Bulletin of the Committee on the Administration of Justice
September 2003
Just News
Human Rights in Northern Ireland

Human Rights Commission in Crisis

It has been a long summer for the Northern Ireland Human Rights Commission. CAJ has had a long-standing commitment to the creation of a Human Rights Commission in Northern Ireland. We were one of the most vocal advocates for its creation both prior to and during the negotiations which led to the Good Friday Agreement. CAJ has robustly defended the work of the Commission from critics who sought to undermine its independence by questioning its composition and priorities from its inception. We have been critical of the government's lack of support for the Commission and of the way in which it has frequently been sidelined or ignored by government or other public bodies. We have supported amending legislation to guarantee the independence and impartiality of the Commission, an increase in its budget and full support by government to realise the creation of a Bill of Rights as set out in the Good Friday Agreement. We have intervened at the House of Lords to argue successfully that the Commission has the right to make written interventions in cases. We remain convinced that the Human Rights Commission should have a valuable role to play in supporting and extending the protection of human rights in this society. However, in order to undertake this task the Commission must ground its activities within the framework of international human rights law and it must always act with the highest standards and integrity.

The resignations of three members of the Commission in recent months followed by the recent withdrawal of another two Commissioners from the Commission's work, has focused unprecedented public attention on the Commission. More particularly, it has highlighted problems with the Bill of Rights process and the Commission's overall strategic direction that led three individuals (Bell, McCormack & Yu) with long standing commitments to human rights to resign. Moreover, the report published in June 2003 by the House of Lords and House of Commons Joint Committee on Human Rights, while strongly supportive of the Commission's work in many respects, also adds to the concern about the appropriateness of the Commission's working practices in certain areas. In particular the Joint Committee expressed concern about the actions of the Chief Commissioner in the Holy Cross case. Taken together the events of recent months raise fundamental concerns about whether the Commission is fully discharging its duties of service and support to persons who have experienced human rights violations in this society.

As the Joint Committee has noted:

> *"For a human rights commission to be successful in promoting human rights, and in advancing their effective protection, it must be able to operate and be seen to operate, independently, impartially and free from interference or obstruction"*

It is also particularly important that those who are the subject of human rights violations feel that the Commission is a body to which they can go to for assistance and support and that the Commission inspires confidence in its independence and capacity to support them. Recent events, specifically the handling of the events at Holy Cross School by the Commission, do not encourage such certainty.

It is evident to all observers, including CAJ, that serious and far-reaching steps must soon be taken if public confidence in the Commission is to be restored.

CAJ's
Annual General Meeting
will take place on
Tuesday, 28th October 2003
at 7.30pm in the
Law Centre (NI) offices,
124 Donegall Street
All Members welcome

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CAJ Response to the draft Civil Contingencies Bill

Since its inception CAJ has been critical of the United Kingdom government's reliance on emergency laws to deal with the conflict in Northern Ireland. We believed that those laws were wrong in themselves and also counter-productive in that they undermined respect for the rule of law and increased support for paramilitaries.

We were pleased to see the commitment in the Good Friday Agreement on the part of the government that it would "make progress towards the objective of as early a return as possible to normal security arrangements in Northern Ireland consistent with the level of threat". In this context we welcomed the repeal of the Emergency Provisions Act and the Prevention of Terrorism (Temporary Provisions) Act but were disappointed to see that many of the provisions contained in these two Acts were replicated in Part VII to the Terrorism Act which applied only to Northern Ireland. Our view has been and remains that the situation in Northern Ireland does not warrant departure from normal due process standards.

While we recognise that the draft Civil Contingencies Bill aims to deal with threats which are much broader than terrorism we nevertheless feel that the example of the use and abuse of emergency laws in Northern Ireland is one which should be borne in mind when dealing with the Bill. It has been our experience that when the authorities are presented with additional powers, they will use them and when such powers are intended to be temporary in nature, they inevitably remain in force on a more permanent basis (for example the Prevention of Terrorism [*Temporary* Provisions] Act was passed in 1974 but was only repealed in 2000).

CAJ recognises that the state has a right and indeed a duty to protect its citizens from harm. However, this must be done within the framework of respecting human rights.

The United Kingdom has chosen to incorporate the European Convention on Human Rights into domestic law. The Convention includes a mechanism under article 15 whereby the State is allowed to derogate from some of the rights protected therein in the event that an emergency exists. Article 15 contains a definition of an emergency which is "war or other public emergency threatening the life of the nation". This is the standard which we believe should apply in times of alleged emergency. We do not therefore see the justification for the much broader definition of an emergency which is contained in the Civil Contingencies Bill. As the Joint Committee on Human Rights points out in its critique of the Bill,

"*the powers could be deployed in response to strikes or works to rule (particularly in medical, educational or other essential services), political protests, computer hacking, a campaign against banking practices, interference with the statutory functions of any person or body, an outbreak of communicable disease, or protests against genetically modified crops, among many other events*."

Following this broad definition of what is an emergency, the Bill allows the Queen or, in the event of a royal proclamation causing delay, the relevant Secretary of State to make a declaration that an emergency has occurred or is about to do so. There is no explicit requirement that either be satisfied of this view on reasonable grounds. It is therefore highly unlikely that the decision to declare a state of emergency could in reality be subject to any effective challenge.

We are also concerned that the Bill allows regulations to make "any provision which the person making them thinks necessary for" a series of scenarios including extremely broad categories such as "protecting or restoring the performance of public functions". The Bill makes it clear that these regulations will make inroads into existing rights for instance, freedom of movement, property rights, or freedom of association. In addition, regulations may "disapply or modify an enactment or a provision made under or by virtue of an enactment". This is a startling proposition which effectively grants to a Minister the power to repeal any provision of any previous Act of Parliament, including presumably the Human Rights Act.

The Bill also states that regulations made under the Bill are to be treated as primary legislation for the purposes of the Human Rights Act. The purpose of this clause is to further insulate action under the Bill from scrutiny from the courts. Its inclusion will in our view be a direct violation of article 13 of the Convention which guarantees a remedy to those whose Convention rights have been violated.

CAJ's latest submissions!

- Commentary on the paper issued by the NIO on the **Reform of the Law on Rehabilitation of Offenders,** *September 2003, A4 format, £1.00 (Ref S.144)*
- Response to **Civil Protection in Northern Ireland: the Implications of the Civil Contingencies Bill**, *September 2003, A4 format, £1.00 (Ref. S.145)*
- Commentary on the **Updated Implementation Plan for the Criminal Justice Review and the Criminal Justice Oversight Commissioner,** *September 2003, A4 format, £2.00 (Ref. S.146)*
- Submission to the **Office of the Independent Criminal Justice Oversight Commissioner**, *September 2003, A4 format, £1.50 (Ref. S.147)*

Patten South American style?

It seems strange to travel thousands of miles and find constant parallels with home, and yet that was my experience in Guyana. Before accepting an invitation to be a member of a Patten-type commission into policing, I knew little other than where Guyana was on the map (for those who don't know still - it is the only English speaking country in South America, and has the Caribbean, Venezuela, Brazil and Suriname constituting its northern, western, southern and eastern borders).

I was approached to serve on a Commission of Inquiry, the only foreigner (and woman), with four Guyanese nationals (a High Court judge, two lawyers, and a former army brigadier), because they wanted to bring some human rights expertise to bear on the debate. Moreover, my Northern Ireland experience was thought particularly important - a number of Guyanese politicians had visited here in 1998 and had found many parallels. CAJ was of course delighted to have its expertise recognised in this way.

To set the context it is necessary to explain that while Guyana is bigger than Britain, its population is only half the size of Northern Ireland's. A large minority (approx 35%) of Guyanese are of African descent; these are essentially descendants of slaves, who secured their emancipation from the Dutch/British/French colonists in the mid 1800s. The majority (just over 50% of the population) consist of Guyanese of Indian descent, all of whom were brought to the then British Guiana as indentured workers to replace the recently freed slaves. A small proportion of the population consists of indigenous people (Amerindians), some Portuguese, other Europeans and some Chinese. But the two dominant racial groups are Indo-Guyanese and Afro-Guyanese. The latter, with freedom, moved off plantations to urban living and in due course were to become preponderant in public service jobs and in the security forces (army and police). The Indo-Guyanese tended to remain close to the land, rural-dwellers, and small business entrepreneurs.

Thanks to the US's Freedom of Information Act, it is now known that the CIA and the British (fearful of the Cuba example), subverted the first post-Independence elections and secured power for a government formed by the minority (Afro-Guyanese) population. Democratic elections allowing the majority Indo-Guyanese to take power were not to take place for almost 30 years (in 1992). Whatever the initial intentions of the independence leaders, race was to become the dominant feature of political party organisation, and that has remained the reality ever since.

Policing in Guyana, like in Northern Ireland, is a highly contentious issue. Even the agenda of policing concerns sounds familiar. The terms of reference of the Commission of Inquiry require that we examine how to ensure effective community support for the police; how to respect human rights and end the police's apparent shoot-to-kill policy; how to end impunity and ensure effective accountability. We are also asked to ensure greater ethnic balance within the police but this is where the Guyana and Northern Ireland experiences diverge in an important way: there, the majority population, and the government in power, are Indo-Guyanese, whilst the police and army are largely Afro-Guyanese. When race is such a divisive issue, this imbalance creates very particular problems.

The Commission of Inquiry is like Patten in that we are taking written and oral submissions, we are travelling around the country, and we are studying the experiences of other jurisdictions. In other regards, we are unfortunately gravely constrained. Firstly the National Assembly required us to comply with the Commission of Inquiry Act, which has made much of our work overly legalistic. Imagine if Patten had required that everyone be sworn on oath, be led through their testimony by counsel, and be subject to close cross-examination by counsel for the police. The disadvantage of this approach is to curtail creativity. Secondly, we have to complete our work within three months. This is impossibly tight, but a sense of urgency is probably no bad thing. In the last 18 months alone, the police have suffered more losses (20 dead) than in the whole of their 150 year or so existence, and they have killed 62 people. Most of these latter deaths have been recorded as "shot while trying to escape", or "shot in an exchange of fire", but the rarity of casualties, and the death of entirely innocent victims alongside serious criminals, has angered the public and divided them further along racial lines. The need for change is extremely urgent.

The nature of the policing change required is obvious, but the real challenge – as it was and is here in Northern Ireland – is the creation of the necessary political will for change. The commitment has been made in Guyana to establish the Commission of Inquiry, but will government and opposition be equally willing to comply with our eventual recommendations, and will that initial political will for change translate to change on the ground? In that regard, as in so many others, I am hoping to bring back some useful lessons – and ensure that this is a two way learning process.

Maggie Beirne

Police Oversight Commissioner publishes 8th Report

The Office of the Oversight Commissioner recently published its eighth report. It is only possible in this article to briefly address some of the issues raised in the report, relating to the methodology adopted by the Oversight Commissioner himself and also some of the shortcomings highlighted by him.

Methodology

CAJ is very concerned that the Oversight Commissioner has found compliance with several Patten Commission recommendations, despite the fact that, in our opinion, more in-depth evaluation is necessary. Although there are several examples of this practice in the Oversight Commissioner's eighth report, we will highlight just one. The Oversight Commission reports that compliance with Patten recommendation 6, which calls for the appointment to the PSNI of a human rights legal adviser, has been achieved. While it is true that the PSNI has appointed a human rights legal adviser, it is crucial that the Oversight Commissioner also analyse how the PSNI is utilising her expertise, if she is being consulted during operational planning, whether her advice is consistent with human rights standards, whether her advice is actually followed, and if she is involved in post-operation review so that lessons regarding the human rights implications of PSNI operations can be learned and applied to future planning.

PSNI Human Rights Training

The Oversight Commissioner once again expresses concerns with the PSNI's human rights training, especially that for existing officers and civilians. The Oversight Commissioner has not received evidence that human rights have been integrated into all training modules for serving officers, despite repeated requests spanning almost two years. The Oversight Commissioner has also not been provided documentation highlighting the differences in human rights training between the new and old programmes, for recruits as well as civilians and serving officers. The Oversight Commissioner reports that there is no plan for modifying the culture of the training institution; selecting, training, and supervising teachers of human rights; or evaluating the human rights training, its learning outcomes, or its impact on police behaviour.

Part Time Reserve

The Oversight Commissioner has expressed disappointment with the pilot projects the PSNI has developed to recruit members to the Part Time Reserve. The Patten Commission recognised the fact that the Part Time Reserve is overwhelmingly Protestant and recommended that recruitment focus on areas where there are currently very few reservists or none. The Police Service selected Banbridge, Coleraine, Lisburn and Newtonabbey District Command Units as its four pilot sites. The Oversight Commissioner notes that the selection of these sites does not meet the intent of the Patten Commission and states that three of the four areas are predominantly non-Catholic and not areas where there are currently few members of the Part Time Reserve. The Oversight Commissioner indicates that the Policing Board has been invited to participate in the selection of the next four sites and CAJ hopes that this selection will be carried out with an eye to increasing the representative nature of the Part Time Reserve.

Recruitment

The Oversight Commissioner's report almost exclusively addresses the recruitment of Catholics and women and, although these are the groups upon which the Patten Commission mainly focused, it is also necessary to evaluate what efforts are being made to increase representation of other under-represented groups. In addition, the Oversight Commissioner reports that since 1999, the number of Catholic civilian employees has risen only by approximately 1.2%. Although the Oversight Commissioner states that Consensia continually evaluates the pass/fail rate of each stage of the selection process, it is crucial that this data be made public and that the Oversight Commissioner provides his own analysis of whether the process adversely affects any particular underrepresented groups.

Policing Board Monitoring of the PSNI

The Oversight Commissioner reports that the Policing Board has still not established a mechanism for monitoring the human rights performance of the PSNI. Although we are aware that the Board is developing such a plan, this is a situation which we hope will be rectified as soon as possible. In addition, the Oversight Commissioner notes that the Policing Board and the Police Service have decided not to develop the joint framework on operational responsibility, despite the fact that the Oversight Commissioner recommended the creation of this policy in his seventh report. The Oversight Commissioner does not reveal the reasons for this decision nor his opinion regarding its merit.

CS Spray

The Oversight Commissioner reports that the NIO has claimed that, among other things, equipping each police officer with CS Spray will reduce the use of plastic bullets. This statement is confusing considering the Policing Board has stated that CS Spray is not for use in public order situations. The Oversight Commissioner does not offer any opinion on the veracity of this statement nor whether he agrees that the acquisition of CS Spray is beneficial.

Criminal Justice Oversight Commissioner

Since the report of the Criminal Justice Review, CAJ has repeatedly emphasised the need for independent oversight and scrutiny in order to ensure the full implementation of the Review's recommendations for reform. Three and a half years have now elapsed since the publication of the Review. In that intervening period the Government published a first Implementation Plan which was so inadequate, in terms of imposing timescales and activities on the relevant criminal justice agencies, that a revised version of the Plan was issued at the end of June this year. Similarly the Justice (NI) Act 2002 diluted the substance of a number of Review recommendations and failed to afford a statutory basis to certain other recommendations. Following significant political pressure, the Government has now given a commitment in the Updated Plan, to introduce amending legislation to the Act, by means of a Criminal Justice Bill which is due to go to Parliament this Autumn.

In light of this we warmly welcomed the establishment on the 18th June 2003 of the office of Criminal Justice Oversight Commissioner. This position is part-time and as with the Oversight Commissioner for Policing, it will run for an initial period of three years. We strongly believe that this Office can bring fresh impetus to the implementation process. To realise this potential however, certain measures must be taken to affirm its independence, increase its capacity and enhance its ability to ensure full implementation of the Review. In this regard, we have prepared a detailed, written submission on the Office of the Criminal Justice Oversight Commissioner. A summary of our recommendations follows below.

Status of the Office, Staffing and Resources

The terms of reference for the Oversight Commissioner and his Office should be placed in statute, along with a statutory commitment to independence. The new Bill provides a legislative opportunity to do this.

Measures must be taken to secure independent, representative staff and to provide that the office is adequately resourced so that it can remain financially independent. This is a matter of immediacy, given that Lord Clyde's first report is due in December 2003.

Given the expansive and detailed nature of the recommendations for criminal justice reform, the Oversight Commissioner should receive resources at least equal in measure to those afforded to the Office of the Police Oversight Commissioner.

Function and Working Practice of the Office

Evaluation is key to determining the extent to which supposed implementing measures are in fact succeeding in delivering the substance of equivalent Review recommendations. It is imperative therefore that the Office of the Oversight Commissioner gives proper consideration to the best means of evaluating the impact of implementing measures.

Wide ranging consultation with expert organisations and individuals, community and voluntary representatives, academics and other relevant stakeholders would certainly enhance the work of the Oversight Commissioner and provide a more informed and representative basis for decision-making.

There should be a means of enforcing the decisions of the Oversight Commissioner. At the very least his bi-annual reports on implementation should be laid before the Assembly, entirely unaltered. This is essential to promote accountability and independence and thereby increase public confidence.

Scope of the Terms of Reference for the Oversight Commissioner

We believe that the current terms of reference for the Oversight Commissioner clearly require him to scrutinise the forthcoming Justice Bill, both pre-publication and as it goes through Parliament to ensure that it truly reflects the Review recommendations and that its provisions are not diluted in any way. Failure to do this would, in our view, be a missed opportunity. In our submission we locate each of the proposed provisions for the new Bill within the Review and highlight the inadequate treatment of these matters thus far in the implementation process.

Given that so many of the Review recommendations are formulated on the contingency of the devolution of justice and policing powers to Northern Ireland, we believe that it is incumbent on the Oversight Commissioner to ensure that efficient and progressive preparatory steps are taken in readiness for devolution.

The Updated Implementation Plan indicates that certain crucial Review recommendations present particular problems for implementation and indeed appear to be greeted with a degree of resistance from some quarters. We believe that these recommendations, (e.g. ensuring a reflective workforce and introducing equity monitoring) merit the particular and focussed attention of the Oversight Commissioner.

For further information re CAJ's latest submissions see page 2.

Human Rights and Victims

Recently, there has been a lot of discussion and debate about having a truth and reconciliation process in Northern Ireland. What would this process look like? How would this process help victims and their families to deal with the past and move forward? In particular how would it deal with the issues of justice and accountability.

CAJ believes in moving towards a truth and reconciliation process that it is necessary to have reference to a human rights perspective in accordance with both domestic and international standards to provide a framework for any sort of truth and reconciliation process in Northern Ireland.

The Northern Ireland Human Rights Commission has issued a report *Human Rights and Victims of Violence.* The report goes into some detail on the status of victims in international law and the legal standards relating to violations of law. However, while this is welcome the report makes only relatively brief mention of the judgements from the European Court of Human Rights dealing with right to life cases from Northern Ireland. Given that these cases arose from this jurisdiction and that they are widely recognised as being judgements of great significance in terms of setting international human rights standards.

Judgements

The judgements of course went into considerable detail about what the state was required to do in cases where article 2 was raised. While those judgements related only to cases where the state was or was suspected of being responsible for the violation, nevertheless some commentators have argued that the standards should apply to all cases. In addition a more recent judgement from Strasbourg in another UK case (Menson) adds weight to this argument.

In our view therefore these judgements and article 2 should be the key standards which inform processes designed to seek truth and justice in Northern Ireland. Certainly truth or reconciliation processes examining deaths in Northern Ireland or cases involving collusion between the state and security forces must be in compliance with the standards set forth in article 2.

CAJ are concerned that discussions about the establishment of any truth process should not be used to undermine the rights of families under article 2.

We were also concerned to note that the Human Rights Commission in its report stated that:

> *"we now have a number of continuing inquiries into disputed actions of the state or allegations of collusion with criminal elements, the biggest being the Saville Inquiry into the events on Bloody Sunday in Derry/Londonderry in 1972."*

In fact of course there the Saville Inquiry is the *only* ongoing inquiry into allegations of state violations. Many famililes have campaigned for years for the establishment of inquiries but have not yet been successful.

The Human Rights Commission also assert that:

> *"while many state perpetrators* were *punished during the conflict, there are many incidents involving breaches of human rights by non-state elements that remain unresolved. This was highlighted in April 2003 when Sir John Stevesn published a summary of his third report into the allegations of collusion surrounding the murder of Patrick Finucane in 1989."*

It may be worthwhile that of the approximately 360 deaths caused by on duty members of the security forces only three members of the security forces have been convicted of murder and of course even in those limited cases the soldiers involved were released early from prison.

In addition of course to describe the findings of the Stevens III investigation as being somehow related to non-state elements is remarkable. The very essence of the Stevens report (and indeed the reason why he was appointed) was the allegation that state agents were directing and controlling the killers of Patrick Finucane, and of course, as we now know, many others.

If we are genuinely to begin discussions about truth and reconciliation issues like this need to be central to the discussions. There must be acknowledgment from the state and all parties to the conflict that wrongs were committed and there must be undertakings by all parties to cooperate with a fair and impartial truth seeking mechanism.

Mainstreaming Equality in Public Services

This month saw the Equality Commission's Section 75 conference, 'Mainstreaming Equality in Public Services' take place in the Ramada hotel in Belfast. Martin O'Brien from CAJ was asked to provide 'a view from the voluntary and community sector'. Much of what he said was drawn from the conference organised by the Equality Coalition at the end of April. Unfortunately however, not everyone was pleased with what he had to say.

The fact that the Coalition had our own event at the and of April and is currently finalising our report arising out of the event meant that Martin O'Brien's presentation was able to draw extensively from the April event. Indeed, one of the main themes of our conference had been to prepare a proposed strategy for the way forward for Section 75.

One could describe progress under Section 75 to date as representing something of a 'curate's egg'. Good parts, undoubtedly, and indeed Martin sought as far as possible to pay tribute to the equality officers across the public sector who have contributed so much to making progress in relation to Section 75.

For example, a number of Education and Library Boards recently agreed a PFI contract for information technology facilities and libraries to a private company. Some of the sections of the original contract would have meant the transfer of library staff to the private sector. The EQIA showed that there would have been an adverse impact on the predominantly Catholic, female members of staff. As a result, the contract was rewritten so as to retain the library staff in-house.

Furthermore, as a result of the EQIA process, specific training programmes were introduced to develop the IT skills of older people, who raised concerns during consultation that the move to electronic libraries would have an adverse impact on them. As a result, these older people who had expressed concern at the move to an unfamiliar system, now express approval for training which also allows them to communicate more effectively with their families, particularly those with family members abroad.

Armagh and Dungannon Health and Social Services Trust recently conducted a detailed equality consultation on whether or not to return domestic cleaning services in-house. The consultation identified clear equality gains from going in-house the services were returned in-house on an agreement which leaves the mainly female, rural-based workforce, with dependants better off. Another Trust carried out a similar exercise as a result of which 50 care and support workers previously privatised have been brought back in-house with a deal in which the staff all have to have enough care duties to become registered care workers. Again, another gain for women workers under Section 75.

Another positive outcome concerns non-English speaking workers in Tyrone who had been issued with arrest warrants for non-payment of TV licenses. After interventions by the statutory and non-governmental sectors, there was an agreement to withdraw the warrants and provide more pro-active language support.

Significantly, what has happened with most of these successes, is that the people in the organisations concerned have adhered both to the letter and the spirit of the legislation. Or if they have failed to do so section 75 has been invoked by others to secure greater equality.

Unfortunately however, the 'good parts' highlighted under Section 75 above do not represent the entire picture across the public sector. Just as there are those blazing a trail in the promotion of equality, there are also those for whom the Section 75 annual report should read – "must do better". In the experience of CAJ, and indeed our colleagues in the Equality Coalition, the closer that one gets to central government, the thinner on the ground examples of best practice seem to be. Our experiences with OFMDFM with regard to their proposals for reviewing the consultation aspects of Section 75 have been less than productive to say the least. Of particular concern however has been the approach adopted by government departments in relation to impact assessing higher level and more strategic policies. In spite of our representations over the past number of years, issues such as equality impact assessing the Budget and Programme for Government have still seen little progress. Other policies which have not adequately been subject to the Section 75 process to date include the Department of Employment and Learning's strategy vis a vis jobclubs, or the relocation of the Invest NI headquarters. Unless the 'big decisions' feel the impact of Section 75 in the same way that some of the lower-level policies have done, the promotion of equality will fail to achieve what has been envisaged by the Agreement.

Civil Liberties Diary

Aug 5 PSNI officers will be compelled to notify Chief Constable Orde if they are members of certain organisations. The list of organisations to be included on the register, to which the Police Ombudsman will have access in the event of complaints against an officer, includes the Ancient Order of Hibernians, Catholic Knights of Columbanus, Grand Lodge of Freemasons of Ireland, and loyalist marching organisations.

Aug 6 A detective seconded from the West Midlands force will be leading the latest investigation into the murder, in Co. Tyrone, of nationalist councillor Patsy Kelly in 1974.

Aug 11 A 3 day roof top protest has ended at Maghaberry Prison. Prison visits were disruted and 3 visitors with dissident republican affiliations are said to have claimed that they were assaulted by staff.

Aug 12 The Law Centre has released a report which calls for the end to the detention of asylum-seekers alongside paramilitary prisoners at a high-security prison in Northern Ireland. 'Sanctuary in a Cell – Update' shows that the number of asylum seekers detained in prison has increased by over 20% in the past years while only one of the previous 3 recommendations has been implemented.

Aug 14 Sinn Fein national chairperson Mitchel McLaughlin has spoken of his concerns that parts of the Civil Contingencies Bill could undermine fundamental civil and human rights and warns of the likelihood for "draconian consequences".

Aug 15 Lord Chief Justice Sir Robert Carswell has dismissed an application for a judicial review of prison authorities' decision to suspend legal and other visits to the ten republican prisoners on a "dirty protest" in Maghaberry Prison.

The legal representatives of Jean McBride the mother of Peter McBride, the teenager killed by two Scots Guards 11 years ago, have been informed by Armed Forces Minister Adam Ingram that Guardsmen Mark Wright and James Fisher will remain in the regiment.

Aug 18 Lord Chief Justice Carswell has dismissed Freddie Scappaticci's judicial review application to overturn Security Minister Jane Kennedy's decision to maintain the government policy of neither confirming nor denying identities of their operatives. The review hearing took place in the Belfast High Court with Sir Robert Carswell concluding 'that to deny one person as an agent could place the life of another in danger.' Mr. Scappaticci has been accused of being a leading member of the IRA's interrogation unit for around twenty years, during which time he is said to have passed information to the British army under the codename Stakeknife.

The SDLP mayors of both Belfast and Derry have made it clear, in the face of much criticism, that they will be boycotting NIO minister John Spellar due to his role in upholding the return to active duty of the two Scots Guards convicted of the murder of Peter McBride.

The Human Rights Commission have published a summary of the 340 submissions received in relation to its Bill of Rights consultation document. Chief Commissioner Brice Dickson said that "Bill of Rights is still very much a work in progress" and that the Commission hope to publish an interim paper on the Bill of Rights in the autumn of this year.

Commissioner for Judicial Appointments John Simpson has released a new report which includes, as one of among 100, recommendations that in the future members of the judiciary should abstain from joining societies or organisations that have can be perceived as partisan.

Aug 20 Dungannon Golf Club have admitted being guilty of race discrimination and agreed to pay £1,000 each to five members of the Irish traveller community. The men, backed by the Equality Commission, brought court action under the Race Relations (Northern Ireland) Order after they were not permitted onto the Dungannon course.

Justice Peter Cory has begun examining the final case in his investigation into collusion by security forces from both sides of the border . Cory is said to anticipate an end to his examination in October of this year. A nationalist anti-collusion rally took place earlier this month with numbers reported to have been in the thousands congregating outside Belfast City Hall.

Aug 28 The first tri-annual review of the 50/50 recruitment process is due to start within the next month. SDLP Policing Board member Joe Byrne has said, "Unionism should back off the 50/50. The reality is the 50/50 quota is vital to bring about not only a representative service but also an impartial one." However UUP Policing Board member Fred Cobain describes the process as "institutionalised discrimination".

Aug 29 In the last year there has been a 16% increase in homelessness within Northern Ireland. A summation of NIHE statistics equates to 1 in 50 families being homeless.

Compiled by Karen O'Connor from various newspapers.

Just News
Human Rights in Northern Ireland

Just News welcomes readers' news, views and comments.
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