



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 104TH COMMISSION MEETING

**HELD ON MONDAY 9 MARCH 2009 AT 10:00AM
AT THE SAINT PATRICK CENTRE, 53A LOWER MARKET STREET,
DOWNPATRICK, Co DOWN, BT30 6LZ**

Present: Monica McWilliams, Chief Commissioner
Jonathan Bell (agenda items 8/9 and 13/14)
Tom Duncan
Colin Harvey
Alan Henry (agenda items 1–5 and 8–14)
Ann Hope
Colm Larkin
Eamonn O'Neill
Geraldine Rice

In attendance: Peter O'Neill, Chief Executive
Don Leeson, Head of Corporate Services
David Russell, Head of Communications and Education
Roisin Devlin, Investigations Worker (agenda item 8)
Nazia Latif, Research and Investigations Worker
Sorcha McKenna, Investigations Worker (agenda item 8)
Virginia McVea, Caseworker

Apologies: Daphne Trimble

This meeting marked the 10th anniversary of the Commission's establishment in March 1999.

1. Minutes of the 103rd meeting (HRC 104.1)

- 1.1 The minutes of the 103rd Commission meeting held on 19 January 2009 were agreed as an accurate record, subject to some minor amendments.

2. Matters arising

- 2.1 There were no matters arising.

3. Report from the Chief Commissioner

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 Commissioners discussed the attack on the Massereene Army base on 7 March 2009. It was agreed to issue a press release emphasising Article 2 'Right to Life' concerns in relation to this.
- 3.3 The Chief Commissioner reported on the Commission's meeting with the Prime Minister's policy team on 28 January 2009 at Downing Street to discuss the Commission's advice to government on a Bill of Rights for Northern Ireland.
- 3.4 The Chief Commissioner reported on the Commission's attendance at a reception hosted by the President of Ireland, Mary McAleese, on 6 March 2009 in Dublin, which provided an opportunity to brief key officials on the Commission's advice on the Bill of Rights.
- 3.5 Commissioners noted that the Chief Commissioner will be a guest panellist on the Radio 4 programme, 'Any Questions?', on 13 March 2009 in Derry / Londonderry.
- 3.6 Commissioners noted that the Chief Commissioner has accepted an invitation to attend a reception at the White House on 17 March 2009. A number of meetings with key officials in the US government and members of Congress have been arranged to discuss the Bill of Rights for Northern Ireland.

4. Reports from Commissioners

- 4.1 There were no reports from Commissioners.

5. Reports from Committees

Terms of Reference for Committees and membership (HRC 104.3)

- 5.1 Revised terms of reference for each committee were approved, subject to amendments in respect of the frequency of meetings for some committees and participation by external people.
- 5.2 It was agreed that Policy Committee meetings should revert to being Commission meetings, while retaining the alternating focus of agendas on policy matters and corporate governance.
- 5.3 Commissioners noted the chairpersons and membership of each committee.
- 5.4 The Chief Executive will write to each chairperson of a committee to ask them to formally accept the terms of reference for their respective committee.
- 5.5 It was agreed that the chairs of committees will be reviewed at the end of the year and revised as appropriate to ensure that each Commissioner has an opportunity to chair a committee during their period of office.
- 5.6 Commissioners noted that Geraldine Rice and Colm Larkin will represent the Commission on a joint committee to be formed with the Equality Commission to oversee monitoring and promotional activities in respect of the UN Convention on Disability Rights.

Minutes of committees and working groups (HRC 104.4)

- 5.7 Commissioners noted the minutes of the following meetings:
 - Audit and Risk Management Committee – meeting held on 16 December 2008
 - Bill of Rights Working Group – meetings held on:
 - 19 August 2008
 - 5 September 2008
 - 8 September 2008
 - 10 September 2008
 - 12 September 2008
 - 13 September 2008
 - 22 September 2008

25 September 2008
26 September 2008
27 September 2008
2 October 2008
3 October 2008
8 October 2008
17 October 2008
20 October 2008
24 October 2008
28 October 2008
7 November 2008
14 November 2008
17 November 2008
21 November 2008
25 November 2008

- Policy Committee – meeting held on 13 October 2008.

5.8 Commissioners noted that, under the terms of the Commission's revised Publication Scheme, which covers the information that the Commission will routinely make available under the Freedom of Information Act 2000, all Commission papers will be published on the Commission's website, unless this is prevented by a statutory exemption.

Committee reports

5.9 Commissioners noted the Commission's updated risk register, which was reviewed by the Audit and Risk Management Committee at its meeting on 23 February 2009.

5.10 The Chair of the Bill of Rights Committee reported on the Commission's appearance before the Joint Committee on Human Rights at Westminster on 24 February 2009 to discuss the Commission's advice to government on a Bill of Rights for Northern Ireland. A number of other meetings with MPs and Peers to brief them on the Bill of Rights were also undertaken during the visit to Westminster.

5.11 Commissioners noted that the Commission's meeting with the First Minister and deputy First Minister to discuss the Commission's advice on the Bill of Rights went ahead as scheduled on 2 March 2009, although the First Minister did not attend.

- 5.12 Commissioners noted that the Commission has been invited to appear before the Northern Ireland Affairs Committee on 16 March 2009 at Stormont to discuss the Commission's advice on the Bill of Rights. In the Chief Commissioner's absence on Commission business at the White House, the Commission will be represented by Tom Duncan, Colin Harvey and Ann Hope, supported by a Caseworker.

6. Chief Executive's report (HRC 104.5)

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 The Chief Executive reported that the NIO will write to Commissioners to clarify any entitlement to pension provision, which is referred to in the Northern Ireland Act 1998, which established the Commission.

7. Team reports

7.1 Corporate Services (HRC 104.6)

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted that the temporary staffing arrangements in the Legal Services, Policy and Research Team have been extended until the end of June 2009, pending finalisation of the Commission's Business Plan for 2009–10.
- 7.1.3 Commissioners were invited to provide views to the Head of Corporate Services on what should be covered in follow-up events to workshops on understanding and appreciating anti-prejudice, good relations, and diversity, which were held for Commissioners and staff in January 2009.
- 7.1.4 Commissioners noted that confirmation is awaited from the NIO about additional funding that has been sought to offset financial pressures identified by the Commission in the August and November Monitoring Rounds.

7.2 Communications and Education (HRC 104.7)

- 7.2.1 Commissioners noted the Communications and Education report.
- 7.2.2 Commissioners noted that work on the next issue of the Commission's magazine, 'NIHRC Review', is well advanced and will feature a number of articles on the Bill of Rights. The magazine will be published in April 2009.
- 7.2.3 Commissioners noted that discussions with both Atlantic Philanthropies and the NIO about additional funding for the Commission's further work on the Bill of Rights are at an advanced stage. The business plan for this funding will be presented to Commissioners, once it is finalised.
- 7.2.4 In the meantime, Commissioners noted that an invitation to tender will be issued shortly for a contract to draft the summary version of the Commission's Bill of Rights advice.

7.3 Legal Services, Policy and Research

- 7.3.1 Commissioners were briefed on the activities of the Legal Services, Policy and Research Team.
- 7.3.2 Commissioners discussed the legal challenge to the compatibility of the Inquiries Act 2005 with Article 2 of the European Convention on Human Rights, which the Commission decided to mount in its own name at its meeting on 10 March 2008. It was noted that the case has been postponed. The Commission awaits the Secretary of State's response to a family's demands for an independent inquiry into the death of a family member, and it was also noted that the Consultative Group on the Past has published its report making a number of recommendations, including the future of inquiries.
- 7.3.3 Commissioners noted that the Commission's draft response to the report of the Consultative Group on the Past will be discussed at the next Commission meeting.
- 7.3.5 Commissioners noted the list of consultation documents received, which are being considered for a response by the Commission.

8. Submission of evidence to the UK Border Agency (HRC 104.8)

- 8.1 The Commission's investigation into homelessness among people with no or limited recourse to public funds is nearing completion and the findings are expected to be published in summer 2009. Ahead of this timetable, the government is currently considering the extension of the Worker Registration Scheme (WRS) beyond its current expiry date of 31 April 2009. As the investigation has collected evidence about the operation and impact of the WRS, it was proposed that the Commission considers making a submission to the UK Border Agency (UKBA) on this matter, in advance of the publication of the main findings.
- 8.2 Investigation Workers Roisin Devlin and Sorcha McKenna briefed Commissioners on the WRS and findings from the current investigation, which show how the scheme impacts adversely on human rights in a number of important respects. Furthermore, it was reported that the WRS appears to be failing to meet its intended objectives of regulating the access to the labour market and welfare benefits of A8 nationals (people from the Eastern European states that joined the EU in 2004).
- 8.3 Commissioners approved a proposal to recommend to government that, because of these failings, the WRS should be discontinued. It was also agreed to make recommendations about how the operation of the WRS might be improved, if the scheme is extended against the Commission's advice. Jonathan Bell asked that, because of the current downturn in the labour market, his dissent to the recommendation that the WRS should be discontinued in its entirety be noted.

9. Draft Strategic Plan 2009–11 (HRC 104.9)

- 9.1 Commissioners approved the Commission's draft Strategic Plan for 2009–11 for public consultation, subject to a number of minor amendments.

10. Review of Corporate Governance Arrangements

- 10.1 The Chief Executive gave a progress report on the review of the Commission's corporate governance arrangements in the light of issues that arose during work on the Bill of Rights.
- 10.2 A written report will be tabled at the next Commission meeting.

11. Report of the Job Evaluation Appeals panel (HRC 104.10)

- 11.1 Commissioners noted the report of the Appeals Panel established to consider concerns raised by a number of staff about the conduct of the job evaluations of their posts.
- 11.2 In light of the Appeal Panel's findings, Commissioners agreed that a number of posts should be re-evaluated. The outcome of these evaluations will be reported to Commissioners in due course.

12. Arrangements for the 2009 Annual Conference

- 12.1 Commissioners were briefed on the programme for the Commission's annual stakeholder conference, which will take place on 20 April 2009 in Belfast. The event will mark the Commission's 10th anniversary and focus on the findings of the Commission's investigation into immigration detention. The investigation report will be launched at the conference.

13. Any other business

- 13.1 Commissioners noted that the Parliamentary process to ratify UN Convention on Disability Rights has begun. The Commission is designated, under Article 33(2) of the Convention, as one of the independent mechanisms to promote, protect and monitor its implementation.

14. Dates of next meetings

- 14.1 The next Commission (Policy) meeting will be held on 6 April 2009, in Temple Court, Belfast.
- 14.2 The next Commission (Business) meeting will be held on 11 May 2009, in Temple Court, Belfast.
- 14.3 Commissioners agreed to change the date the Commission (Policy) meeting scheduled for 17 August to 24 August 2009.

The meeting closed at 4.15 pm, with a reception for local stakeholders.

Approved: _____

Date: 6 April 2009