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My organisation strongly objects to this Bill and its intent to further marginalise the political ex prisoner community here.

I would refer you to the section of the Good Friday Agreement – strand 3 as below and St Andrew's Agreement.

PRISONERS

1. Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences in Northern Ireland or, in the case of those sentenced outside Northern Ireland, similar offences (referred to hereafter as qualifying prisoners). Any such arrangements will protect the rights of individual prisoners under national and international law.

2. Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard will be kept under review.

3. Both Governments will complete a review process within a fixed time frame and set prospective release dates for all qualifying prisoners. The review process would provide for the advance of the release dates of qualifying prisoners while allowing account to be taken of the seriousness of the offences for which the person was convicted and the need to protect the community. In addition, the intention would be that should the circumstances allow it, any qualifying prisoners who remained in custody two years after the commencement of the scheme would be released at that point.

4. The Governments will seek to enact the appropriate legislation to give effect to these arrangements by the end of June 1998.

5. The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or reskilling, and further education.

The Bill as proposed by Mr Allister runs contrary to this Governmental commitment as in Point 5 above.

Our specific objections are based upon the following:

Clause 2: Special adviser not to have serious criminal conviction

Clause 2 prohibits a person with a serious criminal conviction from being appointed as a special adviser. Special advisers in post with a serious criminal conviction and those who incur such a conviction while in post will have their appointment terminated by this legislation. A duty is placed on Ministers to inform DFP whether any special adviser appointed by them has a serious criminal conviction.

Clause 2 will

- Operate as a breach of the international agreement between two sovereign states, the Irish and British governments, which gave effect to the Good Friday Agreement.
- It will contravene the commitments given in regard to political ex-prisoners' in the Good Friday Agreement and in the St Andrews Agreement.
- Its 'retrospective penalisation' of current special advisors will be in contravention of domestic and international human rights provision.
- The Bill in its entirety has not been Equality Impacted Assessed
- In its intention and spirit it completely contradicts the purpose and intention of the OFMDFM commissioned 'Employers' Guidance On Recruiting People With Conflict-Related Convictions' (EGRPCRC) May 4th 2007

Clause 3: Meaning of "serious criminal conviction"

Clause 3 defines "serious criminal conviction" as one for which a sentence of imprisonment of five years or more, or another specified sentence, was imposed.

On this we would refer you to Sir George Quigley, Chairperson of the working party that created the Employers' Guidance On Recruiting People With Conflict-Related Convictions, who stated in its introduction;

'1.5 In summary, the basic principle arising out of the main report by the working group is that any conviction for a conflict-related offence that pre-dates the Good Friday Agreement (April 1998) should not be taken into account unless it is materially relevant to the employment being sought.'

Again we repeat that this measure is designed to mitigate against one particular sector of society and that we consider that it is discriminatory in its design and intent

I am requesting an opportunity to make a verbal submission with more detail to the Committee for Finance and Personnel

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