



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Business Plan 2021-22

April 2021

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Foreword

The Covid-19 pandemic has changed our lives in ways that most of us did not imagine possible. To address the public health emergency many human rights and freedoms were subject to increased limitations. The Commission continues to receive multiple requests for advice on these matters from government and members of the public. As society emerges from the crisis, a priority is to restore freedoms in a sequenced and timely manner. Ensuring this happens will be a focus for the Commission over the next year.

The UK has also now left the European Union. The Commission has been given the task after the withdrawal to ensure no-diminution of rights protected within the Rights, Safeguards and Equality of Opportunities section of the Belfast (Good Friday) Agreement. We are also required to monitor the UK Government's commitment to maintaining alignment with a number of European Union Directives that protect equality and non-discrimination.

This new and developing area of work will be delivered working alongside the Equality Commission and the Irish Human Rights and Equality Commission. During the last year we secured additional resources to support activities associated with the new responsibilities as well as our core business. This is reflected in our plan.

2021-22 is the final year of the Commission's current Strategic Plan and the first full year for our new group of Commissioners, appointed by the Secretary of State for NI last September. We will consult over the year ahead with the public and engage with our stakeholders on the proposed strategic priorities for the period 2022-2025.

We will also welcome a new Chief Commissioner in the middle of this year and in addition complete the process of United Nations re-accreditation as a National Human Rights Institution. It is a significant period of change and we are looking forward to the challenge of continuing to protect and promote the human rights of everyone in NI.



Les Allamby
Chief Commissioner



Dr David Russell
Chief Executive

Our vision:

A society with human rights values and standards at its heart to achieve fairness, peace and justice.

Our mission:

To protect and promote the human rights of everyone in Northern Ireland.

Who we are:

The Commission was established as a result of the Belfast (Good Friday) Agreement. Our governing legislation is the Northern Ireland Act 1998, as amended by the Justice and Security (Northern Ireland) Act 2007 and the European Union (Withdrawal Agreement) Act 2020.

The Commission is a National Human Rights Institution with A status accreditation from the United Nations. This recognition means that the organisation operates independently in full accordance with the United Nations General Assembly Resolution 48/134 (the Paris Principles).

The Commission is also a non-departmental public body, and receives grant-in-aid from the United Kingdom government through the Northern Ireland Office. We report to Parliament through the Secretary of State for Northern Ireland.

There are seven Commissioners (a full time Chief Commissioner and six part-time Commissioners) appointed by the Secretary of State. As far as practicable, the Commissioners, as a group, is representative of the community in Northern Ireland.

The principles that underpin our work:

A human rights-based approach underpins the Commission's work. This is predicated on the conviction that human rights compliant outcomes require processes that adhere to both the values which underpin human rights laws as well as their substantive content. These principles, to which we adhere, are:

Participation

People should be involved in decisions affecting their human rights.

Accountability

There should be effective monitoring of how human rights are implemented and meaningful remedies available when things go wrong.

Non-discrimination and equality

All forms of discrimination must be prohibited, prevented and eliminated. People facing the biggest barriers to realising their rights should be prioritised.

Empowerment

Everyone should understand and be able to fully exercise their human rights.

Legality

Policies and services should be grounded in enforceable domestic and international human rights laws.

Partnership

In developing a culture of human rights, the Commission will work with other organisations across a wide spectrum of society.

Our core activities:

The Commission's primary role is to make sure government and public authorities protect, respect and fulfil the human rights of everyone in Northern Ireland. We also help people understand what their human rights are and what they can do if their rights are violated or abused. To pursue this objective we consider the full range of civil, political, social, economic and cultural rights. Our work is based on the international human rights treaties ratified by the United Kingdom government, domestic legislation and relevant soft law standards.

The statutory functions of the Commission in accordance with the Northern Ireland Act 1998 are:

1. keeping under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights.
2. advising the Secretary of State and the Northern Ireland Executive of legislative and other measures which ought to be taken to protect human rights—as soon as reasonably practicable after receipt of a

general or specific request for advice; and on such other occasions as the Commission thinks appropriate.

3. advising the Northern Ireland Assembly whether legislative Bills are compatible with human rights.
4. providing advice to the UK government and Westminster Parliament on matters affecting human rights in NI.
5. conducting investigations on systemic human rights issues. To do so, we may enter places of detention, and can compel individuals and agencies to give oral testimony or to produce documents.
6. promoting understanding and awareness of the importance of human rights in Northern Ireland. To do so, we may undertake or support research and educational activities.
7. providing legal assistance to individuals and initiating strategic cases, including own motion legal challenges.
8. monitoring the implementation of international human rights treaties and reporting to the United Nations and Council of Europe.
9. working in partnership with the Irish Human Rights and Equality Commission as mandated through the joint committee created in accordance with the Belfast (Good Friday) Agreement.

The Commission is mandated in accordance with Article 2(1) of the Protocol on Ireland/Northern Ireland of the European Union Withdrawal Agreement to ensure there is no diminution of rights protected in the 'Rights, Safeguards and Equality of Opportunity' chapter of the Belfast (Good Friday) Agreement as a result of United Kingdom's withdrawal from the European Union. It is also mandated to ensure that, if certain European Union equality laws are changed after 1 January 2021 to improve the protection of human rights, then Northern Ireland will keep pace with those changes.

The Commission exercises this mandate alongside the Equality Commission for Northern Ireland, and through the Joint Committee of representatives of the Human Rights Commissions of Northern Ireland and Ireland.

The Commission's statutory functions for this purpose in accordance with the European Union (Withdrawal Agreement) Act 2020 are:

1. monitoring the implementation of Article 2(1) of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement (rights of individuals).
2. reporting to the Secretary of State and the Executive Office in Northern Ireland on the implementation of Article 2(1)—as soon as reasonably practicable after receipt of a general or specific request for such a report, and on such other occasions as the Commission thinks.
3. advising the Secretary of State and the Executive Committee of the Assembly of legislative and other measures which ought to be taken to implement Article 2(1)—as soon as reasonably practicable after receipt of a general or specific request for advice, and on such other occasions as the Commission thinks appropriate.
4. advising the Assembly (or a committee of the Assembly) whether a Bill is compatible with Article 2(1)—as soon as reasonably practicable after receipt of a request for advice, and on such other occasions as the Commission thinks appropriate.
5. promoting understanding and awareness of the importance of Article 2(1); and for this purpose we may undertake, commission or provide financial or other assistance for—research, and educational activities.
6. bringing any appropriate matters of relevance to Article 2(1) to the attention of the Specialised Committee on issues related to the implementation of the Protocol on Ireland/Northern Ireland established by Article 165 of the Withdrawal Agreement.
7. taking judicial review proceedings in respect of an alleged breach (or potential future breach) of Article 2(1) of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement; or intervening in legal proceedings, whether for judicial review or otherwise, in so far as they relate to an alleged breach (or potential future breach) of Article 2(1).

The Commission is also designated, with the Equality Commission, under the United Nations Convention on the Rights of Disabled Persons as the independent mechanism tasked with promoting, protecting and monitoring implementation of Convention in Northern Ireland. We also engage with other the National Human Rights Institutions in the United Kingdom on issues of common interest.

Our Annual Statement, published in December each year, records how much progress has been made towards meeting human rights obligations in Northern Ireland. This strongly informs our future work priorities.

BUSINESS PLAN 2021-22

This Business Plan sets out the Commission's work for the year April 2021 to the end of March 2022. It is based on five priorities agreed in our Strategic Plan 2019-2022. Each priority is one of substantive public interest, where we believe a real and lasting impact can be made to benefit the lives of people in Northern Ireland.

Priority 1: Building a culture of human rights

- 1) Provide secretarial support and assist the Northern Ireland Business and Human Rights Forum, to meet regularly and deliver its programme of work for 2021-2022 (March 2022).
- 2) Facilitate a forum that meets regularly, in partnership with the Equality Commission for Northern Ireland, providing an opportunity for the Commissions and faith communities to share their views on broad areas of equality and human rights (March 2022).
- 3) Promote human rights and climate justice through engagement with COP26 in Glasgow, to be delivered in partnership with other UK National Human Rights Institutions (November 2021).
- 4) Launch and promote visual arts project with Queens University on climate change and human rights (September 2021).
- 5) Provide secretarial support and assist the Northern Ireland Sport and Human Rights Forum, to meet regularly and deliver its programme of work based on the Declaration on Sport and Human Rights (March 2022).
- 6) Deliver a programme of engagement with post primary education providers in Northern Ireland with at least six visits to post primary schools across Northern Ireland (March 2022).
- 7) Develop, support or run events to mark Culture Night (September 2021), Belfast Pride Festival (July 2021); and, highlight other annual occasions, such as Refugee Week (June 2021).
- 8) Engage in and support the Northern Ireland Human Rights Festival (December 2021).
- 9) Deliver an annual human rights lecture (September 2021).

- 10) Work in partnership with the Equality Commission for Northern Ireland, to deliver a programme of work promoting the implementation of the United Nations treaty body concluding observations for the Convention on the Rights of Persons with Disabilities. This will include hosting two meetings of the participation forum and following up on any actions (March 2022).
- 11) Produce pilot training materials for civil society introducing human rights and the work of the Commission (September 2021).
- 12) Provide advice to the Assembly Ad-hoc Committee on a Bill of Rights for Northern Ireland (March 2022).
- 13) Design and produce an online introduction to human rights training package for public authorities (March 2022).
- 14) Deliver human rights training for the Northern Ireland Civil Service, in partnership with the Executive Office and the Centre for Applied Learning, including delivery of online training and at least two direct training sessions (March 2022).
- 15) Design and deliver a regional human rights training session in partnership with the Health and Social Care Trusts on residential care for vulnerable adults. (March 2022).

Priority 2: Protecting human rights as a consequence of leaving the European Union

- 16) Develop and embed the Dedicated Mechanism work stream including recruitment, training and planning (March 2022).
- 17) Design and deliver a communications strategy, in partnership with the Equality Commission (March 2022).
- 18) Research and further define the scope of Article 2(1) of the European Union Withdrawal Agreement 2020 (March 2022).
- 19) Subject to further research on the scope of Article 2 (above), produce and publish research on the impact of leaving the EU including on:
 - the right to freedom of movement (September 2021).
 - access to healthcare (October 2021).
 - the public discourse surrounding Brexit and the duty to promote tolerance and mutual respect (March 2022).

- 20) Establish a working group, in partnership with the Equality Commission and Irish Human Rights and Equality Commission, to provide oversight of human rights and equality issues that have an island of Ireland dimension as a consequence of Brexit (to meet quarterly).

Priority 3: Poverty, health and well-being

- 21) Produce and publish research:
- on the distributional impact of public spending including on household income by decile, age, family composition, disability and gender (September 2021); and leading on from this,
 - to analyse the impact of Covid-19 spending on income distribution and the consequences for further social security mitigations (December 2021).
- 22) Produce and publish reports on the provision of abortion healthcare services (May 2021) and education services in Northern Ireland (March 2022) in accordance with the Northern Ireland (Executive Formation etc) Act 2019 and the recommendations in the 2018 CEDAW inquiry report.
- 23) Develop a research project examining human rights and the issue of drugs addiction and substance misuse in Northern Ireland (February 2022).

Priority 4: Meeting domestic and international human rights standards and good governance

- 24) Publish and publicly launch the 2021 Annual Statement on Human Rights (December 2021).
- 25) Engage in international treaty monitoring and, in particular:
- submit a parallel report to the United Nations Human Rights Committee on the International Covenant on Civil and Political Rights; and, engage with the Committee's examination process. (October 2021)
 - submit a follow up response to the United Nations Committee on the Elimination of Discrimination Against Women's 2019 Concluding Observations (May 2021).
 - submit a parallel report to the United Nations Committee on the Rights of Persons with Disabilities on the list of issues for the

- Convention on the Rights of Persons with Disabilities as part of the Independent Mechanism for Northern Ireland (March 2022).
- submit a parallel report to the United Nations Committee on the Rights of the Child (March 2022).
- 26) Provide advice to the Secretary of State and Westminster Parliament on any legislation introduced regarding the Stormont House Agreement, and the implementation of mechanisms that aim to address the legacy of the Northern Ireland conflict (March 2022).
 - 27) Publish an analysis of the human rights of children who go missing whilst in the care of the state, with a particular focus on the balance between deprivation of liberty and the duty to protect children from harm, including inhuman and degrading treatment (July 2021).
 - 28) Advise the NI Executive and Assembly on proposed legislation to establish an Irish Language Commissioner and Commissioner for Ulster Scots/Ulster British tradition (March 2022).
 - 29) Engage with the UK government on its commitments to the European Framework Convention for the Protection of National Minorities and the United Nations Convention on the Rights of the Child as detailed in the New Decade, New Approach document and accompanying legislation (March 2022).

Priority 5: Protecting human rights in a digital age

- 30) Commission and publish research on the use of algorithmic decision making within public authorities, using a case model example. This will include accountability, transparency, bias and avenues for challenge of algorithmic decisions that may be incompatible with human rights (February 2022).
- 31) Scope the opportunity for partnership projects with the other National Human Rights Institutions in the United Kingdom and Ireland (March 2022).

Core activities

In fulfilment of and in compliance with its statutory obligations and the strategic objectives for 2019-22 the Commission has identified the following core activities to be delivered for the year April 2021 to the end of March 2022:

- 32) Deliver a minimum of two Commission community engagements.
- 33) Provide advice to government on proposed legislation and policies affecting the protection and promotion of human rights in Northern Ireland.
- 34) Provide assistance to individuals through weekly advice clinics.
- 35) Exercise the Commission's powers to support and initiate litigation.
- 36) Provide secretariat support for the Joint Committee with the Irish Human Rights and Equality Commission.
- 37) Complete the five-year periodic review and re-accreditation process conducted by the Sub Committee on Accreditation of the Global Alliance of National Human Rights Institutions (October 2021).
- 38) Produce the Commission's 2022-25 strategic plan.
- 39) Develop and implement learning and developing activities for staff and commissioners.
- 40) Provide continuing support to the Global Alliance of National Human Rights Institutions and the European Network of National Human Rights Institutions.
- 41) Support and engage with the 2021 Commonwealth Heads of Government Meeting.

BUDGET 2021-22

	2021-22 Core Budget £	2021-22 Dedicated Mechanism Budget £	2021-22 Total Budget £
EMPLOYMENT COSTS			
Staff	1,115,917	522,244	1,638,161
Commissioners	157,599	-	157,599
Total	£1,273,516	£522,244	£1,795,760
OPERATING COSTS			
Advertising, Publicity and Publications	10,277	57,981	68,258
Auditor's (NAO) Remuneration	10,607	5,893	16,500
Building maintenance and office expenses	19,690	6,935	26,625
Conferences, seminars and events	23,500	6,000	29,500
Education and Training	12,000	-	12,000
Insurance	4,885	2,715	7,600
Internal Audit	6,428	3,572	10,000
IT	21,314	11,433	32,747
Legal casework (non-recoverable)	94,222	86,130	180,352
Light and heat	6,688	3,712	10,400
Printing, postage and stationery	2,114	1,151	3,265
Professional fees	19,234	9,888	29,122
Rates	17,066	9,482	26,548
Rentals under operating leases	60,764	33,756	94,520
Research	61,000	60,000	121,000
Staff training and recruitment	10,000	10,000	20,000
Telephone	6,580	4,108	10,688
Travel, subsistence and hospitality	30,000	3,000	33,000
Total	£416,369	£315,756	£732,125
GRAND TOTAL	£1,689,885	£838,000	£2,527,885

Appendix 1 - Commissioners

Chief Commissioner: Les Allamby

Commissioners: Helen Henderson
Jonathan Kearney
David Lavery CB
Maura Muldoon
Eddie Rooney
Stephen White OBE