



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **MINUTES OF THE 89<sup>TH</sup> COMMISSION MEETING**

**HELD ON MONDAY 13 NOVEMBER 2006 AT 10:30am  
AT THE OLD INN, CRAWFORDSBURN, BT19 1JH**

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

**Apologies:** Ann Hope (on other business for the Commission)  
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

The Commission meeting was held as part of a residential event for Commissioners to discuss a range of issues, including the development of a Bill of Rights for Northern Ireland.

### **1. Minutes of the 88<sup>th</sup> meeting (HRC 89.1)**

- 1.1 The minutes of the 88<sup>th</sup> Commission meeting were agreed as an accurate record.

## 2. Matters arising

- 2.1 The Commission met the Preparation for Government Committee on 5 October 2006 to discuss the Commission's work on preparing advice for the Secretary of State on a Bill of Rights for Northern Ireland (paragraph 3.1 of the minutes of the last meeting refers). A follow-up meeting has provisionally been arranged for 5 December 2006. Commissioners noted that the committee has been renamed the Programme for Government Committee.
- 2.2 Commissioners noted the government's intention to consult imminently on proposals for a Bill of Rights Forum, with an independent chairperson, and comprising political parties and civil society. The Forum's first meeting might be in early December 2006, which could impact on the Commission's meeting the Programme for Government Committee.
- 2.3 Commissioners noted that Robin Masefield, Director General of the Northern Ireland Prison Service, will attend the Places of Detention Working Group meeting on 21 November 2006 (paragraph 3.3 of the minutes of the last meeting refers).
- 2.4 Commissioners noted that a response from the Parades Commission to the Commission's request for a meeting to discuss its work is pending (paragraph 3.6 of the minutes of the last meeting refers).
- 2.5 The Chief Commissioner attended the IMPETUS awards held in Derry/Londonderry involving a range of schools and community projects (paragraph 3.9 of the minutes of the last meeting refers). It was agreed to continue to liaise with this project and, if possible, invite some of the children and young people involved to meet Commissioners at the Commission meeting provisionally scheduled to take place in Derry/Londonderry on 12 March 2007.
- 2.6 Commissioners noted that Trevor Phillips, Chairperson Designate of the new Commission for Equality and Human Rights in Great Britain, has agreed provisionally to visit the Commission on 7 February 2007 (paragraph 6.4 of the minutes of the last meeting refers).

- 2.7 The Chief Commissioner has written to the incoming Irish Human Rights Commissioners to congratulate them on their appointments, and to the outgoing Commissioners to thank them for their work (paragraph 6.11 of the minutes of the last meeting refers). The Commission met some of the new appointees at the Joint Committee meeting with the Irish Human Rights Commission on 9 November 2006 in Dublin. Commissioners noted that the next Joint Committee meeting will be held on 8 February 2007 in Belfast.
- 2.8 The Head of Corporate Services is arranging for refresher training for Commissioners and staff involved in recruitment and selection (paragraph 10.4 of the minutes of the last meeting refers).

### **3. Report from the Chief Commissioner (HRC 89.2)**

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 The Chief Commissioner reported on her attendance, with the Chief Executive, at the Council of Europe's 4<sup>th</sup> Round Table of European National Institutions for the Promotion and Protection of Human Rights held on 27–28 September 2006 in Athens. The Chief Commissioner gave a presentation at the Round Table on emergency counter-terrorism measures and human rights. A copy of the 'Athens Declaration' agreed at the event has been circulated to Commissioners.
- 3.3 Commissioners noted that there are around 70,000 cases waiting to be heard at the European Court of Human Rights in Strasbourg. Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights, is involved in a review of the operation of the European Court of Human Rights. It was agreed that the Commission will respond to a consultation on proposals to reform the operation of the court when it is published.
- 3.4 Commissioners noted that Dr Maurice Manning, President of the Irish Human Rights Commission, has been elected Chair of the European Group of National Human Rights Institutions.
- 3.5 Commissioners noted the visit to the Commission's offices by the Basque Minister for Justice on 4 October 2006, which was organised by the NIO.

- 3.6 The Chief Commissioner reported on her meeting with Eileen Bell, Speaker of the Northern Ireland Assembly, on 6 October 2006 at Stormont on re-establishing links between the Speaker's Office and the Commission in the event of a return of devolution. A paper listing the Commission's involvement with the Speaker's Office during the previous Assembly will be circulated to Commissioners.
- 3.7 The Chief Commissioner reported on her meeting with Baroness Ashton, Minister with responsibility for human rights at the Department of Constitutional Affairs, on 9 October 2006 in London. A number of issues were discussed including the government's opposition to the inclusion of policing and justice systems within the scope of the European Fundamental Rights Agency, and the cross-departmental review of the Human Rights Act. Commissioners noted Baroness Ashton's intention to visit the Commission in due course.
- 3.8 Commissioners agreed that work to promote the European Social Charter, which guarantees social and economic human rights, should become a greater priority. It was agreed to hold a briefing session on the Social Charter for Commissioners at a future Policy Committee meeting.
- 3.9 Commissioners noted the Chief Commissioner's presentation to the Institute of Public Health's 'Action for Equity' Conference on 17 October 2006 in Carlingford, which involved government ministers and the Human Rights Commissions and Equality Commissions from both Northern Ireland and the Republic of Ireland, alongside a range of health professionals.
- 3.10 Commissioners passed on their congratulations to the staff involved in the 'Lift Off' conference on human rights education, organised in partnership with the Irish Human Rights Commission, Amnesty International and teachers' unions, which was held on 19–20 October 2006 in Belfast.
- 3.11 Commissioners noted the Chief Commissioner's report on her attendance, with the Head of Legal Service, Policy and Research, at the 8<sup>th</sup> International Conference of National Human Rights Institutions and 18<sup>th</sup> Session of the Annual Meeting of the International Co-ordinating Committee (ICC) of National Human Rights Institutions on 21–30 October 2006 in Bolivia. Commissioners congratulated the Chief Commissioner and the Head of Legal Services, Policy and Research for their work in securing the Commission's status as an 'A' accredited NHRI, which gives full recognition at and access to international human rights decision-making fora.

The status is granted for five years. Given that only one institution per country can vote in such fora, the Commission will discuss rotating or sharing this accreditation for UK-wide purposes with the Commission for Equality and Human Rights in Great Britain and the Scottish Human Rights Commission when they are fully established and have been duly accredited by the ICC.

- 3.12 The Chief Commissioner reported on her meeting with Henry Bisharat from the US Consulate. The Commission has been invited to provide an input to the Consulate's report to the State Department on human rights issues in Northern Ireland. It was agreed to do this, which will help profile the work of the Commission to opinion formers in the US.
- 3.13 Commissioners noted the visit to the Commission's offices by a group of Parliamentarians from Iraq on 6 November 2006, which was organised by the NIO.
- 3.14 Commissioners discussed the outcome of their meeting with the Joint Parliamentary Committee on Human Rights at the Commission's offices on 6 November 2006. The Chair of the Committee will be writing to the Commission to formally express their appreciation to everyone involved in facilitating the visit.
- 3.15 The Chief Commissioner reported on her meeting with Justice Gillen on 10 November 2006 to discuss proposed changes within the Family Court. Justice Gillen invited the Commission to comment on the proposals for change.

**Jonathan Bell joined the meeting at 11:30am.**

#### **4. Reports from Commissioners**

- 4.1 Commissioners acknowledged Christine Eames' work on the Bamford Review of Mental Health and Learning Disability. The report on the outcome of the Review was launched on 31 October 2006. It was agreed that the Commission should comment on legislative proposals that are expected to flow from the Review.
- 4.2 Commissioners noted the visit by Ann Hope and the Head of Legal Services, Policy and Research to the Basque Country on 18/19 September 2006, which was funded by the Basque government, to discuss human rights and the Basque peace plan. This visit was reported in detail to the Commission's Policy Committee on 16 October 2006.

- 4.3 Colin Harvey reported on his attendance at a Law Society of Northern Ireland event on 27 October 2006, which was addressed by Lord Goldsmith, the Attorney General. It was agreed to seek a meeting between the Commission and James Cooper, the new President of the Law Society, to discuss areas of mutual interest and explore the possibility of a joint event for Law Society members on human rights issues.
- 4.4 Alan Henry reported on his attendance at a presentation by the General Medical Council at Stormont on 30 October 2006 on a charter for General Practitioners.

## **5. Minutes of committee and working group meetings (HRC 89.3)**

- 5.1 Commissioners noted the minutes of the following meetings:
- Audit and Risk Management Committee – 19 June 2006
  - Bill of Rights Sub-Committee – 24 August, 12 September and 27 September 2006
  - Casework Committee – 10 August and 25 September 2006
  - Places of Detention Working Group – 7 and 19 September 2006
  - Policy Committee – 21 August 2006
  - Public Affairs Committee – 5 June 2006.

## **6. Report from the Chief Executive (HRC 89.4)**

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 Commissioners noted that staff will take part in a residential event on 16/17 November 2006 to discuss the Commission's Business Plan for 2007–08.
- 6.3 Commissioners noted that the annual meeting with the Equality Commission is scheduled for 28 November 2006, which will include a presentation by Professor Paddy Hillyard of Queen's University Belfast on current research in respect of the intersect between rights, equality and poverty.

- 6.4 Commissioners noted plans to host a seminar for stakeholders from the statutory sector on 15 December 2006 on the human rights issues associated with disclosure and dealing with the past. The event will include senior level representatives of the Police Service for Northern Ireland, the Historic Enquiries Team, the Public Prosecution Service, the Police Ombudsman, the Public Record Office, and the Information Commissioner. In the meantime, copies of 'Making Peace with the Past: Options for Truth Recovery regarding the Conflict in Northern Ireland', produced by Healing Through Remembering, were distributed to Commissioners. It was agreed that a briefing for Commissioners on the Commission's work to date on dealing with the past will be prepared for discussion at the Policy Committee meeting on 18 December 2006, to help inform action by the Commission following the seminar.
- 6.5 Commissioners noted that there have been no further developments from the NIO in respect of the Commission's initial bid with the Irish Human Rights Commission to the two respective governments, through the British Irish Intergovernmental Conference, for discrete funding for the Joint Committee. The UK government has passed the proposals to NIO officials to review. It was agreed to develop a full business case for the resources, which might then stimulate a positive response to the proposals.

## **7. Team reports**

### **7.1 Corporate Services (HRC 89.5)**

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted that the Commission's Audit and Risk Management Committee has reviewed the format of the Corporate Services report and recommended that the report should be enhanced with statistics covering various human resources management issues. These statistics were included for the first time in this report.
- 7.1.3 Commissioners approved a proposal to close the Commission's offices on 27 December 2006 and allow staff to take an additional day's leave.

- 7.1.4 Commissioners accepted a recommendation made by the Commission's Audit and Risk Management Committee to undertake training in risk management. It was agreed to seek to arrange this in January 2007, so that the training can inform the development of the Commission's risk register for 2007–08.
- 7.1.5 Commissioners noted the Commission's current risk register and a progress report on activities to reduce the likelihood and potential impact of identified risks.
- 7.1.6 Commissioners noted the Commission's response to two requests for information made under the Freedom of Information Act 2000, which were both processed within the statutory time frame.

## **7.2 Information, Education and Development (HRC 89.6)**

- 7.2.1 Commissioners noted the Information, Education and Development report.
- 7.2.2 Commissioners noted the positive response received in respect of introductory human rights training delivered by the Education Worker to a range of individuals from the community, voluntary and other sectors in various locations across Northern Ireland. It was agreed that this training should be delivered annually from now on.
- 7.2.3 Commissioners noted the extensive, and largely positive, media coverage of the Commission during recent weeks.
- 7.2.4 Commissioners noted that the Commission has produced business cards for Commissioners and staff in Braille. These are thought to be among the first of their type in Northern Ireland.
- 7.2.5 Commissioners noted that use of the Commission's website has doubled in the three month period since its redesign and relaunch in July 2006.
- 7.2.6 Commissioners noted the programme for the Commission's annual conference on 7/8 December 2006. It is hoped to attract some 80–120 delegates to the event.



### **7.3 Legal Services, Research and Policy (HRC 89.7)**

- 7.3.1 Commissioners noted the Legal Services, Research and Policy report.
- 7.3.2 Commissioners noted that the Migrant Workers Guide has been printed and will be launched at an event on 8 January 2007. Translated versions and a Guide for Work Permit Employees are being finalised.
- 7.3.3 Work has started on commenting on the draft 6<sup>th</sup> report by the UK to the International Covenant on Civil and Political Rights. A full commentary will be circulated to Commissioners in due course.
- 7.3.4 Commissioners noted that the St Andrews Agreement contained a commitment from government to legislate for an Irish Language Act. Pobal, a language rights organisation, has developed a draft Irish Language Act to stimulate debate on what the legislation might contain. Commissioners agreed to accept a request from Pobal to meet with them to discuss language rights to help inform the Commission's response to the government's proposals when they are published.
- 7.3.5 The Head of Legal Services, Research and Policy reported on his visit to Uruguay on 30 October 2006, which was paid for by the United Nations Development Programme, to provide advice on the development of a national human rights institution.
- 7.3.6 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response. It was agreed that the Commission should respond to consultation on the extension of the '50:50' PSNI recruitment provisions in the Police (Northern Ireland) Act 2000 to restate the Commission's previously adopted position on this matter, Jonathan Bell asked that his opposition to '50:50' recruitment be recorded.

**The meeting was suspended for lunch at 1:20pm.**

**The meeting resumed at 2:40pm.**

**Jonathan Bell left the meeting.**

## **8. Report on progress against Business Plan 2006–07 (HRC 89.8)**

- 8.1 Commissioners noted the progress made during the first part of the year 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.

## **9. Themes for the Business Plan 2007–08 (HRC 89.9)**

- 9.1 Commissioners discussed the key objectives for the Commission's Business Plan for 2007–08.
- 9.2 With the NIO expected to consult imminently on enhanced powers for the Commission, it was agreed that the Plan should anticipate the necessary legislation being enacted and the powers being available to the Commission during the year.
- 9.3 It was noted that the Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities', recently adopted by the United Nations, will require additional work by the Commission during the lifetime of the Business Plan.
- 9.4 The key objectives for 2007–08 will be discussed at the staff residential on 16/17 November 2006. A draft Business Plan will then be developed and presented to the next Commission meeting in January 2007 for further discussion by Commissioners.

## **10. Staffing for 2007–08 (HRC 89.10)**

- 10.1 The Commission has an increased budget for 2007–08. An option under consideration is to use this additional funding to create a number of new posts. Commissioners considered a paper setting out initial thoughts on what new posts might be created.
- 10.2 It was noted that the impact of any growth in staffing on team structures and administrative support will need to be considered, as well as other issues that might impact on the Commission's budget, such as any cuts that might result from government's Comprehensive Spending Review, which will set budgets to 2010–11. Therefore, recruitment to any new posts might need to be phased over a period of time.

- 10.3 Following discussion, it was agreed that the Management Team will prepare a business case for new posts for consideration at the next Commission meeting in January 2007. It was noted that any new posts will require the approval of the NIO and consultation with NIPSA.

## **11. Review of the effectiveness of committees and working groups (HRC 89.11)**

- 11.1 In November 2005 Commissioners approved Standing Orders for the conduct of Commission meetings and a structure of committees to take forward Commission business. It was agreed at the time that the structure and ways of working would be reviewed after a year of operation to ensure that they are effective.
- 11.2 Commissioners considered a number of proposals for change to the working arrangements of committees and working groups.
- 11.3 Commissioners agreed that it was important to keep the number of committees and working groups to a minimum, so as not to overburden Commissioners and staff with meetings. The Head of Corporate Services will look at the feasibility of a 'committee day' so that, where practicable, meetings are scheduled to take place on the same day in order to minimise travelling and make best use of Commissioners' time.
- 11.4 It was agreed that the arrangement for bi-monthly Commission meetings, with Commissioners meeting as a Policy Committee in the intervening months, is effective and should continue. However, Commissioners expressed concern at the volume of papers for meetings and it was agreed that documents should be produced as 'double-sided' copies and press cuttings, while useful and informative, should be produced monthly in a separate bound document.
- 11.5 With the appointments of two Commissioners due to end in 2007, the Audit and Risk Management Committee asked the Commission to nominate an additional member to provide continuity when Christine Eames and Kevin McLaughlin leave. This was agreed and a volunteer will be sought. [Note: Eamonn O'Neill subsequently agreed to join the Audit and Risk Management Committee.]

- 11.6 It was agreed to change the name of the Casework Committee to the Legal Committee to reflect the proposed new legal strategy and the broader focus on legal interventions, as well as individual casework.
- 11.7 It was agreed that, with the Commission's Public Affairs Strategy and Stakeholder Management Strategy in place, the work of Public Affairs Committee will be subsumed into the Policy Committee. Public affairs will be a standing item on Policy Committee agendas.
- 11.8 It was agreed to expand the remit of the Places of Detention Working Group to cover criminal justice and policing.
- 11.9 The recently established Health Working Group will consider further a proposal to broaden its terms of reference, so that it provides a forum for consideration of issues remitted to it concerning economic, social and cultural rights, but with the focus for the time being remaining on health matters.
- 11.10 It was agreed that the Bill of Rights Working Group will continue to be the main forum for taking forward the development of the Commission's advice to the Secretary of State on a Bill of Rights for Northern Ireland. It was, however, agreed that there was no longer a requirement for a separate sub-committee of the working group.
- 11.11 It was agreed to re-establish an Equality Committee to take forward work on the Commission's Equality Scheme. Alan Henry and Ann Hope will join this committee, which will meet quarterly. It was also agreed to review the continuing need for this committee once the Commission's revised Equality Scheme is in place in 2007.
- 11.12 It was agreed that further consideration should be given to establishing reference groups, possibly comprising one or two Commissioners, to allow for Commissioner involvement in particular projects, for example immigration research, which fall outside of the formal structure of committees and working groups.
- 11.13 The agreed changes will, where appropriate, be reflected in the terms of reference for the committees and working groups, which will be submitted to the Commission for ratification in due course.

## **12. Contracting for human rights advice and research (HRC 89.12)**

- 12.1 Commissioners approved a proposal to establish, through an ongoing advertisement on the Commission's website, a register of potential providers of human rights expert advice, with whom the Commission could contract to supplement the expertise of staff. This will replace the Commission's register of researchers, which has not been updated for several years. All those on the research register will, however, be invited to join the new register.

## **13. Any other business**

- 13.1 Commissioners discussed a draft response to consultation by the PSNI on the use of Tasers. The draft response will be revised to take account of the discussions and submitted to the PSNI in advance of the Commission's meeting with the Chief Constable on 20 November 2006.
- 13.2 The Joint Committee with the Irish Human Rights Commission has agreed its response to the request by Omagh Support and Self-Help Group's call for a cross-border public inquiry into the Omagh bombing on 15 August 1998. Representatives of both Commissions will meet with the Group to convey the response, provided that there are no outstanding legal problems with forwarding this response while a criminal trial is pending.
- 13.3 Commissioners noted an invitation to attend an event at the South African High Commission in London on 30 November 2006 to mark the tenth anniversary of the Adoption of the Constitution of the Republic of South Africa, 1996.

## **14. Next meetings**

- 14.1 The next meeting of the Policy Committee, comprising all Commissioners, takes place on 18 December 2006 in Temple Court, Belfast. Commissioners noted that the Secretary of State for Northern Ireland has been invited to attend the meeting and subsequent Christmas reception.
- 14.2 The next business meeting of the Commission will be held on 15 January 2007 in Temple Court, Belfast.

**The meeting closed at 5:30pm.** Approved: \_\_\_\_\_

Date: 15 January 2007