Bulletin of the Committee on the Administration of Justice

Just News

Human Rights in Northern Ireland

March 2007

DSD Says No To Social Housing

It might seem odd that a Department for Social Development (DSD) should issue a report on urban regeneration which recommends the specific exclusion of social housing. Yet that is precisely what happened in relation to the regeneration of the North West Quarter.

In July 2004, the Department for Social Development (DSD) commissioned GVA Grimley/Colin Stutt consulting to undertake the Belfast City Centre, North West Quarter Regeneration Masterplan. The brief required the team

"To produce a non-statutory framework for the promotion and implementation and timing of urban regeneration initiatives in this area".

Last October saw the publication of the GVA Grimley Masterplan for Part Two of the redevelopment. As the Masterplan itself acknowledges, the area covered could be divided into three distinct sections. The first area, Peter's Hill, has an unemployment rate of 19% (significantly higher than the NI average of 4.6%), with 97% of the population living in social housing. This area is overwhelmingly Protestant (81%), with 124 households in total.

The second area, Carrick Hill, has an unemployment rate of 26% (significantly higher than the NI average of 4.6%), with 84% of the population living in social housing. This area is overwhelmingly Catholic (81%) consisting of 126 households in total.

The land north of North Street has an unemployment rate of 30% (significantly higher than the NI average of 4.6%), with 72% of the population living in social housing. This area is also overwhelmingly Catholic (82%) consisting of 118 households in total.

In summary therefore, the development covers three areas – two of which are overwhelmingly Catholic and one which is overwhelmingly Protestant. All three areas have significant levels of deprivation, the alleviation of which should – in light of government's equality and TSN obligations – be a priority for this plan.

The Masterplan also acknowledges that demand and supply for housing is mismatched in North and West Belfast, and that generally demand is highest in Catholic communities. It confirms that the problem is pronounced because there is little development land available. According to the report:

"Waiting demand lists held by the NIHE/Housing Associations suggest as high as 80% Catholic demand of which 40% require family housing. Conversely, demand is lower for Protestant housing but potential development land exists within these areas".

The document also states that discussions with local housing interests raised a number of issues including the requirement for family housing rather than apartment style within the city centre.

According to the Grimley report however the main problem identified in the area is not deprivation, or housing need, but "segregation". The instrument chosen to deal with alleviating the segregation problem is "sharing", and the creation of "neutral space". The report suggests in fact that the way to address segregated social housing is not to have any. Private apartment buildings or student accommodation are suggested as the way forward - on the grounds that they will be "mixed" and "neutral". As for the impact that this will have on those currently on waiting lists in need of houses – the report doesn't really say much about that. There is one suggestion that if social housing is provided, it is to be "away from arterial routes". In other words, if any social housing tenants have a future under this plan – they are to be literally, and certainly visually, socially excluded.

One might ask how such a proposal could possibly comply with existing requirements under Section 75 and Targeting Social Need? CAJ made that very point to the DSD in their recent consultation document on the proposals, and we eagerly await the Department's response to our recent submission.

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Framework Convention Advisory Committee in Belfast

This month sees a visit to Belfast by officials from the Council of Europe gathering information about implementation of the principles contained in the Framework Convention for the Protection of National Minorities. The Framework Convention, which entered into force on 1 February 1998, is one of the most comprehensive international treaties designed to protect rights of persons belonging to national minorities. Parties to this convention undertake (under Article 4) to promote the full and effective equality of persons belonging to minorities in all areas of economic, social, political and cultural life together with the conditions that will allow them to express, preserve and develop their cultural identity.

Parties to this convention also undertake (under Article 5) to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage. Under Article 6, parties to the convention undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity. Under Article 10 of the Convention Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing, while Article 15 focuses on the need for effective participation for national minorities.

Under the terms of the Convention (Article 25), within a period of one year following the entry into force of the Framework Convention the Contracting state is required to transmit to the Secretary General of the Council of Europe full information on the legislative and other measures taken to give effect to the principles set out in the Framework Convention. Thereafter, each Party is required to transmit to the Secretary General on a periodical basis and whenever the Committee of Ministers requests any further information of relevance to the implementation of the Framework Convention.

Last month, the UK submitted its second report pursuant to the requirements of Article 25 – in effect setting out how the UK government believes it has worked towards implementing the Convention. The visit to Belfast by the Advisory Committee is to facilitate NGO input into the process of assessing the UK report.

Certainly, there are a number of points in the UK government report that CAJ would wish, at the very least, to question. In relation to Article 4, and the commitment to deliver full and effective equality for example the UK report cites S.75 of the NI Act as a positive example of the kind of legislative commitment that has been made to facilitate compliance with the Convention. The UK report states that the

"Advisory Committee may wish to note that the statutory obligations on public authorities within Section 75 of the Act are legally enforceable."

Regular readers of Just News, and/or those who follow the progress of Section 75 more closely will recall the Neill case last year, when the Northern Ireland Office, during a course of a judicial challenge to Anti-Social Behaviour Order legislation tried to undermine Section 75, and its legal enforceability.

Similarly, in relation to a Single Equality Bill (SEB) for Northern Ireland the UK report states that

"In Northern Ireland, an extensive public consultation has been completed on options for a single Equality Act….the SEB is a key legislative priority for 2007. As part of the St Andrew's agreement a commitment was given 'rapidly' to progress a SEB for Northern Ireland in line with a potential restoration of the devolved administration in March 2007 and in practice this has meant advancing NI plans ahead of the GB timetable".

CAJ will point out to the Advisory Committee that the extensive consultation referred to above was in fact completed in August 2001! Equally, CAJ will also be indicate the lack of urgency that we have witnessed around the Bill of Rights debate in Northern Ireland to date – which doesn't merit a mention in the government report. Not to mention – but of course we will – initiatives such as the Unauthorised Encampments Order which have had a regressive effect on the promotion of equality for Travellers. Fortunately, the Advisory Committee are meeting with a range of organisations outside governmnet including representatives of ethnic minority groups, those working on migrant worker issues, language rights groups. Its is hoped therefore that by meeting with these groups, the Committee might receive a more balanced perspective regarding the actual state of play in relation to implementation of the Convention than consideration of the UK report alone would provide.

Praise for CAJ!

PARLEMENT VAN DIE REPUBLIEK VAN SUID-AFRIKA
PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

The Parliamentary Office of Professor Kader Asmal

Ms Fiona Doherty
Chairperson: CAJ
Belfast

Dear Ms Doherty,

I cannot let the moment pass without writing to express my congratulations to all those involved in CAJ as it celebrates the 25th anniversary of its creation.

Your non-sectarian, professional and dedicated contribution to the protection, enhancement and enrichment of civil liberties (in British sense) and human rights (in international sense) is a tribute to the work of young people in the North.

As a founder and former President of the Irish Council of Civil Liberties, I have read *Just News* with a great appreciation for the thoroughness with which it deals with issues.

May continue to thrive

Yours sincerely

Professor Kader Asmal, M.P.

Court upholds Traveller ban

A recent Court of Appeal decision in McDonagh v. Hamilton Thom ([2007] NICA 3, January 17 2007) weakens the ban on direct racial discrimination and fails to give full effect to European Union law.

Following an outbreak of violence at a Traveller function, hotel employees demanded Traveller functions be banned. The hotel cancelled all Traveller functions thereafter. This constituted a blanket ban on all Traveller functions (though not other Traveller use of the hotel). The claimants argued that this decision was based on a stereotype that Travellers were violent, and relied on a House of Lords decision, the European Roma Rights Centre case, that this was direct discrimination.

The Court of Appeal ruled that the decision was not direct discrimination because it was not made "on racial grounds". According to the Court of Appeal, the decision was made on safety grounds, and not based on stereotypes. This approach is very difficult to reconcile with established law. If the Court of Appeal means the decision to ban Travellers was based on safety grounds and not racial grounds, then it falls down because the hotel took a decision to ban Traveller functions, not functions that were dangerous. If the Court is suggesting that the hotel was operating with a good motive, rather than any dislike of Travellers, then legally this is irrelevant to whether the measure was directly discriminatory. If the Court of Appeal approach is right, then denying a woman a job because she is more likely to interrupt work to have a baby, would not be direct sex discrimination, because it would be made on grounds of business needs and not sex!

In the Roma Rights Case, immigration authorities subjected Roma to more sustained questioning than non-Roma about their wish to enter the UK; this more intensive questioning was because Roma were more likely to remain in the UK and claim asylum. The House of Lords accepted that this might be true, but it did not change the fact that the decision to subject Roma to more intensive questioning was based on racial grounds.

The Court of Appeal tried in McDonagh to distinguish the Roma Rights Centre case by saying the Roma were subject to more intrusive treatment. This misses the point. The Race Relations Order prohibits a service provider "on racial grounds" treating someone "less favourably" than others. Denial of a service – use of a function room – is less favourable treatment and it is difficult to understand how this blanket ban is not direct discrimination.

Rory O'Connell, Queens University

Case by

Billy Wright Inquiry

Further to the remedies hearing which was held on 29th January 2007, Deeny J stated in his judgment issued on 2nd February 2007, that:

"I will therefore grant a Declaration that the decision of 23 November 2005 to convert the Inquiry into the death of Billy Wright from one under the Prisons Act (Northern Ireland) 1953 into an inquiry under the Inquiries Act 2005 was unlawful... because the Secretary of State failed to take into account the important and relevant consideration that the independence of such an inquiry was compromised by the existence of Section 14 of the 2005 Act"

It was announced that the inquiry was due to commence on Wednesday, 30th May 2007, at Banbridge Court House. However, the opening of the Inquiry may be delayed, as the Secretary of State has now applied to the Court of Appeal to set aside the Deeny ruling.

Furthermore, two prison officers and three civil servants applied to the High Court for review of the Inquiry's decision to refuse to grant them anonymity, as they alleged they feared for their lives should they be required to give evidence under their own names and unscreened.

Robert Hamill Inquiry

The Robert Hamill Inquiry may also be subject to further delay, as leave to appeal to the House of Lords has been granted to the Inquiry. The House of Lords will hear the appeal on 15th May 2007, and will decide, whether the Court of Appeal decision to quash the Inquiry panel's decision to refuse to grant anonymity to the witnesses called to give evidence at the Inquiry, was erroneous in law. As it was the view of the chairman of the Inquiry, Sir Edwin Jowitt, that *"…on the material then submitted, it had not been shown that there were grounds for granting anonymity"* (Please see the judgment In The Matter of an Application by Officer L and Others for Judicial Review [2007] NICA 8.

The Court of Appeal in **L** held that the panel had applied the wrong test in assessing whether the lives of the witnesses would be at risk by giving evidence under their own names and unscreened. It held that the panel erred in its assessment as to whether Article 2 (the right to life) of the European Convention on Human Rights (ECHR), was relevant to the assessment. It held that the correct test that the panel should have applied and posed is whether there is *"a real risk"* to the lives of the witnesses if they are required to give evidence under their own names and unscreened. The panel was wrong to determine the engagement of Article 2, on the basis of increased risk from its pre-existing state by their having to give evidence.

The decision in **L** will no doubt impact on the Inquiry into Billy Wright's death, to which the issue of anonymity is also central. This is particularly true in light of the application that was made by the witnesses (as above) in the Billy Wright Inquiry.

Martin O'Hagan

The inquest into the murder of Martin O'Hagan, the investigative journalist who worked for the Sunday World newspaper, concluded on 19th December 2006. It was reported that the inquest was very brief lasting just an hour and half.

The journalist was killed on Friday, 28th September 2001, on his way home from his local pub, whilst walking with his wife. The Red Hand Defenders, a cover name for the Loyalist Volunteer Force (LVF), claimed responsibility using a recognised codeword. In addition the pistol which was used to kill Martin O'Hagan had a history of use by loyalist paramilitaries.

The Coroner John Leckey found that *"….A subsequent post-mortem examination established that the death was due to gunshots wounds of the chest and abdomen. He had been struck by three bullets. No one has been made amenable for his murder but later responsibility was claimed on behalf of the Loyalist Volunteer Force. The weapon used was a 9mm self loading pistol with a history of previous use by loyalist paramilitaries"* (Inquest findings, 19th December 2006).

It was also reported that the siblings of the deceased had made a complaint to the police Ombudsman about the inadequacy of the police investigation into the murder. It is reported that the police Ombudsman investigation is still on going.

This case raises fundamental issues with regard efficacy of the investigation into Mr O'Hagan's murder and whether, this investigation can be deemed to be compatible with Article 2 (Right to life) of the European Convention on Human Rights.

y Case

It is particulary disturbing that Mr O'Hagan was killed as a result of exercising his fundamental right to freedom of expression and opinion (Article 10 of the ECHR). It is fundamental that an effective, transparent and independent investigation be carried out into his murder. The Coroner has a high duty of care to discharge in conducting a thorough and effective investigation.

McConkey & Marks v Simon Community Northern Ireland

This is a case, which was heard by Fair Employment Tribunal (FET). The decision of the FET on the political discrimination was recorded in the Register on 29th December 2006.

Mr McConkey and Mr Marks applied to the FET against Simon Community Northern Ireland and alleged that it discriminated against the claimants unlawfully on account of their political opinion and/or perceived political opinion.

It was alleged that the Simon community acted unlawfully in failing to appoint the Mc Conkey and Marks to the posts of "residential support worker" and "night worker" respectively. The appointments depended on the outcome of the Pre Employment Consulting Service Checks (PECS).

The PECS disclosed that the claimants had prior convictions and that the claimants were released under the terms of the "Good Friday" agreement. The Simon Community asserted that the convictions were paramilitary convictions and from a republican prospective and that these convictions had to involve a political element in which violence was used to achieve political ends. The respondent considered that the claimants would not be suitable for the advertised positions. The respondent claimed that they were not discriminating against the claimants on account of the provisions of *Article 2(4) of the Fair Employment and Treatment (Northern Ireland) Order 1998*, which provides that:

"In this Order any reference to a person's political opinion does not include an opinion which consists of or includes approval or acceptance of the use of violence for political ends connected with the affairs of Northern Ireland, including the use of violence for the purpose of putting the public or any section of the public in fear"

Notably the Tribunal held, that the the Simon community had acted in fundamental breach of its own recruitment and selection procedure and had failed to follow the Fair Employment in Northern Ireland Code of Practice 1989.

Interestingly, the Tribunal was prepared to accept on the evidence, if it was necessary to do so for the purposes of Article 2(4) above, that *"…, at the time when each made the said application for employment to the respondent, neither in fact held such political opinion, which fell within the terms of Article 2(4) of the 1988 Order"* (paragraph 12.7 of the Tribunal's decision).

However, the Tribunal stated that from their interpretation of the provisions of Article 2(4), it was not necessary for them to consider whether or not the claimants had a **current** (editorial emphasis) political opinion falling within the ambit of the said Article. The Tribunal decided that the claimants could have established that they were unlawfully discriminated against on account of their political opinion but for the application of Article 2(4) of the 1998 Order. Thus their claims must fail.

It could be strongly argued that the Tribunal erred in its interpretation of Article 2(4), as the way it is phrased, *"a person's political opinion does not include an opinion which **consists of or includes**"* (own emphasis), implies that the said view has to be current. In contrast the Tribunal chose to distinguish the judgment of Kerr J (as he then was) in Damien McComb [2003] NIQB 47, on the facts, whilst ignoring that it had shed some light on the application of Article 2(4). The fact, that the claimants were released under the "Good Friday" agreement, should have been a good indicator that the claimants are no longer considered a danger to the public, as the Sentence Commissioners under the auspices of the "Good Friday" agreement had to be satisfied that the prisoner did not pose a danger to the public in order to recommend release.

The question therefore is whether it is fair, just and equitable to penalise a person for a political opinion that he no longer holds. This question will be answered by the Court of Appeal when considering the appeal of the claimants.

Talking about Terrorism – challenges for Human Rights Organisations

CAJ was recently invited by the International Council on Human Rights Policy to participate in a roundtable discussion of their latest research on "Talking about Terrorism – Challenges for Human Rights Organisations."

The Council describes itself as conducting applied policy research on issues that face organisations working in the field of human rights. Its approach is to "consult different points of view in searching for positive and practical outcomes to ethical and policy dilemmas. Conferences, seminars and workshops are a core element of the Council's activity. They help the Council define its research projects, organise the work involved, and test preliminary ideas and conclusions." As such, CAJ has participated in the discussion of many previous ICHRP papers, most recently that produced by Professor Christine Bell on *"Negotiating Justice? Human Rights and Peace Agreements"* (see May 2006 issue of Just News)

The roundtable in February 2007 was convened to discuss some preliminary research and a draft report that has been prepared by the Council on the theme of challenges for human rights organisations in talking about terrorism. Participants included representatives of international human rights NGOs such as Amnesty International and Human Rights Watch, as well as representatives of domestic human rights NGOs from Turkey, Sierra Leone, Russia, Israel, and Peru. CAJ was invited to share the lessons from Northern Ireland, and it was clear the experience from here has much to offer international debates.

Discussions at the roundtable centred on the key themes identified in the draft report, namely defining terrorism, the relevance of different bodies of law, and the challenges of talking to government, talking to the public and talking to violent groups.

Defining Terrorism

On the definition of terrorism, the report highlights that despite its use in common parlance, international efforts to define terrorism have failed, although numerous sectoral, regional and domestic definitions have emerged. As might be expected from a gathering of human rights activists, discussion around defining terrorism at the roundtable was not overly supportive. In particular local NGOs highlighted the problems that expanded definitions can cause in domestic situations.

The Legal Framework

Discussion around the role and relevance of law centred on the interpretation and application of international human rights law, international humanitarian law (IHL) and international criminal law. CAJ has always taken a very clear and established human rights position, and fed into the discussions the dilemmas and particularities of the Northern Ireland situation: namely that human rights law applied to government but international humanitarian law never in our view (and never accepted by the UK government) as appling to any of the paramilitary groups operating here in terms of its definitions around "control of territory" etc.

Negotiating human rights?

The issue of talking to government generated the most debate – since it probed the boundaries of to what extent human rights NGOs should engage in negotiations on the interpretation of human rights. It was clear that international and particularly American-based NGOs are coming under pressure to "come to the table with compromises or don't come at all" and thus the traditional unwillingness of NGOs to define what might be acceptable torture, for example, is affecting their legitimacy and credibility in certain governmental circles.

One participant likened negotiating human rights as "treading in treacle," and likewise a note of caution was expressed on the impact decisions taken by international human rights NGOs in this regard could have on local efforts. CAJ contributed a strong argument – which received a positive response – that rather than engaging in these negotiations, groups should be using the lessons from here that the human rights abuses generated by the emergency legislation fed and fuelled the conflict, and that internment and many of the other measures now being proposed and adopted by the UK and other governments in the "war against terror" failed.

The discussions were rich and lively, and have no doubt contributed valuable material to the Council's draft report. CAJ and the Russian NGO present pointed the Council towards the work of the Eminent Jurists Panel on "Terrorism, Counter-Terrorism and Human Rights" – in particular, it is clear that the Panel have made particular use of the lessons learned from their visit to Northern Ireland in spring of 2006. CAJ intends to produce a final submission to that Panel – drawing on the material from the actual hearings themselves – and will be making it available to the Council and indeed much wider in an effort to ensure that the lessons from Northern Ireland feed into these important discussions.

Visit by Council of Europe Commissioner for Human Rights

It is rare enough for Belfast to receive a visit by dignitaries from the Council of Europe, so it was marvelous that Thomas Hammarberg, Council of Europe Commissioner for Human Rights, should choose to come within a relatively short time of his appointment to this position, and fairly rapidly in the footsteps of his predecessor, Alvaro Gil Robles.

Mr Hammarberg is not of course a stranger to Northern Ireland, having been here in late 1971 to take testimony from internees (or more accurately, their families and their legal representatives) as part of an official Amnesty International mission. Though permission was not granted at the time to meet with internees, the report provided an early external human rights critique of the treatment methods being used on internees. This visit of more than 35 years ago has been complemented by other visits by Thomas since – not least, one in the early 1990s in his then capacity as vice-chair of the UN's Committee on the Rights of the Child. Given this background, he noted on several occasions how interesting it was for him to visit in his new role and to make a contribution to the debates about bringing forward the human rights of children and others in the new environment in which Northern Ireland now finds itself.

The focus of the Commissioner's visit was to give the annual lecture of the Children's Law Centre on the topic of "Children's Rights - How to turn Rhetoric into Reality", and this he did to an extremely well attended event organised in Belfast City Hall. His lecture will be published in the near future and will be widely disseminated – keep an eye out on the CLC's website for details (http://www.childrenslawcentre.org/). However, the timing of the visit also provided him with an opportunity to informally brief himself on a range of human rights issues that were of concern to various local non-governmental and statutory bodies.

At a round table with various NGOs, for example, the Commissioner received short briefings on children's rights, restorative justice, grassroots activism around rights, collusion, the legacy of past human rights abuses, developments in the "war on terror" and long term advocacy for a Bill of Rights for Northern Ireland. These briefings were reinforced by a visit to a Traveller site, a meeting with victims of human rights abuses (including, amongst others, Geraldine Finucane), dinner with several of the new statutory bodies created in the wake of the Agreement to uphold human rights, and meetings with young people themselves to talk through their concerns.

The presence of the Human Rights Commissioner in town also provided a great opportunity to bring together members of the Round Table forum (only formally inaugurated in December, but still awaiting effective operationalisation). This meeting was not attended by all members of the Forum - since it was called together at short notice - but it did ensure that the Council of Europe was briefly updated on developments relating to a Bill of Rights. Many people have encouraged the two governments and interested political parties to consult Mr Hammarberg's office (and that of the UN High Commissioner for Human Rights, Ms Louise Arbour) in their search for suitable chairs. It is particularly relevant that both the Council of Europe and the UN have long experience of working with experts who have human rights and practical political skills to facilitate complex negotiations involving politicians and civil society. As of his visit, Mr Hammarberg appeared unaware of any such requests for assistance. However, he clearly found it invaluable to meet with some of those active in this debate, and left Northern Ireland a lot clearer about the major contribution that a constructive and positive debate about a strong and inclusive Bill of Right could make to the transition to peace.

STOP PRESS – an Australian human rights lawyer and expert – has just been appointed as Chair of the Bill of Rights Forum. CAJ looks forward to long-awaited progress in the work of the Forum and it is now crucial that the Forum is given sufficient resources, support and timeframe to allow it to generate a wide and comprehensive debate about what a Bill of Rights for Northern Ireland should contain.

Civil Liberties Diary

February 1 Campaigners are calling for an independent review of how sexual offences are investigated and prosecuted after figures reveal that 13 people were convicted of rape last year from a figure of 300 reports.

February 2 Peter Hain announces that the Policing Board will be reconstituted with the restoration of the assembly on March 26 and will have 10 political representatives reflective of party strength and 9 independent members.

In response to a parliamentary question NIO minister Paul Goggins admits that 463 children have been placed in adult psychiatric wards across the north between 2002 and 2006.

February 6 The PSNI is to review the list of organisations of which officers must register their membership after unionist objections to the omission of Opus Dei and the GAA.

Guidelines are published for the accreditation and funding of Community Restorative Justice Groups. Under the guidelines groups must work with the police.

Justice and Security (NI) Bill is proposed in the House of Commons. Under the bill the Northern Ireland Human Rights Commission would be prevented from investigating abuses perpetrated before August 2007. Also, it will restrict the Commission's ability to investigate abuses connected with national security or intelligence.

February 8 The inquest into the death of Roseanne Irvine hears that female inmates at Maghaberry jail were treated like second class citizens. All male prisoners received treatment before female prisoners, regardless of the circumstances.

February 13 NIO spokesman announces that no amnesty is planned for fugitive IRA men or agents of the state identified as colluding with loyalist paramilitaries.

February 16 Omagh Crown Court hears that Sergeant Lynda Philis Totton falsified arrest and custody records dealing with a domestic disturbance.

February 20 New British rules pursuing the deportation of foreign prisoners will no longer apply to Irish nationals save in exceptional circumstances the Home Office has announced.

The families of Sharon McKenna, Peter McTansey, Gerard Brady and John Harbinson have issued a writ to PSNI chief constable Hugh Orde following last month's report by the Police Ombudsman into collusion between RUC Special Branch and the UVF.

February 21 Northern Ireland's planned police training college will be shared with the fire and prison services. Construction is to begin within a year.

46 applications are received by the NIO for the post of Victims Commissioner. The permanent commissioner will be responsible for deciding along with the Secretary of State whether to implement Bertha McDougall's recommendations.

February 22 Home Office Minister Liam Byrne states the British government will not abandon the policy of taking the children of rejected asylum seekers into care should their parents become destitute.

NIO minister Paul Goggins announces that a decision on the location for a second male prison to replace the existing Magilligan jail will be made before the end of the year.

The inquiry into the death of Robert Hamill may be delayed further as solicitors representing the inquiry panel, headed by Sir Edwin Jowitt, appeal to the House of Lords against the decision that police officers be granted anonymity.

February 23 Figures released by the NIO show that the Police Ombudsman's budget for 2006/07 will be £9.3m while that of the PSNI Historic Enquiries Team was £4.6m. This imbalance was criticised by unionists Sammy Wilson and Reg Empey.

February 26 The Equal Opportunities Commission is taking the government to the High Court over sex equality laws which it says leave women with too little protection against sexual harassment and pregnancy discrimination. The watchdog accuses the Trade and Industry secretary Alistair Darling of failing to properly implement the EU's 2002 equal treatment directive.

February 27 The Special Immigration Appeals Commission (SIAC) rules in favour of the Home Office in the case terrorist suspect Abu Qatada. The decision of Abu Qatada vs. SSHD [2007] UKSIAC 15/2005 establishes the legal principle that foreign nationals may be deported on national security grounds on the basis of diplomatic assurances that they will not face ill-treatment or torture in so called memorandums of understanding. Qatada now faces deportation to Jordan.

Compiled by Mark Bassett from various newspapers.

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

Just News welcomes readers' news, views and comments.
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