



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **MINUTES OF THE 107<sup>TH</sup> COMMISSION MEETING (POLICY)**

**HELD ON MONDAY 8 JUNE 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 (agenda items 1–6)  
Tom Duncan  
Alan Henry  
Ann Hope  
Colm Larkin  
Eamonn O'Neill  
Geraldine Rice  
Daphne Trimble

**In attendance:** Peter O'Neill, Chief Executive  
Don Leeson, Head of Corporate Services  
Ciarán Ó Maoláin, Head of Legal Services, Policy and  
Research  
David Russell, Head of Communications and Education  
Virginia McVea, Caseworker / Investigations Worker  
(agenda item 7)

**Apologies:** Colin Harvey

Commissioners passed on their congratulations to Colin Harvey and partner on the birth of their daughter.

## **1. Minutes of the last meetings (HRC 107.1(a) and (b))**

- 1.1 The minutes of the 106<sup>th</sup> Commission meeting (Governance) held on 11 May 2009 were agreed as an accurate record.
- 1.2 The minutes of a special Commission meeting held on 26 May 2009 to consider the implications of the NIO's decision on the Commission's budget for 2009–10 and beyond were agreed as an accurate record.
- 1.3 Ann Hope raised concerns about the way in which the job evaluation process was being taken forward. Commissioners agreed to leave open the date for implementation of the outcome of job evaluations as this was dependent on the final business case being approved.

## **2. Matters arising**

- 2.1 It was agreed to continue the convention of not naming staff in the minutes of Commission meetings (paragraph 2.1 of the minutes of the 106<sup>th</sup> Commission meeting (Governance) refers). Appreciation by Commissioners for work done will be passed on verbally by the Chief Executive or in letters of commendation.
- 2.2 Commissioners noted that the Commission has written to the NIO seeking advice on the implications for the Commission's corporate governance arrangements of a Commissioner giving evidence on their own behalf to a Parliamentary Committee (paragraph 2.3 of the minutes of the 106<sup>th</sup> Commission meeting (Governance) refers). The NIO's response is awaited. In the meantime, a copy of the request for advice will be circulated to Commissioners.
- 2.3 Commissioners noted that possible sanctions available to the Commission in the event of a breach of Standing Orders (paragraph 5.3 of the minutes of the 106<sup>th</sup> Commission meeting (Governance) refers) will be discussed at an 'awayday' for Commissioners on 26 June 2009 (agenda item 6 refers).
- 2.4 A copy of the briefing note prepared for the Commission's meeting with the Oireachtas Joint Committee to discuss the Bill of Rights for Northern Ireland, which took place on 30 April 2009, was circulated to Commissioners (paragraph 5.5 of the minutes of the 106<sup>th</sup> Commission meeting (Governance) refers).

- 2.5 Commissioners noted that membership of committees is open to all Commissioners on the basis of shared commitments to the principles of good governance and confidentiality, and that membership is agreed at Commission meetings. Current membership of committees (paragraph 5.6 of the minutes of the 106<sup>th</sup> Commission meeting (Governance) refers) will be reviewed following the 'awayday' for Commissioners.
- 2.6 The Commission has written to the First Minister and deputy First Minister to seek a meeting to discuss devolution of policing and criminal justice and a range of other issues, including the Bill of Rights (paragraph 7.3.6 of the minutes of the 106<sup>th</sup> Commission meeting (Governance) refers). A response is pending.
- 2.7 Commissioners noted that the Secretary of State has approved the Commission's request to receive funding from The Atlantic Philanthropies to fund work to secure implementation of the Commission's advice to government on a Bill of Rights for Northern Ireland (paragraph 10.3 of the minutes of the 106<sup>th</sup> Commission meeting (Governance) refers).
- 2.8 Commissioners noted that some of the agencies covered by the Commission's report on the circumstances of people who are homeless with no recourse to public funds, have asked for more time to consider the findings and recommendations. This means that the launch of the report, 'No Home from Home', will be delayed until September 2009 (paragraph 11.4 of the minutes of the 106<sup>th</sup> Commission meeting (Governance) refers).

### **3. Preparation for the meeting with the Secretary of State for Northern Ireland on 18 June 2009.**

- 3.1 Commissioners noted that the Commission's meeting with the Secretary of State, originally scheduled for 15 June, has been put back to 18 June 2009 at Hillsborough Castle.
- 3.2 It was agreed that the agenda for the meeting should focus on the Commission's Business Plan for 2009–10, with a particular focus on the consultation on, and legislation for, the Bill of Rights for Northern Ireland. The Commission will also take this opportunity to brief the Secretary of State on its work with the equality and human rights commissions in Great Britain and Ireland, and in monitoring compliance with international human rights treaties.

- 3.3 Commissioners noted that the Secretary of State wrote to the Chief Commissioner on 19 May 2009 to make it clear that he did not believe that the Commission had exceeded its statutory remit in its advice on the Bill of Rights. This view was reiterated on the same day in a response by Baroness Royall to a Parliamentary Question.

#### **4. Developments in the devolution of policing and justice (HRC 107.2)**

- 4.1 Commissioners were briefed on recent developments in respect of plans for the devolution of policing and criminal justice.
- 4.2 Commissioners noted the Commission's work to date in seeking to ensure that human rights considerations are central to any new arrangements for policing and criminal justice, including working with the Attorney General on guidance for relevant public bodies on human rights and with OFMdfM to strengthen civil servants' understanding of human rights.
- 4.3 Commissioners agreed that the role of human rights within the framework of accountability needs to be fully articulated and the procedural integrity and independence of policing and criminal justice needs to be assured. An equality and human rights committee at the Assembly, mirroring arrangements elsewhere in the UK, which the Commission has been pressing for, will be important in ensuring that human rights are fully safeguarded. This issue will be raised at the proposed meeting with the First Minister and deputy First Minister.
- 4.4 Human rights in the devolved policing and criminal justice arrangements will be discussed in meetings with the main political parties. In addition, it was agreed to seek to organise a round table discussion on this with representatives of relevant statutory bodies working in this field.
- 4.5 Commissioners recognised that, following devolution, the Commission will also need to maintain a focus on bodies working in the policing and criminal justice field which will not be devolved, such as MI5 and the UK Border Agency.

#### **5. Current consultation documents (HRC 107.3)**

- 5.1 Commissioners noted the consultation documents, which the Commission has received and is currently working on.

- 5.2 A briefing paper on the Borders, Citizenship and Immigration Bill, which was provided to the House of Lords, was circulated to Commissioners. Commissioners noted the intention to issue a press release expressing the Commission's concern at the reintroduction into the draft legislation of powers allowing document checks on people crossing the border with Ireland.
- 5.3 Commissioners noted that a paper is being drafted on the review of the Justice and Security Act 2007 concerning the Commission's powers. This paper will be discussed at the next Commission meeting.
- 5.4 The Commission has written to OFMdfM about the lack of engagement by the Executive in treaty monitoring processes, which has resulted in issues affecting Northern Ireland being left out of UK submissions.
- 5.5 Commissioners noted that the treaty body for the International Covenant on Economic, Social and Cultural Rights has supported the Commission's approach to protecting rights in this area in its advice on the Bill of Rights.
- 5.6 Commissioners noted that the Committee of Experts on the European Charter on Regional and Minority Languages is planning to visit Northern Ireland in autumn 2009.
- 5.7 Commissioners noted that the Parliamentary Joint Committee on Human Rights has called for submissions on the Green Paper 'Rights and Responsibilities: developing our constitutional framework'. A response is being drafted. The Chief Commissioner has been invited to speak at a conference on the Green Paper on 9 July 2009.
- 5.8 A draft response to the consultation document 'Together we can end violence against women and girls' was circulated to Commissioners for comment. It was noted that the closing date for responses is 9 June 2009.
- 5.9 Commissioners noted that the UK will ratify the UN Convention on Disability Rights on 8 June 2009. The Commission is represented at an event in Westminster to mark ratification. A press release has been issued jointly with the other equality and human rights commissions in the UK to welcome ratification, but express concern at the range and breadth of the reservations to the Convention entered by the Government.

- 5.10 Commissioners noted that staff will meet the team at Queen's University, Belfast which is undertaking a project on budget analysis from a human rights perspective. It was agreed to discuss budget analysis at a future Commission (Policy) meeting.
- 5.11 Eamonn O'Neill reported on the Commission's meeting with Minister Paul Goggins MP and Robin Masefield, Director General of the Northern Ireland Prison Service, on 27 May 2009 to discuss detention issues. Commissioners noted concerns that the current prison building programme might be impacted by devolution of policing and criminal justice.
- 5.12 Commissioners noted that the Fundamental Rights Agency meeting, originally scheduled for 20 May has been rescheduled to 29–30 June 2009 in Vienna. Consideration is being given as to who will represent the Commission.

## **6. Programme for Commissioner 'awayday' on 26 June 2009**

- 6.1 Commissioners noted the arrangements for the 'awayday' on 26 June 2009. The event will be externally facilitated and will focus on reviewing corporate governance structures and working arrangements.

## **7. Report of the Consultative Group on the Past (HRC 107.4)**

- 7.1 Commissioners considered a further paper on the human rights issues engaged by recommendations contained in the report by the Consultative Group on the Past. This built on a discussion paper, which looked at the compatibility of the Group's recommendations with Article 2 of the European Convention on Human Rights, which was considered at a special Commission meeting on 27 April 2009.
- 7.2 Commissioners noted that the paper did not deal with the societal reconciliation aspects of the Consultative Group on the Past's recommendations, or those concerning people who are 'on the run'. It was agreed to contextualise the Commission's concerns in the paper about Article 2 issues with commentary on the importance of societal reconciliation and then submit it to the Secretary of State.

- 7.3 Commissioners noted that the Secretary of State is due to give evidence to the Northern Ireland Affairs Committee on the Consultative Group on the Past's report on 24 June 2009.

## **8. Any other business**

- 8.1 Commissioners noted the outcome of the civil case in respect of the Omagh bombing on 15 August 1998. The Commission will write to the Omagh Support and Self Help Group to congratulate them on their achievement.

## **9. Dates of next Commission meetings**

- 9.1 A special Commission meeting to approve the Commission's Annual Report and Accounts for 2008–09 will take place on 18 June 2009.
- 9.2 The next Commission (Governance) meeting will be held on 6 July 2009, in Temple Court, Belfast.
- 9.3 The next Commission (Policy) meeting will be held on 24 August 2009, in Temple Court, Belfast.
- 9.4 The Commission (Policy) meeting, originally scheduled for 19 October, has been brought forward to 12 October 2009 to allow the Commission to participate in British Irish Parliamentary Association event in Wales.

**The meeting closed at 3.00pm.**

Approved: \_\_\_\_\_

Date: 6 July 2009