

**Minutes of the 6th Meeting of the
Northern Ireland Human Rights Commission
Monday 14 June 1999
Temple Court, 1.00pm**

Present: Brice Dickson (Chair)
Christine Bell (1.40pm onwards)
Margaret-Ann Dinsmore
Tom Donnelly
Tom Hadden
Angela Hegarty (2.00pm onwards)
Patricia Kelly
Inez McCormack
Frank McGuinness

In attendance: Denise Magill (Research Officer)

1. Apologies: Harold Good

2. Minutes of the 5th Commission meeting on 10 May 1999

These were agreed. It was decided, in advance of the establishment of the Commission's website, that the minutes of Commission meetings should be made available to any individual upon request.

3. Discussion of progress on Draft Strategic Plan

Following considerable discussion of the various sections of the draft strategic plan it was agreed as follows:

DUTIES (i) *Bill of Rights*; and

(ii) *Advising the Assembly*

Ms McCormack and Professor Dickson would continue their respective work on these two papers and would exchange the papers for comment by each other. These papers should be finalised in the week commencing 28 June 1999.

(iii) *Education*

Following discussion, it was agreed that the need for human rights education for law students, lawyers and judges should also be included in the objectives in this paper.

Ms McCormack would provide Mr McGuinness with information regarding core labour standards and education for trade unions.

Mr McGuinness confirmed his intention to complete the education paper within the next week and to circulate it to all members for comment.

(iv) *Joint Committee between NIHRC and IHRC* and

(v) *Two year review of powers and operation of NIHRC*

Professor Dickson requested comments by 18 June on the drafts already circulated and confirmed his intention to prepare a further draft of these two papers at the beginning of the week commencing 21 June 1998.

POWERS (i) *Publications*

It was agreed following discussion that publications should not form a separate head of the strategic plan but rather should be integrated under other heads as a tool in the delivery of the full range of the Commission's work. It was agreed that Professor Dickson would include a reference to the role of publications within the introduction to the strategic plan. In addition, those involved in drafting the strategic plan should seek to integrate the role of publications within their respective sections.

(ii) *Victims*

This paper had been prepared by Professor Hadden and Ms Kelly.

Amendments to the paper on victims were agreed as follows:

- the distinction between victims of the troubles and all victims should be clarified; the definition of victims should also include relatives of victims.

The paper would be amended by Professor Hadden as agreed.

As regards the issue of non-state abuses of human rights, it was agreed that further discussion should be deferred until a meeting at which all Commissioners could be present.

In the interim, the Chief Commissioner should revert to the victims' groups HURT and FAIR to inform them that the Commission was not in a position, contrary to what was earlier advised, to produce a possible wording regarding state/non-state actors at its 14 June meeting. Instead, it was agreed that the matter should be discussed within the context of the work on the Bill of Rights for Northern Ireland. HURT and FAIR should be advised accordingly.

(iii) *Investigations*

Following discussion it was agreed that a number of amendments should be made to Ms Bell's draft paper. These should reflect the Commission's view that:

- the investigative mechanism is a tool for use in realising any and/or all of the Commission's functions
- the outcome of an investigation will in particular be used to promote awareness and understanding of human rights.
- there is a need to distinguish between investigations as part of the Commission's ongoing work and formal/major investigations which would be specifically announced and would have to comply with the requirements of natural justice.
- the Commission plans to conduct at least one major investigation a year for the first three years.

The Commission agreed, following discussion, to establish an Investigations Committee. All other committees of the Commission would have a duty to refer to that Committee, matters which may be suitable for investigation.

Committees

For avoidance of any perception of bias or conflict, it was agreed that Mrs Dinsmore, as a practising QC, would not serve as a member of the Casework Committee.

In general it was agreed that the Chairs of the Committees, would each draw up terms of reference for their respective committee and that these would be discussed at the 2 July Commission meeting. The Chairs of the Committees are as follows:

Legislation: Mrs Dinsmore

Education & Research: Mr McGuinness

Casework: Professor Dickson

Investigations: Ms Hegarty

A timetable was agreed for completion of the draft strategic plan:

By 2 July: amended papers for inclusion in the draft strategic plan should be provided to the Chief Commissioner. He would himself prepare an Introduction.

These papers will then be forwarded to Ms McCormack for discussion by the ad hoc working group on consultation/compliance with the requirements of Schedule 9 of the Northern Ireland Act 1998.

This group (Brice Dickson, Tom Hadden, Angela Hegarty, Patricia Kelly, and Inez McCormack (plus any other member who is free)) will meet on Friday 16 July at 10.00am at Ms McCormack's office, in order to discuss (i) questions which arise about infusing Schedule 9 into the strategic plan and (ii) the consultation process on the draft strategic plan.

Ms McCormack requested comments by the end of June on her earlier paper (circulated in advance of the weekend residential) on the process of consultation on the draft strategic plan and in relation to the requirements of Schedule 9.

The papers would also be circulated to all members of the Commission after 2nd July for their comments. These comments should include reference to Schedule 9 obligations. The Commission agreed to hold an all day meeting in the week commencing 26 July in order to agree the final draft strategic plan. This meeting would take place on either Monday 26th July or Wednesday 28th July depending on the availability of Ms Hegarty and Ms Bell.

It was further agreed that the Commission should seek training on Schedule 9. This would be discussed in greater detail under agenda item 11 (Any other business).

CASEWORK

Mrs Dinsmore had prepared a paper designed to assist the Commission in arriving at an immediate policy in respect of casework. This paper was not intended for inclusion in the draft strategic plan. Following lengthy discussion, it was decided that:

- (i) The Commission has to date taken care to gain as much information as possible in the course of logging individual complaints. The Commission agreed to ask the Casework Committee to further develop the Commission's casework systems around the 5 interim emergency criteria (set out below). The Casework Committee would take into account the practice of the EOC and FEC in this regard.
- (ii) As regards casework, Schedule 9 does not constitute criteria per se but rather a standard against which the Commission must evaluate its own criteria;
- (iii) The Casework Committee of the Commission would meet regularly and at least once a month;
- (iv) Caseworkers from the EOC and FEC should be invited to attend an early meeting of the NIHRC Casework Committee in order to share expertise;
- (v) Five interim emergency criteria for decision making on applications for assistance should be established namely:
 - a) the case raises a question of principle in relation to human rights law or practice in Northern Ireland;
 - b) it would be unreasonable to expect the person to deal with the case without assistance because of its complexity, or because of the person's position in relation to another person involved, or for some other reason;
 - c) there is no other body or organisation which can assist the complainant;
 - d) there is urgency attaching to the case as regards statutory limitation periods or for some other reason; and
 - e) it is practicable for the Commission, in the circumstances, to assist the case.
- (vi) An application form for complainants should be devised, based in part upon the intake questionnaire already in use. This application form should include 4 of the 5 criteria set out above (it does not include the 5th 'whether it is practicable, in the circumstances, for the NIHRC to assist the case') It should also require the applicant to specify what kind of assistance they are requesting from the NIHRC;
- (vii) The interviews for the post of Case Worker should be the first set of interviews to take place.

NOTIFYING COMMISSIONERS OF FORTHCOMING MEETINGS

It was agreed that, as Ms Hegarty has to travel much further than any other Commissioner, her specific interest in the fields of criminal justice and policing would be noted and that she would be specifically consulted about the dates and times of proposed meetings in these fields.

Generally it was agreed that a monthly calendar of forthcoming meetings should be sent to Commissioners by group e-mail and that any additions/amendments to that calendar would be immediately notified by email with new entries on the calendar marked in bold. The two members who do not have e-mail would be notified of ongoing changes by fax/telephone.

4. Chief Commissioner's Report

4.1 *Amendment of Standing Orders*

The Chief Commissioner proposed a number of amendments to the standing orders, consequent upon the decision at the weekend residential to set up Working Groups to further the Commission's functions concerning a Bill of Rights for Northern Ireland and the review of law and practice relating to the protection of human rights. The proposed amendments were agreed. In addition, it was agreed that the requirement that a Commissioner chair each Working Group be added to Standing Order 19.

4.2 *Search for Accommodation*

A paper prepared by the Research Officer was tabled and the Research Officer reported on the lack of success in finding suitable premises for the NIHRC. It was suggested that if the Commission was staying in Temple Court for the foreseeable future a door-bell should be obtained for the front door of the Commission's office on the second floor and that the Commission would have to consider the accessibility of the office for wheelchair users, particularly in light of the entry into force of the relevant sections of the Disability Discrimination Act on 1/10/99.

4.3 *Staffing*

The Research Officer left the room for this discussion.

The Chief Commissioner reported on the progress with regard to staffing. Six jobs were being advertised this week at a combined cost of approximately £8,000. Copies would be sent to the Bar Library and Law Society. Following discussion it was decided to create the post of Chief Executive (at Grade A level) in place of the post of Chief of Finance and Administration. Professor Dickson would draw up a draft job description as soon as possible and send it to members of the staffing committee for comment. The Commission confirmed that these three posts could be advertised together within the next two weeks.

When drawing up a schedule for short-listing and interviewing, the Chief Commissioner would bear in mind the advisability of engaging an external assessor to sit alongside Commissioners. The name of one such person was suggested.

The Chief Commissioner reported on the valuable work being done by the two summer interns, Naomi Doherty and Nadine Fourie. A formal contract was being drafted between each of them and the Commission.

Professor Dickson confirmed that he had looked into the insurance position and undertook to rectify any anomalies as a matter of urgency.

4.4 Renewal of the Emergency Provisions Act

The Chief Commissioner sought views as to what the Commission might do given that the EPA has been renewed in spite of the Commission's concerns over its compatibility with the European Convention Human Rights.

Following discussion, it was agreed that the matter should be referred to the Casework Committee, which would prepare an options paper for the August Commission meeting.

4.5 Report on the NIHRC from the Commonwealth Human Rights Initiative

It was decided in light of this comprehensive report that the CHRI should be specifically consulted in respect of the NIHRC draft strategic plan.

4.6 Submission to the UN Committee on the Elimination of Discrimination Against Women (CEDAW) It was decided that the concluding comments of the Committee should be widely distributed as soon as they are available.

4.7 Consultative Meetings

It was decided that no further consultative meetings with community and voluntary groups should be held at this stage. It was, however, decided that the next public consultative meeting of the Commission should, in due course, be held in the Armagh area.

4.8 Possible topics for investigation

The Chief Commissioner reported on a meeting with the family of an individual who had been murdered on 10 June. It was decided that the question as to whether or not the NIHRC should investigate the circumstances surrounding the murder in question should be referred to the Investigations Committee for its consideration.

4.9 Possible meetings with Judicial Studies Board

It was decided that the NIHRC should press for this meeting to take place as soon as possible in order to discuss issues of mutual concern.

5. Report on Task Force Meeting of 8 June

Mr McGuinness tabled the outline of a presentation given at the Task Force meeting of 8 June by DCC Ian Holding of the Association of Chief Police Officers. This presentation was designed to be the response of 43 combined police services (including the RUC) to the introduction of the Human Rights Act 1998. Mr McGuinness reported on his discussions with DCC Holding and the undertaking by the latter to raise the question of preparation for incorporation with the Chief Constable of the RUC.

It was decided that the Commission should seek a joint meeting with the Chief Constable and the incorporation working party of the RUC in view of the contact made with DCC Holding at the Task Force meeting. It was further agreed that this meeting should be scheduled for early-mid August, and that a preparatory meeting of those attending on behalf of the NIHRC be arranged. Given Ms Hegarty's registered interest in this field, efforts should be made to find a date for the meeting which suits her diary.

The Chief Commissioner reported on his meeting with the Chief Constable of the RUC on 9 June 1999. It had been focused on the Human Rights Act 1998. A minute of the meeting would be circulated to all Commissioners

Due to lack of time, items 6,7 & 8 on the agenda were not discussed, namely:

6. Intimidation of Defence Lawyers

7. Parliamentary Lobbying

8. Commission logo and strategy for communicating the Commission's message

These were deferred for discussion at the 2 July meeting

9. Participation in Northern Ireland Social Omnibus Survey 1999

It was agreed that the Commission would sponsor a set of questions in the July survey and that Professor Hadden and Professor Dickson would prepare questions for submission to RES. The NIHRC questions should focus on establishing a benchmark for current awareness about human rights in Northern Ireland.

10. Applications for assistance

Inadequate time was available to discuss this issue in depth and therefore it was decided that this agenda item would be deferred for fuller discussion at the 2 July meeting of the Commission. In the interim, however, the application from CEWC was turned down.

11. Any other business *Training for Commissioners on Schedule 9, NI Act 1998*

It was agreed that, following completion of the Commission's internal work on its draft strategic plan (due for completion in the week commencing 26 July 1999), the Commission should receive training in the requirements of Schedule 9 of the Northern Ireland Act 1999. It was agreed that the vehicle for the training should be the Commission's draft strategic plan and that, in addition, training should be provided in respect of the impact of section 75 and Schedule 9 in relation to the Commission's duty to proof draft legislation. It was agreed that this training should take place on Monday 9 August, 2pm-6pm at Temple Court and that it should be delivered by Dr Christopher McCrudden. The Commission meeting scheduled for that afternoon would now take place at 10am on that date.

The meeting concluded at 6.00pm.