



NI WOMEN'S BUDGET GROUP

NORTHERN IRELAND WOMEN'S BUDGET GROUP (NIWBG) RESPONSE TO BILL OF RIGHTS

**Ad Hoc Bill of Rights Committee Consultation
Prepared by Alexandra Brennan (Coordinator) of NIWBG
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The Northern Ireland Women's Budget Group (NIWBG) is made up of organisations and individuals from a number of sectors in Northern Ireland, with the aim of implementing a gender equal economy. The members of the NIWBG scrutinise policy and budgetary matters with a gendered lens to bring attention to the different ways in which men and women are affected by government-level decision-making. It aims to provide policy- and budget-makers with the correct tools to analyse and alter their decision-making to account for the adverse impacts felt by women.

The NIWBG works with a range of organisations in Northern Ireland on devolved issues and with sister organisations in Wales, Scotland, England and Ireland on East-West and North-South issues.

We support the creation of a Bill of Rights for Northern Ireland, and we hope that our response to the consultation will be considered by the Ad Hoc Committee on a Bill of Rights.

If there are any questions or comments regarding the NIWBG's consultation response, please direct them to the Coordinator for the NIWBG, Alexandra Brennan (info@niwbg.org).

General Comments

We believe that Northern Ireland is overdue for a Bill of Rights, which was promised over twenty years ago in the Belfast/Good Friday Agreement. Brexit has exacerbated that need, as we are at risk of losing robust protections from EU human rights laws, which are stronger than their British counterparts. Additionally, the COVID-19 pandemic has highlighted the vast inequalities faced by large portions of Northern Irish society. We understand that the purpose of this consultation is to see if people would want a Bill of Rights. While we have already made our answer to that question clear, we feel it is important to make it known what *kind* of Bill of Rights we want to see.

A way to ensure that the protections at risk due to Brexit remain in place, which we emphasise is of utmost importance, is to incorporate them and other international standards into a Northern Irish Bill of Rights. Mentioned alongside the creation of a Bill of Rights in the Belfast/Good Friday Agreement is the ECHR¹, which we advise should function as the foundation of the Bill. The inclusion of other international covenants, which would provide additional protections against more specific inequalities and prejudices, is also necessary. We recommend the incorporation of the UDHR, ICESCR, ICCPR, ICERD, CEDAW, CAT, CRC, CRPD, CPED and ICMW². We also encourage you to include the aims of the UN's 17 SDGs³. While they are not centered in human rights law, like the previously mentioned international standards, the Goals focus on bettering the social, economic, and environmental world. They can easily be incorporated into a human rights law-format and would ensure an intersectional rights-framework while keeping Northern Ireland on track to achieve its SDGs by 2030.

¹ European Convention on Human Rights

² Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, International Convention for the Protection of All Persons from Enforced Disappearance, and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

³ Sustainable Development Goals

The NIWBG supports the similar responses of other women's sector organisations to this consultation, like the Human Rights Consortium (HRC), Women's Policy Group (WPG) and Women's Support Network (WSN). We want to reiterate the need for a robust, detailed and concrete Northern Irish Bill of Rights. We urge you to avoid an aspirational approach, and hope that you take into account our calls to fully incorporate ECHR and other international standards.

Consultation Questions

Section 1 - Views on Human Rights

1. To what extent do you agree that everyone in Northern Ireland today enjoys the same basic human rights?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree X

Don't know

a. Why do you say that you “strongly disagree”?

It is hard to determine what rights a person enjoys when there is no indication of what the author classifies as “basic human rights”. However, if basing our answer on the “basic human rights” outlined in The Universal Declaration of Human Rights, we strongly disagree with the above statement as not everyone in Northern Ireland is afforded the same “basic rights,” especially Section 75 groups. A few recent examples that shine a light on this inequality are the existence of the gender pay gap (despite claims against it), the failure to commission abortion services during the pandemic, the targeting and fining of BLM organisers and protestors, and the continuation of ‘No Recourse to Public Funds’ for migrants in NI during the pandemic/economic crisis.

Section 2 - Protections

2. In your view, do people in Northern Ireland need more protection for their human rights in relation to any of the following areas?

Age X
Caring Responsibilities X
Community Background
Criminal Record X
Cultural Background X
Disability X
Economic status or income X
Ethnic group X
Family or civil status X
Gender X
Health status X
Language X
National identity X
Political or other option X
Pregnancy and maternity X
Property X
Religion or belief X
Sexual Orientation X
Don't know
None of the above
Other X

a. If you selected 'Other':

We are unsure how 'Community Background' would be applicable for the Bill of Rights, but we strongly agree that most of these areas must be included in the human rights framework for Northern Ireland. As mentioned in the **General Comments** section, we urge you to fully incorporate the ECHR and other international standards of human rights outlined in the UDHR, ICESCR, ICCPR, ICERD, CEDAW, CAT, CRC, CRPD, CPED and ICMW. They focus on many of the areas mentioned above and would ensure a thorough, comprehensive Bill of Rights. It is imperative that the protections afforded under these standards are granted to the people of Northern Ireland as the health and economic crises caused by the pandemic and Brexit intensify.

Section 3 - Values

3. In your view, which of the following values, if any, would make appropriate foundations for rights in Northern Ireland?

Community X

Human dignity (everyone deserves respect) X

Fairness X

Freedom and democracy X

Justice X

Mutual respect (respect for each other) X

Parity of esteem (valuing all traditions equally) X

Respect for culture, identity, traditions and aspirations X

Peace and Reconciliation X

Don't know

Other X

a. Comment:

We feel that the values listed above are essential to the Bill of Rights, yet we want there to be a clear distinction between 'values' and 'rights'. These values should inform the creation of the rights, alongside the areas listed in Section 2 and our respective suggestions. However, it is important that the Bill of Rights is not aspirational. The values can be included in the Bill of Rights, but there needs to be a distinct section that outlines the rights that will be protected.

Additionally, we ask that the value 'fairness' be further defined. A common occurrence faced by the Women's Sector is being told that a particular policy or law cannot directly mention 'women' as that would be favouring women over men. This, in their view, would hinder 'fairness' and 'equity', so they opt for a 'gender neutral' approach instead. This ignores the disproportionate inequalities faced by women, most importantly the lack of equality of opportunity for women in Northern Ireland. An example of such behaviour can be found in the Domestic Abuse and Family

Proceedings Bill, which has no mention of women nor girls. In Northern Ireland, women constitute 69% of reported victims of such crime, while 86% of perpetrators are men⁴. The Istanbul Convention⁵, whose aim is to prevent domestic violence and all forms of violence against women, requires that the disproportionate effects of domestic violence on women and girls must be acknowledged -- the NI Domestic Abuse and Family Proceedings Bill has no such mention on the grounds of 'parity'. We want to ensure that a value like 'fairness' takes into account inequality of opportunity and securing substantive equality.

Section 4 - Bill of Rights

A. How important, if at all, do you think a Bill of Rights is for Northern Ireland?

Very Important X

Important

Moderately Important

Slightly Important

Not important at all

Don't know

a. Comment:

The creation of a Bill of Rights is not only important, it is necessary. A Northern Irish Bill of Rights would only be enforcing rights that Northern Ireland, as a part of the UK, is obliged to uphold due to the UK's commitment to the standards set out by the previously mentioned international agreements (see **General Comments**). As the responsibility for many of the 'areas' mentioned in *Section 2* falls under devolved matters, a specifically Northern Irish commitment to protecting and upholding every person's rights is essential.

⁴ Domestic Abuse Incidents and Crimes Recorded by the Police Service in Northern Ireland, Update to 30 June 2020, PSNI & NISRA
https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/2020-21/q1/domestic-abuse-bulletin-jun_-20.pdf

⁵ Council of Europe Convention on preventing and combating violence against women and domestic violence <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

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?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree X

Don't know

a. Comment

As mentioned in *Section 3*, we fear that if the Bill of Rights is merely aspirational, there will be no incentive to enforce/follow it; we would advise against such an approach. While there is no issue mentioning important values throughout the finished product, we want to avoid the conflation of 'values' with 'rights'. The 'rights' need to be clear and concise. If values are included, there needs to be a significant effort to ensure that the emphasis lies on the 'rights' portion and that the difference between the two is understood.

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?

Strongly agree X

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know

D. What, if any, political and civil rights would you like to see in a Bill of Rights for Northern Ireland?

The implementation of the relevant international standards mentioned in *Section 3* would cover a myriad of areas concerning political and civil rights. First and foremost, replicating the ECHR would create a strong foundation for political and civil rights within the Bill, which then could be supplemented by other international standards like the ICCPR.

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?

Strongly agree X

Agree

Neither agree nor disagree

Disagree

Strongly disagree

F. What, if any, social, economic and cultural rights would you like to see in a Bill of Rights for Northern Ireland?

Similar to **Question D**, the ICESCR would provide a strong foundation for the social, economic and cultural rights section of the Bill. Other relevant international standards like the CERD, CEDAW, CRC and CRPD should be incorporated as they focus on specialised areas of necessary rights and protections. Additionally, the SDGs (see **General Comments**) should be considered when formulating the social, economic and cultural rights. By incorporating the goals of the SDGs in the Bill of Rights, it shows a real commitment to bettering people's lives domestically while taking part in a global commitment to improve the environment in a socially and economically sustainable way.

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?

Strongly agree X

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know

a. Comment:

As stated in **General Comments** and **Question F**, incorporating the UN's SDGs would help ensure an intersectional approach to the process. Political, civil, social, economic and cultural rights would be covered in a way that promotes a sustainable, healthy environment.

Section 5 - About You - Section 75
N/A, answering for an organisation.

Section 6 - Are you willing to be contacted again (for example, to take part in further consultation)?

Yes X

No

END OF CONSULTATION