



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

28 February 2022

243rd COMMISSION MEETING

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

Present: Alyson Kilpatrick, Chief Commissioner
Helen Henderson (via Teams)
Jonathan Kearney
David A Lavery CB
Eddie Rooney
Stephen White

In attendance: David Russell, Chief Executive
Lorraine Hamill, Director (Finance, Personnel and
Corporate Affairs)
Rhyannon Blythe, Director (Legal, Research and
Investigations, and Advice to Government)
Éilis Haughey, Director (Human Rights after EU
Withdrawal)
Margie McKay, Boardroom Apprentice (via Teams)
Laura Banks, Solicitor (agenda item 10)

1. Apologies and Declarations of Interest

- 1.1 There were no apologies.
- 1.2 There were no declarations of interests.

2. Minutes of the 242nd Commission meeting

- 2.1 The minutes of the 242nd Commission meeting held on 31

January 2022 were agreed as an accurate record.

Action: Minutes of the 242nd Commission meeting to be uploaded to the website.

3. Chief Commissioner's report

3.1 The Chief Commissioner's report was noted.

4. Commissioners' Reports

4.1 Commissioner Helen Henderson reported that she was currently working with a group of women who have raised concerns about the policing tactics used following their partners' contact with the criminal justice system. Commissioner Henderson requested that this be noted in case a conflict of interest arose if any of them contacted the Commission for advice.

4.2 Commissioner Stephen White reported that he had attended a 2-day conference on the Future of Europe organised by Queen's University Belfast.

5. Chief Executive's Report

5.1 It was noted that staff will be returning to working in the office two days per week from Tuesday 1 March on a rota basis. This would be reviewed again at the end of the month, but it was hoped that the Commission would operate a phased return to a permanent hybrid approach between the office and home.

5.2 The Chief Executive provided an update on the funding for the secretariat for the Commonwealth Forum of National Human Rights Institutions. If successful, the secretariat will be initially based and salaried in the Commission, but the long-term objective would be to establish it as a separate legal entity, similar to the Asia Pacific regional NHRI Forum.

6. Finance Report including Cash Flow Report

- 6.1 The Director (Finance, Personnel and Corporate Affairs) presented the finance reports for core and the dedicated mechanism expenditure for January 2022.
- 6.2 It was noted that based on current projections there was an anticipated underspend in core. This was as a result of ceasing recruitment to vacant posts whilst the Commission awaited the outcome of the Spending Review for the next three years.
- 6.3 There was also an anticipated underspend in dedicated mechanism due to being unable to fill a vacant post.
- 6.4 The Director (Finance, Personnel and Corporate Affairs) updated Commissioners on the internal and external audits currently taking place. Reports on the internal audit would be presented at the next meeting of the Commission's Audit and Risk Management Committee.
- 6.5 The Cash Flow Report for January 2022 was noted.

7. Strategic Plan Update

- 7.1 The Chief Executive confirmed that the Draft Strategic Plan was on the Commission's website and that the consultation period would end on Friday 18 March 2022. It had also been issued to all the Commission's stakeholders.
- 7.2 It was noted that final feedback on the consultation would be available for the Commissioners to consider at their next meeting on Monday 28 March 2022.

8. Draft Business Plan

- 8.1 Commissioners noted that any changes to the Draft Strategic Plan would have to be reflected in the Business Plan for 2022-23.
- 8.2 It was noted that some changes in the Draft Strategic Plan had been missed and therefore not carried through to the

Draft Business Plan. This would be amended when the consultation period for the Draft Strategic Plan had concluded.

- 8.3 Commissioners discussed the process for screening of legislation. It was agreed that the Chief Commissioner and Chief Executive would discuss how best to deliver a number of training sessions with staff and Commissioners to provide further information on the internal processes. The initial focus will be on advice to government and legal functions
- 8.4 It was noted that there were certain areas of work in Engagement and Communication that would not be possible in the next financial year due to a temporary post coming to an end in March 2022. The Director (Finance, Personnel and Corporate Affairs) had looked at the budget for 2022-23 to see if any savings could be made elsewhere to allow for an extension to the temporary contract. Commissioners discussed the options, and it was agreed that the temporary post of Senior Engagement and Communications Officer would be extended to 31 March 2023.
- 8.5 Commissioners agreed to have a separate meeting to further discuss the Draft Business Plan.

Actions: Meeting to be arranged for Commissioners as soon as possible to discuss Draft Business Plan. Chief Commissioner and Chief Executive to arrange information sessions for Commissioners on internal process, with an initial focus on advice to government and legal functions.

9. Legal Update

- 9.1 The Director (Legal, Research and Investigations, and Advice to Government) provided an update on:
- RV (Data extraction of mobile phone data): hearing pushed back to May 2022.
 - JR123 (Rehabilitation of Offenders): still ongoing with hearing listed for 30 March 2022.
 - RSE: review took place earlier that morning with ongoing discussions and a further review scheduled for Monday 14 March 2022.

10. Legal Application

- 10.1 The Solicitor presented the Legal Application – review of staff decision on whether the current licensing laws in Northern Ireland were an infringement under Article 8 ECHR and Article 27 of the Universal Declaration on Human Rights.
- 10.2 Commissioners discussed the staff decision. They agreed that the appropriate advice had been provided and that the application did not meet the Commission’s criteria for assistance.

11. RSE

- 11.1 It was agreed that this agenda item would be deferred to allow Commissioners time to consider further updates and papers.

Action: Commissioners to consider further updates and agree how to progress the RSE investigation before the 31 March 2022.

12. Commissioning of abortion services

- 12.1 It was noted that the Director (Legal, Research and Investigations, and Advice to Government) was continuing to monitor the commissioning of abortion services.
- 12.2 The Department of Health had indicated they were still working to have services commissioned by 31 March 2022. It was noted that a response from the Northern Ireland Office was pending.
- 12.3 Commissioners noted that a response had not yet been received from the NI Executive to the Commission’s correspondence sent in October 2021.
- 12.4 Commissioners discussed the opinion from Counsel in respect of the legal options available to move forward.

13. Dedicated Mechanism update

13.1 The Director (Human Rights after EU Withdrawal) updated Commissioners on the work of the Dedicated Mechanism since the last meeting.

13.2 This included the following:

- Legal opinions currently being sought
- Submissions that the Team were working on
- Treaty work that the Team were assisting in
- Update on the progress of current research being undertaken

13.3 The Director (Human Rights after EU Withdrawal) reported on meetings held with:

- Council of Europe Rapporteur for inquiry into Human Rights on the island of Ireland after Brexit
- Article 2 Working Group
- Equality Coalition

14. Any Other Business

14.1 There being no further business, the meeting closed at 12.55pm.