



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**Business Plan 2020-21**

**April 2020**

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## Foreword

Our annual business plan is published amid the Coronavirus pandemic. The Commission staff are working from home and following government advice, though we are still open for business.

We will monitor the human rights issues arising from the emergency measures, which apply wide-ranging powers to restrict freedoms and detain people in order to contain the Coronavirus and save lives. The Commission has responded to the call for evidence from the Westminster Joint Committee on Human Rights on the impacts the pandemic is having on human rights and issued a briefing paper on the provisions contained within the Coronavirus Act 2020 and Northern Ireland regulations.

Over the past year, we have vigorously made the case for additional resources to allow us to effectively deliver services and comprehensively meet our statutory remit. This applies alongside securing the necessary resources to take on the new mandate to ensure no diminution of rights following the United Kingdom's exit from the European Union. We hope to resolve satisfactorily both funding issues.

The Commission is publishing our Business Plan now because we recognise that normal daily life will eventually resume. The plan should read, however, in the context of the public health crisis.

The powers of the Commission to take a legal challenge without a victim have also been restored and this is a welcome development.

The Commission continues to operate across five themes in partnerships forged with the civil service and wider public sector, businesses, community groups and civil society organisations. Our interests are diverse, but strategic. They include dealing with the past in a human rights compliant way, sport and human rights, procurement practices in the public and private sectors, social security reforms and tackling poverty, policies aimed at tackling drugs addiction, complaints handling and investigations by regulators, climate justice, and the use or misuse of digital technology.



**Les Allamby**  
**Chief Commissioner**



**Dr David Russell**  
**Chief Executive**

## **Our vision:**

A society with human rights values and standards at its heart to achieve fairness, peace and justice.

## **Our mission:**

To protect and promote the human rights of everyone in Northern Ireland.

## **Who we are:**

The Commission was established by the Belfast (Good Friday) Agreement. Our governing legislation is the Northern Ireland Act 1998, as amended by the Justice and Security (Northern Ireland) Act 2007 and the European Union (Withdrawal Agreement) Act 2020.

The Commission is a National Human Rights Institution with A status accreditation from the United Nations. This recognition means that the organisation operates independently in full accordance with the United Nations General Assembly Resolution 48/134 (the Paris Principles).

The Commission is also a non-departmental public body, and receives grant-in-aid from the United Kingdom government through the Northern Ireland Office. We report to Parliament through the Secretary of State for Northern Ireland.

There are seven Commissioners (a full time Chief Commissioner and six part-time Commissioners) appointed by the Secretary of State. As far as practicable, the Commissioners, as a group, is representative of the community in Northern Ireland.

## **The principles that underpin our work:**

A human rights-based approach underpins the Commission's work. This is predicated on the conviction that human rights compliant outcomes require processes that adhere to both the values that underpin human rights laws as well as their substantive content. On this basis our core principles are:

### **Participation**

People should be involved in decisions affecting their human rights.

### **Accountability**

There should be effective monitoring of how human rights are implemented and meaningful remedies available when things go wrong.

## **Non-discrimination and equality**

All forms of discrimination must be prohibited, prevented and eliminated. People facing the biggest barriers to realising their rights should be prioritised.

## **Empowerment**

Everyone should understand and be able to fully exercise their human rights.

## **Legality**

Policies and services should be grounded in enforceable domestic and international human rights laws.

## **Partnership**

In developing a culture of human rights the Commission will work with other organisations across a wide spectrum of society.

## **Our core activities:**

The Commission's primary role is to make sure government and public authorities protect, respect and fulfil the human rights of everyone in Northern Ireland. We also help people understand what their human rights are and what they can do if their rights are violated or abused. To pursue this objective we consider the full range of civil, political, social, economic and cultural rights. Our work is based on the international human rights treaties ratified by the United Kingdom government, domestic legislation and relevant soft law standards.

The statutory functions of the Commission in accordance with the Northern Ireland Act 1998 are:

1. keeping under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights.
2. advising the Secretary of State and the Northern Ireland Executive of legislative and other measures which ought to be taken to protect human rights—as soon as reasonably practicable after receipt of a general or specific request for advice; and on such other occasions as the Commission thinks appropriate.
3. advising the Northern Ireland Assembly whether legislative Bills are compatible with human rights
4. providing advice to the UK government and Westminster Parliament on matters affecting human rights in NI.

5. conducting investigations on systemic human rights issues. To do so, we may enter places of detention, and can compel individuals and agencies to give oral testimony or to produce documents.
6. promoting understanding and awareness of the importance of human rights in Northern Ireland. To do so, we may undertake or support research and educational activities.
7. providing legal assistance to individuals and initiating strategic cases, including own motion legal challenges.
8. monitoring the implementation of international human rights treaties and reporting to the United Nations and Council of Europe.
9. working in partnership with the Irish Human Rights and Equality Commission as mandated through the joint committee created in accordance with the Belfast (Good Friday) Agreement.

The Commission is mandated in accordance with Article 2(1) of the Protocol on Ireland/Northern Ireland of the European Union Withdrawal Agreement to ensure there is no diminution of rights protected in the 'Rights, Safeguards and Equality of Opportunity' chapter of the Belfast (Good Friday) Agreement as a result of United Kingdom's withdrawal from the European Union.

This mandate will come into force after the European Union withdrawal transition period ends in December 2020.

The Commission's statutory functions for this purpose in accordance with the European Union (Withdrawal Agreement) Act 2020 are:

1. monitoring the implementation of Article 2(1) of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement (rights of individuals).
2. reporting to the Secretary of State and the Executive Office in Northern Ireland on the implementation of Article 2(1)—as soon as reasonably practicable after receipt of a general or specific request for such a report, and on such other occasions as the Commission thinks.
3. advising the Secretary of State and the Executive Committee of the Assembly of legislative and other measures which ought to be taken to implement Article 2(1)—as soon as reasonably practicable after receipt of a general or specific request for advice, and on such other occasions as the Commission thinks appropriate.

4. advising the Assembly (or a committee of the Assembly) whether a Bill is compatible with Article 2(1)—as soon as reasonably practicable after receipt of a request for advice, and on such other occasions as the Commission thinks appropriate.
5. promoting understanding and awareness of the importance of Article 2(1); and for this purpose we may undertake, commission or provide financial or other assistance for—research, and educational activities.
6. bringing any appropriate matters of relevance to Article 2(1) to the attention of the Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland established by Article 165 of the Withdrawal Agreement.
7. taking judicial review proceedings in respect of an alleged breach (or potential future breach) of Article 2(1) of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement; or intervening in legal proceedings, whether for judicial review or otherwise, in so far as they relate to an alleged breach (or potential future breach) of Article 2(1).

The Commission will exercise this mandate alongside the Equality Commission for Northern Ireland, and through the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland.

The Commission is also designated, with the Equality Commission, under the United Nations Convention on the Rights of Disabled Persons as the independent mechanism tasked with promoting, protecting and monitoring implementation of Convention in Northern Ireland.

We also engage with the National Human Rights Institutions in the rest of the United Kingdom, and other local regulators on issues of common interest.

Our Annual Statement, published in December each year, records how much progress has been made towards meeting human rights obligations in Northern Ireland. This strongly informs our future work priorities.

## **BUSINESS PLAN 2020-21**

This Business Plan sets out the Commission's work for the year April 2020 to the end of March 2021. It is based on five priorities agreed in our Strategic Plan 2019-22. Each priority is one of substantive public interest, where we believe a real and lasting impact can be made to benefit the lives of people in Northern Ireland.

### **Priority 1: Building a culture of human rights**

- 1) Provide secretarial support and assist the Northern Ireland Business and Human Rights Forum, to meet regularly and deliver its programme of work for 2020-2021 (March 2021).
- 2) Facilitate a forum that meets regularly, in partnership with the Equality Commission for Northern Ireland, providing an opportunity for the Commissions' and faith communities to share their views on broad areas of equality and human rights (March 2021).
- 3) Promote human rights and climate justice through a visual arts project (March 2021).
- 4) Provide secretarial support and assist the Northern Ireland Sport and Human Rights Forum, to meet regularly and deliver its programme of work based on the Declaration on Sport and Human Rights (March 2021).
- 5) Deliver a programme of engagement with post primary education providers in Northern Ireland with at least six visits to post primary schools across Northern Ireland (March 2021).
- 6) Develop or support initiatives for Culture Night, Belfast Pride Festival; and, highlight other annual occasions, such as Refugee Week (March 2021).
- 7) Engage in and support the Northern Ireland Human Rights Festival (December 2020).
- 8) Deliver an annual human rights lecture (September 2020).
- 9) Work in partnership with the Equality Commission for Northern Ireland, to deliver a programme of work promoting the implementation of the United Nations treaty body concluding observations for Convention on the Rights of Persons with Disabilities (March 2021). This will include the establishment of a participation forum (November 2020).
- 10) Produce pilot training materials for civil society on an introduction to human rights and the work of the Commission (September 2020).



## **Priority 2: Protecting human rights as a consequence of leaving the European Union**

- 11) Prepare the Commission to exercise its functions under the Withdrawal Agreement Act 2020; to include structure, staffing and operations, as well as its budgetary, recruitment, training and practical requirements (December 2020).
- 12) Develop a programme of work to ensure no diminution of rights in Northern Ireland following the United Kingdom's withdrawal from the European Union (December 2020).
- 13) Work in partnership with the Irish Human Rights and Equality Commission to deliver a programme of work that addresses the human rights implications of the United Kingdom's exit from the European Union on the island of Ireland (March 2021).
- 14) Provide advice to government on a Bill of Rights for Northern Ireland, including in the context of the United Kingdom's withdrawal from the European Union and the commitment in the 'New Decade, New Approach' document to establish an Ad-Hoc Assembly Committee (March 2021).

## **Priority 3: Poverty, health and well-being**

- 15) Monitor government responses to addressing destitution, including the provision of advice to the Department for Communities and Northern Ireland Assembly on a replacement for social security reform mitigations package (November 2020).
- 16) Monitor the provision of reproductive healthcare services and education in Northern Ireland, following the introduction of a new legal framework for abortion, and engage with the Department of Health and Department of Education in accordance with the Northern Ireland (Executive Formation etc) Act 2019 (March 2021).
- 17) Initiate a project examining a human rights based approach to addressing drugs addiction in Northern Ireland (February 2021).
- 18) Produce an information booklet on practical human rights for prisoners to be made available in prisons (September 2020).
- 19) Follow up the recommendations of the Traveller Accommodation review once the Traveller Needs Assessment is published (December 2020).

## **Priority 4: Meeting domestic and international human rights standards and good governance**

- 20) Publish and publicly launch the 2020 Annual Statement on Human Rights (December 2020).
- 21) Engage in international treaty monitoring and, in particular:
  - submit a follow up response to the United Nations Committee against Torture's 2019 Concluding Observations (June 2020).
  - submit a follow up response to the United Nations Human Rights Committee on the list of issues for the International Covenant on Civil and Political Rights (July 2020); and, engage with the Committee's examination process (March 2021).
  - submit a response to inform the United Nations Committee on the Rights of the Child's list of issues (November 2020); and, engage with the Committee's pre-sessional working group (February 2021).
  - submit a follow up response to the United Nations Committee on the Elimination of Discrimination Against Women's 2019 Concluding Observations (March 2021).
- 22) Provide advice to the Secretary of State and Westminster Parliament on any legislation introduced regarding the Stormont House Agreement, and the implementation of mechanisms that aim to address the legacy of the Northern Ireland conflict (March 2021).
- 23) Publish an analysis of the human rights of children who go missing whilst in the care of the state, with a particular focus on the balance between deprivation of liberty and the duty to protect children from harm, including inhuman and degrading treatment (September 2020).
- 24) Work in partnership with the office of the Police Ombudsman for Northern Ireland to assess the current complaints handling and investigations processes from a human rights perspective with a view to further development of a human rights based approach if appropriate (March 2021).
- 25) Deliver human rights training for the Northern Ireland Civil Service, in partnership with the Executive Office and the Centre for Applied

Learning, including delivery of online training of at least two direct training sessions (March 2021).

- 26) Deliver human rights training for the Department of Agriculture, Environment and Rural Affairs through the delivery of two direct training sessions (March 2021).
- 27) Work in partnership with the Department of Finance to effectively implement the human rights Procurement Guidance Note for government departments (March 2021).
- 28) Engage, following their establishment, with the Irish Language Commissioner and Commissioner for Ulster Scots / Ulster British tradition, particularly in the context of commitments under the European Charter for Regional and Minority Languages, the European Framework Convention for the Protection of National Minorities, and the United Nations Convention on the Rights of the Child as detailed in the New Decade, New Approach document and accompanying legislation (March 2021).

## **Priority 5: Protecting human rights in a digital age**

- 29) Commission and publish research on human rights in a digital age, to include the role of National Human Rights Institutions (February 2021).
- 30) Scope the opportunity for partnership projects with the other National Human Rights Institutions in the United Kingdom and Ireland (July 2020).

## **Core activities**

In fulfilment of and in compliance with its statutory obligations and the strategic objectives for 2019-22 the Commission has identified the following core activities to be delivered for the year April 2020 to the end of March 2021:

- 31) Complete the relocation of the Commission to new premises (June 2020).
- 32) Contract and launch the re-design of the Commission's website (January 2021).
- 33) Scope a potential engagement of the Commission's investigatory powers (March 2021).
- 34) Deliver a minimum of two Commission community engagements (March 2021).

- 35) Provide advice to government on proposed legislation and policies affecting the protection and promotion of human rights in Northern Ireland (March 2021), which will include:
- a Criminal Justice Bill to reform the committal process
  - a Domestic Abuse Bill
  - a Welfare Mitigation / Social Sector Criteria Bill
  - a Northern Ireland Act 1998 Amendment No. 1,2 and 3 Bills to:  
  
make provision for an Office of Identity and Cultural Expression and repeal the Administration of Justice (Language) Act 1737;  
  
appoint an Irish Language Commissioner and to provide official recognition of the status of the Irish language;  
  
make provision to appoint a Commissioner to enhance and develop the language, arts and literature associated with the Ulster Scots and Ulster British tradition in Northern Ireland; and make provision for a duty on the Department of Education as regards Ulster Scots (December 2020).
- 36) Provide assistance to individuals through weekly advice clinics (March 2021).
- 37) Exercise the Commission's powers to support and initiate litigation (March 2021).
- 38) Provide secretariat support for the Joint Committee with the Irish Human Rights and Equality Commission (March 2021).
- 39) Provide continuing support to the Global Alliance of National Human Rights Institutions; the European Network of National Human Rights Institutions and its working groups on disability, communications, business and human rights, socio-economic rights and legal issues (March 2021).
- 40) Establish and host the Permanent Secretariat for the Commonwealth Forum of National Human Rights Institutions (March 2021).
- 41) Provide a learning and development programme to focus on the professional development of staff and Commissioners (March 2021).

## BUDGET 2020-2021

|                                         | <b>2019-20</b>                        | <b>2020-21</b>                                   |
|-----------------------------------------|---------------------------------------|--------------------------------------------------|
|                                         | <b>Actual<br/>Budget<br/>Received</b> | <b>Budget to be<br/>confirmed by<br/>the NIO</b> |
| <b>EMPLOYMENT COSTS</b>                 |                                       |                                                  |
| Staff                                   | £752,295                              | £880,254*                                        |
| Commissioners                           | £153,534                              | £157,803*                                        |
| <b>Total</b>                            | <b>£905,829</b>                       | <b>£1,038,057</b>                                |
| <b>OPERATING COSTS</b>                  |                                       |                                                  |
| Advertising, Publicity and Publications | £36,220                               | £36,220                                          |
| Auditor's (NAO) Remuneration            | £15,000                               | £15,500                                          |
| Building maintenance and expenses       | £16,800                               | £16,800                                          |
| Conferences, seminars and events        | £13,800                               | £13,800                                          |
| Insurance                               | £5,340                                | £5,400                                           |
| Internal Audit                          | £8,214                                | £8,214                                           |
| IT                                      | £19,585                               | £17,340                                          |
| Joint Committee                         | £20,000                               | £20,000                                          |
| Legal casework (non-recoverable)        | £63,195                               | £63,195                                          |
| Light and heat                          | £12,000                               | £16,800                                          |
| Printing, postage and stationery        | £7,379                                | £7,379                                           |
| Professional fees                       | £13,072                               | £13,072                                          |
| Rates                                   | £17,496                               | £46,100                                          |
| Rentals under operating leases          | £38,400                               | £41,105                                          |
| Rent for car park                       | £1,020                                | £1,020                                           |
| Research                                | £33,680                               | £33,680                                          |
| Staff training and recruitment          | £5,527                                | £5,527                                           |
| Telephone                               | £12,238                               | £9,288                                           |
| Travel, subsistence and hospitality     | £19,869                               | £19,869                                          |
| <b>Total</b>                            | <b>£358,835</b>                       | <b>£390,309</b>                                  |
| <b>CAPITAL</b>                          | <b>£252,400*</b>                      | <b>£152,260*</b>                                 |
| <b>GRAND TOTAL</b>                      | <b>£1,517,064</b>                     | <b>£1,580,626</b>                                |
| <b>DEPRECIATION</b>                     | <b>£20,323</b>                        | <b>£47,598</b>                                   |

\*Employment costs in 2020-21 include additional anticipated costs for the 2019 pay award as well as additional funding secured from the NIO to cover maternity leave and the creation of a new Deputy Principal post.

\*The capital budget in 2019-20 and 2020-21 is for funding approved by the NIO for the fit-out of new premises which the Commission plan to move to in June 2020.

# Appendix 1 - Commissioners

**Chief Commissioner:** Les Allamby

**Commissioners:** Helen Ferguson  
Helena Macormac  
Paul Mageean  
John McCallister  
Eddie Rooney  
Graham Shields