or to stand for government? What human rights problems do we face in Northern Ireland?

3:4 Do rights conflict and how does one balance conflicting rights?

The rights of one person are frequently in conflict with those of another, and the rights of the individual frequently need to be curtailed to respect the rights of everyone. Individual drivers have to drive on the left (in the UK and Ireland), whatever their religious or other beliefs on the subject, otherwise the safety of all other road-users will be compromised.

The group could be encouraged to brain-storm about examples of when rights conflict. Examples might include: a young person's right to leisure activities (and to have a noisy party with their friends), and an elderly neighbour's right to privacy (and to go to sleep). What about the right to "free expression" - does this extend to calling out "fire" in a busy cinema? Or do parents have rights to smack their children? An obvious conflict of rights in many parts of Northern Ireland revolves around the marching issue - what are the rights on the different sides of this dispute?

The group could be encouraged to brain-storm about the regulation of such conflicts. What role does the law play? The law is a system of rules and regulations laid down by the state, with which everyone must comply. According to the rule of law, no-one is above the law, thus it applies evenly, no matter which person or group may feel they are in the right. What kind of factors should be taken into account in coming to fair decisions when there is a genuine conflict? Does it matter how important the right is? Who is the judge of which rights are more important than others and why? Are any rights more important than others? Does it matter how much one person's rights have to be curtailed to allow someone else their rights?

3:5 Are rights essentially for the least powerful in society?

The group may want to discuss who most benefits from the recognition of “*the inherent dignity and of the equal and inalienable rights of all members of the human family*” (*Universal Declaration of Human Rights*). Why is the language of rights seen as such a potentially powerful one for the poorest and most marginalised in society? At the same time, do the poorest and most marginalised in society use the language of rights much; do they know their rights; and do they know how to assert them? What could be done about this? What about people who might be thought to be powerful already (rich, white, well-educated males for example) - do they have rights?

3:6 What happens when the rights of an individual conflict with the rights of a wider group?

Groups may want to discuss situations when their own rights come into conflict with those of others - other family members, their neighbours, their local community, their trade union, their state, their church group, other members of society etc. When can/should the rights of an individual be seen as being properly over-ridden by the competing rights of the larger group; and are there rights that an individual should be able to claim regardless of what the larger group thinks, e.g. individual worker v. trade union?

3:7 Do rights imply responsibilities also?

This seems like an easy question but is not necessarily so. At one level, logic requires that anyone asserting their rights whether to freedom of movement/belief/to decent housing, etc. by virtue of their very humanity, must respect the rights of all other human beings to assert similar demands. Human rights automatically imply a responsibility to accord respect to the rights of all other human beings (regardless of creed, race, gender etc), even when (or especially when) those rights conflict with one's own.

This does not mean, however, that people forfeit all their human rights if they do not live up to their responsibilities to accord respect to others rights. People who engage in criminal behaviour clearly risk forfeiting their freedom if they are caught and sentenced to imprisonment, but they do not lose all their other rights - their right to physical integrity, to religious belief, to family life.



**Committee on the
Administration
of Justice**

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation working for a just and peaceful society in Northern Ireland where the human rights of all are protected.

CAJ is a member of the Human Rights Consortium.

For further information on the activities of CAJ, to become a member, or receive a publications catalogue, please contact the office at:

45/47 Donegal Street
Belfast, BT1 2BR
Tel: 44 (028) 90961122
Fax: 44 (028) 90246706
Email: info@caj.org.uk

www.caj.org.uk



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