

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 48th Commission Meeting

Held on Monday 9 December 2002

**At 2.00pm in the NIHRC Offices, Temple Court,
39 North Street, Belfast**

Present: Brice Dickson, Chief Commissioner
Margaret-Ann Dinsmore (*present from 4.30 pm*)
Tom Donnelly
Christine Eames
Harold Good
Tom Hadden
Paddy Kelly
Chris McGimpsey
Frank McGuinness
Kevin McLaughlin (*By telephone*)
Patrick Yu

In Attendance: Paddy Sloan, Chief Executive

1.0 Minutes

The minutes of the 47th Commission meeting of 11 November 2002 were agreed as an accurate record.

2.0 Matters Arising

- 2.1 No further progress has been made in developing the Memorandum of Understanding with the Northern Ireland Office.
- 2.2 The notes of the meeting held with the Minister, Des Browne to discuss “On the Runs” are to be circulated to all Commissioners.
- 2.3 The Memorandum of Understanding which has been agreed by the Northern Ireland Government Departments and the Memorandum with the Court Service are to be circulated to all Commissioners.
- 2.4 The frequency of the meetings of the Joint Committee with the Irish Human Rights Commission will be discussed and agreed at the next Joint Committee meeting in January 2003 in Dublin.
- 2.5 The Commission discussion of the Quigley Report on the Parades Commission was deferred until a paper on the Report has been circulated.

- 2.6 No response has been received to the Commission's request to the Chief Constable for further information on media reports of a young person with a learning disability being approached by the PSNI to act as an informer. This correspondence has been copied to the Police Ombudsman.
- 2.7 The paper previously prepared by Tom Hadden as a basis for discussion on the Bill of Rights process was amalgamated into the Chief Commissioner's presentation to the conference on 2 December 2002. This presentation will be posted on the website as a discussion paper only.
- 2.8 The future of the young people's panel is to be discussed at the Bill of Rights Committee meeting. No further meetings should take place until advice has been sought from Margaret-Ann Dinsmore and Paddy Kelly.
- 2.9 A copy of the Human Rights Act in Schools document, prepared in conjunction with the Department of Education, is to be circulated to all Commissioners.
- 2.10 The definition of consensus as described in the minutes at 7.4 was not considered clear. The phrase "for guidance" is to be deleted.
- 2.11 A copy of the Victims' Report is to be circulated to Commissioners in sufficient time to allow publication within this financial year.
- 2.12 The Chief Executive is to develop contact with the Community Relations Initiative at Belfast City Council.

3.0 Chief Commissioner's Report

- 3.1 A copy of the final agreed statement of the meeting of European National Human Rights Institutions is to be circulated to all Commissioners on receipt from the Council of Europe.
- 3.2 The final advice from the OSCE High Commissioner on National Minorities has not as yet been received for circulation to Commissioners. It is understood that a draft document has been considered by the Irish Government at the request of the OSCE and it was agreed that the Chief Commissioner would approach the British Irish Secretariat to arrange a further meeting on Bill of Rights issues. Some Commissioners expressed concern that the draft document, which has not as yet been circulated to Commissioners, is being more widely discussed.
- 3.3 Evidence given to the Joint Parliamentary Committee on 28 November was discussed. Both written and verbal evidence provided to the Committee by former Commissioners raised issues to which Commissioners wish to respond. It was agreed that a further written response to the Joint Committee would be prepared and submitted, followed by consideration being given to meeting with former Commissioners to discuss their concerns. The Chief Commissioner will draft an initial response to the Joint Committee and

circulate it to Commissioners prior to submission in January. It was also agreed that specific criticisms would be distilled from the evidence provided by former Commissioners to inform the Commission's discussions on the Strategic Plan for 2003-2006.

- 3.4 Notes of the Commission's discussions on the Courtney Report will be agreed and passed to Roger Courtney for submission of a final report to be considered at the January Commission meeting.
- 3.5 The Commission will meet to discuss the Strategic Plan 2003-2006 on Monday 16 December 2002 from 2.00 pm to 5.00 pm at the NIHRC.
- 3.6 The report being prepared by the Omega Foundation on plastic baton rounds has been delayed and will not now be made available until the January 2003 Commission meeting.
- 3.7 Notes of the meeting with the Minister Des Browne on "On the Runs" are to be circulated to Commissioners. A paper will be prepared by the Chief Commissioner for submission to the Minister, outlining the Commission's position. This will be circulated to Commissioners prior to submission.
- 3.8 The Chief Commissioner's speaking engagements and meetings/events attended were noted.

4.0 Chief Executive's Report

- 4.1 Staff issues were noted and the recommended pay award for staff of 5.5% as agreed by the Finance and General Purposes Committee was approved by Commissioners, subject to NIO approval.
- 4.2 The report on the meeting of European National Human Rights Institutions held from 14 – 16 November in both Belfast and Dublin was noted. The costs and the allocation of budget with the Irish Commission will be discussed at the Joint Committee in January 2003.
- 4.3 Commissioners are to be kept informed regarding developments on the lease of Temple Court. Further work is to be undertaken to ascertain ownership of the land at the front of Temple Court prior to alterations being made to improve accessibility.
- 4.4 An agenda and papers for the Bill of Rights Residential scheduled for 6/7 December in Armagh on the Bill of Rights will be circulated as soon as possible.
- 4.5 Commissioners noted the meeting of the Chairs and Chief Executives of the Joint Equality and Human Rights Forum held at the NIHRC on 29 November. Some members of the Joint Parliamentary Committee and their support staff joined the Joint Equality and Human Rights Forum for dinner following the presentation of evidence on 28 November. Katarina Tomasevski, UN Special

Rapporteur on Education and Mayann Thomas and her colleague Michael Noonan of the Nova Scotia Human Rights Commission also attended the dinner.

- 4.6 Commissioners were reminded of the NIHRC Human Rights Day reception from 12 – 2.00 pm on Tuesday 10 December at the Commission offices. Among other events on Human Rights Day Commissioners were particularly encouraged to attend the symbolic presentation to the Commission by the Human Rights Consortium of their hopes for a Bill of Rights for Northern Ireland.
- 4.7 Following discussion it was agreed that Commissioners should offer an additional day's leave to staff, as happened last year, to be taken over the Christmas period, in recognition of their work. The office will be closed from Christmas Eve, opening on Monday 30 December and closed again on Wednesday 1 January 2003. Staff may take an additional day's leave during this period until 3 January 2003.
- 4.8 The summary Financial Report as at 30 November 2002 was noted.

5.0 Developments on Policing

- 5.1 The Chief Commissioner's Report on Developments on Policing was considered.
- 5.2 The *Course for All* training programme documents are now all with the Commission. The Commission had objected to lack of consultation on this programme and a response from the PSNI is awaited.
- 5.3 There has been no further response from the PSNI on the suggested rewording of relevant paragraphs in the proposed Memorandum of Understanding with the Commission.
- 5.4 Mark Kelly's report for the Commission on Human Rights Training for Student Police Officers has been published and its findings are to be considered by the Education Committee. The Committee will then submit recommendations to the Commission on how to take forward the report.
- 5.5 Copies have been received of the proposed clauses for the Police (NI) Bill 2003 together with related documents produced by the SDLP. Separate clauses have also been published for consultation, by the NIO. Copies of all these documents are to be sent to Commissioners.
- 5.6 The report by Jim McDonald, Independent Assessor of Military Complaints Procedures, on the army use of baton rounds is to be circulated to all Commissioners on receipt.
- 5.7 Legislation and Policy staff will seek to produce a response to Lord Carlile's Report on the Terrorism Act 2000.

- 5.8 Observation of baton round training is still to be arranged for interested Commissioners.

6.0 Bill of Rights

- 6.1 The Bill of Rights Committee met on the morning of 9 December 2002.
- 6.2 Commissioners agreed that further meetings on rights to be covered within the Bill of Rights should be arranged on Mondays dedicated to NIHRC meetings. Staff are to notify Commissioners of dates and topics.
- 6.3 These information and discussion sessions will be further developed at the next Bill of Rights meeting on 7 January 2003 at 10.00 am.
- 6.4 The human resources implications of the proposed Bill of Rights programme are to be considered by staff and the Chief Commissioner and proposals prepared for the January meeting.
- 6.5 A draft letter to political parties outlining the Commission's position on progressing the Bill of Rights was discussed. With some amendment to make it clear that seminars proposed are different from those previously planned, and drawing on international expertise as appropriate, it was agreed that this letter should also go to all those who attended the 2 December event, highlighting the continued engagement with political parties.

At 4.05 pm the Commission broke for tea.

Chris McGimpsey left at this point.

The Commission resumed at 4.25 pm.

7.0 Standing Orders

- 7.1 It was noted that point 7.4 of the minutes of the 47th Commission meeting held on Monday 11 November 2002 is now superseded by amended Standing Order 16.
- 7.2 The last sentence of the minute at point 7.4 is to be inserted into Standing Order 16 for clarification.
- 7.3 The figure for insufficient consensus will remain at two Commissioners, irrespective of the number in attendance.
- 7.4 A further amendment was agreed at line three: "everyone taking part in the discussion agrees to accept the proposed conclusion".

- 7.5 A revised version of Standing Order 16 taking on board the agreed amendments and a complete set of Standing Orders will be circulated to all Commissioners.

At 4.30 pm Margaret-Ann Dinsmore joined the meeting.

8.0 Quigley Report on Parades Commission

- 8.1 Commissioners did not feel prepared to undertake a discussion on this Report without having received previous papers.
- 8.2 It was agreed to discuss the Report at the January Commission meeting. If necessary the Commission meeting in January should be extended to accommodate this discussion.

9.0 Strategic Plan 2003-2006

- 9.1 The skeleton structure prepared by Tom Hadden will be further discussed by Committees and staff.
- 9.2 Commissioners who cannot attend the designated discussion on the Strategic Plan scheduled for 16 December should feed in their individual comments to the Chief Commissioner.
- 9.3 Several comments were proposed by individual Commissioners and it was agreed that a revised version of the Strategic Plan incorporating these amendments would be produced for 16 December meeting.
- 9.4 It was agreed that the Commission would clarify the areas of work that the Commission will *not* undertake as well as those which will be prioritised.
- 9.5 Feedback from the Casework Committee on how they use strategic discretion in applying their criteria, is to be considered at a subsequent Commission meeting.

10.0 Business Plan

- 10.1 A core budget from the NIO is required to enable a Business Plan to be prepared. There is some urgency as the Plan needs to be submitted to the NIO by the end of January 2003.

11.0 Committee Minutes and Staff Reports

11.1 Development Worker's Report

The Development Worker's Report was noted.

11.2 Casework Committee

11.2.1 The Casework Committee should consider the need to identify applicants in their minutes. Anonymity should be preferred in all reports, where practicable.

11.2.2 It was agreed that a firm of Solicitors could be employed on a temporary basis to instruct a counsel, until a Locum Caseworker is appointed.

11.3 All other Committee and Staff Reports were noted.

12.0 Any Other Business

12.1 A copy of Judge Cory's progress report was submitted to the Law Society Human Rights Committee.

12.2 It was agreed that the Chief Commissioner should write to Sir John Stevens and to Colin Port for an update on their investigations and a meeting if appropriate.

12.3 Kevin McLaughlin reported that, as the Commission's representative on the European Year of Disabled Persons Committee, some £50,000 per annum in small grants is to be made available in the new year.

12.4 There being no other business the meeting closed at 5.50 pm.