

BUSINESS PLAN

2005-2006

March 2005



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

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1.0 INTRODUCTION

- 1.1 The Northern Ireland Human Rights Commission was formed as a result of the Belfast (Good Friday) Agreement and has been in operation since 1 March 1999, under the governing legislation, the Northern Ireland Act 1998. It is a Non-Departmental Public Body funded through the Northern Ireland Office and reporting to the Secretary of State at Westminster.
- 1.2 The Commission operates independently of Government through a Commission of currently five part-time Commissioners and one full-time Chief Commissioner. All but two of these positions, including that of Chief Commissioner, will be new appointments as of 1 March 2005.
- 1.3 The primary functions of the Commission are to protect and promote human rights of everyone in Northern Ireland. Details of its powers and duties are listed in a later section on statutory functions.
- 1.4 Following a statement by the Secretary of State in December 2004, the Commission is awaiting further details on the Government's intention to increase its powers of investigation. It is likely that the Commission will, under amended legislation, have explicit powers to enter places of detention and to compel the production of documents. This is in response to a review of the Commission's powers and effectiveness submitted to Government, as required by statute, in March 2001, two years after its establishment. The operational implications of revised powers will inform the Commission's work plans and may result in some viring of resources or priorities.
- 1.5 The second Strategic Plan covering the Commission's work during the period 2003-06 provides the framework for the incoming year's Business Plan. Progress in implementing the commitments made in the Strategic Plan has been reviewed and has informed the work for the remaining period, which is one of consolidation and preparation with a majority of new Commissioners, a new Chief Commissioner, a new staff structure, and additional powers. In addition, consultation on the next Strategic Plan for the period 2006-09 will be a feature of this year's work.
- 1.6 The Commission's core budget has been set at £1.35 million for the financial year 2005-06. This reflects operational costs of £1,095,000 and programme funding of £225,000. A revised Financial Memorandum with the Northern Ireland Office has been agreed and a contingency planning arrangement put in place to cover casework costs more effectively. In light of revised powers and the preparation of the Strategic Plan for 2006-09, new Commissioners will spend time considering the level of funding required to ensure an effective delivery of services and fulfillment of the Commission's statutory duties.

2.0 COMMISSIONERS

2.1 The Northern Ireland Human Rights Commission was established on 1 March 1999 with 10 Commissioners. The Chief Commissioner, Professor Brice Dickson, works full-time for the Commission. There are now 5 part-time Commissioners working approximately one day per week. Three of these, and the Chief Commissioner, will complete their terms of office with the Commission on 28 February 2005. Christine Eames and Kevin McLaughlin will continue with the Commission until 30 November 2007. New appointments are currently awaited.

2.2 *Professor Brice Dickson, Chief Commissioner, (professor of law at the University of Ulster on secondment from that post).*

Mrs Margaret-Ann Dinsmore QC, (a practising barrister)

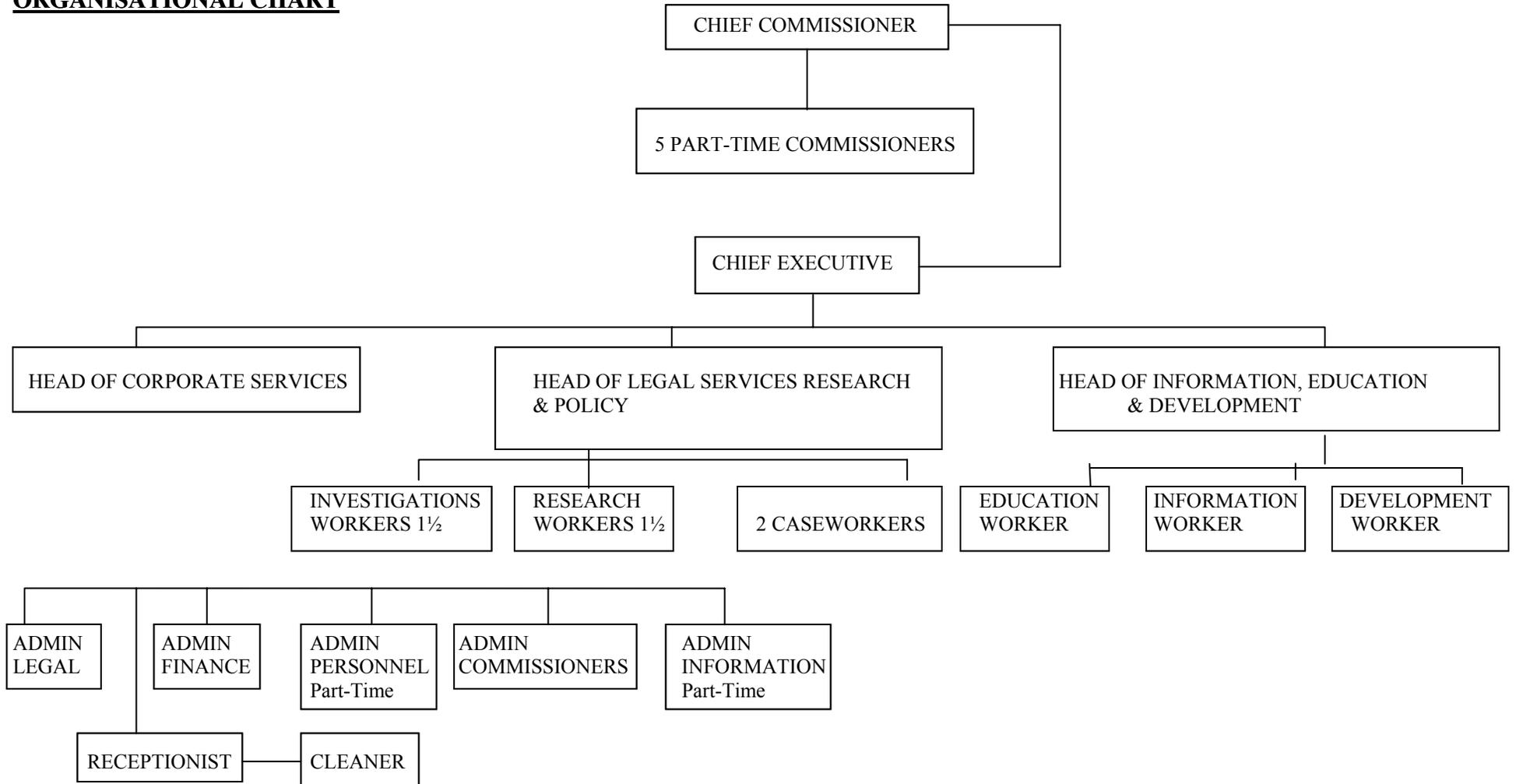
Mr Tom Donnelly MBE JP DL, (a retired businessman)

Lady Christine Eames, (former World President of the Mothers' Union)

Professor Tom Hadden, (a professor of law at Queen's University, Belfast)

Mr Kevin McLaughlin, (a consultant on disability issues and a Disability Development Officer with Magherafelt Disability Forum).

ORGANISATIONAL CHART



4.0 MISSION STATEMENT, EQUALITY COMMITMENT AND CORE VALUES

- 4.1 The Northern Ireland Human Rights Commission has adopted a Mission Statement which reflects its strong commitment to international human rights standards. It reads as follows:

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 ensure that those rules and principles are promoted, adopted and applied throughout Northern Ireland.

4.2 Equality Commitment

The Northern Ireland Human Rights Commission is committed to ensuring that in everything it does it will pay due regard to the importance of promoting equality of opportunity for all persons in Northern Ireland. All individual Commissioners and staff within the Commission are determined that at all levels at which policies and decisions are made and implemented equality of opportunity will be taken fully into account as a very important factor bearing upon the content and effects of those policies and decisions.

All Commissioners and staff within the Commission pledge that they will refer to the Commission's commitment to equality at all appropriate times in meetings, presentations, documents and speeches. Staff will report on their success in achieving equality of opportunity when submitting reports to the Chief Executive or to committees of the Commission.

Where a failure adequately to promote equality of opportunity is identified at any level of the organisation, steps will be taken to draw this to the attention of the Commission as a whole through the Commission's Equality Committee, of which the Chief Commissioner and Chief Executive shall be members.

- 4.3 The Commission has pledged to adhere to seven core values. These are independence, fairness, openness, accessibility, accountability, participation and equality.

4.3.1 **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.

4.3.2 **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.

4.3.3 **Openness**

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

4.3.4 **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 ensure that all our public events are accessible. We will also strive to make our publications as easy to understand as possible.

4.3.5 **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 and are introducing a Code of Conduct for Commissioners.

4.3.6 **Participation**

We wish individuals and groups to feel that the Commission is their Commission. This means that individuals and groups 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.

4.3.7 **Equality**

We are fundamentally committed to equality of opportunity. We do not see how human rights can be properly protected if such equality is not at the same time guaranteed. 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.

5.0 STATUTORY FUNCTIONS

The legislation governing the Commission is the Northern Ireland Act 1998, sections 68-71 and Schedule 7. The Northern Ireland Act 1998 imposes seven duties and confers four powers on the Commission. These instructions provide the framework within which the Commission operates.

5.1 The Commission's Duties

5.1.1 To keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights.

5.1.2 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.

5.1.3 To advise the Northern Ireland Assembly whether a Bill is compatible with human rights.

5.1.4 To promote understanding of the awareness of the importance of human rights in Northern Ireland by, for example, undertaking or commissioning or otherwise assisting research and other educational activities.

5.1.5 To provide advice to the Secretary of State on the scope for defining, in a Bill of Rights to be enacted at Westminster, rights supplementary to those in the European Convention on Human Rights.

5.1.6 To make to the Secretary of State within two years such recommendations as it thinks fit for improving the Commission's effectiveness. *[This duty has already been discharged]*

5.1.7 To do all that it can to ensure the establishment of a Joint Committee with the Irish Human Rights Commission. *[This duty has already been discharged]*

5.2 The Commission's Powers

5.2.1 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.

5.2.2 To bring proceedings involving law or practice concerning the protection of human rights.

- 5.2.3 To conduct investigations as it considers necessary or expedient for the purpose of exercising its other functions.
- 5.2.4 To publish its advice on the outcome of its research and investigations.

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

BUSINESS PLAN

2005-2006

- 1.0 This Business Plan describes areas of work proposed for the incoming year under each of the four strategic aims of the Commission, and should be read in conjunction with the Commission's Strategic Plan 2003-2006.
- 2.0 A range of objectives is described under each of the key aims. Some re-prioritising may be required during the year as a result of unexpected issues arising externally as well as the impact of new Commissioners and additional statutory powers.
- 3.0 The Commission is in a time of transition and due allowance needs to be given to the investment required in inducting 8-10 new Commissioners and a new Chief Commissioner. In addition the management restructuring with the creation of three new posts and an office expansion within Temple Court, will require a significant time investment.
- 4.0 At the conclusion of a second Strategic Plan and after 6 years in establishing the organisation, there is an opportunity to consolidate work undertaken and to reflect on experiences to inform the next Strategic Plan, 2006-2009. This year's Business Plan will include some new areas of work but should, in the main, provide an opportunity to consolidate current projects and to prepare the organisation for a new phase of development.
- 5.0 The statement by the Secretary of State before Christmas 2004 that the Commission would be afforded increased powers of investigation including access to places of detention, will require, once clarified, to be integrated into the forthcoming Business Plan and the Commission's operation. Associated resource requirements will have to be assessed.

6.0 AIMS AND OBJECTIVES 2005-2006

- 6.1 *That a comprehensive Bill of rights for Northern Ireland is in place and effectively implemented*
 - 6.1.1 The Belfast (Good Friday) Agreement placed a duty on the Commission to advise the UK Government on what scope there is for creating a Bill of Rights for Northern Ireland, which would go beyond the European Convention and reflect the particular circumstances of Northern Ireland. The Commission has been working through a consultation process on the Bill of Rights since March 2000 and has produced a series of documents during that time. As most of the current

Commissioners come to the end of their term of office in February 2005, a handover document is being prepared for incoming new Commissioners, entitled *Taking Forward a Bill of Rights for Northern Ireland*. This will provide a clear outline of the process to date. It will identify areas where there is considerable agreement and others where consensus has not yet been achieved. The current Commissioners' latest thinking on the wording of a draft Bill will be included in this document. It will not be designed as a consultation document but is simply for information and will be made publicly available in that context.

6.1.2 Key objectives for the incoming year include:

- Working to build political consensus around a strong and inclusive Bill of Rights, involving support for a Roundtable for political parties and civic society, meeting with political parties and consulting with key stakeholders.
- Adapting the Bill of Rights in Schools materials produced for the Bill of Rights in Schools Project, now in operation in all 5 Education and Library Board areas for use in informal education programmes.
- Developing increased public awareness through improved use of the media and an outreach programme.

6.1.3 Targets

- (a) To host a series of sectoral meetings discussing the current Bill of Rights proposals (as in the handover document) and their respective impact on various sectors.
- (b) To host a major conference on a Bill of Rights during the year, with international input.
- (c) To work with political parties to devise operational proposals for a Roundtable of political parties and civic society on the Bill of Rights proposals.
- (d) To develop a publicity campaign reviving public awareness of and sectoral interest in the proposals.
- (e) To develop an outreach programme promoting a Bill of Rights and human rights awareness across Northern Ireland.

6.2 ***That human rights violations are reduced and violations which do occur are swiftly and effectively addressed***

6.2.1 The Commission works across several disciplines to deliver this aim. Research, investigations and casework functions are now combined in a new team structure,

facilitating shared information and priorities. Casework and dealing with public inquiries have been a core element of the Commission's operation, linked to investigations and research and responding to international treaty bodies. Significant work has been undertaken over the past few years on Articles 2 and 3 of the European Convention, in particular on the investigation of deaths. In association with this work the Commission has an ongoing commitment to support victims in securing their rights. An investigation into deaths in hospital has produced a series of recommendations which need to be discussed further with key stakeholders.

- 6.2.2 Investigating the treatment of children and women in detention in Northern Ireland has resulted in key reports which have the potential to make a significant contribution to the development of policy in this area. Following up on these reports will be a priority in the incoming year.
- 6.2.3 Inquiries and mechanisms for dealing with the past, such as proposals for a Truth and Reconciliation Commission, have been reviewed within the Commission and will continue to be a priority, with the Commission advising as appropriate the Secretary of State on the human rights element of any new proposals.
- 6.2.4 Racism and associated human rights issues have been of major concern to the Commission. In particular we are keen to investigate the operation of the Immigration Service in Northern Ireland and to produce a handbook for migrant workers which will provide practical guidance to those people in Northern Ireland who tend to fall outside the benefits of public services.
- 6.2.5 The Commission will continue to comment and advise on UK Government reports to international treaty monitoring bodies and will attend treaty body meetings to provide supplementary information. It is anticipated that increased participation of relevant NGOs and local agencies will be co-ordinated through the Commission in the incoming year.
- 6.2.6 Much work has gone into monitoring and commenting on developments in anti-terrorism initiatives, in the UK and internationally. The Commission will continue to prioritise this work where to date we have provided detailed commentary.
- 6.2.7 Key objectives for the incoming year include:
 - Recommending changes to systems for investigating deaths and dealing with the past
 - Monitoring treatment in places of detention
 - Developing work on racism and the rights of immigrants and migrant workers
 - Monitoring developments in anti-terrorism initiatives
 - Consolidating the Commission's international work

- Providing and promoting a human rights analysis of legislation and policy issues affecting Northern Ireland

6.2.8 Targets

- (a) To continue to provide a legal inquiry service and to provide support to individual cases where a point of human rights law is at issue and to ensure adequate and appropriate staff resourcing of the casework function.
- (b) To support and develop the Human Rights Practitioners' Forum.
- (c) To provide comprehensive summaries of decisions of the European Court of Human Rights involving the United Kingdom and review developing jurisprudence under the Human Rights Act 1998.
- (d) To investigate the operation of the Immigration Service in Northern Ireland and to develop for publication, in collaboration with the Law Centre NI, a handbook for migrant workers in Northern Ireland.
- (e) To carry out further research on the treatment of women in prison in Northern Ireland and to host a major conference on the topic.
- (f) To research the incidence and issues associated with self-harm and suicide prevention in prison and to review developments in the treatment of children in custody in Northern Ireland.
- (g) To examine inquiries, death investigations and mechanisms for dealing with the past and to provide support to victims in the area of human rights.
- (h) To identify and implement a strategy for lobbying government at Westminster and where appropriate, Stormont, regarding legislation and policy.
- (i) To monitor developments in anti-terrorism initiatives.
- (j) To develop strategic alliances and host a conference on economic, social and cultural rights including work on the European Social Charter. Contributions to relevant monitoring bodies of international treaties will be produced and the Commission's engagement with international bodies such as the European Union, the Council of Europe and the OSCE will be enhanced. Work will continue on supporting the proposed UN Convention on the Rights of Persons with Disabilities.
- (k) To develop, in partnership with others, ongoing work on racism, including on the Community Cohesion strategy, the Northern Ireland Race Equality Strategy and the Race Forum.

- (l) To explore the use of Human Rights Impact Assessments in the public sector, in particular with respect to planning.
- 6.3 ***That everyone in Northern Ireland has an understanding of their rights and respects the rights of others.***
- 6.3.1 This aim reflects the Commission's promotion function, through education, information and development work. These three disciplines are now linked in a team structure with a new Head of the team appointed in November 2004. The overlap between human rights education and capacity building in the Bill of Rights consultation process has long been recognised in the Commission and it is hoped to develop further this outreach role during the incoming year. While the Commission does not currently have the necessary resources to open regional offices, it is important that it retains a regional presence through local networks and contacts.
- 6.3.2 Strategic partnerships will be increasingly important for the Commission in its work. In the Bill of Rights field we hope to continue to work with the Human Rights Consortium and other sectors, as well as the political roundtable, should it be established. The Human Rights Education Forum and the Bill of Rights in Schools projects have led to constructive working arrangements with statutory and other bodies and in research and investigations partnerships have developed with NGOs and universities in taking forward the human rights agenda. In an external environment where very significant independent funding is now available, the Commission aims to contribute useful support to others in the field, while retaining independence in terms of its policy positions.
- 6.3.3 A major review of the provision of human rights education in the public sector has been undertaken on behalf of the Commission by researchers at the University of Ulster. The outcome of that research will inform future education policy of the Commission. Various options can be pursued – the provision of training, monitoring the provision of others, producing materials and publications, or any combination of these. Commissioners will this year determine how best the Commission can support human rights education in Northern Ireland and seek the resources necessary to deliver an effective service.
- 6.3.4 External consultants were engaged to work through a communications strategy with the Commission. With the appointment of a Head of this team, this has been refined into a working strategy for implementation progressively, as resources allow. It is likely to play an important role in establishing the new Commissioners and in taking the organisation forward in consulting on the next Strategic Plan.
- 6.3.5 Increasingly the Commission's website is an important information resource for other NHRIs, for researchers, students, politicians, NGOs and other interested

parties. Under the Commission's commitment to openness, most of its papers are available on the web. It is planned to re-design and develop this resource during the year, as it is to improve accessibility to all the Commission's information and resources.

6.3.6 The Commission has made an initial commitment to work with the Community Relations Council and the Institute for Conflict Research, focusing on the human rights element of conflict resolution. Commissioners are considering how best the Commission can contribute to conflict intervention in Northern Ireland, taking into account past experiences and the established contributions of other players. This will form part of the planning process during the incoming year.

6.3.7 Key objectives for the incoming year include:

- Implementing the communications strategy
- Revising the Commission's education and training policy
- Improving access to all the Commission's resources

6.3.8 Targets

- (a) To re-design and manage the website through a permanent support contract.
- (b) To review and co-ordinate publication and print production.
- (c) To implement the recommendations of the communications strategy, including the production of new corporate PR materials, signage, a media management protocol and a regular newsletter.
- (d) To maintain and develop the library resource.
- (e) To co-ordinate and monitor press and media work.
- (f) To host a conference on the monitoring of human rights training in the PSNI.
- (g) To develop and deliver a Human Rights and Conflict Management Project in conjunction with the Community Relations Council and the Institute for Conflict Research.
- (h) To develop a human rights training and education strategy and implement key recommendations.
- (i) To produce a training guide to the Human Rights Act for health and social care staff, or for Prison Service staff, to be decided in-year.

6.4 ***That the Commission will have the powers and resources necessary to deliver its statutory functions effectively and will operate in a way that makes best use of the resources available to realise the potential of the organisation.***

6.4.1 The Commission is in a major period of transition. The induction of a new Chief Commissioner and perhaps 10 new Commissioners will require significant investment in terms of time, training, support and money. In addition, a new staff structure is still in the process of embedding and does require continued investment.

6.4.2 Additional powers will bring with them additional responsibilities and training requirements. Taken in tandem with the development of a new Strategic Plan, much time will be spent this year, certainly in the first six months, in planning and evaluation processes.

6.4.3 Consultation on the Strategic Plan and a re-assessment of the work of the Joint Committee with the Irish Human Rights Commission will contribute to a revised set of priorities emerging during the year.

6.4.4 The introduction of in-house financial services and a revised pay and grading structure for the organisation will be a priority for Corporate Services staff and the Chief Executive during the year.

6.4.5 Moving staff to another floor of the office accommodation and expanding the office to take over the whole of Temple Court will also require investment of time and support if it is to allow a seamless provision of services.

6.4.6 Key objectives for the incoming year include:

- Introducing a new pay and grading system
- Managing effectively the induction of new Commissioners
- Implementing the commitments of the Commission's Equality Scheme
- Producing the Strategic Plan 2006-09

6.4.7 Targets

- (a) To assess and respond to the impact and associated resource demands of the Commission's revised powers.
- (b) To ensure accurate budgetary monitoring throughout the year, and introducing contingency planning for casework.
- (c) To develop and implement an effective induction programme for new Commissioners and to manage the transition period.

- (d) To consolidate the staff expansion within Temple Court and put in place effective corporate support systems.
- (e) To work towards recognition of the Commission as an Investor in People.
- (f) To ensure appropriate responses and information management to comply with the Freedom of Information Act 2000.
- (g) To develop an action plan to implement internal audit recommendations and risk assessment.
- (h) To introduce and implement a revised pay and grading system for the Commission.
- (i) To develop, consult on and publish the Commission's Strategic Plan for the three year period 2006-2009.
- (j) To implement the Commission's Equality Scheme and review its effectiveness.
- (k) To improve public access to all the Commission's resources.
- (l) To undertake a fourth public opinion survey.
- (m) To bring all financial systems in-house and minimise the use of external services.

7.0 PERFORMANCE INDICATORS

7.1 Delivering a Bill of Rights for Northern Ireland

- Number of sectoral meetings held during the financial year
- Establishment of a Roundtable on the Bill of Rights involving political parties, civic society and the NIHRC
- Number of projects/events undertaken in partnership with other organisations
- Level of engagement with each of the political parties on the Bill of Rights
- Adaptation of the Bill of Rights in Schools material for use in the informal sector
- Induction of new Commissioners into the debates, using the handover document and internal and external meetings
- Establishing a timeframe for progressing the Commission's advice
- Level of press and media involvement in promoting the Bill of Rights debate
- Number of outreach events/contacts developed during the financial year.

7.2 Identifying and addressing human rights violations

- Number of legal inquiries received
- Number of cases supported, directly or by intervention
- Employment of two caseworkers
- Level of monitoring of places of detention
- Number of HRC recommendations implemented on treatment of children and women in detention
- Publication of a handbook for migrant workers by December 2005
- Develop a model human rights impact assessment process for the public sector
- All relevant international treaty monitoring reports produced or commented on
- Number of conferences/seminars held to address human rights violations
- Number of responses produced to legislation and policy consultations
- Number of publications produced on dealing with the past and death investigations
- Number of HRC submissions which had an impact on developing legislation or policy
- Publication of an investigation report into the operation of the immigration service in Northern Ireland by the end of the financial year
- Establish a working group on the proposed UN Convention on the Rights of Persons with Disabilities, jointly with the Equality Commission NI
- Publish one piece of research jointly with the Irish Human Rights Commission
- Establish a mechanism to assess the level of engagement of the Commission in legislation and policy debates.

7.3 Promoting human rights awareness

- Re-designed HRC website
- Revised HRC corporate style and presentation of publications
- Number of information newsletters published during the financial year
- Level of press and media coverage during the financial year
- Participate in a Human Rights and Conflict Management Project in conjunction with the Community Relations Council and the Institute for Conflict Research
- Level of usage of the HRC library
- Production of a revised HRC education and training strategy by December 2005
- Number of human rights training sessions conducted.
- Number of events held outside Belfast.

7.4 Increasing the effectiveness of the Commission

- Production of a new Strategic Plan by December 2005
- Induction process completed with new Commissioners by September 2005
- Introduction of a revised pay and grading structure by the end of the year
- Increased powers and resources secured from Government
- Number of training sessions and courses attended by staff and Commissioners
- Re-location of staff throughout Temple Court offices
- Evaluation of process of change in organisational re-structuring
- Number of planning meetings and reviews held
- Introduction of internal management of payroll
- Completion of annual internal audit report and risk management strategy
- Audit of HRC annual accounts for 2004-05 completed for publication with the Annual Report in September 2005
- Publication of Equality Impact Assessments of HRC policies
- Review of HRC Committee structure

8.0 COSTS ASSOCIATED:

Commissioners	200,000
Staff	600,000
Core Costs	<u>295,000</u>
	<u>£1,095,000</u>

Total Budget **£1,350,000**

PROGRAMME COSTS 255,000

Legal Services, Research & Policy

Casework	100,000
Race/Immigration	10,000
Investigations, Criminal Justice	20,000
Lobbying, International Work	<u>5,000</u>
	<u>£135,000</u>

Information, Education and Development

Bill of Rights	25,000
Education	25,000
Education/Information	<u>30,000</u>
	<u>£80,000</u>

Corporate Services

Professional Services	20,000
Training	10,000
Strategic Plan	5,000
Opinion Survey	<u>5,000</u>
	<u>£40,000</u>