

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 32nd Commission Meeting

Held on Monday 13 August 2001

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

Present: Brice Dickson, Chief Commissioner
Christine Bell
Margaret-Ann Dinsmore
Tom Donnelly
Harold Good
Tom Hadden
Paddy Kelly
Inez McCormack (by telephone)

In Attendance: Paddy Sloan, Chief Executive

Apologies: Frank McGuinness

1.0 Presentation to Christine Bell

Commissioners presented a small gift to Christine Bell on the birth of her baby and welcomed both Christine and Macha to the meeting.

2.0 Minutes of the Previous Meeting

2.1 Submission to the UN Human Rights Committee

At point 3.2 text was amended to read “as discussed with the Chief Commissioner”.

2.2 Report on the rights of Lesbians, Gays and Bi-Sexual Persons

At point 3.3 the text was amended to read ‘*it was agreed to publish the report as it now stood, early in August*’.

2.3 UNICEF meeting in New York

The minute is to be amended to note that Paddy Kelly would also attend the special session of the General Assembly on Children’s Rights.

- 2.4 At point 3.12 an additional note is to be made that Tom Hadden agreed to represent the Commission at a cross party meeting on Human Rights Institutions held in Westminster on 10 July 2001.
- 2.5 At point 5.2 on plastic baton rounds the text was amended to highlight the phrase in '*for the purposes of crowd control*'.

3.0 Matters Arising and the Chief Commissioner's Report

It was agreed that matters arising would be covered with the Chief Commissioner's report, as one agenda item.

3.1 Confidentiality and Child Protection Policies

A further version of these policies will be circulated to Commissioners as soon as possible.

3.2 Rosemary Nelson and Pat Finucane

Meetings have been sought with Paul Nelson and Dato Param Cumaraswamy with regard to the Rosemary Nelson case. A meeting with Mr Hugh Orde has been arranged for Thursday 23 August at 12noon with regard to the Pat Finucane case.

3.3 Billy Wright

The Commission has been asked to support the call for a judicial enquiry to be established into the murder of Billy Wright. The Commissioners discussed the process required when people ask for a public statement from the Commission or to support a call for judicial enquiry. It was agreed that casework staff would provide a paper to inform Commissioners about the facts of the Billy Wright case well in advance of the next Commission meeting for discussion in September.

3.4 Report on the rights of Lesbians, Gays and Bi-Sexual Persons

Publication was not possible during Gay Pride week and the report will now be published in the week commencing 20 August 2001. The status of the report is that it was commissioned and published by the NIHRC but all views expressed in the document are not necessarily endorsed by the Commission.

3.5 Irish Human Rights Commission

The Irish Human Rights Commission was formally established on 25 July 2001. The Chief Commissioner has written to the President of the Irish Commission seeking a meeting between the two Commissions as soon as possible. The meeting of European Human Rights Institutions scheduled to be held in Ireland North and South at the end of February 2002 is to be a priority for both Commissions.

3.6 Meeting with the Ulster Unionist Party on Victims

An amended set of notes of the meeting held on 16 July 2001 was tabled and agreed.

3.7 Irish Child Abuse Commission

It was agreed that the Irish Child Abuse Commission should be invited to send a representative to discuss its work with the Human Rights Commission. It is the mode of operation of this Commission that is of interest to the NIHRC more than the topic itself. In addition it was agreed that the Chief Commissioner would seek some background information from victims support groups in the South of Ireland.

3.8 Submissions to Human Organs Inquiry

Paddy Kelly left the meeting at this point.

The NIHRC has been asked twice to make a response to the Human Organs Inquiry. It was agreed that the research workers should be asked to prepare a submission and, if that is not possible, a paper should be commissioned for consideration, looking at the international standards which apply.

Paddy Kelly re-joined the meeting.

3.9 Prison Visits

It was agreed that the Chief Commissioner, Paddy Kelly, Frank McGuinness and a member of staff (possibly Linda Moore) would visit the Hydebank Young Offenders Centre on Wednesday 22 August 2001. A visit has not as yet been arranged to Mourne House at Maghaberry.

3.10 Meeting with Ministers

3.10.1 It was agreed that the Chief Commissioner would pursue his request to arrange a meeting between the Secretary of State and the full Commission to discuss in the main our review of powers and our core funding.

3.10.2 It was agreed that the full Commission, as opposed to the Finance and General Purposes Committee, would seek a meeting with the Minister Des Browne on our funding.

3.10.3 It was agreed that a meeting with the Minister Jane Kennedy should be deferred unless there is an opportunity for the Chief Commissioner to meet with her himself.

3.11 Information on Important Cases

3.11.1 The Chief Commissioner reported that as the Government has not sought leave to appeal the decision of the European Court of Human Rights in the

cases of Jordan etc. to the European Court's Grand Chamber, the Government is now under an obligation to take steps to comply with the judgements of the European Court issued on 4 May 2001.

3.11.2 The Appeal Committee of the House of Lords has not yet considered the application of the NIHRC for leave to appeal against the decision of the Northern Ireland Court of Appeal in the case concerning our power to apply to intervene and we cannot now expect to hear the outcome of our application until October 2001.

3.12 Meetings

The Chief Commissioner agreed to forward papers from the Economic and Social Research Council's seminar on "Top Courts" at the British Academy, London to Margaret Ann-Dinsmore for interest.

4.0 **Plastic Baton Rounds**

Commissioners considered the public reaction to the issue of a press statement in July on the use of plastic baton rounds as a means of crowd control. The Chief Commissioner undertook 20 media interviews that day and dealt with considerable hostility, both personal and against the Commission. Thanks were recorded to the Chief Commissioner and the Information Worker and staff who dealt with the reaction. It was agreed that a paper would be prepared by staff summarising the background information on the use of plastic baton rounds and that a meeting would be arranged with the Chief Constable and the topic revisited at the September Commission meeting. In addition the Commission should seek a meeting with the Police Ombudsman and should consider meeting with the Police Authority and informed NGOs and observers.

5.0 **Bill of Rights**

5.1 Identity and Community Rights

Proposed amendments to this section of the document were discussed at length with differing views presented. A consensus position was eventually agreed and the Chief Commissioner was to amend the text accordingly.

5.2 DUP

The notes of a meeting held with the DUP were circulated and a paper tabled from the DUP outlining their concerns. The Commission was asked to consider the DUP's alleged exclusion from representation on public bodies and from political negotiations and to make a public statement on this issue. It was agreed that fuller information would need to be made available to Commissioners and that the Commission's casework procedures would need to be invoked. The Chief Commissioner will revert to the DUP advising them

of the options open to the Commission and of the need for further evidence of their claims before the Commission could respond publicly. If casework procedures are not invoked the Commission may consider undertaking an investigation and in particular reviewing the option of a freestanding section 75 duty under the Northern Ireland Act, without going through the channels of an Equality Scheme and Schedule 9. The DUP should also be advised to apply simultaneously to the Equality Commission regarding their concerns. The Chief Commissioner agreed to circulate a draft of the letter to the DUP to all Commissioners for comment.

6.0 Committee Reports

6.1 Casework

Fuller information is required in the minutes of casework meetings.

- 6.1.1 A Commissioner raised a particular case, which has been with the Commission for some time. Further information will be provided.

- 6.2 All other committee reports were noted.

7.0 Any other business

7.1 Victims Rights

- 7.1.1 A copy of the paper prepared by Dr Kathleen Cavanaugh for the Victims Rights Project will be forwarded to Christine Bell.

- 7.1.2 Further work on the Victims Project is currently being co-ordinated by an intern and the Victims Committee is meeting on 14 August when it will be decided how to take forward this project.

7.2 Non-State Abuses

It was agreed that Christine Bell would collate the relevant information that she has on this issue. The Commission has adopted a policy and has not as yet moved to implementing it. It was agreed to organise a series of meetings with relevant groups after the summer.

- 7.3 There being no other business the meeting closed at 6.20pm.