

## CAJ's Annual General Meeting

**It was all change for CAJ this year, the AGM moved to a daytime slot and moved into the historic Clifton House. The afternoon speakers offered personal perspectives on the crucial issue of the legacy of the past, with a good turn out. Outgoing CAJ Chair, Kieran McEvoy, offered his thoughts on the issue of Truth Recovery and drew on his extensive experience and research, both locally and internationally. It was also fitting that Paddy Hillyard should focus on the social and economic legacy of conflict in a building, Clifton House, from which some of the earliest social welfare policies in Belfast had emerged.**

But business first... It has been a busy year for CAJ, with the departure of Maggie Beirne and appointment of Mike Ritchie to replace her as Director, the outworking of a major evaluation exercise, the possibility of new premises, new structures and the implications of new Charities legislation.

Kieran paid a well-deserved tribute to Maggie for her long standing work with CAJ. He also welcomed new director Mike Ritchie, who had worked for a number of community organisations, most recently Coiste. He also informed us that legal officer, Abed al Natur, would soon be moving on, and back to STEP and Dungannon, his home town.

A key area of work over the last year for the executive, but particularly for the staff has been the development of strategic work plans based on a major evaluation that was carried out with CAJ last year. This has included the issue of premises, which has been talked about for some time. A few possibilities have emerged and have even been visited. Kieran told the meeting that the key criteria were a city centre location – the priority being premises that would be perceived as neutral and open to all as well as premises that were compliant with the requirements of the Disability Discrimination Act.

Another aspect of the evaluation was the comment that while CAJ is good at the technical aspects of its work, it has tended to pay less attention to promoting its work and indeed to promoting the organisation itself. Kieran committed CAJ to now spending more time on this important dimension of our work. Other new areas will emerge including the Strategic Litigation Fund. CAJ is moving into a new era, new areas of work and possibly new staff!

Kieran also thanked the funders, whose continued support is essential for the successful mission that CAJ has set itself. And with that he stepped down as Chair and from the Executive – a well earned break after many years! With the election of the new executive and new Chair – Pat Conway's first duty was to present Kieran with a small – liquid – token of appreciation.

Pat then introduced himself – a social worker by background and working with NIACRO for many years, he stated that CAJ had always informed his way of thinking especially in times of crisis. Pat pointed to the Annual Report suggesting that it outlined what had been done – and what was yet to be done. He also suggested that CAJ was there as a positive, but critical voice in the area of criminal justice and beyond. He then handed over to the Mike Ritchie for the Director's report.

During his first report as director, Mike highlighted one key issue emerging from the evaluation, which suggested that CAJ had an overly complex structure and proposed organisational changes which would simplify these structures. Changes could not happen now but were being flagged up early so that people were aware of these developments. The suggestion was put that CAJ, currently consisting of three separate structures, would become two. One implication of the changed structures would be the requirement for CAJ to allow access to membership lists on the basis of a reasonable request. This was something the Executive had discussed and felt open to, including in a discussion that in the past people may have been more cautious about their names but that now, the organisation could and should reflect 'changed times'.

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## UN Convention on the Rights of Persons with Disabilities

Disability has often been an overlooked or 'forgotten' dimension of human rights, with both the profile and understanding of disability issues being low. People with disabilities were in principle protected along with everyone else under the existing international system. However, in practice people with disabilities across the world have continued to experience extensive violations of their human rights.

The International Convention on the Rights of Persons with Disabilities (UNCRPD), and its Optional Protocol, were adopted by the UN General Assembly on 13 December 2006. The UNCRPD is the first human rights treaty from the UN in the 21<sup>st</sup> century and was opened for signing and ratification on 30 March 2007. The UK indicated its strong commitment to ratify by signing it at the first opportunity on 30 March 2007. As of 07 November 2008 the Convention has been signed by 136 states and ratified by 41 states.

The UNCRPD provides a major boost for disabled people's human rights throughout the world. The Convention obliges ratifying States to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity." The Convention has not been designed to introduce new rights for disabled people, but rather it strengthens the protection and promotion of their existing rights by drawing together existing human rights standards and articulating their specific meaning with respect to people with disabilities. It thus contains many familiar civil and political and socio-economic and cultural rights such as the right to life (Art. 10), the right to privacy (Art. 22), the right to health (Art. 25) and the right to education (Art. 24).

In a Ministerial written statement issued on the 6<sup>th</sup> May 2008, the Minister for Disabled People indicated that the Government intended to ratify the Convention with a number of reservations and interpretative declarations.

While some potential reservations appear to have been withdrawn, concern remains for potential reservations in the key areas of education, capacity law and mental health law. Such reservations would undermine the right of children with disabilities to be educated in an inclusive manner near their own communities; the right of people to make decisions about their own lives that people without disabilities take for granted, including decisions about healthcare treatment; and the right not to be detained simply because one has a disability.

**Grainne Teggart**  
Centre on Human Rights for People with Disabilities

## Bill of Rights Forum - reflection from the children and & young people sector

The Bill for Rights represents a unique opportunity to guarantee children and young people's rights at a constitutional level in Northern Ireland, to consolidate children's rights standards in one binding and enforceable document and thus provide the most vulnerable group in society, children and young people with the much needed legal protection to which they are entitled. Significantly, the UN Committee on the Rights of the Child recently made a recommendation to this effect – that the government take the opportunity presented by the development of a Bill of Rights for Northern Ireland and incorporate the principles and provisions of the UN Convention on the Rights of the Child, including by having a special section in the Bill devoted to child rights. The establishment of the Bill of Rights Forum was therefore a welcome development in the journey towards achieving this goal.

Given the extensive engagement by the Children's Law Centre and Save the Children amongst others to have the Bill of Rights Forum established, we naturally had very high expectations of what it should achieve. Ultimately, and extremely disappointingly, the Bill of Rights Forum failed to deliver in full on its terms of reference in that it didn't produce *agreed* recommendations to inform the Northern Ireland Human Rights Commission's advice to Government on a Bill of Rights. However there were both positives and negatives contained in the process itself.

The Children and Young People's Working Group, which Children's Law Centre and Save the Children convened, was very productive – discussions were open and constructive and resulted in a significant level of agreement amongst all members, on a wide range of children's rights issues. The unanimous agreement reached by the Working Group on such a wide range of children's rights issues strongly underscored the fact that things are far from acceptable in relation to children and young people's rights protections.

The Children and Young People's Working Group produced an excellent report in a very short space of time which was then debated and voted on by the full Forum. Unfortunately the level of agreement secured at Working Group level was not maintained within the full Forum, with the meaning of the phrase '*particular circumstances of Northern Ireland*' coming into focus once again. Despite this, given the earlier consensus achieved by the Working Group it is clear that potential certainly exists to move the debate forward, with the UN Committee's report highlighting the urgency of doing this.

**Sarah Boyce**  
Save the Children / Children Law Centre

## Social and economic factors and the legacy of the past

**CAJ in its evidence to the Consultative Group on the Past recognised the crucial role of social and economic factors and argued “that any attempt to deal with the legacy of the past in Northern Ireland must recognise that few areas of life remained impervious to the violence of the past thirty years”. It pointed out that there was a close relationship between the most deprived areas and some of the most intense conflict. North and West Belfast alone accounted for 1240 (or over one third) of the 3636 fatalities in total that took place over the course of the conflict.**

Such statistics provide direct evidence of the disproportionate impact of the conflict on the poorest sections of our society. More broadly, CAJ noted that “if you look at the NISRA deprivation data as a whole one can identify a strong correlation between the poorest parts of Northern Ireland (in particular the urban centres of North and West Belfast and Derry, followed by the border regions of Tyrone and South Armagh), and those areas in which statistically the impact of the conflict was felt most severely in terms of deaths and injuries”. It concluded that “Undoubtedly therefore, addressing these unacceptable levels of deprivation in the areas identified remains a key task if one is to adequately address the legacy of the past in a comprehensive manner”.

The task is immense but at many levels of government there is still a level of denial about the impact of the conflict, particularly on the most deprived areas. There has also been little or no recognition of the role of poverty and social exclusion suffered by both communities in fuelling and maintaining the conflict. The statistics on the intensity of the conflict speak for themselves. Over 34,000 killed and many thousands injured. In the first survey to try to assess the precise impact of the Troubles in 2002/2003 it was found that: 50% of all households knew someone who was killed in the conflict; 88,000 households had lost of a close relative; 50,000 households contained someone injured in the conflict; 28,000 people were forced to leave their jobs; and 54,000 people were forced to leave their homes.

The extent and depth of poverty in Northern Ireland is now extensively researched. In 2002/2003 some 185,000 households, or 29.6 per cent of all households in Northern Ireland were estimated to be poor measured by their inability to afford to buy a range of items which the majority in the population considered necessities. More shockingly these figures suggested that nearly 150,000 children were living in poor households. More recent figures based on the more restrictive measure of income poverty – the Government’s preferred measure – one fifth of all households are in poverty. But this level of poverty exists in the midst of considerable affluence. A recent standard index suggested that Northern Ireland is a 25/25/50 society

– about a quarter living in severe or some hardship, a quarter with a comfortable standard of living and over half with a good or very good standard of living.

Extensive inequalities are present in all areas of life. Consider health for example. In 2004-2006, men in the 20 per cent of the most deprived areas in Northern Ireland could expect to live 3.8 years less than men in ‘NI as a whole’, while female life expectancy was 2.6 years lower. The gap would be far greater – at a guess over 13 years - if the Department of Health, Social Services and Public Safety were to compare the life expectancy of the least deprived areas with those in the most deprived areas rather than ‘deprived areas’ and ‘Northern Ireland as a whole’. Yet, as Evan Bates has shown from a recent analysis of the use of hospital services, they ‘are not provided to people from economically deprived areas at the level which would be anticipated’.

Huge inequalities exist in housing. Some 73 per cent of households in Northern Ireland are owner occupiers and an unknown proportion of households own two or more homes. This means that over a quarter of households do not enjoy the benefits of ‘a property owning democracy’. While the housing assets of owner occupiers have increased exponentially since the Agreement, with the largest increases accruing to those in the most expensive houses, the merger assets of those living in the most deprived areas have declined.

The Executive and Assembly have done little or nothing to alter these inequalities and in particular improve the situation of those living in the most deprived areas. Rates have been frozen and capped at the top end and water charges have been deferred cutting off potential income streams from the better off. As a consequence, resources have had to come out of the NI Block Grant – monies which could have been directed towards the most deprived sections of the community. At the same time the Treasury-imposed 3 per cent ‘efficiency savings’ disproportionately adversely affect the weakest systems of society. Sure Start is one programme which all the research shows makes a difference to families struggling to make ends meet in the most deprived areas. Yet in 2006/07, NI spent less than £10 million on Sure Start programmes – ten times less than the amount NI spends imprisoning people, many of whom come from deprived backgrounds.

In addressing the legacy of the past, it is crucially important to tackle social and economic deprivation. The salutary lesson from conflicts around the world is that unless these issues are dealt with within one or two generations, then peace agreements break down.

## Civil Liberties Diary

### 3rd October

The Policing Board approves the PSNI to use Taser guns throughout Northern Ireland.

### 9th October

Barack Obama-President Elect of the US- calls on the British government to order a public inquiry into the murder of Pat Finucane in 1989. He backs the Finucane family's requests for a full, independent, international probe rather than one held under the 2005 Inquiries Act.

### 13th October

An investigation by the PSNI's Historical Enquiries Team into the killing of Aidan McAnespie in Aughnacloy in 1988 ends. It concludes that the British soldier's claim that he accidentally shot after his wet hands slipped on the trigger was so remote that it should be disregarded. Despite this finding the HET says it will not be submitting a file to the PPS.

### 17th October

In the NI High Court Lord Justice Girvan is urged to allow PSNI lawyers question nine witnesses at the Inquiry into Rosemary Nelson's murder. The force is also seeking a ruling that any criminal records they have should be considered by the tribunal as part of a test on their credibility.

### 21st October

A tabled amendment to the Human Fertilisation and

Embryology Bill to extend legalised abortion to Northern Ireland runs out of time in the House of Commons. Labour MP Dianne Abbott says she now intends to bring a private members' bill.

A teenager suffering from life threatening anorexia wins the right to challenge the lack of specialist treatment available to her in Northern Ireland. The 16 year old brought a High Court case in a bid to force health chiefs to provide in patient medical facilities for adolescents with eating disorders.

### 22nd October

The Policing Board's Human Rights Annual Report claims that the use of excessive force by some PSNI officers could be linked to poor training.

### 28th October

An appeal by former members of the RIR (against a judgment in July dismissing their fight to remain anonymous in their testimony to the Rosmeary Nelson Inquiry) reaches the Court of Appeal.

### 30th October

Gillian O'Rourke settles her case for damages with Mount Charles Catering, her former employer. She had suffered sectarian abuse, inappropriate touching and threats of violence from a co-worker.

*Compiled by Mark Bassett from various newspapers*

## CAJ's new image

After many years using black only and then progressing to printing **Just News** in blue, after much discussion and thought we decided to go along with the current trend and opt for the brighter image! This meant changing the font and colour and shape of our logo. We launched these new colours at the Annual General Meeting back in October this year. We hope you like CAJ's new colours – black, grey and magenta (a kind of pink!)

The three black corners represent protecting rights and the pink corner represents promoting justice. Will the 3 black sections representing the protection of human rights always be a task unfinished in Northern Ireland and who knows how many years CAJ will continue to work in order to guarantee justice for all?

CAJ continues to work on four priority areas:

- Equality
- Protection of Rights
- Criminal Justice – currently recruiting a Criminal Justice Programme Officer
- Policing – currently recruiting a Policing Programme Officer

Although we have changed our "look" our endeavour to campaign for change in the administration of justice for Northern Ireland remains the same.

Over the next couple of months we hope to incorporate this image on all forms of communication e.g. letterheads, email, publications, and website. We would like to take this opportunity to thank SORT design for all their hard work with the new image.



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

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