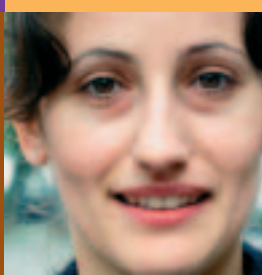




NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

# Annual Report and Financial Accounts

2005-2006







NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

## Annual Report and Financial Accounts 2005-2006

Annual report presented to Parliament  
by the Secretary of State for Northern Ireland  
in pursuance of paragraph 5(2) of Schedule 7  
of the Northern Ireland Act 1998 and Accounts  
presented to Parliament by the Secretary of State  
on behalf of the Comptroller and Auditor General  
in pursuance of paragraph 7(3)(b) of Schedule 7  
to the Northern Ireland Act 1998.

Ordered by the House of Commons  
to be printed 18 December 2006





## Annual Report and Financial Accounts 2005-2006

1 December 2006

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

Dear Secretary of State

I have pleasure in submitting to you, as required by paragraph 5(1) of Schedule 7 of the Northern Ireland Act 1998, the seventh Annual Report of the Northern Ireland Human Rights Commission. It shows how the Commission has performed its functions during the period 1 April 2005 to 31 March 2006.

The Annual Report includes the Commission's financial statements for the year ending 31 March 2006, which have been prepared in accordance with Paragraph 7 of Schedule 7 of the Northern Ireland Act 1998, and which were approved and certified by the Comptroller and Auditor General on 29 November 2006.

Yours sincerely

**Professor Monica McWilliams**  
**Chief Commissioner**



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## Chief Commissioner's foreword

I am delighted to present the seventh Annual Report of the Northern Ireland Human Rights Commission. During this reporting period, in September 2005, I took up office as Chief Commissioner and together with seven new colleagues, joined Christine Eames and Kevin McLaughlin on the Commission.

My first year has been a fascinating combination of sharing and learning. We all bring valuable experience and knowledge to the table and have learned much over the past seven months. Much time has been spent engaging people and, in taking forward our

work, seeking their support. This has involved a lot of listening and for this we are grateful to our colleagues in the NGO sector, to political parties and civic representatives and to professionals, those in the statutory sector and in other regulatory bodies. The Commission retains its focus on taking an independent position, based on internationally agreed human rights standards, when commenting on law, policy and practice.

Issues of major concern this year have included counter-terrorism measures; immigration procedures, including detention; the withdrawn Northern Ireland (Offences) Bill; conditions for women in prison; the operation of the Inquiries Act and of course, the preparation of advice to government on a Bill of Rights for Northern Ireland. High profile cases such as the 'Killyleagh wall' involving planning concerns and the availability of the breast cancer drug Herceptin engaged the Commission in popular issues. Unfortunately, not all rights protection is popular. In particular, we have had to challenge the common perception, reinforced by some public figures, that the protection of human rights in some way inhibits personal and national security.

Without human rights protections, security measures and safety initiatives cannot be effective. Respect for human rights and individual dignity can only make policing easier and improve community cohesion and good relations. It is positive to note that increasingly this attitude is apparent in our discussions with public sector bodies through human rights training and monitoring compliance with the Human Rights Act 1998.

The Bill of Rights was the focus for our annual conference at which we were privileged to be joined by Albie Sachs who, returning to Belfast after four years, was impressed by the progress we have made and provided the encouragement needed to move this long standing debate on to the next level. We have given a lot of attention to this process and, together with others in civil society including the Human Rights Consortium, we hope to have the active engagement of the political parties in developing our advice in the incoming year.

Internationally, this has been a period of making important new contacts and refreshing others. The Commission has strong relationships with other national human rights institutions around the world, with the Council of Europe and with the Office of the High Commissioner on Human Rights at the United Nations in Geneva. We were represented at the White House over St Patrick's Day and ran a busy schedule of meetings in Washington, as we did in London early in our tenure when we met with the Joint Parliamentary Committee on Human Rights and the Northern Ireland Select Committee, as well as senior representatives of the government and opposition at Westminster. An early meeting with the Secretary of State and meetings with the Minister of State, David Hanson, have helped establish important communication channels which I anticipate developing further.

After a busy six months with the Commission, a new Strategic Plan has been developed which gives a framework for our future development. While retaining a focus on the impact of legislation and policy in Northern Ireland, relationships with our sister body, the Irish Human Rights Commission and with the emerging Commission on Equality and Human Rights in Britain and the Scottish Human Rights Commission, will increasingly be a priority for us. We will also continue to work in the international arena through European and global networks of national human rights institutions. Building on these local and global contacts the Commission remains dedicated to taking forward our responsibilities in promoting and protecting human rights in Northern Ireland.

**Professor Monica McWilliams**  
**Chief Commissioner**



### Chief Executive's review

2005-06 has been an interesting and positive year for the Commission. The appointment in September of a new Chief Commissioner and seven new Commissioners involved considerable preparation and induction, resulting in a positive start to this next phase of the Commission's development.

An immediate priority for the new Commissioners was the preparation of, and consultation on, a new Strategic Plan for the period 2006-09. This will provide the framework for the annual Business Plans and set new targets and objectives for the next three years. A significant and valuable body of work produced over the previous six years has

established a series of policy objectives to see through and now new priorities have been identified which have further refined the focus of the Commission's attention. A dynamic and challenging plan is the result.

The external environment continues to provide challenges too. The absence of a devolved administration; the continued and disturbing erosion of civil liberties through increasingly restrictive counter-terrorism measures; the lack of progress in securing enhanced powers for the Commission, and the ongoing challenge of re-energising the debate on a Bill of Rights have required Commissioners to become familiar very quickly with a broad range of complex issues.

Staff and the continuing Commissioners, Christine Eames and Kevin McLaughlin, worked hard to ensure that the Commission fulfilled its commitments and met its objectives during the appointments hiatus from 1 March to 1 September and to prepare adequately for the new members. A staff residential held in August in Newcastle, County Down, helped with operational planning and two residentials with Commissioners forged good relationships and shared ideas. An enthusiastic, informed and friendly approach has characterised our new colleagues.

Relationships with the Commission's stakeholders have been prioritised during the year with the development of a communications strategy and a stakeholder management and public affairs focus. Relationships with other regulatory bodies continue to develop and mature as each establishes its own boundaries, avoiding duplication and reinforcing common positions where helpful. Memoranda of understanding are being developed with the new Prisoners' Ombudsman and we have met with the interim Victims' Commissioner. We continue to develop our relationship with the Children's Commissioner. Commissioners and staff register our great sadness, at a personal and professional level, at the death of Nigel Williams in March 2006. Nigel worked very hard throughout a difficult illness, to establish the NICCY office and to gain the trust of children and young people as well as policy makers, and his legacy benefits us all.

It is also important to record that it was during this reporting period, in September 2005, that former Commissioner, Tom Donnelly lost his long battle with illness. Tom died just as the 2005 Annual Report was going to print, and tribute was paid to him in that report. Again, we offer our sympathy to his family, as we do with Nigel's, and record our gratitude for both their contributions.

At the start of the year in April 2005, the Commission gave evidence to the United Nations Commission on Human Rights for the last time, prior to its reform to become known as the Human Rights Council, with amended rules of procedure. A feature of these amendments is that National Human Rights Institutions (NHRIs) now have access to all items on the Council's agenda, and are no longer tied to a single opportunity to address members. The Council will meet more often, but only fully accredited NHRIs will be afforded that option. Work to secure full accreditation has been a priority for the Commission. We also continue to contribute to, and monitor, the ongoing reforms at the United Nations including the establishment of the Human Rights Council of which the UK is a member, and reform of the treaty monitoring process. The creation of a European Fundamental Rights Agency has also been the subject of several submissions and much discussion during the year. The drafting of a UN Convention on the rights and dignity of persons with disabilities has had, for the first time in the development of an international instrument, the formal engagement of NHRIs.

The creation of a Commission for Equality and Human Rights (CEHR) in Britain and a Scottish Human Rights Commission (SHRC) will build on relationships already well established with the existing equality bodies in Great Britain and the human rights sector in Scotland. It is anticipated that the Commission will develop a close working relationship with colleagues in the new institutions, both on UK domestic legislation and policy, and in the international arena. To that end, staff and Commissioners have engaged with the CEHR transition team as they plan the new structures and have contributed actively to the ongoing debate on the final stages of the relevant Bill at the Scottish Parliament. Four meetings of the Joint Equality and Human Rights Forum involving, variously, Chief Executives, Chief Commissioners and staff, were held throughout Britain and Ireland during the year. This network has proved to be positive and supportive, and its future will be reviewed in light of the new bodies.

On the international front, the Commission continues to engage actively with the UN Office of the High Commissioner on Human Rights (OHCHR) on issues relating to NHRIs. Staff contributed to OHCHR workshops in Tajikistan and Uruguay and, throughout the year, participated in meetings, discussions and the preparation of joint positions with the European network of NHRIs on policy issues. We also welcomed the appointment of the new Commissioner for Human Rights at the Council of Europe, Thomas Hammarberg, and look forward to continued co-operation with his office. The Commission was represented at a conference on Economic and Social rights in Lisbon and has hosted several overseas delegations to Belfast. The Chief Commissioner and colleagues visited Washington DC over the St Patrick's Day period and attended the Congressional hearings on Northern Ireland. Staff in the Northern Ireland Office and the UK Representatives at the United Nations in Geneva, together with officials at the Department for

Constitutional Affairs, have been helpful. It is hoped that with new powers, the Commission will continue to develop its international contacts and profile, working co-operatively in this respect with colleagues in the equality and human rights institutions in Britain and Ireland.

**Paddy Sloan**  
**Chief Executive**

## Commissioners

The Commission met 11 times\* during the reporting period. The following served as Commissioners during 2005-06:



**Professor Monica McWilliams**  
appointed from 1 September 2005

### Meetings attended

7  
(out of 7)



**Mr Jonathan Bell**  
appointed from 1 September 2005

7  
(out of 7)



**Mr Tom Duncan**  
appointed from 1 September 2005

7  
(out of 7)



**Lady Christine Eames OBE**  
appointed from 1 December 2001

9  
(out of 11)



**Professor Colin Harvey**  
appointed from 1 September 2005

7  
(out of 7)



**Mr Alan Henry**  
appointed from 1 September 2005

## Meetings attended

6  
(out of 7)



**Ms Ann Hope**  
appointed from 1 September 2005

7  
(out of 7)



**Mr Kevin McLaughlin**  
appointed from 1 December 2001

8  
(out of 11)



**Mr Eamonn O'Neill**  
appointed from 1 September 2005

7  
(out of 7)



**Ms Geraldine Rice**  
appointed from 1 September 2005

5  
(out of 7)

\* With effect from February 2006, the frequency of formal Commission meetings changed to bi-monthly. In alternate months, the Commission convenes as a Policy Committee – attendance at these meetings is included here.

### Background

The Northern Ireland Human Rights Commission is a body set up by the Northern Ireland Act 1998 as a consequence of the Belfast (Good Friday) Agreement of 10 April 1998. It was formally established in March 1999. Although receiving its funding from the UK government, it is completely independent from that government, and from every other organisation. It is recognised by the UN as a National Human Rights Institution, although it has a sub-national jurisdiction and the current powers and status conferred on the Commission fall short of the standards set by the UN's Paris Principles governing such institutions, in respect of its powers of investigation.

The Commission submits an annual report to the Secretary of State for Northern Ireland, who in turn must lay this report before Parliament at Westminster. The Commission is not directly answerable to the Northern Ireland Assembly, but it seeks to maintain good relations with that body when in operation and also with Northern Ireland government departments. It also has agreed working relationships with other agencies involved in rights-based work, such as the Equality Commission and the Police Ombudsman.

In 2003, the Commission issued its Strategic Plan for the three-year period until March 2006. The Plan underpins the content of this report and the Commission's work from April 2005 to March 2006.

## Vision, mission, values

### Vision

Our vision is to help bring about a society in Northern Ireland where everyone is aware of their internationally recognised human rights and those of others and can enjoy those rights in a society which respects diversity and in which they can feel safe and valued.

### Mission

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 the 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.

### Equality Commitment

We are fundamentally committed to equality of opportunity in accordance with the Commission's Equality Scheme. We will therefore strive to promote equality of opportunity within the Commission as well as in the activities we conduct. We will strive to comply fully with our statutory obligations and we will liaise closely with the Equality Commission for Northern Ireland to ensure that the two institutions work effectively together.

### Values

The Commission is committed to working in accordance with the following key values:

#### Independence

The Commission is completely independent from any outside influence. We arrive at our conclusions after all the evidence has been fully considered.

#### Fairness

We provide a proper hearing to any person or group wanting to meet with us. We are objective when assessing evidence, and use internationally accepted rules and principles on human rights as our baseline at all times.

### **Openness**

We welcome visitors to the Commission's offices and undertake to meet individuals and groups at other premises if this is more convenient or suitable. The minutes of Commission meetings and all key documents are published on our website.

### **Accessibility**

The Commission works closely with members of the public. We ensure that all our public events are accessible and our publications are as easy to understand as possible and made available in other formats.

### **Accountability**

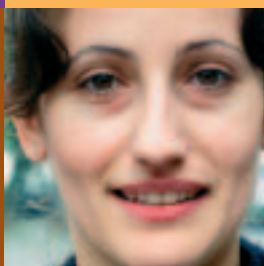
We produce an annual report after the end of each financial year. We are answerable to the Parliamentary Commissioner for Administration (the UK Ombudsman) and we will co-operate fully with any investigation that might arise. We maintain a Register of Commissioners' Interests which is available to anyone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

### **Participation**

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

# Meeting aims

The following report reflects the four core aims of the Commission, as described in the Strategic Plan 2003-06 and operationalised in the annual business plan 2005-06



## Aim 1: Delivering a Bill of Rights for Northern Ireland

The Belfast (Good Friday) Agreement and the Northern Ireland Act of 1998 require the Commission to consult and advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights. These additional rights are to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience.

The Commission launched its Bill of Rights project in March 2000. Having consulted widely on what proposals should be contained in the Bill, it has published two consultation documents and received advice from hundreds of local contributors, the Office of the High Commissioner for National Minorities, the Council of Europe and the United Nations, as well as senior judicial figures in Canada and South Africa.

The Commission is keen to encourage the public and all the political parties in Northern Ireland to reach consensus on what should be included in a Bill of Rights. The Northern Ireland Office has been involved in discussions with local political parties and non-governmental organisations (NGOs) on establishing a round table to facilitate progress. The Commission believes it is vital to build political consensus in favour of a comprehensive and inclusive Bill of Rights for Northern Ireland. In order to help achieve this, the Commission supports the establishment of a forum bringing together political parties and civic society. We hope that the Northern Ireland Office can make progress in setting up such a forum and the Commission urges local political leaders to support this important initiative.



On 7 and 8 December 2005, during Human Rights Week, the Commission held a successful Bill of Rights conference in Armagh, with a number of key note speakers such as Justice Albie Sachs from the South African Constitutional Court; leading academic, Colm O'Cinneide; and Maggie Beirne (on behalf of the Human Rights Consortium) presenting at the event. Representatives of the main political parties, local academics and NGOs also participated along with approximately 70 attendees.

A Bill of Rights residential conference was organised for Commissioners on 18 and 19 November, when they reviewed progress on the process to date. A working party charged with drafting guidance on the Bill of Rights project and a specific committee to consider wider strategic issues have been established by Commissioners.

Close liaison is maintained with the Human Rights Consortium and the Commission continues to meet with stakeholders to discuss progress on the proposed Bill. In addition, a working group with the Irish Human Rights Commission has continued to review the potential of establishing a Charter of Rights for the island of Ireland, through the work of the Joint Committee of Representatives of the two Commissions.

The highly regarded Bill of Rights in Schools (BORIS) manual was distributed to all post-primary schools in Northern Ireland and has proved to be a valuable resource to teachers and pupils alike. Consideration is being given to developing a revised version of this resource for use in the informal youth sector.

Commissioners are reviewing the strategy and substance of advice on a Bill of Rights and remain committed to working in partnership with stakeholders in delivering their mandate, as set out in the Agreement, during their term of office.

## Aim 2: Identifying and addressing human rights violations

### Casework

During the year under review, the main areas of the Commission's legal work included:

- Commencement of work on a new approach to the delivery of legal services.
- Assistance to a female prisoner to challenge the practice of strip-searching, after which the Prison Service announced a review of the practice affecting not just female prisoners, but all prisoners.
- Contributing to the induction training of Lay Magistrates.
- Intervening in a case before the House of Lords, involving Articles 5 and 6 of the European Convention on Human Rights (ECHR).
- Securing leave to intervene in a case set to challenge the compatibility of the Inquiries Act 2005 with the ECHR in respect of Article 2.
- Securing leave to intervene in a case set to challenge the lack of appropriate mental health treatment and personal support to individuals who suffer from personality disorders while in the custody of the state, in respect of Articles 2, 3 and 8 of the ECHR.

A remarkable feature of the year was a sharp increase in the number of new inquiries or complaints presented to the Commission. In past years, this had fluctuated at around four to five hundred. The total for 2005-06 reached 920, which may reflect the increased volume of media coverage attending the changes in Commission membership. As ever, a large proportion of the inquiries did not disclose litigable Human Rights Act 1998 points, but required some action by the Commission's legal staff by way of seeking further information from the relevant public authorities, referring complainants to other appropriate agencies, or assisting and encouraging the parties to reach a resolution.

To meet this increased demand for legal services, the Commission ensured that its legal team was working at its full complement of two casework staff (one full-time and two part-time posts). With the emphasis on informal means of resolution, once again, the number of cases brought to the Casework Committee as formal applications for legal assistance represented only a small proportion of the whole – just 20 cases, referred to below. (The Casework Committee is a standing sub-committee of Commissioners, meeting at least monthly.)

Having the full complement of casework staff also enabled work to commence on a new legal services strategy. The groundwork for this involved legal staff in developing a critique of how the casework function had evolved, largely led by demand, and examining 'best practice' models from other comparable institutions. The need to ensure efficient and equitable treatment of all persons contacting the Commission was agreed by the Casework Committee as the key consideration in implementing any alternative approach. To inform the discussions a review of the

practices took place of the Australian, Canadian and South African national human rights institutions. By year-end, the Casework Committee had agreed the broad outline of a legal services strategy that, following further consideration within the Commission, would enable consultation and engagement with our stakeholders in order to receive feedback and comment. It is hoped that the new legal services strategy will be agreed by the autumn of 2006.

### Assisted cases

In respect of legal assistance, this was the final year of the current Strategic Plan, which noted as priorities for the Commission, granting assistance to individuals on cases relating to four provisions of the ECHR. These were Articles 2 (right to life), 3 (freedom from inhuman and degrading treatment) and 6 (right to a fair trial), together with the education right found at Article 2 of the First Protocol to the ECHR. Of the 20 applications considered by the Committee, four were granted legal assistance this year.

The first of those cases was to assist the parents of a young man, who died suddenly while in the custody of the state, to be legally represented at the inquest of their son. This assistance was granted to address the Article 2 issues engaged in the case to be heard before the Coroner.

The second case was in respect of an application for judicial review. Here, the applicant's assertion that Articles 2 and 8 of the ECHR were at issue in the decision to grant planning permission for storage of an asbestos-containing waste dump close to her home. The judicial review was rejected by the High Court.

The third case raised a particularly important issue for the Commission in terms of access to justice under Article 6 of the ECHR. The applicant was seeking a Protective Costs Order from the Court so that if her case failed, the amount of costs she would be obliged to pay would be limited. At year-end, this application was listed in the Court of Appeal.

The fourth case assisted involved a point of principle in the exercise of discretion by the Secretary of State, and his reliance on intelligence information, in relation to firearms licensing. At year-end, this case remained to be listed before the Court of Appeal.



## Interventions

In addition to supporting cases, and bringing cases in its own name, either of which can carry considerable financial risks, the Commission is able to make third-party or *amicus curiae* interventions in proceedings, subject to the court's permission. This can be a cost-effective way of ensuring that human rights points are fully aired.

During the year, the Commission applied to intervene in three cases. The first of those cases was before the House of Lords in the case of *In re McClean (Original Respondent and Cross-appellant) (On Appeal from the Court of Appeal Northern Ireland) (Northern Ireland)* [2005] UKHL 46. The Commission submitted that Article 6 of the ECHR (the right to a fair hearing) applies where the Secretary of State makes a decision to revoke the licence of a prisoner released under that licence and, if so engaged, the "damaging information" procedure, provided for under Rule 22 of the Northern Ireland (Sentences) Act 1998 (Sentence Review Commissioners) Rules 1998, was in breach of the provisions of Article 6. In July 2005, their Lordships ruled that the procedure adopted under Rule 22 did not work unfairly against Mr McClean and that it was therefore unnecessary to express a concluded opinion on the applicability of Article 6.

In the second case where the Commission was granted leave to intervene, it expressed its concern at the lack of appropriate mental health and personal support to individuals who suffer from personality disorders while in the custody of the state, raising issues under Articles 2, 3 and 8 of the ECHR. This case is in progress in the High Court.

In the third case, leave was granted to intervene on 28 March and the Commission's submissions will challenge the compatibility of the Inquiries Act 2005 with the ECHR, in particular, Article 2 (the right to life). This case is in progress in the High Court. The Commission has repeatedly expressed concerns that the regime provided for public inquiries in the 2005 Act gives too wide a discretion to the executive in terms of the scope, composition, procedures and outcomes of an inquiry. The Commission believes that fully independent inquiries commanding public confidence are of particular importance in those Northern Ireland cases initially selected for Inquiries Act processes, all of which feature allegations of state collusion in murder.

## Casework figures

Casework Committee meetings	11
Emergency Casework Committee meetings	6
Applications considered	20
Cases granted assistance	4
New enquiries received	920
Number of interventions	3

## Casework testimonials

*"Without the invaluable involvement of the Commission my case would not have been fully recognised as an abuse of human rights. The contribution (of the Commission) secured the undivided attention of the media and all present at the PAC hearing, which helped enormously in securing a satisfactory result in my case. Thank you."*

**Helen Mageean, Killyleagh**

*"The Northern Ireland Human Rights Commission was useful as it informed me of up to date legislation. Its involvement meant my case was settled quite quickly and without needing further involvement."*

**Arthur Wray, Coleraine**

*"The Commission provided useful information and was supportive during a stressful and difficult time."*

**Anonymous, Hillsborough**

*"As a TG (member of the Transgender community), the Human Rights Commission helped me get an apology from [organisation]. I appreciated their help and input as I was getting nowhere with this on my own."*

**Jennifer Curley, Belfast**

## Outcome of cases reported in Annual Report 2004-05

Name and citation	Details of case	Outcome
<i>In the matter of P (a child) (Compatibility of the Adoption Order (Northern Ireland) 1987 with the European Convention on Human Rights and Fundamental Freedoms)</i> [2006] NIFam 5	A challenge to the compatibility of the Adoption (NI) Order 1987 with the ECHR.	Case dismissed. The Court deferred to the Executive to amend legislation in light of current social policy changes.
Unreported: Immigration Appeals Tribunal case	An appeal against the refusal of a residence permit for a Jamaican mother and child, the mother's same-sex partner being a British and Irish citizen. Refusal was on the basis that the partners could not satisfy the criteria of having lived together in a relationship 'akin to marriage' for a period of two years.	Appeal dismissed.
<i>In the matter of an Application by Robert McLoughlin for Judicial Review</i> [2005] NIQB 50	This involved an application for judicial review of a decision of the Fair Employment Tribunal not to disclose redacted material to the applicant in the case even though the Tribunal panel itself had sight of the material.	Case dismissed. Article 6 of the ECHR does not entitle an applicant to access to documents that are not relevant to the issues in the proceedings.
Unreported	The Commission granted assistance in this case to a parent so that she can be legally represented at the inquest into the death of her baby.	Hearing pending.

## Outcome of cases reported in Annual Report 2004-05

Name and citation	Details of case	Outcome
Unreported (a family law matter)	The Commission lodged written submissions to the Family Court in the context of an application for defined contact. The Commission set out principles to assist the court on the international human rights standards to be applied and set out European case law.	Written submission lodged to Court. Agreement reached between the parties.
<i>Stephen McClean -v- the Sentence Review Commissioners</i>	See above for further detail.	
<i>In the Matter of an Application for Judicial Review by 'TP' (a minor) by his Father and Next Friend</i> [2005] NIQB 64	The Commission's submissions addressed the compatibility of the Juvenile Justice Centre Rules (Northern Ireland) 1999 with the ECHR and their applicability in this case.	The High Court found that a breach of the Rules had occurred and the Centre's handling of the applicant's complaint was a disproportionate response for the purposes of the applicant's right to respect for private life under Article 8.

## Research and investigations

The Commission's investigations work continued to focus on issues prioritised in the Strategic Plan, relating to ECHR Article 2 (the right to life) and Article 3 (the right not to be subjected to torture or inhuman or degrading treatment or punishment). The work begun in 2004-05 in relation to migration and asylum was affected by staffing constraints, but some progress was made.

Key areas of work during the year included:

- Organisation of a major conference on women in prison in Northern Ireland.
- Support to the Commission's Working Group on Places of Detention.
- Research carried out and report completed into the care of children in the Juvenile Justice Centre.

- Completion of fieldwork on research into women detained in Hydebank Wood Prison.
- Publication of a report on the investigation of the use of lethal force.
- Work related to the investigation of deaths in the health care system.
- Preparation of rights-based guidance for migrant workers.

### Prisons and other places of detention

In October 2005, the Commission hosted an important conference, in the Waterfront Hall in Belfast, on women in prison. Speakers included Her Majesty's Chief Inspector of Prisons, Anne Owers; the Director General of the Prison Service, Robin Masefield; Emma Bradley of the Prison and Probation Ombudsman's office (England and Wales); Deborah Coles, co-director of the INQUEST (an NGO); and Professor Phil Scraton and the Commission's lead worker on places of detention, Dr Linda Moore, who were the joint authors of the Commission's 2004 report on women in prison, *The Hurt Inside*. A panel discussion included representatives from NIACRO, the Children's Law Centre, and the independent statutory inspectorate, the Criminal Justice Inspection Northern Ireland. Many of those present agreed that a key contribution was a presentation by a woman who had recently been released from prison and who spoke powerfully about her experiences.

Dr Moore spoke at a Business and Professional Women's event on women in prison, also in October. Along with Dr Una Convery, she conducted research with children and staff at the Juvenile Justice Centre for Northern Ireland, following up on the influential report, *In Our Care* (2002). This is to be published as *Still in Our Care* later in 2006.



With Professor Phil Scraton, Dr Moore conducted research on the women's regime in Hydebank Wood Prison. Interviews were carried out with female prisoners, prison staff and other professionals. This research is currently being written up and will be published later in 2006.

A 'Places of Detention Working Group' comprising Commissioners and staff was established to co-ordinate the organisation's work on prisons and other places of detention. The group has scheduled a series of visits to places of detention, and has already visited Magilligan Prison and arranged a visit to the immigration removal centre at Dungavel, in Scotland.

### Right to life

The Commission's work relating to investigating deaths in Northern Ireland remained a priority. In the spring of 2005, we were pleased to publish informative and well-received guides to Articles 2 and 3 of the ECHR (the right to life, and freedom from torture) drafted by human rights lawyer, Mark Kelly. In February 2006, the Commission also published a report by Paul Mageean and Fiona Doherty on the role of the inquest system in the investigation of lethal force in Northern Ireland. The report forms part of a series examining the implementation of Articles 2 and 3 of the ECHR. (The first in the series related to deaths in hospital).

Despite the work of the Fundamental Review and Shipman inquiry into coronial practice and procedures, no Coroners Bill has emerged. In Northern Ireland, all but one of the serving Coroners were replaced with the appointment of two new deputies and a move to new premises took place. Little else changed in the system, and the Commission continued to engage in discussion around modernisation of coronial processes.

The breadth of our work in this field proved invaluable in dialogue throughout the year with stakeholders in relation to 'dealing with the past' – a term used to describe the range of issues relating to truth recovery, inquiries, victims and other legacy of conflict issues – raising several concerns with the Commission. In particular, a number of cases were referred to the legal services department as families began to engage with the new PSNI Historic Enquiries Team.

Of course, Article 2 issues also arise outside the context of conflict. Work around death investigation had, in 2004, shown clear problems in relation to preventing, and learning from, deaths occurring within the health care system. The Commission developed work with stakeholders in Northern Ireland and proponents of best practice internationally. Late in 2005, our researcher, Virginia McVea, took up a longstanding invitation from the coroner in Melbourne to meet with his groundbreaking office and that of the Victorian Institute for Forensic Medicine. The opportunity was taken to meet numerous world leaders in patient safety who are based in Australia. As a result, two seminars were held in Belfast, the first on clinical governance with Professor Spigelman from Australia and the second with Professor Barach from the United States. The latter was held at Parliament Buildings with an invited audience representing all stakeholders. This seminar was the first of its kind in Northern Ireland and participants encouraged the Commission to continue this work, supporting efforts to organise a major conference and to

conduct further research. Towards year-end, the Commission began work internally on an integrated, cross-team strategy for addressing health issues.

As always, the Commission is deeply grateful for the participation of interested persons in investigations in these areas. These are sensitive and difficult issues, and the contributions received have proven to be invaluable.

### Migration, asylum and 'race' issues

In January 2006, Commission representatives visited immigration detainees, then held in a Prison Service facility in Crumlin Road. As noted above, at year-end, Commissioners and staff from the Places of Detention Working Group planned to visit the privately-run immigration removal centre at Dungavel, near Glasgow. This followed a change of policy by the Immigration and Nationality Directorate (IND) whereby people detained in Northern Ireland for immigration purposes are no longer held in the prison estate. With effect from early 2006, they are instead transported to Dungavel or to a holding centre in England, typically within 24 hours. The Commission was disappointed that this major change in policy occurred without any consultation with organisations working in this field.

While the Commission had long opposed the quite inappropriate use of prisons for immigration detention, particularly in relation to asylum applicants, it is now working to ensure that detention is used only where necessary, and that the new arrangements adequately respect the rights of detained persons. The Commission had already begun to investigate the use of immigration detention powers in Northern Ireland, with particular reference to the decision-making process and to asylum applicants. To that end, it submitted an extensive questionnaire to the IND, from which it received a response at the end of the year. Staffing constraints meant that the research lost some momentum after September, but we are grateful for the input on this and other topics by Ralph Roche and Ann Jemphrey, who were brought in to provide temporary support to this project.

During the year, the Commission worked with two NGOs (Law Centre (NI) and ANIMATE), with funding from OFMDFM, on the production of information resources for migrant workers in Northern Ireland, aimed at ensuring access to rights, entitlements and public services. Versions aimed at European Union accession state nationals and European Economic Area migrants were virtually completed by year-end, with the more complex issues for workers requiring permits to be addressed by a third version later in 2006.

In addition to work by Commission investigations staff, some immigration casework matters arose during the year, and the legislation and policy workers also dealt with a range of issues related to migration, racial equality and ethnic minorities. For convenience these are listed under this heading.

In November, the Commission submitted a response to the Home Office's Consultation Document, *Selective Admission: Making Migration Work for Britain*, taking the opportunity to call for a human rights-based approach to migration policy; in that context we reiterated our call for ratification of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (the Migrant Workers Convention).

Towards the end of the year, work began on a contribution to the Parliamentary Home Affairs Committee's Inquiry into Immigration Control. In relation to the rights of Travellers, the Commission pressed for progress on site provision, and opposed implementation of the legislation on 'unauthorised encampments', at least until adequate serviced sites and halting sites become available.

The year saw the launch of a Racial Equality Strategy for Northern Ireland, a cross-departmental initiative co-ordinated by the Office of the First Minister and Deputy First Minister (OFMDFM). The Commission had previously lobbied for a wider-ranging National Action Plan Against Racism, in line with commitments made by the UK after the Durban World Conference Against Racism (2001). With regard to Northern Ireland, however, the Commission welcomed this Strategy, and contributed to consultations during its development. We also contributed to the UN Office of the High Commissioner for Human Rights' report on the implementation of, and follow-up, to the Durban Declaration and Programme of Action.

The rise in recorded instances of racially motivated crime during the year was a matter of concern to the Commission, and was discussed on several occasions with relevant bodies. This phenomenon was also a matter of concern to the Irish Human Rights Commission and, in June, we made a presentation to a round table on hate crime held in Dublin. The Commission participated in the work of the Northern Ireland Racial Equality Forum (formerly the Race Forum), sponsored by OFMDFM, which brings together a range of statutory interests and NGOs. A meeting took place with representatives of the UN High Commission for Refugees, and there was close liaison with the Equality Commission, and on occasion with the Children's Commissioner, on Traveller accommodation and a range of other issues relating to racial equality.

The Commission also took part in a Migrant Workers Forum convened by the Law Centre (NI), and maintained contact with a variety of representative non-governmental organisations. Representations were made to education authorities regarding future arrangements for the delivery of English as an Additional Language (EAL) Service. In addition to work through the Joint Committee of the two Human Rights Commissions, North-South work on racism included participation in a seminar in Dublin on racist crimes, and liaison with the Synergy initiative of the National Consultative Council on Racism and Interculturalism.

### Responses to legislation and policy proposals

In addition to the 'race' matters referred to above, the Commission continued to provide consultation responses and make submissions on its own initiative on a range of policy issues and legislative proposals, and on the state's compliance with international human rights obligations in Northern Ireland. A list is provided at Appendix 3 and most of the submissions are available on the Commission's website.

Every year, the Commission assesses over 300 documents, calls for evidence and requests for comments against agreed criteria for response. These come from government departments, public bodies, regulatory bodies, international organisations and civil society organisations. Last year saw a streamlining of our activities in this area to allow more time to focus on follow-up and lobbying on issues of particular importance that come to our attention through work on legislation and policy.



The number of submissions therefore fell from 55 in 2004-05 to 43. It was decided that the structure of the Commission's meetings should also change to reflect this new approach: from April 2006, in every second month, the full membership of the Commission would meet as a Policy Committee to focus on policy discussions and submissions.

The monitoring of anti-terrorism legislation remained one of the central activities of our policy work throughout the year. The Commission provided comments on the Terrorism Bill 2005 to the Parliamentary Joint Committee on Human Rights and to the Northern Ireland Affairs Committee. We sought clarifications from the Secretary of State on the issue of so-called extraordinary rendition, following allegations that Northern Ireland airports may have been used by aircraft connected with the transfer of prisoners to countries where they could be subjected to torture or inhuman or degrading treatment.

The Commission also made a submission to, and arranged a meeting with, the inquiry by an Eminent Jurists Panel established by the International Commission of Jurists, describing the experience of anti-terrorism measures in Northern Ireland.

Measures introduced to deal with the legacy of conflict in Northern Ireland also required attention. The Commission provided comments to the consultation on *Services for Victims and Survivors of the Troubles and Establishment of a Commissioner for Victims and Survivors* in July 2005. In November and December 2005, we focused on analysing the human rights implications of the *Northern*

*Ireland (Offences) Bill*, which proposed a way forward of dealing with suspected offenders who were 'on the run'. Having commented on the serious shortcomings of the proposed legislation in relation to compliance with the international standards, the Commission was pleased that the Bill was withdrawn from Parliament and that issues it sought to address were to be reconsidered.

In the past year, the Commission also contributed to a consultation on government proposals for extending our powers. In particular, we held that the granting of power to enter places of detention, and the ability to require the production of information, would strengthen our mandate and provide new opportunities and methods for fulfilling our functions more effectively and in closer accordance with the Paris Principles.

### Aim 3: Promoting awareness and understanding of human rights

The Commission's work in this field has been productive in helping to promote a human rights culture in Northern Ireland. We continued to develop mainstream activities in education, development and information work and, in addition, initiated a number of new imaginative projects. An exciting arts competition was launched and a wide-ranging stakeholder management strategy introduced.

This promotional work has been enhanced by the development of a comprehensive public affairs strategy, led by a sub-committee of Commissioners, and the implementation of a communications strategy has resulted in an increase in positive media coverage of our agenda. An internal audit of communications was conducted in May 2005 and the Commission was able to fulfil a longstanding objective in launching its own magazine, *NIHRC Review*, in the spring of 2006.

#### Media

This year we secured more in-depth media coverage of our work by linking the press strategy to our policy initiatives, investigations and campaigns, therefore allowing the Commission to raise awareness of human rights issues more effectively. For example, we were able to elicit positive coverage of a Human Rights Week campaign in December 2005 and, with the appointment of the new Chief Commissioner, we secured widespread coverage in international publications such as *Newsweek* magazine, as well as national broadcasters and print media including the BBC, UTV, RTE, *The Guardian*, *Observer*, *Irish Times* and *Sunday Times*.

Our relationship with the local media deepened with key meetings taking place with editors, programme makers and journalists specialising in human rights. A new media monitoring facility was developed and internally, revised media management protocols were agreed. A daily media digest is circulated to Commissioners and staff.

In this reporting period, 37 press releases were prepared on a range of issues and the Commission's work was covered in 304 newspaper articles. The Commission also fielded numerous requests for briefings and comments from journalists. A selection of this work is summarised below.

- A judicial review, of April 2005, regarding the lack of in-cell sanitation and use of strip-search procedures at the Women's Unit, in Hydebank Wood was covered by, among others, Downtown Radio, *Daily View*, and the *Belfast Telegraph*.
- On World Press Freedom Day, 3 May 2005, the Commission contributed information about its work to the United Nations Office of the High Commissioner for Human Rights (OHCHR) for inclusion in a set of 10 examples of national institutions in action circulated worldwide. The examples were published as one of ten stories on the UN website and the work was subsequently profiled in an e-bulletin released in June 2005 by the OHCHR.

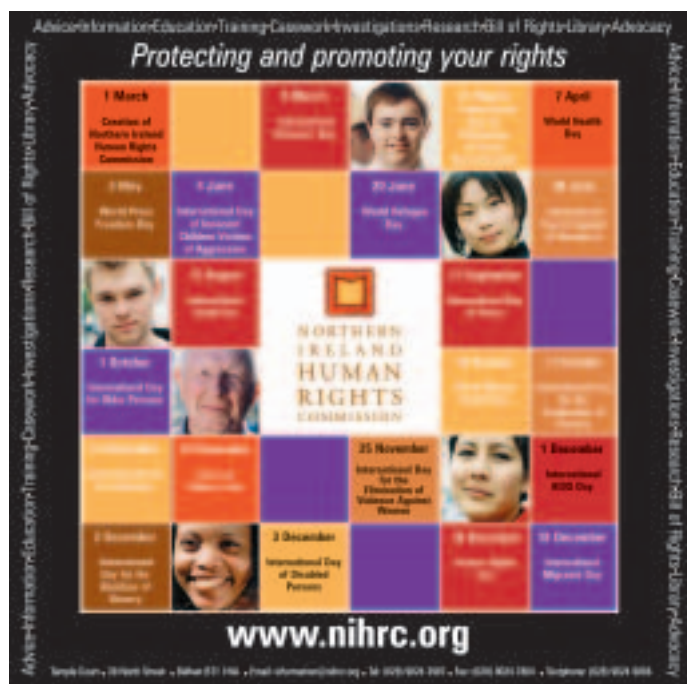
- The Prisons Inspectorate issued its Report of Inspection of Ash House, Hydebank Wood in May 2005. The Commission made public its support of the recommendation that a separate prison should be provided for women and received coverage through BBC Radio Ulster's Evening Extra programme, *News Letter*, *Daily Ireland*, *Irish News*, *Belfast Telegraph*, BBC News online, and the *Scotsman* online.
- On 16 June, the appointment of new Commissioners was welcomed, receiving extensive coverage through BBC Newsline, UTV Live, Downtown Radio/Cool FM, City Beat, RTE, BBC Radio Ulster's Talkback and Evening Extra, BBC 10 o'clock News, ITV 10 o'clock News, *Sunday People*, *Observer*, and SKY News.
- The Commission's Women in Prison conference, on 10 October also received extensive coverage on Good Morning Ulster, Downtown Radio, Q102 radio, UTV Live, *Daily Mirror*, *Belfast Telegraph*, *Daily Ireland*, BBC news online and *Village* magazine.
- The cross-border human rights education conference of 19 October, jointly organised with Amnesty International and the Irish Human Rights Commission, was covered by Q102, *Daily Ireland*, *Irish News*, and the *News Letter*.
- The Chief Commissioner took part in the Stephen Nolan Show on 19 October regarding the denial of the cancer treatment, Herceptin, in treating early stage breast cancer.
- The Commission's position on protection from tobacco smoke during the debate on a smoking ban was publicised on 12 October by the Health Promotion Agency and received coverage in the *Belfast Telegraph*, *News Letter*, *Daily Mirror*, *Andersonstown News*, *Sunday Times*, BBC News online and Highland Radio.
- The Commission's welcome for the government announcement of consultation on the Commission's powers on 16 November was covered by BBC News online, *The Sun*, *Irish News*, *Daily Ireland* and *News Letter*.
- The policy position on the Northern Ireland (Offences) Bill ('On the Runs') of 16 December was covered by BBC TV morning news, UTV Live, Talk Back, Q102, Radio Ulster news bulletins, Downtown Radio, *News Letter*, *Irish News*, *The Sun*, *Sunday Life* and *Sunday Times*.

## Publications

During the year, 21 items – publications, resource materials, promotional items and new stationery – were produced. A list of publications and resources can be found at Appendix 4 of this report. Over 200 requests were received for some 2,500 publications and a further 3,000 were made available at a variety of conferences and events.

Following a tender process, the design company, CDS, was appointed to design, produce and print-manage a range of corporate and other publications for the next three years. These included promotional and display materials and a Human Rights Day poster which was very well received, as well as core organisational publications like the Annual Report and the forthcoming Strategic Plan. A creative and consistent 'design look' for the Commission's printed materials has been achieved which has helped promote the profile of the Commission.

Two guides, providing information on Articles 2 and 3 of the ECHR, written by Mark Kelly, were distributed widely. These were extremely well received and as a consequence of placing articles in various newsletters and local and international interest, a reprint of 1,000 copies of each guide was commissioned during the year. The National Institutions Unit at the UN's Office of the High Commission for Human Rights requested permission to include the right to life guide in a CD-Rom of distance learning resources on torture prevention.



The revised research into the treatment of women in prison, *The Hurt Inside*, was published in July 2005 and 1,000 copies of the report circulated to relevant contacts. The report was formally launched at the very successful Women in Prison conference held on 12 October 2005.

Commission posters and Human Rights Day materials were circulated to 1,300 primary and post-primary schools in Northern Ireland during November 2005. This mailing included an invitation to the seminar on teaching human rights which took place on the evening of 6 December as part of Human Rights Week. We were delighted that many schools took this opportunity to celebrate International Human Rights Day on 10 December.

The first issue of the Commission's magazine, NIHRC Review, was produced in February 2005 and circulated to 1,500 contacts. The 16-page magazine focussed on the theme of death investigations, with key note contributions from Dame Janet Smith, former Chair of the Shipman Inquiry; local Coroner, John Leckey; and Tom Luce, former Chair of the Fundamental Review of Death Certification and Investigation in England, Wales and Northern Ireland. Feedback on the publication has been very positive and we hope to produce three issues a year.

The Annual Report and Financial Accounts 2004-05 were published as one document for the first time by The Stationery Office and laid in Parliament by the Secretary of State in December 2005. Distribution of the main report was usefully supplemented with an electronic version on mini-CD.

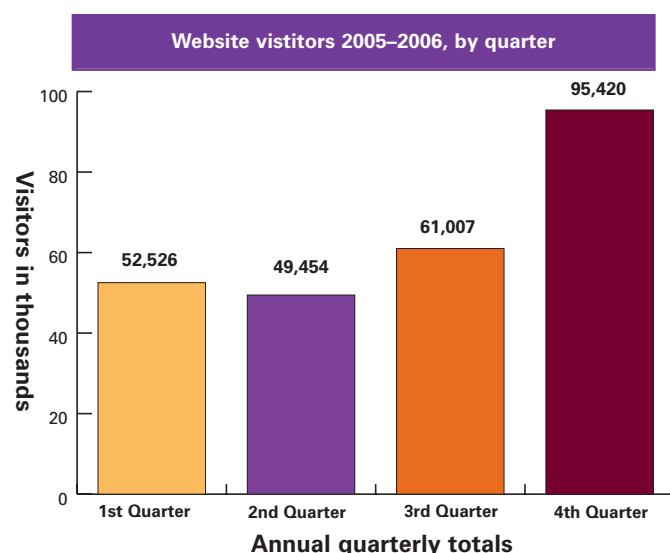
The Commission's research report, *Investigating Lethal Force Deaths in Northern Ireland*, authored by Fiona Doherty and Paul Mageean, was published in March 2006 and circulated to relevant contacts.

The text for a series of guides on the rights of migrant workers, a joint production between the Commission, the Law Centre NI, and ANIMATE, was initiated during the reporting period. In conjunction with the main funder, OFMDFM, it is hoped to launch these in the winter of 2006.

A comprehensive style guide was prepared for staff during the year in association with guidelines on the use of the Commission's logo and branding. As a publisher in its own right, the Commission is obliged to ensure that it meets the requirements of legal deposit. All deposits with the designated libraries in the UK and Ireland were brought up to date during the year.

## Website

The Commission's website [www.nihrc.org](http://www.nihrc.org) has continued to attract new visitors and provide a useful resource for researchers and the public. Quarterly statistics (April 2005 to March 2006) are presented below.



Visitor sessions rose steadily during most of the year to over a quarter of a million, with an increase of 43 per cent on last year's figures. The number of enquiries generated by the website and on-line subscribers also increased.

As a result of a tender process, a three-year contract was awarded to the partnership, Mentec/Net-finity, for the redesign and maintenance of the website. Work on this project is progressing and the company is putting the final touches to a bespoke content management system which has taken time to create, test and revise. The existing website has continued to be updated in parallel with the redesign project.

## Library

A project to catalogue the contents of the reference library on the Heritage Library Management System began in July 2005. The project made good progress and by year-end, more than 1,500 items (of an estimated 3,000) had been catalogued. The Commission is grateful to Mary Blair for her cataloguing expertise and commitment to the project.

External library access and support were provided to a number of researchers during the year. A new layout of the library was introduced to incorporate additional shelving purchased during the year to accommodate a growing stock of human rights reference materials.

### Stakeholder management

As part of its public affairs strategy, the Commission has reviewed the way it engages with its wide range of stakeholders. Stakeholder management is becoming recognised as an indispensable activity for public bodies. There are four main reasons for this:

- The range and numbers of stakeholders are often very large and no longer lend themselves to the informal arrangements which used to prevail.
- The worldwide trend towards greater transparency means that stakeholder relationships have to be managed carefully.
- Some stakeholders will have different expectations from others, and these have to be fully understood and sensitively managed.
- All public bodies, such as the Commission, consult extensively, but a failure to identify all those with a legitimate interest could undermine a body's proposals or even expose it to legal challenge.
- The external stakeholder perspective is often very different from internal views.

It was decided that there was a need to improve stakeholder relations as this affects virtually all aspects of staff and Commissioners' public affairs and public relations activities. It was felt that the Commission required agreed structures, policies and processes for all stakeholder engagement in order to continue fruitful working relationships already enjoyed with many organisations, and to anticipate internal and external pressures likely to affect the Commission.

In September 2005, the Commission engaged consultants to conduct a stakeholder management review. The exercise had three objectives, namely: to identify all stakeholders, manage stakeholder relations and, specifically, develop best practice and robust policies for engaging with key stakeholders. As a result of this review, the Commission has been able to:

- Adopt a structured approach to its stakeholder base.
- Conduct an outline interface analysis.
- Identify the key stakeholders and targeted audiences involved in the work of the Commission.
- Develop and implement information and communication technology tools to support the stakeholder management strategy.
- Integrate stakeholder management with the implementation of meaningful consultation and proactive Public Affairs and Public Relations strategies.
- Support key staff in the development and implementation of new best practice stakeholder management principles.

During the year, over 600 email contacts were added to the Commission's main database. Most of these were obtained through circulation of a short form with the mailing of the Annual Report last year. We are grateful to all those who took the time to respond to this request. The distribution of a regular electronic bulletin has helped to cement stakeholder relationships, supplemented by an intensive round of meetings and training events organised by the Commission with key partner organisations.

### Development and outreach

The Commission has engaged with a wide range of individuals and agencies as part of its capacity building and development work. During the year, staff delivered training events on aspects of human rights law and practice for the following organisations:

- Belfast City Council
- Northern Ireland Housing Executive
- District Policing Partnerships
- Local Government Staff Commission
- Mental Health Alliance
- Down and Lisburn Trust
- Student groups at the Belfast Institute of Further and Higher Education, Queens University Belfast, St Mary's University College and the University of Ulster.

The Commission, as part of its outreach work, met with a large number of individuals and agencies, including, among others:

- Chinese Welfare Association
- Omagh and Lisburn Councils
- Deaf Association (Northern Ireland)
- MENCAP
- Carers (NI)
- NIC-ICTU
- ATGWU Retired Members Association
- Help the Aged
- Portadown Deaf Club
- Parenting Forum
- CoSO
- Human Rights Consortium
- NICEM
- NIGALA
- RNID.

Staff worked with OFMDFM on a guide to the Human Rights Act for public authorities in Northern Ireland due to be published in 2006 and a number of briefings were prepared, including advice for NUS-USI (the Students' Union umbrella body), in regard to human rights and disciplinary matters.

Presentations were also delivered to visiting international delegations such as the Abraham fund and women leaders and lawyers from Iraq.



## Screensaving our rights

A new arts project was developed as part of the Commission's development work with students and young people. In conjunction with the Arts Council for Northern Ireland, the Community Foundation (NI), and the University of Ulster, the Commission launched an exciting new media competition on the theme of human rights. This annual competition is designed to showcase the skills of student computer artists and to enhance public awareness of local human rights issues by producing creative visual images in the form of a screensaver. A training event for students to help develop their understanding of human rights issues was delivered by the Commission.

An exhibition showcasing the results of the competition was held in our training room during 29 March to 1 April. The quality of the winning entries was extremely high. At a reception organised on 30 March, an award of £1,000 was made to the winner, Matt Evans, with £500 and £250 provided to Alison Parks and Bradley Wright, respectively.

A selection of the visuals was projected on gable walls in the adjoining Writers Square during the reception. The selected screensavers are available for download by members of the public from the Commission's website. For his entry, Matt was subsequently awarded the Walker Communications prize in the final student show organised by the University of Ulster and his work was purchased by the university for its permanent collection.

## Human rights academic centres

The Commission has been working to develop the relationships with academic groups at the two main universities and has initiated the following arrangements, for a proposed three-year period, with the Human Rights Centre at Queen's University and the Transitional Justice Institute at the University of Ulster:

### Interns

We have arranged with both institutions to host one intern from each LLM Human Rights course per semester (with international students recruited directly by the Commission during the summer period). Carol Staunton from Queen's (from February 2006) and Donna Vincent from the University of Ulster (due to start from April 2006) were selected to take up these opportunities. We are grateful for Carol's contribution to our work during her internship.

### Student visits to our office

The Commission hosted a number of visits from students and faculty staff from local and North American colleges during the year in order to introduce our library resource and inform them of our work

### Dissertation awards

The Commission again awarded the annual human rights prize for the best human rights essay in the law faculty at Queen's University, which was won this year by Emma Louise Logue. Additional new awards of £500 have been agreed with Queen's and the University of Ulster for the best dissertation submitted by postgraduate students on LLM Human Rights courses. Winners will present their work at a Commission event and the dissertations will be published on the Commission's website.

## Education

In June 2005, the Commission published, on its website, a review of human rights education and training (HRET), prepared by the UNESCO Centre at the University of Ulster. The report focused on two main aspects of interest, the mapping of existing education and training provision in Northern Ireland as well as perceived needs and barriers, and the identification of educational policy and practice as reported and implemented by institutions comparable with the Commission.

A majority of educationalists surveyed in the report believed that there is a need for more human rights education and training in Northern Ireland and almost as many indicated that this provision should have values and awareness-raising as a main goal. Participants offered many suggestions for the role of the Commission in relation to human rights education and training. All of these were predicated on the perceived pivotal role of the Commission and need for it to continue to develop collaborative partnerships in order to improve HRET.

It is recommended in the report that the Commission should take a leading role in building up Northern Ireland's teaching expertise in the area of HRET, including

training for trainers and also quality assurance of practitioners, for example by developing a register of trainers, which could be made available to the public. It was argued that the Commission is ideally placed to take primary responsibility for promoting human rights awareness at the local and national level. Many of the recommendations in the report have already been implemented by the Commission and have been used to inform the future development of its HRET work.

Six meetings of the Human Rights Education Forum, which includes representatives from a range of statutory and voluntary education organisations, were organised during the year. A successful seminar for teachers on HRET was organised on 6 December as part of Human Rights Week. The manual associated with the Bill of Rights in Schools (BORIS) Project, and supported by the Department of Education, is widely used in secondary schools throughout Northern Ireland. It has been translated for use in Irish language schools.

The Commission submitted its response to the Department of Education on the proposals for the new Post Primary Arrangements and raised concerns that English as an Additional Language (EAL) Services might be reduced in Northern Ireland as a result of funding difficulties experienced by Education and Library Boards.

As part of the ongoing project to monitor human rights in police training, the consultant researcher, Mark Kelly, and the Education Worker interviewed a range of PSNI probationer officers, tutor constables, and tutor sergeants involved in the Tutor Officer Stage (10-week period when Probationer Officers are tutored by experienced police officers). A report of this work is due to be published during 2006. A response was also made to a consultation from the PSNI on the *Draft Force Order and Service Level Agreement* on police training.

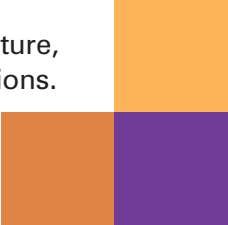
The Commission was delighted to be associated with a successful cross-border human rights education conference held on 20 October 2005 in Dublin Castle. The event was organised by the Lift-off initiative together with the Northern Ireland and Irish Human Rights Commissions.

Preparation work began on the creation of a large-scale educational exhibition which will aim to raise awareness and a greater understanding of human rights. It is intended that the resource will tour public venues and support our education and outreach work.

### Conflict resolution and human rights

A new development in the Commission's work this year has been the organisation of a series of training events for community relations practitioners. Alongside the Institute for Conflict Research and the Community Relations Council, the Commission established a specific training programme to promote a greater level of understanding and engagement with interface workers and other community relations staff. Training was delivered to approximately 70 staff and volunteers from Mediation Northern Ireland, the Corrymeela Community, Newry Community Relations Network, North Belfast Conflict Transformation Forum and the Peace and Reconciliation Group in Derry/Londonderry.

A very positive response to this training programme was received and, in the future, we hope to expand the training to a wider range of community-based organisations.



The key aim is to introduce human rights principles and approaches to non-governmental organisations and to ensure that human rights law and principles are more fully understood and applied by community-based groups and incorporated into their activities and thinking. The project seeks to build knowledge and develop techniques for infusing human rights perspectives into conflict transformation theory and practice.

In October 2005, the Education Worker, Edel Teague left the Commission on secondment to the Council for Catholic Maintained Schools. She was replaced in January 2006 by Rebecca Dudley.

### Political liaison



A number of important meetings were held with politicians including the Secretary of State for Northern Ireland, Peter Hain MP, and the Minister of State, David Hanson MP. Commissioners and staff also met with the Irish Foreign Minister, Dermot Ahern TD and leaders from the Alliance, Conservative and Democratic Unionist Parties, Liberal Democrats, Sinn Féin, SDLP, Ulster Unionist Party, the PUP and the UKUP. The Commission was also represented at several of the annual conferences of local political parties.

A useful visit to Westminster on 16 November was organised where Commissioners addressed the Northern Ireland Affairs Committee and met with the Joint Committee on Human Rights. Visits to Washington DC and Geneva were also organised during the year where Commissioners were able to meet with key stakeholders on international human rights issues.

### Events

The Commission organised a full programme of events this year in venues across Northern Ireland. Approximately 450 people attended the following events:

- Hospital Patient Care: a seminar for former patients and medical practitioners was held on 27 April 2005 in our offices in Belfast.



- Women in Prison: a conference was held in the Waterfront Hall, Belfast on 12 October 2005.
- Cross-border human rights education: a conference held on 20 October 2005 in Dublin Castle, organised in conjunction with the Lift-off initiative and the Irish Human Rights Commission.
- World War Two and Human Rights: a seminar was held in the Somme Heritage Centre, Newtownards, on 29 November 2005.
- Older people and human rights: a conference jointly hosted with Help the Aged on 5 December 2005.
- The Challenges and opportunities of teaching human rights in the classroom: a seminar held at the Commission's office on 6 December 2005.
- Towards a Bill of Rights: a two-day conference was held in Armagh on 7 and 8 December 2005.
- International Human Rights Day: a reception was jointly organised with Derry City Council, in the Guildhall, marking International Human Rights Day on 10 December 2005.
- Trafficking in Northern Ireland: a seminar took place in our offices on International Women's Day on 8 March 2006.
- Screensaving our rights exhibition: held during 30 March to 1 April 2006 in the Commission's training room. An awards ceremony and reception for this project took place on 30 March.

## **Aim 4: Increasing the effectiveness of the Commission**

### **New Commissioners and corporate governance arrangements**

2005-06 was a year of transition for the Commission, with a new Chief Commissioner and seven new Commissioners taking up their appointments on 1 September 2005. Existing Commissioners, Christine Eames and Kevin McLaughlin oversaw the Commission during the intervening period between the end of the appointment of the previous cohort of Commissioners in February 2005 and the new appointments.

Preparing for, and inducting, the new Chief Commissioner and Commissioners was a major priority for the Commission to ensure a smooth and effective transition. Briefing seminars and training events, including residentials, were organised to ensure that the new Commissioners gained the knowledge they need in respect of human rights issues and standards and corporate governance arrangements, as well as getting to know each other.

The transition also gave the Commission an opportunity to review its ways of working and committee structure. As a result, the Standing Orders for Commission meetings were altered to change their nature and frequency, so that formal Commission meetings are now held bi-monthly, with Commissioners meeting as a Policy Committee in intervening months. The purpose is to give an increased focus on human rights policy issues, while retaining an appropriate level of oversight on the corporate governance of the Commission.

Furthermore, the committee structure was revised, with new committees formed in respect of audit and risk management, policy, and public affairs, as well as retaining the pre-existing casework committee. Following an open recruitment exercise, Dr Bill Smith, a former senior civil servant, was selected to be the independent Chairperson of the Audit and Risk Management Committee.

The establishment of the Audit and Risk Management Committee enabled the Commission to finalise its risk management framework. This puts in place processes for the systematic identification and management of risks to the achievement of the Commission's strategic aims.

### **The Joint Committee**

The appointment of a new Chief Commissioner and Commissioners also provided an opportunity to review the work of the Joint Committee with the Irish Human Rights Commission. Standing Orders and new sub-committees have been established. The Joint Committee has met twice, once in Dublin and once in Belfast, since the appointment of new Commissioners, and has visited local schools in Belfast to hear about their human rights programmes.

The Joint Committee, through its subcommittees, is reviewing its programme of work and developing a funding bid for discrete resources to support the implementation of its objectives.



### Strategic Plan 2006-09

The Commission successfully consulted on, and finalised, its Strategic Plan for 2006-09, which sets the priorities and planning framework for the next three years, and which reflects a consolidation and continuation of previous work, together with a revised focus on new areas. While the time available for development and consultation on the Strategic Plan was constrained by the delayed appointment of the new Chief Commissioner and Commissioners, a consultation exercise was undertaken which involved stakeholders through focus group discussions and other meetings, and which generated over 30 written submissions from a range of organisations and individuals. The Strategic Plan was approved by the Secretary of State for Northern Ireland and published in May 2006.

### New powers for the Commission

The Strategic Plan anticipates enhanced powers for the Commission, particularly in respect of its powers of investigation. In November 2005, the government published a consultation document on these new powers that, once confirmed, will allow the Commission access to places of detention and give it the power to compel the production of documents. The Commission played an active role in helping stakeholders work through the implications of the new powers in order to help ensure an effective consultation exercise.

## Financial matters

Financial management has been a particular priority for the Commission during 2005-06. With the creation of a Corporate Services Team in late 2004, the Commission was able to increase its in-house expertise in financial matters, including managing its own payroll.

An internal audit during the year confirmed that reasonable levels of control are in place to protect the Commission's resources and manage them effectively. The Commission's audited accounts for 2005-06 are contained within this Annual Report and have been certified by the Comptroller and Auditor General.

Outstanding casework costs were resolved with the help of a costs drawer, to the satisfaction of all parties. Revised and improved methods of monitoring and accounting for casework costs have been introduced.

Work is continuing on a revised pay and grading structure for Commission staff. A Pay Working Group, comprising Commissioners and senior staff, was established in October 2005 to review options for new pay arrangements and it is the intention to agree proposals for consultation with the trade union side and the NIO during 2006.



## Accommodation

The Commission signed a lease to occupy the whole of Temple Court in April 2005. This followed extensive refurbishment work by the landlord and the Commission to ensure that the building complied with the accessibility requirements of the Disability Discrimination Act 1995.

This move gave the Commission additional office accommodation and meeting rooms, which has enabled greater public access to the Commission's resources,

through being able to increase the number of meetings and events hosted by the Commission. The additional space has also meant that meeting rooms, when not being used by the Commission, have been available to stakeholder groups, further increasing the accessibility of the Commission. The Commission has also been able to expand the space available to its reference library and additional shelving was installed during 2005 to hold all of the library stock. Plans are now being developed to build on this additional space and increase public usage of the reference library.

Sole tenancy of the building has also enabled the Commission to put in place its own service arrangements to enhance the effectiveness of the Commission's corporate support systems.

### Statutory compliance

The Commission has formed a working group of staff and Commissioners to review the Commission's Equality Scheme to deliver its equality and good relations duties under Section 75 of the Northern Ireland Act 1998, with a view to developing a revised Scheme to carry forward these duties over the next five years. The Annual Progress Report was prepared and submitted as required, to the Equality Commission.

The Commission put in place a revised recruitment and selection policy during the year, to reflect best practice in this important area, which was lodged with the Equality Commission. Building on this, the Commission's staff was surveyed to collect background information against each of the equality categories covered by Section 75. This information will be used to inform consideration of the need for a positive action plan to address any under-representation in the Commission's staffing, so that as far as possible the Commission is fully representative of the community it serves. All monitoring returns made by the Commission to the Equality Commission under the Fair Employment and Treatment (Northern Ireland) Order 1998 were made on time.

A health and safety risk assessment was conducted during the year, which identified no significant risks. However, some opportunities for further improvements have been identified to enable the Commission to comply with best practice in this area and an action plan to take this work forward is being developed.

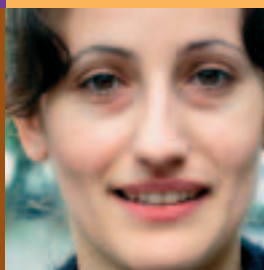
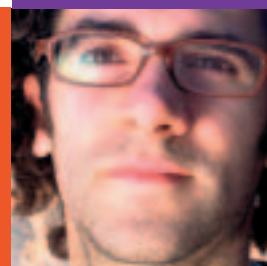
The Commission received two requests under the Freedom of Information Act 2000 during the year. One related to an ongoing legal case and, therefore, the information could not be released; the other concerned correspondence with the Secretary of State for Northern Ireland and the information was duly provided. Both requests were responded to within the statutory timescale of 20 working days.

A number of Parliamentary Questions were raised relating to the Commission during the reporting period. These were responded to within the designated time limit. The Commission is bound by the government's 'Better Payments Practice Code' and aims to pay all valid invoices within 30 working days. During the year, 80 per cent of invoices were paid within target.

The Equality Commission withdrew support for a Fair Employment Tribunal case lodged against the Commission, which was subsequently dismissed.



# Financial statements for year ended 31 March 2006





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## Preface and management commentary

### Introduction

These financial statements have been prepared and published by the Northern Ireland Human Rights Commission ("the Commission"). The financial statements have been prepared in accordance with the requirements of paragraph 7(2)(a) of Schedule 7 to the Northern Ireland Act 1998 and in a form directed by the Secretary of State for Northern Ireland with the approval of the Treasury. The financial statements demonstrate the resources that have been used to deliver the Commission's objectives. These financial statements have been prepared in accordance with the guidance set out in the Government Financial Reporting Manual (available at [www.financial-reporting.gov.uk](http://www.financial-reporting.gov.uk)).

### Nature of the Commission's business and its aims, objectives and activities

The Commission is a body which was provided for in the Belfast (Good Friday) Agreement of 1998 and which was formally established under the Northern Ireland Act 1998 on 1 March 1999. The Commission is a non-departmental public body, funded by the Northern Ireland Office but otherwise independent from Government. It is accountable, through the Secretary of State for Northern Ireland, to Parliament at Westminster and is subject to oversight by the UK Parliamentary Commissioner for Administration.

Under section 69 of the Northern Ireland Act 1998, the Commission has the following duties:

- To keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights.
- To advise the Secretary of State and the Executive Committee of the Northern Ireland Assembly of legislative and other measures which ought to be taken to protect human rights.
- To advise the Northern Ireland Assembly whether a Bill is compatible with human rights.
- To promote understanding and awareness of the importance of human rights in Northern Ireland by, for example, undertaking or commissioning or otherwise assisting research and educational activities.
- To provide advice to the Secretary of State on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights.
- To make to the Secretary of State within two years such recommendations as it thinks fit for improving the Commission's effectiveness.
- To do all that it can to ensure the establishment of a Joint Committee with the Human Rights Commission in the Republic of Ireland.

In addition, under the same section, the Commission has the following powers:

- To give assistance to individuals who apply to it for help in relation to proceedings involving law or practice concerning the protection of human rights.
- To bring proceedings involving law or practice concerning the protection of human rights.
- To conduct such investigations as it considers necessary or expedient for the purpose of exercising its other functions.
- To publish its advice and the outcome of its research and investigations.

From these statutory duties and powers, the Commission has distilled the following:

### **Vision:**

Our vision is to help bring about a society in Northern Ireland where everyone is aware of their internationally recognised human rights and those of others and can enjoy those rights in a society which respects diversity and in which they can feel safe and valued.

### **Mission**

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 the 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.

### **Strategic aims**

- Building a human rights culture in Northern Ireland.
- Challenging and preventing human rights abuse.
- Building support for a Bill of Rights and working in partnership with others for its implementation.
- Ensuring a strong and effective Human Rights Commission.

Further details of the Commission's aims, objectives and activities are set out in its Annual Report for 2005-06 and Strategic Plan for 2003-06.

## Commissioners and Chief Executive

The Commission is governed by its Commissioners. As at 1 April 2005, there were two serving Commissioners – the appointments of other Commissioners, including the previous Chief Commissioner, having come to an end on 28 February 2005. A new Chief Commissioner and a further seven Commissioners were appointed with effect from 1 September 2005.

The following served as Commissioners during 2005-06:

- Professor Monica McWilliams (Chief Commissioner) – appointed from 1 September 2005
- Mr Jonathan Bell – appointed from 1 September 2005
- Mr Thomas Duncan – appointed from 1 September 2005
- Lady Christine Eames
- Professor Colin Harvey – appointed from 1 September 2005
- Mr Alan Henry – appointed from 1 September 2005
- Ms Ann Hope – appointed from 1 September 2005
- Mr Kevin McLaughlin
- Mr Eamonn O'Neill – appointed from 1 September 2005
- Ms Geraldine Rice – appointed from 1 September 2005

The Commission's Chief Executive during 2005-06 was Ms Paddy Sloan.

Details of remuneration can be found in the Remuneration Report detailed below.

A register of interests of the Commissioners and Chief Executive can be found on the Commission's website ([www.nihrc.org](http://www.nihrc.org)).

## Corporate governance and risk management

The Commission is committed to ensuring a high standard of corporate governance. The Commission has responsibility for defining strategy and determining resource allocations to ensure the delivery of the Commission's objectives. There is a corporate structure of committees that has clear terms of reference to support the Commission.

All Commissioners have received training in the role and responsibilities of board members of non-departmental public bodies, and induction into the work of the Commission.

The Commission has a risk management framework in place to identify risks and manage down as far as possible the likelihood of identified risks occurring and their impact.

### **Audit and Risk Management Committee**

Given the gap between the departure of former Commissioners and the appointment and subsequent induction of new Commissioners, it was not possible to establish an audit committee until the end of 2005-06. The Commission decided to constitute the committee as the Audit and Risk Management Committee, and recruit an external chairperson to ensure independence and access to a full range of financial and governance expertise.

The Audit and Risk Management Committee comprises:

- Dr Bill Smith (Chairperson) – appointed from 1 March 2006
- Lady Christine Eames
- Mr Alan Henry
- Mr Kevin McLaughlin
- Ms Geraldine Rice

The Chief Executive and the Head of Corporate Services attend Audit and Risk Management Committee meetings. The National Audit Office and Internal Auditors attend by invitation. The Audit and Risk Management Committee supports the Chief Executive, in her role as Accounting Officer, and the Commission, by monitoring and reviewing the risk, control and governance systems, and the associated assurance processes. This is achieved by providing an independent perspective and through a process of constructive challenge.

### **Equal opportunities policy (including that for the employment of disabled people)**

The Commission is fundamentally committed to equality of opportunity in accordance with its Equality Scheme, prepared under Section 75 of the Northern Ireland Act 1998. The Commission therefore strives to promote equality of opportunity within the organisation as well as in the activities it conducts. The Commission strives to comply fully with its statutory obligations and liaises closely with the Equality Commission for Northern Ireland to ensure that the two institutions work effectively together.

The Commission aims to be an exemplar in the implementation and continuing development of procedures to meet the requirements of the Disability Discrimination Act 1995 and aims to ensure that disability is not a bar to recruitment or advancement.

## Learning and development

During the year the Commission continued to give high priority to training and developing all its staff to enhance their professionalism to support the Commission's objectives.

The Commission is working towards achieving the Investors in People Standard.

## Employee consultation

The Commission implements its Strategic Plan through its staff. In achieving business objectives the Commission recognises that the involvement of staff in planning and the decision making process is important. Staff involvement is maximised through the combined use of, for example, regular team meetings, staff briefings, an annual staff residential and joint staff / union consultative meetings. NIPSA is the Commission's recognised trade union.

## Health and safety

The Commission recognises and accepts its legal responsibilities in relation to the health, safety and welfare of its employees and for all people using its premises. The Commission complies with the Health and Safety at Work (Northern Ireland) Order 1978 and all other appropriate legislation.

## Research and development

The Commission engages in research and development activities relating to human rights and the support of individual cases.

## Creditor payment, policy and performance

The Commission is committed to the prompt payment of bills for goods and services received in accordance with the principles of the 'Better Payment Practice Code' as stated in paragraph 4.2.1 of the 'Non-Departmental Public Body' guidance. Unless otherwise stated in the contract, payment is due within 30 days of the receipt of the goods or services, or presentation of a valid invoice or similar demand, whichever is later.

During the year 80 per cent of bills were paid within this standard – a change in accounting software at the start of the financial year, and a postal strike, affected the Commission's prompt payment performance.

## Auditors

The financial statements are audited by the Comptroller and Auditor General. The fees for this year are £10,000 (2004-05 : £10,000).

The Commission's Internal Audit is provided independently by ASM Horwath.

The Accounting Officer has taken all steps to ensure that she is aware of any relevant audit information and to ensure that the Commission's auditors are aware of that information. As far as the Accounting Officer is aware, there is no relevant information of which the Commission's auditors are unaware.

### Management commentary

The Commission had grant-in-aid of £1.65 million available during 2005-06, which included £300,000, carried forward from 2004-05 using end-year flexibility arrangements to meet ongoing commitments. Of the available grant-in-aid, and through other sources of funding, the Commission had an overall income of £1.45 million to fund expenditure in pursuit of its aims and objectives.

The Commission's financial performance is set out on pages 71 to 74. **The surplus for the year was £72,070.**

Details of the movement of fixed assets are set out in Note 6 to the accounts.

There have been no significant events since the year-end which would affect these accounts.

The Commission's expenditure in 2005-06 demonstrates controlled and sustainable growth of the organisation within its agreed resource allocation. Overall expenditure increased by approximately £340,000 (+32 per cent) on the previous year. The key aspects of this growth in expenditure are as follows:

- An increase in total staff costs brought about by the new management structure, recruited in the second half of 2004-05, being in place throughout 2005-06, and increases in the rates of employer pension contributions. This increase was tempered by a hiatus in appointing new Commissioners until September 2005, and less reliance on contract staff.
- An increase in travel costs, reflecting the increase in staffing and, latterly, the number of Commissioners, as well as the significant international dimension of the Commission's work.
- The Commission expanding its premises by acquiring the lease of the whole building, which houses its offices. This led to increased costs in respect of rent, rates and utilities, as well as costs associated with the move into the additional accommodation, such as solicitors' costs and new furniture, computers and telephones.
- Expansion of the Commission's activities to promote a human rights culture in Northern Ireland, including new publications, refreshing the design of existing materials, and reinvigoration of work to promote a Bill of Rights.
- Consultancy advice in respect of the development of revised pay arrangements for staff, which the Commission plans to implement during 2006-07, to ensure that the arrangements are fit for purpose and encourage and retain expert staff.

During the first half of 2005-06 there was a hiatus in the appointment of a new Chief Commissioner and Commissioners following the end of the term of office of Professor Brice Dickson, Chief Commissioner and three of his colleagues at the end of February 2005. A new Chief Commissioner, Professor Monica McWilliams, and seven new part-time Commissioners joined their colleagues, Lady Christine Eames and Kevin McLaughlin on 1 September 2005. During the interim period, preparation work for the induction of new Commissioners and the establishment of new governance arrangements was carried out by staff with ongoing commitments in both the Business Plan and Strategic Plan being overseen by the two existing Commissioners.

The second half of the year brought a significantly higher profile to the organisation, evidenced by the number of legal enquiries, which almost doubled to over 900 during the year and a 43 per cent increase to almost 2 million hits on our website. An impressive range of publications and corporate materials were produced including a magazine and e-bulletin and an arts competition which resulted in quite remarkable pieces being submitted.

As well as dealing with over 900 enquiries, the Commission also supported four cases and intervened in three others to highlight human rights issues in the courts. A major conference reviewed the Commission's work on women in prison and a two-day residential focused on a Bill of Rights with the benefit of international speakers. Over 30 consultation documents were responded to on legislation and policy related to human rights and further research was carried out into immigration procedures and on the recommendations of a previous investigation into the treatment of children and young people in the juvenile justice system. Training and education in human rights awareness continued across the public sector and in schools.

Internationally, the Commission presented an annual report to the United Nations Human Rights Commission in April 2005 and participated in several conferences and training events. The Commission is an active member of the growing network of national human rights institutions. A continuing frustration is the lack of legislative response to the Commission's review of powers, undertaken in March 2001, which identified areas where it is not compliant with the Paris Principles, the international guidelines describing the role and functions of a national human rights institution.

Consultation began immediately after the appointment of new Commissioners on the Commission's third Strategic Plan for the period 2006-09. This plan builds on an impressive body of work from the first six years of the Commission and reflects priorities discussed with stakeholders, staff and Commissioners, setting the framework for the incoming years' investment.

A full review of the Commission's activities is given in the Annual Report for 2005-06.

In the course of the forthcoming financial year, the Commission aims to:

- Carry out investigations and support individual cases that highlight human rights concerns.
- Advise government in Northern Ireland and at Westminster on the human rights implications of legislation and policy.
- Through research, education, publications and seminars promote widely a culture and understanding of human rights across Northern Ireland.
- Work to promote a Round Table of political parties and representatives of civil society as a way of achieving political consensus on a Bill of Rights for Northern Ireland and, in light of developments with the Round Table, provide advice to the Secretary of State for Northern Ireland on the scope for a Bill of Rights for Northern Ireland.

Further details of these activities are given in the Strategic Plan for 2006-09 and Business Plan for 2006-07, which are available on the Commission's website, [www.nihrc.org](http://www.nihrc.org).

**Ms Paddy Sloan**  
**Chief Executive**

Date: 3 November 2006

## Remuneration report

### Remuneration policy

The remuneration of the Chief Commissioner and Commissioners is determined by the Secretary of State for Northern Ireland.

Staff are currently in pay bands analogous to grades within the Northern Ireland Office (NIO) and pay awards track those agreed for NIO staff.

The Commission is undertaking a review of its pay arrangements. Proposals for change will be consulted on during 2006-07, with a view to implementation from April 2007.

### Contracts of employment

The Chief Commissioner and Commissioners are public appointments made by the Secretary of State for Northern Ireland in line with the requirements of the Northern Ireland Act 1998 and guidelines laid down by the Commissioner for Public Appointments ([www.ocpa.gov.uk](http://www.ocpa.gov.uk)). Appointments cannot be for more than a period of five years at a time in the case of the Chief Commissioner, and for more than three years at a time for Commissioners. There is an option for a second term of appointment, at the Secretary of State's discretion.

Staff appointments are made in accordance with the Commission's recruitment and selection policy, which requires appointments to be made strictly on merit and on the basis of fair and open competition.

Commission staff recruited after October 2002 hold appointments which are permanent until they reach the normal retiring age of 60. Staff recruited before this date (10) have a retirement age of 65.

### Remuneration

The following section provides details of the remuneration and pension interests of the Commissioners and the Commission's Chief Executive.

## Commissioners

	2006	2005
	£	£
Professor Monica McWilliams	36,154	–
Mr Jonathan Bell	5,833	–
Mr Thomas Duncan	5,833	–
Lady Christine Eames	10,000	10,000
Professor Colin Harvey	6,039	–
Mr Alan Henry	5,833	–
Ms Ann Hope	5,833	–
Mr Eamonn O'Neill	5,833	–
Ms Geraldine Rice	5,833	–
Mr Kevin McLaughlin	10,000	10,000
Professor Brice Dickson	–	63,426
Ms Margaret Ann Dinsmore	–	9,167
Mr Tom Donnelly	–	9,167
Professor Tom Hadden	–	9,167
Ms Patricia Kelly	–	2,500
	<hr/>	<hr/>
	97,191	113,427

## Senior staff:

Ms Paddy Sloan (Chief Executive)	45,251	44,146
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## Salary

'Salary' includes gross salary; performance pay or bonuses; overtime; recruitment and retention allowances; private office allowances; and any other allowance to the extent that it is subject to UK taxation.

This presentation is based on payments made by the Commission and thus recorded in these accounts.

## Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by the Inland Revenue as a taxable emolument. No benefits in kind were received during the 2005-06 financial year.

## Pension benefits – Commissioners

The Commission is liable for pension contributions of £3,914 to the University of Ulster in respect of the year ended 31 March 2006 on behalf of Professor Monica McWilliams (2004-05 : £5,624 on behalf of the previous Chief Commissioner, Professor Brice Dickson).

No further pension contributions were made in respect of Commissioners in the year ended 31 March 2006 (2004-05 : £nil).

## Pension benefits – senior staff

	Accrued pension at age 60 as at 31/3/06 and related lump sum	Real increase in pension and related lump sum at age 60	CETV at 31/3/06	CETV at 31/3/05	Real increase in CETV	Employer contribution to partnership pension account
	£'000	£'000	£'000	£'000	£'000	Nearest £100
Paddy Sloan	0-5	0-2.5	68	46	10	–
Chief Executive	plus lump sum of 10-15	plus lump sum of 0-2.5				

Pension benefits are provided through the Principal Civil Service Pension Schemes (PCSPS). From 1 October 2002, Commission staff may be in one of three statutory based 'final salary' defined benefit schemes (classic, premium, and classic plus). The schemes are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, and classic plus are increased annually in line with changes in the Retail Prices Index. New entrants after 1 October 2002 may choose between membership of premium or joining a good quality 'money purchase' stakeholder arrangement with a significant employer contribution (partnership pension account).

Employee contributions are set at the rate of 1.5 per cent of pensionable earnings for classic and 3.5 per cent for premium and classic plus. Benefits in classic accrue at the rate of 1/80th of pensionable salary for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service.

Unlike classic, there is no automatic lump sum (but members may give up (commute) some of their pension to provide a lump sum). Classic plus is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly in the same way as in classic.

The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 3 per cent and 12.5 per cent (depending on the age of the member) into a stakeholder pension product chosen by the employee from a selection of approved products. The employee does not have to contribute but where they do make contributions, the employer will match these up to a limit of 3 per cent of pensionable salary (in addition to the employer's basic contribution).

Employers also contribute a further 0.8 per cent of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

Further details about the PCSPS arrangements can be found at the website [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk).

### Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The CETV figures, and from 2003-04 the other pension details, include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the PCSPS arrangements and for which the PCSPS Vote has received a transfer payment commensurate with the additional pension liabilities being assumed. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.

Please note that the factors used to calculate the CETV were revised on 1 April 2005 on the advice of the Scheme Actuary. The CETV figure for 31 March 2005 has been restated using the new factors, so that it is calculated on the same basis as the CETV figure for 31 March 2006.

### Real increase in CETV

This reflects the increase in CETV effectively funded by the employer. It takes account of the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

**Ms Paddy Sloan**  
**Accounting Officer**

Date: 3 November 2006

## Statement of the Accounting Officer's responsibilities

Under Section 7(2)(a) of Schedule 7 to the Northern Ireland Act 1998, the Secretary of State for Northern Ireland (with the consent of HM Treasury) has directed the Northern Ireland Human Rights Commission to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of Northern Ireland Human Rights Commission and of its income and expenditure, recognised gains and losses and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the Government Financial Reporting Manual and in particular to:

- Observe the Accounts Direction issued by the Secretary of State for Northern Ireland, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis.
- Make judgements and estimates on a reasonable basis.
- State whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the financial statements.
- Prepare the financial statements on a going concern basis.

The Accounting Officer of the Northern Ireland Office has designated the Chief Executive as Accounting Officer of the Northern Ireland Human Rights Commission. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding the Northern Ireland Human Rights Commission's assets, are set out in the Accounting Officers' Memorandum issued by the Non-Departmental Public Bodies Accounting Officer's Memorandum, issued by HM Treasury and published in Government Accounting.

**Ms Paddy Sloan**  
**Chief Executive**

Date: 3 November 2006

## Statement on internal control

### Scope of responsibility

As Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the Commission's policies, aims and objectives, as set by Commissioners, and approved by the Secretary of State for Northern Ireland, whilst safeguarding the public funds and the Commission's assets for which I am personally responsible, in accordance with the responsibilities assigned to me in 'Government Accounting'.

The Commission is a non-departmental government body, sponsored by the Northern Ireland Office, responsible to Parliament through the Secretary of State for Northern Ireland. As such, discussions on financial matters and risk are held with officials, rather than directly with Ministers.

### The purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level, rather than to eliminate all risk of failure to achieve policies, aims and objectives. It can therefore only provide reasonable, and not absolute, assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of Commission policies, aims and objectives; to evaluate the likelihood of those risks being realised and the impact should they be realised; and to manage them efficiently, effectively and economically.

The system of internal control was enhanced in March 2006 with the approval by Commissioners of a risk management framework, and the establishment with effect from April 2006 of an Audit and Risk Management Committee, with an independent Chairperson. This enhanced system has been in place since then up to the date of approval of the annual report and accounts, and accords with Treasury guidance. Implementation of this system had been delayed pending the appointment of new Commissioners, which took place in September 2005 – during the first half of the financial year, in the absence of a full cohort of Commissioners, the system of internal control relied on controls exercised by the Management Team, with oversight by the two continuing Commissioners.

### Capacity to handle risk

All Commissioners and staff have been involved in developing the Commission's risk register. As part of this development process, the Commission held a risk management workshop, attended by staff and Commissioners, in December 2004 to raise awareness of the concepts of risk assessment and management. This was followed up by a 'refresher' event in March 2006.

Furthermore, the risk management framework set out below involves all Commissioners and staff in reviewing and assessing risk on a regular basis, so that risk becomes an integral part of the planning and monitoring processes of the Commission.

### The risk and control framework

The Commission has a continuous, proactive and systematic approach to understand, manage and communicate risk across the organisation. The risk management framework is comprehensive and involves Commissioners, managers and staff as follows:

- Overall responsibility for ensuring that risks are identified and an appropriate framework is in place to manage those risks down to an acceptable level rests with the Chief Executive as the Commission's Accounting Officer.
- Individual members of the Management Team are nominated as 'risk owners', delegated with responsibility from the Chief Executive for monitoring and reporting on specific risks within their area of work.
- The risk register, and the effectiveness of activities to manage identified risks, is reviewed monthly by the Management Team.
- The Audit and Risk Management Committee reviews the entire risk register and reports to the Commission, through the Head of Corporate Services, on the effectiveness of activities to manage identified risks following each meeting (four times per year).
- Each other standing committee of the Commission (Casework, Policy and Public Affairs) considers specific identified risks within their remit and the work being undertaken to minimise the occurrence and impact of the risks to ensure that it is effective, and reports on this at each Commission meeting through the appropriate staff report – committee minutes confirm that risk management activities are discussed at each meeting.
- The Commission formally reviews the risk register and the effectiveness of the risk management framework annually.
- The external environment is assessed for any new risks as part of the annual business planning process.

### Review of effectiveness

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control. My review of the effectiveness of the system of internal control is informed by the work of the internal auditors and the executive managers within the Commission who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports. I have been advised on the implications of the result of my review of the effectiveness of the system of internal control by the board (the Commission) and the Audit and Risk Management Committee.

The Commission has a Strategic Internal Audit Plan for the three year period, 2005-08, which focuses audit activity on areas of greatest risk, and will provide comprehensive assurance of the effectiveness of our system of internal control. The audit that took place in autumn 2005, focused on payroll (which was brought in-house from April 2005) and casework costs, as areas of particular risk. It also followed up on recommendations arising from the previous internal audit that took place in 2004. The audit concluded that the level of control within the Commission was reasonable, and identified areas for further improvement, for which an action plan was agreed by the Commission's Audit and Risk Management Committee.

The Audit and Risk Management Committee reviews the effectiveness of the Commission's internal control mechanisms, including receiving and approving internal audit plans and reports, approving the Commission's Financial Procedures Manual and significant changes to it, overseeing the risk management framework and reporting to the Commission on the effectiveness of activities to manage the occurrence or impact of identified risks.

The Audit and Risk Management Committee comprises an independent Chairperson, who has extensive financial management experience at a senior level in the public sector, who was appointed following an open recruitment competition, and four Commissioners with a range of experience in corporate governance. The Audit and Risk Management Committee reports quarterly to the Commission and the Chairperson has direct access to the Chief Executive and Chief Commissioner as appropriate.

Commissioners receive bi-monthly reports on financial performance and audit activity, and regular updates on the risk register.

**Ms Paddy Sloan**  
**Accounting Officer**

Date: 3 November 2006

## **The certificate and report of the Comptroller and Auditor General to the Houses of Parliament**

I certify that I have audited the financial statements of the Northern Ireland Human Rights Commission for the year ended 31 March 2006 under the Northern Ireland Act 1998. These comprise the Income and Expenditure Account, the Balance Sheet, the Cashflow Statement and Statement of Total Recognised Gains and Losses and the related notes. These financial statements have been prepared under the accounting policies set out within them.

### **Respective responsibilities of the Northern Ireland Human Rights Commission, Chief Executive and Auditor**

The Northern Ireland Human Rights Commission and Chief Executive are responsible for preparing the Annual Report, the Remuneration Report and the financial statements in accordance with the Northern Ireland Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland and for ensuring the regularity of financial transactions. These responsibilities are set out in the Statement of Accounting Officer's Responsibilities.

My responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements, and with International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Northern Ireland Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland. I also report whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. I also report to you if, in my opinion, the Annual Report is not consistent with the financial statements, if the Northern Ireland Human Rights Commission has not kept proper accounting records, if I have not received all the information and explanations I require for my audit, or if information specified by relevant authorities regarding remuneration and other transactions is not disclosed.

I review whether the statement on pages 65 to 67 reflects the Northern Ireland Human Rights Commission's compliance with HM Treasury's guidance on the Statement on Internal Control, and I report if it does not. I am not required to consider whether the Accounting Officer's statements on internal control cover all risks and controls, or form an opinion on the effectiveness of the Northern Ireland Human Rights Commission's corporate governance procedures or its risk and control procedures.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. This other information comprises the Chief Commissioner's Foreword, Chief Executive's Review, Commissioners, Background Information, Statement on Vision, Mission and Values, Aims, Preface and Management Commentary, the unaudited part of the Remuneration Report and the appendices. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.

### **Basis of audit opinion**

I conducted my audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. My audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Northern Ireland Human Rights Commission and Chief Executive in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Northern Ireland Human Rights Commission's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement, whether caused by fraud or error and that in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

## Opinion

In my opinion:

- the financial statements give a true and fair view, in accordance with the Northern Ireland Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland, of the state of the Northern Ireland Human Rights Commission's affairs as at 31 March 2006 and of its surplus for the year then ended;
- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Northern Ireland Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland; and
- in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.
- I have no observations to make on these financial statements.

**John Bourn**  
**Comptroller and Auditor General**

**Date: 29 November 2006**

**National Audit Office**  
**157-197, Buckingham Palace Road**  
**Victoria**  
**London**  
**SW1W 9SP**

## Income and expenditure account for the year ended 31 March 2006

	Notes	2006 £	2005 £
<b>Income</b>			
Revenue grant-in-aid	2	1,391,486	973,011
Other operating income	2	8,751	7,050
Capital Grant released	9	47,364	39,002
<b>Total Income</b>		<u>1,447,601</u>	<u>1,019,063</u>
<b>Expenditure</b>			
Staff costs	3	685,377	602,553
Depreciation	6	47,364	39,002
Other operating costs	4	642,790	395,878
Notional cost of capital	5	4,598	3,673
<b>Total Expenditure</b>		<u>1,380,129</u>	<u>1,041,106</u>
<b>Surplus/(deficit) for the year</b>		67,472	(22,043)
Credit/(debit) in respect of notional cost of capital	5	<u>4,598</u>	<u>3,673</u>
<b>Surplus/(deficit) transferred to Reserves</b>	9	<u><u>72,070</u></u>	<u><u>(18,370)</u></u>

All amounts above relate to continuing activities.

The notes on pages 75 to 84 form part of the financial statements.

### Statement of total recognised gains and losses for the year ended 31 March 2006

	2006 £	2005 £
Profit/(loss) for the financial year	72,070	(18,370)
Prior year adjustment	—	(66,512)
Total gains and (losses) recognised since last financial statements	<u>72,070</u>	<u>(84,882)</u>

## Balance sheet as at 31 March 2006

	Notes	2006		2005	
		£	£	£	£
<b>Fixed assets</b>					
Tangible Assets	6		127,798		116,648
<b>Current assets</b>					
Prepayments and accrued income	7	15,386		267,543	
Cash at bank and in hand		214,195		6	
		<u>229,581</u>		<u>267,549</u>	
<b>Current liabilities</b>					
Creditors: amounts falling due within one year	8	(184,405)		(294,444)	
<b>Net current (liabilities)/assets</b>			45,176		(26,895)
<b>Total assets less current liabilities</b>			<u>172,974</u>		<u>89,753</u>
<b>Financed by:</b>					
<b>Capital and reserves</b>					
Other reserves	9		127,798		116,648
General Fund	9		45,176		(26,895)
			<u>172,974</u>		<u>89,753</u>

The financial statements were approved by the Commission on 24 July 2006 and were signed on its behalf by:

**Ms Paddy Sloan**  
**Accounting Officer**

Date: 3 November 2006

The notes on pages 75 to 84 form part of the financial statements.

## Cash flow statement for the year ended 31 March 2006

	2006 £	2005 £
<b>Net cash inflow/(outflow) from operating activities (Note 14)</b>	223,860	(286,774)
<b>Capital expenditure and financial investments (Note 15)</b>	(58,514)	(26,989)
<b>Capital financing (Note 9)</b>	<u>58,514</u>	<u>26,989</u>
<b>(Decrease)/increase in cash in the year</b>	<u>223,860</u>	<u>(286,774)</u>

The notes on pages 75 to 84 form part of the financial statements.

## Notes to the financial statements for the year ended 31 March 2006

### 1. Accounting policies

The Financial statements have been prepared in accordance with the 2005-06 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM follow UK generally accepted accounting policies for companies (UK GAAP) to the extent that it is meaningful and appropriate to the public sector. Where the FReM permits a choice of accounting policy, the accounting policy that has been judged to be most appropriate to the particular circumstances of the organisation for the purpose of giving a true and fair view has been selected.

#### 1.1 Accounting convention

The financial statements have been prepared in accordance with the historical cost convention, and with the accounts direction issued by the Secretary of State for Northern Ireland. Without limiting the information given, the financial statements comply with the accounting and disclosure requirements of the Companies Act 1985, the accounting standards issued or adopted by the Accounting Standards Board and accounting and disclosure requirements issued by HM Treasury, insofar as those requirements are appropriate.

#### 1.2 Income

Revenue grant-in-aid represents funding from the Northern Ireland Office to fund the Commission's current expenditure.

#### 1.3 Tangible fixed assets and depreciation

Tangible fixed assets are stated at cost less depreciation. Depreciation is provided on a straight line basis at rates calculated to write-off the cost less estimated residual value of each asset over its expected useful life. The estimated useful lives for depreciation purposes are:

Leasehold improvements	10 years
Computer equipment	3 years
Fixtures, fittings & equipment	5 years

The Commission capitalises those items costing in excess of £1,000 (this is a change in 2005-06 – see 1.9 below).

#### 1.4 Leasing

Rentals payable under operating leases are charged against income on a straight line basis over the lease term.

## 1.5 Pensions

Past and present employees are covered by the provisions of the Principal Civil Service Pension Schemes (PCSPS) which are described in Note 3. The defined benefit schemes are unfunded and are non-contributory except in respect of dependants' benefits. The Commission recognises the expected cost of these elements on a systematic and rational basis over the period during which it benefits from employees' services by payment to the PCSPS of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS. In respect of the defined contribution schemes, the Commission recognises the contributions payable for the year.

Separate arrangements are in place for the Chief Commissioner's pension scheme, which is not part of the PCSPS.

## 1.6 Capital grants

Grants towards capital expenditure are credited to a Capital Grant Reserve and are released to the Income and Expenditure account over the expected useful life of the assets.

## 1.7 Value Added Tax

The Commission is ineligible to reclaim input VAT on expenditure. Therefore, all expenditure is inclusive of VAT.

## 1.8 Legal casework expenditure

Section 70 of the Northern Ireland Act 1998 enables the Commission to support legal cases in relation to the protection of human rights. Some of these cases can span several years.

In some cases costs are recoverable from the respondent if the applicant is successful. Given this, while the Commission decides to support cases, contingent on the outcome, payments are not normally made until judgement is passed, and the judge decides on a cost order (i.e. whether the 'losing' side should pay all costs, or each side should bear their own costs). Given that a criterion for Commission support is whether a case has a 'reasonable chance of success', it does not expect to incur costs in many cases. However, cases can be lost. In these cases, it is possible that the applicant could be asked to pay the respondent's costs. Where this happens the Commission may pay these costs on behalf of the applicant. These potential liabilities are noted in the financial statements as contingent liabilities.

## 1.9 Change of capitalisation threshold

With the approval of the Northern Ireland Office, the Commission has increased the threshold for capitalisation of items from £500 to £1,000.

## 2. Income

	2006 £	2005 £
<b>(a) Grant-in-aid</b>		
Grant from the Northern Ireland Office Request for Resources 1		
Revenue grant-in-aid	1,391,486	973,011
	<u>1,391,486</u>	<u>973,011</u>

In addition, a further £58,514 (2004-05: £26,989) was recognised as capital grant. This amount has been taken to the Capital Grant Reserve (see Note 9).

### (b) Other income

Other income is from a grant from the Arts Council for Northern Ireland for a Bill of Rights Arts Project and delegate fees from two conferences held during the year.

## 3. Staff numbers and related costs

### 3.1 Staff costs

	2006 £	2005 £
<b>Commissioners</b>		
Wages and salaries	97,191	113,427
Social security costs	8,092	10,926
Other pension costs	3,914	5,624
	<u>109,197</u>	<u>129,977</u>

#### Amounts payable in respect of directly employed staff

Wages and salaries	459,270	361,967
Social security costs	37,863	29,394
Other pension costs	77,918	48,824
	<u>575,051</u>	<u>440,185</u>

#### Amounts payable in respect of staff on secondment, agency/temporary staff, and contract staff

Agency/contract staff	1,129	32,391
Total staff costs	<u>685,377</u>	<u>602,553</u>

### 3.2 Staff numbers and related costs

The average number of whole time equivalent persons employed (including senior management, but excluding Commissioners) during the year was as follows:

<b>Permanent Staff</b>	<b>2006 Number</b>	<b>2005 Number</b>
Chief Executive	1.0	1.0
Corporate Services	6.5	5.5
Information, Education and Development	4.0	3.5
Legal Services, Policy and Research	5.5	4.0
	<hr/> 17.0	<hr/> 14.0
<b>Other Staff (temporary, etc)</b>	<b>2006 Number</b>	<b>2005 Number</b>
Chief Executive	–	–
Corporate Services	0.5	–
Information, Education and Development	–	–
Legal Services, Policy and Research	0.5	1.0
	<hr/> 1.0	<hr/> 1.0
<b>Total Staff</b>	<hr/> 18.0	<hr/> 15.0

The **Principal Civil Service Pension Scheme (PCSPS)** is an unfunded multi-employer defined benefit scheme. The Commission is unable to identify its share of the underlying assets and liabilities. The Scheme Actuary (**Hewitt Bacon Woodrow**) valued the scheme as at 31 March 2003. You can find details in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).

For 2005-06, employers' contributions of £77,918 were payable to the PCSPS (2004-05 : £48,824) at one of four rates in the range 16.2 to 24.6 per cent of pensionable pay, based on salary bands (the rates in 2004-05 were between 12 per cent and 18.5 per cent). The Scheme Actuary reviews employer contributions every four years following a full scheme valuation. From 2006-07, the salary bands will be revised and the rates will be in a range between 17.1 per cent and 25.5 per cent.

The contribution rates are set to meet the cost of the benefits accruing during 2005-06 to be paid when the member retires, and not the benefits paid during this period to existing pensioners.

Employees can opt to open a **partnership** pension account, a stakeholder pension with an employer contribution. Employer contributions are paid to one or more of a panel of three appointed **stakeholder** pension providers. No employer contributions were made in 2005-06 (2004-05 : £nil).

Employer contributions are age-related and range from 3 to 12.5 per cent of pensionable pay. Employers also match employee contributions up to 3 per cent of pensionable pay. In addition, employer contributions of 0.8 per cent of pensionable pay, were payable to the **PCSPS** to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of these employees.

Contributions due to the **partnership** pension providers at the balance sheet date were nil. Contributions prepaid at that date were nil.

No person retired early on ill-health grounds during 2005-06.

## 4. Other operating costs

	2006	2005
	£	£
Travel, subsistence and hospitality,	47,729	29,402
Telephone	9,051	7,793
Printing, postage and stationery	40,013	26,999
Light and heat	16,903	9,513
Operating leases – rent of property	112,367	79,189
Rates	40,013	26,004
Insurance	11,950	18,100
Building maintenance and expenses	36,348	6,096
Computer costs	31,263	14,802
Accountancy fees	9,079	9,932
Auditors (NAO) remuneration	10,000	10,000
Internal audit	8,272	–
Professional fees	21,773	13,008
Consultancy	12,438	–
Staff training and recruitment costs	37,209	22,174
Conferences and seminars	–	3,567
Advertising, publicity and publications	73,250	35,459
Education costs	4,044	5,897
Bill of Rights	20,417	8,327
Investigations	11,094	9,141
Research	–	3,841
Casework	43,598	(18,502)
Non-recoverable legal casework costs	46,189	72,831
Other expenses	(210)	2,305
	<hr/> 642,790	<hr/> 395,878

## 5. Notional costs

### Notional cost of capital

The income and expenditure account bears a non-cash charge for interest relating to the use of capital by the Commission. The basis of the charge is 3½ per cent of the average capital employed by the Commission during the year defined as total assets less current liabilities.

## 6. Tangible fixed assets

	Leasehold improvements	Computer equipment	Fixtures, fittings & equipment	Total
	£	£	£	£
<b>Cost</b>				
At 1 April 2005	109,348	67,914	84,074	261,336
Additions	–	13,242	45,272	58,514
Disposals	–	(8,651)	–	(8,651)
At 31 March 2006	109,348	72,505	129,346	311,199
<b>Depreciation</b>				
At 1 April 2005	43,740	41,791	59,157	144,688
Charge for the year	10,935	14,069	22,360	47,364
Disposals	–	(8,651)	–	(8,651)
At 31 March 2006	54,675	47,209	81,517	183,401
<b>Net book value</b>				
At 31 March 2006	54,673	25,296	47,829	127,798
At 31 March 2005	65,608	26,123	24,917	116,648

The fixed assets were not revalued during the year as there were no material differences between historical cost amounts and the revalued amounts.

## 7. Debtors

	2006 £	2005 £
Trade debtors	216	2,075
Prepayments and accrued income	15,170	265,468
	15,386	267,543

## 8. Creditors: amounts falling due within one year

	2006	2005
	£	£
Bank loans and overdrafts	–	9,671
Trade creditors	11,117	13,725
Taxation and social security	–	12,230
Other creditors	10,000	40,000
Accruals	163,288	218,818
	<u>184,405</u>	<u>294,444</u>

## 9. Statement of movements in the Capital Grant Reserve and the General Fund

	General Fund	Capital Grant Reserve
	£	£
At 1 April 2005	(26,894)	116,648
Surplus arising in year	72,070	
Capital Grant Received		58,514
Released to Income and Expenditure account in the year		(47,364)
At 31 March 2006	<u>45,176</u>	<u>127,798</u>

## 10. Performance against key financial targets

The Secretary of State does not consider it appropriate to set key financial targets for the Commission.

## 11. Contingent liabilities

As at 31 March 2006, the Commission was supporting three cases where legal costs might be liable depending on the outcome of the cases and whether cost orders are made against the applicants.

One of these cases has been lost and a cost order made against the applicant for their and the respondent's costs, although the extent of the respondent's costs has not yet been revealed. Leave to appeal the judgement has been granted. The outcome of the appeal, and therefore the extent of the Commission's liabilities – if any – in respect of the case, will not be known until the 2006-07 financial year at earliest.

The other cases were ongoing as at 31 March 2006.

In light of the above, it is not possible to quantify the potential liabilities in respect of the three cases.

## 12. Financial commitments

### Operating lease commitments

At 31 March 2006 the Commission had the following annual commitments under non-cancellable operating leases. The amounts disclosed are inclusive of VAT.

	Land and buildings		Office equipment	
	2006	2005	2006	2005
	£	£	£	£
Expiry date:				
Less than one year	–	–	–	–
In over five years	101,638	66,593	–	–
	<u>101,638</u>	<u>66,593</u>	<u>–</u>	<u>–</u>

### Capital commitments

The Commission had no capital commitments at 31 March 2006 (2005 : £NIL).

## 13. Related party transactions

The Commission is a non-departmental public body sponsored by the Northern Ireland Office (NIO). NIO is regarded as a related party. During the year the Commission had various transactions with NIO (receipt of grant-in-aid and payment of monies received in respect of a successful legal case).

None of the Commissioners, senior management or other related parties has undertaken any material transactions with the Commission during the year.

## 14. Reconciliation of result for the year to net cash outflow from operating activities

	2006	2005
	£	£
Result for the year	67,472	(22,043)
Depreciation of tangible assets	47,364	39,002
Notional costs	4,598	3,673
<b>(Increase)/decrease in debtors</b>		
Trade Debtors	1,859	8,347
Prepayments and accrued income	250,298	(248,352)
<b>(Decrease) in creditors within one year</b>		
Trade Creditors	(2,608)	(106,023)
Taxation & Social Security	(12,230)	12,230
Other creditors	(30,000)	0
Accruals	(55,529)	65,394
Capital Grant released	(47,364)	(39,002)
<b>Net cash outflow from operating activities</b>	<u>223,860</u>	<u>(286,774)</u>

## 15. Gross cash flows

Capital expenditure and financial investments	2006 £	2005 £
Payments to acquire tangible assets	(58,514)	(26,989)
	<u>(58,514)</u>	<u>(26,989)</u>

## 16. Financial instruments

FRS 13, Derivatives and Other Financial Instruments, requires disclosure of the role which financial instruments have had during the year in creating or changing the risks an entity faces in undertaking its activities. Due to the non-trading nature of its activities and the way in which executive non-departmental public bodies are financed, the Commission is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which FRS 13 mainly applies. The Commission has no powers to borrow or invest surplus funds and has limited year end flexibility. Financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Commission in undertaking activities.

As permitted by FRS 13, debtors and creditors which may mature or become payable within 12 months from the balance sheet date have been excluded from this disclosure.

### Liquidity risk

The Commission is financed by grant-in-aid from the Northern Ireland Office and is accountable to Parliament through the Secretary of State for Northern Ireland and is not therefore exposed to significant liquidity risk.

### Interest rate risk

All financial assets and financial liabilities of the Commission carry nil rates of interest and therefore are not exposed to interest rate risk.

### Currency risk

The Commission does not trade in foreign currency and therefore has no exposure to foreign currency risk.

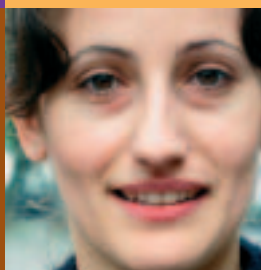
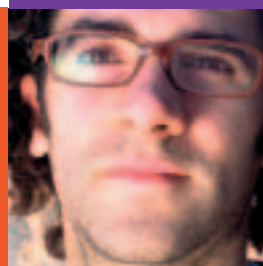
## Fair values

The book value and fair value of the Commission's financial assets and financial liabilities as at 31 March 2006 are set out below:

### Primary financial instruments:

	Book value £	Fair value £
<b>Financial assets</b>		
Cash at bank	214,195	–
<b>Financial liabilities</b>		
Bank overdraft	–	–

# Appendices



## Appendix 1: The Commission's Committees

### Audit and Risk Management

Members: Dr Bill Smith (Independent Chairperson)  
Lady Christine Eames OBE  
Mr Alan Henry  
Mr Kevin McLaughlin  
Ms Geraldine Rice

### Casework

Members: Lady Christine Eames OBE (Chairperson)  
Mr Tom Duncan  
Professor Colin Harvey  
Ms Ann Hope  
Mr Kevin McLaughlin  
Professor Monica McWilliams

### Policy

Members: Professor Monica McWilliams (Chairperson)  
Mr Jonathan Bell  
Mr Tom Duncan  
Lady Christine Eames OBE  
Professor Colin Harvey  
Mr Alan Henry  
Ms Ann Hope  
Mr Kevin McLaughlin  
Mr Eamonn O'Neill  
Ms Geraldine Rice

### Public Affairs

Members: Ms Geraldine Rice (Chairperson)  
Mr Jonathan Bell  
Lady Christine Eames OBE  
Professor Colin Harvey  
Professor Monica McWilliams  
Mr Eamonn O'Neill

In addition to formal committees, the Commission also establishes working groups to progress specific projects. During 2005-06, the Commission convened working groups on deaths in hospitals, places of detention and staff pay arrangements.

## Appendix 2: The Commission's Staff

Paddy Sloan	Chief Executive
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### Corporate Services Team

Don Leeson	Head of Corporate Services
Patricia Beasant	Administrative Officer (Information) (until 30 September 2005)
Angela Burns	Administrative Officer (Personnel) (from 1 June to 16 December 2005)
Róisín Carlin	Administrative Officer (Personnel) (Maternity Leave from 10 May to 9 November 2005)
Rebecca Eaton	Administrative Officer (Commissioners) (from 1 January 2006)
Louise Furber	Receptionist
Lorraine Hamill	Administrative Officer (Finance)
Brenda Madden	Administrative Officer (Commissioners) (until 31 December 2005), then Administrative Officer (Information) (from 1 January 2006)
Bernadette Rooney	Administrative Officer (Legal)
Sandra Rosbotham	Cleaner

### Information Education and Development Team

Peter O'Neill	Head of Information Education and Development
Nadia Downing	Information Worker
Rebecca Dudley	Education Worker (from 23 January 2006)
Edel Teague	Education Worker (seconded to CCMS from 1 November 2005)
Miriam Titterton	Development Worker

### Legal Services, Policy and Research Team

Ciarán Ó Maoláin	Head of Legal Services, Policy and Research
Ann Jemphrey	Investigations Worker (temporary from 1 March 2006)
Dr Nazia Latif	Research and Investigations Worker (Maternity leave from 5 September 2005)
Angela Lloyd-Stevens	Caseworker
Virginia McVea	Investigations Worker
Denise Magill	Research Worker (on career break)
Agnieszka Martynowicz	Research Worker
Dr Linda Moore	Investigations Worker
Caroline Nolan	Caseworker (from 1 June 2005) (Maternity leave from 16 January 2006)
Ralph Roche	Investigations Worker (from 24 October to 17 December 2005)
Petra Sheils	Caseworker (temporary from 23 January 2006)

### Interns

Carol Staunton	Queen's University, Belfast (from 24 February 2006)
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## Appendix 3: Consultation responses and other submissions

### April 2005

Law Reform Advisory Committee consultation on attestation

Draft Disability Discrimination (Northern Ireland) Order

Statement to UN Commission on Human Rights, 61st Session

Consultation on 2011 Census

Safer Recruitment in Northern Ireland: proposals for the implementation of Part 5 of the Police Act 1997

Representations to Housing Executive concerning Traveller accommodation in Belfast

Response to Equality Commission investigation report on introduction of Anti-Social Behaviour Orders

Views on Police Service General Order on training

International Council on Human Rights Policy: Assessing the Effectiveness of National Human Rights Institutions

### May 2005

Office of the First Minister and Deputy First Minister: draft Race Equality Strategy

NIO Criminal Law Branch proposals relating to anti-social behaviour orders

### June 2005

Draft Criminal Justice Order (Northern Ireland) 2005

Delegating Authority under the Access to Justice (Northern Ireland) Order 2003

Review of the Sentencing Framework

### July 2005

Proposed Amendment to the Employment of Children Regulations (Northern Ireland) 1996

New Admission Arrangements for Post-Primary Schools

Services for Victims and Survivors of the Troubles and Establishment of a Commissioner for Victims and Survivors

UN Office of the High Commissioner for Human Rights: Global efforts for the total elimination of racism and implementation of and follow-up to the Durban Declaration and Programme of Action

## August 2005

Electoral Commission report on Elections in Northern Ireland  
Representations to Secretary of State on Billy Wright Inquiry

## September 2005

Advice to the Health Promotion Agency on a partial smoking ban in bars  
PSNI Draft Policy Directive on Political Activity

## October 2005

OFMDFM Anti-poverty Strategy for Northern Ireland

## November 2005

The Youth Court in Northern Ireland: Guidelines for Operation and Layout  
Home Office consultation on Selective Admission: Making Migration Work for Britain  
Briefing on Terrorism Bill for Joint Committee on Human Rights  
PSNI Draft Policy Directive on Engagement with Children and Young People  
Review of Government Advertising in Northern Ireland

## December 2005

Northern Ireland (Offences) Bill  
'Extraordinary rendition' (letter to the Secretary of State)  
Northern Ireland Housing Executive Policy and Procedures on Anti-social Behaviour

## January 2006

Regulation of Legal Services in Northern Ireland  
Consultation Paper on the Powers of the Northern Ireland Human Rights Commission  
The Rates (Capital Values, etc.) (Northern Ireland) Order 2005  
Draft mandate and organisation of a Pilot Project for Technical Assistance to National Human Rights Institutions  
Input to Racial Equality Forum Languages Sub-Group briefing paper

## February 2006

Creationism and the Northern Ireland curriculum (letter to Caleb Foundation)  
'Extraordinary rendition' (further letter to the Secretary of State)

### March 2006

Draft guidelines for community-based restorative justice schemes

Northern Ireland Prison Service: Review of the Separated Regime

Youth Justice Agency Strategic Plan

Granting of Authority for Senior Counsel under the Access to Justice (NI) Order 2003

International Commission of Jurists' Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights

Northern Ireland Policing Board Consultation on Limited Introduction of 'TASERS'

## Appendix 4: Publications and resources

### June 2005

Review of Human Rights Education and Training: A Report to the Northern Ireland Human Rights Commission

The Hurt Inside: The Imprisonment of Women and Girls in Northern Ireland, revised edition

### November 2005

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