



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 101ST COMMISSION MEETING

**HELD ON MONDAY 17 NOVEMBER 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
Colm Larkin
Eamonn O'Neill
Geraldine Rice
Daphne Trimble

In attendance: Peter O'Neill, Chief Executive
Don Leeson, Head of Corporate Services (agenda
items 2–4)

Apologies: None

Standing agenda items were suspended for this meeting to allow time for discussion of the Commission's advice on a Bill of Rights for Northern Ireland and other matters.

1. Job evaluation of staff posts within the Commission – implementation (HRC 101.1)

- 1.1 Commissioners considered proposals to regrade a number of staff posts following the outcome of the job evaluation exercise. The proposals were approved.

- 1.2 Commissioners noted that NIPSA will be consulted about the proposals, before the business case to regrade the posts is formally submitted to the NIO before the end of December 2008.
- 1.3 In the meantime, it was agreed to circulate legal advice concerning implementation of the findings of the job evaluation exercise to Commissioners.

2. Bill of Rights for Northern Ireland – advice to the Secretary of State

- 2.1 The Chief Commissioner paid tribute to the work of Commissioners in attending over 50 meetings to date, and that of staff who have worked tirelessly, to develop the Commission's advice to the Secretary of State on a Bill of Rights for Northern Ireland, in line with the timetable set out in the Commission's Business Plan for 2008–09.
- 2.2 Commissioners discussed the process for approving the Commission's advice on the Bill of Rights. Commissioners noted the process for decision-making in the Standing Orders for Commission meetings and considered how disagreement might be accommodated if one or more Commissioners dissent with aspects of the advice in respect of the Bill of Rights.
- 2.3 Daphne Trimble requested the inclusion of a minority report as part of the Commission's advice to government on a Bill of Rights. Commissioners considered the request but decided that Standing Orders did not allow for the publication of a minority report. Jonathan Bell and Daphne Trimble asked that their dissent from this decision be formally noted.
- 2.4 It was agreed that a special Commission meeting will be convened to approve the Commission's advice on the Bill of Rights. Commissioners noted that any dissent from the content of the advice will be recorded in the minutes of this meeting.
- 2.5 Commissioners noted the confidentiality of the content of the documents concerning the Commission's advice on the Bill of Rights until it is published and the requirements of the Standing Orders in respect of representing the Commission and its decisions in dealings with outside individuals and bodies.

3. Any other business

- 3.1 Commissioners noted the recent response by Law Lords to the Commission's intervention in the 'E' case to raise a human rights issue in respect of the policing of civil disturbances that occurred outside the Holy Cross primary school in 2001. It was also noted that making the intervention in the House of Lords was the most cost effective way to raise this issue and the ruling in this case, stating that the legal test applied at the Court of Appeal was incorrect, vindicates the Commission's intervention. However, one of the Law Lords was critical of the Commission's intervention in the case, which had attracted negative comments about the Commission in the media by some politicians.
- 3.2 Commissioners noted that a full report on the Commission's intervention in the 'E' case will be presented to the next business meeting of the Commission. The report will include consideration of the information and advice provided to Commissioners prior to the Commission's decision to intervene.
- 3.3 Jonathan Bell and Daphne Trimble expressed concern that the Commission might be perceived in the media to be critical of the Law Lords.

4. Date of next meetings

- 4.1 A special meeting of the Commission was scheduled for 29 November 2008 to approve the Commission's advice in respect of the Bill of Rights.
- 4.2 The next business meeting of the Commission will be held on 15 December 2008.

The meeting closed at 14:00, to reconvene as a Bill of Rights Working Group.

Approved: _____

Date: 15 December 2008