

**MINUTES OF THE 28th MEETING OF THE JOINT COMMITTEE OF
REPRESENTATIVES OF THE TWO HUMAN RIGHTS COMMISSIONS
ON THE ISLAND OF IRELAND
(THE JOINT COMMITTEE)**

**Held on Tuesday 7th July 2009 in Belfast at the offices of the
Northern Ireland Human Rights Commission**

Present:

NIHRC

Commissioners

Monica McWilliams (Chair)

Daphne Trimble

Ann Hope

Tom Duncan

Colin Harvey

Eamonn O'Neill

Staff

Ciarán Ó Maoláin, Head of Legal Services, Policy and Research

IHRC

Commissioners

Michael Farrell

Helen O'Neill

Alice Leahy

Olive Braiden

Staff

Eamonn MacAodha, Chief Executive

Roisin Hennessy, Senior Research and Policy Officer

In attendance

Brian Gormally, Joint Contractor

1. Apologies

Maurice Manning was unwell and apologised; members wished him a speedy recovery. Apologies were also received from Peter O'Neill, Lia O'Hegarty, Colm Larkin.

2. Minutes of the 27th Meeting

It was noted that the actual title of the book by Professor Walsh was "Human Rights and Policing in Ireland: Law, Policy and Practice." With this amendment the minutes were agreed as a true record.

There were no matters arising not covered by the agenda.

3. Activity Reports

The Chief Commissioner spoke to the written report of the activities of the NIHRC. Points arising out of discussion included the need for multiple copies of the NIHRC Review to be sent to the IHRC and that those working on the upcoming investigation into care homes would liaise with the author of the IHRC report on a similar subject.

The Chief Executive spoke to the written report of the activities of the IHRC. Points arising out of discussion included the willingness of the IHRC to share with colleagues in the NIHRC the reasoning behind the important decision in the McCann case regarding imprisonment for failure to pay a contractual debt and how they have successfully developed pro bono work with lawyers. It was also noted that the Government were intending to extend the Special Criminal Court to all organised crime cases and the IHRC had protested against this. It was also noted that the IHRC get early notice of Bills in the form of the proposed Heads of the legislation; the NIHRC would have discussions with the Assembly Bills Office to see if a similar arrangement would be feasible.

In further discussion, there was a call for support from the IHRC for the NIHRC in respect of funding limitations and the importance of an early consultation document from the Government on their response to the Bill of Rights Advice. After some debate it was agreed that the Chief Commissioner would talk to the President about these matters.

4. Report from the Racism Sub-Committee

Michael Farrell (Chair) reported on the main items of discussion at the meeting of the Sub-Committee (see Racism Sub-Committee minutes). It was noted that the Migrant Workers Convention was on the agenda.

5. Seminar on a possible Charter of Rights

Eamonn MacAodha reported that Suzanne Egan had managed to get academic funding for a seminar and that Newman House at UCD would be available as a venue. The proposal was now that papers are given in the morning, as already discussed, but that they are circulated in advance, together with the consultation paper prepared by Brian Gormally, and that the afternoon be devoted to a response from civil society. The date was agreed as 6th November 2009. This date would be circulated to all Commissioners.

It was agreed that the sub-committee charged with arranging this seminar would have authority to continue work on the above basis.

6. Migrant Workers Convention

It was reported that the Racism Sub-Committee had agreed that the consultation already discussed would go ahead; that Commissioners from both Commissions would be asked for suggestions as to the agencies to be consulted; that the IHRC would consider if it were appropriate to put out a précis of the research report on the Convention as part of the consultation; that the IHRC would consider subject to capacity whether to review and input on the draft consultation package of documents and that the consultation document would be circulated to NIHRC Commissioners.

These decisions were endorsed by the Joint Committee.

7. Borders, Citizenship and Immigration Bill

Ciarán Ó Maoláin reported on the submissions the NIHRC had made on this subject. Their main concerns were around the changes to the Common Travel Area and the potential for racial discrimination by agencies on both sides of the Border and the concept of “earning” rights in respect of naturalization. The first aspect had been defeated in the Lords but reinstated by the Commons. The Commission had also raised the issue of people living in either jurisdiction needing to travel through the other when they might not have permission to enter. It was understood that the British and Irish governments were in discussion about mutual recognition of visas.

8. International developments

Both Commissions had attended an event organised by the EU Fundamental Rights Agency. The main focus was an opportunity for the European Group of Human Rights Agencies to interact with the FRA, although the Office of Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe had also attended. The FRA was to re-circulate their recent study of European Human Rights bodies with draft conclusions for comment.

9. Other business

- 1) Alice Leahy reported that Community Welfare Officers were being asked to hand over confidential files on individuals to agencies who were coming together to deal with homelessness. The NIHRC would monitor the situation to see if any similar issues would arise in Northern Ireland.
- 2) It was noted that the UK report under the Charter for Regional or Minority Languages had gone ahead with no reference to Irish or Ulster Scots because of lack of input from the devolved administration.

There being no further business, the meeting ended.