

MINUTES OF THE 56TH COMMISSION MEETING

HELD ON MONDAY 11 AUGUST 2003 AT 2.00 PM

IN THE OFFICES OF THE NIHRC, TEMPLE COURT, BELFAST

Present: Brice Dickson, Chief Commissioner
Tom Donnelly
Christine Eames (*By telephone*)
Tom Hadden
Chris McGimpsey
Kevin McLaughlin (*By telephone*)

Apologies: Margaret-Ann Dinsmore
Harold Good
Paddy Kelly
Frank McGuinness

In Attendance: Paddy Sloan, Chief Executive.

1.0 As the meeting was not quorate at 2.00 pm, it was reconvened at 3.15 pm.

2.0 Minutes of the 55th Commission Meeting

2.1 Two sets of minutes were considered, those of 7 July and 28 July 2003.

2.2 Both minutes were agreed as an accurate record of the Commission meeting and reconvened Commission meeting.

2.3 Minutes of the special Commission meeting held on 18 July 2003 are to be circulated.

3.0 Matters Arising

3.1 Further correspondence from British Irish Rights Watch was considered by Commissioners. Concern is still evident regarding Patrick Yu's resignation and the Holy Cross case, so it was agreed to seek a meeting with Jane Winter to provide a better opportunity to discuss her concerns.

4.0 Chief Commissioner's Report

4.1 It was agreed that a special meeting of the Commission would be convened to discuss Patrick Yu's resignation. This will be arranged when all Commissioners are back from holiday leave.

- 4.2 The Minister John Spellar has met with Patrick Yu regarding his resignation.
- 4.3 The Chief Commissioner wrote to Patrick on 10 July 2003 inviting him to come into the office to discuss his position. No reply has been received. It was agreed that the Chief Commissioner would again seek to make contact with Patrick and to arrange a meeting.
- 4.4 The appointment of new Commissioners was discussed with the Minister John Spellar at a meeting earlier in the day. The number of Commissioners to be appointed is not clear but advertisements will be placed in the press in September. When meeting with the Minister it was agreed that a paper would be prepared outlining the areas of work and expertise required for the Commission. The need for human rights knowledge was emphasised. The gap in the current composition of the Commission, where the perspective of anti-agreement unionists is missing, was also highlighted. The Chief Commissioner will prepare a draft document for circulation prior to submission to the NIO.
- 4.5 A verbal report on the meeting with the Department of Foreign Affairs officials was discussed. A written report will follow.
- 4.6 The rest of the Chief Commissioner's report was noted.

5.0 Chief Executive's Report

5.1 Staff

- 5.1.1 It was agreed that the Chief Commissioner would report to the September Commission meeting on progress made in implementing the recommendations of the Courtney report. Commissioners will then decide on any further action necessary.
- 5.1.2 The outstanding case against the Commission has been settled with no admission of liability.

5.2 Finance

- 5.2.1 The monthly financial statements were considered.
- 5.2.2 The costs of the case taken to the House of Lords in our own name regarding the right to intervene have been refunded.
- 5.2.3 The management of casework costs is being discussed with Financial Services Division of the NIO.
- 5.2.4 The Caseworker has spent considerable time examining bills submitted and has discovered some serious discrepancies which are currently being pursued with the relevant solicitors.

5.2.5 Counsel's advice is awaited on when and under what circumstances it is possible for the Commission to withdraw from any case on the basis of cost and also if and how costs can be capped at the start of a case.

5.3 The rest of the Chief Executive's report was noted with particular thanks expressed to the Information Worker for the compilation of press cuttings over the last month.

6.0 UN Convention on Disability

6.1 Kevin McLaughlin tabled a report of his two-week trip to New York in June 2003 to attend a conference on the UN Convention on Disability.

6.2 Kevin has been nominated to represent National Human Rights Institutions on the International Working Group taking this Convention forward. No advice has yet been forthcoming from Geneva as to whether or not he has been selected. The next meetings of the working group will be on 3 September 2003 and subsequently on 4 January 2004.

6.3 Kevin clarified that disability did cover learning difficulties and, although accessibility was a problem, delegates with learning difficulties were present at the conference with their carers.

6.4 Kevin will provide feedback on the Convention at a small seminar to be held on 12 September 2003 at the NIHRC. In addition he will be reporting on the conference to the Steering Group of the European Year of People with Disabilities.

6.5 Kevin will discuss with the Chief Executive how best to disseminate his information regarding the Convention in the light of other programmes of work which are ongoing.

6.6 Kevin will speak to Bill Halliday at the Equality Commission and with Gerry Mulligan OFM/DFM to keep them informed.

7.0 Protest at Maghaberry

7.1 A paper prepared by Frank McGuinness was tabled for discussion together with comments given by Harold Good and the Chief Commissioner.

7.2 The paper reported on the Commission's recent visit to Maghaberry where Commissioners and a member of staff spoke with prison staff and prisoners, both protesting and non-protesting, about the relevant issues.

7.3 It was agreed that the Commission should submit to Sir John Steele's review of safety at the prison its advice on the relevant international human rights standards.

- 7.4 The Prison Service is convinced that an integrated regime is safer than segregation. Individual prisoners have their risk assessed and if it merits segregation this is applied on an individual basis.
- 7.5 The Chief Commissioner will prepare a document for circulation prior to submission to Sir John Steele. This will focus on the duty of care on the Prison Service to provide a secure environment for prisoners, which should be applied without discrimination to all prisoners.
- 7.6 It was acknowledged that no international standard exists which provides a right to political status.
- 7.7 Thanks were noted to Frank McGuinness for his paper.

8.0 Asylum Seekers in Maghaberry

- 8.1 The Law Centre (NI) has produced an update to the *Sanctuary in a Cell* report on the detention of asylum seekers in Northern Ireland.
- 8.2 It was agreed that Commissioners would visit Maghaberry and speak with asylum seekers again about their situation.
- 8.3 The visit would be press released in advance but the Commission's position would not be reported until Commissioners had time to give full consideration to their findings.
- 8.4 Chris McGimpsey and Christine Eames declared an interest in attending. This visit will be arranged as soon as is practicable.

9.0 Draft Response to Luce Report on Coroners

- 9.1 A paper prepared by staff was discussed as the basis of the Commission's response to the Luce Review of the coronial system.
- 9.2 Reference was made to significant jurisprudence which exists in England which ought to be taken into account in this review. It was agreed that the Chief Commissioner would work with staff on this document for submission to the Home Office, which would be followed by another report on changes needed to the inquest system in Northern Ireland.
- 9.3 It was agreed that the issue of unsolved murders should not be part of the submission to Luce.
- 9.4 It was also agreed that, where possible, the Chief Commissioner should make the document more assertive rather than providing options.
- 9.5 The Chief Commissioner will circulate a draft response during the first week of September.

- 9.6 It was noted that there is an outstanding commitment to produce a paper for the Chief Constable on dealing with unsolved murders.

10.0 Recommendations from Investigations and Research Committee

- 10.1 A paper on the army's use of plastic baton rounds has gone to the Investigations and Research Committee for consideration. The Committee will subsequently report to the Commission on this issue.
- 10.2 Commission staff have commented on the draft report of the treatment of older people in the health service. When preliminary comments have been adopted to the satisfaction of the Steering Committee, the report will be considered by Commissioners.
- 10.3 A proposal that the Commission should engage in awareness raising and support for migrant workers and firms who engage migrant workers was discussed. It was agreed that a paper should be prepared for submission to OFM/DFM on the relevant international standards. A further scoping study should be undertaken by staff to identify what other agencies are doing before the Commission decides its role.
- 10.4 A strategy document on how to take forward the recommendations in *Learning to Grow Up*, the study of the rights of young gay, lesbian and bisexual people in the health service was tabled. Commissioners will consider this paper at the September Commission meeting when they have had time to review the strategy and the report.

11.0 Response to the Quigley Review

- 11.1 There has been an ongoing difference of opinion among Commissioners on how to respond to this review.
- 11.2 It was agreed that the Chief Commissioner would revisit the original document of 10 March and, at the points of resistance, identify both views.
- 11.3 A draft of this document will go to all Commissioners for final comments, for submission to government by the end of August.

12.0 Policing Report

- 12.1 A verbal report on the meeting with Robin Masefield on plastic baton rounds, which took place earlier in the day, was given to Commissioners.
- 12.2 Commissioners were reminded of the meeting with HM Chief Inspector of Prisons, Anne Owers, who is coming to the Commission on Wednesday 13 August to meet with the Commission in the morning and speak at a seminar in the afternoon. This will provide an opportunity for the Commission to share

its concerns with the Chief Inspector who has produced several insightful reports on prisons in Northern Ireland.

- 12.3 The Chief Commissioner met with Lord Clyde, the Oversight Commissioner for Implementation of the Criminal Justice Review, on 5 August 2003. Lord Clyde was very willing to take advice from the Commission and is committed to ensuring his review is effective. A note of that meeting will follow.

13.0 Staff Reports

13.1 Casework

There is an outstanding urgent decision to be taken regarding support for a judicial review which cannot be taken until the full facts are available. An emergency Casework Committee will need to be convened.

13.2 Education

Attached Parliamentary Questions were simply for Commissioners' information.

- 13.3 The Information Worker's report was noted.

- 13.4 The Investigations report was noted.

- 13.5 The Legislation and Policy report was noted.

13.6 Racism

The Chief Commissioner reported orally that the joint publication with the Irish Human Rights Commission on CERD submissions was now complete and would be launched in September.

13.7 Victims

The Chief Commissioner reported orally that the Committee for Victims is considering a major event on 16 September. Commissioners decided that it would be prudent to use that date for a smaller more focused seminar with key players in the field in order to identify the potential role of the NIHRC, before hosting a major event. Commissioners are keen to take forward the recommendations of the Victims' Report and the Committee for Victims will consider the matter at their next meeting.

13.8 Bill of Rights

The meeting scheduled for Tuesday 12 August at 6.00 pm would not be quorate and was therefore cancelled. The next meeting to consider submissions would therefore be held on Monday 18 August at 6.00 pm.

14.0 There being no other business the meeting closed at 6.00 pm.