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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Information presented by the Northern Ireland Human Rights Commission*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Northern Ireland Human Rights Commission,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with “A”-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

Annex

Statement of the Northern Ireland Human Rights Commission on the Bill of Rights for Northern Ireland

The Northern Ireland Human Rights Commission's role on a Bill of Rights for Northern Ireland

The peace process in Northern Ireland has reached a significant moment with many of the proposals from the Belfast (Good Friday) Peace Agreement (1998) having been implemented. However, one of the proposals, for a Bill of Rights for Northern Ireland, remains outstanding. It was agreed that the Northern Ireland Human Rights Commission, an independent, statutory body established in 1999 under the terms of the Belfast (Good Friday) Agreement, would provide the advice on such a Bill of Rights. On 10 December 2008 the Northern Ireland Human Rights Commission fulfilled its mandate to do so and submitted its advice to the Secretary of State for Northern Ireland. Both the UK and Irish Governments agree that this proposal for a separate Bill of Rights for Northern Ireland remains an outstanding issue from the Belfast (Good Friday) Agreement.

The Commission's Advice

Following eight years of consultation and a wide-ranging societal debate from 1 March 2000 until 10 December 2008, the Commission concluded that:

- Existing provisions of the European Convention on Human Rights could be supplemented.
- The Bill of Rights for Northern Ireland should respect the internationally recognised principle of indivisibility through the inclusion of justiciable social and economic rights.
- A Bill of Rights for Northern Ireland should not undermine existing guarantees and protections.
- A Bill of Rights for Northern Ireland should build on, and not undermine, the UK Human Rights Act 1998.

The UK Government's response was published on 30 November 2009. It is the Commission's view that the government response demonstrates a lack of understanding of the purpose and functions of a Bill of Rights; fails to take appropriate account of international human rights standards; appears to suggest the lowering of existing human rights protections; and misrepresents the advice given by the Commission on human rights protections.

Next Steps

The people of Northern Ireland supported the proposal for a Bill of Rights in a referendum, regarding this foundational document as an important transitional justice mechanism that would leave a lasting and credible legacy for future generations. There is some concern now that this constitutional project that has spanned decades may now be abandoned. The UK Government should now provide a clear and public commitment to embark on the next steps in order to create a Bill of Rights for Northern Ireland, taking into account the advice given to it by the Northern Ireland Human Rights Commission in December, 2008.