

Bill of Rights Forum

Preamble, enforceability and implementation Working Group

Notes of inaugural meeting, 27th July 2007

Present: Aideen Gilmore (Human Rights sector/Convenor), Brian Crowe (UUP), Neil Faris (Business sector) Stephen Farry (Alliance), Laura McMahon (Women's sector), Jean Gould (Age sector), Martina Anderson (Sinn Fein)

Apologies: Alan Sheeran (Disability sector), Alban Maginness (SDLP), Patrick Yu (Ethnic Minorities sector).

Introductions/membership:

The secretariat provided us with a full list of membership (as above).

Peter indicated that he may not be the permanent DUP representative on this Working Group – the party hope to recruit a policy staff person who would take over from him.

Procedures/processes etc:

The group noted and agreed the purpose and task of the Working Groups as outlined in papers BORF 14 and 16. Copies of these documents to be sent to non-Forum members on the Group.

The quorum was agreed as 6. If the group is not quorate at a meeting, the meeting should go ahead and any decisions can be circulated via e-mail for endorsement.

It was agreed that Thursday afternoons from 4 – 6 was the most suitable time for future meetings. If possible, these would be held in the Forum's offices. They will be held on the 1st and 3rd Thursday of every month, with

the possibility of increasing the frequency towards the end if necessary. All meetings would be open to the public and observers.

Aideen indicated that she had secured the services of an observer from the Human Rights LLM in Queens who would help take notes, gather papers, do background research etc

Issues:

(i) Preamble – clarification was sought on whether we are developing a preamble to the Bill or a preamble to the report to the NIHRC, and whether a preamble was in fact necessary. NF registered his concerns – already relayed in Forum plenary meetings – as to how much detail any of the groups should be going into as the drafting of advice is the remit of the NIHRC.

Agreed:

- We would look at other international treaties (including ECHR) to see whether they contained a preamble.
- We could begin to at least develop the general principles of what a preamble could contain.
- The task of developing a preamble may need to be left to the end when we knew the rest of the substance.

(ii) Issues emerging from NI HRC report – the WG established by NIHRC in implementation had identified in their report issues pertinent to implementation (see section 3).

Agreed: additional/particular attention to be paid to:

- Definition of public function/authority following YL case on the issue under Human Rights Act
- Potentially different treatment of devolved and non-devolved matters (especially in relation to socio-economic rights)
- Application of international human rights treaties ratified by the government
- Experience from other common law and Commonwealth jurisdictions
- Discussions from other groups and how the particular rights they are proposing can be enforced

Papers:

Papers required by the group via the secretariat are:

- The preamble, enforcement and implementation sections of the various international treaties to which the UK is party
- Ditto sections from other Bills of Rights

Other documents which we will want a HR advisor to look at are:

- An analysis of the experience of other jurisdictions in relation to preamble, enforcement and implementation, particularly other Commonwealth/common law countries
- An analysis of what submissions previously made to the NIHRC said on these various issues
- An update on the domestic, regional and international context on these debates (which we may be able to begin ourselves now)

Documents to be requested from NIHRC by AG:

- Papers submitted by implementation Working Group (as per section 2.1 of the report)
- Proceedings/report of conference held by NIHRC on implementation

Initial plans:

In advance of the next meeting:

- Read through NIHRC Working Group report and any other documentation as above supplied in advance

At next meeting:

- On basis of reading, discuss and agree issues to be addressed by the group (possibly based on those identified by NIHRC WG with additions above)

For future meetings:

- Proceed to discuss issue per meeting

Next meeting:

Thursday 23rd August, 4-6 pm, Forum offices, 1st Floor, Interpoint building, York Street, Belfast.