



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 90TH COMMISSION MEETING

**HELD ON TUESDAY 16 JANUARY 2007 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
Kevin McLaughlin
Eamonn O'Neill
Geraldine Rice

Apologies: None

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
Nazia Latif (agenda item 8 only)

1. Minutes of the 89th meeting (HRC 90.1)

- 1.1 The minutes of the 89th Commission meeting were agreed as an accurate record, subject to a minor change.

2. Matters arising

- 2.1 Commissioners congratulated Geraldine Rice on her MBE, which was awarded in the News Year's Honours List for services to Local Government in Northern Ireland.
- 2.2 Commissioners noted that the Bill of Rights Forum of political parties and civil society held its inaugural meeting on 18 December 2006 (paragraph 2.2 of the minutes of the last meeting refers). It was agreed to raise the need to appoint an independent chairperson of the Bill of Rights Forum, and for its second meeting to be organised as soon as possible in order to maintain momentum, with the Secretary of State for Northern Ireland when he visits the Commission later in the day. A Bill of Rights Working Group will be arranged to discuss how the Commission wishes to engage with the Bill of Rights Forum.
- 2.3 Commissioners noted that the next Joint Committee meeting with the Irish Human Rights Commission has been rescheduled to 27 February 2007 in Belfast, which will be the first meeting involving the recently appointed Irish Human Rights Commissioners (paragraph 2.7 of the minutes of the last meeting refers).
- 2.4 Commissioners noted the positive feedback received in respect of the seminar it hosted for stakeholders from the statutory sector on 15 December 2006 on the human rights issues associated with disclosure and dealing with the past (paragraph 6.4 of the minutes of the last meeting refers). The event was the first in a planned series of seminars for organisations involved in dealing with the past.
- 2.5 Commissioners congratulated everyone involved in the development of a comprehensive range of rights based guides to help migrant workers in Northern Ireland, which were developed in partnership with the Dungannon-based Animate Project and the Law Centre Northern Ireland, with funding from the Commission and the Office of the First Minister and Deputy First Minister (OFMDFM). The guides were launched on 8 January 2007 with events at George Best Belfast City Airport and Grosvenor House, Belfast (paragraph 7.3.2 of the minutes of the last meeting refers).

- 2.6 Commissioners noted that changes to the operation of committees and working groups agreed at the November 2006 Commission meeting (paragraph 11.13 of the minutes of the last meeting refers) will be documented in revised terms of reference, which will be submitted to the next appropriate Commission meeting.
- 2.7 Commissioners noted that the Commission issued a press release on 8 January 2007 supporting the retention of the Equality Act (Sexual Orientation) Regulations (Northern Ireland), which were laid on 24 November 2006 and took effect on 1 January 2007, and which were the subject of a House of Lords annulment motion on 8 January 2007. The press release was based on the Commission's previously adopted position of supporting the extension of anti-discrimination protection on grounds of sexual orientation in respect of access to goods, facilities and services, which has not been discussed by current Commissioners. Jonathan Bell asked that his opposition to the position taken by the Commission be recorded on the ground that the legislation provides no exemption on the basis of religious belief.
- 2.8 Commissioners noted that the Commission is working closely with faith groups on a range of human rights issues and agreed that it might be helpful to organise a seminar on the right to freedom of thought, conscience and religion.

3. Report from the Chief Commissioner (HRC 90.2)

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 The Chief Commissioner reported on her meeting with the Chief Constable on 20 November 2006, which was also attended by Tom Duncan, Alan Henry, Ann Hope, Eamonn O'Neill and the Chief Executive. Commissioners noted the Police Service of Northern Ireland's intention to conduct an equality impact assessment of the use of Tasers. It was agreed to write to the Association of Chief Police Officers (ACPO) to obtain their research findings on the use of Tasers.

- 3.3 Commissioners endorsed a joint response agreed between the Northern Ireland Human Rights Commission and the Irish Human Rights Commission to the Omagh Support and Self-Help Group's call for the two Commissions' public endorsement of a cross-border public inquiry into the Omagh bombing on 15 August 1998. The Chief Commissioner and Dr Maurice Manning, President of the Irish Human Rights Commission, will visit the Omagh Support and Self-Help Group on 18 January 2007 to convey the Commissions' view that a serving or retired judge of international standing should be appointed to examine all available material to determine whether it is appropriate to institute an independent, cross-border, public inquiry into the bombing.
- 3.4 Commissioners noted that Dr Derick Wilson, Assistant Director of the UNESCO Centre at the University of Ulster, will attend the Policy Committee meeting on 12 February 2007 to discuss human rights in the education curriculum in Northern Ireland.
- 3.5 Commissioners noted that the Chief Commissioner's report is published as a 'blog' on the Commission's website.

4. Reports from Commissioners

- 4.1 There were no reports from Commissioners.

5. Minutes of committee and working group meetings (HRC 90.3)

- 5.1 Commissioners noted the minutes of the following meetings:
- Audit and Risk Management Committee – 23 October 2006
 - Legal Committee – 2 November 2006, and emergency meetings held on 14 November, 23 November and 13 December 2006
 - Places of Detention Working Group – 19 October 2006
 - Policy Committee – 16 October 2006
 - Public Affairs Committee – 25 September 2006.

- 5.2 Commissioners supported the Audit and Risk Management Committee suggestion that the Commission reviews the guideline limit placed on hospitality. This will be done as part of a review of the travel and expenses policy, which will be presented to the Commission in due course.
- 5.3 It was agreed that the Legal Committee should have risk management as a standing agenda item for each meeting.

6. Report from the Chief Executive (HRC 90.4)

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 The Chief Executive reported on the outcome of the staff residential event on 16/17 November 2006. A written report is available to Commissioners on request.
- 6.3 Commissioners noted a report on a meeting with the Lord Chief Justice, Sir Brian Kerr and Mr Justice Weir on 20 November 2006, attended by the Chief Commissioner and the Chief Executive.
- 6.4 Commissioners noted a report on the joint meeting of Commissioners from the Northern Ireland Human Rights Commission and the Equality Commission on 28 November 2006 at Temple Court. The meeting focused on the intersect of rights, poverty and inequality.
- 6.5 The Chief Executive reported on an extended staff meeting held on 13 December 2006 to discuss the impact of the management structure, which was introduced two years' ago. A written report on the outcome of the discussions will be circulated to Commissioners and staff in due course.
- 6.6 An information session for Commissioners and staff will be held on 24 January 2007 on the Commission's international work. Colin Harvey will provide an input on recent changes at the United Nations.
- 6.7 Commissioners noted that Trevor Phillips, the recently appointed Chairperson of the Commission for Equality and Human Rights, and Francesca Klug, CEHR Commissioner and Professor at the Human Rights Centre at the London School of Economics, will visit the Commission on 7 February 2007.

- 6.8 The Chief Executive has been invited to speak at a meeting on 29 January 2007 in Glasgow, hosted by the Commission for Equality and Human Rights Scotland, on working in devolved contexts. The meeting will receive inputs from representatives from Northern Ireland, Scotland and Wales.
- 6.9 Commissioners agreed a proposal for a familiarisation visit by some Commissioners and staff to the Council of Europe and European Court of Human Rights in Strasbourg in March 2007. The Chief Executive will make the necessary arrangements.

7. Team reports

7.1 Corporate Services (HRC 90.5)

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 The Head of Corporate Services reported that, following interviews on 9 January 2007, the selection panel decided that they wished to re-advertise for a temporary Administrative Officer to provide cover for maternity leave.
- 7.1.3 Commissioners noted an announcement by the Cabinet Office on 9 January 2007 in respect of changes to the Principal Civil Service Pension Scheme, which covers Commission staff. The changes apply to new staff joining the pension scheme after July 2007.
- 7.1.4 NIPSA gave its response on 22 December 2006 to a number of outstanding issues concerning revised pay arrangements for Commission. This response will be taken into account in final proposals, which will be reviewed by the Audit and Risk Management Committee on 6 February 2007.
- 7.1.5 Commissioners noted the Commission's current financial position. Commissioners expressed concern that the NIO has not yet approved the Commission's carry over of outstanding grant-in-aid, which was committed but not drawn down from its 2005-06 allocation for a number of projects including building work, outstanding rates for the first floor of Temple Court and investigations work.

- 7.1.6 Commissioners noted that the inaugural meeting of the Commission's reconstituted Equality Committee is scheduled for 26 January 2007. The Equality Committee will consider, in addition to planning work to revise the Commission's Equality Scheme, the development of a disability action plan required under the Disability Discrimination (Northern Ireland) Order 2006 and screening a number of recently completed personnel policies.
- 7.1.7 Commissioners noted the Commission's response to a request for information made under the Freedom of Information Act 2000, which was processed within the statutory time frame.

7.2 Information, Education and Development (HRC 90.6)

- 7.2.1 Commissioners noted the Information, Education and Development report.
- 7.2.2 Commissioners congratulated everyone involved in organising the Commission's successful annual conference, held on 7/8 December 2006 and attended by around 140 people. It was noted, however, that there are a number of difficulties with organising the conference during Human Rights Week, including the availability of keynote speakers. Therefore, it was agreed that consideration should be given to holding future conferences during less busy times of the year.

7.3 Legal Services, Research and Policy (HRC 90.7)

- 7.3.1 Commissioners noted the Legal Services, Research and Policy report.
- 7.3.2 The Head of Legal Services, Research and Policy reported on the outcome of the Commission's first legal case conducted in-house. The case concerned access to medical treatment and was resolved successfully. Commissioners passed on their congratulations to all involved.
- 7.3.3 Commissioners noted with concern that research into immigration procedures has been hampered by difficulties in accessing immigration detainees' files and in gaining permission to observe procedures at Belfast International Airport. Commissioners gave their full support to the Investigations Worker in trying to resolve these matters.

- 7.3.4 Commissioners referred a proposal to fund guidance cards for people with little or no English language held in detention to the Management Team.
- 7.3.5 It was agreed to prepare briefing for Commissioners on the proposed powers of Lord Carlisle in respect of his scrutiny role over MI5.
- 7.3.6 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response.

The meeting was suspended for a visit by the Secretary of State at 12:45pm.

The meeting resumed at 2:20pm.

Nazia Latif joined the meeting.

8. Submission on the Justice and Security (Northern Ireland) Bill

- 8.1 Commissioners discussed draft briefing on the Justice and Security (Northern Ireland) Bill, which included possible amendments to the draft legislation in respect of the Commission's powers, and other aspects of the legislation, including the circumstances in which non-jury trials might be held and powers made available to the armed forces.
- 8.2 Commissioners reiterated their strong concerns about shortcomings in the draft legislation in respect of the Commission's powers, which they had raised with the Secretary of State, and which, as currently drafted, may diminish the Commission's independence and impose new and onerous obligations. Commissioners were particularly concerned at the lack of retrospection of the powers, which prevent investigation of any matter that arises before January 2008; the notice period required before access to places of detention can be granted and the ability allowed for statutory bodies to apply to the courts to change the terms of reference for investigations; and severe limits placed on the capacity of the Commission to investigate any matter connected with national security.
- 8.3 It was agreed that the Commission will observe the Committee stage of the Bill on 18 January 2007, and then the Report stage, when the Committee reports to the House of Commons.

- 8.4 In respect of the other aspects of the draft legislation, Commissioners expressed concern at the relatively low threshold for decisions to suspend jury trials. Commissioners were also concerned that the legislation, as drafted, appears to make permanent emergency provisions contained in the Terrorism Act 2000, which are due to lapse.
- 8.5 The draft briefing will be revised in the light of the discussions in respect of the other aspects of the draft legislation and circulated to Commissioners for approval, before submission to the Parliamentary Joint Committee on Human Rights.

Nazia Latif left the meeting.

9. Report on progress against Business Plan 2006–07 (HRC 90.8)

- 9.1 Commissioners noted the progress made during the period up to 31 December in implementing the objectives set out in the Commission's Business Plan for 2006–07. Commissioners commended staff for their work in ensuring that most objectives are on target to be completed.
- 9.2 Commissioners noted that the NIO's planned Landscape Review of the Commission, which had been expected to take place in autumn 2006, is likely to be a 'light touch' review and conducted in February/March 2007.

10. Draft Business Plan 2007–08 (HRC 90.9)

- 10.1 Commissioners discussed the Commission's draft Business Plan for 2007–08.
- 10.2 Commissioners noted that the draft Business Plan will be refined through further discussions with staff and the final Business Plan will be submitted to March 2007 Commission meeting for approval. In the meantime, Commissioners were asked to submit detailed comments on the draft Business Plan to the Head of Corporate Services.

11. Proposals for new posts (HRC 90.10)

- 11.1 Following initial discussions at the November 2006 Commission meeting, Commissioners considered proposals to create three new posts, which will be funded through increased budget provision available to the Commission in 2007–08.
- 11.2 Subject to consultation with NIPSA over job descriptions, and NIO approval, it was agreed to create posts for a Policy Worker, a Press and Public Affairs Worker and a Publications Worker.
- 11.3 Commissioners noted that other posts are under consideration and decisions on these will be taken once issues such as the Commission's powers, and the impact of the government's Comprehensive Spending Review, which will set the Commission's budget to 2010–11, have been resolved.
- 11.4 It was agreed to form a working group involving Commissioners to look at the current structure of the Commission's staffing and, in particular, whether there is merit in forming a separate legal unit.

12. Education Strategy (HRC 90.11)

- 12.1 Commissioners noted the draft Education Strategy, which will be discussed in detail at the Policy Committee meeting on 12 February 2007.

Alan Henry, Eamonn O'Neill and Geraldine Rice left the meeting at 4:15pm

13. Any other business

- 13.1 Commissioners noted that the Commission will meet with the Committee on the Administration of Justice on 26 January 2007 to discuss their report on housing inequalities.
- 13.2 Commissioners noted that, on 22 January 2007, the Police Ombudsman for Northern Ireland will release the findings of the investigation into complaints about police conduct in relation to the murder of Raymond McCord Junior in November 1997.

14. Next meetings

- 14.1 The next meeting of the Policy Committee, comprising all Commissioners, takes place on 12 February 2007 in Temple Court, Belfast.
- 14.2 The next business meeting of the Commission will be held on 12 March 2007 in Derry / Londonderry.

The meeting closed at 5pm.

Approved: _____

Date: 12 March 2007