

# **NORTHERN IRELAND HUMAN RIGHTS COMMISSION**

## **Minutes of the 19<sup>th</sup> Commission Meeting**

**Held on Tuesday, 18 July 2000**

**At 10.30 am in the NIHRC Offices, Temple Court,  
39 North Street, Belfast**

**Present:** Brice Dickson, Chief Commissioner  
Christine Bell  
Tom Donnelly  
Margaret-Ann Dinsmore  
Harold Good  
Tom Hadden  
Paddy Kelly  
Inez McCormack  
Frank McGuinness

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

**Apologies:** Angela Hegarty

### **1.0 Congratulations**

- 1.1 Congratulations were offered to Dr Inez McCormack on her recent Honorary Doctorate awarded from Queen's University Belfast.
- 1.2 Harold Good was congratulated on his recent nomination as President Elect of the Methodist Church in Ireland.

### **2.0 Minutes**

The Minutes of the 18<sup>th</sup> Commission meeting were reviewed for accuracy.

- 2.1 Minute 4.2 describing the Commonwealth Lawyers Association Conference was amended. The query raised with Commissioners from an outside source was regarding the appropriateness of inviting the Chief Constable to respond on behalf of Government policy, not as to his speaking at the event. The minute was amended accordingly.

### **3.0 Matters Arising**

- 3.1 The Chief Commissioner has still to write to the Secretary of State seeking a meeting to discuss the Commission's budget.
- 3.2 Harold Good has agreed to Chair the Victims Committee.
- 3.3 The Confidentiality Policy is still out with counsel for advice. On receipt of this advice the guidelines for investigations will be issued in a final form.
- 3.4 Margaret-Ann Dinsmore and Harold Good tabled a report of their visit to the Bloody Sunday Inquiry on 7 June 2000.
- 3.5 A flyer is to be circulated to stimulate interest in the Criminal Justice Review Seminar scheduled for 5 September 2000. A specific element of this Seminar should contribute to the Bill of Rights Consultation and the Chair of the Criminal Justice Working Group, Kieran McEvoy should be involved in the planning process.
- 3.6 There has to date not been a response to the Commission's letter to the Hamill family seeking a further meeting.

### **4.0 Chief Commissioner's Report**

#### **4.1 Annual Report**

The Annual Report will be laid in Parliament on 25 July 2000. It has been forwarded to the Secretary of State as text only as the printed copy will not be available for another two or three weeks. The report is laid in Parliament with copies in the Libraries of the House of Commons and House of Lords, the Printed Paper Office and the Vote Office.

It was agreed that the Annual Report, when printed, should be officially launched and that the opportunity should be taken to make available the Strategic Plan and the Bill of Rights pamphlets and education materials. This launch should take place at the end of August and should be an opportunity to provide a mid-term update on the Bill of Rights consultation process.

#### **4.2 Equality Scheme**

The Equality Scheme is not yet finalised; a final version will be presented to the August Commission meeting. The Commission received notice of designation just this week and has therefore six months in which to submit the final scheme.

#### **4.3 Northern Ireland Act 1998 (Designation of Public Authorities) Order 2000**

The Commission's submission on this Order was extensively used by MPs in the Fifth Standing Committee on Delegated Legislation in the House of

Commons. The response from the Minister was referred to the Equality Committee to determine any further action.

#### 4.4 Memorandum of Understanding with the Equality Commission

There was substantial discussion around the draft of this document and the need for some explicit reference to responsibility under Section 76. It was agreed that where there is doubt regarding responsibility there should be joint consideration given to a case by the Human Rights Commission and the Equality Commission, who will or may act jointly as a result.

At the end of Paragraph 5 of the Memorandum the phrase “cannot commit each other” should be introduced.

In Paragraph 10 a commitment should be made that the two Commissions will meet *at least annually*.

Some reference should be made to the cross-border perspective, that is the Equality Commission and the Equality Authority and the two Human Rights Commissions. This should be inserted into Paragraph 6 as “including liaison with the Equality Authority and Human Rights Commission in the Republic of Ireland”.

The Memorandum of Understanding will (it is hoped) be finalised by Thursday, 20 July 2000 and forwarded to the Equality Commission.

#### 4.5 Joint Meeting with the Equality Commission

A joint meeting has been planned for 23 October 2000. It was agreed that there should be an outside input, possibly from Gerry Quinn, to provide a European perspective and to stimulate discussion on how equality could be better protected by a Bill of Rights. The Bill of Rights Equality Working Group should be invited to attend this session of the meeting. Subsequently, the two Commissions should meet in closed session to discuss mutual business.

#### 4.6 Joint Equality Group, now known as the Equality and Human Rights Forum

Paper HRC 19.15 provides a report of the recent meeting of this group in Belfast on 4 July, attended by Frank McGuinness and Denise Magill on behalf of the Chief Commissioner and Chief Executive. It was noted that the Commission should suggest specific human rights and equality issues for the agenda of the next meeting in January 2001.

#### 4.7 Human Rights Commission in the Republic of Ireland

No further progress has been communicated and the proposed joint meeting scheduled for July has not as yet materialised.

#### 4.8 EU Charter on Fundamental Rights

It was suggested that the NIHRC should make a submission to the European Council on the draft document currently being prepared. The Commission should seek to be active in the UK process and may consider working jointly with the Human Rights Centre at Queen's University to run a conference on this in September/October 2000. Information will be sought on the mechanism for submissions. Tom Hadden has some information regarding the timetable:

11 and 12 September: European Parliament will examine the text;  
19 October: the final adoption by European Parliament of the text.

Tom Hadden will provide a contact in the Human Rights Unit at the European Parliament with whom we should correspond. The UK Government should be advised of the Commission's position and the Chief Commissioner should write to Robin Cook and seek a copy of the draft Charter, as this has a direct relationship to the inclusion of economic and social rights in the Bill of Rights. All correspondence should be copied to Northern Ireland MEPs and to the NIO and Human Rights Directorate.

#### 4.9 Guidance to Public Authorities on the Human Rights Act 1998

Commissioners considered this to be a useful document but also that the Commission should seek to be more active on the Human Rights Act. A budget should be prepared that relates to what the Commission would like to do and the costs thereof for discussion with the Secretary of State.

#### 4.10 Commonwealth Lawyers Association Conference

The event was successful and well received despite disappointing attendance and venue. The CLA was very happy with the co-operation received from the NIHRC.

#### 4.11 Cambridge Commonwealth Conference

Paper number HRC 19.16 provides a report of the Commonwealth Conference for National Human Rights Institutions attended by the Chief Commissioner. It was important that NIHRC was represented as it is viewed as an interesting model for Commissions throughout the world. As a result of this conference a Commonwealth version of the Paris Principles is under consideration.

#### 4.12 NIHRC Bill of Rights Conference

The President of the South African Constitutional Court, Mr Arthur Chaskalson, has agreed to come to Belfast on 13 or 14 December, final dates to be confirmed. Careful consideration should be given to the planning of this conference to ensure that it is as inclusive as possible. Depending on the amount of time available from Mr Chaskalson, consideration should be given to hosting events around Northern Ireland as well as a more specialised

seminar for an informed audience. It was agreed that given the prominence of Arthur Chaskalson and his wealth of experience, it was not necessary to seek another speaker.

#### 4.13 Policing

The recent briefing in the House of Commons on the Police (NI) Bill to MPs and Peers was very useful and is a mechanism that should be used more often. A brief will be prepared for the next reading in the House of Lords. Tom Hadden, Brice Dickson, Inez McCormack and Denise Magill will finalise this. The Commission's position on the 50/50 issue needs to be clarified. Commissioners offered congratulations on the briefing done to date.

A meeting has been arranged with Paul Priestley of the Patten Action Team at 10.00 am on 20 July 2000 at Castle Buildings. This will involve Tom Hadden, Brice Dickson, Paddy Kelly and Denise Magill.

A meeting has been arranged with the Secretary of State regarding Policing at 2.30 pm on 12 September 2000 at Castle Buildings. Angela Hegarty is to be informed of this meeting prior to confirmation.

The RUC's draft training, education and development strategy will be considered by the group currently working on the Police Bill and a response prepared.

A meeting with the RUC's Human Rights Act Implementation Working Group has been arranged for 10.00 am on 21 July 2000 and will involve Brice Dickson, Denise Magill and Edel Teague.

Commissioners asked for a one-sheet analysis of the problems with the RUC training as no report has as yet been produced on the training observed to date. A paper will be produced advising on the problems and also highlighting and identifying improvements and areas of satisfaction with the training programme.

The Secretary of State's reply to the Chief Commissioner's letter regarding the inquiry into Patrick Finucane's murder (HRC 19.17) was considered and Commissioners agreed that a strategy is now required on how to take this issue further. It was agreed that a copy of the Secretary of State's response should be sent to the Finucane family and they should be advised that the Commission will now seek a meeting with the Secretary of State.

The response from British-Irish Rights Watch was discussed. It was agreed that a distinction should be made between the RUC and the security services and that it should be clear that the Commission is interested in both. It was therefore suggested that the Chief Commissioner contact Lord Lloyd, the Security Services Commissioner, on this aspect of the issue.

The Chief Commissioner has met with the Oversight Commissioner and it was agreed that a meeting should be requested for the full Commission with the Oversight Commissioner when he is next in Belfast.

#### 4.14 Diplock Review

The NIO's review of the Diplock's courts has been received and was tabled. The document will be discussed at the August Commission meeting.

#### 4.15 Investigations by the Northern Ireland Affairs Committee

The Committee's report on parades will not be prepared until the autumn and there is therefore still an opportunity for NIHRC to submit the work currently being prepared on how international human rights law affects the policing of parades.

The Committee intends to undertake an inquiry into legal aid although terms of reference are not yet available. This will be monitored by the Legislation and Policy Committee.

An inquiry is to be undertaken into the forced re-location of families and individuals due to paramilitary intimidation. The terms of reference are available although no timescale has been given. It was agreed that the Victims Committee (meeting on 28 July) will consider how the NIHRC might respond to this investigation and the Chief Commissioner and Chief Executive will consider the staff resource implications, including the opportunities for internships.

#### 4.16 "Appraisal" of Commissioners

The Chief Commissioner will meet with each Commissioner individually in the middle of their three-year tenure as a means of contributing to the overall review of the Commission's effectiveness due to be submitted to the Secretary of State next March.

### **5.0 Chief Executive's Report**

#### 5.1 Staff

5.1.1 The Investigations Committee will have an important role in directing the work plan of the locum Investigations Worker.

5.1.2 The Victims Committee should arrange to meet to develop a work plan for the Victims' Rights Project Worker, recently appointed.

5.1.3 Concern was expressed regarding the standard of some of the Commission's paperwork and committee reports. The Chief Executive has responsibility to assure the quality of papers circulated and it was agreed that all minutes would also be cleared by respective committee chairs prior to circulation.

## 5.2 Accommodation

Progress was noted but urgency again reinforced by Commissioners for the development of the ground floor.

## 5.3 Finance

5.3.1 The Chief Executive explained that a system of financial reporting is currently being developed with the Commission's financial advisors and a regular monthly spreadsheet will soon be available.

5.3.2 The Chief Commissioner has met with the NIO regarding the budget. A strong case needs to be prepared for further funding.

5.3.3 It was suggested that a budget be drawn up for the Bill of Rights consultation as a stand alone project for submission.

5.3.4 The Chief Commissioner and Chief Executive will prepare a finance paper for submission to the NIO.

## 5.4 Corporate Identity

The Communications Committee has arranged to meet to discuss the development of a corporate strategy. The Commissioners were issued with business cards and it was noted that the annual report, strategic plan, Bill of Rights pamphlets and education materials are now ready for publication.

**6.0** At this point the Commissioners were joined by staff for a discussion to follow on from the residential at Dunadry held on 27, 28 January 2000. It was agreed that Commissioners would not respond directly to issues raised by staff until they had an opportunity to consider their position.

6.1 Staff sought clarity from Commissioners on contracts, job descriptions, organisational structure, terms and conditions of employment and mechanisms of staff team working. In addition they sought some guidance from Commissioners on mechanisms for strategic decision making and how staff might be more involved in that process. It was agreed that there is no resistance to providing and developing a staff manual in consultation with staff and their union representatives. A commitment was made that such a manual would be prepared by 1 September 2000.

6.2 Commissioners would welcome structured policy papers in advance of meetings that give time for consideration and debate and provide options. Consideration would be given to involving staff in discussion with Commissioners on difficult issues as well as in the preparation of options papers. However it was made clear that policy decisions are the Commission's responsibility, not a staff role.

- 6.3 Consideration would be given to the creation of a Finance and General Purposes Committee although previously Commissioners had decided that this was not necessary.
- 6.4 Consideration would also be given to the attendance of staff at parts of Commission meetings.
- 6.5 The difficult working conditions of the cramped premises were acknowledged by Commissioners and a commitment was given to provide more space as soon as practical.
- 6.6 It was agreed that Commissioners would consider the points raised by staff and respond at the August Commission meeting.

Staff then left the Commission meeting.

## **7.0 Response to “QC” Case**

*Margaret-Ann Dinsmore did not take part in the discussion of this item of business.*

A paper was tabled providing options for responding to the issues raised in the judicial review taken by two barristers and supported by an amicus brief by the NIHRC, challenging the declaration which QCs were obliged to take prior to their appointment. A series of options was proposed and discussed.

It was agreed that in order to pursue issues raised in this case, the Chief Commissioner would write to the Lord Chancellor regarding the role of the Lord Chief Justice in the case, and also to the Bar Council to clarify their current position. The correspondence to the Lord Chancellor will be circulated to all Commissioners prior to issue.

*Christine Bell left the meeting at this point.*

## **8.0 Bill of Rights**

- 8.1 The Minutes of the meeting of 20 June 2000 were amended to note that Frank McGuinness was present at the meeting and that Paddy Kelly sent apologies to the meeting.
- 8.2 It was agreed that the Commission’s policy on the kind of Bill of Rights it wanted for Northern Ireland was that as comprehensive a document as possible should be enacted, and in line with the requirements of the Good Friday Agreement.
- 8.3 It was agreed that Commissioners needed to focus on how the drafting of a Bill of Rights document would be undertaken. A training session was

suggested that would be quite technical in nature and would ensure that Commissioners were well versed in all aspects of a Bill of Rights.

- 8.4 It was agreed that this would take place on 15 and 16 September in Belfast and would not be residential. There would be a session on Friday evening and a subsequent all-day Saturday training programme.
- 8.5 In addition a drafting discussion needs to take place with Commissioners prior to the production of the first Bill of Rights document in December.
- 8.6 It was agreed that a residential be arranged outside Belfast on 17 and 18 November 2000 for Commissioners only and that this should be facilitated, preferably by Richard Reoch.
- 8.7 Both of these dates needed to be checked with Angela Hegarty and Christine Bell.
- 8.8 The membership of the working groups was discussed. It was agreed that any elected representatives should not be included and that civil servants should be there as independent advisors and not representing their departments.
- 8.9 Church representation should be considered and if necessary discussion with key individuals such as David Stevens and the joint Churches Council should take place.
- 8.10 The finalisation of the victims working group membership will wait until after the Victims Committee meets on 28 July.
- 8.11 Any further suggestions or comments on the membership proposed should be made to the office within the next 2 or 3 days.
- 8.12 The Communications group needs to consider how the media can be best employed to promote the Bill of Rights Consultation.
- 8.13 The discussion closed with an appeal from Commissioners for better co-ordination on the Bill of Rights Consultation process and for easier communication of the programme.

## **9.0 Criminal Justice Review**

- 9.1 Timothy Ritchie has been appointed as an intern to the Commission and will produce a paper by 14 August which will provide the basis for the Criminal Justice Review seminar scheduled for 5 September 2000.
- 9.2 International Human Rights Standards will be used to inform the NIHRC response to the Review.

- 9.3 Discussions will take place with Kieran McEvoy, as Chair of the Bill of Rights Working Group on Criminal Justice, regarding the seminar and our response to the Review.
- 9.4 This will be an item for discussion at the August Commission meeting.

## **10.0 Committee Reports**

### **10.1 Education**

- 10.1.1 Additional resources are required for the training of facilitators in order to meet the demand and to ensure our geographical and sectoral responsibilities are met. Some initial concern was expressed regarding the response from the Protestant community to the facilitation seminars and it was agreed that the Commission would be more pro-active in this area.
- 10.1.2 It was agreed that an additional £5,000 should be made available to the Education Committee to employ a co-tutor for a period of 3 months to assist with the delivery of the training programme.
- 10.1.3 Again co-ordination between the education work and the Bill of Rights consultation programme should be a priority.

### **10.2 Casework**

- 10.2.1 There is a serious backlog in the processing of cases and this needs to be addressed.
- 10.2.2 The administration of the casework also needs to be reviewed and if necessary additional resources allocated to that process.
- 10.2.3 A paper will be presented to the next Commission meeting in August on how best to take forward the situation with casework.

### **10.3 Legislation and Policy**

- 10.3.1 The minutes of the Legislation and Policy Committee were amended to remove any reference to individual researchers.
- 10.3.2 A full-time locum should be employed to cover Denise Magill's maternity leave.
- 10.3.3 Margaret-Ann Dinsmore as Chair of the Legislation and Policy Committee is anxious to have an input to the locum appointment and will undertake any training in interview procedure that is required.

10.4 Investigations Committee

10.4.1 Congratulations were offered to Linda Moore who had just yesterday given birth to a baby girl. Mother and baby are both well.

10.4.2 Correspondence received from David Trimble will be circulated for discussion at the next Commission meeting in August.

10.4.3 Support and direction will be provided to the locum investigations worker particularly with regard to the ongoing juvenile justice investigation.

**11.0** Margaret-Ann Dinsmore noted that she had attended and spoken on behalf of the Commission at the Save the Children event on 17 July in the presence of the Princess Royal.

There being no other business the Commission meeting ended at 5.30 pm.