

# **NORTHERN IRELAND HUMAN RIGHTS COMMISSION**

## **Minutes of the 46<sup>th</sup> Commission Meeting**

**held on Monday 21 October 2002 at 1.00pm**

**at the offices of the NIHRC,**

**Temple Court, 39 North Street, Belfast**

**Present:** Brice Dickson, Chief Commissioner  
Tom Donnelly  
Christine Eames  
Harold Good  
Tom Hadden  
Chris McGimpsey (*from 2.15pm*)  
Frank McGuinness

**Apologies:** Paddy Kelly  
Margaret-Ann Dinsmore  
Kevin McLaughlin  
Patrick Yu

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

### **1.0 Minutes**

- 1.1 The minutes of the 45<sup>th</sup> Commission meeting were agreed as an accurate record.

### **2.0 Matters Arising**

- 2.1 With reference to the resignations of Christine Bell and Inez McCormack, as noted in minute 1.3 and 1.4 of the 45<sup>th</sup> Commission meeting minutes, Commissioners wished to note that at that time a decision was taken not to respond directly to the resignations until the Commissioners had had time to consider the situation. A special meeting of staff and Commissioners was held for a full day on 14 October 2002 at the Rural College in Draperstown to consider the implications of the two resignations and responses to the Draft Strategic Plan. In the interim the Commission continues with its work and there is a collective commitment among staff and Commissioners to do so.

- 2.2 The Chief Commissioner and Chief Executive met with representatives of the Northern Ireland Committee of the Irish Congress of Trade Unions earlier on 21 October 2002 to discuss their correspondence and press release regarding the resignations. The content of the press release was at odds with Congress's comments on the Commission's Draft Strategic Plan, which were received on the same day. NIC-ICTU emphasised their solidarity with Inez McCormack whom they consider to be a trade union nominee to the Commission. The Commission emphasised the need for a good working relationship between the two organisations and future discussions on how this will be developed are anticipated.

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

- 3.1 A paper prepared by the Chief Commissioner on international work will be considered as part of the discussions on the forthcoming Strategic Plan and subsequent annual Business Plan.

*Chris McGimpsey joined the meeting.*

- 3.2 The proposal for developing a communications strategy has been approved in principle at a meeting with NIO officials. Final approval in writing is anticipated.
- 3.3 It was agreed that in the light of the reduced number of Commissioners, the Commission will revert to a quorum of six for full Commission meetings and the Casework Committee will revert to a quorum of three for Committee meetings.
- 3.4 It was agreed that the Commission should seek to test further its powers of access to information by seeking to obtain information from the office of the DPP.
- 3.5 Frank McGuinness represented the Commission at a seminar held in Copenhagen under the auspices of the annual EU-China Dialogue. Fifteen representatives from China and fifteen from Europe were invited to discuss the role of national human rights institutions and the prevention of torture. In addition Frank visited the Danish Centre for Human Rights and made a presentation on the engagement between the Northern Ireland Human Rights Commission and the PSNI, which was seen as a model of good practice with respect to education and training.
- 3.6 The government's official response to the Jordan et al case has been received and a response will be prepared. The documentation was not however sent to the Commission in advance by government and the Chief Commissioner is to seek a meeting immediately asking why the

It was agreed that the Commission should issue a press release and seek a parliamentary question regarding the lack of consultation with the Commission.

- 3.7 The Concluding Observations from the UN Committee on the Rights of the Child on the UK's Second Periodic Report have been received. This is the third set of Concluding Observations that have been produced in the past eighteen months (UN Human Rights Committee, ESCR Committee). The role of the Commission in publicising these conclusions and monitoring the effectiveness of the obligations was discussed. Engagement with the NGO sector would be an important element in this process. This will be included in the Strategic Plan discussion.
- 3.8 A draft of the High Commissioner's response on community / minority terminology in the Bill of Rights is due to be sent from the OSCE this week.

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

- 4.1 Staffing issues were noted as a matter of report.
- 4.2 Training in consensus decision-making has been arranged for Commissioners on 28 October 2002. Several Commissioners agreed to discuss this training in advance with the facilitator.
- 4.3 Commissioners discussed the approach by a prospective new landlord of Temple Court regarding the NIHRC becoming the sole tenant of the building. Commissioners agreed that in principle this would be desirable and the Chief Executive, in conjunction with Chris McGimpsey, should continue negotiations with the landlord taking advice from Crown Solicitors as appropriate.
- 4.4 Further work is required to ensure comprehensive monitoring of the Casework budget.
- 4.5 The problems with administering performance related pay awards were discussed by Commissioners. These had also been discussed immediately prior to the Commission meeting, at the Finance and General Purposes Committee. It was agreed that the Chief Executive should write again to the Northern Ireland Office seeking exemption from the requirement to operate a performance related pay award scheme. This should be couched in terms of the Commission's independence in administering its budget,

## **5.0 Committee Reports**

*Staff joined the Commission meeting at this point.*

- 5.1 The Bill of Rights, Casework, Education, Victims and Legislation and Policy Committee Reports were noted without comment.
- 5.2 Commissioners congratulated the Information Worker on the production of the Annual Report. A press release will issue on Wednesday 23 October when the report is laid in Parliament. The examination of the Annual Report by the Joint Committee on Human Rights has been postponed from the 4 November. Commissioners will be notified of a new date.
- 5.3 It was agreed to discuss the paper prepared by the Investigations Worker on Annie Kelly later in the agenda, under Visits to Places of Detention.

## **6.0 Bill of Rights**

- 6.1 A paper entitled “Delivering the Bill of Rights”, prepared by Tom Hadden, was discussed. It was agreed that a conference would be held on 25 November to which people previously engaged with the consultation process would be invited. The Chief Executive is to determine the resource implications in terms of administrative support for this date. A number of individuals were identified to be approached to act as Chair of the conference. This will be taken forward by the Chief Commissioner.
- 6.2 A letter received from Save the Children, urging the Commission to retain its commitment to the inclusion of children’s rights in any advice to the Secretary of State, was discussed. The Chief Commissioner will respond on behalf of all Commissioners, to whom individual letters had been sent. A draft of that response was tabled for Commissioners’ consideration over the next few days.
- 6.3 It was agreed that the Bill of Rights discussion scheduled for 24 October should be cancelled.

## **7.0 Policing**

- 7.1 The Commission is being represented by staff at the PSNI conference on policing with ethnic minorities taking place on 21 and 22 October 2002.
- 7.2 The Chief Commissioner's report on developments in policing was noted without further discussion.

*The Commission broke for tea at 4pm and staff left the meeting.  
The Commission reconvened at 4.20pm.*

## **8.0 Bill of Rights**

- 8.1 It was agreed that the meeting on the Bill of Rights submissions scheduled for 28 October from 2.30pm to 5.00pm would focus on equality and on the mainstreaming of vulnerable groups.
- 8.2 It was agreed that the preparation of a publication summarising the Bill of Rights submissions received would go ahead. An editorial committee comprising Frank McGuinness, Tom Hadden, Brice Dickson and Paddy Kelly would be convened to meet with relevant staff to take this proposal further. The possibility of preparing such a document for launching on Human Rights Day, 10 December, should be considered.

## **9.0 Visit to Places of Detention**

- 9.1 A paper prepared by the Chief Commissioner was discussed.
- 9.2 It was acknowledged that police custody suites are monitored by panels of custody visitors, that prisons are monitored by prison visitors and that the Mental Health Commission visits mental hospitals.
- 9.3 It was agreed that a meeting should be arranged with the various visitors' panels who monitor places of detention, including mental health institutions and juvenile justice centres, to register the Commission's interest and to present the relevant international documents.
- 9.4 A pro forma report on visits made is to be prepared for use by Commissioners.
- 9.5 A paper was tabled on the death of Annie Kelly. It was agreed that correspondence from Annie Kelly's legal representatives should be considered as a matter of urgency by the Casework Committee. Her death

## **10.0 Amnesties for “On the Runs”**

- 10.1 Three papers were considered: the paper prepared by Mary O’Rawe for the Commission, a paper prepared by Tom Hadden and Brice Dickson and a paper tabled by the Caseworker. In addition, correspondence from the Secretary of State welcoming the views of the NIHRC on this issue was circulated.
- 10.2 International human rights law allows non-prosecution but compels full investigation of crimes.
- 10.3 It was agreed that the Chief Commissioner should write to the Minister, Des Browne, seeking a meeting to discuss this issue. The Commission will respond to the Government’s proposals and will not submit a position paper in advance of a meeting with the Minister.
- 10.4 Commissioners will, however, meet in advance of the discussion with government, and the Chief Commissioner will prepare a briefing paper for that meeting. It will focus on the relevant human rights principles affecting the topic.

## **11.0 Paramilitary and Sectarian Violence**

- 11.1 Papers prepared by Frank McGuinness and Tom Hadden were discussed.
- 11.2 The Commission is anxious to make a useful contribution to the resolution of non-state violence beyond simple condemnation.
- 11.3 Several options were discussed and it was agreed that the Chief Commissioner will prepare a paper for discussion at the November Commission meeting, outlining the options open to the Commission in taking this issue forward. This would draw upon the points made during this discussion.
- 11.4 The paper will include reference to recent correspondence received regarding offensive murals.

- 12.0** There being no other business, the meeting closed at 6.05pm.

