

**Draft Minutes of the 8th Meeting of the Joint Committee of Representatives of
the two Human Rights Commissions on the island of Ireland**

The Joint Committee

Held at 11.00 am on Friday 11 April 2003

At the offices of the Northern Ireland Human Rights Commission, Belfast

Present: NIHRC: Brice Dickson, Chief Commissioner, (Chair)
Margaret Ann Dinsmore
Tom Donnelly
Christine Eames
Tom Hadden
Paddy Kelly
Chris McGimpsey
Patrick Yu

 IHRC: Maurice Manning, President
Olive Braiden
Suzanne Egan
Michael Farrell
Tom Higgins
Jane Liddy
Clodach McGrory

In Attendance Alpha Connelly, Chief Executive, IHRC
Paddy Sloan, Chief Executive, NIHRC

Apologies: NIHRC: Harold Good
Frank McGuinness

 IHRC: Fionnuala Ní Aoláin
William Binchy
Martin Collins
Robert Daly
Nuala Kelly
Gerard Quinn
Mervyn Taylor
Katherine Zappone

**1.0 Minutes of the 7th Meeting of the Joint Committee held on 21 January
2003**

1.1 The Minutes of the previous meeting of the Joint Committee were agreed as
an accurate record and signed by the President and the Chief Commissioner.

2.0 Matters Arising

- 2.1 The Irish Minister for Justice, Equality and Law Reform has informed the President that he is taking the views of the IHRC very seriously regarding the Criminal Justice (Terrorist Offences) Bill currently under consideration.
- 2.2 The Chief Commissioner of the NIHRC agreed to revisit his paper of 2 January 2003 which had been discussed at the 7th Joint Committee meeting on Accreditation of NHRIs (National Human Rights Institutions). The purpose of his paper is to encourage the United Nations and other international organisations to give special status to human rights institutions as distinct from government representatives or non-governmental organisations. It was agreed that the Chief Commissioner will present his revised paper to the United Nations Human Rights Commission when it meets in April in Geneva.
- 2.3 The joint database of international instruments affecting both jurisdictions still needs to be updated. The technical work of transferring the ownership of the database to the Commissions and securing access has been done. The research and updating should now be undertaken by the Commissions themselves, in-house if possible.

3.0 Sub Committee Reports

Paddy Kelly joined the meeting at 11.15 am.

3.1 Racism Sub Committee

- 3.1.1 Michael Farrell as Convenor of this Committee tabled a report outlining the IHRC Sub Committee's work on racism and its relevance for joint work with the NIHRC.
- 3.1.2 The progress on the development of National Action Plans against Racism will be reported at the UN Human Rights Commission in Geneva.
- 3.1.3 The IHRC is supporting the Equality Authority in training Traveller groups to make submissions at tribunals, challenging the Travellers and Equal Status Act. It was agreed in principle that the Joint Committee Sub Committee on Racism would take further the proposal to prepare a comparative paper looking at the situation of Travellers north and south. The Sub Committee will liaise with the Equality Authority and the Equality Commission in preparation of such a paper.

Chris McGimpsey and Patrick Yu joined the meeting at 11.30 am.

- 3.1.4 Preparation of a guide to submitting a response to the Committee on the Elimination of Racial Discrimination is being prepared by the Sub Committee. The Northern Ireland input to this publication needs to be prepared as soon as possible. The Irish Government's report to CERD will be produced in draft form in the autumn and submitted at the end of the year. The UK report will

be considered by the Committee in August. The NIHRC Ethnic Minorities Group will consider CERD at its next meeting.

- 3.1.5 Both Commissions supported the call for their respective governments to ratify the Convention on Migrant Workers. Both Commissions agreed that a comparative study on the situation affecting migrant workers north and south should be a priority and is in fact already in the NIHRC's Strategic Plan. The Sub Committee will take forward further research in this area.
- 3.1.6 Similar concerns were expressed regarding asylum seekers and refugees with further research needed to assess the extent of north/south transfer and any differences in situation. The IHRC is considering the recent Irish Supreme Court decision which allows the deportation of the parents of children who are Irish citizens. Similar concerns were expressed about the level of non-nationals (c20%) who do not have medical records. Further facts are needed to supplement anecdotal information.
- 3.1.7 It was agreed that on all three of these potential research projects, the Joint Sub Committee will bring a recommendation to the Joint Committee prior to commissioning any work which will make clear the aims, methodology, purpose and resources required to conduct the proposed research.
- 3.1.8 The Sub Committee will consider the proposal that a seminar be organised for Judges north and south to challenge and inform regarding the use of racist, defamatory marks from the Bench.
- 3.1.9 The Racism Sub Committee will meet as two separate groups, north and south, circulate short papers and meet together either by teleconferencing or on an alternative date to that of the Joint Committee.
- 3.1.10 A racism staff commissioners working group will be established through the NIHRC to look at:
 - The National Action Plan Against Racism
 - The UK CERD Examination
 - Migrant Workers
 - Asylum Seekers
 - Racism in the Criminal Justice System

3.2 Emergency Legislation Sub Committee

- 3.2.1 A paper had been tabled by the Chief Commissioner of the NIHRC. It was agreed that both Commissions needed time to discuss and consider the paper and the proposal for research on Anti Terrorism Laws north and south. A copy of the IHRC comments on the Criminal Justice (Terrorist Offences) Bill will be made available to the NIHRC.
- 3.2.2 Any research proposed will pay particular attention to changes in the situation post September 11th.

3.2.3 A recommendation from each Commission will be considered at the next Joint Committee meeting.

3.3 Charter of Rights Sub Committee

3.3.1 Paddy Kelly spoke to the pre-consultation paper prepared by Brice Dickson, which had taken on board comments from both Commissions individually and been agreed through a Joint Sub Committee.

3.3.2 It was noted that the EU Charter of Fundamental Rights is not yet fully justiciable though it may become so, therefore that reference at point 21(c) is to be removed.

3.3.3 Most other proposed changes were stylistic and accommodated.

3.3.4 There followed discussion regarding the reference in the Good Friday Agreement to the Joint Charter of Rights having to be acceptable to political parties north and south and to what extent that should be the focus of the drafting process. It was agreed that the pre-consultation document would go to all political parties and other representatives of civil society for comment.

3.3.5 It was agreed under the Criminal Justice section to add the Right to Jury Trial for serious offences.

3.3.6 Other amendments proposed by Michael Farrell and further stylistic comments were accepted.

3.3.7 A covering letter explaining the consultation and pre-consultation process will accompany the document which will go to an agreed list of consultees.

3.3.8 The document will be circulated on 28 April for responses by 1 September 2003.

3.3.9 Both Commissions will see all submissions but a key Commissioner will be identified both north and south to take the lead in managing responses. The Sub Committee will reconvene to consider what if any further research is required to inform the preparation of a consultation paper.

3.3.10 The Sub Committee will also agree on managing the media interest in this project.

3.3.11 A final list of consultees will be circulated to all Commissioners for comment with a short turnaround period.

3.3.12 The staff resourcing required for this process will be considered at the next meeting.

4.0 Update on Activities

4.1 IHRC

4.1.1 The IHRC has launched its First Strategic Plan and which received much media attention.

4.1.2 The new human rights focus of Atlantic Philanthropies Funding Programme was discussed and will be further pursued by the IHRC.

4.2 NIHRC

4.2.1 The NIHRC Strategic Plan is almost complete and congratulations were offered by the Chief Commissioner to the President on the production of the IHRC Plan.

4.2.2 The Chief Commissioner reported as Convenor of the European NHRIs Sub Group looking at the Reform of the European Court on Human Rights that this will be further discussed at the UN Human Rights Commission meeting in Geneva next week. The proposal is that the Court be reduced to a Court that selects its own cases. The UK representative on the Steering Group is supportive of that position but there has as yet been no response from the Irish representative.

5.0 Any Other Business

5.1 Michael Farrell reported on the recent ICCL seminar on policing and it was agreed that there should be a complaints mechanism in the RoI similar to the role of the Police Ombudsman in Northern Ireland.

5.2 The Chief Executive of the IHRC noted that she would not be able to attend the meeting until 12 noon. (*Paddy to check with Alpha*)

5.3 The Chief Commissioner of the NIHRC raised the issue of the need for all Commissioners on both Commissions to be members of the Joint Committee. This in practice results in either a lot of apologies or a meeting so large that not everyone can effectively participate. It was agreed that both Commissions would separately review membership and the effectiveness of the meetings and report to the next Joint Committee meeting.

6.0 Next Meeting

6.1 The next meeting of the Joint Committee will be held on Thursday 19 June at 10.30 am in Dublin.