



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 96TH COMMISSION MEETING
HELD ON MONDAY 14 JANUARY 2008 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
Alan Henry
Ann Hope
Colm Larkin
Eamonn O'Neill
Geraldine Rice
Daphne Trimble

Apologies: Colin Harvey (on paternity leave)

In attendance: Peter O'Neill, Chief Executive
Nazia Latif, Head of Investigations, Policy and Research
Don Leeson, Head Corporate Services
Virginia McVea, Head of Legal Services

Commissioners welcomed Colm Larkin and Daphne Trimble to their first Commission meeting since taking up their appointments on 1 December 2007.

Nazia Latif and Virginia McVea were welcomed to their first Commission meeting in their new roles as Heads of Investigations, Policy and Research and Legal Services respectively.

Commissioners passed on their congratulations to Colin Harvey and his wife on the birth of their daughter.

1. Minutes of the last meetings (HRC 96.1)

- 1.1 The minutes of the 95th Commission meeting held on 26 November 2007 were agreed as an accurate record.

2. Matters arising

- 2.1 The Chief Commissioner briefed Commissioners on the resources and proposed contractual arrangements for a fixed term post to support the work of the Joint Committee with the Irish Human Rights Commission, to be funded jointly by the UK and Irish governments. The matter will be discussed at the next Joint Committee meeting, which is scheduled for 29 January 2008 in Dublin (paragraph 3.2 of the minutes of the last meeting refers).
- 2.2 Commissioners noted with concern the continuing delay in the transfer of responsibility for health care provision in prisons to DHSSPS (paragraph 3.3 of the minutes of the last meeting refers). The Chief Commissioner has written to Michael McGimpsey, the Minister for Health, Social Services and Public Safety, about this matter and a response is awaited. In the meantime, the matter will be discussed at the next meeting of the Detention, Policing and Justice Committee on 15 January 2008, which will be attended by representatives of the Independent Monitoring Board.
- 2.3 Commissioners noted that, while they are representative of society at large, they are not appointed to represent particular sectors. Therefore, further work is needed to look at how views of the various sectors in society can be represented to the Commission (paragraph 11.4 of the minutes of the last meeting refers). This will be done as part of the consultation arrangements for the development of the Commission's next Strategic Plan, later in 2008. In the meantime, Commissioners noted that the Commission is in the process of re-establishing its Black and Minority Ethnic Group and is committed in its Disability Action Plan to promote the participation of disabled people in public life.

3. Report from the Chief Commissioner (HRC 96.2)

- 3.1 Commissioners noted the Chief Commissioner's report.

- 3.2 The Chief Commissioner reported on her meeting with Kit Chivers, the Chief Inspector of Criminal Justice for Northern Ireland on 4 December 2007. Commissioners noted the lack of a complaints mechanism for community based restorative justice schemes, which might be an appropriate role for the Commission. Further consideration will be given to this issue as the Commission develops its Business Plan for 2008–09.
- 3.3 Commissioners noted that the Commission is seeking counsel's opinion on issues relating to dealing with the past, so that it can respond effectively to the outcome of the work of the Consultative Group on the Past, led by Lord Eames and Denis Bradley.
- 3.4 The Chief Commissioner reported on the Commission's appearance before the Ad Hoc Assembly Committee, which is scrutinising the draft Criminal Justice Order, on 9 January 2008. The Chief Commissioner and Ann Hope passed on their congratulations to the Head of Investigations, Policy and Research and Denise Magill, Research Worker, for their expert evidence to the Ad Hoc Committee. Commissioners noted that the Ad Hoc Committee's report will be discussed in plenary by the Assembly on 28 January and that the deadline for consultation responses to the NIO is 31 January 2008.
- 3.5 The Chief Commissioner reported on her meeting with the Chief Constable on 10 January 2008 to discuss the acquisition of Tasers by the PSNI. Commissioners noted that Tasers are expected to come into use with effect from 16 January 2008. An outstanding issue concerns a public body's authority to take a decision, such as the implementation of Tasers, without regard to equality screening and impact assessment, on the basis that it is an operational rather than policy decision. It was agreed that the Commission will seek to review the legal advice obtained by other organisations on this matter and, based on this advice, consider seeking further legal advice on this specific issue. Until the equality implications have been worked through, the Commission retains its position that it is not able to support the implementation of Tasers.

4. Reports from Commissioners

- 4.1 There were no reports from Commissioners.

5. Minutes of committee and working group meetings (HRC 96.3)

- 5.1 Commissioners noted the minutes of the following meetings:
- Audit and Risk Management Committee – 10 September 2007
 - Detention, Policing and Justice Committee – 15 November 2007
 - Economic, Social and Cultural Rights Committee – 13 September and 7 October 2007
 - Legal Committee – 1 October and 6 November 2007, and the emergency Legal Committee meeting held 12 October 2007
 - Policy Committee – 15 October 2007.

6. Chief Executive's Report (HRC 96.4)

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 Commissioners noted the Commission's exceptional achievement in securing a substantial assurance rating following the recent audit of its financial management arrangements and passed on their congratulations to the Corporate Services Team.
- 6.3 The Chief Executive reported on his meeting with Caitríona Ruane, the Minister for Education, on 4 December 2007 to be briefed on plans to reform the post-primary education system. The Commission's policy in respect of issues raised by the proposed reforms will be discussed by the Policy Committee in due course. In the meantime, the Chief Executive will write to the Department of Education to ask that the Commission is kept informed of progress in developing its proposals.
- 6.4 The Chief Executive reported that a guide to the Commission's previously established policy position on key issues will be produced for Commissioners.

- 6.5 Commissioners noted that substantial funding has recently been provided by a philanthropic organisation to non-governmental organisations working on human rights issues. The Chief Executive agreed to provide a briefing for Commissioners on the range of organisations and issues that have been funded.

7. Team reports

7.1 Corporate Services (HRC 96.5)

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Following the end of the appointments of Christine Eames and Kevin McLaughlin, Commissioners noted that Daphne Trimble has joined the Commission's Audit and Risk Management Committee. Given the high demand currently placed on Commissioners' time, which is likely to increase in the coming months as work on the Bill of Rights progresses, it was agreed not to nominate a further member to the Committee. Membership of the Committee will be kept under review.
- 7.1.3 Commissioners reviewed the Commission's finance report and noted expenditure plans to the end of the financial year.

7.2 Communications and Education (HRC 96.6)

- 7.2.1 Commissioners noted the Communications and Education report.
- 7.2.2 Commissioners noted that the appointment of a new Head of Communications and Education is expected to be made before the end of January 2008.
- 7.2.3 Commissioners noted the positive feedback received in respect of the Commission's joint event with the Bar Council to mark the International Day of Human Rights on 10 December 2007.

- 7.2.4 Commissioners noted recent media coverage of the Commission's work, particularly in respect of the Commission's 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 circumstances of the Omagh bomb of 15 August 1998, which was given worldwide coverage on the day the verdict of the trial into the person accused of the Omagh bombing was announced (20 December 2007). Commissioners noted that the Chief Commissioner wrote that day to the Secretary of State for Northern Ireland, to find out what next steps were planned by the government in respect of the circumstances of the bombing and to reiterate the Commission's position on the matter.
- 7.2.5 Commissioners noted the evaluation report on the Commission's human rights training programme, which was delivered during autumn 2007. The programme was over-subscribed and positively received.
- 7.2.6 Commissioners noted the successful launch of the Commission's new exhibition stand on 28 November 2007 at the Art College, Belfast. It is expected that the exhibition will next be shown at the Waterfront Hall, Belfast, before touring schools and community venues across Northern Ireland.

7.3 Legal Services (HRC 96.7)

- 7.3.1 Commissioners noted the Legal Services report.
- 7.3.2 Commissioners noted the list of cases currently undertaken by the Commission.

7.4 Investigations, Policy and Research (HRC 96.8)

- 7.4.1 Commissioners noted the Investigations, Policy and Research report.
- 7.4.2 Commissioners noted that fieldwork for the Commission's investigation into immigration detention is nearing completion. The report is expected to be published before summer 2008.

- 7.4.3 The Head of Investigations, Policy and Research reported on her recent participation in training on conducting systemic investigations in December 2008 in Canada. Staff will be briefed on the training in due course. In the meantime, Commissioners noted that the Chief Commissioner has written to the Police Ombudsman to explore the possibility of Commission staff becoming involved in their training for investigators.
- 7.4.4 Commissioners noted the list of current consultations, which are being reviewed by the Commission for possible response.

8. Intervention in the 'E' case (HRC 96.9)

- 8.1 Paper not tabled.
- 8.2 Commissioners noted that the Commission is considering a further intervention in the 'E' case, concerning incidents at the Holy Cross School in 2001, which is due to be heard in the House of Lords later in 2008. Legal opinion is being prepared on the judicial interpretation of Article 3 of the European Convention on Human Rights, which will be discussed at the next Policy Committee meeting on 11 February 2008.

9. Priorities for the Business Plan 2008–09 (HRC 96.10)

- 9.1 Commissioners discussed the Commission's priorities for its Business Plan for 2007–08, which will implement the final year of the current Strategic Plan.
- 9.2 The Commission's priorities will be discussed at a planning event for staff on 21/22 January 2008 and the draft Business Plan for 2007–08 will be presented to the next Commission meeting.

10. Report on progress against Business Plan 2007–08 (April to December 2007) (HRC 96.10)

- 10.1 Commissioners noted progress made in implementing the Commission's Business Plan for 2007–08.

- 10.2 Most objectives are progressing in line with the plan. Commissioners expressed their appreciation to staff for substantial amount of work undertaken to date.

11. Job evaluation of staff posts within the Commission (HRC 95.12)

- 11.1 Commissioners were briefed on the project to evaluate the weighting and grading of all staff posts within the Commission, which is expected to begin in March 2008. The project is expected to be complete in the early summer, with the outcome reported to the Commission meeting in July 2008.
- 11.2 The work will be undertaken in part by staff from the Northern Ireland Civil Service, which means that the Commission will be charged for their services. The Commission will seek additional funding for this work from the NIO, or authority to carry forward funds into the next financial year from the Commission's 2007–08 budget.
- 11.3 Commissioners agreed a proposal that the Audit and Risk Management Committee should be invited to oversee the project.

12. Any other business

- 12.1 Commissioners noted that the Commission's international conference on health and human rights on 7 February 2008 is fully subscribed, with around 200 delegates expected to attend.

13. Dates of next meetings

- 13.1 The next meeting of the Policy Committee, comprising all Commissioners, takes place on 11 February 2008 in Temple Court, Belfast.
- 13.2 The next business meeting of the Commission will be held on 10 March 2008 in Lisburn.

The meeting closed at 3.45pm.

Approved: _____

Date: _____

10 March 2008