

**MINUTES OF THE 12TH MEETING OF THE JOINT COMMITTEE OF
REPRESENTATIVES OF THE TWO HUMAN RIGHTS COMMISSIONS ON
THE ISLAND OF IRELAND
(THE JOINT COMMITTEE)**

Held at 11am on Thursday the 11th March 2004

At the offices of the NIHRC, Temple Court, Belfast

Present:

NIHRC: Brice Dickson (Chief Commissioner)
Tom Hadden
Tom Donnelly

IHRC: Maurice Manning (President) - Chair
William Binchy
Michael Farrell
Robert Daly
Martin Collins
Suzanne Egan
Nuala Kelly

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

Apologies: IHRC Olive Braiden
Mervyn Taylor
Katherine Zappone
Tom O'Higgins
Fionnuala Ní Aoláin
Clodach McGrory
Gerard Quinn

NIHRC Margaret Ann Dinsmore
Christine Eames
Frank McGuinness
Kevin McLaughlin
Paddy Kelly

- 1.0** The Chief Commissioner noted the resignation of Jane Liddy for personal reasons from the Irish Human Rights Commission and offered the good wishes of the Joint Committee and NIHRC to Jane and thanks for her contribution to the work of the Joint Committee to date.

2.0 Minutes of the 11th Meeting of the Joint Committee

- 2.1 The minutes of the 11th December 2003 meeting of the Joint Committee were agreed as an accurate record and signed by the President and Chief Commissioner.

3.0 Matters arising

- 3.1 Martin Collins raised the issue of the exclusion of Travellers as an ethnic minority in the Irish government's report to the Convention on the Elimination of Racial Discrimination. It has been agreed that the Joint Committee would write to the Minister for Justice expressing the concern of both Commissions.

4.0 International Work

- 4.1 The database of ratifications of human rights treaties has now been updated and a paper was tabled. The Committee considered the existing information which had been on the database since January 1995 and suggested mechanisms for maintaining an up-to-date and focused database. The current information was much broader than human rights treaties and it was agreed to signpost other areas whilst maintaining a relatively broad based human rights interpretation. Treaties that are clearly not relevant to human rights should be deleted but as a general rule we should err on the side of inclusion. It was agreed to include treaties that are not yet ratified.

- 4.2 The UN Commission on Human Rights meets in Geneva, 14-16th April 2004. Both Commissions will be represented. Under item 18(b) of the Commission's agenda NHRIs are permitted to present for a limited time on human rights issues relevant to their own particular country.

- 4.3 The proposed UN Convention on Persons with Disabilities, the NHRI representative on the drafting group is a representative from the South African Commission, Shirley Maclean. It was noted that the Irish Commission is concerned about the Irish government's progress in developing disability legislation. The IRHC is coordinating NHRI input to the drafting process although there has been little interest to date from other European NHRIs.

Their question of NHRI input to drafting the Optional Protocol to the ESCR was discussed. The Chief Commissioner of the NIHRC agreed to discuss this with the UN High Commissioner's Office and report back to the Joint Committee.

- 4.4 The European Court of Human Rights - It was noted that Fionnuala Ní Aoláin has been nominated to be one of three judges at the European Court. The Joint Committee noted their congratulations on her nomination.

The Chief Executive of the NIHRC had attended a meeting of the CDDH in Strasbourg to discuss the proposed reforms to the European Court and reported on the current position.

- 4.5 NHRIs and Racism - the Chief Commissioner of the NIHRC had attended a conference on NHRIs and racism held in New Zealand and circulated his report.
- 4.6 Louise Arbour has been appointed as the new High Commissioner on Human Rights at the United Nations. The President of the IHRC has already written to congratulate her and invite her to Ireland. The Chief Commissioner of the NIHRC will write in a similar vein.

5.0 Emergency Law

- 5.1 It was noted that a sub-committee to the Joint Committee on emergency laws does not exist. There is a need for further discussion within the IHRC on this issue. The NIHRC reported on a seminar with Prof Clive Walker and noted Tom Hadden's involvement at the UN. The Irish Commission agreed to forward to Tom Hadden their response to the Criminal Justice Terrorists Offences Bill, which has had considerable impact with the Irish government.
- 5.2 It was agreed that Tom Hadden would convene a sub-committee on emergency laws comprising Brice Dickson, Michael Farrell, William Binchy and Fionnuala Ní Aoláin on her return from leave should she be willing.

6.0 Charter of Rights

- 6.1 Nuala Kelly is the full-time convenor of the Sub-Committee on a Charter of Rights. It was agreed that position should now be formalised until the next meeting of the Joint Committee. An analysis of the submissions made in response to the pre-consultation document is to be carried out before the next meeting of the Sub-Committee. The issue of staff resourcing of this sub-group will involve Gavin and Alpha from the IHRC and Paddy at the NIHRC.
- 6.2 The two Chief Executives will analyse the submissions to date and report to Nuala Kelly to convene a subsequent meeting.
- 6.3 The members of the sub-group are Nuala Kelly, Convenor, Martin Collins, Michael Farrell, Tom Hadden, Margaret-Ann Dinsmore, Suzanne Egan and the President and Chief Commissioner.
- 6.4 The research on other similar transnational treaties has not yet gone ahead. The parallel work being undertaken by Suzanne Egan and Stephen Livingstone is near completion and will then go to both Commissions. If further work is required the Sub-Committee can then commission research as appropriate.

- 6.5 Copies of all submissions received to date will be sent to all members of the Sub-Committee together with a matrix for consideration, as prepared by the Chief Executives.
- 6.6 It was agreed that the Joint Committee would not respond to consultees until the substance of their submissions has been fully considered.
- 6.7 Those who had submitted responses would however be written to seeking permission to allow Suzanne and Stephen's researcher access to their submissions.
- 6.8 The Sub-Committee is to consider a letter from the Organisation of Unemployed requesting a meeting with both Commissions on the topic of a Charter of Rights.

7.0 Sub-Committee Reports

- 7.1.1 Racism Sub-Committee – The two Commissions have been working separately on racism, coordinating on some issues.

The Northern Ireland Commission agreed to carry out research into the definitions of migrant workers.

- 7.1.2 Both Commissions attended a round-table on migrant workers involving the Equality Commission and NCCRI at which further research to be done in-house by the NIHRC was identified.
- 7.1.3 On 5th April 2004 a joint publication from NCCRI and the NIHRC on migrant workers will be published.
- 7.1.4 A joint statement from both Commissions will be issued on International Anti-Racism Day calling for both states' ratification of the International Migrants Convention. The Chief Commissioner will take the ratification of this Convention up at the meeting of European NHRIs in April in Geneva.
- 7.2 The Irish National Action Plan Against Racism is ready for publication but will be further considered by the Equality Authority and the IHRC. The NIHRC reported that the UK government appears to be withdrawing from their commitment to produce a National Action Plan. This is being kept under review by the NIHRC.
- 7.3 A joint letter to the Irish Minister for Justice will go from both Commissions regarding the Irish government's acknowledgment of Travellers as an ethnic minority in their CERD Report. The NIHRC will write separately prior to any joint correspondence.

- 7.4 The joint seminar on CERD being hosted by NCCRI and IHRC which the NIHRC will also attend. It was reported that the CERD Committee in Geneva is considering the application of CERD to non-citizens and a copy of the minutes of that CERD Committee meeting will be acquired.
- 7.5 The first meeting of the UN Committee on Migrant Workers has been held. It was agreed that a joint press release on the Migrant Workers Convention and further work on migrant workers would be carried out by the Sub-Committee. The Northern Ireland Commission agreed to carry out research into the definitions of migrant workers.
- 7.6 The referendum on citizenship is a very big issue for the IRHC. The Minister for Justice is circulating a consultation document abolishing the automatic right to citizenship for children born on the island of Ireland and proposing a referendum on this issue. The IHRC is dealing with the matter and the Joint Committee will subsequently consider the potential impact in Northern Ireland. The NIHRC will keep in touch with developments.

8.0 Update on activities of the two Commissions

- 8.1 Reports were tabled and spoken by each Commission, to updating the Joint Committee on current activities.

9.0 Date of next meeting

- 9.1 The next meeting will be held in Dublin on 10th June 2004.

10.0 Any Other Business

- 10.1 There being no other business the meeting closed at 1pm.