

**MINUTES OF THE 22nd MEETING OF THE JOINT
COMMITTEE OF REPRESENTATIVES OF THE TWO
HUMAN RIGHTS COMMISSIONS ON THE ISLAND OF
IRELAND
(THE JOINT COMMITTEE)**

**Held at 10.40am on 12 September 2007 in the premises of
the Northern Ireland Human Rights Commission,
Temple Court, 39 North Street, Belfast BT1**

Present

NIHRC: Monica McWilliams, Chief Commissioner (Chair)
Jonathan Bell
Thomas Duncan
Christine Eames
Alan Henry
Ann Hope
Geraldine Rice

IHRC: Maurice Manning, President
Olive Braiden
Suzanne Egan
Michael Farrell
Tom O'Higgins
Helen O'Neill
William Binchy

Apologies

NIHRC: Eamonn O'Neill
Colin Harvey

In attendance

NIHRC: Ciarán Ó Maoláin, Head of Legal Services,
Policy & Research

IHRC: Des Hogan, Acting Chief Executive

1. APOLOGIES

2. MINUTES OF THE 21st MEETING were amended at para. 4 to read thus: "The Chief Commissioner of the NIHRC reported that she wrote to the Prime Minister wishing him well on his retirement from political life and reminding him that the NIHRC continued to call for the appointment of a judicial figure to advise on whether there should be an independent cross-border public inquiry. She received a letter from the

Secretary of State for Northern Ireland saying that he cannot comment until the court proceedings are concluded. It was noted that once the outcome of the proceedings are known that NIHRC will continue to raise the issue with the Secretary of State."

Para. 7 was amended so that the second sentence read: "The Chief Commissioner said that the Office of the High Commissioner for Human Rights was asking the NIHRC to contribute to countries coming out of conflict and that the NIHRC would be keen to take this forward."

At para. 8, the item on the Bill of Rights was amended to read: "There was discussion on the Bill of Rights Forum which had recently been established in Northern Ireland. The Forum is to complete its work by March 2008 and its outcome would help to inform the advice subsequently given by the NIHRC to the Secretary of State."

The Minutes were then agreed as an accurate record.

3. MATTERS ARISING

There were none.

4. REPORTS FROM COMMITTEES

Charter of Rights: The Charter Sub-Committee had not met since the last Joint Committee meeting but exchanges had taken place on a possible event to be held in 2008 to discuss with stakeholders on options and ways forward.

Commissioner Michael Farrell reported on the Joint Racism Committee, which met earlier in the day.

The NIHRC had reported on a range of activities including its investigation of immigration detention. The IHRC was interested to learn of the involvement of Gardaí and officials from the Department of Social & Family Affairs (DFSA) in enforcement work in Northern Ireland, and would make further enquiries.

The IHRC had reported on its commissioning of research on the Migrant Workers Convention, the report of which (due in October) would be shared with the NIHRC. It was noted that the Immigrant Council of Ireland was undertaking a major research project on trafficking, in the light of which a similar

project involving the two Commissions had been held off. Both Commissions had been invited to sit on an advisory group for the ICI project. While the Minister for Justice, Equality & Law Reform had recently stated that he was not convinced of the existence of a trafficking problem in Ireland, his Department was bringing forward legislation on the matter and there were indications that the Garda was investigating the issue.

The IHRC had concerns about the impact of the Habitual Residence Condition, which barred many non-nationals from accessing non-contributory benefits or other forms of state assistance. Other matters discussed in the Racism Sub-Committee had included the repatriation of a large group of Roma during the summer, the controversy over a Sikh Garda Reserve trainee who had been forbidden to wear a turban, and difficulties in school admission for migrant children, leading to the risk of de facto segregation.

5. UPDATE ON ACTIVITIES OF THE TWO COMMISSIONS

NIHRC:

The Chief Commissioner spoke to her written report. The process of recruiting a Chief Executive was nearing completion. The contributions of Commissioners Eames and McLaughlin, whose terms were coming to an end, were greatly appreciated; the President and members of the IHRC wished to associate themselves with that comment.

The NIHRC had given evidence to a parliamentary inquiry into the Northern Ireland Prison Service, drawing in part on the Commission's recent report on women in prison. It was noted that a judge had recently cited his concern over prison conditions as a reason for giving a non-custodial sentence to a woman.

The Commission had given evidence to the Eames/Bradley panel on "dealing with the past", and to Lord Ashdown's review of parading. In meetings with the Assembly parties, the Commission was advocating implementation of the Bamford Review of mental health, and a legislative remedy for the gap in Human Rights Act protection for residents of privately owned nursing and care homes.

Attention was drawn to forthcoming NIHRC conferences on "The Challenges of Transition" and on "Rights and

Righteousness", and to publications including the magazine *NIHRC review*, the e-bulletin and the research report *The Prison Within*. In a judicial review of the Sexual Orientation Regulations, in which the Commission had intervened, judgment had been delivered on 11 September. Most of the Regulations were allowed to stand with only a provision on harassment quashed, and that only for a defect in the consultation process. Other legal work of interest related to inquests and death investigation, including follow-up to Art. 2 cases from the European Court.

Policy work and corporate developments were set out in the tabled report. An update was provided on progress with the Scottish Human Rights Commission, and with the Commission on Equality and Human Rights, whose Chair had recently met the Chief Commissioner and the President. In due course, should either or both of the new agencies secure ICC accreditation, the NIHRC would seek an agreement with them over sharing or rotating representation.

IHRC:

The Acting Chief Executive spoke to his report. The DFSA was considering recommendations from the IHRC's enquiry into pension rights. A second enquiry, on the treatment of a foreign national at Dublin Airport, was ongoing. In relation to *amicus* interventions, judgment was awaited in the *Bode* case (residency rights of parents of Irish children), and the *Carmody* (legal aid) and *Lawrence* (Travellers and trespass laws) cases were ongoing.

The IHRC had published its views on Bills dealing with trafficking and with DNA evidence and sampling. Current research projects dealt with prostitution, policing and migrant works; all would report in the final quarter of 2007. Policy work was ongoing on Traveller law reform and (through an external contract) on Traveller cultural rights; on 'extraordinary rendition', with the IHRC following up a meeting with the Department of Foreign Affairs (DFA) by preparing advice on the state's compliance with its international obligations; on trafficking, including a conference and media work; and on the Optional Protocol to the UN CAT.

The Commission received good media coverage of its DNA Bill and Trafficking Bill submissions, of the launch of its Annual Report and Strategic Plan, and of its conference on trafficking. In reporting on corporate developments, the Acting Chief

Executive referred to the imminent departure from the Commission of Liam Herrick, to become Director of the Irish Penal Reform Trust. The NIHRC side expressed warm appreciation of Liam's work and passed on good wishes.

6. The meeting broke at 11.30am for a presentation on the human rights-based approach to community development and peace-building as reflected in the work of Border Action, an intermediary funding body for successive EU Peace programmes. There followed a discussion on the potential role for the Commissions in these areas. The meeting resumed at 12.30.

7. RESOURCING OF JOINT COMMITTEE WORK

The Northern Ireland Office and the DFA had each indicated their willingness to support a more modest scheme for the funding a dedicated staffing for the work of the Joint Committee and both sub-committees, for a one-year 'pilot', in the amount of £50,000/€75,000 approximately. The first six months would be funded by DFA. It was agreed that the Commissions should pursue this opportunity. The detail of the scheme, including contractual matters, work plan and oversight, would be taken forward through consultations between Des Hogan and Ciarán Ó Maoláin, under the direction of the Chief Commissioner and President. Each Commission would supplement this funding by continuing to bear some of the costs of co-operative activity.

8. INTERNATIONAL ACTIVITIES

NIHRC:

A report was tabled on NIHRC activities, and Ciarán Ó Maoláin spoke to this. Attention was drawn to work on UN treaty processes, and co-operation with OHCHR including a proposed NHRI round table on transitional justice.

The NIHRC had agreed to facilitate visits by Tajik and Macedonian officials involved in establishing NHRIs. It had recently received two UN Special Rapporteurs, and was about to host a gathering of communications personnel from European Group NHRIs. Training was to be taken up by NIHRC staff at the Council of Europe and from a Canadian provincial ombudsman office. The Commission was considering participation in a Commonwealth human rights event on the margins of a forthcoming Heads of Government meeting.

IHRC:

Des Hogan and the President set out IHRC activities, including a shadow report on the ICCPR, and a submission on the UN CRC Optional Protocol on child soldiers. On 17 September the ECC meeting in Dublin would include discussions with the EU Fundamental Rights Agency and the Council of Europe. In addition to the CoE 'focal points' meeting in late October, the CoE planned to hold in January an event on the Optional Protocol to the CAT for European NHRIs and Ombudsmen. The Chief Commissioner mentioned the NIHRC's special interest in OPCAT in the context of its wish to be included in the national preventive mechanism.

The IHRC had been unable to accommodate the request concerning Tajikistan. It was to host both CoE Commissioner Thomas Hammarberg and the President of Finland, Tarja Halonen, in separate events in November.

Following the visit to Lesotho by Commissioner O'Neill and the President, it seemed likely that the proposed Human Rights Commission was progressing, with a ministerial visit to Dublin in the near future. The President would welcome any involvement by the NIHRC in such activities. The President referred to the outstanding work of Commissioner Quinn as ICC focal point on the Disability Convention.

It was proposed that the two commissions share information about international visitors of special interest, so that when appropriate, each might be able to 'buy into' a visit to the other body.

8. DATE OF NEXT MEETING

Monday 3 December 2007 in Dublin.

9. OTHER BUSINESS

The Chief Commissioner noted that, while both commissions had been invited to sit on the advisory panel for the ICI's trafficking research, a small-scale scoping study on the issue would be conducted in Northern Ireland between the Equality Commission and the NIHRC. The meeting closed at 12.50pm.