

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 40th Commission Meeting

Held on Monday 8 April 2002

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

Present: Brice Dickson, Chief Commissioner
Christine Bell
Tom Donnelly
Margaret-Ann Dinsmore
Christine Eames
Tom Hadden
Paddy Kelly
Inez McCormack
Chris McGimpsey
Frank McGuinness
Kevin McLaughlin (*By telephone*)

In Attendance: Paddy Sloan, Chief Executive

Apologies: Harold Good
Patrick Yu

1.0 Minutes of the Previous Meeting

1.1 Committee for Victims

With regard to minute 5.3 the agreement was that the report on the Victims' Rights Project was to be circulated to all Commissioners on completion.

2.0 Matters Arising

2.1 The two Commissioners who had agreed to prepare a draft Commission Policy concerning the translation of documents had not yet been able to do so. This will be prepared for consideration at a future Commission meeting.

2.2 It was agreed that a draft set of minutes of Commission meetings should be circulated to Commissioners within a week of the Commission meeting, where possible.

3.0 Chief Commissioner's Report

3.1 Commission Evaluation

3.1.1 It was agreed that Commissioners would devote the session originally dedicated to Bill of Rights work on 22 April from 2.00 – 5.00 pm to discussing the evaluation report submitted by Mr Peter Hosking. A complete version of the report is to be circulated to Commissioners in advance of this meeting.

3.1.2 Commissioners will consider the report from 2.00 pm – 3.00 pm. At 3.00 pm Peter Hosking will join the Commissioners by telephone to discuss the report.

3.1.3 Commissioners who are unable to attend the meeting on 22 April will seek to make their views known to the Chief Commissioner in order to contribute to the discussion.

3.2 House of Lords Debate on the Commission

3.2.1 Copies of the briefing paper prepared by the Commission and the Hansard report of the debate on 18 March have been circulated to Commissioners.

3.2.2 There followed some discussion regarding the need to post Parliamentary Questions on the NIHRC website. All Parliamentary Questions are publicly available through the Parliamentary Libraries. Commissioners agreed to consider developing a “frequently asked questions” section on the website as part of a general website development in a revised communications strategy for the Commission.

3.2.3 Inez McCormack formally notified the Commission that she would be raising the comments of the Lord Laird about individual Commissioners with the UN Rapporteur on Human Rights Defenders. The Chief Commissioner will, on behalf of the Commission, forward any correspondence or commentary of concern to the Special Rapporteur. Other Commissioners may also contact the Rapporteur independently if they so wish.

Inez McCormack formally notified the Commission that she would be raising the systematic attack on the N I H R C and most especially on its links with the Committee on the Administration of Justice and members of the C A J who are also members of the N I H R C with the UN Special Rapporteur for Human Rights Defenders. She stated that she is doing so because Lord Laird in particular, with the assistance on occasion of other members of the Lords, has used parliamentary privilege to regularly demonise the C A J, the Commission and individual members of the Commission. She stated that she is also highlighting that this campaign is dangerous for the individuals involved (at a time when Human Rights Defenders are at risk of physical attack), that it is destructive of the human rights agenda that those individuals espouse and it is a misuse of parliamentary privilege.

3.3 Justice (NI) Bill

An agreed response has been prepared to the latest version of the Justice Bill and will be circulated to all Commissioners.

3.4 Parades

Notes of the meeting between the N I H R C and the Secretary of the Parades Commission were circulated to Commissioners. They are to be revised to make them more readable.

3.5 United Nations Work

3.5.1 A response to the UN's Economic, Social and Cultural Rights Committee on the UK's fourth periodic report is currently being prepared. The Commission will be represented at the pre-hearing on the report in Geneva on 29 April 2002.

3.5.2 The Commission will also be represented at the pre-hearing on the UK's second periodic report to the UN Committee on the Rights of the Child in Geneva on 10 June 2002. The Commission's submission on that report was sent to the UN Committee on 27 March 2002.

3.5.3 There followed some discussion among Commissioners regarding the need to ensure that submissions are strategic and effective. Submissions to the UN Committees should be prioritised and should involve an active engagement with other actors in the field.

3.5.4 The Commission will be represented at the UN Special Assembly on Children's Rights by Paddy Kelly. This event was postponed following the events of September 11th last year and will now be held in New York in May 2002.

3.6 Conferences in South Africa

The Chief Commissioner provided a report on events he attended in South Africa in March 2002.

3.7 Proposal to visit the United States

This proposal will be discussed at a future Commission meeting in light of further information from contacts in the United States and the resources available to the Commission.

3.8 CCTV in Derry/Londonderry

The City Centre Initiative is keen that the Commission formally monitor the introduction of their CCTV scheme in the city. After some discussion it was

decided that the Commission does not have the resources to undertake such a monitoring project and will inform the City Centre Initiative of that position.

3.9 Request for access to documents

A post-graduate student at Oxford University is seeking access to internal Bill of Rights documentation as part of his research. A decision on such access was deferred until a clear policy is developed regarding access to documents. Access by students should be the same as access by anyone else, including journalists. Commissioners are anxious to ensure an open and accessible policy and guidelines will be prepared for consideration at the next Commission meeting.

3.10 Launch of "In our Care"

The staff were congratulated on a successful launch of this document and productive visit by Professor Jaap Doek, Chair of the UN Committee on the Rights of the Child.

3.11 Visit to Mourne House

Harold Good and Brice Dickson visited Mourne House as part of the programme of visits to detention centres in Northern Ireland. A report was tabled. A follow-up letter will be sent to the Prison Service.

3.12 Annual Report

The Chief Commissioner has undertaken responsibility to produce the Annual Report for 2001/2002. It is hoped that a draft document will be available at the May Commission meeting.

3.13 Education Committee

It was agreed that Dr Tony Gallagher be invited to attend the Commission meeting in June 2002 to discuss the Burns Review with Commissioners.

4.0 Chief Executive's Report

4.1 Staffing

4.1.1 Commissioners expressed concern at the limitations imposed on Commission activity if the Commission is to be constrained to operating within its core budget of £774,000.

4.1.2 Consideration was given to allocating a proportion of the core research budget to extend the Researcher's post by 1½ days per week, as has been operating since the beginning of December 2001, for a further two months, until the end of May 2002. There is considerable pressure to secure a final response from

the NIO regarding the supplementary bid for funding to enhance this post on a permanent basis. It was agreed to proceed as proposed.

- 4.1.3 The supplementary bid is also seeking funding to employ a Senior Caseworker for the year 2002/2003. The Chief Executive is to correspond with the NIO regarding the possibility of retaining an Assistant Caseworker for a six-month period during this year prior to the appointment of a Senior Caseworker.
- 4.1.4 The Co-ordinator of the children and young persons consultation process on the Bill of Rights submitted a paper to Commissioners on how best to take the process forward, which included a recommendation that the post be continued. Commissioners are anxious to retain a meaningful engagement with this sector and efforts will therefore be made to secure the continuation of the post during the discussion with the NIO on our bid for supplementary funding on the Bill of Rights programme.

4.2 Finance

Correspondence from the NIO Permanent Secretary regarding the Commission's expenditure during the year 2001-2 was agreed to be circulated. Commissioners noted the Chief Executive's report and decided to continue with existing decisions whilst expressly prioritising the proposed meeting between NIO officials, the Minister and the Finance and General Purposes Committee at the earliest opportunity, preferably before the next Commission meeting 13 May 2002.

Chris McGimpsey left the meeting at 4.15 pm.

5.0 Committee Reports

Development staff joined the Commission meeting at this point.

5.1 Bill of Rights and Children and Young People

Congratulations were offered from Commissioners who attended the Children and Young Persons event organised jointly with the Old Museum Arts Centre.

5.2 Casework

The Caseworker tabled a paper outlining the history of and current status of the Commission's involvement in a case on the Holy Cross Girls' School.

Tom Donnelly left the meeting at 5.10 pm.

The discussion on this case was deferred until after other Committee reports had been considered.

5.3 Committee for Victims

The Victims Report is due to be published in the summer of 2002.

Commissioners are interested in the prioritisation process used by the Committee for Victims in identifying areas of work. The Chief Commissioner agreed to refer this to the Committee for consideration.

Christine Bell requested that the Commission draw up a Framework for Humanity synthesising appropriate international standards and best practice for dealing with non-state human rights abuses as discussed in the first six months of the Commission's existence.

5.4 Development Worker's Report

This report was noted and may further inform the Commission's discussion on the Bill of Rights work.

5.5 Education Committee

The seminar on the Human Rights Implications of the Burns Review will be held on 9 April 2002 at Stranmillis College.

5.6 Information Worker's Report

The joint publication *Human Wrongs Human Rights* with British Irish Human Rights Watch has been published in a third edition and has been well received to date.

5.7 Legislation and Policy Committee

The report was noted and particular attention was drawn again to the need for as wide an engagement as possible prior to the submission of a Commission response to the UK's periodic report to the UN Committee on Economic, Social and Cultural Rights.

Development staff then left the meeting.

6.0 Bill of Rights

Commissioners agreed to defer the discussion on the Bill of Rights until the Commission meeting could be reconvened on Saturday 20 April at 10.00 am – 1.00 pm. It was also agreed that the first intended public meeting planned for 9 May would now not take place.

7.0 Holy Cross Girls' School

It was decided to defer a decision on the proposal to withdraw funding from this case until the casework committee has time to produce criteria for the review of cases in general.

Inez McCormack objected to the proposal from the Chair that financial assistance be withdrawn from the applicants in this case on the grounds of financial pressures and the controversial nature of the case as the proposal, in her view, puts the Commission in serious breach of its duties and powers. It is her view that for the Commission to decide criteria for review of casework assistance in the context of a particular case is an abuse of its duties and powers under the Northern Ireland Act. It is the Commission's duty to decide fair and transparent criteria for the exercise of its responsibilities and to change funding criteria or review a funding decision in light of a request tabled by a respondent to withdraw financial assistance or because of potential embarrassment to the Commission or the Chief Commissioner is, in her view, a completely improper exercise of its powers and duties.

8.0 Next Meeting

8.1 The Commission will reconvene on Saturday 20 April at 10.00 am to complete the agenda from points 7 to 15.

8.2 The Commission will also meet on Monday 22 April from 2.00 pm – 5.00 pm to consider the evaluation report provided by Peter Hosking.

9.0 The meeting closed at 6.15 pm.