

## Ad Hoc Committee on a Bill of Rights

### Inspire response to Committee consultation on the creation of a Bill of Rights for Northern Ireland

29<sup>th</sup> January 2021

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#### Overview

- Inspire is an all-island charity and social enterprise. We work alongside people living with mental ill health, intellectual disability, autism and addictions across Ireland, ensuring that they live with dignity and realise their full potential. Our person-centred, whole-society approach means that we believe in a culture of compassion, creating a community free from stigma, focused on individuals and their abilities.

**Our Mental Health Services** provide day support, supported housing, floating support and advocacy.

**Our Addiction Services** offer advice, counselling, social support, over 50's support and campaigning, and mutual aid partnership.

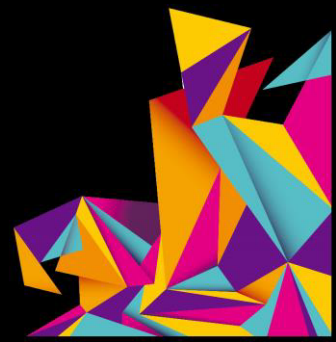
**Our Learning Disability Services** support adults with learning/intellectual disabilities as they live independently in communities of their choice, across a number of residential locations.

**Our Autism Services** provide a range of inclusion-based services for people living with autism, across Ireland.

**Our Professional Services** provide wellbeing support, training and interventions to organisations, employees and students, helping them thrive.

- Through our supported housing, community wellbeing schemes and addiction services, Inspire has assisted over 5,200 people in communities across Ireland. Our professional services team has given all-island employee and student support to over 350 organisations, and delivered 49,000 counselling sessions.

**Inspire welcomes this consultation on the creation of a Bill of Rights for Northern Ireland and would respond as follows:**



## Views on human rights

- Inspire supports the enhancement of basic human rights for all citizens. As an organisation, we consider the issue of human rights – in Northern Ireland or anywhere else – to be a cornerstone of a fully pluralistic and democratic society, one in which a fairer, more compassionate culture might be built upon twin pillars of equality and respect.
- Mental ill health and intellectual disabilities are the focus of our work. They fall within the purview of existing human rights instruments, some of which are detailed below. People living with such conditions are amongst the most vulnerable members of our community; they can endure discrimination, physical abuse and harassment. While laws are in place to counter this behaviour, it is, nonetheless, imperative that the human rights of these individuals are specifically recognised, codified and protected by any proposed new provisions.
- According to Article 1 of the Universal Declaration of Human Rights 1948, ‘All human beings are born free and equal in dignity and rights.’ Article 25 states: ‘Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including... medical care and necessary social services, and the right to security in the event of... sickness, disability... in circumstances beyond his control.’<sup>i</sup>
- Furthermore, the United Nations Convention on the Rights of Persons with Disabilities makes explicit reference to mental health and intellectual disability, citing dignity and respect as essential tenets of the treaty: ‘The purpose of the present Convention is to promote and protect the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.’<sup>ii</sup>
- The Office of the United Nations High Commissioner for Human Rights has highlighted the intrinsic connection between human rights and mental health:

‘There are two key messages of the modern public mental-health approach that should be highlighted. Firstly, there is no health without mental health. Secondly, good mental health means much more than the absence of a mental impairment. The modern understanding of mental health includes good emotional and social well-being, healthy non-violent relations between individuals and groups, with mutual trust of, tolerance of and respect for the dignity of every person. In that regard, promoting good mental health should be a cross-cutting priority relevant to the sustainable development agenda, as

it is of concern to many of its elements, including the protection of dignity and people in order to ensure healthy lives and strong inclusive economies; promote safe and peaceful societies and strong institutions; and catalyse global solidarity for sustainable development'.<sup>iii</sup>

- Domestically, the Human Rights Act 1998 enshrines within UK law the precepts of the European Convention on Human Rights. The right to life (Article 2), the prohibition on inhuman or degrading treatment (Article 3), the right to liberty and security (Article 5), the right to a fair trial (Article 6), the right to private and family life (Article 8) and the right to equal treatment under the legislation (Article 14); each can be applied reasonably to situations in which individuals living with mental ill health or intellectual disability might require protection from discrimination based on their conditions.<sup>iv</sup>
- A Bill of Rights for Northern Ireland must, therefore, acknowledge and guarantee the mental health rights at the core of these prevailing standards.

### Protections

- Inspire supports human rights protections for all of the groups listed in the consultation document. That said, considering the fact that people of all backgrounds and identities live with mental ill health and intellectual disabilities, we would concentrate on the following categories: **disability, health, sexual orientation** and **caring responsibilities**.
- As stated, Inspire helps people living with mental ill health and intellectual disabilities. We witness their struggles and their triumphs. We are familiar with how they overcome daily barriers and flourish. Regardless of their successes, many of them are vulnerable – the human rights to which they are entitled must be safeguarded.
- The Rainbow Project has conducted crucial research into the emotional health and wellbeing of LGBTQ+ people in Northern Ireland.<sup>v</sup> It indicates that out of 571 respondents, 35% reported having self-harmed, while 47% cited instances of suicidal thoughts. Of those surveyed, 26% referred to at least one suicide attempt; 71% recalled instances of depression. Inspire participates in the annual Belfast Pride parade. We are supporters of LGBTQ+ rights, recognising the centrality of dignity, respect and equality for all. We understand that comfort with and confidence in, one's identity is a key element of g
- Inspire is powered by its staff members, many of whom provide our services. Theirs are demanding and integral roles

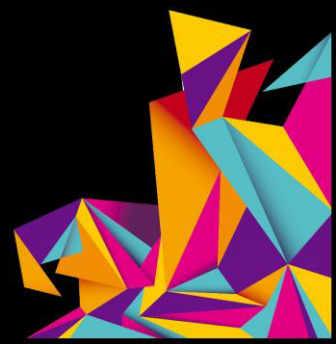
and talent. Research conducted suggests that these duties can exact a heavy toll, with high proportions of carers reporting poor mental health, often driven by a lack of practical and financial support.<sup>vi</sup> We believe in rights for individuals with caring responsibilities, including those who look after loved ones living with mental ill health and intellectual disabilities. Bill of Rights protections must cover the mental health of carers, whether they are acting in a professional or family capacity.

### Values

- Inspire views all of the values listed in the consultation document as appropriate foundations for rights in Northern Ireland. However, in the context of helping people living with mental ill health and intellectual disabilities, the following categories are of special interest: **human dignity, mutual respect and respect for aspirations and identity.**
- Respect and human dignity are at the heart of Inspire’s work. We support people living with mental ill health, intellectual disability, autism and addictions, ensuring that they strive to realise the potential of their aspirations. Our person-centred, whole-society approach demands a culture of compassion, creating a community free from stigma, which focuses on people. No condition should ever define an individual’s identity.

### Bill of Rights

- A newly established Bill of Rights for Northern Ireland would play an important role in bolstering human rights. Inspire favours this proposed initiative. Such an instrument must set out a vision based on the guiding and foundational principles of dignity, respect and equality for all citizens, regardless of status, race, religion, heritage, capacity or ability. It should serve as a vital tool for holding authorities accountable, as well as constituting an explicitly rights-centric benchmark for public policy and service provision.
- We believe that a Bill of Rights for Northern Ireland should include civil and political rights. The World Health Organisation points out that the ‘right to dignity is protected under the International Covenant on Civil and Political Rights [ICCPR]... reflecting the central importance of the concept of human dignity as a cornerstone from which all other rights proceed.’<sup>vii</sup>
- Dignity drives Inspire, just as it does the basic operating rights law. As such, we contend that a Bill of Rights fo

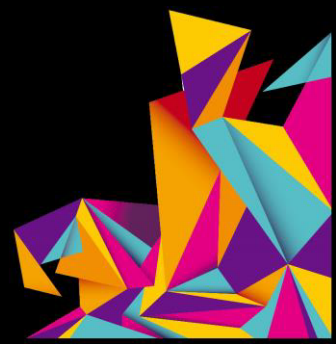


protect mental health rights by reflecting the content of the ICCPR,<sup>viii</sup> particularly with respect to: freedom from torture and other cruel, inhuman or degrading treatment or punishment; the right to privacy, home and family life; and the right to equality and non-discrimination.

- We believe that a Bill of Rights for Northern Ireland should include social, economic and cultural rights. Suicide rates in Northern Ireland's most deprived areas are three times higher than those in the least deprived areas.<sup>ix</sup> Over a quarter (27%) of people living in deprived neighbourhoods are likely to experience mental ill health, compared with 17-19% of their counterparts residing elsewhere.<sup>x</sup> As Amnesty International has pointed out, 'Economic, social and cultural rights are not mere aspirations, or goals to be achieved progressively over time. Under international law, states have immediate, as well as longer term obligations. Regardless of their stage of development, states must take action to fulfil economic, social and cultural rights (including reviewing their laws and policies), and must refrain from violating these rights.'<sup>xi</sup>
- Given our work alongside those living with mental ill health and intellectual disabilities, Inspire is especially concerned with economic, social and cultural rights that provide for an adequate standard of living, social security and social protection; guarantee workers' rights, as well as access to housing, food, water, health care and education; and secure participation in cultural, community and family life.
- Inspire supports conservation and environment efforts. Our 'Get into Nature' campaign encourages people across Northern Ireland to conserve, enjoy and explore the natural world around them. Nature supports mental and emotional wellbeing, reducing anxiety in the face of life's challenges<sup>xii</sup>. It offers a perfect venue for being active, one of the five steps to wellbeing recommended by the Inspire-led COVID Wellbeing NI campaign, a partnership comprising 15 mental health and wellbeing charities, the Healthy Living Centre Alliance, the Public Health Agency, the Department of Health and the Department for Communities. We are not opposed to a Bill of Rights for Northern Ireland including a right to a healthy environment.

## **Conclusion**

- That mental health rights are human rights is beyond doubt. Inspire supports the establishment of a Bill of Rights for Northern Ireland, which safeguards the rights of all people. Our particular focus is, of course, on those who use our services, as we have outlined.





- Whether they are living with mental ill health or intellectual disability, the people we support are valued members of society, whose experiences fall within the areas outlined by the consultation document. They work. They have families, hopes and dreams. They require a safety net, just like the rest of us. They aspire to a home and a future. However, they remain uniquely vulnerable and their rights – all of them – must animate the agenda as we move forward.

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<sup>i</sup> United Nations Universal Declaration of Human Rights, 1948, <https://www.un.org/en/universal-declaration-human-rights/>

<sup>ii</sup> United Nations Convention on the Rights of Persons with Disabilities, 2007, Article 1,

<https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

<sup>iii</sup> *The right to mental health*, United Nations Office of the High Commissioner on Human Rights,

<https://www.ohchr.org/EN/Issues/Health/Pages/RightToMentalHealth.aspx>

<sup>iv</sup> Human Rights Act 1998, <https://www.legislation.gov.uk/ukpga/1998/42/contents>

<sup>v</sup> *Through Our Minds: Exploring the emotional health and wellbeing of lesbian, gay, bisexual and transgender people in Northern Ireland*, Malachai O'Hara, 2013, <https://bit.ly/3oeN2xu>

<sup>vi</sup> *In Sickness and in Health: A survey of 3,400 UK carers about their health and wellbeing*; Age UK, Carers UK, Macmillan Cancer Support, Multiple Sclerosis Society, Carers Trust, Independent Age, Marie Curie Cancer Care, Parkinson's UK, Skills for Care, and Skills for Health; 2012, p.1, <https://bit.ly/3prYcAo>

<sup>vii</sup> *The Role of International Human Rights in National Mental Health Legislation*, World Health Organization, 2004, p.37,

[https://www.who.int/mental\\_health/policy/international\\_hr\\_in\\_national\\_mhlegislation.pdf](https://www.who.int/mental_health/policy/international_hr_in_national_mhlegislation.pdf)

<sup>viii</sup> International Covenant on Civil and Political Rights, 1966, <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

<sup>ix</sup> *The Irish News*, 'Health minister Robin Swann: The feelings that drive people towards taking their lives are often temporary',

18.02.2020, <https://bit.ly/3arkQ5R>

<sup>x</sup> Health survey Northern Ireland: first results 2019/20, Department of Health, 2020, [https://www.health-](https://www.health-ni.gov.uk/sites/default/files/publications/health/hsni-first-results-19-20.pdf)

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<sup>xi</sup> *Human rights for human dignity: A primer on economic, social and cultural rights* (Second Edition), Amnesty International, 2014, p.19,

<https://www.amnesty.org/download/Documents/8000/pol340012014en.pdf>

<sup>xii</sup> *Sour mood getting you down? Get back to nature*, Harvard Medical School, 2018, [https://www.health.harvard.edu/mind-and-](https://www.health.harvard.edu/mind-and-mood/sour-mood-getting-you-down-get-back-to-nature)

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