



Northern Ireland
Assembly

25 YEARS

A New Beginning

A Way Forward for a Consensus Approach to Human Rights in Northern Ireland

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Human Rights Enhancements Since 1998

(1) Related to the B(GF) Agreement

(2) Not related to the B(GF) Agreement:

(a) Measures already in the pipeline in 1998

(b) Measures taken by the Assembly

(c) UK-derived measures taken when the Assembly was not fully operational

(d) UK-derived measures on excepted matters

(e) UK-derived measures on reserved matters

(f) UK-wide measures on transferred matters



The Rights Protected Since 1998

workers' rights

welfare rights

family rights

children's rights

health rights

disability rights

education rights

housing rights

environmental rights

criminal justice rights

victims' rights

information rights

language rights



Lessons Learned Since 1998

Unionists and nationalists agree about many issues

But there are totemic pinch-points: e.g. same-sex marriage, abortion, language rights, a Bill of Rights

Some unionists do not seem to share the usual conception of human rights, are suspicious of judicial activism and do not want human rights to be treated differently in NI from in GB

Some nationalists and human rights activists overreach on human rights, thereby making the perfect the enemy of the good



Imagination and Flexibility

Human rights are a manifestation of the values of democracy, social justice and fairness

These values can be applied through a duty-based approach as much as through a rights-based approach

There are a variety of ways in which a duty-based approach can be 'enforced'



Constructive Engagement

International monitoring mechanisms

Domestic monitoring mechanisms:

- (1) The work of the NIHRC (and the ECNI)
- (2) The model of the Scottish Human Rights Commission
- (4) The merits of developing a Human Rights Unit within
The Executive Office

Summary

1. A great deal has been achieved since 1998 and further progress is likely
2. But fresh thinking is required if greater political consensus around human rights is to be achieved
3. Anxieties about reform should be spelled out and discussed, based on a commitment to reaching a deal
4. Consultation, collaboration and compromise should be the watchwords going forward
5. The concepts of social justice and fairness should be front and centre
6. As long as a right is substantially protected, the form through which this is achieved is immaterial
7. Approaches and practices from elsewhere should be borne in mind, and NI itself can set an example

