



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 72ND COMMISSION MEETING

**HELD ON TUESDAY 18 JANUARY 2005, AT 1.30PM 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: Paddy Sloan, Chief Executive
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

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1. Minutes of the 71st meeting (HRC 72.1)

1.1 The minutes of the 71st Commission meeting were agreed as an accurate record.

2. Matters arising

2.1 Issues raised at the last Commission meeting in respect of its role in crisis intervention will be discussed at the next Crisis Intervention Working Group meeting which is scheduled for 25 January 2005 (paragraph 10.3 of the minutes of the last meeting refers).

3. Report from the Chief Commissioner (HRC 72.2)

- 3.1 It was noted that the Northern Ireland Office (NIO) has extended the closing date for applications for the Chief Commissioner post, which has been re-advertised, to 26 January 2005. It is unlikely that the new Chief Commissioner will be in post by time the outgoing Chief Commissioner leaves office at the end of February 2005. The Chief Commissioner will discuss with the NIO what interim arrangements are planned.
- 3.2 Commissioners discussed a draft letter to Dame Rennie Fritchie, the Commissioner for Public Appointments, highlighting the Commission's concerns at the failure by the NIO over the past few years to replace Commissioners as they left office through resignation or retirement, as well as the delay in the current appointment exercise. The draft letter will be revised in light of the discussions and updated in respect of the further developments with the Chief Commissioner appointment process and a second draft sent to Commissioners for approval.
- 3.3 The Secretary of State made an announcement on 17 December 2004 about the Government's intention to extend the powers of the Commission. The announcement stated that he would give details of the extended powers "in the New Year". Robin Masefield, the new Director General of the Prison Service, had to have discussions with officials prior to deciding whether or not the Commission could have access to Hydebank Wood. Therefore, pending clarification of the extent of the changes in the Commission's powers, it was agreed that the Commission should continue with the judicial review over the prevention of access to the Rathgael Juvenile Justice Centre, which is scheduled to be heard on 1 February 2005.

- 3.4 The report on human rights issues in the UK by Alvaro Gil-Robles, the Council of Europe's Commissioner for Human Rights, following his review in November 2004, is expected to be published within the next few weeks.
- 3.5 The evaluation report on the Commission by Rachel Murray and the late Stephen Livingstone will be published at the end of January 2005, without the Commission having had the opportunity to comment fully on two of the chapters in the text.
- 3.6 Following the withdrawal of the original counsel, another barrister has agreed to take over work to advise the Commission on human rights issues in respect of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003.
- 3.7 Following Commissioners' annual meeting with their counterparts in the Equality Commission in November 2004, a joint working group is to be established 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 and two members of staff will represent the Commission. In the meantime, the next meeting of the Ad Hoc Committee, which is responsible for drafting the Convention, will take place at the end of January 2005 in New York. It was agreed that the NIHRC did not need to be represented at that meeting.
- 3.8 At the quarterly meeting of the Joint Committee of the Human Rights Commissions on the island of Ireland (the Joint Committee) in December 2004 it was agreed that the Chief Commissioner and the President of the Irish Human Rights Commission should write to all stakeholders who had been sent a pre-consultation document on a Charter of Rights for the island of Ireland to let them know that work was progressing, but that there might be a hiatus in completing this pending the appointment of new members of the NIHRC. This will be done shortly. Commissioners agreed to seek a meeting of the Joint Committee's sub-group on the Charter of Rights before the end of February 2005 to take stock of the work done to date in preparation for handover to the incoming Commissioners.

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3.9 Tom Hadden had attended a meeting in Paris on 14 January 2005 convened by the Council of Europe's Commissioner for Human Rights to discuss European National Human Rights Institutions' (NHRIs) views on the draft Convention on the Prevention of Terrorism, which is being developed by the Council of Europe. NIHRC had already given its preliminary views on the draft Convention. Tom, on behalf of the NHRIs, had agreed to draft a collective response, to be circulated by the French Human Rights Commission, for agreement, if possible, by all of the NHRIs. After discussion, it was agreed that NIHRC should support the draft response in principle and submit comments on its detail.

4. Report from the Chief Executive (HRC 72.3)

4.1 Subject to reference checks, provisional appointments have been made for the vacant Receptionist / Administrative Officer and Research Worker posts. A meeting to consider casework staffing was scheduled for 19 January 2005, which will help clarify the longer term requirements in this area of the Commission's work.

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4.2 Building work to make Temple Court more accessible and enable the Commission to occupy the entire premises is nearing completion. In the meantime, plans to move staff into the additional accommodation are progressing – it is the intention to complete the office moves by March 2005.

4.3 The audit of the Commission's accounts for 2001–02, 2002–03 and 2003–04 is underway. As part of this, the Commission is seeking to agree a policy for accounting for legal expenditure with the NIO.

4.4 The Commission will be hosting a conference for Commonwealth NHRIs, co-organised with the British Council, from 31 January to 3 February 2005.

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5. Update on mental health work

5.1 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. Findings are in the process of being drawn together, with a view to publishing them in summer 2005. Commissioners commended Christine on her work to date in representing the Commission in this important review.

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6. The Bill of Rights Project (HRC 72.4)

6.1 Commissioners discussed the first complete draft of 'Taking Forward a Bill of Rights for Northern Ireland', which documents the Commission's work to date and outstanding issues in relation to the Bill of Rights, and is intended as a briefing paper for the new Commissioners when they take office. The structure and direction of the report were approved. A meeting of Commissioners and staff will be held on 7 February to consider the report in detail, with a view to tabling the final report for signing-off at the next Commission meeting on 14 February.

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7. Proposed seminar on democratic rights (HRC 72.5)

7.1 An outline programme for a proposed seminar on democratic rights, planned for 18 February 2005, was discussed. It was agreed that the event should proceed as a small workshop. The Chief Commissioner would consult with staff on who should be invited to speak at, and participate in, the workshop.

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8. Communications Strategy (HRC 72.6)

8.1 Commissioners discussed the first draft of a Communications Strategy for the Commission. The Strategy is comprehensive and covers a wide range of issues in respect of the Commission's internal and external communications, image and relationships with stakeholders and media organisations. It was agreed to establish a working group of Commissioners and staff (including the Chief Commissioner and Chief Executive) to develop the Strategy, so that it can be presented to the new Commissioners when they take up office.

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8.2 Whilst the Strategy will be finalised and taken forward with the new Commissioners, it was agreed that there is potentially valuable learning to be gained from reflecting on the experiences of the current Commissioners. Peter O'Neill will develop a questionnaire to capture the experiences and views of Commissioners in respect of communications issues faced by the Commission.

9. Draft Business Plan (HRC 72.7)

9.1 Commissioners discussed the first draft of the Commission's Business Plan for 2005–06, which would be the last year of the current three-year Strategic Plan. Much of the focus of the Business Plan will be on completing and consolidating the work set out in the Strategic Plan. Whilst responsibility for taking forward the Business Plan rests with the new Commissioners, it was recognised that the current Commissioners have an important role in shaping it.

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9.2 The draft Plan will be discussed with staff at a meeting scheduled for 19 January, and then at the next Consultative Forum of stakeholders on 24 January 2005. The deadline for submitting the Plan to the NIO is the end of February 2005.

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10. Review of casework expenditure

10.1 At the Commission meeting in November, in the light of potentially substantial – but, at the time, uncertain – liabilities in respect of casework, Commissioners 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. This decision was reaffirmed at the December Commission meeting.

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10.2 Since then, a number of issues have been clarified and the financial pressures eased: the Cost Drawer engaged by the Commission to review disputed invoices with a firm of solicitors has recommended significant reductions to the invoices, and leave to appeal in the ‘E’ case has been granted, meaning that any liability faced by the Commission in respect of this case will not occur until a subsequent financial year. Furthermore, work with the NIO to agree the policy for accounting for legal expenditure should mean that budgets for legal commitments entered into by the Commission can be carried forward from one financial year to another.

10.3 Given these developments, it was agreed that the temporary restrictions on casework applications could be lifted. In respect of the two cases where requests for assistance were rejected by the Casework Committee during November and December 2004, the applicants will be invited to reapply.

11. Inquiries and the Inquiries Bill (HRC 72.8)

11.1 The Government is proposing legislation to govern the handling of evidence in respect of inquiries into a number of killings. The House of Lords’ Grand Committee will consider the draft legislation on 18 January and 31 January 2005.

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11.2 Ciarán Ó Maoláin has prepared a briefing paper for Committee members on the Commission’s concerns in respect of the human rights dimensions of the proposed legislation. Commissioners discussed the briefing and thanked Ciarán for his work on this matter.

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12. Other reports

12.1 The following reports were noted:

- Corporate Services (HRC 72.9)
- Information, Education, Development (HRC 72.10)
- Legal Services, Research, Policy (HRC 72.11)
- Casework Committee Minutes (HRC 72.12)
- Work on Policing and Criminal Justice (HRC 72.13)

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13. Any other business

13.1 There was no other business.

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