

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 41st Commission Meeting

Held on Monday 13 May 2002

At 2.00 pm at Temple Court, 39 North Street, Belfast

Present: Brice Dickson, Chief Commissioner
Christine Bell
Tom Donnelly
Harold Good
Tom Hadden
Inez McCormack
Frank McGuinness
Kevin McLaughlin
Chris McGimpsey
Patrick Yu

Apologies: Margaret-Ann Dinsmore
Christine Eames
Paddy Kelly

In Attendance: Paddy Sloan, Chief Executive

1.0 Agenda

It was agreed to include a discussion on Rosemary Nelson and Billy Wright after Item 6 on the Agenda.

2.0 Minutes

2.1 Minutes of the 40th Commission meeting held on 8th April 2002.

2.1.1 At point 3.2.3 the second sentence is to be amended to read,
“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.”

A second paragraph is to be included in this minute:

“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.”

Chris McGimpsey was also concerned that he had been individually named by Sinn Féin as being unfit to serve on the Northern Ireland Human Rights Commission.

It was agreed that for future practice any verbatim note required to be included in the minutes will be identified and given in writing to the Chief Executive at the time, that is during the meeting and at the time of the discussion.

2.1.2 At point 3.4 the first sentence is to be amended to read
“notes of the meeting between the N I H R C and the Secretary of the Parades’ Commission were circulated to Commissioners.”

2.1.3 At point 3.5.1 reference to be changed to the UK’s fourth periodic report.

2.1.4 At point 3.5.3 the word “ideally” is to be deleted from the second sentence.

2.1.5 At point 4.2 the minute is to be amended to read

“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.”

2.1.6 At point 5.3 a further paragraph is to be inserted

“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.”

2.1.7 At point 7 the minute is to be amended to read:

“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.”

2.2 Minutes of the re-convened 40th Commission meeting held on 20th April 2002

2.2.1 At point 1.3 an additional sentence is to be included “Harold Good also attended this event in his capacity as Head of the Methodist Church in Ireland.”

2.2.2 At point 2.7 the second sentence is to be amended to read

“There is a need to work to a Commission time-frame while bearing in mind the views of political parties, but not to be dependent on external deadlines.

3.0 Matters arising

3.1 A policy for the Commission on translating documents is still to be prepared by Patrick Yu and Paddy Kelly.

3.2 The revised notes of the meeting between the NIHRC and the Secretary of the Parades’ Commission has still to be circulated to Commissioners.

3.3 There is as yet no progress with regard to the treatment of asylum-seekers in detention centres in Northern Ireland. Correspondence to the Prison Service has still to be sent as a result of the Commission’s visit to Mourne House.

3.4 The Commission’s decision not to monitor the operation of the CCTV scheme on behalf of the City-Centre Initiative in Derry/Londonderry has caused considerable disappointment to the CCI who may be in further correspondence on this issue.

- 3.5 The pressures on the casework committee were discussed. There has been difficulty in arranging quorate meetings and Commissioners are concerned at the number of meetings which have had to be cancelled.
- 3.5.1 The development of criteria for the review of cases needs to be treated urgently and should involve the full committee if possible.
- 3.5.2 The Chief Commissioner had circulated draft criteria for review to all Commissioners for consideration at the next meeting on the 23rd May 2002. Both Christine Bell and Harold Good have sent views to the caseworker which will be given to the Chief Commissioner.
- 3.5.3 The current level of trouble in North Belfast puts an imperative on the Commission to act quickly on any contribution it feels able to make to resolve the situation.
- 3.5.4 It is important that a distinction is clearly made between the specifics of the Holy Cross case and the development of general criteria for review.

4.0 The Chief Commissioner's Report

4.1 UN Economic, Social and Cultural Rights Committee

Concern was expressed that the report to this Committee was not given the appropriate level of consideration during its preparation. The criteria used by the Legislation and Policy Committee in prioritising work and evaluating outcomes are to be considered by Commissioners.

4.2 British Council Conference, 14-18 May

Amendments to the programme for the conference were clarified and Commissioners encouraged to attend the dinner on Friday night, the presentation by Mary Robinson and the two Junior Ministers on Saturday morning to be followed by a reception and lunch. The reception is to be hosted by the NIHRC using payment made to the Chief Commissioner for acting as Director to the Conference.

4.3 Visit to the USA

It was agreed that the Commission is not currently in a position to plan a visit to the United States, in particular when resources are so scarce. At a future date a comprehensive visit might be planned and Kevin McLaughlin offered to provide information on the International Visitors Programme.

4.4 Parades Commission

A response is being developed to the Quigley Review which will require serious discussion at a full Commission meeting.

- 4.5 The Chief Commissioner met with the Hassard and Love families with regard to an IRA memorial in Belleek. Their concerns will be further considered by the Committee for Victims.
- 4.6 A paper being prepared by John Packer from the OSCE on minority/community rights is due to be delivered to the Commission within a week. The UN High Commissioner for National Minorities was approached by the Irish Ambassador to be consulted on the content of this paper. It will therefore also have to be offered for consultation to the UK Embassy and it will take longer than expected for advice to be provided.
- 4.7 The Chief Commissioner has now written for a third time to the Secretary of State seeking advice on when we might expect a response to the Commission's Review of Powers and for further details on the measures on sectarianism which he has proposed to undertake and for further information on his proposals in connection with 'on the run' individuals.

This led to a discussion on the need for the Commission to develop a policy on amnesty. It is also related to a need for some work on the implications of the Jordan decision in the European Court. It was proposed that the Commission prepare a briefing on the totality of the implications of Jordan for the Commission's work and on the Human Rights implications of amnesties. This could be discussed at a Commission meeting in order to prepare a briefing to send to the Secretary of State prior to his releasing a position. It was agreed that Christine Bell would draw up terms of reference for the work on Jordan and that the Chief Executive would discuss with staff and the Chief Commissioner how best to take this forward.

3.55pm Harold Good left the meeting.

5.0 Chief Executive's Report

5.1 Peter Hosking Evaluation

It was agreed that Commissioners would meet with NIPSA and staff separately to discuss their views on the Hosking Report.

5.2 Finance

It was noted that the Chief Commissioner is meeting with the Minister Des Browne on 27 May in advance of a meeting still to be arranged between the Minister and the Finance and General Purposes Committee.

- 5.2.1 Financial guidance is required for the Casework Committee in terms of deciding how to proceed.
- 5.2.2 Commissioners again recorded their serious dissatisfaction with respect to the core budget level and the impact of working through supplementary bids on our independence and on the Commissions ability to carry out its statutory functions.

6.0 Rosemary Nelson and Billy Wright

- 6.1 A paper from the Chief Commissioner and notes of the meeting of 2 May 2002 were considered with a view to agreeing the rationale for distinguishing these cases from other unsolved murders.
- 6.2 The importance of the State's duty to protect under Article 2 of the ECHR was highlighted by Commissioners. A paper on the implications of Article 2 and the Jordan decision had been prepared and circulated at the last Commission meeting.

At 5.00pm Tom Hadden left the meeting which was no longer quorate.

At 5.05pm Margaret-Ann Dinsmore joined the meeting which again became quorate.

- 6.3 Further discussion ensued on the text of a statement calling for an independent, international, public, judicial enquiry into the murders of Rosemary Nelson and Billy Wright. Should refer to the Jordan decision and Article 2 and the State's duty to protect as well as to list problems with respect to the independence of the current investigation and the need to deal with the full circumstances of both murders.
- 6.4 The decision taken by the Commission in March 2002 that there would be no call for an enquiry into the Billy Wright murder until the result of the ongoing judicial review is given was discussed. Christine Bell wished to dissent from that earlier decision as she felt judicial review was no longer (if ever) critical to the substantive issues.
- 6.5 It was agreed that the Commission would call for an independent, international, public, judicial enquiry into the murders of both Billy Wright and Rosemary Nelson. Two separate press releases would be prepared for release at the same time. The Chief Commissioner will draft these releases and circulate to Commissioners in advance of issuing to the press.

7.0 Committee Reports

7.1.1 Children and Young People's Bill of Rights Work

Commissioners were encouraged to attend the feedback event planned for the 21 May. The Commission was pleased to note the high level of participation by young people in this event and in the consultation process.

7.2 Legislation and Policy

7.2.1 Criteria for prioritisation of work were discussed at the Committee but have not come to the Commission and will not do so until after the next Legislation and Policy Committee meeting on 18 June.

7.2.2 There was some discussion of the Commission's involvement in international work and e-mail from Inez McCormack and response from staff were discussed. The need for the Commission to engage with local NGOs in preparing responses to Periodic Reports was highlighted. A Commission discussion is required on establishing a balance between the promotion of international standards and the need to focus resources on the local jurisdiction. A discussion of how the Commission manages its international work will take place at the next Commission meeting.

It was noted in response to Inez's e-mail that the Chief Commissioner rarely attends international events unless invited to do so with expenses covered. It is important that Commissioners note that international travel is undertaken very economically.

7.3 Casework Committee

7.3.1 The Deman case was discussed by the full Commission as there had been dissent at the Casework Committee. The Chief Commissioner could not be party to this discussion and Harold Good was therefore contacted by telephone to ensure the meeting was quorate.

Maggs O'Connor joined the meeting at 5.25pm.

Brice Dickson left the meeting and Christine Bell took the Chair.

7.3.2 The case involved on alleged breach of Article 6 and there was dissent within the Casework Committee in seeking Counsel's opinion. The caseworker's advice was to seek counsel's opinion. Following further discussion a consensus emerged to seek junior counsel's advice.

*At 5.45pm Brice Dickson rejoined the meeting and took over the Chair.
Harold Good left the meeting.*

- 7.3.3 The problem of obtaining a quorum for the Casework Committee was discussed. Chris McGimpsey had expressed an interest in joining this Committee but the Chief Commissioner has concerns that a gender and religious balance should be retained among Committees. It was agreed that the Chief Commissioner would keep the position under review.

At 5.50pm Kevin McLaughlin left the meeting.

The meeting closed with a decision to reconvene on 24 May 2002 in order to complete the agenda.