

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 24th Commission Meeting

Held on Monday 11 December 2000

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

Present: Brice Dickson, Chief Commissioner
Christine Bell
Tom Donnelly
Tom Hadden
Paddy Kelly
Frank McGuinness

In Attendance: Paddy Sloan, Chief Executive

Apologies: Margaret-Ann Dinsmore
Harold Good
Inez McCormack

1.0 Justice Chaskalson

- 1.1 Justice Arthur Chaskalson, President of the Constitutional Court of South Africa, joined Commissioners for the first hour of the meeting. Justice Chaskalson had travelled with his wife Lorraine from South Africa to give a keynote address at a conference organised by the NIHRC on a Bill of Rights for Northern Ireland. He had also agreed to undertake a programme of less formal sessions with Bill of Rights facilitators and community groups in Belfast and in Derry/Londonderry and was to lunch with the Lord Chief Justice and colleagues.
- 1.2 Justice Chaskalson described the process of constitutional change in South Africa. A major point was the full involvement of all political parties at an early stage and a negotiating chamber that was open to the public. Therefore political consensus and popular support were achieved very quickly as all had been part of the drafting process.
- 1.3 A fundamental feature of facilitating consensus and ensuring an outcome was to have a cut off date that was adhered to strictly.
- 1.4 Within the developing jurisprudence the concept of *equality of worth* is developing within the Constitutional Court especially in the areas of, for example, immigration and access to housing.

1.5 Some 300 posts were advertised across the country for Judges and interviews were held in public. Many of the Judges who had adjudicated under apartheid have successfully made the transition to the new Constitution. No real tensions exist at the moment on the Constitutional Court.

1.6 Justice Chaskalson was thanked by Commissioners and he left the meeting at 3.00 pm.

2.0 Angela Hegarty

Commissioners noted with regret the resignation of Angela Hegarty for personal reasons and it was agreed that the Chief Commissioner would travel to Derry to see Angela and acknowledge her contribution to the Commission. Guidance is awaited from the NIO with regard to her replacement.

3.0 Minutes

The Minutes of the 23rd Commission meeting were reviewed for accuracy.

3.1 Minute 3.2 was amended to include a final sentence “The other members of the committee shared their belief but chose not to resign”.

3.2 Minute 4.3.1 – the first sentence is to be amended to read, “A press release is to be prepared on the Police Bill and an article is to be written for submission to the Guardian or The Times”.

3.3 Minute 4.4 – an additional sentence is to be included “The report being prepared by Commissioners on how to proceed with this case is still being prepared”.

3.4 Minute 5.1 – the first sentence is to be amended to read “Agreement has *almost* been reached on a protocol with the Northern Ireland Executive”.

3.5 Minute 5.3 – amended to read “Michael Potter has agreed to do a draft response on the Code of Practice and the Working Group on the Terrorism Act, Tom Hadden and Brice Dickson, will supervise this”.

3.6 Minute 5.4 – second sentence to be amended “No *substantive* comments have as yet been made except regarding the Fisheries (Amendment) Bill.

3.7 Minute 5.12 – the first sentence is to be deleted and the last sentence is to be amended to read “This will be further considered by the Investigations Committee and Michael Waters will do a brief for the next Investigations Committee meeting on 11 December 2000”.

3.8 Minute 5.13 – the second sentence is to be amended to read “It was agreed that the Commission should be creative in its response in order to recognise the validity of concerns”.

- 3.9 Minute 8.0 – to be amended to read “It was agreed that the draft policy should be sent to senior counsel for comments by 11 December if possible”.
- 3.10 Minute 10.0 – the last sentence is to be amended to read, “It was however not possible to secure agreement among Commissioners and no further additions to the Working Group *were made*”.

4.0 Matters Arising

4.1 Police Bill

- 4.1.1 Due to the Chief Commissioner travelling to New Zealand and other work pressures an article has not as yet been prepared on the Police Bill to submit to the Guardian or The Times. It was agreed that the Chief Commissioner would now proceed with such an article and connect it to the Implementation Plan on the Patten Report.
- 4.1.2 A reply from the Irish Government regarding the use of the word “repetitious” in the Police Bill has been received and this clause was in fact dropped in the final stages of the Bill.

4.2 Pat Finucane

A reply has not been received as yet from the Prime Minister in response to the Commission’s letter seeking an independent public inquiry into Pat Finucane’s murder. The Chief Commissioner will send a reminder. A copy of the correspondence regarding Pat Finucane should be sent to Christine Bell, Paddy Kelly and Frank McGuinness, that is the two letters to the Prime Minister from the Chief Commissioner. Christine, Paddy and Frank will then produce a paper on how the Commission might proceed with this case. It was acknowledged that the Commission should if possible talk to families in advance of discussing their cases with government. The Chief Commissioner had met Michael Finucane in Dublin and had agreed to forward a note of the meeting, in confidence.

4.3 Codes of Practice under the Terrorism Act

This work is still on-going.

4.4 Correspondence with the Lord Chancellor

The Chief Commissioner is to write to the Bar Council regarding the role of the Lord Chief Justice in the case involving the oaths for QCs. Christine Bell and Brice Dickson will determine the form of words to be used in correspondence with the Lord Chancellor and the letter will be circulated and commented on by all Commissioners prior to being sent.

4.5 Research

Subject to Denise Magill's continued preference to return to her post as Research Worker in a job-share capacity, the post should be advertised early in January.

4.6 Bill of Rights

- 4.6.1 There was considerable discussion about the final date for submissions to the Commission prior to the production of its first draft advice. Following extensive discussion at the residential it had been agreed to stick to a closing date of 1 February. However after further discussion with staff and (through email) with Commissioners, it was now suggested that the deadline be extended to 28 February. Some Commissioners were unhappy at changing the deadline. Whilst it was agreed that a change was unfortunate, the consensus was that pragmatically it was the better option to extend the deadline to 28 February 2001.

Paddy Kelly left the meeting at this point (4.15 pm).

- 4.6.2 Concern was expressed regarding the publication of the Women's Rights pamphlet and the organisation of a seminar which would have to happen in January. It was agreed to expedite these matters.
- 4.6.3 It was agreed that all dates identified at the residential for Bill of Rights discussion in 2001 would be held by Commissioners.
- 4.6.4 The Working Group members will share the conclusions from their reports on 15 January 2001 in the BT Studio at the Waterfront Hall. The focus will be on overlaps and omissions and the event will signify the end of the role of the Working Groups in this consultation process. The event should, as agreed at the residential, be open to the public.

4.7 Threats to Defence Lawyers

The Chief Commissioner is to write to the Bar Council regarding the defamatory website that is currently identifying practitioners as associated with terrorist groups.

4.8 Victims Committee

- 4.8.1 The Chief Commissioner has met with some individual members of the Victims Committee. Tom Donnelly, Harold Good, Frank McGuinness and Brice Dickson have still to meet again to discuss the membership issue further.
- 4.8.2 The Chief Commissioner and Chief Executive will consider preparing a paper with a clear proposal for discussion at the January Commission meeting on the decision making process within the Commission.

5.0 Chief Commissioner's Report

5.1 Memorandum of Understanding with the Northern Ireland Office

The draft memorandum is to be discussed by the Legislation and Policy Committee at its next meeting.

5.2 RUC Training on the Human Rights Act

5.2.1 It was agreed that the Commission is not offering a formal complaint regarding its observations of the RUC Human Rights Act Training. Had the NIHRC comments been addressed at an earlier stage the report would not have been so damaging.

5.2.2 The lack of support from the Minister Adam Ingram in the debate in the House of Commons was very disappointing. However Commissioners decided not to take that any further.

5.2.3 It was agreed to meet with the Human Rights C4 branch on the Code of Ethics and Patten Recommendations 1 and 3.

5.2.4 The Commission will continue to engage with the police regarding the training report and their response.

Tom Hadden left the meeting at this point (4.50 pm). The meeting was no longer quorate.

Margaret-Ann Dinsmore arrived and the meeting re-commenced, now being quorate (5.00 pm).

5.3 North South Equality and Human Rights Conference, 8-9 December

This was a useful conference in Dublin Castle but rather overshadowed by the appointment process of the Republic's Human Rights Commission. It was agreed that nothing could be done on the North-South Joint Committee until the membership of the Republic's Commission was confirmed.

5.4 Membership of Committees

5.4.1 The Chief Commissioner will review the membership of all Committees, will draw up new lists and talk to Commissioners individually. There was a request that Mondays be made "Committee days".

5.4.2 The Chief Commissioner had given evidence to the Committee on Standards and Privileges at the Northern Ireland Assembly. Copies of this are available for information.

5.4.3 The next Task Force meeting to be held at the Home Office in London requires a Commissioner to attend. Paddy Kelly is to be asked.

6.0 Chief Executive's Report

6.1 The Chief Executive's Report was noted.

6.2 Political Strategy

The political strategy that has been developed was agreed by Commissioners. Christine Bell is not able to attend the meetings allocated to her due to previous commitments.

7.0 Committee Reports

7.1 Education Committee

7.1.1 A proposal was discussed to extend the Bill of Rights Educator post which is due to finish at the end of December. More training is needed and the Education Worker has other areas of work on which to focus. A recommendation has come from the Education Committee that Commissioners prioritise finance for this post. It was agreed that a full proposal would be prepared and submitted to the Chief Executive for consideration.

7.1.2 After some discussion it was agreed to offer Bill of Rights training to one group of RUC officers.

7.2 Investigations Committee

7.2.1 The analysis of the effectiveness of the Commission's powers that has been begun by Michael Waters will now pass to Linda Moore, as Michael's post ends in December.

7.2.2 A discussion needs to be held with Harold Good regarding the investigation into the policing of parades and the publication of the report by Bryan, Hamilton and Jarman.

8.0 Any Other Business

8.1 Commission Powers to Intervene

Should the Casework Committee decide to appeal the Lord Chief Justice's recent decision that denies the Commission the power to make third party interventions, all Commissioners need to be notified.

8.2 The meeting closed at 6.15 p.m.