

Anthony Harbison
Project Manager
Department of the Director of Public Prosecutions
Belfast
BT1 3JR

30 September 2004

Dear Anthony Harbinson,

**Re: THE PUBLIC PROSECUTION SERVICE FOR NORTHERN IRELAND -
Community Outreach Strategy**

The Committee on the Administration of Justice (CAJ) is an independent human rights organisation, established in 1981 and affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community. CAJ's activities include - publishing reports, conducting research, holding conferences, monitoring, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws, criminal justice, equality and the protection of rights. The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize. CAJ, along with the trade union UNISON, also co-convenes the Equality Coalition, which is a broad range of organisations who work together to promote greater equality. Attached is a mailing list for the Equality Coalition which we think that you may find useful for your future invitations.

Many thanks for sending CAJ a copy of the above discussion document that we read with great interest. Since its inception, CAJ has sought to achieve the highest standards for the administration of justice in Northern Ireland, and was active throughout the Criminal Justice Review, publishing quite a lengthy submission in August 2000. As the document quite rightly points out, one of the key recommendations of the Criminal Justice Review was for the formation of a single, independent Public Prosecution Service (PPS) for Northern Ireland, which would engage at the local level with other agencies and the community in a way that has not hitherto proved possible. This is an objective with which CAJ would very much concur.

Segmentation/Target Audiences

We very much welcome, and indeed agree with the view expressed in Para. 1.4.1 that in order to provide tailored and focussed outreach services, the PPS needs to be able to identify specific target audiences within the overall population of Northern Ireland. In this context, we would suggest that the most effective way to define the key segments of the community, against which the PPS will define its services is by reference to the various categories specified under Section 75 of the Northern Ireland Act. Thus the segments would cover groups defined by religious belief, political opinion, race, gender, age, sexual orientation, whether or not they have dependents, marital status, or whether or not they have a disability.

In relation to the formulation currently employed, a number of these groups are absent from specific mention. We would also like to point out that the UN definition of a child is someone under 18 years. In addition, it might be useful if the PPS were to clarify whether 'minority groups' refers to ethnic minority groups, or minority within another context.

The wider Equality Coalition has prepared a note on effective consultation (enclosed) which we believe that you might find useful for future engagement in community outreach. In addition, we would recommend that you consider closely the Equality Commission's Guidelines on Section 75, and Practical Guidance on Equality Impact Assessment, both of which contain detailed information on how consultation should be carried out. These documents provide general information as to how public bodies can engage in meaningful dialogue with various stakeholder groups.

Public Confidence

According to the draft document, the aim of the Community Outreach Strategy is to

"Increase public confidence in the independence, fairness and effectiveness of the new Public Prosecution Service for Northern Ireland."

The document goes on to say that the Community Outreach Strategy recognises that there are a number of factors which determine public confidence in the criminal justice system, and that these factors may vary from a regional to a local level. Again, CAJ, would very much concur with this assessment – it is likely that an individual's confidence in the system will be determined by any personal experiences that they, or indeed other family members, may have had with the criminal justice system. Equally, at a regional level, confidence factors such as independence and fairness may be to the fore.

Undoubtedly, issues such as independence and fairness are likely to be of crucial importance, not least as a result of the actions of the DPP in relation to a number of high-profile cases. It is clear for example, that decisions taken not to prosecute individuals in a number of high profile cases have resulted in a lack of confidence in the prosecution system in Northern Ireland generally. These include for example, the cases of Nora McCabe, and Patrick Finucane,

in which the actions of the DPP was considered by many to be inconsistent with a fair and impartial approach to the rule of law. Questions remain to this day regarding the decision of the DPP in both cases to fail to prosecute individuals who had apparently committed serious offences. Indeed, in relation to the Finucane case, there is an expectation that the actions of the DPP will feature in any future inquiry into the killing. Concerns about these matters have been raised locally, and indeed by a number of international human rights organisations, as well as institutions such as the United Nations, and important bodies such as the United States Congress.

Nor are the concerns merely of historical relevance. Confidence in the present system was questioned only last week, in light of the actions of the DPP in response to the case of an individual who broke bail conditions while awaiting trial for murder. The actions of the DPP in this case were called into question not only by the trial judge, but also by a broad spectrum of Nationalist opinion, including the Irish News, Sinn Fein and SDLP politicians. These incidents occur against the backdrop of nearly 370 killings directly involving state forces (the vast majority of the victims in these cases were members of the Nationalist community) however there have been prosecutions in only approximately 10% of these cases. It should of course be pointed out that concern in relation to the cases cited above, does not rest exclusively with the Catholic/Nationalist community, however in practical terms the likelihood is that that is where the greatest impact in terms of 'lack of confidence' is likely to be felt.

The draft document states that often it may not be appropriate for the Prosecution Service to comment publicly on individual cases at specific points in the progress of that case through the criminal justice system. Equally however, situations such as those outlined above are unacceptable, clearly the issue of transparency in relation to decision-making needs to be addressed.

It is also important to highlight that there are likely to be a range of groups across the various Section 75 categories who similarly lack confidence in the criminal justice system in general, and the Prosecution Service in particular. These may include for example gay men, with experiences of the criminal justice system which in the recent past treated them as a 'criminal community', to being a vulnerable group arguing for greater protection in the form of legislation outlawing homophobic attacks.

Equally, it is imperative that the PPS adequately address the issue of female alienation from the criminal justice system. We note and welcome the inclusion of Women's Aid in the document, however there are a wide range of groups that the PPS needs to engage with in relation to this issue, beyond those groups dealing exclusively with domestic violence. Issues of concern may include for example the representation, or potential under-representation of female employees in the prosecution service.

In this context we note that the recent report by the Criminal Justice Oversight Commissioner, Lord Clyde, listed the community background and gender of

the workforces of the Prison Service, the Police Service, and the NIO. The only figure listed for the Prosecution Service is from 4 years previously, and shows that at that time, Catholic representation was 32.9%. Given that this is a significant under-representation, it is imperative that the PPS publish publicly their latest figures, and outline a strategy for how this under-representation could be addressed. Again, community outreach will only be successful, and public confidence achieved, within a context in which organisations display a willingness to reveal and discuss issues such as employment monitoring figures, under-representation, etc.

Publications

We also note that the document states that the Prosecution Service is working with other criminal justice organisations to define a common approach to the issue of accessibility, and there is reference to ensuring that publications will be available in a wide range of formats. Again however, there is no reference to any organisations that work with people with disabilities, in spite of the key role that they play in this respect.

We also note, and welcome the reference to the creation of a website, unfortunately however, no timeframe is provided to indicate when this will be up and running. There is reference to the fact the website will contain information on the annual report, although again, no information is provided regarding a timeframe for the publication of an annual report. Clearly, it is imperative that basic and standard operating procedures such as the publication of an annual report, the creation of a website etc, are put in place as soon as possible.

Yours sincerely,

Tim Cunningham
Equality Project Worker