



29 March 2021

233rd COMMISSION MEETING

Held via Microsoft Teams

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

In attendance: David Russell, Chief Executive (agenda items 1-9)
Lorraine Hamill, Director (Finance, Personnel and Corporate Affairs) (agenda items 1-9)
Claire Martin, Director (Communications, Information and Education, Public and Political Affairs) (All agenda items except closed minute)
Rhyannon Blythe, Director (Legal, Research and Investigations, and Advice to Government) (agenda items 4-14 except closed minute)
Rebecca Magee, Personal Assistant (agenda items 8-14)
Nikita Brijpaul, Boardroom Apprentice
Éilis Haughey, Head of Service (Dedicated Mechanism) (All agenda items except closed minute)
Fiona Robertson, Policy & Research Officer (agenda item 12)

1. Apologies and Declarations of Interest

1.1 There were no apologies and no conflicts of interest.

2. Minutes of the 232nd Commission meeting and matters arising

2.1 The minutes of the 232nd Commission meeting held on 22 February 2021 were agreed as an accurate record, subject to a minor amendment.

Action: 232nd Commission meeting minutes to be uploaded to the website.

2.2 It was noted that the recruitment for an Independent Chair for the Audit and Risk Management Committee had been re-advertised and extended to Friday 9 April 2021 (item 2.2 of the 232nd minutes refers). It was agreed that the Director (Finance, Personnel and Corporate Affairs) would circulate the details to Commissioners.

Action: Director (Finance, Personnel and Corporate Affairs) to circulate the recruitment pack to Commissioners.

2.3 It was agreed that a briefing on Dealing with the Past and Article 2 Convention rights would be held in May 2021 (item 4.3 of 232nd Commission meeting refers).

Action: Date to be agreed in May 2021 for briefing session for Commissioners.

2.4 The Chief Executive reported that interviews for the Senior Policy and Research Officer would take place on 31 March 2021. He also reported that recruitment for the Paralegal and Administrative Officer had commenced with a closing date of 12 April 2021 (item 6.2 of 232nd Commission meeting refers).

2.5 Further recruitment is due to take place in April/May 2021.

2.6 The Chief Executive also confirmed that a new Solicitor Michael Black and a Policy and Research Officer Emily Mills would be starting with the Commission on 1 April 2021.

2.7 It was noted that the advice clinic had recommenced in March 2021 as agreed (item 9.2 of 232nd Commission meeting refers) with a review due in August/September 2021.

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 Inclusive Data Task Force (part of Office of National Statistics) alongside TEO and NISRA
- Meeting of TEO Ex-prisoners working group
- Meeting with Marie Breen Smyth – newly appointed Independent Reviewer of Security and Justice Act 2007
- Evidence to NI Affairs Select Committee Inquiry into Citizenship in Northern Ireland
- Evidence to Westminster Joint Committee on Human Rights Select Committee on the Independent Review of the Human Rights Act alongside counterparts at the EHRC and SCHR
- Meeting UU Gender Budgeting Research Group
- AGM of the Commonwealth Forum of NHRIs
- Meeting Women and Equalities Select Committee
- Seminar of Law Society (NI) and Bar Counsel on Independent Review of Human Rights Act

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

- Response to the DfC EQIA on Budget Bill
- Submission to the Independent Review of the Human Rights Act
- Response to DoJ request for views on Data Retention parts of the Police, Crime, Sentencing and Courts Bill and need for a LCM
- Submission to consultation on DoH Draft Mental Health Response Plan
- Response to NI Executive Programme for Government
- Response to DoJ Strategy on Support for Women and

4. Commissioners' Reports

- 4.1 Commissioner Lavery, in his role as Chief Executive of the Law Society NI, reported on a roundtable organised by the Law Society and Bar Council in support of Sir Peter Gross' Independent Human Rights Act Review.
- 4.2 Commissioner Henderson reported on a recent meeting she attended on Campaign against Arms Trade.
- 4.3 Commissioner White gave evidence at a virtual state department conference in Washington on lessons learned in police reform.
- 4.4 Commissioners White and Henderson provided an update on IMNI alongside reporting with Commissioners Muldoon and Rooney on the recent Disability Awareness training organised jointly with the Equality Commission.

5. Chief Executive Report

- 5.1 Commissioners discussed the job evaluation grading exercise in a closed minute.
- 5.2 The Chief Executive updated the meeting on the financial position at year end. He confirmed there would be an underspend in the dedicated mechanism funding due to work commencing later than originally anticipated.
- 5.3 It was noted that the annual stewardship statement was due for completion and return to the NIO by 2 April 2021.
- 5.4 Commissioners noted that an agreement had been reached for the dilapidation costs for the North Street premises.
- 5.5 The Chief Executive reported that ASM had been appointed as the Commission's internal auditors and they would be drafting

a 3-year Strategic Internal Audit Plan for presentation and approval by the Audit and Risk Management Committee.

- 5.6 The budget for 2021-22 was discussed. It was agreed that the Director (Finance, Personnel and Corporate Affairs) would circulate an updated detailed version of the budget to Commissioners.

Action: Director (Finance, Personnel and Corporate Affairs) to circulate detailed budget to Commissioners.

6. Risk Register

- 6.1 Commissioners discussed the risk register and it was agreed that the Chief Executive and the Director (Finance, Personnel and Corporate Affairs) would fully review the register and update with any changes for the new financial year given the increased funding for 2021/2022. A short note would accompany the register highlighting the changes made.

Action: Chief Executive and Director (Finance, Personnel and Corporate Affairs) to fully review and update the risk register.

7. Finance Report

- 7.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for February 2021.
- 7.2 It was noted that the NIO had requested a survey be undertaken for Alfred Street to calculate the dilapidation costs that would be due at the end of the lease term. This was a requirement of all ALBs as part of audit processes and to ensure that any costs are included in the Annual Report and Accounts.
- 7.3 The Director (Finance, Personnel and Corporate Affairs) reported that the interim external audit of the nine-month accounts for the period April to December 2020 had been completed and there were no issues. The final audit will take place in May 2021 with the Annual Report and Accounts due

to be laid in Parliament in July 2021.

8. Quarterly Report against the Business Plan

8.1 The Chief Executive presented the final quarterly report against the Business Plan for 2020-21.

8.2 It was noted that some business plan objectives could not be fully completed due to the Covid-19 pandemic.

8.3 Commissioners discussed the community engagements and different ways to engage in the future. The Dedicated Mechanism was planning a virtual community engagement with cross border organizations in May 2021 and it was agreed that Commissioners would discuss the issue further following that event.

Action: Commissioners to discuss virtual community engagements.

9. Business Plan 2021-22

9.1 Commissioners discussed the further draft of the Business Plan and agreed that a separate meeting was needed in order to give the item a through discussion prior to approval.

Action: Separate meeting to approve the Business Plan to be arranged for the start of April.

9.2 Commissioners also discussed the upcoming Strategic Plan for 2022-2025 and agreed that an initial separate meeting should be arranged to discuss the process before the planned engagement begins.

Action: Separate meeting to discuss the Strategic Plan 2022-2025 to be arranged for May.

10. Legal Functions paper including Foetal Impairment Bill

10.1 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on current work

including:

- JR123 (legal challenge on Rehabilitation of Offenders Legislation): preparation is taking place for the case on 6 May.
- Finucane: The Commission made a submission to the Committee of Ministers in 2020. With the case now re-opened by the European Court on Human Rights on Article 2, the Commission will continue to keep a watching brief.

10.2 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on the failure to Commission and fund Abortion Services judicial review. The judicial review is due to be heard on 26th and 27th May.

10.3 Commissioners were briefed on the Foetal Impairment Bill. Following discussion, Commissioners considered the legal opinion received and will ensure that this feeds into the response to the Bill. There was a desire to keep open the option of a meeting to discuss the submission once drafted.

Action: Response to Foetal Impairment Bill to be shared with Commissioners and the option of a meeting to discuss the document before final submission to be kept open.

11. Abortion Monitoring Report

11.1 Commissioners were briefed on the Abortion Monitoring Report following amendments since the last presentation of the report. Following discussion, Commissioners approved the report. Publication is likely to be in April subject to obtaining updated statistics. It was agreed that the report would not be formally launched but that it would be shared with key stakeholders and uploaded to the Commission website.

Action: Report to be shared with key stakeholders and uploaded to website once finally completed.

12. Accreditation Paper

12.1 Commissioners were presented with the Accreditation Paper

which explained the process for reaccreditation of the Commission's 'A' status as a National Human Rights Institution (NHRI) through the Global Alliance of National Human Rights Institutions (GANHRI) which occurs every five years. The application is to be submitted in June 2021 with consideration due in October 2021.

12.2 Commissioners welcomed the presentation and supported the process going forward.

13. Communications Report

13.1 Director (Communications, Information and Education, Public and Political Affairs) presented the Communications report which included updates on the press regarding the legal challenge to the non-commissioning of Abortion Services and requests for updates and details on the facts of the case.

13.2 Commissioners were updated on the ongoing website redesign which should be completed in the coming weeks. The website will also include a section on the Dedicated Mechanism.

13.3 Commissioners were updated on the media strategy for the Dedicated Mechanism which is continuing in conjunction with the ECNI and IHREC.

14. Any other Business

14.1 It was agreed that Dedicated Mechanism would be a standing agenda item from April 2021 going forward.

Action: Dedicated Mechanism to be standing agenda item going forward.

The meeting closed at 15:35pm.