

## A State of Inequality?

**Discussions to date in Northern Ireland around equality impact assessments (EQIAs) have tended to focus on rather narrow and specific areas of public policy, or service delivery. This has perhaps been understandable, given that the EQIA process was designed to consider the equality impact of *individual* policies, such as recruitment and selection, training, or procurement within an organisation for example.**

The limitation of merely focusing on individual policies in this way is that the real world tends not quite to work like that. For example, the extent to which women succeed in obtaining, and remaining in any given job is likely to be contingent on a range of factors beyond the recruitment process of the employer – such as the availability of affordable childcare, transport issues, and the extent to which the education system is enabling women to gain the qualifications to apply for the job in question in the first place.

In other words, ensuring that individual policies work in a way which is “equality compliant” is necessary, but is also merely the first step in seeking to address ongoing inequalities in any given society. Inevitably, amending individual policies will have limited impact on inequality as a whole in any given society unless specific attention is focused on the “big decisions” which include the location of jobs, the nature of infrastructure, the tax and benefit system, and the availability of education.

Clearly therefore, any exercise in equality assessment which ignores this “big picture” is bound to be somewhat limited.

### Impact assessing the budget

To date, one “big decision” which has remained largely impervious to wider developments around Section 75 has been the annual budget process at the Assembly.

Undoubtedly this has been linked to previous problems surrounding the sustaining of a local devolved Assembly – Direct Rule Ministers were clearly not keen on developing a process for applying the requirements of Section 75 to their decision-making around resource allocation. It does seem however that the current devolved administration is more disposed towards trying to make an assessment of the overall effects of public spending. At least that is what one would conclude taking the recent draft EQIA of the Budget/Programme for Government/Investment Strategy at face value.

Certainly, this is a document which CAJ welcomed, not least because we have argued for some time of the need for some kind of objective assessment of the impact of public spending on overall levels of inequality in Northern Ireland.

### The common-sense approach

It is important however to dispel some myths which may have arisen around this kind of process. No one (or at least no one connected with CAJ) has ever suggested that an equality assessment of the budget should be akin to a “twelve dimensional chess” model of analysis. Rather, we have sought something of a rough and ready approximation, within the context of the Section 75 requirements, as to the extent to which levels of inequality will be affected by the Northern Ireland spending plans.

Indeed, CAJ has consistently argued that in terms of the Westminster budget, it is remarkable that within hours of the Chancellor of the Exchequer issuing his budget, journalists are able to make a rough approximation of the impact of the budget on say, family, with mortgage, who own their own car and don't smoke or drink. Such an exercise is, in our view, a rough version of an EQIA – even though most journalists would probably balk at such a suggestion.

Clearly, there are differences with respect to the Northern Ireland budget, not least because there are limited powers for the local Minister of Finance to raise taxes. Equally, varying levels of social security spending, VAT, etc, are not within the purview of the local administration. Such limitations should however in our view make the process of carrying out an equality assessment of the local budget less, rather than more difficult. ***continued on page 2***

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CAJ recognises that this is somewhat unexplored territory for everyone connected with this kind of work – there is no easy “off the shelf” template from which to draw.

In terms of the recent draft document however, CAJ takes the view that the best attempt at *quantifying* the impact of the budget took place not within the draft EQIA, but was contained within the statement of the Minister for Finance and Personnel when he brought the budget before the Assembly.

Indeed, from the point of view of the consultation, it is worth noting that the Minister claimed that:

*“Regional Rates will be frozen in cash terms over the next three years, that non domestic Regional Rates will be frozen in real terms over the next three years and Industrial Rates will be capped at 30%.*

*When contrasted with the Rate increases in recent years under Direct Rule no householder in Northern Ireland will fail to recognise the benefit of the return to devolution.*

### Doing the Maths

Let those who say that devolution makes no difference explain that logic to the average household which will be £1,000 better off than they would have been if Direct Rule had continued.”

Unfortunately, little further detail as to how these sums were reached was forthcoming in either the speech from the Minister, or the draft EQIA. Certainly, there was no explanation as to what constituted the “average household” which would be £1,000 better off had Direct Rule continued.

Nor was there any quantification of the revenue lost by freezing domestic rates in cash, as opposed to real terms. This is not to suggest that the decision to freeze rates in cash terms was automatically wrong – but rather that more detail as to how the numbers were added up would have been welcome.

### Where are the Cuts?

Clearly this domestic rates “tax cut”, which will apply to all those who pay rates, does not come without other consequences for public spending. As a result of the decisions taken in relation to rates, it is necessary for £790 million to be found by way of “efficiency savings” over the next three years from Northern Ireland departments. As the Northern Ireland Council for Voluntary Action have pointed out, Northern Ireland traditionally has not done “efficiency savings”, but rather “cuts in public services”. Certainly, CAJ would seriously question how such a large sum of money can be delivered without impacting on services necessary for those in most need.

It is also worth noting that those least well off rely to a much greater extent on public services – and in the coming years it is clear that less funding will be available to support public services partly as a result of a decision taken to give tax relief to some of those who are best off in society.

Therefore, while one might well conclude that the average household will be £1,000 per annum better off, the key question from an equality perspective will be whether poorer households, much more heavily reliant on public services and benefits will also be £1,000 better off. CAJ would suggest that this may well not be the case.

Moreover, the essence of an “equality analysis” is recognising that many households are not “average”.

### A Rising Tide?

It is also noteworthy that the Programme for Government is very much predicated on the notion that everyone, including the poorest, will benefit from a general overall expansion in the economy. As we know however, this is not necessarily the case. For example, our recent report “Rhetoric and the Reality” published figures from OFMDFM which showed that from 1997 to 2004, the proportion of workless Protestant households increased from 14% to 16%, while there was a very slight drop in relation to the equivalent figures for the Catholic community (20% to 19%). Significantly, this occurred during a period of general economic growth.

In addition, a recent report by the organisation Oxford Economics found that:

*“the extent of disparities within Belfast today are remarkable and based on our research unlikely to change significantly over the decade ahead.”*

Such conclusions should be a stark warning to those who believe that economic growth is the panacea to all Northern Ireland’s ills – it is clear that merely growing the economy will not benefit those who are poorest. Neither however is there an inevitability about the fate of those in most need.

Clearly, there are ways in which trends to date can be altered to ensure that the economy grows in a way which will benefit those who are least well off. In fact, such an exercise is precisely what a proper EQIA of the Budget and Programme for Government would, and should produce. Unfortunately, based on the current consultation document, we are currently some distance from that kind of analysis.

## The UK and the International Covenant on Economic Social and Cultural Rights: Filling in the gaps

**International human rights were conceived to protect the full range of human rights required for people to have a full, free, safe, secure and healthy life. Based on this fundamental principle, international human rights law codifies civil, political, economic, social and cultural rights for individuals and groups. The International Covenant on Economic, Social and Cultural Rights is the main international human rights treaty that establishes economic, social and cultural rights. The Covenant was adopted on 16 December 1966, following almost 20 years of drafting debates. It gained the force of law a decade later, entering into force on 3 January 1976. The Covenant sets out rights to:**

- § gender equality (article 3)
- § right to work (article 6)
- § right to fair conditions of work (article 7)
- § right to form and join trade unions (article 8)
- § right to social security (article 9)
- § right to protection of the family (article 10)
- § right to adequate standard of living (article 11) - food, clothing and housing
- § right to health
- § right to education (articles 13 and 14)
- § right to culture (article 15)

As with the other international human rights treaties, state parties to the Covenant must report on their progress on the practical realisation of rights. State reporting is the most direct way to assess whether states are actually implementing their human rights obligations, and much depends on the quality and accuracy of the government reports. The United Nations Committee on Economic, Social and Cultural Rights, an independent group of experts, is the body responsible for monitoring states' compliance with the Covenant. The United Kingdom ratified the International Covenant on Economic, Social and Cultural Rights on 20 May 1976, and has submitted 5 reports to the UN Committee, the latest of which was submitted in 2007. Looking at the reporting over the years, it emerges that reporting on Northern Ireland is inconsistent, superficial, and sometimes, information is not even provided in key areas.

It is important to point out here that despite the devolution of power to Northern Ireland, the responsibility for reporting on Northern Ireland to UN treaty bodies remains with the UK government; this has not been handed over to the local administration. The onus then is on the government to carry out consultations with civil society and local government in all UK jurisdictions to ensure that all the necessary jurisdiction-specific information is provided to the Committee.

In just one example of the absence of vital information, the government has not reported on the situation of the right to housing in Northern Ireland in its latest report to the UN Committee. Housing problems are among the most serious in terms of violations of economic, social and cultural rights in Northern Ireland, yet there is no reference to them whatsoever (information is provided only on England and Wales in the housing section of the report). On the basis of the government's own statistics, CAJ has found that there are considerable community differentials in access to housing in Northern Ireland. In the years just after the signing of the Good Friday/Belfast Agreement, the number of people on public housing waiting lists has steadily increased, with the percentage of Catholics waiting up by 30% and Protestants up by 16%. On average, Catholics are spending one-and-a-half times as long on the waiting list as Protestants – and this is much longer in some parts of Belfast. In North Belfast alone, Catholics represent 73.8% of those on the waiting list but only 35.7% of those awarded accommodation. In addition to waiting lists, the statistics of the Northern Ireland Housing Executive reveal that there are clear community differentials in homelessness – in numbers and in the different geographic areas where homelessness is a problem – between Catholics and Protestants. Equally, housing conditions (particularly in housing estates in deprived areas of North and West Belfast and in relation to Irish Travellers) are also a serious cause for concern and urgent action. In spite of an abundance of information generated by the government itself demonstrating serious pockets of inequality in housing, the government has neglected to bring it to the attention of the international community.

These kinds of glaring gaps in government reporting make the reports of non-governmental organisations, community groups, and international human rights groups hugely important sources of information for UN treaty bodies. The reports from independent sources not only provide missing information, but also clarify inaccurate or outdated information. They act as a necessary benchmark in assessing whether government is making good on its commitments, and importantly, identifying the areas where government may have regressed. It is vital that non-governmental organisations come together to impact the reporting process, particularly by building coalitions, collectively organising, and writing regular submissions. This is a powerful way to ensure that governments are held accountable for the implementation of their human rights obligations.

**Devika Prasad**  
CAJ volunteer

# Good debates, disappointing outcome

**Debates about rights are nothing new. The 18th century philosopher John Locke said that “the great question which, in all ages, has ... disordered the peace of the world, has been not whether there be power in the world, nor whence it came, but who should have it”. The same can be said about many of the debates in the Bill of Rights Forum. They were not debates about rights - on most things we agreed that rights should be protected. The issue was where the power to legislate rights and to enforce them was to lie. Should this power lie with elected representatives, accountable to the people, or in the courts - rightly independent, but not accountable to the electorate?**

The Assembly or the courts? That was the question which fundamentally divided the Forum again and again. Such debates are far from unique to Northern Ireland. In other jurisdictions – Canada, Australia, New Zealand – the same debates have occurred. As the Forum’s Chair Chris Sidoti pointed out on a number of occasions, this was actually a positive sign of normal politics emerging in Northern Ireland.

The reality of the division, however, cannot be ignored. The proceedings and report of the Forum unambiguously demonstrated the lack of cross-community political support for a maximalist, justiciable Bill of Rights – this was the first fundamental flaw in the Forum’s approach. Those of us on the Forum who opposed such a Bill of Rights were motivated by the UK’s constitutional tradition of parliamentary government. The Government’s July 2007 Green Paper ‘The Governance of Britain’ summarized this outlook, particularly with regards to social and economic rights:

*“this would involve a significant shift from Parliament to the judiciary in making decisions about public spending and, at least, levels of taxation”.*

The Green Paper also emphasized that such a radical change to our system of parliamentary government would undermine democratic accountability:

*“[this would] restrict the ability of the democratically elected Government to decide upon the way resources are to be deployed in the national interest”.*

After four decades of conflict and Direct Rule, during which politics in Northern Ireland was put into ‘deep freeze’, the emergence of normal, accountable politics in the devolved institutions would be hindered and stunted if it was decided to transfer significant powers over social and economic policy to the courts.

The Ulster Unionist Party celebrates the fact that codifying fundamental rights and liberties is far from alien to the

British constitutional tradition. It was Edmund Burke who rightly described this constitutional tradition as “a liberal descent” – an experience of parliamentary government, common law and statements of rights progressively realising rights and liberties for all. From the time of Magna Carta, to the 1688 Declaration of Right, the great Reform Acts of the 19<sup>th</sup> century, and giving women the right to vote, the British constitution has, through ongoing reform, progressively extended the realm of liberty in our society.

We also recognise that at crucial times in the UK’s history, the courts have checked the power of the Executive and defended fundamental rights and liberties. This has always been done while recognising that Parliament has supremacy as the law-making body – in the British constitutional tradition, the courts have interpreted and applied the law. They have not arrogated to themselves the role of making law.

A second flaw in the Forum’s proceedings and reports concerns its approach to the ECHR/HRA. The Belfast Agreement makes clear that any proposals for rights supplementary to the ECHR should be precisely that – supplementary to the existing rights enshrined in ECHR, not a re-writing of the document. The Forum was not, therefore, meant to begin with a blank sheet. It should have been recognised that any proposals for a bill of rights for Northern Ireland began with those already codified in UK law through the HRA.

Finally, the Forum almost entirely ignored the mandate given by the Belfast Agreement. The Agreement defined very clear parameters for rights additional to ECHR - “the principles of mutual respect for the identity and ethos of both communities and parity of esteem”. That mandate should have been central to any consideration of additional rights and should have shaped the content of the Report. Put simply, this did not happen. The Agreement’s very clear parameters were entirely sidelined. In terms of building a shared future for Northern Ireland, this was highly regrettable. A rights framework could have been devised to address ongoing issues of contention around identity, culture and language in our society. The Framework Convention for the Protection of National Minorities was a resource that should have guided the Forum on such matters. That opportunity was missed.

All that said, the debates in the Forum were indeed – as Chris Sidoti said on many occasions – evidence of the emergence of real politics in Northern Ireland.

**Dr. Brian Crowe**  
**Head of Policy, Ulster Unionist Party**  
**(UUP Bill of Rights Forum Representative)**

# Civil Rights to Human Rights – Step by Step

**As a party that emerged from the civil rights movement 40 years ago, the SDLP remains committed to a comprehensive and progressive Bill of Rights for Northern Ireland.**

The Bill should, in our view, set out principles to underpin the new society we are trying to build, helping to ensure that the violence of the past is never repeated, that the division of the present is overcome and the rights of all are respected.

Ten years after the Good Friday Agreement, we believe it is high time the internationally binding commitment to establish a Bill of Rights was honoured.

The Report of the Bill of Rights Forum published in March includes many excellent recommendations which should be included in a Bill of Rights for Northern Ireland. While perhaps excessively detailed in parts, it is firmly grounded in existing international standards to which the UK government is, in most cases, already a signatory.

Despite the lack of cross-community political agreement on the proposed content of a Bill there was, nevertheless, a welcome degree of genuine and constructive engagement throughout the process. I think many of us benefited from the steep learning curve involved and regret that the time limit imposed on the process prevented us from making the most of that.

It remains a disappointment that the unionist parties have taken what we see as a restrictive view of what a Northern Ireland Bill of Rights should contain. We acknowledge, however, that much of the resistance relates to the significance of Northern Ireland having its own Bill, which is essentially a political issue rather than a rights issue. Progress in the political sphere may therefore have the potential to unlock this underlying problem. Northern Ireland is, inescapably, a divided society coming out of violent sectarian conflict. It is therefore unique within these islands in its history and in terms of current challenges and we believe it should have a bill of rights that acknowledges and reflects that just as the Good Friday Agreement intended.

The Good Friday Agreement itself is therefore the “particular circumstance” that should be foremost in our consideration. It sets a framework for resolving our conflict through the creation of a culture of rights. Its broad scope reflects the acknowledgement of signatories of the wide range of

As indicated in last month's edition of Just News, CAJ is keen to continue the debate from the Bill of Rights Forum. As such, for the remainder of the year we are inviting input from all parties and sectors represented on the Forum. This month we hear from UUP and SDLP, next month will feature the Alliance Party and Trade Unions.

issues that must be addressed if we are to resolve our conflict and rebuild our society.

One of the most frustrating aspects of the debate was the degree to which issues of cost and government freedom were used to oppose the inclusion of, particularly, social and economic rights. I think further consideration time might have allowed for a better understanding of the flexibility afforded to governments through the common international references to available resources and progressive realisation. The conflict and its legacy have pervaded many aspects of our lives; the bill of rights should do likewise but in a positive way that will promote mutual respect and cohesion.

Discussions on equality and the right to self-identify proved challenging also. The SDLP joined others in opposing interpretation of the Framework Convention on National Minorities as offering protection to the majority community in the North. Likewise we resisted clauses which would have threatened affirmative action, equality monitoring, 50:50 recruitment in policing and more – initiatives which remain of central importance in tackling the legacy of inequality and abuse of rights in Northern Ireland.

Turning to current developments, the SDLP wishes the NIHRC well in its task of providing advice to the Secretary of State by 10 December. We appreciate that their role is quite different from that of the Forum. While the Forum was explicitly an attempt to develop political consensus, obviously the NIHRC is tasked with giving advice based purely on human rights standards. We value that role immensely and believe that perspective will add significantly to the debate.

Progress has been slow but given our background, the process has been as important as the outcome and we are now talking ‘across the divide’ in a more positive and tolerant language about issues that have divided us to date.

From the SDLP perspective, we believe it can only be helpful to a democracy to have a clear statement of basic standards below which government must not fall and effective methods by which citizens can challenge government to meet those standards. Our Bill of Rights should be a document which stands proudly alongside existing Bills of Rights the world over. It should be living evidence of the fresh start that has been made and demonstrate that we can be a beacon of hope in the human rights field.

We remain convinced that a bill of rights can create some common ground in our divided society – principles upon which we can agree despite our differences. On such common ground we can build a shared future.

**Éilis Haughey**  
(Policy Manager SDLP; SDLP BoR Forum Representative)

# Mitchell Conference: Reflections on the Agreement 10 Years on

A big set-piece conference took place in Queen's University on 22<sup>nd</sup> and 23<sup>rd</sup> May, 2008. Jointly organized by the University and Co-operation Ireland, the event was an opportunity to reflect on where we have got to ten years after the Agreement. There was pomp and circumstance for the honorary graduation ceremony for Bertie Ahern and Tony Blair; there were speeches from David Trimble and Seamus Mallon and a number of inputs looking at policing, human rights, constitutional arrangements, community relations and equality.

Overall, the conference celebrated achievements and acknowledged debts. There seemed particularly warm applause for Bertie Ahern who was present while the joint honoree, Tony Blair, was there in image only.

The conference was instructive in adopting the rights architecture in its programming. Thus the role of rights protection in conflict resolution was acknowledged by inputs from Mary Robinson and Monica McWilliams; the importance of policing reform was reflected in the presence of Chief Constable Hugh Orde and Des Rea (Chair of the Policing Board); while the balancing of interests between the communities here was examined in a useful input by Brendan O'Leary.

There is a discourse abroad that tries to undermine the achievement of the Good Friday Agreement. This approach argues that our political arrangements do not conform to normal democracy, that they entrench communitarianism and that good governance demands an opposition in the elected chamber. In a section on lessons for other conflicts, O'Leary pointed out that our form of government is a liberal consociation. Unlike Lebanon where quotas operate, here, access to power rests on a free vote which determines the level of power each party will achieve. He gave a timely reminder that the d'Hondt formula incentivizes parties to work together in a situation where we do not have one society but rather a plurality of societies. The real question going forward is whether they can work together.

Rather than focus on the negatives, we should celebrate the real achievements of the model in operation when underpinned by rights and equality protections.

Notably not on the platform were representatives of the Equality Commission. This was something of a missed opportunity to consider their contribution to the geography of conflict resolution.

While some express irritation at the political rows and gridlocks that appear from time to time at Stormont, the real progress in relation to engagement and even simple courtesy between the variety of politicians was manifest on the political panel that addressed the problems and solutions of implementing peace.

This discussion showed that there are significant issues going forward. One is the impasse over transfer of policing and justice; clearly sought for by Sinn Féin and the SDLP while resisted by the Unionist parties. On the other hand, the difficulty Unionists have with the language of equality and human rights continues to impede dialogue and the development of common strategies to tackle poverty amongst the parties in the Executive.

There was an effort at the end of the two days to have some workshops with a greater possibility for participation. However, there was little enough opportunity for thoughts from the floor as opposed to listening to the musings of the top table. The major criticism of the conference, indeed, was the lack of presence of community and NGO organisations. It was particularly noticeable that none were invited to present from the podium or participate in the panel discussions. Nonetheless, the importance of the event was the general recognition that rights, equality, policing and community safeguards are the heart of the Agreement.

As we move into the next phase of the development of politics here, the lesson of other post conflict situations is that the focus on civil and political rights declines because of greater protection built into the fabric of new institutions. Instead the requirement for scrutiny shifts to promoting good governance and combating corruption as politicians exercise real power for the first time. It will be interesting to monitor developments on these fronts in another 10 years.



**CAJ's Deputy Director Aideen Gilmore, meets Mary Robinson during her recent visit to Belfast**



**Archbishop Desmond Tutu who spoke at the conference**

# Civil Rights 40 Years On

**When the first Civil Rights march, from Coalisland to Dungannon, was stopped by the RUC on the outskirts of Dungannon in August 1968, the crowd began to sing: “We shall overcome”, the anthem of the black Civil Rights movement in the United States.**

One of the most striking aspects of the Civil Rights movement in Northern Ireland 40 years ago was how closely it modelled itself on the US movement. It took its name, its anthem and its key demand, the pre-feminist ‘One Man, One Vote’, from its US counterpart.

The movement also coincided with the year of student and youth revolts in 1968, like the Prague Spring in Czechoslovakia, the student uprising in Paris in May, and the massive anti-Vietnam War protests outside the Democratic Party Convention in Chicago in August 1968.

The wave of student protests reached even Northern Ireland and helped spark the formation of Peoples Democracy, the student section of the Civil Rights movement, after the second Civil Rights march, in Derry on October 5<sup>th</sup> 1968, was broken up by RUC baton charges and water cannon. It too began to model itself on the radical student wing of the US movement.

The Civil Rights movement did not begin in 1968, however. It had its roots in protests in the early 1960s over appalling housing conditions in Derry and Dungannon, where the local councils refused to allocate houses to homeless Catholic families. The Coalisland march in August 1968 was sparked off when homeless families squatted in new council houses in the village of Caledon, joined by local MP Austin Currie. And the Derry march on October 5<sup>th</sup> 1968 followed months of campaigning for homeless families in the city by the Derry Housing Action Committee.

The turn to protest marches came after complaints in the Stormont Parliament and appeals to Harold Wilson’s new Labour government in Westminster had produced no changes. There was nowhere else to turn to. There were none of the human rights protection mechanisms that are available today.

People who had watched and admired Martin Luther King on television now turned to his tactics. They aimed to pressure the Westminster government to intervene in Northern Ireland in the way the US federal administration had done to end segregation in the southern states of America.

The Civil Rights movement and its umbrella body, the Northern Ireland Civil Rights Association, were non-violent and non-sectarian and their demands were simply for a fair deal within Northern Ireland - an end to discrimination in

housing and employment, a fair electoral system, and an end to the repressive Special Powers Act. It was a brave experiment but it foundered, at least in this writer’s view, on the failure of the Stormont government to bring in sufficient change sufficiently quickly, and the failure of the Westminster government to intervene to ensure it did so.

We have paid a heavy price since then with all sides inflicting great suffering on each other in 30 years of bloody conflict, for which we must all share some responsibility. But some lessons have been learned.

The Belfast/Good Friday Agreement contains a comprehensive set of human rights provisions to enable any disadvantaged or excluded group to secure justice. And if the domestic safeguards do not work, there is a whole network of international human rights treaties and conventions that can be used. Would things have been different if these had been available or accessible to the Civil Rights campaigners 40 years ago?

A committee has been set up to commemorate the Civil Rights movement, not in any partisan or point-scoring way, but to look forward and try to apply the ideals and lessons of that movement to contemporary problems and challenges like continuing poverty, inequality and social exclusion. And given the inspiration the original movement drew from the struggle of black people in the US, there is a particular responsibility on those who identify with the Civil Rights movement here to oppose racism and try to build a society where migrant workers and asylum seekers are made welcome and assisted to build a new life for themselves.

The best way to commemorate the Civil Rights movement is to finally end the old inequalities and to make sure that new minorities, new ghettos and new fault lines do not develop to replace or overlay the old ones.

And, finally, human rights provisions are only effective when there are people with the expertise to use them. There is still as great a need as ever for bodies like CAJ, that can help vulnerable people to access these mechanisms and that can continue to monitor and report on both the Westminster government and the new administration at Stormont to hold them to the human rights commitments in the Belfast Agreement.

**Michael Farrell**

(Michael Farrell was an activist in the Peoples Democracy and a member of the NICRA executive in 1968-9. He is now a solicitor with Free Legal Advice Centres in Dublin and a member of the Civil Rights 1968 Commemoration Committee. This article is written in his personal capacity.)

## Civil Liberties Diary

### 7<sup>th</sup> May

OFMDFM announces that part time members could be appointed to the Victims Commission to ensure greater flexibility. The announcement comes as MLAs debate an amendment limiting the body to four members.

Twelve British soldiers have received permission from the High Court to challenge a refusal of anonymity by the inquiry into Rosemary Nelson's murder. The RIR witnesses want the protection because of fears that they could be put at risk if their identities are made public.

### 9<sup>th</sup> May

The NI Police Ombudsman is to be called in to investigate a ten month delay in a police probe into the death of Matthew Lyle following a drugs overdose. Belfast coroner Brian Sherrard branded the August 2005 death a wakeup call to the authorities and expressed dismay that the Department of Health had failed to send a representative to the inquest.

The PSNI announces the introduction of a new emergency service to non-English speaking callers dialling 999.

### 12<sup>th</sup> May

The four main political parties in Northern Ireland send a joint letter to all 645 Westminster MPs urging them not to extend abortion to Northern Ireland. The move comes as the controversial Human Fertilisation and Embryology Bill is debated in Parliament.

### 13<sup>th</sup> May

A report on mixed religious relationships in Northern Ireland finds that though numbers are increasing slowly, people in mixed relationships tend to be better educated and have higher incomes than those in single religion relationships.

A Northern Ireland Judge, Mr Justice Morgan, sits in a District Court of the Republic for the first time. It was part of the civil action claim over the Omagh bombing.

The Office of the First Minister and Deputy First Minister is challenged in Court to hand over documents it had earlier refused to disclose to Michelle Williamson in a judicial review action. Ms. Williamson, whose parents died in the 1993 Shankill Bombing, is challenging the appointment of four Victims Commissioners.

### 14<sup>th</sup> May

The Northern Ireland Affairs Committee hears that around a quarter of the time PSNI officers spend handling intelligence is being taken up with demands from investigations in the past. Assistant Chief Constable Peter Sheridan said this affected the PSNI's ability to police the community. He was also unable to provide the Committee with a firm date for when the Historic Enquiries Team would complete its work.

### 15<sup>th</sup> May

Raymond McCord publishes a book on his fight to bring his son's killers to justice. *Justice for Raymond* exposes the length to which the RUC Special Branch went to protect members of the UVF from prosecution.

### 16<sup>th</sup> May

Finance Minister Peter Robinson announces that up to 9,000 civil servants who have been underpaid are to get back pay. The majority of workers are women or Catholics. Though the discrimination can be traced back 38 years, it is likely that only six years back pay can be claimed.

### 21<sup>st</sup> May

Northern Ireland's senior coroner John Leckey criticises the police after the inquest into the killing of Pearse Jordan is delayed again. He said it was totally unacceptable that risk assessments into the potential threat to 13 officers due to give evidence had not been completed. Pearse Jordan, an IRA member, was killed in 1992.

### 26<sup>th</sup> May

Attempts by the NI Children's Commissioner to force the government to ban smacking suffered a setback when Lord Chief Justice Brian Kerr

ruled that the Commissioner could not be regarded as a victim within the relevant terms of the Human Rights Act. Lawyers for Patricia Lewsley had claimed at the Court of Appeal that legislation which allows parents to physically chastise their children impinged upon children's rights.

### 28<sup>th</sup> May

Former head of the RUC, Ronnie Flanagan, may be called to give evidence at the inquest into the death of Dermot McShane in Derry in 1996. He will be asked to what extent the police had intelligence that violence was planned in the city.

Newsletter reports that the PSNI is investigating allegations that one of the Police Ombudsman's investigators lied in court while representing the Office. It also alleged that the investigator was the subject of an internal disciplinary matter.

### 30<sup>th</sup> May

The Bradley-Eames Consultative Group on the Past says that elements of the British state acted outside the law during the Troubles and allowed innocent people to die.

The Billy Wright Inquiry is shown extracts from the former governor of Maghaberry Prison in which he recorded secret INLA meetings in 1997.

*Compiled by Mark Bassett from various newspapers*



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*Correspondence should be addressed to the Editor, Fionnuala Ni Aoláin, CAJ Ltd.*

*45/47 Donegall Street, Belfast BT1 2BR  
Phone (028) 9096 1122*

*Fax: (028) 9024 6706*

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