

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 21st Commission Meeting

Held on Monday, 11 September 2000

**At 2.00 pm in the NIHRC Offices, Temple Court,
39 North Street, Belfast**

Present: Brice Dickson, Chief Commissioner
Christine Bell
Tom Donnelly
Margaret-Ann Dinsmore
Harold Good
Tom Hadden
Angela Hegarty
Paddy Kelly
Frank McGuinness

In Attendance: Paddy Sloan, Chief Executive

Apologies: Inez McCormack

1.0 Minutes

The Minutes of the 20th Commission meeting were reviewed for accuracy.

1.1 At point 6.2.2 the minute was amended to read “membership of the Bill of Rights Working Group on Victims is to be reviewed by the Victims Committee, which will subsequently make recommendations to the next Commission meeting”.

1.2 There being no other amendments the Minutes were approved.

2.0 Matters Arising

2.1 Angela Hegarty thanked the Commission and staff for sending flowers and for their support over the difficult period of the death of her father.

2.2 Equality Commission

The Chief Commissioner and Chief Executive will meet with the Chair and Chief Executive of the Equality Commission on 14 September and details of the meeting planned for 23 October between the two Commissions will be finalised then.

2.3 Bill of Rights Conference

Justice Arthur Chaskalson has been invited to lunch with the Lord Chief Justice and Senior Judiciary on Friday 15 December and will be available to the Commission on 13, 14 December 2000.

2.4 Secretary of State Meeting on Policing

There will be a pre-meeting at 1.00 pm on 12 September 2000 for those Commissioners and staff attending the meeting with the Secretary of State. Christine Bell is no longer available to attend and it is anticipated that we will meet with the Secretary of State, his Personal Secretary and John Mills of the Patten Action Team. The Human Rights Commission's most recent position paper was tabled together with an Agenda for the meeting. It was agreed that if anyone was unable to attend the pre-meeting their contribution to the meeting on behalf of the Commission should be curtailed.

2.5 Patrick Finucane

2.5.1 To date there has not been a response from the Finucane family to the Chief Commissioner's correspondence. It is apparent from British Irish Rights Watch that the Prime Minister when he met with the Finucane family:

- was personally committed to discovering the truth;
- gave assurances that if any allegations are found to be true that those responsible would be out of a job; and
- promised to read both British Irish Rights Watch reports and Amnesty International's advice on conducting an independent public enquiry.

2.5.2 The Chief Commissioner undertook to pursue the apparent differences between the version of the terms of reference for Stephens III supplied by Stephens to the Commission and that apparently supplied to others.

2.5.3 Communication concerning the Finucane case should be directly with the Finucane family and not via British Irish Rights Watch.

2.6 Bill of Rights Residential

2.6.1 This will be facilitated by Richard Reoch and will provide an opportunity to discuss major issues prior to drafting.

2.6.2 On 16 September 2000 from 12 noon – 5.30 pm Stephen Livingstone will give a presentation on the technical side of a Bill of Rights with support from Christine Bell, Tom Hadden and Brice Dickson. All Commissioners will attend except Angela Hegarty. A timeline for the Bill of Rights Consultation (a summary) will be provided to all Commissioners prior to Saturday's meeting.

2.7 RUC Training

2.7.1 Commissioners expressed concern that the report on RUC's Human Rights Training has not as yet been provided by staff. Commissioners have been looking for this report for several months and the Chief Executive acknowledged that it is overdue. It was agreed that this report would be issued by the end of the week. Commissioners were advised that this report is an evaluation of a particular course only, not of the RUC's implementation of the Human Rights Act. An assessment was also requested of the RUC Human Rights Act training materials for Commissioners. Angela Hegarty expressed concern that the Commission's comments on the RUC Human Rights Act training materials had not been taken on board and consequent surprise that a member of staff was to take part in a training session. She expressed the view that there was a need to clarify the role and expectations of both organisations and that a Memorandum of Understanding ought to be agreed between the two organisations in advance of any further meetings or participation in training. It was agreed that the Commission would meet the RUC Working Group on Human Rights Act at 2.00 pm on 2 October with a pre-meeting at 12.00 midday.

2.7.2 It was agreed that a half day of the Bill of Rights residential on 10-11 November would focus on the relationship between the Committees and the Commission and on how decisions are taken.

2.8 Victims' Rights Working Group

The membership of the Victims' Rights Working Group was to have been discussed by the Victims Committee and the full Commission prior to the Working Group meeting. No meeting of the Victims Committee has been able to occur in time. It was agreed that none of the Working Groups would co-opt any new members until the final membership of all groups has been agreed by the Commission.

2.9 Child Protection Policy

This has not as yet been finalised but there is an urgency to do so to allow the Juvenile Justice investigation to proceed.

2.10 Website

The Commission has begun work to update and develop the website and to explore the option of an interactive young person's site.

2.11 Press Coverage

Commissioners expressed concern at how the Commission was represented in a recent article by Henry MacDonald in the Observer. The Chief Commissioner was misquoted and the Commission misrepresented. It was agreed that the Chief Commissioner would write to the Editor of the Observer expressing concern at the report.

2.12 Women's Rights

The Chief Executive and Christine Bell have met to discuss how best to address Women's Rights under the Bill of Rights. Christine will draft a pamphlet to accompany the Bill of Rights series of pamphlets and a half-day seminar will be planned with key agencies and individuals. In addition staff will continue to respond to enquiries and meet with organisations and agencies on women's rights.

2.13 Criminal Justice Review

Some disappointment was expressed by Commissioners regarding the level of debate and the mixed quality of presentations and the Armagh Conference on 5 September. The Commission's response to the Criminal Justice Review needs further refinement and will be presented to Commissioners prior to submission at the end of September.

3.0 Chief Commissioner's Report

3.1 Confidentiality Policy

This will go to the Casework Committee and then to the Commission for final ratification. It was agreed that later in the year all the policies need to be reviewed by Senior Counsel in the light of experience and practice".

3.2 Policy Manual

Commissioners agreed that this would be a valuable document and staff should proceed to develop such a manual.

3.3 Equality Scheme

It was agreed that the amended Equality Scheme should be distributed for a second phase consultation as best practice. Any comments from Commissioners on technical or substantive matters should be passed to the Chief Commissioner as soon as possible.

3.4 EU Charter

It is proposed to co-host a seminar on the EU Charter on Fundamental Rights with the University of Ulster and Queen's University Human Rights Centres. If the Universities are anxious to do this before the New Year we will co-operate but cannot co-host. Ideally it will happen early in the New Year.

3.5 World Conference on Racism

The Commission has been invited to attend this Conference but, given the remit of the Equality Commission, Commissioners need to decide what level

of resources we can commit to this issue. Racism in the Criminal Justice system is important to the Commission and a lot of correspondence is received on this issue. It was agreed that the Commission would not attend the Strasbourg Conference and the Chief Commissioner and Chief Executive would liaise with the Chief Commissioner and Chief Executive of the Equality Commission concerning their input.

3.6 Human Rights ImpAct Day

A press release is to be prepared welcoming the introduction of the Human Rights Act to UK Legislation on 2 October 2000. An event is being organised by the NIO and OFM/DFM in the Belfast City Hall at which the Chief Commissioner is to speak. Tom Hadden agreed to represent the Commission at the corresponding event in London marking the commencement of the Human Rights Act.

3.7 Judicial Studies Board

The Chief Commissioner is to speak to the Judicial Studies Board on the 13 September on the role of the Human Rights Commission. The Casework Committee will discuss who, if anyone, will accompany him.

3.8 Detention Centres

It was agreed to revitalise this programme of visits. Maghaberry is the next site to be visited. It was agreed that Harold Good, Frank McGuinness and Christine Bell would attend.

3.9 Evaluation of the Commission

3.9.1 The Equality Committee will take responsibility for drafting by March 2001 the report to the Secretary of State on the effectiveness of the Commission's powers.

3.9.2 Commissioners agreed to explore a twintrack evaluation with an international perspective and an operational review. It was agreed that Richard Reoch could usefully advise the Commission and co-ordinate this Evaluation.

4.0 Chief Executive's Report

4.1 The Chief Executive's Report was accepted by Commissioners. Any comments on the Draft Annual Accounts should be given to the Chief Executive as soon as possible prior to finalising and submitting them to the Secretary of State.

5.0 Committees

5.1 Bill of Rights Committee

5.1.1 Concern was expressed at the timeframe for the Bill of Rights Consultation and it was agreed that this should be extended. It was agreed that draft advice would be provided to the Secretary of State by March 2001 with final advice by September 2001. A revised timeline would be prepared by the Chief Executive for the training session for Commissioners on 16 September 2000.

5.1.2 It was agreed that the monitoring forms used in training for facilitators would be reviewed and if necessary revised to ensure a more accurate reflection of those taking part.

5.2 Education Committee

5.2.1 Approximately 30 people attended the meeting held in Omagh to provide information to the relatives of the Omagh bomb victims prior to the Inquest.

5.2.2 A submission is being prepared for the Northern Ireland Curriculum Review.

5.3 Legislation and Policy Committee

It was agreed that any submission going out on behalf of the Commission should be circulated to all Commissioners as early as possible for comment.

5.4 Investigations Committee

The issue of PECS clearance needs to be resolved for staff, researchers and if necessary any Commissioners.

6.0 Programme for Government

A paper was circulated by the Chief Commissioner and any comments on this should be submitted by the end of the current week. It was agreed that our comments must be based on human rights standards and international best practice.

7.0 Diplock Review

There has been no reply, as yet, to the Chief Commissioner's letter to the Northern Ireland Office. He agreed to follow up on this.

8.0 Criminal Justice Review

Any views on this are required as soon as possible for submission by 29 September 2000.

9.0 Any Other Business

9.1 Islamic Student Loans

This issue has not been resolved by the Equality Commission. It was agreed that the Chief Commissioner should write to NUS/USI to clarify our position.

9.2 There being no other business, the meeting closed at 6.00 pm.