

Bulletin of the Committee on the Administration of Justice

The new Human Rights Act

From 2 October individuals in the UK have a list of legally enforceable rights owed to them by public authorities. The Human Rights Act requires that if the public authorities fail to respect these rights, then individuals can take them to court.

The term "public authority" includes not only government departments, but also, for example, the police, prison officials, social services, the social security agency, the court service and judges and also companies which, although private, provide public services.

What rights are protected?

The following rights, contained in the European Convention on Human Rights, are protected:

Right to life

This will protect against freedom from deaths in custody, shootings by the police when not done in self-defence and should ensure adequate investigation into such incidents. It might also be used in the future to argue for medical treatment being provided to save someone's life, for example. It could also affect issues to do with abortion.

Freedom from torture, inhuman or degrading treatment or punishment

If someone were beaten by a police or prison officer while he or she were in detention, for example, then this could be a violation of their right. Ill-treatment of individuals within mental institutions could also violate this right. Some methods used by the police to question individuals in custody as well as ways in which they try to control riots or disorder, may also violate this right.

Freedom from arbitrary arrest and detention

This requires that a person should be told of the reasons for being arrested and should be able to know what he or she is being charged with. He or she should be brought before a court

promptly after they have been arrested and detained.

Right to fair trial

This right provides for a fair and public hearing for criminal charges and also for some civil procedures. It requires that the hearing is in public, that the person has a reasonable time to prepare his or her argument and the hearing is held within a reasonable time.

Right to private and family life

Protection for your private and family life includes being able to challenge surveillance techniques by the authorities such as tapping your phone. It can also be used to challenge the taking of blood or urine without your consent and the searching of and access to personal documents. However, if the authorities can show that they are doing this for reasons such as preventing crime and disorder and they have carried out their actions in a reasonable manner, then there may not be a violation of this right.

Freedom of expression

Everyone has a right to free expression. This will cover expressing yourself in art, through journalism, going on marches or other protests, for example. This right also covers a right to obtain information and so could require, for example, public bodies to provide you with material. Again, the authorities can restrict this on a number of grounds, including prevention of crime and disorder, but the measures they take in doing so must not be excessive.

Freedom from discrimination

There is also a requirement that no one should be discriminated against in relation to the other rights in the

Convention. Again, if the authorities can show they treated persons differently for a legitimate reason then there might not be a violation.

What the Act does not do, however, is enable individuals to argue that their rights have been violated by another 'private' individual. So, for instance, while an individual who was ill-treated in custody could argue that this was a violation of his rights as it was carried out by a police officer who is a public official, a woman could not argue that this same right had been breached if her husband (a 'private' individual) abused her.

What else does the Act require?

The Act requires that the courts must respect the rights provided. This means that they must interpret legislation so it protects your rights and they can award damages in some instances where this is not the case. If they decide that the law as it stands goes against these rights then, if it is a higher court, all it can do is to make a statement saying that the particular law violates certain rights. It will then be up to Parliament to change the law. It is still not clear, without the first cases going through the courts, whether the individual in such a case will be able to claim damages.

Dr Rachel Murray

Centre for Human Rights
Queen's University

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No surprise as Diplock survives

In its submission to the Diplock Review CAJ urged the Review Group to take a bold approach in its review of the arrangements for non-jury trials. In particular CAJ called for an immediate return to jury trial for all offences, and suggested a range of practical interim measures if this was not deemed possible. It is of no surprise that our prescription for the abandonment of the Diplock court system has been largely ignored.

The Diplock Review was established in December 1999 by the Home Secretary apparently conscious of the Government's commitment under the Belfast Agreement to move towards normal security arrangements in Northern Ireland as soon as possible, consistent with the level of threat. The resultant report published in July 2000 contains no more than pious platitudes, cosmetic amendments and conclusions that point to no substantive change.

The absence of radical thought in the Group's approach is exposed in its first conclusion:

We are not persuaded that a return to jury trial at this stage would provide for the fair and effective administration of justice, that the safety of jurors could be guaranteed or that the community as a whole would have the necessary confidence in the system.

In reaching this conclusion the Review Group has rejected as "unsuitable" and "unrealistic" the valid practical measures suggested by CAJ and others that could protect jurors from intimidation, real or imagined. Moreover, while the Group was concerned that there has rarely been any evidence to support the view that jurors have delivered partial verdicts, it nevertheless concluded that to return to jury trial for all offences would have a negative effect on *"the acceptability of, and confidence in, the wider criminal justice system."*

That the legitimacy of the criminal justice system has been undermined for the best part of three decades precisely because of the absence of jury trial has apparently escaped the notice of the Review Group.

How is the Government to assess the continued need for Diplock trials? The Review Group has come up with a proposal for change which is more cosmetic than real. The Group has recommended that rather than automatically renew the Diplock provisions on an annual basis the Government should consider criteria to determine whether non-jury trial is a necessity. These criteria – whether there is a risk of juror intimidation, whether there is a risk of perverse verdicts, and what is the assessment of the level

of threat? – are lauded as making up an objective framework upon which officials might decide that the time is right to return to jury trial.

Of course the criteria are nothing of the sort: they are open ended questions, the answer to which will be informed by secretive security advice which won't be subjected to public scrutiny or Parliamentary or legal challenge.

With one exception the panoply of procedures which have helped the Diplock system tick will remain on the statute book without alteration. The power to grant bail for all those charged with scheduled offences will remain with the High Court. Furthermore, CAJ's suggestion that any Judge who conducts a voir dire which leads to the exclusion of inadmissible evidence should then be excluded from presiding at the subsequent trial has been rejected.

Of greater practical importance is the Review Group's decision to retain the "certifying out" procedure at the expense of a system of "certifying in" those offences thought to be unsuitable for jury trial. At least this issue would appear to have caused the Review Group to engage in some soul searching, but its conclusion – that a system of "certifying in" would require a sensible legal test which has not yet been formulated – will jar with many. It is unsatisfactory that a Government appointed working group should say that it is for those advocating a return to normality to come up with the appropriate statutory test to be employed. This is arrogance of the highest order!

The one change that the Review Group felt able to come up with is of course long overdue. As the law stands at present, it is possible in a Diplock trial for a Judge to admit a confession which has been obtained by oppression or which may be unreliable, and therefore in breach of the PACE test. The myth that extra leverage had to be given to the police in order to crack hardened terrorists adept at resisting interview techniques was an invitation to abuse and mistreat the vulnerable. Given that it is arguable that Article 74 of PACE goes too far in the scope it affords police officers who interview suspects, it is to be hoped that the Government will move quickly to adopt the Review Group's conclusion that the provisions of Section 12(3) of the EPA should be repealed.

At the time of making its submission to the Review Group in January 2000 CAJ expressed the view that the Review provided a key opportunity to reverse the damage which had been occasioned to the reputation of the criminal justice system in Northern Ireland in the past. It is with regret that we must now acknowledge that this opportunity has been squandered.

Martin Wolfe

INTERIGHTS' COMMONWEALTH HUMAN RIGHTS CASE LAW DATABASE

INTERIGHTS is proud to announce the release of the *Commonwealth Human Rights Case Law Database*. Containing summaries of recent human rights decisions from national courts in Commonwealth jurisdictions the *Database* is available, free of charge, on INTERIGHTS' website at <http://www.interights.org>.

Through a browse facility and search engine, the *Database*, which is updated regularly, is searchable under a variety and combination of fields, including by country, date and keyword. Many of the cases summarised are unpublished decisions, which are not readily available in other jurisdictions.

The *Database* forms part of INTERIGHTS' Commonwealth Human Rights Case Law Programme which also publishes the *Commonwealth Human Rights Law Digest*, a periodical launched in 1996. Whilst the *Digest* summarises recent Commonwealth human rights decisions in a traditional printed format, the *Database* uses developing technologies to provide immediate access to a potentially unlimited audience.

During a series of judicial colloquia, convened by INTERIGHTS and the Commonwealth Secretariat on the domestic application of international human rights norms, senior members of the Commonwealth judiciary recognised the importance of ensuring access to human rights judgments emanating from other national courts. However, the judges noted that access to those decisions was limited by the lack of locally available material on comparative human rights law. As INTERIGHTS was in a unique position to disseminate those human rights decisions, due to the judicial network it had established, the expertise of staff in comparative human rights law and its experience of publishing case reports and human rights materials, most particularly INTERIGHTS' *Bulletin*, they requested it to act as a clearing-house for human rights decisions emanating from Commonwealth jurisdictions. The *Database* is the latest stage in this important initiative to disseminate comparative human rights case law.

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In the Headlines

CAJ holds newspaper clippings on more than 50 civil liberties and justice issues (from mid 1987). Copies of these can be purchased from CAJ office. The clippings are also available for consultation at the office.

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

Up to date with CAJ

There have been meetings of the Equality and Policing subgroups.

Paul was in London meeting with Tony Blair in relation to the Pat Finucane case.

Martin attended the opening of NICEM's new offices. Martin gave testimony at the US Congressional hearings on the translation of the Patten recommendations into legislation.

Paul made legal visits to both Maghaberry and Maze prisons.

A "new members" meeting took place at CAJ offices. Maggie spoke at an Equality Conference held at Queen's University.

Finally, we would like to take this opportunity to welcome Fiona Doherty from the US who will be volunteering with us for a year, and also to welcome two new staff members Aideen Gilmore and Tim Cunningham to CAJ.

Liz McAleer

The Garda Siochana Human Rights Initiative "*Policing and Human Rights: Promoting Best Practice*" was launched last year in response to the Council of Europe Programme 1997-2000 entitled "Policing and Human Rights". As part of the work a conference "**Policing and Human Rights**" will be held on 3rd and 4th November in Dublin Castle Conference Centre. For further info contact Garda Human Rights Office, Garda College Templemore, Co. Tipperary. Telephone 00 353 504 35451 or email gquality@iol.ie

Action Column

Call to members

CAJ frequently gets asked to send speakers to events to talk about the organisation, human rights in general, or specific aspects of the human rights agenda etc. The invitations can come from womens' groups, young people, single identity or cross community groups and many others.

It is very important that people wanting to know more about who we are and, even more importantly, about how best to engage in the human rights debate, get positive responses. However, it is difficult for us to respond to all such requests. Would you like to help? If we could get a few people together, the membership sub-group would be willing to lay on some training. It could be fun!

**Please get in touch with Liz at the office
on (028) 90961122.**

CAJ's Director, Martin O'Brien testifies

Thank you for your invitation to testify today. CAJ, since its foundation in 1981, has worked consistently on issues of policing and, as early as 1995, CAJ argued for an independent international commission to look into future policing in Northern Ireland. Accordingly we worked hard to ensure that the establishment of such a body would be provided for in the Good Friday Agreement. We welcomed the broad terms of reference given to the Commission by the Agreement, and sought to work constructively with the Commission as soon as it came into being, under the chairmanship of the Chris Patten.

We were fortunate in that we had earlier secured funding from the Ford Foundation and others to undertake a major comparative research project into good policing around the world. The findings arising from that study underpinned all our work with the Commission and were, we believe - from a reading of the recommendations - useful to the Commission in its work.

In testimony in September 1999 to Congress on the findings of the Patten Commission, we concluded that: "CAJ believes that, in general terms, the Commission has made a very genuine and constructive effort to meet the difficult task imposed on it by the Agreement.

They have put forward many thoughtful and positive recommendations about the way forward. Most importantly of all, they have recognised (as did the Agreement itself) that just as human rights must be at the heart of a just and peaceful society in Northern Ireland, it must be at the heart of future policing arrangements.

CAJ went on, however, to outline for Congress, some of the serious reservations we, and other human rights groups, had regarding the omissions from the Patten report. Amongst other things, we expressed concern as to the feasibility of bringing about real changes to policing if emergency powers are still retained, if plastic bullets are still deployed, and if officers, known to have committed human rights abuses in the past, remain as serving officers.

Despite these important shortcomings, the main thrust of our submission at that time was to urge Congress to use its best offices to push for speedy implementation of the positive recommendations arising from Patten. Though Patten's recommendations did not address everything that was needed for genuine change, they gave a clear framework within which change could occur, and they pointed all those interested in fundamental reform in the right direction.

Unfortunately, as we said in our earlier testimony "implementation is everything", in that context, CAJ must report to Congress our profound disappointment at

developments since the publication of the Patten report. Our concerns are twofold. First, many of the changes Patten called for are long overdue, and speed is of the essence. Second, and as important, a hesitant or unwilling approach to major change - which is what we are experiencing feeds fears that change will be short-lived, and indeed will be undermined over the longer term.

One of the key findings of our international research was that political will is a determining factor in preventing or facilitating successful change. Initially, it seemed to observers that the necessary political will did exist within government for change. Yet, since the publication of the Patten report, the signs have been ominous.

Patten called for the speedy appointment of an Oversight Commissioner to oversee the pace and nature of change. The Commission said "we believe that a mechanism is needed to oversee the changes required of all those involved in the development of the new policing arrangements, and to assure the community that all aspects of our report are being implemented and being seen to be implemented." This recommendation was accepted by government, but Tom Constantine was only appointed on 31 May 2000 - almost nine months after the Patten report was published. This tardy appointment meant that the Commissioner was excluded from scrutinising the draft legislation, played no part in the detailed Implementation Plan prepared by the Northern Ireland Office and the policing establishment, and has still to appoint staff, take on a public profile, and produce his first report.

Given this delay, any change that has taken place to date has been dictated by those who have been responsible for policing over the last 30 years and who have resisted change in the past. Only a third or less of Patten's recommendations resulted in proposals for legislative change, so that the vast majority of the programme of change has been left to the discretion of senior civil servants, and the Chief Constable.

Indeed, much of the change - whether in terms of police training, police re-organisation, or in terms of crucial decisions relating to Special Branch, detention centres, the use of plastic bullets, or the extent of stop-and-search activities - lies largely at the discretion of the Chief Constable alone. Only with the appointment of a new Policing Board (the political composition of which is as yet uncertain), and/or an active and high profile Oversight Commissioner, will people outside the policing establishment be able to influence or assess the extent of real change underway.

The slowness in appointing an external Oversight Commissioner has left government open to the charge that the nature and pace of change has been deliberately left in the hands of those who have so mis-managed policing in the past. This charge is not easily refuted. A study of the

CAJ's fears to Congress on policing in NI

draft legislation, for example, merely seems to confirm the view that government is unwilling to put Patten's agenda into practical effect.

The draft legislation first presented to the House of Commons in May was a very far cry from the Patten report, and despite much lobbying, and extensive changes in the course of the parliamentary process to date, there is still a long way to go.

Of course, to judge by official government statements, one would have thought that government was fulfilling Patten in its first draft legislative text in May. The same claim - to be fulfilling Patten - was still being asserted in July (when, by its own admission, it had already made 52 substantive changes to bring the initial draft in line with Patten). Further amendments have again been promised in the next few weeks, prior to the House of Lords debate. However, on the basis of CAJ's understanding to date, the changes that are to be offered will still not deliver the Patten agenda.

If government does want to implement Patten, as it says it does, why is it still resistant to a whole range of important safeguards which Patten called for? Why is it impossible to get government agreement to include explicit reference in the legislation to a broad range of international human rights norms and standards? What reason can there be for the government denying any role to the NI Human Rights Commission in advising on the police use of plastic bullets? Why are effective inquiry powers for the Policing Board consistently opposed?

Why is the Secretary of State so adamant that the Police Ombudsperson cannot have the powers to investigate police policies and practices that Patten called for? Why was the appointment of the Oversight Commissioner so long delayed, and why is his term of office so curtailed in the legislation?

There will be some that claim that government cannot move fast on certain issues, precisely because Northern Ireland is divided, and policing is a very divisive issue. While there are, of course, many contentious issues (the name and symbols, for example), none of the important issues listed above divide nationalist and unionist. They do, however, clearly divide those who want to defend the status quo, from those who want a police service that is impartial, representative, and accountable - able and willing to ensure that the rule of law is up-held.

Some of the obstacles to real change can be detected by a study of the parliamentary record. A government minister, in the course of the Commons debate, resisted any amendments that sought to make policing subject to international human rights and standards. He said: "Some appalling human rights abuses...take place around the world.

Those low standards should not be compared with the past activities of the RUC... The RUC carried out a difficult job, often in impossible circumstances. Such comparisons as might be made in the light of the amendment could cause unnecessary offence. We might reasonably say that, against the norms in question, the RUC has a good record on human rights". Government appears to reject out-of-hand the many reports of the United Nations, and respected international non-governmental organisations, which criticised the RUC. This stance presumably explains the legislation's failure to address the legacy of the past. Yet, if government is unwilling to admit past problems, can the necessary change occur?

CAJ's fears about the pace and nature of policing change are further heightened by the government's approach to the separate but complementary Criminal Justice Review (also established as part of the Good Friday Agreement). The inter-relationship between policing and the criminal justice system is self-evident. Accordingly, it is extremely disturbing to have to report to Congress that CAJ has serious concerns about the nature and pace of change proposed in the criminal justice sphere also. A new appointment system for judges, changes to the prosecution service, and a re-vamping of the criminal justice system generally, are long-overdue changes. The government timetable clearly does not recognise any urgency; CAJ, however, feels that Northern Ireland cannot afford any further delay.

Of course, change is inevitably difficult; and change of the scale and nature required in Northern Ireland is particularly difficult. We urge the US Congress to use its best endeavours to lend its support to the UK and Irish governments as they work, with local politicians, to develop a more just and peaceful society in Northern Ireland.

To conclude, I hardly need to remind the Chairperson that, defence lawyer and CAJ executive member, Rosemary Nelson, testified before him and other members of Congress on issues of policing almost two years ago - on the 29 September 1998.

The concerns she raised in her testimony, her terrible murder a short while later, and the subsequent police investigation, remind us - if we need reminding—that policing change in Northern Ireland is not an abstract or intellectual debate. It is about the lives of real people. We must bring about policing change in Northern Ireland; and we must ensure that that change is right.

Everything that the US Congress can do to help those of us on the ground secure such change will, as always, be greatly appreciated.

Thank you.

CAJ's Bill of Rights Project

After a brief (but very enjoyable) sojourn in Dublin, I have returned to bonny Belfast and the familiar environment of the CAJ office to undertake a new and exciting challenge. For the next eighteen months, I will be looking after CAJ's work on the Bill of Rights project, a task which promises to be an interesting but very busy one!!

Readers of Just News will need no introduction to the Bill of Rights process. The Human Rights Commission is eight months into its consultation process on a Bill of Rights and has launched several important initiatives in this field, including its 'training for trainers' programme and most recently an advertising campaign. The latter should prove to be extremely beneficial in bringing the message out to the ordinary people on the streets. At a recent training session of community and voluntary groups, we were reminded that the majority of the population do not belong to community or voluntary groups. Thus, the tendency to focus on these groups in trying to reach the most marginalized in society runs the risk of itself marginalizing 'ordinary' people. This is something the Commission, and indeed CAJ, will need to bear in mind for the remainder of the process.

Those interested in the process and in contributing to it will be glad to hear that the Commission has extended its deadline so that the initial draft advice will be submitted in March of next year with the final submission in September 2001. Even with the deadline extension, it will be a challenge to bring the debate to everyone in Northern Ireland and encourage the public ownership of the Bill of Rights which is necessary to ensure its success.

In essence, CAJ has four main aims in this process:

- To assist in mobilising a broad constituency of interest and participation in this process;

- To ensure that the Human Rights Commission's advice on the contents of a Bill of Rights is as comprehensive as possible;
- To inform the debate with international expertise;
- To help foster a climate of support for the recommendations at both the local and international level.

CAJ feels that it is absolutely essential that the Bill of Rights debate be as broad and inclusive as possible. If the consultation reaches out to and involves, not only the most marginalized in society, but ordinary people as well, then the people of Northern Ireland will feel a real sense of 'ownership' of this Bill of Rights, which will be important both in terms of its political success but also in its ability to affect real change on the ground.

We are currently designing a 'stand-alone' information pack for use by groups who are interested in learning more about a Bill of Rights, which also provides a feedback exercise to the Human Rights Commission and this should be available in the coming weeks. As well as undertaking our own initiatives, we have met and will continue to meet with other NGOs and community and voluntary groups who are active in this process to discuss activities so as to ensure there is no overlap and indeed no gaps in the sections of society that are being targeted.

More thought needs to be given, however, on how to target 'ordinary' people. Probably the most effective method would be a simple leaflet

delivered to each household in Northern Ireland which would explain the process and ask people for their views. Such an exercise, however, would probably be more effective if carried out by the Commission, who have a statutory mandate in this process.

We are keen that the draft advice presented to the Secretary of State be as comprehensive and far-reaching as possible and for that reason will be making submissions of our own to the Commission on the contents of the Bill. CAJ has a long history of work on the Bill of Rights and indeed published its own draft Bill in the 1990's. Time has moved on, however, and CAJ will have to re-examine some of its earlier proposals, drawing on international developments and standards since then.

Past experience has shown that bringing international expertise to bear is invaluable and therefore CAJ plans to bring a number of international experts to Belfast to inform the current process. This may take the form of a series of seminars culminating in a major public event.

One of the last hurdles of the process and arguably one of the most difficult will be ensuring that the Bill has the necessary support to see it safely through the parliamentary process. Again, past experience has shown that much can be lost if sufficient political and public support has not been built up before the parliamentary procedure begins.

This debate provides a unique opportunity to begin the process of developing a strong and vibrant culture of human rights in Northern Ireland and we will all have to channel a lot of energy and resources to ensure that it reaches its full potential. All in all, it promises to be a challenging time but one which I look forward to (for now – ask me again in six months time!).

Aideen Gilmore

Next month's issue will include a report by Tim Cunningham on the CAJ's Equality Project .

PANORAMA UNDER THE SPOTLIGHT

Sections 68-70 of the Northern Ireland Act 1998 set out the powers and functions of the Human Rights Commission. Section 69(1) provides that the Commission shall “keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to human rights”. In pursuit of this aim the Northern Ireland Human Rights Commission recently took legal action seeking to prevent the broadcast of a programme about the Omagh bombing by the BBC.

The programme raised concerns among the Commission and other interested bodies that the balancing of the right of freedom of the press with the right to a fair trial and the right to privacy was likely to be compromised by the programme. The Commission also considered that article 2 of the European Convention in Human Rights – the right to life – inherently dictates certain positive responsibilities in relation to the state’s duty to investigate controversial deaths.

The Commission was concerned that the nature of the Panorama programme in itself raised issues about human rights that affected a large number of people. The Commission was specifically concerned that the release of the programme had implications for:

- a) the right to a fair trial of those identified;
- b) the right to life of those identified;
- c) the rights of the families of the victims to have the perpetrators brought to justice; and
- d) the longer-term implications for suspects in other unrelated cases, particularly raising questions about trial by the media.

The Commission was also conscious of the competing rights of the BBC in relation to freedom of expression.

The Commission relied on Article 69(5)(b) of the Northern Ireland Act to bring the proceedings. This allows the Commission to take proceedings in its own name. There was an issue about whether the Commission could in fact bring proceedings under the European Convention on Human Rights because Article 71(1) of the Northern Ireland Act prohibits anyone but a victim (someone directly affected) from taking a case relying on alleged violations of rights protected by the Convention. Mr Justice Kerr agreed that the court had, as a public authority, a duty (by Article 6 of the Human Rights Act 1998) to act in compliance with the Convention. He stated that the court had a dual role where the Convention is engaged: on the one hand it has a role as between the

competing authorities and on the other hand it is itself a public authority and therefore bound not to act in a way that is incompatible with the Convention. If relief needed to be granted in this case to protect convention rights the court must take that course.

In relation to Article 2, the provision that protects the right to life, the Commission argued that:

- the persons named by the proposed broadcast were at risk; and that
- the victims’ families would be deprived of a full investigation as a result of the compromise by the broadcast of the programme to the requirements of a fair trial.

Mr Justice Kerr was not satisfied that there was a sufficient risk to the named individuals and stated that in the absence of clear evidence that their lives were at risk there was no need to limit the broadcast.

In respect of the arguments that the broadcast would prejudice a fair trial, Mr Justice Kerr agreed that arrest and questioning formed part of the judicial involvement in the criminal process and that Article 6(2) of the Convention was engaged. He stated that Article 10 guaranteed freedom of expression but that the press, in exercising this right, required circumspection. He was satisfied that, in this case, there was no interference with the presumption of innocence. He was also satisfied that there was no reason to suppose that the impartiality of either a judge sitting alone or a jury would be compromised by the broadcast.

In considering the protection offered to the individual by Article 8 of the Convention the judge said that in balancing this right with that of the BBC’s rights under Article 10, the balance fell in favour of the broadcast.

The core of a democracy is that it is governed by the rule of law. Programmes such as Crimewatch use the media, relying on information clearly supplied by the investigators, to seek assistance from the public in solving crime. Investigative journalism is very important and freedom of the press is vital to a democracy but the Commission felt strongly that the Panorama programme overstepped the mark. In the BBC Hearts and Minds programme of the 19th October 2000, which reviewed the decision to broadcast, Professor Brice Dickson, the Chief Commissioner, stated that the law is wrong to give undue weight to the media over the right of individuals to a fair trial. The written judgement of Justice Kerr has not yet been released.

Maggs O’Connor
NIHRC

Civil Liberties Diary

Sept 4 The Northern Ireland Human Rights Commission and Northern Ireland Council for Ethnic Minorities attended hearings of the UN Committee on the Elimination of Racial Discrimination in Geneva, where, amongst other things they expressed concern at the discrepancies in Northern Ireland law with British law against racism.

Mrs Geraldine Finucane met Prime Minister Tony Blair to press for an independent inquiry into the murder of her husband, solicitor Pat Finucane.

Sept 5 The family of north Belfast teenager Peter McBride is to deliver a letter to the Prime Minister calling for the dismissal of the two Scots Guards convicted of his murder. Last year a Belfast court ordered the Ministry of Defence to reconsider its decision to return James Fisher and Mark Wright to the Army on their release in 1995.

The British government issued new stricter rules on the issuing of "DNR Orders" (Do Not Resuscitate) after concerns were raised about orders being signed inappropriately.

Sept 7 The International Relations Committee of the US Congress approved a resolution calling for the full implementation of the Patten report. The motion was the first of two to be prepared for consideration by the US House of Representatives and the Senate.

The Annual Report of the Northern Ireland Housing Executive stated that 40,000 homes are in an 'unfit' condition.

Sept 9 Draft Regulations on the flying of the Union flag on government buildings were published. If passed, they would require all Ministers to fly the flag on designated days.

Sept 12 Families of those killed in the 1974 Dublin and Monaghan

bombings met with Security Minister Adam Ingram MP to press for action on forensic information alleged to have been brought into the North before going missing.

Sept 13 The *Costs of Caring* seminar in Craigavon heard evidence of the significant financial hardship endured by people providing full-time care to dependants.

NICEM called for increased funding for minority ethnic support work on the opening of its new headquarters in Belfast.

Sept 14 The Low Pay Unit (Ireland) opened an employment rights office at the Belfast Unemployed Resource Centre premises in Belfast.

Sept 18 A government White Paper on Legal Aid was published, involving the setting up of Northern Ireland Commission for Legal Services to oversee the administration of funds. Concerns were expressed about under-funding of public legal services.

Sept 20 The Police Authority published its final annual report stating that government proposals reducing the impact of the Patten report would result in their replacement body having "the appearance of oversight without the real power to back it up". The Northern Ireland Office stated that concerns about financial accountability issues would be examined.

The City-Wide Women's Consortium was launched, the result of co-operation between 4 training providers and 12 women's groups in Belfast. It is funded by the European partnership Board and will provide training to women in areas of social deprivation.

Sept 22 It was reported that Prime Minister Tony Blair had agreed to

meet the family of Robert Hamill within weeks. Since Mr. Hamill was murdered in 1997 serious concerns have been raised about police officers failure to intervene at the scene.

Sept 26 Chairperson of the Housing Executive, Sid McDowell, stated that 600 people in Northern Ireland were likely to die from cold-related illnesses during the winter, four times as many as are killed in car accidents.

Sept 28 The US House of Representatives passed a resolution calling for the "full and faithful" implementation of the Patten Report.

A report from South and East Belfast Health and Social Services Trust highlighted concern at high levels of deprivation in East Belfast stating that people living there more likely to die younger than people living anywhere else in Northern Ireland.

Sept 29 The Chair of Belfast City Hospital Trust, Joan Ruddock, stated that the health of Northern Ireland's population is the worst in Europe.

A report from the Northern Ireland Audit Office criticised Health Trusts for using over £1 million of their budgets in "golden handshakes" to eight former Chief Executives.

Compiled by volunteers from various newspaper sources.

Just News

Just News welcomes readers' news, views and comments.

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