



Northern Ireland Assembly

AD HOC COMMITTEE FOR A BILL OF RIGHTS

MINUTES OF PROCEEDINGS

Thursday 17 September 2020

Room 29, Parliament Buildings

Present, Room 29:

Emma Sheerin MLA (Chairperson)

Mike Nesbitt MLA (Deputy Chairperson)

Paula Bradshaw MLA

Michelle McIlveen MLA

Present, via StarLeaf:

Mark Durkan MLA

John O'Dowd MLA (deputising for Carál Ní Chuilín MLA)

Apologies:

Christopher Stalford MLA

In Attendance:

Caroline Perry (Assembly Clerk)

Gareth Cross (Clerical Officer)

The meeting commenced in open session at 2.10 p.m.

1. Apologies

As noted above.

Agreed:

Members of the Ad Hoc Committee send Christopher Stalford MLA their best wishes for a full and speedy recovery.

2. Briefing on the Canadian Charter of Rights and Freedoms by Professor Kent Roach

Kent Roach, Professor of Law and Prichard-Wilson Chair of Law and Public Policy at the University of Toronto, joined the meeting via StarLeaf at 2:11 p.m.

His briefing provided an overview of the Canadian Charter of Rights and Freedoms, evaluating it as a success but acknowledging that there has been some litigation. Kent suggested that the Charter promotes democratic dialogue between the courts and the legislature and identified the engine of this dialogue is the general limitations clause in section 1 of the Charter.

Kent identified four things about the Charter which could, in his view, be improved. These are: pre-enactment scrutiny; remedies; the notwithstanding clause, and socio-economic rights (which are not included in the Charter).

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

John O'Dowd joined the meeting at 2:41p.m.

The Chairperson thanked Kent for his time and evidence.

The briefing session was reported by Hansard.

3. Briefing on comparative international and devolved best practice by Dr Katie Boyle

Dr Katie Boyle, Associate Professor in International Human Rights Law at the University of Stirling, joined the meeting via StarLeaf at 3:03 pm.

Her briefing considered the following questions: Can the Northern Ireland Assembly implement a Bill of Rights? Is there sufficient human rights protection under the ECHR? Should Northern Ireland implement a Bill of Rights? Would implementing a Bill of Rights in Northern Ireland place it out of step with the rest of the UK?

The briefing further considered international best practice and made recommendations as to how this could be used in the Northern Ireland context.

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

The Chairperson thanked Katie for her evidence.

The briefing session was reported by Hansard.

4. Chairperson's business

No Chairperson's business.

5. Draft Minutes

Mike Nesbitt reminded the Chairperson of John O'Dowd's question regarding youth engagement. The Chairperson highlighted an item of correspondence to be considered later in the meeting from the Youth Forum.

The Clerk told Members that she was exploring options with the Assembly's Education Officers to do virtual focus groups with schools. She will update Members on findings. Mike Nesbitt asked if this would duplicate efforts of the Youth Assembly. The Clerk said that while the Youth Assembly would be an excellent vehicle for this work, timescales may not permit its use.

Agreed: Members agreed to keep the progress of the Youth Assembly under review.

Agreed: The Ad Hoc Committee agreed the minutes of the meeting held on Thursday 2 July 2020.

6. Matters arising

No matters arising.

7. Correspondence

The Committee noted the correspondence memo.

Agreed: The Ad Hoc Committee agreed to accept the offers of the NI Youth Forum and the Equality Coalition to provide them with oral briefings.

8. Forward Work Programme

The Chairperson referred Members to the draft Forward Work Programme.

Members noted the Forward Work Programme.

9. Date, Time and Place of the next meeting

The next meeting will be on Thursday 24 September 2020.

The meeting adjourned at 4.08 p.m.

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