



29 April 2024

266th COMMISSION MEETING

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

Present: Alyson Kilpatrick
Helen Henderson
Jonathan Kearney
Justin Kouame
David Lavery
Stephen White

In attendance: David Russell, Chief Executive
Rebecca Magee, Executive Assistant (excluding closed item)
Colin Caughey, Director (Advice to Government, Research, and Investigations) (excluding closed item)
Éilis Haughey, Director (Human Rights after EU Withdrawal) (excluding closed item)
Claire Martin, Director (Engagement and Communications) (excluding closed item)
Lorraine Hamill, Director (Finance, Personnel & Corporate Affairs)
Vivienne Fitzroy, Boardroom Apprentice (excluding closed item)
Michael Black, Solicitor (Agenda item 8)
Hannah Russell, Senior Policy & Research Officer (Agenda item 10)
Claire McGurk, Solicitor, A&L Goodbody (agenda item 2)
Sarah Dugdale, Solicitor, A&L Goodbody (agenda item 2)

1. Apologies and Declarations of Interest

- 1.1 There were no declarations of interest.

2. Presentation by A&L Goodbody

- 2.1 Commissioners welcomed A&L Goodbody to the meeting.
- 2.2 A&L Goodbody presented Commissioners with an overview of the Commonwealth Forum for National Human Rights Institutions (CFNHRI) legal entity. This included detail on:
- Structure
 - Statute
 - Articles of Association
 - Company registration
 - Membership
 - Staffing
 - Contracts
- 2.3 Following discussions, Commissioners have requested a further presentation once documentation has been completed relating to the above.

Action: A&L Goodbody to share documents and arrange to present to the board.

3. Draft minutes of the 265th Commission meeting

- 3.1 The minutes of the 265th Commission meeting were agreed.
- Action: Minutes of the 265th Commission meeting to be uploaded to the website.**

4. Chief Commissioner report

- 4.1 The Chief Commissioner's report was noted.

5. Commissioner report

- 5.1 Commissioner Lavery reported that the Law Society NI had publicly expressed concerns about PSNI Covert investigations into Legal Professionals. The Chief Commissioner expressed concerns and agreed that she would contact the PSNI for sight of the Policy relating to this.

Action: Chief Commissioner to seek Policy relating to PSNI Convert Investigations into Legal Professionals.

6. Chief Executive report

6.1 The Chief Executive provided an update on the Economic review with meetings to take place this week with the Panel chair.

Action: Commissioners requested an item on the May agenda on the pay policy and the documentation.

6.2 The Chief Executive updated Commissioners that the Business Plan for 2024-25 was not included in this month's papers due to the budget still not being set. Commissioners noted that the delay was outside of our control.

Action: Business Plan 2024-25 to be included in May papers if budget has been set.

7. Finance report

7.1 The Director (Finance, Personnel & Corporate Affairs) provided Commissioners with an oral update on finance, which included:

- Year-end accounts – work is in progress for the year-end accounts. It is expected that audit on the accounts will take place in May with approval expected at the Audit & Risk Management Committee in June, and the Commission meeting in June.
- Move to AccountNI – ongoing.
- Register of Interests and Related Party Declarations

Action: Commissioners to email completed forms as soon as possible.

8. Application for Assistance x2

Application 1:

8.1.1 The Solicitor presented an Application for Assistance GMcG (Bereavement Support Payment (BSP) following the passing of her partner) with Department for Communities ('Department') decided that the applicant was not entitled to BSP as she was not married to or in a civil partnership with the deceased at the time of his death.

8.1.2 Commissioners considered the Application for Assistance and gave approval for legal staff to act as representatives in challenging this discrimination through the statutory appeals process. Should action beyond statutory appeals be necessary, Staff will revert to Commissioners to discuss and consider continued assistance.

Application 2:

8.2.1 The Chief Commissioner reported that Commissioners had been asked to consider approving an application to intervene in an appeal brought by the Northern Ireland Office to the Court of Appeal challenging the decision in Dillon, McEvoy, McManus, Hughes, Jordan, Gilvary, and Fitzsimmons Application and In the matter of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 and the Secretary of State for Northern Ireland [2024] NIKB 11 regarding the legality of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 ('Legacy Act') .

8.2.2 Commissioners agreed to support an application to intervene, seeking both written and oral submissions.

9. KPI Functions – Legal

9.1 The Chief Executive provided an update on the progress of key performance indicators for the following areas in the legal function:

- Effective support to individuals and groups who seek assistance for reported human rights violations and abuses
- Applications that have been accepted at final stage:
- Assistance, short of exercising legal powers, which assists in or results in a resolution
- Enquiries and Casework
- Instances of support provided to clients and of success without exercising legal powers
- Recommendations of the NIHRC investigations influence systemic changes and have effective educational outcomes/ Instances of the NIHRC investigations resulting in actions by the UK government, NI Executive or public authorities to improve respect and protection of human rights
- To be a learning organisation, improving our skills to achieve the greatest impact

10. Review of Annual Statement and Annual Statement Plan for 2024

10.1 The Senior Policy & Research Officer briefed Commissioners on the Annual Statement review. An internal review of the format of the NIHRC's Annual Statement has been undertaken. This involved consulting with the Chief Commissioner, Chief Executive, staff, IMNI Forum and the wider public. Comments made by Commissioners during previous annual statement cycles have also been reflected.

10.2 Commissioners discussed the review and proposal and approved the following recommendations:

- A clear statement of purpose and aim of the Annual Statement in publications going forward and acknowledgement that it is to be viewed as a reference document
- Continue the approach of only removing issues from the Annual Statement through a defined and clearly reasoned approach, such as an issue turning and maintaining its categorisation as 'green'.
- Continue the annual process of reviewing the titles and formulation of issues
- Consider how issues that are unresolved could be repackaged within the annual statement
- Maintain the approach of making recommendations that aim to adhere to a SMART approach.
- Give consideration to identifying and highlighting issues where long-standing recommendations remain unaddressed.
- Maintain the approach of a three-colour traffic light system of 'green', 'amber' and 'red'
- To continue to annually consider accessibility in design features and colours that are used within the published Annual Statement including hard copy print versions
- Explore converting the Annual Statement into simplified internal webpages on the NIHRC's website as an additional format.
- Continue to maintain an Annual Statement that is updated internally in-year and is published annually.
- Revisit the NIHRC providing a summary of UK-specific UN documentation on its website as a one-stop shop of NI-relevant resources.

10.3 The Senior Policy & Research Officer updated Commissioners on the Plan for the 2024 Annual Statement document and Commissioners agreed:

- The Annual Statement should be published as in full
- The proposed plan/dates for Commissioners' review/sign-off
- The structure and approach to content
- add surveillance technology as an issue;
- reintroduce defamation as an issue;
- remove Armed Forces Covenant as an issue; and
- remove safe access zones as an issue.

10.4 Commissioners agreed to:

- add surveillance technology as an issue
- reintroduce defamation as an issue
- remove Armed Forces Covenant as an issue
- remove safe access zones as an issue

11. Team updates

Engagement and Communications

11.1 The Director (Engagement and Communications) provided an update on:

- Staffing
- Business and Human Rights Index launch
- Omnibus survey

Action: Omnibus survey to be presented at August board meeting under the KPI Communications and Education function report.

Policy

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

- IMNI Disability Forum
- UNCRPD recommendations
- Committee of Ministers consultation
- Committee for Education evidence session
- Women and Equality Committee visit

Dedicated Mechanism

11.3 The Director (Human Rights after EU Withdrawal) provided an update on:

- Executive Office evidence session

- Annual Report – launch in June
- Legal textbook reference – *de Smith on Judicial Review* referenced the NIHRC research on Windsor Framework on Article 2 and access to healthcare, in the context of wider commentary consistent with our analysis

12. Any other business

12.1 Nothing to report.

13. Closed Session – Confidential matter

13.1 The meeting moved to a closed minute.

The main meeting closed at 12:45pm