

**Minutes of the 10<sup>th</sup> Meeting of the Joint Committee of Representatives of the two  
Human Rights Commissions on the island of Ireland  
(The Joint Committee)**

**Held at 11.00 am on Thursday 18 September 2003**

**At the offices of the NIHRC, Temple Court, Belfast**

**Present:**      NIHRC:      Brice Dickson, Chief Commissioner, (Chair)  
Margaret Ann Dinsmore  
Tom Donnelly  
Harold Good  
Tom Hadden

                  IHRC:      Maurice Manning, President  
William Binchy  
Robert Daly  
Suzanne Egan  
Michael Farrell  
Nuala Kelly  
Jane Liddy

**In Attendance:**      Paddy Sloan, Chief Executive, NIHRC  
Alpha Connelly, Chief Executive, IHRC

**Apologies:**      NIHRC:      Christine Eames  
Chris McGimpsey  
Kevin McLaughlin

                  IHRC:      Fionnuala Ní Aoláin  
Olive Braiden  
Martin Collins  
Tom O’Higgins  
Clodach McGrory  
Gerard Quinn  
Katherine Zappone

**1.0**      A letter to the Joint Committee from Paddy Kelly and Frank McGuinness of the NIHRC was tabled. The letter offered their apologies for non attendance at the Joint Committee meeting and explained their position as having withdrawn from the NIHRC “pending the ..... satisfactory resolution of outstanding issues”. The letter expresses regret at their absence and a hope that they will rejoin the Joint Committee at a future date.

The letter was noted.

## **2.0 Minutes of the 9<sup>th</sup> Meeting of the Joint Committee**

2.1 At point 3.4 the word “*Commission*” should be amended to read “*Committee*” as referring to the Racism Sub Committee.

2.2 The Chief Commissioner and the President signed the minutes as a true record, subject to the above amendment.

## **3.0 Matters arising**

3.1 There has been no further progress in developing the joint database on international treaties, beyond current access to the shadow database. The Chief Executive of the NIHRC will pursue this further with Christine Bell.

3.2 A meeting of the Joint Committee with Professor Stephen Livingstone of Queen’s University and Suzanne Egan at UCD in relation to the Charter of Rights for the island of Ireland, has yet to be arranged. This will be arranged via the Joint Committee Sub Committee on the Charter as there is as yet no progress to report on the university research. This research was deemed to be very relevant to the work of the Joint Committee on developing a Charter of Rights for the island of Ireland and it was agreed that communication channels would be kept open.

## **4.0 Sub Committee Reports**

### **4.1 Charter of Rights Sub Committee**

4.1.1 Nuala Kelly spoke to the minutes of the Sub Committee meeting of 2 September 2003.

4.1.2 She reported that the closing date for receipt of responses to the consultation document has been extended to the 1 December 2003. Letters have been sent to those who have not as yet responded to inform them of this extension.

4.1.3 A letter is to issue to those parties who have responded to inform them of the extension also.

4.1.4 At each Commission a staff person is to be identified as the key contact for the consultation process.

4.1.5 It was agreed that the two Chief Executives would liaise to develop a matrix for preliminary analysis of the responses to the Charter consultation document. A summary of responses and a sense of their content is to be prepared for consideration by the Sub Committee. In addition any further consultees should be recommended to the Sub Committee.

4.1.6 The proposed cross-jurisdictional research will be closely related to the university research being undertaken by Suzanne Egan and Stephen

Livingstone. However their timeframe is such that it is unlikely that any research report will be available from the universities until mid 2004. Clarity was sought as to the meaning of “cross-jurisdictional”. It was agreed that the Sub Committee would look at a global brief for this piece of work which would then be given to the two Chief Executives to consider whether or not this could be done in-house or needed to be externally commissioned. Costs in the region of £1,000 for each Commission were approved.

4.1.7 Nuala Kelly will convene the next meeting of the Charter of Rights Sub Committee, in liaison with the two Chief Executives.

#### 4.2 Racism Sub Committee

4.2.1 The Racism Sub Committee met prior to the Joint Committee meeting and two reports were produced which were circulated to all Commissioners.

4.2.2 The joint publication *A Users Guide to the International Convention on the Elimination of Racial Discrimination* was launched on 2 September 2003 to coincide with the meeting of the Joint Committee. Congratulations were proffered to Ciarán ÓMaoláin and Gavin McSpadden on the publication. The foreword was written by Morten Kjaerum, Director of the Danish Human Rights Centre and a member of the CERD Committee. The report will go on the Commissions’ respective websites and will be widely distributed.

4.2.3 The UK’s report to the CERD Committee has been examined. Several of the points raised by the Northern Ireland Human Rights Commission in comment on this report have been taken on board.

4.2.4 The Irish government is currently preparing its first report to the CERD Committee and a first draft has been released for consultation which has been widely criticised. In particular the description of Travellers as an ethnic minority was rejected in the report and the level of racism which exists was seriously understated. A final revised document is due to be produced.

4.2.5 A Supreme Court decision in the RoI declared that children born to non nationals are themselves automatically Irish citizens, but this no longer provides for automatic right of residency for their parents. 700 parents are currently threatened with deportation within 15 days but some 11,000 parents could fall into this category. No pattern as yet has been identified for selection for deportation and the Irish Human Rights Commission will be following this up.

There may be implications for the NIHRC in that deportees may go to the UK and therefore to Northern Ireland. It was agreed that the IHRC policy on this issue would be forwarded to the NIHRC in preparation for a joint response to be communicated to the Irish government.

It was agreed that on the back of the CERD document the Joint Committee would make representation immediately before the production of a final

document by government in order to avoid the development of this policy as currently described.

- 4.2.6 The rights of migrant workers are an issue for both Commissions, in particular regarding the UN Convention on Migrant Workers. The Sub Committee has been in contact with other NHRIs throughout Europe to encourage their respective governments to ratify the Convention. It was agreed that both Commissions would take this forward.
- 4.2.7 Proposed research to be undertaken by the Sub Committee was discussed. This needs to be considered by both Commissions in the context of their Strategic Plans and it was agreed that on receipt of a draft policy with regard to non national families from the IHRC, the NIHRC will consider how best to take this forward. A comparative study of the residency rights of non national parents in the UK and the RoI was discussed.
- 4.2.8 The NIHRC is planning a visit to review the detention of asylum seekers in Maghaberry Prison which will be publicised and a report forwarded to the office of the UN High Commissioner on Refugees.

## **5.0 Emergency Legislation**

- 5.1 There is no sub group to consider this at present; it will be considered separately by the two Commissions. The NIHRC reviewed the situation in July 2003 and there followed some discussion regarding the need to review the impact of anti terrorism laws on cross border issues. The Committee is keen to develop a balance between protection from terrorism and respect for human rights standards.
- 5.2 To date this has not been discussed at the IHRC although comments have been provided on EU anti terrorism provisions.
- 5.3 Professor Clive Walker of Leeds University is scheduled to speak at a seminar hosted by the NIHRC in October 2003.
- 5.4 It was agreed that the NIHRC should proceed with this work independently, but contributing to the Joint Committee's discussions.

## **6.0 UN Convention on Disability**

- 6.1 William Binchy reported on his attendance at the UN conference on the preparation of this Convention held in New York earlier in the year. Kevin McLaughlin of the NIHRC also attended this conference.
- 6.2 As a result of the conference, NHRIs will have representation on the UN Committee on the Convention, which is a considerable achievement. The South African Human Rights Commission representative will join the Committee.

- 6.3 It was noted that the two Commissions' representatives worked well together and complemented each other's contribution to the conference.
- 6.4 The Irish Commission was congratulated on hosting a very good conference on global trends in disability. Each Commission will independently work with relevant NGOs and will also liaise with each other on the development of this Convention.

## **7.0 Update on activities of the two Commissions**

### **7.1 Irish Human Rights Commission**

- 7.1.1 A paper was circulated to the Committee outlining recent work of the IHRC.
- 7.1.2 It was noted that the Minister for Justice is now referring Bills for consideration by the IHRC.
- 7.1.3 Staff appointments continue with two Casework staff now having been engaged.
- 7.1.4 A Committee to prepare a review of the IHRC as well as a Casework Committee have now been established.
- 7.1.5 The Strategic Plan of the IHRC has been produced and launched.
- 7.1.6 There followed some discussion regarding the IHRC's section 24 report expressing an opinion on the Joint Committee to the Irish government. This will be forwarded to the NIHRC as there are issues regarding representation to the British government which will need to be considered.

### **7.2 Northern Ireland Human Rights Commission**

- 7.2.1 A paper was circulated outlining the recent activities of the NIHRC.
- 7.2.2 The Chief Commissioner reported Patrick Yu's resignation and the fact that the Commission is considering very carefully all the recent criticisms that have been levelled at it.
- 7.2.3 The President of the IHRC expressed support to the NIHRC in this difficult time but made it clear that there has been no discussion of NIHRC at the Irish Commission meetings. It was not considered that an intervention by the Irish Commission would be helpful at this stage but there is interest in the developing action plan being produced by the NIHRC.
- 7.2.4 The Chief Commissioner of the NIHRC was thanked for raising the issue at the Joint Committee.

7.2.5 A summary of submissions to the Bill of Rights consultation process has been produced and most submissions are now available on the NIHRC website.

7.2.6 The Chief Commissioner reported on an intervention made by the NIHRC on a potential breach of Article 2 in reference to the alleged “Stakeknife” informant, Mr Scappaticci. The Chief Justice said that no oral intervention could be made by the Commission and disagreed with the written intervention claiming that Article 2 could be qualified when appropriate.

**8.0 Any other business**

8.1 There being no other business the meeting closed at 1.00 pm.

**9.0** The next meeting of the Joint Committee will be at 11.00 am on 11 December 2003 in Dublin.