



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **MINUTES OF THE 71<sup>ST</sup> COMMISSION MEETING**

**HELD ON MONDAY 13 DECEMBER 2004, AT 1.00PM AT  
THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION,  
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

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

**In attendance:** Don Leeson, Head of Corporate Services  
Ciarán Ó Maoláin, Head of Legal Services, Research  
and Policy  
Peter O'Neill, Head of Information, Education and  
Development

**Apologies:** Paddy Sloan, Chief Executive

### **1. Minutes of the 70<sup>th</sup> meeting (HRC 71.1)**

1.1 The minutes of the 70<sup>th</sup> Commission meeting were agreed as an accurate record.

### **2. Matters arising**

2.1 There were no matters arising.

### **3. Report from the Chief Commissioner (HRC 71.2)**

- 3.1 Following interviews, the NIO was unable to appoint a new Chief Commissioner and the position will be re-advertised. In the meantime, the NIO is thinking about interim arrangements should a new Chief Commissioner not be able to take up post by March 2005.
- 3.2 Work to review a draft evaluation report on the Commission by Stephen Livingstone and Rachel Murray is ongoing. It is the intention to complete this work by the end of the year.
- 3.3 The Government has published a draft Inquiries Bill, which is apparently needed to govern the handling of sensitive information in forthcoming public inquiries where state collusion is alleged. The Commission will seek to influence the draft legislation when the Bill goes through the Committee Stage, which is expected in early 2005.
- 3.4 The Chief Commissioner reported on the recent 3<sup>rd</sup> Council of European Roundtable for National Human Rights Institutions and 5<sup>th</sup> meeting of the European NHRIs, which were held in Berlin on 25/26 and 26/27 November respectively. A declaration was agreed at the Roundtable covering the development of the system of human rights protection within the area of the Council of Europe, human rights protection in the context of the fight against terrorism and protection of victims of trafficking in human beings.
- 3.5 The barrister requested to advise on the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 is not now able to undertake this work; another needs to be briefed on this matter.
- 3.6 The Commission's case against the Northern Ireland Office over its refusal to allow access to the Rathgael Juvenile Justice Centre will be heard on 1 February 2005.

- 3.7 Commissioners held their annual meeting with their counterparts in the Equality Commission on 11 November 2004. The focus of this meeting was disability issues. It was agreed that the two Commissions would work together to promote awareness of the UN's draft 'Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities'. Kevin McLaughlin agreed to participate in a working group to take this forward.
- 3.8 A meeting of the Joint Committee of the Representatives of the Human Rights Commissions on the island of Ireland – the Joint Committee – took place on 2 December 2004. Minutes of the meeting will be distributed in due course.
- 3.9 A number of reports are due for publication during the next few weeks. The Commission's report on the rights of arrested persons will be launched on 16 December 2004. The latest draft of the report on the rights of transsexual people had been reviewed by a representative of Press for Change – it was agreed to delay publication of this report until early 2005 pending consideration of their comments. Further work was needed on the draft report on the rights of older people in the Health Service – it will be published before the end of February 2005.
- 3.10 Preparations are underway for the induction of the new Commissioners, who are due to take up their positions from March 2005. As part of this, it was agreed that there should, if possible, be a handover meeting between the departing and newly appointed Commissioners on 28 February 2005. The Commission will also seek to hold an event for stakeholders to introduce the new Commissioners on that day.

#### **4. Report from the Chief Executive (HRC 71.3)**

- 4.1 Commissioners approved a proposed pay settlement for Commission staff equivalent to that recently agreed for NIO staff.

- 4.2 Commissioners gave their approval to contract with Change Alliance to progress changes to the pay structure for Commission staff.
- 4.3 The Commission is in the process of taking over the lease for the first floor of Temple Court. Commissioners gave their approval for the purchase of new furniture and equipment for the Commission's expansion in Temple Court, in accordance with the budget.
- 4.4 Commissioners gave their approval to close the Commission on 24 December 2004 and therefore give staff an additional day's leave.

## **5. Report from the Head of Corporate Services (HRC 71.4)**

- 5.1 The Commission had engaged Cost Drawer to review disputed invoices with a firm of solicitors. The Cost Drawer had recommended changes to these invoices. Commissioners approved a proposal to invite the Cost Drawer to negotiate a settlement with the firm subject to an upper limit, and agreed the fee payable for the services of the cost drawer.
- 5.2 Pending resolution of this issue, and clarification of the Commission's liabilities in respect of the costs of the 'E' case, which have not yet been presented, it was agreed that further expenditure commitments on legal cases would continue to be made only in exceptional circumstances and with the agreement of the full Commission.
- 5.3 A workshop for staff and Commissioners had been held on 9 December 2004 to consider the potential risks to the achievement of the Commission's corporate objectives. The risks identified, and a proposed approach to minimising these risks, would be set out in a paper for approval by Commissioners in due course.

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

- 6.1 Christine Eames, Chair of the Human Rights and Equality Committee of the DHSSPS's Review of Mental Health and Learning Disability, updated Commissioners on progress.

## **7. The Bill of Rights Project (HRC 71.5)**

- 7.1 Work has begun on a briefing paper for new Commissioners on progress to date by the Commission in developing the Bill of Rights. A working title for the document – ‘Taking Forward a Bill of Rights for Northern Ireland’ – was agreed.
- 7.2 A proposed structure for the report was approved. It was agreed that a full draft report would be presented to the next Commission meeting in January 2005, and that it would be signed-off at the subsequent meeting in February before the new Commissioners take up their posts from March 2005. Final decisions on whether the document should be published and distributed to stakeholders would be taken in due course.

### **Margaret–Ann Dinsmore joined the meeting at 3:30pm**

- 7.3 Before the briefing paper could be finalised a separate meeting would need to be held to review the responses received following publication of the Commission’s updated draft proposals on the Bill of Rights in April 2004.
- 7.4 In the meantime, it was agreed that proposals for a seminar on democratic rights would be considered at the January Commission meeting.

### **Break for tea / coffee at 3:45pm**

## **8. Proposals for the next consultative forum**

- 8.1 It was agreed that a second consultative forum of the stakeholders should be held to discuss the Commission’s priorities for its business plan for 2005–06. This will be on 24 January, at a venue to be decided, possibly outside Belfast.

## **9. European Social Charter submission (HRC 71.6)**

- 9.1 The Commission’s draft response to consultation on the European Social Charter was being prepared and would be sent to Commissioners by the end of December 2004 for consideration.

## **10. Report from the Crisis Intervention Working Group (HRC 71.7)**

- 10.1 Minutes of the last Crisis Intervention Working Group held on 23 November 2004 were distributed to Commissioners at the meeting.
- 10.2 A joint project on human rights and conflict management, involving the Commission, the Parades Commission and the Institute for Conflict Resolution, to be funded by the Community Relations Council, has been proposed. The Commission's investment in the project would be up to 12 days of the Education Worker's time, which was agreed by Commissioners.
- 10.3 In respect of crisis intervention, further work was needed to develop criteria for determining the nature of the Commission's involvement – if any – in a given situation. It was agreed that the Crisis Intervention Working Group would take this work forward in the light of the discussion by Commissioners, benchmarking practice in other countries as appropriate, and progress reported to the February Commission meeting.

## **11. Dealing with the past (HRC 71.8)**

- 11.1 The Northern Ireland Affairs Select Committee has called for evidence on reconciliation and dealing with past events. The Commission's draft response was discussed. It was noted that, at this stage, the Select Committee was not seeking definitive views on the appropriateness of truth and reconciliation processes in the context of Northern Ireland, but merely beginning a programme of discussions with stakeholders.
- 11.2 Following discussion, it was agreed that the draft paper would be revised, with emphasis placed on strategic choices in the design of a possible 'Truth and Reconciliation Commission', and sent to the Select Committee by 17 December 2004.

11.3 On a related matter, the Secretary of State had written to the Commission on 23 November 2004 in response to a letter from the Chief Commissioner on a range of matters. In his response, the Secretary of State had suggested that it would be useful for the Chief Commissioner to meet with Angela Smith MP, the Minister with responsibility for ongoing work on dealing with the past. It was agreed that the Chief Commissioner should follow up this invitation.

## **12. Report of work on policing and criminal justice (HRC 71.9)**

12.1 There had been a number of developments in respect of policing and criminal justice since the last Commission meeting, including a meeting with the residents of the 'Holyland' area of Belfast in respect of disturbances, and discussions with the PSNI and Black and Minority Ethnic groups over racist attacks.

12.2 Following an approach by the Omagh Support and Self-Help Group seeking support for a public inquiry into the Omagh bombing on 15 August 1998, the Chief Commissioner had written to the PSNI to seek a meeting to get an update on the current position of the investigation. The PSNI had declined this request on the grounds that an arrest had recently been made. It was agreed that the Chief Commissioner should write again to the PSNI to re-state the Commission's request to meet.

**Don Leeson left the meeting at 5:15pm**

## **13. Other reports:**

13.1 The following reports were noted:

Casework Committee Minutes (HRC 71.10)  
Information, Education, Development (HRC 71.11)  
Legal Services, Research, Policy (HRC 71.12)  
Victims' Rights Working Group (HRC 71.13)

13.2 Commissioners welcomed the increased media coverage elicited by the Commission since the last meeting. Kevin McLaughlin reported positive feedback he had received from a teacher on the quality of the Bill of Rights in Schools (BORIS) curricular materials.

## **14. Any other business**

14.1 Comments on the draft Inquiries Bill will be prepared in January for discussion at the next Commission meeting. Of particular concern is that Government Ministers would have the power, under the draft Bill, to withhold information and prevent the publication of evidence from future inquiries, including those recommended by the Cory Report. The Commission had been contacted by an individual particularly concerned with the terms of reference of the inquiry into Rosemary Nelson's murder and the potential impact of this Bill on that inquiry. It was agreed to review the terms of reference for all four inquiries called for in the Cory Report and to consider issuing a press release on this general issue.

14.2 It was suggested that the Commission consider the issue of paramilitary criminality and any possible breach of human rights standards arising from the recent publication of the British and Irish Government's (draft) Comprehensive Agreement. After discussion it was agreed to defer this matter.

14.3 Margaret–Ann Dinsmore reported that she had been invited to attend a reception organised by the NIO, welcoming a delegation of Rwandan human rights workers.

14.4 Tom Hadden reported that he had been asked to participate in a forthcoming video discussion with a group of interns based in India.

**The meeting closed at 5.45 pm.**

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

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

18 January 2005