

**MINUTES OF THE 67<sup>TH</sup> COMMISSION MEETING**

**HELD AT 1.40 PM ON MONDAY 9<sup>TH</sup> AUGUST 2004**

**IN THE OFFICES OF THE NIHRC, TEMPLE COURT, BELFAST**

**Present:** Brice Dickson, Chief Commissioner  
Margaret-Ann Dinsmore  
Tom Donnelly  
Christine Eames  
Tom Hadden  
Kevin McLaughlin (by telephone)

**In Attendance:** Paddy Sloan, Chief Executive  
Brenda Madden, Administrative Officer

**1.0 Agenda**

1.1 It was agreed that Item 10, the Awareness Raising Guide to ECHR Articles 2&3, should be dropped from the agenda, and rescheduled for the September Commission meeting.

**2.0 Minutes (HRC 67.1)**

- 2.1 Point 4.3.1 is to be amended to clarify that existing casework criteria are being expanded, as opposed to new criteria being created.
- 2.2 The wording of point 4.10 is to be amended to read “offering to meet at a mutually convenient date and time, in response to the Commissioners’ invitation”.
- 2.3 A typographical error in point 11.2 is to be amended.
- 2.4 At point 12.1, replace the word “amendments” with “comments”.

**3.0 Matters Arising**

- 3.1 Relating to point 4.3.2 on the ‘E’ case, an appeal has not been lodged within the requisite timescale.
- 3.2 At point 4.4.1, it was confirmed that both of the Commissioners who are due to begin a second term of office in November 2004 had received letters from the NIO about their possible reappointment.

- 3.3 Further to point 4.7.2 another copy of the judgment of the judicial review hearing on ASBOs will be sent to those Commissioners who had not yet received it.
- 3.4 Relating to point 9.3 the Chief Commissioner noted that the BBC 'Spotlight' programme relating to women prisoners had still not been broadcast. A date for release of this programme is not known.
  - 3.4.1 It was agreed that further investigation by staff into reasons why the programme had not been aired would be undertaken.
- 3.5 Regarding point 16.2 the Chief Commissioner encouraged Commissioners to submit ideas for a theme for Human Rights Day.

#### **4.0 Chief Commissioner's Report (HRC 67.2)**

- 4.1 The Chief Commissioner spoke to his written report and highlighted the following points.
  - 4.2 No communication had been received from Patricia Kelly regarding her resignation.
  - 4.3 The Chief Commissioner confirmed receipt of a copy of a letter (tabled) from the Minister, Mr John Spellar to the chair of the Joint Committee on Human Rights, Ms Jean Corston MP. The application process for new Commissioners is underway but it is still unclear when the appointments will be made.
    - 4.3.1 The Chief Commissioner confirmed that he would write to the Minister regarding the government's response to the comments by the 'Joint Committee on Human Rights' on the appointment process.
  - 4.4 The Chief Commissioner noted that a date for the Commission's Working Group on Victims' Rights would be arranged as soon as possible.
  - 4.5 The Annual Report was not laid before Parliament as anticipated. The attempted laying of the document was deemed invalid because a copy of the report had not been sent to the Secretary of State in advance of the document going to Parliament. The Annual Report will now be laid after Parliament reconvenes on 7<sup>th</sup> September.
    - 4.5.1 There has been ongoing confusion in the directions given to the Commission regarding the process to be followed when laying the Annual Report. It was agreed that written confirmation of the proper procedure would be sought for future reference.

- 4.6 The Chief Commissioner highlighted the Independent Monitoring Commission's response to the Commission, their letter being reproduced in the information papers for the meeting.
- 4.7 The Chief Commissioner reported that the ASBO legislation protocols had not been drawn up yet. He confirmed that the Equality Commission had not yet responded to the Commission's formal complaint.
- 4.8 The rest of the Chief Commissioner's written report was noted with no further comment.
- 4.9 Other matters for report:
  - 4.9.1 The Chief Commissioner confirmed that he would provide a report on his recent visit to Palestine.
  - 4.9.2 The prize for best Human Rights Essay at Queen's University School of Law, sponsored by the Commission, has been awarded to David Leonard. The Chief Commissioner will forward copies of this essay to interested Commissioners.
  - 4.9.3 A case was discussed where the Commission had been asked to adhere to a condition of confidentiality as part of a settlement. It was agreed that the Commission would continue its policy of publishing the outcome of cases which are being supported.

## **5.0 Chief Executive's Report (HRC 67.3)**

- 5.1 The Chief Executive confirmed that the process of shortlisting for the new manager posts had now commenced and the interview process would begin at the end of August.
- 5.2 The Chief Executive is to meet with the landlord and contractor on 10<sup>th</sup> August to discuss the timetable for renovations to Temple Court, to comply with the Disability Discrimination Act.
  - 5.2.1 It was agreed that, subject to NIO approval, the Commission would contribute £10,000 to the costs, which total £113,500.
  - 5.2.2 It was agreed that the lease would be handled by solicitors L'Estrange and Brett, as recommended by the Valuation and Lands Agency.
- 5.3 The Finance and General Purposes Committee meeting has been re-arranged for 31<sup>st</sup> August. The revised pay structure report will be discussed at the September Commission meeting.

- 5.4 Minutes of the recent Consultative Forum will be forwarded to Commissioners on completion. It was agreed that this was a useful and informative meeting and that another forum should be arranged before Christmas, to include the new Commissioners if appointed by then.
- 5.5 The Chief Executive confirmed she would produce a report on the Communications Strategy, outlining options for action.
- 5.6.1 It was agreed that a Commission planning session should be organised for Monday 27<sup>th</sup> September, from 2pm – 6pm, to review progress on the Strategic Plan.

## **6.0 NIHRC Accounts 2004 (HRC 67.4)**

- 6.1 The Chief Executive plans to meet FSD and the NIO to discuss the presentation of the accounts.
- 6.2 The Chief Executive will produce a report on the accounts to the next Finance and General Purposes Committee meeting.
- 6.3 The Chief Executive introduced the idea of creating a Staff Fund for the Commission. It was agreed that the Chief Executive would discuss this with the NIO and FSD.

## **7.0 Update on mental health work**

- 7.1 The Commissioner representing the Commission on the Mental Health Review, Christine Eames, provided an update on the work of the human rights sub-group, which she chairs. Different sub-groups are preparing reports in a phased way. The human rights sub-group is involved in a complex review of agendas related to human rights issues, in particular issues of advocacy. There will be a conference at the end of September to bring the various sub-groups together.
- 7.2 Christine Eames agreed to prepare a response to the current consultation document on adult mental health, in discussion with staff. It was agreed that the response would concentrate on human rights issues and therefore the deadline for this response, 31<sup>st</sup> August, could be met.
- 7.3 There will be a meeting of the new Research and Education Committee on 17<sup>th</sup> August at 2pm.
- 7.3.1 The papers presented to the Commission by Omagh Support and Self-Help Group will be analysed by staff and a summary provided to Commissioners. A copy of the full set of papers is available for consultation in the office.

*Miriam Titterton and Olivia Nunez joined the meeting at 3:20pm*

**8.0 The Bill of Rights (HRC 67.5)**

- 8.1 A roundtable meeting of human rights experts (primarily university academics) has been arranged for 8<sup>th</sup> October 2004 in the Commission's premises to discuss the Bill of Rights Progress Report. A draft agenda for this meeting will be forwarded to the Commissioners for their comments.
- 8.2 A Bill of Rights Conference has been organised for 14<sup>th</sup> October 2004, to take place in Derry/Londonderry. The central issue to be discussed is human rights protections for vulnerable groups. A draft agenda will be forwarded to Commissioners in due course for their comments.
- 8.3 Further meetings will be arranged with a variety of interest groups and Commissioners will be forwarded dates and details of these meetings.
- 8.4 A summary of the Bill of Rights archive will be forwarded to Commissioners in due course.
- 8.5 Tom Hadden agreed to prepare a paper, for consideration at the Bill of Rights meeting on 20<sup>th</sup> September, outlining the basis of a further document for publication. This would be process orientated, describing work still outstanding on the Bill of Rights.
- 8.6 A further set of submissions in response to the Progress Report was tabled. Any further submissions will be forwarded to Commissioners with a summary of the relevant human rights points.

**9.0 Opinion Survey (HRC 67.6)**

- 9.1 It was agreed that the document before Commissioners was a competent summary. The report will be placed on the Commission's website in September 2004. A full version of the Opinion Survey will be available on request.

*Miriam Titterton and Olivia Nunez left the meeting at 3:45pm and the Commission broke for tea at 3:45pm*

*The Commission recommenced at 4:10pm and Linda Moore joined the meeting at 4:10pm*

## **11.0 Report on women prisoners in Mourne House (HRC 67.8)**

- 11.1 A tabled paper detailing recommendations coming out of the report was considered.
- 11.2 It was agreed that points 14 and 18 would be redrafted.
- 11.3 It was agreed that the reference to the age of criminal responsibility would be removed.
- 11.4 The recommendations are to be re-ordered, with the more immediate, urgent recommendations to be placed first and the longer term recommendations to follow.
- 11.5 There followed considerable discussion of the options for future action by the Commission. These included calling for a public inquiry, further investigations and other issues of accountability.
- 11.6 It was noted that this was a good report, clearly limited by the Commission's restricted powers to gain access to information and facilities.
- 11.7 It was agreed that it was necessary for the Commission to highlight the breaches of human rights which are alleged to have occurred. The findings of the report should be well publicised.
- 11.8 It was agreed that recommended changes would be made and a further draft would be checked by the Chief Commissioner before being sent to the Director General of the Prison Service for comment.

*Linda Moore left the meeting at 5.10pm*

*Denise Magill joined the meeting at 5.10pm*

## **12.0 Single Equality Bill (HRC 67.9)**

- 12.1 A meeting of the working group to form a response to proposals for a Single Equality Bill took place on 26<sup>th</sup> July 2004. This meeting concluded that further work was required on the constitutional position regarding reserved and excepted matters. To this end Tom Hadden tabled a paper which was also discussed.
- 12.1.2 It was agreed to endorse the points made in paper HRC 67.9 as well as those in Tom Hadden's additional paper. Tom Hadden agreed to produce a further paper for the next working group meeting to be held on 23<sup>rd</sup> August 2004.

12.1.3 A further draft response to the SEB consultation document would be considered at the September Commission meeting.

**13.0 Recommendations concerning a UN Convention on Disability Rights (HRC 67.10)**

13.1 William Binchy of the Irish Human Rights Commission and the Swedish Ombudsman will be attending the meeting of the Ad Hoc Committee on a UN Convention on Disability Rights, being held in New York in August. They will present the position of European NHRIs as well as make individual contributions.

13.2 The paper HRC 67.10 was considered prior to submission to the Ad Hoc Committee, via William Binchy and the Swedish Ombudsman.

13.3 Some amendments were agreed, including highlighting the right of individual petition, the need for input from other competent bodies, as in the UNCRC, and further comments on the right to life.

*Denise Magill left the meeting at 5:30pm*

**14.0 Response to White Paper on a Commission for Equality and Human Rights (HRC 67.11)**

14.1 It was noted that the response does not say enough about what powers the new Commission should have in its own name.

14.2 It was agreed that point 35 needed to be cross-referenced with points made by the Joint Committee on Human Rights.

14.3 The Chief Commissioner welcomed further comments by 10<sup>th</sup> August 2004 before he submitted the response on 11<sup>th</sup> August 2004.

**15.0 Response to consultation paper on effective inquiries (HRC 67.12)**

15.1 The Chief Commissioner confirmed that the draft before Commissioners had been amended to incorporate the points made at the last Commission meeting.

15.2 The Chief Commissioner requested any further comments to be forwarded by the 11<sup>th</sup> August 2004, as the paper will be submitted on 12<sup>th</sup> August 2004.

**16.0 Report on Deaths in Hospital (HRC 67.13)**

- 16.1 The Chief Commissioner noted that all changes put forward at the last Commission meeting had been made accordingly.
- 16.2 It was agreed that further amendment is needed to the foreword to highlight the Commission's reservations regarding the practicability of subjecting all deaths in hospital to an Article 2 compliant investigation.
- 16.3 It was agreed that further options would also be looked at and that a roundtable of medical experts and coroners should be organized to discuss these options.

**17.0 Report on the rights of arrested persons (HRC 67.14)**

- 17.1 The Chief Commissioner confirmed that all recommended changes put forward at the last Commission meeting had been made to this report.
- 17.2 The Chief Commissioner welcomed any further comments and it was agreed that further consideration of the report would be scheduled for a future Commission meeting.

**18.0 Response to Home Office paper on Counter-Terrorism Measures (HRC 67.15)**

- 18.1 This paper is currently work in progress. Tom Hadden also tabled a paper on this subject for consideration.
- 18.2 The need to create an offence of preparatory acts of terrorism was discussed.
- 18.3 It was agreed that the Chief Commissioner would try to merge the papers and forward another draft to Commissioners prior to submission of the NIHRC response to the Home Office on 31<sup>st</sup> August 2004.

**19.0 Report of work on policing and criminal justice (HRC 67.16)**

- 19.1 The report was noted.

**20.0 Staff reports were noted:**

Casework	(HRC 67.17)
Development	(HRC 67.18)
Education	(HRC 67.19)
Information	(HRC 67.20)
Investigations and research	(HRC 67.21)
Legislation and policy	(HRC 67.22)



20.1 It was agreed that a summary of the bills of costs associated with four cases supported by the Commission, which have been forwarded for analysis to a Cost Drawer, will be sent to Commissioners.

**21.0 Any Other Business:**

21.1 Dates for the Army Baton Round Training programme have been forwarded to the Commission. It was agreed that a date in the second half of November 2004 was to be preferred. Commissioners will liaise with the office to organise their attendance.

21.2 Commissioner Kevin McLaughlin is representing the Commission on a new Steering Committee for 'Promoting Social Inclusion'.

21.3 A research proposal relating to migrant workers is to be forwarded to the Commission's Research and Education Committee for consideration and report.

21.4 There being no other business the meeting ended at 6.15pm