



What is Citizenship?

Citizenship is about education, democracy, equality, participation and peace. Its key elements involve: rights and responsibility, democracy and justice, and diversity and inclusion in a local and global context. It requires active participation and learning methods, critical thinking and enquiry-based approaches.

Citizenship is membership in a political community (originally a city or town but now usually a country) and it includes, rights to political participation; a person having such membership is a citizen. In most nations, a non-citizen is a non-national and referred to as either a foreigner or an alien.

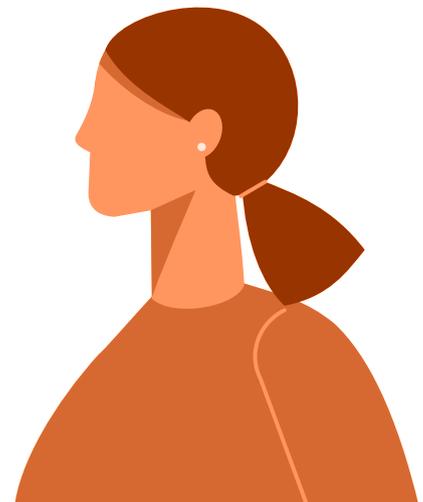
It is possible to have a citizenship from one country and be a national of another country. Citizenship derives from a legal relationship with a state.

Citizenship: relevant to all people:

- Citizenship – embracing all aspects of our lives as citizens – is relevant to all of us. Aspects of citizenship – from voter turnout to volunteering, from economic capability to cultural change, from crime to social exclusion and from understanding multiple identities to redefining Britishness – impact on all areas of our lives as some of the most challenging issues of the 21st century.
- Citizenship life skills are about a person's ability to understand and participate in the institutions, economics, politics, laws, rights and responsibilities of civic and civil society. Citizenship education, taught successfully, aims to give people the knowledge, confidence and skills to become active citizens, acquiring the skills that enable us to participate in the decisions that shape our future.

"Citizenship equips students with the knowledge and skills needed for effective and democratic participation. It helps students to become informed, critical, active citizens who have the confidence and conviction to work collaboratively, take action and try to make a difference in their communities and the wider world."

BBC Citizenship website:
www.bbc.co.uk/northernireland/schools/11_16/citizenship



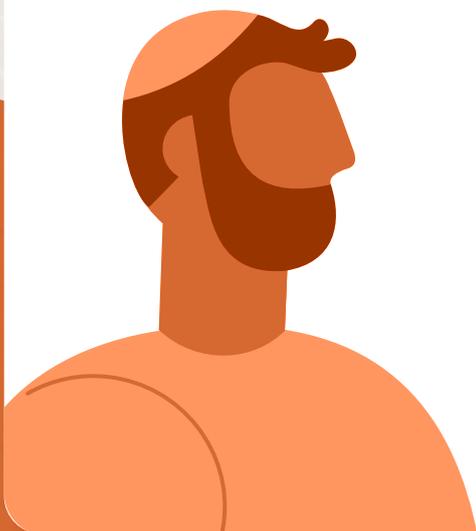


Citizenship Participation Discussion

1. What are the advantages and disadvantage of each of the following forms of participation?

2. Are these forms of participation equally important in protecting our basic human rights? Why or why not? Which seems the most important to you?

- Looking for information in newspapers, magazines, online and judging its accuracy
- Voting in local government and other elections
- Participating in political discussions
- Trying to persuade someone to vote in a certain way
- Signing a petition
- Wearing a button or sticking a sticker in a car window
- Writing letters to elected representatives
- Contributing money to a party or candidate
- Attending meetings to gain information, discuss issues or lend support
- Campaigning for a candidate of a particular political party
- Lobbying for special laws that are of special interest
- Demonstrating through marches, boycott, sit-ins or other forms of protest
- Serving as a juror
- Holding public office
- Serving the country through military or other services
- Disobeying laws and taking the consequences to demonstrate that a law or policy is unjust





Session 1: The Island Workshop



To explore the meaning of democracy



The difference between democracy and consensus



• Pen, paper and markers

ACTIVITIES

01 Introduction

Split the group up and ask each group to name their own island. Each group should also come up with a national flag or symbol.

There should be at least three people in each group.

The groups should not have any contact with each other.

These instructions should be read out to each group:

Each group is stranded on an island with plenty of food, water and shelter.

There is no way off the island for at least twenty years.

Each group needs to create a safe and happy environment to live in peace and harmony without any form of conflict or violence.

Each person shares with their respective group members the skills and qualities they bring to their island.

Make up at least five rules/laws/guidelines you think are needed to create a safe and happy environment, free of conflict and violence. Facilitator brings group back and discusses each group's rules/laws/guidelines.

Now a storm takes place and a member is washed off each island but survives by reaching one of the other islands (ask for volunteers).

Questions to ask in a debrief:

- How did each island make their decisions?
- Did everyone take part?
- How were the leaders selected (if any)?
- What is the difference between majority decision & consensus decision making?
- What is a democratic society?
- Were any of the groups guilty of discrimination/racism etc.?



Session 2: Serving the Community – Advent & Christmas



To introduce the theme of Advent (waiting, preparing, appearance) and Christmas through theme of serving



Individuals will:

- learn what advent is
- learn about serving
- have the opportunity to give practically and reflect on how it feels



• Pen, paper and markers

ACTIVITIES

01 Session Plan Agenda

- Team meeting – staff & volunteers photo (30mins)
- Set up (30 mins)
- Participants arrive, registration, chill & chat, group photo (20 mins)
- Group selfie (10 mins)
- Welcome & Icebreaker (5mins)
- Giving input (5mins)
- Make Christmas cards (70mins)
- Deliver cards (35mins)
- Conversation on serving (15mins)
- Finish

02 Equipment

- Registration desk
- Registration sheet
- Pens
- Sofas
- Sound system
- 2 laptops
- 2 large tables
- Ink
- Christmas cards
- Envelopes
- Link-d photos
- Larder cards
- Go-pro



Session 2: Human Rights Group Role Play - Global Warming Protest



1 Learn how human rights ensure that people are not treated below a basic standard

2 Think about the criteria that have to be met before a right can be limited

3 Find out what happens when something that is already part of UK law seems to contradict the Convention

Facilitation Notes Key

SCENARIO 1 – THE PARADES COMMISSION: SHOULD THEY ALLOW THE PROTEST?

Several different environmental groups have planned the protest to take place in a month's time, to encourage the Assembly to take action against global warming.

The protest will take place in the busy area of Belfast city centre for maximum visibility. It is intended to be a peaceful but noticeable protest. The environmental group applied to PSNI/Parades Commission for permission to hold their protest. The Parades Commission had to decide whether to approve or not approve the protest.

Opening Questions to the Group:

1. Who are the main parties in this situation, whose rights need to be considered?

<Allow discussion>

- The public – pedestrians, shop owners, traffic etc.
- The protesters

*Give out 'UK Human Rights Act 1998' to each participant

2. Which rights of these two parties need to be balanced?

Facilitation Option 1:

Group discuss and pick the three main sets of rights they think are involved.

Articles 10 (Freedom of expression) and 11 (Freedom to associate) against Article 1 of Protocol 1 (The right to enjoy property)

Facilitation Option 2:

Give the group the following Options to discuss:

Option 1: Article 2 and Article 5

Option 2: Article 8 against Article 5

Option 3: Articles 10 and 11 against Article 1 of Protocol 1

Option 4: Article 2 and Article 3 against Article 8

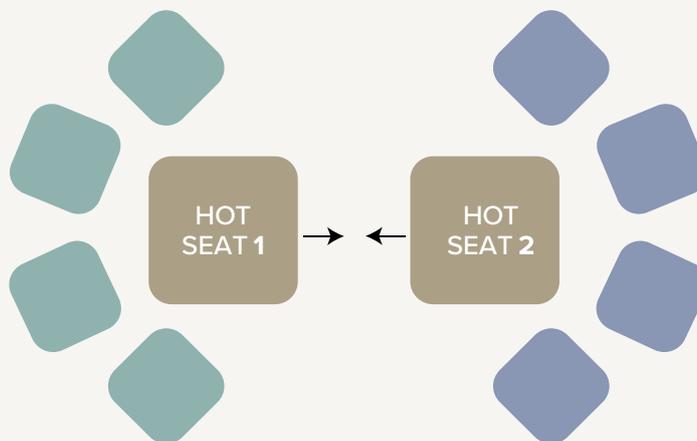


GROUP DEBATE ON THE FINAL DECISION

The group are the Parades Commission.

Method:

1. Split the participants into 2 groups:
 - Group 1 will favour the rights of the public and doesn't want the protest to go ahead or its nature to be changed.
 - Group 2 will favour the rights of the protestors and want the protest to go ahead as planned.
2. Give each group the, 'map of the city,' and, 'Parades Commission application' sheet.
3. Give each group five minutes to discuss the rights of their favoured party and to work out why, from a legal point of view, the commission should be in favour of their allocated party regarding the protest.
4. Set the space up as follows:



5. Ask each group to pick two people to represent them at the beginning of the debate in the hot seat.
6. Debate time: 10 Minutes
7. At any time the people in the hot seat can switch with someone else in their group who then continues the debate



SCENARIO 2 – POLICE: TO CORRAL OR NOT TO CORRAL

<p>Demonstration day</p>	<p>The Parades Commission weighed up the rights of the people affected and decided to let the protest go ahead.</p> <p>The day of the protest arrived:</p> <p>Superintendent Wilson was appointed as commander on the ground for the day.</p> <p>Over 3,000 people came out to take part.</p> <p>This was many more people than had been anticipated.</p> <p>Superintendent Wilson heard from the other officers that there was a small group of people determined to get violent, and sure enough some windows were smashed.</p>
<p>The Corral</p>	<p>Superintendent Wilson needs to make a decision whether to cordon off part of the city centre, and corral people in an attempt to calm down the unrest.</p> <p>The corral will catch lots of the protesters, but also many members of the public who had had nothing to do with the protest.</p> <p>Superintendent Wilson is aware that he has to factor people's human rights into any decisions he makes.</p>
<p>Interfering with Article 5</p>	<p>Superintendent Wilson is aware that the corral interferes with the Article 5 rights (the right to liberty) of everyone involved. He has to consider whether the interference can be justified. He decides to call Police Headquarters for advice:</p>

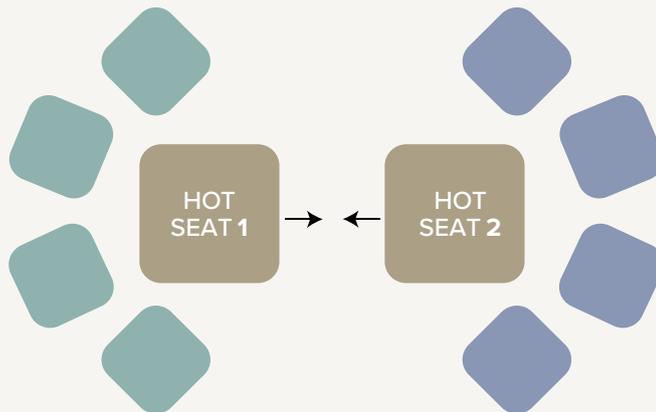


GROUP DEBATE ON THE POLICE DECISION

The group are the Police Headquarter advisors to Superintendent Wilson.

Method:

- Split the participants into 2 groups:
 - Group 1 will be in favour the corral
 - Group 2 will favour the rights of the protestors and want the protest to go ahead as planned.
- Give each group the 'Police Briefing'.
- Give each group five minutes to discuss the questions on the 'Police Briefing' and decide how they inform their group's point of view.
- Set the space up as follows:



- Ask each group to pick two people from their group to represent them at the beginning of the debate in the hot seat.
- Debate time: 10 Minutes – Allow the two groups to debate why their advice should be taken by Superintendent Wilson.
- At any time the people in the hot seat can switch with some else in their group who then continues the debate.

Police Headquarters decided that:

The limitation was legal because the Public Order Act 1986 provides the police with powers to act in this way.

The legitimate purpose which it intended to achieve was to prevent violence and possible injury.

It was necessary to prevent violence and possible injury.

It was proportionate, as it wasn't excessive considering the possible risks. However, if the restriction carried on for a long time, it might have begun to fail the proportionality test.



SCENARIO 3 – QUESTIONING PROPORTIONATE RESPONSE

<p>Conditions at the corral</p>	<p>Superintendent Wilson had decided to continue the corral. Conditions in the area that had been cordoned off were not good:</p> <p>It was a hot day, and many people didn't have any access to food, drink or shade.</p> <p>Police decided to carry out weapons searches of people in the crowd using their powers provided by the Criminal Justice Act 1994.</p> <p>People who were in the area on business unrelated to the protest got caught up and detained.</p> <p>There was no access to toilet facilities.</p>
<p>A protester: Lily</p>	<p><i>'They kept us all trapped for so long. I mean, I can see why they might have started it, but there was no need to keep us there for 7 hours. It was so hot and no one had anything to drink. There weren't even any toilets. It really was an unacceptable way to treat people. Especially as most of us hadn't done anything wrong.'</i></p>
<p>A protester: Mike</p>	<p><i>'The police just started searching anyone they felt like, just picking people at random. I don't see how they can just get people to turn out their pockets and search through bags like that. It's an invasion of privacy.'</i></p>
<p>A businessman: Rick</p>	<p><i>'I didn't have any intention of going to the protest. I was just trying to get to a meeting. It seems ridiculous that they should just treat everyone like that, not bothering to try and isolate the troublemakers.'</i></p>



TAKING THE POLICE TO COURT

Eventually, Superintendent Wilson ended the corral, but a group of people who had been caught up in it are suing the police for a breach of their human rights.

Facilitation Option 1:

They will be claiming a breach 3 Articles of the UK Human Rights Act 1998.

Which do you think they are?

Allow discussion

Answer: the rights they are claiming have been breached are Articles 3, 5 and 8.

Article 3: The right to freedom from torture and inhumane or degrading treatment.

Article 5: The right to liberty

Article 8: The right to a private life

Facilitation Option 2:

They will be claiming a breach of Article 8 (The right to a private life) due to the intrusive police searches, and a breach of Article 5 (The right to liberty).

They are also claiming that one other right was breached.

Which one do you think this is?

Start of options:

Option 1: Article 6: The right to a fair trial

Option 2: Article 9: The right to free thought

Option 3: Article 3: The right to freedom from torture and inhumane or degrading treatment.

Option 4: Article 2: The right to life

Answer: Conditions were so bad – Option 3

So the rights they are claiming have been breached are Articles 3, 5 and 8.



Let's have a look at their reasons for claiming that their Article 8 rights have been breached.

Incompatibility

The people caught up in the corral are arguing that the police searches were a breach of their rights under Article 8. The police were carrying out the searches under their powers to do so, provided by the Criminal Justice Act 1994.

As they were acting according to UK law, is it possible that human rights were breached?

Start of options.

Option 1: Yes. Parliament does not have to pay attention to the Convention when creating laws.

Option 2: Yes. Not all UK law is always compatible with the Convention although parliament should aim to make it so.

Option 3: No. Human rights are irrelevant when statutory powers are being exercised.

Option 4: No. All statutes are entirely compatible with the Convention.

Answer: Option 2

If the court finds that the Criminal Justice Act is not compatible with the Convention, it may make a declaration of incompatibility. This makes parliament aware that there is a problem with the law, so they can go back and reconsider that section of the Act.

Summary Facilitator Points

This story shows some important things that you should remember in your day-to-day work:

Human rights provide protection to everybody, so you need to make sure that nobody's rights are being breached, even those whom you are not directly working with.

There are criteria that you need to make sure are satisfied before a right can be interfered with.

UK laws won't always provide rules that are consistent with the Convention. Sometimes they will be incompatible.





Citizenship Handouts





Handout: UK Human Rights Act 1998

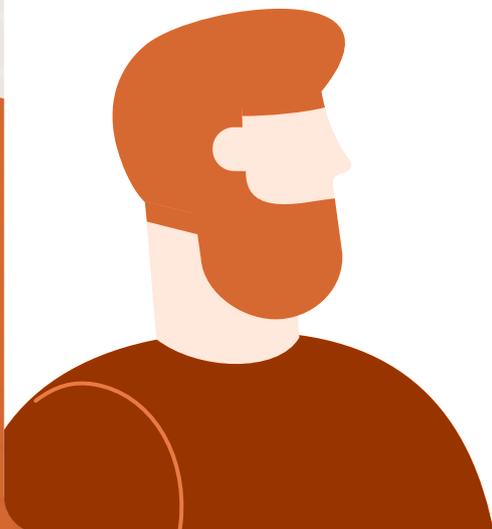
UK Human Rights Act 1998 - The Articles

PART I: THE CONVENTION RIGHTS AND FREEDOMS

- ARTICLE 2: Right to Life
- ARTICLE 3: Prohibition of Torture or Inhuman Treatment
- ARTICLE 4: Prohibition of Slavery and Forced Labour
- ARTICLE 5: Right to Liberty and Security
- ARTICLE 6: Right to a Fair Trial
- ARTICLE 7: No Punishment Without Law
- ARTICLE 8: Right to Respect for Private and Family Life
- ARTICLE 9: Freedom of Thought, Conscience and Religion
- ARTICLE 10: Freedom of Expression
- ARTICLE 11: Freedom of Assembly and Association
- ARTICLE 12: Right to Marry
- ARTICLE 14: Prohibition of Discrimination

PART II: THE FIRST PROTOCOL

- ARTICLE 1: Right to Enjoy Property
- ARTICLE 2: Right to Education
- ARTICLE 3: Right to Free Elections





Handout – Map





Handout – Northern Ireland Parades Commission

11/1 – Protest Authorisation Application Form

Applicants:

Mrs. Pol Arbear – Northern Ireland Global Warming Coalition
Mr. Mel Tingice – Greener Action Ireland

Protest Issue:

Global Warming

Estimated Protester Numbers:

800-1000

Proposed Date:

8th December 2009 (1 Month from now)

Proposed Location:

Belfast City Hall

Proposed Time:

Start: 12:00pm
Finish: 15:00pm

Proposed Activity:

March – From Custom House Square to City Hall
Speeches
Music

*See Map for march route and protest area



Handout – Police Briefing

Police Headquarters Briefing

Date: 8/12/2009 Time: 2:38pm

Issue:	Global Warming Protest
Location:	Donegal Square (Belfast City Centre)
Number of Civilians:	+3,500 (Protestors: +3000, Other: +500)
Incident:	Small group of people determined to get violent (approx. 15) windows smashed (reported 2:31pm).
Escalation Risk Assessment:	Medium/High
Police Response Authorisation Requested:	Corral of Protest Area (Procedure 12.44a)
Requesting Officer:	Supt Wilson (reg. 234236)
Potential Human Rights Interference:	Article 5 - The right to Liberty (UK Human Rights Act 1998)
Requested Clarification for Response Approval:	<p>Is the restriction legal?</p> <p>Does the restriction have a legitimate aim?</p> <p>Is the restriction necessary?</p> <p>Is the restriction proportionate?</p>
Response time:	5 Minutes





Additional Information





Proportional Representation (PR)

Information adapted from The Electoral Office for Northern Ireland.

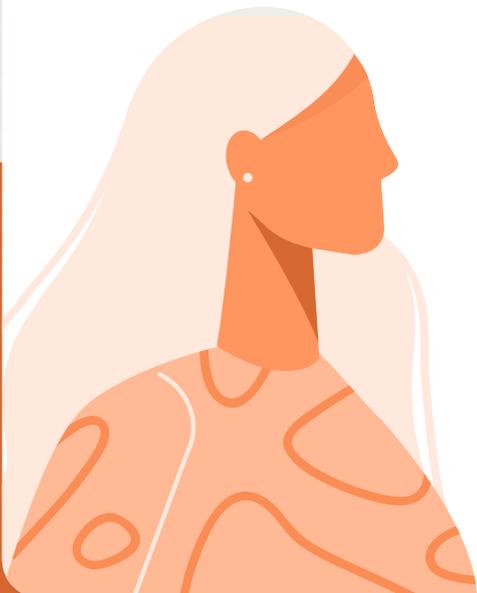
What is PR?

PR (Proportional Representation) is an electoral system designed to make sure that the candidates elected represent accurately the opinions of the voters.

- In other words, that the strength of each party in the elected forum is in proportion to its support among the people
- The system used in Northern Ireland is called the Single Transferable Vote, STV for short
- Every voter has only one vote, but they can ask for it to be transferred from one candidate to another to make sure it is not wasted. This is done by numbering the candidates 1, 2, 3, 4, 5 and so on instead of just putting an "X" against one of them

Why multi-member constituencies?

- In a single-member constituency (where the "X" vote system is used) all the votes not cast for the winning candidate are wasted, since they have not been able to elect anyone
- And so all the votes over a bare majority cast for the winner have no effect on the result
- If the strength of one party was consistent in every constituency, no opposition candidates could ever be elected.
- The single-seat majority-vote system works only because parties are stronger in some areas than others (and this is why there is so much difficulty in fixing constituency boundaries)
- With PR several candidates are elected together, representing all the sizeable bodies of opinion in the constituency, in proportion to their strength.
- The bigger the constituency, the more chance a small party has of electing a representative. In a seven seat constituency, for instance, any candidate who gets more than 12.5% of the votes will be elected. (See 'What is the quota?' opposite.)





How does it work?

One way of visualising a PR election is to think of how a class of children might choose three prefects. A number of candidates stand at the front of the room and the children line up behind their favourites. At first the most popular candidate has most of the children behind him, and the least popular only a few. The children at the end of the longest line see their favourite does not need their support, and move behind their second choice; the ones behind the least popular candidate see he has no chance, and they also move behind their second choice.

Finally all the children are arranged in more or less equal numbers behind just three of the candidates. Every child has had a part to play in the election, and has seen that their vote counts, even though some of them may not have got exactly what they first wanted.

What is the quota?

The quota is the number of votes a candidate needs to be elected.

The quota to be an elected candidate is one more than half the total valid votes.

- People often assume, for example, that if there are five candidates to be elected, the quota must be one-fifth of the total valid votes cast
- Similarly, in a two seat constituency a candidate needs only one-third of the total valid votes plus one to be sure of being elected. In a three-seater, one-fourth plus one, and so on
- In other words, to find the quota, you simply divide the total valid votes by one more than the number of seats to be filled, and add one vote to the result





The Northern Ireland Assembly – What's it all about?

Who does it affect?

All people living in Northern Ireland

Where is it based?

The assembly is based at Parliament Buildings, Stormont, Belfast. Assembly Members also have offices in their local areas.

What is it responsible for?

The Assembly has power to make decisions and pass laws about the following issues that affect Northern Ireland:

- health and social services
- education
- employment and skills
- agriculture
- social security
- pensions and child support
- housing
- economic development
- local government
- environmental issues, including planning
- transport
- culture and sport
- the Northern Ireland Civil Service
- equal opportunities
- justice and policing



Northern Ireland Assembly

Matters of national importance which, in the normal course of events, it is expected will remain the responsibility of HM government and Westminster, are known as 'excepted matters,' and the NI Assembly does not have competence to legislate on these. Schedule 2 of the Northern Ireland Act 1998 sets out these areas.

Many UK-wide issues, such as broadcasting and genetic research are known as, 'reserved matters'. This category originally included policing and criminal justice but those matters were devolved and therefore moved into the transferred field on 12 April 2010. Schedule 3 of the Northern Ireland Act sets out which matters fall into the 'reserved' category.

Anything that isn't explicitly reserved or excepted in Schedules 2 or 3 is deemed to be devolved and the Assembly has full legislative competence. It does not require consent from Westminster or HM government to legislate.



Registering to Vote

What is the electoral register?

The electoral register is a list of everyone who is registered to vote. You have to be on the register before you can vote in an election or referendum and you are not automatically registered, even if you pay rates.

Who can look at the electoral register?

There are two versions of the register – the full version and the edited version. Your details must always appear on the full version, but you can choose whether or not your details appear on the edited register.

- The full register is used for elections, preventing and detecting crime, and checking applications for credit
- The edited register is for general sale and can be used for commercial activities, such as marketing
- Anyone can look at the electoral register by going into their local electoral office
- The electoral register is not linked to rates

How do I register to vote?

You need to fill in an electoral registration form. You can register at any time of the year by downloading a registration form from www.aboutmyvote.co.uk or contacting the Electoral Office for Northern Ireland. Once you are on the electoral register, you do not need to re-register every year unless your personal details change or you move house.

Find out where your local area electoral office is by calling Electoral Office for Northern Ireland or visiting www.eoni.org.uk

If you are homeless or living in temporary accommodation:

Homeless people or people living in temporary or long term hostel accommodation may be entitled to register to vote. If you have lived and will be living in relatively stable accommodation for three months or longer it is possible to register in the normal way. If your situation is less stable, for example, if you are sleeping rough or in short term accommodation then you should contact the Electoral Office for Northern Ireland on **028 9044 6680** for further information on registering to vote.

If you are on remand or are a patient in a mental health secure hospital:

Remand prisoners and patients in mental health secure hospitals can also register to vote in this way, but can obviously only vote by proxy or by postal vote.

Stir it up

Why do you think people are least likely to vote in an election? What do you think should or could be done to encourage more people to vote?

Contact

Contact the Electoral Office for Northern Ireland on **0800 4320 712** or email info@eoni.gov.uk



National & Local Government Information

UK Institutions

- There are 650 Members of Parliament, each representing a different area of the UK. Most spend half their week in the area they represent and half at Parliament
- Parliament is the means by which the UK government makes and passes laws and is made of two main parts:
 - House of Commons: The members are publicly elected. The party with the largest number of members becomes government
 - House of Lords: Acts as a revising chamber for law and it works alongside the House of Commons. The Queen appoints members
- Parliament is different from government. It is made up of different political parties as well as individuals MPs and Lords who represent a wide range of views and interests
- Usually the party with the most seats in Parliament form the government, with the party leader becoming the Prime Minister
- Parliament checks the work of the government departments and ensures the Prime Minister and their team are running the country properly.

NI Institutions

- The Northern Ireland Assembly consists of 90 elected Members – five from each of the 18 Westminster constituencies
- A First Minister and a Deputy First Minister are elected to lead the Executive Committee of Ministers. They must stand for election jointly and to be elected they must have cross-community support
- The parties elected to the Assembly choose Ministerial portfolios and select Ministers in proportion to their party strength
- Statutory Departmental Committees are also established to advise and assist each Minister in the formulation of policy for his/her department and to scrutinise the work of that department





Your Rights





Your Rights

The Human Rights Act 1998 gives legal effect in the UK to certain fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR).

These rights not only affect matters of life and death like freedom from torture and killing, but also affect your rights in everyday life: what you can say and do, your beliefs, your right to a fair trial and many other similar basic entitlements.

What is the Human Rights Act?

The Human Rights Act 1998 is an Act of the Westminster Parliament which makes the European Convention on Human Rights part of the law of all parts of the UK. The European Convention was drawn up in 1950, and since 1966 people from the UK have been able to take cases to the European Court of Human Rights alleging that the UK government has failed to uphold their human rights. The Human Rights Act 1998 makes the European Convention binding at national level as well, so that people in the UK can complain in their local courts about a failure to uphold their Convention rights.

Who upholds the European Convention?

The European Convention on Human Rights was agreed by the Council of Europe. The Council of Europe is an organisation made up of different governments and was created in 1949 with the general aim of enhancing the cultural, social and political life of Europe. It is different from what we now call the European Union, which was first created as the Common Market in 1957 and which consists of 27 countries (all of which are also members of the Council of Europe).

When did the Human Rights Act come into effect?

Although passed in 1998, the Human Rights Act did not come fully into effect until 2 October 2000. Since then cases can be taken in relation to the actions of any public authority in Northern Ireland.

What does it do?

Now that the European Convention is part of the law of Northern Ireland, individuals and organisations can go to court or to a tribunal to seek a remedy, if they believe that the rights conferred on them by the European Convention have been violated by a public authority.

If the violation has occurred because the public authority has been complying with an Act of the Westminster Parliament, the High Court of Northern Ireland is able to declare that Act to be incompatible with the European Convention. This sends a clear message to the government that it should ask Parliament to approve a corrective law as quickly as possible.

The declaration of incompatibility does not, however, achieve any other remedy for the person whose right has been violated. Courts are still not permitted to declare an Act of the Westminster Parliament to be invalid (unlike in many other modern democracies, such as Ireland, Germany, the United States of America or South Africa).

If the violation has occurred because the public authority has been complying with some law other than an Act of the Westminster Parliament, such as an Act of the Northern Ireland Assembly, a piece of secondary



legislation like an Order in Council or a Regulation, or a piece of judge-made law laid down in a previous case, any court in Northern Ireland is able to declare that law to be invalid and is able to grant any other remedy which it deems appropriate, including, on occasions, compensation.

If a court is uncertain whether a piece of legislation is or is not compatible with the European Convention, it must give effect to the piece of legislation in a way which upholds people's Convention rights so far as it is possible to do so.

Note: At the time of production, March 2021, the UK was still part of the European Convention on Human Rights

Which bodies have to comply with the Act?

Every public authority – including courts and tribunals – has to comply with the Act (and therefore with the European Convention). 'Public authority' means every person or body carrying out a public function, including private bodies authorities that do so, for example, a company that supplies electricity to members of the public, or a charity that provides services to the public.

Who is a victim of a human rights breach?

A victim is a person who is adversely affected by the action of a public authority. Victims can include companies as well as individuals and may also be relatives of the victim where a complaint is made about his or her death. Only a person considered a victim can bring proceedings against a public authority under the Human Rights Act.

What rights are protected by the Act?

The Human Rights Act protects the following rights from the European Convention of Human Rights:

Article 2 – the right to life

Article 3 – the right not to be tortured or inhumanly or degradingly treated or punished

Article 4 – the right not to be required to perform forced labour

Article 5 – the right to liberty and security of the person

Article 6 – the right to a fair trial (and to a range of other associated things, such as the free assistance of an interpreter if one cannot understand the language in a trial situation)

Article 7 – the right not to be punished for something which was not a crime at the time it was done

Article 8 – the right to respect for one's private and family life, correspondence and home

Article 9 – the right to freedom of thought, conscience and religion

Article 10 – the right to freedom of expression, freedom to hold opinions and freedom to receive and impart information

Article 11 – the right to freedom of peaceful assembly and freedom of association with others

Article 12 – the right to marry and found a family

Article 14 – the right not to have Convention rights secured in a discriminatory way

Protocol 1, Article 1 – the right to peaceful enjoyment of one's possessions

Protocol 1, Article 2 – the right to education

Protocol 1, Article 3 – the right to free and secret elections at reasonable intervals



Are there any absolute rights?

It should be noted that Article 3 – the right not to be tortured or inhumanly or degradingly treated or punished – confers an ‘absolute’ right to which there can be no exceptions. All the other rights are expressly qualified in certain respects. For example, the violation of the right to life is ‘permitted’ if a death results from the use of force which was no more than absolutely necessary to effect a lawful arrest. Likewise, the right to freedom of peaceful assembly can be restricted if this is necessary in the interests of public safety or for the prevention of disorder. The European Court has interpreted the Articles as imposing positive obligations on states to confer rights, not just negative obligations not to interfere with rights.

Rights v Responsibilities

Most rights are not absolute and may be limited where it is necessary to achieve a legitimate aim and if the limitation is proportionate to that aim. The court seeks to strike a ‘fair balance between the general interest of the community and requirements of protection for the individual’s human rights’.

What do these rights mean in practice?

The judgments of the European Court of Human Rights flesh out what is meant by the phrases used in the European Convention. They tell us, for example, that for the moment at any rate, the right to life conferred by Article 2 does not extend to an unborn child and that the right to respect for a private life conferred by Article 8 means that homosexuality between consenting adults cannot be a crime. Judges applying the Human Rights Act 1998 have to interpret the meaning of words used in the European Convention by taking into account the judgments already issued by the European Court of Human Rights. These judgments are all available on the Council of Europe’s website.

Is it still possible to take cases to Europe?

Since 1966 relatively few cases from Northern Ireland have resulted in a full judgment by the European Court of Human Rights. The Court now issues several hundred judgments each year. It has a huge backlog of cases, which can take years to be dealt with. An individual who has sought a remedy in our local courts and who is dissatisfied with the outcome can still pursue a remedy at the European Court.

What other documents on human rights need to be borne in mind?

The European Union often issues Directives which protect human rights (for example, the Equal Pay Directive). It is also in the process of agreeing a Charter of Fundamental Rights, although the exact status this will have is still uncertain. The UK government has also agreed to comply with a number of other treaties on human rights, such as the United Nations Covenant on Economic, Social and Cultural Rights, but virtually none of these treaties has yet been made part of the national law of the UK.

The role of the Northern Ireland Human Rights Commission

The Northern Ireland Human Rights Commission can give general advice on the scope of the Human Rights Act and from time to time runs educational seminars to train people in how to use the Act. The Commission also has the power to support people who wish to take a human rights issue to court, but because of its limited resources it has to apply its criteria very strictly when deciding which cases to support. In respect of human rights violations, the Northern Ireland Human Rights Commission can:

Provide advice to individuals, investigate complaints, assist individuals to bring legal proceedings, bring proceedings in our own name and, intervene as a third party or *amicus curiae* in legal proceedings.



The Universal Declaration of Human Rights

- Everyone is equal no matter what age, sex, race, religion or colour of skin.
- Everyone has the right to life, freedom and to be secure.
- No one can be kept as a slave.
- No one should be tortured or treated in a way that is cruel.
- The law should treat everyone in exactly the same way.
- No one should be arrested, sent to prison or sent away from their country for no good reason.
- You have the right to a fair and public trial.
- In a trial you are innocent until it can be proven that you are guilty.

Everyone has the right to:

- privacy
- move about from place to place
- a nationality
- marry and have a family
- own property
- freedom of thought, conscience and religion
- have and express an opinion;
- hold peaceful protests and meetings
- take part in voting in fair elections
- work and get equal pay for equal work
- join a trade union
- rest & leisure
- a healthy standard of living
- education

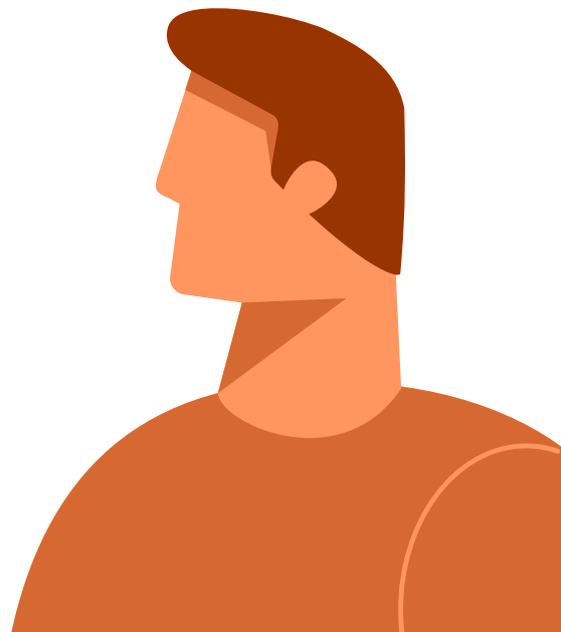




Case Study

- There is an election for President every five years
- Only people over the age of 18 may vote in the elections
- You cannot stand for election if you have been convicted of a crime
- People can watch what happens in parliament because all debates are broadcast on television
- The police are caught on camera beating up a known criminal. The criminal had not been resisting arrest and had not tried to run away when stopped
- Once a year the President must answer questions in parliament about his/her plans for running the country
- There are over five different political parties
- It is illegal to discriminate against people from different religious or ethnic backgrounds
- It is difficult for older people or people with disabilities to get good jobs
- There is a youth parliament where participants' can debate ideas but the politicians do not have to act on their suggestions
- Human Rights groups in the country are concerned that the President does not take human rights seriously

Read the case study carefully and decide how democratic the country appears to be. Rate each of the statements below by circling the number which you think best describes the country in the Case Study Statements on the following page





Case Study – Statements

1 **poor**
 2 **OK** (but there are some problems)
 3 **very good**

People can take an active part in society	1	2	3
Everyone is treated equally	1	2	3
People's views are listened to and respected (even if they are not the majority)	1	2	3
The government is open about what it does	1	2	3
There are regular, free and fair elections	1	2	3
Human rights are protected	1	2	3
The law is applied fairly to everyone	1	2	3
People can vote for more than one political party	1	2	3
Total			

