

**Minutes of the 7th Commission Meeting
Friday 2 July 1999, 2.00 pm**

Present: Brice Dickson (Chair)
Tom Donnelly
Harold Good
Tom Hadden
Angela Hegarty
Frank McGuinness

In attendance: Naomi Doherty (Post graduate intern)
Nadine Fourie (Post graduate intern)

1. Apologies

Apologies were received from Christine Bell, Margaret-Ann Dinsmore, Patricia Kelly and Inez McCormack. (Ms Magill, Research Officer, was speaking at a conference in London.)

2. Congratulations

The Commission congratulated Ms McCormack on her appointment as President of the ICTU from 1 July.

3. Minutes of the 6th Commission meeting

The minutes of the 6th Commission meeting on 14 June 1999 (HRC 7.1) were approved.

4. Matters arising (HRC 7.2):

The Commission approved the new numbering system for Commission papers.

Staffing: Professor Dickson reported that he had rectified the position regarding the Commission's insurance policy. He had obtained employment liability insurance for the Commission and was seeking quotes so that professional indemnity insurance could be obtained as soon as possible.

Craigavon Public Inquiry: Professor Dickson reported that the Inquiry had been postponed until September.

Report on Task Force Meeting of 8 June: Rev. Good requested that he be accommodated in the arrangements for the proposed meeting with the RUC's Working Group on Implementation of the Human Rights Act. It was decided that the week of 9 August 1999 would suit both Rev. Good and Ms Hegarty, who also wished to attend.

5. Discussion of progress on draft Strategic Plan (HRC 7.3, 7.4(a) and (b) and 7.24)

Professor Dickson asked the Commissioners to consider the Provisional Draft Strategic Plan 1999-2002 and to start drafting any responses they might have. The final reports on all outstanding issues, as well as the terms of reference for all the Commission's committees would, it was hoped, be discussed in detail at the all-day meeting of the Commission in late July. It was suggested that until the final Strategic Plan was accepted, interim terms of reference could be implemented.

Each chairperson of a committee should convene a meeting as soon as possible to prepare its terms of reference in order to submit these in time for the meeting of the Commission in late 26 July.

The Chief Commissioner would allocate a draft budget to each function head. Under each function head reference should also be made to the publications the Commission hoped to produce in that area.

It was pointed out that the section on 'Core Values' should include the input from the Derry weekend.

With regard to the inclusion of performance indicators, it was suggested that it be put to the government that individual indicators would be set out only two or three years after the establishment of the Commission. It was agreed that, in the absence of these, the Commission should in the meantime determine milestones by which outcomes could be monitored and which could ensure a sense of urgency in the work of the organisation.

The Draft Terms of Reference for the Casework Committee (HRC7.3): Professor Dickson, Ms Bell and Mr McGuinness had looked at the Committee's draft terms of reference and had found that they reflected the interim criteria agreed upon at the previous meeting. It was pointed out that it should state in the body of the text that these are only interim terms of reference, apart from Parts A, B and C, which are all final versions. The document was approved, subject to this amendment. The draft terms of reference would not be included in the draft plan, but should still be approved by the Commission, and should possibly be referred to in a Commission "Procedure Manual". It was suggested that this should form part of the induction material for new members of staff, and that, in general, consideration needed to be given to the implications of the planning process for the Commission's recruitment and induction process.

The Draft Terms of Reference for the Investigation Committee (HRC 7.4(a)): Under no. 2, the monitoring of human rights cases in general should be included, as well as matters referred to the Committee by the Commission or by any of the Commission's other committees. Under no. 4, a distinction should be made between the different scales of investigation that the Committee would undertake. Under no. 5, the last phrase (after the word 'investigation') should be replaced by the phrase 'with or without publicity, as appropriate.' The document was approved, subject to these amendments.

Joint Committee (HRC 7.4(b)): With regard to the proposed Joint Committee between the Human Rights Commissions in Northern Ireland and the Republic of Ireland, feedback was given by Professor Dickson on the development of the debate on the Commission to be set up in the Republic. It was hoped that the Bill establishing the Irish Commission would be enacted after the summer and it was envisaged that the first appointments would be made in December 1999. The Irish government had accepted the proposed amendments on the definition of human rights and on the qualifications required by Commissioners.

The way forward: All relevant papers should be sent to Professor Dickson early next week (week of 5 July). He would then distribute them to the group working on the Commission's section 75 responsibilities, which was to meet on 16 July at 10.00am at UNISON's head office. After that meeting the draft would be circulated to all Commissioners for consideration at the Commission meeting in the week of the 26 July.

6. Chief Commissioner's Report (HRC 7.5 to 7.13)

1. *The Commission's Standing Orders (HRC 7.22)*

Professor Dickson tabled an amended version of the Standing Orders and asked for approval of the following changes to the earlier version:

No. 2: 'October' has been replaced by 'December'.

No. 7, line 2: 'established by the Commission' has been replaced by '*approved* by the Commission'.

No. 19, line 1: 'or of a Committee of the Commission' has been added after 'Working Group of the Commission'.

No.20, line 5:' (or if only one Commissioner is present he or she will act as Chairperson)' has been added after 'of the absent Chief Commissioner or Chairperson'.

These proposed amendments were all approved. A further amendment to Standing Order No. 7 was proposed and accepted, namely the removal from line 3 of the words 'Normally the Chief Commissioner will be the Chairperson of any such Committee'. A new, amended, version of the Standing Orders would be provided by the Chief Commissioner for the next Commission meeting.

2. *Premises*

The Chief Commissioner would explore the availability of premises at New Cathedral Buildings.

3. *Staffing*

The Research Officer left the room and there was a discussion about staffing following which it was agreed:

Beverly Jones and Fiona Cassidy had provided training that morning to five Commissioners. The booklet used for the training would be made available to other Commissioners and, if necessary, special arrangements could be made for other

Commissioners to talk to Jones and Cassidy about the proper procedures to adopt during a recruitment process.

The Chief Commissioner reported on the number of applications so far received for the posts for the which the closing date was 5.00pm that day. He also reported that the advertisements for the remaining posts were appearing in the press that week and during the following week, with a closing date of 30 July 1999 to allow for people being away on holiday. Mr Donnelly asked for a copy of the advertisement and the Chief Commissioner agreed to send him a copy.

Commissioners notified their availability to participate in shortlisting and interviewing panels and the Chief Commissioner undertook to make the necessary arrangements. In particular, Professor Hadden expressed a preference not to be involved. The Chief Commissioner was still trying to pinpoint names of people who might be prepared to serve as external assessors on the panels.

4. Meeting with the Secretary of State

It was decided that Ms Bell, Mr Donnelly and Professor Hadden should be included in the meeting with the Secretary of State which had been fixed for 8 July. Professor Dickson reported that he had written to ask the Secretary of State for a copy of the dossier on the murder of Mr Patrick Finucane, submitted to her by British Irish Rights Watch. The Secretary of State had replied suggesting that the Commission should ask for a copy direct from British Irish Rights Watch. It was agreed that the Commission should do this.

5. Meeting with a delegation from the CPT

The Chief Commissioner reported that the European Committee for the Prevention of Torture was keen to meet with the Commission when it next visited Belfast, but he could not yet confirm the date of the visit, as this was traditionally announced only 10 days in advance.

6. Consultative meetings

Naomi Doherty had prepared a report on the responses obtained at the three consultative meetings held in Derry/Londonderry, Enniskillen and Belfast (HRC 7.23). It was pointed out that, as the number of responses to different questions was not consistent, and as many of the responses were quite limited, the results should be treated with caution and no firm conclusions drawn from them. It was accepted that lessons should be learned from this exercise and that, in future, more care should be taken with the framing of questions on any such forms. In future the Commission should consider a greater focus on qualitative research.

7. Meeting with Coiste na n-Iarchimí (HRC 7.9)

The Chief Commissioner requested a general, rather than a detailed, response from the Commissioners to the report of this meeting. The point was raised that the report should be viewed in the light of the imminent distribution of the Commission's draft

Strategic Plan for consultation, and that the input of the representatives of *Coiste na n-Iarchimí* should be obtained during this consultation. The *Coiste* had already stressed the general point that, as the Commission had been set up under the terms of the Good Friday Agreement, its priorities should be determined by that Agreement. Prominence should therefore be given to issues such as criminal justice, policing and the position of prisoners.

There was discussion of how the Commission should record and follow up visits by delegations wanting to raise specific issues with the Commission, how these issues should be incorporated into the work of the Commission, and how a long-term dialogue with interest groups could be established. It was decided that proceedings of meetings should be recorded carefully and that special care should be taken to note the follow-up action decided upon, *e.g.* letters, a phone calls, parliamentary questions, *etc.* A database of these records should be set up in order to facilitate better dialogue with interest groups contacting the Commission. Staff should draw up an analysis of issues that had been drawn to the Commission's attention. The Chief Commissioner undertook to have such a document drawn up. It was suggested that a similar model to Ms Kelly's proposed rolling audit of human rights concerns could be used to track the Commission's own performance. A mechanism should be devised whereby dialogue with groups could influence the Commission's agenda and priorities in a consistent way. This should be devised before new staff were appointed, so that a process could be in place for future action. A strategy for long-term engagement with NGOs should also be devised.

8. *Meeting with the Voluntary Aids Forum (HRC 7.10)*

9. *Meeting with the United Campaign Against Plastic Bullets (HRC 7.11)*

It was reported the Naomi Doherty was preparing a paper on this issue, to enable the Commission to make an informed statement and policy decision on the matter. It was pointed out that SACHR had found the use of plastic bullets and the RUC guidelines on their use (which differ from those applied in the rest of the UK) to be contrary to international standards. It had also been confirmed that in many cases the use of plastic bullets contravened the prescribed guidelines. The issue seemed to be one with cross-community support, as there had been deaths and injuries sustained among both nationalists and unionists.

It was decided that Ms Doherty should include a discussion of international standards in her report, and that it would be instructive to take note of SACHR's report to the Patten Commission in this regard. It was decided that, if any incident involving plastic bullets were to occur in the interim, the Commission should express its concern at the weapon's widespread use as well as its grief at any loss of life or injury as a consequence of its use. The issue was referred to the next Commission meeting.

10. *Meeting with representatives from WAVE (HRC 7.12)*

11. *Northern Ireland Social Omnibus Survey*

Questions had been submitted to Research and Evaluation Services. The cost would be approximately £5,000. A report should be available in August.

12. Visit of Richard Bennett

The visit of Mr Richard Bennett, a long-standing staff member of the New Zealand Human Rights Commission, had proved extremely informative.

13. Submission to the UN Committee on the Elimination of Discrimination Against Women

It was recalled that in June the Commission had made a detailed submission to the UN Committee on the Elimination of Discrimination Against Women. Professor Dickson reported that the Commission was still awaiting a copy of the concluding comments of the Committee.

14. Submission to the Royal Commission on the House of Lords

As there had been no comments from Commissioners on the draft submission circulated in May, that submission was being sent to the Royal Commission unaltered.

15. Submission to the Criminal Justice Review Group and to the Patten Commission

In the light of the meeting with the Criminal Justice Review Group on 28 June, it was decided to make a brief submission, within three weeks if possible, to the Group. The issue of whether the Commission should make a submission to the Patten Commission on Policing was discussed. It was decided that the Commission should make a submission in the form of a short paper. It was agreed to circulate to Commissioners the submission made to the Patten Commission by the Standing Advisory Commission on Human Rights as a starting point for discussion on the issue and that Ms Hegarty and Professor Dickson should liaise to prepare an initial draft.

16. Involvement in a NICO/QUB bid to assist with the monitoring of human rights in Russia.

It was decided that the Chief Commissioner should inform NICO and QUB that the Commission was willing to have its name mentioned in the bid as an organisation prepared to consider involvement in the establishment of mechanisms for protecting human rights in Russia. The Commission noted that, in order to avoid inconsistent or compromising consequences, any future proposed partnerships with other organisations should be discussed with the Commission in advance of any commitment being made by the Chief Commissioner,

17. Involvement in a new edition of "Human Rights, Human Wrongs", a guide to the UN's human rights machinery

The Chief Commissioner proposed that the Commission should support the production by British Irish Rights Watch of an updated version of this excellent publication. The Commission's involvement would require a £3,000-£4,000 investment to be made up front. The Commission approved the proposal.

18. Conference in London on 6 July

It was decided that Nadine Fourie should attend the conference hosted by *Charter 88* on 'Human Rights in the UK and South Africa. The Protection of Human Rights: The Role of Parliament'.

7. Intimidation of Defence Lawyers

Ms Hegarty spoke to her detailed report cataloguing the history and extent of threats of intimidation against defence lawyers. Concern was expressed at the serious nature of the questions raised by these allegations. Discussion followed on whether the Commission should at this stage undertake an investigation into the allegations of collusion surrounding the deaths of Rosemary Nelson and Patrick Finucane. Various potential responses the Commission might adopt were explored. After some discussion the Commission took the view that, in principle, an investigation might be the best way to address the situation and it therefore agreed to refer the issue to the Investigations Committee for more detailed consideration to be given as to the precise nature any such investigation might take. The Commission also agreed to ask for a meeting with John Stevens and Colin Port.

8. Parliamentary lobbying, with particular reference to the Immigration and Asylum Bill (HRC 7.15)

The issue of how the Commission should go about lobbying members of Parliamentary was discussed. It was decided that the Commission's recommendations on draft legislation should be sent to *all* the political parties, including the individual party spokespersons on the issue in question. A brief update on the progress made on the Immigration and Asylum Bill was provided. Nadine Fourie mentioned that the Commission had established contact with some members of the House of Lords. It was decided that she should arrange a meeting with members of the House of Lords to coincide with her attendance at the *Charter 88* conference.

9. Commission's logo and communications strategy

The issue of the how the Commission should proceed on the matter of its logo was raised by the Chief Commissioner. Two companies had made presentations to the Commission, but neither was wholly satisfactory: neither body had presented the Commission with a suitable logo, and one had offered a complete communications strategy as opposed to just a logo. The question of whether the Commission needed a complete communication strategy to establish its corporate identity effectively was discussed and a few ideas for the logo were canvassed. It was agreed that the logo should convey some type of image uniquely tailored to the Commission. It was decided that Brice Dickson, Frank McGuinness, and Patricia Kelly should meet again at a future date to discuss in more detail the best way to proceed on the logo issue.

10. Observation role at Drumcree

In response to a phone call received from the NIO during the course of the meeting, there was a brief discussion as to whether the Commission should send observers to the Orange Order parade at Drumcree on 4 July. There was an acknowledgement that the Commission should by now have considered its potential role as an observer at parades, but in view of the fact that the Commission was very short-staffed and that no official training had yet been organised for Commissioners or staff it was decided that for the time being the Commission should not send observers to parades. The Chief Commissioner, though, was asked to monitor the situation closely.

The meeting concluded at 5. 50pm.