

COMMITTEE ON STANDARDS AND PRIVILEGES

Report on Complaints against Mrs Iris Robinson MP MLA

TOGETHER WITH ADVICE FROM THE INTERIM ASSEMBLY COMMISSIONER
FOR STANDARDS, COMPLAINTS RECEIVED, OTHER CORRESPONDENCE AND
MINUTES OF PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT

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Committee Powers and Membership

1. The Committee on Standards and Privileges is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order Nos. 50 and 57.
2. The Committee has power:
 - to consider specific matters relating to privilege referred to it by the Assembly;
 - to oversee the work of the Assembly Clerk of Standards;
 - to examine the arrangement for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the Assembly, and to review from time to time the form and content of those registers;
 - to consider any specific complaints made in relation to the registering or declaring of interests referred to it;
 - to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches of any code of conduct to which the Assembly has agreed and which have been drawn to the Committee's attention;
 - to recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.
3. The Committee is appointed at the start of every Assembly, and has power to send for persons, papers and records that are relevant to its enquiries.
4. The membership of the Committee is as follows:

Mrs Carmel Hanna, Chairperson
Mr Willie Clarke, Deputy Chairperson¹

Mr Allan Bresland	Mr Francie Brolly
Rev Dr Robert Coulter	Mr Jonathan Craig ²
Mr David Hilditch	Mr Paul Maskey ^{3,4}
Mr Alastair Ross ⁵	Mr George Savage
Mr Brian Wilson	

5. The Report and evidence of the Committee are published by the Stationery Office by order of the Committee. All publications of the Committee are posted on the Assembly's website: (www.niassembly.gov.uk.)
6. All correspondence should be addressed to the Clerk to the Committee on Standards and Privileges, Committee Office, Northern Ireland Assembly, Room 284, Parliament Buildings, Stormont, Belfast BT4 3XX. Tel: 02890 520333; Fax: 02890 525917; e-mail: committee_standards&privileges@niassembly.gov.uk

¹ Mr Clarke replaced Mr McHugh as Deputy Chairperson with effect from 21st January 2008.

² Mr Jonathan Craig replaced Mr Alex Easton as a Member of the Committee with effect from 15 September 2008.

³ Mrs McGill replaced Mr McHugh as a Member of the Committee with effect from 28th January 2008.

⁴ Mr Maskey replaced Mrs McGill as a Member of the Committee with effect from 20 May 2008.

⁵ Mr Ross replaced Mr Adrian McQuillan as a Member of the Committee with effect from 29th May 2007.

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Eighth Report

The Committee on Standards and Privileges has agreed to the following Report:

Complaint Against Mrs Iris Robinson MP MLA

1. The Committee on Standards and Privileges has considered advice from the Interim Assembly Commissioner for Standards on a number of complaints against Mrs Iris Robinson MLA. This advice is set out at **Appendix 1**.
2. Following public comments made by Mrs Robinson in June 2008 on the issue of homosexuality, the Committee received a number of objections. Those objections that the Committee received which constituted official complaints (i.e. those which were not anonymous and where the complainants had made specific reference to the part of the Code of Conduct which they considered to have been breached) are set out in **Appendix 2**.
3. It is unfortunate for all concerned that it has taken until now for the Committee to consider these complaints. However, the Committee had agreed that, as the complaints related to matters which were at the time subject to an ongoing investigation by the PSNI, the Interim Commissioner should defer his investigation until the outcome of the PSNI's investigation was made known.
4. In May 2009 the Committee received advice from the PSNI (attached at **Appendix 3**) which stated that, further to its consultation with the Public Prosecution Service, the PSNI believed that there were no reasonable grounds to believe that an offence had been committed and, consequently, its investigation was now closed. The Committee therefore advised the Interim Commissioner that he should recommence his suspended investigation into the complaints made against Mrs Robinson.
5. The Interim Commissioner has since advised the Committee that the existing Code of Conduct is silent in respect of the expression of views by Members on moral and social matters. Accordingly, the Interim Commissioner has advised that the case does not warrant any further action within the terms of the Code. The Committee agrees with the Interim Commissioner's advice and the complaints are therefore not upheld.
6. The Committee recognises the fundamental issues that are raised by this case. On one hand elected representatives must be free, within the law, to express any political opinion that they may hold: this includes opinions on moral and social issues. Such freedom of expression is an essential aspect of any democracy. It would therefore not be appropriate for the Assembly to seek to prevent or limit any political opinion being expressed legally. To do so would suppress a Member's right to free speech and would be inconsistent with the principles of a democratic society.
7. However, it is also the case that while Members must be entitled to express their opinions, as public representatives they nonetheless have a particular responsibility for the manner in which they express such beliefs and views. It is essential that in acting in the interests of the community as a whole, Members recognise their responsibility in this important area. In particular it is essential that, when expressing their beliefs, Members are conscious of the risk of some groups in society using the articulation of those sincerely held beliefs as a reason to physically attack members of any community who also have the right to live their lives without fear of attack or hostility from others.
8. While the existing Code is silent on these matters, the new Code of Conduct, which has been agreed by the Assembly and which comes into effect from 12 October 2009, clearly sets out in its scope the clarified position on Members expressing political opinions. Members will be entitled to legally express any political opinion that they may hold. In doing so, however, Members will have to have regard to the

Principles of Conduct and should not express opinions in a manner that is manifestly in conflict with these principles.

Appendix 1

Advice from the Interim Assembly Commissioner for Standards

ASSEMBLY OMBUDSMAN
for Northern Ireland

Our Ref: S 7/08

25 June 2009

Mrs Carmel Hanna MLA
Chair
Committee on Standards and Privileges
Northern Ireland Assembly
Parliament Buildings
Stormont
BELFAST
BT4 3XX

Dear *Mrs. Hanna,*

COMPLAINT AGAINST MRS IRIS ROBINSON MP MLA

1. In my letter of 20 August 2008 I advised the Committee that, in light of a police investigation into the comments by Mrs Robinson during interviews on Radio Ulster on 6 and 9 June 2008 which were the subject of the complaint to the Committee, I considered that no further investigation on my part should take place at that time. I also advised that it would be open to the Committee to revisit the matter when the police investigation was complete.

2. On 11 May the Clerk advised me that the Committee had considered correspondence from the police which indicated that no prosecution action would be taken against Mrs Robinson. He further asked that I recommence my suspended investigation.

ASSEMBLY OMBUDSMAN

for Northern Ireland

3. I noted from that correspondence that the police had examined the matter including the examination of a full transcript of the interviews broadcast involving Mrs Robinson during the Stephen Nolan Show on Radio Ulster on 6 and 9 June 2008. The correspondence also indicated that legal advice had been obtained in relation to their consideration of the case.

4. I particularly noted the clear terms used in the correspondence made available to me which concluded that " After reviewing the advice of the PPS and the material gathered during the investigation there are no reasonable grounds to believe that Mrs Robinson has committed an offence."

5. In order to inform my self as fully as possible about the context within which the comments were made I asked the police if they would share with me the complete transcripts of both Radio Ulster interviews which were referred to in the complaints to the Committee and the advice received by the PSNI and referred to in the correspondence. They agreed to do so and provided me with a copy of the transcripts.

I have carefully considered the transcripts and it is my view that much of the language that gave rise to the complaint was introduced to the discussion by the interviewer rather than by Mrs Robinson. Effectively she was asked if she agreed with the dictionary definitions of particular words and language which is used in the Bible in relation to homosexuality. Mrs Robinson had made clear at the outset of the first interview on 6 June 2008 that comments she had made in a previous discussion, in which it appears she described homosexuality as an "abomination", were

"...scriptural and what I clarified it with was very, very clear that my Christian belief teaches me that you love the sinner and hate the sin and that goes right across every type of sin... but homosexuality is something that is, it is an abomination, it is clear, not just in the Old Testament but in the New testament that it is an abomination, man lying with man, woman with woman and I have made it very clear that Christ teaches us to love the sinner but not condone the sin."

6. In an earlier case where I reported to the Committee which involved a Member's views in respect of the subject of homosexuality I drew attention to the fact that the Code of Conduct for Members of the Assembly, amplified by the Guide to the Rules relating to the Conduct of Members, primarily focuses on the obligation on Members to register and declare financial or pecuniary interests in undertaking their responsibilities as Assembly Members. In my detailed examination of the Code in that case I indicated it is silent in respect of the expression of views by Members on moral and social matters. My comments in that case equally apply in this complaint that has been made against Mrs Robinson.

ASSEMBLY OMBUDSMAN

for Northern Ireland

7. Importantly I believe there is a persuasive argument that the Code does not apply to the expression of a Member's personal beliefs or opinion in respect of moral or social issues such as arise in this complaint. I say this not least because the principles underpinning the Code require Members to act, inter-alia, with integrity, openness, and honesty.

Should it be held that the Code does extend to the expression of Members' beliefs in respect of moral and social issues then I consider the following points to be relevant:

- I consider that Members of the Assembly, as publicly elected representatives, must be free, within the law, to express their personal views on all social and moral matters not least because freedom of expression lies at the heart of any democratic society. It will inevitably be the case that in some instances such expressions of opinions may be found to be unacceptable and even offensive by some sections of society.
- I consider that to interpret the Code as preventing a Member expressing views solely because some, or indeed many, members of society may find those views unacceptable, or even offensive, would effectively represent a demand for the suppression of a Member's personal beliefs on a matter of public interest. Such a demand would represent the very antithesis of free expression of belief that underpins a democratic system.
- I consider that to deny the expression of views or beliefs, albeit that are unacceptable to some, potentially could have the effect of the electorate supporting a candidate on the basis of an assumption made about an opinion on which a candidate has never been properly tested. The electorate is entitled to be aware of the views of candidates who present themselves for election to public office, particularly in relation to social and moral issues where these will in some circumstances inform the position an elected representative will take in supporting or opposing particular policies or legislation.

Within the context of the above points I consider it relevant to note that Mrs Robinson made clear she was expressing a view based on her personal religious belief. It is also relevant to note the opinion, set out in the correspondence received by the Committee from the police, that "there are no reasonable grounds to believe that Mrs Robinson has committed an offence". (see paragraph 4 above)

ASSEMBLY OMBUDSMAN

for Northern Ireland

8. However, in the earlier case I have referred to at paragraph 6, I also pointed up the following significant factors which I believe all Members must keep in mind when exercising their right to free speech:

- Members of the Assembly, as public representatives, do have a particular responsibility for the manner in which they express their personal beliefs and views.
- It is essential that Members in expressing their beliefs are conscious of the risk of some groups in society using the articulation of those sincerely held beliefs as a reason to physically attack members of a minority community who also have the right to live their lives without fear of attack or hostility from others.
- It is essential that in giving leadership to the community as a whole, Members of the Assembly recognise their responsibility in this important area to use language in a careful and studied manner.

9. A number of the complaints received by the Committee refer to Mrs Robinson's role as Chair of the Health Committee as a further reason to complain about her comments. My understanding is that the Committee on Standards and Privileges has no remit to consider the position of a Member within another Committee. Any concerns within a Committee about a Member's behaviour would be a matter for that Committee to draw to the attention of the Assembly for whatever action it considered appropriate.

10. One of the complaints received by the Committee also refers to Mrs Robinson making a reference during the interview on 6 June 2008 to a psychiatrist who "...tries to help homosexuals trying to turn away from what they are engaging in and this is something that I'm happy to put any homosexual in touch with this gentleman".

The psychiatrist in question at a later point took part in the programme and made clear that the contacts with homosexual people referred to by Mrs Robinson were not made within the context of his role as an HPSS consultant psychiatrist but on a private basis within the context of his Christian beliefs.

In these circumstances I consider that Mrs Robinson's reference to this matter should be viewed within the overall context of the expression of her personal opinion, as informed by her religious beliefs, on the issues addressed in the programme.

ASSEMBLY OMBUDSMAN
for Northern Ireland

11. For the reasons set out above my view is that this case does not warrant any further action within the terms of the Code but the Committee may wish, if it accepts my view, draw Members' attention to the points set out in paragraph 8.

I would be happy to discuss my views with the Committee if that would be considered helpful.

Yours sincerely



T FRAWLEY
Interim Commissioner for Standards

Appendix 2

Complaints Received

Complaint received by email dated 11 June 2008 from Mr Bond

Dear Dr Pelan,

I have looked through the code of contact. I can see at glance, that most of the rules therein could be open to interpretation?

However, I would still like the committee to consider my complaint. I consider the Mrs Iris Johnson have breached at least two rules.

1. **Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.**

I consider that the language that Mrs Iris Johnson used was offensive, hurtful, and indeed dangerous. I consider that Mrs Robinson deliberately set out to influence others in what she said on live radio, and that she may have broken the law, in regards to the law of incitement to hate. I have read lately that the police are investigating this matter. I am further disturbed that she would use such language in the light of the latest homophobic attack in the area? People can get hurt, and indeed get killed by people whom hold similar views to that of Mrs Iris Robinson.

Secondly, there is no doubt in my mind that she has broken the trust that some of her constituency had place in her. She did this by speaking out her own private views on radio, which were extremely biggoted, angry, and filled with hate, and which undoubtly offended a large part of her constituency, and the world. Maybe someone should of reminded Mrs Robinson, that she is actually democratically elected political leader, and as such should keep her mouth firmly closed when it comes to her own private biggoted views. Furthermore, I grew up in N.Ireland, so am aware that the country is not some type of non secular-state, maybe someone should also of reminded Mrs Robinson of this fact.

2. **Members have a general duty to act in the interests of the electorate and the community as a whole; and a special duty to their constituents.**

Mrs Iris Robinsons statements where definitely not supportive of the community as a whole. Whether Mrs Robinson knows it or not, there are gay people and their families and friends living in the community, and are part of her electorate. I would go further and say, that at least 10% of her constituency is gay, not forgetting the families and friend of gay people, who I am sure are equally offended by her offensive and hate filled words. She therefore has obviously not acted in the interests of her community, and constituency as a whole.

Robert Bond

Complaint received by email from Mr Cook dated 10 June 2008

Many thanks for your reply. I have been looking at the link you sent me and I am not sure whether I can proceed or not as there is nothing specifically related to the issue I have concerns about.

My complaint is with regards to the derogatory comments made by MLA Iris Robinson with regards to sexual orientation. It is my interpretation that someone of her position should regard all persons equally and without prejudice, and I believe her remarks, of which she is unapologetic for, are not consistent with a non prejudicial view. Referring to the sexual practices of homosexual individuals as an abomination and offering services to the same population to have them converted to heterosexuality would suggest that Mrs Robinson sees it as a disorder. It is also clearly a judgement statement. Advocating the treatment of a disorder that does not exist is potentially very dangerous and can potentially impact on public perception. This could result in public disadvantage if such views were to be upheld by society. Mrs Robinson should be protecting the public, particularly in light of The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006. This is particularly of concern to me considering Mrs Robinson's position as chairperson of the Health Committee – sexuality and sexual orientation are integral components of health. Her personal views clearly are not in keeping with contemporary healthcare perspectives on homosexuality and indeed the view of the law. Her views clearly indicate to society that she does not regard all person's of diverse sexual orientation as equal as she is derogatory about acts associated with a particular orientation..

My interpretation of the Code of Conduct which you referred me to is that two sections of this could be considered to be violated:

- Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and never undertake any action which would bring the Northern Ireland Assembly, or its Members generally, into disrepute. – Mrs Robinson's public expressions have brought significant negative media attention and would appear to have weakened the trust and confidence of at least the homosexual community, if not the wider community. It would not be possible for those of same sex orientation to have trust or confidence in her position as chair of the Health Committee.
- Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest – Mrs Robinson has clearly created conflict between her personal religious/spiritual beliefs and public interest, particularly in light of the Equality Act. She has also gone as far as to confirm her personal views in the face of public backlash, maximising the divide she has created.

I would appreciate your opinion on whether there are grounds to submit a complaint before I proceed,

Yours sincerely

Neal Cook

Letter of complaint dated 14 June 2008 received from Mr Kelly

Dr. Kevin Pelan
Clerk of Standards
Room 284
Parliament Buildings
Stormont
Northern Ireland

14 June 2008

Dear Dr. Pelan/Eleanor Murphy,

Re: Comments relating to Mrs. Iris Robinson MLA

Many thanks to your response dated 13 June regarding my initial complaint. As requested I have gone through your Code of Conduct and identified areas I feel have been breached by Mrs. Iris Robinsons remarks made on BBC radio. The comments made below are made not only to her position as a member of the assembly but even more importantly as chair to the health committee, a committee which should not be in any way influenced by personal or religious views of it's chair.

Firstly however I think it important to highlight that I strongly feel that it is inappropriate for a member of the public to have to make a complaint by making a comparison with the Code of Conduct. It is quite a complicated document and I feel that this stops people who are less able to understand its contents from being able to complain and raise issues of concern. It should be the responsibility of the Clerk to determine whether the complaint made breaches to Code and not the member of the public who may not understand the technicalities of the Code itself.

However in regards to my original complaint I have tried my best here to make reference to the Code as requested: (please note that the word gay here is in reference to the wider, gay, lesbian, bisexual community etc).

Public Duty.

Mrs. Robinson in making comments which were ignorant of, and offensive to, the gay community did not act in the interest of the community as a whole or her gay constituents but a part of the community which is not supportive of those people within it who are gay.

Mrs. Robinsons comments are religiously and personally based and thus not appropriate to be discussed in a multi-cultural, religious and poly-sexual society. In advertiing the services of her "psychiatrist friend" she was potentially advertising "treatments for homosexuality" not supported or endorsed by the

GMC, the Royal College of Psychiatrists or by the wider medical community and thus placing vulnerable people at risk of severe psychological distress.

Selflessness.

Mrs. Robinson was putting her own personal and religious views above those of the views of the community, in particular the gay community.

Integrity.

Mrs. Robinson cannot be influenced in her work by outside organisations. Her views were religiously based and thus influenced by the Church. They were also based on the same beliefs by a "psychiatrist friend" and are unfounded in medical research.

Accountability.

Mrs. Robinson is responsible and accountable for her actions. She has deeply offended the gay community and needs to apologise and make amends to that community. A complaint made by me direct to her has not been acknowledged or responded to. I expect this also to be followed up by the Clerk.

Leadership.

Mrs. Robinson in has not resolved the conflict she initiated between her personal opinions and the public interest. It is stated that she must ALWAYS act in favour of the public opinion.

Mrs. Robinson showed poor leadership by passing negative remarks about some of the most psychologically upset and disturbed people in the community for whom sexuality confusion is deeply distressing.

Category 3 – Clients.

Mrs. Robinson was advertising the work of her psychiatrist friend and thus using her position to find him employment.

Category 4 – Sponsorship.

Mrs. Robinson has not publicly declared the nature of the relationship she has with the psychiatrist whose services she was advertising. This gentleman will most certainly benefit from vulnerable people both financially and professionally by Mrs. Robinson advocating his services.

Category 10.

Mrs. Robinson has not declared any pecuniary interests which may have influenced her remarks.

Category 11.

Mrs. Robinson has not declared any unremunerated interests which may have influenced her remarks e.g. church or psychiatrist friend.

Constituency Interest.

57b – Mrs. Robinson was using her position as an assembly member to state personal views which she would not have been able to do if she were not a member.

Advocacy.

Mrs. Robinson has a duty to her constituents as a whole and not to a particular section thereof.

I hope this satisfies your request. I look forward to your response **and** a response from Mrs. Robinsons office.

Yours sincerely,

Mr. Michael Kelly

Complaint received by email dated 9 June 2008 from Mr Magee

Dear Dr Pelan,

I have looked through the code of contact. I can see at glance, that most of the rules therein could be open to interpretation?

However, I would still like the committee to consider my complaint. I consider the Mrs Iris Johnson have breached at least two rules.

1. **Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.**

I consider that the language that Mrs Iris Johnson used was offensive, hurtful, and indeed dangerous. I consider that Mrs Robinson deliberately set out to influence others in what she said on live radio, and that she may have broken the law, in regards to the law of incitement to hate. I have read lately that the police are investigating this matter. I am further disturbed that she would use such language in the light of the latest homophobic attack in the area? People can get hurt, and indeed get killed by people whom hold similar views to that of Mrs Iris Robinson.

Secondly, there is no doubt in my mind that she has broken the trust that some of her constituency had place in her. She did this by speaking out her own private views on radio, which were extremely biggoted, angry, and filled with hate, and which undoubtly offended a large part of her constituency, and the world. Maybe someone should of reminded Mrs Robinson, that she is actually democratically elected political leader, and as such should keep her mouth firmly closed when it comes to her own private biggoted views. Furthermore, I grew up in N.Ireland, so am aware that the country is not some type of non secular-state, maybe someone should also of reminded Mrs Robinson of this fact.

2. **Members have a general duty to act in the interests of the electorate and the community as a whole; and a special duty to their constituents.**

Mrs Iris Robinsons statements where definitely not supportive of the community as a whole. Whether Mrs Robinson knows it or not, there are gay people and their families and friends living in the community, and are part of her electorate. I would go further and say, that at least 10% of her constituency is gay, not forgetting the families and friend of gay people, who I am sure are equally offended by her offensive and hate filled words. She therefore has obviously not acted in the interests of her community, and constituency as a whole.

Brent Magee

Additional complaint received by email dated 9 June 2008 from Mr Magee

Dear Dr Pelan,

I would also like to add this to my official complaint for your committee to consider.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and never undertake any action which would bring the Northern Ireland Assembly, or its Members generally, into disrepute.

The below comments (from original interview) are of a 'personal interested' (belief) and not in the 'public interest' as a whole. It would appear that Mrs Iris Robinson's leadership skills are non existence and as a public figure with enormous responsibilities, representing the public, should be reprimanded accordingly by making a full public statement apologising for her conduct, which I find disgusting and nauseating and an extremely draconian way of thinking. This woman's comments are shamefully wicked and vile.....

Comments made to Stephen Nolan on BBC radio.

Stephen Nolan: Do you think for example that homosexuality is disgusting?

Iris Robinson: Absolutely

Stephen Nolan: Do you think that homosexuality should be loathed?

Iris Robinson: Absolutely

Stephen Nolan: Do you think it is right for people to have a physical disgust towards homosexuality?

Iris Robinson: Absolutely

Stephen Nolan: Does it make you nauseous?

Iris Robinson: Yes

Stephen Nolan: Do you think that it is something that is shamefully wicked and vile?

Iris Robinson: Yes, of course it is, it's an abomination.

Brent Magee

Complaint received from Mr McGuire by email dated 4 March 2009

Sir,

Firstly Mrs. Robinson breached the fact that she didn't act in the public interest. The comments she made on the Steven Nolan show in June 2008 are homophobic and do not fit in with modern society, The code also states how members are accountable for their decisions and Mrs. Robinson made the decision to make these offensive and hurtful comments.

Lee McGuire

First email received from Mr McGuire dated 26 February 2009

Dear Sir,

I am shocked and appalled at the lack of action taken against Iris Robinson after her Homophobic comments made against the Gay and Lesbian community in Northern Ireland. As it is US that elects these so called Ministers into government I wish to make clear my disgust at the Northern Ireland assembly and must forewarn that many Gay and Lesbian people feel let down and feel like second class citizens due to this and therefore may throw away any support they once had for the assembly.

Regards

Lee McGuire

Letter of complaint dated 10 June 2008 received from Mr Vaughan

Dear Dr. Pelan,

MLA Strangford: Mrs. Iris Robinson

I wish to formally complain about the views regarding homosexuality that have been publicly expressed and reported in the media by the above named MLA.

In openly expressing the view that homosexuality is an “abomination” and that homosexuals require “psychiatric help”, I believe that Mrs Robinson has breached the ‘The Code of Conduct for Members of the Northern Ireland Assembly’.

I believe that two specific sections of the Code have been breached:

- (1) Public Duty: “Members have a general duty to act in the interests of the electorate and the community as a whole”
- (2) Leadership: “Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public’s trust and confidence in the integrity of the Assembly”

In expressing such extreme views on homosexuality Mrs Robinson is failing in her duties to act in the interests of the community as a whole or to maintain the public’s trust in the integrity of the Assembly. Her views are offensive to not only gay men and women in Northern Ireland but to their friends, families and colleagues.

In expressing her religious views I believe that Mrs Robinson gives credence and legitimacy to those less intelligent and more extreme individuals who continue to perpetrate physical acts of violence or direct homophobic abuse against gay men and women.

I also find Mrs Robinson’s role as Chairwoman of the ‘Health, Social Services and Public Safety Committee’ unacceptable in light of her widely publicised views. I question whether such a position is tenable given that her views may have an indirect effect on the public safety of gay men and women in Northern Ireland.

Finally, I would like to note that I strongly believe in Mrs Robinson’s right to her own personal beliefs and religious views. But I object vociferously to the public expression of extreme or homophobic views by someone who has chosen to become an MLA and MP and is bound by ‘The Code of Conduct for Members of the Northern Ireland Assembly.

Yours sincerely,

Mark Vaughan LLB.

Complaint received by email dated 10 June 2008 from Mr Vernon

Good Afternoon,

I wish to make a formal complaint over the comments that Iris Robinson has made on Local radio - specifically on Friday 4th June 2008 (Nolan Show)

Firstly I firmly believe that the MP/MLA is in breach of Section 75 of the Northern Ireland Act and I personally feel discriminated because of her comments. I have today spoken with the Equality commission and will be taking advice with them through time.

I believe she is also in breach of your own guidelines - as detailed below

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

I further believe she has incited hate on gay people by her comments and that as such legal action, by your committee should be taken.

I look forward to your reply.

John Vernon

Appendix 3

Correspondence received from the PSNI

Response from PSNI 11 May 2009



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing
Com Sec: 08\5537 23rd April 2009

Dear Mrs Hanna

Thank you for your letter dated 26 November 2009 to the Chief Constable. I am responding on his behalf.

A number of allegations were made against Mrs Iris Robinson MP MLA. These complaints related to her use of language which was alleged to be homophobic in nature and whether or not it comprised a criminal offence.

Given the commonality of matters raised, these complaints were considered as a group and amalgamated under a single police investigation. This investigation was conducted by the Serious Crime Branch led by D/Superintendent George Clarke, Senior Investigating Officer.

The investigation considered complaints made in relation to comments made by, or attributed to, Mrs Robinson in the following programmes and situations:

1. The Stephen Nolan Radio Show broadcast on Radio Ulster on 6th and 9th June 2008
2. The Northern Ireland Grand Committee (Westminster) on 17th June 2008
3. The Belfast Telegraph of 21st July 2008 and subsequent related articles

These comments were considered as potentially being covered by Articles 9 and 12 of the Public Order (NI) Order 1987.

The programmes were all fully transcribed and research was carried out to encapsulate and illustrate the background to their broadcast. As part of the investigation, the original notes which were used to write the Belfast Telegraph article of 21st July 2008 were also obtained and the journalist concerned interviewed as a witness.

In order to assess the impact of Mrs Robinson's actions, a police analyst was tasked to research all reported homophobic issues and incidents during the period of 6th May to 29th October 2007 and for comparison with the period 6th May to 29th October 2008. This extensive research showed that there was no discernibly significant difference, and no increase, in the level of hate crime which could have been attributed to Mrs Robinson's conduct in 2008.

Considerable effort was also put into locating other media reporting relating to the incidents and presented quotations from Mrs Robinson. It should be noted that much of this reportage was effectively repetition of other media content. It also included obtaining media statements issued by or on behalf of Mrs Robinson.

Command Secretariat, PSNI Headquarters, 65 Knock Road, Belfast, Northern Ireland BT5 6LE
Telephone: 028 90 700006 Fax: 028 90 700124 Email: comsec1@psni.pnn.police.uk



Calls within Police Service of Northern Ireland telephone system may be monitored or recorded

Given the complex legality and the absolute importance of ensuring that a professional, thorough and effective investigation was carried out on behalf of the complainants, and ensuring that the human rights of all concerned were respected, significant legal advice was sought.

Legal advice was sought from the Chief Constable's Legal Adviser and junior Crown Counsel. A final opinion was obtained from an eminent QC with significant prosecutorial experience.

During the process, close liaison for the purpose of consultation and advice was maintained between the investigation team and the PSNI LGBT Independent Advisory Group. This included meetings between the ACC Criminal Justice and the SIO with both the entire IAG and separately with a number of members of the group.

At the conclusion of this process a file was sent to the Public Prosecution Service (PPS) for prosecutorial advice who in turn equally went to the lengths of engaging senior counsel for the purposes of obtaining independent legal advice.

After reviewing the advice of the PPS and the material gathered during the investigation there are no reasonable grounds to believe that Mrs Robinson has committed an offence. What is at issue here is what was said, rather than by whom it was said. It is the police view that Mrs Robinson's comments did not breach the legislation; as such she has not been interviewed regarding this matter. This investigation is now closed.

The Senior Investigating Officer is satisfied that with the experience and knowledge of those consulted, this is the correct legal decision.

The Police Service of Northern Ireland is committed to professionally and thoroughly investigating hate crime. In conclusion a thorough investigation of all complaints together with significant professional legal advice has been sought by the Police Service in order to provide a balanced conclusion to this inquiry.

Yours sincerely



LISA BELL
A/Chief Inspector
Command Secretariat

Mrs Carmel Hanna
Room 284
Parliament Buildings
Stormont
BELFAST

**STANDARDS &
11 MAY 2009
PRIVILEGES**

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Appendix 4

Proceedings of the Committee Relating to the Report

Wednesday, 10th September 2008

Room 135, Parliament Buildings

Present: Mrs Carmel Hanna (Chairperson)
Mr Willie Clarke (Deputy Chairperson)
Mr Allan Bresland
Rev Robert Coulter
Mr Alex Easton
Mr David Hilditch
Mr Alastair Ross
Mr Brian Wilson

In Attendance: Mr Paul Gill (Assembly Clerk)
Dr Kevin Pelan (Assembly Clerk)
Ms Hilary Bogle (Assistant Clerk)
Miss Eleanor Murphy (Assistant Clerk)
Miss Carla Campbell (Clerical Supervisor)
Mr Lindsay Dundas (Clerical Officer)

Apologies: Mr Francie Brolly
Mr George Savage

The meeting commenced at 2.04pm in public session.

Letter from Interim Commissioner to the Committee in regards to a complaint.

The Committee considered correspondence from the Interim Commissioner in respect of complaints against an Assembly Member.

Agreed: The Committee agreed the draft letter of response to the Member who is the subject of the complaint and instructed the Clerk to write to each of the complainants.

Mr MacQuarrie left the meeting at 3.20pm.

The Committee moved into public session at 3.20pm.

[EXTRACT]

Wednesday, 1 April 2009

Room 135, Parliament Buildings

Present: Mrs Carmel Hanna (Chairperson)
Mr Allan Bresland
Mr Francie Brolly
Rev Robert Coulter
Mr Jonathan Craig
Mr David Hilditch
Mr Paul Maskey
Mr Alastair Ross
Mr Brian Wilson

In Attendance: Mr Damien Martin (Clerk Assistant)
Mr Paul Gill (Assembly Clerk)
Ms Hilary Bogle (Assistant Clerk)
Miss Carla Campbell (Clerical Supervisor)
Miss Paula McManus (Clerical Officer)

Apologies: Mr Willie Clarke
Mr George Savage

The meeting commenced at 2.02pm in closed session.

Consideration of a deferred investigation into a complaint against a Member

Agreed: Members agreed that, further to having received the necessary confirmation from the PSNI, the Interim Commissioner should be asked to recommence his deferred investigation into a complaint against a Member.

[EXTRACT]

Wednesday, 1st July 2009

Room 135, Parliament Buildings

Present: Mrs Carmel Hanna (Chairperson)
Mr Allan Bresland
Mr Francie Brolly
Rev Robert Coulter
Mr Jonathan Craig
Mr David Hilditch
Mr Paul Maskey
Mr Alastair Ross
Mr Brian Wilson

In Attendance: Mr Paul Gill (Assembly Clerk)
Ms Hilary Bogle (Assistant Clerk)
Mr Gerard Rosato (Clerical Supervisor)
Mr Christopher McNickle (Clerical Officer)

Apologies: Mr Willie Clarke

The meeting commenced at 2.08pm in closed session.

Advice from the Interim Assembly Commissioner for Standards on a complaint against a Member

Agreed: Members noted that the Advice from the Interim Assembly Commissioner for Standards had been leaked. Following discussion the Committee agreed that the Clerk should draw up a paper for consideration at a future meeting outlining options to minimise the possibility of advice being leaked in the future.

Agreed: The Committee also agreed that a Press Release condemning the leaking of the advice should be issued.

Members noted the contents of the Advice received from the Interim Assembly Commissioner for Standards on a complaint against a Member.

2.35pm Mr Frawley and Mr MacQuarrie joined the meeting.

The Chairperson welcomed Dr Tom Frawley, Interim Assembly Commissioner for Standards and Mr John MacQuarrie, Director for Standards and Special Projects, Ombudsman's Office and invited them to make a presentation to the Committee. After the presentation Dr Frawley and Mr MacQuarrie answered a number of questions from the Committee.

The Interim Commissioner put on the record his concern about the leaking of his advice.

The Interim Assembly Commissioner for Standards updated the Committee on outstanding issues and wished the Chairperson well in her new role as a member of the Assembly Commission.

2.50pm Dr Frawley and Mr MacQuarrie left the meeting.

Agreed: Following discussion the Committee agreed that, as per the advice of the Interim Commissioner, the conduct complained of did not represent a breach of the Code and that a

draft Committee Report on the complaint should be prepared by the Clerk for consideration by the Committee at the next meeting.

[EXTRACT]

Thursday, 2nd July 2009

Senate Chamber, Parliament Buildings

Present: Mrs Carmel Hanna (Chairperson)
Mr Francie Brolly
Rev Robert Coulter
Mr Paul Maskey
Mr Alastair Ross
Mr George Savage
Mr Brian Wilson

In Attendance: Mr Paul Gill (Assembly Clerk)
Ms Hilary Bogle (Assistant Clerk)
Mr Gerard Rosato (Clerical Supervisor)
Mr Christopher McNickle (Clerical Officer)

Apologies: Mr Allan Bresland
Mr Willie Clarke
Mr Jonathan Craig
Mr David Hilditch

The meeting commenced at 12.06pm in closed session.

Committee Report on a complaint against a Member

Agreed: Members discussed and agreed the draft Report.

[EXTRACT]

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