

**NORTHERN IRELAND HUMAN RIGHTS COMMISSION**

**Minutes of the 38<sup>th</sup> Commission Meeting**

**Held on Monday 11 February 2002**

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

**Present:** Brice Dickson, Chief Commissioner  
Margaret-Ann Dinsmore  
Tom Donnelly  
Christine Eames  
Harold Good  
Tom Hadden  
Inez McCormack  
Frank McGuinness  
Kevin McLaughlin  
Patrick Yu

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

**Apologies:** Christine Bell  
Paddy Kelly  
Chris McGimpsey

**1.0 Minutes of the Previous Meetings**

1.1 The minutes of the meeting of 14 January 2002 were agreed as an accurate record.

**2.0 Matters Arising**

2.1 World Conference on Racism

To date this has been addressed through the Joint Committee with the Irish Human Rights Commission. A paper will be prepared on the potential role of the NIHRC following a meeting being convened by the Northern Ireland Council on Ethnic Minorities on 5 March 2002, at which the role of the Commission, NGOs and the Equality Commission will be clarified in contributing to the Home Office National Action Plan. The Home Office will be in correspondence with the NIHRC regarding this initiative.

### **3.0 Chief Commissioner's Report**

#### **3.1 Peter Hosking's Evaluation**

The status of this report is at the discretion of the Commissioners. When it is delivered it will be discussed either at a regular Commission meeting or, if necessary, at a special Commission meeting.

#### **3.2 Visits to places of detention**

Mourne House will soon be closing and it is important that the Commission visit prior to its closure in order to assess the implications of that change.

#### **3.3 Council of Europe Convention on Migrant Workers**

The Chief Commissioner will write on behalf of the Commission to urge the UK Government to ratify this Convention.

#### **3.4 British Council Conference in May**

The UN High Commissioner Mary Robinson will attend the final day of this conference. A positive endorsement of social and economic rights should be discussed in advance as the Secretary of State has also been invited. Inez McCormack will talk to the Chief Commissioner about this.

#### **3.5 Parades Commission Working Group**

Clarification is still required as to the Parades Commission's expectations of the NIHRC contribution to this group, which is to look at compliance with Article 11 of the ECHR in decisions made on parading.

#### **3.6 Strategic Plan**

A further draft of the NIHRC Strategic Plan was tabled. Commissioners have been asked to comment within two weeks to allow preparation of a final draft for public consultation.

#### **3.7 Ulster Human Rights Watch**

Correspondence with this organisation was tabled. Staff concerns have been referred to the Finance and General Purposes Committee and an anti-harassment and staff safety policy will be drafted for agreement by the full Commission.

### 3.8 Next Commission Meeting

The next meeting is scheduled for 11 March 2002. The Chief Commissioner will however be in South Africa at that time attending a British Council event for Human Rights Institutions globally. It was agreed to bring the next Commission meeting forward by one week to the 4 March 2002. This meeting will not now, as previously agreed, take place in Armagh but in Belfast at the NIHRC offices. A future Commission meeting will be held in Armagh.

### 3.9 Protection of Defence Lawyers

A discussion of this issue will be led by Frank McGuinness, Paddy Kelly and Christine Bell at the March Commission meeting. It was agreed that a press release would be issued on the anniversary of the Pat Finucane's murder, which would draw attention to the imminent publication of the Stevens Report and call for that report to be published.

All new Commissioners will be sent the background papers on Pat Finucane and Rosemary Nelson's murders.

## 4.0 Chief Executive's Report

### 4.1 Business Plans

It was agreed that the level of detail in the NIO's previous correspondence on finance should be considered by the Finance and General Purposes Committee. Some Commissioners felt that the level of detail coming from officials was unusually directive.

4.2 Finance and General Purposes Committee Minutes should be included in the papers.

4.3 It was agreed that the commitment to undertake an investigation in partnership with Help the Aged had been made and that the Commission would continue with this project, despite funding being made available for this purpose from the NIO for this year only.

## 5.0 Committee Reports

*At this point staff joined the Commission to address issues arising out of their reports.*

### 5.1 Equality Committee

The revised composition of this Committee will be dealt with during the discussion on Standing Orders.

5.2 Bill of Rights Committee

5.2.1 Meeting with political parties is an ongoing process involving most Commissioners.

5.2.2 The strategy for the next phase of the Bill of Rights drafting and consultation will be discussed at the forthcoming residential on 22/23 February.

5.2.3 The Bill of Rights Committee minutes at point 3.10 require to be separated into two separate sections.

5.3 Children and Young People

A report was noted.

5.4 Casework Committee

5.4.1 A procedures paper for Casework will be considered at the next Casework Committee meeting.

5.4.2 The proposed Memorandum of Understanding with the Legal Aid Department of the Law Society will be circulated to all Commissioners for consideration.

5.4.3 The House of Lords case on third party interventions will be heard on 11 and 12 March with judgment expected before the summer.

5.4.4 The Holy Cross Girls' School case has been adjourned for mention on 1 March 2002.

5.5 Education Committee

The Education Committee report was noted.

5.6 Finance and General Purposes Committee

Report noted. Notes of 14 January meeting to be provided for March Commission meeting.

5.7 Information Worker's Report

Report noted.

5.8 Investigations and Research Committee

Report noted.

5.9 Legislation and Policy Committee

Report noted.

5.10 Staff were thanked for their attendance and at that point left the meeting.

### **6.0 Standing Orders**

6.1 Proposed changes in the Standing Orders were identified in paper 37.5.

6.2 It was agreed that minutes of Committees should be approved before going to the full Commission. Any urgent decisions required can be referred to the Commission in a staff report.

6.3 There is still no agreement among Commissioners on the meaning of consensus. Commissioners will submit in writing their suggested definitions to the Chief Commissioner prior to the next Commission meeting for further discussion.

6.4 It was agreed that the quorum for the Commission would be seven Commissioners for all purposes. Inez McCormack as Chair of the Equality Committee will liaise with the Chief Commissioner regarding the explicit inclusion of section 75 considerations into the Standing Orders. This will then be considered by Commissioners.

6.5 “Financial and professional benefit” as opposed to “interest” as described in paragraph 33 of the Standing Orders will be reconsidered by Commissioners.

6.6 All other proposed amendments to the Standing Orders were agreed.

### **7.0 Juvenile Justice Report**

*Dr Linda Moore joined the Commission at this point.*

7.1 Congratulations were offered to the staff and Commissioners involved in the production of this report and to Ursula Kilkelly, the external researcher.

7.2 With regard to comments due from the Juvenile Justice Board, Commissioners agreed to stick to the original timescale for publication. Any comments from the Board should be asked for in writing and any factual inaccuracies amended.

7.3 Commissioners were anxious to ensure that it is clear in the report that, if PACE referrals or confinements are to continue, appropriate facilities must be provided.

7.4 The report will be launched on 7 March 2002 in Belfast by the Chair of the UN Committee on the Rights of the Child, Mr Jaap Doek.

*At 4.30 pm Tom Hadden left the meeting.*

**8.0 Lesbian, Gay and Bisexual Rights Report**

*Christine Loudes joined the meeting.*

- 8.1 After substantial discussion of the recommendations it was agreed to approve those in the fourth, seventh, eighth, ninth, tenth and eleventh bullet points. The Commission would return to a consideration of the other points at a future meeting.

*At 5.00 pm Patrick Yu left the meeting.*

**9.0 Policing**

- 9.1 A meeting has been arranged with the Policing Board on 27 February at 4.00 pm. It will discuss, amongst other matters, the need for a protocol with the NIHRC.

- 9.2 A draft response to the PSNI draft Programme of Action on Human Rights has been circulated to all Commissioners for comment.

**10.0 Bill of Rights Update**

- 10.1 Meetings will be held on 15 February and 18 February as agreed and papers will be circulated to Commissioners in advance.

- 10.2 A meeting has been arranged with NIO officials on 7 March at Parliament Buildings.

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