

Response to a Forum on a Bill of Rights

Background

Age Concern Northern Ireland (ACNI) is a major voluntary organisation committed through campaigning and service provision to promoting the rights of all older people as active, involved and equal citizens. We act as a Northern Ireland-wide campaigning body and support a network of local Age Concern groups operating throughout Northern Ireland.

We offer policy advice on a range of issues which impact on the lives of older people. These policies are founded on:

- the expressed views of older people throughout Northern Ireland based on ongoing contact and research
- a knowledge of older people and an ageing society.

We provide domiciliary, day and residential care to over 700 individuals. We actively support the rights of older people and directly assist them through our advice and information service especially in the areas of health and social care, income and housing. As part of our work, we operate an Equality and Human Rights Unit within Age Concern Northern Ireland.

Introduction

Age Concern welcomes the opportunity to respond to the consultation on the Forum on a Bill of Rights for Northern Ireland and we are pleased that progress is being made on the forum. Age Concern Northern Ireland has been a participant in the Human Rights Consortium, a coalition of over one hundred community groups, non-governmental organisations and trade unions who together campaign for a strong and inclusive Bill of Rights for Northern Ireland. As an active member of the Consortium, ACNI has been involved in lobbying government to establish a roundtable forum and meeting with political parties to encourage participation in the forum.

Remit, procedures and timescale

Remit

ACNI is concerned about the difference in roles between the Forum and the Northern Ireland Human Rights Commission (NIHRC). While we agree that the Commission should be appropriately involved, it is not clear that the Commission will do anything more than to *consider* the recommendations decided by the Forum. To this end, the Commission should be available as a resource and to comment on the technical and legal detail of the Forum's recommendations.

Age Concern envisions a process in which political representatives and civic society representatives will agree on the content and structure of a Bill of Rights for Northern Ireland. An agreed set of recommendations should be given due weight in recognition of what will be an immense achievement if consensus can be reached.

Timescale

ACNI has concerns about the short timescale given for the forum to complete its work. We believe that, given the logistical and administrative arrangements, and the fact that elections will be held in March, the Forum should be given at least one year to produce recommendations. The Forum is a unique opportunity for Northern Ireland and we would hope that the process would not have to be rushed into a timescale that may not allow for full deliberations and debate.

Chairperson

While Age Concern supports the proposal for an independent chair with its own secretariat for the Forum. It is unclear from the proposals whether the secretariat would be appointed by the Chair. We would recommend that this is the case. ACNI would also recommend that the Chair should be a person of established international reputation, as well as having considerable experience and understanding of human rights. We believe an internationally recognised Chair would best be able to facilitate the discussion to meet the considerable challenges the Forum will encounter.

Membership

Age Concern agrees that the Forum should be reflective of a broad range of political opinion and sections of society. However, we would encourage government to reconsider the proposal to have thirteen representatives from civic society and give equal representation to that of political representation.

Given the short timescale for the consultation, it may have been useful for government to offer ideas or proposals for selecting representatives to the Forum from civic society. One way to draw upon the range of civic society organisations might be to take membership from the categories outlined under Section 75 of the Northern Ireland Act, plus other areas of civic society, such as business, trade unions and human rights organisations. Whatever method is decided for choosing representatives must be clearly explained. We would certainly argue that any organisation taking up a seat should have experience and knowledge of human rights.

As there are a limited number of seats on the Forum, Age Concern believes that the Forum should be **required** to seek views beyond its immediate membership. In order for the Bill of Rights to be successful and to engage society as a whole, the debate and discussion must be broadened to as wide an audience as possible.

In 2006, older people constitute 16.3% of the total population. This is broken down as follows:

- 181,000 Women aged 60 years old and over
- 101,000 Men aged 65 years old and over

The number of older people is expected to exceed the number of young people by 2023. It is important that such a substantial section of the population is represented on the Forum. Likewise, organisations working specifically with particular groups, such as ethnic minorities, will be in a good position to highlight key concerns and to advocate on the behalf of their members. The community and voluntary sector has played a key role in assisting the most vulnerable members of society and it will be important for the community and voluntary sector to continue to play this role and help to deliver on a Bill of Rights.

We also support the Human Rights Consortium's proposal to be given official observer status. This will be one way to share information with the Consortium's range of members.

Age Concern would be interested in further detail about the selection process for Forum members. As an organisation which promotes the rights of older people, we will be keen to participate in the Forum in an appropriate manner. We believe the Forum has enormous potential to deliver recommendations for a Bill of Rights which contributes to a better, more inclusive Northern Ireland for all.

Alliance Party of Northern Ireland

Response to NIO Paper: A Forum on a Bill of Rights for Northern Ireland

November 2006

Key Issues

Alliance welcomes the opportunity to give its views on the creation of a Forum on a Bill of Rights. We have been concerned at the slow progress made towards a Bill of Rights since the Good Friday Agreement.

Alliance has supported the creation of a Forum on a Bill of Rights. We played an active role in discussions among some parties during 2003 on the possible role of such a Forum in the aftermath of the Joint Declaration.

We believe that a roundtable forum involving the political parties and representatives of civil society can make an invaluable contribution to the process of formulating a Bill of Rights for Northern Ireland.

It is important to stress that Alliance sees this body playing a more limited and more tightly defined role and function than some organisations seem to envisage for the body.

Alliance recognises that the best way forward lies in a representative group of experts to take into account public opinion through public consultation and engagement, and then formulate a set of recommendations, informed by European and international law and experience. This is the essence of the thinking behind the creation of the NI Human Rights Commission, and in particular its responsibilities with respect to the Bill of Rights. It also reflects the approach taken to other issues such as reform of policing and reform of the criminal justice system.

Alliance does not believe that it is either possible or desirable to ask a roundtable Forum to produce agreement on the content of a Bill of Rights. First, this is a very big ask. It is unfortunately likely that agreement may only be found on the lowest common denominator of consensus, with many more difficult areas, where rights protections do need to be properly codified, being neglected. Second, there would be a danger of a series of sectarian trade-offs occurring. Third, there is no obvious process for ensuring that any outcome is comprehensive and holistic, and also consistent with international standards.

The difficulties inherent in trying to ‘negotiate’ matters in relation to human rights is illustrated by the confusion relating to the mandate of the Commission relating to the Bill of Rights as set out in the Belfast Agreement. There are at least three major difficulties, namely: whether or not, the Commission should give advice on the feasibility and desirability of a Bill of Rights or recommend the contents of such a Bill; what is meant by the ‘particular circumstances’ of Northern Ireland; and how to interpret references to ‘both communities’ in a much more diverse reality.

There is a debate on what should be the role of the Commission in relation to the Forum.

There is a view that the Commission should have a limited role. Many of those articulating this view are stressing that the ‘independence’ of the Commission needs to be respected. This leads to an argument that the Commission should be placed at arms length from the Forum, but in turn that there should be an expectation on the Commission to endorse the outcome of the Forum and pass its conclusions on to the Government. We make this statement as a party that will potentially be involved within the Forum.

There are also dangers in creating a situation where there are parallel tracks running where the Commission and Forum may continue their own work, but come to different conclusions.

Furthermore, the Commission has already engaged in considerable work on both consulting with the public on the content of a Bill of Rights, and setting out its own thinking. There is little need or point in any Forum trying to ‘reinvent the wheel’.

By contrast, Alliance believes that the Commission should be closely involved in the work of any roundtable. Such a role would not compromise the independence of the Commission.

The work of the Forum should be informed by the deliberations of the Commission to date. The Commission should be able to give evidence to the Forum at the outset on its work to date, and that there should be an expectation that the views of the Commission should be further sought on a regular basis. Finally, the Commission would be expected to give due regard to the outcome of the Forum in making its tabling its advice to the Secretary of State as it is legally mandated to do.

Remit, Procedures and Timescale

Alliance welcomes the reference in paragraph 7 that the ‘role of the Forum will be to inform the work of the NIHRC in fulfilling its statutory duty...’

Alliance believes that the proposed remit set out is broadly satisfactory. Alliance would be opposed to weakening of the position of the Commission in this regard. The

remit could be significantly strengthened through making explicit reference to the prior work of the Human Rights Commission with respect to a Bill of Rights.

It is important that there is a fixed and defined deadline for the work of the Forum. However, a deadline on September 2007 is probably unrealistic, given the need to identify and appoint a chair, establish a secretariat, agreement on procedures, break for an election, and a break for the summer. A timescale of 18 months is perhaps more realistic.

Chairperson

Alliance believes there should be an independent chair. While we do not preclude someone from the United Kingdom or Republic of Ireland fulfilling this role, we believe that the post should be filled by some one of international standing or reputation within the human rights field. Some consideration does need to be given to particular experiences and expertise of any such individual and their knowledge of the situation within Northern Ireland.

Membership

Alliance is broadly content with the proposed membership of the Forum. However, we would suggest some changes.

There should be a balance between the overall size of representations from political parties and civic society. Alliance believes that there should be 14 members from each sector. Moving from 28 to 29 members (including the chair) should not be a major burden.

With respect to the political representation, Alliance is broadly happy to follow the Preparation for Government Committee model. However, we do not believe that representation should be restricted to MLAs. This Forum is not going to be a sub-committee of the Assembly. Membership should be linked to parties with representation in the Assembly (i.e. more than one MLA), but with parties free to determine their own representatives. Bearing in mind that an election campaign is imminent which will be the main priority for many MLAs, and also that possible changes in the membership of the Assembly may impact upon the continuity of representation, it does make sense to be more flexible.

With respect to the representation from civic society, there does not yet seem to be any clear formula in place to begin to reflect the diversity of civic society. This is an area where much more work needs to be conducted. Alliance would make a particular reference to the need for those with particular knowledge and interest in human rights issues to be included, while stressing that this also requires the presence of those who are more sceptical regarding a Bill of Rights for Northern Ireland.

Other Points

Alliance believes that there should be an assumption that all meetings of the Forum should be held in public. This would cover the issue of whether Meetings should also move around Northern Ireland.

Stephen Farry

General Secretary



Amnesty International

PROTECT THE HUMAN

Response to consultation on 'Forum on a Bill of Rights for Northern Ireland'

Amnesty International

Amnesty International is a movement of ordinary people from across the world standing up for humanity and human rights. Our purpose is to protect individuals wherever justice, fairness, freedom and truth are denied.

Amnesty International UK has over 250,000 members, of whom approximately 4,800 live in Northern Ireland, making us the largest membership human rights organisation in Northern Ireland.

Amnesty International has had members in Northern Ireland since the 1960s, with the first local group being established in Belfast in the 1970s. Amnesty International now has a staffed office, 10 local groups, 2 university groups and 25 youth groups throughout Northern Ireland.

Since 2000 Amnesty International, with the Committee on the Administration of Justice, has been co-convenor of the Human Rights Consortium and in 2006 took a seat on its restructured ruling body, its Board.

Introduction

Over the last number of years Amnesty International has been lobbying, with colleagues within the Human Rights Consortium, for the establishment of a Round Table Forum of political parties and civil society to move the Bill of Rights forward.

Amnesty International is therefore very pleased that progress is at last being made in establishing the Forum. This is clearly a unique opportunity to bring political parties and

civil society together to discuss the rights we would like to see protected in a Bill of Rights, and as such will also serve as an effective way of encouraging debate among wider society about this important issue.

In order to encourage debate about what form the Round Table might take, the Consortium had previously developed a set of general principles that should inform discussions and decisions around chair, terms of reference, representation and so on, which have already been submitted to Government and discussed in our various meetings with you and the local political parties.

In response to government's consultation paper, Amnesty International would like to reiterate and reaffirm these principles and urge that they be adopted in any final decisions taken. Below we highlight a number of areas where we believe the proposals on the consultation document fall short.

Remit, procedures and timescale

Remit

Amnesty International is concerned that the remit of the Forum, as presently constituted, will lead to confusion as to the demarcation of roles between the Forum and the NI Human Rights Commission (NIHRC). In particular, the terms of reference seem to suggest that the Forum will simply submit recommendations for the NIHRC to consider in preparing its advice to the Secretary of State. This does not properly respect the different and complementary roles to be played by the Forum and the NIHRC.

Amnesty International agrees with the need for the NIHRC to remain independent of the process, exactly because of its statutory role. Equally, however, the aims of the Round Table Forum that we articulate envisage agreement on the content of a Bill of Rights being reached in the Forum between civil society and political parties – indeed it has always been our understanding that this was its intention and purpose.

Amnesty International instead proposes that the NIHRC be given the role of commenting on the Round Table proposals from a legal and technical perspective and on whether the proposals meet existing international human rights standards in giving its advice to the Secretary of State. This would ensure that its statutory role of presenting advice to the Secretary of State is respected, but that due weight has been given to the work of the Round Table.

Timescale

Amnesty International would suggest that the timescale of the process be changed from that currently proposed.

The start date of mid-December seems too soon to ensure the proper establishment of the Forum, particularly in enabling an appropriate international and independent

Chairperson to be recruited and that civil society groups are able to make arrangements for appropriate representation after notification of their seats at the Round Table.

We suggest that the first meeting of the Forum be postponed until at least January 2007 but held no later than March 2007. After three years of delay and inaction from the Government since the original announcement of the Forum in the Joint Declaration of 2003, a few additional months in order to facilitate proper arrangements does not seem unreasonable.

In addition, we believe the process be extended to one of at least twelve months from its first meeting for a number of reasons. Practically speaking, we would imagine that several months would be taken up arranging logistical details such as venue, secretariat, interpreting terms of reference and agreeing decision-making procedures and modus operandi.

There will also, presumably, be some break in proceedings over the summer period and some break for a Spring 2007 election. Given the range of activities which we believe the Round Table must engage in to genuinely encourage debate and engagement in the process, we therefore feel the current timescale will be insufficient.

We agree that the work of the previous Commission should be taken into account. In particular, the Commission ran an extensive consultation, and the material generated in this should be made available to the Forum.

Chairperson

While we welcome the assertion that the Chairperson will be fully independent and will have understanding and experience of human rights, Amnesty International believes that it is necessary for the Chairperson to be a person of established international reputation. Given the often contentious nature of discussions around human rights in Northern Ireland, and the particular challenges that will be faced in the process of reaching agreement on the structure and content of a Bill of Rights, we feel someone of international reputation would be best placed to facilitate this discussion.

We also believe that sufficient resources should be provided to the Forum to allow it to have its own independent secretariat. Currently this is not reflected in the consultation document. We feel it is extremely important for the Chair to feel comfortable and confident in the independence and strength of his/her secretariat, which will be best achieved by allowing for appointments of their choosing.

Membership

Amnesty International suggests that the Forum be made up of an equal number of representatives of political parties and civil society as contained in the principles of the Human Rights Consortium. We agree with the contention that the size of the Forum must

be manageable, but would argue that the representation be increased to twenty-eight plus Chairperson, totalling twenty-nine.

Amnesty International asks that the government provide a clear rationale and explanation for the participation by particular civil society groups. We suggest that the Section 75 'equality groups' may provide some framework for this decision-making and that civil society representatives be largely drawn from the community and voluntary sector, which comprises some 4,500 organisations, who in turn represent hundreds of thousands of people across Northern Ireland.

Many of these organisations work particularly with the most vulnerable and marginalized sectors and individuals in society, and have a track record and expertise in working on and campaigning for human rights and equality. A Bill of Rights that does not meet the needs of wider society, and especially those who are most vulnerable, will not fulfil its purpose. It is therefore key that their voices are adequately heard in any such discussions.

We would also point to the importance of having a significant number of civil society participants who have specific experience and knowledge of human rights.

To this end, Amnesty International proposes that one seat be allocated to the Committee on the Administration of Justice, which has a long track record of defending international human rights standards in Northern Ireland and of promoting the benefits of a Bill of Rights for Northern Ireland.

In addition, Amnesty International proposes that the Human Rights Consortium should be given official observer status, which would enable it to act as a conduit for information among its membership and beyond.

Finally, Amnesty International would be happy to serve on the Round Table Forum. Amnesty International is the world's largest human rights organisation and has a large and growing membership in Northern Ireland. It has a long record of interest in Northern Ireland and has served in a leadership role of the Human Rights Consortium since its foundation in 2000. In addition, Amnesty has contributed to the framing of international human rights treaties over many years, has significant and specific international human rights expertise and experience which could be of benefit to this process.

November 2006

RESPONSE TO THE CONSULTATION PAPER
ON A FORUM ON A BILL OF RIGHTS
FOR NORTHERN IRELAND

ARCHBISHOP LORD EAMES

Archbishop of Armagh, Primate of the Church of Ireland.

1. I recognise that the Northern Ireland Human Rights Commission has advocated the establishment of a Forum on a Bill of Rights for Northern Ireland and actively supported this concept for some time.
2. I recognise the importance of an opportunity for as wide a spectrum of society as possible to contribute to the consideration of a Bill of Rights for Northern Ireland. However I regret the shortness of time allocated for a response to this Consultation Paper. It is vital in my opinion that this fact does not mitigate against due consideration of a Forum as contained in the St Andrews Agreement.
3. I consider that great care is necessary in the choice of the interests to be represented on the Forum. While political parties must be involved the representation of civic society should be as wide as possible.
4. It is imperative that the Churches in Northern Ireland are represented as they provide a key and stabilising ingredient to our community life and represent a considerable number of people in this Province. If the Forum is to be seen to be inclusive of the various interests of this community Church representation is vital. The leadership of the four main Churches in Northern Ireland should be consulted in this regard. It is also vital that the representation of the Churches should be a careful balance of the Protestant and Roman Catholic traditions. Therefore a minimum of two places should be allocated to the Church representation. There is inevitably an overlap for the Churches in many of

the voluntary interests representing civic society. However clear representation of the Church per se is essential if the full constituents of the community are to be represented.

5. The selection of an independent Chair for the Forum is critical to its success. That person should be one who has wide and expert knowledge of human rights in the international arena. Such independence could depend on a person who has not been involved in the Northern Ireland peace process to date.
6. As the role of the Forum is perceived to be consultative and advisory its work should be protected at all times from any perception of government or sectional bias.
7. The relationship between the Forum and the NIHRC should be exercised with the utmost sensitivity. Full attention should be given to the work already undertaken and published by NIHRC. The general public should be made aware of the distinction between NIHRC and the Forum.
8. It is essential that the Forum commands as wide public confidence as possible. To this end all appointments to its membership should be above any question of a failure to follow due and legally accepted process for public appointments.
9. It is also essential that the announcement of the structures and membership of the Forum should be as detailed as possible together with a clear statement of its purpose and powers.
10. It is important that in its process of formulating conclusions the Forum should have open access to opinions from across this society and not be confined only to the contributions of members. This will of necessity involve adequate funding and resources. The degree to which such funding and resources are made available to the Forum will have a clear influence on the regard for its work on the part of society.

11. At all times the Forum should emphasise that its conclusions are presented in clear and understandable language if its final conclusions are to hold integrity for society at large.
12. Given the importance of a Bill of Rights for Northern Ireland the Forum should attempt to present conclusions with that degree of integrity which will command the widest possible understanding and support. A Bill of Rights for Northern Ireland must be viewed by the Forum even at this initial stage as an integral part of a shared, stable and just future for this Province and be capable in its final form of rising above individual party or community interest. It is therefore important that in its work the Forum is perceived across this community to give equal and careful consideration to all points of view and opinions.
13. Divisive issues in this society should be addressed by the Forum in as transparent and detailed a manner as possible. This will only be achieved if adequate time and support is afforded to the Forum to make its report.

Signed : + Robert Armagh.



**Consultation on “A Forum on a Bill of Rights for Northern Ireland”
Response from the Committee on the Administration of Justice
(CAJ)**

November 2006

Background

A roundtable forum involving political parties and representatives of civil society to bring the Bill of Rights forward is a proposal that has been around for some time. The Joint Declaration in 2003 stated:

“The British Government will work with the parties to facilitate the response to the NIHRC’s proposal for a round table forum on the Bill of Rights, involving the parties and civic society. Subject to the agreement arrived at in the Implementation Group, it is envisaged that the round table forum will have an independent chair and its own secretariat, will be as inclusive as possible of Assembly parties and civic society, will appropriately involve the NIHRC, mindful of its statutory role, and will be adequately supported and resourced. It is envisaged that the work of the roundtable forum will be forwarded to the NIHRC before it gives its final advice to the Secretary of State.”

A further commitment to move the Round Table ahead was contained in the proposals for the peace process published by the two governments in December 2004. Annex A detailed actions to be taken by the government in the context of an agreement and said:

“Secretary of State further consults with parties and announces arrangements for an independently facilitated forum on a Bill of Rights for Northern Ireland including details of independent facilitator.”

The St Andrews Agreement (October 2006) has now stated that

“We will establish a forum on a Bill of Rights and convene its inaugural meeting in December 2006”.

It came as somewhat of a surprise that after three years of inaction, the St Andrews Agreement announced that the Forum was not only at long last to be established, but that it would hold its inaugural meeting within a few short weeks. The establishment of the Round Table Forum is a very welcome development, but the inexcusable past delays must not be allowed to justify an extremely rushed process from now on.

CAJ believes the Roundtable Forum is an extremely important initiative which, if properly chaired, constituted and given sufficient scope and resources to operate, has great potential to enable the people of Northern Ireland to discuss and debate the rights that they want to see protected in a Bill of Rights.

From the perspective of CAJ and its colleagues in the Human Rights Consortium, this potential to broaden out debate, and reach agreement between political parties and civil society, was and still is seen as pivotal in developing the groundswell of support and ownership necessary for any Bill of Rights.

As a member of the Human Rights Consortium, we have had an opportunity to view their submission to this consultation process, and echo the points they make. We also wholeheartedly endorse the general principles developed by the Consortium as providing a sound and considered set of benchmarks against which decisions about the Forum and its membership should be taken. Below are our additional concerns.

Remit (para 7)

The purpose and terms of reference of the Forum as proposed in the consultation document fall far short of a standard that would encourage meaningful participation.

Firstly, there is the issue of the appropriate relationship between the Forum and the NIHRC. It is clear that the process of debating what should be in a Bill of Rights for

Northern Ireland will not necessarily be an easy one; it therefore follows that any proposals agreed will be a huge achievement and should be given the necessary weight. It seems incongruous therefore that the government is proposing that the role of the Forum will simply be to “inform the work of the NIHRC.” This presumably leaves it open to the Commission to accept, reject or amend the Forum’s proposals as it sees fit. This might appear to place the Round Table in the status of little more than a sub-group or preparatory working group of the NIHRC, which is clearly misguided. This formulation is unfortunate because it both places at risk the independent status of the NIHRC, and it underplays the important role that the Round Table could and should play in developing a broad community consensus on a Bill of Rights.

CAJ believes that it is important that the Commission remain independent of the process and that its statutory role be respected. We also believe that this was the thinking of the Joint Declaration and the work carried out by the then Implementation Group. This independence would be assured if the Human Rights Commission were tasked with “human rights proofing” the proposals from the Round Table, as the Human Rights Consortium suggested. Someone entirely outside the process, with no self-interest in the eventual product, needs to ensure that the Round Table proposals comply with international human rights law, and the obvious candidate is the Commission. Moreover, it would send a strange signal to the chair, to the political parties, and to civil society, that their efforts were merely “preparatory” to the work to be done by the Commission. This signal both seems disrespectful to the breadth and depth of experience that will hopefully be brought together in the Forum, and could undermine the Commission’s future role if it is drawn into (which it would be) party political or other disputes arising in the Forum.

We therefore believe that the Forum submit its recommendations (see on) to the Secretary of State, who will eventually be responsible for bringing the relevant legislation through Westminster. The NI Human Rights Commission should then be invited to submit its final independent advice on the Forum’s conclusions on the extent to which the proposals are or are not in conformity with government’s domestic and international human rights obligations. This was presumably the role foreseen for the Commission, when it (with others) proposed that the Agreement commitment to a debate on a Bill of Rights would be best pursued by way of a round table forum.

A second quite distinct concern for CAJ in the current proposals under “remit” is the reference to the Forum’s mandate being to “consider the structure and content of a Bill of Rights” (para 7 - emphasis added). This formulation is ambiguous and could lead to very sterile debate, along the lines of disagreements about the Agreement’s references to the NIHRC’s responsibility to consult on the “the scope for defining”. The Consortium, and CAJ endorses its stance, believes that the mandate to be given to the Forum is to “reach agreement” on a Bill of Rights. Few are naïve enough to think that this will be a simple task, but it must be the objective of the exercise, or there will be no incentive on its participants to secure consensus amongst what are likely to be very disparate opinions. To invite politicians and civil society to engage in what will

be difficult and challenging discussions, only for them to be ignored, is both pointless and counter-productive in our view.

Thirdly, we note that though the thrust of the proposed terms of reference are drawn directly from the Agreement, the specific reference therein to the Bill of Rights has been overlooked! We therefore propose that the terms of reference be revised to include the entire relevant reference from the Agreement.

- CAJ recommends that the terms of reference should be changed to read “to produce agreed recommendations for Government on the scope.....”
- CAJ recommends that it must be made clear that the purpose of the Forum will be “to consider and agree on the structure and content of a Bill of Rights.”
- ***CAJ recommends that the terms of reference must be expanded to include, after ‘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.”***
- ***CAJ recommends that the role of the NIHRC be kept clearly distinct: “Once the work of the Forum has been completed, and its proposals have been made to government, the NIHRC will be asked by government to submit any final advice indicating in particular any areas in which the Commission believes that the recommendations arising from the forum are unsatisfactory or unacceptable in light of the government’s domestic and international human rights obligations”***

Timescale (para 8):

CAJ has frequently been critical about the long delays that have dogged this process, and particularly the three years of inaction by government between the Joint Declaration and the St Andrew’s Agreement. Our desire for movement does not blind us however to the need for the movement to be measured and ensure widespread community debate. While we understand (and share) the frustration that exists over the length of time involved in this process to date, the process of debating Bill of Rights is too important to be rushed now. Having delayed over-long, the problem will only be compounded if precipitate action is taken now. It would be quite unacceptable, for example, if the tight timescale were used as an excuse to insist on only British or Irish candidates being considered for the role of Chair (see on).

It would also be problematic in our view if the Forum starts work in December 2006 and is expected to finish in September 2007 – it is difficult to imagine it having more than four months for concentrated work (excluding Christmas, Easter, Summer and an election period). This seems impractical and unrealistic. CAJ would argue that the

Patten model would be more appropriate – ie a 12-18 month timescale. Anything less will seriously limit the opportunity for outreach across Northern Ireland, and the range of sectoral and geographic debates necessary to secure public confidence in the final product.

- ***CAJ recommends that the timescale for the Forum should be extended to one of eighteen months.***

Procedures (para 8):

CAJ agrees that it should be for the Forum itself to decide on the procedures it will follow in producing recommendations. However, we would like to endorse the Consortium's general principle that the Forum must be guided by principles of openness, transparency, inclusiveness and accessibility. To this end, we believe that while the Forum might need to be technically based in Belfast for practical purposes; meetings should, to the extent possible, be organised in a variety of geographical locations. As noted, the Patten example may provide a good model in this regard.

Further, we believe meetings should be held in public to allow the Forum to be an educational and awareness raising process as well as a decision-making one. Public hearings would help reinvigorate the debate, develop ownership of the process again and ensure the Forum does not become the preserve of a few. CAJ therefore feels very strongly that the Forum must not be stymied by resources in the same way the Human Rights Commission was at the outset, especially if it is going to go "out and about" and use the opportunity to develop media and other communications strategies which will allow public knowledge and ownership of the debate to develop.

While appreciating that the Forum will be provided with its own secretariat, CAJ believes it is imperative that this be independent, and of the chair's choosing. It is also essential that any other independent expertise that may be brought into the discussion is also the choice of, and done through, the chair. We have had sight of the submission of British Irish Rights Watch and echo their points in this regard. We would also point out that there is a precedent for this model in the example of the Oversight Commissioner.

- ***CAJ recommends that the "adequate financial and staff resources" referred to should not be left solely to government to determine, but that this be defined in conjunction with the chair, and must be such as to enable the Forum to conduct an extensive consultation, outreach and publicity programme.***
- CAJ recommends that the Forum appoint its own secretariat of independent and qualified staff.

Earlier work of the NI Human Rights Commission (para 9)

We have highlighted above our view of the role of the Commission and the importance of it remaining independent of the process prior to it giving its final advice to the Secretary of State once the Forum has reported. This independence must also be evident throughout the process and any arrangements reached between the Forum and the Commission on the involvement of the NIHRC should be based on this principle.

CAJ feels it is very important for the Forum to build on and not lose the work that has been submitted to the Bill of Rights consultation process to date. This was a basic premise emphasised by the Consortium also, given that many of its members put a lot of work into this debate in its earlier stages. The NIHRC would provide a very good service to the Forum by ensuring that as much as possible of the earlier material is forwarded to the chair and secretariat of the Forum.

Distinct from this “transmission” function, we note that the current NIHRC intends to provide the Forum with its views. Subject to this offer not undermining the unique role we are recommending that the Commission perform at the end of the process, CAJ would obviously welcome such a contribution.

We would, however, have reservations about what the NIO intends in referring to “the earlier work that was undertaken by the NIHRC under the leadership of Professor Brice Dickson”. CAJ and many others indicated to the last Commission that there were extremely serious reservations about the “Progress Report” issued in April 2004. CAJ – and indeed many others – did not feel that this document either reflected fairly the submissions that had been made to the Commission, or that it was a helpful contribution to the debate. We did not comment in extensive detail since it was not supposed at that time that the document would have a life beyond the appointment of new Commissioners. If the NIO is referring to the Progress Report or any final hand-over document produced by the outgoing Commission, CAJ will be arguing that it be set aside as unrepresentative and unhelpful.

- ***CAJ recommends that any involvement of the NIHRC with the Forum must respect the independence of the NIHRC.***
- ***CAJ recommends that the Forum build on the material that has been submitted to the Bill of Rights consultation process to date.***

Chairperson (para 10)

Local debates about human rights are often contentious and political, and it is therefore essential that any chair who is expected to facilitate a discussion of this

nature must be totally independent. This can only be truly achieved if the person is international.

As noted earlier, if the timescale makes the selection of a chair difficult, more time should be allocated to the process. We reject any suggestion that the short timeframe might now mean that only a local chair is feasible, not least since government has had an opportunity to canvass possible chairs since Minister Hanson indicated his intention to push ahead with the Roundtable earlier this year.

As a basic minimum, we would seek assurances and evidence that the international reputation and human rights standing of the candidate have been verified with either the Office of the High Commissioner for Human Rights and/or the Council of Europe Commissioner for Human Rights, who will have extensive knowledge of people of the appropriate calibre.

- *CAJ recommends that the Chair of the Forum must be international to be totally independent.*

(We were delighted to note the gender-neutral use of “chair” and “chairperson” which is not as commonplace in government documentation as one might hope).

Membership (para 11)

The approach taken in the document to representation from civil society is problematic. Rather than present options or propose structures, the paper provides a “non-exhaustive” list of sectors, and seeks views on which organisations should be represented. This approach is likely merely to solicit responses of individual nomination, rather than consideration of how the diverse views of civil society could be heard in the process. The eventual nominees may suffer some lack of credibility if the nomination process is seen to have been left too much to government to determine. It is therefore vital that government provide a clear explanation and rationale for the eventual appointments. The criteria for choice must be based on issues of representativeness, track record on equality, diversity and working with vulnerable groups, ability and willingness to facilitate wider discussion, and human rights experience and knowledge.

For its part, CAJ would be happy to serve on the Round Table. We believe that human rights NGO expertise on the Forum is essential, and CAJ is in the unique position in Northern Ireland of having worked as a cross community human rights NGO since 1981, and having campaigned continuously for a Bill of Rights for Northern Ireland throughout that period. Our early draft versions date from the mid-

80s! If appointed, the organisation will make every effort – individually and collectively – to ensure that the Forum seeks views and input from as wide a cross-section of the population as possible, whilst respecting the fact that human rights cannot be a matter for political bartering.

- ***CAJ recommends that the government provide a clear explanation and rationale of how the candidates nominated as civil society representatives have been chosen.***

Conclusion

The establishment of the long-awaited Roundtable Forum, and its potential to encourage discussion and agreement among people about the rights they want to see protected in a shared and peaceful Northern Ireland, is too valuable a prize to be lost. We therefore urge government to allow the Forum to operate in a way that will allow this prize to be claimed. Likewise those participating must embrace the opportunity. In so doing, they could do worse than heed the words of Archbishop Tutu in his visit to Belfast in 2001:

“We’ve had a negotiated revolution. Sworn enemies have actually sat around a table together, people who had given each other awful, awful, labels, still sat around a table. People, who had done awful things to one another, sat down and talked and then made a major scientific discovery. They discovered that their adversaries were actually human beings. Human beings who, quite extraordinarily, seemed to be longing for much the same sort of things as they themselves: a secure environment, a happy home, a good school for their children ... we began speaking about a Bill of Rights, a Constitution, the sort of thing that we thought that we might want. Each, I suppose, initially approached it from the position of, ‘well what is good for me?’ Then people gradually discovered: “Hey the things that bind us, the things that are common to us, are many times more than the things that divide us”. Then they began - even the most prosaic of them - to dream. They began to be idealistic, and they began to talk about values ... Then they began to discover in fact that this Bill of Rights gives guarantees, unlike any other instrument we might have. What happens to our culture, to our language, what happens when we are a small minority, aren’t we going to be over run by this mass of people who are not really quite civilised? What happens? What happens? Then they began talking, they found their eyes opening.”

Children in Northern Ireland (CiNI)

Response to NIO Consultation

**A Forum on a Bill of Rights for
Northern Ireland**

November 2006

INTRODUCTION

Children in Northern Ireland (CiNI) is the regional umbrella body for the children's sector in Northern Ireland.

CiNI represents the interests of its 90 member organisations, providing policy, information, training and participation support services to members in their direct work with and for children and young people. CiNI has recently opened up its membership to colleagues in the children's statutory sector recognising that the best outcomes for children are achieved working in partnership with all those who are committed to improving the lives of children and young people in NI.

CiNI welcomes the opportunity to respond to this consultation on a Forum on a Bill of Rights for Northern Ireland. In noting that it is over three years since the Government confirmed its intention to establish a Bill of Rights Forum in the Joint British/Irish Declaration of April 2003 we now welcome action to take forward the process of establishing a Forum.

GENERAL COMMENTS

In responding to this consultation CiNI's primary objective is to advocate strongly for the direct representation of the views of children and young people on the Forum. As part of its work the Forum must engage widely with children and young people across Northern Ireland, taking particular cognizance of the multiple identities of children and young people that can add to their vulnerability and marginalisation. Children and young people constitute over a quarter of the population and as the most vulnerable members of society they have been particularly adversely affected by the conflict and violence. The guaranteeing of protection and respect for children's rights are essential elements in securing a better future for all children, something which we trust the Bill of Rights will help to achieve.

CiNI notes with concern that the Government has failed to adhere to its section 75 equality duty in terms of the timeframe for this current consultation. We are concerned not only by the hasty consultation process, but also by the limited proposals set out in the consultation document. It would suggest that only limited consideration has been given to the establishment of the Forum and we believe that there are crucial issues relating to procedural/operational aspects of the Forum that are to be left to the Forum itself to decide. There is a danger that in attempting to agree these procedural/operational aspects of the Forum that it could be frustrated before beginning any substantive work. Further we would highlight that these procedural/operational aspects of the Forum potentially could effect the eventual success or otherwise of the Forum's work.

CiNI would strongly encourage Government to ensure that there is no further dilution of its section 75 obligations. Therefore, we would highlight that the selection process and selection criteria for both the chairperson and membership, and all procedural and operational policies of the Forum must be robustly equality proofed in full adherence with Government's section 75 obligations. We do wish to see a full

summary of responses to the consultation exercise and would welcome information on the process by which responses will be analysed and the weighting which will be attributed to both individual and organisational responses. This is a vital element to drawing conclusions from responses and progressing with identified areas for immediate action and in complying with Section 75 of the Northern Ireland Act 1998. For this reason, we would appreciate information both on the system itself and on its operation for the purposes of analysis.

PROPOSALS

Terms of Reference

CiNI believes that it is essential that the work of the Forum is underpinned and guided by robust Terms of Reference. However as they currently exist the Terms of Reference in the consultation document are far from explicit on what precisely is required from the Forum. We believe that at the very least the Terms of Reference should provide for the development of a very clear and transparent procedure for the agreement of recommendations and ultimate signing off of the Forum report.

CiNI would advocate that the Terms of Reference are supported by a set of operational principles which all Forum members must be required to sign up to in advance of taking up their place on the Forum. These operational principles must commit members to carry out the business of the Forum in an open, honest, transparent and accountable manner. The operational principles must also commit members to respect for diversity and encourage a willingness to listen and engage in Forum business in order to represent fully the best interests of those whom they represent.

CiNI notes the September 2007 deadline for completion of the Forum's report. We are concerned that this may not be a realistic deadline given that all of the procedural aspects of the Forum must be agreed by the Forum itself (Para. 8) and we assume that these would need to be agreed prior to the commencement of the actual work of the Forum. We would suggest that the timeframe be revised to take account of the discussion and agreement of procedural matters, whilst ensuring it remains such that the momentum of the process is not lost. We trust that should there be a return to devolved Government during the period of the Forum's operation that this shall not operate to adversely impact on the work of the Forum.

The Role of the NIHRC

CiNI would highlight that it must be acknowledged and recognised that the NIHRC has made a fundamental contribution to date to the development of a Bill of Rights for NI and indeed it has a continuing and ongoing *statutory* responsibility in this area provided by section 69(7) of the Northern Ireland Act 1998. Given its contribution and ongoing work we would strongly advocate that the NIHRC must have a role in the work of the Forum and we recommend that the NIHRC should have a specific advisory role drawing on its work to date on the Bill of Rights process.

Chairperson

CiNI welcomes and supports the commitment to a fully independent chairperson. However to ensure an appropriately independent appointment is made we would urge Government to ensure that the appointment process is open and transparent. We would also highlight that it is crucial that the independent chairperson is an individual who can command the respect of members of the Forum and indeed stakeholders to the process.

Membership

CiNI recognises and accepts that in the interest of its efficient operation the Forum must be of a manageable size. CiNI recognises that it will not be possible for all those with an interest in and commitment to the Bill of Rights to be represented on the Forum. However it will be crucial that there is fair and proportionate representation of interests and groupings within wider civic society and we would highlight that in particular there must be commitment to representation of the section 75 equality categories, recognising that these categories are representative of some of the most vulnerable and marginalised groups in our society, and it is these groups for whom a Bill of Rights can achieve most in terms of improving their life circumstances and life chances. **CiNI would strongly recommend that as part of the section 75 age category there is representation from the children and young people's sector and further would recommend that representation is sought through the Children and Young People's Bill of Rights Group co-ordinated by the Children's Law Centre.**

In noting the tight timeframe in which the Forum is required to report we assume that there will be a substantial time/resource commitment required from members. We trust that there will be a requirement for at least monthly meetings of the full Forum over its period of operation? Is it envisaged that certain aspects of work would be carried forward by sub-groups of the full Forum?

With regard to representation from the voluntary and community sector we would highlight that already much of the work of the sector, particularly in terms of advocacy and campaigning work, is either completely un-resourced or substantially under-resourced. We therefore trust that the representation of the voluntary and community sector will be recognised and appropriately and adequately supported and resourced.

We welcome and believe that it is absolutely crucial that the Forum should seek the views of those beyond its immediate membership (Para. 12). Therefore we would recommend that there should mechanisms developed and put in place whereby those who are not represented on the Forum can feed in their views to the process and we would suggest that the Forum carry out its work in consultation with wider society, through, for example, a series of public meetings which could be general or audience specific. We would also highlight that as part of these meetings it is crucial for the Forum to engage directly with children and young people to ascertain their views and recommendations on the Bill of Rights.

Furthermore, we would recommend that there should be a requirement on Forum Members and indeed the Secretariat to the Forum to ensure the open and transparent flow of information in to and out of the actual Forum body to ensure that wider society in Northern Ireland remains engaged with the process being lead by the

Forum. We would recommend that consideration is given to the development of an interim website publicising Forum membership, procedural/operational policies, minutes from meetings, papers/reports considered by the Forum. A website could also look to encourage the engagement of wider civic society through the use of electronic discussion forums etc. We would also recommend that consideration be given to the development of a child friendly section within the website to provide information on the Forum to children and young people and to gather their views and recommendations on how a Bill of Rights can improve their lives.

We note that from the close of the current consultation to the first meeting date of the Forum will be approximately two weeks. We are concerned at the implications this short timeframe has for a robust and accountable membership selection process. We believe that to ensure the absolute credibility of the Forum that Government must be entirely open and transparent in its selection process and must be able to demonstrate explicit selection criteria and open up the selection process by inviting applications for membership from across the range of interests and groupings from wider civic society.

CONCLUSION

In conclusion we trust that our input can positively inform the establishment and operation of the Bill of Rights Forum. We would reiterate our key message that the Forum in making recommendations on the Bill of Rights must recognise and acknowledge the fundamental potential of the Bill of Rights to protect and respect the rights of those groups who are most vulnerable in our society, particularly our children and young people. Therefore to this end the Forum must include representation from the children and young people's sector.

Response to the Consultation on the Bill of Rights Forum by the Northern Ireland Commissioner for Children and Young People (NICCY)

Thank you very much for forwarding the above Consultation to the Northern Ireland Commissioner for Children and Young People (NICCY). NICCY was established in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' 2003. The main aim of our Office is to 'safeguard and promote the rights and best interests of children and young people' and all our work is based on the United Nations Convention on the Rights of the Child (UNCRC).

NICCY is aware and very supportive of the campaigning over a number of years by a range of community groups, NGOs and others for an inclusive Bill of Rights for Northern Ireland and warmly welcomes the proposal to set up the Forum to bring the Bill forward. In light of the very short consultation period however, I am not able to provide a comprehensive response at this time, but do wish to offer some comments about representation in relation to the Bill of Rights Forum.

At the outset NICCY would like to express concern about the current proposal that civil society membership will account for thirteen seats compared to the fourteen seats allocated to political parties. In order to avoid creating an unfair advantage for one section over another, this should be redressed in favour of equal membership between them. While I understand that the Forum must be of a manageable size, NICCY can see no justifiable reason as to why membership is not equal and would appreciate clarification on this issue.

Northern Ireland is an increasingly diverse society therefore it is essential that the Forum is representative, for example, in terms of age, race, disability, gender, sexual orientation, religious belief and political opinion. In light of their considerable membership, human rights/equality experience and substantial work throughout many sections of society, it is also NICCY's view that more of the already limited seats available within the civil society section should be allocated to the community and voluntary sector. However, in order to ensure that everyone's views are effectively represented, very careful consideration should be given by Government in the selection process. I would have some concern that individual organisations will push for membership on the Forum when a more inclusive and therefore effective approach would be for 'umbrella' groups to represent a number of organisations working together strategically on shared interests. NICCY would strongly recommend that this approach is encouraged and would expect that a clear account of the selection criteria and rationale is provided by Government.

As Commissioner for Children and Young people, I have a duty to promote the rights and best interests of children and young people and am therefore restricting my comments mainly within this remit. Numbering in the region of almost 500,000, children and young people account for a significant percentage of the overall Northern Irish population. In addition, research carried out for NICCY¹ provided substantial evidence of where children's rights are currently being underplayed or overlooked. Much of this is as a result of the political conflict and associated segregation having a negative social, cultural and economic impact on children's lives, for example, in relation to play and leisure; education; housing; as well as awareness and tolerance towards other traditions and cultures.

It is therefore vital that the voice of children and young people is suitably represented on the Bill of Rights Forum. This can be by way of a number of approaches; I believe that every effort should be made to facilitate the inclusion of children and young people's views and needs, directly from children and young people themselves. The UK Government, including Northern Ireland, is a signatory to the UNCRC and has agreed to uphold the rights of children and young people based on the Convention. As such, it is important and relevant in this instance to acknowledge Article 12 of the UNCRC which states that the child has the right to express an opinion, and to have that opinion taken into account, in any matter or procedure affecting the child, in accordance with his or her age or maturity. In examining the UK Government's compliance with Article 12 of the UNCRC in 2002, the UN Committee on the Rights of the Child recommended to Government that:

"procedures be established that would allow the views expressed by children to be taken into account in and to have an impact on developing programmes and policies affecting them.....take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society" (CRC 2002:para 30)

The NICCY research further highlights the importance of being heard for children and young people, stating that participation:

¹ Kilkelly et al Children's Rights in Northern Ireland 2004

“(as) enshrined in Article 12 of the CRC, is fundamental to the realisation of all children’s rights and it is appropriate, therefore, that not being heard, not being allowed to participate in decisions made about them and not being consulted about changes to their lives, big and small, is the single most important issue to children in Northern Ireland” (Kilkelly et al 2004:xxi)

NICCY would further suggest therefore that, via a child/young person representative(s) on the Forum, an external children and young person’s sub-group is set up to contribute into the Forum. Membership of this group should be broadly reflective of society and include representation from vulnerable and marginalised groups. This should also be further supplemented through more broad consultation with children and young people across Northern Ireland.

Another essential approach in enabling the voice of the child to be heard must be through key representatives from the children’s voluntary sector who advocate on their behalf of children and young people. The children’s voluntary sector have been successful in lobbying Government for the establishment of the Commissioners office, developing a strategy for children and young people, and through their work, have considerable insight into how children’s rights are managed in Northern Ireland. Representatives would have considerable experience to offer the forum, and NICCY strongly recommends that they are represented on the forum.

NICCY believes the establishment of the Forum is a unique opportunity for an inclusive and widespread discussion on an issue of great significance to many people in Northern Ireland therefore the above model could be applied to all other interest groups represented on the Forum and a range of initiatives undertaken to facilitate the views of wider society in general.

Finally NICCY has a particular role in promoting and safeguarding the rights and best interests of children and young people, and under article 7 of our founding legislation we are required to keep under review the adequacy and effectiveness of law and practice relating to the rights and best interests of children and young people. I believe that NICCY should therefore have a seat on the forum to ensure that issues affecting children’s rights are catered for within the proposed Bill of Rights. I am happy to discuss further how that role could play out in reality, as soon as there is clarity around the role of the forum



**CONSULTATION ON
'A FORUM ON A BILL OF RIGHTS FOR NORTHERN IRELAND'**

**RESPONSE FROM
THE CHILDREN'S LAW CENTRE
AND SAVE THE CHILDREN**

The Children's Law Centre is a voluntary organisation established in 1997. Its purpose is to use the law to promote, protect and realise children's rights. The Children's Law Centre is based at Philip House, 123-137 York Street, Belfast BT 15 1AB. Telephone 00 44 28 90 245704. Fax 00 44 28 90 245679. e-mail paddykelly@childrenslawcentre.org

Save the Children is the UK's leading international children's charity, working to create a better future for children. It aims to help young people, their parents and professionals work with and understand the domestic and international laws which affect children's rights. In Northern Ireland Save the Children is based at Popper House, 15 Richmond Park, BT10 OHB. Telephone 00 44 28 90 431123. Fax 00 44 28 90 431314. Email s.chamberlain@savethechildren.org.uk

November 2006

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Introduction

The Children's Law Centre is a voluntary organisation established in 1997. Its purpose is to use the law to promote, protect and realise children's rights. Save the Children is the UK's leading international children's charity, working to create a better future for children. Together, CLC and SC (in Northern Ireland) lead NGOs in the children and young people's sector in advocating for the implementation by government of international human rights standards as they apply to children and young people in Northern Ireland. We have actively engaged with the various UN human rights instruments and mechanisms and in particular with the UN Convention on the Rights of the Child in our efforts to achieve the mainstreaming of international children's rights standards into legislation, policy and service provision in Northern Ireland.

Through our joint work in the legislative, policy and service provision spheres we are acutely aware of the lack of any effective and comprehensive framework for the protection of children's rights at present. The current domestic legal frameworks offer very little protection to children and young people. At present it is very difficult to secure a successful resolution to many of the issues we attempt to address on behalf of children and young people, be they in relation to mental health provision, special education support or services for children with disabilities. While advocacy, mediation and representation approaches may work, most notably in individual cases, without access to an effective and legal framework it often proves impossible for children and their families to challenge serious violations of their rights. Additionally, individual representation and litigation does not provide the guarantees and protection for all children in need of service and provision and is consequently an unsatisfactory and costly approach to addressing denial of children's rights. We believe therefore that the Bill for Rights represents a unique opportunity to guarantee children and young people's rights at a constitutional level in Northern Ireland, to consolidate children's rights standards in one binding and enforceable document and thus provide children and young people with the much needed legal protection to which they are entitled.

Given this analysis we have prioritised work on the Bill of Rights since the process began in 2000. We recognised the importance of active, informed and collective sectoral engagement in the Bill of Rights process and to this end initiated and have jointly convened a Bill of Rights group within the children and young people's sector since 2002. This group has maintained a very strong and high profile advocacy campaign on the need for the maximum protection of children's rights protections in the Bill of Rights. Activities have included responding to consultations by the Northern Ireland Human Rights Commission, producing briefing papers for the sector, producing awareness raising materials for children and young people, organising seminars and conducting research. The Children's Law Centre and Save the Children have commissioned a number of papers in respect of how best to protect children's rights through the Bill of Rights and have also commissioned research on behalf of the sectoral group, *'Protecting children and young people's rights in the Bill of Rights for Northern Ireland. Why? How?'* It has also actively engaged with a wide range of actors including the Human Rights Commission, the Children's Commission, the two governments and all of the political parties. This advocacy

campaign enjoys very widespread support with almost 200 organisations drawn from very diverse backgrounds supporting our work.

Children's Law Centre and Save the Children also play a very active role in the Human Rights Consortium and were recently appointed to the newly constituted Board of Management in respect of that project.

In partnership with organisations in the children's sector and youth sector in the south of Ireland, we engaged with the pre-consultation process on a Charter of Rights for the island of Ireland, conducted by the Joint Committee of the Irish Human Rights Commission and the Northern Ireland Human Rights Commission in 2003. As part of that engagement we were able to draw on our analysis regarding what was required to fully protect children's rights through a Bill of Rights for Northern Ireland.

Remit

We believe that the remit of the Forum as set out in paragraph 7 of the consultation document is unclear. This paragraph initially states that 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*" (emphasis added). It then proposes a precise wording for the terms of reference as follows "*to produce agreed recommendations to inform the Northern Ireland Human Rights Commission's advice to government...*" Leaving aside the role of the Northern Ireland Human Rights Commission for now, the inclusion of the phrase 'to consider' is unhelpful by virtue of its vagueness. We would suggest that the wording of the terms of reference be amended to "*to consider and agree on the structure and content of a Bill of Rights*". While not underestimating the challenge involved in reaching agreement on the structure and content it is important that all participants fully involve themselves in these debates; any suggestion that their role would be limited to one of simply 'considering' the issues involved would be likely to result in a much more superficial contemplation of the issues and may not engender the level of focus and commitment this work demands.

In respect of the proposed relationship between the Forum and the Human Rights Commission, the consultation document appears to be suggesting that any agreed recommendations from the Forum are submitted to the Human Rights Commission to inform its advice to the Secretary of State. If all of the political parties and civic society reach agreement on the structure and content of the Bill of Rights this will be an extremely significant achievement heralding the potential to finally deliver on this element of the Good Friday Agreement. In that context we would suggest that rather than solely requiring the Human Rights Commission to take cognisance of the Forum's recommendations the Commission's role should be one of commenting on the recommendations from a legal and technical perspective, ensuring that they are fully compliant with international human rights standards. We also believe that such would be the import of agreed recommendations emerging from the Forum, representing as they would widespread societal agreement on the Bill of Rights, that they should also be submitted directly and in their entirety to the Secretary of State.

We agree with the suggestion that the Forum may wish to take account of the earlier work that was undertaken by the previous Human Rights Commission. The previous Commission conducted a very extensive consultation exercise, including with over 1,350 children and young people. The Forum may find it informative to examine directly the views expressed by individuals and organisations to the Human Rights Commission. It must be acknowledged however that the last set of proposals produced by the previous Commission (Progressing the Bill of Rights, July 2004) were both controversial and problematic and attracted widespread criticism both from political parties and civic society alike. Further we would contend that the July 2004 document did not reflect the nature and substance of the numerous submissions made to the former Human Rights Commission and consequently did not and cannot command widespread support in political or civic society. In analyzing these proposals from a children's rights perspective Dr. Ursula Kilkelly Senior Law Lecturer at University College Cork, as someone who had been monitoring and advising on the Bill of Rights developments since their inception, commented "*(these proposals) reflect a standard of children's rights protection which falls far short of the UN Convention on the Rights of the Child's minimum standards. Core rights are omitted which will significantly reduce its relevance and potential to protect and promote the rights of children and young people in Northern Ireland. Moreover, these proposed are a weakened version of the Commission's original draft provisions and the advice of the Commission's Children and Young People's Working Group.*" **Given these criticisms we would strongly caution against attributing any significant weight to these proposals. Rather the Forum should consider the many excellent submissions received by the Human Rights Commission and the considerations of the "working groups".**

Timescales

We note that Minister Hanson in announcing this consultation acknowledged the very tight timeframe involved. We are of course fully supportive of plans to establish the Forum as early as possible and without any unnecessary delay, and while we recognise the political considerations which influenced the timing of the announcement of the consultation, we nonetheless feel obliged to draw attention to the NIO's approved Equality Scheme which gives effect to the NIO's statutory equality duty and which states that,

"In consulting representative groups of the section 75 categories the Department will aim to provide a period for response of at least eight weeks and to begin consultation as early as possible." (Para 4.6 Equality Scheme for the Northern Ireland Office)

Similarly, The Equality Commission's Guidance for Implementing Section 75 of the Northern Ireland Act 1998 (Revised 2005) states that,

"Consultation must be both meaningful and inclusive, in that all persons likely to be affected by a policy should have the opportunity to engage with the public authority." (Page 3, Equality Commission's Guidance for Implementing Section 75 of the Northern Ireland Act 1998 (Revised 2005))

The Equality Commission's Guidance also states that,

“...adequate time should be allowed for groups to consult amongst themselves as part of the process of forming a view. The Commission recommends a period of at least two months for consultation exercises” (Para 4.2(c) Equality Commission’s Guidance for Implementing Section 75 of the Northern Ireland Act 1998 (Revised 2005))

While we are keen to see the establishment of the Forum as soon as possible, we do not wish the NIO to breach its statutory obligations under section 75 of the Northern Ireland Act 1998 by failing to comply with both its approved Equality Scheme and the Equality Commission’s Guidance on Implementing section 75 of the Northern Ireland Act 1998. We wish to remind the NIO of its statutory obligations above and would be supportive of further consultation, including direct consultation with children and young people which is required under the equality duty.

While mindful and supportive of the need to progress the Bill of Rights with all speed, we would suggest that the timescale for Forum’s work proposed is unworkable. Given the significant delays to date in moving this process forward we feel it would be a retrograde step to now prioritise ‘speed of task completion’ over the quality and depth of the process. In all likelihood there will be significant breaks in the operation of the Forum, with the impending election and holiday periods intervening.

Chairperson

Given the difficult and contentious nature of debates around the Bill of Rights in the past the Forum clearly has a challenge ahead of it to secure agreement on the structure and content of the Bill of Rights. The role of the Chairperson will be critical in helping progress towards eventual agreement. **For these reasons it is essential that the Chairperson is international and fully independent. They should command the respect and support of all involved and have considerable knowledge and expertise in relation to international human rights standards.** Further they should have excellent negotiation/chairing skills and experience. The importance of securing a Chairperson of this calibre cannot be overestimated. If time should prove the only obstruction to achieving this then the inaugural meeting of the Forum should be postponed until such time as a suitable Chair is identified.

Procedures

We were disappointed to note the consultation document states only that the government is clear that the Forum should have its own secretariat rather than an independent secretariat. **The appointment in consultation with and with the agreement of the international independent Chair, of a properly independent secretariat which comprises the appropriate mix of personnel with the relevant skills and expertise, would represent a key element in ensuring the Forum gains the confidence of all participants. It is our view that the Forum should be able to avail of the services of independent international researchers and drafts people with expertise and experience in human rights.**

The consultation document notes that it will be open to the Forum to seek the views of those beyond its immediate membership. While we would hope that both civic society and all of the political parties will be fully and fairly represented on the Forum we nonetheless believe that it will be essential that the Forum develops a mechanism to engage more widely within society during the lifetime of its operation. **Indeed if the ultimate Bill of Rights is to enjoy wide support and engender ownership we would view the development of a communications/engagement strategy as an important element of the Forum's work.** A key challenge for all those involved in the Forum's work will be to ensure the process is as transparent as possible and coupled with that, that it can secure widespread support for and ownership of the recommendations resulting from its work. Given the Bill of Rights' difficult trajectory to this point substantial work will be necessary to reinvigorate interest among wider society. This will necessitate ongoing awareness raising and outreach work with the various sectors, not least children and young people, during the operation of the Forum. It should be recognised that outreach/engagement work with children and young people is more resource intensive than that with adults and this consideration should be factored into any communications/engagement strategy developed. The Forum must be properly resourced to undertake this work.

Membership

We recognise the challenges involved in establishing a forum which will be properly reflective of the full range of political opinion and of civic society while at the same time being of a manageable size in order to complete its work successfully. However we cannot support the current proposal that fourteen seats should be allocated to political parties with thirteen being allocated to representatives of civic society. We have previously proposed, in line with the Human Rights Consortium principles paper, that representation from political parties and civic society happens on an equal basis. It is of great importance that this principle of equality underpins the work of the Forum; to undermine this principle at the outset of the process would send out a very negative signal to civic society as to how they are to be valued and treated within the entire process. Furthermore we see no credible basis for seeming to disadvantage civic society thus. **We would propose that the Forum be made up of equal numbers of representatives of political parties and civic society – representation should be increased to twenty eight plus the chair, totaling twenty nine.**

The consultation document does not spell out how it intends to reach its decision on actual appointments from within civic society, something which we feel has been unhelpful. Simply stating that it is *'open to suggestions on which organisations might be represented'* runs a real risk of encouraging a myriad of individual organizations and individuals to seek nominations – it would seem difficult to envisage how government could, in that scenario, adopt an accountable, open, transparent and fair approach to actual appointments. **We believe that the government needs to establish a list of criteria to be applied to decisions regarding appointments.** Among these is the ability of the nominee to represent their sectoral as opposed to their individual organisational interest. This would necessitate the existence of a feedback mechanism from the representative to their wider constituency. A criterion which we believe is absolutely essential is a knowledge of and experience of human rights and equality work including preferably international human rights instruments. Experience of working on the Bill of Rights

should also be a criterion thereby enabling the work of the Forum to commence immediately on establishment without the necessity to skill/ train Forum members.

We believe that it is essential that children and young people's views and concerns are appropriately represented on the Bill of Rights Forum. Children and young people constitute over a quarter of the population and as the most vulnerable members of society they have been particularly adversely affected by the conflict and violence. The work of both the Children's Law Centre and Save the Children evidences a clear need for a comprehensive legislative framework to protect children's rights. The guaranteeing of protection and respect for children's rights are essential elements in securing a better future for all children, something which the Bill of Rights has significant potential to help achieve. The potential of the Bill of Rights to improve children's lives was highlighted by the Special Representative of the Secretary General of the United Nations on Children and Armed Conflict, Mr. Olara Otunnu, when after a second visit to Northern Ireland in 2000 he appealed to political leaders *"to address the basic concerns of children in Northern Ireland, particularly social and educational integration, youth unemployment, substance abuse and poverty, improved access to health facilities and housing, increased access to counselling, and improved administration of child protection and juvenile justice. Children's rights should be incorporated into the new Northern Ireland Bill of Rights"*.²

The CYPS Bill of Rights Group, which is a sectoral grouping and which includes organisations from both the children's sector and the youth sector, has advocated on behalf of children and young people in relation to the Bill of Rights since 2002. CLC and SC have progressed thinking within the sector on what children and young people require from the Bill of Rights and have articulated a clear agenda in relation to the Bill of Rights on behalf of children and young people, one which is firmly located within an international children's rights framework and which draws on the best practice reflected in international law as well as the experience of other jurisdictions. We also have in place a clear mechanism for ensuring that the sector can both influence the Forum discussions and be kept informed of progress within the Forum. **We are therefore recommending that a representative of the CYPS Bill of Rights Group is nominated to represent children and young people's views on the Forum. The Children's Law Centre/Save the Children are happy to go forward for nomination on behalf of the sector.**

RESPONSE FROM

THE CHILDREN AND YOUNG PEOPLE'S SECTOR

BILL OF RIGHTS GROUP

TO THE

² United Nations General Assembly Fifty-fifth session: Agenda item 110: Promotion and protection of children's rights. 3 October 2000: pp9-10

CONSULTATION ON A BILL OF RIGHTS FORUM

November 2006

Introduction

The Children and Young People's Sector (CYPS) Bill of Rights Group, which is jointly convened by the Children's Law Centre and Save the Children, has been actively campaigning since 2002 for the Bill of Rights to include the maximum rights protections for children and young people. We believe that there is real potential through the Bill of Rights to put in place a comprehensive code of children's rights, something which has been singularly lacking to date. Research commissioned by the Children's Law Centre and Save the Children for the CYPS Bill of Rights Group argues convincingly that the particular circumstances of children and young people in Northern Ireland, combined with their individual and collective vulnerability as recognised and protected by a dedicated international children's rights treaty, the UN Convention on the Rights of the Child, are such that the Bill of Rights must address the rights of children and young people specifically and in detail.

The CYPS Bill of Rights Group has engaged in a wide range of activities since 2002 in its campaign to have the maximum children's rights protections included in the Bill of Rights. These have included responding to consultations by the Northern Ireland Human Rights Commission, producing briefing papers for various audiences, producing awareness raising materials for children and young people and for the children and young people's sector, organising seminars, conducting research and actively engaging with the Human Rights Commission, the Children's Commission, the two governments and all of the political parties on an ongoing basis. Our advocacy campaign enjoys very widespread support with almost 200 organisations drawn from very diverse backgrounds supporting our work. (see Appendix A).

We have also played a very active role in the Human Rights Consortium and contributed to the development of the General Principles paper for the Roundtable Forum which we fully endorse.

Since the inclusion in the Joint Declaration of 2003 of a commitment by the two governments to the establishment of a round table forum to move the Bill of Rights process forward, we have been advocating for its establishment. We were therefore very pleased to note the commitment in the St. Andrew's Agreement to the establishment of a Forum on the Bill of Rights with an inaugural meeting scheduled for December 2006, and the subsequent issuing of this consultation paper.

Consultation period

We note that Minister Hanson in announcing this consultation acknowledged the very tight timeframe involved. While we are of course fully supportive of plans to establish the Forum as early as possible and without any unnecessary delay, and while we recognise the political considerations at play which influenced the timing of the announcement of the consultation, we nonetheless feel obliged to draw attention to the NIO's approved Equality Scheme which states that,

"In consulting representative groups of the section 75 categories the Department will aim to provide a period for response of at least eight weeks and to begin consultation as early as possible." (Para 4.6 Equality Scheme for the Northern Ireland Office)

Similarly, The Equality Commission's Guidance for Implementing Section 75 of the Northern Ireland Act 1998 (Revised 2005) states that,

"Consultation must be both meaningful and inclusive, in that all persons likely to be affected by a policy should have the opportunity to engage with the public authority." (Page 3, Equality Commission's Guidance for Implementing Section 75 of the Northern Ireland Act 1998 (Revised 2005))

The Equality Commission's Guidance also states that,

"...adequate time should be allowed for groups to consult amongst themselves as part of the process of forming a view. The Commission recommends a period of at least two months for consultation exercises" (Para 4.2(c) Equality Commission's Guidance for Implementing Section 75 of the Northern Ireland Act 1998 (Revised 2005))

While we are keen to see the establishment of the Forum as soon as possible, we do not wish the NIO to breach its statutory obligations under section 75 of the Northern Ireland Act 1998 by failing to comply with both its approved Equality Scheme and the Equality Commission's Guidance on Implementing section 75 of the Northern Ireland Act 1998. We wish to remind the NIO of its statutory obligations above and would be supportive of further consultation, including direct engagement with children and young people which will feed into this process.

Remit and Procedures

Under section 69 (7) of the Northern Ireland Act 1998 the Northern Ireland Human Rights Commission has a statutory duty to provide advice on the scope for a Bill of Rights for Northern Ireland. With the establishment of the Bill of Rights Forum it is essential that the Commission's role is fully respected and its independence protected. We are concerned therefore that the proposals in the consultation paper regarding the remit of the Forum have the potential to seriously blur the boundaries between the Commission's statutory duty and the work of the Forum. **It is our view that the role of the Human Rights Commission vis-à-vis the Forum should be properly clarified in advance of the Forum's establishment, rather than once the Forum is established as the consultation document seems to suggest. In our view this role should be to provide the Forum with whatever legal and technical expertise in relation to international human rights standards and Bills of Rights the Forum might require, be this through furnishing papers, providing oral evidence, updating the Forum on its work etc.**

We believe that the remit of the Forum as currently set out in the consultation document is unclear. Paragraph 7 initially states that 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*”. (emphasis added). It then goes on to propose that the terms of reference should be “*to produce agreed recommendations to inform the Northern Ireland Human Rights Commission’s advice to government...*”. The precise meaning to be attached to the word ‘*consider*’ is very unclear and it could be predicted even now that it would inevitably end up being hotly debated at more than one Forum meeting. We would propose that the remit of the Forum should be clearly stated as being to ‘*consider and agree on the structure and content of the Bill of Rights*’. Clearly it will be critical that the particular mechanism utilised to reach agreement is as robust as possible and actually enables agreement to be reached on all matters being considered. This mechanism needs to be decided upon at the outset – the work of the Forum cannot risk being bogged down by wrangles about decision making.

The consultation document would seem to suggest that any recommendations agreed by the Forum are then simply submitted to the Human Rights Commission to *inform its advice* to the Secretary of State. Clearly if all of the political parties and civic society reach agreement on the structure and content of the Bill of Rights this will be an extremely significant achievement indeed and must be recognised as such. **We believe that rather than solely requiring the Human Rights Commission to take cognisance of these recommendations the Commission’s role more properly would be to comment on them from a legal and technical perspective before they are submitted to the Secretary of State.** While the Human Rights Commission obviously remains free to submit its own advice to the Secretary of State should it so decide, we believe that any agreed recommendations emerging from the Forum should be submitted in their entirety by the Forum to the Secretary of State, representing as they would, widespread societal agreement on the Bill of Rights.

We agree with the suggestion that the Forum may wish to take account of the earlier work that was undertaken by the previous Human Rights Commission. The previous Commission conducted a very extensive consultation exercise, including with over 1,350 children and young people. The Forum may find it informative to examine the views expressed by individuals and organisations to the Human Rights Commission. It must be acknowledged however that the last set of proposals produced by the previous Commission (Progressing the Bill of Rights, July 2004) were both controversial and problematic and attracted widespread criticism both from political parties and civic society alike. In analyzing these proposals from a children’s rights perspective Dr. Ursula Kilkelly Senior Law Lecturer at University College Cork, as someone who had been tracking the Bill of Rights developments since their inception, commented “*(these proposals) reflect a standard of children’s rights protection which falls far short of the UN Convention on the Rights of the Child’s minimum standards. Core rights are omitted which will significantly reduce its relevance and potential to protect and promote the rights of children and young people in Northern Ireland. Moreover, these proposed are a weakened version of the Commission’s original draft provisions and the advice of the Commission’s Children and Young People’s Working Group.*” **Given these criticisms we would caution against attributing any significant weight to these proposals.**

Time scale

We are encouraged by the sense of commitment to establishing and moving this process along at a steady pace which emanates from this consultation document. This may well be the reason for suggesting a quite tight timescale within which the Forum would be expected to complete its work. We would caution however against an overly truncated process which would militate against full support for and engagement in the debate by civic society and particularly by its most vulnerable members and would reiterate our earlier comments in relation to government's statutory obligations to consult. In this respect we would point out that proper consultation with and participation by children and young people is more time intensive than with adults and this consideration must be factored into decisions regarding time scales. In addition, it will in all likelihood take up to two months for the forum, following its inaugural meeting in December, to be fully operational. It will also presumably break during the summer months. The Assembly election announced for early March 2007 will also have an impact on the Forum's progress. This would leave at most approximately five months of concentrated work. In our view this is insufficient time for the forum to complete its work successfully. **We would endorse the recommendation made by the Human Rights Consortium in its submission, that International Human Rights Day, on 10 December 2007 may be a more realistic, and most appropriate date, for the Forum to present its final recommendations and we would urge the NIO to give serious consideration to this proposal.**

Chairperson

While we welcome the indication that the Chairperson will be fully independent we are concerned that this criterion falls short of that of the chairperson being both fully independent and international. The reason we believe this is so important is connected to the contentious and controversial nature of any debate on the Bill of Rights. Given the oft times divisive nature of debates on the Bill of Rights in the past we all recognise the considerable challenge facing the Forum in reaching widespread agreement on the structure and content of the Bill of Rights. The role of the Chairperson will be absolutely central and crucial in helping all those around the table to move towards and reach agreement – we believe that somebody who commands the support and respect of all involved, who is international, has considerable knowledge and expertise in relation to human rights standards and is independent of both governments and all parties would be best placed to play this role.

While recognizing the time constraints involved we recommend that every effort is made to secure somebody of the calibre and credentials outlined above and are of the view that should more time be required to secure such a person then this is what should happen.

Secretariat

We were disappointed to note the consultation document states only that the government is clear that the Forum should have its own secretariat rather than an independent secretariat. **The appointment of a properly independent secretariat which comprises the appropriate mix of**

personnel with the relevant skills and expertise, who are of the Chairperson's choosing, would represent a key step in ensuring the Forum gains the confidence of all participants.

Membership

We recognise the challenges involved in establishing a forum which will be properly reflective of the full range of political opinion and of civic society while at the same time being of a manageable size in order to complete its work successfully. However we cannot support the current proposal that fourteen seats should be allocated to political parties with thirteen being allocated to representatives of civic society. We have previously proposed, in line with the Human Rights Consortium principles paper, that representation from political parties and civic society happens on an equal basis. It is of great importance that this principle of equality underpins the work of the Forum; to undermine this principle at the outset of the process would send out a very negative signal to civic society as to how they are to be valued and treated within the entire process. Furthermore we see no credible basis for seeming to disadvantage civic society thus. **We would propose that the Forum be made up of equal numbers of representatives of political parties and civic society – representation should be increased to twenty eight plus the chair, totalling twenty nine.**

The consultation document does not spell out how it intends to reach its decision on actual appointments from within civic society, something which we feel has been unhelpful. Simply stating that it is *'open to suggestions on which organisations might be represented'* runs a real risk of encouraging a myriad of individual organisations to seek nominations – it would seem difficult to envisage how government could, in that scenario, adopt an open, transparent and fair approach to actual appointments. **We believe that the government needs to establish a list of criteria to be applied to decisions regarding appointments.** Key among these is the ability of the nominee to represent their sectoral as opposed to their individual organisational interest. This would necessitate the existence of a feedback mechanism from the representative to their wider constituency. Other criteria we believe are necessary include a knowledge of and track record on human rights and/or equality work as well as experience of working on the Bill of Rights.

We believe that it is essential that children and young people's views and concerns are directly represented on the Bill of Rights Forum. Children and young people constitute over a quarter of the population and as the most vulnerable members of society they have been particularly adversely affected by the conflict and violence. The guaranteeing of protection and respect for children's rights are essential elements in securing a better future for all children, something which the Bill of Rights has significant potential to help achieve. The potential of the Bill of Rights to improve children's lives was highlighted by the Special Representative of the Secretary General of the United Nations on Children and Armed Conflict, Mr. Olara Otunnu, when after a second visit to Northern Ireland in 2000 he appealed to political leaders *"to address the basic concerns of children in Northern Ireland, particularly social and educational integration, youth unemployment, substance abuse and poverty, improved access to health facilities and housing, increased access to counselling, and improved administration of child protection and juvenile justice. Children's rights should be incorporated into the new Northern Ireland Bill of Rights"*.³

³ United Nations General Assembly Fifty-fifth session: Agenda item 110: Promotion and protection of children's rights. 3 October 2000: pp9-10

The CYPS Bill of Rights Group, which is a sectoral grouping and which includes organisations from both the children's sector and the youth sector, has advocated on behalf of children and young people in relation to the Bill of Rights since 2002. We have progressed thinking within the sector on what children and young people require from the Bill of Rights and have articulated a clear agenda in relation to the Bill of Rights on behalf of children and young people, one which is firmly located within an international children's rights framework and which draws on the best practice reflected in international law as well as the experience of other jurisdictions. We also have in place a clear mechanism for ensuring that the sector can both influence the Forum discussions and be kept informed of progress within the Forum **We are therefore recommending that somebody from this group is nominated to represent children and young people's views on the Forum.**

The consultation document notes that it will be open to the Forum to seek the views of those beyond its immediate membership. While we would hope that both civic society and all of the political parties will be fully and fairly represented on the Forum we nonetheless believe that it will be essential that the Forum develops a mechanism to engage more widely within society during the lifetime of its operation. **Indeed we would view the development of a communications/engagement strategy as an important element of the Forum's work.** A key challenge for all those involved in the Forum's work will be to ensure the process is as transparent as possible and coupled with that, that it can secure widespread support for and ownership of the recommendations resulting from its work. One method through which this transparency can be achieved is by holding meetings in public where possible.

Given the Bill of Rights' difficult trajectory to this point substantial work will be necessary to reinvigorate interest in it among wider society. This will necessitate ongoing awareness raising and outreach work with the various sectors, not least children and young people, during the operation of the Forum. It should be recognised that outreach/engagement work with children and young people is more resource intensive than that with adults and this consideration should be factored into any communications/engagement strategy developed. Some examples of how this engagement can be successfully achieved include the production of young person friendly progress reports at the various stages of the Forum's work, the production of a young person friendly version of the Forum's final report and recommendations, the development of web based interactive resource for young people to learn about/comment on the work of the Forum and by holding interactive events for children and young people in a range of locations.

Concluding remarks

We wholeheartedly welcome the intention by government to establish a forum on the Bill of Rights in December and are pleased to be able to provide our views on its establishment through this consultation. We recognise that reaching agreement on the structure and content of the Bill of Rights across society represents a very considerable challenge. Discussions will understandably be difficult and intense at times - to quote Mary Robinson, a former UN Commissioner for Human Rights "*A discussion of rights is complex and important, and should, if it is genuine, elicit the expression of strong viewpoints*".⁴ The end product however, consensus

⁴ Robinson, M. 'Making Rights Relationships An Everyday Practice' in Human Rights and Peace-Building in Northern Ireland – an international anthology. CAJ. January 2006.

on the shared values and fundamental norms that **everybody** in society here agrees upon, will be of tremendous consequence and well worth the work involved. Given the task facing the Forum it is critically important that issues around its remit and procedures, the timescale, the chairperson, the membership and the Forum's size and structure are properly and adequately addressed at the outset. The actual work of the Forum guided by principles of openness, transparency, inclusiveness and accessibility. It will be particularly important mechanisms are put in place to engage children and young people in the process. In conclusion the Bill of Rights offers us the potential of a better future for all our children and young people– we need to ensure the Forum can measure up to the task set for it.

APPENDIX A

We the undersigned wish to lend our support to the drafting of a strong, inclusive, effective and enforceable Bill of Rights for all communities by the Northern Ireland Human Rights Commission. In particular we support the inclusion of the maximum children's rights protections in a Bill of Rights for Northern Ireland.

1. 6th Form Council, Oakgrove Integrated College, Derry
2. Action Mental Health
3. Action on Medical Negligence Association
4. Age Concern NI
5. Al-Nisa Association NI
6. Amnesty International
7. Armagh and Dungannon Adolescent Partnership
8. ASCERT (Action on Substances through Community Education & Related Training)
9. Atlas Women's Centre
10. Ballymurphy Women's Centre

11. Beechmount Community Project
12. Belfast and Lisburn Women's Aid
13. Belfast Door Project
14. Black Youth Network
15. Boys & Girls Clubs NI
16. Brook NI
17. BTEDG (Belfast Travellers Education and Development Group)
18. Camowen Partnership Ltd
19. Camowen Smart Kids
20. Catholic Guides of Ireland
21. Challenge for Youth
22. Children in Northern Ireland
23. Children's Express
24. Children's Law Centre
25. Cinemagic
26. Community Dialogue
27. Cookstown and Dungannon Women's Aid
28. CORI (Conference of Religious in Ireland NI)
29. Corrymeela Community
30. CoSo (Coalition on Sexual Orientation)
31. Council for the Homeless NI
32. Craigavon & Banbridge Women's Aid
33. Craigavon Travellers Support Committee
34. Crevenagh Youth Club, Omagh
35. Cross Glebe Community Association, Coleraine
36. Cunamh, Derry
37. Derry Children's Commission
38. Disability Action
39. Donard King & Co, Solicitors
40. Down's Syndrome Association
41. Drugwiser Project, Enniskillen
42. Drumcree Community Trust
43. Drumglass High School
44. Dyslexia & Dyspraxia Support Maghera
45. Eileen McDougall Sydenham House
46. Extern
47. Falls Women's Centre/Ionad Mhná na bhFál
48. Families Against Crime by Terrorism (FACT) Lisburn
49. Family Caring Centre (Children's Services) Antrim
50. Family Planning Association
51. Fermanagh Shadow Youth Council
52. Fostering Network Northern Ireland
53. Foyle Women's Aid
54. Future Voices
55. Generation Y Chinese Welfare Association
56. Gingerbread
57. GirlGuiding Ulster

58. Girls Friendly Society
59. Glenmona Resource Centre
60. GLYNI (Gay and Lesbian Youth NI)
61. Greenpark Healthcare Trust
62. Groundwork NI
63. Harpurs Hill Early Years Project
64. HIV Support Centre
65. Holy Trinity Youth Centre
66. Home-Start Northern Ireland
67. Hostelling International NI
68. Housing Rights Service
69. Include Youth
70. Inner City South Belfast Sure Start
71. Integrated College Dungannon
72. Interaction Belfast
73. International Voluntary Service – NI
74. Koram Centre Strabane
75. Law Centre NI - Western Area Office
76. Little Flower Girls School
77. Lynne Peyton Child Care Consultancy
78. Magherafelt High School
79. Marrowbone Community Association
80. Melmount Community Forum Strabane
81. Mencap
82. Mother's Union
83. Mourne Youth Community Association
84. Multi-Cultural Resource Centre
85. N & W HSST
86. National Deaf Children's Society
87. NCH Northern Ireland
88. Newry & Mourne HSST
89. Newry & Mourne Volunteer Bureau
90. Newry & Mourne Women Limited
91. NI ADD (Northern Ireland Attention Deficit Disorder)
92. NI Children's Hospice
93. NI Women's Aid Federation
94. NI Youth Forum
95. NIACRO
96. NIAPN (Northern Ireland Anti-Poverty Network)
97. NICEM (Northern Ireland Council for Ethnic Minorities)
98. NICHs
99. NICVA
100. NIPPA (Northern Ireland Pre-School Play Association)
101. NIPSA
102. Norsun Community Group, Carrickfergus
103. North West Centre for Learning and Development
104. Northern Ireland Business Education Partnership

105. Northern Ireland Child Minding Association
106. NUS/USI (National Union of Students , UK/Union of Students in Ireland)
107. Omagh Boys and Girls Club
108. Omagh Forum for Rural Associations
109. One World Centre NI
110. PAKT Lurgan
111. Parent's Advice Centre
112. PBNI Ormeau Road
113. Phab
114. Playboard
115. Policy Implementation Panel on Young People with Disabilities
116. Prefect Committee Assumption Grammar School Ballynahinch
117. Probation Board for Northern Ireland
118. Public Achievement
119. Pupil Forum, St. Dominic's High School
120. Rafferty & Boyle, Solicitors
121. Rainbow Project
122. Raleigh International
123. Regimented Association of the UDR, Coleraine Branch
124. Relate NI
125. Rethink Severe Mental Illness
126. Royal College of Nursing
127. Sargent Cancer Care for Children
128. Save the Children
129. SAVER/NAVER Markethill Co Armagh
130. School Council, Cullybackey High School
131. School Council St. Patrick's Boys Academy Dungannon
132. Senior Student Council St. Joseph's High School Coalisland
133. Senior Student Council, St. Rose's High School
134. Shimna Integrated College Newcastle
135. Simon Community NI
136. South East Belfast Children's Panel
137. South Tyrone Empowerment Programme
138. Springboard
139. Springfield Inter-Community Development Project
140. Starting Point NI Ltd
141. St. Columbs Park House
142. St. Louise's College Belfast
143. St. Mary's Youth Centre Portadown
144. St. Peter's High School Foylehill
145. St. Rose's High School Belfast
146. Starting Point
147. STEER Mental Health
148. Strand Foyer
149. Student Council Ballyclare Secondary School
150. Student Council Dean Maguire College Coalisland Co Tyrone
151. Student Council Integrated College Dungannon

152. Student Council Malone College
153. Student Council North Coast Integrated College Coleraine
154. Student Council St. Joseph's Boys High School Newry
155. Student Council St. Joseph's Grammar School Donaghmore
156. Student Council St. Louise's Comprehensive College
157. Student Council St. Mary's College Derry
158. Student Council St. Patrick's Grammar School Armagh
159. Tar Anall
160. Taughmonagh Community Forum
161. The Bridge Belfast
162. The Bytes Project Twin Spires Complex
163. The Cedar Foundation
164. The Cross Group Dundonald
165. The Dry Arch Centre for Families Dungiven
166. The Duke of Edinburgh Award
167. The Nucleus Centre
168. The Spirit of Enniskillen Trust
169. Threshold NI Ltd
170. Traveller Movement NI
171. Triangle Housing Association
172. Ulster Quaker Service Committee
173. UNISON
174. Upper Andersonstown Community Forum
175. Upper Andersonstown Youth Network
176. Victims and Survivors Trust (VAST)
177. Voluntary Service Bureau
178. Volunteer Development Agency
179. VOYPIC (Voice of Young People in Care)
180. WAVE Trauma Centre Belfast
181. WAVE Derry/Londonderry
182. Westside Project
183. Wheelworks
184. Women's Aid Federation
185. Women's Information Group
186. Women's Resource and Development Agency
187. Women's Support Network
188. Workers Educational Association
189. Youth Initiatives
190. YouthAction NI
191. Youthnet
192. Zero-8-Teen Craigavon

Response of The Christian Institute to *A Forum on a Bill of Rights for Northern Ireland: Consultation Paper*

The Christian Institute is a non-denominational charity established for the promotion of the Christian faith. We have 2,200 supporters throughout Northern Ireland. This includes 263 churches and church leaders from across the Christian denominations.

We hold traditional, mainstream Christian beliefs about marriage and sexual ethics. In our efforts to promote these beliefs, we have previously contributed to public debates on issues such as divorce law reform and gay rights.

A major focus of our work over many years has been to protect religious liberty. We frequently provide advice and assistance to Christians who have been discriminated against because of their faith.

We note that the consultation document produced by the Northern Ireland Office invites view on which organisations should be represented on the Forum.

The Christian Institute considers that organisations representing historic Christian biblical belief must be included on the Forum. Traditionally historic biblical views on moral and ethical issues have been shared by the wider community in Northern Ireland. Christian people can find themselves in positions in the workplace or in the community where their liberty to adhere to their religious convictions are challenged by the agenda of other population groups. The rights of individual Christians, churches and Christian organisations must be safeguarded in any Bill of Rights that is introduced. Liberty of conscience for Christian people must be protected. Christian organisations must therefore be represented on the Forum on a Bill of Rights for Northern Ireland.

RESPONSE TO THE CONSULTATION PAPER
ON A FORUM ON A BILL OF RIGHTS
FOR NORTHERN IRELAND

The Church in Society Committee of the Church of Ireland

14. The Church of Ireland's Church in Society Committee welcomes the proposal to create a body to engage with the preparation of a Bill of Rights for Northern Ireland. The Church in Society Committee previously responded to a consultation regarding a proposed draft bill in 2004 with concerns regarding the approach to be adopted and to call for the appropriate budgetary planning, training and provision of infrastructure and services to support the rights enshrined in any such legislation in the future. We attach this earlier response and would recommend that our own response and others gathered previously by the NIHRC would be reviewed and given serious consideration by the proposed Forum.
15. The Church in Society Committee also welcomes the inclusion of Churches in the proposed membership of the Forum. We would urge that both main traditions are represented within the constituency of the Forum to ensure the participation and ownership of the process within the two main communities in Northern Ireland. Church membership in Northern Ireland is significant. Churches represent the needs of a large number of people. Church affiliation still helps to define a significant part of identity for many people in Northern Ireland. The Church of Ireland estimates that its membership in Northern Ireland is some 290 000 people. Therefore, we urge that at least two places are allocated to the Churches.
16. We also welcome the inclusion of minority interests in the community and view this as a positive element in the composition of the Forum. The widest possible inclusion of both majority and minority participants representative of civic society should be emphasised, while paying due accord to the role of political parties in NI society and the contribution they may make to the development of a Bill of Rights.
17. The Church in Society Committee agrees with the proposal in the consultation that a Chairperson with international experience of human rights issues should be appointed, but would also ask that, in seeking a person to fill this appointment, more emphasis is given to the need for some firsthand knowledge of NI as this Bill of Rights is specifically intended to address the NI context.
18. The Forum's independence from both the NIHRC and the political process must be safeguarded to ensure the credible delivery of its consultative and advisory functions.
19. A public education programme should be implemented to ensure that the various distinctions between the Forum and all other bodies are well signposted and understood. An appropriate budget should be included in the funding allocation to enable the Forum

to engage in a public information process regarding appointments made to it, its objectives, its consultation process and advice rendered by it in terms of developing a Bill of Rights. Careful planning needs to be done to ensure that this programme is effectively delivered locally.

20. The work already undertaken and published by NIHRC should be placed before the Forum for consideration.

21. The Forum should pay attention to the context of rights articulated in other regions of the UK and in the Republic of Ireland.

22. Adequate funding to enable a broadly-based consultation process is essential to civic participation and subsequent support for the proposed Bill of Rights.

10. The recommendations of the Forum must be credible to all parts of NI society. For a Bill of Rights to gain widespread acceptance, the Bill must be clearly enshrine the values of justice, accessibility and equality.

11. The consultation seeks comment on the timeframe for the production of a Bill of Rights. The Church in Society Committee believes the time frame is too short. The difficulty of some of the issues to be addressed and the need for public consultation, participation and agreement on the fundamental values will require a much more lengthy process. The recognition of human rights might be viewed as a significant part of the healing process in Northern Ireland. It would be better to engage society deeply and at length in consultation and development of consensus around the key components of any possible Bill, rather than to rush that process.

*The Rt Revd Dr Michael Jackson,
Chairperson of The Church in Society Committee*

November 2006

Consultation on 'A Forum on a Bill of Rights for Northern Ireland'

Response from CORI (NI)

The Conference of Religious of Ireland, CORI (NI), is an umbrella group representing Roman Catholic Religious Orders of women and men in Northern Ireland. Among others, it includes the Redemptorists, Jesuits, Dominicans, Sisters of Mercy, Presentation Sisters, Irish Christian Brothers, La Salle Brothers, Bon Secours Sisters, Good Shepherd Sisters, Vincentians, Passionists, Loreto Sisters, Sisters of St Louis, Cross and Passion Sisters, and John of God Brothers.

CORI (NI), as a member of the Human Rights Consortium, has lobbied the Government to push for movement on its commitment (in the Joint Declaration of 2003) to establish a Roundtable Forum of political parties and civil society to move the Bill of Rights forward. We have played our part in meeting with the political parties to encourage their participation in this Forum.

We welcome the consultation document and would like to highlight the following areas:

Remit: The remit of the Forum vis-à-vis the NI Human Rights Commission needs to be more clearly spelled out. It is important that the NIHRC, a statutory body, remains independent of the process. However, as the Roundtable Forum works towards agreement on the content of a Bill of Rights, the role of the NIHRC would be to comment on the proposals agreed on by civil society and the political parties.

Timescale: We suggest that the timescale for the process be extended to at least twelve months. This will give time for a settling-in period and for consideration of the work of the NIHRC to date. We advise caution against a too hasty acceptance of the final working document produced by the initial Commission at the end of its tenure.

Chairperson: We propose that someone of good international reputation in the field of human rights would be best placed to facilitate the work of the Forum.

Membership: We accept the Government's proposed allocation of 14 seats to the political parties but query the proposal to allocate 13 seats to civil society representatives. We suggest 14 seats as more appropriate for a democratic society. Of these we would like to see the allocation as follows: 8 seats for the third sector (community and voluntary groups), 3 seats for the Churches and faith based organisations, and 3 seats for business groups. Among these, groups/organisation

with a proven record of support for, or knowledge of, Human Rights and the Common Good should receive special consideration for inclusion. The Government will, we are sure, provide a clear rationale and explanation for its choice of members.

Finally, we propose that the Human Rights Consortium be given the status of official observer at the Forum.

Sr Brighde Vallely O.P.
Director
CORI (NI)

Prof Brice Dickson

Preliminary remarks

1. I am bound to say that, after all the delay there has been in getting this Forum off the ground (it has been mooted for years), it seems a bit strange that the government is now acting so hastily. To give consultees just two weeks in which to respond to the paper seems unfair. I can appreciate that the government wants to keep the promise it inserted into the St Andrews Agreement to hold the first meeting of the Forum in December 2006, but given that precious little is going to be achieved by the Forum between that meeting and a meeting in January 2007, I fail to see why the government is still insisting on such a tight timetable. After such a long wait it is all the more important that the Forum be properly established. In my view a wiser course would have been to consult for 4 to 6 weeks and then to have held the first meeting of the Forum in January 2007.

The terms of reference for the Forum

2. I think the proposed terms of reference for the Forum as set out in paragraph 7 of the consultation paper are reasonably good, but I would be in favour of inserting some additional wording at the front of the terms of reference, including some of the wording already contained in previous and succeeding paragraphs of the consultation paper. I would therefore begin the terms of reference in this way:

“Building on the consultation that has already taken place with and between the political parties and other interested organisations and groups, and taking into account the two draft Bills of Rights published by the Northern Ireland Human Rights Commission in 2001 and 2004 and the support for the creation of a Bill of Rights for Northern Ireland given by the Preparation for Government Committee established under the Northern Ireland Act 2006, to produce agreed recommendations to inform...” [continue with the terms as printed in paragraph 7 of the consultation paper, subject to the points made in my next two paragraphs]

3. It is right that the Forum itself should be allowed to decide on the procedures it will follow in producing agreed recommendations and on the nature of the of NIHRC’s involvement in assisting the Forum’s discussions, but the terms of reference should nevertheless require the Forum to consider the work that has already been done elsewhere on devising Bills of Rights in other countries and at the intergovernmental level.
4. The terms of reference should also make it clear that the phrase “agreed recommendations” should not necessarily mean “unanimously agreed recommendations”. The Forum should be allowed to put forward recommendations that are less than unanimously agreed, provided it makes it clear just what degree of unanimity there has been. Such an approach will make it easier for the NIHRC to consider what advice it would be appropriate for it to give to the government in due course. Moreover the terms of reference should avoid giving any impression that the recommendations of the Forum

must of necessity be replicated in what the NIHRC passes on to the government as its advice.

Timescale

5. The deadline of 30 September 2007 seems feasible to me. There are unlikely to be many completely new ideas thrown into the melting-pot once the Forum begins its work. Over the course of four years (2000-04) the NIHRC considered nearly every conceivable suggestion concerning the possible structure and content of a Bill of Rights for Northern Ireland. But there will need to be a tight timetable of meetings between December 2006 and September 2007 if there is to be an avoidance of slippage in the Forum's decision-making process.
6. In certain quarters there may well be calls for a more extended decision-making process within the Forum. In my view there is no need for this. I concede, however, that it is difficult to be absolutely confident in the feasibility of the proposed timescale given that we do not yet know exactly what financial and staff resources will be made available for the Forum. It would be useful to know in advance how many researchers will be employed and what expertise they will have. Will they be competent enough to produce discussion papers from scratch? If these resources are in fact less than "adequate" then the September 2007 deadline may be unrealistic.

The chairperson

7. To avoid the slightest appearance of prejudice, the chairperson should ideally be someone from beyond the islands of Britain and Ireland.

Membership

8. It seems appropriate to have 14 representatives from the five largest political parties in Northern Ireland, as for the Preparation for Government Committee which sat over the summer of 2006. And it seems fitting that this number be matched by the same number of non-politicians. A group of 28 is large but, provided effective standing orders are adopted by the Forum and a good chairperson is appointed, it should be workable. In choosing the members – both the political representatives and others – proper regard should be had to the need to promote equality of opportunity and to the desirability of promoting good relations (as required by section 75 of the Northern Ireland Act 1998). Due consideration should also be given to the need for some members to have clear expertise in, or at least experience of, human rights law. It might be sensible to have some human rights "sceptics" on board too, even if this increases the chances of the agreed recommendations not being unanimous.
9. I do not think that the non-political members should necessarily be "representatives from organisations representing a range of interests and groupings". This implies that they must be members or employees of such organisations. There are in fact many people in Northern Ireland who are not currently members or employees of such organisations but who yet have a wealth of experience and knowledge based on previous jobs and

activities. Most importantly, I think it would be better to avoid creating the impression that these non-political members are on the Forum in order to “represent” a certain constituency. They should not be “accountable” to any particular group or groups. I would recommend that the government follow the method used by the NIHRC in 2000 when it set up a series of Working Groups to develop ideas for the Commission on particular kinds of rights. The members of these groups were not representatives as such, but they reflected a wide range of interests and abilities in the areas concerned. The reports they issued were extremely helpful to the Commission in its further deliberations.

10. As to which sorts of interests should be reflected amongst the non-political members, without being exclusive I think it is essential to include people who know a great deal about the needs of those who have physical disabilities, those who have mental disabilities, those who are elderly, those who are from non-white and non-Western ethnic backgrounds, those who are long-term unemployed, those who have not been able to have their healthcare needs met by the national health service, those with severe literacy or numeracy problems, those who are homeless and those who are living below the poverty line.

**RESPONSE OF THE
NORTHERN IRELAND CATHOLIC COUNCIL ON SOCIAL AFFAIRS
to the
Consultation on a Forum on a Bill of Rights for Northern Ireland**

1. We welcome government proposals to introduce comprehensive legislation which will respect the rights of all human beings in our society. In that context, we welcome the proposal to establish a Forum on a Bill of Rights for Northern Ireland, particularly since such proposed legislation has been anticipated for some considerable time. It is heartening to see concrete proposals for its conceptualisation and implementation.

2. The draft terms of reference for the Forum are broadly acceptable but they do pose some conceptual challenges derived from the style of language. For example, it is not totally clear what exactly is meant by the statement that the Forum's agreed recommendations would "inform" the NIHRC's advice to government. It would appear reasonable to assume that the NICHR might have had the opportunity to be already well informed on this matter by now. However, since the implication is that NICHR is not sufficiently informed, self-evident questions which arise include: what criteria will be used to determine that NICHR has been sufficiently informed and by whom shall such criteria be established and evaluated - the Forum, NICHR or government?

3. The inclusion of a time-based dimension for the information process would appear to suggest that such criteria have already been identified and that government has done the identification. It may be helpful to make this decision-making process transparent, particularly since it raises the question: is there a risk that government might introduce legislation based on uninformed advice in the case that either the Forum and/or the NICHR felt that the required level of information had not been conveyed to the NICHR by 30 September 2007? Obviously there must be a limit to the length of time set aside to inform the NICHR, but an element of flexibility to the time dimension might be built into the final proposals. Not to do so may well give the impression – erroneous though it might be – that government was now trying to curtail the amount of informed advice it was willing to take prior to the legislative process.

4. A critical issue for both the proposed forum and the NICHR will be the interpretation to be applied to the proposed terms of reference. In this regard we would wish to highlight the importance of interpreting strictly the parameters applied by the Belfast Agreement and reflected in the proposed terms of reference, namely that the Bill should elaborate on those aspects of rights which are particular to the situation in Northern Ireland. It is a matter of concern that the work of the NICHR on the proposed Bill of Rights to date suggests that few parameters, if any, were considered to exist in relation to the scope of any such Bill.

5. The proposed Forum should be large enough to be representative and small enough to be practical. The proposed size of 27 (plus an independent chairman) would appear to cover both criteria. It might be hoped that the political parties would discuss this matter in the Assembly and that their informed advice would emanate from informed, rational debate at Stormont as part of their programme for good government. In the light of the current political conditions and the uncertainty as to whether the Assembly will be re-established, it is understandable that a case

might be made for politicians to be members of the Forum. However, there is also a case for suggesting that their failure to agree political institutions to date raises important questions about the likelihood of agreement on such a crucial issue.

6. If politicians are to be included, the proposed proportional representation would appear fair and equitable. It is more difficult to devise a methodology for determining the size and composition of the civic society grouping. In view of that difficulty, it may be worth considering that the Forum should reflect, rather than represent, civic society. With the majority of its members being MLAs, there can be no suggestion that the Forum as a whole is not democratically representative. The traditional view that civic society consists of readily-identifiable “sectors” (as indicated by the non-exhaustive list in the consultation document) has some merit in that it facilitates a form of administrative taxonomy. But it represents an overtly structural, and somewhat impersonal, view of society as consisting not of human beings, but of competing sectional interests. Any attempt to offer representation to every one of those interests is unlikely to be practical.

7. It may therefore be more helpful to nominate individuals who display an understanding of our wider society and whose knowledge, experience and activities allow them to reflect more than one aspect of life in Northern Ireland. If they can be seen as additional to a representative Forum, which consists of a majority of MLAs, then the issue of representation can be successfully addressed.

8. In addition, we would stress the importance of maintaining the normal process of consultation with the widest range of interested parties as any draft Bill of Rights emerges, or related material. It is critical in this regard that the creation of the Forum would not prejudice the right of those who are not part of it to be consulted on the proposed Bill.

9. We wish government well in its deliberations on this matter and we offer our practical support for the process of establishing the Forum and our prayers for its success.

Fr Timothy Bartlett,
Secretary,
Northern Ireland Catholic Council for Social Affairs,
Ara Coeli,
Armagh

Issues: Consultation on a Forum on a Bill of Rights for Northern Ireland

The Community Relations Council (CRC) welcomes the opportunity to respond to the above consultation. The debate surrounding the Bill of Rights for Northern Ireland has been a lengthy process and we are pleased that government has decided to establish the forum – it is long overdue. Like many other stakeholders involved in Human Rights we have an interest in the development of a Bill that reflects the particular circumstances of Northern Ireland, and believe that the Bill should represent the diversity that exists within our society – it should incorporate many social and economic rights such as housing and education. CRC's main interest in developing a Bill of rights is that Northern Ireland is a society in transition. It is hoped by all those involved in this important work that the process of raising awareness and increasing participation from all sections within our society 'can allow all sections of our divided society to come together and voice their view about what rights need to be protected in their post conflict lives'.⁵

The Council supports the work already undertaken by the Northern Ireland Human Rights Commission (NIHRC), the Human Rights Consortium (HRC) and other key stakeholders in the Bill of Rights debate. The HRC developed a set of roundtable principles (attached) that should govern the development of a Bill of Rights and Council endorses these principles as a framework for taking this process forward, and ask that government place these principles as the core of all discussions and negotiations for a Bill of Rights.

There are a number of subsequent issues for CRC with regards to this consultation:

- The consultation period for this particular part of the Bill of Rights process is inadequate. Serious consideration needs to be given as to who represents civic society on the Forum, and we are concerned that due to the shortness of the consultation period adequate time for these decisions will not be permitted.
- The first meeting is due to take place on 11th December. It will be difficult to decide an appropriate chairperson, who is an expert in both international rights, human rights and also knowledgeable about society in Northern Ireland. Furthermore, will they be available at such short notice?
- We are pleased that the chairperson will be independent, and would like further clarification as to how they will be chosen i.e. via a panel, do the

⁵ FAQ, Bill of Rights, HRC. 2006.

forum members have access to this information beforehand and do they have any role in the decision making process.

- It is stated that recommendations have to be presented to the government by September 2007. Again, CRC is concerned over this tight timescale. The debate as to what a Bill of Rights should include has been a lengthy process, and the level of public awareness and participation has increased over the past few years. It would be a disappointing if further public engagement was rushed or even pushed to the side. It is necessary that all stakeholders in our society, voluntary and community groups, and individuals have an opportunity to continue to input at the various discussions. It would be impossible to carry out the relevant and appropriate level of consultation with our community within this timeframe and we propose the extension of this timeframe to allow suitable consultation with wider society.
- Remit of the Forum. Council views the role of the Forum as an independent body of human rights experts who will consult with civic society, discuss and negotiate the key rights to be included in a Bill of Rights. The independent nature of the forum is crucial to deliver a credible and well negotiated Bill of Rights.
- Membership. We have already stated the limiting effects of the short consultation period in allowing proper discussion to take place as to who should be represented on the roundtable. The Forum must include representatives from civic society who are Human Rights experts and who are knowledgeable about the social and economic rights of our diverse society. Furthermore it is important to acknowledge the work already carried out by the HRC and other stakeholders in this sector in opening the debate to wider society; it is only right that their commitment and hard work is recognised and they are allocated a position on the Forum. The Community Relations Council would like to be considered as a member of the Forum, and looks forward to working with our partners on this important development for Northern Ireland, whether as a key partner or as an interested constituent in the public debates.

Duncan Morrow
Chief Executive
Community Relations Council

CONSULTATION ON A FORUM ON A BILL OF RIGHTS FOR NORTHERN IRELAND

DISABILITY ACTION'S RESPONSE

NOVEMBER 2006

INTRODUCTION

- 1 Disability Action is a pioneering Northern Ireland charity, working with and for people with disabilities. We work with our members to provide information, training, transport, awareness programmes and representation for people regardless of their disability; whether that is a physical, mental health, sensory, hidden or learning disability.
- 2 More than one in five (300,000) people in Northern Ireland has a disability and the incidence is higher here than in the rest of the United Kingdom. Over one quarter of all families here are affected.
- 3 As a campaigning body, we work to bring about positive change to the social, economic and cultural life of people with disabilities and consequently our entire community.
- 4 Our range of services is provided from a network of 5 local offices, with 85 staff and 250 volunteers.
- 5 **Disability Action welcomes the opportunity to respond to this draft and to aid our response has put the relevant page/paragraph of the draft in brackets at the end of our comments.**

GENERAL COMMENTARY

- 6** Disability Action is a founder member of the Consortium on Human Rights and has been actively involved in the promotion of a Bill of Rights for Northern Ireland, we firmly believe that the “particular circumstances of Northern Ireland” dictate the need to include social and economic rights in any Bill of Rights for Northern Ireland. Our activities in support of our views have included:-
- surveying disabled people on their access to human rights protections
 - responding to all relevant consultations
 - working with political parties and the statutory organisations tasked with the protection of the human rights of adults and children.
- 7** Disability Action is dismayed that Mr Flatt, as Head of the Human Rights and Equality Unit has not ensured that the Unit’s headed notepaper includes a textphone number thereby immediately disadvantaging deaf people. (Cover Letter)
- 8** Disability Action welcomes the commitment to establish a Forum on the Bill of Rights and convene an early meeting. (Para 4)
- 9** We also welcome the commitments on inclusiveness, support and resourcing and the implicit recognition of the need for a short-life effective working group to undertake this sensitive piece of work. (Para 5)

SPECIFIC COMMENTARY

- 10** Whilst Disability Action welcomes this initiative, we are very conscious of the restrictive timeframe within which this consultation is being held and its lack of conformity with the Northern Ireland Office’s obligations under s75 of the Northern Ireland Act 1998. We would advise therefore that the work of the Forum demonstrates early and ongoing consultation, particularly with hard to reach groups. (Cover Letter)
- 11** As the Northern Ireland Human Rights Commission already has the statutory obligation to advise on the scope of any Bill of Rights, Disability Action strongly advises the issuing of a document detailing the respective roles of the Commission and the Forum, examining and clarifying the interfaces and delineating the specific and different responsibilities of the two bodies. (Para 7)
- 12** In relation to the Forum’s Terms of Reference Disability Action believes that unless there is absolute clarity, the Forum will waste valuable time in unproductive debate. We therefore propose the Terms of Reference should clarify the expectation that the Forum’s

task is to consider and agree on advice to the Northern Ireland Human Rights Commission on the structure and content of the Bill of Rights. (Para 7)

- 13** We agree with the proposed timescales but in the event of slippage would advise completion of the Forum's work no later than Human Rights Day, 10 December 2007. There are many pages of advice and comment on the proposed contents of a Bill of Rights and these should provide useful reference to the Forum's work. We would also advise that proper consultation with hard to reach groups including children and people with learning disabilities should be initiated as early as possible to ensure its effectiveness. (Para 8)
- 14** Disability Action believes that the status of the production of a set of recommendations **agreed** by a broad range of political parties and representatives of civic society should not be underestimated. Consequently we believe that these recommendations should carry due weight with the Commission and should be appropriately dealt with by the Commission in its advice to the Secretary of State. (Para 9)
- 15** We believe that the Chairperson should not only be independent, but should be an internationally established individual of note. This view has been formed by Disability Action due to the sensitive and probably contentious nature of the Forum's debates and the need for the demonstration of significant leadership and strength by the Forum's Chairperson in leading the group to the successful completion of this exceedingly difficult task. (Para 10)
- 16** Disability Action advises that the secretariat should be independent of the Northern Ireland Office for obvious reasons of perceived transparency and impartiality. (Para 10)
- 17** Disability Action **disagrees** with the proposed balance of 14 political representatives and 13 civic society representatives. The Northern Ireland Office should recognise the basic issue of equality and should be aware of the perception this will encourage among Northern Ireland's citizens. We therefore propose an equality of representation whether that number is 13 x 2 plus the Chair, or 14 x 2 plus the Chair: either 27 or 29 members. (Para 11)
- 18** Disability Action is disappointed that the section on civic representation is so weak. We advise that a set of criteria be developed for the selection of non-political representatives. Such a list should include demonstrating:-
- A sectoral presence rather than an organisational one
 - Representativeness and accountability mechanisms
 - Knowledge of human rights issues
 - A record of human rights work.

CONCLUSION

- 19** Disability Action has welcomed the opportunity, albeit within tight timescales, to contribute to this important consultation. We obviously believe that the disability sector should be represented on the Forum as we comprise 20% of Northern Ireland's population and experience abuses of our human rights on a daily basis.

Mr Jeffrey Dudgeon

A RESPONSE TO THE CONSULTATION ON THE BILL OF RIGHTS FORUM

Since the creation of the NI Human Rights Commission (NIHRC), I expressed continuous concern at the direction it took, and the waste of time and effort expended when it went immediately outside its remit, and the particular requirement in the Belfast Agreement. This was to advise on the scope of a possible NI bill encompassing rights supplementary to the ECHR, reflecting our particular identity and ethos etc.

I was a severe critic of the totally unrepresentative exclusive membership of the first Commission which destroyed its effectiveness even before it imploded. The second was an improvement but lacked any grit or sufficient diversity.

In response to this consultation and in the above context I therefore make the following proposals:

1. Membership

There must be significant balance in the non-political party membership of the forum. It should not be drawn overwhelmingly from the human rights industry, the equality professions and NGOs. It must have representatives of that liberal, secular and sceptical element of society, not tied to government and public sector funding, that is rarely now considered for public bodies, not to mention a traditionalist view.

The singular lack of a defined gay individual when other minorities were specifically sought out for NIHRC membership should be rectified on this forum.

2. Timescale

The timescale is far too short. Given a slower speed something might be achieved. An eighteen month span would be appropriate given that MLAs and others may well also be involved in a myriad of activities should the Assembly re-commence in March 2007. If you bounce political parties, in particular, to change too rapidly, things fall apart.

3. Terms of Reference

The Commission's remit in 1998 was to "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.**"

The above first sentence is the new forum's terms of reference yet I am not aware of a single document or piece of research in the last decade, in particular from the Commission, that addressed Northern Ireland's particular circumstances, our peoples' identity, and ethos, let alone

parity of esteem. This forum is obliged to start from a near blank sheet which is another reason why the timescale is dangerously brief.

The last sentence from the Belfast Agreement's text (in bold above) has been omitted from the new forum's terms of reference. This involved the concept of "both communities" and "parity of esteem". This omission is inappropriate and should be returned given that the Agreement is not only enshrined in law but its integrity is frequently regarded by government and key political parties as a constitutional imperative.

If the two communities concept is problematic the forum should say so rather than take it as read just because the Human Rights Commission immediately announced that it would interpret "both" as "any and all". There is no point in writing laws if the very exponents of rights enshrined in law turn them upside down on whims and conventional wisdom.

The possibility of no rights particular to Northern Ireland being found necessary for legislation and a provincial Bill therefore not considered appropriate or justified must be permitted to be an option for the forum. Given the existence of the ECHR and the subsequent Human Rights Act, and the aforementioned lack of interest in specific NI rights, this is an arguable case.

I am happy for this submission and my name to be made known to any enquirer and would expect to be advised of the name of anyone who so enquired.

DUP Response to a Bill of Rights consultation

Background

While the DUP supports a Bill of Rights for Northern Ireland the necessarily short time scale permitted by this consultation has not given the party the opportunity to consider participation in the Forum. However, without prejudice to our position we make the following comments.

In the event of devolution it will be necessary for any Bill of Rights to be passed by a cross-community vote in the Assembly. It will also be necessary for the legislation underpinning a Bill of Rights to be passed by Westminster. These two considerations should inform the nature of the process which the Forum should address.

Given the role of the Assembly in passing any Bill of Rights we believe that it is essential that it has the central role in the process of drafting the Bill of Rights. It is, of course, important that the Assembly's considerations are informed by the wider human rights community in Northern Ireland, but ultimately the final decision must rest with the Assembly.

Membership/Voting

We are satisfied with political representation being on the basis of the Preparation for Government Committee. We believe that only the political representatives should be voting members. To allow non-political members to vote may lead to a situation which could produce a Bill of Rights which could not command cross-community support in the Assembly or is likely to be acceptable to Westminster. Voting should be on the basis of consensus.

However, we believe that a more effective body would have a smaller membership with perhaps a membership of seven political members. This could be supplemented by a non-voting membership of another six members. It is clear that twenty eight members is not a recipe for a successful Forum.

It is important that the non-voting, non-political appointments reflect the wider community. These should not come solely from the human rights community, but should also reflect wider interests which may be affected by any Bill of Rights. Those who will not be involved in sitting on the Forum will be able to participate in the work of the Forum through giving evidence or supplying papers.

Reporting

We propose that the Forum informs a future Assembly and reports directly to the Secretary of State, rather than the Northern Ireland Human Rights Commission. The NIHRC can have a role in informing the consideration of the Forum and may wish to assist the Forum but this process should be regarded as separate from the ongoing work of the NIHRC.

Chairman

The chairman of the forum should ideally be a person from Northern Ireland with a background at least equivalent to that of a County Court Judge in Northern Ireland. We do not support the suggestion that there should be a person appointed from outside the United Kingdom.

Timing

We believe that it is unrealistic to expect the Forum to report by next September. We believe that a target of the end of next year would allow fuller consideration of the matters.

Remit

In order to avoid unrealistic expectations in relation to a Bill of Rights for Northern Ireland, the Government should set out a clear indication of the parameters within which any Forum should operate. This is crucial in creating a process which is likely to succeed.

Conclusion

While we are happy to discuss the suggestions set out above we believe that unless this Forum is grounded in political reality it is in danger of proving to be a unnecessary waste of resources. We are not prepared to participate in, or lend credence to such a process.



Re: Consultation on a Forum on a Bill of Rights for Northern Ireland

The Equality Commission welcomes the opportunity to respond to your consultation on a Forum on a Bill of rights for Northern Ireland.

Consultation period

The Commission is concerned to note the two week consultation period. Respondents have only been given ten working days to produce a response to a policy matter of significant impact on equality and good relations in Northern Ireland and the Commission considers this to be inadequate.

You are of course aware of the obligations placed on the NIO regarding Section 75 and I reiterate the requirement on public authorities to engage in timely, open, inclusive and meaningful consultation and the NIO's Equality Scheme sets out the department's commitment to this. The Commission is also concerned that such a short timescale for consultation, coupled with the NIO's proposal to have the inaugural meeting of the Forum on 11 December, will exclude many individuals who wish to be or need to be involved.

The Commission welcomes the establishment of a Forum on a Bill of Rights, in recognition of the centrality of enshrining human rights to securing greater equality and good relations within our society.

Terms of Reference

The Equality Commission is broadly content with the terms of reference for the Forum as making recommendations to inform NI Human Rights Commission's (NIHRC) advice to government given that the NIHRC is required to provide, to the Secretary of State for Northern Ireland, advice on the scope for a Bill of Rights. It is of course important to set a timescale on the task given this has been a long-standing government commitment.

We recognise the extensive work undertaken by the NIHRC to date on a Bill of Rights. It is nevertheless critical that the Forum's capacity to make credible recommendations that reflect need and have a broad level of support across NI society, should not be unduly restrained by an unmanageable timescale.

The Commission urges the NIO to ensure that the Forum's recommendations form the basis for extensive engagement and consultation with the Northern Ireland public and with individuals and groups whose rights have not been historically protected and who have experienced inequalities and exclusion as a result.

Membership of the Forum

The Commission would wish to ensure that membership of the Forum reflects Northern Ireland society and in particular has participation and/or representation from groups who have experienced exclusion. The Forum should also benefit from the participation of individuals and/or groups who have a particular expertise in equality, good relations and/or human rights, and/ or are representative of those interests. It is important that the multiple identities of individuals are recognised and that no one individual should be seen or expected to wholly represent the views of a particular constituent group. It is important that Section 75 principles and obligations are adequately reflected in the membership and work of the Forum.

The Commission welcomes the proposal that the Chair is an independent one. It is important that the Chair has sufficient expertise and "standing" in the human rights field to provide authority and credibility for the Forum and to ensure that achievable recommendations are made. Given the Commission's concerns, as outlined above, on the proposed timetable for the establishment of the Forum, there is a risk that a skilled and expert Chair may not be identified and/or available within the timeframe proposed and in this regard, there needs to be a degree of flexibility to ensure priority if given to securing a Chair who has the appropriate expertise and skills.

Given the very clear nexus between equality and human rights, and the inter-relationship between recommendations on a Bill of Rights and the Equality Commission's recommendations to government on a Single Equality Act, the Commission will be maintaining a "watching brief" on the Forum's deliberations.

The Equality Commission's unique experience of delivering its legislative remit on equality, good relations and anti-discrimination may also inform the Forum's recommendations. We would suggest it would be useful to both the Forum and the Equality Commission for it to have *observer status* at the Forum. The Commission would welcome the NIO's recognition of our particular role by granting this provision.

Finally, the Commission wishes you every success with the establishment of the Forum – and the Forum every success with its important task. I am happy to discuss the Commission's response to the consultation in more detail and if you have any further queries on our response or other related aspects of our work, please do not hesitate to contact me.

HELP THE AGED WE WILL™

28 November 2006

Re: A Forum on a Bill of Rights for Northern Ireland

Dear Sir/Madam

Help the Aged welcomes the opportunity to respond to the consultation paper on A Forum on a Bill of Rights for Northern Ireland.

The work of Help the Aged is about facilitating and enabling older people to remain in control of their lives. We work through a partnership approach with older people as equal partners. In addition, we also work with other agencies through an age sector approach to influence future policies. The work is aimed towards practical services as well as campaigning and lobbying on a range of issues. Older people are directly involved in this work. As an organisation we are committed to combating poverty, promoting quality in care, reducing isolation and defeating ageism.

Inclusiveness – A key principle for the Forum

We recognise it is important that the size of the forum should be manageable in order to allow the debate on a Bill of Rights to progress. As a result deciding on total membership that is of a manageable size makes it difficult for all interested groups from civic society to be included. To this end we recommend the following should be considered when undertaking the selection process of civic society representatives:

- The selection process – we believe that the rationale behind the process should be outlined and criteria developed and applied equitably to ensure that the decision-making process of civic representatives is clear, fair and consistently applied;
- Engagement with the wider group of stakeholders - some key questions to consider should include: How will the Forum ensure that interested parties who are not members of the Forum are included in the ongoing debate? How will the civic society representatives of the Forum feed back to interested parties of the wider group of stakeholders? We believe that it should be an essential requirement of the Forum to engage with the wider group of stakeholders. To this end a clear mechanism must be established to ensure an inclusive engagement process, linking the Forum effectively with

interested stakeholders. The Forum should also have the resources available to carry out this requirement;

- Previous Bill of Rights Consultation – we agree that the Forum should build on the consultation already taken place but specifically we believe consideration should be given to the consultation responses provided to the Northern Ireland Human Rights Commission (NIHRC) as part of that consultation. This will provide the Forum with the opportunity to gain direct understanding of the views contained within the submissions of interested stakeholders.

Civic membership and the role of the community and voluntary sector

In terms of the qualifying number of civic society representatives we believe there should be equal representation between civic society and political membership: that is, 14 political representatives and 14 civic society representatives. We believe this would benefit the debate process by way of signalling to all interested parties that there is equal ownership and involvement between politicians and civic society: an unequal share of membership between these two key groups has the potential to deflate the much needed motivation and willingness among civic society representatives. In addition we believe the independent chairperson should have the capacity to vote, allowing the allocation of a casting vote. With our suggested membership arrangement there is a much wider scope for fairness and equality within this all important debate, providing an equal share of membership between politicians and civic society including a significant casting vote of the independent chairperson.

We believe that the community and voluntary section must be given majority membership within civic society representation. The rationale behind this is due to some key aspects of the community and voluntary sector, which include the following:

- The sector represents a wide range of disadvantaged and vulnerable groups within society, of which the Bill of Rights will aim to protect;
- The sector has daily engagement on the ground with civic society and to this end has a clear understanding of the issues affecting society;
- The sector has a track record of representing the views of such a wide range of groups and therefore could provide a valuable contribution to the Forum's debate on a Bill of Rights.

A majority membership of the community and voluntary sector would ensure necessary representation that would allow the Forum to achieve its term of reference with regard to reflecting the particular circumstances of Northern Ireland.

An independent and internationally reputable Chairperson

We support and agree that the Chairperson must be fully independent with an understanding and experience of human rights but we would add that there is a need for the person to have an international and reputable status. We believe that in order for the Forum to achieve any progress on this debate, a Chairperson of international status would greatly assist this process on



Home Office

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account of an assumed absence of subjective opinion that would ordinarily compromise any independent stance on the debate.

Our Ref **TO 82962**
Your Ref
Date **7 December 2006**

We would like to be kept informed of the progress and outcome of the consultation and look forward to any feedback arising from our response.

CONSULTATION ON A FORUM ON A BILL OF RIGHTS FOR NORTHERN IRELAND

Thank you for your letter of the 14 November inviting comments on the establishment of a Forum on a Bill of Rights for Northern Ireland. It was sent to the wrong department which has resulted in an internal delay for which I apologise.

We welcome the positive move forward as set out in the Good Friday agreement. Of the specific consultation points the draft terms of reference and the proposed timescales seem eminently sensible.

As you have said you feel the size of the Forum is probably at its upper size limit already. Therefore the only request that the Home Office would wish to make is

with regards to the membership of the Forum. We would welcome the involvement of community groups that are able to represent the wider interests of ethnic minorities and the particular needs that surround immigration.

I hope you find the above helpful and supportive.

Yours sincerely

**Tom Dooley
Better Regulation Team**



**Consultation on “A Forum on a Bill of Rights
for Northern Ireland”**

Response from the Human Rights Consortium

November 2006

The Human Rights Consortium is a coalition of over one hundred community groups, non-governmental organisations and trade unions who together campaign for a strong and inclusive

Bill of Rights for Northern Ireland (see list of membership attached). Over the last six years, the Consortium has sought to raise awareness of and participation in the Bill of Rights process among churches, political parties and civil society more generally.

Over the last number of years specifically the Consortium has been lobbying the government to push for movement on its commitment in the Joint Declaration in 2003 to establish a Roundtable Forum of political parties and civil society to move the Bill of Rights forward. We have also been meeting with the political parties to encourage their participation in this Forum.

The Human Rights Consortium is therefore pleased that progress is at last being made in establishing the Forum. This is clearly a unique opportunity to bring political parties and civil society together to discuss the rights we would like to see protected in a Bill of Rights, and as such will also serve as an effective way of encouraging debate among wider society about this important issue.

In order to encourage debate about what form the Roundtable might take, the Consortium had previously developed a set of general principles that should inform discussions and decisions around chair, terms of reference, representation and so on, which are attached as Appendix 1 to this document. These principles have been previously submitted to government and discussed in our various meetings with political parties.

In response to government's consultation paper, the Consortium would like to reiterate and reaffirm these principles and urge that they be adopted in any final decisions taken. Below we highlight a number of areas where we believe the proposals on the consultation document fall short of the Consortium's principles.

Remit, procedures and timescale:

Remit: the Consortium is concerned that the remit of the Forum, as presently constituted, will lead to confusion as to the demarcation of roles between the Forum and the NI Human Rights Commission (NIHRC). In particular, the terms of reference seem to suggest that the Forum will simply submit recommendations for the NIHRC to consider in preparing its advice to the Secretary of State. This does not properly respect the different and complementary roles to be played by the Forum and the NIHRC.

The Consortium agrees with the need for the NIHRC to remain independent of the process, exactly because of its statutory role. Equally, however, the aims of the roundtable forum that we articulate envisage **agreement** on the content of a Bill of Rights being reached in the Forum between civil society and political parties – indeed it has always been our understanding that this was the intention and purpose behind it. It therefore seems disingenuous to invite political representatives and representatives of civil society to spend time negotiating and agreeing the structure and content of a Bill of Rights if the NIHRC is only required to **consider** this in preparing its final advice. The Consortium instead proposed that the NIHRC be given the role of commenting on the Roundtable proposals from a legal and technical perspective in giving its advice to the Secretary of State. This would ensure that its statutory role of presenting advice to the Secretary of State is respected, but that due weight has been given to the work of the Roundtable. If agreement is reached in the Roundtable discussions on the structure and content

of a Bill of Rights, this will be an extremely important achievement, and should be recognised as such.

Timescale: the Consortium would suggest that the timescale of the process be extended to one of at least twelve months for a number of reasons. Practically speaking, we would imagine that several months would be taken up arranging logistical details such as venue, secretariat, interpreting terms of reference and agreeing decision-making procedures, modus operandi etc. There will also presumably be a break of several months over the summer period. In reality therefore, this would give approximately only five months of concentrated work and outreach. Given the range of activities which we believe the Roundtable must engage in to genuinely encourage debate and engagement in the process, we feel the current timescale will be insufficient to allow this. It may be timely and appropriate, for example, for the Forum to present its recommendations in celebration of International Human Rights Day next year, which falls on 10th December?

We agree, and indeed highlight in our principles, that the work of the previous Commission should be taken into account – in particular, the Commission ran an extensive consultation, and the material generated in this should be made available to the Forum. However, we would point out that the proposals for a Bill of Rights produced by the previous Commission lacked widespread support, both from civil society and political parties. So while the Forum may take account of the work carried out by the Commission under the leadership of Professor Dickson, we would caution against taking account of the final working document produced by that Commission or giving excessive weight to such proposals.

Chairperson:

While we welcome the assertion that the Chair will be fully independent and will have understanding and experience of human rights, the Consortium is disappointed that no reference is made to s/he being a person of established international reputation. Given the often contentious nature of discussions around human rights in Northern Ireland, and the particular challenges that will be faced in the process of reaching agreement on the structure and content of a Bill of Rights, we feel someone of international reputation would be best placed to facilitate this discussion.

We would also highlight that our principles refer to the resources provided to the Forum being sufficient to allow it to have its own independent secretariat – which is not reflected in this consultation document. We feel it is extremely important for the Chair to feel comfortable and confident in the independence and strength of his/her secretariat, which will be best achieved by allowing for appointments of their choosing.

Membership:

The Consortium is opposed to the current proposal that fourteen seats on the Forum be allocated to political representatives and thirteen to civil society representatives. This effectively gives a casting vote and unfair advantage to political parties. We therefore request that the Forum be made up of an equal number of representatives of political parties and civil society as contained in our principles. We agree with the contention that the size of the Forum must be manageable,

but would argue that the representation be increased to twenty eight plus chair, totalling twenty nine.

On representation from civil society, the Consortium is disappointed that the government did not provide further details or ideas on structure, but rather invited respondents to suggest organisations to be represented. This approach is most unhelpful, and we would suggest that in deciding which organisations are represented, the government must provide a clear rationale and explanation for their inclusion, of which experience and knowledge of human rights should be a factor.

For its part, the Consortium is not arguing for a seat for itself, since we take no position on the content of a Bill of Rights and would not be able to represent the views of our numerous and diverse members. It would thus not be appropriate to usurp a seat when we would be unable to vote on matters of content. We would propose, however, that the Consortium could be given an official observer status, which would enable us to act as a conduit for information among our membership and beyond.

On the non-exhaustive list of sectors proposed, the Consortium would argue that given the long history of the community and voluntary sector in working on and advocating for human rights, it is uniquely placed to contribute to this debate and should thus be allocated an appropriate majority of seats among the civil society representatives on the Forum.

In support of this claim, we would point out that the community and voluntary sector comprises some 4,500 organisations, who in turn represent hundreds and thousands of people across Northern Ireland. Many of these organisations work particularly with the most vulnerable and marginalized sectors and individuals in society, and have a track record and expertise in working on and campaigning for human rights and equality. Thus, while we recognise that churches and business groups may need to be included in these discussions, we feel that the more practical expertise in this area lies within the community and voluntary sector, human rights groups and the trade union movement. Those sectors represent, work with and advocate for hundreds of thousands of the most marginalised and excluded members of society, for whom a Bill of Rights is of central importance. A Bill of Rights that does not meet the needs of wider society, and especially those who are most vulnerable, will not fulfil its purpose. It is therefore key that their voices are adequately heard in any such discussions.

We would also like to stress that rather than it being “open to the Forum to seek the views of these beyond its immediate membership,” this must be obligatory. The Consortium would argue that the activities included in our general principles (e.g. public meetings, travelling around Northern Ireland, publicity etc) should be the minimum level of engagement that the Forum sets itself. The Forum must not become an elitist talking shop, but rather genuinely facilitate discussion and debate among wider society on the rights that they want to see protected in a Bill of Rights. Only in this way can the Forum reach its full potential in this unique opportunity to develop a set of rights for all and in doing so create a better, more just, inclusive and shared Northern Ireland.

Human Rights Consortium membership (as of November 2006)

Action on Medical Negligence Association
Advice NI
Age Concern NI
Al-Nisa Assoc. NI
Alternatives NI
Amnesty International
Ballee Environmental Project
Barnardos
Belfast & District Trades Council
Belfast Carers' Centre
Belfast Travellers Education and Development Group
Belfast Unemployed Resource Centre
Belfast Women's Training Services
Carers NI
Centre for Global Education
Child Care NI
Children's Law Centre
Chinese Welfare Association
Coalition on Sexual Orientation
Committee on the Administration of Justice
Community Change
Community Development & Health Network
Community Dialogue
Community Restorative Justice Ireland
Confederation of Community Groups Newry
Conference of Religious of Ireland
Conflict Trauma Resource Centre
Contact a Family
Corrymeela Community
Council for the Homeless NI
Democratic Dialogue
Dennett Interchange
Derry Trades Council
Disability Action
Ely Centre
EPIC
Family Planning Association NI
Foyle Friend
Groundwork NI
Help the Aged
HIV Support Centre
Housing Rights Service
Include Youth
Indian Community Centre
Institute for Popular Economics

Interaction Belfast
Intercomm
Latinoamérica Unida
Law Centre NI
Linc Resource Centre
Low Pay Unit (Ireland)
Making Women Seen and Heard
Mencap
Multi-Cultural Resource Centre
Nexus Institute
Newstart Education Centre
NIACRO
NI Attention Deficit and Hyperactivity Family Support Group
NI African Cultural Centre
NI Anti-Poverty Network
NI Assoc of Citizens Advice Bureaux
NI Business Education Partnership
NIC - Irish Congress of Trade Unions
NI Council for Ethnic Minorities
NI Council for Voluntary Action
NI Public Service Alliance
NI Women's Aid Federation
NI Women's European Platform
NI Youth Forum
NUS-USI
North West Community Network
NW Consortium on Human Rights
North West Forum of People with Disabilities
Old Warren Partnership
Omagh Forum for Rural Associations
One World Centre NI
Organisation of the Unemployed NI
PAKT (Lurgan)
Parkanaur College
Pat Finucane Centre
Peace People
POBAL
Relate NI
Rethink Severe Mental Illness
Rights in Community Care
Rural Community Network
Save the Children
Simon Community NI
Social Economy Agency
Soroptomist International
Springboard
St Columbs Park House

South Tyrone Empowerment Programme
STEER Mental Health
Training for Women Network
Traveller Movement NI
Ulster Human Rights Watch
Ulster People's College
UNISON
Upper Springfield Development Trust
Victims Support NI
WAVE Trauma Centre
West Belfast Economic Forum
West Belfast Partnership Board
Willowbank Community Resource Centre
Women's Information Group
Women into Politics
Women's Resource and Development Agency
Women's Support Network
Women Together Moving On
Worker's Educational Association
Young Citizens in Action
Youthnet



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Northern Ireland Office Consultation Paper:
A Forum on a Bill of Rights for Northern Ireland**

Response of the Northern Ireland Human Rights Commission

1. The Northern Ireland Human Rights Commission (the Commission) was established on 1 March 1999 as a result of the Belfast (Good Friday) Agreement 1998. Its core functions, the protection and promotion of human rights in Northern Ireland, are detailed in sections 69 and 70 and Schedule 7 of the governing legislation, the Northern Ireland Act 1998.
2. At section 69(7) of that Act, the Commission is required to provide, to the Secretary of State for Northern Ireland, advice on the scope for a Bill of Rights:

s69 (7) *The Secretary of State shall request the Commission to provide advice of the kind referred to in paragraph 4 of the Human Rights section of the Belfast Agreement.*

The relevant passage in the Agreement provides as follows:

The new Northern Ireland Human Rights Commission [...] will be invited to consult and to 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. Among the issues for consideration by the Commission will be:

- the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and*
- a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.*

3. The Commission has since its inception regarded the formulation of this advice as one of its highest priorities. It is clear from the particular phrase in the Agreement, "to consult and to advise", that prior consultation is an essential element of the exercise, and that responsibility for formulating the advice lies with the Commission. The Commission needs to ensure that consultation with the general public, with political parties and with civil society organisations, is properly conducted, extensive and inclusive, and at the same time, that it does not in any way compromise the independence of the Commission derived from its statutory mandate.
4. On 1 March 2000, the Commission launched a major consultation process on a Bill of Rights, which has involved several major public events, a large scale advertising campaign, capacity building exercises including 'training for trainers', and direct engagement with dozens of community organisations. Literally thousands of people, including children and those vulnerable groups whose rights are in most need of protection, have been engaged in meetings, conferences and seminars, submitting hundreds of responses and other correspondence throughout this process. While acknowledging and paying due regard to the submissions received during the consultation to date, and to the work already done, Commissioners are committed to taking their own minds and fulfilling their statutory obligation to formulate their advice independently.
5. The Commission has always acknowledged the desirability of securing the greatest possible degree of popular and political support for its proposals prior to submitting final advice to the Secretary of State. To this end, the idea of a round table, or forum, of political parties and civil society was proposed by the Commission, and the UK and Irish Governments confirmed their support for this proposal in the Joint Declaration of April 2003.

Since then, the Commission, amongst others, has actively encouraged the establishment of the Forum. It has engaged constructively with political parties and civil society groups, including regular liaison with the Human Rights Consortium and a meeting on 5 October 2006 with what was then the Preparation for Government Committee. The Commission welcomed the agreement at St Andrews to establish a Forum, with its inaugural meeting in December 2006.

6. It does need to be acknowledged however, that having discussed this initiative for some three years, it is unfortunate that the implementation should have to be condensed into such a short period of time. It is important that the constitution and functioning of the Forum are not compromised by this timescale.
7. The Commission agrees that the appointment of a Chairperson who is, and has been, independent of the process to date and who is of international standing, will be very important. She/he should have proven international experience of negotiation, and have relevant human rights knowledge and expertise. To identify and secure the services of such an individual at such short notice and for an extended period of time will no doubt be difficult. It is, however, critical to the success of the Forum that this appointment should not be devalued in any way as a result. The role of the Chair will be pivotal to the effective functioning of the Forum.
8. Conscious that not all parties were engaged in the discussions on a Bill of Rights round table leading up to the Joint Declaration in 2003, it is important that the Forum be inclusive of all Assembly parties. The representation of wider civil society should be equally inclusive and should reflect the obligations described in section 75 of the Northern Ireland Act 1998.
9. In light of its statutory responsibility to submit the final advice on the Bill of Rights to the Secretary of State, the Commission is committed to retaining its independence from the Forum. Wishing to be kept apprised of its progress, we would recommend that the Commission be afforded observer status, with a permanent, non-participative presence at Forum meetings. Any direct engagement of the Commission would be through the Chief Commissioner, in a process quite distinct from the observer role.
10. The Chairperson should also determine the appointment of an independent secretariat and the Government should make available

whatever resources are deemed necessary by the Chair to ensure that the Forum is adequately provided with the support and information needed to function effectively. This may include securing the advice of independent experts on international human rights law, constitutional law, domestic human rights issues and any other topics on which the Forum requires support.

11. The Commission agrees that it is helpful to have a time frame within which to complete the work of the Forum. In December 2005 the Commission factored the Forum into its work plans and the period of its deliberations will clearly have an impact on the Commission's own output. There may however be a need for some flexibility in the proposed date of completion given the wider political timetable of elections in March. Much will depend on the commitment of members and the Chair's ability to secure the necessary support and advice within the given period.
12. Conscious of its mandate through the Belfast (Good Friday) Agreement 1998 and the Northern Ireland Act 1998, the Commission looks forward to receiving the report of the Forum which will be of great value in informing the Commission's final advice on a Bill of Rights for Northern Ireland to the Secretary of State. The outcome of the deliberations of the Forum should be of great benefit to this process. To avoid any possible fettering of our discretion in providing final advice, the Commission needs to protect its independence from the Forum and will not therefore comment on the proposed terms of reference. It would also be helpful in this regard if the Forum were to remain conscious of its independence of the Commission as it conducts its deliberations.
13. The Commission will be happy to accommodate the Forum in the provision of published documents and archived materials on request. In addition, a paper will be provided which outlines the process to date and the core elements of potential advice. This will include an earlier paper provided to the Minister of State, David Hanson MP, on the Commission's current thinking. The Commission will be readily available to contribute to the Forum's deliberations as appropriate, and would suggest that this would best be done by way of written communication between the Chair and the Chief Commissioner. The Chief Commissioner would welcome an early opportunity to make a presentation to the Forum.
14. In conclusion, the Commission wishes the Forum every success and assures its Chairperson and members of the fullest cooperation possible, while protecting a necessary independence from the

process. The Commission looks forward to receiving the agreed conclusions of the Forum.

28 November 2006

Roundtable Forum on the proposed Bill of Rights – General Principles

The Human Rights Consortium is a coalition of over one hundred community groups, non-governmental organisations and trade unions who together campaign for a strong and inclusive Bill of Rights for Northern Ireland. Over the last four years, the Consortium has sought to raise awareness of and participation in the Bill of Rights process among churches, political parties and civil society more generally. More recently, there has been a proposal that a Roundtable Forum comprising politicians and civil society be established to move the Bill of Rights debate ahead. The Consortium warmly welcomes this proposal, and urges the government to establish it as soon as possible. With this in mind, the Consortium has agreed a number of general principles which may help inform the establishment and operation of this Forum, as follows:

Aims of Roundtable Forum:

- Provide the opportunity for civil society and political parties to reach agreement on the rights and values that we wish to see carried forward into Northern Ireland's future.
- Develop a consensus among the political parties and wider civil society on the Bill of Rights.
- Agree and draft provisions of a Bill of Rights for Northern Ireland and present these to the Secretary of State.

The Roundtable Forum will:

- Engage political parties and civic society in the debate on the Bill of Rights.
- Have an independent chairperson.
- Be adequately supported and resourced, including by its own independent secretariat.

The Consortium believes that the Chair of the Forum:

- Should be a person of established international reputation.
- Have knowledge and experience of human rights principles.
- Should be experienced in political negotiation and the implementation of reform.
- Should be independent of both governments.

Process:

- The Roundtable Forum must be guided by principles of openness, transparency, inclusiveness and accessibility.
- Hearings should be held in public, in a variety of locations – with oral testimony to help reinvigorate the debate and develop ownership of the process.

The Roundtable Forum will be adequately supported and resourced so that it has/can:

- An independent and fully supported secretariat.
- Appoint experts, advisers or technical drafters as necessary.
- Set up a base for meetings in Belfast.
- Travel around Northern Ireland to hold meetings.
- Facilitate participation of interested groups in the process.
- Produce and widely disseminate information on the Bill of Rights debate.
- Engage in publicity (TV, radio and media) on the process.
- Publish and disseminate its findings.

Civic society representation:

- Representation should be drawn equally from elected politicians and civil society and be fully reflective of society, including but not limited to gender, race, disability, sexual orientation, age, religious belief and political opinion.
- There must be an opportunity for all sectors of civil society to participate.
- There must be a number of seats available to groups who have a particular expertise in human rights more generally.
- Where ‘umbrella groups’ are appointed to represent a variety of interests on the Forum, they should set up a system of communication with their broader membership bases to ensure that their contribution does routinely reflect those wider perspectives.

Decision-making:

- No one participant or group should be allowed to ‘veto’ proposals.
- Decisions should be made on the basis of broad agreement.
- Decisions should be made on the basis of the following criteria:
 - No undermining of current international/regional protections.
 - Recognisable gains, especially for the most disadvantaged.
 - Effective enforcement mechanisms.
 - Represent the diversity that is Northern Ireland.
 - Promote equality for all.
 - Move beyond the ECHR to include in particular socio-economic rights.

Role of NIHRC:

- Should remain independent of the roundtable process.
- Forum should build on the work carried out by the Commission to date.
- Commission could comment on the final Roundtable proposals from a legal and technical perspective in presenting to the Sec of State its final advice.

Role of government:

- Listening brief.
- Provide adequate resources to the process.
- Commit themselves to implement the Forum's proposals where these have widespread support and meet the criteria outlined above.

**RESPONSE TO CONSULTATION PAPER ON
A FORUM ON A BILL OF RIGHTS FOR NORTHERN IRELAND**

**Mr TJ McCullough
83 Donegall Park Ave
Belfast
BT15 4FQ**

Thos45@btinternet.com

I would like to thank you for the opportunity to respond to this consultation document on A Forum on a Bill of Rights for Northern Ireland.

Terms of Reference

In general I would agree with the terms of reference although the wording currently stated is very ambiguous and this may lead to the TOR meanings being adapted to suit various groups own perceptions. I would suggest the wording to be strengthened.

Timescales

The timescales for setting up the forum and for the forum to complete its task is very tight. Given the vital importance of this forum and the fact that the structure has still to be decided I would suggest that an extension to December 2007 thus allowing the forum a full year to conduct its business.

Chair

It is essential that an open and transparent method of filling this very high profile post is considered.

Structure

I agree that the Forum should reflect a broad range of political and social opinion from our society. On the political make up of the Forum I would disagree with the method of allocation for the political parties. I would recommend that each political party provides a singular representative. This would therefore allow the remainder of the forum to include a wider representation and a broader viewpoint from within our society.

Representation on the Forum

The requirement of this consultation is to ensure the inclusiveness of the broad spectrum of society is recognised and therefore it is essential that community groups, NGO's, trade unions, churches and individuals with a background in dealing in human rights should be considered. Those representatives that will take part in the forum should be gender proofed and have a proven record in the

area of rights for all. I would discourage the practice of boxing off organisations into one group and then picking out a representative to act as spokesperson. A balance of Political, NGO, Community Groups, Church, and Individuals is



Law Centre (NI)

essential. Also I would suggest a second tier of observers from the Civil Service as they will be the body that will implement and support actions from this Forum.

Introduction

Law Centre (NI) is a non-governmental organisation that works to promote social justice. It provides specialist legal services to member organisations and disadvantaged individuals through our advice line and our casework services from our two regional offices in Northern Ireland. We also deliver training, publications and policy services to our members.

The services are provided to almost 500 member agencies. Members include local Citizen Advice Bureaux, independent advice agencies, local solicitors, trade unions, social services, probation offices, constituency associations of local political parties, libraries and other civic organisations.

Given the considerable delay that has characterised the progress of establishing a Forum, we are concerned that the period for consulting on this important initiative has been compressed into a two week period. This does not afford adequate time for community and voluntary and other groups to consult widely with their membership in formulating a response.

Law Centre (NI) is a member of the Human Rights Consortium and we endorse its general principles for the Forum. We welcome progress on the establishment of a Roundtable Forum. Below we set out our key concerns with the proposed remit, composition and timeframe set out for the work of the Forum.

Comments on Consultation on a Forum on a Bill of Rights for Northern Ireland

The commitment is to a 'body that commands widespread support from the political parties and wider civic society.' We submit that the following issues need to be addressed in order to realise this commitment.

1. General Principles: the principles of openness, transparency and inclusiveness should underpin the work of the Forum. This means that all proceedings should be

open, public and accessible and that documents made available to the Forum should also be publicly available. Inclusiveness does not simply refer to the representativeness of the Forum but to its *modus operandi*. A key aspect of this must be engagement with wider society in order to encourage widespread understanding of the Forum's work. The Forum should therefore be specifically tasked with outreach work to maximise participation by civic society. An independent secretariat, appointed by the Chair and/or members of the Forum should be resourced with sufficient funds to facilitate outreach work and to ensure the Forum is able to operate according to these general principles.

Recommendations:

- **The work of the Forum should be conducted in accordance with the principles of openness, transparency and inclusiveness;**
- **An independent secretariat should be appointed by the Forum;**
- **The Forum must engage in outreach work.**

2. *Remit*: Our first concern in relation to remit relates to the Forum's obligation to produce 'agreed recommendations'. We note that the Forum will 'itself decide on the procedures it will follow in producing agreed recommendations'. It is unclear, however, whether this suggests an imperative to work towards consensus. We recognise the powerful mandate that goes with consensus decision-making and it will be important for the Forum to work towards consensus where possible. Equally, however, it is well understood that the need to reach consensus decisions can not only stifle creative thinking but can also lead to outcomes which reflect a 'lowest common denominator' approach. We therefore consider it preferable that the Forum should be free to engage in and express divergent views reflecting the complexity of human rights issues, relieved of the need to reach consensus on all occasions. The ability of members of the Forum to openly reflect the tensions in the group on certain issues and to express their disagreement with a majority recommendation by way of minority opinions would, we believe, pose no serious threat to the work of the Forum. We see no difficulty in the outcomes of decision-making in the Forum being reflected in the Forum's final report e.g. through a statement of where agreed recommendations have and have not been achieved and the number of representatives who could not agree on those particular recommendations.

Our second concern refers to the Forum's remit to inform the NIHRC's advice to Government on the bill of rights. We recognise that the NIHRC has a statutory obligation to advise the Secretary of State on a bill of rights for Northern Ireland and is well placed to apply an overarching 'human rights proofing' to the Forum's recommendations. For these reasons, we are broadly content that the role of the Forum should be to 'inform the work of the NIHRC' *subject strictly to* a requirement that the conclusions of the Forum are given due and appropriate weight by the Commission and reflected in its final advice to Government. This is particularly important where, for example, these conclusions reflect an agreed or majority position in the Forum. Where the Commission seeks to amend or reject the Forum's recommendations, it should be required to provide detailed reasons explaining these decisions.

Our third concern relates to the role of the Commission in the work of the Forum. Given the Commission's distinctive statutory role in advising the Government on a bill of rights for Northern Ireland, we submit that it would be helpful if the Commission has observer status at the Forum. We note that the Commission intends to provide the Forum with a paper setting out its views on the important issues relating to a Bill of Rights.

Additionally, the Commission should be charged with assisting the work of the Forum through the provision of documentation, including that requested by the Forum. This material should be widely circulated beyond the Forum in order to inform civic society. This includes all material relating to the substantial body of work that has been done in relation to the Bill of Rights to date.

Finally, we are concerned that the remit does not actually refer to the Bill of Rights. Nor is there any reference to the changing demographics of Northern Ireland society in recent years.

We suggest the terms of reference should be:

'To produce through open, transparent and inclusive processes, including outreach work, recommendations to inform the NIHRC's advice to Government on the scope, structure and content of a strong and inclusive Bill of Rights for Northern Ireland, reflecting the particular circumstances of Northern Ireland and including rights supplementary to those in the ECHR and drawing on international instruments and experience.'

Recommendations:

- **That the term 'agreed recommendations' should not be taken to refer to consensus decision-making but that the Forum should produce recommendations reflecting its deliberations, highlighting minority opinions and issues of disagreement as appropriate.**
- **The NIHRC should be obliged to give due weight to the recommendations of the Forum in advising the Secretary of State on a bill of rights for Northern Ireland;**
- **That the NIHRC should have observer status at the Forum and be obliged to support the work of the Forum through the provision of documentation as requested;**
- **That the terms of reference should specifically refer to the Bill of Rights for Northern Ireland.**

3. *Timeframe*: the opportunity to frame a bill of rights through an inclusive process involving political representatives and civic society is a unique opportunity and must not be jeopardised by unrealistic time pressures. The proposed deadline of 30 September 2007 is unrealistic given the upcoming Christmas break; the anticipated election period scheduled for the spring and the summer recess. We strongly submit that the minimum timeframe for the Forum's work should be at least 12 months. This longer timeframe would enable the Forum to engage in outreach work. We would support the Human

Rights Consortium's recommendation that the Forum should report on International Human Rights Day 2007.

Recommendation:

- **The timeframe for receipt of the Forum's final report should be extended to at least 10 December 2007.**

4. Chairperson: the process of formulating a bill of rights in a post-conflict society can be highly contentious. It is therefore important that the Chairperson should not only have significant expertise (rather than simply 'an understanding and experience of human rights') and track record in the theoretical and practical application of human rights but also significant experience of and considerable skills in managing the work and deliberations of the Forum, mindful of the nature, form and remit of the body. A Chair who commands the respect of wider civic society and who can bring credibility to the work of the Forum points to a candidate of international standing. We would support the recommendations of the CAJ that the appointment should be verified with the UNHCHR and the Council of Europe.

Should it not be possible to identify such a candidate by the date of the inaugural meeting on 11 December, we would recommend that consideration be given to the possibility of proceeding on an interim basis with the appointment of a vice-chair to take forward the initial work of establishing the Forum with a view to the Chair being in post within the first quarter of the Forum's life. The vice-chair would be able to liaise with the Chair during this time and remain in post upon the Chair's appointment in order to provide continuity to the Forum.

Recommendations:

- **The Chair should be of international standing with expertise in the theory and application of human rights and highly skilled in managing this type of body;**
- **The appointment of the Chair should be independently verified by the UNHCHR/Council of Europe;**
- **Consideration should be given to proceeding on an interim basis with a vice-chair to commence the Forum's work, pending appointment of a Chair, where such a candidate is not immediately available.**

5. Membership: we agree that the Forum should be of a manageable size and would not wish to see the maximum membership increased beyond that outlined in the consultation paper.

We would expect the political parties to be cognisant of the need for appropriate balance in their nominations and that an appropriate balance reflecting gender, race, sexual orientation and disability is respected in relation to the composition of the civic society members. We also recommend that the civic society membership should be drawn from a range of bodies with recognised experience in human rights; an

understanding of the Bill of Rights process and whose work is with disadvantaged and vulnerable groups. Fully reasoned decisions must be made available as to the selection decisions for civic society membership of the Forum.

We would not wish to draw up a list of named organisations which should have a seat on the Forum. It is important, however, that there should be a role for those groups in civic society who have a broad and deep understanding of human rights. The recognised human rights expertise and standing within the ngo community and international human rights community of the Committee on the Administration of Justice and their long-standing involvement in the bill of rights debate in Northern Ireland points to a seat for the CAJ on the Forum. Beyond this we would not feel able to comment on which other groups should be allocated membership of the Forum.

Recommendations:

- **The civic society membership of the Forum should be drawn from those organisations with considerable understanding of human rights and the Bill of Rights process;**
- **Reasoned decisions must be provided about selection decisions;**
- **The CAJ should be allocated a seat on the Forum because of its recognised international standing and its twenty year track record on work on a Bill of Rights in Northern Ireland.**

Conclusion

The positive role that may be played in a post-conflict society by the process of negotiating and framing a bill of rights is now well-recognised. Process is vital to the ultimate product. It is therefore extremely important that the process is not rushed. The process must be independent, inclusive, open and transparent. Finally, it is equally important that a candidate who can command widespread credibility and effectively manage the complex debates about a bill of rights is available to lead the process.

We trust these comments are useful and we look forward to feedback from the consultation process.

For further information about this response contact:

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Northern Ireland Council for Voluntary Action

Response to NIO's Consultation on a Forum on a Bill of Rights for Northern Ireland

22 November 2006

Response to Consultation Paper on a Forum on a Bill of Rights for Northern Ireland

NICEM is an umbrella organisation representing the interests of black and minority ethnic groups in Northern Ireland. Currently we have 23 affiliated black and ethnic minority groups as full members, which represents most of the black and ethnic minority communities in Northern Ireland. Our vision is of a society free from all forms of racism and discrimination, where human rights are guaranteed. NICEM works in partnership, to bring about social change, by achieving equality of outcome and full participation in society.

NICEM endorses the response to this consultation of the Human Rights Consortium. NICEM has been an active member of the Consortium for many years focusing on the inclusion of social and economic rights into the Bill of Rights and the establishment of the Forum on a Bill of Rights. NICEM currently is represented as vice chair on the Board of the Consortium.

We welcome the setting up of the Forum, and feel that this is a positive step forward in the Bill of Rights process. We believe that it is important that the key principles underpinning and guiding the setting up of the Forum and the structures that are put in place are right at this stage to ensure that the Forum can fulfil its potential to create a space for dialogue and consensus on a Bill of Rights across society in Northern Ireland.

In this context, we fully endorse the principles that have been produced by the Human Rights Consortium and the response that the Consortium have produced. Given the timeframes involved we do not feel the need to repeat all the points made in that response here, but we would certainly expect the Northern Ireland Office to give a particularly strong weight to those comments as they have been endorsed by many organisations and should therefore count as more than a single submission.

We propose to highlight those areas that we feel are of particular importance from the perspective of the minority ethnic communities and elaborate on those points made by the Consortium where we feel this to be necessary.

Paragraph 7

NICEM concurs with the response of the Consortium in expressing concern that the remit of the forum will lead to confusion as to the demarcation of roles between the Forum and the NI Human Rights Commission (NIHRC). The Terms of Reference need to be clear especially in regard to working with the NIHRC. NICEM believes that the recommendations of the Forum should have a higher status than simply to 'inform the work of the NIHRC'. While we recognise that the Commission must retain its independence and its statutory function as regards the provision of advice to the Secretary of State, we feel that a stronger status for the recommendations of the Forum will not in any way take away from this and is necessary for the value of a consensus among political parties and civil society to be properly recognised. The relationship needs to be clearly set out at the start so as to ensure there is no confusion later.

NICEM is concerned that the Terms of Reference may limit themselves to consideration of the Bill of Rights in the context of the 'two communities'. It is crucial that the debate take place in the context of recognition by the Forum that the debate on a Bill of Rights for Northern Ireland goes beyond this.

Paragraph 8

We endorse the concerns regarding timeframe and would urge that while the process must have a timeframe for completion, this allows for sufficient debate and involvement amongst broader society. This is especially important in the context of minority rights, where the positive debate on what effective minority protection would look like is only now beginning and where much work needs to be done to engage the black and minority ethnic sector in these debates. This is also relevant to the Consortiums call for broader engagement by the Forum in outreach type activities, which again are especially essential in enabling the participation of excluded and marginalised communities.

We also feel that it is important that the processes that the Forum adopts are consistent with a rights based approach, including the broader participation, so as to ensure in particular that the representation of civil society is effective and respected.

Paragraph 9

We would urge caution in how the work on the previous proposals on the content of a Bill of Rights is taken forward. There needs to be a clear distinction between (a) the previous proposals from the NIHRC, which were extremely controversial if used as a starting point for discussion run the danger of drawing those involved back into divisive arguments, and (b) the vast amount of material that has been produced in responding to the debates, including much positive work reflecting the needs of those most marginalised and most in need of rights protection.

From NICEM's perspective it is also necessary to recognise that the context even for the later work needs to be recognised, in that the debate on minority protection in a Bill of Rights has, unfortunately, in the past focussed on what should *not* be in the Bill of Rights, rather than what should. We see this new stage in the process as an opportunity to put those arguments behind us and start with a positive discussion on how to ensure minority rights and protection in a Bill of Rights.

Paragraph 10

NICEM would like to stress the importance of the Chair being not only independent, but also of international standing. We very much welcome the commitment to the Chair having expertise and understanding of human rights, including international human rights instruments as we see this as essential if the debates are to be carried out in a way that reflects a rights-based approach and if the product of those debates is to carry credibility.

Paragraph 11

NICEM endorses the view of the Consortium that the membership must be equal in numbers between civil society and political parties. This is an essential pre-requisite for an equal working relationship, for inclusive dialogue and for the recommendations and results of the dialogue to have credibility.

We feel strongly that the majority of the seats for civil society must be taken by the voluntary/community sector and that these should be allocated in a way that ensures representation across the s. 75 equality groups.

NICEM fully agrees with the disappointment and reservations expressed in the Consortiums response to the request for the names of organisations to be put forward instead of focusing on which sectors should be represented. We would strongly argue that the black and minority ethnic sector is represented on the Forum, as this is essential to ensure that the debate does not become solely focussed on the 'two communities' issues and ignore the needs of other groups. We can also play a role to build more positive debates on the future of our society and the role of a Bill of Rights in that.

NICEM does feel that we would be best placed to represent the BME sector on the forum as we have both the experience and expertise as well as accountability structures. We have attempted to consult with the BME sector to ensure a voice in this process. Given the short timeframe this has been difficult, however we have had positive feedback from those who have responded, who endorse the position that we have set out on representation.

Conclusions

As we stated at the start, we very much welcome the setting up of the Forum, and have been active in the campaigning of the Consortium to see this happen. We are concerned that the Forum be established in such a way, in terms of membership, remit and status, that can see the great potential for building a consensus on a Bill of Rights across the whole of society in Northern Ireland achieved and look forward to seeing the results of the consultation and the final structure that emerges.

If you have any questions regarding this submission, please contact:

Tansy Hutchinson
Coordinator of Policy and Research

Forum on a Bill of Rights for Northern Ireland

Introduction

NICVA welcomes the government's commitment to establish a Forum on a Bill of Rights in December 2006, to have an independent chair, to be as inclusive as possible, and to be adequately supported and resourced.

In view of the lack of time available for consultation, we will offer several comments we consider key to achieving agreement about the rights people want protected in a peaceful and shared Northern Ireland.

Terms of reference

We would recommend expansion of the draft terms of reference to clarify that the Forum's report should have proper weighting, especially if it represents consensus between political

parties and civic society. Agreement among the Assembly parties has not been achieved to date and therefore agreed recommendations should represent more than a document to 'inform' NIHRC's advice to the Secretary of State. We would argue that NIHRC should be available as an independent resource of expertise and should comment on the final proposals from a legal and technical perspective before they are presented to government.

In order to help move the debate on we would warn against limiting discussion to well-rehearsed interpretations of additional rights that 'reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem'. To overcome the potential danger of 'getting stuck' in entrenched positions we suggest that the terms of reference should take account of demographic changes since 1998, the widespread public support for socio-economic rights and possess enough flexibility to facilitate the inclusion of rights such as environmental rights and others that may emerge as a result of further deliberation.

Timescale

We understand the reasoning behind the deadline of 30 September 2007 to facilitate NIHRC's advice to government. However we would argue that we have waited for many years for this opportunity and it would be a pity to rush the process which needs to engage with as many people as possible in civic society. We would recommend December 2007 to coincide with International Human Rights Day in order to promote openness and accessibility, reinvigorate the discussion and develop ownership. In fact we would urge that the Forum should take evidence in public at a range of locations across Northern Ireland. We would also argue that the Forum members need time to communicate with broad membership bases to ensure reflection of wider perspectives.

Chair

We welcome the statement that the chair should be fully independent with the skills appropriate to the performance of this high profile and demanding role. We would argue that the independent chair should be international with expertise in human rights in order to help facilitate agreement. We welcome the provision of a secretariat but would add the need for it to be independent and appointed by the chair.

Membership

NICVA agrees that the Forum should be reflective of a broad range of political opinion and civic society. We would argue that the main point of a Bill of Rights, apart from creating a culture of human rights for everyone in Northern Ireland, is the opportunity to make a real difference to the lives of the most disadvantaged. We would recommend that Concordia, as the representative body of the social partners, would be a useful vehicle for selecting members from civic society, with the balance in favour of groups which represent the most disadvantaged who traditionally have difficulty in voicing and accessing their rights.

We note the document's suggestion that the Forum should seek the views of those beyond its immediate membership. As stated above, NICVA would urge the importance of widespread engagement to encourage ownership of the Bill of Rights and therefore would argue that the Forum's role in facilitating discussion among wider society must be mandatory. We

recommended earlier that public hearings across a range of locations would be an important part of its remit.

We hope that this response proves useful and we look forward to feedback from the consultation.

Christopher McCrudden
Professor of Human Rights Law, University of Oxford; Fellow, Lincoln College, Oxford

I strongly welcome the establishment of the Forum, which I have been advocating for some time. I have only four brief comments to make on the Consultation Paper.

First, I am anxious that unnecessary confusion or uncertainty should be eliminated from the terms of reference of the Forum to the extent possible. With that in mind, it may be useful to clarify whether the omission of a sentence that is in the terms of reference of the NIHRC relating to the Bill of Rights under the Belfast Agreement should be regarded as significant. The sentence I am referring to is "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." Should the omission of this sentence in the draft terms of reference of the Forum be regarded as significant. I can imagine debate over whether the omission is significant. It would be useful for the Government to make clear one way or the other, otherwise further unnecessary delays may result. Otherwise, the draft terms of reference appear to me to be adequate.

Second, I am anxious that the NIHRC remain fully independent of the Forum to the extent that is necessary to ensure that its final advice on the Bill of Rights, in fulfillment of its statutory duty, will not be subject to challenge on the ground that it has compromised its independent judgment by too close involvement with the Forum. I would suggest, therefore, that paragraph 9 (regarding

the freedom of the Forum to decide what involvement the NIHRC might have in assisting the Forum's discussions) should specify that such involvement should only be to the extent that is compatible with its ultimate fulfillment of its statutory duty.

Third, it should be made clear in para. 5 regarding the first bullet point (on the secretariat), that the independent Chair should be responsible for establishing and selecting the secretariat, which should be independent of government although, perhaps, borrowing civil servants as necessary but always under the control of the Chair. The Secretariat, given the detailed nature of the issues involved, should adequately reflect the appropriate range of expertise necessary.

Fourth, in light of the third point, and assuming that the secretariat will have appropriate expertise, for example in comparative and international human rights, I do not consider it absolutely necessary that the Chair should have "experience of human rights, including international human rights instruments." I understand why this has been included but I believe that experience in other areas, particularly in negotiating with politicians (and problem solving) may be of more importance. Would it really be appropriate to rule out a George Mitchell because he did not have prior experience of international human rights instruments? I think not.

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A RESPONSE TO THE CONSULTATION ON THE BILL OF RIGHTS FORUM

The Presbyterian Church in Ireland welcomes the opportunity to respond to the Consultation on the Bill of Rights Forum, although it regrets the short time-frame for such an important consultation. The Presbyterian Church believes strongly that human rights must be protected in a way which promotes equality of respect for all.

TERMS OF REFERENCE

The draft terms of reference are acceptable insofar as they give an opportunity for the political parties and civic society to discuss the scope of any future legislation. The Presbyterian Church was critical of the previous Commission for going beyond its remit and trying to encompass all human rights legislation in one Bill of Rights. The Church believes that the proposals at that time were not sufficiently focussed.

TIMESCALE

While the proposed timescale for the Forum to report is very tight it is an acceptable aim, although it may not be achieved. The Church would certainly not favour a protracted process.

SIZE AND STRUCTURE

It is understandable that the proposal should limit the size to keep the body manageable, but 27 may be too small. This is especially so if more than half (14) are going to be politicians, who have other fora in which their voices can be heard (e.g. Preparation for Government Committee). While political opinion will be important, the Government should consider shifting towards civic

society, whose voice will not otherwise be heard. It is unlikely that 13 representatives will be sufficient to hear all legitimate interests from wider civic society.

ORGANISATIONS REPRESENTED

The range of interests suggested is acceptable, but care should be taken to ensure that genuine community concerns are addressed rather than those of particular interest-groups. The Churches, as bodies with strong community interaction, should be involved and we suggest it would be difficult to have fewer than 2 (or better 3) members to represent the range of interests and experience. The Government would need to consult on representation (perhaps with the leaders of the larger churches) depending on the numbers agreed.

The Presbyterian Church will be keen to play a full part in this important process.

Donald J. Watts (Rev. Dr.)
Clerk and General Secretary
Presbyterian Church in Ireland

27 November, 2006

CONSULTATION ON A FORUM ON A BILL OF RIGHTS SDLP RESPONSE

Introduction

The SDLP welcomes the opportunity to respond to the consultation on the terms of reference, membership and operation of a Forum on a Bill of Rights.

Given that a commitment to the development of a Bill of Rights was included in the Good Friday Agreement some 8 years ago and that the two governments subsequently committed to the establishment of a forum over three years ago, the party remains seriously concerned about the government's commitment to the achievement of this objective.

Having waited so long for action to take forward the forum, we nevertheless have concerns about the rushed nature of this exercise – the consultation lasting only two weeks, providing limited detail and yet proposing an initial meeting of the body under consultation within two weeks of the closing date for comments.

The party believes that a Bill of Rights can help to draw our community together, allowing us to agree a template for the new society we want to build. This critical piece of work must be approached with commitment, supported by adequate resources and given the time necessary for completion. To do otherwise would be to undermine the capacity of the Forum to achieve its potential.

Terms of Reference and role of the NIHRC

The SDLP believes that the agreed output from the Forum will be critical to the achievement of a Bill of Rights and should be acknowledged as such.

We believe that the proposal for a Forum is entirely consistent with this, provided that the Forum's advice is sent to the NIHRC. This is important, not least because the Commission will have an important role in human rights proofing the document.

Where agreement has been reached by the Forum, as the sub-group on the Bill of Rights agreed with the NIHRC, it *“would be expected that the Commission would also forward the agreed outcome of the Forum to the Secretary of State.”*

Where agreement has not been reached by the Forum on any matter, the Commission will also have a critically important role in recommending to the Secretary of State the way forward.

Regarding the terms of reference, the suggested requirement to “consider” the content and structure of the Bill might result in an unproductive debate about the type of output to be achieved.

We would accordingly amend the terms of reference to state:

“To reach an agreed view on the content and structure of a Bill of Rights for the purposes of 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.”

Regarding the role of the NIHRC in the Forum itself, we believe that the approach agreed by the sub-group with the Commission should be followed. That is to say:

- The Commission *“would be invited, at the request of the Chair, to provide papers and/or evidence which would keep the Forum informed of its work on the Bill of Rights and assist the Forum as regards work already undertaken by it through its own consultation”* and
- The Chair *“may also, on particular occasions, wish to invite the Commission to contribute, following a request from the Commission to do so.”*

As was also agreed by the sub-Group, we do not believe that the Commission should have voting rights. That would prejudice its role as the final advisor to Government on the Bill of Rights.

There is an enormous volume of work that was submitted to the NIHRC throughout its consultation exercise as well as significant work produced by its working groups and this could usefully be provided to the Forum.

We would, however, stress that, while the NIHRC and its working groups produced some important reports, the progress report of 2004 did not meet with widespread endorsement and cannot be taken as a template or starting point for the work of the Forum.

Timescale

The SDLP, while very keen to see the Bill of Rights progressed as quickly as possible, has reservations about the ambitious timescale proposed. Allowing time for the recruitment of an independent international Chair, independent secretariat, the development of the Forum's procedures, a spring election campaign and the summer period, it seems highly likely that this important work will require a timeframe of 12-18 months.

We believe that it is vitally important to the success of the Forum to ensure that it has a skilled international chair. We do not believe that it will be possible to get a person of sufficient standing by December 2007, nor yet for that person to get appropriate independent staff.

We believe that the government should try harder to seek the best possible chair rather than the earliest possible start, given that parties will have a limited ability to engage in the Bill of Rights in the run up to an election.

Chair and staffing

The SDLP believes the success of the entire project may hinge on the selection of an independent Chair who can command the respect of all those involved in the forum and beyond. We have seen the vital role played by a number of individuals in the political process over recent years, Senator George Mitchell and General de Chastelain in terms of negotiations and decommissioning, and Chris Patten and Tom Constantine in terms of the policing reforms, for example.

The search must be international – as was agreed by the sub-Group on the Bill of Rights - and the appointee should have appropriate and verified expertise as well as the approval of both governments. Once again, better to delay the initial meeting for a number of weeks than pass up the opportunity to inject the process with the momentum that a well-respected and able Chair can bring.

Regarding staffing, it was agreed by the sub-group on the Bill of Rights that the Forum would be *“supported by an independent secretariat of the chair’s choosing.”* While any offer of government administrative support would be welcome, that should be the limit of government staffing involvement in order to meet the criterion of independence.

Membership

The SDLP believes that it is inappropriate for government to initiate discussions on membership with a request for individual organisations to be suggested for inclusion. Rather there should be an attempt to start with a list of sectors and interests to be included.

Again, we would follow the approach agreed by the sub-Group on the Bill of Rights which saw four categories represented from civic society:

- business
- trade unions
- the community and voluntary sector; and
- the human rights sector.

We also believe that attempts should be made to ensure that the Forum, taken as a whole, is as far as practicable representative of the s.75 categories.

Doubtless there will be groups disappointed that they are not represented. The SDLP would suggest in this regard:

- holding hearings on specific issues where such groups could make contributions and
- establishing sub-groups on matters of particular importance where these groups could have a role.

Finally, we believe that it is very important that umbrella groups represented on the Forum itself ensure that they keep their constituent groups informed of the work of the Forum and take on board their concerns.

Decision making

It will be for the Forum to agree its own procedures. We believe that the Chair should work to build consensus. But in the absence of unanimity, the Chair should be able to deem a decision taken if there is sufficient consensus. We do not believe that a numerical formula is required in this regard.

Consultation

The SDLP believes that it is vital that the Forum engages widely with the public and suggests, for example, that there be meetings of the Forum throughout Northern Ireland where the public can give their views on what should be in a Bill of Rights. We believe that the Patten Commission meetings throughout the North offer a good example of what can be achieved.

We also believe that transparency is important and recommend that the Forum publish its agreed findings as well as areas where agreement could not be reached, including any grounds of dissent by participants.

* * *

**Sinn Fein response to NIO consultation document
“A Forum on a Bill of Rights for Northern Ireland”
November 06**

Introduction:

1. Sinn Féin fully supports the establishment of a Roundtable Forum to take forward the necessary work to develop a Bill of Rights.
2. We participated in the Implementation Group which produced the “Points of Agreement” document - submitted to both governments and to the Human Rights Commission (HRC) - setting out the views of the contributing parties around the modalities of establishing the Forum.
3. We continue to engage with the governments, the HRC, the Human Rights Consortium, NGO’s and other representative sectors within civic society to ensure the Forum is established as soon as possible on a basis that it can complete its work in the shortest possible timescale.
4. Sinn Fein shares the frustrations of others active in promoting the need for human rights protection with regard to the inexcusable delay in advancing the process of establishing a Bill of Rights.
5. We believe that this process must now be moved forward with the urgency it demands.
6. We believe the Bill of Rights Forum can play a key role in advancing this process.
7. And we believe that progress on the Bill of Rights is crucial to the work of the joint committee of the two Human Rights Commissions, north and south in establishing, as envisaged in the Good Friday Agreement, a charter of rights for everyone living on the island of Ireland.

Role/Remit of the Bill of Rights Forum

8. Sinn Fein believes that the role and remit of the Forum contained in the proposed terms of reference outlined by the NIO is too restrictive.
9. The Forum must be meaningful, inclusive and participative. Its remit should be defined in a way that enables it:
 - to facilitate a constructive and informed engagement with the broader community on the issue of a Bill of Rights;

- to generate improved understanding of the need for a Bill of Rights and range of rights that should fall within it;
 - to achieve agreement on the structure and content of a Bill of Rights
10. The Forum will include representation of the main political parties and civic society. Its conclusions must have a relevance beyond that of advice to the HRC. Its recommendations must be given full consideration in the development of a Bill of Rights. We believe that the Forum should have the lead role in shaping the Bill of Rights.

Relationship with the HRC

11. The Good Friday Agreement set out a role for the HRC in the development of a Bill of Rights. It is obvious that the HRC should be informed by the recommendations of the Forum in any advice it offers with regard to the establishment of a Bill of Rights.
12. However, it is also important that the independent role of the HRC is protected and maintained.
13. In past discussions between the HRC and the political parties on the Implementation Group it was understood that while the HRC should remain independent of the Forum, it would both scrutinise and test the human rights compatibility of the recommendations of the Forum.
14. It must be absolutely clear however that the HRC cannot and will not become a filter for the views and recommendations of the Forum. Nor should it be given an ability to set aside any of the recommendations of the Forum.
15. The consultation document suggests that the Forum may wish to take account of the earlier work that was undertaken by the HRC under the leadership of Professor Brice Dickson. Earlier submissions to the HRC on the Bill of Rights would be a useful resource for the Forum. However we would reject any suggestion that this should include the HRC's "Progress Report" issued in April 2004 which we believe was seriously flawed. This view is shared by many others.

Timescale

16. We reiterate that the Bill of Rights is a high priority for Sinn Fein. It is essential that the Forum takes forward its work with urgency and with an eye to completion in the shortest possible time-frame.
17. However, it is also important that we allow for maximum participation, contribution and ownership of this process.
18. And most critically of all it is imperative we get it right in terms of substance.
19. The need for the shortest possible timescale must not be allowed to limit the content or diminish the substance of the Bill of Rights.

20. The consultation paper proposes a nine-month consultation period for the Forum to complete its work by September 07.

21. In our view the timeframe should be no more than 12 months.

Resources

22. The consultation paper commits the British government to provide adequate financial and staff resources to complete its work within this timescale.

23. Sinn Fein welcomes this commitment. We believe the Forum should be supported by its own independent and fully resourced secretariat. We believe also that the secretariat would need to have human rights and legal expertise, including constitutional drafting skills and research support.

Chairperson

24. Sinn Fein believes that the Forum should have an independent chair with human rights expertise, preferably someone with international human rights experience.

Membership:

25. Sinn Féin agrees that the Forum should be of a manageable size and that its membership should have an equal weighting of political representatives and representative members of civic society.

26. Representation on the Forum should include the voluntary and community sector, NGOs and representative groups which speak on behalf of vulnerable sections of society i.e. children and young people, the disabled, the elderly, women, victims and ethnic minorities. Criteria for membership of the Forum should include human rights knowledge.

Accessibility

27. The Forum should be required to seek views beyond its membership in order to ensure its work takes account of the diverse views of the wider public.

28. The Forum must take the necessary steps to maximise input into its work and to ensure that it is accessible to the wider public. Such steps would include the organisation of focused sessions, workshops and hearings throughout the Six Counties.

As regard the actual Forum, Government has sought views on a number of areas, and the remainder of this document provides the response of the Superintendents' Association to those points *seriatim*

Draft Terms of Reference for the Forum

The draft terms of reference appear sufficient to allow the Forum to discharge its responsibilities; however and notwithstanding the substance of the Good Friday

agreement, we are of the opinion that the ECHR and the Human Rights Act, when taken together, could be regarded as providing sufficient checks and balances in the administration of public affairs within Northern Ireland. Therefore the scope for defining any supplementary rights (as provided for in the draft Terms of Reference) should not

preclude the Forum from noting the passage of time since the Good Friday agreement and the concomitant introduction of the Human Rights Act, and perhaps advancing their considered recommendation that a Bill of Rights for Northern Ireland may no longer be either necessary or appropriate.

Proposed timescale for the Forum to produce agreed recommendations.

This Association believes that timescale proposed for the final agreed recommendations to be produced (by 30.9.07) is both challenging and ambitious - were the Forum already in existence. However, we note that Government is working (in parallel with this consultative process) to identify a suitable chairman (and we must assume) the 13 representatives from organisations representing a range of interests and groupings within wider civic society.

Thus, in commenting on the timescales, we believe that Government's commitment following the St Andrews discussions to convene the inaugural meeting of the Forum in December 2006 appears to render otiose any meaningful consultation, and may also call into question the probity of any putative selection process for its Chairperson.

Proposed size and structure of the Forum

Given the complications which have surrounded some public appointments of late, it would be our clear preference that the position of Chairperson should be filled by appointment of a high calibre individual who was successful following public advertisement and open, transparent competition. A high degree of transparency should also be applied to the selection of the 13 'independent' representatives.

Which organisations should be represented on the Forum

We note and agree the contention that an upper limit of 27 individuals, plus the Chairman, is about the maximum practicable number for membership of the Forum. While there will be strong competition as regards those 13 representatives from outwith the formal political parties, we would urge government to consider inclusion of a representative of the Police Association amongst that group as being a positive step.

In concluding we trust this response, even at this late stage in the consultative process, proves of some assistance.

Yours sincerely

Guy Thomson

G Thomson

Superintendent

Honorary Secretary

Submission from



Northern Ireland

**Consultation on “A Forum on a Bill of Rights
for Northern Ireland”**

November 2006

Introduction

UNISON have long supported the need for an inclusive, cross-community process of debate on a Bill of Rights. As an organisation, as a Board member of the Human Rights Consortium and within NIC ICTU we have made numerous submissions to the NI Human Rights Commission and attended a number of consultative events.

It is in this context that we have actively participated in the lobby of government to establish the Roundtable Forum of political parties and civil society as was committed to in the Joint Declaration in 2003.

We see such as Forum as an opportunity to deepen discussion about the Bill of Rights within wider society, and for civil society and political parties to discuss the rights we would like to see protected.

While we welcome the recent announcement of the establishment of the Forum we have concerns at a number of the proposals within the Consultation paper.

Remit

The role of the Forum must be to “reach agreement” on a Bill of Rights. The current formulation that it will merely “consider” its structure and content (para 7) is ambiguous and will undermine any dynamic to reach a consensus.

The current proposals also create confusion on the roles of both the Forum and Human Rights Commission.

Any agreement reached between political parties and civic society on the content of a Bill of Rights will be a huge success. It is therefore difficult to understand why the current proposals appear to minimise the role of the Forum by relegating it to an ‘advisory’ body - informing the work of the NIHRC prior to their submitting advice to the secretary of State. This may also jeopardise the independence of the Commission by drawing it into conflict with political parties if the recommendations of the Forum were to be ignored.

We agree with the view of the Human Rights Consortium that once the Forum submits its recommendations to the Secretary of State, the Commission can fulfil its statutory role by commenting on these

proposals from a legal and technical perspective prior to giving its advice.

Timescale

The timescale of the process is too short given that significant time will be taken up in getting the Forum up in running and interpreting the terms, never mind the detailed work that the Forum will need to undertake to encourage debate and engagement in the process from both participants and the wider community.

Whilst we agree that the Forum take account of the numerous consultations documents that informed the work of the previous Commission, the Forum should not give excessive weight to the eventual proposals it produced as these lacked widespread support, both from civil society and political parties.

Chairperson

Given that the process of reaching agreement on the structure and content of a Bill of Rights will continue to prove difficult, UNISON has consistently argued that the Chair of the Forum be fully independent and of international reputation in human rights. We are concerned, therefore, that there is no stipulation that the Chair be of international standing. We are also concerned that the consultation document does not specify that sufficient resources

will be provided to ensure that the Forum will have its own independent secretariat.

Membership

By presenting “a non-exhaustive” list of sectors that “may” be represented on the Forum, rather than options or propose structures, the consultation document is divisive. The diverse views of civil society must be heard in the process. However, we believe that 13 seats is too small a number of ensure that this is the case.

The appointment process must be open and transparent with eventual appointees being truly representative and with a track record on equality and human rights.

Based on our history of support and lobbying for greater equality, human rights and the Bill of Rights, we would argue that trade unions be given more than one seat - nominees to be agreed by the NIC ICTU.

For further information contact

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*A Forum on a Bill of Rights
for Northern Ireland*
consultation paper

Ulster Unionist Party Response

Opening Comments

The Ulster Unionist Party is committed to working for a stable and peaceful Northern Ireland within the Union, building a competitive and growing economy, securing a fair and just society, and ensuring the sustainability of our environment.

These values have led the Ulster Unionist Party to long advocate a Bill of Rights. In 1972 our Party proposed a “precise and comprehensive Bill of Rights”. Throughout the 1980s and 1990s we urged that the ECHR be incorporated into United Kingdom law to protect fundamental rights and liberties. In 1998 we supported the drafting of rights supplemental to ECHR addressing the particular circumstances – described as “the principles of mutual respect for the identity and ethos of both communities and parity of esteem” – of Northern Ireland. And we recently reiterated our support for a Bill of Rights in the Preparation for Government Committee’s *Report on Rights, Safeguards, Equality Issues and Victims*.

It is on this basis that the Ulster Unionist Party is prepared to participate in the forthcoming Forum on a Bill of Rights for Northern Ireland.

Terms of Reference

The thus far and – at least to some extent – failed Bill of Rights process has resulted in a Forum being a means of securing progress with consensus and consent. In particular, the participation of political parties is fundamental to creating such consensus and consent. This being so, the UUP has a number of reservations about the draft terms of reference.

It is our view that the Forum’s terms of reference should clearly indicate that it has the role of drafting rights supplementary to ECHR, reflecting the particular circumstances of Northern Ireland – not merely producing recommendations to inform NIHR. It is therefore essential that the Forum’s terms of reference state that its agreed recommendations (we interpret “agreed” to mean consensus amongst both political parties and civil society representatives) should be the rights supplemental to ECHR, reflecting the particular circumstances of Northern Ireland.

It would be the view of the Ulster Unionist Party that the proper legislative arena for making such a Bill law is the Northern Ireland Assembly, rather than the United

Kingdom Parliament. Endorsement of a Bill of Rights by the elected representatives of the people of Northern Ireland would powerfully signal that such rights belong to all the people of Northern Ireland.

Timescale

The UUP is supportive of the timescale suggested by the consultation paper. Extensive consultation on principles for a Bill of Rights has already been undertaken by NIHRC. Political parties and the various sectors of civil society are well-versed in the Bill of Rights debate. Now is the time to move from debate to drafting a Bill of Rights that has the consent and confidence of society in Northern Ireland. We believe this can be done in the timescale indicated.

With regards to this, we would urge Government and NIHRC to ensure that the NIHRC paper to be initially set before the Forum is drafted in such a manner as to maximise consensus from the outset.

Chair, Membership, Secretariat

It is disappointing that the consultation paper has not asked for views on the experience and qualifications to be sought in a Chair. The UUP understands that the Chair will have a

demanding role. S/he, as the consultation paper states, must have an understanding and experience of human rights. However, we believe that any emphasis on the necessity for “expertise” in human rights fails to acknowledge the fact that a Bill of Rights will not be an academic exercise, but rather a working document interacting with government, politics, society, economy and culture. A more comprehensive experience is therefore required in the Chair than merely human rights “expertise”.

If an international chair is to be chosen, it is important that his/her background maximises confidence across society in Northern Ireland. To this end, the UUP would suggest that careful consideration is given to advice on a suitable chair from the Commonwealth Parliamentary Association and the Organisation for Security and Cooperation in Europe.

Likewise, we would suggest that a secretariat for the Forum is at least partly staffed by officials and experts from both organisations. The CPA brings insights from those Commonwealth nations who combine both the traditions of parliamentary government and the experience of the working of a Bill of Rights. The OSCE has long experience of promoting a human rights culture. Alongside personnel

from both these organisations, we would envisage the secretariat being staffed by NICS personnel.

Organisations to be represented

It is of fundamental importance that the Forum represents the breadth and diversity of civil society in Northern Ireland. We regard it as unfortunate – and an inauspicious start to the process – that some sectional interests have already indicated their desire to bias civil society representation towards particular sectors and to the exclusion of other sectors. Such an approach would have the result of hindering the ability of the Forum to secure consensus and consent on a Bill of Rights across the breadth of civil society.

It is the view of the UUP that the following sectors of civil society should have representation on the Forum – children, older people, people with disabilities, ethnic minorities, faith traditions, business, trade unions, victims and cultural organisations. We would suggest that the Interim Victims Commissioner, Foras na Gaeilge and Tha Boord o Ulster-Scotch respectively represent victims and cultural organisations. Recognising the extent of social exclusion in Northern Ireland, we would also suggest that an

organisation such as NICVA has the expertise to represent and articulate the views of anti-poverty and social inclusion organisations.

We reiterate the fundamental importance of civil society representation reflecting the breadth and diversity of Northern Ireland. This will be highly significant in ensuring consensus for the Forum's deliberations and decisions.

Conclusion

The UUP believes that the Forum – provided it is constituted in such a manner as to reflect the breadth and diversity of civil society in Northern Ireland, and that it seeks to maximise consent amongst the political parties – has the potential to provide the people of Northern Ireland with a Bill of Rights as envisaged by the Belfast Agreement. The Forum could be undermined by a membership that is not reflective of civil society, flawed terms of reference, or NIHRC proposals at the outset failing to maximise consensus. It is our hope, however, that despite the unusually short consultation time, Government will act to ensure that the Forum's constitution and activities are characterised by consent and consensus.



Federation Northern Ireland

Response to the consultation on the Bill of Rights Forum

5 December 2006

Women's Aid Federation Northern Ireland is the lead voluntary agency in Northern Ireland working to support women and children who are victims of domestic violence and to challenge the attitudes and beliefs which perpetuate it.

We greatly welcome this opportunity to respond to the consultation document outlining the draft proposals for a Bill of Rights Forum. Domestic violence continues to be a gender based problem in that the overwhelming incidences of such violence are perpetrated against women. The gender based issue of domestic violence is acknowledged nationally, internationally and globally. It is therefore vital that the provisions currently in existence internationally seeking to both protect women from such violence and promote the physical integrity of women are reflected in a Bill of Rights for Northern Ireland. This is all the more pertinent given our emergence from 30 years of conflict and the complexities this has generated around tackling domestic violence in a post-conflict environment. Domestic violence is a violation of the rights of women. It is therefore vital that these rights are further enshrined by their protection and promotion in a Bill of Rights for Northern Ireland.

Time-frame and remit

The time frame for recommendations by the Forum is September 2007 – while we have reservations about how realistic this narrow time frame is, we believe that if the Forum is constructed in such a way as to properly reflect those organisations whose remit is directly impacted by the particular circumstance of Northern Ireland, and if full and inclusive consultation is commenced from the outset, then the Forum may report within its time frame.

In light of the above, we would welcome the involvement of the NIHRC in assisting the Forum by reference to the Commission's earlier work. It remains unclear from the consultation document what role the NIHRC will actually have in assisting the Forum's discussions. We believe that the Commission should be used to provide legal and technical expertise to the Forum and be

involved throughout the process in a clearly defined and unambiguous way. The Commission's role should be clearly defined before the work of the Forum commences.

Chair

We welcome the independence of the Chair of the Forum and would suggest that consideration is given to a candidate of international standing and expertise in the field of human rights. It would be vital that such an individual would attract cross-party and cross-community support.

Membership

The proposed maximum size of the Forum is 28 including the Chair. This would be made up of fourteen MLA's with the remaining thirteen representing the wider civic society. We would propose that the numbers from political parties and those from civic society should be equal. This would enshrine a parity of esteem approach from the outset which would hopefully be reflected in the final recommendations by the Forum.

Women's Voices

We consider it essential that the views of women in Northern Ireland are directly represented on the Forum. Although the timescale of this consultation has not allowed for full discussion of the representation issue we believe that many women's organisations would be glad to work together and field one or two representatives who could report back to a wider network for support and broader consultation. Women's Aid would gladly be involved in such a collective arrangement.

We consider that the multiple identities and rights violations experienced by women within Northern Ireland, of which Women's Aid has invaluable experience, lends weight to our request for consideration for a place on the Human Rights Forum.

Finally we would urge that the overall make up of the Forum is equality proofed for gender balance. Given the low level of women's representation in political parties here the overall make up of the Forum may otherwise be severely skewed.

Yours Sincerely,

Annie Campbell
Director

A FORUM ON A BILL OF RIGHTS FOR NORTHERN IRELAND

RESPONSE TO CONSULTATION PAPER

Introduction

Northern Ireland Women's European Platform (NIWEP) is a regional organisation with a membership from across civil society, working on shaping and sharing policy development at a local, national, European and international level. It is the Northern Ireland representative to the European Women's Lobby and it was awarded United Nations Special Consultative Status, the only NGO in Northern Ireland to hold this award.

Terms of Reference

NIWEP is concerned with the ambiguity of the terms of reference. The terms of reference needs to be stronger and clearer text which is not left open to interpretation.

Recommendation: Stronger and clearer text.

Proposed Timescale

The timescale is extremely tight considering the Forum is to be established, decision to be made on meetings, debate and discussion on the issues, and finally to prepare recommendations and report to the NIHRC.

Recommendation: NIWEP would extend the deadline to December 2007.

Proposed Size and Structure of the Forum

- 1. The Forum should have gender parity. 52% of the population need to have at least 40% of the seats, including political parties' representatives.**
- 2. It is essential for members of the Forum to attend meetings on a regular basis.**

Recommendations: Gender parity and attendance.

Which organisation should be represented on the Forum?

Demands for clear commitment to human rights in Northern Ireland have made some progress, but pressure from the international community is needed to prioritise, for example, human rights retraining of the judiciary or the formal incorporation of women into peace negotiations in line with UN Security Council Resolution 1325 and recognising Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) as a bill of human rights for women.

- 1. Northern Ireland Women's European Platform would recommend its organisation to be a member of the Forum on a Bill of Rights for Northern Ireland as it**
 - **has special consultative status with the United Nations and develops the opportunities for women in Northern Ireland to participate at international debates and to share outcomes**
 - **raises discussion among women in Northern Ireland preparing a response to the Convention of the Elimination of all forms of Discrimination against women (CEDAW)**
 - **takes the views of women from Northern Ireland to the Commission on the Status of Women (CSW) held at the UN Headquarters each year.**
 - **strives to implement UN Security Council Resolution 1325 in Northern Ireland and other conflict – post conflict areas around the world**
 - **works with other groups on policy development, equality and human rights**

- 2. Provision for those groups who are marginalised and should be a priority to the Forum: women, gay/lesbian, ethnic minorities, disabled, children, older people**

- 3. NGOs with experience in human rights issues**

4. Provision for senior civil service officials to be observers to the Forum.

Recommendations: Northern Ireland Women's European Platform, senior civil service

**Northern Ireland Women's European Platform
58 Howard Street
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officials, marginalised groups, NGOs with experience



Response to the consultation on the Bill of Rights Forum

Women into Politics was originally set up in 1994 as a political education, training and discussion project for women to access decision making in public and civic life. To date we continue the political education programmes and we have added two new strands to our work I) Lobbying and II) partnership working.

We welcome this opportunity to respond to the consultation document outlining the draft proposals for a Bill of Rights Forum. Women into Politics understands human rights to be concerned with human dignity, equality, freedom and with people fulfilling their human potential. Consultation with women concerning their needs and their aspirations relating to the Bill of Rights Forum is essential, both in establishing areas of particular concern for women in Northern Ireland and in building a culture of rights, equality and civic participation.

Chair

We welcome the independence of the Chair of the Forum and would support someone with cross-party and cross-community support.

Membership

The proposed maximum size of the Forum is 28 including the Chair. This would be made up of fourteen MLA's with the remaining thirteen representing the wider civic society. There should be equal representation between political parties and members of the wider civic society.

Women's Voices

Northern Ireland has 17% of women in the NI Assembly and this is low in comparison to the devolved assemblies in Scotland and Wales. There are few women in decision-making roles in the civil service and other public bodies. Social and economic rights for women are a pre-requisite to the attainment of equality and other human rights such as the right to full participation in power structures and decision-making. To this end, Women into Politics are requesting that there is a gender balance in the proposed Forum and a representative for the Women's sector is selected.

Submitted by May De Silva, Director, Women into Politics



6 Mount Charles, Belfast BT7 1NZ

Response to the Consultation on the Bill of Rights Forum

6 December 2006

The Women's Resource and Development Agency (WRDA) is a regional organisation whose mission is to 'advance women's equality and participation in society by working to bring about social, political and economic change'. The organisation was established in 1983 and continues to focus its efforts on working with and through women and community organisations located within disadvantaged and/or divided communities.

By strengthening the role and position of women in their own communities, it is anticipated that wider community change will be brought about, leading to the advancement of the broader vision for peace, reconciliation and social inclusion.

WRDA welcomes the opportunity to respond to the consultation document outlining the draft proposals for a Bill of Rights Forum. Structures and practices within public life in Northern Ireland make it impossible for women to participate equally with men, with adverse consequences for the representation of issues of interest to women. Many women responded to the consultations concerning progressing the Bill of Rights, testimony to our hope that a Bill of Rights could be an effective vehicle for addressing the serious disadvantages women face in their economic, social and personal lives.

Time-frame and remit

While the time frame for recommendations by the Forum is extremely narrow, we believe it could be possible if the Forum is inclusive of those organisations whose remit is reflected in a wide interpretation of the 'particular circumstances' of Northern Ireland and if there is full consultation.

We would welcome the involvement of the NIHRC in assisting the work of the Forum and would urge that the role of the Commission is clearly defined from the outset.

Chair

The independence of the Chair of the Forum is essential and to be welcomed. It will be important to ensure that a candidate of international reputation and expertise in human rights be appointed. We hope that the search for such a candidate will consider male and female candidates equally.

Membership

The composition of the Forum is to be a maximum of 28, including the Chair. While we accept the importance of political party involvement, we also believe that the wider civil society has an important role to play and, indeed, has been playing such a constructive role over the past years in mobilising wider support for a Bill of Rights. This role should therefore be reflected in nominations of equal numbers of representatives from civil society organisations.

Women's Voices

It is vital that the views of women in Northern Ireland are directly represented on the Forum. We have not had the time to consult our members on this issue, given the short time-scale of the consultation, but the women's sector has a long history of working together on major policy issues and would be happy to nominate representatives to participate on the Forum. In addition, it will be important to ensure a gender balance on the Forum and we would suggest that political parties are asked to consider this matter when nominating their representatives.

Yours sincerely

Dr Margaret Ward
Director

**Women's Support Network
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E-**

mail:policy@womenssupportnetwork.org

**Bill of Right Forum Consultation
Human Rights and Equality Unit
NIO
11 Mill Bank
London
SW1P 4PN**

RE: A Forum on a Bill of Rights for Northern Ireland

To whom it may concern,

The Women's Support Network (WSN) was established in 1989 and is an infrastructural, umbrella organisation, which provides support and services to, and represents over 30 groups (mostly in the Greater Belfast area), including community-based women's centres, women's projects and women's infrastructure groups.

WSN aims to achieve social, political and economic justice through the promotion of the autonomous organisation of women. The Network aims to strengthen the collective voice of women's groups and to promote and develop networking opportunities, to enable collective action and to impact upon policy and decision making processes. We provide an accessible, relevant and high quality support service and resource for member groups. The Network is also an important information provider on issues relevant to community-based women's organisations and for other infrastructure groups, nationally and internationally.

We welcome the opportunity to respond to the consultation on the proposal for a Forum on a Bill of Rights for Northern Ireland. Please find some of our key views outlined below:

WSN have long advocated for and very much welcome the establishment of a Forum on a Bill of Rights for Northern Ireland. We further welcome that the Forum will have 'an independent chair and be as inclusive as possible of Assembly parties and wider civic society'. We would advocate that the Chairperson will need to have an 'expert'

understanding and experience of human rights, including international human rights instruments, to ensure the role is carried out appropriately.

It is proposed that there will be 13 representatives from organisations representing a range of interests and groupings within wider civic society. We agree that this should include a representative from the main social partnership groupings (Business, Trade Unions and the NGO sector), churches and NGOs with expertise in the human rights field eg. the Committee on the Administration of Justice. We would further advocate that the forum should comprise representatives from the Section 75 groups, eg. women, children, older people, sexual orientation, ethnic minorities and disability. We also believe that there should be representation from the 'poverty' sector. Again, we would reiterate the need for 'women's voices' to be included and therefore at least one representative from the NGO women's sector.

Finally, we strongly contend that the Forum is equality proofed for gender balance (at a minimum 40% representation of men/women). The Secretary of State, Peter Hain, recently hosted a conference in Hillsborough promoting the need for more women in political and public life. We believe that the establishment of this forum offers a timely opportunity for government to implement gender-proofing measures in relation to representation on government bodies.

Again, we are glad to have the opportunity to respond to this important consultation. I hope that you will carefully consider our views and recommendations.

Yours Sincerely,

Lynn Carvill

Lynn Carvill
Policy and Research Co-ordinator

A response to the consultation on the Bill of Rights Forum

Submitted by the Youth Council for Northern Ireland : 28 November 2006

The Youth Council for Northern Ireland (YCNI) is a non-departmental public body established in 1990 by the Youth Service (NI) Order 1989. YCNI is principally tasked with supporting and advising on the development of the youth service. YCNI has also been instrumental in establishing intersectoral approaches to youth strategies, researching youth issues, and advising on policies which impact on children and young people. As such, YCNI has responded to consultations relating to the proposed Bill of Rights, dating back to the initial consultation held by the NI Human Rights Commission in 2001.

1.Membership of the Forum

1. Whilst appreciating the constraints placed upon NIO in relation to the consultation timeframe, YCNI has some apprehension that the timescale between the end of this consultation phase (28th November) and the inaugural meeting of the Forum (week of 11th December) could result in a lack of transparency in the appointments process, potentially undermining the credibility of the 'end product'. YCNI believes that **there should be a clear list of criteria for membership of the Forum, including a requirement that nominees have proven capacity to represent sectoral interests.** Given that the Bill of Rights process was initiated over five years ago and has suffered numerous delays, it would appear more prudent to ensure that the appointments process is inclusive and transparent than to meet a rushed deadline of 11 December. Similarly YCNI is concerned that the deadline for production of the Forum report may not provide sufficient time to consult in an inclusive manner (in particular, YCNI would note that consultation with children and young people is logistically difficult during summer months).

2. Whilst acknowledging that not all shades of civic society can be directly represented on the Forum, YCNI strongly advises that there is **at least one appointee selected to represent the rights, views and concerns of children and young people.** Those under the age of 18 constitute over one third of the population in Northern Ireland, and there is substantial evidence that their needs and rights are often overlooked. Whilst YCNI does not feel it appropriate to name a specific organisation to represent these interests, **it is suggested that a nominee should be sought from within those groups represented on the Children and Young Peoples Sector Bill of Rights Group (convened by the Childrens Law Centre/ Save the Children).** This grouping has invested significant resources into the Bill of Rights process, has well-established lines of communication with, and endorsement of, relevant NGO groupings, and most importantly has expertise in eliciting the views of children and young people themselves.

3. On a point of principle, YCNI proposes that the balance of the Forum should comprise **equal numbers of appointees from civic and political society,** as opposed to a majority from the latter. The suggestion is that a manageable number would be 14 /14 plus the chair. In respect of the latter, YCNI proposes that this appointee must be independent of government, and must be a person of international repute with proven expertise in the area of human rights standards. YCNI proposes that the Chair should be consulted on the appointment of an independent Secretariat – again with proven track record in human rights.

2. Remit and Procedures

1. YCNI endorses the general remit, i.e. to inform the NIHRC in respect of its statutory duty to advise the government on a Bill of Rights. However YCNI would propose that **the remit of the Forum should be wider than simply production of a list of 'agreed recommendations'.** Firstly, it is likely that there will be some issues on which the Forum cannot unanimously agree. Secondly, it is important that the Forum has the scope to provide analytical and evidence-based advice to NIHRC which will either rationalise its recommendations or which will provide options. It is suggested therefore that the remit should be broadened '...to produce advice and [agreed]

recommendations...'. Further, if the term 'agreed' is included, it must be established from the outset whether this refers to unanimous or majority consensual agreement. To proceed without a clear understanding of decision making parameters could lead to contention within the Forum.

2. Whilst it is appropriate that the statutory duty to advise the Secretary of State on the Bill of Rights remains with the NIHRC, we believe that **the report of the Forum should be openly accessible in an unedited format**. NIHRC could be required to provide written comment on the report.
3. Whilst it will be essential for the Forum to take cognisance of the substantial body of work already produced on the Bill of Rights, YCNI would caution that the most recently published document (Progressing the Bill of Rights, 2004) was deemed a retrograde step by many proponents of children and young peoples rights. Again, this **underlines the importance of ensuring that the membership of the Forum is inclusive of an expert advocate in the areas of children and young peoples rights**.

In closing, YCNI notes that the consultation timescale has precluded submitting this response to Council's own governing body. This submission therefore represents a staff response.

Yours sincerely

David Guilfoyle
Chief Executive