

The divide and rule strategy seems alive and well!

The Assembly resounded to lots of angry exchanges this week. On Monday 15 October, Michelle McIlveen and Gregory Campbell, DUP MLAs, put down a motion attacking the Bill of Rights Forum for not being sufficiently inclusive of unionists.

The debate could have been so good. MLAs from all the parties were – rightly – worried about how best to involve everyone in Northern Ireland in this central debate. MLAs from all the parties wanted to reach out to those in society who were least involved in the debate so far. MLAs from all the parties accepted that, for different reasons, many unionists appear to have difficulties in embracing the human rights agenda as one of relevance and of concern to them, and that outreach to them might be particularly useful.

So, where did the angry exchanges come from? Well, some of the anger arose in response to contributions which suggested that only unionists were uninvolved in the Bill of Rights debate; that unionists were being deliberately excluded from the debate; and that the unelected community and voluntary sector had a particular responsibility in deliberately excluding unionists from the Bill of Rights debate.

Tempers really rose when the proposer of the motion, and others, decided to use parliamentary privilege to personally insult a range of organisations (including CAJ) and a number of individual members of the Forum and its working groups. Together and separately, the individuals and organisations were accused of “anti-unionism”, “anti Britishness”, and a wide range of Marxist and Trotskyite affiliations.

It is a quite clever tactic. Individuals and organisations under attack feel the need to defend themselves; previously good working relations in the Forum between politicians and civil society representatives are put under pressure; and everyone’s attention is drawn away from the marvellous prize of working for a common vision of justice and peace.

Most importantly, the very people who ought to be at the forefront of reaching out to previously “excluded” constituencies, are busy feeding the very divisions that they claim to excoriate. When challenged a day after the Assembly debate, one of the MLAs who was vocal in his

criticism of CAJ, countended that his comments were “a bit facetious”. Unfortunately, this is the kind of facetiousness that keeps his electorate in ignorance of the fact that CAJ has always, and will always work, with human rights victims of all political persuasions.

So, what did the chair of the Forum do to challenge the divide and rule tactics of some of our local politicians?

In an interview carried in the Irish Times he is reported as having said that *“he understood why many unionists saw the push for a bill of rights for NI as being more in tune with nationalist concerns.”* The chair apparently admitted (an interesting verb) that *“nationalists in general want a grand-scale bill, which is all-inclusive, while others, mostly unionists, prefer a more modest, limited model”.*

With one fell swoop, the chair unfortunately set the scene for the ‘felon-setting’ in the Assembly debate that afternoon. After all, most of the community and voluntary sectors (who want protections for women, children, victims, people with disabilities, migrant workers etc. etc.) have argued for a strong and inclusive Bill of Rights – if the Forum chair assumes that this equates with nationalism, it is hardly surprising that unionists might make a similar mistake. He might be required to reflect on the simple premise that disability, poverty and age are not the prerogative of one community!

It seems that the divide and rule strategy is alive and well, and some surprising people are buying into it – hopefully the next six months will give us some time to challenge these unhelpful characterisations, and turn this into a truly win-win situation.

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The police failed Rosemary Nelson

This was the conclusion arrived at by the Police Ombudsman, Nuala O'Loan, after carrying out a long and detailed investigation. The investigation followed a complaint made to her office about the police response to threats made against solicitor Rosemary Nelson before her terrible murder on 15 March 1999.

In November 2000, CAJ (in the person of its then Director, Martin O'Brien) lodged a complaint with the Ombudsman and we made four separate but inter-related complaints. CAJ alleged that:

- a. The then Chief Constable (Ronnie Flanagan) and other unnamed police officers failed to properly investigate threats made against Rosemary Nelson which had been forwarded by Minister of State Ingram to the Chief Constable's office. Of particular concern was the RUC's failure to request originals of the threatening documents before Mrs Nelson was murdered.
- b. RUC officers failed properly to investigate the threats against Rosemary Nelson contained in Billy Wright's diary and to inform her of the contents of the diary.
- c. The RUC failed to warn Rosemary Nelson about the dangers she faced from the Loyalist Volunteer Force and its cover group, the Red Hand Defenders.
- d. The Chief Constable failed in his responsibility to respond to the concerns repeatedly raised by CAJ.

In summary, the Police Ombudsman confirmed CAJ's position on the first and most serious complaint and – largely for procedural reasons, that we explore below – found against us on the other three grounds. Over and above the circumstances of Ms Nelson's death and the investigation of her death, the pursuit of this complaint has led to a clearer understanding by CAJ of the importance of correctly phrasing complaints as well as some of the limitations of the Ombudsman's Office.

Background to the case

Most Just News readers will be aware that Rosemary Nelson was a member of CAJ's executive and a highly professional small town lawyer working for an array of unpopular clients from across the political divides. She had made many people aware, prior to her murder by loyalist paramilitaries, that she had been subjected to an array of death threats. In addition, she had been further

subjected to sexist and sectarian abuse. This intimidation had been conveyed both directly from police officers and by way of various clients. She had testified to the US Congress only six months before her death *"RUC officers abuse me in this way, because they are unable to distinguish me as a professional lawyer from the alleged crimes and causes of my clients. This ...has led to accusations by RUC officers that I have been involved in paramilitary activity which I deeply and bitterly resent"*.

On 15 March she was killed by an explosive device fixed under her car. General suspicion of police involvement and their ability to conduct an independent investigation was so great that the then Chief Constable quickly called in the Deputy Chief Constable of the English Norfolk Constabulary to head up the investigation. To date, no one has been charged in connection with Ms Nelson's murder.

Background to the CAJ complaint

Months in advance of Rosemary's death various materials indicated that she was at great risk. The extent of international and domestic concern expressed about her situation was also a matter of public record. Therefore, it was with great surprise and dismay that the organization received a police visit a week *after* her murder seeking the originals of written death threats.

An exchange of correspondence then began with CAJ and the Chief Constable to determine what action had been taken in response to the threatening materials submitted to the authorities. CAJ became increasingly concerned at the lack of seriousness apparently accorded to the threats. We sought disclosure of a variety of material but access to this material was denied. Eighteen months into the investigation, our concern was sufficiently great to make a formal complaint to the Police Ombudsman. Fifteen months later again, we felt obliged to take a judicial review against both the Chief Constable and the Police Ombudsman, given their combined failure to grant us access to certain key documents. The judgment, not given in CAJ's favor, was only given three years later, rendering unattractive any further delay for appeals.

Findings of the Ombudsman

The Ombudsman carried out a detailed audit trail of the material submitted by CAJ regarding the threats against Rosemary Nelson. Mrs O'Loan showed that there were administrative failings within the Northern Ireland Office and the Chief Constable's office. She also showed that threatening letters sent to the authorities in September were not in the police files on 30 March 1999, but were found there on 27 May, but could find no explanation for this discrepancy.

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There was, the Ombudsman concluded: "*a failure by the RUC to obtain the originals of two copy documents sent by CAJ to the Minister of State and forwarded to the Chief Constable prior to Mrs Nelson's murder. Consequential upon this, no decision was made as to forensic examination of these documents.*" There was also no investigation of the threat (in an anonymous letter); no recognition of the significance (of another document) and the comments by police were found to be totally inadequate as an assessment of the possible risks.

The Ombudsman did not speculate as to whether a proper and timely investigation into the threats against Rosemary would have saved her life, but CAJ colleagues have been left with that unanswered question.

Dismissal of CAJ's other complaints

The Ombudsman dismissed the other three CAJ complaints. The reasons for doing so highlight a number of issues that must be considered by other complainants, and in broader policy terms.

Firstly, the Ombudsman rejected CAJ's complaint that the RUC failed properly to investigate the threats made against Rosemary which were found in Billy Wright's diary after his murder in prison. Apparently the police investigating the murder of Billy Wright (in December 1997) in the Maze did not take possession of Mr Wright's diary. Understandably, the Ombudsman concluded that the police could not be expected to follow up any possible leads in the diary. This of course begs the question as to why the police investigating a murder which took place in prison did not seize the murder victim's diary. Surely such a document might shed light on Mr Wright's death, and should have been seized? CAJ accepts that its original formulation of the complaint could not therefore be upheld. However, if we had formulated the complaint differently, we believe that it would have been upheld.

Secondly, the Police Ombudsman concluded after examining all relevant intelligence files that "*there is no evidence that the police were in possession of any intelligence relating to a threat by the LVF or the Red Hand Defenders or other loyalists to Mrs Nelson*". Accordingly, CAJ's third complaint that the police failed to warn Mrs Nelson about dangers from the LVF and the Red Hand Defenders also fell. It is, however, noteworthy that the Ombudsman notes that she is "*strongly of the view that the RUC should have made more strenuous efforts to establish a clear picture of the level of risk and threat to Mrs Nelson.....The actions of the RUC at this time with regard to threats to and the alleged abuse of Mrs Nelson were inadequate..*". The Ombudsman concluded "*The Police Ombudsman has stated clearly her reservations about the process and nature of the risk and threat assessment conducted by the RUC...*". In summary, the police were not guilty of failing to pass on specific

information relating to threats but this failure was due to the fact that they had not adequately investigated whether such threats existed. CAJ believes its complaint to have been procedurally unsubstantiated, but nevertheless well-founded.

Our third unsuccessful complaint was that the Chief Constable "failed in his responsibility to respond to the concerns repeatedly expressed by CAJ". The Police Ombudsman differed with us in this regard on the grounds that the Chief Constable had met with CAJ. We have no doubt that if we had complained that the Chief Constable had failed to "adequately" respond to our concerns, it would have been legally difficult for the Ombudsman to set the complaint aside. Positively, we have learnt more about formulating future complaints.

Learning

There is much value from taking this complaint, substantively and procedurally;

1. CAJ believes that Rosemary Nelson was seriously failed by the police and the Northern Ireland Office. This finding will be a very relevant consideration in the work of the Rosemary Nelson Inquiry.

2. Important findings can be misleading given the limitation on the Ombudsman's powers. To give some practical examples:

a. The Ombudsman might have been more critical of the NIO role in the handling of the threats against Rosemary, but she has no power to comment on that Office.

b. The same could be said about concerns arising around the handling of the Billy Wright murder. The Ombudsman could not, in the course of an examination of a complaint into the police handling of Rosemary's murder, explore concerns around the Billy Wright murder inquiry, and yet clearly this study was raising obvious question marks

c. The Ombudsman rightly set the threats and eventual murder of Rosemary Nelson against the context of numerous earlier complaints made by her against police officers. However, by law the Ombudsman is prevented from re-investigating matters previously addressed by the Independent Commission for Police Complaints, which narrowed down extensively her potential for inquiry.

3. Importantly, CAJ as the complainant had been shown in confidence an early draft of the Ombudsman's report (in 2001). At that time, we made a detailed, and highly critical, commentary about a large number of avenues of investigation which we did not think had been adequately pursued. It was this exchange which reinforced our concern that fuller disclosure of materials was necessary if any complainant was to have more equality of arms with the police. The very different nature of the final report confirms our view that disclosure (with appropriate safeguards in place) is in the public interest.

The Human Rights Consortium held a very successful conference on 28th September in the Wellington Park Hotel, Belfast. Keynote speaker - Former South African Minister and human rights expert, Professor Kader Asmal MP, addressed a large audience at the event, entitled 'Getting the Bill Right.' The conference was organised as an opportunity for individuals and organisations from across Northern Ireland to have their say on what should be included in a Bill of Rights for Northern Ireland. The topics discussed reflected the current working group headings of the Bill of Rights Forum and issues as diverse as children and young peoples' rights, culture, identity and language rights, through to social and economic rights were debated on the day.

Professor Asmal opened his contribution to the conference by reflecting on the importance of a Bill of Rights :

"In South Africa the development of a Bill of Rights allowed all our people, all our communities and all our traditions to contribute to the development of a rights-based society which underpinned the new direction that we had embarked upon.

It would be my hope that a Bill of Rights for Northern Ireland would also be a key building block that likewise protects the rights of everyone and lays out a blueprint for the shared future that Northern Ireland deserves."

Professor Kader Asmal MP then reflected on the experiences of the South African Bill of Rights process and how this was relevant for the Northern Irish debate. Professor Asmal himself was influential in writing, drafting and advising on the South African Bill of Rights.

He began by speaking about the importance of this *"foundational document to a society emerging from conflict towards peace and stability."* Mr Asmal congratulated the Human Rights Consortium on its successes to date, mentioning specifically the strength in the numbers of its membership, which is a great achievement. *"The momentum has now been created,"* he said.

Mr Asmal stressed the need to *"get political parties on your side. Good intentions are not enough. We must show the political parties that it is in their interest to have a Bill of Rights."*

He then reflected on the necessity of a Bill of Rights – *"how do you ensure citizen's rights are protected?"*

'Getting the

Not only against the state, but also against violations by fellow citizens. This is very important." Any pursuit of Human Rights has to be non-confessional, non-sectarian and non-party political, yet profoundly political in the broader sense. It is very important that the protection of human rights and the need for a Bill of Rights is not the prerogative of a particular section of our society, or in the interests of only a particular section of our society."

"Recognition of human rights, ultimately, is the basis for peace, whether in Northern Ireland or South Africa. I would argue that all modern societies can benefit from a written Bill of Rights, setting out the framework within which government must operate and all in society should respect each other. However, in societies where conflict has been high, the need for such a framework is all more obvious."

In addition to Kader Asmal's inspiring contribution, delegates received a thorough briefing on the structure, terms of reference and work to date of the Bill of Rights Forum from Aideen Gilmore on behalf of the Forum chairperson Chris Sidoti.

The remainder of the day was dedicated to covering the topics of the six Forum working groups currently engaged in discussing the substantive content of a Bill of Rights. The Consortium were fortunate to have each working group convenor give a brief on the discussions to date within their particular group. Convenors were then followed by a human rights expert discussing some of the issues that the particular group will face and may want to consider as part of its work.

The first Working Group discussed was 'Children, Young People and Women.' This group has been sub-divided into two groups – one focusing on women's issues, the other on children and young people. The Children and Young People's group are using the Northern Ireland Human Rights Commission's 2001 paper as a base-document. As there was no similar paper on women's issues, the group looking at women's issues have been looking at various international standards.

Linda Moore from the University of Ulster then spoke about international examples of best practice in both areas. Regarding the rights of children and young people, Linda drew on examples from the UN Convention on the Rights of the Child and noted that the Bill of Rights for Northern Ireland must meet the standards contained in this Convention. In terms of women's rights, the discussion focused on CEDAW, emphasising that it is not good

Bill Right'

enough to have a set of rights which are for everyone, without making them gender-specific.

The next Working Group area was "Criminal Justice and Victims." Again, this Working Group has a double-barrelled remit, but has decided not to sub-divide. Instead, the issues will be looked at by the whole group. The group decided that the best way to start the process would be to hear evidence from people who helped prepare the 2001 reports by the Northern Ireland Human Rights Commission.

Paul Mageean then spoke about the role of international standards in Criminal Justice and Victims, such as the Human Rights Act. He noted that the key role for this working group is to ensure that the standards we apply domestically, provide much greater protection than would be expected in other parts of the world. It is not a matter of meeting other international standards, the aim should be to exceed these standards.

The next item on the agenda was "Economic and Social Rights, including Equality." This is the largest of all the Working Groups, which reflects the importance with which this issue is viewed in the process. So far the group has looked at some key themes, such as the right to health, the right to housing, the right to education, adequate standard of living and the environment. It was also noted that the group deal with over-arching equality issues, in order to ensure equality of outcomes.

This was followed by a report from Dr. Aoife Nolan of Queen's University, which focused on the key challenges in relation to economic and social rights, which have been and will continue to inform this working group's work. She noted that there is an onus on the state to do as much as it can in terms of delivering on social and economic rights, within its available resources.

The "Preamble, Enforceability and Implementation" working group has identified key issues as laid out in the report produced by the former NIHRC working group on implementation, these include the relationship with the Human Rights Act, limitations, standing, derogations and enforcement etc. Les Allamby then highlighted a number of key issues associated with this area. He emphasised the importance of the Preamble as providing a framework and tone for the Bill as well as setting its historical context. The Working Group have thus to decide if the preamble should be extremely brief, or detailed.

The "Civil and Political rights, including Equality" working group has just begun its work, and is looking for example at the Northern Ireland Human Rights Commission equality report as one of its base documents. Marny Requa of Queen's University proceeded to discuss the various categories of civil and political rights and rights which were part of the European Convention of Human Rights, but not in the Human Rights Act, along with civil and political rights which are both not included and lacking in the ECHR.

Nelson McCausland, chair of the "Culture, Identity and Language" Working Group gave an overview of the work of that group. There have been discussions about identity, and definitions of this concept. The group has not attempted to define 'culture' yet, as there are so many and conflicting definitions available and without legal advice this has been more difficult. The group has also looked at the issue of competing rights. The group examined the question of special circumstances of Northern Ireland and what this means in terms of culture, identity and language rights. Keir Starmer QC followed this with a discussion which set the scene internationally, looking at equality standards to protect these rights, indicating that minorities need to be protected if there is to be stability, democracy and peace.

In these discussions speakers raised and delegates asked many questions which will no doubt be repeated on the Forum itself. Much of the debate centred on the interaction of the eventual Bill of Rights and the current ECHR & HRA, how international conventions such as CRC, CEDAW and others would be incorporated at a domestic level into the Bill of Rights itself and a range of issues around implementation and enforceability arose.

The conference sessions on each of the working group topics initiated many debates which were continued in a series of afternoon workshops. The conference was closed with feedback from each of the workshop facilitators and some closing remarks from Kader Asmal who continued to inspire those gathered when he said,

"A Bill of Rights is not a matter for blacks or whites, Catholics or Protestants. It is important to recognise that it is for the entire people of Northern Ireland and that no one is going to be excluded and no one can have a triumphalist approach to the Bill of Rights."

"I would encourage you to be steadfast, to be zealous and to push and push for this process. In Zulu we say 'Go Well'. I say to you, go well in this magnificent task, as I think that through this process the people of Northern Ireland may find themselves, possibly for the first time."

Kevin Hanratty & Louise McNicholl
Human Rights Consortium

Setting Shared Future Straight -

The views of CAJ on the government policy of a “Shared Future” seem to be subject to more misunderstandings than any other area of our work. CAJ attempts here to clarify our position and what exactly we said in our recent equality report about “Shared Future” and “Good Relations” generally in order to address the misconceptions of our position that appear to have developed. We also hope to outline a way forward for the new Northern Ireland Executive in relation to this policy.

Firstly, CAJ would wish to point out that our position has always been that peaceful coexistence in Northern Ireland between all communities can only take place if Northern Ireland is governed according to the highest international human rights standards. Equally however, there are a whole range of factors necessary in building a peaceful and inclusive society that do not fit easily within the paradigm of international human rights law. Human rights and equality are therefore necessary, but on their own, insufficient for building a stable society.

The equality framework has a proven track record in Northern Ireland, and internationally, of addressing both disadvantage and division. In addition to the gains that have been made in relation to employment equality since the early 1990s we have consistently pointed out that the one area of public life in which Catholics and Protestants see more of each other, and are therefore less segregated than they were forty years ago, is the workplace. Moreover, the success of the equality framework in reducing segregation and division in the workplace, should in our view be viewed alongside the wholesale failure of other initiatives emanating from central government designed to improve community relations.

A shared future in theory

CAJ’s criticisms of the current government policy of “A Shared Future” therefore are in fact primarily utilitarian. We believe that the current government policy for Shared Future will **not actually deliver** a genuinely “shared future”. We do **not** criticise the Shared Future policy because we are opposed to the notion that Northern Ireland should have a “shared future” for everyone. Indeed the most bizarre commentaries on our position would appear to suggest that CAJ is of the view that segregation is, A Good Thing.

It is worth noting in this context that the US Supreme Court in the landmark ruling of *Brown v Board of Education* held

that “separate but equal” was an untenable doctrine, simply because “separate” is inherently “unequal”.

Any government which wishes to keep people segregated on grounds of their race, religion, or any other ethnic factor is therefore acting inherently unequally. It is no coincidence therefore that the most unequal societies have tended to impose the most draconian segregation measures – as evidenced by the American south following reconstruction or the apartheid regime in South Africa. The struggles of the African-American civil rights movement in particular were focused on those measures which required the most blatant segregation practices to be abandoned. Governor George Wallace of Alabama, long-time advocate of racial inequality and opposition of the civil rights movement famously called for “segregation now, segregation tomorrow, segregation forever”. It is worth noting and being aware of these contexts because one of the curious aspects of the debate in Northern Ireland is that those advocating equality, within the framework that it has been applied internationally, are occasionally portrayed as supporters of segregation or separation.

The way forward

This leads us to another important point, what to do with the current “Shared Future” policy – can it be fixed, CAJ is of the view that the Shared Future policy can very much be rectified and put on track to deliver the kind of shared future, built on equality, that is necessary for addressing the needs of everyone in society. CAJ understands in fact that the Shared Future policy itself is being reviewed shortly so now is clearly the ideal time to address this issue. The solution is in our view actually quite straightforward – namely that Shared Future should be subject to an Equality Impact Assessment (EQIA) – why one was never done in the first instance is another issue. Moreover, we are also of the view that any policies emanating from Shared Future should also be subject to an EQIA, and implemented in light of those findings. This is nothing new – indeed it is merely complying with the existing law.

Such an approach would address not only the lack of equality focus with regard to Shared Future in relation to Catholics and Protestants, but would also address the lack of “gender equality” focus around the policy to date. It is worth noting that a recent event organised by the Women Resource and Development Agency, (on “Is Gender part of Good Relations?”) focused on the lack of attention paid to gender issues in the implementation of Shared Future to date. A number of speakers at the event outlined a range of key gender issues currently facing Northern Ireland. Surprisingly however, the presentation on behalf of the Equality Commission did not put forward

- CAJ, Gender, and Equality

what is to CAJ at least an obvious solution, namely, the need to use the existing legislative framework to carry out an EQIA which would have examined the impact of any policy coming out of Shared Future. The Equality Commission representative at the event in the course of a presentation highlighted the fact that gender is not included in the Section 75 duty to have regard for good relations while ignoring the potential impact of the inclusion of gender within the primary duty to have due regard for equality.

The EQIA tool, applied to every policy emanating from Shared Future would in our view serve the dual purpose of bringing gender equality into the mainstream of an area of policy making that has clearly suffered from the lack of equality perspective to date. Indeed it is also worth noting that a young lesbian woman at the same event asked about the lack of focus on LGB issues to date with respect to Shared Future/Good Relations, and the particular problems facing the lesbian community in Northern Ireland. Again, CAJ was very surprised that the obvious answer, namely, an EQIA, was not put forward as the solution – particularly given the presence of the Equality Commission at the event.

A shared future in practice

The importance of EQIAs at individual policy level, particularly with respect to Shared Future cannot be overestimated. The recent proposals around the regeneration of the North West Quarter for example claimed that in order to ensure neutrality around the area, no social housing could be provided. The reason given was that the housing would be overwhelmingly occupied by the Catholic community – which was the one in most need – and that therefore the solution would be to provide private apartment buildings that would be “used by both communities”. An EQIA would have clearly indicated the obvious adverse impact this would have on those currently at the top of the social housing waiting list – primarily Catholic women with young children. Thus the religion/gender/age/dependents impacts of the proposals were effectively being written out of the script, in order to satisfy a notion of neutrality. Such an approach is not going to deliver any kind of equality or shared future for anyone, but merely serve to segregate the communities of the New Lodge, and Carrick Hill within the confines of perceived existing territorial boundaries.

There are a few core principles necessary for ensuring that proposals are built on equality. One key principle must be that any decisions around either resource allocation, the provision of goods, services, premises or facilities must be on the basis of objective need. So, when it comes to housing, the people at the top of the list are the ones who

have the most need of housing – objectively. Sharing in this context, means that there is no such thing as “Catholic public space”, or “Protestant public space”, there is only “public space”. Equally, the onus on government is to ensure that space is accessible to those who need it. There can be no ‘no go’ areas that are off limits to any community.

Clearly, in the context of the North West Quarter, and indeed the redevelopment of Girdwood barracks, the issue of social housing need must form part of any future plans. To do otherwise would be an insult to those currently waiting years on housing waiting lists. Equally, the social housing provided must be available to those who need it, in this case, primarily Catholic families – not because they are Catholic – but because they are in greatest objective need in that area. Just as religion should not guarantee anyone a house or move them up a list – religion should certainly not be a factor in determining that anyone should not be given a house, or have to wait longer for a house, because the community that they come from are deemed to have fulfilled their allocated “quota” in any given area.

Equally, failure to provide social housing in a given area; because the majority of tenants will be Catholic, or Protestant, or Jewish, or black or Asian is not ensuring neutrality, it is not ensuring sharing”. It is good old fashioned discrimination and should be called as such. The paradox here is that those advocating segregating communities within the confines of some ill-defined, age old territorial boundaries are claiming to be progressively ensuring sharing.

Targetting need

There are many misconceptions about CAJ and its work. Most recently our report “Equality in Northern Ireland - the Rhetoric and Reality” was the subject of a debate in the Assembly, and while we understand the difficulty for MLAs in getting hold of and digesting a 200 page report in a short timeframe, we were particularly disappointed at some of the misunderstandings expressed. Most objectionable (and inexplicable) was that the report somehow “demands that we move away from objective need being the sole criterion for the allocation of public money”. For the complete avoidance of doubt - and as this article will hopefully clarify - CAJ is absolutely committed to equality and targetting need objectively with a view to building a shared future for all.

Civil Liberties Diary

6th September

NIO grants an extra £100,000 to the Bill of Rights Forum, to allow it to further consult with some groups who have not been as involved with the project as much as would have been liked. The forum is due to give its advice to the NIHRC in March of next year.

12th September

PSNI Chief Constable Hugh Orde said that police face difficulties recruiting informants because they can no longer guarantee that their identities will be kept secret. He is concerned that he is being placed under conflicting legal obligations to protect informers and to provide inquiries, such as the Saville Inquiry, with information.

New legislation banning discrimination against homosexuals in Northern Ireland is lawful with just one exception. Mr. Justice Weatherup declared that certain harassment provisions should be set aside.

13th September

Chairman of the North's Police Federation, Terry Spence, states that Northern Ireland must not be "saddled" with a South African style truth commission.

18th September

Report by the Independent Monitoring Commission (IMC) recommends that the British government gives the continued use of non-jury trials in Northern Ireland a thorough review before extending its use given the progress of decommissioning and demilitarisation.

Guardian newspaper reports that the Catholic Church in Northern Ireland has started to instruct schools to disband Amnesty International support groups because of the human rights organisation's pro-abortion stance in certain circumstances. St. Patrick's Grammar School at Knock was told to disband its group.

19th September

Action Cancer is ordered to pay out £30,000 after being found guilty of sex discrimination against former employee Cathy Megahey.

20th September

Report by the Office of the Police Ombudsman finds that a death threat and "inherently dangerous" abuse directed at Rosemary Nelson, the Armagh solicitor murdered in 1999 by a loyalist bomb, were not handled properly by the RUC.

26th September

The Policing Board Chairman Sir Desmond Rea criticises the PSNI's failure to address the human rights concerns that he had highlighted 12 months earlier. Senior officers were ordered to return before the board by December with proof of progress on outstanding issues. Although it was acknowledged that the force had made significant progress in the majority of areas, the failure to monitor officers use of CS gas properly and a lack of training in the use of Taser guns drew the strongest criticism at the launch of the Board's report monitoring the PSNI's compliance with the Human Rights Act in the past year.

Hugh Orde announces that the PSNI will not use controversial taser stun guns for the time being. He said the weapon will not be used by his officers until operational procedures and guidelines have been agreed upon.

27th September

In an address to the Labour Party Conference in Bournemouth Nigel Dodds states that the DUP have not signed to a May 2008 deadline on the devolution of policing and justice powers to the NI Assembly.

Stormont scrutiny committee warns that the continuing delay in the appointment of a Victims Commissioner could place a cloud over anybody who is appointed.

28th September

South African human rights expert, Prof. Kader Asmal, addresses the Getting the Bill Right event in Belfast, organised by the Human Rights Consortium.

Compiled by Mark Bassett from various newspapers.



Just News welcomes readers' news, views and comments.

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