



**NIACRO Response to NI Assembly Ad Hoc
Committee
Consultation on the Creation of a Bill of Rights
For Northern Ireland**

05.02.2021

Introduction

NIACRO is a voluntary organisation and we have been working for 50 years in Northern Ireland, taking a leading role in reducing crime and its impact on people and communities. Our vision is of a society in which the needs and rights of all citizens, including victims of crime, adults and children who offend and those who are at risk of offending, are equally respected.

Our charity's Articles of Associations, approved in October 2015 by the Charity Commission for NI, identify NIACRO's objects which meet public benefit test, as being:

- to alleviate need and disadvantage through the provision of services, assistance, advocacy and representation to care for, resettle and rehabilitate offenders and ex-offenders, alleged offenders, persons at risk of becoming offenders and to care for the victims of crime and the families.
- to work for the prevention and reduction of crime for the benefit of the public in Northern Ireland.

Specifically, NIACRO's contributions are to:

- support the resettlement of adults leaving prison and those on community supervision.
- build skills, confidence and employability of people both in prison and in the community.
- support children, young people, families and adults who are displaying behaviour that would put them at risk of engaging with the criminal justice system, to make positive lifestyle choices.
- influence service providers in the statutory, voluntary and community sector and build their capacity to provide appropriate support to those affected by the criminal justice system.

At the heart of NIACRO's work is the aim to reduce (re)offending, in the belief that integrated approaches toward desistance are most effective.

Preliminary Comments

NIACRO welcomes the opportunity to respond to the consultation set up by the Northern Ireland Assembly's Ad Hoc Committee on a Bill of Rights.

Our response is based on our experience of service delivery to both those who perpetrate crime and are victims of it, as well as working with children and their families both inside and outside of the formal criminal justice system in Northern Ireland.

NIACRO have been advocating for a Northern Ireland specific Bill of Rights for decades, and note that this matter remains outstanding from the date of the Good Friday agreement in 1998. We would take this opportunity urge the Committee now addressing the matter to endorse and recommend the establishment of a strong, rights based and inclusive Bill of Rights for Northern Ireland.

We support previous calls from Northern Ireland society, the wider voluntary and community sector and the Northern Ireland Human Rights Commission (NIHRC) that a Bill of Rights for Northern is vital as it will enshrine and provide improved protection of Human Rights for all our citizens. A Bill of Rights is still required, and one which adequately addresses the conflict and past of Northern Ireland and the continuing legacy on communities that we see in our work every day, and also one that recognizes the changing dynamics of our post Brexit society, and respects Human Rights as the foundation for the future.

NIACRO response to the Consultation Questionnaire

Question 1a: To what extent do you agree that everyone in Northern Ireland today enjoys the same basic human rights?

Answer: e - Strongly disagree

Question 1b: Why do you feel this way?

Answer: For example, NIACRO work with people who have been engaged within the criminal justice system, including those who have been in prison, and due to this we see that some of them experience issues with full enjoyment of their human rights when re-establishing themselves back into the community. This can come in the form of intimidation, difficulty securing adequate housing and access to education and employment, to name but a few.

Question 2: In your view do people in Northern Ireland need more protection for their human rights in relation to (list of areas).

Answer: NIACRO supports the development of adequate protections in a Bill of Rights for all citizens in Northern Ireland. We agree there may be a need to maintain existing legal protections, but also to develop further protections for certain people e.g. Children in Care or young people awaiting trial.

As a result of our work we would call on the following to be considered in the development of a Bill of Rights, in respect of the people we work with:

1. Children and young people at risk of engaging with Criminal Justice

- The right of children and young people to be diverted from criminalization
- The right of children and young people to have timely access to justice and support
- The right of young people in care and secure accommodation to access independent complaints and legally qualified advocacy procedures
- The right for all children and young people to have equity of access to education, and support for their learning and development when they are in custody

2. People who are in/or have left custody

- The right of all people in the prison environment, including staff and prisoners, to experience a rights-based culture
- The right for people who have been in custody to have timely support to re-integrate and rehabilitate, including right to health services
- The right for access to employment opportunities and a decent standard of living
- The right to live free from violence
- The right to live in a place and community of your choice, free from threats of exclusion or intimidation
- The right to have access to housing, and not to be homeless
- The right for all adults to have equity of access to education and support for their learning and development when they are in custody
- The right to social security, and financial services like insurance and pensions
- The right to family life

3. Families of people in custody (including children)

- The right to family life
- The right for families to access child centred visits in prison
- The right for all families to assisted prison visits

4. Victims of Crime

- The right to live free from intimidation or harassment because of who you are
- The right to be supported at court, including victims and witness support
- The right to live not to be forced out of your home because of who you are

Question 3: In your view which of the following values, if any, would make appropriate foundations for rights in Northern Ireland? (list)

Answer: We suggest that all of the suggested values have merit to be considered as fundamental to a strong Bill of Rights.

At NIACRO our Values are as follows:

Justice: We believe that everyone in society has the right to be supported and treated fairly

Dignity: We respect and value the worth of every individual and their family

Citizenship: We recognize that members of society have both rights and responsibilities

Anti-violence: We recognize and oppose violence and the threat of violence

Accountability: We are accountable for all aspects of our work

Therefore we would like the value of Citizenship to be included in a Bill of Rights. It will be important for the Ad Hoc Committee, the NI Assembly and the UK Government to ensure that there is a renewed debate and public support for what citizenship will look like in its broadest terms; including the aspirations of children and young people who would look to enhanced protections of their rights in the future.

Question 4a: How important, if at all do you think a Bill of Rights is for Northern Ireland?

Answer: a – Very important

Question 4b: To what extent, if at all, do you agree that a Bill of Rights should set out an aspirational vision based on guiding or foundational values?

Answer: a- Strongly Agree

Question 4c: To what extent, if at all, do you agree that a Bill of Rights for Northern Ireland should include civil and political rights?

Answer: a -Strongly Agree

Question 4d: What, if any political and civil rights would you like to see in a Bill of Rights for Northern Ireland?

Answer: NIACRO support the following as a list of political and civil rights that must be included:

- Freedom from discrimination of any kind
- Freedom of speech and expression
- Freedom of assembly
- Freedom of religion
- Freedom of movement

We would also comment in more detail on the following:

- Right to privacy.

NIACRO are currently working with the Northern Ireland Human Rights Commission (NIHRC) and the UK charity UNLOCK to support a person who is challenging the current Rehabilitation of Offenders legislation in NI¹, specifically as it restricts Article 8 of the ECHR, namely the Right to a Private and Family Life.

The legislation, which at the time of this submission (February 2021) is out for public consultation², does not support the original intention of the legislation i.e. to support Rehabilitation, but in practice has not become a mechanism for public protection.

Our CEO is on record as saying:

“Everyday people come to us who are wanting to move on from their offence-they have completed their sentence as handed down by the court. However, the current law acts as a barrier and leaves many individuals feeling they can never be rehabilitated in the eyes of the law. This legislation was developed to provide for a second chance, but its limitations have been obvious for many years. It now needs to reflect current government policy as evidenced by the research”.³

If Northern Ireland had a Bill of Rights this unintentional implementation of a law established to protect rights would not have happened.

- Right to a fair trial

In addition to supporting the need for legislation and practice to ensure victims are recognized and supported within the Criminal Justice system NIACRO recognises that often undue delays to the formal justice process can cause stress and “re-victimisation”.

From the accused’s point of view, particularly if they are a younger person, these delays can prevent adequate support and rehabilitative mechanisms from commencing in a timely way. Timely access to justice, must sit alongside the right to have trial based in fairness.

¹ The Rehabilitation of Offenders Order 1978

² Department of Justice Consultation on the Reform of Rehabilitation Periods, NI Direct

³ Northern Ireland Human Rights Commission Press Release, 20th January 2021

Question 4e: To what extent, if any, social, economic and cultural rights would you like to see in a Bill of Rights for Northern Ireland?

Answer: a – Strongly agree

Question 4f: What, if any, social and economic rights would you like to see in a Bill of Rights?

Answer: NIACRO support the following as a list of social, economic and cultural rights that must be included:

- Right to a decent standard of living
- Right to access to health and social care services, including mental health services
- Right to social security and benefits, including access to free, independent and quality welfare and debt advice services
- Right to education, including children in care or secure accommodation and people who are in prison
- Right to access employment opportunities – in our previous example of the ongoing NIHRC's case, this individual and many other people we support must disclose every sentence of over 2.5 years for life irrespective of when the conviction happened, or the presence of personal and other mitigating factors. This information then acts as a barrier to suitable employment opportunities, impacting then on other rights like a decent standard of living, and family life. Many people also have problems obtaining tenancies, mortgages and various forms of insurance
- Right to speak and learn your own language
- Right to equality irrespective of disability
- Right to housing – NIACRO's BASE 2 Service, funded by the Northern Ireland Housing Executive ⁴ sees us provide crisis intervention support to hundreds of people every year who are living under threat and experiencing intimidation for a variety of reasons. This service was established over 20 years ago to help people secure safe public housing accommodation, and during the recent COVID period has had an approximately 50% increase in referrals.
- The right to support for Victims of Crime and for victims of the Northern Ireland conflict

⁴ See Criminal Justice Inspector Report, March 2020

- **Question 4g: To what extent if at all, do you agree that a Bill of Rights for Northern Ireland should include the right to a healthy environment?**

Answer: a Strongly agree

Question 4h: Do you have any other comments?

Conclusion

NIACRO would welcome the development of a Bill of Rights for Northern Ireland as it closely aligns to our own vision “of a society in which the needs and rights of all citizens, including victims of crime, adults and children who offend and those who are at risk of offending, are equally respected”.

We work with particularly marginalized individuals using a trauma informed approach to empower them to make long lasting transformation within themselves. However, society needs to support these individual journeys of recovery, and ensuring a culture and legal framework based on rights is just one way of achieving this.

We know by listening to the people who use our services, there remains a legacy from the Northern Ireland conflict; both in terms of the impact on individual health, opportunity and aspiration, but also in relation to crime and violence still prevalent in many areas across Northern Ireland.

Since the date of the Good Friday agreement, Northern Ireland has witnessed more people from different ethnic backgrounds establishing their lives here, and this demographic shift also needs to be considered during the discussions around identity, parity of esteem and respect of culture.

The UK and Northern Ireland now exist in a post Brexit context, so a Bill of Rights is both timely and necessary to ensure existing freedoms and protections are not eroded or compromised, but instead existing ECHR rights are extended to reflect our unique political and social history.

It is important to NIACRO that the voice of children and young people is heard and at the forefront of this debate, with their aspirations and values embedded and given equal weight to those of the adult population. This matter presents a real and optimistic opportunity for Northern Ireland to build a better future, with rights at the foundation of our legislative and societal frameworks.

Our views and comments are based on our long held belief that a specific and inclusive Bill of Rights for Northern Ireland will make a contribution to a reduction in crime and the numbers of people and communities experiencing it.

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