



26 April 2021

234th COMMISSION MEETING

Held via Microsoft Teams

Present: Les Allamby, Chief Commissioner
Helen Henderson
Jonathan Kearney
David A Lavery CB
Maura Muldoon
Eddie Rooney
Stephen White

In attendance: David Russell, Chief Executive
Lorraine Hamill, Director (Finance, Personnel and Corporate Affairs)
Claire Martin, Director (Communications, Information and Education, Public and Political Affairs)
Rhyannon Blythe, Director (Legal, Research and Investigations, and Advice to Government)
Rebecca Magee, Personal Assistant
Nikita Brijpaul, Boardroom Apprentice (agenda item 11)
Éilis Haughey, Head of Service (Dedicated Mechanism)
Laura Banks, Solicitor (agenda item 11)

1. Apologies and Declarations of Interest

1.1 There were no apologies and no conflicts of interest.

2. Minutes of the 233rd Commission meeting and matters arising

2.1 The minutes of the 233rd Commission meeting held on 22 February 2021 were agreed as an accurate record, subject to minor amendments.

Action: 233rd Commission meeting minutes to be uploaded to the website.

2.2 The closed minute of the 233rd Commission meeting was agreed.

2.3 The minutes of the Special Commission meeting held on 12 April on the Business Plan 2021-2022 were agreed as an accurate record.

Action: Special Commission meeting minutes to be uploaded to the website.

2.4 It was noted that the recruitment for an Independent Chair for the Audit and Risk Management Committee had been completed and interviews are being arranged. (item 2.2 of 233rd Commission minutes refers).

Action: Director (Finance, Personnel and Corporate Affairs) to circulate the details to panel members.

2.5 It was noted that the annual stewardship statement had been completed and submitted to the NIO (item 5.3 of the 233rd Commission minutes refers).

2.6 It was noted that the Abortion Monitoring Report was close to completion and that Commissioners would be updated on progress (item 11.1 of the 233rd Commission minutes refers).

Action: Commissioners to be updated on status of Abortion Monitoring Report.

2.7 The Business Plan 2021-2022 has been uploaded to the Commission website and highlighted on social media (item 10.1 of the Special Commission minutes refers).

3. Chief Commissioner's Report

3.1 The Chief Commissioner reported on meetings and events he had attended since the last Commission meeting. These included:

- presentation to the Strategic Investment Board's public sector forum on Human Rights and Procurement
- meeting with Dr David Bruce Moderator of the Presbyterian Church in Ireland and colleagues
- presentation to the Aspen Institute seminar – 'Expert Consultation on Human Rights and Constitutional Law in the UK' a closed event for EU delegation to the UK the EEAS, European Commission and the European Member States
- meeting Home Office Immigration Vulnerability Advisory Group
- presentation to the Irish School of Ecumenics on 'Equality Proofing the Future: Human Rights and the Common Good'
- Evidence to the NI Assembly Executive Office Committee on the Dedicated Mechanism alongside ECNI and IHREC
- attended seminar of Social Change Initiative – Disputing Rights putting people at the Centre of Change
- meeting QUB researcher on DoJ sponsored research on Why certain groups are disproportionately caught up in the Youth Justice system
- meeting Eunan Duffy re historical and clerical institutions child abuse.
- meeting Litigants in Person Reference Group
- meeting Dermott Nesbitt re Bill of Rights
- meeting DFAT Human Rights Forum

3.2 It was noted that the following submissions had been made since the previous meeting:

- DoJ request for views on extraction of information from digital devices and Legislative Consent Motion (LCM) on Police, Crime, Sentencing and Courts Bill (PSCS)
- NI Assembly Justice Committee on areas of PCSC Bill covered by the LCM
- NI Assembly Justice Committee Protection from Stalking

Bill

- Public Prosecution Service guidance on Prosecuting Cases of Modern Slavery and Human Trafficking
- DoH(NI) paper on legislative options for Adult Protection
- DoH consultation on proposals to extend Children's Social Care regulations due to Covid.

4. Commissioners' Reports

4.1 Commissioner Lavery, in his role as Chief Executive of the Law Society NI, reported that he is currently involved in developing a proposal to create a Human Rights Fellowship in memory of Lord Kerr.

5. Chief Executive Report

5.1 The Chief Executive updated the board on his meetings and events since his last report.

5.2 The Chief Executive updated the board on the recruitment which is now completed for Senior Policy and Research Officer. Two people were appointed and will start in mid-May. Interviews are due to take place at the start of May for the Administrators and Para-Legal. The next round of recruitment will be for the Communications team.

6. Finance Report

6.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for March 2021.

6.2 It was noted that the survey requested by the NIO on for Alfred Street to calculate the dilapidation costs that would be due at the end of the lease term has been completed and will appear in the NIO Consolidated Accounts. Dilapidation costs were also finalised for the offices in North Street and will appear in the Commission Accounts.

6.3 Given the challenging year both financially and environmentally, the board expressed thanks to the Finance and Personnel team for keeping within budget for the financial year.

7. Legal Functions Report

7.1 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on current work including:

- JR123 (legal challenge on spent conviction provisions under the Rehabilitation of Offenders Legislation): the case is being heard on 6 May.
- NM (Access to MOD pension): judgment was received in favour of the applicant on the preliminary point and the MOD has 14 days to appeal the decision. A meeting with Counsel will be arranged after that.
- EW (challenge to the length of NHS waiting list): further information has been sought and an application will be submitted in due course.
- challenge to non-commissioning of Abortion services: The Western Trust has now suspended abortion services with no indication of for how long. New regulations have been laid to give the Secretary of State powers to order the commissioning of services. The regulations are due to be discussed in committee in Westminster today and the minutes of the meeting will be circulated. Legal submissions from the parties are due shortly. The case is due to be heard on 26/27 May.

Action: Committee minutes on the new Abortion Regulations in Westminster to be circulated to Commissioners.

7.2 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on the Legal Clinic which has been re-opened. A review will take place in August or September.

Action: Review of Legal Clinic to take place in August or September.

8. Dedicated Mechanism update

- 8.1 The Head of Service (Dedicated Mechanism – EU Withdrawal) provided Commissioners with an update on the meetings and evidence sessions to the Assembly she has participated in.
- 8.2 The Head of Service (Dedicated Mechanism – EU Withdrawal) reported on an event planned for 18 May with the Centre for Cross Border Studies. The Chief Commissioner and Commissioner Kearney will represent the board.
- 8.3 It was agreed that a report would be presented bi-monthly to the board meeting on the full workings of the Dedicated Mechanism. The first paper will be presented at the May meeting.

Action: Dedicated Mechanism written report to be presented bi-monthly.

Action: Following presentations to the board on the Dedicated Mechanism the papers are to be shared with Commissioners.

9. Communications Report

- 9.1 Director (Communications, Information and Education, Public and Political Affairs) presented the Communications report which included updates on the press regarding the legal challenge to the non-commissioning of Abortion Services, and an up-to-date fact sheet has now be uploaded to the website.
- 9.2 Commissioners were updated on the progress of the website redesign which is currently being checked for accessibility by an Independent Auditor. It will be live before the next board meeting.

10. Severe Foetal Impairment response

- 10.1 Commissioners were briefed on the Severe Foetal Impairment

response. The NI Assembly speaker and Health Committee have both sought the Commission's views.

10.2 Commissioners had a detailed discussion on the Severe Foetal Impairment response and it was agreed that a number of amendments should be made. Commissioner Kearney wished his dissent to be recorded.

Action A final version to be circulated to Commissioners for approval.

11. Any other Business

11.1 Dates are to be arranged for the Commissioner appraisals.

Action: Dates for Commissioner appraisals to be arranged.

11.2 A date for the discussion on Strategic Planning has been confirmed for 21 May from 10am to noon.

Action: Teams invitation to be sent to Commissioners.

The meeting closed at 15:05pm.