Bulletin of the Committee on the Administration of Justice
December 2005
Just News
Human Rights in Northern Ireland

Celebrating International Human Rights Day

10th December marks the anniversary of the Universal Declaration of Human Rights and gives us all a chance to reaffirm its assertion that "recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." This year saw human rights day celebrations spanning a week.

In that context, a Bill of Rights for Northern Ireland would give us an opportunity to make the promises of the Universal Declaration a reality at a local level, and as such, it featured significantly in many of the discussions.

A residential event was organised in Armagh by the Northern Ireland Human Rights Commission specifically to discuss a Bill of Rights. Participants heard from Colm O Cinneide (law lecturer at University College London), Maggie Beirne (speaking for the Human Rights Consortium on their expectations); Justice Albie Sachs (from the South African Constitutional Court) and a panel of senior politicians from the main parties here. The Commission was told that although the debate around a Bill of Rights had run into the sand in the period of transition. There was still a lot of interest in party political circles, and amongst civil society. The challenge is not 'if' or 'when' to resurrect the debate but 'how' to do it so as to ensure that we get a strong and inclusive Bill of Rights that secures widespread public and political ownership.

The Human Rights Commission set out their proposed process for delivery of the Bill of Rights. This process involves beginning the discussion proper in January 2006 with a view to delivering advice to the Secretary of State later that year. The Commission indicated that they were also mindful of the proposed Roundtable Forum which would bring political parties and civil society together to discuss a Bill of Rights, and in so doing lend wider political and public ownership to the product. CAJ has long argued that this Roundtable offers enormous potential in securing a firm base for the Bill of Rights, and what is needed is government action to meet its commitment in the Joint Declaration to establishing it. As such, we will be meeting with the government and indeed the Commission in the New Year to emphasise this point.

The Commission celebrated International Human Rights Day with an event co-hosted by Derry City Council in the Guildhall. Participants were treated to a range of impressive speakers on issues such as homophobic hate crime, good relations and the importance of addressing social and economic rights. The highlight of the day was a presentation by young people from Derry Children's Commission of their new interactive website on the UN Convention on the Rights of the Child (www.knowurrights.org). The Mayor set a challenging tone for the event by asking the Commission to take their time in delivering a good Bill of Rights rather than an early one, and outlined in particular the need to include social and economic rights, and the importance of establishing the Roundtable Forum.

The Irish Human Rights Commission also chose to commemorate International Human Rights Day with a major conference on the enforcement of economic, social and cultural rights, and attracted an array of domestic and international speakers. The audience were left in no doubt that economic, social and cultural rights are extremely important; are being vindicated in the courts and in policy making around the world; and must be addressed pro-actively in any society that wants to seriously tackle poverty, inequality and social exclusion.

Along with other events on the rights of elderly people, the importance of human rights education and the post World War Two context of human rights, this was certainly a busy week for human rights activists and advocates. Making international human rights a domestic reality is a challenge that we are all working to, and must continue to do.

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Life Sentence Prisoners and Human Rights

A recent seminar in Belfast organised by the Criminal Bar Association and Queen's Human Rights Centre highlighted the two regimes that govern the release of life sentence prisoners in Northern Ireland and the difficult balance that needs to be drawn between a prisoner's right to liberty and the safety of the community.

The regime administered by the Sentence Review Commissioners governs the release of those prisoners convicted of scheduled offences committed before the date of the Belfast Agreement in 1998 who are affiliated to organisations on ceasefire. Under the Northern Ireland (Sentences) Act 1998 life sentence prisoners who fall within this category may be declared eligible for accelerated release by these commissioners provided they would not be a danger to the public if released.

The release of all other life sentence prisoners is now determined by Life Sentence Review Commissioners. Over a number of years the European Court of Human Rights has held that leaving decisions of risk and dangerousness in the hands of the executive after the punitive element of a life sentence – the so-called tariff period - has been served is in breach of Article 5 (4) of the European Convention on Human Rights which prescribes that issues regarding the lawfulness of detention can only be determined by a judicial body. A body of independent commissioners was thus appointed under the Life Sentences (NI) Order 2001 to determine issues of risk and dangerousness.

The seminar drew attention to two recent House of Lords cases that concern the procedures to be adopted in deciding life sentence cases. In *re McLean* the sentence review commissioners had revoked a declaration of eligibility for release made in McLean's favour after an incident while he was on pre-release from prison. In reaching their decision, the commissioners had appeared to place the burden of proof on the prisoner to prove that he would not be a danger to the public. This approach was challenged by McLean but the House of Lords held that the Commissioners had a statutory obligation to protect the safety of the public and had applied the statutory test correctly.

McLean's second argument was based on the fact that the commissioners had unfairly granted an application by the Secretary of State to rely on secret intelligence information which was not disclosed to him and appointed a special advocate to represent his interests when he and his legal representative were excluded from the proceedings. But the House of Lords considered that there had been no unfairness to McLean as he had been given the gist of the case against him and the commissioners had declared that they had taken no account of the damaging information submitted to them because it was not necessary to do so to reach its decision.

This decision left the possibility of a future challenge open in a case when the commissioners did rely on damaging information. But on the same day the House of Lords ruled in *Roberts v Parole Board* that there were situations when the Parole Board – the body in England and Wales charged with similar functions as the life sentence review commissioners - could compatibly with Article 5 withhold information relevant to a prisoner's case from his legal representatives and use a special advocate instead to represent his interests. Again emphasis was put on the importance of the statutory functions at stake. In order to discharge its function the Parole Board had to be able to obtain access to the full information and if, in order to do this, it was necessary to protect certain sources from disclosure, then this may have to be done.

In a strong dissenting judgment Lord Steyn invoked a Kafkaesque image. He described the situation of a prisoner being unable to answer allegations because of being kept in the dark about them and considered that "a phantom hearing involving a special advocate" could not meet the minimum standards of fairness that were necessary under Article 5(4).

These cases starkly illustrate that the kinds of safeguards that are available to prisoners in life sentence hearings are not the same as those available to defendants in criminal cases. Although for the purposes of Article 5(4), they are entitled to have the lawfulness of their detention determined by a judicial body, this body differs from a court in that it has been given a precise statutory function to determine whether a prisoner is a danger to the public. In these circumstances, the Secretary of State does not have to prove that the prisoner is a danger to the public in the manner that the Crown must prove a defendant's guilt and it would seem that the tribunal may be able to act on the basis of information against the prisoner that has not been disclosed to him.

John Jackson
Life Sentence Review Board

Sleight of hand?

Legislation currently before parliament has wrongly and misleadingly been called the 'on-the-runs" legislation. The Northern Ireland Offences Bill, however, clearly deals with many more perpetrators than the 100-150 people who are thought to be 'on the run'. Accordingly, without explicitly claiming to do so, this draft legislation is an attempt by government to comprehensively address the past. As such, it is worrying, and is an initiative that CAJ believes that parliamentarians should resist.

CAJ has previously engaged with the international principles that should apply to any "dealing with the past". In a submission to the committee debating the legislation - we have encouraged MPs to measure the legislation and any draft amendments against those international principles, some of which are addressed below.

Who does it apply to?

The legislation clearly applies to "on the runs" ie those believed by the authorities to be guilty of offences committed in Northern Ireland who have not been made fully amenable to the criminal justice system here. The provisions do not apply to non-conflict related offences, and government intends this legislation to apply to all the unsolved crimes of the Troubles. In other words, the legislation could apply to thousands rather than hundreds of perpetrators. It is also now obvious that government intends to address state and non-state agents at the same time. The extent of the coverage of this legislative measure is important because it is necessary to understand how this Act will complement or run counter to other initiatives such as the work of the Historic Enquiries Team, and because the state has a particular international responsibility regarding the actions undertaken in its name by its agents.

Independence

As it currently stands, the draft legislation gives extensive powers to the Secretary of State - on appointments, disclosure, and issues of anonymity and subsequent publication of the findings. These provisions would seriously undermine any concept of independence.

Accountability

On the level of individual wrong-doing, the principle of transparency is only met in part. The individual must formally apply for consideration under the legislation and will be publicly adjudged guilty or innocent. It is not however clear on the face of the legislation how much the routine work of the Special Tribunals will take place in public, and there are indeed opportunities for the Tribunals to act in private. Moreover, and very worryingly, the procedures laid down in the legislation allow for extensive deployment of "national security" considerations, which could be particularly problematic in the case of state agents. Changes will need to be made to these provisions in the debate if the alleged wrong-doing of state agents in particular is to be subject to proper scrutiny.

Amnesty?

The extent to which this legislation amounts to an "amnesty", is already a matter for heated political debate. In human rights terms, it seems clear that the provisions do not amount to a blanket amnesty, since everything short of actual time in prison occurs, as it would in any normal form of due process.

Voluntary process and acknowledgement

As drafted, the legislation appears to foreclose any alternative legal avenues being explored by victims. At best, it is likely that individual wrong-doing is acknowledged, but there is no opportunity for looking at any institutional wrong-doing. Opinions differ regarding the extent to which even individual wrong-doing is acknowledged, but there are no fixed international human rights rules on this point.

Hierarchy of victims

Firstly, there is the problem that victims who had seen perpetrators pass through the criminal justice system prior to the Agreement also saw those people punished by a certain length of imprisonment, but victims in future will have no such reparation offered them. All those families now relying on the Historic Enquiries Team to find the perpetrators will know that extensive efforts will result in no direct reparation. Secondly, victims of state abuses are likely to be very suspicious that this mechanism has been established (at best) to ensure that individuals shoulder the blame for what often appeared to be government policy.

The way forward

We need a broader comprehensive framework for dealing with the past. It is vital that this legislation be seen as part of a building block of measures that would allow victims, and society in general, to address the problems of the past. It is particularly unfortunate that this legislation has been introduced in what looks like an attempted sleight of hand.

Any initiative to deal with the past must command wide public confidence – this legislation clearly does not do that.

The UK's rec

In November of last year, we reported on the fact that the UK government was being examined by the UN Committee Against Torture on its compliance with Convention Against Torture. At the end of that process, the Committee took the unusual step of asking the government to report back within one year on the steps it had taken to implement a number of specific recommendations of the Committee.

That year has now come around, and the government is currently finalising its response. The parliamentary Joint Committee on Human Rights has also taken the opportunity to inquire into the government's performance in this regard, and CAJ was invited to testify before them on issues specific to Northern Ireland. CAJ was able to use its response to the UNCAT one-year review to raise a number of issues.

Emergency legislation

UNCAT's Concluding Observations last year included comments on:

(i) the incomplete factual and legal grounds advanced to them justifying derogations from the government's international human rights obligations;
(ii) the resort to potentially indefinite detention under the Anti-terrorism, Crime and Security Act 2001 ;
(iii) the uncertainty surrounding the reliance on evidence which may have been obtained by torture; and
(iv) the need to strengthen independent periodic assessment of the ongoing justification for emergency provisions;

CAJ expressed surprise and disappointment that rather than address these points, the government instead appears to be moving towards even more draconian emergency legislation, which rather than address the Committee's concerns, ignores them ands directly contravenes government's international human rights obligations.

CAJ believes that many of the lessons of Northern Ireland could usefully be applied to other jurisdictions as they engage in an international "war on terror". Northern Ireland has had a long history of the use of emergency laws and the practices and powers they contain. The learning from Northern Ireland should be that this type of legislation did not work, and we are therefore surprised and disappointed that the UK government appears to be replicating many of the errors of the past.

We are particularly concerned that the duration of government's various anti-terrorism proposals in Northern Ireland has been extended, and that though in future the jurisdiction may lose its particularity, this is only because the provisions it previously experienced have now been applied in all UK jurisdictions. We believe that such a move would effectively reintroduce through the back door powers and practices that have proved both contentious and unsuccessful in Northern Ireland; that this would be a retrograde step; and that it could prove destabilising to efforts to build a more secure and peaceful society here.

Adequate investigations

UNCAT expressed concern that investigations carried out by the government into a number of deaths by lethal force, had failed to fully meet its international obligations. This was particularly true for those deaths which occurred before the introduction of the Human Rights Act. UNCAT had recommended that the government take all practicable steps to review investigations of deaths by lethal force that have remained unsolved. Regrettably, CAJ found little progress to be reported in this regard. In particular we highlighted a number of pressing issues.

For example, the introduction of the Inquiries Act 2005 effectively closes down public inquiries as we know them by placing inappropriate power in the hands of a minister whose very actions may be under investigation. We believe that it is highly questionable whether inquiries established under this Act would be compliant with Article 2 of the ECHR, and thus whether the government is meeting its obligations in this regard as UNCAT has recommended.

CAJ represented a number of the families in the European Court of Human Rights that led to its finding that the government had violated the right to life of the individuals concerned and that article 2 of the Convention had been breached because of government's failure to hold an effective official investigation into the deaths. The families' attempts to pursue domestic implementation of this decision have met obstacle after obstacle. The European Court was also concerned with the proper scope of inquests and the decision in McKerr has left the effective investigation of suspicious pre-2000 deaths in limbo in this regard.

Historic Enquiries Team

The Police Service of Northern Ireland (PSNI) have recently established a Historical Enquiries Team (HET) to investigate unsolved deaths which occurred prior to the Belfast/Good Friday Agreement in 1998. CAJ has raised a number of issues about this process, for example, what lines of accountability and responsibility are in place from the Historical Enquiries Team to the Chief Constable; and

ord on torture

whether the lines of authority are direct or are mediated through PSNI officers who served previously in the Royal Ulster Constabulary and who might be expected to retain some loyalty to that institution and to former colleagues. This situation has been further compromised by the recently proposed Northern Ireland Offences Bill (see page 3).

Plastic Bullets

UNCAT has previously taken an interest in the use of plastic bullets or plastic baton rounds (PBRs) in Northern Ireland, and indeed called for their withdrawal in their Concluding Observations in 1998. In its Concluding Observations last year, UNCAT welcomed the fact that no baton rounds had been fired by either the police or army in Northern Ireland since September 2002. Unfortunately, however, the moratorium came to an abrupt end in the summer of this year, 2005. 22 were fired in July and 4 in August, but on 10th September, almost 400 appear to have been discharged. There are conflicting and contradictory statements on the exact figures, but it is clear that a number of injuries were caused by the firing of AEPs, including to children.

While acknowledging the serious situation faced by the security forces on the latter occasion, CAJ continues to oppose the use of plastic bullets. Moreover, we believe questions need to be asked as to whether the number of AEPs fired was proportionate. Each weapon is potentially lethal, so the discharge of several hundred bullets in one night warrants very close scrutiny. While each police discharge of an AEP is subject to investigation by the Police Ombudsman for Northern Ireland, the sheer numbers and intensity of firing will presumably make it difficult to ascertain whether the guidelines for their use were followed in each instance. Moreover, the army fired a substantial proportion of all those discharged, but military use of the weapon is not routinely subject to the same standard of scrutiny - there is no oversight provided by a Policing Board, or a Police Ombudsman, and there is a certain level of legal ambiguity surrounding army actions undertaken when they are operating in a police function and under PSNI authority.

Powers of the NIHRC

UNCAT recommended that the NIHRC be designated as one of the monitoring bodies under the Optional Protocol. Almost immediately in the wake of the UNCAT recommendation, government made a commitment in December 2004 to extend the powers of the NIHRC in this regard, but nothing more was heard of this commitment until very recently. However, nearly a year later (16th November 2005), government published a consultation paper about the powers of the NIHRC.

In the consultation paper, the government agrees that it is right to give the Commission the power to access places of detention to assure itself that human rights are being protected or to investigate an alleged violation of human rights. However, it then goes on to state that it would not be right for the Commission to duplicate the work of other bodies with similar powers or to cause undue disruption of the services provided by these bodies, or indeed to the places of detention they inspect. The consultation document therefore states that provisions will need to be included which ensure that the Commission uses the proposed power appropriately.

CAJ agrees that it is important that investigations carried out by the Commission do not duplicate the work of other bodies. However, a Human Rights Commission has a clear and distinct role in investigating human rights practices, which does not fall within the direct remit of other bodies. It is therefore crucial that they are allowed to carry out such investigations properly and without obstruction. Unfortunately, we feel that the proposals put forward on limiting this power have serious implications for its overall effectiveness.

Detention Conditions

UNCAT expressed concern about reports of unsatisfactory conditions in some detention facilities, and mentioned particularly the unacceptable conditions for female detainees operating in Hydebank Wood, and recommended that an action plan be developed to address these. The Criminal Justice Inspection for Northern Ireland (CJINI) has since further investigated prison conditions and found them to be seriously inadequate. The press release issued by the CJINI noted that the Prison Service had accepted 'all' of the Inspection's recommendations, whereas the press release from the Prison Service noted that they had accepted 'most' of the recommendations. We were particularly worried to hear the head of the Prison Service in a media interview responding to concerns by asking the public whether they really wanted their money spent on building a new prison for women. The clear implication of the interview was that this was a large but possibly unnecessary, and very likely unpopular, use of public monies.

Full copies of the submission are available from the office or on our website – www.caj.org.uk

European Civil Liberties Network

It is a cold climate for civil liberties and human rights. The abuses at Guantanamo Bay, Abu Ghraib, Camp Cropper and Bagram Air Base have proved to be part of an institutionalised response to the 'war on terror'. Alongside the disdain shown by the US Administration and its allies to the Geneva Conventions has been a fast developing acceptance that in certain circumstances inhuman and degrading treatment and torture can be an acceptable means of interrogation. As the debate rages the evidence mounts that rendition is being used to ghost prisoners to torturing states to extract evidence on the allies' behalf.

Meanwhile civil liberties and human rights continue to be compromised within advanced democratic states. In March 2004 the European Committee for the Prevention of Torture visited the UK to examine the treatment of those interned under the hastily written 2001 legislation. They found: serious threat to mental health resulting in psychiatric illness (depression – stress disorders – suicidal ideation); ill-treatment including prisoners held naked, solitary confinement, lack of heating, abuse, ridicule and racism; inappropriate use of Broadmoor Special Hospital; internment without trial or prosecution for an indefinite period amounting to inhuman and degrading treatment; and lack of access to appropriate legal representation and medical care.

These concerns came to a head in December 2004 when the House of Lords ruled that the detention measures were disproportionate and discriminated unfairly against foreign nationals. Then the Council of Europe Commissioner for Human Rights expressed concerns regarding the 2005 Prevention of Terrorism Act. He concluded that the Home Secretary's new powers concerning control orders did not meet the procedural protections of the criminal courts potentially breaching Article 5 of the ECHR regarding unlawful detention. Further, although control orders are not regarded as criminal justice orders, effectively they relate to activities that are 'criminal', receiving equivalent sanction thus compromising Article 6 and the right to a fair trial. Gil-The Commissioner was concerned that the 'ordinary criminal justice system' would become substituted by a 'parallel system run by the executive'.

None of this cut any ice with the UK Government but at least its plans to introduce legislation to curb the 'glorification' and 'incitement' of terrorism, with up to three months detention without trial, failed spectacularly. But the EU landscape has shifted with the introduction of finger-printing and biometric cards for all third party nationals resident in the EU, their details on national data bases; telecommunications surveillance; movement surveillance; visa information system; biometric data storage and full surveillance through compulsory enrolment; and exchange of information between states affirming the principle of availability.

In this climate the European Civil Liberties Network has been established on-line (www.ecln.org). Its founding statement calls for a collective response to counter the attack on civil liberties and democracy:

'We share common objectives of seeking to create a European society based on freedom and equality, of fundamental civil liberties and personal and political freedoms, of free movement and freedom of information, and equal rights for minorities. This entails defending, extending and deepening the democratic culture – a concept not limited to political parties and elections but embracing wider values of pluralism, diversity and tolerance. And we share too a common opposition to racism, fascism, sexism and homophobia.

The defence of civil liberties and democracy also requires that positive demands are placed on the agenda. For example, respect and rights for all people, cultures and their histories, for the presumption of innocence and freedom from surveillance and the freedom to protest and demonstrate.

At ECLN's launch Tony Bunyan stated that the 'war on terror' is here to stay and the Network must be considered a long term project. It is geared to building 'supporting' groups, to developing automated 'news-feeds' and to provide information on publications, meetings, conferences and campaigns. It is open to all who endorse its founding statement: lecturers and students, researchers and activists, lawyers, journalists, trade unions, individuals and groups. It is committed to breaking down national barriers so that people can learn about struggles and issues in other European countries and at the EU level.

The ECLN and its 'Noticeboard' is open to all to put their work online. Groups and organisations can sign-up as 'Supporters' without financial obligation. 'Supporting' groups will be listed with a link to their websites and RSS newsfeed, if they have one. ECLN will also help to create newsfeeds for groups. Individuals can sign-up to the 'Call for civil liberties and democratic standards in Europe' and their name and country added to a list. Finally, ECLN has established an expanding journal of essays as an up-to date source of informed debate on current rights and liberties issues.

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Gender Injustice

Anne Marie Cotter Mooney's wide-ranging study originates in an ethical concern with persistent gender inequality evidenced in the fact that women constitute 70% of the 1.3 billion who currently live in poverty globally.

In Chapter 1 the author notes women's growing economic independence and participation in the workforce. However, she also emphasizes that while globalisation has provided certain opportunities for women, the quality of the employment available falls short of international standards and lags behind the opportunities open to men. Cotter Mooney argues that such gender injustice can and must be ameliorated through social reforms wherein the 'law is powerful tool which can be used to better society.'

Cotter Mooney sets out in the second chapter her overarching approach to the topic at hand. This is informed by feminist legal theory which 'examines the ways in which law reflects and reinforces social, economic and political structures', treats women as addendums to male property owners and breadwinners, and/or instrumentalises them as the 'means of human reproduction' and/or as 'sexualized objects for men's benefit.' More specifically, the author offers a gender analysis of employment issues that highlights the links among pay inequality, gender segregated labour markets, and sex discrimination in employment. She calls for the integration of 'equal value' and 'wage solidarity' approaches to combating such gender injustice. The former, traditionally associated with feminist movements, is concerned with rectifying the historic undervaluation of women's work by seeking 'equal pay for work of equal value.' A 'wage solidarity' approach focuses primarily on class-based inequalities and seeks to raise the wage floor while also challenging wage differentials linked to gender or race.

Integrating the two approaches, Cotter Mooney argues, demands the redistribution of domestic responsibilities between men and women and the transformation of work practices and regulations to protect the employment rights of men and women part-time or temporary workers, including those who seek to combine family responsibilities with paid work. This is especially critical in an era of globalisation, where women are increasingly entering paid employment on an informal, temporary, and part-time basis.

A third chapter focuses on the global level, provides a useful overview of the most important UN treaties and standards addressing 'gender injustice' with particular reference to women's economic and employment rights. This includes brief discussions of relevant provisions in a range of UN and ILO treaties and lengthier explorations of the role of the UN Women's Convention (CEDAW) and the 'women and the economy' section of the UN Beijing Platform for Action (1995) in challenging gender injustice. Chapters 4-6 and 8 offer a series of country studies that outline the status of women in each country, describe the main domestic legislative provisions in the areas of equality and human rights and, in some cases, consider the national-level impact of international standards. The countries/regions covered include: Australia and New Zealand, Africa, South Africa , Canada, Mexico, United States, and the United Kingdom and Ireland, including sections on Northern Ireland and Republic of Ireland. The latter call for greater 'gender proofing' of higher-level promotions and recruitment in the UK and Ireland and a wider 'gender mainstreaming' strategy that is 'comprehensive, cross-cutting...and long-term...[to] redress existing and emerging inequalities between men and women' across the UK and Ireland.

Gender Injustice also contains studies of two regional initiatives and their implications for women's social and economic equality: the North American Free Trade Agreement and the European Union. In addition to tracing the emergence of NAFTA and the political economy of its provisions, Chapter 7 underlines the ways in which 'women become losers in the reorganization of production for export' and warns of the dangers of seeing free trade as an end in itself rather than a means to wider equality and employment. In contrast, Chapter 9 highlights how the EU has played an important role, especially through its directives, in ending gender discrimination and fostering 'real commitments' to 'equal pay and equal treatment' among member states.

In many ways, "Gender Injustice: An International Comparative Analysis of Equality in Employment" offers more than its title suggests. It explores a wide range of legislative and policy provisions at global, regional, and national levels that are concerned with promoting women's equality. While the book is a very valuable resource for anyone interested in women's human rights through an economic or comparative lens, it has a number of weaknesses. The writing style is very dense in places. Many of the chapters devote too much space to descriptions of legislative provisions and not enough to analyses of their application within the critical, action-oriented, reflexive legal framework that the author advances in her introduction. Overall, however, this is a very valuable contribution to the field, one that any researcher with an interest in the area is likely to revisit regularly.

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Gender injustice : an international comparative analysis of equality in employment / Anne-Marie Mooney Cotter; Aldershot : Ashgate, 2004

Civil Liberties Diary

November 4 The number of racist attacks on migrant workers has risen according to figures released by the Anti-Racist Workplace. A total of 813 were reported to the PSNI in 2004/05 – a rise of 79%.

The SDLP have demanded that the community restorative justice schemes must have a fully independent complaints system. NIO minister David Hanson has said government would not back schemes in republican areas without police involvement saying he would not approve a two tier system of justice.

November 9 A Bill proposed to deal with the issue of "on the runs" was published – under it those wanted for offences committed before the Agreement in 1998 will not be prosecuted. However, it also includes offences committed by the security forces.

November 10 The government is defeated was a vote on plans to allow police to detain terror suspects for up to 90 days rather than the existing 14 days. MPs voted instead to extend the time limit to 28 days. In total 49 Labour MPs voted against the controversial measures, including 12 former ministers.

November 14 Policing Board vice chair Denis Bradley has suggested that in future under a proper human rights culture the police recruitment quotas for Catholic and Protestant officers should be phased out.

November 16 Relatives of murdered solicitor Pat Finucane urged the Irish government to consider mounting an international legal challenge against the British government for failing to carry establish a Cory compliant inquiry.

November 17 The UK government published a consultation paper on proposed additional powers for the Northern Ireland Human Rights Commission.

November 18 The Dail sub-committee on Human Rights heard from the Human Rights Consortium, that a Bill of Rights for NI is being held up by some resistance in the British government. Despite the recent derogations from civil and political rights on the international scene, it is hoped such a bill could extend rights into social and economic areas.

The NI Policing Board is to investigate why it took the security forces 16 months to inform 400 republicans that loyalist paramilitaries had acquired their personal details.

The NIO published information on the religious affiliation of senior civil servants in each of the ten government departments. Although Catholic participation is up it is still lower than the Catholic proportion of wider society.

November 21 A sexual assault research poll revealed that 30% of people in Northern Ireland believe a woman is partially or totally responsible for being raped if she has behaved in a flirtatious manner. Victims' groups have pointed to the findings as further evidence of the blame culture that can surround sexual crime.

November 22 British Irish Rights Watch has expressed grave concern at legislation allowing people who committed offences before the Good Friday Agreement to avoid prison sentences.

The Secretary of State announced the results of the Review of Public Administration which will see Councils reduced in number from 26 to 7 and a major overhaul of other public bodies in the field of health and education.

The Secretary of State announced that the Billy Wright Inquiry is to be converted to one operating under the Inquiries Act 2005, despite opposition to this move from David Wright and a number of human rights groups.

November 25 The NI Policing Board announced the new independent members of District Policing Partnerships.

November 28 In an interview with the Irish News, Nuala O'Loan, assured the public that the controversial "On the runs" legislation does not amount to an amnesty. She also confirmed a major new investigation into the UVF murder of Raymond McCord and warned that the entire criminal justice system runs the risk of very serious compromise if CRJ schemes operate without independent scrutiny.

November 29 A study produced by Derry's Children Commission says that one third of the city's children are living below the poverty line.

November 30 The Secretary of State announced the new appointments to the Parades Commission – Chairman Roger Poole and other members Mr David Burrows, Dr Joe Hendron, Mr Donald MacKay, Ms Anne Monaghan, Mrs Vilma Patterson and Mrs Alison Scott-McKinley will take up their posts in January.

Compiled by Mark Bassett from various newspapers.

Just News
Bulletin of the Committee on the Administration of Justice
Human Rights in Northern Ireland

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