

Note from meeting of Bill of Rights Working Group on Children and Young People and Women

Date: 28 Aug 2007

Venue:

Interpoint

Present: Elaine Campbell Older People's Sector; Irene Miskimmon Women's Sector; Paddy Kelly Children and Young People's Sector; Lindsay Conway Irish Council of Churches; Jennifer McCann Sinn Fein; Anna Lo Alliance Party; Helen McCormack Minority Ethnic Sector; Margaret Ward Co-convenor; Sara Boyce Co-convenor; Ursula Kilkelly and Catherine O'Rourke Guest Speakers.

Apologies: Kate Lagan SDLP.

Observers: Paula Molloy, British-Irish Intergovernmental Secretariat; Sorcha McKenna Transitional Justice Institute UU; Kevin Hanratty Human Rights Consortium

Purpose of meeting:

To develop an understanding of international human rights standards with regards to children, young people and women and to reach an agreement on a framework for future work.

Agenda

- Introduction s
- 'Children's Rights and the Bill of Rights' Dr. Ursula Kilkelly University College Cork
- Discussion
- 'Women's Rights and the Bill of Rights' Catherine O'Rourke University of Ulster
- Discussion
- Group discussion and decisions of planning future work.

Please find attached copies of the two presentations.

Issue raised as to what number constitutes a quorum for our meetings; also concern expressed re people missing today's inputs with the result that people will be at differing levels of knowledge and understanding around the issues.

ACTION: Sara and Margaret to raise question of quorum with Chris Sidoti at next week's meeting.

Points raised in the discussion following presentation by Dr. Ursula's Kilkelly included:

- How to encompass the breadth of the UNCRC in the Bill of Rights?

- Mainstreaming versus a separate chapter or a combination of both? If you put a child rights perspective on areas of children's lives then you need more dedicated provisions than mainstreamed provisions, otherwise you lose the child specific issues, for e.g. in youth justice.
- New issues emerging for children are also issues for women e.g. trafficking. More links between two areas than initially thought.
- How do we feed into the work of the other working groups? **ACTION** Margaret and Sara to raise this with Chris Sidoti at meeting next week.
- Q as to whether this group will be engaging in outreach with children? Proposal for full Forum to do this; funding bid submitted to the NIO for public engagement work and initial discussions have been held with the Youth Forum around them facilitating engagement between the Forum and children and young people.
- Q re status of the Belfast Declaration which emerged from the World Congress last year – has the status of general declaratory non-binding status. **ACTION** Sara to email this declaration around
- Q re length of document and concern that it not be too long. Felt that it wasn't helpful to be too concerned re length at this stage, if you reach the conclusion that a certain level of content is required then that's what's needed. Issues around length are more to do with accessibility and whether document becomes unwieldy. Its about strong language as opposed to lengthy provisions.
- Strength of language is absolutely critical.
- Need to be very clear that the BoR is for all children. There will also be groups of children who need additional protections.
- The UNCRC is your safety net.
- Constitutional status of the BoR – it overarches all other legislation eg. Children's Order.
- Question around what we want to give to the full Forum – is it our best proposals and then leave it up to a constitutional lawyer to draft. Decisions around where provisions go in the final documents should be left up to the drafters, what we should be concerned with is that everything on our 'shopping list' is included somewhere in the final document.
- Dangers attached to mainstreaming, what is likely to be mainstreamed?
- Danger of this connection between children and women, pigeonholing these issues as female issues.

Points raised in the discussion following presentation by Catherine O'Rourke included:

- Women and children not in the same boat – women make up 50% of the population and are not a vulnerable group like children.
- NIHRC proposals – key issue is the equality provision.
- Gender specificity of violence against women is internationally recognised.
- Judges need signposts as to where to go for interpretation of standards – there are the international standards such as CEDAW or UNCRC.

- CEDAW calls for ‘temporary special measures’ to turn formal equality into substantive equality for women.
- Gaps in CEDAW include violence against women – addressed in the Beijing Declaration and other supplementary documents.
- UN Resolution 1325 is a high watermark standard, legally binding.
- Sexual and reproductive rights – would be incongruous to call for equal access for men and women. CEDAW’s provisions appear contingent on marriage rather than on the rights of women.
- Cairo Declaration important for reproductive rights for couples and individuals.
- Enforcement provisions in the BoR – if you say something like ‘courts must have regard to the **highest** international standards’ then this covers where the UNCRC is weak for example a round disability, and points you towards the new UN Convention on People with Disabilities. Gets you away from trying to list all of the standards
- Question around where/when to insert a right to ensure that breaches do n’t occur further down the line e. g. for older people. Need for a Convention on Older People. Need fundamental guiding principles.
- Need evidence base to policy decisions, clauses around this need to be teased out – not specific to this working group.
- Proposals need to be rooted in the reality of women and children’s lives – look at the evidence base, where are the gaps and then how do we provide protection. What needs to be in the BoR? We will need to proof the final document against the (non negotiable) list we came up with, will the proposals work for different groups of women and children?
- Preamble and enforcement are important. If CEDAW is mentioned in the Preamble then there is signposting for courts and decision makers.
- Detention of women prisoners is an important gap to be addressed.

Group discussion and decisions on future planning of work

ACTION Group members asked to read texts of CEDAW , UNCRC, NIHR report of children and young people’s working group and scoping paper on women’s rights for next meeting.

Re-capped on decision to divide up into sub-groups to work on children and young people and women. Each meeting would work in two sub-groups before coming together into a plenary session to share outcomes of discussions and any proposals emerging from the work. In this way members of each sub-group would have an opportunity to feed into work of both sub-groups.

Members indicated an initial interest in the sub-groups as follows:

Children and Young People (Children and Young People’s Sector to chair)

Lindsay Conway

Paddy Kelly

Women (Women's Sector to chair)

Jennifer McCann (but Sue Ramsey would probably join the group on children)

Elaine Campbell

Irene Miskimmon

Anna Lohappy to join either group.

Helen McCormack to check with NICEM.

Lindsay suggested a possible sub-agenda of the family – it was felt that issues affecting families would be captured in the work of both groups – agreed that each sub-group would be mindful of these issues.

ACTION Group members to indicate by email to Margaret (Margaret.ward@wrda.net) which sub-group they wish to join in advance of next meeting. We need to as far as possible ensure a balance in numbers across the two sub-groups.

Agreed that frameworks for work of two sub-groups would be as follows:

Children and Young People : NIHRC report of working group on children and young people and UNCRC

ACTION : Sara to circulate a list of proposed headings drawn from these two documents. Women: CEDAW; UN Security Council Resolution 1325 and Beijing + 5 .

ACTION : Margaret to circulate a list of proposed headings drawn from these documents.

Picking up on earlier discussion re need for an evidence base for our work it was agreed that the next meeting would spend some time focusing on the 'particular circumstances' of Northern Ireland as they relate to women and to children and young people. Reports identified as follows:

Women – alternative report from NIWEP to CEDAW – to be finalised shortly.

Children and Young People – Research by Goretti Horgan (2005) for CLC/SC 'Why? The Particular Circumstances of children in Northern Ireland' and a summary of the NICCY research (2004) 'Children's Rights in Northern Ireland'.

ACTION : Sara and Margaret to invite speakers in to present on these reports in the two sub-groups at a future date.

Next meeting:

Friday 7 September 2 -4pm in Interpoint