

**MINUTES OF THE 44th ORDINARY MEETING OF THE HUMAN RIGHTS  
COMMISSION**

**Thursday, 27th January 2005, 10.30 a.m.**

**Board Room, Commission Premises, Jervis House, Dublin 1**

**PRESENT**

**Commissioners**

Maurice Manning (President)  
Maureen Harding Clark  
Mervyn Taylor  
Suzanne Egan  
Katherine Zappone  
Michael Farrell  
Gerard Quinn  
Nuala Kelly  
Tom O'Higgins  
Fionnuala Ní Aoláin  
William Binchy  
Clodach McGrory  
Olive Braiden

**Staff**

Alpha Connelly (Chief Executive)  
Gavin McSpadden (General Administrator)

**APOLOGIES**

**Commissioners**

Martin Collins  
Robert Daly

**1.0 Minutes of the 43rd Ordinary Meeting of the Human Rights Commission**

1.1 The minutes were approved without amendment.

**2.0 Matters Arising from the Minutes**

2.1 No matter arose.

**3.0 Report of the Chief Executive**

3.1 The Chief Executive presented her written report.

- 3.2 In relation to the recruitment of a Clerical Officer, the Chief Executive informed Commissioners that Fionnuala Ní Aoláin, Gavin McSpadden and she had interviewed a number of candidates the previous day. She further informed Commissioners that three persons were deemed appointable by the Interview Board and recommended that the person who scored highest on the panel be offered the position. This was agreed. It was further agreed that in the event that this person did not accept the position, the next person on the list would be offered the position until such time as the panel of three was exhausted.
- 3.3 In relation to a request from staff for clarification of certain matters regarding the proposed performance related bonus scheme for the position of Chief Executive, it was confirmed that the membership of the Ad Hoc Committee on Performance Related Pay for the Chief Executive was the President, Olive Braiden and Tom O'Higgins. It was also agreed that the terms of reference of the Committee were to recommend to plenary the design and establishment of a scheme for the payment of performance related bonuses to the Chief Executive.
- 3.4 In response to a request from Dr. Siobhán Mullally of the Faculty of Law, National University of Ireland, Cork, regarding a possible internship with the Commission, it was noted that the Commission does not have an internship programme and it was agreed that she should be informed accordingly. It was agreed that the Chief Executive would examine the possibility of having an internship programme.
- 3.5 The Chief Executive informed Commissioners that the Senior Legislation and Policy Review Officer had been asked to do an annotation of immigration legislation for Irish Statutes Annotated. The Commission was of the view that this did not conflict with his work for the Commission.
- 3.6 In relation to section 2 of the Chief Executive's Report regarding a meeting with the Chairperson of the Management Board of the European Monitoring Centre on Racism and Xenophobia ("EUMC"), it was agreed that the Commission would request to be put on the Centre's mailing list. It was further agreed that the President would write to the Chairperson inviting her to address a plenary meeting of the Commission and that he would also write to the Director of the EUMC inviting her to meet with the Commission when in Dublin.
- 3.7 The Chief Executive noted that no response had been received from either the Minister for Justice, Equality and Law Reform or the Minister for Finance in relation to sanction for the recruitment of an Assistant Human Rights Awareness Officer.

#### **4.0 Matters for Mention by the President**

- 4.1 The President sought the approval of plenary to his meeting members of the Omagh Support and Self Help Group in early February at their request. The

President requested that any Commissioner willing to accompany him contact him. This was approved.

- 4.2 The President sought the approval of plenary to meet with a representative of the National Men's Council of Ireland and requested that any Commissioner willing to attend contact him. This was approved.
- 4.3 He also indicated that he was to meet a representative of Women's Aid shortly.
- 4.4 A Memo from Peter Newell in relation to the corporal punishment of children was circulated and the matter was referred to the Committee on the Administration of Justice for consideration and report back to the next plenary meeting of the Commission with a recommendation.
- 4.5 At the President's request, it was agreed to bring forward the September meeting of the Commission by a week to the 22<sup>nd</sup> of the month.
- 4.6 Commissioner Katherine Zappone raised the issue of how the Commission should proceed when there is serious dissent, as had happened in relation to one of the Commission's recommendations in its recent submission to the CEDAW Committee. The President indicated that he would produce a paper on the matter shortly.
- 4.7 The President said that he had earlier in the week withdrawn from a conference in Limerick owing to a conflicting appointment and requested that any available Commissioner contact the general office after the meeting.

## **5.0 Reports from Committees**

### **(i) Committee on the Administration of Justice**

- 5.1 It was noted that this Committee was not quorate when it met and confined discussions to reviewing work in progress. The President indicated that the Committee would consider the issue of juvenile justice.

### **(ii) Research Committee**

- 5.2 This Committee had met that morning. Professor Ní Aoláin indicated that protocols for three separate pieces of research had been agreed. These were in the areas of:

1. Indeterminate Sentencing
2. Prostitution
3. Older Persons

She indicated that other Committees should forward their research proposals to the Research Committee. It was agreed that when the panel of researchers was drawn up, it would be circulated to all Commissioners.

(iii) Gender and Equality Committee

- 5.3 Katherine Zappone reported that the Committee had met a couple of weeks earlier.
- 5.4 She thanked staff for the great work on the submission to the CEDAW Committee and indicated that the submission had been communicated to the United Nations on time. She also noted that plenary at its December meeting had given consent for the Gender and Equality Committee to sign off on the Commission's submission, but that when the Committee met, they stepped back from this somewhat as they considered it prudent to advise William Binchy of the recommendation that legislation be introduced to define the circumstances in which an abortion can currently be lawfully carried out in Ireland. Commissioner Binchy then requested that a dissent be recorded in the text on his behalf in relation to this matter, and this was done. Commissioner Binchy thanked the Committee for its generous response.
- 5.5 It was agreed that the following persons would attend the examination of Ireland's Combined 4<sup>th</sup> and 5<sup>th</sup> Periodic Reports by the CEDAW Committee in July with the possibility of an additional Commissioner:
1. Katherine Zappone
  2. Alpha Connelly
  3. Roisin Hennessy
- 5.6 It was proposed that the Commission's CEDAW submission be published at a launch to mark International Women's Day on 8 March.
- 5.7 Katherine Zappone indicated that she had been contacted by Eilis Ward of the Women's Studies Centre in NUI Galway in relation to co-sponsoring a conference on trafficking. The Chief Executive noted the large amount of conferences already agreed in the Business Plan for 2005.
- (iv) Disability Committee
- 5.8 Gerard Quinn informed Commissioners that the Committee had met that morning and noted little movement in relation to the Disability Bill.
- 5.9 He also noted that William Binchy would attend, for two days, the meeting of the *Ad Hoc* Committee in New York in relation to the proposed Disability Convention.
- 5.10 He further noted that he was re-drafting his paper on monitoring mechanisms and hoped to have it available at the next plenary meeting of the Commission.
- 5.11 He informed Commissioners that the international conference on the proposed Convention would be held in Trinity College on the 16<sup>th</sup> of April.

- 5.12 The President indicated that he would be chairing a rally for the disability sector in early February and that he would confine his remarks to the Commission's position on the Disability Bill.
- (v) Racism Committee
- 5.13 Michael Farrell informed Commissioners that the Committee had met last week.
- 5.14 He indicated that the President and he had signed off on the final version of the submission to the CERD Committee. He also indicated that Ireland's report was to be considered in Geneva on the 2<sup>nd</sup> and 3<sup>rd</sup> of March, and the Commission approved of the following individuals attending on behalf of the Commission:
1. Michael Farrell
  2. Alpha Connelly
  3. Liam Herrick
  4. Nuala Kelly
- 5.15 He further indicated that the President and he were to attend the launch of the National Action Plan Against Racism later that day. In relation to the tentative discussions had with the NCCRI in relation to a conference in relation to the NAPAR, he mentioned that the President was to speak at a conference hosted by the NCCRI and ADM on the 15<sup>th</sup> of March.
- 5.16 He noted that the Racism Committee had decided to meet further representatives of ethnic minorities, possibly in conjunction with the Committee on Gender and Equality.
- 5.17 He indicated that the President and he had met, separately, a researcher from the Irish Centre for Human Rights, Galway.
- 5.18 The President raised the issue of the role of NHRIs regarding the recent tsunami disaster. It was suggested that he raise the matter at the meeting of the European Co-ordinating Committee which he would shortly be attending in Paris.
- 5.19 It was also suggested that the President might raise the issue of human trafficking at the Paris meeting and that an officer of Concern might be willing to brief him on the subject.
- 5.20 It was mentioned in this context that the European NHRIs were considering the Council of Europe draft Convention on the Prevention of Terrorism.

- 5.21 It was further suggested that the Committee on Economic, Social and Cultural Rights take on board the issue of the link between development aid and human rights.

(vi) Finance Committee

- 5.22 Tom O'Higgins reported that the Committee would meet shortly to discuss, *inter alia*, the Commission's budget for 2005.
- 5.23 He mentioned that the Financial Statements for the year ended 31 December 2003 had been signed off by the Comptroller and Auditor General in December 2004 and that there were no issues therein.
- 5.24 The Chief Executive recalled that the Minister for Justice, Equality and Law Reform had indicated to the President and herself, at their meeting in relation to the Commission's estimates, that he, the Minister, would meet with the Taoiseach in that regard. The Chief Executive indicated that she had not heard further from the Minister in this regard.

(vii) Casework Committee

- 5.25 The President mentioned that the Committee had considered a draft legal strategy and indicated that it would revert to the February plenary thereon.
- 5.26 The President noted that the proposal for an enquiry considered by the Casework Committee was covered in the report of the Chief Executive.

**Both Michael Farrell and Maureen Harding Clark left the meeting at this stage and took no part in discussions relating to the following item.**

- 5.27 The Senior Caseworker joined the meeting at this stage and spoke to his paper in relation to a request that the Commission appear as *amicus curiae* in legal proceedings. After a full discussion, it was decided not to seek to appear as *amicus curiae* in light of the criteria previously adopted by the Commission for consideration of such requests.
- 5.28 It was agreed that the Casework Committee would review the criteria for consideration of amicus requests and report back thereon.

## **6.0 Reports from Meetings and Conferences**

- 6.1 There were no reports.

## **7.0 Delegation to the Chief Executive of the Commission's enquiry and legal assistance function.**

- 7.1 The Senior Caseworker was also present for this item.

7.2 It was agreed to extend the delegation for a further six months. It was also agreed that the Casework Committee would revert to Plenary with proposals for a substantive discussion on the issue.

7.3 The Chief Executive sought guidance as to what level of detail Commissioners wished included in the section of her report dealing with the above matters. This was clarified.

## **8.0 Participation in the Joint Committee and associated Sub-Committees.**

8.1 This item was deferred.

## **9.0 Items for Inclusion on the Agenda of the Next Meeting**

9.1 There were no items.

## **10.0 AOB**

10.1 There was no other business.

There being no further business, the meeting ended at approximately 1.10pm

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