

Minutes of the Fifth Ordinary Meeting of the Joint Committee of Representatives of the Two Human Rights Commissions on the Island of Ireland (the Joint Committee)

Wednesday 12 June 2002, 10.30am
St Stephen's Green Club, Dublin

Present:

NIHRC

Brice Dickson, Chief Commissioner
Margaret-Ann Dinsmore
Frank McGuinness
Inez McCormack

IHRC

Judge Donal Barrington
William Binchy
Olive Braiden
Martin Collins
Michael Farrell
Nuala Kelly
Jane Liddy
Clodach McGrory
Tom O'Higgins
Katherine Zappone

Staff

Alpha Connelly, Chief Executive, IHRC
Sophie Magennis, Administrator, IHRC
Gráinne Blessing, Assistant to the President of the IFIRC

Apologies:

NIHRC

Christine Bell
Tom Donnelly
Christine Eames
Harold Good
Tom Hadden
Patricia Kelly
Christopher McGimpsey
Kevin McLaughlin
Patrick Yu

IHRC

Robert Daly
Suzanne Egan
Fionnuala NI Aoláin
Gerard Quinn
Mervyn Taylor

Staff

Paddy Sloan, Chief Executive, NIHRC

The meeting agreed that best wishes should be conveyed to Fionnuala NIAoláin regarding her newborn baby.

The President of the Irish Human Rights Commission and the Chief Commissioner of the Northern Ireland Human Rights Commission extended a warm welcome to the newly appointed chief executive of the Irish Human Rights Commission, Dr. Alpha Connelly, who took up office on 10 June 2002. The members of the Joint Committee joined the President in wishing Dr. Connelly every success in her future work with the Commission.

1 Minutes of the Fourth Ordinary Meeting of the Joint Committee

1.1 The minutes were approved subject to the substitution of the words “Commission on Human Rights” for the words “Human Rights Committee” at paragraph 7.7.

2 Matters Arising from the Minutes

There was no matter arising.

3 A Charter of Rights for the Island of Ireland

3.1 It was noted that draft notes of the first meeting of the Sub-Committee on the Charter had been distributed to members.

3.2 It was agreed that Brice Dickson, Michael Farrell and Tom Hadden would prepare a draft discussion paper regarding a process for the development of the Charter on behalf of the Sub-Committee on the Charter and that the paper would be submitted to the sixth meeting of the Joint Committee. All members of the Joint Committee were invited to contribute to the development of the Sub-Committee’s draft discussion paper.

4 The Sub-Committee on Racism

4.1 It was noted that the minutes of the sixth meeting of the Sub-Committee had been distributed to members.

4.2 The Convenor of the Sub-Committee, Michael Farrell, reported on the Sub-Committee's sixth meeting which included a meeting with Belfast-based Traveller groups. Cross-border issues discussed at the meeting included accommodation, the law on trespass and monitoring of racial incidents. The meeting was informed that the Sub-Committee would meet with Traveller groups based in the Republic of Ireland on the afternoon of 12 June.

4.3 There was a discussion concerning the draft user's guide to the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD), copies of which had been distributed to all members of the Joint Committee. A number of points concerning the text of the draft were raised for the consideration of the Sub-Committee. A Northern Ireland-specific section is to be added to the text and a final version of the draft will be submitted to the sixth meeting of the Joint Committee.

4.4 The development of a National Action Plan Against Racism (NAPAR) in the Republic of Ireland was discussed. The Irish Human Rights Commission is a member of the Steering Group on the NAPAR which operates under the auspices of the Department of Justice, Equality and Law Reform. Regional consultation seminars on the NAPAR are being held in major cities in Ireland, and Martin Collins reported on the seminar held in Gaiway which he attended.

4.5 It was noted that the Equality Commission for Northern Ireland (ECNI) has proposed that a consultative seminar on the NAPAR be held in Belfast to examine cross-border issues and that the NIHRC may wish to contact the ECNI in this connection.

4.6 The NIHRC is a member of the UK Steering Group on a NAPAR. It was noted that the organisers of the Steering Group on a NAPAR for Ireland have indicated that the NIHRC would be welcome to join the group. The NIHRC will consider this matter in advance of the next meeting of the Steering Group on 30 July.

4.7 The detention of asylum seekers in both jurisdictions was discussed. It was noted that British Irish Rights Watch, the Committee on the Administration of Justice, NIHRC and the Irish Commission for Prisoners Overseas had recently visited Maghaberry Prison and that the Joint Committee might request a copy of any report produced on their visit.

4.8 It was reported that, further to its meeting with Traveller groups on 12 June, the Sub-Committee will conclude its round of consultations with external bodies; and that, at its next meeting, the Sub-Committee will develop a proposed programme of work for submission to the Joint Committee.

5 The Conference of European Human Rights Institutions, 14-16 November 2002

5.1 The Joint Committee was informed that the Conference is being organised by the Council of Europe (CoE) in co-operation with the IHRC and the NIHRC; and that the CoE is responsible for drawing up the conference programme, the registration of participants, production of documents, interpretation and various other matters, while the respective Human Rights Commissions are responsible for the local organisation.

A brief outline was given of the draft provisional programme for the Conference produced by the Council of Europe.

5.2 Participants are scheduled to arrive in Belfast on 13 November. The Conference will be held in Belfast on 14 and 15 November, and participants will travel to Dublin on the evening of the 15th for the final day of the Conference in Dublin on 16 November. The venue in Dublin is Dublin Castle and the venue in Belfast is to be confirmed. 100-120 participants are expected to attend.

5.3 It was agreed to establish an Organising Sub-Committee on the Conference composed of the chief executive and one Commissioner from each Commission. The Sub-Committee will liaise closely with the Council of Europe and Danish Centre for Human Rights and consider the following issues: NGO participation, logistical arrangements including the possible contracting of an outside agency to manage accommodation and travel arrangements, and the identification of key official speakers from both jurisdictions. In addition, it was agreed the Sub-Committee would propose the addition of a question mark at the end of the title of topic 1 of the draft provisional programme of the conference.

6 Audit of Human Rights Commitments and Compliance with International Human Rights Standards on the Island of Ireland

6.1 A student willing to update and develop the database has been identified. It was agreed that the student will be paid at an hourly rate and will work on the database over the summer with a view to completion of the work by September if possible. The updated database will include references to periodic reports submitted by both States to international human rights bodies. It was proposed that the database should also list deadlines for the submission of periodic reports by both States.

6.2 It was suggested that the issues of hosting and maintaining the database be discussed at a future meeting.

7 Update on Each Commission's Activities

7.1 Written reports on activities since the last meeting of the Joint Committee were submitted and presented by both Commissions.

7.2 There was a discussion concerning point 4 of the NIHRC report on activities concerning the earmarking of funds.

7.3 Reference was made to the statement issued by the IHRC concerning the reported degree of force used by members of An Garda Síochána during a "Reclaim the Streets" parade in Dublin on 6 May; and the IHRC was requested to keep the NIHRC informed about proposals for a new mechanism to deal with complaints concerning members of An Garda Síochána.

7.4 It was agreed that, on behalf of the Joint Committee, the Chief Commissioner and President would write to the Minister for the Environment and Local Government concerning the Housing (Miscellaneous Provisions) (No.2) Act, 2002. This letter

would follow-up the letter sent by the IHRC to the Minister on 9 May expressing grave concern regarding Section 24 of the Act which effectively criminalises trespass. In this connection, the NIHRC agreed to clarify the legal position regarding trespass in Northern Ireland.

7.5 William Binchy reported on his attendance at the EU-China Dialogue Seminar on Human Rights held in Beijing on 30-31 May, and indicated that a written report would be available on 13 June.

7.6 It was noted that Ita Mangan, consultant, will conduct research concerning the treatment of the elderly in institutions on behalf of the IHRC.

8 Accreditation of National Human Rights Institutions at International Meetings

8.1 Concern was expressed about two matters. First, that only reputable bodies should be accredited. This was recognised as a policy matter for the particular international organisation concerned. Secondly, that a national human rights institution (NHRI) should be accredited in its own right, and not either as a member of a Government delegation or as an NGO.

8.2 It was noted that the International Co-ordinating Committee (ICC) of NHRIs organises the accreditation of NHRIs to its membership and to the UN Commission on Human Rights. The IHRC is accredited as a Paris Principles compliant member (with a reservation pending the recruitment of staff etc.). The NIHRC is accredited as a sub-national institution. Formal recognition of accreditation by the ICC at international meetings is limited to the annual meeting of the UN Commission on Human Rights.

8.3 It was agreed to establish a Sub-Committee to examine the issues concerning the accreditation of NHRIs at international meetings, and that Fionnuala NI Aoláin and Paddy Kelly would be invited to join Brice Dickson on the Sub-Committee.

9 Emergency Legislation

It was agreed that the question of the establishment of a Sub-Committee on emergency legislation to review existing and post-September 11 legislation would be included on the agenda for the Joint Committee's sixth meeting. In the interim it was noted that the IHRC will request a copy of the report of the Committee to Review the Offences Against the State Acts (OASA) 1939-1998 and plans to review the document. It was agreed that the IHRC would consult the NIHRC on any paper the IHRC prepares concerning the OASA review body report.

10 Dates of Future Meetings

10.1 It was agreed that the Joint Committee will meet later this year on 3 September in Belfast and on 30 October in Dublin.

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11 Any Other Business

11.1 The NIHRC noted that Lord Carlisle's review of UK terrorist law would be published shortly, and indicated that it was keen that its staff work together with the IHRC's future staff concerning emergency legislation.

The meeting concluded at 1.00 p.m.