

**30 August 2022**

## **248<sup>th</sup> COMMISSION MEETING**

### **Held in the Commission's Offices, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED and via Teams**

**Present:** Alyson Kilpatrick, Chief Commissioner  
Helen Henderson  
Jonathan Kearney  
David A Lavery CB  
Eddie Rooney  
Stephen White (agenda items except 7-9 & 14)

**In attendance:** David Russell, Chief Executive  
Rebecca Magee, Executive Assistant (to Chief Commissioner and Chief Executive) (all agenda items except 10)  
Rhyannon Blythe, Director (Legal, Research and Investigations, and Advice to Government)  
Lorraine Hamill, Director (Finance, Personnel and Corporate Affairs) (all agenda items except 10)  
Éilis Haughey, Director (Human Rights after EU Withdrawal) (all agenda items except 10)  
Claire Martin, Director (Engagement and Communications) (all agenda items except 10)  
Laura Banks, Solicitor (agenda items 11-13)  
Colin Caughey, Director (Policy) (all agenda items except 10)

## **1. Apologies and Declarations of Interest**

1.1 There were no apologies.

1.2 There were no declarations of interests.

## 2. Minutes of the 246<sup>th</sup> Commission meeting

2.1 The minutes of the 246<sup>th</sup> Commission meeting held on 27 June 2022 were agreed as an accurate record following a minor amendment.

**Action: Minutes of the 246<sup>th</sup> Commission meeting to be uploaded to the website.**

## 3. Chief Commissioner's report

3.1 The Chief Commissioner's reported on the recruitment of the new Commissioner. **Justin Kouame** has been appointed from 1 September. Commissioners are delighted to welcome Justin to the Commission.

3.2 The Chief Commissioner reported on her meetings and events since the last meeting. These included:

- Dunja Mijatović, Council of Europe High Commissioner for Human Rights
- Baroness Hale
- DFA Independent Reporting Commission
- Pride Talks Back
- Rainbow Pride 22
- Commission for Victims and Survivors
- Lord Caine, Under Secretary of State at the Northern Ireland with NIO representatives

## 4. Commissioners' Reports

4.1 Commissioner Henderson and Commissioner White reported on the IMNI Forum which both attended.

4.2 Commissioner Rooney reported on the Article 2 Working Group of the Dedicated Mechanism which he attended on behalf of the Chief Commissioner.

4.3 Commissioner Rooney reported on the Annual Lecture with Baroness Hale which he chaired. The event was received very positively and attendance was high both in person and virtually.

## 5. Finance Report

5.1 The Director (Finance, Personnel and Corporate Affairs) presented the July Finance Report for Core and Dedicated Mechanism.

## 6. Chief Executive's Report (including Core Budget update paper)

6.1 The Chief Executive presented Commissioners with a background briefing on the Core Budget update paper.

6.2 Commissioners discussed the paper in depth and the following was agreed:

- Commissioners support an uplift in legal budget to cover the next stage in the NM case and that all other cases before the board will be dealt with on a case-by-case basis.
- Commissioners request an updated business plan report to show where programme costs are no longer available
- Commissioners agreed that maternity cover for the posts of Senior Policy and Research Officer, and Solicitor would not be provided.
- Commissioners request that the Budget to be given a substantive item on the September agenda.

**Action: Updated business plan report to be on September meeting agenda.**

**Action: Budget to be given a substantial item on September meeting agenda.**

6.3 The Chief Executive updated Commissioners on the Commonwealth Forum chair business case bid which is ongoing.

## 7. Engagement and Communications report

- 7.1 The Director (Engagement and Communications) updated Commissioners on the work of the Engagement and Communications team. This included highlighting the Annual Lecture with Baroness Hale, the launch of the Human Trafficking and Article 2 research report and the launch of the Healthcare and Protocol Article 2 research report.
- 7.2 The Director (Engagement and Communications) updated Commissioners on the ongoing school visits with two workshops given to Banbridge Academy on 6 and 21 June.

## 8. Dedicated Mechanism report

- 8.1 The Director (Human Rights after EU Withdrawal) updated Commissioners on the work of the Dedicated Mechanism since the last meeting. This included highlighting the publication and launch of the First Annual Report on Dedicated Mechanism jointly published with ECNI, the launch of the Human Trafficking and Article 2 research report and the launch of the Healthcare and Protocol Article 2 research report.
- 8.2 The Director (Human Rights after EU Withdrawal) updated Commissioners on the first round-table to discuss the two Commissions' working paper on Article 2 held with stakeholders with additional meetings planned in September.
- 8.3 The Director (Human Rights after EU Withdrawal) alerted Commissioners to an upcoming report 'EU developments in Equality & Human Rights: Impact of Brexit on the divergence of rights and best practice on the island of Ireland' by the three Commission (NIHRC, ECNI and IHREC) which will be presented at the September board meeting.

**Action: 'EU developments in Equality & Human Rights: Impact of Brexit on the divergence of rights and best practice on the island of Ireland' paper to be on September meeting agenda.**

## 9. Annual Statement Chapters

- 9.1 Commissioners agreed to deal with the Annual Statement

Chapters via emails with responses due with the Director (Legal, Research and Investigations, and Advice to Government) by the end of the week.

## **10. Presentation by the Women's Policy Group**

10.1 Commissioners received a presentation on Violence Against Women and Girls in Northern Ireland – research findings by the Women's Policy Group (WPG). Commissioners thank the WPG for the informative presentation and discussion.

## **11. Legal Functions report and Investigation Legal Challenge Update**

11.1 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on:

- JR123 (Rehabilitation of Offenders): The case has been listed for a review on 23 September.
- NIHE (Intimidation points): Both NIHE and DSO have sought a brief extension for a reply date of 6 September which has been accepted. A further update will be provided to Commissioners on receipt of full responses.
- SPUC 3: hearing pushed to November 2022.

11.2 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on an query received in relation to Whistleblowing within the Royal Victoria Hospital for Sick Children. There is a Right to Life concern and letters have been written to the Chief Executive of the Belfast Trust, and the RQIA. An update will be provided in due course.

11.3 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on a query received in relation to continued accommodation in hotels for asylum seekers. Meetings have taken place with PPR and others and a meeting has been sought with the Home Office.

11.4 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on a query received in relation to the Muckamore Inquiry and whether the

Commission holds any information that would be of benefit to the Inquiry. Information has been passed to the Inquiry.

- 11.5 The Director (Legal, Research and Investigations, and Advice to Government) and Solicitor provided an update on the Love for Life legal challenge. An opinion was sought from Senior Counsel who have advised that the Commission should not take any further enforcement action while the statutory appeal is pending. Senior counsel has also advised that he does not consider there is any need to suspend the investigation on the basis of Love for Life's appeal to the County Court.

## **12. Application for Assurances (SPUC3 and FG)**

- 12.1 The Solicitor presented the Application for Assistance (FG – representation to a Social Security Tribunal). Commissioners discussed the Application for Assistance and agreed to support the application with staff representation at the Tribunal hearing.
- 12.2 The Solicitor presented the Application for Assistance (SPUC3). Commissioners discussed the Application for Assistance and agreed to keep a watching brief at this stage of the case.

## **13. Sexual and Reproductive Health Education Investigation**

- 13.1 The Solicitor presented an update paper on the Sexual and Reproductive Health Education Investigation.
- 13.2 Commissioners discussed the recommendations in the update paper in relation to next steps and agreed to take no action in relation to non-compliant schools and proceed with the report using the responses that have been received.
- 13.3 Commissioners also agreed that staff are to proceed with the report and name schools that did not comply with the investigation.

## **14. Any other Business**

14.1 Commissioners noted the information papers – Framework Document with NIO and Terms of Reference for Review Panel.

14.2 Commissioner Rooney highlighted that the new Boardroom Apprentice will be starting with the Commission on 1 September with Commissioner Rooney acting as 'Boardroom Buddy' for the year. The Boardroom Apprentice will attend the September Commission meeting.

The meeting closed at 15:30pm.