



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**MINUTES OF THE 83<sup>RD</sup> COMMISSION MEETING**

**HELD ON MONDAY 12 DECEMBER 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  
Christine Eames  
Colin Harvey  
Alan Henry  
Ann Hope  
Eamonn O'Neill

**Apologies:** Kevin McLaughlin  
Geraldine Rice

**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  
Agnieszka Martynowicz, Research Worker  
(agenda item 7 only)

**1. Minutes of the 82<sup>nd</sup> meeting (HRC 83.1)**

- 1.1 The minutes of the 82<sup>nd</sup> Commission meeting were agreed as an accurate record, subject to some minor revisions.

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## 2. Matters arising

- 2.1 Commissioners expressed their appreciation to staff for their work in organising the week of events to mark International Human Rights Day on 10 December 2005, and those involved in organising the wide distribution of a number of documents to stakeholders.
- 2.2 Representatives of the Commission will meet with their counterparts in the Irish Human Rights Commission to discuss the operation and future work of the Joint Committee of the Northern Ireland Human Rights Commission and Irish Human Rights Commission (the Joint Committee) on 12 December 2005 (paragraph 5.7 of the minutes of the last meeting refers). A report on the outcome of this meeting will be given to the next Commission meeting.
- 2.3 The next Joint Committee meeting will be on 18 January 2006 in Belfast. Joint Committee members plan to visit a number of projects to look at their work in respect of human rights education.
- 2.2 Commissioners will meet with representatives of the Omagh Support and Self-Help Group on 20 January 2006 to discuss the Commission's views on the Group's call for a cross-border public inquiry into the Omagh bombing on 15 August 1998 (paragraph 7.2 of the minutes of the last meeting refers).

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## 3. Report from the Chief Commissioner (HRC 83.2)

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 The Commission's programme of meetings with the political parties in Northern Ireland is continuing. The Chief Commissioner, Christine Eames, Colin Harvey and Ann Hope met with representatives of the Ulster Unionist Party on 28 November 2005. A meeting with the Alliance Party is scheduled for 13 January 2006.
- 3.3 Urban and rural planning issues have been raised by politicians in meetings with the Chief Commissioner and represent a significant proportion of inquiries to the Commission more generally. It was agreed to hold an information seminar for representatives of the political parties on planning and human rights issues.

- 3.4 It was agreed to invite representatives of the University of Ulster's Transitional Justice Institute and the Human Rights Centre at Queen's University to meetings to discuss issues of mutual interest on human rights with the Commission.
- 3.5 The process to take forward the Commission's work on providing advice to Government on a Bill of Rights was discussed. Following the Commission's conference on the Bill of Rights on 7/8 December 2005, Commissioners agreed to establish a working group, comprising all Commissioners, to develop the Commission's advice. The working group will begin its work in January 2006.
- 3.6 As part of this work, the Commission is considering organising an extended residential event for key stakeholders to consider proposals for a Bill of Rights. The week commencing 24 April 2006 has provisionally been set aside for this.
- 3.7 Commissioners discussed what impact a roundtable of the political parties and civil society on the Bill of Rights, if it went ahead, might have on the Commission's work in this area. Commissioners agreed that the key objective was a Bill of Rights that has both political and public support and ownership, and that the outcome of any roundtable discussions would need to be factored into the Commission's own considerations.
- 3.8 Christine Eames and Eamonn O'Neill reported on events they had attended on behalf of the Commission. It was agreed that reports from Commissioners will be a standing agenda item at future Commission meetings.

#### **4. Committee terms of reference (HRC 83.2)**

- 4.1 Commissioners considered draft terms of reference for the revised structure of four standing committees (Audit and Risk Management, Casework, Policy, and Public Affairs). This structure was agreed at the last meeting to progress Commission business and provide a framework for decision-making and detailed scrutiny of Commission activity.
- 4.2 It was agreed that all Commissioners should have the right to attend committee meetings of which they are not members.

- 4.3 The terms of reference will be amended in the light of discussions by committee members at the inaugural or next committee meeting as appropriate. Any subsequent changes will be brought to the next appropriate Commission meeting for final ratification.
- 4.4 Commissioners noted the balance of each committee in respect of equality categories and approved the membership.
- 4.5 In January 2006, the Commission will advertise for an independent Chairperson of the Audit and Risk Management Committee with extensive financial and corporate governance knowledge.
- 4.6 It was agreed that the Chief Commissioner will chair the Policy Committee. Chairpersons for the Casework Committee and Public Affairs Committee will be agreed by committee members for ratification at the next appropriate Commission meeting.

## **5. Decision-making and delegated authorities in the Commission (HRC 83.4)**

- 5.1 Following discussion, this paper was not considered necessary in the light of previous guidance, and was therefore withdrawn.

## **6. Discussion on government proposals to change the powers of the Commission (HRC 83.6)**

- 6.1 On 16 November 2005, the Northern Ireland Office published a consultation document on proposals to increase the powers of the Commission. The consultation period ends on 8 February 2006.
- 6.2 The consultation document takes the form of a response by Government to recommendations for change made by the Commission. Most of the Commission's recommendations have been accepted, although Government believes that a number of these can be implemented through changes to administrative procedures, rather than requiring legislation.

- 6.3 Commissioners considered an outline briefing on Government's proposals. This will be distributed to stakeholders to help inform their responses to the consultation document.
- 6.4 The Commission's own detailed response to the consultation document will be discussed at the next Commission meeting.

**The meeting was suspended for lunch at 13:30.**

**The meeting resumed at 14:30.**

**Agnieszka Martynowicz joined the meeting.**

## **7. Commission response draft Northern Ireland (Offences) Bill (HRC 83.5)**

- 7.1 Commissioners considered the human rights issues raised in the Northern Ireland (Offences) Bill and the Commission's response.
- 7.2 It was agreed that the Commission could not support the Bill in its current form as it was considered incompatible with international human rights standards. Commissioners felt that the Bill raises a number of questions in respect of effective investigations of human rights abuses, the position and rights of victims in the process, the right to fair trial and freedom from arbitrariness of the criminal justice system.
- 7.3 There are serious concerns about the independence of the process from the government and the excessive powers of the Secretary of State, particularly in relation to disclosure of information and evidence. The Commission also has a number of questions in relation to the fairness of the 'trial' stage of the procedure before the Special Tribunal and the Special Appeals Tribunal, as well as concerns about the system of releases on licence and conditions for revocation of licences.
- 7.4 Furthermore, the Commission considers that the Bill and the process to be introduced does not effectively address the issue of past abuses by either paramilitary groups or state forces and, may have a preventative, adverse effect on the process of truth recovery and effective investigations of conflict-related events.

- 7.5 The Commission's response to the Bill will be revised in the light of this discussion and agreed by Commissioners. It will then be sent to Government and stakeholders. A press statement will also be issued to highlight the Commission's concerns about the proposed legislation.

**Ann Hope left the meeting at 15:15.**

**Agnieszka Martynowicz left the meeting at 15:45.**

## **8. Report from the Chief Executive (HRC 83.7)**

- 8.1 Commissioners noted the Chief Executive's report, which included a report on the visit to Westminster made by the Chief Commissioner, Jonathan Bell, Colin Harvey and staff on 16 November 2005 and a summary of the residential event for Commissioners held on 18/19 November 2005 to discuss taking forward work on developing proposals for a Bill of Rights.
- 8.2 Commissioners noted that the consultation document on the Commission's Strategic Plan for 2006–09 had been sent to stakeholders. The consultation period lasts until 31 January 2006. Meetings with stakeholders to discuss the draft Strategic Plan will take place in January.
- 8.3 The Commission's Annual Report for 2004–05 will be laid before Parliament on 19 December 2005 and published and distributed to stakeholders shortly afterwards.
- 8.4 Commissioners noted that the Management Team will hold a residential meeting early in 2006. Among other matters, the Management Team will develop the Commission's Business Plan for 2006–07, which will be discussed with Commissioners in due course.

## **9. Staff, Committee and Working Group Reports**

### **9.1 Corporate Services (HRC 83.8)**

- 9.1.1 Commissioners noted the Corporate Services report.
- 9.1.2 Commissioners noted that the Commission is seeking to verify the extent of its liabilities in a number of long-running legal cases. Once this has been done, it will be possible to confirm pressures or easements on the Commission's budget.

- 9.1.3 Commissioners noted that the first meeting of the working group considering revised pay arrangements for Commission staff took place on 9 December 2005. Follow-up meetings are scheduled for January 2006 and recommendations for action will be made to the Commission in due course.
- 9.1.4 It was agreed to establish a working group to oversee the Commission's work on places of detention. This working group will support a project looking into self-harm and suicide in prisons, including helping to evaluate tenders for expert consultancy support for the research for which an invitation to tender has been issued – the closing date for tenders is 23 December 2005. The working group will also oversee work to take forward recommendations made following the Commission's research into women in prison, which were published in 'The Hurt Inside'.
- 9.1.5 Commissioners approved a proposal to change the mileage rate that the Commission pays in respect of business travel to 40p per mile regardless of the size of car engines with effect from 1 January 2006.

## 9.2 **Information, Education and Development (HRC 83.9)**

- 9.2.1 Commissioners noted the Information, Education and Development report.
- 9.2.2 Commissioners noted that over 250 people had attended various events organised by the Commission in the week leading up to and including International Human Rights Day on 10 December 2005. The success of 'Human Rights Week' will be evaluated and reported back to Commissioners in due course.

**Tom Duncan left the meeting at 16:00.**

## 9.3 **Legal Services, Research and Policy (HRC 83.10)**

- 9.3.1 Commissioners noted the Legal Services, Research and Policy report.
- 9.3.2 It was agreed that a schedule of visits by Commissioners to places of detention would be put in place. This will be discussed at the next Commission meeting. In the meantime, Commissioners will seek to visit immigration detainees held in prison.

#### 9.4 Casework Committee minutes (HRC 83.11)

9.4.1 The minutes of the Casework Committee meeting held on 24 October 2005 were noted.

### 10. Any other business

- 10.1 The chaplains at HM Prison Hydebank Wood wrote to the Commission on 28 November 2005 regarding media coverage of a person being held there. The Commission will respond in due course.
- 10.2 A book has recently been published about the events at the Holy Cross primary school in 2001. The Commission will review the contents of the book and consider what action, if any, it might take in response to the book.
- 10.3 The Chief Commissioner circulated copies of 'The Justiciability of Social and Economic Rights: An Updated Appraisal', which has been prepared for the Human Rights Consortium by Aoife Nolan, Bruce Porter and Martin Langford.
- 10.4 On 20 December 2005, the Commission will host a Christmas reception.

### 11. Next meeting

- 11.1 The next meeting of the Commission will be held at 10am on 16 January 2006 in Temple Court.

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The meeting closed at 16:30pm.

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Date: 16 January 2006