

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 45th Commission Meeting

Held on Monday 9th September 2002

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

Present: Brice Dickson, Chief Commissioner
Christine Bell
Margaret-Ann Dinsmore (*from 2.00 pm*)
Tom Donnelly
Christine Eames (*from 3.00 pm*)
Harold Good
Tom Hadden
Paddy Kelly (*until 4.30 pm*)
Inez McCormack
Chris McGimpsey (*from 2.15 pm*)
Frank McGuinness
Kevin McLaughlin
Patrick Yu

In Attendance: Paddy Sloan, Chief Executive

- 1.0 The Chief Commissioner introduced an item of prior business before moving to the agenda.
- 1.1 Inez McCormack and Christine Bell notified the meeting that they had that morning tendered their resignation from the Commission to the Secretary of State. They had told the Chief Commissioner of their decision earlier in the morning and had issued a press release outlining their reasons for resigning.
- 1.2 The resigning Commissioners tabled a copy of their letter to the Secretary of State, their press release and a letter to each Commissioner outlining their reasons for resigning.
- 1.3 Christine Bell explained that she felt the Commission was not operating as envisaged by the Belfast Agreement. The powers and resources of the Commission are not adequate to the task and the Commission had not been as strategic as Christine would have liked in allocating available resources.

- 1.4 Inez McCormack reiterated concerns about the lack of strategic direction of the Commission and also expressed her concern that the Bill of Rights consultation process, as currently designed, risks polarising civil and political opinion.
- 1.5 Neither Commissioner wished to debate their position at the full Commission meeting.
- 1.6 They intended to speak to Commission staff on their way out of the building.
- 1.7 The Chief Commissioner expressed regret on behalf of the Commissioners at the resignation of Christine and Inez, as did the Chief Executive on behalf of the staff.

Inez McCormack and Christine Bell then left the meeting.

- 2.0 Commissioners considered the papers that had been tabled by the resigning Commissioners and the Chief Commissioner explained that he had not expected this decision and had not to date had any discussions which would have suggested their concerns were a resigning issue.
- 2.1 The Chief Commissioner agreed to adjourn the Commission meeting at 3.15pm to allow him to take press calls. Commissioners agreed that they needed an opportunity to discuss the issues raised by the resignations and that such an opportunity could be the meeting of the 23rd September 2002, scheduled for a discussion of the Strategic Plan 2002-06.
- 2.2 Commissioners agreed at this point that they regretted the decision taken by Inez and Christine and the lack of any advance notice; some shared concerns expressed and all wished to consider how best to deal with the situation; in the interim the Commission's work will continue.
- 2.3 Commissioners then adjourned to meet with Commission staff at 2.00pm to explain the situation to them.
- 2.4 Three Commissioners who had not yet arrived, Christine Eames, Chris McGimpsey and Margaret-Ann Dinsmore were contacted individually by the Chief Commissioner.

The Commission reconvened at 2.25pm

- 2.5 Commissioners acknowledged the collective response of the Commission as discussed with staff but agreed to retain their individual capacity to respond to any enquiries as they saw fit, although obviously not wishing to fuel criticism of the NIHRC.

3.0 Minutes

- 3.1 It was agreed that where appropriate, Commissioners may be identified by name in the minutes.
- 3.2 The following amendments to the previous minutes were agreed:
 - 3.2.1 At point 5.4.2, amend to “the Committee for Victims will invite...”.
 - 3.2.2 At point 5.4.6.2 “No report will be published until the full Commission approves it” will be inserted.
 - 3.2.3 At point 5.5.1 insert “One Commissioner believed that it had been agreed that the September Commission meeting was to have been held in or near Draperstown”.
 - 3.2.4 At point 6.4 insert “Concerns were expressed regarding the benefit of such observations due to the controlled circumstances in training as compared to their use in reality”.
- 3.3 There being no further amendments the minutes of the 44th Commission meeting were agreed as an accurate record.

4.0 Matters Arising

- 4.1 The communications sub group is to be convened as soon as possible. The Chief Commissioner agreed to be the convenor. Concern was expressed regarding the need to secure NIO approval in advance of any work on the communication strategy being commissioned.
- 4.2 The finally agreed versions of staff contracts are to be distributed as soon as possible.
- 4.3 Kevin McLaughlin had agreed to undertake disability awareness training with Commissioners and he circulated his proposed training schedule.

It was agreed that this training should involve staff as well as Commissioners and should be scheduled for a half day’s training followed by the Commission Meeting on 14th October 2002, which is to be held in Draperstown, subject to availability of premises.

- 4.4 Disability Action has viewed the Commission’s premises to give advice on improving access to the front of the building and the Chief Executive will progress this as quickly as possible.

5.0 The Chief Commissioner's Report.

- 5.1 The closing date for the appointment of a facilitator to discuss the recommendations of the Hosking evaluation is the 18th September 2002. It is anticipated that this process will be complete by the end of October 2002.
- 5.2 Adam Ingram MP, Minister of State at the Ministry of Defence, has replied to the Commission indicating that the guidelines on army use of plastic baton rounds may be released to the Commission "as an extraordinary measure". The Chief Commissioner has replied to say that we hope this is the case.
- 5.3 The Casework Committee is considering how to take forward consideration of the Key Persons Protection Scheme and how decisions are made regarding access to that scheme and other related schemes.
- 5.4 The Director of the Northern Ireland Prison Service is still considering whether or not a copy of the internal report into the death of Mark Fulton in Maghaberry Prison can be released to the Commission.
- 5.5 All of the above (5.2 – 5.4) provide tests of the Commission's powers, which can be further pursued in the courts, if necessary.
- 5.6 With regard to the various memoranda of understanding currently under negotiation, there has been no response from the OFM/DFM, nor from the Northern Ireland Office. The Policing Board has written to say that it does not see the need for a memorandum of understanding with the Commission and there is to date no response from the PSNI to a draft memorandum forwarded in July.
- 5.7 A Commissioner raised concerns regarding the recent suicide of a young woman from Strabane in Maghaberry. It was agreed that further information would be secured for discussion at the next Commission Meeting.
- 5.8 The Chief Commissioner reported that he and a member of staff had met with East Belfast Concerned Women's Group at Cluan Place and that he had walked around the Short Strand interface area. No further requests for meetings with any other party in the area had been received and no statement from the Commission was planned at present. Commissioners were advised that staff are preparing a paper on the potential role of the NIHRC in monitoring interface violence.
- 5.9 Commissioners discussed the appropriateness of issuing a press statement condemning interface and other-violence and what such a statement might contain.
- 5.10 It was agreed that the Commission would discuss sectarian and paramilitary violence as an agenda item at the October Commission meeting. Any papers that may be contributed by Commissioners should be sent to the office for circulation

prior to the 14th October meeting. Until that debate the Commission will not issue a press statement regarding interface violence.

The Commission adjourned from 3.30 to 3.50pm to allow the Chief Commissioner to take press calls.

- 5.11 The Minister, Des Browne, has written to ask for the Commission's view on whether and how the Government might collect more transparent information about the involvement of paramilitary groups in violence. It was agreed that the Commission would be discussing this issue in October and will revert to the Minister after that.

It was agreed that Tom Hadden would prepare a paper outlining international experience in this area.

- 5.12 Beverley Hughes MP, Minister of State at the Home Office, has written to explain the Government's position regarding the detention of asylum-seekers in Northern Ireland. Commissioners considered how best to respond to this request. It was agreed that Patrick Yu would prepare a paper on the issue for consideration by Commissioners. In addition the Chief Commissioner will liaise with NICEM and the Law Centre (NI) to take their views before responding to the Minister.

It was also agreed that the Chief Commissioner will draft a paper describing the purpose and experience of the Commission's visits to places of detention and proposing a strategy for further visits.

- 5.13 The Chief Commissioner has been invited to speak to two groups in Palestine by the Palestinian Institute for Citizens' and Civil Rights. This invitation has been supported by the UN High Commissioner's Office and the Chief Commissioner will go to Palestine on the 26th and 27th September. Commissioners agreed that it is important to support the UNHCHR but that it is also important to ensure that the current paper prepared for the Commission on international work prioritises core domestic work which has an international dimension.

Paddy Kelly left the meeting at 4.30 pm.

- 5.14 It was agreed that the NIHRC should join the National Action Plan Against Racism Committee in the Republic of Ireland to ensure that the Commission is aware of the Southern position as well as the UK's.
- 5.15 Any Commissioner wishing to attend the PSNI Conference on human rights and ethnic minorities on the 21st and 22nd October should contact the office as soon as possible.

- 5.16 It was noted that at a recent meeting hosted by the Commission to discuss the European Social Charter, Travellers and other ethnic minorities should have been represented.

6.0 Bill of Rights

- 6.1 Correspondence had been faxed to the Commission on the morning of 9th September from the SDLP, Sinn Fein and the Human Rights Consortium, expressing concerns about the proposed series of seminars on controversial issues in the Bill of Rights consultation.
- 6.2 It was agreed that it is very important to ensure popular participation in any seminar series. The Chief Commissioner should meet with the Human Rights Consortium to discuss their concerns and the invitation list should be open to all those who have been involved with the process to date and who are interested in attending.
- 6.3 The Chief Commissioner should write to Sinn Fein and the SDLP thanking them for their views and explaining that the Commission has no intention of interfering with the political process but is simply seeking to inform and develop discussions around the six issues identified. Commissioners were willing to reassess the structure of the seminars but remained committed to proceeding with exploring the wider issues in an international context.

At 5pm the meeting closed.

- 7.0 All further items on the Agenda will be transferred to the agenda of the 14th October Commission meeting.