



# A Bill of Rights for Northern Ireland

The Northern Ireland Human Rights Commission advised the government that there should be a Bill of Rights for Northern Ireland. It set out recommendations for rights to be included that reflect the particular circumstances of our society. It also advised how the rights could work in practice. These are the recommendations.

It is usual for an introductory section, called a Preamble, to be included in a Bill of Rights. The preamble describes the values on which a Bill of Rights is based.

### Preamble

Founded on the principles of full respect for, and equality of, civil, political, economic, social, and cultural rights and of freedom from discrimination it:

Recognises that a just and equal society is best maintained by a stable and functioning democracy and the common observance of human rights;

Acknowledges the dignity and worth of every person and the equal and inalienable rights of all;

Reiterates an absolute commitment to exclusively peaceful means of resolving differences;

Addresses the legacy of the past and the special needs of victims and survivors of the conflict;

Enshrines the entitlement of all to the full range of human rights and fundamental freedoms, safeguarded by the rule of law;

Strives to ensure that every child will grow up safe and secure;

Values the role of women in public and political life and their involvement in advancing peace and security;

Cherishes our common humanity and advocates freedom from fear and want;

Seeks to protect our common heritage and natural environment for future generations;

Accepts the commitment to mutual respect and the religious and civil rights of everyone;

Welcomes the rich variety of languages, beliefs and traditions which is the cultural wealth of our society;

Upholds the existing rights and protections of individuals and groups especially those that guarantee free and fair participation in economic, social and political life; and

Is dedicated to the achievement of reconciliation and the vindication of the human rights of all.

**1** the **right to life** and ensure all deaths relating to the Northern Ireland conflict are effectively investigated, complying with international law.

**2** the **right to freedom from torture, inhuman or degrading treatment**

**3** **democratic rights** to vote in free and fair elections, subject to proportional representation for the Assembly and local councils, overseen by an independent authority. There should be equal opportunity to take part in public service. Public authorities should be representative of society and take effective steps to enable full and equal participation of women in political and public life.

**4** the **right to equality and prohibition of discrimination.**

Affirmative action should be allowed. Public authorities should help older and disabled people to live independently and take a full part in community life.

**5** **children's rights**, ensuring that everyone under 18 years old, without discrimination, has their best interests protected and given the highest consideration in all actions concerning them. The government must take all necessary measures to protect children from all forms of abuse and exploitation as well as from the dangers posed by conflict. Special protection and assistance should be given to children who don't live with their family. Children should have access to safe play and leisure facilities. Government must ensure that children know their rights and that their views are taken seriously in all relevant matters.

**6** the **right to health**, ensuring that everyone has the highest possible standard of physical and mental health, including free, prompt, appropriate services.\* No one should be refused emergency medical treatment and essential primary healthcare. Women and girls should have gender-sensitive and appropriate healthcare and information.

**7** the **right to an adequate standard of living.\*** No one should be allowed to become destitute.

**8** the **right to respect for private and family life**

**9** the **right to education** and ensure all children can access the full curriculum. Education should promote human rights, dignity of the person, equality, respect for diversity and tolerance.

**10** **freedom from violence, exploitation and harassment**

including domestic, sexual, gender-related or sectarian violence, sexual exploitation and trafficking. All appropriate steps should be taken to ensure these protections.

**11** the **right to found a family**

**12** the **rights of victims**, ensuring access to appropriate material, medical, psychological and social help. They must be kept informed about investigations and legal proceedings. These rights must also be protected in separate legislation for victims of the Northern Ireland conflict.

**13** **freedom of thought, conscience and religion**

**14** the **right to a fair trial or public hearing and no punishment without law** and ensure trial by jury for serious offences and the right to waive it. Evidence obtained through torture or inhuman and degrading treatment or by breaching any of the rights in the Bill of Rights cannot be used in the trial. The best interests of children and vulnerable adults should be specially protected. Witnesses, jurors, the judiciary and lawyers should be protected in carrying out their duties.

**15** **liberty of movement and freedom to choose where to live**

**16** the **right to identity and culture** including a choice to be Irish or British or both without discrimination. Public authorities should treat the identity and ethos of both main communities equally and encourage mutual respect, understanding and co-operation. Minorities should be able to enjoy their culture, practice their religion and use their language, in private and public. No one should be made to take an oath in Northern Ireland contrary to their religion or belief.

**17** **environmental rights**, including a duty on public authorities to limit pollution, promote conservation and secure sustainable development.

**18** the **right to civil and administrative justice** including access to information held by public authorities. Public authorities must make fair decisions within a reasonable time, provide reasons and allow for the decision to be appealed.

**19** **freedom of assembly and association**

**20** **language rights**, ensuring that minorities can learn or be educated in their own language, when there is enough demand. Essential services should be accessible by communicating in a language (including sign language) you understand. Public authorities should support Irish and Ulster-Scots, as committed to under the European Charter for Regional and Minority Languages.

**21** the **prohibition of slavery or forced labour**

**22** the **right to accommodation**, appropriate to your needs.\* Public authorities should take all appropriate steps to ensure no one is forced out of their home by threats or harassment or evicted without a court order. No one should be denied emergency accommodation.

**23** the **right to own property and peaceful enjoyment of possessions**

**24** **freedom of expression**

**25** **social security rights**, including access to social assistance, social insurance and a pension\*.

**26** the **right to work.\*** Just and favourable working conditions without discrimination should be protected. Workers should be able to strike and to bargain collectively. Carers should have respite from their caring responsibilities.

**27** the **right to marry or to enter civil partnership** and to end both.

**28** the **right to liberty and security** and ensure that anyone arrested or detained can speak privately with a solicitor and have them present during questioning, which must be recorded. A family member should be able to visit under supervision. Medical help, if needed, should be given without delay. Anyone detained or in care should be helped to reintegrate into society. No one should be imprisoned because of their inability to fulfil a contractual obligation. Children or vulnerable adults who are arrested or detained should have special protections. Children should be treated in a way that considers their age, needs and understanding. They should only be detained as a last resort for the shortest time possible, separately from adults, in conditions appropriate to their age. When a child is the victim of crime they should be given special assistance to help them give evidence and supported throughout the process.

\* Government must take steps to ensure that these rights are realised over time as fully as possible. All these rights can be limited if it is fair, reasonable and proportionate to do so.

## Protecting and promoting your rights