

**NORTHERN IRELAND HUMAN RIGHTS COMMISSION**

**Minutes of the 44<sup>th</sup> Commission Meeting**

**Held on Monday 12 August 2002**

**At 1.00 pm in the NIHRC Offices, Temple Court,  
39 North Street, Belfast**

**Present:** Brice Dickson, Chief Commissioner  
Christine Bell  
Tom Donnelly  
Christine Eames (*from 2.00 pm*)  
Harold Good  
Tom Hadden  
Paddy Kelly  
Kevin McLaughlin (*by telephone*)  
Patrick Yu

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

**Apologies:** Margaret-Ann Dinsmore  
Inez McCormack  
Chris McGimpsey  
Frank McGuinness

**1.0 Minutes**

1.1 The minutes of the 43<sup>rd</sup> Commission meeting were approved as an accurate record.

**2.0 Matters Arising**

2.1 Christine Bell will forward the relevant documents on a Framework for Humanity to the Commission offices for circulation.

2.2 There has to date been no response from Brian Burdekin in the UN High Commissioner on Human Rights office regarding how other National Human Rights Institutions balance accountability to and independence from their respective Governments.

- 2.3 There has to date been no reply from the Prison Service to the Chief Commissioner's request for sight of the report into the death of Mark Fulton in prison. The Chief Commissioner will write again.
- 2.4 The necessary adaptations to the front entrance of the building to facilitate disability access should proceed immediately. Commissioners are content that the Chief Executive arranges for this work to be done despite no progress having been made in determining ownership of the footpath.
- 2.5 Commissioners agreed to undertake training in interview practice for job appointments and also in consensus management. These will be arranged on the second or fourth Monday of September or October according to availability of both Commissioners and trainers. The discussion of Standing Orders will be postponed until after the session on consensus management.
- 2.6 It was agreed that the Chief Commissioner, in conjunction with relevant staff, would clarify the Commission's status as advisors only to the PSNI when attending the meetings of their human rights conference organising committee.
- 2.7 The recent visit of some members of the Committee for Victims to Belleek was discussed. The controversy surrounding the monument there has now been resolved. Commissioners agreed that they should use their discretion when responding to press inquiries "on site". It was agreed that on such occasions Commissioners should stick to the text of any press statement released and make no further substantive comment.
- 2.8 The Investigations Committee is to consider the second set of recommendations in the Lesbian Gay and Bisexual Rights Report and then make recommendations to the Commission.

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

- 3.1 Copies of Parliamentary Questions asked and answered were copied to Commissioners and there are more to follow.
- 3.2 Consideration of the Hosking Review and of other suggestions for restructuring will be facilitated as recommended by the Steering Group. A Facilitator will be appointed following advertisement and this process will be managed by the Steering Group.
- 3.3 Commissioners then discussed the responses that have been copied to the Commission to the Review of the Commission's Powers consultation document. Copies of all submissions will be circulated to Commissioners. On the power to search and seize documents it was agreed that the Chief Commissioner would seek further advice on the extent of the current power. It was also agreed to alter the current draft NIHRC submission to seek power to compel and enforce access to evidence. Any further comments on the draft submission will be given to the Chief Commissioner by Thursday 15 August for submission to the NIO by Friday 16

August. Commissioners also agreed to test the current powers proactively, in particular through judicial review.

- 3.4 Kirsten McFarlane has replaced Clare Salters at the NIO. It is to be hoped that Kirsten will prioritise the Protocol between the NIO and the NIHRC. She has been asked to do so by the Chief Commissioner.
- 3.5 The final draft of the Annual Report has been prepared and any comments by Commissioners should be with the office by the end of August. It is scheduled to be published and laid in Parliament in October.
- 3.6 Dr Maurice Manning has been appointed as the new President of the Irish Human Rights Commission and will meet with the Chief Commissioner before the next Joint Committee meeting on 3 September. Margaret-Ann Dinsmore represented the Commission at a farewell lunch for the outgoing President, Judge Donal Barrington. It was agreed that the Chief Commissioner would write to the Minister for Justice, Mr Michael McDowell, expressing the NIHRC's concern at the manner of the appointment of Dr Manning, with reference to the Paris Principles.
- 3.7 Tom Hadden and Nadia Downing are representing the Commission at the Democratic Dialogue Working Group on Parades, in the capacity of observers. The amended terms of reference of this Working Group are to be sent to Paddy Kelly. The Working Group will be preparing a submission to the Quigley Review and to the NIHRC in September.
- 3.8 Advice from the OSCE on minority/community rights in the Bill of Rights has not as yet arrived although John Packer has assured the Chief Commissioner that it is imminent.
- 3.9 A response has been submitted to the draft proposal for an Access to Justice (NI) Order 2002. Also a lot of work for minimal impact went into a response to what has now become the Justice (NI) Act 2002.
- 3.10 Commissioners discussed the British Council training event scheduled to be held at the Commission offices in October for staff from Commonwealth national human rights institutions. Some advice was provided regarding speakers and there was also a concern expressed that international events should, as far as possible, be made accessible to local groups.

#### **4.0 Chief Executive's Report**

- 4.1 The Staff Manual was approved by Commissioners with all proposed amendments agreed.
- 4.2 Commissioners expressed concern at the lack of progress in the appointment of the additional part-time posts in Investigations and Research as funded through the NIO

supplementary bid in May. Staff and NIPSA concerns regarding these appointments need to be presented in writing to the Commission for their consideration at the September meeting as any decision not to proceed with the posts will have to be taken by the full Commission.

- 4.3 The employment case pending against the Commission was discussed. The Chief Executive is to take forward current legal advice with the Commission's solicitors.
- 4.4 With regard to the Policy currently being developed on use of email and the internet, Commissioners wished to have pornographic abuse explicitly covered in the Policy.
- 4.5 The NIHRC Annual Accounts for 2001-2002 were approved by the Commission for submission to the Comptroller and Auditor General.

## **5.0 Committee Reports**

### **5.1 Education**

- 5.1.1 Minutes of the meeting with the Minister for Education on the Burns Review were sought as soon as possible by Commissioners.
- 5.1.2 Commissioners were concerned that they did not have enough time to discuss the NIHRC response to the Burns Report and some Commissioners felt there were omissions in the response in particular with respect to children's rights.
- 5.1.3 Commissioners again emphasised the concern that they be given enough time to consider and comment on major submissions.

### **5.2 Investigations**

- 5.2.1 A research proposal from the Investigations Committee had been considered by the Casework Committee and the Finance and General Purposes Committee. Both had reservations regarding the options proposed and Commissioners agreed to ask the Investigations Committee to look at other options. Commissioners agreed to undertake the proposed investigation but will ask the Investigations Committee to reconsider the proposed *modus operandi* before the September Commission meeting.
- 5.2.2 A related policy on the temporary transfer of staff to other areas of work will be considered at the Finance and General Purposes Committee meeting in September.
- 5.2.3 OFM/DFM Research Unit has offered £14,500 towards the investigation being undertaken in partnership with Help the Aged into the Rights of Older Persons. Commissioners are content that OFM/DFM join the partnership so long as their involvement fits within the NIHRC criteria for entering into partnerships. This will be reviewed by the Investigations staff prior to proceeding.

5.3 Legislation and Policy

- 5.3.1 The structure of this report was welcomed by Commissioners and recommended to other staff as a useful model of reporting.
- 5.3.2 Commissioners would be glad of early stage identification of major policy discussions and submissions that need to be undertaken. The schedule of these should be developed by the L&P Committee.
- 5.3.3 The focus of responses and submissions should be on major human rights issues and expending resources on obscure human rights points should be avoided.

5.4 Committee for Victims

- 5.4.1 Approved minutes and proposals for future work of this Committee were considered by the Commission.
- 5.4.2 The Committee for Victims will invite Jane Leonard to come to talk to the Committee regarding work on memorials.
- 5.4.3 The paper prepared for the Commission on the issue of amnesties needs to be discussed urgently by Commissioners and a position agreed in advance of any Government statement on this issue. It was agreed that this would be prioritised by the Committee for Victims and Commissioners and would be given at least three quarters of an hour on the agenda for the September Commission meeting.
- 5.4.4 The proposals for future work by the Committee were briefly discussed and Commissioners emphasised the need to prioritise.
- 5.4.5 The issues of racially motivated violence as well as domestic violence were highlighted as important.
- 5.4.6 Victims' Report

- 5.4.6.1 This Report has to date been considered by the Committee for Victims only. OFM/DFM has received only those sections that refer to their work, for accuracy proofing only.
- 5.4.6.2 It was agreed that Commissioners who are not members of the Committee for Victims should also be sent a copy of the latest draft of the Victims' Report. No report will be published until the full Commission approves it.

5.5 Equality Committee

- 5.5.1 It was agreed that disability training should be provided for staff and Commissioners and Kevin McLaughlin offered to undertake that training. This will be organised at a venue in or near Draperstown to facilitate Kevin. One Commissioner believed that it

had been agreed that the September Commission meeting was to have been held in or near Draperstown.

- 5.5.2 The Equality Committee Report was discussed and the Commission will consider the proposed schedule for implementing Equality Impact Assessments of the Commission's policies after the Equality Committee has met and made recommendations.

## **6.0 Policing**

- 6.1 The Chief Commissioner reported on the work of the Staff Policing Group.
- 6.2 The Chief Commissioner will write again to the Chair of the Policing Board regarding a Memorandum of Understanding with the NIHRC.
- 6.3 There has been no response to date from the Assistant Chief Constable regarding an inquiry from the Commission on how information is stored on unsolved murders.
- 6.4 Some Commissioners expressed an interest in observing the PSNI training on the use of plastic baton rounds. The Chief Commissioner will arrange for Commissioners to observe and NIHRC staff will subsequently undertake interviews regarding this training. Concerns were expressed regarding the benefits of such observations due to the controlled circumstances in training as compared to their use in reality.
- 6.5 The Omega Foundation research on alternatives to using plastic baton rounds has not yet been received.
- 6.6 The Chief Commissioner has written to the GOC asking for a meeting between the Commission and the army.
- 6.7 The Casework Committee meeting on 28 August will consider how to take forward work on the key person protection scheme and will make recommendations to the September Commission meeting.
- 6.8 A response will be prepared to Her Majesty's Inspectors of Constabulary's invitation for evidence on the PSNI. All Commissioners will have an opportunity to comment on this response prior to submission.
- 6.9 No Commissioner was available to attend the PSNI graduation invitation on 23 August.
- 6.10 The Chief Commissioner has received a copy of the Code of Appointment for Independent Members of Policing Partnerships. We were not able to respond to the earlier draft of this.

- 6.11 A copy of the Irish Human Rights Commission's comments on the reform of the Gardai has been received. Commissioners agree that it is not necessary for Commissioners to receive copies of all IHRC documents. They can be made available on request.

### **7.0 Bill of Rights**

- 7.1 The paper outlining Phase 3 of the consultation process has been widely circulated (c1500 copies). It is however likely that the schedule will slip with seminars not starting until October.
- 7.2 The process for Phase 3 has been agreed and following a meeting of the Bill of Rights Committee a working document operationalising that will go to all Commissioners for discussion on 9 September.

### **8.0 International Work**

- 8.1 The Chief Commissioner talked through paper 43.13 describing the Commission's international work.
- 8.2 The Chief Commissioner emphasised that this work needs to be reviewed in the context of the forthcoming debate on the Commission's Strategic Plan for 2002-2006.
- 8.3 Commissioners were keen to facilitate a capacity building role locally to encourage greater awareness of international standards and greater participation in the international treaty reporting mechanisms.
- 8.4 The Commission's liaison with the NGO sector eg FIDH and preparation for periodic reports could be improved.
- 8.5 It was agreed that the potential role of the Commission in the United States of America needed to be factored in to this discussion.
- 8.6 It was agreed that for the September Commission meeting the Chief Commissioner would prepare a revised paper which would identify the objectives of international work and include criteria for prioritising this work.

### **9.0 Communications Strategy**

- 9.1 The Chief Executive talked through a paper outlining a series of options for taking forward the development of a Communications Strategy within the Commission.
- 9.2 It was agreed that the Communications Sub Group should be re-established comprising the Chief Commissioner, Chief Executive, Paddy Kelly, Christine Eames and Frank McGuinness.

- 9.3 This Committee should take forward the third option in the Communications Strategy paper with a proposal to split the potential £40,000 from the supplementary bid to the NIO into £20,000 for consultancy advice with a further £20,000 available to implement the Strategy.
- 9.4 Terms of reference and a proposal will be drawn up for submission to the NIO in order to release the funding in advance of any work being commissioned.
- 10.0** There being no other business the meeting closed at 5.45 pm.