

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 31st Commission Meeting

Held on Monday 9 July 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
Inez McCormack
Frank McGuinness

In Attendance: Paddy Sloan, Chief Executive

Apologies: Christine Bell

1.0 Minutes of the Previous Meeting

The following amendments to the minutes were agreed.

- 1.1 Under Children's Commissioner at point 4.3 the second bullet point is to be amended to read, "this Commissioner would be separate from the NIHRC but with a relationship to it *comparable to the relationship with the Equality Commission*".
- 1.2 Under Casework Budget at 5.5.1 an additional sentence is to be added '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.'
- 1.3 Also under Casework Budget at 5.5.2 add an additional point to read '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.'

2.0 Matters Arising

2.1 The Family Planning Association Judicial Review

An enquiry has been received from Bernie Smith on whether the NIHRC will support the FPA's position. The Chief Commissioner will write to Ms Smith indicating that the Commission has not taken such a position at this time.

2.2 Casework Budget

The Chief Commissioner has written to the British and Irish Prime Ministers and to the UN High Commissioner on Human Rights regarding the budgetary constraints on the Commission. Acknowledgements have been received from the two Prime Ministers.

2.3 Review of Powers

The Chief Commissioner has written to the CAJ in response to their enquiry about the government's response to the Commission's Review of Powers.

2.4 Confidentiality and Child Protection Policies

Provisional policies are currently in place and a final version of these needs to be prioritised. The Chief Commissioner will take this forward with advice from legal counsel. Training for staff in the operation of the policies will also be arranged.

2.5 Finance and General Purposes Committee

Under point 5.6 the discretion of the Chief Executive to allocate study leave will be tempered by the policies of the Commission. The sentence referring to this in the minutes is therefore to be amended. Under 5.6 the third bullet point will be amended to include "..... according to our policies" after the discretion of the Chief Executive.

2.6 Rosemary Nelson

2.6.1 The Chief Commissioner has contacted the special UN Rapporteur Param Cumaraswamy to arrange a meeting with the Commission. There has to date been no response by letter or by telephone.

2.6.2 It is now considered appropriate by Commissioners that the Chief Commissioner should contact Paul Nelson to arrange to meet with him.

3.0 Chief Commissioner's Report

3.1 Submissions on the Scottish Human Rights Commission, Funding of Inquests and to the Joint Parliamentary Committee on Human Rights were all circulated to Commissioners and submitted.

3.2 Submission to the UN Human Rights Committee

The Commission was under pressure to meet a deadline with this submission and it was sent without seeking Commissioners' views. A further submission developing the initial comments will be made towards the end of September and Commissioners will have an opportunity to contribute to that document. It was noted by Commissioners that this is not an ideal way to proceed and that a major submission such as this ought to be considered by the full Commission prior to submission as discussed with the Chief Commissioner.

3.3 Report on the Rights of Lesbians, Gays and Bi-Sexual Persons

It was agreed to publish the report as it now stood, early in August.

3.4 Approach by Trocaire on Human Rights Resources for Post Primary Schools

Frank McGuinness left the meeting during this discussion.

Although some informal discussion has taken place between the Commission and Trocaire on this issue a formal application has not as yet been received. It was agreed that the Chief Commissioner would review the submission in the light of the Commission's Strategic Plan and it would be discussed by the full Commission after the application has been received.

Frank McGuinness rejoined the meeting.

3.5 Irish Human Rights Commission

There has to date been no confirmation of the statutory establishment of the Irish Human Rights Commission.

3.6 Invitation to address the Asia Pacific Human Rights Institutions

The Commission agreed that it was appropriate for the Chief Commissioner to accept an invitation to address the Asia Pacific Human Rights Institutions at a conference on NGOs and National Human Rights Institutions in Sri Lanka on 23 and 24 September.

3.7 Case against the Commission

The Chief Commissioner advised Commissioners of further developments in this case as a result of legal advice.

3.8 UNICEF Invitation to attend a meeting of Independent Human Rights Institutions for Children in New York in September

The Chief Commissioner felt that the NIHRC should be represented at this meeting and it was agreed that Paddy Kelly would attend, subject to availability. Paddy Kelly would also attend the special session of the General Assembly on Children's Rights.

3.9 Conference on Democratic Rights

The NIHRC has been approached by Peter Emerson with a proposal to organise a conference on democratic rights. It was agreed that this proposal be deferred for six months as Peter Emerson is currently out of the country.

3.10 Prison Visits

Visits will be arranged for Commissioners to Magilligan, Magheraberry and Hydebank Young Offenders Centre. A visit to Mourne House at Magheraberry where asylum seekers are held was considered important and both Harold Good and Inez McCormack wished to be involved.

3.11 The Department of Foreign Affairs Annual Forum for NGOs

This annual event will be held in Dublin Castle on 21 July. Both the Chief Commissioner and the Chief Executive will be on annual leave. It was agreed that Margaret-Ann Dinsmore and Frank McGuinness would represent the Commission. Harold Good and Inez McCormack may also be able to attend.

3.12 Tom Hadden agreed to represent the Commission at a cross party meeting on Human Rights Institutions held in Westminster on 10 July 2001.

4.0 Chief Executive's Report

4.1 Finance

4.1.1 Commissioners were concerned that there had been no further advice from the NIO regarding the supplementary bid for Bill of Rights funding and the bid for additional core funding. The Chief Commissioner is to contact Anita Bharucha and if necessary the Minister.

4.1.2 The Finance and General Purposes Committee meeting scheduled for 19 July is to be rearranged.

4.1.3 The annual accounts for the Commission were approved for the year 2000/2001 ready for submission to the Secretary of State and the Comptroller and Auditor General. The Chief Executive is to ensure that a note is inserted to the accounts to explain the underspend as presented at present.

4.2 Staffing

4.2.1 The staff manual is to be reviewed by Jones and Cassidy and with their advice to be brought to the next Commission meeting.

4.2.2 John Kremer will undertake a training session on equality with staff on 24 August 2001. This session will be for staff only. It may be appropriate to organise a similar session with Commissioners and the situation will be reviewed after 24 August.

- 4.2.3 A staff planning day will be organised on 21 August and Commissioners will join staff for dinner that evening.

4.3 Publications

The proposed cover for the Bill of Rights consultation document was circulated. Commissioners requested that some of the text in the tunnel be removed; that politicians not be represented in the photographs on the cover and they questioned the concentration of young people in the photographs. The text of the consultation document is to be finalised by 20 July and a summary produced as soon as possible.

4.4 Bill of Rights Conference Events

Paddy is to discuss with Harold Good the possibility of involving Roelf Meyer in an event with the Faith Communities.

5.0 Policing

5.1 The Developments on Policing paper presented to Commissioners was noted.

5.2 Plastic Baton Rounds

The note of the meeting between the NIHRC and the UCAPB had been widely circulated. The Chief Commissioner did not consider the note to be an accurate reflection of the meeting and has written to UCAPB to express his concerns. His response will be circulated to the UCAPB circulation list also. After some discussion it was agreed that the Chief Commissioner would draft a public statement urging the police not to use plastic baton rounds for the purposes of crowd control but not at this stage calling for an absolute ban on their use. This public statement will be circulated to all Commissioners prior to release. It will be sent to the RUC, the Security Minister, the NIO and ACPO, as well as to the press.

5.3 RUC Conference

The conference *Policing and Human Rights* being held in Belfast on 1 and 2 October 2001 will involve the Chief Commissioner as a key speaker. Tom Hadden has also been invited to represent the Commission on a panel at the event but he felt it important to ask other Commissioners if they wished to attend in his place. It was agreed that Christine Bell should be asked and if she is not available, Tom Hadden will represent the Commission as requested.

5.4 Consensia Partnership

It was agreed that the Equality Commission would be approached for advice on how the Consensia Partnership is conducting the recruitment exercise for the new Police Service.

6.0 Bill of Rights

- 6.1 A letter has been received from the Bill of Rights Consortium appealing to the Commission to extend the consultation period for the draft advice and to allow members of the Consortium to see an advance copy of the Bill of Rights text in order to prepare for the consultation period.

It was agreed that the consultation period could not be extended and that the text would not be released any earlier than a few days prior to the launch with an embargo until the launch date.

6.2 Launch of the Consultation Document

- 6.2.1 An options paper prepared by the Chief Executive was considered. It was agreed that a major event should be organised, similar to the launch of the Working Group Reports. A keynote speaker is to be identified and approached. It is particularly important that every home is aware of the launch and editors of newspapers should be approached.
- 6.2.2 To encourage press coverage the launch was moved from Monday to Tuesday 4 September at 10.00 am.

7.0 Rosemary Nelson and Pat Finucane

There was no further discussion on this issue as the paper presented at the June Commission meeting had not been developed. A meeting will be arranged with Hugh Orde during the month of August.

8.0 Committee Reports

- 8.1 The reports of the various Committees and the Information Worker's report were considered by Commissioners.
- 8.2 Casework

The cost of all cases commissioned to date is to be presented to Commissioners. In addition a section 75 monitoring of solicitors and counsel used is to be undertaken. A similar exercise is to be undergone for research that has been commissioned for the Legislation and Policy Committee.

- 9.0** There being no other business the meeting closed at 6.00 pm.