



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Press Release

15 October 2010

Joint Committee Meeting in Dublin calls on British and Irish Governments to commit to key international standards

At its thirty third meeting in Dublin yesterday, the Joint Committee of Representatives of the two Human Rights Commissions on the Island of Ireland (the Joint Committee), called on both the UK and Irish Governments to commit to key international human rights standards identified as part of its ongoing review of human rights protection north and south of the border.

In particular, the Joint Committee called for the signature, ratification and implementation of key United Nations instruments by both Governments to ensure the principle of equivalence as set out in the Belfast (Good Friday) Agreement 1998.

Chief Commissioner of the Northern Ireland Human Rights Commission, Professor Monica McWilliams stated:

“The Good Friday Agreement provided the Joint Committee as ‘a forum for consideration of human rights issues in the island of Ireland’. At our meeting today we identified a number of international standards which we are calling on both Governments to fully commit themselves to. These are the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearances, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.” The Chief Commissioner continued, “What is concerning is that the British and Irish Governments do not appear in sync on these human rights conventions and we call on them to put this right”.

President of the Irish Human Rights Commission (IHRC), Dr Maurice Manning stated:

“One of the key elements of the Good Friday Agreement was the creation of this Joint Committee of the two Commissions and its ongoing review of human rights protection north and south of the border. In the Agreement, the Irish Government

clearly committed itself to ensuring 'at least an equivalent level of protection of human rights' in this State as pertains in Northern Ireland. At our meeting today, the IHRC expressed concern that the Irish Government had not signed up to these conventions to the same extent as the British Government. This means that there is not a level of equivalency between the jurisdictions. We are calling today for the Government to put this right, particularly by ratifying without delay both the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment."

ENDS/

Further information

For further information (NIHRC), please contact Claire Martin, Press and Public Affairs Worker, Northern Ireland Human Rights Commission: (028) 9024 3987 (office), 0771 7731873 (mobile).

For further information (IHRC), please contact 01 8589601.

Notes to the Editor:

The Northern Ireland Human Rights Commission is an independent statutory body first proposed in the Belfast (Good Friday) Agreement (1998) and established in 1999 by the Northern Ireland Act (1998).

The Irish Human Rights Commission is also an independent statutory body pursuant to the Belfast (Good Friday) Agreement (1998) and established in 2001 under the Human Rights Commission Act 2000.

The Joint Committee recommends action on the following:

1 The United Nations Convention on the Rights of Persons with Disabilities (2006)

Purpose

The first human rights convention of the twenty first century, this convention aims to comprehensively set out the rights of persons with disabilities, this convention also has provision for independent national bodies to promote, protect and monitor disability rights.

Northern Ireland

The United Nations Convention on the Rights of Persons with Disabilities (2006) was signed by the United Kingdom of Great Britain and Northern Ireland on 30 March 2007, and ratified on 8 June 2009.¹

¹ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en

The UK Government is expected to submit its first report to the Committee on the Rights of Persons with Disabilities on measures being taken to implement the Convention by July 2011.

In Northern Ireland, the NIHRC and the Equality Commission for Northern Ireland are designated as the “independent mechanism” as provided for in Article 33 of the Convention which requires one or more independent mechanisms such as National Human Rights Institutions “to promote, protect and monitor implementation of the present Convention”.

Ireland

The Irish Government signed the Convention on 30 March 2007, but it has yet to ratify the Convention or indeed to introduce necessary reforms to allow ratification.² Neither has it designated any body as an independent mechanism.

The IHRC has consistently called on the Government to urgently ratify the Convention. The lack of amending legislation on mental capacity or wards of court is one reason for the delay in ratification.

The Joint Committee calls upon the Irish Government to urgently ratify and implement the Convention and to establish an independent mechanism thereunder with sufficient resourcing to allow the mechanism to undertake its work effectively;

It calls upon the British Government to take further steps to support the establishment of the independent mechanism in Northern Ireland, including through identifying sufficient resourcing to allow the mechanism to undertake its work effectively ahead of the United Kingdom’s first report to the Committee in 2011.

2 The Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (2002)

Purpose

Under the Optional Protocol, States are to establish or designate an independent body as the national preventive mechanism charged with visiting and inspecting all places of detention in the State and to liaise with the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture in relation to the treatment and conditions in detention.

Northern Ireland

The United Kingdom of Great Britain and Northern Ireland signed the Optional Protocol to the Convention on 26 June 2003 and ratified the Optional Protocol on 10 December 2003.

The House of Lords House of Commons Joint Committee on Human Rights, 2005/2006, recommended that the NIHRC be designated as part of the national

² http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en
Examples of necessary reforms is the introduction of mooted Mental Capacity legislation to reform capacity law and the Wards of Court system.

preventive mechanism for places of detention under the Optional Protocol to the Convention.³ The national preventive mechanism was established in 2008.

Ireland

Ireland signed the Optional Protocol to the Convention on 2 October 2007 but has yet to ratify it. It has taken no steps to designate a national preventive mechanism.

The Joint Committee calls upon the Irish Government to urgently ratify and implement the Protocol and to establish with sufficient resources the national preventive mechanism thereunder;

It calls upon the British Government to designate the NIHRC along with other appropriate bodies in Northern Ireland as the national preventive mechanism and to ensure sufficient resourcing to allow the mechanism to undertake its work effectively.

³ <http://www.icj.org/IMG/JCHRreportondeportation.pdf>, Page 18.

3 The International Convention for the Protection of All Persons from Enforced Disappearance (2006)

Purpose

This Convention aims at combating enforced disappearances, to criminalise the practice where it exists, to guard against secret detention and to provide information to relatives.

This Convention requires one further ratification by a State to enter into force.

Northern Ireland

The Government of the United Kingdom of Great Britain and Northern Ireland had not signed or ratified the above Convention as of October 2010.

Ireland

The Irish Government signed the Convention on 29 March, 2007. However, it has not been ratified as yet.

The Joint Committee calls upon the Irish Government to ratify the Convention thus bringing it into force;

It calls upon the British Government to sign and ratify the Convention.

4 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008)

The Protocol still requires a number of further ratifications to enter into force.

Neither State has signed or ratified this Protocol which would allow for the right of individual petition to the Committee on Economic, Social and Cultural Rights.

The Joint Committee calls upon both Governments to sign and ratify the optional protocol.

5 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2000)

This Convention comprehensively sets out to protect both migrant workers and members of their families. It entered into force in July 2003.

Neither State has signed or ratified this Convention.

The Joint Committee calls upon both Governments to sign and ratify the Convention.

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