

29 November 2021

240th COMMISSION MEETING

Held via Teams

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
Margie McKay, Boardroom Apprentice
Julia Buchanan, Senior Policy and Research Officer (item 14)

1. Apologies and Declarations of Interest

1.1 There were no apologies and no declarations of interests.

2. Minutes of the 239th Commission meeting

2.1 The minutes of the 239th Commission meeting held on 25 October were approved.

Action: Minutes of the 239th Commission meeting to be uploaded to the website.

3. Chief Commissioner report

- 3.1 The Chief Commissioner reported on the meeting and events she had attended since the last meeting. These included:
- Ongoing meetings with stakeholders
 - Speaker at Coventry Rising Conference
 - Speaker at The UK Government's Northern Ireland Legacy Proposals: Truth, Justice and the Rule of Law conference. Commissioner Stephen White was also a panel member
 - Evidence sessions with the NI Health Committee and NI Justice Committee
- 3.2 The Chief Commissioner updated Commissioners on the deferral of the Commission's 'A' Status with letters being sent to key stakeholders and other Human Rights Commissions.

4. Commissioners' Reports

- 4.1 Commissioner Henderson reported on the presentation by seconded staff member Colin Caughey on the Rights of Persons with Disabilities and that the presentation tied with the IMNI Committee.

Commissioners expressed thanks to the staff for their work on IMNI having received very positive feedback from the Disability Rights Forum.

- 4.2 Commissioner Rooney reported on his training on GDPR to be the Data Protection Officer for the Commission. The Chief Commissioner suggested that Rebecca Magee should receive the updated GDPR training.

Action: A meeting to be arranged with Chief Commissioner, Chief Executive, Director (Finance, Personnel and Corporate Affairs) and Personal Assistant to discuss regulations.

5. Away-day update

- 5.1 The Personal Assistant updated Commissioners on the details for the Commissioner away-day that would take place on 3 December.
- 5.2 As the main purpose of the away-day is to discuss strategic planning, papers on the findings from the three roundtables and the online survey will be provided in advance of the meeting.

Action: Strategic Planning findings papers to be shared before meeting.

6. Chief Executive Report

- 6.1 The Chief Executive reported on where staff recruitment currently sits, with two Policy and Research Officers to start before Christmas and recruitment before Christmas to take place for a full-time, temporary (fixed-term) General Administrator.
- 6.2 The Chief Executive updated Commissioners on the re-accreditation process as the referral report is due in April 2022. The Chief Executive will continue to meet with the Sub-committee on reaccreditation at GANHRI and with other key stakeholders.

7. Finance Report

- 7.1 The Director (Finance, Personnel and Corporate Affairs) presented the finance reports for Core and the Dedicated Mechanism expenditure for October 2021.
- 7.2 The Director (Finance, Personnel and Corporate Affairs) reported on the budget and where spend is projected for the end of the financial year.
- 7.3 Commissioners discussed the budget and the consequences of cuts that are called for. The Sponsor Department has been advised of the seriousness of the issue and the need for swift

resolution. This has been escalated by the deferral of the Commission's 'A' status. Commissioners explored the funding position and agreed that while we have to be very careful with public monies and that if any savings could be made reasonably, they should be but that none had been identified already. Instead, the corporate team explained what could not be undertaken if the cuts proceed.

8. Strategic Planning update

- 8.1 Commissioners were provided with an update on strategic planning so far and what was needed from Commissioners at their away-day to enable further public consultation to take place in January 2022.
- 8.2 Commissioner Henderson reported on her work with staff as Chair of the Strategic Planning sessions both internally and externally.
- 8.3 Commissioners expressed their thanks to staff for their support throughout the strategic planning process and to Commissioner Henderson for chairing the process.

9. Dedicated Mechanism Annual Statement Chapters

- 9.1 The Director of Human Rights after EU Withdrawal updated Commissioners on the work of the Dedicated Mechanism since the last meeting, this included an evidence session with the House of Lords Committee, a meeting with the NIO officials, EU Senior Officials and a roundtable event with the Irish Human Rights and Equality Commission and Equality Commission NI.

Action: Director to provide Commissioners with a copy of her notes from the roundtable event.

10. Draft Engagement and Communications Paper

- 10.1 The Director (Engagement and Communications) presented the Draft Engagement and Communications paper which explains how the Engagement and Communications team

works, and why they take the approach they do using the PANEL principles.

- 10.2 Commissioners agreed that the current approach was effective and that work should continue. Commissioners were agreed that effective engagement, education and communications was essential to the work of the Commission but needed more resources. The Director will progress this.

11. Communications update

- 11.1 Commissioners noted the Press clippings.

12. Legal Update

- 12.1 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on:
- NM (MOD refusal to provide partner of army veteran with his pension after he passed away): Hearing date has been set for 11 February 2022.
 - JR123 (Rehabilitation of Offenders)- judgement was received and the outcome was successful.
- 12.2 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). Letters have been sent to the Departments following the outcome of the case.
- 12.3 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on Biometric Data Retention which follows the successful settlement in the case JT (Judicial review against the PSNI for failure to destroy DNA and fingerprints). The PSNI have stated that they are reverting to the original retention process but have committed

to producing guidance on the process. The PSNI have reiterated its willingness to engage with the NIHRC in developing and publishing policy for the public. Work is ongoing on this policy.

13. Update on Reproductive and Sexual Education (RSE) Investigation

13.1 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on the investigation into Reproductive and Sexual Education which included that all notifications letters with terms of reference have been sent.

13.2 Commissioners were informed that a legal challenge had come as a result of a notification letter. This will be dealt with by solicitors within the Commission in the normal way.

Action: Legal Challenge to be discussed at Commissioner away-day on 3 December.

14. Human Rights, Drug Addiction and Substance Misuse – Project Plan proposal

14.1 Commissioners were provided with the background to the Human Rights, Drug Addiction and Substance Misuse – Project Plan proposal.

14.2 Commissioners agreed to discuss this paper further at the Commissioner away-day on 3 December.

Action: Human Rights, Drug Addiction and Substance Misuse – Project Plan proposal to be discussed at Commissioner away-day on 3 December.

15. Any Other Business

15.1 The Chief Commissioner raised with concern the Bill of Rights ad-hoc Committee suspension and Commissioners agreed to add a line to the Annual Statement chapter on a Bill of Rights

for Northern Ireland to highlight the suspension.

Action: Line to highlight the suspension of the Bill of Rights Ad-Hoc Committee to be added to relevant section in Annual Statement.

The meeting closed at 13:20pm.