



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

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

**HELD ON MONDAY 17 MAY 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  
Alan Henry  
Ann Hope  
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  
Bill Smith, Chair of the Audit and Risk Management  
Committee (agenda item 5)  
Daniel Holder, Policy Worker (agenda item 9)

**Apologies:** Colm Larkin

### **1. Minutes of the previous meeting**

- 1.1 The minutes of the 117<sup>th</sup> Commission (Policy) meeting held on 26 April 2010 were agreed as an accurate record.

## 2. Matters arising

- 2.1 Commissioners noted that development of a joint statement by the Northern Ireland Human Rights Commission, the Scottish Human Rights Commission and the Equality and Human Rights Commission on the future of human rights protections and the Bill of Rights for Northern Ireland remains under consideration (paragraph 2.1 of the minutes of the last meeting refers). In the meantime, a statement made on 12 May 2010 by the Rt Hon Ken Clarke QC MP, the new Secretary of State for Justice and Lord Chancellor, regarding the future of the Human Rights Act was noted.
- 2.2 Commissioners noted that the Memorandum of Understanding with the Northern Ireland Legal Services Commission is awaiting approval by the NILSC Board (paragraph 2.4 of the minutes of the last meeting refers).
- 2.3 The Chief Commissioner of the New Zealand Human Rights Commission and Chair of the International Co-ordinating Committee of National Human Rights Institutions, and Chairs of the Timor Leste and Ugandan Commissions have accepted invitations to visit Northern Ireland around the time of the 10<sup>th</sup> International Conference of NHRIs, which is being held on 7–10 October 2010, in Scotland (paragraph 2.6 of the minutes of the last meeting refers).
- 2.4 The Commission is in the process of writing to Culture, Arts and Leisure Minister Nelson McCausland MLA about issues in respect of compliance with the European Charter for Regional or Minority Languages (paragraph 2.10 of the minutes of the last meeting refers).
- 2.5 Commissioners noted that a meeting with the First Minister and deputy First Minister is being scheduled to discuss a range of issues, including institutional child abuse, international treaty reporting and the Bill of Rights (paragraph 2.12 of the minutes of the last meeting refers).
- 2.6 In the meantime, it was agreed to write to OFMdFM ahead of the meeting to express concerns about the time being taken by the Executive to respond to the issue of institutional child abuse (paragraph 2.15 of the minutes of the last meeting refers).

- 2.7 Commissioners noted that the Commission has contacted OFMdfM to clarify the current status of the working group, which was established as part of the Hillsborough Castle Agreement to examine how the Executive might function better (paragraph 2.13 of the minutes of the last meeting refers). A response is awaited.
- 2.8 Commissioners noted that an invitation to tender for a consultant to undertake the management review will be issued shortly (paragraph 2.14 of the minutes of the last meeting refers). It is the intention that the outcome of the review will be reported to Commissioners in September 2010.

### **3. Report from the Chief Commissioner (HRC 118.2)**

- 3.1 Commissioners noted the Chief Commissioner's Report.
- 3.2 The Chief Commissioner briefed Commissioners on concerns about the treatment of separated prisoners at Roe House, Maghaberry prison, which have been raised with the Commission. Commissioners noted that regular liaison about these concerns is being maintained with the Prisoner Ombudsman who is conducting an investigation into the situation. The Prisoner Ombudsman has agreed to return to the Commission following her investigation and will continue to appraise the Commission of any human rights concerns. Investigations by other agencies/bodies may also take place. Given these interventions, it was agreed that the Commission will continue to closely monitor developments and respond as appropriate.
- 3.3 The Chief Commissioner reported on the Commission's meeting with Justice Minister David Ford MLA on 12 May 2010. The meeting covered a range of issues relating to policing, justice and detention, including the current situation of separated prisoners at Roe House, institutional child abuse, parades, juvenile justice matters and human trafficking. The Commission also briefed the Minister on outstanding issues, which it had raised with his predecessor at the NIO.

- 3.4 Commissioners noted that the Justice Minister plans to commission an independent review of prisons in Northern Ireland, commencing with Maghaberry prison. The Commission has asked to comment on the draft terms of reference for the review and proposed that membership of the review team includes experts from outside of Northern Ireland.
- 3.5 Commissioners noted that the Commission has written to the Assembly's Justice Committee to brief members on a range of current human rights issues in respect of policing, justice and detention.
- 3.6 Commissioners noted that the appointment of the Attorney General for Northern Ireland has not yet been confirmed.
- 3.7 The Chief Commissioner reported on the Commission's meeting with Sir Declan Morgan, the Lord Chief Justice, on 13 May 2010. A number of issues were discussed, including procedures for third party interventions, alternatives to custody, sentencing guidelines and diversity among the judiciary.
- 3.8 Concerns were raised with the Lord Chief Justice about delays in the coronial system in dealing with legacy cases, which are awaiting inquests. There are currently 18 such cases with the Coroner, two of which are being assisted by the Commission, and the number of outstanding cases may increase substantially following the work of the Historical Enquiries Team. The Commission will take this matter up with the Coroner.
- 3.9 Commissioners noted that the Commission is due to meet the Chief Constable on 18 May 2010 to discuss a range of human rights issues, including the use of 'stop and search' powers by the PSNI, retention of DNA, the Bill of Rights and institutional child abuse. PSNI resources to help progress the legacy cases in the coronial system will also be raised.
- 3.10 Commissioners noted the launch, with the Irish School of Ecumenics, on 6 May of the papers from the Commission's Rights and Righteousness conference on faith and human rights. This was followed up by a discussion with the Chief Commissioner on BBC Radio Ulster's Sunday Sequence on 16 May 2010.

## **4. Reports from Commissioners**

- 4.1 Commissioners on the Detention, Policing and Justice Committee reported on a visit on 27 April 2010 to the Inspire Women's Project, which has been established to help support women offenders. The visit provided useful feedback on problems being experienced in respect of the continuance of custodial sentences for fine defaults. The delay in the introduction of alternatives to custody is being investigated by one of the Commission's Policy Workers. The visit was followed-up by a talk by the Chief Commissioner on the work of the Commission.
- 4.2 Ann Hope reported on the launch event for Depression Awareness Week, organised by Aware Defeat Depression, which took place on 22 April 2010 at Belfast City Hall.

## **5. Reports from Committees**

### **Audit and Risk Management Committee – Annual Report to the Commission (HRC 118.3)**

- 5.1 The Chair of the Audit and Risk Management Committee presented the Committee's Annual Report to the Commission on its work during 2009–10.
- 5.2 Commissioners noted that the Commission's financial control systems are working well and shared as models of good practice with other organisations. The Chair paid tribute to the work of staff in achieving and maintaining high standards of propriety.
- 5.3 Commissioners noted progress by the Committee in developing a new Code of Governance for the Commission. The draft Code will be finalised at the Audit and Risk Management Committee meeting on 11 June 2010 and then submitted for consideration at the next Commission meeting.
- 5.4 The Chair of the Audit and Risk Management Committee was invited to prepare a report on lessons learnt from the job evaluation exercise, which can then be fed into the forthcoming review of management processes.
- 5.5 It was agreed that progress towards achieving the Investors in People Standard should be a particular priority for the Commission in 2010–11.

- 5.6 The Chief Commissioner thanked the Chair of the Audit and Risk Management Committee for his report, and for his wider role in progressing important issues in respect of the management of the Commission.

### **Bill of Rights Committee**

- 5.7 Ann Hope reported on the work of the Bill of Rights Committee.
- 5.8 The focus of much the Committee's current work is planning for the Commission's forthcoming conference, which will consider the future of human rights in the UK. The conference will be on 16 September 2010, in the Waterfront Hall, Belfast. A number of high profile speakers have confirmed their participation in the event.
- 5.9 It was agreed that the Commission should seek to visit Westminster before the summer recess to meet politicians and stakeholders to reinvigorate discussions on the Bill of Rights, following the General Election.
- 5.10 The Commission will also seek a meeting with Micheál Martin TD, Minister for Foreign Affairs, to discuss the Irish Government's perspective on the Bill of Rights in light of the change in government in the UK.

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

- 5.11 Eamonn O'Neill reported on the work of the Detention, Policing and Justice Committee.
- 5.12 The Chair of the Committee commended staff for a paper presented to the Committee on policy priorities for the Commission to be addressed following devolution of policing and justice. The paper is available on request to all Commissioners.
- 5.13 Commissioners noted that members of the Committee will visit the Knockbracken Healthcare Park on 28 May 2010.

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

- 5.14 Colin Harvey reported on the work of the Economic, Social and Cultural Rights Committee.

- 5.15 Commissioners noted that the Committee is considering the Commission's future priorities in respect of economic, social and cultural rights to feed into the Strategic Plan for 2011–14, which will be developed in the autumn. It was agreed that the Detention, Policing and Justice Committee and Legal Committee should consider the future priorities for their respective areas of work.

### **Equality Committee**

- 5.16 Commissioners noted that the next Equality Committee meeting will be on 22 June 2010. The meeting will consider the programme for a follow-up event to the anti-prejudice, good relations, and diversity workshops for Commissioners and staff, held in 2009.

### **Legal Committee**

- 5.17 Alan Henry reported on the work of the Legal Committee.
- 5.18 The Legal Committee will consider its programme of work for 2010–11 at its next meeting.

### **Minutes of committees and working groups (HRC 118.4)**

- 5.19 Commissioners noted the minutes of the following meetings:
- Bill of Rights Committee – meetings held on 24 November 2009, 2 February 2010 and 17 February 2010.
  - Detention, Policing and Justice Committee – meetings held on 15 February and 15 March 2010.
  - Economic, Social and Cultural Rights Committee – meeting held on 2 February 2010.
  - Legal Committee – meeting held on 9 March 2010.

*Colin Harvey declared a possible conflict of interest in respect of an aspect of the next agenda item and left the meeting.*

## **6. Report from the Chief Executive (HRC 118.5)**

- 6.1 Commissioners noted the Chief Executive's Report.

- 6.2 Commissioners noted progress in taking forward joint work with the Equality Commission as part of the Independent Mechanism promoting, protecting and monitoring implementation of the UN Convention on the Rights of Persons with Disabilities.
- 6.3 Commissioners approved a revision to the Memorandum of Understanding with the Equality Commission, which incorporates the joint mechanism in respect of the UN CRPD.

*Colin Harvey rejoined the meeting.*

- 6.4 Commissioners noted progress in respect of the Commission's current investigation into the rights of older people in residential nursing care, including an indicative timetable for completing the project and publishing the outcome. The Investigation Team will give a presentation to the next Commission meeting on emerging findings.
- 6.5 The investigation was discussed with the Chief Executive of the Regulation and Quality Improvement Authority on 23 April 2010. Commissioners noted the work being undertaken by RQIA to develop human rights indicators for its inspections.

## **7. Team reports**

### **7.1 Corporate Services (HRC 118.6)**

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted the provisional budget outturn for 2009–10. The Annual Report and Accounts for 2009–10 will be considered by the Audit and Risk Management Committee on 11 June and then presented to the Commission for approval on 21 June. The audit of the Annual Report and Accounts is scheduled for the week commencing 16 August 2010.
- 7.1.3 It was agreed to append the minutes of Joint Negotiating and Consultative Committee meetings with NIPSA to Corporate Services Reports.

### **7.2 Communications and Education (HRC 118.7)**

- 7.2.1 Commissioners noted the Communications and Education report.



- 7.2.2 Commissioners noted that the Chief Commissioner's article in The Guardian newspaper about the future of human rights is to be published, along with similar articles by others, in a pamphlet by Liberty.
- 7.2.3 Commissioners approved a proposal for Commission involvement in a partnership project with the Danish Institute of Human Rights and others to develop online educational resources for schools.
- 7.2.4 Commissioners noted the Commission's success in promoting its work through social networking sites. A presentation on the Commission's Twitter service ([twitter.com/nihrc](https://twitter.com/nihrc)) and Facebook page will be given at the next Commission meeting.

### **7.3 Legal Services, Policy and Research (HRC 118.8)**

- 7.3.1 Commissioners noted the Legal Services, Policy and Research report.
- 7.3.2 The Head of Legal Services, Policy and Research reported on his participation in a workshop hosted by the UN Human Rights Council, on 'Enhancing co-operation between regional and international mechanisms for the promotion and protection of human rights' on 3/4 May 2010. A summary paper will be produced and circulated to Commissioners in due course.
- 7.3.3 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. Corporate Risk Register 2010–11 (HRC 118.9)**

- 8.1 Commissioners considered the Commission's risk register for 2010–11.
- 8.2 It was noted that, given the contested nature of human rights issues, corporate governance of the Commission would remain a live issue. However, given the development of the Code of Governance, corporate governance issues are not considered a high level risk requiring monitoring through the risk register, but will be kept under regular review by the Audit and Risk Management Committee.

- 8.3 The Commission's risk register for 2010–11 was approved and will be reviewed at each meeting of the Audit and Risk Management Committee.

## **9. Public Assemblies, Parades and Protests (Northern Ireland) Bill – draft response (HRC 118.10)**

- 9.1 Commissioners considered the Commission's draft response to the Public Assemblies, Parades and Protests (Northern Ireland) Bill.
- 9.2 Commissioners noted a number of concerns about the draft legislation, including its application to static assemblies, the process of appointments to positions within the proposed new mechanism for adjudicating on parades, and the apparent lack of a human rights framework for decision-making in respect of parades.
- 9.3 The cross over between parades and public order issues was noted. It was agreed that the Commission should write to the Justice Minister to inform him of its interest in this issue.
- 9.4 The draft response to the Public Assemblies, Parades and Protests (Northern Ireland) Bill was approved.
- 9.5 It was agreed to seek a meeting with the working group, which is taking forward the proposals for the new arrangements for parading, to discuss the Commission's response to the draft legislation.

## **10. Any other business**

- 10.1 Commissioners noted that the Chief Commissioner is seeking a meeting with officials at the NIO to discuss the appointment of new Commissioners.

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

- 11.1 The next Commission (Policy) meeting will be held on 21 June 2010, in Temple Court, Belfast.
- 11.2 The next Commission (Governance) meeting will be held on 16 August 2010, in Temple Court, Belfast.

**The meeting closed at 1.30pm.**

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

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

21 June 2010