

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 33rd Commission Meeting

Held on Monday 10 September 2001

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

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

In Attendance: Paddy Sloan, Chief Executive

Apologies: Christine Bell
Inez McCormack

1.0 Minutes of the Previous Meeting

The Minutes of the previous meeting were agreed as an accurate record.

2.0 Matter Arising

2.1 DUP Submission

The Chief Commissioner has written to the DUP following the Commission's consideration of their submission to the August Commission meeting. There has to date been no response.

3.0 Chief Commissioner's Report

3.1 Holy Cross School, Ardoyne, Belfast

3.1.1 Two documents were tabled, a memo from Brice to staff and another from staff to Commissioners. The draft press statement prepared by the Chief Commissioner could not receive consensus approval among Commissioners and therefore was not released. There followed substantial debate on the need for criteria to be agreed on how the Commission will react to situations such as the current problems in North Belfast.

3.1.2 The complexity of the situation and the need for consistency of approach, balanced with the responsibility of the Commission to ensure that human rights standards are promoted objectively and impartially and are introduced to the public debate as a contribution to the resolution of such difficult situations, reflect the need for clear criteria to be drawn up and approved by Commissioners as guidance in releasing public statements. A Commissioner wished to note some concern regarding an apparent inconsistency in the Commission's decision-making process.

3.1.3 It was agreed that the Chief Commissioner would email draft criteria to all Commissioners within 24 hours. The Chief Commissioner will also advise staff that the situation at Ardoyne will be kept under review and that the Commission will respond as appropriate. Commissioners are deeply concerned and are available to meet with anyone to discuss the situation. The Chief Commissioner will contact the Secretary of State offering the Human Rights Commission as a resource in the resolution of the situation.

3.2 Confidentiality and Child Protection Policies

Counsel's advice on these policies was received today. Commissioners agreed that the Chief Commissioner could incorporate this advice and circulate a final version as soon as possible for Commissioners' approval.

3.3 Rosemary Nelson and Pat Finucane

An update on the previous paper prepared by Frank McGuinness will be developed by Christine Bell, Paddy Kelly and Frank for discussion at the October meeting.

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

The Chief Commissioner and Chief Executive regret any ambiguity in the presentation of the status of this report. It remains advice prepared for the Commission with recommendations for consideration by the Commission. It does not reflect the NIHRC position at this point in time. It was agreed that any Commissioner who is unhappy with any of the recommendations in the report will indicate which recommendations and the nature of their concern in writing for consideration at a subsequent Commission meeting. It was agreed that Commissioners would forward their positions to the Chief Commissioner who will compile a single paper to be considered at the November Commission meeting.

3.5 Prison Visits

Any problems encountered during visits to places of detention by Commissioners will be raised with the Prison Service. There are regular meetings between the Chief Commissioner and the Director General of the Prison Service. The Chief Commissioner has asked the Director General of the Prison Service for a copy of a private report compiled as a result of disturbances at Hydebank in May of this year. Only the Chief Commissioner

and Maggs O'Connor will attend the visit to Magilligan prison arranged for 13 September 2001. The Chief Commissioner, Paddy Kelly and Maggs O'Connor visited Hydebank Young Offenders Centre on 22 August 2001. In the time available not all facilities were able to be viewed and a follow up visit is therefore required. Notes of those visits will be circulated to Commissioners when all facilities have been reviewed.

3.6 International Conference on Human Rights and Democratisation

It was agreed that Tom Hadden, due to his interest in multi-culturalism, will consider representing the NIHRC at this conference to be held in Dubrovnik, Croatia from 8-10 October. The main purpose of the event is to review follow up to the Vienna Declaration and Programme of Action in the specific context of the human rights in Europe, Central Asia and the Caucasus.

3.7 Attendance at UNICEF Meeting

It was agreed that the Chief Executive would represent the Chief Commissioner as an observer in the 2001 annual meeting of the European Network of Ombudspersons for Children, which is taking place in Paris from 10-12 October.

3.8 Attendance at UN Human Rights Committee Session

It was agreed that the Chief Commissioner and if necessary a member of staff should go to Geneva on 16-18 October when the UN Human Rights Committee is considering the United Kingdom's periodic report. It was agreed that the Chief Commissioner would liaise with Tom Hadden in considering whether to prepare a further submission which would focus on five or six key issues. Any such paper will be circulated to all Commissioners prior to submission.

3.9 The Irish Human Rights Commission

It was noted that the Commission has appointed temporary staff, an Administrator (Ms Sophie Magennis) and a Personal Assistant to the President (Grainne Blessing). It was agreed that the first joint meeting of the two Commissions should be in Belfast and cannot coincide with a Commission meeting. The President should be invited to bring his Commission to Belfast on 25 October 2001.

3.10 Meetings on a Bill of Rights and on the Strategic Plan 2002-2005

Commissioners are asked to indicate their availability during December, January and February for extraordinary meetings to draft the final advice to the Secretary of State on a Bill of Rights and to prepare the Strategic Plan for the Commission for the period 2002-2005.

- 3.11 *(Paddy Kelly left the meeting before the discussion of this item.)*

Submission to Human Organs Inquiry

The Chief Commissioner reported that a response has been submitted to this Inquiry on behalf of the Commission. In addition the Chief Commissioner has been in correspondence regarding the way in which the Inquiry intends to publish its report.

- 3.12 Invitation to the Irish Child Abuse Commission

The Chair of the Irish Commission to Inquire into Child Abuse, Miss Justice Mary Laffoy, has agreed to visit the NIHRC to discuss the operation of her Commission. A date has to be confirmed.

- 3.13 Appointments to the NIHRC

The Chief Commissioner reported that it is his understanding that any new appointment(s) to the Commission will not be announced by the Secretary of State until the end of September. All existing Commissioners have been written to by the NIO to ask if they wish to be reappointed.

- 3.14 Register of Interests

Commissioners are reminded to ensure that the Register of Interests is regularly updated.

- 3.15 Meetings with Ministers

The Chief Commissioner has again requested a meeting with the Secretary of State for the full Commission. This may not happen until October but the new Minister, Des Browne MP would like to meet with Commissioners in the interim.

- 3.16 Membership of Committees

On occasions Committee business has had to be deferred because the Committee is not quorate. It was agreed that a Commissioner who is not normally a member might be seconded on to a Committee when it is not quorate. This option should be used only when urgent business needs to be done and Committee members are not available.

- 3.17 Research and Evaluation Services

The general public survey being conducted by RES will include a series of questions on the NIHRC, in particular referring to the Bill of Rights consultation. These questions have now been finalised and submitted.

3.18 Equality Scheme

The NIHRC's Revised Equality Scheme has been resubmitted to the Equality Commission for final approval.

3.19 World Conference on Racism

Sheila Rogers, the Equality Commission representative, has sent regular emails logging events at the Durban conference. Michael Farrell is representing the Irish Human Rights Commission and has made a useful intervention. Inez McCormack is also attending the conference representing the ICTU.

3.20 Non-State Abuses

The policy agreed by the Commission to meet with relevant individuals and organisations on the issue of punishment attacks, needs to be implemented. These meetings will be arranged as soon as possible. A similar approach is being considered by the Investigations Committee on the issue of intimidation.

3.21 *(Paddy Kelly left the meeting before the discussion of this item.)*

Children's Law Centre

It was agreed that the Commission would work jointly with the Children's Law Centre in co-hosting a conference on 6 October 2001. The focus of the conference is on the three consultation documents currently seeking the views of children and young people on a Bill of Rights, a Children's Commissioner and physical abuse of children in the home. The NIHRC will contribute up to one third of the conference costs.

4.0 Chief Executive's Report

4.1 Bill of Rights

4.1.1 Children's Consultation

It was registered that the publication of an interpretative version for children and young people of the Bill of Rights consultation is going to be too late to allow effective participation by one third of the population. The production of the document had to go to tender and it will be produced as soon as possible. The Chief Commissioner had indicated at the launch on 4 September that the Commission would do its best to consider late submissions, especially those made by children and young people.

4.1.2 NIO approval has still not been received to employ a Co-ordinator for the children and young persons' consultation. At this stage it may be necessary to engage a consultant rather than go through the full appointments procedure for a post.

4.2 Staffing

Commissioners expressed concern regarding the viral infection that has affected three members of staff. The medical consultant and environmental health officer who inspected the premises and met with members of staff to ascertain if the virus was in any way connected to the workplace will produce a report in the near future.

4.3 Human Rights Act Case Law

The seminar given to staff and some Commissioners by Professor Stephen Livingstone from Queen's University on developing Case Law under the Human Rights Act was very useful. Stephen's paper will be circulated to all Commissioners.

4.4 Premises

There was some discussion regarding the safety of the premises, particularly in light of the broken windows during the summer. NIO Security advice had been sought in July but had to be arranged through the London office. This has now been transferred to RUC Security who will in due course visit the premises and provide advice.

4.5 Finance and General Purposes

An Extraordinary Meeting of the Finance and General Purposes Committee was held immediately prior to the Commission meeting. This was to consider a paper from the Casework Committee prioritising the allocation of resources to provide additional staffing for the Casework function. The Chief Executive will prepare a financial analysis of the Casework Committee's proposals in the context of the Commission's overall budget for discussion at the October Commission meeting.

4.6 Staff Policies

These have been with the Commission's Solicitors since July and advice is expected in the very near future.

5.0 Policing

5.1 A paper on the current position regarding the need for an inquiry into the murder of Mr Billy Wright was considered. Commissioners identified further information which still needed to be obtained. Further discussion was therefore deferred until such information could be made available.

5.2 Police Policy on a Neutral Working Environment

Comments from Commissioners should be received on the draft response to this document by 3.00 pm on 11 September.

5.3 Code of Ethics

5.3.1 The NIHRC response will be circulated for comment by Commissioners.

5.3.2 NIHRC comments will also be sent to the Policing Board in due course.

6.0 Plastic Baton Rounds

Tom Hadden tabled a paper on this issue and background information had also been circulated by staff. However since not all planned meetings have taken place it was agreed to defer this discussion until the October Commission meeting. Information in the interim will be sought on the position of other police forces. Notes of a meeting with the Chief Constable were tabled.

7.0 CCTV in RUC Custody Suites

The Chief Commissioner and two members of staff met with the RUC to discuss this issue.

8.0 Minutes of Meetings with Political Parties

Notes of the two recent meetings with the SDLP and a meeting with Sinn Féin held in July are to be circulated to all Commissioners together with notes of a meeting held with the Assistant Chief Constable.

9.0 Bill of Rights

The Committee met last week and papers from that meeting will be circulated. A further financial analysis of the supplementary budget provided by the NIO will be made available to Commissioners.

10.0 Committee Reports

10.1 Casework Committee

Further information is still required regarding individual cases in these minutes, but otherwise the minutes were accepted as an informative record of the decision-making process.

10.2 Victims' Committee

10.2.1 It was agreed to change the name of this Committee to the "Committee for Victims".

10.2.2 Revised terms of reference of this Committee were agreed to reflect its function.

10.2.3 It was agreed to invite Brian Gormally to complete the Victims' Rights Project, initiated by Mary Waldron.

10.3 Bill of Rights

Tom Donnelly expressed his appreciation to staff regarding the production of the Bill of Rights consultation document.

11.0 Conduct of Meetings

Commissioners discussed their modus operandi, in particular issues of achieving consensus and time management during Commission meetings. It was agreed that further discussion of this matter should be deferred to a subsequent Commission meeting.

There being no other business the meeting concluded at 6.00 pm.