

Published by The Stationery Office and available from:

The Stationery Office  
(mail, telephone and fax orders only)  
PO Box 29, Norwich, NR3 1GN  
Telephone orders/General enquiries: 0870 6005522  
Fax orders: 0870 6005533

You can now order books online at [www.tso.co.uk](http://www.tso.co.uk)

The Stationery Office Bookshops  
123 Kingsway, London, WC2B 6PQ  
020 7242 6393 Fax 020 7242 6394  
68-69 Bull Street, Birmingham B4 6AD  
0121 236 9696 Fax 0121 236 9699  
9-21 Princess Street, Manchester M60 8AS  
0161 834 7201 Fax 0161 833 0634  
16 Arthur Street, Belfast BT1 4GD  
028 9023 8451 Fax 028 9023 5401  
The Stationery Office Oriel Bookshop  
18-19 High Street, Cardiff CF10 1PT  
029 2039 5548 Fax 029 2038 4347  
71 Lothian Road, Edinburgh EH3 9AZ  
0870 606 5566 Fax 0870 6065588

The Stationery Office's Accredited Agents  
(see Yellow Pages)  
and through good booksellers



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

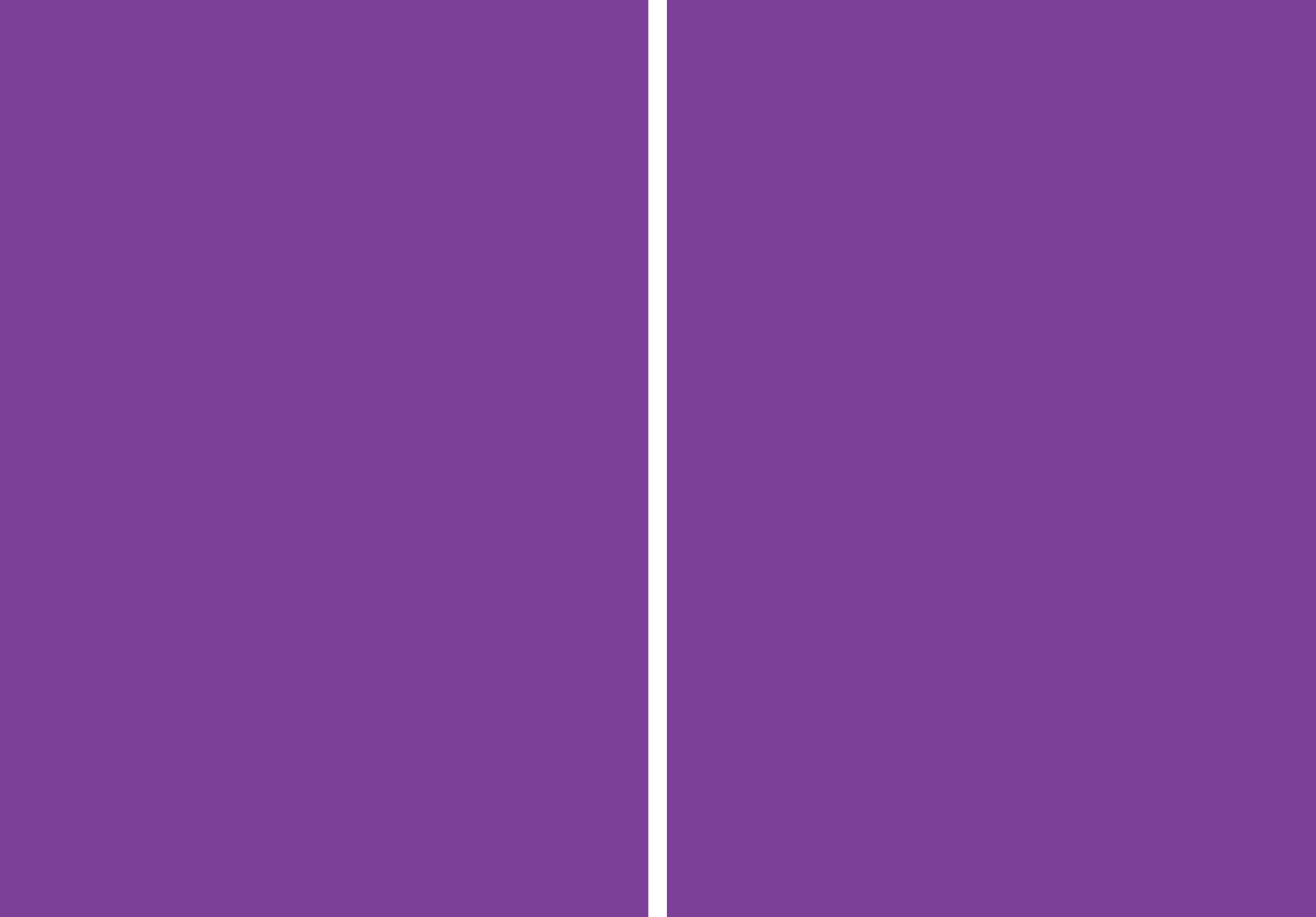
This report can be accessed on the  
Northern Ireland Human Rights  
Commission's website: [www.nihrc.org](http://www.nihrc.org)  
It is also available from the Commission  
in hard copy and on mini-CD

Northern Ireland Human Rights Commission  
Temple Court  
39 North Street  
Belfast BT1 1NA  
Tel (028) 9024 3987  
Fax (028) 9024 7844  
Textphone (028) 9024 9066  
Email [information@nihrc.org](mailto:information@nihrc.org)  
Website [www.nihrc.org](http://www.nihrc.org)



Design & production by TSO Ireland 028 9023 8451

# Annual Report and Financial Accounts 2004-2005





NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

# Annual Report and Financial Accounts 2004-2005

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 19 December 2005



2 December 2005

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

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 sixth Annual Report of the Northern Ireland Human Rights Commission. It shows how the Commission has performed its functions during the period 1 April 2004 to 31 March 2005.

The Annual Report includes the Commission's financial statements for the year ending 31 March 2005, which have been prepared in accordance with Paragraph 7 of Schedule 7 to the Northern Ireland Act 1998, and which were approved and certified by the Comptroller and Auditor General on 2 December 2005.

Yours sincerely

Professor Monica McWilliams  
Chief Commissioner







## Contents

Chief Commissioner's foreword	7
Chief Executive's review	8
Tribute to Tom Donnelly	11
Commissioners	12
Background	13
Vision, mission, values	14

### Meeting Aims

Aim 1 Delivering a Bill of Rights for Northern Ireland	19
Aim 2 Identifying and addressing human rights violations	21
Aim 3 Promoting awareness and understanding of human rights	29
Aim 4 Increasing the effectiveness of the Commission	35

### Appendices

1. The Commission's staff	39
2. Consultation responses and other submissions	41
3. Publications	44
4. Equality Scheme report 2004-05	45
5. Financial statements for year ended 31 March 2005	54







## Chief Commissioner's Foreword

Taking up my post as Chief Commissioner on 1 September 2005, I am very pleased that one of my early duties is to submit the Annual Report of the Northern Ireland Human Rights Commission to the Secretary of State.

The year under review was one of transition when most of the previous Commissioners, including the Chief Commissioner, completed their term of office. The appointments of the new Commissioners were not made for some considerable time but fortunately two Commissioners, Christine Eames and Kevin McLaughlin, held the fort during this period. The new Commissioners will benefit from their experience during their continued time in office.

During the transition the Commission remained active in all of its key areas of work and its activities are detailed in this Report. For several years, the Commission had been calling for an extension of its powers and in December 2004, the Minister at that time, John Spellar, agreed that the government would move to a consultation paper. As this report goes to press, the new Northern Ireland Office Minister, Mr David Hanson, has just published a consultation paper on the powers of the Northern Ireland Human Rights Commission. I look forward to the responses to that document and the legislation which follows, which should enable this Commission to be a strong and effective human rights institution and a model for others to follow.

On this note, I was very heartened on a recent visit to the Office of the United Nations High Commissioner for Human Rights to learn that the work of the Commission was commended to other institutions as an example of good practice. This was in relation to promoting the integration of economic, social and cultural rights into the educational curriculum. This reflects a partnership with the Department of Education and the five Education and Library Boards to promote teaching in post-primary schools on the proposed Bill of Rights for Northern Ireland. The Commission's extensive consultation with children and young people outside the formal education sector on the proposals was also highlighted as an example for others to follow. Delivering a Bill of Rights for Northern Ireland and promoting human rights awareness remain key priorities for incoming Commissioners.

Identifying and addressing human rights violations demand much from the Commission's limited resources. One highlight to note was the successful intervention by the Commission in commenting on the UK's periodic report to the United Nations Committee Against Torture. Some investigations are more high profile than others, such as the rights of women in prison, while work on investigating deaths in hospital for example, will take longer to come to fruition. Casework, investigations and responding to legislation and policy documents, together with publications such as the well received guides to the right to life and the right not to be ill-treated are important, if resource intensive, aspects of our work. Alongside the proposal for the extension of its powers, the Commission's capacity to perform all its prescribed statutory duties will remain a focus of attention for the new Commission.

I am fortunate to be working with staff whose dedication to human rights is reflected in the quality and range of work outlined in this report. The incoming Commissioners have a strong body of work on which to build. With the commitment, expertise and enthusiasm in the new Commission, I look forward to the challenging times ahead.

Professor Monica McWilliams  
Chief Commissioner



## Chief Executive's Review

This has been a year of preparation and completion. The first cohort of Commissioners, including Chief Commissioner Brice Dickson, completed their six-year term in February 2005 leaving two colleagues in post, Christine Eames and Kevin McLaughlin.



It has been my privilege to work with Brice closely for the past five years. His wide ranging knowledge of the law and human rights, evident in the quality of the documents he produced for the Commission and for others, has been of enormous benefit to the organisation and to staff. His constant civility, industry and encouragement have instilled strong values in the Commission. We all wish him well as he returns to academic research and teaching.

I also wish to thank other Commissioners who left this year - Tom Hadden, another prolific expert on human rights law, Margaret-Ann Dinsmore, a practising Queen's Counsel, Paddy Kelly, Director of the Children's Law Centre who resigned in July 2004, and Tom Donnelly, who sadly died in September after a long illness. Brice has written a tribute to Tom on our behalf and I would simply add my thanks to his family for their generosity in supporting Tom to spend so much of what turned out to be precious time with the Commission during the past year.

In April 2004, the Chief Commissioner presented a statement to the UN Commission on Human Rights in Geneva, highlighting the key human rights concerns of this Commission. He reinforced the view that the most serious and systemic violations of human rights in Northern Ireland continue to be those perpetrated by unlawful paramilitary organisations. A culture of violence and tolerance of such activity needs to be challenged.

Dealing with the past, and the introduction of the Inquiries Bill, caused serious concern for the Commission. The finding of former Canadian Supreme Court Judge Cory that there is evidence of collusion having occurred in the 1980s and 1990s reinforced the need for holding public judicial inquiries into controversial deaths. The Commission expressed deep concern that the provisions of the Bill were not compliant with Article 2 of the European Convention on Human Rights and would not allow for the necessary independence of an effective investigation.

A statement by the Secretary of State in December 2004 implied that there would be a positive response to the Commission's Review of Powers, submitted to government in February 2001, but no substantive response had issued by the end of this reporting year. The Commission continued to operate with investigative powers that fall short of the standards described in the United Nation's Paris Principles. This has caused considerable difficulty in our securing access to places of detention, as detailed later in the report.

For three years, we have been developing a revised staffing structure for the Commission and in July 2004, we were able to advertise for three new managerial posts. In the autumn, two new members of staff and one internal promotion allowed the introduction of three teams working together and a management team to take forward the implementation of Commission policy. During the initial six months, as most Commissioners came to the end of their term, staff were focussed on developing new internal arrangements in finance and personnel, Freedom of Information compliance, communication and stakeholder management strategies as

well as assisting the Commissioners in the business planning process and in preparation for the induction of new Commissioners and a new Chief Commissioner. In addition, we have now secured sole occupancy of the offices at Temple Court, which have been extensively renovated to improve accessibility in line with the requirements of the Disability Discrimination Act.

It was anticipated that the new appointments of Commissioners would follow directly after the end of former Commissioners' term, if not with a period of overlap. However, at the end of the reporting period no new appointments had been made and, in fact, it would be September 2005, well into the next year, before the two continuing Commissioners were joined by their new colleagues. Preparation for their induction had been planned early in 2005 and was further refined as we adjusted to the new timetable. Staff are grateful to Christine and Kevin who directed the organisation during this period to ensure that work continued and we were able to fulfil the commitments made in the year's business plan.

There were 13 Commission meetings during the year, the minutes of which are on the Commission's website, together with copies of all major submissions on legislation and policy proposals. The Commission also worked with the Irish Human Rights Commission through the Joint Committee of Representatives, on areas of common concern north and south, in particular issues relating to racism, emergency laws and a Charter of Rights for the Island of Ireland. The Joint Committee met three times during the reporting period, in May, September and December 2004. In October 2004 the Chief Commissioner, together with the President of the Irish Human Rights Commission, addressed a conference in Cork on proposals for a Charter of Rights for the Island of Ireland. The minutes of the Joint Committee meetings are also on the Commission's website.

The two Commissions wrote jointly to their respective governments, urging ratification of the United Nation's 1990 Convention on the Protection of the Rights of Migrant Workers and All Members of their Families. It is regrettable that the UK government, having last year concluded a lengthy review of its commitment to human rights instruments, then decided to make very few changes of substance. We welcome the ratification of the Optional Protocol providing the right of individual petition to the Committee on the Elimination of Discrimination Against Women, but are disappointed that similar provisions have not been accepted under the other instruments. We were pleased that the Optional Protocol to the Convention Against Torture was ratified in December 2003, but despite a recommendation to that effect from the treaty body in November 2004, this Commission has not yet been designated as one of the national preventive mechanisms. In the regional system, the UK still refuses to ratify the Revised European Social Charter or the European Convention's free-standing right to non-discrimination. The Commission takes a close interest in the developing UN Convention on Rights and Dignity of People with Disabilities, the UN World Programme of Action for Human Rights Education and the enhancement of the treaty monitoring system.

Thanks are due to the Reverend Harold Good and to WAVE and the Pat Finucane Centre who sent representatives to provide expert advice to the Victims' Working Group at the Commission. Additionally, two separate consultative fora met, in July 2004 and in January 2005, to provide feedback to Commissioners on the strategic



direction of the organisation. Invited individuals, with knowledge of, and an interest in human rights issues in Northern Ireland, spent a morning in unattributed conversation with Commissioners on the role of the organisation and key priorities needing attention. Their time and input was appreciated and helped Commissioners keep focused as we prepared for new appointments.

Commissioners also established working groups to look at taking forward a communications strategy and to consider how best the organisation can contribute to local conflict intervention. The latter group has laid some useful foundations for incoming Commissioners to consider as they plan future work. We all look forward to taking up new challenges and opportunities in the incoming year.

Paddy Sloan  
Chief Executive



## Tribute to Tom Donnelly

The Commission was saddened to hear of the death of former Commissioner Tom Donnelly in September 2005. Here, former Chief Commissioner, Brice Dickson pays tribute to his friend and colleague.

*“The death of Tom Donnelly on 1 September 2005, just six months after he stood down from the Northern Ireland Human Rights Commission after serving two three-year terms, was a sad loss indeed to his family and to all who knew him but also to the whole of Northern Ireland. In his younger days a keen athlete, before training in engineering and in the motor trade, Tom was determined to try to make a difference in Northern Ireland by working as hard as he could for reconciliation and peace. As an SDLP councillor for north Belfast he suffered two serious attacks on his home by Loyalist thugs, but he also lost his sister Margaret in the IRA atrocities on Bloody Friday in 1972. As a member of the Human Rights Commission Tom gave unstinting and highly committed service. He attended more meetings and events than any other Commissioner - and was consistently the most punctual; he always came to meetings having read his papers thoroughly and thought about the issues deeply; he contributed to debates enthusiastically but always in an honest and respectful way. He knew his own mind but was wise and generous enough to change his opinion if he heard a convincing argument to the contrary. Above all he preserved a sense of proportion about the issues he was examining, and a sense of humour when the temperature got a bit heated. I remember well an elderly woman in Ballymena observing to me that if there were more people like Tom Donnelly talking about human rights then the average person in the street would buy into the idea very easily. Indeed, if there were more of his type in Northern Ireland it is hard to imagine that we would be the divided society we are. Tom was a wonderful family man, a loyal and dependable friend and a great advert for goodness in the world. He will be long remembered with great affection.”*

Professor Brice Dickson  
Chief Commissioner 1999-2005



## Commissioners

The Commission met 13 times during the reporting period. The following served as Commissioners during 2004-05:

	Meetings attended
Professor Brice Dickson (Chief Commissioner) appointment ended on 28 February 2005	12
Mrs Margaret Ann Dinsmore QC appointment ended on 28 February 2005	10
Mr Tom Donnelly MBE JP DL appointment ended on 28 February 2005	12
Lady Christine Eames	13
Professor Tom Hadden appointment ended on 28 February 2005	11
Ms Patricia Kelly resigned with effect on 1 July 2004	0
Mr Kevin McLaughlin	11



## 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 September 1999 the Commission issued a draft Strategic Plan to consult on the work it wished to carry out in its first three years. From the comments received, a revised two-year plan was formally adopted in May 2000. In May 2002 the Commission developed a new draft Strategic Plan and issued it for consultation until September 2002. In the light of comments received, the Commission significantly altered the structure of the draft and reached agreement on the Plan which underpins the content of this report and the Commission's work from April 2004 to March 2005. As part of this strategic plan the following vision, mission and values for the organisation were elucidated.



## Vision, Mission, Values

### Vision

The Commission's vision of the future is one where everyone in Northern Ireland 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 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.

### Values

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

#### Independence

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

#### Fairness

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

#### Openness

We want the proceedings of the Commission to be as transparent as possible, while realising that we must keep certain information confidential. We are committed to providing access to information in a manner which goes beyond the requirements of the Freedom of Information Act 2000.





### Accessibility

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

### Accountability

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

### Participation

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

### Equality

We are fundamentally committed to equality of opportunity. We will therefore strive to promote equality of opportunity within the Commission as well as in the activities we conduct. We will strive to comply fully with the statutory obligations imposed by section 75 of the Northern Ireland Act 1998 and, within the agreed Memorandum of Understanding, we will liaise closely with the Equality Commission for Northern Ireland to ensure that the two institutions work effectively together.



# Meeting Aims



The following report reflects the four core aims of the Commission, as described in the Strategic Plan 2003-05 and operationalised in the annual business plan 2004-05



## Aim 1

## Delivering a Bill of Rights for Northern Ireland

The Bill of Rights has been a core priority of the Commission since its establishment. The Commission was tasked under the Belfast (Good Friday) Agreement and the Northern Ireland Act 1998 with consulting and reporting on the scope for defining rights in a Bill of Rights for Northern Ireland. It has consulted widely and produced several documents in preparation for submitting advice to the Secretary of State.

The Commission has worked to encourage debate and refine its draft proposals. Following much deliberation, we consulted on *Progressing a Bill of Rights for Northern Ireland: An Update*, containing a refined draft of the proposals (first issued in April 2004), and we continued to encourage the political parties in Northern Ireland to take part in a "Round Table" forum on a Bill of Rights for Northern Ireland, along with representatives of civil society. Over 50 responses to the Commission's Progress Report were received by 1 August 2004 and these have been closely examined.

Areas of note during the year included:

- A 'handover' document, *Taking Forward a Bill of Rights for Northern Ireland*, prepared in February 2005 by outgoing Commissioners to inform new incumbents of their thinking on a Bill of Rights, after some five years of consultation, discussion and debate.
- The launch of *Bill of Rights in Schools: A Resource for Post-primary Schools* in Parliament Buildings in February 2005. This resource is now used in all post-primary schools in Northern Ireland. More details are in a later section of this report.
- The organisation of events on the Bill of Rights including an event on Mainstreaming the Rights of Vulnerable Groups, held in Derry/Londonderry during October 2004 which was attended by over 60 participants. At this conference the nature of vulnerability was discussed. While participants were open to the idea of rights being mainstreamed and applied to everyone, it was also felt that social and economic rights must be guaranteed in order to achieve real equality. Better provision of housing, employment, community and health care, youth facilities and education were seen as key to the protection of human rights.
- In addition, a specialist event for women's organisations on areas of human rights and policy was organised on 10 February 2005. This examined how women's rights can be strengthened in the Commission's Bill of Rights proposals. Those attending argued for the inclusion of women's rights to full participation in political life as well as participation in public life; protection for affirmative action; reproductive rights; and protection from gender-based violence.
- The Commission sought to build political consensus around a strong and inclusive Bill of Rights and continued to meet with representatives from political parties and civil society to press for the establishment of a Round Table. Commissioners and staff liaised on a regular basis with the Human Rights Consortium (a collective of over 100 groups from civil society interested in promoting a broad and inclusive Bill of Rights), and attended the Consortium's monthly meetings.



- The Commission also met with representatives of key constituencies particularly affected by and committed to the proposals, such as the children's sector, disabled people, women's organisations, religious groups and interest groups across the nine grounds of equality legislation. In addition, meetings were held with commentators on the Bill of Rights proposals such as Democratic Dialogue and the Northern Ireland Committee of the Irish Congress of Trade Unions.
- A joint project with the Arts Council was developed to use a competition to promote the idea of a Bill of Rights through computer design.



Photo by Lesley Doyle

## Aim 2

## Identifying and addressing human rights violations

## Casework

Areas of note for the Commission included:

- Continued acceptance of interventions by the courts including the House of Lords and the Court of Appeal in Northern Ireland.
- An application by the Commission for judicial review of a refusal of access for its researchers to Rathgael Juvenile Justice Centre. The application was withdrawn before hearing, following a satisfactory outcome to negotiations with the Prison Service.
- Assistance given by the Commission to a female prisoner to bring a case challenging the conditions under which she was being detained. This contributed to a change to the Prison Service policy on body searching.
- Assistance given to two court cases involving individuals who had been denied protection under the Key Persons Protection Scheme. The Commission was instrumental in highlighting the way the government administers and decides on who should be offered protection under the scheme.
- Evidence given, for the first time, by the Commission to an inquest, based on the research carried out by the Commission into the treatment of women in prison.
- Training provided to Lay Magistrates by casework and research staff from the Commission.

One of the most important areas of work for the Commission is providing advice to individuals who believe that their human rights have been infringed. Of the 420 new inquiries received by the Commission this year, more than half, as in previous years, required further action by the Commission's Caseworkers. This typically included writing on behalf of an individual to the public authority concerned seeking further information or comment, or informal mediation between the parties with the aim of reaching a satisfactory conclusion to the inquiry without the need for legal action. This year, the greater number of inquiries received involved issues relating to employment, family law matters and the planning process in Northern Ireland.

Casework Committee meetings	11
Emergency Casework Committee meetings	4
Applications for assistance considered	36
Cases granted assistance	8
Interventions	4
New inquiries received	420
Meetings of Human Rights Practitioners Group	3



Partly because of the effectiveness of our informal interventions, only a small proportion of the inquiries led to formal applications for legal assistance. The strategic priorities for the Commission this year in granting assistance to individuals were Articles 2, 3 and 6 of the European Convention on Human Rights, covering the right to life, the right not to be ill-treated and the right to a fair trial respectively, together with the education right found at Article 2 of the First Protocol to the Convention.

Out of the 36 applications, eight cases were granted assistance this year. These cases included one where the applicant sought to challenge the compatibility of the Adoption (Northern Ireland) Order 1987 with the Convention.

Another case granted assistance related to an appeal in an immigration matter where the applicant, a British and Irish citizen, had been refused a residence permit for her same-sex partner and her partner's child, who were both Jamaican nationals, because the adult partners could not satisfy the criterion of having lived together in a relationship akin to marriage for a period of two years.

A third case involved an application for judicial review of a decision of the Fair Employment Tribunal not to disclose redacted material to an applicant even though the Tribunal panel itself had sight of the material. This case engaged the right to a fair hearing pursuant to Article 6 of the European Convention on Human Rights. A fourth case involved granting support to a parent so that she could be legally represented at the inquest into the death of her baby.

One case where the Commission had maintained a 'watching brief' since 2002 related to abuse at Cabin Hill Preparatory School. In July 2002 the Commission pressed the then Ministers for Health and Education to hold a statutory inquiry. The Commission followed this up with a press campaign in May 2003. We are pleased to report that the inquiry was finally announced in June 2004 and the Commission assisted the inquiry by providing a copy of its internal file in this case. The inquiry reported in January 2005, concluding that there were multiple instances of serious sexual abuse in 1992-93 and made a number of recommendations. We urged Campbell College to implement fully all the recommendations in the report and to make public the steps taken.



Photo by Lesley Doyle

During the year the Commission applied to intervene in four cases, with permission being granted in all, including one case before the House of Lords. One of the cases where the Commission intervened related to the application of the Key Persons



Protection Scheme in Northern Ireland. In this case the government agreed that the applicant satisfied the level of threat assessment for entrance to the scheme, but nevertheless refused him protection on other criteria. Unfortunately the Commission's position was not accepted by the courts, which dismissed the application for judicial review.

In September 2004 the Commission lodged its written submissions to the Family Court in the context of an application for defined contact. Here the Commission set out principles to assist the court on the international human rights standards within the context of Article 8 of the European Convention on Human Rights - the right to respect for family and private life.

In February 2005 the Commission lodged a written submission in an application for judicial review addressing the compatibility of the Juvenile Justice Centre Rules (Northern Ireland) 1999 with the European Convention, and raising concerns regarding the position under the UN Convention on the Rights of the Child and the UN Rules for the Protection of Juveniles Deprived of their Liberty.

The Commission organised three meetings of the practitioners' network, which shares information on trends in human rights abuses and monitors developing jurisprudence. Regular contact was maintained with the legal departments of other relevant organisations such as the Equality Commission and the Police Ombudsman's office. In particular, there was valuable collaboration with the Northern Ireland Commissioner for Children and Young People (NICCY) and the Equality Commission, as well as with the children's sector, in challenging the legitimacy of the introduction of Anti-Social Behaviour Orders by the Northern Ireland Office, without adherence to the government's own requirement to carry out an Equality Impact Assessment. There is serious concern among these bodies, including this Commission, that the implementation of this legislation will have a particularly damaging impact on young people when introduced.

The Commission managed its casework expenditure within its budget allocation for the year although this continues to be a challenging process. The uncertainty as to the outcome of cases, and therefore the liability and costs associated with their support, makes accurate budgeting difficult. This year, in discussion with the Northern Ireland Audit Office, the Commission has differentiated between casework costs which are unavoidable and those which are predictable but uncertain. The latter are identified in the accounts as liabilities and the necessary budget is carried into the relevant financial year to cover those costs.

A long-standing issue of the costs associated with four of the Commission's early cases was resolved during the year by resorting to the advice of a Cost Drawer. This clarity contributed to a more informed analysis of the Casework budget. A potential major cost to the Commission remains in the balance as the 'E' case, relating to the Holy Cross School in which costs were awarded against the applicant supported by the Commission, is currently under appeal.

Significant work also went into the production of a Casework Manual which has been made available to all Commissioners and relevant staff. This outlines clearly the Commission's procedures for dealing with inquiries and applications for assistance, including an appeals procedure and clarity of the relationship between the Casework Committee and the extent of its delegated authority, and the full Commission.

We would like to thank Cathy McGrann, who worked with the Commission as a temporary Caseworker until March 2005.



## Casework testimonials

### Case 1

*“The funding provided by the NIHRC in our judicial review case enabled the Applicant to challenge successfully some Prison Service decisions regarding the detention of female prisoners. Not only did this case highlight important issues, but it attracted public attention to the plight of prisoners in Northern Ireland, a group for whom there may have been little public sympathy. Hopefully the judgment of the Court will benefit all prisoners in Northern Ireland.”*

Paul Dougan, John J Rice Solicitors

### Case 2

*“From May 1999, I was trying to establish how my son could have been sexually abused while resident within the boarding department of Cabin Hill Preparatory School. Right from the beginning, no answers were forthcoming...*

*In January 2002, I first asked the Northern Ireland Human Rights Commission for help in obtaining a statutory inquiry. From the outset, it was clear that they realised the importance of an inquiry which would allow the facts to be established in a non adversarial manner, rather than the confrontational setting of a criminal trial or civil litigation process. What we were seeking most for the future was change for the better, primarily so that other victims and families did not have to suffer in the same way that we had.*

*The success of the statutory inquiry was borne out by the fact that many witnesses who had declined to testify to the police in the criminal investigation did subsequently come forward and speak to the inquiry team... It certainly helped my son come to terms with what happened because he felt at long last he was believed and I also hoped that it would benefit the other victims in a similar manner.*

*Without the unstinting support from the Human Rights Commission and the Children’s Commissioner, it would have been virtually impossible for me to persuade the Minister to set up a statutory inquiry and I am extremely grateful to those involved at every level in both organisations for their assistance in achieving that.”*

Father of Boy ‘A’

### Case 3

*“The NIHRC supported my case challenging the Key Persons Protection Scheme as incompatible with Article 2 of the ECHR. It was an important issue to redress the imbalanced application of support to the majority community. I have found the NIHRC’s help to my case invaluable.”*

William Frazer, Families Acting for Innocent Relatives (FAIR)

### Case 4

*“My daughter and I found the caring and exactitude of the NIHRC to be heart-warming and encouraging and we publicly offer our deepest gratitude.”*

Patricia Bland, mother of a victim in a human rights abuse case

## Research and Investigations

Much of the Commission’s investigations work in the year under review reflected its continuing prioritisation of the right to life and the right not to be ill-treated. These rights are protected by Articles 2 and 3 of the European Convention on Human Rights and by the Human Rights Act 1998. The Commission also initiated work on race, asylum, and migration issues.

### Death investigations

The right to life (Article 2 of the Convention) and the right to be free from ill-treatment (Article 3) were a key focus of the investigation team’s work in 2004-05. In June 2004 the Commission organised a stimulating conference on Article 2 in Templepatrick, Co. Antrim. Speakers included Professor Phil Scraton (on his research on the Hillsborough football stadium tragedy); Mark Kelly (on recent case law on Article 2); Detective Superintendent Jerry Lockett (on the Porton Down historic death inquiry), Debbie Large (on the role of coroners’ officers) and Paul Mageean of the Committee on the Administration of Justice (on Article 2 cases relating to Northern Ireland).

The conference also addressed the particular circumstances of Northern Ireland, highlighting difficulties experienced by the bereaved and explaining the mechanisms and processes currently operating in this jurisdiction. We compared the government’s handling of an investigation of deaths which occurred over 50 years ago at a chemical warfare research establishment in Porton Down, England, to the consideration of unsolved homicide cases in Northern Ireland.

The insight provided by the event prompted the Commission to engage Mark Kelly to prepare practical guides on Articles 2 and 3, for publication in the spring of 2005. Using clear language, both guides explain what the rights are and how they are protected. Key cases from the European Court of Human Rights and the UK courts are described along with the practical process of taking a case to Europe. A publication



on the inquest system was commissioned from Paul Mageean and Fiona Doherty, for release later in 2005.

The Commission is still concerned with the failure by the government to modernise and improve the coronial process in Northern Ireland and is continuing to engage with a range of stakeholders in this field to press for meaningful responses to the state's obligations.

Dialogue with the Police Service of Northern Ireland on review of unsolved homicide cases continued through 2004 and into 2005, and although the Commission welcomed the announcement of new funds for the historic review of such cases, concerns remain around policy and practice. These concerns were highlighted in the Commission's response to the Northern Ireland Affairs Committee in late 2004 on 'Dealing with the Past' and revisited in the preparation of a response to the 'Services for Victims' consultation document issued by the Northern Ireland Office.

An overview of death investigation systems in the context of this work highlighted a number of areas requiring further investigation, particularly in regard to deaths in the health care system. Commissioners agreed to make this a priority for further work and Professor Tony McGleenan was commissioned to prepare a report, *Investigating Deaths in Hospital*, which was published in the autumn of 2004. The Commission undertook to meet with the various interest groups involved in this field. In addition, the Commission developed relationships with bodies outside this jurisdiction with expertise in the area such as the National Confidential Enquiry into Patient Outcome and Death, and Action against Medical Accidents.

The Commission wishes to express appreciation for the candid and undoubtedly often painful sharing of experience provided by so many families, clinicians, hospital managers, investigators, and lawyers in this work.

### Race, asylum and migration issues

Work in this area has focussed on Travellers, reception standards for asylum seekers, and migration. The Commission submitted evidence to the Council of Europe's Social Rights Committee and initiated work with Law Centre (NI) and the Dungannon-based Animate project to produce a resource pack for migrant workers on their rights and entitlements in Northern Ireland.

The Commission also agreed to investigate the operation of immigration services in Northern Ireland, and secured the co-operation of the Immigration and Nationality Directorate in order to carry out an investigation into how immigration officers use their powers to detain.

The training provided for Lay Magistrates on the Human Rights Act 1998 included a focus on race issues, and the Commission was represented on a number of relevant fora such as the Office of First and Deputy First Ministers' Race Equality Forum, a sub-group of the Department of Constitutional Affairs Human Rights Forum, the Home Office's steering group on a national action plan against racism, and the Housing Executive's Equality Consultative Forum.

The Commission was also represented at a conference in Barcelona on 'Human Rights: Emerging Needs, New Developments', and at a series of meetings in Brussels with the UN High Commissioner for Refugees and the European Policy Centre. Bi-annual meetings between the Commission and black and minority ethnic organisations in Northern Ireland were also convened.

## Prisons

The investigations work of the Commission included a focus on the rights of women in prison. The Commission contracted Professor Phil Scraton (Professor of Criminology at Queen's University Belfast) to conduct research along with Commission staff at Mourne House, Maghaberry Prison. Fieldwork was carried out from March to June 2004. The research included interviews with women prisoners, discipline staff, prison managers and professionals working in the prison. The proposed move of women prisoners from Maghaberry to Ash House, a unit in Hydebank Wood Young Offenders' Centre, quickly became a key focus of the work. The Commission considered that Hydebank Wood was not a suitable place for accommodating women. It was clear that it could not meet the expectations of the Prisons Inspectorate that custody sites for women should be discrete, with their own management structures, health care, education and training facilities.



HMP Maghaberry. Photo by Lesley Doyle

The Commission lobbied the Prison Service to try to prevent the move and in June 2004 issued an interim report based on the research findings, urging the Prison Service to reconsider its plans. Later in June, women prisoners were transferred to Ash House and, despite the Prison Service's refusal to allow Commissioners and researchers into Ash House, the Commission maintained contact through legal visits and approaches from women who had left custody.

In October 2004, the Commission published *The Hurt Inside* (co-authored by Commission Investigations Worker Linda Moore and Professor Phil Scraton), which documented the findings of its research on women in prison. (A revised edition was published later in 2005.) The report found serious violations of the rights of women in custody. It concluded that the recommendations of the most recent, highly critical, report by the Prisons Inspectorate had not been acted on and in fact the situation for women in prison had deteriorated significantly since 2002. The Commission recommended that an independent inquiry be established into the situation in Mourne House between 2002 and 2004, including the deaths of Annie Kelly (2002) and Roseanne Irvine (2004).

The Commission negotiated access with the Prison Service to carry out follow-up research in Ash House, to begin in autumn 2005.



In November 2004, Professor Scraton and Linda Moore gave evidence at the Belfast Coroner's Court during the inquest into the death of Annie Kelly who was found hanging in a strip cell in Maghaberry Prison in September 2002. The jury found that Annie had not intended to take her life, but that "defects in the prison system contributed to the death". The finding criticised the lack of policies and procedures for staff to adhere to and communication deficits between managers, doctors and the dedicated team charged with Annie's care. The jury found that factors that contributed to Annie's death included her isolation for long periods in the strip cells, lack of appropriate female facilities and lack of a therapeutic alternative outside prison to meet her mental health needs.

In late 2004 and the early part of 2005 the Commission began legal proceedings challenging the Northern Ireland Office's refusal to allow the Commission to carry out research in the Juvenile Justice Centre at Rathgael. The Commission had intended to do follow-up work to its previous report into the care of children in custody, *In Our Care*. The Commission won leave to take a judicial review, but the case was settled prior to hearing with an agreement that the Commission could carry out the research.

The Commission was pleased that one of its Investigation Workers was invited to act as guest inspector on the joint Criminal Justice Inspectorate/Social Services Inspectorate inspection of Rathgael (October 2004).

### Responses to legislation and policy proposals

The Commission made submissions to numerous branches of government, to public authorities and to international bodies on the human rights implications of proposed legislation, on consultation documents on policy and practice, and on the state's compliance in Northern Ireland with its international human rights obligations. With more than 300 consultation exercises each year, and an occasional need to respond to developments on which the Commission's views are not solicited, the Commission has to be selective and directs its legislation and policy work through agreed criteria.

The total number of consultation responses and other submissions prepared was 55; a list is provided at Appendix 2 and most items are published on the Commission's website. Major items in the year under review included submissions to government on national and regional action plans on racism and related issues; work on the UN Convention against Torture, including successful lobbying of the UN Committee examining the UK's periodic report on compliance; and a number of submissions on anti-terrorism legislation, to the Northern Ireland Office, the Parliamentary Joint Committee on Human Rights, the House of Lords and the Council of Europe. Another Parliamentary Committee received a submission on 'Reconciliation: Ways of Dealing with Northern Ireland's Past', in which the Commission set out the human rights considerations relevant to any future truth recovery process.

The Commission remains the only statutory human rights agency in the UK, but plans are well advanced to develop a sister body in Scotland and a Great Britain-wide agency combining the functions of the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission with human rights promotion. The Commission provided views on the remit and powers that the new British body would need. It also gave views on the proposed legislation to modernise public inquiries, expressing doubts about the extent of the scope for interference by the executive branch of government, with particular reference to pending inquiries into controversial killings in Northern Ireland.

## Aim 3

## Promoting awareness and understanding of human rights

## Education

A comprehensive education resource, *Bill of Rights in Schools (BORIS): A Resource for Post-primary Schools*, was formally launched on 8 February 2005 in Parliament Buildings, Belfast. The materials were developed through a partnership comprising the Commission, the Department of Education and all five Education and Library Boards. The new teaching resource was extensively piloted by teachers in 30 schools and distributed to all post-primary schools across Northern Ireland.



Launch of BORIS teaching resource. Photo by Pacemaker Press International

The project was established in September 2002 and was tasked with producing a range of human rights educational materials on a proposed Bill of Rights for Northern Ireland. In the summer of 2004 Human Rights Education Associates (HREA), an international human rights education group was appointed as editor to help finalise the educational resource. The guide included an introduction to the European Convention on Human Rights and exercises on the Local and Global Citizenship curriculum at Key Stages 3 and 4. It also provided material for use with post-16 pupils and in history, law, politics, and religion teaching for all age groups. The resource is to be translated for use in Irish language schools.

The Human Rights and Education Forum, which met three times during the year, continues to be hosted by the Commission. At its December meeting members formed two sub-groups, one on human rights education and the other on compliance with human rights in the education system. It was considered that this would allow for more in-depth consideration of both issues.

The Commission reviewed aspects of education law and practice in Northern Ireland with a view to determining whether international standards on human rights are being adhered to. In this context it provided a response to the draft Special Educational Needs and Disability Order in the reporting period and met with the Minister to press for improvements to the legislation. Its contribution to the drafting process was subsequently acknowledged by the government when Baroness



Farrington of Ribbleton in her speech of 2 March 2005 said, "...meeting with the Northern Ireland Human Rights Commission has helped to shape the draft order" (Hansard, column 311).

In the period under review the Commission continued its work with the Police Service of Northern Ireland (PSNI) on evaluating the human rights components of its training programme. Its work in this area was multi-layered in that it reviewed curricula, observed training in action, worked with the PSNI to secure action on its recommendations and contributed to public discussions on human rights training within the police. The PSNI co-operated with the Commission and agreed that the Commission be allowed to evaluate the human rights components of the third and final stage of the Recruit Training Programme: the Tutorship Stage and the Course for All. The Commission published its *Course for All* report in May 2004. It reviewed the Tutorship Stage of the Recruit Training Programme in this reporting period and will publish the findings during 2005. Mark Kelly was again engaged to work with Commission staff to undertake this further review.

In March 2005, the Policing Board produced its first *Human Rights Annual Report*. The Commission was pleased to note that the Policing Board adopted many of the recommendations it had made on police training. In terms of specific human rights training, for example, it suggested that the PSNI should closely monitor and evaluate how well human rights training had been integrated into every level of its training in order to ensure consistency in standards and approach. Most significantly, the Policing Board recommended comprehensive external evaluation of police training, endorsing a recommendation made by the Commission in 2002.

A number of presentations on human rights were delivered by representatives of the Commission at conferences and courses during the year. For example, staff provided training to Omagh District Council officers on the implications of the Human Rights Act; to investigators from the Police Ombudsman's Office on Article 2 of the European Convention on Human Rights; to citizenship teachers in the North Eastern Board on human rights generally; and to health and social care staff from a newly opened medium secure clinic for people with mental ill-health.

In March 2004, the Commission asked the UNESCO Centre at the University of Ulster to conduct an independent review of human rights education and training services provided in Northern Ireland. The review focused on the mapping of existing human rights education and training provision, and the practice of providers. It was completed in March 2005 and revealed that, although there was some disagreement about the definitions used in this field, there was consensus about the importance of this provision. A majority of respondents believed that there was a need for more human rights education in Northern Ireland. The review discovered that very few organisations assessed or accredited their human rights educational provision and that there appeared to be few materials available in this field. Other barriers to developing education and training opportunities were identified, such as a limited pool of expertise, reflecting the relatively early stage of development of this provision in Northern Ireland. The Commission intends to use the findings of the review to inform the development of a new strategy for human rights education and training over the next three years.



## Publications

In the reporting period, the Commission produced 16 publications in print and electronic formats. A full list of these can be found at Appendix 3. All publications are distributed proactively and in September 2004, the Commission was pleased to be able to enhance its staffing in this priority area with the appointment of a part-time administration officer with special responsibility for database administration and distribution. In addition, 270 requests for some 2,000 publications were met and materials were exhibited at 29 events, mainly in Northern Ireland, but also in Scotland, Germany, Switzerland, Ghana and South Korea. By the end of the year under report, the Commission was preparing to circulate the first issue of an email bulletin which it intends to establish as a monthly news vehicle.

## The Bill of Rights

At the beginning of the year, the Commission published its latest position document on a Bill of Rights for Northern Ireland. Entitled *Progressing a Bill of Rights for Northern Ireland: An Update*, the document represented the views of the Commission, drawing on responses to its 2001 consultation document, which continued to be received during 2003 and the content of further views and debate. The update was widely circulated from April 2004 with an invitation to comment on the new set of proposals by 1 August.

On behalf of the Bill of Rights in Schools partnership project, the Commission was delighted to publish an education resource for use in post-primary schools. It contained detailed and lively lesson plans, designed to assist children and young people in understanding the concept of human rights and the potential of a Bill of Rights for Northern Ireland.

## Awareness of rights

In April 2005, two practical guides to the European Convention on Human Rights were published. The guides, entitled *The Right to Life* and *The Right Not to be Ill-treated*, were written for the Commission by independent human rights consultant Mark Kelly. They aimed to explain, in a user-friendly way, the background to these key rights and how they have been applied in cases appearing before the Northern Ireland courts as well as in judgments of the European Court of Human Rights.

## Policing

The fourth report on the application of human rights to the training of the Police Service of Northern Ireland was published in May 2004. *Human Rights in Police Training, Report Four: Course for All* provides an evaluation of an ambitious course delivering a two-day training programme to every officer and member of staff in the Police Service regardless of grade or type of contract. Written by Mary O'Rawe of the University of Ulster, the evaluation examined the course material and its delivery. The report became a useful addition to the three previous reports on the human rights training of PSNI recruits.

## Death investigation

In September 2004, the Commission published *Investigating Deaths in Hospital*, its discussion document on the human rights issues associated with investigating deaths



occurring in hospital in Northern Ireland. The document was written by Professor Tony McGleenan, a barrister and professor of law with a long-standing interest in the issue. It identified a number of shortcomings about the present system of investigation and, as an aid to debate, put forward recommendations for improvement. The circulation of the document prompted a number of people who have suffered the unexpected death of a relative while under medical care to get in touch with the Commission. It also assisted discussion among people directly affected, healthcare and medical policy-makers and practitioners and representatives of the inquest system.

### Women in prison

A key development in investigations work was the publication in October 2004 of a detailed investigation into the conditions endured by women detained in Mourne House, Maghaberry Prison in the months prior to their transfer to Ash House, Hydebank Wood Prison, on a site shared with a Young Offenders' Centre, in June 2004. The resulting report entitled *The Hurt Inside*, written by Professor Phil Scraton and investigations worker Dr Linda Moore, contained 41 recommendations regarding the detention regime and the care of vulnerable women. Following the inquest into the death of Annie Kelly in Mourne House in September 2002 (referred to above), and a number of other developments pertinent to the humane detention and care of women prisoners in Northern Ireland, the Commission would publish a revised edition of its report and intended to organise a major conference to review the research later in 2005.

### Rights in situations of arrest

In December 2004, the Commission published a review of the legislation affecting the treatment of people who have been held in custody for a long period and subsequently been either acquitted or discharged without trial. *The Rights of People Who Have Been Arrested* was prompted by the case of Colin Worton, one of six UDR soldiers arrested in connection with the murder of Adrian Carroll in 1983. Mr Worton, having spent two and a half years in custody, was acquitted in 1986 when the trial judge found his confession inadmissible. He remained in the UDR, but his contract was not renewed when it expired in 1987. Four of the other soldiers arrested with him ("the UDR Four") were convicted of murder. In 1992 three were cleared on appeal. The three cleared soldiers were awarded large amounts of compensation dating back to the day of their arrest, and taking account of their lost opportunity of continuing their careers in the UDR. Mr Worton, however, received no compensation. The publication called for changes to be made in the awarding of compensation and for the Police Service of Northern Ireland to review its compliance with the Police and Criminal Evidence (Northern Ireland) Order 1989, particularly with respect to the Order's limits of the police power to re-arrest a person already in custody for another offence.

### Media work

During the year the Commission issued a total of 37 press releases. Fifty-six interviews were provided to a variety of print and broadcast media, both domestically and internationally. The Commission's work was covered in 238 recorded articles.

Press releases were issued to publicise or raise awareness of a variety of human rights issues including formal recognition of British Sign Language and Irish Sign Language as minority languages, UN examinations of human rights treaty compliance, the implications for young people of proposed anti-social behaviour legislation, the ill-treatment of women in prison, the human rights aspects of how unexpected deaths in hospital are investigated, the implications of proposed anti-terrorism legislation, failures of the Key Persons Protection Scheme, racism and racist attacks, violence against women, migrant worker and refugee protections, child protection, policing and International Human Rights Day (10 December). All press releases are available at [www.nihrc.org](http://www.nihrc.org).

The Commission's work on the rights of women in prison received particular and significant media interest. The publication of the results of its investigation into the conditions at Mourne House in October 2004 was covered by more than 20 media outlets, with 25 newspaper articles appearing in print.

In June, the Northern Ireland Office advertised for a new Chief Commissioner and Commission members to replace those whose terms were to end February 2005. The Commission was delighted when the Secretary of State announced on 18 December 2004 that, in principle, the Commission should be granted additional investigative powers to allow access to places of detention and to compel the release of evidence.

In late June, the Information Worker attended a four-day international workshop on human rights organisations working with the media, organised by the British Council Commonwealth Human Rights Project. The workshop took place in Accra, Ghana and involved 28 representatives from 13 national human rights institutions. The event enabled a very useful exchange on communication practice between peer media workers and with journalists. The key outcome of the experience was a guide to creating and maintaining relationships with the media.

[www.nihrc.org](http://www.nihrc.org)

The Commission's website received more than 1.3 million hits during the year and over 147,500 visitor sessions, the latter figure indicating an increase of 7,500 on sessions during 2003-04. A contact enquiry facility was offered as part of the website service, attracting an average of 50 enquiries each month. A separate facility created in January 2005 assists site visitors to email Freedom of Information requests to the Commission.

Particularly useful additions to the website resource this year were regular summaries of Human Rights Act cases from the Northern Ireland Courts, compiled by the Commission's Caseworker. As a result of discussion with the Northern Ireland Court Service about its statistical information on local court cases involving human rights, the Court Service undertook to expand its monitoring so as to provide more detailed information about the rights which are arising. Separate summaries of UK cases from the European Court of Human Rights, dating from 1995 to the present year, were produced by the Chief Commissioner for the website.

General website work during the year focused on ensuring that the site was kept up to date with press releases, minutes of Commission meetings, new publications, consultation submissions and upcoming events. During 2005-06, the Commission intends to further enhance the design and usefulness of its website.



### Human rights library

The reference library at the Commission was established in 2001 and maintains links with other special libraries in areas such as equality, law and the administration of justice. Holding approximately 3,000 items, the library is open to anyone with an interest in human rights.

The Commission has had longstanding plans to develop the reference library to its full potential and this year saw further improvements made. Maintenance of the library was enhanced by the appointment an Administration Officer, who was able to take on some of the routine tasks which support the running of a library. By the year's end, an on-line catalogue of the library contents was underway, together with a general refurbishment of the library.



Photo by Lesley Doyle

## Aim 4

### Increasing the effectiveness of the Commission

Reviews of the Commission undertaken in previous years had made a number of recommendations which were implemented during the year. Further advice was also offered in an external, comparative evaluation of the Commission and the South African Human Rights Commission written by Rachel Murray and Stephen Livingstone, published early in 2005.

Core to the changes was the appointment, in October 2004, of three new managers and the expansion of the offices to include the whole of Temple Court. The offices were refurbished to improve access in line with the Disability Discrimination Act guidance and staff relocated to reflect the three teams - Corporate Services, Information, Education and Development, and Legal Services, Policy and Research. The long-running industrial action by most NIPSA members of staff, in support of the union's pay negotiations with government, concluded in December 2004, allowing the re-establishment of team meetings, training, planning meetings and staff appraisals.

Preparations were completed to bring the Commission's finances more into internal control with less reliance on the use of accountancy services. The Corporate Services team will have responsibility for the payroll provision and increasingly for the preparation of the annual accounts. The Commission is grateful to staff and the accountants, McClure Watters, for their application in addressing, with the Northern Ireland Audit Office, the backlog of audits this year to ensure that by the end of the year, it would be possible to comply with Treasury Guidelines and publish audited accounts together with the annual report. Consultants, Change Alliance, worked with the Commission during the year to develop proposals for an amended pay and grading system to reflect the needs of the organisation and encourage progression and retention of staff.

### Compliance

A Risk Assessment exercise was undertaken in December and an internal audit is planned for early in the incoming financial year, building on the recommendations of the previous internal audit completed in May 2004. The Commission's annual report to the Equality Commission on progress in its Equality Scheme commitments was submitted in August (see Appendix 4) and regular employment monitoring reports provided as required. The Commission's information management system was reviewed during the year to ensure that it was able to meet the requirements of new rights of access by the public to information under the Freedom of Information Act 2000, which came into effect from 1 January 2005. No requests for information under the legislation were received during the reporting period.

### Visits

The Commission was delighted to welcome visits during the year from a large number of individuals and representatives. Of particular note was the visit of Mr Álvaro Gil-Robles, Commissioner for Human Rights at the Council of Europe, during his mission to the UK; that of Committee A of the British-Irish Inter-Parliamentary Body, and that of the Lord Mayor of Belfast, Mr Tom Ekin, which resulted in his co-operation with the



Commission in hosting a well-attended celebration of International Human Rights Day on 10 December in Belfast's City Hall.

Chief Commissioner, Brice Dickson was an ambassador for human rights and for this Commission at many events during the reporting period, including overseas visits to the World Conference of National Human Rights Institutions in Seoul, South Korea; the developing Palestinian Independent Commission for Citizens' Rights in Ramallah; the World Forum on Human Rights in Nantes, France, and an event in Albania marking 10 years of the UN Paris Principles guidance for national institutions. In October, the Chief Executive and three managers accompanied Brice to the Council of Europe Roundtable of European National Human Rights Institutions (NHRIs) in Berlin. Other staff visits included a two-month placement of the Education Worker with the Danish Institute for Human Rights in Copenhagen; attendance of the Education Worker, Information Worker and Caseworker at British Council events in Sri Lanka, Ghana and Nigeria respectively; the Education Worker attended a conference on human rights education in Berlin; the Chief Executive went to Fiji in December to a workshop on Governance organised by the UN High Commissioner's office and to the Council of Europe working group on the reform of the European Court in Strasbourg, representing European national institutions. In January the Commission co-hosted with the British Council, a workshop on the role of chief executives in NHRIs, concluding the British Council's three-year project working with national institutions, in which this Commission had been closely involved.



Brice Dickson (left) with Álvaro Gil-Robles. Photo by Lesley Doyle

# Appendices







## Appendix 1

## The Commission's staff

Paddy Sloan	Chief Executive
Corporate Services Team	
Don Leeson	Head of Corporate Services (from 4 October 2004)
Patricia Beasant	Administrative Officer (Information) (from 1 September 2004)
Roisin Carlin	Administrative Officer (Personnel)
Louise Furber	Receptionist (from 1 February 2005)
Lorraine Hamill	Administrative Officer (Finance)
Brenda Madden	Administrative Officer (Commissioners) (from 3 June 2004)
Eamon McFadden	Administrative Officer (Finance) (temporary, 1 September to 31 January 2005)
Bernadette Rooney	Administrative Officer (Legal)
Sandra Rosbotham	Cleaner
Rachel Webster	Receptionist (until 28 October 2004)
Information Education and Development Team	
Peter O'Neill	Head of Information Education and Development (from 8 November 2004)
Nadia Downing	Information Worker
Edel Teague	Education Worker
Miriam Titterton	Development Worker



### Legal Services, Policy and Research Team

Ciarán Ó Maoláin	Head of Legal Services, Policy and Research (from 1 October 2004) (previously Research Worker)
Dr Nazia Latif	Research and Investigations Worker
Angela Lloyd-Stevens	Caseworker
Cathy McGrann	Assistant Caseworker (temporary until 11 March 2005)
Virgina McVea	Investigations Worker
Denise Magill	Research Worker (on career break from 1 November 2004)
Agnieszka Martynowicz	Research Worker (from 1 March 2005)
Dr Linda Moore	Investigations Worker

### Interns/Volunteers

Olivia Núñez  
Marion Rabanit,  
Anil Shukra  
Priyamvada Yarnell  
Christine Stöhl

## Appendix 2

### Consultation responses and other submissions

#### April 2004

Proposed abandonment of National Action Plan Against Racism  
Supplementary Review of Powers of the NI Human Rights Commission  
Inquiry by the Northern Ireland Affairs Committee into Police Ombudsman  
Inquiry by the Northern Ireland Affairs Committee into Hate Crime  
Measures to Tackle Anti-Social Behaviour

#### May 2004

Transfer of Judiciary-related functions of Lord Chancellor  
Alleged exclusion of non-unionists in Lisburn City Council  
Gender Equality Strategy (comments on pre-consultation draft)  
Submission to US Helsinki Commission on Policing in Northern Ireland  
Draft Anti-social Behaviour (NI) Order 2004 (letter to NIO)  
Draft Code of Ethics for the Police Ombudsman's Office

#### June 2004

Alternative to National Action Plan Against Racism  
Special Educational Needs and Disability Order 2004  
Public Prosecution Service (PPS): Code for Prosecutors  
PPS Handling of Complaints not concerning prosecutorial discretion

#### July 2004

Optional Protocol to UN Convention Against Torture (Foreign and Commonwealth Office re implementation)  
Optional Protocol to UN Convention Against Torture (Court Service re courthouse cells)  
Work of Independent Assessor of Military Complaints



### August 2004

Fairness for All (GB Equality & Human Rights Commission)  
Effective Inquiries (Department of Constitutional Affairs)  
European Human Rights Agency (joint NHRI position)  
Repeal of s67(3) of Terrorism Act (to NIO)  
Strategic Framework for Adult Mental Health Services (Bamford Review)  
Reconciling Security and Liberty (Home Office, anti-terrorism measures)  
European Human Rights Agency (to FCO)

### September 2004

Patient Choice Protocol, Eastern H&SS Board  
Council of Europe Guidelines on the Protection of Victims of Terrorist Acts  
Police Identification Consultation (Police Ombudsman)  
Consent for Examination, Treatment or Care: Working with people in prison  
Human Rights as a Charitable Purpose  
Comments on UK implementation of Jordan et al rulings  
Community Cohesion & Race Equality Strategy (Home Office)  
Inspection of Magilligan Prison (to Criminal Justice Inspectorate)

### October 2004

European NHRIs survey on rights of gay people  
Functions of the Northern Ireland Policing Board

### November 2004

Shadow report on UK 4th Report under UN Convention Against Torture  
PSNI Child Protection Policy  
Single Equality Bill

December 2004

JCHR Inquiry on ICERD Concluding Observations  
Creation of EU Fundamental Rights Agency (NIHRC position)  
Children's Homes Registration and Inspection Standards  
Draft Unauthorised Encampments (NI) Order  
Creation of EU Fundamental Rights Agency (joint NHRI position)  
The rights of persons who have been arrested  
Implementation of EU Asylum Reception Conditions Directive

January 2005

Draft Council of Europe Convention on Terrorism  
Follow-up of Council of Europe Recommendations on ECtHR reforms  
(per European NHRIs Group)  
Inquiries Bill (Lords briefing)  
Youth Justice Agency Child Protection Policy  
Youth Justice Agency Complaints Charter  
Reconciliation: ways of dealing with Northern Ireland's past  
(Northern Ireland Affairs Committee)

February 2005

Council of Europe Convention on Terrorism (joint NHRI position)  
Prevention of Terrorism Bill (Lords 2nd Reading)

March 2005

Gender Matters consultation  
OFMDFM Children's Strategy



## Appendix 3

### Publications

#### April 2004

Human Rights in Police Training, Report Four: Course for All

Progressing a Bill of Rights: An Update

A Supplementary Review on the Commission's Powers - submitted to Government

#### June 2004

Report on the Transfer of Women from the Mourne House Unit, Maghaberry Prison to Hydebank Wood Young Offenders Unit

#### August 2004

Summary of 2004 Opinion Survey Views on the Commission

Summary of 2004 Opinion Survey on a Bill of Rights

#### September 2004

Investigating Deaths in Hospital in Northern Ireland: Does the System Comply with the European Convention on Human Rights?

Countering Terrorism and Protecting Human Rights

Constraints and Possibilities for the Single Equality Bill: A Discussion Paper

#### October 2004

Bill of Rights in Schools: A Resource for Post-primary Schools

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

#### November 2004

The Rights of People Who Have Been Arrested

Annual Report 2004

#### March 2005

The Right to Life: A Practical Guide to the European Convention on Human Rights

The Right not to be Ill-treated: A Practical Guide to the European Convention on Human Rights

Business Plan 2005-2006

## Appendix 4

### Equality Scheme Report 2004-05

#### Name of Public Authority:

Northern Ireland Human Rights Commission  
Temple Court, 39-41 North Street, Belfast, BT1 1NA  
Tel: (028) 9024 3987 Fax: (028) 9024 7844  
Email: [information@nihrc.org](mailto:information@nihrc.org)  
Website: [www.nihrc.org](http://www.nihrc.org)

#### Equality Officer:

Ms Paddy Sloan, Chief Executive  
Email: [paddy.sloan@nihrc.org](mailto:paddy.sloan@nihrc.org)

### Section 1: Strategic implementation of the Section 75 duties

- 1.1 Equality is a core value of the Northern Ireland Human Rights Commission which has been promoted through the Equality Committee established to oversee the implementation of the Equality Scheme. The Commission's committee structures are currently being reviewed in light of the appointment of seven new Commissioners in September 2005.
- 1.2 The Equality Committee was serviced by the Chief Executive who has also acted as Equality Officer for the Commission. This responsibility will transfer to the Head of Corporate Services, a post established in October 2004. A commitment to equality is an essential criterion in the job descriptions of all staff and is a feature of developing performance targets.
- 1.3 The implementation of the Commission's Equality Scheme across the organisation's policy and practice is a formal objective within the Business Plan with associated budget, targets and performance indicators.
- 1.4 Additional targets and performance indicators reflect the Commission's commitment to equality objectives in prioritising the budget and associated areas of work. These include targets relating to delivering a Bill of Rights for Northern Ireland, identifying and addressing human rights violations, anti-racism work, the development of strategic partnerships with other organisations, promoting human rights awareness, promoting and monitoring the implementation of international human rights standards, and monitoring our compliance with statutory obligations on equality.
- 1.5 There is a specific budgetary allocation identified in the Business Plan to ensure the implementation of the Equality Scheme, as well as budget heads for anti-racism work, work on disability, work on economic, social and cultural rights which incorporates partnerships with various Section 75 sectors and a dedicated allocation of programme costs to the Bill of Rights consultation process.



- 1.6 The Commission's commitment to equality is specifically described in Appendix 3 of the current Strategic Plan 2003-2006. A copy of this equality commitment statement is attached.
- 1.7 In the development of each year's Business Plan and in the planning process for the next Strategic Plan for 2006 to 2009, equality considerations inform the priorities set by Commissioners. The major impediment for progressing the Commission's equality agenda and fulfilling the Equality Scheme commitments has been the delay in appointing replacement Commissioners since 2002. The Commission's progress report to the Equality Commission for Northern Ireland for 2003-2004 noted that the organisation was operating with six Commissioners, five part-time and one full-time, from a previous cohort of thirteen. At the end of this reporting period the number of Commissioners has been depleted to two part-time Commissioners only.
- 1.8 The staff restructuring and the appointment of three managers have however enhanced the opportunity for planning at staff level and should provide a useful platform for the development of future work when new Commissioners are in post.

## Section 2: Screening and Equality Impact Assessment (EQIA)

- 2.1 The Commission does not propose to screen out any of its policies from impact assessment. This position may however be reviewed by a new Equality Committee comprising Commissioners and a Chief Commissioner who will take up post in September 2005.
- 2.2 Following a pre-consultation process during the summer of 2004, on the proposal to carry out an initial impact assessment on the Bill of Rights proposals and the consultation process associated with those proposals, Commissioners decided that such an impact assessment would, on reflection, be difficult to assess. Feedback from sectoral meetings indicated strongly that until a final policy on a Bill of Rights for Northern Ireland is determined and until a consultation process associated with it is complete, such assessment would be meaningless.
- 2.3 The revised Equality Committee, in the autumn of 2005, will review the EQIA process.
- 2.4 The Commission's staff policies and procedures have been developed in consultation with the recognised trade union Northern Ireland Public Service Alliance and several key policies still remain to be finalised. Consideration will be given to a blanket impact assessment of all staff policies and procedures as priority by the new Equality Committee.



## Section 3: Training

- 3.1 The Commission keeps under review the training objectives described within its Equality Scheme. Training on, for example recruitment and selection procedures and equality issues has been arranged on a regular basis to ensure that staff and Commissioners involved in these processes are fully competent.
- 3.2 Training during the reporting period was inhibited by the industrial action undertaken by staff in support of NIPSA negotiations of the annual pay award. Staff did not participate in any training during the period of industrial action.
- 3.3 The Commission continues to have a role in monitoring the human rights training provided to various public sector bodies, which inevitably includes an equality focus. In particular the Commission continued to monitor closely the human rights training provided to recruits of the Police Service of Northern Ireland. The fourth in a series of reports is currently being prepared.
- 3.4 The Bill of Rights consultations include capacity building with a range of representatives of the nine categories. Particular events were held focusing on vulnerable groups in Derry/Londonderry, Women's Rights and Democratic Rights.
- 3.5 There is a clear objective in the Commission's Business Plan to build capacity within civil society to engage in discussions about the Bill of Rights. In so doing the Commission worked with representatives from the disability, children's, young people's, and carers' sectors. Among others, meetings took place with Mencap, Centre for Independent Living, RNIB, Gingerbread NI, Men's Project and Parents' Advice Centre, language groups, Catholic Bishops, Quaker House.

## Section 4: Communication

- 4.1 The Commission invested heavily in the development of a communication strategy using external consultants. This involved a series of focus groups meeting with representatives of the nine categories seeking to address the effectiveness of the Commission's contact externally as well as ensuring effective communication within the organisation.
- 4.2 Following the appointment of a Head of Information, Education and Development in November 2004, this strategy was operationalised into a series of working plans for the Commission to take forward.
- 4.3 Central to this working strategy is a communications management protocol and associated procedures, a public affairs strategy and the development of new wider circulation communication tools.
- 4.4 In particular an e-bulletin is produced monthly which is circulated to all stake holders, across the nine categories.
- 4.5 The Commission is conscious of its equality obligations when hosting and participating in events. British and Irish signers are used in events, disability access provided and crèche facilities offered as appropriate. A gender



balanced platform of speakers was required before the Chief Commissioner would agree to participate in an external event.

- 4.6 Through its public statements, either press statements or interviews, the Commission has reflected the concerns of vulnerable people across the nine grounds. For example women in prison, young people in detention, asylum seekers and migrant workers, homophobic and race related violence, deaths in hospital particularly relating to older people, Travellers, victims' rights, same sex partners and an inquiry into allegations of child sex abuse in a boarding school.
- 4.7 The equality considerations continue to govern the development of the Commission's communications strategy and will ensure that key stake holders are representative across the nine grounds.
- 4.8 A framed copy of the Commission's equality statement hangs in the lobby of the building, Temple Court, and in the library and boardroom, clearly visible to all visitors.
- 4.9 The Commission's Equality Scheme and equality commitment are posted on the website, as are all press statements, policy responses and copies of key presentations.

### Section 5: Data collection and analysis

- 5.1 The Commission completed its third public opinion survey just prior to the start of this reporting period, in March 2004. The survey was carried out by Market Research NI and involved face to face interviews with a random sample of 1,000 people from across Northern Ireland and in accordance specifically with our section 75 duty. The analysis of this survey was published in the 2004 annual report and is on the Commission's website.
- 5.2 The results of the opinion survey informed the Commission's work in particular, on the Bill of Rights and targeting particular groups for further consultation and discussion. The feedback also informed the development of a public affairs strategy and plans for future engagement with political parties and stakeholders.
- 5.3 Apart from fulfilling the statutory requirements in terms of employment monitoring under S75, the Commission seeks to monitor attendance at events such as conferences or training using a S75 form, recently amended last year on the basis of feedback from participants. Similar monitoring and recording of legal inquiries to the Commission is attempted but is not always possible to complete. An evaluation form is also completed by participants and reviewed by staff for future practice following the organisation of an event by the Commission.
- 5.4 The selection of legal counsel and external researchers is periodically reviewed on S75 grounds, although the choice of selection is inevitably limited to the relevant expertise needed in any particular case.
- 5.5 The compilation of such data is currently under review as the information systems within the organisation are developed. A fourth public opinion survey is scheduled to take place in 2006 working on the baselines set through the previous three surveys.

## Section 6: Information provision - access to information and services

- 6.1 An accessibility policy for publications produced by the Commission has not been finalised due to the limited number of Commissioners. This is a priority and staff recommendations will be taken forward at an early stage to new Commissioners.
- 6.2 Documents are however made available in a variety of formats such as audio cassette, large print, on disk and in languages other than English. The Commission's website is due for further revision and has already been extensively developed. The website has achieved Bobby AAA approval and complies with all priority 1, 2 and 3 guidelines of the WCAG Web Content Accessibility Guidelines. The website has received over 1.5 million hits during the reporting period.
- 6.3 In determining how best to ensure accessibility of the Commission's publications, meetings continue to be held with organisations such as Mencap, the children's sector and the Black and minority ethnic sector.
- 6.4 The Commission's Information Worker also liaises closely with information workers of other relevant organisations such as the Police Ombudsman, the Equality Commission and the Children's Commissioner to ensure that our policies are informed by the best practice of others. All such policies will have to balance demand with available resources.
- 6.5 Distribution of the Commission's publications is monitored as is the level of website contact.

## Section 7: Complaints

- 7.1 There have not been any formal Section 75 complaints received during the reporting period.
- 7.2 The Section 75 complaints procedure is clearly outlined in the Commission's Equality Scheme which is available on request or through the website.
- 7.3 An Employment Tribunal case has been lodged against the Commission on the basis of gender discrimination and political discrimination. This case has been supported by the Equality Commission.



## Section 8: Timetable

- 8.1 The timetable submitted in the Equality Scheme has fallen behind on two aspects in particular. The functioning of the Equality Committee and associated annual reviews of the Equality Scheme have not taken place because the Commissioners were not available. Mechanisms to address this will be developed at an early stage with new Commissioners after September 2005.
- 8.2 Consultations on a process for equality impact assessments were carried out with NI Environmental Link, Gingerbread, Disability Action and Housing Rights. Commissioners at that time agreed that all the Commission policies would be impact assessed and that the original intention to focus initially on the Bill of Rights proposals and consultation process was clearly causing disquiet among various sectors as evidenced in the pre-consultation process.
- 8.3 The upheaval within the Commission during the reporting period which included industrial action among staff, restructuring of staff with the appointment of three new managers, the depletion of Commissioners and continued external criticism of the Bill of Rights process, mitigated against undertaking a formal EQIA consultation process.
- 8.4 During the anticipated period of stability after the appointment of new Commissioners and with the consolidation of the organisational re-structure, the EQIA process will be a priority during the next reporting period.
- 8.5 The planning processes as identified in the Equality Scheme timetable have taken place as described.

## Section 9: Consultation, participation and engagement

- 9.1 The Commission co-ordinates regular six monthly meeting with black and ethnic minority sectors, with a legal practitioners' forum and a human rights education forum, as well as monthly meetings with the Bill of Rights consortium which represents over one hundred groups in civic society. In addition the Commission meets regularly with the trade unions (NI Committee of the ICTU) and with other public sector bodies working in the field such as the Equality Commission, Children's Commissioner, Police Ombudsman, Parliamentary Ombudsman, among others.
- 9.2 In terms of the community and voluntary sector, through the ongoing Bill of Rights consultation process there have been meetings with a wide range of organisations including victims' groups, language groups, carers, disability groups, environmental groups. The Commission is heavily involved as chair of the Human Rights Committee, in the Review of Mental Health and Learning Disability
- 9.3 When in post, Commissioners met with political parties as often as was possible and practical. The target is to meet with each party quarterly but some met more often and others were unwilling to meet with the Commission at all. All public statements and notifications are however circulated to a mailing list which incorporates all political parties and representatives of civic society.

## Section 10: Good relations duty

- 10.1 The Commission has continued at staff level to have contact with the Community Relations Council regarding their Framework for Good Relations.
- 10.2 The Commission is working in partnership with the Institute for Conflict Research at the University of Ulster, in a project funded by the Community Relations Council, providing human rights training for those involved in mediation and conflict intervention work. This is a pilot project which will further inform the Commission's role in conflict intervention and good relations.
- 10.3 Promoting good relations through a rights based approach is a key element of the Bill of Rights discussions and will be further considered when new Commissioners review the Bill of Rights process.
- 10.4 The Commission works closely with other public authorities in developing its approach to the promotion of human rights and good relations. As a result of ongoing work in Belfast City Council, the Commission engaged the support of the Lord Mayor in December 2004 to host an event marking Human Rights Day. The event highlighted human rights and good relations issues relating to vulnerable groups across the nine grounds with a particular focus on victims and black and ethnic minority groups together with equality issues identified by the Chief Commissioner of the Equality Commission.
- 10.5 The ECNI and NIHRC met in plenary to discuss the development of a disability rights convention currently being drafted through the United Nations. The Commission works closely with the ECNI on a number of issues including Travellers accommodation, the development of a Race Equality Strategy for Northern Ireland, the implications of the Employment Equality (Sexual Orientation) Regulations 2003 and the development of a Single Equality Bill.
- 10.6 The Commission is also a member of the Joint Equality and Human Rights Group which is a UK and Ireland network of equality and human rights bodies including the Disability Rights Commission, Commission on Racial Equality, Equal Opportunities Commission, the Equality Authority, the Equality Commission for Northern Ireland, the Irish Human Rights Commission and the NIHRC. This forum meets twice each year with supplementary meetings on particular issues of concern.
- 10.7 The Commission has reconvened a consultative forum comprising representatives of various stakeholders, to review the Commission's work and to provide feedback on setting priorities for the future.
- 10.8 The Commission has ongoing relations with Queen's University Belfast and the University of Ulster with regard to events, research and the placement of student interns.
- 10.9 A publication prepared in partnership with the Law Centre NI and Animate is being prepared to explain clearly the rights of migrant workers. This will be produced in several relevant languages and it is hoped, the right resources can be secured, to ensure dissemination at all key points of contact to support migrant workers.



## Section 11: Impact and outcomes

- 11.1 The Commission's premises, Temple Court, have been renovated at a cost of over £100,000 to improve physical access and to comply fully with the requirements of the Disability Discrimination Act. The renovations were informed by a disability audit carried out last year and the work has been cleared by a subsequent review of access.
- 11.2 Consultations on the Bill of Rights, in particular events organised to focus on the needs of vulnerable groups, have targeted groups and individuals across the nine grounds. Taken with the support given through the Commission's legal inquiry service, to approximately 500 individuals each year, there is a widespread service provided.
- 11.3 The investigation and research carried out during the year has had a particular impact on the treatment of women, children and young people in prison. A series of seminars based on research published into the investigation of deaths in hospital continues to make an important contribution to improving families' and professionals' satisfaction with the resolution of a traumatic situation. The support given to the case of sexual abuse of a child in a boys' boarding school not only helped resolve that particular case but ensured that new guidelines and checks were introduced and applied in all schools by the Department of Education. The development of a Migrant Workers' handbook will provide essential and accessible information to a particularly vulnerable group of people. Children in school now have access to human rights education as a core element of the Citizenship module of the school curriculum. The Commission is chairing the human rights committee of the Mental Health Review Team, ensuring that full consideration is given to the rights of individuals who are subject to the legislation.
- 11.4 One area where further consideration needs to be given by the Commission is that of procurement. Increasingly we are using the Government Procurement Agency which has its own systems for assessing compliance of service deliverers, but it is an area where we need to develop more rigorous independent assessment procedures.

## Section 12: Additional comments on mainstreaming

- 12.1 Equality and human rights are inextricably linked. The work of the Human Rights Commission overlaps with that of the Equality Commission in many respects and a Memorandum of Understanding has been prepared to help govern that overlap.
- 12.2 In seeking to mainstream equality and human rights considerations, both Commissions have worked together on developing Bill of Rights proposals and in considering the content and implications of a Single Equality Bill for Northern Ireland.



- 12.3 Through working with the Department of Constitutional Affairs in Westminster and with the OFMDFM in Northern Ireland administration and in collaboration with the Irish Human Rights Commission, we have sought to have human rights and equality considerations introduced to mainstream public policy debates.
- 12.4 In monitoring the training of the Police Service of Northern Ireland and by commenting on the progress of the implementation of the Patten Report on Policing in Northern Ireland, the Commission has contributed to the mainstreaming of human rights and equality to the developing police service.



## Appendix 5

### Financial Statements for the Year Ended 31 March 2005

#### Contents

Foreword to the financial statements	55
Statement of the Northern Ireland Human Rights Commission's and Chief Executive's responsibilities	58
Statement on internal control	59
The certificate and report of the Comptroller and Auditor General to the Houses of Parliament Income and expenditure account	61
Statement of total recognised gains and losses	64
Balance sheet	65
Cash flow statement	66
Notes to the financial statements	67





## Foreword to the financial statements

### Background information

The Northern Ireland Human Rights Commission ("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:

1. To keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights.
2. 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.
3. To advise the Northern Ireland Assembly whether a Bill is compatible with human rights.
4. 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.
5. 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.
6. To make to the Secretary of State within two years such recommendations as it thinks fit for improving the Commission's effectiveness.
7. 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:

1. 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.
2. To bring proceedings involving law or practice concerning the protection of human rights.
3. To conduct such investigations as it considers necessary or expedient for the purpose of exercising its other functions.
4. To publish its advice and the outcome of its research and investigations.



These accounts 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.

### Business review

A full review of the Commission's activities is given in the annual report.

### Results for the year

The results of the Commission are set out on pages 63 to 65. The deficit for the year was (£22,043).

### Fixed assets

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

### Research and development

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

### Future developments

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

1. Carry out investigations and support individual cases that highlight human rights concerns.
2. Advise Governments in Northern Ireland and at Westminster on the human rights implications of legislation and policy.
3. Through research, education, publications and seminars promote widely a culture and understanding of human rights across Northern Ireland.
4. Provide advice to the Secretary of State for Northern Ireland on the scope for a Bill of Rights for Northern Ireland.

### Important events occurring after the year end

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

### Charitable donations

The Commission made no charitable donations during the year.

### Commission members

The following served as Commissioners during 2004-05:

Professor Brice Dickson (Chief Commissioner) - appointment ended on 28 February 2005

Mrs Margaret Ann Dinsmore QC - appointment ended on 28 February 2005

Mr Tom Donnelly MBE JP DL - appointment ended on 28 February 2005

Lady Christine Eames

Professor Tom Hadden - appointment ended on 28 February 2005

Ms Patricia Kelly - resigned with effect 1 July 2004

Mr Kevin McLaughlin

### Disabled employees

The Commission aims to ensure that disability is not a bar to recruitment or advancement.

### Employee involvement

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 and joint staff / union consultative meetings. NIPSA is the Commission's recognised trade union.

### Payments to suppliers

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% of bills were paid within this standard.

### Audit

The financial statements are audited by the Comptroller and Auditor General.

The fees for this year are £10,000 (2003-04 : £10,000).

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

Date: 27 October 2005

## Statement of the Northern Ireland Human Rights Commission's and Chief Executive's responsibilities

Under Section 7(2(a)) of Schedule 7 to the Northern Ireland Act 1998 and the accounts direction issued by the Secretary of State on 19 July 2000 the Commission is required to prepare a statement of accounts in the form and on the basis determined by the Secretary of State for Northern Ireland, with the approval of the Treasury. The accounts are prepared on an accruals basis and must give a true and fair view of the Commission's state of affairs at the year end and of its income and expenditure, total recognised gains and losses and cash flows for the financial year.

In preparing the accounts the Commission is required to:

- observe the accounts direction issued by the Secretary of State, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgments and estimates on a reasonable basis;
- state whether applicable accounting standards have been followed and disclose and explain any material departures in the financial statements; and
- prepare the financial statements on the going concern basis, unless it is inappropriate to presume that the Commission will continue in operation.

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

Ms Paddy Sloan  
Chief Executive

Date: 27 October 2005

## Statement on internal control

### 1. 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 (NIO), 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.

### 2. 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.

As at 31 March 2004, I expected to have the procedures in place necessary to implement Treasury Guidance. However, this timetable slipped because of delays in restructuring the organisation to bring in a new management structure and in formally agreeing the Commission's Financial Memorandum with the NIO. These are now in place and the Commission has commenced implementation of the processes that the NIO has agreed should be established and is working to ensure their robustness.

### 3. Capacity to handle risk

We have now held a risk management workshop, attended by representatives of all staff, during which we identified the Commission's objectives and risks and determined a control strategy for each of the significant risks, and trained staff in risk awareness. As a result of this workshop, a risk management policy document and framework is being developed, including a comprehensive risk register for discussion with, and approval of, new Commissioners who take up their appointments in September 2005.

### 4. The risk and control framework

Risk management and internal control will be considered on a regular basis during the year and will be incorporated into the corporate planning and decision making processes of the Commission in 2005. As part of this, an Audit and Risk Management Committee will be established when new



Commissioners take up their appointments in September 2005. Furthermore, the risk register will be reviewed and, where appropriate, updated monthly by the Management Team.

### 5. Review of effectiveness

As Accounting Officer, I also have responsibility for reviewing the effectiveness of the system of internal control. My review of its effectiveness is informed by the work of internal auditors and new 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. However, given that the Commission is still a relatively new organisation, and has only recently put in place a full management structure, our financial systems have been evolving as the organisation has grown.

The Commission's first internal audit took place in early 2004 and, whilst it confirmed that our control systems were adequate, a number of recommendations were made for improvement. In particular, weaknesses identified included financial procedures not being adequately documented and controls not being sufficiently robust with respect to procurement procedures. An action plan is being place to implement all of the internal audit recommendations by autumn 2005. The Commission's internal auditors are currently preparing a Strategic Audit Plan to set out and prioritise audit activity for the next three years, so that I receive comprehensive reports on whether robust controls are in place and working effectively over that period.

Commissioners receive monthly reports on financial performance and audit activity and, as described above, the Commission will form an Audit and Risk Management Committee in autumn 2005.

Ms Paddy Sloan  
Accounting Officer

Date: 27 October 2005

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

I certify that I have audited the financial statements on pages 63 to 83 under the Northern Ireland Act 1998. These financial statements have been prepared under the historical cost convention and the accounting policies set out on pages 67 to 68.

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

As described on page 58, the Northern Ireland Human Rights Commission and Chief Executive are responsible for the preparation of 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. The Northern Ireland Human Rights Commission and Chief Executive are also responsible for the preparation of the Foreword. My responsibilities, as independent auditor, are established by statute and I have regard to the standards and guidance issued by the Auditing Practices Board and the ethical guidance applicable to the auditing profession.

I report my opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Northern Ireland Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland, and 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 if, in my opinion, the Foreword is not consistent with the financial statements, if the Northern Ireland Human Rights Commission has not kept proper accounting records, or if I have not received all the information and explanations I require for my audit.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. I consider the implications for my certificate if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

I review whether the statement on pages 59 to 60 reflects the Northern Ireland Human Rights Commission's compliance with Treasury's guidance on the Statement on Internal Control. I report if it does not meet the requirements specified by Treasury, or if the statement is misleading or inconsistent with other information I am aware of from my audit of the financial statements. I am not required to consider, nor have I considered whether the Accounting Officer's Statement on Internal Control covers all risks and controls. I am also not required to form an opinion on the effectiveness of the Northern Ireland Human Rights Commission's corporate governance procedures or its risk and control procedures.

### Basis of audit opinion

I conducted my audit in accordance with United Kingdom Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgements 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 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 are free from material misstatement, whether caused by error, or by fraud or other irregularity 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 have also evaluated the overall adequacy of the presentation of information in the financial statements.

### Opinion

In my opinion:

- the financial statements give a true and fair view of the state of affairs of the Northern Ireland Human Rights Commission at 31 March 2005 and of the deficit, total recognised gains and losses and cash flows for the year then ended and 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

2 December 2005

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



## Income and expenditure account for the year ended 31 March 2005

	Notes	2005 £	2004 as restated £
<b>Income</b>			
Revenue grant-in-aid	2	973,011	1,359,397
Other operating income	2	7,050	781
Capital Grant released	9	<u>39,002</u>	<u>33,874</u>
<b>Total Income</b>		<u>1,019,063</u>	<u>1,394,052</u>
<b>Expenditure</b>			
Staff costs	3	602,553	587,801
Depreciation	6	39,002	33,874
Other operating costs	4	395,878	676,303
Notional cost of capital	5	<u>3,673</u>	<u>4,095</u>
<b>Total Expenditure</b>		<u>1,041,106</u>	<u>1,302,073</u>
<b>Surplus/(deficit) for the year</b>		(22,043)	91,979
Credit/(debit) in respect of notional cost of capital	5	3,673	4,095
<b>Surplus/(deficit) transferred to Reserves</b>	9	<u>(18,370)</u>	<u>96,074</u>

All amounts above relate to continuing activities.

The notes on pages 67-83 form part of the financial statements.

## Statement of total recognised gains and losses for the year ended 31 March 2005

	2005 £	2004 £
Profit/(loss) for the financial year	(18,370)	96,074
Prior year adjustment	<u>(66,512)</u>	<u>-</u>
Total gains and (losses) recognised since last financial statements	<u><u>(84,882)</u></u>	<u><u>96,074</u></u>

### Prior year adjustment

In line with a change in accounting policy (Notes 1.9 and 17), which has been agreed with the Northern Ireland Office, non-recoverable legal liabilities are now included in the Income and Expenditure Account 2004-05 and a prior year adjustment has been made. The 2003-04 comparative has been restated accordingly.

## Balance sheet as at 31 March 2005

	Notes	2005		2004 as restated	
		£	£	£	£
<b>Fixed Assets</b>					
Tangible Assets	6		116,648		128,661
<b>Current Assets</b>					
Prepayments and accrued income	7	267,543		27,538	
Cash at bank and in hand		6		277,109	
		<u>267,549</u>		<u>304,647</u>	
<b>Current liabilities</b>					
Creditors: amounts falling due within one year	8	(294,444)		(313,172)	
<b>Net current (liabilities)/assets</b>			<u>(26,895)</u>		<u>(8,525)</u>
<b>Total Assets less Current Liabilities</b>			<u>89,753</u>		<u>120,136</u>
<b>Financed by:</b>					
<b>Capital and Reserves</b>					
Other reserves	9		116,648		128,661
General Fund	9		<u>(26,895)</u>		<u>(8,525)</u>
			<u>89,753</u>		<u>120,136</u>

The financial statements were approved by the Commission on 26 October 2005 and were signed on its behalf by:

Mrs Paddy Sloan  
Accounting Officer

Date: 27 October 2005

The notes on pages 67-83 form part of the financial statements.



## Cash flow statement for the year ended 31 March 2005

	2005 £	2004 £
Net cash Inflow/(outflow) from operating activities (Note 14)	(286,774)	113,584
Capital expenditure and financial investments (Note 15)	(26,989)	(4,223)
Capital financing (Note 9)	<u>26,989</u>	<u>10,603</u>
(Decrease)/increase in cash in the year	<u>(286,774)</u>	<u>119,964</u>

The notes on pages 67-83 form part of the financial statements.

## Notes to the financial statements for the year ended 31 March 2005

### 1. Accounting policies

#### 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 accounting policy is to capitalise those items costing in excess of £500.

#### 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. These cases usually span several years.

In some cases costs are recoverable from the respondent if the applicant is successful. Given this, whilst 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 accounting policy

Non-recoverable legal casework liabilities are now recognised as accruals. Previously, unless already recognised in the Income and Expenditure Account, these liabilities were disclosed as financial commitments. The comparatives for 2003-04 have been restated accordingly and a prior period adjustment has been made in respect of non-recoverable legal casework costs accrued as at 31 March 2004, but not previously recognised (see Note 17).

## 2. Income

	2005 £	2004 £
<b>(a) Grant-in-aid</b>		
Grant from the Northern Ireland Office Request for Resources 1		
Revenue grant-in-aid	<u>973,011</u>	<u>1,359,397</u>
	<u>973,011</u>	<u>1,359,397</u>

In addition, a further £26,989 (2003-04 : £10,603) was recognised as capital grant. This amount has been taken to the Capital Grant Reserve (see Note 9).

### (b) Other income

Other income represents the sale of publications, conference and lecture fees and the reimbursement of expenses incurred by staff and commissioners in travelling to speak at conferences.

### 3. Staff numbers and related costs

#### 3.1 Staff costs

	2005 £	2004 as restated £
<b>Commissioners</b>		
Wages and salaries	113,427	157,313
Social security costs	10,926	14,382
Other pension costs	<u>5,624</u>	<u>6,135</u>
	<u>129,977</u>	<u>177,830</u>
<b>Amounts payable in respect of directly employed staff</b>		
Wages and salaries	361,967	331,531
Social security costs	29,394	25,856
Other pension costs	<u>48,824</u>	<u>38,359</u>
	<u>440,185</u>	<u>395,746</u>
<b>Amounts payable in respect of staff on secondment, agency/temporary staff, and contract staff</b>		
Contract staff*	<u>32,391</u>	<u>14,225</u>
Total staff costs	<u><u>602,553</u></u>	<u><u>587,801</u></u>

\* In line with revised disclosure requirements, amounts payable in respect of staff on secondment, agency/temporary staff and contract staff are now reported separately. For 2003-04, this expenditure amounted to £14,225 and was previously reported within directly employed staff costs. The 2003-04 figures have been restated accordingly.

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme but the Commission is unable to identify its share of the underlying assets and liabilities. A full actuarial valuation was carried out as at 31 March 2003. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).



For 2004-05, employers' contributions of £48,824 were payable to the PCSPS (2003-04 : £38,359) at one of four rates in the range 12 to 18.5 per cent of pensionable pay, based on salary bands. The Scheme Actuary reviews employer contributions every four years following a full scheme valuation. From 2005-06 the salary bands will be revised and the rates will be in the range 16.2 per cent to 24.6 per cent.

The contribution rates reflect benefits as they are accrued, not the costs as they are actually incurred, and reflect past experience of the scheme.

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 2004-05 (2003-04 : £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 are 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 2004-05.

### 3.2 Average number of persons employed

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

	2005 Number	2004 Number
Chief Executive	1.0	1.0
Corporate Services	5.5	-
Information, Education and Development	3.5	-
Legal Services, Policy and Research*	5.0	-
Administrative Officers	-	5.0
Chief Executive's Department	-	8.0
	<u>15.0</u>	<u>14.0</u>

\* includes one contractor.

The Commission re-structured during 2004-05 to form three teams.



### 3.3 Remuneration policy

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

Staff are in pay bands analogous to grades within the NIO and pay awards track those agreed for NIO staff.

### 3.4 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.

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

Unless otherwise stated below, Commission staff hold appointments which are permanent until they reach the normal retiring age of 60.

### 3.5 Salary and pension entitlements

The following sections provide details of the remuneration and pension interests of the Commissioners and most senior member of the Commission's staff (the Chief Executive).

**(a) Remuneration**

	2005 £	2004 £
<b>Commissioners:</b>		
Professor Brice Dickson (Chief Commissioner)	63,426	70,454
Margaret Ann Dinsmore	9,167	10,000
Tom Donnelly	9,167	10,000
Lady Christine Eames	10,000	10,000
Reverend Harold Good	-	9,167
Professor Tom Hadden	9,167	10,000
Patricia Kelly	2,500	10,000
Dr Christopher McGimpsey	-	5,872
Frank McGuinness	-	9,167
Kevin McLaughlin	10,000	10,000
Mr Patrick Yu	-	2,654
	<u>113,427</u>	<u>157,314</u>
<b>Staff:</b>		
Paddy Sloan (Chief Executive)	44,146	41,832

**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 Commission and treated by the Inland Revenue as a taxable emolument. No benefits in kind were received during the 2004-05 financial year.

**(b) Pension benefits**

	Real increase in pension at and related lump sum at age 60 £'000s	Accrued pension at age 60 at 31/3/05 and related lump sum £'000s	CETV at 31/3/05 £'000s	CETV at 31/3/04 £'000s	Real increase in CETV £'000s
Paddy Sloan	0-2.5	0-5	46	35	8
Chief Executive	plus 0-2.5 lump sum	plus 5-10 lump sum			

**Commissioners' pensions**

The Commission is liable for pension contributions of £5,624 to the University of Ulster in respect of the year ended 31 March 2005 (2003-04 : £6,135), on behalf of Professor Dickson (this liability has been included in the accruals figure at Note 8).

No further pension contributions were made in respect of Commissioners in the year ended 31 March 2005 (2003-04 : £nil).

**Staff pensions**

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% of pensionable earnings for classic and 3.5% 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 as per classic.

The partnership pension account is a stakeholder pension arrangement. The employer pays a basic contribution of between 3% and 12.5% (depending on

the age of the member) into a stakeholder pension product chosen by the employee. The employee does not have to contribute, but where they do make contributions the employer will match these up to a limit of 3% of pensionable pay (in addition to the employer's basic contribution). Employers also contribute a further 0.8% 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 Civil Service Vote has received a transfer payment commensurate to 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.

### The real increase in the value of the 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.

## 4. Other operating costs

	2005	2004
	£	as restated £
Motor expenses	4,863	8,256
Hospitality, travel and subsistence	24,539	21,056
Advertising and publicity	35,459	48,178
Research	3,841	8,033
Telephone	7,793	6,402
Printing, postage and stationery	26,999	26,563
Light and heat	9,513	8,302
Operating leases - rent of property	79,189	77,441
Rates	26,004	24,217
Insurance	18,100	14,711
Professional fees	13,008	35,215
Casework	(18,502)*	83,768
Non-recoverable legal casework costs	72,831	94,538
Office maintenance	6,096	9,279
Computer costs	14,802	22,379
Accountancy fees	9,932	3,521
Auditors (NIAO) remuneration	10,000	10,000
Internal audit	-	3,677
Consultancy	-	31,233
Staff training and recruitment costs	22,174	21,570
Conferences and seminars	3,567	20,449
Education costs	5,897	5,915
Joint Committee	-	3,947
Bill of Rights	8,327	40,690
Investigations	9,141	44,358
Other expenses	2,305	2,605
	<u>395,878</u>	<u>676,303</u>

\* This figure reflects a reduction of £49,958 in respect of previously overcharged legal costs.

## 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% 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 2004	109,348	46,792	78,207	234,347
Additions	-	21,122	5,867	26,989
At 31 March 2005	<u>109,348</u>	<u>67,914</u>	<u>84,074</u>	<u>261,336</u>
<b>Depreciation</b>				
At 1 April 2004	32,805	29,639	43,242	105,686
Charge for the year	<u>10,935</u>	<u>12,152</u>	<u>15,915</u>	<u>39,002</u>
At 31 March 2005	<u>43,740</u>	<u>41,791</u>	<u>59,157</u>	<u>144,688</u>
<b>Net book value</b>				
At 31 March 2005	<u>65,608</u>	<u>26,123</u>	<u>24,917</u>	<u>116,648</u>
At 31 March 2004	<u>76,543</u>	<u>17,153</u>	<u>34,965</u>	<u>128,661</u>

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

	2005 £	2004 £
Trade debtors	2,075	10,422
Prepayments and accrued income	<u>265,468</u>	<u>17,116</u>
	<u>267,543</u>	<u>27,538</u>

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

	2005 £	2004 as restated £
Bank loans and overdrafts	9,671	-
Trade creditors	13,725	119,748
Taxation and social security	12,230	-
Other creditors	40,000	40,000
Accruals	<u>218,818</u>	<u>153,424</u>
	<u>294,444</u>	<u>313,172</u>

Intra-government balance: as at 31 March 2005, the Commission held a balance of £40,000 (other creditor) due to the Consolidated Fund for costs awarded to the Commission in respect of a successful legal case.



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

	General Fund £	Capital Grant Reserve £
At 1 April 2004	57,987	128,661
Prior year adjustment	<u>(66,512)</u>	<u>-</u>
At 1 April 2004 restated	(8,525)	128,661
Deficit arising in year	(18,370)	-
Capital Grant Received	-	26,989
Released to Income and Expenditure account in the year	-	(39,002)
At 31 March 2005	<u><u>(26,895)</u></u>	<u><u>116,648</u></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 2005, the Commission was supporting four 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 2005-06 financial year at the earliest.

The other cases were ongoing as at 31 March 2005.

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



## 12. Financial commitments

### Operating lease commitments

At 31 March 2005 the Commission had the following annual commitments under non-cancellable operating leases. The amounts disclosed are inclusive of VAT.

	Land and 2005 £	buildings 2004 £	Office 2005 £	equipment 2004 £
Expiry date:				
Less than one year	-	-	-	-
In over five years	<u>66,593</u>	<u>66,593</u>	<u>-</u>	<u>-</u>
	<u><u>66,593</u></u>	<u><u>66,593</u></u>	<u><u>-</u></u>	<u><u>-</u></u>

### Capital commitments

The Commission had no capital commitments at 31 March 2005 (2004 : £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 for minor building works).

None of the Commission members, members of the key management staff 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

	2005 £	2004 £
Result for the year	(22,043)	91,979
Depreciation of tangible assets	39,002	33,874
Notional costs	3,673	4,095
(Increase)/decrease in debtors	(240,005)	63,433
(Decrease) in creditors within one year	(28,399)	(45,923)
Capital Grant released	<u>(39,002)</u>	<u>(33,874)</u>
Net cash outflow from operating activities	<u><u>(286,774)</u></u>	<u><u>113,584</u></u>

## 15. Gross Cash Flows

	2005 £	2004 £
Capital expenditure and financial investments		
Payments to acquire tangible assets	<u>(26,989)</u>	<u>(4,223)</u>
	<u><u>(26,989)</u></u>	<u><u>(4,223)</u></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 2005 are set out below:

#### Primary financial instruments:

	Book value £	Fair value £
Financial assets		
Cash at bank	-	-
Financial liabilities		
Bank overdraft	9,671	9,671

## 17. Prior period adjustment for change in accounting policy

A prior year adjustment has been made as a result of a change in accounting policy for the treatment of non-recoverable legal liabilities. From 2004-05 onwards, non-recoverable legal casework costs are recognised as accruals whereas previously, if not already recognised in trade creditors, they were treated as financial commitments.

Non-recoverable legal casework cost accruals as at 31 March 2004 were valued at £94,538. The opening balance in the General Fund at 1 April 2004 (Note 9) is revised by £66,512 creating a deficit of £8,525 and the remaining £28,026, already recognised in the 2003-04 accounts as trade creditors, is reclassified as accruals.



The 2003-04 Income and Expenditure Account is restated to show non-recoverable legal casework costs of £94,538 and casework costs reduced by £28,026 in respect of the previously recognised costs now reclassified. The previously reported surplus of £162,586 is decreased to £96,074.

The Balance Sheet as at 31 March 2004 is restated to report non-recoverable legal casework accruals of £94,538 and trade creditors reduced from £147,774 to £119,748.

