



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 81st COMMISSION MEETING

**HELD ON MONDAY 17 OCTOBER 2005 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
Colin Harvey
Ann Hope
Kevin McLaughlin
Eamonn O'Neill
Geraldine Rice

Apologies: Christine Eames
Alan Henry

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

1. Minutes of the 80th meeting (HRC 81.1)

- 1.1 The minutes of the 80th Commission meeting were agreed as an accurate record, subject to the following amendments:

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The first sentence of paragraph 7.1 is amended to read,
"Commissioners agreed that taking forward work to
conclude the Commission's advice to government on a
Bill of Rights should be a priority."

Paragraph 7.3 is amended to read, "It was agreed that the internal handover document, 'Taking Forward a Bill of Rights for Northern Ireland', should be considered as work in progress."

2. Matters arising

- 2.1 David Hanson MP, Minister of State for Northern Ireland, will visit the Commission on 15 November 2005 to meet Commissioners, and possibly launch a consultation document on revised powers for the Commission (paragraph 3.3 of the minutes of the last meeting refers).
- 2.2 Two of the briefing seminars for the Commissioners' induction programme on human rights law and corporate governance need to be rescheduled (paragraph 4.2 of the minutes of the last meeting refers) to ensure that all can attend. Revised dates for these events will be sent to Commissioners.
- 2.3 The Commissioners' residential event on 25/26 October 2005 will be held at the Beech Hill Country House Hotel (paragraph 4.3 of the minutes of the last meeting refers). The Chief Commissioner will meet with the facilitator for the event on 17 October 2005 to discuss arrangements. Details will be sent to Commissioners.
- 2.4 The Commission has invited Justice Albie Sachs of the South Africa Constitutional Court to contribute to events that the Commission is organising in the week leading up to International Human Rights Day on 10 December 2005 (paragraph 7.2 of the minutes of the last meeting refers).
- 2.5 The Commission will host a reception for speakers and delegates attending a conference on developing economic and social rights being organised by the University of Ulster's Transitional Justice Institute on 11 November 2005 (paragraph 8.5 of the minutes of the last meeting refers).
- 2.6 Commissioners passed on their appreciation to the staff involved in organising a conference on women in prison on 12 October 2005 (paragraph 9.2.2 of the minutes of the last meeting refers).

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- 2.7 It was agreed that, as part of the Commission's communications management protocol and procedures (paragraph 9.2.3 of the minutes of the last meeting refers), Commissioners will be provided with briefing on key aspects of relevant Commission policy before attending important meetings and events, where appropriate.

3. Report from the Chief Commissioner (HRC 81.2)

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 The Commission wishes to meet with all of the political parties in Northern Ireland to discuss taking forward work on a Bill of Rights and the work of the Commission more generally. The Chief Commissioner and a Commissioner met with representatives of Sinn Féin on 4 October 2005. A schedule of meetings with other political parties is being arranged, which will be sent to Commissioners, so that as many as possible can attend.
- 3.3 The Chief Commissioner visited the women's prison at Hydebank on 4 October 2005 on the invitation of Robin Masefield, the Director General of the Northern Ireland Prison Service. Visits will be planned, with Commissioners, to other places of detention. An invitation to visit a prison in the Republic of Ireland was also noted.
- 3.4 The Chief Commissioner reported on her meeting with Sir Brian Kerr, the Lord Chief Justice for Northern Ireland.
- 3.5 The Chief Commissioner reported on a number of other meetings that she had attended recently, including with Kit Chivers, the Criminal Justice Inspector, and the British Council.

4. Draft Strategic Plan (HRC 81.3)

- 4.1 Commissioners considered a draft consultation document on the Commission's Strategic Plan for 2006–09. Commissioners were asked to give detailed comments to the Chief Executive, so that she could develop a revised draft for approval at the next Commission meeting.
- 4.2 Once the document has been agreed it will be published in November 2005 for consultation with stakeholders until the end of January 2006.

5. Draft Annual Report 2004–05 (including audited accounts) (HRC 81.4)

- 5.1 Consideration of the Commission's Annual Report for 2004–05 was postponed until the residential event on 25/26 October 2005.

Note: The Commission's draft Annual Report for 2004–05 was distributed to Commissioners on 26 October 2005 for comment. A final version of the Annual Report will be presented to Commissioners for approval at the next Commission meeting. Once approved, it will be sent to the Secretary of State for Northern Ireland to lay before Parliament prior to publication.

Commissioners approved the Commission's audited accounts for 2004–05 on 26 October 2005 for submission to the Comptroller and Auditor General. The accounts will be published with the Annual Report for 2004–05.

6. Developing revised pay arrangements for Commission staff (HRC 81.5)

- 6.1 Commissioners considered proposals developed by consultants for a revised pay structure for Commission staff.
- 6.2 Jonathan Bell declared that he is a member of NIPSA, which is the recognised union for Commission staff. It was agreed that this has no material impact at this stage and that he could take part in discussions of the proposals.
- 6.3 Following discussions, it was agreed to establish a working group to look at the proposals in detail and make recommendations to Commissioners on the way forward prior to formal consultation with NIPSA. The working group will comprise the Chief Commissioner, two Commissioners, the Chief Executive and the Head of Corporate Services.

7. Personnel policies (HRC 81.6)

- 7.1 Commissioners considered a number of policies covering aspects of the corporate governance arrangements and human resource management of the Commission. Subject to some minor amendments, Commissioners approved policies in respect of: anti-fraud; career breaks; a Code of Conduct for Staff; information and communication technology – acceptable use; recruitment and selection; and whistleblowing.
- 7.2 The policies will be put forward for ratification by the Joint Negotiation Committee (JNC), the Commission's forum for discussing staffing issues with NIPSA, when it meets on 17 November 2005.

8. Response to the Terrorism Bill – discussion paper (HRC 81.7)

- 8.1 Commissioners discussed Government proposals for new legislation to create a range of new offences and procedural provisions to complement existing anti-terrorism legislation in the UK. Commissioners agreed that the legislative proposals raise a number of human rights concerns and that the Commission should respond to an invitation to make a submission on the issues to the Parliamentary Joint Committee on Human Rights, as well as to Government.
- 8.2 The Government has been permitted to intervene in a European Court case concerning the potential deportation of a person suspected of terrorism from the Netherlands to Algeria. The person concerned alleges that he will be persecuted if he is deported. Depending on the outcome of the case, there are potential ramifications for Northern Ireland as a person is currently held in HMP Magilligan under similar circumstances. Therefore, the Commission will consider intervening in the case in the Netherlands, based on further legal advice.

The meeting was suspended for lunch at 12:55.

The meeting resumed at 13:25.

9. Report from the Chief Executive (HRC 81.8)

- 9.1 Commissioners noted the Chief Executive's report.
- 9.2 Staff will be meeting on 18 October 2005 to review progress in implementing the Commission's Equality Scheme. It is the intention to form a working group at this meeting to take the work forward and begin developing a new Equality Scheme, which needs to be in place by 2007.
- 9.3 The British Council is considering a second phase of a project, funded by the Foreign and Commonwealth Office, and in which the Commission has played a significant role to date, to help develop Commonwealth National Human Rights Institutions. The Council is also keen to engage in any work undertaken by the Commission to develop a human rights framework for dialogue in situations of sectarian conflict and alienation.
- 9.4 The Chief Executive reported on her attendance at a meeting with the Scottish and Welsh members of the Joint Equality and Human Rights Forum in Cardiff on 13/14 October 2005.
- 9.5 The next meeting of the Joint Committee of the Northern Ireland and Irish Human Rights Commissions will be on 19 October 2005 in Dublin. Dr Maurice Manning, President of the Irish Human Rights Commission, has proposed the establishment of a sub-committee to review the work to date of the Joint Committee and make proposals for its future operation. This proposal supersedes plans that the Chief Executives of the two Commissions should take this work forward.
- 9.6 A list of forthcoming meetings and events for possible attendance by Commissioners was distributed. This list will be updated regularly. Commissioners were asked to let the Chief Executive know which meetings and events they wish to attend. It was agreed that, prior to attending meetings and events with organisations and/or the public, briefing on relevant policy positions previously taken by the Commission will be provided for Commissioners where appropriate.

10. Staff, Committee and Working Group Reports

10.1 Corporate Services (HRC 81.9)

- 10.1.1 Commissioners noted the Corporate Services report.

- 10.1.2 Commissioners noted that the NIO has given its approval for the Commission to carry forward unspent grant-in-aid from 2004-05 to 2005-06 using its end year flexibility arrangements.
 - 10.1.3 Commissioners approved the secondment of the Education Worker to the Council for Catholic Maintained Schools from 1 November 2005 to 31 March 2008.
 - 10.1.4 Commissioners approved proposals to contribute funding towards the costs of higher education courses for two members of staff.
 - 10.1.5 Commissioners approved a proposal to contribute funding towards the costs of a study visit to Australia by an Investigations Worker to look at good practice in the investigation and prevention of deaths in hospital.
 - 10.1.6 Commissioners approved a proposal for a programme of development events for staff to be held over lunchtimes.
 - 10.1.7 Commissioners approved a proposal for funding to trial a media monitoring service.
 - 10.1.8 Commissioners approved funding for research support to an investigation into self-harm and suicide prevention in prisons.
- 10.2 **Information, Education and Development (HRC 81.10)**
- 10.2.1 Commissioners noted the Information, Education and Development report.
 - 10.2.2 Commissioners noted progress on implementation of plans for a range of events leading up to International Human Rights Day on 10 December 2005. These include a joint seminar with the Equality Commission on 2 December on the proposed International Convention in regard to the Protection and Promotion of the Rights and Dignity of Persons with Disabilities; an event with Help the Aged on the human rights of older people, which is scheduled to take place on 5 December; a conference on the Bill of Rights project on 7/8 December; and a reception jointly organised with Derry City Council on International Human Rights Day itself.

- 10.2.3 Commissioners noted the media interest in the Commission's advice in respect of human rights and smoking in the workplace.
- 10.2.4 The Commission is organising a conference on human rights education on 20 October 2005 in Dublin organised jointly by the Commission, the Irish Human Rights Commission and the Lift Off Initiative.
- 10.2.5 The Commission is contributing to a project with the Institute for Conflict Resolution to develop training on conflict resolution and human rights with a number of groups. The first training events will take place in November 2005.
- 10.2.6 The Commission, in conjunction with the Arts Council, the Community Foundation (Northern Ireland), and the University of Ulster, has launched a media competition on the theme of human rights. The competition aims to harness the skills of computer artists in order to enhance public awareness of human rights issues by producing creative visual images in the form of a screensaver. An award of £1,000 will be made to the successful entrant with £500 and £250 provided to second and third placed entries. Funding for the competition, which will be run over the next two years, has been secured from the Arts Council of Northern Ireland and the Community Foundation (Northern Ireland).
- 10.2.7 The Commission has been thanked by the Northern Ireland Policing Board for its input to training events in September 2005 for members of District Policing Partnerships.

10.3 **Legal Services, Research and Policy (HRC 81.11)**

- 10.3.1 Commissioners noted the Legal Services, Research and Policy report.
- 10.3.2 Commissioners noted the intention to respond to a call for evidence by the Parliamentary Joint Committee on Human Rights in respect of its inquiry into implementation of the United Nations Convention against Torture in the UK.

- 10.3.3 Commissioners noted the intention to respond to consultation on draft legislation to establish a Commissioner for Human Rights in Scotland.
- 10.3.4 Commissioners noted the intention to write to the Government about its opposition to ratification of United Nations' International Convention on the Protection of the Rights of all Migrants Workers and Members of Their Families.

10.4 **Casework Committee minutes (HRC 81.12)**

- 10.4.1 The minutes of the Casework Committee meeting held on 23 August 2005 were noted.

11. Any other business

- 11.1 Kevin McLaughlin briefed Commissioners on the work of the Promoting Social Inclusion working group on disability on which he represents the Commission. Papers relating to this working group will be lodged with the office for Commissioners' interest.
- 11.2 The Chief Executive has written to the Co-ordinating Committee of the European Network of National Human Rights Institutions for guidance on the accreditation process for National Human Rights Institutions. The status conferred on this Commission by the International Co-ordinating Committee at the United Nations is important in the light of the recent discussion at United Nations Human Rights Commission to allow Human Rights Institutions to contribute to their full agenda.

12. Commission meeting dates up to October 2006 (HRC 81.13)

- 12.1 Dates for Commission meetings for the forthcoming 12 months were agreed.
- 12.2 The next meeting of the Commission will be held on 14 November 2005 at 10am in Temple Court.

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The meeting closed at 2:15pm.

Date: 14 November 2005

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