



30 January 2023

253rd 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
Justin Kouame
David Lavery
Eddie Rooney
Stephen White

In attendance: David Russell, Chief Executive
Rhyannon Blythe, Director (Legal Services)
Colin Caughey, Director (Advice to Government,
Research, and Investigations)
Lorraine Hamill, Director (Finance, Personnel &
Corporate Affairs)
Éilis Haughey, Director (Human Rights after EU
Withdrawal)
Claire Martin, Director (Engagement and
Communications)
Elsie Trainor, Boardroom Apprentice
Htaik Win, Solicitor (Legal Officer) (Agenda Item 9)
Michael Black, Solicitor (Legal Officer) (Agenda Item 10)
Michael Boyd, Senior Engagement and Communications
Officer (Agenda Item 10)
Hannah Russell, Senior Policy and Research Officer
(Agenda Item 14)
Emily Mills, Policy and Research Officer (Agenda Item
14)

1. Apologies and Declarations of Interest

- 1.1 There were no apologies.
- 1.2 There were no declarations of interests.

2. Minutes of the 252nd Commission meeting

- 2.1 The minutes of the 252nd Commission meeting held on 19 December 2022 were agreed as an accurate record.

Action: Minutes of the 252nd Commission meeting to be uploaded to the website.

3. Chief Commissioner's Report

- 3.1 The Chief Commissioner's Report was noted.

4. Commissioners' Report

- 4.1 There was nothing further to report since Commissioners met in December 2022.

5. Chief Executive's Report

- 5.1 The Chief Executive reported that the senior management team were currently looking at the business plan for 2023/24. It would not radically change from previous years and would be based on the agreed budget for the next financial year.
- 5.2 The Chief Executive is currently looking at a KPI framework that could sit alongside the business plan. The model would be similar to that used by the Australian Human Rights Commission.
- 5.3 Further updates have been made to the Framework Document with the Northern Ireland Office (NIO) after discussions with sponsor branch. A finalised version will be shared with

Commissioners in due course.

Action: Final version of Framework Document with the Northern Ireland Office to be shared with Commissioners.

- 5.4 Commissioners were updated on recruitment – recruitment for the finance post would commence in February 2023. It was hoped that two Policy and Research Officers for the Dedicated Mechanism would be joining the Commission at the start of March 2023.
- 5.5 The business case for the Dedicated Mechanism had been submitted to the NIO and was now with HM Treasury for consideration.

6. Quarterly Report against the Business Plan

- 6.1 The Chief Executive presented the quarterly report against the business plan (quarter three) and highlighted areas of concern, due to staff resource and budget constraints. Commissioners noted that because of this some business plan objectives may not be completed by the end of the financial year.

7. Finance Report

- 7.1 The Director (Finance, Personnel and Corporate Affairs) provided an update on the financial position as at 31 December 2022 and the forecasted costs for core and the Dedicated Mechanism to the end of March 2023.
- 7.2 It was noted that after revising the budgets for the proposed 2022 pay award, which was yet to be accepted by Trade Unions, there would be an underspend. As a result of this the Commission was able to pay its membership fees to GANHRI and ENNHRI, for which it had originally requested a fee waiver. Expenditure was also able to be made available for training, some travel costs, support for CRPD and additional costs for legal and building and maintenance.
- 7.3 There was budget available to fund a legal case which would

be discussed by the Director (Legal Services) under Agenda Item 8.

- 7.4 Commissioners noted that although there was an underspend the Commission would continue to monitor and be rigorous about any future expenditure.

8. Legal Functions Report

- 8.1 The Director (Legal Services) provided an update on:
- SPUC: the hearing did not complete as additional time was required as new arguments were introduced challenging access to abortion law. Final submissions were to be made this week with the hearing listed for Thursday 2 February 2023.
 - NM (Access to MoD pension): hearing to take place on Tuesday 31 January and Wednesday 1 February 2023.
 - Housing Office Challenge: hearing adjourned until March 2023. The Equality Commission NI (ECNI) have joined the Commission's submission and they will contribute to the costs for the case.
 - Safe Access Zones: the Bill has received Royal Assent and the Act can now be used going forward.
 - Housing Challenge: as a result of funding becoming available a request was made to take an own notion case against the NIHE, to instruct Counsel and initiate proceedings. Commissioners agreed to proceed with Junior and Senior Counsel which would allow the case to go to a substantive hearing.
 - Biometric: currently taking advice to see if this should be taken forward. An update would be provided to Commissioners in due course.

9. Application for Assistance

- 9.1 The Solicitor (Legal Officer) briefed Commissioners on an application for assistance to consider a third-party intervention in an application for leave to judicially review against the Secretary of State for the Home Department, the

Secretary of State for Northern Ireland and the Prime Minister regarding the UK-Rwanda Migration and Economic Development Partnership.

- 9.2 The application did not meet all the Commission's criteria; however, it was noted that a leave hearing has been arranged for 2 February 2023. Commissioners, therefore agreed to postpone making a decision until the applicant is granted leave to apply for a judicial review.

10. Trans Inclusion in Sport Report and Legal Analysis

- 10.1 The Senior Engagement and Communications Officer presented the report 'Including Transgender People in Grassroots Sport'. Commissioners agreed the report should be shared with the Sports and Human Rights Forum at their next meeting on 7 March 2023 and then feedback to Commissioners at their next board meeting.
- 10.2 The Solicitor (Legal Officer) briefed Commissioners on the legal analysis on 'Including Transgender Persons in Sport'. It was noted the legal analysis had been shared with ECNI to check the accuracy of equality law. The document would be updated to include their comments and a revised version would be made available to Commissioners.

11. Engagement and Communications Report, Annual Statement Launch Summary and Press Clippings

- 11.1 The Director (Engagement and Communications) provided an update on the following:
- Annual Statement launch on 12 December 2022
 - Press coverage on the EU Law Bill
 - Human Rights Festival and the joint event with Queen's University Belfast on Climate Change

- Meeting with CCEA re Government and Politics GCSE
- Meeting with the Speaker's Office re NI Youth Assembly
- Schools' visits
- Business and Human Rights Forum
- Review and update of the Northern Ireland Civil Service Human Rights Guide
- Tender exercise for the production of videos and billboard marketing for the Dedicated Mechanism

12. Dedicated Mechanism Report

12.1 The Director (Human Rights after Brexit) provided an update on the work of the Dedicated Mechanism including:

- Engagement with the Executive Office
- Article 2 Legacy Bill
- Retained EU Law
- Details of the recent Research Tender exercises
- Update on the progress of the business case for funding of the Dedicated Mechanism for the next two years

13. Advice to Government, Research, and Investigations Update

13.1 The Director (Advice to Government, Research, and Investigations) gave an oral update and reported that a number of consultation documents had been responded to before Christmas. Other areas of work included:

- Evidence to the Northern Ireland Affairs Committee
- Meeting with the Northern Ireland Office on the Bill on Legacy amendments
- Forthcoming attendance at the Committee on the Rights of the Child in Geneva in February 2023
- Forthcoming attendance at the Universal Periodic Review in Geneva in March 2023

14. Research on the Prevention of Drugs Use in Northern Ireland Paper

- 14.1 Commissioners reviewed the Research Report on the Prevention of Drug Addiction and Substance Use in Northern Ireland. The Policy and Research Officer provided details on the background of the research and the work completed to date.
- 14.2 Commissioners agreed that the report should be shared with the Department of Health in relation to ongoing work for its 'Preventing Harm, Empowering Recovery – Substance Use Strategy (2021-31)'.
- 14.3 The report should also be shared with the Prison Service and other bodies to inform debate in this area.

15. Any other Business

- 15.1 There being no other business the meeting closed at 1.30pm.