

31 January 2022

242nd 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)
Rhyannon Blythe, Director (Legal, Research and Investigations, and Advice to Government)
Éilis Haughey, Director (Human Rights after EU Withdrawal)
Rebecca Magee, Personal Assistant
Margie McKay, Boardroom Apprentice
Laura Banks, Solicitor (agenda item 11)
Michael Black, Solicitor (agenda item 11)
Julia Buchanan, Senior Policy and Research Officer (agenda item 14)

1. Apologies and Declarations of Interest

- 1.1 Apologies were received from Claire Martin, Director (Engagement and Communications).
- 1.2 There were no declarations of interests.

2. Minutes of the 241st Commission meeting

2.1 The minutes of the 241st Commission meeting held on 13 December were approved.

Action: Minutes of the 241st Commission meeting to be uploaded to the website.

3. Chief Commissioner's report

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

- Ongoing meetings with stakeholders
- Ongoing meetings with political parties
- Keynote Speaker Law Society NI Immigration Conference
- Meeting with Father Magill and colleagues St Peter's Cathedral Youth Group
- Speaker Fly the Flag for Human Rights, The Mac
- Meeting with Secretary of State for NI
- Meeting Sir Declan Morgan and Tufyal Chowdury
- Meeting Four Jurisdiction Human Rights and Equality Institutions

3.2 The Chief Commissioner reported on evidence sessions given to:

- Council of Europe Committee on Parliamentary Affairs and Democracy, Council of Europe Parliamentary Assembly
- Health Committee on Abortion Services (Safe Access Zones) Bill
- TEO Committee on Dedicated Mechanism with ECNI and IHREC
- Health Committee on Adoption and Children Bill

4. Commissioners' Reports

4.1 Nothing to report.

5. Chief Executive's Report

- 5.1 The Chief Executive updated Commissioners on the re-accreditation process and meetings that have taken place with the GANHRI and the OHCHR, NIO and political parties.
- 5.2 The Chief Executive reported on where staff recruitment currently sits, with a temporary Administrative Officer currently being recruited for. The Chief Executive also reported that one temporary contract is due to come to an end on 31 March 2022.

6. Quarterly Report against the Business Plan

- 6.1 The Chief Executive updated Commissioners on the progress of objectives against the Business Plan with all, bar one, on target or already complete. The exception being undeliverable due to staff capacity.
- 6.2 Commissioners noted the progress and accepted that one objective will not be completed.

7. Finance Report

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

8. Risk Register

- 8.1 Commissioners were provided with an update on the Risk Register noting that two risks are considered critical – staff capacity and compliance with the Paris Principles.
- 8.2 Commissioners agreed that the board and key staff should partake in Cyber Security Training.

Action: The Director (Finance, Personnel and Corporate Affairs) to arrange for Commissioners and key Staff to receive Cyber Security Training.

9. Communications Report

- 9.1 In the absence of the Director (Engagement and Communications), Commissioners noted the report.
- 9.2 The Chief Executive highlighted the Freedom of Information requests that have been received since November.

10. Legal Functions Report

- 10.1 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): Appeal hearing is due on 4 March 2022. The Commission has been awarded costs.
 - JR123 (Rehabilitation of Offenders)- relief hearing set for 30 March 2022.
- 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). A full paper is due with Commissioners in February.

Action: Paper on the Commissioning of Abortion Services to be presented at the February Commission meeting.

11. Legal Application for Assistance

- 11.1 The Solicitor presented the application for assistance for the Commission to intervene in a challenge to the Department of Health, the Belfast Health and Social Care Trust and the Health and Social Care Trust in respect of their criteria for HSC funded IVF treatment and the alleged failure of that criteria to make provision for same sex male couples to

access publicly funded IVF treatment.

11.2 Commissioners discussed the application for assistance for the Commission to intervene in the case. Commissioners agreed that the Commission would not intervene.

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

12.1 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on the investigation into Reproductive and Sexual Education. Commissioners agreed that the RSE Investigation will be on the agenda for the February meeting.

Action: RSE to be on agenda for February Commission meeting.

13. Dedicated Mechanism update

13.1 The Director (Human Rights after EU Withdrawal) updated Commissioners on the work of the Dedicated Mechanism since the last meeting. This included a presentation to NIC ICTU, a co-hosted event at NI Human Rights Festival on Article 2 and Rights of Disabled People, submissions on Deferral of School Starting Age, Covid Certification, and the Domestic Abuse (Safe Leave) Bill and further evidence on the Adoption and Children's Bill.

13.2 The Director (Human Rights after EU Withdrawal) updated Commissioners on the three Chief Commissioners (NIHRC, IHREC, ECNI) evidence session to Executive Office Committee.

13.3 The Director (Human Rights after EU Withdrawal) reported on meetings held with:

- Law Centre
- EU Delegation to the UK
- Independent Monitoring Authority
- Examiner of Statutory Rules
- Human Rights Consortium
- NIO
- TEO
- Senior EU officials, Specialised Committee
- Doug Beattie MLA

- Ad Hoc Group on North-South and East-West Co-operation

14. Any Other Business

14.1 The Chief Commissioner raised the matter of operational procedures, including Freedom of Information, and Standing Orders. Commissioners agreed that a discussion was warranted.

Action: A discussion on operational procedures and Standing Orders to be on April Commission agenda.

14.2 Commissioner Henderson raised a concern for staff welfare as we move out of the pandemic and back to office working. The Chief Executive reiterated that the staff, and Commissioners, can avail of CareCall and that the issue of what else can be done will be discussed within an SMT meeting.

Action: Staff welfare to be discussed at SMT.

14.3 Commissioners reiterated their support to staff and recognised that additional support is needed given the difficult and stressful circumstances there has been as a result of the pandemic.

The meeting closed at 12:15pm.