



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF A SPECIAL COMMISSION MEETING

**HELD ON SATURDAY 29 NOVEMBER 2008 AT 11:00am
AT THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION,
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

Present: Monica McWilliams, Chief Commissioner
Jonathan Bell
Tom Duncan
Colin Harvey
Alan Henry
Ann Hope
Colm Larkin
Eamonn O'Neill
Geraldine Rice
Daphne Trimble

In attendance: Peter O'Neill, Chief Executive
Lorraine Hamill, Finance Supervisor (minute taker)
David Russell, Head of Communications and Education
Virginia McVea, Head of Legal Services
Brian Gormally, Justice Associates
Catherine Donnelly, Legal Adviser

Apologies: None

A Special Commission meeting was convened to approve the Commission's advice to the Secretary of State for Northern Ireland on a Bill of Rights for Northern Ireland.

The Chief Commissioner welcomed everyone to the meeting and thanked them for their hard work in what had been a very rigorous process. She emphasised the integrity of the process and the involvement of every Commissioner in formulating the advice.

Commissioners reflected on the process and expressed their appreciation for the work of the Chief Commissioner on the project.

1. Bill of Rights for Northern Ireland – advice to the Secretary of State

- 1.1 The Chief Commissioner informed the meeting that they would go through the advice on the Bill of Rights chapter by chapter, and that she would highlight any amendments or changes to the text.

- 1.2 The supplementary rights to both the Human Rights Act 1998 and the European Convention on Human Rights, which are to be considered for incorporation in a Bill of Rights for Northern Ireland, were also to be agreed.

- 1.3 Chapter 1 – Background to the Bill of Rights process
Agreed by 8 out of 10 Commissioners

- 1.4 Chapter 2 – Advice on the content of a Bill of Rights for Northern Ireland
 - 1.4.1 The Right to Life – provision 1
Agreed by 8 out of 10 Commissioners

 - 1.4.2 The Right to Liberty and Security – provisions 1 – 8
Agreed by 8 out of 10 Commissioners

 - 1.4.3 The Right to a Fair Trial and No Punishment Without Law – provisions 1 – 6
Agreed by 8 out of 10 Commissioners

 - 1.4.4 The Right to Marriage or Civil Partnership – provisions 1 and 2
Agreed by 8 out of 10 Commissioners

 - 1.4.5 The Right to Equality and Prohibition of Discrimination – provisions 1 – 6
Agreed by 8 out of 10 Commissioners

 - 1.4.6 Democratic Rights – provisions 1 – 7
Agreed by 8 out 10 Commissioners

 - 1.4.7 Education Rights – provisions 1 and 2
Agreed by 8 out of 10 Commissioners

 - 1.4.8 Freedom of Movement – provision
Agreed by 8 out of 10 Commissioners

- 1.4.9 Freedom from Violence, Exploitation and Harassment – provisions 1 -3
Agreed by 8 out of 10 Commissioners
- 1.4.10 The Right to Identity and Culture – provisions 1 – 6
Agreed by 8 out of 10 Commissioners
- 1.4.11 Language Rights – provisions 1 – 3
Agreed by 8 out of 10 Commissioners
- 1.4.12 The Rights of Victims – provisions 1 – 3
Agreed by 8 out of 10 Commissioners
- 1.4.13 The Right to Civil and Administrative Justice – provisions 1 – 3
Agreed by 8 out of 10 Commissioners
- 1.4.14 The Right to Health – provisions 1 -4
Agreed by 8 out of 10 Commissioners
- 1.4.15 The Right to an Adequate Standard of Living – provisions 1 – 2
Agreed by 8 out of 10 Commissioners
- 1.4.16 The Right to Accommodation – provisions 1 – 3
Agreed by 8 out of 10 Commissioners
- 1.4.17 The Right to Work – provisions 1 – 4
Agreed by 8 out of 10 Commissioners
- 1.4.18 Environmental Rights – provisions 1 and 2
Agreed by 8 out of 10 Commissioners
- 1.4.19 Social Security Rights – provision
Agreed by 8 out of 10 Commissioners
- 1.4.20 Children’s Rights – provisions 1 – 8
Agreed by 8 out of 10 Commissioners
- 1.4.21 Enforcement and Implementation - Limitations – provision
Agreed by 8 out of 10 Commissioners
- Derogation – provisions 1 – 6
Agreed by 8 out of 10 Commissioners

Entrenchment and Amendment – provisions 1 and 2
Agreed by 8 out of 10 Commissioners

Application – provisions 1 – 7
Agreed by 8 out of 10 Commissioners

Standing – provisions 1 and 2
Agreed by 8 out of 10 Commissioners

Interpretation – provisions 1 and 2
Agreed by 8 out of 10 Commissioners

Devolved and Non-Devolved Issues – provisions
1 – 9
Agreed by 8 out of 10 Commissioners

Justiciability – provisions 1 – 3
Agreed by 8 out of 10 Commissioners

Enforcement Mechanisms – provisions 1 – 5
Agreed by 8 out of 10 Commissioners

Remedies – provisions 1 and 2
Agreed by 8 out of 10 Commissioners

Outstanding Legal Issues – provisions 1 – 3
Agreed by 8 out of 10 Commissioners

1.5 Chapter 3 – Explaining the advice and additional
recommendations
Agreed by 8 out of 10 Commissioners

1.6 Chapter 4 – Effective enforcement and implementation
Agreed by 8 out of 10 Commissioners

Commissioners Colin Harvey, Ann Hope and Eamonn O'Neill
noted that their first preference was a recommendation for the
establishment of a Human Rights or Constitutional Court in
Northern Ireland.

1.7 Chapter 5 – Realising a Bill of Rights for Northern Ireland
Agreed by 8 out of 10 Commissioners

1.8 In accordance with Standing Order 22, the Commission
recorded a consensus decision (8 out of 10 Commissioners)
supporting the report, with two Commissioners, Jonathan Bell
and Daphne Trimble dissenting from the report as a whole.

- 1.9 Subject to minor amendments it was agreed to arrange for the document to be proofed and sent to the printers in preparation for the launch on Wednesday 10 December 2008.
- 1.10 Thanks were expressed to Commissioners and staff for their professionalism and dedication, in particular, the Chief Executive; the Head of Communications and Education; Head of Legal Services; Head of Investigations, Policy and Research; Development Worker and Information Worker.
- 1.11 Thanks were also expressed to Brian Gormally and Catherine Donnelly for their assistance.

2. Date of next meeting

- 2.1 The next business meeting of the Commission will be held on 15 December 2008.

The meeting closed at 5.10pm.

Approved: _____

Date: 15 December 2008