

**Minutes of the fifth meeting of the
NORTHERN IRELAND HUMAN RIGHTS COMMISSION
Temple Court, Belfast
Monday 10 May 1999, 10am**

Present: Brice Dickson, Chair
Christine Bell
Margaret-Ann Dinsmore (2.15pm onwards)
Tom Donnelly
Harold Good
Tom Hadden
Angela Hegarty
Patricia Kelly
Inez McCormack
Frank McGuinness

In attendance: Denise Magill (Research Officer)

1. Apologies:

There were no apologies.

Mrs Dinsmore had indicated that she would arrive late for the meeting.

2. Minutes of the 4th Meeting:

The minutes of the fourth meeting were agreed subject to the following amendment: paragraph 4.9, 2nd paragraph, first sentence should read, 'it was a personal view' rather than 'it was not necessarily the view of the Commission as a whole.'

3. Matters Arising:

3.1 Tenders for Design of Commission logo

Tenders had been received from 2 of the 4 companies/individuals invited to tender. Given the significant price differential in the tenders it was decided to ask both companies to give an oral presentation to the Commission. The oral presentations should be arranged to suit the diaries of the Chief Commissioner, Ms Kelly and Mr McGuinness. Reverend Good would also attend the presentations if available on the date arranged.

3.2 Premises

The Research Officer reported on the lack of progress in agreeing a lease for Avenue House. This was due to an outstanding rent review between the landlord and the existing tenant which had yet to be agreed. It was decided that, as the rent review may not be agreed for a number of months, the Commission should adopt a twin track approach to its search for premises:

- i) maintain a watching brief on the rent review negotiations in respect of Avenue House, and
- ii) instruct the Valuation and Lands Agency to search for alternative premises for the Commission.

Any suitable premises identified by the Valuation and Lands Agency under ii) should be viewed by the Chief Commissioner. Once the Commission has decided to pursue particular premises, Cecil Greer of the Valuation and Lands Agency should be retained to negotiate the terms of the lease on the Commission's behalf.

3.3 Post-Graduate Student Placements

It was decided that the Commission should pursue the post-graduate student placements. Following discussion, it was decided that the question of Commissioners' involvement in the management of the post-graduate students would be deferred until the strategic planning discussion later in the day.

Following further discussion, it was concluded that decisions on many of the issues on the agenda could not be reached other than within the context of the Commission's strategic planning discussions. Consequently, it was decided that the Agenda should be reviewed quickly. Any issues which did not prove amenable to an immediate decision should be deferred into the strategic planning discussion later in the day.

3.4 Consultation Paper on Reform of the House of Lords

It was noted that the Labour Government's response to the consultation paper had been published on 7 May. It was agreed that the Chief Commissioner should draft a response. The draft should cover those parts of the consultation paper which deal with the role of the House of Lords in protecting human rights. The draft response should be circulated to members as soon as possible for their comments.

4. Chief Commissioner's Report

4.1 Response to White Paper on Legislation Against Terrorism

There was a discussion about the role of the Commission in bringing its views to the attention of members of the Westminster Parliament. It was decided that the question of how, if at all, the Commission should brief Parliamentarians regarding its views should be deferred for discussion later in the day during the strategic planning session.

4.2 Staffing

The Research Officer left the room for this discussion.

The Chief Commissioner explained that he had discussed the draft documentation on recruitment with officials in the Personnel Office of the NIO. He was now making some adjustments to the documentation in the light of that discussion. He recommended that the Commission should engage Jones and Cassidy, a firm of solicitors, to advise it on all aspects of the recruitment process and to provide Commissioners with the necessary training in shortlisting and interviewing. This recommendation was accepted. He also asked Commissioners to indicate their daily availability over the next three months for shortlisting and interviewing panels. It was agreed that, if possible, posts being advertised would be grouped so that panels could be arranged accordingly. The advertisement should also indicate that work outside Belfast may be required for all posts.

4.3 Meeting between the Chief Commissioner and the Secretary of State, 26 April 1999

The Chief Commissioner reported on the meeting. It was decided that:

- (i) a meeting between the Secretary of State and the full Commission should be sought once the Commission has prepared its strategic plan; and
- (ii) discussion of the NIHRC's suggestion to the UN Special Rapporteur, Mr Cumaraswamy (that he consider playing a role in the oversight of the investigation into the murder of Rosemary Nelson) should be deferred until later in the day during the strategic planning session.

4.4 St Patrick's Day Carnival

The Chief Commissioner reported on his meeting with Ms Catriona Ruane and two members of the St Patrick's Day Carnival Committee. A two page written submission has since been received from Ms Ruane. Discussion of this matter was deferred to the strategic planning session later in the day.

4.5 Chief Commissioner's address to the UN Commission on Human Rights

In response to a query from a Commissioner, the Chief Commissioner reported that a letter had been sent to the NIO indicating that in his oral address to the UNCHR he said that the NIHRC believe that it is an institution which complies 'in most respects' with the UN Paris Principles. It was agreed that the question of the compliance of the NIHRC with the UN Paris Principles on National Institutions for Human Rights should be a matter for serious policy debate by the Commission.

4.6 Notes of meetings

Ms Hegarty indicated that, in addition to the minutes of meetings already circulated, she would welcome a note of all of the meetings listed in the Chief Commissioner's report.

4.7 Individual complaints

The Chief Commissioner sought guidance from the Commissioners as to how complaints should be dealt with after 1 June 1999, when the Commission's power to assist individual cases and to take cases in its own name comes into force.

It was decided that the Commission should make it clear to complainants that the Commission is not yet fully staffed. Concerns were raised with regard to potential time limits, statute-barred issues and also in relation to the need for insurance indemnity cover for staff and Commissioners in relation to casework. The Chief Commissioner undertook to investigate the position on insurance.

A monthly note should be prepared for Commissioners providing brief details of the complaints received and of the action taken.

The casework and investigations committee would continue work on its paper regarding a strategic enforcement policy and this would be circulated in time for the next planning day.

4.8 Budget

Mr McGuinness asked that a statement of account for the first quarter be prepared for the next meeting. Ms Kelly asked that a projected budget for the next 9 months also be prepared. The Chief Commissioner agreed to provide these and said that in due course regular reports on the Commission's expenditure would be submitted to Commissioners.

4.9 Proactive Media Coverage

Commissioners considered that the articles in the Belfast Telegraph and Newsletter were helpful. It was agreed that attempts should be made to place a similar article in 'The Irish News'.

4.10 Travel Expenses

Forms to claim travel expenses were circulated to Commissioners. It was decided that the Commission should not adopt differential overnight subsistence rates dependent upon grade (as is the civil service practice).

5. Mrs Dinsmore's Report on Home Office Task Force Meeting, 20 April 1999

In Mrs Dinsmore's absence this was deferred for discussion until later in the meeting. Mrs Dinsmore's written report was tabled.

6. The Murder of Mrs Nelson

The Chief Commissioner explained why a press statement concerning Mr Cumaraswamy's role had not been issued immediately following the April meeting as had been agreed. He had, however, mentioned the Commission's proposal in this regard during a BBC interview on 14 April and again at the State of the World Forum on 5 May. The Sunday Times had reported the proposal on 9 May. The Chief Commissioner also reported on the content of his telephone conversation with Mr Cumaraswamy. Mr Cumaraswamy was content to have an independent oversight role in relation to the murder investigation but he suggested that the Commission bring its proposal to the attention of the Chief Constable of the RUC.

There was a lengthy discussion about who the Commission should meet with at this time to discuss the investigation into Mrs Nelson's murder. It was decided that the Commission should meet with Mr Cumaraswamy when he is in Belfast in June. The decision as to who else the Commission should meet with to discuss the investigation into Mrs Nelson's murder was deferred for further discussion at the Commission's 14 June meeting, but it was agreed that the Commission's discussion on 22 March of the Chief Constable's offer of a meeting had not been based on a misunderstanding of the nature of that offer.

7. Intimidation of Defence Lawyers

Following discussion, it was agreed that Ms Hegarty would prepare and circulate a paper in advance of the Commission's June meeting to inform the Commission's discussions on this issue.

The meeting adjourned at 12.45pm so that Ms Michelle Sullivan of the Aspen Institute, USA could address the Commission.

At 2.00pm the Commission meeting resumed to consider *inter alia* issues 8-12 on the Commission agenda, within the context of the strategic planning discussion. Mrs Dinsmore joined the meeting at 2.15pm.

Strategic Planning Session

The Commission's process of consultation

The Chief Commissioner reminded Commissioners of the nature and extent of consultation undertaken to date. After detailed discussion it was decided that:

- (i) the Commission should complete its current series of consultative meetings with the NI political parties;
- (ii) a consultative meeting should be held with the community and voluntary sector in the Greater Belfast Area prior to the Commission's strategic planning week-end on 4 June;
- (iii) future consultation should be conducted on the basis of the draft strategic plan; and
- (iv) a further subgroup of the Commission should be established to consider the nature of the Commission's obligations under section 75 and Schedule 9 of the Northern Ireland Act 1998, the sub-group's convenor would be Ms McCormack and its members would be Ms Hegarty, Professor Hadden and Professor Dickson, the sub-group on Schedule 9 would provide a report for circulation one week in advance of the next Commission meeting on 14 June 1999.

Draft Strategic Plan

Format of sub-group reports

Commissioners were presented with draft reports from the Bill of Rights and Education sub-groups. It was decided that the reports of the 4 substantive sub-groups

- i) Bill of Rights (convenor Tom Hadden)
- ii) Education (convenor Frank McGuinness)

- iii) Casework and Investigation (convenor Paddy Kelly)
 - iv) Dealing with the Past (convenor Harold Good)
- should combine a discursive and schematic style. Each report should follow common headings, namely:
- a) Introduction
 - b) Objectives
 - c) Implementation
 - d) Timing
 - e) Resources
 - f) Options

The reports of the four substantive sub-groups should be submitted to the Chief Commissioner during the week commencing 24 May. The Chief Commissioner should use these reports as the basis for a draft strategic plan document and he should add his own suggestions regarding the remaining functions of the Commission, as agreed at the Commission planning day on 12 April.

Strategic Planning Residential

It was decided that this would take place in Derry City, 4-6 June 1999. An external facilitator should be retained to assist the Commission in its discussions. Three possible individuals were identified to be approached to act as facilitator.

A key task to be addressed at the strategic planning residential would be the Commission's draft strategic plan. It was also suggested that the residential session should include discussion of protocols/memoranda of agreement with other bodies/department e.g. NIO/NI Departments/Equality Commission/Criminal Cases Review Commission/Independent Commission on Police Complaints. The Chief Commissioner would work on producing drafts of these.

For the avoidance of doubt, it was confirmed that the Commission did interpret 'human rights' as embracing economic, social and cultural rights.

Post-graduate Student Placements

Further to the discussion under para 3.3 above, it was decided that

- i) a contract should be drawn up between the student and the NIHRC covering issues such as: confidentiality; representation of the views of the NIHRC; insurance etc;
- ii) initial line management of the post-graduate students should lie with the Research Officer.

Agenda item 8: Response to the UK's Report to the UN Committee on Elimination of Discrimination Against Women

Following discussion of the options for the Commission to contribute to this periodic examination it was decided, given the examination was scheduled for mid-June, that in the absence of the opportunity to:

- i) consult and gather information regarding implementation of the Convention; and
- ii) develop the Commission's policy in relation to some key issues of relevance to the UK Report,

the Commission should confine its submission to a long letter to the UN CEDAW Committee. This long letter should explain the newness of the Commission, the Commission's involvement in the consultation exercise organised by the CAJ and endorse a

number of the concerns raised in other submissions from Northern Ireland. One of the postgraduate interns would be asked to assist with the work on this letter.

Agenda item 9: Options Paper on Immigration and Asylum Bill

There was discussion of the ways in which the Commission could make its views known to Parliamentarians while, at the same time, ensuring that its independence was maintained. It was decided that information should be sought from other Commissions as to their practice in briefing members of parliament.

Following discussion of the options set out in the Chief Commissioner's paper it was decided that a short paper should be prepared for eventual distribution to Parliamentarians.

Agenda item 7: Intimidation of Defence Lawyers

The Commission returned to this agenda item within the context of its strategic planning discussion. It was decided that:

- i) the Commission should not seek to obtain full copies of the Stevens' Reports;
- ii) Ms Hegarty would draft an options paper which would be considered by the Commission at the Strategic Planning weekend;
- iii) the Commission should clarify who has ownership of the British-Irish Rights Watch submission to the British and Irish governments regarding the murder of Mr Patrick Finucane; even if ownership resided with BIRW, a letter should be written notifying Mrs Geraldine Finucane of the Commission's intention to request a copy of the submission from one or both of the governments; the Commission felt it would benefit from having had sight of the report when deciding what action, if any, to take on the issue of intimidation of defence lawyers.

Non-state Abuses of Human Rights

Professor Hadden briefly outlined the content of his paper which had been tabled at the 12 April meeting but which had not yet been discussed. He indicated a preference for basing any Commission action on this topic on a combination of options 3 and 4 in that paper. As it was 5.30pm it was decided that discussion of Professor Hadden's paper should be given priority at the strategic planning weekend.

The meeting concluded at 5.30pm.