



## Join us in Building a Human Rights Culture

**R**ecent events such as the inquest into the death of Roseanne Irvine in prison and issues relating to collusion between the state and paramilitary groups have underlined the work which still remains to be done in order to build a true human rights culture in Northern Ireland.

With the approach of the 10<sup>th</sup> anniversary of the development of the Human Rights Act (HRA) in 1998, we are reminded that the stated aspiration of the government when this legislation was introduced was that it would herald a fundamental change in the relationship between individuals and the state; a shift towards a genuine culture of human rights.

Some politicians and sections of the media have misunderstood the HRA and as a result the Commission, alongside many NGOs, has had to be extremely active in debunking misconceptions and myths. We believe much more could be done by government departments and public authorities in talking up the beneficial aspects of human rights legislation and ensuring compliance.

It is in this context that we particularly welcome the sentiments of Peter Hain, the Secretary of State for Northern Ireland, as expressed in this edition of our magazine, endorsing the value of this ground breaking legislation.

In my view, it is clear that a culture of human rights should not just focus on rights concerned with the neglect of duties and responsibilities, but rather promote a more dynamic concept of human rights which becomes an integral part of our dealings with public authorities and each other. What we need is a widely shared sense of entitlement to human rights, and of respect for the rights of others, in which institutional policies and practices are influenced by these ideas.

The building of a human rights culture depends not just on courts awarding remedies for violations of individuals' rights, but on decision-makers in all public services internalising the obligations of human rights law, mainstreaming these standards into their policy and decision-making processes, and ensuring that the delivery of public services is fully

informed by human rights considerations.

**What is needed is the cultural transformation of our public sector, which was envisaged at the time the HRA was passed, and the importance of consistent positive leadership by Ministers and other opinion-formers towards this objective.**

Analogies can be made with the legislation on race and sex discrimination introduced in the 1970s. In my view, shifts in public perception about the unacceptability of sex and race discrimination have been at least as important in bringing about social and cultural change as the law itself. The challenge, for those who would wish to see the enduring establishment of a culture of human rights, is to build on the legal basis provided by the Human Rights Act in such a way as to take concepts of human rights beyond the legal sphere and into the currency of everyday life.

We need to go beyond policymakers, lawyers and the courts so that respect for human rights becomes part of the daily practice of those working

in police stations, prisons, care homes, hospitals, and social services departments. At a recent conference, it was good to hear a police officer state that he felt that his officers should meet together in the police station to discuss the human rights issues that arose out of their work in any particular week. In this way, he felt that the practical application of their training on human rights would be more easily understood. It was also good to hear a mental health practitioner state that she felt she was a much better professional as a result of applying human rights principles to the important everyday decisions she had to make in relation to her patients.

So I invite you to join with us in selling the good news story of how the HRA can make a positive change in our lives. The Commission hopes that in this new political dispensation, government and public authorities can take up this challenge to make a culture of rights a reality in Northern Ireland. ■

**Professor Monica McWilliams,  
NIHRC Chief  
Commissioner**

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## Editorial

**W**hen the Commission decided to hold its annual conference last December on the theme of "Building a human rights culture in Northern Ireland", we managed to mine a rich vein of material generated from a wide variety of perspectives. Spurred on by this wealth and the call from participants to follow up on this discourse, we have devoted this edition of our magazine to a further examination of this somewhat nebulous but important enquiry.

As ever, we are indebted to our contributors who have kindly provided illuminating articles on this theme. Secretary of State, Peter Hain, highlights the role of the Human Rights Act in improving public service delivery and Bob Collins provides an important perspective on human rights and the equality agenda. Never far from the public eye, Nuala O'Loan provides a background on her investigation into the death of Raymond McCord Junior.

In addition, David Stevens critically reviews the often

fraught relationship between faith and human rights; Alan Miller discusses the need for business in Northern Ireland to contribute to this debate, and Declan McGonagle reviews the wider cultural dimension of human rights work.

A participant at the conference, Michelle Lamb, reflects on some of the issues raised in an arts installation project generated at the event and Rebecca Dudley draws together a collection of perspectives on what is meant by a "culture of rights".

A number of other articles investigate aspects of this debate including an examination of the American Alien Tort Statute; and, how our library, new business plan and education strategy can contribute to embedding a culture of rights in Northern Ireland. A number of posters are also included in this mailing which hopefully will be of use. If you would like to contribute to this ongoing debate, please send us your views. We are always interested in your feedback! ■

**Peter O'Neill, Editor**

## Operation Ballast: Investigating the Death of Raymond McCord Junior and related matters

**I**n May 2002, Mr Raymond McCord walked into my office. His son, Raymond Junior had been murdered five years previously. Mr McCord was convinced that there had been no proper investigation of his son's murder by the police. Mr McCord told me about his complaint and his beliefs, not only that there had been no proper investigation, but also that over the years police had protected a particular individual and his associates from arrest and prosecution. He alleged that this person was a police informant.

Under the Police (Northern Ireland) Act 1998 complaints which are more than one year old can only be investigated if the matter is grave or exceptional. Mr McCord's allegations were clearly both grave and exceptional. It became obvious that we were faced with a very complex investigation. Not only did we have to examine the police investigation of Mr McCord's son's murder. We also had to investigate police handling of a number of informants associated with the UVF in North Belfast.

After initial enquiries, we fixed the terms of reference for that part of the investigation, identifying a period of 12 years from 1991 to 2002, when Mr McCord made his complaint. I asked Government for additional money to resource this investigation and two other major investigations, with which we had to deal in addition to our normal workload. Government was only able to provide £250,000. This was not sufficient to progress the investigation in as timely a manner as I, and my staff, would have wished. However the investigation proceeded and a Report was published on 22 January 2007. It can be found at [www.policeombudsman.org](http://www.policeombudsman.org).

We substantiated Mr McCord's complaints that an informant was a suspect in the murder, but did not confirm or deny who that person might be. We found that individuals, who were members of the UVF, had been protected from arrest and prosecution. We stated how they had been protected and gave examples from a range of cases. We also substantiated the complaint that police had failed to carry out a thorough investigation of his son's murder, and had failed to keep him updated about their investigation. We found no evidence that police had known

in advance about the plan to murder Raymond McCord Junior,

**This investigation uncovered systemic failure by Chief Officers, between 1991 and 2002, to put in place proper procedures for the handling of informants.**

As a consequence of this, officers were able to act in a way which had the effect of protecting informants from arrest and prosecution. It quickly became apparent that there was a significant body of intelligence and evidence which had not been properly dealt with and which related in some way to the activities of a number of UVF members.

The investigations into 15 murders, 10 attempted murders and a number of other crimes were examined. We became aware of over 90 crimes which appeared to involve the group of informants at whom we were looking. The relatives of the deceased had the right to know what we had found, but we could not investigate all the cases whilst investigating Mr McCord's complaint because it would have extended the investigation inordinately. Accordingly we decided that we would contact all the families involved in the 10 murders about which we had very serious concerns, offer to meet them, and would tell them that we had identified material relevant to the murders of their loved ones, and that we were recommending that the Chief Constable should ensure that each murder was fully re-investigated.

There were difficulties throughout the investigation in retrieving material, although the current Chief Officer team and the new Head of Special Branch did attempt to ensure that delays were minimised. More than 10,000 police documents were examined, 120 officers and retired officers were interviewed, 24 under caution. We also sought to interview, as witnesses, a further 40 retired officers, at a location and time of their choice, with a legal representative, and having seen documentation to refresh their memories. Most of them declined to reply.

A number of senior retired officers instructed a solicitor who responded to our correspondence with a two and a half page letter explaining why



*Nuala O'Loan, Police Ombudsman for Northern Ireland*

it would be "impractical" for them to assist the investigation, and stating that they did not desire media exposure. We responded by thanking the solicitor for his letter, but asking again to meet his clients. They declined to meet us. We were, therefore, unable to secure their explanation as to why what had happened was allowed to occur.

**It is most regrettable that people who held senior positions in the police refused to assist an investigation into the most serious of issues – collusion.**

Twenty recommendations were published in the McCord Report. The Chief Constable is committed to implement them all. In concluding my Report I noted that:

*"It remains the case that there are many officers within the RUC/PSNI who served bravely and honourably, some even making the ultimate sacrifice. On many occasions I have identified examples of excellent policing. This is in stark contrast to the activities and systemic failures identified in this report."* ■

**Nuala O'Loan  
Police Ombudsman for Northern Ireland**

## Building a Human Rights Culture: The role of the Human Rights Act

**A** commitment to safeguarding human rights in Northern Ireland was a fundamental element of the Belfast Agreement.

Incorporated into legislation in the Northern Ireland Act 1998, this commitment led to the establishment of the Northern Ireland Human Rights Commission.

With a remit to review the adequacy and effectiveness of law and policy as it relates to the protection of human rights, the Commission has played an important role in holding Government to account and ensuring that we continue to build a human rights culture in Northern Ireland.

Having grown up in apartheid-era South Africa, where the denial of human rights lay at the heart of the state's very being, I am proud to be part of a government that has placed such a high value on liberty and justice for all.

This dedication was evident right from the start with the passage of the hugely significant Human Rights Act during our early years in government and is still very much in evidence

“ It is intolerance, lack of understanding, and the inappropriate denial of fundamental human rights that creates an environment which in turn breeds a culture of insecurity.”



today, with the Equality Act 2006 establishing the new Commission for Equality and Human Rights in Great Britain.

The Human Rights Act 1998 became law in Northern Ireland on 2 October 2000. On that day, the fundamental rights contained within the European Convention on Human Rights became part of a new human rights culture for all.

These rights go beyond ethnic or community differences that too often divide us and demonstrate

a common humanity that unites us all. Surely no-one could dispute the right of all to life; the prohibition on torture and forced labour; the right to a fair trial and an independent judiciary; and the freedom of thought, conscience and religion.

These rights should not be seen as overly ambitious or divisive. Instead, they offer an expression of shared values and a practical framework in which these values can be upheld. Indeed, they are best seen as a common sense

approach to the protection of human rights.

So why has the Human Rights Act attracted such negative publicity and why do some go so far as to call for the Act's abolition?

I would argue that at the centre of this opposition has been a series of myths and misunderstandings. They must be addressed and taken head on because they undermine not just public confidence in the Act itself, but even more damagingly, in the very idea of human rights.

That is why I welcome the fact that my cabinet colleague, Lord Falconer, has recently led a review of the implementation of the Human Rights Act. In this review, and in subsequent pieces of work, he has pointed to examples of where this 'mythology' has taken root.

There was, for instance, the case of a man in Gloucestershire who, whilst evading arrest, placed himself on the roof of a local house. Local media leapt upon a reference from a police spokeswoman to the human rights of the individual involved to suggest that he was being fed, whilst on the roof, due to obligations under the Human Rights Act.

This was simply not the case as he had no 'human

right' to receive food in these circumstances. However, as part of the police's considered operational response, aimed at resolving the stand off safely and quickly, the man's demands for food and other refreshments were met.

This was part of a negotiating strategy that led to him being coaxed down from the roof without injury to himself or others.

There was also a recent row in which police in Derbyshire had been accused of failing to publish the photographs of escaped prisoners, convicted of murder, on human rights grounds. Again, this simply was not the case.

The idea that the human rights of these individuals should or could impede the legitimate use of photographs to re-apprehend them and protect the wider community is nonsense. Their photographs were duly released into the public domain.

One aspect that runs through both of these examples, and numerous others, is that despite accusations made in connection with them about human rights and human rights legislation, the actual resolution of them was simply a matter of common sense.

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Peter Hain MP, Secretary of State for Northern Ireland.

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In cases such as these, common sense is the yard-stick. Human rights legislation provides a clear template for striking a balance and for reaching common sense decisions.

It is accepted that if our freedoms require protection, then the freedom of others must be suspended to stop crime.

While the Human Rights Act provides the required balance, naturally there will be individual cases where grey areas come into play and in which there is scope for disagreement. There will inevitably be decisions on sensitive issues that appear to go against the grain of public opinion.

## These are the exception.

The question we should be asking is not whether the rights and values that we have enshrined in our laws are the rights ones. Instead our focus should be on how we ensure that these rights are given effective expression and protection, and how we can use them to enhance all our lives.

Building a culture of human rights, and the common sense application of human rights legislation, does not endanger anyone. Tolerance, understanding, and the respect for fundamental human rights will never represent a security risk.

It is intolerance, lack of understanding, and the inappropriate denial of fundamental human rights that creates an environment which in turn breeds a culture of insecurity.

Whilst I am proud of the human rights initiatives that this Government has taken forward since coming to power, I am not complacent. Our work on building a human rights culture continues and in this quest, a strong independent Northern Ireland Human Rights Commission is important.

I welcome the oversight that the Commission provides and the statutory power that it has to hold Government to account. I look forward

to constructive input that can better inform the law and policy that Government brings forward as we aim to build upon existing achievements that have placed human rights at the centre of our reform agenda.

For our part, in the face of strong criticism from some quarters, the Government remains fully committed to the Human Rights Act, and the way in which it gives effect to the European Convention on Human Rights.

As part of this ongoing commitment, we believe that there is an urgent need to better inform the public, as well as the wider public sector, about the great many

benefits which the Human Rights Act has brought.

Enhancing public understanding of human rights issues, and gaining greater support from across the whole community for the fundamental values enshrined in Northern Ireland law by the Human Rights Act, is an important step to building an inclusive human rights culture in Northern Ireland.

Ultimately, this is a shared goal for Government and the Northern Ireland Human Rights Commission as well as a shared responsibility. ■

**Peter Hain MP, Secretary of State for Northern Ireland**

## The Year ahead for the Commission



Paddy Sloan, NIHRC Chief Executive

“The business year 2007-08 will be one of change and progress for the Commission, reflecting positively the changes in our external environment.”

We anticipate a significant increase in our advice giving role to government as the Northern Ireland Assembly begins its work; the Bill of Rights Forum with an independent Chair and representatives of civil society and political parties will operate independently from the Commission, but we hope for a resultant increase in momentum in the debate and we will continue our work in promoting and developing proposals in support of the Forum. The Review

of Public Administration will be underway and we will be working with new powers of investigation, although the limitations currently proposed on the use of these powers may mean that there is less impact here than had been expected. Relationships will continue to develop with our new colleagues in the Commission on Equality and Human Rights in Britain and the Scottish Human Rights Commission, both due to be operational during the year, and of course with our long-standing partners at the Irish Human

Rights Commission and the Equality Commission NI. Having secured full accreditation at the United Nations, the Commission is now well placed to expand its international work and will be taking a lead role with national institutions globally on a number of common issues.

In preparation for these changes, the Commission has created three new posts, with others anticipated later in the year. The offices have undergone renovations and are now better suited for purpose with improved

disability access and library facilities, and a revised legal strategy is currently under development.

The core aims of the Commission, consulted on in its Strategic Plan for 2006-09, provide the framework for this year's work: building a human rights culture; challenging and preventing human rights abuse; building support for a Bill of Rights and, ensuring a strong and effective Human Rights Commission.

An investigation into immigration procedures is underway and an agenda for health and

human rights is being developed. An ambitious education strategy has been agreed. Our legal strategy is being revised, conscious of the revised powers available to us. Work on the migrant workers' convention, trafficking and CEDAW, together with follow up and review of previous investigations and policy positions, not least in respect of our extensive work on women in prison, will ensure a busy, and I hope, productive year ahead. ■

**Paddy Sloan  
NIHRC Chief Executive**

## Building a Culture of Rights and Equality is Simply an Exercise in Practical Justice

**W**e live in a time when the concept of human rights is being challenged, not as inherently unjustified, but as getting in the way of public policy. There is a vaguely expressed sense that human rights give unfair protection to the evildoer at the expense of the victim, and that rights are a luxury that the world can ill-afford.

This represents a profound misunderstanding of human rights. Of course the justice system must operate, subject to the law, to protect all of us as citizens. But the notion that human rights weaken those entitlements is simply unfounded. On the contrary, they reinforce each other - the fundamental dignity of human beings being interposed as a check on the exercise of power.

In much the same way, the principle of equality is challenged. It is represented either as an expression of, in that abhorrent phrase, political correctness; or as some kind of artificial levelling or social engineering - an imposition of sameness.

It is, of course, neither. It is a recognition that while we cannot guarantee equality of outcomes, we should do everything we possibly can to ensure that capacity is the only barrier to achievement. Far from being an imposition of sameness or of immovable even-handedness, it finds its expression in recognising that some need to be treated

differently from others because their needs justify such a response.

*Human rights and equality cannot exist or flourish in the absence of each other. You cannot conceive of human rights being fully exercised in an unequal society and you cannot claim to have secured equality while basic rights are denied to some.*

Rights and responsibilities come inseparably connected one to the other. No advocate of rights or of equality that I know has proposed a responsibility-free zone for anybody. But there are many who carry more than their fair share of disadvantage and whose capacity to carry an unbearable weight should not be the test for their access to their rights.

The daily work of the Equality Commission is part of the process of building this culture, of recognising the needs of so many in this community, of acknowledging their rights and, insofar as possible, vindicating them.

For much of the public and political discourse, the prism through which the issue of equality is refracted is that of religion and politics. Ensuring that no one is disadvantaged or discriminated against

based on religious belief or political affiliation is a vitally important ingredient in the process of healing this society and moving on to a genuinely shared future. Much of the Commission's work is focussed on this area

Age regulations have recently been introduced which offer protection in employment. Age affects everybody. Older people, whose needs are undeniable and whose rights are frequently overlooked; children and young people; and those in the middle years.

Similarly, legislation asserting the rights of disabled people will have profound effects, not just on those who are disabled but on society as a whole. The new duty to be placed on public authorities to promote positive attitudes towards disabled people and to encourage their fuller participation in public life is potentially revolutionary. Public authorities influence and touch on all our lives.

Recent changes in law relating to sexual orientation also offer an insight into the way in which public policy can extend rights. There are those who have deeply held views about the morality of certain behaviour - whether it is homosexuality or remarriage of divorced persons. But here, too, public policy takes a position and sets limits to where our personal views or convictions or the precepts of our faiths affect the lives of others.



Bob Collins, Chief Commissioner, Equality Commission for Northern Ireland

We are experiencing a significant growth in new residents of Northern Ireland, and are challenged to see the new residents not just as elements in our economy, but as fully rounded human beings with all the aspirations, needs, emotions, potential and interests of ourselves. The vindication of the rights of these new neighbours is an important task for the Equality Commission.

This is an area in which the Equality and Human Rights Commissions have common cause and, in a particular instance, are taking joint action. A feature of the movement of people to this island is that some of it is involuntary. People - women - are trafficked to both jurisdictions on the island of Ireland and between both jurisdictions. Together with our counterpart bodies in the Republic we are undertaking work to identify the scale of this problem so that we can consider how best to deal with it.

Thirty years after the introduction of laws to eliminate discrimination against women, we still see ample evidence that it is still with us. In health,

in employment, in income, in family responsibilities there is still considerable disadvantage suffered by, and an unequal burden borne by, women. That is a continuing task for us in the Equality Commission in addressing inequality and building a comprehensive and all-embracing culture of rights.

In 1964, Hubert Humphrey, later Vice-President of the United States, in a Senate debate on civil rights, spoke of:

*"a struggle to overcome irrational legacies, a struggle to escape the bondage of ignorance and poverty, a struggle to create a new and better community where 'justice rolls down like waters and righteous is a mighty stream.'"*

Building a culture of rights and equality is simply an exercise in practical justice. ■

**Bob Collins**  
Chief Commissioner  
Equality Commission for  
Northern Ireland

## The Alien Tort Statute: An Important American Tool for Human Rights Accountability



Matt Haney, NIHRC Intern

On 29 March, 1976, Joelito Filártiga, the 17-year-old son of Dr Joel Filártiga, a prominent opponent of the Paraguayan dictatorship, was kidnapped and tortured to death, allegedly by Américo Peña Irala, then the Inspector General of Police in Asunción, Paraguay. The Filártiga family sought justice in the courts of Paraguay for Joelito's murder, but their attorney was arrested and threatened with death. Like so many victims of torture, murder and kidnapping around the world, it appeared that there would be no justice for Joelito.

**Three years later, Joelito's sister applied for political asylum in the United States. Inspector Peña was also in the United States at the time. Making use of a very old federal law known as the Alien Tort Statute, Ms Filartiga attempted to sue Mr Peña in a US federal court for the torture and murder of her brother. The Alien Tort Statute of 1789 (ATS) states that "the district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States". Though this law had been on the books for almost 200 years, it had never before been used in this manner.**

The Court of Appeals ruled that, indeed, the Alien Tort Statute could be used to sue perpetrators in US courts for acts committed abroad in violation of the laws of nations. Furthermore, grave violations of human rights, such as torture, genocide, and crimes against humanity, were exactly the type of acts that were now well-established as being

a violation of the "law of nations" and therefore covered by this statute. Inspector Peña was served with a judgment in the amount of \$10,385,364.

Though the judgment itself was never collected, the *Filártiga* case ushered in a new era of hope for human rights protection in the United States courts. Where victims of gross violations of human rights were denied a forum abroad, the United States courts could now provide that forum. Even when there was little chance that victims would ever collect from the judgments, many still pursued justice for the "truth-telling" purpose that it might serve. Finally, the Alien Tort Statute could help contribute to the creation of a world where there are no safe havens for those who grossly violate the human rights of others. Inspector Peña, for example, was forced to flee the US back to his home country of Paraguay as a result of the judgment.

Over the past 20 years, the number, type and range of cases filed under the ATS have expanded. Starting with relatively uncontroversial cases

alleging torture and crimes against humanity against the leaders and former leaders of countries such as Serbia, Nigeria, El Salvador, Guatemala, Ethiopia, and Burma, the use of the ATS, mainly by human rights NGOs, has since moved more into the area of suing powerful US corporations for aiding and abetting human rights abuses and has targeted US allies and contractors in the "War on Terror". In a country that tends to be otherwise unfriendly to international human rights law, the ATS stands out as a proud and powerful exception to the rule.

The cases against corporations have been particularly notable and have moved the Alien Tort Statute to the forefront in the battle to achieve human rights accountability for businesses. In a recent case, twelve Burmese villagers sued the oil corporation, Unocal, under the ATS, alleging that that it had supported slave labour, murder and forced relocation of villagers by the Burmese military during the construction of an oil pipeline. Last year, Unocal decided

to settle the case out of court. Though not a court judgment, the Unocal case provided the first monetary settlement for an Alien Tort case against a private corporation, thereby cementing its role as a powerful tool for corporate accountability.

As would be expected, US corporations have attacked the ATS, claiming that it is damaging to US economic interests abroad. Even more, the ATS has also awoken the opposition of an even more powerful enemy: the US Executive Branch. While previous administrations tended to take a relatively "hands-off" approach to the use of the Statute, the Bush Administration has waged an active and vigorous campaign against it. The Bush Administration has submitted briefs in numerous cases stating that the Statute interferes with their ability to conduct foreign policy, particularly as it relates to the War on Terror.

The US constitution does indeed give the sole authority to the Executive Branch to conduct foreign relations; yet it is hard to see how suing a

multinational corporation for crimes against humanity actually interferes with the foreign policy powers of the President. Some courts have been completely deferential to the views of the Executive and, therefore, the future of the Alien Tort Statute may hinge in large part on how the Judiciary interprets this issue of executive deference.

An important question arises here which goes beyond the Alien Tort Statute: what role should the Judiciary have in adjudicating human rights cases that take place abroad, particularly when such adjudication may be opposed by the Executive?

In the end, there are some cases that are so egregious and so universally despised by the international community, that the more forums available to have them heard, the better. There are no circumstances under which the foreign relations of any nation can be furthered by having such crimes continue to be governed by impunity. ■

**Matt Haney  
NIHRC Intern  
Winter 2006**

## Thinking about Building a Culture of Rights in Northern Ireland

**T**he Northern Ireland Human Rights Commission is trying to encourage the building of a culture of human rights. But what are we actually talking about when we talk about a culture of human rights? In this article I want to explore the strengths and weaknesses of human rights language and I will do it through a quotation from Rowan Williams, the present Archbishop of Canterbury:

*“The concentration on rights as the primary focus of political action is a response to the long and appalling history of inequity, the denial to certain groups of a voice of their own, a freedom of self-determination or self-definition. To stand against the pursuit of such freedom is to collude with oppression. The difficulty is that the pursuit of enforceable claims requires me or us, the claimants, to present ourselves as victims, and to quarry our history for suffering in a way that can isolate us further from each other, can even produce the unhappy effect of a kind of competitiveness in suffering (‘Our history is more tragic than yours...’). The macro-political effects of this can be seen in the competing narratives of different groups in the Balkans or central Africa or the Middle East; the micro-political in the bitter and complex tensions of minority and disadvantaged groups in urban North America (what agenda can be agreed between Afro-Americans, women, Hispanics, gay men, gay women, Asians...?)”.*

*(Rowan Williams, Lost Icons, T and T Clark, 2000, pp 85-86)*



David Stevens

What Rowan Williams is saying is this:

- A focus on rights has come into existence because of a long history of human oppression, inequity and exclusion. And it is no accident that there has been a focus on rights in Northern Ireland, given our particular history. People know that they have needed or will need protection.
- The second thing Williams draws attention to is that a focus on human rights symbolises that we have a much greater sensitivity to victims and excluded groups – for me that is the working of gospel through history; others may have a different perspective. However, it creates a danger as Rowan Williams points out – we all now have to present ourselves as victims. We can see the rise of competitive victimhood between the two main communities in Northern Ireland. So a culture of rights has the danger that it feeds into a culture of victimhood.
- This brings me to the third thing that Williams points out and is around rivalry. Northern Ireland is a contested space – a place of rivalry between the two main communities. A rights based approach may simply fuel the rivalry. What is needed above all in Northern Ireland is a transformation of relationships.

Now I want to move beyond Williams to explore another limitation around rights. Rights involve

the law. They require tribunals to adjudicate on claims and they require enforcement agencies to ensure that adjudications are upheld. All absolutely necessary. But a rights based approach can privilege procedures over relationships; it can ‘tribunalise’ society, leading to escalating and unsustainable costs and it can paralyse effective decision making – everyone protects their backside in case they end up before a tribunal. When we talk about a rights based culture what are we talking about? Who are we talking about? Is it the poor, the victim, the vulnerable, the marginalised? Or who? Surely the bias of human rights advocacy must be towards these people.

We fundamentally exist through relationships, not through rights. Our fundamental need is to be recognised, included and to count, i.e. to be treated with dignity and respect. Then, in this context, the assertion of a human right is a challenge by the victim, the vulnerable and the excluded to the existing order to be recognised, included and to count. That is to be treated as a fully human being (in theological terms made in the image of God). If that is what a culture of human rights looks like, fine – it is a prophetic, disturbing notion calling us to a fuller humanity. What it must not be is the powerful, the wealthy and the individualistic shouting ‘Me, Me, Me’ - and we now live in a powerfully individualistic and competitive culture where for many the concept of a society

in which we are required to make contributions as well as to receive has almost disappeared. Wellbeing is not about the individual – it is about relationships and the quality of our relationships. And quality relationships cannot be about huge inequalities in society.

Finally there is another limitation on a rights based approach. There needs to be a space for politics. The most important place for the negotiation and sometimes the resolution of different claims is through politics – not through the courts. It is primarily through politics that people’s socio-economic condition will get better.

To sum up: human rights language, and more particularly human rights practice, are absolutely necessary for a humane society in which the excluded and marginalised are given a place. But they are not everything. Human rights should not be made an idol and it is a religious insight that there is a constant human tendency towards idolatry. There can be a fundamentalism around rights and there are not only religious fundamentalists. We need to recognise the ‘limitedness’ of rights and rights language. Paradoxically, that is its strength. It is also a religious insight that everything can be misused by human beings, even a ‘good’ like human rights. ■

**David Stevens**  
Leader of the Corrymeela Community

## What do we mean by a Culture of Rights?



Rebecca Dudley, NIHRC Education Worker

“Culture is one of those words that gets used to mean a whole lot of different things – and sometimes nothing at all.<sup>1</sup>”

Jack Straw MP

**W**hat does a ‘culture of rights’ mean and how might it be built? This phrase has been used by human rights activists, law makers and politicians at international, regional and national levels to describe an aim for far-reaching changes in attitudes, knowledge and practice. This article offers a commentary on the phrase from a range of human rights perspectives.

### Global perspectives

In September 2006, the Northern Ireland Human Rights Commission asked activists in a global Human Rights education network to share their working definitions of a ‘culture of rights’.<sup>2</sup> The responses had many common features, but some important differences.

Some respondents argued that a culture of rights is characterised by legal structures. Michael Pates argued that: “A culture of rights is one in which the people create and obey legal institutions that respect, protect and fulfil human rights”. Vincenza Nazzari from the International Centre for Human Rights Education in Montreal argued that a culture of rights was “a way of life, politically, morally, and legally, developed over time, and inspired and guided by international human rights standards and norms”. From San Francisco, Laurie Rodney argued that a culture of rights was “one in which human rights are understood [where] there is access to, and accountability for the human rights of all citizens”.

Other activists focussed more on changes in the culture marked by changing personal attitudes, knowledge, and skills. From Chile, Abraham Magendzo, a UNESCO staff member, wrote: “If culture is a way of being in the world, knowing, feeling, acting, in a manner that defines my identity, a human rights culture is a way of being in the world as a subject of rights: knowing and respecting my rights and the rights of others, being responsible for my dignity and the dignity of others”.

From South Africa, Sarah Motha of Amnesty International argued that “a culture of rights

requires certain personal skills, attitudes and knowledge that begin with oneself. These include openness, dialogue, self-criticism, listening (not selective listening, of course), honesty with oneself, exuding attitudes that neither discriminate, undermine, nor dictate, and no pretence. Sandy Olocho in Kenya wrote: “I would define ‘a culture of rights’ as ‘a practical acceptance to mutually co-exist with others”.

Another phrase that recurred in the discussion was that a human rights culture is ‘a way of life.’ For example, Wafula Muyila at the Danish Institute of Human Rights noted that a culture of rights is a condition where human rights respect is a way of life”. Shula Koenig, based at the People’s Movement for Human Rights Learning in New York City, wrote that:

“It is high time we understood human rights as a political ideology – human rights as a way of life – political, civil, economic, social and cultural – this framework as a guideline for human rights culture, with respect, trust and unconditional love, as has been called for by Martin Luther King... Human rights is a holistic vision of life for all women, men, youth and children. It is about equality and non-discrimination... it is a way of life giving us all the guideline of how to belong in dignity in community with others”.

Closer to home, David Tombs, from the Irish School of Ecumenics in Belfast, points to values that form a rudder for the direction of society: “Culture is a combination of values, practices and attitudes. A culture of rights respects rights and seeks to be guided by them. By contrast, you could have a culture of violence, which would also be made up of values, practices and attitudes. That culture would respect violence and seek to be guided by it”.

A number of respondents noted duties or responsibilities as well as rights. From Peru, Pablo Zavala wrote “I believe that a culture of rights is a way of living, based on respect for human dignity and the inherent condition of subjects of rights, and duties of every person”.

A New Zealand activist in an organisation called Human rights at Work wrote: “A culture of

rights is ‘where rights and responsibilities are understood and respected’”. Rhishikesh Dave added: “a culture of rights can be an awareness of rights and at the same time, awareness towards duties. A culture of rights without a culture of duties is not possible”.

Furthermore, there was comment that ‘a culture of rights’ will, in fact, be specific to each culture in which it happens. Fattaj Azzem wrote, from the Ford Foundation in the Middle East, that:

“Individuals and community must be able to know those rights in order to claim them, and this is where I think ‘building a culture of rights’ comes in. I disagree with the notion that a culture of human rights is something entirely new that has to be invented as a concept, or that it may somehow automatically replace existing cultural values”.

“I think the most we can hope for is that we may slowly, incrementally build the minimum standards of human rights into social and religious culture, to seek to build upon the moral values and balances of rights and duties that each and every culture has. Activists... in each culture will have to find the relevant and workable approaches”.

There was some frustration voiced in regard to the concept of rights; that the term can be contradictory and used in different ways in the same culture. Anna Pinto of New Delhi wrote of the socio-economic inequalities that were exacerbated by the manipulative use of the language: “The concept of ‘rights’ in some cultures has been taken to mean many things. We face in India the prospect of acute water deprivation for over half the sub-continent in the next 20 years. Yet, we have corporations with the ‘right’ to build golf courses”.

This distinguished group of activists in a global network provoked a good discussion, and we are very grateful for their contributions to this debate. Other useful perspectives have been provided by other forums such as the United Nations and, quite recently, the Parliamentary Joint Committee on Human Rights (JCHR).

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## The United Nations

The United Nations talks about 'building a culture of human rights' in the context of Human Rights Education:<sup>3</sup>

"... education, training, and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to:

- a) the strengthening of respect for human rights and fundamental freedoms;
- b) the full development of the human personality and the sense of its dignity;
- c) the promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples' and racial, national, ethnic, religious and linguistic groups;
- d) the enabling of all persons to participate effectively in a free and democratic society governed by a rule of law;
- e) the building and maintenance of peace; and
- f) the promotion of people centred sustainable development and social justice."

To know whether human rights education, or 'building a human rights culture,' was working, the UN suggests that we would look for evidence of:

- a) respect for and appreciation of differences;
- b) opposition to discrimination;
- c) analysis of human rights problems (including poverty, violent conflicts, discrimination) which would lead to solutions consistent with human rights standards;
- d) communities and individuals (who) identify their human rights needs and ensure that they are met;
- e) building on human rights principles embedded in different cultural contexts, and take into account history and social development in each country; (and)
- f) ... knowledge and skills to use local, national, regional and international human rights instruments and mechanisms for the protection of human rights.

Finally, in guidance for school teachers, the United Nations provides another explanation of the phrase 'human rights culture':

"One of the ultimate goals of human rights education is the creation of a genuine human rights culture. To do so, students must learn to evaluate real-life experience in human rights terms, starting with their own behaviour and the immediate community in which they live. They need to make an honest assessment about how the reality they experience every day conforms to human rights principles and then to take active responsibility for improving their community."



Rebecca Dudley and Commissioner Tom Duncan speaking at the NIHRC Annual Conference.

## The Joint Committee on Human Rights

Most commentators agree on one thing; that 'culture' is something in which we are all involved. At a domestic level, another important perspective makes a distinction between building a human rights culture in the institutions of the state, and what might be called a 'personal' or 'moral' dimension to the task. The Parliamentary Joint Committee on Human Rights (JCHR) has considered this issue in the context of the need for new human rights institutions in the United Kingdom. Their comments are quoted at length in the remainder of this article.

*"A culture of human rights has two dimensions, institutional and ethical. So far as the former is concerned, it requires that human rights should shape the goals, structures and practices of our public bodies. In the decision making and their service delivery, schools, hospitals, workplaces and other organs and agencies of the state should ensure full respect for the rights of those involved."*

*"Under the various international human rights instruments, it is the state that has positive duties to secure the effective protection of human rights... The legislature, the executive, the judiciary share responsibility for the protection and promotion of human rights. What is essential is that the principles enshrined in human rights are translated into practice. Achieving that requires public authorities to understand their obligations both to avoid violating the rights of those in their care, or whom they serve, and to have regard to their wider and more positive duty to 'secure to everyone... the rights and freedoms' which the HRA (Human Rights Act 1998) and other instruments define."*

*"But making a culture of human rights a reality also requires that individuals are able to understand what their rights are, and are able to*

*seek advice, assistance, redress and protection if they believe that their rights have been violated or are threatened with violation. It also requires that they understand their responsibilities for upholding those rights in their dealings with others."*

*"So far as the moral or personal dimension is concerned, a culture of human rights could be characterised as having three components. First, a sense of entitlement. Citizens enjoy certain rights as an affirmation of their equal dignity and worth, and not as a contingent gift of the state. Secondly, a sense of personal responsibility. The rights of one person can easily impinge on the rights of another and each must therefore exercise his rights with care. Thirdly, a sense of social obligation. The rights of one person can require positive obligations on the part of another, and in addition, a fair balance will frequently have to be struck between individual rights and the needs of a democratic society and the wider public interest.... This is what we mean by a culture of human rights, or as we would prefer to term it, a culture of respect for human rights."*

With regard to the intentions of the Human Rights Act 1998, this concept includes changes in attitudes and practices throughout the branches of government, reaching into every provision of public services. The JCHR describes an environment in which informed citizens know their rights and how to claim them. The JCHR also describes, in terms very similar to the comments from global activists quoted at the start of this article, a critical and constructive engagement of the individual with wider society – an engagement which the Human Rights Commission is keen to further develop as we work with our partners in building a culture of human rights in Northern Ireland. ■

**Rebecca Dudley**  
NIHRC Education Worker

### FOOTNOTES

1. Jack Straw, 'Building a Human Rights Culture: Address to Civil Service College Seminar', 9 December 1999.
2. The Human Rights Education Associates international email network includes over 3,000 educators in the field from around the world. The opinions should be read as representing the views of individuals.

3. United Nations General Assembly Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education, A/59/525/Rev. 1, pp 3-4.
4. Teaching Human Rights: Practical Activities for Primary and Secondary Schools, OHCHR, United Nations, New York and Geneva, 2004, p 96.
5. Extracted from The Case for a Human Rights Commission 2002-03, 6th Report, HL 67-I, HC 489-I, vol 1, the Joint Committee on Human Rights, Westminster, pp 11-12.

## The Small Business of SMEs and Human Rights

**N**orthern Ireland has the biggest small and medium sized enterprises (SME) base in the UK accounting for nearly 80% of employment and 75% of turnover. With this comes the challenge to engage SME's with the Corporate Social Responsibility (CSR) agenda and, more specifically, in embedding a culture of respect for human rights into business practices. Human rights compliance is a key element of the CSR agenda in providing a benchmark of universal standards by which a company can ensure it is acting in a way which is socially responsible.

The integration of social concerns into business operations has developed over the past decade primarily in relation to big business as a pragmatic response to consumer and civic society pressures. An example of this is the story of Gap Inc which was discredited when researchers investigating Gap apparel production facilities found evidence of sweatshop labour conditions and human rights abuses ranging from poverty wages to the physical abuse of workers. Social responsibility has now inevitably moved up Gap's agenda and it has since been working with various NGOs and the Business Leader Initiative on Human Rights (<http://www.blihr.org/>) to improve its supply chain management and labour conditions.

While the need for large business to be transparent and accountable is clear the same motivational pressures of reputational risk are not applicable in the same way for smaller businesses. It is arguable that CSR models to date deal only with big business and fail to take into account the complex and diverse nature of SME's or the differing drivers which may prompt them to become active in relation to integrating human rights into their business.

### The SME business case

With responsible entrepreneurship moving up the agenda, however, there are now increased expectations of SME's from customers, local communities, regulators, banks, lenders and insurers. The broader community now looks to all businesses, not just the highly visible household names, to take a triple bottom line approach that is sensitive to the social, environmental as well as economic impact of their operations. A human rights-aware approach to business can bring many direct business benefits in building sales, developing

in servicing customers, looking after staff morale and nurturing relationships with suppliers and neighbours. In theory the nature of smaller business should mean it has the capability to be quick to respond to these challenges and take action to integrate social and environmental issues

into business operations. SME's should now seek to build on existing good practice and maximise the impact by raising human rights awareness among both internal and external stakeholders in such a way as to increase competitiveness.

Increased job mobility means companies must work harder to attract and keep a skilled and motivated workforce. Given the volatile nature of market places, a company's success can depend on it being in touch with the aspirations of consumers, communities and cultures and responding to their needs. This has become all the more true in recent years as Northern Ireland, and the rest of the UK, has

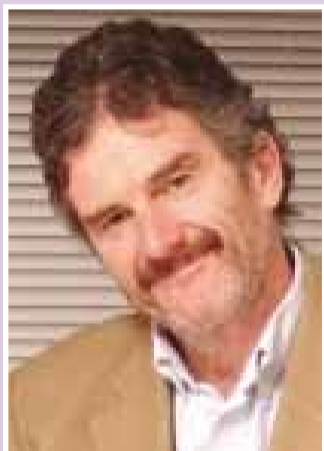
seen increased numbers of migrant workers from new EU accession countries.

A management system which integrates human rights will assist in the

Ireland" campaign to raise awareness about the economic opportunities the country has to offer now that there is greater political stability. The government, through Invest NI, seeks to promote Northern Ireland as an attractive and viable location for foreign direct investment.

The competitiveness or comparative advantage of Northern Ireland in attracting inward investment need not only conventional factors such as technology or workforce but also, on a broader dimension, encompass social expectations and capacity to manage social risk. This will include the local business community's capacity to demonstrate that it operates through the highest standards of human rights business practice.

Discrimination in the workplace has historically been a concern for foreign investors in Northern Ireland. This is demonstrated by the passing of the MacBride Fair Employment Principles, by the US Irish National Caucus in 1984, which is a voluntary corporate code of conduct for US and Canadian companies doing business in Northern Ireland. These principles are based on the Northern Ireland Employment Act and relate to non-discrimination in employment and freedom of workplace opportunity. The principles have been adopted by 88 US and Canadian companies doing business in Northern Ireland and have become the Congressional standard for all US aid to, or economic dealings with Northern Ireland SMEs now have the opportunity to expel doubts over employment practices in the country and demonstrate that times have changed by taking leadership in integrating human rights principles of non-discrimination and fairness into their employment and business practices.



Professor Alan Miller, Director, McGrigors Rights

“ A human rights-aware approach to business can bring many direct business benefits in building sales, developing the workforce, increasing enthusiasm and innovation and enhancing a company's reputation and standing. ”

the workforce, increasing enthusiasm and innovation and enhancing a company's reputation and standing.

A further impetus for SME's to integrate social policies and human rights into their business practices comes from the increased privatisation of the delivery of public services. For companies seeking to be considered for the provision of public services, it may be necessary to demonstrate that they have integrated public sector compliance standards into their business practices. An awareness of CSR and human rights strategy can bring business opportunities.

Arguably, SME's have always instinctively known the importance of being good corporate citizens

A human rights issue affecting all businesses, both large and small, is that of supply chain. SME's have a clear opportunity here to promote responsible business practices when dealing with their own suppliers/ contractors and other SMEs, helping to spread best practice and encourage responsible business and acceptable labour standards at local and international levels.

### Employee retention

The traditional drivers for SME's have been employee motivation and community involvement. A company's human and intellectual capital in the knowledge and skills of employees is one of its most valuable assets.

creation of a good working environment in promoting fairness, equality and diversity. An understanding of human rights can support a company in dealing with a whole range of employee issues such as non-discrimination, equal treatment and privacy. The benefits of such an approach are clear, as a positive atmosphere in the workplace and high ethical credentials can be crucial in employee productivity, loyalty and innovation.

### Attracting inward investment

Inward investment is seen to play a key role in Northern Ireland's economic future. The Northern Ireland Bureau has introduced its "Rediscover Northern

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## Market expansion

Invest Northern Ireland is committed to improving the international competitiveness of Northern Irish business and emphasises, through its work, that Northern Ireland business access to world markets is crucial to the long-term growth of local businesses and the Northern Irish economy.

Human rights challenges have all the more resonance where companies are trying to expand their operation in emerging economies. Issues of labour, health and safety and environmental standards as well as corruption and weak governance of the host state may pose significant challenges to the ill prepared SME. A robust human rights management system may be essential to the success of any SME in managing the risks of operating in an emerging market.

## Initiatives, tools and guidance

The recognition of CSR for SME's has led to the development of tools and guidance specifically aimed at assisting them in taking their CSR strategy forward in a way which is both ethical and competitive. An example of this is the

SME key from CSR Europe (<http://www.smekey.org/>). SME's should look to develop their management systems to include human rights considerations. A comprehensive assessment of a company's operations under specific guidelines will allow the company to identify gaps in policies and practices and accordingly implement measures to improve the human rights aware culture of the business.

The UN Global Compact is an international initiative which brings companies together with UN agencies, labour organisations and civic society to support universal environmental and social principles. Thousands of companies from all regions of the world, international labour and civic society organisations are engaged in the Global Compact, working to advance ten universal principles in the areas of human rights, labour, the environment and anti-corruption.

By signing up the Global Compact Principles SME's can gain support to help them improve their companies' performance. Companies which are part of the Global Compact are asked to produce an annual Communication on Progress which indicates performance against the 10 principles. The UK network

of the Global Compact serves members through regular meetings to share best practice and working groups. It has tailored advice on completing this for SME's and is currently working on putting together a new publication as an operational guide for SME's which is hoped to be a useful resource (<http://www.ungc-uk.net/>).

To tackle the ever changing expectations of business, even SME's are now required to raise their game and think strategically about their CSR and human rights practices. While neighbouring small economies, such as Scotland and the Republic of Ireland, are addressing the same issues of attracting inward investment, expanding into new markets and retaining a dedicated and skilled workforce, Northern Irish companies have the opportunity to surpass their rivals in making human rights work for not against them. In embedding a human rights culture into business, benefits will be felt both in social and in financial terms as Northern Ireland seeks a competitive edge in a global economy. ■

**Professor Alan Miller**  
Director, McGrigors Rights

## Snippets

### UN Disability Convention

The Human Rights Commission is encouraging the UK government to sign the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, which is now open for signature and ratification. The Convention encourages states to make adjustments to meet the needs of persons with disabilities and establishes specific rights such as the right to make decisions on personal and legal matters, the right to live independently in society, the right to community-based support services and health-care and the right to inclusive education and equal work opportunities.

In addition, the Optional Protocol will allow individuals and groups to take complaints to the UN Committee on the Rights of Persons with Disabilities, once all national recourse procedures have been exhausted. National Human Rights Institutions have been instrumental in the development of this Convention, and will continue to play a crucial role in monitoring its operation.

### NIHRC Chief Executive

Many readers will be aware that Paddy Sloan will be leaving the Commission to take up a position with BBC Northern Ireland Children in Need. Paddy has been the Chief Executive of the Commission for the past seven years and has been instrumental in developing its role and function. Her many friends in the human rights movement will miss her contribution to human rights work both locally and internationally. The Commission hopes to recruit her successor in early summer.

### House of Lords judgments

The Human Rights Commission has welcomed the recent House of Lords judgment in relation to McCaughey, ensuring that coroners can have access to all relevant police papers to allow full inquests into the use of lethal force by the security forces. However, it is disappointed that the ruling on the Jordan case underlines the non-application of Article 2 of the ECHR regarding investigations of deaths occurring before the Human Rights Act came into effect.

The Commission has sympathy with the view put in dissenting judgments, that inquest juries in Northern Ireland should be able (as they are in England and Wales) to return verdicts of lawful or unlawful killing, so long as no criminal liability is attributed to any individual.

### Welcome for MPs inquiry into Prison Service

The Human Rights Commission welcomed the announcement of the Northern Ireland Affairs Committee on 19 March, that it is to conduct an inquiry into the Northern Ireland Prison Service. The decision follows a number of critical reports produced by the Commission into prison conditions and the findings of the recent inquest into the death of Roseanne Irvine at Maghaberry Prison.

The terms of reference of the Committee's inquiry are: *'To conduct an inquiry into the operation of the Northern Ireland Prison Service, in particular to examine whether the existing prison estate is adequate and appropriate for the secure accommodation of Northern Ireland's prisoners, and whether the Prison Service appropriately meets the health and education and training needs of prisoners. The Committee will also examine such other issues as may arise in the course of the inquiry.'*

The Commission hopes to assist the Committee in its deliberations. Any individual or organisation can submit written evidence to the Clerk of the Northern Ireland Affairs Committee, 7 Millbank, House of Commons, London SW1P 3JA, before the closing date of 27 April 2007.

## Launch of advice guides for migrant workers



Minister of State, David Hanson MP, helped launch a set of advice guides with Les Allamby, Law Centre NI; Monica McWilliams, Chief Commissioner, NIHRC and Daniel Holder, Animate in January at the George Best City Airport.

## Launch of New NIHRC Education Strategy



Peter O'Neill, NIHRC Head of Information, Education and Development

**T**he Commission has recently developed a new three-year education strategy. The existing strands of this work have been developed over the past seven years and include a wide range of activities involving, for example, the production of curriculum resources, the direct delivery of training on the Bill of Rights, the monitoring of training in the police service, the delivery of information events to public authorities, holding public awareness campaigns, lobbying activities and the provision of information materials on the Human Rights Act 1998 and selected articles of the European Convention.

Whilst recognising the success of this work, the Commission is keen to further develop its education and training provision through the implementation of a specific strategic plan for this important area of its work. The plan makes over thirty recommendations for future development and proposes an increase in staffing and other resources to deliver the ambitious programme of activities.

In the strategy it is proposed that the Commission should concentrate on:

- Developing a synergy between the range of activities currently delivered in this programme area
- Expanding its education, training, development, media, library, public affairs and information activities
- Delivering a range of new education and training courses
- Reviewing human rights training provided by public sector bodies, and
- Developing a wider range of information, training and education materials.

**The overall aim of the strategy is to increase the understanding and capacity of the NIHRC and its stakeholders in order to promote equality and dignity, prevent conflict and human rights violations and enhance participation and democratic processes, in which all human rights are valued and respected in Northern Ireland.**

The main elements of the strategy include the following broad activities:

- Evaluating previous work and acquiring baseline information
- Delivering a greater range of accessible courses on the Human Rights Act 1998 and international treaties
- Development work with government departments, politicians, the media and public authorities to shape policies and strategies in order to mainstream human rights frameworks
- Outreach work to promote a greater understanding of human rights standards and values and, in particular the proposed Bill of Rights for Northern Ireland
- Advocacy work to press government and other relevant actors for the full implementation of standards such as the United Nations General Assembly Plan of Action as part of the UN Decade for Human Rights Education
- Launching public awareness campaigns to create a better understanding of human rights values and the work of the Commission.

The strategy locates the work of the Commission within the international framework of human rights instruments and strategies and draws on a review of human rights education in Northern Ireland conducted

by the UNESCO Centre at the University of Ulster, which was commissioned by the NIHRC in March 2004.

The review mapped existing provision and concluded that although there is a consensus about the importance of human rights education and training, in general there is a need for increased provision in Northern Ireland particularly to address the effects of the conflict. The researchers discovered that very few organisations assess or accredit their human rights education or training programmes and that there appears to be few materials available for organisations to draw upon. The findings of the review have been used to develop the strategic plan.

The education work of other national human rights institutions was also reviewed. However, the most important framework used in developing this strategy is the United Nations General Assembly Plan of Action (A/59/525. Rev.1) on the World Programme for Human Rights Education (General Assembly Resolution 59/312). This describes the broad aims of human rights education as follows:

*'Human Rights Education aims at developing an understanding of everybody's common responsibility to make human rights a reality in each community and in the society at large. In this sense, it contributes to the long-term prevention of human rights abuses and violent conflicts, to the promotion of equality and sustainable development and the enhancement of people's participation in the decision-making processes within the democratic system.'*

In order to achieve the cultural change claimed for Human Rights education, the UN document outlines three types of outcomes for individual learners and groups.

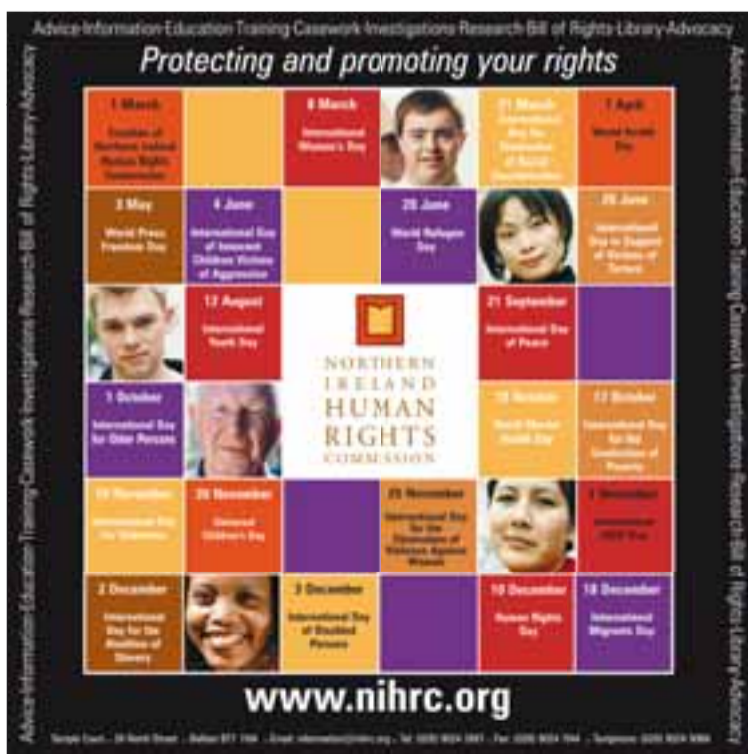
1. Knowledge and skills: learning about human rights and mechanisms for their protection, as well as acquiring skills to apply them in daily life;
2. Values, attitudes and behaviour: developing values and reinforcing attitudes and behaviour which upholds human rights;
3. Action: encouragement to take action in order to defend human right and prevent human rights abuses.

The Commission is disappointed that the government has shown little interest in fulfilling their commitments to the UN World Programme for Human Rights Education and hopes to engage with the Department of Education and the Department for Employment and Learning in developing a local plan of action under the programme for Northern Ireland.

The Commission believes that human rights education, development and information work can help build political stability and peace in Northern Ireland. It promotes values, beliefs, and attitudes that encourage all individuals to uphold their own rights and those of others. As such, it contributes to the long-term prevention of human rights abuses and represents an important investment in the development of a just society in which the human rights of all our people are valued and respected.

The Commission is ideally placed to make a useful contribution to this work and hopefully this strategic plan will be of value in building a culture of rights in Northern Ireland. The plan is available on our website [www.nihrc.org](http://www.nihrc.org) and we welcome feedback on this work. ■

**Peter O'Neill**  
NIHRC Head of Information, Education and Development



## The Wider Cultural Context for Human Rights

Professor Declan McGonagle

**What I would like to do in this article is explain how I see human rights issues intersecting with arts/cultural issues and, in particular, my own area of work in the visual arts. And also to offer and debate some models of thinking and practice, other than the inherited models, represented by those points of connection.**

At a Community Arts Conference in Dublin, a couple of years ago, the English philosopher, AC Grayling – a philosopher concerned in his writings in newspapers and in his books to connect philosophy to everyday life – made a very interesting contribution by going back to a point of origin in Classical culture when our ideas of the State, of citizenship and ideas about rights were developed. And he referred specifically to a moment of ‘shift’ in Greek society when the society moved from a celebration of the warrior to a celebration of the ‘civilian’ – the ‘civil’ man – concerned with society and with commonality.

His key point was that this shift was first articulated in an arts process, in theatre such as the Orestia cycle of plays, where there is the first mention of the idea of a jury of peers and where members of the Chorus, which in Greek Theatre, were traditionally observers of the action, became actors in the narrative, became participants...potential ‘citizens’.

And it seems to me that human rights is about creating guarantees which enable people to become actors or participants in their own narratives in society.

The Classical [Greek/Roman] idea of citizenship has provided a very powerful model for our continuing ideas of civil society and of citizenship. So, in as much as it can be said that Northern Ireland is going through an equivalent, if protracted, moment of shift, from the values of the warrior to the values of the civilian, to a new civil society, a shared society, then the arts have a responsibility to be part of and to contribute to that process of shift. The arts, as AC Grayling argued, in principle, can be a means of articulating and describing that process of emancipation. In my view therefore we cannot talk about a culture of human rights if we do not also talk about a rights based culture.

The question is, what would that look like?

It would mean a shift, in our culture, from dominant values associated with definitions of production and consumption in the arts, to values associated with participation, negotiation,

and reciprocation. It would mean understanding the arts process as functioning within society, indeed as a function of society – a feature of civil society. While we may today have the makings of a new civil society, do we have the makings of new civil culture; that is, a culture ‘belonging to citizens’? And citizenship means participation, negotiation and reciprocation – responsibilities as well as rights.

I am not suggesting going back, in any way, or becoming nostalgic about the classical period in history. Nor that we mimic Greek civil society now – we should leave behind the exclusivity of their definition of citizenship, which was trapped in an elite socio/political group, in order to universalise the idea of rights, conferred on us by our humanity [as human beings]. and... the idea of responsibilities conferred on us as social beings.

And the reason I believe there is a real role for the arts here is that, at root, art is already a social process. It is a transaction, a negotiation that involves reciprocation between the self of the artist and the ‘other’ of the non-artist. I would argue that, in fact, many of our problems arise when people are unable or are unwilling to see ‘self’ in ‘other’. The concept of rights flows from that and is fundamentally a cultural process to which the arts can and should make a greater, conscious, contribution. To do this we need to advance the idea of a culture of human rights on several fronts at once and this has to be done within wider ideas of participatory democracy and we won’t achieve that if we do not have a participatory [civil] culture. We know that young people, and others, are abandoning the political process and in many cases are not participating in society, never mind the democratic process.

To generate shift we have to understand that we presently operate in a matrix of values and systems of arts/cultural production and distribution which still lumber under what are actually 19th century models of practice, experience and validation. These norms were consolidated into the 20th century where the value, certainly in the visual arts, was represented as the uniqueness rather than the commonality of the artist’s experience. This model, which is reflected in the popular media and the popular mind’s sense of the artist as an eccentric figure in our culture holds the artist apart from society, as a sort of provider



Professor Declan McGonagle, Director, Interface Research Centre, School of Art and Design, University of Ulster, Belfast

of an antidote to social reality rather than as a provider of a means of negotiating that social reality. It is here, in the negotiation of social realities, where the arts process intersects, potentially productively, with the human rights process, I would argue.

There is a continuing idea of the artist as genius producer and non-artist as consumer, but remember that when you are a consumer you are reading someone else’s script for your narrative. This is a disempowering model – if you are not in a position to consume, the result is alienation, non participation and anxious communities.

Our existing models of provision are based on a right [hard won in itself] to access the creativity of others and this is what traditionally formatted arts provision, (theatres, galleries and museums etc), offer. Though research tells us that many, many people do not exercise that right because it is often communicated as nothing more than remedial experience, based, as it is, on a consumer model with other propositions, like participatory practice seen as ‘less’.

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I am really looking, not for a replacement of what I would call signature culture, but for a parity of esteem of what I would call participatory culture...a new matrix within which those different definitions and norms could co-exist - in effect a reconfiguration of provision – a NEW DEAL.

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The model I am proposing is about giving people rights to access their own creativity and to position such processes at the centre not on the margins. My argument is not to burn down the 'Temples', but to add another set of values to them, adding participatory processes to signature processes.

So, if we accept this proposition – the model of negotiation – as empowering and of the arts within society as something we negotiate everyday, and that is where its value lies as part of a social field – I believe we can internalise and culturalise the idea of human rights and social responsibilities

I am talking here about a shift from the disempowering consumption model [with its separations and alienations] to a model concerned with society and commonalities and the right to negotiate your own terms of entry, of participation on real rather than abstracted notions of choice.

By extension, if that rights based approach is not present in the culture, how could it be present in the social body? This about reconnecting to lived experience, to values of reciprocation and commonality and the provision of guarantees.

It is interesting to consider how, in the past, one could have purchase on value in society by being an actual or potential producer. The shipbuilders in the shipyard were not just building ships but also social value and respect, for themselves and for their communities. Now we are offered purchase on value in society by being

a successful consumer but again, what if you are not in a position to consume, for whatever reason? However it is still possible in the arts to be a producer, not just of manufacture but of meaning and value. But only if we, in the arts, instead of bonding within our own field, actually bridge to other positions in the social field and join in the human rights process and other civil society processes, in creating a rights based culture.

This will only be created through partnerships within civil society because the rights we are discussing are not enacted in the abstract. The arts represent one means of giving visible form to... that emancipation.... to new relations.... to a NEW DEAL! ■

**Professor Declan McGonagle**  
University of Ulster

## Ssssh.....

# Using the NIHRC Library Service

**The Reference Library at the Human Rights Commission is available to anyone with an interest in human rights. Under development since 2001, the library now holds approximately 4,000 books, reports, journals, newsletters, cuttings, videos and CD-Roms on a wide range of human rights topics, internationally and domestically.**

The material is divided into a number of categories covering the following broad subjects:

- Human Rights Act 1998
- European Convention on Human Rights
- Bills of Rights (including submissions to the NI Bill of Rights project)
- Thematic human rights (e.g. health, women, justice)
- Case law
- Research and developments in human rights
- International human rights standards
- Country and regional reports and comparisons
- Key legislation and policies affecting human rights

Most recently an information-rich, fully searchable catalogue of over 3,000 items was completed so that visitors to the library can quickly locate the information they need. The catalogue has been developed using 'Heritage', a computerised library management system. Later this year, we hope to provide external access to this catalogue through the Commission's website at [www.nihrc.org](http://www.nihrc.org) so that it can be shared with potential library visitors and other relevant information services alike.

## Visiting the Library

Visitors to the library are very welcome, whether it is to find out more about the work of the Commission or human rights generally, to explore the growing range of teaching and learning



resources or to locate material for a dissertation deadline. During your visit you will receive help with information searches (including access to the Commission's own publications) and we will be able to refer you to other relevant information services where appropriate. So that we can help make your visit useful, it is advisable to make an appointment beforehand, especially if visiting for the first time – see contact details below.

### Library location:

**Ground floor, NIHRC  
Temple Court  
39 North Street  
Belfast BT1 1NA**

### Contact:

**Nadia Downing**  
Information Worker  
tel: (028) 9024 3987 or  
email: [nadia.downing@nihrc.org](mailto:nadia.downing@nihrc.org)

### Opening hours:

**Monday to Friday  
10.00am to 5.00pm**

### Services:

- Commission publications
- catalogue searches
- photocopying (with copyright restrictions),
- referrals

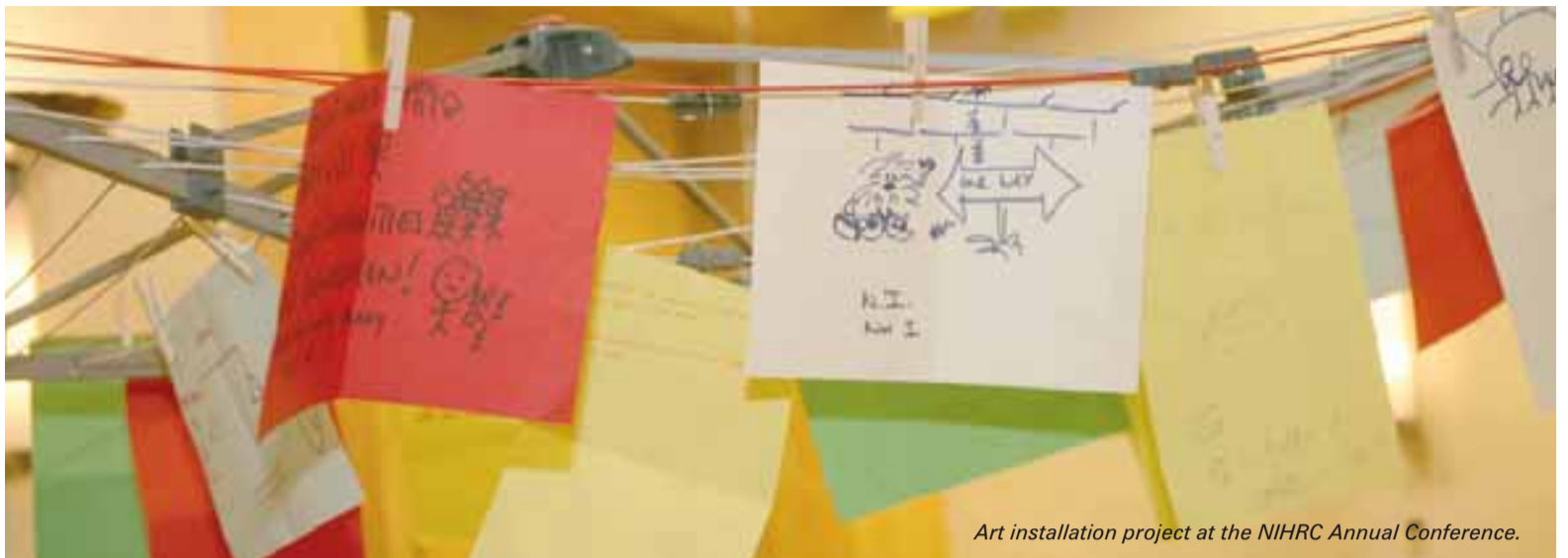
## On Culture, Cabbies and Tool Kits

Michele Lamb

**S**ince the signing of the Universal Declaration, human rights have emerged as one of the most globalised and contested discourses of the twenty-first century. Originally focused primarily on the relationship between individual and state, they are increasingly being discussed in the much wider context of a basis of relations between groups and individuals.

In both contexts, the prospect of a culture of human rights has been welcomed as a new moral basis for an inclusive society, and vilified as divisive, litigious, and prioritising the rights of the guilty at the expense of innocent law-abiding citizens! A British politician, recently interviewed on the subject of human rights, could barely conceal his distaste for the idea, referring to it as one of the worst developments he had witnessed in recent years. The debate in Northern Ireland is similarly fraught, so the recent Northern Ireland Human Rights Commission conference entitled 'Building a Human Rights Culture in Northern Ireland' was a welcome opportunity to consider what a human rights culture might be.

Interest in both culture and human rights has been exercising sociologists for several years. Originally, the study of 'culture' tended to be the province of those primarily interested in researching the exotica of remote regions, or the high arts of 'civilised' society. But, more recently sociologists have become interested in studying mundane cultures, in other words, our own. Generally, two approaches dominate. The first thinks of culture as the ways in which historically transmitted symbols, rituals and ceremonies, as well as more mundane aspects of life such as language, stories and even gossip, shape our knowledge and attitudes towards life. Particularly, in modern, plural societies, such a perspective tends to highlight the enduring nature



Art installation project at the NIHRC Annual Conference.

of cultural constructions. In societies where divisions have become deeply embedded, culture can become reified and used as the basis for competing claims.

More recently, however, cultural sociologists have taken a new tack. Rather than trying to identify the common strands of a unified system, the aim is to identify the resources and repertoires that living in a particular set of institutions and in a particular historical period, provides people with. The American sociologist, Ann Swidler, has used the metaphor of a 'tool kit', likening cultural capacities to a box of resources that people use in various situations to solve the particular problems they encounter in daily life. This way of thinking views culture as a cognitive tool, exploring the ways that new ideas are integrated through the mental processes of awareness, memory, judgment, and reasoning to help us make sense of the world around us.

In the context of human rights this would mean considering the different ways, and the extent to which, people understand and use ideas about rights to solve every day problems. It entails considering the variety of meanings that concepts and words such as tolerance, equality, or dignity can have, and how deeply or lightly held they may be. It involves thinking about how meanings are influenced by experience of the past, aspirations for the future, and the need to

make sense of and function in many different situations. Social movements that debate, develop, promote and disseminate new ideas and ways of thinking – new tools – for individuals and groups to select from, are crucial in this process.

Those who have a passion to promote human rights are at the forefront of making them available, demonstrating their application and value, supporting people in learning about them, and advocating for institutions, the Belfast Agreement being a good example, that help these new tools to rise to the top of the box. Eventually, it becomes common sense to use them. **Despite its flaws, one of the successes of the Belfast Agreement and the debate over the Bill of Rights has been as a vehicle to promote a wider and arguably more informed debate over human rights than has, for example, been available in the rest of the UK.**

Some of the tools on offer at this year's NIHRC conference were captured in an art installation in which participants were asked: What do you think you would notice if a strong human rights culture was emerging within Northern Ireland? The answers came in both words and drawings. Some were expressed boldly and confidently, others were more tentative and cautious. Some were coherent and considered, others more random and exploratory. Respect, equality, tolerance, confidence and trust were values frequently espoused alongside aspirations

towards peace, love, truth, safety, sharing, freedom, fearlessness, acceptance, happiness, unity and openness. The actions of listening, dialogue, participating, celebrating, creating and empowering were offered as the path to achieve them and more specific policy proposals included greater respect for minorities, prisoners, children, diverse religious groups and the disabled. Better education, housing, social justice, streets, transport, water, play areas and employment were all advocated for.

Some responses implied that a culture of human rights would exist once they had reached the level of everyday experience. It would be when 'taxi drivers discuss the Bill of Rights'; when 'blogging human rights would be good craic'; and when 'graffiti which is funny/contemporary/satirical rather than hate motivated' is the norm. However, what is not present can be as revealing as what is. Images of cabbies arguing, blogging and graffiti, for example, could be read as gendered representations and women's rights were absent from any of the responses. Drawings too can reveal ideas that have not been fully rationalised. Some of them involved the repetition of stick people holding hands or repeated smiley faces which could be interpreted as indicating equality and solidarity, but also sameness and lack of diversity. In a divided society uncertainty about the management of diversity would be unsurprising.

**Events such as the NIHRC conference are important ways of developing ideas, but once they are out, it is individuals and groups who make them real. This is the exciting thing about the aspiration towards a culture of human rights in Northern Ireland.**

The tools of human rights, while starting out as abstract and universalist ideas, are being constantly negotiated and interpreted at the local level and in individual lives, and can emerge in different ways to which they were originally intended, and with different priorities.

It won't be the result of social engineering (as some politicians seem to worry), although politicians, the arts and media are crucial in shaping the institutions, frameworks and representations that provide space for its ideas. Rather, a culture of human rights can only be the result of the involvement of ordinary people who create it through the interaction of its ideas with daily life in real situations.

(The record of the Arts Installation produced by Imagined Spaces can be found on the home page of the NIHRC website ([www.nihrc.org](http://www.nihrc.org)) in the Special Focus section. ■

**Michele Lamb**  
Department of  
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## Interview with Lady Christine Eames. NIHRC Commissioner

**L**ady Eames was appointed as a part-time member to the Northern Ireland Human Rights Commission in December 2001. She was awarded an OBE in the 2006 New Year's Honours List for services to the community in Northern Ireland.

Christine was formerly World President of the Mothers' Union from 1995 to 2000. She is a law graduate with an MPhil in Medical Ethics and recently chaired the Human Rights Committee of the Mental Health and Learning Disability Review, on behalf of the Commission. A Central Trustee of Christian Aid in Ireland and worldwide, Christine has an active interest in cross-community work and young people.

### What prompted you to first apply to be a Commissioner?

I had represented people in an international context who had no access to basic human rights and I believed in Northern Ireland, as we moved out of a conflict situation, we needed an acknowledgement of the human rights of us all in order to build a just society for the future.

### Given your length of time as a member of the Commission, what have been the most important developments in its work?

Some of the most important developments concern a gradual process of developing acceptance of the significance of human rights, not just legally, but in attitudes and the provision of services for everyone.

### What are the aspects of this work you are most proud of?

While recognising the separate work of each Commission, it has been encouraging to see the developing work of the Irish Human Rights Commission and the Northern Ireland Human Rights Commission over joint concerns such as immigration and places of detention.

### In your work on mental health issues in particular, how do you see the relationship between human rights and disability?

The protection of human rights concerns everyone in society. Because an individual has a disability, they may have particular needs and these may need a special safeguard. There also has to be recognition of the need to have provision for all to be able to access their rights such as education, provision of services and healthcare.

### The Bamford Review of Mental Health and Learning Disability has been widely welcomed. As the chair of the working group which examined the human rights issues involved in this work, how do you think the Report will make a difference for the lives of disabled people and what does the government need to do to improve the lives of this section of our community?

In the report, there are recommendations which address the need for the training of those involved in the provision of services, in the training of carers and an overall independent advocacy service. It is hoped the government will accept these recommendations and fund them adequately so that a better understanding and recognition of needs and rights will follow.



Christine Eames

### You recently chaired a discussion between representatives of faith groups and human rights practitioners. How do you see this relationship?

I see this as developing from the basic recognition by both groups of the dignity of the individual, of the situation of our neighbour and of acknowledging the shared future of us all.

### What aspect of government policy would you most like to see changed?

I would like to see the government adequately fund the provision of services for those with mental health needs and learning disabilities, and a recognition of family friendly policies so that the most vulnerable members of society, young and old, are cared for in a way that represents their needs, their human rights and dignity.

