

**29 August 2023**

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

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

**Present:** Eddie Rooney, Acting Chair  
Helen Henderson  
Jonathan Kearney  
David Lavery  
Stephen White  
Justin Kouame

**In attendance:** David Russell, Chief Executive  
Rebecca Magee, Executive Assistant to the Chief  
Commissioner and Chief Executive  
Rhyannon Blythe, Director (Legal Services)  
Colin Caughey, Director (Advice to Government,  
Research and Investigations)  
Lorraine Hamill, Director (Finance, Personnel &  
Corporate Affairs)  
Claire Martin, Director (Engagement and  
Communications)  
Éilis Haughey, Director (Human Rights after EU  
Withdrawal) (Agenda Items 1-9 and 11-12)  
Roxann Wakes-Forbes, Chair of Turks and Caicos  
Islands Human Rights Commission

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

1.1 Apologies were received from the Boardroom Apprentice.

## 2. Minutes of the 257<sup>th</sup> Commission meeting

2.1 The minutes of the 256<sup>th</sup> Commission meeting held on 26 June 2023 were agreed as an accurate record following a minor amendment.

**Action: Minutes of the 257<sup>th</sup> 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 Commissioner Lavery provided more information on an upcoming event the Law Society is hosting on the Legacy Legislation on 29<sup>th</sup> September.

4.2 Commissioner White reported on the upcoming RUC George Cross Lecture 'Policing the Peace Globally' in Queens on 31<sup>st</sup> October.

## 5. Chief Executive's Report

5.1 The Chief Executive provided an update to Commissioners on the business case for additional in-year funding which has been approved for 2022-23. Further discussion is taking place for following years.

5.2 The Chief Executive provided an update on the FCDO bid for the Commonwealth Secretariat with a visit being planned by the Rwanda NHRI for the autumn.

## 6. Finance Report

6.1 The Chief Executive updated Commissioners on the Finance report for Core and for Dedicated Mechanism.

## 7. Engagement and Communications

- 7.1 The Director (Education and Communications) provided an update on the Engagement and Communications function which included:
- The Commission has been successful in its application to the European Network of Human Rights for the below project: Business Human Rights Index - Developing a national business and human rights index for Northern Ireland’.
  - UU Sports Grant: The Commission is providing advisory support to Ulster University for the following grant application. It is at application stage only, it is envisaged NIHRC would be a partner if the application was successful.

## **8. Legal Functions Report**

- 8.1 The Director (Legal Services) provided an update on the following:
- NM (pension discrimination): Judicial review leave hearing listed on 18 October 2023.
  - JR123 (rehabilitation of offenders): Application to appeal refused by Court of Appeal. Application for permission to appeal to UKSC lodged and decision awaited.
  - COPNI (continuing healthcare): Judgment received and further review listed in September 2023, to be attended by staff. Judgment and note on case attached for information.
  - Hallam & Nealon v UK (miscarriages of justice): Staff attended hearing at ECtHR on 5 July 2023. Judgment awaited.
  - Employment Tribunal (retrospective anonymity): Hearing concluded and judgment awaited.
  - AA (dispersal): Judgment awaited.
  - SPUC: Permission to appeal to the UKSC was refused by the Court of Appeal and leave now sought directly from the UKSC. Outcome awaited.

## **9. Application for Assistance**

- 9.1 The Director (Legal Services) presented Commissioner with an Application for Assistance to support an own motion challenge to the Illegal Migration Act 2023 ('the Act') which received Royal Assent on 20 July 2023, by way of judicial review of various provisions encompassing both ECHR and Article 2 of the Windsor Framework ('Article 2') grounds. By way of remedy, the Commission would seek a declaration of incompatibility in respect of the ECHR and a disapplication of the legislation in NI regarding Article 2.
- 9.2 Commissioners discussed the Application for Assistance and agreed that the Commission would support an own motion challenge to the Illegal Migration Act 2023.

## **10. Dedicated Mechanism Functions Report**

- 10.1 The Director (Human Rights after EU Withdrawal) provided an update on the work of the Dedicated Mechanism including:
- Engagement with: NIHRC/ECNI Dedicated Mechanism Annual Report Launch on 5 July, Independent Monitoring Authority (IMA) on 5 July, Armagh Roma and Traveller Support Group on 6 July, Home Office, Future Border and Immigration System (FBIS) Advisory Group - EUSS reform on 17 July
  - Updates on the Research into: Frontier Workers and their families: text finalised and being proofed for publication; date to be confirmed. Briefing note in preparation to issue alongside paper, Asylum: text being proofed for publication; dates to be confirmed. Briefing note in preparation to issue alongside paper, WF Article 2 and the Charter of Rights of the EU: first draft received; under review, WFA2 and Environmental Rights: comments of partial draft provided; full draft expected end September.

## **11. Covid Statement**

- 11.1 The Chief Commissioner provided a background to the Commission's involvement in the Covid Statement.
- 11.2 Commissioners noted the statement and thanked staff for the level of work included in presenting the statement to the UK Covid Inquiry team.

## **12. Any other Business**

- 12.1 Commissioners wished to express their sincere thanks to Commissioner Eddie Rooney on his last meeting. Commissioner Rooney has been a valued member of the Board for two terms and will be greatly missed. The board and staff of the Commission wish Commissioner Rooney all the best for the future.
- 12.2 Commissioners would also like to wish our Boardroom Apprentice all the best for the future as she finishes her apprenticeship.
- 12.3 The new Boardroom Apprentice will be joining the Commission at the September Commission meeting and will be paired with Commissioner Henderson as the 'Boardroom Buddy'.

The meeting closed at 12:45pm