



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

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

**HELD ON MONDAY 21 FEBRUARY 2011 AT 10.00AM  
AT THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION,  
TEMPLE COURT, 39 NORTH ST, BELFAST, BT1 1NA**

**Present:** Monica McWilliams, Chief Commissioner  
Tom Duncan  
Alan Henry  
Ann Hope  
Eamonn O'Neill  
Geraldine Rice

**In attendance:** Don Leeson, Head of Corporate Services (except  
agenda item 13)  
David Russell, Head of Communications and Education  
(except agenda item 13)

**Apologies:** Colin Harvey

### **1. Minutes of previous meetings (HRC 125.1)**

- 1.1 The minutes of the 124<sup>th</sup> Commission (Policy) meeting held on 24 January 2011 were agreed as an accurate record, subject to agreed changes.

### **2. Matters arising from the minutes of 124<sup>th</sup> Commission (Policy) meeting**

- 2.1 Commissioners noted progress on the appointment of new Commissioners (paragraph 2.1 of the minutes of 124<sup>th</sup> Commission (Policy) meeting refers).

- 2.2 Commissioners noted that the revised draft Code of Governance has been approved by the NIO (paragraph 2.2 of the minutes of 124<sup>th</sup> Commission (Policy) meeting refers). Commissioners formally adopted the Code of Governance and revised Standing Orders for Commission meetings, with effect from 21 February 2011. The Code of Governance will be published on the Commission's website.
- 2.3 Commissioners noted discussions at the consultation event for stakeholders on the Commission's draft Strategic Plan for 2011–13, which was held on 1 February 2011 (paragraph 2.5 of the minutes of 124<sup>th</sup> Commission (Policy) meeting refers). The final version of the draft plan, together with a report on the consultation exercise, which ends on 28 February 2011, will be presented to the next Commission meeting. In the meantime, Commissioners noted that the Chief Commissioner will host a meeting of her counterparts in related organisations to discuss the Commission's strategic priorities, on 9 March 2011.
- 2.4 Commissioners noted feedback on the Commission's appearance before the Assembly's Finance and Personnel Committee on 2 February 2011 to give evidence in respect of the Damages (Asbestos-Related Conditions) Bill (Northern Ireland) 2010 (paragraph 8.4 of the minutes of 124<sup>th</sup> Commission (Policy) meeting refers).

### **3. Report from the Chief Commissioner (HRC 125.2)**

- 3.1 Commissioners noted the Chief Commissioner's Report.
- 3.2 The Chief Commissioner reported on her meeting with the Shadow Secretary of State for Northern Ireland, on 31 January 2011.
- 3.3 The Chief Commissioner reported on her meeting with the Secretary of State for Northern Ireland, on 7 February 2011. Commissioners noted that the Secretary of State has invited the Commission to make a submission on human rights issues that might be engaged in respect of an inquiry into the death of Pat Finucane.

- 3.4 Commissioners noted a number of developments in respect of the Bill of Rights, including the Minister of State for Justice and Deputy Leader of the House of Lords' statement on 24 January 2011 that a Bill of Rights for Northern Ireland will be considered separately from a UK Bill of Rights, which was confirmed in the Minister of State for Northern Ireland's letter to the Chief Commissioner of 27 January 2011. In the meantime, the Commission will monitor developments in respect of the establishment of a proposed commission to look at the development of a UK Bill of Rights.
- 3.5 Commissioners noted that the Chief Commissioner is due to meet the Director General of the Northern Ireland Prison Service on 31 March 2011.

## **4. Reports from Commissioners**

- 4.1 There were no reports from Commissioners.

## **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 last meeting of the Audit and Risk Management Committee, which was held on 15 December 2010, received reports on the outcome of recent internal audits of a number of the Commission's functions, which demonstrate that the Commission has satisfactory levels of assurance in place in these areas.
- 5.3 The next Audit and Risk Management Committee is scheduled for 24 February 2011.

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

- 5.4 Eamonn O'Neill reported on the work of the Detention, Policing and Justice Committee.
- 5.5 Commissioners expressed their appreciation to the Investigations Worker whose fixed term contract ended recently for her work in co-convening the Committee.

- 5.6 Commissioners noted a paper on the privatisation of prisons, which had been prepared for the Committee. The paper will be published on the Commission's website. Commissioners expressed their appreciation to the Policy Worker concerned for her work on this.
- 5.7 The next meeting of the Detention, Policing and Justice Committee is scheduled for 1 March 2011.

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

- 5.8 Commissioners noted that arrangements for the next meeting of the Economic, Social and Cultural Rights Committee are pending.

### **Legal Committee**

- 5.9 Alan Henry reported on the work of the Legal Committee.
- 5.10 The next meeting of the Legal Committee is scheduled for 1 March 2011.

### **Minutes of committees and working groups (HRC 121.3)**

- 5.11 Commissioners also noted the minutes of the following meetings:
- Audit and Risk Management Committee – meeting held on 28 September 2010.
  - Bill of Rights Committee – meeting held on 6 October 2010.
  - Detention, Policing and Justice Committee – meeting held on 26 October 2010.
  - Equality Committee – meeting held on 22 June 2010.
  - Legal Committee – meeting held on 7 December 2010.
- 5.12 The minutes of the Legal Committee meeting held on 26 October 2010 will be reviewed and resubmitted to the next Commission (Governance) meeting.
- 5.13 Commissioners approved the minutes of the final meetings of the Bill of Rights Committee and the Equality Committee, which were held on 8 and 14 December 2010 respectively. The work of these committees is now being progressed at Commission meetings.

## **6. Team reports**

### **6.1 Corporate Services (HRC 125.4)**

- 6.1.1 Commissioners noted the Corporate Services report.
- 6.1.2 Commissioners noted the Commission's expenditure to date and plans for the remainder of the budget.
- 6.1.3 Commissioners approved a business case for external funding.
- 6.1.4 Commissioners noted that a project plan for work on a new Equality Scheme for the Commission, which is required to be completed by November 2011, will be prepared and submitted to the next Commission (Governance) meeting.

### **6.2 Communications and Education (HRC 125.5)**

- 6.2.1 Commissioners noted the Communications and Education report.
- 6.2.2 Commissioners noted the latest issue of *NIHRC Review* has been published and circulated to stakeholders.
- 6.2.3 Commissioners noted that an intern is currently analysing the responses to the Northern Ireland Office's public consultation on the Bill of Rights, and a report on this will be submitted to the next Commission meeting. In the meantime, it was noted that the Minister of State for Northern Ireland had declared on 16 December 2010 that there was "considerable support" for a wide-ranging Bill of Rights.
- 6.2.4 Commissioners noted that work is progressing on a joint project with the Community Relations Council on human rights and conflict transformation. A report on this will be presented to Commissioners in due course.

### **6.3 Legal Services, Policy and Research (HRC 125.6)**

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

- 6.3.2 The Commission's intervention at the Supreme Court on 2 and 3 February 2011 in a case involving a significant principle regarding the 'retrospectivity' of the investigative obligation under Article 2 of the European Convention on Human Rights was noted. Judgment is expected in a few weeks' time.
- 6.3.3 Commissioners noted progress in respect of proceedings in relation to legislation on the right to adopt in Northern Ireland.
- 6.3.4 Commissioners approved proposals for a series of roundtable events in 2011–12 to consider outstanding issues in respect of dealing with the legacy of the conflict in Northern Ireland with different groups of stakeholders.
- 6.3.5 Commissioners noted a paper, prepared by a Caseworker, on comparative approaches to dealing with investigations into historic institutional child abuse, which have been undertaken in other jurisdictions. The paper will be used in ongoing discussions with officials from OFMdfM on the proposed inquiry into this matter in Northern Ireland.
- 6.3.6 Commissioners noted letters sent to selected Government departments by the Commission in respect of the human rights implications of the draft Executive budget and departmental spending cuts.
- 6.3.7 Commissioners noted that the Minister for Social Development has written to the Commission seeking advice on proposed changes to the Disability Living Allowance.
- 6.3.8 Commissioners noted the positive feedback received from an MLA in respect of the Commission's work on the Caravan Bill.
- 6.3.9 Commissioners noted that the Commission will host a visit by a delegation from the Council of Europe's Advisory Committee on Framework Convention for National Minorities during the week commencing 7 March 2011.

6.3.10 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.

## **7. Business Plan 2010–11 – progress report (HRC 125.7)**

7.1 Commissioners noted progress in implementing the Business Plan for 2010–11. Staff were commended for their work to date in taking forward the objectives set out in the Business Plan.

## **8. Draft Business Plan 2011–12 (HRC 125.8)**

8.1 Commissioners considered the draft Business Plan for 2011–12, which is being developed in parallel with, and which will implement the first year of, the new Strategic Plan. Commissioners noted, therefore, that the draft Business Plan is subject to any changes that might result from the current consultation exercise on the Strategic Plan.

8.2 Commissioners approved the proposed budget allocations for 2011–12.

8.3 Commissioners were invited to send suggested drafting changes to the Business Plan to the Head of Corporate Services by 28 February 2011.

8.4 A final version of the Business Plan will be submitted to the next Commission meeting for approval.

## **9. Revised pay arrangements for Commission staff – report back on consultation with NIPSA**

9.1 Commissioners noted feedback from NIPSA following initial consultation on revised pay arrangements for Commission staff.

9.2 It was agreed to consult NIPSA on further proposals, and a business case for changes to the pay arrangements will be considered at the next Commission meeting for submission to the NIO.

## **10. Annual Report and Accounts for 2010–11 – revised approach and timetable (HRC 125.9)**

- 10.1 Commissioners noted changes to the format of, and timetable for the production of, the Commission's Annual Report and Accounts for 2010–11.
- 10.2 Commissioners approved a proposal to publish a summary of the Commission's activities and achievements in 2010–11 in the next issue of the *NIHRC Review*, which will be published in early summer 2011.
- 10.3 Commissioners noted that proposals in respect of the Commission's proposed annual statement on human rights will be developed by the Management Team and submitted to the Commission for consideration in due course.

## **11. Investigation into the rights of older people in residential nursing care (HRC 125.10)**

- 11.1 The draft report on the outcome of the Commission's investigation into the rights of older people in residential nursing care was circulated to Commissioners.
- 11.2 Commissioners were invited to send comments on the draft report to the Chief Commissioner before the next Commission meeting.
- 11.3 The report will then be finalised at the next Commission meeting, with a view to publishing it in June 2011.

## **12. Update on work on the UN Convention on the Rights of Persons with Disabilities**

- 12.1 A report on the Commission's work on the UN Convention on the Rights of Persons with Disabilities was circulated to Commissioners.

## **13. Implementation of the outcome of the Senior Management Review – progress report.**

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



## **14. Any other business**

- 14.1 Commissioners noted that a leave hearing for a potential Judicial Review has been scheduled for 7 March 2011.

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

- 15.1 The next Commission (Policy) meeting will be on 21 March 2011, in Dungannon.
- 15.2 The next Commission (Governance) meeting will be held on 18 April 2011, in Temple Court, Belfast.

**The meeting closed at 3.00pm.**

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

Date: 21 March 2011