

To whom it may concern,

Please find attached a submission to the Call for Evidence in relation to the Civil Service (SpAd Bill).

Tar Abhaile is a welfare group for republican ex-prisoners and their families. Much of our daily work is in assisting our target group to overcome the many barriers to their full and equal participation in society.

Ex-prisoners already face difficulties in many aspects of normal life, in accessing home insurance, in entry to some countries, in some fields of employment.

We are extremely concerned at the proposed Bill which would seek to enshrine in legislation discrimination against political ex-prisoners.

Regards,

Méabh Mackel
Project Coordinator
Tar Abhaile

Written Submission to Civil Service (SpAd Bill) Call for Evidence

Tar Abhaile call for this Bill to be rejected in it's entirety. Our specific objection centres on Clause 2 of the Bill.

Clause 2: Special Advisor not to have serious criminal conviction.

1. Barring Ex-Prisoners from employment as a Special Adviser is discriminatory and creates further barriers to their full and equal participation in society. Ex-Prisoners already face barriers in accessing home insurance, in entry to some countries, adoption etc.
2. We live in a society that is still emerging from conflict, legislating to penalise Political Ex-Prisoners will alienate that section of society, which recent studies suggest is significant in size.

According to the *Ageing & Social Exclusion in Former Politically Motivated Prisoners in NI* study, of men aged 50-59, the proportion of those who are former politically motivated prisoners could be up to 30.7%. *Ageing & Social Exclusion in Former Politically Motivated Prisoners in NI 2010, p127.*

‘there can be little doubt that former politically motivated prisoners constitute a significant proportion of men over 50 in NI and this should be taken into account by those responsible for health and social well-being policy and programmes.’ *Ageing & Social Exclusion in Former Politically Motivated Prisoners in NI 2010, p128.*

3. It would represent a breach of Human Rights, contravene the ECHR, and run against the equality requirements in government.

The provisions of the Civil Service (Special Advisers) Bill are not compliant with the European Convention on Human Rights (ECHR). The Bill engages Article 6 of the convention and Article 1 of the First Protocol. The Bill excludes a person from employment as a civil servant without taking due regard to an international agreement and will operate as a breach of that international agreement between two sovereign states, the Irish and British governments', which gave effect to the Good Friday Agreement. In addition, my concern is that the Bill is in breach of Sections 75 and 76 of the Northern Ireland Act 1998.

4. It would run contrary to the Good Friday Agreement and the St Andrews Agreement and contravene the commitments given in regard to Political Ex-Prisoners.

'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.' **Annex B, point 5. 10 April 1998**

The *St Andrew's Agreement (2006, Annex B)* pledged that:

'government will work with business, trade unions and ex-prisoner groups to produce guidance for employers which will reduce barriers to employment and enhance re-integration of former prisoners'.

5. It ignores the crucial role Ex-Prisoners have played in the peace process and the political process.

Tar Abhaile, as with many of the other ex-prisoner groups, work closely with other groups in our community to engage in difficult 'outreach' work. This work is crucial in cementing the peace process on a local basis.

6. Ex-Prisoners are entitled to be MLAs and Ministers in government. Our First Minister and deputy First Minister are both Political Ex-Prisoners.
7. Tar Abhaile have worked with the Ex-Prisoners Working Group within OFMdFM to promote the OFMdFM issued '*Employers' Guidance On Recruiting People With Conflict-Related Convictions*' (EGRPCRC) May 4th 2007, the proposed Bill is entirely contradictory to this work.

Sir George Quigley, Chairperson of the working party that created the Employers' Guidance On Recruiting People With Conflict-Related Convictions 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.

8. The Bill is based on the presumption that Ex-Prisoners cannot be victims, and promotes a 'hierarchy of victims'. Several studies highlight the ongoing harm Ex-Prisoners experience relating to physical and mental health and employment.

In particular the *Blocks to the Future* study **2005** and the *Ageing & Social Exclusion Amongst Former Politically Motivated Prisoners in NI* **2010**. See links below.

<http://www.qub.ac.uk/schools/SchoolofLaw/Research/InstituteofCriminologyandCriminalJustice/Publications/worddocs/Filetoupload,226499.en.pdf>

<http://www.brandonhamber.com/publications/Report%20Blocks%20to%20the%20Future.pdf>