

The Bill of Rights Forum
Working Group on Economic and Social Rights
(including relevant Equality Issues)
Galway House
Thursday 13th December 2007

Convened by: Patricia McKeown (ICTU)

Present: Anne Moore (Save the Children), Jeff Dudgeon (UUP), Steven Nolan (ICTU)
Nula O'Neill (SDLP), Seamus Lynch (Help the Aged), Maggie Beirne (CAJ),

Attended by: Dr Aoife Nolan (Legal Advisor), Gareth Wright (Forum Secretariat)

Observed by: Chelsea Marshall (QUB)

1. The Convenor opened the meeting by presenting the draft interim report to the Forum at the next plenary meeting and sought comments.
2. There was support for requesting further guidance from the Forum on the style and content of the report. It was pointed out that the group had taken extensive notes on the suggested provisions and wondered whether the rationale behind each area of discussion should be included. There was consensus on the need to include the right to work within the interim report, marking the recent intensive discussions around this area.
3. It was noted that discussion on the social security system with regard to the area of "income" was still to be had and in response to a request for the consideration of age discrimination it was agreed that a further discussion on the impact on all Section 75 groups was still required.
4. The issue of submissions from external bodies and the public was discussed. There had been earlier submissions from groups including, CoSo and the Participation and the Practice of Rights Project, as well as others, received by the Legal Advisor and were still to be considered by the working group. It was agreed to seek further clarification from the Chair of the Bill of Rights Forum on the handling and treatment of received

submissions. It was further agreed that there was a need to request submissions, received by other working groups, which were relevant to the work of this group. A list of all submissions received would be provided to the Forum secretariat for completeness. During this discussion an update on outreach work was received from Stevie Nolan.

5. There was an expression of concern about the potential loss of ownership and attributable weight in relation to the work of this group when the final recommendations of the Forum were passed to the Northern Ireland Human Rights Commission but some felt that the Forum's processes in relation to forms of consensus (still to be decided) may address this concern.

RIGHT TO WORK

6. Regarding the proposed Article 1, the potential to incorporate the wording of Section 18(1) of the Finnish Constitution was discussed but not adopted for use in the working group's interim paper to the Forum. It was agreed to replace "practice" with "practise".
7. Article 2 (a) and (b) were agreed.
8. Within Article 3 it was agreed to place "on the basis of equality" in square brackets as it merited further discussion and may already be countered by an over arching equality non-discrimination clause. The suggestion of inserting "and terms of employment" after "favourable conditions of work" was also agreed.
9. The need to develop the group's thoughts on the right to information/access to information was agreed. The issue of adequate and fair occupational pensions was raised but deferred for future discussion as the matter falls within the area of "income". It was further agreed to include a reference to work related social security payments, incorporating Article 11.1(e) of CEDAW, making particular reference to areas such as, "retirement, unemployment, sickness, invalidity and old age and other incapacity to work".

10. The possibility of creating a separate clause on “freedom from harassment” rather than retaining sub-clause Article 3(d) was explored. This discussion flowed from the suggestion of two further socio-economic rights by Jeff Dudgeon (annexed) with the group noting internal and external forms of harassment. It was noted that harassment had been defined in an earlier clause and that the potential to develop this area may exist. It was agreed for the purposes of the interim report it was agreed to retain Article 3(d).

11. Discussion then focused on the first of the two proposed rights by Jeff Dudgeon. There was support for including a form of words which would outline the responsibility of the state to “take all necessary steps to effectively prevent such activity”. It was further suggested to alter the word “bombing” to “activity”. It was agreed that this issue may be developed further within a different working group such as the Criminal Justice and Victims and/or the Civil and Political Rights Working Groups.

12. The Convenor closed the meeting and noted that although the group had not had the opportunity to discuss Jeff Dudgeon’s second suggestion but that it should be included within the interim report also. It was also noted that the date of the next meeting was not yet agreed and was likely to take place during late January/February 2008.

[signed]

Gareth Wright
Bill of Rights Forum

NEW SOCIAL AND ECONOMIC RIGHTS

- Individuals shall have the right to be employed or conduct a business free from paramilitary bombing, other violence and threats, extortion and blackmail.
- Self employed individuals and companies shall not be subject to undue regulation or excessive taxation.

[signed]

Gareth Wright
Bill of Rights Forum Secretariat