

Bill of Right Forum
Working Group on Criminal Justice and Victims
Minutes of Meeting held on Friday 9th November 2007
The Interpoint Centre, York Street, Belfast

Convened by: The Very Reverend Dr Samuel Hutchinson.

Present: Edel Quinn (Include Youth), Stephen McIlveen (DUP), Ellis Haughey (SDLP), Chrissie McAuley (Sinn Féin),

Apologies from: Marian Killen (ICTU), Annie Campbell (Women's Aid Federation), Barry Fitzpatrick (CoSo), Alex Maskey (Sinn Féin), Mary O'Rawe (Human Rights Advisor)

In attendance: Dr Linda Moore (Human Rights Advisor), Leslie McAuley (Outreach Worker), Richard Barklie (Note-taker).

Observing: Hanna Munter (WAVE Bill of Rights Committee), Thomas Redmond (HRC), Darren McStravick (CAJ)

1. The Convenor welcomed Chrissie McAuley who was standing in for Alex Maskey
2. The Convenor referred to the previous meetings minutes of 2nd November 2007, it was pointed out that in para.5, line 5 where it read Youth Justice Group, this should be Youth and Childrens Group. Minutes were approved
3. The Convenor introduced and welcomed the groups newly appointed Outreach Worker Leslie McAuley.

4. The Convenor mentioned items of correspondence including; a) apologies received via email, b) Ellis Haughey has booked Room 144 at Stormont for the meeting and oral submissions on the 16th November 2007. c) The Convenor pointed out that he had posted 40 letters to various victims groups regarding the 16th November and had only received 3 responses, those are from WAVE, Victim Support and Shankill Alternatives.
5. The Convenor raised the issue of the groups draft proposals going before the forum, following advice from the groups' legal advisor do we ensure that the group's proposals are quoting direct from legal instruments. Ellis Haughey suggested that proposals are clearly stated and that the choices which are made and put forward to the forum can be robustly defended drawing on references directly from current legal international instruments.
6. The Convenor made the groups aware that the WAVE proposals were on the table and could be discussed or left to a later date; Edel Quinn and Ellis Haughey agreed that the document needs to be discussed following the oral submissions on the 16th November 2007. It was noted that the committee will meet in advance of the oral submissions starting at 10.00am and the first group to present their oral submissions will take place at 11.00am. Arrangements regarding location of rooms, arrangements for refreshments, meeting and greeting the groups' representatives at reception and other logistics would be arranged by Ellis Haughey and the group on the 16th. WAVE's proposals were noted. Victim Support submissions which had been received were also duly acknowledged and noted. The Convenor highlighted an appendix attached to the Victim Support proposals which he found were very informative and helpful.
7. Chrissie McAuley raised concerns that only three groups responded and were actually attending. The Convenor suggested that the outreach worker could

contact the groups who had originally been invited by email and by letter. It was suggested that someone from the secretariats office contact the groups on a one to one basis to encourage participation. Lesley McAuley agreed that a one to one approach would be most beneficial but within the time frame left it would be difficult to expect groups to have firm proposals ready for the 16th. Chrissie McAuley suggested that groups should be invited to express their views regardless of defined written proposals; groups should be encouraged to come along on the 16th, even at this late stage. Edel Quinn agreed with this issue and suggested that if groups could be contacted and even if any of the groups had suggestions as to how they feel they could get involved or to how their group could get their views recorded, bearing in mind time constraints to encourage them to come along on the 16th. Lesley McAuley suggested regional hearings. Stephen McIlveen indicated that this was not viable as the group did not have the time within the given framework of the group.

The Convenor passed to Lesley McAuley the 'victims group' list compiled by WAVE and asked if she could contact each of the groups and encourage participation with the groups work, albeit the 16th may not be a realistic proposition at this late stage.

There was a discussion about the geographical composition of the Victims Group list. Ellis Haughey asked if it was a Belfast list of victims groups only. Hanna Munter and the Convenor highlighted that it was a regional list. Chrissie McAuley raised concerns that the list only included 40 names of group's in view of the fact of being aware that there were many more groups doing proactive work in this area. Chrissie McAuley suggested that the focus should be on those groups previously contacted, with further outreach considered at a later stage. It was agreed that the Outreach Worker contact all of the groups on the list

provided by WAVE during the course of incoming week to encourage any participation on the 16th November.

8. Edel Quinn reaffirmed disappointment in three groups only participating on the 16th but suggested that discussions could precede the groups draft proposals publication and prior to those proposals being submitted to the forum. Edel Quinn remarked that it is imperative that we invite other groups and express to those groups that we are not detached from hearing their views and concerns.
9. Linda Moore stated that she had attended a meeting with the Youth and Children's Group, Youth Justice was discussed and it was mooted that the Youth and Children's Group wanted to look at and develop this issue. They agreed to take onboard our proposals. Stephen McIlveen raised concerns about two groups dealing with same issue. Elis Haughey suggested a joint consultation. Linda Moore said that the matter could be dealt with by cross paper analysis and discussions which she could liaise. This was agreed.
10. Linda Moore stated that during consultation with the Civil and Political Group, the issue of Immigration, Asylum seekers and Hate crime had been referred back to this group. A discussion centred on these issues regarding whether or not these were Criminal Justice matters and the role which the Criminal Justice system plays when persons are held in Police Custody suites or elsewhere relating specifically to these issues. Linda Moore said that there was a gap in the system regarding detainees rights for those arrested under Immigration legislation, PACE did not apply, although it was pointed out that many of the Custody Sergeants do afford such detainees the same rights. Linda Moore stated that this whole issue should be the responsibility of the Civil and Political Group. The Convenor asked Linda Moore if should could liaise with the Civil and

Political Group at their next meeting and discuss these issues in full. Linda Moore agreed to this undertaking.

11. Linda Moore proposed to go through the Youth and Children's Group proposals and their suggested amendments to the groups draft document on Youth Justice previously brought before this group and discussed at length. The Convenor proceeded through the document and acknowledged agreements. Discussions evolved around age of criminal responsibility. Ellis Haughey expressed a need for complimentary tactics and consistency in bringing these issues before the forum, if both groups are engaged in this same issue consultations are a necessity. Edel Quinn stated that age appropriate mechanism's need to be adopted alongside an inquisitorial system dealing with reparation for victims. International standards require to be adopted and children should be supported with a more proactive reintegration approach. Edel Quinn added the need for a greater involvement of rap around services and intervention strategies to determine what are the root causes to a child's offending as opposed to criminalization and stigmatizing, leading to continued re-offending. Edel Quinn expressed a need to deal with children outside of the Criminal Justice system. Stephen McIlveen raised concerns regarding children who reject this process and continue to offend, he was confident that the processes of the Youth Justice System and Youth Courts would adopt the appropriate measures taking all of the children's circumstances into consideration. He stated that the Criminal Justice system already exists and has to be utilised. Chrissie McAuley highlighted the successful project 'Youth at Risk', children had been successfully reintegrated into society, steered away from criminal activity however funding was terminated and the project ended, she expressed concern at this despite the vast amount of money being spent to keep children in custody. More interventionist strategies need to be developed, funded and employed.

12. A discussion centred on criminal convictions and the possibility of expunging children's records at the age of 18 years. Stephen McIlveen stated that under the current legislation e.g. The Community Offenders Order some categories of criminality do become spent. The groups agreed that this could be discussed further.
13. Other discussions looked at the Beijing Rules and how appropriate they were in consideration of the groups proposals. A number of amendments to the wording of the second draft document Youth Justice Draft Provisions document 9th November 2007 were discussed and agreed; Linda Moore undertook to amend these. The wording was discussed within the group and agreed to be changed and discussed at the next meeting.
14. The Convenor discussed the arrangements for the 16th November at Stormont. It was agreed that no stringent timings would be imposed upon groups who attended but each group would be provisionally afforded a half hourly slot commencing at 11.00am. Refreshments would be organised by Ellis Haughey, Ellis Haughey proposed using Room 274 which may provide a more informal environment, and this could be decided by the group on the day. The Convenor discussed the role of The Chair on the 16th, it was agreed to keep the day as informal as possible to make others feel at ease. The Convenor asked if the Note-taker could attend on the 16th, he agreed that he could.
15. The Convenor asked if there was any other business. Edel Quinn stated that whilst attending the WAVE conference on 7th November she had been asked by some of the attendees to the conference to raise with the group the issue of discrimination against ex-political prisoners and the difficulty they experience in gaining employment through criminal records. Edel expressed that she will liaise and pass to the Civil and Political group.

16. Next meeting 10.00am 16th November 2007 at Stormont Buildings, Room 144