

Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

Country/ entity	Ireland United Kingdom Northern Ireland
Region	Europe and Eurasia Europe and Eurasia Europe and Eurasia
Agreement name	Hillsborough Castle Agreement
Date	5 Feb 2010
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Northern Ireland Conflict (1968 - 1998))
Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Northern Ireland peace process
Parties	1. First Minister Peter Robinson (Democratic Unionist Party) 2. Deputy First Minister Martin McGuinness (Sinn Féin) However, the agreement also includes a letter from The Prime Minister of the UK, and therefore includes commitments from the UK Government.
Third parties	-
Description	Implementation agreement on devolution of justice and policing, which had not been resolved in the St Andrews Agreement (October 13 2006) and includes plans for overseeing parades.

Agreement document [UK_IE_100502_Hillsborough Castle Agreement.pdf](#)  | [Download PDF](#)

Groups

Children/ youth	Groups→Children/youth→Rhetorical Page 7-8, Section 1 - Policing and Justice, Addendum to Programme for Government, 7. The necessary actions to support the agreed policies could usefully include, inter alia: ...Review of how children and young people are processed at all stages of the criminal justice system, including detention, to ensure compliance with international obligations and best practice;...
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/ displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	Page 7-8, Section 1 - Policing and Justice, Addendum to Programme for Government, 7. The necessary actions to support the agreed policies could usefully include, inter alia: ...Consideration of a women's prison, which is fit for purpose and meets international obligations and best practice;...
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→General references
Page 4, Section 1 - Policing and Justice, The Department of Justice - Model, 2.
The Assembly's Department of Justice Bill, which completed its passage in December, establishes the new Department of Justice and sets out the arrangements for the appointment of the Justice Minister. It provides that there will be a single Justice Minister in charge of the Department of Justice which will be responsible for devolved policing and justice policy and legislation. The Justice Minister will be elected by a cross community vote in the Assembly following a nomination by any MLA.

Page 8, Section 1 - Policing and Justice, Relationship between Justice Minister and Executive, 8.

The Justice Minister will have the same status in the Executive as other Ministers – the Justice Minister will have the same standing in terms of attending and voting at the Executive and as with other Ministers the operation of the Department would be subject to his/her direction and control. In this context as with other Ministers the Justice Minister would have responsibility for operational matters within the Department.

Page 8, Section 1 - Policing and Justice, Relationship between Justice Minister and Executive, 9.

Having regard to the particular responsibilities of the Justice Minister we have agreed that quasi-judicial decisions shall be made by the Justice Minister without recourse to the Executive.

Page 8-9, Section 1 - Policing and Justice, Relationship between Justice Minister and Executive, 10.

The Justice Minister will bring any proposals he/she believes necessary to the Executive detailing how the Ministerial Code or Procedural Guidance should be amended to ensure effective decision-making in relation to urgent, confidential or other matters in his/her Department which would normally require consideration by the Executive. Pending the implementation of any agreed amendments to the Ministerial code or procedural guidance, the Executive would normally grant retrospective approval to any decisions in which the Minister had acted reasonably. However, the First Minister and deputy First Minister, acting jointly may require any matter to be brought to the Executive for consideration or agree jointly that retrospective approval would not be granted. Notwithstanding the above all issues which cut across the responsibility of two or more ministers, legislative proposals and financial allocations to the Department of Justice would require Executive consideration. It is expected that any new arrangements would be in place by the summer recess.

Page 19, Section 3 – Improving Executive Function and Delivery, 1.

Party papers have been exchanged during the Talks at Hillsborough Castle making suggestions on how the Executive might function better and how delivery might be improved.

Page 19, Section 3 – Improving Executive Function and Delivery, 2.

The First Minister and deputy First Minister will seek approval from the Executive to set up a Working Group to consider all proposed arrangements and make recommendations.

Page 19, Section 3 – Improving Executive Function and Delivery, 3.

Elections No specific mention.

Electoral
commission No specific mention.

Political
parties
reform No specific mention.

Civil society Page 15, Section 2 – Parades, 10.
Where there is a need, support will be provided to help local communities and those who parade to find local solutions to contentious parades and related protests. This will encourage local accommodation and will take account of lessons to be learnt from successful local models. It is envisaged that in the case of the most difficult situations, additional ongoing support will be provided to encourage resolution of contention.

Page 15, Section 2 – Parades, 11.
We will promote and support direct dialogue with, and the involvement of, representatives of the Loyal Orders, band parade organisers, local residents' groups and other stakeholders, as this work is advanced. We will also encourage the participation of local elected representatives in the process of resolution. This work will start as soon as possible.

Traditional/
religious
leaders No specific mention.

Public
administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing	<p>Power sharing→Political power sharing→Executive coalition Sub-state level Page 4, Section 1 - Policing and Justice, Devolution timetable, 1. Following community consultation the First Minister and deputy First Minister will table jointly a resolution for a cross- community vote in the Assembly on 9 March. Following affirmation of the resolution they will support all necessary steps in the Assembly to ensure devolution of powers by the 12 April. The Government will set out publicly the Parliamentary schedule for the related transfer orders required to effect devolution. Policing and justice powers will be devolved on that day.</p> <p>Page 4, Section 1 - Policing and Justice, The Department of Justice - Model, 2. ...The Justice Minister will be elected by a cross community vote in the Assembly following a nomination by any MLA.</p> <p>Power sharing→Political power sharing→Form of 'veto' or communal majority Sub-state level Page 4, Section 1 - Policing and Justice, The Department of Justice - Model, 2. ...The Justice Minister will be elected by a cross community vote in the Assembly following a nomination by any MLA.</p>
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general Page 5, Section 1 - Policing and Justice, Independence of Judiciary and Chief Constable, 4. We believe that the independence of the judiciary is essential in a democratic society which supports the rule of law. It is of paramount importance that the judicial function remains independent of Government and immune from any partisan or political interest. Public confidence requires that judicial decisions are taken in a fair, impartial, objective and consistent manner. This confidence can only be maintained if judges are able to act with independence.

Page 13-14, Section 2 – Parades, 3.

We recognise that support from all sides of the community has the potential to create a new improved framework for the management and regulation of public assemblies including parades and related protests. We believe that such a framework should reflect the key principles of:... - Respect for the rights of those who parade, and respect for the rights of those who live in areas through which they seek to parade. This includes the right for everyone to be free from sectarian harassment;

Page 14, Section 2 – Parades, 4.

The working group has been tasked to take forward work in the following areas, building on the interim report of the Strategic Review of Parading. This will inform the public consultation, as part of the schedule, as set out in the timetable below:

...- The right of citizens to freedom from all forms of harassment.

Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI Rights institutions→NHRI→Mentions of NHRI
Page 6-7, Section 1 - Policing and Justice, Addendum to Programme for Government, 7.
The necessary actions to support the agreed policies could usefully include, inter alia:
...- The powers of the Prisoner Ombudsman to be reviewed in light of experience elsewhere;

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal
justice and
emergency
law

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 4, Section 1 - Policing and Justice, The Department of Justice - Model, 2. The Assembly's Department of Justice Bill, which completed its passage in December, establishes the new Department of Justice and sets out the arrangements for the appointment of the Justice Minister. It provides that there will be a single Justice

Minister in charge of the Department of Justice which will be responsible for devolved policing and justice policy and legislation. The Justice Minister will be elected by a cross community vote in the Assembly following a nomination by any MLA.

Page 4-5, Section 1 - Policing and Justice, The Department of Justice - Model, 3.

On Monday 8 February 2010 the First Minister and deputy First Minister will convene a meeting of party leaders to consider applications of interest for the post of Justice Minister. The purpose of this meeting will be to allow the First Minister and deputy First Minister to identify which candidate they believe is best able to command cross-community support in the Assembly.

Page 5-6, Section 1 - Policing and Justice, Addendum to Programme for Government, 6.

There will be an addendum to the Programme for Government (PfG) for the Department of Justice which will be drafted by the Justice Minister and brought to the Assembly for

approval. We believe that in bringing forward his/her proposals the Justice Minister should give consideration to the following:

- The addendum should be drafted in such a way as to be a seamless fit into the current PfG, conforming to the format of the existing document;
- Some of the work of existing departments touch upon the proposed functions of a new DOJ for example the good relations unit in OFMDFM has a key role in dealing with community relations. The addendum should reflect that ongoing work and be drafted collaboratively with officials from relevant departments;
- Confidence, avoidable delay, rehabilitation, recidivism and the interests of victims and witnesses are key elements of any addendum. Developing policies which support effective policing should also be part of any forward work programme.

Page 6-7, Section 1 - Policing and Justice, Addendum to Programme for Government, 7.

The necessary actions to support the agreed policies could usefully include, inter alia:

...- Building upon the ongoing Tribunal Reform programme;

- Learning from international best practice in matters of criminal justice;
- Full provision of adequate funding and other resources for legal services to the disadvantaged in society, ensuring equality of access to justice for all;
- Establishment of a sentencing guidelines council;
- Review of alternatives to custody;
- Adequate provision of diversionary alternatives to prosecution;
- The powers of the Prisoner Ombudsman to be reviewed in light of experience elsewhere;
- A review of the conditions of detention, management and oversight of all prisons;

State of emergency provisions	No specific mention.
Judiciary and courts	<p>Page 5, Section 1 - Policing and Justice, Independence of Judiciary and Chief Constable, 4. We believe that the independence of the judiciary is essential in a democratic society which supports the rule of law. It is of paramount importance that the judicial function remains independent of Government and immune from any partisan or political interest. Public confidence requires that judicial decisions are taken in a fair, impartial, objective and consistent manner. This confidence can only be maintained if judges are able to act with independence.</p> <p>Page 6-7, Section 1 - Policing and Justice, Addendum to Programme for Government, 7. The necessary actions to support the agreed policies could usefully include, inter alia: ...- Building upon the ongoing Tribunal Reform programme;</p>
Prisons and detention	<p>Page 6-7, Section 1 - Policing and Justice, Addendum to Programme for Government, 7. The necessary actions to support the agreed policies could usefully include, inter alia: ...- The powers of the Prisoner Ombudsman to be reviewed in light of experience elsewhere; - A review of the conditions of detention, management and oversight of all prisons; - A comprehensive strategy for the management of offenders; - Consideration of a women's prison, which is fit for purpose and meets international obligations and best practice; - Review of how children and young people are processed at all stages of the criminal justice system, including detention, to ensure compliance with international obligations and best practice;...</p> <p>Page 10-11, Additional Financial Settlement – Letter from the Prime Minister dated 21 October ...- Capital budgets in the next CSR period will be sufficient to enable the Executive to take forward routine, but necessary work, to maintain the operational capacity of existing assets, to complete the police training college and to come to its own view about the relative priorities for new capital expenditure including Magilligan Prison and other projects in the period ahead.</p>
Traditional Laws	No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan

Page 11, Additional Financial Settlement – Letter from the Prime Minister dated 21 October

The key elements of the settlement are:

- The Northern Ireland Executive will have access to the reserve to meet any exceptional security pressures relating to policing and justice. On the same basis, HM Treasury will be prepared to make available up to an additional £37.4 million in 2010/11.
- Capital budgets in the next CSR period will be sufficient to enable the Executive to take forward routine, but necessary work, to maintain the operational capacity of existing assets, to complete the police training college and to come to its own view about the relative priorities for new capital expenditure including Magilligan Prison and other projects in the period ahead.
- The legal aid allocation is a £20 million a year addition to baseline through to the end of 2012/13, after which efficiency savings will be expected to take effect, allowing the baseline increase to be reduced to £14 million a year. To meet additional pressures over the next two years, including other courts pressures, we agree the need on a one-off basis for a further £12 million. If, in the event, pressures turn out to be higher than this, HM Treasury will provide further money from the reserve up to a maximum of £39 million. Until the end of 2012/13 this access to the reserve will not be recouped from future EYF.
- On police pensions, previously identified pressures of £101 million can be fully addressed through technical changes which will include a public expenditure neutral DEL to AME reclassification.

Page 11, Additional Financial Settlement – Letter from the Prime Minister dated 21 October

The key elements of the settlement are:

- There are potential pressures (the "long list") of around £15 million in 2010/11 on resources relating to policing, prisons and probation. This should fall to around £10 million a year in the next CSR period. Baselines will need to be sufficient to meet these pressures. In addition £30 million in unallocated EYF and underspends generated in future years will be available to meet pressures.
- ... - Hearing Loss. The Northern Ireland Executive will meet the first £12m of claims in any one year. Any sums incurred above that will be met through access to the reserve, based on annual agreement between the Northern Ireland Executive and HM Treasury on the litigation strategy. To assist the Northern Ireland Executive to meet the expected £12m a year pressure, the Treasury will be prepared to acquire from the Northern Ireland Executive sellable assets worth up to £12 million a year for five years, or £60 million in total. HM Treasury and Northern Ireland Executive will need to agree on the valuation methodology.

Natural resources

No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/ rights Land, property and environment→Land reform/rights→Land reform and management
Page 10-12, Additional Financial Settlement – Letter from the Prime Minister dated 21 October
... - HM Government will gift the four agreed former military bases to the Northern Ireland Executive. It would be anticipated that a portion of the land in Omagh will be used for an educational campus but it would be expected that disposal proceeds from the other sites would be used, on a basis agreed with HM Treasury, to meet exceptional resource pressures (including potentially equal pay claims). HM Treasury will work with the Northern Ireland Executive to help ensure that any timing issues, related to delays in securing these disposal proceeds as a consequence of market conditions, can be addressed on an agreed basis...

Pastoralist/ nomadism rights No specific mention.

Cultural heritage

Land, property and environment→Cultural heritage→Tangible
Page 14, Section 2 – Parades, 4.

The working group has been tasked to take forward work in the following areas, building on the interim report of the Strategic Review of Parading. This will inform the public consultation, as part of the schedule, as set out in the timetable below:

- Procedures relating to the receipt and notification of parades and assemblies; objections relating to them; necessary actions arising from the lodging of objections; and the facilitation of dialogue and mediation;
- In the event of the failure of mediation, recourse to independent adjudications and procedures;
- Adjudication arrangements comprising an appropriate mix of lay and legal expertise with sufficient resources to operate effectively and efficiently;
- A code of conduct which is legally enforceable;
- The right of citizens to freedom from all forms of harassment.

Page 15, Section 2 – Parades, 10.

Where there is a need, support will be provided to help local communities and those who parade to find local solutions to contentious parades and related protests. This will encourage local accommodation and will take account of lessons to be learnt from successful local models. It is envisaged that in the case of the most difficult situations, additional ongoing support will be provided to encourage resolution of contention.

Page 15, Section 2 – Parades, 11.

We will promote and support direct dialogue with, and the involvement of, representatives of the Loyal Orders, band parade organisers, local residents' groups and other stakeholders, as this work is advanced. We will also encourage the participation of local elected representatives in the process of resolution. This work will start as soon as possible.

Land, property and environment→Cultural heritage→Promotion
Page 13, Section 2 – Parades, 1.

The Parades Commission is tasked with regulating and adjudicating on parading. We are committed to a new and improved framework fashioned by all stakeholders and maximising cross community support.

Page 13, Section 2 – Parades, 2.

The First Minister and deputy First Minister have agreed to set up a co-chaired working group comprising six members, appointed by them, with experience of dealing with parading issues which will bring forward agreed outcomes which they believe are capable of achieving cross community support for the new and improved framework. This work will begin immediately and will be completed within three weeks.

[Summary: Section 2 – Parades, 5-9 provide for First Minister and deputy First Minister support for a Bill on the issue of parades before the end of 2010.]

Page 13-14, Section 2 – Parades, 3.

We recognise that support from all sides of the community has the potential to create a new improved framework for the management and regulation of public assemblies including parades and related protests. We believe that such a framework should reflect the key principles of:

- Local people providing local solutions;
- Respect for the rights of those who parade, and respect for the rights of

Environment No specific mention.

Water or
riparian
rights or
access No specific mention.

Security sector

Security
Guarantees No specific mention.

Ceasefire No specific mention.

Police

Page 4, Section 1 - Policing and Justice, Devolution timetable, 1

Following community consultation the First Minister and deputy First Minister will table jointly a resolution for a cross-community vote in the Assembly on 9 March. Following affirmation of the resolution they will support all necessary steps in the Assembly to ensure devolution of powers by the 12 April. The Government will set out publicly the Parliamentary schedule for the related transfer orders required to effect devolution. Policing and justice powers will be devolved on that day.

Page 5, Section 1 - Policing and Justice, Independence of Judiciary and Chief Constable

5. As part of the devolved policing arrangements the Chief Constable will be operationally responsible for directing and controlling the police. The PSNI will have operational responsibility for policing, and for implementing the policies and objectives set by the Department of Justice and the Policing Board.

Page 10, Additional Financial Settlement – Letter from the Prime Minister dated 21 October

The key elements of the settlement are:...

- Capital budgets in the next CSR period will be sufficient to enable the Executive to take forward routine, but necessary work, to maintain the operational capacity of existing assets, to complete the police training college and to come to its own view about the relative priorities for new capital expenditure including Magilligan Prison and other projects in the period ahead.

Page 11, Additional Financial Settlement – Letter from the Prime Minister dated 21 October

The key elements of the settlement are:...

- On police pensions, previously identified pressures of £101 million can be fully addressed through technical changes which will include a public expenditure neutral DEL to AME reclassification.

Page 12, Additional Financial Settlement – Letter from the Prime Minister dated 21 October

The key elements of the settlement are:...

- There are potential pressures (the "long list") of around £15 million in 2010/11 on resources relating to policing, prisons and probation. This should fall to around £10 million a year in the next CSR period. Baselines will need to be sufficient to meet these pressures. In addition £30 million in unallocated EYF and underspends generated in future years will be available to meet pressures.

Armed forces	<p>Page 11, Additional Financial Settlement – Letter from the Prime Minister dated 21 October</p> <p>The key elements of the settlement are:...</p> <p>- HM Government will gift the four agreed former military bases to the Northern Ireland Executive. It would be anticipated that a portion of the land in Omagh will be used for an educational campus but it would be expected that disposal proceeds from the other sites would be used, on a basis agreed with HM Treasury, to meet exceptional resource pressures (including potentially equal pay claims). HM Treasury will work with the Northern Ireland Executive to help ensure that any timing issues, related to delays in securing these disposal proceeds as a consequence of market conditions, can be addressed on an agreed basis.</p>
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/ rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/ organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims

Page 5-6, Section 1 - Policing and Justice, Addendum to Programme for Government, 6.

There will be an addendum to the Programme for Government (PfG) for the Department of Justice which will be drafted by the Justice Minister and brought to the Assembly for approval. We believe that in bringing forward his/her proposals the Justice Minister should give consideration to the following:...Confidence, avoidable delay, rehabilitation, recidivism and the interests of victims and witnesses are key elements of any addendum. Developing policies which support effective policing should also be part of any forward work programme.

Page 7-8, Section 1 - Policing and Justice, Addendum to Programme for Government, 7.

The necessary actions to support the agreed policies could usefully include, inter alia:

...Development of a Victims Code of Practice setting out a minimum standard of service that criminal justice agencies will be expected to provide to victims of crime; to include the right of victims to be kept informed about all aspects of the progress of their case (including decisions whether or not to prosecute following a complaint, to accept pleas to alternative charges or to discontinue a prosecution); the outcome of court hearings; offenders bail conditions; forthcoming appeals; post-sentence issues; and compensation applications to providing assistance to victims including material, psychological and social assistance through governmental, voluntary and community-based means at all stages of the criminal justice system.

Page 8, Section 1 - Policing and Justice, Addendum to Programme for Government, 7.

The necessary actions to support the agreed policies could usefully include, inter alia:

...It is envisaged that there would be a presumption of full and frank disclosure of information by the PPS to a Victim under the Code except where to do so would prejudice the administration of justice or fail a public interest test. Consideration could be given to place all or part of the Code on a statutory footing;

Missing persons

No specific mention.

Reparations Transitional justice→Reparations→Material reparations
Page 12, Additional Financial Settlement – Letter from the Prime Minister dated 21 October
... - Hearing Loss. The Northern Ireland Executive will meet the first £12m of claims in any one year. Any sums incurred above that will be met through access to the reserve, based on annual agreement between the Northern Ireland Executive and HM Treasury on the litigation strategy. To assist the Northern Ireland Executive to meet the expected £12m a year pressure, the Treasury will be prepared to acquire from the Northern Ireland Executive sellable assets worth up to £12 million a year for five years, or £60 million in total. HM Treasury and Northern Ireland Executive will need to agree on the valuation methodology.

Reconciliation No specific mention.

Implementation

UN No specific mention.
signatory

Other No specific mention.
international
signatory

Referendum No specific mention.
for
agreement

International No specific mention.
mission/
force/similar

Enforcement mechanism Page 21, Section 5 – Outstanding Issues from St Andrews, 1.
The First Minister and deputy First Minister will oversee an exercise of examining the St Andrews Agreement and identifying all matters contained within it which have not been faithfully implemented or actioned. The First Minister and deputy First Minister will provide a report to the Executive by the end of February detailing the level of progress made on each outstanding matter.

Page 21, Section 5 – Outstanding Issues from St Andrews, 2.
The First Minister and deputy First Minister will seek approval from the Executive to set up a Working Group to make recommendations on how progress could be made on those matters which have not been actioned. Junior Ministers will be asked to chair this Working Group and make an initial report by the end of March.

Page 21, Section 5 – Outstanding Issues from St Andrews, 3.
Within four weeks of the Working Group’s initial report the First Minister and deputy First Minister will agree a programme to effect completion of the agreed conclusions of the Working Group.

Related cases No specific mention.

Source UN Peacemaker
<https://peacemaker.un.org/uk-hillsborough-agreement2010>
