



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

# Annual Report and Accounts 2007-2008



Protecting and promoting your rights



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

# Annual Report and Accounts 2007-2008

Annual report presented to Parliament  
by the Secretary of State for Northern Ireland  
in pursuance of paragraph 5(2) of Schedule 7  
of the Northern Ireland Act 1998 and Accounts  
presented to Parliament by the Secretary of State  
on behalf of the Comptroller and Auditor General  
in pursuance of paragraph 7(3)(b) of Schedule 7  
to the Northern Ireland Act 1998.

Ordered by the House of Commons  
to be printed 8 December 2008

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1 December 2008

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

Dear Secretary of State

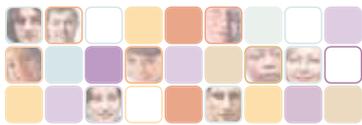
I have pleasure in submitting to you, as required by paragraph 5(1) of Schedule 7 of the Northern Ireland Act 1998, the ninth Annual Report of the Northern Ireland Human Rights Commission. It shows how the Commission has performed its functions during the period 1 April 2007 to 31 March 2008.

The Annual Report includes the Commission's financial statements for the year ending 31 March 2008, which have been prepared in accordance with Paragraph 7 of Schedule 7 of the Northern Ireland Act 1998, and which were approved and certified by the Comptroller and Auditor General on 6 November 2008.

Yours sincerely

**Professor Monica McWilliams**  
Chief Commissioner

Photography by: Jelle Bootnje, Keven Cooper Photoline, Charlene Craig, Lesley Doyle, Ken Duncan, Robert Driese, Julia Freeman-Woolpert, Sanja Gjenero, Ilker, Samatha Mesones, Phill Ray, John Rush.

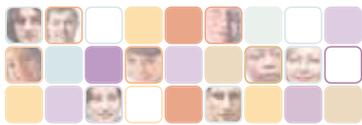


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This document will be made available in an alternative format (such as in Microsoft Word, large print, in Braille, on audio cassette or easy read) and/or language upon request. It is also available on CD and at [www.nihrc.org](http://www.nihrc.org)





## Foreword

### Introduction

During the past year, much of the focus of our work has been on the Bill of Rights for Northern Ireland. On 31 March, as the year ended, the Commission received the report from the Bill of Rights Forum outlining the thinking of the political parties and civil society representatives in Northern Ireland. Following our preparatory work over the past year, we intend to offer the final advice to the Secretary of State by 10 December 2008. This will be International Human Rights Day and is particularly symbolic given that it will mark the 60th anniversary of the Universal Declaration on Human Rights. While the Commission remained independent from the Forum, we continued to build good working relationships with the political parties and non-governmental organisations represented on the Forum and with the Human Rights Consortium and many other stakeholders involved in the Bill of Rights process.

### Investigations

Taking forward the recommendations from our investigations into juvenile detention and women in prison, and completing a large scale investigation into immigration detention, the investigation team has had a busy year. During the past year, the Commission obtained new powers allowing us to compel evidence while undertaking investigations. This is a new and exciting development for the Commission and we have been developing enhanced skills and training within the organisation to make best use of these powers.

### Right to life

Working with the police, the judiciary, the Prison Service, the Public Prosecution Service, the Coroner's Office and the Criminal Justice Inspectorate, and with partners in the NGO community, the Commission has continued to monitor the application of the State's positive duty to protect life. Reviewing the various



*Chief Commissioner, Professor Monica McWilliams*

public inquiries into allegations of collusion and, more generally, the operation of the Inquiries Act itself remains a focus of our work. Dealing with the legacy of the conflict, both locally and internationally, has been further developed through the UN Office of the High Commissioner for Human Rights and the Committee of Ministers at the Council of Europe. We have hosted a number of high level exchanges with these bodies and the way in which we approach this work is being used as an example of good practice for national human rights institutions (NHRIs) in areas of conflict.

#### **In brief**

Our work in dealing with the legacy of the conflict is being used as an example of good practice for national human rights institutions working in areas of conflict.

### Counter-terrorism

The introduction of increasingly regressive counter-terrorism measures, at a time when Northern Ireland is in a process of normalisation, has continued to preoccupy the Commission as



we prepare policy submissions to government. Using a human rights-based framework, there is valuable experience to be gleaned from Northern Ireland in respect of the new counter-terrorism measures proposed at Westminster. Scrutinising the draft legislation, the Commission has submitted recommendations at each of the committee stages and has worked closely with the Joint Committee on Human Rights at Westminster on its proposals.

### Legal work

The refinement of our legal strategy and the potential use of a new power to take cases in our own name have allowed us to concentrate on identifying and addressing areas where reform of the law could be beneficial to victims of human rights abuses. This has resulted in improved monitoring of cases as well as the implementation of recommendations of the European Court of Human Rights. The Commission is now better placed to identify cases which can set useful precedents or influence public policy on human rights.



TASER

Right to Health at the United Nations. We have also raised concerns with the Department of Health, Social Services and Public Safety on the delay in the transfer of health responsibilities from the Northern Ireland Prison Service. Our two previous reports on women in prison had highlighted the importance of this transfer and we were pleased to see that this finally took place as the year ended.

### Economic, social and cultural rights

The establishment of health as a focus for the Commission's work on economic, social and cultural rights was highlighted during our successful international conference in February 2008, which brought together a wide range of health and human rights practitioners, including the Special Rapporteur on the

**In brief**

We will monitor the outcome of health provision, alongside standards of education and resettlement policies in our work on detention, policing and justice.

### Policing

On the policing front, a major concern in the past year has been the introduction of the TASER by the Police Service. The Commission engaged with the Policing Board and many other stakeholders in emphasising that both a human rights and equality impact assessment should have been undertaken before the pilot was introduced into Northern Ireland.

### Education and promotion

We have made considerable progress on our education and promotional work. The launch of the Commission's exhibition on human rights and the public meetings at local council offices throughout Northern Ireland have helped raise awareness of human rights. During these public gatherings, we try to relate the Commission's





work to the human rights concerns that are familiar to the public at large.

This year, we also embarked on a new public initiative by organising the Rights and Righteousness conference, in November, to stimulate productive discussions about the relationship between faith and human rights. In Northern Ireland, discussing moral values and human rights together can be difficult and contentious, but the use of people's own experiences and sometimes painful testimonials alongside thoughtful and respectful contributions helped to make this one of the year's successes. Our partnership on this project with the Irish School of Ecumenics was a productive one and the Commission will build on this for the future.

## Effectiveness

Over the past year we have achieved significant advances in our organisational development, not least in improving our risk management, control and governance arrangements and securing 'A' status accreditation at the United Nations. The profile of Commissioners and staff both locally and internationally is increasing and we are now able to contribute at the highest level of human rights debate both at the UN and the Council of Europe. The relationships with the Commonwealth, the revamped UN Human Rights Council and various treaty monitoring bodies have been further developed and enhanced for greater influence with the UK Government and local Assembly and Executive. This year, we responded to the UN and Council of Europe examinations of the UK in the areas of children's rights, language rights and discrimination against women.

### In brief

We responded to UK treaty examinations on children's rights, language rights and discrimination against women.

Working relationships with the Equality and Human Rights Commission in Britain and the new Scottish Human Rights Commission have been developed. We continue to benefit from our close partnership with the Irish Human Rights Commission, particularly on human rights concerns in the field of migrant workers, asylum seekers and refugees. The Irish Commission currently holds the Presidency of the European Group of National Human Rights Institutions, which enables us to be fully informed at our quarterly meetings of all the changes taking place at the international level.

At a local level, the Commission's relationships with its many stakeholders have been further enhanced. A new stakeholder management system is in place and a survey to seek the views of stakeholders on the Commission's work was conducted in December 2007. The outcome of this was very positive. Commissioners approved new Memoranda of Understanding with the Northern Ireland Court Service and the Prisoner Ombudsman for Northern Ireland. Political relationships continue to be forged at Westminster and Stormont through the Commission giving evidence to various Parliamentary and Assembly Committees.

## New Commissioners

The Commission welcomed Colm Larkin and Daphne Trimble as new Commissioners taking over from Christine Eames and Kevin McLaughlin, with effect from 1 December 2007. I would like to take this opportunity of paying tribute to Christine and Kevin for all their hard work during their time with the Commission. I will miss them in a personal as well as a professional capacity. In a similar vein, I want to acknowledge the outstanding contribution of Paddy Sloan, who resigned as Chief Executive to head up the Children in Need Appeal at BBC Northern Ireland. Paddy was a great support to me when I took up my position as Chief Commissioner and I owe her a special



word of thanks for 'showing me the ropes'. The Commission appointed Peter O'Neill as the new Chief Executive in October 2007, and he has had an exceptionally busy time since taking up his post.

As ever, I have been heartened by the support offered to the Commission during the past year by the public at large and by the difference we make to protecting and promoting human rights, particularly for the most vulnerable in our society. I look forward to working with you in the year ahead.

**Professor Monica McWilliams**  
**Chief Commissioner**





## Commissioners



**Professor Monica McWilliams** appointed from 1 September 2005



**Mr Alan Henry** appointed from 1 September 2005



**Ms Ann Hope** appointed from 1 September 2005



**Lady Christine Eames OBE** appointed until 30 November 2007



**Professor Colin Harvey** appointed from 1 September 2005



**Mr Colm Larkin** appointed from 1 December 2007



**Lady Daphne Trimble** appointed from 1 December 2007



**Mr Eamonn O'Neill** appointed from 1 September 2005



**Ms Geraldine Rice MBE** appointed from 1 September 2005



**Mr Jonathan Bell** appointed from 1 September 2005



**Mr Kevin McLaughlin** appointed until 30 November 2007



**Mr Tom Duncan** appointed from 1 September 2005



## Management Commentary

### Introduction

I am pleased to report on the performance of the Northern Ireland Human Rights Commission during this busy year and to acknowledge the work of our staff and auditors in producing this report.

The Human Rights Commission is a body which was provided for in the Belfast (Good Friday) Agreement of 1998 and which was formally established under the Northern Ireland Act 1998 on 1 March 1999. The Commission is a non-departmental public body (NDPB), funded by the Northern Ireland Office, but otherwise independent from government. It is accountable, through the Secretary of State for Northern Ireland, to Parliament at Westminster and is subject to oversight by the UK Parliamentary Commissioner for Administration.

### Duties and powers

Under section 69 of 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
- to advise the Northern Ireland Assembly whether a Bill is compatible with human rights
- to promote understanding and awareness of the importance of human rights in Northern Ireland by, for example, undertaking or commissioning or otherwise assisting research and educational activities



Chief Executive, Peter O'Neill

- 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
- to make to the Secretary of State for Northern Ireland within two years such recommendations as it thinks fit for improving the Commission's effectiveness, and
- to do all that it can to ensure the establishment of a joint committee with the Human Rights Commission in the Republic of Ireland.

#### In brief

The Commission's duties and powers arise from the Northern Ireland Act 1998 and the Justice and Security (NI) Act 2007.

In addition, under the same section, 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

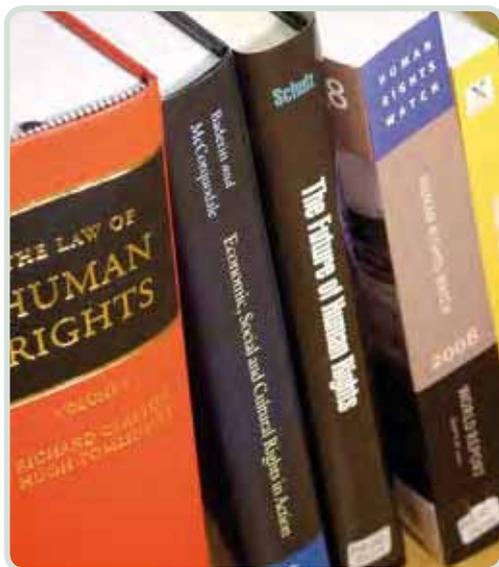




- to bring proceedings involving law or practice concerning the protection of human rights
- to conduct such investigations as it considers necessary or expedient for the purpose of exercising its other functions, and
- to publish its advice and the outcome of its research and investigations.

The Justice and Security (Northern Ireland) Act 2007 gives the Commission the following 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.



## Vision

Our vision is to help bring about a society in Northern Ireland where everyone is aware of their internationally recognised human rights and those of others and can enjoy those rights in a society which respects diversity and in which they can feel safe and valued.

## Mission

The Northern Ireland Human Rights Commission will work vigorously and independently to ensure that the human rights of everyone in Northern Ireland are fully and firmly protected in law, policy and practice. To that end, the Commission will measure the law, policy and practice in Northern Ireland against internationally accepted rules and principles for the protection of human rights and will exercise to the full the functions conferred upon it to ensure that those rules and principles are promoted, adopted and applied throughout Northern Ireland.

## Values

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

### Independence

The Commission is completely independent from any outside influence. We arrive at our conclusions after all the evidence has been fully considered.

### Fairness

We provide a proper hearing to any person or group wanting to meet with us. We are objective when assessing evidence, and use internationally accepted rules and principles on human rights as our baseline at all times.

### Openness

We welcome visitors to the Commission's offices and undertake to meet individuals and groups at other premises if this is more



convenient or suitable. The minutes of Commission meetings and all key documents are published on our website.

### Accessibility

The Commission works closely with members of the public. We ensure that all our public events are accessible and our publications are as easy to understand as possible and made available in other formats.

### Accountability

We produce an annual report after the end of each financial year. We are answerable to the Parliamentary Commissioner for Administration (the UK Ombudsman) and we will co-operate fully with any investigation that might arise. We maintain a Register of Commissioners' Interests which is available on our website.

### Participation

We work to ensure that individuals and groups feel that the Commission is their Commission. 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.

### Strategic aims

- building a human rights culture in Northern Ireland
- challenging and preventing human rights abuse
- building support for a Bill of Rights and working in partnership with others for its implementation, and
- ensuring a strong and effective Human Rights Commission.

The Commission's aims and objectives are set out in its Strategic Plan for 2006-09. Further details of the Commission's work during 2007-08 are set out in the Meeting Aims section of this Annual Report on pages 21 to 48.



### Funding and financial accountability

The Permanent Secretary who is the Principal Accounting Officer of the Northern Ireland Office designates the Chief Executive as the Accounting Officer for the Commission.

The Commission operates under a Management Statement and Financial Memorandum agreed with the Northern Ireland Office (NIO) and financed by grant-in-aid, the allocation of which comes from the NIO. A revised Management Statement and Financial Memorandum came into effect from 1 November 2007.





The Commission's accounts for 2007-08 are included with this Annual Report at pages 49 to 73. These financial statements have been prepared in accordance with the requirements of paragraph 7(2)(a) of Schedule 7 to the Northern Ireland Act 1998 and in a form directed by the Secretary of State for Northern Ireland with the approval of the Treasury. The financial statements demonstrate the resources that have been used to deliver the Commission's objectives. These financial statements have been prepared in accordance with the guidance set out in the Government Financial Reporting Manual for 2007-08 (available at: [www.financial-reporting.gov.uk](http://www.financial-reporting.gov.uk)).

The Commission spent in full its agreed resource allocation of £1.59 million for 2007-08. This includes additional accruals the Commission made during 2007-2008 in respect of longstanding commitments it has to support the families in three inquests into deaths that occurred in the 1990s, which are seen as key human rights cases from this jurisdiction at the Council of Europe and internationally.

Each year, the Commission reviews the accruals it has made in its accounts for these cases. However, the Commission's liability in respect of the inquests has been difficult to estimate accurately, given uncertainties over their duration, the number of witnesses likely to be called and the nature of their evidence to be given. After substantial delays, one inquest was due to begin in May 2008 and the others are expected to be conducted in the next year or so. With the inquests now beginning to be listed for hearing, it has been possible to obtain

**In brief**

We work to ensure that individuals and groups feel that the Commission is their Commission.

more accurate estimates of the costs likely to be incurred. These estimates show that the Commission needs to increase its accruals for these cases by some £70,000, which we have done.

Other aspects of the Commission's expenditure on staff and non-staff costs during 2007-08, detailed in Notes 3 and 4 to the accounts, are as follows:

- an increase in total staff costs through implementation of pay awards for the Chief Commissioner and staff, regrading of the Chief Executive post and an increase in the Commission's staffing cadre, all approved by the NIO; the Commission also used a number of agency staff during the year to cover vacancies, pending the outcome of recruitment exercises
- publication of the report of the Commission's investigation into the conditions of women held at Hydebank Wood, *The Prison Within*, resulted in increased expenditure on advertising, publicity and publications
- increased activity in respect of the Bill of Rights, associated with preparations to receive the recommendations of the Bill of Rights Forum on 31 March 2008
- an increase in conference and seminar expenditure, with the Commission hosting three major conferences during the year – Rights and Righteousness, which considered the relationship between faith and human rights; an international event on health and human rights; as well as the Commission's annual stakeholder conference
- costs associated with contracting in additional support to complete the Commission's investigation into immigration detention, the conclusions of which will be reported in 2008-09



*Health and Human Rights conference, February 2007: Paul Hunt, Jane Gordon, Monica McWilliams and Nigel Carson.*

- interventions in other important legal cases, particularly in the judicial review of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, which added to the overall increase in casework costs described above
- an increase in lighting and heating costs due to the repair of heating boilers, which were not functioning properly during the previous year, and general increases in fuel bills
- continued investment in staff training and development, and increased recruitment costs, particularly in respect of the recruitment of a new Chief Executive
- a reduction in IT costs from the investment in the further development of the Commission’s website, and the creation of a website dedicated to work on the Bill of Rights for Northern Ireland, that occurred during the previous year
- a reduction in rates compared to 2006-07, which included arrears in respect of the Commission’s acquisition of additional office space in Temple Court in 2005, and
- a reduction in travel, subsistence and hospitality compared to 2006-07, which included attendance at international conferences and visits to the United Nations as part of the induction programme for new Commissioners.





Also in 2006-07, the Commission jointly hosted, with the United Nations, an international roundtable on the role of national human rights institutions (NHRIs) in conflict resolution. This event was funded by a grant from the UN of over £50,000, which was disclosed separately in last year's accounts as 'other income'.

In respect of capital expenditure, the Commission spent around £70,000 of a budget allocation of £90,000. The outstanding amount is as a result of a short delay in completing projects associated with further improvement to the Commission's offices. Details of the movement of fixed assets are set out in Note 6 to the accounts.

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

- carry out investigations and support individual cases that highlight human rights concerns
- advise government in Northern Ireland and at Westminster on the human rights implications of legislation and policy
- through research, education, publications and seminars, promote a culture and understanding of human rights across Northern Ireland, and
- provide advice to the Secretary of State for Northern Ireland on the scope for a Bill of Rights for Northern Ireland.

Further details of these activities are given in the Strategic Plan for 2006-09 and Business Plan for 2008-09, which are available on the Commission's website: [www.nihrc.org](http://www.nihrc.org).

#### **In brief**

For details about our work, our Commissioners and staff, visit [www.nihrc.org](http://www.nihrc.org).

## Post-balance sheet events

There have been no significant events since the end of the financial year which would affect the results for the year or the assets and liabilities at the year-end. The Annual Report and Accounts are authorised for issue on 6 November 2008.

## Financial reporting standards

The 2008 Budget announced that, from 2009-10, the annual financial statements of government departments and other entities in the public sector will be prepared using International Financial Reporting Standards adapted as necessary for the public sector. The Commission is already preparing for this change and will apply international standards from 1 April 2009 onwards.

## Commissioners and Chief Executive

The Commission is governed by its Commissioners. The following served during 2007-08:

- Professor Monica McWilliams
- Mr Jonathan Bell
- Mr Thomas Duncan
- Lady Christine Eames OBE (until 30 November 2007)
- Professor Colin Harvey
- Mr Alan Henry
- Ms Ann Hope
- Mr Colm Larkin (from 1 December 2007)
- Mr Kevin McLaughlin (until 30 November 2007)
- Mr Eamonn O'Neill
- Ms Geraldine Rice MBE
- Lady Daphne Trimble (from 1 December 2007)



Details of attendance by Commissioners at Commission meetings and their participation in committees and working groups are set out at Appendices 1 and 2.

The Commission's Chief Executive during 2007-08 was Ms Paddy Sloan until 31 May 2007 and then Mr Peter O'Neill from 1 October 2007. (Mr Don Leeson, Head of Corporate Services, was the Interim Accounting Officer from 1 June to 30 September 2007.)

Details of remuneration can be found in the Remuneration Report, which is included with this Annual Report at pages 50 to 54.

A register of interests of the Commissioners and senior staff can be found on the Commission's website: [www.nihrc.org](http://www.nihrc.org).

## Corporate governance and risk management

The Commission is committed to ensuring a high standard of corporate governance. The Commission has responsibility for defining strategy and determining resource allocations to ensure the delivery of the Commission's objectives. There is a corporate structure of committees that have clear terms of reference to support the Commission.

All Commissioners have received training in the role and responsibilities of board members of non-departmental public bodies, and induction into the work of the Commission.

The Commission has a risk management framework in place to identify risks and manage down as far as possible the likelihood of identified risks occurring and their impact.

## Audit and Risk Management Committee

The Commission's Audit and Risk Management Committee met five times during 2007-08. The Audit and Risk Management Committee is chaired by an external chairperson to ensure independence and access to a full range of financial and governance expertise.

The Audit and Risk Management Committee comprises:

- Dr Bill Smith (Chairperson)
- Lady Christine Eames OBE (until 30 November 2007)
- Mr Alan Henry
- Mr Kevin McLaughlin (until 30 November 2007)
- Mr Eamonn O'Neill
- Ms Geraldine Rice MBE
- Lady Daphne Trimble (from 1 December 2007)

The Chief Executive and the Head of Corporate Services attend Audit and Risk Management Committee meetings. External and Internal Auditors attend by invitation.

The Audit and Risk Management Committee support the Accounting Officer, and the Commission, by monitoring and reviewing the risk, control and governance systems, and the associated assurance processes. This is achieved by providing an independent perspective and through a process of constructive challenge. The Chairperson attends at least one Commission meeting each year to present a report on the activities of the Audit and Risk Management Committee.





## Equal opportunities policy (including that for the employment of disabled people)

### Equality commitment

The Commission is fundamentally committed to equality of opportunity in accordance with its Equality Scheme, prepared under Section 75 of the Northern Ireland Act 1998. The Commission, therefore, strives to promote equality of opportunity within the organisation as well as in the activities it conducts. The Commission strives to comply fully with its statutory obligations and liaises closely with the Equality Commission for Northern Ireland to ensure that the two institutions work together effectively.

The Commission's Equality Committee meets on a regular basis to oversee the implementation of the Equality Scheme and support other work to ensure that the Commission meets its equality commitment.

### Disabled people

The Commission aims to be an exemplar in the implementation and continuing development of procedures to meet the requirements of the Disability Discrimination Act 1995 and aims to ensure that disability is not a bar to recruitment or advancement. All disabled applicants who meet the essential criteria for posts with the Commission are guaranteed an interview.

Details of the Commission's work to promote positive attitudes towards disabled people and encourage participation by disabled people in public life are set out in its Disability Action Plan, which was published in June 2007 and can be read on the Commission's website.

## Learning and development

During the year, the Commission continued to give high priority to training and developing its entire staff to enhance their professionalism to support the Commission's objectives. A number of staff are currently enrolled on a range of courses, including postgraduate LLM courses in human rights law.

The Commission is working towards achieving the Investors in People Standard and aims to be formally assessed against the standard towards the end of 2008.

### In brief

We strive to promote equality within the organisation as well as in our external activities.

## Employee consultation

The Commission implements its Strategic Plan through its staff. In achieving business objectives, the Commission recognises that the involvement of staff in planning and the decision-making process is essential. Staff involvement is maximised through the combined use of, for example, regular team meetings, staff briefings, an annual staff residential and joint staff / union consultative meetings. NIPSA is the recognised trade union for the Commission's staff.



## Health and safety

The Commission recognises and accepts its legal responsibilities in relation to the health, safety and welfare of its employees and for all people using its premises. The Commission complies with the Health and Safety at Work (Northern Ireland) Order 1978 and all other appropriate legislation. Three members of staff have been trained in first aid, with one designated as the Health and Safety Officer.

## Research and development

The Commission engages in research and development activities relating to human rights and the support of individual cases. These research reports are listed in Appendix 5 and posted on the Commission's website: [www.nihrc.org](http://www.nihrc.org).

## Personal data related incidents

No personal data related incidents occurred during 2007-08.

The Commission is committed to safeguarding personal data it holds. The Commission's data handling arrangements were reviewed by internal audit in November 2007, and recommendations to make further improvements are being implemented. Risks in this area are recorded in the Commission's risk register and the Audit and Risk Management Committee receives regular reports on activities to minimise the likelihood of the occurrence of these, and other, risks.

## Creditor payment, policy and performance

The Commission is committed to the prompt payment of bills for goods and services received in accordance with the principles of the Better Payment Practice Code as stated in paragraph 4.2.1 of the Non-Departmental Public Body guidance. Unless otherwise stated in the contract, payment is due within 30 days of the receipt of the goods or services, or presentation of a valid invoice or similar demand, whichever is later.

During the year, 81 per cent of bills were paid within this standard (2006-07 : 87 per cent).

## Auditors

The financial statements are audited by the Comptroller and Auditor General. The fees for this year are £6,650 (2006-07 : £6,500) (note: the Commission's accounts includes an adjustment to the amount previously accrued for audit fees).

The Commission's Internal Audit is provided independently by ASM Horwath.

As Accounting Officer, I confirm that I have taken all steps to ensure that I am aware of any relevant audit information and to ensure that the Commission's auditors are aware of that information. As far as I am aware, there is no relevant information of which the Commission's auditors are unaware.

**Peter O'Neill**  
Accounting Officer



# Meeting Aims







## Aim 1: Building a Human Rights Culture in Northern Ireland

### Introduction

The aim of building a human rights culture is central to the Commission's work through publications, information and promotions; media and public affairs; education and training; and conferences and seminars. The activities undertaken in these areas during 2007-08 are detailed below.

### Publications, information and promotions

A range of publication, information and promotional work was undertaken during the year and the key aspects of these activities are presented below. A list of the publications produced can be found at Appendix 5.

#### Report on women in prison

On 5 July 2007, the Commission launched a major report on its investigation into conditions for women in Hydebank Wood Prison. The report, *The Prison Within: The imprisonment of women at Hydebank Wood 2004-2006*, was co-authored by one of the Commission's Investigation Workers, Dr Linda Moore, with Professor Phil Scraton (from the School of Law at Queen's University, Belfast). The report documented the daily routine of women prisoners and found that they are subject to long periods of lock-up, have difficulties in maintaining contact with their families – especially children – and have few opportunities for work and education. The Commission argued that locking women in isolation for long periods is particularly damaging for those who are vulnerable, depressed or self-harming.

#### In brief

For a list of the year's publications, see Appendix 5.

The research also found that the shared site between the women's prison and the male Young Offenders' Centre was creating many problems and leading to rights being breached.

#### NIHRC Review

The success of our magazine continues to grow with three issues produced in this reporting period. We were delighted to include articles from the Lord Chief Justice, Sir Brian Kerr; the former Secretary of State for Northern Ireland, Peter Hain MP; Bob Collins, Chief Commissioner of the Equality Commission for Northern Ireland; and Nuala O'Loan, the former Police Ombudsman.

During the year, the magazine's design was improved to take into account feedback on previous issues, and we increased the print run from 2,000 to 3,000 in response to demand.





## e-Newsletter

The Commission distributed ten issues of its monthly e-Newsletter to an ever-expanding subscriber list. There were (around) 100 new subscribers added during the year, bringing the total distribution list to 700 people. We continued to review and improve the usefulness and accessibility of the e-Newsletter and each issue now includes plain-text, PDF and website versions.

Other publications during the year included:

- three posters on the European Convention on Human Rights, Universal Declaration of Human Rights and the UN Convention on the Elimination of Discrimination Against Women (CEDAW)
- additional language translations of the migrant workers' guides (first published in 2006), produced in association with the Law Centre (NI), ANIMATE and the Office of the First Minister and deputy First Minister (OFMdFM)
- the Commission's Business Plan 2007-08
- a leaflet for the 2007 human rights training programme
- an extensive human rights exhibition, booklet and DVD
- translations of the Commission's general leaflet
- a leaflet explaining how to make a complaint about the Commission's services
- a human rights desk calendar 2008
- printed and CD versions of the 2006-07 Annual Report
- a range of leaflets advertising conferences and events, and
- an Irish language translation of the *Bill of Rights in Schools: A Resource for Post-primary Schools*.

## Websites

Our main website ([www.nihrc.org](http://www.nihrc.org)) continues to attract new visitors and has proved to be a successful vehicle in communicating our work to the public. The site received almost 400,000 visits from April 2007 to March 2008. New sections were added to the site during the year and its content is regularly updated.

The guides for migrant workers were the most popular resources, with the Polish translation being downloaded by approximately 1,000 individual visitors. The website's contact facility was the conduit for the vast majority of the enquiries processed by information staff during the year.

### In brief

See our new website on the Bill of Rights at [www.borini.info](http://www.borini.info)

### In brief

*"I cannot thank you enough for all the information and links that you sent me. I had found the website most helpful but you provided me with further reports which were an added help."* Law student

The Commission's new website dedicated to information about the Bill of Rights process ([www.borini.info](http://www.borini.info)) went live in April 2007. This site is able to present a broader spectrum of content than our corporate site in terms of articles and reports by other organisations or individuals.

The Commission has also developed a number of 'group' pages on social networking websites. These include Bebo, Facebook, MySpace and YouTube. We have used these popular sites to showcase the winners of our human rights animation competition (see below).





Library and information centre

### Library and information centre

The implementation of the library strategy 2007-09 is on target, with a number of key objectives completed by the end of year one (2007-08). New material continued to be identified – the centre now contains over 5,000 items, including reference books and the most important journals on international, European and domestic human rights policy and protection.

During the year, there were over 70 visitors to the library and information centre. They came from a wide variety of backgrounds and interests including academic researchers, human rights based NGOs, students of the

#### In brief

Our information centre joined 'Inspire', a UK-wide inter-library project.

LLM in Human Rights Law and social work students. Inductions were also provided to a number of interns, work placement students, new staff and Commissioners.

Visitors can quickly locate the information they need using Heritage, an information-rich, fully searchable catalogue of the entire collection.

In addition, specialist guidance and advice were given to a number of organisations on how to establish a library service and on information management systems.

In February 2008, the Commission's library and information centre became a member of Inspire, a UK-wide library access and referral project. We hope that this will increase awareness of the Commission's specialist resources among other information professionals and members of the public, and lead to an increase in visitor numbers.



Students from Loreto College, Coleraine, viewing our exhibition

Other highlights during the year include:

- recruitment of an Information and Publications Worker in June 2007
- improvements to the physical space (better lighting, improved signage and shelving), and
- the introduction of new equipment, including a visitor workstation, TV and DVD player and photocopying facilities.

### Enquiries

The Commission’s information staff processed 328 enquiries during the year, which covered a wide range of issues, including immigration, housing, health, child protection, education, Bill of Rights, employment, prisons, discrimination, family law, policing, and the powers and effectiveness of the Commission itself. The majority of the enquiries were received through

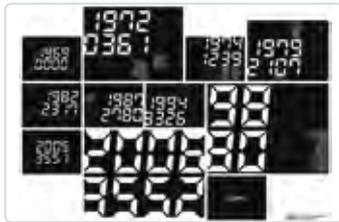
the contact facility of the website. Information staff responded to almost half of the total number of enquiries and the remainder were referred for response within the Commission (to the Legal Services or Corporate Services teams, for example).

#### In brief

*“Feedback from staff and students has been very positive. Having the exhibition within the school was a highly rewarding experience for all involved as it highlighted interdepartmental links between Religious Education, History, Citizenship and Art.”*

Michelle McGarvey, teacher,  
Loreto College, Coleraine





*Award winning student animations*

### Animation competition and exhibition

The Commission, in partnership with the Community Foundation for Northern Ireland (CFNI), the University of Ulster and the Arts Council of Northern Ireland, organised a unique competition for students to design animations on the theme of human rights. Students on the Visual Communications course at the Belfast campus of the University of Ulster, as part of their final degree programmes, were invited to submit entries. The students spent a considerable period of time researching their themes and they deserve great praise for producing such an outstanding series of visuals. Gareth Humphries, Daniel McCloskey and David Wilson were selected as award recipients.

Thanks are due to Christine Blaney, Lecturer in Visual Communications for her help in arranging this competition, Professor Declan McGonagle for his role as a judge and to all the students who presented their work. The winning entries are available to view on our website: [www.nihrc.org](http://www.nihrc.org).

Following on from the competition, the Commission launched a human rights exhibition, with accompanying DVD and booklet on 28 November in Belfast. The exhibition, entitled *Animate your Rights*, showcases the work produced by visual communication students earlier in the year. We hope this resource will greatly assist our outreach and education work with students and young people. The exhibition

spent three weeks in the foyer of the University of Ulster, Belfast Campus, before heading north where it was on display in Loreto College, Coleraine from 3 to 20 March 2008.

### Media and public affairs

The Commission, and its role particularly in the Bill of Rights process, attracted considerable media coverage in 358 newspaper and magazine articles during the year. A media pack was produced for journalists providing concise information on our role and functions.

World Press Freedom Day on 3 May was highlighted through a joint statement with the National Union of Journalists (NUJ) to express concern about the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007, which extends police powers to seize documents and computer files held by journalists. In addition, the Commission and the Northern Ireland Anti-Poverty Network marked International Day for the Eradication of Poverty on 17 October, at a press conference held in the Commission.

The Commission has been active in lobbying on a number of legislative issues including the Justice and Security (Northern Ireland) Bill 2006 with a number of amendments made at Report Stage. We also organised a visit to Westminster in November 2007 to meet with a range of MPs, Peers and organisations on a number of human rights issues.



A briefing paper on the Optional Protocol to the UN Convention Against Torture which outlined the Commission's position on National Preventative Mechanisms (NPM) was provided to political contacts and our views on draft criminal justice legislation were circulated to a targeted group of MLAs.

On 9 January 2008, the Commission provided oral evidence to the Ad Hoc Committee at the Assembly on the draft Criminal Justice (Northern Ireland) Order 2007. We presented our policy position and were questioned on a number of issues relating to the human rights compliance of this proposed legislation.

## Education and training

The Commission's education programmes attracted record numbers of participants this year, and managing the high demand for the courses has been a challenge. The introductory course on the Human Rights Act was held in four locations across Northern Ireland in September 2007, attracting over 90 participants with positive evaluation returns.

A new course in October, on Planning and Delivering a Workshop on Human Rights was also very well received. It was aimed at experienced trainers and attracted 30 participants for the training days in Belfast and Derry/Londonderry. The materials developed for

this course will complement an online training manual which is in development.

On 9 November 2007, the Education Worker provided the keynote address to approximately 150 students and staff at a Global Education Conference at St Mary's University College. The address was entitled 'Human Rights Education for a Community as Wide as the World' and aimed to inspire some future human rights defenders in the group. Staff also delivered a training session to 29 social work students from Belfast Metropolitan College on 26 February 2008.

### In brief

*"Very informative overview and introduction to human rights – would recommend to anyone."* Course participant

With Neil Jarman, Director of the Institute for Conflict Research, staff delivered two full-day training programmes in October and December to 24 interface workers in Derry/Londonderry and Belfast on the synergy between conflict transformation and human rights. A tutor's guide on this theme has been produced and we hope to share this toolkit with training providers in good relations and mediation work.

During the year, the Human Rights Education Forum (HREF), which the Commission convenes, met three times. The HREF is a network of human rights education practitioners from the statutory, voluntary and academic sectors.





Annual conference, September 2007: Lady Christine Eames OBE, Roy Garland, Maggie Beirne, Brian Coulter.

## Conferences and seminars

- Work with the inter-agency network End Violence Against Women Working Group has continued to develop and, in May 2007, the Commission hosted a research meeting on developing an integrated strategy on ending violence against women.
- The Commission also hosted an event on 30 November 2007 to explore links between trafficking, violence against women, and immigration issues, specifically the limitation on recourse to public funds. The event was jointly organised with Amnesty International and Northern Ireland Women's Aid.
- On 18 May 2007, the Commission hosted a meeting of the human rights and equality commissions in the UK and Republic of Ireland, which featured our work on human rights education.
- Our annual stakeholder conference took place on 21 September 2007 – the International Day of Peace – at the Hilton Hotel, Templepatrick, with Martin McGuinness, MP, MLA, deputy First Minister, as guest speaker. The event, which had a particular focus on dealing with the legacy of the conflict in Northern Ireland, was a great success in attracting over 120 participants.
- A seminar bringing together staff involved in communications work from European national human rights institutions and academic human rights institutes took place on 3 October 2007. Twenty-four colleagues from 18 different human rights institutions across Europe attended this event hosted by the Commission. The seminar shared best practice and exchanged information in the area of human rights communications strategies. At the conclusion of the event,



OHCHR seminar on transitional justice, South Africa, November 2007.

it was agreed that the seminar had been a worthwhile event and to hold a further meeting during October 2008 in Oslo, Norway.

- A conference on 1 and 2 November 2007, entitled 'Rights and Righteousness: Religious Pluralism and Human Rights' took place at the Wellington Park Hotel, Belfast. Over 150 participants attended the event which involved an expert group of local and international speakers. It was the first time that this theme had been explored in Northern Ireland, and it provided a well-informed and constructive environment in which to approach both common ground and different approaches in this work.
- As part of a programme of activities celebrating human rights week in December 2007, the Commission and a range of partners organised a number of events. These included staging the 'Animate your Rights' exhibition in the Belfast campus of the University of Ulster and organising a well-attended human rights day seminar held in association

with the Bar Council on 10 December. The Lord Chief Justice, Sir Brian Kerr was the main speaker at this event. In addition, a number of plays produced by students from the School of Creative Arts, University of Ulster at Magee, and supported by the Commission, were performed in Belfast and Derry/Londonderry. A successful north-south human rights education conference organised by the LIFT OFF Initiative partners (Amnesty International, INTO and UTU), in association with the Irish Human Rights Commission and the NIHRC took place in Dublin Castle on 13 December 2007.

**In brief**

*"I would like to thank the organisers of this event for a wonderful opportunity to engage our minds in discussing the many issues that branched off this conference."*  
Participant.





- The Chief Commissioner and the Chief Executive attended the Commonwealth National Human Rights Institutions Forum meeting in Kampala, Uganda from 19 to 22 November 2007 which was organised as part of the Commonwealth Heads of Government meeting. Following this event, Commissioners and staff attended a conference from 23 to 25 November 2007 in Cape Town, South Africa, organised by the UN Office of the High Commissioner for Human Rights, which examined the role of National Human Rights Institutions in Transitional Justice.
- An international conference on health and human rights took place on 7 February 2008 in Templepatrick, County Antrim and was attended by more than 110 people. The conference was organised by the Commission in order to examine the relationship between health and human rights and to promote the application of rights within the health service. A number of high profile local and international speakers reviewed current issues such as oversight and standards in residential homes, patient safety, medical advances and mental health. Speakers included the UN Special Rapporteur on the Right to Health, Paul Hunt.
- At the request of the Foreign and Commonwealth Office, the Commission met with visiting delegates from 24 countries on 25 February 2007. This delegation was led by the Director of the Centre for International Co-Operation and Security at the University of Bradford.
- A joint event with the Equality Commission for Northern Ireland and the Northern Ireland Women's European Platform marked International Women's Day on 5 March. The theme of the conference, attended by approximately 70 people, was the UN Convention on the Elimination of Discrimination Against Women (CEDAW).



Conference participants, 7 February 2008



## Aim 2: Challenging and Preventing Human Rights Abuse

### Introduction

Challenging and preventing human rights abuse is a complex and challenging task. This aim is at the core of the Commission's work in commenting on legislation and policy proposals, carrying out investigations and research, in providing legal services and supporting litigation. The activities undertaken in these areas during 2007-08 are detailed below.

### Justice and Security (Northern Ireland) Act 2007

In the previous Annual Report, it was reported that the Commission had provided briefings on the Justice and Security (Northern Ireland) Bill 2006. The Bill covered major aspects of law in Northern Ireland including the powers of the army, the Diplock court system and of course the powers of this Commission. Unfortunately, the overwhelming majority of the Commission's concerns, despite being shared by the Parliamentary Joint Committee on Human Rights, were not addressed positively in what is now the Justice and Security (Northern Ireland) Act 2007. The range of persons that could be tried without a jury under the Act continues to be of concern.

The Commission's own powers to conduct investigations are also limited and give the bodies to be investigated the power to challenge the Commission's notice requiring disclosure of evidence. Of particular concern is the fact that under the legislation the notice can be challenged on grounds that the body to be

#### In brief

Many of our concerns about the Justice and Security (NI) Bill were not addressed positively in the final legislation.

investigated simply finds them 'unreasonable'. The legislation also requires the Commission to give 15 days notice of its intention to investigate a place of detention: a requirement that runs contrary to international guidelines on monitoring detention facilities. In short, the legislation fails to acknowledge the unique yet fundamental nature of human rights based investigations and how their findings ought to inform the policies and practices of government agencies. The Commission will of course continue in its work to ensure human rights compliance across government and continue to challenge government whenever necessary despite the limitations of the legislation.

#### In brief

For a list of the year's responses and submissions, see Appendix 4.

### Responses to legislation and policy proposals

The Commission made a number of submissions over the year on proposed legislation, policy and practice. This work focused on immigration and criminal justice as well as submissions to government, the UN and Council of Europe concerning the UK's international human rights obligations. Briefings were prepared for Parliament on the Criminal Justice and Immigration Bill and for the Assembly on the draft Criminal Justice (Northern Ireland) Order 2007. The Commission also submitted a report to the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities. A list of responses and submissions can be found at Appendix 4.





## Immigration and human rights

### Immigration enforcement

In the 2006-07 Annual Report it was recorded that the investigation into the Border and Immigration Agency (now the UK Border Agency) and the power of immigration officers to authorise the detention of some asylum seekers and perceived immigration offenders was encountering difficulties. In particular, the Agency had been raising concerns about providing access to case files of individuals against whom enforcement action had been taken. Those difficulties continued on a number of different levels but, through perseverance and patience, the fieldwork was completed in November 2007. At the time of writing, the investigation report is being written up with a view to publication in autumn 2008.

### Migrant worker rights

The Commission, in partnership with the Law Centre (NI) worked on the production of the second edition of *Your Rights in Northern Ireland: A Guide for Migrant Workers*, which will be launched on International Workers' Day in May 2008. The series of guides cover areas including housing rights, working in the UK, social security, employment rights, civil liberties and education and are available in English, Portuguese, Tetum (Timorese), Polish, Russian, Lithuanian, Latvian, Chinese and Slovakian. The second edition reflects legislative changes that have taken place since the guides were first published in 2006. They were funded with financial support from the Office of the First and deputy First Minister (OFMdFM) and are available online at the Commission's website: [www.nihrc.org](http://www.nihrc.org).





## Detention, policing and criminal justice

December 2007 saw the government introduce major reforms to the criminal justice system in Northern Ireland. The draft Criminal Justice (Northern Ireland) Order 2007 was to introduce indeterminate sentencing to Northern Ireland, as well as a test purchase power for alcohol that proposed to use children in order to entrap retailers that sold alcohol to minors. The Commission opposed many of the provisions of the Order, gave oral evidence to an ad hoc Assembly Committee set up to scrutinise its provisions and circulated written briefings to stakeholders. The Commission was able to secure a number of undertakings from the Northern Ireland Office in relation to the test purchase power and hopes that these will minimise the adverse impact of at least some of the provisions.

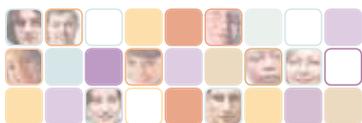
On a more positive note, the Order also contained a commitment from government to alternatives to custodial sentences for fine defaulters. Exploring meaningful alternatives to custody was one of the key recommendations from the Commission's investigation into the women's prison published as a report during 2007, entitled *The Prison Within: The imprisonment of women at Hydebank Wood 2004-06*.

In the summer of 2007, following a welcome consultation from the Home Office on a future Counter-Terrorism Bill, the Commission raised serious concerns about many of the proposals being put forward. It is unfortunate that when the Government introduced the Bill to Parliament in January 2008, it had decided to press ahead with all those measures despite their very serious implications for human rights protections.



Professor Phil Scraton, Professor Monica McWilliams and Dr Linda Moore, July 2007





In particular, the Commission is extremely disappointed that the Bill proposes a new 'reserve power' to extend the pre-charge detention period to 42 days. The Commission believes strongly that there is much to learn from experiences in Northern Ireland. The fact is that detention of persons without charge suggests a disregard for human rights, and may foster resentment amongst the communities whose support is vital in the fight against terrorism. The Commission will continue in its efforts to ensure the Bill is compatible with the UK's human rights obligations.

**In brief**

We raised serious concerns about the proposed counter-terrorism legislation.

## Right to life

### Dealing with the past

Building on the Commission's work in this field since its inception, in 2007 we began work on an overview of the current mechanisms for dealing with the legacy of the conflict. We are assessing how human rights compliant these mechanisms are for victims and as a truth recovery process, and reflecting on whether the defects can be remedied within the current structures. Examples of the

**In brief**

We are assessing the human rights aspects of inquiries, inquests and investigations.

mechanisms referred to include the public inquiries, inquests and the work of the Historic Enquiries Team of the Police Service of Northern Ireland (PSNI). This work has, and will continue to inform our liaison with the Committee of Ministers at the Council of Europe and engagement with the Consultative Group on the Past (co-chaired by Lord Robin Eames and Denis Bradley), in particular.

The Commission continued its involvement with the Office of the Coroner for Northern Ireland to monitor the progression of the inquiries. Significantly, in early 2008, the Coroner began to list three historic inquests funded by the Commission, those of Mr Pearse Jordan, Mr Dermot McShane and Mr James McDonnell.

### Deaths in nursing and residential homes

The Commission continued to engage with the Regulation and Quality Improvement Authority (RQIA) and service users about the investigation of deaths in nursing homes. One outcome of this engagement was the commissioning of research by the RQIA into the mortality rates in residential care across Northern Ireland. This research used a particular statistical methodology to calculate average mortality rates. The researchers presented their findings to the Commission in February 2008 and advised that this work had already been very informative and was being applied to other relevant quality care indicators.



## Economic, social and cultural rights

### Access to public funds

By year-end in March 2008, the Commission had begun to scope the feasibility of an investigation into the protection of economic, social and cultural rights focusing on the issue of no, or limited, access to public funds for certain categories of non-UK nationals. During this scoping exercise, the Commission identified homelessness for non-UK nationals as an area that would benefit from this type of an investigation.

In light of this, the Commission is making arrangements for an investigation focusing on the issue of homelessness for migrants, asylum seekers, and families in circumstances where they are excluded from homelessness assistance and also other forms of public support.

The aim of the investigation will be to produce a report outlining the nature of this subject in Northern Ireland and the extent to which existing legislation, guidance, and practice complies with international and regional human rights standards. Provided that all necessary arrangements are in place, the Commission proposes to begin this investigation in May 2008 with a view to publishing its findings early in 2009.

### Health and human rights

Through its Economic, Social and Cultural Rights Committee, the Commission hosted a groundbreaking symposium on health and human rights with key decision-makers and representatives in April 2007. Following on from this event, a Health and Human Rights conference took place in February 2008 in Templepatrick, County Antrim. The conference was oversubscribed and received



Health and Human Rights conference: Professor Paul Hunt and Professor Richard Wilkinson, February 2008





much praise. The UN Special Rapporteur on Health, Paul Hunt, welcomed the Commission's contribution to the global debate on human rights and health issues.

These events drew on our continued engagement with the Department of Health, Social Services and Public Safety and the RQIA in particular, which are developing their work around human rights frameworks.

#### In brief

*"We need test cases, we need naming and shaming, we need slogans, but these are not enough: we need new skills and new techniques – indicators and benchmarks, impact assessments and analysis of budgets."* Professor Paul Hunt

## Legal priorities

As in the previous year, in order to assist with the identification of strategic litigation within the legal services budget, the following areas of law were agreed as priorities for the Commission in accordance with the 2006-09 Strategic plan:

- protection of life and the investigation of death
- rights of detained patients under mental health legislation
- access to legal presentation for immigration detainees
- covert surveillance and the use of evidence obtained covertly
- the rights of those detained in non-custodial settings against their will, and
- environmental protections issues raising substantial human rights concerns.



In all matters, the Commission reiterated the importance of equality and placed due consideration on Article 14 of the European Convention on Human Rights. In considering complaints, and in litigation, the Legal Committee retained its discretion to accept cases not falling within the priorities if the abuse was exceptional in terms of numbers of people affected, the apparent pattern of abuse or the seriousness of the violation.

### Enquiries and cases

During the year, Legal Services dealt with 721 enquiries and handled several hundred cases which involved work beyond giving preliminary advice.



## Litigation

The range of advice provided by Legal Services staff remained diverse. For example, we advised on cases involving the Investigatory Powers Tribunal (the independent body which investigates complaints in relation to the Regulation of Investigatory Powers Act 2000), evictions from nursing homes, reception procedures in places of detention, and the health concerns around so-called 'super rubbish dumps'.

Specifically, the Commission was involved in a number of hearings throughout the year and the Lord Chief Justice, Sir Brian Kerr, at a seminar held on International Human Rights Day, 10 December, described the contribution of the Commission as "enormously worthwhile".

### In brief

*It is not extravagant to say that human rights is now embedded in our law, not as an awkward adjunct but an integral wide-ranging part of it."*

Sir Brian Kerr

At the time of reporting, there were over 100 working files. A total of 26 applications for assistance were considered, of which 13 were granted. Legal interventions included:

## Sexual orientation

In May 2007, the Commission was granted leave to intervene in a judicial review challenge to the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006. At the hearing in June 2007, the Commission made a number of submissions in respect of the right to freedom of thought, conscience and religion and the right to act accordingly. We also raised issues in respect of the right to freedom of

expression, non-discrimination and the right to education. In September 2007, the High Court in Belfast upheld the Regulations, save for the provision on harassment (see: [2007] NIQB 66).

## Immigration

In September 2007, the Commission lodged submissions as an intervenor in a case where we raised our concerns to ensure that those caught by wide-ranging State immigration control measures are permitted their full and proper rights to legal advice and representation. Our submissions also addressed the Border and Immigration Agency's (now UK Border Agency) Operational Enforcement Manual, which governs the conduct of immigration officers *vis-à-vis* actual or alleged illegal entrants and, in particular, the applicability of the Codes of Practice under the Police and Criminal Evidence (PACE) legislation. In the Commission's view, the application of PACE standards to interviews concerning alleged illegal entrants should be the irreducible minimum to safeguard the rights of interview subjects. This case was heard in February 2008 and we await the judgment.

## 'E' case (Holy Cross)

As at year-end, the Commission is considering a petition to further intervene in a case, which is now to be heard by the House of Lords. This case, which arises out of the 2001 civil unrest along the Ardoyne Road, Belfast (known as the "Holy Cross dispute"), will address a number of issues of public importance, including the test to be applied regarding the positive obligations which arise from Articles 2 and 3 of the European Convention on Human Rights.





### Mental health

A number of submissions were made throughout the year in relation to an inquest into a suspected suicide of a man who had been denied emergency hospital admission due to the unavailability of a bed. The inquest is now listed for the summer of 2008.

### New powers

In July 2007, the Commencement Order was issued in relation to the Justice and Security (Northern Ireland) Act 2007 and the Legal Services team has been investigating the strategic use of the Commission's new power which allows the organisation to take a case in its own name under Section 14.

#### **In brief**

*The Commission can now take a case in its own name.*

### International work

#### UN treaty developments

During the year, the Commission prepared for examination of the UK under three international UN treaties: the International Covenant on Civil and Political Rights, the UN Convention on the Rights of the Child and the UN Convention on the Elimination of All Forms of Discrimination Against Women. In addition, the Commission submitted comments to the Human Rights Council under the Universal Periodic Review, a new mechanism which is intended to examine the full range of the State's human rights obligations in one sitting.

By June 2007, the Government had been due to announce the designation of national preventive mechanisms (NPMs) under the Optional Protocol to the UN Convention Against Torture. NPMs are intended to monitor the state's treatment of persons in detention. While at the time of writing no official announcement had yet been made, a letter received by



the Commission from the Ministry of Justice confirmed that it was not the Government's intention to designate the Commission. We received the notification with disappointment, given the very specific recommendation of the UN Committee Against Torture that the UK should consider designating the Northern Ireland Human Rights Commission.



In April 2008, the UN Convention on the Rights of Persons with Disabilities (UNCRPD), gained its 20th ratification and will enter into force after a period of 30 days. To date, among those countries that have already ratified the Convention, there are very few from within the European Union, these being Hungary and Spain. This is the first international treaty to be drafted during the life of the Commission. The Convention aims to ensure that persons with disabilities enjoy human rights on an equal basis with others. Both the UK and Ireland have signed, but not

#### **In brief**

Early ratification of the UNCRPD would help ensure equality of rights for people with disabilities.

ratified, the Convention. The UK Minister for Disabled People, Anne McGuire MP, has stated that her aim is to secure ratification by the end of 2008.

The Commission is actively engaging in the process of encouraging early ratification through networking and participation in meetings with representatives from government, other statutory bodies and the disability sector to take the work forward. The Convention envisages a particular role for national human rights institutions (NHRIs) in relation to establishing a monitoring framework. Article 33(2) requires States to maintain, strengthen, designate or establish a framework which may include one or more independent mechanisms for promoting, protecting and monitoring implementation. As such, the Commission's involvement in the process of securing early ratification of the Convention presents new challenges and opportunities to ensure that disability issues are fully addressed at legislative and public policy level so as to ensure the effective implementation in Northern Ireland of the UNCRPD.

#### **Council of Europe**

Further to proposals put forward by the Commission in 2007, the Council of Europe instituted a pilot project with national human rights structures which aims to explore the implementation of recommendations following judgments from the European Court of Human Rights. Staff participated in a meeting of the project in Strasbourg at the end of January 2008, involving representatives of the Directorate General of Human Rights and Legal Affairs, the office of the Commissioner for Human Rights





*Council of Europe*

and delegations from Belgium, UK, France and Austria along with six other observer national agencies.

The Council of Europe's position is that the proper execution of judgments of the European Court of Human Rights (ECHR) is the "cornerstone and the most fundamental evidence of the European Mechanism for the protection of human rights".

The Commission has undertaken to engage with the Committee of Ministers regarding the high profile suite of Northern Ireland cases being examined in terms of satisfying ECHR Article 2 in death investigation. We will also continue to liaise with the Council of Europe and colleagues from other national human rights institutions, by providing information on UK policy and practice in a number of key areas, including immigration.



## Aim 3: Building Support for a Bill of Rights and Working in Partnership with Others for its Implementation

### Introduction

This aim is underpinned by the Commission's mandate under the Belfast (Good Friday) Agreement 1998 and its statutory duty under the Northern Ireland Act 1998 to consult and advise the Secretary of State on a Bill of Rights for Northern Ireland. A Bill of Rights, setting out the relationship between the people and the State, is one of the last pieces of the jigsaw of the new arrangements and laws consolidating the Northern Ireland peace process. The Commission has been working since its establishment on its duty to develop advice on such a Bill, carrying out an extensive range of consultations, organising public events and conferences and carrying out training and education on what a Bill of Rights could include. The background to the Commission's mandate and developments in this area during 2007-08 are detailed below.

#### In brief

A Bill of Rights is one of the last pieces of the jigsaw in consolidating the peace process.

- *the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identities and ethos of both communities in Northern Ireland; and*
- *a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors."*

### Consultation and the Bill of Rights Forum

The project has taken longer than the Commission first thought. However, during the year progress was made in bringing together political parties and key sectors of civic society to work together in the Bill of Rights Forum set up by government in December 2006 following commitments made in the St Andrews Agreement. The Forum was tasked with producing agreed recommendations to inform the advice that the Commission is statutorily obliged to give government on the scope of a Bill of Rights for Northern Ireland. It is then for the Secretary of State for Northern Ireland to decide, following consultation with relevant parties, on the potential for legislation.

The Commission had observer status at the Forum and Commissioners and staff attended all its meetings, including a residential event in October 2007, and a number of related conferences. The Chief Commissioner addressed a meeting of the Forum on 7 December 2007.

During this process, the Commission developed its own programme of work to prepare for the receipt of the Forum's recommendations. Seventeen meetings of the Commission's own Bill of Rights Working Group took place during this reporting period. A residential conference for Commissioners on the Bill of Rights was held on 30 November and 1 December 2007.

### Background:

#### The Commission's Mandate

The Agreement states that the Northern Ireland Human Rights Commission will be invited to –

*"[C]onsult and advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, 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 European Convention – constitute a Bill of Rights for Northern Ireland. Among the issues for consideration will be:*





Regular meetings took place with the Human Rights Consortium and a number of meetings with political parties, sectoral groups and statutory organisations were organised. The Commission participated in an advisory committee of the Community Foundation for Northern Ireland (CFNI) which managed a small grants programme for organisations working on issues relating to the proposed Bill. Commissioners and staff attended a number of Bill of Rights events organised by CFNI, the Consortium and WAVE, among others, and spoke at several other events.

The Commission received the recommendations from the Bill of Rights Forum on 31 March 2007, when we welcomed the report and acknowledged the hard work and huge time commitment by its members. While the Forum's work leaves open a number of questions for the Commission to resolve, we recognise the efforts to reach common ground on difficult issues.

The Commission is currently taking forward the next step of this process. It hopes to keep up the momentum generated by the Bill of Rights Forum and intends to hand over its advice to the Secretary of State for Northern Ireland on 10 December 2008 – the occasion of International Human Rights Day and the 60th anniversary of the Universal Declaration of Human rights. The Forum's recommendations and international human rights standards will enable us to take that work forward.

**In brief**

The Commission recognises the efforts of the Bill of Rights Forum on difficult issues.



*Bill of Rights Forum Chair, Chris Sidoti and Monica McWilliams*



## Aim 4: Ensuring a Strong and Effective Human Rights Commission

### Introduction

The Commission aims to be a strong and effective national human rights institution in order to fulfil its tasks in promoting awareness of human rights, challenging and preventing human rights abuses and advising on a Bill of Rights for Northern Ireland. This aim is central to the Commission's external relationships as well as to its governance, operations and resources. The activities undertaken in these areas during 2007-08 are detailed below.

### External relationships

#### Stakeholders

The Commission is committed to continually improving its services to its stakeholders. During December 2007 and January 2008, we carried out a postal survey of 120 stakeholders to seek views about our work and general impressions about the Commission.

Over all, the survey results indicated that almost all stakeholders were satisfied with the services we provide and held largely positive views about the organisation. However, a few stakeholders were dissatisfied with some aspects of the Commission and they provided helpful comments for improvement. A short summary of the survey findings is provided below with more detail available on our website: [www.nihrc.org](http://www.nihrc.org)

- almost all stakeholders (98%) were satisfied or more than satisfied with their access to Commissioners and staff
- almost everyone (98%) found Commissioners and staff to be courteous and professional
- over 85% were content with the accuracy and speed of the information or advice they receive



*Commissioner Ann Hope and Hilary Sidwell*





- over 85% of stakeholders were satisfied or more than satisfied with the physical access to the Commission's office
- 70% found our conferences and seminars to be good or excellent
- more than three-quarters (78%) are satisfied with the contributions of staff and Commissioners to external events
- almost all stakeholders (98%) were satisfied with their level of awareness of the Commission's work
- Over 90% had satisfactory levels of confidence and trust in the Commission
- 90% of stakeholders assessed the Commission's public image as satisfactory or higher
- Over 90% felt that the Commission benefits their own organisation, and
- Over 90% felt that the Commission's contribution to protecting human rights is satisfactory or higher.

### Northern Ireland Office

A 'light touch' review of the Commission by the Northern Ireland Office (NIO) was completed during 2007-08. This resulted in enhanced communication arrangements and agreement of a new Management Statement and Financial Memorandum, which governs the Commission's relationship with the NIO in its capacity as the Commission's sponsoring department. This document reinforces the Commission's independence in line with the United Nations 'Paris Principles' guidance of 1993 on the status and role of national human rights institutions.



*Parliament Buildings, Belfast*

### Northern Ireland Assembly, Parliament and other administrations, and statutory organisations

The Commission has engaged extensively with all the main Northern Ireland political parties in the run up to, and following, the restoration of devolved government in May 2007. The Commission gave evidence in January 2008 to the Ad Hoc Assembly Committee, which scrutinised the draft Criminal Justice (Northern Ireland) Order 2007.

The Commission also engaged with parliamentarians at Westminster on a number of issues during the year particularly in relation to the Justice and Security (Northern Ireland) Act 2007, which augmented the powers of the Commission allowing the Commission access to places of detention and to compel the production of documents.



The Commission gave evidence to the Northern Ireland Affairs Committee on prison issues in July 2007. We also met the Joint Committee on Human Rights at Westminster, the Northern Ireland Affairs Select Committee and individual parliamentarians of both Houses to brief them on the work of the Commission and key policy issues relating to the counter-terrorism proposals and the proposed UK Bill of Rights.

We have developed positive and constructive relationships with colleagues in the new Equality and Human Rights Commission in Great Britain, which became operational in October 2007, and with the new Scottish Human Rights Commission, focusing on policy matters of mutual interest.

### Joint Committee of the Northern Ireland Human Rights Commission and the Irish Human Rights Commission

The Belfast (Good Friday) Agreement 1998 also proposed the establishment of a Human Rights Commission in the Republic of Ireland and the creation of a joint committee with the Northern Ireland Human Rights Commission. The joint committee met on three occasions during the year. The joint committee established a working group on the proposed Charter of Rights for the island of Ireland and a racism working group. Both groups also met three times during the year. Funding for discrete resources to provide policy and support services to the joint committee over the next two years was agreed and a contractor is due to be appointed for this work during 2008.

#### In brief

We engaged with the Northern Ireland Assembly and Parliamentary committees on issues of criminal justice, security, counter-terrorism and our powers of investigation.

## Corporate governance

The Commission's Audit and Risk Management Committee, under the stewardship of Dr Bill Smith, its independent Chairperson, met five times during the year. In addition to its role of providing oversight to the corporate governance of the Commission and its risk management arrangements, the Committee helped develop the Commission's revised Management Statement and Financial Memorandum and reviewed the Commission's arrangements for managing travel and other expenses.

### Financial matters and assurance

The Commission's financial statements for 2007-08 are contained within this Annual Report at pages 61 to 73.

An internal audit during the year confirmed that robust arrangements are in place to protect the Commission's resources and manage them effectively.

Internal audit also confirmed that the Commission's human resource management arrangements are satisfactory, as are the controls to quality assure our legal services, policy and research functions. However, further attention is needed to improve the effectiveness of the Commission's Information Technology arrangements.

## Staffing

Revised pay arrangements for Commission staff were implemented during 2007-08, including performance-related pay and the introduction of a bonus scheme.

Work to evaluate the weighting of all staff posts by independent evaluators began in March 2008. The outcome of this project will be known by summer 2008.

A raft of new and revised personnel policies were put in place to ensure that the Commission is a progressive employer in





respect of its working practices and provides a supportive working environment for our staff.

A staff survey, to assess the effectiveness of the Commission's human resource management arrangements, was developed and conducted in September 2007. An action plan to address the issues raised has been developed and the staff survey will be conducted annually from now on to track the Commission's progress towards becoming an Investor in People.

The Commission was able to expand the range of its communication, information, development and education activities through the appointment of two additional staff members to the areas of information and press and public affairs. Following a recruitment process, Dr David Russell joined as the new Head of Communications and Education in



*The Commission's offices*

March 2008, following the appointment of the previous post-holder, Peter O'Neill, as Chief Executive.

Towards the end of the year, the career break of a senior manager provided an opportunity to restructure the Legal Services, Policy and Research Team into two teams: Legal Services and Investigations, Policy and Research. This change, and subsequent backfilling arrangements, provided temporary promotions for some staff and other temporary posts, which were filled through external competition. The longer term structure of the Commission's staffing will be reviewed as we develop the Commission's next three-year Strategic Plan and consider the outcome of the job evaluation exercise.

The Commission continued throughout 2007-08 to offer a number of internships, for local and international students and volunteers, and work experience placements for students from local schools. These are listed in Appendix 3. In keeping with our commitments set out in the Commission's Disability Action Plan (see below), we have prioritised placements for disabled students.

**In brief**

Our staff, interns and student placements are listed in Appendix 3.



## Accommodation

The Commission's new reception area was opened in April 2007. Further work was also completed to modernise office accommodation for staff in Temple Court. By the end of March 2008, new signage for the front of Temple Court and promotional displays for the ground floor windows, which will publicise the Commission's location and work, were being prepared for installation.

## Statutory compliance

### Equality

The Equality Committee completed the five-year review of the Commission's Equality Scheme to deliver its equality and good relations duties under Section 75 of the Northern Ireland Act 1998. The Committee also developed, consulted on and implemented a Disability Action Plan, which is required by an amendment to the Disability Discrimination Act 1995, to show how the Commission will meet its duties to promote positive attitudes towards disabled people and encourage participation by disabled people in public life.

All monitoring returns made by the Commission to the Equality Commission under the Fair Employment and Treatment (Northern Ireland) Order 1998 were made on time.

### Freedom of Information

The Commission received eight requests under the Freedom of Information Act 2000 during the year, and one under the Data Protection Act 1998. All requests were handled within the statutory timescale for responses.



# Accounts





## Remuneration Report

### Remuneration policy

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

The Chief Executive's post was regraded with effect from 1 October 2007 to bring it within the Senior Civil Service (SCS). Pay and performance management arrangements for the Chief Executive are in line with guidance issued by the Cabinet Office: Performance Management Guidance 2007/08 for Permanent Secretaries and the Senior Civil Service. Increases in the Chief Executive's base pay, and the level of performance-related bonuses, are linked to average increases for SCS staff within the Northern Ireland Office.

The remuneration of Commission staff is set within Northern Ireland Office pay structures and is performance-related. Performance is appraised by line managers in respect of achievement of agreed objectives. The Commission is not involved in NIO pay negotiations.

The Chairperson of the Commission's Audit and Risk Management Committee was appointed through open competition for three years from 1 March 2006. The Chairperson is remunerated at a rate of £300 per meeting and £300 per day for other work undertaken on behalf of, and at the request of, the Commission.

### Contracts of employment

The Chief Commissioner and Commissioners are public appointments made by the Secretary of State for Northern Ireland in line with the requirements of the Northern Ireland Act 1998 and guidelines laid down by the Commissioner for Public Appointments ([www.ocpa.gov.uk](http://www.ocpa.gov.uk)). Appointments cannot be for more than a period of five years at a time in the case of the Chief Commissioner, and for more than three years at a time for Commissioners. There is an option for a second term of appointment, at the Secretary of State's discretion.

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

The Commission's age retirement policy enables members of staff who have reached the age at which they are entitled to draw their Commission pension (which for most staff is their sixtieth birthday) to choose the age at which they will retire.





## Remuneration (audited information)

The following section provides details of the remuneration and pension interests of the Commissioners and the Commission's Chief Executive.

	2008	2007
	£	£
<b>Commissioners</b>		
Professor Monica McWilliams	66,894	61,461
Mr Jonathan Bell	10,000	10,000
Mr Thomas Duncan	10,000	10,000
Lady Christine Eames OBE*	6,667	10,000
Professor Colin Harvey	9,333	10,350
Mr Alan Henry	10,000	10,000
Ms Ann Hope	10,000	10,000
Mr Colm Larkin**	3,333	–
Mr Kevin McLaughlin*	6,667	10,000
Mr Eamonn O'Neill	10,000	10,000
Ms Geraldine Rice MBE	10,000	10,000
Lady Daphne Trimble**	3,333	–
	156,227	151,811
* Appointment ended on 30 November 2007		
** Appointed with effect from 1 December 2007		
<b>Chairperson of the Audit and Risk Management Committee</b>		
Dr Bill Smith	2,850	2,250
<b>Senior staff</b>		
Ms Paddy Sloan (Chief Executive until 31 May 2007)	10,397	46,620
Mr Peter O'Neill (Chief Executive from 1 October 2007)	28,050	–

**Note:** Mr Don Leeson, Head of Corporate Services, was the Interim Accounting Officer from 1 June to 30 September 2007.



## Salary

'Salary' includes gross salary, performance pay or bonuses, overtime, and any other allowance to the extent that it is subject to UK taxation.

This presentation is based on payments made by the Commission and thus recorded in these accounts.

## Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by the Inland Revenue as a taxable emolument. No benefits in kind were received during the 2007-08 financial year.

## Pension benefits – Commissioners (audited information)

The Commission is liable for pension contributions of £7,436 to the University of Ulster in respect of the year ended 31 March 2008 on behalf of Professor Monica McWilliams (2006-07 : £6,856).

No further pension contributions were made in respect of Commissioners in the year ended 31 March 2008 (2006-07 : £nil).

## Pension benefits – senior staff (audited information)

	Accrued pension at pension age as at 31/3/08 and related lump sum £'000	Real increase in pension and related lump sum at age 60 £'000	CETV at 31/3/08 £'000	CETV at 31/3/07 £'000	Real increase in CETV £'000	Employer contribution to partnership pension account Nearest £100
Paddy Sloan Chief Executive (until 31/05/07)	0 – 5 plus lump sum of 10 – 15	0 – 2.5 plus lump sum of 0 – 2.5	80	79	2	–
Peter O'Neill Chief Executive (from 01/10/07)	0 – 5 plus lump sum of –	0 – 2.5 plus lump sum of –	40	24	11	–





Pension benefits are provided through the Civil Service pension arrangements. From 30 July 2007, civil servants may be in one of four defined benefit schemes; either a 'final salary' scheme (classic, premium or classic plus); or a 'whole career' scheme (nuvos). These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus and nuvos are increased annually in line with changes in the Retail Prices Index (RPI). Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a good quality 'money purchase' stakeholder pension with a significant employer contribution (partnership pension account).

Employee contributions are set at the rate of 1.5 per cent of pensionable earnings for classic and 3.5 per cent for premium, classic plus and nuvos. Benefits in classic accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum. Classic plus is essentially a hybrid with benefits in respect of service before 1 October 2002 calculated broadly as per classic and benefits for service from October 2002 calculated as in premium. In nuvos, a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3 per cent of their pensionable earnings in that scheme year and the accrued pension is uprated in line with RPI. In all cases, members may opt to give up (commute) pension for lump sum up to the limits set by the Finance Act 2004.

The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 3 per cent and 12.5 per cent (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of three providers. The employee does not have to contribute but where they do make contributions, the employer will match these up to a limit of 3 per cent of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.8 per cent of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of classic, premium and classic plus and 65 for members of nuvos.

Further details about the Civil Service pension arrangements can be found at the website: [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk).



## Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme.

The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies. The figures include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their purchasing additional pension benefits at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are drawn.

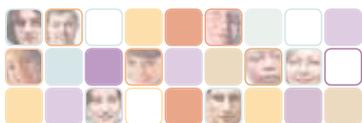
### Real increase in CETV

This reflects the increase in CETV effectively funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

**Peter O'Neill**  
Accounting Officer

Date: 23 September 2008





## Statement of the Accounting Officer's Responsibilities

Under Section 7(2)(a) of Schedule 7 to the Northern Ireland Act 1998, the Secretary of State for Northern Ireland (with the consent of HM Treasury) has directed the Northern Ireland Human Rights Commission to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the Northern Ireland Human Rights Commission and of its income and expenditure, recognised gains and losses and cash flows for the financial year.

In preparing the accounts, the Accounting Officer is required to comply with the requirements of the Government Financial Reporting Manual and, in particular, to:

- observe the Accounts Direction issued by the Secretary of State for Northern Ireland, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis
- make judgements and estimates on a reasonable basis
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the financial statements, and
- prepare the financial statements on a going concern basis.

The Accounting Officer of the Northern Ireland Office has designated the Chief Executive as Accounting Officer of the Northern Ireland Human Rights Commission. The responsibilities of an Accounting Officer, including responsibility for the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding the Northern Ireland Human Rights Commission's assets, are set out in *Managing Public Money*, issued by HM Treasury.

**Peter O'Neill**  
**Accounting Officer**

Date: 23 September 2008



## Statement on Internal Control

### Scope of responsibility

As Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the Commission's policies, aims and objectives, as set by Commissioners, and approved by the Secretary of State for Northern Ireland, whilst safeguarding the public funds and the Commission's assets for which I am personally responsible, in accordance with the responsibilities assigned to me in Managing Public Money.

The Commission is a non-departmental public body (NDPB), sponsored by the Northern Ireland Office, responsible to Parliament through the Secretary of State for Northern Ireland. As such, discussions on financial matters and risk are held with officials, rather than directly with Ministers.

### The purpose of the system of internal control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Commission's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system of internal control has been in place in the Commission for the year ended 31 March 2008 and up to the date of approval of the annual report and accounts, and accords with Treasury guidance.

### Capacity to handle risk

Workshops for Commissioners and staff were held in 2007 to refresh their knowledge of the concepts of risk assessment and management, which built on similar events held earlier.

The risk management framework set out below involves all Commissioners and staff in reviewing and assessing risk on a regular basis, so that risk is an integral part of the ongoing planning and monitoring processes of the Commission.

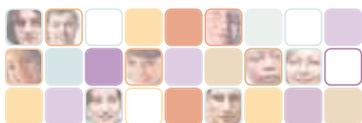
The Chairperson of the Commission's Audit and Risk Management Committee, who is independent of the Commission, also provides an additional source of expertise for management and Commissioners to consult on specific issues as they arise.

### The risk and control framework

The Commission has a continuous, proactive and systematic approach to understand, manage and communicate risk across the organisation. The risk management framework is comprehensive and involves Commissioners, managers and staff as follows:

- overall responsibility for ensuring that risks are identified and an appropriate framework is in place to manage those risks down to an acceptable level rests with the Commission's Accounting Officer
- individual members of the Management Team are nominated as 'risk owners', delegated with responsibility from the Chief Executive for monitoring and reporting on specific risks within their area of work





- the risk register, and the effectiveness of activities to manage identified risks, is reviewed monthly by the Management Team
- the Audit and Risk Management Committee reviews the entire risk register and reports to the Commission, through the Head of Corporate Services, on the effectiveness of activities to manage identified risks following each meeting (at least four times per year)
- standing committees of the Commission consider specific identified risks within their remit and the work being undertaken to minimise the occurrence and impact of the risks to ensure that it is effective, and report on this at each Commission meeting through the appropriate staff report
- the Commission formally reviews the risk register and the effectiveness of the risk management framework annually, and
- the external environment is assessed for any new risks as part of the annual business planning process.

### Review of effectiveness

As Accounting Officer, I have responsibility for reviewing the effectiveness of the system of internal control. My review of the effectiveness of the system of internal control is informed by the work of the internal auditors and the executive managers within the Commission who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letter and other reports. I have been advised on the implications of the result of my review of the effectiveness of the system of internal control by the Commission (the board), the Audit and Risk Management Committee and a plan to address weaknesses and ensure continuous improvement of the system is in place.

The Audit and Risk Management Committee comprises an independent Chairperson, who has extensive financial management experience at a senior level in the public sector, who was appointed following an open recruitment competition, and four Commissioners with a range of experience in corporate governance. Audit and Risk Management Committee minutes are tabled at Commission meetings and the Committee reports annually to the Commission. Furthermore, the Chairperson has direct access to the Chief Executive and Chief Commissioner as appropriate.

The Audit and Risk Management Committee conducted an annual review of its effectiveness in April 2008, by assessing its operation and constitution against good practice guidelines issued by the National Audit Office. The results compared favourably with the guidelines. The outcome of this review was included in the Committee's annual report, which was presented to the Commission in May 2008.



The Chair of the Audit and Risk Management Committee played an important role during the transition period between the departure of the previous Chief Executive in May 2007 and my appointment in October 2007, in providing additional support and guidance to the Interim Accounting Officer.

2007-08 saw the completion of the Commission's current three-year Strategic Internal Audit Plan, which focuses audit activity on areas of greatest risk, and provides comprehensive assurance of the effectiveness of our system of internal control. The last of the current cycle of audits took place in November 2007 and covered:

- financial and management information
- human resource management and training
- information technology systems, and
- legal services, policy and research.

It also followed up on recommendations arising from the previous internal audit that took place in 2006.

The audit concluded that the level of control within the Commission was satisfactory, and identified areas for further improvement, for which an action plan was agreed by the Commission's Audit and Risk Management Committee – progress in implementing the action plan is reported to each Committee meeting. Importantly, this year's audit reported that the Commission's financial management system has shown continuous improvement over the three years of the current Strategic Internal Audit Plan and the Internal Auditor concluded that the system affords substantial assurance, which means there is a robust system of risk management, control and governance which should ensure that objectives are fully achieved.

Further, an attempted fraud against the Commission during the year was detected and dealt with at an early stage. The Commission's Anti-Fraud Policy was subsequently reviewed by the Audit and Risk Management Committee which concluded that it is effective.

The Audit and Risk Management Committee reviews the effectiveness of the Commission's internal control mechanisms, including receiving and approving internal audit plans and reports, approving the Commission's Financial Procedures Manual and significant changes to it, overseeing the risk management framework and reporting to the Commission on the effectiveness of activities to manage the occurrence or impact of identified risks. The Committee also reviews all international travel undertaken by Commissioners and staff, and expenses claims submitted by the Chief Commissioner and the Chief Executive.

Lastly, Commissioners receive bi-monthly reports on financial performance and audit activity, and regular updates on the risk register.

**Peter O'Neill**  
Accounting Officer

Date: 23 September 2008





## The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

I certify that I have audited the financial statements of the Northern Ireland Human Rights Commission for the year ended 31 March 2008 under the Northern Ireland Act 1998. These comprise the Operating Cost Statement, the Balance Sheet, the Cash Flow Statement and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

### Respective responsibilities of the Northern Ireland Human Rights Commission, Accounting Officer and auditor

The Northern Ireland Human Rights Commission and Accounting Officer are responsible for preparing the Annual Report, the Remuneration Report and the financial statements in accordance with the Northern Ireland Act 1998 and the directions made thereunder by Secretary of State for Northern Ireland and for ensuring the regularity of financial transactions. These responsibilities are set out in the Statement of the Accounting Officer's Responsibilities.

My responsibility is to audit the financial statements and the part of the Remuneration Report to be audited in accordance with relevant legal and regulatory requirements, and with International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Northern Ireland Act 1998 and the directions made thereunder by the Secretary of State for Northern Ireland. I report to you whether, in my opinion, the information, which comprises the Management Commentary, included in the Annual Report is consistent with the financial statements. I also report whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

In addition, I report to you if the Northern Ireland Human Rights Commission has not kept proper accounting records, if I have not received all the information and explanations I require for my audit, or if information specified by HM Treasury regarding remuneration and other transactions is not disclosed.

I review whether the Statement on Internal Control reflects the Northern Ireland Human Rights Commission's compliance with HM Treasury's guidance, and I report if it does not. I am not required to consider whether this statement covers all risks and controls, or form an opinion on the effectiveness of the Northern Ireland Human Rights Commission's corporate governance procedures or its risk and control procedures.

I read this other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. This other information comprises the Chief Commissioner's foreword, Commissioners, Meeting Aims, the unaudited part of the Remuneration Report, and the appendices. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.



### Basis of audit opinions

I conducted my audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. My audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Northern Ireland Human Rights Commission and Accounting Officer in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Northern Ireland Human Rights Commission's circumstances, consistently applied and adequately disclosed.

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements and the part of the Remuneration Report to be audited are free from material misstatement, whether caused by fraud or error, and that in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements and the part of the Remuneration Report to be audited.

### Opinions

In my opinion:

- the financial statements give a true and fair view, in accordance with the Northern Ireland Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland, of the state of the Northern Ireland Human Rights Commission's affairs as at 31 March 2008 and of its net operating cost for the year then ended
- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Northern Ireland Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland, and
- information, which comprises the Management Commentary, included within the Annual Report, is consistent with the financial statements.

### Opinion on regularity

In my opinion, in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

### Report

I have no observations to make on these financial statements.

**T J Burr**  
Comptroller and Auditor General

National Audit Office  
151 Buckingham Palace Road  
Victoria  
London  
SW1W 9SS

Date: 6 November 2008





## Financial Statements for the Year Ended 31 March 2008

### Operating cost statement for the year ended 31 March 2008

		2008	2007
	Notes	£	£
<b>Income</b>			
Operating income	2	5,124	53,480
<b>Total income</b>		5,124	53,480
<b>Expenditure</b>			
Staff costs	3	869,737	780,747
Depreciation	6	67,862	48,639
Other operating costs	4	729,804	609,756
Notional cost of capital	5	9,491	7,617
<b>Total operating costs</b>		1,676,894	1,446,759
<b>Net operating costs before financing (deficit) / surplus for the year</b>		(1,671,770)	(1,393,279)
Credit in respect of notional cost of capital	5	9,491	7,617
<b>Amount transferred to income and expenditure reserve</b>	9	(1,662,279)	(1,385,662)

All amounts above relate to continuing activities.

There are no recognised gains or losses other than those included above.

The notes on pages 64-73 form part of the financial statements.



## Balance sheet as at 31 March 2008

	Notes	2008		2007	
		£	£	£	£
<b>Fixed assets</b>	<b>6</b>		311,544		308,827
Tangible Assets					
<b>Current assets</b>	<b>7</b>				
Debtors		44,947		19,037	
Cash at bank and in hand		259,253		204,388	
		304,200		223,425	
<b>Current liabilities</b>	<b>8</b>				
Creditors: amounts falling due within one year		(335,711)		(269,940)	
<b>Net current (liabilities)/ assets</b>			(31,511)		(46,515)
<b>Total assets less current liabilities</b>			280,033		262,312
<b>Financed by:</b>	<b>9</b>				
Reserves			280,033		262,312
			280,033		262,312

The financial statements were approved by the Commission on 27 June 2008 and were signed on its behalf by:

**Peter O'Neill**  
Accounting Officer

Date: 23 September 2008

The notes on pages 64-73 form part of the financial statements.





## Cash flow statement for the year ended 31 March 2008

		2008	2007
	Notes	£	£
<b>Net cash inflow / (outflow) from operating activities</b>	<b>14</b>	(1,554,556)	(1,255,139)
<b>Capital expenditure and financial investments</b>	<b>15</b>	(70,579)	(229,668)
<b>Grant-in-Aid and Capital financing</b>	<b>9</b>	1,680,000	1,475,000
<b>(Decrease)/increase in cash in the year</b>		<u>54,865</u>	<u>(9,807)</u>

The notes on pages 64-73 form part of the financial statements.



## Notes to the Financial Statements for the year ended 31 March 2008

### 1. Accounting policies

The Financial statements have been prepared in accordance with the Government Financial Reporting Manual (FRoM) for 2007-08 issued by HM Treasury. The accounting policies contained in the FRoM follow UK generally accepted accounting policies for companies (UK GAAP) to the extent that it is meaningful and appropriate to the public sector. Where the FRoM permits a choice of accounting policy, the accounting policy that has been judged to be most appropriate to the particular circumstances of the organisation for the purpose of giving a true and fair view has been selected.

#### 1.1 Accounting convention

The financial statements have been prepared in accordance with the historical cost convention, and with the accounts direction issued by the Secretary of State for Northern Ireland. Without limiting the information given, the financial statements comply with the accounting and disclosure requirements of the Companies Act 1985, the accounting standards issued or adopted by the Accounting Standards Board and accounting and disclosure requirements issued by HM Treasury, insofar as those requirements are appropriate.

#### 1.2 Income

Revenue grant-in-aid represents funding from the Northern Ireland Office to fund the Commission's current expenditure and, in accordance with the FRoM, is credited to the Income and Expenditure (General) Reserve. Other income is received from contributions to joint research and other projects, and delegate fees in respect of conferences and events.

#### 1.3 Tangible fixed assets and depreciation

Tangible fixed assets are stated at cost less depreciation. Depreciation is provided on a straight line basis at rates calculated to write-off the cost less estimated residual value of each asset over its expected useful life. The estimated useful lives for depreciation purposes are:

Leasehold improvements	10 years (or the life of the lease, whichever is least)
Computer equipment	3 years
Fixtures, fittings & equipment	5 years

The Commission capitalises those items costing in excess of £1,000.

#### 1.4 Leasing

Rentals payable under operating leases are charged against income on a straight line basis over the lease term.





## 1.5 Pensions

Past and present employees are covered by the provisions of the Principal Civil Service Pension Schemes (PCSPS) which are described in Note 3. The defined benefit schemes are unfunded and are non-contributory except in respect of dependants' benefits. The Commission recognises the expected cost of these elements on a systematic and rational basis over the period during which it benefits from employees' services by payment to the PCSPS of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS. In respect of the defined contribution schemes, the Commission recognises the contributions payable for the year.

Separate arrangements are in place for the Chief Commissioner's pension scheme, which is not part of the PCSPS.

## 1.6 Capital grants

Grants towards capital expenditure are credited to Reserves.

## 1.7 Value Added Tax

The Commission is ineligible to reclaim input VAT on expenditure. Therefore, all expenditure is inclusive of VAT.

## 1.8 Legal casework expenditure

Section 70 of the Northern Ireland Act 1998 enables the Commission to support legal cases in relation to the protection of human rights. Some of these cases can span several years.

In some cases costs are recoverable from the respondent if the applicant is successful. Given this, while the Commission decides to support cases, contingent on the outcome, payments are not normally made until judgement is passed, and the judge decides on a cost order (i.e. whether the 'losing' side should pay all costs or each side should bear their own costs). Given that a criterion for Commission support is whether a case has a 'reasonable chance of success', it does not expect to incur costs in many cases. However, cases can be lost. In these cases, it is possible that the applicant could be asked to pay the respondent's costs. Where this happens, the Commission may pay these costs on behalf of the applicant. These potential liabilities are noted in the financial statements as contingent liabilities.

## 1.9 Change of accounting estimate

Leasehold improvements are now depreciated over 10 years or the life of the lease, which ever is least (see note 1.3). The lease on the Commission's premises expires in 2015 and therefore leasehold improvements are depreciated over the remaining period of the lease (see note 6). There is no material effect of this change in estimate on the prior year.



## 2. Income

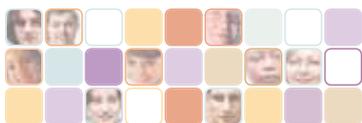
Operating income received during 2007-08 is £5,124 (2006 : 2007 £53,480), which is from a conference organised by the Commission in partnership with the Irish School of Ecumenics on 1-2 November 2007, entitled Rights and Righteousness, to consider the relationship between faith and human rights. The income relates to delegate fees and a contribution to the costs of the event from the Irish School of Ecumenics.

## 3. Staff numbers and related costs

### 3.1 Staff costs

	2008 £	2007 £
<b>Commissioners</b>		
Wages and salaries	156,227	151,811
Social security costs	13,502	12,687
Other pension costs	8,109	6,856
	177,838	171,354
<b>Amounts payable in respect of directly employed staff</b>	523,005	487,878
Wages and salaries	41,607	36,480
Social security costs	105,423	78,583
Other pension costs		
	670,035	602,941
<b>Amounts payable in respect of other staff (for example, short term contract staff, agency/temporary staff, and inward secondments)</b>		
Agency staff	21,864	6,452
Total staff costs	869,737	780,747





### 3.2 Staff numbers and related costs

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

	2008 Number	2007 Restated* Number
<b>Permanent staff</b>		
Chief Executive	0.5	1.0
Communications and Education	5.0	4.0
Corporate Services	7.0	6.5
Investigations, Policy and Research	4.0	3.5
Legal Services	2.5	3.0
	19.0	18.0
<b>Other staff</b>		
Agency staff	1.0	0.5
<b>Total Staff</b>	20.0	18.5

\*The Commission restructured during the year from three into four teams – staff numbers for 2006-07 have been restated accordingly

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi employer defined benefit scheme but the Commission is unable to identify its share of the underlying assets and liabilities. The scheme actuary valued the scheme as at 31 March 2007. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).

For 2007-08, employers' contributions of £105,423 were payable to the PCSPS (2006-07 : £78,583) at one of four rates in the range 17.1 per cent to 25.5 per cent of pensionable pay, based on salary bands. The scheme's Actuary reviews employer contributions every four years following a full scheme valuation. From 2008-09, the salary bands will be revised but the rates will remain the same (the rates will change with effect from April 2009). The contribution rates are set to meet the cost of the benefits accruing during 2007-08 to be paid when the member retires, and not the benefits paid during this period to existing pensioners.

Employees can opt to open a partnership pension account, a stakeholder pension with an employer contribution. No employer contributions were made in 2007-08 (2006-07 : £nil). Employer contributions are age-related and range from 3 per cent to 12.5 per cent of pensionable pay. Employers also match employee contributions up to 3 per cent of pensionable pay. In addition, employer contributions of 0.8 per cent of pensionable pay, are payable to the PCSPS to cover the cost of the future provision of lump sum benefits on death in service and ill health retirement of these employees.

Contributions due to the partnership pension providers at the balance sheet date were nil. Contributions prepaid at that date were nil.

No person retired early on ill-health grounds during 2007-08.



#### 4. Other operating costs

	2008 £	2007 restated £
Accountancy fees	3,256	2,431
Advertising, publicity and publications	69,325	63,898
Auditors (NAO) remuneration*	(6,850)	6,500
Bill of Rights	12,426	1,132
Building maintenance and expenses	34,379	27,901
Conferences and seminars**	41,423	23,041
Consultancy	554	5,741
Education costs	1,193	558
Insurance	7,374	7,429
Internal audit	7,614	6,016
Investigations	6,067	1,300
IT costs	19,013	25,814
Legal casework costs (realised contingencies)	–	–
Legal casework costs (non-recoverable)	157,310	27,734
Light and heat	20,678	11,911
Operating leases – rent of property	104,578	105,453
Other expenses	4,164	2,946
Printing, postage and stationery	35,396	34,888
Professional fees	13,744	16,919
Rates	42,344	51,383
Staff training and recruitment costs	85,997	54,307
Telephone	9,529	8,651
Travel, subsistence and hospitality	60,470	69,984
UN funded International Roundtable**	–	53,819
	<b>729,804</b>	<b>609,756</b>

\*The figure includes an adjustment to the amount previously accrued for audit fees.

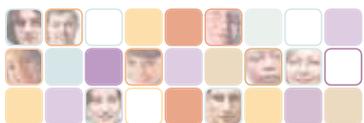
\*\*Conference and seminar expenditure, previously recorded under 'advertising, publicity and publications', is now shown separately and the prior year expenditure has been restated. Expenditure in 2006-2007 on a UN funded International Roundtable on 'The Role of National Human Rights Institutions in Conflict and Post-Conflict Situations', previously recorded under 'conferences and seminars', is re-titled to differentiate it from the Commission's other conference and seminar expenditure.

#### 5. Notional costs

##### Notional cost of capital

The Operating Cost Statement bears a non-cash charge for interest relating to the use of capital by the Commission. The basis of the charge is 3.5 per cent of the average capital employed by the Commission during the year defined as total assets less current liabilities.





## 6. Tangible fixed assets

	Leasehold improvements £	Computer equipment £	Fixtures fittings and equipment £	Total £
<b>Cost</b>				
At 1 April 2007	284,530	101,648	154,689	540,867
Additions	33,489	9,282	27,808	70,579
Disposals	–	–	–	–
At 31 March 2008	318,019	110,930	182,497	611,446
<b>Depreciation</b>				
At 1 April 2007	65,611	70,819	95,610	232,040
Charge for the year	30,832	20,809	16,221	67,862
Disposals	–	–	–	–
At 31 March 2008	96,443	91,628	111,831	299,902
<b>Net book value</b>				
At 31 March 2007	221,576	19,302	70,666	311,544
	218,919	30,829	59,079	308,827

The fixed assets were not revalued during the year as there were no material differences between historical cost amounts and the revalued amounts.

## 7. Debtors

	2008 £	2007 £
Trade debtors	3,500	585
Prepayments and accrued income	41,447	18,452
	44,947	19,037



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

	2008 £	2007 £
Bank loans and overdrafts	–	–
Trade creditors	19,139	46,413
Taxation and social security	22,100	16,937
Other creditors	1,423	19,591
Accruals	293,049	186,999
	<b>335,711</b>	<b>269,940</b>

## 9. Statement of movements in the capital grant reserve and the general fund

	2008		2007	
	Capital grant reserve £	General reserve £	Capital grant reserve £	General reserve £
At 1 April 2007	–	262,312	127,798	45,176
Amount transferred to reserves	–	–	(127,798)	127,798
Restated balance at 1 April 2007	–	262,312	–	172,974
Amount transferred from operating cost statement		(1,662,279)		(1,385,662)
Funding:				
NIO: Revenue grant-in-aid		1,680,000		1,475,000
Reserves at 31 March 2008		<b>280,033</b>		<b>262,312</b>

## 10. Performance against key financial targets

The Secretary of State does not consider it appropriate to set key financial targets for the Commission.

## 11. Contingent liabilities

### Casework

As at 31 March 2008, the Commission was supporting a case where a cost order has been made against the applicant for their and the respondent's costs, although the extent of the respondent's costs has not yet been revealed. Leave to appeal the judgment to the House of Lords has been granted. The outcome of the appeal, and therefore the extent of the Commission's liabilities – if any – in respect of the case, will not be known until the 2008-09 financial year at earliest.

It is not possible to quantify the potential liabilities in respect of this case.





### Job evaluation

The Commission is undertaking a job evaluation exercise on all staff posts. While a liability could arise, until the job descriptions and evaluations have been agreed, we cannot estimate with any certainty the value of the liability to the Commission. The job evaluation exercise is expected to be complete by the end of 2008.

## 12. Financial commitments

### Operating lease commitments

At 31 March 2008, the Commission had the following annual commitments under non-cancellable operating leases. The amounts disclosed are inclusive of VAT.

	Land and buildings		Office equipment	
	2008 £	2007 restated £	2008 £	2007 £
Expiry date:				
Less than one year	–	–	–	–
One to five years	–	–	766	–
Over five years	101,638	101,638	–	–
	<u>101,638</u>	<u>101,638</u>	<u>766</u>	<u>–</u>

Note: annual commitments under non cancellable leases were understated as at 31 March 2007 and have been restated accordingly.

### Capital commitments

The Commission had no capital commitments at 31 March 2008 (2007 : £NIL).

## 13. Related party transactions

The Commission is a non-departmental public body sponsored by the Northern Ireland Office (NIO). NIO is regarded as a related party. During the year, the Commission had various transactions with NIO (receipt of grant-in-aid and payment of monies received in respect of a successful legal case).

None of the Commissioners, senior management or other related parties has undertaken any material transactions with the Commission during the year.



#### 14. Reconciliation of net operating costs to cash outflow from operating activities

	2008	2007
	£	£
Net operating costs before financing	(1,671,770)	(1,393,279)
Depreciation of tangible assets	67,862	48,639
Notional costs	9,491	7,617
<b>(Increase)/decrease in debtors</b>		
Trade debtors	(2,915)	(369)
Prepayments and accrued income	(22,995)	(3,284)
<b>(Decrease) in creditors within one year</b>		
Trade creditors	(27,274)	35,297
Taxation & Social Security	5,163	16,937
Other creditors	(18,168)	9,591
Accruals	106,050	23,712
<b>Net cash outflow from operating activities</b>	<b>(1,554,556)</b>	<b>(1,255,139)</b>

#### 15. Gross cash flows

	2008	2007
	£	£
<b>Capital expenditure and financial investments</b>		
Payments to acquire tangible assets	70,579	229,668
<b>NIO – grant-in-aid funding</b>	<b>1,609,421</b>	<b>1,245,332</b>
	<b>1,680,000</b>	<b>1,475,000</b>





## 16. Financial instruments

FRS 13 'Derivatives and other Financial Instruments: Disclosures', requires disclosure of the role which financial instruments have had during the year in creating or changing the risks an entity faces in undertaking its activities. Due to the non-trading nature of its activities and the way in which executive non-departmental public bodies are financed, the Commission is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which FRS 13 mainly applies. The Commission has no powers to borrow or invest surplus funds and has limited year end flexibility. Financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Commission in undertaking activities.

As permitted by FRS 13, debtors and creditors which may mature or become payable within 12 months from the balance sheet date have been excluded from this disclosure.

### Liquidity risk

The Commission is financed by grant-in-aid from the Northern Ireland Office and is accountable to Parliament through the Secretary of State for Northern Ireland and is not therefore exposed to significant liquidity risk.

### Interest rate risk

All financial assets and financial liabilities of the Commission carry nil rates of interest and therefore are not exposed to interest rate risk.

### Currency risk

The Commission does not trade in foreign currency and therefore has no exposure to foreign currency risk.

### Fair values

The book value and fair value of the Commission's financial assets and financial liabilities as at 31 March 2008 are set out below:

#### Primary financial instruments:

	Book value	Fair value
	£	£
<b>Financial assets</b>		
Cash at bank	259,253	259,253
<b>Financial liabilities</b>		
Bank overdraft	—	—



# Appendices







## Appendix 1: Commissioners' Meetings

The Commission met 12 times during the reporting period, constituted either as the Commission to progress matters of corporate governance and other business, or as a Policy Committee.

The following served as Commissioners during 2007-08:

	<b>Meetings attended</b>
Professor Monica McWilliams	12
Mr Jonathan Bell	11
Mr Tom Duncan	12
Lady Christine Eames OBE (until 30 November 2007)	7
Professor Colin Harvey	10
Mr Alan Henry	12
Ms Ann Hope	12
Mr Colm Larkin (from 1 December 2007)	4
Mr Kevin McLaughlin (until 30 November 2007)	4
Mr Eamonn O'Neill	10
Ms Geraldine Rice MBE	10
Lady Daphne Trimble (from 1 December 2007)	4

In keeping with the Commission's commitment to hold two meetings outside Belfast each year to provide opportunities to meet local political representatives and members of voluntary and community groups, the Commission meetings held on 17 September 2007 and 10 March 2008 took place in Newry and Lisburn respectively.



## Appendix 2: The Commission's Committees

### Audit and Risk Management Committee (met five times)

- Members**
- Dr Bill Smith (Independent Chairperson)
  - Lady Christine Eames OBE (until 30 November 2007)
  - Mr Alan Henry
  - Mr Kevin McLaughlin (until 30 November 2007)
  - Mr Eamonn O'Neill
  - Ms Geraldine Rice MBE
  - Lady Daphne Trimble (from 1 December 2007)

### Detention, Policing and Justice Committee (met 11 times)

- Members**
- Mr Tom Duncan (Chairperson)
  - Mr Alan Henry
  - Professor Monica McWilliams
  - Mr Eamonn O'Neill
  - Ms Geraldine Rice MBE

### Economic, Social and Cultural Rights Committee (met eight times)

- Members**
- Mr Alan Henry (Chairperson)
  - Mr Jonathan Bell
  - Lady Christine Eames OBE (until 30 November 2007)
  - Professor Colin Harvey
  - Ms Ann Hope
  - Ms Geraldine Rice MBE
  - Lady Daphne Trimble (from 1 December 2007)





### Equality Committee (met five times)

- Members**
- Ms Ann Hope (Chairperson)
  - Professor Colin Harvey
  - Mr Alan Henry
  - Professor Monica McWilliams
  - Ms Geraldine Rice MBE

### Legal Committee (met 17 times)

- Members**
- Lady Christine Eames OBE (Chairperson) (until 30 November 2007)
  - Ms Ann Hope (Chairperson from 1 December 2007)
  - Mr Tom Duncan
  - Professor Colin Harvey
  - Mr Alan Henry
  - Mr Colm Larkin (from 1 December 2007)
  - Mr Kevin McLaughlin (until 30 November 2007)
  - Professor Monica McWilliams
  - Lady Daphne Trimble (from 1 December 2007)

In addition to formal committees, the Commission also establishes working groups to progress specific projects. During 2007-08, the Bill of Rights Working Group, comprising all Commissioners, continued to meet regularly, and a Moderating Panel was formed to oversee the administration of the Commission's staff bonus scheme as part of its performance-related pay arrangements.



## Appendix 3: The Commission's Staff

### Chief Executive

Paddy Sloan (until 31 May 2007)

Peter O'Neill (from 1 October 2007)

### Corporate Services Team

Don Leeson	Head of Corporate Services
Róisín Carlin	Administrative Officer (Personnel) (returned from maternity leave with effect from 17 October 2007)
Louise Furber	Receptionist / Administrative Officer
Lorraine Hamill	Administrative Officer (Finance), (until 30 July 2007), then Finance Supervisor (from 1 December 2007)
Grace Hamilton	Executive Assistant (from 1 December 2007)
Brenda Madden	Administrative Officer (Information)
Rebecca Magee	Administrative Officer (from 7 May 2007)
Gillian Neill	Housekeeper
Bernadette Rooney	Administrative Officer (Legal)

### Communications and Education Team

Peter O'Neill	Head of Communications and Education (until 30 September 2007)
David Russell	Head of Communications and Education (from 1 March 2008)
Charlene Craig	Information and Publications Worker (from 18 June 2007)
Nadia Downing	Information Worker
Rebecca Dudley	Education Worker





Claire Martin

Press and Public Affairs Worker  
(from 25 June 2007)

Miriam Titterton

Development Worker  
(also Acting Head of Communications and  
Education from 19 November 2007 until  
29 February 2008)

### Legal Services, Policy and Research Team\*

Ciarán Ó Maoláin

Head of Legal Services, Policy and Research  
(until 31 December 2007, then on career break)

*\*The Legal Services, Policy and Research Team was restructured into two teams – Legal Services team and Investigation, Policy and Research team – with effect from 1 January 2008.*

### Legal Services Team

Virginia McVea

Head of Legal Services (from 1 January 2008)  
(previously Caseworker)

Mairead Hegarty

Caseworker

Angela Lloyd-Stevens

Caseworker

### Investigations, Policy and Research Team

Nazia Latif

Head of Investigations, Policy and Research  
(from 1 January 2008) (previously Research and  
Investigations Worker)

Roisin Devlin

Investigations Worker (from 1 February 2008)

Daniel Holder

Policy Worker (from 14 June 2007)

Ann Jemphrey

Policy Worker (from 1 January 2008)  
(previously Investigations Worker)

Denise Magill

Research Worker (returned from career break  
with effect from 1 October 2007)

Agnieszka Martynowicz

Research Worker (until 31 December 2007)

Linda Moore

Investigations Worker (until 21 August 2007)

### Also:

Edel Teague (on secondment to CCMS)



### Interns

Elizabeth O'Loughlin

Syracuse University College of Law, New York

Darren McStravick

Queen's University, Belfast

Alexander Scates

Queen's University, Belfast

Kimberley Shin

University of Ulster and Earlham College, USA

### Work experience

Monica Acheson

Cedar Foundation, Belfast

Laura Gilligan

Aquinas Diocesan Grammar School, Belfast

Lydia Hodgkins

Methodist College Belfast

Laura Lee Jenkins

Victoria Smyth

Down High School, Downpatrick

Scott Wilson

Mitchell House, Belfast





## Appendix 4: Consultation Responses and other Policy Advice

### April 2007

Inquiry into the Operation of the Northern Ireland Prison Service: Submission to the Northern Ireland Affairs Committee

A Policy for Sustainable Schools: Submission to the Department of Education

### May 2007

Framework Convention for the Protection of National Minorities: Submission to the Council of Europe Advisory Committee

Proposed Regional Strategy for Addressing Sexual Violence in Northern Ireland: Response to DHSSPS

UK Borders Bill: Briefing to the House of Lords

### June 2007

Proposed Irish Language Legislation: Response to the Department of Culture, Arts and Leisure

### July 2007

Child Protection Policies: Response to Northern Ireland Prison Service

Prevention of Illegal Working: Response to Home Office

Draft 5th UK Report on the International Covenant on Economic, Social and Cultural Rights: Comments to the Ministry of Justice

### August 2007

Simplifying Immigration Law: Initial response to the Home Office

Inquiry into Devolution of Policing and Justice Matters: Evidence to the Northern Ireland Assembly and Executive Review Committee

Review of Water and Sewerage Services: Submission to the Independent Review Panel

### September 2007

Direct Payment of Housing Benefit: Response to Advice NI



### October 2007

Human Rights Issues in Relation to Bonfires: Response to Armagh City and District Council

Examination of the UK's 6th report under the International Covenant on Civil and Political Rights:  
Submission to the UN Human Rights Committee on the list of issues

Draft Regulations Prohibiting Discrimination by General Qualifications Bodies on the Grounds of  
Disability: Response to the Department of Education

Independent Police Complaints Commission oversight of Border and Immigration Agency incidents and  
complaints: Response to the Border and Immigration Agency

Possible Measures for Inclusion in a Future Counter-Terrorism Bill: Response to the Home Office

### November 2007

Criminal Justice and Immigration Bill: Briefing for House of Commons 2nd Reading

Universal Periodic Review: Submission to the UN Human Rights Council

### December 2007

Review of the Police Ombudsman for Northern Ireland: Submission to the Northern Ireland Office

### January 2008

Draft Budget and Programme for Government 2008-2011: Response to the Northern Ireland Executive

Draft Criminal Justice (NI) Order 2007: Response to the Northern Ireland Office

### February 2008

Draft Sexual Offences (NI) Order 2007: Response to the Northern Ireland Office

Visitors consultation paper: Response to the Border and Immigration Agency

Counter-Terrorism Bill 2008: Briefing for the House of Commons, 2nd Reading

Carers Allowance – Proposed Private Members Bill: Response to David McNarry MLA





## Appendix 5: Publications and Press Releases

### April 2007

- NIHRC Review magazine, issue 4, spring
- European Convention on Human Rights (ECHR) poster
- Universal Declaration of Human Rights (UDHR) poster
- 'Welcome for Bill of Rights funding scheme' (press release)
- 'Human rights threaten no-one' (press release)

### May 2007

- Business Plan 2007-08
- NIHRC bookmark
- 'New police powers threaten press freedom' (press release)
- 'Welcome for report on Dungavel Immigration Removal Centre' (press release)

### June 2007

- The Prison Within: The imprisonment of women at Hydebank Wood 2004-06
- Human Rights Act training programme
- 'Response to collusion prosecution failure' (press release)

### July 2007

- Equality Scheme Five Year Review
- 'Report criticises conditions for women prisoners' (press release)
- 'Reinvestigation of controversial killings' (press release)

### August 2007

- Annual Conference 2007 brochure
- Animate your Rights - human rights exhibition
- 'Human rights of older people in healthcare' (press release)



### September 2007

Convention on the Elimination of Discrimination Against Women (CEDAW) poster

NIHRC Review magazine, issue 5, summer

NIHRC complaints leaflet

Rights and Righteousness conference brochure

'Sexual Orientation Regulations ruling' (press release)

'NIHRC Annual Stakeholder Conference 2007' (press release)

'New appointments for Human Rights Commission' (press release)

### October 2007

'Get your Act together' (press release)

'Commission highlights concerns around TASERS' (press release)

'International Day for the Eradication of Poverty' (press release)

'Irish Language Act' (press release)

'Rights and Righteousness conference' (press release)

### November 2007

Animate your Rights - human rights exhibition booklet and DVD

International Human Rights Day 2007 seminar invitation

'Commission welcomes new appointments' (press release)

'Animate your Rights' (press release)

### December 2007

Annual Report and Financial Accounts 2006-07

Animate your Rights desk calendar 2008

'Human Rights Week 2007' (press release)

'Celebrating Human Rights Day' (press release)

'A year of development – Publication of the Eighth Annual Report' (press release)

'Renewed call for inquiry into Omagh bombing' (press release)





### January 2008

- 'Concern about deployment of TASERs' (press release)
- 'Concern over draft criminal justice legislation' (press release)

### February 2008

- Health and Human Rights conference brochure
- NIHRC Review magazine, issue 6, winter
- Bille na gCeart i Scoileanna: Acmhainn d'Iar-bhunscoileanna  
(Irish language version of Bill of Rights in Schools: A Resource for Post-primary Schools)
- Universal Declaration of Human Rights (UDHR) poster (reprint)
- 'Health and human rights on the agenda' (press release)

### March 2008

- A Guide to the NIHRC (language translations)
- Premises entrance sign and window graphics
- 'Stormont seminar celebrates women's rights' (press release)
- 'Nothing to fear from a Bill of Rights' (press release)
- 'Protection needed for residents in private care' (press release)
- 'Next stage in Bill of Rights process' (press release)

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