

A FORUM ON A BILL OF RIGHTS FOR NORTHERN IRELAND

CONSULTATION PAPER

Introduction

1. Following discussions at St Andrews the Government committed to establish a Forum on a Bill of Rights and to convene its inaugural meeting in December 2006. This will require decisions about the remit and membership of the Forum to be taken quickly. The Government is therefore undertaking a short period of consultation on its proposals for the establishment of the Forum to help create a body that commands widespread support from the political parties and wider civic society.

Background

2. In the Good Friday Agreement the Government made a commitment to establish a new Northern Ireland Human Rights Commission (NIHRC). The Agreement envisaged that, among the NIHRC's responsibilities, it should be

“invited to consult and advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and – taken together with the ECHR – to constitute a Bill of Rights for Northern Ireland.”

3. The NIHRC was duly established by the Northern Ireland Act 1998. This requirement to provide advice on the scope for a Bill of Rights for Northern Ireland was given statutory effect by section 69(7) of the Act. The NIHRC has been researching and undertaking consultation on a Bill of Rights since shortly after its creation. In the Joint Declaration of April 2003 the

Government confirmed its support for the establishment of a Bill of Rights Forum.

4. In its report entitled “Rights, Safeguards, Equality Issues and Victims”, the Preparation for Government Committee of the Northern Ireland Assembly established under the Northern Ireland Act 2006 stated “that this committee supports the creation of a Bill of Rights for Northern Ireland”. Most recently, following discussions at St Andrews, the Government made a commitment that it “will establish a forum on a Bill of Rights and convene its inaugural meeting in December 2006”.

5. The Government is clear that the Forum should:

- have an independent chair and its own secretariat;
- be as inclusive as possible of Assembly parties and wider civic society;
- appropriately involve the NIHRC;
- be adequately supported and resourced;
- report back by 30 September 2007.

6. Following the announcement at St Andrews, this short consultation paper invites views on the Government’s proposals for the remit and establishment of the Forum.

Proposals

Remit, procedures and timescale

7. The role of the Forum will be to inform the work of the NIHRC in fulfilling its statutory duty to provide its advice to Government. Specifically, building on the consultation that has already taken place with and between the political parties and other interested organisations and groups, the Forum will give the parties and other representatives of civic society the opportunity to consider the structure and content of a Bill of Rights. To that end, the Government proposes that the terms of reference of the Forum should be:

“To produce agreed recommendations to inform the Northern Ireland Human Rights Commission’s advice to Government on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience.”

8. The Government intends that it should be for the Forum itself to decide on the procedures it will follow in producing agreed recommendations. However, given the recent agreement in the Preparation for Government Committee on the principle of a Bill of Rights, and the long-standing duty on the NIHRC, the Government considers that it would be right to set a timescale for the Forum’s work, so that the NIHRC can then proceed with its advice to Government. The Government proposes that the Forum should produce its final agreed recommendations by 30 September 2007. The Forum will be provided with adequate financial and staff resources to complete its work within this timescale.

The Government would welcome views on:

- **the draft terms of reference for the Forum;**
- **the proposed timescale for the Forum to produce agreed recommendations.**

9. The current NIHRC intends to provide the Forum with a paper setting out its views on some of the important issues relating to a Bill of Rights. The Forum may also wish to take account of the earlier work that was undertaken by the NIHRC under the leadership of Professor Brice Dickson. The Government intends that it should be for the Forum to decide, in consultation with the NIHRC what involvement the NIHRC might have in assisting the Forum’s discussions.

Chairperson

10. The Government will be working during this consultation period to identify a fully independent chairperson, and an announcement of the chair's identity will be made as soon as possible. The Government is clear that the individual will need to have the skills appropriate to the performance of this high profile and demanding role; in particular the capacity to facilitate discussions effectively and an understanding and experience of human rights, including international human rights instruments.

Membership

11. It will be important for the Forum to be reflective of a broad range of political opinion and sections of civic society. But it is important too that the Forum should be of a manageable size if it is to complete its work successfully and in a reasonable timescale. Against that background, the Government considers that the Forum's maximum total membership should be 27, plus the chairperson. This would be composed as follows:

- political party representation should be modelled on the Preparation for Government sub-committee. The Forum should include fourteen MLAs with the parties allocated places in accordance with the structure of the PfG sub-committee (that is, the Democratic Unionist Party, Sinn Féin, Ulster Unionist Party and Social Democratic and Labour Party would each have 3 seats, and the Alliance Party would have 2 seats);
- there should be thirteen representatives from organisations representing a range of interests and groupings within wider civic society. The Government is open to suggestions on which organisations might be represented. A non-exhaustive list of possible sections of the community that it might be appropriate to consider for representation would include business, trade unions, churches, the voluntary and community sector, NGOs with expertise in the human

rights field and organisations representing the interests of particular groups e.g. ethnic minorities.

12. The Government recognises that there may be considerable interest in securing representation on the Forum, and that it may not be possible for every organisation that wishes to participate to have a seat at the table. However, there is a balance to be struck between ensuring that a broad range of views are represented in the Forum's deliberations and the need for the body to be capable of functioning effectively, and we consider that a total composition of 28 already represents the upper limit of what would be workable. It will of course be open to the Forum to seek the views of those beyond its immediate membership.

The Government would welcome views on:

- **the proposed size and structure of the Forum;**
- **which organisations should be represented on the Forum?**

Consultation period and launch of the Forum

13. The Bill of Rights Forum is scheduled to have its initial meeting in December 2006. This is a very tight timetable and to allow the necessary preparatory work to be taken forward this consultation is being limited to a period of two weeks. Responses are requested by **5:00pm on Tuesday 28 November 2006**. Details of how to respond are given below.

14. Government intends that the inaugural meeting of the Forum will take place in the week of Monday 11 December 2006.

Northern Ireland Office

14 November 2006

How to respond to this consultation paper

We welcome your responses and comments on any aspect of this document. The deadline for responses is **5:00pm on Tuesday 28 November 2006**. A response can be submitted by letter, e-mail or fax to:

Bill of Rights Forum Consultation
Human Rights and Equality Unit
Northern Ireland Office
11 Millbank
London
SW1P 4PN

tel: 020 7210 6585

fax: 020 7210 0248

email: hreu@nio.x.gsi.gov.uk

Please ensure that responses are clearly marked as 'a response to the consultation on the Bill of Rights Forum'. Additional copies of the paper can be obtained by telephoning the number above or from the Northern Ireland Office website (www.nio.gov.uk).

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you

could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.