

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 30th Commission Meeting

Held on Monday 11 June 2001

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

Present: Brice Dickson, Chief Commissioner
Tom Donnelly
Tom Hadden
Inez McCormack
Frank McGuinness
Margaret-Ann Dinsmore (*from 4.40 pm*)

In Attendance: Paddy Sloan, Chief Executive

Apologies: Christine Bell
Harold Good
Paddy Kelly

1.0 Commissioners expressed good wishes to the Reverend Harold Good on his installation as Head of the Methodist Church in Ireland.

2.0 Minutes of the Previous Meeting

2.1 The minutes were agreed as an accurate record.

3.0 Matters Arising

3.1 Offensive Website

A reply has been received from Param Kumaraswamy indicating that the website no longer exists. Commissioners agreed that in this instance no further action could be taken.

3.2 Evidence to the US Congressional Sub Committee

A report on this meeting will follow.

3.3 Casework

A record of the costs of all the cases pursued by the Commission to date is to be prepared for Commissioners.

3.4 Correspondence with Mr Andrew Boyd

The Chief Commissioner has communicated the Commission's decision to Mr Boyd and is currently seeking to terminate ongoing correspondence.

3.5 CCTV Scheme in Derry/Londonderry

Staff will be asked to review the Code of Practice on the use of CCTV as forwarded from Derry/Londonderry.

3.6 NI Committee Against Terrorism and the Omagh Support and Self-Help Group

The NI Committee against Terrorism and the Omagh Support and Self-Help Group are seeking help from the NIHRC. The Chief Commissioner will prepare a response for consideration at the July Commission meeting.

4.0 Chief Commissioner's Report

4.1 Evidence to the Scottish Parliament on a Human Rights Commission for Scotland

The NIHRC should prepare a paper outlining the background to the NIHRC, a note of achievements to date together with short answers to the questions posed in the consultation document. The Chief Commissioner will draft a response highlighting the issues of powers, resources and the importance of the Paris Principles. The Commission is supportive of the establishment of a Scottish Human Rights Commission.

4.2 Submission to the Westminster Joint Parliamentary Committee on Human Rights

The Chief Commissioner will draft a response to this consultation document on the need to establish a UK Human Rights Commission. Any response to this enquiry should include a copy of the Commission's Review of Powers.

4.3 Children's Commissioner

The agreed position of the NIHRC on a Children's Commissioner for Northern Ireland is that:

- The NIHRC supports the establishment of a fully independent Children's Commissioner.

- This Commissioner would be separate from the NIHRC but with a relationship to it comparable to the relationship with the Equality Commission.
- A Children's Commissioner should cover reserved matters such as criminal justice as well as non-reserved.
- The Children's Commissioner needs adequate resources and powers.
- A Children's Commissioner should apply international standards such as the UN Convention on the Rights of a Child.

4.4 Family Planning Associations Judicial Review

Commissioners agreed that at this juncture it is premature to take a position on the FPA's action. The NIHRC will not take a position on this issue until after the Bill of Rights has been produced.

4.5 Confidentiality and Child Protection Policies

Advice from counsel was received and circulated to Commissioners. Responses are to be returned to the Chief Commissioner by the end of the week.

5.0 Chief Executive's Report

5.1 Finance

- 5.1.1 The accounts for the year 2000/2001 are to be completed by the end of June in preparation for audit.
- 5.1.2 The financial report clearly indicates that the current budget of £750,000 will not be a workable figure for the Commission to function adequately for the year 2001/2002.
- 5.1.3 A further revised Business Plan is ready for submission to the NIO for additional resources.
- 5.1.4 The supplementary bid for funding for the Bill of Rights consultation process was submitted on 21 May 2001. This has not as yet been acknowledged.

5.2 Staffing

The Health and Safety Executive has been approached for advice on the viral illness affecting three members of staff. A representative will visit the Commission and speak with staff.

5.3 Albie Sachs Conference

It was agreed that in addition to the MLAs and political parties who had already been invited to meet with Judge Albie Sachs on Saturday 16 June 2001 at the NIHRC, the members of the Bill of Rights Consortium should also be invited to attend.

5.4 Human Rights Act Jurisprudence

Stephen Livingstone has agreed to postpone the seminar on the developing jurisprudence under the Human Rights Act until Friday 7 September 2001. This will take place from 12 noon until 2.00 pm at the NIHRC.

5.5 Casework Budget

5.5.1 In the context of the limited budget available to Commissioners it was necessary to reconsider the Casework recommendation to support a case to the House of Lords. The NIHRC has agreed initially to support this case and costs could rise to £35,000. The Commission has been asked to pay £25,000 in advance of proceedings. In addition the Commission has sought leave to appeal to the House of Lords on the Lord Chief Justice's decision precluding the Commission from intervening in court proceedings. This case too is potentially very costly. The Caseworker joined the meeting at this point to provide further information to Commissioners. Having outlined the options and potential implications the Caseworker then left the meeting. Inez McCormack expressed her concern regarding the costs associated with having to take a case to the House of Lords to vindicate the Commission's powers rather than using those resources for the promotion of human rights.

5.5.2 Inez McCormack wished her views to be noted that the restriction of powers as evidenced by the lack of co-operation and provision of information under our investigation powers, the removal of the power to make third party interventions and amicus curiae, the under funding of the casework budget and the broader under funding of the Commission have brought the Commission to the stage, in her view, that it can no longer carry out the full range of duties under the Northern Ireland Act and as an independent Human Rights Institution.

Inez McCormack wished it to be noted that in her view the restriction of powers as evidenced by the lack of co-operation and provision of information under the investigatory powers; the removal of the Commission's power to make third party interventions in the courts; the under-funding of the Casework Budget and the broader under-funding of the Commission have brought the Commission to the stage where it can no longer carry out the full range of duties under the Northern Ireland Act nor act effectively as an independent human rights institution.

After extensive discussion it was agreed:

- To prioritise the two cases to the House of Lords.

- To submit with the revised business plan a covering letter explaining clearly how the lack of adequate resources is undermining the effectiveness of the Commission.
- That the Chief Commissioner should at the same time write to the British and Irish Prime Ministers and to the UN High Commissioner on Human Rights outlining the constraints of inadequate resources on the effectiveness of the Commission.

5.6 Finance and General Purposes Committee

The Finance and General Purposes Committee minutes were considered and the following recommendations agreed:

- The role of the NIHRC in the Department of Education initiative seconding two teachers in each Board area to work on human rights, will be led by the Education Committee. However Finance and General Purposes need to be kept informed of the required commitment in terms of staff resources. A meeting with the Department of Education is scheduled for 14 June 2001.
- The current discretion of the Casework Committee to decide whether or not to support a case should be limited to £10,000. Any cases that are likely to cost more than £10,000 need to be considered by the full Commission.
- The request from two members of staff for support to undertake the LLM course in Human Rights at Queen's University was agreed. The NIHRC will pay for the tuition costs for both members of staff. Classes will be undertaken outside of working hours and study leave will be at the discretion of the Chief Executive according to our policies. As most resource materials will be available within the Commission there is no additional support required.

5.7 A dinner for staff and Commissioners is to be held on Monday 2 July 2001, subject to confirmation with staff.

6.0 Policing

6.1 Plastic Baton Rounds

The report on Plastic Baton Rounds was published on 1 June with a high level of publicity. A meeting was arranged with the United Campaign Against Plastic Bullets but there was some misunderstanding over the date and the meeting did not take place. It has been rearranged. A report will follow on the meeting with Adam Ingram held on 31 May.

- 6.2 A high profile advertisement has been placed in the press for a Human Rights Lawyer with the RUC.
- 6.3 At the Investigations Committee meeting on 22 June priorities for next year will be considered. There is a lot of interest in police accountability, the role of the DPP and inquest procedures. An update on policing issues will be provided at the next meeting. At present the priority for Commissioners and staff is the Bill of Rights work.

7.0 Bill of Rights

- 7.1 A paper presented by Inez McCormack highlighting the need for clear criteria to justify the inclusion of an issue in the Bill of Rights was noted and will be borne in mind during the preparation of the preliminary advice to government.
- 7.2 Commissioners will travel to Derry/Londonderry on 18 June 2001 to ensure that Christine Bell can join the debate on Implementation. This will be held at Magee College from 2.00 pm – 6.00 pm.

8.0 Global Initiative to End Corporal Punishment of Children

It was agreed to support this position which already has the endorsement of the UN High Commissioner on Human Rights.

9.0 Committee Reports

Reports were welcomed with the only matter arising being a further request for a breakdown of Casework costs.

10.0 Review of Powers

Correspondence has been received from the CAJ seeking some clarification on the timeframe for response by government to the Review of Powers. It was agreed that the Chief Commissioner would prepare a response to the CAJ to be circulated to Commissioners for comment.

11.0 Pat Finucane

- 11.1 Frank McGuinness tabled a report drafted by himself and a strategy proposal prepared by Christine Bell and himself.
- 11.2 It was agreed that the Commission should prepare a paper in support of an independent inquiry into the Pat Finucane case. The Investigations Workers will be asked to work with Frank, Paddy Kelly and Christine in the preparation of this paper.

12.0 Rosemary Nelson

- 12.1 It was agreed that the Chief Commissioner would write to the Police Ombudsman to check the scope of her inquiry into complaints relating to threats against Rosemary Nelson. In addition the Chief Commissioner would approach the UN Special Rapporteur Param Cumaraswamy and explore the opportunity of the Commission meeting with him.
- 12.2 Some Commissioners felt a call should be made immediately for an independent public inquiry while others felt more information was required. All Commissioners acknowledged the need for support to be made available to defence lawyers currently under threat and agreed that a compilation should be made of the international standards relating to the protection of defence lawyers. It was also agreed to contact Paul Nelson and the Campaign for an Independent Public Inquiry into the killing of Rosemary Nelson and seek to meet with them.
- 12.3 This will be an item on the agenda of the next Commission meeting.
- 13.0** There being no more business the meeting finished at 6.15 pm.