

25 October 2021

239th COMMISSION MEETING

**Held in the offices of the Northern Ireland
Human Rights Commission, 4th Floor, Alfred
House, 19-21 Alfred Street, Belfast, BT2
8ED**

Present: Alyson Kilpatrick, 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 (Engagement and
Communications)
Rhyannon Blythe, Director (Legal, Research and
Investigations, and Advice to Government)
Éilis Haughey, Director of Human Rights after EU
Withdrawal
Rebecca Magee, Personal Assistant
Htaik Win, Solicitor (Solicitor (Legal and Research
Officer)) (agenda items 10-11)
Margie McKay, Boardroom Apprentice

1. Apologies and Declarations of Interest

1.1 There were no apologies and no declarations of interests.

2. Minutes of the 238th Commission meeting and matters arising

2.1 The minutes of the 238th Commission meeting held on 27 September were approved subject to one minor amendment.

Action: Minutes of the 238th Commission meeting to be uploaded to the website.

3. Chief Commissioner report

3.1 The Chief Commissioner reported on the meeting and events she has attended since the last meeting. These included:

- Sir Jeffrey Donaldson MP, DUP
- Sir Declan Morgan PC QC
- Kevin Conmy, Dept. Foreign Affairs
- Colum Eastwood MLA
- Rainbow Project
- Presentation alongside IHREC and ECNI at QUB Human Rights Centre: Human Rights and Equality on a Shared Island
- Business and Human Rights Forum
- UN Sub-Committee on Accreditation

4. Commissioner's Report

4.1 Commissioner Lavery reported that the Law Society of NI has made a donation through the International Bar Association to provide financial assistance to Afghan Lawyers and Judges who are currently in hiding and trying to leave the country.

4.2 Commissioner Henderson reported on an upcoming QUB School of Law event - "Expert Briefing on the Rights of Nature - A legal revolution" with Jurist, Valérie Cabanes.

4.3 Commissioner White reported on an upcoming event that he will attend in a personal capacity- PSNI@20: Human Rights Reflections on Policing Reform North and South - A joint seminar between ICCL and CAJ, hosted by the Senator

5. Chief Executive Report

- 5.1 The Chief Executive provided an update on the meeting he and the Chief Commissioner with the UN Sub-Committee on accreditation regarding the re-accreditation of the Commission. The Commission is currently an 'A' Status institution.
- 5.2 The Chief Executive updated Commissioners on the recruitment for the two Policy and Research Officer posts. Two posts have been filled, one on a full time permanent contract and one on a fixed term contract until 2023.
- 5.3 The Chief Executive provided the Commissioners with an update on the Comprehensive Spending Review.

6. Finance Report

- 6.1 The Director (Finance, Personnel and Corporate Affairs) presented the finance reports for Core and the Dedicated Mechanism expenditure for September 2021.

7. Communications Report

- 7.1 The Director (Engagement and Communications) presented the Communications report that included updates on press engagement with RTE, ITV, and The Nolan show regarding the recent court case on Abortion Regulations in Northern Ireland (SPUC).
- 7.2 The Director (Engagement and Communications) reported on the Business & Human Rights Forum which took place on 18 October.
- 7.3 The Director (Engagement and Communications) updated Commissioners on capacity within the Engagement and Communications team. This included a conversation around

recruitment of an Education Officer. It was agreed that further discussion once the outcome of the Comprehensive Spending Review is known.

8. Dedicated Mechanism

- 8.1 The Director of Human Rights after EU Withdrawal reported on the work of the Dedicated Mechanism since the last meeting. This included the Article 2 Working group alongside ECNI and IHREC.
- 8.2 The Director of Human Rights after EU Withdrawal updated Commissioners on the Tender for Free Movement research. There were no Tender bids received.

9. Dedicated Mechanism Annual Statement Chapters

- 9.1 The Director of Human Rights after EU Withdrawal outlined the Dedicated Mechanism Annual Statement chapters and how they will fit into the main Annual Statement report.
- 9.2 It was agreed that Commissioners would provide any comments on the Dedicated Mechanism chapters by close on Thursday 28 October.

Action: Commissioners to provide comments by close on Thursday 28 October.

10. Legal Update

- 10.1 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on:
- JR123 (Rehabilitation of Offenders)- judgement for this case is due on 1 November.
 - SPUC/SPUC2 (Challenge to Abortion Regulations 2021)- Judgement is reserved.
- 10.2 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on the Commissioning of Abortion Services case (The failure of the Secretary of State to ensure comprehensive access to termination services in NI and of the Executive and Department of Health to fund and

commission these services, despite the Abortion (NI) Regulations 2020 which decriminalised abortion. Judgement was received on 14 October where the Commission was successful against the Secretary of State NI but did not receive declarations on the Executive or Department of Health.

11. Legal Application for Assistance

- 11.1 The Solicitor presented the Legal Application for Assistance (challenging the Secretary of State for the Home Department (SSHD) for the failure to apply its own guidance on the suitability requirements under the EUSS scheme) and the request for authorisation to instruct Senior Counsel.
- 11.2 Commissioners discussed the Application for authorisation and approval was given instruct Senior Counsel.
- 11.3 The Solicitor presented the Legal Application for Assistance (applicants are seeking support from the Commission to assist with a Judicial Review of the Department of Health, the South Eastern and Belfast Trusts (SEHSCT/ BHSCT) and the Health and Social Care Board (HSCB) in respect of their failure to provide access to health service treatment in NI).
- 11.4 Commissioners discussed the Application and agreed that the Commission would not provide a third-party intervention at the substantive hearing but would maintain a watching brief of the case.

12. Any Other Business

- 12.1 The Chief Executive raised the matter of him, as Chief Executive, being given the approval to instruct legal spend of up to five thousand as per the Financial Procedures Manual. Commissioners agreed to give this responsibility back to the Chief Executive.

The meeting closed at 13:06pm.