

**20/05/2009**

## **PRESS RELEASE**

### **ECNI comment on House of Lords ruling on ex-prisoners' appeal**

The House of Lords has ruled in a decision handed down today that people who have used, or approved the use of, violence for political ends, are not protected against discrimination on the grounds of political opinion, even though they may have changed their views.

The ruling relates to a case brought by John McConkey and Jervis Marks which arose from their failure to be appointed to posts with the Simon Community. They complained that they were unlawfully discriminated against on the grounds of their political opinion.

The Equality Commission for Northern Ireland supported their appeal to the House of Lords in order to clarify the meaning of the exemption contained in Article 2 (4) of the Fair Employment and Treatment Order 1998.

Chief Commissioner Bob Collins commented today: "We sought a clear ruling on the question of whether the Order's provisions against discrimination on grounds of political opinion apply to people who have in the past approved of or accepted the use of violence for political ends but who no longer hold such views.

"The Commission has a duty to keep the fair employment legislation under review and felt it was important to establish a definitive view of this issue.

"The Commission has argued that the law should adopt a sensible balance between assisting in the rehabilitation process for ex-offenders and maintaining public safety. In

the context of the conflict in Northern Ireland, the integration of ex-prisoners is important to the creation of a peaceful society as is sensitivity to the suffering of those who have been victims in that conflict.

“The ruling today clarifies this aspect of the law beyond any doubt.”

In today’s decision the Lords have ruled unanimously on this legal point. Lord Rodger of Earlsferry stated “*The crucial issue is, accordingly, whether article 2(4) does indeed apply to an opinion that someone had held previously, but had abandoned by the time he applied for a job. I am satisfied that it does.*”

ENDS

### **Note To Editors**

The case was initially heard in the Fair Employment Tribunal which found that it could not succeed because of the provisions of Article 2(4) of the Fair Employment and Treatment order 1998. This Article states:

**In this Order any reference to a person’s political opinion does not include an opinion which consists of or includes approval or acceptance of the use of violence for political ends connected with the affairs of northern Ireland, including the use of violence for the purpose of putting the public or any section of the public in fear.**

The full text of the House of lords decision can be found at:

<http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090520/conkey-1.htm>