

**NORTHERN IRELAND
HUMAN RIGHTS COMMISSION**

**Minutes of 4th Meeting
Monday 12 April 1999, 9.30am
Stakis Park Hotel - Templepatrick**

Present: - Brice Dickson
Christine Bell
Margaret-Ann Dinsmore
Tom Donnelly
Harold Good
Tom Hadden
Angela Hegarty
Patricia Kelly
Inez McCormack
Francis Mc Guinness

In attendance:-
Denise Magill (Research Officer)

1. Apologies: None

2. Minutes of the 3rd meeting on 22 March 1999

Concern was expressed that the style of the minutes of the 3rd meeting departed from the style of minutes members had agreed upon. Rather than merely recording the consensus position, the minutes also reflected some, but not all, of the points raised by members during the discussion.

Following a detailed discussion it was agreed that:

a) The following discussion points made by two of the Commissioners which had been omitted from the minutes of the 3rd meeting should be added:

3.1 After 'report back' insert 'their recommendation' and after 'to the Commission' insert 'for final action'.

3.3(a) 3rd Paragraph At the start of the 4th sentence, insert, 'Some thought'. Before the 5th sentence, insert a new sentence, '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.'

5th Paragraph Insert at the beginning of the last sentence: '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.'

3.3(e) Insert under paragraph 3 at the beginning of the list of possible sectors: '..business and trade unions.'

3.5 Insert a new paragraph at the end of 3.5. 'It was agreed that the issue of a budget heading for the proposed North-South Joint Committee would be discussed at the Commission's planning day.'

3.6 At the end of the second paragraph insert two new sentences in consecutive order: '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 the 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 issues.' At the beginning of the 4th paragraph insert a new sentence: '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.'

b) In future the minutes should record only the consensus position. In exceptional circumstances where a commissioner dissents from the consensus view, the minutes should, additionally, reflect the dissenting view(s).

3. Matters arising

3.1 Chief Commissioner's Meeting with Secretary of State: Monday 26 April 1999:

Concern was expressed that in response to a number of requests from the Commission for a meeting, the Secretary of State had offered only one half hour meeting in 8 weeks. The agenda for the meeting was discussed and the Chief Commissioner confirmed that the agenda would be comprised of the 3 issues which he had raised in correspondence with the Secretary of State, namely:

- a) the need for a separate taskforce on incorporation of the ECHR for Northern Ireland.
- b) the nature of the investigation into the murder of Rosemary Nelson
- c) the budget of the NIHRC.

It was agreed that detailed discussion of these 3 issues could not take place during a 30 minute meeting and that a further meeting should be sought between the Secretary of State and the full Commission.

The Commission's line in relation to these 3 issues was discussed and it was agreed that the Chief Commissioner would convey the following positions to the Secretary of State:

- a) the need for a separate NI task force on incorporation:

Preparation of public authorities and civil servants for the implementation of the Human Rights Act 1998, as with any other piece of new legislation, is the responsibility of the Government. The responsibility of NIHRC to promote awareness and understanding of human rights does not include an obligation to provide comprehensive training to all public authorities and to the NI civil service.

The Chief Commissioner should press the Secretary of State very hard to take further action to prepare for implementation of the Human Rights Act in Northern Ireland. The NIHRC should offer to assist in a working group established by the Secretary of State.

- b) The nature of the Investigation into the murder of Rosemary Nelson:

The Chief Commissioner should ask the Secretary of State to invite the UN Special Rapporteur on the Independence of the Judiciary and Lawyers, Dato Param Cumaraswamy, to oversee the investigation into the murder of Rosemary Nelson.

- c). NIHRC budget

This should not be discussed in detail without an NIHRC costing being prepared.

Our existing position should be reiterated, namely that the budget is inadequate to discharge core statutory functions. In addition, a separate, legal budget is required to adequately conduct the Bill of Rights project.

3.2 Meeting with Catriona Ruane - St Patrick's Carnival

The Chief Commissioner was asked what exact issue Ms Ruane is raising with the Commission and it was agreed that this should be clarified once the meeting was re-scheduled.

3.3 Murder of Rosemary Nelson The Chief Commissioner explained the process of amendment by the Editor of the Sunday Times of his letter to the paper which was critical of

an article by Liam Clarke of 28 March 1999 entitled; ‘A Prison Record will see you Right in the North’.

It was agreed that the Chief Commissioner should register concerns with the Press Complaints Commission regarding both the content of the original article and the amendment of his letter to the ‘Sunday Times’ by the editor of the Newspaper.

Concerns should be recorded rather than a formal complaint lodged.

It was agreed more generally that:

i) a very strongly worded press statement should be issued today re-iterating the Commission’s call for an independent investigation into the murder of Rosemary Nelson and calling for the UN Special Rapporteur, Dato Param Cumaraswamy, to be invited to oversee the investigation. The Commission should also seek a meeting with the UN Special Rapporteur, if necessary, by video-link.

ii) this matter should be placed on the agenda of the next Commission meeting to allow for fuller discussion.

3.4 Website and Logo Design The Research Officer reported on progress towards finalising briefs for invitation to tender for the design of the Commission’s logo and its website.

3.5 Premises The Research Officer reported that, due to the Easter period, it had not been possible to obtain updated information regarding the progress of the negotiations of the lease on Avenue House. This would be pursued.

3.6 Consultative Meetings with Community and Voluntary sector in Derry and Fermanagh There was discussion about the Commission’s aims in holding these meetings. It was agreed that:

i) the opportunity to raise awareness should be maximised by seeking local press coverage; and

ii) a basic information sheet on the Commission should be prepared so that those attending have something to take away with them.

3.7 Consultative meetings with the Political Parties

The Chief Commissioner reported that:

i) the only confirmed meeting to date is with the PUP; and

ii) the DUP had turned down the invitation to meet with the Commission.

It was agreed that the meetings with the political parties, as is the case with all of the Commission’s meetings with external bodies at this stage, should be strictly listening exercises.

3.8 Staffing Post-Graduate Student Placements.

It was agreed, following discussion, that a selection process would have to be put in place for the appointment of post-graduate students on placements to assist the Chief Commissioner in advance of the recruitment of permanent staff. It was suggested that some form of contract should be drawn up between the Commission and each student to include issues of confidentiality and insurance.

3.9 Non-state Abuses of Human Rights As Professor Hadden’s paper addressing this issue had only been tabled at today’s meeting, it was agreed to defer discussion to the Commission’s strategic planning discussions.

4. Chief Commissioner's Report

The Chief Commissioner spoke to his written report, already circulated to the Commission. Discussion took place in relation to the following items:

4.1 Aspen Institute, USA

The Chief Commissioner reported on an approach by Michelle Sullivan of the Aspen Institute who had expressed an interest in providing financial support for the Bill of Rights Project.

While the Commission is clear that responsibility for funding the Bill of Rights project lies with Government it was nonetheless agreed to invite Ms Sullivan to address the Commission when it next meets on 10 May 1999.

4.2 Red Cross

The Chief Commissioner reported on his meeting with a local representative of the British Red Cross and on the possibility in the future of working together with the Red Cross in order to produce materials.

4.3 State of the World Forum/Training for members

The Chief Commissioner reported on his invitation to take part in a roundtable discussion on 5 May 1999 at the State of the World Forum. As 5 May 1999 is the 50th Anniversary of the Council of Europe, the Commission was pursuing with the Conference Organisers the possibility of marking the anniversary during the day's proceedings.

The question was raised, in relation to training for Commissioners generally, as to whether or not individual Commissioners should seek to develop areas of specific interest. It was agreed that this question should be addressed as part of the Commission's strategic planning.

4.4 Letterheading

It was agreed that Commissioners' names should appear on the letterheading.

4.5 Form of minutes

The Chief Commissioner reported on the law concerning the recording of minutes and confirmed that the Commission's decision to record decisions rather than the detail of a debate complied with legal requirements.

4.6 Register of Commissioners' Interests

The form which had been circulated to members should be completed and returned to the office.

4.7 Consultation Paper on Reform of the House of Lords

The Chief Commissioner referred to one of the proposals in this consultation paper, namely, that the House of Lords could play a special role in relation to human rights, eg. having a veto on derogations from international human rights standards.

It was agreed that the relevant sections of the paper would be copied and circulated to Commissioners.

4.8 Response to White Paper on Legislation Against Terrorism

One Commissioner expressed concerns about the haste with which the final submission had been issued. While understanding that drafts had been circulated and that the deadline had passed, the Commissioner would have welcomed a further opportunity to consider the final draft prior to issue.

4.9 BBC TV, 'Let's Talk' Review of the Good Friday Agreement

A Commissioner who had deputised for the Chief Commissioner at the studio recording of this programme reported on informal discussions with other individuals in the studio audience. Considerable, detailed discussion ensued regarding the question of what was appropriate for a Commissioner to say or do when representing the Commission at an event.

It was agreed that Commissioners could express a personal view on any human rights issue as long as it was made clear that this was a personal view. This would apply, in particular, where the Commission had yet to take a policy decision on a given issue.

4.10 Proposed amendments to minutes

It was agreed that where Commissioners had proposals to amend the minutes, it would be helpful if these could be provided to the office as soon as possible after the minutes were circulated.

4.11 Intimidation of Defence Lawyers

It was agreed that two documents should be circulated in advance of the next meeting:

- i) UN Special Rapporteur Cumaraswamy's report to 55th session of UN Commission on Human Rights.
- ii) Statement of the International Committee of Jurists to the 55th session of the UN Commission on Human Rights

5 Any Other Business

The Commission agreed to move at this point (12.30pm) into a strategic planning session. (It was agreed at the conclusion of the planning session that the next Commission meeting on 10 May should commence at 10.00am and continue in the afternoon with a further strategic planning session. There was a preference for a venue other than the Commission's premises).