

Submission 124
Alliance Party of Northern Ireland

Alliance Party of Northern Ireland
Response to the NI Human Rights Commission's Draft Bill of Rights
November 2001

Introduction: Mandate of the Commission

In keeping with the liberal international tradition, the Alliance Party believes that in the inherent dignity and worth of every individual, and that human rights arise from these values. Human Rights are therefore universal and inalienable, indivisible and interdependent.

Human rights documents, whether they are international conventions or domestic bills of rights, do not create new human rights, but rather either begin or extend the process of codification of such rights, and provide means for enforcement and redress for breaches of such rights. With every society having its particular characteristics, it is natural that, based on internal domestic dynamics, the priorities for the codification of particular rights will vary from situation to situation. However, as far as possible, societies should seek to rise to the same common standards as expressed through European and international conventions.

Alliance firmly believes that the respect and protection of individual human rights are integral to democracy, the rule of law, good governance, and ultimately social and economic progress. Human rights are meaningless without law, a rule of law and a culture of lawfulness. Human rights are concerned with ensuring that every citizen receives fair and equal treatment, is equal before and under the law, and has equality of opportunity and equality of treatment. In the absence of effective rule of law, some persons are able to exploit the system unduly while others are disadvantaged. Therefore human rights cannot be divorced from a responsibility for individuals who are benefiting from such rights to seek to preserve the integrity of that rule of law that protects human rights, and not to claim rights in isolation of this consideration.

Human Rights primarily govern relationships between the state and individual citizens. We recognise both the avoidance of excessive control of the state over the individual (negative rights), but also positive obligations on the state and other public bodies to promote certain standards (positive rights).

However, human rights are also concern relationships between private organisations and individual citizens, and the relationships between individuals. In Northern Ireland today, the greatest abuse of human rights comes from paramilitary groups. The most direct abuses include the deprivation of life of many people, the practice of paramilitary attacks (so-called 'punishment attacks') in which such organisations act as judge, jury and executioner with no regard to international human rights standards and due process under the law. The 'ghettoisation' of many parts of Northern Ireland, under the thumb of paramilitaries, indirectly contributes to the denial of opportunities.

Alliance has long supported the incorporation of the European Convention on Human Rights into UK and Irish domestic law. We therefore welcome the British Human Rights Act (1998), and the forthcoming equivalent legislation in the Republic of Ireland.

Alliance welcomes the competence given to courts to strike down secondary legislation, or rather elements of secondary legislation, which they deem to be contrary to the Human Rights Act and the Convention. It is important that legislation of the Northern Ireland Assembly and the actions of the Northern Ireland Executive are to be subject to this 'judicial review' power.

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This will provide a vital safeguard against the arbitrary abuse of power. However, we are disappointed that this ‘judicial review’ power is not to apply to the legislative actions of the United Kingdom Parliament. This should be addressed through the provision of the a written constitution for the UK as a whole.

Alliance believes that the European Convention on Human Rights (ECHR) in itself provides a comprehensive set of rights, and thus should remain central to the protection of human rights. However, Alliance does recognise that, as the Convention is fifty years old, it may carry some deficiencies in terms of the protection of social and economic rights, and of persons belonging to minorities. Alliance accepts that the latter shortcoming may be a particular concern in a deeply divided society such as Northern Ireland.

Mandate of the NIHRC

The mandate of the NIHRC, as defined by the Belfast Agreement, invites it:

to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience.

There are a number of questions that arise from this mandate.

First, there is an active debate as to whether the NIHRC should actually propose a draft Bill of Rights as opposed to merely consult and advise on the scope for drafting. Alliance believes that it would be difficult for the Commission to fulfil its mandate without actually doing this, and that furthermore the Commission is not precluded from doing so.

Second, there is scope for radically different interpretations over the requirement ‘to reflect the particular circumstances of Northern Ireland’.

As a longstanding supporter of human rights, Alliance would like Northern Ireland to have the best set of human rights protections possible, which could in turn be a model for parts of these islands and of Europe.

Alliance does not believe that the problems of Northern Ireland whether they be social, economic, environmental or political are particularly unique. Northern Ireland is not the only deeply divided society in Europe, let alone the world. However, its actual (or particular) circumstances are particular to it. Reference to the particular circumstances of Northern Ireland need not and does not entail that the only areas that can be addressed by a Bill of Rights must be unique to Northern Ireland.

Therefore, it seems entirely reasonable that the Commission would propose a broad range of human rights protections for Northern Ireland. Consideration should, of course, be given to where to strike the balance of how to address the principle and details of the relevant issues in either a human rights document or domestic legislation.

However, we have several concerns arising from the specific mandate that is granted to the Commission with respect to this responsibility, namely that it reflect the ethos and entity of both communities and entrenches a parity of esteem.

We do not believe that a reference to ‘both communities’ accurately reflects the current reality in Northern Ireland. While Alliance accepts that the population of Northern Ireland is deeply divided on grounds of ethno-nationalist identity, and to a lesser extent religion,

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these differences are largely constructed, and are indeed being further constructed through the use of designations in the Assembly, and the general entrenchment of the ‘two communities’ philosophy through the Agreement.. Northern Ireland suffers from what Michael Ignatieff calls the “narcissism of minor differences.” The people share more in common than what divides them.

Northern Ireland is already more diverse than the ‘two communities’ approach would suggest; there are some cross-cutting cleavages. This ‘two communities’ or ‘both communities’ language fails to acknowledge that a significant number of people cannot be labelled as Unionists or Nationalists, Protestants or Catholics. Some people come from mixed marriages, are part of ethnic minorities, or choose not to be described in such terms, preferring a more multicultural and pluralist self-identification.

This language and approach also undermines the legitimate expression of political identity by many people. It denies individual choice over identity, and often involves the pigeonholing of people into rigid categories against their will. We reject the notion that is present in many aspects of public policy that there is a monolithic ‘majority’ and a monolithic ‘minority’.

Similarly, the insistence upon a ‘two communities’ language and approach pejoratively presumes that the ideal state of Northern Ireland society is that of two separate but equal elements each working to their own interests rather than that of one united, but diverse and multicultural, community, working towards common goals. By contrast, Alliance believes that encouraging greater diversity and pluralism, and promoting sharing at the expense of separation within a single, united but multicultural community, are fundamental requirements for building peace, prosperity and stability, and respecting the individual citizen. These themes have been developed further in the Alliance Party vision document, Centre Fonnard, which was published in September 2000.

The requirement in the mandate to promote rights that reflect the ethos of both communities suggests that Unionist and Nationalist group rights should be devised. These would be rights that could only be exercised collectively rather than individually by persons in co-operation with others of similar predispositions or identities.

‘Parity of esteem’ has never been adequately defined in Northern Ireland. In any event, it suggests equality between corporate entities. This simply cannot be consistent with equality between individual citizens, and a respect for individual human rights.

Those who do wish to make such associations or choose to opt out would be penalised. Furthermore, such group or collective rights would be exercised by communal leaders, often self-appointed, and constitute serious threats to individual autonomy. It cannot and must not be assumed that in a divided society every citizen wants to associate with a nationalism or communal identity.

Both these dangers could be avoided through refraining from the creation of collectively exercisable ‘group rights’.

International minority protections are framed in terms of persons belonging to minorities; i.e. minority rights are framed on an essentially individualistic basis. This approach is reflected in both the Vienna Declaration of the World Conference on Human Rights (1993) and the Council of Europe’s Framework Convention on the Protection of National

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Minorities. Furthermore, these conventions do not define the minorities that should be protected but set out the basis of criteria for the defacto recognition of minorities. This respects the principle of universality and allows for a degree of flexibility that can facilitate shifting numbers and even changes of identity definition by some individuals.

Accordingly, Alliance believes that the NIHRC should interpret ‘two communities’ in as widest terms possible to reflect the rich diversity and pluralism that already exists in Northern Ireland, and in order to encourage, rather than restrain, their further development. Arising from this, in dealing with aspects of the Framework Convention, the Commission and the Government should interpret ‘national minority’ as referring to ‘all communities’ or ‘all sections of the community’. The Northern Ireland community could be described as Northern Ireland society to avoid confusion. Furthermore, Alliance believes that the NIHRC should follow the approach set out within international law and all human rights conventions and instruments that deal with minorities, and specify rights of persons belonging to minorities.

With respect to requirement that the Commission is to ‘have regard’ to international standards, Alliance has several concerns. In line with the universality of human rights, substantial work has been completed on drafting European and international standards. Deficiencies primarily lie not with the standards themselves but the nature and quality of enforcement. States should adopt and incorporate these common international standards within their own domestic law.

As off-the-shelf alternatives exist, there should be no need for states or jurisdictions such as Northern Ireland to reinvent the wheel. Indeed, the process of designing a domestic bill of rights carries several dangers. First, the process of negotiating the new and jurisdiction-specific content of any Bill of Rights will inevitably become incredibly difficult and politicised. If this first hurdle is overcome, there may be then departures from universal standards. Secondly, there may be problems from being overly specific and prescriptive. Governments do need some latitude to determine the distribution and allocation of resources in line with democratic wishes, and especially where rights are likely to clash, discretion needs to courts to interpret and decide between competing rights.

Article 83 of the Vienna Declaration, resulting from the World Conference on Human Rights (1993), urges ‘Governments to incorporate standards as contained in international instruments in domestic legislation’. The declaration further calls for consistency and respect for common standards.

Accordingly, Alliance would prefer that where appropriate, that the NIHRC advise the Secretary of State that other European and international conventions should be incorporated into Northern Ireland domestic law either in full or in part, or alternatively that the relevant elements of those conventions should form the content of the NI Bill of Rights.

Response to the Recommendations of the NIHRC

Preamble

The reference to the “section of the community to which they belong” should read “section of the community to which they choose to belong

Here, as elsewhere in the documents, reference should be made to all sections of the community rather than “both communities” or “both main communities”.

Some reference should be made to “responsibilities” and also the rule of law that preserves

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and protects rights.

Finally, an acknowledgment would be appropriate that there are few absolute rights, and that in practice the exercise of certain rights can be limited or qualified when they infringe upon or prevent the enjoyment of other rights.

Democratic Rights

Alliance endorses the general approach in this section. In a deeply divided society, it is particularly appropriate to define rights with respect to political and democratic participation. Power-sharing and proportionality are strongly implied within the Framework Convention. Article 15 states:

the Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in those affecting them.

The best approach, of defining general principles without providing prescriptive solutions, is the one currently being adopted by the Commission.

Alliance supports the reference to the use of proportional representation in all Northern Ireland public elections. However, the precise mechanism for this should be a matter for domestic legislation.

We also support the clauses related to ensuring fair, full and effective participation in governance, including from women. Again, a number of different mechanisms can be used to deliver this general principle.

Alliance is pleased that the Commission did not recommend the institutionalisation of the d'Hondt system. This system is not particularly proportional, and distortions arise particularly when the number of parties increase and the numbers of persons to be returned is small. Alliance believes the use of the St Lague system or the Single Transferable Vote are actually more appropriate. Therefore, the flexibility to adopt a range of mechanisms should be preserved.

Similarly, Alliance is pleased that the Commission has not chosen to institutionalise the system of designations and the voting system in the Assembly. The principle of fair participation, and power-sharing in a deeply divided society, can be addressed equally well through more flexible forms as well as the rigid consociational approach adopted in the Agreement. Alliance is currently arguing for a system of weighted majority voting (with a threshold between 60 and 70 per cent) but without communal designations in the Assembly.

Indeed, Alliance believes that there are human rights and discrimination concerns arising from designations and related the Assembly voting system.

First, on key 'cross-community' decisions, the votes of those Assembly Members who do not designate as 'Unionists' or 'Nationalist' carry less weight and in the election of the First and Deputy First Minister do not count at all. Furthermore, on 'cross-community' votes, the weight of the votes of designated nationalists is actually greater than the weight of designated Unionists. This system therefore breaches the fundamental principle that the vote of each member in a legislative body should be of equal weight. Notably, the current provisions do not only discriminate against the MLAs in questions, but the electorate that put them there.

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Second, designations forces MLAs to place themselves within communal categories. Aside from the public policy arguments that this institutionalises the sectarian divisions in society, and deters the growth of greater pluralism in society, there are human rights implications to this. Both the derogatory way in which the Agreement and Northern Ireland Act treats those do not chose to align with either Unionism or Nationalism and the lack of equality of votes violates Article 3(1) of the Framework Convention:

Every person belonging to a national minority shall have the right to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

We urge the NIHRC to take up the issue of Designations and the Voting System, if the issue cannot be adequately addressed through the current Review under Section 36 of the Agreement.

With respect to the voting age, Alliance believes that it may be appropriate for minimum requirement for all those of 18 years and over to have access to the vote, but that further reductions in voting age should be left to the appropriate legislative body.

Rights Concerning Identity and Community

Much of our approach in this area is determined by the strong reservations that we have expressed in the introduction to this document, and in our original submission to the Commission on the NI Bill of Rights to the creation of Unionist and Nationalist ‘group rights’ and the institutionalisation of a so-called ‘parity of esteem’.

The first bullet point of this section is incorrect. It is ambiguous and can be interpreted as implying that the Agreement entrenches 50:50 equality between Unionists and Nationalists. As there is a 50:50 balance upon the Executive, there is a misconception that this was indeed the case. In fact, the current 50:50 split is an outworking of d’Hondt. This system can create significant distortions and does not deliver proportional results. The balance in the population between Unionists, Nationalists and those rejecting tribal labels is more accurately. When d’Hondt is used, the divisions in the latter section of the community entail that it is effectively denied representation. Alliance supports proportional shares for parties in the Executive, Assembly and other public bodies. However, we are opposed to equal (50:50) shares between a ‘Unionist community’ and a ‘Nationalist community’.

Alliance welcomes references within this section to the dangers of entrenching communal differences and the need to recognise the increasing multicultural nature of society.

We further welcome the emphasis on the incorporation of the relevant clauses of the Framework Convention as the best way to proceed in this area.

In addition, we agree that there are practical, as well as philosophical difficulties, in formally providing for a parity of esteem. Accordingly, we oppose any formal duty on the state to provide for this claim and do not see the need for the additional clause 10(2) that has been drafted and presented as an option. We are particularly concerned that this would negate the clause 10(4).

We particularly welcome the proposal 10(4):

Everyone has the right freely to choose to be treated or not to be treated

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as a member of what might otherwise be perceived to be their national, ethnic, religious or linguistic community and no disadvantage shall result from this choice of from the exercise of the rights which are connected to this choice.

This is based upon Clause 3(l) of the Framework Convention right for persons not to be treated as a member of national minority against their will, and for no penalty to arise from this. We believe that it should be extended in the NI Bill of Rights to include perceived political or cultural identity.

In addition to our concerns in relation to the voting system and designations, this clause has relevance to other areas of public policy. First, within Fair Employment monitoring, persons are pigeon-holed into two simplistic categories. Furthermore, those that try to opt out are categorized against their will. Second, the criteria for the creation and maintenance of integrated schools, is based solely on numbers of Protestants and Catholics. Barriers are created when pupils and parents do not so classify themselves along these lines.

Finally, we believe that the intent of the following optional clause is ambiguous:

Nor shall anything in this section negate voting mechanisms designed to ensure representivity in political institutions and decision-making.

Alliance echoes the point in the introduction of this section that places on representative bodies should be allocated on a proportional basis rather than equality between perceived communities (than may otherwise be unequal in strength). On one reading of this clause, it would reflect that position and prevent the equalisation of otherwise unequal Unionist and Nationalist blocs on the basis of some false parity of esteem. However, it could equally be interpreted as entrenching the current voting system in the Agreement, which is arguable designed to give representivity in decision-making to Unionist and Nationalist 'communities' as groups rather than parties on the basis of their numerical strength, and thereby frustrating the process of change. Alliance has deep concerns regarding the tendency of this system to institutionalise sectarian divisions, and therefore wishes to keep the door to positive change open. In the absence of a clearer description of the intent of this clause, we believe that on balance that it is unnecessary and a potential hostage to fortune, and that the intent of the first interpretation can be achieved through the proposal 2(b)i.

Equality and Non-Discrimination

There is a growing series of protections on equality and non-discrimination within domestic legislation. Alliance supports moves to create a single consolidated Equality Act.

Further non-discrimination guarantees are contained within a host of European and international conventions. Non-discrimination and equality protections should be enhanced through their incorporation into domestic law.

Alliance is comfortable with the broad thrust of this section. The details that follow from acceptance of the general principles should primarily be addressed through legislation. However, there will need to be some explanation how the general principles set out in this document will relate to both existing and forthcoming legislation, especially when conflicts can be anticipated. Furthermore, there is a need to better explain to the public the difference between the human rights guarantees and legislative protection in terms of their different origins, mechanisms and intent.

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We particularly welcome the reference to those of 'other status'.

Alliance does have concerns over measures which amount to reverse discrimination (positive action). Affirmative action that identifies deficiencies in communal balance, and seeks to encourage applications from those from underrepresented sections of the community are acceptable. However, it is important that vacancies be filled and resources distributed on the basis of the merits of applications and other cases. In fact, consideration should be given to using human rights documents to rule it out. In practice, affirmative action issues should be matters for domestic legislation, giving legislatures the opportunity to revise policies in the light of changing circumstances rather than institutionalizing unwise or unnecessary policies.

While it is appropriate to mainstream the rights of persons with disabilities, there is still nevertheless a notable absence of sufficient references to such people. References to the rights of persons with disabilities are appropriate in the sections regarding democratic rights, this section on equality and non-discrimination, rights to family and private life, freedom of movement, and socio-economic and environmental rights. Such clauses should be directed towards ensuring equality of opportunity, equality of access, and equality of treatment.

Alliance regrets that the Commission has neglected to make any reference to the rights of citizens to live and work in neutral environments, free from sectarian or paramilitary trappings, and has not advocated that there be a positive duty upon the state to seek to create and preserve such environments. The 'ghettoisation' of large parts of Northern Ireland is a major contributory factor to the denial of opportunities for many citizens. There should be a right to live and operate in a neutral environment and public space, similar to the right of workers to work in a neutral environment under Fair Employment legislation, and a related positive duty on the State (as there is on employers) to take action to preserve such environments. The right to freedom from sectarian harassment is included with the Good Friday Agreement. Proposals along these lines should be included in the final draft.

The Rights of Women

Alliance is content with the broad thrust of this section. However, we believe that in addition to mainstreaming the rights of women, consideration should be given to the incorporation (or aspects thereof) of the UN Convention on the Elimination of Discrimination Against Women. In the absence of such a general incorporation, consideration should nevertheless be given to aggregating the various rights of women in a specific appendix. Mainstreaming should be defined, and should entail analysing every aspect of human rights and public policy for their impact upon different genders. It is worth noting that there is now clear evidence that men are disadvantaged in some areas, e.g. educational performance, and that what is being sought here is gender equality.

Rights to life, freedom from torture, inhuman or degrading treatment or punishment, freedom from slavery and freedom from force labour.

Alliance is content with the proposals in this section, and believes that the European Convention, with its additional Protocols, provides sufficient protection.

Criminal Justice and Administrative Justice

Alliance is largely content with this section.

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The Rights of Victims

Alliance is essentially content with this section. Our instinct is that the issue of the treatment of victims should largely be dealt with through legislation, with the Bill of Rights only addressing basic principles.

Rights to family life and private life

Alliance supports this section.

The rights of children

Alliance believes that the adequate protection of the rights of children should be a central and integral part of the Bill of Rights. We originally proposed that the Commission recommend the incorporation of the UN Convention on the Rights of the Child into domestic law. We are happy to endorse a combined approach that draws on the Convention where appropriate.

Education rights

In most western democracies, it is presumed that public sector education is integrated.

Northern Ireland has had a different history. For a number of reasons, schools segregated along religious lines have become the norm. Despite evidence of overwhelming support for integrated education, provision remains at only 4% today.

Human rights debates on education fall largely on whether minorities have the right to have their religion/culture addressed within public schools or have the right to establish separate schools, and furthermore whether they should be entitled to public funds. Alliance would challenge the predisposition among some international human rights advocates towards the separate provision of facilities. Separation reinforces divisions and can undermine the peace, stability and cohesion within societies. By contrast, Alliance believes that the predisposition within international law, notably the Vienna Declaration (1993), is to allow, and to even encourage, governments and societies to create and maintain integrated facilities within a multicultural environment, and to encourage the full participation of all sections of society in its social, economic, political and cultural life. The rider is that individuals should not be forced to integrate, or especially to assimilate, against their will. In addressing both of these points, Article 5(l) of the Framework Convention states:

Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

With respect to education, European and international human rights standards only require that at a minimum a state should provide an integrated public school system that paid appropriate regard cultural and religious diversity, and provide appropriate instruction. While persons or groups would have the right to set up their own independent schools, there is no requirement upon the state to fund them in terms of a human rights obligation, though there would be no barrier to the state doing so if it so determined. For example, the Framework Convention states:

Article 13(l) -Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own educational and training establishments.

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Article 13(2) - The exercise of this right shall not entail any financial obligations for the Parties.

Alliance is firmly opposed to proposals nos. 3 and 4, which in tandem would facilitate a Balkanisation of the education system with an accompanying duty for the state to fund all such schools. The Commission have correctly identified that these proposals go well beyond the terms of the Framework Convention. At a minimum, the State need only ensure that cultural and religious differences (and language needs) are catered for within an integrated state education system. The segregated school system in Northern Ireland is no need of protection through the Bill of Rights, and any formal entrenchment of this would only tie the hands of future governments from increasing integrated provision. It should be noted that there is currently a controversy in Great Britain regarding the funding of 'faith schools'.

While the right to set up separate schools is clear, there is not an automatic responsibility for governments to provide funding. Nevertheless, the state is not precluded from doing as is the case at present.

The case for financial support for integrated schools is much more clear-cut. Fundamentally, pupils and parents have a right not to be taught in religiously segregated schools that entrench communal attitudes. The current system does not respect the choice over identity for pupils, highlighted in Article 8 of the UN Convention on the Rights of the Child, and the wider rights of both pupils and parents within under Article 3(l) of the Framework Convention.

Instead of the Commission's proposals, Alliance advocates that a duty be placed on the State to ensure that religious and cultural differences are catered for within the education system without being prescriptive regarding guaranteed funding for segregated schools. Furthermore, in light of the demand for integrated education that exceeds current provision, a right not to be educated in segregated schools should be included.

Alliance supports the majority of the proposals in this section, including nondiscriminatory access for all children to all types of schools and the removal of the fair employment exemptions with respect to teachers.

Rights to freedom of thought, expression, information and association

These rights are already well protected through the ECHR.

Language Rights

In societies where a significant number of people speak different languages as their first or only language, language guarantees are integral to those persons being able to play their full part in society and to avail of opportunities provided. However, in Northern Ireland, the demand for Irish and Ulster Scots language rights is largely for reasons of cultural expression rather than necessity. Indeed, Cantonese is a more popular first language than either Irish or Ulster Scots in Northern Ireland. Therefore, need is more clear-cut with the languages of ethnic minorities than either Irish or Ulster Scots.

Alliance applauds the Commission in seeking to broaden the extension of language rights to all sections of the community, including persons belonging to ethnic minorities, whereas the European conventions refer only to those practicing perceived indigenous languages. However, we are concerned at the scope of the recommendations made and the

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implications arising from them. In particular, we are concerned at the potential diversion of resources to facilitate 'language rights' from for example health or education spending. In addition, we would oppose the introduction of language requirements upon public officials in order to be employed.

With respect to the reference, to implementing the commitments made to language rights in the Good Friday Agreement, and the European Charter on Regional or Minority Languages, Alliance is concerned that a wider range of policy implications arise from this statement, and that it is not transparent to bring in these implications in such a manner.

There is no requirement for the NIHRC to recommend the pursuance of the commitments in the Agreement or the above Charter. Indeed, Alliance believes that the relevant clauses of the Framework Convention should be sufficient:

Article 10(2) In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

Article 14(1) - The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

Article 14(2) -In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language for receiving instruction in this language.

Article 14(3) -Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Social, economic and environmental rights

Alliance is supportive of further measures to protect social, economic and environmental rights within Northern Ireland.

These should be directed towards equality of opportunity, equality of treatment, equality of access, equality under the law, and minimum standards in terms of labour conditions, health, education and the environment, for all sections of the community. Those from disadvantaged sections, such as persons with disabilities, should be mainstreamed rather than treated as special categories.

However, some care must be taken to ensure that an appropriate balance is struck between providing these protections, and retaining discretion for voters and their public representatives to democratically determine the allocation of resources, macro-economic policy, and the nature of economy. Socio-economic rights should not and cannot be used to guarantee equality of outcome. Inevitably, some social and economic rights will be purely aspirational.

Interpretation

Alliance is content with this section.

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Limitations

Alliance accepts that few human rights are absolute, and that human rights can often be in conflict with each other. We are happy that the Commission recommends the adoption of the process used with respect to the ECHR.

Emergencies

Alliance is content with the approach in this section. However, it should be clarified that the three-month period for states of emergencies can be renewed through an affirmative vote in the body in question.

Enforcement

Alliance sees a powerful role for the courts in enforcing this Bill of Rights, as is the case with the Human Rights Act. We have reservations over proposals to create a new Constitutional Court dealing with human rights cases as this would create a new body separate from the rest of the criminal justice system. We would prefer to see human rights enforcement mainstreamed through the entire criminal justice system, including the lower courts, but with the ability for important cases to be fast-tracked to the supreme court.

Entrenchment

Alliance believes that the best way to entrench both this Bill of Rights and the Human Rights Act is through a formal written constitution for the United Kingdom. The body that legislates for the Bill of Rights - the UK Parliament - should have the ability to amend. In the interim, reliance will have to be placed on the knowledge that it is politically inconceivable for this or a future British Government to reverse commitments. Alliance would be prepared to consider a British-Irish Treaty.