

The General Synod of the Church of Ireland Church in Society Committee

Address: Church House, Church Avenue, Rathmines, Dublin 6. Tel: Dublin (01) / (00 353 1) 497 8422 Fax: 01/ (00 353 1) 497 8821 E-mail: synod@rcbdub.org

Chairman:
The Rt Reverend MGStA Jackson
Bishop of Clogher
The See House
Fivemiletown
Co Tyrone
Northern Ireland

TO:
The Chief Executive
Northern Ireland Human Rights Commission
Temple Court
39 North St
Belfast
BT1 1NA

1 August 2004

Response to Progressing a Bill of Rights for Northern Ireland

RESPONSE

The overarching problem with this document is that it circumscribes the context of the problem too narrowly. There is no doubt that the outworking of the Belfast/Good Friday Agreement is a matter of urgency for the two countries which together inhabit the island of Ireland, namely Northern Ireland and The Republic of Ireland. Nonetheless it seems ill-advised to treat Northern Ireland in isolation from other governmental devolutions in the United Kingdom, however problematic it may seem to be to administer. Any Bill of Rights must maintain and indeed enhance scope for movement, with equivalent rights, of *bona fide* UK citizens within the UK as a political reality in its own right.

Therefore a Bill of Rights for Northern Ireland must accept that there is another set of political relationships within which the Bill must cohere, namely among the other devolutions which form the United Kingdom of today and also the overarching British dimension of Westminster. Despite the tragic past of some thirty-five years of community destruction and the hurts which still follow from that, the framework for the future must be wider than the 32-county perspective within an European framework. Both the coinherence and the coherence of Rights in Northern Ireland, in the Republic of Ireland, in the United Kingdom and in Europe must be an enacted aspiration, something which builds up the different societies mutually. To treat Ireland as an independent special case will impede such cohesion and, in a fragile political and social situation, seriously damage trust.

This is more than a theoretical or philosophical position to hold because there will be differences among the regions of devolution and the free exchange of people among those areas of political devolution. This means that there will have to be guidelines and protocols for

the application of the Bill of Rights in its specific provisions as they affect individual people. Only in this way will the Bill be demonstrably fair and its spirit interchangeable territorially.

A further concern is the discussion of a Truth and Reconciliation Commission in the document under consideration. While welcoming the public ventilation of this issue, there is an anxiety about what shape it will have, what form it will take because words such as 'truth' and 'reconciliation' have been around in the air in Northern Ireland for many years and regrettably now have a debased and hollow ring to them. The relentless intimidation of individuals which continues unabated, the almost six years of social and political stalemate since The Agreement, the low morale among members of PSNI and the deep-seated confusion caused by a policy of early release of prisoners in what remains a political vacuum have eroded a great deal of trust in the public establishment of truth. Northern Ireland regrettably remains a particularly punitive society. This aspect of how human beings interact with one another needs urgently to be addressed in any talk of a Truth and Reconciliation Commission.

The Rights offered under the Draft Bill of Rights NI seem overwhelmingly bland, generalised and less than realisable. Resolution of conflicts arising from expectations engendered by these Rights seems to be heavily courts-based. This approach is riddled with problems. The range of promises envisaged in the expected Rights of individuals could, in an increasingly litigious culture, clog up the courts of today and their proposed successors for many years. A list of possible Rights cannot of itself 'deliver' for the people who have needs and wants and wish to voice their complaints about the quality of services underpinning such delivery. The strain – human and financial – in terms of resources on Northern Ireland will be immense in any case in the implementation of the Bill. There is, therefore, a danger that Northern Ireland society will become more rather than less fractious and more regressively immature (surely not an intention of the Draft Bill) as members of society through litigation side-step the essential link-up between their rights and their responsibilities in voicing their disappointments that the catalogue of Rights has not worked for them individually.

**The Rt Revd Michael Jackson,
Bishop of Clogher**