

Bill of Right Forum
Working Group on Criminal Justice and Victims
Minutes of Meeting held on Friday 23rd November 2007
The Interpoint Centre, York Street, Belfast

Convened by: The Very Reverend Dr Samuel Hutchinson.

Present: Edel Quinn (Include Youth), Eilis Haughey (SDLP),
Alex Maskey (Sinn Féin),

Apologies from: Marian Killen (ICTU), Annie Campbell (Women's Aid Federation),
Barry Fitzpatrick (CoSo), Stephen McIlveen (DUP),
Mary O'Rawe (Human Rights Advisor),
Gillian Clifford (Alliance Party)

In attendance: Dr Linda Moore (Human Rights Advisor), Lesley Macaulay
(Outreach Worker), Richard Barklie (Note-taker), Sorcha
McKenna (Convenor, Childrens Working Group), Lindsay Conway
(Childrens Working Group), Gillian Preece (Secretary, Bill of
Rights Forum).

Observing: Darren McStravick (CAJ), Siobhan McEvoy (HRC).

1. The Convenor welcomed Sorcha McKenna and Lindsay Conway who attended to discuss issues on Youth Justice.
2. Sorcha McKenna stated that the issues surrounding 'Youth Justice' clearly falls under the remit of both groups, their group would be making independent recommendations. The Convenor asked if the text in the two documents on Youth Justice could be harmonised. Linda Moore highlighted that both documents were very closely worded at present, the issue

surrounding Criminal Responsibility was at odds with the children's group who are seeking a raise to 16 years whereas the CJ & V group had not stipulated any age. A discussion centered on this issue, Sorcha McKenna pointed out that their group would be hoping that the age of 16 years would eventually be raised to the age of 18 years. Eilis Haughey highlighted that the group had discussed and debated this issue, had taken advice and related the age of Criminal Responsibility to a societal age of maturity, the age based around the school leaving age was not necessarily an acceptable solution, but she pointed out that both groups need to be tactically aware and approach this with some form of agreement. Lindsay Conway pointed out the gaps and nonsensical way in which children are treated in Northern Ireland in comparison to children in England and Wales. In particular he highlighted the issue surrounding the way in which 10-14 year olds are dealt with within the Criminal Justice system.

3. Edel Quinn reminded the group that a group member unable to attend the meeting had expressed difficulty with the age of Criminal Responsibility being raised to the age of 18 years. This would be the group member's party policy, and he had made the group aware that his party indicated retention of the current age of Criminal Responsibility. Eilis Haughey asked if everyone could be in agreement to using the Beijing Rules and other International standards to attain both groups overall objectives. Linda Moore pointed out that essentially both groups were in fact saying the same things.
4. The Convenor asked if we use the international standards are we in agreement that the age of Criminal Responsibility should be no less than the age of 16 years. This issue was discussed at length and also a general discussion about how children are treated within the Criminal Justice System, service provisions and education for young offenders were considered. Eilis Haughey acknowledged that a lot of provisions and recommendations were similar and agreeable. She pointed out that regarding the Criminal

Responsibility issue, carefully crafted language will be required to progress this issue through its next stages, and the public/society fears need to be allayed through consultation and education on this whole sensitive issue. Lindsay Conway made the point that previously no dents have been achievable in amending the current legislation but now the opportunity is here to obtain rights and benefits for children, he echoed Eilis Haughey's need for agreement and selection of appropriate language to carry this forward. The Convenor asked Linda Moore if she had enough to progress this document. Linda Moore replied that yes she had and reiterated the strength in agreed proposals, the signing up to internationally accepted standards as a minimum base-line, but she questioned the naming of an age for Criminal Responsibility. The age issued was again discussed, members agreed that they could agree to back the proposals presented by Sorcha McKenna, 16 being a minimum level. Edel Quinn stated that she would prefer that the member who could not make the meeting was present to discuss the issue, he had strong representations in the past opposing this age as a base-line for Criminal Responsibility. Edel Quinn raised the issue regarding; as an example an 11 year old who commits a very serious crime, who will deal with this, the police? These were questions she said which still need to be addressed.

5. The Convenor asked if there would be any merit in trying to progress the matter by email and in writing. Linda Moore said it would be better in a discussion forum. Sorcha McKenna added that their next meeting would take place on the 28th November.
6. The Convenor thanked both Sorcha McKenna and Lindsay Conway for coming; the discussion had been a useful one.
7. The Convenor read through items of correspondence from Mary O'Rawe, Stephen McI lveen, Margaret Ward, Gillian Preece, Jennifer Cornell,

Gillian Clifford, Pre-Amble Group and Sorcha McKenna (Childrens Working Group).

8. Linda Moore raised the issue of informing the women's working group that the working group has been unable to reach them to date, due to other work carried out so far. She went through the items near completion for submission and the areas which still require attention including Prisoners, Policing, and Right to a fair trial. Edel Quinn questioned what exactly could be completed before 6th December. A discussion on what was achievable, and the dissatisfaction in relation to the time frame of the process was noted. The Working Group highlighted its disapproval of work still to be carried out and the limited time to do it, Eilis Haughey stated the process was an over ambitious one given the time constraints and consultative process required. Edel Quinn reiterated the last meetings disapproval regarding the process. Eilis Haughey stated that clarity regarding the process following submissions was still an issue and needed to be resolved. The Convenor said he would contact Chris Sidoti but asked the group if the questions regarding the groups concerns should they be addressed to the forum for debate or if it was simply a ruling issue by Chris Sidoti regarding the date for proposal submissions which the group required. He also asked if he should wait until Stephen McI Iveen's letter had been forwarded. Alex Maskey said that the concerns of the group should be put forward and the difficulties which the group has been faced with highlighted. Edel Quinn said to wait for Stephen McI Iveen's draft letter. The Convenor stated that he would draft a letter in the meantime and circulate it via email to the groups members for comment.
9. The Convenor raised Mick Beyer's received letter, but suggested looking at it at a later stage, all agreed.
10. The Convenor invited the Outreach Worker for her report. Lesley Macaulay stated that she had now contacted all of the groups on the WAVE list of Victims Groups. At an Outreach Working Group during the week, Dr. Colin

Harper had instructed her to focus wholly on 18 groups, 'overarching groups' discussed before, and to try and gain submission or proposals from these 18 groups. Lesley Macaulay was not sure which groups were to be selected, who selected them, or if she selects them. She stated that she was unaware and unsure as to whom and how their reports should be submitted. Outreach Workers were being trained on the Bill of Rights on Wednesday 28th November. Edel Quinn questioned the work of the other outreach workers and who or how they were contacting groups. Alex Maskey voiced his concerns at this process, stated it appeared a very artificial process which he felt was going to cause mayhem, he added that he felt extremely uncomfortable with this process, it was not the wishes of the working group and he could not be associated with it on this basis, he questioned who had set this remit. Eilis Haughey highlighted that the process described by the outreach worker sounds more akin to a market research consultation, she thought the actual process was about encouraging groups to participate, dissemination of information creating a more broader awareness on the Bill of Rights and facilitation of discussion as to what the Bill of Rights was attempting to achieve, she added she was dumfounded by what was being proposed, she was opposed to what the outreach was currently proposing to carry out.

11. The Convenor pointed out that the Outreach Group meets on Monday 26th November; and that it would be beneficial if someone could attend. Edel Quinn agreed to attend.

12. It was proposed that Gillian Preece is invited to attend this meeting, as she was present at Interpoint Centre, to clarify the contentious issues which have arisen regarding the work of the Outreach Worker, on the proposals/submission deadline and subsequent participation or not of this group. The group agreed that this would clarify a range of issues, The Convenor left to speak with Gillian Preece.

13. Gillian Preece attended the meeting; The Convenor thanked her for attending at such short notice. Lesley Macaulay outlined her remit as an Outreach Worker as she had understood it. She outlined her instructions surrounding the 'overarching groups' which she was assigned to focus upon. Edel Quinn put forward the consensus of the group as to what had been the group's expectations of the Outreach Worker, encouraging participation, facilitation, creating a broader awareness amongst a wider number of victims groups etc. It was now apparent that the Outreach Worker was clearly working on an independent strategy. Gillian Preece acknowledged it was a difficult task and agreed that the work of the Outreach Worker was not ideal. She went on to say that the work of the Outreach Worker is limited and that if the process was to start again it would be done differently. It was pointed out that the methodology for selecting which groups are to be selected had not as yet been formulated. Realistic targets could only be set within the time-frame of approximately 5 months for the outreach workers. It was hoped that they would have around 18 meetings minimum per Outreach Worker covering the 'overarching' target groups. A lengthy discussion centered on this process.

14. Alex Maskey stated that he was anxious that the working group makes contact with all of the victims groups on the list which they have been working from to date. He said it was important to tease out their views to make the right recommendations as opposed to an artificial construct. Others within the groups agreed. Edel Quinn also expressed concern at disenfranchising, alienating and distancing groups. She pointed out that groups not already included in the process have expressed their dissatisfaction. Eilis Haughey raised the issue of credibility and being given sufficient time to submit the group's proposals as crucial bearing in mind the discussions and work which is still required to be carried out.

15. Gillian Preece outlined that after the 15th January 2008 when the final reports from the Groups are due, the working groups work will terminate. A

discussion centered on the draft proposals – consultations – feedback – the unrealistic deadlines particularly given that the submission period fell over the Christmas period – groups not being included. The group agreed that it was important and incumbent upon them to speak to groups and to get the work done, to do so more time was essential to put their best work forward. Gillian Preece stated that Chris Sidoti can only consider a deadline change and that if all the difficulties which had been discussed were put to him by the group he may consider a date beyond the 6th December. Linda Moore said she was worried that general consultative discussions on issues such as Criminal Responsibility need to occur; she advocated education and dissemination through workshops. Edel Quinn agreed and stated that people need to be conversant in what is being put forward, what International standards and other language to be put forward actually means.

16. The Convenor thanked Gillian Preece for attending. The Convenor asked if the meeting is adjourned until next week. Linda Moore asked if comments could be forthcoming in respect of the Prisoner Paper Circulated to the group. Edel Quinn said that she would email her observations and comments and said that Stephen McI lveen had indicated that he would do likewise.

17. The Convenor asked for an agreement on forthcoming meetings; it was agreed to have meetings on;

- 30th November 2007 at 2.00pm, The Interpoint Centre
- 7th December 2007 at 2.00pm, The Interpoint Centre
- 13th December 2007 at 2.00pm, The Interpoint Centre

The 13th December was a provisional date at this stage; it is set aside to hear 'victims groups' submissions or those who may wish to speak with the group.

Alex Maskey asked that the Outreach Worker contact all the groups on the working groups list and invite them to attend on the 13th December or submit proposals. This was agreed. The Convenor asked the Outreach Worker to amend the letter previously sent out to victims groups by him, and to send a copy of this to CRC as they have agreed to send it out, on our behalf, to the Victims groups which they have on their data-base.