

# NORTHERN IRELAND HUMAN RIGHTS COMMISSION

## Minutes of the 3rd Commission meeting

The third meeting of the Northern Ireland Human Rights Commission took place on 22 March 1999 at 1.00pm in Temple Court.

PRESENT were: Brice Dickson- Chair  
Margaret-Ann Dinsmore  
Tom Donnelly  
Harold Good  
Tom Hadden  
Angela Hegarty  
Patricia Kelly  
Inez McCormack  
Francis McGuinness

IN ATTENDANCE: Dominic McGoran (Secretary)  
Denise Magill (Research Officer)

Apologies: An apology was received from Christine Bell

### 3.1 Minutes of the 2nd meeting

The minutes of the meeting on 8 March were approved, subject to the insertion at item 2 of a reference to the need for the Standing Orders to record that Committees should report back their recommendation to the Commission for final action.

### 3.2 Matters arising

(a) The Chairman reported that he had had no response from the Secretary of State regarding a meeting on the Commission budget or on setting up a Task Force in Northern Ireland to oversee implementation of the Human Rights Act. He would pursue the matter.

### (b) Draft Standing Orders

The Chairman had not yet had a chance to check the Commission's obligations under the law on meetings.

### (c) St Patrick's Day Carnival.

The Chair had written to Ms Ruane of the Carnival Committee along the lines agreed at the last meeting. A copy of the letter was in Commissioners' papers. She had since requested a meeting, which is to be held at Temple Court on Monday 12 April at 11.30, \*to discuss what the Commission can do (if anything) for the Carnival. It was agreed that this would be mainly a listening exercise.

\*(see also item 3(e) below)

### 3.3 Report by the Chief Commissioner

The Chief Commissioner tabled his report. Among the points discussed were the following:

(a) Rosemary Nelson's Murder

The Chair reported that he had just returned from a meeting with the Chief Constable, who had wished the Commission to consider a proposal as a matter of urgency. He asked if the HRC would be prepared to be briefed on an on-going basis by the Chief Constable himself and by the Chief Constable of Kent and the FBI representative, on the progress of the investigation into the murder of Rosemary Nelson. Alternatively the Chief Constable would be happy to come to the Commission and explain his position regarding the independence of the investigation. He had made the same offer to some other organisations. The Chair had said that he would put the matters to the Commission at to-day's meeting.

The meeting paused at this point as a mark of respect to Rosemary Nelson.

Members debated the implications of accepting the offers. It was pointed out that the Commission had already come out strongly in favour of an independent investigation and the Chair had promoted this view to good effect in the media. Nothing should be done which could be construed as a weakening of that position. Some thought there was a widespread view in the nationalist community that the investigation will be a 'whitewash'. Others thought that there was a widespread view in the nationalist community and amongst some Unionists that nothing short of an independent investigation would suffice. The Commission should keep its distance and keep pressing the Secretary of State for a totally independent inquiry. It was further pointed out that the Commission had nothing to offer the investigation by way of expertise and the offer of participation by the RUC was presumably made by them in their own interests. It may also prejudice any representations which the Commission may wish to make in the future on behalf of the Nelson family.

The worry was expressed that, in refusing to listen to what the Chief Constable had to say, the Commission may be in breach of its (draft) mission statement, which committed it to being 'open and accessible'. It was argued that listening could not be construed as endorsement, especially if the meeting involved the independent members of the investigation team. The question was raised about what the Commission's attitude would be to other situations where its recommendations were not accepted - did it simply refuse to participate further?

It was decided that the Commission should adhere to its original position that an independent inquiry was needed. The Chair should write to the Secretary of State stating this view and saying that in view of his report, the UN Special Rapporteur on the Independence of Lawyers and the Judiciary, Mr Param Cumaraswamy, should be invited to act in a supervisory role in the investigation. The Commission should seek a meeting with the Secretary of State to press for such an inquiry. The Chair should decline both offers by the Chief Constable but stress that the Commission was declining to meet *at this stage*. It was agreed that the issue of the threats to defence lawyers should be discussed at the next Commission meeting and that to inform that meeting the Cumaraswamy Report should also be copied for all Commissioners.

(b) Contact with the Northern Ireland Office

A senior member of the NIO had been in touch with the Chief Commissioner to discuss the appropriateness of his acceptance of an invitation to speak at a particular event. He had also raised the signing by some Commissioners of a recently published petition. The Chief Commissioner reported that he had stressed the Commission's independence from government. It was agreed that if the NIO wished to raise questions about the Chief Commissioner's or any other Commissioner's activities, it should write to the Commission saying exactly what its difficulties were. The Chief Commissioner undertook to pass on this sentiment.

(c) Service level agreement

The Chief Commissioner reported that he had signed a Service Level Agreement with the Government Purchasing Agency, effective from 1 April, so that the Commission can more easily access a range of goods and services while not running foul of the legal rules on procurement. The goods covered are computer equipment and software, IT consumables, furniture and fittings, photocopiers and stationery. The services covered are banking, cleaning, IT consultancy, managerial consultancies, IT maintenance, printing, travel and waste paper disposal. The Commission is free to make contracts with other suppliers if it gives adequate notice to the GPA. The Chief Commissioner was completely certain that this arrangement would not compromise the Commission's independence from the Government.

In furtherance of this Service Level Agreement, the Chief Commissioner is pursuing the design of a logo and the development of a website.

#### (d) Premises

It was agreed that the Valuation Lands Agency should conduct negotiations on the Commission's behalf with a view to obtaining the first floor of Avenue House as its permanent location.

#### (e) Planning day(s)

On the basis of returns so far received, it seemed that the most appropriate day(s) for a planning session might be 12, 13 or 14 April 1999.

It was decided an all day session should be held on 12 April at a hotel in Templepatrick. This would address some of the policy issues which have already arisen at the Commission's meetings as well as work on the Commission's strategic and business plans. The meeting with Caitriona Ruane planned for that day would be rescheduled to Wednesday 14 April at 2.00pm.

To help it become informed about what should be contained in its Strategic Plan, the Chair recommended that the Commission should hold a series of consultative meetings with interested sectors in Northern Ireland. Possible sectors include:

- business and trade unions
- the political parties
- other statutory bodies with a related remit
- community and voluntary organisations
- church leaders
- practising lawyers.

It was accepted that young people should be included on this list and that some of the meetings should occur outside Belfast and be facilitated by existing networks.

The Human Rights Centre at Queen's University is organising a seminar to discuss what the agenda of the NIHRC should be. It will take place on Saturday 24 April 1999.

### 3.4 Draft Mission Statement

The Commission discussed the draft Mission Statement included in the papers for the 2nd Commission meeting. Subject to the insertion of the word 'policy' on two occasions in the first paragraph, and of the words 'independently' and 'independent' in the first and second paragraph respectively, the Statement was agreed.

### 3.5 Staffing

The Research Officer left the room for this discussion.

The Chief Commissioner noted that Mr Dominic McGoran would be leaving the Commission a few days earlier than planned on 26 March. He would be taking up a post at the NI Assembly. The Chief Commissioner thanked Mr McGoran sincerely for all his invaluable help and advice during this initial month of the Commission's existence and wished him well for the future.

The Chief Commissioner tabled a proposal on staffing which identified priority posts amongst those listed on paper 2.3 (distributed at the 2nd Commission meeting). He also tabled a paper from Professor Hadden outlining what he considered to be the Commission's priority concerns. After considerable discussion as to the appropriate number and level of staff to be appointed, both initially and at a later stage, the Commission agreed to advertise the following posts as soon as possible, though each of them is to be limited to a two-year appointment in the first instance:

Chief of Finance and Administration (Grade B(1), formerly DP)  
3 Administrative Officers (Grade D(1), formerly AO)  
Education worker (Grade B(2), formerly SO)  
Research worker (Grade B(2), formerly SO)  
Case worker (Grade B(2), formerly SO)  
Investigations worker (Grade B(2), formerly SO)  
Development worker (Grade B(2), formerly SO)

These posts would cost approximately £247,000 per annum. In due course the Commission will consider whether to create the posts of Chief of Education, Research and Information and Chief of Casework and Investigations. The Chief Commissioner asked for three volunteers to sit on a staffing committee to assist him with drawing up the advertisement, job descriptions and personnel specifications for these posts. Ms Hegarty, Ms Kelly and Mr Donnelly said they would be happy to serve on such a committee. It was also agreed that other Commissioners should assist at the interviewing stage and that an independent external assessor should be invited to be involved as well.

### 3.6 Any other business

The Chair referred to the recent assault on a 13-year-old boy in Newtownards and asked members to consider a draft Press Release on the subject which he had tabled. While he accepted that there were difficulties, in that technically only states are bound by international human rights law, such assaults are indubitably violations of human rights and the Commission should say so. This was especially important now for the Commission as the issue of such beatings was to the fore and there was a constituency which expected the Commission to say something.

In the discussion which followed, the points were made that there were also those in NI who do not believe that the Commission would ever address non-state violence; such attacks were common and the Commission had to be consistent, eg the Commission had been silent on the murder of Mr Frankie Curry; something more than condemnation of a single attack was needed. Also there were problems about categorising 'punishment beatings' and the Commission could not be sure of all the circumstances of a particular case and could act on the wrong conclusions. Against this, the point was made that if the Commission equivocated, it may be seen as too academic. The issue needed to be viewed in the context of the ongoing debate on restorative justice. It was also stated that the Commission should deal with issues by (a) tabling them on the agenda and (b) preparing papers prior to the next discussion in order that Commissioners would have a chance properly to consider the issue

It was concluded that, in view of the importance of this as a policy issue, with many ramifications, further detailed discussion was required before a public statement was made.

The Commission needed to be informed about what international human rights law said about non-state violence in order to be able to come to a reasoned decision. Professor Hadden agreed to provide a paper on what international conventions said about non-state violence.

The meeting concluded at 5.30pm.