



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

128th COMMISSION MEETING (POLICY)

**HELD ON MONDAY 23 MAY 2011 AT 12.00PM
AT THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION,
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

Present: Monica McWilliams, Chief Commissioner
Tom Duncan
Colin Harvey (by telephone)
Alan Henry
Geraldine Rice

In attendance: Virginia McVea, Director
Don Leeson, Head of Corporate Services (except
agenda item 12)
David Russell, Head of Communications and Education
(except agenda item 12)

Apologies: Ann Hope

1. Minutes of the 127th Commission (Governance) meeting

- 1.1 The minutes of the 127th Commission (Governance) meeting held on 18 April 2011 were agreed as an accurate record.

2. Matters arising from the minutes of the 127th Commission (Governance) meeting

- 2.1 Commissioners noted progress on the Commission's report into the rights of older people in residential nursing care, which remains on schedule to be published in August 2011 (paragraph 2.3 of the minutes of the 127th Commission (Governance) meeting refers).

- 2.2 Commissioners noted that the Commission's Strategic Plan for 2011–13, and the Business Plan to operationalise its first year, have been accepted by the Secretary of State for Northern Ireland (paragraph 2.4 of the minutes of the 127th Commission (Governance) meeting refers). The Commission will write to consultees with details of the outcome of their consultation responses on the Strategic Plan, and the Strategic Plan and Business Plan will be published shortly.
- 2.3 Commissioners noted that NIO approval to change the pay system for the Commission's staff, as a consequence of changes to the NIO's pay arrangements, is pending (paragraph 2.5 of the minutes of the 127th Commission (Governance) meeting refers).
- 2.4 Commissioners noted the statement, issued jointly with the Irish Human Rights Commission on 5 May 2011, in respect of the requirement for a human rights compliant investigation into death of Denis Donaldson, under Article 2 of the European Convention on Human Rights (paragraph 3.3 of the minutes of the 127th Commission (Governance) meeting refers). The Commission will continue to monitor the progress of the proceedings in respect of this which, it was noted, have been further delayed.
- 2.5 Commissioners noted the Supreme Court judgment in the case of McCaughey and another, which was handed down on 18 May 2011. The Commission, jointly with the Equality and Human Rights Commission, intervened in the case because of its potential implications for legacy cases in Northern Ireland. It was noted that previously the Human Rights Act 1998 had not been read as placing a duty on the State to hold a human rights compliant investigation into deaths that occurred before the Act was introduced in 2000. This ruling means that remaining inquests into deaths that occurred during the Northern Ireland conflict must now meet a new standard of investigation.
- 2.6 Commissioners noted progress in respect of proceedings in relation to legislation on the right to adopt in Northern Ireland.
- 2.7 Commissioners were briefed on the deaths, in recent weeks, of three people held in detention.

- 2.8 Commissioners noted that the programme of round table discussions with stakeholders on aspects of dealing with the legacy of the conflict in Northern Ireland is in the process of being scheduled and details will be circulated to Commissioners in due course (paragraph 7.3.4 of the minutes of the 127th Commission (Governance) meeting refers).

3. Annual Report and Accounts for 2010–11

- 3.1 Commissioners approved the Annual Report and Accounts for 2010–11 for submission to the National Audit Office. It was noted that the Annual Report and Accounts will be audited in June, with a view to the document being laid in Parliament before the summer recess on 19 July 2011.
- 3.2 Commissioners expressed their appreciation to the staff involved in preparing the Annual Report and Accounts.

4. Corporate Risk Register for 2011–12

- 4.1 Commissioners approved the Commission's risk register for 2011–12.
- 4.2 Commissioners noted that the risk register will be reviewed at each meeting of the Audit and Risk Management Committee.

5. Bill of Rights for Northern Ireland and the Charter of Rights for the island of Ireland

- 5.1 Commissioners noted the proposal for the political parties to engage in roundtable discussions on the Bill of Rights, which has been made by the Secretary of State for Northern Ireland as a way of taking forward the process.
- 5.2 Commissioners agreed that the advice on a Charter of Rights would be publicly launched at the next meeting of the Joint Committee with the Irish Human Rights Commission, which is scheduled for 29 June 2011, in Belfast [*note: this was subsequently rescheduled to 27 June 2011*].

6. Report on the 24th session of the International Coordinating Committee of National Institutions

- 6.1 Commissioners were briefed on discussions at the 24th session of the International Coordinating Committee of National Institutions, which was held on 17–19 May 2011, in Geneva.
- 6.2 Commissioners noted that the outcome of the Commission's application for re-accreditation as a national human rights institution at the UN, which was considered by the ICC, will be announced in due course.

7. Report on the meeting of the UK and Ireland National Human Rights Institutions

- 7.1 Commissioners were briefed on discussions at a meeting of the UK and Ireland National Human Rights Institutions, which took place on 20/21 April 2011, in London.
- 7.2 Commissioners noted that the Commission is due to host the next meeting.

8. Legal aid developments

- 8.1 Commissioners noted developments in respect of legal aid provision in Northern Ireland. The Chief Commissioner will engage in discussions with the Law Society, Bar Council and the Minister of Justice to highlight the potential for human rights violations.

9. Update on work on the UN Convention on the Rights of Persons with Disabilities

- 9.1 Commissioners noted a progress report on work on the UN Convention on the Rights of Persons with Disabilities.
- 9.2 The Commission will host a meeting of the UK independent monitoring mechanism for the UN CRPD, which is scheduled for 27 May 2011. A representative of the Office for Disability Issues will attend the meeting to provide an update on the development of the State report on compliance with the Convention.

10. Submission to the Department of Justice on the retention of DNA and fingerprints

- 10.1 Commissioners approved, subject to agreed changes, a submission to the Department of Justice in respect of the retention and destruction of DNA data and fingerprints, which is held by the PSNI and Forensic Science Northern Ireland and other bodies.

11. Current consultation documents

- 11.1 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response, and progress on thematic work and follow-up action on previous policy responses.

12. Implementation of the outcome of the Senior Management Review – progress report

- 12.1 This agenda item is dealt with in a closed minute.

13. Any other business

- 13.1 Commissioners noted that the findings of a public inquiry into the death of Rosemary Nelson will be published on 23 May 2011 and that the Commission will issue a statement in respect of this.

14. Dates of next Commission meetings

- 14.1 The next Commission (Governance) meeting will be held on 27 June 2011, in Temple Court, Belfast.
- 14.2 The next Commission (Policy) meeting will be on 22 August 2011, in Temple Court, Belfast.

The meeting closed at 1.00pm.

Approved: _____

Date: 27 June 2011