

CAJ Position Summary - Taser Weapons

CAJ does not support the deployment of Taser in Northern Ireland. However, since Taser has been deployed our concern is to ensure the use of Taser, as with any use of force, is carried out with due regard for human rights. CAJ maintains that Taser is a dangerous, potentially lethal weapon which can violate Articles 2 (right to life) and 3 (freedom from torture and cruel, inhuman or degrading treatment) of the European Convention on Human Rights (ECHR).

There are two overriding concerns with respect to every use of force by police. The first is whether such use is lawful. With respect to Taser, CAJ has expressed concerns which relate to procedural fairness in discharging force. In this context, CAJ has questioned how the Policing Board could be convinced of the legality of Taser in the midst of an ongoing and unresolved judicial review.

The second is whether the use of force is carried out with due regard to substantive human rights. The Northern Ireland Human Rights Commission (NIHRC) has claimed that Taser could potentially violate Articles 2 (right to life) and 3 (freedom from torture and cruel, inhuman or degrading treatment) and of the European Convention on Human Rights (ECHR). However NIHRC's Chief Commissioner stressed that the Commission was not opposed to police officers having access to less lethal alternatives than firearms, but noted, "*There remains genuine concern about the safety of Taser.*" Amnesty International's Northern Ireland office recognized that police officers have a "...*duty to protect themselves and others from serious life-threatening incidents and in these situations a Taser is clearly a less-lethal alternative*" but also noted that "*People are at serious risk of injury, or in some cases death if the Taser is used without adequate safeguards.*" Echoing concerns expressed by Amnesty UK, the Northern Ireland Office also expressed apprehension with respect to 'mission creep' and potential compromises to training requirements.

The international experience of Taser use indicates a strong correlation between reactive, security-focused policing with negligent procedures and guidelines and a frequency of Taser use and abuse. In countries where Taser has been in longer term use, the device is not restricted to usage as an alternative to live rounds but is utilized in a wider variety of situations. As a weapon Taser is susceptible to high levels of abuse that allows policing to go beyond what is lawful and facilitate human rights violations.

It must be recognized that the domestic experience in Great Britain and Northern Ireland is not currently one of widespread or routine deployment of Taser. This is directly linked to restrictions on their deployment to highly trained

officers only; strict guidelines; training, review and evaluation; the development of a human rights culture amongst police; and internal and external accountability mechanisms. In this context, leading human rights organisations domestically have not opposed the use of Taser when deployed by limited numbers of highly-trained officers responding to life-threatening or very dangerous situations. However, there remains a need for vigilance as both international and domestic experiences of Taser raise the issue of 'mission creep' and whether the device may be utilised in situations to secure compliance and/or where conflict resolution techniques would be effective. CAJ recognises the very difficult job of policing but maintains the following:

- Taser should only be used when absolutely necessary to prevent death or serious injury.
- Taser discharges should continue to be referred to the Office of the Police Ombudsman for investigation.
- Taser use must be tightly controlled and there should be no attempt to extend their availability.
- Taser should be confined to the smallest necessary number of specialist and authorised firearms officers and should never be used to augment lethal force, to attain compliance, or in public order situations.
- Taser use should never be disproportionate or indiscriminate.
- Training methods should continue to teach officers to think of the weapon as a firearm, a weapon that is potentially lethal.
- Training should also continue to give special emphasis on procedures to reduce adverse impacts on the equality groups.
- In no circumstance should Taser be used on children.

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We already have all the rights we need

When the British government was reviewed by the UN Committee on its commitments to the International Covenant on Economic, Social and Cultural Rights (ICESCR) in May this year, there were no representatives from the Northern Ireland Assembly present. Scotland, England and Wales all sent members as part of the overall UK government delegation, led by Dr Vijay Rangarajan, Constitution Director in the Ministry of Justice (MOJ), comprising 23 representatives in all.

CAJ had led an intensive awareness raising exercise in anticipation of the examination including a briefing on how to access and respond to this process, email updates, meetings with the Ministry of Justice and OFMDFM equality and human rights departments and providing help and support to local organisations. As such, a strong delegation from the community and voluntary sector in NI, including CAJ, were present at the examination and beforehand for an opportunity to meet with committee members. This meeting was useful in giving up-to-date information specific to NI which was either poorly represented or entirely missing from the UK government's report. There were approximately 16 submissions from NI and around 13 from England, Scotland and Wales combined. The Concluding Observations are testament to the high level of participation from Northern Ireland. It is therefore particularly disappointing that there were no representatives from Northern Ireland to answer the Committee's questions in relation to NI.

A couple of overarching themes which affect the UK mentioned in the Concluding Observations issued by the Committee include the old chestnut of whether the UK government intends to incorporate the ICESCR into national legislation. *'The MOJ... maintained that the UK is not going to make economic, social and cultural rights directly enforceable as people "have so many already".'*¹ It will surely come as a surprise to the 341,000 people in NI who, according to the OFMDFM website, *'live in relative income poverty. Over 100,000 of these are children,'* that they have so many rights already and therefore do not need to have this protection in law!²

Another issue that arises regularly in the monitoring of ICESCR is public awareness of the Covenant; this is one area that CAJ persistently raises in its submissions to the Committee on Economic, Social and Cultural Rights (CESCR). The MOJ acknowledged that the general public was unaware of the rights as set forth in the Covenant but expressed that, *"generally speaking,"* people understand what their rights are. CAJ believes it would be hard pushed in reality to find someone who most needs these rights protected who is aware of this particular Covenant and much more awareness raising is needed by the government.¹

More specific to Northern Ireland, there was an unambiguous call in the concluding observations for a Bill of Rights for NI with the Committee stating *'... the draft Bill of Rights for Northern Ireland, which includes economic, social and cultural rights which are justiciable and calls for its enactment without delay'*. During the examination, the UK delegation was asked about the Bill of Rights for Northern Ireland and the government's resistance to adoption of the Bill. The MOJ explained that there was no resistance by the UK government and referred to the process as a key step toward peace in Northern Ireland but also as an inclusive process, which explained the need for continued analysis and discussion with communities on the issue.¹ CAJ calls on the Northern Ireland Office to make public its arrangements for a consultation on a Bill of Rights and enact legislation as soon as possible.

Other details specific to Northern Ireland included housing, mentioning particularly the chronic shortage of social housing among disadvantaged groups, especially Catholic families in North Belfast, and called upon the State party to intensify its efforts to ensure that everyone has access to housing, including social housing. Unfortunately a representative from Northern Ireland was not available to provide information on housing issues but a promise was made to send a written response at a later date. Also included in the Concluding Observations were educational rates, particularly for Roma/Gypsies, Irish Travellers and drop-out rates of children from ethnic minority backgrounds; that there is limited information in the government's report specific to each devolved administration; that the Abortion law in NI be changed in line with the rest of the UK; that Equality Impact Assessments are properly implemented in NI and that an Irish Language Act be adopted, similar to that in Scotland and Wales.

Many other areas of direct interest were mentioned, such as healthcare, migrant workers and the Optional Protocol to the Covenant which would allow individual complaints. Let us hope that the lack of attendance by the NI officials at the examination in Geneva does not indicate a lack of commitment by the NIO and the Assembly in living up to their obligations under this and other Covenants. The Committee requested that the State party submit its sixth periodic report prepared in accordance with the revised reporting guidelines of the Committee by 30 June 2014.

¹ *Treaty Body Monitor, International Service for Human Rights, Human Rights Monitor Series. E-mail: information@ishr.ch Website: www.ishr.ch*

² *www.ofmdfmi.gov.uk Central Poverty*

For Concluding Observations and other information on the Treaty see www.ohchr.org

Is the community a stakeholder in community safety?

In March of this year, the Northern Ireland Office released a paper on “*Local Partnership Working on Policing & Community Safety: A Way Forward*” which addresses a proposed integration of Community Safety Partnerships (CSPs) and District Policing Partnerships (DPPs). If you didn’t see it, that’s because it wasn’t distributed beyond NIO defined key stakeholders (the Northern Ireland Policing Board, local councils, Community Safety Partnerships and District Policing Partnerships) with a wider consultation process scheduled much later in the “sequence of steps to create integrated partnerships” and following devolution when (perhaps) all the key thinking and decisions have been crystallized.

This seems ironic given that the Patten Report, and the institutions that it outlined, represented an astute expression of contemporary democratic thought that policing – and the processes that inform it – should not be the monopoly of a centralised hierarchy (NIO or other), detached from the wider community. The NIO’s current consultation process does not meet Equality Commission Guidance on Section 75, nor the NIO’s own Equality Scheme, which is the mechanism by which Section 75 of the Northern Ireland Act is legally enforced. The NIO Scheme states that in relation to consultation:

“Consultation on equality issues with groups and individuals will begin as early as possible. The Department will consult with the Equality Commission, the Community Relations Council, other groups and organisations representing the various categories included in section 75 listed at Annex C on all issues relevant to the fulfilment of the section 75 obligations i.e. with regard to matters relating to the duties, the Equality Scheme, screening and impact assessments.”

CAJ is of the view that the proposal to merge DPPs and CSPs is a policy that is likely to have significant impact for the promotion of equality across the Section 75 categories and therefore requires a full equality impact assessment. However, we believe that the sequence of events outlined by the NIO in relation to creating integrated partnerships is wholly inadequate to comply with Section 75 of the Northern Ireland Act. In effect, the proposal to screen the policy proposals after the key decisions in terms of the reorganisation of the DPPs and CSPs have already been taken represents a failure not only to abide by the NIO’s commitments in its Equality Scheme, but also with common law principles.

In effect, organisations like ourselves who have been directly involved in working in this area were excluded from the initial discussions on this important issue. CAJ

maintains that organisations in the community sector clearly have a “legitimate expectation” of being included in this consultation at this important initial stage. It is also worth noting that Mr Justice Weatherup, in outlining the requirements of “proper consultation” in the judicial review of the Sexual Orientation Regulations by the Christian Institute in 2007, stated that the first requirement was that “consultation must be undertaken at a time when proposals are still at a formative stage”. As outlined above, the intention of the NIO to screen this policy within the timeframe proposed would not enable organisations like CAJ to engage in consultation at a time when the proposals are still at a formative stage.

A significant volume of case law exists under the common law in relation to the carrying out of consultation exercises. For example, in **R (Coughlan) v North and East Devon Health Authority [2001] QB 213** at paragraph 108 it was stated, “It is common ground that whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly.” Similarly, Auld LJ in the Court of Appeal in **R (Edwards) v Environment Agency [2006] EWCA Civ 877** at paragraph 90 that, “It is an accepted general principle of administrative law that a public body undertaking consultation must do so fairly as required by the circumstances of the case.”

CAJ is not opposed to the concept of merging the DPPs and CSPs, indeed this is something we have long argued for, given that they were never envisaged to be separate entities in the Patten and Criminal Justice Review reports. However, how the concept of integration is made a reality is of some concern. In particular, we are concerned that the key accountability function of DPPs is not diminished and that community participation, and particularly the participation of women, is not likewise diluted in a move towards more agency-led, community safety focussed partnerships.

CAJ has expressed its concern to the NIO that it is not working in a complementary fashion with the wider community sector on an issue that is central to creating local accountability structures for policing and community safety. By extension and in light of the pending devolution of policing and justice powers, this issue raises significant questions about government’s methods of working and consulting with the community on policing and criminal justice issues and who is defined as a “key stakeholder” when important decisions are made. This issue needs to be comprehensively addressed in order to ensure that NIO culture and ‘community-blind’ practices do not filter into devolved departments.

Policing the Past

The absence of a mechanism that comprehensively addresses the legacy of the conflict remains an outstanding issue of the Northern Ireland peace process. This unfinished business is viewed by some as a destabilising force that has the potential to undo much of the significant progress that has been made in policing.

It is generally agreed that any process attempting to deal with the legacy of conflict needs to be understood in the context of the social realities, dynamics and concerns of the conflict in question. This has prompted international policy makers and practitioners to promote what is often described as 'home grown', 'local' or 'bottom-up' transitional justice solutions rather than the usual 'one-size-fits-all' templates. 'Local' approaches raise a number of important and deeply contentious issues, such as what we mean by local ownership, who are the locals and what is the role of insiders/outsiders. The Bradley/Eames report and the recently announced consultation process, has focused minds on what a 'truth' recovery mechanism distinctive to Northern Ireland might look like. It has also prompted renewed critical reflection and stock taking of the plethora of processes that already exist and the lessons that might be drawn.

Local 'Ownership'

The Historical Enquiries Team (HET) is one process in the landscape of initiatives already undertaken by Government and non-Governmental groups. It is a bespoke unit set up by the Police Service of Northern Ireland (PSNI) to re-examine deaths attributable to the conflict and answer the unresolved questions of families. It was launched in January 2006 and is unique to Northern Ireland. It is innovative and unprecedented in the world of policing and in my opinion it is breaking new ground in transitional justice terms as a micro-level information recovery mechanism. However, the establishment of a police-led information recovery process raises a number of important issues that need to be understood in the context of the contested nature of policing during the conflict. The Chief Constable has said that he is not precious about the 'ownership' of the HET; if it is demonstrated that families will receive a better service from an analogous external process, he will happily support that. I would suggest this statement raises a number of interesting questions, such as, from whose perspective will a 'better' service be judged, what will be the criteria to assess efficiency and who will decide?

It is my opinion that ownership of a process means more than local people merely being recipients, 'having a say', or Government conducting a number of meetings with a few select groups and/or chosen few. Any 'truth' recovery

process in Northern Ireland must emerge from in-depth consultations and participation with a wide base of locals in the conceptualization, planning and delivery of the initiative. This will give the process legitimacy, which is crucial for local 'buy in' and success.

The Historical Enquiries Team

My research on the HET has shed light on some of the strengths and limitations of a police-led 'truth' recovery process.¹ The creation of the HET by the PSNI and NIO undoubtedly filled a crucial policy gap and for a considerable period of time it has been the only official effort to try and help families find answers to questions. This is to be commended. The HET maintain that its legitimacy is based on the level of engagement in the process and public confidence is created and maintained as their staff act with and on behalf of the PSNI. The HET's legitimacy has however been in question since its inception and some victims and NGOs have refused to engage because it does not have sufficient independence. NGOs that critically engage in the HET process also have expressed disquiet that it is 'the police investigating the police'. But, the reality is, it remains 'the only show in town.' This might suggest 'pragmatic participation' in the absence of any viable alternative.

The HET has been an evolving process. The original structure included two Review and Investigation Teams, Red and Purple. The Red Team was designed to be 'ring fenced,' staffed entirely by external personnel, mainly retired police officers from forces outside Northern Ireland (England, Scotland and Wales) and was set up to deal exclusively with cases that required 'independence.' The Purple Team was to consist mainly of former retired local RUC officers. Two additional independent teams were established - the White Team and Complex Enquiries Team. My research found that each phase of the HET process had the involvement of former long serving local RUC officers, some of whom have, from its inception, held key positions in senior management. Importantly, at the time of the research, former RUC and Special Branch officers manage all aspects of intelligence and perform a censoring role in respect of disclosure. This raises questions of perceived impartiality and conflict of interest especially for those families seeking answers to questions about the role of the State and its institutions. In this instance 'who the locals are' is of fundamental importance. It emerged through the research that very few, if any, individuals including families engaging in the process were fully aware of the structures and the extent of the involvement of personnel described above. These structural issues have obvious implications for claims of independence and issues of trust, legitimacy and 'buy-in' for sections of the population. To its credit, the HET has acknowledged that my research raised important

issues and that changes have been made as a result; I welcome this and look forward to learning more about the changes.

Policing Memory

'Who the locals are' and their characteristics require particular attention if the process is about the construction of historical memory. The concept of competing memories, or competing 'truth claims,' is a common critique in the transitional justice literature. As I have argued elsewhere, the reliance on RUC corporate memory and the absence of a counter-discourse or counter-memory is a fundamental weakness in the work of the HET. There is an obvious absence of a broadly nationalist perspective or memory informing its work. Corporate memory was reflected in the Review Summary Reports (RSR) which I examined, and the sample of case files analysed. A significant space is given to a self-serving set piece that in many ways attempts to manage public memory.

Individualising 'Truth'

The RSR is an individualised document that details the extent of the re-examination undertaken by the HET and, in varying quality and depth of analysis, attempts to answer questions. The RSR appears to be unique in policing in general and is breaking new ground in transitional justice practice. In many significant ways, the HET departs from traditional policing, particularly in the development of the RSR and the scope of questions it attempts to answer, many of which are not related to typical investigations.

It could be argued that the HET process privatises 'story telling', puts it behind closed doors and individualizes the truth.² This may suit the needs of some families. In other cases victims' seek public acknowledgement, recognition and validation of their experiences. In addition, it is beyond the HET remit to provide a broader social narrative or macro-level analysis based on thematic issues. Some families and sections of the population desire a process that can deliver the 'bigger picture'. The HET can analyse patterns based on evidence drawn from individual cases and comment on issues such as collusion or the chain of command but this is not the same as thematic examination

of issues that are the legacy of conflict. Thematic issues are not necessarily related to deaths but instead require examination of institutions or practices that go to the heart of the causes, context and consequences of the conflict.

Pushing the Boundaries

Likewise, the HET has limited scope to engage with combatant groups in order to seek answers to families' questions. The HET is a police-led investigative process that could potentially result in prosecution. This is highly unlikely to create the right kind of circumstances whereby combatants would be willing to come forward – even if they felt compelled for moral or other reasons to do so. The Independent Commission for the Location of Victims' Remains (ICLVR) has demonstrated that given the right circumstances, informal information recovery processes, supported by immunity provision can deliver vital information. I would suggest these more informal processes could push the boundaries in recovery of 'truth' for families.

Conclusion

Drawing on lessons learned, to gain the widest possible acceptance, any 'truth' recovery process in Northern Ireland should be independent and contain a multidisciplinary team of insiders and outsiders in a partnership of equals. Indeed, it is worth considering that a recent Northern Ireland survey found there was almost universal distrust of all the organisations, parties and agencies that had been involved in the conflict, to run a truth recovery process.³

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University of Ulster

¹ For an in-depth critical analysis of the HET see, P. Lundy, 'Can the Past be Policed: A Critical Analysis of the HET,' *Law and Social Challenges*, 11 (2009): 109-156; also see *Transitional Justice Institute Research Paper No. 09-06*. Available at SSRN: <http://ssrn.com/abstract=1425445>.

² It should be pointed out that the outcome of this private process can, and has been, made public in a number of instances by NGOs and/or solicitor representing families.

³ Lundy & McGovern, *supra* note 76, at 45-52.

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CAJ is growing and moving!

CAJ has appointed new staff in recent months and our staff team has consequently grown. Here is the “who’s who” now in CAJ:

Director - Mike Ritchie
Deputy Director - Aideen Gilmore
Office Manager - Liz McAleer
Equality Programme Officer - Tim Cunningham
Human Rights Programme Officer - Fiona Murphy
Policing Programme Officer - Mick Beyers
Criminal Justice Programme Officer - Jacqueline Monahan
Communications Officer - Louise McNicholl

Finance and Admin Officer - Fiona Cash
Legal Officer - Gemma McKeown

And of course we have our regular Eirene volunteer. We would like to take this opportunity to thank our outgoing volunteer Jonas Lammers for all his hard work over the last year, and welcome his replacement Jakob van Kampen.

With the growing numbers, we also hope to secure new premises in the coming months. Watch this space for more details...

Threads of Destiny-

‘Stories in fabric about violence, hope and survival’

CAJ’s “Quilt for Beijing” was on exhibition at the Museum Frauenkultur, Regional and International, Furth, Germany from May-July 2009.

On the 9th of May 2009, the quilt entitled “Women’s Rights are Human Rights,” a joint project by CAJ and the then CRD (Centre for Research and Documentation) featured in the opening of an exhibition in Furth, Germany. The Museum Frauenkultur, Regional-International, hosted this international collection of quilts and textiles. Guest Curator Roberta Bacic from Chile and Northern Ireland and a group of representatives from community groups and individual quilters from Belfast, Derry and Donegal made the trip to the opening and to view the quilts and attend a workshop with some of the international and local guest quilters. It was with great pleasure that Liz McAleer represented CAJ at the launch of this exhibition. As well as “Women’s Rights are Human Rights” quilt, the other quilts from Ireland on exhibition were:

- ‘Love Across the Waves’ or ‘Grá Thar na dTonn’, a joint project by Arranmore Island Women’s Group and the Tír Boghaine Women’s Groups from Glencolmcille and Kilcar;
- ‘Pathways of Life’ created by Women into Irish History Group, Londonderry/Derry;
- ‘Shared Visions’ by Quaker House in Belfast;
- ‘Broken Promises’ by Mary Good, Londonderry/Derry.

These quilts can all be seen on the exhibition’s website <http://www.latinotopia.de/cultura/quiltsandarpilleras.php>

Held in a building on the grounds of a beautiful old castle in the neighbourhood of Burgfarnbach, this exhibition featured quilts from Germany, France, India, the USA, Palestine, Afghanistan, Argentina, Peru, Chile, Northern Ireland, and Eire. Some pieces were the product of community groups, others by individuals. This exhibition

also featured a collection of Arpilleras from Chile and Peru, some of them never exhibited before. These are small hand-sewn pictorial quilts, which for the most part were used to express and represent the acts of repression, violence and trauma that the makers had experienced during the dictatorship of Pinochet. For many years they had been smuggled out of the country as the only way that women in communities could express their daily lives and tribulations. A workshop was held around these arpilleras by guest Curator, Roberta Bacic. Also during the pre-exhibition reception on the 8th of May, those quilt-makers and artists who could participate had a session in which they explained their own work or that of the groups they represented, the stories, techniques and motivation behind the piece.

The opening ceremony on Saturday, 9th May was very well attended and the visitors had a very positive response to the wonderful variety of quilts and textile pieces. Ranging from group quilts on a historical scene or event, to quilts or weavings with a specific message such as Northern Irish quiltmaker, Irene MacWilliam’s piece, ‘Common Loss: 3000+dead’ which commemorates those killed in the Troubles in Northern Ireland. Another work charts the evolution of the women in the artist’s family, who was from Romania, through multi-media textile techniques. There were weavings, embroidery, multi-layered photographic prints, fabric painting, arpilleras, as well as traditional patchwork using blocks and piecing and appliqué.

For further information on CAJ’s quilt, please contact the CAJ office on 028 9096 1122 or email info@caj.org.uk.

Single Equality Bill

April 2009 saw the publication of the government's long-awaited proposals for consolidating and extending equality provision in Britain – namely the Equality Bill (the “Bill”). The Bill, which does not apply to Northern Ireland (such matters are now devolved to the local assembly) does however contain some proposals which are worth considering in light of debates that have taken place closer to home over recent years.

The first clause of the Bill contains a new public sector duty regarding socio-economic inequalities. This provides that public authorities, to whom the legislation applies, must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the inequalities of outcome which result from socio-economic disadvantage.

There are a couple of points worthy of note here – firstly, the emphasis is on “decisions of a strategic nature” – as opposed to the Section 75 approach which covers all functions. Moreover, the explanatory notes which accompany the legislation state that it will be for public authorities subject to the duty to determine which socio-economic inequalities they are in a position to influence. One can already envisage a plethora of public bodies concluding that they are unable to influence x, y, or z socio-economic inequalities, which will no doubt be blamed on “structural” factors, ie, matters beyond direct control.

The draft legislation also contains some other weaknesses, not least that individuals have no recourse to private law because of a failure by a public authority to comply with the duty. For example, the explanatory notes of the legislation specifically state that in situations in which an individual feels that the socio-economic disadvantages that they face should entitle them to a flat or other housing in a new social housing development ahead of those whom the individual judges to be less disadvantaged, the Bill does not provide a review mechanism rather the individual must bring a case against the local council or other public authority.

In terms of enforcement, neither are there any requirements in the Bill for a socio-economic equality impact assessment, or any set of procedural obligations akin to the current Equality Impact Assessment provisions of Section 75 of the Northern Ireland Act, which one might use as a measure of compliance with the requirements of the primary duty.

There is no enforcement role for the Equality and Human Rights Commission in relation to the proposed clause and no equivalent complaints mechanism to the current paragraph 10 and paragraph 11 arrangements in Schedule 9 of Section 75 of the Northern Ireland Act. Such procedural requirements would at least allow for an element

of redress in cases of failure to follow procedural requirements.

Given these weaknesses, one might wonder what exactly this socio-economic clause can do to address disadvantage. Again, some help is provided in the explanatory notes of the Bill which state for example that:

“The duty could lead a public body with strategic functions in relation to health to allocate money from its agreed budget to a separate funding stream which targets geographical areas with the worst health outcomes.”

It is of course worth noting that under existing law, a public body could already carry out just such a similar exercise. Given the absence of any other enforcement procedures however, there is equally, or indeed, a greater likelihood that even more public bodies could decide not to allocate money to target areas with worse health outcomes. Either way, there is no basis for challenging the decision.

In trying to identify any positive aspects of the legislation some commentators have pointed to the inclusion of the concept of socio-economic disadvantage in legislation as a positive step forward, along with the specific inclusion for the first time in legislation of “inequalities of outcome”.

There are a couple of points worth noting here however. Firstly, there is a danger that by introducing measures which are likely to be of limited, if indeed, any benefit, the impression can be created of “something being done”. In other words, necessary and immediate actions required for addressing socio-economic inequality are overlooked because the impression is created that the socio-economic equality clause will make a difference.

Undoubtedly, serious action is required on the part of government to address ongoing patterns of socio-economic inequality, both in Northern Ireland and across the water. Indeed, almost since the passage of the Northern Ireland Act debates have surrounded the omission from Section 75 of the Act of any reference to “socio-economic” status within the “nine categories”. Moreover, in that time we have also had TSN, New TSN, and now an Anti-Poverty Strategy.

In terms of finding a way of effectively addressing socio-economic disadvantage, the provisions in the Equality Bill in Britain provide useful guidance for the way forward - unfortunately, the guidance is with respect to what should be avoided as a way forward, rather than what is likely to be of benefit.

Civil Liberties Diary - June/July

16th June

An anti-racism rally by residents takes place in south Belfast in support of several Roma families whose homes had been attacked.

18th June

Around 100 foreign nationals flee their homes in south Belfast after a series of racist attacks. The migrants are housed in the Ozone leisure for their own safety.

19th June

The Historical Enquiries Team is to take over the investigation into the murder of six men by the UVF in Loughinisland in 1994. The victims' families have demanded to know whether the PSNI decision to end their investigation was linked to decommissioning by loyalist paramilitaries.

Suzanne Breen, Northern editor of the Sunday Tribune, wins her legal battle with the PSNI over the force's request that she hand over any information on the Real IRA. The Court ruled that her right to life outweighed public interest in the prevention of crime. The journalist had successfully argued that she would be targeted by the dissident group if she handed over her records.

25th June

CAJ Deputy Director, Aideen Gilmore, says that as the Rosemary Nelson Inquiry deliberations come to a close, the truth of the killing must now be revealed. The judging panel, chaired by Sir Michael Morland, will now begin to compile their findings.

30th June

Ian Paisley Jr has been fined £5,000 for contempt of court for his refusal to reveal the name of a prison officer who told him thousands of files had been destroyed following Billy Wright's murder.

1st July

Home Secretary Alan Johnston announces that British citizens who

apply for or renew their passport will be automatically registered on the national identity card database despite the government dropping plans for a compulsory ID scheme.

In the High Court in Belfast, Mr Justice Gillen rules that the appointment of the four Victims Commissioners was lawful. Michelle Williamson, whose parents were killed in the 1993 Shankill bomb, had challenged the decision not to appoint a single commissioner.

9th July

A legal challenge against a 272 year old ban on the use of the Irish language in court proceedings in the North is dismissed in the High Court. Caoimhin MacGiolla took the case after being told that his application in Irish for a drinks licence could not be administered. He said the discriminatory law shows the need for an Irish language Act.

Finance Minister Sammy Wilson criticises the "equality industry" as a waste of tax payers' money and proposes that the NIHRC, the Equality Commission and NCCY be streamlined into one more cost effective commission.

21st July

Trevor Phillips' management of the Equality and Human Rights Commission in Great Britain comes under attack as two former Commissioners accuse him of squandering the trust and confidence of the Board through "divisive leadership."

NI Secretary of State, Shaun Woodward, says there will have to be compromises between what the NIHRC has proposed for a Bill of Rights for Northern Ireland and any bill brought before Parliament. He also added that he did not believe the Commission had exceeded its remit in the drafting.

22nd July

Dame Anne Owers, Chief Inspector of Prisons, and Dr. Michael Maguire, Chief Inspector of Criminal Justice in Northern Ireland, hold a joint press conference to discuss the results of an unannounced inspection at Maghaberry prison six

months earlier. Conditions were found to be so bad that inmates' lives were at risk.

24th July

Former UVF leader and Special Branch informer, Mark Haddock, appears in court charged with the murder of William John Harbinson in 1997. The charges follow an investigation into collusion by the previous NI Police Ombudsman's office.

The Police Ombudsman's Office rules that the PSNI were right to use a Taser on a man in Derry in August of last year. Al Hutchinson found that the weapon's use was justified and proportionate in the circumstances.

The British government expresses "deep regret" over the shooting of Aidan McAnespie by a British soldier in Aughnacloy in 1988. The HET had previously announced that the soldier's account of what happened was "the least likely version" of what had happened.

Compiled by Mark Bassett from various newspapers

Just News

Just News welcomes readers' news, views and comments.

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