

**MINUTES OF THE 55<sup>TH</sup> COMMISSION MEETING**

**HELD ON MONDAY 7 JULY 2003 AT 11.00AM**

**IN THE OFFICES OF THE NIHRC, TEMPLE COURT, BELFAST**

**Present:** Brice Dickson, Chief Commissioner  
Tom Donnelly  
Margaret-Ann Dinsmore (*from 2.45pm*)  
Christine Eames (*until 1.00pm*)  
Harold Good (*until 1.00pm*)  
Tom Hadden  
Paddy Kelly (*until 3.30pm*)  
Chris McGimpsey (*from 11.50am*)  
Kevin McLaughlin

**Apologies:** Frank McGuinness

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

**1. Patrick Yu's Resignation**

1.1 A letter of resignation from Patrick Yu was tabled to Commissioners. The Chief Commissioner had, half an hour previously, received a telephone call informing him of the resignation which was then faxed to the Commission along with a press release which had been issued simultaneously by Patrick outlining his reasons for resigning.

1.2 The Chief Commissioner expressed his regret at the loss of an esteemed colleague from the Commission and his disappointment that Patrick's concerns were not more fully discussed with the Commission prior to his deciding to resign.

1.3 Commissioners spent some time discussing the issues raised by Patrick's resignation.

1.4 Commissioners not present at that stage of the meeting were contacted so that they were informed of the situation.

1.5 It was agreed that the Commission would issue a press statement as an immediate response, expressing disappointment at the loss of a colleague and a commitment to consider the issues he raised.

*At 11.50am Chris McGimpsey joined the meeting.*

1.6 It was agreed that staff should be asked to join the Commission to discuss this issue at 2.15pm, following the meeting with the Police Ombudsman.

*At 1.00pm Commissioners met for lunch with Nuala O’Loan and David Woods of the Police Ombudsman’s Office. Christine Eames and Harold Good left the meeting.*

## **2. Police Ombudsman**

- 2.1 The meeting reconvened at 1.45pm with a presentation by Nuala O’Loan, Police Ombudsman, to the Commission on the role and structure of her office.
- 2.2 Copies of the presentation were tabled.
- 2.3 Edel Teague and Nazia Latif joined the meeting for this presentation.
- 2.4 The Police Ombudsman’s presentation was followed by discussion with Commissioners and staff and an appreciation of the opportunity to explore the role of the Ombudsman’s office.

*At 2.45pm Margaret-Ann Dinsmore joined the meeting.*

- 2.5 At 2.50pm Nuala O’Loan and David Woods left the meeting.

## **3. Patrick Yu’s Resignation**

- 3.1 Commissioners resumed their discussion on Patrick Yu’s resignation, joined by staff.

*Roisin Carlin, Nadia Downing, Lisa Gormley, Nazia Latif, Christine Loudes, Ciarán O Maolaín, Jessica Polanski, Edel Teague, Miriam Titterton joined the meeting.*

- 3.2 It was agreed that all Commissioners have declared that they do not intend to undermine either the Belfast (Good Friday) Agreement or existing human rights and equality protections.
- 3.3 It was agreed that a brief press statement be released immediately and that the Chief Commissioner undertake minimum interviews until the Commission has had time to consider its position more fully.
- 3.4 At 3.30pm staff and Paddy Kelly left the meeting.

## **4. Minutes of the 54<sup>th</sup> Commission Meeting**

- 4.1 A proposed amendment to point 3.10 was considered but Commissioners agreed that the minute given was an accurate record.
- 4.2 The minutes of the 54<sup>th</sup> Commission meeting were therefore agreed as an accurate record.

## **5. Matters Arising**

- 5.1 Considering point 2.1, Counsel's opinion on Casework procedures has been considered by the Casework Committee and some elements of that advice have gone back to Counsel for final approval.
- 5.2 A proposal to establish a small Committee to decide whether or not an application is an emergency – not to process that application – will be considered at the next Casework Committee meeting.
- 5.3 Ciarán O Maolaín attended a meeting of the International Co-ordinating Committee of National Human Rights Institutions in Liechtenstein and a conference of an Economic, Social and Cultural Rights network held in Thailand. Reports of both visits are available to Commissioners.
- 5.4 Counsel's opinion is still awaited on procedures that can legitimately be put in place to control the Commission's expenditure in casework.
- 5.5 The most recent report on human rights training for the PSNI has not yet been completed.
- 5.6 A proposal for an investigation into the treatment of women prisoners was tabled and considered by Commissioners. The suggested strategy as described in the paper was agreed.
- 5.7 Further papers on the use of plastic baton rounds by the Army and the research on the treatment of older people in the health service will be considered at the meeting of the Commission in August.
- 5.8 It was agreed that the work with the Children and Young Person's Panel would be taken forward by Margaret-Ann Dinsmore, Paddy Kelly, Brice Dickson, Paddy Sloan and Miriam Titterton. Brice Dickson will arrange a meeting of this group.

## **6. Chief Commissioner's Report**

- 6.1 The Northern Ireland Office has indicated that the search for new Commissioners will begin in September 2003.
- 6.2 The Chief Commissioner has written to the new Minister, John Spellar MP, to welcome him as the new Minister for human rights and to seek an early meeting with the Commission.
- 6.3 The judgment of Mr Justice Kerr in the preliminary hearing on the 'E' case was tabled for Commissioners' information.

- 6.4 A Parliamentary Question has been asked on our behalf regarding the continued use of Lisnevin as a juvenile justice centre. The PQ was tabled, as was the response from the Northern Ireland Office.
- 6.5 Permission has been granted by the House of Lords for the Commission to intervene in writing and orally in the *Amin* case regarding the UK Government's response to the European Court's decision on Article 2 complaint investigations. Senior counsel will represent the Commission and it was agreed that funding in the region of £13,000 should be allocated from the Casework budget to this intervention.
- 6.6 The report of the Joint Committee on Human Rights on the work of the NIHRC will be published on 15 July 2003.
- 6.7 A proposal to establish an "emergency response team" was referred to the Investigations and Research Committee. Its recommendations would subsequently be considered by the Commission.
- 6.8 It was agreed that the Chief Commissioner should write to Angela Smith MP, Minister for Victims, expressing the Commission's disappointment at the lack of communication between the NIO and ourselves regarding the launch of the NIO's victims report.

## **7. Chief Executive's Report**

- 7.1 Commissioners approved expenditure in the region of £9,000 on a job evaluation exercise to be undertaken by BDS through the Department of Finance and Personnel.
- 7.2 A proposal to commit £3,000 of NIHRC money to a joint project with the Arts Council and Community Foundation for Northern Ireland to produce art work illustrating the Bill of Rights was agreed. The resultant art work and copyright will be owned by the NIHRC.

## **8. UN Convention on Disability**

- 8.1 An oral report by Kevin McLaughlin on the UN Convention on Disability held in New York was postponed until a future Commission meeting.

## **9. Human Rights and Mental Health**

- 9.1 Maura McCallion, Gavin Davidson and Christine Loudes then joined the meeting to present the research report commissioned on mental health. The authors, Maura and Gavin, went through the key issues in the report on current law and practice as measured against human rights and equality standards. Michael Potter had also contributed to the report.

- 9.2 Compulsory admission, tribunal procedures, compulsory treatment and the interpretation of capacity were discussed with Commissioners.
- 9.3 It was agreed that the report would benefit from an Executive Summary, which the authors agreed to produce by the end of July 2003.
- 9.4 It was also agreed that there should be more cross-referencing within the report and that the recommendations made should relate to the key issues identified in the chapter headings. A list of all recommendations should be appended to the report.
- 9.5 The final report is intended for publication, with an associated seminar/conference, in September 2003.

*Christine Loudes, Maura McCallion and Gavin Davidson left the meeting at 4.45pm.*

## **10. Casework**

- 10.1 It was agreed that the Commission should seek counsel's opinion on a judicial review of the Army's refusal to provide access to the Commission to files relating to the use of plastic baton rounds. The Investigations and Research Committee had recommended such action and had already informed the Army that the Commission would be considering such action.

## **11. Community Relations Consultation**

- 11.1 A scoping paper outlining a proposed Commission response to the review of community relations had been prepared by Tom Hadden. This outline paper is to be discussed at the next Commission meeting.

## **12. Publications**

- 12.1 Congratulations were recorded to the Chief Commissioner and Nadia Downing on the publication of the Victims Report and the Commission's Annual Report 2002-2003.

13. The Commission will reconvene on Monday 28 July at 2.00pm to consider the outstanding items on the agenda of the 55<sup>th</sup> Commission meeting.

14. The meeting closed at 5.30pm.

