

Bill of Rights Forum
Preamble, Enforcement & Implementation Working Group
Notes of Ninth Meeting, 27 November 2007

Present: Aideen Gilmore; Catherine Donnelly; Laura McMahon; Neil Faris;
Martina Anderson; Peter Weir; Patrick Yu; Barry Fitzpatrick; Eilis
Haughey; Stephen Farry; Brian Crowe.

Apologies: Colin Harper; Alban Maginness.

Observers: Mari O'Donovan; Fiona Nic Dhonnacha (DFA).

1. Notes of Previous Meeting

Catherine wished to have it noted that at the previous meeting she supported the inclusion of a duty to consider international law in an actual interpretive clause in the Bill of Rights as opposed to in its preamble as she believed the former would be more effective.

2. Amendment to Meeting Schedule

The meeting scheduled for 8 January 2008 was rescheduled to take place on 15 January 2008. A meeting was provisionally pencilled in for 4pm on Monday 4th February (which would be the one to finalise our report to the Forum).

3. Outreach

The Working Group expressed concern that the likelihood that some working groups may not have their reports finalised by the end of December would have a negative impact on outreach efforts. It also thought that any

expectations that effective consultation could be carried out by outreach workers during the month of December were unrealistic.

Some members then raised concerns about the manner in which what was originally understood to be an 'outreach' exercise is now being defined as a 'consultation' exercise. It was not clear how or why the Forum decided that this development should take place. The advisability of such a development was questioned in light of the fact that consultation exercises carried out by NI public bodies may be judicially reviewed for their propriety (Section 75 NI Act 1998 refers). The lack of clarity that seems to have surrounded the Forum's consultation exercise from the start left the Group concerned that that it may be flawed. Of particular concern was the failure to lay down dates for its commencement and completion, as well to provide guidelines to the Outreach sub-committee as to how the outreach workers should accomplish their task. The Working Group did not wish to be seen to be complicit in a consultation process that may be regarded as fundamentally flawed from the outset.

Some members opined that despite the lack of guidelines provided to it by the Chair of the Forum, the Outreach sub-committee should have been more proactive and decisive, and should by now have decided upon terms of reference for outreach workers.

The Group agreed that in light of the above concerns, as well as those expressed in relation to the impossibility of consulting upon complicated subject matter without first providing education and capacity building, a letter should be sent to the Chair of the Forum.

There was agreement that the current timeframe and plan does not seem capable of delivering and it was suggested that a way forward could be for Forum plenary meetings and Working Group meetings to be suspended from March 2008 for six months or so to allow an adequate outreach and

consultation programme to be completed and that the Forum could reconvene then to consider feedback received. It was agreed that this could be discussed at a future Forum meeting

4. Interim Report

The Group complimented Catherine and Aideen for the solid draft Interim Report that they produced on its behalf. A version of this report - which included amendments suggested by Neil - was proof-read, amended and agreed upon.

5. Next Meeting

The next meeting will take place on 4 December 2007 at 16.00 in Stormont.