



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION



*L-R: Dr Inez McCormack, Commissioner; Ms Paddy Sloan, Chief Executive; Lady Christine Eames, Commissioner; Mr Frank McGuinness, Commissioner; Dr Christopher McGimpsey, Commissioner; Prof Brice Dickson, Chief Commissioner; Mr Patrick Yu, Commissioner; Mr Tom Donnelly MBE JP DL, Commissioner; Mrs Margaret-Ann Dinsmore QC, Commissioner; Prof Tom Hadden, Commissioner  
(Commissioners not pictured: Rev Harold Good OBE, Ms Patricia Kelly, Prof Christine Bell and Mr Kevin McLaughlin)*

*Photo Lesley Doyle*



October 2002

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 third Annual Report on how the Northern Ireland Human Rights Commission has performed its functions during the year April 2001 to March 2002.

Yours sincerely

Brice Dickson  
Chief Commissioner



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# INTRODUCTION TO THE COMMISSION

## INDEPENDENCE AND ACCOUNTABILITY

*The Northern Ireland Human Rights Commission is a body set up by section 68 of the Northern Ireland Act 1998 as a consequence of the Belfast (Good Friday) Agreement of 10 April 1998. Although the members of the Commission are appointed by the Secretary of State for Northern Ireland and the Commission receives its funding from the Northern Ireland Office (a department of the UK Government), it is otherwise independent from Government and from every other organisation. The Commission is recognised by the United Nations as a "National Human Rights Institution".*

This is the third Annual Report submitted by the Commission to the Secretary of State for Northern Ireland. It covers the period 1 April 2001 to 31 March 2002. The Secretary of State is under a statutory duty to lay the report before Parliament at Westminster.

The Commission is not directly answerable to the Northern Ireland Assembly but naturally it seeks to maintain good relations with that body and also with departments of the Northern Ireland Government.

Our offices are in the centre of Belfast, at Temple Court, 39 North Street, Belfast BT1 1NA (tel: 028 9024 3987; fax: 028 9024 7844). Members of the public are welcome to use the library facilities, preferably by prior appointment. The Commission maintains a website at [www.nihrc.org](http://www.nihrc.org).

Anyone who feels that he or she has suffered from maladministration in the Commission can make a complaint to the office of the UK Parliamentary Commissioner for Administration (Millbank Tower, Millbank, London SW1P 4QP; tel: 020 7217 4212).

## THE COMMISSIONERS

On 1 April 2001 the Northern Ireland Human Rights Commission had nine Commissioners. These were all appointed when the Commission was first established on 1 March 1999. Their terms of office were due to expire on 28 February 2002 but in the autumn of 2001 all the Commissioners were notified by the Secretary of State that they were being reappointed with effect from 1 March 2002, five of them for a three-year period and four for a two-year period.

In January 2001 a tenth original Commissioner, Ms Angela Hegarty, had resigned from the Commission. In the spring of that year the Northern Ireland Office advertised for further Commissioners and in the autumn of 2001 the Secretary of State announced that he was appointing four additional members to the Commission, all for a three-year period beginning on 1 December 2001.

On 31 March 2002, therefore, there were 13 Commissioners. All of them devote approximately one day per week to the work of the Commission, except for the Chief Commissioner, who is employed on a full-time basis. The names and backgrounds of the 13 Commissioners are as follows.



## THE COMMISSIONERS



**Chief Commissioner Professor Brice Dickson,**

on secondment from his position as professor of law at the University of Ulster at Jordanstown. Appointed until 28 February 2005.



**Professor Christine Bell,**

professor of law at Magee College, University of Ulster. Appointed until 29 February 2004.



**Mrs Margaret-Ann Dinsmore QC,**

a practising barrister. Appointed until 28 February 2005.



**Mr Tom Donnelly MBE JP DL,**

an early-retired businessman, formerly NI Area Business Manager for Proton Cars (UK) Ltd from 1998 to 2000. Appointed until 28 February 2005.



**Lady Christine Eames,**

formerly World President of the Mothers' Union from 1995 to 2000. Appointed until 30 November 2004.



**Reverend Harold Good OBE,**

a Methodist minister and President of the Methodist Church in Ireland from 2001 to 2002. Appointed until 29 February 2004.



**Professor Tom Hadden,**

professor of law at the Queen's University of Belfast. Appointed until 28 February 2005.





**Ms Patricia Kelly,**

Director of the Children's Law Centre in Belfast. Appointed until 28 February 2005.



**Dr Inez McCormack,**

Regional Secretary of the trade union UNISON, President of the Irish Congress of Trade Unions from 1999 to 2001 and a member of the Civic Forum. Appointed until 29 February 2004.



**Dr Christopher McGimpsey,**

a businessman and Ulster Unionist Party councillor on Belfast City Council. Appointed until 30 November 2004.



**Mr Frank McGuinness,**

an independent consultant, Northern Ireland Director of the charity Trócaire from 1995 to 2002. Appointed until 29 February 2004.



**Mr Kevin McLaughlin,**

Regional Development Manager of Leonard Cheshire in Northern Ireland and a member of the Civic Forum. Appointed until 30 November 2004.



**Mr Patrick Yu,**

Director of the Northern Ireland Council for Ethnic Minorities, Deputy Chair of the Commission for Racial Equality of Northern Ireland from 1997 to 1999 and a member of the Civic Forum. Appointed until 30 November 2004.







## Mission Statement and Core Values

In all that it does the Northern Ireland Human Rights Commission attempts to adhere closely to the Mission Statement it adopted just a few months after being established in 1999. This 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.





"Internationally accepted rules and principles for the protection of human rights" are those which Governments around the world have agreed to include in treaties, declarations and resolutions, together with those which over the years have become part of custom and practice between states (now known as "customary international law"). "Customary international law" outlaws such practices as genocide, torture, apartheid and slavery.

The best known international documents on human rights are the UN's Universal Declaration of Human Rights (1948), the European Convention on Human Rights (1950), the UN's International Covenant on Civil and Political Rights (1966), the UN's International Covenant on Economic, Social and Cultural Rights (1966) and the UN's Convention on the Rights of the Child (1989). But there is a host of other such treaties (e.g. on torture and on discrimination against women or members of ethnic groups), as well as an impressive number of declarations and resolutions issued by inter-governmental bodies such as the United Nations, the Council of Europe, the Organisation for Security and Co-operation in Europe and the European Union. A list of the main international documents currently in existence is contained in Appendix 3 to this report. The list distinguishes between, on the one hand, those documents which contain "hard law", i.e. standards which are binding on those states which have agreed to ratify them and, on the other, those documents which contain "soft law", i.e. standards which all states should aspire to adhere to. The Northern Ireland Human Rights Commission seeks to

encourage the UK and Northern Ireland Governments to incorporate as many as possible of the hard and soft standards into the law of Northern Ireland.

There are still significant respects in which the existing international human rights documents are under-developed. For example, they say little about the rights of people with a disability, the rights of victims of crimes or the rights of people who are not heterosexual. Nor do they specify what rights should exist in societies which are riven by communal conflict or emerging from a sustained period of politically motivated violence. The Northern Ireland Human Rights Commission is committed to identifying and promoting best practice on these and other matters so that it can assist in the development of new international standards.

## CORE VALUES

The Commission has identified seven core values to which it strives to adhere in all of its work. These values are accessibility, accountability, equality, fairness, independence, openness and participation:

### 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 are happy to travel to any part of Northern Ireland for a meeting. We try to ensure that all our public events are



accessible to disabled persons. Where appropriate, and where people so desire, assistance is provided for people who are deaf or hard of hearing, and translation and crèche facilities are made available. We also strive to make all our publications as easy to understand as possible by everyone in Northern Ireland.

## Accountability

The Commission produces an Annual Report for the Secretary of State as soon as possible after the end of each financial year. It distributes copies of these reports widely, including to all Members of the Legislative Assembly in Northern Ireland. The Commission also submits annual accounts to the Comptroller and Auditor General. It makes available information on how to complain about its actions, or inactions, to the UK's Parliamentary Commissioner for Administration and it undertakes to co-operate fully with any investigation conducted, or determination issued, by that Commissioner. The Commission makes available to anyone wishing to see it a Register of Commissioners' Interests and it intends to publish a Code of Practice governing the way in which Commissioners and staff communicate with members of the public.

## Equality

The Commission is 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 therefore strive to promote equality of opportunity within our own institution as well as in all the activities we conduct.

We work as hard as we can to comply fully with the statutory obligations imposed by section 75 of the Northern Ireland Act 1998 and we liaise closely with the Equality Commission for Northern Ireland to ensure that the two institutions work effectively together. (See also pages 23-26 of this report.)

## Fairness

The Commission gives a proper hearing to any person or group wanting to meet with it. We realise that the Commission will not agree with all the people it meets but we nevertheless want to listen, to reflect and to weigh up the pros and cons of a stated position before taking a view on it. We promise to be objective when assessing evidence, and always to use internationally accepted rules and principles on human rights as our baseline criteria when doing so.

## 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. Of course the positions we adopt and the recommendations we make may well coincide with those of other organisations, especially those which, like ourselves, are wedded to applying internationally accepted rules and principles for the protection of human rights, but we undertake to arrive at our conclusions only after we ourselves have carefully considered all the evidence in question.



## 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 UK's Freedom of Information Act 2000. The minutes of our Commission meetings, once agreed, are published on our website and hard copies are made available to members of the public on request. We also undertake to be open about the proceedings at meetings of the Commission's committees and working groups. We intend to produce a regular newsletter to keep people informed about our own activities and about developments in the human rights field more generally. A Policy on Openness will be adopted and published.

## Participation

The Commission wishes groups and individuals to feel that the Commission is their Commission. This means that groups and individuals should be able to participate directly in the Commission's activities. We will ensure that this happens in particular during our work on a Bill of Rights for Northern Ireland, in our education work and in our work on victims' rights, but more generally we want to avail of people's expertise in all areas of our work, to involve them in our deliberations and in our awareness-raising and to seek their advice where appropriate. If we establish working groups we will actively seek the participation of persons from outside the Commission.





# HUMAN RIGHTS REVIEW OF THE YEAR

## INTRODUCTION

*The year 2001-2002 was, like most years, a mixed one as far as the protection of human rights in Northern Ireland is concerned. There were some signs that a culture of rights was indeed beginning to embed itself in our society, not in a way that made people more litigious but in a way that facilitated the solution of disputes without resort to illegal actions. But there were other signs that many in our society still have a long way to go before being able to claim that they are exercising their human rights responsibly. The Commission believes that the promotion of human rights has an important role to play throughout society in Northern Ireland. A number of decisions taken by the European Court on Human Rights during the course of the year were of particular significance to Northern Ireland. The terrible events in the United States on 11 September 2001 made everyone realise that the first duty of governments is to protect people, but in providing such protection governments must not breach other fundamental human rights unless there are truly special justifications.*

## THE HUMAN RIGHTS ACT

Throughout the year public authorities became more used to assessing their policies and actions in light of the requirements of the Human Rights Act 1998, which came into force in October 2000. The Commission provided training on the Act to a number of organisations and followed developments within the courts of Northern Ireland to see what attitudes were being taken by the senior judiciary. The Northern Ireland Law Reports and the Northern Ireland Judgments Bulletin contain reports of many cases where various provisions of the Act – and therefore of the European Convention on Human Rights – were discussed in some detail.

It is an indication that more needs to be done to improve the dissemination of knowledge about human rights cases in Northern Ireland that the Commission

itself did not learn about a decision by Mr Justice Kerr that section 62 of the Offences Against the Person Act 1861 (dealing with the offence of buggery) was incompatible with the European Convention on Human Rights until many months after the event (*re McR*, 28 June 2001). As far as we are aware this remains the only case where such a declaration of incompatibility has been issued in Northern Ireland. Nor has any piece of secondary legislation, whether in a statutory rule, an Order in Council or an Act of the Northern Ireland Assembly, been declared invalid.

However the Northern Ireland Court of Appeal did hold, in the case of *R v Magee*, that because the European Court of Human Rights had declared a particular trial to be unfair (in view of the conditions in which the defendant had been held in the Castlereagh holding centre and the denial of access to a





solicitor) the conviction itself was unsafe and therefore had to be quashed. Moreover Mr Justice Kerr held in *re Doherty's* application for Judicial Review that a magistrate should be prepared to delay a court hearing if the defendant in question wants to be represented by a particular lawyer and that lawyer happens not to be available at that time. Most of the other challenges to laws, policies or practices based on the Human Rights Act failed.

## DECISIONS BY THE EUROPEAN COURT

In May 2001 several significant decisions were taken by the European Court of Human Rights in cases brought against the United Kingdom. Some of these cases (*Kelly v UK*, *Jordan v UK*, *McKerr v UK* and *Shanaghan v UK*) were about whether proper investigations had been conducted into certain killings in Northern Ireland. The Court held that they had not been and awarded £10,000 compensation to each of the families concerned. The decisions have profound implications for the legal system of Northern Ireland. They mean that changes will have to be made to the inquest system, the investigation system and the prosecution system.

The Commission's view is that the UK Government has acted very slowly in response to the European Court's judgments, with the effect that the inquest system has effectively ground to a halt in Northern Ireland. The Commission has met with the experts who are conducting a Fundamental Review of Coroners for England, Wales and Northern Ireland and it expects important changes to be

recommended by that Review in 2003. We are also hopeful that changes to the investigation system will result from the European Court's decision in *Edwards v UK* (March 2002), where the right to life was held to have been violated when no proper investigation was conducted into how one detainee in an English prison could have been killed by a cell-mate.

Two other decisions taken by the European Court in May 2001 – *TP and KM v UK* and *Z v UK* – have huge consequences for the rights of children throughout the United Kingdom. In the former, compensation amounting to £320,000 was awarded because a local authority had failed to protect children from physical abuse by their parents. In the latter a mother and child were each awarded £10,000 because they had been wrongfully separated from each other by a local authority.

In *Brennan v UK* (October 2001) the European Court held that the right of access to a solicitor in Northern Ireland may be subject to restrictions for good cause, although it emphasised that consultations between detainees and their solicitors must always be out of the hearing of any police officer.

Two cases, *Devlin v UK* in October 2001 and *Devenney v UK* in March 2002, highlighted the injustice which some people have experienced through not being able to challenge in local courts a certificate issued by the Secretary of State saying that their failure to obtain employment could not be challenged because to do so would risk disclosing matters related to national security. It





remains to be seen whether the procedures adopted by the new tribunal which the Government has set up to examine challenges to such certificates (see section 91 of the Northern Ireland Act 1998) will fully comply with the European Convention.

## CRIMINAL JUSTICE REFORM

An opportunity to reform the prosecution system in Northern Ireland arose with the publication of the Justice (NI) Bill in December 2001. By the end of March 2002 the Bill had passed through the House of Commons and was waiting to be dealt with by the House of Lords. Regrettably the Northern Ireland Assembly did not have enough time to conduct its own inquiry into the Bill before the debates began at Westminster. In the Commission's view the Bill is defective in several respects. We do not think it properly implements the recommendations concerning human rights which were placed at the forefront of the Review of Northern Ireland's Criminal Justice System published in March 2001. In particular, the Bill does not require the prosecution service to give reasons for not initiating prosecutions in certain cases and it does not fully protect the human rights of children within the juvenile justice system. The Commission has made its views known to Parliamentarians at all stages of the debate and will continue to do so into the next financial year.

## THE BILL OF RIGHTS

Throughout the year the Human Rights Commission's work on a Bill of Rights was a key priority. The proposed Bill of Rights

would, as the Belfast (Good Friday) Agreement suggests, supplement the European Convention on Human Rights in a way which reflects the particular circumstances of Northern Ireland. The Commission was able to work closely with a wide range of organisations, including the Civic Forum, the Soroptomists, the North West Forum on Disability, children's organisations, churches and, perhaps most significantly, the Ad Hoc Human Rights Consortium, which is a growing group of non-governmental organisations advocating for a Bill of Rights and led by Amnesty International and the Committee on the Administration of Justice. Such collaboration meant that the prospect of a Bill of Rights was one of the main talking points concerning human rights in Northern Ireland in the year under review.

Full details of the Commission's work on a Bill of Rights are provided at pages 27-33 of this report. In the year ahead the Commission will be carefully considering the 350 or so submissions that have so far been received on the Commission's consultation document, which was published in September 2001, and the Commission will be planning a third phase of the project with a view to submitting further advice to the UK Government early in 2003.

## THE BLOODY SUNDAY TRIBUNAL OF INQUIRY

The Human Rights Commission is not directly involved in the Bloody Sunday Inquiry, but it keeps a watching brief on developments. Individual Commissioners have attended sessions at the Inquiry in order to get a flavour of whether the





process being employed is one which is conducive to the eliciting of the truth.

## THE SECURITY FORCES

Thankfully this was another year in which no fatality was caused by the security forces, whether the police or the army. This was despite the security forces coming under sustained attack on many occasions. Police officers are, of course, entitled under the law to take proportionate action to defend their own lives as well as the lives of others.

On numerous occasions the forces fired baton rounds (sometimes called plastic bullets). While these caused many injuries, fortunately no-one was killed. The Human Rights Commission issued a statement in July 2001 calling on the police not to use baton rounds as a method of crowd control. The police responded by saying that they had never had a policy of so doing but that on occasions it was necessary to resort to this weapon in order to defend life. At the year's end the Commission was engaged in further research on the new baton round introduced in 2000. We were also looking at the injuries caused by plastic bullets in recent years and at the sums of compensation paid to some of those injured.

The Commission was refused access to the guidelines used by the army when baton rounds are fired – the Ministry of Defence stated in correspondence with the Commission that these guidelines are secret and cannot even be disclosed to Parliament. Naturally this continues to be a cause of concern to the Commission and

is something on which we intend to take further action in the forthcoming year.

In August 2001 the United Kingdom and Irish Governments announced that they would be appointing a senior judge from a third country to examine six incidents where there are allegations of collusion between the security forces and paramilitary organisations. Amongst these cases were the murders of Patrick Finucane in 1989, Billy Wright in 1997 and Rosemary Nelson in 1999. In January 2002 the Human Rights Commission reiterated the call it had made a year earlier for an international public inquiry to be held into the murder of Mr Finucane, because we remain satisfied that *prima facie* evidence of collusion exists. By the end of the year the Commission was actively considering whether to call for similar inquiries into the murders of Billy Wright and Rosemary Nelson. Meanwhile the Commission maintained contact with the families, with their legal representatives and with the police officers leading the investigation into Mrs Nelson's murder.

## NON-STATE ABUSES

The Commission was greatly concerned by the violence perpetrated by paramilitary organisations and by other criminal elements during the year under review. A number of murders, possibly 17, were by common consent the work of paramilitaries. According to the police, 302 so-called "punishment" attacks occurred (compared with 323 the previous year). Of these, 190 were shootings and 112 were beatings. Some 200 were attributable to Loyalist





paramilitaries and 102 to Republican paramilitaries. Numerous people were ordered to leave their locality, or Northern Ireland as a whole. The violence emanating from the Loyalist side was such that the Secretary of State, in October 2001, declared that he considered the ceasefires of the Ulster Defence Association, the Ulster Freedom Fighters and the Loyalist Volunteer Force no longer to be in place. Dissident Republican paramilitaries planted several real and many hoax bombs.

In speeches and in articles the Human Rights Commission made it clear that it considered all of these acts of violence to be abuses of people's human rights. The Commission also organised three meetings with different sectors of society to discuss what might be done to reduce the number of "punishment" attacks. By the end of the year it was working on a strategy for progressing some of the ideas arising from these discussions. It was also seeking information from the Government as to what further steps it intended to take to deal with the rising incidence of sectarian attacks and abuse, not all of which, of course, are committed by members of paramilitary organisations. There is a limit to what the law and law-enforcement agencies can do about this kind of behaviour, which makes it all the more important for elected representatives and community activists to speak out about it loudly and clearly.

## NORTH BELFAST

Perhaps the most searing image of the year was that of children in fear as they made their way through a barrage of

protestors to Holy Cross Primary School on the Ardoyne Road in North Belfast. Nothing did more to portray the unpleasantness of sectarianism in Northern Ireland on TV screens around the world than that protest. The Human Rights Commission, while recognising that everyone has the right to *peaceful* assembly, deplored the protest in so far as it affected young children and their parents going to and from school. We sought to explain to all the parties to the dispute what the responsible exercise of their rights should mean in practice, but to little avail in the case of many of the protestors.

The Commission considered whether enough was being done by the police to protect the parents and children going to and from the Holy Cross Primary School. It met with the Chief Constable and talked to senior officers on the ground. In the end it decided not to initiate any legal proceedings in its own name against the police or the Secretary of State but did decide to grant financial assistance to a parent who wished to apply for judicial review of police decisions in relation to the handling of the protest. The parent alleged that the police had not properly protected the human rights of particular children and adults. By the end of the year the case had still not come on for hearing.

Regrettably, matters in North Belfast were far from resolved by March 2002. Rioting, petrol-bombing and pipe-bombing, blatant sectarian intimidation – these were all regular occurrences. There was as yet little sign that the efforts promised by the Office of the First





Minister and Deputy First Minister and by the Northern Ireland Office had up to that point led to any real improvement in the security situation, although of course measures undertaken can generally be successful only if they receive the support of both communities in the area.

### 11 SEPTEMBER 2001

The horrific events in the USA on 11 September 2001 will remain imprinted on people's minds for a very long time. However, while the Commission unreservedly condemns all acts of terrorism, from a human rights point of view there is concern that, in some instances, reaction following these atrocities has been excessive. In the

Commission's view this is exactly what occurred with the enactment by the Westminster Parliament of the Anti-terrorism, Crime and Security Act 2001. This Act required the UK to derogate from (i.e. to opt out of) certain obligations imposed on the Government by the United Nations and the Council of Europe. The Bill was rushed through Parliament (no effort was made to consult with this Commission on its content, but we did volunteer some views) and no advance notice of the derogations was provided. The effect of the Act is that several people – all non-Britons – are now interned without trial in England. To date the Act does not seem to have been used in Northern Ireland, but the possibility remains open.





Photo Lesley Doyle

## THE OPERATION OF THE COMMISSION

### INTRODUCTION

The Commission's third year of operation was a period of reflection and relationship-building during which we sought to cement the Commission's position vis-à-vis the Government at Westminster, our sponsoring department (the Northern Ireland Office), the Executive and Assembly in Belfast, the press and media and, in particular, civil society and the general public. Attempts were made during the year to finalise Protocols or Memoranda of Understanding with the Northern Ireland Office and with the departments of the Northern Ireland Government, but these were not yet complete by March 2002.

### COMMISSION AND COMMITTEES

As a body the Commission continued to meet at least once a month. On occasions it was unable to get through all the business on the allotted day and so the meeting had to be adjourned to a future date. There were also five special meetings held, including a residential in Limavady and a meeting in January 2002 to reassess the Commission's values and decision-making processes. The approved minutes of full Commission meetings are available to the public and can be found on our website: [www.nihrc.org](http://www.nihrc.org).

The Commission continued to conduct a lot of its business through committees, the membership of which is detailed in Appendix 1. The appointment of four additional Commissioners as from 1 December 2001 meant that the committees could be considerably strengthened. By March 2002, though, it was becoming clear that the number of committees, and the frequency of meetings, was imposing a heavy strain on Commissioners' time. One of the recommendations in the Hosking report (see below) is that the Commission should drastically reduce its reliance on



committees, leaving Commissioners more time to focus on policy development and on discussion of substantive issues. This will be discussed by Commissioners and staff during the next financial year.

## REVIEW OF POWERS

Unfortunately the whole of this financial year went past without the Northern Ireland Office responding to the report supplied by the Commission in February 2001, as required by section 69(2) of the Northern Ireland Act 1998, on the Commission's powers and effectiveness. It is therefore likely that what was seen as a two-year experiment regarding the Commission's powers when it was first formed in 1999 will now turn out to be more of a four or five year experiment, since any changes to the Northern Ireland Act 1998 resulting from the Commission's report are unlikely to be enacted and implemented until well into 2003 at the earliest. At the end of 2001 the Northern Ireland Office said it would be issuing a consultation document on the Commission's report early in 2002.

## EVALUATION (THE HOSKING REPORT)

When, in February 2001, the Commission submitted its report to the Secretary of State on its powers and effectiveness, it stated that it intended to supplement the report later in the year with an evaluation of the Commission's effectiveness conducted by an international expert specifically commissioned for the task. Mr Peter Hosking, a former Commissioner with the New Zealand Human Rights Commission and now an international human rights

consultant working mainly on behalf of the United Nations, conducted this evaluation towards the end of 2001 and an almost final draft of his report was available to the Commission by the end of March 2002.

The independent evaluation enabled the organisation to reflect on the work of the Commission to date and to consider the options for future development. Some of those outside the Commission who had worked with us were able to meet with Mr Hosking to give him their impressions of our existing policies and practices and to share ideas on how we might better meet their needs.

The report was intended to inform the Commission's bids for resources in its next two business plans, which had to be submitted to the Northern Ireland Office in January 2002 for the periods 2002-2003 and 2003-2006. Although, as things turned out, the report was not completed by then, the work already done for it did prove helpful when the Commission was preparing those plans and when it was designing a draft of its second Strategic Plan for the period 2002-06. A draft of the Strategic Plan was due to be distributed shortly after the close of the financial year under review.

Commissioners and staff will be giving careful consideration to the recommendations contained in the Hosking report at meetings later in 2002.

## ACCOUNTABILITY

The Commission continued to respond to many Parliamentary questions about the





Commission's work tabled at Westminster, particularly in the House of Lords. A total of 49 replies were sent (all but four in response to questions from one member of the House of Lords). Several of these required considerable work to be undertaken in compiling the required information.

One complaint was made to the UK Parliamentary Commissioner for Administration during the course of the year by an individual whose letters to the Commission had not been replied to as promptly as they should have been. The Commission apologised to the individual and complied with the request of the Parliamentary Commissioner that we pay £50 by way of compensation.

## STAFF

Constant pressure of resources and demands took their toll on Commission staff during the year, with four people suffering from long-term illness. At March 2002 the Commission employed a total of 14 permanent staff. We were fortunate to have the support of short-term appointments for the Bill of Rights project and for casework, as well as a series of enthusiastic and able student interns to help with particular areas of work. The Commission is particularly grateful to Rachel Rebouché, a researcher for the Bill of Rights project, and to Samantha Faulkner, a student librarian who, in February 2002, began a six-month placement with us to structure and catalogue the library resource. Michael Ardill's work in maintaining the website has continued to be invaluable. We were also pleased to have with us three



*Administrators – Bernadette McFadden, Lorraine Hamill and Lisa Gormley  
(not pictured – Roisin Carlin)*

*Photo Lesley Doyle*

short-term student placements on work experience from Our Lady of Mercy Girls School, Methodist College Belfast and Our Lady's Grammar School. A full list of Commission staff, interns and volunteers during the year can be found at Appendix 2.

The Commission receives approximately 200 telephone calls each day. These are efficiently handled by four administrative workers – Roisin Carlin, Lisa Gormley, Lorraine Hamill and Bernadette McFadden – as the first points of contact for the organisation. These administrators are also kept busy distributing Commission materials, servicing development staff and assisting at Commission events.

Training in equality issues was a priority for staff (see Commitment to Equality on pages 23-26) as was professional and personal development. Two members of staff began to undertake Masters degrees in human rights law and one other a general degree; training was also arranged on accounts management, on information technology, on health and





safety and on the developing Human Rights Act jurisprudence.

## PREMISES

In April 2001 the Commission was delighted to be able to open much needed, additional office space on the ground floor of Temple Court. An automated filing system was developed to enable information to be held centrally so that it is accessible to all parts of the organisation.

The expanded premises have allowed the Commission to become more visible and accessible and there has been a noticeable and welcome increase in the number of people calling into the office for information and advice or simply to find out about our work.

Unfortunately during the year the Commission suffered external damage to its ground floor office on a number of occasions and was forced to implement security procedures to provide for the safety of staff and equipment.

## FUNDING

Contact with our sponsoring department, the Northern Ireland Office, has in the main focused on budgetary issues and it is hoped that as we move into our fourth year of operation this topic will become less contentious. The Commission's core annual budget was set at £750,000 when it was established in 1999 and this has never been enough to enable the Commission to perform its statutory functions effectively. Each year, therefore, the Commission has had to enter into protracted negotiations with the NIO for

supplementary funding, which has to be project-related. This leaves little scope for the Commission to react to newly-emerging problems.

In 2001-2002 the Commission was able to secure an additional £357,000 towards its Bill of Rights consultation process, and eventually a further £209,000 to meet other costs, in particular those associated with casework and investigations. We learned much from the process of negotiation with the Northern Ireland Office for these extra funds, which continued until January 2002, but it was draining and frustrating for both parties.

It is to be hoped that for the incoming year, 2002-2003, the Commission will be in a better informed position early in the financial year to facilitate the new requirements of resource budgeting and accounting that have become standard procedure in the public sector. The bid submitted to the Government's next Spending Review seeks to double our core budget to approximately £1,500,000, which should give the Commissioners greater independence in prioritising areas of work and reassure the Northern Ireland Office of the Commission's commitment to operating within public sector spending guidelines.





Dr John Reid MP, Secretary of State (centre), with Commissioners, January 2002  
Photo Lesley Doyle

## MEETINGS AND VISITS

*The Commission continued its policy of meeting anyone anywhere in Northern Ireland on a human rights issue. We also welcomed meetings with influential politicians and civil servants. Mr Mark de Pulford, Head of the Home Office's Unit (now the Lord Chancellor's Department's Unit) on Human Rights visited the Commission in May 2001 and Mr Quentin Davies MP, the UK's Conservative Party's Shadow Secretary of State for Northern Ireland, was with us in October. Most of the members of the Parliamentary Joint Committee on Human Rights, together with legal and Parliamentary advisers, travelled to Belfast to meet with the Commission in February 2002 and Lord Williams of Mostyn QC, the Leader of the House of Lords, paid a fruitful visit in March 2002.*

We also welcomed to the Commission, on separate occasions, the Secretary of State, Dr John Reid MP, and the Parliamentary Under-Secretary of State, Mr Des Browne MP. Meetings were held on specific security issues with two other Government Ministers, Mr Adam Ingram MP and Ms Jane Kennedy MP. In April 2001 we met with the local Minister for Education, Mr Martin McGuinness MP MLA to discuss human rights issues connected with the education system in Northern Ireland.

The Chief Commissioner had the privilege of attending numerous conferences during the year and of giving speeches at many of them. Particularly memorable were the West Belfast Economic Forum Conference in May 2001, the Ulster Young Unionist Council Annual Conference and the Mencap Annual Conference in October 2001, the Frontline Conference for Human Rights Defenders, held in Dublin in January 2002, and the conference for school students held in Methodist College, Belfast, in February 2002. He was also pleased to welcome the large number of



foreign participants at Amnesty International's Worldwide Conference on Human Rights Education, held at Corrymeela in October 2001. Various Commissioners and members of staff represented the Commission at a number of other conferences and seminars.

The Chief Commissioner was invited to speak at four schools during the year: Our Lady's and St Patrick's at Knock, Sullivan Upper at Holywood, Down High at Downpatrick and Coleraine High.

Formal visits were made to three prison establishments: Hydebank Young Offenders Centre, HMP Magilligan and Mourne House at HMP Maghaberry. After each such visit a report was prepared for the full Commission and follow-up correspondence, where necessary, was entered into.

Further meetings and the rest of the Commission's activities are described in some detail in the remaining sections of this report.





Paddy Sloan, Chief Executive  
Photo: Lesley Doyle

## COMMITMENT TO EQUALITY

### INTRODUCTION

The Commission is aware that the statutory duties imposed by section 75 of the Northern Ireland Act 1998 are designed to make equality issues central to the whole range of public policy decision-making in Northern Ireland. They mean that an equality perspective is to be incorporated in public authority policies at all levels and at all stages. In short, equality issues are to be "mainstreamed". The Chief Executive, Paddy Sloan, is the Commission's equality officer.

### EQUALITY SCHEME

In its draft Equality Scheme (a revised version of which was submitted to the Equality Commission in August 2001) the Northern Ireland Human Rights Commission indicated its commitment to providing the necessary resources (in terms of people, time and money) to ensure that the statutory duties imposed upon it are complied with. "Necessary" in this paragraph refers to, amongst other things, the need to allow consultees to consider and respond to issues on which the Commission is consulting. A request may have to be made to the Northern Ireland Office for additional funding to

cover all of these costs. By the year's end the Equality Commission had not yet told the Human Rights Commission whether its Equality Scheme was to be approved.

To help ensure that adherence to the section 75 obligations is taken seriously by Commissioners and staff alike, an Equality Commitment Statement has been adopted by the Commission and circulated to all staff. It reads as follows.

#### Equality Commitment Statement

*The Northern Ireland Human Rights Commission is committed to ensuring that in everything it does*





*it will pay due regard to the importance of promoting equality of opportunity for all persons in Northern Ireland. All individual Commissioners and staff within the Commission are determined that at all levels at which policies and decisions are made and implemented equality of opportunity will be taken fully into account as a very important factor bearing upon the content and effects of those policies and decisions.*

*All Commissioners and staff within the Commission pledge that they will refer to the Commission's commitment to equality at all appropriate times in meetings, presentations, documents and speeches. Staff will report on their success in achieving equality of opportunity when submitting reports to the Chief Executive or to committees of the Commission.*

*Where a failure adequately to promote equality of opportunity is identified at any level of the organisation, steps will be taken to draw this to the attention of the Commission as a whole through the Commission's Equality Committee, of which the Chief Commissioner and Chief Executive shall be members.*

The Commission also wishes to display its dedication to equality in other ways. Thus it will take into account the special problems experienced by persons who may be disadvantaged on more than one

ground, e.g. single mothers under the age of 18 or members of ethnic minorities who have a disability, and it will have regard to its section 75 obligations when devising Strategic Plans and Business Plans.

As regards its duty to promote good relations, the Commission proposes to assess its compliance by:

- including questions about good relations in any questionnaire it delivers as part of its impact assessments undertaken for the purposes of section 75(1) of the Northern Ireland Act 1998;
- surveying the views of community groups on this particular issue, perhaps by organising focus groups;
- consulting with political representatives on the issue; and
- taking the advice of the Community Relations Council and of organisations such as the Northern Ireland Council for Ethnic Minorities on how best to promote good relations.

To help ensure that the particular needs of ethnic minority groups and people with disabilities were fully addressed in its draft Bill of Rights, the Commission asked external experts to audit the proposals with the needs of those sectors in mind. The Commission will be considering the result of those audits during the third phase of its project later in 2002.

Of particular interest in the year under review was the work on multiple



discrimination initiated by the Joint Human Rights and Equality Forum, a relatively informal consortium comprising all of the statutory human rights and equality bodies in the UK and Ireland which meets four times a year. As part of this project the Northern Ireland Human Rights Commission is looking at how young gay, lesbian and bisexual people are treated within the National Health Service in Northern Ireland.

### THE EQUALITY COMMITTEE

Whilst still awaiting formal approval of its Equality Scheme, the Human Rights Commission is already, through its Equality Committee, devising a programme for implementing its commitments as described in that Scheme. These include commitments to adopt and adhere to good internal practice regarding training and to review the Commission's external activities to ensure that its work is having an impact across all the groups identified in section 75. The Commission is considering whether, as a pilot assessment, the Committee should review the Commission's consultation process on its proposals for a Bill of Rights. This would provide valuable information on whether the Commission is reaching the most vulnerable sectors of society in the consultation process. Any such assessment would complement a management audit which is currently being undertaken on the Commission's internal policies and practices. Both of these exercises will help to inform the Equality Committee, and hence the Commission, on how best to proceed with the implementation of our Equality

Scheme, without putting an unnecessary and excessive burden on consultees.

### TRAINING FOR EQUALITY

The Commission seeks to ensure that all necessary resources are provided for the training of Commissioners and staff on what is required by section 75 of the Northern Ireland Act 1998. During the year a very useful training session was held on lesbian, gay and bisexual issues with input from COSO (the Coalition on Sexual Orientation). Commissioners and staff were also briefed by senior representatives from the Equality Commission on developments regarding equality emanating from the European Union and on the proposed Single Equality Bill. Mr John Kremer was engaged to lead a training session for all staff on equality in the workplace.

Of particular value was a training session facilitated in November 2001 by Ms Maggie Beirne, where we looked at our Equality Scheme and how it should be guiding our day-to-day practice and policy setting. Although there is a lot more the Commission needs to do to fulfill its commitments in terms of conducting impact assessments and wider consultation, we were able at that session to relate our existing internal practice quite positively to the aims of the Scheme.

### EQUALITY LINKS

As the Human Rights Commission clearly has functions which overlap with those of the Equality Commission for Northern Ireland, a Memorandum of Understanding has been drawn up to ensure that the two



organisations operate efficiently in those shared areas. This Memorandum is kept under constant review and indeed was amended in March 2002 to take account of the need for the two Commissions to provide joint funding to some individuals who apply to them for assistance with legal proceedings.

The two Commissions met in plenary for a second time in March 2002 to discuss the prospects for a Bill of Rights and for a Single Equality Bill. Regular meetings, every two or three months, take place between the Chairs and Chief Executives of both Commissions to ensure that we keep abreast of each other's work. By the year's end the Commissions were beginning to work together on contributing to a National Action Plan

Against Racism, which is being developed for the UK as a whole by the Home Office as a direct result of the World Conference Against Racism, Xenophobia and Other Forms of Intolerance held in Durban, South Africa, in September 2001. There will be regional meetings in Northern Ireland during the next financial year to provide input to the UK's National Action Plan and we will also work through the Joint Committee set up between ourselves and the Irish Human Rights Commission (see pages 52-53) to contribute to the Irish National Action Plan.







Making a Bill of Rights - Edel Teague, Miriam Titterton and Sara Boyce  
Photo Lesley Doyle

## THE BILL OF RIGHTS PROJECT

### INTRODUCTION

The consultation on a Bill of Rights for Northern Ireland was again a key focus for the Commission this year and in particular for the Development Worker, Miriam Titterton. The Commission's mandate in this context derives from section 69(7) of the Northern Ireland Act 1998 and from paragraph 4 of the section of the Belfast (Good Friday) Agreement dealing with "Rights, Safeguards and Equality of Opportunity". Bringing such a Bill to birth will, in the Commission's view, represent a working out of the Agreement to the benefit of all the people in Northern Ireland.

Paragraph 4 of the Agreement imposes on the Northern Ireland Human Rights Commission a duty to consult and advise the Secretary of State on:

*...the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem,*

*and – taken together with the ECHR – to constitute a Bill of Rights for Northern Ireland. Among the issues for consideration by the Commission will be:*

*the formulation of a general obligation on Government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and*

*a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.*



## OVERVIEW OF THE CONSULTATION PROCESS

The Commission had initially hoped to be able to submit preliminary advice to the Secretary of State by the summer of 2001. However, due to the complexity of the issues, the size of the task and the need for people to be supplied with more information, the timescale was significantly altered during the course of the year. Some 200 written submissions on what should be contained in a Bill of Rights were received by July 2001 (not counting those made orally at events or by children, which came in a variety of formats, such as artwork, poems, and posters). These views (which can be consulted in the Commission's library), along with information about Bills of Rights in other countries, relevant international standards on human rights, the advice tendered in January 2001 by nine independent working groups, the views expressed at the many Commission events and meetings held with individuals, voluntary and statutory groups, the private sector, local councils and political parties, were all considered in detail by Commissioners and staff at 22 meetings held between March and July 2001.

On 4 September 2001 the Commission published a consultation document called *Making a Bill of Rights for Northern Ireland*. This was launched at an event attended by almost 300 people in the Waterfront Hall, Belfast. The event opened a period of consultation on the Commission's proposals for a Bill of Rights that ran well into 2002. The document was widely disseminated in various formats and a young person's version (which proved popular with adults too) was produced.

## REACTION TO THE CONSULTATION DOCUMENT

In a debate in the Northern Ireland Assembly in October 2001 the Commission was criticised for allegedly exceeding its mandate by actually including a proposed draft of a Bill of Rights in its consultation document. In the Commission's view, however, there is no material distinction between giving advice on the scope for defining rights and giving advice on the rights themselves. The submissions we have received on our consultation document, as well as setting out the concerns, needs and issues for particular groups, have all indicated that particular rights should or should not be conferred and many have offered recommendations as to how the wording of our draft could be improved.

In November 2001 the Commission answered questions on its Bill of Rights proposals at a meeting with the Assembly's Committee of the Centre.

The Commission's document was the subject of a lively conference sponsored by the School of Law at the Queen's University of Belfast in December 2001. The proceedings of this have since been published as a special issue of a law journal, the Northern Ireland Legal Quarterly.

To assess public feeling regarding its Bill of Rights proposals the Commission asked Research and Evaluation Services to conduct an opinion poll in the autumn. The results show that there is indeed overwhelming support for nearly all of what the Commission has recommended, at least in principle. In particular there



was strong backing given from all sections of the community for the inclusion of social and economic rights in a Bill of Rights. Appendix 4 of this report contains a summary of the survey findings.

The Bill of Rights has to reflect "the particular circumstances of Northern Ireland." On one interpretation of this phrase, the rights supplementary to those in the European Convention on Human Rights can cover a fairly broad range, including social, economic, cultural and environmental rights. On another view, there is nothing particular to Northern Ireland about matters such as women's rights, children's rights or social, economic and environmental rights. Most of the responses the Commission has received to the consultation document support the former position, despite reservations expressed by some politicians about the alleged costs of guaranteeing social and economic rights.

It should be remembered that for circumstances to be particular they do not have to be unique. Northern Ireland is also, of course, a society emerging from conflict, a conflict that had many dimensions including a differential impact depending on people's social background. The interface problems witnessed today in various parts of Belfast are some indication of the social and political problems that still pervade the city.

## CONSULTATION EVENTS AND TRAINING

During the year Commission representatives organised, spoke at and/or facilitated numerous Bill of Rights

events throughout Northern Ireland. In particular the remit of the Development Worker, Miriam Titterton, included encouraging participation in the Bill of Rights consultation. She co-ordinated many events, organised conferences, designed and presented Bill of Rights sessions in a user-friendly manner, liaised with a wide range of individuals, organisations and groups to assist them in responding to the consultation process, and serviced the Commission's own Bill of Rights Committee, which has been overseeing the consultation process.

There was a focus on events outside Belfast, in order to make it as easy as possible for residents there to contribute to the consultation process. Many local councils hosted public events and some council staff took part in the training provided for facilitators. Although public sessions in Enniskillen and Carrickfergus had to be postponed due to Foot and Mouth Disease, they were rescheduled for later in the year. Ards Borough Council held events in Newtownards and Portaferry. Moyle District Council held events in Ballycastle and on Rathlin, enabling the Commission to hear issues specific to an island community. North Down Borough Council invited the Development Worker to a session with its Equality Panel and the Chief Commissioner spoke to other councillors on a separate occasion. The Commission worked with the Larne Millennium Initiative to hold a public event on the Bill of Rights in Larne.

In order to hear from some of the most vulnerable of people, the Commission worked with disability and self-help





groups, such as Speechmatters, who designed three consultative events in Banbridge, Draperstown and Belfast for people with aphasia, carers and professionals. Joint work also took place with Mencap on a series of consultation events aimed at getting views directly from people with learning disabilities through self-advocacy groups and organisations within the membership of LEAD (the Coalition on Learning Disabilities). The Chief Commissioner was a guest speaker at the British Deaf Association conference in Cookstown in March 2002.

Following a seminar with the women's sector in January 2001, events were organised aimed at women's organisations. A Bill of Rights conference for women was held in September 2001 in Belfast's King's Hall and another well-attended conference aimed at local women's groups and victims' groups was held jointly with the Women's Centre at Queen's University's Armagh Campus in November 2001. Smaller events were held in Coleraine and Newry, and a series of four sessions were held in Derry/Londonderry.



*Women's Conference on A Bill of Rights, September 2001, Belfast*  
*Photo Lesley Doyle*

The Rural Community Network, with help from the Development Worker, undertook a house-to house survey in three mainly Protestant and three mainly Catholic rural estates in Garvagh, Strabane and Newry and Mourne. The results of the survey indicated that, where people knew about the Bill of Rights, they generally felt it to be a positive development. Similar concerns about the need for social, economic, educational and environmental rights were raised in both communities.

A conference on the Bill of Rights for senior schools in the Southern Education and Library Board area was held jointly with Queen's University's Armagh Campus in November 2001. We also worked with Future Voices (Spirit of Enniskillen Trust) to organise a residential aimed at young people aged 17 to 24 years at Loughrey College, Cookstown. Concern over young men's issues such as mental health, parenting and identity led to work with organisations working with young men. Training was delivered to Youth Action's Education for Citizenship group in February 2002 and the enthusiastic response of peer educators and youth workers has led to a young men's event being planned for May 2002.

To mark International Human Rights Day on 10 December 2001, the Commission organised a lively party event at Queen's University Belfast along with the Students Union. 'Human Rights Day and Night' had a particular focus in celebrating human rights and diversity and in raising further awareness on a Bill of Rights.



The Education Worker, Edel Teague, focused on the second phase of training for facilitators, which was delivered throughout the autumn of 2001. She also oversaw revisions to the Commission's video on the Bill of Rights, which was re-issued in October 2001. Clodagh Kelly, the temporary Bill of Rights Education Worker, undertook an intensive series of training events aimed at community "facilitators". Sessions were tailored to the needs of participants and successful efforts were made to increase participation in these sessions by members of the Unionist/Protestant community, whose representatives had expressed concerns to the Commission that their community needed more time to grapple with the issues, as indeed did many of the groups representing people with disabilities and other vulnerable people. (See report on Education on pages 42-45.)

## GRANTS FOR THE CONSULTATION

The Commission is not a grant-giving body and is therefore not able to fund other organisations to undertake work. We have, however, shared the costs of particular ventures through working in partnership with other organisations. For example we worked with the Law Centre of Northern Ireland in co-hosting a conference on social and economic rights and with the Human Rights Consortium on the production of a supplement in the Belfast Telegraph.

Of particular benefit was the small grant scheme devised by the Northern Ireland Voluntary Trust (now called the Community Foundation for Northern Ireland). Its

Social Justice Fund encouraged local organisations to consider the proposals in the Commission's draft Bill of Rights by providing money for groups to hold meetings or seminars, provide training or produce publications. Although the amounts of money awarded to each project were not large, they were enough to ensure that good debates took place. Many of the views expressed at these have been summarised and submitted to the Commission.

## CHILDREN AND YOUNG PEOPLE

The Human Rights Commission is committed to the promotion and realisation of children's and young people's rights throughout Northern Ireland. Article 12 of the UN Convention on the Rights of the Child guarantees the right of participation to all children and a desire to implement this right has underpinned our consultation with children and young people on a Bill of Rights. We have also been committed to giving effect to our equality duty under section 75 of the Northern Ireland Act 1998.

Following the launch of the Commission's consultation document on its preliminary advice for a Bill of Rights for Northern Ireland in September 2001, a specially designed version of the document for young people was published. 20,000 copies of this "magazine" style booklet were distributed to schools, youth groups and clubs, libraries, leisure centres and other appropriate outlets.

We were aware that children and young people needed to be facilitated to participate in the consultation, so in



November 2001 the Commission employed Sara Boyce to co-ordinate this work for a period of six months.

In total, more than 1,350 children and young people from diverse backgrounds participated in the Commission's consultation on a Bill of Rights during the year. They included primary school children, students, young people with disabilities, young people living rurally, young workers, Travellers, young gay men and lesbians, young victims and families of republican and loyalist ex-prisoners.

The views of primary school children were obtained through a very successful joint initiative between the Commission and the Old Museum Arts Centre. Up to 400 school children participated in our Bill of Rights Art Workshops in Schools project. Artists and facilitators worked with the children to help them express their ideas on a Bill of Rights. Art forms used included felt work, clay work, painting, papier-maché and mobile making. An exhibition of the artwork was held in the Old Museum Arts Centre over a two-week period in March 2002. The project

concluded with a Children's 'Question Time' chaired by Mr Mark Carruthers of the BBC. 180 school children engaged in a highly interesting and enjoyable question and answer session with a panel of Commissioners.

A significant degree of interest in the consultation was also evident among the post-primary schools. Students were keen to avail of the opportunity to present their views. Teachers highlighted the relevance of a Bill of Rights to many aspects of the curriculum.

The Commission worked in partnership with a wide range of community and voluntary organisations to carry out more targeted consultation. There was an extremely positive response rate among these groups to the consultation. Consultation sessions were jointly planned and conducted with group leaders or staff involved.

A number of other key organisations also engaged in extensive consultation with young people including Amnesty International, Save the Children, the Children's Law Centre and Brook Belfast. Amnesty International carried out a range of innovative consultation initiatives, including a survey of 400 students, a "Rights Stuff" exhibition for schools and a debating competition (the final of which the Chief Commissioner helped to judge). Save the Children and the Children's Law Centre hosted a "Having Your Say" consultation event for young people from seven different groups. Brook Belfast carried out a questionnaire survey of 137 clients to find out their views on a Bill of Rights.



*Mark Carruthers, BBC chairs the children's 'Question Time' panel of Patricia Kelly and Frank McGuinness, Commissioners, March 2002*

*Photo Lesley Doyle*





The Commission was keen to find a way to demonstrate to young people that it was serious about listening to and considering their views. It also felt that their views represented a significant contribution to the overall consultation and deserved to be communicated to a wider audience. For these reasons a major feedback event has been planned for later in 2002. At the year's end the Commission was preparing a booklet for publication which would provide a representative picture of the views of over 1,000 children and young people on a Bill of Rights.

### THE THIRD PHASE

The Commission had received over 300 formal responses to its consultation document by the end of March 2002 and had begun deliberations on some of the issues. A researcher, Rachel Rebouché, assisted the Commission with the analysis of submissions.

Design of a third phase of public engagement on issues that have emerged as particularly difficult was also beginning. The Commission is committed to openness and it will seek to hold as much as possible of this next phase of the project in public. We will engage with key political players, with international experts, with relevant non-governmental organisations, with those who have already made responses and with sectors of society which for whatever reason have not yet submitted their views.





Mrs Margaret - Ann Dinsmore QC (left), Chair, with Committee members and research staff  
Photo Lesley Doyle

## LEGISLATION AND POLICY

### INTRODUCTION

*The Commission operates a Legislation and Policy Committee with the primary function of drafting advice on the compatibility of Westminster and Northern Ireland Assembly legislation and public policy, with domestic and international human rights standards. The Committee is also involved in assessing compliance in Northern Ireland with the international human rights standards to which the United Kingdom has subscribed. From April until August 2001 the Committee's research worker was Ciarán Ó Maoláin. For the remainder of the reporting year the post was job-shared by Mr Ó Maoláin and Denise Magill following her return from maternity leave.*

### OUTPUT AND RESOURCES

The reporting year saw a large increase in the number of responses made by the Commission to a variety of legislation and policy consultations. During the year the Commission received some 351 such items, including consultation documents, draft policies, legislative Bills and reports on treaty compliance. The Commission made 76 responses to 57 items – there being more than one response to certain items. Some of the

items dealt with had been received in the previous reporting year, just as some responses will issue in 2002-2003 to items received in the year under review. (The totals compare with 229 items recorded, and 39 responses made to 32 items, in the year 2000-2001.)

The documents received included 34 actual or proposed items of legislation by way of Northern Ireland Assembly Bills and Westminster Bills or Orders, 142 items of secondary legislation (Northern



Ireland statutory rules or UK statutory instruments), 160 policy consultation documents and eight periodic reports or other documents relating to international obligations. Of the responses made, some 29 related to Bills and Orders, 14 to secondary legislation, 26 to policy and seven to international matters.

The Commission experienced difficulty in matching the demand for its advice on legislation and policy with the available resources. Every document underwent an initial assessment by staff, subject to review by the Legislation and Policy Committee, but responses were provided only where this was required by statute or where it was considered that a legislative or policy proposal in question could have a significant impact on human rights. There were many instances where the Legislation and Policy Committee would have liked to respond but was unable to do so within available resources. At the close of the reporting year the Committee was considering draft criteria to aid prioritisation of its work.

Most of the responses (69, or 89%) were prepared in-house. External experts were commissioned to draft responses in respect of the remaining eight topics (one commissioned response was not submitted). The text of the majority of the responses can be accessed via the Commission's website at [www.nihrc.org](http://www.nihrc.org).

## EFFECTIVENESS

Monitoring the effectiveness of legislation and policy work is no straightforward matter: a Commission intervention is only one of many factors at play in the policy-

making and parliamentary processes. The Commission is nonetheless keen to devise a means of monitoring the impact of its work in this area.

The Commission's effectiveness would have been greatly enhanced had government departments consulted it at an early stage in the development of policy and legislation. This rarely happened. The Commission continued to seek to establish protocols to govern such consultation, both with the Northern Ireland Office (potentially covering also non-devolved matters dealt with by other UK government departments) and with the Office of the First Minister and Deputy First Minister (on behalf of the Northern Ireland government departments). Unfortunately, draft protocols had still not been agreed by the year's end, despite the Commission pressing hard for this to occur.

In the absence of such protocols the Commission continued to experience obstacles to the effective discharge of its statutory duties. One instance of special concern was that, far from seeking the views of the Commission in advance of the introduction of the Anti-Terrorism, Crime and Security Bill (the legislative response to the events of 11 September 2001), the Government failed to send the Commission a copy of the Bill even after it had been published. The Commission advised that some of the powers within the Bill were incompatible with the United Kingdom's commitments under international human rights law, but this was one of a number of occasions in the year when the Government ignored the Commission's advice on human rights





matters. The Commission's concerns in this context were reflected in the recommendation it made in its February 2001 report on its powers that a new section should be inserted into the Northern Ireland Act 1998 requiring the Secretary of State and the Executive Committee of the Northern Ireland Assembly to have "due regard" to the Commission's advice.

## ASSEMBLY LEGISLATION AND POLICY

In the reporting year, as in previous years, the Commission received no specific referrals under section 69(4) of the Northern Ireland Act 1998 (requests from the Northern Ireland Assembly for advice on whether a Bill is compatible with human rights). However the Commission received from the Speaker copies of all Assembly Bills, as required by section 13(4)(a) of the Northern Ireland Act 1998, and was also included in a number of pre-legislative consultations, these two categories covering 26 items of proposed Assembly legislation.

The Commission submitted four responses in respect of Bills before the Assembly, four in respect of proposed Assembly Bills, one on an Assembly Act, four on Westminster legislation being discussed by the Assembly, and one on a Code of Practice arising from an Assembly enactment. Some of these written submissions were supported by oral evidence to Assembly Committees. In general the Commission was pleased with the higher level of engagement with the Assembly, and particularly with the increased level of pre-legislative consultation, allowing it to draw attention

to human rights considerations prior to the introduction of Bills.

The Commission provided comments to the Speaker and to the chairperson of the relevant Assembly Committee in respect of the following Bills:

- Industrial Development Bill (NI)
- Social Security Fraud Bill (NI)

The Commission also gave oral evidence to the Assembly's Social Development Committee on the Social Security Fraud Bill (NI).

In addition the Commission gave oral evidence in November 2001 to the Committee on Procedures during its Review of the Assembly's Legislative Process. The Commission's oral evidence was based on a paper submitted by the Commission to the Assembly which recommended changes to the legislative process and to the committee structure of the Assembly in order to provide better opportunities for the consideration of the equality and human rights implications of Bills.

Oral evidence was given to the Committee of the Centre on the proposal for a Children's Commissioner for Northern Ireland.

## WESTMINSTER LEGISLATION

The Commission undertook substantial work on only one Westminster Bill during this reporting year, namely the Justice (NI) Bill – a measure to implement many of the recommendations of the Criminal Justice Review on which the Commission had



made submissions in 1999 and 2000. Comments were provided to the *Ad hoc* Committee of the Assembly in November 2001, to the Northern Ireland Affairs Committee of the House of Commons in December and to the Northern Ireland Office in January. Four written submissions were made during the Commons debates in February 2002, with oral briefings being provided to interested MPs on two occasions. Work on this Bill was continuing at the close of the reporting year.

The Commission submitted views on the Anti-Terrorism, Crime and Security Bill, the Criminal Injuries (Compensation) (NI) Order and the Proceeds of Crime Bill. We gave oral evidence to an *Ad hoc* Committee of the Assembly on the last two of these. We also responded to UK-wide consultations on postal ballots and the reform of the House of Lords.

In February 2002 the Commission provided a briefing for members of the House of Lords on the renewal of Part VII of the Terrorism Act 2000, the additional provisions within that legislation which extend to Northern Ireland alone. As is often the case, the process for the renewal of anti-terrorism laws appeared very rushed and proceeded with little opportunity for substantive debate. The Commission was pleased to note, however, that its concerns were raised during the renewal debate.

In July 2001 we provided the Joint Parliamentary Committee on Human Rights with a written response to its Call for Evidence on a Human Rights Commission for the United Kingdom. We

have continued to develop our working relationship with this Committee and have followed with interest its human rights proofing of certain Westminster Bills. When the Committee visited the Commission in February 2002 we were able to discuss further our views on what relationship we should have with a Human Rights Commission for the United Kingdom if such a body were created. At the close of the reporting year we welcomed the announcement that the Joint Parliamentary Committee would be inquiring into the UK Government's procedures for entering derogations from its commitments under international human rights instruments.

## LINKS WITH SCOTLAND

Links with the Scottish Parliament and Executive have continued. In June 2001 the Chief Commissioner gave oral evidence before the Justice 1 Committee of the Scottish Parliament on the establishment of a Human Rights Commission in Scotland and this was followed by the Commission's written submission in response to the Scottish Executive's consultation exercise. The Commission was visited in November 2001 by the Equality Committee of the Scottish Parliament and in March 2002 by researchers in the Department of Justice of the Scottish Executive to discuss the establishment of a Human Rights Commission for Scotland.

## POLICY CONSULTATIONS

The Commission responded to some 26 consultation documents in the reporting year emanating from various authorities.



Amongst the most significant of these consultations were those relating to:

- a Single Equality Bill for Northern Ireland,
- the possible reform of the law on the physical punishment of children,
- the powers of the proposed Children's Commissioner for Northern Ireland,
- a Protection of Children and Vulnerable Adults Bill, and
- eight consultations on policing matters, including:
  - the draft Force Order on the Use of Force,
  - the draft Force Order on the Role of Defence Lawyers,
  - the draft Force Order on Handling Threats,
  - the draft policy on a Neutral Working Environment,
  - the draft Programme of Action on Human Rights, and
  - the Police Service's draft for a Code of Ethics.

The Police Service refused to make available to the Commission the report of the working group on tenure within the Police Service and the report of the group which looked at when people with a criminal conviction should be disqualified from selection for the Police Service.

## INTERNATIONAL WORK

The Commission's researchers also prepared several submissions for international treaty-monitoring bodies. These are listed in the section of this report covering the Commission's international activities (see pages 54-56).







Casework Solicitor, Maggs O'Connor (right) and Administrator, Bernadette McFadden  
Photo Lesley Doyle

## CASEWORK

### INTRODUCTION

*The Commission received 516 telephone inquiries between April 2001 and March 2002. Inquiries result in the Commission's Caseworkers, led by Maggs O'Connor, Casework Solicitor, giving information, referring callers to more appropriate agencies, explaining that the matter in question is outside the Commission's remit or inviting people to make an application to the Commission for assistance on the grounds specified in section 70 of the Northern Ireland Act 1998.*

During the year the Commission employed three temporary Caseworkers at different times to assist the permanent Caseworker. We very much appreciate the work done by Edel Quinn (until June 2001), Mark McEvoy (June to October 2001) and Angela Stevens (from November 2001). The assistant caseworkers carry out an informal mediation role in many cases and this has seen a decrease in the number of inquiries resulting in applications for assistance under section 70.

The Commission received 42 applications for assistance between April 2001 and March 2002. The majority of

these resulted directly from telephone inquiries, but some came through correspondence and others were referred by solicitors, voluntary groups or community organisations.

The criteria applied by the Commission when conducting its casework are set out in Appendix 5.

### OUTCOMES

At the start of the year the Commission had a backlog of 52 cases waiting for assessment. After conducting a review of cases outstanding, the Commission's



Casework Committee decided that those cases where the applicant had not responded to requests for information within a reasonable time should be closed. Ten cases were therefore closed because information requested had not been supplied despite numerous requests.

During the year there were a total of 22 cases closed because they were referred to other appropriate bodies, withdrawn or resolved before the Casework Committee considered them.

The Casework Committee considered 54 applications during the year. Assistance was refused, after assessment against the criteria, in 47 cases.

Assistance involving some form of legal intervention was granted in five cases. One of these was where the applicant, who is detained in a psychiatric unit, wished to challenge the compatibility of the Mental Health Review Tribunal Rules with the Human Rights Act 1998. Another was brought by the mother of a young man who committed suicide in Hydebank Young Offenders Centre; she is arguing that the investigation conducted into his death was not fully compliant with the requirements of Articles 2, 3 and 8 of the European Convention on Human Rights. In two cases the Commission funded opinions from experts, in one to examine documents and autopsy photographs to determine if there was an appropriate legal action, in the other to assess the compliance of inter-country adoption procedures with Articles 6 and 8 of the European Convention. In the fifth assisted case we funded the mother of one of the children attending Holy Cross Girls' Primary School in North Belfast to take a judicial review of policing

decisions concerning protests at the school. All of these cases were still unresolved by the end of the year.

The Committee took other action in two further cases referred to the Commission. In one case we commissioned a report on whether there was any non-compliance with human rights principles in the granting of planning permission for phone masts and the siting of these. The report indicated that the evidence relating to the health dangers was inconclusive and at the year's end the Commission had still to decide what further work, if any, to undertake in this area. In another case the Commission made written representations to the Ministry of Defence expressing concerns about the retention in the army of two soldiers convicted of murdering Peter McBride in 1992.

Following the decision of the High Court in December 2000 that the Commission did not have the power to intervene in other people's court proceedings (see below), we generally advised applicants that we could not assist in this way. However, in two cases where the application pre-dated this decision, the application was specifically for an intervention by the Commission in a domestic court. The Commission did not accede to those requests.

The Commission is maintaining a watching brief in four cases and at the end of the year assessments were pending in 59 cases

## INVESTIGATIONS OF DEATHS

The European Court of Human Rights delivered judgment in the joined cases of *Hugh Jordan v UK*, *McKerr v UK*, *Kelly v*



*UK and Shanaghan v UK* on 4 May 2001. The Commission had made a submission to the European Court in the *Jordan* case because of its concern that the inquest system in Northern Ireland did not comply with the requirements of Article 2 of the European Convention on Human Rights concerning an effective investigation into deaths. The European Court held in all of the cases that there had been a procedural breach of Article 2 because the procedures and legal avenues available in the domestic jurisdiction, even taken together, did not fulfil the requirements for an effective investigation into the deaths.

The Commission is very concerned that by March 2002 these judgments had not yet resulted in mechanisms being put in place that would lead to compliance with the requirements outlined by the court. While the Commission welcomes the change to Rule 9 of the Coroner's (Practice and Procedure) Rules (NI) 1963, which now allows for vital witnesses to be compelled to give evidence at inquests, this alone does not go far enough, in our view, to satisfy the Court's ruling. The Commission made a submission to the Lord Chancellor along these lines and we understand that his Department is liaising with other government departments to decide on appropriate reforms. We remain very disappointed that, despite the fact that the European Court's judgments were delivered in May 2001, no progress has been able to be made on outstanding inquests.

## THE POWER TO INTERVENE

The Commission took one case in its own name during the year. In September 2000 the Coroner for Fermanagh and South Tyrone ruled during the inquest into the Omagh bomb of 15 August 1998 that the

Commission had no power to apply to intervene to raise human rights issues. This was despite the fact that the Commission, acting as *amicus curiae* ("friend of the court") at the invitation of the Coroner, had already made written submissions on the human rights principles applicable at the preliminary hearing prior to the inquest. The Commission applied for judicial review of the Coroner's decision but the Lord Chief Justice, Sir Robert Carswell, rejected the application in December 2000.

We appealed this decision to the Northern Ireland Court of Appeal, the Commission's view being that, even if the power to intervene was not expressly conferred by the Northern Ireland Act 1998, it is reasonably incidental to other powers which were expressly conferred upon the Commission, such as the power to take cases in its own name or the power to promote understanding and awareness of the importance of human rights. Unfortunately, in April 2001 the Court of Appeal upheld the Lord Chief Justice's decision, although Kerr LJ dissented from the judgments of McCollum LJ and Sir John Macdermott. The House of Lords granted leave to appeal to their Lordships house and the case was heard on 11 March 2002. The Commission asked the Secretary of State if he would apply to intervene in the appeal to support the Commission's position, and he agreed to do so. The House of Lords acceded to this application to intervene and also accepted a submission from a group of non-governmental organisations. The Northern Ireland Office also provided special funding to the Commission to allow the case to proceed. At the year's end the Commission was still awaiting judgment in the appeal.







Bill of Rights Senior Schools Conference, Armagh  
Photo Michael Campbell

## EDUCATION

### INTRODUCTION

*By section 69(6) of the Northern Ireland Act 1998 the Human Rights Commission has a duty to promote understanding and awareness of the importance of human rights in Northern Ireland. Under its duty to keep law and practice relating to the protection of human rights under review (section 69(1)), the Commission also concerns itself with whether education law and practice in Northern Ireland sufficiently protect human rights. These duties are overseen by the Commission's Education Committee and mostly carried out by Edel Teague, the Commission's Education Worker. During the year under review the Education Worker was assisted by Clodagh Kelly, a temporary Bill of Rights Education Worker, Rachel Rebouché, a Bill of Rights researcher and by Jason Arndt, a student intern.*

### PROMOTING AN UNDERSTANDING OF HUMAN RIGHTS

In the period April 2001 to March 2002, the Commission's Education Committee continued to focus on the objectives it had set the previous year, namely:

- to provide education resources and training on human rights so that widespread participation in the Commission's Bill of Rights consultation process could be assured, and

- to promote awareness of human rights education among educationalists in both the formal and the informal education sectors.

### The Bill of Rights

The training of facilitators which the Commission engaged in during 2000 proved to be an effective way of raising understanding of and promoting debate on a Bill of Rights in Northern Ireland. A report on the outcomes of the work of the



400 facilitators who were trained in 2000 was completed for the Commission by a volunteer worker, Esther Mulholland. She identified 10,000 people who had attended training or information sessions which had been organised by Commission-trained facilitators between January and June 2001. The Commission considers that the training of facilitators was a very worthwhile venture because the people who participated in the sessions run by facilitators will have benefited greatly from the information that was provided and the ensuing discussions. Many of the groups went on to make submissions to the Commission on its Bill of Rights project.

As a result of the success of the initial programme the Commission launched a further training programme in September 2001 to encourage individuals and groups to become more aware of the second stage of the Bill of Rights consultation process. These courses were very widely advertised in local newspapers and among the statutory, voluntary and community sectors. 583 people attended one-day, half-day or two hour training courses on the Bill of Rights in the period up to January 2002 (see Table 1 on page 45). In this second training programme the Commission had particular regard to its monitoring targets. For example, the percentage of people from the unionist community trained increased from 12% to 30% and the percentage of people with a disability increased from 9% to 17%. The number of people from an ethnic minority participating in the training remained constant at approximately 3%. It was interesting to note that a much greater

number of people from the statutory sector participated in the Commission's second training programme, marking a distinct raising of awareness among that sector.

The Commission continued to promote its Bill of Rights educational resources. The educational video was edited to reflect the Commission's consultation document. Since consultation on a Bill of Rights began some 2,400 copies of the training manual and 3,000 videos have been distributed.

### Human rights education

The Commission continues to provide human rights training to organisations when it is appropriate. For example, in the past year training was provided to, amongst others, the Prison Officers' Association, social workers in the Western Board area, staff from the Southern Education and Library Board, students on various social work courses and equality managers from Health and Social Services Trusts and the DHSSPS. The Commission also provided advice and guidance on human rights training to a range of organisations such as North Down Borough Council, Down and Lisburn Health and Social Services Trust, the Police Service of Northern Ireland and a Development Education Group.

A response was made to the consultation on the curriculum conducted by the Northern Ireland Council on Curriculum, Examinations and Assessment. In its submission the Commission noted the relevant international standards, which require that human rights education should be provided for young people.



Additionally the Commission drew the Curriculum Council's attention to the importance which the United Nations and the Council of Europe attach to human rights education in conflict resolution and peace building. Subsequently the Commission met with the Curriculum Council to discuss the place of human rights in the curriculum. The Commission hopes to devote further resources to promoting human rights in the curriculum in the next financial year.

The Commission participated in the University of Ulster's consultation on the new course for student police officers. It commenced monitoring the human rights training being received by the new trainee officers in March 2002, with the full co-operation of the Police Service. A report of this work will be published during the summer of 2002. The Commission also advised on the type of human rights training Police Service trainers should receive.

The Commission worked with Amnesty International and others on a cross-border project promoting human rights education within primary schools. We also participated in discussions with the Home Office concerning the establishment of citizenship awards for schools in Northern Ireland. Both of these ventures will be taken forward during the next financial year.

### KEEPING EDUCATION LAW AND PRACTICE UNDER REVIEW

The Commission continued to work closely with the Department of Education and other educational organisations during the year. The Department and the Commission co-

hosted a major conference on "Human Rights in Education" in September 2001. The conference addressed three themes – the Human Rights Act 1998, a Bill of Rights for Northern Ireland and the United Nations' Decade for Human Rights Education 1995-2004. The conference was attended by a representative sample of 130 educationalists from the statutory, voluntary and community sectors. It was addressed by a range of speakers, including Mr Martin McGuinness MP MLA (Minister for Education), Mr Frank McGuinness (chairperson of the Commission's Education Committee), Ms Francesca Klug (King's College, London) and Dr Ursula Kilkelly (University College, Cork). Six workshops considered the themes of the conference and made recommendations on the promotion and protection of human rights in the education sector. These recommendations will form part of an action plan for the education sector to be launched in the autumn of 2002.

### Human Rights and Education Forum

The Commission continues to chair the Human Rights and Education Forum, which met on five occasions during the year. The Forum has become a useful mechanism for sharing information about key issues in what is a very complex field. In addition it is contributing to the Human Rights Action Plan being devised by the Department of Education. Members of the Forum suggested that the Commission should produce a short guide to the Human Rights Act for use by schools. This will be available later in 2002 once Forum members have had the opportunity to contribute to a draft.





## Selection at age 11

The Commission met with the Post-Primary Review Body in advance of the publication of the Body's proposals. Since then the Commission has followed the debate on selection carefully and is planning a conference to explore the human rights principles associated with the Review Body's recommendations. The proceedings of this conference will be

published, as will a short guide to the human rights aspects of the debate, prior to the Commission's making its own submission to the Department of Education in June 2002.

The Commission was pleased to be able to publish research into access to post-primary schools in Northern Ireland carried out by Ms Laura Lundy of the Queen's University of Belfast.

Table 1: Training for Facilitators 2001-2002

Month	Participants or Geographical Area	Numbers
September	Social Workers WHSSB	18
	Community Workers North Belfast	20
	Students North Down and Ards Institute	25
	Vine Centre Shankill Road	12
	DHSS & Health Social Care Staff	20
	Bill of Rights Training ICTU	15
October	Childcare NI	5
	Social Workers WHSSB	12
	Bill of Rights training for Ethnic Minority groups	12
	Bill of Rights training for Disability groups	18
	NI Childminding	13
November	Older Persons Group Coleraine	10
	Bill of Rights Training Belfast	13
	Bill of Rights Training Belfast	16
	Bill of Rights Training Belfast	5
	Bill of Rights Training Belfast	24
	Bill of Rights Training Belfast	24
	Lamp Project	9
	Disability Action – Newry	22
	Disability Action – Derry	19
	Help the Aged – Belfast	24
	Help the Aged – Dungannon	22
	Councillors – Craigavon District Council	23
	North Down and Ards District Council area	12
	Carrickfergus Grammar School	31
	Future Voices – Cookstown	20
December	Association of Northern Ireland Colleges	10
	Staff at SEELB	25
	Bill of Rights Training Dungannon	28
	Bill of Rights Training Derry/Londonderry	15
	Bill of Rights Training Newry	24
January 2002	Antrim Community Forum	15
	Greater Shankill Community Council	10
	Prison Officers Association	12
Total		583





Investigations Workers - Christine Loudes and Linda Moore  
Photo Lesley Doyle

## INVESTIGATIONS AND RESEARCH

### INTRODUCTION

*The Human Rights Commission has a power to conduct investigations under section 69(8) of the Northern Ireland Act 1998. It also has a power to undertake and commission research under section 69(6) of the Act in order to promote understanding and awareness of the importance of human rights in Northern Ireland. From March 2001, the Commission's Investigations Committee adopted responsibility for the research role of the Commission and became known as the Investigations and Research Committee. The Investigations staff are Linda Moore and Christine Loudes (job-share). During 2001 they were assisted by two interns, Will Sawma and Joe Briante.*

### INVESTIGATIONS

The Commission has decided that it will select matters for investigation in two situations:

- where a pattern of alleged abuse has been identified, or
- where a serious human rights abuse has allegedly occurred.

For the full criteria applied by the Commission in this context, see Appendix 6.

### The rights of children in custody

In March 2002 the Commission published the report of its first formal investigation. *In Our Care: Promoting the Rights of Children in Custody* investigated the care of children detained in juvenile justice centres in Northern Ireland. The Commission was honoured that Professor Jaap Doek, Chair of the United Nations' Committee on the Rights of the Child, travelled to Belfast to launch the report.



The report was co-authored by Dr Ursula Kilkelly, University College, Cork, together with one of the Commission's investigations workers, Linda Moore. Fieldwork for the investigation was carried out by Una Convery, a social scientist currently completing her doctorate on children in custody at the University of Ulster. The conduct of the investigation was supervised by two Commissioners, Tom Hadden and Patricia Kelly.

*In Our Care* concluded that, while much positive work is being done in juvenile justice centres, there are also clear breaches of the rights of detained children. The youth justice system is currently undergoing significant change and the Commission hopes that *In Our Care* will contribute positively to this process.

The experience of carrying out this investigation demonstrated the difficulties caused by the Commission's lack of powers. The Commission was refused important documentation by a range of bodies (statutory and non-statutory) and some staff in the juvenile justice centres, as well as some parents and children, were not prepared to be interviewed. The Commission raised these issues in its report on its powers and effectiveness to the Secretary of State in February 2001. On the other hand, the investigating team did receive a high level of co-operation and assistance from many people involved in the centres and in the broader youth justice system. The Commission would like to thank all those who assisted it with the project.

## RESEARCH

In addition to its investigations function, the Committee conducts and commissions research. Topics for research have been determined in accordance with the priorities identified in the Strategic Plan 2000-2002. During the past year research was commissioned on the following range of human rights issues.

### The rights of lesbian, gay and bisexual people

In August 2001 the Commission published *Enhancing the Rights of Lesbian, Gay and Bisexual People in Northern Ireland*. This review was commissioned from a team of researchers at the University of Ulster (Dermot Feenan, Barry Fitzpatrick, Patricia Maxwell and Ursula O'Hare), with the assistance of two practising barristers (Timothy Ritchie and Caroline Steele).

The review evaluates law, policy and practice in Northern Ireland against international standards in order to establish the gaps in the protection of rights and equality in six key areas: education and young people, criminal law, employment, partnership, family life and health care. Areas are identified where further promotion and protection of the rights of gay, lesbian and bisexual people is necessary. By the end of the year the Commission was in the process of considering whether to endorse all of the recommendations for further action listed in the report.





## The rights of older people

*Enhancing the Rights of Older People in Northern Ireland* was published by the Commission in October 2001. This review was written for the Commission by Maura McCallion, a lawyer at the Law Centre (NI). It analyses the rights of older people in the areas of social care, health, transport, income levels, housing, education and employment rights. Recommendations are made for enhancing the rights of older people throughout our community.

Following the recommendations made in this review, the Commission established a partnership with Help the Aged to consider possible discrimination against older people in the allocation of health care in Northern Ireland. The research will look at the influence of age on the care of older people through an analysis of the changing response of the National Health Service to the needs of older people. It should be completed during the next financial year.

## The rights of people suffering from mental illness

The rights of people suffering from mental illness have been identified as a key area of work for the Commission, particularly as the issues have generated a high number of inquiries to the casework team. The Investigations and Research Committee commissioned a review on mental health law in March 2001 and some work on this was carried out during the following year. The researchers responsible for conducting this review are Winston McCartney, a patient advocate

for the Northern Ireland Association for Mental Health, and Michael Potter, a barrister with expertise in the field of mental health law.

The remit of the review is to assess law, policy and practice in relation to mental health in Northern Ireland and how it affects people who suffer or suffered from mental illness, including persons who have learning disabilities. The review will also deal with the system for detaining people suffering from mental illness against their will, the effectiveness of the Mental Health Commission for Northern Ireland in protecting human rights and the adequacy of existing international standards for the protection of people suffering from mental illness. It is anticipated that the review will be completed later in 2002 or early in 2003.

## The rights of transgendered people

The rights of transgendered people in Northern Ireland were identified amongst the Commission's priority areas of research in the Strategic Plan 2000-2002. The Commission is therefore currently conducting research into the extent to which law, policy and practice in Northern Ireland promotes and protects the rights of transgendered people. It will also identify areas which are in need of further promotion and protection. Law, policy and practice will be evaluated against international standards to establish the gaps in the protection of human rights and equality in seven key areas: birth certificates, the right to privacy, the right to marry and to have a family life, employment, social security, access to



services and the criminal justice system. During July and August 2001, Joseph Briante, an intern from Canada, assisted with preparatory work on the research.

### Baton rounds

The Investigations and Research Committee has an ongoing interest in the use of baton rounds (sometimes known as plastic bullets) in Northern Ireland. In May 2001 the Commission published a research report on the methods used by the police for recording the use of plastic baton rounds. Significant flaws in the system were identified. Later in the year the police turned down a request from the Commission to do a follow-up study of their methods for recording the use of plastic baton rounds. Such a study may, they said, compromise the accountability arrangements inherent in the Police Ombudsman's investigations.

The Committee also developed a proposal for research on the human rights issues arising from the development and deployment of the "new" baton round which was introduced in June 2001 and the Commission commissioned the OMEGA foundation to carry out this study. It should be published later in 2002. The Committee also agreed to update work carried out by the Commission in 1999 (but never published) on the injuries caused by baton rounds since the early 1990s and the compensation paid to some of those injured.

The army refused to disclose to the Commission the document containing the guidelines used by soldiers when firing baton rounds. This, apparently, is "classified" information, but the Commission will continue to press for its release.





Rev Harold Good OBE, Chair, with Committee members and staff  
Photo: Maria Downing

## VICTIMS

*During the year the Commission re-established a specific committee to examine the needs of victims and survivors of violence in Northern Ireland. The terms of reference of this Committee for Victims include:*

- *to seek at all times to work within the context of the Commission's current Strategic Plan;*
- *to be guided by internationally accepted rules and principles for the protection of human rights as supplemented by international best practice;*
- *to seek to be fair, open, accessible and accountable, bearing in mind section 75 of the Northern Ireland Act 1998;*
- *to direct to completion the Commission's Victims' Rights Project;*
- *to consider what further steps the Commission needs to take to promote and protect the human rights of victims in Northern Ireland.*

The Committee was serviced by the Commission's Development Worker, Miriam Titterton.

Considerable effort was expended during the year in bringing to completion the report of the Victims' Rights Project, which was started in 2000 by our then Victims' Rights Worker, Mary Waldron. Further

work was carried out by Björn Paterok (an intern in 2000-2001), by Christine Stoll (an intern in the summer of 2001) and by a consultant, Brian Gormally. Specialist advice on international standards concerning victims was supplied by Dr Kathleen Cavanaugh of the University College, Galway. The Project collects and analyses the views of victims of violence





on what rights they think they should be guaranteed by law and in particular by a Bill of Rights. A report on the matter will be published by the Commission during the next financial year.

The Committee also took an interest in so-called "punishment" attacks. It organised three meetings to discuss the phenomenon – with statutory agencies, with voluntary and community organisations and with political representatives. At each of these a presentation was given by Professor Colin Knox, of the University of Ulster, who has recently conducted research on the matter funded by the Economic and Social Research Council. By the year's end the Committee was debating how to take further its concerns about punishment attacks, and about paramilitary and sectarian violence in general.

Representatives of the Committee met with members of restorative justice projects during the year. The Commission supports the principle of restorative justice but is naturally keen to ensure that any schemes applying the principle conform fully with human rights standards. The Committee decided to monitor informally the operation of existing schemes from a human rights point of view.





Members of the Joint Committee of the Irish Human Rights Commission and the Northern Ireland Human Rights Commission, November 2001  
Photo Lesley Doyle

## THE JOINT COMMITTEE

### INTRODUCTION

*The Belfast (Good Friday) Agreement requires a Joint Committee to be established between the Northern Ireland Human Rights Commission and the Republic of Ireland's Human Rights Commission, and section 69(10) of the Northern Ireland Act 1998 requires the Northern Ireland Commission to "do all that it can to ensure the establishment" of that committee. The Northern Commission has accordingly attributed a high priority to its work in this area.*

*The Joint Committee has worked well in its first few months of existence. The prospects for effective work being conducted to the benefit of all the people of Ireland are good. Already some matters coming to the attention of one Commission which have a resonance in the other Commission's jurisdiction have been referred for consideration across the border.*

### MEETINGS

The Irish Human Rights Commission was not formally established until July 2001 but as early as May 2001 an informal meeting took place between the Northern Commission and the Commissioners who had already been appointed in the Republic. The first formal meeting took place in November

2001 and it was decided on that occasion that the Joint Committee of the two Commissions should in fact comprise all of the Commissioners from both Commissions. Further meetings occurred in December 2001, January 2002 and March 2002. It is envisaged that meetings will continue on approximately a bi-monthly basis thereafter.



## SUB-COMMITTEES

The principal decisions taken so far by the Joint Committee are to create two sub-committees. One of these (convened by Michael Farrell of the Irish Commission) is working on racism in both parts of Ireland and the other (convened by Patricia Kelly of the Northern Commission) is working on a discussion document dealing with a Charter of Rights for the island.

The Sub-Committee on Racism has begun to collect views and information from relevant statutory and voluntary organisations in both parts of Ireland and is planning to contribute to the development of National Action Plans on Racism in both the United Kingdom and the Republic of Ireland.

As regards the proposed Charter of Rights, letters were sent to all the registered political parties in the North and South alerting them to the requirement in the Belfast (Good Friday) Agreement that the Joint Committee must consider the possibility of establishing a charter, "open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland". While few parties responded to these letters, the Joint Committee is determined to press ahead with its work in this area, although in a manner which does not lead to confusion either with the work being done in Northern Ireland on a Bill of

Rights or with the efforts in the Republic to incorporate the provisions of the European Convention on Human Rights into Irish domestic law.

## COUNCIL OF EUROPE ROUNDTABLE

In January 2002 the two Commissions were represented at a planning meeting in Copenhagen for the second Council of Europe Roundtable with European national human rights institutions, which is to be jointly hosted by the two Commissions in Belfast and Dublin in November 2002. A further meeting with representatives of the Council of Europe took place in Strasbourg in February 2002.







Prof Jaap Doek, Chair, UN Committee on the Rights of the Child, Belfast, March 2002  
Photo Sarah Boyce

## INTERNATIONAL WORK

### INTRODUCTION

*The Commission continued to set great store on maintaining a presence on the international stage. Since the Mission Statement of the Commission commits it to upholding the internationally accepted rules and principles for the protection of human rights, it naturally wishes to play a part in the monitoring and development of those standards by international bodies. The Commission monitors the UK Government's adherence to international human rights treaties as far as Northern Ireland is concerned.*

*In March 2002 the UK Government announced a further review of its position under international human rights instruments. The Commission's initial views were sought as to the scope of the Review and we urged the Government to conduct a comprehensive review which would amount to an "audit" of the UK's formal adherence to the full range of international human right standards.*

### UNITED NATIONS

In April 2001 the Chief Commissioner represented the Commission, as in previous years, when the role of national human rights institutions was discussed by the UN Committee on Human Rights in Geneva. For the second year running the

only Government to make an immediate response to a statement from a human rights commission was the British Government. At the same time the Chief Commissioner attended, in an observer's capacity, the annual meeting of the International Co-ordinating Committee of National Human Rights Institutions. This is



the group which, amongst other things, seeks to enhance the role and status of national human rights institutions throughout the UN system.

In May 2001 the Commission was visited by Sir Nigel Rodley, the then United Nations' Special Rapporteur on Torture and in October we met with Professor Paul Hunt, a member of the United Nations' Committee on Economic, Social and Cultural Rights. In December 2001 we were honoured by a visit from Mr Olara Otunnu, the United Nations' Special Representative for Children and Armed Conflict and in March 2002 we were delighted to welcome Professor Jaap Doek, Chair of the UN Committee on the Rights of the Child. Professor Doek launched the Commission's first investigation report into the rights of children and young people in the youth justice system. (see page 46)

The Commission took a decision early in 2001 not to send a representative to the World Conference Against Racism, Intolerance and Xenophobia in Durban during September. Instead we asked the head of the Equality Commission's Directorate for Racial Discrimination, who was attending, to represent us there. In this way we received almost daily briefings and we were able to keep in touch with developments within the group of national human rights institutions that were meeting in the margins of the Conference. Since the event the Commission has been planning how it can best influence government policy in the wake of the Conference's final Declaration.

In October 2001 Paddy Sloan, Chief Executive, represented the Commission at a UNICEF meeting for Children's Ombudspersons, held in Paris.

In November 2001 the Commission was represented by Ciarán Ó Maoláin at the hearing conducted by the United Nations' Human Rights Committee into the UK's Fifth Periodic Report on its implementation of the United Nations' Covenant on Civil and Political Rights. We were pleased at the interest shown by the Committee in the work of the Commission and at the references in the Committee's Concluding Observations to the points we had been emphasising. Prior to attending the hearing the Commission had made written and oral submissions drawing the Committee's attention to the Commission's concerns.

Towards the end of the financial year the Commission was busy preparing submissions to two further treaty-monitoring bodies which were due to examine the latest periodic reports issued by the UK Government. These were the United Nations' Committee on Economic, Social and Cultural Rights and the United Nations' Committee on the Rights of the Child. Unfortunately the Commission was not sent copies of the relevant UK reports when they were first issued. We hope we have taken adequate steps to ensure that we are not left out of the loop in this way again. The Commission was to have been represented at the United Nations' General Assembly Special Session on children's rights in New York, but this was postponed in the wake of the 11 September events and was rescheduled for May 2002.



## EUROPE

The Commission made a submission to the Council of Europe's Committee which was considering reforms to the *modus operandi* of the European Court of Human Rights in the light of its ever-increasing caseload. During the year it resolved to urge the Government to ratify the Council of Europe's Convention on Migrant Workers (1990). It also wishes to see the Government ratify Protocol 12 to the European Convention on Human Rights, which would enhance protection against discrimination.

The Commission was represented at the meeting of European National Human Rights Institutions held in the margins of the meeting of the International Co-ordinating Committee of National Human Rights Institutions in Geneva in March 2001. Later in the year both the Chief Commissioner and the Chief Executive were involved in international meetings concerning the planning of the Second Council of Europe Roundtable for European National Human Rights Institutions, which the Northern Ireland Commission and the Irish Human Rights Commission will be co-hosting in November 2002.

## OTHER INTERNATIONAL WORK

In March 2002 the Chief Commissioner contributed at the request of the British Council to a workshop held in South Africa for staff of human rights commissions in Africa and Asia. In June 2001 the Commission had the privilege of a presentation by Judge Albie Sachs, of the South African Constitutional Court. He spoke to us movingly about the

positive impact of a Bill of Rights on his own country and he presented the Commission with a signed copy of that Bill. This complemented the visit during the previous year by Judge Arthur Chaskalson, President of the Constitutional Court and Chief Justice of South Africa.

During the summer of 2001, during a holiday trip, the Chief Commissioner paid courtesy calls on the offices of the Human Rights Commission of Canada and of British Columbia in Vancouver. In September he was invited by the Asia-Pacific Consultative Forum for Human Rights NGOs to assist them with their presentations to the forthcoming meeting of the Asia-Pacific Forum on Human Rights in Colombo, Sri Lanka.

In December Mr Frank McGuinness represented the Commission on a study visit to New York and Washington facilitated by Mediation Network, during which community policing techniques were investigated. In February 2002 the Chief Commissioner met with the Chair of the Latvian Human Rights Office while visiting London and he addressed a conference on Ireland at the University of Toulouse.

Links were maintained throughout the year with the British Council, mostly in connection with a large international conference scheduled for May 2002 which the two organisations were jointly planning.







Photo Lesley Doyle

## PUBLICATIONS AND INFORMATION

*The Commission places great importance on producing information to underpin its values of openness and accountability. No fewer than 18 publications and 76 submissions were produced during the year. The latter included submissions to international treaty-monitoring bodies. For the full list, see Appendix 7. The main focus of communications work was, again, the Bill of Rights project. The Information Worker, Nadia Downing, was assisted during the year by three interns, a volunteer and, from February 2002, a student librarian – all of whom made it possible to make good progress in developing the library resource and make it accessible to staff, Commissioners and visitors. The website continued to be a priority and was updated on a weekly basis by Michael Ardill.*

### PUBLICATION HIGHLIGHTS

The introductory booklet on the Human Rights Act, *Human Rights ImpAct*, co-produced with the Citizenship Foundation, continued to be very popular. As well as to individuals seeking information on their basic rights, the booklet has been helpful to public bodies which must observe the requirements of the Act along with the equality duties under section 75 of the Northern Ireland Act 1998.

The Annual Report 2000 - 2001 was published in December 2001 and was widely circulated after it had been laid in

Parliament by the Secretary of State. Although the Commission published a newsletter, *Rights Insight*, at the end of last year, capacity has not yet allowed us to produce a regular newsletter as originally planned.

Several of the Commission's publications were the culmination of research and investigations carried out by Commission staff and external researchers. In early June 2001 the Commission was pleased to be able to publicise research carried out by Ms Laura Lundy, senior lecturer in the School of Law at the Queen's



University of Belfast, into school admissions criteria. The publication coincided with the allocation of school places by education and library boards and it has continued to be a useful contribution to the debate on the recommendations in the Burns Review of post-primary education.

A research report concerning the rights of lesbian, gay and bisexual people was published in August 2001 and research on the rights of older people across a broad range of practical areas was published in November 2001. Both reports were well received by the media, resulting in a greater awareness of the difficulties faced by many people in our society in accessing fair and equal treatment within existing policy and practice.

By March 2002 the Commission's first formal investigation into the youth justice system had been completed. *In Our Care: Promoting the Rights of Children in Custody* was widely publicised and circulated to organisations charged with the care of children and young people who come into contact with the police and the justice system. In the coming year the Commission will continue to work to effect change in the way that children are treated in the youth justice system in Northern Ireland.

Also in March, the Commission was pleased to be able to co-publish with British Irish Rights Watch a third edition of *Human Wrongs, Human Rights* – an accessible guide to the human rights machinery at the United Nations. With a Foreword by the High Commissioner for Human Rights, Mary Robinson, the guide was completely updated by its author,

Jane Winter, with the assistance of staff working at the heart of the UN. Seeking to demystify the complex structure of the UN, the publication explains how people can find out about human rights, how the human rights mechanisms within the UN work and how to make effective use of them. Complimentary copies have been sent to many other human rights institutions around the world.

## COMMUNICATING THE BILL OF RIGHTS MESSAGE

Developing public awareness about the Commission's work on a Bill of Rights for Northern Ireland was a key priority again this year. Although we were able to produce the Commission's draft advice in the form of a consultation document and update the education video to reflect the proposals, funding was not available to produce complementary materials to assist widespread consultation until after the consultation was underway. Supplementary funding of £352,700 was eventually allocated to the Commission by the Northern Ireland Office in August 2001. The Northern Ireland Office would say that the Commission did not make a convincing enough business case in time, but we would dispute that.

A television and radio advertisement ran from November 2001 until after Christmas, and was supplemented by billboards and bus shelter advertisements in Belfast and in all the major provincial towns. The use of a sign language interpreter throughout the television advertisement was an important innovation, one which was particularly supported by the Northern Ireland Office.



It demonstrated the commitment of the Commission to accessibility and the increasing priority being afforded to equality as a result of the duties imposed by section 75 of the Northern Ireland Act 1998 to promote equality of opportunity and good relations. The advertisements coincided with an opinion survey carried out by Research and Evaluation Services to ascertain views on a Bill of Rights (see the summary of findings in Appendix 4).

The NIO's additional funding allowed the Commission to produce translations of its summary draft advice in Cantonese, Irish, Ulster-Scots and Braille and to make information available about the Bill of Rights on cassette. We were also able to publish an accessible booklet to encourage children and young people to become involved in the consultation process and, with invaluable assistance from LEAD, the Northern Ireland Coalition on Learning Disability, the proposals were interpreted to produce an accessible document for people with learning disabilities. In all, nine translations or versions of the Bill of Rights proposals were produced and by January 2002 well over 80,000 consultation documents and versions had been publicly circulated.

We were delighted to participate in a joint venture with the *Ad Hoc* Human Rights Consortium to publish 170,000 copies of a supplement on the Bill of Rights for the *Belfast Telegraph*. The newspaper was distributed in October 2001. A special Bill of Rights supplement to *Fortnight* magazine was circulated in February 2002.

## IN THE NEWS

During the year we issued almost 30 press releases and gave print and broadcast interviews on a wide range of issues which connect with human rights. The Commission views good relations with the many newspapers, television channels and radio networks as an important part of its public function in raising general awareness of human rights and in being accountable. It is all too aware that this can sometimes be a challenging exercise.

As is not unexpected in working to promote human rights, the Commission was on several occasions the subject of significant controversy. This was specifically illustrated in the publicity surrounding our curtailed power to intervene on human rights points in court cases; our stance on the use of baton rounds and, separately, the methods employed by the police for the recording of these baton rounds (a report on the latter was produced in May 2001); the judgments of the European Court of Human Rights of May 2001 concerning investigations following suspicious deaths; and the protests in the Ardoyne area of Belfast which impacted profoundly on the rights and welfare of children.

During the year the Commission endeavoured as far as possible to respond to reports about it in the broadcasting media and letters in the press which were factually incorrect. We are aware that, with more resources, there is more that could be done to work proactively through these channels. In addition, the Commission placed articles about many of its activities in local journals and community newsletters.



## WEBSITE - [WWW.NIHRC.ORG](http://WWW.NIHRC.ORG)

The website received more than 7,000 visitors each month, an increase of more than 3,000 on last year's monthly average. In November, at the height of the Bill of Rights consultation, more than 9,000 visitor sessions were recorded. The website received a new look during the year with the intention of making it more attractive and accessible for visitors. A new section to promote the Commission's work on the rights of victims and survivors was created, together with sections for publications and developments on the Bill of Rights project. The site was updated each week with the assistance of Michael Ardill, who helped to ensure that all publications and information about Commission activities were represented on the website. The Commission welcomes feedback on this important facility.

## RESOURCE LIBRARY

Expansion of our premises to the ground floor at Temple Court in North Street at the start of the year allowed work to

begin on making the Commission's collection of local, national and international human rights materials accessible to the public. We are grateful to Will Sawma, Christine Stoll and Joe Briante, interns, and to Peter Courtney, a volunteer, who all helped in the library while based at the Commission.

In February 2002 we were particularly delighted to welcome on part-time placement, Samantha Faulkner, a third-year student librarian from Cardiff University. The main reference collection has now been categorised for ease of access and during 2002 development of a catalogue database will begin.

Although work continues, the reference library is open by appointment to anyone with an interest in human rights policy and practice. During the incoming year the Commission intends to further develop its library facility to include a dedicated resource area for our publications, all of which are available free of charge.



*Nadia Downing, Information Worker and Samantha Faulkner, Student Librarian placement*

*Photo Lesley Doyle*





## FINANCIAL SUMMARY 2001-2002

	2002
	£
<b>INCOME</b>	
Grant in Aid	1,296,227
Other income	19,705
	1,315,932
<b>EXPENDITURE</b>	
Staff	512,138
Bill of Rights	367,825
Advertising and Publicity	27,540
Research and Education	22,269
Travel and Hospitality	18,227
Telephone and Stationery	41,315
Rent and Insurance	102,211
Legal and Accountancy	148,109
Investigations	16,393
Evaluation and Monitoring	13,706
Office Costs	17,430
Joint Committee	2,299
Other Expenses	5,698
Depreciation	18,387
Notional cost of capital	3,778
	1,317,325
 Surplus/(deficit) for year	 (1,393)
 Credit in respect of notional cost of capital	 3,778
 Surplus / (deficit) transferred to Reserves	 2, 385



# APPENDIX 1

## The Commission's Committees as of 31 March 2002

### BILL OF RIGHTS COMMITTEE

Brice Dickson (Chair)  
Christine Bell  
Tom Donnelly  
Tom Hadden  
Frank McGuinness

### CASEWORK COMMITTEE

Brice Dickson (Chair)  
Christine Bell  
Harold Good  
Patricia Kelly  
Frank McGuinness

### COMMITTEE FOR VICTIMS

Harold Good (Chair)  
Brice Dickson  
Tom Donnelly  
Christine Eames  
Christopher McGimpsey  
Frank McGuinness

### EDUCATION COMMITTEE

Frank McGuinness (Chair)  
Brice Dickson  
Tom Donnelly  
Tom Hadden  
Christopher McGimpsey  
Kevin McLaughlin

### EQUALITY COMMITTEE

Inez McCormack (Chair)  
Brice Dickson  
Kevin McLaughlin  
Patrick Yu

### FINANCE AND GENERAL PURPOSES COMMITTEE

Tom Donnelly (Chair)  
Brice Dickson  
Margaret-Ann Dinsmore  
Harold Good  
Patricia Kelly

### INVESTIGATIONS AND RESEARCH COMMITTEE

Tom Hadden (Chair)  
Christine Bell  
Brice Dickson  
Patricia Kelly  
Patrick Yu

### LEGISLATION AND POLICY COMMITTEE

Margaret-Ann Dinsmore (Chair)  
Brice Dickson  
Christine Eames  
Patricia Kelly  
Inez McCormack



## APPENDIX 2

### The Commission's staff, volunteers and interns 2001-2002

Paddy Sloan	-	Chief Executive
Roisin Carlin	-	Administrative Officer
Lisa Gormley	-	Administrative Officer
Lorraine Hamill	-	Administrative Officer
Bernadette McFadden	-	Administrative Officer
Sandra Rosbotham	-	Cleaner (from Dec 2001)
Miriam Titterton	-	Development Worker
Sara Boyce	-	Co-ordinator, Children and Young People (from Nov 2001)
Rachel Rebouché	-	Researcher, Bill of Rights
Mary Waldron	-	Victims' Rights Project Worker (to May 2002)
Maggs O'Connor	-	Casework Solicitor
Angela Stevens	-	Assistant Caseworker (from Nov 2001)
Mark McEvoy	-	Assistant Caseworker (June-Oct 2001)
Edel Quinn	-	Assistant Caseworker (to May 2001)
Edel Teague	-	Education Worker
Dr Ronan Deazley	-	Bill of Rights Educator (April 2001)
Clodagh Kelly	-	Bill of Rights Educator (Aug 2001-Jan 2002)
Jason Arndt	-	Education intern (Feb-April 2002)
Nadia Downing	-	Information Worker
Michael Ardill	-	Website updater (part-time)
Samantha Faulkner	-	Library placement (from Feb 2002)
Peter Courtney	-	Library volunteer (Oct 2001-Jan 2002)
Christine Loudes	-	Investigations Worker (job-share)
Dr Linda Moore	-	Investigations Worker (job-share)
Will Sawma	-	Investigations intern (April-May 2001)
Joe Briante	-	Investigations intern (June-Aug 2001)
Christine Stoll	-	Victims' rights research intern (July-Aug 2001)
Denise Magill	-	Research Worker (job-share)
Ciarán Ó Maoláin	-	Research Worker (job-share) (from Apr 2001)

#### *Work experience placements*

Marie Bermingham, Our Lady of Mercy Girls School (2 weeks, Jan-Feb 2002)  
 Neil McCullough, Methodist College Belfast (1 week, Jan 2002)  
 Fiona O'Reilly, Our Lady's Grammar School (1 week, Feb 2002)



## APPENDIX 3

### International standards on human rights

#### Binding ("hard law") standards

##### **(a) United Nations standards**

Convention Relating to the Status of Refugees (1951)

Protocol Relating to the Status of Refugees (1967)

International Covenant on Civil and Political Rights (1966)

International Covenant on Economic, Social and Cultural Rights (1966)

Convention against Discrimination in Education (1960)

Convention on the Elimination of All Forms of Racial Discrimination (1966)

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Convention on the Rights of the Child (1989)

Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or  
Punishment (1984)

Convention on Freedom of Association and Protection of the Right to Organise (1948)

Convention on the Right to Organise and Collective Bargaining (1949)

Discrimination (Employment and Occupation) Convention (1958)

Convention on Workers' Representatives (1971)

Labour Relations (Public Service) Convention (1978)

##### **(b) Council of Europe standards**

European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

First Protocol (1952)

Fourth Protocol (1963)

Sixth Protocol (1983)

Seventh Protocol (1984)

European Social Charter (1961)

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or  
Punishment (1987)

European Charter for Regional or Minority Languages (1992)

European Framework Convention for the Protection of National Minorities (1995)

European Convention on the Exercise of Children's Rights (1996)

European Convention on Human Rights and Biomedicine (1997)





## Non-binding ("soft law") standards

### **(a) United Nations standards**

Standard Minimum Rules for the Treatment of Prisoners (1977)

Code of Conduct for Law Enforcement Officials (1979)

Principles of Medical Ethics relevant to the Role of Health Personnel in the Protection of Prisoners (1982)

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)

Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") (1985)

Standard Minimum Rules for Non-Custodial Measures ("The Tokyo Rules") (1990)

Basic Principles on the Role of Lawyers (1990)

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)

Guidelines on the Role of Prosecutors (1990)

Guidelines for the Prevention of Juvenile Delinquency ("The Riyadh Guidelines") (1990)

Rules for the Protection of Juveniles Deprived of their Liberty (1990)

Guidelines for Action on Children in the Criminal Justice System (1997)

Basic Principles on the Independence of the Judiciary (1985)

Declaration on the Rights of Disabled Persons (1984)

Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (1991)

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)

Declaration on Human Rights Defenders (1998)

### **(b) Council of Europe standards**

Declaration on the Police (1979)

European Prison Rules (1987)

### **(c) OSCE standards**

Moscow Declaration on Policing (1991)



## APPENDIX 4

### Summary of opinion poll findings

In October and November 2001 a representative sample of 1,000 voters were asked about some of the main proposals in the Commission's consultation document on a Bill of Rights, published in September.

Consistently the responses received indicated a very high degree of support not just for the concept of a Bill of Rights but for the need for it to be meaningful to ordinary people. A clear majority in both main communities, of men and women and all age groups, said they thought that the Commission was right to propose not only guarantees for members of both main communities but also a wide range of social and economic rights for all individuals.

As might be expected, there were some significant differences based on political views on what exactly the proposed Bill should cover, but to the Commission it is clear that there is a "sufficient consensus" on the issue. This consensus will have to be taken into account by the UK Government, the political parties and everyone else involved in the discussions on the proposed Bill of Rights in the coming months.

#### The need for a Bill of Rights

Over 70% of those questioned said that a Bill of Rights reflecting the particular circumstances of Northern Ireland was either essential or desirable. There was strong support in both main communities (64% of Protestants and 83% of Catholics) and in all age groups, although those over 75 were less enthusiastic. Only a tiny percentage thought the idea was unacceptable

**Table 1                      The need for a Bill of Rights**

*Do you think a Bill of Rights for Northern Ireland which reflects the particular circumstances of Northern Ireland, including the principles of mutual respect for the identity and ethos of both communities and parity of esteem is:*

	Essential	Desirable	Acceptable/ Tolerable	Unacceptable	Don't know
Protestant	39%	25%	14%	3%	19%
Catholic	68%	15%	7%	1%	10%
All	52%	21%	11%	1%	15%



## What the Bill should cover

There was also strong support for the view that the Bill should protect the full range of internationally accepted human rights, including both civil and political and social, economic and environmental rights. But on this issue there was stronger support among Catholics (80%) than Protestants (65%).

**Table 2**                      **What the Bill should cover**

*How important is it that the Bill should protect the full range of internationally accepted human rights including civil and political rights, and social, economic and environmental rights?*

	Essential	Desirable	Acceptable/ Tolerable	Unacceptable	Don't know
Protestant	37%	28%	14%	3%	19%
Catholic	65%	15%	9%	1%	11%
All	50%	22%	11%	2%	16%

## Views on specific rights

The survey included more detailed questions on a number of specific rights. The responses to these questions from respondents in the two main sections of the community are summarised in Table 3 below.

It is clear from this that on most issues, although there is a higher level of support in the Catholic than the Protestant community, a substantial majority in each is in favour of including the rights in the proposed Bill and that very few thought that their inclusion was unacceptable.

The most striking evidence of consensus was in respect of a governmental duty to guarantee the rights to health, an adequate standard of living, access to work and a healthy, safe and sustainable environment. Roughly nine out of ten people in both main communities (85-88% of Protestants and 91-93% of Catholics) wanted these duties to be included.

There was also a high level of cross-communal support for the inclusion of a right of effective participation by elected representatives in the governance of Northern Ireland (62% of Protestants and 80% of Catholics) and by women in decision-making (74% of Protestants and 86% of Catholics).



Also popular were specific protections for the rights of the two main communities (65% of Protestants and 84% of Catholics), a right of choice of religious, integrated and Irish-medium schools (62% of Protestants and 81% of Catholics), special rights for children (67% of Protestants and 78% of Catholics) and special rights for victims of the conflict (62% of Protestants and 81% of Catholics).

There was somewhat less support among Protestants for pro-active measures to deal with inequality (56%), for the right to use any language in obtaining essential services from public bodies (54%) and for the continuation of the rights in the Bill in the event of Irish unification. (53%)

Finally, any suggestion that those questioned were simply ticking all the boxes is clearly refuted by the response to the Commission's proposal that the Bill should include a right to vote at 17. This was supported by only 12% of Protestants and 20% of Catholics and was stated to be unacceptable by 51% of Protestants and 37% of Catholics. Even among younger respondents aged from 18-24 years the proposal was supported by only 21% and was stated to be unacceptable by 35%.

**Table 3**                      **Views on specific rights**

<i>How important do you think it would be for the Bill to include:</i>	<i>Essential or Desirable</i>		<i>Unacceptable</i>	
	<i>Protestant</i>	<i>Catholic</i>	<i>Protestant</i>	<i>Catholic</i>
<i>Specific protections for the rights of the two main communities</i>	65%	84%	3%	-
<i>A right not to be treated as a member of a particular community</i>	59%	72%	6%	6%
<i>Proactive measures to address inequality</i>	56%	79%	5%	1%
<i>A right for parents to have their children educated in religious, integrated or Irish medium schools</i>	62%	81%	9%	1%
<i>A right to communicate with public bodies in any language if necessary to access essential services</i>	54%	77%	13%	2%
<i>A duty on government and public bodies to guarantee social, economic and environmental rights</i>	64%	82%	2%	1%
<i>(a) the right to health care</i>	87%	91%	1%	1%
<i>(b) the right to an adequate standard of living</i>	87%	91%	1%	-





<i>How important do you think it would be for the Bill to include:</i>	<i>Essential or Desirable</i>		<i>Unacceptable</i>	
	<i>Protestant</i>	<i>Catholic</i>	<i>Protestant</i>	<i>Catholic</i>
<i>(c) the right of access to work</i>	85%	91%	1%	-
<i>(d) the right to a healthy, safe and sustainable environment</i>	88%	93%	1%	-
<i>A right of elected representatives to full, fair and effective participation in governance of Northern Ireland</i>	62%	80%	6%	1%
<i>A right for women to participation in decision-making and power</i>	74%	86%	1%	-
<i>Special rights for children</i>	67%	78%	4%	3%
<i>Special rights for all victims of the conflict</i>	62%	81%	7%	2%
<i>A right to vote at 17</i>	12%	20%	51%	37%
<i>Continued application of the Bill if there were a united Ireland</i>	53%	71%	15%	6%

Source: Northern Ireland Social Omnibus Survey, RES, October 2001



## APPENDIX 5

### Casework criteria

#### (a) Granting assistance to individual applicants

The criteria to be applied by the Casework Committee when deciding whether to grant assistance to an individual are as follows:

- 1 Is the application in respect of:
  - (a) proceedings involving law or practice relating to the protection of human rights which a person in Northern Ireland has commenced or wishes to commence, or
  - (b) proceedings in the course of which a person in Northern Ireland relies, or wishes to rely, on such law or practice?

*If the answer to both question 1 (a) and (b) is no, the application is rejected.*

*If the answer to either question 1 (a) or (b) is yes, questions 2, 3, 4, 5 and 6 must be answered.*

- 2 Does the case raise a question of principle, i.e. 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?
- 3 Would it be unreasonable, because of the complexity of the case or the applicant's position in relation to another person involved or for some other reason, to expect the applicant to deal with it without the Commission's assistance?

*If the answer to question 2 or 3 above is yes, questions 4 (a) and (b) must be answered.*

- 4 (a) Within which, if any, of the Commission's current policy priorities as set out below does the case fall?
  - areas of work included in the Commission's Strategic Plan,
  - the protection of the rights guaranteed by Articles 2 and 3 of the European Convention on Human Rights,
  - issues under investigation or review by the Commission,
  - cases alleging abuses which significantly impact on the protection of human rights (e.g. because of the number of people apparently affected, the apparent pattern of abuse or the apparent seriousness of the violation),
  - preserving a practicable caseload for the Commission's Case Worker(s),
  - not committing resources which the Commission does not have at its disposal,
  - not assisting cases where there is another body better placed in the circumstances to assist the applicant.



- (b) Although this case does not fall within the Commission's current policy priorities, are there particular circumstances which indicate that it may nevertheless be granted assistance?
- 5 Are there are other special circumstances, which have not been considered under questions 2 or 3 or 4, which make it appropriate for the Commission to provide assistance?
- 6 If the answers to questions 2, 3 or 5 are yes, does it appear that the case has a reasonable chance of success?
- 7 In the light of the answers so far given, is assistance to be granted to the applicant?
- 8 If so, what is the nature of that assistance?

### (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?

[During the year under review these criteria were not operated because the Commission was deemed by the courts not to have the power to apply to intervene as a third party. At year's end a decision from the House of Lords on this point was awaited (see page 41.)]

### (c) Bringing cases in the Commission's own name

The Commission will seek to bring cases in its own name if it decides that this is the most effective way of highlighting or remedying what the Commission believes to be a serious human rights abuse or a pattern of less serious human rights abuses.



## APPENDIX 6

### 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:

- where a pattern of alleged abuse has been identified, or
- 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, and
- 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 Bills with the Human Rights Act 1998, and
  - educational and research activities.





## APPENDIX 7

### Publications 2001-2002

#### April

- Response to the Consultation Paper *Investing for Health*
- Response to the chapter on human rights in the Patten Implementation Plan
- Response to the Civil Justice Review

#### May

- *Access to Post-Primary Schools in Northern Ireland*, by Laura Lundy, Senior Lecturer, Queen's University of Belfast
- Review of the Legislative Process in the Northern Ireland Assembly
- Submission and oral evidence to the Assembly *Ad Hoc* Committee on Draft Proceeds of Crime Bill
- *The Recording of the Use of Plastic Bullets in Northern Ireland*

#### June

- *Compatibility of Key Persons Protection Scheme with the ECHR*
- *The Northern Ireland Assembly's Standing Orders and Human Rights Protection*
- Submission to the Northern Ireland Office on Draft Proceeds of Crime Bill
- Oral evidence to Justice 1 Committee of the Scottish Parliament on a Human Rights Commission for Scotland
- Views on the Registration of Clubs (NI) Order 1996

#### July

- Response to DHFETE on Disabled Students' Allowances
- Submission to the Assembly on the Adoption (Intercountry Aspects) Bill
- Views on Legal Aid for Inquests in Exceptional Cases in Northern Ireland
- Response to the Joint Committee on Human Rights on a Human Rights Commission for the United Kingdom
- Response to the Local Government (Best Value) Bill
- Submission to the UN Human Rights Committee on the UK 5th Periodic Report under the International Covenant on Civil and Political Rights
- Views for the Scottish Executive on a Human Rights Commission for Scotland



## August

- *A Review of the Law, Policy and Practice affecting Lesbians, Gay and Bisexual People in Northern Ireland*, by Dermot Feenan *et al*
- Submission to the Human Organs Inquiry
- Views on the Discretionary Financial Assistance Regulations (NI) 2001
- Response to the Review of Coroner Services
- Views on the Farm Subsidies (Review of Decisions) Regulations (NI) 2001
- Views on Payments to Families of the "Disappeared"
- Views on Fire Precautions (Workplace) Regulations (NI) 2001

## September

- *Making a Bill of Rights for Northern Ireland: A Consultation*, also on cassette and in Braille
- *Making a Bill of Rights for Northern Ireland: Summary*, also in Irish, Ulster-Scots, Cantonese, Braille and on cassette
- Views on proposals for a Children Leaving Care Bill
- Submission to OFMDFM on a Single Equality Bill
- Views on the proposed Police Force Order on the Role of Defence Lawyers
- Response to the draft Police Policy on a Neutral Working Environment (Patten156)
- Comments on the 1st UK Report under the Framework Convention for the Protection of National Minorities
- Response to the Department of Education's consultation document on a common funding formula for grant-aided schools
- *Locating Human Rights Education in the Proposals for Curriculum Review*, a response to NICCEA's review of the Northern Ireland Curriculum

## October

- *Making a Bill of Rights*, a consultation document for children and young people
- *Right Here Write Now: Making a Bill of Rights for Northern Ireland*, Belfast Telegraph supplement co-produced with the Ad Hoc Human Rights Consortium
- *Enhancing the Rights of Older People in Northern Ireland*, by Maura McCallion
- Submission to the Council of Europe's consultation on guaranteeing the effectiveness of the European Court of Human Rights
- Views on the Industrial Development Bill
- Submission on the Social Security Fraud Bill
- Further comments on the Discretionary Financial Assistance Regulations (NI) 2001



- Response to the proposed Police Code of Ethics
- Comments on Human Rights and Legal Context section of DSAC research report on alternatives to plastic baton rounds
- Submission to Assembly *Ad Hoc* Committee on the Criminal Injuries Compensation (NI) Order 2001
- Views on the Social Security Agency Code of Practice on Obtaining Information
- Response to the Review of Community Relations Policy
- Views on the proposed Local Air Quality Management Bill
- Views on the Housing Executive Language Line Interpretation Service
- Views on the Police (NI) Act 2000: Emblems and Flags Regulations
- Comments to *Ad Hoc* Committee of the Assembly on the Justice (NI) Bill
- Briefing Paper on the Anti-Terrorism, Crime and Security Bill, House of Lords, Committee Stage
- Response to the consultation on a Children's Commissioner Bill, as proposed by the Women's Coalition
- Views on Housing Executive Closing Orders

## December

- *Annual Report 2000-2001*
- Comments to Northern Ireland Affairs Committee on the Justice (NI) Bill
- Views on the Social Security Fraud Act Code of Practice
- Comments to Northern Ireland Assembly on Recording the Return of Postal Ballot Papers
- Submission to NIO on the Criminal Injuries Compensation (NI) Order 2001
- Comments on Police Force Order on Handling of Information relating to an Individual's Security
- Comments on Funding for Anti-TNF Treatment (for rheumatoid arthritis)
- Response to the consultation on a Protection of Children and Vulnerable Adults Bill

## January

- *Human Rights in Education Conference Report*, co-produced with Department of Education
- Views on CCTV in Police Custody Suites and Videotaping of Interviews
- Views on NI Court Service Accommodation Strategy
- Comments to NIO on the Justice (NI) Bill
- Comments on the Homefirst Trust's policy on Physical Interventions in the Management of Aggressive Behaviour
- Response to the consultation on Physical Punishment in the Home
- Views on the proposed Coroner's (Practice and Procedure) (Amendment) Rules (NI) 2002



## February

- *Making it Work: Human Rights in Northern Ireland*, a *Fortnight* magazine supplement on a Bill of Rights, issue 402
- Comments on the White Paper on Reform of the House of Lords
- Two Briefing Papers on the Justice (NI) Bill, House of Commons, Committee Stage, and one for the Report Stage
- Discussion Paper on the symbols clause in the Justice (NI) Bill
- Briefing to House of Lords on renewal of Part VII of the Terrorism Act
- Comments to Secretary of State on the same matter
- Comments to the Department of Transport, Local Government and the Regions on Recording the Return of Postal Ballot Papers
- Comments on the North Eastern Education and Library Board Corporate Plan 2002-06
- Response to the consultation on the Police Human Rights Programme of Action
- Views on contracts for the sale of land, for Law Reform Advisory Committee
- Further comment to NIO on the Criminal Injuries Compensation (NI) Order 2001
- Comments to NIO arising from the UK 5th Periodic Report under the ICCPR (see July above)
- Evidence to the Assembly Social Development Committee on the Social Security Fraud Act Code of Practice

## March

- *In Our Care: Promoting the Rights of Children in Custody*, investigation report by Dr Ursula Kilkelly, Una Convery and Dr Linda Moore
- *Human Wrongs Human Rights: A Guide to the Human Rights Machinery of the United Nations*, by Jane Winter, 3rd edition, co-produced with British Irish Rights Watch
- Further comments to NIO on the Criminal Injuries Compensation (NI) Order 2001
- Comments on the review of the United Kingdom's position under human rights instruments
- Comments to the Home Secretary on asylum seekers in Northern Ireland
- Submission to the UN Committee on the Rights of the Child on the United Kingdom's 2nd Report under the Convention on the Rights of Child







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