



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

124th COMMISSION MEETING (POLICY)

**HELD ON MONDAY 24 JANUARY 2011 AT 10.00AM
AT THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION,
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

Present: Monica McWilliams, Chief Commissioner
Ann Hope
Eamonn O'Neill
Geraldine Rice

In attendance: Don Leeson, Head of Corporate Services (except
agenda item 10)
Ciarán Ó Maoláin, Head of Legal Services, Policy
and Research (except agenda item 10)
David Russell, Head of Communications and Education
(except agenda item 10)

Apologies: Tom Duncan
Colin Harvey
Alan Henry

1. Minutes of previous meetings (HRC 124.1)

- 1.1 The minutes of the 123rd Commission (Governance) meeting held on 13 December 2010 were agreed as an accurate record, subject to an agreed change.

2. Matters arising from the minutes of 123rd Commission (Governance) meeting

- 2.1 Commissioners noted progress on the appointment of new Commissioners (paragraph 2.2 of the minutes of 123rd Commission (Governance) meeting refers).
- 2.2 Commissioners noted that the revised draft Code of Governance has been sent to the NIO for comments (paragraph 2.3 of the minutes of 123rd Commission (Governance) meeting refers).
- 2.3 Commissioners noted that a meeting between the Chief Commissioner and Owen Peterson MP, the Secretary of State for Northern Ireland, has been scheduled for 7 February 2011 (paragraph 5.5 of the minutes of 123rd Commission (Governance) meeting refers). It was also noted that Shaun Woodward MP, the Shadow Secretary of State for Northern Ireland, is due to visit the Commission on 31 January 2011.
- 2.4 Commissioners noted progress in respect of proceedings on the issue of the rights of unmarried and same sex couples to apply to adopt in Northern Ireland (paragraph 5.13 of the minutes of 123rd Commission (Governance) meeting refers).
- 2.5 Commissioners noted the arrangements for a consultation event for stakeholders on the Commission's draft Strategic Plan for 2011–13, which is scheduled for 1 February 2011 (paragraph 6.2.4 of the minutes of 123rd Commission (Governance) meeting refers). The closing date for consultation responses is 28 February 2011. The final version of the draft plan, together with a report on the consultation exercise, will be presented to the Commission meeting in March 2011.
- 2.6 Commissioners noted that the Commission's application for formal re-accreditation as a national human rights institution has been submitted to the United Nations, with a letter of support from the Secretary of State for Northern Ireland (paragraph 8.1 of the minutes of 123rd Commission (Governance) meeting refers).

3. Bill of Rights for Northern Ireland and the Charter of Rights for the island of Ireland

- 3.1 Commissioners received a progress report on the Commission's activities in respect of the Bill of Rights for Northern Ireland and the Charter of Rights for the island of Ireland.
- 3.2 It was agreed to recruit an intern to analyse the responses to the NIO's consultation document, *A Bill of Rights for Northern Ireland: Next Steps*, which have recently been published. The analysis will be considered at the next Commission (Policy) meeting.
- 3.3 Commissioners agreed that outstanding funds for the programme of work on the Bill of Rights should be used for follow-up meetings with relevant stakeholders.
- 3.4 Commissioners noted that two 'Professional Placements' have been appointed to support work on the Charter of Rights. A progress report on their work to date will be presented to the next meeting of the Joint Committee with the Irish Human Rights Commission, which is scheduled for 6 April 2011, in Dublin.

4. Submission to the Committee for the Elimination of all Forms of Racial Discrimination: list of themes for UK examination (HRC 124.2)

- 4.1 Commissioners approved a submission to the Committee for the Elimination of all Forms of Racial Discrimination, which sets out issues affecting Northern Ireland, and which will be drawn to the Committee's attention.
- 4.2 Commissioners noted that the Commission's work to define 'sectarianism', which draws on international human rights standards, has been acknowledged as a useful contribution by David Ford MLA, Minister of Justice, and a range of other MLAs.

5. Submission on Access to Justice Review (HRC 124.3)

- 5.1 Commissioners approved the Commission's submission to the Access to Justice Review, which will be forwarded to the Review Team, recently established by the Minister of Justice.

- 5.2 In the context of the Commission's ongoing work on the Charter of Rights, Commissioners noted the differences in access to legal aid in the Republic of Ireland and Northern Ireland, which will be considered in discussions on the equivalency of human rights in relation to access to justice in the two jurisdictions.

6. Review of 50:50 police recruitment provisions (HRC 124.4)

- 6.1 Commissioners considered the Commission's response to the NIO in respect of Police (Northern Ireland) Act 2000: Review of Temporary Recruitment Provisions.
- 6.2 Commissioners discussed the Government proposal to end the temporary special measure regarding police recruitment. The Commission agreed that this should be retained for the recruitment of PSNI support staff, where those from a Catholic community background continue to be substantially under represented, and that the temporary special measure in respect of police officers should be reintroduced if the proportion from a Catholic community background shows signs of regression. It was further agreed that there should be continued affirmative action by the PSNI to ensure that the composition of police officers is representative of society.
- 6.3 A revised draft of the Commission's submission to the NIO on the Review of Temporary Recruitment Provisions will be circulated to Commissioners for final comments.

7. Medical care entitlements for non-British/Irish citizens – proposed round table (HRC 124.5)

- 7.1 Commissioners approved a proposal to hold a round table event for stakeholders to consider access to medical care for non-British/Irish citizens, based on a research report, *'Access denied or paying when you shouldn't?'*, which has been prepared by the Commission. The event will be held in April 2011.
- 7.2 Commissioners also approved the research report for publication and expressed their appreciation to the Policy Worker who prepared it.

8. Current consultation documents

- 8.1 Commissioners noted the list of current consultations which are being reviewed by the Commission for possible response, and progress on thematic work and follow-up action on previous policy responses.
- 8.2 Commissioners noted that the Commission will undertake a targeted review of the impact of budget proposals in the health, education and justice sectors.
- 8.3 It was agreed to review the research report on the impact of the recession on women, '*Beneath the Surface*', which was recently published through the Community Foundation for Northern Ireland's Voices Project, with a view to using the findings in the Commission's ongoing policy work in this area.
- 8.4 Commissioners noted that a response to consultation on the Damages (Asbestos-Related Conditions) Bill (Northern Ireland) 2010 is being prepared and that the Commission has been invited to give evidence on this to the Assembly's Finance and Personnel Committee on 2 February 2011.
- 8.5 Commissioners noted that the Commission gave evidence on 13 January 2011 to the Assembly's Justice Committee on the Justice Bill.
- 8.6 Commissioners noted that the Commission gave evidence on 21 January 2011 to the Youth Justice Review, which has been established by the Minister of Justice.
- 8.7 Commissioners noted the Commission's policy position in respect of the flying of flags.
- 8.8 Commissioners noted the recent appointment of Colin McConnell as the new Director General of the Northern Ireland Prison Service. The Commission will seek an early meeting with him.

9. Implementation of the outcome of the Senior Management Review – progress report

- 9.1 This agenda item is dealt with in a closed minute.

10. Any other business

- 10.1 Commissioners considered a confidential personnel matter, which is dealt with in a closed minute.
- 10.2 Commissioners noted that the Commission's action in respect of the Inquiries Act is now being pursued through an intervention at the Supreme Court in the McCaughey and Quinn appeal. This is a landmark case, which has implications for the retrospective application of the Human Rights Act, which in turn has implications for the Inquiries Act. Given its importance, the Commission has been joined in this intervention by the Equality and Human Rights Commission, and the costs of this are being shared.
- 10.3 Commissioners noted that the draft report of the Commission's investigation into the rights of older people in residential nursing care will be presented to the next Commission meeting.

11. Dates of next Commission meetings

- 11.1 The next Commission (Governance) meeting will be held on 21 February 2011, in Temple Court, Belfast.
- 11.2 The next Commission (Policy) meeting will be on 21 March 2011, in Dungannon.

The meeting closed at 2.00pm.

Approved: _____

Date: 21 February 2011