



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

120th COMMISSION MEETING (GOVERNANCE)

**HELD ON MONDAY 16 AUGUST 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
Colm Larkin

In attendance: Peter O'Neill, Chief Executive
Don Leeson, Head of Corporate Services
David Russell, Head of Communications and Education

Apologies: Eamonn O'Neill
Geraldine Rice

Commissioners congratulated Colm Larkin on his appointment with the Central Bank and Financial Services Authority of Ireland, and noted that he will step down from the Commission when his current term of office ends on 30 November 2010.

1. Minutes of previous meetings (HRC 120(a) and (b))

- 1.1 The minutes of the 119th Commission (Policy) meeting held on 21 June 2010 were agreed as an accurate record, subject to an amendment.

- 1.2 The minutes of the special Commission meeting held on 30 June 2010 to approve the Commission's Annual Report and Accounts for 2009–10 were agreed as an accurate record.

2. Matters arising

- 2.1 Commissioners noted that the Memorandum of Understanding with the Northern Ireland Legal Services Commission has been approved by the NILSC Board (paragraph 2.1 of the minutes of 119th Commission (Policy) meeting refers).
- 2.2 Commissioners noted that a meeting with the First Minister and deputy First Minister to discuss institutional child abuse remains pending (paragraph 2.2 of the minutes of 119th Commission (Policy) meeting refer).
- 2.3 Commissioners noted the award of a contract, following a competitive tendering exercise, to a consultant to undertake the management review (paragraph 2.3 of the minutes of 119th Commission (Policy) meeting refers). The review will be conducted during August and September, with a view to the outcome being reported to Commissioners in October 2010.
- 2.4 Commissioners noted a meeting with John Larkin QC, the new Attorney General for Northern Ireland, is pending (paragraph 2.7 of the minutes of 119th Commission (Policy) meeting refers). In the meantime, he has agreed to speak at the Commission's conference in September 2010.

3. Report from the Chief Commissioner (HRC 120.2)

- 3.1 Commissioners noted the Chief Commissioner's Report.
- 3.2 The Chief Commissioner reported on her meeting with the Director General of the NIO to discuss a range of issues, including proposed public expenditure reductions and the appointment of new Commissioners. She also informed the Director General that she would be standing down a year early from her position as Chief Commissioner. As the term of office of the part time Commissioners, who were appointed at the same time as the Chief Commissioner, ends in August 2011, the Chief Commissioner stated her desire to leave at the same time.

- 3.3 Commissioners noted that the planned meeting with Hugo Swire MP, Minister of State for Northern Ireland, has been rescheduled to 6 September 2010.
- 3.4 The Chief Commissioner briefed Commissioners on the resolution of a protest by separated prisoners about their treatment at Roe House, Maghaberry prison, which the Commission has been monitoring. The Commission commended the work of everyone involved in resolving the dispute, which had been achieved using external mediators.
- 3.5 It was agreed to visit Maghaberry prison to review conditions across the prison. The visit will be planned by the Detention, Policing and Justice Committee.
- 3.6 Commissioners noted a report on the Commission's meeting with Justice Weir and the Coroner on 28 June 2010 to discuss delays in the coronial system in dealing with legacy cases. An internal staff working group is considering the range of outstanding issues concerning the legacy of the past and proposals for progressing further work in this area will be submitted for consideration by Commissioners in due course. In the meantime, Commissioners noted that the case of McCaughey and Quinn, which is due to be considered by the Supreme Court, may have significant implications in respect of rights to Article 2 compliant investigations into deaths which occurred before the Human Rights Act came into effect in 2000.
- 3.7 Commissioners agreed to invite Dr Patricia Lundy, from the University of Ulster, to address them at the next Commission (Policy) meeting on her review of the work of the Historical Enquiries Team.
- 3.8 Commissioners received a report on the meeting between the Commission and the Northern Ireland Policing Board's Human Rights and Professional Standards Committee, which took place on 11 August 2010. A range of issues were discussed, including the work of the Historical Enquiries Team, human trafficking, and the lack of oversight arrangements for immigration detention. It was noted that the Board's thematic review of the PSNI's use of 'stop and search' powers is awaiting the outcome of a UK-wide review, which was recently announced by the Home Office.

4. Reports from Commissioners

- 4.1 There were no reports from Commissioners.

5. Reports from Committees

Audit and Risk Management Committee

- 5.1 Ann Hope reported on the work of the Audit and Risk Management Committee.
- 5.2 Commissioners paid tribute to staff in achieving a substantial audit assurance rating in respect of the Commission's financial and management information arrangements and provision, which is an exceptional achievement for any public body.
- 5.3 Commissioners noted that the next Audit and Risk Management Committee meeting has been rescheduled to 28 September 2010, so that the Committee can receive the report from the National Audit Office on the outcome of the audit of the Commission's Annual Report and Accounts for 2009–10, which began on 16 August 2010.

Bill of Rights Committee

- 5.4 Ann Hope reported on the work of the Bill of Rights Committee.
- 5.5 Commissioners noted that the deputy First Minister has agreed to meet the Commission to discuss the Bill of Rights for Northern Ireland. Commissioners were concerned to note that the First Minister may not be present at the meeting, even though the request for the meeting was with the First Minister and deputy First Minister in that capacity.
- 5.6 Commissioners noted plans to arrange meetings with Parliamentarians and stakeholders in Westminster. A planned meeting with Micheál Martin TD, Minister for Foreign Affairs, to discuss the Bill of Rights for Northern Ireland, has been rescheduled for 9 September 2010.
- 5.7 It was agreed to write to the Lord Chancellor to clarify the Government's proposal, published in 'The Coalition: Our Programme for Government' (June 2010), to establish a Commission to consider a 'British Bill of Rights' and the implication of this for a separate Bill of Rights for Northern Ireland.

- 5.8 Commissioners noted the programme for the Commission's forthcoming conference on the future of human rights in the UK, which will be held on 16 September 2010, in the Waterfront Hall, Belfast. The conference will be addressed by a number of high profile speakers, which will consider the future of human rights in the UK. Some of these have also agreed to participate in meetings and events before and after the conference. It was agreed to invite the speakers to a roundtable event on 15 September 2010 to draw on their experience of achieving and implementing bills of rights. NGOs working on the Bill of Rights for Northern Ireland will be invited to the roundtable.
- 5.9 Commissioners discussed ways of taking forward work on the Charter of Rights for the island of Ireland. These will be considered at the next Joint Committee meeting with the Irish Human Rights Commission, which is scheduled for 21 September 2010, in Dublin. The Commission will also seek to develop a specification for a professional placement to help support work to progress the Charter of Rights.

Detention, Policing and Justice Committee

- 5.10 The work of the Detention, Policing and Justice Committee was noted.

Economic, Social and Cultural Rights Committee

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

Equality Committee

- 5.12 Ann Hope reported on the work of the Equality Committee.
- 5.13 It was noted that work on the Commission's new Equality Scheme is not likely to be commissioned by the Equality Commission until 2011.

Legal Committee

- 5.14 Alan Henry reported on the work of the Legal Committee.
- 5.15 Commissioners noted the amount of work being undertaken by legal staff, including a number of possible cases which have resulted from the Commission's investigation into the rights of older people in residential nursing care. Commissioners paid tribute to the legal staff.

Minutes of committees and working groups (HRC 120.3)

- 5.16 Commissioners noted the minutes of the following meetings:
- Audit and Risk Management Committee – meeting held on 25 February 2010.
 - Detention, Policing and Justice Committee – meeting held on 27 April 2010.
 - Equality Committee – meeting held on 8 March 2010.
 - Legal Committee – meeting held on 27 April 2010.
- 5.17 The draft minutes of the Bill of Rights Committee meeting held on 29 March 2010 will be reviewed for accuracy and resubmitted to the next Commission (Governance) meeting for ratification.

6. Report from the Chief Executive (HRC 120.4)

- 6.1 Commissioners noted the Chief Executive's Report.
- 6.2 The Chief Executive reported on contact with OFMdFM officials in respect of the inclusion of issues affecting Northern Ireland in reports from the UK to international human rights treaty monitoring bodies.
- 6.3 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. A joint bid has been made to the Office for Disability Issues for further funding to promote the Convention. The funding will be used to host a conference on the Convention, which has been provisionally scheduled for 1 December 2010, and produce a range of materials on disability rights.
- 6.4 Commissioners noted that, with Colm Larkin due to step down from the Commission when his present term of office ends, a replacement will be needed to represent the Commission on the joint committee with the Equality Commission, which is overseeing the work of the Independent Mechanism for the UN CRPD.

- 6.5 Commissioners approved the draft Memorandum of Understanding with the Community Relations Council.

7. Team reports

7.1 Corporate Services (HRC 120.5)

- 7.1.1 Commissioners noted the Corporate Services report.
- 7.1.2 Commissioners noted the constraints placed on public bodies by the Government during the Spending Review, including a freeze on pay increases from 2010 and moratoria on recruitment and contracts for common services.
- 7.1.3 Commissioners were nominated to the Moderating Panel to oversee the award of bonus payments to staff for performance in 2009–10 and the assessment of the performance of the Chief Executive. The Panel will be chaired by the Chair of the Audit and Risk Management Committee.
- 7.1.4 Commissioners were briefed on confidential personnel matters.
- 7.1.5 Commissioners noted the minutes of Joint Negotiating and Consultative Committee meetings with NIPSA, which were held on 10 March and 11 May 2010.

7.2 Communications and Education (HRC 120.6)

- 7.2.1 Commissioners noted the Communications and Education report.
- 7.2.2 Commissioners noted the progress made by an internal working group, which is scoping the Commission's future work in respect of recession affected groups. A detailed report will be made to the next meeting of the Economic, Social and Cultural Rights Committee, which is scheduled to take place on 31 August 2010. In the meantime, a paper prepared for the working group on poverty and human rights will be circulated to Commissioners.

7.3 Legal Services, Policy and Research (HRC 120.7)

- 7.3.1 Commissioners noted the Legal Services, Policy and Research report.
- 7.3.2 Commissioners noted the positive feedback from a number of stakeholders in respect of recent policy work, particularly evidence given by the Commission to the Assembly committees which are scrutinising the Commissioner for Older People Bill and Caravans Bill, and the response to consultation on the Public Assemblies, Parades and Protests (Northern Ireland) Bill.
- 7.3.3 Commissioners noted that the Executive has proposed changes to draft legislation concerning the future regulation of parades and that the Commission may be invited to give evidence at the Assembly scrutiny stage of the legislation. In the meantime, Commissioners passed on their appreciation to all the staff involved in developing and disseminating the Commission's position on the draft legislation.
- 7.3.4 Commissioners approved a response to Nelson McCausland MLA, the Minister for Culture, Arts and Leisure, expressing concerns about the approach being taken towards the Irish Language Act, which the Commission considers to be counter to international human rights commitments.
- 7.3.5 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. Public expenditure reductions – impact on the Commission (HRC 120.8)

- 8.1 Commissioners considered the Commission's response to the Government's requirement to identify cuts of 25% in real terms in its budget for 2014–15.
- 8.2 It was noted that, at the same time, the NIO has declined approval for the Commission to receive funding from The Atlantic Philanthropies.

- 8.3 Commissioners expressed strong concern about the impact of such a cut which, coupled with a constraint on a funding source which is open to Government and other public bodies, would adversely impact on the Commission's ability to deliver its statutory functions as set out in sections 69 and 70 of the Northern Ireland Act 1998 and sections 14–16 of the Justice and Security (Northern Ireland) Act 2007. Commissioners are of the considered view that the institution currently operates with a high degree of demonstrable efficiency having already achieved substantial cost savings.
- 8.4 Commissioners agreed to protect the Commission's current budget as the baseline requirement needed to guarantee operational effectiveness. The Commission is established by the Belfast (Good Friday) Agreement, and protected by a legal framework of constitutional standing in the form of the Northern Ireland Act 1998. It is further protected by an international treaty agreed by governments of the United Kingdom and Ireland and lodged with the United Nations. For these reasons, Commissioners agreed that the rationale for sustaining the Commission's budget is different from that of other public bodies.
- 8.5 Commissioners will consider whether to bring their concerns on these proposed cuts to the attention of those who were party to negotiating the Belfast (Good Friday) Agreement. Commissioners noted that the Commission is scheduled to meet the Irish Minister of Foreign Affairs in September and the deputy First Minister of the Northern Ireland Assembly in the near future.
- 8.6 Commissioners proposed that Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights and Rosilyn Noonan, Chair of the UN's International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights, should be alerted to this matter.
- 8.7 In the meantime, the Commission will continue with planned reviews of its management structure and location, with a view to establishing whether further efficiency savings can be identified.

9. Business Plan 2010–11 progress report (HRC 120.9)

- 9.1 Commissioners noted progress achieved during the first four months of the year in implementing the Commission's Business Plan for 2010–11. Staff were commended for their work to date in taking forward the objectives set out in the Business Plan.
- 9.2 The Chief Executive informed Commissioners of a delay in completing the Commission's investigation into the rights of older people in residential nursing care. It was agreed that the Chief Executive will develop a project plan, setting out the resources needed and revised timetable of activities, to ensure that the investigation report can be published as soon as possible in 2011. This will be considered at the next Commission (Policy) meeting. Thereafter, the Chief Executive will forward a monthly report to Commission meetings on progress of the investigation in light of the project plan.
- 9.3 Commissioners noted that an alternative to the annual Stakeholder Survey is being considered as a future method of assessing the satisfaction of stakeholders with the work of the Commission.

10. Code of Governance (HRC 120.10)

- 10.1 Commissioners reviewed the draft Code of Governance, which has been developed in consultation with the Audit and Risk Management Committee.
- 10.2 A number of changes were suggested and it was agreed that the amended document will be reviewed by an independent person with expertise in these issues before being considered at the next Audit and Risk Management Committee.
- 10.3 It was noted that the Code of Governance will be linked to the terms and conditions of Commissioners and therefore requires NIO approval. Given this, the Code of Governance should be in place before the appointment of new Commissioners in 2011.

11. Any other business

- 11.1 There was no other business.

12. Dates of next Commission meetings

- 12.1 The next Commission (Policy) meeting will be held on 13 September 2010, in Temple Court, Belfast.
- 12.2 The next Commission (Governance) meeting will be held on 18 October 2010, in Larne.

The meeting closed at 4.15pm.

Approved: _____

Date: 18 October 2010