

Bill of Rights Forum

6th meeting, Interpoint Centre, Belfast

7 September 2007

Present

Chris Sidoti, Chair
Martina Anderson MLA,
Sinn Féin
Father Tim Bartlett,
Churches
Pauline Buchanan, Trade
Unions
Elaine Campbell, Older
People's Sector
Paddy Kelly, Children and
Young People's Sector
Brian Crowe, UUP
Neil Faris, Business Sector
Stephen Farry MLA, Alliance
Aideen Gilmore, Human
Rights NGO Sector
Ellis Haughey, SDLP
Michael Hughes, Voluntary/
Community Sector
Rev. Dr. Samuel
Hutchinson, Churches
Dolores Kelly*, MLA, SDLP
James Knox, Sexual
Orientation Sector

Nelson McCausland MLA,
DUP
Patricia McKeown, Trade
Unions
Alban Maginness* MLA,
SDLP
Mark Mullan, Sinn Féin
Dermot Nesbitt, UUP
Deirdre Nelson, DUP
Domhnall Ó Cobhthaigh,
Sinn Féin
Damian O'Loan*, SDLP
Alan Sheeran, Disability
Sector
Margaret Ward, Women's
Sector
Peter Weir, DUP
Patrick Yu, Ethnic Minority
Sector
Ben Lee, Human Rights
Advisor
Gillian Preece, Secretary
Gareth Wright, Secretariat

*alternated attendance

Alternates

Sheri Chamberlain, Children and Young People's Sector
Annie Campbell, Women's Sector
Mairead McCafferty, Sexual Orientation Sector
Monica Wilson, Disability Sector

Observers

Kevin Hanratty, Northern Ireland Human Rights Consortium
Antoinette McKeown, Equality Commission
Mark Kelly, WAVE
Hanna Munter, WAVE
Pat McCauley, WAVE
Liam Hamill, WAVE
Geraldine Fennell, Carers UK
Miriam Titterton and Tom Duncan, NIHRC
Fiona Nic Dhonnacha, Dept of Foreign Affairs
Irene Harper, Carers UK
Patrick Lynch and Laura Dick, NIO
Thomas Mahaffy, ICTU
Brice Dickson, QUB
Sorcha McKenna, Children and Young People's Sector
Deirdre McAliskey, Women into Politics

Apologies

Simon Hamilton MLA, DUP
Anna Lo MLA, Alliance
Seamus Lynch, Help the Aged
Chrissie McAuley, Sinn Féin
Esmond Birnie, UUP

Membership

1. The Chair noted that Alan Sheeran (disability sector) was leaving the Forum to move to a new post (as Northern Ireland Director of the National Deaf Children's Society),

that Sara Boyce (children's sector) was leaving to go on maternity leave, and that Damian O'Loan (SDLP) was leaving for personal reasons. He thanked all three for their contributions to the Forum. He advised the Forum of arrangements for their replacements.

Minutes of last meeting

2. The fourth bullet of paragraph 7 was amended to show that the UUP had also agreed that opposition from any six members should prevent a proposal from going ahead. Subject to this amendment the minutes of the fifth meeting were adopted.

3. The Chair confirmed his expectation that the Forum would produce a final public report on its deliberations that included all views, recording whether or not the views had been accepted or rejected and the level of support or opposition. The Forum would also produce a set of recommendations which would be the Forum's advice to the Northern Ireland Human Rights Commission (NIHRC). There would be a distinction between the public report and the advice to the NIHRC, although both documents might be issued together.

Matters arising

4. The Chair noted the request from WAVE Trauma Centre for official observer status. This was approved by the Forum.

5. The Chair reminded Forum members that his schedule of visits to Northern Ireland through to the end of the Forum's timeframe had been finalised. It was his wish to attend as many events related to the Bill of Rights as he could, and if members considered that his attendance at an event was a priority, then such events would have to be scheduled during one of his visits. Additional visits would not be possible. Invitations that could not be accepted would be forwarded to working group convenors.

Gender balance

6. The issue of gender balance across the Forum's working groups was discussed, with particular reference to the Civil and Political Rights working group (which had no women members), the Children and Young People and Women working group (which had one male member) and the Culture, Identity and Language working group (which had two women members).

7. The Catholic Church had agreed to change its representative on the Civil and Political Rights working group to a woman. NICVA indicated that it was attempting to do

the same. The UUP was also close to confirming a change in its representation.

8. The following points were raised in discussion:

- The appointment of women to working groups should not be made tokenistic
- Women have been socially and historically disadvantaged in Northern Ireland
- The concern did not relate to representing the views of a small minority: women make up more than 50% of the population.
- It would be appalling for the Forum to present a report on civil and political rights that had been drafted without the inclusion of women.
- The appointment of additional members to select working groups to correct gender imbalance may be a justifiable solution.
- The allocation of extra seats to working groups to correct gender imbalance may undermine the even balance between political and other representatives or exacerbate existing imbalances and make the groups unwieldy.

- The Forum's starting point should be to review existing appointments to working groups before altering the number of working group members
- Adding a seat or two was insufficient to address serious imbalances but adding 10 was disproportionate. If the solution, then, was to reconsider current representation, Forum members should commit to doing that.
- The Civil and Political Rights working group's full title is 'Civil and Political Rights and Relevant Equality Issues working group'.
- The Forum should not promote the idea that children and young people are a women's issue. Therefore, the under-representation of men on this working group would also need to be corrected.

9. In light of a strong indication that Forum members were willing to look again at their working group delegations, it was agreed that time would be allocated to allow this . A decision on whether to increase the size of select working groups was reserved.

10. Forum members were reminded that working group meetings were open to observers.

Forum processes and rules of procedure: BORF 14(ii) and 16(ii)

11. Final amendments to BORF 14(ii) (paragraphs 1, 5, 6.3 and 7) were agreed.

12. On BORF 16(ii) it was agreed that the process whereby Forum members could register their disagreement without blocking consensus would be described as 'general consensus'. It was also agreed that quorum should only be an issue for working groups when decisions were being made: the emphasis otherwise should be on maintaining momentum. However, if attendance proved to be an issue for any group, the Chair should be alerted.

Subject to the above, the final amendments to BORF 16(ii) (rules 10(c), 10(d), 13(b), and 13(c)) were agreed and adopted.

Outreach

13. The Chair noted the Secretary of State's quick response, agreeing to an increase of £100,000 in the Forum's budget to allow for a programme of public engagement. How the money would be administered would be further discussed with the Northern Ireland Office (NIO) to ensure accountability. The Forum would not be a formal grant making body.

14. During discussion of outreach to the unionist community the following points were raised:

- Outreach workers needed to have established links to the unionist community.
- It is possible to work with a sector on a completely voluntary basis.
- There is an infrastructure in place in the protestant/unionist/loyalist (PUL) community: the outreach workers should tie in with that.
- Organisations working in the unionist community are very small, considering that the unionist community accounts for 50% of the population.
- The Forum should not be giving more funds to one group/sector than another, nor should outreach workers spend a disproportionate amount of time focusing on one community.
- The unionist community cannot build on an existing enthusiasm. It has the barrier of disengagement to overcome and, therefore, unionists should drive the process of engagement with the unionist community.

- Forum members representing sectoral groups, such as children and women, could also assist in outreach to the unionist community. This would also reflect the cross-over between groups and communities.
- Information gathered from consultations with the unionist community should be used to inform the Forum's report to the NIHRC.
- The outreach programme should not be an either/or approach. Sectors should be looking to engage with all communities, but it should also be recognised that some people would identify most closely with their favoured political party. The parties must, therefore, be encouraged to engage with their respective constituents.

15. The Chair noted the validity of all views expressed and agreed to approach possible funders to indicate where the Forum believed there were funding gaps relevant to its outreach programme. The Chair would also explore whether assistance might be available.

Outreach paper: BORF 17

16. It was agreed to add victims of the Troubles to the list of outreach priority groups.

17. BORF 17 was adopted as a working basis for the outreach programme.

Outreach workers

18. Having received advice from the Equality Commission, it was planned to recruit the two outreach workers on a secondment basis. The letter inviting nominations would be sent to all Forum members, who were encouraged to disseminate it as widely as possible. Selection criteria would be circulated in advance for Forum member comments.

19. The need for the appointed outreach workers to undergo a Protection of Children and Vulnerable Adults (POCVA) check was raised.

Forum brochure

20. The brochure was expected to be published and distributed to Forum members shortly.

Forum members interaction with the media

21. It was agreed that opportunities to engage with the media should be taken advantage of, both to garner publicity for the Forum's work and to bring the debate on the Bill of Rights into the public arena.

22. The following points were made in discussion:

- Forum members should be respectful towards each other in their public comments.
- While political parties were used to speaking about each other, they should recognise that the civic society organisations operated in a quite different sphere.
- Civic society organisations had less access to the media than the political parties.
- Views expressed should be open to challenge.
- The Chair had responsibility for intervening if the Forum was misrepresented.

Working groups: convenors' reports

Civil and Political Rights working group

23. The group had been quiet due to the holidays, and the request for members to reconsider the gender balance of their delegations. The next meeting would be held on 12 September 2007 and would focus on the group's processes, and on adopting the NIHRC paper as the basis for the group's discussions.

Economic and Social Rights working group

24. The group had met three times, including its first meeting which followed the last Forum meeting. Attendance

had been good but there was still an issue around quorum. The group had identified key topics and had looked at how it would gather evidence (scoping papers, written responses to questions posed by the working group, possible use of oral hearings). The group needed to be aware of what the other working groups were doing, and vice versa.

Children and Young People and Women's Rights working group

25. The group had met twice. It had drawn up a detailed timetable, had had expert presentations on international standards for children's rights and for women's rights, and had analysed key documents and identified protection gaps. Unfortunately a number of the representatives had not been present for the presentations, which meant that there was now a knowledge gap between working group members.. Given the group's broad remit it had decided to sub-divide into two smaller groups, although it would always reconvene as a full group. Sub-dividing made poor attendance even more of an issue. There needed to be good communication between working groups to ensure gender was considered across the board.

Culture, Identity and Language working group

26. The group had met twice and had considered one document at each meeting, including the Framework

Convention for the Protection of National Minorities. It looked forward to the appointment of a human rights legal advisor to its working group and the advice and support that the advisor would offer.

Criminal Justice and Victims working group

27. The group had met twice, but had not been quorate. Much of its meeting time had been consumed by procedural issues. The group also wanted to use the paper from the NIHRC's working group on children as one of its base documents and would invite the NIHRC's chairs on justice and victims to address the working group. It had identified areas of overlap with other working groups (for example, harassment) and also unique Northern Ireland dimensions.

Preamble, Enforceability and Implementation working group

28. The group had had two well-attended meetings. Overlap with other working groups had been identified, which would be raised with other convenors. To a large extent the group will need to work in the abstract until it knows what the other groups are doing, and so a short extension of its deadline had been sought. A list of issues to be addressed had been agreed and allocated to working group members.

29. At its most recent meeting the working group had begun its substantive work. It identified the following issues:

- Limitations: Should there be a general limitation clause or limitations on a clause-by-clause basis?
- Derogations and emergencies: To be deferred until the discussion of the relationship between the Human Rights Act and the Bill of Rights.
- How the Bill of Rights could be adopted and amended: There was unanimous support that adoptions/amendments should be subject to a cross-community vote of the Northern Ireland Assembly.
- Should there be a referendum: Mixed views.
- The need for research into the preambles of other Bills of Rights and regional instruments: Exploring their effectiveness and their effect.

30. The Chair made some comments in response. The irregularity of responses to emails had been a problem for working groups and the Forum as a whole. He urged Forum members to be more responsive to email correspondence, and encouraged convenors to take a similar line with working group members.

31. On the issue of whether groups could proceed if not quorate, the Chair was in favour of maintaining the current momentum. Quorum would be important at decision making times, but in the meantime it was vital to keep discussion going. Regular inattendance should, however, be brought to the Chair's attention.

32. The Chair had agreed to extend the Preamble working group's deadline by a fortnight to 29 January 2008, because of the arguments above (see 28). No other deadlines were extended.

Assistance to the working groups

33. The Chair hoped to have all six advisors appointed shortly. One appointment (Economic and Social working group) had been confirmed and most of the others were in hand. There was also some money in the budget for the provision of higher level legal advice to the Forum when its work reaches an advanced stage.

34. Some groups had requested Secretariat support. The Chair's expectation was that the legal advisors would keep a note of decisions and of action points. A fuller note than that would not be required. The Secretariat would arrange venues, issue notes of meetings, circulate documents, and post other documents on the website.

35. How individual groups functioned would be largely left to each working group's convenor and its members and legal advisor. Convenors of the different working groups were encouraged to liaise with each other.

Forum residential meeting

36. The plans for the residential in Derry/Londonderry were outlined. The plenary session would be held from 10:30am till lunchtime on 12 October 2007, and would be open to the public. After lunch the residential session would begin. This would be open to Forum members and official observers only. The residential would finish by 4pm on 13 October 2007. There would be a session after dinner on 12 October 2007 for the Forum to discuss the 'particular circumstances of Northern Ireland'.

37. Four human rights experts were being invited, each of whom was practically engaged in the implementation of human rights law. Each expert would be asked to give a brief and accessible presentation, to be followed by a period of discussion. Experts would, it was hoped, attend each other's sessions so that they could contribute to multiple discussions.

38. The Chair was also inviting the two junior ministers at the Office of the First Minister and Deputy First Minister to attend and address the plenary session.