

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

Submission to Justice 1 Committee of the Scottish Parliament on a proposed Human Rights Commission for Scotland, 5 June 2001

1. The Northern Ireland Human Rights Commission was set up on 1 March 1999 as a result of the Belfast (Good Friday) Agreement of 10 April 1998. Its functions are set out in section 69 of the Northern Ireland Act 1998. The Commission currently has one full-time Chief Commissioner (Professor Brice Dickson) and eight part-time Commissioners who are contracted to give approximately one day per week to the Commission. One or more additional Commissioners are due to be appointed within the next few weeks. The Commission currently employs 13 staff, under a Chief Executive, Ms Paddy Sloan.
2. The Commissioners are appointed by the Secretary of State for Northern Ireland after responding to an advertisement and being assessed and interviewed against published criteria. The Commission is funded by a grant issued by the Northern Ireland Office (currently £750,000, although this is under review). It is accountable to the Secretary of State (who presents the Commission's Annual Report to Parliament) and to the UK's Parliamentary Commissioner for Administration.
3. The Commission's *Mission Statement* is to measure all laws, policies and practices in Northern Ireland against the internationally accepted rules and principles for the protection of human rights. The Act establishing the Commission does not limit the definition of human rights. The Commission engages as much as it can on an international level to draw attention to the position in Northern Ireland regarding the protection of human rights. It makes annual statements, for example, at the meeting of the UN's Human Rights Commission.
4. The Commission's work falls into five main categories, reflected in the Commission's Committee structure:

(a) *Casework.*

The Commission is currently dealing with approximately 100 inquiries per month, about 5% of which eventually lead to an application for assistance to the Commission's Casework Committee. The criteria applied by this Committee for selecting cases to support are laid down in section 70 of the Northern Ireland Act 1998. To date the Commission has supported some 15 applicants.

The Commission has also taken two cases to court in its own name. One of these was an attempt to stop the broadcasting by the BBC of a Panorama programme on the bomb in Omagh in August 1998. The other has to do with whether the Commission has the power to apply to courts to intervene in order to make the court aware of the Commission's position on the human rights aspect of on-going court proceedings: we are currently petitioning the House of Lords for leave to appeal against the ruling of the Northern Ireland Court of Appeal in this case.

The Commission has supported one case before the European Court of Human Rights (which was declared inadmissible) and successfully applied to make a written submission to that Court in a series of other cases (decided in the applicants' favour earlier this month).

(b) *Advisory work on proposed legislation.*

The Commission receives copies of all Bills introduced into the Northern Ireland Assembly and sends comments on any human rights aspects of these Bills to the Speaker and to the relevant Assembly Committee. The Commission has so far appeared five times before Assembly Committees to give its opinion on draft legislation or proposed policy initiatives.

The Commission also sends information to MPs and Peers at Westminster on Bills there which have implications for the human rights of people in Northern Ireland. Three of the five appearances before Assembly Committees have concerned draft legislation about to be debated at Westminster.

The Commission receives a large number of consultation documents and attempts to respond to those of them which make recommendations or raise questions that have human rights implications.

(c) *Investigations and research into alleged human rights abuses.*

The Commission has so far conducted one formal investigation (into the way in which children are treated in juvenile justice centres) and several research projects (e.g. into injuries caused by, compensation paid in relation to, and the methods employed to record the use of, plastic baton rounds; the human rights of older people; the human rights of gays, lesbians, bisexuals and transgendered people; and the human rights of people who are, or who have been, mentally ill).

Further research is being seriously considered into the inquest system in Northern Ireland, the accountability of the DPP's Office and the human rights aspects of medical negligence.

The Commission has so far conducted official visits to two juvenile justice centres, one prison and one hospital where mentally ill patients are detained.

(d) *Education and information work.*

The Commission has prepared several submissions concerning the education system in Northern Ireland and has produced information about the Human Rights Act 1998, the UN system for protecting human rights and the relevance of the European Convention on Human Rights to the policing of parades and protests. More than 400 people have been trained in how to run further events on the extent to which human rights may need to be better protected in Northern Ireland.

The Commission maintains a website which is updated on a weekly basis. It carries all of the approved minutes of the monthly Commission meetings as well as copies of the Commission's submissions, press statements and publications.

(e) *Work on preparing a Bill of Rights for Northern Ireland.*

The Commission's main focus since 1 March 2000 has been on consulting people in Northern Ireland as to what additional rights to those in the European Convention they would like to see included in a Bill of Rights for Northern Ireland. The Commission is obliged by statute to give advice to the Secretary of State on this matter and it now plans to submit its preliminary advice in September 2001, the final advice being submitted in March 2002. The consultation is provoking a great deal of interest within the voluntary and community sectors in Northern Ireland.

5. In so far as the Commission's work overlaps with that of other statutory bodies, memoranda of understanding have been, or are being, agreed to help demarcate lines of responsibility. This applies in particular to the Equality Commission for Northern Ireland (which merges the former Equal Opportunities Commission, Fair Employment Commission, Commission for Racial Equality and Northern Ireland Disability Council) and to the Police Ombudsman (who has recently replaced the Independent Commission for Police Complaints). Regular meetings take place with the Assembly Ombudsman.

**Brice Dickson,
Chief Commissioner,
29 May 2001.**

**Northern Ireland Human Rights Commission
Temple Court, 39-41 North Street
Belfast BT1 1NA, Northern Ireland.
Tel: 028 9024 3987. Fax: 028 9024 7844
E-mail: nihrc@belfast.org.uk.
Web: www.nihrc.org**