

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 47th Commission Meeting

Held on Monday 11 November 2002

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

Present: Brice Dickson, Chief Commissioner
Margaret-Ann Dinsmore
Tom Hadden
Frank McGuinness
Kevin McLaughlin (*By telephone*)
Patrick Yu

Apologies: Tom Donnelly
Christine Eames
Harold Good
Paddy Kelly
Chris McGimpsey

In Attendance: Paddy Sloan, Chief Executive

1.0 Minutes

The minutes of the 46th Commission meeting on 21 October were agreed as an accurate record.

2.0 Matters Arising

- 2.1 The Northern Ireland Office officials have indicated that there is unlikely to be any immediate replacement of the two Commissioners who resigned in September. Their replacement is more likely to be part of the next recruitment of Commissioners to be appointed at the end of the first phase of the current term, in February 2004.
- 2.2 The response from the High Commissioner of the OSCE on the Bill of Rights has not yet been received for circulation.

3.0 Chief Commissioner's Report

- 3.1 Meetings scheduled for Commissioners with Roger Courtney to discuss the Hosking Report and related recommendations, are to be cancelled. Individual Commissioners will submit their comments on the interim report before the production of a final version. It will be necessary for the Commission to

decide on the outcome of this report at an extended 9 December meeting to allow the preparation of a Business Plan for submission within the NIO timeframe of early January

- 3.2 Commissioners will discuss the draft Strategic Plan on Tuesday 2 December, 2.30-5.30 at Malone House, after the Bill of Rights event to be held there in the morning.
- 3.3 The Commissioner for Human Rights at the Council of Europe, Mr Gils-Robles, has forwarded his submission to the UK Government on the NIHRC Review of Powers, following a meeting in Strasbourg with the Chief Commissioner. The report will be circulated to all Commissioners, together with a supplementary report to be prepared by the Chief Commissioner.
- 3.4 Various opportunities to test the Commission's powers through seeking further information on a range of issues were discussed and noted.
- 3.5 Work is continuing on the preparation of a paper on the detention of asylum seekers in Northern Ireland.
- 3.6 There will be a meeting with the Minister, Des Browne, at 3.00 pm on 13 November 2002 to discuss "on the runs". The Chief Commissioner will prepare a briefing paper for presenting at that meeting.
- 3.7 The Chief Commissioner has again written to the Head of the Human Rights Unit at the NIO seeking some progress with the Memorandum of Understanding with the NIO.
- 3.8 The Memorandum with the Northern Ireland government departments has been agreed and the Memorandum with the Court Service is at the final draft stage.
- 3.9 The next meeting of the Joint Committee will be in January 2003 in Dublin. It was agreed that quarterly meetings of the Joint Committee should be appropriate. The two sub-committees on Racism and on the Charter of Rights need to meet in advance of the January meeting. These can be arranged by telephone conference or video-conferencing.
- 3.10 Commissioners were reminded that the forthcoming meeting of European NHRIs being organised with the Council of Europe and the IHRC will be held 14-16 November in Belfast and Dublin.
- 3.11 The Joint Parliamentary Committee on Human Rights will be examining the NIHRC on its Annual Report on 28 November in Belfast. The Committee has issued a call for evidence in a press statement and to selected individuals and organisations. The document prepared by the Commissioner for Human Rights at the Council of Europe should be submitted to the Committee as written evidence.

- 3.12 The Quigley Report on the Parades Commission has been received for consultation till the end of January 2003. It was agreed that Tom Hadden and the Chief Commissioner would prepare a briefing on the Report for preliminary discussion at the December Commission meeting. A more substantive discussion in January would then result in a paper for submission by the end of January 2003, as required.
- 3.13 The NIHRC Annual Prize to law students at the Queen's University of Belfast for an essay on human rights, will be presented on 12 November 2002. Commissioners agreed to present a similar prize to law students at the University of Ulster.

4.0 Chief Executive's Report

- 4.1 Authority was delegated to the Finance and General Purposes Committee to determine the appropriate level of 2002 pay award for staff in discussion with the union and the NIO. Now that the Commission no longer operates a Performance Related Pay Award system, it will be necessary to move to an incremental pay scale scheme. The F&GP was granted full discretion to take this forward.
- 4.2 It was decided to appoint a locum Case Worker with immediate effect and to seek to appoint a qualified solicitor as soon as possible, for a two year period, to replace the Case Worker following her resignation in November.
- 4.3 A financial report was presented and noted.

5.0 Committee Reports

5.1 Finance and General Purposes

Noted.

5.2 Casework

There is a need to clarify the Commission's position with respect to fee levels.

5.3 Legislation and Policy

Reponses on the Employment Support Programme and on the current disability consultation should be discussed with Kevin McLaughlin. The European Employment and Race Directives are to be discussed at the next L&P Committee meeting.

5.4 Policing

- 5.4.1 The date of the observation of plastic baton round training needs to be changed. Commissioners and staff attending should be clear that any hands-on experience is not required as part of the Commission's observation role.
- 5.4.2 The report on the human rights training of police recruits is complete and will be launched on 14 November 2002. There is consideration being given to the need to extend this monitoring further.
- 5.4.3 The NIHRC is to be represented at the PSNI Community Relations Fair being held at Garnerville.
- 5.4.4 The Chief Commissioner is to write to the Policing Board seeking more information on the Crampton Report.
- 5.4.5 The media reports of a young person with a learning disability being approached by the PSNI to inform is to be raised at the next meeting with the PSNI for further information and is also to be raised in writing with the Chief Constable.
- 5.4.6 The Chief Commissioner is to write again to the GOC seeking a meeting; if there is still no response, he should approach the MOD.

6.0 Bill of Rights

- 6.1 Invitations have issued to the event on 2 December 2002 to discuss the Bill of Rights process. Prof Kevin Boyle has agreed to Chair the event and Avila Kilmurray has agreed to act as Rapporteur.
- 6.2 A paper prepared by Tom Hadden should provide the basis for discussion. Staff will meet with the Chief Commissioner to frame the presentation. It was suggested that the two governments be approached for their views. Tom Hadden's paper should go on to the website.
- 6.3 It was agreed that the young people's panel should have a slot at the event. The future of this panel will be discussed at the next meeting of the Bill of Rights Committee which will take place after 2 December and before the Christmas break. The need for PECS checked individuals to work with the group is to be clarified again.
- 6.4 All staff on the Bill of Rights in Schools project have now been appointed in each Board area. Further funding is being sought from the Department of Education to continue this project.
- 6.5 The Human Rights Act in Schools document, prepared in conjunction with the Department of Education is to be launched on Human Rights Day.

- 6.6 It was agreed that Katarina Tomasevski, the UN Special Rapporteur on Education, be approached to meet with the Bill of Rights in School staff. This might be a useful photo opportunity as well as an instructive meeting.

The meeting broke at 3.40-3.55pm for tea/coffee

7.0 Standing Orders and Decision Making

- 7.1 Rob Fairmichael joined the Commission to go through his report on consensus decision making and the session he had held with some Commissioners on 28 October 2002.
- 7.2 A paper he prepared on tools for decision making is to be made available at each Commission meeting.
- 7.3 It was agreed to use the same terminology used in the Good Friday Agreement discussions and in the peace process in South Africa, “sufficient consensus”.
- 7.4 For guidance, “full consensus” is total agreement; “sufficient consensus” is up to two people disagreeing; if more than two people disagree then the issue needs to be revisited and different techniques employed to secure agreement.
- 7.5 According to the strength of feeling expressed, it is of course, possible for individuals to record their dissent.
- 7.6 The Chief Commissioner will amend Standing Order 16 accordingly.

8.0 Victims’ Report

- 8.1 The report has suffered from a series of different authors and a long time in preparation.
- 8.2 There is now felt to be scope to introduce the issue of “on the runs” into Chapter 6.
- 8.3 It was agreed to revisit the paper to highlight more clearly the rights involved and to relate it more explicitly to the Bill of Rights discussions.
- 8.4 The Commonwealth Best Practice Guidelines for Victims should be included.
- 8.5 Reference should be made to on-going work on guidelines for the operation of restorative justice schemes.
- 8.6 The revised document should be considered in January for publication in February 2003 as a designed publication.

9.0 Paramilitary and Sectarian Violence

- 9.1 The Chief Commissioner tabled a paper prepared on this issue based on discussion at the October 2002 Commission meeting.
- 9.2 It was agreed that the NIHRC should not issue press statements unless connected to some proposed action by the Commission.
- 9.3 Further contact should be made with the Community Relations initiative at Belfast City Council.
- 9.4 The European Directives on harassment should be examined.
- 9.5 The Commission needs to agree principles on territoriality before meeting with enforcement agencies to recommend action to be taken.

10.0 Any Other Business

- 10.1 The Coroner has invited the Chief Commissioner and interested Commissioners/staff to lunch on 13 November to discuss the NIHRC inquest investigation and current proposals for change.
- 10.2 The residential scheduled for 6/7 December for staff and Commissioners will focus on the substance of the Bill of Rights submissions and the Commission's views.
- 10.3 There being no other business, the meeting closed at 5.00 pm.