



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

MINUTES OF THE 106TH COMMISSION MEETING (GOVERNANCE)

**HELD ON MONDAY 11 MAY 2009 AT 10:00AM
AT THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION,
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

Present: Monica McWilliams, Chief Commissioner
Jonathan Bell (except agenda items 6–9 and 11)
Colin Harvey
Alan Henry
Ann Hope
Colm Larkin
Eamonn O'Neill (except agenda item 11)
Geraldine Rice
Daphne Trimble

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 11)
Sorcha McKenna, Investigations Worker (agenda item 11)

Apologies: Tom Duncan

1. Minutes of the last meetings (HRC 106.1(a) and (b))

- 1.1 The minutes of the 105th Commission meeting (Policy) held on 6 April 2009 were agreed as an accurate record, subject to agreed amendments.
- 1.2 The minutes of a special Commission meeting held on 27 April 2009 were agreed as an accurate record, subject to an amendment.

2. Matters arising

- 2.1 The Chief Executive will review the convention of not naming staff in the minutes of Commission meetings (paragraph 2.2 of the minutes of the 105th Commission meeting (Policy) refers).
- 2.2 It was agreed that the event to review the Commission's corporate governance arrangements will be held on 26 June 2009 (paragraph 4.2 of the minutes of the 105th Commission meeting (Policy) refers).
- 2.3 The Chief Commissioner will seek written advice from the NIO on the implications for the Commission's corporate governance arrangements of a Commissioner giving evidence on their own behalf to a Parliamentary Committee (paragraph 4.3 of the minutes of the 105th Commission meeting (Policy) refers).
- 2.4 Jonathan Bell and Daphne Trimble requested that the record states that they gave the Chief Executive their notes of dissent to the Commission's advice on a Bill of Rights.

3. Report from the Chief Commissioner (HRC 106.2)

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 The Chief Commissioner reported on her attendance at St Patrick's Day events in Washington DC, together with the Press and Public Affairs Worker, to brief a range of Congressmen and Senators on the Commission's work.

4. Reports from Commissioners

- 4.1 Eamonn O'Neill reported on a meeting, together with the Police Ombudsman and representatives of the PSNI and police services in England, on 8 May 2009 with a delegation from Turkey who are looking at establishing their own police oversight mechanism.

5. Reports from Committees

Audit and Risk Management Committee – Annual Report to the Commission 2008–09 (HRC 106.3)

- 5.1 Commissioners noted that the Chair of the Audit and Risk Management Committee was unable to attend the meeting due to ill health.

- 5.2 Geraldine Rice presented the report on the Audit and Risk Management Committee's activities during 2008–09.
- 5.3 Given the remit of the Audit and Risk Management Committee in overseeing corporate governance issues, it was agreed that the Chief Executive should consider whether a Commissioner who is in breach of Standing Orders and/or the Code of Practice for Commissioners should be excluded from membership of the Committee.

Bill of Rights Committee

- 5.4 Ann Hope updated Commissioners on the activities of the Bill of Rights Committee, which included giving evidence on the Commission's advice on the Bill of Rights to the Joint Committee on Human Rights at Westminster, the Northern Ireland Affairs Committee and the Joint Committee on the Implementation of the Good Friday Agreement in the Oireachtas.
- 5.5 The transcript of the Commission's meeting with the Oireachtas Joint Committee, which took place on 30 April 2009, was circulated to Commissioners. The Commission was represented by the Chief Commissioner, Colm Larkin and Eamonn O'Neill, with Ann Hope, the Chief Executive and the Head of Communications and Education in attendance. Jonathan Bell and Daphne Trimble expressed concern at the way in which their views in respect of the Commission's advice on the Bill of Rights had been represented during the meeting with the Oireachtas Joint Committee. Reassurance was offered that there had been no intention to misrepresent them. A copy of the briefing note prepared for the meeting will be circulated to all Commissioners.
- 5.6 Ann Hope agreed to raise the issue of membership of the Bill of Rights Committee at the next Committee meeting.

Detention, Policing and Justice Committee

- 5.7 Eamonn O'Neill updated Commissioners on the activities of the Detention, Policing and Justice Committee.
- 5.8 Commissioners noted that the Detention, Policing and Justice Committee is currently developing a programme of work, based on the Business Plan for 2009–10.
- 5.9 Commissioners noted that the Commission is represented on the Ministerial Forum on Safer Custody.

Economic, Social and Cultural Rights Committee

- 5.10 Daphne Trimble updated Commissioners on the activities of the Economic, Social and Cultural Rights Committee.
- 5.11 Commissioners noted that the Economic, Social and Cultural Rights Committee is currently developing a programme of work, based on the Business Plan for 2009–10.

Equality Committee

- 5.12 Commissioners noted that the Equality Committee last met on 23 September 2008 and is scheduled to meet on 18 May 2009.

Legal Committee

- 5.13 Alan Henry updated Commissioners on the activities of the Legal Committee.
- 5.14 It was agreed that the minutes of Legal Committee meetings will, in future, use the same template as those of the other committees.

Minutes of committees and working groups (HRC 106.4)

- 5.15 Commissioners noted the minutes of the following meetings:
- **Bill of Rights Committee** – meetings held on 23 February and 31 March 2009.
 - **Detention, Policing and Justice Committee** – meetings held on 2 September 2008 and 27 February 2009. Commissioners noted an error in the minutes of the meeting held on 27 February 2009.
 - **Economic, Social and Cultural Rights Committee** – meetings held on 3 June and 9 September 2008.
 - **Legal Committee** – meetings held on 23 September 2008, 25 November 2008, 20 January 2009 and 17 February 2009.

Dates for committee meetings for 2009–10 (HRC 106.5)

- 5.16 The schedule of committee meetings for 2009–10 was noted. Changes to the dates of some meetings were agreed.

6. Report from the Chief Executive (HRC 106.6)

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 The Chief Executive reported on his attendance at the 21st Session of the International Co-ordinating Committee of National Human Rights Institutions on 22–26 March 2009 in Geneva, which included a meeting of the European Group of NHRIs. Commissioners noted the agreement by the European Group of a two-year strategic plan.
- 6.3 The Chief Executive briefed Commissioners on a presentation he and the Education Worker gave to the Civil Service Commissioners for Northern Ireland on 30 March 2009 on human rights compliance issues relating to their work.
- 6.4 Commissioners noted the outcome of the Joint Committee meeting with the Irish Human Rights Commission on 21 April 2009 in Dublin, including plans for a seminar on the proposed Charter of Rights for the island of Ireland on 20 November 2009, in University College Dublin, with funding provided by the IHRC in association with UCD.

7. Team reports

7.1 Corporate Services (HRC 106.7)

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted work to prepare the Commission's Annual Report and Accounts for 2008–09. The draft Annual Report and Accounts will be considered by the Audit and Risk Management Committee on 15 June 2009, before approval at a special Commission meeting to be arranged in late June.

7.2 Communications and Education (HRC 106.8)

- 7.2.1 Commissioners noted the Communications and Education report.
- 7.2.2 Commissioners expressed their appreciation to everyone involved in the Commission's annual stakeholder conference, which took place on 20 April 2009 in Belfast.

- 7.2.3 Commissioners noted that the next issue of the 'NIHRC Review' will be published shortly. The frequency of the magazine will be reduced to two issues per year because of budget constraints.
- 7.2.4 Commissioners noted contacts with the Kilcooley Women's Education and Development Group, which fits with the Commission's strategic objective to further increase engagement with Protestant, Unionist and Loyalist communities. Geraldine Rice discussed contacts with community groups, which may provide an opportunity for further engagement with the Commission.

7.3 Legal Services, Policy and Research (HRC 106.9)

- 7.3.1 Commissioners noted the Legal Services, Policy and Research report.
- 7.3.2 Commissioners noted that the Head of Legal Services, Policy and Research was unable to attend the Commission meeting as, together with a Policy Worker, he was attending the examination of the International Convention on Economic, Social and Cultural Rights in Geneva.
- 7.3.3 Commissioners noted progress in developing the independent mechanism for monitoring the UN Convention on Disability Rights, for which the Commission has been jointly designated with the Equality Commission under Article 33(2) of the Convention. Colm Larkin and Geraldine Rice will represent the Commission on a joint committee to be established with the Equality Commission to oversee this work. It was agreed to brief them on the work to date and include them in the circulation of relevant papers.
- 7.3.4 Commissioners noted that a scoping study has commenced for an investigation into the human rights of older people in residential care homes.

- 7.3.5 A response had been submitted to the Department of Education on Transfer 2010 Guidance on Post-Primary School Admissions for the 2010/2011 School Year. Where possible, such submissions will be considered at Commission meetings. It was accepted that, given time constraints, this may not always be possible and that the procedure of circulating papers to Commissioners for responses will be retained.
- 7.3.6 Commissioners requested a briefing on developments in respect of the devolution of policing and justice at a future Commission (Policy) meeting. Commissioners noted the Chief Commissioner's intention to write to the First Minister to seek a meeting to discuss this matter and a range of other issues.
- 7.3.6 Commissioners noted the list of consultation documents received, which are being considered for a response by the Commission.

8. Business Plan for 2009–10 (HRC 106.10)

- 8.1 Commissioners approved the Business Plan, subject to confirmation from the NIO of the budget for 2009–10.
- 8.2 Commissioners noted that it was envisaged that the Commission's further work on the Bill of Rights will be funded by a grant from The Atlantic Philanthropies (see agenda item 10 below), which requires approval from the NIO.
- 8.3 It was further noted that, if the NIO reduces the Commission's final budget allocation for 2009–10, or not approve the AP funding, then the Business Plan may need to be revisited.

9. Corporate Risk Register for 2009–10 (HRC 106.11)

- 9.1 Commissioners approved the Commission's risk register for 2009–10.
- 9.2 The risks will be reviewed at each meeting of the Audit and Risk Management Committee.

10. Business plan for the use of funding from Atlantic Philanthropies for the Commission's further work on the Bill of Rights for Northern Ireland (HRC 106.12)

- 10.1 The Atlantic Philanthropies (AP) has offered the Commission a grant to fund work to secure implementation of the Commission's advice to government on a Bill of Rights for Northern Ireland. Under the terms of the Commission's Management Statement and Financial Memorandum, NIO approval is required to receive such funding. Commissioners considered a paper which set out the rationale for accepting, and the programme of work to be undertaken with, this funding.
- 10.2 Commissioners noted that the Audit and Risk Management Committee had considered the matter at its meeting on 7 May 2009.
- 10.3 It was agreed to submit the business plan for the use of the AP funding to the NIO for approval. Jonathan Bell and Daphne Trimble asked that their dissent from this decision be recorded on the ground that the funding might compromise the Commission's independence.
- 10.4 It was agreed that the NIO should be asked to provide any legal advice it has on whether the Commission might be acting beyond its remit in pursuing a planned programme of work on the Bill of Rights. Depending on this response, the Commission will consider seeking its own legal advice on the matter as an additional safeguard.

11. Report of the Commission's investigation into the circumstances of people with no recourse to public funds (HRC 106.13)

Jonathan Bell (an employee of a Health and Social Care Trust) and Eamonn O'Neill (Board member of the Northern Ireland Housing Executive) declared potential conflicts of interest arising from their work outside of the Commission and left the meeting for this agenda item.

It was agreed that Geraldine Rice (Chair of a Housing Association) did not have a potential conflict of interest in respect of this agenda item.

- 11.1 Commissioners considered the draft report, 'No Home from Home', resulting from the investigation into the circumstances of people who are homeless with no recourse to public funds. The report makes over 40 recommendations for change in legislation, policy and practice affecting the work of agencies in this field, including the Northern Ireland Housing Executive, Health and Social Care Trusts and the Social Security Agency.
- 11.2 Commissioners noted that this was the first investigation conducted with recourse to the Commission's powers set out in the Justice and Security (Northern Ireland) Act 2007. Given the level of co-operation provided by the agencies involved, the powers were not formally invoked.
- 11.3 Subject to drafting changes, the Commissioners approved the draft report for publication.
- 11.4 Commissioners noted the intention to launch the report at events on 1 and 2 July 2009 in Belfast and in the Dungannon / Cookstown area respectively.
- 11.5 Commissioners congratulated the Investigation Workers on this report, and expressed their appreciation to the individuals and agencies who contributed to the findings for their co-operation.

12. Any other business

- 12.1 Commissioners noted the process and timescale set out in the Standing Orders for re-opening discussion of decisions made at Commission meetings.

13. Dates of next Commission meetings

- 13.1 The next Commission (Policy) meeting will be held on 8 June 2009, in Temple Court, Belfast.
- 13.2 The next Commission (Governance) meeting will be held on 6 July 2009, in Temple Court, Belfast.

The meeting closed at 5.00pm.

Approved: _____

Date: 8 June 2009