

## CAJ addresses Georgian conference on independent investigative mechanisms

On 22nd February 2016 CAJ participated in major a conference in the Georgian capital Tbilisi entitled “Independent Investigation: International Perspectives and a Model for Georgia”. The Conference was organised by the Open Society Georgia Foundation and saw high level participation from government, the heads of criminal justice institutions, the Ombudsman and civil society representatives from Georgia and neighbouring countries. Government representatives present included Tea Tsulukiani, Minister of Justice, Kakha Kakhsivili, Minister of Corrections (Prisons) and their respective Deputy Ministers, Sandro Baramidze and Tamar Khulordava. The event was chaired by Nika Jeiranashvili, who runs Open Society Georgia’s human rights programme.

CAJ Deputy Director Daniel Holder spoke as one of four international experts focusing on the NI experience of institutional reform and independent accountability on policing, and its impact on both preventing human rights violations and furthering confidence in the rule of law. The other international experts were Anne Owers, Chair of the Independent Police Complaints Commission in England and Wales (and of course former head of the ‘Owers Review’ into NI prisons); Ian Scott the former police ombudsman (Special Investigations Unit Director) of Ontario, Canada and Gwenaëlle Dereymaeker a researcher into prison reform at the University of the Western Cape South Africa.

Georgia, population 5 million, is situated on the eastern boundary of Europe. Georgia has subscribed to the main Council of Europe and United Nations human rights treaties and mechanisms. Following the 2008 war with Russia two regions Abkhazia and South Ossetia are not under its control and there remains no diplomatic relations with Russia. Georgia inherited the Soviet Union’s criminal justice system following the collapse and independence from the USSR in 1991 and has gone through several periods of reform. This included significant changes following the 2003 ‘Rose Revolution’ which brought the 2003-2012 United National Movement (UNM) governments. UNM introduced a ‘zero tolerance’ policy particularly targeted at organized crime and corruption. Whilst crime levels fell significantly, mission creep across the criminal justice system and little oversight witnessed the prison population increase by 300%, and a conviction rate in the courts of over 99%.

Notably also the UN Commission on the Rights of the Child condemned the lowering of the age of criminal responsibility in 2006 in Georgia – from 14 to 12. Following the CRC report in 2008 the age was again raised to 14 in 2010. Northern Ireland’s age of criminal responsibility remains at 10 – despite recommendations from the UN and others to the contrary.

As documented by civil society as well as in UN and Council of Europe “reports” torture and ill treatment were significant problems in this period. Following a change of government in 2012 – in part prompted by elections shaped by a prison torture scandal, significant reform was introduced.

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# Roundtable Discussion on Where Next for a Bill of Rights for Northern Ireland

On the 14 December 2015, the Transitional Justice Institute (TJI) held a roundtable discussion on *Where Next for a Bill of Rights for Northern Ireland* at Ulster University's Belfast campus. The event was funded by the Joseph Rowntree Charitable Trust and was chaired by Visiting Professor at the TJI, Dr Avila Kilmurray. The event brought together several key stakeholders to discuss the way forward for a Bill of Rights for Northern Ireland. A diverse range of high-level participants included representatives from the Northern Ireland Office (NIO) and the Irish Secretariat based in Belfast, Sinn Féin, the DUP, the UUP, Alliance, and SDLP, the Northern Ireland Human Rights Commission, a range of community and voluntary organisations as well as academics and students.

The background to this roundtable discussion was the publication of a report *Political Capacity Building: Advancing a Bill of Rights for Northern Ireland* published in September 2014 co-authored by Dr Anne Smith, Professor Monica McWilliams and Priyam Yarnell. The report was funded by Joseph Rowntree Charitable Trust and provides an update on the political parties' as well as the Irish and British Governments' positions on the Bill of Rights. The report set out several recommendations to address the current political inertia that exists over this issue and this was the focus of the discussion at the roundtable.

Participants were invited to present their views on possible ways forward in a ten minute slot responding to the question on "how they viewed the current stalemate". Other questions focused on whose responsibility it was to move forward the Bill of Rights? Participants largely agreed that there is an appetite among the public for a Bill of Rights but the level of consensus amongst the political parties differs. The representatives from the two main unionist parties reiterated their current position (the DUP and the UUP) favouring a UK Bill of Rights whereas representatives from the other parties (SDLP and Sinn Féin) argued that there is a need for an indigenous Bill of Rights. The Alliance representative expressed 'sympathy' with both positions and stated that the 'only way forward' for this issue is to create a 'space for discussion.' Some of the roundtable participants agreed that creating this 'space' is essential as the NIHRC's advice submitted to the British government in 2008 on what rights supplementary to the European Convention on Human Rights could be in a Bill of Rights has not been properly discussed. Likewise, other participants talked about the need for a 'fresh start' and 'reinvigorating' the discussion. Some contributors talked about the possibility that a Bill of Rights could be 'paralysing' and 'divisive' rather than having an 'energising' impact. A further potential obstacle identified by roundtable participants is that the political context today is significantly different from when the Good Friday/Belfast Agreement came into affect particularly in the light of the British government's proposals to repeal the Human Rights Act. This raises several questions not least as to how the Northern Ireland Assembly will deal with the implications of such a move. Some raised the view that if the Human Rights Act is repealed, paradoxically, there could be a 'double argument' for a Northern Ireland Bill of Rights incorporating the European Convention on Human Rights since this would be more in keeping with what was agreed on April 10th, 1998.

As practical ways forward, the participants were asked if they thought another discussion in the same or other format would be helpful. Generally, there was endorsement to hold another roundtable discussion. However, there was divided opinion as to whether the discussions should take place inside or outside of Northern Ireland. Some participants thought that if it was discussed within the Northern Ireland Assembly, the discussions would be more accessible to the politicians. Others thought that the debate needs to be outside of Northern Ireland as it gives politicians the opportunity to dedicate time to this subject in a way that is not possible whilst they continue to deal with Assembly and constituency business. Wherever the next stage of the process takes place, the participants highlighted the important role of politics and political will and leadership. The convenors of this roundtable were reassured by the participants that this was a constructive engagement and that it needed to be continued in order to assess the potential of advancing the implementation of this outstanding issue from the Good Friday/Belfast Agreement.

**Dr. Anne Smith**

## Pat Finucane Anniversary Lecture

**On the eve of the 27th anniversary of Pat Finucane's murder, his family, Relatives for Justice, and the Pat Finucane Centre honoured his memory with a public lecture. The panel of esteemed speakers was made up of Geraldine Fincuane, Pat Finucane's widow, and two human rights lawyers, Frank La Rue and Paul Seils. The lecture was entitled: "Victims' right to truth, national security and dealing with the past: When does legitimate state secrecy become cover-up"?**

This topic is timely as the failed Stormont House Agreement still looms over unresolved issues regarding dealing with the past. CAJ and other NGOs have been particularly concerned with the role of the national security caveat that can limit the disclosure of information to grieving family members. Mrs Finucane poignantly highlighted the disconnect between state investigations and the information provided to the family – especially where there is alleged collusion and corruption on the part of the state. She noted that the only thing the government can give to families is the truth behind the killings, and that will be an important part of justice that allows the families to stop searching.

Frank La Rue, former United Nations Special Rapporteur on the Freedom of Expression, discussed the lack of international precedent allowing governments to use national security as a reason not to disclose information to the families of victims of human rights violations. With his background as UN Rapporteur, Mr La Rue found the right to freedom of expression includes a right to truth and a right to free access to information. Access to information allows for effective access to justice, particularly in a post-conflict context. Truth finding is a process according to Mr La Rue, truth finding is a process and establishing, and establishing the truth is the first step to confronting impunity. Some Latin American countries, including Argentina, have specifically noted that national security cannot be used as an excuse not to tell the truth. If it is to be used in relation to Northern Ireland, it should be clearly defined, which involves an analysis of what disclosures really puts the state at risk. Paul Seils, Vice President of the International Center for Transitional Justice in New York, recognised the necessity of starting the process of truth finding from a human rights point of view. It is an uncommon idea that the threat to the life of a person implicated in a human rights violation would be an issue of national security. The issues of protecting the right to life and national security should be separated, and national security should specifically not be applied to truth commissions. He emphasised the importance of restoring confidence in institutions in transitional justice, and that precludes protecting institutions that intend to cover-up the truth.

CAJ's director, Brian Gormally, raised the point of conflation of national security and article 2 right to life protections, and inquired about the minimum level of information from a human rights perspective that should be expected in order to promote the non-recurrence of violations. The panel responded that the information disclosed should not only include the details of the situation, but should also contend with who made the decision and if it sheds light on any kind of systematic policy of violations. The right of the family to know what happened is of the utmost importance; even if there is not enough evidence to prosecute. The family should know the details of the situation to the extent that they are available. Information sharing can help to hold governments to account to a higher standard, thus promoting better practices that would foster non-recurrence.

Truth is important for the families of victims and society as a whole in order to promote justice and healing. The truth or apologies from government must be meaningful in order to allow for this transition in society. National security excuses or plans to allow the state to cover up human rights violations do not promote justice or allow families to move on. Mrs Finucane has campaigned for truth and justice in the wake of her husband's death, representing a family that seeks closure and a society that deserves measures to be taken by the state to ensure non-recurrence of human rights violations and justice for what has happened in the past.

## Northern Ireland: “Twenty years on, the UK is yet to fully address the legacies of the past” – UN rights expert

The United Nations Special Rapporteur on transitional justice, Pablo de Greiff, said that “the legacies of the past in Northern Ireland continue to generate challenges and divisions that call for urgent and decisive attention.” He stressed that, “despite some significant initiatives, especially in the area of truth, justice, and institutional reforms, these have not been comprehensive and are characterized by fragmentation.”

The human rights expert’s comments come at the end of his ten-day official visit\* to the United Kingdom (9-18 November) to assess the initiatives undertaken to deal with the legacies of the violations and abuses that took place during the period known as ‘the Troubles’ in Northern Ireland. “Much has been accomplished in Northern Ireland, including the very significant fact that an almost 20 year-old peace agreement involving a particularly complex set of arrangements concerning political devolution and an international dimension, continues to hold,” Mr. de Greiff said. “While this and other achievements deserve to be celebrated, much remains to be done.”

The UN Special Rapporteur told a journalist in London that this situation broadly applies to the four pillars of a ‘transitional justice policy’: truth, justice, reparation and guarantees of non-recurrence. “In relation to truth and justice, several initiatives should be commended and represent an important progress,” the expert said highlighting the public inquiries, inquests, the work of the Historical Enquiries Team, the subject of varied assessments and several very important reports by the Office of the Police Ombudsman for Northern Ireland. “Yet these efforts have focused on specific events and therefore, important dimensions of the problem remain to be fully clarified.”

Pointing to the progress achieved on police reform, Mr. de Greiff noted that “the creation of the Police Service of Northern Ireland was not merely a cosmetic change of the former Royal Ulster Constabulary.” In his view, the process involved “significant personnel turn-over, changes in operations and training, the appointment of a human rights advisor, and the creation of oversight bodies such as the Police Board, and importantly, the Office of the Police Ombudsman, which has made crucial contributions.” “There is a need for mechanisms which are apt to examine the more structural and systemic dimensions of the rights violations and abuses of the ‘Troubles’. Such mechanisms should be in addition to, not as a substitute for, procedures that might bring satisfaction to victims in terms of truth and justice,” the expert argued. “This approach would also help in overcoming the stand-off recently witnessed in the just-concluded negotiations at Stormont on discussions about national security concerns in relation to the disclosure of information to victims and their families,” he underlined. The human rights expert cautioned that cases leading to death have received most of the attention, leaving out serious other violations, ranging from illegal detention to serious injury and torture, among others. “These victims, many of them in situations of particular vulnerability, deserve urgent attention,” he underscored.

“I am calling for a comprehensive redress and prevention policy, which must encompass also strategic work towards an integrated schooling system, including history teaching, the establishment of a trustworthy entity to deal with records and archives on the ‘Troubles’ and more emphasis on psychosocial support to victims and their families,” Mr. de Greiff stated. “I have been particularly impressed by the work of some civil society organizations, which respond not only to one constituency but are available to any type of victim. This approach significantly contributes in the long-term to rebuilding social trust between and within communities,” the Special Rapporteur concluded, calling for more sustained support for these initiatives.

During his ten-day visit, the expert met, at both the national and devolved levels, with Government officials, representatives of the legislative and judicial branches, law enforcement officials, a broad range of victims and civil society actors in London and various places in Northern Ireland, including Belfast and the Counties of Armagh, Fermanagh, Tyrone and Londonderry.

***Pablo de Greiff, UN Special Rapporteur***

## Women's Manifesto 2016

The Women's Manifesto was produced by the Women's Policy Group, this group is comprised of a wide range of women's organisations, individuals and trade unions working for a society where women and girls can fully realise their rights. CAJ were delighted to have the opportunity to be involved in the development of the manifesto and give our full support to the recommendations within.

The Women's Policy Group have produced a feminist manifesto setting out measures on a number of important gender equality issues that, with political will, can be taken forward in the next Assembly term. The issues within the manifesto reflect the diversity of women in Northern Ireland across age, social class, life experience, racial and ethnic background, sexual orientation, disability and political and religious belief.

The manifesto is built around 4 key pillars :

- **Economic Justice Pillar**

- Women's Employment and the Gender Pay Gap
- Women, Poverty and Austerity
- Women and Childcare

- **Social Justice Pillar**

- Violence Against Women
- Women and Reproductive Health
- Women, Education and Training
- Women in Politics, Public Life and Decision Making

- **Cultural Pillar**

- Women and Girls in the Media

- **Equality Pillar**

- Legislative Framework
- Transgender Women
- Lesbian, Gay and Bisexual Women
- Women with Disabilities
- Black, Minority Ethnic Women, Women Seeking Asylum, Women Refugees
- Older Women

Under each Pillar there are key issues set out and the recommendations are deliberately written so that concrete outcomes can be achieved and measured in a 4 year mandate".

The Women's Policy Group representatives met with the political parties in January 2016 in order to discuss the issues and recommendations set out in the manifesto. Hopefully this has had some influence in the Political Party Manifestos that are being produced for the election in May 2016. The delivery of the recommendations within the manifesto would go a long way to advancing on real equality for women in Northern Ireland. Some of the recommendations such as 'women and girls in the media' will address issues brought up by the CEDAW Committee at the last UK hearing in July 2013 and can help Northern Ireland showcase their achievements when reporting again to CEDAW next year.

There is also a revision of the Gender Equality Strategy taking place at OFMDFM level. It would be good to see some or all of the recommendations made in the manifesto make their way into the Government Department's Action Plans, delivery on real and achievable actions for women would start to deliver the equality and human rights standards set out for women in the Good Friday/ Belfast Agreement back in 1998- we are 18 years on from these promises and it is time to see them come of age. The Women's Manifesto was officially launched on Wednesday 9 March as part of the International Women's Day, week long series of events that takes place across Northern Ireland. It was well attended and political parties took to a panel to discuss the issues within the manifesto after a brief introduction on the history of the Women's Policy Group and development of the manifestos over the years. The political panel was made up of representatives from DUP, Green Party, People Before Profit, Alliance, and Sinn Féin. An Equality Commissioner also spoke on issues within the manifesto and the event was chaired by Dawn Purvis.

The manifesto can be found at the following link :

<http://www.wrda.net/Documents/Womens%20Manifesto%202016.pdf>

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The UN Special Rapporteur on torture and inhuman or degrading treatment, Juan E. Mendez, among others has recorded significant improvements since this time.

The main “ask” from civil society, on which the conference focused, is the establishment of an independent complaints body with necessary investigative powers, along the lines of our Police Ombudsman but with



competence across the range of criminal justice agencies. Such an independent mechanism would be tasked with investigating and adjudicating on complaints of torture, ill treatment and other human rights violations. In principle the current Georgian government has accepted the establishment of such an institution as in here- there as in here of course the devil will be in the detail. Notably Georgian civil society has taken the same approach as the CAJ-led Model Bill group on the Stormont House Agreement in drafting and producing its own draft legislation for an independent investigative mechanism.

The current government’s main point of resistance, and part of the media coverage of the day, is the independence of the proposed mechanism from the prosecutors office. Notably the civil law system prosecutors in Georgia are responsible not just for the prosecution of offences but also the role undertaken here by the police of conducting the investigation itself. At the one level the position was that an independent mechanism should not also be able to prosecute offences but should rely on the prosecutors office in order to do so. This of course would lead to a greater level of potential conflict of interest than in a common law system as the complaint itself may centre on or otherwise engage the adequacy of the investigation by the prosecutors office itself. “In our context” we noted that a significant number of complaints to our Police Ombudsman actually relate to the investigative process.

We were also able to draw on our own experiences of different models of police complaints, including the former NI Independent Commission for Police Complaints (ICPC) which preceded the Police Ombudsman and operated essentially under RUC supervision. As previous CAJ testimony focusing on the events of 1997 “recorded” the ICPC upheld only one complaint out of 5000 against the force. This did little to tackle abuse and hence increase confidence in the rule of law – the benefit from a policing and government perspective of having such a mechanism. The need for such a mechanism in Georgia has been firmly established. International lessons including our own point to the risk that any system which is not fully independent powers will unravel as soon as it hits the next scandal and will be sent back to the drawing board for a bolstering of its powers. The message from our experience is that ideally it would be good from both a government and civil society perspective to get it right first time round if the dual complimentary goals of non-recurrence of human rights violations and the concurrent increase in confidence in the state’s criminal justice institutions are to be furthered.

## UK: Forthcoming reforms to human rights law must not weaken protection

**“The repeatedly delayed launch of the consultation process for repeal of the Human Rights Act has created much speculation and an atmosphere of anxiety and concern in civil society and in some parts of the devolved administrations. There is a real fear of regression in terms of rights’ protection in the United Kingdom” said Nils Muižnieks, Council of Europe Commissioner for Human Rights; at the end of his six day visit to the country. which focused on the government’s forthcoming plans to repeal the Human Rights Act and create a revised Bill of Rights, as well as the implementation of the few remaining judgments from the European Court of Human Rights.**

The visits to Edinburgh and Belfast provided an opportunity for the Commissioner to assess first-hand the views of the devolved administrations, parliaments and local civil society on the planned reform to the human rights system. “The European Convention on Human Rights and the Strasbourg Court are generally viewed positively in Scotland as accelerators of change. I welcome the fact that the Scottish government is looking at going beyond the Convention, by implementing other international human rights treaties directly into Scottish law. The Scottish National Action Plan for Human Rights is also a good example for other parts of the UK.”



Another regional example is the rights based approach to making policy for children and young people in Wales where all Welsh Ministers have a duty to have due regard to the substantive rights and obligations within the UN child rights convention when exercising any of their Ministerial functions. “My impression is that the debate over the HRA in Westminster is not a true reflection of concerns outside England”.

The Commissioner noted the fact that the European Convention on Human Rights has a particular resonance in Northern Ireland where it is part of the Good Friday Agreement, and where the Human Rights Act underpins key policing institutions. “I urge the UK government and other parties concerned to return to negotiations on mechanisms for dealing with the past in the Stormont House Agreement, including setting up the Historical Investigations Unit, as soon as possible. Disagreements over the national security veto concerning disclosure of information need to be resolved.”

Concerning the legacy inquest cases, the Commissioner welcomed the appointment of the Lord Chief Justice of Northern Ireland as President of the Coroner’s Court and the beginning of a major review by a senior judge to assess the state of readiness of each case. He noted that the coronial inquests system would need to be changed to deal with the remaining cases because the prospect of waiting another 25 years for justice was untenable. He also urged the necessary government funding to sustain this initiative.

The Commissioner encouraged more consultation with the devolved governments over the Human Rights Act reform proposals and underlined that this consultation period should not overlap with the dissolution of the Scottish Parliament and the Northern Ireland Assembly and the pre-election period. “Each member state of the Council of Europe has the freedom to decide the best way in which to ensure that the European Convention on Human Rights is implemented domestically. The Human Rights Act is not the only model available, but a Bill of Rights or any other substitute should in no case weaken protection of human rights.”

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# Guide to Public Order Policing Launched

CAJ's new guide to public order policing was launched on Wednesday 9th March in Unison Headquarters in Belfast. The publication, "How Public Order Policing Works in Northern Ireland: Standards and Accountability" was launched by Brian Gormally, CAJ's Director and the event was chaired by Patricia McKeown, Unison Regional Secretary. The event was well-attended with a range of interested people, including representatives from the PSNI.

The following is an edited version of Brian Gormally's introduction of the document.

It perhaps goes without saying that what happens on the streets is important in Northern Ireland. It is perhaps surprising that in the 21st century we can see that the power of masses of people gathering in public places still has immense political impact. From the "Arab Spring," through the various manifestations of the "Occupy" movement to the current desperate demonstrations at the borders of the European Union, examples of the power of public gatherings are numerous.

In Northern Ireland, with its divided society, public gatherings, whether of protest or celebration, have particular impact. Some say that the first day of the troubles was 5th October 1968 when a peaceful, though necessarily illegal, march of the Northern Ireland Civil Rights Association was met with the batons of the RUC. More recently, the Flags protests which began in December 2012 shook the foundations of the peace protest and demonstrated the fragility of the settlement that some may have started to take for granted.

There is no doubt that protests about symbols and symbolic protests will continue in spite of the 18 years of peace process. In a divided and post-conflict society, symbols stand in for grievances and issues which are sometimes too deep and complex to articulate never mind solve. It is no use decrying conflict over "things that don't matter." Of course, flags, badges, statues, street names and so on will never put food on anyone's table or solve any real life problems; but symbols "shoe-horn" feelings of powerlessness and alienation into simple, "them and us" categories. In a divided society, it is inevitable that people will mobilise around symbols and that conflict over them will take a public form.

The only hope for regulation and moderation of symbolic conflict is the rule of law based on human rights standards. Human rights stand above sectarian divisions – they apply to everyone by virtue of their simple humanity. Ethnic divisions fade in importance as people put their faith in over-arching principles and standards that give everyone the same access to fairness and justice. Furthermore, human rights standards form an objective set of rules and a consistent method of decision making. We might not like the result of this process all the time, but we can at least understand the rules and the basis of decision making.

All this means that confidence in the policing of public events, especially parades and protests, is vital, not just in relation to particular events, but in general for the peace process. The charge, or even the suspicion, that "political policing" is involved in public order events destroys trust in the police and the rule of law in general. A sense of grievance plus symbolism, plus a lack of trust in the police equals a real risk of violent conflict.

Public order policing by the PSNI is, in principle, based on human rights standards but we need to know what that means in practice. Unfortunately, it is not always as clear as it might be how decisions are made and implemented. Part of the reason for this guide is an attempt to make clear what standards the police are supposed to be working to and how they make public order policing decisions. Policing needs to be accountable – which means a clear set of rules and structures of accountability.

This document attempts to give an account of the standards to which the Police Service of Northern Ireland aspires when carrying out public order policing and some of the issues that arise. These standards are to be found in domestic legislation, a series of police guidance documents and international human rights instruments, primarily the European Convention on Human Rights. The complexity created by the intersection of these various formulations of standards is perhaps one reason why the police sometimes find it difficult to explain exactly what a human rights based approach to public order policing entails and why the public may find it hard to understand.

The project of working through the standards to create a coherent narrative is designed to identify decision points and the mechanisms through which the police are accountable for their decisions and actions. The hope is that any clarity achieved will reduce the scope for generalised accusations of political influence or bias and encourage critics to focus on the precise ways in which they think police decisions or actions were wrong. This should improve accountability both in identifying clearly where and how the police get things wrong and also a clear defence and rationale for decisions and actions which are right, albeit unpopular.

We hope that this guide will accomplish these purposes.



A PDF version of this document can be found on CAJ's website: [www.caj.org.uk](http://www.caj.org.uk)

Hard copies are available from our office for collection. If you would like a copy to be posted, then p+p costs apply. E-mail: [info@caj.org.uk](mailto:info@caj.org.uk)

## **A Fresh Start for Equality? The Equality Impacts of the Stormont House Agreement on the Two Main Communities. An Action Research Intervention.**

On 15 March 2016 the Equality Coalition launched research carried out by Professor Christine Bell and Dr Robbie McVeigh, this research was funded by the reconciliation fund of the Department of Foreign Affairs and Trade (DFA) and the launch was held at the DFA headquarters in Belfast.

The research looks at the equality impacts of our two most recent peace agreements, The Stormont House Agreement and A Fresh Start, on the two main communities in NI - Catholics and Protestants. This is also intersected throughout with the impacts on other section 75 categories such as gender and age etc.



The Research does this by presenting official data on the current levels of inequality between Protestants and Catholics, and assesses the likely impacts of the changes to the public sector, welfare and the economic model being taken forward by the SHA and Fresh Start Agreements on these two main ethnic constituents.

Some of the main findings of the research are:

- Whilst noting improvements in the labour market significant, Catholic disadvantage remains across a range of indicators, including the Poverty gap between Protestants and Catholics which has widened;
- Equality is increasingly relevant to - 'Catholics', 'Protestants' and 'Others' all of whom are now numerical minorities in NI, Catholics now constituting a majority in the workforce – yet there appears little forward planning for this demographic change;
- Equality and eliminating inequality feature heavily in the Belfast/Good Friday Agreement and successor agreements and are seen as a pre-requisite to a just and lasting peace – and the reduction of inequalities has been achieved in the context of sustained state intervention with international oversight. The SHA and Fresh Start Agreements depart from this with an absence of any formal commitments on equality between the two main communities at all. There is no evidence of effective equality proofing of any of the SHA provisions;

The report concludes that “...the economic model made explicit in the financial annex of the SHA is likely to deepen and widen inequality – both generally (between richer and poorer people) and in terms of the differences between Protestants and Catholics.”

Launching the report Professor Christine Bell stated:

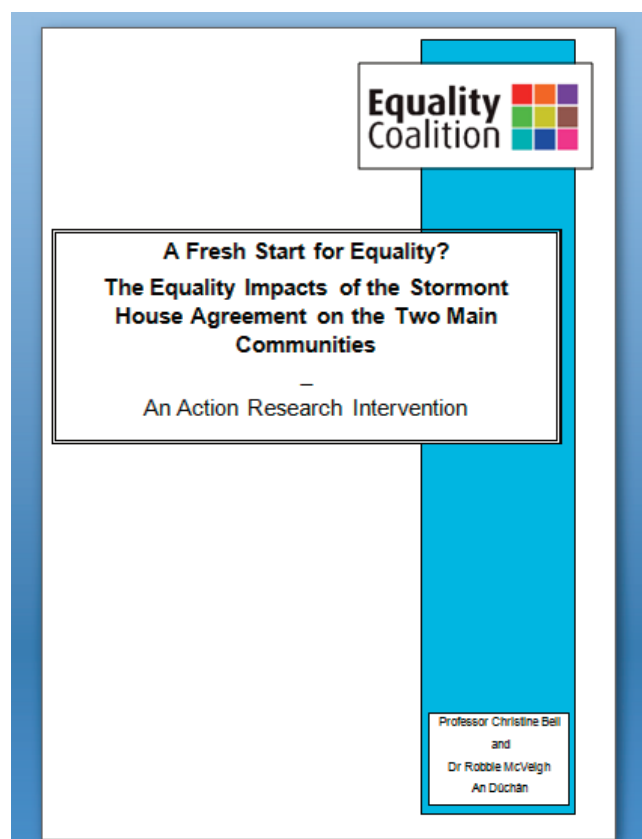
“Human rights and equality were central to a new political settlement in Northern Ireland, and remain central to ensuring that the peace process delivers for everyone. The political settlement in Northern Ireland has had considerable difficulty in being translated into normal steady-state government. This meant that implementing austerity measures themselves had a destabilising impact on government and had to be addressed in the new peace agreement, because insufficient attention had been paid to the distinct political settlement in Northern Ireland and its on-going tensions. That failure stands to be replicated with regard to equality, if more attention is not paid. The report hopefully will concentrate minds on the need to ensure that whatever austerity measures have to be implemented that the process is one which ensures that clear equality gains, are not immediately undone, and that the unfinished business of achieving equality is even moved forward. Implementing equality in times of cut-back is definitely difficult, but also possible and necessary to sustaining and building a self-confident political settlement”

Dr Robbie McVeigh stated:

“The commitment to equality – especially equality between Protestants and Catholics – was central to the Good Friday Agreement. The Stormont House/Fresh Start Agreement says almost nothing about equality suggesting by default at least that this is ‘finished businesses’. Our research confirms that this is not the case – outcomes for Protestants and Catholics remain different across a range of indices including the labour market, education and poverty. Anyone serious about creating the just and peaceful Northern Ireland envisaged in the Good Friday Agreement needs to ensure that a renewed commitment to equality is central to the peacebuilding process.”

The action research will be used by the Equality Coalition membership to strategically lobby to effect change, one of the recommendations the Equality Coalition will be taking forward is the enforcement of the equality duty- making sure all high level policies are equality proofed in order to highlight who will be adversely impacted. The Equality Coalition will also be working with other umbrella groups and academics across NI to push for a high level anti poverty strategy based on objective need.

The full report and an executive summary including recommendations can be found on both the CAJ and Equality Coalition websites.



## Civil Liberties Diary - January/February

### 4th January

Budgetary constraints and cuts in staff numbers have prompted the PSNI to outsource some of its work to third parties, at a cost of £410,500 over 5 years. Chief Superintendent George Hamilton has proffered repeated warnings as regards budget cuts and their impact upon the 'Polices' duty to adequately fulfil its role. Current numbers of 6800 fall slightly short of the 7000 officers Hamilton believes are required to provide a 'resilient,' force.

### 5th January

Dr John Woods, Chairman of the British Medical Association in Northern Ireland has warned of the growing gap between health spending and demand and its impact on the quality of services offered. Dr Woods cites the ageing population and emigration of Doctors to other countries with better working conditions as issues which exacerbate the challenge of maintaining high standards on a limited budget.

### 12th January

The DUP's Edwin Poots' has sparked controversy following comments made in relation to Arlene Foster's appointment as First Minister. While congratulating the Minister, Poots stated his belief that the role will be the 'second most important job she will ever take on,' second to that of a wife and mother. The remarks prompted a backlash on social media, with commentators accusing Poots of sexism. Former party member Deirdre Nelson weighed in as regards the party's attitude to gender equality, branding it 'a cold house for women,' and stating that 'bullying of competent women remains rife.' Poots has claimed that his comments were misconstrued.

### 25th January

Deputy First Minister Martin McGuinness has stated that he would 'give serious consideration,' to

attending the Twelfth of July celebrations if invited by the Orange Order. Fermanagh and South Tyrone MP Tom Elliott has urged Mr McGuinness to use his position to 'work positively to get resolutions,' to the endemic disputes over parades in Portadown and North Belfast, rather than engaging in 'empty gesture politics.'

### 26th January

Taoiseach Enda Kenny has warned that a British exit from the European Union 'would create serious difficulties for Northern Ireland.' Mr Kenny supports the British Government's attempts to renegotiate the terms of its EU membership but spoke of fears of an exit's impact on the peace process, particularly as a 'Brexit,' could mean a return to border controls with Northern Ireland.

### 27th January

Release of figures has revealed that Northern Ireland lags behind the rest of the UK in terms of the amount of 'discretionary income,' its residents enjoy. Compiled by leading economists, the data found that the amount of discretionary income, that is, money remaining once essential bills have been paid, is just £98 a week; around half that of the average UK family.

### 5th February

Justice Minister David Ford has stated that he is 'absolutely confident,' that his cash strapped Department is lacking the resources required to process dozens of outstanding legacy inquests. The £30 million set aside by the Treasury to deal with our toxic past was to be used to review 56 cases, at the request of Lord Chief Justice Declan Morgan. Sir Declan has acknowledged that the notoriously sluggish system is 'not fit for purpose,' pointing out that only three inquests have been heard since 2012.

### 16th February

Richard Haass, the American diplomat who co-ordinated a series of

unsuccessful peace talks in the Assembly in 2013, has called the value of a 'Brexit,' into question, warning that it could exacerbate tensions in Northern Ireland. Writing on his personal blog, Haass opined that withdrawal from the Union would put the question of Scotland's independence back on the agenda which, he believed, could have 'ripple effects,' in our 'fragile society.' The diplomat also lambasted both Unionists and Nationalists for their 'inability to face up to the past or work together in the present.'

### 26th February

Belfast City Council's Lord Mayor has called an emergency meeting to address homelessness after a rough sleeper known as Roy was found dead in a doorway; the fourth homeless person to die in such circumstances in less than a month. The PSNI met with street outreach workers and representatives from charities, all of whom agreed that a co-ordinated approach was necessary to tackle an issue of such magnitude and the factors that contribute to it, namely drug and alcohol addiction, relationship breakdown and legal highs.

*Compiled by Helen Byrne from various newspapers*

## Just News

**Just News** welcomes readers' news, views and comments.

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