



Ulster Unionist Party Position on a Bill of Rights

Background

The aim of a Bill of Rights is to further enshrine the rights to which everyone is entitled, and which are currently contained within the European Convention of Human Rights (ECHR) and the Human Rights Act 1998, into domestic law. It is also an opportunity to improve the understanding of the scope of these rights and obligations.

The subject of a Bill of Rights specifically for Northern Ireland has been on the agenda for some considerable time with the debate still on-going. Particular input has come from the Bill of Rights Forum, the Northern Ireland Human Rights Commission and the Commission on a Bill of Rights.

Bill of Rights Forum

The Bill of Rights Forum was established to make recommendations to the Northern Ireland Human Rights Commission (NIHRC). The first Forum meeting was held in December 2006 and their final report was presented to the NIHRC in March 2008.

The final report was a comprehensive piece of work and contained recommendations on a list of substantive rights as well as recommendations relating to technical provisions. The Ulster Unionist Party was represented on this Forum and fully engaged in the process alongside other political parties and stakeholders.

Northern Ireland Human Rights Commission

Under the Belfast Agreement the NIHRC was to advise the Secretary of State on ‘the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention of Human Rights, to reflect the particular circumstances of Northern Ireland’. Those supplementary rights, ‘taken together with the ECHR’, were to form a Bill of Rights for Northern Ireland.

It is the view of the Ulster Unionist Party that the subsequent drafting of a comprehensive Bill of Rights by the NIHRC (presented in December 2008) was not part of the Belfast Agreement and we broadly supported the NIO consultation document ‘The Bill of Rights for Northern Ireland: Next Steps’ which set out a robust rejection of the NIHRC proposals. We also reached the conclusion that the NIHRC could play no further constructive part in the debate around a Bill of Rights given the position which they adopted.

Commission on a Bill of Rights

The UK Government established the ‘Commission on a Bill of Rights’ in March 2011 with the terms of reference being that the Commission will investigate the creation of a UK Bill of Right that incorporates and builds on all our obligations under the European Convention on Human Rights, ensures that these rights are enshrined in UK law, and protects and extend our liberties.

The Ulster Unionist Party notes that the Commission will consult with devolved administrations on this and indeed representatives have already visited Northern Ireland and met with the OFMdfM and Justice Committees.

Ulster Unionist Party Position

The Ulster Unionist Party understands and recognises the importance of human rights. Indeed we have been instrumental in the advancement of equality of opportunity in Northern Ireland. We also believe that it is fundamental that equality of opportunity should be underpinned by rights *and* responsibilities.

We believe that the best way to bring this debate to a close is for Northern Ireland to subscribe to a UK wide Bill of Rights based on the rights contained within the ECHR and Human Rights Act. This should be done through extensive consultation with the Commission on a Bill of Rights from a wide range of stakeholders.

We are also open to discussing the idea of supplementary rights for Northern Ireland. We are well aware that there are some 'Northern Ireland specific' issues which exist, such as parading and children and young people, and we believe that discussion around these areas are vital. The work of the Bill of Rights Forum could also be consulted.

We are firmly of the opinion that socio-economic rights should not be included in any Bill of Rights. It is realistic to accept, especially during the current economic climate, that we are facing a scarcity of resources and it is therefore simply unachievable to fulfil socio-economic rights for all.

Furthermore, establishing legally enforceable socio-economic rights and effectively drawing the courts into resource allocation decisions is also not a set of circumstances which the Ulster Unionist Party views as acceptable and indeed this runs contrary to the Party's fundamental belief in democratic process; courts are not elected to take such decisions.

However, Ulster Unionist representatives will of course continue to work in their constituencies on issues such as housing, employment, education and health. The people of Northern Ireland are not being affected adversely through these issues not being enshrined in a Bill of Rights.

The Ulster Unionist Party also finds it unacceptable that one part of the United Kingdom could have a differing set of rights to another as this undermines the institutional integrity of that state. This would also bring legal difficulties as people move from one country to another within the United Kingdom.

In conclusion, our position is clear in that we are opposed to a Bill of Rights for Northern Ireland for the reasons above, however, we will continue to engage in the discussions around a UK Bill of Rights with the possibility of supplementary rights for Northern Ireland.