

**NORTHERN IRELAND HUMAN RIGHTS COMMISSION**

**Minutes of the 28<sup>th</sup> Commission Meeting**

**Held on Monday 9 April 2001**

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

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

**In Attendance:** Paddy Sloan, Chief Executive

**Apologies:** Christine Bell  
Inez McCormack

**1.0 Minutes of the Previous Meeting**

1.1 The minutes were agreed as an accurate record.

**2.0 Matters Arising**

**2.1 Offensive Website**

The Chief Commissioner has written to the Bar Council, Law Society and to Dato Param Kumaraswamy, the UN Special Rapporteur on the Independence of Judges and Lawyers, for further information on the current action being taken regarding this website.

**2.2 Meeting with Secretary of State**

A meeting arranged for the Chief Commissioner with the Secretary of State has been postponed from 2 to 24 April 2001. The Commissioners asked for a further letter to be sent to the Secretary of State seeking a meeting with the full Commission.

### 2.3 Report on Commission's Effectiveness of Powers

The Report on the Commission's effectiveness was published on Thursday 15 March 2001.

### 2.4 Presenting Evidence to US Congressional Sub Committee

The Chief Executive has asked Inez McCormack to prepare a brief report of the meeting of the US Congress Sub Committee of the House of Representatives to which the NIHRC presented written evidence and which Inez attended on behalf of the Commission.

### 2.5 Rosemary Nelson

A letter has gone to Colin Port seeking a further meeting with Commissioners. It was agreed that a copy of Dato Param Cumaraswamy's most recent report and the text of Ed Lynch's speech made at the Rosemary Nelson Memorial Lecture should be circulated to all Commissioners. Subsequent to the meeting with Colin Port the Commission will reconsider its position on the need for an independent public enquiry into Rosemary Nelson's murder. If a meeting with Colin Port can be arranged during April, this issue will be on the agenda for the May Commission meeting.

### 2.6 Pat Finucane

A paper considering how best the NIHRC can advance this case is being prepared and should be available for circulation in advance of the May Commission meeting.

### 2.7 Commissioners Register of Interests

All changes to the current Register should be sent to Lisa as soon as possible.

### 2.8 Protocol with the OFM/DFM

The Chief Executive is to pursue the current position of this Protocol with OFM/DFM officials.

### 2.9 Website

Revised Standing Orders are to be put on to the Commission website as are the revised committee memberships.

### 2.10 Casework

The individual costs of cases supported to date are to be provided for Commissioners.

**3.0 Chief Commissioner's Report**

**3.1 Confidentiality Policy**

The Policy has been amended on advice from counsel. With Commissioners' agreement it will revert to counsel for final review prior to adoption. It was noted that Commissioners would welcome counsel's advice on control of Commission access to information. A suggested amendment to paragraph 18 is "subject to any prohibition in rules of court .....". Counsel's advice will be sought. Some explanation of "Gillick competence" needs to be included. A more accessible version of this Policy and the Child Protection Policy will have to be prepared. It was agreed by Commissioners that this document should go back to counsel for review and for advice on whether it might be acceptable to the DPP.

**3.2 Child Protection Policy**

This Policy also is to be returned to counsel for further advice. It needs to distinguish between those who are and are not "Gillick competent".

**3.3 Memorandum of Understanding with the Police Ombudsman**

3.3.1 The Police Ombudsman is content with the current draft of the Memorandum of Understanding. It will need to be accompanied by regular meetings between the two organisations in order to be effective.

3.3.2 At point 6 the reference to "reciprocal referral" needs to make it clear that the applicant will be informed.

3.3.3 At the end of the second sentence at point 6 the following words are to be inserted "in both cases any time limits will be drawn to the attention of the applicant and the other organisation. Applicants must be kept fully informed at all times." It was agreed that the Confidentiality Policy should also be given to any applicant.

3.3.4 At point 9 in the Memorandum of Understanding it should be made clear that it is necessary to comply with any confidentiality requirements of organisational policies and/or statutory requirements.

3.3.5 It was agreed that the onus to cross-refer should lie with the applicant. The NIHRC can inform other relevant organisations such as the Police Ombudsman (or the Equality Commission) but the responsibility for pursuing the application lies with the applicant. It is therefore imperative that the applicant is kept fully informed of time limits and the progress of his/her case.

**3.4 Complaint from disappointed Job Applicant**

The Chief Executive and Chief Commissioner will prepare advice for Commissioners on action which may need to be taken in response to the

general allegations made. Jones and Cassidy will be arranging to meet with all members of the interview panel.

### 3.5 Irish Human Rights Commission

Membership of the Joint Committee of the two Commissions is to be an item on the May Commission agenda.

### 3.6 United Nations Human Rights Commission

The Chief Commissioner will attend the UN Human Rights Commission in Geneva on 17 – 19 April. Whilst the NIHRC is currently the only human rights or equality organisation in the UK with the relevant status to present, Commissioners are conscious of the Northern Ireland remit of the Commission and the Chief Commissioner will therefore focus his presentation on human rights issues in Northern Ireland although it may be appropriate to draw attention to issues of common concern throughout the UK. The Chief Commissioner will check if the Commission on Racial Equality has as yet received observer status.

### 3.7 Submission to the United Nations Committees

It was agreed that the new Research Worker (Job Share), Ciarán ÓMaoláin, will co-ordinate the preparation of submissions for the various UN Committees. However it was emphasised that the current priority for this post is the full and effective servicing of the Legislation and Policy Committee.

### 3.8 Ad hoc Committee on the Proceeds of Crime Bill

The Chief Commissioner has been invited to give evidence to this Committee of the Assembly on 24 April 2001. External assistance may need to be sought in preparing a response.

### 3.9 British Council International Conference

It was agreed that the Chief Commissioner will advise on this Conference as he considers appropriate. The NIHRC will host a session on the implementation of socio-economic rights in a Bill of Rights for Northern Ireland, as well as a drinks reception.

### 3.10 NICEM Human Rights and Equality Conference

The Commission will be represented at this Conference by Paddy Kelly and Christine Loudes (Investigations Worker).

### 3.11 Human Rights and Devolution

Commissioners' attention is drawn to this event to be held on 28 April 2001 at Queen's University, Belfast.

### 3.12 New Edition of Human Wrongs, Human Rights

Commissioners agreed to publish a third edition of this book at a cost of £5,000. British Irish Rights Watch will update the text.

### 3.13 UN High Commissioner on Human Rights

The Chief Commissioner will write to Mary Robinson to welcome her decision to remain with the UN for a further one-year period.

### 3.14 New Commissioners

The Chief Commissioner advised that the NIO had told him that over 500 applications had been received for the advertised post of Commissioner with the Human Rights Commission. It was noted that two serving Commissioners had been individually contacted by the NIO asking them to apply for the position.

## **4.0 Chief Executive's Report**

### 4.1 Staffing

The two temporary posts, that of Co-Educator and Assistant Caseworker, need to be reviewed in terms of their continuity. If it is agreed that it is appropriate to continue with either or both of these positions a procedure should be put in place to avoid a hiatus between post holders.

### 4.2 Staff Policies and Procedures

Serious concern was expressed regarding the delay in submitting Policies and Procedures, a satisfactory Business Plan and the Accounts for the year 1999/2000. The Chief Executive will prepare an account of the process for Commissioners, to include a consideration of the level of staffing and resource implications as contributory factors to the delay.

### 4.3 Finance

4.3.1 A revised Business Plan is to be prepared and submitted in consultation with NIO civil servants as an immediate priority.

4.3.2 Commissioners are to receive a copy of counsel's opinion on the validity of lack of finance as a reason for not pursuing a particular case.

4.3.3 The accounts for the NIHRC's first year of operation, 1999/2000 were approved by Commissioners for submission to the NIO.

4.4 Planning

Commissioners suggested that the expansion to the new premises on the ground floor should be marked appropriately with staff.

**5.0 Criminal Justice Legislation**

It was agreed that, in the light of the NIO's letter concerning Commission access to the proposals for implementing the Criminal Justice Review, counsel's advice should be sought on whether it was feasible to seek judicial review.

**6.0 Finance and General Purposes Committee**

6.1 Amendments were made to the proposed terms of reference:

the term "sponsoring department" should be deleted;

the word "judging" should be deleted in terms of assessing priorities;

the relationship with the NIO should be clarified as being "with respect to finance and personnel issues".

6.2 The first meeting of the Finance and General Purposes Committee will be at 4.30 pm on Wednesday 25 April 2001 at the offices of the NIHRC. The Chief Executive will liaise with Tom Donnelly as Chair of the Committee regarding the agenda.

**7.0 Paramilitary Abuses**

Commissioners discussed the Chief Commissioner's paper and reviewed previous debates on this issue. It was agreed that a series of events should be organised at which Commissioners could take advice from key actors on how best the Commission might make a positive contribution in this field. In addition a carefully worded statement is to be prepared by the Chief Commissioner and circulated urgently to all Commissioners for comment. The finalised statement will be released during the week beginning 23 April.

**8.0 Plastic Baton Rounds**

8.1 A report prepared for the Ministry of Defence questions the safety of the new models of plastic baton rounds that are to be introduced to Northern Ireland on 1 June 2001. It was agreed that a member of staff would be asked to review this report for discussion at the next Commission meeting.

- 8.2 Additional comments have been prepared in response to the Chief Constable's queries on the initial HRC report on plastic baton rounds. Commissioners are asked to review these and submit any comments to the Chief Commissioner.

**9.0 The Force Order**

The Chief Commissioner tabled a letter he had sent to the RUC with provisional comments on the draft RUC Force Order on the Use of Force. He asked Commissioners to let him have any views on the letter as soon as possible.

The meeting closed at 6.00 pm.