

Bill of Rights Forum
Working Group on Criminal Justice and Victims
Minutes of Meeting held on Friday 19th October 2007
Stormont Castle

Convened by: The Very Reverend Dr Samuel Hutchinson

Present: Barry Fitzpatrick (CoSo), Eilis Haughey (SDLP), Edel Quinn (Include Youth), Alex Maskey (Sinn Féin). Stephen McIlveen (DUP).

Apologies from: Marian Killen (ICTU), Annie Campbell (Women's Aid Federation).

In attendance: Dr Linda Moore (Human Rights Advisor)

Observing: Mark Kelly (WAVE Bill of Rights Committee), Elliot Milton (Department of Foreign Affairs), Darren McStravick (Committee on the Administration of Justice CAJ).

1. The Convenor welcomed Linda Moore, recently appointed as legal human rights advisor to the Working Group and explained that she would be working along with Mary O'Rawe in providing advice to the group.

2. Matters Arising from previous minutes. (Re para 10) The Convenor reminded members that the meetings with victims groups was scheduled to take place on the 16th November and

that to date he had only received notice that three members would attend.

3. Patrick Yu from NICEM had raised with The Convenor the issue of the lack of ethnic minority community representation in the judiciary in Northern Ireland. The Convenor had agreed to bring this to the working group's attention.
4. The Convenor gave details of correspondence received since the last meeting. This include a letter from the Forum Secretariat regarding the appointment of legal advisors, the possibility of using students for note taking (at a cost of £15 per hour), small amount of money available to the working group for hire of rooms, refreshments etc. The Convenor also read a message from Linda Moore in which she noted that although she and Ms O'Rawe could take notes of meetings this would eat into the time available for producing advice. Members agreed that they wished to follow up on the idea of employing students as note takers. ACTION: The Convenor to raise this with the Secretariat.
5. The Convenor also noted correspondence from Aideen Gilmore (implementation working group). It was agreed that Linda Moore would follow up with other advisors and convenors on the issue of immigration detention to ensure that it is being covered elsewhere.
6. A list of victims groups had been received from WAVE and circulated to members.

7. Barry Fitzpatrick raised the issue of the age of consent and Linda Moore agreed to confirm whether the Children and Young People's working group will be dealing with this.
8. Barry Fitzpatrick also noted that CoSo wish to see a strong harassment provision in the Bill of Rights or an alternative right against violence or abuse. Linda agreed to check whether the Civil and Political Rights Working Group is dealing with this or whether it should fall under Hate Crime in the Criminal Justice section. The Convenor raised the issue of freedom of expression and it was agreed that this was an important right but needs to be balanced with the right to be free from abuse, and should be considered in the context of the seriousness of the potential threat or harassment.
9. There followed discussion about the role of the legal advisors. It was agreed that as time was pressing, the advisors should begin drafting provisions for the Criminal Justice and Victims section which the working group could discuss at its meetings. It was noted that in line with other groups, the group is working towards a deadline of end-November for a paper outlining the recommended provisions so that this can be used for consultation.
10. Linda Moore gave a presentation on the age of criminal responsibility noting the particular circumstances of Northern Ireland. The presentation focused on the UN Convention on the Rights of the Child, the Beijing Rules, the T&V v UK case,

comments from the UN Committee on the Rights of the child. There followed a discussion on the age of responsibility. Members were agreed on the need to include the importance of prevention of criminality among the young. It was noted that it is important for the Bill of Rights to be 'age-proof' and to provide benchmarks without being prescriptive in a way which will limit the Bill's relevance in future. Issues raised by members included lack of cost-effectiveness of the current system, the need to deal with anti-social behaviour in communities, breaches of rights through ASBOs and problems of children in care going through the criminal justice system, the need to cross-reference with victims issues. Members agreed that it had been a useful discussion. Linda Moore agreed to provide some draft provisions on youth justice for the next meeting (2nd November). ACTION: Linda Moore to write draft provisions and circulate before next meeting.

11. Two additional issues were raised to be included on the list of issues for the advisors. These were access to legal services and miscarriages of justice.

12. Mark Kelly observing the meeting from WAVE provided members with helpful information on the WAVE conference to be held on 7th November. He informed members that the Criminal Justice & Victims working group day for meeting victims groups (16th November) will be advertised at the WAVE conference to ensure that groups know about it. WAVE have contacted all groups with the aim of arriving at consensus over issues regarding the Bill of Rights.

13. There was discussion on plans for the 16th November. Alex Maskey, Barry Fitzpatrick, Edel Quinn, and the Convenor confirmed that they will be attending. It was agreed that the venue would be Stormont. ACTION: Eilis Haughey to arrange room in Stormont. It was agreed that The Convenor would draft a letter to the groups on the WAVE list inviting them to make a submission to the Criminal Justice & Victims Working Group. The letter would ask people to include a short (1500 word maximum) summary of what provisions they wish to see about victims in the Bill of Rights. The letter would also inform people of the opportunity to meet the group on the 16th November to answer questions on their submission. It was agreed that a planning session would be held at 2.30pm in Interpoint to prepare for the 16th. Groups should be asked to get their submission to the working group prior to the 9th. It was agreed that the working group would be willing to meet with any victims group who asked to attend on the 16th. It was estimated that each group would have 15 minutes to speak on the 16th but this would depend on how many groups responded. Groups could join together for presentations if they wished. It was agreed that The Convenor should approach the secretariat to see whether a note-taker could be provided for the 16th November. Action: The Convenor to contact the secretariat.
14. The Convenor thanked Eilis Haughey for arranging the room and refreshments at Stormont.
15. Future meetings: 2nd November, 2pm – 4pm, Interpoint.

9th November, 2.30pm – 4.30pm,
Interpoint.

16th November, 10am – 4pm, victims
groups, Stormont.

23rd November, 2pm – 4pm, Interpoint.

30th November, 2pm – 4pm, Interpoint.