



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

109th COMMISSION MEETING (POLICY)

**HELD ON MONDAY 24 AUGUST 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
Tom Duncan
Colin Harvey (except agenda item 3)
Alan Henry
Ann Hope (agenda items 1–7)
Colm Larkin
Eamonn O'Neill
Daphne Trimble

Apologies: Geraldine Rice

In attendance: Don Leeson, Head of Corporate Services
Ciarán Ó Maoláin, Head of Legal Services, Policy and Research
David Russell, Head of Communications and Education
Nazia Latif, Research/Investigations Worker (agenda item 4)
Sorcha McKenna, Investigations Worker (agenda item 4)

**1. Minutes of the 108th Commission (Governance)
meeting (HRC 109.1)**

- 1.1 The minutes of the 108th Commission (Governance) meeting held on 6 July 2009 were agreed as an accurate record, subject to a number of agreed changes.

2. Matters arising

- 2.1 Commissioners noted that the Commission's longstanding request to meet the First Minister and Deputy First Minister to discuss a range of issues, including the devolution of policing and criminal justice and the Bill of Rights, remains pending, and that the Chief Commissioner is in the process of writing to OFMdFM to stress the importance of the meeting (paragraphs 2.2 and 5.18 of the minutes of the last meeting refer).
- 2.2 Commissioners noted that the record of the Commission's meeting with the Secretary of State for Northern Ireland on 18 June 2009 at Hillsborough Castle is awaited from the NIO (paragraph 2.3 of the minutes of the last meeting refers).
- 2.3 Commissioners noted that the Chief Commissioner has written to Dominic Grieve MP, Shadow Secretary of State for Justice and Shadow Attorney General, to seek a meeting on a range of issues, including the devolution of policing and criminal justice and the Bill of Rights (paragraph 3.2 of the minutes of the last meeting refers).
- 2.4 Commissioners noted that the next meeting between the Commission and the Northern Ireland Policing Board's Human Rights and Professional Standards Committee is scheduled for 9 December 2009 (paragraph 3.3 of the minutes of the last meeting refers).
- 2.5 Commissioners noted that the Legal Committee will review the Commission's strategy in respect of legal costs at its next meeting, which is scheduled for 26 August 2009 (paragraph 5.4 of the minutes of the last meeting refers).
- 2.6 Commissioners noted that NIO approval for a change to one of the projects under the Commission's programme of further work on the Bill of Rights, which is being funded by The Atlantic Philanthropies, is pending (paragraph 5.6 of the minutes of the last meeting refers).
- 2.7 Commissioners noted the publication of the summary of the Commission's advice on the Bill of Rights in August 2009 (paragraph 5.7 of the minutes of the last meeting refers).
- 2.8 Commissioners noted that a meeting with the leaders of the main churches to discuss the Bill of Rights is to be scheduled later in the year (paragraph 5.8 of the minutes of the last meeting refers).

- 2.9 Commissioners noted that the proposed visit to the Commission by Micheál Martin TD, the Minister for Foreign Affairs, has not yet been scheduled (paragraph 6.3 of the minutes of the last meeting refers).
- 2.10 The report by the Scottish Human Rights Commission on the inaugural meeting of the four UK and Irish national human rights institutions, which was held in June 2009, is pending (paragraph 6.5 of the minutes of the last meeting refers).
- 2.11 The Chief Executive provided an update on discussions with NIO officials regarding pension provision for Commissioners. The NIO has undertaken to write to the Commission with details of the rationale for the Secretary of State's decision not to make pension provision for Commissioners (paragraph 7.1.5 of the minutes of the last meeting refers).
- 2.12 Commissioners noted that three roundtable events have been organised to discuss the Commission's advice on the Bill of Rights. These will be held at the Stormont hotel on 24 September, 9 October, and 14 October 2009, aimed at the community and voluntary sector, public bodies and political parties respectively (paragraph 7.2.3 of the minutes of the last meeting refers).
- 2.13 Commissioners noted the Commission's submissions to the Secretary of State in respect of the Commission's powers under the Northern Ireland Act 1998, as amended by the Justice and Security (Northern Ireland) Act 2007, and to the Joint Committee on Human Rights on the Government's Green Paper 'Rights and Responsibilities: developing our constitutional framework' (paragraphs 10.3 and 13.1 of the minutes of the last meeting refer).

3. Arrangements for monitoring the UN Convention on Disability Rights (HRC 109.2)

Colin Harvey (an employee of Queen's University, Belfast) declared a potential conflict of interest arising from his work outside of the Commission and left the meeting for this agenda item.

- 3.1 Commissioners noted progress to date in developing arrangements for monitoring the UN Convention on Disability Rights, for which the Commission has been jointly designated with the Equality Commission as the independent mechanism under Article 33(2) of the Convention to promote and monitor its implementation.

- 3.2 Commissioners noted that the Commission has created a temporary Policy Assistant post to support work to promote and monitor the Convention. It was also noted that discussions with officials at OFMdFM and the Office for Disability Issues about funding for projects to support promotion and implementation of the Convention are ongoing.
- 3.3 It was noted that establishment of a joint committee, comprising Commissioners from both commissions, is awaiting the outcome of the current appointment process to select new Equality Commissioners. The inaugural meeting of this joint committee will be scheduled as soon as possible.
- 3.4 It was agreed to invite Gerard Quinn, Irish Human Rights Commissioner, who played a key role in developing the Convention at the UN, to address an early meeting of the joint committee. It was also agreed to look at practice in other countries in terms of monitoring the Convention.
- 3.5 A meeting of all UK bodies designated under Article 33(2) of the Convention to discuss the monitoring framework is scheduled for 18 September 2009 in London.
- 3.6 A conference to discuss implementation of the Convention in Northern Ireland, to be jointly hosted by Disability Action, Queen's University, Belfast, and the two commissions, is scheduled for 17 October 2009.

4. Terms of reference for an investigation into the rights of older people in nursing care (HRC 109.3)

- 4.1 Commissioners noted an update on preparations for the Commission's forthcoming investigation into the rights of older people in nursing care, and considered the terms of reference for it.
- 4.2 It was agreed to write to Michael McGimpsey MLA, Minister for Health, Social Services and Public Safety, to invite the Department to engage with the Commission in respect of the investigation.
- 4.3 It was agreed to invite Dame Joan Harbison, the Older Person's Advocate, to meet the Commission to discuss the investigation.

- 4.4 Commissioners noted the methodology for the public call for evidence, an approach which the Commission is using for the first time, and for selecting the nursing homes to be covered by the investigation, which provides for a sample of homes by size, ownership, location and type of nursing care. Commissioners confirmed that they have no conflicts of interest with any of the homes selected for inclusion in the investigation.
- 4.5 Commissioners noted that the focus of the investigation will be on systemic and thematic issues, rather than the operation of particular homes, although the Commission is legally obliged to report any abuse found. It was agreed that the proposed terms of reference should include the identification of good practice. Subject to this change, the terms of reference for the investigation were approved.

5. Response to consultation on a proposed Private Member's Bill by Dawn Purvis MLA on 'dual mandates' (HRC 109.4)

- 5.1 Commissioners approved the Commission's response to consultation on a proposed Private Member's Bill by Dawn Purvis MLA on 'dual mandates'.

6. Current consultation documents (HRC 109.5)

- 6.1 Commissioners noted the list of current consultation documents being considered for a possible response by the Commission.
- 6.2 Commissioners noted that reforms to the Common Travel Area, which the Commission has advised against, were withdrawn by the Government from the Borders, Immigration and Citizenship Bill, which received Royal Assent on 20 July 2009. A paper prepared for the Commission's Economic, Social and Cultural Rights Committee on this issue will be circulated to all Commissioners.
- 6.3 Commissioners noted that the Single Equality Bill will be the focus of the Commission's annual meeting with Equality Commissioners, which is due to be scheduled.

- 6.4 Commissioners noted that the joint research report, undertaken with the Equality Commission, into the extent of human trafficking in Northern Ireland will be published shortly, once it has been formally approved by the joint working group, which is overseeing the project.
- 6.5 Commissioners noted that staff will meet representatives of the Northern Ireland Assembly Bill's Office on 27 August 2009 to discuss early intervention by the Commission in respect of draft legislation, prior to formal consultation.
- 6.6 The Commission will contact the Northern Ireland Affairs Committee to seek its response to the Commission's submission to it on the recommendations made by the Consultative Group on the Past in respect of issues engaging Article 2 of the European Convention on Human Rights. In the meantime, it was noted that the Commission's position in respect of the Consultative Group on the Past's other recommendations will be considered at the next Commission meeting.

7. Memoranda of Understanding

Draft Memorandum of Understanding between the Northern Ireland Human Rights Commission and the Commission for Victims and Survivors (HRC 109.6)

- 7.1 The Commission's draft Memorandum of Understanding between the Northern Ireland Human Rights Commission and the Commission for Victims and Survivors was approved, subject to a number of agreed changes.

Revised draft Memorandum of Understanding between the Northern Ireland Human Rights Commission and the Northern Ireland Departments (HRC 109.7)

- 7.2 Commissioners noted that feedback was awaited from Ministers in respect of the revised draft Memorandum of Understanding between the Northern Ireland Human Rights Commission and the Northern Ireland Departments. It was agreed to further consider the MoU at a future Commission meeting in light of responses made by Ministers. In the meantime, staff will follow up with officials a number of concerns about the MoU, which were raised by Commissioners.

Revised draft Memorandum of Understanding between the Northern Ireland Human Rights Commission, the Scottish Human Rights Commission and the Equality and Human Rights Commission (HRC 109.8)

7.3 Commissioners considered the revised draft Memorandum of Understanding between the Northern Ireland Human Rights Commission, the Scottish Human Rights Commission and the Equality and Human Rights Commission. A number of draft changes were suggested. These will be discussed with the other commissions and a further draft of the MoU will be tabled at a future Commission meeting.

8. Report on Commissioners' 'awayday' on 26 June 2009 (HRC 109.9)

8.1 Colm Larkin requested that the corporate governance issues that arose during the Commission's work on the Bill of Rights should be discussed at the next Commission meeting.

8.2 Commissioners noted that draft revised Standing Orders and Code of Practice for Commissioners will be submitted to the next Commission meeting.

9. Any other business

9.1 There was no other business.

10. Dates of next Commission meetings

10.1 The next Commission (Governance) meeting will be held on 21 September 2009, in Coleraine.

10.2 The next Commission (Policy) meeting will be held on 12 October 2009, in Temple Court, Belfast.

The meeting closed at 2.30pm.

Approved: _____

Date: _____

21 September 2009