

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 49th Commission Meeting

Held on Monday 13th January 2003

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

Present: Brice Dickson, Chief Commissioner
Margaret-Ann Dinsmore
Christine Eames
Harold Good
Tom Hadden
Paddy Kelly
Frank McGuinness
Patrick Yu
Kevin McLaughlin (by telephone)

Apologies: Tom Donnelly
Chris McGimpsey

In Attendance: Paddy Sloan, Chief Executive

- 1.0 The Commission sent good wishes to Tom Donnelly who has been ill for several weeks.
- 2.0 It was agreed that the proposed telephone conference later in the meeting with the Omega Foundation regarding their report on the use of plastic baton rounds would be deferred until the Commission has had an opportunity to discuss the report. It was agreed that the Omega Foundation be invited to attend a meeting of the Investigations Committee initially, to go through the report.

3.0 Minutes

- 3.1 Point 3.2 is to be amended to read “a draft document has been considered by the Irish Government *at the request of the OSCE*”
- 3.2 Point 6.5 is to be amended to read “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...”
- 3.3 There being no other amendments the minutes of the 48th Commission Meeting were agreed as an accurate record.

4.0 Matters Arising

- 4.1 A meeting with Commissioners to discuss how best to support the Young Persons Panel on the Bill of Rights is to be arranged as soon as possible.

- 4.2 NIO approval of a 5.5% pay award for staff was given in December, allowing the pay award to be included in Christmas salaries.
- 4.3 A copy of revised standing orders is to be sent to all Commissioners.
- 4.4 Correspondence to Sir John Stevens, Colin Port and Judge Cory will be forwarded by the Chief Commissioner, as agreed at the 48th Meeting.

5.0 Chief Commissioner's Report

- 5.1 Advice from the OSCE High Commissioner on National Minorities on the Bill of Rights has not yet been received. It was agreed that the Chief Commissioner should write to the legal advisor to the OSCE High Commissioner seeking clearance to make available to all Commissioners draft advice which is currently being considered by the British and Irish Governments.

The Commission will meet with the British Irish Secretariat to discuss the Bill of Rights, at a date currently being arranged.

- 5.2 The Chief Commissioner expressed gratitude to those Commissioners who provided comments on evidence presented to the Joint Parliamentary Committee and on subsequent evidence submitted in January.
- 5.3 A copy of the Commissions comments on the Coroners Inquest Report was tabled.
- 5.4 The memoranda of understanding/protocols currently in operation were discussed briefly.
- 5.5 The memorandum with the Northern Ireland Assembly Departments is operational, as agreed with the Head of the Civil Service, Nigel Hamilton but is not as yet signed in the absence of a First or Deputy First Minister during suspension.

It was agreed that a full set of operating memoranda/protocols would be circulated to all Commissioners in ring binder format.

The Chief Commissioner is to pursue the potential for memoranda of understanding with the DPP and the Policing Board.

6.0 Chief Executive's Report

- 6.1 The indication of NIHRC core budget for the next 3 financial years, 2003-2006 was acknowledged. Commissioners welcomed the significant increase in core funding would still note that additional resources are required if the Commission is to fulfil its potential impact.

- 6.2 It was agreed that the Finance and General Purposes Committee would meet during January prior to a meeting between Commission and NIO Officials to discuss the budget for this year 2002-2003.

The meeting of Officials will be followed by a meeting between the Finance and General Purposes Committee and the Minister, Des Browne.

- 6.3 Finalised staff contracts, policies and procedures will be submitted to F&GP and to the Commission following a meeting with NIPSA on 28th January 2003.

Staff joined the meeting at 2.30pm.

7.0 Developments on Policing

- 7.1 Representatives of the Commission will be meeting with the PSNI on 14th January 2003. Added to the agenda will be transparency and the issue of recruitment of children as informers, especially those with special educational needs. Clarification is sought on the guidelines used by the PSNI in this respect.

- 7.2 A meeting has been sought with PSNI to discuss the evaluation of PSNI Recruit Training in Human Rights. The Education Worker is meeting with PSNI to discuss the recommendations and a paper will follow to the Commission from the Education Committee.

- 7.3 Observation of the PSNI Course for All Training will begin on 13th January.

- 7.4 A Commission submission on aspects of the New Police(NI) Bill is being prepared and will be considered by the NLP Committee on 16th January. The position proposed is that ex-prisoners should be eligible to be considered for appointment to the district policing partnerships.

- 7.5 The Commission is unlikely to submit comments on Part VII of the Terrorism Act 2000 to Lord Alex Carlile QC whose report was published in mid January.

- 7.6 The Chief Commissioner has as yet been unsuccessful in seeking to arrange a meeting with the GOC, to discuss the use of baton rounds and human rights training.

- 7.7 Commissioners expressed an interest in becoming involved in the policing group. This was encouraged by the Chief Commissioner.

8.0 Bill of Rights

- 8.1 Consideration was given to a paper outlining the structure of the summary of the Bill of Rights missions currently under preparation.

- 8.2 After some discussion it was agreed that section 2,3 and 4 as described should be divided into six separate sections and that the category of vulnerable groups be removed.

- 8.3 Language Rights should follow the section on Identity and Community Rights.
- 8.4 A paper describing Phase 3 of the Bill of Rights Process was tabled and discussed.
- 8.5 Correspondence from Sinn Fein, SDLP and the Human Rights Consortium were also considered.
- 8.6 The distinction between the Commission's original proposal to host a series of seminars and that which is planned as a result of the Armagh Conference, was made clear. Apparently this distinction has not been clear to the political parties who responded. It was agreed that prior to the discussions currently planned, cross-sectored *capacity building* events will be organised. These will provide feedback on submissions and views expressed to the Commission on particular topics, with a view to informing subsequent debate. The preparation of appropriate materials and wide-ranging invitation lists will be an immediate priority.
- 8.7 Any expert input to the preparatory or discussion events will contribute to the process and will not direct the outcome.

The meeting then broke for tea/coffee – 4.10-4.25

9. Committee Reports

9.1 Casework Committee

- 9.1.1 The Chief Commissioner and Caseworker are to meet with the Bar Council to clarify the appropriate level of fees.
- 9.1.2 There was some discussion regarding the memorandum of understanding with the Legal Aid Department. Current practice is that the NIHRC will not fund a case if there is a prospect of Legal Aid.
- 9.1.3 Notes of the meeting between the Equality Commission and the NIHRC regarding casework will be circulated to all Commissioners.
- 9.1.4 Casework budget is to be further analysed to ensure in-year funding only is included in the calculations.

9.2 Education Committee

- 9.2.1 Details of the Bill of Rights in School personnel were not included in the report.
- 9.2.2 The UN Special Rapporteur on Education did not *launch* her report at the Commission but simply spoke to her latest draft. Concerns were expressed regarding this meeting and the Special Rapporteur's approach to local submissions to her report. It was agreed that the Chief Commissioner would

write to the UN Human Rights Committee to express concerns. It was agreed that in all it does the Commission should preserve its independence.

9.3 Information Workers Report

- 9.3.1 A Commissioner expressed concern that technical advice had been sought from the NIO in assessing tenders for the design and maintenance of the website. The Chief Executive assured Commissioners that the independence of the Commission had not be compromised by this process of seeking technical advice.
- 9.3.2 The Democratic Dialogue Working Group on Freedom of Assembly Report is not yet finalised and may be produced by the end of the month.

9.4 Investigation and Research Report

- 9.4.1 It was clarified that the report from the Omega Foundation was received by the Committee though not agreed. It was that with amendment, it should go to the full Commission for discussion. Given concerns expressed regarding the report, it has been referred back to the Investigations Committee for further discussion.
- 9.4.2 The dates of Mental Health Review Seminars are not as yet confirmed. Commissioners will be notified

9.5 Legislation and Policy

- 9.5.1 The Legislation and Policy Committee criteria were considered by the Commission following minor amendment. They were agreed, with the caveat that priority remains the effectiveness of responses not only the volume of responses.

At 5.10pm all staff then left the meeting except Nadia Downing who remained for the discussion on the Quigley Report.

10 The Quigley Report

- 10.1 The paper circulated to Commissioners was discussed. The paper was intended to give agreed direction to those preparing a detailed response to the report which will be considered at the February Commission meeting.
- 10.2 There followed some discussion of the key recommendations within the report.
- 10.3 A distinction is to be made between unwelcome parades and parades that are intimidating, offensive, defensive, hostile, degrading and humiliating, tied to a duty to be tolerant.
- 10.4 It was agreed that only the main elements of the report, relevant to international human rights standards, should be considered for comment.

At 5.40 pm Harold Good left the meeting.

- 10.5 Following further discussion it was agreed that on some points, the HRC submission may require options to be presented as Commissioners may take different positions. It was agreed that Tom Hadden would draft a submission for consideration before the next Commission Meeting in February.

11 Courtney Report

- 11.1 Discussion of the key recommendations in appendix 2 were considered.
- 11.2 Concern was expressed that the recommendations did not fully reflect the Commission's position on moving to bi-monthly meetings.
- 11.3 It was therefore agreed that the Commissioners would take further time to consider the recommendations listed in appendix 2 and would revert to the Chief Commissioner by email with any concerns.
- 11.4 It was agreed that option 2 as described in the Courtney Report, would be implemented in principle. This will be reflected in the Commissions Business Plan.

12 Business Plan

- 12.1 The paper prepared by the Chief Executive was considered and accepted.
- 12.2 A further more detailed paper will be forwarded to Commissioners following a staff discussion scheduled for later in the week.

13 Response to the Governments Package of Measures Post-Jordan decision.

- 13.1 Some reservations were expressed regarding this draft response. The Chief Commissioner will incorporate the concerns expressed and any further amendments should be notified to the office by close of play on 14th January 2003.

14 OFM/DFM Strategy Document on Children

- 14.1 This paper was circulated in December and again with the Commission papers. Any further comments from Commissioners are to be submitted to the Chief Commissioner by close of play on 14th January 2003.

15 "On the Runs" submission

- 15.1 Comment on this draft submission, prepared after meeting with the Minister, Des Browne, are to be given to the Chief Commissioner by close of play on the 14th January 2003.

- 16 There being no other business the meeting closed at 6pm.