



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 87TH COMMISSION MEETING

**HELD ON MONDAY 24 JULY 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
Kevin McLaughlin
Ann Hope
Eamonn O'Neill

Apologies: Colin Harvey
Alan Henry
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

1. Minutes of the 86th meeting (HRC 87.1)

- 1.1 The minutes of the 86th Commission meeting were agreed as an accurate record.

2. Matters arising

- 2.1 The Commission is seeking to agree a common response with the Irish Human Rights Commission to the call by the Omagh Support and Self-Help Group for a cross-border public inquiry into the Omagh bombing on 15 August 1998 (paragraph 2.1 of the minutes of the last meeting refers). The Irish Human Rights Commission has tasked a group of its Commissioners to look into the legal options around such a call. However, they were unable to complete their work before the Joint Committee meeting of the two Commissions on 5 July 2006. With the appointments of the Irish Human Rights Commissioners ending on 21 July 2006, Commissioners noted with regret that agreement on a common response will be further delayed.
- 2.2 Commissioners noted with concern a recent report on the BBC's Panorama programme, on alleged human rights abuses in privately-run residential care homes and potential shortcomings in the Human Rights Act 1998, which may not cover such situations. The government is understood to be addressing this issue and it was agreed that the Commission should maintain a watching brief. In the meantime, the Commission will seek to set up a meeting with some of the owners of care homes in Northern Ireland (paragraph 3.2 of the minutes of the last meeting refers).
- 2.3 The Commission is still waiting for a response to its request to the Policing Board's human rights advisers, to review the letter used to inform unsuccessful applicants to the Police Service of Northern Ireland of the outcome of their application, which may be exacerbating concerns about the '50:50' recruitment policy (paragraph 3.6 of the minutes of the last meeting refers).
- 2.4 The Commission is seeking re-accreditation with the International Co-ordinating Committee (ICC) of National Human Rights Institutions, through the United Nations (paragraph 6.2 of the minutes of the last meeting refers). Previously, the Commission was accredited as a 'sub-national' NHRI, which allows only limited participation at the UN. Pending the establishment of the Commission for Equality and Human Rights in Great Britain and the Scottish Human Rights Commission in 2007, the Northern Ireland Human Rights Commission is seeking full accreditation, which will then be shared in a domestic accommodation with other institutions in the UK. To help facilitate this, the government will be asked to write to the UN to support this arrangement.

The Commission's application for re-accreditation will be considered in October 2006 at the next meeting of the Accreditation Sub-Committee of the ICC in Bolivia.

- 2.5 The Commission, in partnership with the Irish Human Rights Commission, has submitted a proposal for funding for staffing and programme costs for the Joint Committee of the two Commissions (paragraph 6.3 of the minutes of the last meeting refers). It will be considered at the British-Irish Intergovernmental Conference on 25 July 2006.
- 2.6 The transition team which is co-ordinating work to establish the Commission for Equality and Human Rights in Great Britain will visit the Commission on 27 July 2006 to discuss progress. 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 will be explored with the team (paragraph 6.5 of the minutes of the last meeting refers).
- 2.7 A planned EU Commission seminar on the development of the European Fundamental Rights Agency on 28 June 2006, which Alan Henry was due to attend, was postponed (paragraph 7.3.7 of the minutes of the last meeting refers). It has not yet been rescheduled.
- 2.8 The planned visit to the Commission by the newly appointed Director of Human Rights in the Basque Country was cancelled (paragraph 7.3.9 of the minutes of the last meeting refers). However, the Basque Government has invited the Commission to participate in a consultative event on 18-19 September 2006 on its strategy to bring a permanent end to the conflict, with specific reference to the potential role of a national human rights institution. It was agreed that Ann Hope and the Head of Legal Services, Policy and Research will attend.

3. Report from the Chief Commissioner (HRC 87.2)

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 The Chief Commissioner reported on a meeting with Robin Masefield, Director General of the Northern Ireland Prison Service, on 30 May 2006 to discuss a range of issues, including preparations for forthcoming investigations work in prisons by the Commission.

- 3.3 The Chief Commissioner reported on a meeting with Paddy McIntyre, Chief Executive of the Northern Ireland Housing Executive, on 30 May 2006 to discuss a range of issues, including conditions at the New Lodge flats in Belfast and the Housing Executive's longer term policy intentions regarding families in high-rise accommodation.
- 3.4 The Chief Commissioner met Stella Burnside, Chief Executive of the HPSS Regulation and Improvement Authority, on 30 May 2006, who has powers to investigate complaints in respect of the provision of health and social care services in Northern Ireland. Commissioners agreed that it would be useful to call a meeting of all organisations with an oversight function to discuss areas of mutual interest.
- 3.5 The Chief Commissioner reported on a meeting with Ulster Human Rights Watch on 2 June 2006 to discuss a range of issues, including the definition of terrorism.
- 3.6 The Chief Commissioner reported on a meeting with Lin Homer, Director General of the Immigration and Nationality Directorate at the Home Office, on 9 June 2006 to discuss a range of issues. Access for the Commission to conduct an investigation at immigration detention facilities was agreed at the meeting. The recent case involving the planned deportation of a man to Sierra Leone was also discussed. It appears that it is currently Home Office policy not to notify receiving countries when sex offenders are being deported – this will be followed up.
- 3.7 Commissioners noted that proposals for the deployment of uniformed border control staff would be presented to Parliament by the Right Honourable John Reid MP, the Home Secretary, in a paper entitled 'Fair, Effective, Transparent and Trusted: Rebuilding Confidence in our Immigration System' on 25 July 2006. It was agreed that the paper should be reviewed for any implications this might have for Northern Ireland generally, and the North/South border in particular.
- 3.8 Responsibility for the provision of health services in prisons is due to transfer from the Northern Ireland Prison Service to the Department of Health, Social Services and Public Safety with effect from April 2007. An audit of what is needed in order to ensure that effective services are provided will be carried out and it was agreed that the Commission, if possible, should be involved in this.

- 3.9 The Chief Commissioner reported on a meeting with Lord Carlile on 3 July 2006 to discuss his work to develop a definition of terrorism.
- 3.10 Commissioners noted that a draft 'Protocol for Community-based Restorative Justice Schemes' will be published by the NIO on 25 July 2006. Concerns about the likely content of the draft guidelines were raised by representatives of Northern Ireland (Greater Shankill) Alternatives, whom the Chief Commissioner met on 27 June 2006.
- 3.11 Commissioners noted a report on the meeting with Bertie Ahern TD, the Taoiseach, and the Chief Commissioner and Chief Executive in Dublin on 5 July 2006. The Taoiseach commended the work of the Commission and the Joint Committee.
- 3.12 The Chief Commissioner reported on a meeting with Jonathan Phillips, Permanent Secretary of the NIO, on 18 July 2006 to discuss a range of issues, including the Commission's powers. The Chief Commissioner reiterated to the Permanent Secretary the importance of legislating to enhance the Commission's powers as quickly as possible. Commissioners noted that the NIO has not yet published a report on the consultation exercise on enhanced powers for the Commission, which ended in February 2006. The Chief Commissioner urged the NIO to make their proposed response available as soon as possible.

4. Reports from Commissioners

- 4.1 The Chief Commissioner and Ann Hope reported on their attendance at the 2nd World Forum on Human Rights in Nantes, France on 10-13 July 2006. While the conference provided limited opportunities for in-depth discussions and networking, it did provide some good materials on conflict resolution and ideas for posters and exhibitions for use in schools, etc.

5. Minutes of committee and working group meetings (HRC 87.3)

- 5.1 Commissioners noted the minutes of the following meetings:
- Audit and Risk Management Committee – 3 April 2006

- Bill of Rights Working Group – 30 January, 2 March, 5 April, 4 May and 1 June 2006
- Bill of Rights Sub-Committee – 10 February, 7 March, 24 April and 17 May 2006
- Casework Committee – 7 April and 18 May 2006
- Pay Working Group – 4 and 18 May 2006
- Place of Detention Working Group – 2 May 2006
- Policy Committee – 10 April 2006
- Public Affairs Committee – 6 February 2006

6. Report from the Chief Executive (HRC 87.4)

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 The Chief Executive reported on the outcome of an extended meeting of the Management Team, which was held on 3 July 2006 to review progress in implementing the business plan and consider the development of a number of protocols and strategies. A follow-up meeting is planned. Commissioners noted the intention to hold a staff residential event in the autumn to develop the Business Plan for 2007–08.
- 6.3 Commissioners noted the report of the outcome of the International Round Table on the Role of National Institutions in conflict and post conflict situations, which the Commission hosted on behalf of the Office of the High Commissioner for Human Rights at the United Nations on 20–22 June 2006. The event was attended by 30 representatives from 19 NHRIs from across the world and was very positively received. Commissioners congratulated everyone involved in making the event a success.
- 6.4 Commissioners noted the positive feedback received in respect of the seminar led by Justice Michael Kirby of the High Court of Australia for the judiciary and legal profession, which was hosted by the Commission on 30 June 2006.
- 6.5 Commissioners thanked Tom Duncan for his work in setting-up the Joint Committee meeting with the Irish Human Rights Commission on 5 July 2006, which was hosted by Armagh City Council.

- 6.6 The Chief Executive reported on a meeting of the Review of Public Administration Implementation Team on 6 June 2006, involving senior representatives of the main government departments affected, the Northern Ireland Commissioner for Children and Young People, Equality Commission and Community Relations Council. Several Commissioners have agreed to join a temporary working group to discuss the Commission's role in respect of the RPA. The next meeting of the RPA Implementation Team is scheduled for 31 August 2006.
- 6.7 The Chief Commissioner and Chief Executive have been invited to contribute to separate sessions at the Council of Europe Round Table of National Institutions in Athens on 27/28 September 2006.
- 6.8 Commissioners noted that the International Co-ordinating Committee of National Human Rights Institutions global conference will be held in Bolivia during the week commencing 23 October 2006. It was agreed that the Chief Commissioner and the Head of Legal Services, Policy and Research will attend.
- 6.9 It was agreed to invite Thomas Hammarberg, the Commissioner for Human Rights at the Council of Europe, to Belfast, ideally to speak at a conference that the Commission is organising during 'Human Rights Week' in December 2006.

7. Team reports

7.1 Corporate Services (HRC 87.5)

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 The Commission's Business Plan for 2006-07 has been noted by the Secretary of State for Northern Ireland, which was confirmed in a letter from the NIO dated 27 June 2006. Commissioners noted that the Commission's grant-in-aid for 2006-07 is £1,475,000.
- 7.1.3 Commissioners noted that the Commission's expenditure for the first quarter of 2006-07 showed a small underspend against profile, although it is too early in the financial year for this to be considered a significant trend.

- 7.1.4 Detailed costings and a timetable for planned building works to further improve the Commission's offices in respect of fire safety and access for disabled people, and to create offices on the first floor were discussed by Commissioners. A budget for this work was agreed. Commissioners noted that approval is needed from the NIO and the landlord before the work can commence. It was agreed to seek a contribution to costs relating to fire safety from the landlord.
- 7.1.5 Commissioners noted that the Commission had written to NIPSA on 6 July 2006 with proposals for changes to the pay arrangements for staff. These proposals will be consulted on during the summer and progress reported to the September Commission meeting. Commissioners asked for clarification of the policy in respect of an individual's entitlement to a pay increase in the (unlikely) event of unsatisfactory performance.
- 7.1.6 Commissioners noted that the Audit and Risk Management Committee had reviewed the Commission's risk register when it met on 19 June 2006.
- 7.1.7 Commissioners noted that the register of the interests of Commissioners, the Chief Executive and the Chair of the Audit and Risk Management Committee has been updated and will be published on the Commission's website, and that any changes in circumstances should be reported to the Head of Corporate Services.

7.2 Information, Education and Development (HRC 87.6)

- 7.2.1 Commissioners noted the Information, Education and Development report.
- 7.2.2 Commissioners noted the extensive media coverage of the Commission's work in recent weeks, some of which was controversial. It was agreed that the Chief Commissioner, Chief Executive and the Head of Information, Education and Development should be allowed discretion to decide on whether to address coverage that misrepresents the Commission.

- 7.2.3 Commissioners were invited to review the Commission's redesigned website and comment on it to the Head of Information, Education and Development. Commissioners noted that the website had received over half a million 'hits' during the first quarter of 2006–07.
- 7.2.4 Commissioners noted that the second issue of NIHRC Review, the Commission's magazine, will be published shortly and will feature a profile of Jonathan Bell. Other Commissioners will be featured in future issues.
- 7.2.5 Commissioners noted a report on the 6th International Conference on Diversity in Organisations, Communities and Nations held in New Orleans on 12–16 June 2006. The theme of the conference was human rights, diversity and social justice and it was attended by the Development Worker, who was part of a delegation from Northern Ireland, funded by the Diversity and Conflict Management project, International Conflict Research (INCORE) at the University of Ulster.

7.3 Legal Services, Research and Policy (HRC 87.7)

- 7.3.1 Commissioners noted the Legal Services, Research and Policy report which contained a summary of current cases supported by the Commission. Commissioners agreed that this is informative.
- 7.3.2 Commissioners noted the visit to Northern Ireland by representatives of the Latvian Centre for Human Rights on 17–19 July 2006, which was facilitated by the Commission. The group met with the PSNI, the Policing Board, the Equality Commission and the Committee on the Administration of Justice, as well as visited the Commission.
- 7.3.3 Commissioners noted that a number of visits to places of detention are being arranged over the coming months, including the Dochas women's prison in Dublin. Dates will be circulated to Commissioners in due course.

8. Annual Report 2005–06 (HRC 87.8)

- 8.1 Commissioners approved the overall structure for the Commission's Annual Report for 2005–06 and were invited to provide comments on the draft text to the Chief Executive.
- 8.2 The final version of the Annual Report will be presented to the September Commission meeting for approval. It will then be laid before Parliament, together with the audited accounts, for subsequent publication in autumn 2006.

9. Accounts 2005–06 (HRC 87.9)

- 9.1 Commissioners approved the Commission's accounts for 2005–06, which were scrutinised by the Audit and Risk Management Committee on 19 June 2006.
- 9.2 As required by Section 7(2) of Schedule 7 to the Northern Ireland Act 1998, the accounts will be sent to the Secretary of State for Northern Ireland and the Comptroller and Auditor General by 31 July 2006. The accounts will then be audited by representatives of the National Audit Office during the week commencing 21 August 2006. Thereafter, once the accounts have been certified by the C&AG, they will be laid before Parliament with the Commission's Annual Report and then published.

10. Quarterly report on progress against Business Plan 2006–07 (HRC 87.10)

- 10.1 Commissioners noted the progress made during April to June in implementing the objectives set out in the Commission's Business Plan for 2006–07. Commissioners commended staff for their work in ensuring that most objectives are on target to be completed. The preparation of a quarterly analysis of progress was considered to be a useful exercise.
- 10.2 Commissioners noted that the examination of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) treaty monitoring report has recently been scheduled for January 2008, which is later than had been anticipated in the Commission's Business Plan.

11. Freedom of Information (HRC 87.11)

- 11.1 Commissioners noted a briefing paper on the Commission's responsibilities in respect of, and approach to, the Freedom of Information Act 2000.
- 11.2 Commissioners reaffirmed the policy of publishing minutes of meetings of the Commission and the Joint Committee on the Commission's website.

12. Legal strategy and priorities (HRC 87.12)

- 12.1 The volume of legal enquiries has almost doubled over the past year to around 1,000, of which only a small proportion have legitimate human rights concerns. In light of this increased demand, the caseworkers and the Casework Committee have developed a more strategic approach to the delivery of the Commission's legal services to ensure that access is fair and equitable and to increase its effectiveness.
- 12.2 As a result, it is proposed to move from a telephone to a paper-based enquiry processing system, by asking enquirers to complete a form setting out the nature of their legal complaint, so that it can be given full consideration. Help will be available for people who may have difficulty completing a form. Information will also be produced to send to enquirers of other sources of help and guidance, which might be more appropriate to their complaint or concern.
- 12.3 It is envisaged that this approach will create space for caseworkers to apply their expertise to developing networks with other legal practitioners and NGOs to ensure that referrals to and from the Commission are effective. There will be a greater focus on monitoring and disseminating human rights caselaw, and on conducting cases in-house. Caseworkers will also have an enhanced role in assessing applications for legal assistance to the Commission against criteria for support for consideration by the Casework Committee.

- 12.4 Commissioners agreed this approach in principle, subject to the outcome of screening for an equality impact assessment under Section 75 of the Northern Ireland Act 1998 and the development of a plan to operationalise the strategy. The operational plan must ensure that staff dealing with initial enquiries are trained effectively, so that they can identify those people needing support to complete the forms, and that comprehensive monitoring arrangements are in place to enable the Commission to identify the reasons why people do not pursue enquiries with a completed form. Commissioners also requested an analysis of the nature of enquiries to the Commission.
- 12.5 Once implemented, the approach will be formally reviewed after six months to assess whether the aims of increased accessibility and effectiveness have been achieved.
- 12.6 Commissioners noted the strategic priorities for legal assistance by the Commission for 2006–09, as proposed by the Casework Committee on 8 June 2006.

13. Bill of Rights update (HRC 86.13)

- 13.1 Commissioners agreed to explore the feasibility of organising an extended residential event for key stakeholders, including senior representatives of the political parties, to help inform the Commission's advice on a Bill of Rights. It is intended to hold the event on 10–16 November 2006.
- 13.2 Commissioners noted that it might be helpful to hold the event outside Northern Ireland and considered the associated risks.
- 13.3 It was agreed to identify and engage an expert facilitator, with detailed knowledge of the Northern Ireland context to help develop and support the event.
- 13.4 Commissioners noted that there were no developments to report in respect of the government's intention to establish a Round Table of political parties and civil society to take forward the Bill of Rights.

14. Any other business

- 14.1 Dermot Nesbitt MLA has approached the Commission in relation to the Framework Convention for the Protection of National Minorities and how this might apply to the Unionist community. It was agreed to consider this at the next Policy Committee.
- 14.2 Commissioners noted that the Commission has been approached to comment on a protest by Republican separated prisoners in Maghaberry Prison. Further information is being gathered prior to issuing any public statement.
- 14.3 Commissioners noted that the Chief Commissioner will conduct appraisals with them, as required by the NIO.
- 14.4 The Office of the High Commissioner for Human Rights at the United Nations is holding a workshop in Geneva on 9–10 August 2006 to help officials from Iraq review their peace process and consider establishing a national human rights institution. The Commission has been invited to attend to give guidance on the appointments process and powers for NHRIs. It was agreed that a Commissioner and a member of staff will attend. [It was agreed subsequently that Jonathan Bell and the Information Worker will attend]. OHCHR will fund the visit of at least one representative of the Commission, possibly both.
- 14.5 Commissioners noted that a schedule of forthcoming meetings and events will be circulated on a monthly basis.

15. Next meetings

- 15.1 The next meeting of the Policy Committee, comprising all Commissioners, takes place on 21 August 2006 in Temple Court, Belfast.
- 15.2 The next business meeting of the Commission will be held on 18 September 2006 in Ballymena. Commissioners noted that the meeting will be followed by a question and answer session with local politicians.

The meeting closed at 1.40pm.

Approved: _____

Date: _____

18 September 2006