

# Just News

Bulletin of the Committee on the Administration of Justice

## 21<sup>st</sup> Birthday – a time for celebration?

**Next month, the CAJ will celebrate its 21<sup>st</sup> birthday. According to our very first publication –**

*“A conference held on the “Administration of Justice in Northern Ireland” was held in Belfast on 13 June 1981. It was chaired by Lord Gardiner, a member of the Parker Committee on interrogation procedures in 1972. The conference was sponsored by a number of individuals who had been working separately and in various organisations to help secure a balance between individual liberty and public security in Northern Ireland. One object of the conference was to highlight those aspects of the existing law and practice which have given rise to particular difficulty in recent years. Another was to consider how the administration of justice might best be reviewed and monitored.*

*The conference was organised by the following group: Mairead Corrigan, Madge Davidson, Tom Foley, Tom Hadden, Steve McBride, Peter McLachlan, John Morrow, Sister Anna, Sinclair Stockman, Peter Tennant, Dermot Walsh and Margaret Watson. Since the conference, the organising group has been expanded to make it even more representative of the wide range of opinions held on these matters in NI. A number of working parties have been established to continue the work”.*

It is fascinating to examine the organisation’s founding document and see its continuing relevance. The organising principles included -

- concerns about individual liberty,
- recognition that the protection of civil liberties is particularly difficult at times of conflict,
- the value of coalitions and complementing (not supplanting) other initiatives underway,
- the importance of expert and rigorous scrutiny of current laws and practices, and
- the value of the work being carried out by members representative of society as a whole.

Since that first event in June 1981 – much has happened. A monthly newsletter was launched in 1983; its first staff member was employed in 1985. Premises were rented at the Unemployed Advice Centre in Donegall Street “until CAJ finds permanent accommodation”. Seventeen years later, we are still renting space from the Unemployed Centre! However, we now have six full time staff and a range of volunteers working out of the office, as court

observers, or as regular participants in the organisation’s sub-groups. In addition to Just News, CAJ has produced regular annual reports, written 44 major publications, made 150 detailed submissions in response to legislative or other initiatives, contributed to many TV and radio programmes on justice issues, produced a video and continues to work in sub-groups specialising in particular aspects of the justice system. Its threefold work of research, lobbying and individual advice has been the cornerstone of the organisation’s programme of work over the years and, while constantly adapting to the changing context, we have also sought to maintain this initial focus.

Policing, for example, has been a consistent priority. CAJ has commented on those aspects of “existing law and practice which have given rise to particular difficulty” – for example, allegations of ill-treatment and excessive use of force, the deployment of plastic bullets, charges of collusion, and a whole array of individual cases. At the same time, the organisation has been at the forefront of the campaign to ensure that “the administration of justice be reviewed and monitored”. CAJ called for a Patten-type commission as early as 1995, and we worked to ensure that the eventual institutions – Policing Board, PSNI, Ombudsman, or Oversight Commissioner – should have the necessary powers to ensure effective accountability.

Similarly, concerns around criminal justice have been a constant thread, as has our campaign for a Bill of Rights. Change has perhaps been most marked around the equality issue, since though non-discrimination was to the fore from the outset, concerns around religious and political discrimination have been gradually supplemented by work on race, disability, gender, children and related areas.

Next month’s Just News will outline some of the key milestones in our work over the last 21 years. Much has been achieved, but there is much still to do.

*The Editor*

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## UN Committee Backs CAJ approach to Bill of Rights

As our cover article points out, CAJ was founded 21 years ago with the aim of ensuring that Northern Ireland was governed in a way which was compatible with international human rights standards. Since our inception, the *raison d'être* of the organisation has remained essentially the same. As a consequence of our focus on the application of international standards, CAJ has tended to invest more resources than most groups in Northern Ireland around the workings of the various international institutions which have been established to protect human rights. As with our lobbying on the domestic front, not all these forays into the international arena have been successful. On the other hand, however, occasionally a document emerges - such as the recent report of the United Nations Committee on Economic, Social and Cultural Rights - which makes all the work worthwhile!

Every five years the UN examines the extent to which the UK government has complied with the provisions of the International Covenant on Economic, Social and Cultural Rights. In the first instance, the state party is required to submit a report outlining the situation with respect to the provisions of the Covenant. In the case of the UK the latest report essentially consisted of 200+ pages of detailed statistics and quantitative data, with little or no analysis of what rights are being implemented fully and which are not. Indeed, a cynic might consider that the amount and nature of the material submitted to the Committee was deliberately designed to hide the UK's failings to comply with the Covenant!

The next stage in the procedure involves the Committee inviting non-governmental organisations from the member state to firstly make written, and then oral submissions outlining their views of how the Covenant has been implemented. The member state is then questioned orally, before the Committee publishes a final report which usually contains a series of recommendations which should be implemented to ensure full compliance with the Covenant. CAJ submitted a written response to the Committee and attended the oral questioning of the UK Government delegation in Geneva. Indeed, as the staff member who was present for the questioning, one could not be unimpressed by the robust manner which the Committee adopted during the questioning. It is a testimony to the calibre of the members of the Committee that they managed to identify such a wide range of UK failures to comply with the various articles of the Covenant.

Unfortunately from CAJ's point of view the recommendations of the Committee are not legally binding. The recommendations do however carry the weight of a UN Committee made up of a group of international experts - hence the strong political imperative behind the member state taking on board what the Committee has to say. Indeed in relation to the current status of the Covenant in the UK, one of the main recommendations in the recent report stated that the Committee -

*'Affirming the principle of the interdependence and indivisibility of all human rights and that all economic, social and cultural rights are justiciable, the Committee ... strongly recommends that the State party re-examine the matter of incorporation of the International Covenant on Economic, Social and Cultural Rights into domestic law'.*

It is perhaps worth remembering that the UK government consistently propagates the 'interdependence and indivisibility of human rights' view when dealing with human rights issues in relation to other jurisdictions. In other words, the line on the world stage from the UK has consistently been - "do as we say, not as we do"! Clearly, the view of the UN is that this 'not in my backyard approach' to upholding the Covenant is simply not good enough.

Perhaps even more significantly however, the Committee went on to state that specifically in relation to Northern Ireland

*'The Committee strongly recommends the inclusion of effective protection for economic, social and cultural rights, consistent with the provisions of the Covenant, in any Bill of Rights for Northern Ireland.'*

Regular readers of Just News and those au fait with our work in this area will be aware that this very much reflects CAJ's view of how any Bill of Rights for Northern Ireland should be worded. This is by no means however a unanimous view - there is an alternative school of thought which has argued that a Bill of Rights for Northern Ireland should be restricted to civil and political rights for example. Clearly, the above statement from the UN Committee is of crucial importance given this debate - particularly inasmuch as it appears to cut the ground from under those who argue a 'minimalist' approach.

### Northern Ireland Human Rights Commission

The findings of the UN Committee also have significant ramifications for the Northern Ireland Human Rights Commission and their draft consultation paper 'Making a Bill of Rights for Northern Ireland'. It is worth recalling that notwithstanding the fact that the NIHRC consultation paper contains a full chapter on economic and social rights, the rights contained therein are subject to a restrictive clause. In other words, the approach adopted by the NIHRC in their consultation paper falls some way short of complying with the recommendations of the UN Committee. Clearly it is inconceivable that the final recommendations put forward by the NIHRC to the Secretary of State for Northern Ireland on the contents of a Bill of Rights would fall short of what has been recommended by the UN

Committee, and in this context it will be interested to see how the Commission addresses this evident anomilie.

### Something for Everyone

Going beyond the NIHRC, it is worth pointing out that the rest of the report does indeed contain something for everyone – everyone that is who is interested in advancing the rights of the most disadvantaged members of Northern Irish society. For example, the Committee urges that the State Party:

*'continue to address the problem of poverty and social exclusion as a matter of high priority, with special focus on the needs of marginalized and vulnerable groups, and particular regions, such as Northern Ireland. When formulating its anti-poverty policies and programmes the State party is urged to give the most careful attention to the Committee's statement on poverty and the Covenant'.*

In addition the Committee also recommends that the State party 'take more effective steps to combat de facto discrimination, in particular against ethnic minorities and people with disabilities, especially in relation to employment, housing and education'. Other recommendations include 'that the principles of the Covenant inform policies on poverty reduction, social welfare, and housing'; 'that the right to strike be incorporated in legislation and that strike action no longer entail the loss of employment'; that 'minimum wage protection is extended to those workers under 18 years of age, and that the scheme is applied in a non-discriminatory manner to persons between 18 and 22 years of age'; 'the need to continue efforts to combat domestic violence and the need to ensure sufficient refuge places for victims'; and 'the prohibition of the physical punishment of children in families'. In addition, the Committee recommends that 'the State part take immediate measures to improve the situation of the large number of families and individuals who live in poor housing conditions, and to relieve the situation of those who are 'fuel poor'.

Other recommendations include that 'the State party take effective measures to ensure that the introduction of tuition fees and student loans does not impact negatively upon students from less privileged backgrounds' and that in the next periodic report the State party provide 'detailed information on the impact of tuition fees and student loans on lower socio-economic groups'. Not alluded to in the "concluding observations and recommendations" is the fact that the Committee also asked questions about the state response to the dispute at Holy Cross. In fact, the only issue that we and other submissions raised, which does not appear to have been addressed by the Committee is the question of language rights. Generally, however, this list is by no means exhaustive and those interested should consult the UN web page or contact CAJ to have a copy of the full recommendations.

### What happens next?

Undoubtedly, the first task for CAJ will be to ensure wide circulation of this report. Given the significance of the recommendations it will be imperative that all groups working in the area of economic, social and cultural rights are aware of this report.

Equally, it will be important that all levels of local and UK government are also equally aware of the findings of the Committee. In this context we will be enquiring of various public bodies how they propose implementing these recommendations. This would include everything from enquiring how the Department of Health propose implementing the recommendations in relation to domestic violence, to enquiring how the Department of Employment and Learning propose addressing the proposals relating to student finance. The latter will be particularly important given the problems identified with the student finance equality impact assessment.

For non-devolved matters such as the Bill of Rights, CAJ will obviously be highlighting the relevant recommendations to the Secretary of State and as outlined above, the Chief Commissioner of the NIHRC. In this context, the more organisations and individuals doing likewise the better.

**Tim Cunningham**

### Up to date with CAJ

There have been meetings of the Equality and Policing subgroups.

Maggie attended a lecture by Brigid Hadfield on the work of the Police Ombudsman.

Martin, Maggie and Aideen attended a conference organised by the Northern Ireland Council for Ethnic Minorities on a Bill of Rights.

The Mary Robinson (UN High Commissioner on Human Rights) event hosted by the Human Rights Consortium at the Odyssey in Belfast was well attended (see full report in next month's issue).

Tim attended the UN Committee hearings on Economic Social and Cultural Rights in Geneva.

Aideen attended the launch of the booklet "What you said - Young People's views on a Bill of Rights for Northern Ireland" organised by the Northern Ireland Human Rights Commission.

Martin spoke at an Irish Penal Reform Trust training event in Dublin.

Finally, we would like to welcome Marny Requa from Fordham University, who will be interning with CAJ for the next 10 weeks.

*Liz McAleer*

## Steady Drift Towards Normalisation

The dramatic constitutional and political progress that has been achieved in the last five years has not yet led to removal of N.I.'s emergency legislation. This is hardly surprising. The roots of that law lie deep within the personality of the Northern Ireland entity, having been first enacted as Special Powers legislation in the very early days, and even then being based on such laws as the Restoration of Order in Ireland Act 1920 and the Defence of the Realm legislation that had been passed at the onset of the First World War. It is almost a hundred years since Northern Ireland was governed only by ordinary laws: this is a legacy of oppression and constitutional dysfunctionality that cannot simply be uprooted and discarded in a single civil libertarian gesture.

Nevertheless progress has been made. The old Emergency Provisions Act is a thing of the past. The key law for Northern Ireland, as for everywhere else in this field, is now the Terrorism Act 2000, which came into force on 19 February 2001, and part VII of which deals exclusively with Northern Ireland. The UK-wide part of the Act is permanent, while the Northern Ireland specific part is time-limited to five years. It is subject to annual renewal and its provisions can be phased out by order - individually as appropriate - if the security situation is thought to allow it.

While it is true that Part VII does cover much of the old emergency provisions, the atmosphere around these powers is very different now than it was during the 1990s but especially the 1980s. Gone are the days of rancorous parliamentary debate, bitter prime ministerial interventions and extensive paramilitary campaigns. The renewal debate on 11 February this year was a very quiet occasion, held under the auspices of the first Standing Committee on delegated legislation, a Commons committee that has no Northern Ireland members. (This is surely a scandalous state of affairs given the singular application of, and importance of, the legislation to Northern Ireland.)

In that debate the Minister of State Jane Kennedy repeated that the government was 'keen to drop the powers as soon as the security situation allows'. This is not just rhetoric, or at least it cannot afford to be, given the commitment in the Good Friday Agreement. The overall impression at present is of legislation which remains on the books but which the executive and judicial branches are gradually resorting to less and less. Executive powers of entry, search and arrest are not being over-used, except for the stop-for-questioning power, which tends to be extensively deployed during the marching season.

As far as the criminal process is concerned, as the independent reviewer Lord Carlisle of Berriew remarks in his review for 2001, 'there is virtually no difference between the proportion of persons charged with scheduled and non-scheduled offences respectively on bail at the time of trial',

with the judges in practice applying the same test for bail, regardless of what kind of case is before them. Non-jury trials remain of course, but the numbers of such proceedings are down and many persons faced with scheduled offences are now being tried in the ordinary way. Both Lord Carlisle, and before him a government review group, has advised that the non-jury courts should be retained for now, but they have each accepted that the special and less rigorous standards for the admission of confession evidence should be dropped in favour of UK-wide PACE standards. Extensive codes of practices have already been introduced covering such previously incendiary issues as audio recording of interviews. Despite this real, albeit modest, progress, it remains mystifying that we are still stuck with certifying out of the Diplock regime rather than into it - such a change would be a very sharp signal from government of its intentions, but it is not one that it has yet been willing to make.

In truth though the vitriol has gone out of the emergency provisions debate. What we are witnessing is a very slow but nevertheless steady drift towards a normalisation that - it must be emphasised - Northern Ireland as a separate juristic entity has never enjoyed. The real action on counter-terrorism powers is now UK-wide. Lord Carlisle is also the independent reviewer for the Terrorism Act 2000 as a whole, as well as the reviewer of the operation of the Criminal Justice (Terrorism and Conspiracy) Act 1998, and of the detentions introduced under the Anti-terrorism, Crime and Security Act 2001. A panel of senior figures has been appointed to report on the latter powers. In the background is the expectation of further Home Office-inspired assaults on the criminal process.

The Northern Ireland community in general, and those interested in civil liberties in particular, has plenty of experience of emergency law and the damage that such laws can cause when they are unprincipled, unfocused and partisanly applied. With counter-terrorism now all the rage, the rest of Britain, and indeed the Republic of Ireland as well, would benefit from hearing of these experiences.

**Conor Gearty**

Professor of Human Rights Law King's College London.

### In the Headlines

**CAJ holds newspaper clippings on more than 50 civil liberties and justice issues (from mid 1987- December 2000). 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.**

**In the 2001-2002 Session of the Northern Ireland Assembly, MLA's have considered several pieces of legislation relating to human rights. This article briefly examines the human rights dimensions of one new Act and two proposed Bills. All three pieces of legislation engage with basic economic and social rights.**

### **Carers and Direct Payments Act (Northern Ireland) 2002**

Over 250,000 people in Northern Ireland are carers. Carers play a crucial role in society by looking after people who are sick, disabled, vulnerable, or frail.

They are crucial actors in helping vulnerable people realise their human rights and dignity. This Act, passed by the Northern Ireland Assembly in April 2002, aims to assess the needs of carers and to provide various services to help them.

The Carers and Direct Payments Act (NI) 2002 creates a right of carers to request an authority to carry out an assessment of the present caring situation. It also dictates that any such assessment must consider the needs of the carer, as well as the needs of the care recipient. The Act also requires (and for the first time empowers) HSS Trusts to make direct payments to carers in cases where the carer has been assessed as needing services and has met the conditions for the receipt of a direct payment. It also provides for vouchers for short-term breaks to be available to carers, in order to enable the person cared for to arrange someone else to provide services during that break.

### **Children (Leaving Care) Bill**

This Bill was first introduced in the Assembly in March 2002. It is currently in committee stage and due to be addressed in the Assembly in late June. The aim of this Bill is to address the needs of young people leaving care, a significant number of whom leave as young as age 16. This Bill places a new duty on HSS Trusts to assess and meet the needs of eligible 16 and 17 year olds who remain in care as well as those who have left care. The Bill also creates a new duty on HSS Trusts to maintain contact with young people who have left care until they reach the age of 21. Additionally, HSS Trusts are be required to provide a personal adviser and "pathway plan" to map out a route of independence for the young person leaving care.

The Bill removes the entitlement to welfare benefits that young people leaving care at age 16 can currently claim. In its place, the Bill puts HSS Trusts under a statutory duty

to support these care-leavers, and makes the Trusts their primary source of income. One apparent strength of the proposed changes to financial assistance for care-leavers is that this assistance does not necessarily end once they reach age 18. In fact, the duty remains on local authorities to provide assistance, to the extent that the young person's welfare requires it, until age 21 or even beyond.

It is important to note that this change does represent a significant conceptual shift from the status quo, where minors leaving care have a right to welfare benefits, to a situation where this right no longer exists under domestic law. The HSS Trusts do have new duties, but these duties do not correspond to any articulated right on behalf of the

care-leaver. Human rights and children's advocates should consider encouraging legislators to include a clearly articulated right of minors leaving care to have their basic

needs met by the State, and then propose that these rights be met by placing statutory duties upon the relevant authorities.

### **Health and Personal Social Services Bill**

This Bill has two goals. The first is to provide free nursing care for people who reside in nursing homes. It seeks to remedy the anomaly that nursing care is supplied free as a health service to a person in his or her own home, but included in the cost of a nursing home placement. Part of this cost may then be borne by residents whose means require that they self-fund their care. If passed, this Bill means that from October 2002 onwards, the nursing care element of the total cost of a placement in a nursing home will be paid by public funds.

The second component of the Bill proposes a new Nursing and Midwifery Council. This would be a new body to support the development of nursing, midwifery, and health visiting. The Council would develop best practice, and promote ongoing education and professional development.

### **"Human Rights Issues"**

One concluding note is in relation to how those drafting Assembly legislation appear to define "human rights issues." It is troubling that the explanatory notes of both the Carers and Direct Payments Act (Northern Ireland) 2002 and the Children (Leaving Care) Bill claim that there are "no human rights issues involved" in these two laws. This indicates that lawmakers need to be encouraged to expand their view of what constitutes a human rights issue.

**Katie Wiik**

see [www.ni-assembly.gov.uk/](http://www.ni-assembly.gov.uk/)

## **Legislative Update: Human Rights and Recent Assembly Legislation**

*Joseph Kavanagh -v- The Governor of Mountjoy Prison and the Attorney General [2002]:*  
**A Considered Response**

**The *Kavanagh* case raises interesting legal and human rights issues for the Republic and Northern Ireland. The case arose following the assault and detention of a bank Chief Executive at his family home in the Republic of Ireland. The victim, compelled by threats of violence, stole a large sum of money from his employer bank.**

Along with six others, *Kavanagh* was arrested and charged in connection with the aforementioned incident. Under the terms of section 47, subsections 1 and 2 of the Offences Against the State Act [1939], the Director of Public Prosecutions decided that *Kavanagh* should stand trial at the Special Criminal Court for all seven of the (scheduled and unscheduled) offences with which he had been charged. Once set to appear before the Special Criminal Court, *Kavanagh* launched an unsuccessful application for judicial review.

Following conviction before the Special Criminal Court, *Kavanagh* submitted a communication to the UN Human Rights Committee. The Committee found in this case, a violation by Ireland of Article 26 of the International Covenant on Civil and Political Rights which provides for equality of protection under the law.

The UN Committee's finding along with the argument that s.47(2) of the 1939 Act had been applied contrary to the terms of Article 29.2 and 3 of the Irish Constitution, formed the basis of a recent unsuccessful High Court application for judicial review. The appeal of the review came before the Supreme Court who dismissed it with the following comments regarding the status of international agreements and opinions in Irish law:

*"The terms of the Covenant have not been enacted into Irish law. They cannot prevail over the provisions of the Offences against the State Act ... or of a conviction by a court established under its provisions ... the views of the Committee cannot be invoked to invalidate that conviction without contravening the terms of ... the Constitution." (Fennelly J, 2002 at p.18)*

The Supreme Court's decision in this case is worrying given its potentially adverse implications for the protection of human rights both North and South. Concerns about the decision include the following:

A key element of the Good Friday Agreement [1998] concerns the improved protection of human rights on the island of Ireland as a whole. Crucial to the achievement of this is the ability of the Human Rights Commissions (North

and South) to work together to ensure equal protection of human rights either side of the border.

Unfortunately, a consequence of the Supreme Court's conclusion that only expressly incorporated treaties have any standing in Irish courts, is the possible reduction in the mandate of the two Human Rights Commissions in terms of their capacity to co-operate for the improvement of human rights by urging the courts to consider their State's international treaty commitments.

To compound the issue, effective human rights protection in Ireland (North and South) could be stifled further if a judgment such as this is subsequently followed by a weak incorporation of the European Convention in the Republic. Any such weakness may flow from the Convention being given a status in national law that amounts to its not being on a par with Irish constitutional law.

Further to this, the *Kavanagh* decision also indicates an unwillingness to address fundamental procedural inequalities faced by defendants whose cases are processed through the Special Criminal Court. For instance, note the DPP's unrestricted discretion as to what offences may be tried before the Special Criminal Court and the absence of a requirement that justification be given remains unchanged.

Moreover, the finding of a violation of the Covenant requires governmental remedial action to provide an effective remedy, prevent repetition and ensure wide publication of the UN Committee's views. Regrettably, none of this appears to have transpired in *Kavanagh*.

Finally, perhaps the most worrying aspect of the decisions reached by both the courts and a majority of the UN Committee in this case was the decision that there had been no breach of Article 14(1) of the Covenant. This concern was impressively articulated by a minority of the UN Committee members led by Louis Henkin:

*"Article 14 .. 1, ... entrenches the principle of equality in the judicial system itself. That principle goes beyond ... other paragraphs governing fairness of trial, proof of guilt, evidential safeguards, rights of appeal and review .. That principle of equality is violated when all persons accused of committing the same offence are not tried by the normal courts having jurisdiction in the matter, but .. by a special court at the discretion of the Executive. This remains so whether the exercise of discretion .. is or is not reviewable by the courts." (CCPR/C/71/D/819/1998, at p.16)*

**Michelle Brown**

**Graham Ellison's detailed study focuses on the experiences of 14 - 18 year olds in Northern Ireland.**

**Ellison provides significant informative material on the attitudes and behaviour of these young people. His study will be helpful to those working with young people or with an interest in the criminal justice system or the politics of Northern Ireland.**

Ellison's research looks at young people's experience as both offenders and victims and he is keen not to feed into prevailing 'moral panics' about youth crime and 'drug culture'. He succeeds in this, giving a balanced picture of the complexities of young people's lives. For example, in a section on what young people worry about, he found that doing badly at exams, appearance, and friendships scored significantly higher than fears about crime or the 'troubles' (although direct experience was also important and those who had been victimised in the past were more likely to be fearful of crime).

The main research tool was a self-report questionnaire distributed to 1000 young people in schools, and youth and community organisations in Belfast and in a predominantly rural area (undentified). Twelve focus groups were also held with 120 young people participating. The questionnaires were used to assess young people's offending patterns; their levels of 'ordinary' criminal and sectarian victimisation; experiences of, and attitudes to the police; levels of drug and alcohol consumption; their routine activities and management of risk. Comparisons are made of all these issues in terms of gender, religion, social background, and urban and rural experience.

Not surprisingly, Ellison found that young people from areas of social deprivation were more likely to offend and also to be victims of crime than their better-off counterparts. The importance of social class as a defining factor in the young people's lives comes across clearly throughout the report. One of the biggest shortcomings in the equality provisions of 'Section 75' must surely be the absence of social class as a recognised category.

Alarming, over one-fifth of young people surveyed believed that they had been the victim of a sectarian physical assault or threat in the past year. Young Catholics (27.5%) were more likely to have been the victim of a sectarian assault or threat than young Protestants (18.5%).

The chapter on policing will be of particular interest to many Just News readers. The study found a high level of 'adversarial' contact between young people and the police. Over two-thirds of young people had been 'told off' or 'told to move on' by a police officer in the last twelve months. Most young men had been stopped and searched by a police officer. Young people from socially disadvantaged

## Young People, Crime, Policing and Victimisation in Northern Ireland

backgrounds were twice as likely to have been searched than those from more affluent areas.

Interestingly, young Protestants and Catholics tended to interpret their treatment differently, and Catholics were much more likely to define their encounters with the police as 'harassment' than Protestants. 92.6 of Catholic boys and young men who had been stopped and asked questions by the police 'too many times to remember' believed this to constitute 'harassment' (compared to 60.3 percent of Protestant males). Yet, as Ellison notes, for police officers, these encounters are viewed as an everyday aspect of their work.

Young people were also questioned about their attitudes to the RUC and potential reform (the main period of research was the end of 1999). Not surprisingly there was a sharp polarisation here between Protestants and Catholics. However, the evidence of differing attitudes within each community makes interesting reading. For example, a significant minority of young Protestants (46.9) stated that there should be no reforms to the RUC at all, some 20.8 percent believed it should be reformed slightly; 4.6 percent that it should be reformed a lot and 6.4 percent that the force should be 'disbanded and replaced'. This level of alienation shows the size of the task facing the PSNI in its battle for legitimacy.

Attitudes among young Catholics were more clear cut on the question, with less than one percent believing that the RUC should be left unchanged, 66.2 percent that it should be disbanded, 13.2 percent that it should be reformed a lot and only 6.7 percent wanting it reformed slightly.

My one caveat about the study is that the mainly quantitative nature of the research left this reader, at least, wanting to hear more of the voices of the young people interviewed. The material from the focus groups appears throughout the text but this tends to be written in terms of general views and experience rather than individual stories. It would be interesting, for example, to hear the views and experiences of the young Protestants who wanted to see the RUC completely disbanded; or to hear more from the young people directly about their experience of police encounters.

That stated, this desire to hear more is not so much a criticism of this book, as a call for a follow-up study with more interview material from young people included.

**Linda Moore**

Young People, Crime, Policing and Victimisation in Northern Ireland - Graham Ellison, Queen's University Belfast, Institute of Criminology and Criminal Justice, Research Series 2001/02

Price £5.00 ISBN 0 8539 8030

## Civil Liberties Diary

**Apr 3** The Police Ombudsman is to be asked to investigate video footage of PSNI riot squad officers allegedly beating two Catholic mothers and a local councillor in North Belfast at the weekend. The 5-minute video was recorded by a local resident at the height of disturbances on the North Queen St and Tigers Bay interface.

**Apr 5** The first batch of police, recruited and selected under the new 50/50 cross community drive, have now completed their training and will graduate today. From midnight last night, the new PSNI police badge and uniforms will be introduced on the streets of N.I. and the new flag will be flown at police stations across the north.

**Apr 8** The Equality Commission has launched its first ever TV and radio campaign in its latest move to tackle both racism and discrimination against people with disabilities. The 40 seconds TV and radio commercials broadcast in English, Chinese and Punjabi, aim to reflect NI's increasingly diverse society. Commissioner Harbinson said, 'we want to promote respect for diversity and achieve equality of opportunity for all'.

**Apr 9** The Human Rights Commission is to decide if the Burns report adequately addresses inequalities in the education system. It has expressed serious human rights and equality concerns about the current 11+ system, and cites the stigmatising and humiliating effect of the test. Also of concern is the lack of equality of opportunity and disparities in attainment levels.

**Apr 11** The Education Minister has discussed the review of post-primary education with the Belfast Partnerships. Martin McGuinness said they told him only one in eight

pupils from the most disadvantaged areas of Belfast, progressed to grammar school. The Partnerships had carried out extensive consultation and found collective despondency among parents in deprived areas. Parents felt unable to positively influence their children's future and were resigned to the fact that their children would be branded as failures not just at 11, but through all the key stages of their lives.

**Apr 12** Nearly 800 pensioners have been attacked, robbed or sexually assaulted in NI in the last 3 years. Police statistics reveal that, 768 people over the age of 65 had been attacked since 1998. In the last 3 years 538 pensioners have been physically assaulted, 211 have been robbed and 19 people over age 65 have been victims of sexual abuse.

**Apr 16** Lawyers acting for the families of those killed in Derry on Bloody Sunday, went to the Court of Appeal in Belfast in a bid to overturn the ruling which allows police officers to stand behind screens when they give their evidence to the Saville Inquiry. They claimed that people attending the inquiry should be able to see the demeanour of those testifying.

**Apr 19** SDLP leader Mark Durkan has called for an All-Ireland Charter of rights to be developed alongside the best possible Bill of Rights for NI. He emphasised that there must be no dilution of the Good Friday Agreement's human rights agenda.

**Apr 22** The Housing Executive's Shankill Sectoral Study set out the facts on housing and related issues in the area. It revealed that the Greater Shankill area comprising St Annes, Crumlin and Woodvale, is one of the most

deprived areas in Belfast. But according to the Housing Executive, the investment of more than 80 million pounds in the past 10 years has made a huge impact on improving housing conditions.

**Apr 24** The Northern Ireland Office refused to be drawn on reports that a retired Canadian judge has been approached to investigate controversial murders including those of Pat Finucane and Rosemary Nelson. The provision of a judge of international standing to look into the cases was a key part of the package of measures agreed during peace talks at Weston Park in August.

**Apr 26** Lawyers representing the Ministry of Defense and former soldiers at the Saville Inquiry have been paid £15 million in fees. Kevin McNamara MP who asked the question in parliament said he did so because Gregory Campbell MP (DUP) appeared to be interested only in the costs paid to the lawyers of the families. They have received £11 million. Mr McNamara also said that he believed that the British Army's reluctance to reveal all information about Bloody Sunday was responsible for the high costs of the Tribunal.

*Compiled by Peter and Moya Gahan from various newspaper sources.*

## Just News

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

**Just News** is published by the Committee on the Administration of Justice Ltd.

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