

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 20th Commission Meeting

Held on Monday, 14 August 2000

**At 2.00 pm 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 Condolences

1.1 Condolences were offered by the Commission to Angela Hegarty on the recent death of her father. Flowers will be sent on behalf of the Commission and staff.

2.0 Minutes

The Minutes of the 19th Commission meeting were reviewed for accuracy.

2.1 At point 6 an additional sentence to be inserted “Commissioners agreed that they would not respond directly to points raised by staff until they had an opportunity to discuss the issues and consider a collective response”.

2.2 At point 6.4 the minute is amended to read “consideration would also be given to the attendance of staff at parts of Commission meetings”.

2.3 At point 7.0 to be inserted at the end of this paragraph *Christine Bell left the meeting at this point.*

2.4 At point 8.3 to be amended to refer to *Commissioners only* undertaking training on the more technical side of a Bill of Rights.

2.5 At point 11 Margaret-Ann Dinsmore attended the Save the Children event “on behalf of the Commission”.

2.6 There being no other amendments the minutes were approved.

3.0 Matters Arising

3.1 Equality Scheme

This is still being revised and will be reviewed by the Equality Committee prior to consideration at the next Commission meeting in September.

3.2 Equality Commission

The joint meeting planned for 23 October 2000 between the Human Rights Commission and the Equality Commission was discussed. It was reported that the Chief Executive and Chief Commissioner will meet with the Chief Executive and Chief Commissioner of the Equality Commission at an early date to finalise arrangements.

3.3 Bill of Rights Conference

3.3.1 Arthur Chaskelson has agreed to attend and speak at the Bill of Rights Conference planned for December 2000. The most probable date is 13 December and it was agreed that if only one day of Judge Chaskelson’s time is available it should be used as productively as possible and that the Conference should not be too legalistic in content.

3.3.2 If there is an opportunity to host two events with Arthur Chaskelson, one should be with politicians and he needs to meet the judiciary, probably privately. In order to maximise his time all the meetings should be arranged in Belfast and the Conference itself should be as inclusive in attendance as possible.

3.4 Diplock Court Review

The draft response to this Review has been circulated to Commissioners. A full discussion was deferred until the September Commission meeting.

3.5 Meeting with Secretary of State

The meeting planned for 12 September 2000 with the Secretary of State on Policing will be attended by Paddy Kelly, Tom Hadden, Tom Donnelly, Christine Bell and hopefully Angela Hegarty together with the Chief Commissioner and relevant staff.

3.6 Patrick Finucane

The Finucane family have still to be contacted regarding the Commission's interest in this case - letters will be written as soon as possible.

3.7 RUC Training

Commissioners are anxious to have recorded comments on the RUC training that has been observed by members of staff. It was agreed that a critical review of both positive elements and areas where improvements are recommended should be circulated to Commissioners as soon as possible. The next observation opportunity is 31 August 2000.

3.8 Bill of Rights Residential

Commissioners had agreed to attend a two-day residential on 17 and 18 November 2000 to discuss the drafting of the Bill of Rights. It transpires that the Chief Commissioner will be in New Zealand at that time and it was therefore agreed, subject to Angela's availability, to bring the residential forward by a week to the 10 and 11 November.

4.0 Chief Commissioner's Report

4.1 The Chief Commissioner reported that he had written twice to the Secretary of State, once advising him of the Commission's progress on the Bill of Rights Consultation and once seeking a meeting to review the Commission's budget.

4.2 Confidentiality Policy

4.2.1 Counsel's opinion has not yet been received in writing, only verbal advice has been available to date. The Commissioners expressed some disappointment at this and advised the Chief Commissioner and Chief Executive that given the importance of this particular Policy it may prove necessary to seek Senior Counsel's advice. It was also noted that a broader Policy is required that encompasses the treatment of sensitive information.

4.2.2 It was agreed that any comments or amendments would be submitted by Monday 21 August. Thereafter the document becomes the Provisional Confidentiality Policy of the Commission until further amendment. Following current Counsel's opinion it may prove necessary to seek Senior Counsel's advice in the autumn.

4.2.3 Commissioners were anxious to re-confirm a commitment to confidentiality. It is important to remind all Commissioners and staff on a regular basis of the confidentiality of the Commission's work and that no NIHRC business should be discussed outside the office.

4.3 Annual Report

The Annual Report was laid before Parliament by the Secretary of State on 25 July 2000. The printed version will be available by the end of August and a launch will be arranged early in September when all documents currently under production are available.

4.4 Irish Human Rights Commission

Judge Donal Barrington, President of the Irish Human Rights Commission, met with the Chief Commissioner and Chief Executive of NIHRC as one of his first appointments. The Chief Commissioner was able to forward a number of useful documents to Judge Barrington that may assist in the establishment of his new Commission. There will be eight Commission members in addition to the President and those places will be advertised with closing date 15 September 2000. It was noted that Inez McCormack is a member of the selection committee appointed by the Irish Government.

4.5 Equality Commission

Commissioners expressed anxiety that the NIHRC meet Commission representatives soon to develop a closer liaison. The Chief Commissioner and Chief Executive will report on this to the September Commission meeting.

4.6 EU Charter on Fundamental Rights

A Conference has been arranged on this topic at Trinity College on 29 September at which the Commission should be represented. In addition Queen's University is hosting a Conference in November and the Chief Commissioner is exploring the option of joining with Queen's and possibly UU also to combine resources for such a Conference.

4.7 Policing

There was some discussion regarding the 50/50 issue and its legality. Tom Hadden agreed to prepare a paper on the compatibility of the 50/50 proposals with the European Convention. This will be circulated to all Commissioners and Brice Dickson will discuss the issue further with Antony Lester.

4.8 RUC Human Rights Working Group

4.8.1 A report on the RUC training observations was again requested.

4.8.2 The appointment of a Human Rights lawyer to the Police, as recommended by Patten, was discussed with the Chief Commissioner who gave his views but it was not a formal Commission consultation.

4.8.3 It was agreed that for the September Commission meeting a "checklist for change" would be drawn up for consideration by Commissioners.

4.8.4 It was noted that ACPO have produced a CD Rom on Human Rights training.

4.9 QCs Case

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

A draft letter to the Lord Chancellor was discussed. Some Commissioners felt that they were not fully informed of the facts of this case and had not received all the papers requested. They therefore felt unable to contribute fully to the debate. It was agreed that the relevant press release and Hansard would be circulated to all Commissioners together with a re-draft of the letter.

5.0 Chief Executive's Report

5.1 Staffing

5.1.1 It was noted that Denise Magill will be on maternity leave from the end of September and there is therefore some urgency to advertise for a Locum.

5.1.2 With regard to the discussion on staffing issues at the previous Commission meeting Commissioners wanted to assure staff of their support and accessibility but to reinforce the need for process in that Commissioners set policy, they do not manage staff.

5.2 Accommodation

It was agreed that there is considerable pressure for space in the current accommodation and Commissioners are content to tender jointly with the landlord to expedite the refurbishment of the ground floor. It is important that the tendering process is competitive and balanced and sits comfortably with government procurement procedures.

5.3 Finance

It was noted that the Chief Executive was meeting with representatives of the NIO and FSD to discuss the Commission's finances. A report will be forthcoming to the next Commission meeting.

6.0 Committee Reports

6.1 Casework

6.1.1 A copy of the letter to Mr Justice Kerr on the Fulton case is to be forwarded to Margaret-Ann Dinsmore.

6.1.2 Casework minutes need clarification under 2.6 on referring an *issue* as opposed to an individual case to the Victims Committee for consideration

6.2 Victims

- 6.2.1 Mary Waldron will start with the Commission on 11 September 2000 as the Victims' Rights Project Worker.
- 6.2.2 The membership of the Bill of Rights Working Group on Victims is to be reviewed by the Victims Committee, which will subsequently make recommendations to the next Commission meeting.

6.3 Education

- 6.3.1 There is a need for the Education Committee to liaise with the Legislation and Policy Committee regarding lobbying at Westminster.
- 6.3.2 Clarity on the Education Committee's "fundraising strategy" was sought.
- 6.3.3 Further information on the Conference with the Department of Education will be circulated to Commissioners.

6.4 Investigations

- 6.4.1 Insert into the Investigations guidelines at point 6 "that a Child Protection Policy is in place".
- 6.4.2 The Investigations guidelines are approved subject to Counsel's advice.
- 6.4.3 The draft Child Protection Policy was tabled and comments will be received by close of play on Wednesday 16 August. This Policy will be revisited in September. Comments are particularly welcome from Paddy Kelly and Margaret-Ann Dinsmore. It was agreed that a different Child Protection Policy would be needed for Casework and Investigations.

Christine Bell left the meeting at this point (5.00pm).

6.5 Legislation and Policy

- 6.5.1 Commissioners should note that the Single Equality Act will be an important area of work in the immediate future.
- 6.5.2 CERD submission is prepared and will be submitted immediately with an accompanying press release.

6.6 Information Worker

- 6.6.1 The updating of the website is a priority.
- 6.6.2 A procedure for monitoring press coverage has been agreed.

6.6.3 All factual inaccuracies reported in the press about the NIHRC will be corrected, otherwise the Commission is unlikely to respond directly to negative publicity.

6.7 Bill of Rights

6.7.1 A concentrated training session will be provided for Commissioners only on 16 September at the NIHRC by an external trainer. The training will last from 12 noon to 5.30 pm and will begin with lunch at the Commission. Additional training will be provided for the Chairs of Working Groups and co-tutors on 30 August 2000.

6.7.2 Consideration should be given to establishing a sub-group on Women with regard to the Bill of Rights. In particular there is a need to consider the Beijing Conference. A proposal will be drafted and brought to the September Commission meeting.

6.7.3 Clarification is sought on the role of Commissioners on the Working Group and the relationship between the Working Group and the Bill of Rights Committee and the Bill of Rights Committee and the Commission. A paper will be prepared for the September Commission meeting. The Chief Commissioner is currently drafting new guidelines for the Working Groups which will be circulated.

6.7.4 A budget related to the Communication Strategy for the Bill of Rights was tabled. A more detailed paper will come from the Communication Strategy Working Group but in the interim Commissioners are asked to consider the proposals tabled.

6.8 Criminal Justice Review

6.8.1 Timothy Ritchie, an Intern with the Commission, has prepared a very useful working document as a basis of the Commission's response to the Criminal Justice Review. It was agreed that the paper would be further refined and re-presented to the Commission in September as a draft response.

6.8.2 The Conference on the Criminal Justice Review scheduled for 5 September 2000 is primarily designed to alert constituencies to relevant issues. The reworked paper from Timothy Ritchie will be given to all delegates but an additional paper will need to be prepared which will constitute the NIHRC response to the Criminal Justice Review.

6.9 Staffing

A further staffing report to Commissioners as a result of the comments received on the draft staff manual should be provided as soon as possible and before the next Commission meeting.

7.0 Any Other Business

Paddy Kelly wishes to attend the SLS Conference on the Human Rights Act to be held on 30 September 2000 at the Waterfront Hall.

There being no other business the meeting closed at 6.15 pm.