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

Dear Ms Sloan,

TWN Response to 'Progressing a Bill of Rights for Northern Ireland'

Thank you for the invitation to comment on the above document. Training for Women Network (TWN) always welcomes the opportunity to contribute to policy or legislative development.

It is acknowledged that the work of the Commission and the development of a Bill of Rights for Northern Ireland is a difficult and often controversial process and that finding an effective, lasting, equitable document satisfactory to all is fraught with political sensitivities.

TWN is a network of individuals and organisations committed to the participation and promotion of opportunities for women in economic, public and social life. As a consultee under Section 75 of the Northern Ireland Act, comments are made in accordance with the views of the membership of TWN, its Board and staff, and for the benefit of the wider women's sector, as well as regarding general equality issues. Involvement as an Intermediary Funding Body for the Programme for Peace and Reconciliation has also provided expertise in the area of peacebuilding in Northern Ireland and specific research projects have provided knowledge on related sectors, such as the needs of victims. Comment will therefore be restricted to these areas.

In general, it is clear that some of the submissions to the Commission have related more to a charter or constitution for Northern Ireland, rather than a Bill of Rights, in that they refer to methods or measures to achieve those rights rather than the rights themselves. Along similar lines, Section 2(1) determines the method of democratic selection as proportional representation (PR). While there may be strong arguments for the use of PR systems in divided societies, their utility is not unchallenged, they give power to parties rather than representatives and by definition electoral methods are a matter of political agreement, not in the realm of rights. Enshrining a specific method in statute obstructs future developments in this area.

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TWN supports the re-affirmation of women's equality in the proposed Bill of Rights, although Section 2 (3) is not expressed as a right, but an aspiration. This could be strengthened to compel the appropriate authorities to guarantee equal participation in public life, as commitments to do so have so far been largely unsuccessful. The Section also refers only to the 'State', whereas public representation requires compliance from political parties and other bodies to achieve equal representation. The participation of women is an essential component in the transition of a society from conflict, as conflict mechanisms marginalise the opportunities for women and impact differentially on their lives. The empowerment of women serves to bypass the influences of conflict elites, strengthens social capital to support the involvement of civil society in peacebuilding and broadens the affirmation of equality in promoting peace.

Again, Section 4 (2) is only an aspiration, requiring only the State to 'take all necessary measures' to promote equality. This does not guarantee equality for women, nor does it give grounds for redress from non-state organisations, which are probably the greatest abusers of existing equality legislation.

The sentiment behind Section 6(2) to outlaw domestic violence is welcomed, but is once again expressed as a demand or aspiration, not a right. It refers to the passing of laws that are already in existence, but that fail to protect women, rather than guaranteeing a specific right. Expressing this as a right would strengthen the position of women who suffer abuse, whereas the wording of this Section merely reaffirms protections that women theoretically already have.

The provisions of Section 10 regarding victims are welcomed, assuring those who have suffered in the conflict treatment with compassion and respect for dignity. While this is a sensitive and delicate issue, it is acknowledged that the concepts of restitution and reconciliation can often be contradictory and the conflicting of stated rights can cause confusion.

If you require any further comment or clarification of the points given above, please do not hesitate to contact me.

Yours sincerely,

MICHAEL POTTER
Policy and Research Officer

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