

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of the 43rd Commission Meeting

Held on Monday 8 July 2002

**At 1.00 pm in the NIHRC Offices, Temple Court,
39 North Street, Belfast**

Present: Brice Dickson, Chief Commissioner
Christine Bell
Margaret-Ann Dinsmore (*By telephone*)
Tom Donnelly
Christine Eames
Tom Hadden
Chris McGimpsey
Kevin McLaughlin
Patrick Yu

In Attendance: Paddy Sloan, Chief Executive

Apologies: Harold Good
Paddy Kelly
Inez McCormack
Frank McGuinness

1.0 Agenda

1.1 It was agreed to prioritise the papers on the Review of the Commission's Powers as a key discussion point on the Agenda.

2.0 Minutes

2.1 At point 3.9 the Framework for Humanity paper was not prepared by Christine Bell but was referred to the Commission by Christine Bell and should read: "a paper from the United Nations,".

2.2 At point 8.5 an additional sentence is to be inserted reading: "A formal request should go to the Council of Europe seeking a response to the Bill of Rights Consultation document."

2.3 At point 10.1 the minute should be deleted and should now read: "It was agreed that Guideline number four be amended to reflect the discussion at the Ramada Hotel."

Chris McGimpsey joined the meeting (1.45 pm).

- 2.4 Point 11.5 is to be amended to read:
“Two Commissioners dissented from this position.”
- 2.5 Tom Donnelly’s return to the meeting should be recorded at the end of the Bill of Rights discussion. The point should now read:
“At 3.45 pm Christine Bell left and Tom Donnelly returned to the meeting,

3.0 Matters Arising

- 3.1 It was agreed that minutes of Committee meetings would not be given to Commissioners until they have been approved. Brief monthly reports from staff will come to the Commission meeting which can highlight any necessary decisions.
- 3.2 Commissioners would have preferred more time to consider the final response to the Burns Review.
- 3.3 The recommendation of the Investigations Committee to undertake a review of use of plastic baton rounds by the army was discussed. Further information is to be forthcoming from the Investigations Committee.
- 3.4 The Chief Commissioner had corresponded with the President of the Irish Human Rights Commission and it was agreed that neither Commission should engage individual Commissioners, north or south, to undertake paid work on their behalf.

4.0 Chief Commissioner’s Report

- 4.1 Matters 1 to 3 were a matter for report.
- 4.2 The Chief Commissioner reported on the meeting of the Finance and General Purposes Committee with the Minister of State, Des Browne MP and his officials on 24 June 2002. There followed some discussion on the need to balance accountability against control of the Commission’s work programme. It was agreed that the Chief Commissioner would contact Brian Burdekin in the office of the UN High Commissioner on Human Rights as an information gathering exercise only, to discover how independence from/accountability to government is managed by other HRIs.
- 4.3 The Chief Commissioner reported on the meeting of the Joint Equality and Human Rights Forum held on 28 June in London. Some discussion ensued on the merits and demerits of a single Human Rights and Equality Commission and the Government’s proposal to create a single Equality Commission in GB.

- 4.4 Commissioners discussed the recent involvement of the Commission in seeking an injunction against the BBC (NI) in relation to its *South City Beat* programme to be broadcast on 1 July. The application for an injunction was dismissed at first instance and on appeal and the Commission will have to pay both sides' costs.
- 4.5 Post the House of Lords decision, the option of exercising our power of intervention should, where appropriate, be considered as the Commission's first response to supporting a case.
- 4.6 A paper from staff on the recommendations of the Hosking Report is anticipated. Dates to discuss the Hosking Report and the implications of its recommendations need to be agreed with Commissioners.
- 4.7 The Chief Commissioner had met with representatives of the Northern Ireland Prison Service, Peter Russell and Douglas Bain on 18 June 2002. It was agreed that the Chief Commissioner should write formally to the Prison Service seeking a copy of the report of the inquiry currently being undertaken by the Police and Prison Service into the death of Mark Fulton in prison. If this is refused, the Commission will consider challenging the decision through Judicial Review.
- 4.8 Suggestions as to how the 10th Anniversary of the Paris Principles in 2003 might be marked should be given to the Chief Commissioner. Commissioners should consider how the NIHRC will mark the occasion and also how it might be internationally marked through the UN.

5.0 Chief Executive's Report

5.1 Staffing

- 5.1.1 Further proposed amendments to the policies and procedures included in the NIHRC Staff Handbook have been proposed by NIPSA. Commissioners agreed to defer consideration of the Handbook until the August Commission meeting when such amendments as are appropriate have been incorporated.
- 5.1.2 With respect to two conditions on which guidance was sought from Commissioners, the following was agreed after discussion:
- Annual leave should remain at 25 days for all members of staff but should rise incrementally to a maximum of 30 days with every year's service after three year's continuous employment with the Commission.
 - The Commission should provide opportunities for career breaks for staff who have been in continuous employment with the Commission for five years and who wish to take time out to pursue a particular interest. These recommendations are to be discussed further with NIPSA and staff representatives.

- 5.1.3 Correspondence from NIPSA regarding performance related pay appraisal procedure was considered by the Commission. The importance of separating personal development and pay awards was acknowledged by Commissioners but the Commission, having accepted the NIO direction to operate a performance related pay award scheme, could not accept the recommendation of the Union that all staff receive the same box marking to be agreed in advance of the appraisal process.
- 5.1.4 Commissioners considered the request from NIPSA that the two additional part-time posts in Investigations and Research be appointed through an internal trawl as opposed to external advertising. Legal advice to the Commission is that the pool for an internal trawl is too small and that best practice dictates that the two posts should be advertised externally. This is also the recommendation of the Chief Executive. Commissioners did not therefore accept the recommendation from NIPSA that the posts be filled on an internal trawl.
- 5.1.5 Commissioners agreed to the proposal from the Children and Young Person's Worker that she extend her contract for an additional month on a pro rata basis working four days per week instead of five. This would extend her contract until December 2002.

5.2 Training

Training for Commissioners will be organised in interview practice and procedures as well as a training session on consensus decision-making and alternative dispute resolution.

5.3 Meetings

- 5.3.1 A paper had been circulated to Commissioners addressing the options for scheduling Commissioners' attendance at meetings. It was agreed that the second and fourth Monday of each month should be dedicated to Commission meetings. So far as is practical all meetings involving Commissioners will be arranged on those two days.
- 5.3.2 In addition dates set aside for Bill of Rights meetings will hold. Where necessary such dates may be used to consider other issues.
- 5.3.3 On Wednesday 24 July 2002 it was agreed that Commissioners would meet to discuss the Bill of Rights from 1.00 pm - 3.00 pm and from 3.00 pm - 5.00 pm Commissioners would meet with staff to discuss the Hosking Review.
- 5.3.4 On 15 August 2002 it was agreed that Commissioners would meet from 9.30am -11.30 am to discuss the Bill of Rights and from 11.30 am – 1.30 pm to discuss the Hosking Review with staff.

5.4 Finance

- 5.4.1 The Chief Executive and Chief Commissioner are to take forward negotiation of funding in the context of previous correspondence. The Chief Commissioner is to write to the Minister reinforcing the Commission's concerns regarding the level of control over our activities resulting from the supplementary bid process.
- 5.4.2 The audited accounts for 1999-2000 have now been finalised and submitted to the Northern Ireland Audit Office.
- 5.5 Commissioners raised their concerns about disability access to Temple Court. The Chief Executive outlined the problems that have been experienced in identifying ownership of the footpath area that might allow for the necessary adjustments to be made. It was agreed to prioritise this issue.

Staff joined the meeting: *Sara Boyce*
 Nadia Downing
 Linda Moore
 Edel Teague
 Miriam Titterton

6.0 Policing Report

- 6.1 Commissioners noted the paper HRC 43.8 Developments on Policing.
- 6.2 A paper is to be prepared for the September Commission meeting on the potential role of the NIHRC as observers. This paper should identify the added value that the Commission might bring to the observing process and would look at the range of options and the resources required to undertake this role.
- 6.3 The Commission has been represented at the meetings of the organising group for the PSNI annual human rights conference. Concern was expressed that our involvement in this group implies that the NIHRC is co-organising the conference. This is not the case; it is a PSNI conference to which the NIHRC and others are contributing ideas. It was agreed that the NIHRC representative at the next meeting would suggest that the group's name be changed to an Advisory Panel as opposed to an organising Committee.

7.0 Committee Minutes

- 7.1 Approved Committee Minutes only are to be presented to the full Commission together with brief monthly reports from staff which will highlight any urgent decisions that need to be considered.
- 7.2 There followed some discussion of the UN paper on a Framework of Humanity and how it might apply in prioritising work of the Commission. It

was agreed that Tom Hadden, Brice Dickson and Christine Bell would prepare a paper for the September Commission meeting on the legal standards applying to non-state abuses. The Commission will consider within the context of the next Strategic Plan how criteria should be developed for working on non-state abuses.

7.3 Equality Committee

The Equality Scheme has formally been approved by the Equality Commission and responsibilities flowing from that have been identified. Quarterly reports for the Commission will be prepared in consultation with staff and Committee Chairs.

7.4 Legislation and Policy

The report of this Committee was noted.

7.5 Children and Young People

A paper was tabled describing the seminar on 2 July.

7.6 Investigations

7.6.1 A paper was tabled on a proposed investigation into the army's use of plastic baton rounds. It was agreed that the Chief Commissioner and Chief Executive would work with the Investigations Worker to clarify the finance required for this investigation.

7.6.2 Jim McDonald is to be kept informed of the Commission's intentions to undertake this work.

7.6.3 The Chief Commissioner will discuss with the Police Ombudsman access to information at their forthcoming meeting on the use of plastic baton rounds.

7.6.4 Commissioners Tom Hadden and Frank McGuinness will supervise this investigation.

7.7 Committee for Victims

7.7.1 It was agreed to invite the new Lord Mayor to visit the NIHRC during his year in office as every previous Lord Mayor has been invited to do.

7.7.2 The Committee has to agree how it will follow up its recent visit to Belleek. All information and correspondence is to be copied to Christine Bell.

8.0 Bill of Rights

8.1 A paper was discussed which had been prepared by the Chief Commissioner outlining phase three of the Bill of Rights consultation process.

- 8.2 Proposals were considered to establish a working group involving political parties and the NIHRC and to establish an all-party human rights group at the Northern Ireland Assembly. Commissioners discussed the need to work with the political parties balanced against the pressure to retain the momentum in the consultation process.
- 8.3 It was agreed that the Chief Commissioner would write to all political parties offering a meeting and in particular to meet urgently with the SDLP in response to their recent correspondence.
- 8.4 It was also agreed that, at the Chief Commissioner's discretion, the proposed seminar series should go ahead unless serious problems emerge from the political parties.
- 8.5 Tom Hadden and Brice Dickson will prepare a feature on the Bill of Rights for the Belfast Telegraph.
- 8.6 To date no response has been received from the High Commissioner at the OSCE on the minority/community debate. Both the Irish and UK Governments have reviewed the response which has now gone back to the High Commissioner for final clearance.

9.0 Working Group on Parades

- 9.1 The Working Group has revised its terms of reference as described in the paper prepared by Nadia Downing, who together with Tom Hadden attended the first meeting of the "Freedom of Assembly" Working Group chaired by Democratic Dialogue.
- 9.2 There is still an issue with regard to representativeness of which the Working Group is aware.
- 9.3 It was agreed that the NIHRC would work with the Group as advisors and would attend future meetings as observers rather than members of the Group. The Working Group will be providing advice eventually to the Commission itself so it is appropriate that the Commission's independence is retained.

10.0 Review of Powers

- 10.1 Three papers had been circulated for discussion:
notes of a meeting held to discuss the Review of Powers on 21 June 2002;
a paper on the implications of the House of Lords decision for the Commission's recommendations on its powers and effectiveness; and
a paper prepared by Tom Hadden on the NIHRC response to the Government consultation paper on the Review of Powers.

- 10.2 Tom Hadden talked through his draft response to the consultation paper. It was agreed that Tom would liaise with Christine Bell and Brice Dickson to develop this paper into a briefing paper for circulation to interested and critical individuals and organisations. The final version would be circulated to all Commissioners for comment before being distributed more widely.

11.0 Report on Lesbian, Gay and Bisexual Rights

- 11.1 Commissioners reconsidered this report and the recommendations it contains. All the recommendations listed in section 1.3 of the report were agreed and approved by the Commission.
- 11.2 On Christine Loudes' return from annual leave the Investigations Committee will discuss how best to take these forward.

- 12.0** The meeting closed at 6.05 pm.

Outstanding agenda items were deferred to the August Commission meeting.