

**MINUTES OF THE 69<sup>TH</sup> COMMISSION MEETING**

**HELD AT 2 PM ON MONDAY 11<sup>TH</sup> OCTOBER 2004**

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

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

**In Attendance:** Paddy Sloan, Chief Executive  
Brenda Madden,  
Don Leeson,  
Ciarán Ó Maoláin

**1.0 Draft Agenda**

1.1 The agenda as presented was agreed.

**2.0 The minutes of the previous meeting (HRC 69.1)**

2.1 Minor typographical errors were noted. Otherwise the minutes of the 68<sup>th</sup> Commission meeting, held on 6<sup>th</sup> September 2004, were agreed as an accurate record.

**3.0 Matters Arising**

3.1 A joint meeting of the Equality Commission and the NIHRC will take place on Thursday 11<sup>th</sup> November at Equality House. The topic for discussion is the draft UN Convention on Disability and the meeting will run over lunch time from 12noon to 2pm. Commissioners are encouraged to attend.

3.2 The Commission's response to the UN Committee Against Torture has had to take priority over our response to the European Social Charter, as the Committee Against Torture has brought forward the date for considering responses.

3.3 At point 15.4 it was agreed that the Chief Commissioner would write to the Omagh Support and Self Help Group regarding the work of the police's Serious Crime Review Team.

- 3.4 A response to the PSNI draft Child Protection Policy has not yet been prepared.
- 3.5 A meeting has been confirmed with the Minister, Ian Pearson 11.45 on 21<sup>st</sup> October 2004 at Stormont Castle, to discuss current proposals on the physical punishment of children.
- 3.6 There was further discussion regarding the Commission's work with the Omagh Support Group. A paper has been prepared analysing the information provided to the Commission by the Support Group in August. The options for Commission action emanating from that paper will be discussed at the November Commission meeting. The views of the Irish Human Rights Commission on the information provided were sought at the meeting of the Joint Committee on 9<sup>th</sup> September 2004.
- 3.7 Commissioners noted the successful seminar held on the report "Deaths in Hospital", produced by Prof Tony McGleenan. The report has been well received and the discussion, facilitated by the Commission, was useful.

#### **4.0 Chief Commissioner's Report (HRC 69.2)**

- 4.1 The Chief Commissioner spoke to his written report, highlighting the following points.
- 4.2 Mr Chris Sidoti will be in Northern Ireland to participate in the interview panel for new Commissioners during October. He would like to meet with Commissioners and staff in order to familiarise himself with the workings of the NIHRC.
- 4.3 The Commissioners discussed the correspondence from Christine Bell regarding a meeting with the Commission. It was agreed that the Chief Commissioner should reply indicating that the Commission's door was always open if and when Christine wanted to have a meeting.
- 4.4 The Chief Commissioner spoke to his report on his attendance at the Seventh International Conference for National Institutions, held in Seoul, South Korea from 14-17<sup>th</sup> September 2004. Topics requiring further discussion within the Commission and emanating from the conference include: (1) How NHRIs can improve their input to the work of the UN, (2) How early warning systems can be put in place to shield NHRIs from political pressure, (3) How NHRIs can be effectively evaluated. These issues will be added to future Commission agendas for discussion.
- 4.5 The evaluation of the NIHRC undertaken by Stephen Livingstone and Rachel Murray has been summarised in a chapter in a book which has recently been published. Commissioners' comments on the publication should be forwarded to

- the Chief Commissioner by 15<sup>th</sup> October, since Rachel Murray has requested feedback.
- 4.6 The Minister, John Spellar, has not yet provided clearance for the NIHRC's Annual Report to be tabled in parliament.
  - 4.7 A cost order on the 'E' case has been awarded against the NIHRC. An application for an appeal in the case is under way. The NIHRC's costs are currently with the Cost Drawer and when the outcome of the appeal application is available a full paper will be prepared for Commissioners.
  - 4.8 It was noted that the next meeting of the Joint Committee will be held on 2<sup>nd</sup> December in Belfast. Meetings of all three sub-committees on racism, the Charter of Rights and emergency laws, are to take place prior to that date.
  - 4.9 The Commissioners' attention was drawn to correspondence with the NIO concerning Mr Leslie MP.
  - 4.10 Belfast City Hall is available to the Commission to host an event marking International Human Rights Day on 10<sup>th</sup> December 2004. It is anticipated that the Lord Mayor will participate and others will be invited to provide an overview of human rights protections in Northern Ireland.
  - 4.11 The Commission's working group on methods of intervening in conflict situations has met and notes of that meeting are included in the Commission's information papers. The group will be known from now on as the Crisis Intervention Group.
  - 4.12 The Commission continues to be concerned about the implementation of the Anti-Social Behaviour (Northern Ireland) Order 2004. A meeting has been arranged with the NIO group charged with developing protocols with the District Councils, PSNI and the Housing Executive.
  - 4.13 Legal advice is still awaited on the potential case to be taken by the Commission in its own name regarding the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003.
  - 4.14 The Chief Commissioner's speaking engagements and meetings/events attended during the past month were noted.
  - 4.15 It was agreed in principle that the Commission would support the request to co-host an event with the Rainbow Project entitled "Understanding Homophobia" to be held in Derry in December 2004. Further practical details have to be determined but Commissioners are content that, were it to run on Human Rights Day, the Commission could still participate.

- 4.16 The Chief Commissioner has written to the Secretary of State enquiring as to the reasons for special legislation being required to conduct a public inquiry into the murder of Patrick Finucane.
- 4.17 The Chief Commissioner reported that he intends to visit the premises of the Chinese Welfare Association in support of their application to develop a community centre.
- 4.18 A forthcoming report prepared for the Commission by Dr Linda Moore and Prof Phil Scraton entitled “The Hurt Inside” and describing human rights abuses in women’s prisons in Northern Ireland will feature in a forthcoming BBC ‘Spotlight’ television programme. A report on the programme and the subsequent Commission launch of the report will be provided to Commissioners.
- 4.19 The Chief Commissioner secured agreement from Commissioners that Commission papers would no longer be bound but presented in loose-leaf format.
- 4.20 Margaret-Ann Dinsmore asked that it be noted that details of any cases involving children should not be made available to her as there may be a potential conflict of interest with her work at the Bar.

*Margaret-Ann Dinsmore left the meeting at 3:10pm*

## **5.0 Report from the Chief Executive (HRC 69.3)**

- 5.1 The Chief Executive welcomed the two new managers: Don Leeson, Head of Corporate Services, and Ciarán Ó Maoláin, Head of Legal Services, Research and Policy, to the Commission meeting.
- 5.2 The current vacancies in the Legislation and Policy team will be advertised shortly, as will the receptionist post. Rachel Webster is leaving at the end of October to return to England.
- 5.3 Approval has been secured from the Northern Ireland Office to divert £10,000 to capital costs as the Commission’s contribution to current building refurbishment work. The renovations to improve disability access to Temple Court have been slow, but the Chief Executive is in regular contact with the builder and the landlord’s agent.
- 5.4 The finance report for the period up to the end of September was tabled.
  - 5.4.1 It was noted that the Casework budget has been fully committed and any further expenditure in this area will require careful consideration.
  - 5.4.2 A revised format for the financial reports, providing more detail, will be available at the next Commission meeting.

5.4.3 The Northern Ireland Audit Office will hopefully commence auditing of Commission accounts from 2002 to 2004 in the very near future. This must be complete by the end of the financial year.

5.5 Meetings/events attended by the Chief Executive were noted.

## **6.0 The Bill of Rights Project**

6.1 A meeting of academic experts on 8<sup>th</sup> October 2004 had been stimulating and useful. The recommendations from this meeting will inform the handover document to be prepared for incoming Commissioners.

6.2 There will be further Bill of Rights meetings held with Commissioners to agree the amended text for the handover document.

6.3 A Bill of Rights event will be held on 14<sup>th</sup> October 2004 in Derry/Londonderry, focusing on protections for vulnerable groups.

6.4 Further sectoral meetings will be held during November and December.

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

7.1 Christine Eames, as Chair of the Human Rights Committee of the Mental Health Review Team, updated Commissioners on recent progress.

7.2 The Review Team will meet again on 13<sup>th</sup> October 2004.

*Denise Magill joined the meeting at 3:30pm*

## **8.0 Single Equality Bill (HRC 69.4)**

8.1 The latest draft response by the Commission to the Green Paper on the Single Equality Bill, together with three annexes, was considered by Commissioners. A number of policy decisions are required to progress the drafting process and the Commission will finalise its response by 12<sup>th</sup> November. A meeting is to be arranged with the Equality Commission to discuss the Commission's response with them.

8.2 The NICEM annual conference will be held on 15<sup>th</sup> October 2004 on the topic of the Single Equality Bill.

8.3 It was agreed, further to discussion with the academic experts on the Bill of Rights, that the general equality clause from the Bill of Rights should not be included in the proposed Single Equality Bill.

- 8.4 The Bill should harmonise legislative protection upwards and increase the powers of the ECNI.
- 8.5 There followed discussion of the various grounds of discrimination that should be included in the Single Equality Bill and the need for separate legislation for some grounds. It was also agreed that duties imposed by sections 75 and 76 of the Northern Ireland Act 1998 should also be referred to in our paper on the Single Equality Bill.
- 8.6 It was agreed that the response should include recommendations to amend Schedule 9 to the Northern Ireland Act 1998 and that direct action against a public body should be possible without having to go through the Equality Commission as a screening exercise.

*Break for tea/coffee at 4:20pm. Denise Magill left the meeting.*

*Commission meeting resumed at 4:30pm.*

**9.0 Proposed research on immigration services (HRC 69.5)**

- 9.1 The proposal for research on immigration services was agreed by the Commission.

**10.0 Submission to UN Committee Against Torture (HRC 69.6)**

- 10.1 It was noted that the Committee hearing is now on 17<sup>th</sup> and 18<sup>th</sup> November 2004 and that our submission needs to be with the Committee well in advance of the hearing.
- 10.2 Commissioners will review the paper and give comments to the office by the end of the week. A copy will be sent to Commissioners as soon as it is complete.
- 10.3 Ciarán Ó Maoláin will attend the hearing in Geneva on behalf of the Commission.

**11.0 Report on inquests into deaths caused by lethal force (HRC 69.7)**

- 11.1 The Commissioners noted that this was a useful and well written report submitted by Paul Mageean and Fiona Doherty. The Chief Commissioner welcomed further comments by the end of this week. Editorial comment will be prepared on the definition of an Article 2 case to introduce the document. The report will be released as a discussion document in the next four to six weeks.

**12.0 Report on the rights of arrested persons (HRC 69.8)**

- 12.1 Some minor textual changes were agreed.

12.2 Subject to these amendments the paper would be published in the next four to six weeks.

**13.0 Report of work on policing and criminal justice (HRC 69.9)**

13.1 The report was noted.

13.2 A visit arranged for Commissioners to view the Army's training in the use of baton rounds has been arranged for 22<sup>nd</sup> November 2004. All Commissioners are invited to attend.

*Margaret-Ann Dinsmore rejoined the meeting at 5:15pm.*

**14.0 Staff reports were noted:**

Casework	(HRC 69.10)
Development	(HRC 69.11)
Education	(HRC 69.12)
Finance and General Purposes Committee	(HRC 69.13)
Information	(HRC 69.14)
Investigations and research	(HRC 69.15)
Legislation and policy	(HRC 69.16)
Victims' Rights Working Group	(HRC 69.17)

14.1 The handbook being prepared on migrant workers rights will be drafted by the NIHRC in discussion with other organisations, including the Irish Human Rights Commission, the Law Centre (Northern Ireland) and NCCRI.

14.2 It was noted that the list of consultation documents to be considered by the Legislation and Policy team is beyond the capacity of current staff resources. A backlog of responses is inevitable but will be kept to the minimum possible.

14.3 The next meeting of the Victim's Rights Working Group will be on 2<sup>nd</sup> November and all Commissioners are welcome to attend.

14.4 It was noted that guidelines are required to clarify the process by which co-opted members of a working group might, under certain circumstances, nominate temporary replacements to attend in their absence. It was agreed that the Chief Executive and Head of Corporate Services would produce a paper on this issue.

14.5 It was agreed that the paper (HRC 69.10(c), on casework cost orders and capping of fees, should be further discussed with the Chief Executive and Head of Legal Services, Policy and Research and the outcome reported at the November Commission meeting.

**15.0 Any other business**

15.1 There being no other business, the meeting closed at 5.40pm.