



24 August 2020

226th COMMISSION MEETING

Held via Microsoft Teams

Present: Les Allamby, Chief Commissioner
Helen Ferguson
Helena Macormac
Paul Mageean
John McCallister
Eddie Rooney
Graham Shields

In attendance: David Russell, Chief Executive
Lorraine Hamill, Director (Finance, Personnel and Corporate Affairs) (Agenda items 1-7)
Rebecca Magee, Personal Assistant (Agenda items 8-14)
Claire Martin, Director (Communications, Information and Education, Public and Political Affairs)
Hannah Russell, Director (Legal, Research and Investigations, and Advice to Government) (Agenda items 1-5 and 7-14)
Rhyannon Blythe, Director (Legal, Research and Investigations, and Advice to Government)

The Chief Commissioner welcomed Rhyannon Blythe back from maternity leave. He also outlined that he understood that a decision on the new Commissioners was with the Cabinet Office. He also put on record his thanks to the Commissioners for their work given this was the last meeting of this group of Commissioners.

1. Apologies and Declarations of Interest

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

2. Minutes of the 225th Commission meeting and matters arising

- 2.1 The minutes of the 225th Commission meeting held on 29 June 2020 were agreed as an accurate record.

Action: 225th Commission meeting minutes to be uploaded to the website.

- 2.2 The Director (Finance, Personnel and Corporate Affairs) confirmed that the Commission's Annual Report and Accounts had been laid in Parliament on 16 July 2020. A letter had been received from the Minister of State for Northern Ireland thanking the Commission for their ongoing work (item 7.4 of the 225th minutes refers).

- 2.3 It was noted that the Chief Commissioner had still to write to the Secretary of State regarding the legal opinion received in relation to the Commission and standing to bring human rights claims (item 9.2 of the 225th minutes refers).

Action: Chief Commissioner to write to the Secretary of State.

- 2.4 It was noted that Commissioners had visited the new premises on 14 August 2020 (item 13.1 of the 225th 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 NI Assembly Justice Committee re Domestic Abuse and Family Proceedings Bill

- Meeting with Glenn Bradley and Barbara Henry, Chair and Vice Chair, Business and Human Rights Forum
- Meeting with CAJ Equality Coalition
- Meeting with Robin Swann, Minister of Health
- Call with Madeleine Alessandri, NIO
- Meeting with Caral Ni Chullin, Minister for Communities (with counterparts at NICCY, COPNI and ECNI)
- Call with William Dukelow, Head of Criminal Justice branch, DOJ
- Meeting with Geraldine McCaughey and Evelyn Collins, ECNI
- Meeting with Peter Martin, Minister for Education's SPAD and officials on CEDAW education recommendations
- Meeting with Sam Donaldson and Collette Pike, PSNI on spit guard guidance
- Meeting with Washington Ireland interns for their presentation of work on arts and human rights and use of digital technology
- Meeting with Informing Choices and Northern Health and Social care Trust re NIHRC monitoring project on roll out of abortion reform under the Executive Formation Act etc 2019
- Meeting with Emma de Souza – update on citizenship issues
- Meeting with Doug Garrett and Tom Frawley Chair and vice chair, NI Policing Board
- Meeting with Margaret Ritchie

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

- UK government consultation on retained EU Law
- Treasury Select Committee consultation on tax law reform

4. Commissioners' Reports

4.1 Commissioner Rooney provided an update on the recent roundtable discussion which had been arranged following a commitment in the Commission's business plan to undertake an inquiry into drug addiction and substance misuse. A number of organisations had attended the roundtable, including the Department of Justice, Department of Health PSNI and service providers. A report will be made available for discussion at the next Commission meeting.

Action: Report on proposed inquiry on drug addiction and substance abuse to be available for the next Commission

meeting.

5. Chief Executive's Report

- 5.1 The Chief Executive provided an update on the new premises and confirmed that the fit-out was due to be completed this week. Furniture had been ordered and it was hoped that the move to the new premises would be complete by mid-October.
- 5.2 It was noted that Beaman's had been contracted to carry out job evaluation and grading (JEGS) of all the posts including new proposed posts for the dedicated mechanism. It was hoped the whole process would be completed by early October.
- 5.3 It was agreed that the Chief Commissioner would write to the Permanent Secretary confirming that the Commission's position remained unchanged, namely that core funding issues need to be effectively resolved along with staff salaries needed to be resolved before recruitment can begin to staff the dedicated mechanism. In the meantime preparatory work will continue to be undertaken.
- 5.4 The Chief Executive confirmed that in the interim a tender was being drafted to appoint an external human resources organisation to assist with recruitment for the dedicated mechanism posts, job descriptions are prepared and ready to go as soon as it is possible to recruit.
- 5.4 The Chief Commissioner agreed to write to the Minister of State for Northern Ireland to outline the concerns of the Commission around core funding.

Action: Chief Commissioner to write to the Minister of State for Northern Ireland.

6. Staffing

- 6.1 This item was discussed in a closed minute.

7. Finance Report

- 7.1 The Director (Finance, Personnel and Corporate Affairs) presented the financial report for July 2020.
- 7.2 It was noted that the financial report had been updated following confirmation of the Commission's budget from the NIO.
- 7.3 Commissioners noted that confirmation of the funding for the dedicated mechanism had been received and this would be detailed separately.
- 7.4 It was confirmed that additional capital funding had been provided to complete the premises move. The Director was liaising with the NIO as to when the funds would be available for drawing down.
- 7.5 Commissioners had been provided with a copy of the Commission's budget build for the year 2020-21. A detailed discussion took place on how to meet the shortfall of £90,000. It was agreed to reduce the legal budget to £10,000 and reduce the research budget to £20,000 to meet the shortfall.

Action: Director (Finance, Personnel and Corporate Affairs) to update the budget build and financial reports

8. Children Missing from Care

- 8.1 Commissioners discussed the Children Missing from Care report and it was agreed that the report was a strong piece of work. A foreword to set the context, some additional updated figures and recommendations remain outstanding.
- 8.2 Commissioners agreed that a roundtable with specific stakeholders would be held at the end of September and the report would be published in October.

Action: Roundtable to be arranged with specific stakeholders at the end of September.

9. Legal Functions Report

9.1 Commissioners were updated on the monitoring initiative on implementing the CEDAW inquiry recommendations on abortion. A range of meetings have taken place and continue to be arranged. A civic society roundtable has also been arranged for 2 September 2020. This work is ongoing.

9.2 Commissioners discussed the request for a written intervention in the Sally Gribben v UK case going before the European Court of Human Rights (issues arising in the McCaughey and Grew inquests and Article 2 of the ECHR). The Commissioners agreed to a written intervention and agreed a budget limit when instructing Counsel.

Action: Counsel to be instructed to do a written intervention within a budget limit.

9.3 Commissioners were updated on a number of litigation files including:

- NM (MoD refusal to provide partner of army veteran with his pension after he passed away) update: The MoD submission due before the end of August and a review planned in September.
- MC (Requirement of candidates to publish home address to stand for local council/EU elections) update: At the court's request, a proposed timetable for progressing the case has been submitted for consideration, which aims for the hearing to take place in January 2021.
- Challenge to the Rehabilitation of Offenders Act. NIACRO and UNLOCK are considering making an intervention on the impact of the current provision.

10. Legal Clinic Closure

10.1 Commissioners discussed the unsustainability of the Legal Clinic as it was currently operating. Commissioners agreed to close the clinic due to resource constraints and the lack of qualified legal staff. Signposting to other resources will continue. The existing legal commitments will be retained. The closure information regarding the clinic is to be provided on the Commission's social media channels and website. It was agreed that the decision would be reviewed in three months.

10.2 Commissioners agreed that an audit trail of how the decision was made, and how plans on how to restart the clinic if and when resources improve, would be kept.

Action: Legal Clinic to be closed with relevant details shared on social media and website.

Action: Closure of clinic to be reviewed in 3 months, at the November Commission meeting.

Action: Audit trail to be kept including how to restart the clinic.

11. Covid-19 reflection paper

11.1 Commissioners considered the Covid-19 reflection paper which highlighted the work the Commission has completed relating to the Covid-19 pandemic. Commissioners reflected on the lessons learned and the need for continuing engagement around the rights issues engendered by Covid-19.

12. Draft Annual Statement

12.1 Commissioners discussed the Draft Annual Statement and a number of amendments were agreed. Commissioners agreed that the final draft would be presented to the September board meeting to allow for minor amendments before the report is passed to the publication designers at the start of October.

Action: Final draft of Annual Statement to be presented at September Commission meeting.

13. Communications Report

13.1 The Director (Communications, Information and Education, Public and Political Affairs) updated Commissioners on press coverage since the last meeting and provided an update on the materials for the DAERA training.

13.2 Commissioners were updated on Culture Night 2020, which

will take place digitally this year. The Commission will be involved in a panel event and will hold a human rights poetry event.

Action: Invitation to Culture Night 2020 events to be shared with Commissioners.

14. Any Other Business

14.1 As this is the last meeting of this board, a dinner and farewell event is to be arranged for Commissioners once it is possible to do so under current guidelines on gatherings.

Action: Dinner to be arranged.

The meeting closed at 16:15