



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 73RD COMMISSION MEETING

**HELD ON MONDAY 14 FEBRUARY 2005 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: Paddy Sloan, Chief Executive
Ciarán Ó Maoláin, Head of Legal Services, Research
and Policy

Apologies: Don Leeson, Head of Corporate Services
Peter O'Neill, Head of Information, Education and
Development

1. Agenda

- 1.1 The order of agenda items was slightly altered to accommodate Tom Hadden who had to leave the meeting early.
- 1.2 Linda Moore and Edel Teague would join the Commission meeting at 4.25 pm to discuss the Courtney Report.

2. Minutes

- 2.1 At point 3.3 the minute was amended to read, “Robin Masefield, the 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”.
- 2.2 Subject to this amendment the minutes of the 72nd Commission meeting were agreed as an accurate record.

3. Matters Arising

- 3.1 At point 3.7 the Chief Executive agreed to pursue the establishment of a Joint Working Group with the Equality Commission NI on the UN’s Draft Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. Kevin McLaughlin will represent Commissioners, and staff members will be identified to meet with the ECNI, as agreed at the meeting of the two Commissions in November 2004.

4. Bill of Rights

Miriam Titterton joined the meeting.

- 4.1 Amendments to the Bill of Rights handover document which had been agreed at the Commissioners’ special meeting on 7 February at Malone House, had been incorporated into a further draft and were considered by Commissioners. The text of the document was further amended with additional points agreed.
- 4.2 The discussion moved into an assessment of the Appendix to the document, with amendments to the text being considered from section 12 (1) (c) onwards. Text prior to that had been discussed at the meeting on 7 February.

At 3.10 pm Margaret-Ann Dinsmore joined the meeting.

- 4.3 It was agreed that Miriam Titterton would go through the UN Convention on the Rights of the Child to proof the NIHRC text for duplication in section 12. Further amendments were discussed and agreed to the text of the Appendix and an amended paper will go for publication by the end of February. There is no need to circulate the text again to Commissioners.
- 4.4 It was agreed that feedback from recent sectoral meetings will be reported to new Commissioners but cannot at this stage, be fully incorporated into the drafting process for the handover document.

At 4.10 pm Tom Hadden and Margaret-Ann Dinsmore left the meeting.

At 4.25 pm the meeting reconvened after tea.

Edel Teague and Linda Moore joined the meeting.

5. Courtney Report

- 5.1 Edel and Linda attended the Commission on behalf of staff and NIPSA respectively, as a result of correspondence between them and the Chief Commissioner. They wished to express to the Commission their concern that the change process as described in the Courtney Report should be reviewed using external facilitation, as had been previously agreed.
- 5.2 There was no resistance to undertaking this exercise, which will be done in three or four months' time, when the current change process is more complete and competing pressures of work are less pressing.

Edel Teague and Linda Moore left the meeting.

6. Draft Business Plan 2005-2006

- 6.1 The Chief Executive talked through the Draft Business Plan in detail.

- 6.2 Commissioners agreed to provide any further comment by the end of the week. A final document incorporating performance indicators will be agreed by Commissioners when they next meet on 28 February, prior to submission of the document to the Northern Ireland Office.

7. Chief Commissioner's Report

- 7.1 The Chief Commissioner explained his current understanding of the appointments process for Chief Commissioner and Commissioners. It is apparent that when three current Commissioners and the Chief Commissioner complete their term of office on 28 February 2005 it is unlikely that any replacements will have been appointed. The current anticipated timeframe for the announcement of appointments is early in March.
- 7.2 Current Commissioners will meet at 4.00 pm on 28 February which will be followed by a reception for staff, Commissioners and external colleagues, from 5.30 to 7.30 pm in the library at Temple Court.
- 7.3 Commissioners agreed to write to Dame Rennie Fritchie, Commissioner for Public Appointments in Northern Ireland, registering their dissatisfaction with the way in which the NIO had handled the new appointments to the Commission.
- 7.4 Commissioners agreed, on Senior Counsel's advice, to accept settlement terms offered by the NIO in the judicial review case currently being taken by the Commission on access to Rathgael Juvenile Justice Centre.
- 7.5 Commissioners agreed to forward to the Irish Human Rights Commission a refined version of its analysis of the Omagh Support and Self Help Group's files prepared by staff.

- 7.6 A meeting had been held with the Minister, Angela Smith, regarding government's current work on dealing with the past. The meeting was brief and did not provide much new information, however it reinforced the interest and potential contribution of the NIHRC to the issue. A copy of the NIHRC submission on the Inquiries Bill was presented to the Minister, as was an extract from the Commission's proposals on victims' rights in a Bill of Rights and those present registered yet again the Commission's interest in this area.
- 7.7 The next meeting of the Joint Committee, scheduled for 10 March in Dublin, has been postponed, to be rearranged once new Commissioners are in post. The Sub-Group on a Charter of Rights will meet by telephone at 9.30 am on 24 February.

8. Chief Executive's Report

- 8.1 The recent workshop for Commonwealth National Human Rights Institutions organised in co-operation with the British Council at the NIHRC was noted. It was a successful week and NIHRC staff were thanked for their input.
- 8.2 The Chief Executive recorded her thanks and best wishes to the Commissioners leaving at the end of February, in particular to Brice Dickson as Chief Commissioner and a close colleague over the last six years.

9. Update on Mental Health Work

- 9.1 Christine Eames gave a verbal report on her work as Chair of the Human Rights Committee of the Mental Health Review Team.
- 9.2 The Working Group's Report to the Review is almost complete and will go out to consultation with all other section reports, prior to production of the final report.

10. Response to Murray-Livingstone Report

- 10.1 Some Commissioners expressed reservations about issuing a public response to refute elements of the Murray-Livingstone evaluation of the Commission, recently published.
- 10.2 The Chief Commissioner was keen to challenge the allegations of a lack of vision or purpose, a lack of a strategic direction and a lack of independence. Each of these allegations was felt to be unjustified and unsubstantiated by evidence.
- 10.3 It was agreed that a draft response would be retained to inform reaction to any inquiries, however the Commission would not be proactive in responding publicly.

11. Pending Legislation

- 11.1 Commissioners were briefed on the latest version of the Inquiries Bill.
- 11.2 Following discussion it was agreed that no further intervention would be made by the Commission as none of the previous comments had been taken on board in the consultation process.
- 11.3 The renewal of the Terrorism Act was discussed.
- 11.4 Commissioners noted that reference had been made to the NIHRC submission by a Liberal Democrat MP during the debate.
- 11.5 The need for the retention of non-jury trials and the requirement to establish if Northern Ireland is still in a state of emergency are key points to be taken forward by the incoming Commission.

12. Communications Strategy

- 12.1 A revised Communications Protocol was circulated for discussion.
- 12.2 Commissioners agreed to defer the Protocol to the incoming Commissioners, who will obviously have a particular interest in its content.
- 12.3 The revised Protocol together with notes of the last meeting and the terms of reference of the Communications Working Group should be made available at an early stage to incoming Commissioners.

13. Staff, Committee and Working Group Reports

13.1 Corporate Services

13.1.1 Commissioners agreed the proposals to appoint a second Caseworker to extend the hours of the cleaner and to appoint a temporary maternity placement for Administration.

13.2 Information, Education and Development

13.2.1 The body of the report was noted.

13.2.2 Commissioners acknowledged, as indicated in the report of the Chief Commissioner and Chief Executive, that the recent launch of the Bill of Rights in Schools materials was a successful event.

13.2.3 The ongoing evaluation of human rights training among PSNI recruits is to be completed by the end of March.

13.2.4 Commissioners are content that staff take further a request for human rights training by Armagh City Council.

13.3 Legal Services, Research and Policy

13.3.1 Reference made by the Minister, John Spellar, to a Migrant Workers' Handbook being prepared by the Equality Commission NI, quoted in Hansard, is to be clarified with the Equality Commission. If appropriate, a correction will be sent to the Minister. The Migrant Workers' Handbook is being prepared by ourselves and ECNI declined to participate in the project.

13.3.2 The Death Investigations research, which has been underway for some time, will require further consideration when new Commissioners are appointed.

13.4 Casework

13.4.1 The minutes of the meeting of 20 December 2004 were agreed as an accurate record.

13.5 Crisis Intervention Group

13.5.1 Christine Eames recorded her apology for her inability to attend the last meeting of the Group. It was agreed that staff would prepare the necessary paperwork to take this work further.

13.6 Policing and Criminal Justice

13.6.1 This report was noted with some minor amendments to the heading of the final paragraph.

13.7 Kevin McLaughlin noted that he would be representing the Commission at a meeting of the Sub-Group on Social Inclusion on 16 February and will report on this at the next Commission meeting.

14. Any Other Business

14.1 There being no other business the Chief Commissioner closed the meeting with all good wishes to Christine Eames and Kevin McLaughlin in taking forward the important work of the Commission.

14.2 Thanks were reciprocated to the Chief Commissioner and outgoing Commissioners.

The meeting closed at 6:25 pm.

Approved: _____

Date: _____

28 February 2005