



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

ANNUAL REPORT 2004



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COMMISSION

ANNUAL REPORT 2004

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Rt Hon Paul Murphy MP
Secretary of State for Northern Ireland
Block B, Castle Buildings
Stormont
Belfast BT4 3SG

1 September, 2004

Dear Secretary of State,

I have pleasure in submitting to you, as required by paragraph 5(1) of Schedule 7 to the Northern Ireland Act 1998, the fifth Annual Report of the Northern Ireland Human Rights Commission. It shows how the Commission has performed its functions during the period 1 April 2003 to 31 March 2004.

Yours sincerely,



Brice Dickson
Chief Commissioner



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CHIEF COMMISSIONER'S OVERVIEW

It has again been an eventful year on the human rights front in Northern Ireland. In the Commission's assessment the picture is a steadily improving one, but there remain a number of concerns. The main issues arising during the year were as follows.

1 Allegations of collusion

There have been extremely disturbing findings, by retired Canadian judge Peter Cory, that there is some evidence of collusion in the 1980s and 1990s between the members of the security forces in Northern Ireland and unlawful paramilitary organisations. The Commission supports the holding of public judicial inquiries into the deaths which may have resulted from this collusion and would welcome the involvement of international experts in those inquiries. There is nothing which more seriously undermines the rule of law than the active involvement by law enforcement bodies in the activities of terrorist and / or criminal organisations. The Government has a duty to bring such activities to light and to put measures in place to ensure that they cannot recur.

2 Paramilitary violence

The most serious and systematic violations of human rights occurring in Northern Ireland continue to be those perpetrated by unlawful paramilitary organisations. During 2003 it is estimated that there were 11 murders committed by paramilitary groups, 156 non-fatal shootings and 149 serious assaults. Astonishingly, neither the police nor the Public Prosecution Services seem to record how many people are charged with such shootings and assaults. Throughout Northern Ireland there appears to be a growing acceptance that so-called "punishment attacks" are a fact of life. Such attacks need to be repeatedly and roundly condemned and all parts of society need to do their utmost to ensure that the phenomenon is brought to an end. There is some evidence, moreover, that paramilitary organisations have been partly responsible for the rise in racially motivated attacks in Northern Ireland over the past 12 months. These incidents, too, are to be deeply deplored.

3 Systems for investigating deaths

The Commission remains disappointed that the British Government has not yet put in place a system for preventing and investigating deaths which is fully compliant with international standards. By the Chief Constable's own admission, there are still over 2,000 unsolved murders dating from before the Belfast (Good Friday) Agreement of 1998. There is evidence, in our view, that a number of these have not been effectively investigated. We



strongly believe that reform of the inquest system in Northern Ireland is long overdue and that the Government has not adequately responded to the right of many families to know the truth about how their loved ones died. In this context, while we welcome the opening of a debate on whether there should be a Truth Commission or comparable process in Northern Ireland, we are anxious to ensure that international human rights standards are not sacrificed during that process.

4 Policing issues

While there were no deaths in police custody in Northern Ireland during the past year, on 29 April 2003 21-year-old Mr Neil McConville was shot dead by police officers in County Antrim. He was unarmed, although a gun with no ammunition was allegedly found in his car, as was a small quantity of cannabis. The police say that he attempted to run over one of their officers by driving his car at them. The Police Ombudsman is currently investigating the case, as she does in every instance where the police employ lethal force.

Neither the police nor the army has fired a plastic baton round in Northern Ireland since September 2002 and we note that the British Government hopes to have a safer so-called "Attenuated Energy Projectile" available for use by the summer of 2005. We remain unhappy, however, that CS spray is being made available to the police of Northern Ireland even though to us its safety has not been proved beyond doubt.

The PSNI is making progress in improving its human rights training. During the past year the Human Rights Commission compiled two further reports on this issue, with the full co-operation of the police.

5 Prison issues

There have been six deaths in Northern Ireland's prisons within the past two years. It appears that these may all have been suicides but through visits and research, and alongside Her Majesty's Inspectorate of Prisons, the Human Rights Commission is trying to determine whether the Northern Ireland Prison Service is doing enough to prevent such incidents by providing good quality psychiatric care and other facilities. We are also trying to establish whether the Prison Service's system for investigating deaths is adequate.

During the year we supported the separation of paramilitary-affiliated prisoners from "ordinary decent criminals" in Maghaberry Prison but we became increasingly concerned at the conditions under which women prisoners were being held in Mourne House at Maghaberry. We also continued to press the Government to stop locking up immigration detainees in Maghaberry Prison: nowhere else in the United Kingdom are prisons used to detain such persons.

6 A Bill of Rights for Northern Ireland

The Commission continued its work on formulating advice to the British Government on rights to be contained in a Bill of Rights for Northern Ireland. During the year we sought and obtained assistance with this difficult task from the High Commissioner for National Minorities at the Organisation for Security and Co-operation in Europe and from the Secretary-General



of the Council of Europe. By the end of the year we were ready to publish a new set of proposals for a Bill of Rights and to invite comment on them by 1 August 2004. These proposals draw heavily on the UK's existing commitments to adhere to international human rights standards. The Commission has continued to press the Government to enhance those commitments and to encourage the political parties in Northern Ireland, along with representatives of civil society, to participate in a Round Table, or Forum, on a Bill of Rights for Northern Ireland.

7 *The Government's failure to support the Commission*

The Commission spent a significant amount of time during the past year urging the British Government to appoint new members to the Commission to replace those who, for a variety of reasons, have resigned or "withdrawn" from the body during the past two years. The refusal to fill the vacancies has reduced the expertise, the resources and the authority of the Commission, rendering it less effective than it might otherwise have been.

The Government has also failed to defend publicly the independence and expertise of the Commission when we have been under unfair attack from politically motivated quarters, including from the Government of Ireland. Perhaps worst of all, more than three years after we submitted a report – as required by law – making a case for increased powers for the Commission, the British Government has still not definitively responded to our recommendations. Thus, contrary to what is required by the UN's Paris Principles, the Commission still has no power to compel anyone to provide it with information.

The Commission, in short, has been extremely disappointed at the way in which the Government has treated the Commission as a "political" institution, rather than as a completely independent body whose sole concern is the promotion and protection of human rights.

Brice Dickson
Chief Commissioner



THE COMMISSION AND THE COMMISSIONERS

This is the fifth Annual Report of the Northern Ireland Human Rights Commission, a body established on 1 March 1999 under section 68 of the Northern Ireland Act 1998. The report covers the period 1 April 2003 to 31 March 2004. The Secretary of State for Northern Ireland is under a statutory duty to lay it before Parliament at Westminster. The Commission is not directly answerable to the Northern Ireland Assembly (which has been suspended since 14 October 2002), but copies of the report will be sent to all those who were elected to that Assembly in November 2003.

The Commission receives its funding out of general taxation, allocated by the Secretary of State out of the money voted by Parliament to the Northern Ireland Office. Its members are appointed by the Secretary of State after an open selection process. The Commission is in all other respects completely independent of the UK government machine. Indeed a large part of its work consists in critiquing the activities of the government. The Commission has all of the main features required of a national human rights institution by the General Assembly of the United Nations; these were set out in the so-called Paris Principles in 1993.

The Commissioners

At the start of the year there were 11 Commissioners in post, one more than were originally appointed in March 1999. On 7 July 2003 Mr Patrick Yu decided to resign from the Commission, saying that he was not content with the Commission's current proposals for protecting members of ethnic minorities through a Bill of Rights for Northern Ireland. On 3 November 2003 Dr Christopher McGimpsey also resigned. He wished to stand for election to the Northern Ireland Assembly and legislation forbids members of the Human Rights Commission from being candidates for such an election.

On 29 February 2004 the terms of office of two further Commissioners – Rev Harold Good and Mr Frank McGuinness – expired. Mr McGuinness and Ms Patricia Kelly had in any event indicated that they were “withdrawing” from the Commission as from dates in September 2003. By this they meant that they wished to continue receiving all Commission papers but that they would not participate in any Commission business. They continued, however, to be paid as members of the Commission by the Northern Ireland Office. By the end of the year, therefore, there were seven Commissioners in post, one of whom was choosing to play no part in the Commission's affairs. The Government had not moved to replace any of the Commissioners by advertising vacancies. This lamentable neglect on the part of the Government significantly impaired the effectiveness of the Commission, for example by making it difficult to secure quorate meetings of committees.

Pen pictures of all 11 Commissioners who served on the Commission during the year are set out below and an indication is given of the number of full Commission meetings they were able to attend out of the 16 which took place during the year (this figure includes meetings which were adjourned and reconvened at a later date).



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. Attended 16 meetings.

Commissioners



Mrs Margaret-Ann Dinsmore QC, a practising barrister. Appointed until 28 February 2005. Attended 13 meetings.



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. Attended 15 meetings.



Lady Christine Eames, formerly World President of the Mothers' Union from 1995 to 2000. Appointed until 30 November 2004. Attended 14 meetings.



Reverend Harold Good OBE, a Methodist minister and President of the Methodist Church in Ireland from 2001 to 2002. Appointed until 29 February 2004. Attended 12 (out of 15) meetings.



Professor Tom Hadden, professor of law at the Queen's University of Belfast. Appointed until 28 February 2005. Attended 15 meetings.



Ms Patricia Kelly, Director of the Children's Law Centre in Belfast. Appointed until 28 February 2005. "Withdrew" on 8 September 2003. Attended 5 meetings.





Dr Christopher McGimpsey, a businessman and Ulster Unionist Party councillor on Belfast City Council. Appointed until 30 November 2004. Resigned on 3 November 2003. Attended 9 (out of 11) meetings.



Mr Frank McGuinness, Northern Ireland Director of the charity Trócaire from 1995 to 2002. Appointed until 29 February 2004. "Withdrew" on 11 September 2003. Attended 5 (out of 15) meetings.



Mr Kevin McLaughlin, former Regional Development Manager of Leonard Cheshire in Northern Ireland and a member of the Civic Forum. Appointed until 30 November 2004. Attended 11 meetings.



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. Resigned on 7 July 2003. Attended 3 (out of 3) meetings.

OTHER WORK BY COMMISSIONERS

In his capacity as a Commissioner, Mr Kevin McLaughlin sat on the Regional Steering Group for the European Year of People with Disabilities, which ran throughout 2003. On behalf of the Commission, and with the help of funding from the British Council, in May 2003 he attended a training event for national human rights institutions held in New Delhi, India. In June 2003 Kevin attended the meeting in New York of the *Ad Hoc* Committee established by the United Nations to prepare a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

In her capacity as a Commissioner, Lady Christine Eames is chairing a committee on human rights within the independent review of mental health and learning disability in Northern Ireland, which was established by the Department of Health, Social Services and Public Safety in October 2002. The first report emanating from this review is expected to be published in the summer of 2004, with other reports appearing in stages thereafter.

Professor Tom Hadden continued to provide advice to the United Nations' Working Group on Minorities. He was able to keep the Commission up-to-date with the latest assessments by that Working Group of the various ways in which collective rights are protected in different parts of the world.

Reverend Harold Good was also able to bring to the Commission the experience he gained from serving on the Board of the "Healing Through Remembering" Project. This facilitated the work of the Commission's Committee for Victims' Rights, which Harold chaired.





OUR MISSION STATEMENT AND CORE VALUES

Mission Statement

The Mission Statement of the Commission is as follows:

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.

“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 normal custom and practice between states (known now as “customary international law”) or which have acquired the status of *ius cogens* (enforceable law) by dint of their moral force.



CORE VALUES

The Commission seeks to adhere to seven core values in everything it does. These are:

Accessibility. We encourage members of the public and organisations to visit our premises in the centre of Belfast and to consult the materials in our human rights library. We are also prepared to meet people anywhere else in Northern Ireland on human rights issues which are causing real concern. We try to make our events and publications as easy as possible for people to access.

Accountability. As well as producing an annual report the Commission submits annual accounts to the Comptroller and Auditor General, answers parliamentary questions referred to it by the Northern Ireland Office and co-operates fully with any investigation that may be conducted by the UK's Parliamentary Commissioner for Administration (there was no such investigation during the year under review). The Commission also maintains a publicly available Register of Commissioners' Interests.

Equality. As one of the main precepts of human rights is that everyone is equally entitled to those rights, the Commission obviously sets great store by promoting equality in all that it does, both internally and externally. We have produced an Equality Scheme (as required by Schedule 9 to the Northern Ireland Act 1998) and we have an Equality Committee to ensure that it is fully implemented (see pages 19-20 below).

Fairness. We strive to deal with every issue brought to us in an objective and open-minded fashion. Often the way in which matters are dealt with is as important to the complainant as the outcome reached on the complaint. Article 6 of the European Convention on Human Rights confers the right to a fair hearing when a person's civil rights are in question; we therefore promote that right in our own work as much as we can.

Independence. If the Commission is to command respect it is essential that it acts free from the undue influence of any other organisation. Having listened to or read the evidence available on the point at issue, Commissioners are at pains to apply their own personal thinking to the matter. They are not on the Commission as representatives of any institution or constituency and they do not "report back" to anyone.

Openness. We aim to be transparent in all that we do. The minutes of Commission meetings, once approved by the Commission, are placed on our website (and can be made available in hard copy on request), we co-operate in every reasonable way with any person making an inquiry of the Commission's mode of operation and we have produced a Publications Scheme as required by the Freedom of Information Act 2000 (which will come fully into force on 1 January 2005).

Participation. As there is a limit to the resources and expertise within the Commission, we are keen to work together with other individuals and organisations on issues where there are shared concerns. This does not mean that we will sacrifice our independence but rather that we will seek to add value to the work of others by forming strategic alliances which will be of mutual benefit.





Brice Dickson, Chief Commissioner and Nigel Williams, Northern Ireland Commissioner for Children and Young People.
Photo Lesley Doyle

SCRUTINY AND EXTERNAL CONTACTS

Scrutiny of the Commission

The Commission agrees to co-operate with any bona fide research project. In the past year it continued to facilitate researchers from the Queen's University of Belfast and the University of Bristol who have been examining the effectiveness of both the Northern Ireland and the South African Human Rights Commissions to date. The research was the object of a conference held in Belfast on 31 October 2003 and it was again discussed at a conference in London on 1 November 2003. By the end of the year under review the report of the research had not yet been published.

One of the lead researchers on this project was Professor Stephen Livingstone of the Queen's University of Belfast. It was with great sadness that the Commission learned of the disappearance of Stephen on 20 March 2004. He was an esteemed member of the Equality Commission of Northern Ireland and a very valued advocate of human rights standards in Northern Ireland and further afield. Through his work at Queen's University, and for such organisations as the Committee on the Administration of Justice and the British Council, Stephen helped enormously to spread awareness of the importance of human rights and equality. He will be a very sad loss to all who continue to work in those fields.

In 2002-2003 the Commission had been pleased to take part in an inquiry conducted by the Parliamentary Joint Committee on Human Rights at Westminster. The report of the inquiry was published in July 2003. It was very largely supportive of the work of the Commission and the Commission was pleased to submit a formal response, and update on its work, to the Parliamentary Joint Committee in March 2004.

At the end of the year the Parliamentary Joint Committee was about to issue a further report on the structure, functions and powers of a Commission for Equality and Human Rights in Great Britain. We hope very much that the proposed new Commission in that jurisdiction will be



able to learn from the experiences to date of the Northern Ireland Human Rights Commission. We understand that the autonomy of the Northern Ireland Commission will not be affected by any such new Commission established for Great Britain.

There was much press coverage during the year of the resignation of Patrick Yu and of the “withdrawal” of two further Commissioners. To respond to criticisms of the Commission an Action Plan was devised and published in October 2003 and by the year’s end all of the actions indicated in that Plan had already been undertaken or were in the course of being undertaken. Unfortunately the failure of the UK Government even to begin the process of appointing new Commissioners did nothing to assist the Commission in re-establishing itself. Comments from the Irish Government, and the refusal of the Irish Foreign Minister to meet with the Commission, were also not helpful. The Commission felt so strongly about the governments’ actions – or inaction – that it decided to draw them to the attention of the UN Commission on Human Rights at the next meeting of that body in April 2004.

At the request of the Northern Ireland Office, the Commission answered eleven Parliamentary questions during the year.

External contacts

Amongst significant meetings held during the year with external organisations and individuals were those with the detective leading the inquiry into the murder of Rosemary Nelson in 1999 (Mr Arthur Provoost), the General Officer Commanding Northern Ireland (Lieutenant General Philip Trousdell), the Comptroller of the State of New York (Mr Alan Hevesi), the Committee on the

Administration of Justice and other human rights NGOs, representatives of the black and minority ethnic sectors in Northern Ireland, and Norwegian diplomats working on the peace process in Sri Lanka. Representatives of the Commission travelled to England to meet the President of the National Human Rights Commission of India (Hon Dr Justice A.S. Anand) and to visit the Peace Centre at Warrington.

During the course of the year the Commission gave oral evidence to two committees of the House of Commons – the Constitutional Affairs Committee (on the proposals for a new Supreme Court) and the Northern Ireland Affairs Committee (on the Quigley Report on the Parades Commission). The Commission met and liaised with several UK and Northern Ireland government departments and with various statutory agencies including the Equality Commission, the Police Service of Northern Ireland, the new Commissioner for Children and Young People (Mr Nigel Williams), the Director of the Northern Ireland Court Service (Mr David Lavery), the Oversight Commissioner for Criminal Justice (Rt Hon The Lord Clyde), the Director of Public Prosecutions, the Policing Board and the newly appointed Chief Inspector of Criminal Justice for Northern Ireland (Mr Kit Chivers).

The Commission co-operated with other bodies to organise two conferences this year. One, in October 2003, planned in collaboration with the Centre for Human Rights at the Queen’s University of Belfast and with Matrix Chambers in London, examined the operation to date of the Human Rights Act in Northern Ireland. Guest speakers included Lord Justice Campbell, Ms Cherie Booth QC, Mr Aidan O’Neill QC and Mr Murray Hunt. The other event, co-organised with the



National Union of Journalists in November 2003, examined the thorny issues around freedom of the press and the protection of journalists' sources. One of the speakers was Mr William Goodwin, a journalist whose victory in the European Court of Human Rights in 1996 helped to entrench protection for journalists in the United Kingdom.

Thirteen seminars were held as well, on plastic baton rounds, human rights awareness and education, disability, mental health, economic and social rights, international standards, Bill of Rights topics, victims' issues, anti-terrorism measures and anti-social behaviour orders. A range of people with interests in these issues were invited to attend.

The Chief Commissioner spoke about the work of the Northern Ireland Human Rights Commission at a number of important events, including at the annual conferences of Liberty (in London), the Association of Human Rights Institutes (at the University of Essex) and the Northern Ireland Council for Ethnic Minorities (in Belfast). He also addressed, for example, the Meath Peace Group, the Belfast Solicitors Association, the American Board of Trial Advocates, the Healthy Communities Conference, the Police Ombudsman's Conference and a group in Sligo studying human rights and peace-building. On two occasions he provided training on national human rights institutions to employees of the Foreign and Commonwealth Office in London and on two further occasions he spoke at conferences organised by the Office of the United Nations High Commissioner for Human Rights (in Copenhagen on administration of justice and in Auckland on racism). In September 2002 he was pleased to be a guest at the opening of the new premises of the Belfast Butterfly Club, a support group for transgendered people.

The Commission had many distinguished visitors throughout the year. Amongst these was Lord Carlile of Berriew QC (who reviews anti-terrorism provisions throughout the United Kingdom), the Chief Justice of Sudan (Hon Jalal-Eddin Mohamed Osman) and some fellow judges, the Chief Justice of Canada (Rt Hon Beverley McLachlin), the new Lord Chief Justice of Northern Ireland (Sir Brian Kerr), a delegation from the Bar of the City of New York, Her Majesty's Chief Inspector of Prisons (Ms Anne Owers), the Head of the UK Delegation to the OSCE (Mr Colin Munro), experts from the Council of Europe, exiled politicians from Burma, the President of the Irish Congress of Trades Unions (Mr Brendan Mackin), the Chief Commissioner of the New Zealand Human Rights Commission (Ms Rosslyn Noonan), members and staff of the National Human Rights Commission of Korea, Heidi Welsh of the Investor Responsibility Research Center, and Professor Motoyama from Kyoto University in Japan. Presentations were also made to visiting politicians from Argentina and Nepal.

Unfortunately their crowded diaries did not permit meetings with the Lord Mayor of Belfast, Mr Martin Morgan, or with the Foreign Minister of Ireland, Mr Brian Cowen TD.

Ministerial responsibility

In June 2003, as result of a government re-shuffle, the NIO Minister responsible for human rights, Mr Des Browne MP, was replaced by Mr John Spellar MP. A meeting with Mr Spellar took place on 16 March 2004. During the year the NIO Minister responsible for security in Northern Ireland, Ms Jane Kennedy MP, was replaced by Mr Ian Pearson MP.





Paddy Sloan, Chief Executive.
Photo Lesley Doyle

THE CHIEF EXECUTIVE'S REPORT

The year has been characterised by change or, more accurately, preparation for change. For various reasons, detailed elsewhere, we lost four Commissioners during the year, as well as Lisa Gormley, the Commission's first Administrative Officer, and Dr Christine Loudes, an Investigations Worker. In July 2003, Rachael Webster took up the new post of Receptionist, allowing the administration team more time to support staff and develop their own specialisms.

In October 2003, in response to a report on the Commission prepared by the Parliamentary Joint Committee on Human Rights and to other comments on the Commission's effectiveness, Commissioners put in place an Action Plan detailing a number of commitments, some of which were already in the pipeline. In fulfilment of these commitments the Commission instigated several key reviews to facilitate a process of change: a job evaluation exercise, a revised policy on pay, a management restructuring strategy (based on the Hosking evaluation carried out two years previously), and an ongoing management of change programme, implementing what is now known as the Courtney Report.

With the help of the Valuation and Lands Agency, the Commission negotiated

leasing the first floor of Temple Court, which would allow the Commission to occupy the whole building and to accommodate the proposed additional staff. This entailed carrying out Disability Access and Fire Risk Assessments, which identified a significant number of alterations necessary to ensure compliance with the Disability Discrimination Act 1995 and with health and safety legislation.

Morrow Communications was engaged to help the Commission develop an effective communications strategy and a public opinion survey was undertaken to measure progress in terms of general awareness of the Commission and of its work on a Bill of Rights. A summary of this is reproduced in Appendix 4, where comparisons are also drawn with the results of two previous surveys.



As regards finance, the Commission has developed a more co-operative relationship with its sponsor department, the Northern Ireland Office (NIO), although the total resources available remain seriously inadequate. However, this year the budget was clear from an early stage and was increased to £1.3 million. Although not more in real terms than in the previous year, this budget was not dependent on negotiating a series of supplementary bids throughout the year, a process which in previous years had allowed the NIO excessive control over the Commission's activities. Attendance at an Accounting Forum established by the NIO's Financial Services Division for non-departmental public bodies has also increased co-operation and proved to be very helpful in ensuring that the Commission complies with Treasury guidance without compromising our independence.

An enhanced programme of work with our accountants, McClure Watters, and with the Northern Ireland Audit Office is anticipated in the incoming year in an effort to address the backlog of unaudited accounts from 2002. We hope to be audited up to 2004 before the end of this financial year. An internal audit was carried out this year by Helm Consultants; this has been instructive and should facilitate the audit process.

The Commission therefore ends the year almost ready to introduce a new staff structure, with three new management posts, to introduce a new pay policy, to expand and refurbish its accommodation to occupy the whole building at Temple Court and ensure safety and accessibility, to implement a new communications strategy and to refine financial procedures. Having learned from five years' experience and having undertaken an impressive volume of work during that period, the last year's reflections will

stand the Commission in good stead as it moves into a new phase.

In June 2003 a Fair Employment Tribunal case taken against the Commission was withdrawn on settlement of £20,000, without admission of liability. The Commission reaffirms its commitment to the principle of equality of opportunity and employment.

Staff undertook a range of valuable training during the year and attended conferences locally and further afield, including Denmark, Finland, France, Liechtenstein, Slovenia, Switzerland and Thailand. Some of this travel was at the invitation of bodies such as the British Council or the United Nations, seeking input from the Commission to seminars and conferences. Other trips were at the Commission's own initiative, in pursuit of international support through, for example, lobbying at the UN, or to develop the expertise of staff. A particularly innovative programme was established with the Danish Institute for Human Rights, involving an exchange of staff for a two-month period. Christoffer Badse worked with the Commission during February and March 2004, and the Commission's Education Worker, Edel Teague, will spend two months in Copenhagen with the Danish Institute early in the incoming year.

Partnerships

The Joint Committee of the two Human Rights Commissions on the island of Ireland met five times during the year, with the bulk of its work carried out through sub-committees (see page 51). The Irish Commission opened its newly established offices in Jervis Street, Dublin, on Human Rights Day (10 December 2003) and in March 2004 the two staff teams met in Dublin to share experiences.



This was such a useful and affirming exercise that the Irish Commission's staff plan a return visit to Belfast in the incoming year.

The Commission continues to play an active role in the Joint Equality and Human Rights Forum (JEHRF), a group comprising all the statutory human rights and equality bodies in the United Kingdom and Ireland. The Chief Executives meet quarterly and Chairs and Chief Executives every six months, with venues for meetings alternating among the various organisations. Our Commission hosted a meeting for the Chairs and Chief Executives in June 2003. This year saw a greater focus on joint working, with the publication in September 2003 of *Re-Thinking Identity: The Challenge of Diversity*, edited by Katherine Zappone. This comprised a series of papers looking at multiple identities and focusing in particular on the experience of different groups of their health service. These groups included black and minority ethnic women in Britain, black and minority ethnic people with disabilities in Ireland, women with a disability in Northern Ireland, young gay, lesbian and bisexual people in Northern Ireland (the focus of this Commission's input), young minority ethnic men in Britain, and lesbian, gay and bi-sexual people with disabilities in Great Britain. The Commission launched its own chapter separately during Pride Week in July 2003, and this was well received by the sector.

Regular, bi-monthly meetings continue to be held with the Chief Commissioner and Chief Executive of the Equality Commission for Northern Ireland, together with an annual meeting in plenary of both Commissions. This year's meeting – held

in January 2004 – focused on the National Action Plan Against Racism, resulting in an agreed common position and action points.

The Commission has also participated in the NGO and Ministerial formats of the Human Rights Forum established by the Department for Constitutional Affairs. This has been a useful means of exchanging views and information on UK-wide and international human rights issues.

Equality

Work on the Commission's own equality agenda, particularly on implementing its Equality Scheme, was slower this year than the Commission would have liked. This was partly due to the resignations of Commissioners who had been members of the Commission's Equality Committee. However, the Managerial Audit, prepared in 2002, did provide a framework for monitoring the Commission's work during the year. The amended monitoring form used for recruitment, for the Commission's Research Register and for analysing participation in Commission events, particularly training, has been useful and has not, to date, produced any complaints. As mentioned above, the Commission has undertaken a Disability Access Assessment and has instigated the necessary renovations to ensure good accessibility to its premises.

In terms of Commission publications, we have introduced disability access to our website and are working with Mencap to develop better access to our printed publications. The development of a translations policy is a task to be taken up by staff for implementation in the incoming year. The joint work on multiple



identity with the JEHRF (see above) has helped inform our work in this area, which has particular relevance to young people. Plans to develop a young people's forum to continue work on the Bill of Rights have been on hold since June 2003, when the existing forum broke up due to exams and other commitments. The views of children and young people will be canvassed as part of the Commission's initial equality impact assessment, due to be carried out on the Bill of Rights consultation and proposals early in the incoming year.

Statutory compliance, covering matters such as equality commitments, freedom of information, data protection and disability discrimination, will be part of the responsibilities of the new post of Head of Corporate Services, working with the Chief Executive and other staff. The Commission seeks to operate as a model of good practice in these areas, and we look forward to having a more dedicated resource to ensure not only compliance with but effective outcomes from the guiding legislation.





Bills of Rights experts (left to right) Prof Kevin Boyle, University of Essex; Prof. Noreen Burrows, University of Glasgow; Aisling Reidy, ICCL; Prof Hurst Hannum, Tufts University, Massachusetts.
Photo Lesley Doyle

DEVELOPMENTS IN HUMAN RIGHTS STANDARDS

The murder of Patrick Finucane

During the year under review there were significant developments in one of the most notorious unsolved murder cases in Northern Ireland, that of the Belfast solicitor Patrick Finucane in February 1989.

Responsibility for the murder of Mr Finucane was claimed by the Ulster Freedom Fighters, an illegal paramilitary group whose activities were directed by the Ulster Defence Association, another illegal body. But according to Mrs Finucane, her husband had previously received death threats, via his clients, from officers of the Royal Ulster Constabulary. After the shooting the RUC began an investigation and many suspected members of the UFF were detained and interviewed, but none was charged and tried.

In September 1989 the Chief Constable of the RUC appointed John Stevens, a senior police officer from England (and now the Commissioner of the Metropolitan Police), to investigate allegations of collusion between members of security forces and loyalist paramilitaries. An undercover agent who had provided information to British military intelligence and had

become the chief intelligence officer of the UDA, Brian Nelson, was arrested, tried and sentenced to 10 years' imprisonment for his involvement in loyalist murder plots. In prison he allegedly admitted that he had targeted Mr Finucane and, in his capacity as a double agent, had informed British army handlers of this at the time. He also allegedly passed a photo of Mr Finucane to the UDA before he was killed.

Mr Stevens then conducted a second inquiry into the alleged involvement of Mr Nelson and members of the British army in Mr Finucane's death, but in 1995 the Director of Public Prosecutions issued a direction of "no prosecution" on the ground that there was insufficient evidence to prosecute anyone. In 1999 Mr Stevens was appointed to conduct a third investigation, this time into Mr Finucane's actual murder. On 17 April 2003 a report was submitted to the Director of Public



Prosecutions and an overview was made public. It indicated that there had been collusion and that the murder could have been prevented.

Despite this long sequence of events, in *Finucane v UK* (1 July 2003) the European Court of Human Rights held unanimously that there had been a violation of Article 2 in that the British state had inadequately investigated the murder of Patrick Finucane. Applying the criteria for effective investigations set out in cases such as *Jordan v UK* (2001), the Court said that it did not appear that the first two Stevens inquiries, however useful they may have been in uncovering information, were in fact concerned with investigating the death of Mr Finucane and bringing prosecutions against those responsible. In any event, the two reports were not made public and the applicant was never informed of their findings. The requirements of public scrutiny and accessibility of the family were therefore missing from the investigation. Moreover, as regards the third inquiry, the Government has admitted that, having been begun some 10 years after the murder itself, it could not satisfy the requirement that effective investigations be commenced promptly and conducted with due expedition. Again it is not apparent to what extent, if any, this third report will be made public.

In October 2003 Judge Peter Cory delivered his report on the Finucane case (and on several others) to the British Government and on 1 April 2004 the Government was to eventually publish an edited version of those reports. Judge Cory has said that this might be one of those rare instances where a public inquiry could be more useful than a criminal prosecution, but to date the Government has insisted that the criminal proceedings already pending against one individual in connection with the murder should be

completed before a public inquiry is set up. It remains to be seen when this will be.

Other decisions by the European Court of Human Rights

There were several other important decisions on human rights standards in the United Kingdom taken by the European Court of Human Rights during the past year.

Prisoners' rights

In October 2003 the Grand Chamber confirmed a previous ruling in *Ezeh and Connors v UK*. The ruling means that when prisoners are accused of breaches of the Prison Rules, for which, if found guilty, they could be made to serve additional days of custody, they must be allowed not just prior legal advice but also legal representation at the hearing at which the alleged breaches are adjudicated upon. Local practice has been altered to reflect this new standard. The Commission was concerned that assaults on prison officers may not be treated as seriously as in the past in order to avoid the complexities and delays associated with adjudication hearings where there would be legal representatives, but the Prison Service has assured us that this is not the case.

Very relevant to the fact that there have been frequent suicides in Northern Ireland's prisons is the decision of the European Court of Human Rights in *McGlinchey and others v UK* (29 April 2003). A female prisoner who was a heroin addict and had asthma died in prison in England. The European Court held (against the vote of the UK judge) that the prisoner had been treated inhumanly or degradingly within the terms of Article 3 of the European Convention. The majority found that the prison had failed to provide an accurate method for establishing the prisoner's



weight loss, which was a factor that should have alerted the prison to the seriousness of her condition. There was also a gap in the monitoring of her condition by a doctor and a failure to take more effective steps to treat that condition, such as admitting her to hospital to ensure the intake of medication and fluids intravenously. This decision should remind the Northern Ireland Prison Service that it has positive obligations to ensure that prisoners are provided with adequate health care.

Still in the area of prisoners' rights, it was established in *Easterbrook v UK* (12 June 2003) that under Article 6 of the European Convention a prisoner who has been sentenced to a discretionary life sentence is entitled to have the minimum period he or she has to serve clearly specified by the trial judge, not by a government minister. This ruling brings the position of discretionary lifers into line with that of mandatory lifers (*i.e.* murderers) and with that of persons sentenced to life who were under 18 when they committed the offence.

Towards the end of the year, in *Hirst v UK* (No. 2) (30 March 2004) the European Court struck down as disproportionate the blanket rule in British law that convicted prisoners cannot vote in elections. This was held to be a breach of Article 3 of Protocol 1 to the European Convention. Parliament is going to have to amend the Representation of the People Act 1983 to ensure that the right to vote is conferred on certain categories of prisoners. This is in line with what the Human Rights Commission has been arguing in its proposals for a Bill of Rights for Northern Ireland.

The right to a fair trial

In *Edwards and Lewis v UK* (22 July 2003), following surveillance and undercover operations, a man was

convicted, on two separate occasions, of possessing a Class A drug with intent to supply and possessing counterfeit currency notes with intent to deliver them to another. Applications by the prosecution to withhold material evidence had been granted on the grounds that it would not assist the defence and there were genuine public interest reasons for not disclosing it. The European Court held unanimously that there had been a violation of Article 6(1) of the European Convention on Human Rights because the undisclosed evidence might have related to whether the applicant had been entrapped into committing the offences in question. It is clear from this decision that, although there have been recent reforms throughout the United Kingdom of the law and procedure applying to undercover evidence, the requirements of Article 6 are strictly applied. In Northern Ireland, in the Commission's opinion, there is a need for the guidelines on the use of undercover agents, and informers, to be constantly reviewed with these requirements in mind. We would also like to see more transparency in the system.

Meanwhile the European Court served a reminder in another case, *Lewis v UK* (25 November 2003), that it is unlawful anywhere in the United Kingdom for the prosecution to make use of information obtained against a suspect through the covert recording by the police of conversations in the defendant's own home. Whether our law should be amended so as to allow such information to be admissible in some cases, for example those involving alleged terrorists, is a matter which the Human Rights Commission will address in the forthcoming year when it is preparing its response to the latest Home Office discussion paper on counter-terrorism measures.



The right to a private life

On a similar theme, in *Price v UK* (17 July 2003) a man who had been convicted of a series of armed robberies complained of a breach of Article 8 of the European Convention in that the police had covertly videotaped him for identification purposes and used the videotape in the prosecution against him. The European Court upheld the complaint (and awarded 1,500 euros in compensation) because the police had gone beyond the normal use of a video camera and had not complied with their own procedures set out in the applicable code: they had not obtained the applicant's consent or informed him that the tape was being made; nor had they informed him of his rights in this respect. The Human Rights Commission has tried to monitor the PSNI's use of CCTV images to ensure that Article 8 is not breached in Northern Ireland.

An important case for people with disabilities was *Glass v UK* (9 March 2004), where the European Court held that it was a breach of Article 8 for a hospital to administer diamorphine to a disabled child against the express wishes of his mother. Such treatment disregarded the child's right to respect for his personal integrity.

In a decision which gives little comfort to persons objecting to planning developments or to noise pollution, *Hatton and others v UK* (8 July 2003), the Grand Chamber of the European Court held that the noise caused by night flights in and out of Heathrow did not, on the facts, breach the rights under Articles 8 and 13 of the European Convention of those living near the airport. This reversed the decision of the Chamber of the Court issued in 2001.

Decisions by the House of Lords

In 2003-2004 there were also several important precedents in the field of human rights laid down by the House of Lords, the United Kingdom's highest court.

The scope of the Human Rights Act 1998

In *Aston Cantlow Parish Parochial Council and Wilmcote with Billesley v Wallbank and another* (26 June 2003) the House of Lords looked for the first time at the meaning of the term "public authority" in the Human Rights Act 1998. An arm of the Church of England – a church established by law – was held not to be a "core" public authority, but their Lordships cast doubt on the reasoning employed in previous cases where the courts had been restrictive in classifying bodies as "functional" public authorities. The decision was scrutinised by the Parliamentary Joint Committee on Human Rights, which published a report on the topic in March 2004 (HL 39, HC 382). The Committee did not recommend an amendment to the Human Rights Act (for fear this would lead to further unintended consequences) but encouraged other judges to follow the reasoning of the House of Lords in this case so that "a generously wide and flexible category of 'functional' public authority" could emerge.

Further guidance was given by the House of Lords in *Wilson v First County Trust Ltd (No. 2)* (10 July 2003) as to when a declaration should be issued that a piece of legislation is incompatible with the European Convention. Reversing the Court of Appeal's decision in the first such case on a declaration (made more than two years previously), the House said that the Human Rights Act was not intended to alter rights and obligations existing between private individuals and/or companies prior to the Act coming into force in October 2000.



The investigation of deaths

In *Amin* (16 October 2003) the House of Lords stressed that deaths in custody require thorough and effective investigations by independent agencies, with an opportunity being given to relatives of the deceased to participate. The House seemed to leave open the possibility that this duty applies whether or not the deaths have occurred before the coming into force of the Human Rights Act on 2 October 2000.

In *R v West Somerset Coroner, ex parte Middleton* (11 March 2004) a further leap forward was taken when the House of Lords ruled that at inquests it is not enough for the coroner or jury to come to a conclusion as to the “means” by which the person died – there should be a verdict as to the circumstances leading to the death (see also *R v West Yorkshire Coroner, ex parte Sacker*, 11 March 2004). If necessary, juries at inquests should be asked to answer certain questions relating to the circumstances in question and/or to give a narrative form of verdict.

In *In re McKerr* (11 March 2004), on the other hand, in a case concerning the killing of Mr Gervaise McKerr by the RUC in 1982, the House of Lords held that the duty to comply with the investigation requirements of Article 2 of the European Convention does not apply if the death in question occurred before 2 October 2000. Quite how this squares with the decisions in the *Amin* and *Middleton* cases (above) is still to be clarified.

The Commission applied, successfully, to intervene in all three of these House of Lords cases. Our arguments appear to have been accepted in the first two, but not, alas, in the third. In the months and years ahead the Commission will be seeking to ensure that the new

requirements concerning the investigation of deaths in custody are fully complied with in Northern Ireland. In January 2004 the Parliamentary Joint Committee on Human Rights published an interim report on its inquiry into deaths in custody throughout the United Kingdom (HL 12, HC 134); it is planning to publish its final report on this matter later in 2004. The Commission is currently working on a report on the changes that need to be made to the law and practice affecting inquests in Northern Ireland; this should be published in the autumn of 2004.

The decision by the House of Lords in *McKerr*, however, throws into doubt the standards to be applied by the police and others when investigating “old” cases in Northern Ireland. It may have profound implications for “truth recovery” here, which the Government and others are now beginning to discuss. The Commission’s view is that Article 2 standards have been binding on the UK since the European Convention came into force vis-à-vis this country in 1953. All suspicious deaths, whether caused by agents of the state or not, therefore deserve a very thorough investigation, even if no prosecution eventually ensues.

Policing issues

In *Cullen v Chief Constable of the RUC* (10 July 2003), an appeal partly financed by the Human Rights Commission, the House of Lords held by the narrow majority of three to two that a person who is denied access to a solicitor while in police custody does not have a right to compensation. This was a very disappointing outcome for the Commission and seems to fly in the face of the principle that there should be an effective remedy if a human right is breached.



In *R v Police Complaints Authority, ex parte Green* (26 February 2004) the House of Lords ruled that authorities investigating a complaint against the police (in Northern Ireland this is the responsibility of the Police Ombudsman) is not obliged by Article 3 of the European Convention to disclose to the complainant all the information received during the course of the investigation. It is enough if such information is disclosed as would satisfy the complainant that the investigation is independent and thorough.

The right to a private life

In *Bellinger v Bellinger* (10 April 2003) the House of Lords upheld the ban on trans people (*i.e.* people who want to be recognised in a different gender from the one recorded at birth) from marrying someone of their original gender, but it issued a declaration that the relevant statutory provision is incompatible with Article 12 of the European Convention on Human Rights, which protects the right to marry. The Gender Recognition Bill, currently before Parliament, will amend the relevant statute accordingly. During the past year the Human Rights Commission worked on a report covering the rights of trans people in Northern Ireland and it plans to publish this in August 2004.

In *Marcic v Thames Water Utilities Ltd* (4 December 2003) the House of Lords held that a scheme for enforcing the statutory duty imposed on a sewerage company to drain a certain area was not in breach of the European Convention's provisions on the right to respect for one's home (Article 8) or the right to peaceful enjoyment of one's possessions (Article 1 of Protocol 1), even though the scheme in question had not been properly applied and some homes had been repeatedly flooded by sewerage. The test adopted by the Grand Chamber of the European Court in *Hatton*

v UK (see page 24) was applied in this case.

At the end of the year judgement was awaited in an important case taken by the celebrity model Naomi Campbell against Mirror Newspapers. Speculation was mounting that the House of Lords might be about to declare that there is a right to privacy, as such, in British law. A more likely outcome, however, may be that the right to a remedy for breaches of confidentiality may be enhanced.

The right to freedom of expression

The House of Lords was also cautious in a case taken by the ProLife Alliance, a political party, which challenged the refusal by broadcasters to air certain images of aborted fetuses during a party election broadcast (*R v BBC, ex parte ProLife Alliance*, 10 April 2003). Such a refusal was not, said the judges, a breach of Article 10 of the European Convention. But in *R v Attorney-General, ex parte Rusbridger and another* (26 June 2003), the House of Lords held, in effect, that section 3 of the Treason Felony Act 1848, which on one reading criminalises any expression of the view that the monarchy should be peacefully replaced by a republican form of government, was not compatible with the European Convention.

Economic and social rights

In two further cases the House upheld the compatibility of the existing law as it applies to persons who are mentally ill (*R v Drew*, 8 May 2003 and *R v Home Secretary, ex parte H*, 13 November 2003). In three appeals on children's rights (*R v Barnet London Borough Council, ex parte G*, 23 October 2003) the court held (by three to two) that a social services authority has no duty to provide accommodation for the siblings or parents



of a child in need as well as for the child him- or herself.

Greater protection against discrimination in the workplace was conferred by the House of Lords in six cases reported under the name of *Relaxion Group plc v Rhys-Harper* (19 June 2003), where it was held that the duty not to discriminate on grounds of gender, race or disability continues to exist even after an employment relationship has come to an end, provided the discrimination relates to an "incident" of that relationship (such as alleged sexual harassment or refusal to return the employee's property after dismissal).

Decisions by courts in Northern Ireland

The investigation of deaths

On 12 December 2003 the Court of Appeal rejected the attempt by the father of Mr Pearse Jordan, who was killed by the RUC in 1992, to compel the Director of Public Prosecutions to give reasons why, in 1993 and 1995, he decided not to prosecute anyone in relation to the killing. The Court emphasised that the requirements imposed by Article 2 of the European Convention did not become part of the domestic law of Northern Ireland until the Human Rights Act 1998 came into force on 2 October 2002. Decisions taken before then could not be judged by standards applicable only from that date.

On 12 January 2004 Mr Justice Gillen rejected a further application by Mr Jordan for a declaration that the Secretary of State for Northern Ireland was in breach of the Human Rights Act 1998 and of Article 2 of the European Convention in that he had failed to provide the applicant with an Article 2 compliant investigation into the death of his son. The House of Lords' decision in *McKerr* (above) confirms that this is the current law.

However in yet further proceedings taken in connection with the same killing, the Court of Appeal held on 12 September 2003 that the family had been unlawfully denied legal aid to challenge the decision of the coroner to adjourn a preliminary hearing in respect of the inquest into their son's death.

In *In re Owen McCaughey and Pat Grew* (20 January 1994) Mr Justice Weatherup considered an application by the fathers of Mr Martin McCaughey and Mr Desmond Grew, who were killed by British soldiers in 1990, for judicial review of the decisions of the Chief Constable and the Coroner concerning the disclosure of three documents retained by the police. These were the police report prepared for the Director of Public Prosecutions, the DPP's directions in response to the police report (directing no prosecution) and unedited copies of intelligence reports gathered by the police. The judge held that the first and third of these documents had to be disclosed if Article 2 of the European Convention were to be complied with. He also held that the investigation of the deaths had not proceeded promptly and with reasonable expedition for the purposes of Article 2.

The right to life

In *In re Scappaticci* (18 August 2003) the High Court rejected Mr Scappaticci's challenge to the Government's refusal to confirm or deny that he had been an agent working for the security forces in Northern Ireland. He wished to clear his name because he felt his life was at risk as a result of such an allegation. The Human Rights Commission was permitted to submit an intervention in the case, in which we argued that the right to life under Article 2 of the European Convention did not admit of any exceptions based on national security. The judge, however, did not agree.



Mrs Jean McBride continued her fight during the year to have the two soldiers who were convicted of murdering her son, Peter, in 1992, discharged from the British army. On 13 June 2003 the Court of Appeal of Northern Ireland declared that, taken together, the reasons expressed by the Army Board for retaining the two soldiers in army service did not amount to “exceptional reasons” (as required by army regulations), but the judges refused to order the Army Board to reconsider the matter. On 5 December 2003, however, Mrs McBride obtained permission from Mr Justice Weir to bring further judicial review proceedings against the Army Board for its failure to review its decision in the wake of the Court of Appeal’s pronouncement.

Other issues

On 9 June 2003 Mr Justice Kerr, as he then was, rejected a challenge by the Police Service to an application for judicial review taken by the mother of one of the children affected by the “Holy Cross dispute” (an application funded in part by the Human Rights Commission), in which she alleged that the police had failed to ensure the effective implementation of the criminal law and the safe passage for her and her daughter to the Holy Cross primary school for girls on Ardoyne Road in Belfast. The judge said that the case raised a point of general public interest and should be allowed to proceed. The hearing took place in September 2003 and judgment was still awaited at the end of the year.

In *In re Shay Donnelly* (12 December 2003) the Court of Appeal of Northern Ireland issued a significant decision when it declared that, in refusing to begin court proceedings for possession of a house occupied by a troublesome family, the Northern Ireland Housing Executive was in breach of the neighbours’ rights under Article 8 (right to respect for one’s private

and family life) and Article 1 of Protocol 1 (right to peaceful enjoyment of one’s possessions) in the European Convention. The Court ordered the Executive to reconsider the matter and to reach a decision in accordance with the principles set out in those provisions, the European case-law and the opinions expressed in the Court of Appeal’s own judgment. This decision has great potential to alleviate the stressful circumstances in which many families are forced to live because of the grossly unreasonable conduct of their neighbours and is an imaginative use by the courts of key provisions in the European Convention.

On 4 February 2004 the Court of Appeal rejected an application by Sinn Féin for judicial review of the decision not to make a policy development grant available to that party. Under the Political Parties, Elections and Referendums Act 2000 such grants could be made to registered political parties represented at Westminster provided their MPs swore an oath of allegiance to the Queen (a compulsory preliminary to taking a seat in the House of Commons). The Court reasoned that such a requirement was not a breach of Article 10 (the right to freedom of expression), Article 14 (the right to freedom from discrimination) or Article 3 of Protocol 1 (the right to free elections) in the European Convention. They said the purpose of the grants was to make available financial resources for policy making to parties whose MPs are too heavily occupied in the activities of daily political life in the House of Commons to be able to devote the time and energy required to this important part of political work. Requiring the parties in effect to have taken their seats was the only workable criterion to apply in order to achieve the object of the legislation. The aim of the legislature in enacting the relevant section 12 of the 2000 Act was therefore legitimate and the method



employed for achieving it was proportionate.

On 9 February 2004 a second appeal by the one remaining member of the so-called “UDR Four” who has not been cleared of the murder of Mr Adrian Carroll in 1983, Mr Neil Latimer, was dismissed by the Court of Appeal. The case had been remitted for the second time to the Court of appeal by the Criminal Cases Review Commission, but their Lordships still believed there was proof of guilt beyond a reasonable doubt.

Legislative developments

Important changes to the criminal justice system were introduced for England and Wales by the Criminal Justice Act 2003 (e.g. regarding the right to bail and disclosure of evidence), but only some of these were extended to Northern Ireland by that Act. The Criminal Justice (NI) Order 2003 recognised, at long last, the rape of a male as a crime and reformed the law on bail and on time limits for criminal proceedings. The draft Criminal Justice (NI) Order 2004, currently being considered by Parliament, will allow sentences to be increased for crimes motivated by hostility on (for example) racial or sexual orientation grounds. At the end of the year Parliament was about to enact the Justice (NI) Act 2004, which, by supplementing the Justice (NI) Act 2002, further implements the reforms recommended by the Review of Criminal Justice in Northern Ireland in 2000.

Parliament also sought to address policing and paramilitarism in Northern Ireland by enacting, respectively, the Police (NI) Act 2003 and the Northern Ireland (Monitoring Commission etc) Act 2003. The first report of the Independent Monitoring Commission was expected to be published in April 2004. The Sexual Offences Act 2003 further reforms the law in England and Wales on

rape and on sex offences against children and other vulnerable persons. The provisions dealing with the “sexual grooming” of children, and with trafficking for sexual exploitation, also apply in Northern Ireland. Northern Ireland has benefited too from the reform of extradition law brought about by the Extradition Act 2003 and from the regulation of a further obnoxious abuse of human rights through the Female Genital Mutilation Act 2003. Also applicable in Northern Ireland is the Human Fertilisation and Embryology (Deceased Fathers) Act 2003, which allows deceased men to be registered as the fathers of children born through *in vitro* fertilisation.

Economic and social rights

The Employment (NI) Order 2003 introduced reforms to the procedures used at industrial and fair employment tribunals in Northern Ireland, and also put in place further dispute resolution procedures for employment matters. The Employment Equality (Sexual Orientation) Regulations (NI) 2003, implementing a European Union Directive requiring members states to outlaw discrimination in the workplace on the grounds of sexual orientation, came into effect on 2 December 2003; the Commission is not wholly satisfied that they strike the right balance between the rights of lesbian and gay people on the one hand and the “strongly held religious convictions of a significant number of [a] religion’s followers” on the other, and at year’s end we were considering whether to initiate court proceedings to test this point.

On the environmental front, Northern Ireland will undoubtedly gain from the Sustainable Energy Act 2003, which imposes duties on the Government to issue annual reports on the progress being made towards cutting carbon emissions,



maintaining the reliability of energy supplies, promoting competitive energy markets and reducing the number of people living in fuel poverty. The Waste and Emissions Trading Act 2003 further regulates the use of landfill for waste material and requires the Department of the Environment here to have a strategy for reducing the amount of biodegradable waste that goes to landfills. Unfortunately the Household Waste Recycling Act 2003 was *not* extended to Northern Ireland. This imposes a duty on local authorities to have in place by 2011 arrangements for collecting at least two types of recyclable waste, either together or individually separated from the rest of the household waste.

The continuing suspension of the Northern Ireland Assembly has meant that other important legislation on economic and social matters, pending at the time of the initial suspension in October 2002, has been further delayed. This includes the proposed Single Equality Bill and the Special Educational Needs and Disability Bill; the latter, at least, is to proceed as an Order in Council.





Chief Justice of Canada, The Rt Hon Beverley McLachlin.
Photo Lesley Doyle

THE BILL OF RIGHTS PROJECT

The Commission was tasked under the Belfast (Good Friday) Agreement and the Northern Ireland Act 1998 with consulting and reporting on the scope for defining rights in a Bill of Rights for Northern Ireland. This work is a key priority of the Commission. The process of producing final advice for the Secretary of State, leading to eventual enactment by the Westminster Parliament of a Bill of Rights, has taken a frustratingly long time, but such a huge and vital task, with its potential for raising fundamental questions about possible constitutional, legal and social change, cannot be rushed. This is all the more the case if the political parties in Northern Ireland are not yet willing to sit around a table to discuss the issue.

Most participants in the Commission's Bill of Rights consultation, launched in March 2000, support the idea of a Bill of Rights reflecting the "particular circumstances of Northern Ireland", but there are naturally differences about what such a Bill should contain. In 2003-2004 these differences were frequently aired as criticism of the Commission, rather than as debate about the merits of particular proposals.

The Commission wishes to encourage debate about a Bill of Rights and to encourage a feeling of ownership within the whole community of whatever Bill is eventually enacted by the Westminster Parliament.

Making progress on a Bill of Rights

The first and second phases of the Commission's Bill of Rights Project comprised the publication of a consultation document in 2001, *Making a Bill of Rights for Northern Ireland*, and various education and awareness-raising activities designed to enable meaningful participation in this consultation. Over 600 responses were received in all, with the views of 1,350 children and young people gathered through a parallel consultation supported by a Children's Co-ordinator. A summary of these latter views (entitled *What You Said*) is on the Commission's website (www.nihrc.org).



In August 2003 the Commission launched a *Summary of Submissions*, highlighting alternative approaches to the formulation of various rights. Almost 250 of the responses summarised are also available on the Commission's website and more can be viewed by appointment in the Commission's library.

The Commission has carefully considered all the responses received. Many reflect views expressed at further local or sectoral consultations, some of which were supported by the Social Justice Initiatives Fund administered by the Community Foundation for Northern Ireland. Many are of impressive quality and represent huge commitment from the individuals or organisations in question. In addition the Commission looked in detail at relevant international standards and the views of legal experts, as well as at what was proposed by political parties and the many other groups and individuals it met with throughout the year.

The initial outline document was prepared for discussion for the Commission by Rachel Rebouché, a researcher from Queen's University, assisted by Amanda Wetzel, a student intern from the United States, attending Queen's as a George Mitchell scholar. Both Rachel and Amanda have now returned to the US and we are grateful to them for their input to this process. In particular, Rachel has worked periodically on the Bill of Rights over a number of years and her contribution to the process has been highly valued.

Some difficult issues, such as how best to protect "equality" in a Bill of Rights, were addressed in a series of events. Following a conference held in March 2003 with a keynote address from Professor Stephen Livingstone, of the Centre for Human Rights at the Queen's University of Belfast, a conference on "Community and Identity Rights" was held in Armagh at which further

controversial areas were debated.

During June several capacity-building events took place, including an event for the voluntary and community sector organised jointly with the Northern Ireland Council for Voluntary Action. These events were intended to increase understanding and culminated in a successful conference in the Europa Hotel on "Implementation of a Bill of Rights", that is, on how a Bill of Rights would work in practice. Here the keynote speaker was Professor Alan Miller, who is a former Director of the Scottish Human Rights Centre and a practising advocate specialising in human rights.

A research report on *Human Rights and Victims of Violence* was launched in July 2003 and a seminar followed in September to consider how best to guarantee victims' interests through a Bill of Rights. In February 2004 another major conference, "Protecting Human Rights through Bills of Rights: Learning from Experience", chaired by Professor Kevin Boyle of the University of Essex, heard from international experts including Professor Hurst Hannum of Tufts University in the USA, Professor Noreen Burrows of the University of Glasgow and Professor William Schabas of the National University of Ireland, Galway.

The British Government indicated in a Joint Declaration with the Irish Government of 30 April 2003 its intention to work with the political parties to facilitate their response to the Human Rights Commission's proposal for a "Round Table", or Forum, on the Bill of Rights. To facilitate discussion at such a Round Table the Commission began preparing a report setting out its latest thinking on the Bill of Rights in the light of the consultations it had engaged in to date. As the prospect of a Round Table being set up in the near future begins to recede the Commission is now planning to publish the paper as a progress report on its work and to put it more generally into the public domain for comment. It should appear early in the



year 2004-2005 and, depending on reaction to this report, a further paper may be published by the Commission close to the end of 2004.

The Commission continued to liaise closely with the Human Rights Consortium, a forum of NGOs committed to working towards a strong, comprehensive Bill of Rights. We also liaised with the Children's Sector Bill of Rights Group, which is working to ensure that the rights of children are fully recognised in the Commission's final advice on a Bill of Rights.

In February 2004 a random sample of 1,000 adults was surveyed by Market Research Northern Ireland about how important a Bill of Rights was to them and what rights such a Bill should contain. A summary of the results of this important survey are provided in Appendix 4 of this Annual Report. Appendix 5 summarises the events held by the Commission during the year relating to its Bill of Rights Project.

Issues requiring further debate

Amongst the issues identified by the Commission as needing further debate in the Bill of Rights Project are the following:

- The meaning of the phrase, "the particular circumstances of Northern Ireland", which is used in the Belfast (Good Friday) Agreement to exemplify (but not necessarily to limit) the kinds of rights that should be included in the Bill of Rights. Many non-governmental organisations (NGOs) believe that the "particular circumstances" of Northern Ireland include the fact that we are emerging out of conflict and experience significant levels of poverty – especially child poverty; they argue that communities need enforceable social and economic rights so that human rights concepts like equality and dignity can become a reality for them.
- Developments in the field of equality, such as the proposed Single Equality Act for Northern Ireland, and how proposals for a Bill of Rights might impact on, for example, the monitoring of persons in the workforce. This has proved a particularly controversial area. Discussions have taken place with the Equality Commission on the matter and the Human Rights Commission's latest Progress Report on a Bill of Rights will indicate the development of our thinking on it.
- "Drawing... on international instruments and experience", another requirement for the Bill of Rights according to the Belfast (Good Friday) Agreement. During the past year the Commission has held a number of sessions with international experts on human rights, including specialists from the Council of Europe who visited the Commission in October 2003 and met with a range of individuals and groups. One of the matters these experts are able to advise on is the appropriate level of detail which should be contained in a Bill of Rights – what needs to be set out in the Bill and what can safely be left to further detailed legislation?
- Protection for specific groups versus the "mainstreaming" of their rights. The Commission is planning further work to look at the impact of its Bill of Rights proposals on those who are most vulnerable in our society and who may need specific protection for their rights, such as people with disabilities, carers, women and girls, and members of ethnic minorities.





Participants at a seminar on plans for a UN Convention on disability.
Photo Lesley Doyle

LEGISLATION AND POLICY

The Commission is mandated by section 69 of the Northern Ireland Act 1998 to promote and monitor the compliance of legislation and policy in Northern Ireland with international human rights standards. This is the focus of the Legislation and Policy function of the Commission, which continued to operate with 1.5 full-time equivalent posts during 2003-2004. With Denise Magill on leave during most of the year under review, Dr Nazia Latif covered her half-time post while Ciarán Ó Maoláin was full-time.

Working to criteria established by the Commission's Legislation and Policy Committee (published in last year's Annual Report) the staff drafted consultation responses and other forms of advice to the UK and devolved administrations. Staff were also involved in the monitoring of treaty obligations (see under "International Work" below) and in meetings with political representatives, researchers and other local and international visitors to the Commission. They contributed as well to work on the Bill of Rights, policing, prison issues, media relations, the Commission's ICT system and training activities for the NGO, educational and statutory sectors.

The Legislation and Policy Committee met on two occasions and draft responses were referred where necessary to the full Commission for approval. The Chief

Commissioner otherwise oversaw the production of draft responses and other work within established Commission policy. From October 2003 more extensive monthly reports were prepared for the regular Commission meetings.

While the number of policy consultations, parliamentary Bills, draft Orders, treaty reports and other items referred to the Commission remained at around 400 during the year, application of the Commission's agreed criteria ensured that efforts were concentrated on responding to those that were regarded as most significant in human rights terms. For the first time since the Commission's creation in 1999, all submissions were drafted in-house rather than some by externally commissioned experts. There was an increased emphasis on other ways of influencing the policy and legislative



processes. These included providing training on human rights for policy makers, holding bilateral meetings with officials, liaising more effectively with other statutory agencies and NGOs, and participating in working groups, seminars, and the Department for Constitutional Affairs' Human Rights Forum.

These changes in approach led to a reduction in the number of formal responses issued during the year: in 2003-2004 the Commission made written submissions on 51 topics (a total of 55 papers), down from 71 topics (108 papers) in 2002-2003.

The Commission now has formal agreements (through Protocols, Memoranda of Understanding or exchanges of correspondence) with a number of governmental and other public sector agencies. Some of these, for example with the Police Ombudsman, are primarily designed to clarify respective areas of responsibility and to ensure efficient cross-referring of matters. Others, for example with the Northern Ireland Office, the Court Service and the Northern Ireland Departments, are established to ensure that the Commission's statutory duties are efficiently exercised through its being supplied with the information and time it needs to assess and comment on legislative, regulatory or policy proposals.

While these arrangements are in general working well, it must again be recorded that the Commission is not always provided, at least unprompted, with information on legislation and policy originating within the UK government but intended to apply in Northern Ireland.

With many rights-sensitive areas, such as immigration, asylum and criminal justice remaining under central government control, the Commission sometimes has to remind parts of Whitehall of its existence.

In this UK-wide context, a particular disappointment during the year was the lack of progress towards the development of a National Action Plan Against Racism (NAPAR – on this, and other work on 'race' issues, see Investigations and Research, page 46-47).

The Commission co-hosted an NUJ conference on journalists' rights in November, following a series of cases engaging concerns around freedom of information and expression.

Judging the effectiveness of any body with advisory functions is always problematic. It is, of course, possible to tell when no heed is taken of its advice, and in the year under review it must be said that many of the Commission's views on what it judged to be particularly important human rights matters fell on stony ground. Examples include our work on terrorism legislation and immigration detainees. On the other hand, where outcomes did to some extent reflect the Commission's input, as in the rewriting of the UK Report under the UN's Convention Against Torture and the introduction of legislation for civil partnerships, it is likely that there were other influences besides the Commission's advice. Another such area was the safety review at Maghaberry Prison, where the Commission's voice was one of many urging compromise.





Kevin McLaughlin, Commissioner and Brice Dickson, Chief Commissioner at a seminar on the UN Convention on disability.
Photo Lesley Doyle

CASEWORK

During the course of the year the Commission completed its review of all its casework criteria and procedures. The Commission also reviewed its legal fee structure and a new fee scale for solicitors and counsel was due to take effect on 1 April 2004. A further new development in casework has been the establishment of the Human Rights Practitioners Group, which met for the first time in December 2003. The Group, made up of advice workers, equality officers, solicitors and academics, will meet quarterly on an informal basis to discuss and share information on human rights issues. The Commission's Assistant Caseworker, Angela Stevens, continued to act up in the Caseworker's role this year. Two temporary Assistant Caseworkers were employed at different times during the year – Brian McLaughlin and Cathy McGrann.

Inquiries

During the year from 1 April 2003 to 31 March 2004 the Commission received in excess of 500 inquiries. Of these inquiries more than half required further action by the Commission's caseworkers, including writing letters on behalf of an individual to the public authority concerned, seeking further information, commenting on the situation presented, or discussing the problem with the different parties with a view to reaching a satisfactory resolution without the need for formal legal action.

Applications for assistance

During the year the Commission's Casework Committee met 14 times and held an additional five emergency meetings. The Committee considered 49 applications for assistance from individuals and granted assistance in 11 cases. This compares with 65 applications considered and 10 cases assisted in 2002-2003. Thus, while there was a drop in the number of applications considered by the Committee this year, the proportion of cases where assistance was granted was higher than in the previous year.



The strategic priorities for the Commission this year, when deciding whether to grant assistance to individuals, were Article 2 of the European Convention on Human Rights (the right to life), Article 3 (the right to freedom from torture and from inhuman or degrading treatment or punishment), Article 6 (the right to a fair trial), Article 14 (the right to freedom from discrimination) and Article 2 of Protocol 1 to the Convention (the right to education).

Applicants assisted

Of the cases assisted during the year, four involved an alleged violation of the right to life under Article 2 of the Convention. One of these cases was a challenge against the refusal of the Secretary of State to grant the applicant protection under the Key Persons Protection Scheme and the refusal of the Police Service of Northern Ireland to provide the applicant with a copy of its assessment of the risk to the applicant's life. Another case involves a challenge to the non-availability of legal aid at inquest proceedings. In this case the applicant is challenging the decision of the Lord Chancellor to refuse to fund his legal representation at an inquest into his son's death. The third Article 2 case addressed the question of what duty the state is under to re-investigate a death when new information becomes available, despite the fact that an individual has already been tried and convicted for the killing. In this case an individual was convicted of murdering the applicant's husband and has since written a book making a number of allegations of state collusion in the death. The fourth case engaging Article 2 relates to a death in hospital. Here the applicant alleges that her husband died as a result of medical negligence and that this has not been effectively investigated.

In a further case assisted this year, concerning the scope of the right to a fair trial under Article 6 of the European Convention, the applicant is seeking to challenge the procedure by which a decision was made to refuse him protection under the Key Persons Protection Scheme and to withdraw his licence for a personal protection weapon.

Another assisted applicant is challenging, under Article 5 of the European Convention (the right to liberty), a decision of the Mental Health Review Tribunal to order his continued detention.

A further case involves alleged discrimination against an ex-prisoner in the field of employment. Here the applicant disclosed his previous convictions to his prospective employer, who then made him a job offer. However, when the employer later received the results of a police check on the employee, the offer of employment was withdrawn. A comparable case was awaiting consideration by the Commission at the end of the year.

On 31 March 2004 all the above cases were ongoing.

Continuing cases

A number of cases reported in the Commission's previous annual reports are ongoing or are awaiting judgment. Amongst these is a case assisted last year which involves the right to a fair hearing as well as the right to a private and family life: it concerns the procedures used by the tribunal which assesses whether a person's security vetting for sensitive jobs has been properly conducted. The case has not yet been listed for hearing, as the process of seeking discovery of documents is still ongoing.



Another case assisted last year involved the right to marry and found a family, where a couple was refused NHS-funded fertility treatment. The case did not proceed to hearing, having been withdrawn by the applicant.

The case where the Commission is funding the mother of one of the children attending Holy Cross Girls' Primary School in North Belfast in her application for judicial review of policing decisions concerning protests near the school was heard by Mr Justice Kerr (now Lord Chief Justice Kerr) in September 2003. As of 31 March 2004 the outcome of the case was still not known.



Lord Chief Justice Sir Brian Kerr.
Photo Lesley Doyle

Likewise, three inquest cases supported by the Commission since 1999 have still not reached a conclusion. This unsatisfactory position is as a result of the inquests having been adjourned pending the decisions by the House of Lords in the English cases of *Amin* and *Middleton* (see page 25 above). Even though the decisions in those cases are now known, at year's end the inquest cases did not appear to be moving forward. The

Commission will be vigorously pursuing the need for reforms to the inquest system during the next reporting year.

Watching briefs

Throughout 2003-2004 the Commission maintained a watching brief in 14 cases and at the end of the year assessments were pending in just one application for assistance. One case where the Commission maintains a watching brief relates to allegations of abuse at Cabin Hill Preparatory School in the years 1992-1993. In this case the Commission released a press statement in May 2003 calling on the Government to hold a statutory inquiry into the allegations. By 31 March 2004 the Government had agreed that there was a need for such an inquiry but had taken the unfortunate decision to delay the setting up of an inquiry pending the conclusion of the private civil proceedings taken by the family in question. The Commission has again argued against this further delay and will be pressing the Government to act more swiftly.

Cases in the Commission's own name

During the year the Commission began one case in its own name. We lodged proceedings against the Prison Service of Northern Ireland after it refused to give the Commission access to documents relating to the recent deaths of prisoners in custody. The Prison Service then agreed to supply the information sought and the proceedings were withdrawn on the understanding that they would be recommenced if the information required was not forthcoming.

By the year's end it was looking as if the Commission might need to take judicial review proceedings against the Northern



Ireland Office in respect of its refusal to permit the Commission to have access to Rathgael Juvenile Justice Centre to check upon conditions there. The Northern Ireland Office was arguing that such a visit would be disruptive, given that the Social Services Inspectorate is already due to visit the Centre in the autumn of 2004.

The Commission was also carefully considering the Employment Equality (Sexual Orientation) Regulations (NI) 2003 to judge whether they were fully compatible with the European Convention on Human Rights and existing EU law.

Interventions

During the year the Commission applied to intervene in seven cases, with permission being granted in all of them, including three cases before the House of Lords.

One of the cases where the Commission intervened (the *Scappaticci* case) involved putting an argument to the High Court that Article 2 of the European Convention on Human Rights obliges the Government to do all that it can to prevent the applicant's life from being avoidably put at risk. In this case the applicant was asking the Government to confirm that he was not a secret agent. However, the applicant was not successful and the Commission's intervention was in vain.

In July 2003 the Commission appeared as intervenor before the House of Lords in the case of *R (on the application of Imtiaz Amin) v Secretary of State for the Home Department*. The Commission set

out its views on the obligations imposed by Article 2 in the context of deaths of persons held in custody. The appellant was successful in arguing that the state had failed to comply with its duty under Article 2 to investigate the circumstances in which his nephew had been murdered by his cellmate at Feltham Young Offenders Institution. The Commission applied to intervene because it realised that whatever judgment was issued by the House of Lords would constitute a precedent for Northern Ireland as well as for England, Wales and Scotland.

Likewise the Commission succeeded in intervening in the House of Lords cases of *Middleton and McKerr* (see pages 25 and 25 above). We were pleased that the thrust of our argument was accepted in the former. This should lead to important reforms to the inquest system in Northern Ireland within the next year or so. We were disappointed that in *McKerr* their Lordships held that Article 2 requirements concerning the investigation of deaths do not need to be applied to deaths occurring before the Human Rights Act came into force on 2 October 2000.





Ellie Keen, Human Rights Education Association, UK who contributed to the Bill of Rights in Schools resource.
Photo Lesley Doyle

EDUCATION

In the period April 2003 to March 2004 the Commission's education work continued to focus on promoting an understanding of human rights and on keeping education law and practice under review. The work was overseen by the Commission's Education Committee, which was serviced by the Education Worker, Edel Teague.

Promoting an understanding of human rights

Since its inception in 1999 the Education Committee of the Commission has sought to ensure that human rights education is mainstreamed into the educational curricula of key groupings. In the first five years of the Commission's existence it has prioritised the education of school children and training within the police service. The Commission has also contributed to the educational programmes of public bodies and non-governmental organisations. In March 2004 the Commission commenced an independent review of the human rights education and training being provided in Northern Ireland. This review will help define the Commission's own role in this area as well as the work it does with others on human rights education and training.

Talks and presentations

Almost 80 presentations on human rights were delivered by representatives of the Commission at conferences and courses during the year. These were provided to a wide range of non-governmental organisations and statutory bodies.

Recruit Training Programme within the Police Service of Northern Ireland

In the period under review the Commission continued its work on evaluating the human rights components of the PSNI's Recruit Training Programme. Its work in this area is multi-layered in that it reviews curricula, observes training in action, works with the PSNI to secure action on its recommendations and contributes to public discussions on human rights training within the police. The PSNI has been very open to working with the Commission and has recently agreed that the Commission be allowed to evaluate



the human rights components of the third and final stage of the Recruit Training Programme. That will lead to a fifth report from the Commission on human rights training for the police, to be published later in 2004.

In 2003-2004 the Commission continued to raise awareness of the recommendations from its first report, *An Evaluation of Human Rights Training for Student Officers in the Police Service of Northern Ireland*. In September 2003 it hosted a seminar on the recommendations from this report. Both the PSNI and the Commission gave presentations at this seminar, which was attended by statutory bodies and NGOs with an interest in human rights training within police services.

In February 2004 the Commission produced a review of the recommendations from its first report on human rights training for new recruits in the PSNI, along with an evaluation of the second stage of the Recruit Training Programme: *Human Rights in Police Training, Report Three: Probationer Constables and Student Officers*. The PSNI has taken action on some of the recommendations contained in the Commission's previous report, such as reviewing and rewriting lessons. However there has been only limited action on others, such as the suggestion to increase the external input into human rights training and to provide this throughout the course rather than at the beginning only. In addition the Commission noted its concerns about the internal audit which was carried out on the course in question.

The Commission's evaluation of the second stage of the Recruit Training Programme sets out clear evidence of a continued and indeed accelerated

commitment on the part of the PSNI trainers to incorporate human rights issues into student officer and probationer constable training. But the information gathered during the compilation of this evaluation report indicates that, although significant progress has been made in enhancing the human rights content of the training, the PSNI is not yet providing enough human rights training. More needs to be done to integrate and enhance the human rights element of the training programmes.

Human rights training for serving officers

The Commission is also mindful of the need to promote human rights awareness in the training of serving police officers. This year, given available resources, the Commission has been able to conduct only two relevant activities in this regard. First, it sat as an observer on the PSNI'S Learning Advisory Council; second, it carried out a review of the *Course for All*.

The PSNI ran the *Course for All* in compliance with a recommendation in the 1999 Report of the Independent Commission on Policing for Northern Ireland (the Patten Report) that "*Every member of the police service should have, as soon as possible, a course on the impact on policing of the new constitutional arrangements for Northern Ireland...*" (Recommendation 141). The Human Rights Commission concluded that the course did fit with the Patten requirements, to a certain extent. However, the course did contain some weaknesses from a human rights perspective. It was the Commission's view that human rights should have been more central to the course, that the course materials also failed to address sectarianism and that the Police Service's Code of Ethics was not adequately addressed.



Human rights and the curriculum

The Commission continues to support the inclusion of human rights within the school curriculum at primary and post-primary level in Northern Ireland. The Commission's partnership with the Department of Education and the five Education and Library Boards, established to promote teaching of the proposed Bill of Rights in secondary schools, was completed during the year. Some 25 schools, 10 teachers and 11 educational advisers contributed to the piloting of the materials. The resulting resource for Key Stages 3 and 4 will be launched in September 2004. This partnership was fully funded by the Department of Education and is currently seeking funds to enable further vital work in the secondary school sector to progress.

The Human Rights and Education Forum, which met four times during the year, continues to be hosted by the Commission. It is now independently chaired by a Forum member. The Commission hosted its annual human rights and education seminar in September 2003. The seminar was addressed by Ms Felisa Tibbitts, Director of the international NGO Human Rights Associates, and was attended by a wide range of voluntary organisations, school principals and teachers.

Keeping education law and practice under review

The Commission, again through its Education Committee, has prioritised reviewing education law and practice in Northern Ireland with a view to determining whether international standards on human rights are being adhered to.

Selection at age 11

Since its inception in 1999 the Commission has been actively involved in the debate on selection at age 11. Prior to the suspension of the Northern Ireland Assembly in October 2002 the Commission met with the Minister for Education to discuss its own submission on the Review of Post-Primary Education and suggested that a human rights and equality adviser be appointed to any body which was established to take the issue forward.

Whilst this idea was well received, a human rights adviser was not appointed to the Post-Primary Review Working Group (the Costello Group) set up to take forward the *Review of Post-Primary Education* (the Burns Review). However the Commission did make a presentation on human rights to the group during its early days.

New legislation

There was no real progress during the year on the enactment of legislation dealing with special educational needs and disability. The draft Bill which was about to be considered by the Northern Ireland Assembly when that body was suspended in October 2002 is to be introduced later in 2004 as an Order in Council, but the Commission is not hopeful that the representations it and others made two years ago for the legislation to be amended will be heeded prior to the Order's introduction into Parliament. Orders in Council cannot be amended once they have been introduced into Parliament – Parliament can only accept or reject the draft Order in its entirety.



The Human Rights Act and school managers

In September 2003 two guides to the Human Rights Act 1998 were jointly published by the Commission and the Department of Education. Both contained examples of how the law works in practice and guidelines for good practice. Every teacher in Northern Ireland received a copy of the short introductory guide, whilst all school managers received a copy of the more detailed management guide. Subsequently the Commission visited a number of schools and management training sessions to present information contained in the guides.

The equality duty and educational bodies

The Human Rights and Education Forum has identified the need to measure the impact of section 75 of the Northern Ireland Act 1998 on schools and educational policies. It has considered a presentation which compared section 75 with a similar duty imposed by the Race Relations (Amendment) Act 2000. The Forum will continue to work on this issue in the forthcoming period.



Bill of Rights in Schools, Felisa Tibbitts, Human Rights Associates and Edel Teague, Education Worker.
Photo Lesley Doyle





President Gusmao of East Timor and Brice Dickson,
Chief Commissioner
Photo Kevin Cooper (Courtesy Amnesty International)

INVESTIGATIONS AND RESEARCH

Death investigation systems

In January 2004 the Commission began an investigation into the systems for investigating deaths in Northern Ireland. This work, although long planned by the Commission, is timely given that in 2003 several major reviews of death certification and investigation in England, Wales and Northern Ireland were published by the Government. These included The Report of a Fundamental Review of Death Certification in England, Wales and Northern Ireland. The Third Report of the Shipman Inquiry (Death Certification and the Investigation of Deaths by Coroners), Post Mortem Examinations: Good Practice in Consent and the Care of the Bereaved, The Coroners Service of Northern Ireland: Proposals for Administrative Redesign, and the Home Office's position paper on Reforming the Coroner and Death Certification Service. During 2003 there were also a number of critical court cases in this field, in some of which the Commission made interventions (see the section on Casework at page 39 above).

The Commission hopes that its forthcoming reports into the death investigation systems in Northern Ireland will make a significant contribution to the reform process in this area. The main report is due to be published in the summer of 2004 and a conference is being organised to provide an opportunity for those working in the field to meet and discuss the current situation and proposals for change. The reports will conclude that, whilst the Coroner's Service should remain in Northern Ireland, it requires radical alteration in terms of purpose, powers, remit and

processes in order to comply with the standards of the European Convention and other norms of international law. The reports will further conclude that those who are still awaiting an inquest into the death of a loved one who died before the coming into force of the Human Rights Act in October 2000 should be afforded a means of securing further information about the death, be it through the Coroner's Service or through some other form of inquiry.



The rights of older people

Following the recommendation made in the Commission's 2001 review, *Enhancing the Rights of Older People in Northern Ireland*, a partnership was established with Help the Aged and the Office of the First Minister and Deputy First Minister and research was commissioned into the rights of older people and health services in Northern Ireland. That work is now complete and a report is due to be published in the autumn of 2004.

The report concludes, based on some evidence of discrimination and of a failure to protect and promote the rights of older individuals within the health and social services sectors, that specific assessments of the needs of older users should be carried out along with a human rights review of the services provided.

The rights of trans people

During the year under review the Commission completed research on the rights of 'transsexual' or 'trans' people in Northern Ireland. While trans people living in Northern Ireland represent a relatively small part of the population, the report concludes that they are marginalised and that their situation is extremely precarious. The Commission therefore considers that their rights are deserving of special attention. The report comprises a review of law, policy and practice in this area and covers issues such as the right to a private and family life, the right to marry, the right of access to health care and the right to freedom from discrimination in employment. The relevant criminal law is also touched upon. Gaps in protection are identified and recommendations are made for improvements in these areas. The report will be published later in 2004.

Women in prison

In the summer of 2003, Commissioners paid a visit to the women's unit in Mourne House at Maghaberry Prison. They were able to meet with prison staff and women prisoners. Commissioners were seriously concerned about potential breaches of human rights in Mourne House arising from the unnecessarily high security status of the unit, the high ratio of male to female staff and the use of 23-hour lock-up in the punishment block. As a result of these concerns the Commission decided to carry out in-depth research into conditions for women prisoners in Mourne House, particularly focusing on the right to life (Article 2 of the ECHR) and the right to be free from torture and from inhuman or degrading treatment or punishment (Article 3 of the ECHR).

Professor Phil Scraton of the Queen's University of Belfast was selected through a tendering process to conduct this work along with Commission staff. Fieldwork was carried out in March 2004 and the researchers were delighted with the access they received to prison staff, other professionals working in the prison and women prisoners.

In January 2004 the Northern Ireland Prison Service launched a consultation on an Equality Impact Assessment of its proposal to move women from Mourne House to Hydebank, the site of the Young Offenders Centre outside Belfast. It later announced its intention to go ahead with this move. The proposed move naturally became an important focus of the Commission's more general research into conditions for women prisoners. The Commission made clear its deep concerns about the Prison Service's plans, believing that moving women from a unit in an adult male prison to a unit located in a male Young Offenders Centre would not resolve the serious problems faced by women prisoners.



Sadly, Roseanne Irvine, a 34-year-old mother, died in Mourne House on 3 March 2004 during the course of the Commission's fieldwork, apparently by suicide. She was the sixth prisoner to die in Northern Ireland's prisons within the past two years.

Children in custody

The Commission had planned to carry out an assessment of the rights of children in custody as a follow-up to its previous investigation of the treatment of children in juvenile justice centres (*In Our Care*, March 2002). The aim of this research would have been to monitor the extent to which the Commission's recommendations had been adopted. Dr Una Convery and Dr Ursula Kilkelly had been contracted to carry out the work along with Commission staff.

Unfortunately, the Northern Ireland Office blocked the Commission's access to Rathgael (the only remaining juvenile justice centre). We were not allowed to speak to either staff or children in the Centre. This meant that the research could not be carried out in any meaningful form. While the Commission has a power under the Northern Ireland Act 1998 to conduct investigations, it has no powers to compel the disclosure of documentation or compliance with any aspect of its investigations. At the year's end the Commission was beginning to consider whether to seek judicial review of the NIO's refusal to grant access to the Commission.

Race issues

Work on race issues has been a key priority for the Northern Ireland Human Rights Commission throughout the year under review. The Commission's Legislation and Policy staff worked extensively on such issues, co-operating

with relevant NGOs such as the Northern Ireland Council for Ethnic Minorities and the Refugee Action Group. This included providing a training session on international human rights treaties for the ethnic minority sector, and participation in conferences. There has also been liaison with the Equality Commission, and on North-South issues through a Migration Round Table and bilaterally with the Irish Human Rights Commission, the National Consultative Commission on Racism and Interculturalism and other bodies. Given the many demands in this area, an external researcher was contracted to work exclusively on race issues for a period of 40 days beginning in October 2003.

National Action Plan Against Racism

The Commission continued with its efforts to persuade the UK Government to press ahead with the production of a national action plan against racism (NAPAR), a matter to which the Government made repeated public commitments following the 2001 World Conference Against Racism in Durban. By the end of 2003 the Northern Ireland administration had made considerable progress, with input from this Commission and many others through the OFMDFM's Race Forum, in developing a regional Racial Equality Strategy (RES). This was envisaged as the main element of the region's contribution to a NAPAR. In December 2003 the Commission was represented at a major conference in Brussels on implementing the Durban Programme of Action and expressed concern at the lack of progress and the seeming failure of the Home Office to co-ordinate action with the Northern Ireland government departments. In early 2004 it emerged that the NAPAR process, which like the RES was posited on extensive consultation and collaboration between the Government



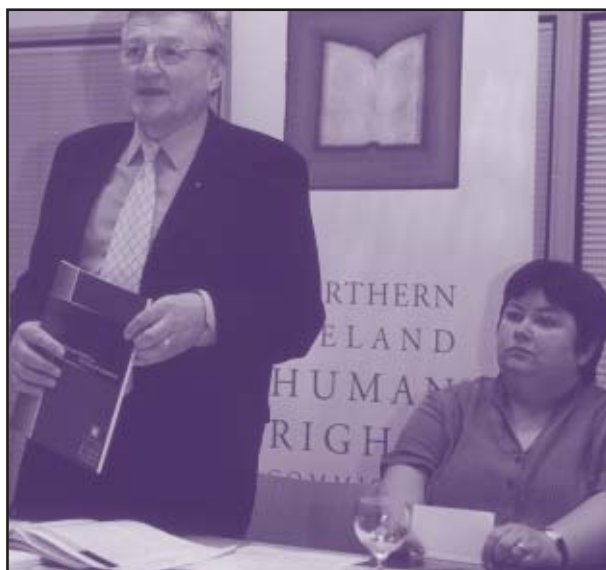
and the community and voluntary sector, had been abandoned in favour of a new Home Office 'Community Cohesion and Race Equality Strategy' covering some of the same ground. It appeared that the regional RES would go ahead, but at UK level would have to fit with this new model. Upon receiving this disappointing news the Commission wrote to the Government warning of the possible shortcomings of pursuing such a strategy instead of rather than in *addition* to a national action plan.

Non-citizens

The Commission also engaged in work around issues affecting non-citizens. In this area we have concentrated on two specific groups: asylum applicants and migrant workers. In December 2003, Commissioners and staff visited asylum and immigration applicants detained at HMP Maghaberry, and the Commission has repeatedly called on the Government to cease the policy of detaining asylum applicants alongside persons convicted of criminal offences. A response was also made to the Prison Service's consultation on the location of immigration detainees, with the Commission again stressing the incompatibility of the detention policy with international human rights standards on asylum applicants and refugees.

A piece of research was commissioned on "International Human Rights Standards and Undocumented Migrant Workers in Northern Ireland". A number of recommendations was made in that research paper which the Commission hopes to implement in the coming year. The Commission has also continued, through a number of forums, to press the UK Government to ratify the UN's International Convention on the Protection of the Rights of All Migrant Workers and Their Families.





Rev Harold Good OBE, Chair of the Committee for Victims and Mary Waldron, Researcher.
Photo Lesley Doyle

VICTIMS' RIGHTS

During the year the Commission transformed its Committee for Victims into a Victims' Rights Working Group to allow participation by a number of staff and, in the future, persons co-opted from outside the Commission. Responsibility for servicing the Working Group passed from the Commission's Development Worker, Miriam Titterton, to one of our Investigation Workers, Virginia McVea.

The main focus of the Commission's work on victims during the past year was the Commission's report entitled *Human Rights and Victims of Violence*, published in July 2003. This report provoked a good deal of interest, especially amongst victims' groups, and a meeting was held in September 2003 to discuss how best to take the work forward. In view of the fact that other organisations were already planning related conferences, the Commission decided to postpone its own event until specific questions relevant to the human rights of victims had been identified. Meanwhile victims' groups would continue to be invited to the Commission's more general events on a Bill of Rights.

Within the Commission a background paper was produced by Christoffer Badse, a member of staff on secondment from the Danish Institute for Human Rights,

on truth and reconciliation processes and human rights. The Commission foresees that there will be further discussions about such a process in Northern Ireland in the near future and wants to be in a position to contribute meaningfully to that debate from a human rights perspective. One of the chapters in *Human Rights and Victims of Violence* is devoted to an analysis of international human rights standards concerning victims and it is these which the Commission wishes to promote in this context in the months and years ahead.

In August 2003 representatives of the Commission met with the Chief Constable of the PSNI to discuss what is being done to deal with unsolved murders in Northern Ireland. As a consequence of that meeting the Commission prepared a draft paper on the relevant international standards in this field and sent it to the PSNI for consideration. At the year's end



the Commission was awaiting a further meeting with senior PSNI officers to discuss the workings of the PSNI's Serious Crime Review Team, which has been set up to look again at the files dealing with unsolved murders from the past.

The Chief Commissioner and the Rev Harold Good, chair of the Commission's Committee for Victims, had meetings with representatives of the Warrington Peace Centre during the year, one of these being at the Centre itself. The Commission has been conscious of the need to acknowledge that some of the victims of the conflict in Northern Ireland reside in other jurisdictions and we wanted to establish links with the Warrington Centre as a conduit to some of those victims. The Commission will henceforth include such victims' groups in Great Britain and in the Republic when consulting on how best to promote and protect the human rights of the victims of the conflict in Northern Ireland.

The Commission also met with the Omagh Support and Self-Help Group to explore ways in which the Commission might be able to help the victims of the 1998 Omagh bomb to achieve justice.

To mark International Women's Day on 8 March 2004 the Commission issued a press statement calling for greater resources to be devoted to the reduction of domestic violence in Northern Ireland. In the same month the Commission was represented at the PSNI's conference on supporting older persons who are, or may be, victims of crime.

During the year the Commission made responses to several consultation documents which were particularly relevant to victims' rights, including *Tackling Violence at Home* (issued by the Department of Health, Social Services and

Public Safety), *Policy on Self Harm and Suicide Prevention* (issued by the Prison Service) and *Proposal for a Draft Criminal Justice (NI) Order 2004* (issued by the NIO).

Research on the relationship between human rights and medical negligence was commissioned during the year and it is anticipated that a report will be published



Photo Lesley Doyle

by the Commission on this topic later in 2004.

One of the focal points of the Commission's work on victims in the forthcoming year will be the steps which the Government should take to prevent people becoming victims by putting in place effective community safety and criminal justice measures.





THE JOINT COMMITTEE

The Joint Committee is made up of all the Commissioners of both the Northern Ireland Human Rights Commission and the Irish Human Rights Commission. It met five times during the year, alternately in Dublin and Belfast, and has established two active sub-committees focusing on racism and a Charter of Rights for the island of Ireland.

This year saw a consolidation of the work of the Joint Committee on human rights issues of mutual concern on the island of Ireland. The establishment of the staff and premises for the Irish Human Rights Commission greatly facilitated the operation both of the Joint Committee and its sub-committees. Commissioners also reviewed the membership of the Joint Committee and concluded that it should remain, for the present, open to all members of both Commissions.

The main focus of work during the year was through the two sub-committees, on racism and on a Charter of Rights. In addition however, the Joint Committee was represented through Commissioners William Binchy (IHRC) and Kevin McLaughlin (NIHRC) at the United Nations Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities,

which met in June 2003 in New York. The two Commissioners presented a joint position paper and made a significant contribution to the successful campaign to have a place for a representative of national human rights institutions (NHRIs) on the Convention's drafting committee. The NHRIs are represented by Ms Charlotte McLain of the South African Human Rights Commission and both Commissioners, together with Professor Gerard Quinn of the Irish Human Rights Commission, have continued to contribute to the drafting process of this important Convention. They will pursue this further in the forthcoming year.

The Commissions also developed a joint database of international treaties affecting both jurisdictions. This database was amended and updated from the original work carried out by Professor Christine Bell and others, originally at Queen's University Belfast and subsequently at the



University of Ulster. This database will be accessible through the websites of each Commission.

In September 2003, Frank McGuinness and Patricia Kelly withdrew from the Joint Committee, in common with their position of having ceased to participate in NIHRC activities.

Minutes of the Joint Committee meetings are posted on the NIHRC and IHRC websites.

Racism Sub-Committee

The Racism Sub-Committee of the Joint Committee is convened by Michael Farrell of the IHRC and has been very active during the year. Particularly useful was the publication in September 2003 of *A User's Guide to the International Convention on the Elimination of Racial Discrimination*. This document was produced to coincide with the submission of the first periodic report on the Convention by the Irish Government and was a useful tool for organisations seeking to contribute to the examination process. The foreword was written by Morten Kjærum, Director of the Danish Institute for Human Rights, who is a member of the UN's Committee on the Elimination of Racial Discrimination.

The sub-committee continued to work on promoting the ratification of the UN's International Convention on the Protection of the Rights of All Migrant Workers and Their Families by both governments and to monitor the development of a National Action Plan Against Racism in both jurisdictions. The Irish NAPAR is, however, making considerably more progress than its equivalent for the UK (see page 46 and 47 above).

Charter Sub-Committee

This sub-committee was convened by Patricia Kelly until September 2003 after which, as a temporary measure, Nuala Kelly of the IHRC took the role of convenor. A pre-consultation paper on *A Charter of Rights for the Island of Ireland* was circulated for comment in May 2003 to a range of identified individuals and organisations. The pre-consultation document was also made available to anyone who requested a copy and the consultation period was later extended to 1 December 2003 to allow time for considered responses to be submitted.

The pre-consultation document outlined three potential models which could be followed as regards the content and effect of a Charter of Rights. The first is purely declaratory in nature, declaring what people's rights should be but not saying how those would be guaranteed. The second model is a Charter setting out a number of basic principles and requiring a programmatic approach to their implementation. The third option is a Charter which would mean that the specific rights identified in the Charter would be legally enforceable in both jurisdictions.

The sub-committee considered the 34 responses received on the pre-consultation document and agreed to establish a matrix of issues to be considered by the Joint Committee prior to moving to the next stage of consultation.

The Joint Committee noted with regret the resignations of Patrick Yu and Christopher McGimpsey, and the retirement of Harold Good and Frank McGuinness, from the NIHRC, and the resignation of Jane Liddy from the IHRC.





Ciarán Ó Maoláin, Research Worker; Lumluri Podrimaj and Thérèse Fitzgerald, NICEM, at a seminar on the UK's compliance with ICERD.
Photo Lesley Doyle

INTERNATIONAL WORK

Through the Chief Commissioner and staff, the Commission has maintained a high profile internationally. Addressing and attending conferences and seminars, contributing to workshops and engaging in debate with international experts have provided the Commission with a valuable perspective on its own work, as well as allowing it to share its experience with others. Through the British Council, the Council of Europe and the United Nations' networks of national human rights institutions, as well as other academic and NGO connections, the Commission has retained its focus on applying international human rights standards locally, and has had the opportunity to discuss how best this can be done with representatives from other like-minded organisations around the world.

While most of the Commission's work is directed at promoting compliance in Northern Ireland with those international human rights standards to which the United Kingdom has already subscribed, it also works to extend the range of such commitments. The Commission favours the signature and ratification of several existing treaties, for example the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which it studied carefully during the year under review. It also favours the development of new instruments, such as the proposed UN Convention on the Rights of Persons with Disabilities, and contributed to the unusually rapid development of that treaty in 2003-2004. One of the Commissioners, Kevin McLaughlin, attended a two-week session of the relevant UN committee in June 2003. The

Commission has also sought the withdrawal of most of the reservations, derogations and restrictive interpretations which the United Kingdom, more than most states, has applied to many of its treaty commitments.

The long-running Inter-Departmental Review of human rights treaty obligations failed to deliver its report during the year under review, although hopes of a positive outcome were raised by the UK's ratification late in 2003 of the Optional Protocol to the UN Convention Against Torture (CAT). This deals with the supervision of prisons and other places of detention.

Under the diffused system of responsibility for human rights treaty reporting, the CAT falls to the Lord Chancellor's Department, which during the year became the



Department for Constitutional Affairs (DCA). The Commission provided comments on a draft of the UK's periodic Report to the Committee Against Torture, causing the Report to be extensively amended. Comments were also provided on the UK's draft Report to the Committee for the Elimination of Discrimination Against Women (CEDAW).

The third major UN instrument on which we worked during the year under review was the International Convention on the Elimination of Racial Discrimination (ICERD). A shadow report was prepared in June 2003 for the UN Committee to consider alongside the official UK Report and NGO submissions, and a "Users' Guide" to ICERD was co-produced with the Irish Commission (see under "The Joint Committee", page 51). The Commission attended the UK examination or "dialogue" in August 2003, and a number of our concerns were reflected in the Committee's Concluding Observations. The Commission took part in meetings convened by the DCA Human Rights Forum around the UK's compliance with ICERD. The Commission has made a conscious effort to inform non-governmental organisations in Northern Ireland of the UN human rights treaty monitoring process and to encourage participation in that process. To this end the Commission used the opportunity of its six-monthly meetings with the black and minority ethnic sector to offer training on how it might engage in the treaty monitoring system and to inform the sector of the Concluding Observations of the Committee on the Elimination of Racial Discrimination.

The Commission received responses to inquiries it made to relevant Departments on progress towards addressing recommendations from the 2002 examination of the UK's record under the UN Convention on the Rights of the Child (CRC). The intention was to use the CRC to pilot a regional follow-up process. The very welcome establishment in October 2003 of the office of the Northern Ireland Commissioner for Children and Young

People (NICCY), and the subsequent indication that much of NICCY's work would be based around compliance with the CRC, may necessitate a change of approach. The Human Rights Commission will retain a close interest in the Convention and will continue to liaise with the children's sector.

The conclusions of another treaty body, the Committee on Economic, Social and Cultural Rights, were followed up by the Parliamentary Joint Committee on Human Rights, with the Commission contributing a lengthy submission. The Commission wishes to expand its work on "ESC" rights. In June the Commission participated in the launch conference in Thailand of ESCR-Net, an international network of NGOs and other human rights bodies working in this area.

The Commission was the only NHRI invited to participate, with representatives of States Parties, the treaty bodies, the UN administration and key international NGOs, in a brainstorming session on the reform of the UN human rights system. This took place in Liechtenstein in May 2003. Engagement with the Council of Europe included a presentation at an October training seminar on national human rights institutions, in Strasbourg.

The Commission notes with great sadness the murder of the UN High Commissioner for Human Rights, Mr Sergio Vieira de Mello, and several of his colleagues, in Iraq on 19 August 2003. Mr de Mello had addressed national human rights institutions at their meeting in Geneva on 14 April 2003 and was a great supporter of the contributions such institutions could make to the struggle to promote and protect human rights around the world. The Commission wrote to the United Nations to express its condolences on his death. We have since welcomed the appointment of Ms Louise Arbour as the new UN High Commissioner for Human Rights and we look forward to working with her in the future.





Nadia Downing, Information Worker.
Photo Lesley Doyle

INFORMATION

Publications

Between April 2003 and March 2004 nine publications were produced by the Commission itself and five were co-produced with the Department of Education, the Irish Human Rights Commission and the Joint Equality and Human Rights Forum. A full list of the year's publications can be found at Appendix 3.

The Commission itself

Following consultation, the Commission's *Strategic Plan for 2003-06* was adopted and published in May 2003. In July 2003 the *Annual Report 2003* (the Commission's fourth) was laid in Parliament by the Secretary of State. The parliamentary status of the annual report as either a Command Paper or a House of Commons paper has varied from year to year.

The Bill of Rights

The Commission was still receiving responses to its 2001 consultation document, *Making a Bill of Rights*, well into 2003. In order to provide broad feedback to respondents, a *Summary of Submissions on a Bill of Rights* was produced in August 2003. To supplement

the publication, many of the submissions themselves were made available for public access in the Commission's reference library as well as on its website.

A conference in February 2004 drew together international experts to share experiences of the protections afforded by Bills of Rights generally. The conference was attended by a range of representatives from political parties, voluntary and community groups and statutory bodies. A conference report is to be made available later in 2004.

Following detailed consideration of the responses to the consultation, and after listening to further views and debate, the Commission prepared an update on the progress towards a Bill of Rights for Northern Ireland and planned to publish this in April 2004.



Research

Five major research reports were launched during the year. The *Baton Rounds* report, which examined the human rights implications of the L21A1 baton round and alternatives proposed for use in Northern Ireland, was launched early in April 2003. In July 2003 the long-awaited report of the Commission's victims' rights project – *Human Rights and Victims of Violence* – was launched and widely distributed. The Commission was also delighted to be able to launch its research into issues affecting young lesbians, gay and bisexual people in health care and employment – *Learning to Grow Up* – during Pride Week in July 2003. The research conducted into mental health issues was published under the title of *Connecting Mental Health and Human Rights* in December 2003 and has proved to be a valuable contribution to this important area of health and well-being. In March 2004 the third report on human rights training in the Police Service of Northern Ireland was launched. This particular report evaluated the human rights training received by *Probationer Constables and Student Officers*. By the end of the year preparations were underway to publish a fourth report in this series – an evaluation of the PSNI's *Course for All*.

Joint productions

A publication called *Re-thinking Identity: The Challenge of Diversity*, to which the Commission contributed a chapter, was produced in June 2003 by the Joint Equality and Human Rights Forum (see page 19). The Forum's membership comprises statutory equality and human rights bodies in Northern Ireland, the Republic of Ireland and Great Britain. In May 2003, the Joint Committee of the Northern Ireland Commission and the

Human Rights Commission in the Republic of Ireland produced its pre-consultation document on *A Charter of Rights for the Island of Ireland*. Later in the year the Joint Committee also published *A User's Guide to the International Convention on the Elimination of Racial Discrimination* (ICERD).

The Department of Education and the Commission together produced two practical publications designed to help schools understand the implications of the Human Rights Act 1998. A short guide and a longer guide were published in October 2003 and circulated by the Department to schools across Northern Ireland. Copies are available on the websites of both organisations.

www.nihrc.org

The Commission's website received over 1.4 million hits during the year and visitor sessions exceeded 140,000 in the same period. Two major website developments were undertaken during 2003. The first of these changes saw almost 250 submissions to the consultation on *Making a Bill of Rights for Northern Ireland* scanned and added to an online database with search options. This was a particularly resource-intensive but valuable project which allows anyone to view the submissions via the internet. The database went online in August 2003 at the same time as the *Summary of Submissions on a Bill of Rights* was published.

The second change involved the website as a whole being completely overhauled with a new design and structure going live in December 2003. The new website offers much more information than before under two distinct headings called 'Your Rights' and 'Our Work'. There will be further development of these sections in



2004. Crucially, the new structure allows the site to be updated on a same-day basis by the Commission's Information Worker. By the end of March 2004 a facility was created to allow website visitors to register to receive website updates by email. Later in 2004 the Commission will enhance this feature by establishing a regular email bulletin of information about its activities. At the end of the year under review a postcard had been produced to promote the new website and looks set to become a popular addition to the Commission's general information resources.



Photo Lesley Doyle

Access to information

The Commission is very aware that producing publications and maintaining a website is only a part of the process of 'getting information out there'. All publications are publicised and distributed as widely as possible, given the present resources available to the Commission. With additional administrative support for the coming year, this is an area that the Commission intends to develop further during 2004. It is hoped also that the development of a Communications Strategy, underway in the last quarter of the reporting year, will assist in this regard.

The Commission exhibited at, or made material available to, more than 15 events including Pride Week, the NIACAB annual conference, Liberty's annual conference held in London, schools events in the Cookstown area, an international policing conference and events on victims' issues, disability, diversity, identity and freedom of speech. Resources were also made available in Geneva at the UN Commission on Human Rights and in Nigeria at a British Council workshop for national human rights institutions.

The Commission's publications and general information can be made available on request in formats such as audio cassette, large print, on disk and in languages other than English. A key aim in developing the new website has been to ensure ease of navigation and accessibility. The website has achieved Bobby AAA approval and complies with all priority 1, 2 and 3 guidelines of the W3C Web Content Accessibility Guidelines.

In the news

The Commission issued 31 press statements up to the end of March 2004, an increase of 11 on the previous year. While much media attention concerned the Commission as a body, the business of promoting human rights to the public through the press and media continued in important areas such as disability, domestic violence, racism, migrant workers' rights, asylum and immigration, deaths in custody and death investigations.

In marking International Human Rights Day on 10 December 2003, the Commission called on the UK Government to ratify international standards for the protection of economic and social rights, freedom of movement, the right of appeal



in criminal cases, equality and non-discrimination.

No fewer than 455 articles were recorded about the Commission, mainly from the Northern Ireland press. Over 40 interviews were provided to a wide range of print and broadcast media locally as well as key outlets across the UK, the Republic of Ireland, Italy, Brazil, America and New Zealand. The Commission took part in discussion broadcasts and documentaries such as UTV's *Sunday Issue* programme and the BBC programmes *Spotlight*, *Sunday Sequence*, *Talk Back*, *Hearts and Minds* and *Inside Politics*. Topics covered included policing, the right to political representation, education and disability, Commission resignations, public inquiries, truth and reconciliation, identity cards and child protection.

Nine articles written by Commissioners and staff were published in a variety of publications such as *Fortnight*, *Women's News*, *SCOPE*, *Equality News*, *New Directions for Youth Development* and *British Council News*. Contributions were also made to the UN's handbook on the promotion and protection of economic and social rights and the Chief Commissioner wrote a chapter for *Language and Law in Northern Ireland* published in January 2004 by the Queen's University of Belfast.

Opinion survey

During the last quarter of the reporting year, the Commission undertook its third public opinion survey. The survey was carried out by Market Research Northern Ireland and involved face to face interviews with a random sample of 1,000 people from across Northern Ireland and in accordance with the Commission's equality duties under section 75 of the Northern Ireland Act 1998. In advance of the full survey report being available early in the next financial year, the Commission was able to include in its update on a Bill of Rights a summary of the opinions expressed on aspects of a Bill of Rights. This summary has been reproduced at Appendix 4 of this report. The update itself was due to be published in April 2004.

Library

The Commission's library is open by appointment to anyone with an interest in human rights in Northern Ireland and further afield. Regrettably the Commission does not yet enjoy the level of staffing required to develop and promote the library effectively. Despite this situation, the library was used by visitors for study and reference and useful relationships have been developed with both the Bar Council library and the Law Centre's library.



FINANCIAL SUMMARY 2003-2004

	£
Income	
Grant in aid	1,319,000
Other income	1,000
Capital grant released	34,000
	1,354,000
Expenditure (paid and committed)	
Staff	609,400
Bill of Rights	40,700
Advertising and publicity	48,100
Research and education	13,900
Travel expenses	29,300
Telephone and stationery	33,000
Rent and insurance	116,300
Legal and accountancy	164,200
Investigations	44,400
Consultancy	31,200
Conferences and seminars	20,400
Joint Committee	3,900
Office costs	40,000
Depreciation	34,000
Other expenses	2,600
	1,231,400
Surplus in year	122,600
Increase/(decrease) in creditors	(37,300)
(Increase)/decrease in debtors	34,700
	120,000
Bank and petty cash balance	
At start of year	157,100
At end of year	277,100
	120,000

APPENDICES



APPENDIX 1

THE COMMISSION'S COMMITTEES 2003-2004

Patrick Yu and Christopher McGimpsey resigned from the Commission on 7 July 2003 and 3 November 2003 respectively. Patricia Kelly and Frank McGuinness "withdrew" from Commission activities on 8 and 11 September 2003 respectively. The terms of office of Harold Good and Frank McGuinness came to an end on 29 February 2004.

BILL OF RIGHTS COMMITTEE

Brice Dickson (Chair)
Tom Donnelly
Tom Hadden
Frank McGuinness

EQUALITY COMMITTEE

Patrick Yu (Chair)
Brice Dickson
Kevin McLaughlin

CASEWORK COMMITTEE

Brice Dickson (Chair)
Tom Donnelly (from 1 March 2004)
Christine Eames
Harold Good
Patricia Kelly
Frank McGuinness
Patrick Yu

FINANCE AND GENERAL PURPOSES COMMITTEE

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

COMMITTEE FOR VICTIMS

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

INVESTIGATIONS AND RESEARCH COMMITTEE

Tom Hadden (Chair)
Brice Dickson
Patricia Kelly
Patrick Yu

EDUCATION COMMITTEE

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

LEGISLATION AND POLICY COMMITTEE

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



APPENDIX 2

THE COMMISSION'S STAFF 2003-2004

Paddy Sloan	-	Chief Executive
Roisin Carlin	-	Administrative Officer
Lisa Gormley	-	Administrative Officer (until December 2003)
Lorraine Hamill	-	Administrative Officer
Bernadette McFadden	-	Administrative Officer
Rachael Webster	-	Receptionist (from July 2003)
Sandra Emery	-	Administrative Officer (temporary) (September 2003 to February 2004)
Ann Lane	-	Administrative Officer (temporary) (March 2004)
Victoria Orr	-	Receptionist (April 2003)
Sandra Rosbotham	-	Cleaner
Miriam Titterton	-	Development Worker
Angela Stevens	-	Case Worker (acting up)
Brian McLaughlin	-	Assistant Case Worker (temporary) (September 2003 to January 2004)
Cathy McGrann	-	Assistant Case Worker (temporary) (from March 2004)
Edel Teague	-	Education Worker
Nadia Downing	-	Information Worker
Dr Christine Loudes	-	Investigations Worker (job share) (until January 2004)
Dr Linda Moore	-	Investigations Worker (job share)
Virginia McVea	-	Investigations Worker (part-time)
Denise Magill	-	Research Worker (job-share)
Ciarán Ó Maoláin	-	Research Worker
Dr Nazia Latif	-	Research Worker (part-time locum) (until December 2003)

WORK PLACEMENTS AND INTERNS

Anil Shukra	-	University of Ulster (Indian Police Force) (March 2004)
Christoffer Badse	-	Danish Institute for Human Rights (February and March 2004)
Rachel Rebouché	-	Queen's University, Belfast
Amanda Wetzel	-	Queen's University, Belfast
Niaz Ali Shah	-	Queen's University, Belfast
Claire Martin	-	Queen's University, Belfast (October 2003)



APPENDIX 3

THE COMMISSION'S PUBLICATIONS, SUBMISSIONS AND PRESS RELEASES 2003-2004

Most of the Commission's submissions on legislation, policy and international human rights treaty issues are routinely published on its website, and hard copies are available on request. However some (those listed below followed by an asterisk) were made on a confidential basis, for example to help in policy formation or where the interests of individuals were concerned; other submissions were made orally, for example as evidence to Parliamentary inquiries. The asterisked items are not available from the Commission but are listed here as a matter of record. The titles of press releases are within single inverted commas.

April 2003

- Muslim students and student loan system: questions to DEL
- Follow-up to the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights: evidence to Parliamentary Joint Committee on Human Rights (JCHR)
- UK draft report under CEDAW*: initial comments to the Women and Equality Unit
- Health and safety in the Police Service*: inquiry to HSENI
- Regional Policy on Abuse of Vulnerable Adults*: advice to working group
- Race Directive Regulations: comments to the Office of the First Minister and Deputy First Minister (OFMDFM)
- 'Research finds new baton round more dangerous'
- 'Human Rights Commission submits report to UN'
- 'Human Rights Commission calls for publication of Stevens report'

May 2003

- Strategic Plan 2003-06
- A Charter of Rights for the Island of Ireland (pre-consultation)
- Future of Higher Education: response to White Paper
- Magistrates' Courts (Sex Offender Orders) (Amendment) Rules: follow-up
- 'Human Rights Commission calls for statutory inquiry at Cabin Hill School'
- 'Human Rights Commission issues new Strategic Plan'

June 2003

- Re-thinking Identity: The Challenge of Diversity (Joint Equality and Human Rights Forum)
- Joint NHRI position paper on UN Convention on Disability

July 2003

- Human Rights and Victims of Violence
- Annual Report 2003
- Learning to Grow Up: Multiple Identities of Young Lesbians, Gay Men and Bisexual People in Northern Ireland



- Summary of Submissions on a Bill of Rights
- Human rights & UK policy in multilateral financial institutions*: query to DCA
- Muslim students and loans: further follow-up with DEL
- Newry DC policy on flags and emblems*
- Programme for Monitoring Human Rights Act Compliance of PSNI*
- 'Human Rights Commission launches report on victims' rights'
- 'Commission welcomes prospect of UN Convention on disability'
- 'Statement on resignation of Commissioner, Patrick Yu'
- 'Human Rights Commission publishes Annual Report'
- 'Joint Committee on Human Rights reports on Northern Ireland Human Rights Commission'
- 'Statement on Report of Joint Committee on Human Rights'
- 'Human Rights Commission affirms its commitment to a strong Bill of Rights'
- 'Human Rights Commission issues report on multiple identities of young lesbians, gay men and bisexual people in Northern Ireland'
- 'Human Rights Commission visits Maghaberry Prison'

August 2003

- Bill of Rights for Northern Ireland: An Education Video (3rd ed)
- Extension of remit of Prisons Ombudsman*
- Guidance on deployment of water cannon: comments to Patten Action Team
- Race Equality Strategy: response to OFMDFM draft
- 'Human Rights Commission publishes views received on a Bill of Rights'

September 2003

- A User's Guide to the International Convention on the Elimination of Racial Discrimination (Joint Committee of NIHRC and IHRC)
- Ballymena Community Safety Strategy*
- Quigley Review of the Parades Commission: response to NIO
- Preliminary views on draft Strategy for Older People*: comments to PSI Working Group
- Review of safety at HMP Maghaberry*: oral evidence to Steele Review Team and paper to NIO
- 'New booklet on combating racial discrimination'

October 2003

- Action Plan 2003
- A Guide for School Management to the Human Rights Act 1998 (Dept of Education & NIHRC)
- A Short Guide to the Human Rights Act 1998 for Schools (Dept of Education & NIHRC)
- Reform of Law on Rehabilitation of Offenders: submission to NIO
- Women's Manifesto for Northern Ireland Assembly Elections: Commission endorsement of cross-party rights-based declaration
- Draft Gender Recognition Bill: evidence to JCHR
- Review of the Parades Commission: evidence to NI Affairs Committee
- CS Incapacitant Sprays*: comments to PSNI
- 'Human Rights Commission publishes Action Plan'



November 2003

- Ongoing Report of Activities
- New Legislative Proposals on Asylum Reform: response to Home Office
- Conduct Rules for Social Care Workers: response to NI Social Care Council
- Employment Equality (Sexual Orientation) Regulations (NI) 2003: letter to NIO on religious exemption
- Joint NGO/NHRI position on Optional Protocol to ICESCR
- Constitutional Reform: The Future of Queen's Counsel: response to Department for Constitutional Affairs (DCA) and NI Court Service
- Separation of paramilitary prisoners: evidence to NI Affairs Committee
- Constitutional Reform: A Supreme Court for the UK: response to DCA consultation
- 'Resignation of Dr Chris McGimpsey from the Human Rights Commission'
- 'Commission remains keen to discuss concerns'
- 'Human Rights Commission to visit asylum and immigration detainees at Maghaberry Prison'

December 2003

- Connecting Mental Health and Human Rights
- Alleged trafficking of women to Northern Ireland*: correspondence with NGO activists
- Inquiry into Deaths In Custody: evidence to Joint Committee on Human Rights
- Judicial appointments and a Supreme Court: evidence to Constitutional Affairs Committee
- Report on NI Assembly Election: submission to Electoral Commission
- Temporary provisions of the Police (NI) Act 2000: comments to NIO on 50:50 recruitment
- A Shared Future: submission to OFMDFM on community relations policy
- 'Human Rights Commission to apply international standards'
- 'Commission reports on mental health and human rights'

January 2004

- Ratification of UN Convention on Rights of Migrant Workers: submission to NHRIs
- Tackling Violence at Home: response to DHSSPS proposals
- Ratification of Optional Protocol to UN Convention Against Torture: comments to NIO
- Abandonment of National Action Plan Against Racism*: correspondence with Home Office
- Luce Review of Coroner Services: response to Home Office-commissioned inquiry
- 'Human Rights Commission calls on government to release Cory report'
- 'Racism on the agenda for equality and human rights bodies'

February 2004

- General leaflet (revised)
- Website postcard
- Anti-terrorism, Crime and Security Act*: briefing for House of Commons debate
- Proposed new counter-terrorism powers*: letter to Secretary of State
- Political Party Advertising: response to Electoral Commission consultation
- Inquiry into Parades Commission and 1998 Act: oral evidence to NI Affairs Committee



- 'Human Rights Commission learns from the experience of other countries' bills of rights'
- 'Chief Commissioner surveys the state of human rights in Northern Ireland'

March 2004

- Human Rights in Police Training, Report Three: Probationer Constables and Student Officers
- Policy on Self Harm and Suicide Prevention: response to Prison Service
- Hate crime element of Criminal Justice (NI) Order 2004: response to NIO
- Investigation of unresolved killings*: draft advice to PSNI
- Options for accommodation of immigration detainees: response to Prison Service
- Minimum Terms in Mandatory Life Sentence Cases: response to Prison Service
- Joint Committee on Human Rights Inquiry into NIHRC: updated response
- Civil Partnership: A Legal Status for Committed Same Sex Couples: submission to Office of Law Reform
- Human Rights and the Independent Monitoring Commission: preliminary guidance to IMC officials
- 'Human Rights Commission dismayed at further death in custody'
- 'Human Rights Commission calls for further resources to prevent violence against women'
- 'Human Rights Commission disappointed by decision of the House of Lords'
- 'Human Rights Commissions call for greater protection of migrant worker rights'
- 'Human Rights Commission evaluates PSNI's human rights training'

At print

- Progressing a Bill of Rights: An Update
- Human Rights in Police Training, Report Four: Course for All



APPENDIX 4

THE RESULTS OF AN OPINION SURVEY, FEBRUARY 2004

In February 2004 a random sample of 1,000 people in Northern Ireland aged 18 years and over was asked how important a Bill of Rights was to them and what some of the rights protected by a Bill of Rights for Northern Ireland should be. This was the third face-to-face survey commissioned by the Human Rights Commission to ascertain public opinion. The two previous surveys took place in 1999 and 2001.

The need for a Bill of Rights

The results of the 2004 opinion survey have continued to bear out the importance attached to a Bill of Rights for Northern Ireland which clearly emerged from the two earlier surveys. As Table 1 below indicates, almost 70% of those expressing an opinion said that a Bill of Rights reflecting the particular circumstances of Northern Ireland was either essential or desirable. Strong support for a Bill of Rights was indicated by both main communities (65% of Protestants and 73% of Catholics) and this too has been a consistent feature throughout all three surveys. Just 2% of those who were asked for an opinion in 2004 felt that the idea of a Bill of Rights was unacceptable.

Table 1: The need for a Bill of Rights

The Commission's proposals for a Bill of Rights must reflect the particular circumstances of Northern Ireland, including the principles of mutual respect for the identity and ethos of both communities and parity of esteem. Do you think that such a Bill of Rights is:

	Essential	Desirable	Acceptable	Tolerable	Unacceptable	Don't Know
Protestant	44%	21%	18%	4%	2%	10%
Catholic	59%	14%	10%	2%	2%	13%
All	50%	19%	15%	3%	2%	12%

Views on specific rights

The survey asked more detailed questions on a number of specific rights that could be protected by a Bill of Rights for Northern Ireland. The responses are contained in summary form in Table 2 below. As with the surveys of 1999 and 2001, marked support for social and economic rights has continued to be displayed in 2004. These rights include the right to a reliable health service, good education, social security, decent jobs and proper housing. Of all those questioned as many as 76% said that specific protections for social and economic rights were essential or desirable in a Bill of Rights for Northern Ireland. Support was stronger among Catholic respondents (83%) than among Protestant respondents (72%). Further, 79% of Catholics and 66% of Protestants wished to see a duty imposed on the Government and public bodies to guarantee social and economic rights.



73% of those questioned saw the inclusion in a Bill of Rights of pro-active measures to address inequality (79% of Catholics and 67% of Protestants) as essential or desirable. This indicates a 10% increase in support among Protestant respondents since 2001 while the support among Catholic respondents has neither increased or decreased.

A right for women to fair, full and equal participation in decision-making was seen as essential or desirable by 73% of all respondents (69% of Protestants and 80% of Catholics). These figures illustrate an increase in support from 2001.

Respondents were asked to say how important it was to create specific protections for the rights of two main communities in Northern Ireland. 71% (68% of Protestants and 74% of Catholics) viewed this as essential or desirable. When asked for their views on whether a Bill of Rights should protect the rights of other communities, 78% (equal numbers of Protestants and Catholics) replied in the affirmative. Finally, 61% of Catholics and 50% of Protestants viewed the right not to be treated as a member of a particular community as essential or desirable.

Table 2: Views on specific rights

How important do you think it would be for the Bill to include:	Essential or desirable			Unacceptable		
	Protestant	Catholic	All	Protestant	Catholic	All
Specific protections for the rights of the two main communities	68%	74%	71%	2%	3%	2%
A right not to be treated as a member of a particular community	50%	61%	56%	6%	5%	5%
Specific protections for economic and social rights	72%	83%	76%	2%	2%	2%
A duty on government and public bodies to guarantee economic and social rights	66%	79%	72%	3%	2%	2%
Proactive measures to address inequality	67%	79%	73%	2%	2%	2%
A right to communicate with public bodies through an interpreter to gain access to essential services	53%	72%	63%	6%	3%	5%



	Essential or desirable			Unacceptable		
	Protestant	Catholic	All	Protestant	Catholic	All
A right of elected representatives to fair, full and equal participation in governance of Northern Ireland	55%	70%	62%	5%	3%	4%
A right for women to fair, full and equal participation in decision-making and power	69%	80%	73%	2%	3%	2%
Continued application of the Bill if there were a united Ireland	59%	62%	61%	7%	10%	7%

How a Bill of Rights should work in practice

A new question was asked in the 2004 survey to ascertain views on how a Bill of Rights might be made to work in practice (i.e. enforced) in Northern Ireland. All those questioned were asked to provide views on three possible options – using the existing courts, using a new constitutional court or using a new human rights court. As can be seen from Table 3 below, opinion was fairly equally supportive of the options of using the existing courts (46% of all those questioned) and using a new human rights court (44%). Making a Bill of Rights work effectively in practice is a complex debate and the Commission will therefore continue to give careful consideration as to how best a Bill of Rights could be enforced.

Table 3: How a Bill of Rights should work in practice

Do you think a Bill of Rights should be enforced, that is, made to work in practice, through:

	The existing courts in Northern Ireland			A new Constitutional Court in Northern Ireland			A new Human Rights Court in Northern Ireland		
	Protestant	Catholic	All	Protestant	Catholic	All	Protestant	Catholic	All
Yes	49%	43%	46%	33%	31%	33%	39%	47%	44%
No	16%	27%	21%	28%	38%	31%	22%	27%	23%
Don't Know	35%	30%	33%	39%	31%	36%	39%	27%	34%



Advising government without agreement of political parties

The Commission was tasked by the Belfast (Good Friday) Agreement 1998 to provide advice to government on the scope for defining rights in a Bill of Rights for Northern Ireland. The Commission would prefer if the political parties in Northern Ireland could agree with its advice before it is handed to government. However, the Commission recognises that this may not be possible given the political uncertainties in Northern Ireland. Of all those questioned in the 2004 survey, the overwhelming majority of respondents (67%) thought that the Commission should provide advice to government even if the political parties have not been able to agree it (see Table 4, below). Stronger support for this view came from Catholics (73%) than from Protestants (63%).

Table 4: Advising government without agreement of political parties

The Northern Ireland Human Rights Commission must give its advice on a Bill of Rights for Northern Ireland to the UK government. Should the Commission give its advice even if the political parties in Northern Ireland have not all been able to agree it?

	Protestant	Catholic	All
Yes	63%	73%	67%
No	9%	9%	9%
Don't Know	28%	18%	25%

Source: NIHRC Opinion Survey, Market Research Northern Ireland, March 2004



APPENDIX 5

COMMISSION EVENTS RELATING TO THE BILL OF RIGHTS PROJECT 2003-2004

Conferences and seminars

April 2003	Event on Community and Identity Rights, Armagh City Hotel
June 2003	Conference on implementation of a Bill of Rights, Europa Hotel, Belfast
June 2003	Event on implementation for the legal sector, Hilton Hotel, Belfast
June 2003	Capacity-building event for the community and voluntary sector, with NICVA, Belfast
July 2003	Session on men's issues in a Bill of Rights, with Men to Men, Belfast
February 2004	Conference on "Protecting Human Rights through Bills of Rights: Learning from Experience", Europa Hotel, Belfast

Awareness-raising sessions and presentations

May 2003	East Belfast Concerned Women
May 2003	Training session with Corrymeela volunteers, Ballycastle
June 2003	Preparatory session on implementation, The Junction, Derry/Londonderry
June 2003	Talk to visiting US students, University of Ulster at Coleraine
January 2004	Presentation to NIC-ICTU's Women's Committee
February 2004	University of Ulster at Jordanstown, social work students
March 2004	Person-Centred Planning Group (young disabled men), Bangor

Other Commission events

May 2003	Presentation by Chief Justice of Canada Beverley McLachlin, Europa Hotel, Belfast
July 2003	Victims' Rights Research Report launch, Belfast
September 2003	Victims' Rights seminar, Belfast
September 2003	Seminar on proposed UN Disability Convention





NORTHERN
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