

# FORUM FOR PEACE AND RECONCILIATION

## Report of the meeting of the Sub-Committee on Fundamental Rights and Freedoms, 3 November, 1995

### Report of last meeting

1. It was agreed that delegations would make known any observations on the draft report of the previous meeting by 7 November. In the event of no comments it would be taken as agreed.

### Boyle/Hadden/Campbell Study

2. There was broad agreement to the proposal of the Chairman that this study together with the conclusions of the Forum should be published separately from the study produced by Dr. Eide on group accommodation and minority protection in divided societies. Several delegations thought that the two studies should be published separately but simultaneously and that care be taken to maximise impact by not publishing them just before Christmas. The Chairman indicated that steps were underway in relation to tendering and, assuming that the Forum could agree conclusions, both studies could be published in the New Year.
3. There was a general welcome for the content of the study by Professors Boyle and Hadden and Dr. Campbell. Delegations noted particular points which had been developed since the first draft, e.g. the expanded sections on enforcement, the section on derogations in emergency situations and the references to communal rights as well as individual rights. One delegation stressed the consultants' view that human rights were not a matter for bargaining and argued that protective measures should be implemented immediately and should not be based on the outcome of the peace process. This delegation felt that the incorporation of international human rights norms into domestic law should be a central feature of the Sub-Committee's final report.
4. One delegation referred to the helpful example of South African experience regarding appointment of judges but thought that some reference to the international standards on policing issues could also be included. The Chairman pointed out that this matter might be taken up in a further paper by the consultants on transitional issues but accepted that it might be possible to include a general reference to the matter.

5. As regards an additional paper on transitional issues one delegation welcomed such work. There was no objection to the Chairman's proposal that the Secretariat ask the consultants to prepare such a study. One delegation suggested that the question of ratifying the Protocols to the Geneva Convention might be addressed in this further study.
6. One delegation had difficulty with the phrase in para 1.2.10.... "human rights and international humanitarian standards have been systematically abused during the conflict in Northern Ireland". Other delegations seemed satisfied with the Chairman's explanation that the consultants did not identify by whom these standards had been abused and that the phrase was governed by the notion that this was "the general perception".
7. Another delegation thought that the role of human rights lobby groups could be more developed and noted that in Canada the Government had to fund test cases brought by community human rights groups.
8. The same delegation felt that the references to "equality proofing" in changing long established patterns of communal differentials in employment and unemployment (paragraph 6.3) were overly generous. In this delegation's view there should be greater recognition of the need to alleviate the effects of discrimination.
9. The Chairman noted that the Sub-Committee seemed generally happy with the text and he thought that the Forum commentary could therefore be brief. One delegation thought that the Forum should do more than simply take note of the study. The Chairman suggested that delegations forward to the Secretariat a shortlist, of about ten items of those points which they felt should be highlighted in the study. This would facilitate the drafting of the Forum commentary.

#### Eide Study

10. The Chairman recalled the discussion at the previous meeting regarding areas of the study by Dr. Eide which in places seemed to pre-judge the outcome of the peace process. He indicated that the Secretariat had been in contact with the delegations which had expressed most difficulty and had drawn up two lists of amendments, one on which agreement had been possible and the other on which there was continuing disagreement. Both lists had been forwarded to Dr. Eide for his consideration. The Chairman stressed that Dr. Eide was the final arbiter as to what appeared in his study and he would judge to what extent he was able to take these amendments into account in preparing the final draft of his study.

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Adrian McDaid  
Secretary to the Sub-Committee  
22 November 1995