

MINUTES OF THE 58TH COMMISSION MEETING

HELD AT 1.30 PM ON MONDAY 13 OCTOBER 2003

IN THE OFFICES OF THE NIHRC, TEMPLE COURT, BELFAST

Present: Brice Dickson, Chief Commissioner
Margaret-Ann Dinsmore
Tom Donnelly
Christine Eames
Harold Good
Tom Hadden
Chris McGimpsey

Apologies: Kevin McLaughlin

In Attendance: Paddy Sloan, Chief Executive.

1.0 Commission Quorum

1.1 It was agreed that during the “withdrawal” of two Commissioners from the Commission the quorum for Commission meetings should be reduced from six to five Commissioners. This is a temporary measure pending the return of the withdrawn Commissioners.

2.0 Minutes

2.1 Four sets of minutes of previous Commission meetings were considered.

2.2 Minutes 58.1 (a) – Minutes of 8 September 2003

The following amendments were agreed:

2.2.1 At point 1.5 ‘circulation paper’ should read ‘*circulation period*’.

2.2.2 At point 3.9 insert ‘*of*’ on line two.

2.2.3 At point 4.17 replace ‘is’ with ‘*was*’ in the last line.

2.2.4 At point 5.8 delete the second sentence and replace with ‘*the NIO and Human Rights Commission must remain independent of each other*’.

2.2.5 At point 5.2.1 the minute was checked against the transcript to confirm its accuracy.

2.3 Minutes 58.1 (b) – Minutes of the Reconvened Commission Meeting of 15 September 2003

The following amendment was agreed:

- 2.3.1 At point 1.0 insert '*Frank McGuinness notified the Chief Commissioner on 11 September that he too, like Paddy Kelly, was withdrawing from the Commission*'.

2.4 Minutes 58.1 (c) – Minutes of the Reconvened Commission Meeting of 22 September 2003

These minutes were agreed as an accurate record.

2.5 Minutes of the Special Commission Meeting of 18 July 2003

The following amendments were agreed:

- 2.5.1 At point 14.0 the minute should be amended, deleting the phrase '*and unionists*'.

- 2.5.2 At point 25.0 the first sentence should be deleted.

- 2.6 There being no further amendments all four sets of minutes were agreed.

At 2.10 pm Margaret-Ann Dinsmore left the meeting.

3.0 Matters Arising

- 3.1 At point 3.4, a note of the meeting with John Spellar is to be circulated to Commissioners.

- 3.2 At point 4, it was agreed that the Chief Commissioner would prepare and circulate a paper to all Commissioners regarding the history and issues associated with contacting the OSCE and the Council of Europe Experts for advice on the Bill of Rights.

- 3.3 At point 3.3, when resolved, further details on casework bills of costs are to be given to Commissioners.

- 3.4 At 3.6, a visit for Commissioners to Maghaberry Prison to meet with asylum seekers has been arranged for 14 November 2003.

- 3.5 At 3.8, no further clarification on the Commission's response to the Quigley Review has been received from Commissioners and the Chief Commissioner has therefore submitted the report as currently drafted.

3.6 At 4.2, correspondence has been received from Patrick Yu advising the Commission that he has no wish to meet with Commissioners to discuss his resignation.

3.7 At 4.2.1, it was agreed by Commissioners that decisions taken at the 8 September 2003 Commission meeting regarding Bill of Rights issues have been superseded by the current Action Plan.

4.0 Chief Commissioner's Report

4.1 Action Plan

4.1.1 Commissioners were concerned that the Plan should be published and disseminated very soon. Commissioners were also anxious to ensure that the Commission retained its independence in the preparation of the Plan and avoided any direction from political parties, the two government or NGOs. It was agreed that the Northern Ireland Office be informed of the date of issue of the Action Plan and a meeting sought with the Minister, John Spellar.

4.2 International Advice

4.2.1 The Council of Europe delegation of Experts will be with the Commission from 22 – 24 October to discuss the Bill of Rights. Details of their programme and those attending meetings with them will be circulated to Commissioners. There will be no public statement associated with their visit.

4.3 Commissioners' Review Day

4.3.1 A Commissioners' Review Day is scheduled for Monday 27 October 2003. It was agreed that this would run from 12 midday to 5.00 pm and all Commissioners would attend. The position of the two withdrawn Commissioners would be considered at that Review Day, in particular with respect to continuing to circulate Commission documents to them in their absence.

4.4 Bill of Rights Meetings

4.4.1 The meetings scheduled for 8 October and 21 October had to be cancelled due to lack of a quorum.

4.4.2 Papers for the meeting being held on 15 October 2003 will be circulated.

4.5 The Chief Commissioner will pursue the issue of confidentiality with both Commissioners and staff regarding the circulation of Commission papers.

4.6 The Communications Sub Group will be reconvened following the advertisement for tenders for a Communication Strategy for the Commission.

- 4.7 Christine Eames updated Commissioners on her work with the Mental Health Review.

5.0 Chief Executive's Report

- 5.1 Commissioners agreed that a member of the administrative team should accompany the Chief Executive to the next Commission meeting to record minutes.
- 5.2 The financial report was noted.

6.0 Courtney Report

At 3.20 pm Linda Moore and Edel Teague joined the meeting.

- 6.1 The Courtney Steering Group of Tom Donnelly, Brice Dickson, Paddy Sloan, Linda Moore and Edel Teague outlined progress in the implementation of the recommendations of the Courtney Report.
- 6.2 It was agreed that with regard to circulation of Commission papers, these would in future issue on the Tuesday prior to Commission meetings on the following Monday.
- 6.3 The role of Deputy Chairs will be reconsidered by Commissioners at the Review Day on 27 October.
- 6.4 The respective roles of the Chief Executive, Chief Commissioner and Commissioners are being explored by Venture I and will be considered by Commissioners on 27 October.
- 6.5 It was agreed that the decision-making process within the Commission on management issues needed to be improved, in particular with respect to the decision to appoint new staff. This would be progressed by a small ad hoc group.
- 6.6 Staff have prepared a paper on how the Commission might manage external crises, which will be circulated to Commissioners for consideration when finalised.
- 6.7 The recommendations and update on progress of the Courtney Report will be published on the NIHRC website.
- 6.8 When the recommendations are implemented the Steering Group will cease to meet.

At 3.45 pm Linda Moore left the meeting.

7.0 Committee Structure

- 7.1 A paper prepared by the Chief Commissioner was considered.
- 7.2 It was proposed that the number of Committees be reduced and the number of Commissioners required to attend also be reduced.
- 7.3 There was discussion as to the relationship between the new managerial posts and the Committees and the need to clarify the procedure for ensuring Commissioners have early notice of the key issues involved in policy decisions.
- 7.4 Access points for contribution to either consultation documents or policy decisions, for both staff and Commissioners, need to be clearly identified.
- 7.5 The need for Commissioners to be involved in other representative duties as well as attending Committee meetings was highlighted.
- 7.6 It was suggested that the Chief Commissioner identify key areas of work for each Commissioner according to their interests and expertise.
- 7.7 It was agreed to reduce the formal Committees to Casework and Finance and General Purposes. The Chief Commissioner would chair Casework and Tom Donnelly would retain the chair of Finance and General Purposes.
- 7.8 Other functions will be served by Working Groups which will meet quarterly (unless more often is necessary) and which will be convened by staff.
- 7.9 All of the above proposals will be reviewed in six months time, following the appointment of new managerial posts.

At 4.15 pm the meeting broke for tea. Edel Teague left the meeting.

8.0 Response to Joint Parliamentary Committee Report

- 8.1 A report prepared by the Chief Commissioner highlighting progress to date was considered. Comments from Commissioners should be submitted by the end of the week with the report probably being forwarded to the Joint Committee next week.

At 4.45 pm Christine Loudes and Linda Moore joined the meeting.

9.0 Consideration of the Lesbian, Gay and Bisexual Rights Strategy Paper

- 9.1 Christine Loudes spoke to the Strategy Paper on taking forward the recommendations of the Commission's LGB Report. She described current publications and meetings which have been held on the recommendations and a positive response which has been received from, in particular, Equality

Officers in Health Trusts. No formal reaction has as yet issued from OFM/DFM, where further discussion is required with particular reference to the Single Equality Bill and the inclusion of young people and LGB.

- 9.2 There was discussion regarding the new EU Directive on sexual orientation which will be implemented only on employment issues and subsequently be included in the Single Equality Bill. Christine will seek further information on the exemptions on religious grounds which will apply in Northern Ireland.
- 9.3 Commissioners endorsed the LGB Strategy as described and will be kept informed of its progress.

10.0 Report on Army use of Baton Rounds

- 10.1 Linda Moore spoke to the current situation with respect to army use of plastic baton rounds. The paper on this topic, which was prepared in September, has to be further revised to include subsequent developments.

At 5.05 pm Margaret-Ann Dinsmore rejoined the meeting.

- 10.2 It was noted that there has been no use of plastic baton rounds in Northern Ireland since September 2002.
- 10.3 There has been to date no co-operation from the army and the Commission has not had access to their records of use of PBRs. However since the Commission threatened judicial review there has been an offer of a meeting with the GoC, which has yet to be arranged.
- 10.4 Key issues include the lack of investigative powers of the Commission; the accountability of the army; the role of an agency such as the Police Ombudsman in monitoring the army use of PBRs and investigating alleged misuse. In the interim it was suggested the NIHRC could investigate or produce a report on their use.
- 10.5 The Commission cannot lodge for judicial review unless there is a clear statement from the GoC that he will not co-operate. Now that he has offered a meeting, proceedings are unlikely to be issued.
- 10.6 Commissioners highlighted two points for clarification within the report:
- An amendment to the table on page 15 (2002).
 - An exploration of statements from the incident described on Sandy Row where 33 plastic baton rounds were discharged.
- 10.7 There followed some discussion on the role of the Police Ombudsman in monitoring plastic baton rounds used by the army. Consideration needs to be given as to why the Police Ombudsman would be limited to monitoring the use of plastic baton rounds only, if she were to take on an Ombudsman role with respect to the army.

10.8 Consideration might be given to the merits of providing further powers to the Independent Assessor of Military Complaints.

10.9 It was agreed that the report would spell out the various options for discussion with the GoC.

11.0 A Shared Future

11.1 Tom Hadden spoke to a paper which he had prepared as the initial draft response from the Commission to the consultation document on community relations, *A Shared Future*.

11.2 Commissioners discussed the case for legislative reform and considered the duty to promote tolerance and encourage integration and the relationship of those aims with equality.

11.3 Relationships with and roles of the various relevant agencies including the Equality Commission, the Community Relations Council and OFM/DFM were also discussed.

11.4 It was agreed that the paper would be completed by staff and submitted.

11.5 Thanks were given to Tom Hadden for his work on this issue.

At 5.40 pm Christine Eames and Harold Good left the meeting.

12.0 Response to the Luce Review on Inquests

12.1 A paper prepared by staff was considered by Commissioners. Further clarity was sought on the proposed role of the jury and on where responsibility should lie for carrying out investigations.

12.2 It was agreed that the response needed further editing which the Chief Commissioner would oversee prior to submission.

12.3 The coroner, John Leckey will also have sight of the document prior to submission.

13.0 Report of Work on Policing and Criminal Justice

13.1 This report was noted for information only.

14.0 Staff Reports

14.1 Casework

14.1.1 Commissioners noted that permission had been secured to make a written intervention in the *Middleton* case at the House of Lords and counsel has been appointed to prepare the intervention.

14.1.2 The judgment in the *Amin* case will be delivered on 16 October and the Commission will be represented by London based counsel at the House of Lords.

14.2 All other reports were noted:
Development
Education
Information
Investigations and Research
Legislation and Policy

15.0 Any other business

15.1 Margaret-Ann Dinsmore registered her interest in the Bill of Rights Arts Project and will be kept informed of progress on that matter.

15.2 There being no other business the meeting closed at 6.00 pm