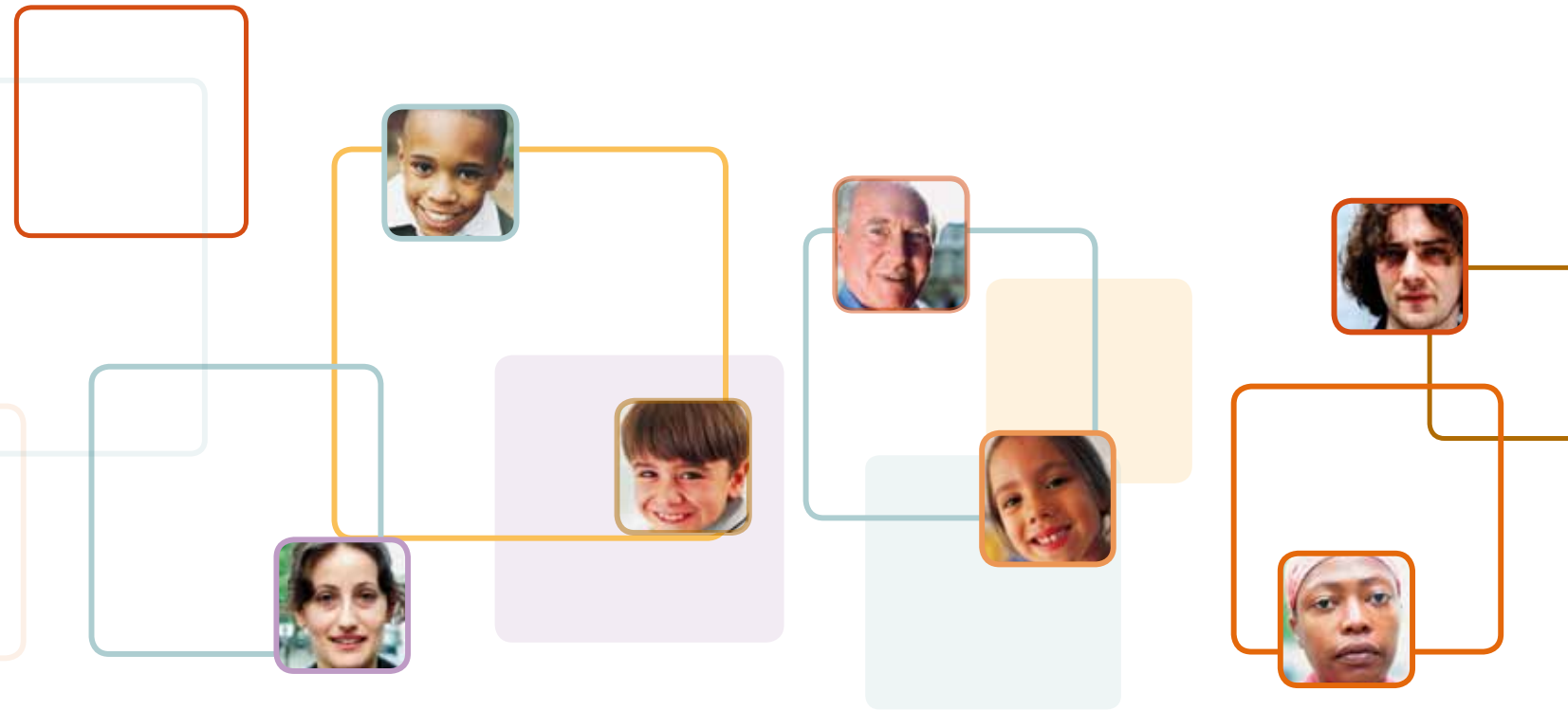




NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Annual Report and Accounts 2008-2009





NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Annual Report and Accounts 2008-2009

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.

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1 February 2010

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 tenth Annual Report of the Northern Ireland Human Rights Commission. It shows how the Commission has performed its functions during the period 1 April 2008 to 31 March 2009.

The Annual Report includes the Commission's financial statements for the year ending 31 March 2009, 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 15 January 2010.

Yours sincerely

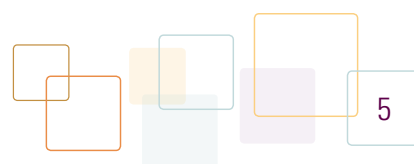
Professor Monica McWilliams
Chief Commissioner

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This document can be made available in alternative formats upon request.
It is available on CD and at www.nihrc.org



Chief Commissioner's Foreword

The greatest achievement during the past year was the presentation to government of the Commission's advice on a Bill of Rights for Northern Ireland. This work was finally completed on 10 December 2008. The date was chosen deliberately as it is International Human Rights Day and coincided with the 60th Anniversary of the Universal Declaration of Human Rights. It was fitting that the Commission should choose this symbolic day to fulfil its mandate as outlined in Paragraph 4 of the Belfast (Good Friday) Agreement and Section 69 (7) of the Northern Ireland Act 1998.

The Commission's advice includes rights supplementary to the European Convention of Human Rights which the Commission recommends for insertion in a Bill of Rights. Producing the advice on a Bill of Rights for Northern Ireland was not an easy task. It required a great deal of hard work by many people both inside and outside the Commission. The preparatory work for the Commission's advice had been ongoing for approximately 10 years. Nevertheless, the deadline we set ourselves for delivering the advice was challenging since we could not begin the task of completing our work until we had taken receipt of the Bill of Rights Forum's report. This was passed to the Commission on 31 March 2008 and nine months later the Commission completed its advice. I owe a debt of gratitude to those Commissioners and staff involved in completing this task, despite all the hurdles, and who accompanied me to Castle Buildings to present the final report to the government on 10 December 2008.

In the past year the Commission had a number of high profile engagements with the Joint Committee on Human Rights, the Northern Ireland Affairs Committee at Westminster and with Members of the United States House of Representatives and Senate. I have been very encouraged by the response from the public and civil society representatives who have supported



Chief Commissioner, Professor Monica McWilliams

the Commission's proposals and presented evidence to Parliament outlining this support. There were also many challenges during the past year. Working with the media in achieving accurate representations of the Commission's advice and enabling all political parties in the Northern Ireland Assembly to discuss the advice in an informed manner exemplify some of the challenges. If the

Northern Ireland Office publishes its consultation paper on a Bill of Rights for Northern Ireland at the end of 2009, this will mean that a government response to our advice is unlikely before the end of this parliamentary term. Despite the delay in the consultation, which had been promised much earlier in the year, we continued to seek support for the Commission's

In brief

It was a great achievement to present our advice on a Bill of Rights to government on 10 December 2008.



Presentation of our advice on a Bill of Rights: Minister of State Paul Goggins, MP and Monica McWilliams, Chief Commissioner

advice with the political parties at Westminster and the Northern Ireland Assembly.

In other areas of the Commission's work, this year also proved to be an innovative one. A new online resource for human rights educators and facilitators was created, entitled *Inspiring Practice: Resources, Tools and Activities for Human Rights Education*. Education and training opportunities were also delivered with the Office of the First and deputy First Minister as well as with our two universities and training colleges. Over 160 key civil servants have been trained on the Human Rights Act and on how to incorporate human rights impact assessments into their policy screening processes.

Included in the wide media coverage over the past year were issues regarding human trafficking in Northern Ireland and encouragement for the government's decision to ratify the Council of Europe's Convention on Action against Trafficking in Human Beings. The lack of treatment available for those who suffer from personality disorders in Northern Ireland together with the Commission's visit to Antrim police station to assess the conditions for detainees held under the Counter-Terrorism Act attracted a good deal of media attention. The Commission's report on the visit to Antrim

detention centre was exchanged with the PSNI and the Policing Board's Human Rights and Professional Standards Committee and a range of issues have been followed up at subsequent meetings.

On the policy and legal side, we have also addressed a range of human rights concerns and achieved a number of successful outcomes. Opposition to the Counter-Terrorism Bill's proposed extension of pre-charge detention to 42 days led to a majority vote against the proposal. The Commission was commended in the House of Lords by members who used its submissions to make their arguments. Support for the amendment to the Health and Social Care Bill extending human rights protections for older people to private and voluntary care homes led to a landmark change in the designation of a public body in relation to the use of the Human Rights Act. The Commission also supported at an early stage the case of *P and others* which allowed unmarried couples to adopt children for the first time in Northern Ireland. Our legal team was granted leave to intervene in two important human rights cases at the House of Lords which helped to build our reputation as third party intervenors.

The Commission also had a particularly busy year in its UN Treaty reporting. We successfully urged the government to ratify the UN Convention on the Rights of Persons with Disabilities. We opposed a number of government reservations on the ratification of this new convention and, at the local level we welcomed the Education Minister's rejection of the government's reservation in respect of special educational schools in Northern Ireland.

This was also a landmark year in that the Commission was designated, jointly with the Equality Commission for Northern Ireland, to be the independent monitoring mechanism for disability under this UN Convention.

Following this designation, we have sought and will continue to seek the required resources so that we can fulfil the obligations of this important role.

In brief

We completed an investigation into the UK Border Agency's powers of detention.

The Commission continued to take forward its concerns on mental health capacity issues with the Bamford Review of Mental Health and Learning Disability. Extensive engagement with Lord Ashdown's Consultative Group on the Strategic Review of Parading and the Eames/Bradley Consultative Group on the Past also took place. Submissions were forwarded to the Northern Ireland Assembly Committee dealing with the Presumption of Death Bill, reflecting our concerns with the Families of the Disappeared. Dealing with past human rights violations remains a priority for the Commission particularly in regard to the Inquest hearings into Jordan *et al* and the ongoing Inquiries into Hamill, Nelson and Wright.

A major investigation was also completed in 2008-09 on the human rights compliance of the powers of detention of the UK Border Agency.

The findings were published in a report entitled *Our Hidden Borders: The UK Border Agency's Powers of Detention*, which raised a range of concerns about the way immigration officers engage with individuals and how they arrive at the decision to make a recommendation for detention. The Commission has since engaged with the UK Border Agency and the Office of the Chief Inspector of the UK Border Agency to monitor the implementation of recommendations from this report. The Commission's new statutory powers were used for the first time in our investigations work and signified the importance of having these additional powers. A second investigation, reporting on the human rights concerns on lack of eligibility for public funds for non-UK nationals, is currently under completion and will be published in September 2009.

This year was the tenth anniversary of the Commission's establishment and one of the busiest since taking up my post as Chief Commissioner. The support from my fellow Commissioners in the Northern Ireland Human Rights Commission has proved to me that





Monica McWilliams with Congressman Richard Neal at the US Senate in Washington

when each of us plays our part in a corporate body then the workload is lightened. The staff, although small in number, rose as always to the pressing demands made of them in the past year. In particular, I want to acknowledge two members of staff who have been with us for some time and who recently left the organisation: Virginia McVea for her leadership

of the legal team and the outstanding contribution she made to the Bill of Rights work, and Rebecca Dudley, for producing beneficial educational resources on topics such as Rights and Righteousness and *Inspiring Practice*. Both leave behind a legacy of work for which the Commission is grateful. Countless organisations and individuals have also contributed to the Commission's work in the past year and have helped us in many ways, particularly throughout the Bill of Rights process. I would like to pay a special tribute to them in this Annual Report and hope that they will continue to assist us as we take forward this work in the coming year.

Finally, I look forward to the bi-annual review of the Commission's powers which should help to make our investigation work even stronger and more effective. The devolution of policing and justice powers to the Northern Ireland Assembly should also lead to increased engagement with politicians and civic society in the field of human rights. Working on these important issues, I predict an even busier year ahead and look forward to the challenges that go with it.

Professor Monica McWilliams
Chief Commissioner

Commissioners



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



Mr Tom Duncan
appointed from
1 September 2005



Mr Jonathan Bell
appointed from
1 September 2005



Professor Colin Harvey
appointed from
1 September 2005



Mr Alan Henry OBE
appointed from
1 September 2005



Mr Eamonn O'Neill
appointed from
1 September 2005



Ms Ann Hope
appointed from
1 September 2005



Ms Geraldine Rice MBE
appointed from
1 September 2005



Mr Colm Larkin
appointed from
1 December 2007



Lady Daphne Trimble
appointed from
1 December 2007

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 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.

The Commission is recognised at the United Nations as a fully 'Paris Principles' compliant national human rights institution – the 'Paris Principles' were adopted by General Assembly resolution 48/134 of 20 December 1993, relating to the status of national human rights institutions in relation to their independence and mandate and competence to promote and protect human rights (further information on the 'Paris Principles' is available at: www.ohchr.org/english/law/parisprinciples.htm).

In brief

The Commission is a UN recognised national human rights institution.

Duties and powers

Under section 69 of the *Northern Ireland Act 1998*, the Commission has the following duties, which are ongoing:



Chief Executive, Peter O'Neill

- 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 and the Executive Committee of the Northern Ireland Assembly of legislative and other measures which ought to be taken to protect human rights as soon as reasonably practicable after receipt of a general or specific request for advice
- to advise the Northern Ireland Assembly whether 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.
- to provide advice to the Secretary of State for Northern Ireland on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights (ECHR), to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience.

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

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

Under the same section of the *Act*, 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 to anyone who wishes to review it.

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 2008-09 are set out in the Meeting Aims section of this Annual Report on pages 23 to 52.



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 Request for Resources 1.

The Commission's accounts for 2008-09 are included with this Annual Report at pages 53 to 78. 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 2008-09 (available at: www.financial-reporting.gov.uk).

The Commission spent in full its agreed resource allocation for 2008-09, which included supplementary funding made available by the NIO to offset additional costs associated with the completion of the Commission's advice to the government on the Bill of Rights and in respect of longstanding commitments it has to support the families in two 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.

In brief

We work to build a human rights culture in Northern Ireland.

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. This review showed that the Commission needed to increase its accruals for these cases by some £50,000.

Other aspects of the Commission's expenditure on staff and non-staff costs during 2008-09, 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, and a temporary increase in the Commission's staffing cadre required to deliver the Business Plan, all approved by the NIO; within the overall staffing costs there was a reduction in agency staff costs in comparison to the previous year when contract workers were used to cover vacancies and other absences pending recruitment exercises
- a reduction in publication costs – the timetable for publication of three major investigation and research reports has extended into 2009-10; there was, however, a corresponding increase in expenditure on investigations, which was associated with the fieldwork for these projects
- increased activity in respect of the Bill of Rights, which culminated in the handover of the Commission's advice to the Secretary of State for Northern Ireland on 10 December 2008
- a reduction in building maintenance expenditure in comparison with the previous year when major repair costs were incurred.
- a reduction in conference and seminar expenditure in comparison with the previous year when the Commission hosted three major conferences; further, the Commission's annual stakeholder conference was held in April 2009, with the costs associated with this event to be accounted for in 2009-10



- increased consultancy costs as a result of the job evaluation exercise, which was conducted by staff from the Department of Finance and Personnel
- a reduction in recruitment costs in comparison with the previous year when the Commission recruited for a number of posts and, in particular, a new Chief Executive, and
- general inflationary increases in other expenditure areas, such as insurance, light and heat, rates and telephone.

In respect of capital expenditure, completion of refurbishment projects to further improve the Commission's offices at the end of the previous financial year has resulted in increased depreciation costs in 2008-09. The Commission also invested in new computer servers in March 2009 to improve its business continuity arrangements. 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:

- develop, consult on and implement a new Strategic Plan
- 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 widely a culture and understanding of human rights across Northern Ireland, and
- work with government to secure implementation of the Commission's advice on a Bill of Rights for Northern Ireland.

Further details of these activities are given in the Strategic Plan for 2009-11 and Business Plan for 2009-10, which are available on the Commission's website: www.nihrc.org

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 will apply international standards from 1 April 2009 onwards.

Commissioners and Chief Executive

The Commission is governed by its Commissioners. The following served as Commissioners during 2008-09:

- Professor Monica McWilliams
- Mr Jonathan Bell
- Mr Thomas Duncan
- Professor Colin Harvey
- Mr Alan Henry OBE
- Ms Ann Hope
- Mr Colm Larkin
- Mr Eamonn O'Neill
- Ms Geraldine Rice MBE
- Lady Daphne Trimble

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 2008-09 was Mr Peter O'Neill.

Details of remuneration can be found in the Remuneration Report, which is included with this Annual Report at pages 55 to 59.

A register of interests of the Commissioners and senior staff can be found on the Commission's website: 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.

In brief

For details about our work, our Commissioners and staff, visit www.nihrc.org

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 minimise 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 2008-09. 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)
- Mr Alan Henry OBE
- Ms Ann Hope (from 23 February 2009)
- Mr Eamonn O'Neill
- Ms Geraldine Rice MBE
- Lady Daphne Trimble

The Chief Executive, Head of Corporate Services and Internal Auditor attend Audit and Risk Management Committee meetings. The External Auditor attends by invitation.

The Audit and Risk Management Committee supports 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 and / or nominated Committee member report on the activities of the Audit and Risk Management Committee at Commission meetings. Minutes of Audit and Risk Management Committee meetings are circulated to all Commissioners.

Auditors

The financial statements are audited by the Comptroller and Auditor General. The fees for this year are £7,000 (2007-08: £6,650).

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

Sustainability

Environmental policy

The Commission is committed to helping to protect the environment. We seek to do this through recycling paper and card, plastic bottles, and cans; using 100% recycled paper; and encouraging staff to turn off lights and electronic equipment when not in use.

Communities

The Commission seeks to support charitable work. It does this through the operation of a payroll-giving scheme, which enables Commissioners and staff to make tax effective donations to charity, allowing community and voluntary sector organisations to use meeting facilities when not required for Commission business, and encouraging social events for Commissioners and staff to raise funds for charity.

Suppliers

Where available, the Commission makes purchases from Fair Trade sources and it is a member of Fairtrade Belfast.

Creditor payment, policy and performance

The Commission seeks to comply with the Better Payments Practice Code for achieving good payment performance in commercial transactions. Further details regarding this are available on the website: www.payontime.co.uk. Under this Code, the policy is to pay

bills in accordance with contractual conditions or, where no such conditions exist, within 30 days of receipt of goods and services or the presentation of a valid invoice, whichever is the later. The prompt payment results for 2008-09 showed that 99 per cent (2007-08: 81 per cent) of invoices were paid in accordance with the terms of the standard.

The Prime Minister's statement of 8 October 2008 set a challenge to government departments to pay suppliers as soon as possible, with the aim of bringing forward all payments to within 10 days. Following the guidance issued by the Cabinet Secretary, Sir Gus O'Donnell, on 17 November 2008, the Commission revised internal timescales for the processing and payment of invoices with effect from 1 December 2008. The performance for the four months to 31 March 2009 showed that 97 per cent of invoices were paid within 10 working days following receipt of a properly rendered invoice.

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.

Employees

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

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.

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 associated legislation, 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.

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 annual report to the Equality Commission for Northern Ireland on the discharge of its duties under the *Disability Discrimination Order 2006*, which can be read on the Commission's website www.nihrc.org.

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.

In brief

We work to promote participation by disabled people in public life.

The Commission is working towards achieving the Investors in People Standard and aims to be formally assessed against the Standard towards the end of 2009-10.

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 Commission's recognised trade union.

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. The Commission agreed a revised Health and Safety Policy with NIPSA during 2008-09.

The Commission introduced an Employee Assistance Programme during 2008-09, which provides 24-hour access to counselling and support services for Commissioners, staff and close family members.

Personal data

The Commission is committed to safeguarding personal data it holds. The Commission's data handling arrangements were reviewed by internal audit in November 2008, 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. No personal data related incidents occurred during 2008-09.

Days lost due to absence

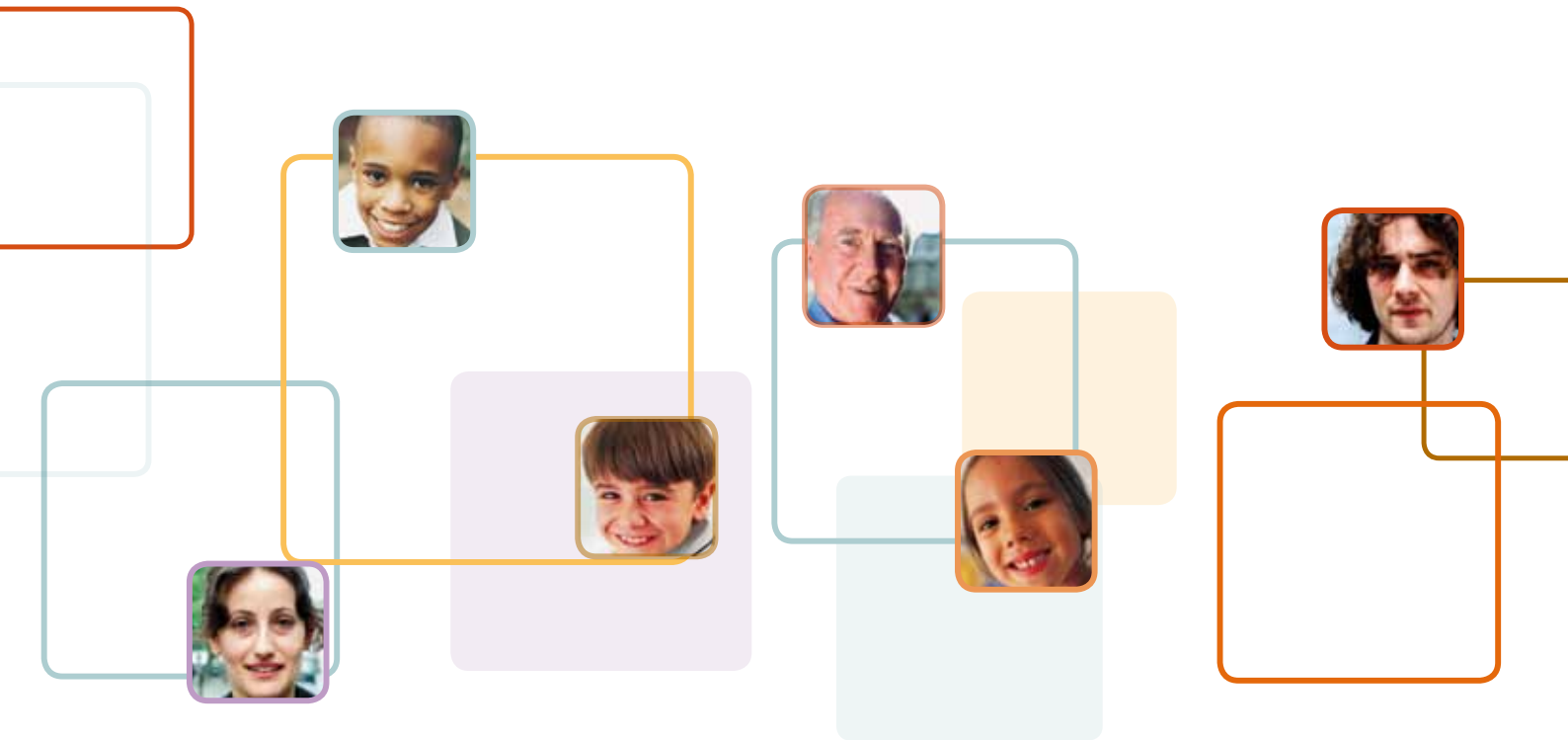
The Commission encourages a culture where good attendance is expected and valued. However, it recognises that from time to time absences for medical reasons may be unavoidable. The Commission aims to treat its staff who are ill with sympathy and fairness and where possible to provide them with support which will enable them to recover their health and attend work regularly. This approach is reflected in the Commission's Leave and Attendance Management Policy, which has been agreed with NIPSA and was updated in 2009.

In 2008-09, the percentage of working days lost was 4.8 per cent or 12 days per annum per employee (2007-08: 4.7 per cent and 11 days respectively).

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. It seeks to achieve this through publications, information and promotions; press and public affairs; education, training and development; and hosting events. The activities undertaken in these areas during 2008-09 are detailed below.

Publications, information and promotions

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

NIHRC Review

The Commission produced one issue of its magazine during the year. The print run continues at 3,000 in response to demand. We were delighted to include articles from Professor Chris Sidoti on the work of the Bill of Rights Forum; John Wadham and Susie Alegre on the tenth anniversary of the Human Rights Act and how the Equality and Human Rights Commission intends to build upon the progress already made; and Dr Michael Hamilton on the complex issue of parades, protests and the work of the Strategic Review of Parading.

e-Newsletter

The Commission's monthly e-Newsletter provides up-to-date information on the work we do, as well as key updates on legislation and policy. Subscribers also receive advance notice of Commission events, as well as

In brief

"Thanks for sending us your newsletter; we find it very interesting and inspiring."
E-newsletter subscriber

information about the latest internship and job opportunities.

The Commission distributed 11 issues of its e-Newsletter to an ever-expanding subscriber list. There were 162 new subscribers added during the year, bringing the total distribution list to over 1,200 people. We continued to review and improve the usefulness and accessibility of the e-Newsletter and we now promote key human rights events and resources from other organisations.



Immigration report

The Commission's report of its investigation into the powers of the UK Border Agency had been prepared for print by year-end in order to be launched at the planned annual conference for stakeholders in April 2009.

Migrant workers' guides

The Commission was pleased to continue its partnership with the Law Centre (NI) in publishing the second edition of *Your Rights in*

Northern Ireland: A Guide for Migrant Workers.

The guides are supported with funding from the Office of the First and deputy First Minister and, as with the first edition (2007), were produced in a range of languages.

Educational resources

During the year, a new online resource for human rights educators and facilitators was created, entitled *Inspiring Practice*. The formal launch of the Irish language version of the existing resource, *A Bill of Rights in Schools*, took place. These are described in more detail in the Education section, below.

Websites

Our main website, www.nihrc.org, continued to attract new visitors and has proved to be a successful means of promoting the Commission's work. The site was kept up-to-date with publications, legislation and policy submissions, shadow reports on international standards, Bill of Rights developments, parliamentary briefings, Commission minutes and the web-diary of the Chief Commissioner. The site allows visitors to submit enquiries and requests, and subscribe to the regular e-Newsletter. From 1 April 2008 to 31 March 2009, the site received in excess of 400,000 visits. The Commission's website, www.borini.info, dedicated to the Northern Ireland Bill of Rights process was updated with information on any new developments. Video podcasts of the handover of our advice on a Bill of Rights to government on 10 December 2008 can be viewed on this website.

The Commission continues to communicate to a varied audience through social networking websites including Bebo, Facebook and YouTube. Users receive regular updates on our work and can watch video podcasts of events.

Library and resource centre

The library continues to be developed primarily as a significant professional resource for the Commission. It has continued to increase the operational capacity of the organisation, with new material being added throughout the year.

In brief

"My trip to the NIHRC Library was hugely successful. The information was excellent and very well organised." Library visitor

It now contains over 5,500 items, including reference books and the most important journals on international, European and domestic human rights policy and protection. Visitors can quickly locate the information they need using Heritage, an information rich, fully searchable catalogue of the entire collection. A feedback system has been implemented and a new library leaflet and user guide produced. The library is open to the public by appointment and was accessed on 42 occasions in the last year.

Enquiries

The Commission's information staff processed over 500 enquiries during the year, which covered a wide range of issues, including asylum and immigration, education, older people in residential care, civil liberties, the right to life and the Bill of Rights. The majority of the enquiries were received through the contact facility of the website and they

In brief

"Many thanks for taking the time to reply to me and provide me with such helpful information. It is very much appreciated." Enquirer



Animation competition winners. Left to right: Robbie Graham, Monica McWilliams, Luke Godson, Connie Hunter

included approximately 125 legal enquiries and 54 requests from people interested in interning or working for the Commission.

Animation competition

The Commission set up this awards scheme to encourage visual communication students at the University of Ulster to express their views on human rights in Northern Ireland. The aim is to encourage creative ways of communicating human rights, and we were delighted by the quality of the entries received for this year's competition. First prize went to Robbie Graham whose film exploring freedom of thought and expression was visually stunning. Set in the future, it depicted Belfast as a 'surveillance society'. Other awards were presented to Connie Hunter (second prize) and Luke Godson (third prize); with the entries from Mike Hesketh, Craig Hunter and Daniel McGarrigle highly commended. The winning animations can be viewed on the Commission's YouTube channel at: www.youtube.com/nihrc.

Exhibition

The Commission's human rights exhibition showcases a series of short animations and visuals produced by students on the theme of human rights with an accompanying DVD and human rights background guide. The exhibition, entitled *Animate Your Rights*, aims to promote a greater awareness of human rights and is available for hire in venues throughout Northern Ireland. The exhibition was on display in the Queen's Film Theatre during the Belfast Film Festival and it was also displayed in Invest NI for two weeks during June and in the Waterfront Hall, Belfast during December 2008.

Press and public affairs

The press and public affairs work of the Commission has this year been extensive and diverse, including both proactive and reactive print and broadcast media engagement, as well as parliamentary work at Westminster and the Northern Ireland Assembly.



You can watch the winning animations on www.youtube.com/nihrc

Presswork

The Commission attracted considerable media coverage during the year. It was featured, or referred to, in 470 print articles (newspapers and magazines) generating 6,479 column inches. It also made contributions to 20 broadcast programmes, including Sky News, UTV, BBC News Line, the Politics Show, BBC Radio Ulster, BBC Radio 4, and Downtown Radio on 35 occasions.

Through its media work, the Commission engaged with a wide range of topics, including:

- voicing concerns over land border checks in Northern Ireland
- highlighting mental health issues in Northern Ireland and, in particular, raising concerns about the treatment available for those with personality disorders
- publicising its advice on a Bill of Rights for Northern Ireland, and
- highlighting its shadow reports to, and attendance at, the United Nations in respect of the UK's progress on civil and political rights (ICCPR) and the elimination of discrimination against women (CEDAW).

From April 2008 to 31 March 2009, the Commission issued 44 press releases and hosted a number of press briefings on a diverse range of topics, including:

- opposing the proposed extension of the pre-charge detention period to 42 days under the Counter-Terrorism Bill; and later welcoming the overwhelming majority vote in the House of Lords against the proposal

- welcoming the amendment to the Health and Social Care Bill that extended human rights protections to private and voluntary care homes
- highlighting the need for increased protection of children's rights in Northern Ireland in accordance with state obligations under the UN Convention on the Rights of the Child
- supporting the landmark ruling of *P and others* which allowed unmarried couples to adopt children for the first time in Northern Ireland
- recommending the development of a fully integrated UK strategy on the prevention of violence against women and clarification as to how this will be progressed by government in accordance with CEDAW
- seeking a commitment from government to increase levels of support for victims of human trafficking in Northern Ireland; and later welcoming the decision to ratify the Council of Europe's Convention on Action Against Trafficking in Human Beings, and
- urging the government to ratify the International Convention on the Rights of Persons with Disabilities; opposing the inclusion of reservations in respect of special educational needs, immigration and employment in the armed forces; and welcoming the Northern Ireland Minister for Education's rejection of the proposed reservations in respect of education.



The Commission also responded to a further 110 media requests for comment or clarification on policy regarding issues such as migrant workers' rights, women's rights and the work of the Commission's legal services.

Parliamentary engagement

Throughout the year, the Commission was active in providing advice to the government, MPs, members of the House of Lords and Members of the Northern Ireland Assembly. Eight briefing papers were prepared on a range of issues and proposed legislation, including:

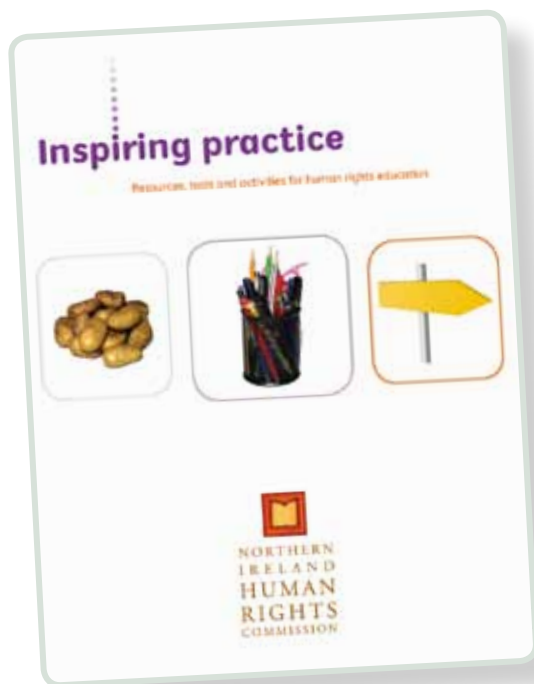
- residential and nursing care in the Health and Social Care Bill
- protections in relation to the Counter-Terrorism Bill
- the Coroners and Justice Bill
- the Borders, Citizenship and Immigration Bill, and
- the impact of the Workers Registration Scheme.

Following the submission of its advice to the Secretary of State for Northern Ireland on a Bill of Rights, the Commission had a number of high profile engagements with parliamentary committees. On 24 February 2009, evidence was provided to the Joint Committee on Human Rights at Westminster. This was followed, on 16 March 2009, through providing oral evidence to the Northern Ireland Affairs Committee.

Education, training and development

The Commission's introductory course on Human Rights Act was delivered in Derry/Londonderry and Belfast on 12 and 19 September 2008 respectively, attracted 39 participants, with positive evaluation returns.

Promotional materials for the training workshops were disseminated to all political parties and Members of the Northern Ireland Assembly, which resulted in wide take up across the local political parties. In one area where it had been noted that outreach was needed, monitoring forms indicated that a slightly higher proportion



of participants who identified themselves as Unionists and/or Protestants, took part compared to previous years.

In brief

“Raised my awareness substantially, had never previously looked at the Act.” Course participant

Education and training opportunities were also agreed and delivered with the Office of the First and deputy First Minister and the Queen’s University Institute of Professional Legal Studies. In particular, two seminars took place for over 160 key civil servants on the *Human Rights Act* and how to incorporate human rights impact assessments as part of policy screening processes.

A number of one-off training sessions were delivered to students, including law, politics and social work classes at the University of Ulster, visiting students from the American University, Washington DC and the University of Gloucestershire. The sessions covered areas such as the work of the Commission, the European Convention on Human Rights, the *Human Rights Act* and the progress made on a Bill of Rights for Northern Ireland.

LIFT OFF

The Commission met with the Minister of Education and departmental officials on a number of occasions during the year to discuss the promotion of human rights within the Northern Ireland curriculum. We continued to support the LIFT OFF cross-border primary education initiative for schools in Northern Ireland and the Republic of Ireland, which has been developed

by teachers in partnership with Amnesty International, the Ulster Teachers Union and the Irish National Teachers Organisation. The partnership is advised by a committee which includes the Northern Ireland Human Rights Commission, the Irish Human Rights Commission and the Departments of Education and curriculum bodies from Northern Ireland and Ireland.

In brief

“Presentation was very enjoyable and informative, and of great benefit to our students.” St Mary’s University College

Bill of Rights in Schools

In May 2008, at Coláiste Feirste, the Chief Commissioner and the Minister of Education formally launched the Irish language version of the BORIS (*Bill of Rights in Schools*) human rights education resource. The publication was warmly



Shannon McCann; Monica McWilliams, Chief Commissioner; Chrissie Poland and Caitríona Ruane, Minister for Education at the launch of the Irish version of BORIS

received by the audience of pupils, teachers, educationalists and language activists.

Since December 2008, collaborative work with Amnesty International has taken a new direction with work focusing on post-primary education. A new Key Stage 4 resource for Citizenship teachers has been developed as a joint initiative and will be launched in November 2009. Chief Commissioner, Monica McWilliams, provided the foreword for this important publication on teaching citizenship through human rights.

Work continued with initial teacher training institutions and, in March 2009, the Education Worker delivered the annual Introductory Lecture on Human Rights to Liberal Arts Students at St Mary's University College.

Inspiring practice

All of the Commission's training materials were reviewed and updated as part of the production of a new resource entitled *Inspiring Practice*:

Resources, Tools and Activities for Human Rights Education. This was published online in November 2008 at: www.nihrc.org/inspire. The manual was designed to help educators and facilitators deliver workshops on human rights, including the Human Rights Act and the European Convention on Human Rights (ECHR). It has a particular focus on introducing ideas about human rights in order to stimulate debate and further learning. It provides:

- information about human rights education
- sample activities, with clear instructions for facilitators
- easy to photocopy resource sheets to make preparation easier
- background information for facilitators
- links to key human rights conventions and legislation, and
- references and links to further resources and reading.



Eamonn O'Neill, Commissioner, Monica McWilliams, Chief Commissioner and Councillor Colin McGrath, Chairman Down District Council

Events

Advice on a Bill of Rights for Northern Ireland

The Commission's advice on a Bill of Rights for Northern Ireland was presented to the Government on International Human Rights Day, 10 December 2008, in Castle Buildings, Stormont. Over 100 guests attended the event as Chief Commissioner, Monica McWilliams, formally handed the advice to the Minister of State, Paul Goggins MP.

Identity cards

The Commission hosted a roundtable seminar on identity card schemes in October 2008. Policy Worker, Daniel Holder, presented a Commission briefing paper entitled, *More Than Just a Card – Intrusion, Exclusion and Suspect Communities:*

Implications in Northern Ireland of the British National Identity Scheme. Arun Kundnani from the Institute of Race Relations spoke about the experiences of 'new suspect communities' in Great Britain. Bernadette McAliskey from the South Tyrone Empowerment Programme examined suspect communities past and present, and Rebekah Delsol, from the Open Society Justice Initiative, discussed ethnic profiling, identity and European experiences.

Pride

The Commission was delighted to be invited to this year's Pride celebrations in Custom House Square, Belfast. We staffed an information stall and displayed some of our own research into LGBT rights. Pride is a great opportunity to promote diversity and raise awareness of the issues affecting lesbian, gay, bisexual and transgender people.

Meeting stakeholders

On 15 September 2008, the Commission celebrated its 100th meeting at a reception in Omagh District Council for local councillors, victims groups and other NGOs. Chief Commissioner, Professor Monica McWilliams, praised the important contribution local agencies have played in promoting a human rights culture throughout the challenging times Omagh has faced in the past 10 years.

The Commission also hosted a reception in Downpatrick for representatives of local community, voluntary and business sector organisations from the Down District Council area on 9 March 2009.

Human rights in Asia and Europe

A lunchtime seminar sponsored by the Asia-Europe Foundation took place in our offices on 13 November 2008. The seminar, on the theme of 'Stories from Borders and Stories of Borders', was delivered by Dr Sriprapha Petcharameesree from the Office of Human Rights Studies and Social Development, Mahidol University, Thailand. Participants heard stories of people facing discrimination and other forms of human rights violations both in Asia and in Europe.

Modern Liberty Convention

The Commission sponsored the session entitled, 'ID Nation? Northern Ireland and the National Identity' at the Modern Liberty Convention on 28 February 2009. The Belfast Convention was sponsored by Amnesty International and Queen's University, School of Law.

Travellers' rights

On 28 October 2008, a seminar on 'Advancing Travellers' Housing Rights through Litigation' was co-hosted by An Munia Tober, the Commission and the Human Rights Centre at Queen's University Belfast. The seminar featured presentations from international and domestic experts on travellers' rights and was aimed at legal practitioners, government representatives and civil society members.

Annual conference 2009

By year-end, the Commission was preparing for its annual stakeholder conference planned to take place on 20 April 2009. The conference aims to focus on immigration policy and practice in Northern Ireland and the Commission's investigation report on the powers of detention of the UK Border Agency.



Rainbow flag at Pride event

Aim 2: Challenging and Preventing Human Rights Abuse

Introduction

The aim of challenging and preventing human rights abuse is core to 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 2008-09 are detailed below.

Legislation, policy and practice

The Commission made a number of submissions over the year on legislation, policy and practice. The work focused on thematic areas including immigration, criminal justice, and counter terrorism. Policy was also developed around the area of identity cards and 'suspect communities'. Briefings were prepared for Parliament on the Counter-Terrorism Bill, the Coroners and Justice Bill and the Borders, Citizenship and Immigration Bill.

A range of responses was issued to policy consultations. This included mental health consultations in relation to the Bamford Review of Mental Health and Learning Disability and submissions to the prison service, along with a broader body of work around detention. There was also written and oral engagement with government-established bodies on the Strategic Review of Parading and the Consultative Group on the Past, and submissions on the Presumption of Death Bill and Police Ombudsman for Northern Ireland's policy in relation to investigation of state-related deaths. A list of submissions and briefings can be found at Appendix 4.

In brief

Much of our policy work focused on immigration, criminal justice and counter-terrorism.

Counter-Terrorism Bill

The Commission produced a number of briefings and engaged with parliamentarians in relation to the Counter-Terrorism Bill. The Commission's core concerns were the proposals to extend the period of pre-charge detention from 28 to 42 days, the lack of safeguards on the face of the Bill in relation to post-charge questioning, the nature of the introduction of notification requirements and the plans to introduce provisions for inquests to be held without juries. While many of the Commission's concerns were positively addressed, it was disappointed to note the attempts of government to bring in changes to the inquest system via another piece of legislation – the Coroners and Justice Bill.

In brief

For a list of the year's responses and submissions see Appendix 14.

Coroners and Justice Bill

The Coroners and Justice Bill was published in January 2009. The Commission was extremely disappointed that the provisions for "secret inquests", earlier removed from the Counter-Terrorism Bill, were replicated and, indeed, extended in this Bill. The Commission saw clear potential to breach Article 2 of the European Convention on Human Rights in respect of Clause 11 which provides for certified or "secret" inquests, and opposed the introduction of these provisions on that basis. The Commission briefed MPs for the second reading debate and briefed members of the Public Bill Committee for the Committee Stage. The Commission has particular concerns regarding the operation of these provisions in Northern Ireland and has strongly advised government over the past year to abandon the proposal to extend such "secret" inquests to Northern Ireland. The extension of any element of the certified "secret" inquests for

historic cases in Northern Ireland could seriously jeopardise progress on what is a politically sensitive issue. Outside of the reporting year, the Government withdrew the “secret inquest” provisions in advance of the Bill’s second reading in the House of Lords. While the Commission welcomed this development, it was continuing to oppose the government’s latest plan, namely, to seek to rely upon the Inquiries Act in place of holding certain inquests.

Migration and asylum

The Commission’s investigation into immigration detention in Northern Ireland was completed and the publication was at print by the end of the year. *Our Hidden Borders: The UKBA’s Powers of Detention* looks at the decision-making process which leads to some perceived immigration offenders and asylum seekers being detained in

police custody suites in Northern Ireland before being transported to detention facilities in Great Britain.

The investigation focused in particular on the UKBA’s ‘Operation Gull’, examining the interaction between immigration officers and passengers being questioned at Northern Ireland’s air and seaports. It also examines the practice of UKBA ‘visits’ to people’s homes and places of work for the purposes of finding individuals to remove from the UK. Our findings raise a range of concerns about the way immigration officers engage with individuals and how they arrive at the decision to make a recommendation for detention. We raise concerns about the lack of consistent practice informing detainees of their right to legal advice.



The Commission produced a number of briefings and engaged with parliamentarians in relation to the Borders, Citizenship, and Immigration Bill. The focus was on two main areas, namely, the implications of ending the Common Travel Area as a passport free zone (specifically the risk of racial discrimination emanating from mobile patrols and actual or *de facto* document requirements on the land border) and the rationale and implications of reforms to naturalising as a British Citizen in relation to 'earning' rights and longer periods without social protection.

In June 2008, after completing an initial scoping exercise, the Commission began fieldwork for its investigation into homelessness for people with no or limited access to public funds. The investigation aimed to establish the legislation, policy and practice in relation to non-UK nationals who are excluded from homelessness assistance and welfare benefits. The areas covered by the investigation were Belfast, Cookstown and Dungannon. The investigation focused on three government agencies with responsibility for homelessness and destitution among non-UK nationals including the Northern Ireland Housing Executive, the Social Security Agency, and Social Services. The fieldwork finished in November 2008 and, at the time of writing, the final investigation report is being finalised and is due for publication later in 2009.

The Commission, together with the Equality Commission for Northern Ireland, commissioned the Institute of Conflict Research to carry out a study on the available evidence on the nature and extent of trafficking of women, children and men in Northern Ireland, focusing on transnational trafficking for the purposes of sexual exploitation and exploited labour. The completed study will be published in the winter of 2009.

Treaties and international work

The UK was examined four times during the year in relation to compliance with its international human rights commitments under each of the following UN treaties: the Universal Periodic Review (UPR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). The UPR is a new mechanism under which the full range of human rights obligations are examined in one sitting.

This engagement involved the Commission in preparing a written parallel report, commenting on the information provided by government to each of the UN Committees in respect of Northern Ireland, together with participation in the oral examination of the UK before each committee.

International Covenant on Civil and Political Rights (ICCPR)

The UK was examined by the UN Human Rights Committee in July 2008 under the ICCPR. The Commission submitted a parallel report to the Committee and participated in the examination. The Committee made a range of recommendations to the UK including on Northern Ireland specific matters raised by the Commission. This included the Committee's concerns about progress into inquiries into the killing of human rights defenders and other Northern Ireland conflict-related deaths, along with criticism of the use of the *Inquiries Act 2005* in such inquiries. The Committee was also critical of non-jury trials under the *Justice and Security (Northern Ireland) Act 2007* and raised concerns regarding a range of issues in relation to the detention of asylum seekers in Northern Ireland. It also raised concerns in relation to the UK's counter-terrorism measures.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The UK was examined by the UN Committee on the Elimination of All Forms of Discrimination Against Women in July 2008. In presentations preceding the examination, the Commission raised continuing concerns about women and girls in prison including appropriate health provision, alternatives to custody and the longstanding need for a separate women's prison facility. The Commission also raised concerns about appropriate measures to respond to violence against women including the need for domestic violence courts, better

In brief

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

prosecution rates in cases of rape and adequate resourcing to assist victims of sexual violence. The Committee's concluding observations made extensive use of the Commission's evidence with regard to recommendations affecting women and girls in prison, and it made strong recommendations to improve both strategy and specific measures to eradicate violence against women.

Convention on the Rights of the Child (CRC)

The UK was examined by the UN Committee on the Rights of the Child in September 2008. The Commission's parallel report to the Committee on children's rights protections in Northern Ireland stated that more needs to be done to ensure that the key principles of the Convention on the Rights of the Child are fully integrated into law, policy and practice in Northern Ireland. The Commission stated its opposition to the introduction of TASERS by the Police Service of Northern Ireland and highlighted concerns



The United Nations office in Geneva

that the current proposals do not prohibit use against children. Other concerns which the Commission brought to the attention of the Committee included issues relating to asylum and immigration; and the administration of youth justice including issues such as indeterminate sentences, test purchase powers, Anti-Social Behaviour Orders (ASBOs), recent counter-terrorism proposals relating to children, and the treatment of children and young people in detention. Many of the Commission's concerns were reflected in the Committee's Concluding Observations which included recommendations to the UK Government that a review is carried out of the application of the Counter-Terrorism Bill to children and that a further independent review be carried out on the use of ASBOs with a view to abolishing their application to children.

Convention on Disability Rights

The Commission also engaged extensively with government and others in preparation for the

UK's ratification of the new UN Convention on the Rights of Persons with Disabilities. During the reporting year, the Commission's work in this area focused on the need to limit the number and extent of any potential UK reservations under the Convention. In March 2009, the Commission provided evidence to the Joint Committee on Human Rights regarding the Government's plans to ratify the Convention with four 'reservations' and an 'interpretative declaration'. These will limit the impact of the treaty on the human rights of disabled people in relation to education, immigration, employment in the armed forces and the review of benefit appointees. The Commission informed the Joint Committee that it rejected the need for these limitations and could see no reason for the UK to do less than other states to protect the rights of disabled people. The Commission has been jointly designated in Northern Ireland with the Equality Commission for Northern Ireland as one of the independent mechanisms



*Belfast event for International Day of Persons with Disabilities
From left to right: William Crawley, Evelyn Collins OBE, Gerry Kelly MLA, Monica Wilson OBE, Peter O'Neill and Dr Colin Harper*

to promote, protect and monitor implementation of the Convention in the UK. Work continued throughout the reporting year with the aim of securing from government the additional resources required in order to carry out this important role.

The Commission also continued to urge the UK to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).

In brief

The UK should do no less than other states to protect the rights of disabled people.

The Commission met with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during its November 2008 visit to Northern Ireland. The Commission raised a number of concerns with the CPT including the use of police custody suites for immigration detention and conditions at Hydebank Wood. The CPT will publish its report on the UK in due course.

Legal Services

In respect of human rights violations, the Commission can provide information to individuals, assist individuals to bring legal proceedings, bring proceedings in its own name and intervene as a third party or *amicus curiae* in legal proceedings.

The Commission operates a publically accessible telephone information line two mornings per week and, as in all previous years, our legal team dealt with a wide range of enquiries during the reporting year. In terms of cases that we are not able to take up because the case does not directly relate to human rights or because it does not fall within our areas of strategic priority, we endeavour to make referrals to other agencies



Hydebank Wood Young Offenders' Centre

that may be able to assist. The areas of strategic priority are currently being reviewed and, for the period 2006-2009, were:

- 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
- rights of those detained in non-custodial settings against their will, and
- environmental protections issues raising substantial human rights concerns.

During the year, Legal Services dealt with 512 people who were contacting the Commission for the first time with a legal and/or human rights enquiry. In addition to these new enquiries, legal staff also dealt with enquiries from individuals who have had previous and/or ongoing contact with the Commission. During the year, the Legal Committee met nine times for scheduled meetings and conducted its business on an emergency basis on four occasions. A total of 37 new applications for assistance were considered and seven were granted assistance. On three occasions, the Legal Committee considered making a recommendation that the Commission bring proceedings in its own name, using section 14 of the *Justice and Security (Northern Ireland) Act 2007*.

In brief

512 people contacted the commission with a legal or human rights enquiry.

By year-end, the Commission held 18 working files and 10 watching briefs. A 'working file' is an enquiry that is staff resource intensive with the possibility of expenditure, while a watching brief is an enquiry or a case that requires regular review by staff but is not resource intensive. In addition, the Commission was involved in court proceedings as an intervener in four cases, including two before the House of Lords.

'Holy Cross case'

In November 2008 the House of Lords handed down its judgment in the appeal *'E' and the Chief Constable of the Royal Ulster Constabulary & the Secretary of State for Northern Ireland*. This case arose out of the unrest in 2001 in the Ardoyne area of Belfast. The Commission's written and oral submissions argued that the police had failed to discharge their positive obligation to protect a mother, 'E', and her child from inhuman and degrading treatment when accessing Holy Cross Girls' Primary School.





The police contended that they did everything possible to ensure the safety of the children and were justified in refraining from more robust tactics because of the risk of triggering disorder elsewhere.

While the appeal was dismissed, on the grounds that the police were uniquely placed through their experience and intelligence to make a judgment on the wisest course to take in all the circumstances, there was a welcome aspect of the decision. Their Lordships found that the Court of Appeal applied the incorrect legal test to its assessment of the police behaviour, a finding which accorded with the Commission's submissions.

In brief

More needs to be done to protect vulnerable pregnant women.

Immigration case

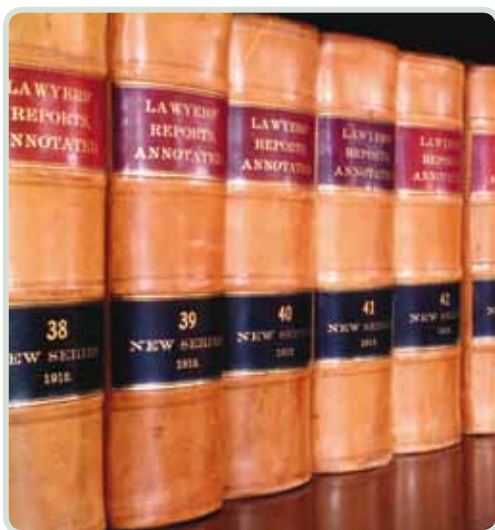
In December 2008, the Commission was granted leave to intervene in a case against the Home Office (*In the matter of an application by Amanda Menzies Pretorius for Judicial Review*). We sought to address the application of the UK Border Agency's Enforcement Instructions and Guidance Manual to decisions affecting pregnant women. The Commission submitted that, where vulnerable subjects are concerned, the manual should be more prescriptive, as is the case in guidance documents in other countries. The Commission added that in immigration enforcement, the scrutiny of any decision to hold in detention a vulnerable pregnant woman ought to be heightened so that its proportionality can be effectively weighed against any competing considerations, by reference to rights under the European Convention on Human Rights and appropriate international human rights standards. As at 31 March 2009, judgment was awaited.

House of Lords intervention

In December 2008, the Commission intervened in the House of Lords case of *McE, C, M & A and the Prison Service of Northern Ireland and the Prisoner Ombudsman for Northern Ireland*. This case concerned whether the *Regulation of Investigatory Powers Act 2000* (RIPA) gave the state the right to ‘bug’ consultations between solicitors or doctors and their clients in police or prison custody, and whether it breached a client’s rights to privacy or a fair trial. In March, the Lords ruled that RIPA does permit covert surveillance of legal consultations in “compelling and exceptional” circumstances.

Employment rights and freedom of speech

In March 2009, the Commission applied to intervene in an Employment Tribunal case relating to disciplining of an employee following evidence given by him at a previous employment tribunal hearing. Our submission addressed the competing rights of employer and employee in matters of freedom of expression and freedom of opinion, and when it might be necessary for Tribunals and Courts to permit, as ‘necessary’, interferences with that right. As at year-end, the outcome of our application was awaited.



Inquests

Inquest into the death of Dermot McShane

During the reporting year, the inquest into Dermot McShane’s death was finally heard. Mr McShane was crushed and killed after an armoured personnel carrier was driven through hoarding that was being used as a barricade during a riot on 13 July 1996. The Commission assisted his wife so that her interests were represented at the inquest which was heard in May 2008. The inquest jury found that the armoured vehicle had been driven “inappropriately” through the hoarding. The jury found that on the night of the rioting there was confusion and a breakdown in communication between the RUC and the Army and that the RUC order to the soldier driving the carrier did not follow procedure.

The Commission is also assisting families in respect of inquests that have not yet been heard:

Inquest into the death of Pearse Jordan

Mr Jordan was shot and killed on 25 November 1992 by an officer of the RUC.

Inquest into the death of James McDonnell

Mr McDonnell died in Maghaberry prison on 30 March 1996.

Inquest into the death of Gareth O’Connor

Mr O’Connor disappeared on 11 May 2003 and his body was recovered from the Newry Canal in June 2005.



Inquest into the death of baby A

Baby A died in February 2001. A family member was arrested on suspicion of her murder but the test for prosecution was not met. The inquest is on hold since the Coroner referred the matter back to the Public Prosecution Service and a police investigation is ongoing.

Developments

During the year, legal staff developed a new computerised case law recording system using the Commission's existing Heritage library management system. This is a comprehensive range of legal authorities in human rights law and has proved to be a valuable and accessible resource for the Commission. It is hoped that ultimately the system can be made more widely available in the future.

Another new development this year concerned the advice and feedback given by legal staff to the Council of Europe Committee of Ministers' consideration of the government's implementation of judgments of the European Court of Human Rights. This concerned, in particular, progress by government in response to historic cases from Northern Ireland which engage right to life issues.

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

Introduction

The Commission was mandated by the Belfast (Good Friday) Agreement 1998 to consult and to advise the Secretary of State on a Bill of Rights for Northern Ireland.

It has been working towards achieving this aim since its establishment. The Commission launched its Bill of Rights consultation process on 1 March 2000. In the intervening years, over 650 formal

submissions from individuals and agencies were received. In addition, the multi-party talks at St Andrews, in October 2006, provided for the creation of a Bill of Rights Forum. Its terms of reference were to produce agreed recommendations to help inform the Commission's advice to government.

After 18 months of deliberation, a final report was submitted to the Commission by the Forum on 31 March 2008. The Commission welcomed the report and, following its receipt, publicly announced its intention to submit advice on a Bill of Rights to the Secretary of State for Northern Ireland on 10 December 2008. During the past year, therefore, much of the Commission's work has focused on developing this advice.

The Commission's mandate

In accordance with paragraph 4 in the Rights, Safeguards and Equality of Opportunity section, of the Belfast (Good Friday) Agreement, and under Section 69(7) of the *Northern Ireland Act 1998*, the Secretary of State for Northern Ireland wrote formally to the Commission inviting it to provide advice of the kind referred to in paragraph 4, namely:

In brief

Our advice had to reflect the particular circumstances of Northern Ireland.

"...to consult and to 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 ECHR [European Convention on Human Rights] – to constitute a Bill of Rights for Northern Ireland."

Issues for consideration by the Commission were to include:

"the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity 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."

Delivering the advice

From January 2006 to November 2008, the Commission convened 54 meetings of an internal Bill of Rights Working Group and held seven weekend seminars. The majority of these meetings took place within this reporting period.

A methodology reflecting the mandate, unanimously agreed by Commissioners, was used to guide discussions and help determine the content of the advice. This was published on 9 June 2008 and widely circulated among political parties and civil society organisations. The Commissioners considered in detail, therefore, the fundamental issues of whether the proposals:

- were justifiable because of the particular circumstances of Northern Ireland

- were supplementary to the European Convention on Human Rights and the *Human Rights Act 1998* and compatible with their existing provisions
- were in line with best practice according to international instruments and experience, and
- would help reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem.

On International Human Rights Day, 10 December 2008, the Commission provided the government with its advice. The document comprises 189 pages; it presents those supplementary rights which should be added to the rights in the European Convention on Human Rights, already given further effect in domestic law by the *Human Rights Act 1998*. Together, the Convention rights and the supplementary rights should, in the Commission's view, constitute the rights in a Bill of Rights for Northern Ireland.

In accordance with its Standing Orders, the Commission's advice was supported by a consensus decision, with two Commissioners, Mr Jonathan Bell and Lady Daphne Trimble, dissenting.

The Commission identified a strong evidence base to justify the inclusion of a range of additional protections in a Bill of Rights for Northern Ireland. The criteria to determine each recommendation focused on specific issues relating to the conflict, its causes and impacts. This included considering if the rights in question had been abused, neglected or restricted by state or non-state actors in a distinct manner, whether the rights had been a cause or location of the

In brief

The Commission's advice on a Bill of Rights for Northern Ireland can be found on our website www.nihrc.org/bor



Professor Chris Sidoti presents the Forum's report to the Chief Commissioner, Professor Monica McWilliams

conflict, and the extent to which the rights were recognised and referenced in the Belfast (Good Friday) Agreement.

The advice document details how each proposed right is supplementary to the European Convention on Human Rights and how each is in compliance, where appropriate, with international instruments and experience. On this considered basis, the Commission recommended that a Bill of Rights for Northern Ireland should include additional protections in the following areas:

- the right to life
- the right to liberty and security
- the right to a fair trial and no punishment without law
- the right to marriage or civil partnership
- the right to equality and prohibition of discrimination
- democratic rights
- education rights
- freedom of movement
- freedom from violence, exploitation and harassment
- the right to identity and culture
- language rights
- the rights of victims
- the right to civil and administrative justice
- the right to health
- the right to an adequate standard of living
- the right to accommodation
- the right to work
- environmental rights
- social security rights, and
- children's rights



Commissioners at the presentation of our advice on a Bill of Rights on 10 December 2008

The Commission offered further advice detailing how a Bill of Rights for Northern Ireland might be enforced and implemented. These issues had been central to the discussions and public discourse developed on the subject. Indeed, the Bill of Rights Forum itself made a series of recommendations addressing such concerns. It also considered key issues that were raised during the consultation process, but which in the Commission's view were not appropriate for inclusion within its advice on a Bill of Rights. Finally, the Commission recommended a number of measures necessary to ensure that a Bill of Rights is delivered effectively.

Political engagement

In April 2008, the Commission held a series of meetings with Members of Parliament and the House of Lords from a cross section of political parties in order to discuss the Bill of Rights process in Northern Ireland.

During May and June 2008, the Commission also met with local political party human rights spokespersons to discuss its proposals for taking the process forward. A second series of meetings was then conducted in September to discuss the progress made.

The Commission's advice on a Bill of Rights for Northern Ireland and a briefing paper was circulated to local parties and to MPs and Lords in January 2009. The Commission then held a series of meetings in February 2009 at Westminster in order to engage parliamentarians on the advice and next stages in the process. On 24 February, evidence was also provided to

the Parliamentary Joint Committee on Human Rights. This was followed on 16 March by an evidence session at the Northern Ireland Affairs Committee.

The advice document was also forwarded to members of Congress and the Senate in the United States of America. Following this, the Chief Commissioner held a series of meetings in Washington DC in March 2009 in order to brief interested parties on the content of the Commission's advice and progress made toward realising the Bill.

The UN Committee on Economic, Social and Cultural Rights, following its 26th and 27th meetings held in Geneva, noted the draft Bill of Rights for Northern Ireland, "which includes economic, social and cultural rights which are justiciable" and called "for its enactment without delay".

Civil society engagement

The Commission believes that if a Bill of Rights is to underpin peace in Northern Ireland, it must be embedded in attitudes and mindsets. Engagement with civil society is vital to create a sense of ownership of the Bill of Rights and to make it relevant to people in Northern Ireland.

The Commission has engaged throughout its consultation on a Bill of Rights with a wide range of key individuals, organisations and sectors. It has worked in partnership with NGOs such as the Community Foundation for Northern Ireland, the Irish Congress of Trade Unions and the Human Rights Consortium. Commissioners and staff continue to meet regularly with the Consortium, an independent NGO Forum with a membership of over 120 organisations which campaigns for a strong and inclusive Bill of Rights for Northern Ireland.

In brief

Engagement with civil society is vital to create a sense of ownership of the Bill of Rights and to make it relevant to people in Northern Ireland.



Throughout the year, the Commission supported Bill of Rights events wherever possible. For example, the Chief Commissioner spoke at a Human Rights Consortium conference, while staff attended the launch of a Consortium casebook illustrating the importance of socio-economic rights to vulnerable people. Commissioners attended two seminars on nationality and identity and on socio-economic rights hosted by the Committee on the Administration of Justice, as well as an event at Queen's University, Belfast on Women and the Bill of Rights. Staff attended a seminar on how the Bill of Rights might impact on rural women, and spoke at schools events such as an international day at Primate Dixon Primary School and a schools conference in St Mary's College in Derry/Londonderry, as well as supporting a young person at a Youth Parliament debate on the Bill of Rights.

To inform its deliberations, the Commission met to discuss the Bill of Rights with legal advisers, hosted a seminar of legal experts in October 2008, and met with key organisations

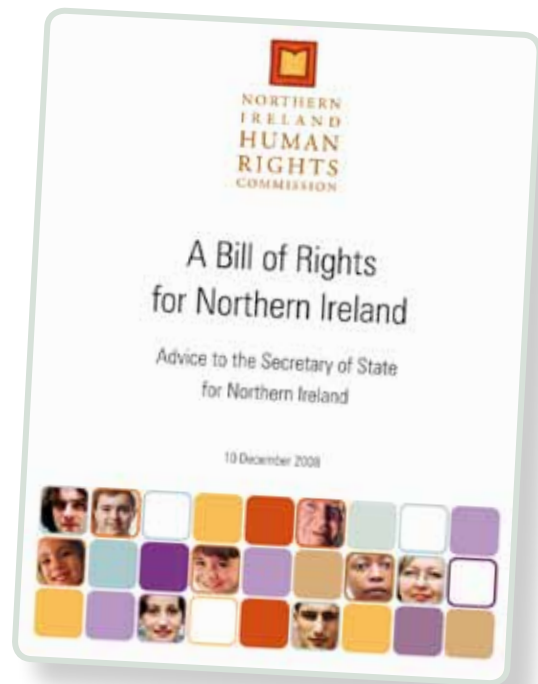
in Northern Ireland such as the Equality Commission for Northern Ireland, the Northern Ireland Ombudsman, the Commission for Victims and Survivors, the Electoral Commission, the Northern Ireland Judicial Appointments Commissioner, the Public Prosecution Service, the Law Society for Northern Ireland and the Bar Council for Northern Ireland, the Northern Ireland Court Service and the Northern Ireland Commissioner for Children and Young People.

Following publication of its advice, the Commission continued to meet with key stakeholders to update them on its work on the Bill of Rights. It established a new Bill of Rights Committee in February 2009 to take the work forward. By the end of March 2009, a programme of work, to be funded by The Atlantic Philanthropies, was under development. This will hopefully include the production of a summary of the Commission's advice aimed at stakeholders, a newspaper supplement aimed at the general public, and an easy read version aimed at people with learning disabilities.

Next steps

The Secretary of State for Northern Ireland has agreed to consult for 12 weeks on its response to the Commission's advice. The Commission will continue to work towards the full implementation by government of its advice on a Bill of Rights, and to anticipate the awareness raising, education work and compliance issues raised by proposed legislation and its enactment.

We were encouraged when the Government published its Green Paper, *Rights and Responsibilities: Developing our Constitutional Framework in March 2009*, which drew attention to the specific context of Northern Ireland, stating: "Importantly, the Government does not wish the public debate around a UK instrument to detract from the process relating to a potential Bill relating to the particular circumstances of Northern Ireland".



Aim 4: Ensuring a Strong and Effective Human Rights Commission

Introduction

The Commission aims to be a strong and effective national human rights institution and 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 2008-09 are detailed below.

External relationships

Stakeholders

The Commission has in place a number of memoranda of understanding with key public authorities in order to provide a formal basis for the development of good working relationships. During the year, a Memorandum of Understanding (MoU) was agreed with the Northern Ireland Commissioner for Children and Young People, the MoU with the Equality Commission for Northern Ireland was revised, and others were reviewed to ensure their currency. Additionally, an MoU is being developed to cover the relationship between three national human rights institutions in the UK – the Equality and Human Rights Commission (which covers human rights in England and Wales), the Scottish Human Rights Commission and the Northern Ireland Human Rights Commission.

In June 2008, the Commission's legal staff facilitated the first meeting of representatives from a range of oversight bodies in Northern Ireland. The information sharing at this meeting was invaluable and it is anticipated that these bodies will meet again to consider standards and good practice in dealing with complaints and enquiries from members of the public.

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 to provide policy and support services to the joint committee over two years was agreed and a contractor was appointed for this work in 2008.

In brief

We have procedures in place to develop good working relationships with key public authorities.

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 providing oversight to the corporate governance of the Commission and its risk management arrangements, the Committee has developed a more proactive role, with an organisational development focus and a particular emphasis on ensuring that value for money is secured.



Following an annual review of the effectiveness of current committees and working groups in January 2009, the chairpersons and membership of some committees were rotated, to give Commissioners experience of different aspects of the Commission’s work. Details of committee membership are set out in Appendix 2. This review also resulted in the creation of a new standing committee, the Bill of Rights Committee, to oversee the Commission’s work in seeking to secure the enactment of legislation reflecting our advice to government on a Bill of Rights for Northern Ireland. This Committee held its inaugural meeting on 23 February 2009, and replaced the Bill of Rights Working Group, which concluded its work with the handover of the Commission’s advice on 10 December 2008.

In brief

One of the functions of the Audit and Risk Management Committee is to ensure value for money.

Corporate governance arrangements have been reviewed to address a range of issues including the manner in which dissent from corporate decision making is made public.

Financial matters and assurance

The Commission’s financial statements for 2008-09 are contained within this Annual Report at pages 53 to 78.

During the year, we reviewed our accounting arrangements to ensure that the Commission is able to meet the requirement to produce its future accounts under the International Financial Reporting Standards (IFRS). As part of this the Commission participated in a Northern Ireland Office working group to look at the impact of IFRS.

In brief

We are confident that we have effective corporate governance and financial management systems in place.

The Commission moved most of its payments onto an electronic basis, through BACS and direct debit, which meant that we were well placed to meet the government’s commitment to make payments to suppliers within 10 working days, which was announced towards the end of 2008. This has led to a significant improvement in our prompt payment performance, which is reported in the Management Commentary.

A new Strategic Audit Plan was developed for the period 2008-11 to ensure that the Commission and its stakeholders are provided with assurance that comprehensive and effective systems of corporate governance and financial management are in place over the three-year period. Detailed annual audit plans are drawn from this Strategic Audit Plan.



A Cycle to Work scheme has been introduced

The internal audit for 2008-09 confirmed that satisfactory arrangements are in place to protect the Commission's resources and manage them effectively, with assurance given in the areas of human resource management and training, investigations, policy and research, and purchasing procedures.

Staffing

The career break of the Head of Legal Services, Policy and Research provided an opportunity to temporarily restructure the management team and offer development opportunities for some staff through temporary promotions. An expected increase in the Commission's programme of work, and backfilling for the temporary promotions, also meant that the Commission was able to create a number of temporary posts, which were filled through external competition. During the year, we

undertook six recruitment exercises to fill these and other vacant posts.

A revised Staff Handbook was launched in April 2008, with a comprehensive and updated suite of personnel policies. The Commission also revised its Health and Safety Policy and reconstituted the Joint Negotiating and Consultative Committee with NIPSA, the staff trade union, to incorporate the Commission's Health and Safety Management Committee.

As part of its approach to the health, safety and well being of Commissioners and staff, an employee assistance programme was implemented with a specialist provider contracted to provide a 24-hour helpline and counselling service for Commissioners, staff and close family members.

We also developed and implemented a Cycle to Work Scheme to help promote a healthier

life style for Commissioners and staff and for environmental considerations.

Our annual staff survey, to assess the effectiveness of the Commission's human resource management arrangements, took place in September 2008. An action plan to address the issues raised has been developed.

In brief

We are committed to investing in the learning and development of our staff and commissioners.

The Commission continued to invest in the learning and development of its people. We have funded a number of staff to pursue higher education qualifications. Among other developmental activities, the Commission organised workshops for Commissioners and staff on understanding and appreciating anti-

prejudice, good relations, and diversity in line with commitments under its Equality Scheme.

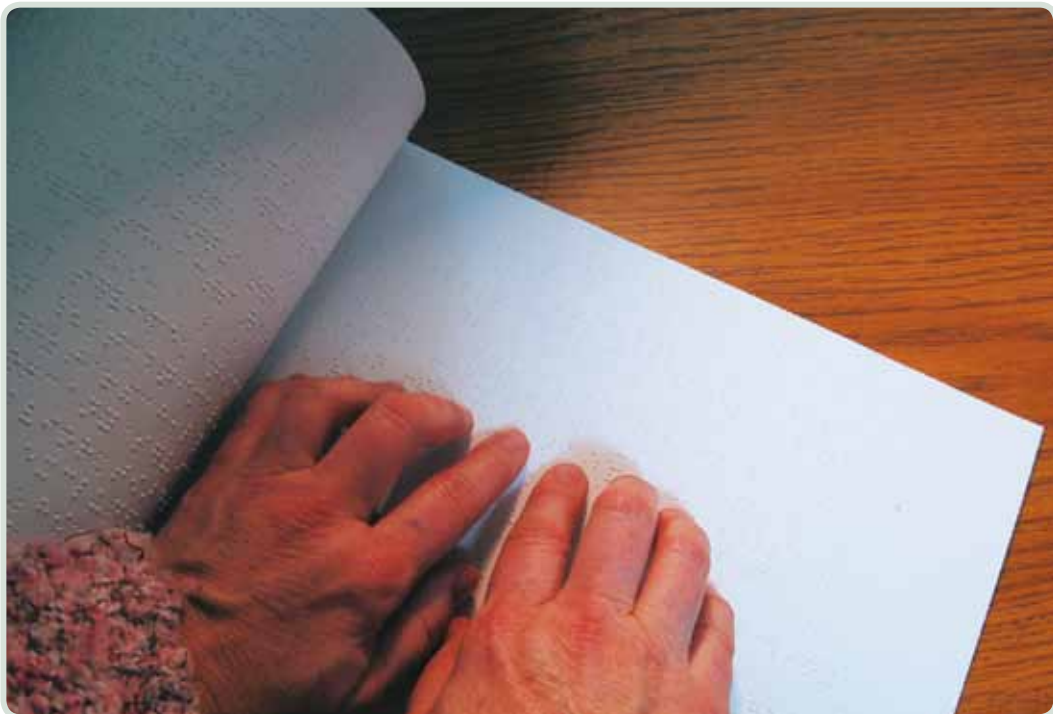
The Commission continued throughout 2008-09 to offer a number of internships for students and volunteers, and work experience placements for students from local schools. These are listed in Appendix 3. In keeping with our commitments set out in the Commission's Disability Action Plan, we have prioritised placements for disabled students.

Work to evaluate the weighting of all staff posts by independent evaluators began in 2008 and is expected to conclude in 2009-10.

Statutory compliance

Equality

In keeping with the Commission's Equality Scheme to deliver its equality and good relations duties under Section 75 of the *Northern Ireland Act 1998*, we screened a number of important



policies and functions for adverse equality impact. These were the Commission's human resource management policies, the Information and Communications Access Policy, the legal services function, and the Legislation and Policy Strategy and we consulted, in autumn 2008, on our view that none have an adverse impact.

All returns made to the Equality Commission under the *Fair Employment and Treatment (Northern Ireland) Order 1998*, Section 75 of the *Northern Ireland Act 1998* and Section 49a of the *Disability Discrimination Order 2006* were made on time.

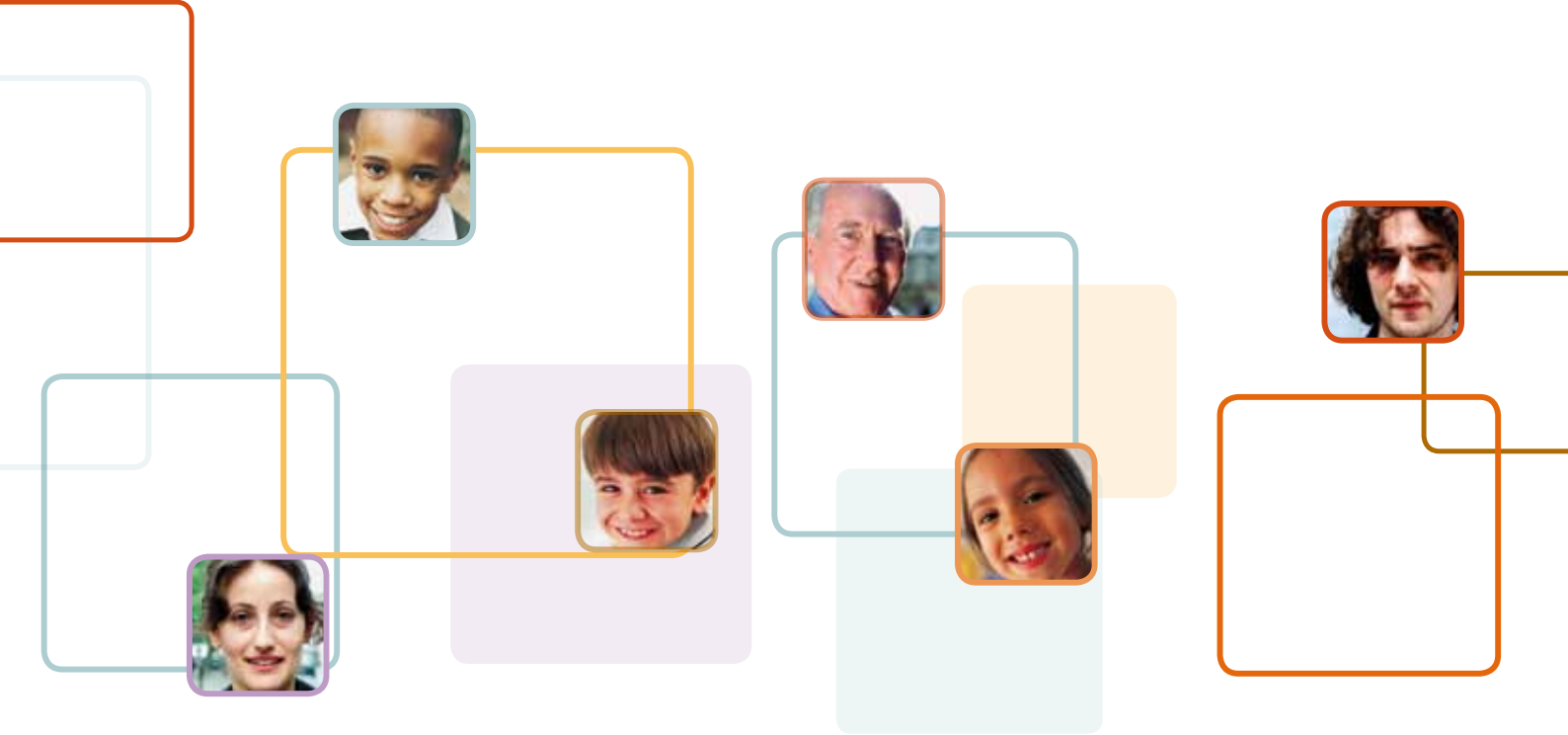
Freedom of Information

The Commission approved a revised Freedom of Information Publication Scheme to reflect new disclosure requirements, which came into effect from 1 January 2009.

The Commission received 11 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 is graded 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 2008/09 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 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). 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.

	2009 £	2008 £
Commissioners		
Professor Monica McWilliams	72,021	66,894
Mr Jonathan Bell	10,000	10,000
Mr Thomas Duncan	10,000	10,000
Lady Christine Eames OBE*	–	6,667
Professor Colin Harvey	10,000	9,333
Mr Alan Henry OBE	10,000	10,000
Ms Ann Hope	10,000	10,000
Mr Colm Larkin**	10,000	3,333
Mr Kevin McLaughlin*	–	6,667
Mr Eamonn O'Neill	10,000	10,000
Ms Geraldine Rice MBE	10,000	10,000
Lady Daphne Trimble**	10,000	3,333
	162,021	156,227
* Appointment ended on 30 November 2007		
** Appointed with effect from 1 December 2007		
Chairperson of the Audit and Risk Management Committee		
Dr Bill Smith	6,584	2,850
Senior staff		
Ms Paddy Sloan (Chief Executive until 31 May 2007)	–	10,397
Mr Peter O'Neill (Chief Executive from 1 October 2007)	57,503	28,050

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 2008-09 financial year.

Pension benefits (audited information)

Commissioners

The Commission is liable for pension contributions of £9,315 to the University of Ulster in respect of the year ended 31 March 2008 on behalf of Professor Monica McWilliams (2008-09: £7,436).

No further pension contributions were made in respect of Commissioners in the year ended 31 March 2008 (2007-08: £nil).

Chairperson of the Audit and Risk Management Committee

Pension contributions of £1,074 were made in respect of the Chairperson of the Audit and Risk Management Committee (2007-08: £nil).

Following advice from HMRC, the employment status of the Chairperson of the Audit and Risk Management Committee changed, which in turn gave an entitlement to join the partnership pension scheme.

Senior staff

	Accrued pension at pension age as at 31/3/09 and related lump sum £'000	Real increase in pension and related lump sum at pension age £'000	CETV at 31/3/09 £'000	CETV at 31/3/08 £'000	Real increase in CETV £'000	Employer contribution to partnership pension account Nearest £100
Peter O'Neill Chief Executive	0–5 plus lump sum of –	0–2.5 plus lump sum of –	61	38	18	–

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 who joined from October 2002 could 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 for service before 1 October 2002 calculated broadly as per classic and benefits for service from October 2002 worked out 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, immediately after the scheme year-end, the accrued pension is up rated 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.

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 buying additional pension benefits at their own cost. CETVs are calculated in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 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 taken.

Real increase in CETV

This reflects the increase in CETV that is 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: 24 November 2009

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: 24 November 2009

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 2009 and up to the date of approval of the annual report and accounts, and accords with Treasury guidance.

Capacity to handle risk

The Commission's 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.

Commissioners and staff have received training on risk management.

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, which meets every other month, 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
- 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.

Information risk is managed by the Commission within the context of the risk management framework.

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 five 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. Further, 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 May 2009, 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 also in May 2009.

Following discussions between the Chair of the Audit and Risk Management Committee and his counterpart in a sister organisation (the Equality Commission for Northern Ireland) to benchmark the Committee's operation, recommendations to enhance its role with a greater focus on organisational development and securing value for money were agreed by the Commission in March 2009. One of these recommendations was that the Internal Auditor should attend every Audit and Risk Management Committee meeting. Further benchmarking with an audit committee in another organisation is anticipated during 2009–10.

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, expenses claims submitted by the Chief Commissioner and the Chief Executive, and purchases over £1,000, with a particular focus on any contracts let by single tender action.

A new Strategic Internal Audit Plan for 2008–11 was agreed by the Audit and Risk Management Committee in September 2008, which focuses audit activity on areas of greatest risk, and provides comprehensive assurance of the effectiveness of our system of internal control. The most recent audit took place in October 2008 and covered:

- human resource management and training
- investigations, policy and research, and
- purchasing procedures

It also followed up on recommendations arising from the previous internal audit that took place in 2007.

The internal 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.

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: 24 November 2009

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 2009 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, which includes the Remuneration Report and the financial statements in accordance with the Northern Ireland Act 1998 and directions made thereunder by the 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 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 the 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 2009 and of its net operating cost and cash flows 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.

Amyas C E Morse
Comptroller and Auditor General

National Audit Office
157-197 Buckingham Palace Road
Victoria
London
SW1W 9SP

Date: 15 January 2010

Financial Statements for the Year ended 31 March 2009

Operating cost statement for the year ended 31 March 2009

	Notes	2009 £	2008 £
Income			
Operating income	2	6,000	5,124
Total income		6,000	5,124
Expenditure			
Staff costs	3	1,029,111	869,737
Depreciation	6	76,426	67,862
Other operating costs	4	652,861	729,804
Notional cost of capital	5	8,009	9,491
Total operating costs		1,766,407	1,676,894
Net operating costs before financing (deficit) / surplus for the year		(1,760,407)	(1,671,770)
Credit in respect of notional cost of capital	5	8,009	9,491
Amount transferred to income and expenditure reserve	9	(1,752,398)	(1,662,279)

All amounts above relate to continuing activities.

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

The notes on pages 69 to 78 form part of the financial statements.

Balance sheet as at 31 March 2009

	Notes	2009		2008	
		£	£	£	£
Fixed assets					
Tangible assets	6		262,933		311,544
Current assets					
Debtors	7	22,383		44,947	
Cash at bank and in hand		209,899		259,253	
		<u>232,282</u>		<u>304,200</u>	
Current liabilities					
Creditors: amounts falling due within one year	8	(317,580)		(335,711)	
Net current (liabilities)/assets			(85,298)		(31,511)
Total assets less current liabilities			<u>177,635</u>		<u>280,033</u>
Financed by					
Reserves	9		177,635		280,033
			<u>177,635</u>		<u>280,033</u>

The financial statements were approved by the Commission on 18 June 2009 and were signed on its behalf by:

Peter O'Neill
Accounting Officer

Date: 24 November 2009

The notes on pages 69 to 78 form part of the financial statements.

Cash flow statement for the year ended 31 March 2009

	Notes	2009 £	2008 £
Net cash inflow / (outflow) from operating activities	14	(1,671,539)	(1,554,556)
Capital expenditure and financial investments	15	(27,815)	(70,579)
Grant-in-Aid and Capital financing	9	1,650,000	1,680,000
(Decrease) / increase in cash in the year		<u>(49,354)</u>	<u>54,865</u>

The notes on pages 69 to 78 form part of the financial statements.

Notes to the Financial Statements for the year ended 31 March 2009

1. Accounting policies

The Financial statements have been prepared in accordance with the Government Financial Reporting Manual (FReM) for 2008–09 issued by HM Treasury. The accounting policies contained in the FReM 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 FReM 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 FReM, 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 judgment is passed, and the judge decides on a cost order (that is, 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.

2. Income

Operating income received during 2008-09 is £6,000 (2007-08: £5,124), from the Equality Commission for Northern Ireland, which is a contribution towards research into human trafficking.

3. Staff numbers and related costs

3.1 Staff costs

	2009 £	2008 £
Commissioners		
Wages and salaries	162,021	156,227
Social security costs	16,222	13,502
Other pension costs	9,316	8,109
	187,559	177,838
Amounts payable in respect of directly employed staff		
Wages and salaries	666,072	523,005
Social security costs	48,019	41,607
Other pension costs	114,482	105,423
	828,573	670,035
Amounts payable in respect of other staff (for example, short term contract staff, agency / temporary staff, and inward secondments)		
Wages and salaries	6,584	–
Social security costs	379	–
Other pension costs	1,074	–
	8,037	–
Agency staff	4,942	21,864
Total staff costs	1,029,111	869,737

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:

	2009 Number	2008 Restated* Number
Permanent staff		
Chief Executive	1.0	0.5
Communications and Education	6.0	5.0
Corporate Services	7.0	7.0
Legal Services, Policy and Research	10.0	6.5
	24.0	19.0
Other staff		
Agency staff	0.5	1.0
Total staff	24.5	20.0

* The Commission restructured during the year from four into three teams – staff numbers for 2007-08 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).

For 2008-09, employers' contributions of £114,482 were payable to the PCSPS (2007-08: £105,423) 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 usually every four years following a full scheme valuation. From 2009-10, the rates will be in the range 16.7 per cent to 24.3 per cent. The contribution rates are set to meet the cost of the benefits accruing during 2008-09 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. Employers' contributions of £1,021 were paid to one or more of the panel of three appointed stakeholder pension providers (2007-08: £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 £53, 0.8 per cent of pensionable pay, were 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 (2007-08: £nil).

Contributions due to the partnership pension providers at the balance sheet date were £ nil (2007–08: £nil). Contributions prepaid at that date were £ nil (2007–08: £nil).

No person retired early on ill-health grounds during 2008-09.

4. Other operating costs

	2009	2008
	£	£
Accountancy fees	4,025	3,256
Advertising, publicity and publications	33,016	69,325
Auditors (NAO) remuneration	7,000	(6,850)
Bill of Rights	58,931	12,426
Building maintenance and expenses	27,309	34,379
Conferences and seminars	7,505	41,243
Consultancy	24,826	554
Education costs	2,754	1,193
Insurance	8,112	7,374
Internal audit	9,102	7,614
Investigations	18,537	6,067
IT costs	15,797	19,013
Legal casework costs (realised contingencies)	1,565	–
Legal casework costs (non-recoverable)	111,068	157,310
Light and heat	24,305	20,678
Operating leases – rent of property	106,314	104,578
Other expenses	2,324	4,164
Printing, postage and stationery	29,267	35,396
Professional fees	19,405	13,744
Rates	45,515	42,344
Staff training and recruitment costs	20,125	85,997
Telephone	12,700	9,529
Travel, subsistence and hospitality	63,359	60,470
	<u>652,861</u>	<u>729,804</u>

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 & equipment £	Total £
Cost				
At 1 April 2008	318,019	110,930	182,497	611,446
Additions	(100)	15,744	12,171	27,815
Disposals	—	—	—	—
At 31 March 2009	317,919	126,674	194,668	639,261
Depreciation				
At 1 April 2008	96,443	91,628	111,831	299,902
Charge for the year	38,088	15,910	22,428	76,426
Disposals	—	—	—	—
At 31 March 2009	134,531	107,538	134,259	376,328
Net book value				
At 31 March 2009	183,388	19,136	60,409	262,933
At 31 March 2008	221,576	19,302	70,666	311,544

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

	2009 £	2008 £
Trade debtors	921	3,500
Prepayments and accrued income	21,462	41,447
	<u>22,383</u>	<u>44,947</u>

8. Creditors: amounts falling due within one year

	2009 £	2008 £
Trade creditors	58,939	19,139
Taxation and social security	24,491	22,100
Other creditors	3,259	1,423
Accruals	230,891	293,049
	<u>317,580</u>	<u>335,711</u>

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

	2009		2008	
	Capital Grant Reserve £	General Reserve £	Capital Grant Reserve £	General Reserve £
At 1 April 2008		280,033		262,312
Amount transferred from operating cost statement		(1,752,398)		(1,662,279)
Funding:				
NIO – Revenue grant-in-aid		1,650,000		1,680,000
Reserves at 31 March 2009		<u>177,635</u>		<u>280,033</u>

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 2009, a cost order has been made against the applicant for their and the respondent's costs in respect of a case which the Commission supported in 2004, although the extent of the respondent's costs has not yet been revealed. The extent of the Commission's liabilities (if any) in respect of the case, are not known.

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

Job evaluation

The Commission is undertaking a job evaluation exercise on all staff posts. Until all of the job descriptions and evaluations have been completed and decisions on implementation have been finalised, it is not possible to quantify the liability to the Commission.

The job evaluation exercise is expected to be complete by the end of 2009-2010.

12. Financial commitments**Operating lease commitments**

At 31 March 2009, the Commission had the following annual commitments under non-cancellable operating leases. The amounts disclosed are inclusive of VAT.

	Land and buildings		Office equipment	
	2009	2008	2009	2008
	£	£	£	£
Expiry date:				
Less than one year	—	—	—	—
One to five years	—	—	3,019	766
Over five years	99,475	101,638	—	—
	<u>99,475</u>	<u>101,638</u>	<u>3,019</u>	<u>766</u>

Capital commitments

The Commission had no capital commitments at 31 March 2009 (2008: £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).

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

	2009 £	2008 £
Net operating costs before financing	(1,760,407)	(1,671,770)
Depreciation of tangible assets	76,426	67,862
Notional costs	8,009	9,491
(Increase)/decrease in debtors		
Trade debtors	2,579	(2,915)
Prepayments and accrued income	19,985	(22,995)
(Decrease)/increase in creditors within one year		
Trade creditors	39,800	(27,274)
Taxation & social security	2,391	5,163
Other creditors	1,836	(18,168)
Accruals	(62,158)	106,050
Net cash outflow from operating activities	(1,671,539)	(1,554,556)

15. Gross cash flows

	2009 £	2008 £
Capital expenditure and financial investments		
Payments to acquire tangible assets	27,815	70,579
NIO – grant-in-aid funding	1,622,185	1,609,421
	1,650,000	1,680,000

16. Financial instruments

As the cash requirements of the Commission are met through Grant-in-Aid, provided by the Northern Ireland Office, financial instruments play a more limited role in creating and managing risk than would apply to a non-public sector body. The majority of financial instruments relate to contracts to buy non-financial items in line with the non-departmental public bodies expected purchase and usage requirements and the non-departmental public body is therefore exposed to little credit, liquidity or market risk.

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.

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 2009 are set out below:

Primary financial instruments:

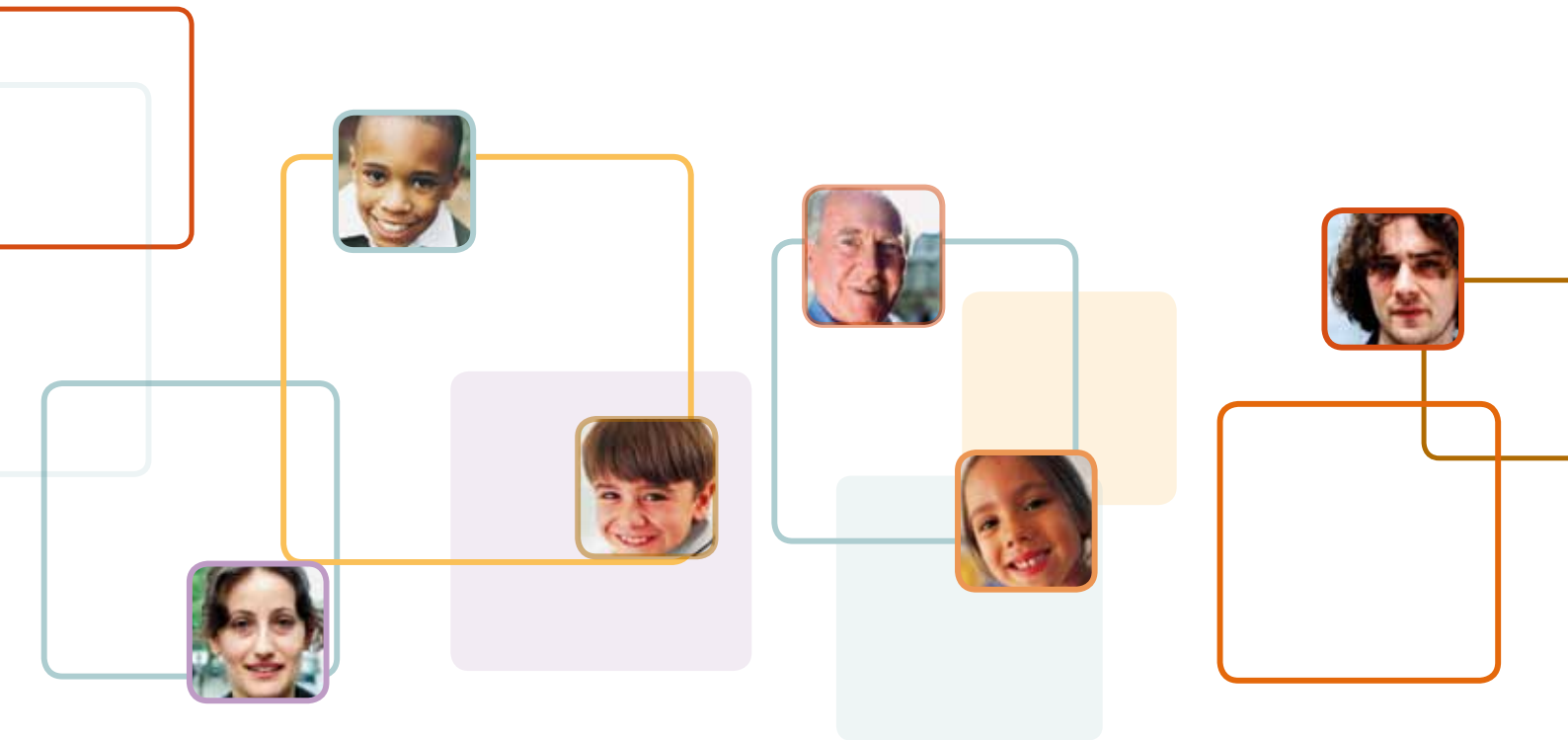
	Book value £	Fair value £
Financial assets		
Cash at bank	209,899	209,899
Financial liabilities		
Bank overdraft	—	—

17. 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 assets and liabilities at the year-end.

The Annual Report and Accounts are authorised for issue on 15 January 2010.

Appendices



Appendix 1: Commissioners' Meetings

The Commission met 14 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 2008-09:

	Meetings attended
Professor Monica McWilliams	14
Mr Jonathan Bell	13
Mr Tom Duncan	14
Professor Colin Harvey	10
Mr Alan Henry OBE	12
Ms Ann Hope	13
Mr Colm Larkin	12
Mr Eamonn O'Neill	13
Ms Geraldine Rice MBE	9
Lady Daphne Trimble	12

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 15 September 2008 and 9 March 2009 took place in Omagh and Downpatrick respectively.

Appendix 2: The Commission's Committees

Audit and Risk Management Committee (met five times)

Members: Dr Bill Smith (Independent Chairperson)
Mr Alan Henry OBE
Ms Ann Hope (from 23 February 2009)
Mr Eamonn O'Neill
Ms Geraldine Rice MBE
Lady Daphne Trimble

Bill of Rights Committee (met two times)*

Members: Ms Ann Hope (Chairperson)
Mr Tom Duncan
Professor Colin Harvey
Mr Alan Henry OBE
Mr Colm Larkin
Professor Monica McWilliams
Mr Eamonn O'Neill
Ms Geraldine Rice MBE

* The Bill of Rights Committee first met on 23 February 2009. It was previously constituted as the Bill of Rights Working Group, which comprised all Commissioners and met 31 times during 2008-09.

Detention, Policing and Justice Committee (met four times)**

Members: Mr Tom Duncan (Chairperson until 27 February 2009)
Mr Alan Henry OBE
Professor Monica McWilliams
Mr Eamonn O'Neill (Chairperson from 27 February 2009)
Ms Geraldine Rice MBE

** The Chair of the Detention, Policing and Justice Committee was rotated with effect from 27 February 2009, with Mr Eamonn O'Neill taking over from Mr Tom Duncan as Chairperson. Mr Tom Duncan continued as a member of the Committee.

Economic, Social and Cultural Rights Committee (met five times)^{***}

Members: Mr Alan Henry OBE (Chairperson until 3 March 2009)
Mr Jonathan Bell
Professor Colin Harvey
Ms Ann Hope
Ms Geraldine Rice MBE
Lady Daphne Trimble (Chairperson from 3 March 2009)

^{***} The Chair of the Economic, Social and Cultural Rights Committee was rotated with effect from 3 March 2009, with Lady Daphne Trimble taking over from Mr Alan Henry as Chairperson. Mr Alan Henry stood down from the Committee.

Equality Committee (met two times)

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

Legal Committee (met 10 times)^{****}

Members: Ms Ann Hope (Chairperson until 31 March 2009)
Mr Tom Duncan
Professor Colin Harvey
Mr Alan Henry OBE (Chairperson from 31 March 2009)
Mr Colm Larkin
Professor Monica McWilliams
Ms Geraldine Rice MBE (from 31 March 2009)
Lady Daphne Trimble

^{****} The Chair of the Legal Committee was rotated with effect from 31 March 2009, with Mr Alan Henry taking over from Ms Ann Hope as Chairperson.

In addition to formal committees, the Commission also establishes working groups to progress specific projects. As well as the Bill of Rights Working Group (described above), a Moderating Panel was formed to oversee the performance assessment of the Chief Executive and administration of the Commission's staff bonus scheme, which is part of its performance-related pay arrangements.

Appendix 3: The Commission's Staff

Chief Executive

Peter O'Neill

Communications and Education Team

David Russell	Head of Communications and Education
Charlene Craig	Information and Publications Worker
Nadia Downing	Information Worker
Rebecca Dudley	Education Worker (until 30 November 2008, and working part time in this role from 1 July 2008)
Deirdre McAliskey	Education Worker (from 1 November 2008)
Claire Martin	Press and Public Affairs Worker
Miriam Titterton	Development Worker

Corporate Services Team

Don Leeson	Head of Corporate Services
Róisín Carlin	Administrative Officer (Finance / Personnel)
Claire Ellis	Administrative Officer (Reception) (from 9 June 2008 to 20 February 2009)
Louise Furber	Administrative Officer (Reception)
Lorraine Hamill	Finance Supervisor
Grace Hamilton	Executive Assistant
Brenda Madden	Administrative Officer (Information) (until 30 April 2008)
Rebecca Magee	Administrative Officer
Gillian Neill	Housekeeper
Bernadette Rooney	Administrative Officer (Legal) (until 30 April 2008)

Legal Services, Policy and Research Team

Ciarán Ó Maoláin	Head of Legal Services, Policy and Research (returned from career break on 1 January 2009)
Roisin Devlin	Investigations Worker
Rebecca Dudley	Policy Worker (part time from 1 July 2008)
Mairead Hegarty	Caseworker
Daniel Holder	Policy Worker
Ann Jemphrey	Policy Worker
Nazia Latif	Research / Investigations Worker (Acting Head of Investigations, Policy and Research until 31 December 2008)
Angela Lloyd-Stevens	Caseworker
Sorcha McKenna	Investigations Worker (from 19 May 2008)
Gemma McKeown	Caseworker (from 9 June 2008)
Virginia McVea	Caseworker / Investigations Worker (Acting Head of Legal Services until 31 December 2008)
Brenda Madden	Acting Research Assistant (from 1 May 2008)
Denise Magill	Research Worker
Bernadette Rooney	Acting Legal Assistant (from 1 May 2008)

Interns

Adam Penman	London School of Economics
Debbie Price	University of Ulster
Derval Tumilty	University of Ulster

Work experience

Peter Livingstone	Orchardville Society
Grainne Martin	
Mathew O'Hare	

Appendix 4: Consultation Responses and other Policy Advice

April 2008

Counter-Terrorism Bill 2008: Briefing to the House of Commons, Second Reading

Proposals to introduce TASER Equality Impact Assessment: Submission to the PSNI

Compulsory Identity Cards for Foreign Nationals: Submission to the Home Office

Human Rights Protection in Residential and Nursing Care following the decision in the 'YL' case: Briefing for Health and Social Care Bill 2007, House of Lords, Committee Stage

May 2008

The Path to Citizenship: Next Steps in Reforming the Immigration System: Submission to the Home Office

Review of Guidance on Section 44 Terrorism Act 2000: Submission to the Home Office

Parallel Report on the UK's third and fourth periodic reports (CRC): Submission to the UN Committee on the Rights of the Child

Parallel Report on the UK's sixth periodic report (CEDAW): Submission to the UN Committee on the Elimination of Discrimination against Women

Parallel Report on the UK's sixth periodic report (ICCPR): Submission to the UN Human Rights Committee under the International Covenant on Civil and Political Rights

National Identity Scheme Delivery Plan 2008: Submission to the Home Office

Proposed amendments to the Northern Ireland Assembly Code of Conduct and the Guide to the Rules Relating to the Conduct of Members: Submission (letter) to Assembly Clerk of Standards

Human Resource Diversity Strategy: Submission to the Northern Ireland Prison Service

June 2008

Alternatives to Prosecution: Submission to the Northern Ireland Office

July 2008

Counter-Terrorism Bill 2008: Briefing for the House of Lords, Second Reading

Draft Foreign National Prisoner Strategy: Submission to the Northern Ireland Prison Service

August 2008

Strategic Review of Parading Body's Interim Consultative Report: Submission to the Strategic Review of Parading Body

Human Rights Thematic Inquiry on Domestic Violence: Evidence to the Northern Ireland Policing Board

September 2008

Northern Ireland Executive's response to the Bamford Review of Mental Health and Learning Disability: Submission to the Northern Ireland Executive

Draft Policy for the Investigation of State Related Deaths by the Office of the Police Ombudsman: Submission to the Police Ombudsman

Consultation on Guidance on the Termination of Pregnancy: Submission (letter) to the Department of Health, Social Services and Public Safety

October 2008

Fine Default in Northern Ireland: Submission to the Northern Ireland Office's consultation

Outline Draft Strategic Approach for Victims and Survivors: Submission to the Office of the First and deputy First Minister

No one Written off, Reforming Welfare to Reward Responsibility: Submission to the Department for Work and Pensions

Proposals for Law Reform in Cases of Murder, Manslaughter and Infanticide: Submission to the Northern Ireland Office

Presumption of Death Bill: Submission (Letter) to the Northern Ireland Assembly

November 08

Call for evidence on the draft (partial) Immigration and Citizenship Bill: Evidence to the Joint Committee on Human Rights

December 08

The Social Fund, A New Approach: Submission to the Department for Social Development

January 2009

Coroners and Justice Bill 2009: Briefing to the House of Commons, Second Reading

Together, Stronger, Safer Community Safety in Northern Ireland: Submission (letter) to the Northern Ireland Office

Criminal Legal Aid Reform: Submission (letter) to the Northern Ireland Court Service

February 2009

Coroners and Justice Bill 2009: Briefing for the House of Commons, Committee Stage

Borders, Citizenship and Immigration Bill 2009: Briefing for the House of Lords, Second Reading

Borders, Citizenship and Immigration Bill 2009: Briefing for the House of Lords, Committee Stage

March 2009

The Impact of the Worker Registration Scheme: Evidence to the UK Border Agency

Personality Disorder Strategy for Northern Ireland: Submission to the Department of Health, Social Services and Public Safety

UK proposed reservations and interpretative declaration regarding the UN Convention on the Rights of Persons with Disabilities (UNCPRD): Briefing to the Joint Committee on Human Rights

Borders, Citizenship, and Immigration Bill 2009: Briefing for the House of Lords, Report Stage

Review of Public Administration Publicly Owned Schools: Submission to the Department of Education

Non-Jury Trials: Evidence (letter) to the Northern Ireland Office

Legislative Framework for Mental Capacity and Mental Health Legislation in Northern Ireland: Submission to the Department of Health, Social Services and Public Safety

Appendix 5: Publications and press releases

April 2008

Business Plan 2008-09

e-Newsletter, April

'Counter-Terrorism Bill is debated in Parliament'*

'Protection of rights central to the Belfast (Good Friday) Agreement'*

May 2008

Your Rights in Northern Ireland 2nd edition – EEA, A8 and work permit (guides for migrant workers), in partnership with Law Centre (NI)

Shadow Report to the UN Committee on the Elimination of All Discrimination Against Women on the Sixth Periodic Report of the UK

Shadow Report to the UN Committee on the Rights of the Child on the Third and Fourth Periodic Reports of the UK

e-Newsletter, May

'Launch of advice for migrant workers'*

'Human rights breakthrough for private care homes'*

'Launch of Irish human rights education guide'*

June 2008

Shadow Report to the UN Human Rights Committee under the International Covenant of Civil and Political Rights on the Sixth Periodic Report of the UK

Human Rights Act autumn training programme

e-Newsletter, June

'Call for increased protection of children's rights in Northern Ireland'*

'Commission remains concerned at conditions for women prisoners'*

'Welcome for adoption appeal'*

'Commission voices concern to Coroner in McAdam inquest'*

July 2008

NIHRC Review magazine, issue 7, summer

e-Newsletter, July

'Commission reports to United Nations on civil and political rights'*

'Commission meets with NIO Minister on Counter-Terrorism Bill'*

'Counter-Terrorism debate moves to House of Lords'*

'Commission calls for increased support for women'*

'United Nations Committee calls on Government to improve protection of civil and political rights'*

'UN urges greater protection for women's rights in Northern Ireland'*

August 2008

e-Newsletter, August

September 2008

e-Newsletter, September

'Commission disappointed at High Court ruling'*

'Commission celebrates 100th meeting in Omagh'*

October 2008

e-Newsletter, October

'Human Rights are for everyone'*

'Make mental health an urgent priority'*

'Secret inquest provision raises serious concerns'*

'Commission welcomes vote on 42-day detention'*

'Commission welcomes decision to drop secret inquests'*

'Commission opens up debate on ID Cards'*

'Victims of human trafficking need more support'*

November 2008

Inspiring Practice: Resources, Tools and Activities for Human Rights Education

e-Newsletter, November

'Commission responds to Holy Cross judgment'*

December 2008

A Bill of Rights for Northern Ireland: Advice to the Secretary of State for Northern Ireland

Annual Report and Accounts 2007-08

e-Newsletter, December

'Marking the International Day of Disabled Persons'*

'Human rights progress in 2008' (publication of Annual Report)*

'Commission set to present its advice on a Bill of Rights'*

'Commission presents advice on a Bill of Rights for Northern Ireland'*

'Commission welcomes decision to ratify anti-trafficking Convention'*

January 2009

'Commission supports Ombudsman report'*

'"Secret Inquests" resurface in Coroners and Justice Bill'*

February 2009

e-Newsletter, February

'Bill of rights advice presented at Westminster'*

March 2009

Our Hidden Borders: The UKBA's Powers of Detention (at print)

10th Anniversary Annual Conference brochure

e-Newsletter, March

'Commission welcomes Education Minister's statement on special educational needs proposals'*

'Commission to visit Antrim Police Station'*

'Commission restates purpose for Antrim Police Station visit'*

'UK needs to stand up for the rights of disabled people'*

'Commission calls for abolition of Worker Registration Scheme'*

'Commission condemns recent attacks'*

'Commission hosts Downpatrick reception'*

'Human rights concern over land border checks'*

* denotes press release

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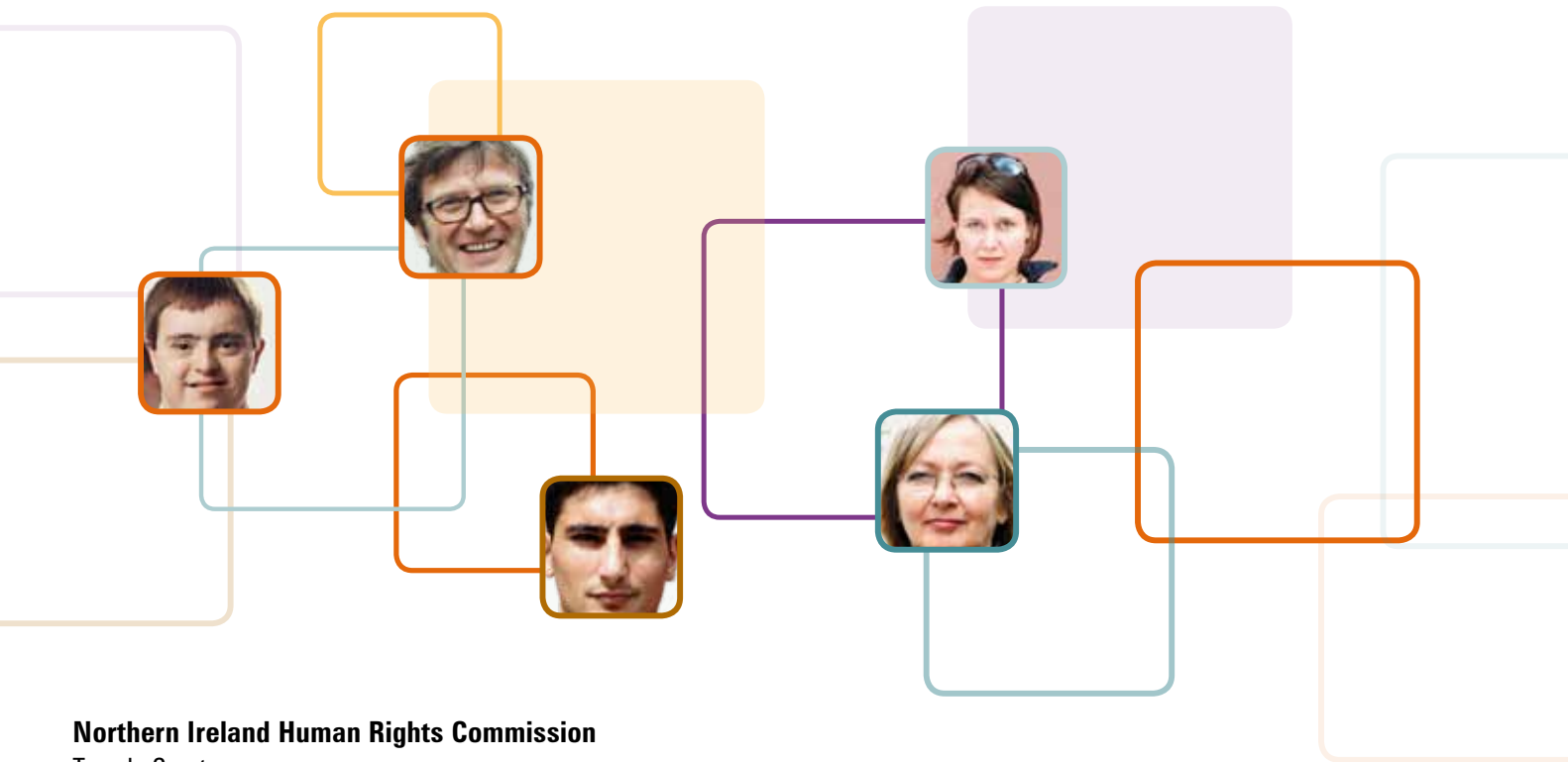
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Northern Ireland Human Rights Commission

Temple Court

39 North Street

Belfast BT1 1NA

Tel: (028) 9024 3987

Fax: (028) 9024 7844

Textphone: (028) 9024 9066

SMS Text: 07786 202075

Email: information@nihrc.org

Website: www.nihrc.org

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