

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 34th Commission Meeting

Held on Monday 8 October 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 (*from 3.30 pm*)
Tom Donnelly
Tom Hadden
Paddy Kelly
Frank McGuinness

Inez McCormack (*By telephone until 4.10 pm*)

In Attendance: Paddy Sloan, Chief Executive

Apologies: Harold Good

1.0 Minutes of the Previous Meeting

It is to be recorded at 3.11 and 3.21 that Paddy Kelly left the meeting before the discussion of each of these items.

2.0 Matters Arising

- 2.1 It was reaffirmed that all papers to be discussed at Commission meetings should be circulated at least a week in advance of the meeting. Too many papers are being tabled. In addition the minutes are to be circulated prior to and at the same time as the distribution of full papers.
- 2.2 All Commissioners are reminded to complete the forms circulated for them to indicate their availability for meetings during the period December 2001 to February 2002 to facilitate the drafting of the final advice on a Bill of Rights.
- 2.3 The World Conference on Racism held in August in Durban, South Africa, will be discussed at the November Commission meeting.
- 2.4.1 Meetings have been arranged to begin implementation of the Commission's policy on Non-State Abuses. On 22 October organisations working on punishment beatings will be invited for a meeting in the morning with an

overlap over lunch for representatives from political parties who will attend a meeting in the afternoon. Both meetings will be addressed by Professor Colin Knox who has recently completed research in this area. The purpose of the meetings is to explore increased interagency co-operation in dealing with punishment beatings. Meetings with statutory bodies on the same issue will follow.

- 2.4.2 This initiative is being led by the Committee for Victims. One Commissioner asked this Committee to report to the Commission what work it proposed to undertake on domestic violence.

2.5 Staff Contracts and Policies

The Chief Executive is to write to the Commission's solicitors indicating the need for an urgent response on draft contracts and policies. If advice cannot be provided then the material should be returned and advice sought elsewhere.

2.6 Billy Wright

A supplementary paper on the murder of Billy Wright will be circulated as soon as possible to Commissioners for consideration at the November meeting with a view to taking a decision on how the Commission should proceed.

- 2.7 The strategy of visiting places of detention was discussed. It was reaffirmed that notes of all visits should be circulated to all Commissioners, drawing attention to issues that needed to be raised with the Director of the Prison Service. It was agreed that this process will be discussed as part of the development of the Commission's next Strategic Plan. It was agreed that any future visit requires a pre-meeting and a de-briefing. Notes of the Hydebank visit of 22 August 2001 will be prepared and circulated.

- 2.8 The next meeting of the Finance and General Purposes Committee should be arranged to take place before the November Commission meeting.

3.0 Chief Commissioner's Report

3.1 Child Protection and Confidentiality Policies

These policies have now gone to counsel for final advice and comment.

3.2 Report on the Rights of Older People

Commissioners have had an opportunity to comment on this Report which will be issued later in October. Inez McCormack will liaise with the Chief Commissioner regarding the need to say more about New Targeting Social Need. The Report is advice prepared for the Commission and does not at this stage reflect the Commission's position.

3.3 Common Funding Formula

A response to the Department of Education consultation document had now been submitted.

The link to New TSN was discussed and it was reported that the Legislation and Policy Committee had agreed not to respond to that consultation document. Inez McCormack will liaise directly with the Chair of the Legislation and Policy Committee on this issue.

3.4 Response to Draft Code of Ethics

Commissioners and staff have had an opportunity to comment on this paper, a copy of which was tabled.

3.5 Visit to Mourne House at Magheraberry

Harold Good, Frank McGuinness and Inez McCormack would like to attend this visit, to be arranged by HRC staff.

3.6 Conference on Human Rights and Policing

This was attended by the Chief Commissioner and Professor Tom Hadden as well as staff. Papers are available in the office.

3.7 International Conference on Human Rights and Democratisation

Professor Hadden and the Chief Commissioner had agreed that on further consideration it would not be necessary for the Commission to be represented at this conference in Dubrovnik, Croatia.

3.8 Asia Pacific Consultative Forum for Human Rights NGOs

The Chief Commissioner attended this conference in Sri Lanka. Papers will be available in the office soon.

3.9 Irish Human Rights Commission

A meeting with the Irish Commission has been arranged for Thursday 8 November in Belfast. There will be a pre-meeting at the HRC offices from 9.00 am – 10.00 am on 1 November 2001. The meeting with the Irish Commission will begin at 10.30 am on 8 November and finish with lunch. It was agreed that the Chief Executive would circulate again the notes of the last meeting held with the Shadow Irish Commission for information.

3.10 Appointments to the Commission

There has been to date no response from the NIO to the Chief Commissioner's letter seeking clarification of the current position. There is some confusion among Commissioners, who had apparently been given different information

regarding the announcement of new Commissioners. The Chief Commissioner will follow this up with the NIO.

- 3.11 The Chief Commissioner met the Minister Des Browne in what was expected to be an informal meeting but proved to be more formal. The Chief Commissioner was alone at the meeting. The Minister will not meet with the Commission until finance has been sorted out. There still has been no further indication from the Secretary of State that he will meet the Commission. The Minister Jane Kennedy has agreed to meet the Commission, in particular regarding plastic baton rounds and the Key Persons Protection Scheme. Commissioners feel there is some urgency in meeting with the Secretary of State, in particular regarding the Review of Powers, submitted in February 2001. It was agreed that the Chief Commissioner would again contact the UN High Commissioner's office to see if they can obtain a progress report and he will also arrange for a Parliamentary Question to be asked on this issue.

3.12 Meeting with the Methodist Council of Social Responsibility

The Chief Commissioner is not able to attend this meeting on Thursday 18 October at 5.30 pm. The Chief Executive will attend and will be accompanied by Frank McGuinness.

4.0 Holy Cross School

- 4.1 Following the September Commission meeting, consensus could not be reached among Commissioners with regard to the criteria for issuing press statements. Therefore no statement was issued with respect to the situation at Holy Cross Girls' Primary School.
- 4.2.1 It was suggested that an additional criterion should be that there is something that the NIHRC can and intends to do about the issue. It was however agreed that to present a human rights analysis of a situation is itself a useful contribution.
- 4.2.2 It was agreed that the situation at Holy Cross School could not be ignored until criteria were refined and that the Chief Commissioner should contact the Belfast Education and Library Board urging consideration to be given to the situation facing transfer pupils at the School.
- 4.3 It was agreed that the Chief Commissioner should re-circulate a proposed press statement for comments by Thursday of this week with a view to releasing it on Friday.
- 4.4 The Commission discussed a draft response to questions posed to the Commission by the Right to Education Group. It endorsed three principles put forward by the Group but decided that it did not have trained observers and could not ask any other organisation to observe in its name. However it was agreed that Commissioners should try to visit the location on behalf of the Commission although not acting formally as observers of the situation.

5.0 Chief Executive's Report

5.1 Bill of Rights

The Chief Executive's Report was noted with respect to Bill of Rights activities.

5.2 Office

There was further discussion on security. The security advice requested through the NIO has still not been provided although there has been a visit to the premises by an RUC security advisor.

All other activities were noted.

5.3 Finance

5.3.1 The Chief Executive reported on a meeting held with the NIO officials on Friday 5 October 2001. A record of this meeting will be circulated to Commissioners.

5.3.2 Both the Chief Commissioner and Chief Executive expressed disappointment that the meeting was not more useful. Clare Salters attended for twenty minutes by video and the Chief Commissioner and Chief Executive were left with a member of FSD who had not recently read the revised Business Plan and a junior member of staff from the NIO. It was not therefore possible to secure direction from either party as to the particular issues in the Plan which prompted the advice to the Minister that it does not make an adequate case. It was agreed that the Chief Executive would meet again with the FSD representative after he had had an opportunity to go through the Plan. A representative of the NIO should also attend that meeting. A Commissioner proposed that a letter go to the NIO and FSD expressing concern that they had not gone through the Business Plan in detail and were therefore unable to provide clear information as to their concerns.

5.3.3 It was made clear by Clare Salters that the Minister Des Browne would not meet with the full Commission until the financial situation had been resolved. The Minister will not therefore be meeting the Commission until well into November at the earliest.

5.3.4 Copies of correspondence with the NIO regarding core funding are to be circulated to Commissioners.

5.3.5 Further to the meeting on 5 October with NIO officials, a provisional arrangement has been made to meet again with the NIO on 26 October. The amended Business Plan will be circulated to the Finance and General Purposes Committee prior to any further meeting with the NIO and representatives of that Committee will attend the next meeting with NIO officials as agreed between the Chief Commissioner and Des Browne MP.

- 5.3.6 It was agreed that the proposed independent evaluation of the Commission and its management structure should go ahead. On the recommendation of the UN Special Advisor on Human Rights Institutions, Brian Burdekin, it was agreed to approach Peter Hosking, former Deputy Chief Commissioner of the New Zealand Human Rights Commission, to undertake this work.
- 5.3.7 Given the limitations on the budget and the lack of progress with the NIO, it was agreed that it is not possible to take a decision on additional Casework staff at this point in time. It was agreed to extend the temporary Assistant Caseworker post for a further three months as an interim arrangement.

6.0 Policing

A Report on Developments in Policing (HRC 34.2a) was tabled by the Chief Commissioner and the contents noted.

7.0 Committee Reports

- 7.1 The Committee Reports were noted.
- 7.2 Under Legislation and Policy the draft Commission response to the Social Security Fraud Bill was discussed. A member of staff attended the meeting to advise the Commissioners. Although the Commission's response was unlikely at this stage to influence the content of the Bill there may be an opportunity to influence the Code of Practice which has not yet been released. Commissioners were glad to be making a response but would have liked as ever, more time to consider the issues. With several suggested amendments the response was agreed.
- 8.0 As several Commissioners had to leave and the meeting was no longer quorate, the meeting closed at 5.00 pm.