

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

ANNUAL REPORT 2001



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

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Rt Hon Dr John Reid MP
Secretary of State for Northern Ireland
Block B Castle Buildings
Stormont
Belfast BT4 3SG

Dear Secretary of State

As required by paragraph 5(1) of Schedule 7 to the Northern Ireland Act 1998, I have pleasure in submitting to you the Second Annual Report on how the Northern Ireland Human Rights Commission has performed its functions during the year April 2000 to March 2001.

Yours sincerely

Brice Dickson
Chief Commissioner

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THE COMMISSIONERS

The Northern Ireland Human Rights Commission was established on 1 March 1999 with 10 Commissioners. The Chief Commissioner, Professor Brice Dickson, works full-time for the Commission. The other Commissioners work part-time (approximately one day per week).

Prof Brice Dickson, Professor of Law, University of Ulster at Jordanstown (on secondment).

Prof Christine Bell, Professor of Law at Magee College, University of Ulster.

Mrs Margaret-Ann Dinsmore QC, a practising barrister.

Mr Tom Donnelly MBE JP DL, an early-retired businessman, formerly NI Area Business Manager, Proton Cars (UK) Ltd 1998 to 2000.

Revd Harold Good OBE, President of the Methodist Church in Ireland.

Prof Tom Hadden, Professor of Law at Queen's University Belfast.

Ms Angela Hegarty, Senior Lecturer in Law at Magee College, University of Ulster (resigned with effect from January 2001).

Ms Patricia Kelly, Director of the Children's Law Centre.

Dr Inez McCormack, Regional Secretary of UNISON and current President of the Irish Congress of Trade Unions.

Mr Frank McGuinness, Northern Ireland Director of Trócaire.

THE COMMISSION'S MISSION STATEMENT

The Northern Ireland Human Rights Commission has adopted a Mission Statement which reflects its strong commitment to international human rights standards. It reads as follows.

Mission Statement

The Northern Ireland Human Rights Commission will work vigorously and independently to ensure that the human rights of everyone in Northern Ireland are fully and firmly protected in law, policy and practice. To that end, the Commission will measure law, policy and practice in Northern Ireland against internationally accepted rules and principles for the protection of human rights and will exercise to the full the functions conferred upon it to ensure that those rules and principles are promoted, adopted and applied throughout Northern Ireland.

In carrying out its functions the Northern Ireland Human Rights Commission will be independent, fair, open, accessible and accountable, while maintaining the confidentiality of information conveyed to it in private if permitted by the law. The Commission is committed to equality of opportunity for all and to the participation of others in its work. It will perform its functions in a manner which is efficient, informative and in the interests of all the people of Northern Ireland.

THE COMMISSION'S CORE VALUES

The Commission has pledged to adhere to seven core values. These are independence, fairness, openness, accessibility, accountability, participation and equality.

Independence

We intend the Commission to be completely independent from any outside influence, be it the Government, a political party, a large company, a non-governmental human rights organisation or a group of activists. We undertake to arrive at our conclusions only after we ourselves have carefully considered all the evidence in question.

Fairness

We will give a proper hearing to any person or group wanting to meet with us. We promise to be objective when assessing evidence, and always to use internationally accepted rules and principles on human rights as our baseline when doing so.

Openness

We want the proceedings of the Commission to be as transparent as possible, while realising that we must keep certain information confidential if it is conveyed to us under that condition. We are committed to providing access to information in a manner which goes beyond the requirements of the Freedom of Information Act.

Accessibility

We want the Commission to be close to members of the public. We therefore welcome visitors to the Commission's offices and we undertake to meet individuals and groups at other premises if this is more convenient or suitable. We will ensure that all our public events are accessible. We will also strive to make our publications as easy to understand as possible.

Accountability

We will produce an annual report as soon as possible after the end of each financial year. We are answerable to the UK Parliamentary Commissioner for Administration (the UK Ombudsman) and we undertake to co-operate fully with any investigation that might arise. We maintain a register of Commissioners' interests which is available to anyone who wishes to view it.

Participation

We wish individuals and groups to feel that the Commission is their Commission. This means that individuals and groups will be able to participate directly in the Commission's activities. We strive to ensure that this happens particularly in our work on a Bill of Rights for Northern Ireland and in our education work, but more generally we want to avail of people's expertise in all areas of our work.

Equality

We are fundamentally committed to equality of opportunity. We do not see how human rights can be properly protected if such equality is not at the same time guaranteed. We will therefore strive to promote equality of opportunity within the Commission as well as in the activities we conduct. We will strive to comply fully with the statutory obligations imposed by section 75 of the Northern Ireland Act 1998 and, within the Memorandum of Understanding, we will liaise closely with the Equality Commission for Northern Ireland to ensure that the two institutions work effectively together.

THE STATE OF HUMAN RIGHTS IN NORTHERN IRELAND

Progress made

At the end of March 2001 there was still considerable uncertainty over whether the Belfast (Good Friday) Agreement of 1998 would survive intact. On-going difficulties with decommissioning and policing were particularly pronounced. In general, though, considerable progress had already been made on the human rights front. The Northern Ireland Executive Committee's *Programme for Government*, which was finalised in February 2001, made numerous references to the need to promote and protect human rights.

There were no reported incidents during the year of lethal force being used by the army, the police or any other public authority in Northern Ireland. Plastic baton rounds had been used very infrequently and apparently in accordance with new guidelines produced by the Association of Chief Police Officers. Only one of the three holding centres for persons arrested under the emergency laws – Gough Barracks near Armagh – remained open and in November 2000 the office of the Police Ombudsman for Northern Ireland became operational under the Ombudsman, Ms Nuala O'Loan. An Oversight Commissioner, Mr Tom Constantine, former director of the United States' Drug Enforcement Administration, was appointed in June 2000 to oversee the implementation of the Patten recommendations.

The inquiry into the events which took place in Derry/Londonderry on Bloody Sunday in 1972 made progress during the year after the commencement of hearings in March 2000. Although the Commission was not directly involved in the inquiry, it took a keen interest in how it unfolded. Three Commissioners paid visits to the Guildhall to observe the inquiry and the Commission kept a watching brief on the proceedings in case it became appropriate for an intervention to be made.

Two important decisions of the European Court of Human Rights in June 2000 – *Magee v UK* and *Averill v UK* – meant that the Chief Constable had to change police practice and allow solicitors to attend interviews with suspects arrested under the emergency laws. Later in the year Mr Magee had his conviction quashed by the Court of Appeal because, the conviction having been obtained as a result of a confession extracted in the absence of a solicitor and in circumstances where adverse inferences could be drawn from the suspect's silence, was deemed to be unsafe. The decision of the Court of Appeal to quash the conviction of Ian Hay Gordon for the murder of a judge's daughter in 1952 was also significant. It demonstrates that the new system for dealing with alleged miscarriages of justice – through the Criminal Cases Review Commission – can produce real results.

The Human Rights Act has brought human rights into focus for public services and the courts. Human rights awareness training, together with the statutory equality requirements, have helped to introduce a new and important culture within the public sector. Before and after the full introduction of the Human Rights Act 1998 on 2 October

2000, the Commission participated in the Home Office's Human Rights Task Force on the implementation of the Act as a member of the Northern Ireland Liaison Group. At Westminster a Joint Parliamentary Committee on Human Rights was eventually established. The Northern Ireland Human Rights Commission is engaging with this Committee on its inquiry into whether a Human Rights Commission should be established for the whole of the United Kingdom.

Frustrations and pending developments

But not everything in the garden was rosy. Criminal investigations were still continuing into the murders of Patrick Finucane in 1989 and Rosemary Nelson in 1999 and a public inquiry had not been announced for either killing. Proposals for the introduction of a new version of the plastic baton round had just been made, but in many people's eyes the new weapon was likely to be even more dangerous than the old one.

The outcome of a group of cases on the right to life before the European Court of Human Rights was also still awaited – the Human Rights Commission had been permitted to make an intervention in these cases in April 2000 and in doing so it drew the Court's attention to the inadequacies in the current investigative systems for killings in Northern Ireland and to the standards on such matters adopted by the United Nations Human Rights Committee and the Inter-American Court of Human Rights.

Unfortunately the Commission was not treated so favourably by courts within Northern Ireland. By a decision of the Lord Chief Justice in December 2000 it was deprived of the power to apply to local courts to make interventions on applicable human rights standards. The Commission appealed this decision and was awaiting the outcome of the appeal at year's end. It had already decided in principle that if it lost in the Court of Appeal it would petition for permission to appeal to the House of Lords.

None of the individual applicants to whom the Commission granted assistance was able to bring his or her case to a successful conclusion during the year. Another case taken to Europe – to loosen the restrictions on religious broadcasting – was declared inadmissible by the European Court.

Many people have sought to rely upon the Human Rights Act since its coming fully into force on 2 October 2000 and the Commission has been approached by a number of them. So far the High Court judges have adopted a fairly proactive stance – applying the Act even when the lawyers in the case have omitted to refer to it. No judge issued a declaration that an existing Act of the Westminster Parliament was incompatible with the Act, but several judges did interpret existing laws so as to make them compatible with the Convention. This occurred in commercial cases as well as in criminal cases.

The British Government remains resistant to the incorporation into the law of any part of the United Kingdom of UN human rights treaties such as the Covenant on Civil and Political Rights and the Convention on the Rights of the Child. Nor will it allow people

anywhere in the United Kingdom to take their cases to the UN's Human Rights Committee. It continues to refuse to ratify the Council of Europe's Revised Social Charter or even to sign Protocol 12 to the European Convention on Human Rights (which strengthens protection against discrimination). The EU's Charter on Fundamental Rights was agreed at Nice in December 2000, but only after the British Government and others succeeded in reducing it to a document with declaratory status only.

Policing and criminal justice

Throughout the year the Commission expected quicker progress to be made on policing and criminal justice reform. By March 2001 the former had stalled over issues such as the powers of the Policing Board and of the Police Ombudsman. The Commission nevertheless engaged with the RUC in trying to ensure that the transformation to the new Police Service of Northern Ireland was infused with human rights thinking. At year's end it stood ready to comment on the draft Code of Ethics and on the curriculum content of the Training, Education and Development Strategy.

Criminal justice reform was due to be dealt with by a Bill at Westminster to be published in April 2001. The Commission intends to take a very close interest in this Bill, as we did in the Terrorism Act, which completed its Parliamentary stages in November 2000 and was brought into force on 19 February 2001. While the Terrorism Act has meant the withdrawal of the UK's notice of derogation regarding the right to liberty in the European Convention, it re-enacts most of the other laws previously contained in the Prevention of Terrorism (Temporary Provisions) Act 1989 and in the Northern Ireland (Emergency Provisions) Act 1996. Moreover it significantly broadens the definition of terrorism. The Commission's numerous recommendations for amendments to the Terrorism Act were ignored at Westminster.

As reported last year, the phenomenon of so-called "punishment" shootings and beatings continued unabated. In the 12 months to the end of March 2001 there were 162 shootings (99 by Loyalist paramilitaries and 63 by Republican paramilitaries) and 152 assaults (86 by Loyalists and 66 by Republicans). The Human Rights Commission, naturally, condemns such attacks as an abuse of the human rights of the victims concerned. In the light of new research published in December 2000, the Commission intends to spend more time in the forthcoming year attempting to counter such abuses.

The future

The Human Rights Commission would be more upbeat about the future prospects of human rights promotion and protection in Northern Ireland if its own powers and resources were greater than at present. In a report to the Secretary of State submitted at the end of February 2001 the Commission made 25 recommendations on how the Northern Ireland Act 1998 could be amended so as to make the Commission more effective. Unless most if not all of these recommendations are accepted, there is a grave danger that the Commission will be seen as paying mere lip-service to the safeguarding of human rights.

The former Secretary of State for Northern Ireland, Mr Peter Mandelson, said in September 2000, that the Belfast (Good Friday) Agreement had "...given us a new Human Rights Commission and an Equality Commission to give Northern Ireland the sort of rights-based society that other countries will look to as a model of excellence." The Commission believes it is playing a full part in helping Northern Ireland along that road. But more still needs to be done, by public and private authorities alike. The Commission will therefore continue its efforts to promote awareness of the importance of human rights in all walks of life and in all sectors of society.

CHIEF COMMISSIONER'S REPORT

During the year 2000 to 2001 the Commission naturally focused on implementing its Strategic Plan 2000 to 2002. At times this meant giving less attention to issues we might have liked to work on had our Plan been different – a good example is the law and practice relating to the consideration of planning applications in Northern Ireland. But keeping to our Plan meant that we were able to target resources appropriately and move towards specific ends. We left sufficient flexibility in operations to allow the Commission to react to unforeseeable events – such as particularly interesting court proceedings brought to our attention. The contents of this Second Annual Report are intended to reflect how we have conducted our activities, planned and unplanned, during the past year.

Committees and Commission meetings

The Commission continued to function primarily through its committees, which met on a monthly or bi-monthly basis. In February 2001 the membership of each committee was revised and these can be found in Appendix 1. The work of each committee is detailed later in this report but it is worth signalling here the care which is taken by each committee when dealing with its issues. This is particularly so in relation to the Casework Committee, which often has to take difficult decisions on applications for assistance. The Equality Committee will have much more to do in the coming year, assuming that the Commission's Equality Scheme – submitted to the Equality Commission in January 2001 – is approved later in 2001.

The Commission itself met monthly and again managed to conduct its business on a consensus basis, without the need for any voting. Slight amendments were made to the Standing Orders towards the end of the year. Minutes of Commission meetings – once finally approved – as well as most of the Commission's publications were placed on the Commission's website as soon as was practicable. We are gratified that the website remains very popular with visitor sessions totalling more than 31,000 in the six months to March 2001.

Accountability

The Commission was on the point of submitting its accounts for 1999-2000 at the year's end. These were delayed because of the initial problems encountered in establishing the Commission. The Annual Reports of the Commission provide a comprehensive overview of our work during each year. In addition this year, in February 2001, the Commission produced a review of the effectiveness of its powers and functions since its establishment in March 1999. This was given to the Secretary of State with 25 recommendations for his consideration.

The Commission was the object of 27 Parliamentary Questions, to all of which it supplied full answers. The answers were provided as far as possible within the 14-day

time limit. The Commission prides itself on its transparency – so that even when adverse criticism is levelled against its decisions it will explain in detail how it arrived at those decisions. Despite allegations that the Commission cannot be independent if some of its Commissioners are also members of other human rights organisations, there is not of evidence to suggest that any such external influence has been exerted. The Commissioners maintain a register of interests which is open to inspection by any member of the public.

Relationships with other bodies

By the year's end the Commission had agreed a Memorandum of Understanding with the Equality Commission and was close to agreeing a similar document with the Police Ombudsman. These documents regulate the division of labour when issues of mutual concern arise. More specifically, they provide for the referral of inquiries by one body to the other whenever the subject matter requires this. Regrettably the Human Rights Commission was unable to finalise Protocols with the Northern Ireland Executive or the Northern Ireland Office by the end of the year. A draft of the former document was still being considered by various Northern Ireland Departments, while a draft of the latter was still being examined by the Commission itself.

The Commission met with a number of UK Government Ministers during the year, including Mr Peter Mandelson, Mr Adam Ingram and Mr George Howarth. It also met with some of the Northern Ireland Executive Ministers, such as Mr Dennis Haughey, Mr Dermot Nesbitt, Mr Sean Farren and Mr Seamus Mallon, Deputy First Minister, who addressed the Commission's conference on the Criminal Justice Review held in September 2000 in Armagh. Contacts were also maintained with other cognate public authorities such as the Assembly Ombudsman, the Equality Commission, the Independent Assessor of Military Complaints Procedures, the Independent Commissioner for the Holding Centres, the Lay Observer, the Mental Health Commission, the Parades Commission, the Police Ombudsman and the Sentence Review Commission. Innumerable meetings were held with voluntary and community organisations.

Links with the Northern Ireland Assembly were cemented through the giving of evidence to a number of Assembly Committees and the submission to the Speaker of Commission views on Bills. The Commission identified a small number of proposed legislative provisions which arguably breached the standards contained in the European Convention on Human Rights but it was not successful in persuading the legislators to change the wording of any of the Bills. There was a similar failure to influence Parliamentarians at Westminster, despite considerable efforts being made in relation to the Police (NI) Act 2000 and to the Terrorism Act 2000.

The Bill of Rights

Many of the meetings held with external organisations focused on the Commission's work on a Bill of Rights for Northern Ireland. Officially launched in March 2000, the consultation process on this project continues to be long and broad. The Commission has

been gratified at the degree of interest in the project displayed within all quarters of society. It has tried to stimulate debate on the topic and to that end was delighted to host a visit in December 2000 by the President of the Constitutional Court of South Africa, Judge Arthur Chaskalson. His addresses to a variety of audiences were inspirational. In January 2001, the Commission was delighted to host an event at which the independent working groups publicised their advice to the Commission on the Bill of Rights. The initial consultation period on the Bill of Rights came to an end in February 2001 and by the end of March the Commission was in the midst of a series of deliberations based on more than 120 submissions received on the Bill of Rights.

Conferences, speeches and meetings

In May 2000 the Commission co-sponsored with the British Council a four-day international seminar on *Democracy, Equality and Human Rights* at the Hilton Hotel in Belfast and in June 2000 it collaborated with the Commonwealth Lawyers' Association in organising a seminar on emergency laws. In September 2000 the Commission organised a conference in Armagh on criminal justice reform. In the same month the Chief Commissioner addressed a well attended meeting of the Judicial Studies Board for Northern Ireland. In October the Chief Commissioner was delighted to address an event in the Ulster Hall, Belfast, arranged by Amnesty International to celebrate the visit of His Holiness the Dalai Lama.

In February 2001, the Commission met with some of the key players in the local human rights and equality fields to discuss its role, activities and powers in relation to the two-year review which it was obliged to submit to the Secretary of State. We were delighted that Mr Brian Burdekin, special advisor to Ms Mary Robinson, UN High Commissioner on Human Rights, was able to participate in the discussions.

The Commission was also represented at a number of conferences and seminars. The Chief Commissioner gave a key address at many of these, including the Garda Síochána's conference on Policing and Human Rights in Dublin in October 2000. He delivered the Paul Sieghart Memorial Lecture in London in April 2000, the Duke University Law School Lecture in September 2000 and the Bristol University Law Faculty Annual Lecture in February 2001. In August 2000 he addressed the Human Rights Panel of the American Bar Association at its annual conference in London and in November 2000 he visited New Zealand at the invitation of the British Council and while there he met with Commissioners and staff of the New Zealand Human Rights Commission.

In April 2000 the Chief Commissioner represented the Commission at the world meeting of national human rights institutions held in Morocco and later that month he addressed the United Nations' Human Rights Commission about the work of the Northern Ireland Commission and the state of human rights in Northern Ireland. In July 2000 he participated in a meeting of Commonwealth human rights institutions held in Cambridge. The Commission was also represented at conferences held in Cardiff and Edinburgh on whether Human Rights Commissions should be established in Wales and Scotland.

The Republic of Ireland's Human Rights Commission

Throughout the year the Northern Ireland Human Rights Commission pressed for the early establishment of the Republic of Ireland's Human Rights Commission so that the two bodies could set about forming a Joint Committee to look at the issues mentioned in that regard by the Belfast (Good Friday) Agreement. The Northern Commission was disappointed that by the year's end the Southern Commission had not been able to commence its work because the Human Rights Commission Act 2000 still required to be amended to permit the appointment of additional Commissioners.

CHIEF EXECUTIVE'S REPORT

This second year of the Northern Ireland Human Rights Commission has been one of both consolidation and development. We also had, by statutory requirement, to review the effectiveness of our powers and functions and report to the Secretary of State within two years of our establishment. The Review was undertaken by Commissioners and staff with some advice from the office of the UN High Commissioner on Human Rights and local organisations with which we have been involved. It provides a comprehensive analysis of our work in the first two years of the Commission's existence and, more importantly, highlights where the powers and duties of the Commission are not being fully realised, with recommendations for how to address any deficiencies. As we await a response from the Government to this Review, Commissioners are considering the appointment of an independent evaluator to review the first term of the Commission, to assess its impact and to make recommendations for improvement, if appropriate.

Establishing the Commission

The necessary parallel process of establishing the organisation whilst simultaneously carrying out our full range of functions, has challenged both staff and Commissioners over the last year. However, as we move into the next phase of the Commission's life, post our two-year review, it is clear that much has been consolidated. We have now appointed our full complement of staff and have expanded into another floor of our office premises; staff policies and procedures have been developed and a financial procedures manual now governs our expenditure. Accounts have been computerised and whilst resources continue to be a problem for the Commission, there is a regular monitoring procedure in place. The agreement of protocols with the Northern Ireland Office and the Northern Ireland Executive as well as with other 'sister' organisations, remains a priority and there are still administrative arrangements to be finalised with the sponsoring government department, the Northern Ireland Office. However, as our two-year review illustrates, the Commission has moved quickly and energetically to embrace its duties and functions as described in the Northern Ireland Act and as prioritised in our Strategic Plan. The extensive consultation on the plan allowed Commissioners to take on board the very real concerns of the members of the public and of specialist organisations working on behalf of those whose rights are most in need of protection.

Staffing

At the year's end the Commission was employing 16 staff, with the post of investigations worker operating as a job-share position since January 2001. Ms Christine Loudes joined the staff to work with Dr Linda Moore when Linda returned from maternity leave. During her absence, Mr Michael Waters oversaw the investigations, undertaking the review of the use of plastic baton rounds on behalf of the Commission. Temporary staff were also employed to ease the workload in both casework (Mr David Russell and Ms Edel Quinn) and in education (Mr Mark Dornan and Dr Ronan Deazley). The Commission has also been well served by its programme of interns and volunteers. Mr

Timothy Ritchie spent a very productive summer with us working on the Criminal Justice Review; Mr Björn Paterok from Germany spent six weeks with us on the Bill of Rights consultation. Ms Rachel Rebouché, from the USA, joined the Commission as a volunteer in February 2001, also on the Bill of Rights. Ms Esther Keenan volunteered to review the progress of the trained facilitators on the Bill of Rights in further disseminating the information and debate within their own communities. The appointment of an information worker, Ms Nadia Downing, during the year has greatly enhanced our publications schedule and the promotion of our corporate identity. With the help of Mr Michael Ardill, the website development has encouraged and enabled a global interest in our work and allows our publications to be accessed by a wide range of individuals and organisations.

Much of the responsibility for the Commission's day-to-day functions lies with the administration team of Ms Lisa Gormley, Ms Bernadette McFadden, Ms Roisin Carlin and Mrs Lorraine Hamill, with occasional temporary help. They are often the Commission's interface with the public and have shown impressive commitment and enthusiasm for their work. Both staff and Commissioners have been prepared to dedicate their time and effort beyond their contractual obligations which reflects their determination to ensure that the Commission becomes established as a really useful organisation that has the confidence of the people of Northern Ireland. We do not have the resources to run a second office outside Belfast but we are committed to establishing a presence throughout the region and both staff and Commissioners have travelled extensively during the year to help make this a reality. With only one member of staff dedicated to the Bill of Rights work, Ms Miriam Titterton, Commissioners, and in particular the Chief Commissioner, have been heavily involved in public and private meetings to promote and inform debate. All staff have been engaged in different elements of the work including training, publications, promotion, public speaking and event management.

Staff Development

Training of both staff and Commissioners, through attending courses, conferences and working closely with other organisations in networks such as the Human Rights and Equality Forum for the UK and Ireland, the British Council, the Council of Europe Round Table of Human Rights Institutions and the global network of human rights NGOs, continues to be a priority for the Commission. From IT skills enhancement to academic legal teaching, public and media presentation to First Aid, we are committed to supporting both the personal and professional development of those involved with the Commission, including interns and volunteers, and to investing in our human resources.

Expansion

Securing additional accommodation within the current building will allow us to develop the volunteer and intern programmes in a more systematic and regular manner. We hope to be able to host two intern posts throughout the year with three intakes in July, October and January/February. There has been a great deal of interest shown in voluntary work

with the Commission which, if appropriately managed, could bring a range of useful skills to the organisation. The new offices will give us a shop-front entrance with a library/resource room which, when fitted out, will be available to the public.

Highlights

Key tasks that have been undertaken are detailed in the main body of this Annual Report, but it is important to highlight the collective commitment that has gone into the production of our first Annual Report and Strategic Plan; the computerising of the accounts; the Bill of Rights consultation process and associated publications; the Bill of Rights Working Groups; the visit of Justice Arthur Chaskalson, President of the Constitutional Court in South Africa; the development of an Equality Scheme for the Commission; the two-year Review and the refurbishment of and move to new offices. Congratulations are due to Dr Linda Moore and Ms Denise Magill and to Commissioner, Prof Christine Bell, on the birth of their babies, all girls!

The past year's work has laid the foundations for the Commission to move forward with confidence into the next phase of implementing its twin objectives of protecting and promoting human rights in Northern Ireland.

EQUALITY

Human rights and equality are central features of the Belfast (Good Friday) Agreement 1998, made effective through the Northern Ireland Act 1998. The two overlap and yet are independent. The Human Rights Commission holds equality as one of its core values and is committed to ensuring the promotion of equality at both policy and operational policy levels. The Commission established an Equality Committee during the year to oversee the implementation of its obligations towards section 75 of the Northern Ireland Act 1998. The committee meets quarterly to assess progress on the Commission's Equality Scheme and to discuss other relevant equality matters. As the Commission moves into implementing its Equality Scheme, on approval from the Equality Commission, the Equality Committee will have a higher profile and demand increased resources within the Commission. The Commission's contact on equality and section 75 matters is its chief executive, Ms Paddy Sloan.

Equality and Good Relations

The Northern Ireland Human Rights Commission as a designated public authority has a duty under section 75 and Schedule 9 of the Northern Ireland Act 1998 to promote equality of opportunity and good relations. In seeking to have 'due regard' to equality of opportunity and to 'have regard' to promoting good relations, the Commission issued its draft Equality Scheme for consultation in April 2000. The draft Scheme covers the period 2000-2005 and provides an overview of the Commission's commitment to equality of opportunity and how we, as an organisation, are determined to promote the concept both proactively and by example.

Some 1,200 copies of the Scheme were distributed to all the organisations and agencies with which the Commission is in regular or occasional contact, for comment and amendment. At the time we were conscious of the number of schemes that were in circulation and the consultation fatigue being experienced by many, especially those groups most likely to be affected by the requirements of section 75 of the Northern Ireland Act 1998. These are groups which support the most vulnerable people in society, who tend to survive from hand to mouth on ad hoc and short-term funding, and who, in this instance, are looked on to provide guidance on how the major ocean liners of public services should be turned around to accommodate the needs of the most vulnerable groups in society. A grand opportunity, but suddenly everybody needed to know the answer at the same time.

The Northern Ireland Human Rights Commission was no exception, although being conscious of the effect of potential impact assessments on, in particular, the community and voluntary sector, the Commission's scheme was written in such a manner as to require, we hoped, little amendment. Paradoxically, it was the smaller and least well resourced groups who responded to the Scheme and provided valuable guidance on how it might be most useful to their particular constituency. The Commission is particularly grateful to all those who took the time and made the effort to respond to our ideas and

proposals for action to ensure that our work is a model of good practice and that we can lead by example as well as by rhetoric.

The consultation resulted in an amended Scheme being submitted to the Equality Commission in January 2001 and to date we await their reaction. This has not however, precluded the Human Rights Commission from using the section 75 directions to underscore the work of the Commission and to guide both our employment and strategic practice. In particular, the Bill of Rights consultation process has used the section 75 guidance to ensure that all vulnerable groups have been represented and engaged in the process, either directly, through the working groups or by correspondence. Equally, it is now a requirement of the Commission that anyone employed by it is made aware of, is familiar with and is supportive of the requirements of the statutory equality duty imposed by the Northern Ireland Act 1998.

Consultations on Public Authority Equality Schemes

In contrast, the Commission took the decision not to respond to the very many, literally hundreds, of Equality Schemes sent to it for comment. There were two reasons for this: firstly, we did not have the necessary resources to provide a comprehensive and accurate analysis of each and every scheme received; secondly, it would be invidious to respond selectively to schemes, providing advice either to the most important, or the most vulnerable, or some other arbitrary category. Additionally, the Equality Commission is the ultimate arbiter in this process.

Human Rights and Equality Forum

The Human Rights Commission has developed a Memorandum of Understanding with the Equality Commission and the two organisations meet regularly at Chief Executive and Chief Commissioner level. The two full Commissions also met to formalise the Memorandum of Understanding in October 2000. To date the Commissions have worked constructively and co-operatively and it is anticipated that this relationship will continue. In addition both Commissions are members of the Human Rights and Equality Forum which involves all the equality and human rights institutions in the UK and the Republic of Ireland. This Forum, involving Chief Executives and Chairs/Chief Commissioners, meets twice a year and has developed into an informative and active network. At executive level much useful information is shared and at policy level issues such as multiple discrimination, the role of Human Rights Commissions, an integrated equality agenda and common research interests have been explored. The Forum has the potential to enhance the promotion of a human rights and equality agenda both at national and international level.

Within Ireland, a North-South conference was organised on Human Rights and Equality and held in Dublin Castle in December 2000. The conference was initiated by the Northern Ireland Committee of the Irish Congress of Trade Unions and the NI Council on Ethnic Minorities which brought together representatives of the two governments, the devolved administration, the Equality Commission, the Equality Authority and the

Northern Ireland Human Rights Commission, to co-host the event. It was to an extent dominated by the controversy at the time surrounding the appointment of the Irish Human Rights Commissioners, but in general terms it provided a useful and constructive forum for taking forward the new focus on human rights and equality North and South.

THE BILL OF RIGHTS

Under section 69 of the Northern Ireland Act 1998, the Northern Ireland Human Rights Commission has the duty to consult the people and advise the government on what should be contained in a Bill of Rights for Northern Ireland. The consultation was launched in March 2000 and will continue until December 2001. The development worker, Ms Miriam Titterton, works full-time on the Commission's Bill of Rights consultation. She was assisted during the year by an intern, Mr Björn Paterok and, from March 2001, a volunteer, Ms Rachel Rebouché.

Overview

Work on the Bill of Rights was prioritised by Commissioners as the main focus for Commission resources, both human and financial, during the year. A commitment to ensuring that the consultation process be as participative and inclusive as possible, as well informing the drafting process, permeated all areas of the Commission's work.

The education profile was dominated by the 'Training for Trainers' programme and the production of an associated manual and video. The programme aimed to equip community leaders and facilitators with information to consult within their own networks and communities. Other publications (detailed in Appendix 6) during the year included 35,000, discussion pamphlets; 3,000 general response leaflets; 2,000 training leaflets; 5,000 newsletters; 1,500 postcards; the reports of the independent working groups; and Bill of Rights billboards on 40 advertising sites across Northern Ireland. Additionally, casework, investigations and research have all given meaning to the Bill of Rights consultation with material examples of how every day life in Northern Ireland is affected by human rights issues. Commissioners and staff travelled widely throughout Northern Ireland to promote, explain and discuss the concept of a Bill of Rights.

Managing the initial submissions in their various forms and integrating that input with the working group reports into the Commissioners' thinking in drafting their first advice has been a challenging process, with lessons to be learned for the next phase of consultation. There is an energy and enthusiasm for the debate to which the Commission is anxious to respond. People have been and continue to be interested to know more about a Bill of Rights and Commissioners and staff remain keen to engage with rural communities, elected representatives, political parties, special interest groups, young people and people who are as yet unaware of the importance of a Bill of Rights, to make sure that final advice to the Secretary of State reflects the needs and ideas of everyone in Northern Ireland. The process will continue to be a priority during 2001.

Timeframe

When the Commission launched the Bill of Rights consultation on 1 March 2000, it had hoped to present its preliminary advice to the Secretary of State by December 2000. However, due to the complexity of the issues, the size of the task and the need for more

information and education on human rights to enable full participation in the consultation, the timescale for producing the draft advice was extended and the Commission was open to receiving submissions until the end of February 2001. In March the Commission began the process of carefully considering the initial submissions as it proceeded towards the completion of its draft advice. This advice was due to be published in May 2001 but will now be available later in the year. It will take the form of a consultation document, to be distributed widely so that people throughout Northern Ireland will have the chance to comment. All responses to that consultation document will be carefully considered, and the document revised in their light. The Commission intends to present its final advice to the Secretary of State early in 2002.

Submissions

Submissions continued to be welcomed by the Commission beyond the deadline of 28 February 2001 and by the end of March, 128 submissions had been received as well as multiple submissions from a number of groups. A system was established for acknowledging, categorising and storing all the views received.

The Commission was delighted that many young people were able to contribute their views through a competition organised by Amnesty International, a roadshow arranged by the Northern Ireland Youth Forum, a six-month project for vulnerable young people set up the Children's Law Centre and supported by Save the Children with training from the Commission, and through an on-line conference organised jointly by the Greater East Belfast and South Belfast Youth Strategy groups, the Commission and young people from Lisnasharragh. These young people went on to win a prize in the Amnesty International competition and to support other work on youth rights.

Submissions ranged from the formal to the informal and included emails, paintings, posters, sculpture, essays, poems and CD-Roms. One of the most innovative submissions to date was presented as a 'tunnel of rights' built by young people and carrying graffiti messages on human rights.

Many informal comments were made during the Commission's education and information sessions and views were presented to the Commission by many individuals and organisations with whom we met during the year.

The Independent Working Groups

After consultation, nine independent working groups were established during summer 2000 to advise the Commission on specific matters that might be included in the proposed Bill of Rights. The groups largely reflected the areas covered by the discussion pamphlets (see Appendix 3) and were chaired and almost entirely composed of people from outside the Commission. The aim was to bring outside expertise into the Commission's deliberations. Almost 200 members made up the working groups, giving considerable time voluntarily and attending mainly in their individual capacities, although in some instances representative expertise was sought to ensure the breadth of

discussions.

A separate working group on women's rights was not established as each group was charged with ensuring that all interests were represented and considered. It was felt important that each group should consider its particular issues from the perspective of women, whose interests should not be sidelined into a separate category. However, a perception emerged that women's issues were not being given enough focus in the early consultation phase. In January 2001, Commission staff met with a range of organisations to consider jointly how to further consult effectively with women. We supported projects such as the "Right Night Out" drama workshops aimed at women and others which were supported by the Social Justice Initiatives Fund of the Northern Ireland Voluntary Trust. The inclusion in this funding programme of support for human rights initiatives has greatly enhanced the opportunities for local groups to pursue projects related to the Bill of Rights and as such as been a welcome development. The Commission remains keen to ensure that the views and needs of women are clearly represented.

While young people took part in the children and young people's working group, this constituency requires support in order to exercise their right to participate as guaranteed in the UN Convention on the Rights of the Child. The Commission was particularly pleased to work with a number of organisations to enable young people to put forward their views on the Bill of Rights. A summarised version of the children's working group report was produced by the Children's Law Centre for children and young people.

In January 2001 the working group reports, published as advice to the Commission, were discussed at a conference open to members of the public at the Waterfront Hall, Belfast. Copies of the reports were circulated widely and placed on the Commission's website.

Bill of Rights Events

During the year meetings, large and small, were held across Northern Ireland with a range of groups and organisations, and Commissioners and staff made many inputs into events and conferences held by other organisations. Bill of Rights information and education sessions were tailored to the needs of participants. The only limitation (aside from the unfortunate impact of Foot and Mouth Disease) to our facilitation of information or training sessions was the availability of Commissioners and staff – who, the Commission is delighted to report, were in high demand.

- Sessions were held with groups in Armagh, Ballymena, Ballymoney, Belfast (East, North, South and West), Carrickmore, Coleraine, Cookstown, Craigavon, Derry/Londonderry, Enniskillen, Fintona, Irvingstown, Lisburn, Newry, Omagh and Portadown, to name but some.
- Joint work with organisations such as the Northern Ireland Youth Forum, Women Together, the Committee on the Administration of Justice, Amnesty International, Carers National Association, the Children's Law Centre, Save the Children Fund, various churches, the Soroptomists, the Women's Coalition, NICVA, Coalition on Sexual Orientation, Community Dialogue, the Chinese Welfare Association ,

- Events for the deaf community were held at RNID's office in Belfast and a seminar on language rights took place with language interest groups.
- The Bill of Rights was launched to rural organisations in September 2000 through the Rural Community Network.
- The Commission attended meetings of the Ad-Hoc Human Rights Consortium, set up by NGOs to exchange information and good practice on the Bill of Rights consultation.
- A conference on the Bill of Rights for 150 young people held in Cookstown in November 2000 was organised by the Northern Ireland Council for Integrated Education with input from the Commission.
- A conference held with the Law Centre (NI) in September 2000 focused on social and economic rights and was aimed at the advice sector.
- Events such as the "Right Night Out" drama workshops with Circus Spectacky, organised by Women Together Moving On, funded by the Social Justice Initiatives Fund, were aimed at women in local communities.
- The North and West Health and Social Services Trust facilitated discussion among children and young people in care in November 2000 at Belfast Castle
- Justice Arthur Chaskalson, President of the Constitutional Court in South Africa visited Northern Ireland in December and met with community facilitators trained by the Commission, human rights interest groups and others through a series of local events in Derry/Londonderry and Belfast, culminating in a conference at the Hilton Hotel, Belfast.
- By the end of the year a session on the Bill of Rights had been arranged jointly with the Bill of Rights Coalition for the Civic Forum which resulted in a motion of support for the Bill of Rights being put to the Forum.
- A reception for MLAs and local authority Mayors and Chairs was held in May 2000 to explore with them the best way of engaging with local elected representatives.

District Councils and the Bill of Rights

During the year all the councils were asked to consider hosting an event for people in their area, so that as many individuals as possible could be given an opportunity to question the Commission and to express their opinions on what rights and responsibilities should be contained in the Bill of Rights. The Commission offered to help facilitate such public meetings and to provide training for council staff. Commissioners also visited councils to present the Commission's work.

Positive responses meant that a number of councils arranged public sessions in Omagh, Ballymoney and Ballymena. Discussions took place with Ards Borough Council and Derry City Council with a view to events to take place later in 2001. Events in Enniskillen and Carrickfergus were unfortunately postponed during the outbreak of Foot and Mouth Disease. Training events facilitated by the Commission were supported by a number of councils and others sent officers to separate training sessions.

Resourcing the Bill of Rights Consultation

In December 2000 the Commission sought additional resources, supplementary to its core budget, specifically for the Bill of Rights consultation process. The nature and extent of the second phase of the Commission's consultation on the Bill of Rights will be dependent on Government's response to this request. A programme of events is due to be launched later in 2001 in parallel with the consultation document which will reflect the available resources. The Commissioners remain committed to ensuring that our core values of openness, fairness, participation, independence, accessibility, accountability and equality govern the consultation process and look forward to a supportive response from government to allow this commitment to be fully realised.

CASEWORK

The year under review saw the coming into force of the Human Rights Act 1998 on 2 October 2000. The workload of the Commission's casework team correspondingly increased. The team, led by the Commission's caseworker, Ms Maggs O'Connor and the Casework Committee continued to develop systems and procedures to ensure that cases were handled efficiently and effectively. During the year the Commission's casework function was assisted by Mr David Russell, locum caseworker and, from November 2000, Ms Edel Quinn, assistant caseworker.

Inquiries

In the year ending 31 March 2001 the Commission received 559 telephone inquiries relating to legal matters. This is more than double the number received during the Commission's previous year. With the appointment of a temporary assistant caseworker, Ms Edel Quinn, in November 2000, the Commission's ability to respond to inquiries was enhanced. The assistant caseworker focused on dealing with new inquiries while the caseworker concentrated on preparing applications to the Commission's Casework Committee. The Committee met 16 times during the year. On two occasions the Commission's procedures for dealing with emergency applications were triggered.

Applications dealt with

The Commission received 104 applications for assistance during the year. In 12 of these cases the matter was resolved before assessment of the application by the Commission's Casework Committee and in 10 further cases the applicants withdrew their applications. Of the remaining 82 applications, 36 remained due for assessment at the end of the year. The Committee considered 49 applications for assistance. Of these, 34 were rejected because they did not meet the Commission's criteria (see Appendix 5). In eight cases individuals were assisted and in five cases the Commission made a submission to the courts as a third party intervener. All of the eight cases which were assisted during the year were still on-going at the year's end.

Interventions in European cases

One of the five submissions made by the Commission as a third party intervener related to an application to the European Court of Human Rights on the part of the United Christian Broadcasters Ltd alleging that the Government's failure to allow UCB to apply for a licence to broadcast Christian radio programmes was a violation of the right to freedom of expression under Article 10(1) of the European Convention on Human Rights. The European Court allowed the Human Rights Commission to make a submission on the issue, but in the end the Court did not need to consider the submission because the application was declared inadmissible on the ground that restrictions on the granting of broadcasting licences were permitted by Article 10(2) of the Convention.

As reported last year, the Human Rights Commission was also permitted to make a written submission to the European Court of Human Rights in the joined cases of Jordan, Kelly, McKerr and Shanaghan. These cases principally concerned allegations that members of the security forces in Northern Ireland had used unlawful force against a number of individuals and that the deaths which resulted had not been thoroughly, promptly and independently investigated. Oral hearings on the cases took place in Strasbourg in April 2000, but the Commission did not participate in those. Judgment in all of the cases was still awaited at the year's end.

Interventions in local cases

During 1999-2000 the Human Rights Commission had been permitted to intervene as a third party in four separate High Court cases. Judgment in all of these was issued during 2000-2001.

In *Ex parte Fulton* Mr Justice Kerr rejected the Commission's argument that detaining a prisoner in solitary confinement in Maghaberry Prison was a breach of his human rights. The judge upheld the Prison Service's view that the policy of keeping prisoners away from the Maze Prison should take priority. In *Ex parte Treacy and Macdonald* the same judge rejected the Commission's view that the Lord Chancellor, when deciding not to change the declaration which persons appointed as Queen's Counsel in Northern Ireland were required to make, had breached the internationally accepted rules on equality and human rights, but he went on to decide that the Lord Chancellor had acted on incorrect information supplied by the Lord Chief Justice of Northern Ireland and that he should reconsider the matter. Later in the year the Lord Chancellor decided that he would, after all, change the declaration in question.

In *Ex parte White* Lord Chief Justice Carswell ruled in an application for judicial review that there was no legal defect in the way in which the new Parades Commission had been appointed in February 2000, even though the Commission appeared not to be representative of society in Northern Ireland as far as gender and religion were concerned. The Human Rights Commission was granted permission to make a written intervention in the judicial review proceedings, but not an oral one. The Lord Chief Justice considered the circumstances when it would be appropriate for third party interventions to occur and concluded that "a judge at first instance should give leave only when he considers that there is an issue of sufficient consequence that cannot be adequately dealt with by counsel for one of the parties to the application". Having considered the written submission from the Human Rights Commission in the case before him, the Chief Justice refused permission to the Commission to intervene orally as well.

In *Ex parte Adams* the question was whether the Director of Public Prosecutions could be required to give reasons for his decisions. After being arrested by the police on suspicion of having committed serious crimes, Mr Adams had been subjected to treatment which was subsequently found by the trial judge in a civil action to warrant an award of £30,000 in damages. Following this judgment the police carried out further investigations, supervised by the Independent Commission for Police Complaints (ICPC), and the case

was referred back to the DPP. The DPP again decided not to prosecute any police officer involved in the assault and refused to give reasons for so deciding or to provide the applicant's solicitors or the Human Rights Commission with a copy of the report of the investigating officer who had supervised the further investigations. Mr Adams sought judicial review of the DPP's decision not to give reasons for not commencing a prosecution. The Human Rights Commission applied for, and was granted, permission to make written and oral submissions inviting the court to take account of relevant international human rights standards. Although he rejected the judicial review, Mr Justice Gillen ruled that permitting international standards to serve as a useful guide in situations where procedural fairness is uncertain, ambiguous or incomplete shows "a proper sensitivity to the limits of permissible judicial creativity and [is] no less than constitutional propriety requires". While the judge ruled that there were certain situations where the DPP *should* give reasons for his decisions, he unfortunately concluded that the case before him was not one of them.

Mr Adams appealed this decision but by the time the case came before the Court of Appeal the Lord Chief Justice had already ruled in another case (see below) that the Human Rights Commission did not in fact have the power to apply to intervene in court proceedings as a third party. As the Chief Justice was also sitting in the Adams appeal, he was invited by the Commission to recuse himself (ie to rule that he should not take part in the appeal hearing). He declined to do so and permission for the Commission to intervene in the appeal was refused. The appeal itself was also rejected.

The Omagh bomb inquest

In August 2000 the Commission was invited by HM Coroner for Greater Belfast, Mr John Leckey, sitting at the inquest into the Omagh bomb of 1998, to make a submission to him as a "friend of the court" (*amicus curiae*) on whether there were human rights principles regarding the desirability of making disclosure of information to families of the deceased prior to the opening of an inquest. The Commission supplied a submission but the Coroner decided to grant such disclosure without hearing oral argument from the Commission. He nevertheless said that he found the Commission's submissions helpful.

The Coroner also asked whether the Commission wished to be a friend of the court on the question whether the inquest should investigate the deaths of the unborn twins who died in the Omagh bomb. As international human rights standards do not provide clear guidance on this issue, the Commission declined the invitation to make a submission.

At the Omagh bomb inquest the Commission also applied to the Coroner in its own name to intervene as a third party on the question of the exact remit of the inquest. The application was made because of concerns expressed by some of the relatives of those who died in the bomb. Much to the Commission's surprise, the Coroner ruled in September 2000 that the Commission did not have the power to apply to make such interventions, despite the High Court having already permitted it to do so on four earlier occasions (see above). The Human Rights Commission applied for judicial review of this ruling but in December 2000 the Lord Chief Justice rejected the application. The

Commission appealed against this decision to the Court of Appeal and was still awaiting the outcome of the appeal at the end of the year. The Commission had already decided by then that, in view of the importance of the issue, it would seek permission to appeal to the House of Lords if it lost in the Court of Appeal.

Other inquests

During 1999-2000 the Commission had granted assistance to the families of the deceased in four different inquests. One of the deaths had occurred in prison, one was a shooting by the police, one was caused by the army and the fourth happened in a hospital at a time when it was unclear whether the deceased was still in police custody. During 2000-2001 none of these four inquests reached a conclusion, although in one of them the Coroner adjourned the proceedings for a period because the Human Rights Commission pointed out that a Home Office circular requiring information to be shared with the deceased's family had not been complied with by the police. At the end of the year the Commission was about to review its overall strategy in relation to the law and practice concerning inquests in Northern Ireland.

Inquest hearings are not a trial and no legal aid is available for the deceased's next-of-kin to be represented at them. For the inquest into the Omagh bomb, however, the Lord Chancellor did make some funding available for persons who would otherwise have been financially eligible for legal aid. The Commission sought further details of the grounds upon which such assistance was provided and the Lord Chancellor responded by promising that a non-statutory scheme for making *ex gratia* payments in other inquests would be introduced in the near future.

Planning law and procedures

In 2000-2001 the Commission dealt with 39 inquiries and 8 applications concerning the compatibility of Northern Ireland's planning law and procedures with human rights standards, especially with Article 6 of the European Convention on Human Rights (right to a fair trial). The Casework Committee considered the applications on a case-by-case basis. While the Committee decided not to assist any of the applications in question, it did agree that it would be appropriate to seek a general legal opinion on the compatibility of the planning procedures with human rights standards. This opinion was duly obtained and was distributed to the Minister of the Environment, the Director of Planning Services, the Planning Appeals Commission (PAC) and individual applicants. The Human Rights Commission has had some discussion with the PAC about the issues in question and at the end of March 2001 was awaiting the PAC's response to the opinion. A number of the issues raised in it were also pending before the courts in Northern Ireland or in England and Wales.

Cases taken in the Commission's own name

In line with its power to do so conferred by section 69(5)(b) of the Northern Ireland Act 1998, the Human Rights Commission took two cases in its own name during the year in

question. One of these was the judicial review of the ruling by the Coroner in the Omagh bomb inquest (see above). The other was an application for judicial review of the BBC's decision to broadcast an edition of *Panorama* in which a number of individuals were accused of being involved in the planting of the Omagh bomb in 1998. The Commission was concerned that the programme might prejudice the right of the victims of the bomb to have persons brought to justice for the atrocity because a "trial by media" might ultimately prevent a fair criminal trial of the individuals concerned. The Commission was of course aware of the crucial role which independent media play in a democracy and of the need to strike a balance between journalists' right to free speech and the rights of others. In his judgment Mr Justice Kerr decided that the balance in this case lay with the BBC's right to show the programme.

The *Panorama* case also highlighted the fact that, while the Commission can take cases in its own name, it cannot rely on the Human Rights Act when doing so, unless it is itself a 'victim'. This is clearly stated in section 71 of the Northern Ireland Act 1998. However, Mr Justice Kerr ruled that the court, as a public authority, must itself consider the applicability of the European Convention when dealing with applications for judicial review brought by the Commission in its own name. The Commission was pleased that it had been able to clarify this point.

EDUCATION

The Human Rights Commission has two main functions relating to education. First, by section 69(1) of the Northern Ireland Act 1998 the Commission must keep under review the adequacy and effectiveness of law and practice relating to the protection of human rights. This obviously includes law and practice within the education sector. Second, by section 69(6) of the same Act, the Commission is obliged to promote an understanding and awareness of the importance of human rights in Northern Ireland. These duties are overseen by the Commission's Education Committee and carried out by Ms Edel Teague, the education worker. During the year the education work was assisted by Mr Mark Dornan, Bill of Rights Educator (temporary), Ms Ester Keenan, a volunteer, and, from March 2001, Dr Ronan Deazley, Bill of Rights Educator (temporary).

Reviewing the adequacy of law and practice in education

Selection at age 11

During the year April 2000 to March 2001 the most significant development in the education sector, in terms of human rights, was the establishment of the Review Group on Selection at age 11.

The Commission submitted a response to the Review Body's consultation paper. In addition it had a detailed discussion with the Review Body about selection at age 11 and the provision of education post-selection, in the context of internationally accepted rules and principles for the protection of human rights. The Commission expressed its concerns about the effect of the transfer procedure tests on the primary curriculum, the impact of the tests on individual children, equality of opportunity, and the reliability and validity of the test itself. The Commission intends to meet with the Review Body again to address how its proposals for the future education system in Northern Ireland adequately and effectively protect human rights.

The Curriculum

The Commission has also commissioned work on the proposals for the curriculum put forward by the Northern Ireland Council for the Curriculum Examination and Assessment and will devote considerable effort to this issue in the following year. Additionally the Human Rights Education Forum, initiated and chaired by the Commission, has identified the inclusion of human rights in the school curriculum as a key objective of its work.

Promoting an understanding of human rights

Under section 69(6) of the Northern Ireland Act 1998 the Commission has a duty to promote understanding and awareness of the importance of human rights. In the period

April 2000 to March 2001, the Commission's Education Committee focused on two objectives:

- (i) providing education resources and training on human rights to ensure widespread participation in the Bill of Rights consultation process; and
- (ii) promoting awareness of human rights education among educationalists in the formal and informal sectors.

The Bill of Rights

The Belfast (Good Friday) Agreement 1998 requires the Commission to 'consult and advise' on a Bill of Rights for Northern Ireland. From the start of its consultation process in March 2000, the Commission committed itself to involving as much as possible of the population of Northern Ireland in the Bill of Rights debate. Educational activities have been central to this campaign. The Commission has devoted its resources to making complex human rights concepts and documents accessible to the 'person in the street' and to systematically training as many people as possible from various sectors across Northern Ireland in these concepts.

In August 2000 the Commission published a Training Manual on the Bill of Rights. This Manual contained a range of educational and training exercises to make people aware of how their rights are protected by law and to stimulate them to put forward suggestions as to how human rights in Northern Ireland could be better protected. In addition the Commission produced a 30-minute educational video for use by teachers, trainers, community/youth workers, trade unionists etc. Like the Manual, the video was intended to increase knowledge and stimulate contributions to the Bill of Rights consultation process.

The Manual and video were distributed throughout Northern Ireland and have enabled many people to learn about the Bill of Rights consultation process. In addition the Commission carried out a comprehensive and systematic training programme for those interested in encouraging people to become involved in the Bill of Rights debate. The training programme aimed to train 200 facilitators across Northern Ireland. Due to the demand from different geographical areas and professional sectors, twice that number were actually trained.

The following table contains a summary of where courses were held and how many people attended.

Month	Name of sector or geographical area	Numbers attending
June	Belfast	24
	Derry/Londonderry	24
September	Fermanagh	11
	West Belfast	25
	Youth Workers	48
	County Antrim	16
	Trade Unionists	13
	Peer Educators	16
October	Belfast	14
	Rural Groups	12
	Justice Sector	7
	Women's Groups	20
	Older People's Groups	18
	Disability Groups	24
	Community Relations Officers	19
November	East Belfast	15
	North Down	11
	North Belfast	14
	County Armagh/Down	18
	County Tyrone	17
	Minority Ethnic Groups	14
	Health & Social Services	20
TOTAL		400

The following organisations helped the Commission with the training programme by providing accommodation, food and/or trainers – Ballymena Borough Council, Fermanagh District Council, Omagh District Council, Strabane District Council, the Beeches, Children's Law Centre, West Belfast Economic Forum, NIC-ICTU, Opportunity Youth, St. Columb's Park House, Save the Children, the Youth Council, NICEM, the Rural Community Network, Disability Action and the Community Relations Training and Learning Consortium.

The evaluation of the courses and feedback from facilitators indicated that the education and training programme was a success – 95% found the training “helpful” or “very helpful”. The Education Committee established a format for monitoring course attendance in light of the Commissioner's draft Equality Scheme. Any under-representation of section 75 groups is to be addressed through training provision during 2001.

Further evidence of the success of the programme is the range of activities that are now being organised by facilitators across Northern Ireland. Activity is high in Belfast, but, importantly, consultation is also going on in a wide range of areas such as Armagh, Ballymena, Ballymoney, Derry/Londonderry, East Tyrone, Derry/Raphoe, and Portadown. In addition, significant activity has been stimulated in various other sectors with the assistance of local groups, for example with children's organisations, people with a disability and staff in the criminal justice field.

The Commission has remained in contact with a significant number of facilitators, working alongside them to provide information to the public. In December 2000, 50 facilitators took the opportunity to discuss the Bill of Rights with Justice Arthur Chaskalson, President of South Africa's Constitutional Court, during his week long visit to Northern Ireland, and to hear about the progression towards a rights-based culture in South Africa. Facilitators have distributed a wide range of resources produced by the Commission and have been using a specially designed presentation pack. Ms Esther Keenan, a volunteer with the Commission, has made an invaluable contribution in helping with the follow-up work to the training programme. However, support for facilitators has been severely limited by the Commission's lack of resources.

Promoting an awareness of human rights among educationalists in the formal and informal sectors

The Commission has embarked on an ambitious programme to promote awareness and understanding of human rights across Northern Ireland. It has developed resources, contributed to many educational activities and supported and worked along with the existing network of providers. Naturally the Bill of Rights consultation process has contributed significantly to this but the Commission has also carried out a range of other educational activities. A particular focus of the Education Committee's work has been the introduction of the Human Rights Act 1998, which has proved of great interest to a wide audience. Instruction and information on what the Act means in practice were provided to a range of organisations, including those in the public sector. However, it is important to note that the Commission's duty to promote awareness of human rights among educationalists and the general public is severely limited by its lack of resources, with demand far outstripping supply in terms of training provision and available materials. The Education Committee worked closely with the Commission's information worker to produce a booklet on the Human Rights Act 1998 in association with the Citizenship Foundation. The Commission also produced a booklet which provided guidance for public authorities on the implementation of the Act. (See Appendix 6.)

Seminars/Presentations

In September 2000 the Commission ran a seminar for those who were injured in or who had relatives killed in the Omagh bomb in 1998. The purpose of the seminar, which was positively received, was to explain inquest law and procedure, especially to persons who were not to be legally represented at the forthcoming inquest in the incident.

The Commission provided presentations to 33 seminars and public meetings through its education worker to representatives from healthcare providers, local government and the voluntary and community sectors.

Formal and Informal Education Sector

From its inception the Commission has been keen to work alongside those in the formal education sector responsible for education policy and practice, or for human rights education. It has met with the chief executives and senior staff from all of the Education and Library Boards as well as officers from the Department of Education. It has also established the Human Rights Education Forum and will continue to chair this for the foreseeable future. The need for such a forum became apparent to the Commission after it met with a range of workers in the area from both the statutory and voluntary sectors. These workers highlighted the lack of information sharing and direction in the fields of human rights and education. During the year the Commission hosted two meetings of the Forum at which the representatives of the statutory and voluntary sectors agreed to work together to raise awareness of human rights in the formal and informal education sectors. A conference sponsored by the Department of Education is planned for September 2001 on the relevance of human rights to post-primary schools in Northern Ireland.

INVESTIGATIONS AND RESEARCH

Throughout the year, April 2000 to March 2001, the Investigations and Research Committee continued work in identifying topics for investigation and overseeing investigations. As well as conducting formal investigations, the Committee has a research function. Research is conducted both internally and contracted out through the Commission's Register of Researchers. The Commission's investigations workers during the year were Dr Linda Moore, Mr Michael Waters (locum) and Ms Christine Loudes (from January 2001).

Investigation into the Care of Young People in Custody

In June 2000 the Commission launched a formal investigation into the care of children in juvenile justice centres in Northern Ireland. Supervised by two Commissioners, Professor Tom Hadden and Ms Patricia Kelly, the investigation looked at the way in which children are allocated to juvenile justice centres, the care and education they receive while there and the system in place for maintaining discipline and order. The terms of reference for the investigation are:

- *to research the international human rights standards relevant to the treatment of children in the criminal justice system;*
- *to investigate whether the care of young people being received into and processing through juvenile justice centres in Northern Ireland meets international standards on human rights, in particular the United Nations Convention on the Rights of the Child, the Beijing Rules and the Riyadh Guidelines; and*
- *to make any appropriate recommendations for the promotion and protection of human rights in Northern Ireland as appear to the Commission to be necessary or expedient in light of its findings.*

A researcher, Ms Una Convery, was employed by the Commission to conduct interviews with young people and staff in the centres. These interviews were completed by December 2000. Dr Ursula Kilkelly of University College Cork was contracted to explore the extent to which current law and practice in this area meets the standards laid down in international law, particularly the newly introduced Human Rights Act.

During the investigation the two supervising Commissioners and the Investigations Worker met with juvenile justice centre managers, representatives from the Northern Ireland Office, Probation Board for Northern Ireland, Social Services Inspectorate and the Northern Ireland Association for the Care and Resettlement of Offenders.

The impact of the Commission's lack of powers in relation to investigations again became clear during the juvenile justice investigation. While the Commission has a power to conduct investigations under section 69(8) of the Northern Ireland Act 1998, it

has no concurrent powers of enforcement, such as the power to compel oral testimony from witnesses or the disclosure of documents.

This meant that the Commission was unable to gain access to important information from statutory and non-statutory bodies during the investigation, including official documents and files relating to child protection incidents. Although centre managers assisted the investigation and encouraged staff to talk to the researcher, a significant number of care staff in Rathgael and Lisnevin would not agree to be interviewed. A number of parents and children also preferred not to participate.

Research into Police Accountability and the Use of Plastic Baton Rounds

The effectiveness of the methods employed by the RUC for recording the use of plastic baton rounds in Northern Ireland was the subject of research carried out between October 2000 and January 2001 by the Commission's locum investigations worker.

With the co-operation of the RUC the researcher closely examined the contents of a selection of RUC 'complaints' files kept in relation to the firing of plastic baton rounds. A total of 20 files from 1997 onwards were chosen in order to focus on practices before and after the most recent changes in the guidelines for the use of plastic baton rounds – the Association of Chief Police Officers (ACPO) guidelines which have been in force in Northern Ireland from the summer of 2000.

By the end of the year a draft report had been produced and was submitted to both the Chief Constable and the Police Ombudsman for comment before being finalised by the Commission. The report was due to be published in the late spring of 2001.

Again, the Commission's lack of powers was a serious impediment to the research. While the Commission welcomed the assistance given by RUC officers to the researcher, access was gained only to files in relation to 'discipline' (where no complaints had been lodged against the police and no disciplinary action pursued). Access was not gained to files which had gone to the Director of Public Prosecutions (DPP), nor to files where a complaint was made against a police officer or where a civil action arose in connection with the use of plastic baton rounds. Access to these files was refused by both the RUC and the DPP.

Research into International Human Rights Standards Concerning Policing and Parades

In the spring of 2000 the Commission decided to conduct an investigation into the effects which the policing of parades was having on different communities throughout Northern Ireland. It soon became clear, however, that the project as planned was over-ambitious and potentially destabilising in the run-up to the parades scheduled for July and August 2000. The Commission therefore resolved to scale down the project by limiting it to research into how the relevant provisions of the European Convention on Human Rights (in particular Article 11 on the right to freedom of assembly) have been interpreted,

especially by the European Court of Human Rights. This research was conducted for the Commission by Dr Dominic Bryan, Mr Neil Jarman and Mr Michael Hamilton, whose report entitled *Parades, Protests and Policing: A Human Rights Framework* was published by the Commission in March 2001. The report was widely welcomed as a helpful contribution to the debate on how the conflicting rights in this area could be satisfactorily balanced against each other.

Reviewing the Rights of Older People

Older people face particular difficulties in terms of equal access to jobs, goods, facilities, services and education. The Commission's Strategic Plan 2000 to 2002 provides a commitment on the part of the Commission to address the rights of older people. A researcher, Ms Maura McCallion, was commissioned to review the extent to which law, policy and practice in Northern Ireland promote and protect the rights of older people with a view to identifying areas which might benefit from further protection. Law, policy and practice were evaluated against international standards in seven key areas: health, housing, employment, social care, income, transport, and education. A report will be published in the summer of 2001.

Reviewing the Rights of Gay, Lesbian, Bisexual and Transgendered People

The Commission's Strategic Plan 2000 to 2002 also identified the need to explore how the rights of lesbian, gay, bisexual and transgendered people might be enhanced in addition to what is provided by section 75 of the Northern Ireland Act 1998, for example, which requires public authorities to have due regard to the need to promote equality of opportunity for people regardless of their sexual orientation or gender identity.

During the year a review was commissioned to consider the extent to which law, policy and practice promote and protect the rights of lesbian, gay, bisexual and transgendered people and to identify which areas might be in need of further protection. The researchers from the University of Ulster – Mr Dermot Feenan, Professor Barry Fitzpatrick, Ms Patricia Maxwell and Ms Ursula O'Hare were assisted by Mr Tim Ritchie and Ms Caroline Steele, barristers-at-law. Law, policy and practice were evaluated against international standards in the six key areas of education and young people, criminal law, employment, partnership, family life and health care. At the year's end the Commission was preparing to publish an edited version of the researchers' report, likely to be in two separate volumes, one dealing with the rights of gay, lesbian and bisexual people and the other with the rights of transgendered people. The reports will be published later in 2001.

Mental Health Review

In response to the high number of approaches made to the Commission by persons complaining that their human rights were not adequately protected by the way in which the mental health laws were operating in Northern Ireland, the Commission decided to arrange for a review to be conducted of mental health law, policy and practice. It is being

undertaken by Mr Winston McCartney of the Northern Ireland Association for Mental Health and Mr Michael Potter, barrister-at-law. The review will consider the human rights of people with a mental incapacity in Northern Ireland, including people who have learning disabilities and those who have or have had a mental illness. The report is due to be submitted to the Commission in the autumn of 2001.

THE VICTIMS' RIGHTS PROJECT

In international terms, there are few human rights standards that specifically address the rights of victims or survivors of violence and trauma. The Commission made a commitment to examine the rights of victims of violence in its Strategic Plan for 2000 to 2002 and to feed the findings into its work on drafting a Bill of Rights for Northern Ireland. In September 2000 a project worker, Ms Mary Waldron, began to examine the concerns of victims of violence with regard to:

- *their right to information about the incident of violence in question and about their rights in relation to that incident;*
- *their right to compensation;*
- *their right to have someone held to account for the violence inflicted upon them; and*
- *their right to be treated equally with other victims of violence.*

Methodology

The project worker met with a broad range of individuals many of whom have been profoundly affected by violence arising out of the conflict in Northern Ireland. The project was discussed with statutory organisations and community groups that provide support to victims of violence as well as those engaged in making policy relevant to their treatment. The content of many meetings and conversations was supplemented by the outcomes of a carefully compiled and confidential postal questionnaire. Some 500 copies were circulated to over 100 victims' organisations, a selection of counselling centres and to organisations whose members or clients may be more vulnerable to violence. Group leaders were asked to give questionnaires to their members and clients on an individual basis to enable people to think about all the issues which were of concern and to consult within the family circle as appropriate. More than 3,000 copies of the Bill of Rights discussion pamphlet on victims' rights were also circulated to assist people in identifying some of the main rights considerations.

Main Conclusions

The process of analysing the returned questionnaires had begun before the end of March. Although the full report of the Victims' Rights Project will be published later in 2001, it is possible to outline some of the conclusions emerging from the project work. These include:

- The right for victims to be heard.
- The right to information relating to the incident including the investigation process, the progress of a case and release of the perpetrator.
- The need for support to address individual needs and to include training for personnel providing support and special services for children.
- The protection of families that have experienced violence and trauma;

- The creation of victims' rights to be protected by the state and remedies within legislation.
- The need for the media to display sensitivity towards the experience and privacy of victims in the portrayal of violence and in reports about perpetrators of violence.
- The promotion of a human rights culture on behalf and among victims of violence, including the provision of education to those not directly affected.
- The affirmation that violence against women is a violation of rights.
- The right to statutory compensation for physical and psychological injuries including emergency grants for victims dependent on state benefits.

The Commission is very grateful to everyone who participated in this important task. Special acknowledgment is due to those individuals who shared their personal and profound experiences through conversation and in writing with the project worker.

Unfortunately, at the year's end the project worker was incapacitated by a viral infection and the Commission was facing the prospect of delaying the production of her report until a replacement researcher could be recruited.

LEGISLATION AND POLICY

The Commission operates a Legislation and Policy Committee which oversees its activities in relation to the legislative processes at Westminster and in the Northern Ireland Assembly. The work of the Committee was carried out by the Commission's research worker, Ms Denise Magill until October 2000, when she took maternity leave. During the rest of the year until March 2001, the Committee prioritised its submissions on draft legislation in light of the resources available to the Commission. Its work on the Criminal Justice Review was assisted by an intern, Mr Tim Ritchie.

Assembly legislation and policy

During the year ending 31 March 2001 the Commission received 17 Bills from the Presiding Officer of the Northern Ireland Assembly, as required by section 13 of the Northern Ireland Act 1998. Comments were returned on two of these Bills suggesting in both cases – the Fisheries (Amendment) Bill and the Family Law Bill – that some of the provisions may not be fully consistent with the European Convention on Human Rights. The remaining 15 Bills did not, in the Commission's opinion, give rise to any human rights concerns.

The Commission also received copies of some statutory rules made during the year, but it did not find it necessary to comment adversely on any of these.

Close to the end of the year under review the Commission submitted evidence to the Assembly's Committee of the Centre on whether a Children's Commissioner should be appointed for Northern Ireland and, if so, what powers he or she should have. The Commission argued that such a Commissioner should have extensive powers of investigation, including the power to compel the production of evidence, and that his or her remit should cover non-devolved matters (in particular the operation of the criminal justice system) as well as devolved matters. On the same topic, the Commission prepared comments on a Private Members' Bill proposing a Children's Commissioner.

In December 2000 the Commission submitted views to the Assembly's Committee on Procedures as part of the Committee's inquiry into whether a Commissioner for Standards should be appointed for the Assembly. The Commission was strongly in favour of such an official being appointed.

Westminster legislation

As regards Westminster legislation, the Commission devoted a considerable number of resources to providing briefing papers for MPs and peers on the Terrorism Bill and the Police (NI) Bill. The Chief Commissioner also provided briefings in person at the House of Commons on the Police Bill and the Terrorism Bill. Comments were submitted as well on two of the five draft Codes of Practice issued under the Terrorism Act once it was enacted. The Commission was not sent copies of the three other codes prior to their

content being confirmed by Parliament. The Commission likewise did not receive early warning of the Criminal Justice and Police Bill, many of the provisions of which are intended to apply in Northern Ireland.

The Proceeds of Crime Bill *was* published in draft form prior to its introduction in Parliament and at the year's end the Commission was waiting to supply its views on the Bill to an *ad hoc* Committee of the Northern Ireland Assembly. The Commission had doubts over whether the forfeiture provisions in the Bill, especially as they affect persons not convicted of any crime, were fully compatible with the European Convention on Human Rights. In January 2001 the Commission had already provided views to another *ad hoc* Committee of the Assembly on the related draft Financial Investigations (NI) Order. The Commission agreed with the Law Society of Northern Ireland that certain provisions in that Order infringed the rights of persons to have an absolutely confidential relationship with their solicitor.

In February 2001 the Commission again provided evidence to an *ad hoc* Committee of the Assembly on the draft Life Sentences (NI) Order. We felt that in some respects this Order did not go far enough in depriving the executive arm of the state of any say in when a person should be released from custody following conviction.

In July 2000 the outcome of the Government's review of the Diplock Court system was announced. The Commission had made a submission to the review in February 2000. The Government decided not to make any substantive changes to the existing system and stated that it had information that intimidation of jurors was still occurring. The Commission asked the Northern Ireland Office on two occasions to be given sight of this information, but no response was received to its letters.

Human rights at the Westminster and Scottish Parliaments

A welcome development during the year was the establishment of a Joint Parliamentary Committee on Human Rights at Westminster. The Human Rights Commission has kept in close contact with the legal adviser to this Committee, Professor David Feldman. It intends during 2001-2002 to strengthen those contacts and to make a submission to the Committee when it inquires into whether a Human Rights Commission should be established for the whole of the United Kingdom. In addition the Northern Ireland Human Rights Commission plans to respond to a consultation paper issued by the Scottish Executive on whether there should be a Human Rights Commission established for Scotland.

Consultation papers

A good deal of time and effort was expended by the Commission in responding to consultation papers issued by various authorities during the year, although due to staff shortages not as many responses were provided as had been hoped. A list of the responses made is included in Appendix 6 to this report.

Amongst the most significant responses made to consultation papers during the year were those relating to:

- the Criminal Justice Review: the Commission's submission was based to some extent on the experiences gained from a conference held by the Commission in Armagh on this topic in September 2000;
- the Juvenile Justice Estate: here the Commission was able to draw upon the knowledge gained from visits made to two of the juvenile justice centres in the previous year;
- the Northern Ireland Affairs Committee inquiry into relocation following paramilitary intimidation: the Commission gave evidence to the inquiry in February 2000 reinforcing the position that intimidation is an abuse of human rights.
-

International Work

The Commission's Strategic Plan reflects the importance of international human rights standards in guiding our work. The Plan set out the Commission's intention to make representations to international committees charged with monitoring the UK's adherence to those international human rights treaties which it has ratified. During the year the Commission made background submissions, commenting on the Northern Ireland aspects of UK Government reports in respect of the UK's 15th Periodic Report to the United Nations Committee on the Elimination of All Forms of Racial Discrimination and the UK's 20th Report to the European Social Rights Committee of the Council of Europe. Both committees welcomed specific information regarding compliance with the relevant international standards in Northern Ireland and appreciated the Commission's effective contribution to the monitoring process.

COMMUNICATIONS AND INFORMATION

The values of openness, accessibility and accountability are particularly relevant to how the Commission makes information available about itself, its plans, its activities and its views on a wide range of human rights matters. During the year the Commission adopted a logo symbolising an 'open book' as its corporate identity. In July 2000 the Commission appointed an information worker, Ms Nadia Downing, to co-ordinate communication and to develop the information resources of the organisation.

During 2000/2001, the Commission produced 48 publications, reports and submissions. A full list can be found at Appendix 6. All were distributed widely, both proactively and in response to requests, as well as being placed on the Commission's website. The Commission's publications are available free of charge.

The Commission Itself

Both printed in September 2000, the First Annual Report for 1999/2000 (tabled in Parliament in July 2000) and, following consultation, the Strategic Plan for 2000 to 2002, were two key publications in which the Commission reported its first year of progress and 'set out its stall' for years two and three of its existence. In February 2001, the Commission completed a thorough review of its progress and its powers as required by section 69(2) of the Northern Ireland Act 1998 and published that 'Review on Effectiveness' in March.

By March 2001, the first issue of the Commission's newsletter, *Rights Insight* had been designed and prepared for publication. The Commission is hopeful that the newsletter will become a regular feature, focusing initially on the development of a Bill of Rights and reporting relevant human rights matters as well as covering the other activities of the Commission.

The Bill of Rights

A communications strategy developed in the summer of 2000 provided the framework for raising public awareness of the Bill of Rights consultation, although the absence of adequate resources, which remained a problem, prevented the Commission from putting significant aspects of the strategy into practice. Despite this, a succession of Bill of Rights materials was produced between August 2000 and February 2001. The training manual, an education video, a facilitators' pack and a general response leaflet, together formed an integral part of the Commission's goal to train over 400 community facilitators on the Bill of Rights.

Eleven discussion pamphlets written by Commissioners were designed to assist debate on areas that might benefit from protection in a Bill of Rights. As well as an introductory pamphlet, they covered rights in the areas of children and young people, criminal justice, culture and identity, education, equality, language, social and economic rights, victims,

and implementation. In all 35,000 were printed and by January 2001 stocks of several of the pamphlets were already depleted. The advice given to the Commission by each of nine independently chaired working groups on potential Bill of Rights areas was the subject of a well-attended and lively public event at the Waterfront Hall, Belfast in January. That advice was later published as a single report in March and widely disseminated.

Before the end of the year the Commission had initiated plans with the Blind Centre Northern Ireland to record an introduction to the Bill of Rights project and distribute it on cassettes to approximately 2,000 people within the blind community.

The Human Rights Act

The Commission supported the full introduction of the Human Rights Act 1998 on 2 October 2000 by producing a booklet in association with the Citizenship Foundation. Entitled *Human Rights ImpAct*, it explained in general terms how the Act affects Northern Ireland. A separate booklet gave advice to the many public bodies in Northern Ireland on good practice in implementing the ethos of the Human Rights Act from policy-making through to practice. Both have been well received and over 7,000 copies had been distributed by March 2001.

Reports and Submissions

In March 2001 the Commission published its first investigative report. *Parades, Protests and Policing: A Human Rights Framework* examines the human rights aspects of the policing of parades and protests in Northern Ireland.

During the year 22 submissions were made concerning Assembly and Westminster legislation and local policy issues (see Appendix 6). The Commission made submissions on international human rights matters to the United Nations and to the European Social Rights Committee. Topics covered included terrorism, policing, paramilitary intimidation, disability, race relations, juvenile justice, criminal justice, family law, selection at age 11, the Fisheries (Amendment) Bill 2000, the proposed Financial Investigations Order, the proposal for a Children's Commissioner for Northern Ireland, racial discrimination, and the implementation of the European Social Charter by the UK government.

A standard document cover was created to allow the Commission to produce many of its regular submissions on legislation and policy and research reports in an efficient way, whilst maintaining a corporate identity.

The Website – www.nihrc.org

Website visitor sessions increased by more than 250% between September 2000 – when the Commission was able to begin the process of updating – and March 2001. By the end of the year the *Young Person's* section, designed by Mr Peter Teague, was complete. The

Commission was aware of difficulties in accessing its site fully and by March 2001 plans were being put in place for redesigning the website as a whole. The Commission is indebted to Mr Michael Ardill who has been invaluable in keeping the website up to date and in developing an on-line mechanism which allows site visitors to order any of the Bill of Rights discussion pamphlets. Maintenance of this important facility remains a priority for the Commission.

The Library

By the end of the year, the Commission was ready to expand its premises to the ground floor of Temple Court, 39 North Street, Belfast. The expansion will allow the Commission to begin to establish a reference library of human rights material including human rights education and training resources during 2001 and 2002. The resources will be available for consultation by anyone with an interest in human rights in Northern Ireland.

Media Relations

During the year the Commission developed its good relationship with the press and media in Northern Ireland. A total of 31 press releases were issued and Commission representatives gave 48 interviews to print and broadcast media locally, across the UK, the Republic of Ireland, Europe and as far afield as the US and New Zealand. The Commission was also happy to respond less formally to many requests for comment on a wide range of issues with a human rights aspect.

The Human Rights Commission has a duty to uphold the rights of every individual in Northern Ireland and often this will mean having to balance the rights of one individual or a group of individuals against the rights of others. On a number of occasions, the Commission sought to clarify its position publicly through interviews, feature articles and letters.

During the year a number of key issues involving the Commission sparked debate on television, radio and in the pages of newspapers. These included the detention of asylum seekers in Magilligan, the Commission's report on the policing of parades and protests and human rights standards, its position on the Financial Investigations Order, the review on its effectiveness, punishment attacks, the Commission's role in the Omagh bomb inquest and the subsequent court ruling of December 2000 which has to date prevented the Commission from making third party interventions.

In October 2000 the Commission was itself the subject of significant media attention as it sought, unsuccessfully to prevent the BBC from broadcasting a *Panorama* programme supposedly identifying the alleged perpetrators of the Omagh bomb.

The Bill of Rights consultation was the subject of continuous media attention and public debate. In particular, the billboard campaign of October and November 2000 raised public awareness of the consultation process, as did the week-long visit in December of

Justice Arthur Chaskalson, President of the Constitutional Court in South Africa, which culminated in a conference at the Hilton Hotel, Belfast. The Commission placed articles and, where funding permitted, advertisements in a wide range of journals and newsletters during the year. Many organisations from the statutory, voluntary and community sectors contributed significantly to raising awareness of the Bill of Rights work during the year by arranging and publicising their own consultations, as is borne out in the section on the Bill of Rights in this report. The Commission was pleased to assist with publicity whenever possible.

FINANCIAL SUMMARY

Income	Grant in Aid	750,000	
	2000-2001		
	1999-2000 (for capital expenditure in 2000-2001)	173,000	
	Other income	12,000	
			<u>935,000</u>
Expenditure (paid & committed)	Staff	496,700	
	Bill of Rights	110,000	
	Advertising & Publicity	42,700	
	Research & Education	21,800	
	Travel Expenses	16,500	
	Telephone & Stationery	41,000	
	Rent & Insurance	61,200	
	Legal & Accountancy	40,400	
	Investigations	8,300	
	Office Costs	22,000	
	Hospitality	3,400	
	Other Expenses	7,600	
	New tangible assets	108,300	
			<u>979,900</u>
	Deficit in year		(44,900)
	Creditors at year end		107,500
	Accruals increase/(decrease)		(500)
	Prepayments increase		<u>(1,100)</u>
			8,000
	Bank & petty cash balance at start of year		<u>(1,000)</u>
	Bank & petty cash balance at end of year		7,000

THE COMMISSION'S COMMITTEES

(as at February 2001)

Bill of Rights Committee

Prof Brice Dickson (Chair)
Prof Christine Bell
Mr Tom Donnelly MBE JP DL
Prof Tom Hadden
Mr Frank McGuinness

Finance and General Purposes Committee

Mr Tom Donnelly MBE JP DL (Chair)
Prof Brice Dickson
Mrs Margaret-Ann Dinsmore QC
Rev Harold Good OBE
Ms Patricia Kelly

Casework Committee

Prof Brice Dickson (Chair)
Prof Christine Bell
Rev Harold Good OBE
Ms Patricia Kelly
Mr Frank McGuinness

Investigations and Research Committee

Prof Tom Hadden (Chair)
Prof Christine Bell
Prof Brice Dickson
Ms Patricia Kelly

Education Committee

Mr Frank McGuinness (Chair)
Prof Brice Dickson
Mrs Margaret-Ann Dinsmore QC
Mr Tom Donnelly MBE JP DL

Legislation and Policy Committee

Ms Margaret-Ann Dinsmore QC (Chair)
Prof Brice Dickson
Ms Patricia Kelly
Dr Inez McCormack

Equality Committee

Dr Inez McCormack (Chair)
Prof Brice Dickson
Prof Tom Hadden

Victims Committee

Rev Harold Good OBE (Chair)
Prof Brice Dickson
Mr Tom Donnelly MBE JP DL
Mr Frank McGuinness

THE COMMISSION'S STAFF, VOLUNTEERS AND INTERNS (April 2000 to March 2001)

Chief Executive

Ms Paddy Sloan, Chief Executive

Administration

Ms Roisin Carlin, Administrative Officer (from July 2000)

Ms Lisa Gormley, Administrative Officer

Mrs Lorraine Hamill, Administrative Officer (from June 2000)

Ms Bernadette McFadden, Administrative Officer

Bill of Rights

Ms Miriam Titterton, Development Worker

Mr Björn Paterok, Intern (November 2000 to February 2001)

Ms Rachel Rebouché, Volunteer (from February 2001)

Casework

Ms Maggs O'Connor, Caseworker

Mr David Russell, Caseworker, locum (April 2000)

Ms Edel Quinn, Assistant Caseworker, locum (from December 2000)

Education

Ms Edel Teague, Education Worker

Mr Mark Dornan, Bill of Rights Educator (September to December 2000)

Ms Ester Keenan, Volunteer (from February 2001)

Dr Ronan Deazley, Bill of Rights Educator (from March 2001)

Information

Ms Nadia Downing, Information Worker (from July 2000)

Investigations & Research

Dr Linda Moore, Investigations Worker (Job-share from January 2001)

Mr Michael Waters, Investigations Worker, locum (July to December 2000)

Ms Christine Loudes, Investigations Worker (Job-share from January 2001)

Legislation & Policy

Ms Denise Magill, Research Worker

Mr Tim Ritchie, Intern (July to August 2000)

Victims' Rights Project

Ms Mary Waldron, Project Worker (September 2000 to March 2001)

BILL OF RIGHTS INDEPENDENT WORKING GROUPS

The following people were involved the work of the Bill of Rights Independent Working Groups between August 2000 and January 2001. It should be noted that a small proportion of the membership resigned during the course of the working groups; a few members were unable to fully endorse the report put forward as advice to the Commission from their working group, and a small number received papers but were unable to attend meetings. The Commission is extremely grateful to everyone involved in the working groups and appreciative of the time given voluntarily. Special thanks are due to the Chairs of the working groups, identified below.

Mr Les Allamby Chair, Social & Economic
 Mr John Allan
 Lord Peter Archer
 Mr Jim Auld
 Mr Alex Barr
 Ms Maggie Beirne Chair, Equality
 Mr Thompson Best
 Ms Mary Black
 Mr David Bolton
 Mr Frank Bunting
 Mr John Carberry
 Ms Tara Caul
 Ms Marie Cavanagh
 Ms Sheri Chamberlain
 Mr Peter Chapman
 Dr Sue Christie
 Ms Evelyn Collins
 Ms Nuala Conlon
 Ms Barbary Cook
 Ms Angela Courtney
 Ms Maurna Crozier
 Ms Pauline Daniels
 Mr Barney Devine
 Mr Mark Donaghue
 Ms Geraldine Donaghy Chair, Culture and Identity
 Ms Margaret Donaghy
 Mr James Dunbar
 Mr Sammy Douglas
 Mr Terry Enright
 Prof Eileen Evason

Mr Neil Faris
 Mr Duane Farrell
 Mr Niall Fitzduff Chair, Victims
 Prof Barry Fitzpatrick
 Ms Nadette Foley
 Mr Tony Gallagher
 Ms Teresa Geraghty
 Rev Mervyn Gibson
 Ms Una Gillespie
 Ms Una Goan
 Mr Eugene Grant
 Ms Diane Greer
 Mr Mark Hammond
 Mr Robin Harper
 Ms Reetha Hassan
 Ms Michelle Harris
 Ms Ann Hope
 Ms Goretti Horgan
 Dr Kate Ingram
 Dr Neil Jarman
 Ms Daphne Johnston
 Ms Nicola Kane
 Ms Cathy Keeley
 Ms Paula Keenan Chair, Children and Young People
 Ms Margaret Kelly
 Ms Pheobe Kelly
 Ms Natasha Kerrigan
 Ms Lisa King
 Mr John Larkin
 Ms Kathryn Lavery
 Mr Kenneth Law

Mr Dean Lee
 Ms Pauline Leeson
 Dr Jane Liddy
 Prof Edna Longley
 Ms Laura Lundy Chair, Education
 Mr Jamal Lwaida
 Mr Martin Lynch
 Mr Seamus Lynch
 Ms Olwen Lyner
 Mr Aodín MacPóilin
 Mr Peter Madden
 Mr Paul Mageean
 Dr Tess Maginess
 Mr Martin Malarkey
 Mr Jeff Maxwell
 Ms Karen McAllister
 Ms Grainne McCafferty
 Ms Felicity McCartney
 Mr Winston McCartney
 Ms Fiona McCausland
 Mr Jim McCracken
 Prof Chris McCrudden
 Ms Geraldine McEvoy
 Dr Kieran McEvoy Chair, Criminal
 Justice
 Ms Lesley McEvoy
 Mr Conal McFeeley
 Mr Paul McGill
 Mr Rory McGuigan
 Mr Mike McIlwrath
 Mr Tom McKee
 Dr Paschal McKeown
 Ms Eleanor McKnight
 Mr Duncan McLoughlan
 Mr Peadar McMurius
 Mr Barry McVeigh
 Ms Caroline Millar
 Mr Alan Miller
 Ms Caroline Mills
 Dr Mamoun Mobayed
 Dr Chris Moffat
 Ms Mary Montague
 Mr Graham Montgomery
 Mr Sean Morrin
 Ms Janet Muller

Dr Wilfred Mulryne
 Ms Róise Ní Bhaoill
 Mr Paul Noonan
 Mr Martin O'Brien
 Mr Jim O'Callaghan
 Mr Seán Ó Muireagáin
 Ms Caoimhghin Ó Murchadha
 Mr Tony O'Reilly
 Mr Roger O'Sullivan
 Ms Sandra Peake
 Dr Stephen Peover
 Ms Moira Perkins
 Mr Chris Pilkington
 Mr Gavin Power
 Mr David Price
 Mr Peter Quinn
 Prof Gerard Quinn
 Mr Colin Reid
 Mr Lee Reynolds
 Mr Mike Ritchie
 Ms Catriona Ruane
 Ms Judy Seymour
 Ms Geraldine Scullion
 Ms Anne Scully
 Ms Petra Sheils
 Mr Suneil Sharma
 Mr Alan Smith
 Justice Smith
 Ms Marie Smyth
 Mr Nigel Smyth
 Mr Martin Snodden
 Mr Billy Stevenson
 Ms Ruth Sutherland
 Mr Brian Symington
 Mr Mark Thompson
 Ms Debbie Waters
 Ms Anna Man-Wah Watson
 Mr Stephen White
 Mr Oliver Wilkinson
 Mr James Wilson
 Ms Monica Wilson
 Mr Robin Wilson
 Mr Patrick Yu Chair, Language Rights
 Ms Selina Yu

AUTHORS OF THE WORKING GROUPS' ADVICE

The following people compiled the reports on behalf of the Independent Working Groups:

Children & Young People	Dr Ursula Kilkelly
Criminal Justice	Mr Paul Mageean
Culture & Identity	Mr Robin Wilson
Education	Ms Laura Lundy
Equality	Ms Maggie Beirne
Implementation	Prof Christine Bell
Language	Mr Lee Reynolds and Ms Caoimhglín Ó Murchadha
Social & Economic Rights	Prof Fionnuala Ni Aolain
Victims	Mr Brian Gormally

CASEWORK CRITERIA (under review as at March 2001)

a] Granting assistance to individual applicants

As required by section 70(2) of the Northern Ireland Act 1998, the Commission will consider:

Whether the case raises a question of principle; whether it would be unreasonable to expect the applicant to deal with the case without assistance because of its complexity, or because of the applicant's position in relation to another person involved, or for some other reason; whether there are other special circumstances which make it appropriate for the Commission to provide assistance.

In considering whether there are "other special circumstances" the Commission will ask itself:

- Does it appear that the application relates to alleged non-compliance with a rule or principle for the protection of human rights based either in domestic law or in international standards?
- Does it appear that there is no other body in the circumstances which might be better placed to provide assistance to the applicant, having regard to the above criteria and to any other relevant criteria, eg the profile of the Commission's existing caseload or the Commission's resources?
- Does it appear that the application relates to an area of work included in the Commission's Strategic Plan or to another human rights issue which would benefit from the Commission's attention?
- Does it appear that this case is likely to have a significant impact on the protection of human rights (eg by affecting a large number of people or by addressing an egregious violation of human rights)?

Assistance will be granted only if all of these questions are answered affirmatively by the Casework Committee.

b] Applying to intervene as an interested third party

The criteria to be applied by the Casework Committee when deciding whether to apply to intervene in a court case as an interested third party are as follows:

- Do the proceedings relate to the law as it applies to Northern Ireland?
- Is a rule or principle for the protection of human rights relevant to the proceedings?

- Is the rule or principle one which relates to an area of work included in the Commission's Strategic Plan or to another human rights issue which would benefit from the Commission's attention?
- Is there a possibility that if the Commission were to make a submission explaining the relevant rule or principle it might assist the court in coming to a conclusion on the matter?
- Is it practicable for the Commission to make a submission in view of the time and resources available to prepare it?
- Is intervention as a third party the most appropriate action for the Commission to take on this matter?

INVESTIGATIONS CRITERIA

Section 69(8) of the Northern Ireland Act 1998 empowers the Northern Ireland Human Rights Commission to conduct investigations as and when the Commission considers it necessary or expedient to do so in order to fulfil its statutory functions.

Currently, the Commission has no powers of enforcement such as the power to compel oral testimony from witnesses or the disclosure of documents.

The Commission may select matters for investigation in two situations:

- a] Where a pattern of alleged abuse has been identified; or**
- b] Where a serious human rights abuse has allegedly occurred.**

The identification and prioritisation of alleged abuses will arise from the following sources:

- *the Commission's Strategic Plan;*
- *applications to the Commission for assistance, and other examples of litigation;*
- *consultation with relevant statutory and voluntary bodies and with individuals;*
- *matters arising from the Commission's ongoing work as regards:*
 - *Reviewing the adequacy and effectiveness of law and practice relating to the protection of human rights;*
 - *Advising the Secretary of State and the Executive Committee of the Northern Ireland Assembly of legislative and other measures which ought to be taken to protect human rights;*
 - *Advising on the compatibility of Bill with the Human Rights Act 1998; and*
 - *educational and research activities.*

PUBLICATIONS AND SUBMISSIONS

April 2000

- *Draft Equality Scheme (1st consultation)*
- *Briefing Paper on the Terrorism Bill, House of Lords, Second Reading*
- *Briefing Paper on the Equality (Disability, etc) (NI) Order, House of Lords*
- *Response to the Consultation Paper, Legislation Against Terrorism*
- *Response to Equality Commission's Recommendations for Change to the Race Relations (NI) Order*

May 2000

- *Briefing Paper on the Terrorism Bill, House of Lords, Committee Stage*

June 2000

- *Briefing Paper on Police (NI) Bill, House of Commons, Second Reading*
- *Briefing Paper and Proposed Amendments on Police (NI) Bill, Clauses 2 to 61, House of Commons, Committee Stage*
- *Briefing Paper on the Northern Ireland Act 1998 (Designation of Public Authorities) Order 2000 for the House of Commons and the House of Lords*
- *Response to the Consultation Paper: Future of Juvenile Justice Estate, issued by the Northern Ireland Office*

July 2000

- *Briefing Paper on Police (NI) Bill, House of Lords, Second Reading*

August 2000

- *Bill of Rights: A Training Manual*
- *Bill of Rights: An Education Video*
- *Submission to the UN Committee on the Elimination of all forms of Discrimination (CERD) on the UK's 15th Periodic Report*
- *Background Submission to the European Social Rights Committee in Response to the 20th Report on the Implementation of the European Social Charter by the Government of the UK*

September 2000

- *First Annual Report 1999/2000*
- *Strategic Plan 2000-2002*
- *Equality Scheme (2nd consultation)*
- *Human Rights ImpAct (in assoc with the Citizenship Foundation)*
- *Advice for Public Authorities preparing for the Human Rights Act*

- The Bill of Rights discussion pamphlet series:

Introduction
Children & Young People
Criminal Justice
Culture & Identity
Education
Equality
Implementation
Language
Social & Economic Rights
Victims

- *Response to the Review of Tribunals Consultation*

October 2000

- *Response to the Review of Public Sector Ombudsmen in England (Cabinet Office)*
- *The Human Rights Act 1998: A brief guide to its effect in Northern Ireland*

November 2000

- *Response to the Criminal Justice Review Recommendations*
- *Response to the Fisheries (Amendment) Bill 2000*

January 2001

- *Equality Scheme (submitted to Equality Commission)*
- *Human Rights in Northern Ireland: Materials for use in Human Rights Information/Training Sessions*
- *The Bill of Rights: Women*
- *Submission on the Family Law Bill (NI)*
- *Views on the Proposed Financial Investigations (NI) Order 2001*

February 2001

- *Report to the Secretary of State Required by Section 69(2) of the Northern Ireland Act 1998 (Report on Effectiveness)*
- *The Bill of Rights: How to Contribute*
- *Comments on the Proposed Life Sentences (NI) Order 2001*
- *Views on “Relocation following Paramilitary Intimidation” submitted to the NI Affairs Committee*

March 2001

- *Bill of Rights for Northern Ireland: Reports of the Independent Working Groups*
- *Parades, Protests and Policing: A Human Rights Framework*
- *Submission to the Review Group on Selection at Age 11 in the Education System of Northern Ireland*
- *A Briefing Paper on the Proposal for a Children’s Commissioner for Northern Ireland*