



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

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

**HELD ON MONDAY 22 MARCH 2010 AT 11:00AM  
AT STRABANE DISTRICT COUNCIL,  
47 DERRY ROAD, STRABANE, Co. TYRONE, BT82 8DY**

**Present:** Monica McWilliams, Chief Commissioner  
Tom Duncan  
Colin Harvey  
Alan Henry  
Ann Hope  
Colm Larkin (agenda items 4–13)  
Eamonn O'Neill (agenda items 1–10)  
Geraldine Rice

**In attendance:** Peter O'Neill, Chief Executive (except agenda item 8)  
Don Leeson, Head of Corporate Services (except  
agenda item 8)  
Ciarán Ó Maoláin, Head of Legal Services, Policy and  
Research (except agenda item 8)  
David Russell, Head of Communications and Education  
(except agenda item 8)

**Apologies:** None

Commissioners noted Daphne Trimble's resignation from the Commission, with effect from 25 February 2010, to stand as a candidate for election as a Member of Parliament in the forthcoming General Election. Commissioners expressed their appreciation for her work as a Commissioner.

## **1. Minutes of previous meetings**

- 1.1 The minutes of the 115<sup>th</sup> Commission (Policy) meeting held on 22 February 2010 were agreed as an accurate record.

## **2. Matters arising**

- 2.1 Commissioners noted that the Board of the Equality and Human Rights Commission will meet on 25 March 2010 to consider the joint statement, already agreed by the Northern Ireland Human Rights Commission and Scottish Human Rights Commission, regarding the safeguarding of the protections in the Human Rights Act 1998 (paragraph 2.1 of the minutes of the last meeting refers).
- 2.2 Commissioners noted that a meeting is being sought with Minister of State Paul Goggins MP to discuss the joint report with the Equality Commission on the nature and extent of human trafficking in Northern Ireland (paragraph 2.2 of the minutes of the last meeting refers). A meeting will also be sought with the new devolved Justice Minister, when appointed.
- 2.3 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 2.4 of the minutes of the last meeting refers). The Equality and Human Rights Commission will consider the MoU at its Board meeting on 25 March 2010.
- 2.4 Commissioners noted that the proposal to amend the formula for defining a quorum for Commission meetings as set out in the Standing Orders (paragraph 3.1 of the minutes of the last meeting refers) has been superseded by Daphne Trimble's resignation, which means that there is now an even number of Commissioners and therefore the current formula of '50% + 1' no longer requires interpretation. The formula will be reviewed as part of a wider review of Standing Orders in the context of the development of the Code of Governance.
- 2.5 A meeting with the Secretary of State for Northern Ireland to discuss the Government's proposals in respect of the Bill of Rights following the end of the consultation period is pending (paragraph 5.3 of the minutes of the last meeting refers).

- 2.6 Commissioners noted that discussion with the Northern Ireland Legal Services Commission in respect of an aspect of the Memorandum of Understanding with the Commission is pending (paragraph 9.1 of the minutes of the last meeting refers).

### **3. Report from the Chief Commissioner (HRC 116.2)**

- 3.1 Commissioners noted the Chief Commissioner's Report.
- 3.2 The Chief Commissioner reported on her programme of meetings with members of the US State Department, Congress, UK and Northern Ireland political representatives and stakeholders during 15–18 March 2010 in the US.
- 3.3 Commissioners noted that the Chief Commissioner intends to make a statement in respect of the Government's consultation on the Bill of Rights to a forthcoming session of the Human Rights Council and the International Co-ordinating Committee of National Human Rights Institutions in Geneva, 23–26 March 2010.

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

- 4.1 Ann Hope reported on a seminar she attended on 'Exploring a Feminist Analysis of Truth Recovery: Creating a Better Future', which was organised by Hanna's House on 11 February 2010 in Dublin.
- 4.2 Geraldine Rice reported on work being taken forward on human rights by community leaders within Protestant, Unionist and Loyalist communities and their interest in the Bill of Rights.

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

#### **Membership of Committees**

- 5.1 Following the recent resignation of two Commissioners, a number of changes to the membership of committees were agreed, as follows:
- Colin Harvey to chair the Economic, Social and Cultural Rights Committee.

- Ann Hope stands down from the Economic, Social and Cultural Rights Committee and joins the Detention, Policing and Justice Committee.
- Tom Duncan joins the Economic, Social and Cultural Rights Committee.
- Eamonn O'Neill joins the Equality Committee.

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

- 5.2 Geraldine Rice reported on the work of the Audit and Risk Management Committee.
- 5.3 Commissioners noted that it is Commission policy to normally invite tenders for all contracts for services. It was further noted that where, under exceptional circumstances, contracts awarded by single tender action, with a value of £5,000 or more, these are scrutinised by the Audit and Risk Management Committee. As an additional safeguard, all procurement of items or services over £1,000 is reported to the Committee.

### **Bill of Rights Committee**

- 5.4 Ann Hope reported on the work of the Bill of Rights Committee.

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

- 5.5 Eamonn O'Neill reported on the work of the Detention, Policing and Justice Committee.
- 5.6 A special Detention, Policing and Justice Committee meeting was held on 15 March 2010 to consider the range of issues associated with the devolution of policing and justice. It was agreed that the Commission should consider issuing a statement on the need to focus on human rights as part the new arrangements for policing and justice, ahead of devolution.
- 5.7 Commissioners noted that the Detention, Policing and Justice Committee meeting has agreed a programme of visits to places of detention for the coming year.

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

- 5.8 Commissioners noted that a representative of the Royal College of Midwives attended the Economic, Social and Cultural Rights Committee meeting on 2 February 2010 to discuss guidance published by the Department of Health, Social Services and Public Safety on the termination of pregnancy. It was noted that the guidelines were subsequently re-issued following a number of interventions, including that of the Commission.

## **Equality Committee**

- 5.9 Geraldine Rice reported on the work of the Equality Committee.

## **Legal Committee**

- 5.10 Alan Henry reported on the work of the Legal Committee.

## **Minutes of committees and working groups (HRC 116.3)**

- 5.11 Commissioners noted the minutes of the following meetings:
- Audit and Risk Management Committee – meetings held on 17 December 2009 and 28 January 2010.
  - Detention, Policing and Justice Committee – meeting held on 2 November 2009.
  - Economic, Social and Cultural Rights Committee – meeting held on 1 December 2009.
  - Equality Committee – meeting held on 23 November 2009.
  - Legal Committee – meetings held on 24 November 2009 and 22 January 2010.
- 5.12 The minutes of the Bill of Rights Committee meetings held on 24 November 2009 and 2 February 2010 will be reviewed and resubmitted to the next Commission (Governance) meeting.

## **6. Report from the Chief Executive (HRC 116.4)**

- 6.1 Commissioners noted the Chief Executive's Report.

- 6.2 Commissioner's noted the Commission's engagement with the Department of Agriculture and Rural Development on human rights compliance issues, particularly in respect of the use of 'stop and search' powers by Portal Inspection Teams at air and sea ports.
- 6.3 Commissioners noted the success of the Commission's call for evidence in respect of the investigation into the rights of older people in nursing care homes. Commissioners expressed their appreciation to everyone involved in taking the calls and the IT Support Team for their work in developing a database to record the evidence received.

## **7. Team reports**

### **7.1 Corporate Services (HRC 116.5)**

- 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 28 February 2010 and expenditure plans for the remainder of the financial year.
- 7.1.3 Commissioners expressed concern that, in addition to a cut to its budget allocation for 2010–11 which was established following the Comprehensive Spending Review in 2007, the Commission's budget allocated for the coming year by the NIO does not include additional funds to cover the costs of regrading posts to implement the outcome of job evaluation. It was agreed that the Commission will write to the Secretary of State to ask him to intervene in this matter.
- 7.1.4 Commissioners noted that the Commission has received authority from The Atlantic Philanthropies (AP) and the NIO to carry forward into 2010–11 unspent funds in respect of its programme of work on the Bill of Rights.
- 7.1.5 Commissioners noted that the NIO has approved receipt of funding from the Office for Disability Issues for work with the Equality Commission to monitor and promote implementation of the UN Convention the Rights of Persons with Disabilities. The funding applies to 2009–10 only.

- 7.1.6 Commissioners noted the outcome of a grievance, which was heard by an Independent Appeals Panel, convened by the Labour Relations Agency. It was agreed that systemic issues arising from grievances should be considered by Commissioners, while respecting the confidentiality of the staff concerned.
- 7.1.7 Commissioners were invited to declare any related party transactions conducted with the Commission during 2009–10 and update the register of interests for 2010–11.

## **7.2 Communications and Education (HRC 116.6)**

- 7.2.1 Commissioners noted the Communications and Education report.
- 7.2.2 Commissioners noted that the remaining grant from AP for work to promote the Bill of Rights will be used to fund an international conference in autumn 2010. A detailed draft programme for the event will be considered at the next Bill of Rights Committee meeting.
- 7.2.3 Commissioners noted that the Northern Ireland Affairs Committee will publish an interim report on the Bill of Rights on 24 March 2010. The report will be circulated to Commissioners.
- 7.2.4 Commissioners noted the Commission's recent publications, including the joint publication with the Irish School of Ecumenics of papers from the Rights and Righteousness conference on the intersect between faith and human rights.

## **7.3 Legal Services, Policy and Research (HRC 116.7)**

- 7.3.1 Commissioners noted the Legal Services, Policy and Research report.
- 7.3.2 Commissioners noted the Commission's representations to the Rt Hon Ed Balls MP, Secretary of State for Children, Schools and Families, seeking removal of the UK's long standing reservation to the European Convention on Human Rights protocol on the right to education. The Secretary of State is considering evidence submitted by the Commission that the reservation has been superseded by jurisprudence.

- 7.3.3 Commissioners noted that staff had briefed officials from the Department of Culture, Arts and Leisure on the European Charter for Regional and Minority Languages.
- 7.3.4 Commissioners noted work with the Equality Commission to develop the independent mechanism to monitor and promote implementation of the UN Convention the Rights of Persons with Disabilities in Northern Ireland.
- 7.3.5 Commissioners were briefed on issues arising from correspondence received from legal representatives working in Strabane in respect of a change to the designation of the local PSNI station, which means that is no longer used as a holding station for detention purposes. The correspondence has been raised with the Policing Board for clarification of the decision-making process in relation to this issue.
- 7.3.6 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response.

*Managers left the meeting due to a conflict of interest.*

## **8. Proposed review of the management structure and processes of the Commission**

- 8.1 Commissioners approved terms of reference drafted by a working group of Commissioners for a focused review of the management structure and processes of the Commission to ensure that they are fit for purpose and identify any areas for further improvement.
- 8.2 Commissioners noted that NIPSA was represented at the working group's meeting, so that staff could be reassured about the focus of the review.
- 8.3 An invitation to tender for a consultant to conduct the review will be drawn up and issued as soon as possible.

*Managers rejoined the meeting.*



## **9. Business Plan for 2010–11 (HRC 116.8)**

- 9.1 Commissioners considered the draft Commission Business Plan for 2010–11.
- 9.2 The draft plan was approved, subject to agreed changes.
- 9.3 The allocation of the Commission's budget for 2010–11, contained within the draft plan, was approved.

## **10. Proposed case in the Commission's own name concerning the rights of Travellers (HRC 116.9)**

- 10.1 Commissioners considered a case in the Commission's own name concerning the rights of Travellers, which had been proposed by the Legal Committee.
- 10.2 The case and associated funding was approved by the Commission.

## **11. Development of the Commission's approach to engagement with representatives of vulnerable groups, particularly those most affected by the recession (HRC 116.10)**

- 11.1 Commissioners considered a paper on the development of the Commission's approach to engagement with representatives of vulnerable groups, particularly those most affected by the recession.
- 11.2 It was agreed that the focus of the Commission's work in this area in the coming year should be to identify and define the groups concerned and carry out a needs assessment. The outcome of this work will help inform priorities for the Commission's next Strategic Plan, which will cover the period 2011–14.
- 11.3 In the meantime, the Commission will continue to ensure that its legislation and policy responses, and investigations, pay particular attention to the needs of vulnerable groups.

## **12. Any other business**

- 12.1 Commissioners noted recent developments concerning the victims of institutional child abuse. It was agreed that the Commission will write to Michael McGimpsey MLA, Minister for Health, Social Services and Public Safety, and OFMdFM, seeking further information on the options being considered in respect of investigations in this matter. The Northern Ireland Commissioner for Children and Young People will be informed of the Commission's interest in this.

## **13. Dates of next Commission meetings:**

- 13.1 The next Commission (Policy) meeting will be held on 26 April 2010, in Temple Court, Belfast.
- 13.2 The next Commission (Governance) meeting will be held on 17 May 2010 (Governance), in Temple Court, Belfast.

**The meeting closed at 4.00pm and was followed by a reception hosted by Strabane District Council for local stakeholders.**

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

Date: \_\_\_\_\_

26 April 2010