

FRA

Thematic Legal Study on National
Human Rights Institutions and Human
Rights Organisations
UK

David Harris
Colm O'Cinneide
Nottingham, UK
September 2008

Contents

Executive summary	4
The Northern Ireland Human Rights Commission ('NIHRC')	4
The Equality and Human Rights Commission (the 'EHRC')	6
The Scottish Commission for Human Rights ('SCHR')	8
A. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	10
A.2. The Equality and Human Rights Commission ('the EHRC') ..	13
A.3. The Scottish Commission for Human Rights ('the SCHR') ..	15
B. Independence and Pluralism	16
B. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	16
B.2. The Equality and Human Rights Commission ('the EHRC') ..	20
B.3. The Scottish Commission for Human Rights Commission ('the SCHR')	22
C. Mandate and Human Rights Areas Covered	24
C. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	24
C.2. The Equality and Human Rights Commission ('the EHRC') ..	27
C.3. The Scottish Commission for Human Rights Commission ('the SCHR')	30
D Monitoring Human Rights Violations.....	31
D. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	31
D.2. The Equality and Human Rights Commission ('the EHRC') ..	32
D.3. The Scottish Commission for Human Rights Commission ('the SCHR')	33
E Reporting.....	35
E. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	35
E.2. The Equality and Human Rights Commission ('the EHRC') ..	36
E.3. The Scottish Commission for Human Rights Commission ('the SCHR')	37
F Advisory Function	38
F. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	38
F.2. The Equality and Human Rights Commission ('the EHRC') ..	40
F.3. The Scottish Commission for Human Rights Commission ('the SCHR')	41
G. Research	42
G. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	42
G.2. The Equality and Human Rights Commission ('the EHRC')	42

G.3. The Scottish Commission for Human Rights Commission ('the SCHR')	43
H. Cooperation with Civil Society	44
H. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	44
H.2. The Equality and Human Rights Commission ('the EHRC') ...	45
H.3. The Scottish Commission for Human Rights Commission ('the SCHR')	45
I Promotion of International Treaties	46
I1 The Northern Ireland Human Rights Commission ('the NIHRC')	46
I2 The Equality and Human Rights Commission ('the EHRC')	49
I3 The Scottish Commission for Human Rights Commission ('the SCHR')	49
J Human Rights Education and Awareness	51
J.1. The Northern Ireland Human Rights Commission ('the NIHRC')	51
J.2. The Equality and Human Rights Commission ('the EHRC') ...	53
J.3. The Scottish Commission for Human Rights Commission ('the SCHR')	54
K. Individual Complaints Procedure.....	55
K. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	55
K.2. The Equality and Human Rights Commission ('the EHRC') ...	58
K.3. The Scottish Commission for Human Rights Commission ('the SCHR')	59
L Miscellaneous	61
L. 1. The Northern Ireland Human Rights Commission ('the NIHRC')	61
L.2. The Equality and Human Rights Commission ('the EHRC') ...	63
L.3. The Scottish Commission for Human Rights Commission ('the SCHR')	64
M. Good Practices	65
M. 1. The Case of In re the Northern Ireland Human Rights Commission and the Intervention Powers of the NIHRC	65
M.2. The Equality Act 2006 and the Powers of the EHRC	66
M.3. The Equality Act 2006 and the 'General Duty' of the EHRC...	67
M.4. The Scottish Commission for Human Rights Act 2006 and the Formal Guarantees of Independence of the SCHR.....	67
N. Independent Public Bodies.....	69
O. Human Rights NGOs	70
Annexes.....	71

Executive summary

- [1]. There are three independent public bodies that have been established to function as national human rights institutes in the UK: only one, the Northern Ireland Human Rights Commission, has been accredited as yet by the International Coordinating Committee of National Human Rights Institutions (ICC) as a NHRI, but similar accreditation may eventually follow for the newly-established Equality and Human Rights Commission and the Scottish Commission for Human Rights. The powers and functions of all three Commissions are analysed in this report.

The Northern Ireland Human Rights Commission ('NIHRC')

- [2]. The Northern Ireland Human Rights Commission (hereafter the 'NIHRC') came into existence on 1 March 1999, in compliance with a commitment made by the UK Government in the *Belfast (Good Friday) Agreement of 10 April 1998*, which established a framework for peace and reconciliation in Northern Ireland. The NIHRC's role is to promote awareness of the importance of human rights in Northern Ireland, and to review existing law. The NIHRC has also a role in investigating abuses of human rights and assisting individuals alleging breaches of their rights, as well as enforcing compliance with human rights standards through its ability to bring court proceedings in its own name. The Belfast Agreement also contained a provision that the NIHRC should advise the UK government on the possibility of drawing up a new Bill of Rights for Northern Ireland, which should 'reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience', and supplement the rights protection offered by the *European Convention on Human Rights* (ECHR).
- [3]. At present, the NIHRC has a Chief Commissioner, nine part-time commissioners, a Chief Executive and a staff of approximately twenty-one full-time staff members. Since its establishment, the NIHRC has performed its functions with considerable success. At first, the Commission faced some problems, including lack of funding (the Commission currently has a budget of approx. £1.45 million), some internal disagreement and an initial lack of focus in some of its work, discussed in a report by the Joint Committee on Human Rights of the UK Parliament (hereafter the Joint Committee on Human Rights) in 2003. However, the NIHRC has overcome many of these difficulties and has continued to perform its role in an effective manner, adopting a new strategic focus on key areas and adjusting how it carries out its role of advising on the contents of a Bill of Rights. The NIHRC has identified various priority areas in its work, including addressing the legacy of human rights violations in the past

in Northern Ireland, promoting education and dialogue, and ensuring that respect for human rights is maintained within counter-terrorism initiatives.

- [4]. The NIHRC is a non-governmental public body (NGPB). Under the *Northern Ireland Act 1998* it is accountable to the Secretary of State for Northern Ireland (the UK government minister for Northern Ireland) for how it spends its public funds. (In other words, the NIHRC exercises its powers and functions in an independent manner, but makes annual reports to the Secretary of State on how it spends its public funds, which the Secretary of State lays before the UK Parliament.) Commissioners are appointed by the Secretary of State to serve for a fixed term and funding is allocated to the NIHRC by the Secretary of State. Both the Joint Committee on Human Rights and the NIHRC itself have argued for more formal guarantees of independence to be inserted in legislation. However, by and large, the Commission is seen as an independent body and is respected as such, even in the intense and difficult atmosphere of Northern Irish politics. The composition of the Commission since its establishment has tended to reflect the differing major political/religious traditions in Northern Ireland, and a broad gender balance has been generally achieved in the appointments made by the Secretary of State.
- [5]. The NIHRC can monitor human rights violations by using its power under s. 69(8) of the *Northern Ireland Act 1998* to carry out investigations, which has been considerably strengthened by recent legislative reforms, which give the Commission the power to compel the production of evidence. The Commission has also been given the power to enter places of detention as part of conducting an investigation. The NIHRC appears to have the ability under Northern Irish public law to bring judicial review proceedings against public authorities if required, to ensure conformity with administrative law principles such as fairness and adherence to natural justice. Also, the NIHRC has recently been given the power to bring proceedings under the UK *Human Rights Act 1998* where an individual has been subject to an alleged breach of his or her rights under the ECHR.
- [6]. The NIHRC also has the power to provide assistance to individuals who have commenced, are involved or wish to commence legal cases which involve law or practice relating to the protection of human rights. The NIHRC is not required to assist all individual applicants, but decides to give assistance to particular individuals in the interests of ensuring effective enforcement of the law, or for strategic purposes. The NIHRC receives approximately 1,000 new legal inquiries every year, many of which are processed through the telephone helpline that the Commission has established. As a result, it has established an internal system for selecting which applications to support. The vast majority of the individual inquiries that reach the NIHRC every year do not proceed to a formal application for legal assistance because they are resolved after the provision of initial advice and (in most cases) some correspondence and informal negotiation.

- [7]. Experience in the UK has shown that an effective way for human rights and equality commissions to influence the development of human rights law is to intervene in legal proceedings and to give a court or tribunal the benefit of their legal expertise. The *Northern Ireland Act 1998* in establishing the NIHRC made no express provision for the Commission to have the power to intervene in ongoing legal proceedings. However, the House of Lords (the highest court in the UK legal system) confirmed in 2002 that the Commission could intervene in court proceedings to promote respect for human rights, with the consent of the relevant court: this decision is an example of good practice in the interpretation and application of the legislation governing the powers of human rights commissions.
- [8]. The NIHRC also provides advice to the UK Parliament and the UK devolved legislative bodies on human rights matters, works closely with civil society, organises regular conferences and seminars on human rights issues, and encourages UK ratification of and compliance with international human rights treaties. The Commission also produces annual reports on its work, and special reports on particular issues, along with press releases to engage media attention. These reports are published periodically as the Commission completes an inquiry or publishes research.
- [9]. Also, as part of its mandate to advise on a draft Bill of Rights for Northern Ireland, the NIHRC organised in 2007 a 'Bill of Rights Forum', which brought representatives of community groups and NGOs together with members of political parties to discuss the form and content of a Bill of Rights: this Forum has recently produced a comprehensive and detailed report, which provides the Commission with clear guidelines which it will take into account in developing its own proposals on a Bill of Rights for Northern Ireland.

The Equality and Human Rights Commission (the 'EHRC')

- [10]. The Equality and Human Rights Commission (hereafter the 'EHRC') was created by the *Equality Act 2006*, taking over the powers and functions of the three previous equality commissions – the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission – and has a wide-ranging role in promoting equality and enforcing anti-discrimination law. Also, the EHRC is the first human rights commission that exists for Britain¹, and has been given a wide-ranging mandate to promote compliance with, and understanding of, human rights in Britain. The EHRC does not deal with human rights issues that come within the competence of the Scottish

¹ In the following, 'Britain' refers to England, Scotland and Wales.

Commission for Human Rights: however, the EHRC does have full responsibility for equality and anti-discrimination issues in Scotland.

- [11]. The EHRC has a similar status as the NIHRC: it is a non-governmental public body, independent from the government, even though under the *Equality Act 2006* it is accountable for its public funds to the relevant Secretary of State (a Minister within the UK government). As with the NIHRC, parliamentary committees and NGOs have called for the Commission to be granted more formal guarantees of independence. When fully established, the Commission will have offices in Manchester, London, Glasgow, Birmingham, Cardiff and a co-located presence in Edinburgh, north Wales and the English regions: when all positions are full, the Commission will have a staff of approximately 550 and a budget of £70 million sterling.
- [12]. So far, the EHRC has commenced its work by intervening in a number of very significant human rights cases before the English courts, as well as developing its website and initiating an inquiry into how human rights work in Britain. The EHRC has also produced new guidance on aspects of discrimination law and has provided advice to the UK government and other public authorities on several human rights issues, as well as establishing a helpline and supporting community groups and other organisations as part of its role in promoting human rights. Some criticism has been expressed about the slow process of establishing the Commission. However, the EHRC has begun to make an impact on legal and policy debates in Britain and to establish itself as a significant presence.
- [13]. The EHRC can monitor human rights violations, as well as collect information on human rights issues in general, by using its powers to carry out inquiries into human rights and equality issues. In addition, the EHRC can carry out formal investigations as to whether specific individuals have acted unlawfully in contravention of anti-discrimination law. The EHRC can also monitor and advise on the effectiveness of equality and human rights instruments, and is obliged under the 2006 Act to monitor and produce periodic reports on progress towards achieving greater respect for human rights. As with the NIHRC, the main method used by the EHRC Commission to report its monitoring work is to publish special reports on particular issues, along with press releases to engage media attention. The EHRC also has the power to issue codes of practice, which provide guidance to employers and service providers on how to comply with specific parts of British anti-discrimination law. The EHRC publishes a regular newsletter on its website and through e-mail, which contains information on new developments and its activities, as does the NIHRC.
- [14]. The EHRC provides legal representation for individuals who allege that they have been subject to discrimination contrary to UK and European anti-discrimination legislation. However, the EHRC, unlike the NIHRC, does not have the power to provide legal representation to individuals who wish to bring

cases under human rights law which does not also involve a claim under the anti-discrimination legislation.

- [15]. The 2006 Act confers powers on the EHRC to bring proceedings in relation to discriminatory advertisements and instructions or inducement to discriminate, to take enforcement action against public authorities who fail to comply with statutory duties that have been imposed upon them to promote equality, and to enter into (and to enforce via legal action if necessary) binding agreements with other bodies who undertake to avoid discriminatory acts. The Commission is also now able to seek an injunction to prevent someone committing an unlawful discriminatory act, and has the ability to bring claims in its own name against public bodies which violate human rights law, as does the NIHRC.
- [16]. Like the NIHRC, the EHRC aims to work closely with civil society and encourage UK ratification of and compliance with international human rights treaties. The EHRC is also required to produce annual reports on its work, and special reports on particular issues, published periodically as the Commission completes an inquiry or publishes research.

The Scottish Commission for Human Rights (‘SCH R’)

- [17]. The *Scottish Commission for Human Rights Act 2006* passed by the Scottish Parliament established the Scottish Commission for Human Rights (the ‘SCH R’) to deal with human rights issues that affect the devolved (quasi-federal) administration of Scotland and to assist in developing a ‘culture’ of human rights. To ensure its full independence, the Commission is directly accountable to the Scottish Parliament, which constitutes a model of good practice as it provides strong formal guarantees of independence to the SCH R. S.2 of the *Scottish Commission for Human Rights Act 2006* provides that the general duty of the Commission ‘is, through the exercise of its functions under this Act, to promote human rights and, in particular, to encourage best practice in relation to human rights’.
- [18]. The SCH R assumed full legal powers on 1 April 2008. It has begun recruiting staff and will become fully operational in autumn 2008. The Commission is able to monitor, review and propose changes to any area of Scottish law or the policies, and can conduct inquiries into the policies or practices of Scottish public authorities. However, while the SCH R may be able to provide some basic advice to individuals seeking information on their human rights, it cannot

support individual complaints. (The EHRC has the power to support individual complaints in Scotland that involve a claim under anti-discrimination law.)

A Overview

- [19]. There are three independent public bodies that have been established to function as national human rights institutes in the UK: only one, the Northern Ireland Human Rights Commission, has been accredited as yet by the International Coordinating Committee of National Human Rights Institutions (ICC) as a NHRI, but similar accreditation may eventually follow for the newly-established Equality and Human Rights Commission and the Scottish Commission for Human Rights. The powers and functions of all three Commissions are analysed in this report.

A.1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [20]. The Northern Ireland Human Rights Commission (hereafter the 'NIHRC') came into existence on 1 March 1999. It was created by s.68 of the *Northern Ireland Act 1998*, in compliance with a commitment made by the UK Government in the *Belfast (Good Friday) Agreement* of 10 April 1998, which established a framework for peace and reconciliation in Northern Ireland.²
- [21]. The Belfast Agreement also contained a provision that the NIHRC should advise the UK government on the possibility of drawing up a new Bill of Rights for Northern Ireland, which should 'reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience', and supplement the rights protection offered by the European Convention on Human Rights (ECHR). As a result, the NIHRC was given an additional role: it is to consult and provide advice on the form that such a Bill of Rights could take.
- [22]. The *Northern Ireland Act 1998*³ subsequently gave effect to these provisions of the Belfast Agreement by establishing the NIHRC. The Commission was

² Belfast (Good Friday) Agreement, *Rights, Safeguards and Equality of Opportunity*, para. 5, available at: [http://www.nio.gov.uk/agreement.pdf\(28.08.2008\)](http://www.nio.gov.uk/agreement.pdf(28.08.2008)). Paragraph 5 states that '[A] new Northern Ireland Human Rights Commission, with membership from Northern Ireland reflecting the community balance, will be established by Westminster legislation, independent of Government, with an extended and enhanced role [...] to include keeping under review the adequacy and effectiveness of laws and practices, making recommendations to Government as necessary; providing information and promoting awareness of human rights; considering draft legislation referred to them by the new Assembly; and, in appropriate cases, bringing court proceedings or providing assistance to individuals doing so'

³ UK/Northern Ireland Act 1998 c.47 (19.11.1998), available at: http://www.opsi.gov.uk/Acts/acts1998/ukpga_19980047_en_1 (09.09.2008).

therefore established as part of the Northern Irish peace process to promote respect for human rights and assist individuals claiming abuse of their rights. In addition, the NIHRC was given the power to investigate alleged abuses of human rights and to commission research on relevant matters. The Commission replaced the Standing Advisory Commission on Human Rights, an independent consultative body which had been established in 1973 and had published numerous reports on human rights in Northern Ireland, but which had lacked any powers to support individuals alleging abuse of rights or to undertake formal investigations into human rights matters. The structure, powers and functions of the new Commission were set out in the 1998 Act and were based to some extent upon the Paris Principles (with some significant omissions, briefly discussed below): they were also influenced to some degree by the legislation that had established the equality commissions that had existed since the 1970s in Britain and Northern Ireland, as well as by the experience of human rights commissions in other countries such as Canada and South Africa.

[23]. The NIHRC was established in Belfast and began work on 1 March 1999. Initially, the Commission had a full time Chief Commissioner, twelve part time 'ordinary' Commissioners, a Chief Executive and a staff of fourteen: at present, it has a Chief Commissioner, nine part-time Commissioners, a Chief Executive and a staff of approximately 21 full-time staff members, although these members change over time. Since its establishment, the NIHRC has performed its functions with considerable success. It has initiated investigations, assisted individuals, advised the UK government, the Northern Ireland Assembly (the devolved elected assembly) and the Northern Irish Executive, commissioned research and generally plays a very significant and high-profile role in promoting human rights in Northern Ireland. The Joint Committee on Human Rights in 2003 found that the NIHRC had 'produced a considerable body of work, including investigation and research reports which are widely acknowledged to be topical and of high quality. As well as casework and educational and promotional activities, it has engaged in a comprehensive programme of legislative scrutiny, and of involvement with international human rights institutions.'⁴

[24]. However, the NIHRC has faced some difficulties. Lack of funding has been a particular problem. In its first three years, the Commission had a basic annual budget of £750,000 sterling in core funding: through applications to the Northern Ireland Office for supplementary funding, its budget was usually increased to a total of £1.3 million a year during this initial period. However, the NIHRC argued in its review of its powers and functions in 2001 (see below) that this budget was inadequate, as its core budget was not enough to ensure that it could perform its basic functions. In 2002, an independent review of the powers, functions and structures of the NIHRC, commissioned by the Commission and prepared by Peter Hosking (a consultant with the UNHCHR

⁴Joint Committee on Human Rights, 14th Report, HL 132, HC 142, Work of the Northern Ireland Human Rights Commission, 15 July 2003, para. 49.

and former member of the New Zealand Human Rights Commission), found that the NIHRC budget was significantly less than that of other comparable national human rights commissions. The Joint Committee of Human Rights produced a report on the work of the NIHRC in 2003 and agreed with this conclusion. In response, the Northern Ireland Office gradually has raised the core funding for the Commission to approximately £1.45 million.

- [25]. The Commission has also faced some difficulties in using its powers, mainly as a result of inadequacies in the legislative framework and a failure to give full effect to the Paris Principles. The 1998 Act which established the Commission gave it limited powers of investigation. This has been remedied to some degree by the *Justice and Security (Northern Ireland) Act 2007*,⁶ which has recently given the Commission new investigative powers: see Part D.1 below. The 1998 Act also did not expressly permit the Commission to intervene in ongoing court proceedings. However, this problem has been remedied by a major judgment of the House of Lords (the highest court in the UK legal system): see Part M. 1 below.
- [26]. In the first few years of its existence, the Commission also suffered from a degree of internal disagreement. Three commissioners had resigned by 2003, alleging that the work of the Commission lacked focus and structure. The manner in which the Commission attempted to carry out its role in advising on the contents of a Bill of Rights for Northern Ireland was also criticised by the departing commissioners, as well as by some academics. In its report in 2003, the Joint Committee on Human Rights echoed some of these concerns and called for more strategic focus in the work of the Commission. The NIHRC has responded by implementing a more strategic and focussed approach, concentrating upon specific issues and bringing resources to bear in a more precise and considered manner.
- [27]. Two NIHRC commissioners who resigned in 2002 also suggested that there was a lack of clear channels of communication between the Commission and public authorities, and that particular public authorities acted at times in an inappropriate manner by putting political pressure on the Commission in respect of its use of its investigative powers. As a result, the Joint Committee in 2003 called for better communication between public authorities and the Commission and enhanced legislative guarantees of independence. These recommendations have not yet been fully implemented and some of these issues remain unresolved, due to ongoing political disputes in Northern Ireland. However, the NIHRC has continued to perform its role in an effective manner, adopting a new strategic focus on key areas and adjusting how it carries out its role of advising on the contents of a Bill of Rights. The International Coordinating Committee of National Human Rights Institutions (ICC) has listed the NIHRC as an (A) accredited NHRI, as its status, powers and functions in general reflect the requirements of the Paris Principles.

⁶UK/Justice and Security (Northern Ireland) Act 2007 c.6 (24.05.2007), available at http://www.opsi.gov.uk/acts/acts2007/ukpga_20070006_en_1 (09.09.2008).

A.2. The Equality and Human Rights Commission ('the EHRC')

- [28]. The Equality and Human Rights Commission (hereafter the 'EHRC'⁸) was created by the *Equality Act 2006*⁹ and has taken over the powers and functions of the three previous equality commissions – the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission – that used to exist in Britain. The EHRC has also been given new functions in relation to equality matters that touch on the grounds of sexual orientation, religion or belief and age, as well as new functions and powers in respect of human rights in general. The EHRC is the first human rights commission that exists for Britain: the three previous commissions focussed on specific equality issues. While the EHRC does have the ability to address issues of equality and non-discrimination in Scotland, issues that relate to other areas of human rights that concern the 'devolved' functions of the Scottish Parliament will be the responsibility of the Scottish Commission for Human Rights (SCHR): the ECHR has no legal powers in respect of such 'devolved' Scottish human rights issues, but it is expected that the Scottish office of the EHRC and the SCHR will work closely together where necessary.¹⁰
- [29]. The *Equality Act 2006* which established the EHRC was preceded by a long process of consultation. There was widespread agreement that there was a need for a Human Rights Commission in Britain, with the Joint Committee on Human Rights twice publishing reports calling for the establishment of such a Commission. However, there was some controversy as to whether the existing equality commission should be merged within the new commission.¹¹ The arguments in favour of this move were that it would be more easily accessible to the person who wanted to complain about a violation because there would only be one body to which he could turn: in addition, it was suggested that a single commission would be more efficient and effective. The arguments against a merger were that a single commission would be more likely to adopt a 'one size fits all' approach and might neglect specific issues such as the rights of particular categories of disabled person. Other worries that were expressed about the new commission were that it could become too large and bureaucratic to be truly effective and that a single body might be more prone to political pressures and influence. However, the final decision was taken to establish the

⁸ The Equality Act 2006 provides for the establishment of a 'Commission for Equality and Human Rights', but the EHRC has decided to change its name for promotional reasons.

⁹ UK/Equality Act 2006 c.3 (16.02.2006), available at: www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060003_en.pdf (09.09.2008).

¹⁰ In the very unlikely event of a conflict of competences between the ECHR and SCHR, the inability of the ECHR to intervene in 'devolved' Scottish human rights issues would mean that it would lack the ability to take action on any such matter and any action it did take could be *ultra vires*.

¹¹ See C. O'Cinneide (2007) 'The Commission For Equality And Human Rights: A New Institution For New And Uncertain Times' 36(2) *Industrial Law Journal* 141-162.

EHRC, which came into formal existence in October 2007, when the previous commissions ceased to exist and were taken over by the new Commission. The interim business plan for the new Commission states its annual budget for its first year of existence (2007/08) to be £65.5 million sterling, with provision for another £5 million sterling as required.¹² When fully established, the Commission will have offices in Manchester, London, Glasgow, Birmingham, Cardiff and a co-located presence in Edinburgh, north Wales and the English regions: when all positions are full, the Commission will have a staff of approximately 550. Trevor Phillips has been appointed the full-time Chief Commissioner of the new Commission, with Nicola Brewer appointed as Chief Executive: fifteen part-time commissioners have also been appointed from a range of professional, ethnic and religious backgrounds.

- [30]. So far, the EHRC has commenced its work by intervening in a number of very significant human rights cases before the English courts, as well as developing its website and initiating an inquiry into how human rights work in Britain. The EHRC has also produced new guidance on aspects of discrimination law and has provided advice to the UK government and other public authorities on several human rights issues, as well as establishing a helpline and supporting community groups and other organisations as part of its role in promoting human rights. Some criticism has been made by activist groups about delays in filling key posts in the new Commission: some concerns have also been expressed about the slow process of transition and it has been suggested that the new Commission has failed to draw fully upon the experience of the staff of the previously-existing equality commissions, leading to some internal staff discontent.¹³ However, the EHRC has begun to make an impact on legal and policy debates in Britain and to establish itself as a significant presence.
- [31]. The EHRC has been established to perform similar functions to the NIHR and to have a similar independent status. It also has similar powers to those enjoyed by the NIHR. As a result, while the EHRC as a new organisation has at the time of writing not received accredited NHRI status from the International Coordinating Committee of National Human Rights Institutions, it is to be expected that the EHRC will be recognised as having a similar 'A' status as the NIHR. For further information on the history of EHRC: <http://www.equalityhumanrights.com/en/aboutus/history/pages/oldsitelinks.aspx> (08.09.2008)

¹² See EHRC, *Interim Business Plan 2007/08*, available at: http://www.equalityhumanrights.com/en/publicationsandresources/Documents/Corporate/interim_business_plan_0708.pdf (05.09.2008).

¹³ See 'Equalities and Human Rights Commission defends itself after damning staff survey results', 20 June 2008, available at: <http://www.personneltoday.com/articles/2008/06/20/46407/equalities-and-human-rights-commission-defends-itself-after-damning-staff-survey-results.html> (07.09.2008).

A.3. The Scottish Commission for Human Rights ('the SCHR')

- [32]. Following a consultation exercise, the Scottish Executive announced on 10 December 2001 that it would establish an independent and statutory Scottish Commission for Human Rights (hereafter the 'SCHR') to deal with human rights issues that affect the devolved (quasi-federal) administration of Scotland and to assist in developing a 'culture' of human rights. The *Scottish Commission for Human Rights Act 2006*¹⁴ was subsequently passed by the Scottish Parliament, which set out the powers and functions of this new Commission, which are modelled directly on the Paris Principles. To ensure its full independence, the Commission is directly accountable to the Scottish Parliament. The SCHR assumed full legal powers on 1 April 2008. It has begun recruiting staff and will become fully operational in autumn 2008. A Chief Commissioner, Professor Alan Miller, has been elected by the Scottish Parliament and three part-time Commissioners have been appointed. The SCHR will not have responsibility for issues that relate to the application and enforcement of equality and non-discrimination legislation and lacks the legal powers to take action in this area, which comes within the scope of responsibility of the EHRC, which has established a Scottish office within its institutional structure.¹⁵ The anticipated annual budget of the SCHR will be £1 million sterling. As with the EHRC, the SCHR as a new organisation has at the time of writing not received accredited NHRI status from the International Coordinating Committee of National Human Rights Institutions. Unlike the EHRC, the SCHR is not operational as yet.

¹⁴ UK/Scottish Commission for Human Rights Act 2006 asp.16 (08.12.2006), available at:

http://www.opsi.gov.uk/legislation/scotland/acts2006/asp_20060016_en_1 (09.09.2008).

¹⁵ In the very unlikely event of a conflict of competences between the ECHR and SCHR, the inability of the SCHR to intervene in issues that concern the application and enforcement of equality and anti-discrimination legislation means that it would lack the ability to take action on any such matter and any action it did take could be *ultra vires*.

B. Independence and Pluralism

B.1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [33]. The NIHRC is a non-departmental public body (NDPB), which operates independently from the government in line with the standard and well-established conventions that are intended to ensure the operational independence of such NDPBs. These conventions establish that a NDPB remains accountable to a Secretary of State (a government minister) for how it spends its money. However, the NDPB has operational independence in how it chooses to perform its functions and to use its powers, subject only to the requirement to adhere to its legislative mandate. Only a court can make a finding that a NDPB is acting outside its mandate, although the executive or other public authorities could express a view that the NDPB was acting inappropriately.

B.1.1 .Funding/Budget Autonomy

- [34]. Under the *Northern Ireland Act 1998*, the NIHRC is accountable to the Secretary of State for Northern Ireland (the UK government minister for Northern Ireland) for how it spends its public funds. (In other words, the NIHRC exercises its powers and functions in an independent manner, but makes annual reports to the Secretary of State on how it spends its public funds, which the Secretary of State lays before the UK Parliament.) Each year, the Secretary of State provides the NIHRC with an annual budget, which can be increased or reduced in subsequent years on the Secretary of State's discretion.
- [35]. This annual budget takes the form of a separate budget line: the NIHRC has financial autonomy in how it chooses to spend this budget, subject only to the need to report annually on how it has spent its budget to the Secretary of State, and the requirement contained in Schedule 7 of the *Northern Ireland Act 1998* that the Secretary of State must approve the size of salaries and any staffing recruitment decisions made by the Commission. (The Secretary of State therefore performs an oversight role over financial and staffing decisions made by the Commission, and could reduce the Commission's budget if he or she considered that the budget was being misspent. No such action has been taken thus far in the history of the Commission). The NIHRC's annual budget is now sufficient for the Commission to maintain its own offices, infrastructure and staff. The Commission also obtains funding from external sources, such as the

British Council, various charitable organisations and international organisations, which is usually linked to the implementation of specific projects.

- [36]. As noted above, in its first three years, the Commission had a basic annual budget of £750,000 sterling in core funding: through applications to the Northern Ireland Office for supplementary funding, its budget was usually increased to a total of £1.3 million a year during this initial period. However, the NIHRC argued in its review of its powers and functions in 2001 that this budget was inadequate, as its core budget was not enough to ensure that it could perform its basic functions: the Commission also argued that the need to seek supplemental funding from the Northern Ireland Office could be seen as compromising its independence from government. In 2002, as noted above, the Hosking review of the powers, functions and structures of the NIHRC found that the NIHRC budget was significantly less than that other comparable national human rights commissions. The Joint Committee of Human Rights produced a report on the work of the NIHRC in 2003 and agreed with this conclusion. The Joint Committee also recommended that more core funding be provided to the Commission and that the budget of the Commission should be kept under constant and transparent review.¹⁶ In response, the Northern Ireland Office gradually has raised the core funding for the Commission to approximately £1.45 million. However, some concern remains that the Commission's budget is inadequate: the Hosking Report recommended a minimum core budget of £1.5 million.

B.1 .2.Mandate (Appointment and Dismissal)

- [37]. Under s.68 of the *Northern Ireland Act 1998*, commissioners are appointed by the Secretary of State to serve for a fixed term. The presumption is that the Secretary of State will appoint individuals with relevant expertise and independence of mind. However, there is no statutory requirement that commissioners are to act independently, even though the Joint Committee on Human Rights suggested that such a provision should be inserted into the legislation in its 2003 report. (There is a statutory requirement that the Commissioners appointed should as a group be representative of the community of Northern Ireland: see below). Schedule 7 of the 1998 Act provides that the Chief Commissioner is to serve in a full-time capacity, and is to be appointed to a term of office lasting no longer than five years, while other commissioners serve on a part-time basis and are appointed for a period of three years maximum. The term of office of a Chief Commissioner or of any commissioner may be renewed: there is no limit on the amount of times a term of office can be renewed, but the legislation does not make any provision for automatic renewal of terms of office. The Commission may appoint its own staff, subject to the approval of the Secretary of State.

¹⁶Joint Committee on Human Rights, 14th Report, HL 132, HC 142, Work of the Northern Ireland Human Rights Commission, 15 July 2003.

- [38]. Paragraph 2 of Schedule 7 of the *Northern Ireland Act 1998* provides that Commissioners may be dismissed by the Secretary of State if they are unwilling or unable to perform their functions, or if they are convicted of a criminal offence, become bankrupt, or without reasonable excuse have failed to discharge their functions for a three month period. However, this power is subject to some judicial and political controls. A decision by a Secretary of State to dismiss a commissioner could be challenged through judicial review (i.e. through administrative law procedures). In addition, given the prominence of the NIHRC and the strong political divisions that continue to exist in Northern Ireland, a dismissal of a commissioner could generate strong political controversy.

B.1.3.Composition and Pluralism

- [39]. S.68(3) of the *Northern Ireland Act 1998* provides that the Secretary of State for Northern Ireland in appointing commissioners to the NIHRC 'shall as far as practicable secure that the Commissioners, as a group, are representative of the community in Northern Ireland'. The composition of the Commission since its establishment has tended to reflect the differing major political/religious traditions in Northern Ireland, and a broad gender balance has been generally achieved in the appointments made by the Secretary of State. In addition, the members of the Commission have tended to come from a diversity of backgrounds, including academia, community work, the charitable sector and trade unions. The Chief Commissioner, Monica McWilliams, is a former academic and a former head of the Northern Ireland Women's Coalition (a NGO grouping). The current commissioners come from the fields of education, social work, trade union activity, small business, law, local government, community organisations and academia (including Professor Colin Harvey, Professor of Human Rights law at Queen's University, Belfast). No government representatives or current members of the Northern Irish Assembly or Westminster Parliament sit on the Commission.
- [40]. The Joint Committee on Human Rights in its 2003 report on the work of the NIHRC emphasised that the requirement in the 1998 Act that the composition of the Commission had to be 'representative of the community' did not require that the membership of the Commission had to reflect precisely the size and political views of the different political/religious communities in Northern Ireland. The Joint Committee expressed some concern that commissioners were being identified by their links with particular political/religious communities in Northern Ireland, and suggested that a) an independent body play some role in how Commissioners were appointed, and b) clear criteria should be published as to how Commissioners were selected to represent the 'community of Northern Ireland'. The Joint Committee also suggested also that greater weight should be given in the appointment process to the capacity of Commissioners to act independently and their expertise in the field of human rights, and less weight should be given to their community and religious background.

B.1 .4.General Comments

- [41]. In general, the operational independence of the NIHRC, the appointment of commissioners and the amount of funding allocated to the Commission are monitored by official bodies (such as Parliamentary committees) and by NGOs and civil society organisations. This ensures greater transparency and therefore greater protection for the independence of the Commission.
- [42]. Section 69(2) of the 1998 Act required the Commission to provide advice to the Secretary of State as to the adequacy and effectiveness of its powers and functions within two years of becoming operational. The Commission provided this advice in February 2001, expressing considerable concern about the resources available to it and the lack of additional guarantees of formal independence. It recommended that the 1998 Act be amended to give the Commission greater powers to raise funds independently of government and to provide statutory guarantees of sufficient resources and independence. In particular, the Commission argued for the insertion of a reference to the Paris Principles into the provisions of the 1998 Act governing the appointment process of commissioners: the Commission also suggested the inclusion of a provision in the legislation that all commissioners exercise their powers independently and impartially, and the removal of the role given to the Secretary of State by the 1998 Act in approving staffing decisions by the Commission.
- [43]. Due to ongoing political disputes in Northern Ireland, these recommendations have not yet been fully implemented. Therefore, the NIHRC enjoys fewer formal guarantees of independence than does the SCHR (see below). In 2002, two commissioners resigned from the NIHRC and expressed concern that particular public authorities, and in particular the Chief Constable for Northern Ireland (the head of the Northern Irish police force), had placed the Commission under strong pressure to adopt a cautious and largely non-critical approach towards policing decisions which had generated considerable controversy in Northern Ireland at that time. In addition, the Commission itself in its first annual report in 2000 and its review of its powers and functions in 2001 expressed serious concern that it had not been consulted by the government on a range of significant human rights matters and considered that the 1998 Act did not contain sufficient formal guarantees of independence. In its report in 2003, the Joint Committee on Human Rights echoed some of these concerns and called for better communication between the NIHRC and public authorities, as well as for greater respect for its independence. However, in general, the Commission is widely seen as operating independently of the government, as noted by the Joint Committee on Human Rights in its report in 2003.

B.2. The Equality and Human Rights Commission ('the EHRC')

- [44]. The EHRC has a similar status to the NIHRC: it is a non-departmental public body (NDPB), independent from the government even though under the *Equality Act 2006* it is accountable for its public funds to the relevant Secretary of State (a Minister within the UK government). Again, parliamentary committees and NGOs monitor the independence of the NIHRC and the appointment and funding process, which assists in protecting the independence of the EHRC. During the consultations on its establishment, there were strong representations that the EHRC should report directly to Parliament or a committee of Parliament instead of to a Secretary of State executive. However, these suggestions were not adopted.¹⁷ Therefore, the EHRC enjoys fewer formal guarantees of independence than does the SCHR (see below).

B.2.1 .Funding/Budget Allocation

- [45]. Funding is determined by the designated Secretary of State out of his or her departmental budget. Each year, the Secretary of State provides the EHRC with an annual budget, which can be increased or reduced in subsequent years on the Secretary of State's discretion. However, this discretion is controlled to some extent by paragraph 42(3) in Schedule 1 to the *Equality Act 2006*, which provides that: 'The Secretary of State shall have regard to the desirability of ensuring that the Commission is under as few constraints as reasonably possible in determining- (a) its activities, (b) its timetables, and (c) its priorities.'
- [46]. This annual budget takes the form of a separate budget line: the EHRC, as with the NIHRC, has financial autonomy in how it chooses to spend this budget, subject only to the need to report annually on how it has spent its budget to the Secretary of State, and the requirement contained in Schedule 2 of the *Equality Act 2006* that the EHRC may only appoint staff where such appointments are consistent with guidelines as to staff numbers and salary which have been drawn up by the Commission and approved by the Secretary of State. The EHRC's annual budget (approximately £70 million) is now sufficient for the Commission to maintain its own offices, infrastructure and staff. The Commission can also obtain funding from external sources.

¹⁷See C. O'Cinneide (2007) 'The Commission For Equality And Human Rights: A New Institution For New And Uncertain Times' 36(2) *Industrial Law Journal* pp. 141-162.

B.2.2. Mandate (Appointment and Dismissal)

- [47]. Members of the new Commission are appointed by a Secretary of State to serve for a fixed term, which according to paragraph 3(2) of Schedule 1 to the *Equality Act 2006* may be between two and five years in duration. The Secretary of State may also dismiss a Commissioner who is, in the opinion of the Secretary of State, unable, unfit or unwilling to perform his or her functions. Paragraph 2(1)(a) of Part 1 of Schedule One to the *Equality Act 2006* provides that a person should only be appointed to the post of commissioner if he or she has ‘experience or knowledge relating to a relevant matter’, or ‘is suitable for appointment for some other special reason’. The Chief Commissioner and the Chief Executive of the EHRC (who is a commissioner *ex-officio* and whose appointment must also be approved by the Secretary of State) serve on a full-time basis: the fifteen other commissioners are part-time. The term of office of a Chief Commissioner or of any commissioner may be renewed: there is no limit on the amount of times a term of office can be renewed, but the legislation does not make any provision for automatic renewal of terms of office. The Commission may appoint its own staff.

B.2.3.. Composition and Pluralism

- [48]. The pluralist representation of the EHRC is ensured in several different ways. Paragraph 2(1)(b) of Part 1 of Schedule One to the *Equality Act 2006* provides that in appointing commissioners, the Secretary of State should have regard to the ‘desirability of the Commissioners together having experience and knowledge’ relating to the functions of the Commission. This legislative provision is intended to ensure that the individual Commissioners appointed by the Secretary of State will come from diverse backgrounds, and represent a broad diversity of professional backgrounds, areas of expertise, lived experience, ethnic origin, and religious belief, as well as reflecting a broad gender balance, as the government indicated would be the case in its White Paper on establishing the Commission, *Fairness For All*, in 2004.¹⁹
- [49]. The first set of commissioners appointed in 2007 have to some extent reflected this expected diversity, with commissioners coming from a range of different professional backgrounds, including community activism, NGO involvement (including involvement in Stonewall, the leading UK gay rights campaigning group), the civil service (the chief executive, Nicola Brewer, was formerly director general for European affairs in the UK Foreign Office), disability support activities, academia and business (including human resources and diversity management), as well as having different ethnic and religious identities. In addition, a broad gender balance has been maintained in the first set of appointments. (There are no government representatives on the Commission or serving members of the House of Commons (the main UK

¹⁹HMSO (2004) *Fairness for All: A New Commission for Equality and Human Rights*..

parliamentary chamber): this would be seen as incompatible with the EHRC's independence.) The staff of the Commission also has wide-ranging expertise in different areas of equality and human rights.

- [50]. In addition, paragraph (3) of Part 1 of Schedule One provides that the Secretary of State must appoint a commissioner who is a disabled person: in addition, one of the Commissioners must have knowledge of relevant conditions in Scotland, while another must have similar knowledge of relevant conditions in Wales: the Scottish and Welsh Ministers (i.e. the ministers in the Scottish and Welsh devolved governments) must be consulted in respect of these appointments. Also, Part 5 of Schedule One of the 2006 Act makes provision for the establishment of a special disability committee within the organisational structure of the EHRC, to which the Commission's responsibilities that relate to disability issues is to be delegated. Paragraphs 16-31 of Part One of Schedule One of the 2006 Act also require the establishment of specialist Scottish and Welsh committees. These specialist committees exist to ensure that persons with disabilities and individuals with expert knowledge of Scotland and Wales guide the EHRC's decision-making.

B.3. The Scottish Commission for Human Rights Commission ('the SCHR')

- [51]. The SCHR is accountable only to the Scottish Parliament, not to the Scottish Government or to any of the Scottish Ministers. (This differs from the NIHR and EHRC, and was intended to ensure a greater degree of formal independence and full conformity with the Paris Principles.²⁰) The Commission's annual budget, which as with the other commissions will take the form of a separate budget line, will be subject to approval by the Scottish Parliament, and its annual accounts will be scrutinised by the Scottish Parliament and the Auditor General. The Chair of the Commission is appointed by the Queen as head of state on the recommendation of the Parliament and other Commissioners are appointed directly by the Parliament. Commissioners may only be dismissed by a vote of the Scottish Parliament with a two-thirds majority in favour of the resolution to dismiss. Ministers therefore do not play any role in the appointment of commissioners or in funding decisions. Also, para. 3 of Schedule One of the *Scottish Commission for Human Rights Act 2006* provides that the Commission, in the exercise of its functions, is not to be subject to the direction or control of any member of the Scottish Parliament, any member of the Scottish Executive, or of the Parliament itself. The SCHR therefore enjoys more formal guarantees of independence than do the NIHR or the EHRC.

²⁰ See the information produced by the Scottish Government on the SCHR, available at: <http://www.scotland.gov.uk/Topics/Justice/Civil/17838/10235> (01.09.2008).

- [52]. Three part-time Commissioners have so far been appointed to the SCHR, in addition to the appointment of the full-time Chief Commissioner. All are from a mixture of legal, NGO or academic backgrounds and all have considerable human rights expertise: in addition, the composition of the Commission thus far reflects a gender balance. (There are as yet no plans to widen the composition of the Commission to include representatives of trade unions and other bodies: however, note that the ‘Scottish Committee’ established by the EHRC to supervise the carrying out of its equality functions in Scotland has members from community, trade union, business and NGO backgrounds.)

C Mandate and Human Rights Areas Covered

C.1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [53]. The NIHRC's role is to promote awareness of the importance of human rights in Northern Ireland, to review existing law and practice and to advise the Secretary of State for Northern Ireland and the Executive of the Northern Ireland Assembly on what legislative or other measures ought to be taken to protect human rights in Northern Ireland. It is also specifically charged with drafting a Bill of Rights for Northern Ireland to supplement the protection for human rights offered by the European Convention on Human Rights (which is part of Northern Irish law as a result of the *Human Rights Act 1998*²¹). The NIHRC has also a role in investigating abuses of human rights and assisting individuals alleging breaches of their rights, as well as enforcing compliance with human rights standards through its ability to bring court proceedings itself.
- [54]. In establishing the NIHRC, s.69 of the *Northern Ireland Act 1998* refers to the Commission as working to ensure the 'protection of human rights'. The NIHRC has therefore interpreted its mandate in theory and in its practice as working to protect the full range of human rights recognised in Northern Irish law as well as international human rights instruments, including those of the United Nations and the Council of Europe.²² This includes socio-economic and cultural rights, as well as equality and children's rights. The Commission has also interpreted its mandate as extending to encouraging the ratification of international human rights instruments, encouraging the harmonisation of national law with international human rights law standards and engaging with international and European human rights bodies.
- [55]. S.69 of the *Northern Ireland Act 1998* sets out the NIHRC's specific functions. These include keeping 'under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights'; making recommendations to the Secretary of State for improving its own effectiveness and ensuring the adequacy of its powers and functions; advising the Secretary of State and the Executive Committee of the Assembly of

²¹ UK/Human Rights Act 1998 c. 42(09.11.1998), available at: http://www.opsi.gov.uk/ACTS/acts1998/ukpga_19980042_en_1 (09.09.2008).

²² See the NIHRC's website, at: http://www.nihrc.org/index.php?option=com_content&task=view&id=8&Itemid=13 (03.09.2008).

legislative and other measures which ought to be taken to protect human rights, either as soon as reasonably practicable after receipt of a general or specific request for advice; or ‘on such other occasions as the Commission thinks appropriate’; advising the Northern Irish Assembly whether a Bill is compatible with human rights; offering assistance to individuals; bringing proceedings involving law or practice relating to the protection of human rights; and promoting the understanding and awareness of the importance of human rights in Northern Ireland. For these purposes, the Commission may undertake, commission or provide financial or other assistance for research and educational activities; conduct such investigations as it considers necessary or expedient to fulfil its functions; and may decide to publish its advice and the outcome of its research and investigations.

- [56]. When initially established, the NIHRC commenced its work with a very wide-ranging set of priorities, including the treatment of children in custody, the rights of older persons, police methods of maintaining order, and the investigation of alleged rights abuses which took place during the years of violence in Northern Ireland. The NIHRC also placed considerable focus on its task of drafting a Bill of Rights. However, the Commission’s work in these areas, while often excellent, was subsequently criticised by the Joint Committee on Human Rights for being too ambitious and lacking focus: in its evidence to the Committee, the Chief Commissioner and other members of the Commission accepted the validity of this criticism. As a result, commencing with its Strategic Plan for 2005/06, the NIHRC adopted a more specific set of priorities and began to ‘target’ its work more.
- [57]. At present, the NIHRC has identified four key priority areas in its work and explained its reasons for selecting these priority areas:²⁴
- **Bill of Rights:** of all the international standards, the only one enforceable in Northern Ireland courts is the European Convention on Human Rights. The Commission has the legal duty to advise Government on the scope for a constitutional-level Bill of Rights for Northern Ireland, to include rights not protected by the European Convention. A Bill of Rights Forum, established by government in December 2006 and comprising representatives from local political parties and civil society, has recently issued a substantial report on issues related to the proposed Bill of Rights. The Commission has now assembled a group of legal and academic experts to advise it on the process of preparing its advice to the government on this matter, which it has undertaken to deliver by December 2008.
 - **Dealing with the past:** the Commission has done a great deal of work around the investigation of deaths, particularly in the context of the 3,500 deaths from the Northern Ireland conflict. The Commission believes that any

²⁴ See the summary of priority work areas on the NIHRC website:
http://www.nihrc.org/index.php?option=com_content&task=view&id=8&Itemid=13
(03.09.2008).

future 'truth process' needs to be based on widespread consultation, in order to command the greatest possible public confidence. It has concerns around the adequacy and independence of the inquiry system set up to investigate, in particular, cases where state collusion in killings has been alleged.

- **Counter-terrorism:** the Commission is convinced of the need to protect human rights in the context of combating terrorism. It wants to see rapid progress towards normalisation of security and policing arrangements in Northern Ireland, including proper oversight of intelligence operations. It opposes 'extraordinary rendition'.
- **Conflict intervention:** as a body created by the peace process, the Commission encourages dialogue and a human rights-based approach as the way forward in resolving community tensions. It will seek to contribute its expertise to the range of organisations already dealing with such issues.

[58]. The NIHRC has also identified a set of strategic priority areas which it wishes to emphasise in its legal and investigatory work, and in particular when deciding whether to grant legal and financial support to individual complainants. These priority issues have been selected on the basis that they involve areas of human rights law which remain underdeveloped or inadequately enforced. These priority areas include ensuring compliance with certain key provisions of the ECHR, in particular Articles 2, 3, 6, 14 and Article 2 of Protocol 1 to the Convention (the right to education). The NIHRC's Legal Committee has also identified a very specific list of priority areas where the Commission would concentrate its legal work (including its power to conduct investigations) over the life of the current Strategic Plan (2006-09), which are:

- Protection of life and the investigation of death
- Rights of detained patients under the mental health legislation
- Access to legal representation
- The covert activities of public authorities, and use of evidence obtained covertly
- People who are kept in residential care against their wishes
- Use of third party orders affecting property rights, and
- Environmental protection raising substantial human rights issues.

[59]. The Equality Commission of Northern Ireland enforces anti-discrimination law, including the EU equality directives, and promotes respect for equality and diversity. The mandate of both these public bodies therefore overlaps to some extent, even though the NIHRC plays no active role in enforcing anti-discrimination law and lacks the mandate to intervene in this area. Both Commissions work closely together on a range of issues. The NIHRC also works closely with the Irish Human Rights Commission and with the EHRC: it has established a Joint Committee with the Irish Human Right Commission in

Dublin to examine the possibility and desirability of drafting a Charter of Rights for the whole island of Ireland, as provided for in the *Belfast Agreement 1998*.

C.2. The Equality and Human Rights Commission ('the EHRC')

- [60]. S.8 of the *Equality Act 2006* gives the EHRC a wide-ranging mandate to promote compliance with, and understanding of, human rights in Britain. This includes rights contained in international instruments which have not been formally incorporated into UK law, as well as all the UN and European instruments which the UK has ratified, included those relating to socio-economic, cultural, equality and children's rights, although the Commission is to pay 'particular regard' to the ECHR rights.²⁵ In addition, s.7 of the 2006 Act also extends the EHRC's mandate across all the anti-discrimination grounds: the Commission is given the power to support individuals bringing cases under British and European anti-discrimination legislation, and its mandate also includes the promotion of equality of opportunity and 'understanding of the importance of equality and diversity'. S. 10 of the *Equality Act 2006* also extends the EHRC's mandate to include the promotion of good relations and prevention of hostilities between different communities and 'groups' in British society.
- [61]. S.3 of the 2006 Act also places the Commission under a 'general duty' to use its powers and functions to work towards the development of a rights-based society where equality and anti-discrimination principles have become fully accepted, which is defined as one in which:
- '(a) people's ability to achieve their potential is not limited by prejudice or discrimination,
 - (b) there is respect for and protection of each individual's human rights (including respect for the dignity and worth of each individual),
 - (c) each person has an equal opportunity to participate in society, and
 - (d) there is mutual respect between communities based on understanding and valuing of diversity and on shared respect for equality and human rights.'

²⁵ Clause 8(4) of the original Bill provided that the Commission 'may not take action in relation to non-Convention rights unless satisfied that it has taken or is taking all appropriate action in relation to the Convention rights.' This would have substantially reduced the freedom of action of the Commission to promote compliance with other rights instruments, including involvement with UN and Council of Europe monitoring systems. Following criticism, this clause was amended during the Bill's passage through Parliament.

- [62]. This gives the Commission an expansive field of action,²⁶ ensuring that it has a mandate to intervene across a wide range of issues such as asylum, social conditions and intersectional forms of discrimination.
- [63]. However, the EHRC is precluded from taking ‘human rights action’ in relation to matters which concerns areas of responsibility such as education and health in Scotland which have been devolved to the Scottish Parliament and the Scottish Government. These devolved matters come within the mandate of the Scottish Commission for Human Rights and lie outside the mandate of the EHRC. However, the EHRC does have full responsibility for equality and anti-discrimination issues in Scotland. Both Commissions will work closely on issues of common concern: the existence of the separate ‘Scottish Committee’ within the EHRC organisational structure will help with this. In addition, the two Commissions are expected to enter into a memorandum of understanding setting out their respective roles.
- [64]. The EHRC also has no mandate to address issues that concern Northern Ireland, which come within the mandate of the NIHR.
- [65]. The initial priorities of the EHRC were to establish itself as an effective organisation, recruit staff, engage with public authorities, the media and stakeholders, and to build a credible and independent Commission. However, in its Interim Business Plan of 2007/08, the new Commission identified some additional priorities, including the ‘mapping, analysing and targeting of key equality battlegrounds’ and the need to investigate the impact of rights protection in the UK. To achieve this, the Commission has launched an inquiry into the impact of the UK *Human Rights Act 1998* on public authorities, which will produce a final report in 2009. The Commission also began an inquiry into the treatment of older persons in social care and produced material on multiculturalism, diversity and integration.
- [66]. The EHRC’s business plan for 2008/09 identifies a more detailed set of priority areas on which the Commission will concentrate its work for the next three years or so:²⁷
- **To analyse, define and target key equality and human rights challenges** – The Equality and Human Rights Commission ‘will analyse and measure inequality at all stages of people’s lives to build up a sound base of knowledge and evidence to inform our policy work and enforce the law.’
 - **To change policy and organisational practice to provide better public services alongside an efficient and dynamic economy** – The Commission ‘will seek to transform the policies and practices of government departments,

²⁶ See the UK government white paper proposing the establishment of the Commission, HMSO (2004) *Fairness for All: A New Commission for Equality and Human Rights*, paras. 1.10-1.11.

²⁷ See EHRC (2008) *Bringing People Together. Business Plan 2008/9*, p.12, available at: http://www.equalityhumanrights.com/en/publicationsandresources/Documents/Corporate/EHRC_Business_Plan_0809.pdf (05.09.2008).

public institutions and private sector organisations through our role as an enabler, persuader and enforcer. We will show how promoting equality and diversity helps to create better public services, thriving businesses and an efficient and productive economy. The Commission will also negotiate memorandums of understanding with all major public service inspectorates, encouraging a strategic approach to promoting equality and diversity with public services.’

- **To engage, involve and empower the public, especially people from disadvantaged communities and areas** – The Commission ‘wants to give individuals the chance to participate fully in our local and national democracy, as well as in local communities.’
- **To anticipate social change, develop new narratives, and reach new audiences in ways that strengthen equality and human rights** – The Commission ‘will commission research to help them fully understand the forces that create inequality in Britain. The Commission will use its work to put forward a compelling case for the need to put human rights at the heart of British culture and to show how human rights reflect essential values of fairness, respect, equality, dignity and autonomy. The Commission will also work with the grain of social change to embed a commitment of fairness and diversity throughout Britain.’²⁸

[67]. These priorities were selected on the basis that they represented areas of activity where the newly-established Commission could best make an initial impact and add to the work of the previous equality commissions. The Commission felt in particular that there was need for more research into the factors in UK society that continue to cause inequality and denial of basic human rights.

[68]. In addition, the EHRC has identified in its business plan for 2008/09 a set of specific areas where it will take action to give effect to these priorities. These include working with the UK government in ensuring that equality and human rights standards are built into the government’s proposed ‘children’s plan’; working with the Olympics Delivery Authority to agree a ‘charter of achievement’ that will attempt to ensure that the investment in the 2012 London Olympics helps to tackle social and economic exclusion throughout Britain; developing an agenda for putting human rights at the heart of health and social care strategies; investigating the extent of age discrimination faced by older workers, the degree to which persons with disabilities are exposed to violence and abuse as a result of their disability; and providing guidance on promoting integration in the workplace.²⁹ The EHRC has also identified 12 key ‘delivery targets’ that it will aim to meet through its work over the next year: these include lobbying for extended and improved equality legislation, developing a multimedia digital strategy, providing accessible guidance for the public on the

²⁸ See the EHRC’s website:

<http://www.equalityhumanrights.com/en/aboutus/mission/pages/visionmissionandpriorities.aspx> (03.09.2008).

²⁹ See EHRC (2008) *Bringing People Together. Business Plan 2008/9*, pp.18-21.

UK *Human Rights Act 1998* and ensuring at least fifty instances where the Commission's legal powers will be applied.³⁰

C.3. The Scottish Commission for Human Rights Commission ('the SCHR')

[69]. S.2 of the *Scottish Commission for Human Rights Act 2006* provides that the general duty of the Commission 'is, through the exercise of its functions under this Act, to promote human rights and, in particular, to encourage best practice in relation to human rights'. As with the NIHRC and EHRC, this mandate covers the human rights recognised in the ECHR and 'other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom' (s.2(2) of the 2006 Act). The website of the Scottish Executive states that the functions of the Commission will include:

- publishing information about human rights;
- providing advice and guidance;
- conducting research;
- providing education or training;
- monitoring and recommending changes to the law;
- monitoring and recommending changes to the policies and practices of public authorities.³¹

[70]. The Scottish Commission will deal with matters 'devolved' to the Scottish Parliament and the Scottish Government. Matters which have been 'reserved' to the UK Parliament in London, such as equality and discrimination, are the responsibility of the EHRC.

[71]. The SCHR is not yet operational and has therefore not as yet identified its priority areas of work. However, s. 2(4) of the *Scottish Commission for Human Rights Act 2006* requires the SCHR to have particular regard to the importance of exercising its functions to promote respect for the rights set out in the ECHR and the 'human rights of those groups in society whose human rights are not, in the Commission's opinion, otherwise being sufficiently promoted'.

³⁰See EHRC (2008) *Bringing People Together. Business Plan 2008/9*, pp.22-25.

³¹See the website of the Scottish Government Ministry of Justice, available at: <http://www.scotland.gov.uk/Topics/Justice/Civil/17838/10235> (03.09.2008).

D. Monitoring Human Rights Violations

D.1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [72]. The NIHRC can monitor human rights violations by using its power under s. 69(8) of the *Northern Ireland Act 1998* to carry out investigations. This power enables the Commission to investigate allegations of human rights abuses. However, the 1998 Act did not specify that the NIHRC had the power to compel witnesses to give evidence, or to require the production of evidence, even though the equality commissions in Northern Ireland and Britain have had these powers for some time: this meant that the NIHRC's investigative powers were very limited in scope. In addition, the NIHRC did not have the power to enter into places of detention. These deficiencies were criticised by NGOs and by the Joint Committee on Human Rights in its reports on the work of the NIHRC in 2003. As discussed above, the situation has been remedied to some degree by ss.15-19 of the *Justice and Security (Northern Ireland) Act 2007*, which has recently given the NIHRC new investigative powers, including the power to compel the production of evidence and to summon witnesses. These powers can be exercised when the Commission considers their use necessary: any individual who is required to give evidence can appeal against the Commission's decision to a county court, but a failure to comply with a valid notice to provide evidence issued by the Commission will constitute a criminal offence. The Commission has also been given the power to enter places of detention as part of conducting an investigation, subject to the Commission concluding that such a visit is necessary and giving appropriate notice to the relevant authorities. However, these new powers may only be exercised in respect of investigations that relate to matters which took place after August 2007, which is a real limitation on the powers of the Commission, given that many serious human rights abuses occurred in Northern Ireland before that date. Some exceptions to the scope of these investigatory powers also exist where issues of national security are involved: the Commission has some limited scope to use the courts to challenge decisions by public authorities to make use of these security exceptions.
- [73]. The 2007 Act now requires the Commission to publish the results of its investigations: the NIHRC may also make appropriate recommendations.
- [74]. The NIHRC may also commission research into human rights issues under s. 69(6) of the 1998 Act (which makes explicit provision for the Commission to

exercise this power), which may also serve as an avenue for monitoring human rights violations if this research uncovers examples of such violations or highlights potential problems. The Commission can also monitor and advise on the effectiveness of human rights legislation.

- [75]. The Equality Commission for Northern Ireland may conduct investigations, inquiries and reviews into how public and private bodies are adhering to anti-discrimination law, and on matters that concern equality and non-discrimination.

D.2. The Equality and Human Rights Commission ('the EHRC')

- [76]. The EHRC can monitor human rights violations, as well as collect information on human rights issues in general, by using its power under s. 16 of the *Equality Act 2006* which allows it to carry out inquiries into a matter relating to any of the Commission's duties. In undertaking such an inquiry, Schedule 2 of the 2006 Act requires the Commission to set out terms of reference and give an opportunity for interested persons to contribute; however, the Commission is also able to compel witnesses to attend and evidence to be produced, in a manner similar to the powers available to the NIHR.
- [77]. The Commission is required to publish the report of such an inquiry and may make appropriate recommendations.
- [78]. An inquiry report may not state that a specified or identifiable person has committed an unlawful act and cannot refer to the activities of an identifiable individual unless the Commission thinks that the reference will not harm the person, or is necessary in order for the report to adequately reflect the results of the inquiry. The inquiry powers of the NIHR are not subject to a similar limitation. However, the EHRC may under s.20 of the *Equality Act 2006* also carry out formal investigations as to whether specific individuals have acted unlawfully in contravention of anti-discrimination law. Again, in carrying out such an investigation, the Commission can compel the production of evidence and can use its findings to make recommendations: the Commission may also issue notices requiring individuals who are engaged in discrimination to change their behaviour, which can be enforced in the courts. To launch such an investigation, the Commission needs to be able to show sufficient suspicion that the person being investigated has committed an unlawful act: this suspicion may arise from the outcome of a previous inquiry. However, this investigative power is limited to the scope of anti-discrimination law: the EHRC can only inquire into alleged breaches of other human rights standards, but it cannot investigate allegations that specific individuals have broken human rights law.
- [79]. The EHRC can also monitor and advise on the effectiveness of equality and human rights instruments, and is obliged under the 2006 Act to monitor and

produce periodic reports on progress towards the social goals set out in s.3 of the Act (see above).³² The EHRC may also commission research into human rights issues, which as with the NIHRC's similar power may serve as an avenue for monitoring human rights violations if this research uncovers examples of such violations or highlights potential problems.

- [80]. Unlike the NIHRC or the SCHR, the EHRC has not been given any explicit power to enter places of detention, which represents another limit on its monitoring powers. The Chief Inspector of Prisons and the Children's Commissioner for England have however the power to monitor human rights violations that relate to children: both are independent public bodies.

D.3. The Scottish Commission for Human Rights Commission ('the SCHR')

- [81]. S.4 of the *Scottish Commission on Human Rights Act 2006* allows the Commission to monitor, review and propose changes to any area of Scottish law or the policies or practices of any Scottish public authority, after consultation where appropriate with the Scottish Law Commission. S.7 of the 2006 Act also gives the SCHR the power to conduct inquiries into the policies or practices of any Scottish public authority, or of Scottish public authorities in general, on any matter which is relevant to the performance of its 'general duty' to promote human rights. The SCHR is also given similar powers to the EHRC and NIHRC to compel the production of evidence and is also subject to similar procedural requirements, such as the obligation to set out the terms of the inquiry and to give due notice to anyone likely to be affected.
- [82]. The Commission's inquiry power is limited in important ways. S.12(3) of the 2006 Act states that any report that is issued by the SCHR following an inquiry 'must not make reference to the activities of a specified or identifiable person unless the Commission considers that it is necessary to do so in order for the report adequately to reflect the results of the inquiry'. (The EHRC is subject to a similar restriction.) The Commission may not conduct an inquiry into the policies and practices of any Scottish public authority in relation to a particular case: however, this does not prevent the Commission taking such policies and practices into account in the course of an inquiry. Also, the Commission may only conduct an inquiry into the general activity of a Scottish public authority if that authority is the only body in Scotland with functions in respect of the matter at issue, unless the issue in question concerns the ECHR rights or the UN Convention Against Torture (CAT), i.e. unless the matter in question concerns an allegation of unlawful conduct in UK law. (Conduct by a public authority

³² UK/Equality Act 2006 c.3 (16.02.2006), s.12, available at: www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060003_en.pdf (09.09.2008).

which violates the ECHR or the CAT is illegal in UK law, while conduct contrary to another human rights instrument such as the European Social Charter may not be illegal within national law.) This prevents the SCHR engaging in wide-ranging ‘sector’ reviews of how particular institutions perform their functions. However, the SCHR can still inquire into how the Scottish authorities perform their functions ‘in general’.

- [83]. Like the NIHRC, but unlike the EHRC, the SCHR is given the express power to enter places of detention in connection with an inquiry (s. 11 of the 2006 Act). It may also commission research.

E Reporting

E.1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [84]. Under paragraph 5 of Schedule 7 of the *Northern Ireland Act 1998*, the NIHRC is required to prepare an annual report on the performance of its functions, which is sent to the Secretary of State for Northern Ireland, who in turn sends a copy of this report to each chamber of the UK Parliament. The First Annual Report covered the years 1999-2000 and was published in 2000: it was 33 pages long and set out what the Commission had undertaken in its first year in office. Subsequent annual reports have grown in length, the latest for 2006-07 being 96 pages long. The annual report contains the NIHRC's financial accounts.
- [85]. The reports provide a complete account of the work of the NIHRC and of the human rights issues it has engaged with. However, the main method used by the Commission to report its monitoring work is to publish special reports on particular issues, along with press releases to engage media attention. These reports are published periodically as the Commission completes an inquiry or publishes research. The Commission also publishes special briefings on particular issues and its response to government consultations.
- [86]. The NIHRC also publishes the *NIHRC Review*³³ three times a year, which is a magazine that contains articles analysing important human rights issues. In addition, the Commission publishes a business plan each year, where it sets out its aims and objectives for the forthcoming year, and also publishes a strategic plan every three years after consultation with stakeholder groups: the latest Strategic Plan covers 2006-09.³⁴
- [87]. The Equality Commission for Northern Ireland publishes information and guidance on matters relating to Northern Irish and European anti-discrimination legislation, as well as the result of any investigations or inquiries it conducts into matters that concern equality and non-discrimination. The Equality Commission may also issue codes of practice, which provide guidance on this legislation and should be taken into account by courts and tribunals: the NIHRC does not have an equivalent power.

³³ NIHRC, *NIHRC Review*, available at:

http://www.nihrc.org/index.php?Itemid=19&id=14&option=com_content&task=view (05.09.2008).

³⁴ The NIHRC's business plans are available at:

http://www.nihrc.org/index.php?page=subresources&category_id=27&from=1&resources_id=57&search_content=&Itemid=61 (05.09.2008).

- [88]. See Annex 3 for a full list of the reports of the NIHRC.

E.2. The Equality and Human Rights Commission ('the EHRC')

- [89]. Under s.4 of the *Equality Act 2006*, the Commission is to prepare a strategic plan setting out how it intends to perform its functions, and establishing a timetable for when its work is to be done. This strategic plan is required to be reviewed every three years, and is to be sent to the relevant Secretary of State, who shall send a copy to the UK Parliament. In preparing and subsequently reviewing this strategic plan, the Commission is required to consult such persons 'having knowledge or experience relevant to the Commission's functions as the Commission thinks appropriate'³⁵ and to take account of any representations it receives from interested persons. This plan is at present still being drafted: in the interim, the Commission produced an interim business plan for its first year of operation, 2007/08, and has produced a second business plan for 2008/09. To complement this business plan, the EHRC has also published its legal strategy plan for 2008/09, which sets out its plan for making use of its legal and investigatory powers.³⁶ These strategic and business plans will usually contain the Commission's views on key developing areas of concern and interest in the area of human rights.
- [90]. Under paragraph 32 of Schedule 1 of the *Equality Act 2006*, the EHRC is required to prepare an annual report on its performance of its functions, which should in particular set out how the Commission has adhered to the goals in its strategic plan and how it has implemented its functions in respect of Scotland and Wales. This annual report is sent to the relevant Secretary of State, who in turn sends a copy of this report to each chamber of the UK Parliament, the Scottish Parliament and the Welsh Assembly. The First Annual Report of the EHRC is currently in preparation.
- [91]. As with the NIHRC, the main method used by the EHRC to report its monitoring work is to publish special reports on particular issues, along with press releases to engage media attention. These reports are published periodically as the Commission completes an inquiry or a commissioned research project is completed. For example, the results of investigations and inquiries conducted by the Commission are published in a special report. The

³⁵ UK/Equality Act 2006 c.3 (16.02.2006), s.5(a), available at: www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060003_en.pdf (09.09.2008).

³⁶ EHRC (2008) *Legal Strategy 2008-09*, available at: <http://www.equalityhumanrights.com/en/aboutus/mission/Pages/OurLegalStrategy20089.aspx> (05.09.2008).

Commission also publishes special briefings on particular issues and its response to government consultations.³⁷

- [92]. The EHRC also has the power to draft codes of practice, which provide regulatory guidance to employers and service providers on how to comply with specific parts of British anti-discrimination law. S. 14 of the *Equality Act 2006* provides that the EHRC must then submit the draft code to the relevant Secretary of State, who, if he or she approves the Code, will send it to the UK Parliament, which may disapprove the Code if a resolution to that effect is passed, although this has never occurred. S.15 of the 2006 Act provides that the contents of the Code shall be taken into account by courts and tribunals as guidance in interpreting and applying anti-discrimination law. However, the EHRC does not have the power to issue codes of practice concerning compliance with the *Human Rights Act 1998* or other human rights instruments apart from anti-discrimination legislation.
- [93]. The EHRC also publishes a regular newsletter on its website and through e-mail, which contains information on new developments and its activities.³⁸
- [94]. See Annex 3 below for a complete list of reporting activities and output of the EHRC.

E.3. The Scottish Commission for Human Rights Commission ('the SCHR')

- [95]. S.15 of the *Scottish Commission on Human Rights Act 2006* requires the SCHR to publish an annual report each year for the Scottish Parliament on how it is performing its functions. It is anticipated that the SCHR will also, as with the NIHR and EHRC, publish additional reports on specific matters, as well as an annual business plan: s.7 of the 2006 Act requires the Commission to publish a strategic plan which it is to present to Parliament after appropriate consultation, and review this plan very four years. In addition, the SCHR is also required to publish separately the results of its inquiries under s. 12 of the 2006 Act. As the Commission is not yet operational, it has not yet published any reports.

³⁷ See the EHRC Website, available at:

<http://www.equalityhumanrights.com/en/publicationsandresources/briefingsandresponses/pages/briefingsandconsultationresponses.aspx> (05.09.2008).

³⁸ EHRC, *Equality News*, available at:

<http://uk.tlcollect.com/vt.asp?VT=1&ID=7530q9995V7661GL965> (09.09.2008).

F. Advisory Function

F.1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [96]. S.69 of the *Northern Ireland Act 1998* gives the NIHRC the power to 'keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights' and to advise the Secretary of State for Northern Ireland and the Northern Ireland Executive (who together make up the executive in Northern Ireland) of legislative and other measures which ought to be taken to protect human rights. In addition, the Commission may advise the Northern Ireland Assembly and the UK Parliament on whether a particular piece of legislation is compatible with human rights. The Commission may thus provide advice on its own initiative to both to the executive and the legislature: in addition, the Commission may be asked to provide advice by the Secretary of State, the Northern Ireland Executive, the UK Parliament or the Northern Ireland Assembly. (No specific procedure has been established whereby these executive or legislative bodies are to react in any particular way to any such advice.) In addition, s.69 gives the NIHRC the power to promote respect for and understanding of human rights, which permits it to give advice and guidance to private bodies.
- [97]. The NIHRC has regularly used this power to provide the executive, the UK Parliament and the Northern Ireland Assembly with advice on legislation and other matters that touch on human rights issues, giving detailed reasoning to support its advice. In recent years, the Commission has adopted a more strategic role and concentrated on providing advice on areas of particular concern, rather than attempting to cover a wide range of issues: in the initial years of its existence, as noted in the 2003 report on the work of the NIHRC by the Joint Committee on Human Rights,³⁹ the Commission had been too ambitious and had attempted to address too many issues in its work, resulting in problems of resource allocation and a lack of focus. In providing advice, the Commission has acted on its own initiative, rather than being asked to give advice by the executive or legislative bodies.
- [98]. In providing advice to the Secretary of State and the Northern Ireland Executive, the NIHRC will write letters to the relevant ministers or civil service personnel, as well as publishing public briefings. In providing advice on its own initiative to the UK Parliament and the Northern Ireland Assembly, the NIHRC will publish and circulate parliamentary briefings, which contain the advice and

³⁹Joint Committee on Human Rights, 14th Report, HL 132, HC 142, Work of the Northern Ireland Human Rights Commission, 15 July 2003, para.49.

views of the NIHRC: these briefings can relate to general issues of human rights concern, or, as is more common, specific legislative proposals which may cause concern from a human rights perspective. In addition, the NIHRC at times provides written and oral evidence to parliamentary committees who are inquiring into matters that relate to human rights, such as the Joint Committee on Human Rights of the UK Parliament. However, the NIHRC does not have a formal role in the parliamentary process and has no power to submit legislative proposals. (It can however campaign for the introduction of specific forms of legislation.)

- [99]. The NIHRC provided significant and influential advice to the UK Parliament and Northern Ireland Assembly on the legislation that became the *Police (NI) Act 2003*, as well as on other criminal and juvenile justice legislation, including the anti-terrorism acts of 2001, 2005 and 2006. The NIHRC has also made significant interventions in respect of legislation relating to civil justice and in particular inquest powers (a topic of considerable controversy in Northern Ireland), and has also influenced legislative debates on the establishment of a children's commissioner for Northern Ireland, as well as debates on the scope of its own powers and functions. In each case, the NIHRC acted on its own initiative.
- [100]. S.69(2) of the 1998 Act also required the Commission to provide advice to the Secretary of State as to the adequacy and effectiveness of its own mandate, powers and functions within two years of becoming operational. The Commission provided this advice in February 2001,⁴¹ making a series of recommendations which included i) the amendment of the provisions of the 1998 Act to give the Commission greater powers to raise funds independently of government; ii) provision for more full-time commissioners; iii) explicit statutory authorisation for the Commission to provide advice in respect of government policy (not just law and practice) and to review the operation of the *Human Rights Act 1998* and progress in establishing a Bill of Rights for Northern Ireland; iv) the enactment of statutory guarantees of sufficient resources and independence (see above); v) the clarification of the Commission's promotional functions; vi) the strengthening of the Commission's investigative powers (later largely implemented by the *Justice and Security (NI) Act 2007*); and vi) clarification and extension of the Commission's ability to intervene in court proceedings (see below). In addition, this review recommended that the Commission be given an explicit power to review and advise on the UK's commitments under international human rights treaties. Many of these recommendations have not been implemented: however, the Commission continues to take a broad interpretation of its advisory functions.

⁴¹ NIHRC (2001), *Report to the Secretary of State required by section 69(2) of the Northern Ireland Act 1998*, p.46-49, available at <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/33/effectiveness.doc> (05.09.2008).

- [101]. The Equality Commission for Northern Ireland provides advice on matters that relate to equality and anti-discrimination law.
- [102]. The text of all the NIHRC's formal advice statements to the government, the UK Parliament and the Northern Irish Assembly can be found at: http://www.nihrc.org/index.php?page=res_details&category_id=26&Itemid=61 (05.09.2008). Reports, opinions and contributions produced by the NIHRC are published on its websites and also circulated at times in hard copy and via e-mail. The NIHRC also uses press releases and media contacts to ensure publicity for their reports. All its reports, opinions and contributions are published, except for internal discussion papers and draft reports. For a list of these statements, see Annex 3.

F.2. The Equality and Human Rights Commission ('the EHRC')

- [103]. S. 13 of the *Equality Act 2006* provides that the EHRC may provide advice and information on any matter relating to human rights and anti-discrimination law. In the short period of time in which it has been in operation, the EHRC has provided government with advice on a range of matters concerning equality and human rights, as well as issuing codes of practice on elements of the anti-discrimination legislation (see above). The EHRC has thus far concentrated on giving advice to the government on issues of pressing concern, in conjunction with giving advice on the causal factors of discrimination. For a list of its advice statements thus far, see Annex 3. The UK government is not under any particular obligation to respond to this advice.
- [104]. The EHRC can also provide advice on its own initiative to the UK Parliament and, where appropriate, the Northern Ireland Assembly, the Scottish Parliament and the Welsh Assembly on matters relating to human rights and anti-discrimination law. This is done via the publication and circulation of parliamentary briefings, which contain the advice and views of the Commission: these briefings can relate to general issues of human rights concern, or, as is more common, specific legislative proposals which may cause concern from a human rights perspective. In addition, the EHRC can provide written and oral evidence to parliamentary committees who are inquiring into matters that relate to human rights, and in particular to the Joint Committee on Human Rights. However, the EHRC, like the NIHRC, does not have a formal role in the parliamentary process and has no power to submit legislative proposals. (It can however campaign for the introduction of specific forms of legislation.) There is no formal procedure stipulating how Parliament responds to any advice offered by the EHRC.
- [105]. The EHRC in its limited period of existence has had a considerable impact upon legislation which extended the protection of the *Human Rights Act 1998* to

older persons in private care homes. In a parliamentary briefing, the EHRC proposed a legislative amendment which in modified form eventually became s. 145 of the *Health and Social Care Act 2008*. The three previous equality commissions that existed in Britain before the establishment of the EHRC had also contributed to parliamentary debates in a similar manner, and had a particularly significant role in influencing debate on the *Equality Act 2006*. In each case, the EHRC acted on its own initiative.

- [106]. Reports, opinions and contributions produced by the EHRC are published on its website and also circulated at times in hard copy and via e-mail. The Commission also uses press releases and media contacts to ensure publicity for their reports. All its reports, opinions and contributions are published, except for internal discussion papers and draft reports. See Annex 3 for a list of the parliamentary briefings provided by the EHRC.

F.3. The Scottish Commission for Human Rights Commission ('the SCHR')

- [107]. S.3 of the *Scottish Commission on Human Rights Act 2006* provides that the SCHR may provide advice and information for the purposes of giving effect to its duty to promote respect for human rights. (No specific procedure has as yet been established whereby the Scottish Government or the Scottish parliament is to react to any such advice.) In addition, s.4 provides that the Commission may review and recommend changes to any area of the law of Scotland, or any policies or practices of any Scottish public authorities. It is expected that the SCHR will advise the Scottish Government and the Scottish Parliament in a similar manner to that in which the NIHRC and EHRC perform their advisory role.

G Research

G.1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [108]. The NIHRC has powers to conduct or commission research under s.69(6) of the *Northern Ireland Act 1998*. The Commission will typically contract (after a competitive tender) with an independent researcher or research unit, who will work in conjunction with the Commission staff on the final research report. Research reports are intended to be comprehensive and authoritative. The NIHRC selects research topics which touch upon matters of particular importance or significance in the Northern Irish context, and which it hopes will assist the Commission itself in its work, as well as policymakers. Commissioned research is also used to draw attention to overlooked human rights issues. Examples include the treatment of women in prison, hospital deaths, the treatment of the mentally ill, the rights of victims of violence and their families, the detention of juveniles, the use of 'baton rounds' and plastic bullets in riot control, and the appropriate policy to be adopted towards demonstrations and parades alleged to be of a sectarian nature.
- [109]. All topics on which NIHRC conducts research can be found at: http://www.nihrc.org/index.php?page=res_details&category_id=25&Itemid=61 (05.09.2008).

G.2. The Equality and Human Rights Commission ('the EHRC')

- [110]. S.13 of the *Equality Act 2006* gives the EHRC the power to conduct or commission research. It typically arranges for this research to be done by independent external researchers in a similar manner as does the NIHRC, although it has some internal research capacity. It also selects topics in a similar manner as does the NIHRC.
- [111]. In its current business plan, the EHRC has placed considerable emphasis on research, which it sees as essential to identify key human rights issues and factors which may contribute to discrimination and other denials of basic rights. Between November 2007 to May 2008, 27 research projects have been initiated. They are divided into nine categories or topic areas:
- .career mobility, life chances and social class;

- equality statistics and indicators;
- human rights (e.g. evaluating the impact of selected cases under the Human Rights Act on public service provision);
- minority groups (e.g. refugees and asylum seekers: a review of equality and human rights implication);
- pay and income (e.g. equal pay reviews survey 2008);
- other equality strands - age, religion or faith and sexual orientation (e.g. the treatment of older people inside and outside the labour market);
- procurement (e.g. procurement and supplier diversity in the 2012 Olympics);
- Scotland (e.g. attitudes to equality in Scotland);
- Wales (e.g. equality Issues in Wales: a review of recent research)

[112]. An example of how the EHRC is making arrangements for research to inform its use of its powers relates to the inquiry it has initiated into the impact of the *Human Rights Act 1998*. The Commission contracted with university research units to research three specific areas: the impact of the *Human Rights Act 1998* in case law, the change observed in the culture of public sector organisations and lastly the role played by the complaint bodies in promoting human rights standards. Evidence for all three projects is to be obtained from individuals, organisations and service providers, based on their experiences, positive and negative, by completing a form available on the EHRC website or from specific interviews with discrimination victims or experts in the fields.

[113]. To give another example, the Commission uses its internal research staff to produce an annual ‘Sex and Power’ report (following the practice of the former Equal Opportunities Commission), which assesses progress towards gender equality.

[114]. For an overview of all research projects of EHRC: <http://www.equalityhumanrights.com/en/policyresearch/pages/researchprojects.aspx> (05.09.2008).

G.3. The Scottish Commission for Human Rights Commission (‘the SCHR’)

[115]. The SCHR is not yet operational, but is expected to commission or carry out research in a similar manner to the NIHR and EHRC, and s.3 of the Scottish Commission on Human Rights Act 2006 permits the SCHR to carry out such research.

H. Cooperation with Civil Society

H.1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [116]. The NIHRC works closely with civil society in Northern Ireland. In preparing its strategic plan, it consults with NGOs, social partners and community groups on the future direction of its work, and often seeks civil society perspectives in developing its position on specific issues through various consultation processes, which include web-based response forms and meetings with community groups throughout Northern Ireland. S.69 of the *Northern Ireland Act 1998* permits the Commission to assist and finance other organisations to aid it in the performance of its functions, including its research functions.
- [117]. The NIHRC also organises regular conferences and seminars on human rights issues to which civil society organisations are invited. Also, as part of its mandate to advise on a draft Bill of Rights for Northern Ireland, the NIHRC organised in 2007 a 'Bill of Rights Forum', which brought representatives of community groups and NGOs together with members of political parties to discuss the form and content of a Bill of Rights.⁴² This Forum has recently produced a comprehensive and detailed report,⁴³ which provides the Commission with clear guidelines which it will take into account in developing its own proposals on a Bill of Rights for Northern Ireland. The NIHRC also liaises with NGOs in its preparation of 'shadow' reports to the UN human rights monitoring bodies (see below).
- [118]. The NIHRC works with academics on research projects and often makes use of academics to provide detailed information on new developments in the pages of the *NIHRC Review* and in conferences. In addition, the NIHC has consulted with academics on the draft Bill of Rights, forming an advisory committee to assist it in its work.
- [119]. The Commission has also established a Human Rights Practitioners Group, which met for the first time in December 2003. The Group, made up of advice workers, equality officers, solicitors and academics, meets quarterly on an informal basis to discuss and share information on human rights issues.

⁴² See <http://www.billofrightsforum.org/> (09.09.2008).

⁴³ Bill of Rights Forum, *Final Report. Recommendations to the Northern Ireland Human Rights Commission on a Bill of Rights for Northern Ireland*, 31 March 2008, available at: http://www.billofrightsforum.org/borf_final_report.pdf (09.09.2008).

H.2. The Equality and Human Rights Commission ('the EHRC')

- [120]. As with the NIHRC, the EHRC has consulted with community groups and NGOs in the preparation of its forthcoming strategic plan and its published legal strategy policy. The Commission also consults with NGOs on specific rights and equality issues, often seeking advice and input from NGOs with specialist knowledge of particular issues. Sections 13, 17 and 19 of the *Equality Act 2006* allows the ECHR to co-operate with community groups and other organisations in carrying out its functions, as well as funding research and other activities by such community groups and other organisations.
- [121]. The EHRC also links up with community groups and NGOs to put particular projects into effect. For example, the EHRC has joined forces with the Apprenticeship Ambassadors Network (AAN) to produce a new business guide to promoting diversity in Apprenticeships and to run a conference on the matter. To take another example, the EHRC has teamed up with the youth organisation Skill Force to launch 'Our Space', a weeklong residential programme for fourteen and fifteen year olds from diverse British communities which takes place in the Lake District scenic area in northern England. In addition, the EHRC provides grants for community bodies to promote equality and diversity in their local communities, having taken over the functions of the Commission for Racial Equality, which used to perform a similar task. The EHRC also works with the academic community, by drawing upon academic expertise in preparing its briefings and advice, and also by contracting out when they require help for their research. For example, the EHRC is working with London Metropolitan University and Global Partners and Associates to carry out a literature review on the evidence available as to the impact of the *Human Rights Act 1998*.

H.3. The Scottish Commission for Human Rights Commission ('the SCHR')

- [122]. The SCHR is not yet operational, but is expected to work with civil society in a similar manner to the NIHRC and EHRC. S.5 of the *Scottish Commission for Human Rights Act 2006* gives the SCHR the power to co-operate with and assist other organisations in carrying out its functions, including its research functions.

I Promotion of International Treaties

11 The Northern Ireland Human Rights Commission ('the NIHRC')

[123]. The NIHRC is not given any specific or express role by legislation to promote compliance with international human rights treaties, just to promote awareness and understanding of 'human rights' (s.69 of the *Northern Ireland Act 1998*). However, the NIHRC has taken the view that this includes the rights recognised in international human rights instruments and it often takes steps to encourage UK ratification of international human rights treaties, through public statements of support for ratification, parliamentary briefings and organising conferences and seminars to encourage greater awareness of the treaties in question. For example, in 2004, the NIHRC sent a letter to the Secretary of State for Northern Ireland advising the government to proceed with the ratification of the Optional Protocol to the UN Convention Against Torture (OPCAT):⁴⁴ following UK ratification of this Optional Protocol, the NIHRC has continued to draw public attention to its provisions.

[124]. As regards treaties signed and ratified by the UK, the NIHRC's website sets out its basic approach to ensuring that national law and practice adheres to these human rights standards:

'For the main UN treaties with periodic "examination" processes, the Commission's strategy is to:

- monitor the extent to which the treaty rights are honoured in NI
- raise awareness of the treaty, liaising with relevant NGOs
- comment on draft Government reports to the treaty body
- submit our own 'shadow' reports highlighting NI issues
- attend and lobby treaty body sessions when the UK is reporting
- use the treaty body's observations to press for change.'⁴⁵

⁴⁴ NIHRC, *Letter to the Secretary of State for Northern Ireland on the ratification of Optional Protocol to the UN Convention Against Torture (CAT)*, 13 January 2004, available at: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/65/124.pdf> (09.09.2008).

⁴⁵ See the NIHRC website, available at: http://www.nihrc.org/index.php?page=subresources&category_id=23&from=2&resources_id=42&Itemid=61 (09.09.2008).

In addition, the Commission makes an annual 'state of human rights in Northern Ireland' statement to the UN Human Rights Council.

[125]. The NIHRC's alternative (shadow) reports to various UN Treaty bodies identify areas of national law and practice that the Commission considers are falling short of the UK's treaty commitments. The Commission has published the following shadow reports:

- 2007/08: Submission to the UN Human Rights Committee on the UK's 6th periodic report on implementation of ICCPR;⁴⁶ to CEDAW Committee on UK's 6th periodic report on implementation of CEDAW;⁴⁷ to CRC Committee on UK's 3rd and 4th periodic report on the implementation of CRC;⁴⁸
- 2004: UN Convention against Torture - Comments to the UN Committee Against Torture on the 4th Periodic Report of the UK;⁴⁹
- 2002: Submission to the Fourth Report of the UK under the International Covenant on Economic, Social and Cultural Rights;⁵⁰
- 2001: Submission to the Pre-Sessional Hearing by the UN Human Rights Committee;⁵¹
- 2000: Response to the UK's 15th Periodic Report to CERD.⁵²

In 2007 a submission was also made to the UN Human Rights Council in respect of the Universal Periodic Review, focusing upon the state of human rights in Northern Ireland.⁵³

⁴⁶ NIHRC, *Submission to the UN Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR): shadow report on the UK's sixth periodic report*, May 2008, available at: [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/100/Submission on ICCPR %28Shadow Report%29 May 2008.pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/100/Submission%20on%20ICCPR%20-%20May%202008.pdf) (09.09.2008).

⁴⁷ NIHRC, *Submission to the UN Committee on the Elimination of Discrimination against Women: shadow report on the UK's sixth periodic report*, May 2008, available at: [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/100/Submission on CEDAW %28Shadow Report%29 May 2008.doc](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/100/Submission%20on%20CEDAW%20-%20May%202008.doc) (09.09.2008).

⁴⁸ NIHRC, *Submission to the UN Committee on the Rights of the Child: shadow report on the UK's third and fourth periodic reports*, May 2008, available at: [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/100/Submission on UNCRC %28Shadow Report%29 May 2008.pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/100/Submission%20on%20UNCRC%20-%20May%202008.pdf) (09.09.2008).

⁴⁹ NIHRC, *Comments on the Fourth Periodic Report of the United Kingdom to the United Nations Committee Against Torture*, November 2004, available at: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/65/140.doc> (09.09.2008).

⁵⁰ NIHRC, *Submission to the Fourth Report of the UK under the International Covenant on Economic, Social and Cultural Rights*, April 2002, available at: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/65/80.doc> (09.09.2008).

⁵¹ NIHRC, *Submission by the Northern Ireland Human Rights Commission to the Pre-Sessional Hearing by the United Nations Human Rights Committee*, July 2001, available at: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/65/59.doc> (09.09.2008).

⁵² NIHRC, *Response by the Northern Ireland Human Rights Commission to the UK's 15th report to CERD*, August 2000, available at: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/65/44.doc> (09.09.2008).

- [126]. In preparing these ‘shadow’ reports, the NIHRC liaises with Northern Irish NGOs and with other independent public bodies, including the Children’s Commissioner for Northern Ireland and the Equality Commission for Northern Ireland. These reports are intended to provide an authoritative assessment of the state of human rights protection in Northern Ireland and to draw the attention of the UN monitoring bodies to possible shortfalls in protection and respect for these rights.
- [127]. The most recent *NIHRC Review* contains information on NIHRC’s recent activities related to international human rights treaties, e.g. its participation in work of UN treaty bodies.⁵⁴
- [128]. In addition, the NIHRC has placed considerable emphasis on promoting compliance with the ECHR and encouraging full and prompt implementation of judgments of the European Court of Human Rights which have found UK laws or procedures to be in violation of the ECHR. For example, in its annual report for 2002, the NIHRC expressed its disappointment about the unsatisfactory implementation of the judgement delivered by the Strasbourg court in the joined cases of *Hugh Jordan v UK*, *McKerr v UK*, *Kelly v UK* and *Shanaghan v UK* (May 2001) and announced that it would consider using legal action to ensure proper implementation of these judgments.⁵⁵ Following the UK government’s eventual announcement of a package of measures intended to address the issues raised by these judgments, the NIHRC commented on what it considered to be deficiencies in this response:⁵⁶ subsequently, the Commission has continued to campaign on this issue, making interventions in related cases proceeding through the Northern Irish courts and publishing a report, ‘*Investigating Lethal Force Deaths in Northern Ireland – The Application of Art.2 ECHR*’ in 2006.⁵⁷

⁵³ NIHRC, Submission by the Northern Ireland Human Rights Commission to the UN Human Rights Council’s Universal Periodic Review, November 2007, available at: [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/82/Submission to UN Universal Periodic Review.doc](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/82/Submission%20to%20UN%20Universal%20Periodic%20Review.doc) (09.09.2008).

⁵⁴ See NIHRC, *NIHRC Review*, Issue 7, p. 7, available at: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/71/HRCREVIEW1.pdf> (09.09.2008).

⁵⁵ NIHR, *Annual Report 2002*, p.41, available at: [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/30/ann report 2002.pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/30/ann%20report%202002.pdf) (09.09.2008).

⁵⁶ See NIHRC, *Comments on the UK Government's package of measures intended to address the issues raised by the European Court of Human Rights in its Article 2 (ECHR) judgments of 4 May 2001 (Jordan, Kelly, McKerr, Shanaghan)*, January 2003, available at: [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/29/Comments on the UK measures package on 2001 ECtHR cases \(January 2003\).pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/29/Comments%20on%20the%20UK%20measures%20package%20on%202001%20ECtHR%20cases%20(January%202003).pdf) (05.09.2008).

⁵⁷ See Doherty, Fiona and Mageean, Paul (2006) *Investigating Lethal Force deaths in Northern Ireland - The Application of Article 2 of the European Convention on Human Rights*, available at: [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/42/Investigating Lethal Force Deaths NI Feb06.pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/42/Investigating%20Lethal%20Force%20Deaths%20NI%20Feb06.pdf) (05.09.2008).

12 The Equality and Human Rights Commission ('the EHRC')

- [129]. As with the NIHR, the EHRC is not given any specific or express role by legislation to promote compliance with international human rights treaties, just to promote awareness and understanding of 'human rights' (s. 9 of the *Equality Act 2006*). However, the EHRC has also taken the view that this includes the rights recognised in international human rights instruments and the Commission therefore aims to encourage UK ratification of international human rights treaties, through public statements of support for ratification. For example, the EHRC in August 2008 recently issued a position statement about UK ratification of the UN Convention on the Rights of Persons with Disabilities, which emphasises the importance of the Convention and expresses opposition to the UK entering any reservations or interpretative declarations upon ratification.⁵⁸
- [130]. The EHRC also has adapted a similar approach as the NIHR towards ensuring harmonisation of British law and practice with the UK's international human rights treaty obligations. The Commission has submitted alternative 'shadow' reports to the UN Human Rights Committee⁵⁹ and the CEDAW Committee in June 2008.⁶⁰ In addition, the Commission intends to monitor UK compliance with ECHR judgments and has intervened in several court proceedings to argue in favour of interpretations of UK law which best reflect international human right standards.

13 The Scottish Commission for Human Rights Commission ('the SCHR')

- [131]. The SCHR is not yet operational, but is expected to adopt a similar approach to international human rights treaties as do the NIHR and EHRC. S.22(2) of the *Scottish Commission for Human Rights Act 2006* does give the SCHR the express power to promote compliance with human rights recognised in

⁵⁸ See EHRC Disability Committee, *UK Ratification of the UN Convention on the Rights of Persons With Disabilities*, available at <http://www.equalityhumanrights.com/en/policyresearch/h submissions/Pages/StatementUNCOnConventionRightsPeopleDisabilities.aspx> (05.09.2008).

⁵⁹ EHRC, *Submission on the United Kingdom's sixth periodic report under the International Covenant on Civil and Political Rights*, June 2008, available at <http://www.equalityhumanrights.com/Documents/Briefings/ICCPR.doc> (05.09.2008)

⁶⁰ HRC, *Submission on the Sixth Periodic Report of the United Kingdom to the United Nations Committee on the Elimination of all forms of Discrimination Against Women (CEDAW)*, June 2008, available at: <http://www.equalityhumanrights.com/en/policyresearch/h submissions/pages/default.aspx> (05.09.2008).

international human rights treaties, but only those that have been ratified by the UK.

J. Human Rights Education and Awareness

J.1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [132]. S.69(6) of the *Northern Ireland Act 1998* establishes the promotion of awareness and understanding of human rights as a core function of the NIHRC. Over the last few years, the NIHRC has prioritised human rights education and training work. The NIHRC commissioned a review of human rights education in Northern Ireland to inform this strategic approach, which was conducted by J. Reilly and U. Niens of the UNESCO Centre, School of Education, University of Ulster, and was published in March 2005.⁶¹ The review mapped existing provision and concluded that although there is a consensus about the importance of human rights training in general, a majority of respondents believed that there was a need for increased provision in Northern Ireland, that very few organisations assess or accredit their human rights training and that there appeared to be few materials available that organisations can draw upon for their training. The findings of this review were used by the Commission to develop a specific education and training strategic plan to direct its education and training work, which covers the years 2007-10 and will be periodically reviewed.⁶²
- [133]. The NIHRC has also prioritised the evaluation of the human rights components of the training programme for the Police Service of Northern Ireland (PSNI). The Commission has worked closely with the PSNI training providers and has reviewed the curricula, observed training in action, liaised with the PSNI to secure improvements on this training, and contributes to public discussions on human rights training within the police in general.
- [134]. In addition, to complement its work on a Bill of Rights for Northern Ireland, the NIHRC has established a Bill of Rights in Schools Project (BORIS), which was established in September 2002 to produce human rights education materials on the proposed Bill of Rights for Northern Ireland. The Project is a partnership between the Commission, the Department of Education and Education and local

⁶¹ NIHRC Review of Human Rights Education and Training, produced by J. Reilly and U. Niens, UNESCO Centre, School of Education, University of Ulster, March 2005, available at: [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/11/Review of Human Rights Education and Training, UNESCO Centre, UU 2005.pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/11/Review%20of%20Human%20Rights%20Education%20and%20Training,%20UNESCO%20Centre,%20UU%202005.pdf) (05.09.2008).

⁶² NIHRC, *Education Strategy 2007-2010*, available at: http://www.nihrc.org/index.php?page=res_details&category_id=29&Itemid=61 (05.09.2008).

Library Boards. The project produced a 142-page resource,⁶³ which provides 18 lesson plans for pupils aged 11-14 (Key Stage 3) and aged 15-18 (Key Stage 4 and Post-16). Having been initially used on a test basis by teaching staff in 30 schools across Northern Ireland, this resource is available on the NIHRC website⁶⁴ and is available for use in all post-primary schools in Northern Ireland. An Irish language version is also due to be launched.

- [135]. The NIHRC has also drawn attention to the relevant UN resolutions and guidance on human rights training and has established a special section on its website that provides numerous resources for educators.⁶⁵ The NIHRC also works with NGOs and community groups to assist in the provision of human rights training. In addition, the Commission regularly organises conferences and seminars on human rights themes, including an annual human rights education programme.⁶⁶ In addition, through its press releases, media work and interventions in public debates, the NIHRC aims to heighten awareness of human rights issues. Also, as noted above, NIHRC publishes a magazine, *NIHRC Review*, three times a year, which is intended promote debate on human rights and to publicise its activities to the general public and to interested groups.⁶⁷ The NIHRC also sponsors a prize for the best student dissertations on a human rights issue produced annually in Northern Ireland and also runs an internship programme for students wishing to acquire work experience in the area of human rights.
- [136]. The NIHRC also publishes information on the rights of individuals, to raise awareness: for example, in January 2007, the NIHRC published a comprehensive guide for migrant workers which set out their legal rights and entitlements.⁶⁸

⁶³ Bill of Rights in Schools, *Bill of Rights in Schools. A Resource for Post-primary Schools*, October 2004, available at: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/10/BORIS Oct 04.pdf> (05.09.2008).

⁶⁴ See http://www.nihrc.org/index.php?page=res_details&category_id=29&Itemid=61 (05.09.2008).

⁶⁵ See http://www.nihrc.org/index.php?page=res_details&category_id=29&Itemid=61 (05.09.2008).

⁶⁶ For more information on this, see the topics/ events under 'Special Focus': http://www.nihrc.org/index.php?page=specialfocus&from=0&focus_id=1&Itemid=1 (05.09.2008).

⁶⁷ NIHRC, *NIHRC Review*, available at: http://www.nihrc.org/index.php?option=com_content&task=view&id=14&Itemid=19 (05.09.2008).

⁶⁸ See NIHRC, *Migrant workers - Your Rights in Northern Ireland*, 2006, available at: http://www.nihrc.org/index.php?page=subresources&category_id=16&from=1&resources_id=87&search_content=&Itemid=61 (05.09.2008).

J.2. The Equality and Human Rights Commission ('the EHRC')

- [137]. S.9(1) of the *Equality Act 2006* establishes the promotion of awareness and understanding of human rights as a core function of the EHRC. The EHRC has made raising public awareness of human rights a priority. It uses its website, press releases and media publicity to draw public attention to human rights issues and to make information available on the legal rights of individuals to freedom from discrimination and exclusion. For example, through press releases and information on its website, the EHRC has recently attempted to raise awareness of the introduction of improved rights to assistance for disabled and less mobile passengers under new EU law.⁶⁹ To give another example, the EHRC has published on its website a collection of stories ('Equally Different') from people of all ages and social backgrounds explaining what makes them different and how it has affected their lives.⁷⁰ In addition, the EHRC publishes a briefing on developments in the field of equality and anti-discrimination, *Equality News*.⁷¹
- [138]. The EHRC's website provides information for legal advisers e.g. (lawyers, trade union representatives and NGO activists) on current anti-discrimination law, re-publishing as well advice and guidance produced by the previous equality commissions. The EHRC also drafts Codes of Practices, as discussed above, which give guidance on the interpretation of anti-discrimination law and are to be taken into account by courts and tribunals interpreting UK and European legislation.
- [139]. In addition, the EHRC's website contains information about human rights education which is divided into three categories: 1) equality and discrimination (containing information about gender, age, race, sexual orientation, disability, religion and belief discrimination);⁷² 2) rights in different settings (information about rights being protected in different settings such as in work, training, looking for work, health and social care, transport and housing);⁷³ and 3) human rights (general introduction about human rights, when they can be used, by

⁶⁹ EHRC, *New rights for disabled and less mobile passengers*, available at:

<http://www.equalityhumanrights.com/en/yourrights/rightsindifferentsettings/transport/pages/airtravel.aspx> (05.09.2008).

⁷⁰ See

<http://www.equalityhumanrights.com/en/projects/equallydifferent/pages/equallydifferentarchive.aspx> (05.09.2008).

⁷¹ EHRC, *Equality News*, available at:

<http://cecollect.com/ve/VK28HX713196zPh3/VT=0/page=0> (05.09.2008).

⁷² See

<http://www.equalityhumanrights.com/en/yourrights/equalityanddiscrimination/pages/equalityhome.aspx> (05.09.2008).

⁷³ See

<http://www.equalityhumanrights.com/en/yourrights/rightsindifferentsettings/pages/default.aspx> (05.09.2008).

whom and against who).⁷⁴ The website also contains educational material published by the previous equality commissions for use by schools and community groups on issues such as discrimination and diversity.

- [140]. The EHRC supports the Walktalk initiative, which brings people with very different background together through the means of a funded walk from Leeds to Central London.⁷⁵ The EHRC has also launched a new initiative ‘Working Better’, which aims to identify and promote innovative new ways of working which help meet the challenges of the 21st century.⁷⁶
- [141]. Finally the Commission has a YouTube Channel where stories of people which have been discriminated against and how this has affected their lives are heard.⁷⁷

J.3. The Scottish Commission for Human Rights Commission (‘the SCHR’)

- [142]. The SCHR is not yet operational, but is expected to adopt a similar approach to education and awareness-raising as do the NIHRC and EHRC. S. 2 of the *Scottish Commission for Human Rights Act 1998* establishes the promotion of awareness and understanding of human rights as a core function of the SCHR.

⁷⁴ See <http://www.equalityhumanrights.com/en/yourrights/humanrights/pages/humanrights.aspx> (05.09.2008).

⁷⁵ See <http://www.equalityhumanrights.com/en/projects/walktalk/pages/variationsitedefault.aspx>

⁷⁶ See <http://www.equalityhumanrights.com/en/projects/workingbetter/Pages/WorkingBetter.aspx> (05.09.2008).

⁷⁷ See www.youtube.com/equalityhumanrights (05.09.2008).

K. Individual Complaints Procedure

K.1. The Northern Ireland Human Rights Commission ('the NIHRC')

[143]. The NIHRC does not have any adjudicatory role in respect of individual complaints. However, s.70 of the *Northern Ireland Act 1998* gives the NIHRC the power to provide assistance to individuals who have commenced, are involved or wish to commence legal cases which involve law or practice relating to the protection of human rights. S.70(2) of the 1998 Act provides that the Commission may choose to assist an individual on any of the following grounds:

(a) that the case raises a question of principle;

(b) that it would be unreasonable to expect the person to deal with the case without assistance because of its complexity, or because of the person's position in relation to another person involved, or for some other reason;

(c) that there are other special circumstances which make it appropriate for the Commission to provide assistance.

[144]. In other words, the NIHRC is not required to assist all individual applicants, but may decide to give assistance to particular individuals in the interests of ensuring effective enforcement of the law, or for strategic purposes, or because the position of the individual in question makes it appropriate for the Commission to provide support.

[145]. The NIHRC receives approximately 1,000 new legal inquiries every year, many of which are processed through the telephone helpline that the Commission has established. As a result, it has established an internal system for selecting which applications to support. A Legal Committee has been established which is a sub-committee of the Commission and possesses delegated decision-making and spending powers. It has normally had three to five Commissioners as members and usually meets monthly to consider applications for legal assistance from individuals. In considering these applications, the Legal Committee applies specific criteria which the Commission has approved and published in its annual report: these criteria are periodically reviewed and revised. In applying these criteria, the Legal Committee pays particular attention to the Commission's three-year strategic plan, which identifies particular legal issues where the existing state of legal protection for human rights needs clarification, strengthening or additional development: the Legal

Committee will often give priority to individual cases which may assist in resolving some of these issues.

- [146]. The vast majority of the individual inquiries that reach the NIHRC every year do not proceed to a formal application for legal assistance because they are resolved after the provision of initial advice and (in most cases) some correspondence and informal negotiation. The NIHC often provides individuals with basic guidance and information through its telephone helpline or through e-mail or postal correspondence, or may enter into correspondence with the various parties to the dispute. This resolves many of the individual issues that arise. To give an example of a successful informal intervention by the NIHRC, in December 2006 the Commission was successful in securing specialised medical treatment for a person with a rare disorder which a health board had initially refused to fund on grounds of cost; however, after intervention by the Commission, the board reversed its decision.⁷⁸
- [147]. However, individual inquiries that cannot be resolved by this pre-screening process or give rise to important strategic issues are then assessed by the Legal Committee: the cases that best suit the criteria set out by the Commission will receive more comprehensive legal support, which can include legal advice, legal representation (either by internal Commission lawyers or by external counsel instructed by the Commission) or other forms of advice or assistance. Decisions on whether to support particularly controversial cases may be referred to the Commission sitting as a whole.
- [148]. The process of selecting individual cases for support and providing this support is very resource intensive and time-consuming. In the first few years of the Commission's existence, the NIHRC struggled to formulate a clear approach to its individual case support function. In its report on the work of the Commission in 2003, the Joint Committee on Human Rights considered that some of the Commission's individual support decision-making had suffered from a lack of clear decision-making structures and guidelines and recommended that clearer systems of decision-making be put into place, along with a more strategic focus. The Joint Committee also took the view that the NIHRC's experience confirmed its view that 'it is impractical for human rights commissions to have a leading role in providing legal assistance to individuals bringing human rights claims... [there is a need] for a *strategic* casework function, aimed at developing the law and disseminating human rights principles, rather than achieving redress for individuals'.⁷⁹ The NIHRC's current system for selecting cases set out above was developed in response to these problems and has ensured a more streamlined and effective system.

⁷⁸ See NIHRC, Annual Report 2006-07, p. 45, available at: [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/30/Annual Report 06-07 final.pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/30/Annual%20Report%2006-07%20final.pdf) (12.09.2008).

⁷⁹ Joint Committee on Human Rights, 14th Report, HL 132, HC 142, *Work of the Northern Ireland Human Rights Commission*, 15th July 2003, para. 57.

- [149]. The NIHRC's annual reports 2004/05⁸⁰ and 2005/06⁸¹ note that the Commission is receiving a rising number on inquiries by individuals, which however has been accompanied by a falling proportion of formal applications for legal assistance: the reports attribute this phenomenon to the increased volume of media coverage of the NIHRC's activities, which results in more inquiries, and greater effectiveness by Commission staff in conducting informal interventions and mediation in disputes as the reasons underlying the falling number of individual inquiries which actually lead to applications for legal assistance.
- [150]. Examples of individual cases supported by the Commission include a challenge against the decision of the Secretary of State to refuse protection under the Key Person Protection Scheme (a system for providing special levels of protection to specific individuals threatened by paramilitary violence) to a specific individual.⁸² Another case challenged the lack of availability of legal aid at inquest proceedings.⁸³ Another involved an applicant seeking to rely on his right to liberty (Article 5 ECHR) to challenge a decision of the Mental Health Review Tribunal to order his continued detention, while a further case concerned employment discrimination against ex-prisoners.⁸⁴ The Commission has also provided legal representation for individuals before inquests inquiring into the death of relatives or family members.⁸⁵ Many of these cases have resulted in adjustments to public policy and practice and securing greater protection of the rights of the individuals in question, as well as influencing the development of human rights law.⁸⁶
- [151]. The Equality Commission for Northern Ireland has the power to support individual cases that involve issues of anti-discrimination law.

⁸⁰ NIHRC, *Annual Report 2004/5*, pp. 2 1-22, available at:

http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/30/ann_report_04-05.pdf (05.09.2008).

⁸¹ NIHRC, *Annual Report 2005/6*, pp.20-21, available at:

http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/30/Annual_Report_Financial_Accounts_2005-06.pdf (05.09.2008).

⁸² *Re W (An Application For Judicial Review)* [2004] NIQB 67.

⁸³ *Re Hemsworth (An Application for Judicial Review)* [2005] NICA 12(1).

⁸⁴ See NIHRC, Caselaw, available at:

http://www.nihrc.org/index.php?page=res_details&category_id=24 (05.09.2008).

⁸⁵ See NIHRC, Caselaw, available at:

http://www.nihrc.org/index.php?page=res_details&category_id=24 (05.09.2008).

⁸⁶ See NIHRC, *Annual Report 2006/7*, p. 45, available at:

http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/30/Annual_Report_06-07_final.pdf (12.09.2008).

K.2. The Equality and Human Rights Commission ('the EHRC')

- [152]. The EHRC does not have any adjudicatory role in respect of individual complaints. However, the *Equality Act 2006* conferred the powers of the existing equality commissions on the EHRC, and extended them across the six equality grounds. As a result, s.28 of the 2006 Act provides that the EHRC can choose to support individual alleging discrimination contrary to UK and European anti-discrimination legislation before courts and tribunals, or to provide alternative forms of legal support and advice.
- [153]. However, s.28 also provides that the EHRC, unlike the NIHRC, does not have the power to provide legal representation to individuals who wish to bring cases under human rights law which does not also involve a claim under the anti-discrimination legislation, except in certain limited circumstances where a claim is initially launched under both human rights law and the anti-discrimination legislation and the anti-discrimination element of the claim subsequently drops away. This controversial decision to deny the EHRC the ability to support individual cases that do not involve anti-discrimination law was the result of a decision by the UK government that adequate sources of legal support and assistance were available elsewhere. (Human rights cases of public importance often receive legal aid from the Legal Services Commission that administers the provision of free legal aid.) However, this decision has been criticised by some commentators:⁸⁷ no other independent public body can provide legal representation for individuals. The EHRC can provide basic legal advice to individuals looking for information on human rights law through its website, or directly to individual applicants through e-mail, post or its telephone helpline, but cannot provide legal representation in such cases.
- [154]. Where an individual application for support does involve a claim under anti-discrimination law, or a human rights claim that arises in conjunction with a claim under anti-discrimination law, then the Commission can provide full legal support, if it decides to do so. The Commission is not required to support any particular category of individual case, and the expectation is that the EHRC will aim to select cases of a strategic nature rather than support a wide number of individual cases. The former equality commissions had at one stage provided assistance to a wide range of complainants: however, over the last years of their existence, the three commissions reduced the numbers of individual cases they supported and adopted a policy of supporting strategic cases rather than a large amount of costly individual cases. The EHRC is following this approach.
- [155]. As with the NIHRC, individual inquiries that concern anti-discrimination law are processed by Commission staff, often through the telephone helpline. The

⁸⁷ See C. O'Cinneide (2007) 'The Commission For Equality And Human Rights: A New Institution For New And Uncertain Times' 3 6(2) *Industrial Law Journal* 141-162.

provision of basic advice and guidance, coupled with some informal mediation, may be offered. However, if a case potentially gives rise to a strategic issue as identified by the Commission in its Legal Strategy Plan 2008/09,⁸⁸ then the application will be referred to the Commission's Legal Committee, which will decide whether to provide legal support, which will be provided either through its own internal directorate of expert lawyers who are specialists in equality law, or through external counsel. For the individuals whose applications it cannot support, either because their cases do not involve anti-discrimination law or are not sufficiently strategic to justify Commission support, the EHRC offers advice through its helpline and online resources and also contributes some funds to external organisations that provide legal help and advice: on 31 March 2008, the Commission announced that it would be providing over £10 million of grant-aid to voluntary organisations across the country, including £3.3 million to over 70 advice-giving organisations.⁸⁹

- [156]. It should be noted that the EHRC's website contains a detailed step by step guide for those who are thinking of taking action because they have been discriminated against, containing information about taking a case to a tribunal and to Court in England and Wales, and Scotland.⁹⁰ In addition, the website provides legal advice for advisers from trade unions and other organisations which had previously been prepared by the three previous equality commissions.⁹¹
- [157]. Thus far, the EHRC has concentrated on the use of its intervention powers and continuing to support individual cases which had been initially supported by the previous equality commissions.

K.3. The Scottish Commission for Human Rights Commission ('the SCHR')

- [158]. The SCHR does not have any adjudicatory role in respect of individual complaints. However, s.6 of the *Scottish Commission for Human Rights Act 2006* provides that the SCHR 'may not provide assistance to or in respect of any person in connection with any claim or legal proceedings to which that person is or may become a party'. Therefore, while the SCHR may be able to provide

⁸⁸ See EHRC, *Legal Strategy Plan 2008/09*, available at <http://www.equalityhumanrights.com/en/publicationsandresources/Pages/orderablepublications.aspx> (07.09.2008).

⁸⁹ EHRC, *Commission awards £10 million funding to organisations across Britain*, 31 March 2008, available at <http://www.equalityhumanrights.com/en/newsandcomment/Pages/10mfunding.aspx> (05.09.2008).

⁹⁰ See <http://www.equalityhumanrights.com/en/yourrights/equalityanddiscrimination/howtouseyourrights/Pages/howtouseyourrights.aspx> (05.09.2008).

⁹¹ See <http://www.equalityhumanrights.com/en/foradvisers/pages/default.aspx> (05.09.2008).

some basic advice to individuals seeking information on their human rights, it cannot support individual complaints. (The EHRC has the power to support individual complaints in Scotland that involve a claim under anti-discrimination law.)

L Miscellaneous

L1. The Northern Ireland Human Rights Commission ('the NIHRC')

- [159]. Experience in the UK has shown that an effective way for human rights and equality commissions to influence the development of human rights law is to intervene in legal proceedings and to give a court or tribunal the benefit of their legal expertise. Courts and tribunals in the UK have the option to enable such interventions to take place and this power has been used effectively by the UK equality commissions to bring about significant changes in how anti-discrimination law has been applied and understood by the courts.
- [160]. The *Northern Ireland Act 1998* in establishing the NIHRC made no express provision for the Commission to have the power to intervene in ongoing legal proceedings. The NIHRC took the view that due to its nature and role as an independent public body charged with promoting human rights, it should be treated by the Northern Irish courts as having the implicit ability to intervene. However, in the absence of any express intervention power in the 1998 Act, the Commission was initially prevented from intervening before the Northern Irish courts. However, the House of Lords (the highest court in the UK legal system) confirmed in 2002 that the Commission could intervene in court proceedings to promote respect for human rights, with the consent of the relevant court.⁹² Subsequently, the Commission has intervened as a third party or a 'friend of the court' (*amicus curiae*) in over a dozen cases since its right to apply to do so was clarified.⁹³ Examples include the case of *Amin*, where the Commission set out views on the obligations imposed by Article 2 ECHR in the context of deaths in custody;⁹⁴ *McKerr*, where the Commission set out its position that the government was under a continuing obligation to comply with a decision of the European Court of Human Rights;⁹⁵ and *McClean v. Sentence Review Commissioners*, where the Commission addressed the applicability of Article 6 ECHR to matters before the Sentence Review Commissioners.⁹⁶ The NIHRC has also intervened before inquests and commissions of inquiry, often to considerable effect.⁹⁷

⁹² *In re the Northern Ireland Human Rights Commission* [2002] UKHL 25.

⁹³ See e.g. *Re Wright (Application for Judicial Review)* [2006] NIQB 90.

⁹⁴ *R (Amin) v Secretary of State for the Home Department* [2003] UKHL 51.

⁹⁵ *In re McKerr* [2004] UKHL 12.

⁹⁶ *In re McClean* [2005] UKHL 46.

⁹⁷ See NIHRC, *Annual Report 2006/7*, p. 44-5, available at:

[http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/30/Annual Report 06-07 final.pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/30/Annual%20Report%2006-07%20final.pdf) (12.09.2008).

- [161]. The *Justice and Security (Northern Ireland) Act 2007* gave the NIHRC the power to enter places of detention to assess compliance with human rights standards. Using this new power, in 2007 Commissioners and staff visited a range of institutions including Maghaberry Prison, Dungavel Immigration Removal Centre, Magilligan Prison, Hydebank Wood Prison, Musgrave Street Police Station and the detention facility at Belfast International Airport. In these visits, Commissioners spoke to staff and detainees and raised issues of human rights concern.
- [162]. As an independent public body with expertise and a particular focus in the field of human rights, the NIHRC appears to have the ability under Northern Irish public law to bring judicial review proceedings against public authorities if required, to ensure conformity with administrative law principles such as fairness and adherence to natural justice. The NIHRC has not as yet exercised this power. However, s.14 of the *Justice and Security (Northern Ireland) Act 2007* has also given the NIHRC the power to bring proceedings under the *Human Rights Act 1998* where an individual has been subject to an alleged breach of his or her rights under the ECHR. This ability to initiate legal action directly (the individual victim is not required to bring a case) is potentially very significant, even if it has as yet not been used.
- [163]. As noted above, the NIHRC has been given the task of advising the parties to the Belfast Agreement on the form and contents of a proposed Bill of Rights for Northern Ireland. The Bill of Rights consultation process was launched by the Commission on March 2000. Since then, the Commission has engaged in an extensive range of consultations with all sectors including, for example; the establishment of nine Working Groups; a publicity campaign around the Bill of Rights; engagement with political parties, NGOs, and other sectors; education and training work on the Bill; and a parallel consultation with children and young people. In September 2001, the Commission published its consultation document, *Making a Bill of Rights: A Consultation*.⁹⁸ There followed a widespread and often controversial debate on the content of this consultation paper. A Summary of Submissions was published in July 2003⁹⁹ and, in April 2004, the Commission published *Progressing a Bill of Rights: An Update*,¹⁰⁰ which contained a proposed draft Bill of Rights for Northern Ireland. The Commission received a number of responses to its 2004 document, some of which were critical of its contents and the way in which the Commission had set

⁹⁸ NIHRC, *Making a Bill of Rights for Northern Ireland. A Consultation by the Northern Ireland Human Rights Commission*, September 2001, available at: http://www.nihrc.org/index.php?option=com_content&task=view&id=54&Itemid=71 (05.09.2008).

⁹⁹ NIHRC, *Making a Bill of Rights for Northern Ireland. A Consultation by the Northern Ireland Human Rights Commission. A Summary*, September 2001, available at: http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/52/bor_summary_en.doc

¹⁰⁰ NIHRC, *Progressing a Bill of Rights for Northern Ireland. An Update*, April 2004, available at: <http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/52/BOR Progress Report Apr04.pdf> (05.09.2008).

about its role. The Commission therefore has decided to adopt a different strategy of forwarding work on the Bill of Rights, establishing a Bill of Rights Forum in late 2007 (see above), which brought together representatives of civil society and the political parties to debate what a Bill of Rights for Northern Ireland should contain. The Commission has now received a report from the Forum and is proceeding to draw up new advice with the aid of an expert advisory body.¹⁰¹

L2. The Equality and Human Rights Commission ('the EHRC')

- [164]. S.30 of the *Equality Act 2006* gives the EHRC the power to 'institute or intervene in legal proceedings, whether for judicial review or otherwise, if it appears to the Commission that the proceedings are relevant to a matter in connection with which the Commission has a function.' This permits the Commission to intervene in court proceedings, a power which it has used several times already in its first few months of existence to inform the British courts about its interpretation of the obligations of public authorities under Articles 2 and 3 of the ECHR and to also argue for an expansive interpretation of the scope of the *Human Rights Act 1998*. S.30 also confers the power on the Commission to commence judicial review proceedings under administrative law or under the *Human Rights Act 1998* where an individual has been allegedly subject to a violation of his ECHR rights.
- [165]. The 2006 Act also confers powers on the EHRC to bring proceedings in relation to discriminatory advertisements and instructions or inducement to discriminate. The EHRC has also been given the power to take enforcement action against public authorities who fail to comply with statutory duties that have been imposed upon them to promote equality. The Commission may assess the compliance of public authorities with these 'positive equality duties', and to issue a 'compliance notice' when it concludes following such an assessment that a public authority is not complying with the requirements of a general duty.¹⁰²
- [166]. The EHRC is also given a new power to enter into (and to enforce via legal action if necessary) binding agreements with other bodies who undertake to avoid discriminatory acts: this power was held by the Disability Rights Commission, but not by the other two commissions. The Commission is also

¹⁰¹ See http://www.nihrc.org/index.php?option=com_content&task=view&id=12&Itemid=17 for more information on the Bill of Rights process (05.09.2008).

¹⁰² UK/Equality Act 2006 c.3 (16.02.2006), ss.31-32, available at: www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060003_en.pdf (09.09.2008).

now able to seek an injunction to prevent someone committing an unlawful discriminatory act, another new power.¹⁰³

L3. The Scottish Commission for Human Rights Commission ('the SCHR')

[167]. S. 11 of the *Scottish Commission for Human Rights Act 2006* confers the power on the SCHR to enter and inspect places of detention, a similar power as enjoyed by the NIHRC. S.14 also confers a formal power to intervene (with the consent of the court) in court proceedings upon the Commission, which is an innovation in Scottish law.

¹⁰³ UK/Equality Act 2006 c.3 (16.02.2006), s.24. The Equal Opportunities Commission had previously only the power to seek an injunction against bodies with a previous 'track-record' of illegal discrimination, and even then this power was limited: see the almost indecipherable provisions of s. 73 of the *Sex Discrimination Act 1975*.

M Good Practices

M.1. The Case of *In re the Northern Ireland Human Rights Commission and the Intervention Powers of the NIHRC*

- [168]. The House of Lords confirmed in 2002 that the NIHRC could intervene where necessary in court proceedings to promote respect for human rights, in the case of *In re the Northern Ireland Human Rights Commission*.¹⁰⁴ This judgment was very significant and represents an excellent model of good practice in judicial interpretation of the legislation establishing the powers and functions of a human rights commission. As noted above, the *Northern Ireland Act 1998* in establishing the NIHRC made no express provision for the Commission to have the power to intervene in ongoing legal proceedings, a power which had been used to considerable effect in the past by equality commissions in the UK. The NIHRC took the view that due to its nature and role as an independent public body charged with promoting human rights, it should be treated by the Northern Irish courts as having the implicit ability to intervene. However, in the absence of any express intervention power in the 1998 Act, the Northern Irish courts took the view that the NIHRC lacked the legal power to intervene. In addition, the Northern Ireland Court of Appeal took the view that an intervention by the Commission would add little if anything to the arguments made by the parties to a case and would serve no real function: in addition, the Court of Appeal considered that any intervention by the Commission would lack the necessary ‘disinterested quality’ and that the Commission if permitted to intervene would effectively be acting as a party to the case.¹⁰⁵
- [169]. However, the House of Lords rejected this approach on appeal. It was decided that the capacity to intervene in court proceedings to present the Commission’s interpretation of human rights law could be regarded as incidental and a necessary corollary to the Commission’s general power to promote respect for human rights. The House of Lords also took the view that an intervention by the Commission could prove very useful to a court, while emphasising that any such intervention could only be made with the approval of the relevant court. The judgment is very significant for how it adopts an expansive and purposeful interpretation of the legislation that established the Commission and pays due attention the importance of the role played by the Commission in promoting

¹⁰⁴ *In re the Northern Ireland Human Rights Commission* [2002] UKHL 25, available at: <http://www.bailii.org/uk/cases/UKHL/2002/25.html> (05.09.2008).

¹⁰⁵ *In re Northern Ireland Human Rights Commission* [2001] NICA 17 (06 April 2001), available at: <http://www.bailii.org/nie/cases/NICA/2001/17.html> (05.09.2008).

human rights. It is also important because it confirmed that interventions could be a useful resource for courts and tribunals.

M.2. The Equality Act 2006 and the Powers of the EHRC

- [170]. Another example of good practice is represented by the precise provisions of the *Equality Act 2006* and the powers it confers upon the EHRC to enforce compliance with human rights and anti-discrimination law. Particularly significant are the provisions of s.30 of the *Equality Act 2006*, which give the EHRC the power to ‘institute or intervene in legal proceedings, whether for judicial review or otherwise, if it appears to the Commission that the proceedings are relevant to a matter in connection with which the Commission has a function.’ This permits the Commission to intervene in court proceedings, a power which it has used several times already in its first few months of existence. S.30 also confers the power on the Commission to commence judicial review proceedings under administrative law or under the *Human Rights Act 1998* where an individual has been allegedly subject to a violation of his ECHR rights, another potentially very useful power.
- [171]. S.25 of the 2006 Act also confers powers on the EHRC to bring proceedings in relation to discriminatory advertisements and instructions or inducement to discriminate. S.3 1 of the Act gives the EHRC the power to take enforcement action against public authorities who fail to comply with statutory duties that have been imposed upon them to promote equality. The Commission may assess the compliance of public authorities with these ‘positive equality duties’, and issue a ‘compliance notice’ when it concludes following such an assessment that a public authority is not complying with the requirements of a general duty.¹⁰⁶ S.23 gives the EHRC a new power to enter into (and to enforce via legal action if necessary) binding agreements with other bodies who undertake to avoid discriminatory acts: this power was held by the Disability Rights Commission, but not by the other two commissions. The Commission is also now able to seek an injunction to prevent someone committing an unlawful discriminatory act. While the scope of these powers is limited to the enforcement of anti-discrimination law, they nevertheless represent a model of good practice in terms of their width and potential usefulness.

¹⁰⁶ UK/Equality Act 2006 c.3 (16.02.2006), ss.3 1-32, available at: www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060003_en.pdf (09.09.2008).

M.3. The Equality Act 2006 and the 'General Duty' of the EHRC

[172]. S.3 of the *Equality Act 2006* places the Commission under a 'general duty' to use its powers and functions to work towards the development of a rights-based society where equality and anti-discrimination principles have become fully accepted, which is defined as follows:

'(a) people's ability to achieve their potential is not limited by prejudice or discrimination,

(b) there is respect for and protection of each individual's human rights (including respect for the dignity and worth of each individual),

(c) each person has an equal opportunity to participate in society, and

(d) there is mutual respect between communities based on understanding and valuing of diversity and on shared respect for equality and human rights.'

[173]. This gives the Commission an expansive field of action,¹⁰⁷ ensuring that it has a mandate to intervene across a wide range of issues such as asylum, social conditions and intersectional forms of discrimination. S.2 of the *Scottish Commission for Human Rights Act 2006* imposes a similar general duty on the SCHR.

M.4. The Scottish Commission for Human Rights Act 2006 and the Formal Guarantees of Independence of the SCHR

[174]. The SCHR is accountable only to the Scottish Parliament, not to the Scottish Government or to any of the Scottish Ministers. (This differs from the NIHR and EHRC, and was intended to ensure a greater degree of formal independence and full conformity with the Paris Principles.¹⁰⁸) This is provided for by the provisions of the *Scottish Commission for Human Rights Act 2006*, in particular by Schedule One of the Act. Paragraph 3 of Schedule One of the *Scottish*

¹⁰⁷ See UK government white paper proposing the establishment of the Commission, HMSO (2004) *Fairness for All: A New Commission for Equality and Human Rights*, paras. 1.10-1.11.

¹⁰⁸ See the information produced by the Scottish Government on the SCHR, available at: <http://www.scotland.gov.uk/Topics/Justice/Civil/17838/10235> (01.09.2008).

Commission for Human Rights Act 2006 is particularly significant: it provides that Commission, in the exercise of its functions, is not to be subject to the direction or control of any member of the Scottish Parliament, any member of the Scottish Executive, or of the Parliament itself. The SCHR therefore enjoys more formal guarantees of independence than do the NIHRC or the EHRC.

N. Independent Public Bodies

[175]. See Annex 1.

O. Human Rights NGOs

[176]. See Annex 2.

Annexes

Annex 1 – Mapping of NHRIs and other Independent ~~Public~~ Human Rights Bodies

Please complete for bodies active in fundamental rights issues falling under the scope of the Agency's **Multi-Annual Framework**¹⁰⁹ **only**

Name	Northern Irish Human Rights Commission
Acronym	NIHRC
Address, Tel, Fax, email, website	Temple Court 39 North Street Belfast Northern Ireland BT1 1NA Tel: +44 (0) 28 9024 3987 Fax: +44 (0)28 9024 7844 http://www.nihrc.org/ (e-mail contact via website)
Type of Organisation (please tick, as applicable)	<input checked="" type="checkbox"/> National Human Rights Institution <input type="checkbox"/> Equality Body <input type="checkbox"/> Data Protection Authority <input type="checkbox"/> Ombudsman <input type="checkbox"/> Commission

¹⁰⁹ More information at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:063:0014:0015:EN:PDF>

	<input type="checkbox"/> Tribunal <input type="checkbox"/> Other (please specify)
Description (max. 100 words)	The NIHRC promotes respect and awareness of human rights, monitors compliance with human rights standards through its inquiry, investigative and judicial review powers and assists individuals alleging violations of their rights. Established as part of the Belfast (Good Friday) Agreement 1998, its mandate covers issues of human rights that concern Northern Ireland.
Target groups (please tick, as applicable)	<input checked="" type="checkbox"/> Women <input checked="" type="checkbox"/> Children <input checked="" type="checkbox"/> Disabled <input checked="" type="checkbox"/> LGBT <input checked="" type="checkbox"/> Refugees / asylum seekers <input checked="" type="checkbox"/> Immigrants <input checked="" type="checkbox"/> Roma <input checked="" type="checkbox"/> National / ethnic minorities <input checked="" type="checkbox"/> Other (please specify) – all individuals potentially subject to human rights violations within the territory of Northern Ireland.
Activities (please tick, as applicable)	<input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input checked="" type="checkbox"/> Arbitration/mediation/facilitation services, assistance in resolving cases <input checked="" type="checkbox"/> Legal aid, representation in court <input checked="" type="checkbox"/> Individual legal advice, legal consultation <input checked="" type="checkbox"/> Strategic litigation <input checked="" type="checkbox"/> General information about rights and legislation <input checked="" type="checkbox"/> Documents on human rights situation (reports, opinions) (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input checked="" type="checkbox"/> Collection of statistics on human rights situation (please specify <input type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input checked="" type="checkbox"/> Monitoring of human rights violations <input type="checkbox"/> Formal decision-making body <input type="checkbox"/> Psychological/social counselling services <input checked="" type="checkbox"/> Policy advice (national parliament, government)

	x Awareness raising x Human rights education x Consultative status with international organisations (please specify x UN, x Council of Europe, <input type="checkbox"/> other) x Promotion of international human rights treaties x Cooperation with civil society x Media work x Other practical support – interventions in court proceedings, visits to places of detention, judicial review power.
Current staff (number)	22 (including the Chef Executive but excluding interns and staff on leave); a full-time Commissioner and nine part-time Commissioners.
Annual budget	£1.45 million sterling.

Name	Equality and Human Rights Commission
Acronym	EHRC
Address, Tel, Fax, email, website	Manchester Arndale House, The Arndale Centre, Manchester, M4 3AQ Telephone 0161 829 8100 (non helpline calls only) Fax 01925 884 000 info@equalityhumanrights.com London 3 More London, Riverside Tooley Street, London, SE1 2RG

Telephone 020 3117 0235 (non helpline calls only)

Fax 0207 407 7557

info@equalityhumanrights.com

Cardiff

3rd floor, 3 Callaghan Square, Cardiff, CF10 5BT

Telephone 02920 447710 (non helpline calls only)

Textphone 029 20447713

Fax 02920 447712

wales@equalityhumanrights.com

Glasgow

The Optima Building, 58 Robertson Street, Glasgow, G2 8DU

Telephone 0141 228 5910 (non helpline calls only)

Fax 0141 228 5912

scotland@equalityhumanrights.com

Helpline Contact:

England

Equality and Human Rights Commission Helpline

Freepost RRLL-GHUX-CTRX

Arndale House

Arndale Centre

Manchester

M4 3EQ

0845 604 6610 - England main number

0845 604 6620 - England textphone

0845 604 6630 - England fax

Wales

	<p>Equality and Human Rights Commission Helpline Wales Freepost RRLR-UEYB-UYZL 3rd Floor 3 Callaghan Square Cardiff CF10 5BT 0845 604 8810 - Wales main number 0845 604 8820 - Wales textphone 0845 604 8830 - Wales fax</p> <p>Scotland</p> <p>Equality and Human Rights Commission Helpline Scotland Freepost RRL-GYLB-UJTA The Optima Building 58 Robertson Street Glasgow G2 8DU 0845 604 5510 - Scotland Main 0845 604 5520 - Scotland Textphone 0845 604 5530 - Scotland – Fax</p> <p>Website: http://www.equalityhumanrights.com</p>
Type of Organisation (please tick, as applicable)	<p><input checked="" type="checkbox"/> National Human Rights Institution <input checked="" type="checkbox"/> Equality Body <input type="checkbox"/> Data Protection Authority <input type="checkbox"/> Ombudsman <input type="checkbox"/> Commission <input type="checkbox"/> Tribunal <input type="checkbox"/> Other (please specify)</p>

Description (max. 100 words)	Established in 2007, the EHRC has taken over the functions of the previous British equality commissions and has also been given an extended mandate covering the promotion of equality and non-discrimination, enforcement of British and EU anti-discrimination legislation and promoting respect for and awareness of human rights. The Commission may also assist individuals who allege that they have suffered discrimination, use its investigate powers to ensure compliance with anti-discrimination law, monitor respect for human rights through its inquiry power and bring judicial review actions to enforce compliance with the European Convention on Human Rights. Its mandate covers the promotion and enforcement of equality and non-discrimination law in Britain, and promotion of respect for human rights in England and Wales (and in matters that affect Scotland but which involve the 'reserved powers' of the UK Parliament.)
Target groups (please tick, as applicable)	<input checked="" type="checkbox"/> Women <input checked="" type="checkbox"/> Children <input checked="" type="checkbox"/> Disabled <input checked="" type="checkbox"/> LGBT <input checked="" type="checkbox"/> Refugees / asylum seekers <input checked="" type="checkbox"/> Immigrants <input checked="" type="checkbox"/> Roma <input checked="" type="checkbox"/> National / ethnic minorities <input checked="" type="checkbox"/> Other (please specify) – all individuals potentially subject to human rights violations or unequal treatment within Britain, unless the matter in question relates to the devolved functions of the Scottish Parliament and Government.
Activities (please tick, as applicable)	<input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input checked="" type="checkbox"/> Arbitration/mediation/facilitation services, assistance in resolving cases <input checked="" type="checkbox"/> Legal aid, representation in court <input checked="" type="checkbox"/> Individual legal advice, legal consultation <input checked="" type="checkbox"/> Strategic litigation <input checked="" type="checkbox"/> General information about rights and legislation <input checked="" type="checkbox"/> Documents on human rights situation (reports, opinions) (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input checked="" type="checkbox"/> Collection of statistics on human rights situation (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input type="checkbox"/> Formal decision-making body <input type="checkbox"/> Psychological/social counselling services

	<input checked="" type="checkbox"/> Policy advice (national parliament, government) <input checked="" type="checkbox"/> Awareness raising <input checked="" type="checkbox"/> Human rights education <input checked="" type="checkbox"/> Consultative status with international organisations (please specify <input checked="" type="checkbox"/> UN, <input checked="" type="checkbox"/> Council of Europe, <input type="checkbox"/> other) <input checked="" type="checkbox"/> Promotion of international human rights treaties <input checked="" type="checkbox"/> Cooperation with civil society <input checked="" type="checkbox"/> Media work <input checked="" type="checkbox"/> Other practical support – interventions in court proceedings, judicial review powers.
Current staff (number)	550 (when complete)
Annual budget	£70 million.

Name	Scottish Commission for Human Rights
Acronym	SCHR
Address, Tel, Fax, email, website	The Optima Building, 58 Robertson Street, Glasgow, G2 8DU (the SCHR shares an address with the Scottish office of the EHRC) No website, telephone or fax at time of writing. For current information on the SCHR, see the website of the Scottish government: http://www.scotland.gov.uk/Topics/Justice/Civil/17838/10235
Type of Organisation (please tick, as applicable)	<input checked="" type="checkbox"/> National Human Rights Institution <input type="checkbox"/> Equality Body <input type="checkbox"/> Data Protection Authority <input type="checkbox"/> Ombudsman <input type="checkbox"/> Commission <input type="checkbox"/> Tribunal <input type="checkbox"/> Other (please specify)
Description (max. 100 words)	The SCHR will promote respect for human rights and monitor compliance with human rights standards in Scotland. (It does not have the power to provide legal assistance to individuals alleging violations of their human rights, but should be able to exercise judicial review functions and can conduct inquiries and intervene in court proceedings.) Its mandate extends to ensuring respect for human

	rights in matters which are subject to the devolved powers of the Scottish Executive and the Scottish Government.
Target groups (please tick, as applicable)	<input checked="" type="checkbox"/> Women <input checked="" type="checkbox"/> Children <input checked="" type="checkbox"/> Disabled <input checked="" type="checkbox"/> LGBT <input checked="" type="checkbox"/> Refugees / asylum seekers <input checked="" type="checkbox"/> Immigrants <input checked="" type="checkbox"/> Roma <input checked="" type="checkbox"/> National / ethnic minorities <input checked="" type="checkbox"/> Other (please specify) – all individuals potentially subject to human rights violations within Scotland.
Activities (please tick, as applicable)	<input checked="" type="checkbox"/> Collection/recording of complaints <input type="checkbox"/> Investigation and processing of complaints <input type="checkbox"/> Arbitration/mediation/facilitation services, assistance in resolving cases <input type="checkbox"/> Legal aid, representation in court <input type="checkbox"/> Individual legal advice, legal consultation <input checked="" type="checkbox"/> Strategic litigation <input checked="" type="checkbox"/> General information about rights and legislation <input checked="" type="checkbox"/> Documents on human rights situation (reports, opinions) (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input checked="" type="checkbox"/> Collection of statistics on human rights situation (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input checked="" type="checkbox"/> Monitoring of human rights violations <input type="checkbox"/> Formal decision-making body <input type="checkbox"/> Psychological/social counselling services <input checked="" type="checkbox"/> Policy advice (national parliament, government) <input checked="" type="checkbox"/> Awareness raising <input checked="" type="checkbox"/> Human rights education <input checked="" type="checkbox"/> Consultative status with international organisations (please specify <input checked="" type="checkbox"/> UN, <input checked="" type="checkbox"/> Council of Europe, <input type="checkbox"/> other) <input checked="" type="checkbox"/> Promotion of international human rights treaties <input checked="" type="checkbox"/> Cooperation with civil society

	<p>x Media work</p> <p>x Other practical support – interventions in court proceedings, visits to places of detention.</p>
Current staff (number)	Numbers not yet available.
Annual budget	£1 million.
Name	Equality Commission for Northern Ireland
Acronym	ECJI
Address , Tel, Fax, email, website	<p>Equality House</p> <p>7 - 9 Shaftesbury Square</p> <p>Belfast</p> <p>BT2 7DP</p>

	<p>Telephone : 028 90 500 600 Fax: 02890248687 <u>Email: information@equalityni.org</u> Website: http://www.equalityni.org</p>
Type of Organisation (please tick, as applicable)	<p><input type="checkbox"/> National Human Rights Institution <input checked="" type="checkbox"/> Equality Body <input type="checkbox"/> Data Protection Authority <input type="checkbox"/> Ombudsman <input type="checkbox"/> Commission <input type="checkbox"/> Tribunal <input type="checkbox"/> Other (please specify)</p>
Description (max. 100 words)	<p>The Equality Commission for Northern Ireland is an independent public body established under the Northern Ireland Act 1998. The Commission's duties and functions are to enforce anti-discrimination law through the use of its investigatory and inquiry powers, interventions in court proceedings, assisting individuals who allege they have suffered discrimination, promoting equality of opportunity and encouraging good practice, promoting affirmative/positive action; promoting good relations between people of different racial groups; overseeing the implementation and effectiveness of the statutory equality duty on public authorities; and keeping the relevant legislation under review.</p>
Target groups (please tick, as applicable)	<p><input checked="" type="checkbox"/> Women <input checked="" type="checkbox"/> Children <input checked="" type="checkbox"/> Disabled <input checked="" type="checkbox"/> LGBT <input checked="" type="checkbox"/> Refugees / asylum seekers <input checked="" type="checkbox"/> Immigrants <input checked="" type="checkbox"/> Roma <input checked="" type="checkbox"/> National / ethnic minorities <input checked="" type="checkbox"/> Other (please specify) – all individuals potentially subject to unequal treatment within the territory of Northern Ireland.</p>

Activities (please tick, as applicable)	<input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input checked="" type="checkbox"/> Arbitration/mediation/facilitation services, assistance in resolving cases <input checked="" type="checkbox"/> Legal aid, representation in court <input checked="" type="checkbox"/> Individual legal advice, legal consultation <input checked="" type="checkbox"/> Strategic litigation <input checked="" type="checkbox"/> General information about rights and legislation <input type="checkbox"/> Documents on human rights situation (reports, opinions) (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input type="checkbox"/> Collection of statistics on human rights situation (please specify <input type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input type="checkbox"/> Monitoring of human rights violations <input type="checkbox"/> Formal decision-making body ¹¹⁰ <input type="checkbox"/> Psychological/social counselling services <input checked="" type="checkbox"/> Policy advice (national parliament, government) <input checked="" type="checkbox"/> Awareness raising <input type="checkbox"/> Human rights education <input checked="" type="checkbox"/> Consultative status with international organisations (please specify <input checked="" type="checkbox"/> UN, <input checked="" type="checkbox"/> Council of Europe, <input type="checkbox"/> other) <input checked="" type="checkbox"/> Promotion of international human rights treaties – CEDAW, CERD, UNCPRD <input checked="" type="checkbox"/> Cooperation with civil society <input checked="" type="checkbox"/> Media work <input checked="" type="checkbox"/> Other practical support – interventions in court proceedings, judicial review, power to enforce statutory duty.
Current staff (number)	One full-time Chief Commissioner, a full-time Deputy Chief Commissioner, 14 part-time Commissioners and approximately 139 staff (including a full-time Chief Executive).
Annual budget	£7 million.

Name	Children's Commissioners for Northern Ireland, England, Wales and Scotland – four separate institutions (analysed here together)
Acronym	None.

¹¹⁰ Please tick if the organisation is legally mandated to make decision upon complaints received.

Address , Tel, Fax, email, website	<p>Northern Ireland Northern Irish Commissioner for Children and Young People NICCY Millennium House 17-25 Great Victoria Street Belfast BT2 7BA Telephone (028) 9031 1616 E-mail: info@niccy.org Website: http://www.niccy.org</p> <p>England Children's Commissioner for England 11 MILLION 1 London Bridge LONDON SE1 9BG Tel: 0844 800 9113 E-mail: info.request@11MILLION.org.uk Website: http://www.11million.org.uk/</p>
	<p>Wales Children's Commissioner for Wales Oystermouth House Phoenix Way Llansamlet Swansea SA7 9FS</p> <p style="text-align: right;">Tel: 01792 765600 Fax: 01792 765601</p>

	<p>E-mail: post@childcomwales.org.uk Website: http://www.childcom.org.uk/</p> <p>Scotland Scottish Commissioner for Children and Young People 85 Holyrood Road Edinburgh EH8 8AU Telephone: 0131 558 3733 Fax: 0131 556 3378 E-mail: info@sccyp.org.uk Website: http://www.sccyp.org.uk/</p>
Type of Organisation (please tick, as applicable)	<p><input type="checkbox"/> National Human Rights Institution <input type="checkbox"/> Equality Body <input type="checkbox"/> Data Protection Authority <input type="checkbox"/> Ombudsman <input type="checkbox"/> Commission <input type="checkbox"/> Tribunal <input type="checkbox"/> Other – Children’s Commissioner</p>
Description (max. 100 words)	<p>The four Children’s Commissioners promote and protect the rights and welfare of children and young people (with the English Commissioner having a more restricted mandate to promote the views and interests of children and young people). The Commissioners have the power to review new laws and policy if they affect or potentially affect children. They can hold public inquiries, compelling the production of evidence as required, and must adhere and promote respect for and awareness of the Nations' Convention on the Rights of the Child (UNCRC).</p>

<p>Target groups (please tick, as applicable)</p>	<p><input type="checkbox"/> Women <input checked="" type="checkbox"/> Children <input type="checkbox"/> Disabled <input type="checkbox"/> LGBT <input type="checkbox"/> Refugees / asylum seekers <input type="checkbox"/> Immigrants <input type="checkbox"/> Roma <input type="checkbox"/> National / ethnic minorities <input type="checkbox"/> Other (please specify) – all individuals potentially subject to human rights violations within the territory of Northern Ireland.</p>
<p>Activities (please tick, as applicable)</p>	<p><input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input checked="" type="checkbox"/> Arbitration/mediation/facilitation services, assistance in resolving cases <input checked="" type="checkbox"/> Legal aid, representation in court – in certain circumstances. <input checked="" type="checkbox"/> Individual legal advice, legal consultation – in certain circumstances. <input checked="" type="checkbox"/> Strategic litigation <input checked="" type="checkbox"/> General information about rights and legislation <input checked="" type="checkbox"/> Documents on human rights situation (reports, opinions) (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input checked="" type="checkbox"/> Collection of statistics on human rights situation (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input checked="" type="checkbox"/> Monitoring of human rights violations <input type="checkbox"/> Formal decision-making body <input type="checkbox"/> Psychological/social counselling services <input checked="" type="checkbox"/> Policy advice (national parliament, government) <input checked="" type="checkbox"/> Awareness raising <input checked="" type="checkbox"/> Human rights education <input checked="" type="checkbox"/> Consultative status with international organisations (please specify <input checked="" type="checkbox"/> UN, <input checked="" type="checkbox"/> Council of Europe, <input type="checkbox"/> other) <input checked="" type="checkbox"/> Promotion of international human rights treaties <input checked="" type="checkbox"/> Cooperation with civil society <input checked="" type="checkbox"/> Media work <input checked="" type="checkbox"/> Other practical support – interventions in court proceedings, visits to places of detention.</p>

Current staff (number)	Scottish Commissioner plus 14 full-time staff; English Commissioner plus approximately 20 staff. Proportionate staff numbers for the NI and Welsh Commissioners.
Annual budget	The annual budget of the Welsh commissioner's office is £1 .2m. The Northern Ireland commissioner's budget is £1 .9m per year. The Scottish commissioner has a budget of £1.5m. The English commissioner's budget is £3m.

Name	HM Inspectorate of Prisons (England and Wales); Her Majesty's Chief Inspector of Prisons for Scotland; Chief Inspector of Criminal Justice in Northern Ireland
Acronym	None.
Address , Tel, Fax, email, website	<p>HM Inspectorate of Prisons First Floor Ashley House 2 Monck Street London SW1P 2BQ Tel: 020 7035 2136 Fax: 0207 035 2141 E-mail: hmiprison.enquiries@homeoffice.gsi.gov.uk http://inspectorates.justice.gov.uk</p> <p>Her Majesty's Chief Inspector of Prisons for Scotland Saughton House Broomhouse Drive Edinburgh EH11 3XD Scotland Tel: 0131 244 8481 Fax: 0131 244 8446</p>

	<p>E-mail: andrew.mclellan@scotland.gsi.gov.uk Website: http://www.scotland.gov.uk/Topics/Justice/Prisons/17208</p> <p>Chief Inspector of Criminal Justice in Northern Ireland 6th/7th Floor 14 Great Victoria Street, Belfast BT2 7BA Tel: ++44 (0)28 9025 8000 Fax: ++44 (0)28 9025 8033 E-mail: info@cjini.org http://www.cjini.org</p>
Type of Organisation (please tick, as applicable)	<p><input type="checkbox"/> National Human Rights Institution <input type="checkbox"/> Equality Body <input type="checkbox"/> Data Protection Authority <input type="checkbox"/> Ombudsman <input type="checkbox"/> Commission <input type="checkbox"/> Tribunal <input type="checkbox"/> Other – prison inspectorate.</p>
Description (max. 100 words)	<p>Independent inspectorates that report on conditions for and treatment of those in prison, young offender institutions and immigration removal centres. The Chief Inspector of Criminal Justice in Northern Ireland also has a wider mandate to inspect and report on the operation of the criminal justice system in general in Northern Ireland.</p>

Target groups (please tick, as applicable)	<input type="checkbox"/> Women <input type="checkbox"/> Children <input type="checkbox"/> Disabled <input type="checkbox"/> LGBT <input checked="" type="checkbox"/> Refugees / asylum seekers <input checked="" type="checkbox"/> Immigrants <input type="checkbox"/> Roma <input type="checkbox"/> National / ethnic minorities <input checked="" type="checkbox"/> Other (please specify) – all detained individuals.
Activities (please tick, as applicable)	<input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input type="checkbox"/> Arbitration/mediation/facilitation services, assistance in resolving cases <input type="checkbox"/> Legal aid, representation in court <input type="checkbox"/> Individual legal advice, legal consultation <input type="checkbox"/> Strategic litigation <input checked="" type="checkbox"/> General information about rights and legislation <input checked="" type="checkbox"/> Documents on human rights situation (reports, opinions) (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input checked="" type="checkbox"/> Collection of statistics on human rights situation (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input checked="" type="checkbox"/> Monitoring of human rights violations <input type="checkbox"/> Formal decision-making body ¹¹¹ <input type="checkbox"/> Psychological/social counselling services <input type="checkbox"/> Policy advice (national parliament, government) <input type="checkbox"/> Awareness raising <input type="checkbox"/> Human rights education <input type="checkbox"/> Consultative status with international organisations (please specify <input checked="" type="checkbox"/> UN, <input checked="" type="checkbox"/> Council of Europe, <input type="checkbox"/> other) <input type="checkbox"/> Promotion of international human rights treaties <input type="checkbox"/> Cooperation with civil society <input type="checkbox"/> Media work

¹¹¹ Please tick if the organisation is legally mandated to make decision upon complaints received.

	<input type="checkbox"/> Other practical support – interventions in court proceedings, visits to places of detention.
Current staff (number)	HM Inspectorate of Prisons England and Wales – approximately 45 staff. Chief Inspector of Criminal Justice in Northern Ireland – approximately 16 staff. Chief Inspector of Prisons for Scotland – 5 staff.
Annual budget	HM Inspectorate of Prisons England and Wales - £3.5 million. Chief Inspector of Criminal Justice in Northern Ireland – approximately £500000. Chief Inspector of Prisons for Scotland - £320,000.

Name	Parliamentary and Health Service Ombudsman (with separate and independent ombudsmen also in place for devolved functions in Northern Ireland, Wales and Scotland - Scottish Public Services Ombudsman, the Public Services Ombudsman for Wales and the Northern Ireland Ombudsman)
Acronym	None.
Address, Tel, Fax, email, website	The Parliamentary and Health Service Ombudsman Millbank Tower Millbank London SW1P 4QP Tel (helpline): 0845 015 4033 Email phso.enquiries@ombudsman.org.uk Fax: 020 7217 4000 Website: http://www.ombudsman.org.uk
Type of Organisation (please tick, as applicable)	<input type="checkbox"/> National Human Rights Institution <input type="checkbox"/> Equality Body <input type="checkbox"/> Data Protection Authority <input checked="" type="checkbox"/> Ombudsman <input type="checkbox"/> Commission <input type="checkbox"/> Tribunal

	<input type="checkbox"/> Other – prison inspectorate.
Description (max. 100 words)	Ombudsman for administration, health services and freedom of information. (Administration, health services and freedom of information in the devolved regions come within the remit of the ombudsmen for Northern Ireland, Wales and Scotland).
Target groups (please tick, as applicable)	<input checked="" type="checkbox"/> Women <input checked="" type="checkbox"/> Children <input checked="" type="checkbox"/> Disabled <input checked="" type="checkbox"/> LGBT <input checked="" type="checkbox"/> Refugees / asylum seekers <input checked="" type="checkbox"/> Immigrants <input checked="" type="checkbox"/> Roma <input checked="" type="checkbox"/> National / ethnic minorities <input checked="" type="checkbox"/> Other (please specify) – all individuals.

Activities (please tick, as applicable)	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Collection/recording of complaints <input checked="" type="checkbox"/> Investigation and processing of complaints <input checked="" type="checkbox"/> Arbitration/mediation/facilitation services, assistance in resolving cases <input type="checkbox"/> Legal aid, representation in court <input type="checkbox"/> Individual legal advice, legal consultation <input type="checkbox"/> Strategic litigation <input checked="" type="checkbox"/> General information about rights and legislation <input type="checkbox"/> Documents on human rights situation (reports, opinions) (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input type="checkbox"/> Collection of statistics on human rights situation (please specify <input checked="" type="checkbox"/> public, <input type="checkbox"/> restricted, <input type="checkbox"/> available on request) <input type="checkbox"/> Monitoring of human rights violations <input type="checkbox"/> Formal decision-making body <input type="checkbox"/> Psychological/social counselling services <input checked="" type="checkbox"/> Policy advice (national parliament, government) <input checked="" type="checkbox"/> Awareness raising <input type="checkbox"/> Human rights education <input type="checkbox"/> Consultative status with international organisations (please specify <input checked="" type="checkbox"/> UN, <input checked="" type="checkbox"/> Council of Europe, <input type="checkbox"/> other) <input type="checkbox"/> Promotion of international human rights treaties <input type="checkbox"/> Cooperation with civil society <input checked="" type="checkbox"/> Media work <input type="checkbox"/> Other practical support.
Current staff (number)	<p>Parliamentary and Health Service Ombudsman –280 staff</p> <p>Proportionate staffing for the ombudsmen for the devolved regions.</p>
Annual budget	<p>Parliamentary and Health Service Ombudsman - £23 million.</p> <p>Proportionate amounts for the ombudsmen for the devolved regions.</p>

Annex 2– Mapping Human Rights NGOs

Please complete the table below with the information requested on the most significant NGOs active in issues of fundamental rights falling under the scope of the Agency's **Multi-Annual Framework**¹¹² (please do not include NGOs dealing exclusively with third countries). This is not meant to be an exclusive list; following the online publication of this information NGOs will be able to propose their inclusion. Please consider the following issues for the selection:

- (1) Visibility or representativeness at the national level
- (2) Broad constituency operating at the national rather than local or regional level
- (3) Coverage of fundamental rights issues falling under the scope of the Agency's Multi-Annual Framework
- (4) Broad range of activities

Name	Article 19: International Centre Against Censorship
Acronym	ARTICLE 19
Address	ARTICLE 19 6-8 Amwell Street London EC1R 1UQ United Kingdom
Telephone	+44-2072789292
Fax	+44 20 7278 7660
E-mail	info@article19.org
Website	http://www.article19.org/index.html
Brief description – including information on staff and resources, if available (approximately 100 words)	ARTICLE 19 is a registered UK charity (No.32741) with headquarters in London, and field offices in Senegal, Kenya, Bangladesh, Mexico, and Brazil. Its international board consists of eminent human rights campaigners, journalists and lawyers from all regions of the world. It has around 25 members of staff, based in London, Canada, Senegal, Bangladesh, Mexico, Brazil and Lebanon.
Human rights issues covered (approximately 100 words)	ARTICLE 19 works for the defence and promotion of freedom of expression and freedom of information worldwide.
Main activities (approximately 100 words)	ARTICLE 19 works in partnership with fifty-two national organisations in more than thirty countries across Europe, Africa, Asia, Latin America and the Middle East to lead institutional, cultural and legal change. ARTICLE 19 monitors threats to freedom of expression in different regions of the world, as well as national and global trends and develops long-term strategies to

¹¹² More information at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:063:00:14:0015:EN:PDF>

	address them; it runs successful access to information campaigns; raises public awareness about freedom of expression; advocates on behalf of specific individuals and groups whose rights have been violated; produces legal standards which strengthen media, public broadcasting, free expression and access to information, and promotes these standards with regional and international inter-governmental organisations; produces legal analyses and critiques of national laws, including media laws; provides legal and professional training, and mentoring to national actors, including NGOs, judges and lawyers, journalists, media owners, media lawyers, public officials and parliamentarians; runs training-of-trainer programmes to support the creation of national or regional campaigning networks; lobbies national governments, international and regional bodies to bring national laws in line with the best international standards; lastly, ARTICLE 19 is a pioneer in applying a free speech analysis to all aspects of our lives. For example, the organisation was one of the first to connect freedom of expression with development; censorship with environmental rights; access to information with the exercise of reproductive rights.
--	---

Name	Liberty
Acronym	
Address	Liberty and Civil Liberties Trust 21 Tabard Street London SE1 4LA United Kingdom
Telephone	+44-2074033888
Fax	
E-mail	Contact & feedback form can be filled at: http://www.liberty-human-rights.org.uk/contact/4-contact/index.html
Website	http://www.liberty-human-rights.org.uk/index.shtml
Brief description – including information on staff and resources, if available (approximately 100 words)	Liberty is also known as the National Council for Civil Liberties. It was founded in 1934 as a cross party, non-party membership organisation at the heart of the movement for fundamental rights and freedoms in England and Wales. Liberty promotes the values of individual human dignity, equal treatment and fairness as the foundations of a democratic society. Liberty employs 23 members of staff, takes trainee solicitors on secondment from four city law firms and relies on the support and dedication of many volunteers.
Human rights issues covered (approximately 100 words)	Liberty seeks to protect civil liberties and promote human rights for everyone. In particular, it runs campaigns on Torture, Terrorism, the UK Human Rights Act 1998, Free Speech, Privacy, Equality, Anti-Social-Behaviour Orders, Young Peoples' Rights and Asylum.
Main activities (approximately 100 words)	Liberty campaigns to protect basic rights and freedoms through the courts, in Parliament and in the wider community. It does this through a combination of public campaigning, test case litigation, parliamentary lobbying, policy analysis and the provision of free advice and information. Liberty also produces a range of

	publications (policy papers, reports and campaign briefings, articles, newsletter, etc.).
--	---

Name	Unlock Democracy (incorporating Charter 88)
Acronym	
Address	Unlock Democracy 6 Cynthia Street London N1 9JF United Kingdom
Telephone	+44-0272784443
Fax	
E-mail	E-mails of members of staff available at: http://www.unlockdemocracy.org.uk/?page_id=165
Website	http://www.unlockdemocracy.org.uk/
Brief description – including information on staff and resources, if available (approximately 100 words)	Unlock Democracy was founded in November 2007 following the merger of Charter 88 and the New Politics Network. It is funded from three main sources: grant income for specific projects from various foundations and trusts, subscriptions and donations from members and supporters and income from our subsidiary company Rodell Properties Ltd; it has ca. 9 members of staff.
Human rights issues covered (approximately 100 words)	Unlock Democracy is the UK's leading campaign for democracy, rights and freedoms. In particular, Unlock Democracy campaigns for: Fair, Open and Honest Elections; Rights, Freedoms and a Written Constitution; Stronger Parliament and Accountable Government; Bringing Power Closer to the People; A Culture of Informed Political Interest and Responsibility
Main activities (approximately 100 words)	

Name	Campaign for Freedom of Information
Acronym	
Address	The Campaign for Freedom of Information Suite 102 16 Baldwins Gardens London EC1N 7RJ United Kingdom
Telephone	+44-20 7831 7477
Fax	+44-20 7831 7461
E-mail	admin@cfoi.demon.co.uk
Website	http://www.cfoi.org.uk/

Brief description – including information on staff and resources, if available (approximately 100 words)	The Campaign was set-up in 1984, played a leading role in the passage of the Freedom of Information Act and is recognised as a leading independent authority in the field. The main funding comes from charitable sources including the Joseph Rowntree Charitable Trust, the Allen Lane Foundation, the Nuffield Foundation and from supporting organisations and individuals.
Human rights issues covered (approximately 100 words)	Freedom of information
Main activities (approximately 100 words)	<p>The Campaign for Freedom of Information is a non-profit organisation working to improve public access to official information and ensure that the Freedom of Information Act is implemented effectively. It provides training both for public authorities implementing the Act and for users of the legislation. It has published a Users' Guide to the Freedom of Information Act, Environmental Information Regulations and new rights to see personal data about you held by public authorities.</p> <p>The Campaign for Freedom of Information campaigns against unnecessary official secrecy and for an effective Freedom of Information Act; it also presses for more disclosure in the private sector, if the information is of public interest. It also seeks to repeal the 1989 Official Secrets Act and replace it by a narrower measure applying only where disclosure would cause serious damage to defence, security, international relations, law enforcement or safety, and containing a public interest defence. It has promoted a series of successful private members bills, which give people the right to see their own medical, social work and housing records and information about environmental and safety hazards. It has also promoted the Public Interest Disclosure Act with the whistleblower charity Public Concern at Work, as well as amendments to government legislation, to increase public rights to information.</p> <p>It encourages authorities to disclose more information voluntarily. At its annual Freedom of Information Awards ceremony, it recognises individuals who have campaigned for greater openness and authorities and companies which have taken important initiatives in releasing more information.</p> <p>Four private members' bills, drafted and promoted by the Campaign for Freedom of Information, have become law: Access to Personal Files Act, 1987; Access to Medical Reports Environment and Safety Information Act, 1988; and Access to Health Records Act, 1990.</p> <p>The Campaign for Freedom of Information has issued publications on: Freedom of information, Open Government Code of Practice, Official Secrets Act, Public Records, Local Government, Personal Files and Data Protection, Whistle blowing, Environmental and Safety Information, Medicines Information, Internet and Electronic Information, etc.</p>

Name	REDRESS – Seeking Reparation for Torture Victims
Acronym	REDRESS
Address	REDRESS 87 Vauxhall Walk London SE11 5HJ United Kingdom
Telephone	+44 (0)20 7793 1777
Fax	+44 (0)20 7793 1719
E-mail	info@redress.org
Website	http://www.redress.org/index.htm
Brief description – including information on staff and resources, if available (approximately 100 words)	REDRESS is a human rights organisation that helps torture survivors to obtain justice and reparation. REDRESS works with survivors to restore their dignity and to make torturers accountable. REDRESS has 12 members of staff. It was established in 1992 and registered in the UK as a charity.
Human rights issues covered (approximately 100 words)	Obtaining justice for survivors of torture; holding accountable the governments and individuals who perpetrate torture; developing the means of ensuring compliance with international standards and securing remedies for victims.
Main activities (approximately 100 words)	<p>REDRESS pursues its mission mainly through casework, advocacy and capacity building.</p> <p>In its casework programme REDRESS provides legal advice for torture survivors in gaining both access to the courts and redress for their suffering before national and international courts, including locating evidence. Where necessary it co-operate with partners in the UK and in different parts of the world where torture is endemic. This includes providing specialised expertise on points of law to lawyers and national and/or international courts. Where it is not feasible to proceed through the courts REDRESS tries to help in other ways, for example, by putting survivors in touch with appropriate medical and psychological professionals and other specialised primary caregivers, or making representations to international, regional and domestic bodies including human rights institutions, and/or to governments and members of parliament. REDRESS can also participate in bringing perpetrators to justice through universal jurisdiction mechanisms where the alleged torturer is outside his or her home state.</p> <p>REDRESS is involved in a number of international standard setting projects, e.g. in the development of UN Basic Principles and Guidelines on the Right to Reparation; the Regulations for an ICC Trust Fund for Victims; and the Optional Protocol to the UN Convention Against Torture.</p> <p>REDRESS supports legal and institutional reforms to ensure that survivors' rights to justice and other forms of reparation is</p>

	<p>exercisable in practice, before national, regional and international jurisdictions, as appropriate.</p> <p>REDRESS organises and participates in training sessions in countries where torture is endemic, usually geared towards lawyers, civil society groups and public officials with responsibility to prevent or respond to allegations of torture. To this end it has developed several guide books, e.g. on ENDING TORTURE: A Handbook For Public Officials; IMPLEMENTING VICTIMS' RIGHTS: A Handbook on the Basic Principles and Guidelines on the Right to a Remedy and Reparation; LEGAL INVESTIGATIONS OF TORTURE ALLEGATIONS: A Practical Guide to the Istanbul Protocol for Lawyers</p> <p>REDRESS also carries out awareness raising campaigns on the persistence of torture in many countries around the world.</p> <p>REDRESS also publishes studies or works otherwise on the following themes: the relationship between counter-terrorism measures and the absolute prohibition against torture; victims' rights in international justice; the application of universal jurisdiction; and no immunities, no amnesties for torture.</p>
--	---

Name	Save the Children UK
Acronym	
Address	Save the Children UK 1 St John's Lane London EC1M 4AR United Kingdom
Telephone	004420 7012 6400
Fax	
E-mail	supporter.care@savethechildren.org.uk
Website	http://www.savethechildren.org.uk/en/index.htm
Brief description – including information on staff and resources, if available (approximately 100 words)	Save the children was founded in 1919 and is registered as a charity in the UK. About 4,500 people work for Save the Children UK in 52 countries around the world, including the UK. Save the Children UK has regional offices in Wales, North Wales, Scotland and Northern Ireland
Human rights issues covered (approximately 100 words)	Children's rights, with a particular focus on four fundamental rights: health, freedom from hunger, education and protection.
Main activities (approximately 100 words)	Campaigning and advocacy work: Save the Children UK conducts several campaigns in the UK and other countries, for example: campaign to end child poverty; on the world food crisis; on sexual exploitation; on education; on child labour; child protection; social and economic justice, etc.

	Emergencies: Save the Children UK also runs an emergency relief programme, currently in 20 countries.
--	---

Name	Children's Rights Alliance for England
Acronym	CRAE
Address	94 White Lion Street London N1 9PF United Kingdom
Telephone	+44-20-72788222
Fax	
E-mail	info@crae.org.uk
Website	http://www.crae.org.uk/index.html
Brief description – including information on staff and resources, if available (approximately 100 words)	CRAE Has approx. 10 members of staff.
Human rights issues covered (approximately 100 words)	Children's rights, with programs on legal advice, lobbying the parliament, reporting to the UN, reporting annually on the state of children's rights in England, incorporation of the UN Convention on the Rights of the Child into UK law; age discrimination; children in custody; children's rights to be heard; and democratic rights of young people (right to vote from the age of 16).
Main activities (approximately 100 words)	CRAE protects the human rights of children by lobbying government and others who hold power, by bringing or supporting test cases and by using regional and international human rights mechanisms. CRAE provides free legal information and advice, raise awareness of children's human rights, and undertake research about children's access to their rights. CRAE mobilises others, including children and young people, to take action to promote and protect children's human rights. Each year CRAE publishes a review of the State of children's rights in England and other material on children's rights. CRAE also initiated and administers three networks: a legal network, the 'Participation Works' consortium; and the network 'Ready, Steady, Change' advocating children's and young people's participation in decision-making.
Name	Committee for the Administration of Justice
Acronym	CAJ
Address	Committee on the Administration of Justice 45/47 Donegall Street Belfast BT1 2BR Northern Ireland e-mail: info@caj.org.uk

Telephone	+44-(0)28-90961 122
Fax	+44-(0)28-90246706
E-mail	e-mail: info@caj.org.uk
Website	http://www.caj.org.uk/
Brief description – including information on staff and resources, if available (approximately 100 words)	The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation for Human Rights. The Committee seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch, and makes regular submissions to a number of United Nations and European bodies established to protect human rights.
Human rights issues covered (approximately 100 words)	CAJ works to promote the full range of human rights as recognized in UN and Council of Europe instruments.
Main activities (approximately 100 words)	CAJ's activities include publishing reports, conducting research, holding conferences, monitoring, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include prisons, policing, emergency laws, the criminal justice system, the use of lethal force, children's rights, gender equality, racism, religious discrimination, and advocacy for a Bill of Rights.

Name	INTERIGHTS
Acronym	
Address	Lancaster House 33 Islington High Street London N1 9LH United Kingdom
Telephone	+44 (0)20 7278 3230
Fax	+44 (0)20 7278 4334
E-mail	ir@interights.org
Website	http://www.interights.org/home/index.htm
Brief description – including information on staff and resources, if available (approximately 100 words)	Ca. 20 staff; INTERIGHTS is a registered Charity in the UK; was founded in 1982.
Human rights issues covered (approximately 100 words)	Rule of Law, Equality and Security, Economic and Social Rights

Main activities (approximately 100 words)	<p>INTERIGHTS defends and promotes human rights and freedoms worldwide through the use of international and comparative law. This is achieved through a range of activities designed to strengthen human rights jurisprudence and obtain redress for people whose rights have been violated.</p> <p>INTERIGHTS provides expertise and advice on human rights litigation regarding issues of particular international, regional or national importance. In cases where important principles are at stake INTERIGHTS may act as co-representative, a ‘friend of the court’ (amicus curiae) or adviser to counsel.</p> <p>INTERIGHTS works with local lawyers, judges and NGOs, strengthening their capacity to defend human rights effectively at both national and international fora. This is done through tailored training programmes including practical case-focused ‘litigation surgeries’, internship programmes and the development of litigation partnerships.</p> <p>Access to relevant, accurate legal information is a vital complement to this work and consequently INTERIGHTS produces and disseminates a range of publications, keeping lawyers, judges and NGOs abreast of developments in human rights law which affect their work.</p> <p>INTERIGHTS supports efforts to develop international and regional human rights standards, often through support for developing human rights institutions, such as the African Commission on Human and Peoples’ Rights, the recently established African Court on Human and Peoples’ Rights and the European Court of Human Rights.</p> <p>Through its mutually supportive regional and thematic programmes INTERIGHTS is uniquely placed to bring an international and comparative law perspective to its work with partners. INTERIGHTS’ regional programmes focus on Sub-Saharan Africa, the Commonwealth, Europe, the Middle East and North Africa and South Asia. Thematic areas of work – Economic and Social Rights, Equality and Security and the Rule of Law – are priority issues across all of the regional programmes, and where appropriate, beyond.</p> <p>INTERIGHTS also produces publications on various topics and aspects of its work.</p>
---	--

Name	JUSTICE
Acronym	None
Address	59 Carter Lane London EC4V 5AQ United Kingdom
Telephone	+44 (0)20 7329 5100
Fax	+44 (0)20 7329 5055
E-mail	admin@justice.org.uk
Website	http://www.justice.org.uk/

Brief description – including information on staff and resources, if available (approximately 100 words)	Founded in 1957, Justice is an influential legal human rights organisation and is the UK affiliate of the International Commission of Jurists (ICJ). It has six full-time staff, supported by interns.
Human rights issues covered (approximately 100 words)	Legal issues related to human rights law, both national and international.
Main activities (approximately 100 words)	JUSTICE was founded in 1957, following the visit of a group of British lawyers to observe treason trials in South Africa and Hungary. It was set up to promote the rule of law and to assist the fair administration of justice. JUSTICE's influential reports helped establish the UK ombudsman system, influenced the development of tribunals, and promoted legislation on the rehabilitation of offenders and compensation for victims of crime, as well as proving influential in addressing miscarriages of justice. Justice has developed programmes on human rights legislation, criminal justice, asylum and immigration, discrimination and privacy, and publishes influential reports on human rights issues and constitutional reform in the UK.

Name	British Institute for Human Rights
Acronym	BIHR
Address	King's College London 7th Floor Melbourne House 46 Aldwych London WC2B 4LL
Telephone	+44 (0)20 7848 1818
Fax	+44 (0)20 7848 1814
E-mail	info@bihr.org.uk
Website	http://www.bihr.co.uk/
Brief description – including information on staff and resources, if available (approximately 100 words)	BIHR is a human rights organisation that is committed to challenging inequality and injustice in everyday life in the UK, by supporting people to use human rights principles and standards to improve their own lives and as a tool for organisations to develop more effective public policy and practice. It has ten full-time staff, supported by interns and volunteers.
Human rights issues covered (approximately 100 words)	BIHR works to promote the full range of human rights as recognized in UN and Council of Europe instruments

Main activities (approximately 100 words)	<p>The British Institute of Human Rights:</p> <ul style="list-style-type: none"> • Provides a range of information and other resources (including briefings and toolkits); • Develops and delivers training and consultancy for the voluntary and community and public sectors on both practice and policy; • Leads and/or collaborates on demonstration and pilot projects across the voluntary and community and public sectors • Undertakes research and policy analysis; • Lobbies national government and Parliament, conduct media activity and campaigns and occasional strategic legal interventions.
--	--

Name	Amnesty International UK (AIUK) Section
Acronym	AIUK
Address	Amnesty International UK The Human Rights Action Centre 17-25 New Inn Yard London EC2A 3EA
Telephone	+44 (0)20 7033 1500
Fax	+44 (0)20 7033 1503
E-mail	sct@amnesty.org.uk
Website	http://www.amnesty.org.uk/
Brief description – including information on staff and resources, if available (approximately 100 words)	AIUK has offices in London, Belfast, Edinburgh and Cardiff and around 130 staff and 65 volunteers to coordinate the work of our member and financial supporters, who number 260,000 in the UK.
Human rights issues covered (approximately 100 words)	Amnesty works across the world to achieve sustained change for people experiencing violations of their human rights: the UK section works for change within the UK, in conjunction with the International Office, which is also in London.
Main activities (approximately 100 words)	Fundraising, human rights education, campaigning for better protection and respect for rights both within the UK and externally; legal intervention in court proceedings.

Annex 3 - Tables and Statistics

Ch. 5 Key publications of NHRI(s)	
	Reports (please indicate briefly topic)
2000	<p>Northern Irish Human Rights Commission</p> <p>Thematic reports:</p> <ul style="list-style-type: none"> Human Rights Impact: The Impact of the Incorporation of the European Convention on Human Rights into the Law of Northern Ireland - September 2000; Response to the International Council on Human Rights Policy Report - Ends and Means: Human Rights Approaches to Armed Groups; Response to the UK's 15th Periodic Report to CERD. <p>Annual report:</p> <ul style="list-style-type: none"> First Annual Report 1999-2000.
2001	<p>Northern Irish Human Rights Commission</p> <p>Thematic reports:</p> <ul style="list-style-type: none"> Parades, Protests and Policing: A Human Rights Framework - March 2001; Enhancing the Rights of Lesbian, Gay and Bisexual People in Northern Ireland - August 2001; Enhancing the Rights of Older People in Northern Ireland - November 2001; The Recording of the Use of Plastic Bullets in Northern Ireland - May 2001; Submission by the Northern Ireland Human Rights Commission to the Pre-Sessional Hearing by the United Nations Human Rights Committee. <p>Annual report:</p> <ul style="list-style-type: none"> Annual report 2000-01.
2002	<p>Northern Irish Human Rights Commission</p> <p>Thematic reports:</p> <ul style="list-style-type: none"> Compatibility of Key Person Protection Scheme with the ECHR - January 2002; In Our Care: Promoting the Rights of Children in Custody - March 2002 Report on the Human Rights Implications of the Planning Procedures and Installation of Phone Masts - May 2002; An Evaluation of Human Rights Training for Student Police Officers in the Police Service of Northern Ireland - November 2002. Submission to the Fourth Report of the UK under the International Covenant on Economic, Social and Cultural Rights - April 2002. <p>Annual report:</p> <ul style="list-style-type: none"> Annual report 2002.

2003	<p>Northern Irish Human Rights Commission Thematic reports:</p> <ul style="list-style-type: none"> • Connecting Mental Health & Human Rights - December 2003; • Human Rights and Victims of Violence - July 2003; • Learning to Grow Up: Multiple Identities of Young Lesbians, Gay Men and Bisexual People in Northern Ireland - July 2003; • Older people's experience of health services in Northern Ireland (discussion paper) - July 2004; • Baton Rounds: A Review of the Human Rights Implications of the Introduction and Use of the L21A1 Baton Round in Northern Ireland and Proposed Alternatives to the Baton Round - April 2003. <p>Annual report:</p> <ul style="list-style-type: none"> • Annual report 2003
2004	<p>Northern Irish Human Rights Commission Thematic reports:</p> <ul style="list-style-type: none"> • Report on the Transfer of Women from the Mourne House Unit, Maghaberry Prison to Hydebank Wood Young Offenders Unit - June 2004; • The Hurt Inside: The Imprisonment of Women and Girls in Northern Ireland - October 2004; • Investigating Deaths in Hospital in Northern Ireland: Does the System Comply with the European Convention on Human Rights? - September 2004; • Countering Terrorism and Protecting Human Rights - September 2004; • The Rights of People Who Have Been Arrested - November 2004; • Human Rights in Police Training, Report Four: Course for All - April 2004; • Human Rights in Police Training, Report Three: Probationer Constables and Student Officers - March 2004; • Submission to the US Helsinki Commission - Human Rights and Police Reform in Northern Ireland; • Views on the Proposal to Create a European Union Human Rights Agency; • The Rights of Lesbian and Gay People: Response to the European National Human Rights Institutions' Questionnaire; • UN Convention against Torture - Comments to the UN Committee Against Torture on the Fourth Periodic Report of the UK; • Response to the proposal by the Commission of the European Communities for a Fundamental Rights Agency. <p>Annual report:</p> <ul style="list-style-type: none"> • Annual report 2004

2005	<p>Northern Irish Human Rights Commission</p> <p>Thematic reports:</p> <ul style="list-style-type: none"> • The Hurt Inside, The Imprisonment of Women and Girls in Northern Ireland - June 2005; • Comments on Council of Europe Recommendations concerning the European Court and Convention; • A Practical Guide to the European Convention on Human Rights – The Right to Life; • A Practical Guide to the European Convention on Human Rights – The Right not to be Ill-treated; • NIHRC Review of Human Rights Education and Training, produced by J.Reilly and U.Niens, UNESCO Centre, School of Education, University of Ulster - March 2005. <p>Annual report:</p> <ul style="list-style-type: none"> • Annual report and financial accounts 2004-2005
2006	<p>Northern Irish Human Rights Commission</p> <p>Thematic reports:</p> <ul style="list-style-type: none"> • The Prison Within: The Imprisonment of Women at Hydebank Wood - 2004-2006; • Still in Our Care: Protecting Children's Rights in Custody in Northern Ireland - October 2006; • Your Rights in Northern Ireland: A Guide to Migrant Workers; • Human Rights in Police Training. Report Five. Tutor Constables Scheme - April 2006; • European NHRIs Response to CDDH-17, the Effectiveness of the European Convention - October 2006; • European NHRIs response to National Action Plans on Human Rights - October 2006; • Terrorism, Counter-terrorism and Human Rights: the experience of emergency powers in Northern Ireland; • Submission to the International Commission of Jurists Eminent Jurists Panel; • Report of a Round Table on the Role of National Human Rights Institutions in Conflict and Post-Conflict Situations - June 2006. <p>Annual report:</p> <ul style="list-style-type: none"> • Annual report and financial accounts 2005-2006
2007	<p>Northern Ireland Human Rights Commission:</p> <p>Thematic reports:</p> <ul style="list-style-type: none"> • Submission to UN Human Rights Council's Universal Periodic Review - November 2007; • Submission to the UN Human Rights Committee on the List of Issues for the examination of the UK's 6th report under the International Covenant on Civil and Political Rights - October 2007; <p>Annual report:</p> <ul style="list-style-type: none"> • Annual report and accounts 2006-2007

	<p>Equality and Human Rights Commission:</p> <ul style="list-style-type: none"> • Interim Business Plan 2007/08 setting out the EHRC's initial priorities for the first few months of its existence; • Daring to be Different – The Business Case for Diversity and Apprenticeships – December 2007; • Map of Gaps: The Postcode Lottery of Violence Against Women Support Services – 2007 (produced in
2008	<p>Northern Ireland Human Rights Commission:</p> <ul style="list-style-type: none"> • Submission to the UN Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR): shadow report on the UK's sixth periodic report - May 2008; • Submission to the UN Committee on the Elimination of Discrimination against Women: shadow report on the UK's sixth periodic report - May 2008; • Submission to the UN Committee on the Rights of the Child: shadow report on the UK's third and fourth periodic reports - May 2008. <p>Equality and Human Rights Commission:</p> <ul style="list-style-type: none"> • Your Rights to Fly – What you need to know. A Step by Step Guide for Disabled and Less Mobile Passengers – July 2008; • Equality and Human Rights Commission: What We Are and What We Do – July 2008; • Equality Scheme 2008/09 (for April 2008-April 2009), setting out how the EHRC plans to fulfil its moral, social and legal obligations; • Submission on the United Kingdom's sixth periodic report under the International Covenant on Civil Political Rights – June 2008; • Submission on the sixth periodic report of the United Kingdom to the United Nations Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) – June 2008; • Disability Discrimination Act 1995. Revised Code of Practice: Trade Organisations, Qualifications Bodies and General Qualifications Bodies – May 2008.

Ch. 6 Advisory functions of the NHRI(s)	
	Advisory opinions and other advisory services given to government (briefly indicate topic)
2000	<p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • Response to Learning For Tomorrow's World - Towards a New Strategic Plan for Education Services in Northern Ireland 2000-2006; • Response to the Department of Education Northern Ireland Consultation Paper 'Towards A Culture of Tolerance: Education For Diversity'; • Response to the Criminal Cases Review Commission Consultation Paper 99/1 'Ordering Cases for Review' – January 2000; • NIHRC Submission to the Law Commission on Double Jeopardy, on Consultation Paper 65 of the Law Commission – February 2000; • Response to Diplock Review (recommending to abandon the Diplock Court System and to return to Jury Trials in Northern Ireland) – February 2000; • Response to the Office of Law Reform's Consultation Paper on Divorce in Northern Ireland; • Response to the Future of the Juvenile Justice Centre Review; • Response to the Review of Tribunals Consultation; • Response to the review of the Criminal Justice System of Northern Ireland.
2001	<p>Northern Ireland Human Rights Commission:</p> <ul style="list-style-type: none"> • Submission to the Review Group on Selection at age 11 in the Education System of Northern Ireland; • A briefing paper on the proposal for a Children's Commissioner for Northern Ireland, presented to the Committee of the Centre, NI Assembly; • Evidence submitted to the Ad-Hoc Committee on the draft Proceeds of Crime Bill, NI Assembly; • Response to the Consultation Paper 'Investing for Health' – April 2001; • Submission to Justice 1 Committee of the Scottish Parliament on a proposed Human Rights Commission for Scotland; • A Human Rights Commission for the UK? Response of the Northern Ireland Human Rights Commission to the Joint Committee's call for evidence on whether there should be a Human

	<p>Rights Commission for the United Kingdom – July 2001;</p> <ul style="list-style-type: none"> • Response to the proposed Police Service Code of Ethics; • Response to the Consultation Paper on a Commissioner for Children in Northern Ireland.
2002	<p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • Consultation on Physical Punishment in the Home - Response of the Northern Ireland Human Rights Commission; • Comments from the Northern Ireland Human Rights Commission on the PSNI Consultation Paper on A Programme of Action to Focus Policing on a Human Rights Based Approach (Patten Recommendation No.1); • Response to the Policing Board's Draft Code of Practice on the Exercise of Functions by District Policing Partnerships; • Commissioner for Children and Young People Bill, Committee Stage. Written Submission of the NIHRC to the Committee of the Centre –29 August 2002; • Response to the Department of Health, Social Services and Public Safety Consultation Exercise; • Comments on the New Juvenile Justice Centre for Northern Ireland; • Response to the Department of Health, Social Services and Public Safety Consultation Exercise on Protecting Personal Information.
2003	<p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • Response to the consultation paper on certifying and investigating deaths issued by the Fundamental Review of Death Certification and the Coroner Services; • Response to the Electoral Commission's Report on the 2003 Northern Ireland Assembly election; • Comments on the UK Government's package of measures intended to address the issues raised by the European Court of Human Rights in its Article 2 (ECHR) judgments of 4 May 2001 (Jordan, Kelly, McKerr, Shanaghan) - January 2003.
2004	<p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • Letter to the Secretary of State for Northern Ireland on the ratification of Optional Protocol to the UN Convention Against Torture (CAT);

	<ul style="list-style-type: none"> • Response to the Northern Ireland Prison Service's Policy on Self Harm and Suicide Prevention Management; • Response the Office of Law Reform's consultation on "Civil Partnership: A Legal Status for Committed Same-sex Couples"; • Response to the Electoral Commission's consultation on Political Party Advertising; • Response to the 14th Report of the Joint Committee on Human Rights in the Session 2002-03 - on the work of the Northern Ireland Human Rights Commission; • Response to the Public Prosecution Service for Northern Ireland: Code for Prosecutors (Draft); • Response to the Handling of Complaints not relating to the Exercise of Prosecutorial Discretion - Draft issued by the Public Prosecution Service; • Response to the Home Office Discussion Paper on Counter-terrorism Measures: Reconciling Security and Liberty in an Open Society; • Response to the Department of Constitutional Affairs Consultation on Effective Inquiries; • 'Fairness for All': Response to the Consultation on a New Commission for Equality and Human Rights; • Response to the Charity Commission for England and Wales consultation on the Promotion of Human Rights as a Charitable Purpose; • Response of the Northern Ireland Human Rights Commission to the Home Office consultation on the proposed Community Cohesion and Race Equality Strategy; • Response to the Department of Health, Social Services and Public Safety's consultation on Children's Homes: Registration and Inspection Standards; • Comments on UK Government's implementation of the ECtHR judgments in Jordan, Kelly, McKerr and Shanahan of 4 May 2001 - September 2004
2005	<p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • Comments of the Human Rights Commission to the Office of the First Minister and Deputy First Minister on the Draft Race Equality Strategy – May 2005; • Response to consultation on New Admissions Arrangements for Post-primary Schools; • Comments on Electoral Commission report on Northern Ireland Elections of May 2005;

	<ul style="list-style-type: none"> • Response to Northern Ireland Court Service on The Youth Court in Northern Ireland; • Response to Home Office proposals - "Selective Admission: Making Migration Work for Britain".
2006	<p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • Response to consultation on Draft Protocol for Community-based Restorative Justice Schemes - December 2006; • Northern Ireland Prison Service Consultation on Policy and Guidance for the Operational Deployment of PAVA hand-held personal incapacitant spray: Response of the Northern Ireland Human Rights Commission – December 2006; • Response to consultation on the proposed introduction of the TASER to the Police Service of Northern Ireland - November 2006; • Response to the NI Prison Service Consultation on Policy on the Management of Mothers and Babies - October 2006; • Response to the Consultation on the Replacement Arrangements for the Diplock Court System - October 2006; • Comments to the Bamford review consultation report on 'Human Rights and Equality of Opportunity' - June 2006; • Response to Northern Ireland Prison Service Consultation on Progressive Regimes and Earned Privileges Scheme (Preps) - September 2006; • Submission to the NI Prison Service Consultation on the Review of Separated Regimes; • Submission on the Draft Guidelines for Community-based Restorative Justice Schemes; • Response to NIO consultation on Powers of the NIHRC - February 2006; • Response to Consultation on "Adopting the Future" - August 2006.
2007	<p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • Submission to Northern Ireland Office consultation on the review of the Police Ombudsman for Northern Ireland - December 2007; • Response to Home Office consultation on possible measures for inclusion in a future Counter Terrorism Bill - October 2007; • Response to the consultation paper on the Independent Police Complaints Commission

(IPCC) oversight of Border and Immigration Agency incidents and complaints - October 2007;

- Response to Armagh City and District Council on human rights issues in relation to bonfires - October 2007;
- Evidence to Assembly and Executive Review Committee Inquiry into the devolution of policing and justice matters - August 2007;
- Submission to the Independent Review of Water and Sewerage Services - August 2007;
- Response to Home Office consultation on Prevention of Illegal Working - July 2007;
- Response to the consultation paper on Making Sure that Crime Doesn't Pay: Proposals for a new measure to prevent convicted criminals profiting from published accounts of their crime - February 2007;
- Response to the Parliamentary Joint Committee on Human Rights call for evidence on the meaning of "public authority" under the Human Rights Act 1998 - January 2007;
- Response to the Department of Health, Social Services and Public Safety (DHSSPS) Strategy and Action Plan to Promote Equality, Good Relations and Human Rights in Health and Social Services - January 2007.

Northern Ireland Human Rights Commission:

- Response to Northern Ireland Office consultation on Alternatives to Prosecution: A discussion paper - June 2008;
- Response to Northern Ireland Prison Service consultation on Human Resource Diversity Strategy - May 2008;
- Response to Consultation on proposed amendments to the Northern Ireland Assembly Code of Conduct and the Guide to the Rules Relating to the Conduct of Members - May 2008;
- Response to the Home Office consultation on the National Identity Scheme Delivery Plan 2008 - May 2008;
- Response to Home Office consultation - Review of Guidance on Section 44 Terrorism Act 2000 - May 2008;
- Response to Home Office consultation - The Path to Citizenship: Next Steps in Reforming the Immigration System - May 2008;
- Response to Home Office consultation on compulsory identity cards for foreign nationals - April 2008;
- Response to the PSNI's equality impact assessment for consultation: Proposals to introduce

2008

TASER - April 2008;

- Response to the Visitors Consultation Paper by the Border and Immigration Agency - February 2008.

Equality and Human Rights Commission:

- Response to the Joint Committee on Human Rights (JCHR) report: A life like any other? Human rights of adults with learning disabilities – March 2008 (EHRC in response to the report, setting out what it will do to help make sure the human rights of people with a learning disability are fully protected and promoted).

Ch. 6 Role of NHRI in legislative processes	
	Instances input was provided in the legislative process (briefly indicate topic)
2000	Northern Ireland Human Rights Commission <ul style="list-style-type: none"> • NIHRC Responses to Police (NI) Bill: Proposed Amendments, Clauses 53-61; • NIHRC Responses to Police (NI) Bill: Proposed Amendments, Clauses 18-50; • NIHRC Responses to Police (NI) Bill: Briefing Note for the Committee Stage in the House of Commons.
2001	Northern Ireland Human Rights Commission <ul style="list-style-type: none"> • Submission on the Adoption (Intercountry Aspects) Bill (NI); • Comments on the Proposed Life Sentences (NI) Order 2001; • Submission on the Family Law Bill (NI); • Comments by the Northern Ireland Human Rights Commission on the Initial Consultation concerning the Single Equality Bill; • Response to the proposed Social Security Fraud Bill; • Response to the proposed Anti-Terrorism, Crime and Security Bill; • Response of the Northern Ireland Human Rights Commission to the consultation on the proposed Protection of Children and Vulnerable Adults Bill.
2002	Northern Ireland Human Rights Commission <ul style="list-style-type: none"> • Response to the proposed Coroners (Practice and Procedure) (Amendment) Rules (Northern Ireland) 2002; • Suggested Amendments to the Justice (NI) Bill 2002 Paper 1; • Initial comments on the Justice (Northern Ireland) Bill;

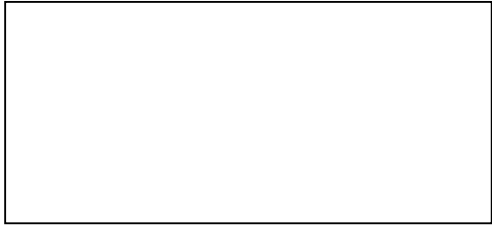
	<ul style="list-style-type: none"> • Renewal of Part VII of the Terrorism Act 2000 February 2002 (letter submitted to the Secretary of State); • Comments on the Justice (Northern Ireland) Bill, submitted to members of the House of Lords; • Comments to the Northern Ireland Office on the proposed draft Access to Justice (NI) Order 2002; • Assembly Ombudsman for Northern Ireland (Assembly Standards) Bill: Comments by the Northern Ireland Human Rights Commission – September 2002; • Response to the Draft Firearms (NI) Order 2002; • Comments on selected Clauses of the Education and Libraries Bill; • Response to the Coroners (Practice and Procedure) (Amendment no. 2) Rules (NI) 2002.
2003	<p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • Response to the Home Office on New Legislative Proposals on Asylum Reform; • Comment on Temporary Provisions of the Police (Northern Ireland) Act 2000 (recruitment).
2004	<p>Northern Ireland Human Rights Commission</p> <ul style="list-style-type: none"> • Response to Draft Criminal Justice (NI) Order 2004 - March 2004; • Draft Anti-social Behaviour (NI) Order 2004 - letter to the Northern Ireland Office; • Response to The Draft Special Educational Needs and Disability Order; • Draft Anti-Social Behaviour (Northern Ireland) Order 2004: Briefing for Members of Standing Committee on Delegated Legislation 13 July 2004; • A Single Equality Bill for Northern Ireland - Response to the Office of First Minister and Deputy First Minister's Discussion Paper; • Response to the Draft Unauthorised Encampments (Northern Ireland) Order 2004.

2005	Northern Ireland Human Rights Commission <ul style="list-style-type: none"> • Submission on the Rates (Capital Values etc) Northern Ireland Order 2005; • The Inquiries Bill: A Briefing of the Northern Ireland Human Rights Commission – January 2005; • Briefing for the Second Reading (Lords) of the Prevention of Terrorism Bill 2005; • Response to Law Reform Advisory Committee's Discussion Paper on Attestation; • Response to the Draft Disability Discrimination (Northern Ireland) Order; • Comments on Anti-Social Behaviour Orders (ASBOs) provisions in draft Criminal Justice (NI) Order 2005 – June 2005; • Response to draft Criminal Justice (NI) Order 2005; • Response to Delegating Authority under Access to Justice Order; • Response to Proposed Amendment to the Employment of Children Regulations (Northern Ireland) 1996.
2006	Northern Ireland Human Rights Commission <ul style="list-style-type: none"> • Submission to NIO regarding the Police (NI) Act 2000: Review of Temporary Provisions (50:50 recruitment) - December 2006; • Response to NIO consultation on a Forum on a Bill of Rights - November 2006; • Response to the NIO Consultation on Sexual Offences Legislation - October 2006; • Response to Consultation on the Granting of Prior Authority to Senior Counsel under the Access to Justice (NI) Order 2003 - July 2006; • Response to the Victims and Survivors (NI) draft Order 2006 - September 2006.
2007	Northern Ireland Human Rights Commission <ul style="list-style-type: none"> • Briefing on the Criminal Justice and Immigration Bill - November 2007; • Response to the Department of Education (NI)'s draft Regulations

	<p>prohibiting discrimination by General Qualifications Bodies on the grounds of disability - October 2007;</p> <ul style="list-style-type: none"> • Initial response to Home Office consultation on Simplifying Immigration Law - August 2007; • Briefing on the Justice and Security (NI) Bill - January 2007.
2008	<p>Northern Ireland Human Rights Commission:</p> <ul style="list-style-type: none"> • Briefing on the Counter-Terrorism Bill 2008 for the Second Reading, House of Lords, 8 July 2008 - July 2008; • Briefing on human rights protection in residential and nursing care following the decision in the 'YL' case - for Health and Social Care Bill 2007, House of Lords, Committee Stage - April 2008; • Response to Home Office consultation - Review of Guidance on Section 44 Terrorism Act 2000 - May 2008; • Briefing on the Counter Terrorism Bill 2008 - February 2008 for Second Reading, House of Commons, 1 April 2008; • Response to Proposed NI Assembly Members Bill - Carer's Allowance (letter) - February 2008; • Response to draft Sexual Offences (NI) Order 2007 - February 2008; • Response to the draft Criminal Justice (NI) Order 2007 - January 2008. <p>Equality and Human Rights Commission:</p> <ul style="list-style-type: none"> • Commission's response to the Single Equality Bill. Fairness – A New Contract with the Public – July 2008; • Counter-Terrorism Bill Parliamentary Briefing, House of Commons, Second Reading – 1

April 2008;

- Health and Social Care Bill Parliamentary Briefing House of Lords Committee Stage - April 2008;
- Health and Social Care Bill Parliamentary Briefing House of Lords Report Stage commencing 16 June 2008;
- Health and Social Care Bill Parliamentary Briefing House of Lords Report Stage 24 June 2008.



Ch 11 Competence of NHRI to deal with complaints								
Please provide number, if available	2000 (1 March 1999- 31 March 2000)	2001 (1 April 2000 – 31 March 2001)	2002 (1 April 2001- 31 March 2002)	2003 (1 April 2002- 31 March 2003)	2004 (1 April 2003 – 31 March 2004)	2005 (1 April 2004 – 31 March 2005)	2006 (1 April 2005 – 31 March 2006)	2007 (1 April 2006 – 31 March 2007)
Complaints received	NIHRC: <ul style="list-style-type: none"> • 211 telephone inquiries of which 145 were individual applications for assistance; • 7 interventions as a third party were made no cases were taken by the NIHRC in its own name. 	NIHRC: <ul style="list-style-type: none"> • 559 telephone inquiries of which 104 resulted in applications for individual assistance; • 5 interventions as a third party; • 2 cases were taken by the NIHRC in its own name. 	NIHRC: <ul style="list-style-type: none"> • 516 telephone inquiries of which 42 resulted in applications for individual assistance; • 1 case taken in NIHRC's own name; • backlog of 52 cases waiting for assessment from previous years. 	NIHRC: <ul style="list-style-type: none"> • 652 telephone inquiries of which 65 resulted in applications for individual assistance; • 4 interventions as a third party [178]. 	NIHRC: <ul style="list-style-type: none"> • 'more than 500' telephone inquiries of which 49 resulted in applications for assistance; • 1 case was taken up in the NIHRC's own name; • In 7 cases NIHRC intervened as a third party. 	NIHRC: <ul style="list-style-type: none"> • 420 telephone inquiries of which 36 resulted in applications for individual assistance; • 4 interventions as a third party 	NIHRC: <ul style="list-style-type: none"> • 920 telephone inquiries of which 20 resulted in applications for individual assistance; • 3 interventions as a third party. 	NIHRC: <p>720 telephone inquiries of which 20 resulted in applications for assistance</p> <p>4 interventions as a third party</p> <p>EHRC: Scottish HR Commission:</p>

Complaints followed up	<ul style="list-style-type: none"> • Some kind of legal assistance granted in 11 cases; • In 9 cases other follow-up activities were undertaken ; • In 5 cases a watching brief was maintained • 61 cases remained to be considered by the NIHRC's Casework Committee • 1 application s were withdrawn; 	<ul style="list-style-type: none"> • Some kind of legal assistance granted in 8 cases; • 36 cases remained to be considered by the NIHRC's Casework Committee; • 10 applications were withdrawn; w • 12 applications were resolved before they were considered by the NIHRC; • 34 cases inadmissible. 	<ul style="list-style-type: none"> • Some kind of legal assistance was granted in 5 cases; • watching brief was maintained in 4 cases; • 59 cases awaited assessment at the end of the year. 	<ul style="list-style-type: none"> • Some kind of legal assistance was granted in 10 cases; • Watching brief was maintained in 15 cases; • 4 applications for assistance still awaited assessment at the end of the year. 	<ul style="list-style-type: none"> • Some kind of legal assistance was granted in 11 cases; • In 14 cases a watching brief was maintained. 	<ul style="list-style-type: none"> • Some kind of legal assistance was granted in 8 cases. 	<ul style="list-style-type: none"> • Some kind of legal assistance was granted in 4 cases. 	<ul style="list-style-type: none"> • Some kind of legal assistance granted in 3 cases.
------------------------	--	--	---	--	--	---	---	---

	<ul style="list-style-type: none"> • 23 cases were resolved before they were considered by the NIHRC. 							
Follow up activities (please provide disaggregated figures per type of follow up activity: e.g. advice, consultation, representation, litigation initiated etc.)								

Outcomes of these activities (please disaggregate per type of outcome: settlement reached, court decision, sanction, litigation unsuccessful etc.)	NIHRC: Individual	NIHRC: Individual	NIHRC: Individual	NIHRC: Individual	NIHRC: Individual	NIHRC: Individual	NIHRC: Individual	NIHRC: Individual
	applications:	applications:	applications:	applications:	applications:			applications:
	<ul style="list-style-type: none"> In 1 case settlement was reached after NIHRC had sent a letter to the relevant authorities on the applicant's behalf. Awaiting outcome in 10 cases at the end of the year (including on 4 cases which involved inquests) 	<ul style="list-style-type: none"> all 8 cases assisted in 2000/01 were on-going; Outcome from cases granted assistance in 1999/2000: No outcome yet in 4 cases related to four different inquests. 	<ul style="list-style-type: none"> All 5 cases were still unresolved by the end of the year. 	<ul style="list-style-type: none"> 2 cases were ongoing; One case litigation has not been successful, and the applicant was considering an appeal; In 1 case litigation was partly successful: the individual supported by NIHRC did not achieve all he wanted but a satisfactory settlement between him and the BBC. 	<ul style="list-style-type: none"> 8 cases were ongoing. 	<ul style="list-style-type: none"> Nothing is said in the annual report on the success/failure of the 8 individual applications supported in 2004/05 	<ul style="list-style-type: none"> (The annual report does not distinguish between cases in which individual assistance was granted and third party interventions) 3 cases were dismissed; 1 case was pending; in 1 case agreement had reached between the parties 1 was successful, i.e. the arguments of the NIHRC followed 1 case: <i>The Commission submitted that Article 6 of the</i> 	<ul style="list-style-type: none"> The outcome of the cases in which assistance was granted is unclear from the report.
	Cases from		Third party		previous years:	Outcomes in		Third party
	• 2 cases from 2002/03 were still ongoing;		interventions:		• 2 cases from 2002/03 had been withdrawn;	cases from		interventions:
	• 1 case from 2002/03 had been withdrawn;		• In 1 case NIHRC had yet to decide how to proceed (related to the placing of phone masts and human rights);		• 3 inquest cases supported by NIHRC since 1999 still did not reach conclusion.	previous years:		• 1 pending;
	Third party interventions:	Third party interventions:	• In 1 case NIHRC made written representations to the Ministry of Defence.		Third party interventions:	• In one case where NIHRC has maintained a watching brief since 2002, it successfully pressed the Minister for Health and Education to hold a statutory enquiry.		• 1 partly successful
	• 2 case	• 1 intervention related to proceedings before ECtHR;	• The ECtHR		• 1 intervention was unsuccessful;			• In 1 case NIHRC gave evidence into the death of a prisoner;
								• 1 intervention was successful.

	involved submissions to the ECtHR (<i>Jordan v UK, Kelly v UK, McKerr v UK and Shanaghan v UK</i>)	however, the case was declared inadmissible later	delivered judgements in the 4 cases of <i>Jordan, Kelly, McKerr, Shanaghan</i> . It followed the NIHRC's arguments that the inquest system in Northern Ireland did not comply with the requirements of Art 2 ECHR. NIHRC is however concerned that the judgement has not been implemented effectively and took	Cases from previous years:	<ul style="list-style-type: none"> 2 interventions were successful (position of the NIHRC was reflected in the judgement). 	<ul style="list-style-type: none"> No information on other cases that had not been resolved in previous years. 	<i>ECHR (the right to a fair hearing) applies where the Secretary of State makes a decision to revoke the licence of a prisoner released under that</i>
		Outcomes in third party interventions of 1999/2000:		<ul style="list-style-type: none"> Several cases from 2001/02 were concluded (it is not clear from the annual report whether the NIHRC has considered these cases to have been successful or not); One case from the previous year was still awaiting hearing. 			
		written submissions relating to the ECtHR cases <i>Jordan, Kelly, McKerr, Shanaghan</i> were considered by the ECtHR, but no judgement has yet been issued;		Third party interventions:			
		in 3 High court cases		<ul style="list-style-type: none"> In 1 case a settlement was reached after the NIHRC had initiated proceedings. 		<ul style="list-style-type: none"> 1 was unsuccessful (i.e. the position of NIHRC was not accepted); 2 interventions were ongoing. 	

		<p>the arguments of NIHRC were rejected (i.e. litigation was unsuccessful)</p> <ul style="list-style-type: none"> 1 intervention was partly successful: NIHRC's arguments were taken into account, but rejected for the facts of the very case; in the Court of Appeal the Lord chief Justice decided that the NIHRC did not have the right to 	<p>further actions towards this end.</p> <p>Cases taken in the NIHRC's own name:</p> <ul style="list-style-type: none"> NIHRC appealed to the House of Lords against the decision that NIHRC had no power to apply to intervene and raise human rights issues. The appeal was granted and NIHRC was waiting judgement at the end of the year. 	<p>the court followed the NIHRC's arguments (i.e. intervention was successful);</p> <ul style="list-style-type: none"> 3 cases were ongoing. <p>Cases taken in the NIHRC's own name:</p> <ul style="list-style-type: none"> Outcome in case taken in the Commission's own name in 2001/02: 1 case successful: The legality of the NIHRC's interventions as a third party in cases involving 			<p><i>that the procedure adopted under Rule 22 did not work unfairly against Mr McClean and that it was therefore unnecessary to express a concluded opinion on the applicability of Article 6.)</i></p>	
--	--	---	--	--	--	--	--	--

		<p>intervene as a third party.</p> <p>Cases taken in the NIHRC's own name:</p> <ul style="list-style-type: none"> • In 1 case NIHRC applied to intervene as a third party in the Omagh bomb inquest, but was denied such power; it appealed against this ruling and was waiting for the outcome at the end of the year; • In 1 case a settlement was reached 		<p>human rights questions was confirmed by the House of Lords (see previous year's section).</p>					
--	--	--	--	--	--	--	--	--	--