

## **BACKGROUND**

These policy asks are based on this [mapping exercise](#) examining the status of rights-based commitments from the agreements of the NI peace process.

### **1. SAFEGUARDS OVER LEGISLATIVE AND EXECUTIVE POWER IN NI**

- The safeguarding of the incorporation of the ECHR in NI law, a key achievement of the Good Friday Agreement (GFA). The GFA's full incorporation remains under threat from the present UK Government.
- Legislating for the NI Bill of Rights (BoR) in Westminster legislation as a key missing safeguard over the exercise of Executive and Legislative power in NI. We need a Bill of Rights inclusive of economic, social, and cultural rights, and of protections relating to the rights deficits resulting from Brexit.
- Strengthened safeguards over power-sharing, through - where needed - the British-Irish Intergovernmental Conference, bilateral agreements, and legislation. These should include:
  - Revision of the Petition of Concern, returning it to how it was originally envisioned within the GFA – i.e. as an equality and human rights scrutiny tool linked to the European Charter for Human Rights (ECHR) and the BoR, with use of the petition only leading to an Assembly vote if an interference with rights is verified.
  - The removal of the NI Executive veto over 'controversial' and 'significant' ministerial decisions, as was introduced at St Andrews. This veto has turned the intention of the GFA on its head and become a subjective tool to block rights-based policies.
  - A review of the 'cross-community' designations, with a view to ensuring a rights-based power sharing system involving participation across the community.
  - Further to the commitments in *A Fresh Start*, the removal of the veto that allows either First Minister them to block items from being included on the Executive agenda.
  - Strengthening of the GFA duty to adopt a Programme for Government (PfG) containing policies and programmes and linked to an agreed budget.
  - Properly defining the 'Good relations' duty in line with Council of Europe recommendations and ending its use as a veto over rights-based policies.
- Measures to ensure full compliance with the UN Paris Principles in relation to the NI Human Rights Commission (NIHRC), including regarding its composition and funding.
- Full implementation by public authorities of the 'Section 75(1)' equality duty, which is rigorously enforced by the Equality Commission for Northern Ireland (ECNI) when there is a failure to comply. This should include the gathering of desegregated data

and the application of equality, including gender budgeting. We also seek full and proper application of Rural Needs Impact Assessments.

- Compliance with international human rights obligations in NI under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Elimination of All Forms of Racial Discrimination (ICERD); Convention on the Rights of Persons with Disabilities (CRPD); International Covenant on Economic, Social and Cultural Rights (ICESCR); International Covenant on Civil and Political Rights (ICCPR); Convention on the Rights of the Child (CRC); and Council of Europe Treaties (European Charter for Regional or Minority Languages (ECRML), Framework Convention for the Protection of National Minorities (FCNM), and European Social Charter (ESC)). This should include incorporation of human rights provisions in domestic legislation through the Bill of Rights and other specific instruments.
- Compliance within the NI Executive and Assembly with the Ministerial Code, record keeping duties, Freedom of Information (FOI) duties, and the NI-specific Open Government action plan commitments on improved transparency, accountability, and citizen participation. This should be accompanied by reform of NI defamation law in a manner protecting academic, NGO, and media freedom of expression.
- Full implementation of commitments arising from the Brexit process related to citizens' rights and the non-diminution of rights.

## **2. ECONOMIC SOCIAL AND CULTURAL RIGHTS**

- The adoption of the Anti-Poverty Strategy and Anti-Poverty Act, as recommended in 2021 by the Expert Advisory Panel on the anti-poverty strategy. This must include actions on child poverty and actions to ensure the distribution of resources on the basis of objective need.
- The adoption of robust, best practice 'levelling up' single equality legislation.
- The adoption of the Irish language act, as committed to within the St Andrews Agreement, which is based on model compatible with the format recommended by the Council of Europe of an approach establishing rights for speakers - including the appointment of a language commissioner and development of established standards. We also wish to see the adoption of Irish and Ulster Scots strategies concurrent with COMEX recommendations and the continued recognition of speakers as linguistic minorities under the Framework Convention for National Minorities (FCNM).
- An end to 'gender neutral' policy making, as well as meaningful implementation of the "right of women to full and equal political participation" (as stated within the GFA). This should include the application of UN Security Council resolution 1325 to NI; temporary special measures, including in relation to public appointments; the adoption of a robust Violence against Women and Girls Strategy (VAWG); and the adoption of provisions from the Feminist Recovery Plan (FRP) (which was directly developed by the NI women's sector).

- Removal of nationality requirements for civil service posts in NI and the implementation of measures to prevent discrimination on basis of conflict related convictions.
- Further to New Decade New Approach (NDNA) agreement, the full implementation of equality strategies built on the recommendations of Expert Advisory Panels' respective reports on disability, LGBTQI+, and gender equality. Additionally, we call for a review / update of the Racial Equality Strategy, and the implementation of strategies on active aging, children and young people, and childcare, all with proper resourcing, review mechanisms, and robust monitoring arrangements.
- Full implementation of the GFA 'birth right' duties, which allow the people of NI to identify themselves and be accepted as Irish or British (or both). There must be equality of treatment, regardless of that choice.
- Implementation of NDNA commitments to make welfare mitigations permanent. We also support their extension to mitigate against the 'two child rule' and other further recommended areas.
- The development and implementation of progressive legislation protecting and enhancing workers' rights, further to the commitments made under NDNA.
- Implementation of NDNA commitments to address housing need and inequality, supported by robust programmes and actions within the public sector. We also seek the realisation of GFA rights to "right of freedom from sectarian harassment" and the "right to freely choose one's place of residence" in reference to tackling housing segregation and inequality.
- Implementation of the independent review of hate crimes legislation in NI.
- Compliance with obligations under CEDAW, including compliance with the 2018 ruling of the UN CEDAW Committee on women's reproductive rights.
- Compliance with CRC, including considering votes at 16, reviewing the age of criminal responsibility, anti-discrimination legislation, and mental capacity legislation.
- Compliance with the CRPD, including in relation to social security cuts and associated processes.
- Compliance with ICERD, including protections against racial profiling and desisting from implementing 'hostile environment' measures in NI. We also seek commitments to alternatives to immigration detention. Finally, we seek a review to 'upgrade' the Racial Equality Strategy, particularly in light of the changed context brought about by the pandemic, Brexit, the hate crimes review, and the Black Lives Matter (BLM) movement.

### **3. CIVIL AND POLITICAL RIGHTS**

- Targeted actions to counter the current hostile climate in NI where human rights defenders, academics, journalists, lawyers, politicians, trade unionists, and others active in civic space can face sectarian and misogynistic abuse, stigmatisation,

demonisation, threats, and harassment. This creates a chill factor and at times leads to exclusion from civic space.

- Compliance with ECHR Article 2 and 3 duties on dealing with the legacy of the past, including implementation of the Stormont House Agreement (SHA) in a human rights compliant manner, the completion of Legacy Inquests, and the use of effective remedies for Historical Institutional Abuse.
- Full implementation of the Patten Report reforms on policing, with accountability and oversight for all law enforcement bodies, including in relation to their immigration and covert functions.
- Implementation of services and support for all victims of the NI conflict.
- Full and continued implementation of peace process justice reforms.
- Human rights compliant practice in relation to the policing of protests and the decision-making process regarding them. This should include better aligning the criteria in the Public Processions Act with the ECHR and the rights envisaged within the NI Bill of Rights relating to harassment and intimidation.

#### **4. CONTACT DETAILS**

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***Developed September 2021. Launched January 2022.***