



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

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

**TO BE HELD ON MONDAY 16 NOVEMBER 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 item 11)  
Tom Duncan  
Colin Harvey (except agenda items 7.1, 9 and 10)  
Alan Henry  
Ann Hope  
Colm Larkin  
Eamonn O'Neill (agenda items 1–7)  
Geraldine Rice (agenda items 1–9)  
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

**Apologies:** None

### **1. Minutes of the 111<sup>th</sup> Commission (Policy) meeting (HRC 112.1)**

- 1.1 The minutes of the 111<sup>th</sup> Commission (Policy) meeting held on 12 October 2009 were agreed as an accurate record.

## **2. Matters arising**

- 2.1 The Chief Executive reported that a number of Commissioners have expressed an interest in participating in a reference group to advise on the further development and implementation of a Commission strategy for engagement with Protestant, Unionist and Loyalist communities (paragraph 3.2 of the minutes of the last meeting refers). Terms of reference for the reference group are being drafted and dates for an inaugural meeting will be canvassed.
- 2.2 Commissioners noted that the Commission's Strategic Plan for 2009–11 has been finalised and published, and that the report on the equality impact assessment of the draft plan will be considered at the next Equality Committee meeting on 23 November 2009 (paragraph 4.3 of the minutes of the last meeting refers).

## **3. Report from the Chief Commissioner (HRC 112.2)**

- 3.1 Commissioners noted the Chief Commissioner's report.
- 3.2 Commissioners noted the Chief Commissioner's report on her visit to the Uganda Human Rights Commission on 27 September–4 October 2009, which was sponsored by the Irish Ambassador to Uganda, and sanctioned by the NIO. The Chief Executive of the Ugandan Commission has written to the Commission outlining proposals for further liaison to share experiences on dealing with common issues of societies coming out of conflict. These proposals will be discussed with Commissioners in due course.
- 3.3 The Chief Commissioner agreed to circulate her key note speech to the Carers Northern Ireland conference on 6 October 2009 in Craigavon to those Commissioners who requested it.
- 3.4 The Chief Commissioner reported on her address to the British Irish Parliamentary Assembly on 18/19 October 2009 in Swansea.
- 3.5 The Chief Commissioner reported on meetings held with stakeholders, including the respective chairs of the Equality and Human Rights Commission and Scottish Human Rights Commission, on 9/10 November 2009 in London to discuss a range of issues including the proposals for a Bill of Rights and Responsibilities for the UK. A follow-up meeting is planned for 7/8 December 2009.

- 3.6 Commissioners noted the Chief Commissioner's planned visit to Timor Leste on 26 November–6 December 2009, with Dame Nuala O'Loan, who has been appointed as Special Envoy to Timor Leste by the Irish Government. The visit, sponsored by the Irish Government and sanctioned by the NIO, will focus on gender based violence in conflict situations. The Chief Commissioner will prepare a paper on learning from both this and the earlier visit to Uganda.
- 3.7 Commissioners commended the Chief Commissioner on the work she has undertaken since her last report

#### **4. Reports from Commissioners**

- 4.1 Eamonn O'Neill reported on his attendance at a meeting on 10 November 2009 with a delegation of Congressmen from the United States who were in Northern Ireland on a fact finding visit.
- 4.2 Commissioners agreed a proposal by Colin Harvey that there should be a review of the operational effectiveness of the Commission to inform its longer term development. The Chief Commissioner, Colin Harvey and Alan Henry agreed to form a working group to develop terms of reference for the review for consideration at the next Commission meeting.

#### **5. Reports from Committees**

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

- 5.1 Geraldine Rice reported on the work of the Audit and Risk Management Committee.
- 5.2 Commissioners noted that the Committee had reviewed at its last meeting on 26 October 2009 proposals on how cuts which might be imposed on the Commission's budget as a result of public expenditure reductions in 2010–11 might be managed, and supported the general direction proposed.
- 5.3 Commissioners noted that the Committee had commenced a review of the draft Corporate Governance Code of Practice and Conduct for Commissioners at its last meeting. This review will resume at the next Committee meeting, which is scheduled for 17 December 2009.

## **Bill of Rights Committee**

- 5.4 Ann Hope reported on the work of the Bill of Rights Committee.
- 5.5 Commissioners noted the high turnout and participation in discussions at round table events organised by the Commission for stakeholders in September and October 2009 on its advice on the Bill of Rights, which included representation from the Downing Street policy team and the NIO. Commissioners expressed their appreciation to staff for organising the events.
- 5.6 Commissioners noted the outcome of an Assembly motion on the Commission's advice on the Bill of Rights, which was debated on 3 November 2009. The transcript of the debate will be circulated to Commissioners in due course.
- 5.7 Commissioners congratulated everyone involved in the production of an 'easy read' version of the Commission's advice on the Bill of Rights, particularly a focus group organised by Disability Action to review the document. Commissioners noted that the publication has received positive feedback from a wide audience.
- 5.8 Commissioners noted the NIO plans to publish its consultation document on the Bill of Rights. It was agreed that the future constitution of the Bill of Rights Committee will be reviewed at the next Commission meeting.

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

- 5.9 Eamonn O'Neill reported on the work of the Detention, Policing and Justice Committee, including the attendance by the Prisoner Ombudsman for Northern Ireland at the last Committee meeting, which was held on 2 November 2009.

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

- 5.10 Daphne Trimble reported on the work of the Economic, Social and Cultural Rights Committee.
- 5.11 Commissioners noted that representatives from the Queen's University Belfast will give a presentation on their budget analysis work to the Commission in February 2010.

## **Equality Committee**

- 5.12 Commissioners noted that the next Equality Committee meeting is scheduled for 23 November 2010.

## **Legal Committee**

- 5.13 Alan Henry reported on the work of the Legal Committee.
- 5.14 It was noted that the Legal Committee is seeking Counsel's opinion on the availability and delivery of offending behaviour programmes, particularly for people in detention beyond their tariff. This is also an issue of interest to the Detention, Policing and Justice Committee and the opinion will be shared with that Committee in due course.

## **Minutes of committees and working groups (HRC 112.3)**

- 5.15 Commissioners noted the minutes of the following meetings:
- Audit and Risk Management Committee – meeting held on 27 August 2009.
  - Detention, Policing and Justice Committee – meetings held on 16 June and 28 August 2009.
  - Economic, Social and Cultural Rights Committee –meeting held on 21 August 2009.
  - Legal Committee – meetings held on 26 August and 28 September 2009.
- 5.16 The accuracy of the minutes of the Bill of Rights Committee meetings held on 26 August and 28 September 2009 will be reviewed and resubmitted to the next Commission meeting.

## **6. Report from the Chief Executive (HRC 112.4)**

- 6.1 Commissioners noted the Chief Executive's report.
- 6.2 The Chief Executive reported on the outcome of a seminar on the Charter of Rights for the island of Ireland, organised jointly with the Irish Human Rights Commission and University College Dublin, which was held on 6 November 2009 in Dublin. A written report on the event is being prepared and will be circulated to Commissioners in due course. It was agreed to consider the next steps needed to progress work on the Charter of Rights at the next Commission meeting.

- 6.3 Commissioners noted that a timetable for the completion of the job evaluation exercise is being agreed with NIPSA, with a view to presenting the results to the Commission in January 2010.

## **7. Team reports**

### **7.1 Corporate Services (HRC 112.5)**

- 7.1.1 Commissioners noted the Corporate Services report.

*Colin Harvey left the meeting because of a potential conflict of interest.*

- 7.1.2 Commissioners approved a request from a member of staff for a one year career break. Geraldine Rice asked that her dissent from this decision be noted.

*Colin Harvey rejoined the meeting.*

- 7.1.3 Commissioners noted that easements in three sub-budgets have been used to offset pressure in the Commission's employments costs budget, which has resulted from the need to use agency staff to cover for long term sick absences.

- 7.1.4 Commissioners noted the Commission's Register of Interests for 2009–10, which will be published on the Commission's website.

- 7.1.5 Commissioners approved the closure of the Commission's offices on 24 December 2009 and a 'privilege' day's leave for staff, in line with the Civil Service and other public bodies.

### **7.2 Communications and Education (HRC 112.6)**

- 7.2.1 The Chief Executive updated Commissioners on the activities of the Communications and Education Team.

### **7.3 Legal Services, Policy and Research (HRC 112.7)**

- 7.3.1 Commissioners noted the Legal Services, Policy and Research report.

- 7.3.2 Commissioners expressed concern at delays in completing the joint report with the Equality Commission on the scope of human trafficking in Northern Ireland. It was noted that it is now the intention to publish the report on 18 December 2009.
- 7.3.3 Commissioners requested that progress on the Commission's investigation into the rights of older people in residential nursing care homes is reported to the next Commission meeting.
- 7.3.4 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response.

## **8. Business Plan for 2009–10 – progress report (HRC 112.8)**

- 8.1 Commissioners noted progress against the Commission's Business Plan. Staff were commended on progress to date.
- 8.2 Progress in developing Memorandum of Understanding between the Northern Ireland Human Rights Commission, the Scottish Human Rights Commission and the Equality and Human Rights Commission will be reviewed at the next Commission meeting.

*Colin Harvey left the meeting because of a potential conflict of interest.*

## **9. Terms of reference for the joint committee with the Equality Commission to oversee implementation of the independent monitoring mechanism for the UN Convention of Disability Rights (HRC 112.9)**

- 9.1 Terms of reference for the joint committee with the Equality Commission to oversee implementation of the independent monitoring mechanism for the UN Convention of Disability Rights were approved.

## **10. Bid for funding for the work of the independent monitoring mechanism for the UN Convention of Disability Rights**

- 10.1 Commissioners noted that a bid for possible funding to the Office for Disability Issues for the Commission's work in respect of the independent monitoring mechanism for the UN Convention of Disability Rights is being prepared.
- 10.2 Commissioners expressed concern that Commissioners have not been consulted about the content of the funding bid.

*Colin Harvey rejoined the meeting.*

*Jonathan Bell left the meeting because of a potential conflict of interest.*

## **11. Victims (Disqualification) Bill – consultation response (HRC 112.11)**

- 11.1 Commissioners approved the Commission's response to consultation on a proposed Private Member's Bill by the Right Honourable Jeffrey Donaldson MP MLA on the legislative definition of a "victim".

*Jonathan Bell rejoined the meeting.*

## **12. Corporate governance issues arising from the Commission's work on a Bill of Rights – discussion on way forward**

- 12.1 Colm Larkin was of the view that the Commission consider and take a decision on issues reported on by the Chief Executive on 6 April 2009 arising from the development of the Commission's advice on a Bill of Rights for Northern Ireland.
- 12.2 Commissioners noted that these issues are under consideration in the draft Corporate Governance Code of Practice and Conduct for Commissioners, which is currently being considered by the Audit and Risk Management Committee, and which will be agreed with the NIO. In the meantime, the Chief Commissioner agreed to draft principles for carrying forward the Commission's work in responding to the NIO's consultation on the Bill of Rights.



### **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 14 December 2009, in Temple Court, Belfast.

14.2 The next Commission (Governance) meeting will be held on 25 January 2010, in Temple Court, Belfast.

14.3 In keeping with the Commission's commitment to hold two meetings outside Belfast each year to provide opportunities to meet local political representatives and members of voluntary and community groups, it was agreed that the Commission meetings scheduled for 22 March and 13 September 2010 should be held in Strabane and Larne respectively.

**The meeting closed at 4pm**

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

Date: 14 December 2009