



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 86TH COMMISSION MEETING

**HELD ON MONDAY 15 MAY 2006 AT 10:00am AT
THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION,
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

Present: Monica McWilliams, Chief Commissioner
Jonathan Bell
Tom Duncan
Christine Eames
Colin Harvey
Alan Henry
Ann Hope
Eamonn O'Neill

Apologies: Kevin McLaughlin
Geraldine Rice (due to ill health)

In attendance: Paddy Sloan, Chief Executive
Don Leeson, Head of Corporate Services
Ciarán Ó Maoláin, Head of Legal Services, Policy and
Research
Peter O'Neill, Head of Information, Education and
Development
Bill Smith, Chair of the Audit and Risk Management
Committee (agenda items 8 and 10)

Commissioners were introduced to Bill Smith, independent Chair of the Commission's Audit and Risk Management Committee, who was appointed recently following an open competitive recruitment exercise.

1. Minutes of the 85th meeting (HRC 86.1)

- 1.1 The minutes of the 85th Commission meeting were agreed as an accurate record.

2. Matters arising

- 2.1 The Irish Human Rights Commission met recently with representatives of the Omagh Support and Self-Help Group to discuss the Group's call for a cross-border public inquiry into the Omagh bombing on 15 August 1998. This followed a similar meeting between the Group and the Northern Ireland Human Rights Commission on 20 January 2006 (paragraph 3.2 of the minutes of the last meeting refers). The Chief Commissioner will discuss the outcome of the meetings with the President of the Irish Human Rights Commission to agree a common response to the Group's call for a cross-border public inquiry, which will then be put to the Joint Committee meeting on 5 July 2006 for approval.

3. Report from the Chief Commissioner (HRC 86.2)

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 Consideration is being given to inviting the owners of care homes to a meeting to discuss the human rights issues in providing residential care for vulnerable people. As many of the care homes will be privately owned, this provides an opportunity to engage the business community in discussing human rights.
- 3.3 The Parades Commission is currently consulting on parading issues. It was agreed that the Commission should respond to raise concerns in respect of the transparency of the decision making process, the lack of specificity in referring to particular provisions in the Human Rights Act 1998 as a rationale for decisions and the impact this has on perceptions of the legislation, and the administrative process involved in applications for non-contentious parades. The relevant parts of the response will be copied to the representatives of the Loyal Orders who met with the Chief Commissioner, Jonathan Bell, Christine Eames, Ann Hope and Eamonn O'Neill on 5 May 2006.

- 3.4 Michael Hamilton, lecturer in law at the University of Ulster, is currently advising the Organisation for Security and Co-operation in Europe (OSCE) on freedom of association issues. It was agreed to meet him to discuss these issues.
- 3.5 It was agreed that the round table event with representatives of political parties on 27 April 2006 to discuss human rights and urban and rural planning issues was successful and that the format should be adopted for other thematic discussions with the parties.
- 3.6 Lord Laird has written to the Commission in respect of concerns about '50:50' recruitment to the Police Service of Northern Ireland. Similar concerns were raised by representatives of the UK Unionist Party when they met with the Chief Commissioner on 2 May 2006. It was agreed to discuss the issue at the next Policy Committee meeting. In the meantime, the Chief Commissioner has asked the Policing Board's human rights advisers to review the letter used to inform unsuccessful applicants to the PSNI of the outcome of their application.
- 3.7 The Chief Commissioner reported on the Commission's visit to Washington DC on 14–19 March 2006. The Chief Commissioner thanked Jonathan Bell, Colin Harvey and the Head of Information, Education and Development for accompanying her. The Commissioners expressed their appreciation for the support provided to them during the visit by the Head of Information, Education and Development.

4. Reports from Commissioners

- 4.1 Ann Hope tabled a report on a conference that she attended on equality and social inclusion on 1–3 February 2006, which was co-hosted by Queen's University Belfast, the University of Ulster and University College, Dublin in Belfast.
- 4.2 Alan Henry reported on a conference that he attended in Limavady on 23/24 March 2006, which was organised by the Northern Ireland Centre for European Co-operation on building trust with public bodies, entitled 'What Shared Futures?'. He also reported on a meeting held with a private individual regarding a death in hospital.
- 4.3 Eamonn O'Neill reported on a North/South intercultural forum that he attended in Newry on 11 April 2006, and a meeting that Colin Harvey and he had with George Ferguson, the new High Commissioner to New Zealand, also on 11 April 2006.

- 4.4 Tom Duncan, Ann Hope and Eamonn O'Neill, together with the Chief Executive and the Head of Legal Services, Policy and Research, presented a paper to a Panel of Eminent Jurists, chaired by Arthur Chaskalson, former Chief Justice of the South African Constitutional Court, on 20 April 2006, who were visiting Northern Ireland to seek views on counter-terrorism and human rights.
- 4.5 Christine Eames reported on a conference that she attended in Newcastle on 10 May 2006 on service delivery for people with learning disabilities, and a Women's Institute conference on 3 May 2006, which she addressed.

5. Minutes of committee and working group meetings (HRC 86.3)

- 5.1 Commissioners noted the minutes of the following meetings:
- Casework Committee – 2 March 2006
 - Pay Working Group – 8 February 2006 and 21 March 2006
 - Places of Detention Working Group – 15 February 2006 and 7 April 2006
 - Policy Committee – 13 February 2006.
- 5.2 It was agreed that minutes for all committee and working group meetings should be in the same format as those of Commission meetings.
- 5.3 It was also agreed that draft minutes of less frequent committee and working group meetings should be circulated to Commissioners with information papers in advance of formal ratification.

6. Report from the Chief Executive (HRC 86.4)

- 6.1 Commissioners noted the Chief Executive's report.

- 6.2 The Chief Executive reported on the outcome of the meeting of the International Co-ordinating Committee of National Human Rights Institutions, and other meetings, at the United Nations in Geneva on 10–13 April 2006, which were attended by the Chief Commissioner, Tom Duncan, Christine Eames, Ann Hope and the Chief Executive. A decision on the Commission's application for re-accreditation as an NHRI at the UN was deferred by the International Co-ordinating Committee because of complications over the status of other commissions in the UK. It was agreed that the Commission will resubmit an application to the next Accreditation Sub-Committee meeting in September 2006. Commissioners noted that the next International Co-ordinating Committee meeting will be held in Bolivia in October 2006.
- 6.3 Commissioners noted that work is continuing with the Irish Human Rights Commission to develop a proposal for funding for staffing and programme costs for the Joint Committee.
- 6.4 Commissioners noted the concept paper and administrative arrangements for the conference that the Commission is hosting on behalf of the Office of the High Commissioner for Human Rights at the United Nations on the role of national human rights institutions in situations of conflict and transition in Belfast on 20–22 June 2006. Commissioners agreed that the Commission should hold a reception during the workshop for delegates and local stakeholders on 21 June 2006.
- 6.5 Commissioners noted developments in establishing the Commission for Equality and Human Rights (CEHR) in Great Britain and the Scottish Human Rights Commission. Both organisations are expected to be operational in 2007. It was agreed to explore the potential for inviting the Right Honourable Ruth Kelly MP, the Secretary of State for Communities and Local Government, who has responsibility for the CEHR, to visit the Commission.
- 6.6 Justice Michael Kirby from the High Court of Australia will speak at a seminar on 30 June 2006 hosted by the Commission for the judiciary and legal profession. It was agreed that he will speak on the impact of international standards on decision making in the courts.
- 6.7 The Commission's annual meeting with the Equality Commission is likely to be in September 2006. The focus of the meeting will be on potential areas for joint working, possibly reviewing the intersection of poverty, inequality and human rights.

7. Team reports

7.1 Corporate Services (HRC 86.5)

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted that the Chair of the Commission's Audit and Risk management Committee will be attending a seminar for audit committee chairpersons organised by the Northern Ireland Audit Office on 25 May 2006.
- 7.1.3 Commissioners approved a proposal to permanently increase the hours of a member of staff, so that she can continue to fill a part-time Caseworker post.
- 7.1.4 Commissioners approved proposals for building work on Temple Court to implement the recommendations of a fire safety risk assessment and to further improve accessibility, including refurbishment of the reception area. It was agreed to postpone a decision to partition an open plan area on the first floor to create offices pending the availability of funding. A report giving the detailed costings and timetable for the work will be made to the next Commission meeting.
- 7.1.5 Commissioners noted that the Commission had received and responded to three requests for information made under the Freedom of Information Act 2000. It was agreed that these, and all future responses, will be copied to Commissioners for information.

7.2 Information, Education and Development (HRC 86.6)

- 7.2.1 Commissioners noted the Information, Education and Development report.
- 7.2.2 Commissioners noted a range of new promotional materials developed by the Commission.
- 7.2.3 Commissioners noted that the latest report on Tutor Constables Scheme is expected to be published by the end of May 2006.

- 7.2.4 Commissioners noted that the Development Worker will represent the Commission at a conference on diversity in New Orleans in June 2006, which is being funded through the Diversity and Conflict Management project, International Conflict Research (INCORE) at the University of Ulster, and that the Head of Information, Education and Development is attending a seminar for national human rights institutions on communications strategies in Berlin on 26 May 2006.
- 7.2.5 The Commission's arts competition, 'Screensaving Our Rights', and subsequent exhibition held from 30 March to 1 April 2006, which was organised and funded in collaboration with the Arts Council, the Community Foundation (NI) and the University of Ulster, was considered by Commissioners to be very successful and another competition will be held next year. The entries submitted to the competition will be published on the Commission's new website, which is expected to be launched in mid-June 2006.

The meeting was suspended for lunch at 1:00pm.

The meeting resumed at 1:50pm.

Jonathan Bell and Christine Eames left the meeting.

7.3 Legal Services, Research and Policy (HRC 86.7)

- 7.3.1 Commissioners noted the Legal Services, Research and Policy report.
- 7.3.2 The Commission facilitated a successful seminar on patient safety issues on 25 April 2006 at Parliament Buildings. The event was addressed by Professor Paul Barach, a leading international authority on patient safety issues, and attended by representatives of Assembly political parties, local patient representatives and a group from the Republic of Ireland, and the Director of the new Regulation and Quality Improvement Authority, established by the Department of Health, Social Services and Public Safety. Professor Barach had congratulated the Commission on its innovative work in seeking to address patient safety issues through the human rights agenda.

- 7.3.3 Commissioners noted that the Commission will host a seminar on 5 June 2006 to help inform the debate on making 'TASERS', a form of stun gun, available to the Police Service of Northern Ireland. The event will involve speakers from Bradford University and Amnesty International. It was agreed that the PSNI should be invited to attend.
- 7.3.4 Commissioners were briefed on the visit by the Chief Commissioner, Tom Duncan and an Investigations Worker to the immigration detention centre at Dungavel in Scotland on 11 May 2006, and parallel discussions with representatives of the Law Centre (NI) about the handling of immigration detainees. A report is being prepared on the visit by the Investigations Worker for consideration at the next Places of Detention Working Group.
- 7.3.5 Commissioners noted that Linda Moore, Investigations Worker, spoke at a conference on protecting the rights of people in detention in Riga on 27 April 2006, which organised jointly by APT, an anti-torture non-governmental organisation and the Latvian Centre for Human Rights. Commissioners also noted that a group from the Latvian Centre will be in Belfast on a study visit in June 2006 and hope to meet with representatives of the Commission.
- 7.3.6 Commissioners noted that the United Kingdom has recently become party to the Optional Protocol to the Convention against Torture. The Optional Protocol requires states to designate new or existing agencies as 'national preventative mechanisms' (NPM) with rights to enter and inspect places of detention. There will be a meeting with the Department for Constitutional Affairs in June 2006 to consider which organisations should be included in the government's list of specified organisations. Commissioners also noted that, regardless of the Commission's designation as an NPM, statutory powers for the Commission to have the right to enter and inspect places of detention is a separate matter and that the Northern Ireland Office is still in the process of considering legislation to facilitate this.

- 7.3.7 Commissioners noted that the Head of Legal Services, Research and Policy had represented the Commission at a meeting in Brussels on 4 May 2006, to exchange views between the European group of national human rights institutions, the European Commission, and the relevant Committee of the European Parliament, concerning the development of the European Fundamental Rights Agency. Alan Henry agreed to represent the Commission at a follow-up meeting in Brussels on 28 June 2006.
- 7.3.8 It was agreed that an introductory paper should be produced for the next Policy Committee meeting on the key issues likely to arise for the Commission in respect of the development of the Fundamental Rights Agency in Europe, the CEHR in Great Britain and the Scottish Human Rights Commission, so that Commissioners can consider a strategic approach for interfacing with these new organisations.
- 7.3.9 Commissioners noted that the newly appointed Director of Human Rights in the Basque Country will be in Northern Ireland on 19–21 July 2006 and wishes to visit the Commission.

8. Committee Terms of Reference (HRC 86.8)

- 8.1 The terms of reference for the Commission's four standing committees (Audit and Risk Management, Casework, Policy and Public Affairs) were agreed at the Commission meeting in December 2005, subject to any changes that committee members wished to propose. Since then, all of the committees have met and discussed their terms of reference and some revisions were proposed.
- 8.2 The revised terms of reference for all four committees were agreed, subject to a revision clarifying the responsibilities of the Commission and the Chief Executive in respect of the Casework Committee's authority to commit funding.
- 8.3 Commissioners agreed that the membership of the Audit and Risk Management Committee should be increased. Christine Eames subsequently agreed to join the committee.

9. Business Plan 2006–07 (HRC 86.9)

- 9.1 The Commission's Business Plan for 2006–07 was agreed subject to a number of minor changes. The Business Plan will be sent to the Secretary of State for Northern Ireland for approval.
- 9.2 It was agreed that progress in implementing the Business Plan should be reported to the Commission every three months.
- 9.3 Commissioners expressed their appreciation for the work by staff to develop both the Strategic Plan for 2006–09 and the Business Plan for 2006–07.

10. Corporate risk register (HRC 86.10)

- 10.1 The Commission, like all public bodies, is required to put in place a system of internal control designed to manage risks to the achievement of its policies, aims and objectives to a reasonable level. Commissioners approved the Commission's 'risk register', which describes the main risks facing it and the actions being taken to manage down the likelihood of their occurrence and/or impact.

11. Proposed new pay arrangements for Commission staff (HRC 86.11)

- 11.1 At the Commission meeting on 17 October 2005 it was agreed to form a Pay Working Group, comprising the Chief Commissioner, Alan Henry and Ann Hope, to review the options available to the Commission and make recommendations in respect of an appropriate pay system for Commission staff.
- 11.2 Following its considerations, the Pay Working Group recommended that the Commission should formally adopt the pay system in place in the Northern Ireland Office as the framework for its own pay arrangements, subject to further work in respect of starting pay, pay progression and performance-related pay. It further agreed that all posts should be evaluated using Job Evaluation and Grading Support (JEGS) methodology to confirm their grading.

- 11.3 The Pay working Group will consider the outstanding issues at its last meeting, which is scheduled for 18 May 2006. Thereafter, the Joint Negotiation Committee will take forward consultation with NIPSA over the proposed way forward and the Audit and Risk Management Committee will scrutinise the business case for the pay arrangements before it is sent to the Northern Ireland Office. A progress report on this work will be made to the September Commission meeting.
- 11.4 The Chief Commissioner thanked the members of the Pay Working Group for their work in progressing this important project.

12. Bill of Rights update (HRC 86.12)

- 12.1 When he met with Commissioners on 23 March 2006, David Hanson MP, Minister of State for Northern Ireland, invited the Commission to produce a paper to be submitted to the Round Table of political parties and civil society to consider taking forward the development of a Bill of Rights for Northern Ireland. This paper was agreed by Commissioners and will be sent to the Minister.
- 12.2 Depending on developments with the Round Table, the Commission has set aside 14–17 November 2006 for an extended residential event to consider proposals for a Bill of Rights.
- 12.3 Commissioners noted an activity plan produced by the Human Rights Consortium on how they will use funding they have obtained to promote the Bill of Rights. The Commission has been invited to comment on the activity plan. It was agreed that the Commission will meet regularly with the Human Rights Consortium to ensure that the work of the two organisations is synchronised effectively. It was also agreed to issue a press release welcoming the Human Rights Consortium's funding.

13. Any other business

- 13.1 Commissioners expressed their concern at recent criticism made by the Prime Minister and Lord Chancellor in respect of the outworking of human rights legislation. It was agreed that the Commission should write to the Prime Minister about this matter and the potential impact the comments might have on the work of the Commission, and to highlight the concerns in a press release.

14. Next meetings

- 14.1 Dates for Commission and Policy Committee meetings up to March 2007 were agreed. In line with the Commission's commitment in its Strategic Plan to increase its presence and engagement with communities across Northern Ireland, it was agreed that the September 2006 and March 2007 Commission meetings will be held outside of Belfast – the September meeting will be held in Ballymena, with the location for the March meeting to be decided in due course.
- 14.2 The next meeting of the Policy Committee, comprising all Commissioners, takes place on 15 June 2006 in Temple Court, Belfast. The next business meeting of the Commission will be held on 24 July 2006 in Temple Court, Belfast.

The meeting closed at 4.05pm.

Approved: _____

Date: 24 July 2006