

**INAUGURAL MEETING OF THE BILL OF RIGHTS  
FORUM**

**18<sup>TH</sup> DECEMBER 2006**

**Present (in order of seating)**

David Hanson (Chair)

Elaine Campbell, Age Concern	Monica Wilson, Disability Action
James Knox, COSO	Alex Attwood MLA, SDLP
Derek Hanway, An Munia Tober	Carmel Hanna MLA, SDLP
Esmond Birnie MLA, UUP	Alban Maginnes MLA, SDLP
Dermot Nesbitt MLA, UUP	Caitriona Ruane MLA, Sinn Féin
Jim Wilson MLA, UUP	Father Tim Bartlett, Catholic Church
Aideen Gilmore, CAJ	Mitchell McLaughlin MLA, Sinn Féin
Thomas Mahaffy, Unison	Sheri Chamberlain, Save the Children/Children's Law Centre
Pauline Buchanan, ICTU	David Ford MLA, Alliance Party
Nelson McCausland MLA, DUP	Stephen Farry, Alliance Party
Arlene Foster MLA, DUP	
Ian Paisley Jnr MLA, DUP	

## Apologies

Annie Campbell, Women's Aid Federation

## Notes

The third member of the Sinn Féin delegation was unable to attend.

It was expected that nominations for two representatives from employers, one from the Protestant Churches and one from the Northern Ireland Council for Voluntary Action (NICVA) would be made before the next meeting of the Forum.

## Introduction

**David Hanson** welcomed everyone to the inaugural meeting of the Bill of Rights Forum. He explained that following from the announcement made at St Andrews, the Forum was to have its inaugural meeting by December 2006. He was acting as the interim chair for this one meeting which would in the future be independent of Government. Action was under way to recruit an independent Chair and he expected an appointment would be made between mid-to-end January 2007. He intended to facilitate this first meeting and introduce some short papers. Officials would be taking a note.

2. Once appointed the independent Chair would take forward the work of the Forum to produce a report that would inform the Northern Ireland Human Rights

Commission's (NIHRC) advice to government on a Bill of Rights for Northern Ireland. NIHRC could be expected to pay close attention to the agreed conclusions of the Forum. The results of the Forum's work followed by NIHRC's advice would result in Westminster legislation. Constitutionally Human Rights were an excepted matter but the Government could be expected to take the views of the Assembly before any legislation was concluded.

### Item 2 – Paper BORF 1 – Composition of the Forum

3. **David Hanson** said that the Government had accepted comments received during the consultation exercise from many respondents that political and civic society representatives should have equal representation on the Forum. **Dermot Nesbitt** asked what organisations had been approached to obtain nominations for a representative for the Protestant churches. David Hanson explained that the Irish Council of Churches has been approached. **Ian Paisley** noted that the evangelical churches were not members of the Irish Council of Churches. **David Hanson** confirmed that the government would reflect on the points made about representatives of the churches so that a broad representation was achieved. **Ian Paisley** noted that the Forum must reflect Northern Ireland society and must have the appropriate balance.

4. **Alex Attwood** emphasised that there must be an independent Chair of international standing. He hoped that a candidate who met the necessary standard could be found in the time available. The Forum would need all of 2007 to deliberate. It should have an independent secretariat. **David Hanson** agreed that the Chair should have the appropriate international standing and have the time available for the work. He was anxious that the Chair should have good standing with the Forum. He was very keen to have a completion date for the Forum and believed that the end of 2007 would meet that requirement. He would reflect further if in practice it turned out that longer was needed.

5. **Caitriona Ruane** emphasised that the secretariat must be independent of government and should be appointed by the chair. David Hanson reassured the Forum that the chair would be independent of government with international standing. **Arlene Foster** asked whether if there was not cross community support for the Forum's conclusions would Westminster legislate anyway? **David Hanson** reiterated that the Forum was to inform the statutory advice from NIHRC and the government would want the Assembly to contribute and give a view, but the Government must reserve the right to legislate. He hoped that the Forum could achieve a report that was based on consensus. **David Hanson** went on to explain

that the Forum would have an independent secretariat but that Government must be accountable for the cost and would discuss the make-up of the secretariat with the Chair once appointed. He concluded this session by asking the Forum to agree Paper BORF 1 and noted that the comments of participants would be reflected back to the independent chair.

### Item 3 – Paper BORF 2 – Terms of Reference, Procedures and Timescale

6. **David Hanson** explained that once the independent Chair had been appointed it would then be for her/him, together with members of the Forum, to agree their operating procedures and to work within the final Terms of Reference set out in paragraph 5 of Paper BORF 2. **Ian Paisley** asked that, given the Forum was to inform NIHRC's advice, would there be an obligation for NIHRC to accept its conclusions. **David Hanson** replied that NIHRC had a statutory role to provide advice to the Government. The Forum may be able to reach an overall consensual conclusion by the end of 2007 or it may agree some areas of consensus and some areas of division which would be submitted to NIHRC. He imagined that areas of consensus would have a very powerful impact for NIHRC, but where there was disagreement it would be for NIHRC to consider the issue and provide advice. **Dermot Nesbitt**

was concerned about the timescale - that there was the risk of the completion date drifting. It had taken six years to get to this stage and the deadline for its report must remain crystal clear. **David Hanson** agreed the Government wanted to draw to a conclusion the discussion on a Bill of Rights and then legislate. The Government had originally proposed September 2007 for a report but this had now been extended to end December 2007. There was no legal constraint on timing but it was his firm view it should be possible to report by the end of 2007, which gave the Forum eleven months to work once the Chair had been appointed and he was hopeful that it would reach its conclusions by then.

7. **David Ford** asked why the Terms of Reference had been expanded to add in the reference to 'the two communities in Northern Ireland' when there were now many more communities. **David Hanson** acknowledged that it was clear that there were two main religious communities and two main political groups within Northern Ireland. He wanted the Forum to consider how it should deal with the reality. The government had made its best call following the consultation responses.

**Dermot Nesbitt** empathised with David Ford but he believed that the key words in the expanded terms of reference were "identity and ethos" as referred to in the Council of Europe Framework Convention for the

Protection of National Minorities. The UUP were very keen for the additional sentences to the terms of reference to be retained. **Derek Hanway** asked how much room there really was for negotiation over the terms of a reference and suggested changing the word "both" to "all" communities. **Ian Paisley** suggested there was one community and the word "both" should be removed. **Stephen Farry** noted that there were many communities. **David Hanson** agreed that the Government would reflect on the points made. He thought that replacing "both" with "all" might be an option. **Alex Attwood** said there was a responsibility to reflect the Good Friday Agreement (GFA) along with the circumstances of Northern Ireland but acknowledge that there were other communities. The wording of the terms of reference needed to reflect the comments made whilst retaining the integrity of the GFA. **Caitriona Ruane** noted that the wording should keep to the GFA but that all communities needed to be included. **Ian Paisley** emphasised the need to get words that reflected the reality. **Father Tim Bartlett** remarked that use of the term 'both communities' was inadequate and he went on to record his shared concern that there were many communities in Northern Ireland. **Dermot Nesbitt** agreed the wording must not leave the thrust of the GFA behind and therefore needed to retain the terms "identity and ethos" which encapsulated the UUP's concerns. The discussion on communities concluded with the hope that

the Forum could reach consensus. **David Hanson** noted that changes to the terms of reference had been made following the consultation to reflect the responses received. The terms of reference would be discussed with the chair. It was important also to keep a focus on the opening sentences of the terms of reference.

8. Paper BORF 2 was then accepted by the meeting.

#### Item 4 – Paper BORF 3 – Publication of Consultation Responses

9. David Hanson explained that it was the Government's intention to publish all the consultation responses on the NIO's website.

#### Item 5 – Initial Views on the Forum's approach - Discussion

10. David Hanson thought that it would be helpful to the incoming Chair if participants now gave short opening statements at this first meeting. He then invited each subsequently to provide a scoping paper for the Forum from each of their perspectives. Officials would record the main points made. For ease he would take opening statements, limited to three minutes each, from around the table going from left to right.

11. **Alban Maginness** (SDLP) said that the Forum was good for human rights and was a significant moment in getting to grips with the Bill of Rights for Northern Ireland. The SDLP have been the first party to propose a Forum which offered the chance to get agreed proposals to be put to NIHRC. Rights were not a nationalist/unionist issue and reaching agreement could draw some of the poison and build consensus once debate had taken place. Participants of the Forum should make it a covenant of honour to achieve agreement. There must be strong political commitment and weekly meetings, a willingness to find agreement, the readiness to use sub-groups. It was vital to have a Chair of international standing and an independent secretariat and the Forum could take comfort on these two issues from the Minister's remarks. The Government did not commit to consult with the Assembly but he was confident it would do so. It was important to have time to appoint the chair and essential that this was taken forward quickly.

12. **Caitriona Ruane** (Sinn Féin) welcomed the Forum as a very important development. Her party had been involved in the implementation group which had made a good start and done much of the preparatory work. The Bill of Rights would have a key role in the future of the island of Ireland and would be helpful for the drafting of

the Charter of Rights for Ireland. She was pleased that civic society had equal representation and welcomed the CAJ being present with its long Human Rights experience. The independent role of NIHRC should be protected and maintained. NIHRC should be the filter for the Forum's work but must not be allowed to avoid accepting the Forum's views. The Forum needed time and resources and needed an independent and fully resourced Chair and secretariat. The Chair should be independent with professional international human rights experience. Sinn Féin would feed back information in both ways from the Forum out to the community and back across Northern Ireland. The unique experience of Northern Ireland would determine the terms of the Bill of Rights and Sinn Féin would play its full role.

13. **Father Tim Bartlett** said that the Catholic Church welcomed the dialogue and fundamental objective of the Bill of Rights. But there were concerns. There was a presumption about what the agreed human rights parameters were but in fact there was a diversity of view on these parameters. There was a dignity to the human person and rights followed from that. It was disappointing that only the Christian Churches and not other faith communities were included on the Forum. The Forum should not become a catch-all for rights as the previous NIHRC proposals had been. There must remain respect

for the role of the legislature. The Church supported the concept of harmonisation and believed that there should be representatives on the Forum of the Irish Human Rights Commission and equivalent bodies from Great Britain. Any final Forum proposals must be subject to broader consultation processes. The Church representatives would support a culture of rights and would also seek a culture of responsibility.

14. **Sheri Chamberlain** (Save the Children/Children's Law Centre) welcomed the establishment of the Forum. Since the GFA there had been significant developments of children's rights including the appointment of the Northern Ireland Commissioner for Children and Young People and the development of the Children's Strategy but too much inequality remained. Over a third of those killed in the conflict were children and young people. So a Bill of Rights provided the best opportunity to guarantee children and young people's rights at a constitutional level in Northern Ireland. It was vital to draw on international human rights instruments particularly the UN Convention of the Rights of the Child. There must be consolidated legal protection for all children and young people and there was widespread support for the best protection of the rights of children. Save the Children and the Children's Law Centre would continue to feed back to and from their sector. The Forum must engage with children

directly but it did not need to ask them again what a Bill of Rights should contain. NIHRC had already done very useful work. There should be outreach and engagement from the Forum which would not be resource neutral and the Forum should allocate sufficient resources to ensure it happens. 435,000 people in Northern Ireland were under 18 and the test of a Bill of Rights would be if there was any meaningful change in the protection of rights.

15. **Stephen Farry** (Alliance Party) said that his Party welcomed the Forum which he believed would help inform NIHRC, but the Forum must take a realistic view. It was not for it to negotiate a Bill of Rights and there was a danger of a lowest common denominator agreement with sectarian trade offs which must be avoided. NIHRC should have close working relationships with the Forum which should take on board earlier NIHRC work.

Documents are already available to inform the Forum and there is no need to reinvent the wheel. NIHRC should not be bound by the Forum. Paradoxically some wanted NIHRC to remain independent from the Forum and yet to have to accept its conclusions. The Bill of Rights must be flexible to guarantee rights for the future and not become a prisoner of the past. Northern Ireland is much more diverse now than it was eight years ago and the process must accept the wider world. The chair must be of international standing but not necessarily a human rights

expert. International standing should not rule out someone from Northern Ireland. There was a need for the Forum to take views from the wider world and for deliberations to be public.

16. **Arlene Foster** (DUP) said that the DUP was happy to be at the Forum and engage with it but it must be realistic. A Bill of Rights was not a panacea. The DUP would engage on the terms of reference from the GFA. Important building blocks for the process were democracy and the rule of law. There was civic duty and responsibility. The Forum must be realistic that there were costs. Unionism had been alienated from the human rights debate over the many years. Unionism was currently not geared up for the debate and capacity needed to be built for the discourse. Other groups must be involved such as victims, the Loyal Orders, the evangelical churches. So there must be a mechanism to get these groups involved. There was a need to innovate and not simply implement other international examples. There cannot be Westminster legislation without the Assembly's cross-community endorsement.

17. **Thomas Mahaffy** (Unison) on behalf of the Trade Union Sector said that there was a need for a comprehensive Bill of Rights and an inclusive debate. Trade Unions would want extensive Human Rights

protection. It was necessary that the chair was independent and of international standing. A range of other substantive human rights needed to be protected. The Trade Unions would have more detailed views later, particularly on socio-economic and employment rights.

18. **Aideen Gilmore** (Committee on the Administration of Justice (CAJ)) said that she would feed back the outcome of the day's meeting to the Human Rights Consortium Organisations. CAJ welcomed the Forum in principle and would confirm their endorsement when the independent Chair and independent secretariat had been appointed and adequate resources were assured. The goodwill shown by the participants to get the Forum established now needed a positive government response; there were very high expectations of agreement. The Forum must look to best international practice and must take account of Northern Ireland circumstances to provide a shared set of rights – rights to speak to all and a shared set of ideals on a Bill of Rights. The paths of developing Bills of Rights in other countries had been good and constructive processes on the way to the eventual Bill of Rights itself. CAJ endorsed the Human Rights Consortium's proposals on the framework for the Forum. It should be open and bring debate out and around the whole community.

19. **Dermot Nesbitt** said the UUP welcomed the Forum as a means to an end. The UUP had always been in favour of rights. It had advocated a Bill of Rights in the 1970s and continued to do so now. The British Constitution was firmly based on rights and fostered a rights-based culture. There should be consensus reached by all. Of particular importance for the UUP were parity of treatment and parity of esteem, rights which were provided for in various UN and Council of Europe Conventions including the Framework Convention for the Protection of National Minorities. The sense of this document was particularly important to the UUP. Where there was doubt the Forum must fall back on international conventions. Rights must be matched by responsibilities.

20. **Derek Hanway** (an Munia Tober) explained that as the pro-tem representative of the ethnic minority groups sector his comments were largely on a personal basis and not necessarily fully representative of views from across that sector. The Forum should reflect the entitlements of everyone. Discussions must acknowledge that the Forum covered ethnic minority interests not just the 'two communities' but wider society. People from Ethnic minorities did not enjoy the same rights or standards of living and services. They were last in the queue for government plans. For example, departments do not collect data on ethnic minority groups as they do for

community background or gender. People from ethnic minorities wished to live free from racism and discrimination. Ethnic minority groups were disappointed that section 75 looked good on paper but it hadn't affected much direct change. The Forum must discuss enforcement arrangements of a Bill of Rights. It was trendy to speak about responsibilities. Ethnic minorities recognised they had responsibilities but the Forum had a responsibility to look at rights.

21. **James Knox** (Coalition on Sexual Orientation) welcomed the challenges that the Forum presented and to being party to the debate. Involvement in the Forum would be on the basis that a future Bill of Rights should have no hierarchies and no-one should be treated less favourably than any other person. COSO would be taking the debate into the wider Lesbian, Gay, Bisexual and Transgender (LGBT) community. The Bill of Rights must protect the rights of everyone equally and must be inclusive.

22. **Elaine Campbell** (Age Concern) explained that Age Concern and Help the Aged would adopt a partnership approach to the Bill of Rights and provide a positive contribution to the Forum. She stressed that everyone would benefit from human rights in general. Older people were amongst the most disadvantaged in Northern Ireland

but were also a heterogeneous group and the sector was keen to promote understanding of the human rights debate. There would be a challenging commitment to take the debate out into the Northern Ireland Community to help promote a more inclusive Northern Ireland.

23. **Monica Wilson** (Disability Action) said that for the Disability sector the Forum must have regard to the UN Convention on the Rights of Dignity for People with Disabilities. Inclusion and Dignity were important for this debate. Disability Action was at the Forum for the broadest agenda. There needed to be credibility for all parts of the Forum including the independent Chair. Civil society representatives and the political parties must play their part. The Forum needed to have a process that was participative and able to discuss issues with the people most affected. Accessibility was important – making the Forum accessible to everyone especially for people who were most disadvantaged. Multiple identities must be recognised. Laws were indicative of a society's values. She hoped for a Bill of Rights that protected everyone.

24. **David Hanson** thanked everyone for their contributions. The Government would circulate a note of proceedings. He looked forward to receiving the Forum's report in due course.