



Northern Ireland Assembly

AD HOC COMMITTEE ON A BILL OF RIGHTS

MINUTES OF PROCEEDINGS

Thursday 3 December 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)
In Attendance, via StarLeaf:	Claire Milliken (Assistant Assembly Clerk)

The meeting commenced in open session at 2.02 p.m.

1. Apologies

As noted above.

2. Briefing by Mr Justice Richard Humphreys, Judge of the Irish High Court, on options for a bill of rights

Mr Justice Richard Humphreys, Judge of the Irish High Court, joined the meeting at 2.05 p.m.

His briefing considered the pros and cons of a bill of rights as a matter of principle. He suggested the Committee should publish a discussion paper to test if this is a good idea or not to allow public engagement at the level of principle. He proposed the bill of rights could be part of a broader constitution for Northern Ireland (a Northern Ireland Constitution Act enacted at Westminster) that could provide stability.

Comparing the constitutional rights in Ireland and Iceland, the briefing also considered scope, methodology and enforceability. It outlined options for the Assembly and stressed the maximalist version is not the only option worth considering. Finally, it suggested a Law Commission in Northern Ireland might provide a space that would allow cross-community legal dialogue.

Michelle McIlveen joined the meeting at 2:11p.m.

Mike Nesbitt declared his friendship with Mr Justice Richard Humphreys.

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

The Chairperson thanked Richard for his evidence.

The briefing session was reported by Hansard.

3. Briefing by Brice Dickson, Emeritus Professor of the School of Law, Queen's University Belfast, *Getting to Yes on a Bill of Rights for Northern Ireland*

Professor Brice Dickson, joined the meeting via StarLeaf at 3.07 p.m.

His briefing supported a bill of rights where 'less is more' as he believes this approach has a greater chance of being enacted. Reflecting on the Committee's terms of reference, as set out in *New Decade, New Approach*, Professor Dickson suggested the phraseology, "faithful to the stated intention of the 1998 agreement" was chosen to indicate that a Bill of Rights is more likely to gain cross-party agreement in Northern Ireland, as well as the agreement of the UK and Irish governments, if it is tailored more closely to the rights issues that were referred to in the Belfast Agreement.

Professor Dickson looked at the response of the UK government to the Northern Ireland Human Rights Commission's advice of 2008. While most of the proposals were rejected by the then Labour government, it did think there was room for accepting some of the Commission's proposals. There were five areas where it was

prepared to consider legislation: equality, representation and participation in public life; identity, culture and language; sectarianism and segregation; victims and the legacy of the conflict; and, criminal justice. Professor Dickson suggested the Committee should look at these issues again and consider how they could be best dealt with in a bill of rights.

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

The Chairperson thanked Brice 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 26 November 2020.

6. Matters Arising

There were no matters arising.

7. Correspondence

There was no correspondence.

8. Forward Work Programme

The Chairperson referred Members to the draft Forward Work Programme.

Members noted the Forward Work Programme.

9. Any other business

Paula Bradshaw asked the Clerk if a session could be scheduled to review evidence heard to date. The Clerk offered to arrange this for the start of February.

Agreed: The Ad Hoc Committee to review evidence on 4 February 2021.

10. Date, Time and Place of the next meeting

The next meeting will be on Thursday 10 December 2020 at 2.00 p.m. in Room 29, Parliament Buildings.

The meeting adjourned at 3.48 p.m.

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