

Submission 203
Ards Borough Council

I refer to your consultation document entitled “Making a Bill of Rights for Northern Ireland” which was considered by a recent meeting of its External Affairs and Planning Committee of the Council.

At that time the Committee expressed its belief that the consultation document on a proposed Bill of Rights for Northern Ireland was fatally flawed. Consequently it called on the Northern Ireland Human Rights Commission to review the following areas before providing advice to the Secretary of State:

- a. The consultation document completely ignored the consent principle and therefore failed to reflect the core principals of the Belfast Agreement.
- b. Similarly the document took a Bill of Rights far beyond its initial terms of reference i.e. “...supplementary to those in the European Convention of Human Rights, to reflect the particular circumstance of Northern Ireland.” by, for example, proposing that:
 - legal restrictions on people standing for election should be removed
 - the voting age should be reduced to 17
 - PR should be used in Westminster elections.
- c. Many additions or enhancements to the Human Rights Act had little or no specific justification for use in Northern Ireland.
- d. Section 4 of the consultation document allowed for specified vulnerable groups and included a category called “other status”. This provided every lobby/special interest group with a definable goal while the Committee believed it was highly unlikely that there would be many further categories of people with a justified need for inclusion on this list, In addition the Committee believed that many of the extra categories proposed beyond Article 14 had spurious claims to reflect Northern Ireland’s “particular circumstance” e.g. Sexual orientation, martial or family status. The Committee saw this as another excuse to gold-plate the existing legislation to placate active political lobbies.
- e. Section 7 appeared to recognise former prisoners as a special interest group which in itself could contravene the Human Bights Act. Also, by limiting detention without charge to 24 hours, the hands of the Police would be tied when dealing with ongoing terrorism and crime.
- f. Section 8 did not define a “victim”. The Committee believed the term “victim” should not include those killed or injured while committing acts of terrorism/crime.
- g. Section 13 proposed that everyone should have “. . .the right to use any language when accessing essential public or state service”. This it was felt would put all public services in an impossible position and be overly expensive. The Committee

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believed that English was the language which the vast majority of people in Northern Ireland used. Apart from facilitating small groups of ethnic minorities to access services, English should therefore be the only language used by the public services for cost and common sense reasons.

h. Section 11 referred to the provision of " . . . effective and appropriate education at all levels and for all ages". This was seen as an un-costed political policy and not a Northern Ireland specific human right.

i. Section 14 suggested economic, social and environmental rights which were indefinable, un-costed, unworkable and from a political manifesto, not a list of rights. If implemented, they would put the political, economic and social future of the region in the hands of unelected and unaccountable judges.

j. Throughout the consultation document "travellers" were identified as a particularly disadvantaged group requiring special treatment. The Committee believed that to be a "traveller" was a lifestyle choice, not an ethnic designation, therefore "travellers" should have the same access to rights as any other part of the community.

k. As requested in Section 19 of the consultation document, the Committee believed that future amendment to the Bill should be by cross community consent of the Assembly.

I would apologise for the slight delay in responding, however you will be aware that the Council's decisions are subject to ratification by later meetings.

Please feel free to contact me should you have any questions on the above.

Yours faithfully,

Director of Administration.