



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

126th COMMISSION MEETING (POLICY)

**HELD ON MONDAY 21 MARCH 2011 AT 10.00AM
AT BANK HOUSE HOTEL, 68 IRISH STREET,
DUNGANNON, CO. TYRONE, BT70 1DQ**

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

In attendance: Don Leeson, Head of Corporate Services (except agenda item 11)
Ciarán Ó Maoláin, Head of Legal Services, Policy and Research (except agenda item 11)
David Russell, Head of Communications and Education (except agenda item 11)
Rhyannon Blythe, Professional Placement, (agenda item 3)
Diarmuid Bonner, Intern, (agenda item 3)
Hannah Russell, Professional Placement, (agenda item 3)

Apologies: Colin Harvey
Alan Henry

Commissioners noted Eamonn O'Neill's resignation from the Commission, with effect from 1 April 2011, to stand as a candidate in the forthcoming election to the Northern Ireland Assembly. Commissioners expressed their appreciation for his work.

1. Minutes of previous meetings (HRC 126.1)

- 1.1 The minutes of the 125th Commission (Governance) meeting held on 21 February 2011 were agreed as an accurate record.

2. Matters arising from the minutes of 125th Commission (Governance) meeting

- 2.1 Commissioners noted progress on the appointment of new Commissioners (paragraph 2.1 of the minutes of 125th Commission (Governance) meeting refers).
- 2.2 Commissioners noted that the Chair of the Assembly's Committee for Finance and Personnel wrote to the Minister for Finance and Personnel on 28 February 2011, in support of a recommendation, made in the Commission's evidence to the Committee on the Damages (Asbestos-Related Conditions) Bill (Northern Ireland) 2010, that explanatory documents to legislation should state how the provisions are compliant with the Human Rights Act (paragraph 2.4 of the minutes of 125th Commission (Governance) meeting refers).
- 2.3 The Chief Commissioner briefed Commissioners on the Commission's submission to the Secretary of State for Northern Ireland on the human rights issues that might be engaged in respect of an inquiry into the death of Pat Finucane (paragraph 3.3 of the minutes of 125th Commission (Governance) meeting refers). The submission will be circulated to relevant stakeholders for information.
- 2.4 Commissioners noted that the business case for external funding has been submitted to the NIO for consideration (paragraph 6.1.3 of the minutes of 125th Commission (Governance) meeting refers).
- 2.5 Commissioners noted progress in respect of proceedings in relation to legislation on the right to adopt in Northern Ireland (paragraph 6.3.3 of the minutes of 125th Commission (Governance) meeting refers).
- 2.6 Commissioners noted that the Chancellor of the Exchequer had responded on 25 February 2011 to concerns raised by the Commission about possible human rights implications of reductions in public expenditure. The letter will be sent to the Ministers of the Northern Ireland Departments with which the Commission has corresponded over departmental cuts (paragraph 6.3.6 of the minutes of 125th Commission (Governance) meeting refers).

- 2.7 The Chief Commissioner briefed Commissioners on the Commission's advice in respect of proposed changes to the Disability Living Allowance, which was requested by the Minister for Social Development (paragraph 6.3.7 of the minutes of 125th Commission (Governance) meeting refers).
- 2.8 Commissioners noted that the secretariat of the Council of Europe's Advisory Committee on Framework Convention for National Minorities has written to express the Committee's appreciation to the Commission for hosting their visit during the week commencing 7 March 2011, and for collating evidence in respect of compliance with the Convention in Northern Ireland (paragraph 6.3.9 of the minutes of 125th Commission (Governance) meeting refers).

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

Analysis of the responses to the Northern Ireland Office's public consultation on the Bill of Rights (HRC 126.2)

- 3.1 Commissioners considered an analysis of the responses to the NIO's consultation document, *A Bill of Rights for Northern Ireland: Next Steps*.
- 3.2 Commissioners noted that the analysis showed that five out of the seven political parties in the Northern Ireland Assembly (namely, the Alliance Party, Green Party, Progressive Unionist Party, Sinn Féin and Social Democratic Labour Party) and a large majority of non-government organisations supported the Commission's advice on the Bill of Rights.
- 3.3 The analysis of the consultation exercise will be brought to the attention of stakeholders in a programme of meetings, which has been scheduled for 28–30 March 2011 at Westminster. It will also be sent to members of the newly established Commission on a UK Bill of Rights.
- 3.4 Commissioners expressed their appreciation to Diarmuid Bonner who had undertaken the analysis as part of an internship with the Commission.

Charter of Rights on the island of Ireland (HRC 126.3)

- 3.5 Commissioners considered a paper on the Charter of Rights for the island of Ireland, which will be presented to the next Joint Committee meeting with the Irish Human Right Commission, which is scheduled for 6 April 2011, in Dublin. The paper was presented by Rhyannon Blythe and Hannah Russell, who are currently on Professional Placements at the Commission.
- 3.6 It was agreed that the Chief Commissioner should, following the Joint Committee, write to the Minister for Foreign Affairs to seek a meeting to note progress on work on the Bill of Rights and the Charter of Rights.
- 3.7 Commissioners expressed their appreciation to the Professional Placements for preparing the paper, and noted that the next phase of their work will be to review jurisprudence in respect of the European Convention on Human Rights in the two jurisdictions.

4. Protection of Freedoms Bill – written evidence (HRC 126.4)

- 4.1 Commissioners approved the Commission's submission in respect of the Protection of Freedoms Bill, which is currently progressing through Parliament.

5. Current consultation documents (HRC 126.5)

- 5.1 The Chief Commissioner reported on the Commission's meeting with representatives of the Prison Review Team on 10 March 2011. Commissioners noted that the Commission has recommended that an interdepartmental group at Ministerial level should be established to take forward the recommendations arising from the Prison Review. The Chief Commissioner will also raise the findings of the interim report of the Prison Review at her meeting with the Director General of the Northern Ireland Prison Service, which is scheduled for 31 March 2011.
- 5.2 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.

6. Investigation into the rights of older people in residential nursing care (HRC 126.6)

- 6.1 Commissioners considered the Commission's report into the rights of older people in residential nursing care. It was agreed to forward the final draft to Commissioners before the report is issued to stakeholders in April 2011 for comments.

7. Strategic Plan for 2011–13

Report on the outcome of consultation on the draft Strategic Plan for 2011–13 (HRC 126.7)

- 7.1 Commissioners noted that there had been a good response to the consultation exercise on the Commission's draft Strategic Plan for 2011–13, which included meetings with stakeholders and other complaints receiving bodies.
- 7.2 Commissioners considered a report, which summarises responses to the consultation exercise. It was agreed to write to all the consultees who had responded to let them know of the outcome of the exercise and to thank them for their interest in the work of the Commission.

Strategic Plan for 2011–13 (HRC 126.8)

- 7.3 A number of changes were agreed to the draft Strategic Plan for 2011–13, following the consultation exercise, including a new strategic objective of providing support on human rights to those organisations designated under the National Preventive Mechanism in Northern Ireland for the UN Convention against Torture.
- 7.4 The Strategic Plan for 2011–13 will be submitted to the Secretary of State for Northern Ireland for approval.

8. Business Plan for 2011–12 (HRC 126.9)

- 8.1 Commissioners noted the revisions to the draft Business Plan for 2011–12 that flowed from the changes agreed to the Strategic Plan for 2011–13.
- 8.2 The Business Plan for 2011–12 was approved for submission to the Secretary of State for Northern Ireland for approval.

9. Business case for revised pay arrangements for Commission staff (HRC 126.9)

- 9.1 Commissioners noted that, following machinery of government changes, the NIO no longer has its own pay system. As the Commission's pay arrangements track those of the NIO, the Commission has to change these as a consequence.
- 9.2 Commissioners considered options in respect of revised pay arrangements for Commission staff, and feedback following consultation with NIPSA.
- 9.3 Commissioners agreed to adopt a new pay framework for Commission staff, based on the Northern Ireland Civil Service pay scales, subject to NIO approval and funding being secured.

10. Events Protocol and Procedures (HRC 126.10)

- 10.1 Commissioners approved the Commission's Events Protocol and Procedures.

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

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

12. Any other business

- 12.1 Ann Hope reported on her attendance at a roundtable event, organised by the Women's Resource and Development Agency and the Equality Commission, on the impact of economic downturn on women in Northern Ireland, which was held on 7 March 2011, in Belfast. The papers from the event will be circulated to staff.
- 12.2 Eamonn O'Neill reported on his attendance at an event, organised by the East Down Rural Community Network and the South Eastern Domestic Violence Partnership, to consider issues facing individuals from minority ethnic groups and individuals with no recourse to public funds who experience domestic violence, which was held on 8 March 2011, in Downpatrick. The papers from the event, which was addressed by one of the Commission's Investigation Workers, will be circulated to staff.

13. Dates of next Commission meetings:

13.1 The next Commission (Governance) meeting will be held on 18 April 2011, in Temple Court, Belfast.

13.2 The next Commission (Policy) meeting will be on 23 May 2011, in Temple Court, Belfast.

The meeting closed at 4.00pm, and was followed by a reception for local stakeholders, including a question and answer session with members of the public. The Mayor of Dungannon was thanked for his contribution and attendance at the meeting.

Approved: _____

Date: 18 April 2011