

MINUTES OF THE 62ND COMMISSION MEETING

HELD AT 4.45 PM ON MONDAY 8 MARCH 2004

IN THE OFFICES OF THE NIHRC, TEMPLE COURT, BELFAST

Present: Brice Dickson, Chief Commissioner
Tom Donnelly
Christine Eames
Tom Hadden

Apologies: Kevin McLaughlin

In Attendance: Paddy Sloan, Chief Executive

1.0 Minutes

1.1 The minutes of the 61st Commission meeting of 20 January 2004 were agreed as an accurate record.

2.0 Matters arising

2.1 There were no matters arising.

3.0 Chief Commissioner's Report

3.1.1 A letter from Harold Good was relayed to Commissioners and staff on the completion of his term of office.

3.1.2 Commissioners agreed that they would sponsor a dinner to mark the completion of Harold Good and Frank McGuinness' terms of office with the Commission. This dinner will be arranged for 1 April 2004.

3.1.3 Tom Donnelly agreed to replace Harold Good on the Casework Committee.

3.2 Action Plan

3.2.1 A further response to the Joint Parliamentary Committee on Human Rights is being prepared for submission.

3.2.2 Supplementary Report on the Commission's Powers is also to be submitted to the Joint Committee and to the NIO.

3.2.3 Commissioners will meet with the Minister John Spellar on 16 March at 5.00pm at Castle Buildings.

3.3 NGO Correspondence

- 3.3.1 A letter was received from Amnesty International, British Irish Rights Watch, the CAJ and Human Rights First, outlining their concerns about the operation of the NIHRC. A copy of the letter was circulated to all Commissioners together with a draft reply from the Chief Commissioner. The Chief Commissioner's draft reply was agreed and other Commissioners may also respond independently.

3.4 QUB Research

- 3.4.1 It was noted that the Chief Commissioner and Chief Executive had supplied comment to Stephen Livingstone on his Evaluation Report of the Commission. Stephen will come into the Commission later in the month to discuss the report further, prior to publication.

3.5 Commissioners' Manual

- 3.5.1 The Chief Commissioner had compiled a manual of key documents for Commissioners' consideration. This was gratefully received.

3.6 Deaths in Custody

- 3.6.1 This topic is still being reviewed by staff and a meeting will be arranged with the Mental Health Commission to discuss a range of issues of mutual interest.

- 3.7 The Chief Commissioner had a meeting with the new Lord Chief Justice to discuss issues of mutual concern. It was agreed that the NIHRC will make a presentation to the Judicial Studies Board in the new legal term.

3.8 House of Lords Cases

- 3.8.1 Judgments in the McKerr and Middleton cases will be heard in the House of Lords on Thursday 11 March 2004. As the Commission made a written intervention only there will be no need to attend.

3.9 Interviews with Commissioners

- 3.9.1 Individual meetings between Commissioners and the Chief Commissioner are being arranged by Administrative staff.

3.10 Draft Report on Duty to Investigate Killings

- 3.10.1 This Report may need to be amended following the McKerr judgment later in the week. The Chief Commissioner will decide whether or not it needs to be reconsidered by Commissioners. The need for a filtering mechanism should be further clarified in the paper. Prior to publication either on the web or in hard copy, the document will be sent to interested parties for comment.

4.0 Chief Executive's Report

4.1 Staff

- 4.1.1 Industrial action being taken by staff in support of the Northern Ireland Civil Service pay dispute was discussed. Correspondence from NIHRC staff representatives was considered.
- 4.1.2 It was agreed that the Chief Commissioner would write to the Northern Ireland Office urging a speedy resolution of the dispute and an increase in the pay award offer.
- 4.1.3 It was agreed that it would be inappropriate for the Commission to make a separate offer to staff as that would be departing from the established negotiation practice.

4.2 Finance

- 4.2.1 Casework costs were discussed and it was agreed that unless outstanding bills of costs were resolved it would be necessary to involve the Law Society in this dispute.

5.0 Draft Business Plan 2004-2005

- 5.1 The Business Plan was discussed and approved by Commissioners, subject to any further comment from staff or Commissioners to be received by the end of the week.
- 5.2 Expenses associated with Committee co-options need to be included.
- 5.3 Legal advice is still awaited on capping Casework cases. Commissioners again emphasised the need to increase in-house management of cases.

6.0 Casework

- 6.1 The Terms of Reference for the Casework Committee were approved by Commissioners.
- 6.2 Revised legal costs as recommended were approved by Commissioners with effect from 1 April 2004.

7.0 Report of the Steering Group on Implementation of the Courtney Report

- 7.1 Further comments are to be sent to all members of the Steering Group. The Commission is content to delegate to the Steering Group the final editing of the Report unless there is substantive disagreement in which case a further Report will come back to the Commission meeting.

8.0 Draft Report on Transsexualism

- 8.1 Further editing is required of this paper including the insertion of footnotes. It will then be reconsidered by Commissioners prior to publication.

9.0 Draft Paper on Monitoring

- 9.1 This paper was considered by Commissioners and needs further work prior to submission to the Equality Commission. The issue of monitoring ex Northern Ireland employees was discussed and the need for increased accuracy agreed. The Chief Commissioner will further amend the report and circulate it to Commissioners for their final comments.

10.0 Draft Report on Investigation of Deaths

- 10.1 This is a major Report which was discussed at some length by Commissioners. Key elements require to be reorganised and the Chief Executive will take this forward with the Investigation Worker. If necessary further external input may be considered.

11.0 Report of the Work on Policing and Criminal Justice

- 11.1 This Report was noted and Commissioners remarked on the volume of activity in this area.
- 11.2 The Human Rights Training and the Police – the Monitoring of Human Rights Training of PSNI Recruits will be published next week.
- 11.3 The review of the “Course for All” PSNI Training will be published in March.
- 11.4 PSNI have agreed to allow access to the NIHRC to undertake another monitoring report of PSNI recruit training in Human Rights.

12.0 Staff Reports

- 13.1 The reports of the various areas of staff activity were noted.
- 13.2 The Opinion Survey responses should be with the Commission in the incoming week.

13.0 Any other business

- 13.1 The Human Rights Committee of the Mental Health Review, chaired by Christine Eames will report to the Commission very soon. The NIHRC event

on Human Rights and Mental Health Issues will be held on 22 April 2004 in Armagh. The invitation list will be passed by Christine to ensure all relevant members of the Mental Health Commission Review Team are included.

13.2 Standing Orders – the Commission’s Standing Orders are to be revisited in the light of reduced numbers of Commissioners.

14.0 There being no other business the meeting ended at 6.10 pm.