



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **110<sup>th</sup> COMMISSION MEETING (GOVERNANCE)**

**HELD ON MONDAY 21 SEPTEMBER 2009 AT 10:00am  
AT COLERAINE BOROUGH COUNCIL, CLOONAVIN,  
66 PORTSTEWART ROAD, COLERAINE, BT52 1EY**

**Present:** Monica McWilliams, Chief Commissioner  
Jonathan Bell  
Tom Duncan  
Colin Harvey (agenda items 2 and 3 by telephone)  
Alan Henry  
Ann Hope  
Colm Larkin  
Eamonn O'Neill  
Geraldine Rice  
Daphne Trimble

**In attendance:** Peter O'Neill, Chief Executive  
Ciarán Ó Maoláin, Head of Legal Services, Policy and  
Research  
David Russell, Head of Communications and Education

Commissioners expressed their appreciation to the Mayor, councillors and staff of Coleraine Borough Council for hosting the meeting.

Commissioners extended their condolences to a member of staff on the death of her father.

### **1. Minutes of the 109<sup>th</sup> Commission (Policy) meeting (HRC 110.1)**

- 1.1 The minutes of the 109<sup>th</sup> Commission (Policy) meeting held on 24 August 2009 were agreed as an accurate record.

## 2. Matters arising

- 2.1 Commissioners noted that the Commission's longstanding request to meet the First Minister and deputy First Minister to discuss devolution of policing and criminal justice and a range of other issues, including the Bill of Rights, remains pending (paragraph 2.1 of the minutes of the last meeting refers).
- 2.2 Commissioners noted that the record of the Commission's meeting with the Secretary of State for Northern Ireland which took place on 18 June 2009 at Hillsborough Castle remains pending (paragraph 2.2 of the last meeting refers). This will be circulated to Commissioners in due course.
- 2.3 The Chief Commissioner reported on recent discussions with Dominic Grieve MP, Shadow Secretary of State for Justice and Shadow Attorney General. A note of this meeting will be circulated to Commissioners in due course (paragraph 2.3 of the minutes of the last meeting refers). Public comments on a Bill of Rights for Northern Ireland issued recently by Conservative Party spokespersons will also be circulated.
- 2.4 Commissioners noted that the review of the Commission's strategy in respect of legal costs is due to be discussed at the next meetings of the Legal and Audit and Risk Assessment Committees respectively (paragraph 2.5 of the minutes of the last meeting refers). The outcome will be reported to the Commission through the Committee reports in due course.
- 2.5 Commissioners noted that NIO approval of the business case for an alternative project under the Commission's programme of further work on the Bill of Rights, which is being funded by The Atlantic Philanthropies, has been received (paragraph 2.6 of the minutes of the last meeting refers).
- 2.6 Commissioners noted the schedule of forthcoming meetings with leaders of the main churches to discuss the Bill of Rights (paragraph 2.8 of the minutes of the last meeting refers).
- 2.7 Commissioners noted that a date for the proposed visit to the Commission by Micheál Martin TD, the Minister for Foreign Affairs has not been confirmed (paragraph 2.9 of the minutes of the last meeting refers).
- 2.8 The Chief Executive provided an update on contact with the NIO regarding pension provision for Commissioners (paragraph 2.12 of the minutes of the last meeting refers).

- 2.9 Commissioners noted a paper prepared for the Commission's Economic, Social and Cultural Rights Committee on the Borders, Immigration and Citizenship Bill (paragraph 6.2 of the minutes of the last meeting refers).
- 2.10 It was proposed that the Commission's annual meeting with Commissioners from the Equality Commission for Northern Ireland should take place on 27 November 2009 (paragraph 6.3 of the minutes of the last meeting refers).
- 2.11 The Chief Executive updated Commissioners on progress in finalising the research report on human trafficking (paragraph 6.4 of the minutes of the last meeting refers).
- 2.12 Commissioners reviewed responses to the Commission's submission on the recommendations of the Consultative Group on the Past (paragraph 6.6 of the minutes of the last meeting refers).
- 2.13 The Chief Executive reported on progress in agreeing a number of Memoranda of Understanding with stakeholders (paragraphs 7.1–7.3 of the minutes of the last meeting refer).
- 2.14 Commissioners noted the corporate governance issues that arose during the Commission's work on its advice on the Bill of Rights (paragraph 8.1 of the minutes of the last meeting refers). Clarification was requested in respect of adherence to the Commission's Standing Orders by Commissioners at that time. Following discussion, and a subsequent adjournment, a motion was proposed in respect of this issue. It was decided to defer further discussion until the next Commission meeting to allow time for further reflection and consideration of the issues raised.

### **3. Report from the Chief Commissioner (HRC 110.2)**

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 The Concluding Observations issued following examination in May 2009 of the UK's 5th Periodic Report under the International Covenant on Economic, Social and Cultural Rights will be circulated to Commissioners.

- 3.3 The Chief Commissioner reported on her participation on the new Ministerial Forum on Safer Custody, which is chaired by Paul Goggins MP, the Minister of State. It was agreed to seek meetings with the Prisoner Ombudsman and Criminal Justice Inspection Northern Ireland to review the progress of implementation by the Prison Service for Northern Ireland of recommendations arising from the Pearson Review, which examined the circumstances of the death in custody of Colin Bell on 1 August 2008. It was also agreed that the Detention, Policing and Justice Committee will consider other issues regarding safer custodial arrangements, with the outcome to be reported through the Committee report to the Commission in due course.
- 3.4 Commissioners noted the successful launch of the Commission's investigation report 'No Home from Home' and the positive media coverage of it. Commissioners expressed their appreciation to the investigation team.

## **4. Reports from Commissioners**

- 4.1 There were no reports from Commissioners.

## **5. Reports from Committees**

### **Audit and Risk Management Committee**

- 5.1 Geraldine Rice reported on the work of the Audit and Risk Management Committee.

### **Bill of Rights Committee**

- 5.2 Ann Hope reported on the work of the Bill of Rights Committee.
- 5.3 Commissioners noted that the summary of the Commission's advice on the Bill of Rights has been published. Progress on other elements of the Commission's work on the Bill of Rights was noted.
- 5.4 In response to a question raised by a Commissioner who is not a member of the Committee, the Chief Executive confirmed that all expenditure relating to the grant received from The Atlantic Philanthropies in respect of further work on the Bill of Rights will be reported and audited in accordance with the Commission's established procedures.

## **Detention, Policing and Justice Committee**

- 5.5 Eamonn O'Neill reported on the work of the Detention, Policing and Justice Committee, including recent meetings with Criminal Justice Inspection, Northern Ireland.

## **Economic, Social and Cultural Rights Committee**

- 5.6 Daphne Trimble reported on the work of the Economic, Social and Cultural Rights Committee.
- 5.7 Commissioners noted the Parallel Report to the European Charter for Regional or Minority Languages, which had been prepared by the Commission for the Council of Europe's Committee of Experts (COMEX), which is currently undertaking a monitoring visit as part of the UK's third periodic examination. Commissioners raised concerns about the limited time available to contribute to this report.
- 5.8 Jonathan Bell requested that his disagreement be recorded in respect of the recommendation on reproductive rights contained in the recent UK report of the UN Committee on Economic, Social and Cultural Rights.

## **Equality Committee**

- 5.9 Commissioners approved the appointment of Geraldine Rice, as the new chair of the Equality Committee.
- 5.10 Geraldine Rice reported on the work of the Equality Committee.
- 5.11 Commissioners noted that the Commission's Annual Progress report on Section 75 of the Northern Ireland Act 1998 and Section 49A of the Disability Discrimination Order (DDO) 2006 was submitted to the Equality Commission in August 2009.

## **Legal Committee**

- 5.12 Alan Henry reported on the work of the Legal Committee.
- 5.13 Commissioners noted that agreed new arrangements for the handling of applications for legal assistance are now in place.

## **Minutes of committees and working groups (HRC 110.3)**

5.14 Commissioners noted the minutes of the following meetings:

- Audit and Risk Management Committee – meeting held on 15 June 2009
- Bill of Rights Committee – meetings held on 26 May and 30 June 2009.
- Detention, Policing and Justice Committee – meetings held on 28 April and 16 June 2009.
- Economic, Social and Cultural Rights Committee – meeting held on 19 May 2009.
- Equality Committee – meeting held on 23 September 2009.
- Legal Committee – meetings held on 7 May and 30 June 2009.
- Moderating Panel – meeting held on 17 August 2009.

## **6. Report from the Chief Executive (HRC 110.4)**

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 Commissioners noted the awards made under the performance bonus scheme for staff and the scrutiny process performed by the Moderating Panel.
- 6.3 Commissioners were briefed on developments relating to job evaluation and agreed a new appeals process.
- 6.4 The Chief Executive reported on a meeting with the Northern Ireland Assembly Bill's Office, which took place on 27 August 2009.
- 6.5 The Chief Executive updated Commissioners on arrangements for establishing the monitoring mechanism for the UN Convention on Disability Rights with the Equality Commission for Northern Ireland.
- 6.6 The Chief Executive updated Commissioners on preparations for the Commission's forthcoming investigation into the rights of older people in residential nursing care.

## **7. Team reports**

### **7.1 Corporate Services (HRC 110.5)**

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted the number of staff changes that had recently occurred and the additional work pressures that had resulted from organising recruitment and selection exercises.
- 7.1.3 Commissioners noted the Commission's expenditure for the period up to the end of August 2009.
- 7.1.4 It was noted that the Commission's Annual Report and Accounts for 2008–09 has been audited and is due to be laid before Parliament in October 2009. Commissioners also noted that, in line with government policy, the Commission's accounts for 2008–09 have also been prepared in shadow form using International Financial Reporting Standards (IFRS) and submitted to the National Audit Office for audit towards the end of 2009.

### **7.2 Communications and Education (HRC 110.6)**

- 7.2.1 Commissioners noted the Communications and Education report.
- 7.2.2 Commissioners were briefed on the arrangements for three round table events to discuss the Bill of Rights with community / voluntary sector organisations, policy advisers, and political parties respectively.

### **7.3 Legal Services, Policy and Research (HRC 110.7)**

- 7.3.1 Commissioners noted the Legal Services, Policy and Research report.
- 7.3.2 The Head of Legal Services, Policy and Research briefed Commissioners on recent submissions on legislation and policy and the work of the legal team.
- 7.3.3 Commissioners noted staff participation in a training workshop, which was held on 15 August 2009 with the Law Centre (NI) on legislation in respect of mental incapacity.

- 7.3.4 Commissioners noted the list of consultation documents received, which are being considered for a response by the Commission.

## **8. Results of the second Annual Survey of Stakeholders 2008–09 (HRC 110.8)**

- 8.1 Commissioners noted the positive outcomes of this survey which shows that 97% of respondents are satisfied, or more than satisfied, with the Commission's contribution to protecting human rights.
- 8.2 Commissioners noted that the qualitative evidence provided through the survey will be followed up.
- 8.3 Commissioners expressed their appreciation to staff for their work on the Survey of Stakeholders.

## **9. Budget 2010–11: proposed efficiency savings / cuts (HRC 110.9)**

- 9.1 Commissioners considered a draft report from the Management Team on the impact of absorbing additional employment costs resulting from regrading, following the completion of the job evaluation exercise, and how further cuts which may be imposed on the Commission as a result of public expenditure reductions in 2010–11 might be managed.
- 9.2 Commissioners agreed a proposal to delegate the detailed scrutiny of its considerations to the Audit and Risk Management Committee.
- 9.3 Commissioners noted that staff will be consulted on the proposed efficiency savings and cuts in expenditure, which are set out in the report.
- 9.4 Commissioners will review the proposed efficiency savings and cuts in expenditure in the light of scrutiny of them by the Audit and Risk Management Committee and the outcome of consultation with staff.



## **10. Funding bid to The Atlantic Philanthropies (HRC 110.10)**

- 10.1 Commissioners considered a planning grant proposal to The Atlantic Philanthropies to develop three projects for further consideration, and the implications of the proposal in regard to the independence and future sustainability of the Commission.
- 10.2 It was agreed to support the planning grant application on the grounds proposed in the report. Jonathan Bell and Daphne Trimble requested that their dissent to this proposal be recorded.

## **11. Draft revised Code of Practice and Conduct for Commissioners (including revised Standing Orders for Commission meetings) (HRC 110.11)**

- 11.1 Commissioners considered a proposal to amend the Commission's Standing Orders and their incorporation into a revised Corporate Governance Code of Practice and Conduct for Commissioners.
- 11.2 Commissioners agreed to delegate the detailed scrutiny of the proposed Corporate Governance Code of Practice and Conduct for Commissioners to the Audit and Risk Management Committee, and to consider the draft Code at a future Commission meeting.

## **12. Response to the report by the Consultative Group on the Past (HRC 110.12)**

- 12.1 Commissioners approved the submission to the Northern Ireland Office on the report of the Consultative Group on the Past.

## **13. Any other business**

- 13.1 There was no other business.

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

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

14.2 The next Commission (Governance) meeting will be held on 16 November 2009, in Temple Court, Belfast.

**The meeting closed at 3.55pm and was followed by a reception hosted by the Mayor of Coleraine Borough Council for local stakeholders.**

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

Date: 12 October 2009