



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**MINUTES OF THE 92<sup>ND</sup> COMMISSION MEETING**

**HELD ON MONDAY 14 MAY 2007 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  
Kevin McLaughlin  
Eamonn O'Neill  
Geraldine Rice

**Apologies:** None

**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

Commissioners noted that this was the last Commission meeting before Paddy Sloan leaves the Commission to take up a post with the BBC Northern Ireland Children in Need Appeal. Commissioners expressed their appreciation for the Chief Executive's work over the past eight years and wished her success in her new role.

## **1. Minutes of the 91<sup>st</sup> meeting (HRC 92.1)**

- 1.1 The minutes of the 91<sup>st</sup> Commission meeting held on 12 March 2007 was agreed as an accurate record.

## **2. Matters arising**

- 2.1 It was noted that the Commission's Black and Minority Ethnic Group will be re-established as soon as possible (paragraph 3.11 of the minutes of the last meeting refers).
- 2.2 It was agreed to invite Marie Anderson, Assistant Information Commissioner for Northern Ireland, to discuss issues related to the use of the Freedom of Information Act 2000 with Commissioners (paragraph 3.12 of the minutes of the last meeting refers).
- 2.3 The Chief Commissioner will seek to establish whether Nigel Dodds MP, who is now a Minister in the Northern Ireland Assembly, will continue to be the Northern Ireland representative in the Parliamentary Assembly at the Council of Europe (paragraph 6.7 of the minutes of the last meeting refers).
- 2.4 Commissioners noted that the structure of Assembly committees is the same as it was prior to suspension of the Assembly in 2002 (paragraph 6.10 of the minutes of the last meeting refers).
- 2.5 Commissioners noted that Maria Eagle MP has replaced David Hanson MP as the Minister at the Northern Ireland Office with responsibility for human rights. She will be invited to meet Commissioners as soon as possible.

## **3. Report from the Chief Commissioner (HRC 92.2)**

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 The Chief Commissioner reported that, at a meeting in March 2007, the Director of Nursing at the Eastern Health and Social Services Board had commended the Commission's work in respect of health provision in prisons.

- 3.3 Commissioners noted the Chief Commissioner's attendance at the British and Irish Ombudsman's conference on 26–27 April 2007 in Warwick. The Chief Commissioner will circulate a key note address delivered to the conference on human rights by Emily O'Reilly, the Irish Ombudsman.
- 3.4 The Chief Commissioner circulated a paper prepared by Professor Tom Hadden entitled 'Educating Minorities: A Framework for Indigenous, National and Immigrant Communities', which was presented to the Transitional Justice Institute at the University of Ulster on 4 May 2007.

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

- 4.1 Colin Harvey and Ann Hope reported on their attendance as observers at the meeting of the Bill of Rights Forum on 11 May 2007.
- 4.2 The Bill of Rights Forum provides a forum for political parties and representatives of civil society to seek to build a consensus on what should constitute the Bill of Rights. This means that the Commission must remain independent of the Bill of Rights Forum, although its representatives will observe proceedings to monitor the direction of the discussions. It was agreed that Commissioners will meet Chris Sidoti, the Chair of the Bill of Rights Forum, to ask him to remind Forum members of the Commission's role as an independent observer.
- 4.3 Commissioners noted that the next meeting of the Bill of Rights Forum is scheduled for 29 June, with subsequent meetings arranged for 27 July and 7 September 2007.

#### **5. Minutes of committee and working group meetings (HRC 92.3)**

- 5.1 Commissioners noted the minutes of the following meetings:
  - Audit and Risk Management Committee – 6 February 2007
  - Bill of Rights Working Group – 29 June 2006 and 30 March 2007
  - Bill of Rights Sub-Committee – 18 October 2006

- Equality Committee – 26 January 2007
- Health Working Group – 8 February and 14 March 2007
- Legal Committee – 28 February 2007
- Places of Detention Working Group – 22 February 2007
- Policy Committee – 12 February 2007.

## **6. Report from the Chief Executive (HRC 92.4)**

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 Commissioners noted that the official at the NIO with lead responsibility for managing the relationship with the Commission has moved to a new post and has been succeeded by a colleague. Commissioners wished them both well in their respective new posts.
- 6.3 Commissioners noted that the 'light touch review' of the Commission is focused on the relationship with the NIO in its role as the sponsoring department as set out in the Management Statement and Financial Memorandum. This review should be completed shortly.
- 6.4 Commissioners agreed that, now that the nature and extent of the Commission's new powers are settled in the Justice and Security (Northern Ireland) Bill, Commissioners and staff should meet to discuss a strategy for using the powers, and an associated training and development plan, so that they are used effectively.
- 6.5 Commissioners noted that the Commission has been invited to give oral evidence to the Northern Ireland Affairs Committee's examination of the Northern Ireland Prison Service. This has been rescheduled for 4 July 2007.
- 6.6 Commissioners noted that Nicola Brewer, Chief Executive, and Francesca Klug, Commissioner, from the Commission for Equality and Human Rights in Great Britain will visit the Commission on 8 June. The Chief Commissioner and Colin Harvey will meet Trevor Phillips, Chair of the CEHR, on 15 June 2007 in London and the Chief Commissioner will speak at the BPP School of Law with Trevor Phillips, and Maurice Manning, President of the Irish Human Rights Commission, later that day.

- 6.7 Commissioners noted the interim management arrangements for the Commission pending the recruitment of a new Chief Executive. The Head of Corporate Services will be designated as Interim Accounting Officer, subject to NIO approval.

## **7. Team reports**

### **7.1 Corporate Services (HRC 92.5)**

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted the appointments made to the newly created Information and Publications Worker, Policy Worker and Press and Public Affairs Worker posts, following a recruitment exercise. All three new members of staff start in June 2007.
- 7.1.3 Tom Duncan and Geraldine Rice agreed to join the Moderating Panel to oversee the administration of the Commission's performance bonus scheme. The Chair of the Audit and Risk Management Committee will also be a member.
- 7.1.4 Commissioners noted the requirement to declare in the Commission's accounts any transactions with the Commission undertaken by close family members and business partners, and to update the register of interests.
- 7.1.5 Commissioners noted the draft Disability Action Plan, which sets out how the Commission intends to meet new duties under the Disability Discrimination Act 1995 to have due regard to the need to promote positive attitudes towards disabled people and encourage participation by disabled people in public life. The draft document was approved for consultation by the Equality Committee on 13 April. The consultation period is until 18 June and the draft Disability Action Plan has to be submitted to the Equality Commission by 30 June 2007 for approval.
- 7.1.6 Commissioners noted that the outcome of the Commission's five year review of its Equality Scheme has to be submitted to the Equality Commission by 3 July 2007.

## **7.2 Information, Education and Development (HRC 92.6)**

- 7.2.1 Commissioners noted the Information, Education and Development report.
- 7.2.2 Commissioners noted that exploratory discussions have commenced with a possible external funding organisation in respect of supporting aspects of the Commission's human rights education work.
- 7.2.3 Commissioners noted the launch of the Commission's Bill of Rights website ([www.borini.info](http://www.borini.info)), which went live in April 2007. The website is a resource containing a comprehensive collection of documents generated by the Commission and others in respect of a Bill of Rights for Northern Ireland.
- 7.2.4 Commissioners noted the publication of the fourth issue of the Commission magazine, 'NIHRC Review'. This issue contained posters illustrating the UN Declaration of Human Rights and the European Convention on Human Rights, which have been well received by stakeholders.
- 7.2.5 Commissioners noted that the Commission has issued a call for papers in respect of the 'Rights and Righteousness' conference, which it is co-hosting with the Irish School of Ecumenics on 1/2 November 2007. Papers are due to be submitted by the end of July 2007.

## **7.3 Legal Services, Research and Policy (HRC 92.7)**

- 7.3.1 Commissioners noted the Legal Services, Research and Policy report.
- 7.3.2 Commissioners noted that some staff will participate in a training event concerning the European Court of Human Rights, to be facilitated by the Council of Europe for national human rights institutions in June 2007.
- 7.3.3 Commissioners noted the summary of ongoing legal cases that the Commission is supporting or monitoring.
- 7.3.4 Commissioners noted that the Commission has been granted leave to intervene in the judicial review challenge to the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006.

- 7.3.5 Commissioners noted progress in the immigration research project. An issue had arisen in respect of the Commission's jurisdiction over immigration detainees taken out of Northern Ireland to detention centres in Great Britain. A pragmatic solution has been reached to overcome this potential issue in relation to the fieldwork for the research. Longer term arrangements for tracking immigration detainees taken from Northern Ireland to Great Britain will be raised with the CEHR in due course.
- 7.3.6 Commissioners noted that an announcement is expected on 22 June, the first anniversary of entry into effect of the Optional Protocol to the Convention against Torture (OPCAT) regarding the composition and functioning of the UK's national preventative mechanism (NPM). The Commission will host a seminar on OPCAT and the NPM on 26 June 2007, the 20<sup>th</sup> anniversary of the Convention, and the 10<sup>th</sup> United Nations International Day in Support of Victims of Torture, in Belfast. The seminar aims to bring together key figures from the UK NPM, the Ministry of Justice, and the human rights community.
- 7.3.7 Commissioners expressed their appreciation to everyone involved in organising the symposium on health and human rights, which was hosted by the Commission on 18 April 2007 in Malone House, Belfast. The papers for the event will be published on the Commission's website in due course, and possibly in hard copy. The outcomes from the symposium will feed into an international conference on health and human rights, which the Commission is planning in February 2008. In the meantime, issues raised at the symposium will be discussed with user groups in the field of health care and relevant policy makers in the Department of Health, Social Services and Public Safety.
- 7.3.8 The Commission will be holding a round table of Commissioners and staff to discuss key inquest cases on 30 May 2007. A senior Coroner from Australia, who will be visiting Northern Ireland, has agreed to attend the event.

***The meeting was suspended for lunch at 12.35pm.  
The meeting resumed at 1.35pm***

- 7.3.9 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response.
- 7.3.10 Commissioners discussed the process for clearing policy responses by the Commission. It was agreed that previous policy positions should be the starting point for responses and that, where a response does not require change from that position, Commissioners need not be consulted. However, where a new policy is under consideration, or there are known sensitivities about particular issues within the Commission, Commissioners will be consulted on draft responses. Commissioners will be given seven days to respond and will be provided with feedback on their comments where appropriate.
- 7.3.11 Colin Harvey asked that his concern be noted that a recent policy submission contained a reference that did not fully reflect the position of the Commission and welcomed the fact that the response was subsequently revised.

## **8. Risk register 2007–08 (HRC 92.8)**

- 8.1 Commissioners approved the Commission's risk register for 2007–08. The risks will be reviewed at, and progress on activities to help minimise the risks occurring and/or their impact will be presented to, each meeting of the Audit and Risk Management Committee.
- 8.2 Commissioners noted that further action was needed in respect of confirming that the Commission is in full compliance with the new non-smoking regulations and to ensure that it meets the statutory requirement to submit a five year review of the Equality Scheme to the Equality Commission by 3 July 2007.

## **9. Revised terms of reference for committees and working groups**

### **Equality Committee terms of reference (HRC 92.9)**

- 9.1 Terms of reference for the reconstituted Equality Committee were approved.



- 9.2 Commissioners noted that membership of the Equality Committee comprises Ann Hope (Chairperson), the Chief Commissioner, Colin Harvey, Alan Henry and Geraldine Rice.

### **Economic, Social and Cultural Rights Committee terms of reference (HRC 92.10)**

- 9.3 It was noted that terms of reference for the reconstituted Economic, Social and Cultural Rights Committee are being developed and will be submitted to the next Commission meeting.

## **10. Conference proposal – Commission’s annual conference 2007 (HRC 92.11)**

- 10.1 Commissioners agreed a proposal to hold the Commission’s annual conference on 21 September 2007, the International Day of Peace, which will be the main theme for the event. It was noted that the annual conference has previously been held in December and is being brought forward to avoid other demands on stakeholders. It is envisaged that the subsequent annual conference will be held in May 2008.
- 10.2 It was agreed to consider locations for the conference outside of Belfast, if possible. Further attention to events being held outside Belfast will be given in the future.

## **11. Draft Communications Access and Language Policy (HRC 92.12)**

- 11.1 Commissioners approved the Commission’s Communications Access and Language policy.
- 11.2 It was noted that all staff should be trained in the policy. The training will be open to Commissioners.
- 11.3 It was also noted that the policy will be screened under the Commission’s statutory equality duty for any adverse impact on equality categories.

## 12. Any other business

- 12.1 Commissioners noted that the forthcoming vacancies for Commissioners, which will arise when Christine Eames and Kevin McLaughlin's appointments end in November 2007, have been highlighted in the latest issue of 'All Aboard', which lists all forthcoming public appointments.
- 12.2 Commissioners noted that a debrief is being scheduled with the external researcher of the Commission's investigation into rights of women prisoners held in Hydebank Wood, which will be published in the report 'The Prison Within' in early July 2007.

## 13. Dates of next meetings

- 13.1 The next meeting of the Policy Committee, comprising all Commissioners, takes place on 18 June 2007 in Temple Court, Belfast. The meeting will incorporate a special Commission meeting to consider the Annual Report and Accounts for 2006–07.
- 13.2 The next business meeting of the Commission will be held on 16 July 2007 in Temple Court.

**The meeting closed at 3.20pm.**

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

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

16 July 2007