

Ulster Democratic Party

Strand One

Justice, Rights and Safeguards

Written Constitution and Bill of Rights

The constitution of the United Kingdom consists of a collection of all acts of parliament, parliamentary conventions and case law that exists at any one time. The absolute sovereignty of Parliament is unsatisfactory. For example, the UK parliament has been able to abolish jury trials, permit imprisonment without trial and enact an Anglo-Irish Treaty without any accountability to those whom it affects.

The UK system allows for government to take measures, which can be individually justified due to pressure of circumstance but which over time collectively, result in erosion of freedom. We envisage a written constitution for Northern Ireland, a binding contract between the people of Northern Ireland which defines the structures and powers of government and the relationship between the several parts of government and between the government and the citizen.

A Northern Ireland Bill of Rights would be incorporated into the constitution to protect the rights and liberty of its citizens. While the Labour government has promised the incorporation of the European Convention on Human Rights into UK law, we believe Northern Ireland as a divided society requires a protective mechanism that is specific to its needs.

A written constitution would be a legally and morally binding contract. There will be a Supreme Court to uphold the constitution. Should the government seek to introduce any measure, which is considered by any citizen or group of citizens to be in breach of the constitution then that measure can be challenged through the judiciary, which would have the power to overturn even an act of parliament.

Policing

The Ulster Democratic Party fully supports the need for an effective and efficient police force, to protect the public and provide a high quality service to the entire community without prejudice. For the duration of the troubles the RUC has performed a most difficult task in unnatural circumstances. Because of the political situation the RUC has adopted a primarily anti-terrorist role. Its members have suffered greatly from anti-state violence and have courageously defended the people of Northern Ireland under inhibitive political direction.

However, as a result the nature of policing has caused a structural neglect of community oriented approach to law enforcement. Structures are necessary to provide greater accountability to the community and to encourage a better relationship between the community and the police.

This process of negotiation is a vehicle towards an agreement that will assist the removal of the divisions that exist between the people of Northern Ireland and the normalisation of our society. As society evolves so must those who police it. We oppose the concept of dismantlement of the RUC. But its role must be subject to reform as the needs of our society changes.

Emergency Legislation

The emergency legislation, which has facilitated the erosion of individual rights and freedom, should be reviewed. While there will continue to be a need for special provisions to allow the forces of law to pursue terrorism they cannot be awarded powers which contravene human rights. The nature of such powers in the future shall be constrained by the new Northern Ireland Bill of Rights.

The Ulster Democratic Party believes that there should be an immediate return to jury trial. The right to free travel should be immediately recognised and exclusion orders abolished. No citizen of the United Kingdom should be denied the freedom to move throughout its jurisdiction without impediment.

Political Prisoners

We view the issue of continued incarceration of political prisoners a central matter in the pursuit of a resolution of this conflict. The government has failed to take adequate steps during the peace process to address prisoner releases in a constructive and positive way way. As part of the process of normalisation politically motivated prisoners should be released and provisions made to assist their successful reintegration into society.