



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 97TH COMMISSION MEETING

**HELD ON MONDAY 10 MARCH 2008 AT 11:00AM
AT LISBURN CITY COUNCIL, LAGAN VALLEY ISLAND,
ISLAND CIVIC CENTRE, THE ISLAND, LISBURN BT27 4RL**

Present: Monica McWilliams, Chief Commissioner
Jonathan Bell
Tom Duncan
Colin Harvey
Alan Henry
Ann Hope
Colm Larkin
Eamonn O'Neill
Geraldine Rice
Daphne Trimble

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
David Russell, Head of Communications and Education
Nadia Downing, Information Worker (agenda item 10)
Angela Lloyd-Stevens, Caseworker (agenda item 7)
Denise Magill, Research Worker (agenda item 9)
Miriam Titterton, Development Worker

Commissioners welcomed David Russell, Head of Communications and Education, to his first Commission meeting since taking up his appointment on 1 March 2008.

Commissioners thanked Miriam Titterton for covering the vacant Head of Communications and Education post.

1. Minutes of the last meeting (HRC 97.1)

- 1.1 The minutes of the 96th Commission meeting held on 14 January 2008 were agreed as an accurate record, subject to a minor textual change.

2. Matters arising

- 2.1 Commissioners noted that the vacancy for a contractor to support the work of the Joint Committee with the Irish Human Rights Commission has been advertised and interviews are scheduled to take place on 2 April 2008 in Dublin (paragraph 2.1 of the minutes of the last meeting refers).

3. Report from the Chief Commissioner (HRC 97.2)

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 Commissioners noted that the Chief Commissioner's report is published as a 'blog' on the Commission's website to highlight the range of activities undertaken by the Commission.

4. Reports from Commissioners

- 4.1 Ann Hope reported on her participation in a meeting with a delegation from Iraq, hosted by the Institute of Governance, Queen's University Belfast, on 3 March 2008.
- 4.2 Ann Hope reported on her attendance at the launch of 'Making the Grade', published by End Violence Against Women, which also took place on 3 March 2008, at Stormont.
- 4.3 Alan Henry reported on a meeting between Commissioners and church leaders on 6 March 2008, which he attended with the Chief Commissioner, Jonathan Bell and Ann Hope, to discuss a range of issues, including the Bill of Rights. A note of the meeting will be circulated to Commissioners in due course.
- 4.4 Eamonn O'Neill reported on an address he gave to Amnesty International members on 5 February 2008 in Newry.

5. Minutes of committee and working group meetings (HRC 97.3)

5.1 Commissioners noted the minutes of the following meetings:

- Bill of Rights Working Group – meetings held on 17 October and 7 November 2007 and 11 January 2008
- Detention, Policing and Justice Committee – meetings held on 11 December 2007 and 15 January 2008
- Economic, Social and Cultural Rights Committee – meeting held on 6 December 2007
- Equality Committee – meeting held on 16 August 2007
- Legal Committee – meetings held on 4 December 2007 and 23 January 2008, and the emergency Legal Committee meeting held 14 January 2008
- Policy Committee – meeting held on 17 December 2007.

5.2 It was agreed that the Legal Committee will review the format of the minutes of its meetings to ensure that the right balance is achieved between protecting the confidentiality of the cases discussed and providing sufficient information to Commissioners who are not present at Legal Committee meetings.

6. Chief Executive's Report (HRC 97.4)

6.1 Commissioners noted the Chief Executive's report.

6.2 Commissioners noted the Chief Executive's intention to set up a working group of Commissioners and staff to develop programmes and events to celebrate the 10th anniversary of the Human Rights Act on 2 October 2008, the 60th anniversary of the Universal Declaration of Human Rights on 10 December 2008, and the 10th anniversary of the establishment of the Commission in March 2009. Commissioners were invited to volunteer to join the working group.

- 6.3 Commissioners noted plans to hold the annual joint meeting with the Equality Commission on 28 May 2008. Commissioners also noted that joint research with the Equality Commission into the extent of human trafficking in Northern Ireland is being scoped, and a number of other joint projects are being considered, including the accommodation requirements of Travellers and further work to promote the UN Convention on Disability Rights.
- 6.4 Commissioners noted that the Commission's revised Management Statement and Financial Memorandum allows the Commission to generate additional funding from sources other than government and that the Education Strategy is predicated on external funding being generated in order to expand the Commission's education work. It was agreed that Commissioners will discuss a funding strategy at a future Commission meeting.
- 6.5 The Chief Executive reported on the launch of the PSNI's Code of Ethics, which he attended on 6 February 2008 at Stormont.

7. Team reports

7.1 Corporate Services (HRC 97.5)

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted the recruitment plans as part of the backfilling arrangements for the temporary promotions of the Heads of Investigations, Policy and Research and Legal Services. Interviews are scheduled for April 2008.
- 7.1.3 Commissioners noted that the job evaluation exercise of all staff posts has commenced. A report on the outcome of this exercise will be presented to the Commission in July 2008, with a view to implementing the findings by the end of the year.
- 7.1.4 Commissioners noted the Commission's budget allocations for the three-year period 2008–11, following the Comprehensive Spending Review.
- 7.1.5 Commissioners reviewed the Commission's finance report and noted expenditure plans to the end of the financial year, which will mean that the budget will be spent in full.

7.2 Communications and Education (HRC 97.6)

- 7.2.1 Commissioners noted the Communications and Education report.
- 7.2.2 Commissioners noted that the Commission is sponsoring a series of discussions and films at the Belfast Film Festival under the title of 'Memory, Truth and Transition' in April 2008.
- 7.2.3 Commissioners noted plans for the Minister of Education to launch the Irish language version of the Commission's Bill of Rights in Schools resource on 28 May 2008 in Coláiste Feirste.
- 7.2.4 Commissioners noted that the Commission will contribute towards the costs of the annual "Lift Off" conference, which is organised jointly with the Irish Human Rights Commission, Amnesty International, the Ulster Teachers' Union and the Irish National Teachers' Organisation. This year's event will be on the theme of mainstreaming in education and will be held on 6 November 2008 in Belfast.
- 7.2.5 A residential event for Commissioners will be held on 18/19 April to discuss the recommendations produced by the Bill of Rights Forum, which will be presented to the Commission on 31 March 2008. Thereafter, dates have been scheduled for Bill of Rights Working Group meetings for the next six months to enable the Commission to finalise its advice to the Secretary of State on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, which we intend to present on 10 December 2008.

7.3 Legal Services (HRC 97.7)

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

- 7.3.3 Commissioners were briefed on a proposed legal challenge to the compatibility of the Inquiries Act 2005 with Article 2 of the European Convention on Human Rights, which would be taken under the Commission's own name, using the powers granted to it by the Justice and Security (Northern Ireland) Act 2007. Counsel's opinion on the likely success of the action was considered by the Legal Committee on 4 March 2008, which agreed to recommend that the Commission proceeds with the case.
- 7.3.4 Commissioners noted that the Commission opposed the draft legislation when it was discussed in Parliament and had intervened in an application for a judicial review brought in May 2006 by a member of the public in respect of an inquiry into a death which occurred in Maghaberry prison in 1997. However, the human rights compliance arguments were not heard because the applicant was not considered a "victim" for purposes of Article 2 of the ECHR because the death occurred before 2 October 2000.
- 7.3.5 Commissioners noted the projected costs of the forthcoming action.
- 7.3.6 Commissioners agreed that the case raises very important issues and approved the legal challenge to the Inquiries Act 2005.
- 7.3.7 Following discussions at the Policy Committee on 11 February 2008, Commissioners formally approved the Commission's 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. The intervention is in respect of the judicial interpretation of Article 3 of the ECHR. Jonathan Bell and Daphne Trimble asked that their dissent from this decision be formally noted.

7.4 Investigations, Policy and Research (HRC 97.8)

- 7.4.1 Commissioners noted the Investigations, Policy and Research report.
- 7.4.2 Commissioners noted that the Commission's investigation into immigration detention is on schedule for completion in June 2008.

- 7.4.3 Commissioners noted that work is progressing to prepare shadow reports in respect of the UK's compliance with a number of international human rights instruments, which is due to be examined in 2008. Commissioners also noted that the UK's examination under the Universal Periodic Review will take place on 10 April 2008 in Geneva – the Head of Investigations, Policy and Research will attend this event.
- 7.4.4 Commissioners noted the list of current consultations, which are being reviewed by the Commission for possible response.
- 7.4.5 Commissioners noted a briefing prepared on the Counter Terrorism Bill, which is due for its Second Reading in the House of Commons. The briefing is being used to inform Parliamentarians on the key human rights aspects of the draft legislation as it impacts on Northern Ireland. Commissioners also noted that the Commission is working with the Equality and Human Rights Commission in Great Britain to ensure that UK-wide human rights concerns in respect of the Bill are raised effectively.

8. Business Plan for 2008–09 (HRC 97.9)

- 8.1 Commissioners considered the draft Business Plan for 2008–09 in detail.
- 8.2 The Business Plan for 2008–09 was approved, subject to a number of minor textual changes.

9. Strategy for the Commission's legislation and policy work (HRC 97.10)

- 9.1 Commissioners considered the Commission's approach to legislation and policy work, including greater proactivity in respect of policy work.

- 9.2 Commissioners noted that the Commission receives around 400 consultation documents from government and public bodies each year and produces around 60/70 responses. In order to maximise the Commission's impact, Commissioners agreed that there should be a greater focus on pre-consultation discussions with legislators and policy makers and more work to follow-up and promote the Commission's policy recommendations to key influencers within the Assembly and Parliament.
- 9.3 Commissioners agreed that the Commission should prioritise its legislation and policy development work according to theme. Particular priorities are migration and asylum; criminal and civil justice (including policing, victims, counter-terrorism and detention); health; poverty (in particular budget analysis) and international treaty monitoring.

10. Stakeholder Survey 2007 (HRC 97.11)

- 10.1 Commissioners were briefed on the results of the Commission's Stakeholder Survey, which was conducted in December 2007. Commissioners noted that this was the first time that the Commission had conducted such a survey and that it is intended as an annual exercise to track changes in stakeholders' views of the work of the Commission.
- 10.2 Commissioners noted that views of the Commission and its work were very positive.
- 10.3 Commissioners were, however, concerned about the low response rate from political parties and government departments and more work will be done in preparation for the 2008 survey to encourage a greater response from these important stakeholders. Commissioners also noted that less positive comments will be followed up as part of the Commission's public affairs work.
- 10.4 Commissioners thanked all the staff involved in the conduct of the Stakeholder Survey.

11. Any other business

- 11.1 There was no other business.

12. Dates and locations for meetings to March 2009

12.1 The dates of Commission and Policy Committee meeting for the next 12 months were agreed as follows:

14 April 2008 (Policy Committee)
12 May 2008 (Commission)
9 June 2008 (Policy Committee)
7 July 2008 (Commission)
18 August 2008 (Policy Committee)
15 September 2008 (Commission) – Cookstown or Omagh
13 October 2008 (Policy Committee)
17 November 2008 (Commission)
15 December 2008 (Policy Committee)
19 January 2009 (Commission)
16 February 2009 (Policy Committee)
9 March 2009 (Commission) – location to be agreed

12.2 In keeping with the Commission's commitment to hold two meetings outside of Belfast each year, it was agreed that the September 2008 Commission meeting, which will be the 100th formal meeting, will be held in Omagh. The Commission in March 2009 will also be held outside Belfast at a location to be agreed.

The meeting closed at 4.30pm, followed by a reception with local stakeholders.

Approved: _____

Date: _____

12 May 2008