

Just News

Human Rights in Northern Ireland

Rights and Reality – a Profile of North Belfast

The preamble of the Universal Declaration of Human Rights (UDHR) states that “all human beings are born free and equal in dignity and rights”. The Declaration then goes on to set out a series of rights that should ensure such freedom and equality. An important new document being launched on 26th January by the Participation and Practice of Rights Project clearly demonstrates that those born in north Belfast face a rather mixed bag when it comes to meaningful realisation of the ideals and promises of the UDHR.

The document contains a statistical Profile of North Belfast that examines basic necessities such as housing, education, health and employment, all of which are rights protected under the Universal Declaration of Human Rights. The Profile clearly highlights the gap between the government’s promises to protect these rights and the reality in north Belfast. More practically, the Profile brings together multiple statistics (mainly from the most recent census) focused on one of the most deprived areas of Northern Ireland, and seeks to put this material at the disposal of those who want to use such information in an emerging campaign to assert human rights at the local level.

The Profile was prepared by CAJ volunteer Ciaran Fox as part of the work in north Belfast under the Participation and Practice of Rights project (PPR). The aim of this project is to encourage and support excluded and marginalised communities to use a rights-based approach to both identify and redress the social, economic and other inequalities that affect their daily lives. Individuals and community groups from across North Belfast, including New Lodge, Mount Vernon, Ligoniel and Ballysillan have assisted in the development of the Profile, and most importantly in exploring how a Profile of the area could be used to bring about change in their area.

The value-added of this Profile – which is after all just a gathering together of statistics that are available in a variety of different official publications – is its contribution to developing a rights based approach to change. A human rights approach emphasises the accountability of policy-makers and other actors whose actions have an impact on the rights of people. Rights imply duties, and duties demand accountability. Another central premise of a

rights-based approach is a recognition of the principles of equality and non-discrimination. This recognition helps to highlight the fact that a great deal of poverty originates from discriminatory practices. A human rights approach to poverty reduction also attaches great importance to the processes whereby goals are achieved (i.e. participation and transparency) as well as to the final goals themselves (i.e. reduction of poverty, ending social exclusion).

The content of the Profile is practical and accessible, and begins by highlighting the obvious fact that North Belfast contains a patchwork landscape of communities from different political, religious, economic and social backgrounds. It records the experience of an area that has been severely and disproportionately affected by the conflict, and the fact that at least one consequence of this experience is a high degree of segregation along politico-religious lines. Such segregation is particularly apparent in poorer areas and these divisions – reducing the opportunity for employment, travel, social interaction – clearly contribute to the experience of economic deprivation.

Across a broad range of indicators these same areas are consistently seen to be among the most deprived communities in Northern Ireland. In fact, wards in North Belfast consistently feature in the top 10% of most deprived wards across the whole of Northern Ireland. However, another striking feature is the gap that exists between rich and poor – north Belfast also has some of the most affluent areas in Northern Ireland. The experience of applying the Profile locally (see on) is that some wards have a mix of rich and poor areas living side by side, and that looking at the overall ward figures does not always give an accurate reflection of the levels of poverty that exist within that ward. This obviously has dire consequences for groups working

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Devolving criminal justice and policing powers – some thoughts

The possible devolution of criminal justice and policing has been on Northern Ireland's political agenda for some time. In February 2003, Just News carried an article setting out some questions and issues related to the human rights aspects of this debate.

On the basis of these questions, CAJ embarked upon on a major piece of international research to try to ascertain some of the answers, and in that way inform any work that might be done in this area. This report is close to fruition, and further details will be given in future editions of Just News. In the meantime, what follows is a synopsis of the work undertaken and some of the key features of the report.

When one considers the devolution of criminal justice and policing powers, the first question that naturally arises is – what model would be adopted in NI? Would there be a single department and thus a single minister? Rotating ministries? A department with separate sections and ministers? However, the focus on these questions is usually from a political point of view, in terms of who gets the power? While this is an important focus for others, CAJ, for its part, was more interested in how power would be exercised in a way that would be transparent and accountable, and uphold human rights standards.

In selecting countries for the purposes of our comparative analysis we identified the following criteria in determining useful country comparators:

- ☞ countries with divided societies or a history of conflict;
- ☞ countries with experience of federal or decentralised structures of government;
- ☞ countries which have recently undergone a process of reforming the administration of criminal justice and policing functions; and
- ☞ countries which have had either success or failure in integrating distinct political, religious, ethnic and linguistic groups.

On this basis we selected Belgium, Canada, South Africa, the Basque Country and Scotland. We initially recruited experts from several of these countries to produce a detailed written report on the application of our key research questions to the experience of the country in question. In the case of Scotland we conducted our own desk/background research and in the case of all reports, we carried out a literature review in relation to all of the countries under consideration. Additional field visits were carried out in South Africa, Belgium and Scotland.

A wealth of information was gathered, and the report, after an introduction setting out the context for this debate, will consider the governmental models that could potentially accommodate the devolution of justice and policing powers. In doing so, it addresses how to regulate any such model by effective and wide ranging human rights and accountability/oversight mechanisms. It also evaluates safeguards that have been built into governmental systems in other jurisdictions and consider the application of these to Northern Ireland.

A further chapter will focus on a variety of measures that can be taken by criminal justice organisations to embed a culture of human rights, and respond effectively to institutional resistance to change. In particular, it evaluates the implementation of the recommendations of the Criminal Justice Review and assesses the implications of the pace of change in this area for the potential devolution of justice functions.

The next focus is on determining the statutory and other powers that would accompany the devolution of justice and policing powers to Northern Ireland and those which would remain within

the competence of the Secretary of State. It draws attention to some of the potentially problematic and destabilising aspects of the retention of national security and emergency laws. It looks at how the government might go about reducing these problems by analysing the treatment of national security issues in other devolved or decentralised countries and the measures taken to promote co-operation between the regional/provincial and central tiers of government.

The final chapter looks to the positive opportunities that the successful devolution of justice and policing powers to Northern Ireland could have for the treatment of crime and response to public safety. It discusses a number of innovative practices in the justice field that have been attempted by other jurisdictions, with both good and bad consequences.

Although very recent developments may set back the political discussions of devolution of criminal justice and policing powers which, before Xmas, had seemed imminent, CAJ believe that this report will be a valuable and timely contribution to the debate when it occurs.

Certainly, the experience of a similar piece of work we carried out on policing change, "Human Rights in Duty", which was published just before the 1998 Agreement was that it provided an extremely useful reference point for CAJ and others in informing every stage of the subsequent policing debate .

Hopefully our criminal justice research will prove an equally important contribution to ensuring an effective, fair and human rights compliant model for devolving policing and criminal justice. Watch this space!



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in those areas whose funding applications etc are judged on need as assessed by ward statistics.

The Profile contains sections on employment, health, education, housing and social environment. Some startling statistics arise under each section, particularly when viewed in light of the corresponding rights. For example, articles 23 and 26 of the UDHR on the right to work and education respectively, ring hollow for the people in one north Belfast ward where 68% of the population is in neither employment or education. In the worst 6 wards of north Belfast, average employment levels are at 34%, compared to the NI average of 56%. In one North Belfast ward, only 12% of school leavers secured 5 or more grades A-C in 2001 (the NI average is 58%). Article 25 on the right to health is even more of an empty promise for the 42% in one ward who have a limiting long-term illness (compared to an NI average of 20%). The challenges facing the area are all the more apparent when one realises that the NI averages cited are far from ideal when compared to other jurisdictions.

It is hoped that the Profile will be used by individuals and groups in the area to support their current work, and encourage them to adopt a rights-based approach in doing so. The appendix to the Profile contains information on how to find the statistics relevant to even more localised areas, and the project hopes to develop further training on this. In addition, a leaflet summarising the Profile and highlighting the work of the project to date, entitled "Many hands make rights work" has also been produced and will be widely circulated in north Belfast.

Depending on how one views it, the Profile makes for quite a depressing read. However, the work ongoing in the Participation and Rights is starting to make linkages between those on the ground, and campaigners from different backgrounds (e.g. academia, trade unions, lawyers, community development etc.) to bring a rights approach to the challenges faced. Nearly sixty years ago, Eleanor Roosevelt, a key contributor to the Universal Declaration of Human Rights said:

"where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity; equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere".

North Belfast is leading the way to see whether the promise of human rights can really be delivered in one of the places where those rights are currently most violated.

Updates

Inquiries Bill

Further to December's issue of Just News, CAJ has made an additional submission to the House of Lords for the Committee Stage of the debate on the Inquiries Bill. This Bill, being speeded through parliament to ensure that it can be used in the inquiry into Pat Finucane - but with a much broader remit - is very problematic.

Parliament will no longer be able to establish an inquiry, and the Minister will have extensive powers to appoint the chair and panel members; establish the terms of reference; determine the extent to which the inquiry will be in public or not; and to suspend or terminate the inquiry in due course. CAJ has asked the Lords to oppose the legislation as it currently stands or to introduce a large number of amendments which will dramatically diminish the level of ministerial control. For further information, see CAJ's website, or contact the office.

Report by NI Affairs Commission on parades

The Northern Ireland Affairs Commission has issued a report on the Parades Commission and the operation of the parades legislation (see Just News, October 2004). At a quick skim, it endorses many of the issues which CAJ made in its own submission regarding the importance of keeping human rights considerations centre-stage in the Parades Commission rulings. In particular, the Committee recommended that the police not be given any increased role in the determination process; that no single article of the Human Rights Act be privileged; and that public order considerations not be separated from wider human rights considerations. For the full report see www.parliament.uk/parliamentary_committees/northern_ireland_affairs.cfm

CAJ Members & Subscribers

By now reminders for membership/subscription renewal should have reached you. However, as we are always looking for new members, we would be grateful if you would encourage family, friends or colleagues to join, or perhaps think about giving an annual CAJ membership to someone as a gift!



CAJ launched a manifesto-type document in March 1995 entitled “Human Rights: the Agenda for Change”. The agenda arose from extensive consultation involving a series of small expert seminars and a large public conference with over 200 people. Eighteen action points were elaborated, and this framework has been CAJ’s ‘barometer’ in the ten years since. The sub-title of the report was “Human Rights, the Northern Ireland Conflict, and the Peace Process”, and it seems very apposite – at this new and difficult phase of the peace process, and ten years on – to revisit that agenda and see what has been achieved and what remains to be done.

The Human Rights Agenda had five elements:

- ✍ Constitutional rights guarantees
- ✍ Legislative measures
- ✍ Institutional changes
- ✍ Dealing with the legacy of the past, and
- ✍ Building for the future

The key constitutional right guarantee was thought to lie in the widespread public debate about, and passage of, a Bill of Rights for Northern Ireland. It was noted that such a measure would not only facilitate the peace process because it was a good thing in and of itself, but because it might ease tensions and give confidence to all of Northern Ireland’s different communities. There was a firm demand for a strong international aspect in the drafting of a text.

Many legislative measures were also thought essential to the creation of a more just society that would treat

everyone fairly. The Agenda noted that many emergency measures had been introduced in the context of conflict that were not acceptable under international human rights law. Measures such as prolonged police detention, limitations on the right to silence, exclusion orders, non-jury courts, lower admissibility standards for evidence, extensive powers of search and seizure, were all emblematic of Northern Ireland’s past. Any new arrangements would need to remedy these attacks on civil liberties, and seek to redress the damage thereby caused to the rule of law.

Many civil liberties groups had long argued that no “threat to the life of the nation” existed which would warrant the emergency legislation being in place in Northern Ireland. The Agenda demanded in the short term that all emergency legislation be repealed, and in the longer term that there be a major overhaul of the criminal justice system.

This conclusion led to the third element of the Agenda – the need for institutional change. Recommendations were made that radical changes be made to “the mission, basic philosophy, powers and composition” of the police. The Agenda called for an independent, apolitical and effective system for dealing with police complaints and an overhaul of the old Police Authority to ensure greater accountability. The police, however, were not the only institution in need of change. “International experience seems to suggest that moments of transition can provide a unique opportunity to transform the judiciary” and the Agenda called for an examination of the process of selection to the judiciary, and the human rights training of judges, and the legal profession more generally.

The remaining elements of the Agenda addressed two distinct but intimately related topics: the need to deal with the legacy of the past and the need to build for a better future. Specific measures were recommended regarding the issues of prisoners, the investigation of lethal force incidents, miscarriages of justice, and the right to truth. Forward-looking strategies to

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develop a wider public ownership of the rights debate were also emphasised - with an attention to human rights education, tackling discrimination and disadvantage, and a greater understanding of the need for active promotion of equality. The very last agenda item is worth repeating in its entirety:

“Responsibility for human rights is, however, too important to be left to legal experts alone. Nor can one ever assume that basic rights have been permanently secured – vigilance is ever necessary. In our schools, places of work, homes, political and social organisations, there must be an understanding of, and commitment to, the protection and promotion not only of our own rights, but just as importantly, the rights of others”.

Looking back at the Agenda, ten years on, it is clear that much has been achieved. Most of these issues have been at the forefront of the discussions in recent years, and we have made some headway on most of the topics mentioned.

Whether we have made sufficient headway is much more questionable.

Specific demands

A Bill of Rights for Northern Ireland, for example, has been placed on the political agenda for the first time. While there has been support in principle for a Bill of Rights across a range of political parties, through the years, the topic was never one that attracted much debate, or which drew public attention. For all our criticisms of the current process of debate around a Bill of Rights, such a debate exists for the first time ever.



Business

Apart from the major changes agreed for policing and criminal justice, a variety of new institutions with greater powers than before have been created:

- ✂ the Police Ombudsman;
- ✂ the Policing Board;
- ✂ the Criminal Justice Inspectorate;
- ✂ the Oversight Commission and the Justice Oversight Commissioner,
- ✂ a newly created Northern Ireland Human Rights Commission,
- ✂ Children's Commissioner, and
- ✂ a single Equality Commission.

In legislative terms, there have been improvements in equality protections (anti-race discrimination legislation, hate crime measures, and equality mainstreaming) and simultaneously there has been an extraordinary popularisation of the rights agenda.

Now groups working on the concerns of older people and children, of migrant workers, of Travellers and others, work alongside women's groups, disability groups, faith groups, trade union activists and many others, and all feel comfortable with the label of "human rights activist". In the past, this 'label' might be used in a narrow definition of someone working on prisoner rights, or campaigning for legal change, but that is no longer the case.

While we still cannot say that human rights campaigning is a popular cause, it is much more widely owned than ever before – we are beginning to ensure that "in our schools, places of work, homes and political and social organisations" there is the beginnings of an understanding of, and commitment to, the rights of all.

Unfinished business

But the list of "unfinished business" is even longer.

The institutions have been created, but are they delivering change? More problematic still, are they working to uphold and extend people's rights, or are they being used to stymie progress by giving the semblance, but not the reality, of change.

Socio-economic rights are explicitly alluded to in the Agenda and the Agreement but it is very difficult to point to specific gains. It is however very easy to point to the many communities and individuals who have not experienced change. The Profile being launched this month in North Belfast (see front page) records that poverty, ill health, economic inactivity, inadequate and cramped housing, and the lack of educational qualifications are all rampant. The failure to tackle such human rights violations will have an impact not only on current but also future generations of local people.

On the legislative front, we have not succeeded in dismantling emergency

powers and the serious legacy they have left, and the events of September 11th are going to make change in this area more not less difficult in future. The political leadership around the world seems to be turning a blind eye to the lessons of Northern Ireland (ie that human rights violations solve nothing, but only serve to feed and fuel conflict).

Perhaps the real lesson of the intervening ten years is that change is difficult and resistance to change is often deeply entrenched. The premise of the 18-point agenda was that change was a prerequisite for a better Northern Ireland, but this view is not necessarily shared by all.

Those campaigning for human rights underestimate the opposition to their agenda at their peril and the long term solution must lie in building ever wider, deeper, and more effective alliances of shared interest.

New powers for NIHRC

The Secretary of State announced in December that the government had decided to give important new powers to the NI Human Rights Commission. In addition to agreeing that the Commission would in future be given powers to compel witnesses and documents, government agreed (in line with the November recommendation from the UN Committee Against Torture) that the Commission could visit places of detention.

While one must await the specific legislative text to ascertain exactly what these promised new powers will mean, the initiative was in principle a very positive one, and CAJ wrote in January welcoming

the move. Unfortunately, the move to grant the Commission more powers came too late to ensure a broad spread of high-calibre candidates for the posts of new Commissioners and Chief Commissioner, and government has recognised this to some extent by re-advertising the Chief Commissioner post again. Inexplicably, the initial deadline for applications was early January but, as a result of numerous interventions from CAJ and many others, this deadline was extended to 26 January. For details on the positions and CAJ's response, see www.caj.org.uk



Northern Ireland and the New York City Bar

During her recent visit to the United States, Maggie Beirne, CAJ's Director, gave an update on Northern Ireland for the Committee on International Human Rights of the Association of the Bar of the City of New York. The meeting, at which the other guest speaker, the former South African Constitutional Judge, Richard Goldstone, gave a report on Darfur, continued a nearly 20 year relationship between the Association and CAJ.

Earlier this year, the Association released a major report entitled, "The Northern Ireland Peace Process: Criminal Justice Reforms Six Years After the Accords." The report praised changes that had been initiated under the Agreement, but criticized the pace of implementation. The Association's third report since 1988, "The Northern Ireland Peace Process" reflects one of numerous ways in which one of the world's largest lawyers' organizations has sought to monitor and promote adherence to international human rights standards in Northern Ireland.

As with previous reports, the Association's latest effort is based upon a fact-finding mission, which in this case took place last May. The delegation featured a federal judge, a former president of the Association, a former Assistant District Attorney for New York County, a staff attorney for Human Rights First, and a student at Fordham Law School. The group interviewed dozens of government officials, barristers, solicitors, and human rights advocates.

The resulting report focuses on several related areas:

- 1) the criminal justice reform process;
- 2) incorporation of international human rights law;
- 3) reform of criminal prosecution;
- 4) judicial appointments;
- 5) police reform and the police ombudsman;
- 6) the maintenance of emergency laws;
- 7) the case of murdered solicitors Patrick Finucane and Rosemary Nelson; and
- 8) the role of the Bar Council and Law Society in criminal justice reform.

Policing

The report singles out policing as an exception to an overall pattern of unnecessarily delayed reform. Noting the importance of local and international scrutiny, the Committee praised the relative speed and transparency that marked the establishment of the Police Ombudsman's Office, the appointment of an Oversight Commissioner, and the drafting of new human rights codes. Among other things, the report nonetheless recommends that PSNI officers receive

expanded human rights training, that all alleged police misconduct be referred to the Police Ombudsman's Office, and that the Office aggressively investigate harassment of defense lawyers.

In most other areas, however, the report expressed concern about the slow pace of change. Leading this list is the establishment of the Public Prosecution Service. Although the Committee acknowledges the difficulties in reforming criminal prosecution, it concludes that there is no reason why certain measures cannot be implemented immediately, including: public consultation on codes of ethics and practice, issuing annual reports, speeding the introduction of an independent complaints mechanism, and publishing information about hiring and staff demographics.

The NY delegation expresses similar frustration with the failure to implement several important judgments of the European Court of Human Rights. In particular, the Court has found violations of the right to life in light of the failure to properly investigate the state's use of lethal force. The government has yet to re-investigate these cases in light of these judgments, even though most of the deaths at issue occurred decades ago.

Not surprisingly, the lawyers on the mission returned in profound dismay at the lack of progress in the cases of their counterparts Patrick Finucane and Rosemary Nelson. When the Committee's report went to press, the government had yet to act upon Judge Cory's recommendation that these cases be made the subject of long overdue independent public inquiries. No sooner had the Committee's report been released than it undertook follow-up work. In September, members of the delegation met in New York with Sir Joseph Pilling of the NIO.

Nowhere, however, did the need for further initiatives become more pressing than with regard to the Finucane case itself, which the Association has followed closely since the solicitor's murder in 1989. This Autumn CAJ and British Irish Rights Watch alerted the Association to the possibility that an inquiry to the Finucane case would be investigated under new legislation rather than the 1921 Act dealing with independent inquiries. At that time, the President of the Association wrote to Tony Blair expressing concern that this path would involve needless delay and might lack the necessary transparency and accountability.

Now that the Inquiries Bill has been introduced, those fears have been realized. Currently the Committee is at work on a paper critiquing the Bill with special reference to U.S. practices.

Prof. Martin Flaherty, Fordham Law School

Founded in 1894, the ABCNY has over 24,000 members practicing in over 50 countries worldwide. The Association's reports are available at www.abcny.org.



“Countering Terrorism and Protecting Human Rights”

This report is a reproduction of a submission that the NI Human Rights Commission sent to the Home Office in September 2004 in response to a discussion paper published by the latter in February 2004 entitled “Counter-Terrorism Measures: Reconciling Security and Liberty in an Open Society.” With the aim of encouraging further debate on the subject of countering terrorism while simultaneously protecting human rights, the Commission’s report covers matters such as the indefinite detention without trial of terrorist suspects, alternatives to this practice, stop and search powers and the use of special measures in NI.

Most significantly, the report also includes a list of 40 recommendations that, if implemented, could help to ensure that a better balance is struck between combating terrorism and protecting human rights in the UK.

Recommendations included:

Returning to the 1996 “*Inquiry into Legislation against Terrorism*”, in which Lord Lloyd laid out 4 main principles with which anti terrorism legislation must comply. The NIHRC recommends that another principle be added whereby anti-terrorism measures and their implementation “*should be subject to more effective democratic controls*” through the establishment of “*specific criteria*” to aid their review.

Another recommendation proposes that when making any changes to its anti-terrorism laws, the British government “*should pay close attention to the Council of Europe Guidelines on human rights and the fight against terrorism.*”

In tune with contemporary events, and consistent with the law lords’ recent judgment (on appeal) that the indefinite detention of foreign terrorist suspects could not be justified (even under Article 15 of the European Convention on Human Rights), the NIHRC recommends that any review of the 2001 Act “*should be expressly required to assess the need for ... the derogation.*” (p.10)

In this context and to ensure that the conditions under which terrorist

suspects are detained in the UK are “*humane*” and “*normal*” the Commission recommends that such “*matters should be regulated by an explicit set of rules*”. Along with Lord Carlile, the NIHRC advocates amending the definition of a “*terrorist*”.

On the possibility of altering the rules of evidence, the NIHRC recommends that evidence gained through interception (including telephone ‘tapping’) should be admissible in terrorist cases provided that “*the relevance of intelligence material ... to ... the defence ... can be decided at a separate judicial hearing at which the defence would be represented.*” and that evidence is not admissible if “*the prosecution cannot show it to have been obtained without the use of torture.*” Finally, the NIHRC advocates that “*consideration should be given to the enactment of statutory rules or codes of practice governing the conditions and safeguards under which prosecutions and convictions may be based on the evidence of anonymous witnesses, informers, accomplices and under-cover state agents.*”

Also notable is that under the heading “*stop and search powers*” (p.27) the Commission advocates that judicial officers should be responsible for confirming search orders under s.44 of the 2000 Act in order to prevent the abuse of these powers. It is also recommended that codes of practice relating to the practical operation of these powers should be amended to provide guidance to those “*operational officers, reminding them of available powers within and without the anti-*

terrorism laws and the possibility of switching between them.”

On the subject of “*Special Measures in Northern Ireland,*” (p.30) the Commission calls for the provisions under ss.72-73 of the 2000 Act (which allow the Secretary of State to decide the maximum period that may be spent in custody on remand) to be activated. Meanwhile, on the matter of granting bail, the Commission recommends that “*further consideration be given to empowering Resident Magistrates to grant bail.*”

Ultimately, the NIHRC is to be highly commended for making a valuable contribution to rights protection discourse in the current and challenging post-September 11th context in this report. The nature of the governmental responses (in the UK and elsewhere) to the 2001 attacks has been to produce and implement a raft of anti-terrorism measures within which the relevant state’s security concerns outrank any corresponding concern for the protection of the human rights and civil liberties of the individuals to whom the laws may apply. Rather than simply criticising the legislative measures adopted in the UK for the corrosive effect that they are having upon individual rights and freedoms in the UK, the Commission has responded realistically and constructively.

The reality in the wake of September 11th is that we need to develop an approach that enables a sensible balance to be found between maintaining security and safeguarding rights. It could reasonably be argued that the implementation of the recommendations put forward by the NIHRC in this report would take us a stop closer to finding such an approach.

Michelle Brown

NIHRC “*Countering Terrorism and Protecting Human Rights,*” (September 2004) ISBN 1 903681 48 0, 40pps.



Civil Liberties Diary

Dec 1 British Irish Rights Watch warns that proposed government legislation – Inquiries Bill (see page 3) - for the inquiry into the murder of Pat Finucane could be used to suppress facts. It allows matters of national security to be heard behind closed doors and empowers the relevant Minister to withhold from publication anything in the final report if he/she considers it to be in the public interest to do so.

Dec 3 A scheme by which police officers are compelled to declare their memberships of notifiable organisations is to continue despite court challenges.

A multi-agency offensive against hate crimes and particularly homophobic attacks is set up in Derry by the PSNI.

Dec 6 The Equality Commission calls on employers to help combat homophobic behaviour in the workplace.

Turkish born Musa Gulusen, a Belfast street trader, asks Police Ombudsman Nuala O'Loan to investigate an incident in which he has claimed PSNI officers racially abused him. After being arrested, though he protested that his licence was still pending, Mr. Gulusen was admitted to hospital for injuries including a broken arm.

Dec 7 The DPP reveals that a loyal order supporter whose car blocked the route of a contentious parade in Lurgan will not be prosecuted. His actions had meant that a Royal Black Preceptory March was redirected beyond a point legally permitted by a Parades Commission decision.

Dec 8 An Fhirine Families, a group of relatives of people killed in alleged instances of collusion between loyalists and state forces address a session of the European Parliament.

Dec 10 Former soldier Mark John Pilling is jailed for six years on terrorist offences.

Dec 13 NIO Minister Angela Smith is to be asked to investigate why women do not hold top positions in local Councils, as there is no female chief executive in any of Northern Ireland's District Councils.

Dec 14 The Sentence Review Commission, which oversees the early release scheme, informs Ken Barrett, who was convicted of the murder of solicitor Pat Finucane, that he is not entitled to early release because he is not serving his sentence in Northern Ireland. He may now serve a sentence of up to 22 years.

Oversight Commissioner Al Hutchinson voices concern that plans to recruit more Catholic civilian staff to the PSNI are not working. Figures show only a slight rise over the last four years.

Dec 15 High Court rules that British troops on foreign operations are bound by the Human Rights Act, which bans torture and the inhuman and degrading treatment of prisoners.

Lord Woolf tells MPs that the Lord Chief Justice should have a veto over decisions to appoint judges to head public inquiries. He tells the Public Administration Select Committee that he feared that judicial independence and public confidence in the judiciary could be damaged if a judge were appointed to head an inquiry into a politically sensitive matter.

Dec 16 NIHRC calls for changes to the law to improve the rights of people under arrest. The call relates principally to granting compensation in cases where rights of access to a solicitor, for example, have been abused.

Dec 17 Bloody Sunday Inquiry is to reconvene to hear evidence of one more witness, one month after it came to a formal end.

The House of Lords, by an 8-1 majority, holds that the indefinite detention without trial at Belmarsh Prison of foreign terror suspects is unlawful

under the ECHR. Lord Hoffman in condemning the Anti-Terrorism Crime and Security Act, 2001 wrote, *"The real threat to the life of the nation... comes not from terrorism but from laws such as these"*

The ban on an unnamed 55 year-old woman from living with her husband full-time must be lifted says Lord Chief Justice Brian Kerr in Belfast. Homefirst Community Trust had been appointed as her legal guardian after she received psychiatric treatment for brain damage and had required her to spend three nights a week in residential care.

Dec 21 Department of Health figures show lung cancer rates are nearly 60% higher in Northern Ireland's most deprived areas.

Compiled by Mark Bassett from various newspapers.



JustNews welcomes readers' news, views and comments.

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