



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

25 February 2019

**210th 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
Helena Macormac
Paul Mageean
John McCallister
Eddie Rooney
Graham Shields

In attendance: David Russell, Chief Executive
Colin Caughey, Director (Legal, Research and Investigations,
and Advice to Government)
Lorraine Hamill, Director (Finance, Personnel and Corporate
Affairs) (Agenda items 1-8)
Peter Purcell, Temporary Digital Communications Assistant
(Agenda items 1-10 + 12-13)
Claire Martin, Director (Communications, Information and
Education, Public and Political Affairs) (Agenda items 7-14)
Rebecca Magee, Personal Assistant (Agenda items 9-14)
Eilis Haughey, Temporary Redeployment, NI Assembly (Agenda
item 11)
Jason McKeown, Communications and Public Affairs Officer
(Agenda items 12 + 13)
Zara Porter, Communications and Public Affairs Officer (Agenda
items 12 + 13)

1. Apologies and Declarations of Interest

1.1 There were no apologies or declarations of interest.

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

2.1 The Minutes of the 208th Commission meeting were agreed as an accurate record subject to minor amendments.

Action: Minutes of the 208th Commission meeting to be uploaded to Commission website.

2.2 It was confirmed that the Community Engagement would only be in Armagh on Tuesday 26 March 2019. The research on Evolving Justice Arrangements Post Brexit would be launched at that event (item 2.2 of the previous meeting refers). It was noted that the first draft of the research would be with the Commissioners within the next few weeks.

2.3 As the United Nations Deputy High Commissioner for Human Rights would still be in Belfast on the morning of Tuesday 30 April 2019, it was agreed that the Commission meeting would be moved to the afternoon (item 3.3 of the previous meeting refers).

2.4 It was noted that the Chief Commissioner had written to the relevant Councils, inviting them to participate in Commission Engagements for 2019/2020 (item 9.3 of the previous meeting refers).

2.5 It was noted that a pre-action protocol letter had been issued with regard to 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. A response was still to be received (item 10.3 of the previous meeting refers).

2.6 It was noted that the draft policy on 'Managing Unacceptable Behaviour from Members of the Public' had been shared with staff and the Union as part of the consultation process. The draft was being updated to reflect comments received and a final version would be presented to Commissioners in March 2019 for approval

and sign-off (item 13.2 of the previous meeting refers).

Action: Final version on Managing Unacceptable Behaviour from Members of the Public to be signed off in March 2019.

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 Tony Fuller, former Metropolitan Police Officer and Adviser to Department of Justice regarding setting up an Historical Investigations Unit
- Schools event - Coláiste Feirste in West Belfast
- Meeting with Judith Thompson, Commissioner for Victims and Survivors
- Meeting with Tracey Meharg, Permanent Secretary, Department for Communities
- Meeting with David Sterling, Head of Northern Ireland Civil Service
- Meetings at Westminster
- Panel member at all island civic dialogue – Irish government event
- Faith groups meeting – joint event with Equality Commission NI

3.2 The Chief Commissioner also reported on forthcoming meetings and events he would be attending, which included:

- Meeting with Steve Aiken and Doug Beattie MLAs
- Meeting with DUP MLAs on work of the Commission

3.3 It was noted that Commissioners were due to have a 'reflection day' and it was agreed that one would be held during May 2019.

Action: Commissioners' reflection day to be held during May 2019.

3.4 It was agreed that the Commission would take part in the Boardroom Apprentice Programme 2019.

Action: Commission to respond positively to the request to participate in the programme.

4. Commissioners' Reports

- 4.1 Commissioner Mageean reported that the final meeting of the Gillen Review highlighted the response received from the Commission.

5. Chief Executive's Report

- 5.1 The Chief Executive reported on events and meeting he had attended. These included:
- Conference call with Michael Boyd, Director of Football Development at the Irish Football Association (IFA) re Sports and Human Rights
 - Meeting with the IFA and Northern Ireland Commonwealth Games Council re Sports and Human Rights
 - Meeting with Alliance MLA Kellie Armstrong, and Tiny Life
 - Delivered address on Procurement Guidance Note on Human Rights in Public Procurement to the Chief Executives' Forum
- 5.2 The Chief Executive confirmed that a decision had not yet been made with regard to the Commission's budget for 2019/20. The NIO hoped to be able to confirm the budget week commencing 11 March 2019.
- 5.3 The Chief Executive confirmed that the temporary contract of the Policy and Research Assistant had been extended by a further 3 months until 30 June 2019.

6. Finance Report

- 6.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for January 2019.
- 6.2 It was noted that the NIO had approved a business case to recruit a temporary General Administrator through a recruitment agency to cover long-term sick leave. The additional funding would be reflected in the February 2019 finance report.

7. Annual Statement

7.1 Commissioners discussed the production of the Annual Statement for 2019 and the effect on the recommendations considering there is no NI Executive and NI Assembly.

7.2 It was agreed that the Commission would produce a shorter document, reducing the narrative to only areas where there have been substantive changes which would still contain recommendations alongside the list of green, amber and reds along with an appropriate foreword to reflect the prolonged absence of devolved institutions and its impact on progressing human rights issues.

Action: Shorter Annual Statement to be produced for 2019.

7.3 It was noted that the Commission database would continue to be fully updated and that if circumstances regarding the NI Executive and NI Assembly changed, information would be readily available to produce a more substantive Annual Statement going forward.

Action: Commission database to continue to be updated.

7.4 The Chief Commissioner agreed to write to Sir Nicholas Bratza, the former Judge at the European Court of Human Rights, inviting him to be the keynote speaker at the Annual Statement Launch on 10 December 2019.

Action: Chief Commissioner to write to Sir Nicholas Bratza.

8. Cumulative Impact Assessment

8.1 Commissioners discussed the proposal for research on the cumulative impact of known tax and social security reforms in Northern Ireland from 2010 – 2022 alongside the implications of the results for any future social security mitigations. This work is undertaken through a bespoke micro-simulation model and it was agreed to in principle to commission such an initiative.

8.2 It was noted that as the company were one of the only specialists in this area the contract would be detailed as a single tender action.

8.3 It was agreed that the Commission would request a formal costing including covering whether and if so, to what extent the Section 75

of the Northern Ireland Act equality groups could be covered by the research and this would be brought to the March Commission meeting for sign-off with a view to work commencing in April 2019.

Action: Formal costing to be brought to the March Commission meeting.

9. Legal functions report and Application for Assistance

- 9.1 Commissioners were updated on the legal functions report and were provided with updates on the litigation files.
- 9.2 Commissioners considered the application for assistance to intervene as a third party in the matter of a judicial review into a dispute about the level of payment of a disabled facilities grant to facilitate adaptations to accommodation. Commissioners discussed the application and agreed that assistance would not be granted the intervention would not provide sufficient additional value to the legal support and submissions already available.

10. Update on Business Plan/Strategic Plan

- 10.1 Commissioners were updated on the Strategic Plan consultation including a number of social media polls.
- 10.2 Commissioners were updated on the Business Plan. The five priorities have been agreed and there are 37 targets attached. Commissioners noted that the Business Plan cannot be finalised until the Budget is set.

Action: Strategic Plan and Business Plan to be signed off at March Commission meeting.

11. Brexit update

- 11.1 Commissioners were provided with an update on Brexit, which included discussion on the recent parliamentary votes, the backstop and the research the joint committee is undertaking on cross-border civil and criminal justice issues in light of Brexit.

12. Viewing of Animations

12.1 The Director (Communications, Information and Education, Public and Political Affairs) presented the animations:

- Equal Protection – which is in partnership with NICCY and Global Initiative to End All Corporal Punishment of Children
- Sport & Human Rights – which is in partnership with NI Commonwealth Games Council

12.2 Commissioners endorsed the animations and congratulated staff on this initiative.

13. Communications Report

13.1 The Director (Communications, Information and Education, Public and Political Affairs) presented the Communications Report for February 2019. The Director highlighted the high level of press coverage with over 300 articles printed in the media covering recent work including the settlement of a legal action with PSNI around retention of biometric and other data.

13.2 Commissioners were updated on the school visits and the lesson plan development to accompany a number of the Commission's animations on rights.

Action: Education summary to be presented at the March Commission meeting.

14. Any other Business

14.1 Freedom of Information request:

Commissioners considered legal advice regarding a freedom of information request for a document in relation to discussions between the NIO and the Human Rights Commission and Equality Commission on the 'no diminution of rights' and creation of a dedicated mechanism within the Ireland/Northern Ireland protocol of the Draft Withdrawal Agreement between the UK government and EU27 and Commissioners considered the legal advice in detail and the question of public interest. The Commissioners agreed to refuse the request under section 36 – Prejudice to effective conduct of

public affairs – Qualified Exception, 36b (1) and 36b (2) on the grounds that disclosure would inhibit free and frank disclosure in the future, for example, with government, and that the issue in question is still live.

The meeting closed at 15:00.