

## Securing Our Future: Dealing with the Past

**Between 1966 and 1999, there were 3636 deaths attributable to the conflict in Northern Ireland, many of which remain unresolved until now. In the years since the Good Friday Agreement, the unresolved cases remain a painful reminder of thirty years of tragedy. The Good Friday Agreement, for a variety of reasons, elected to focus on the future rather than on the past. Yet, ten years later, the question remains whether it is possible to commit to a shared and peaceful future without addressing the legacy of the past.**

In June 2007 a Consultative Group on the Past was established to collect ideas on how to deal with the legacies of the Troubles, and provide a platform for people to express their views of the past. It conducted wide consultations including meetings with victims' groups and other interested parties, and in January, 2008, concluded its investigation. In a speech on May 30, 2008, the Group addressed key challenges to dealing with the past, stating that "there are issues from the past that must be dealt with if we are to truly ensure that we do not repeat the mistakes of the past."

Over the years, CAJ has developed a series of principles drawn from a mix of international human rights standards, international good practice against which any initiative to deal with the past should be judged. CAJ would stress the importance of a holistic approach to any past-focused inquiry, and a genuine willingness to deal with all aspects of the past. CAJ would also want to highlight both emerging and established international law on issues such as compliance with Article 2 of the European Convention on Human Rights ("Article 2"), amnesty and reparations, and urge that any process looking at the past take due account of their importance.

### Principles

First and foremost, any method of dealing with the past must prioritize the rights and needs of victims and their families. Prioritizing the needs of victims serves as a reminder that dealing with the past does not mean "moving on", but addressing those harmed by the past. Their participation should be voluntary, and victims should retain access to existing mechanisms available for truth recovery. If they choose to participate, victims must be granted access to all resources and support mechanisms necessary to ensure their full participation. Finally, any process should guard against creating a hierarchy of victims or discriminating between different classes of victims.

Secondly, any truth-recovery process must hold the state accountable for its actions during the conflict. The state was not the only actor responsible for the events of the past. However, the state is the actor with the heaviest responsibility to protect human life. In this respect, the UK did not consistently meet the values and norms of a democratic state. In its refusal to disclose sensitive information about controversial policies such as shoot-to-kill, plastic bullets and collusion, the state created a legacy of silence and distrust. The test will be whether high-level decision-makers are required to come forward and informed judgments made of official policy. In a fully human rights compliant process the state must disclose that wrongs were committed and disclose sensitive information as part of the process. A truth recovery process which neither can nor will hold the state accountable is fundamentally flawed.

If Northern Ireland is to engage in a meaningful process to deal with the past, any mechanism proposed by the Consultative Group must be compliant with Article 2 as a minimum standard. Article 2 requires that all complaints involving unlawful killings be investigated in an effective way and imposes upon the State a positive obligation to prove that an investigation complies with Article 2. In the *Jordan et al* cases, the European Court of Human Rights laid down a series of tests detailing the criteria for an Article 2-compliant investigation- independence, effectiveness, promptness and transparency.

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## Complying with Article 2 ECHR

The European Court made clear as early as May 2001 that the current system for investigating controversial deaths in Northern Ireland was still failing to meet the minimum standards set by Article 2. Doubts remain as to whether coroners' inquests and inquiries constituted under the *Inquiries Act 2005* can ensure Article 2 compliance. Other commentators have questioned the ability of the Historical Enquiries Team to be fully independent of the Police Service of Northern Ireland (PSNI), or the ability of the Office of the Police Ombudsman of Northern Ireland (OPONI) to engage with victims and their families. An independent body invested with appropriate statutory powers may be an appropriate mechanism.

## Amnesty

Additionally, any genuine attempt to deal with the past should facilitate the recovery of truth to the fullest extent. While the Good Friday Agreement early release provisions can be read as a form of amnesty, and amnesty has been utilised in other post conflict societies, such amnesties have been circumscribed by international law. Blanket amnesties are seen as violations of international law, while crimes deemed so serious as to be "international" in nature (e.g., genocide, crimes against humanity) cannot be lawfully amnestied. Nevertheless, where states are engaged in genuine truth and reconciliation efforts in lieu of prosecution, such processes are granted considerable latitude, provided such efforts do not violate international law or demonstrate an unwillingness to prosecute. An inter-relationship between amnesty and truth was most fully developed in South Africa where the Amnesty Commission of the Truth and Reconciliation Commission had the power to grant amnesty to individual applicants in exchange for full and public disclosure – thereby ensuring some social responsibility for crimes. This approach has been influential on truth commissions in Liberia, Indonesia and Timor-Leste.

Therefore, any methods of acquiring information in the absence of prosecutions should be compliant with existing national and international human rights standards, e.g. the institution charged with granting amnesty must be independent of all actors, state or otherwise. Central to the process should be efforts to maximize truth recovery for victims. Efforts must be made to facilitate victim participation during the process and to assist victims, and the results of the process should be communicated to the victims. Furthermore criteria must be established on which offences, if any, should be exempt from the process.

## A holistic approach

Finally any real attempt to deal with the legacy of the past must also deal with the socioeconomic legacy of the conflict. International experience has shown that any attempt to deal with the past without dealing with the

socioeconomic legacy of the past can delegitimise even the worthiest of efforts. The areas of Northern Ireland most heavily impacted by the conflict are also the areas experiencing the most serious levels of deprivation. Moreover, a 2005 study by Oxford Economics suggested that levels of deprivation in these areas are unlikely to improve if existing patterns continue. Suggested measures for addressing the socioeconomic legacy of the conflict would include, for example, an examination of the extent to which investment and procurement policies can impact positively on those areas which have experienced the greater levels of violence.

CAJ would also recommend a discussion on reparations as a means of addressing the socio-economic legacy. For many reparations are the most tangible manifestation of the efforts of the state to remedy harms suffered. Although reparations usually take the form of financial compensation, Pablo de Grieff of the International Centre for Transitional Justice has argued that victims are more likely to perceive reparations as justice measures if they are part of a larger scheme of reform. Over time, reparations programs have become more complex and there is broad international acceptance for a wider variety of benefits.

Finally, the Consultative Group should recommend a strong and inclusive Bill of Rights for Northern Ireland. Northern Ireland is a society where people have experienced an abuse of their basic human rights over a long period of time. At the same time, society's focus on the political conflict has meant that marginalized groups have suffered to a greater extent than in more stable societies. A Bill of Rights that adequately meets the needs of Northern Irish society must address all aspects of Northern Ireland's "particular circumstances" in emerging from conflict.

Ten years after the Good Friday Agreement, failure to address the past ensures that the future of Northern Ireland remains divided - not by politics but by the past itself. The most poisonous legacy a past can impart is how easily it is repeated. The Consultative Group announced in a keynote address in May that "Dealing with our past will secure our future." What CAJ strongly urges at this point is a discussion, at every level of society and at the highest levels of government, as to how best this may be achieved.

**Kelly Bonner**

**CAJ Volunteer  
Fordham Law School**

# Parades - a rights-based approach?

The Strategic Review of Parading, established in April 2007, has produced a consultation document on their thinking to date. The Panel has proffered an ambitious set of proposals to replace the current system of adjudication offered by the Parades Commission. Earlier in the summer, CAJ invited Rev Mervyn Gibson and Sean Murray who sit on the Review of Parading to come in and brief staff and Executive Committee on the current consultation. This was a helpful session in clarifying the proposals arrived at thus far by the Review Panel identifying where the panel needs to do more thinking. CAJ has since submitted a written response to the proposals which is available on our website [www.caj.org.uk](http://www.caj.org.uk).

Overall, CAJ were impressed by the thoughtful nature of the proposals: the focus on developing solutions in a pragmatic way; the centrality of human rights; and the reliance on community-based mechanisms that have already delivered great improvements in relation to a number of disputed parades.

Some concern had been expressed previously by others at the proposed role for local councils in the new arrangements. The Panel members sought to reassure CAJ that this role is one of simply logging the applications and objections and providing meeting space for mediation. However, we can see that amid concerns of the political and religious imbalances in Council members and Council staff, this role might be premature.

An important enforcement tool will be the proposed statutory code of conduct against which the behaviour of all parties to the dispute can be measured. The hope is that it will facilitate arrest and prosecution in a way that has not happened under the current system. In this regard the Review Panel is seeking the active participation of the police and the Public Prosecution Service so that they understand the roles they have in a parades context. It is particularly important that the Public Prosecution Service - as the final enforcer of breaches of a statutory code - is robust and transparent with respect to its own role in any new arrangements.

A process of mediation for any contentious parade at the outset is proposed, and independent mediators would be trained for this purpose. Should this mediation not be successful, the process moves to adjudication. Here the proposed role of OFM/DFM has raised some concerns. How will that department be able to agree panels of three for each contested parade? Is there not a danger of gridlock? Against this it was argued that it is important that local politicians make decisions. And in any case, they

would be selecting from a list already appointed through the public appointments system. This is also how the list of mediators would be appointed. This of course raises another problem in that the current public appointments process does not meet the standards that exist in relation to employment.

CAJ is concerned whether the system can work without an organisational driver. The proposals require steps to be taken by the event organisers, the objectors, the councils, and the mediators. If this part of the process fails to achieve a resolution, everything moves to arbitration involving OFM/DFM, a three person panel who will have to meet the various parties (in private) and make a ruling. This has to be communicated to the parties and the police. These steps are required to take place within 35 days. The question of who manages the process and keeps it moving is of concern. Evidently there is a political imperative to avoid recommending an agency that could be seen as a Parades Commission Mark 2!

The review is keen for human rights training for all involved framing the context of all interaction. In CAJ's submission, we emphasised the importance of quality control, pitching the training at an appropriate level and stressing that it cannot be done quickly. As such, the task is an ambitious one. We were obviously pleased to see the centrality of a rights-based approach to the process. However, we warned of the dangers of creating unrealistic expectations and seeing human rights as the provider of all answers.

The Panel hope to be in a position to finalise their report and recommendations this autumn with a view to having legislation through and the regime in place for the summer of 2009. This seems an ambitious timeline given the enormity of some of the tasks involved. Ensuring the draft legislation properly translates their intentions into law will also be an important test of the commitment of the NIO to move things on.

## CAJ will be running FREE training on the Bill of Rights in Derry in October 2008. This training will cover:

- ◆ What are human rights? What is a Bill of Rights? What will a Bill of Rights for NI mean? How do I get involved in a Bill of Rights? And an update on where the process is of getting a Bill of Rights – final advice will be given to the Secretary of State this December so don't miss out!
- ◆ Training will run from 10am – 4pm, lunch included.
- ◆ Participants will receive an information pack on the Bill of Rights and CAJ's new report 'The Best Bill of Rights – a guide'.

Please email [fiona@caj.org.uk](mailto:fiona@caj.org.uk) - further information will be sent on registration of interest.

# Inquiries Update

## Rosemary Nelson Inquiry courts

The Police Service of Northern Ireland (PSNI) has been granted leave to judicially review the decision of the Rosemary Nelson Inquiry refusing the PSNI the right to cross examine witnesses who make serious allegations against individual police officers and the police force as a whole.

*In the matter of an application by the Chief Constable of the Police Service and Stephen Walker for leave to apply for Judicial Review*, on 26<sup>th</sup> June 2008, Counsel for the Chief Constable argued before Mr Justice Treacy that the Inquiry decision goes to the heart of the issue of fairness. He argued that the procedure that was adopted by the Inquiry is uniquely different to that of the Robert Hamill Inquiry, the Saville Inquiry and the Billy Wright Inquiry. He argued that the right of cross examination is crucial where serious allegations have been made against individual police officers and the police force as a whole. He relied amongst other things on a letter sent on or around February 2008 by Mr P J Barra McGrory QC who represents the widow of Rosemary Nelson, raising concerns about the Inquiry's extremely restrictive approach to the right to cross examination. Counsel suggested that Mr McGrory QC relied in his letter on the cardinal principles advocated by the Salmon Commission allowing cross examination to ensure procedural fairness.

The Salmon Commission (otherwise known as the Royal Commission on Tribunals of Inquiry) reported in 1966 on the now non-extant Tribunals of Inquiry (Evidence) Act 1921 (the 1921 Act) and recognised that whilst public inquiries are necessarily inquisitorial in nature (as they are specifically concerned in establishing the truth), they must promote fair treatment of individuals, safeguarding witnesses and interested parties to the Inquiry so as to provide a level playing field and avoid causing injustice.

Under the 1921 Act, Tribunals were free to determine their own procedures of evidence. Similarly, the tribunal and/or the panel of the Rosemary Nelson Inquiry under section 44 of the Police (Northern Ireland) Act 1998 is free to determine its rules of procedure.

In contrast Mr Phillips QC, Counsel for the Inquiry argued that this application should be struck out as it was not made promptly and within three months from when the issue arose. He argued that the Inquiry published the relevant protocol and provided PSNI with the witness statement in 2007. This argument proved to be unsuccessful as on 1<sup>st</sup> July 2008, Mr Justice Treacy granted leave on all grounds. He decided that the application was made promptly to the Court. He also stated that he would have extended the time limit if it was necessary to do so, as the case raises important public interest issues. The full hearing is expected to take place on 12<sup>th</sup> September 2008.

## Robert Hamill Inquiry

In relation to the Robert Hamill Inquiry Mr Justice Weatherup handed down his judgment on 1<sup>st</sup> July 2008 *In the matter of an application by Jessica Hamill for Judicial Review*. He allowed the families "appeal" and held that the Secretary of State (SoS) had misdirected himself in applying the wrong test when considering whether or not to extend the terms of reference to include the decisions of the Director of Public Prosecutions (DPP). He found that the SoS erred in law in concluding that he will only in exceptional circumstances cause the decisions of the DPP to be reviewed by the Inquiry. He should have considered whether there was sufficient public concern to do so. He found that the test applied by the SoS "*did not correspond to the statutory test of public interest*" which the Inquiries Act 2005 had provided for. He remitted the matter to the SoS for a fresh consideration.

Weatherup J did not uphold the family's contention alleging procedural unfairness and apparent bias in relation to the involvement of the Attorney General on account of the office's dual role as the legal adviser to the Ministers and as the superintendent of prosecutions in Northern Ireland. The family in the proceedings contended that the fact that an official in the Attorney General (A-G) office had been in the past involved in the initial prosecutorial decisions in relation to Robert Hamill murder, who had instructed Mr Perry QC to advise the SoS on the possible extension of the terms of reference of the Inquiry, gives the appearance of bias and lack of independence in the very least. Weatherup J, however, held that it is apparent to the fair-minded and informed observer that the A-G was only informing the SoS by disclosing their interest and stance for opposing the extension of the Inquiry's terms of reference.

The Inquiry is not now expected to commence its oral hearings before November 2008 waiting for the SoS to review his decision.

## Billy Wright Inquiry

In relation to the Billy Wright Inquiry the controversial disputed resignation of Senior Counsel to Inquiry Derek Batchelor QC raised concerns about the extent to which the Inquiry would be impeded and/or disrupted. In mid June 2008, a new Senior Counsel Mr Angus Stewart QC was appointed. It is not yet clear if seamless transition is possible due to the monumental information, material and documents with which he has to acquaint himself to effectively enquire into the truth surrounding Mr Wright's death. The Inquiry nonetheless announced that it will resume its oral hearings on Monday, 8<sup>th</sup> September 2008.

# Participation and the Practice of Rights Project

## *Residents' Jury on Regenerating Girdwood Barracks and Crumlin Road Gaol*

**Crumlin Road Gaol and Girdwood Barracks, a 27 acre site in north Belfast, straddles some of the most deprived communities in Northern Ireland. In the immediate vicinity there are 5 electoral wards which are highly segregated: Shankill, Crumlin, Ardoyne, New Lodge, and Waterworks. These communities, as well as being some of the areas worst affected during the conflict, suffer the consequences of structural inequalities resulting in them consistently ranking in the top 5% (and often top 1%) most deprived wards in terms of housing, education, employment and health across Northern Ireland.**

The North Belfast Community Action Unit estimates that there will be £231 million worth of investment in the Girdwood site across a 10-15 year period. Therefore this regeneration, and the plethora of others planned for the vicinity (North West and North East Quarters, Shankill, and Crumlin), have the ability to significantly improve the lives of residents in these communities.

In reality, however, outcomes are dependent on the process. In September 2007, the DSD launched the Draft Masterplan for the Girdwood regeneration. The proposals contained in the document were decided on before any consideration was given to the inequalities of the surrounding wards, and therefore were not targeted at tackling those inequalities as required by statutory duty.

Having visited areas in Dublin and Belfast, such as the Gasworks site, where regeneration did not lead to an improvement in the quality of life for existing residents, the communities in north Belfast were determined that Girdwood should buck the trend. There is not a direct correlation between investment and tackling inequality. Investment must be targeted and planned to produce equality.

In April 2008, the Minister for Social Development, Ms Margaret Ritchie, declared that she would be carrying out an EQIA on the Girdwood regeneration, thereby signaling a welcome change from the position of previous Ministers.

On 28<sup>th</sup> May 2008, a diverse group of residents from the communities surrounding the Girdwood site convened a unique Residents' Jury to hear evidence on how the Girdwood regeneration process can begin to reverse decades of institutional discrimination and make tangible improvements in the quality of life for existing, and future, residents.

To prepare for this event, the residents on the Jury underwent a six week development programme with the PPR Project looking at core human rights themes of equality, participation and accountability – and how these relate to regeneration processes. They explored local deprivation and inequality, the legislation in place locally to

address this, and the history of the Girdwood development to date. This programme equipped the residents to consider critically the evidence offered to the Jury and informatively question speakers and experts at the event.

An impressive array of speakers gathered at the event. From an international perspective speakers from the United Nations (Maria Virginia Bras Gomes) and the USA (Joe McNeely and Ron Shiffman) provided invaluable information on what the government should be doing to ensure the regeneration process tackles social and economic deprivation, but were also able to give concrete examples of how this has been done successfully elsewhere. Richard Wilkinson (University of Nottingham) gave an in-depth presentation, drawing on international research, on how societal inequality leads to unhealthy societies. Representatives from residents groups in Fatima estate (Dublin) and the Gasworks (Belfast) outlined what learning should be taken away from their experiences and a representative for the Minister for Social Development also attended to give a governmental perspective on the process to date. Local residents from across the communities gave evidence by video on the impact the current education, health, employment and housing inequalities had on people in their area.

The Residents' Jury members are currently doing outreach in the community to collect evidence from other residents and community organisations. Throughout August and September the Jury will be deliberating on the evidence collected and developing human rights indicators and benchmarks to ensure that the Girdwood regeneration actively promotes human rights by mainstreaming participation, accountability and equality.

The EQIA for Girdwood is currently being rolled out. Problems persist however as the EQIA is being carried out on the proposals already developed in the Draft Masterplan. Recent workshops held by the North Belfast Community Action Unit with the community indicate that instead of developing proposals based on tackling inequality they are trying to ensure that the existing proposals – which do not reflect the needs of the community - do not discriminate. One of the massive gains won by the equality lobby and civil society as a result of the Good Friday Agreement was the positive duty to actively 'promote' equality, not simply to avoid discrimination. Carrying out an EQIA on proposals that were developed in the absence of any equality considerations prevents the existing needs and inequalities which are part of local people's daily lives, being placed at the heart of this regeneration. The Girdwood regeneration offers a one-off opportunity to ensure that the long-standing deprivation of the surrounding communities is recognized and tackled, for the benefit of all.

**Dessie Donnelly - Local Development Worker  
Participation and Practice of Rights Project (PPR)**

## ***Bill of Rights Forum: Missed Opportunity?***

**A Bill of Rights for Northern Ireland has been on the agenda since at least 1962 when the then Liberal MP for Queen's University, Sheelagh Murnaghan, raised it on the floor of the old Stormont Parliament. With the recent outcome of the Bill of Rights Forum, it is far from clear that the goal will be realised soon.**

The Forum itself had been created to bridge the major gaps between the political parties on this important aspect of building a new, shared Northern Ireland. At best, the Forum set out the nuanced positions of the main parties, and elements of civil society. There is a danger that the fact that all participants stayed around the table for the duration of the Forum breeds complacency over the degree of differences that exist over the nature and scope of any Bill of Rights. The ball has been batted back into the court of the Human Rights Commission, with it being almost inevitable that its eventual advice to the Secretary of State will lack cross-community support.

As we move forward, a number of important guiding principles should be adhered to in drafting the Bill of Rights.

First and foremost, it should be consistent with international policies and practices. Indeed, both the United Kingdom and the Republic of Ireland are signatories to a wide range of international instruments whose commitments have not been translated into domestic law.

Second, any Northern Ireland Bill of Rights should have cross-community support. It is important to stress that adhering to international standards and seeking broad-based consensus are not mutually-exclusive objectives.

Third, any Bill of Rights should look to the needs of the future rather than falling into a trap of simply trying to avoid the mistakes of recent history.

Finally, there is a need for some disciplined process to determine what should go into Bill of Rights and what should not. The phrase 'the particular circumstances' of Northern Ireland has become a major source of debate, with various minimalist and maximalist interpretations. The imprecise and rushed language of the Belfast Agreement does not help. Simply, 'the particular circumstances' are not a legal but rather a political concept. Essentially, they will be defined by whatever the UK Parliament is prepared to legislate for Northern Ireland in terms of rights.

The other, and arguably broader, matter of interpretation arises from the 'two communities' approach and language of the Agreement, and many other aspects of public policy.

It is of course that most people are associated with one of two ethno-nationalist blocs. However it is wrong to

assume that there is a rigid correlation between national, political and religious identities. This exclusive, 'either-or' approach to identity ignores considerable diversity within communities and the realities of cross-cutting cleavages across perceived communal boundaries, and furthermore denies the possibility of change in identity.

It also fails to take into account that many people have broken away from the 'two communities' paradigm. The 2001 Census indicated that this is at least 14% of the population. The Northern Ireland Life and Times Survey would put the figures even higher. Those in mixed marriages and mixed relationships, and their offspring need to be taken into account. All of this comes before we consider the needs of the growing ethnic minority population in Northern Ireland.

The issue of to whom collective rights should apply, and in particular whether or not there should be a right to self-identification, drawing upon Article 3 of the Framework Convention on the Protection of National Minorities, were perhaps the most polarised arguments within the Forum.

Cultural and identity rights should apply to all persons belonging to different sections of society. Minorities are not fixed, and majorities in one context can be minorities in another, something recognised by both the OSCE and the Council of Europe. Recognition of the rights of some does not diminish the rights of others.

The right to self-identification is an absolutely critical issue. Within the Framework Convention, it is expressed as an unqualified right. People should be free to identify themselves, and to have this right respected by public authorities. More importantly, the presence of those outside of the two blocs should be taken into account by policy makers. This is not the case in for example the census or integrated education viability criteria or the approach to public housing.

Fears have been expressed regarding the implications for the current methodology of Fair Employment Monitoring, and the practice where individuals who do not select a communal background can be reallocated based on perceived identifiers. It is bizarre for rights not to be codified out of fear for the implications for current policies. Rather rights should be higher in the hierarchy, with policies in compliance.

Monitoring of employment and in other aspects of public policy is important. However, it is critical that we measure society as it is, not on some artificial basis that overrides some people's rights in an attempt to preserve the rights of others.

**Dr Stephen Farry MLA is the Alliance Party Justice Spokesperson, and sat on the Bill of Rights Forum.**

## GETTING THE BILL RIGHT – AN UPDATE

**On the 2<sup>nd</sup> and 3<sup>rd</sup> July the Human Rights Consortium held a major international conference in Belfast aimed at reviewing the progress made on delivering a Bill of Rights for Northern Ireland.**

Specifically the two day conference focussed on critically examining the report of the Bill of Rights Forum which had been completed and handed over to the Northern Ireland Human Rights Commission (NIHRC) by the Forum on the 31<sup>st</sup> March.

The Consortium gathered an impressive range of international academics and human rights activists to review the lengthy Forum report and assess whether its contents and clauses were in line with current international human rights standards and whether any gaps or problems could be identified. An additional component of the conference was to provide an opportunity to discuss, debate and promote positive suggestions and solutions to any problems identified.

Keynote speakers during the two days included Bruce Porter, Executive Director of the Social Rights Advocacy Centre in Canada and Mohammad Abuharthieh from the Office of the UN High Commissioner for Human Rights. Mr Abuharthieh spoke about the significance of the process of developing domestic human rights frameworks such as a Bill of Rights and the particular need for such frameworks in a post-conflict society. He also drew clear reference to the importance of upholding International Human Rights standards throughout a Bill of Rights. -

*"I was glad to see that one of the starting principles of the Forum's work was a commitment that 'the bill of rights should be in accordance with international human rights standards.' This is essential to your work; any Bill of Rights process must build upon, not undermine or erode current international standards of human rights. International standards have to be the starting point. One must also remember that these standards are floors not ceilings – by virtue of their negotiation at an international level it could be argued that they are lowest common denominators."*  
M. Abuharthieh.

He wished all involved in the NI BoR process well during the important year ahead which would also see the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights.

Delegates to the conference were also treated to a political panel discussion involving all the main political parties. The debate was chaired by Martina Purdy from the BBC.

Each political party had a chance to set out their own party position on the Bill of Rights process and the Forum report and following this they were all collectively quizzed by the audience during a question and answer session.



*Mohammad Abuharthieh from the Office of the UN High Commissioner for Human Rights delivering a keynote address at the Consortium conference*

Other speakers included Professor Francesca Klug from the London School of Economics (LSE) and a Commissioner on the Commission for Equality and Human Rights in England and Wales who offered her opinions on the technical enforceability and implementation elements of the Bill of Rights debate and an assessment of the solutions proposed in the Forum report to these issues. Monica McWilliams, Chief Commissioner with the NIHRC was the closing speaker and gave an overview of the processes the Commission would now be undertaking in order to fulfil its duty to present recommendations to the Secretary of State. The date set for the recommendations to be presented is the 10<sup>th</sup> December (International Human

Rights Day).

In all the Conference offered a timely opportunity to review the progress that had taken place during the Bill of Rights Forum process and assess the specific requirements to move the development of a Northern Ireland Bill of Rights forward. A report of the conference which hopes to contain all the key elements of debate and specific proposals is being developed over the summer months and will be available to download from the Consortium website at [www.billofrightsnri.org](http://www.billofrightsnri.org) in the near future.

**Kevin Hanratty**  
Campaign Officer, Human Rights Consortium

## Civil Liberties Diary

**9<sup>th</sup> June** The Irish Human Rights Commission tells a UN committee that conditions in many Irish prisons are wholly inadequate and are in breach of prisoners' basic rights.

**10<sup>th</sup> June** A client of Rosemary Nelson launches a legal bid to stop secret intelligence on his alleged role in serious crime being revealed at the inquiry into her murder. Witness X is challenging the decision on disclosure as it would increase the threat to his life.

**11<sup>th</sup> June** Senior Counsel to the Billy Wright Inquiry Derek Batchelor QC claims that the Inquiry dismissed him and he did not resign. He announces that he is now considering legal action.

**12<sup>th</sup> June** The British government wins a House of Commons vote allowing the detention of terror suspects in "grave and exceptional" circumstances for 42 days without charge.

The Northern Ireland Anti-Poverty Network announces that almost one third of people in Northern Ireland survive solely on benefits. This means that many people face disaster now that the cost of living has increased.

**13<sup>th</sup> June** Former NIO Minister Adam Ingram tells the Billy Wright Inquiry that he could not remember being told the INLA intended to attack LVF prisoners at the Maze in 1997.

**19<sup>th</sup> June** The Historical Enquiries Team has told the family of Henry Cunningham that there was security force collusion into his death. The sixteen year old was shot dead by the UVF in 1973 as he travelled back from work in Belfast. One of the guns involved in the shooting had been stolen from a Territorial Army base. The team also highlighted the fact that an inquest was held only a month after his murder before all investigations were over.

**27<sup>th</sup> June** A report from the Criminal Justice Inspectorate recommends that restorative justice schemes should be recognised for funding.

**29<sup>th</sup> June** Standards at Hydebank Young Offenders Centre have been heavily criticised by prison inspectors. The findings were also critical of the adjoining women's facility.

Chief Constable Sir Hugh Orde launches a legal challenge to try and block Coroner John Leckey from gaining access to the police investigation into the shooting of an unarmed IRA man Pearse Jordan.

**10<sup>th</sup> July** Police Ombudsman Al Hutchinson announces that the number of complaints received by the Ombudsman has dropped by 10% over the previous year.

**11<sup>th</sup> July** A motion is passed by the Dail urging the British government to release security files on the Dublin and Monaghan bombing to an independent international judge.

**17<sup>th</sup> July** Newsletter reveals that the bid by the Northern Ireland Commissioner for Children and Young People to ban smacking has cost £90,000 to date.

The Family Planning Association calls on the Health Minister Michael McGimpsey to publish clarification of the legal position of abortion in Northern Ireland. The group fears that more "back street" abortions will take place if the laws banning terminations are not relaxed.

**22<sup>th</sup> July** Reports of Iris Robinson having described homosexuality as "more vile" than child abuse are published in several newspapers.

**23<sup>th</sup> July** The Independent Asylum Commission says vital service must be provided in Northern Ireland. The Commissioners found that the only asylum inquiry centre here was closed because it was too expensive to run.

**25<sup>th</sup> July** Kit Chivers, Chief Inspector of Criminal Justice for Northern Ireland, has warned that those who presided over criminal justice system may be unable to adapt to a normalised society. In an interview with the Irish News he also speculated that devolution of justice powers is likely to lead to spending cuts.

**27<sup>th</sup> July** Sinn Fein is to press the British government for more Catholics to be recruited into the PSNI than the target 30%. That percentage was to be achieved by 2010 by the Patten Report.

**29<sup>th</sup> July** The Employment Minister Sir Reg Empey announces that women on maternity leave will enjoy enhanced rights from October. The move follows a successful challenge in Britain by the Equal Opportunities Commission.

*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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*Just News is published by the Committee on the Administration of Justice Ltd.*

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