



30 November 2020

229th COMMISSION MEETING

Held at via Microsoft Teams

Present: Les Allamby, Chief Commissioner
Helen Henderson
Jonathan Kearney
David A Lavery CB
Eddie Rooney
Stephen White

In attendance: David Russell, Chief Executive
Lorraine Hamill, Director (Finance, Personnel and Corporate Affairs)
Claire Martin, Director (Communications, Information and Education, Public and Political Affairs)
Rhyannon Blythe, Director (Legal, Research and Investigations, and Advice to Government)
Rebecca Magee, Personal Assistant
Nikita Brijpaul, Boardroom Apprentice

1. Apologies and Declarations of Interest

- 1.1 Apologies were received from Commissioner Maura Muldoon.
- 1.2 There were no declarations of interest.

2. Minutes of the 228th Commission meeting and matters arising

- 2.1 The minutes of the 228th Commission meeting held on 26 October 2020 were agreed as an accurate record.

Action: 228th Commission meeting minutes to be uploaded to the website.

2.2 The closed minutes of the 228th Commission meeting held on 26 October 2020 were agreed as an accurate record.

2.3 It was noted that we had yet to receive a response from the NIO regarding the letter and Counsel's opinion on the Commission's powers (item 2.3 of the 228th minutes refers).

2.4 Commissioners noted that the review into the closure of the legal clinic would take place at the December meeting (item 2.5 of the 228th minutes refers).

Action: Legal Clinic review to be on December Commission meeting agenda.

2.5 It was noted that recruitment for an Independent Chair for the Audit and Risk Management Committee was due to commence and would be brought to the Audit and Risk Management Committee meeting on 7 December 2020 for consideration (item 4.2 of the 228th minutes refers).

Action: Recruitment to commence for an Independent Chair for the Audit and Risk Management Committee.

2.6 Commissioners noted that recruitment for the Policy and Research post had concluded with three successful candidates appointed (item 5.2 of 228th minutes refers).

2.7 It was noted that the Drugs and Human Rights Options paper would be on the December agenda (item 11.1 of the 228th minutes refers).

Action: Drugs and Human Rights Options Paper to be discussed at the December 2020 Commission meeting.

2.8 Commissioners agreed that a paper explaining the background to the Dedicated Mechanism, and to looking forward would be presented at the January 2021 Commission meeting (item 12.1 of 228th minutes refers).

Action: Dedicated Mechanism paper to be on January meeting agenda.

2.9 The abortion monitoring initiative is now close to completion with only a couple of final meetings outstanding and initial drafting has commenced.

3. Chief Commissioner's Report

3.1 The Chief Commissioner reported on meetings and events he had attended since the last Commission meeting. These included:

- meeting with Isabella Torte European Commission political office
- a number of meeting with with Margaret Ritchie, and Labour and Liberal Democrat politicians on amendment to the Internal Market Bill alongside ECNI
- meeting with Louise Haigh MP Shadow Secretary of State for Northern Ireland
- meeting with Arlene Foster and Michelle O'Neill First and Deputy First ministers respectively
- meeting with Steve Aiken MLA leader of UUP
- meeting with Department for Communities expert panel on a new anti-poverty strategy
- NIO civic conversation roundtable on EU exit with Secretary of State
- chaired roundtable on children in care for feedback on draft NIHRC document
- meeting with Jacqui Durkan Criminal Justice Inspector Northern Ireland
- meetings chief commissioners and CEOs of UK human rights and equality commissions
- meeting with Centre for Cross Border Studies
- meeting with Northern Ireland Affairs Select committee
- meeting with David Seymour Independent Reviewer Justice and Security (NI) Act 2007
- meeting Law Society (NI) human rights committee
- speaker at Carers Coalition conference for International Carers day
- panel member at Irish Centre for European Law seminar on Ireland/Northern Ireland Protocol of Withdrawal Agreement

3.2 It was noted that the following submissions had been made since the previous meeting:

- Response to the UNCRC Treaty Monitoring Body on list of issues for UK periodic review of CRC.

4. Commissioners' Reports

4.1 Commissioner Stephen White reported on the briefing he and Commissioner Helen Henderson received in advance of their first meeting of IMNI. It was agreed that an update from the meeting would be shared at the next Commission meeting.

Action: IMNI meeting update to be provided to the December 2020 Commission meeting

4.2 Commissioners reported on their first meeting of the Joint Committee with IHREC. Commissioners found the meeting very useful and are looking forward to working closely on cross-border issues.

4.3 Commissioners noted the short paper put together by the CEOs of NIHRC, ECNI and IHREC for consideration by each organisation. The paper detailed the working arrangements for the Dedicated Mechanism going forward recognising that NIHRC/IHREC has a distinct role as a Joint Committee under the Belfast (Good Friday) Agreement alongside the three Commissions' role in the Dedicated Mechanism. Commissioners endorsed the paper.

5. Chief Executive's Report

5.1 The Chief Executive updated the board on the current situation with the JEGS evaluations and Commissioners noted that all staff were now aware of their result and that communication is ongoing with NIPSA. It was noted that the four temporary contracts have now been made permanent.

5.2 The Chief Executive reported that the recruitment exercise for core post of Policy and Research Officer had been completed and that the post had been successfully filled. It was also reported that two other candidates had been identified and recruited for Policy and Research Officer posts under the Dedicated Mechanism.

5.3 The Chief Executive reported that the recruitment process for

the Head of Service (Dedicated Mechanism) and Legal and Research Officer (Dedicated Mechanism) is due to close on 30 November.

- 5.4 The Chief Executive discussed with Commissioners a plan for publicising the Dedicated Mechanism, and it was agreed that a paper would be presented in due course.
- 5.5 The Chief Executive provided an update on the training provided to the Bill of Rights Committee MLAs.

6. Finance Report

- 6.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for October 2020 and provided details on variances against budget.
- 6.2 Commissioners noted that the NIO had confirmed that the funding for the Dedicated Mechanism could be drawn down along with the core grant-in-aid. However, the budget and expenditure for the Dedicated Mechanism would be shown separately in the financial reports.

7. Abortion pre-action protocol

- 7.1 Commissioners discussed the replies received to date and subsequent legal advice following the decision to issue pre action letters in light of the continuing absence of commissioned and funded abortion services across Northern Ireland. Replies had been received from the NI Executive's and Secretary of State's legal representatives. A response from the Department of Health to remains outstanding.
- 7.2 After considerable discussion, Commissioners agreed to apply for a judicial review once the response from the Department of Health was received. It was also agreed not to seek a leave hearing until after 8 January 2021 to allow for a progress update from the Secretary of State. Commissioner Kearney dissented from the decision to commence legal action.

Action: Judicial review papers to be lodged.

7.3 Commissioners discussed the communications strategy around the legal challenge and agreed that a short paper outlining the plan would be presented at the December Commission meeting.

Action: Paper on the publicising of the legal challenge to be presented at the December meeting.

8. Legal Update and Application for Assistance

8.1 The Director (Legal, Research and Investigations, and Advice to Government) presented an application for assistance (delays in obtaining NHS treatment). Commissioners agreed to issue a letter of support at this stage and review and reconsider further support after leave in the case.

8.2 It was noted that the JR 123 (the challenge to unspent convictions provisions in the Rehabilitation of Offenders (NI) Order) and MC (right to withhold publication of home address when standing in local elections) cases are due to be heard in January 2021, and that the European Court of Human Rights has granted an extension of time to submit a written submission in the Gribben v UK case (ineffective inquest concerning legacy killing).

9. Communications

9.1 The Director (Communications, Information and Education, and Public and Political Affairs) presented the Communications report with an overview of business plan objectives.

9.2 Commissioners were provided with an update on upcoming events in the Human Rights Festival, the launch of the Annual Statement, and a Sport and Human Rights event.

Action: Invitations to events to be sent to Commissioners.

10. Any Other Business

10.1 There was no other business.

The meeting closed at 3.15pm.