



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **MINUTES OF THE 70<sup>TH</sup> COMMISSION MEETING**

**HELD ON MONDAY 8 NOVEMBER 2004, AT 1.00PM AT THE  
NORTHERN IRELAND HUMAN RIGHTS COMMISSION,  
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

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

**Apologies:** Margaret–Ann Dinsmore

**In attendance:** Paddy Sloan, Chief Executive  
Don Leeson, Head of Corporate Services  
Denise Magill, Research Worker (agenda item 8 only)  
Ciarán Ó Maoláin, Head of Legal Services and Policy  
Peter O'Neill, Head of Information, Education and  
Development

### **1. Minutes of the 69<sup>th</sup> meeting (HRC 70.1)**

- 1.1 The minutes of the 69<sup>th</sup> Commission meeting were agreed as an accurate record.

### **2. Matters arising**

- 2.1 Commissioners formally welcomed Peter O'Neill who had joined the Commission as Head of Information, Education and Development on 8 November 2004.

- 2.2 Following his attendance at the 7<sup>th</sup> International Conference of National Human Rights Institutions in South Korea in September (paragraph 4.4 of the minutes of the last meeting refers), the Chief Commissioner has been invited to join a working group to develop evaluation criteria on the effectiveness of national human rights institutions. This group will meet in Geneva on 18 November 2004.
- 2.3 The Chief Commissioner has not yet met with Rachel Murray about the evaluation of the Commission (paragraph 4.5 of the minutes of the last meeting refers) – he will try to do so before the next Commission meeting.
- 2.4 The Minister has now given clearance for the Commission's Annual Report to be laid before Parliament (paragraph 4.6 of the minutes of the last meeting refers). Once this has been done, the Annual Report will be distributed to all key stakeholders.
- 2.5 The 'Understanding Homophobia' conference proposed by the Rainbow Project to be held during Anti-Homophobia Week in Derry / Londonderry (paragraph 4.15 of the minutes of the last meeting refers). Decisions on the nature of the Commission's participation in the event will be taken if it is to proceed.
- 2.6 The Secretary of State has replied to the Chief Commissioner's enquiry about the need for special legislation before a public inquiry into the killing of Patrick Finucane could proceed (paragraph 4.16 of the minutes of the last meeting refers). The legislation is apparently needed to govern the handling of sensitive information. It was agreed that the Commission should seek a meeting with the team that will be drafting the legislation to discuss their terms of reference and contribute to the draft legislation as it is being developed.
- 2.7 Commissioners intend to meet with the Chinese Welfare Association to show support for their bid to build a community centre and to take a stand against racist attacks generally (paragraph 4.17 of the minutes of the last meeting refers). The Commission will host a meeting of minority ethnic groups at Temple Court on 24 November 2004.

- 2.8 Commissioners noted the extensive media coverage and support received by the Commission in respect of its recent report on the experiences of women in prisons, 'The Hurt Inside', and passed on their appreciation to all involved with the project, particularly Linda Moore.

### **3. Report from the Chief Commissioner (HRC 70.2)**

- 3.1 Interviews have taken place for the post of Chief Commissioner, but there is no indication as to whether a recommendation to make an appointment had yet been made. Interviews for Commissioners were now expected to continue until February 2005 and, therefore, it is unlikely that any appointments would be announced before then. The Chief Commissioner has reported to the Northern Ireland Office on the suitability of Christine Eames and Kevin McLaughlin to continue to serve as Commissioners for a further term. It was agreed that the Chief Commissioner should write to the Commissioner for Public Appointments to register the Commission's concerns at the delay in appointing new Commissioners and the impact this was having on the work of the Commission.
- 3.2 The Casework Committee recommended that Senior Counsel should be engaged to represent the Commission in its case against the Northern Ireland Office over its refusal to allow access to the Rathgael Juvenile Justice Centre. This was agreed by Commissioners.
- 3.3 Alvaro Gil-Robles, the Council of Europe's Commissioner for Human Rights, visited the Commission on 8 November. He had pledged his support for the work of the Commission and, in particular, for extending its powers to include the right of entry to prisons, etc.
- 3.4 The Chief Commissioner drew Commissioners' attention to recent casework successes in two judicial review cases that challenged decisions taken under the Key Persons' Protection Scheme.
- 3.5 Commissioners agreed to host lunch externally for the last meeting of the Joint Committee with the Irish Human Rights Commission on 2 December 2004 before four NIHRC Commissioners leave office.

#### **4. Report from the Chief Executive (HRC 70.3)**

- 4.1 Annual premiums for professional liability insurance had increased substantially in recent years. Unlike the Commission, not all Government–sponsored organisations had such insurance and the Chief Executive will contact the Northern Ireland Office for advice on this matter. In the meantime, given that the Commission had been able to get a quote for professional liability insurance at the same rate as last year, it was agreed that the Commission should renew its insurance for another year.
- 4.2 The remaining issues were noted.

#### **5. Report from the Head of Corporate Services (HRC 70.4)**

- 5.1 A workshop will be held on 9 December at Temple Court to assess the risks of events that might impact on the achievement of the Commission’s objectives and what might be done to minimise them. Commissioners are encouraged to attend.
- 5.2 Whilst overall expenditure for the Commission is on track, there are outstanding liabilities in respect of legal costs. Some of these potential liabilities have not yet been quantified – for example, costs awarded against the Commission in respect of the ‘E’ case, which could be substantial. It was agreed that, pending clarification of these liabilities, and a review of the scope for viring funds from other budget headings to offset these liabilities, any further expenditure commitments on legal cases would be made only in exceptional circumstances and with the agreement of the full Commission. The financial position in respect of legal case work will be reviewed at the next Commission meeting. In the meantime, full consideration will continue to be given to all requests for legal funding. It was noted that the Commission is able to provide other types of support to applicants – for example, advice from its own in–house legal professionals.

## **6. The Bill of Rights Project**

- 6.1 Progress in developing a draft Bill of Rights was noted, including an event in Derry / Londonderry on 14 October to consider whether it gave adequate protection to 'vulnerable' groups of people. It was noted that the Children's Commissioner will be facilitating a discussion with the sector on the current proposals regarding children's rights.
- 6.2 A manual on the Bill of Rights for use in schools had been published. Commissioners passed on their appreciation to all involved in developing the manual, which was a major piece of work.
- 6.3 It was agreed that a first draft of a paper documenting progress to date in developing the Bill of Rights and outstanding issues to be passed on to the new Commissioners should be prepared and discussed at the next Commission meeting.
- 6.4 It was agreed that a second meeting of a consultative forum of key stakeholders should be held in January 2005. Proposals would be discussed at the next Commission meeting in December.

## **7. Update on mental health work**

- 7.1 Christine Eames, Chair of the Human Rights and Equality Committee of the Review of Mental Health and Learning Disability updated Commissioners on progress. There were no significant developments to report.

**Denise Magill joined the meeting at 2:40pm**

## **8. Single Equality Bill (HRC 70.5)**

- 8.1 Commissioners considered the latest draft of the Commission's response to the 'Green Paper' published by the Office of the First Minister and Deputy First Minister on proposals for a Single Equality Bill. Following discussion, the draft response was agreed, subject to some minor amendments. Commissioners expressed their appreciation to Denise Magill for her work in developing the Commission's response. The response would be submitted to the OFMDFM later in the week and also placed on the Commission's website.

**Denise Magill left the meeting at 3:15pm**

## **9. Proposed event on Human Rights Day (HRC 70.6)**

- 9.1 The Commission will host an event at City Hall, Belfast to mark International Human Rights Day on 10 December. The Mayor has agreed to participate. It was decided that the event should focus on a small number of issues of current concern and expert speakers invited to highlight the human rights dimensions. The Chief Executive will propose issues and speakers for agreement by Commissioners.

**Break for tea / coffee at 3:30pm**

## **10. Guides to Articles 2 and 3 (HRC 70.7a and HRC 70.7b)**

- 10.1 Technical guides to Articles 2 (the 'right to life') and 3 (the 'right not to be ill-treated') of the European Convention on Human Rights had been developed for the Commission by Mark Kelly, Director, Human Rights Consultants. It was noted that they need to be updated to reflect a couple of cases that have recently been decided. It was agreed that the guides should be published in A5 format and that, eventually, they might form part of a series.

## **11. Update on inquiry from Omagh Support and Self–Help Group (HRC 70.8)**

- 11.1 The Omagh Support and Self–Help Group had approached the Commission to seek its support in calling for a public enquiry into the Omagh bombing on 15 August 1998. Further work was needed before the Commission could take a position on this matter.
- 11.2 It was agreed that the Commission should seek a meeting with the Police Service of Northern Ireland to get an update on the current position with the investigation into the bombing. Given that the Omagh Support and Self–Help Group is calling for a cross–border public inquiry, the Commission will encourage them to seek the support of the Irish Human Rights Commission. The two Commissions could then discuss the matter at their next joint meeting on 2 December 2004.

## **12. Report of work on policing and criminal justice (HRC 70.9)**

- 12.1 The report by the Chief Commissioner on current developments in respect of policing and the criminal justice system was noted.

## **13. Other reports**

- 13.1 The following reports were noted:

Minutes of the Casework Committee (HRC 70.10b)  
Development (HRC 70.11)  
Education (HRC 70.12)  
Minutes of Finance and General Purposes Committee (HRC 70.13)  
Information (HRC 70.14)  
Victims' Rights Working Group (HRC 70.15)

## **14 Any other business**

- 14.1 There was no other business.

**The meeting closed at 4:45pm**

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

13 December 2004