

Submission 54

Larne Millennium Initiative / Larne Community Development Project

This is a report on the comments and views expressed at the Bill of Rights Consultations organised by Larne Millennium Initiative and Larne Community Development Project on 24th October 2001.

The report is to feed into the Northern Ireland Human Rights Commission's consultation on the proposed Bill of Rights.

Three sessions were organised at different times of the day to encourage maximum participation from a cross section of people in the Larne area. The programme for the day is detailed in Appendix I.

A total of 26 people attended the meetings.

Larne Millennium Initiative engaged independent consultants, Tony Macaulay and Gareth Harper, to facilitate the meetings.

Each consultation session began with an introduction to the Human Rights Commission and the Bill of Rights by Miriam Titterington of the NIHRC.

Participants received a pack including the NIHRC Summary of the Proposed Bill of Rights. The full document, and a range of materials published by the Commission were also available.

The Mayor of Larne, Cllr David Fleck opened the two daytime sessions and Dr Brice Dickson of the NIHRC attended the evening session.

Following the introduction, the 4 main questions for discussion were introduced. These were:

- What are your general impressions of the proposed Bill of Rights?
- What is missing from the proposed Bill of Rights?
- Would you like to comment on any of the proposed rights?
- Would you like to comment on the implementation of the Bill of Rights?

The independent facilitators recorded the views and comments in each group.

This report is a compilation of these views and comments as recorded on flip charts during the meetings.

Morning Session

10 people attended the morning session. 70% were women. Their comments and views relating to each question are outlined below.

2.1 General Feelings/Impressions

The strongest point supported by the participants in this session was that it should be a Bill of Rights and Responsibilities/Duties and this should be reflected in both the content and title.

When participants were asked their overall view of the Bill of Rights, 4 people believed it was "a must", 6 people were "not sure" and no one was against it.

Submission 54

Larne Millennium Initiative / Larne Community Development Project

A variety of comments/questions were recorded:

- Further clarity is needed on the Bill of Rights
- Why does NI need specific rights?
- Does NI need to be different from rest of UK?
- Our unique situation may account for this Bill of Rights
- Should rights be universal?
- There should be equal access to rights for all
- Rights & Responsibility should be inextricably linked
- There is a need to embed rights
- It should not be just about the minimum, but we should go the extra yard
- The Bill of Rights provides an important framework within which to move forward
- Do we have automatic rights?
- NI could lead the way as it does in other areas and be a model for rest of UK
- The rights of women are included - but what about rights of men?
- When making a list of rights for different groups -what/who do you leave out?
- Has the Bill of Rights been marketed correctly -why is there a low turn out at the meeting?
- There is a lack of general awareness and there is apathy towards the Bill of Rights - how can it be sold and made interesting to people?
- It takes confidence to enforce rights - but there is a fear of violence
- A culture of rights could lead to more trouble
- At present it is bland - it needs to be more special for NI

2.2 What's Missing?

The following areas were identified:

- There needs to be a simple explanatory introduction
- The rights of older people
- The rights of carers
- Duties and responsibilities- rights should be extended to include the responsibility of individuals
- The rights of men

Some participants highlighting the rights of men referred to "problems of male suicide" and "restrictions on male youth leaders are tighter than on females". A discussion followed on the inclusion of "the rights of women in isolation from men". This led to some comments that "the problem is not that men are left out but that women are included."

Several participants felt that the Bill of Rights should therefore be "all encompassing without the need to identify specific groups."

Some believed the rights should be "non-specific" in relation to groups while other believed they should be "very specific".

2.3 Proposed Rights

The group participated in a prioritisation exercise to select the proposed rights that

Submission 54

Larne Millennium Initiative / Larne Community Development Project

most of them wished to discuss and comment on in more detail within the time available.

The rights agreed for discussion were the rights of victims, education rights, social, economic and environmental rights and equality and nondiscrimination.

2.3.1 Victims

A common area of concern was the definition of victims. The question raised was:

- Who defines who is and is not a victim in the Bill of Rights?

Related points recorded were:

- Is the Bill of Rights just for victims of the Troubles?
- Other victims should be included such as victims of abuse and harassment
- Is a victim someone who has had his or her rights taken away?
- Victims are those not involved in violence

Other comments and questions are noted below:

- The State has a right to protect its citizens
- Timing -justice for victims should be achieved within a certain time limit
- The wording in the summary is vague and woolly
- There is a danger of forgetting ordinary people who are victims
- Non-state breaches of rights - people have a right not to suffer at the hands of non-state organisations
- Everyone in NI is a victim
- There should be the right to live in peace -we have never had this in NI
- There should be the right not to be regarded as a victim if you have moved on

2.3.2 Education Rights

The different comments and questions are noted below:

- There is a conflict between rights and costs e.g. the right to be educated in the language of your choice has a cost implication
- By splitting identity - there is a loss of a sense of being one unit
- Children should have the right to be educated together
- There should be no more funding differences in education - the same funding should be applied across the board in all sectors of education e.g. sectors should not lose out to
- integrated education
- Children should have the right not to be educated if they so wish - those who do not want to have the right to be educated would not then disrupt the rights of those who do
- want to be educated. There should be a right to have uninterrupted education
- The 11+ is unfair discrimination
- The 11+ is natural discrimination
- Clarification is needed on who decides the admissions criteria for schools - concerns that rights in this area could result in cases against Boards of Governors

Submission 54

Larne Millennium Initiative / Larne Community Development Project

2.3.3 Social, Economic and Environmental Rights

The main area of concern was environmental rights. The following points were made:

- Environmental rights should be monitored and enforced properly
- Planning issues should be mentioned in particular
- Contentious issues should not be buried
- Money shouldn't count - there should be equal environmental rights for all the people of Larne
- Money should not buy advantage in environmental rights

2.3.4 Equality and Non-discrimination

The different comments and questions are noted below:

- Specific measures should not be taken
- Houses for life - should be mainstreamed
- Monitoring requires realistic timescales
- Recruitment should be based on ability and not equal numbers
- There should not be positive discrimination
- This has gone too far in Northern Ireland
- The Bill of Rights should be against any form of discrimination and should promote equality

2.4 Implementation

Comments/questions included:

- Timing - How long will it take before action can take place and is there a way of formulating the process?
- Could and should it become an educational document?
- What do we do with it when we have it?
- The Bill of Rights & Senses of Responsibility should be brought on to National Curriculum
- It should become a part of everyone's lives

Afternoon Session

5 people attended the afternoon session. Their comments and views relating to each question are outlined below.

3.1 General Feelings/Impressions

The strongest point supported by the participants in this session was the importance of children's and young peoples' rights within a Bill of Rights.

When participants were asked their overall view of the Bill of Rights, 2 people believed it was "a must", 3 people were "not sure" and no one was against it.

A variety of comments/questions were recorded.

Submission 54

Larne Millennium Initiative / Larne Community Development Project

- Communication and dialogue is as important as legislation
- The Bill of Rights will be useful if it is put into practice through policy
- Why does Westminster have the final say in adopting the Bill of Rights – why not the Assembly?
- Why does NI need its own Bill of Rights?
- How will the Bill of Rights reach a balance with conflicting interests/ conflicting rights
- Whose rights take priority?
- Are some rights more important than others?

Those who believed that a Bill of Rights is essential made the following additional points:

- The rights of the child are a priority
- We need to overcome our NI culture not to complain
- The Bill of Rights will promote the idea of challenging and enforcing rights
- The time is right - before the end of PEACE monies
- Children's rights - their profile needs to be raised with adults and child protection is required
- There should be a right to proactive information provision for young people from statutory bodies

Those who were not sure about the value of a Bill of Rights raised the following issues:

- Why is the Bill of Rights specific to NI - why can't it be UK wide?
- Does NI need its own Bill of Rights?
- When people play the human rights card the results can be farcical because of competing rights
- Can all rights be met and what are the cost implications?
- What happens if rights are not met?
- Where do rights stand within the different Departments/providers?
- The consultation process - how involved have young people been?

3.2 What's Missing?

The following areas were identified:

- Presentation of information materials and information about its availability
- Information on knowing your rights
- The rights of young people and children outside of school hours: e.g. the right to have after school/evening provision
- The rights of children in relation to the age of criminal responsibility
- The rights of carers

3.3 Proposed Rights

The group participated in a prioritisation exercise to select the proposed rights that most of them wished to discuss and comment on in more detail within the time available.

The rights agreed for discussion were the rights of children, equality and nondiscrimination, victims' rights and rights concerning identity and communities.

Submission 54

Larne Millennium Initiative / Larne Community Development Project

3.3.1 The Rights of Children

The different comments and questions are noted below:

- Young people have the right to be consulted and represented
- It should be a statutory obligation that young people are educated to know their rights and the consequences of rights
- Children should have the right not to be physically disciplined at home or school
- Young people have a right to be represented on relevant Boards and Councils
- Young peoples' contribution should be recognised
- Adults are judgemental and young people feel they have no rights
- Young people are perceived as an "ethnic minority" and they don't know their rights
- Young people are given confused messages by adults e.g. police
- There is a need for education/awareness raising about rights with young people - different ways of doing this should be developed such as developmental programmes on preparation for life, relationships and family training
- Human rights should be part of the curriculum - it should be a statutory obligation and the informal education of the community/voluntary sector should be used
- Young people should understand about the responsibilities that go along with rights
- Young peoples' rights in relation to health care and psychiatric care need protected
- All children should have someone to whom they can relate

There was a debate about physical punishment of children with a variety of views expressed.

3.3.2 Equality and Non-discrimination

The different comments and questions are noted below:

- Carers should have equal employment rights: the minimum wage should be the right of carers
- Positive action/discrimination should not be included in the Bill of Rights, however there is a distinction between employment recruitment and other circumstances when it might be appropriate to ensure that everyone has an opportunity to participate
- There should be a right to be an "other" - neither Catholic or Protestant
- Nationality classification - there should be a right to be "other"

3.3.3 Victims

The different comments and questions are noted below:

- Who protects and upholds rights irrespective of the conditions?
- Victims should have the right to remain silent and be protected as witnesses when they may face consequences of intimidation and fear
- Victims should have the right for support from the very outset
- Victims of any crime should have their rights upheld
- Who is a victim?
- Is there a hierarchy of "victims"?

Submission 54

Larne Millennium Initiative / Larne Community Development Project

- There should be specialised groups to deal with the needs of victims
- Not all victims want to be grouped together - specific recognition is often required
- Victims do not want their situation forgotten

3.3.4 Rights concerning Identity and Communities

A few points were highlighted:

- Personal identity - there should be a right to be yourself
- The problems of the “two” communities overshadow discussion on ethnic minorities/communities - there needs to be a right to understand and have access to other cultures

3.4 Implementation

Comments/questions included:

- The Bill of Rights should be sold as a preventative measure - spend now save later
- There will be limitations to actions that can be taken due to the lack of statutory resources, budgets etc
- The importance of education at all levels
- How can the good work that is going on be supported?
- The Bill of Rights will have to saturate the country to make a difference

Evening Session

11 people attended the evening session. This session was also attended by Dr Brice Dickson and was therefore an opportunity to ask questions of the NIHRC as well as feedback on the proposed Bill of Rights.

The comments and views relating to each question are outlined below.

4.1 General Feelings/Impressions

The strongest point supported by the participants in this session was that it should be a Bill of Rights and Responsibilities and this should be reflected in both the content and title. There were also shared concerns about the costs of implementing the Bill of Rights and a discussion on the potential impact of a Bill of Rights on protecting witnesses who were under threat.

When participants were asked their overall view of the Bill of Rights, 4 people believed it was “a must”, 6 people were “not sure” and 1 person was against it.

A variety of comments/questions were recorded and these are listed below:

- What is the practical outworking of the Bill of Rights - where/how would I get support?
- It recognises that are inherent rights for all individuals
- A level playing field is required - the Bill of Rights needs to be fair to all with and there should be no “cherry picking”
- A Bill of Rights could be too much - it could become a “whingers charter”
- It is hard to say no to the concept of rights

Submission 54

Larne Millennium Initiative / Larne Community Development Project

- It needs to be kept simple
- There are concerns about the resource implications
- There is too much bureaucracy associated with this new legislation
- Is it a high enough priority?
- It should focus on both rights and responsibilities
- Why does NI need additional rights to the rest of the UK?
- Witnesses rights need protected when they are subjected to harassment so that there is greater justice- there is currently a lack of support for people in this situation (A personal example was shared)

4.2 What's missing?

The following areas were identified:

- An appreciation of the financial costs of a Bill of Rights and the implications for government departments
- How will false claims be dealt with to avoid a waste of public money?
- The rights of victims who become the accused e.g. in a burglary case
- The rights of men - why highlight rights of women?
- The focus should be on rights for everyone - the whole community
- Responsibilities should be highlighted through out as well as the limitations on rights
- Competing rights that are not prioritised can create more conflict
- There should be no rights for criminals during their prison term
- What about the rights of those who have been wrongly convicted?
- Rights relating to flags/murals - the right to erect and the right too remove

4.3 Proposed Rights

The group participated in a prioritisation exercise to select the proposed rights that most of them wished to discuss and comment on in more detail within the time available.

The rights agreed for discussion were social, economic and environmental rights, equality and non-discrimination, victims' rights and democratic rights.

4.3.1 Social, Economic and Environmental Rights

The different comments and questions are noted below:

- Geographical/physical features have a bearing on the local economy
- How can you legislate on economic realities and what would be the impact on "NI plc"? For example the reality is that economic activity in NI is not focussed on the West
- Sellafield is an example of an environmental issue that has an impact on people in Larne. Could the Bill of Rights be used to close Sellafield?
- Ordinary people should have environmental rights
- River pollution may be the responsibility of the Dept, but who actually protects it - individuals or Departments?
- How can individuals' environmental rights be assured?
- How can individuals be supported in articulating arguments regarding environmental rights?
- There needs to be a greater emphasis on the wider benefits of a healthy

Submission 54

Larne Millennium Initiative / Larne Community Development Project

environment

- There should be a balance of these rights with responsibilities
- How will these rights be interpreted?
- There should be appropriate intervention by courts on economic decisions

4.3.2 Equality and Non-discrimination

The following comments and questions were recorded:

- Why do we need these rights included in the Bill of Rights when the Equality Commission already exists for this purpose?
- People tend to “cherry pick” at equality
- The impact on small employers is a feeling of constantly looking over your shoulder

4.3.3 Victims' Rights

The different comments and questions are noted below:

- Victims can become “double victims” - they are first a victim of a crime and then a victim of the court case
- This should be extended to include the victims of ordinary crime
- Who defines “victim”?
- Does this include those who set out to do harm or wrong to others?
- Concerns about the term “restorative justice” in the NI paramilitary context

4.3.4 Democratic Rights

There was limited time for discussion on this right. However the main area discussed was the proposal that the voting age should be lowered to 17 - there were different opinions expressed for and against, but most people present were against this proposal.

4.3.5 Language Rights

Concern was expressed on the “resource implications of providing unnecessary assistance in relation to language rights”. Most of the group believed this should “only be added when completely necessary i.e. when people cannot speak English.”

4.4 Implementation

A final general point put forward was the same concern expressed earlier in the evening relating to the costs of developing and implementing the legislation.