



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

STRATEGIC PLAN

2009 - 2011



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CONTENTS

Foreword	4
Introduction	5
The Commission's role	5
Context	8
Strategic Plan	12
Vision	12
Mission	12
Values	12
Key priorities	13
Strategic aims	15
Aim 1: Building and embedding a human rights culture	15
Aim 2: Challenging and seeking to prevent human rights violations	17
Aim 3: Communicating and promoting human rights in an accessible way	18
Aim 4: Ensuring organisational effectiveness and efficiency	19
Measures of success	21

FOREWORD

The Northern Ireland Human Rights Commission is pleased to publish this new Strategic Plan, to cover the period 2009-2011, and would like to thank all those who provided comments during the consultation process. This input is much appreciated and is reflected, as appropriate, in this document.

Our intention is to build on the achievements of the Commission in its first decade of existence, and to embed human rights into the fabric of life in Northern Ireland. We have made real progress in promoting a culture of human rights and have achieved many effective outcomes for the most vulnerable in our community, as recorded in our annual reports.

These achievements, the consultation responses received, as well as the challenging context in which the Commission has to operate, have been taken into account in shaping our strategy for the next two years.

In this new plan our aims will involve:

- building and embedding a human rights culture
- challenging and seeking to prevent human rights violations
- communicating and promoting human rights in an accessible way, and
- ensuring organisational effectiveness and efficiency.

In addition, the Commission is hopeful that the plans currently underway to bring forward a Bill of Rights for Northern Ireland will become a reality and this will shape our future work. New work programmes promoting the rights of disabled people and investigating the rights of older people in nursing care will also benefit vulnerable sections of the community.

We commend this plan to you which, together with the importance of delivering an efficient and high quality public service, represents an ambitious vision for the Commission in the next two years.



Monica McWilliams
Chief Commissioner



Peter O'Neill
Chief Executive

INTRODUCTION

The Northern Ireland Human Rights Commission was established ten years ago as a result of the Belfast (Good Friday) Agreement 1998 and has been in operation since 1 March 1999, under its governing legislation, the Northern Ireland Act 1998. It is a non-departmental public body (NDPB) funded by government through the Northern Ireland Office and reporting to Parliament through the Secretary of State for Northern Ireland.

This new Strategic (or Corporate) Plan 2009-2011 is aligned with the government's funding cycle in order to assist our financial planning. This plan was issued for consultation in June 2009 together with an associated Equality Impact Assessment (EQIA) and was informed by a public consultation event held on 19 June 2009.

THE COMMISSION'S ROLE

The Commission's role is to promote awareness of the importance of human rights in Northern Ireland, to review existing law and practice and to advise the UK government on what steps need to be taken to fully protect human rights in Northern Ireland.

We base our work on international human rights standards including those of the United Nations (UN) and the Council of Europe. The Commission, in line with the United Nations 'Paris Principles' guidance of 1993, has status recognition at the UN as a national human rights institution with access to the Human Rights Council.

The Commission operates independently of government through a Board comprising one full-time Chief Commissioner and, currently, nine part-time Commissioners. The Commission normally has a staffing complement of 21.3 full-time equivalent staff. The Commission's budget allocation for 2009-10 is £1.632m, rising in line with inflation to £1.676m in 2010-2011, funded by grant-in-aid from Parliament through the Northern Ireland Office.

Functions

The primary functions of the Commission are to protect and promote the human rights of everyone in Northern Ireland. It does this by providing:

- legal assistance and strategic litigation
- policy and legislative scrutiny
- investigations and research
- reports on the UK Government's international human rights treaty obligations
- education and training
- consultation and engagement
- public relations and promotional work
- information services and awareness-raising, and
- advice to government and other stakeholders.

Duties and powers

The Northern Ireland Human Rights Commission is an independent public body established by the Northern Ireland Act 1998. Its powers and duties are derived from sections 69 and 70 of the *Northern Ireland Act 1998* and sections 14-16 of the *Justice and Security (Northern Ireland) Act 2007*.

Under the *Northern Ireland Act 1998*, the Commission has the following duties:

- to keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights
- to advise the Secretary of State for Northern Ireland and the Executive Committee of the Northern Ireland Assembly 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
- to advise the Northern Ireland Assembly whether proposed legislation is compatible with human rights standards
- to promote understanding and awareness of the importance of human rights in Northern Ireland, and undertake, commission or provide financial or other assistance for research and educational activities.
- to provide advice to the Secretary of State for Northern Ireland on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights (ECHR), to reflect the particular circumstances of Northern Ireland, drawing as

appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and - taken together with the ECHR - to constitute a Bill of Rights for Northern Ireland.

- do all that it can to ensure the establishment of a joint committee with the Irish Human Rights Commission to act as a forum for the consideration of human rights issues in the island of Ireland, and, among other matters, the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland.

In addition, under sections 69 and 70 of the *Northern Ireland Act 1998*, the Commission has the following powers:

- to give assistance to individuals who apply to it for help in relation to proceedings involving law or practice concerning the protection of human rights
- to bring proceedings involving law or practice concerning the protection of human rights
- to conduct such investigations as it considers necessary or expedient for the purpose of exercising its other functions, and
- to publish its advice and the outcome of its research and investigations.
- to advise the Secretary of State for Northern Ireland and the Executive Committee of the Northern Ireland Assembly of legislative and other measures which ought to be taken to protect human rights on such occasions as the Commission thinks appropriate

The *Justice and Security (Northern Ireland) Act 2007* (sections 14-16 which amended sections 69 and 71 of the Northern Ireland Act) gives the Commission the following additional powers, with caveats:

- to institute, or intervene in, legal proceedings concerning human rights where it need not be a victim or potential victim of the unlawful act to which the proceedings relate
- to require a person to provide information and documents in their possession, and to give oral evidence, in respect of an investigation, and
- to enter a specified place of detention in Northern Ireland, in respect of an investigation.

The Commission has agreed a Management Statement and Financial Memorandum with its sponsor Department, the Northern Ireland Office, which reinforces its independence in line with the United Nations 'Paris Principles' guidance of 1993 on the status and role of national human rights institutions.

We will continue to meet the requirements of section 75 of the *Northern Ireland Act 1998* and legislation on human rights, disability discrimination, data protection, freedom of information and public records.

CONTEXT

Since the publication of the outgoing Strategic Plan in 2006, Northern Ireland has experienced pervasive changes in its political, social, economic and cultural life. In the uncertain environment in which we operate our approach to planning needs to be flexible so that annual business plans can be adapted to meet changing circumstances and priorities. In this climate of change, our new strategic plan must not only enable us to cement our unique role in the landscape of scrutiny bodies but also increase our relevance in a fast-changing world.

Social and economic factors

The regional economy has to compete in an increasingly competitive global market and, in the present economic downturn, poverty and unemployment rates are on the increase and reductions in public expenditure will result. The Commission will consider the impacts of the current global economic and financial crises on the effective enjoyment of all human rights, and particularly economic, social and cultural rights, and programmes to ensure

that the rights of those vulnerable groups in society, which are most at risk from the effects of the recession, are fully protected.

Political factors

In respect of changes to the external environment in which the Commission operates, the return of the devolved Northern Ireland Assembly is having a significant impact on our work in responding to new policy and legislative initiatives, submitting evidence to Assembly committees and interacting with MLAs. This is expected to increase substantially following the devolution of policing and criminal justice responsibilities. The Commission will work closely with the Assembly and political representatives to ensure that the State's human rights obligations are met and to foster a greater appreciation and understanding of our work. We realise debates on human rights issues can be controversial and contested, with differing perceptions shared by sections of the community. The Commission, nevertheless, is committed to promoting fairness for everyone in our community, irrespective of their background. Forthcoming local and national elections will change the political landscape and the Commission will have to anticipate and respond to these developments.

Human rights issues

The Commission faces challenges in addressing the legacy of the conflict in Northern Ireland, responding to new threats to human rights standards and making rights more clearly relevant to the public. Our work on dealing with the legacy of the conflict will be further developed as we respond to the ongoing statutory inquiries, inquests, investigations on right to life issues, and the report of the Eames/Bradley Consultative Group on the Past. Other new work programmes may emerge, particularly from new frameworks for the regulation of parades currently under examination by the Strategic Review of Parading.

Our new role in jointly monitoring, promoting and protecting the UN Convention on the Rights of Persons with Disabilities (UNCRPD) with the Equality Commission for Northern Ireland will also present opportunities and challenges. The Commission also proposes to investigate key human rights concerns through a study into the provision of nursing care for older people and monitoring the implementation of previous investigation and research recommendations, particularly in regard to detention.

Throughout our work, we will seek to ensure changes in law, policy and

practice to reflect the *Human Rights Act 1998* and international human rights standards, in line with the priorities established by this Strategic Plan.

Bill of Rights

Following the presentation of its advice on a Bill of Rights for Northern Ireland to government on 10 December 2008, the Commission will continue to advise on the full implementation of its recommendations and anticipates the mainstreaming of awareness-raising, education work and compliance issues in relation to the proposed bill. We intend to build the capacity and knowledge base of key stakeholders, including government departments and other public authorities, to place human rights at the core of their operations. In addition, promoting a dynamic culture of human rights through our communications, education and public affairs programmes needs to be prioritised.

Administrative issues

The Commission looks forward to further developing its relationships with the Equality and Human Rights Commission in Great Britain, and the Scottish Commission for Human Rights. Through our close working relationship with the Irish Human Rights Commission we will consult on the possibility of a Charter of Rights for the island of Ireland, as first set out in the Belfast (Good Friday) Agreement 1998.

The Commission is also conscious of its particular contribution among the various scrutiny and oversight bodies that co-exist in Northern Ireland, and with whom we meet on a regular basis. Added to these bodies, we now have the new Commission for Victims and Survivors and the Interim Advocate for Older People. We will develop further memoranda of understanding with these and other relevant bodies, which will enable good working relationships and avoid any areas of potential duplication.

The Commission is committed to creating a more efficient and effective organisation with improved communication and working relationships with key stakeholders. Notwithstanding the current difficult economic climate, we hope in the course of this Strategic Plan to secure new funding streams in order to deliver additional and expanded work programmes. From a review of the performance of the organisation during the past three years, we have demonstrated continuous improvement, realising 37 of the 40 objectives (92.5 per cent) set out in the 2006-2009 Strategic Plan. Further information on our performance can be found in the relevant annual reports, which are

available on our website www.nihrc.org.

Planning assumptions

For the purposes of this planning framework, the following critical assumptions have been made:

- the recession and the global economic downturn will increasingly impact on the most disadvantaged groups in society
- the legacy of the violent conflict will continue to have an impact on social, economic and cultural affairs in Northern Ireland
- the Northern Ireland Assembly and devolved government arrangements will be sustained
- the Review of Public Administration, including local government reforms, will be implemented
- progress towards the devolution of policing and criminal justice will continue
- a Bill of Rights for Northern Ireland will be consulted on, and legislated for
- further developments relating to possible constitutional reform in the UK, as mooted in the Green Paper, *Rights and Responsibilities: developing our constitutional framework*, will continue, as will the potential development of a Charter of Rights for the island of Ireland
- a general election in the UK and elections to the Northern Ireland Assembly and local councils will take place
- new potential funding streams and work programmes may emerge from our formal engagement with the new UNCRPD, for which the Commission is designated, under Article 33(2) of the Convention, as one of the independent mechanisms, and
- demand for our services will continue to rise, stretching the capacity of the Commission to meet these needs.

STRATEGIC PLAN

In developing its new plan, the Commission has reviewed the vision, mission, and values of the organisation. These are described as follows:

Vision

Our vision is to bring about a society in Northern Ireland where everyone is aware of their internationally and domestically 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

Our mission is to promote awareness of the importance of human rights, to review existing law, policy and practice and to advise government on what steps need to be taken to fully protect human rights in Northern Ireland.

Values

We carry out our work in accordance with the following values, which all Commissioners and staff will strive to uphold:

- ***Independence***
We are accountable for our public funding but independent from any outside influence.
- ***Participation***
We will actively engage with a wide variety of groups and individuals so that everyone in Northern Ireland feels that the Commission is their Commission, and to avail of people's expertise and share good practice in all areas of our work.
- ***Accessibility***
We will ensure that our services are accessible to all and take account of the views expressed to us on our work. Our decisions will be clearly communicated and open to public scrutiny. We will strive to ensure that all our public events are accessible and our publications are as easy to understand as possible.
- ***Fairness***
We will conduct our work and build relationships with stakeholders in a professional, objective, and fair manner. We will be objective when

assessing evidence, and use internationally accepted rules and principles on human rights as our baseline when doing so.

- ***Effectiveness***

We aim to deliver an efficient and effective service to the people of Northern Ireland and to demonstrate value for money.

- ***Sustainability***

We are committed to the effective protection of the environment, including the prudent use of natural resources.

Underpinning our vision, mission and values is the Commission's Equality Commitment:

Equality commitment

We are fundamentally committed to equality of opportunity in accordance with the Commission's Equality Scheme. We will promote equality of opportunity and good relations within the Commission as well as in the activities we conduct. We will strive to comply fully with our statutory obligations and we will liaise closely with the Equality Commission for Northern Ireland to ensure that the two institutions work effectively together. Section 75(1) of the *Northern Ireland Act 1998* requires that the Commission shall, "in carrying out its function relating to Northern Ireland, have due regard to the need to promote equality of opportunity" between the following nine Section 75 grounds:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women
- persons with a disability and persons without, and
- persons with dependents and persons without.

In addition, and without prejudice to these obligations, in carrying out its functions, the Commission is also committed to promoting good relations between persons of different religious belief, political opinion or racial group.

Key priorities

In reviewing the context of the Commission's work, a number of key priorities present themselves in our future planning. These have been identified by Commissioners and staff in areas where major government policy and

legislative initiatives are underway or expected, and which could have serious implications for the protection of human rights in Northern Ireland. The priorities for 2009-11 are:

- ensuring the enactment of a Bill of Rights for Northern Ireland which reflects the Commission's advice to government
- responding to the Green Paper on *Rights and Responsibilities: developing our constitutional framework* and other related initiatives that may be taken by government
- consulting on the possibility of a Charter of Rights for the island of Ireland, as first set out in the Belfast (Good Friday) Agreement 1998, jointly with the Irish Human Rights Commission
- securing changes in law, policy and practice to ensure compliance with the *Human Rights Act 1998* and international human rights standards. We will focus on two themes – issues relating to immigration, asylum and access to public services; and issues relating to detention and justice, in particular those relating to women and mental health concerns
- scrutinising the human rights issues associated with 'dealing with the past', including the report of the Consultative Group on the Past
- seeking to ensure increased compliance by the UK Government with international human rights standards through treaty monitoring and follow up
- investigating the rights of older people in nursing care, and
- monitoring, promoting and protecting the UN Convention on the Rights of Persons with Disabilities (UNCRPD), jointly with the Equality Commission for Northern Ireland and in association with key stakeholders.

STRATEGIC AIMS

The following aims have been identified:

1. Building and embedding a human rights culture
2. Challenging and seeking to prevent human rights violations
3. Communicating and promoting human rights in an accessible way, and
4. Ensuring organisational effectiveness and efficiency.

A range of strategic objectives has been identified under each of the aims, below. Specific performance indicators reflecting these aims and objectives will be detailed in annual Business Plans. The achievement of the Business Plans will be monitored on a quarterly basis by the Commission and reported to the public in annual reports.

Some re-prioritising of these objectives may be required during the lifetime of this plan as the Commission needs to have some capacity to respond to new issues and events as they emerge. In addition, there is a requirement to ensure that appropriate time and resources are dedicated to reflecting on the progress of ongoing work and to monitoring the implementation of previous recommendations and commitments.

Aim 1: Building and embedding a human rights culture

The Commission will encourage public bodies and other stakeholders to mainstream human rights in their work, and use its powers to ensure compliance by government and public authorities with human rights legislation. In order to effectively embed a dynamic human rights culture, a Bill of Rights for Northern Ireland is required to strengthen protections and the Commission will work alongside stakeholders for its enactment in legislation.

We will:

- follow up on our advice to government and seek support for a Bill of Rights for Northern Ireland

- work to secure the enactment of legislation reflecting our advice to government on a Bill of Rights for Northern Ireland
- work with the Irish Human Rights Commission in consulting on a Charter of Rights for the island of Ireland
- work with the Equality and Human Rights Commission and the Scottish Human Rights Commission in regard to the UK Green Paper, *Rights and Responsibilities: developing our constitutional framework*, and related initiatives
- engage with government and the public sector to ensure compliance with the *Human Rights Act 1998* and international human rights standards
- develop and deliver training and guidance programmes on human rights compliance issues for government departments, public authorities and service providers
- encourage the mainstreaming of human rights in the formal education system
- engage with public representatives and communities with a particular focus on Protestant, Unionist and Loyalist constituencies
- develop stronger links with the representatives of vulnerable groups, particularly those most affected by the recession
- where appropriate, share good practice with internationally based organisations in promoting and protecting human rights
- enhance working relationships with government and administrations in the UK and Ireland, together with the Council of Europe, the United Nations, the European Union and other bodies internationally, and
- provide particular support to the civil service, other public authorities, the legal profession, and education sectors in order to promote a greater understanding of human rights compliance issues and the impact of the proposed Bill of Rights for Northern Ireland.

Aim 2: Challenging and seeking to prevent human rights violations

The Commission recognises that there is a need to challenge and address human rights violations and ensure compliance with the *Human Rights Act 1998* and other legal standards. This aim is at the core of the Commission's work in scrutinising legislation and policy proposals, carrying out investigations and research, in providing legal services and supporting strategic litigation.

We will:

- support strategic litigation in order to develop case law and achieve effective outcomes for individual complaints, particularly in regard to European Convention on Human Rights (ECHR) Article 2 and 3 issues (right to life and right not to be ill-treated), health and social care, and the accommodation needs of the Traveller community
- influence changes in law, public policy and practice to address human rights concerns and standards, and respond to key consultation documents in line with the priorities identified in the agreed Strategic Plan
- complete and disseminate our current investigations in the areas of immigration detention and no access to public funds for certain categories of non-UK nationals
- complete and disseminate, with the Equality Commission for Northern Ireland, the current research on the nature and extent of human trafficking in Northern Ireland
- undertake an investigation into the rights of older people in nursing care homes
- monitor the implementation of recommendations from our investigation and research reports
- monitor the case law of the *Human Rights Act 1998* and international human rights standards

- engage with the reporting mechanisms of monitoring bodies on the UK's obligations under international human rights treaties and build the capacity of those most directly affected to respond effectively themselves
- monitor, promote and help protect the United Nations' Convention on the Rights of Persons with Disabilities, in association with the Equality Commission for Northern Ireland and other key stakeholders
- participate in the Council of Europe, United Nations and Commonwealth networks of national human rights institutions (NHRIs)
- identify and follow up networking opportunities among NHRIs and international NGOs as they occur
- participate in technical co-operation and training initiatives through the European Group of NHRIs, the United Nations' Office of the High Commissioner for Human Rights, the Council of Europe, the European Union and other bodies, where opportunities arise, and
- continue to engage with the international human rights systems and their reform processes, including the Council of Europe, the European Court of Human Rights, the European Union's Fundamental Rights Agency and the United Nations' structures and treaty monitoring bodies.

Aim 3: Communicating and promoting human rights in an accessible way

This aim is central to the Commission's work through publications, information and promotions; media and public affairs; education and training; and events. The Commission recognises that, as an organisation working with difficult and sometimes controversial issues, it has a duty to engage with the public at all levels and in a more accessible way. This includes a responsibility to make sure that people understand that, while our work is effective, success often depends upon the co-operation and support of others and a clearer appreciation

of the value of human rights. This work will also require the promotion of a culture of rights and the potential development of a comprehensive human rights education strategy by the Department of Education as recommended by the United Nations.

We will:

- further develop our education and training function to include the delivery of training and the development of resources for human rights training
- investigate with key stakeholders the development of a plan of action in Northern Ireland for human rights education, as recommended by the United Nations General Assembly
- develop online and media strategies to promote a culture of human rights in Northern Ireland
- seek to make our information and events accessible to vulnerable and 'hard to reach' groups
- develop improved working relationships with politicians
- provide legal services training to students and briefings to members of the Law Society and Bar Library, and
- seek the views of key stakeholders in relation to our performance.

Aim 4: Ensuring organisational effectiveness and efficiency

This aim is central to the Commission's external relationships as well as to its effective governance, operations and efficient management of its resources. The Commission anticipates continuing change and is committed to improving its work. We are enthusiastic about embracing opportunities for innovation and being an organisation that is fit for purpose. It is our responsibility to evaluate continually what we do and how we do it. A large part of the Commission's success in the future will come through building a learning organisation, investing in our staff and nourishing a culture of excellence.

We will:

- secure sufficient resources and manage them effectively, to achieve the Commission's mandate
- promote a work environment in which innovation and creativity are encouraged, valued and applied
- demonstrate value for money
- operate transparent and effective governance arrangements
- provide new opportunities for continuous learning and development for all Commissioners and staff
- review our powers under the *Justice and Security (Northern Ireland) Act 2007*
- review our structure, staffing and accommodation needs to deliver on our strategic priorities
- align corporate services functions in support of our strategic priorities
- ensure, through internal and external audit, that sound financial control systems continue to be in place
- use national and international benchmarks of excellence to measure performance
- work towards external accreditation of relevant functions and secure Investor in People status
- demonstrate commitment to equality, diversity and good relations, and the protection of the information we hold
- consult on a new three-year Strategic Plan for the Commission for the period 2011-14, and
- further develop our work with key statutory organisations such

as the Equality Commission for Northern Ireland, the Commissioner for Children and Young People, the Irish Human Rights Commission, the Equality and Human Rights Commission and the Scottish Human Rights Commission.

MEASURES OF SUCCESS

The Commission will evaluate and monitor its performance over this plan using the following measures:

- documented evidence of an increased public profile, understanding of, and confidence in, the Commission's role, as measured by public surveys
- documented evidence of support for human rights and the Commission's activities among key stakeholders, as measured by an annual stakeholder survey
- documented evidence of the development of the Commission as a learning organisation, measured by staff surveys and recognition as an Investor in People
- documented evidence of improvements in the Commission's human resource management benchmarks relating to staff turnover and absenteeism rates
- documented evidence of the Commission's influence on legislative developments, public policy-making and service delivery
- documented evidence of the Commission's influence on the development of human rights case law and the effectiveness of its legal interventions
- documented evidence of the Commission's influence on the concluding observations of United Nations' treaty mechanisms, and other international human rights monitoring systems

- documented evidence of increased levels of assurance from internal and external audit
- documented evidence of continuous improvement and increased organisational effectiveness
- documented evidence of the extent to which the Commission's advice on a Bill of Rights for Northern Ireland is reflected in legislation, and
- documented evidence of the use of the Commission's information enquiry service and its website.

FURTHER INFORMATION

We can provide this document in alternative formats on request. For further information, please contact:

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