

St Patrick's Day in the US

For the first time in a number of years, CAJ travelled to Washington DC for the annual St Patrick's Day events. We were joined on the visit by British Irish RIGHTS WATCH, members of the Human Rights Consortium, and Geraldine Finucane.

The key objective of the trip for those travelling was to communicate the message that all the work of peace building and rights protection was not complete in Northern Ireland, despite the political rhetoric around the devolution of policing and justice being the "final piece of the jigsaw." The strength of the delegation was its ability to communicate very effectively from a wide range of perspectives the ongoing inequalities and human rights issues that remain undelivered, the negative impact of the failure of implementation on them and the potential consequences for the security and stability of post-conflict Northern Ireland as a result.

From CAJ's perspective, we highlighted in particular that while much had been achieved in NI, and the devolution of criminal justice and policing as particularly important, the political language being used creates a sense of peace being complete and this message has a negative impact for those in Northern Ireland who feel the peace process had not delivered for them (e.g. those living in areas of continuing socio-economic deprivation, victims and survivors etc). Particular focus was placed on the failure to deal with the past, the need for economic investment to more effectively tackle inequality and disadvantage and the need to build on protections for the future in the form of a Bill of Rights.

With representatives of the Human Rights Consortium, we highlighted the inadequacy of the UK government's consultation document on the Bill of Rights. Those that we met easily understood the problems with the approach being taken by the UK government and were quick to express their support. Many referred to the American Bill of Rights and articulated what such a constitutional and foundational document should look like. Inputs from WAVE, BIRW and Geraldine Finucane were also extremely effective and powerful in highlighting the problems of the approach taken to dealing with the past, the impact on the rights of victims and survivors and linking this to the importance of a Bill of Rights in building a strong future.

In what was an incredibly busy week for them in the build-up to the healthcare vote, we were able to meet the staff of Senators Casey, Dodd, Collins and Wicker, and the staff of Congressmen McMahon, Doyle, and Payne. We also met

Congressmen Engel, Smith, Crowley, Carnahan and Neal in person. Support was indicated from all of those we met to sign up to a letter expressing concern about the Bill of Rights in particular and encouraging a different approach. Congressman Russ Carnahan, who has taken over from Congressman Bill Delahunt as Chair of the Congressional Sub-Committee on International Organisations, Human Rights and Oversight, was very supportive, and we are hopeful that it may be possible for the Committee to hold a hearing on Northern Ireland in the not too distant future.

Meetings were also held with Mike Posner, the Assistant Secretary of State for Democracy, Human Rights and Labor, with the Deputy National Security Advisor to Vice President Joe Biden, and a briefing was given to Board members of Bridges to Peace, who work to advance the cause of justice and human rights in Northern Ireland by promoting cross-community dialogue and reconciliation, and by fostering non-violent resolutions to conflict.

A briefing on "*The Good Friday Agreement: What else needs to happen*" was held by the Tom Lantos Human Rights Commission, which is a Congressional Commission that is co-chaired by Republican and Democrat Congressmen and whose mission is to promote, defend and advocate internationally recognised human rights norms in a nonpartisan manner, both within and outside of Congress, as enshrined in the Universal Declaration of Human Rights and other relevant human rights instruments. The briefing was well attended by various Congressional staff members and Congressman Chris Smith, who is a member of the Commission, participated for part of it. CAJ provided an overview of the human rights situation in Northern Ireland, and this was followed by a focus on the Bill of Rights from the Human Rights

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Consortium and the Chief Commissioner of the NI Human Rights Commission. British Irish RIGHTS WATCH then outlined the problems of the piecemeal approach that has been taken to dealing with the past, and Geraldine Finucane highlighted the delay, obfuscation and obstruction that has characterised the approach of the UK government to the case of Pat Finucane. The testimony given by all was entered on the House record and the Commission indicated their desire to hold future briefings on Northern Ireland.

We were also invited to attend the American Ireland Fund Dinner, where the honoured guest was US Secretary of State Hillary Clinton. The focus of her speech was upbeat in terms of the progress that has been made in Northern Ireland, and the importance of economic investment. However, she also highlighted the importance of solidifying the peace in particular by ensuring the creation of opportunities for young people in Northern Ireland:

"Peace may be officially established by a vote or an agreement, but it is the real life experiences of people day after day and year after year that cement it, that create what de Tocqueville called the habits of the heart. And if young people do not see a better life, if they do not believe there is opportunity, then some may wonder, well, what is peace really all about, and is it worth preserving? I see this around the world now. In so many places, young people are not sure about what direction to take, and it is up to us to work to provide those concrete opportunities that will help them climb the economic ladder, will give them access to higher education, will provide the critical services that are needed to make sure that both political and civic life flourish. This

work is not a luxury. It is not a subordinate aspect of peace; it is central to peace because everyone who is moved to peace has to make sure that it does get solidified. And so the United States will seek to increase our efforts with the Northern Ireland Assembly and the British and Irish Governments to expand economic, educational, political, and civic opportunities to the young people of Northern Ireland. And our work to help encourage the creation of jobs is well underway."

We also attended a reception hosted by Congressman Richard E. Neal together with the Irish Echo in Capitol Building to unveil a very powerful portrait of Pat Finucane commissioned by the Belfast Media Group and painted by the renowned artist, Robert Ballagh. It was extremely well attended by many Congressmen and Senators and it was heartening to see such a strong indication of support from the United States for the Finucane case and family.

Overall, the visit was extremely important and successful in providing an alternative message to the one that was being portrayed, which was very clearly that things are now "done" in Northern Ireland and all that is needed is more economic investment. We heard it argued that the problems that exist in Northern Ireland now around poverty and disadvantage are problems one would find in any country in the world, so in that sense Northern Ireland is "normal." However, those we lobbied understood and appreciated that the reality of a post-conflict society is far more complex, and requires a more nuanced understanding of the ongoing need for transformation lest the conditions that create the capacity for violent conflict are reignited.



(L – R) Jane Winter,
Director of British Irish
RIGHTS WATCH, Mike
Posner the US Assistant
Secretary of State for
Democracy, Human Rights
and Labor, Aideen Gilmore,
Deputy Director of CAJ and
Alan McBride, Co-ordinator
of the WAVE Trauma Centre

The Bill of Rights – An update

Consultation period closed

The public consultation on the Bill of Rights was extended by government for an additional month and concluded on 31st March. CAJ, along with numerous other human rights organisations, individuals, public sector bodies and community and voluntary groups made a submission to the consultation. CAJ concluded that we could not respond in any depth to the NIO's document because it simply did not stand up to meaningful scrutiny in human rights terms. To view a copy of our response to the public consultation on a Bill of Rights, visit http://www.caj.org.uk/cmsfiles/files/news/latestnews/response_to_nio_final.pdf

Northern Ireland Affairs Committee

More than a year ago, the Northern Ireland Affairs Committee announced a "short inquiry into the process towards a Bill of Rights for Northern Ireland, focusing on the scope which any such Bill should take."¹ The original purpose behind the Committee's inquiry was to feed into the NIO public consultation, which was expected to be announced early last year. This consultation was launched in November 2009 but the report of the Committee had yet to be produced. In its evidence gathering, the Committee heard oral testimonials from a number of individuals and organisations, including representatives of the Human Rights Consortium, the Northern Ireland Human Rights Commission (NIHRC) and Lady Daphne Trimble of the NIHRC, who dissented from the Commission's advice on a Bill of Rights. Alongside this, the Committee welcomed written evidence from those with an interest in the process and it also met with Secretary of State, Shaun Woodward, in April 2009.

Following a long silence from the Committee, it released a short interim report on 24th March 2010, a week before the end of the consultation period, stating its current position – that in light of the very late announcement of the public consultation by the NIO and the upcoming elections, there would be no opportunity for a Bill of Rights to be passed in the current government. As such, the Committee suggested to its successor Committee that it may wish to consider future proposals on a Bill of Rights for Northern Ireland as part of its work programme. Although CAJ was pleased to note that the Committee acknowledged the consistently strong support across both main communities in Northern Ireland for a Bill of Rights, we were disappointed that, as the Committee references, the consultation by the NIO was expected much earlier, and therefore the delay on their part has made it impossible for a Bill of Rights to be achieved in the life of the current Parliament. CAJ urges any future committee to seriously consider the findings of the current committee and to ensure that the Bill of Rights for Northern Ireland is a priority for the next government.

Record numbers support a Bill of Rights

The Human Rights Consortium ran a very successful awareness campaign during the public consultation, urging the people of Northern Ireland to get involved and have their say on the Bill of Rights. On 1st April, the Consortium delivered more than 30,000 signed postcards to the Northern Ireland Office. Chairperson, Fiona McCausland, said: *"We put out the call, and the people of Northern Ireland responded in their tens of thousands. The figures are not about support for our campaign – they are about support for a Bill of Rights for Northern Ireland. By replying in such numbers, the people have indicated their clear wish for a strong and inclusive Bill of Rights. This support, together with the recent polling carried out, sends a clear message to the Secretary of State that the current proposals simply do not measure up to what is required and desired."*

The future of the Bill of Rights for Northern Ireland

We are entering into a time of political uncertainty with the upcoming 6th May elections. CAJ is mindful that whichever party takes power, there will be implications for the Bill of Rights process in Northern Ireland, with the Conservative Party suggesting repealing the Human Rights Act and the Labour party having issued a green paper on a potential 'Bill of Rights and Responsibilities.' As it stands, the future remains quite unclear. Regardless of whichever party comes into government, CAJ will continue to campaign for a strong and effective Bill of Rights for Northern Ireland that will most benefit those who live here.

¹http://www.parliament.uk/parliamentary_committees/northern_ireland_affairs/human_rights_bill_for_northern_ireland_inquiry_page.cfm



Members of the Human Rights Consortium deliver more than 30,000 signed petitions in support of a Bill of Rights to the government. Photo by Harrison Photography

Practicing Human Rights

Employment law practitioners are seeing an increasing reliance on human rights arguments by workers, albeit with varying degrees of success. There has been growing case law in this area since the enactment of the Human Rights Act 1998 (HRA) and some of the more interesting/recent cases will be highlighted below, with reference to Articles 6, 8 and 9. This brief update will highlight some recent developments in relation to employment law and practice.

The HRA applies to all public authorities (such as government departments, the police service, local councils, courts, health trusts) and to other bodies performing public functions (such as a private company operating a prison). A worker employed by a public authority may therefore sue their employer for breach of one or more of the Convention rights contained under the HRA and seek damages if successful.

The HRA does not apply to private individuals or companies, except where they are performing public functions and therefore private sector workers cannot rely directly on the Act. However private companies and individuals cannot ignore the rights and freedoms protected under the HRA because industrial tribunals and courts are public authorities and accordingly, they are required to interpret existing laws in a way which is compatible with Convention rights, wherever possible. Therefore the Convention rights under the HRA may have an indirect effect on employers, irrespective of whether they are in the private or public sectors. This is a powerful expansion of the reach of the Human Rights Act in the daily and working lives of many individuals.

When considering the relevance of Convention rights in the employment context, the fundamental question to ask is whether a Convention right is engaged and if so, the effect the right has on existing domestic law. The rights which workers are likely to rely on as being “engaged” are summarised as follows:

- Article 6 – the right to a fair hearing;
- Article 8 – the right for private and family life;
- Article 9 – freedom of thought, conscience and religion;
- Article 10 – freedom of expression;
- Article 11 – freedom of assembly and association.

Article 6 is an absolute right and cannot be derogated from. However it is permissible to interfere with the rights under Articles 8-11. Generally, interference is permitted where what is done is:

- in accordance with the law, and
- serves a legitimate aim, and
- is necessary in a democratic society, which means it must fulfil a pressing social need, pursue a legitimate aim and be proportionate to the aims being pursued; and
- be non-discriminatory.

There has been an increasing reliance on Article 6, the right to a fair hearing, by those working in the education and health sectors. Workers have sought to rely on Article 6 by contending that they have a right to legal representation at disciplinary and/or professional misconduct type hearings, with some success. Under Article 12 of the Employment Relations (NI) Order 1999, workers have a statutory right to be accompanied to a disciplinary and grievance hearing by a trade union representative and work colleague, but not a lawyer. In *Kulkarni v Milton Keynes NHS Trust [2009] EWCA Civ 789*, the Court of Appeal highlighted that if a worker was facing an ordinary disciplinary hearing where all that could be at stake was the loss of a specific job, then Article 6 was not engaged. However if the effect of the proceedings could deprive the worker of the right to practice his or her profession, Article 6 would be engaged. The Court held that Article 6 was engaged because Dr Kulkarni was facing charges which were of “such gravity” that if proved, would effectively bar him from employment in the NHS. The Court then had to consider whether Article 6 implies a right to legal representation. The Court held that such a right could be implied in the circumstances of this case, namely Dr Kulkarni was effectively facing a criminal charge albeit in the context of disciplinary proceedings. (See also *R (on the application of G) v Governors of X School and others [2010] EWCA Civ 1 CA* where Article 6 was also held to be engaged).

However the above case does not mean that all workers have a right to legal representation at disciplinary hearings. By way of contrast, in *AB's Application [2010] NIQB 19* (judgment delivered 16/2/10), the applicant brought a judicial review in the NI High Court challenging a decision of his employer (a local council) to refuse him legal representation at a disciplinary hearing. Mr Justice Treacy held that Article 6 was not engaged in the context of this case primarily because the features present in *Kulkarni* “namely the exclusion from the civil right to practice one’s profession”, were not present. The judicial review was therefore unsuccessful, although leave to appeal has been granted and the case will be heard in June 2010.

A common right that can arise in the context of the employment relationship is the right to respect a person’s private life under Article 8. For example, Article 8 may be engaged where an employer is considering the

in an Employment Context

surveillance/monitoring of an employee in relation to a disciplinary investigation, the interception of emails/telephone calls, obtaining/disclosing medical information or disciplining an employee about his/her behaviour outside of the workplace.

In the case of *McGowan v Scottish Water* [2005] IRLR 167, the employee was dismissed after his employer (a public authority) undertook covert surveillance of his home in order to determine whether he was falsifying his timesheets with regard to call out time. The videos confirmed the employer's suspicions. Mr McGowan claimed that his dismissal was unfair because there had been a breach of his Article 8 rights. The EAT acknowledged that covert surveillance of a person's home "raises at least a strong presumption that the right to have one's private life respected is being invaded" and therefore held that Article 8 was engaged. However there was found to be no infringement of Article 8 because the EAT (by a majority decision) held that the surveillance was undertaken for legitimate reasons (to investigate suspected fraud) and was held to be proportionate. The surveillance was not undertaken for reasons which were "external or whimsical" and it "went to the heart of the investigation that the employer was bound to carry out to protect the assets of the company." In this case the court described the misconduct as effectively criminal behaviour.

Pay v Lancashire Probation Service [2009] IRLR 139 is a rare employment case being heard in the European Court of Human Rights. Mr Pay was a probation officer working with sex offenders who had been dismissed after his employers discovered that he was involved in activities which included performing in fetish clubs and merchandising bondage and sadomasochistic products, all of which are legal. The employers took the view that these activities were incompatible with his position as a probation officer, particularly one working with sex offenders. The EAT did not uphold the claim of unfair dismissal and in relation to the Article 8 aspect of his case, held that the activities were not private.

Mr Pay eventually took his case to the European Court of Human Rights and whilst ultimately unsuccessful, the ECHR made a number of important remarks as to the scope of privacy which differed from the approach taken by the EAT. The ECHR declared that under Article 8 there is "a zone of interaction of a person with others, even in a public context, which may fall within the scope of 'private life'." It found that the club was likely to be frequented only by a self-selecting group of like minded people and that the photographs of the act on the internet were anonymised. Consequently Mr Pay's activities did fall within the scope of private life under Article 8. Therefore dismissal for engaging in such activities amounted to an interference with the applicant's rights under Article 8. However, the

ECHR went on to find that the interference in this case was justified in that it was proportionate to the legitimate aim pursued, protecting the reputation of the probation service.

Article 9 provides that "Everyone has the right to freedom of thought, conscience and religion. This right includes....to manifest his religion or belief, in worship, teaching, practice and observance." In *McFarlane v Relate Avon Ltd* [2010] IRLR 196, the claimant was a Christian who had been dismissed from his post as a Counsellor. Relate contended the claimant had been dismissed because of his unwillingness to offer psycho-sexual therapy (PST) to homosexual couples (not on grounds of his religious belief) and his refusal was in breach of Relate's equal opportunity policy. The claimant alleged that his dismissal amounted to direct and indirect religious discrimination contrary to the Employment Equality (Religion or Belief) Regulations 2003 (the NI equivalent being the Fair Employment and Treatment (NI) Order 1998). The claimant sought to rely upon Article 9 to argue that there should be no distinction for the purposes of direct discrimination between less favourable treatment on grounds of religious belief on one hand and the way in which that belief is manifested on the other. The EAT gave some consideration to this argument and stated "in the absence of any context, it may be permissible to infer that an employer who dismisses an employee for wearing an item of jewellery or clothing with a religious significance does so because of an objection to the belief so manifested. If, however, it appeared from the context that there was some other ground for the objection, such as a general policy about the wearing of jewellery, or practical reasons why the wearing of a veil was regarded as inappropriate, the position would be entirely different. In such a case any claim would have to be on the basis of indirect discrimination." The EAT held that there was no inconsistency with this position and the requirements of Article 9. The EAT held that the claimant's dismissal was not direct discrimination as he had not been dismissed because of his Christian faith but because of his stance on providing advice to homosexual couples. Whilst Relate's requirement to commit to equal opportunities was capable of amounting to indirect religious discrimination, it was held to be justified (lawful) as the requirement was fundamental to Relate's ethos and principles and also required by law. Mr McFarlane's claim for direct and indirect religious discrimination therefore failed. (See also *Ladele v London Borough of Islington* [2010] IRLR 211).

Joanne White

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This article was first published in the Legal Island email service.

Passing of Donall Murphy

Donall Murphy died on 27th February 2010 after a long illness and various health challenges. He bore all of them with remarkable good grace, humour and typical determination.

Donall was one of the founding members of the CAJ in 1981 and was clearly still at the heart of it when I came to work there in 1987. He quickly took me under his wing and became my friend. Throughout the sixteen years I spent there he was a constant source of wise counsel, support and encouragement.

He held numerous positions, serving on the CAJ Executive for many years and acting as its vice chairperson as well as holding numerous other Committee posts. While actively involved in the work of the whole organisation Donall was most clearly identified with two areas of work - policing reform and the campaign to secure a Bill of Rights.

In 1979 he had resigned from the Police Authority over concerns about its failure to deal with the ill treatment of detainees. His experience gave him a direct feel for the deficiencies in the system for police accountability which troubled him greatly. As a member of CAJ's policing sub group he was a key drafter of proposals for an effective Police Authority to hold the Chief Constable to account and for an independent system to investigate complaints against the police.

Donall's efforts eventually bore fruit and can clearly be seen in the powers of the Policing Board proposed by Chris Patten and in the office of the Police Ombudsman which provided for a fully independent system to investigate police complaints. While Donall was pleased with these developments he was never complacent and was always vigilant.

On the Bill of Rights, I remember countless meetings in his office, discussing draft documents. Punctuality was not one of his strengths and we scheduled meetings of the Bill of Rights sub group at his office in an attempt to ensure his participation. Donall followed the unfolding debate about a Bill of Rights up until his death. A strong and effective Bill of Rights would be a fitting tribute to him. He had a deep belief in the role which an effective Bill could play in building a fairer society but also in its contribution to peace building. Donall was a very bright and able lawyer with a profound commitment to justice and fairness. He frequently put his considerable talents and abilities at the service of people at the bottom of the heap. He was driven to make a difference and succeeded.

His real strength however was that he was able to pass on his values and principles to others and inspire them. He didn't mince his words, he didn't duck the issues, he didn't keep quiet for fear of offending people. Indeed he almost

seemed to enjoy being the grumpy person with the awkward and irritating question or point of view. He could drive you mad. In spite of that, but probably because of it, he managed to be held in the highest regard by people from across the political spectrum. Not an easy feat in Northern Ireland. One only had to look around at the group of people gathered for his funeral to see his wide circle of influence.

His sense of humour and wit probably held him in good stead. I remember many laughs with Donall, often at his own expense. He was one of the funniest people I have ever met. At a Bill of Rights conference we both spoke at in the Kennedy Library in Boston I remember the group of diverse Northern Irish and South African politicians, judges, lawyers and activists always gathered in Donall's room at the end of every day's formal business for a few drinks and more craic.

His interests extended well beyond the law and I was always amazed by the breadth of his activities. His other big passion of course was rowing where he again excelled and managed to pass on his commitment and talent to many others.

Whilst Donall's loss will be felt most deeply by his family and his wife Pauline of whom he was immensely proud, the cause of human rights has also lost a champion. He is sadly missed by a legion of colleagues and activists but will be cross at me for saying so.

Martin O'Brien, Director of the Reconciliation & Human Rights Programme, Atlantic Philanthropies



Robert Hamill Inquiry Interim Report

The oral hearings in the Robert Hamill Inquiry concluded on 17 December 2009 and the Inquiry has indicated its intention to have the final report available within the next 12 months.

On 12th March 2010 the Inquiry published an interim report which was welcomed by CAJ. The Inquiry has recommended that the Public Prosecution Service for Northern Ireland *"should reconsider urgently the decision, taken by the Northern Ireland Director of Public Prosecutions (DPP) in March 2004, to discontinue the prosecution of former Royal Ulster Constabulary (RUC) Reserve Constable Robert Atkinson for conspiracy to pervert the course of justice."*¹

The Hamill family launched a judicial review to have the remit of this Inquiry widened to include the role of the DPP, a move which was supported by the Inquiry. On 1st July 2008 it was accepted that the Secretary of State had incorrectly applied the relevant legal test when he refused to widen the terms of reference and accordingly was asked to reconsider his decision. On 4th November 2008, the Secretary of State for Northern Ireland issued a decision letter outlining that the DPP was already within the existing terms of reference.

In our joint written closing submissions with British Irish RIGHTS WATCH, to the Inquiry in November 2009, we outlined a number of concerns we had surrounding the DPP decision making process in this case and in particular in relation to the prosecution of Reserve Constable Atkinson. We probed the decision of the DPP to drop the case against this police officer and others without a thorough exploration of all the material available consistent with the national and international legal obligations. In tandem with the Inquiry we do not consider it appropriate to go into further detail as this matter is now with the Director of Public Prosecutions.

At the opening of the Inquiry, the Chairman quoted the words of the Secretary of State when he explained his purpose in setting up this Inquiry, *"It is essential that all people in Northern Ireland can have confidence in the integrity of the state and its institutions. Where there are serious allegations of wrongdoing it is important that the facts are properly established."*²

The response to this Interim Report by the relevant authorities will be the litmus test against which we can truly measure the progress made in establishing this confidence.

Visit www.roberthamillinquiry.org for more information.

¹ <http://www.roberthamillinquiry.org/press/25/>

² <http://www.roberthamillinquiry.org/the-public-hearings/transcripts/131> (day 1)

CAJ Communications Survey

CAJ is currently carrying out an audit of its external communications. This audit will help us to improve all of our external communications, including Just News, our website and our monthly ezine.

A copy of the audit has been enclosed with this copy of Just News. We would be very grateful if you could spare a few short minutes to complete the survey and send it back to us. Alternatively, you can complete the survey online by visiting <http://www.surveymonkey.com/s/MFFW5X3>

All responses are anonymous.

Thank you

NIO Consultation on the Proposed District Policing Partnership / Community Safety Partnership Integration

CAJ has had recent discussions with a variety of key stakeholders including members of various DPPs and representatives from community organisations and political parties who will be responding to the consultation document on the proposed integration of DPPs & CSPs. There is a growing consensus that regardless of the previous 'pre-consultation exercise,' the 8 week consultation process with an 06 May deadline is placing a strain on people and the quality of responses may be impacted by this. Bearing in mind the Code of Practice for Consultation, CAJ notes that Criterion 2 - Duration of Consultation Exercises states that, "Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible." Therefore, the 12 week period is a minimum:

2.1

Under normal circumstances, consultations should last for a minimum of 12 weeks. This should be factored into project plans for policy development work. Allowing at least 12 weeks will help enhance the quality of the responses. This is because many organisations will want to consult the people they represent or work with before drafting a response to Government and to do so takes time.

Of additional relevance given the significance and complexity of what is involved:

2.2

If a consultation exercise is to take place over a period when consultees are less able to respond, e.g. over the summer or Christmas break, or if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation.

Given these points CAJ has asked the NIO to consider this formal request that the consultation period be extended to 20 June - an additional 2 weeks beyond the minimum 12 week period and a further 6 weeks beyond what is currently scheduled - to allow for a proper and full public consultation.

Civil Liberties Diary - March

2nd

The Deputy First Minister announces that there are no immediate plans to appoint another Victims Commissioner following the resignation of Mike Nesbitt.

4th

Security Minister Paul Goggins announces that the British government is to review the use of non-jury trials in 2011. Thereafter a period of public consultation will take place to see whether Diplock hearings will continue.

5th

The Parades Commission restricts the route of a loyalist parade through the village of Stoneyford.

9th

Victims Campaigner Raymond McCord meets NI Secretary of State Shaun Woodward to call for the prosecution of corrupt police officers identified in Operation Ballast. On the same day three alleged members of the UVF gang are arrested in connection with an investigation into loyalist murders.

10th

The Northern Ireland Assembly votes in favour of the devolution of policing and justice powers.

A High Court Judge rejects a legal bid to throw out a claim of negligence brought by the uncle of a teenage murder victim. Alan Steele is suing Chief Constable Matt Baggott for damages by alleging that he was forced to identify his murdered nephew's mutilated body against his will. David McIlwaine was murdered in February 2000.

11th

A report from the Prison Ombudsman finds that a seriously ill prisoner jailed for indecent assault died in prison after receiving inadequate medical care. Stephen Doran died in Maghaberry prison in June 2008.

12th

An interim report from the Robert Hamill Inquiry calls for the Prosecution Service to urgently reconsider the decision to discontinue the prosecution of a former RUC Officer for conspiracy to pervert the course of justice. The full report is expected to be published later this year.

15th

Writing in the Irish News newspaper, Irish Foreign Minister, Micheal Martin, says that a Bill of Rights for Northern Ireland was a crucial element of the Good Friday and is necessary to underpin the foundations of mutual respect and parity of esteem.

16th

The PSNI accepts that its appointment procedures and policies should be improved upon following a Fair Employment case taken by Superintendent Gerry Murray. A settlement was reached in the case alleging religious and age discrimination.

24th

The families of those murdered by the Mount Vernon UVF gang have told the Policing Board they will only accept Nuala O'Loan to oversee any investigation into the killings. Eight families met with Board members to express concerns at a decision to transfer investigations of the murders away from the Historical Enquiries Team to the PSNI's Serious Crime Branch.

Former loyalist prisoner William Smith criticises the British government for allegedly reneging on a deal that meant anyone involved in the conflict prior to the Good Friday Agreement would not be pursued for prosecution.

25th

Deputy First Minister tells Gordon Brown that a further delay in the publication of the Saville report into Bloody Sunday was unacceptable. The report will be delayed until after the Westminster election in May.

31st

In its response to the proposed Bill of Rights for Northern Ireland the DUP announces that there is now no chance of such a bill going ahead. The party accused the "pro-rights lobby" of having made no effort to build consensus on the issue and that the entire process was an attempt to impose legislation over the heads of local politicians.

Compiled by Mark Bassett from various newspapers

Just News

Just News welcomes readers' news, views and comments.

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