Bulletin of the Committee on the Administration of Justice

Just News

Human Rights in Northern Ireland

January 2007

Commission unimpressed with Justice Bill

Be it reindeer-themed knitwear or that third copy of Nigella – at this time of year, many of us have unwanted gifts to take back to the shop. Queuing up at the Westminster equivalent of the customer service desk is the Northern Ireland Human Rights Commission, hoping to replace the powers presented in the Justice and Security (NI) Bill with something a little more appropriate.

Having waited so long for a substantive response to the 2001 review, the Commission's hope was that the legislation would at least grant it the right to enter places of detention and power to compel evidence. Both are, strictly speaking, in the Bill, but the powers are so hedged around with procedural requirements and appeal mechanisms as to be of limited practical value.

The Bill offers access to places of detention (for example prisons, holding centres and psychiatric hospitals) within terms of reference for very strictly defined "investigations". A minimum of 14 days' notice must be given to the institution, and there is no right of access for research work or for any of the Commission's other functions, such as following up individual complaints.

The Commission has experience of its staff being refused access for research, and there will always be human rights issues that fall outside the (non-statutory) remit of the Prisoner Ombudsman or those of the other agencies overseeing places of detention. The UN Committee Against Torture has proposed that the Commission be part of the UK's "national preventive mechanism", but it can hardly fulfil that function on the basis of needing permission or giving two weeks' notice for access. If the Bill goes through, Council of Europe staff will continue to have much freer access to prisons in Northern Ireland than the NIHRC.

The "investigations" envisaged by the Bill are quite different from the more flexible model of research that has been pursued to date by the Commission in the absence of investigatory powers. For example, precise and time-bound terms of reference have to be devised and communicated to everyone with a potential interest. Any such person can apply to the County Court to have the terms of reference amended or struck down – a provision which potentially violates the UN's Paris Principles which say that a human rights institution should be able to "freely consider any questions falling within its competence".

In this context, we note that the Commission is also firmly steered away from dealing with the past. The power to compel evidence does not apply to any matter which occured previosly. The Commission could only require the production of evidence on or after 1 January 2008, and only about things that happen on or after 1 January 2008.

At present and until the Bill is enacted, the Commission can investigate any matter where it considers that human rights issues arise. If the Bill takes effect as drafted, certain matters become off limits. For example, the Commission cannot, regardless of whether it wants to use the new powers, investigate any matter whatever to do with MI5, MI6, GCHQ, or the national security work of the PSNI. What sort of government thinks that it would be unhealthy to allow a human rights agency established by Parliament in 1998 to investigate anything that happened before 2008? What sort of government would forbid a human rights agency from looking at any aspect of the work of its intelligence services?

The support of the human rights community may help the Commission secure an unfettered right of access to detained persons, the removal of the time limits and more flexibility and independence in its investigative powers.

Ciaran O'Maolain
Northen Ireland Human Rights Commission

Contents

Spotlight on equality – a view from New York

Last autumn the New York City Comptroller William C. Thompson led a delegation of City officials and business leaders to Belfast to examine the current investment climate in Northern Ireland and the adherence of companies we invest in to statutory fair employment requirements. It was the tenth such trip by a New York City Comptroller to Northern Ireland since 1985, and represents a continuation of New York's long standing commitment to peace and equality there.

By way of background, the New York City Comptroller's Office is the custodian and chief investment advisor for some $100 billion dollars in pension fund investments. Our funds currently hold shares in approximately 3,500 U.S. and international corporations, and for most of those we are in the top ten or top twenty ranking of shareholders. This gives us considerable clout in influencing corporate policy on a number of issues. The New York City Comptroller's Office has had a long drawn connection between our fiduciary responsibility as pension fund advisors and the larger issue of corporate social responsibility.

20 MOST DISADVANTAGED SUPER OUTPUT AREAS ON MULTIPLE DEPRIVATION MEASURES

Rank of MDM	Super Output Areas	District	Score	Percentage Catholic	% Protestant & Other Christian
1	Whiterock 2	Belfast	83.06	99	1
2	Shankill 2	Belfast	81.92	3	94
3	Falls 2	Belfast	81.52	97	3
4	Crumlin 2	Belfast	80.36	5	92
5	Whiterock 3	Belfast	77.75	99	0
6	Falls 3	Belfast	77.09	98	2
7	Shankill 1	Belfast	74.94	3	95
8	New Lodge 2	Belfast	74.09	99	1
9	New Lodge 1	Belfast	73.50	95	4
10	Ballymacarrett 3	Belfast	72.94	3	94
11	Creggan Central 1	Derry	71.72	99	1
12	Upper Springfield 3	Belfast	70.52	97	3
13	Ardoyne 3	Belfast	70.32	98	1
14	Falls 1	Belfast	69.50	96	3
15	New Lodge 3	Belfast	68.76	98	2
16	Brandywell	Derry	67.10	99	1
17	Duncairn 1	Belfast	67.05	6	90
18	Woodvale 3	Belfast	66.00	4	94
19	Crumlin 1	Belfast	65.89	2	96
20	Ardoyne 2	Belfast	65.89	96	3

This campaign to use our role as an institutional investor to promote human rights worldwide has had a particularly important impact in the struggle for equality in Northern Ireland. New York City currently has some $9 billion invested in over 260 companies that do business in Northern Ireland, and we operate under a statutory mandate to ensure that these firms promote fair employment.

It was clear to us on our visit that serious progress has been made, and today it can be said that the workplace is the most integrated sector of society in Northern Ireland. However, very serious problems remain. The governments own "Multiple Deprivation Measure" index (see table) clearly illustrates the uneven communal distribution of social need, and that the Catholic community remains more economically disadvantaged to a very significant degree, in comparison to their Protestant neighbors. And while advances in employment have been made by Catholics as a result of human rights campaigning, these benefits have been felt mainly by middle-class Catholics, and the position of the less well-off continues to deteriorate. This trend has been exacerbated by the effects of globalization, which in recent years, has eliminated many well-paying working class jobs.

The implementation of the Fair Employment Act of 1989 has proved problematic in a number of areas in that key provisions have not been adequately enforced. In particular, contract compliance provisions of the Act need greater enforcement. Since 1990, no employer has been barred from public grants and contracts for failure to comply with the Act. By way of contrast, city and state enforcement of the contract compliance provisions of the U.S. MacBride Principles legislation has pressured a number of major companies to adhere to fair employment standards.

The government must also fully enforce the statutory duty in the 1998 Northern Ireland Act (Section 75) which requires all government agencies and departments to prepare "equality impact statements" for all major decisions. The civil service has been especially resistant to using the power of government procurement and investment decisions to promote equality, as required by law. The governmental bodies created by the Good Friday Agreement to promote equality (namely the Equality Commission and the NI Human Rights Commission) must become more assertive in pressing for reform. The government must also commit itself to meaningful goals and timetables to reduce inequalities. Only then can the problems identified during our visit be remedied.

Patrick Doherty
Director of Corporate and Social Responsibility
Office of the New York City Comptroller

CAJ also unimpressed with Justice Bill!

If the Human Rights Commission is going to be at the head of the queue in returning the Justice and Security (Northern Ireland) Bill, CAJ will not be far behind it. Rather than an unwanted gift, however, we will be arguing that it is faulty goods and we imagine the queue for returns will be quite a long one for a variety of reasons.

NIHRC powers

The Bill contains three generally problematic areas – firstly, the wholly inadequate legislative response to the long-running review of the NIHRC's powers as highlighted by the Commission on page one. CAJ shares the Commission's concern that the proposals run the risk of further limiting rather than improving the powers the Commission already has. In addition, we believe many of the original recommendations made by the NIHRC in 2001 [sic] but subsequently dropped still require a statutory framework, such as the ability to comment on draft legislation for NI at an early stage, the right to have due regard paid by government to its advice etc. We are also concerned that the power to rely on the Human Rights Act when instituting or intervening in legal proceedings applies only to judicial review. We view this as a much more limited version of what is actually required.

Trial by jury

In October's issue of Just News, we highlighted the consultation paper that had been issued by government on "reform" of the Diplock non-jury trial system. In its own response to this consultation, CAJ expressed disappointment that government was allowing non-jury trials to continue without proffering any serious evidence as to their necessity, and argued that the right to jury trial should be reinstated in all cases. We also expressed a number of particular concerns about the proposed new system for enabling the Public Prosecution Service to certify a case into non-jury trial. These were essentially twofold – firstly that the test to be administered by the Director of the Public Prosecution Service risked being vague and subjective and secondly that there was no requirement for reasons to be given for any decision of the DPP (sic) to issue certificates. While judicial review was offered as a means of challenge of these decisions, we pointed out that this is also available for decisions not to prosecute but several attempts to secure this remedy have been unsuccessful. This does not bode well for its use in relation to other prosecutorial decisions.

Unfortunately but perhaps unsurprisingly the test for certifying a case for non-jury trial outlined in the Justice and Security Bill confirms our fears by requiring the Director of the PPS only to "suspect" and on the basis of this suspicion conclude that there is a "risk that the administration of justice might be impaired" to issue a certificate. The conditions set are so wide as to effectively maintain the status quo – this is not therefore a genuine reform of the Diplock system as government has contended it constitutes.

Moreover, government has removed the right to legally challenge decisions of the Director of the PPS in relation to the issuance of a certificate. In the consultation paper government had stated that *"As is the case with all administrative decisions, the DPP's decision will be challengeable by means of judicial review. This will enable defendants to be sure that the decision has been taken properly."* They are now withdrawing this very basic safeguard. The right to legal challenge, particularly judicial review, is a basic right. Given the wide and undue discretion being placed in the PPS as highlighted above it is absolutely essential that recourse to legal challenge be available.

"Powers"

This innocuously titled section in effect moves the provisions of Part VII of the Terrorism Act which applies specifically Northern Ireland, and which the government promised to repeal, to an alternative legislative source. Effectively then the government will nominally by able to repeal Section VII as promised, but will have retained the powers elsewhere.

CAJ has always been opposed to emergency legislation and the powers contained therein, but the case for their retention is even less valid now in a period of normalisation and moves to build widespread confidence in policing. We have thus argued that the onus of this whole section needs to be changed so as to enable the Secretary of State only to introduce these powers in the context of a statutory framework which outlines the conditions to be met in order for a state of emergency to be declared that would necessitate such wide-ranging powers being introduced.

CAJ believes that many of the proposals in this Bill are a poor attempt at delivering on many of the promises that have been made in recent times and that were designed to build public confidence in a more secure and normal Northern Ireland. Moreover they run the risk of rowing back on many of the positive gains and commitments made in the peace agreement and subsequent political negotiations. As such this Bill should not be approved without significant amendment, and we will be monitoring its progress accordingly.

The Irish Lan

Achtna

Irish speakers are a growing and vibrant sector of the community of Northern Ireland. Between the censuses of 1991 and 2001, there was an 18% increase in the number of Irish speakers. The 2001 Census records the figure of 167,490 people, or 10.4% of the population, with knowledge of Irish. There is widespread and intense demand for Irish medium education. There are 79 Irish medium schools in Northern Ireland and by 2010, there will be over 10,000 children being educated entirely through Irish.

For many years, Irish speakers have been raising the need for domestic legislation for the Irish language. In recent times, POBAL, the umbrella organisation for the Irish speaking community in Northern Ireland, has been to the forefront of intensive work towards an Irish Language Act to extend appropriate Westminster protections to the language. Northern Ireland is the only part of these islands where the primary indigenous language has no significant protection under domestic law. In Wales, the Welsh language has been protected under the Welsh Language Act for over twenty years. In Scotland, the domestic legal provision made some years ago for Gàidhlig has been further enhanced through the Gàidhlig Act 2005. In the Republic of Ireland, the Irish language is the subject of constitutional protections as well as the Official Languages Act 2003. On 1st January 2007, the status of Irish as an Official Language of the European Union took force. It is clear that there is an urgent need to break the anomalous pattern of differential treatment of the Irish language in comparison with Welsh and Gàidhlig by the British Government and to change the legislative and policy environment in Northern Ireland.

The commitment to enact an Irish Language Act at Westminster, given by the British government in the St Andrews Agreement, has moved the issue to centre stage and given the promise of an historic breakthrough. Maria Eagle, the Minister for Culture, Arts and Leisure (DCAL), has published a consultation document on the Irish Language Act, and consultation will close on 2nd March 2007. The Minister has said that following this date, legal draftpersons will prepare the final bill, which will be introduced at Westminster on 19th March.

POBAL work to date

The St Andrews commitment to enact an Irish Language Act follows on the heels of several years of significant pressure and developmental work within the Irish speaking community to raise awareness around the issues relating to language legislation and language rights. POBAL has succeeded in attracting unprecedented support from internationally recognised experts in the field for their work in drafting and agreeing a set of proposals for the Irish Language Act. Renowned language and legal rights experts including Robert Dunbar (University of Aberdeen), Wilson McLeod (University of Edinburgh) and Fernand de Varennes (Murdock University, Australia) have given advice and lent their expertise to the work. Following a two year process, including significant consultation with the Irish speaking community, trade unions, human rights organisations and others, the proposals were launched in February 2006 by Dr Maurice Hayes, the former NI Ombudsman and Head of the NI Civil Service, and now member of Seanad Éireann. Dr Hayes also wrote a foreward to the document. Professor Colin Williams of the University of Cardiff, and member of the Welsh Language Board contributed an introduction.

Legislative models

DCAL's consultation paper on Irish language legislation recognises the model put forward by POBAL, and acknowledges the excellent work carried out by the organisation. However, it also includes other models, including the Welsh, Scottish and southern Irish legislation. This is in spite of the fact that the consultation process already conducted by POBAL indicated a very definite preference for a strongly rights-based approach to an Irish Language Act.

During the two-year community-based process, there was a wide consensus that the Irish Language Act in Northern Ireland had to be based on a strong set of core language rights. There was recognition that whilst all models have certain limitations, in the hostile policy context of Northern Ireland, models based on consensus, such as the Welsh, Scottish and southern Irish models are unlikely to prove feasible in Northern Ireland. Even in the supportive and developed linguistic rights environment of Wales, there is a growing recognition of the need for a much stronger rights-based approach, to be enshrined in a new language act.

In Scotland, given the relatively small numbers of Gaelic speakers and the fact that, in spite of concentrations in parts of the Hebrides, they are spread out throughout the country, a different approach from that in respect of Irish in Northern Ireland is appropriate. As in Wales, there is also a significant measure of broad goodwill towards the language, as shown by the passage of the Gaelic Language (Scotland) Act 2005 without any opposition in the Scottish Parliament. If anything, the Scottish approach is even

nguage Act NI - GaeilgeTÉ

more co-operative than in Wales, and given that the legislation has just come into force, it is far too early to tell whether this model will be successful. There was a strong consensus in the POBAL consultation on the Draft Act that the Scottish approach was neither feasible nor desirable.

In the Republic of Ireland, Irish has significant status under the constitution, and the Official Languages Act 2003 enhances this by creating a wide range of rights. It is a much more rights-based model than either the Welsh or Scottish ones. Although it does draw on the Welsh approach in some respects, notably with respect to the creation of language schemes by public bodies, once again, the context in the Republic of Ireland is much different: the language enjoys broad public support, and cross-party support within the Dáil. Indeed, even in such a supportive environment, it was considered necessary to ensure certain basic rights to Irish speakers; in the less supportive environment of NI, the need for a rights-based approach is even more compelling.

In Northern Ireland, the Irish language is, sadly, still an emotional and hotly contested issue, and too many confuse, most inappropriately, the treatment of the Irish language and its speakers with other issues. In such a climate, therefore, there was strong consensus that the sort of co-operative administrative planning-based approach favoured in Wales would simply not work—it would not sufficiently respond to the needs and aspirations of Irish speakers, and it would too easily result in the sort of frustrations that would damage rather than improve cross-community relations. Instead, a relatively strong rights-based approach would be preferable. Irish speakers would have a much clearer idea of their rights, and the wider community would be clear about those rights as well, reducing confusion and the potential for misunderstanding in the longer-term and, with it, tension.

Response to proposals

The public have until 2nd March to respond to the DCAL consultation document. POBAL have been disappointed to see that the consultation document seems to be written from an institutional viewpoint rather than from that of the user entitled to services. We also note with some astonishment that the issue of broadcasting has been completely left out of the document, as has the use of the Irish language in the work place. We believe that POBAL's agreed proposals should be the basis of the Irish language Act, and that the Act must:

- make Irish an official language in NI
- be passed at Westminster within a published and agreed timescale
- be resourced from Westminster
- must take a rights-based approach
- must create a significant number and range of guaranteed rights in political institutions, local authorities, administration of justice, education and media
- outline the Irish language services that government and public bodies must provide and within what timescale
- establish the Irish Language Commissioner NI and the Bord um Chearta agus Phleanáil na Gaeilge to help manage the implementation and administration of the Act
- contain a Schedule attached to the Act listing the government, public bodies and privatised companies dealing with service provision who will have the greatest role in providing Irish language services. Other agencies will work with Bord um Chearta agus Phleanáil na Gaeilge to develop schemes that will put Irish language services in place within a stated timeframe

Clearly, the early enactment and resourcing by the UK Government of a comprehensive Irish Language Act for Northern Ireland is an enabling action that will clarify the rights of Irish speakers and the responsibilities of Government and public bodies. It will make it easier for individuals to understand and protect their rights and it will enable those working in Government and public sectors to fulfill their duties. It will also assist in harmonising equality and language legislation in the jurisdiction of the UK and Ireland.

Janet Muller
Pobal

POBAL's proposals for the Irish Language Act can be found on our website at www.pobal.org. We are available to help organisations and individuals who wish to support the Irish Language Act to write individual letters or submissions to the Consultation process. We can be contacted on eolas@pobal.org, or 028 90 438132. There is also an online petition that can be accessed at www.petitiononline.com/acht

Bill of Rights Forum - update

In November's issue of Just News, we reported on the long-awaited movement on establishing the Roundtable Forum on the Bill of Rights, with the publication by government of a paper for consultation. With breakneck speed, the government before the holiday period had responded to the consultation and held the inaugural meeting of the Forum!

Important gains were made in the consultation on key issues that CAJ and indeed many others had highlighted as problematic. For example, the representation of civil society has now been matched to political representation so that there are now 14 seats for both. Likewise the important role and experience of the community and voluntary and trade union sectors in the human rights and equality debate has been recognised by their levels of representation within the civil society category. The breakdown devised by government is 2 seats for the trade unions, 2 for employers, 2 for churches, 1 for the human rights NGO sector and 7 for the community and voluntary sector.

Within the community/voluntary sector, the seven places were allocated to representatives who could, as far as possible, bring perspectives from the following sectors: children and young people, people with disabilities, ethnic minorities, older people, people of different sexual orientations, women and the community or voluntary sector as a whole.

The Government undertook to contact the primary representative groups for each sector to ask them to agree a representative who could reflect views from that sector. The Government would only select a representative from a sector in the event that the sector was not able to agree on a single representative, and committed itself to doing so on the basis of human rights expertise and standing within the sector. The Government also made clear that representatives would be expected to consult widely within their own sector on all issues discussed at the Forum.

CAJ was approached by government and asked to consider – after consulting with other human rights groups – whether we would be prepared to represent the human rights NGO sector. In considering this proposal, CAJ recognised that all members of the Human Rights Consortium are in fact human rights groups. But from looking at the government's proposals, it was clear that the distinction was being made between the general approach we all take and technical human rights expertise. CAJ therefore spoke to other groups in the "technical" sector, who endorsed our nomination.

This commitment to participate, however, is made only in principle. We await clarification on many important factors before we can be confident that the Forum will have the best possible chance of delivering a genuine rights oriented outcome**.** The government has yet to appoint a Chair; this is expected to be announced before the end of January. This will be a pivotal appointment and must be one capable of commanding confidence of all participants. CAJ and others have made a strong case that to do so the Chair must be totally independent, and as such an international candidate will be necessary.

Equally important are the resources given to the Forum by the government. These must be sufficient to allow it to embrace the task set for it in as comprehensive a manner as possible. Likewise, it is imperative that an independent and experienced secretariat of the Chair's choosing be put in place to support the Forum.

Another important gain in the consultation was the lengthening of the timeframe set for the Forum to a much more realistic one of twelve months rather than nine. We note that with the delay in appointing a chair this may need to be lenghtened also positive was the broadening of the terms of reference to include the actual language from the Belfast/Good Friday Agreement in relation to the Bill of Rights.

At the inaugural meeting then, the mood was positive, with all present indicating their willingness to engage in and contribute to the debate. Minister David Hanson stood in for the yet to be appointed Chair and tabled the government's proposals as laid out in its response to the consultation document. These generated some discussion, and particularly interventions from political parties in relation to issues such as composition and terms of reference.

As regards the latter in particular, there was a proposal to drop the reference to "both main communities" and suggestions for its replacement included "the community", "all communities", "many communities" etc. At first glance, this may seem a very attractive option, but in reality is one that risks seriously undermining fair employment and equality laws here, divided the previous Human Rights Commission, and required strong interventions by international human rights experts. This would hardly be an inspirational start for the Forum, and as such the government should ensure that its proposed terms of reference as taken from the Agreement stand.

Participants then made a series of opening statements highlighting their expectations from the Forum. For its part, CAJ made no apologies for the very high expectations it had of the Forum in engendering a wide debate with the goal of delivering a strong and inclusive Bill of Rights for all.

Holding the police to account – value for money?

The Northern Ireland Policing Board has recently written to a limited number of groups (including CAJ) inviting them to contribute to a "Best Value Review" being carried out by KPMG of how the Board "holds the Chief Constable to Account".

Holding the Chief Constable to account is exactly what the Board was established to do – para 6.3 of the Patten report recommends that the *"statutory primary function of the Policing Board should be to hold the Chief Constable and the police service publicly to account."*

The *'publicly'* element of this is one which seems to be most frequently overlooked. To hold the Chief Constable and the police service publicly to account, CAJ believes that issues of key importance in the policing field must be the subject of wide public discussion (and as such the limited nature of this consultation is extremely problematic). On the contrary, the Policing Board has tended to discuss such issues in private, and any public consultations conducted by the Board have tended to focus on organisational or institutional issues. Key examples of this include the decisions to approve CS spray and AEPs. These are clearly matters of wide public interest, yet decisions were taken in private sessions of the Board and no active consultation (beyond the Childrens' Commissioner) was conducted.

In particular, the procedures for consulting on such issues are far from clear. To take the example of the approval of AEPs, the Board did not actively solicit submissions from human rights or other organisations (despite ourselves and others repeatedly requesting that they do so). CAJ took the initiative to send in its views on that matter regardless, and subsequently learned that these views had been considered. Had we not sent them in, clearly they could not have been. This approach of accepting unsolicited material but not actively encouraging submissions does not instil confidence in the transparency and effectiveness of the Board in holding the police "publicly" to account.

The independent assessment of the Board which reported in November 2005 raised similar issues, This assessment identified a lack of clarity in what criteria were being applied when deciding whether questions should be posed or answered in public or in private. They also shared some of the concerns expressed to them that because the process is largely private, the public perception of the performance of the Board in holding the Chief Constable and the PSNI to account is that this may not be being done effectively. They also highlighted the fact that with the exception of the 8 public meetings, all of the business of the Board and its committees is conducted in private – a situation which they note is in sharp contrast to the position in Great Britain where police authorities are required to conduct their business in public except where limited exceptions apply.

The Patten Report notes on the issue of transparency that *"[t]he presumption should be that everything should be available for public scrutiny unless it is in the public interest – not the police interest – to hold it back"* (para 6.38). CAJ therefore feels that only extremely sensitive issues should be reserved for private discussion, with the rule of thumb being to ensure widespread public knowledge of and contribution to debates of a wider public interest. As such, clearer guidelines are needed on when it is thought necessary to hold discussions or take decisions on a particular topic in public or in private and the extent to which information from external stakeholders or other interested parties will be received/considered.

Another area where there is much scope for improvement is in relation to the advertisement of public meetings. The language used in these advertisements is rather negative and off-putting (e.g. warning about restricted numbers and thus possibility of being turned away, the inability to ask questions, the ban on large bags, the need for prior notice if one has a disability etc). As currently phrased, these advertisements appear to openly dissuade rather than encourage public participation.

Public interest in the work of the Board is paramount in ensuring that the Board fulfils its mandate of holding the police publicly to account. In terms of this review, the ultimate litmus test is how well the public think this is being done. As such, the results of a recent survey carried out on behalf of the Board are fairly damning.

In response to the question, *"How well or poorly do you think the NIPB does on holding the Chief Constable publicly to account*?" only 8% responded 'very well', with another 32% answering 'well'. Similarly, a question on *"how well do you think the NIPB does on questioning the Chief Constable on how he carries out his duties?"* elicited a response of 'very well' from 9% and 'well' from 32% of respondees.

These figures are hardly a ringing endorsement. Arguably, therefore, the Board does not need KPMG to carry out a 'Best Value Review' on how well it is carrying out this task – the figures speak for themselves.

Civil Liberties Diary

December 4
A spokesperson for The Northern Ireland Commissioner for Children and Young People (NICCY) reveals that the office has set aside a budget of up to £40,000 for the judicial review proceedings it is taking against legislation on physical punishment.

December 5
Oversight Commissioner Al Hutchinson, who monitors the implementation of police reform, has praised the significant reform achieved so far but calls for greater progress in "civilianisation". This process would see civilians in jobs which do not need to be carried out by trained officers.

Tom Winston, manager of NI Alternatives, says Restorative Justice Schemes in loyalist areas are suffering financially because of concerns about similar republican schemes which will not engage with the PSNI.

Figures released by the Office for National Statistics show that 109 gay and lesbian couples have entered into civil partnerships in Northern Ireland since new laws were introduced.

Prison Officer tells the Billy Wright Inquiry he was ordered to destroy 800 security files containing sensitive information on paramilitaries at Maghaberry prison in early 2002.

December 7
Irish News reports that a change in the law is likely to open up more civil service jobs in Northern Ireland to Irish nationals born in the Republic. This follows an unsuccessful challenge by a Dublin born solictor against the Public Prosecution Service.

December 11
Police Ombudsan Nuala O'Loan finds that there is no evidence that the murder of British soldier Stephen Restorick could have been prevented. She had reported earlier that the car used in the killing was under surveillance.

December 12
A two year review by the Northern Ireland Forensic Science Agency found errors in more than a third of cases. This was revealed by director Samuel James Spears in the Omagh bomb trial of Sean Hoey.

A DUP motion condemning British government plans to introduce equality legislation for gays, lesbians and bisexuals is defeated in the NI Assembly. The Equality Act (Sexual Orientation) Regulations are to be implemented in Northern Ireland on January 1st 2007, ahead of England and Wales.

December 13
Irish government grants a seventh extension to an inquiry into the 1974 Dublin and Monaghan bombings. Peter Hain, speaking at a British-Irish Intergovernmental Conference promises full co-operation with probes into allegations of collusion.

A survey carried out by the Irish Traveller Movement (ITM) reports that almost all travellers would like to engage in some form of nomadism but are prevented from doing so because of the failure of almost every authority to provide transient halting sites.

December 14
The Parades Commission have been compelled by the Law Lords to disclose documents related to a banned parade in Dunloy. The documents are relevant to a High Court action brought by the Orange Order in an ongoing judicial review concerning the legality of the decision in April 2004.

December 18
First meeting of a new Bill of Rights Forum takes place. Its work is aimed at informing the Northern Ireland Human Rights Commission in fulfilling its statutory duty to provide advice to the Secretary of State on the scope for defining rights supplementary to those found in the ECHR.

December 19
The High Court grants leave to a group of Christian organisations to appeal against proposed Government legislation aimed at preventing discrimination on the grounds of sexual orientation.

December 22
Mr. Justice Deeney rules that the NI Secretary of State acted unlawfully when he changed the nature of an inquiry. The case was taken by David Wright, father of LVF leader Billy Wright.

Compiled by Mark Bassett from various newspapers.

The Transitional Justice Institute, University of Ulster, are now accepting applications for **LLM in Human Rights Law**. For further details on the programme and information on possible scholarships please visit: www.ulster.ac.uk/transitionaljustice/new_postgraduate_programmes.html

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

Just News welcomes readers' news, views and comments.
Just News is published by the Committee on the Administration of Justice Ltd.
Correspondence should be addressed to the Editor, **Fionnuala Ni Aoláin,**
CAJ Ltd.
45/47 Donegall Street, Belfast BT1 2BR
Phone (028) 9096 1122
Fax: (028) 9024 6706
The views expressed in Just News are not necessarily those of CAJ.