



Response to:
Ad Hoc Committee on a Bill of Rights Consultation
February 2021

Prepared by:-

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Introduction

Here NI (previously LASI), established in 2000, is a regional organisation that works across all areas of Northern Ireland and the boarder counties to support lesbian and bisexual (LB) women and their families.

We advocate for and support LB women and their families and improve the lives of LB women across Northern Ireland. We do this in lots of different ways; through providing information; peer support; facilitating training; lobbying government and agencies; offering a community space for meeting and much more.

Here NI is the only women focused organisation within the NI LGBT+ sector. Jointly with Cara Friend, we run the gendered violence project supporting LGBT+ women who have experienced or at risk of sexual and domestic violence.

We welcome this consultation on a Bill of Rights for Northern Ireland.

As members of the Women's Policy Group (WPG) we have also called for the introduction of a Bill of Rights in the 2019¹ General Election Women's Manifesto in 2019 and in the WPG COVID-19 Feminist Recovery Plan published in July 2020². We are also members of the Human Rights Consortium, and support their Make our Future Fair Campaign³ which includes calls for a Bill of Rights. We endorse the comprehensive consultation response collated by the WPG.

We do have concerns around the short time frame allowed for the consultation. While we appreciate the 1 week extension, the timing of the consultation period over a customary holiday period meant that engaging with our service users was more difficult. This consultation also came at the same time as many others, with similar deadlines.

We are also concerned with the wording of the questions. They appear to assume some foundational level of knowledge of human rights. We hosted two workshops on the consultation, one for LGBT+ women and one for LGBT+ people jointly with The Rainbow Project. At these workshops service users, and staff members raised that they thought the language was confusing and that they would not have completed the survey but for the workshop; for example, the use of words like 'enjoy' are not used in the same way everyday as in relation to human rights law, and terms like 'basic human rights' were not explained.

We support the creation of a Bill of Rights for Northern Ireland, as set out in the Belfast/Good Friday Agreement, and recognise that the uncertainty of the impact of Brexit on Human Rights makes its introduction even more pressing. We recommend that all rights contained within the EU Charter of Rights and ECHR are adopted into domestic law. As well as a bill of Rights, we recommend the incorporation of international treaties into domestic law using the devolved powers of the NI assembly, namely CEDAW, ICESCR, CRC, ICERD, ICCPR, CRPD and CAT⁴. We also have concerns following attempts to dismantle the

¹ <https://wrda.net/wp-content/uploads/2020/09/WomensManifesto2019.pdf>

² <https://wrda.net/wp-content/uploads/2020/07/WPG-NI-Feminist-Recovery-Plan-2020-.pdf>

³ <http://www.humanrightsconsortium.org/make-future-our-fair/#:~:text=Make%20Our%20Future%20Fair%20is,of%20Rights%20for%20Northern%20Ireland.>

⁴ Convention on the Elimination of All Forms of Discrimination against Women, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, International Convention on the Elimination of All Forms of Racial Discrimination, International

Human rights Act 1998 at a Westminster level, therefore we call on the NI Assembly to act to protect and uphold the Human rights of those in NI, and to ensure that there is no divergence of rights in NI with either Great Britain or the Republic of Ireland.

We look forward to giving evidence to the Ad Hoc Committee.

Bill of Rights Consultation Questions:

1. Views on Human Rights

This first set of questions looks at your general view on human rights.

a. To what extent do you agree that everyone in Northern Ireland today enjoys the same basic human rights?

- A. Strongly agree
- B. Agree
- C. Neither agree nor disagree
- D. Disagree
- E. Strongly disagree
- F. Don't know

b. Why do you feel this way?

We strongly disagree with this statement. We interpret the phrase 'enjoys' as meaning that everyone in Northern Ireland can realise the rights they are entitled to, which is not the case in Northern Ireland. Additionally, it is not clear what is meant by 'basic human rights'. For Here NI basic human rights would include the rights contained in international treaties including CEDAW, ICESCR, CRC, ICERD, ICCPR, CRPD and CAT, as well as the provisions contained in the Human Rights Act 1998 and the European Human Rights Framework.

Nonetheless, the existence of a human right on paper, in a treaty or legislation, does not mean that everyone can enjoy or realise that right. For example, recent judicial reviews on adoption rights for LGBT+ people, abortion access and same sex marriage demonstrate that not everyone could access 'basic human rights' of privacy and family life. We would also draw the Committee's attention to the concluding observations of CEDAW⁵ which highlight failings in realising the rights of women in relation to economic and social rights, civil and political rights, and health and security.

Covenant on Civil and Political Rights, Convention on the Rights of Persons with Disabilities and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

⁵ Concluding Observations (2019) CEDAW/C/GBR/CO/8

2. Protections

In your view, do people in Northern Ireland need more protection for their human rights in relation to any of the following areas?

Choose as many as you like.

- | | |
|-------------------------------|--------------------------|
| A. Age | X |
| B. Caring responsibilities | X |
| C. Community background | <input type="checkbox"/> |
| D. Criminal record | X |
| E. Cultural background | X |
| F. Disability | X |
| G. Economic status or income | X |
| H. Ethnic group | X |
| I. Family or civil status | X |
| J. Gender | X |
| K. Health status | X |
| L. Language | X |
| M. National identity | X |
| N. Political or other opinion | X |
| O. Pregnancy and maternity | X |
| P. Property | X |
| Q. Religion or belief | X |
| R. Sexual orientation | X |
| S. Don't know | <input type="checkbox"/> |
| T. None of the above | <input type="checkbox"/> |
| U. Other | X |

If you selected 'Other', please let us know what other areas you think should be included:

Following discussion with WPG colleagues, we have not selected the 'community background' category as we are unsure how this is defined in a way that sets it apart from other characteristics listed.

As well as incorporating the ECHR into a Bill of Rights, as outlined above we call for the incorporation of international human rights treaties. By adopting these measures into domestic law people in NI would be able to access them directly, and decision makers would be more easily held to account in the event of a breach.

We have selected the majority of the characteristics lists as rights need to be protected on all these characteristics, many of which can be held by the same person. For example a Here NI services user may have rights related to not only their gender and sexual

orientation, but also their ethnic group, political opinion, pregnancy and maternity, and disability – and more. Having a broad suite of characteristics to be protected can take into account the potential discrimination one may experience on one or multiple characteristics. Accordingly, there should be mechanisms for enforceability where one experiences human rights breaches on multiple axis.

3. Values

In your view, which of the following values, if any, would make appropriate foundations for rights in Northern Ireland?

Choose as many as you like.

- | | |
|--|-------------------------------------|
| A. Community | <input checked="" type="checkbox"/> |
| B. Human dignity (everyone deserves respect) | <input checked="" type="checkbox"/> |
| C. Fairness | <input checked="" type="checkbox"/> |
| D. Freedom and democracy | <input checked="" type="checkbox"/> |
| E. Justice | <input checked="" type="checkbox"/> |
| F. Mutual respect (respect for each other) | <input checked="" type="checkbox"/> |
| G. Parity of esteem (valuing all traditions equally) | <input checked="" type="checkbox"/> |
| H. Respect for culture, identity, traditions and aspirations | <input checked="" type="checkbox"/> |
| I. Peace and reconciliation | <input checked="" type="checkbox"/> |
| J. Don't know | <input type="checkbox"/> |
| K. Other | <input checked="" type="checkbox"/> |

If you selected 'Other', please let us know what other foundations you think should be included:

Here NI believe that this list of values are all important foundations for a Bill of Rights. However, we would highlight that values are not enough. While values may set out the intention of a Bill of Rights, there must also be robust and enforceable rights. We suggest a Bill of Rights is not 'aspirational' but judicable. An additional value of accessibility or enforceability may be useful.

4. Bill of Rights

Human rights are freedoms and protections belonging to everyone. A Bill of Rights contains human rights protections for everyone - it is a list of the laws a country agrees to make to protect all the people who live there.

a. How important, if at all, do you think a bill of rights is for Northern Ireland?

- | | |
|-------------------|-------------------------------------|
| A. Very Important | <input checked="" type="checkbox"/> |
| B. Important | <input type="checkbox"/> |

- C. Moderately important
- D. Slightly important
- E. Not important at all
- F. Don't know

b. To what extent, if at all, do you agree that a bill of rights for Northern Ireland should set out an aspirational vision based on guiding or foundational values?

- A. Strongly agree
- B. Agree
- C. Neither agree nor disagree
- D. Disagree
- E. Strongly disagree
- F. Don't know

Note: The reason why we have answered 'strongly disagree' is explained in response to Q3.

c. Civil and political rights can include freedom from discrimination; the right to privacy; freedom of expression, assembly, religion and movement; and the right to a fair trial. To what extent, if at all, do you agree that a bill of rights for Northern Ireland should include civil and political rights?

- A. Strongly agree
- B. Agree
- C. Neither agree nor disagree
- D. Disagree
- E. Strongly disagree
- F. Don't know

d. What, if any, political and civil rights would you like to see in a bill of rights for Northern Ireland?

As set out above, we seek to see the implementation of the ECHR into domestic law, through the Bill of Rights. This would go some way in protecting those in NI from any erosion of human rights following Brexit, and the potential undoing of the Human Rights Act. We also seek the implementation international treaties on political and civil rights as outlined above.

e. Social and economic and cultural rights can include rights around standards of living, health, social security, victims, education and language. To what extent, if at all, do you agree that a bill of rights for Northern Ireland should include social, economic and cultural rights?

- A. Strongly agree

- B. Agree
- C. Neither agree nor disagree
- D. Disagree
- E. Strongly disagree
- F. Don't know

f. What, if any, social, economic and cultural rights would you like to see in a bill of rights for Northern Ireland?

As stated above, we seek the incorporation of International Standards domestically in a Northern Ireland Bill of Rights. That includes economic and social rights protections outlined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international covenants that clearly have ESR contents such as CERD, CEDAW, CRC, CRPD and others, and the Charter of Fundamental Rights.

g. To what extent, if at all, do you agree that a bill of rights for Northern Ireland should include the right to a healthy environment?

- A. Strongly agree
- B. Agree
- C. Neither agree nor disagree
- D. Disagree
- E. Strongly disagree
- F. Don't know

h. Do you have any other comments?

We support the measures in the WPG COVID-19 Feminist Recovery Plan for a Feminist Green Economy.

5. About You - Section 75

N/A answering on behalf of Here NI.

Are you willing to be contacted again (for example, to take part in further consultation)?

- Y. YES
- N. NO

If 'Yes', please enter your email below. We will only use your email to contact you in relation to the work of the Ad Hoc Committee on a Bill of Rights.

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