



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 105TH COMMISSION MEETING (POLICY)

HELD ON MONDAY 6 APRIL 2009 AT 10:00AM
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
Daphne Trimble

In attendance: Peter O'Neill, Chief Executive
Don Leeson, Head of Corporate Services
Ciarán Ó Maoláin, Head of Legal Services, Policy and
Research

Apologies: Geraldine Rice

Policy Committee meetings have reverted to being Commission meetings, while retaining an alternating focus of agendas on policy matters and corporate governance. The Head of Corporate Services is the secretary to both Commission (Policy) and Commission (Governance) meetings.

1. Minutes of the last meetings (HRC 105.1(a) and (b))

- 1.1 The minutes of the Policy Committee meeting held on 16 February 2009 were agreed as an accurate record, subject to a minor amendment.
- 1.2 The minutes of the 104th Commission meeting held on 9 March 2009 were agreed as an accurate record, subject to a minor amendment.

2. Matters arising

- 2.1 Commissioners noted the positive feedback from the reception for stakeholders in Downpatrick, which followed the last Commission meeting, at which a range of local issues were discussed. Commissioners agreed that the policy of holding two Commission meetings each year outside of Belfast should continue.
- 2.2 Tom Duncan, Colin Harvey and Ann Hope, supported by a Caseworker, gave evidence on the Commission's advice on the Bill of Rights to the Northern Ireland Affairs Committee on 16 March 2009 at Stormont (paragraph 5.12 of the minutes of the last Commission meeting refers). The Northern Ireland Affairs Committee subsequently announced an inquiry into the Bill of Rights. The deadline for submissions is Friday 1 May 2009. The Bill of Rights Committee will consider whether a further submission should be made in respect of this inquiry.
- 2.3 Commissioners noted that correspondence from the NIO to clarify any entitlement to pension provision for Commissioners is pending (paragraph 6.2 of the minutes of the last Commission meeting refers).
- 2.4 Commissioners noted that additional funding was provided by the NIO in March 2009 to help offset financial pressures identified by the Commission in the August and November Monitoring Rounds (paragraph 7.1.4 of the minutes of the last Commission meeting refers).
- 2.5 Commissioners noted that the business plan for the use of additional funding from Atlantic Philanthropies for the Commission's further work on the Bill of Rights will be presented to the next Commission (Governance) meeting (paragraph 7.2.3 of the minutes of the last Commission meeting refers).

- 2.6 Commissioners noted that Standing Orders state that papers for Commission meetings will normally be circulated to all Commissioners no later than five working days before the date of the meeting. Concern was expressed that distribution of the preliminary report on the Commission's visit to Antrim Police Station on 23 March 2009 (HRC 105.2) and the review of Corporate Governance Arrangements (HRC 105.3) did not meet this target.

3. Preliminary report on the Commission's visit to Antrim Police Station on 23 March 2009 (HRC 105.2)

- 3.1 Commissioners considered the draft report on the Commission's visit to Antrim Police Station, which took place on 23 March 2009. The visit was in response to concerns about the circumstances of individuals being detained for over eight days in relation to police inquiries into the killings of two army personnel and a police officer, in facilities which the Commission, and other bodies, had previously identified as being unsuitable for prolonged detention.
- 3.2 Commissioners noted that the visit took place with the permission of the Chief Constable, without the need to invoke the Commission's powers in relation to access to places of detention. The Chief Commissioner paid tribute to the Chief Constable for facilitating the visit, and for the courtesy shown by police officers during the visit.
- 3.3 The report concluded that the conditions that the detainees were being held in did not breach Article 3 of the European Convention on Human Rights (freedom from inhuman or degrading treatment or punishment), but with concerns that Article 8 (respect for private and family life) might be breached if detention continued under the same circumstances. The report therefore made a number of recommendations in respect of the detention facilities.
- 3.4 Commissioners commended the report and thanked the staff involved in the visit for their work in producing a robust and comprehensive report so quickly. The report will be sent to the Chairperson of the Northern Ireland Policing Board, the Director of the Criminal Justice Inspectorate and the Chief Constable to confirm factual accuracy, and then, following their responses, made public.

- 3.5 It was agreed that there should be a wider reflection on media engagement by the Commission in relation to issues which require an immediate response.
- 3.6 Commissioners expressed concern at the personal attacks on the Chief Commissioner contained in the media in the aftermath of the Commission's visit to Antrim Police Station.

4. Review of Corporate Governance Arrangements (HRC 105.3)

- 4.1 Commissioners considered a report by the Chief Executive on corporate governance issues that arose during the Commission's work on the Bill of Rights.
- 4.2 Following a detailed discussion, it was agreed that a facilitated residential event will be organised, which will include reviews of the clarity, interpretation and comprehensiveness of the Commission's Standing Orders and Code of Practice for Commissioners, media handling arrangements and protocols, and working relationships.
- 4.3 Daphne Trimble reported that she has been formally invited by the Northern Ireland Affairs Committee to give evidence on her own behalf to its inquiry into the Bill of Rights. Advice will be sought from the NIO on the implications of this for the Commission's corporate governance arrangements.

5. Response to the report by the Consultative Group on the Past (HRC 105.4)

- 5.1 Discussion of this agenda item will take place at a special Commission meeting on 27 April 2009.
- 5.2 Commissioners noted that the Northern Ireland Affairs Committee has expressed an interest in the Commission's response to the report of the Consultative Group on the Past.

6. Current consultation documents (HRC 105.5)

- 6.1 Commissioners noted the list of consultation documents currently being considered by the Commission for a response.

7. Any other business

7.1 There was no other business.

8. Dates of next meetings

8.1 A special Commission meeting to discuss the Consultation Report on the Past will be held on Monday 27 April 2009, in Temple Court, Belfast

8.2 The next Commission (Governance) meeting will be held on 11 May 2009, in Temple Court, Belfast.

8.3 The next Commission (Policy) meeting will be held on 8 June 2009, in Temple Court, Belfast.

The meeting closed at 4.45 pm.

Approved: _____

Date: _____

11 May 2009