

Manifesto for a Rights Based Return to Power Sharing

Conscious that the devolved power sharing Executive and Assembly institutions provided for under the Belfast / Good Friday Agreement (GFA) have not been running in Northern Ireland for over two years;

Conscious that many binding key rights based commitments of the agreements that make up the peace settlement remain unimplemented or misimplemented;

Conscious that such commitments themselves were safeguards on the NI Executive to counter and prevent abuses of power, discriminatory decision making and rights deficits;

Conscious that there is little point in re-establishing institutions only for them to fail to deliver and collapse again for the same reasons;

Conscious that the implementation of rights based provisions in existing agreements - many of which are international or domestic legal obligations - is not only required, but also holds the key to providing safeguards to prevent another collapse;

Wishing to see a reestablishment of power sharing under the terms of the GFA on a sustainable footing that delivers for every NI resident, in all their diversities, and on the basis of respect and equality;

The **Equality Coalition**, co-convened by UNISON and CAJ and consisting of dozens of civil society organisations and trade unions, calls for a rights based return to power sharing centred on three key elements.

I. Full implementation of the rights provisions of the peace settlement

The Coalition seeks the implementation of existing binding rights based commitments made within the peace settlement agreements, inclusive of:

- ◆ Legislating for an NI Bill of Rights, as provided for under the GFA, including protection for rights deficits occurring as a result of any Brexit;
- ◆ The adoption of an anti-poverty strategy on the basis of objective need (as per the St Andrews Agreement);
- ◆ Legislating for an Irish Language Act (as per St Andrews);
- ◆ Measures to ensure the full and equal political participation of women (as per the GFA);
- ◆ Full implementation by public authorities of the 'Section 75' equality duty including rigorous enforcement of failures to comply by the Equality Commission;
- ◆ Proper application of the 'Petition of Concern' as originally intended in the GFA as a minority rights protection consisting of equality and human rights scrutiny;
- ◆ Full implementation of the [Patten reforms to policing](#), with accountability and oversight for all law enforcement bodies, including their immigration functions;
- ◆ Full implementation of the GFA duties on acceptance of a choice of British or Irish citizenship (or both) and equality of treatment, regardless of that choice;
- ◆ A full commitment to the incorporation of the [European Convention on Human Rights \(ECHR\)](#) and agreement not to weaken or repeal the [Human Rights Act 1998](#).

We also advocate for a fresh bilateral agreement to remove those political vetoes within the NI Executive that are not based on - and have conflicted with - equality and rights duties.

2. Implementing international obligations and addressing ‘rights deficits’

Noting that paragraph 33, Strand 1, of the GFA places duties on the Westminster government to legislate as necessary on NI’s international human rights obligations, we seek:

- ◆ Compliance with obligations under [CEDAW](#), including compliance with the [2018 ruling](#) of the UN CEDAW Committee, on women’s reproductive rights;
- ◆ Full implementation of rights standards on LGBT rights, ensuring (as above) vetoes cannot be used to block marriage equality legislation;
- ◆ Compliance with ECHR Article 2 and 3 duties on dealing with the legacy of the past, including implementation of the [Stormont House Agreement](#) in a human rights compliant manner, the release of monies for the Legacy Inquests Unit, and effective remedies for Historical Institutional Abuse;
- ◆ In the event of Brexit, implementation of the rights based commitments in paragraphs 42, 52, 53 of [EU-UK Joint Report](#), including non-diminution of rights;
- ◆ Compliance with the [UN Convention on the Rights of the Child](#), including considering votes at 16 and reviewing the age of criminal responsibility, anti-discrimination legislation and mental capacity legislation;
- ◆ Compliance with the [UN Convention on the Rights of Persons with Disabilities](#), including in relation to social security cuts and processes;
- ◆ Compliance with the [UN International Convention on the Elimination of All Forms of Racial Discrimination](#), including protections against racial profiling and desisting from implementing ‘hostile environment’ measures in NI;
- ◆ Compliance with human rights standards on housing rights, including addressing inequalities in North Belfast, for Irish Travellers, and elsewhere;
- ◆ Compliance with UN and Council of Europe recommendations to tackle hate expression and incitement to hatred on protected grounds, including properly defining sectarianism and ‘good relations’ compatibly with international standards;
- ◆ Legislating for single equality legislation.

3. Ensuring power is ‘working within the rules’

We call on departments and other public authorities to ensure a culture of compliance with the existing rights based rules regardless of who is the Minister, inclusive of:

- ◆ Not actioning Ministerial requests that constitute discrimination on any protected grounds, or that aid discrimination, including through making unfair decisions on the provision of public funding;
- ◆ Ensuring that the distribution of public money and other resources is done on the basis of objective need, non-discrimination and due process;
- ◆ Ensuring full and proper application of the statutory equality duties and Rural Needs Impact Assessments;
- ◆ Recognising that obligations deriving from human rights treaties form part of the binding legal framework on public authorities, and acting compatibly with them;
- ◆ Compliance with the Ministerial Code, record keeping, Freedom of Information duties, and NI-specific Open Government action plan commitments on improved transparency, accountability and citizen participation.