

**RESPONSE OF THE COUNCIL FOR PUBLIC AFFAIRS OF THE
PRESBYTERIAN CHURCH IN IRELAND TO THE NORTHERN IRELAND
ASSEMBLY AD HOC COMMITTEE ON A BILL OF RIGHTS CONSULTATION ON
A BILL OF RIGHTS FOR NORTHERN IRELAND**

FEBRUARY 2021

Background

1. The Presbyterian Church in Ireland (PCI) has over 217,000 members belonging to 535 congregations across 19 Presbyteries throughout Ireland, north and south. The Council for Public Affairs is authorised by the General Assembly of the Presbyterian Church in Ireland to speak on behalf of PCI on matters of public policy. Through its Council for Social Witness the Church seeks to deliver an effective social witness service on behalf of PCI, and to the wider community, through the provision of residential care, nursing care, respite care and supported housing for vulnerable people including the elderly, those with disabilities and those transitioning from the criminal justice system. The Council for Global Mission helps to lift our gaze as a denomination from the island of Ireland to the work of developing mission overseas, and brings issues of global concern to the attention of the wider church including the plight of Christians elsewhere in the world who suffer under regimes where even the most basic of human rights, including the right to freedom of worship, are denied.
2. PCI has been fully engaged in previous processes which considered a Bill of Rights for Northern Ireland including the previous Bill of Rights Forum. Former Moderator Very Rev Dr Samuel Hutchinson represented the Irish Council of Churches on the Forum, and other PCI personnel were members of the sub-groups. PCI continues to engage regularly with the Northern Ireland Human Rights Commission, and the Equality Commission NI, through the twice-yearly joint faith engagement forum. PCI has most recently considered its approach to Human Rights at its General Assembly meeting in June 2019, and before that, in June 2010.

Ad Hoc Committee Task

3. We recognise that the Committee's task as outlined in the New Decade, New Approach document is as follows:

'... to consider the creation of a Bill of Rights that is faithful to the stated intention of the 1998 Agreement in that it contains rights supplementary to those contained in the European Convention on Human rights (which are currently applicable) and "that reflect the particular

circumstances of Northern Ireland”; as well as reflecting the principles of mutual respect for the identity and ethos of both communities and party of esteem.’¹⁴

4. Much has changed in Northern Ireland since the signing of the 1998 Agreement over 20 years ago. The UK Government Human Rights Act 1998, which applies to Northern Ireland, came into force and a range of legislative provisions have been introduced which touch on rights-based issues like the Children’s Services Co-operation Act 2015, or the Addressing Bullying in Schools Act 2016. While a new Single Equality Bill has not been forthcoming many equality issues that may have been considered to reflect the particular circumstances of Northern Ireland are now addressed by way of primary or secondary legislation, and new positions have been created to advocate for certain sections of society e.g. the Commissioner for Children and Young People, or the Older People’s Commissioner.
5. A key part of the Committee’s task must therefore be to identify what issues reflecting the particular circumstances of Northern Ireland remain outstanding. It is unfortunate that the Committee’s survey does not make this clear, and indeed contains no reference to the statement “particular circumstances of Northern Ireland”.
6. While change may not have been quick enough for some the Northern Ireland Assembly, as a still relatively young legislature which has suffered significant interruptions to its operation, has taken steps to address what might have been considered the detrimental impacts of the particular circumstances of NI. What also continues to be clear is that, where political disagreement remains, legislative imperative does not bring a resolution any closer - the Victims’ Payment Scheme is a case in point. It serves as a caution against presenting a Bill of Rights as a panacea that will solve all ills.
7. Society’s collective experience of living through the pandemic over the past year has heightened and exposed significant societal inequalities in areas like housing, education, food poverty and digital access. During this time, we have all had an opportunity to reflect on how society might rebuild socially and economically. If done well, this conversation about a Bill of Rights for Northern Ireland can be used as a tool to help with that rebuilding process.

Views on Human Rights

8. The major human rights instruments crafted in the 20th Century, including the 1948 Universal Declaration on Human Rights, were based on Judeo-Christian principles. We recognise that those aspiring to a wide-ranging Bill of Rights and those advocating a more limited approach both begin with a similar goal, that is, a desire for a just society where each person has the opportunity to flourish and realise their full potential. Recent events like the horrific attack on the Belfast Multi-Cultural Centre remind us that much work is still required to reach that vision of a society where all people can flourish.
9. The principle of rights however cannot be divorced from our relationships, one with another, and our responsibilities within those relationships. Like a three-legged stool each strand is not only essential but must remain in balance with each other. This is another useful reminder that a Bill of Rights can only ever be one instrument amongst others through which together we pursue the common good. Within the Christian tradition the command found in both the Old and New

¹⁴ [2020-01-08 a new decade a new approach.pdf \(publishing.service.gov.uk\)](#) (paragraph 5.26)

Testaments to love God and love our neighbour as ourselves is transformative in this regard. It is a command for our hearts and minds that in turn shapes our behaviour.

10. Society places an increasingly high value on rights which are now seen as the ultimate protectors of freedom and happiness. Public discourse is increasingly adopting a 'rights-based' framework, but we would contend that this cannot be the only lens by which we assess what is of benefit for the flourishing of all in society. Furthermore, a lengthy list of rights enshrined in legislation has the potential to have the perverse effect of creating competition between individuals and groups in society, with a resulting negative impact on community relations and a focus on litigation, rather than building reconciled communities focused on the common good.
11. PCI's position paper which was received by the 2010 meeting of the annual General Assembly outlined the following perspective on Human Rights:

"Christians share the belief that human rights are grounded in the inherent worth and dignity of every human being but locate the basis of that worth in the fact that each human being bears the image of God and is redemptively loved by God. [The theologian] John Stott (writing in 1984) said:

The origin of human rights is creation. Man has never "acquired" them. Nor has any government or other authority conferred them. Man has had them from the beginning. He received them with his life from the hand of his Maker. They are inherent in his creation¹⁵.

The simple yet profound declaration of Genesis "So God created humans to be like himself; he made men and women" (Genesis 1:27) means that all human beings enjoy, among other things:

- (i) the right to life and the resources to sustain it, for life is a gift from God;
- (ii) a right to human dignity, i.e. the right to receive respect irrespective of age, gender, race or rank or any other way in which we define individual human beings;
- (iii) a responsibility to secure/protect/establish the rights of others, for God is love. Rights only exist in relationship with others, albeit coming into play most significantly when relationships break down. Christians found their belief in relationship within the Trinity believing that God has made us in the Trinitarian image, for mutual relationship. It is out of this relationship of mutuality that Christians are challenged to love God and our neighbour as ourselves;
- (iv) the right to justice, for all have been created equal before God's law. Historically Christianity has been a major influence in developing the concept of human rights; it was within the Christian theological tradition that the category of human rights originated. The atheist Friedrich Nietzsche, intending a criticism, said, "...the poison of the doctrine of 'equal rights for all' – it was Christianity that spread it most fundamentally."

¹⁵ *Issues Facing Christians Today*, John Stott, 1984 pp.143 - 144

12. This position was confirmed in the paper received by the 2019 meeting of the annual General Assembly through the following affirmations:

- (a) We affirm human dignity – human beings are created in God’s image to know him, serve one another and be stewards of the earth, therefore they must be respected;
- (b) We affirm human equality – human beings have all been made in the same image by the same Creator therefore we must behave without partiality to all; and,
- (c) We affirm human responsibility – we have to accept that other people’s rights are our responsibility... As God has laid it upon us to love and serve our neighbour, we must fight for his rights, while being ready to renounce our own in order to do so. This, of course, is not an absolute commitment to the expectations or demands of another person, for a Christian response must itself be consistent with both the broad thrust, and specific guidance, of Scripture.¹⁶

Protections

13. It is difficult to disagree with the list that the Committee has provided in Section 2 of its survey, of those who may require more protection of their human rights. The length of the list, which includes the option for adding more categories, emphasises the point made above that long lists of rights have the potential to create more conflict, pitting groups of people against each other, rather than promoting the pursuit of a more reconciled society. Is it possible to create a more minimal rights-based framework that can encourage people and communities to come together?

14. The list at Section 2 also lacks clarity, and without opportunity to really delve into why particular protections might be chosen by respondents, it could be difficult to extrapolate the results. For example, a respondent might tick the ‘gender’ box out of concern that young girls should be protected from the practice of Female Genital Mutilation, while another might tick that box because they are primarily concerned about rights related to gender identity. Or perhaps the box is ticked for both reasons, or something different altogether. A respondent’s intention in choosing all of the categories, or none, or providing others, cannot be assumed.

15. It would perhaps be useful for the Committee to explain why it chose to list these particular categories in light of its remit to consider “circumstances particular to Northern Ireland”. It might also be useful to highlight where legislation has been introduced since the 1998 Agreement, or judicial decisions given, which do provide protections that might not be widely known. In its deliberations the Committee might consider what education might be necessary to help NI citizens be aware of, and understand, rights which already exist.

Values

16. Section 3 of the Committee survey asks which values would make appropriate foundations for rights in Northern Ireland. Again it is difficult to find disagreement with this list, much of which resonates with the principles outlined in the PCI perspective above (paragraphs 10 and 11) e.g.

¹⁶ Presbyterian Church in Ireland, [General Assembly Reports 2019](#)

human dignity, justice, mutual respect and reconciliation. That values are required as a foundation to rights in Northern Ireland reiterates the point above that rights cannot function on their own. Our relationships with each other, and responsibility to one another, cannot be separated out from the conversation.

17. Many of these values are also reflected in PCI's Vision for Society Statement¹⁷ , agreed in 2016, which concludes:

“We seek a more reconciled community at peace with each other, where friend and foe, working together for the common good, can experience healing and the grace of our Lord Jesus Christ”.

Bill of Rights

18. Section 4 of the Committee survey asks more detailed questions about a Bill of Rights, how important it might be, how aspirational it should be, and what rights might be included. Again, the survey does not make it clear that the rights being considered within its remit are those relating to the “particular circumstances of Northern Ireland”. Nor does it set out the rights that currently exist within the ECHR, to which any Bill of Rights for NI will be supplementary. For example, the right to a healthy environment at 4g. may be a valid aspiration, but it may be hard to marry this right with the Committee's focus and remit as established in NDNA.
19. This free for all approach risks arriving at a Bill of Rights that is unwieldy and unenforceable, which in turn has the potential to anger and frustrate those who can see the rights to which they are entitled but in reality cannot access. Creating a long-list approach risks raising expectations of what a Bill of Rights might reasonably achieve which, if not well managed or properly resourced, has the potential to create more problems than it was intended to solve.
20. A Bill of Rights can only be of benefit to the people of Northern Ireland if it finds an approach which seeks to build relationships across identities and communities rather than set them up in competition with each other. Instead, establishing an aspirational vision on foundational values has the advantage of creating a social contract for people living in Northern Ireland, which seeks to support a society in which we are all reminded of our inter-connectedness and encouraged to flourish and thrive. PCI wishes the Committee well as it continues its deliberations on this important matter.



Rev Daniel Kane (Convener of the Council for Public Affairs)



Rev Trevor D Gribben (Clerk of the General Assembly)

¹⁷ [Vision for Society Statement: An introduction - Presbyterian Church Ireland \(presbyterianireland.org\)](https://www.pci.org.uk/vision-for-society-statement)