

2009–10 ANNUAL PROGRESS REPORT ON SECTION 75 OF THE NORTHERN IRELAND ACT 1998 AND SECTION 49A OF THE DISABILITY DISCRIMINATION ORDER (DDO) 2006

Name of public authority (Enter details below)

Northern Ireland Human Rights Commission

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Section 75 Executive Summary

What were the key policy/service developments made by the authority during this reporting period to better promote equality of opportunity and good relations and what outcomes were achieved?

Equality and human rights are inextricably linked. From its inception, the Commission has worked tirelessly to promote human rights and equality issues in public policy and practice, and in legislation, using the full range of functions and the powers available to it. However, given the nature of the Commission's work, promoting a culture of respect for human rights and preventing human rights abuse, and the fact that much of our work involves working through others to achieve these aims, tangible outcomes can be difficult to identify.

The Commission is founded on a commitment to, and respect for, equality, human rights and diversity, which permeates throughout the Commission and its ways of working. We also work closely with the Equality Commission for Northern Ireland (ECNI) on a number of important policy matters.

In 2009–10, the two Commissions continued to work together to develop the independent mechanism to monitor implementation in Northern Ireland of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The two Commissions also published a joint research project on the extent of human trafficking in Northern Ireland. The Commission is also a member of the Good Relations Forum, which is co–chaired by ECNI and the Community Relations Council.

The Commission's new Strategic Plan, which covers the two—year period 2009–11, and which was the subject of an equality impact assessment, prioritises support for groups of people in particular equality categories and vulnerable people affected by the recession, which cuts across a number of equality categories. The targeted groups include disabled people, older people, women who have been trafficked, victims, and Protestant, Unionist and Loyalist constituencies. The Commission is also committed to following—up outcomes of its investigations in respect of women and young people in detention, immigration detention, and people with no access to public funds for certain categories of non—UK nationals.

In 2009–10 the Commission undertook a programme of work to promote its advice to Government on the Bill of Rights for Northern Ireland, which proposed additional protections in respect of specific equality categories covered by Section 75, and responded to consultation by Government on its proposals for the Bill of Rights. The Commission also progressed substantial work in the priority areas set out above. Furthermore, in March 2010, the Commission agreed to develop a legal case in its own name in respect of Traveller accommodation, which will be taken forward in 2010–11.

This work is summarised in section 1 below and described in detail in the Commission's Annual report for 2009–10, which will be published in autumn 2010.

What are the main initiatives planned in the coming year to ensure the authority improves outcomes in terms of equality of opportunity and good relations for individuals from the nine categories covered by Section 75?

During the coming year, the Commission will develop its next Strategic Plan, which will be the subject of a formal equality impact assessment.

The Commission will continue to promote the implementation by Government of a Bill of Rights for Northern Ireland, based on the Commission's advice. We will also work to ensure that there is no diminution of already enshrined rights in legislative proposals from Government regarding the Human Rights Act and a UK Bill of Rights.

We plan to make further significant progress with ECNI in developing and implementing the independent monitoring mechanism for CRPD, and to publish a range of resources on the Convention.

We also plan to develop a Good Relations Policy for the Commission and continue to participate in the Good Relations Forum with ECNI and the Community Relations Council and other agencies.

Other priorities in terms of the Commission's wider human rights and equality agenda for 2010–11 include concluding a major investigation into the rights of older people in residential nursing care; continuing to Follow up findings from previous investigations; implementation of strategies for engagement with Protestant, Unionist and Loyalist communities and with vulnerable groups; progressing the Commission's legal case in its own name in respect of Traveller accommodation; taking forward the findings of research into human trafficking; and engaging in forthcoming treaty monitoring processes, including the Convention on the Elimination of Racial Discrimination (CERD), the Convention Against Torture (CAT) and the Framework Convention for the Protection of National Minorities. We also plan to supplement this work with a training programme for representatives of public bodies and non–governmental organisations on CERD, as well as produce and disseminate an information poster on it.

A raft of work will also be undertaken to update our information provision, including redesigning the Commission's website to further improve accessibility, and producing our introductory materials in 'easy read' format.

Please give examples of changes to policies or practices which have resulted in outcomes. If the change was a result of an EQIA please tick the appropriate box in column 3 and reference the title of the relevant EQIA in the spec provided below:

	Outline change in policy or practice which have resulted in outcomes	Tick if result of EQIA
Persons of different religious belief	None	
Persons of different political opinion	None	
Persons of different racial groups	None	
Persons of different age	None	
Persons with different marital status	None	
Persons of different sexual orientation	None	
Men and women generally	None	
Persons with and without a disability	None	
Persons with and without dependants	None	

• Title/s of EQIAs referenced:

Not applicable – apart from developing policies relating to staff and its strategic direction, the Commission does not so much develop policies as monitor the impact policies of other public bodies have on human rights and equality, and that we attempt to effect change via consultation responses and other means.

Section 1: Strategic Implementation of the Section 75 Duties

 Please outline evidence of progress made in developing and meeting equality and good relations objectives, performance indicators and targets in corporate and annual operating plans during 2009–10.

The Commission's new Strategic Plan, which covers the two—year period 2009–11, and which was the subject of an equality impact assessment, prioritises support for groups of people in particular equality categories and vulnerable people affected by the recession, which cuts across a number of equality categories. The targeted groups include disabled people, older people, women who have been trafficked, victims, and Protestant, Unionist and Loyalist constituencies. The Strategic Plan is operationalised through objectives and targets set out in annual business plans.

Key activities and outcomes achieved in respect of equality and good relations objectives during 2009–10 were:

Cross-cutting issues

- Defending the Human Rights Act, which affords protection to the most vulnerable and marginalised people in society, through responses to and discussions with Parliamentarians and other key stakeholders about the Government's Green Paper, Rights and Responsibilities: Developing our Constitutional Framework, which was published in March 2009. By the end of 2009–10, the Commission was sufficiently concerned, over the tone and content of the debate on the future of the Human Rights Act, we issued a press statement with our Scottish counterparts that called for "...the UK Human Rights Act 1998 to be ring fenced and built upon as part of further progress in the promotion and protection of human rights within and across all jurisdictions including devolved, excepted and reserved areas."
- Promoting the Commission's advice to Government on the Bill of Rights for Northern Ireland, which includes additional protections in respect of specific equality categories covered by Section 75, including the right to marriage or civil partnership, the right to equality and prohibition of discrimination, the right to identity and culture, language rights, and children's rights.
- Following up recommendations made in the Commission's investigation reports in relation to immigration detention, and the detention of women and young people.

Implementing the Commission's legal strategy. The Commission operates a publicly accessible telephone information line two mornings per week and, as in all previous years, our legal team dealt with a wide range of enquiries during the reporting year. During the year, we dealt with over 900 people who were contacting the Commission for the first time with a legal and/or human rights enquiry (an increase of almost 100% on the previous year). The areas of strategic priority during 2009–10 for our legal services included access to appropriate physical and mental health care, particularly for older people living in nursing homes and people who self-harm, and accommodation needs and rights of members of the Traveller community.

Age

- Commencing a major investigation into the rights of older people in residential nursing care, which included a public call for evidence, and visits to and interviews with residents and staff at a sample of care homes across Northern Ireland.
- Developing an education pack, containing a lesson plan and poster, for post-primary schools and youth groups.
- Continuing to extend the Commission's use of social networking websites, which are favoured by younger people. The Commission set up a Twitter page during the year, which quickly gained many followers.

Dependents

Designing and delivering training on human rights and social work for inclusion in the Family and Child Care module of the Initial Professional Development Award for Qualified Social Workers – we delivered the training to over 60 social workers from all five Trusts and voluntary organisations.

Disability

Engaging extensively with Government and the disability sector as part of the independent mechanism (together with the Equality Commission for Northern Ireland and the two human rights commissions in Great Britain) promoting, protecting and monitoring implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD). During 2009–10, the two Northern Ireland Commissions produced a full-text and a plain language version of the CRPD, and an information leaflet, and commissioned a legal opinion to analyse the adequacy of the legislative framework for implementation of the Convention in this jurisdiction.

- Prioritising disability issues in the Commission's legal strategy. During the year, for example, we assisted an applicant who sought to challenge Regulations, which provide for automatic refusal of a taxi driver licence to people who are deemed to be insulin dependent.
- Producing an 'easy read' version of the Commission's advice on the Bill of Rights.
- Delivering capacity building sessions on our Bill of Rights work and human rights principles for organisations such as Disability Action.

Gender

- Focusing a policy priority on the management of women within the criminal justice system, in particular, the gender specific needs of women in prison. We also advised on plans for a new women's prison.
- Hosting a seminar on women in the criminal justice system.
- Launching a report with ECNI on human trafficking issues in Northern Ireland, which has a particular focus on women who are trafficked for sexual exploitation.
- Participating in policy discussions in the community women's sector about mainstreaming of women's equality and ending inequalities affecting women and girls.

Race

- Launching the report of the Commission's investigation into immigration detention in Northern Ireland. *Our Hidden Borders: The UKBA's Powers of Detention* looks at the decision—making process which leads to some perceived immigration offenders and asylum seekers being detained in police custody suites in Northern Ireland before being transported to detention facilities in Great Britain.
- Launching the report of the Commission's investigation about homelessness for people with no or limited access to public funds. No Home from Home examines the impact of legislation that can prevent non–UK nationals from accessing homelessness assistance and welfare benefits.
- Developing a legal case in the Commission's own name in respect of the accommodation needs and rights of Travellers.
- Providing evidence on the Bill of Rights to the Northern Ireland Assembly All Party Group on Ethnic Minority Communities.

- Providing comments on the draft International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
- Responding to Government proposals in respect of migration and citizenship, including plans to reform the Common Travel Area (CTA) and to introduce the 'e-borders' scheme and consultation on 'earned citizenship'.
- Assisting An Munia Tober to develop an equality and human rights training programme for Travellers.
- Working extensively on the European Charter for Regional or Minority Languages (ECRML), including facilitating a visit to Northern Ireland by the Council of Europe's Committee of Experts, which checks compliance with ECRML under which the UK has made a range of commitments relating to the Irish language and Ulster Scots, and submitting a Parallel Report on ECRML.

Religion

- Continuing engagement with representatives of the main churches and faith groups in Northern Ireland, with a particular focus on the Bill of Rights.
- Publishing, jointly with the Irish School of Ecumenics, Rights and Righteousness: Perspectives on Religious Pluralism and Human Rights, a collection of papers by experts in the fields of human rights and faith.

Good relations

- Engaging extensively in respect of the Executive's proposals for the regulation of parades.
- Engaging extensively in respect of dealing with the legacy of the past, including agreement of a Memorandum of Understanding with the Commission for Victims and Survivors.
- Participating in the Good Relations Forum, which is co-chaired by ECNI and the Community Relations Council. The Forum brings together key policy-makers and experienced practitioners working in the field of good relations, conflict transformation and community regeneration in a 'think tank' to explore the promotion of good relations and the implementation of the good relations duties.

- Producing an Irish language version of the Commission's advice on the Bill of Rights.
- Developing a strategy to further improve the Commission's engagement with Protestant, Unionist and Loyalist communities.

Section 2: Screening

 Please provide an update of new/proposed/revised policies screened during the year.

Title of policy	Was the <u>F</u> ull	Was the initial	Is the policy
subject to	Screening	screening	being subject
screening	Report or the	decision	to EQIA?
	Result of initial	changed	
	screening	following	<u>Y</u> es / <u>N</u> o?
	issued for	consultation?	
	consultation?		If Yes indicate
	Please enter	<u>Y</u> es / <u>N</u> o	year for
	<u>F</u> or <u>R</u>		assessment
None			

No policies were subjected to screening during 2009–10. However, the Commission followed up on feedback from Disability Action made in the previous year in respect of four screening reports. A representative from Disability Action attended one of the Commission's Equality Committee meetings to discuss the feedback. At this meeting, Disability Action commended the Commission for its work in a number of areas to promote disability equality.

Section 3: Equality Impact Assessment (EQIA)

 Please provide an update of policies subject to EQIA during 2009–10, stage 7 EQIA monitoring activities and an indicative EQIA timetable for 2010–11.

EQIA Timetable: April 2009 - March 2010

Title of Policy EQIA	EQIA Stage at end March 2010 (Steps 1–6)	Outline adjustments to policy intended to benefit individuals, and the relevant Section 75 categories due to be affected
Strategic Plan for 2009–11	Completed	None identified as a result of the EQIA

Where the EQIA timetable for 2009–10 (as detailed in the previous annual S75 progress report to the Commission) has not been met, please provide details of the factors responsible for delay and details of the timetable for re–scheduling the EQIA/s in question.

Not applicable.

Ongoing EQIA Monitoring Activities: April 2009 – March 2010

Title of EQIA subject to Stage 7 monitoring	Indicate if differential impacts previously identified have reduced or increased	Indicate if adverse impacts previously identified have reduced or increased
Not applicable – no EQIAs were produced prior to the above.		

Please outline any proposals, arising from the authority's monitoring for adverse impacts, for revision of the policy to achieve better outcomes for the relevant equality groups:

None.

2010-11 EQIA Timetable

Title of EQIAs due to be commenced during April 2010 – March 2011	Existing or New policy?	Please indicate expected timescale of Decision Making stage i.e. Stage 6
The Commission's Strategic Plan for the period commencing 2011	New	September to March 2011

Section 4: Training

 Please outline training provision during the year associated with the Section 75 Duties/Equality Scheme requirements including types of training provision and conclusions from any training evaluations.

None undertaken during 2009–10.

Plans for 2010–11 include autism awareness training for staff and a follow–up event to workshops for Commissioners and staff on understanding and appreciating anti–prejudice, good relations, and diversity, which were held in early 2009.

Section 5: Communication

 Please outline how the authority communicated progress on delivery of the Section 75 Duties during the year and evidence of the impact/success of such activities.

The Commission continued to invest significantly in its communications during 2009–10.

In respect of the Commission's delivery of its specific Section 75 duties, the EQIA report referred to in Section 3 above was published on our website (www.nihrc.org) and all stakeholders and Equality Scheme consultees informed of this. The Commission's 2008–09 Annual Progress Report on Section 75 of the Northern Ireland Act 1998 and Section 49a of the Disability Discrimination Order (DDO) 2006 (last year's equivalent of this report) was also published on the website.

The Commission continued to publish its magazine, *NIHRC Review*, highlighting a range of human rights and equality issues and issued 10 e-bulletins during 2009–10, all of which are intended to update our broad range of stakeholders on the Commission's activities.

The Commission's Annual Report for 2009–10 is, at the time of writing, being prepared to be laid before Parliament and published in autumn 2010. This document provides further information on the Commission's activities and outcomes during 2009–10.

The Commission also continued to extend its use of social networking websites, which are favoured by younger people. The Commission set up a Twitter page during the year, which quickly gained many followers.

Lastly, the Commission's Equality Commitment is contained in all of its corporate documents (strategic and business plans and annual reports) and published on our website.

Section 6: Data Collection & Analysis

Please outline any systems that were established during the year to supplement available statistical and qualitative research or any research undertaken/commissioned to obtain information on the needs and experiences of individuals from the nine categories covered by Section 75, including the needs and experiences of people with multiple identities.

During 2009–10, the Commission conducted its annual Stakeholder Survey. Questionnaires were sent to all the Commission's key stakeholders to seek views on the effectiveness of its services and communications. This survey provides an opportunity for stakeholders to provide feedback to the Commission on a range of issues. At the time of writing, the Commission is considering the outcome of its second annual survey of stakeholders.

Furthermore, the Commission continued to monitor take—up of its main services — legal support and education and training — during the year against all nine equality categories.

 Please outline any use of the Commission's Section 75 Monitoring Guide.

In consultation with NIPSA and our Equality Committee, the Commission revised its equality monitoring form, which draws heavily on the ECNI's Section 75 Monitoring Guide. This was introduced for a recruitment exercise, which took place in August 2009. The Commission is also re—surveying its staff using the revised equality monitoring form.

A copy of the revised equality monitoring form is available on request.

Section 7: Information Provision, Access to Information and Services

 Please provide details of any initiatives/steps taken during the year, including take up, to improve access to services including provision of information in accessible formats.

Substantial work has been undertaken during the last few years to improve physical access to the Commission's offices and services, and provide full information and telecommunications accessibility.

The Commission routinely makes all information available in alternative formats on request.

An 'easy read' version of the Commission's advice on the Bill of Rights was published during 2009–10 and drew praise from many quarters, including Disability Action. An Irish language version was also produced.

Section 8: Complaints

- Please identify the number of Section 75 related complaints:
 - received and resolved by the authority (including how this was achieved);
 - which were not resolved to the satisfaction of the complainant;
 - > which were referred to the Equality Commission.

No Section 75 related complaints were received during 2009–10.

Section 9: Consultation and Engagement

- Please provide details of the measures taken to enhance the level of engagement with individuals and representative groups during the year.
- Please outline any use of the Equality Commission's guidance on consulting with and involving children and young people.

We have continued to engage extensively with all political parties during the year on a range of human rights issues and, in particular, a Bill of Rights for Northern Ireland, and build upon a major programme of work we undertook during the previous year on the intersect between faith and human rights by developing a conference report and through continuing dialogue with participants.

The Commission also developed a strategy to further improve the Commission's engagement with Protestant, Unionist and Loyalist communities during 2009–10.

Section 10: The Good Relations Duty

 Please provide details of additional steps taken to implement or progress the good relations duty during the year. Please indicate any findings or expected outcomes from this work.

The Commission continued to work throughout 2009–10 on human rights issues relating to victims and survivors of the conflict, and locally with interface workers and internationally with other national human rights institutions on human rights and conflict transformation. The Commission also agreed a Memorandum of Understanding with the Commission for Victims and Survivors to govern how the two organisations work together in this important area affecting good relations.

As described above, the Commission has engaged extensively with key stakeholders on emerging proposals in respect of the future regulation of parades.

Furthermore, the Commission is now an active member of the Good Relations Forum, which is co-chaired by ECNI and the Community Relations Council.

Please outline any use of the Commission's Good Relations Guide.

No specific use as yet, but it is borne in mind in the development of our work. In follow-up events, which are planned for 2010–11, to workshops for Commissioners and staff on understanding and appreciating anti-prejudice, good relations, and diversity, held in early 2009, we plan to use the Guide to help review our approach to good relations.

Section 11: Additional Comments

Please provide any additional information/comments

None.

<u>Annual Report 1 April 2009 – 31 March 2010</u> <u>'Disability Duties' Questions</u>

1.	How many action measures for this reporting period have been?

5 2 0

Fully Partially Not Achieved Achieved Achieved

- 2. Please outline the following detail on all **actions that have been fully achieved** in the reporting period.
- 2(a) Please highlight what public life measures have been achieved to encourage disabled people to participate in public life at National, Regional and Local levels:

Level	Public Life Action	Outputs ¹	Outcomes / Impact ²
	Measures		
	The Commission's key action	n measure in this area relates	to its work with the
National ³		independent mechanism unde	* *
	protect and monitor impleme	entation of the UN Conventior	n on the Rights of Persons
Dogional ⁴	· · · · · · · · · · · · · · · · · · ·	sabled people will play a key r	
turn will influence policy at a number of levels. During 2009–10 a joint com with the Equality Commission was established to oversee the work of the inc mechanism, which includes disabled persons.			009–10 a joint committee
			the work of the independent

¹ **Outputs** – defined as act of producing, amount of something produced over a period, processes undertaken to implement the action measure e.g. Undertook 10 training sessions with 100 people at customer service level.

² **Outcome / Impact** – what specifically and tangibly has changed in making progress towards the duties? What impact can directly be attributed to taking this action? Indicate the results of undertaking this action e.g. Evaluation indicating a tangible shift in attitudes before and after training.

³ National: Situations where people can influence policy at a high impact level e.g. Public Appointments

⁴ **Regional**: Situations where people can influence policy decision making at a middle impact level

⁵ **Local**: Situations where people can influence policy decision making at lower impact level e.g. one off consultations, local fora.

2(b) What training action measures were achieved in this reporting period?

Training Action Measures	Outputs	Outcomes / Impact
None set for 2009–10. Further measures are planned for 2010–11 (eg new and refresher training in sign language for front line staff and autism awareness training).		

2(c) What Positive attitudes **action measures** in the area of **communications** were achieved in this reporting period?

Communications Action Measures	Outputs	Outcomes / Impact
None		

2(d) What action measures were achieved to 'encourage others' to promote the two duties:

	Encourage Others Action Measures	Outputs	Outcomes / Impact
1.	Promote the effective implementation in Northern Ireland of the UN Convention on the Rights of Persons with Disabilities.	The Commission has been jointly designated with the Equality Commission as the independent mechanism under Article 33(2) to promote, protect and monitor its implementation. We have been involved in high level discussions with government to encourage ratification without reservations.	The UK ratified the Convention on 8 June 2009, albeit with reservations, which both commission's opposed. Furthermore, the UK has also decided to ratify the Optional Protocol to the Convention – the final steps for formal ratification of this were announced by Jonathan Shaw MP, Minister for Disabled People, in a statement to Parliament on 21 July 2009. The Commission welcomed Department of Education's rejection for Northern Ireland of a UK reservation in respect of special educational needs provision.

2(e) Please outline **any additional action measures** that were fully achieved other than those listed in the tables above:

	Action Measures fully implemented (other than Training and specific public life measures)	Outputs	Outcomes / Impact
1.	Continue positive action measures to encourage applications from disabled people when recruiting new staff, including a statement on all advertisements welcoming applications from disabled people, guaranteeing interviews to all disabled people who meet the essential criteria specified for each vacant post, and using disability networks to circulate job vacancies	All job advertisements continue to state that disabled people who meet the essential criteria will be guaranteed an interview, and are disseminated widely through networks in disability sector.	A number of disabled people have been interviewed for posts.
2.	Continue to offer work placements each year to disabled students	One disabled person undertook an extended work placement with the Commission during 2009–10.	The Commission has established relationships with a number of special schools and providers of training support to disabled people. We plan to offer further placements during 2010–11.

3.	Survey Commissioners and staff each year to update equality monitoring information, which provides an opportunity for disabilities to be declared and/or reasonable adjustments to be identified.	In consultation with NIPSA and our Equality Committee, the Commission revised its equality monitoring form, which draws heavily on the Equality Commission's Section 75 Monitoring Guide.	The survey identified one disabled person amongst the pre–existing cadre of staff, who had not previously declared the disability.
		The revised monitoring form was used to resurvey all staff during 2009–10.	

3. Please outline what action measures have been **partly achieved** as follows:

	Action Measures partly achieved	Milestones ⁶ / Outputs	Outcomes/Impacts	Reasons not fully achieved
1.	Ensure that, through the Commission's advice to the Secretary of State for Northern Ireland on a Bill of Rights, the requirement to promote and protect the human rights of disabled people is addressed appropriately in line with international standards	The Commission undertook a major programme of work during 2009–10 to promote its advice on the Bill of Rights to the Secretary of State.	The Government consulted on its proposals for the Bill of Rights during 2009–10.	Further Government action, following consultation, was held up by the General Election in May 2010. Details of the Coalition Government's intentions regarding the Bill of Rights are awaited.
2.	Develop an 'easy read' guide to the Human Rights Act	The Commission published an Easy Read version of the Commission's advice on the Bill of Rights for Northern Ireland during 2009–10.	Extensive positive feedback received from a range of key stakeholders on the publication, including Government, which has highlighted the broad benefits for everyone of using this format for public documents.	Priority was given to promoting the Commission's advice on the Bill of Rights in 2009–10. We plan to publish the new guide to the HRA during 2010–11.

⁶ **Milestones** – Please outline what part progress has been made towards the particular measures; even if full output or outcomes/impact have not been achieved.

4. Please outline what action measures have <u>not</u> been achieved and the reasons why?

Action Measures not met	Reasons
None	

- 5. What monitoring tools have been put in place to evaluate the degree to which actions have been effective / develop new opportunities for action?
 - (a) Qualitative none as yet, but these will be developed as part of work to ensure the effective involvement of the disability sector and disabled people in monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities.
 - (b) Quantitative the Commission has revised its equality monitoring form, which draws heavily on the Equality Commission's Section 75 Monitoring Guide. This was first used for a recruitment campaign, which began on 31 July 2009 and it was used to resurvey all staff during 2009–10.
- 6. As a result of monitoring progress against actions, has your organisation either:
 - made any revisions to your plan during the reporting period or
 - taken any **additional steps** to meet the disability duties which were **not outlined in your original** disability action plan / any other changes.

No

7. Do you intend to make any further revisions to your plan in light of your organisations annual review of the plan? If so, please outline proposed changes?

No

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