

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

NMD/SC/

Minutes of Special Council Meeting held on Monday 30 January 2017 at 6pm in the Mourne Room, Downshire Civic Centre, Downpatrick

In the Chair: Councillor G Fitzpatrick

In attendance:

(Councillors)

Councillor T Andrews	Councillor R Burgess
Councillor P Byrne	Councillor C Casey
Councillor W Clarke	Councillor G Craig
Councillor C Enright	Councillor G Hanna
Councillor V Harte	Councillor H Harvey
Councillor T Hearty	Councillor M Larkin
Councillor K Loughran	Councillor D McAteer
Councillor K McAteer	Councillor A McMurray
Councillor R Mulgrew	Councillor B Quinn
Councillor M Ruane	Councillor J J Tinnelly
Councillor W Walker	

(Officials)

Mr E Curtis, Director of Strategic Policy and Performance
Mrs E McParland, Democratic Services Manager
Miss S Taggart, Democratic Services Officer
Mrs C Taylor, Democratic Services Officer

Also in attendance:

Mr L Allamby, Chief Commissioner, Human Rights Commission NI
Dr D Russell, Director, Human Rights Commission NI
Mr A McBride, Commissioner, Human Rights Commission NI
Ms C Collins, Commissioner, Human Rights Commission NI
Ms M Reynolds, Commissioner, Human Rights Commission NI
Ms C Martin, Communications Worker, Human Rights Commission NI

SC/1/2017

APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Bailie, Brown, Carr, Curran, Devlin, Kimmins, Macauley, Murnin, Stokes, Taylor and Mr Hannaway, Chief Executive.

SC/2/2015

DECLARATIONS OF INTEREST

There were no declarations of interest.

SC/3/2015

PRESENTATION NI HUMAN RIGHTS COMMISSION

The Chairperson welcomed Mr Allamby, Dr Russell, Mr McBride, Ms Collins and Ms Reynolds from the NI Human Rights Commission and invited them to make their presentation.

The Chief Commissioner, Mr Allamby thanked the Chairperson for the opportunity to present to Council and highlighted the following points:

- The NI Human Rights Commission had been involved in widespread community engagement across Northern Ireland.
- The NI Human Rights Commission had statutory functions under the NI Act 1998 which included advising the UK Government on reserved issues such as immigration, tax, security, foreign affairs and also advising the NI Assembly and Executive on devolved matters.
- The Commission was engaged in discussions locally on legislation and human rights aspects of policy, and also had a monitoring role with international treaties.
- The Commission was engaged with a number of conventions and its role was to ensure the UK was held to account.
- The Commission had a role to promote the awareness of human rights through training.
- The Commission could and did take legal cases and had been involved on the issue of mental health.
- Human rights investigations took place and the Commission had recently completed an investigation on health care in emergency departments in NI and a piece of work was being undertaken with the Belfast Trust and the Northern Trust regarding what a fully human rights compliant emergency department would look like.
- The Commission was also involved in an enquiry regarding Traveller accommodation.
- The Commission led on a Business and Human Rights Forum which looked at forced labour and human trafficking.
- The Commission was involved in a partnership with the Department of Finance regarding the human rights impact based assessments in procurement, especially around agency workers and concerns over their treatment.
- The Commission was undertaking a piece of research regarding people going to court without legal representation.

The Chief Commissioner informed Members of the Commission's top 3 strategic priorities, which were:

1. Delivering human rights through excellent services to the public.
2. Human rights and building the future in Northern Ireland.
3. Social and economic rights in a time of change.

The Chairperson thanked the delegation for their presentation and invited questions from the Members.

Members asked the following questions:

- Why when a clinical need for a 24 hour accident and emergency department had been defined by the South Eastern Trust, was the Downe Hospital not sufficiently manned?
- Why was the Northern Ireland Government not recognising the impact of climate change locally and internationally? Sea levels were rising by 3.4mm per annum and coastal settlements in the District were in danger.
- There was a chronic problem regarding mental health in the judiciary system whereby people, especially young people, with mental health issues end up in PSNI custody suites, become charged and end up in prison.
- A review of the social housing selection process was needed as there were large numbers of homeless people across the north and Newcastle, Warrenpoint and Newry were chronic areas. People with addiction problems, mental health issues linking to suicide were on social housing waiting lists but the selection process favoured people who gained intimidation points and local people were missing out on housing.
- What defined a human rights issue?
- The British Government had taken the view that the primary concern and consideration regarding Brexit was the control of immigration. What would the situation be post Brexit of the status of the indigenous population of the 6 counties who currently held Irish passports? Would they be able to travel freely in Europe?
- Why could the principle of common law relationship rights not be extended to Northern Ireland? Couples who lived together had no rights over their estate if one of the couple died?
- Lichtenstein was in a political union with Switzerland, but was in the common market. The Channel Isles used Sterling as currency, but were in a separate treaty with the EU and there was no Brexit vote there. Could the NI Human Rights Commission raise these two issues when talking to the UK Government regarding Brexit?
- Why was the issue of civil partnership in the NI Human Rights Commission's Annual Statement only Amber and not Red?
- What was the NI Human Rights Commission's view on the rights of political ex-prisoners?
- What was the NI Human Rights Commission doing for victims of terrorism?
- What was the NI Human Rights Commission doing for foreign nationals and their rights to come into the country to look for work to ensure they were looked after in a more fair and appropriate manner?

Representatives from the NI Human Rights Commission responded to Members queries as follows:

- The NI Human Rights Commission continued to comment for example on the framework convention on minority languages and provision for the Irish language and Ulster Scots.

- The NI Human Rights Commission did not bring an answer to how to configure health care services regarding the Downe Hospital, but Human Rights does say there is a right to the highest attainable standard of healthcare and there was the concept of non-retrogression – looking to attain the right of the highest standard of healthcare and a progressive realisation of that right.
- The Healthcare enquiry found that expenditure was going in the right direction, but it was very difficult to spend the extra in-year monies in a long term planned way. It was also found that wrap around services impacted on accident and emergency services. A lot of good practice was found across Northern Ireland, but it was also found that this was not shared or rolled out.
- The Commission was taking part in a pilot regarding how services were planned with the Northern HSC Trust which was considering community based care services .
- Climate change was not an issue the NI Human Rights Commission were dealing with directly, however it was an issue being considering in the context of the Commonwealth Forum of National Human rights Institutions which the Commission Chairs.
- The Commission would be meeting to look at undertaking another human rights enquiry, at the minute both mental health, suicide, self-harm, housing need, homelessness how these affect young people was being considered. The Commission could only undertake 1 enquiry due to available funding.
- International human rights work was being undertaken around taxation, corporations paying taxes effectively and dealing with tax avoidance as there was a link between collecting revenue and spending on public services.
- The UK's negotiating stance regarding Brexit was currently unknown, but the Commission was involved in the issue of the common travel area and this would determine whether Irish citizens would have different rights to citizens of other EU countries regarding travel. Both UK and Irish Governments had said they wished to retain the common travel area, but this would be a matter that would also engage the other 27 EU Member states.
- Work had been on-going in the Commission regarding mental health, which was a much wider issue than just within the prison system. The outgoing Health Minister had made it clear that all Parties would have to come together to look at how hospital structures would work in the future.
- Health was one of the most difficult challenges facing society, especially in Northern Ireland, as it had a disproportionate number of ageing and young people, who were the biggest users of the health service. The healthcare system in NI was ill equipped to cope with the demographic challenge and the pace of change regarding technologies and available drugs.
- Rights based discussions were now more widely discussed than 30 years ago, and people did now assert their rights. Part of the Commission's role was to try and make people understand that rights discussions were based on international standards, were universal, and had all the countries in the world had signed up to some human rights standards..
- Some of the work the Commission had undertaken had been through film, use of social media and Instagram and films had been produced about hidden rights around migrant workers, domestic violence, people with disabilities, housing and young people and homelessness. The Commission tried to

make sure people understood where human rights came from in the first place as an educative role, but debates about human rights in general were worthwhile.

- There had been a Law Commission report in England and Wales recommending changes to the law regarding common law partnerships and once a couple had been together for a period of time, but not married, it would enshrine protections; but there was no progress on this.
- The reason civil partnership were amber and not red was that it was the view of the Commission that the absence of civil marriage for same sex couples did not necessarily constitute a violation of human rights law. However, the Commission continued to keep a watching brief on the ongoing court cases and would respond to any future developments.
- The Channel Isles were not part of the UK and the case of Litchenstein would be looked into.
- The Commission were aware of issues regarding political ex-prisoners human rights and recognised that these issues were not just issues that affected the people serving the prison sentences, but generations down from those people. There was no current solution on how best to deal with it, and it was not just an issue confined to Northern Ireland. The Commission continued to work with the ex-prisoners working group established by the Executive Office
- There really were no reasons why a political ex-prisoner could not undertake many jobs, but if turned down for a job, it should be documented.
- The Commission recognises victims and survivors of the Troubles had rights and there was a recognition in Northern Ireland legislation that there was no hierarchy of victims; that all victims should receive services and support. The Commission had addressed this on a number of occasions and recognised the issue around mental health and wellbeing and physical health of victims and survivors.
- Any victim or survivor of the Troubles regardless of cause, was eligible for health care treatment at no cost according to their need.
- The Commission had not been directly involved in the issue of fairness for foreign nationals from outside the EU seeking work, but it would be worth feeding this information through NILGA to the Strategic Migration Partnership.

There being no further business, the meeting concluded at 7.20pm.

For adoption at Meeting of Newry, Mourne and Down District Council to be held on Monday 6 March 2017.

Signed:

Chairperson

Chief Executive

