



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

115th COMMISSION MEETING (POLICY)

**HELD ON MONDAY 22 FEBRUARY 2010 AT 10:30AM
AT THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION,
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

Present: Monica McWilliams, Chief Commissioner
Tom Duncan
Ann Hope
Colm Larkin
Eamonn O'Neill

In attendance: Peter O'Neill, Chief Executive
Don Leeson, Head of Corporate Services
Ciarán Ó Maoláin, Head of Legal Services, Policy and
Research

Apologies: Colin Harvey
Alan Henry
Geraldine Rice
Daphne Trimble

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 previous meetings

- 1.1 The minutes of the 114th Commission (Governance) meeting held on 25 January 2010 (HRC 115.1(b)) were agreed as an accurate record.
- 1.2 The minutes of the special Commission meeting held on 10 February 2010 (HRC 115.1(b)) to approve the Commission's response to the NIO consultation paper on a Bill of Rights for Northern Ireland were agreed as an accurate record, subject to an agreed amendment.

2. Matters arising

- 2.1 The Chief Commissioner reported on the Commission's meeting with Dominic Grieve QC MP, the Shadow Justice Secretary, and Owen Paterson MP, Shadow Secretary of State for Northern Ireland, on 4 February 2010 (paragraph 2.1 of the minutes of the 114th Commission (Governance) meeting refers). The Commission expressed concerns at the meeting about Conservative Party policy proposals in respect of not legislating for a separate Bill of Rights for Northern Ireland. Commissioners noted that the Commission has prepared a joint statement with the Equality and Human Rights Commission and Scottish Human Rights Commission calling for the 'ring fencing' of the Human Rights Act 1998 and for it to be built upon as part of further progress in the protection and promotion of human rights within and across all three jurisdictions. The Commissions agree that any proposals, which seek to repeal the Act in part or whole, would be retrogressive in terms of the protection and promotion of human rights.
- 2.2 Commissioners expressed their appreciation to the staff involved in 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 (paragraph 2.3 of the minutes of the 114th Commission (Governance) meeting refers). A meeting is being sought with Minister of State Paul Goggins MP to discuss the report, and work is planned with DHSSPS and the Irish Human Rights Commission to take forward recommendations made in the report.

- 2.3 Commissioners noted that the Office for Disability Issues has approved a revised bid by the Commission and the Equality Commission for funding for work in respect of the independent monitoring mechanism for the UN Convention of Disability Rights in 2010–11 (paragraph 2.4 of the minutes of the 114th Commission (Governance) meeting refers).
- 2.4 Commissioners noted progress in finalising the Memorandum of Understanding between the Northern Ireland Human Rights Commission, the Scottish Human Rights Commission and the Equality and Human Rights Commission (paragraph 2.6 of the minutes of the last meeting refers).
- 2.5 The Chief Commissioner reported on a presentation on victims' rights that she gave to the Victims and Survivors Forum on 8 February 2010 (paragraph 3.2 of the minutes of the 114th Commission (Governance) meeting refers).
- 2.6 Commissioners noted that the Department of Health, Social Services and Public Safety has revised its guidance on the termination of pregnancy (paragraph 5.7 of the minutes of the 114th Commission (Governance) meeting refers).
- 2.7 The Chief Commissioner is seeking a meeting with Sir Declan Morgan, the new Lord Chief Justice (paragraph 6.3 of the minutes of the 114th Commission (Governance) meeting refers).
- 2.8 Commissioners noted that a response from the NIO regarding the regrading of a number of staff posts, following the outcome of the job evaluation exercise, is expected by the end of February 2010 (paragraph 9.2 of the minutes of the 114th Commission (Governance) meeting refers).

3. Proposed amendment to the Standing Orders for Commission meetings (HRC 115.2)

- 3.1 Discussion of this agenda item was held over until the next Commission meeting.

4. Progress report on the devolution of policing and justice and implications for the Commission

- 4.1 Commissioners noted the volume of issues associated with the devolution of policing and justice, which impact on the Commission's work. These will be considered in detail at a special meeting of the Detention, Policing and Justice Committee on 15 March 2010.
- 4.2 Commissioners noted the programme of meetings that the Commission has undertaken with the main bodies associated with the delivery of justice, ahead of devolution.
- 4.3 The Commission will continue to press for an Assembly committee with a remit covering both justice and human rights to be established following devolution of policing and justice.
- 4.4 The Commission will keep a watching brief on developments arising from the Hillsborough Castle Agreement in relation to its role in scrutinising, for human rights compliance, proposals for policy and legislative change.

5. Progress report on the Commission's response to consultation by the NIO on the Bill of Rights for Northern Ireland

- 5.1 Commissioners passed on their appreciation to the staff involved in completing and disseminating the Commission's response to the NIO's consultation on the Bill of Rights, which was published on 17 February 2010.
- 5.2 The response was discussed subsequently at a round table event, hosted by the Commission, for the non-governmental organisations that were members of the Bill of Rights Forum on 17 February 2010. The round table was addressed by Chris Sidoti, formerly Chair of the Bill of Rights Forum. The response was also discussed in meetings with the human rights spokespersons for the Alliance Party, DUP, PUP, SDLP and Sinn Féin on 15 February 2010 at Stormont. The UUP was unable to meet the Commission at this time.
- 5.3 The Commission will seek a meeting with the Secretary of State for Northern Ireland to discuss the Government's proposals following consultation.

- 5.4 The Commission will raise concerns about the Government's consultation on the Bill of Rights when it attends the International Co-ordinating Committee meeting on 23–26 March 2010, at the 13th session of the Human Rights Council in Geneva, and at meetings in Washington DC on 15–18 March 2010.
- 5.5 Commissioners noted plans to organise an international conference in autumn 2010.

6. Use by the PSNI of 'stop and search' powers under section 44 of the Terrorism Act 2000 (HRC 115.3)

- 6.1 Commissioners noted a briefing paper on the use in Northern Ireland of UK-wide police 'stop and search' powers, which were impugned in a recent European Court of Human Rights judgment *Gillan and Quinton v the United Kingdom*.
- 6.2 Commissioners noted that the Chief Commissioner had raised this issue at a meeting with the Chair of the Northern Ireland Policing Board's Human Rights and Professional Standards Committee on 18 February 2010. Given the significant increase in the use of these powers, as noted in the Northern Ireland Policing Board's Annual Human Rights Report, the Chief Commissioner reported that the Policing Board is undertaking a thematic review on this over the next three months.

7. Current consultation documents (HRC 115.4)

- 7.1 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response. The format of the report has been changed to include thematic work and follow-up action on previous policy responses.
- 7.2 Commissioners noted that DHSSPS has updated its guidance on access to health care by non-nationals following discussions with Commission staff.
- 7.3 The Head of Legal Services, Policy and Research reported on a meeting with the Equality and Human Rights Commission on the framework for the independent monitoring mechanism for the UN Convention on the Rights of People with Disabilities, which was held on 15 February 2010 in London.

- 7.4 The Chief Commissioner reported on a meeting with Professor Ron McCallum, Chair of the UN Committee on the Rights of Persons with Disabilities, which was hosted by Disability Action on 19 February 2010, who expressed concern that the rights proposed by the Commission, and referenced with the UN Convention, were not contained in the Government's consultation on a Bill of Rights for Northern Ireland. Professor McCallum noted that the impact of the conflict in Northern Ireland would have justified the inclusion of disability rights, alongside the centrality of rights for disabled people in a future Bill of Rights.

8. Budget 2010–11: overview of proposed expenditure plans

- 8.1 Commissioners noted the Commission's budget allocation for 2010–11. It was further noted that the Commission has requested additional resources from the NIO in respect of the costs of regrading posts following job evaluation.
- 8.2 The Chief Commissioner will stress the importance of the NIO meeting the costs of regrading and retaining the Commission's budget in her forthcoming meeting with the Permanent Secretary of the NIO.
- 8.3 The Chief Executive outlined proposals for the Commission's staffing arrangements for the forthcoming year.
- 8.4 The proposals in respect of temporary posts were approved in principle. NIPSA will be consulted on the proposals, which will then be finalised in the context of the Business Plan for 2010–11, which will be considered by Commissioners at their next meeting.

9. Draft Memorandum of Understanding between the Commission and the Northern Ireland Legal Services Commission (HRC 115.5)

- 9.1 Commissioners approved the Memorandum of Understanding between the Commission and the Northern Ireland Legal Services Commission, subject to a review of the arrangements for passing prospective clients between the two organisations to ensure that this is as seamless as possible.

10. Any other business

- 10.1 Commissioners passed on their appreciation to the staff involved in the call for evidence for the Commission's investigation into the rights of older people in residential nursing care. The investigation has received significant media attention, and a good deal of positive feedback and support from members of the public using the call line.

11. Dates of next Commission meetings

- 11.1 The next Commission (Governance) meeting will be held on 22 March 2010 in Strabane, followed by a reception for local stakeholders.
- 11.2 The next Commission (Policy) meeting will be held on 19 April 2010, in Temple Court, Belfast.

The meeting closed at 1.30pm.

Approved: _____

Date: 22 March 2010