



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

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

**HELD ON MONDAY 25 JANUARY 2010 AT 10:30AM  
AT THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION,  
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

**Present:** Monica McWilliams, Chief Commissioner  
Alan Henry (except agenda item 3)  
Ann Hope  
Colm Larkin  
Daphne Trimble

**In attendance:** Peter O'Neill, Chief Executive  
Don Leeson, Head of Corporate Services  
(except agenda item 9)  
David Russell, Head of Communications and Education  
(except agenda item 9)  
Nazia Latif (agenda item 8)

**Apologies:** Tom Duncan  
Colin Harvey  
Eamonn O'Neill  
Geraldine Rice

Commissioners noted Jonathan Bell's resignation from the Commission, with effect from 21 January 2010, to serve as the member of the Northern Ireland Assembly for the Strangford constituency. Commissioners expressed their appreciation for his work as a Commissioner and wished him well in his new role.

Commissioners noted that, with nine Commissioners, the formula for defining a quorum for Commission meetings as set out in the Standing Orders (a minimum of 50% + one of Commissioners) required interpretation. It was agreed that, for this meeting, a quorum should comprise five Commissioners. A longer term change to the Standing Orders for Commission meetings in respect of the quorum requirement will be considered at the next Commission meeting.

## **1. Minutes of the 113<sup>th</sup> Commission (Policy) meeting (HRC 114.1)**

- 1.1 The minutes of the 113<sup>th</sup> Commission (Governance) meeting held on 14 December 2009 were agreed as an accurate record, subject to an agreed amendment.

## **2. Matters arising**

- 2.1 Commissioners noted the arrangements for the visit to the Commission by Dominic Grieve QC MP, the Shadow Justice Secretary, on 4 February 2010 (paragraph 2.3 of the minutes of the last meeting refers). He will be accompanied by Owen Paterson MP, Shadow Secretary of State for Northern Ireland.
- 2.2 The Chief Commissioner, Colin Harvey and Alan Henry will meet to draft terms of reference for the proposed review of the operational effectiveness of the Commission, which will be considered at the next Commission (Governance) meeting (paragraph 2.4 of the minutes of the last meeting refers).
- 2.3 Commissioners noted the arrangements for the launch of the joint report with the Equality Commission on the nature and extent of human trafficking in Northern Ireland on 29 January 2010 at Equality House (paragraph 2.5 of the minutes of the last meeting refers).
- 2.4 Commissioners noted the response by the Office for Disability Issues to the Commission's bid for funding for work in respect of the independent monitoring mechanism for the UN Convention of Disability Rights (paragraph 2.6 of the minutes of the last meeting refers). While funding is available for non-recurring project work in 2009–10, it cannot be used to create staff posts. Staffing for this work will now be considered in the context of business planning for 2010–11.

- 2.5 Papers for the next meeting of the Joint Committee with the Irish Human Rights Commission, which is scheduled to take place on 3 February 2010 in Belfast, were circulated to Commissioners (paragraph 4.2 of the minutes of the last meeting refers).
- 2.6 Commissioners noted that finalisation of the draft Memorandum of Understanding between the Northern Ireland Human Rights Commission, the Scottish Human Rights Commission and the Equality and Human Rights Commission is still under consideration (paragraph 6.2 of the minutes of the last meeting refers).

### **3. Report from the Chief Commissioner**

- 3.1 The Chief Commissioner reported on the most recent meeting of the Ministerial Forum on Safer Custody, which was held on 15 December 2009. The issues discussed at the Forum meeting will be considered further at the next meeting of the Detention, Policing and Justice Committee.
- 3.2 Commissioners noted that the Chief Commissioner has been invited to address the Victims and Survivors Forum, with the date to be confirmed.
- 3.3 The Chief Commissioner briefed Commissioners on misrepresentation in parts of the media concerning a possible role for the Commission in a public inquiry into allegations of systemic sexual abuse of children and young people in Northern Ireland over the past decades. Legal staff will keep the Commission updated on calls for assistance from individuals in relation to institutional abuse.

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

- 4.1 Commissioners noted that Colm Larkin will represent the Commission at a seminar organised by the Fundamental Rights Agency on 'Fundamental Rights in the EU in View of the Accession of the Union to the European Convention on Human Rights and Fundamental Freedoms' on 2/3 February 2010 in Madrid. He will give a presentation to Commissioners and staff on the implications for human rights of the Lisbon Treaty in due course.

## **5. Reports from Committees**

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

- 5.1 Daphne Trimble reported on the work of the Audit and Risk Management Committee.
- 5.2 Commissioners noted that the Audit and Risk Management Committee's scrutiny of the draft Corporate Governance Code of Practice and Conduct for Commissioners will continue at a special Committee meeting, which is scheduled for 28 January 2010. A revised document will be submitted for Commission and, subsequently, NIO approval in due course.

### **Bill of Rights Committee**

- 5.3 Ann Hope reported on the work of the Bill of Rights Committee.
- 5.4 Commissioners noted that the next Bill of Rights Committee meeting is scheduled for 2 February 2010.

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

- 5.5 Commissioners noted that the next Detention, Policing and Justice Committee meeting is scheduled for 15 February 2010.

### **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 that the next Economic, Social and Cultural Rights Committee meeting, which is scheduled for 2 February 2010, will be addressed by a representative of the Royal College of Midwives who will provide a practitioner's perspective on the implications of, and a legal challenge to, guidance produced by the Department of Health, Social Services and Public Safety on the termination of pregnancy.
- 5.8 It was agreed that, following Jonathan Bell's resignation, Colm Larkin will join the Economic, Social and Cultural Rights Committee and stand down from the Legal Committee.

## **Equality Committee**

- 5.9 Commissioners noted that Ann Hope formally handed over the role of Chair of the Equality Committee to Geraldine Rice at the last Committee meeting, which was held on 23 November 2009.
- 5.10 In the absence of the Chairperson, Ann Hope reported on the work of the Equality Committee.
- 5.11 Commissioners noted that Monica Wilson, Chief Executive of Disability Action, attended the last Equality Committee meeting to discuss a range of issues, including the Commission's work to promote disability rights.

## **Legal Committee**

- 5.12 Alan Henry reported on the work of the Legal Committee.
- 5.13 Commissioners noted that consideration is being given to a number of legal interventions which the Commission might make in a number of areas. Decisions on whether to pursue these matters are expected to be taken at the next Legal Committee meeting, which is scheduled for 27 January 2010.

## **Minutes of committees and working groups (HRC 114.2)**

- 5.14 Commissioners noted the minutes of the following meetings:
  - Audit and Risk Management Committee – meeting held on 26 October 2009.
  - Bill of Rights Committee – meetings held on 26 August, 28 September and 27 October 2009.
  - Economic, Social and Cultural Rights Committee – meeting held on 29 September 2009.
  - Equality Committee – meeting held on 18 May 2009.
  - Legal Committee – meeting held on 27 October 2009.

## **6. Report from the Chief Executive (HRC 114.3)**

- 6.1 Commissioners noted the Chief Executive's report.

- 6.2 Commissioners noted the Chief Executive's attendance at the Annual Human Rights Conference of the Irish Human Rights Commission and the Law Society of Ireland on 21 November 2009 in Dublin. The conference examined the theme of 'Economic, Social and Cultural Rights: Making States Accountable'. The conference report will be circulated to Commissioners when it is produced.
- 6.3 Commissioners noted the Chief Executive's attendance at a conference on 25 November 2009 to mark the 40<sup>th</sup> anniversary of the Northern Ireland Ombudsman. The conference was addressed by a number of speakers, including Sir Declan Morgan, the new Lord Chief Justice, who highlighted the importance of human rights in ensuring effective oversight of the public sector. A transcript of the speech will be circulated to Commissioners in due course. The Chief Commissioner will write to the Lord Chief Justice to seek a meeting with him.
- 6.4 Commissioners noted the development of an Information Assurance Policy for the Commission. The implications of the policy will be discussed with Commissioners in due course.
- 6.5 The Memorandum of Understanding between the Commission and the Northern Ireland Legal Services Commission is nearing completion and will be presented to Commissioners for approval in due course.

## **7. Team reports**

### **7.1 Corporate Services (HRC 114.4)**

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted the Commission's expenditure against budget for the period up to 31 December 2009 and plans to vire funds between budgets.
- 7.1.3 Commissioners noted that the Comptroller and Auditor General certified the Commission's Annual Report and Accounts for 2008–09 on 15 January and that it will be laid in Parliament on 9 February 2010 and published shortly afterwards.
- 7.1.4 Commissioners noted the positive outcome of the internal audit of a number of the Commission's systems and passed on their congratulations to everyone involved.

## **7.2 Communications and Education (HRC 114.5)**

- 7.2.1 Commissioners noted the Communications and Education report.
- 7.2.2 Commissioners noted the supplement on the Commission's advice on the Bill of Rights will be circulated to the public through the three main Northern Ireland-wide newspapers for the newspapers on 28–30 January 2010.
- 7.2.3 Commissioners noted the information pack for citizenship teachers and youth leaders on the Commission's advice on the Bill of Rights will be distributed shortly. The pack contains Guidance Notes, a Lesson Plan, the easy read version of the advice, and posters on the advice and the Human Rights Act poster.
- 7.2.4 Commissioners noted the increasing interest in the Commission's Twitter service ([twitter.com/nihrc](https://twitter.com/nihrc)), which now has over 250 followers.

## **7.3 Legal Services, Policy and Research (HRC 114.6)**

- 7.3.1 Commissioners noted the Legal Services, Policy and Research report.
- 7.3.2 Commissioners noted the progress to date in respect of the Commission's investigation into the rights of older people in residential nursing care, including arrangements for the public call for evidence, which will commence on 15 February 2010.
- 7.3.3 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response.
- 7.3.4 Commissioners congratulated staff on the number and quality of policy responses made by the Commission in recent months.

## **8. Bill of Rights for Northern Ireland: developing the Commission's response to the NIO's consultation document**

- 8.1 Commissioners discussed the nature of the Commission's response to the NIO's consultation on the Bill of Rights for Northern Ireland. The response will be considered further at the next Bill of Rights Committee meeting, which is scheduled for 2 February 2010.

## **9. Business case for the regrading of staff posts following the outcome of job evaluation (HRC 114.7)**

- 9.1 Commissioners approved proposals regarding the regrading of a number of staff posts, following the outcome of the job evaluation exercise.
- 9.2 NIPSA will be consulted on the proposals, which will then be submitted to the NIO for approval.

## **10. Business Plan for 2009–10 – progress report (HRC 114.8)**

- 10.1 Commissioners noted progress made in implementing the Commission's Business Plan for 2009–10.
- 10.2 Commissioners expressed their appreciation to staff for their success to date in achieving the Commission's Business Plan objectives.

## **11. Any other business**

- 11.1 It was agreed that Commissioners will be briefed on the Commission's response to recent media coverage on the use by the PSNI of 'stop and search' powers under section 44 of the Terrorism Act 2000 in light of the recent European Court of Human Rights case of Gillan and Quinton v the United Kingdom.

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

- 12.1 The next Commission (Policy) meeting will be held on 22 February 2010, in Temple Court, Belfast.



12.2 The next Commission (Governance) meeting will be held on 22 March 2010 in Strabane.

**The meeting closed at 2.30pm.**

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

Date: 22 February 2010