



28 June 2021

236th 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)
Éilis Haughey, Head of Service (Dedicated Mechanism)
Nikita Brijpaul, Boardroom Apprentice
Rebecca Magee, Personal Assistant
Htaik Win, Solicitor (Legal and Research Officer)
(agenda item 8)

1. Apologies and Declarations of Interest

1.1 There were no apologies and no conflicts of interest.

2. Minutes of the 235th Commission meeting, Closed minute of the 235th Commission meeting and Special Commission meeting of 7 June and matters arising

2.1 The minutes of the 235th Commission meeting held on 28 June 2021 were agreed as an accurate record.

Action: 235th Commission meeting minutes to be uploaded to the website.

2.2 The closed minutes of the 235th Commission meeting held on 28 June 2021 were agreed as an accurate record.

2.3 The minutes of the Special Commission meeting held on 7 June 2021 were agreed as an accurate record.

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

2.4 The Independent Chair for the Audit and Risk Management Committee has been appointed, with Sean Donaghy the successful candidate who chaired his first meeting on 22 June 2021 (item 2.2 of the previous minutes refers).

2.5 Commissioner Helen Henderson has agreed to be the lead Commissioner for both Strategic Planning and Community Engagements (item 8.1 of the previous 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:

- Evidence to the Seanad Special Committee on Exiting the EU on citizenship rights in Northern Ireland (with ECNI and IHREC)
- North West Migrants Forum commemoration of the killing of George Floyd

- High Court NIHRC legal challenge re abortion
- meeting Hilary Bagshawe senior strategy and engagement advisor Home Office Migration and Borders group
- evidence to NI Assembly committee on Severe Foetal Impairment Private Members Bill
- meeting Naomi Long, Stephen Farry and Paula Bradshaw
- speaker at UU seminar on challenges and opportunities- evaluating the impact of the CEDAW abortion inquiry
- meeting Home Office Vulnerability Advisory Group
- meeting with Louiza Chalal CEDAW committee member
- meeting NIHRC Business and Human Rights Forum
- meeting Deirdre Hargey minister for Communities
- launch of Boardroom Apprentice
- meeting Anne McCleary DfC head of policy and legislation

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

- HoL sub-committee on the Ireland/Northern Ireland protocol (with ECNI)
- NI Affairs Select Committee inquiry into the experiences of ethnic minorities and migrants
- Response to the DoH(NI) Human Rights Impact Assessment into Coronavirus Travel Regulations

4. Commissioners' Reports

4.1 Commissioner Eddie Rooney reported on the Audit and Risk Management Committee which took place on 22 June with the new Chair of the Committee.

- 4.2 Commissioner Stephen White reported on his attendance at the Business and Human Rights Forum on 14 June.
- 4.3 Commissioner Helen Henderson reported on her attendance, in a personal capacity at a conference on trauma and the impact of the past and other events.

5. Chief Executive Report

- 5.1 The Chief Executive updated the board on his meeting and events since his last report.
- 5.2 The Chief Executive updated the board on recruitment with the process for the two Communications posts completed with appointments made. The Senior Communications post is to be completed by the end of June.

6. Annual Accounts

- 6.1 Commissioners considered and formally approved the Annual Report and Accounts for 2020-21. The Report and Accounts are due to be laid in Parliament in July.

7. Finance Report and Risk Register

- 7.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial reports for Core and Dedicated Mechanism expenditure for May 2021.
- 7.2 The Director (Finance, Personnel and Corporate Affairs) presented the Risk Register and highlighted the risks.
- 7.3 Commissioners agreed that an updated Risk Register with additions highlighting good governance and the Paris Principles would be provided in the next report.

Action: Risk Register to be updated and presented at September meeting.

8. Legal Functions and Applications for Assistance

- 8.1 The Director (Legal, Research and Investigations, and Advice to Government) updated Commissioners on current work.
- 8.2 The Director (Legal, Research and Investigations, and Advice to Government) and the Solicitor presented Commissioners with an Application for Assistance regarding an employment issue where an employer obtained access to a digital device and went beyond the issues under investigation.
- 8.3 After considerable discussion and a vote, Commissioners agreed to intervene and obtain a legal opinion with an agreed cap on expenditure.

Action: Counsel Opinion to be obtained.

- 8.4 The Director (Legal, Research and Investigations, and Advice to Government) and the Solicitor presented Commissioners with an Application for Assistance to obtain counsel's opinion on the merits of challenging the Secretary of State for the Home Office for the failure to apply its own guidance on the suitability requirements under the EUSS scheme and/or the failure to make a decision in respect of applicants who have minor convictions.
- 8.5 Commissioners agreed to obtain a legal opinion with an agreed cap on expenditure.

Action: Counsel Opinion to be obtained.

- 8.6 The Director (Legal, Research and Investigations, and Advice to Government) and the Solicitor presented Commissioners with an Application for Assistance challenging the failure to remedy the non-payment of a bereavement social security benefit to widows/widowers of unmarried couples following a Supreme Court decision that failure to do so was contrary to Article 8 (the right to family life). To date, no Remedial Order has been issued following the Supreme Court decision.
- 8.5 Commissioners agreed to issue correspondence to the Department for Work and Pensions and the Department for Communities.

Action: Correspondence to be issued to DWP.

9. Dedicated Mechanism

- 9.1 The Head of Service (Dedicated Mechanism) provided Commissioners with an update on the work of the Dedicated

Mechanism and meetings that have taken place since the last meeting.

10. Education on Sexual and Reproductive health Investigation

10.1 Commissioners were presented and discussed a paper on conducting a human rights investigation into sexual and reproductive health education in schools following the recommendations contained in the CEDAW inquiry into abortion on this issue.

10.2 Commissioners approved the paper with agreed amendments and agreed to conduct an investigation and approved work to begin on finding external research support and on Terms of Reference for the project.

Action: Researchers to be sought re the investigation.

Action: Terms of Reference to be shared with Commissioners.

11. Annual Statement Policy Positions

11.1 Commissioners were provided a background to the Annual Statement Policy Positions and discussed the sections in detail.

11.2 Commissioners approved the policy positions that were presented subject to updates before the Statement is published.

11.3 It was agreed that a meeting would take place in September, separate to the board meeting on the Annual Statement.

Action: Date for a separate September meeting to be agreed.

12. Communications Report

11.1 The Director (Communications, Information and Education, Public and Political Affairs) presented the Communications

report which included updates on the press and the launch of Climate animations with Queens University.

11.2 Commissioners agreed that Communications would be put further up the agenda.

Action: Communications to be placed earlier on the agenda for meetings going forward.

12. Any Other Business

12.1 Commissioners acknowledged that June marked the last meeting for Nikita Brijpaul, Boardroom Apprentice who has been with the Commission for 10 months under unprecedented conditions.

Commissioners expressed their thanks and warm wishes to Nikita for the future.

A new Boardroom Apprentice will commence in September 2021.

The meeting closed at 15:40pm.