

Submission 170
The Irish Inter-Church Committee

10 December 2001

BILL OF RIGHTS FOR NORTHERN IRELAND

The following are some comments on the Clauses for Consultation that appear in Making a Bill of Rights for Northern Ireland from the Irish Inter-Church Committee which brings together the member churches of the Irish Council of Churches and the Roman Catholic Church.

1 A Bill of Rights is about General Principles

On pages 6-7 of the Consultation Document it is said:

“A Bill of Rights should not be thought of as just another piece of legislation to achieve a particular objective. It should set general standards against which all kinds of legislation and activity by the Government are to be judged. **It should therefore be drafted in general terms, setting out basic principles for how the Government should operate but allowing a good deal of flexibility for the way in which the principles are implemented.**” (emphasis added)

We believe that this is a correct way to go about a Bill of Rights. The present draft has too much specific detail which should be left to legislation.

2 The Particular Circumstances of Northern Ireland

The interpretation of the phrase in the Good Friday Agreement that says the Bill of Rights is “to reflect the particular circumstances of Northern Ireland” should be more tightly drawn by the Commission to more clearly reflect the specific terms of the Good Friday Agreement.

3 The Preamble

We support the idea of a Preamble which will situate the Bill of Rights in a context of shared values and also acknowledges the tragedies of the past (see also specific comments below).

4 Responsibilities

We are concerned that a Bill of Rights should emphasise responsibilities as well as rights. The Draft (and, in particular, the Preamble) could be strengthened in this regard.

5 Rights Concerning Identity and Communities

There is a fear that a Bill of Rights may entrench division and further fracture the community. We think that the Commission has struck an appropriate balance within this section. We think it best not to use “parity of esteem” language because of its lack of precision but to set out specific rights which underlie the concepts of parity of esteem and mutual respect.

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6 Promoting Good Relations

Promoting good relations should be one of the principles that guide the interpretation of a Bill of Rights. This should be inserted into the Preamble.

7 Equality and Non-Discrimination (Question 13)

Rectifying injustice is obviously important. While positive action may be required to rectify particular injustices it should not be rendered mandatory.

8 The Exceptions Clause 4(9)

The claims of persons not to be discriminated against have to be weighed up against the claims of organisations to be able to protect their ethos and identity. Diversity, equity and interdependence all make different claims which have to be balanced against each other.

We believe that it is important that the Exceptions Clause clearly allows for the protection of the ethos of churches and faith-related groups given the salience of religion in Northern Ireland society. In order to do so it is vital that they are able to train and employ personnel who share this ethos. This is part of protecting the pluralism and diversity of society.

It is also important that the Exceptions Clause clearly allows for actions that preserve or promote greater interdependence.

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