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5<sup>th</sup> February 2021

Ms Emma Sheerin MLA  
Chairperson  
Ad Hoc Committee on a Bill of Rights  
Room 419, Parliament Buildings,  
Ballymiscaw  
Stormont  
Belfast BT4 3XX

[REDACTED]

CC: Caroline Perry, Committee Clerk

Dear Ms Sheerin,

I write further to the consultation being undertaken by the Ad Hoc Committee on a Bill of Rights on the creation of a Bill of Rights for Northern Ireland.

UNISON is the leading trade union in Northern Ireland, representing over 45,000 members, and is the largest trade union in the UK with over 1.3 million members. Our membership includes public service workers in health and social care; the education and higher education services; local government; youth justice; private companies providing public

services; and the community and voluntary sector. 84% of our membership in Northern Ireland are women.

On behalf of UNISON's members, I am pleased to submit a response to the consultation survey being undertaken by the Committee, which is enclosed below. I would ask that you and your colleagues on the Committee read our response alongside this letter.

UNISON members in Northern Ireland and across the entire UK have repeatedly and publicly supported the creation of a Bill of Rights for Northern Ireland. This has been demonstrated over the last 23 years by our members repeatedly debating and carrying motions in support of the creation of a Bill of Rights at both our UNISON Northern Ireland Regional Council and UNISON National Delegate Conference. For these reasons, I would request that you consider our consultation submission as representing the views of the collective UNISON membership.

Alongside our colleagues in the Committee on the Administration of Justice (CAJ), UNISON co-convenes the Equality Coalition comprised of over 90 member organisations with a long track record of campaigning for the implementation of the rights provisions within the Good Friday Agreement, including the Bill of Rights. You will recall that I provided oral evidence to the Committee alongside Daniel Holder of CAJ on 22<sup>nd</sup> October 2020.

UNISON further supports the 'Make our Future Fair' campaign organised by the Human Rights Consortium to deliver a Bill of Rights for Northern Ireland.

The Good Friday Agreement contained extensive commitments on equality and human rights which were aimed at delivering a better life for all the people, including UNISON members, their families and their communities. These commitments were central to UNISON members support for the Agreement in the 1998 referendum. At the core of these commitments was the commitment to create a Bill of Rights.

Over the last 23 years UNISON's support for the implementation of a Bill of Rights has been demonstrated by the mass mobilisation of our members in support of a Bill of Rights; by our responses to numerous consultations to consider the form and content a Bill of Rights should take; our repeated meetings with the UK and Irish Governments seeking

the full implementation of the Good Friday Agreement; and our ongoing international work with those who continue to show strong support for the protection of our peace process. I represented the trade union movement on the Bill of Rights Forum that eventually led to the Human Rights Commission's 2008 advice to the Secretary of State on a Bill of Rights, advice that has never been implemented.

The continued failure of successive UK Governments to implement a Bill of Rights (based on the assertion that political consensus did not exist for its creation) has been demonstrated to have been irresponsible.

As the Written Evidence submitted by the Equality Coalition in October 2020 highlighted, a Bill of Rights could have underpinned the operation of the devolved institutions on a more sustainable footing, setting an equality and human rights framework for government in Northern Ireland.

In April 2019 the Equality Coalition issued a 'Manifesto for a Rights Based return to Power Sharing' in the context of the then ongoing absence of the Stormont institutions, highlighting how a Bill of Rights and other key rights-based commitments were safeguards in relation to the exercise of Executive and legislative power and that the Executive had collapsed previously without such safeguards having been in place.

At the 2019 Biennial Delegate Conference of ICTU, Congress adopted a motion endorsing the 'Manifesto for a Rights Based Return to Power Sharing' and called for the return of the institutions at Stormont on the basis of equality and human rights for all.

A Bill of Rights for Northern Ireland is now more important than ever in the context of the UK exit from the EU. It could be used to protect and retain rights based in EU law and limit the power of Government to weaken those rights. A Bill of Rights would offer protection to all within our society.

A Bill of Rights must form a framework for Government as the Executive and Assembly seek to put the measures in place to rebuild public services and support all our communities in recovering from the Covid-19 pandemic. A lack of political consensus should no longer be used as a reason to delay its implementation.

It further remains our view that a Bill of Rights should be enacted via Westminster legislation, as provided for under the Good Friday Agreement. This would ensure that a Bill of Rights does not solely relate to areas of devolved competency, but also touches on actions taken by the UK Government that relate to Northern Ireland.

I hope that you and your colleagues on the Committee find this response to the consultation useful. UNISON remains ready to engage further with the Committee and looks forward to the results of the survey and an analysis of responses being produced.

Yours sincerely

A handwritten signature in black ink that reads "Patricia McKeown". The signature is written in a cursive, flowing style.

**PATRICIA McKEOWN**  
**Regional Secretary**

# **Have your say: Human Rights in Northern Ireland**

## **Consultation on the creation of a Bill of Rights for Northern Ireland**

**This consultation was set up by the Northern Ireland Assembly's Ad Hoc Committee on a Bill of Rights. The Committee wants to hear your views and understand how you feel about the creation of a Bill of Rights in Northern Ireland.**

### **Why was the Ad Hoc Committee on a Bill of Rights set up?**

The Ad Hoc Committee on a Bill of Rights was set up following the New Decade, New Approach Agreement in early 2020. The Committee is tasked with considering the creation of a Bill of Rights for Northern Ireland. That includes looking at the implications of a Bill of Rights here and what rights it might include. The Committee has discussed and received briefings from a wide range of stakeholders and experts in human rights in recent months, but a crucial part of its evidence-gathering is listening to those who are directly affected – you.

### **What is the consultation about?**

This consultation is about the Committee getting your views, listening to what you think and taking on board how you feel about the creation of a Bill of Rights in Northern Ireland. The results of the consultation will provide valuable information to the Committee and help inform its forward work programme. The survey is completely anonymous and confidential. If you choose to provide contact details, so you are kept informed of the Committee's work, these details will not be linked to your responses.

### **Why should I get involved?**

This is your chance to say what you think and how you feel. Your views and opinions are as important as anyone's. To get an understanding of what people who live here think about the creation of a Bill of Rights for Northern Ireland, we need to hear from lots of different people. By getting involved you'll help to ensure that the Committee's report is reflective of society across Northern Ireland.

### **How do I get involved?**

You can complete the consultation survey attached.

## Complete our survey

This short survey should take less than ten minutes to complete. The results will provide valuable information to the Committee.

The survey is completely anonymous and confidential. If you choose to provide contact details they will not be linked to your responses.

### 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?**

The framing of this question has the potential to create confusion amongst members of the public whose views the Committee are seeking. The use of the word 'enjoys' has been given no explanation or supporting context. It is very unclear what is being asked precisely in this question.

Some respondents may interpret this question as asking whether existing domestic human rights laws apply to everyone within the jurisdiction of Northern Ireland and answer in the affirmative. The more substantive interpretation of the words 'enjoys' or 'enjoyment' in relation to human rights is that a person can both access and exercise a right and in turn realize the right for themselves.

There are many circumstances in Northern Ireland in which different individuals will have greater or lesser access and enjoyment of certain rights due to a range of circumstances and factors. For instance, working class protestant boys may have the same prima facie access to education as every other individual in Northern Ireland, but evidence would suggest that a range of factors are disproportionately impacting on their ability to enjoy or realize that right.

Another perspective is that all rights that are set out within International Human Rights standards are universal and apply to every human being on the planet. So, in that limited sense individuals in Northern Ireland could be described as enjoying the same rights as everyone else on the planet – not just others in this jurisdiction. However, we know that those international standards have not yet been adopted in Northern Ireland domestically and are therefore not enforceable or realizable for individuals. So enjoyment of those rights in many respects is in name only.

We interpret the phrase 'enjoys' as meaning that everyone in Northern Ireland can realize the rights they are entitled to and as a result we strongly disagree with this statement.

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

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

Some of the areas covered above have some protection in domestic law under articles of the European Convention on Human Rights already incorporated in the Human Rights Act 1998. The mandate under the Belfast/Good Friday Agreement was to incorporate these rights in a Bill of Rights for Northern Ireland and add supplementary rights. These additional rights 'taken together with the ECHR - to constitute a Bill of Rights'. The starting point should therefore be to incorporate ECHR rights within a local Bill of Rights for Northern Ireland. By doing so there would be enhanced layer of protection created for many of the rights above.

In addition, there are numerous areas of rights (including many of those ticked above) which are detailed in existing international standards – most specifically the core international human rights instruments of ICERD, ICCPR, ICESCR, CEDAW, CAT, CRC, ICMW, CPED and CRPD. The protections in these instruments correlate with many of the areas listed above and various others but have not been adopted in domestic law and therefore people in Northern Ireland are unable to access these protections directly. We believe that their incorporation within a Bill of Rights for Northern Ireland is necessary to provide protection for many of the areas listed above and give appropriate access and effect to international standards in these areas. We have not ticked the community background box for this question as we were unsure of the definition of the term in this context, while all the other areas can be related to existing human rights standards.

### 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
- B. Human dignity (everyone deserves respect)
- C. Fairness
- D. Freedom and democracy
- E. Justice
- F. Mutual respect (respect for each other)
- G. Parity of esteem (valuing all traditions equally)
- H. Respect for culture, identity, traditions and aspirations
- I. Peace and reconciliation
- J. Don't know
- K. Other

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

We believe that there are many values that should help form the foundation of a Bill of Rights for Northern Ireland. First and foremost, among these should be respect for international human rights standards and the universality of human rights.

It is also important to recognise that there is a fundamental difference between establishing the values that would underpin a Bill of Rights and the specifics of the rights themselves. Values, which would likely be outlined within a preamble of a Bill of Rights would set out the broad principles and aspirations of the document while the main text of the document would set out the fundamental rights which would be protected in law. The framing of the question rightly highlights that values are the foundation of rights – they are not however, replacements for the rights themselves. This distinction is critical and there would be no practical value in a Bill of Rights that was purely aspirational.

While the list above mentions some important values, we believe that some of the bracketed explanations are in danger of misinterpreting or minimizing the scope of such values. For example, the concept of dignity is not simply limited to the idea of everyone deserving respect. Rather it also is inclusive of rights that would allow someone to live their life with dignity. For instance, an elderly person may be respected but could not lead a life of dignity in certain circumstances if for example rights to an adequate standard of living, health or accommodation were unavailable to them. Likewise, Parity of Esteem may well become meaningless as a value if certain rights (e.g right to identify as British, Irish or both) which would underpin it are not enacted. That is why the framing of question 4b below is so confusing. The concept of an 'aspirational vision' may seem innocuous to the lay reader but from the history of discussions on a Bill of Rights locally this is usually interpreted in some political circles as meaning that any rights in a Bill of Rights should be declaratory or without enforcement. If members of the public were aware of this it is unlikely that they would support that interpretation. We therefore find that the framing of this question is deeply misleading and have therefore strongly disagreed in response.



## 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
- B. Important
- 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

**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 outlined in our answer to question 1b we believe that the commitment to replicate ECHR rights within a Northern Ireland Bill of Rights should be implemented. ECHR rights are largely civil and political in nature and have formed the cornerstone of such protections in Northern Ireland. Given the ongoing political attempts to undermine these rights as they apply locally through the Human Rights Act the inclusion of these rights in our Bill of Rights would serve as a mechanism of ringfencing those protections.

In addition, we have already outlined our belief that current International Standards should be incorporated domestically in a Bill of Rights. That includes any additional CPR standards that may be outlined in the ICCPR (International Covenant on Civil and Political Rights) or other relevant covenants.

**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 with our answer to 4d above we believe that current International Standards should be incorporated domestically in a Bill of Rights. That includes the economic and social rights protections outlined in ICESCR (International Covenant on Economic, Social and Cultural Rights) and the other international covenants that clearly have ESR contents such as CERD, CEDAW, CRC, CRPD and others.

Given the Committees remit in looking at the role that a Bill of Rights might play in potentially replacing rights that may be lost as a direct result of the UK leaving the EU we would recommend that the provisions of the Charter of Fundamental Rights (many of which are social and economic rights protections) which will no longer be available in Northern Ireland are incorporated in a Bill of Rights.

We would be concerned that ordinary members of the public would not be able to list such rights or points of reference from international standards despite their support generally for the strong protection of economic and social rights. We would therefore urge a strong note of caution around the ability of the public to engage in providing detailed answers to this or similarly framed questions.

**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?**

The right to a safe, clean, healthy and sustainable environment is a right that has been given legal effect by over than 150 nations across the world and there is ongoing work to develop this as a recognised right at a United Nations level. Many rights, particularly social and economic rights, are clearly dependent upon the right to a healthy environment. This is already recognised in Article 12(2) of ICESCR which sites environmental measures as essential in the realisation of the rights to the enjoyment of the highest standard of physical and mental health.

In the current climate where our response to the ongoing climate emergency is a challenge that will cross into all spheres of human life it would be very appropriate to protect the rights to a safe, clean, healthy and sustainable environment in a Bill of Rights for Northern Ireland.

## 5. About You - Section 75

This section contains Section 75 questions. These questions allow us to ensure that we are carrying out our work with due regard to the need to promote equality of opportunity and good relations in respect of religious belief, political opinion, gender, race, disability, age, marital status, dependants and sexual orientation.

You do not need to complete this section but the more information we can collect the better we are able to monitor our responses.

All information will be kept completely anonymous and confidential. If you choose to provide contact details they will not be linked to your responses.

**Only complete this section if you are happy to answer the Section 75 questions.**

### a. What is your gender?

- A. Female
- B. Male
- C. Prefer not to say

### b. Age Group

- A. Under 18
- B. 18 - 24
- C. 25 - 34
- D. 35 - 44
- E. 45 - 54
- F. 55 - 64
- G. Over 65
- H. Prefer not to say

**c. How would you describe your national identity?**

**Choose as many as you like**

- A. British
- B. Irish
- C. Northern Irish
- D. English
- E. Scottish
- F. Welsh
- G. Prefer not to say
- H. Other

If you selected 'Other', please let us know how you would describe your national identity:

**d. What is your ethnic group?**

**Select one only.**

- A. White
- B. Chinese
- C. Irish Traveller
- D. Roma
- E. Indian
- F. Filipino
- G. Black African
- H. Black Other
- I. Mixed ethnic group
- J. Prefer not to say
- K. Other

If you selected 'Other', please let us know your ethnic group:

**e. Religious Belief**

- A. Protestant
- B. Roman Catholic
- C. Other Christian
- D. No religious belief
- E. Prefer not to say
- F. Other

If you selected 'Other', please let us know your religious belief:

**f. In terms of political outlook would you describe yourself as broadly...**

- A. Nationalist
- B. Unionist
- C. Prefer not to say
- D. Other

If you selected 'Other', please let us know how you would describe your political outlook:



**g. Which of the following best describes your sexual orientation?**

- A. Heterosexual/Straight
- B. Gay or Lesbian
- C. Bisexual
- D. Prefer not to say
- E. Other

If you selected 'Other', please let us know how you would describe your sexual orientation:

**h. Disability**

A person has a disability if s/he has “a physical or mental impairment which has a substantial and long-term adverse effect on his/ her ability to carry out normal day-to-day activities” (Disability Discrimination Act 1995).

**Choose as many as you like.**

- A. I have a physical disability
- B. I have a sensory disability

- C. I have a learning disability
- D. I do not have a disability
- E. I have a mental health condition
- F. I have a long-term health condition
- G. Prefer not to say

**i. Dependants**

**Choose as many as you like.**

- A. I have personal responsibility for the care of a child (or children)
- B. I have personal responsibility for the care of a person with a disability
- C. I have personal responsibility for the care of a dependent older person
- D. I do not have any dependants
- E. Prefer not to say

**7 - 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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