

Minutes of the 4th Meeting of the Joint Committee of Representatives of the two Human Rights Commissions on the island of Ireland (The Joint Committee)

Held at 10.45 am on Thursday 23 April 2002

In the Europa Hotel, Belfast

Present: Brice Dickson, Chief Commissioner, NIHRC (Chair)
Tom Donnelly
Tom Hadden
Paddy Kelly
Frank McGuinness
Patrick Yu

William Binchy, IHRC
Olive Braiden
Martin Collins
Michael Farrell
Nuala Kelly
Jane Liddy
Clodach McGrory

In Attendance Paddy Sloan, Chief Executive, NIHRC
Sophie Magennis, Administrator, IHRC
Gráinne Blessing, Assistant to the President of the IHRC

Apologies: Christine Bell, NIHRC
Margaret-Ann Dinsmore
Christine Eames
Harold Good
Inez McCormack
Chris McGimpsey
Kevin McLaughlin

Judge Donal Barrington, President, IHRC
Fionnuala Ní Aoláin
Suzanne Egan
Tom O'Higgins
Katherine Zappone

- 1.0** The Chair reported that the President of the Irish Human Rights Commission, Judge Donal Barrington, had tendered his resignation to the Minister of Justice due to ill health. The President's resignation will take effect when a replacement has been appointed.

The Chair, on behalf of the Joint Committee and on behalf of the NIHRC, wished to record thanks to the Judge for his help and guidance to date and to wish him a speedy recovery.

2.0 Minutes of the 3rd Meeting of the Joint Committee of 22 March 2002

The Minutes were approved as an accurate record of the meeting.

3.0 Matters Arising

- 3.1 It was agreed that the development of a joint database of international instruments effective in the north and south of Ireland should be progressed on behalf of both Commissions. An expenditure of up to £3,600 was agreed for application software and the customisation of the database. This cost to be split equally between the two Commissions. In addition there will be costs associated with engaging a researcher to update the database, which will be negotiated separately.

4.0 A Charter of Rights for the island of Ireland

- 4.1 Papers had been prepared by Brice Dickson, Tom Hadden and Michael Farrell on the options for developing a Charter of Rights for the island of Ireland. A Joint Committee Sub-Committee on the Charter will meet immediately after the full Joint Committee meeting to consider these papers. Other Commissioners not identified as members of this sub-group are welcome to attend and papers can also be submitted from any interested Commissioner.

5.0 Sub-Committee on Racism

- 5.1 The Joint Committee Sub-Committee on Racism met with the Irish Refugee Council and the Law Centre of Northern Ireland to discuss issues relating to refugees and asylum seekers. The minutes of that meeting note the key concerns identified.
- 5.2 A major issue in the south of Ireland is the automatic right of citizenship of a child born in Ireland. The High Court has now ruled and is on appeal to the Supreme Court, that parents no longer have the right to stay with their children on humanitarian grounds.
- 5.3 It was suggested that Commissioners might meet with officials in both jurisdictions to discuss the implementation of legislation relating to refugees and asylum seekers.
- 5.4 The Sub-Committee has agreed to publish a guide to the CERD (Convention on the Elimination of Racial Discrimination). A draft document has been prepared, the text of which will be circulated to the full Joint Committee.

5.5 National Action Plan on Racism

A consultation plan has been launched in the south of Ireland at a meeting convened jointly by NCCRI, the Department of Justice and Law Reform, Irish Human Rights Commission and the Equality Authority. In the north the OFM/DFM is to nominate a representative to this Steering Committee in the south and when such a Steering Committee is established in the north, this representation will be reciprocated.

- 5.6 Michael Farrell will prepare a briefing paper on the Convention on Migrant Workers for consideration by the Joint Committee that they might lend support for the ratification of this Convention by the two Governments. Nineteen states have ratified this Convention and when twenty have done so it can be implemented. It was noted that the Northern Ireland Human Rights Commission has already written to the UK Government urging it to ratify the Convention.
- 5.7 The Joint Committee was advised of the amendment to the Housing Accommodation Bill which criminalises trespasses and allows the confiscation of caravans. This is a piece of legislation particularly targeted at travellers in the south of Ireland and has caused great concern among lobby groups as it has serious implications for travellers and has subverted the ongoing consultation process. There will be a major protest at 12 noon on 2 May and the Irish Human Rights Commission will be issuing a statement in support of the travellers' position.
- 5.8 Patrick Yu reported on the development of the UK's National Action Plan Against Racism. To date the OFM/DFM has been representing Northern Ireland at a meeting convened by the Home Office. The NIHRC will be seeking representation on a regional Steering Group for Northern Ireland. It is anticipated that the UK National Action Plan will be launched in September 2002 in London.
- 5.9 The Council of Europe on 27/28 February in Strasbourg, 41 states reported on progress post Durban on the development of National Action Plans. There is a requirement on National Human Rights Institutions to report on their post Durban activities to the ICC (International Co-ordinating Committee).
- 5.10 Accommodation legislation for travellers was suggested as a key cross border issue on which the Joint Committee could be and should be proactive at European level as well as north, south and in Great Britain. In the south of Ireland there is a projected requirement of 2,200 units of accommodation with to date, a 111 units having been provided.
- 5.11 As a means of challenging the legislation it was suggested that a traveller family might be identified who had been denied accommodation in both the north and south of Ireland. This would provide an opportunity for the two Commissions to take a case jointly under the ECHR against both governments. Further details are required on the legislation in the north and the issue will be taken forward by the Racism Sub-Committee.

- 5.12 It was noted that the monitoring of racist incidents had been undertaken to an extent by NCCRI in the south and by the Police Service of Northern Ireland but such monitoring is not comprehensive. In the north PSNI, Equality Commission and NICEM are introducing a new monitoring process. It was suggested that the two Human Rights Commissions could provide a central collection point for all data north and south. Again this will be considered by the Racism Sub-Committee.
- 5.13 A copy of the Minister's speech in which he refers to the IHRC as having the power to investigate racism will be forwarded to the NIHRC.

6.0 Conference of European Human Rights Institutions

- 6.1 A draft programme has been devised in consultation with the Council of Europe and will be circulated by the Council of Europe.
- 6.2 Dates and venues have been agreed both north and south and the practicalities of transport and accommodation will be progressed by the two secretariats. Speakers will be identified and approached by the Council of Europe and information on those participating will be sent to National Human Rights Institutions as soon as possible by the Council of Europe.
- 6.3 The UN High Commissioner on Human Rights, Mary Robinson, welcomed the decision that the conference would take place in Ireland in her speech to NHRIs last week in Geneva.

7.0 Updates on Commissions' Activities

- 7.1 Both Commissions provided written reports on their most recent activities.
- 7.2 The Irish Human Rights Commission should soon have identified a researcher to work on the rights of the elderly. The target for the appointment of a Chief Executive is currently 7 May 2002. There will be a reception to announce the new appointment at which the NIHRC will be represented.
- 7.3 The NIHRC expects to publish very soon a Guide to the Human Rights Implications of the Burns Review on Post Primary Education.
- 7.4 The NIHRC is meeting on 24 May to reconsider its approach to the next phase of the Bill of Rights consultation in light of responses from political parties.
- 7.5 A report of the 6th International Meeting of National Human Rights Institutions held in Copenhagen will be forwarded to the IHRC.
- 7.6 A copy of the Chief Commissioner's speech to the Orange Order at a recent conference will be forwarded to the IHRC. The Chief Commissioner also

drew attention to human rights principles identified in a recent seminar with the Royal College of Psychiatrists.

- 7.7 The Chief Commissioner reported on his attendance at the United Nations Commission on Human Rights. Due to pressures of time the oral presentations were limited to the four global regions and the International Coordinating Committee, each of whom had 12 minutes to present. The NIHRC paper was presented and recorded and is available, as is the UK's written response. Both are on the NIHRC website.

8.0 Frequency and Date of Future Meetings

- 8.1 This is the fourth official meeting of the Joint Committee which has met almost monthly since December 2001. It was agreed now to meet less frequently with the next meeting being held on **12 June** in Dublin and the following on **3 September** in Belfast.

9.0 Any Other Business

- 9.1 Paddy Kelly will be representing the NIHRC at the UN General Special Assembly on Children to be held in New York on 7-10 May 2002. This will focus on a 10-year audit of governments' compliance with the UN Convention on the Rights of the Child. There is at present no particular status for NHRIs and there will be a move to establish a separate category of registration in New York.
- 9.2 The UN Committee on Economic, Social and Cultural Rights will meet on 7 May and again the NIHRC will be represented in Geneva.
- 9.3 It was suggested that the two Human Rights Commissions should write to Mary Robinson, the UN High Commissioner on Human Rights, to encourage a separate status for NHRIs to be established. It was reported that the Chair of the ICC will write to the UN High Commissioner on behalf of all human rights institutions seeking such accreditation. It was also noted that the Chairs of treaty-monitoring bodies have met to consider how best to take account of the views of NHRIs.

As the Northern Ireland Human Rights Commission is a sub-national, not a national, human rights institution it would be useful to ensure the term "national or sub-national" is used.

- 9.4 The British Council conference on Social and Economic Rights will be held in Belfast on 14-18 May. There is an invitation to attend on Saturday 18 May to the morning session where the UN High Commissioner, Mary Robinson, will be making a presentation.
- 9.5 **Offences Against the State Act**
This report has not been released yet and the Irish Human Rights Commission is interested in any work carried out by the NIHRC on emergency law which might usefully be shared.

9.6 Danish Human Rights Commission

It was noted that the threat to the independence of the Danish Human Rights Centre has now been fairly satisfactorily resolved. The influence of other human rights institutions and the UN High Commissioner was apparent and the International Co-ordinating Committee has agreed that it will in future ensure that NHRIs will act collectively to defend any human rights centre which comes under similar threat.

10.0 The meeting closed at 12.40pm.