

MINUTES OF THE 68TH COMMISSION MEETING

HELD AT 1.40 PM ON MONDAY 6TH SEPTEMBER 2004

IN THE OFFICES OF THE NIHRC, TEMPLE COURT, BELFAST

Present: Brice Dickson, Chief Commissioner
Tom Donnelly
Christine Eames
Kevin McLaughlin (by telephone)

Apologies: Tom Hadden
Margaret-Ann Dinsmore

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

1.0 Draft Agenda

1.1 The agenda as presented was agreed.

2.0 Minutes (HRC 68.1)

2.1 The minutes of the 67th Commission meeting were agreed as an accurate record and signed by the Chief Commissioner.

3.0 Matters Arising

3.1 There were no matters arising.

4.0 Chief Commissioner's Report (HRC 68.2)

4.1 The Chief Commissioner spoke to his written report, highlighting the following points.

4.2 The interviews for new Commissioners are to take place in October, with appointments made thereafter.

4.2.1 Mr Chris Sidoti, who is acting as an independent human rights consultant to the appointments process, will be in Belfast and will visit the Commission before the

- interview process begins. Commissioners will be informed when a date for the visit is confirmed.
- 4.2.2 It is expected that after the new appointments are made, but before they take effect, the Government will make a statement on the Commission's Review of Powers.
 - 4.3 As yet the Commission has not received any feedback from the NIO on the Annual Report, necessary before it can be laid in Parliament. This will be pursued with the NIO.
 - 4.4 The Chief Commissioner confirmed that he has again written to the NIO, about the need for all UK government departments to include the NIHR in their consultations on relevant legislation and policy.
 - 4.5 The Chief Commissioner raised the options for an event to be held on Human Rights Day. If facilities at the City Hall can be made available and the Lord Mayor, Tom Ekin is able to participate as has been discussed with him at a recent meeting, it may be possible to organise a useful high profile event either ourselves, or in partnership with others.
 - 4.5.1 The Commission was asked to address three possible options of using the event to launch one of the Commission's reports, using the day to do a general overview of human rights or launching the Bill of Rights in Schools materials.
 - 4.5.2 It was agreed that the Chief Executive would contact the Lord Mayor's office to confirm details of his availability and that of the venue, with further details available at the October Commission meeting.
 - 4.6 It was noted that the Conflict Management Working Group meeting scheduled for 1st October would have to be rescheduled as a second round of interviews would be taking place on that day. The Chief Executive will prepare a paper for that meeting, based on the paper originally produced by Tom Hadden.
 - 4.6.1 It was noted that a paper emanating from a conference on human rights and conflict resolution held in South Africa and attended by the Commission's Education Worker, would be referred to the Conflict Management Working Group meeting.
 - 4.7 The Anti-Social Behaviour Order has been partly brought into force. The Chief Commissioner confirmed that he has sent a letter to Mr Adrian Arbuthnot, the Chairman of the Steering Group for ASBO Protocols, to request a meeting to discuss these protocols.

- 4.8 It was noted that a joint meeting with the Equality Commission had been scheduled for Thursday 11th November, with a focus on the proposed UN Disability Convention. Confirmation of this date is awaited from the Equality Commission.
- 4.9 It was noted that the Report on Deaths in Hospitals would be launched on 21st September 2004 by press release. A seminar will be held at Temple Court on 21st September 2004, to which legal and medical professionals will be invited to discuss the report's recommendations.
- 4.10 22nd November 2004 has been confirmed for attendance of Commissioners to observe Army Baton Round Training. Further details about this course will be forwarded to Commissioners.
- 4.11 Recent correspondence was discussed from the Children's Commissioner's office relating to comments made by representatives of the Prison Service about NIHRC researchers. The Chief Commissioner agreed to write to the Director of the Prison Service regarding these allegations.

5.0 Chief Executive's Report (HRC 68.3)

- 5.1 The Chief Executive confirmed recent interviews for managers' posts had been successful, with the appointment of Ciarán O Maoláin as Head of Legal Services, Research and Policy commencing on 1st October 2004, and Don Leeson as Head of Corporate Services commencing on 4th October.
- 5.1.1 A set of second interviews will be held on 1st October for the post of Head of Information, Education and Development.
- 5.2 The Finance and General Purposes Committee agreed to the application by Denise Magill to take a career break of one year commencing from the end of September 2004. The Committee agreed to advertise for one full time post to replace Ciarán O Maoláin and a temporary part time post for one year.
- 5.3 The Chief Executive confirmed that NIPSA had issued a 'failure to agree' notice of dissatisfaction in the level of consultation with staff prior to the Commission's advertising the three manager posts. This was noted with regret by Commissioners, given the extensive consultation process that was undertaken prior to introducing the new structure.
- 5.4 The Chief Executive noted the possibility of assistance from Assembly researchers with particular pieces of desk research for the Commission, where there is clearly no conflict of interest.
- 5.5 Patricia Beasant has now joined the Commission staff in the post of part-time administrator, working on information management and database development.

- 5.6 It was noted that the Staff Operational Planning Day notes will be circulated to Commissioners.
- 5.7 The Chief Executive confirmed that planned building work had not yet commenced although it was due to begin on 16th August 2004. Clearance is awaited from the NIO regarding the Commission's £10,000 contribution to the renovations, which total £113,000. A Heads of Lease Agreement is being drawn up with the landlord's solicitors.
- 5.8 The Finance and General Purposes Committee reviewed the proposals for a revised pay structure for the Commission and agreed that the Chief Executive should contact Change Alliance consultants to request an operational paper on how the proposed pay bands would work, as well as further explanation of the job evaluation process. A further paper will then be produced for discussion with the Finance and General Purposes Committee, the Joint Negotiating Committee with the trade union NIPSA and the Commission.
- 5.9 The Chief Executive confirmed that the annual report to the Equality Commission had been forwarded to Commissioners and any comments should be returned by the following week.

6.0 Proposed revised pay structure (HRC68.4)

- 6.1 This item was discussed under the Chief Executive's report.

7.0 Strategic and operational planning (HRC68.5 & 68.6)

- 7.1 The draft agenda for the Commissioners' Planning Day, scheduled to take place on 27 September 2004, was agreed.

8.0 The Consultative Forum (HRC68.7)

- 8.1 An internal note of the discussions at the Consultative Forum on 29th July 2004 was considered.
- 8.2 It was agreed that a handover document for new Commissioners should be prepared, detailing the Bill of Rights consultative process to date. This document will focus more on process than substance and will provide an informed background to the progress to date on the Bill of Rights proposals.
- 8.3 The Chief Commissioner will take overall responsibility for the production of this document.
- 8.4 The developing communications strategy will inform the further promotion of the Bill of Rights debate.

8.5 The current Commissioners' manual will be accompanied by a full induction process for new Commissioners.

8.6 A second Consultative Forum will be organised before the end of the year.

Miriam Titterton joined the meeting at 3:15pm

9.0 The Bill of Rights Project

9.1 The responses to the Progress Report were highlighted, for consideration by Commissioners at the Bill of Rights meeting on 20th September 2004. Further responses were expected and would be forwarded to Commissioners.

9.2 It was noted that further engagement was required with the political parties. The Chief Commissioner agreed to speak to party representatives in this regard.

9.4 An agenda was agreed for an academic seminar to be held in the Commission on 8th October 2004 on the Bill of Rights.

9.5 A workshop event will be held in Derry/Londonderry on 14th October 2004 to discuss the Bill of Rights and its impact on protections for vulnerable groups.

9.6 It was agreed that the outstanding sectoral meetings should be planned for 2nd and 11th November 2004.

Miriam Titterton left the meeting and the Commission broke for tea/coffee at 3:40pm

The Commission meeting reconvened at 4.00pm

Denise Magill and Ciarán O Maoláin joined the meeting at 4.00pm

10.0 Update on mental health work

10.1 Christine Eames provided the Commission with an update on her role as Chair of the Human Rights Committee of the Mental Health Review Team.

10.2 The Review Team will be producing ten reports in the coming year. Each report may require some level of response from the Commission, but the primary focus will be on legal issues relating to human rights and social inclusion.

10.3 It was agreed that the Mental Health Review should remain as a standing item on the Commission's agenda. Christine was thanked for her work on behalf of the Commission on this project.

11.0 Update on Single Equality Bill Work (HRC68.8)

- 11.1 A paper prepared by Tom Hadden on the legal interpretation of the Northern Ireland Act has been circulated to interested parties.
- 11.2 Commissioners considered the balance between providing specific protections or a general equality clause and concluded that a general equality clause is to be recommended. The SEB should be as strong and inclusive as possible.
- 11.3 Some critical points were highlighted for further consideration and the provision of more detail in the arguments, for consideration at the October Commission meeting.
- 11.4 It was agreed to convene another meeting of the Single Equality Bill working group on 20th September to discuss outstanding issues.
- 11.5 Substantial time will be allocated on the October Commission agenda for further discussion on the Single Equality Bill.

12.0 Update on European Social Charter work

- 12.1 An initial review of the Charter and its implementation has been prepared which is now being refined for submission to the European Social Rights Committee.
- 12.2 The UK government's report is with the Commission and the deadline for response is the end of October. A draft response will be produced for the October Commission to consider. A special meeting may subsequently be convened to finalise the submission.

Denise Magill and Ciarán O Maoláin left the meeting at 5pm.

13.0 Awareness-raising Guides on ECHR Articles 2 and 3 (HRC68.9 & 10)

- 13.1 The above reports have not yet been submitted in final form. The Chief Commissioner and staff will pursue this with the external consultant.

14.0 Report on the rights of older people and the health service (HRC 68.11)

- 14.1 It was agreed that this report requires further work before publication.
- 14.2 The report provides a scoping study for the Commission to highlight issues of general concern.
- 14.3 It has been agreed by the research partners, OFM/DFM and Help The Aged, that the Commission should publish the report.

14.4 The Chief Executive and Chief Commissioner will take responsibility for editing and updating the report. It was agreed that the final document does not need to come back to the Commission.

15.0 Assessment of Omagh Support Group's files (HRC 68.12)

15.1 It was agreed that further information would be sought before deciding whether or not to call for a public inquiry on this case, as requested.

15.2 It was agreed that the Chief Commissioner would write to the Omagh Support and Self Help Group to keep them informed and take their views on any further action by the NIHRC.

15.3 It was agreed that the Chief Commissioner would explore with the Support Group initially and, if agreed, then with the Irish Human Rights Commission, the consideration of their request for a public inquiry by the Joint Committee when it next meets in September.

15.4 It was agreed that the Commission would seek the views of the PSNI on releasing notes of a recent meeting between the PSNI and NIHRC, concerning the work of the Serious Crime Review Team.

15.5 The Chief Commissioner will raise the matter of a public inquiry with the Police Ombudsman.

15.6 The Chief Commissioner will keep the Commission informed of developments.

16.0 Report of work on policing and criminal justice (HRC 68.13)

16.1 It was agreed that recent reports regarding CS spray would be discussed at the next Policing and Criminal Justice working group.

16.2 A response to the draft PSNI Child Protection Policy will be submitted by the end of September.

16.3 Notes of two meetings held on 4th August 2004 with the PSNI will be forwarded to Commissioners.

16.4 The Commission's response to the Home Office consultation paper on counter-terrorism measures was submitted on 1st September 2004.

17.0 Staff reports were noted:

Casework	(HRC 68.14a & b)
Development	(HRC 68.15)
Education	(HRC 68.16)

Finance and General Purposes Committee	(HRC 68.17)
Information	(HRC 68.18)
Investigations and research	(HRC 68.19)
Legislation and policy	(HRC 68.20)
Research and Education Committee	(HRC 68.21)

- 17.1 The death and investigations report has not been completed yet. The current paper needs further editing and will then be forwarded to Commissioners.
- 17.2 A letter has been written to the Minister, Ian Pearson, requesting a meeting to discuss the government's proposals on the physical punishment of children.
- 17.3 A research proposal on migrant workers will be discussed further at the next Racism Working Group meeting and then brought to the Commission meeting for consideration.
- 17.4 The report on Women in Prisons is due for press release at the end of September and for publication in November. It was agreed that the Chief Commissioner will review the final draft on behalf of the Commission.

18.0 Any other business

- 18.1 The Commission agreed that the work of student intern Olivia Nunez on archiving of the Bill of Rights Project was very useful and thanked Olivia, who has now returned to Dartmouth College in the USA.
- 18.2 There being no other business, the meeting closed at 5.55pm.