



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **MINUTES OF THE 91<sup>ST</sup> COMMISSION MEETING**

**HELD ON MONDAY 12 MARCH 2007 AT 10:00am  
AT THE VERBAL ARTS CENTRE, STABLE LANE, BISHOP STREET,  
DERRY / LONDONDERRY, BT48 6PU**

**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

**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  
Nadia Downing, Information Worker  
Bill Smith, Chair of the Audit and Risk Management  
Committee

The meeting was held in Derry / Londonderry as part of the Commission's commitment to increasing its presence outside Belfast. A teacher and students from St Columb's College attended to observe part of the meeting and take part in a question and answer session with Commissioners.

## **1. Minutes of the 90<sup>th</sup> meeting (HRC 91.1(a) and (b))**

- 1.1 The minutes of the 90<sup>th</sup> Commission meeting held on 15 January 2007, and a special Commission meeting held on 12 February 2007 to approve a revised pay policy for Commission staff, were agreed as accurate records, subject to minor textual revisions.

## **2. Matters arising**

- 2.1 Commissioners noted that the planned attendance by Dr Derick Wilson, Assistant Director of the UNESCO Centre at the University of Ulster, at a Policy Committee meeting to discuss human rights in the education curriculum in Northern Ireland has been rescheduled to 16 April 2007 (paragraph 3.4 of the minutes of the 90<sup>th</sup> Commission meeting refers).
- 2.2 Commissioners noted that a planned visit to the Commission by the Chairperson and a Commissioner of the Commission for Equality and Human Rights on 7 February 2007 was postponed and will be rescheduled (paragraph 6.7 of the minutes of the 90<sup>th</sup> Commission meeting refers).

### ***A teacher and students from St Columb's College joined the meeting at 12.15pm***

## **3. Report from the Chief Commissioner (HRC 91.2)**

- 3.1 The Chief Commissioner welcomed the teacher and students from St Columb's College, who are the first group ever to observe part of a Commission meeting.
- 3.2 Commissioners noted the Chief Commissioner's report.
- 3.3 Commissioners noted the visit by the Chief Commissioner and the President of the Irish Human Rights Commission to the Omagh Support and Self-Help Group on 18 January 2007 to convey the Commissions' joint response to their call for support for a cross-border public inquiry into the Omagh bomb of 15 August 1998. The Omagh Support and Self-Help Group responded positively to the Commissions' view that a serving or retired judge of international standing should be appointed to examine all available material to determine whether it is appropriate to institute an independent, cross-border, public inquiry into the bombing.

- 3.4 Subsequently, the Commissions wrote to the Secretary of State for Northern Ireland and the Taoiseach respectively about this matter. The Secretary of State responded that consideration could not be given to such a review until criminal proceedings have been completed.
- 3.5 At the meeting on 18 January 2007 the Omagh Support and Self-Help Group raised their concerns that the relevant authorities have not spoken to them about lessons for managing similar events in the future, particularly in respect of the handling of victims. The Chief Commissioner wrote subsequently to the Head of the Northern Ireland Civil Service about this matter who has agreed to meet the Omagh Support and Self-Help Group and factor their experiences into future emergency planning exercises as appropriate.
- 3.6 The Chief Commissioner reported on her meeting with the Surveillance Commissioner on 22 January 2007.
- 3.7 The Chief Commissioner reported on her meeting with Jonathan Phillips, the Permanent Secretary at the NIO, on 29 January 2007 to update him on the work of the Commission. The Chief Commissioner also took the opportunity at the meeting to raise concerns at the government's failure to consult with the Commission on its proposals to increase the Commission's powers.
- 3.8 The Chief Commissioner reported on meetings on 5 and 13 February 2007 with a person referred to the Commission by the Interim Victims Commissioner, whose case was associated with that of the 'UDR 4'.
- 3.9 The Chief Commissioner reported on her meeting with Raymond McCord on 5 February 2007 about the Police Ombudsman's findings in relation to the death of his son.
- 3.10 The Chief Commissioner reported on her meeting with the Director General of the Northern Ireland Prison Service on 5 February 2007 to discuss, among other matters, the Commission's draft follow-up report into the treatment of women prisoners. The report, together with an executive summary, is currently being finalised and will be circulated to Commissioners for approval in due course.

- 3.11 Commissioners noted that, following a meeting between the Chief Commissioner and Patrick Yu of the Northern Ireland Council for Ethnic Minorities on 9 February 2007, it has been agreed to seek to re-establish the Commission's Black and Minority Ethnic Group.
- 3.12 The Chief Commissioner reported on a meeting of the heads of a number of regulatory bodies that she convened on 26 February 2007 to discuss issues of mutual interest. It is intended to continue this informal forum. A similar meeting will be convened in due course of representatives of ombudsman organisations working in the field of criminal justice.

*The meeting was suspended for lunch with the teacher and students from St Columb's College at 12.45pm, who then departed.*

*The meeting resumed at 1.40pm*

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

- 4.1 There were no reports from Commissioners.

#### **5. Minutes of committee and working group meetings (HRC 91.3)**

- 5.1 Commissioners noted the minutes of the following meetings:
- Audit and Risk Management Committee – 12 December 2006
  - Health Working Group – 11 September, 11 October and 28 November 2006
  - Legal Committee – 19 December 2006 and 22 January 2007
  - Places of Detention Working Group – 21 November 2006, and a special meeting with Kit Chivers, the Chief Inspector of the Criminal Justice Inspectorate, on 23 January 2007
  - Policy Committee – 18 December 2006.

## **6. Report from the Chief Executive (HRC 91.4)**

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 The Chief Executive briefed Commissioners on the progress through Parliament of the Justice and Security (Northern Ireland) Bill, which will change the powers of the Commission. Commissioners noted that the only amendment accepted so far was to bring the commencement date for the Commission's new investigative powers forward by six months to August 2007. The inclusion of such a commencement date will prevent the Commission effectively investigating human rights issues that took place prior to it. Commissioners noted that the government intends this restriction to prevent the Commission opening inquiries into conflict-related matters, similar to those already funded by the government, but that this will also impede the Commission looking into important human rights issues beyond the 'Troubles'.
- 6.3 It was noted that the Commission might, at some stage, discuss the costs of historic enquiries in relation to other government spending priorities. This might usefully be done in the context of wider budget analysis work, which the Commission will be scoping as part of its Business Plan for 2007–08.
- 6.4 Commissioners also noted disquiet by the Joint Committee on Human Rights and opposition parties, which is shared by the Commission, to other aspects of the Justice and Security (Northern Ireland) Bill concerning the circumstances in which non-jury trials might continue and making emergency powers for the police and army permanent, without recourse to review. The next opportunity for the draft legislation to be amended will be the Grand Committee stage, which is expected to be on 21 March 2007. Commissioners expressed their appreciation to the Chief Executive and the Head of Information and Development for their work in lobbying for amendments to the draft legislation.
- 6.5 Commissioners noted the Chief Executive's attendance at a conference for Commonwealth National Human Rights Institutions on 26–28 February 2007 in London.

- 6.6 The Chief Executive reported on the visit by Commissioners and staff on 5–7 March 2007 to the European Court of Human Rights and the Council of Europe in Strasbourg, which included a meeting with Thomas Hammarberg, Commissioner for Human Rights at the Council of Europe. The visit was undertaken by the Chief Commissioner, Tom Duncan, Ann Hope, the Chief Executive, the Head of Information, Education and Development and a Caseworker. It was noted that this was an informative visit and a number of valuable contacts made. Papers from the visit will be placed in the Commission's reference library.
- 6.7 Commissioners noted that Nigel Dodds MP is the Northern Ireland representative in the Parliamentary Assembly at the Council of Europe. The Commission will write to him to establish contact regarding Council of Europe issues.
- 6.8 Commissioners noted that on 20 March 2007 the Commission will be co-hosting, with the Northern Ireland Council for Ethnic Minorities, a visit to Northern Ireland by the Committee of the Framework Convention for the Protection of National Minorities.
- 6.9 Commissioners noted that the 19<sup>th</sup> meeting of the International Co-ordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC) takes place on 21–23 March 2007 in Geneva. There will also be meetings of the European Group of NHRIs and the newly established Commonwealth Forum of NHRIs. The Commission will be represented by the Chief Commissioner, Christine Eames, Colin Harvey, Eamonn O'Neill, the Chief Executive and the Head of Legal Services, Policy and Research.
- 6.10 Commissioners discussed the potential impact on the Commission's workload of the re-establishment of devolved government and, in particular, the likely committee structure of a new Assembly. The Chief Commissioner will seek to secure further information on the planned committee structure.

## **7. Team reports**

### **7.1 Corporate Services (HRC 91.5)**

- 7.1.1 Commissioners noted the Corporate Services report.

- 7.1.2 Commissioners noted that the Secretary of State's approval of the Commission's proposal to create three new posts was pending.
- 7.1.3 Commissioners approved proposals to invest in new IT equipment, including the replacement of a number of desk top computers that will shortly be out of warranty.
- 7.1.4 Commissioners noted that the Commission's forecast outturn is to be within its budget for 2006–07. It was also noted that a number of expenditure plans have, for valid reasons, slipped and the Commission will seek to carry forward grant-in-aid not drawn down into 2007–08 using its end-year flexibility arrangements.
- 7.1.5 Commissioners noted that the Commission responded in January 2007 to another exercise by the NIO on the Comprehensive Spending Review, which will set the Commission budgets for 2008–09, 2009–10 and 2010–11.
- 7.1.6 Commissioners noted that the Head of Corporate Services met representatives of the NIO on 28 February 2007 to discuss revisions to the Management Statement and Financial Memorandum, which determines the Commission's financial and reporting arrangements with its sponsoring department.
- 7.1.7 Commissioners noted that building work to refurbish Temple Court is nearing completion.
- 7.1.8 Commissioners noted the Commission's response to a request for information made under the Freedom of Information Act 2000, which was processed within the statutory time frame.

## 7.2 **Information, Education and Development (HRC 91.6)**

- 7.2.1 Commissioners noted the Information, Education and Development report.
- 7.2.2 The Commission has reviewed all the manifestos of the political parties for the recent Assembly elections in respect of their commitments to human rights issues. A programme of meetings with the political parties will be set up after the election to discuss these commitments and other issues.

7.2.3 Commissioners noted that the Commission has been mentioned in over 90 newspaper articles during the past two months, the most extensive coverage it has achieved to date. Commissioners were particularly pleased about increasing coverage of the Commission in regional newspapers. Most of the coverage related to the Commission's work in respect of its work regarding the Omagh bombing, Muckamore Abbey Hospital, the conditions of women in prison and the launch of guides for migrant workers.

7.2.4 Commissioners noted that the project to catalogue the reference library was completed on 26 February 2007, with over 3,000 items catalogued. Commissioners extended their appreciation to Mary Blair, who carried out the work.

### **7.3 Legal Services, Research and Policy (HRC 91.7)**

7.3.1 Commissioners noted the Legal Services, Research and Policy report.

7.3.2 Commissioners noted agreement has been reached with the Home Office's Immigration and Nationality Directorate on access to files and an investigation into the handing of immigration detainees and asylum seekers can now begin. The field work is expected to take three months and the report will be published in autumn 2007.

7.3.3 Commissioners noted the outcome of the inquest into the death of Roseanne Irvine. A report on the inquest is being prepared for Commissioners.

7.3.4 Commissioners noted that a planned seminar on personality disorders, scheduled for 28 March 2007, has been postponed.

7.3.5 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response.

7.3.6 Commissioners discussed the Commission's draft response to consultation by government on the framing of legislation governing the status of, and duties and rights in respect of, the Irish language. Following discussion, it was agreed that the response will be revised taking a rights-based approach and circulated for ratification by Commissioners.



- 7.3.7 Concern was expressed that the proposals made no mention of Ulster Scots and it was noted that the Commission stands ready to respond to the Department of Culture, Arts and Leisure's proposals in respect of Ulster Scots.

## **8. Draft Business Plan 2007–08 (HRC 91.8)**

- 8.1 Commissioners approved the Commission's Business Plan for 2007–08, which will be sent to the NIO for information and formal recognition by the Secretary of State.
- 8.2 Commissioners noted new government finance rules, which mean that the Commission will not be able to vire money into its employment costs budget during 2007–08.

## **9. Library Strategy (HRC 91.9)**

- 9.1 The Information Worker presented a draft strategy to optimise the use of the Commission's reference library.
- 9.2 Commissioners noted that the library has been developing steadily since 2001, with investment in journals and books, a computerised library management system and, most recently, the completion of the catalogue of the stock held in the library. The library strategy is to consolidate the work to date and, in line with commitments in the Commission Strategic Plan for 2006–09, explore options to maximise its use. The creation of the new Information and Publications Worker post, agreed at the last Commission meeting, with responsibility for the library will ensure that a discrete staff resource is available to take the strategy forward.
- 9.3 It was noted that the library is a valuable resource for Commissioners and staff. However, its longer term viability depends on it being able to enhance the Commission's information, education and development work as an important resource for a broader constituency. Making the library catalogue available as an online resource, accessed through the Commission's website, is one means to improve access.

- 9.4 The library strategy was approved and it was agreed that library usage should be monitored throughout the two years of the strategy. It was noted that investment in further IT and a television for the library, as set out in the strategy, might be met from the current year's budget. The library strategy will be reviewed as part of the development of the Commission's Strategic Plan for 2009–12.

## **10. Audit and Risk Management Committee – Annual Report to the Commission 2006–07 (HRC 91.10)**

- 10.1 The Chair of the Audit and Risk Management Committee presented a report on the Committee's activities during 2006–07. He acknowledged the work of Committee members and staff in supporting the Committee's work during the year, and the valuable role they played in helping assure effective corporate governance of the Commission.
- 10.2 Commissioners noted the Committee's positive assessment against National Audit Office best practice guidelines.
- 10.3 Commissioners noted that, following the risk management workshop for Commissioners held on 9 March 2007, and agreement of the Commission's Business Plan for 2007–08, the Commission risk register will be updated and presented to the next Commission meeting for approval.

## **11. Conference Proposal – Rights and Righteousness: Religious Pluralism and Human Rights (HRC 91.11)**

11.1 Commissioners approved in principle a proposal to co-host a conference with the Irish School of Ecumenics, under the working title of 'Rights and Righteousness: Religious Pluralism and Human Rights', to discuss the relationship between faith and rights on 1/2 November 2007. Detailed proposals will be submitted to the Commission for final approval in due course, once more detailed planning has taken place to finalise costs and speakers

## **12. Revised terms of reference for committees and working groups (HRC 91.12)**

- 12.1 Commissioners approved terms of reference for the reconstituted Detention, Policing and Criminal Justice Committee (formerly known as the Places of Detention Working Group).

- 12.2 Commissioners noted that terms of reference will be submitted for approval in due course for the reconstituted Economic, Social and Cultural Rights Committee, formerly known as the Health Working Group.

### **13. Any other business**

- 13.1 It was agreed that, with Christine Eames' and Kevin McLaughlin's terms of office due to end on 30 November 2007, Alan Henry should join the Legal Committee to help ensure continuity.

### **14. Dates and locations of meetings for 2007–08 (HRC 91.13)**

- 14.1 The dates of Commission and Policy Committee meetings for the forthcoming 12 months were confirmed as follows:

16 April 2007 (Policy Committee)  
14 May 2007 (Commission)  
18 June 2007 (Policy Committee)  
16 July 2007 (Commission)  
20 August 2007 (Policy Committee)  
17 September 2007 (Commission)  
15 October 2007 (Policy Committee)  
19 November 2007 (Commission)  
17 December 2007 (Policy Committee)  
14 January 2008 (Commission)  
11 February 2008 (Policy Committee)  
10 March 2008 (Commission)

- 14.2 Commissioners agreed that it had been a positive experience having the Commission meeting observed by students. However, it was noted with regret that despite 12 schools being invited to attend, only one had taken up the opportunity. Therefore, it was agreed to review the benefits of holding Commission meetings outside Belfast, and whether such an approach contributes effectively to the objective of increasing the Commission's presence and engagement in communities across Northern Ireland.

**The meeting closed at 5pm.**

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

14 May 2007