

Bill of Rights Forum

5th meeting, Interpoint Centre, Belfast

27 July 2007

Present

Chris Sidoti, Chair	Dolores Kelly*, MLA, SDLP
Martina Anderson MLA, Sinn Féin	Anna Lo MLA, Alliance
Father Tim Bartlett, Churches	Deirdre McAliskey, Women's Sector
Pauline Buchanan, Trade Unions	Chrissie McAuley, Sinn Féin
Elaine Campbell, Older People's Sector	Mairead McCafferty, Sexual Orientation Sector
Sheri Chamberlain, Children and Young People's Sector	Nelson McCausland MLA, DUP
Brian Crowe, UUP	Patricia McKeown, Trade Unions
Neil Faris, Business Sector	Dermot Nesbitt, UUP
Stephen Farry MLA, Alliance	Domhnall Ó Cobhthaigh, Sinn Féin
Aideen Gilmore, Human Rights NGO Sector	Damian O'Loan, SDLP
Simon Hamilton MLA, DUP	Peter Weir, DUP
Derek Hanway, Ethnic Minority Sector	Monica Wilson, Disability Sector
Eilis Haughey, SDLP	Ben Lee, Human Rights Advisor
Michael Hughes, Voluntary/ Community Sector	Gillian Preece, Secretary
Rev. Dr. Samuel Hutchinson, Churches	Gareth Wright, Secretariat

Alternates

Sara Boyce, Children and Young People's Sector

Seamus Lynch, Older People's Sector

Patrick Yu, Ethnic Minority Sector

Observers

Kevin Hanratty, Northern Ireland Human Rights Consortium

Deirdre Nelson, DUP

Patrick Corrigan, Amnesty International

Mark Kelly, WAVE

Hanna Munter, WAVE

Geraldine Fennell, Carers UK

Miriam Titterton, Colin Harvey, Ann Hope and Alan Henry,
NIHRC

Paula Molloy, Department of Foreign Affairs

Gillian Clifford, Alliance Party

Patrick Lynch, NIO

Jean Gould, Help the Aged

Irene Miskimmon, Northern Ireland Women's European
Platform

Deirdre McAliskey, Women into Politics

Apologies

Annie Campbell, Women's Sector

Paddy Kelly, Children and Young People's sector

James Knox, CoSO

Alban Maginness, SDLP

Alan Sheeran, Disability Sector

Rena Shepherd, Business Sector

Margaret Ward, Women's Sector

Minutes of last meeting

1. The final amendment to the minutes of the third meeting (at paragraph 14) was agreed, as a record of what had been

said at the meeting. It was noted that not all Forum members agreed that the text of the Good Friday Agreement was unclear.

2. Subject to amending the attendance record, the minutes of the fourth meeting were agreed.

Matters arising

3. Correspondence between the Chair and the Secretary of State seeking, and obtaining, an extension to the Forum's deadline was noted.

Forum processes and rules of procedure: BORF 14 and 16

4. Returning to the previous meeting's discussion on the size of a maximum negative margin when making decisions, the Chair suggested three options, and tabled a proposal.

- Option A: any issue, and the final package, will be accepted if there are not more than 8 votes against.
- Option B: any issue will be included in the package if there are not more than 9 votes against and the package as a whole will be considered adopted if there are less than 6 votes against.

- Option C: the Forum will not produce a final recommended package for the NIHRC but a series of discrete recommendations on specific issues. On any particular issue, the Forum will indicate the range of views and the extent and nature of the support that each view has within the Forum.

5. The Chair's proposal was a composite compromise approach.

- There will be a final package on which the Forum will strive to gain consensus.
- A proposal will be included in the package if there are not more than 9 votes against.
- The Forum will convey its views to the NIHRC on its conclusions.
- The range and extent of views on all proposals will be recorded and reported, including those not in the package.

6. Within this proposal the focus should be on definitions of levels of support:

- 'consensus': unanimous support
- 'consensus without opposition': less than unanimous support, but with dissenters not

wishing to block the vote, but having their views recorded

- 'near consensus': less than six members oppose the proposal
- 'majority': a smaller majority than 'near consensus', with both the level of majority and dissenting views recorded.

7. Forum members responded with a range of views and points, including the following.

- For many, the final package must have both unionist and nationalist support.
- The DUP could accept a lower threshold for inclusion in the package to be negotiated, but wanted each item in the final package to secure at least 'near consensus'.
- Sinn Fein do not want the veto effected by a vote of six against but would accept the Chair's compromise proposal to move the process forward.
- The UUP agree on the need for buy-in from all the political parties, such that opposition from any six members should prevent a proposal going ahead,

but will commit itself not to block any proposal that is based on evidence and within international law, nor advocate any that is outside international law.

- The SDLP prioritised consensus. The proposal allows the Forum to move forward with a clear mechanism for recording disagreement.
- The civil society organisations noted that this was largely a political decision but were disappointed that any safeguard was required additional to that of the recording of all views and expressions of support.
- Securing a vote of six against a proposal requires 100% support from the relevant political parties, which is a significantly higher bar than that set in the Assembly.
- Only the package as a whole should be required to gain 'near consensus'. Parties and organisations could accept a whole package, recognising (and having recorded) that they do not agree with each individual element but that they are prepared to live with some such issues given the worth of the overall product.

- Voting patterns should be noted in order to ensure that it is not repeatedly the same party or organisation whose views are being excluded.
- Voting on each individual element of the final package results in a series of recommendations, rather than an overall product being produced. In this case there is no need for a voting threshold as all views will be recorded.
- The Forum is not the Assembly. Civil society representatives have equal status to the politicians, and their buy-in is also required.
- Idealism and reality needed to be balanced: the role of the legislature must be respected.

8. A working group of ten members of the Forum discussed this further over lunch, with the participation of the Chair.

The Forum then agreed by consensus:

- There will be a final package on which the Forum will strive to gain consensus.
- A proposal will be included for consideration in the package if there are not more than 9 votes against.

- The Forum will convey its views to the NIHRC on its conclusions.
- The range and extent of views on all proposals will be recorded and reported, including those not in the package.
- The Forum defers determination of how it will consider the proposals, either in their entirety or item by item or both, and the required number of votes for inclusion.

9. The remaining sections of BORF 14 and 16 were reviewed again and further discussed.

10. It was agreed to add a reference to co-convenors at 6.2 of BORF 14.

11. It was agreed to grant official observer status to the Grand Orange Lodge, the Ulster Scots Heritage Council and The Caleb Foundation.

12. It was agreed that rule 13c ('each member of the Forum should be a member of at least one working group') did not mean that members must be on a working group.

13. The Forum adopted BORF 14 and 16, as amended, by consensus.

Revised timetable: BORF 15

14. In light of the extension of the Forum's reporting date to 31 March 2008, a revised timetable, extending the working group deadlines, and setting dates for Forum meetings in 2008, was tabled and agreed.

15. The paper also proposed that the October Forum meeting should be held in Derry/Londonderry as part of a two day event, at which about four human rights experts would address Forum members.

16. It was agreed that this event would be for Forum members and alternates only, and would be held on 12 and 13 October, in light of Assembly commitments on 11 October. The Chair invited Forum members to nominate expert speakers, who need not be only lawyers and/or academics.

17. It was further agreed that there should be some leeway on members and their alternates both attending for the full two days. Instead, the focus would be on the seat being filled at all times.

Outreach

18. The Chair summarised his view of the point the Forum had reached based on previous discussions and the outreach strategies that some members had submitted. He identified

and commented on a number of needs raised by Forum members:

- A need to raise awareness of the Bill of Rights. There was some support for a general advertising campaign; more for a focused media engagement strategy; and most for a targeted approach towards specific groups linked to a consultation process.
- A need to provide information about the Forum to make people aware of its work. A simple brochure (already in hand) could achieve this, as would a media engagement strategy, with the brochure being produced in languages additional to English if possible.
- A need for consultation to assist the Forum in developing its advice to the NIHRC. A general community consultation was supported but not given priority for high expenditure. Specific targeting was strongly supported, with priority for groups missed in the NIHRC consultation, and hard to reach groups.
- A need to build support for the Forum's proposals. A major campaign would be premature before there is an agreed text but it would be an

essential part of the implementation strategy that the Forum should develop and recommend.

Focused consultation and information work would indirectly build a campaign.

The Chair then proposed a basis for an outreach strategy on which he thought the Forum could agree.

- Priorities: Consultation and information provision with a focus on identified groups not previously or sufficiently involved in Bill of Rights discussions, alongside limited broader community outreach, through a media strategy, for awareness raising and information provision.
- Priority groups: children and young people; people with disability; new immigrant communities; travellers; women; older people; carers; Unionist communities (including Loyal Orders, evangelical churches); LGBT people; linguistic minorities (users of languages other than English); low socio-economic groups and areas (new TSN); rural and remote communities.

19. Summing up, the Chair proposed three key elements of consensus: targeted focused outreach to these identified sectors, more general outreach to identified communities or

parts of communities and a media strategy with a component for each segment of the media.

20. Three implementation options were suggested:

- Outreach to community sectors through relevant community groups: small grants to groups to facilitate work on behalf of the Forum
- Engagement of outreach staff within the Forum secretariat
- Combination of the two

21. In response to the Chair's presentation, Forum members raised many points, including:

- It was important that, once the Forum's work was concluded, no one in the community should be able to say they did not know about the Bill of Rights.
- It was important to know what was already being done by other organisations so that the Forum's work complemented this rather than competing with it.
- Outreach workers based at the Secretariat would be an efficient means of ensuring good use of time and consistency of approach. They would ensure

that communities not represented at the Forum would be included. They should also be responsible for ensuring that work already being undertaken (either in the NGO sector or by political parties) was not duplicated by the Forum.

- Some of the priority groups identified were at different stages of awareness than others. Work with those starting from scratch needed to begin as soon as possible.
- Outreach should not be seen as the Forum 'coming and doing to us'. Resources from within sectors should be utilised.
- The danger of raising expectations and not meeting them should be recognised.
- A short sharp grant programme was needed.
- Outreach workers at the Secretariat should also be responsible for the media engagement strategy.

22. The Forum adopted by consensus, with dissent, the ingredients of an outreach strategy as proposed by the Chair, and supported the third of the implementation options (a combination of outreach to community sectors with grants to facilitate work on the Forum's behalf, and the engagement of outreach staff within the Forum Secretariat).

Three Forum members registered their dissent: Neil Faris, Dermot Nesbitt and Father Tim Bartlett.

23. It was agreed that a revised strategy would be drafted and circulated for comment and that the Chair should act urgently to submit a bid for further funding.

24. It was agreed that consideration of a broader public awareness strategy should be deferred.

Administration

Website and brochure

25. The Chair asked members who had not already done so to provide brief (200 word) biographies for inclusion on the website, and to let the Secretariat know how many copies of the Forum brochure they needed. Advice was sought on what languages the brochure should be provided in.

Human Rights Adviser

26. The Chair updated the Forum on the position of the recruitment of a human rights legal advisor. The individual offered the position had been unable to accept. Having taken advice from the Equality Commission the Chair proposed to invite law schools to nominate individuals suitable to act as legal advisors to each of the working groups on a part-time basis. The nominations would be considered on merit, against the same criteria used in the

unsuccessful recruitment process. It was agreed that Forum members would suggest other possible bodies to approach, and that the Chair would circulate the criteria being applied, for information.