

# Just News

Human Rights in Northern Ireland

## Children leading the way

**The introduction of Anti-Social Behaviour Orders (ASBO's) on 25<sup>th</sup> August 2004 presents the biggest current challenge to those working towards securing the rights of children and young people in Northern Ireland. The legislation was fast-tracked into Northern Ireland and mirrors the provisions in England and Wales, failing to take cognisance of the fact that we are a close-knit and highly segregated society emerging from conflict.**

ASBO's are civil injunctions which can be made on application to a magistrate's court from the PSNI, the Housing Executive and local Councils. They restrict the activities and movement of any person aged ten and over who is found guilty of behaving "anti-socially". While they can be applied to anyone, in Britain research has shown they have been overwhelmingly used against young people, they seriously undermine international children's rights standards and fail to comply with the overall aims of the Criminal Justice Review. Reporting restrictions do not apply automatically to children as they would in other legal proceedings and the potential of "naming and shaming" children as young as ten raises very serious issues.

The Children's Law Centre and nine other children's and human rights organisations lodged a formal complaint with the Equality Commission on 6<sup>th</sup> May 2004 on the grounds that in introducing the ASBO legislation, the Northern Ireland Office (NIO) failed to comply with its Equality Scheme. The Equality Commission gave a landmark decision in May 2005, and found that the NIO failed to take account of the significant evidence presented to them that the introduction of ASBO's would have an adverse impact on children and young people and failed to carry out a full Equality Impact Assessment (EQIA) of the draft legislation. The Equality Commission found that because of the likelihood of greater adverse impact in terms of both the categories of age and gender i.e. young males, the NIO should have carried out a full EQIA. The Equality Commission did not accept that the NIO's reasons for not carrying out an EQIA represented adequate consideration of whether the policy was "likely to have significant impact on equality of opportunity" as they focussed on the fact that the adverse impact was not intentional, rather than the potential for adverse impact which clearly exists.

The Equality Commission recommended that, in order to comply with its own approved Equality Scheme, the NIO

undertake a full EQIA of the ASBO policy and legislation in relation to its potential impact on children and young people. This EQIA should now be well underway, as per the Equality Commission's recommendation that it be commenced by 1<sup>st</sup> June 2005. The NIO will have to report its progress by the 5<sup>th</sup> August 2005. The Equality Commission also recommended that in future screening exercises, the NIO should set out its reasons for not carrying out a full EQIA at the initial screening stage, ensure reasons given for not carrying out an EQIA are adequate and, in relation to significant implications for equality of opportunity, disclose any evidence of differential impacts identified by the initial screening exercise, addressing representations of significant adverse impact which emerge from the consultation process.

These findings by the Equality Commission, as well as the uncertainty of the NIO's adequate discharge of their statutory duty during the recent consultation process on the draft Criminal Justice (Northern Ireland) Order, which seeks to extend some of the ASBO provisions, throws the status of the legislation and any ASBO's served in Northern Ireland into serious question. A particularly important judicial review has been recently launched. It will seek clarification on the status of ASBOs and has very wide and fundamental implications for the equality duty generally.

We feel confident that the NIO's equality impact assessment will show that ASBO's will not work in Northern Ireland and only serve to criminalise and demonise an entire generation of young people, fast-tracking them into the criminal justice system without regard to the due process of the law.

**Natalie Strain**  
**Children's Law Centre**

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# Articles 2 & 3 for beginners

## European Convention on Human Rights:

"Everyone's right to life shall be protected by law." (Article 2)

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment." (Article 3)

**The right to life is protected by Article 2 of the European Convention on Human Rights (ECHR), while Article 3 upholds the right not to be ill-treated. Since October 2000, individuals in Northern Ireland and UK have been able to assert their ECHR rights in the local courts because the ECHR is now part of domestic law by virtue of the Human Rights Act 1998. Where a remedy is not secured from the local court system (that is, the local courts and the House of Lords have been 'exhausted'), individuals can make an application to the European Court of Human Rights, the Strasbourg body which adjudicates on cases concerning the ECHR.**

Easily digested information about how the right to life and the right not to be ill-treated are protected in the UK and Europe can be hard to come by. Although there is plenty of information around, particularly about the right to life, it tends to be complex and not always succinct enough for those without a legal understanding of the ECHR.

The Human Rights Commission recently published two 'easy guides' which aim to demystify these rights, explain what each means and describe the relationship between case law and developing rights protection. The guides give practical information on the steps that individuals in Northern Ireland can take to avail of their rights. They are deliberately short, running to just over 30 pages each, but still manage to neatly package background and practical information covering a wide range of issues which are affected by either Article 2 or 3 (or both). Both guides were written for the Commission by Mark Kelly - an international human rights lawyer and independent consultant on human rights.

UK cases heard before the European Court of Human Rights such as *Kelly*, *Shanaghan*, *Jordan*, and *McKerr*, have a potentially enormous impact on how investigations into deaths resulting from the use of lethal force are carried out. The Court found in these four cases, and eight others, that the UK had not properly investigated deaths caused by either the police or the army, and that therefore the right to life had been violated. While the right to life guide describes these high profile cases, it also explains the impact of cases which may not be so well-known but are nevertheless influential on the protection of life. Also made

clear is the connection between ECHR cases from other parts of Europe and the UK through the Human Rights Act, and the need for those outcomes to be considered in right to life cases being decided in the Northern Ireland courts.

The guide to the right not to be ill-treated explains what is meant by the term 'torture' and the phrase 'inhuman or degrading treatment' and examines their connection to physical assault, conditions of detention, corporal punishment, racial discrimination and extradition or deportation. Like the companion guide on Article 2, the practical impact of cases involving Article 3 that have arisen at European and domestic levels are examined for their application to Northern Ireland issues such as policing, prisons, treatment of foreign nationals and school and home discipline.

The guides have been produced as part of the Commission's work on Articles 2 and 3, which so far includes an examination of how unexpected deaths occurring in hospital are investigated, how women and girls in prison are treated, and the application of human rights within the changing inquest system. A detailed examination of how the inquest system complies with the ECHR in investigating deaths caused by lethal force is soon to be published.

**Nadia Downing**  
**Northern Ireland Human Rights Commission**

For copies: [www.nihrc.org/documents/pubs/rights/TheRighttoLife.pdf](http://www.nihrc.org/documents/pubs/rights/TheRighttoLife.pdf) and [www.nihrc.org/documents/pubs/rights/RightNot2BIITreated.pdf](http://www.nihrc.org/documents/pubs/rights/RightNot2BIITreated.pdf) or contact NIHRC - [nadia.downing@nihrc.org](mailto:nadia.downing@nihrc.org)

## In the Headlines

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on more than 50 civil liberties and justice issues  
(from mid 1987- December 2000).  
Copies of these can be purchased from CAJ office.

The clippings are also available for  
consultation in the office.

Anyone interested in this service, should phone  
(028) 9096 1122.

# Women at the UN

**The Northern Ireland Women's European Platform (NIWEP) is an umbrella non-governmental organisation (NGO) with membership groups across a wide range of civil society and social partners in Northern Ireland. In 1999 NIWEP was awarded Special Consultative Status by the UN, which gives the organisation the opportunity to shape policy at an international level through participation and reporting to international monitoring mechanisms such as the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW).**

The UK government, like the Republic of Ireland and other European Member States, has signed up to implementing CEDAW and has submitted its fifth periodic report in 2004 on its implementation of the articles detailed in the Convention. The UK report focuses on the progress made in legislative, judicial, administrative and other terms to give effect to the provisions of the Convention between 1999 (the last time the UK reported) and 2003.

When it last reported on the UK the CEDAW Committee noted a number of areas of concern and accordingly made a number of recommendations:

- The Committee recognised that the implementation of the Convention rested primarily with the UK but also noted that different arrangements were being established at that time in Wales, Scotland and Northern Ireland (devolved government) with responsibility for women's equality issues. Therefore the Committee was concerned that the protection of women's human's rights would be uneven and asked for information on progress in devolution and its impact on women's enjoyment of their rights covered under the Convention.
- The Committee expressed concern at the disadvantaged situation of women belonging to ethnic minorities, who experienced high levels of unemployment, lower levels of education and training, lower wages and salaries and fewer benefits than white women.

- The Committee noted with concern that the numbers and percentage of women in public and political life, in the judiciary, in positions of higher education and in other areas remained far from equal with men. The Committee also was concerned by the continuing pay gap between women and men.

- The Committee recommended that the government initiate a process of public consultation in Northern Ireland on reform of the abortion law

- The Committee was concerned at several aspects of the criminal justice system in relation to women. It also noted that in Northern Ireland young female offenders were held in adult prisons, and there were inadequate educational and rehabilitative programmes for women prisoners.

- The Committee recommended that a unified and multifaceted national strategy to eliminate violence against women be implemented to include legal, educational, financial and social components, in particular support for victims.

- The Committee recommended that the situation of older women be addressed in a cross-cutting and cross-sectoral manner, with a view to ensuring adequate provision for their physical, mental, economic and social well-being

- The Committee requested that the government include in its next report a comprehensive discussion of measures, including legislation and policies, taken to alleviate women's

poverty and the results of these measures both in terms of remedying existing poverty and preventing women from falling into poverty and breaking the inter-generational cycle of poverty.

In preparing its shadow report for the CEDAW Committee, the Northern Ireland Women's European Platform has explored the response to the concerns and recommendations made in 1999 along with consulting and collecting evidence from non-governmental organisations on other issues and concerns facing women in Northern Ireland.

The UK Government was due to be examined again in 2003 but unfortunately due to a backlog there still has been no date set. This obstacle means that the shadow report NIWEP is preparing is still a living document – subject to change as policies develop. NIWEP still urges groups and individuals to keep the organisation up to date with any new statistics, research etc which detail any impact on women in Northern Ireland which could be given as a reference in the shadow report for information for the CEDAW Committee. Any such information can be forwarded to [niwep@btconnect.com](mailto:niwep@btconnect.com)

**Kate McCullough**  
**N.I. Women's European Platform**

Ed note: This article was submitted by NIWEP to complement the information provided in May's Just News on gender issues.

# Policing Hu

**The Patten report argued that “*the fundamental purpose of policing ... should be the protection and vindication of the human rights of all*” (para 4.1). Accordingly, it went on to recommend that there should be a comprehensive programme of action to focus policing in Northern Ireland on a human rights based approach, and that the performance of the police service as a whole in relation to human rights, as in other respects, should be monitored by the Policing Board (recommendations 1 and 7 respectively).**

In February 2003 the Policing Board appointed Keir Starmer QC and Jane Gordon to advise the Board on how to meet its statutory duty to monitor the compliance of the PSNI with the Human Rights Act. While correctly reflecting the legislation, this is arguably a narrower interpretation of the Patten recommendation, which implies that the Board should have a brief to monitor the performance of the police service as a whole in respect of human rights, rather than in relation to specific human rights legislation.

One of the first tasks undertaken by the Board’s human rights advisers was to devise a monitoring framework document (December 2003) which committed the Board to an examination of human rights compliance in twelve separate areas of the PSNI’s work:

- The PSNI Human Rights Programme of Action
- Training
- Policy
- Operations
- Adherence to the Code of Ethics
- Complaints, discipline and civil actions
- Public order
- Use of force
- Covert policing
- Victim’s rights
- Treatment of suspects
- Human rights awareness within the PSNI

The advisers’ first report on compliance in these twelve areas was published earlier this year, and is a very important contribution to the process of assessing policing and human rights. The report is comprehensive and provides a lot of detail on the policies and practices adopted by the PSNI in an attempt to meet their obligations under the Human Rights Act. As such, it brings important information into the public domain for the first time.

In line with the monitoring framework document, the report examines the compliance by the PSNI with the Human Rights Act in the twelve areas set out earlier. In general, the report is fairly positive, and comments that the PSNI is ahead of many other countries in achieving human rights compliance. This was certainly the message most strongly carried in the media following the report’s publication. However, as already noted, the report is extensive, and closer examination reveals some worrying findings.

## Policy

The report highlights the confusion that has arisen in the past over what constitutes policy, and while it notes the improvements that have been made in this area, it recommends that all material be reviewed to ensure that it is properly classified. One area which the report highlights, but does not comment upon, is the distinction made between ‘policy’ and ‘procedure and guidance’. The PSNI practice to date has been to make some of the former available on the website, but not the latter. The report does recommend that the PSNI should consider whether some or most of its policies can be made available to the public, but CAJ would suggest that the report should go further in requiring both policy and procedure and guidance to be publicly available. Failure to do so unnecessarily fuels perceptions of secrecy, and indeed gives rise to confusion when such policies are breached. If policies are not available to the public, it is difficult for an effective accountability to be ensured.

## Operations

The report looked at specific policing operations rather than routine operational policing. While it does make a number of important recommendations around providing advice to officers on when they should refer matters to the PSNI legal services department, and more effective monitoring of the PSNI’s compliance with the Human Rights Act in relation to the planning and execution of operations, it effectively ignores the wider question as to the extent to which the numerous policies are translated into operational policing on the ground. Without such an analysis, it is difficult to ascertain to what extent change is really taking place, and how much of the compliance is relevant on paper only. This is obviously a big task, but a focus in the future on consultation with local groups would be one way of gathering information as to whether policing on the ground is actually human rights compliant.

## Code of Ethics

The report highlights some worrying findings regarding the Code of Ethics. The advisers set up a number of focus

## Human Rights

groups to gauge human rights awareness in the PSNI, and notes that when the Code of Ethics was discussed in these focus groups, officers were vague about its content and requirements. Given the importance that was supposedly attached to the Code of Ethics in ensuring the PSNI's commitment to human rights, some of the comments highlighted in the report are disturbing. The report recommends that the PSNI should consider including an assessment of knowledge of the Code of Ethics as a component of the Annual Performance Review.

### Human Rights Awareness in the PSNI

This attitude to the Code of Ethics and human rights in general is further reflected through surveys and other focus group findings. Some positive results are noted, for example, a majority of those interviewed correctly identified the absolute right to be free from torture, that police surveillance is an interference with privacy and must be lawfully authorised, etc. However, other findings around the use of lethal force and firearms were disturbing. Only 43% correctly identified that firearms could be used only where absolutely necessary, with 55% thinking they could be used only where necessary and proportionate. Likewise, 52% thought that lethal force could be used where such force was necessary and proportionate, rather than where it is absolutely necessary to do so (identified by 46%).

More generally only 48% of officers thought their knowledge of human rights was adequate and a real difference was identified between sources of information on human rights used by officers of different ranks, with those in higher ranks using policy documents and those in lower ranks relying on training and other colleagues, echoing earlier concerns about training and the filtering down of policies.

### A human rights compliant police service?

These results are worrying, and beg questions as to the extent to which the human rights culture which Patten envisaged is really being embraced. While such a culture obviously takes time to embed, key arrangements to facilitate this process - such as the Code of Ethics and training - are clearly not being sufficiently implemented. CAJ believes that future work and reports of the advisers need to focus more on "policing on the ground" and the attitudes and knowledge of police officers, rather than simply ensuring policies are in place. We are currently compiling a substantive response to the report which will address such concerns.

### Launch of CAJ's Commentary on the District Policing Partnerships

In the April 2005 edition of Just News, we highlighted some of the key recommendations of the latest in our series of policing commentaries on District Policing Partnerships (DPPs). CAJ used the opportunity of a visit to Northern Ireland of Professor Clifford Shearing and Assoc. Professor Michael Kempa to officially launch this Commentary. Prof Shearing was a member of the Patten Commission with particular expertise on community policing, and he and his colleague Michael Kempa shared with the audience some of the key lessons for community policing that were emerging from their research on this issue around the world.

The event – as with the original conference CAJ held on DPPs in June 2004 – attracted a large number of DPP members themselves from across Northern Ireland, as well as other community groups and institutions interested in local police accountability. Aideen Gilmore from CAJ presented the key findings of the Commentary, and discussion after the presentations was particularly focussed on the interface between DPPs and Community Safety Partnerships (CSPs). The latter were established in the wake of the Criminal Justice Review which had clearly anticipated that they be merged with DPPs so that a holistic approach to community safety and policing which involved local participation be adopted. Instead, the Northern Ireland Office established different entities, and frustrations have frequently been expressed as to the confusion of roles, the lack of local consultation and outreach by CSPs on issues relevant to local policing and the fact that CSPs have a greater budget than DPPs.

This frustration arose again at the recent launch of Community Safety Week where £9 million was announced for CSPs. This issue needs to urgently addressed if the concept of community policing as envisaged by Patten and indeed the Criminal Justice Review is to be truly implemented.

Copies of CAJ's Commentary on District Policing Partnerships are available from the CAJ office, price £5

## "In Larger Freedom"

**The United Nations is currently undergoing a major review of its role and functions in the world. A series of internal scandals (alleged corruption, criminal behaviour by so-called peace keepers, and sexual harassment claims) combined with a dramatically changed external environment, have necessitated a re-think of the global organisation's role and functions. The organisation that came into being from the ashes of World War II faces very different challenges now. Of course, like all membership organisations, the UN needs to seek the advice of its Member States *and*, in this case, the citizens of the Member States. It is difficult to envisage how such a worldwide debate can take place effectively, but several attempts are underway to secure some input from ordinary citizens into developing a vision for the UN's future.**

Recently CAJ was invited at short notice to a meeting organised in Belfast by the United Nations Association (in conjunction with the Foreign and Commonwealth Office) and to Dublin for a meeting organised by Dublin University, Amnesty International and the Department of Foreign Affairs. Presumably, similar events are taking place in an ad-hoc way around the world. While these discussions are hardly likely to spark off a very fundamental involvement worldwide, it is clearly an attempt to get some feedback from beyond diplomatic circles only.

CAJ is a relatively small organisation with a narrow remit when compared to the ambit of the United Nations, and we have little to say regarding important issues such as the size and nature of the Security Council. On the other hand, as a domestic human rights organisation that has made a large number of submissions to various UN mechanisms over the last fifteen years we have a lot of practical experience of what works and what does not. We were able to report, for example, that Northern Ireland has benefited extensively from the scrutiny provided by many UN mechanisms (the Human Rights Committee, Committee Against Torture, the Committee for the Elimination of Racial Discrimination, the Committee for the Elimination of Discrimination Against Women, the Committee on the Rights of the Child and the Economic, Social and Cultural Rights Committee). The UN Secretary General spoke at Magee campus earlier this year, the former UN High Commissioner for Human Rights (Mary Robinson) visited Northern Ireland on several occasions, and several UN Rapporteurs (Rapporteur on Arbitrary and Summary Executions, Rapporteur on the Independence of Judges

and Lawyers, Rapporteur on the Right to Education and Rapporteur on Freedom of Expression) have all sought to assist government comply fully with its international human rights commitments.

In our contribution to the debate, CAJ was able to state categorically that this international human rights scrutiny had proved influential in a variety of ways. Indeed, we were able to point specifically to a decrease in allegations of psychological ill-treatment in the early 90s and the introduction of anti-race discrimination legislation (albeit very belatedly) as having been directly influenced by UN recommendations (by the Committee Against Torture and the Committee on the Elimination of Racial Discrimination - CAT and CERD - respectively). Given the many parts of the world where UN involvement has proved very problematic, it seemed important to also emphasise that it can be an important force for good. Whatever changes are envisaged should seek to strengthen the organisation's potential for good, rather than use its failings to argue that it is somehow obsolescent.

Accordingly, we argued that whatever changes are introduced they must ensure that human rights remains a central thrust for UN activities and scrutiny, and we welcomed any moves in this direction. Certainly the rhetoric of the discussion document\* is very positive, according central importance to the upholding of the rule of law and human rights. The challenge is to operationalise this high sounding vision into practice, both in the UN's own operations, and most importantly in all Member States.

Our more detailed comments therefore encouraged the UN to agree upon structures and ways of working that ended the unfortunate dichotomy that grew up in the Cold War, between civil and political rights on the one hand and economic, social and cultural rights. All of these rights are interdependent. We argued that any UN discussion of the commitment to "freedom from want" should focus on how the use of the language, concepts and tools of economic and social rights be used to empower people assert their demands for educational provision, good healthcare, adequate income etc. In promoting the doctrine of the "freedom of fear" we drew on the Northern Ireland experience to argue that any supposed counter-terrorism measures must be compatible with human rights norms, and that peace-building must be built upon principles and practices of human rights.

It is to be fervently hoped that this review will strengthen the UN's role in setting and maintaining universal human rights standards – watch this space!

*\*In Larger Freedom: Towards Development, Security and Human Rights for All, Report by Secretary General, UN publication, New York, 2005*

# Inquiries Update

## Rosemary Nelson

The formal opening of the Rosemary Nelson Inquiry took place on 19th April 2005. The chair of the Inquiry Sir Michael Morland stressed the importance of the public nature of the inquiry, of its independence and of the inquisitorial nature of its work. He particularly invited submissions on how the Inquiry could deal with getting to the truth where individuals' evidence might be self incriminatory. CAJ and other human rights groups made submissions about this, about the terms of reference and the List of Issues the Inquiry is proposing to address. The Inquiry has decided it will give an undertaking that where it receives evidence tending to incriminate an individual, this evidence will not be used against them in other proceedings. This is similar to what was agreed in the Bloody Sunday and Stephen Lawrence inquiries.

The Inquiry is now in the process of gathering evidence. At the opening, Sir Michael Morland announced the Inquiry's intention to recruit a small team of former police officers from forces outside Northern Ireland to assist the Inquiry in its work. Robert Ayling has now been appointed to lead the police team. The Inquiry has appointed the firm of Eversheds LLP to undertake the work of taking witness statements. The team will be led by Peter Watkin Jones, who is head of their Inquiries and Investigations Team, and who led their work on the Bloody Sunday and Shipman Inquiries. The team is expected to begin work over the summer.

Documents on the Inquiry's website include the Inquiry's Terms of Reference, its Initial Procedural Statement, the Chairman's Opening Statement, the Inquiry's List of Issues, its Procedures Document and Funding Protocol (see [www.rosemarynelsoninquiry.org](http://www.rosemarynelsoninquiry.org)).

## Robert Hamill

The preliminary hearing of the Robert Hamill Inquiry was held on 24th May 2005 at Craigavon Courthouse, Portadown. Sir Edward Jowitt, Chair of the Inquiry, had said they had no preconceived ideas and would work fairly and honestly to get to the bottom of what happened. He referred to the purpose of the Inquiry, quoting the Secretary of State's comments on the importance of public confidence in the integrity of the state and its institutions, and the importance of properly establishing the facts where there are serious allegations of wrongdoing. Diane Hamill made a very strong appeal for anybody who knew anything about her brother's death to search their conscience and come forward to the Inquiry.

The opening remarks of the Inquiry Chair and a full transcript of the proceedings are online. Information on the Inquiry's procedure and details of deadlines for applications

for representation and for other applications can also be accessed in the website. The address is [www.roberthamillinquiry.org](http://www.roberthamillinquiry.org).

## Patrick Finucane

The Inquiries Act came into force on the 7<sup>th</sup> June 2005. This Act was rushed through parliament before the election despite the serious concerns expressed that it spelled the end of independent inquiries, and that it was not compliant with human rights standards, particularly Article 2 of the European Convention. In the March issue of Just News we noted that we did not see how any Inquiry held under this legislation could be effective and fulfil the promises made in the Weston Park Agreement. In April Geraldine Finucane wrote to all senior judges in England, Scotland and Wales requesting that, if asked, they indicate that they would not be prepared to accept any appointment to an Inquiries Act inquiry into the murder of her husband. A full page advertisement placed in *The Times*, London, highlighted this letter to the judges, and cited the many domestic and international lawyers who have expressed concern about the Finucane case in the past.

## Billy Wright

The Billy Wright Inquiry held a preliminary hearing on the 22nd June 2005 at the Europa Hotel, Belfast. At the hearing the Inquiry Chairman, Lord MacLean, made an Opening Statement setting out how the Inquiry planned to undertake its work. CAJ and others were surprised when he stated that he intended to apply to the Secretary of State for the conversion of the Inquiry from one held under Section 7 of the Prisons Act 1953 to an Inquiry under the newly commenced Inquiries Act 2005.

CAJ does not understand why it is necessary to convert the Inquiry and questions how any such conversion can be achieved without undermining the very independence that the chair rightly asserted for the Inquiry's work. Further, Lord MacLean indicated that he intended the Inquiry to be Article 2 compliant, but did not indicate in his public statement how this could in fact happen with a converted Inquiry. There are very serious issues arising from this proposal about ensuring compliance with European Convention standards on any Article 2 investigation including independence, effectiveness and transparency, and in particular that the Inquiry's public nature will not be undermined.

Very worrying is the fact that the Inquiry seems to have taken the decision to make a fundamental change to its approach without seeking the views in advance of the family or other interested parties. CAJ has written to the Inquiry highlighting these concerns.

## Civil Liberties Diary

**May 3** Two people with disabilities who were discriminated against when trying to access public services in Northern Ireland have been awarded compensation. Their success has been welcomed by the Equality Commission.

The Police Ombudsman was asked to investigate the police handling of an arrest operation in the Waterside area. The arrest was taped and is said to show PSNI members acting in an "improper and totally unacceptable" way.

**May 4** An illegal labour recruitment agency in north Antrim, allegedly feeding off the funds of migrant Polish workers, was under police investigation.

**May 9** Minister for Justice, Michael McDowell announced that he is to introduce a system of Anti-Social Behaviour Orders for young people in the Republic of Ireland.

**May 11** A resolution in the European Parliament called for the unprecedented use of EU anti-terrorism funds to finance a civil legal action if the PSNI failed to bring a criminal prosecution in the case of the murder of Robert McCartney.

A man from Jonesboro is due to be charged later this month with murdering 29 people in the Omagh bombing.

The first ASBO against an adult in NI was granted. The interim order was made on the application of the Housing Executive against a resident of south Belfast.

**May 12** The Taoiseach is to raise the 1974 Dublin/Monaghan bombings with Northern Ireland's Secretary of State and ask for increased co-operation from the British government.

**May 13** Robert Ayling, a former police officer who worked on the Stephen Lawrence case, will head a new assessment of the police hunt for those responsible for the murder of Rosemary Nelson.

Campaigners reveal they are planning to raise concerns with the UN Committee on the Rights of the Child over the Irish government's plans to introduce ASBOs.

A quarter of Protestants living in the Republic's border areas have experienced some form of discrimination according to an EU funded report, "Protestants in Perspective".

**May 17** New parading legislation came into effect in response to problems that arose in Ardoyne in 2004. In future, parade organizers will be responsible for "supporters" and the Parades Commission rulings would apply to supporters as well as the parade proper. Protest actions relating to the parades now also comes within the remit of the legislation. Concern has been expressed from several quarters regarding the practicality of the new legislation.

**May 24** PSNI revealed that crime figures are down by 7% despite a large increase in racially motivated crime. This translates into 10,000 fewer victims.

PSNI urged to do better in fight against racist crime as new figures reveal a drop in clearance rates.

The Inquiry into the murder of Robert Hamill opened. The solicitor for the Hamill family said: "It has been a very long wait for the Hamill family. They are certainly going to give their full cooperation. They hope anyone else who has information or evidence to give to the Inquiry will fully cooperate."

**May 27** The Northern Ireland Prison Service has been severely criticised as to how it deals with women prisoners. The report produced by the Chief Inspector of Prisons, Anne Owers, and the Chief Inspector of Criminal Justice in Northern Ireland, Kit Chivers, proposes a separate prison for women in Northern Ireland as the current facilities do not meet requirements. This comes after Annie Kelly(19) and Roseanne Irvine(34) took their own lives at Mourne House in 2002 and 2004.

**May 30** An official Labour Force Survey statistics show Catholic women are three and a half times more likely than Protestant women to be unemployed. The figures also show Catholic unemployment to be above average.

**May 31** Alan Hevesi, New York State Comptroller, spoke at a seminar organised by the Equality Coalition. Mr. Hevesi is Trustee for approx. \$120 bn retirement funds and spoke enthusiastically about the importance of building in social objectives to investment and procurement policies, even in purely business terms.

*Compiled by Mark Bassett from various newspapers.*

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

**Just News** welcomes readers' news, views and comments.

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*The views expressed in Just News are not necessarily those of CAJ.*

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**Title for centre pages**