



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## **117<sup>th</sup> COMMISSION MEETING (POLICY)**

**HELD ON MONDAY 26 APRIL 2010 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  
Colin Harvey (except agenda item 5)  
Alan Henry  
Ann Hope  
Colm Larkin  
Eamonn O'Neill  
Geraldine Rice

**In attendance:** Peter O'Neill, Chief Executive  
Don Leeson, Head of Corporate Services  
Ciarán Ó Maoláin, Head of Legal Services, Policy and  
Research  
David Russell, Head of Communications and Education  
Daniel Holder, Policy Worker (agenda items 4/5)

**Apologies:** None

The Commission received a presentation from Aoife Nolan, Rory O'Connell, Mira Dutschke, and Eoin Rooney, from Queen's University Belfast, on Budget Analysis and the Advancement of Economic and Social Rights in Northern Ireland (agenda item 5)

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

- 1.1 The minutes of the 116<sup>th</sup> Commission (Governance) meeting held on 22 March 2010 were agreed as an accurate record, subject to a number of agreed changes.

## **2. Matters arising**

- 2.1 Commissioners noted that a joint statement, which endorses a separate Bill of Rights of Northern Ireland, has been agreed by the Northern Ireland Human Rights Commission, the Scottish Human Rights Commission and the Equality and Human Rights Commission and will be published after the General Election (paragraph 2.1 of the minutes of the last meeting refers). In the meantime, Commissioners noted that the Chief Commissioner has written an article for The Guardian on the need to protect the Human Rights Act.
- 2.2 The Chief Commissioner reported on the outcome of a meeting with Minister of State Paul Goggins MP on 12 April 2010 to discuss a range of issues, including non-devolved matters arising from 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 be sought with Justice Minister David Ford MLA, who has responsibility for implementing many of the report's recommendations, following devolution.
- 2.3 Commissioners noted that the Memorandum of Understanding between the Northern Ireland Human Rights Commission, the Scottish Human Rights Commission and the Equality and Human Rights Commission has been agreed and published (paragraph 2.3 of the minutes of the last meeting refers).
- 2.4 Commissioners noted that the Memorandum of Understanding with the Northern Ireland Legal Services Commission is awaiting approval by the NILSC Board (paragraph 2.6 of the minutes of the last meeting refers).
- 2.5 The Chief Executive reported on the outcome of 13<sup>th</sup> session of the Human Rights Council and the International Co-ordinating Committee of National Human Rights Institutions (paragraph 3.3 of the minutes of the last meeting refers). The Commission will make a written submission to the Human Rights Council on progress towards a Bill of Rights for Northern Ireland.

- 2.6 Commissioners passed on their congratulations to the Scottish Human Rights Commission for its 'A' accreditation as an NHRI at the United Nations, which was awarded at the ICC meeting. Commissioners noted that the SHRC will host the 10<sup>th</sup> International Conference of NHRIs on the theme of "Business and Human Rights" on 7–10 October 2010. It was agreed to invite Rosslyn Noonan, the Chief Commissioner of the New Zealand Human Rights Commission and new Chair of the ICC, to visit Northern Ireland around the time of the conference to address Commissioners. Invitations will also be extended to the Chairs of the Timor Leste and Ugandan Commissions to discuss issues of mutual interest.
- 2.7 Commissioners noted the Secretary of State for Northern Ireland's response to the Commission's submission in respect of the costs of regrading posts to implement the outcome of job evaluation (paragraph 7.1.3 of the minutes of the last meeting refers).
- 2.8 Commissioners noted that Justice Minister David Ford MLA has agreed to open the Commission's international conference on the Bill of Rights on 16 September 2010 (paragraph 7.2.2 of the minutes of the last meeting refers). Details of the venue and programme for the conference will be reported to Commissioners in due course.
- 2.9 Commissioners noted that a response from the Secretary of State for Children, Schools and Families to the Commission's submission on removal of the reservation to the European Convention on Human Rights protocol on the right to education is awaited after the General Election (paragraph 7.3.2 of the minutes of the last meeting refers).
- 2.10 Commissioners agreed a response to consultation by the Northern Ireland Courts and Tribunals Service on in-court interpretation services. Commissioners also noted that Minister of State Paul Goggins MP has recommended that the Commission writes to Culture, Arts and Leisure Minister Nelson McCausland MLA about broader progress on language strategies (paragraph 7.3.3 of the minutes of the last meeting refers).
- 2.11 Commissioners noted progress 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 (paragraph 7.3.4 of the minutes of the last meeting refers).

- 2.12 It was agreed to seek a meeting with the First and deputy First Ministers to discuss implementation of the UN Convention the Rights of Persons with Disabilities, and a range of other issues.
- 2.13 Commissioners also agreed to write to Ministers Sir Reg Empey MLA and Margaret Ritchie MLA, who co-chair a working group, which was established as part of the Hillsborough Castle Agreement to examine how the Executive might function better, to draw their attention to failures to include Northern Ireland issues in respect of UK reports to international human rights treaty bodies.
- 2.14 Commissioners noted that the Chair of the Audit and Risk Management Committee will provide support in an advisory capacity to the working group of Commissioners, which has been established to take forward the review of the management structure and processes (paragraph 8.3 of the minutes of the last meeting refers). The next meeting of the working group will be scheduled as soon as possible.
- 2.15 Commissioners noted that the Minister for Health, Social Services and Public Safety, Michael McGimpsey MLA, has responded to an enquiry by the Commission in respect of recent developments concerning the victims of institutional child abuse (paragraph 12.1 of the minutes of the last meeting refers). The matter has been referred to the Executive to decide on its approach. It was agreed to follow-up this response with an offer to provide advice on the human rights issues which are engaged by the matter, and raise it in the meeting, which is to be sought with the First and Deputy First Ministers.

### **3. Conduct of Commission business during the General Election campaign and priorities following the outcome of the General Election**

- 3.1 Commissioners noted guidance on the conduct of Commission business during the General Election campaign.
- 3.2 An urgent meeting will be sought with the incoming Secretary of State for Northern Ireland following the General Election to discuss the outcome of the NIO's consultation on the Bill of Rights.

- 3.3 In the meantime, Commissioners noted that the Catholic Church has supported the Commission's advice on the Bill of Rights in its response to the consultation exercise. All consultation responses, which have been copied by consultees to the Commission, will be tabled at the next Bill of Rights Committee meeting.

#### **4. Devolution of Policing and Justice**

- 4.1 The Commission will undertake a programme of meetings with key stakeholders to discuss human rights issues in respect of policing and justice in the devolved context. In addition to seeking a meeting with the new Justice Minister (see above), the Commission will also seek a meeting with John Larkin QC, the Attorney General for Northern Ireland.
- 4.2 Commissioners noted that the Commission will meet Sir Declan Morgan, the Lord Chief Justice, on 13 May 2010.
- 4.3 Commissioners noted that the Commission will meet Matt Baggott, the Chief Constable of the Police Service of Northern Ireland, on 18 May 2010.
- 4.4 The Commission will contact the Clerk of the new Justice Committee at the Assembly to seek details of its programme of work and an invitation to give evidence to it on key human rights issues in respect of policing and justice.
- 4.5 Commissioners were briefed on the content of the Public Assemblies, Parades and Protests (Northern Ireland) Bill, which was published on 20 April 2010. Commissioners noted that a draft statutory Code of Conduct to underpin the legislation will be published shortly for consultation by OFMdFM. A substantive paper on the human rights issues raised will be prepared for consideration at the next Commission meeting.

*Colin Harvey left the meeting due to a conflict of interest.*

## **5. Budget Analysis and the Advancement of Economic and Social Rights in Northern Ireland – presentation by Aoife Nolan, Rory O’Connell, Mira Dutschke and Eoin Rooney, QUB**

- 5.1 The Commission received a presentation on a project being undertaken by Queen’s University Belfast on Budget Analysis and the Advancement of Economic and Social Rights in Northern Ireland. The project takes the International Covenant on Economic, Social and Cultural Rights as its focus, which provides for the progressive realisation of rights within the maximum available resources. The provisions of ICESCR are incorporated in the Commission’s advice on the Bill of Rights.
- 5.2 Commissioners noted that a case study on ICESCR and the provision of social housing in Northern Ireland will be launched on 8 May. A further case study will be launched in September 2010. An article on the benefits of a human rights appraisal in respect of economic decisions and policy making will also be published.
- 5.3 Commissioners thanked the team for their presentation and asked to receive copies of their publications.

## **6. Current consultation documents (HRC 117.2).**

- 6.1 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.

## **7. Any other business**

- 7.1 Commissioners noted that a progress report on the investigation into the rights of older people in residential nursing care will be given at the next Commission meeting.
- 7.2 Commissioners noted the dates of committee meetings for 2010–11.
- 7.3 Colm Larkin tabled a report on his attendance at a seminar on fundamental rights in the EU, hosted by the Spanish Government, in 2–3 February 2010, in Madrid.

**8. Dates of next Commission meetings**

- 8.1 The next Commission (Governance) meeting will be held on 17 May 2010 (Governance), in Temple Court, Belfast.
  
- 8.2 The next Commission (Policy) meeting will be held on 21 June 2010, in Temple Court, Belfast.

**The meeting closed at 1.20pm.**

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

Date: 17 May 2010