



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

28 January 2019

**209th COMMISSION MEETING
IN THE OFFICE OF THE NORTHERN IRELAND
HUMAN RIGHTS COMMISSION, TEMPLE COURT,
39 NORTH STREET, BELFAST, BT1 1NA**

Present: Les Allamby, Chief Commissioner
Helen Ferguson
John McCallister
Paul Mageean
Graham Shields

In attendance: David Russell, Chief Executive
Colin Caughey, Director (Legal, Research and Investigations,
and Advice to Government)
Claire Martin, Director (Communications, Information and
Education, Public and Political Affairs)
Lorraine Hamill, Director (Finance, Personnel and Corporate
Affairs) (Agenda items 1-10)
Jason McKeown, Communications and Public Affairs Officer
(Agenda items 8 and 12)
Rebecca Magee, Personal Assistant (Agenda items 9 and 11-
15)
Rhyannon Blythe, Senior Legal and Research Officer (Agenda
item 10)
Sara Donnelly Clegg, Legal and Research Officer (Agenda item
10)
Zara Porter, Communications and Public Affairs Officer (Agenda
item 12)

1. Apologies and Declarations of Interest

- 1.1 Apologies were received from Commissioners Helena Macormac and Eddie Rooney.
- 1.2 There were no declarations of interest.

2. Minutes of the 208th Commission minutes, and matters arising

- 2.1 The Minutes of the 208th Commission meeting held on 17 December 2018 were agreed.

Action: Approved minutes of the 208th Commission meeting to be uploaded to the Commission's website.

- 2.2 The Community Engagement arranged for 26 and 27 March 2019 will be held in Armagh and Monaghan. A Joint Committee meeting would be held with the Irish Human Rights and Equality Commission (IHREC) alongside meetings with civic organisations (item 2.2 of the previous meeting refers). It was noted that the research on Evolving Justice Arrangements Post Brexit would be launched during the engagement.
- 2.3 Commissioners were reminded to confirm that they had checked their computers and that any personal information that fell under GDPR had been deleted (item 2.3 of the previous meeting refers).
- 2.4 It was noted that the Chief Commissioner had circulated the revised Code of Governance to Commissioners (item 2.5 of the previous meeting refers).
- 2.5 The summary briefing for stakeholders on human rights implications for Brexit and draft Withdrawal Agreement political declaration had been circulated to Commissioners (item 2.6 of the previous meeting refers).
- 2.6 The Chief Commissioner reported on a recent conference call regarding potential research on cumulative impact assessments on tax and social security reforms, which may address issues related to

welfare reform mitigations (item 7.3 of the previous meeting refers). An initial proposal and costings were currently being sought. It was agreed that this work would be an initiative worth considering in depth and to circulate any response to Commissioners for information at this stage.

- 2.7 Commissioners had received and approved the draft supplementary submission to the Women and Equalities Select Committee inquiry into abortion law in Northern Ireland (item 8.2 of the previous meeting refers). The Commission would be giving evidence to the Committee on 27 February 2019.
- 2.8 The Charter for Sports and Human Rights had been drafted and should be finalised in the next few weeks (item 12.5 of the previous meeting refers). A date to launch the Charter has yet to be agreed.

3. Chief Commissioner's Report

- 3.1 The Chief Commissioner reported on meetings and events he had attended since the last meeting. These included:
 - Meeting with Naomi Long MLA, Alliance Party
 - Evidence to Oireachtas Justice and Equality Committee
 - Meeting with Lord Duncan, Under Secretary of State, NIO
- 3.2 The Chief Commissioner also reported on forthcoming meetings and events he would be attending, which included:
 - Meetings in Westminster on 5 February 2019, including meeting with the Secretary of State, Karen Bradley MP
 - Brexit Civic Dialogue meeting in Dublin on 15 February 2019
 - Global Alliance of National Human Rights Institutions General Assembly, Geneva with staff and Commissioner Ferguson on 4-6 March 2019.
- 3.3 It was noted that Kate Gilmore, United Nations Deputy High Commissioner for Human Rights had agreed to be the guest speaker at the Annual Human Rights Lecture on 29 April 2019. As such, it was agreed to move the Commission meeting to Tuesday 30 April 2019.

Action: Commission meeting rescheduled to Tuesday 30 April 2019.

4. Commissioners' Reports

4.1 Nothing to report.

5. Finance Report

5.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for December 2018.

5.2 It was noted that a business case had been submitted to and approved by the NIO for a temporary administrator until the end of the financial year to cover long-term sick leave.

5.3 A temporary part-time Digital Communications Assistant has been appointed until the end of the financial year to further develop the eLearning on the Northern Ireland Civil Service (NICS) website. The post has been funded by NICS.

6. Risk Register

6.1 The risk register was considered. There had been no significant changes to the Commission's Risk Register since the last meeting.

7. Quarterly Report against the Business Plan

7.1 The Chief Executive gave an update on the quarterly report against the Business Plan.

7.2 The Chief Executive reported that a small number of targets in the business plan in the current financial year would not be met. All were nonetheless, making progress and likely to be achieved early in the new financial year.

8. Business Plan/Strategic Plan update

- 8.1 The Director (Communications, Information and Education, Public and Political Affairs) reported that the draft Strategic Plan had been issued to stakeholders in December 2018 for comment. There has been a small amount of feedback to date and the Communications team were continuing to update social media posts. It was noted the closing date for comments was 15 March 2019.
- 8.2 The Communications and Public Affairs Officer reported that a short questionnaire had been developed and shared with various media. Any feedback from the draft Strategic Plan was being centrally recorded and would be shared with Commissioners.
- 8.3 Commissioners and staff were reminded to share the draft Strategic Plan when at meetings/events etc.
- 8.4 The Chief Executive updated Commissioners on the Business Planning process. Currently initial targets had been set for 2019/20. There was discussion around appropriate targets for human rights in a digital age. It was agreed this heading should remain a priority in the strategic plan and the number of specific targets could be smaller in number than other priority areas.

9. Community Engagement proposal

- 9.1 Commissioners discussed the Community Engagement proposal for 2019/20.
- 9.2 It was agreed that three community engagements would take place in 2019/20 with the option retained for the final engagement being carried out either jointly with IHREC or by the Commission on its own.
- 9.3 Planning for the first two community engagements would commence as soon as possible. It was also agreed that the Chief Commissioner would write to the Councils of the areas selected as soon as possible to ensure that the Commission could meet with councillors and local MLAs.

Action: Planning for the first two community engagements to

commence. Chief Commissioner to write to councils.

10. Legal Application for Assistance

- 10.1 The Senior Legal and Research Officer briefed Commissioners on the Application for Assistance to challenge the decision to award state pension from the date of gender recognition certification, rather than the applicant's 60th birthday.
- 10.2 It was noted that the Commission had received an opinion from Counsel on the merit of legal action in the case.
- 10.3 Commissioners considered the Application for Assistance in line with the Commission's legal processes policy. It was agreed that the Commission would issue a pre-action protocol letter. Any further assistance required will be brought to Commissioners for consideration and will be dependent on the pre-action protocol response. The issue of whether the case would be subject to 'anti-test case rules' will be revisited following a response.

Action: Pre-action Protocol Letter to be issued.

11. Brexit update

- 11.1 Commissioners were provided with an update on Brexit, which included discussion on the recent parliament votes, and an update on meetings to take place in Westminster on 5 February.

12. Communications Report

- 12.1 The Director (Communications, Information and Education, Public and Political Affairs) presented the Communications Report for December 2018. The Director highlighted the level of media coverage following the settling of the legal challenge to retention of DNA and other material by the PSNI (item 9.1 of the previous minutes refers).
- 12.2 Commissioners viewed the animation on procurement and human rights and were updated on the status of the animations on ending physical punishment of children and sport and human rights.

12.3 Commissioners were updated on the education work of the Commission, which included school visits, and the ongoing work on developing lesson plans to accompany animations.

13. Developing a Managing Unacceptable Behaviour from members of the public Policy

13.1 The Chief Executive briefed the Commissioners on the background to the paper and discussed the detail with Commissioners.

13.2 Commissioners agreed that the policy was necessary and following minor amendments, the draft should be shared with staff for consultation. The draft will also be discussed at the Audit and Risk Management Committee. A final draft would come back to the Commissioners in due course.

Action: Draft of Managing Unacceptable Behaviour from members of the public Policy to be shared with staff for consultation.

14. Any other Business

14.1 There being no other business, the meeting closed.

The meeting closed at 3.25pm.