

**MINUTES OF THE 63<sup>RD</sup> COMMISSION MEETING**

**HELD AT 1.30 PM ON MONDAY 5 APRIL 2004**

**IN THE OFFICES OF THE NIHRC, TEMPLE COURT, BELFAST**

**Present:** Brice Dickson, Chief Commissioner  
Margaret-Ann Dinsmore (*from 3.30 pm*)  
Tom Donnelly  
Christine Eames  
Tom Hadden  
Kevin McLaughlin (*by telephone*)

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

**1.0 Minutes**

1.1 The minutes of the 62<sup>nd</sup> Commission meeting of 8 March 2004 were agreed as an accurate record.

**2.0 Matters arising**

2.1 The Chief Commissioner is progressively meeting individual Commissioners, as agreed.

2.2 Linda Moore will speak to Christine Eames regarding the seminar on Mental Health planned for 22 April 2004 in Armagh.

**3.0 Chief Commissioner's Report**

3.1 The Chief Commissioner expressed deep sadness and regret regarding a long standing friend, colleague and human rights activist Professor Stephen Livingstone, who is missing, presumed dead. The Commission stood for a minute in silence, in respect for Stephen.

3.2 No further information or correspondence has been received from Paddy Kelly nor from the NIO regarding her situation.

*Kevin McLaughlin joined the meeting by telephone at 1.45 pm.*

**3.3 Action Plan**

3.3.1 Draft notes of a meeting with the Minister, John Spellar were tabled. Commissioners were concerned to ensure that their individual views were accurately reflected and the draft notes were withdrawn to be reviewed by the Chief Executive and recirculated.

- 3.3.2 It was noted by Commissioners that in a recent public advertisement from OFM/DFM for appointments to public bodies, two vacancies were identified at the NIHRC from November 2004. It was agreed that the Chief Commissioner would seek clarification regarding these two anticipated vacancies.
- 3.3.3 The report of the public opinion poll carried out for the Commission is showing very low levels of dissatisfaction with the NIHRC, contrary to the position being promoted to the NIO. It is therefore by no means clear that, if advertised, few people would apply for posts as Commissioners with the NIHRC.
- 3.3.4 The Commission has agreed to publish the recommendations and implementation report associated with the Courtney Review. The Chief Executive expressed concern that the implementation report contains a level of operational detail which is unnecessary and unusual to put into the public domain. Given recent criticisms however, Commissioners agreed that the report should be posted on the Commission's website.
- 3.4 Public Opinion Survey
- 3.4.1 A copy of the report conducted on behalf of the Commission by Market Research Northern Ireland has been received and will be circulated to all Commissioners. This report will be launched officially with a press statement within the next few weeks.
- 3.5 Joint Parliamentary Committee Report
- 3.5.1 The final version of the Commission's response to the Joint Parliamentary Committee on Human Rights report has been submitted and will be circulated to all Commissioners.
- 3.6 Correspondence from NGOs
- 3.6.1 The Chief Commissioner reported on his correspondence with a range of NGOs regarding the Commission's work. It was noted that an individual Commissioner had also responded independently.
- 3.7 Advice from the Council of Europe and OSCE
- 3.7.1 The Bill of Rights advice prepared by Experts from the Council of Europe is now publicly available to those who are interested. The anticipated response from the OSCE is to be pursued by the Chief Commissioner.

3.8 Investigation of Killings

3.8.1 The Chief Commissioner is still developing this report for submission to the Chief Constable. The imminence of a consultation paper from Government on how to deal with killings in the past will affect the release of this document. The decision by the House of Lords in *McKerr* has been factored in to the report.

3.8.2 The Commission has released a press statement regarding the Cory Reports and two copies of the Report are available in the office for Commissioners' use.

3.9 The Commission meeting scheduled for 12 July 2004 has been brought forward to 5 July 2004.

3.10 A supplementary paper on the Commission's Review of Powers is to be prepared by mid April and will be circulated to Commissioners for comments by 14 April prior to submission to the NIO.

3.11 No report has yet been received from Morrow Communications regarding the Communications Strategy. It was agreed that a draft report would be considered by the Communications Sub-Group who will then bring recommendations to the May Commission meeting.

3.12 It was proposed that an article summarising the content of the public opinion survey should be prepared and issued with the press statement, at the end of April.

3.13 The Chief Commissioner replied, through a letter to the editor, to an article in the Irish News by Newton Emerson, criticising the Commission.

3.14 Mental Health Review

3.14.1 Christine Eames as Chair of the Human Rights Committee of the Mental Health Review reported on the progress of her Committee and of the Review in general. Professor McClelland is due to report at the end of April or early May, highlighting the main human rights principles on which the document is based. The first phase of the Report will have a limited consultation. The review has expanded and will result in a very wide ranging report. Christine is co-ordinating her Committee's work with that of the Social Justice Committee and the Disability Committee, with the intention of identifying best practice in relation to human rights.

**4.0 Chief Executive's Report**

4.1 Staff issues were noted. Commissioners expressed regret at the ongoing industrial action by staff. The response to their correspondence with the NIO in support of the staff's position was noted.

- 4.2 Following the Finance and General Purposes Committee meeting the Commission considered two recommendations.
- 4.2.1 In light of previous practice, the Commission will contribute in full to the fees of a member of staff undertaking an Open University Law Degree course.
- 4.2.2 The Chief Executive is however to review the training and education policy for reconsideration by the Commission.
- 4.2.3 The Commission agreed with the recommendation of the Finance and General Purposes Committee that the terms and conditions of a two month placement of a member of staff with the Danish Institute for Human Rights were to be satisfactorily resolved and agreed prior to the placement proceeding.
- 4.3 The Financial Report was noted and the Chief Executive was advised to consider referring to the Law Society the ongoing dispute with a firm of solicitors regarding bills of costs.

### **5.0 Bill of Rights**

- 5.1 The Progress Report will be launched on Wednesday 7 April 2004. A hard copy (if available) and electronic copy will be sent to the press, the two governments and key contacts such as the Bill of Rights Consortium in advance, embargoed.
- 5.2 The planned residentials to discuss feedback on the Progress Report were deferred. It was agreed that instead Commissioners and staff would meet on 4 June and 3 September 2004 for full day planning and discussion regarding the Bill of Rights. On 4 June consideration should be given to inviting expert input to that discussion.

### **6.0 Annual Report 2003-2004 and address to the UN Commission on Human Rights**

- 6.1 The Chief Commissioner tabled a paper outlining key points to be made in both the Annual Report and his address to the UN Commission on Human Rights. Commissioners agreed that the current most serious human rights violations in Northern Ireland involved non state actors and factual data on this level of activity should be secured.
- 6.2 Commissioners felt it important to highlight the importance of the independence of the Commission from interference by governments, political parties and others.
- 6.3 Key topics were agreed and the Chief Commissioner will circulate his submission in advance of presentation.

- 6.4 The Annual Report is scheduled to be printed in June 2004 and will include a similar analysis of key human rights issues during the past year.

**7.0 Levels of Commission intervention**

- 7.1 A paper prepared by Tom Hadden describing various potential models for Commission intervention in conflict situations was discussed.
- 7.2 It was agreed that the Commission needs to be clear about its role in advance of reacting to any given circumstances.
- 7.3 Following discussion it was agreed that the three models of intervention described as objective inquiry and report, mediation, and preventative action would be reformulated for further consideration by the Commission. The Chief Executive will liaise with Tom Hadden and the Chief Commissioner to produce a revised paper for consideration at the next Commission meeting.

*At 3.30 pm – 3.45 pm the Commission broke for tea.*

*Margaret-Ann Dinsmore joined the meeting.*

**8.0 Committee Structure**

- 8.1 A paper was tabled by the Chief Commissioner summarising the current position and describing potential revisions to the Commission's current Committee structure.
- 8.2 It was agreed that the Casework and Finance and General Purposes Committees should be maintained, as discussed at a previous Commission meeting.
- 8.3 The role of the Legislation and Policy Committee was discussed. Commissioners agreed that they needed to have greater involvement in the production of legislation and policy responses.
- 8.4 It was therefore agreed that Commissioners would, on a regular basis, be involved in policy debate, developing the Commission's position on particular issues.
- 8.5 Major responses should be highlighted to a full Commission meeting with a briefing paper from staff to direct the debate.
- 8.6 Final responses should be circulated to Commissioners seven days in advance of submission.
- 8.7 There will be a period of adjustment as staff seek to timetable the submission of responses to accommodate this seven day review period and to ensure full Commission discussion of major responses.

- 8.8 It was therefore decided to change legislation and policy practice to involve the full Commission and to dissolve the current L&P Committee.
- 8.9 A new Committee with responsibility for research and education is to be established, pending the appointment of Senior Managers. Tom Hadden, Brice Dickson and Kevin McLaughlin will represent the Commissioners on this Committee, which will meet quarterly.
- 8.10 It was agreed that individual “experts” could be co-opted on to Working Groups or on to Committees as advisors. Such advisors will not be voting members of any Committee and will be remunerated for expenses only.
- 8.11 It was agreed that the revised Committee structure should be reviewed following the appointment of three managers and additional Commissioners.

### **9.0 Consultative Forum**

- 9.1 In its recently published Action Plan the Commission had identified the creation of a Consultative Forum as a means of improving communication and relationships with key stakeholders.
- 9.2 Following discussion it was agreed that sectoral meetings should continue and in addition, at six monthly intervals, a generic forum should meet to discuss the Commission’s strategic direction. The first of these meetings should be scheduled for June 2004.
- 9.3 A paper with more detail on this proposal will be considered at the May Commission meeting.

### **10.0 Standing Orders**

- 10.1 A paper was considered identifying proposed changes to the Commission’s current Standing Orders. All proposed amendments were agreed.
- 10.2 It was agreed that the Chief Commissioner should ensure that Commissioners who are unable to attend meetings or who attend by telephone receive tabled papers as quickly as possible.
- 10.3 A revised version of the Standing Orders will be circulated to all Commissioners for inclusion in their Commissioner’s Manual.

### **11.0 Report on Policing**

- 11.1 A report prepared by the Chief Commissioner on developments in policing and criminal justice was noted. NIO officials are to be contacted for further

information regarding the anticipated government proposal to issue a consultation paper on Truth and Reconciliation Commissions.

- 11.2 A paper was tabled describing the NIHRC response to “Measures to Tackle Anti Social Behaviour in Northern Ireland”. Commissioners noted that this is the kind of response which should be discussed in more detail at a full Commission meeting.

### **12.0 Staff Reports**

- 12.1 The Casework report was noted.

- 12.2 The Development Worker’s report was noted.

- 12.2.1 Difficulty with access to the Bill of Rights conference at the Europa was discussed. Access had been established by staff in advance of the event but, on the day, problems were experienced. This will be borne in mind when identifying venues for future events.

### **12.3 Investigations and Research**

- 12.3.1 The field research into women in prison is almost complete and the report should be prepared for consideration at the June Commission meeting.

- 12.3.2 The death investigation report will be considered at the May Commission meeting.

- 12.3.3 A conference is to be held on 20 June on Articles 2 and 3 work and the implications of the *McKerr* judgment.

- 12.3.4 A publication on Articles 2 and 3 is scheduled to be complete for the end of June.

- 12.3.5 Commissioners highlighted the importance of ensuring the Commission’s publications are distributed in the United States.

- 12.3.5.1 The Chief Commissioner expressed his intention to visit the United States to highlight the work of the Commission. Commissioners endorsed this proposal and suggested that another Commissioner, Tom Donnelly, might possibly accompany the Chief Commissioner on such a visit, which should take place relatively soon.

*At 5.15 pm Margaret-Ann Dinsmore left the meeting.*

- 12.4 The Legislation and Policy report was noted.

- 12.5 The report on the Commission’s work on racism was noted, with feedback of a positive meeting recently held with the black and minority ethnic sector.

12.6 Victims

12.6.1 Commissioners considered inviting external advisors to join the Commission's Working Group on victims' rights. A proposal regarding this Working Group will be brought by the Chief Commissioner to the May Commission meeting.

12.7 Education

12.7.1 The Chief Commissioner tabled a report of the Education Committee which met in the absence of the Education Worker on 29 March 2004.

12.7.2 Commissioners discussed the need for a further roundtable on the Special Educational Needs and Disability (NI) Order. The Commission will liaise with Bill Halliday at the Equality Commission on this proposal.

12.7.3 A briefing paper on SENDO is to be prepared by staff and circulated to Commissioners for discussion at the next Commission meeting.

**13.0 Any other business**

13.1 There being no other business the meeting ended at 5.30 pm.