

**NORTHERN IRELAND HUMAN RIGHTS COMMISSION**

**Minutes of the 35<sup>th</sup> Commission Meeting**

**Held on Monday 12 November 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  
Tom Hadden  
Paddy Kelly  
Inez McCormack  
Frank McGuinness

Christine Bell (*By telephone*)  
Harold Good (*By telephone*)

**In Attendance:** Paddy Sloan, Chief Executive

**1.0** As several Commissioners had other engagements it was agreed that the Commission meeting would close at 5.00 pm. It was agreed that the Billy Wright item on the agenda would be brought forward to immediately after the item on policing.

**2.0 Minutes of the Previous Meeting**

2.1 At 5.3.2 a formal note of the meeting held with the NIO on the amendments required to the current Business Plan is required to be prepared for Commissioners. This note should be circulated to the Northern Ireland Office and FSD representatives who attended. The minutes should read, "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".

2.2 Commissioners require copies of the Equality Committee minutes, Finance and General Purposes Committee minutes, Ardoyne case papers and a note of the meeting with the Minister, Jane Kennedy.

**3.0 Matters Arising**

**3.1 The World Conference on Racism**

The World Conference on Racism should have been on the agenda. This will be progressed by the sub-committee of the Joint Committee with the Irish Human Rights Commission. This sub-committee is meeting in Dublin on 13 November and will report to the next Commission meeting.

**3.2 Programme for Government**

The closing date for responses to the Programme for Government is next week and Commissioners are to be advised of whether any draft response is available for circulation and comment. It was agreed that the Chief Commissioner would speak to the Research team. It was noted that no Legislation and Policy papers were presented to the meeting.

**3.3 NIHRC Two-Year Review**

The Government's response to the NIHRC two-year Review is to be an item on the next Commission agenda. The Chief Commissioner has contacted the UN High Commissioner on Human Rights and a Westminster MP regarding the lack of response from Government. The Equality Committee will bring this forward to the next Commission meeting.

**4.0 Chief Commissioner's Report**

**4.1 Parliamentary Questions**

Considerable work has gone into the preparation of responses to Parliamentary Questions. In particular the response prepared on Casework is worth noting for Commissioners' information.

**4.2 NIHRC Representation at Geneva**

A very useful report was prepared by Ciarán ÓMaoláin who represented the Commission at Geneva at the discussion on the UK's Periodic Report to the United Nations Human Rights Committee. Not many of the NIHRC points were taken up by the Committee. Commissioners asked if it were possible to secure a transcript of the proceedings but it is not clear whether or not such a transcript exists. The Chief Commissioner will take this forward.

**4.3 The Republic of Ireland Child Abuse Committee of Inquiry**

This meeting has to be rearranged again.

4.4 Assembly Committee on Procedures

The NIHRC through the Chief Commissioner made representations to this Committee. Not a great deal of support was apparent for the establishment of a Human Rights and Equality Committee in the Northern Ireland Assembly.

4.5 Review of the Rights of Older People

This Review will be released by the Commission on 11 November 2001. Commissioners commended the work and the staff also had a very useful briefing by the author, Maura McCallion. The proposed joint research with Help the Aged is an outcome from this initial review. The Investigations Committee is currently refining guidelines for working in partnership and specific terms of reference for the proposed joint research with Help the Aged. The guidelines for partnerships and the specific terms of reference for further research will then be referred to the full Commission.

4.6 New Commissioners

No information is as yet available regarding the appointment of new Commissioners.

4.7 Bill of Rights and Supplementary Commission Meetings

Commissioners are again asked to provide information on their availability for drafting meetings to Lisa by Wednesday 14 November. Otherwise the office will have to proceed with arranging a series of dates to accommodate the drafting process on the Bill of Rights. The first of these meetings will be early in December.

4.8 NIHRC Submission on a Children's Commissioner

There are differing views among Commissioners regarding the current draft of this response. Some Commissioners felt that the NIHRC position had been agreed prior to the Chief Commissioner giving evidence to the Assembly Committee. A different position is now being considered which is inconsistent with that given to the Committee. If necessary individual Commissioners can dissent from the Commission's position and submit their own views independently although this should be in exceptional circumstances. Commissioners agreed that policy positions should be reached by having a discussion among Commissioners early in the consultation process which is informed by documents from staff so that all views can be aired and an informed consensus position agreed. It was agreed that the Chief Commissioner should discuss the response with the two Commissioners most concerned about it and would seek to reach a consensus. If such consensus could not be agreed, the issue would return to the full Commission for further discussion.

4.9 Visits to places of detention

Harold Good again reminded the office of the need to rearrange a visit to Mourne House. Lisa has been having some difficulty securing dates from Commissioners.

4.10 Bill of Rights Consultation Deadline

Concern was expressed about the delay in the timetable for consultation and the potential need to revise the deadline. It was agreed that the deadline will remain the end of November except for consultation among children and young people where the official deadline has been moved to the end of January 2002. It was also agreed that during the early drafting process in December, no irrevocable decisions would be taken given that many submissions will not be with the Commission until January.

**5.0 Chief Executive's Report**

5.1 There was a brief discussion regarding the items presented in the Chief Executive's Report, which was agreed and noted.

**6.0 Special Commission Meeting**

6.1 The Chief Commissioner reminded Commissioners that the minutes of the Special Commission Meeting, held on Friday 26 October to discuss the situation at Holy Cross Girls' School, would be publicised on the web as all Commission meeting minutes are. The minutes circulated for approval are of a much more detailed nature than is normal practice and Commissioners may wish to consider having these minutes reduced to the same style as other Commission minutes, simply noting the decision and main points of the argument.

6.2 It was proposed that the Chief Executive redraft the minutes and circulate them to all present. There was some considerable discussion around this proposal with mixed views expressed. It was agreed that the minutes should be revised in the normal style of recording and brought to the next Commission meeting for approval.

6.3 There followed some discussion of the action points agreed at the Special Meeting.

6.3.1 Further advice from counsel was sought and provided to the Chief Commissioner for consideration by the Casework Committee on 5 November.

6.3.2 Due to a death in Father Troy's family a meeting with the Governors and teachers of Holy Cross Girls' School has not as yet been arranged.

- 6.3.3 A meeting with the BELB was arranged at literally an hour's notice. Commissioners wished to be informed of any future meetings so that they can attend if available.
- 6.3.4 A meeting also needs to be arranged with the North and West Belfast Health and Social Services Trust.
- 6.3.5 The Minister, Jane Kennedy has agreed to meet with the Commission at a date to be arranged.
- 6.4 It was proposed that the Commission write to the Chief Constable and to the Minister seeking clarity on their position with regard to the best interests of the child during the Holy Cross dispute. Consensus could not be reached on this proposal.

*4.50 pm Paddy Kelly left the meeting.*

- 6.5 The Casework Committee met on 5 November and 7 November, the minutes of which meetings were tabled to the Commission and emailed to Harold Good in his absence. Copied also to the Commissioners were faxes from Margaret-Ann Dinsmore, a memo from Harold Good and a response from the Chief Commissioner.
- 6.6 There was considerable debate on the procedures followed by the Casework Committee in taking a decision to support a parent in her case against the Chief Constable in the Holy Cross dispute. The Chief Commissioner concluded that both Casework Committees were properly convened and procedures were properly followed. While some Commissioners felt that the case should have been referred to the full Commission for further discussion, it was agreed that existing procedures had been followed.
- 6.7 With respect to decisions taken at the Casework Committee on 5 November Harold Good wished to record his belief that, in the light of the discussions and decisions taken at the Special Meeting on 26 October, the Casework decision should have been referred to the full Commission before being implemented. He therefore wished to dissociate himself from that decision. Two other Commissioners also expressed their concerns in support of Harold Good's position.
- 6.8 The Chief Commissioner explained that the meeting on 5 November was arranged at very short notice (though Harold Good noted that the Commission had not succeeded in contacting him) and that he had personally spoken to all Committee members on the previous evening. Commissioners expressed dissatisfaction at important decisions being taken at meetings arranged at short notice. The Chief Commissioner explained that such timeframes were out of the control of Commission staff.
- 6.9 The Chief Commissioner also explained that both Standing Orders and previous practice had been followed by the Casework Committee in taking

this decision. To have done otherwise could have left the Commission open to judicial review.

**6.10** Powers delegated to Committees

It was agreed that this requires a fully informed debate, as some Commissioners seemed to be unclear of current procedures. As the time was now 6.00 pm it was agreed that the rest of the agenda be postponed until a second specially convened meeting later in the month. It was agreed to reconvene to complete the business in two weeks' time on 26 November at 2.00 pm.

**7.0** Any Other Business

Two items of urgent business were discussed briefly by Commissioners.

7.1 Commissioners approved the recommendation from the Investigations Committee to commission Omega to carry out further research on the use of plastic baton rounds. This research forms part of the supplementary bid to the Northern Ireland Office for additional funding.

7.2 It was also agreed that the Chief Executive should organise an induction session when the new Commissioners are appointed. This would allow existing and new Commissioners to revisit procedures and review the values informing the Commission's work. This session is likely to last for a half-day followed by lunch.

**8.0** The meeting closed at 6.10 pm.