

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Minutes of a Special Commission Meeting

Held on Friday 26 October 2001 at 2.00 pm

In the NIHRC Offices, Temple Court, Belfast

Present: Brice Dickson, Chief Commissioner
Christine Bell (*By telephone*)
Margaret-Ann Dinsmore
Tom Hadden
Paddy Kelly
Inez McCormack
Frank McGuinness

In Attendance: Paddy Sloan

Apologies: Tom Donnelly
Harold Good

1.0 The Special Commission Meeting had been called by the Chief Commissioner under Standing Orders to consider the ongoing situation at Holy Cross Girls' School in the Ardoyne and in particular:

Whether the NIHRC should take legal proceedings?
What else if anything the NIHRC might usefully do to contribute to a resolution?

The Chief Executive has contemporaneous notes of contributions made to the discussions.

2.0 Background Papers

- 2.1 Email (1) from Harold Good (26 October 2001)
- 2.2 Email (2) from Harold Good (26 October 2001)
- 2.3 Email from Christine Bell (26 October 2001)
- 2.4 Email from Inez McCormack (25 October 2001)
- 2.5 Fax (1) from Margaret-Ann Dinsmore (24 October 2001)
- 2.6 Fax (2) from Margaret-Ann Dinsmore (24 October 2001)
- 2.7 Email from Harold Good (21 October 2001)
- 2.8 Email from Inez McCormack (15 October 2001)
- 2.9 Opinion from Michael Lavery
- 2.10 Opinion from NIHRC Caseworkers
- 2.11 NIHRC Press Release on Holy Cross Situation
- 2.12 Correspondence from Martin O'Brien, CAJ

- 2.13 Correspondence from Right to Education Group
- 2.14 Copy of the UN Convention on the Rights of the Child (1989)
- 2.15 Notes of a meeting held with the Chief Constable (25 October 2001)

3.0 With regard to the Casework Committee's proposal that the NIHRC take legal proceedings on behalf of the children at Holy Cross School, consensus among Commissioners had not been reached by 4.00 pm on Thursday 25 October 2001. It therefore proved necessary to convene a Special Commission Meeting to address the issue.

4.0 The Chief Commissioner outlined the background to the Casework Committee's proposal. The Panorama case is the only other time the Commission has taken a case in its own name. The decision to do that was taken by the Casework Committee alone, however in this instance the Chief Commissioner felt it necessary to discuss the case in plenary because he was aware of a variety of views on the issue among Commissioners.

Commissioners agreed to address the substance of the issue at this Special Meeting and to return to the procedural issue at the November Commission meeting.

5.0 A wide range of views was expressed by Commissioners.

5.1 The urgency of the situation was agreed, though some Commissioners did not feel fully informed on the legal aspects of the case, making it difficult to come to a conclusion on the best way forward.

5.2 Commissioners were unanimous in their concern to chart a useful path for the Commission to contribute to the resolution of the situation at Holy Cross Girls' School. However there were divided views on the potential role of the Commission in legal proceedings and on the procedures employed to take the necessary decisions.

5.3 The difficulty of challenging police operational decisions was discussed as was the interpretation of the best interests of the child, and the various responsibilities of the state, parents, the school and the NIHRC to protect those interests.

5.4 The Chief Commissioner concluded that there was no consensus within the Commission to follow the recommendation of the Casework Committee to instigate legal proceedings in the Commission's own name.

5.5 It was agreed that senior counsel should be asked to revisit the proposal with particular reference to the best interests of the child and to the right to education. Counsel should be asked to advise on procedure and outcome and on how best the Commission might intervene.

At 3.45 pm Christine Bell left the meeting.

- 6.0** There is now a week's holiday at the school during which the Commission needs to take any action intended.

The following actions were agreed:

- 6.1 Counsel should be asked to consider further:

- (a) alternative legal proceedings;
- (b) the best interests of the child;
- (c) whether the Commission would be better to support a case taken by a child or a parent rather than in its own name;
- (d) whether another body such as the Official Solicitor could represent children;
- (e) which arms of the state have a responsibility;
- (f) the role of the Department of Education;
- (g) the notes of the meeting with the Chief Constable.

- 6.2 Second points of action:

- (a) The Commission should seek to meet with parents, Governors and teachers as soon as possible.
- (b) There is no need at this time to meet with protestors, as that is a separate role relevant at another time. The current priority is the request to the Commission to take legal action.
- (c) Meetings described should be arranged through Father Troy for early in the week beginning 29 October.
- (d) Commissioners should seek to meet with the Belfast Education and Library Board and the North and West Trust.
- (e) A meeting should be sought with the Minister of Education.

- 7.0** The Minister for Security, Jane Kennedy MP, has offered to meet Commissioners on Wednesday 31 October at 11.00 am. It was agreed that as many Commissioners as possible would attend that meeting.

Paddy Kelly and Tom Hadden left at 4.00 pm.

- 8.0** The meeting was then inquorate and closed.