



22 February 2021

232nd COMMISSION MEETING

Held at via Microsoft Teams

Present: Les Allamby, Chief Commissioner
Helen Henderson
Jonathan Kearney
David A Lavery CB (agenda items 1-9)
Eddie Rooney
Stephen White
Maura Muldoon

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) (agenda item 8)
Rebecca Magee, Personal Assistant
Nikita Brijpaul, Boardroom Apprentice (agenda item 4)
Éilis Haughey, Head of Service (Dedicated Mechanism) (Agenda item 3)

1. Apologies and Declarations of Interest

1.1 There were no apologies and no conflicts of interest.

2. Minutes of the 231st Commission meeting and matters arising

2.1 The minutes of the 231st Commission meeting held on 25 January 2021 were agreed as an accurate record.

Action: 231st Commission meeting minutes to be uploaded to the website.

2.2 It was noted that recruitment for an Independent Chair for the Audit and Risk Management Committee was discussed with HR company HeadsTogether and following minor changes to the recruitment pack, advertising of post is expected to take place during the first week of March (item 2.3 of the 231st minutes refers).

2.3 A date for a training session for Commissioners explaining the operational aspects of the Dedicated Mechanism has been arranged. Another training session explaining the Bill or Rights for Northern Ireland has also been arranged (item 2.4 of 231st Commission meeting refers)

2.4 The Abortion Monitoring report is with the Chief Commissioner and a further draft will be shared with Commissioners before the March meeting (item 10.2 of the 231st Commission meeting refers).

Action: Further draft of Abortion Monitoring report to be shared.

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:

- Attended the UK government Holocaust Remembrance event
- meeting CAJ
- meeting Doug Beattie MLA (UUP)
- meeting Community Dialogue
- meeting Julian Smith MP

- meeting Equality Coalition convened by CAJ
- meeting joint working group on DM with ECNI and IHREC
- chaired meeting on Right to Food for NI Food, Farming and Land Convention with speakers Michael Fakhri UN Special Rapporteur on Right to Food, Diane Dodds Minister for the Economy, Declan McAleer chair of agriculture, environment and rural affairs Assembly committee and James Martin DfC
- meeting Naomi Long Minister for Justice
- video for Federation of Small Businesses
- meeting Amnesty International
- meeting Strategic Investment Board re ethical supply chains document
- meeting Commissioner for Older People and Age (NI)
- meeting Pat Finucane Centre
- meeting Rainbow

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

- DoJ consultation on Removal of Consent to rough sex defence
- NI Affairs select committee Inquiry into Citizenship
- Committee of Experts (COMEX) update on European Charter of Regional and Minority Languages.
- NI Assembly ad hoc Committee on a Bill of Rights consultation
- NIO use of non-jury trials consultation
- NI Assembly Education Committee request for response on use of Seclusion and Restraint in schools.
- DoJ and DoH joint consultation on a Regional Care and Justice campus in NI.
- DAERA consultation on a Climate Change Bill
- DoJ consultation on Domestic Abuse Protection Orders.

4. Commissioners' Reports

4.1 Commissioner Jonathan Kearney reported on the first meeting

of the Working Group on progressing the implementation of the 'Island of Ireland' dimension of the 'dedicated mechanism' which took place on 9 February 2021.

4.2 Commissioner Helen Henderson reported on the meeting with Community Dialogue which she attended with the Chief Commissioner.

4.3 Commissioners discussed the need for a briefing on the Commission's position on key issues such as Article 2 and Dealing with the Past. It was agreed that a briefing would be undertaken.

Action: A briefing outlining the Commission's position on Article 2 and dealing with the past will be provided by the end of April 2021.

5. Strategic Planning Process

5.1 A paper on the process, timetable and stakeholder engagement for the next Strategic plan was considered. The paper was approved including undertaking a survey on awareness of the Commission.

6. Chief Executive Report

6.1 The Chief Executive presented his report and highlighted meetings that he has had since the December.

6.2 The Chief Executive reported on recruitment with upcoming recruitment for Senior Policy and Research Officer, Para-legal and Administrator due to take place before the end of the financial year.

7. Finance Report

7.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for January and provided details on variances against budget, and the financial report on the Dedicated Mechanism. This is the new report as requested in

the January meeting and Commissioners welcomed the new format.

8. Update on Job evaluations

- 8.1 This item covering the outcome of appeals was dealt with under a closed minute.

9. Advice Clinic options paper

- 9.1 The Director (Legal, Research and Investigations, and Advice to Government) presented the paper on the Advice Clinic and options for re-commencing the service.
- 9.2 Commissioners agreed with the recommendation to re-commence the Advice Clinic in March as the legal service team has now recruited legal staff.
- 9.3 Commissioners agreed that a review of the advice clinic would take place in September 2021.

Action: Advice clinic review to take place in September 2021.

10. Legal Functions paper

- 10.1 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on:
- JR123 (legal challenge to provisions in Rehabilitation of Offenders legislation): Leave has been granted and Court hearing taking place on 6 May.
 - MC case (Requirement of candidates to publish home address to stand for local council/EU elections): Following settlement, this case has now been closed.
 - Gribben (Written intervention covering Convention Article 2 issues concerning legacy killing inquest): Submission made, and UK government response received awaiting hearing date.
- 10.2 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on the legal challenge on Commissioning of Abortion services. Proceedings were lodged in December and application to enter further affidavit evidence made in January 2021. A court date for a two day hearing is set for May 2021.

10.3 The Commission considered a request from the NI Assembly speaker's office and the NI Assembly Health committee for its views on the Foetal Impairment Abortion (amendment) Private Members Bill. It was agreed to seek a legal opinion on the question raised by the interaction between the Bill and existing legislation. An agreed financial cap on the cost was also agreed.

Action: A legal opinion to be sought on the Private Member's Bill

11. Communications paper

11.1 The Director (Communications, Information and Education, Public and Political Affairs) presented the Communications report which highlighted press relating the Abortion legal challenge and the MC legal settlement.

11.2 The Director (Communications, Information and Education, Public and Political Affairs) reported on the joint Communications Strategy for the work of the Dedicated Mechanism with the Equality Commission. Morrow Communications were the successful tender to take this work forward.

12. Any Other Business

12.1 There was no other business.

The meeting closed at 14:45pm.