

NORTHERN IRELAND WOMEN'S COALITION

JUSTICE, RIGHTS AND SAFEGUARDS - STRAND 1

1. I would like to underline a number of aspects of the Coalition's submission on Justice Rights and Safeguards, as these are issues that stand at the core of why the Northern Ireland Women's coalition was established. Equity and human rights were two of the founding principles of the Coalition - inclusion was the other. We view these principles as intrinsic to whatever constitutional entity that may eventually emerge from our discussions. We feel that Justice, Human Rights, Equity and Inclusion are as relevant to an East/West dimension, as they are to a North/South arrangement; and most certainly they should be central to society within Northern Ireland.

2. The reality is that the Coalition believes that issues of justice, fairness and perceived lack of rights, have played a key role in both the causes of the conflict in Northern Ireland, and the nature of that conflict itself. Consequently, we feel that a focus on resolving these issues can of itself contribute to the resolution of the under conflict, and to a growth in confidence and trust. It can also provide a genuinely shared project for both political parties and civil society in Northern Ireland.

3. The Women's Coalition feel that this is particularly true in relation to developing a Bill of Rights for our community. Virtually all political parties here accept the need for such a Bill of rights and many community and voluntary group have long been arguing the benefits of such a proposal. The Coalition would like to see this being taken forward with the establishment of a commission which would develop a participative approach that would facilitate making the elaboration of a Bill of Rights as a people's project. We also accept, however, the importance of drawing relevant international experts to offer wider insights into the process of detailing rights. We feel that this initiative could commence in the not too distant future and it would enable local communities to feel part of this political endeavour.

4. In developing concepts relating to rights the Coalition would include the following categories.

1. Individual civil and political rights (including freedom of religion);
2. Individual social and economic rights;
3. A range of collective or communal rights.

The Coalition recognises the important need to develop a balance between individual and communal rights. One of the things that, we do not want to see is individuals becoming captures of their publicly perceived community identities. However, equally we accept the importance of acknowledging the particular needs of individuals as members of specific cultural groups. Thus we do not see groups themselves as

being the legal subject of rights, but rather the persons belonging to those groups. This reserves to individuals the important rights to be both less and more than a representative member of a communal group - less, in the sense that they have a right to opt out of the group; and more in the sense that they might wish to take on additional identities.

The Coalition is conscious that in recent years considerable international thinking and drafting has taken place around the protection of minority rights. We have, for example, the U.N. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; we also have the Council of Europe Framework Convention for the Protection of National Minorities and indeed the earlier (1992) Council of Europe European charter on Regional and Minority Languages. Finally, there is the work that has been undertaken by the organisation for security and co-operation in Europe since 1989. We believe that we can learn much from the work that has already been undertaken, but we feel that it is crucial that in the Northern Ireland context it should be seen in terms of communal rights rather than minority rights, and that the provisions for enforcement and monitoring should be strengthened.

5. The Northern Ireland Women's Coalition do accept that while the legal formulation and enforcement of rights is important, that there are limits to legalistic solutions. It is for this reason that we have placed considerable emphasis in our submission on creating a culture of Human Rights. We would hope that the development of such a culture might help us all to move beyond the stereotypes of division within our society, and encourage a respect for a diversity of beliefs and aspirations. We also feel that a culture of Human Rights would highlight the need for tolerance and pluralism, both within and around the two main traditional blocks in our society. The Coalition is convinced that community groups, women's groups and the many diverse groups and sectors that comprise civil society, can bring much to the task of creating a culture of Human Rights.

6. In our submission the Coalition has highlighted a range of issues that we feel relate to justice issues. I do not intend to re-reiterate them all, as they are laid out already. I would like to underline the importance that the Women's Coalition places in three issues relating to the justice discussion.

* The fact that if we are moving into a normalisation of political relations and approaches in Northern Ireland, then laws; security approaches; and the treatment of suspects and prisoners must reflect this fact.

* The need to accept that we are living in a divided society, and consequently the criminal justice system; policing and the judiciary must reflect this fact;

- * The need to adopt a 'remember and change' approach to justice issues. To remember, acknowledge and - if need be - to address past injustices, as well as to take on board to make changes for the future. the coalition would also stress the importance of the British and Irish Governments being participants in this remember and change approach; particularly where justice issues are concerned they were not - and are not - neutral bystanders. Indeed, as governments they should be expected to - and required to - abide by the highest standards to justice and equity.

7. Finally, the Coalition would wish to see legal and administrative reforms, supplemented by recognition of, and support for, those who have suffered as a result of the violence. We feel that it is shameful that the views and needs of victims of violence are only referred to when it seems politically expedient to do so; particularly when the issue of early release of politically motivated prisoners is raised. The Coalition recognises the diversity of victims in diversity of victims in Northern Ireland. We also believe that it is a simplistic and dehumanising approach to suggest that the pain of victims is reduced in inverse proportion to the pain inflicted upon perpetrators. We believe that victims, just like society as a whole, have interests in justice, in peacebuilding and in achieving a situation where there will be no more victims of political violence.

8. On the matter of safeguards, the coalition feels that there are a range of immediate steps that can be taken, and other safeguards that might be detailed and implemented at a later stage of development. Immediate issues include

- Implementing the Policy Appraisal and Fair Treatment guidelines on a statutory basis.
- Actively addressing the 156 recommendations put forward in the review carried out by the Standing Advisory commission on Human Rights.
- Addressing the recommendations for legal and administrative changes brought forward by the Equal Opportunities Commission (N.I)

With regard to the long term the coalition feels that the appointment of an independent Human Rights Commission or the establishment of Human Rights Court must await the detailed work of the People's Project on Human Rights that we have proposed.

9. In conclusion then, the Coalition believes that justice, rights and equity issues have the potential to inform a new political culture for our society, in a creative and progressive manner.