

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 26th Commission Meeting

Held on Monday 12 February 2001

**At 11.30 am in the NIHRC Offices, Temple Court,
39 North Street, Belfast**

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

In Attendance: Paddy Sloan, Chief Executive

Apologies: Harold Good

1.0 Minutes of the Previous Meeting

- 1.1 At point 5.4.1 the third sentence has a typographical error and should now read “some reservations had been expressed regarding the report by those who had read it”.
- 1.2 At point 5.4.1 a new sentence is to be inserted before the last sentence of this minute to read, “The Chief Commissioner’s view is that there is no evidence of discrimination and, while there may or may not be inadequate procedures, there is no evidence of disadvantage to the complainant.
- 1.3 At point 5.4.1 the second sentence should read, “It was copied to all parties named in the complaint and to
- 1.4 At point 5.4.2 the last sentence should not be written in italics.

2.0 Matters Arising

- 2.1 Commissioners requested that minutes of the Commission meetings be circulated within a week of the meeting, in advance of the circulation of papers for the next meeting.

2.2 Political Strategy

A response from Dermot Nesbitt following his initial meeting with the Commission has not yet been received. This will be followed up by the Chief Executive.

2.3 Equality Meeting

The Chief Executive and Inez McCormack met today to discuss the equality scheme and a schedule of work for the Equality Committee.

2.4 Bar Council

The alleged offensive website which mentions particular lawyers has not yet been traced. However some Commissioners feel that it is still available and the Chief Executive agreed to contact British Irish Rights Watch for an update.

2.5 Staffing

Commissioners expressed a view that staffing and the regulation of same by the NIO should be included in the Commission's Review of Powers.

2.6 Meeting with the Minister, George Howarth

2.6.1 Minor amendments were noted to the minute regarding dealing with the past.

2.6.2 Typographical error in the spelling of Dr Alex Borrairie.

2.6.3 Delete "in addition" at the start of the third sentence and replace with "A Commissioner pointed out that".

2.6.4 In line two the Human Rights Commission has no powers to be a Truth and Reconciliation Commission.

2.6.5 Further amendments were noted to the discussion on the appointment of a new Commissioner. At 5.2 the final sentence should read, "The Minister suggested the procedure may require four to six months". An additional sentence should be inserted at – "The Minister agreed to consider that the appointment should comply with the Paris Principles, specifically with respect to composition".

3.0 Chief Commissioner's Report

3.1 The Chief Commissioner should write again to the new Secretary of State John Reid seeking a meeting with the Commission in particular regarding a Bill of Rights.

3.2 There is an urgency regarding producing a final draft of the Child Protection Policy as a result of Senior Counsel's advice. It was agreed that a refined

document should go directly to Commissioners without going through the Committee stage in order to expedite the production of a final version.

- 3.3.1 A protocol with OFM/DFM should be finalised in mid February. The officials at OFM/DFM have to come back to the Commission with final comments.
- 3.3.2 The protocol with the NIO needs to be reactivated by NIHRC.
- 3.3.3 A meeting has been arranged with the Police Ombudsman on 14 February which will involve Tom Hadden, Tom Donnelly, Paddy Kelly and Frank McGuinness and a pre-meeting at 9.15 am at the NIHRC.
- 3.4.1 Proceedings were lodged with the Tribunal on 19 January regarding the complaint against the Commission. A copy has not as yet been received in the Commission offices. A questionnaire has been received from the complainant which is with the Commission's Solicitors for a response. It was agreed to seek counsel's opinion on the validity of the claim and any further action should be on the basis of counsel's opinion. When counsel's advice is received it should be shared with the Commission. A preparation of a composite brief for counsel's opinion will be undertaken by the Chief Commissioner in discussion with Jones and Cassidy.
- 3.4.2 A report on the incident concerning a member of staff in November 2000 should be presented to the next Commission meeting.

At 1.30 pm the Commissioners broke for lunch.

2.00 pm Commissioners reconvened.

3.5 Republic of Ireland Human Rights Commission

Appointments to this Commission have now been confirmed and it is hoped that an informal meeting between the two Commissions can go ahead in advance of the amending legislation. The NIHRC will invite Judge Barrington and his new Commissioners to Temple Court for a meeting and lunch. A copy of Ireland's Bill incorporating the ECHR is to be sent to Christine when it is available.

- 3.6 The terms of reference of the Joint Standing Committee of the Commons and Lords on Human Rights will be circulated to Commissioners. It is unlikely that a Human Rights Commission for England and Wales will be discussed until after the election.
- 3.7 On the 12th anniversary of Pat Finucane's murder, Commissioners asked that a press release be circulated calling again for an independent public judicial inquiry into the murder. A copy of the full Pat Finucane file is to be sent to Frank McGuinness, Paddy Kelly and Christine Bell so that they can prepare a paper on the matter.

4.0 Chief Executive's Report

- 4.1 Draft policies and procedures should not go to the NIO before Commissioners have approved them.

5.0 Report on Adequacy and Effectiveness of the Commission's Functions

- 5.1 Brian Burdekin, Special Advisor on International Institutions at the Offices of the UN High Commissioner on Human Rights, has agreed to come to Belfast on Friday 16 February 2001. He will conduct an afternoon consultation session with a selection of individuals and organisations who have been in contact with the Commission over the last two years.
- 5.2 It was agreed to focus initially on the structure and recommendations of the draft report, to consider the Commission's functions and any obstacles experienced in fulfilling these functions satisfactorily.
- 5.3 The power to conciliate and adjudicate was considered. Preference was given to the power to investigate and report and such ancillary powers to ensure effective investigations.
- 5.4 Power to compel evidence, visitorial powers, power to subpoena and seizure of documents should be considered and the backup powers for investigation made explicit. It was agreed that the wording in the report should reflect the situation appropriately.
- 5.5 Some of the draft text was considered more appropriate for an Annual Report than the Report on Effectiveness and should be limited to examples that are necessary to illustrate points made.
- 5.6 It was agreed that the various resource recommendations made throughout the report should be drawn together in a coherent appeal for the provision of resources adequate to the task.
- 5.7 It was agreed to include reference to the role of the Commission with regard to international human rights bodies and institutions as well as courts.
- 5.8 Commissioners agreed to spend up to two hours on 19 February 2001 at the Bill of Rights meeting to work further on the draft Report on Effectiveness.
- 5.9 The Chief Executive is to draft recommendations regarding the effectiveness of staffing arrangements.

6.0 Standing Orders

- 6.1. All amendments on the revised paper were accepted with the exception of SO 16 which will remain as it is. It was agreed that a reference to Section 75 requirements should be inserted in the Standing Orders.

7.0 Committee Membership

- 7.1 The Chief Commissioner's paper was considered. Commissioners decided not to appoint non-Commissioners as members of Committees. Expert input could be arranged as appropriate for each Committee.
- 7.2 Paddy Kelly agreed to join the Investigation and Research Committee until a replacement is appointed for Angela Hegarty.
- 7.3 Margaret-Ann has agreed to cover Christine Bell's maternity leave for her Committee commitments.
- 7.4 Inez McCormack will not join the Victims Committee.
- 7.5 It was agreed to consider the establishment of a Finance and General Purposes Committee which will be kept under review for its effectiveness. The terms of reference for this Committee will be prepared by the Chief Executive for the next Commission meeting.
- 7.6 The Criminal Justice Review is due for publication in April. It was agreed that the Chief Commissioner should write to the NIO seeking an advance copy.
- 7.7 The Victims Committee will seek to continue to meet, and will comprise Tom Donnelly, Harold Good, Frank McGuinness and Brice Dickson. The paper on international standards being prepared for the Victims' Rights Project will be forwarded to Christine Bell.

8.0 Expression of Personal Views

- 8.1 A paper was circulated for consideration on the topic of how and when Commissioners should feel able to express their own personal views on matters connected to Commission business. There was divergence of opinion around the table and Paddy Kelly agreed to redraft the paper and circulate it for further discussion at the next Commission meeting.

The meeting closed at 6.00 pm.