

27 September 2021

238th COMMISSION MEETING

**Held in the offices of the Northern Ireland
Human Rights Commission, 4th Floor, Alfred
House, 19-21 Alfred Street, Belfast, BT2
8ED**

Present: Alyson Kilpatrick, Chief Commissioner
Helen Henderson
Jonathan Kearney
David A Lavery CB
Eddie Rooney (except for item 10)
Stephen White

In attendance: David Russell, Chief Executive
Lorraine Hamill, Director (Finance, Personnel and
Corporate Affairs)
Claire Martin, Director (Engagement and
Communications)
Éilis Haughey, Head of Service (Dedicated Mechanism)
Rebecca Magee, Personal Assistant
Michael Black, Solicitor (Legal and Research Officer)
(agenda items 8-10)
Margie McKay, Boardroom Apprentice

Apologies: Rhyannon Blythe, Director (Legal, Research and
Investigations, and Advice to Government)

**The Chief Commissioner, Commissioners and staff expressed their
heartfelt condolences on the passing of Commissioner Maura
Muldoon.**

1. Apologies and Declarations of Interest

- 1.1 Apologies were received from Rhyannon Blythe, Director (Legal, Research and Investigations, and Advice to Government).
- 1.2 Commissioner Rooney expressed a conflict for item 10, Legal Application for Assistance and will not take part in the discussion or decision.

2. Welcome of the new Chief Commissioner and introduction to Boardroom Apprentice

- 2.1 The Commissioners welcomed the new Chief Commissioner.
- 2.2 The Commissioners welcomed the Boardroom Apprentice, Margie McKay who will be attending Commission meetings for 10 months.

3. Minutes of the 237th Commission meeting and matters arising

- 3.1 The minutes of the 237th Commission meeting held on 26 August 2021 were agreed as an accurate record.

Action: 237th Commission meeting minutes to be uploaded to the website.

- 3.2 There were no matters arising from the August minutes.

4. Chief Commissioner's Report

- 4.1 The Chief Commissioner reported on meetings and events she had attended in her first three weeks. These included:
 - British Irish Association Conference in Oxford
 - Simon Community NI
 - Department of Justice and Foyle Women's Aid
 - Chris Flatt, Northern Ireland Office
 - Madeleine Alessandri, Northern Ireland Office
 - Alliance Party representatives

- Geraldine McGahey and Evelyn Collins, Equality Commission NI
- Jacqui Durkin, Criminal Justice Inspection
- Marie Anderson, Police Ombudsman
- Giving evidence before the House of Lords Committee
- Giving evidence before the Committee for the Economy
- Law Society Dinner

5. Commissioners' Reports

5.1 Commissioner Henderson reported on the strategic planning sessions which took place with staff and on the next steps in the planning schedule - stakeholder roundtables in Londonderry/Derry and Belfast. Commissioners agreed to a session on strategic planning after these have taken place.

Action: Commissioner strategic planning session to be arranged.

5.2 Commissioner Lavery reported on his attendance, as Chief Executive of the Law Society of Northern Ireland, at the Commonwealth Law Conference where he presented a paper on the restrictions on civil liberty which have been introduced in many Commonwealth Countries during the Coronavirus pandemic.

5.3 Commissioners discussed the rule of law being fundamental to human rights and agreed that a paper should be compiled on current topics and where the Commission stands on them.

Action: A paper on current topics and where the Commission stands on them to be produced.

6. Chief Executive Report

6.1 The Chief Executive reported on the current Policy and Research Officer recruitment exercise to replace two recently vacated positions. Shortlisting will take place on 30 September and 1 October with interviews planned to take place on 6 and 7 October.

6.2 The Chief Executive proposed contracting a Senior

Communications and Engagement Officer initially on the basis of a six-month temporary contract. Commissioners agreed to the proposal.

- 6.3 The Chief Executive updated Commissioners on the re-accreditation of the Commission. Re-accreditation is due to take place with the Sub-committee of the Global Alliance of National Human Rights Institutions (GANHRI) 18 October.
- 6.4 The Chief Executive reported on his ongoing work with the Commonwealth Forum of National Human Rights Institutions and the partnership with the current Chair to establish a permanent secretariat.

7. Finance Report

- 7.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial reports for Core and Dedicated Mechanism expenditure for August 2021.

8. Legal Functions Report

- 8.1 The Solicitor presented the legal functions report and updated Commissioners on ongoing work including:
 - SPUC2 (Challenge to Abortion Regulations 2021) – the Court hearing is set for 4 and 5 October.
 - RV (Data extraction of mobile phone data by PSNI) – Counsel has been instructed to make third party intervention on behalf of the Commission.
 - SA (Access to information) – the Commission continues to keep a watching brief on this as another case has come to light.

Action: Chief Commissioner to seek a general meeting with Jonathan Hall QC, UK's Independent Reviewer of Terrorism Legislation.

9. Legal decision appeals

- 9.1 The Chief Executive provided background to an appeal against the decision made by staff regarding individual TI. Commissioners discussed the decision and agreed with the

staff decision.

9.2 The Solicitor provided background to an appeal against the decision made by staff regarding individual RP. Commissioners discussed the decision and agreed with the staff decision.

9.3 Commissioners discussed the option of the Chief Executive being the first point of contact to review any staff decision, with cases only coming to the full Commission Board where the individual remained dissatisfied with the decision.

Action: Chief Executive and Director (Legal, Research and Investigations, and Advice to Government) to consider this proposal and then come back to the board for further discussion/decision.

10. Legal Application for Assistance

10.1 The Solicitor presented the Legal Application for Assistance JR87, which is a challenge to the Department of Education in respect of their provision of Religious Education and Collective Worship that potentially contravenes the Applicant's human rights under the European Convention by failing to be objective, critical and pluralistic.

10.2 Commissioners had a brief discussion about the Application and agreed to not intervene at this stage, but to keep a watching brief of the case. Commissioners will reconsider if the court requests it to enter an amicus curiae brief and/or if the case reaches the appeal court.

11. Community Engagement proposal

11.1 The Personal Assistant presented the proposal on Community Engagements.

11.2 Commissioners discussed the proposal. They were supportive of the approach and agreed the way forward in the context of a wider engagement strategy as proposed by the Director (Engagement and Communications). Further work will also be done on engaging with minority groups.

Action: Director to begin work on future Commission

engagement strategy to be completed alongside the Strategic Plan 2022-25.

12. Dedicated Mechanism update

- 12.1 The Head of Service updated Commissioners on the work of the Dedicated Mechanism which included the roundtable meeting with Maroš Šefčovič, Vice-President of the EU Commission with the Equality Commission and NGO's.
- 12.2 The Head of Service updated Commissioners on the Joint Committee tender for research on evolving justice arrangements post-Brexit. No applications were received.

13. Communications update

- 13.1 The Director (Engagement and Communications) updated Commissioners on strategic planning roundtables on 10 November in Derry, 19 November in Belfast and 22 November online.
- 13.2 The Director (Engagement and Communications) updated Commissioners on the change of date for the Annual Statement Launch which is now on 9th December in Parliament Buildings.

14. Any Other Business

- 14.1 The Chief Commissioner raised the fact that, following the tragic loss of Maura Muldoon, the Commission was down to six Commissioners. The Commissioners agreed that seven Commissioners was the preferred option, particularly in light of the gender imbalance, and need to ensure pluralism in compliance with the Paris Principles and the forthcoming re-accreditation. The appointment of a new Commissioner is however a matter for the Secretary of State.

The meeting closed at 13:15pm.

