



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **MINUTES OF THE 99<sup>TH</sup> COMMISSION MEETING**

**HELD ON MONDAY 7 JULY 2008 AT THE  
NORTHERN IRELAND HUMAN RIGHTS COMMISSION,  
TEMPLE COURT, 39 NORTH STREET, BELFAST BT1 1NA**

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

**In attendance:** Nazia Latif, Head of Investigations, Policy and Research  
Don Leeson, Head of Corporate Services  
David Russell, Head of Communications and Education  
Laura McMahan, Barrister (agenda item 13)

**Apologies:** Colm Larkin  
Geraldine Rice

### **1. Minutes of the last meetings (HRC 99.1(a) and (b))**

- 1.1 The minutes of the 98<sup>th</sup> Commission meeting held on 12 May 2008, and the special Commission meeting held on 27 June 2008 to approve the Commission's Annual Report and Accounts for 2007–08, were agreed as accurate records.
- 1.2 It was decided that, in future, where changes to draft documents are agreed at Commission meetings, the changes will be summarised in the minutes for reference purposes.

## **2. Matters arising**

2.1 There were no matters arising.

## **3. Report from the Chief Commissioner (HRC 99.2)**

3.1 Commissioners noted the Chief Commissioner's report.

3.2 Commissioners noted the heavy schedule of meetings and speaking engagements at conferences and other events that the Chief Commissioner has undertaken in recent weeks, many on the Bill of Rights.

## **4. Reports from Commissioners**

4.1 There were no reports from Commissioners.

## **5. Minutes of committee and working group meetings (HRC 99.3)**

5.1 Commissioners noted the minutes of the following meetings:

- Audit and Risk Management Committee – meeting held on 28 April 2008
- Bill of Rights Working Group – meetings held on 7 April, 9 May and 14 May 2008
- Detention, Policing and Justice Committee – meeting held on 7 April 2008
- Economic, Social and Cultural Rights Committee – meeting held on 29 April 2008
- Equality Committee – meeting held on 18 February 2008
- Legal Committee – meeting held on 29 April, and an emergency meeting held on 21 May 2008
- Policy Committee – meeting held on 14 April 2008.

5.2 It was agreed that minutes should record the mode of attendance and participation at meetings where this is by remote means, such as telephone or email.

## **6. Chief Executive's report (HRC 99.4)**

6.1 Commissioners noted the Chief Executive's report.

## **7. Team reports**

### **7.1 Corporate Services (HRC 99.5)**

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted the recent appointments to the temporary part-time Policy Worker post, and maternity cover for the Administrative Officer (Reception) post. Commissioners also noted the analyses by equality category of all applicants and interviewees for all recent recruitment exercises and current composition of the Commission's workforce.
- 7.1.3 Tom Duncan, Eamonn O'Neill and Daphne Trimble agreed to join the Moderating Panel, chaired by Dr Bill Smith, Chair of the Audit and Risk Management, to oversee the administration of the performance bonus scheme for staff and the performance assessment of the Chief Executive. It is envisaged that the Moderating Panel will meet in August 2008.
- 7.1.4 Commissioners noted that completion of the project to evaluate the weighting of staff posts has been slightly delayed. A combination of illness in the evaluation team and complications in working through the complexity of some posts, means that the evaluation report will not now be completed until August 2008, rather than July as planned. However, this is not expected to impact significantly on the overall timetable for completing both the job evaluation and any proposals for consequential restructuring by the end of 2008.

- 7.1.5 Commissioners noted that the Equality Committee, when it met on 26 June 2008, approved the outcome of equality screening of the Commission's Human Resource Management Policies, Information and Communications Access Policy, Legal Services function, and Legislation and Policy Strategy. The conclusion that the policies and functions have no adverse impact on the equality categories covered by Section 75 of the Northern Ireland Act 1998 will be published on the Commission's website for comment and Equality Scheme consultees informed of the screening decisions.
- 7.1.6 Commissioners noted the responses to the five requests received by the Commission under the Freedom of Information Act since April 2008.

## **7.2 Communications and Education (HRC 99.6)**

- 7.2.1 Commissioners noted the Communications and Education report.
- 7.2.2 Commissioners noted that the summer issue of the magazine is currently being printed and will be distributed in early August 2008.
- 7.2.3 Commissioners noted that meetings have been held with most of the sector representatives from the Bill of Rights Forum to discuss the development of the Commission's advice, with the remainder expected to take place during August 2008.
- 7.2.4 The Head of Communications and Education reported that a number of enquiries have been received about the Commission's reaction to alleged homophobic remarks, made recently by an elected representative. Commissioners noted that elected representatives have a particular duty to promote respect for rights in society. A summary of the Commission's media responses on this issue will be circulated to Commissioners.

## **7.3 Legal Services (HRC 99.7)**

- 7.3.1 Commissioners noted the Legal Services report.
- 7.3.2 Commissioners noted a report on the intervention in the House of Lords by the Commission in respect of the 'E' case, which concerns the events at the Holy Cross primary school in 2001.

- 7.3.3 Commissioners noted the outcome of the inquest into the death of Dermot McShane on 13 July 1996, which concluded on 4 July 2008. This was a key case from this jurisdiction at the European Court in terms of Article 2 investigations, which was funded by the Commission.
- 7.3.4 Commissioners commended the Legal Services Team for piloting a mentoring scheme, which pairs team members with external legal experts to support their continuing professional development.

#### **7.4 Investigations, Policy and Research (HRC 99.8)**

- 7.4.1 Commissioners noted the Investigations, Policy and Research report.
- 7.4.2 Commissioners noted that a briefing has been sent to members of the House of Lords on the human rights issues engaged by the Counter Terrorism Bill. The Chief Commissioner will meet the Minister with responsibility for criminal justice in Northern Ireland, Paul Goggins MP, to discuss the Bill on 8 July 2008.
- 7.4.3 Commissioners were briefed about the Coroners Bill, currently being prepared for consideration in Parliament, which will allow witnesses to be mandated to attend inquests. Commissioners were concerned that the legislation might not be extended to Northern Ireland. The Chief Commissioner will raise this issue at her meeting with the Minister on 8 July 2008.
- 7.4.4 Commissioners noted that the UK's examinations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) are currently taking place in Geneva and New York respectively. Investigations, Policy and Research Team members are attending the examinations. Concern was expressed that speaking rights at these examinations have apparently been extended to organisations that are not fully accredited national human rights institutions. The Chief Commissioner will raise this matter with the President of the Irish Human Rights Commission who is currently Chair of the European Group of NHRIs.

7.4.5 Commissioners noted that good progress is being made with the investigation into people who are homeless with no recourse to public funds. The investigation is on course for completion in early 2009.

7.4.6 Commissioners noted that the Chief Commissioner has written to the Secretary of State for Northern Ireland, Shaun Woodward MP, about the government's proposal to jointly designate the Northern Ireland Human Rights Commission and the Equality Commission as the independent monitoring mechanism under Article 33(2) of the UN Convention on Disability Rights.

## **8. Reappointment of Commissioners (HRC 99.9)**

8.1 Commissioners noted a letter from the NIO indicating the Secretary of State for Northern Ireland's intention to reappoint for a second term of office the Chief Commissioner and those Commissioners who were appointed in September 2005.

8.2 Commissioners also noted a proposal from the NIO to bring forward the scheduled appointment of two new Commissioners to 2010 to help provide greater continuity when the reappointed Commissioners' terms of office end in 2011, which will mean that there will be 12 Commissioners in office for one year.

## **9. Budget 2008-09 – changes to allocations (HRC 99.10)**

9.1 Commissioners were briefed on the budget outturn for 2007-08.

9.2 Commissioners approved the reallocation of current budgets to deal with emerging pressures and easements, and noted the consequential impact on the Business Plan for 2008--09.

## **10. Report on progress against Business Plan 2008-09 (April to June 2008) (HRC 99.11)**

10.1 Commissioners noted the progress made during April to June in achieving the objectives set out in the Commission's Business Plan for 2008-09.

- 10.2 Good progress is being made in achieving most objectives, although the timetable for some has changed. Commissioners noted that the annual stakeholder conference has been rescheduled from October to March 2009 to mark the 10<sup>th</sup> anniversary of the establishment of the Commission. The public opinion survey will also now take place in 2009.
- 10.3 Commissioners noted that Queen's University Belfast has received external funding to conduct a human rights analysis of public expenditure, which may overlap with the Commission's planned work in this area. The Commission will seek a meeting with QUB to discuss working together.
- 10.4 Commissioners commended staff for their work to date in implementing the Business Plan.

## **11. Strategic planning process (HRC 99.12)**

- 11.1 Commissioners considered the process and timetable for the development of the Commission's next Strategic Plan, which will cover the three-year period 2009-12. It was agreed that Commissioners should meet in plenary to consider the key strategic themes for the plan, before detailed planning is undertaken by staff and committees. This might usefully be done at a residential event to consider the Bill of Rights on 12/13 September 2008, or at the September Commission meeting.
- 11.2 Commissioners approved the consultation process for the draft Strategic Plan, which will involve widespread distribution of the plan as a consultation document in December, followed up by public meetings with stakeholders across Northern Ireland in January 2009.
- 11.3 Commissioners approved the proposal to subject the Strategic Plan to an equality impact assessment. A template for the EQIA will be discussed at the next Equality Committee meeting on 23 September 2008.

## **12. Response to the Interim Consultative Report of the Strategic Review of Parading (HRC 99.13)**

- 12.1 Commissioners considered the corporate implications of implementing the recommendations relating to the Commission arising from the interim consultative report of the Strategic Review of Parading in Northern Ireland.

12.2 The interim consultative report contains four recommendations relating to the Commission:

- The Commission should seek to raise awareness of the human rights framework relating to public assemblies and the rights of others
- The Commission should take responsibility for providing, where required, training and advice for mediators on human rights matters
- The human rights principles articulated in the report should inform any future Bill of Rights
- An annual review by the Commission of the application of human rights standards as detailed in the proposals should be forwarded to the Office of First and Deputy First Minister.

12.3 Commissioners welcomed the fact that the recommendations recognise that the Commission has the credibility and expertise to play a significant role in this important area. Commissioners noted the recommendations relating to awareness raising and the Bill of Rights and agreed to reserve their position on training and advice giving for mediators and monitoring, pending further information on, and the resource implications of, these recommendations.

12.4 Commissioners noted that members of the Investigations, Policy and Research Team will meet representatives of the Review Body to discuss the Commission's emerging conclusions on the interim report, before the final response is submitted by 8 August 2008.

### **13. Overview of human rights mechanisms for dealing with the past (HRC 99.14)**

13.1 Commissioners were briefed by Laura McMahon on the effectiveness and shortcomings of various mechanisms currently in place to investigate and deal with conflict-related deaths.

### **14. Any other business**

14.1 There was no other business.



## 15. Dates of next meetings

- 15.1 The next meeting of the Policy Committee, comprising all Commissioners, takes place on 18 August 2008.
- 15.2 The next business meeting of the Commission will be held on 15 September 2008 in Omagh.

**The meeting closed at 5pm.**

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

Date: 15 September 2008