



# Northern Ireland Assembly

## AD HOC COMMITTEE ON A BILL OF RIGHTS

### MINUTES OF PROCEEDINGS

**Thursday 17 December 2020**  
**Room 29, Parliament Buildings**

Present, Room 29: Emma Sheerin MLA (Chairperson)  
Mike Nesbitt MLA (Deputy Chairperson)  
Michelle McIlveen MLA  
Christopher Stalford MLA

Present, via StarLeaf: Paula Bradshaw MLA  
Mark Durkan MLA  
John O’Dowd MLA (deputising for Carál Ní Chuilín MLA)

In Attendance: Caroline Perry (Assembly Clerk)  
Gareth Cross (Clerical Officer)

In Attendance, via StarLeaf: Claire Milliken (Assistant Assembly Clerk)

*The meeting commenced in open session at 2.05 p.m.*

#### **1. Apologies**

None.

#### **2. Briefing by Sir John Gillen on Victims’ rights**

The Right Honourable Sir John Gillen, former Lord Justice of Appeal of Northern Ireland, joined the meeting via StarLeaf at 2.06 p.m.

Sir John led an independent review of the law and procedure in serious sexual offence cases, reporting in May 2019. His Review informed his briefing on the concept of a bill of rights through the prism of victims' rights in the context of serious sexual offences. Sir John stressed that the victims/complainants of such offences require closely argued, carefully implemented and detailed legislation which is specific, targeted, clear and understandable with all the necessary granularity to ensure that those rights are enforceable.

*Mark Durkan joined the meeting at 2:13pm*

The oral evidence was followed by a question and answer session.

The Chairperson thanked Sir John for his evidence.

The briefing session was reported by Hansard.

### **3. Briefing by Sir Stephen Irwin on aspirational rights; the enforcement of such rights and their impact on constitutional arrangements**

The Right Honourable Sir Stephen Irwin, former Lord Justice of Appeal of England and Wales, joined the meeting via StarLeaf at 2.46 p.m.

Sir Stephen does not doubt the use of law to make change but warned this must be particular, explicit and clear. The briefing referenced rights already protected by international human rights instruments. Historically, the nature of these have been civil and political rights which arise from a specific set of facts. In Sir Stephen's view, aspirational rights are great in theory, but carry very real risks, including raising expectations, unless they have a legal hook, which is justiciable, that can be operated.

His briefing also considered that if and when the UK departs from the European Union (EU) and therefore departs from the ambit of the EU Charter of Fundamental Rights, the interpretation of the European Convention on Human Rights, which will continue to be a living instrument, will be done, at least in England and Wales, Sir Stephen believes by looking at decisions of the Court of Justice of the EU in Luxembourg.

*Mark Durkan left the meeting at 3.32pm*

*Paula Bradshaw left the meeting at 3.44pm*

The oral evidence was followed by a question and answer session.

The Chairperson thanked Sir Stephen for his evidence.

The briefing session was reported by Hansard.

#### **4. Chairperson's Business**

There was no Chairperson's business.

#### **5. Draft Minutes**

*Agreed:* The Ad Hoc Committee agreed the minutes of the meeting held on Thursday 10 December 2020.

#### **6. Matters Arising**

There were no matters arising.

#### **7. Correspondence**

Members noted correspondence from the Executive Office and Carers NI.

It considered a letter from the Human Rights Consortium which outlined its concerns regarding the Committee's consultation.

The Clerk addressed these concerns:

##### *Consultation Period*

- The Assembly and its Committees are not public authorities for the purposes of Section 75.
- This is not a public consultation in the sense that other authorities carry out such consultations: rather, it is a call for evidence to support an inquiry of an Assembly Committee.
- As such, the advice around consultation length does not apply.
- Nonetheless it is good practice, so when stakeholders raised it at the virtual launch event, the Committee immediately addressed it.

##### *Engagement*

- Working with the Assembly Engagement team, the Committee has conducted significant engagement to date and this is ongoing.
- It held a pre-consultation workshop with groups across the Section 75 categories which informed its approach to the consultation - the Human Rights Consortium was among the groups that attended (as noted in its letter).

- The Engagement team hosted the first ever virtual launch of an Assembly Committee inquiry which some Members attended - over 2000 organisations were invited to attend. The Consortium was one of the organisations that attended.
- Feedback received at that event to was taken to Members which led to changes in approach, including extending the deadline for the survey until Jan 2021.
- As agreed by the Committee, the consultation asks for Section 75 information from respondents. This equality data is monitored to try to make the consultation as representative of the Section 75 groups as possible, and to allow for targeting underrepresented groups, for example, older people and those from a Black and Minority Ethnic background.
- A series of Stakeholder events is planned to take place in the Spring of 2021 which we hope to run across Section 75 categories.
- The Engagement team continue to promote the consultation at other events. For example, across its activities for the International Day of Persons with Disabilities.

### *Accessibility*

- The letter raises concerns about accessibility and claims that the survey is only available online.
- The Chair created a video promoting the consultation in which she noted that the survey is available in paper format and by telephone.
- Engagement have already sent out lots of surveys and conducted many over the telephone.
- Further alternative formats are available on request.
- Disability Action reviewed the survey before launch to ensure it was accessible to disabled people
- The survey landing page and the survey itself contain information on the survey and the key concepts – with links to the written submissions and evidence so that respondents can find out more about it and what people are saying about it.
- The Assembly Communications team have produced some video content explaining the issues in a really accessible way.
- Reviewing survey responses to date – 480 have already been completed which suggests that it is not only those with expertise who are filling it out - these questions seem to be readily understood by respondents.
- In relation to older people, initial engagement with stakeholders raised concern about their participation and in fact Members noted this as well.
- The Engagement team developed a separate approach in conjunction with AGE NI to support older people’s participation including briefing their consultative forum and issuing hard copies with pre-paid envelopes to their day centres - completed copies have already been received.
- In relation to children and young people, Members are aware that we engaged with the NICCY Youth Panel and after taking their advice, concluded the survey was not the best approach to engaging with young people.

- The Assembly’s Education Officers are instead conducting a series of virtual focus groups with a representative sample of schools and the Committee will also hear evidence from a range of Youth organisations.
- All emails to groups include explanatory guidance.
- In terms of social media, Facebook content and ads have reached 40,000. People using Twitter have viewed the content 109,000 times.
- The consultation was mentioned on BBC Good Morning Ulster.
- Platform pieces should be going into the newspapers.

### *Questions*

- The letter raises concern about the wording of the question on enjoying rights.
- This wording was taken from an Ipsos Mori Global Survey on Human Rights conducted in 28 countries with 23,000 respondents.
- It should be readily understood and also may allow for a comparison of results of our survey with jurisdictions internationally.
- Responses so far suggest that participants readily understand that it is about accessing, exercising and realising rights.
- The Consortium also suggests that including the words ‘if at all’ in a question is leading.
- Members will recall from when they approved the survey that this is simply good research practice which can be seen in any robust survey as it does not presuppose a response either way.

### *Context of the Consultation*

- The Belfast Agreement is directly referenced in the introduction to the survey in the wording agreed by the Committee.
- The Committee’s video content highlights the historical agreements where a bill of rights has been mentioned, as well as the decades of discussion that have taken place prior to the work of this committee.
- Respondents can use the links to look at evidence from for example, the Human Rights Commission, the Equality Coalition and CAJ which refer to the work of civil society over the years.

The Committee discussed how to respond to the Human Rights Consortium’s letter.

*Agreed:* The Clerk will write to the Human Rights Consortium to clarify the Committee’s work to date, noting the implications of the pandemic, outline what it is planning to do and ask if it addresses the Consortium’s concerns.

## **8. Forward Work Programme**

The Chairperson referred Members to the draft Forward Work Programme.

Members noted the Forward Work Programme.

## **9. Any other business**

No other business.

## **10. Date, Time and Place of the next meeting**

The next meeting will be on Thursday 28 January 2021 at 2.00 p.m. in Room 29, Parliament Buildings.

*The meeting adjourned at 4.02 p.m.*

**Ms Emma Sheerin MLA**  
**Chairperson, Ad Hoc Committee on a Bill of Rights**