

# Just News

Human Rights in Northern Ireland

## Women's Rights are Human Rights

**2005 will be the 30<sup>th</sup> Anniversary of the first UN organised international conference on women's human rights, held in Mexico. The tenth anniversary was celebrated in Africa, and the twentieth – in 1995 – was organised in Beijing. To mirror developments at the international level, there have always been a number of initiatives taken closer to home and the 30<sup>th</sup> anniversary year is going to be no exception.**

There are indeed a number of events/conferences that have already launched the 'festivities':

☞ 4<sup>th</sup> December, the Irish Department of Foreign Affairs devoted its annual NGO Human Rights Forum to the topic of women's rights – women in conflict, trafficking, and women human rights defenders (and the case of Rosemary Nelson was particularly highlighted in this last panel)

☞ 9<sup>th</sup> December 2004, Helen Bamber, Founder, Medical Foundation for the Care of the Victims of Torture gave Amnesty's Annual Lecture "War, Women in Terror" as part of the organisation's current Stop Violence Against Women campaign.

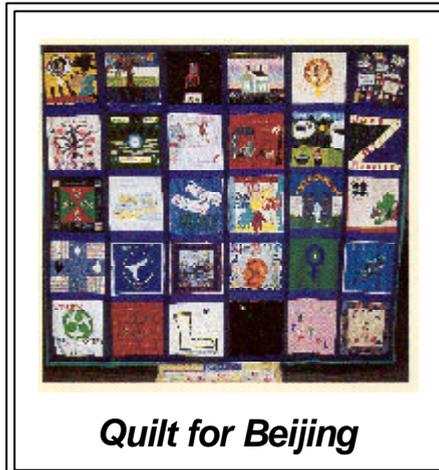
☞ 10<sup>th</sup> December 2004 – Women into Politics held a women's human rights conference with invited international speakers from Venezuela, Afghanistan, Zimbabwe, and a keynote address on the situation of Aung San Suu Kyi in Burma. The key speaker was the international law expert Professor Christine Chinkin

☞ In May 2005, a major international conference entitled Women and Human Rights: "Conflict, Transformation and Change" is to be organised by the Transitional Justice Institute at the University of Ulster.

Just News will report on other events as they are planned, but CAJ is hoping to make its own contribution by 'resurrecting' the beautiful quilt that was created for, and displayed, in Beijing in 1995. The "Quilt for Beijing" was created by women from different community and voluntary groups from across the island of Ireland in preparation for the 4th UN World Conference on Women in Beijing. Groups of women from as far apart as West Belfast, the rural border area of Fermanagh, working class areas in Dublin, Kerry, Bangor, and Coleraine, all came together to design and make the quilt. The theme "women's rights are human

rights" gave those involved an opportunity for education, information sharing, and activism. Having created a stir at Beijing itself, where it was proudly displayed in the European tent, the quilt was formally launched locally at the Old Museum Arts Centre in Belfast in September 1995.

Since its creation it has travelled throughout the island of Ireland as a backdrop to various human rights activities. The quilt itself is 11' x 9' and can be used for display and discussion purposes. The quilt is being re-launched in this anniversary year and any group or individual wishing to avail of it for exhibition or other purposes should contact the CAJ office.



**Quilt for Beijing**

Since then, greeting cards with a photograph of the quilt were produced, and in 1997 "A stitch in Time" A5 booklet, carrying coloured pictures of each panel of the quilt and providing an explanatory note from the various contributors was made - a small number are available from the CAJ office (£3.00).

In 2000 ("Beijing + 5"), CAJ sent recommendations to the UN in response to the UK government's report to the Committee on the Elimination of Discrimination Against Women. The UK is due to be examined again by CEDAW in 2005

but this may be delayed. Nevertheless, a number of women's groups have started to discuss what issues need to be addressed in the examination. Notably also Ireland is pending review by the CEDAW Committee next year. Perhaps a "quilt tour" will help facilitate the exchange between local and global activism on human rights, and encourage local women to engage in the international debate about women's rights?

### Contents

<b>Women's Rights are Human Rights</b>	<b>1</b>
<b>Youth Justice - review</b>	<b>2</b>
<b>What emergency?</b>	<b>3</b>
<b>Update on cases</b>	<b>4/5</b>
<b>The end of 'public' inquiries as we know them?</b>	<b>6</b>
<b>Take a Closer Look!!</b>	<b>7</b>
<b>Civil Liberties Diary</b>	<b>8</b>



# Youth Justice

**Research was commissioned by the NIO in July 2003 from Independent Research Solutions and the result is a professional and politically astute piece of work - entitled The "Evaluation of Youth Justice Agency Community Services". It is the culmination of a well considered research process, comes to reasonable conclusions, and makes recommendations which are largely positive and sensible. Ethical and practical dilemmas are raised in the work and packaged in a non-threatening way (for the NIO). The issues and dilemmas, do, however, signpost some potential current and future concerns from a civil libertarian viewpoint.**

The aim of the research was to assess the effectiveness of the model used by the Community Services branch of the new Youth Justice Agency in diverting children away from the criminal justice system. While international human rights standards were referred to in the research they were not used as the measure of the service's success; instead meeting its own targets and 'value for money' were the central standards applied.

The research places the Youth Justice Agency (YJA) in its contextual and legal framework. The creation of the Agency lies in proposals found in the Criminal Justice Review Implementation Plan - it replaced the Juvenile Justice Board in April 2003. The Community Services element comprises 18 projects, mainly east of the Bann, with proposals to extend services to other areas including Omagh and Derry in the near future.

The report concludes appropriately that "both theory and research would point to the fact that lower income, poverty, conflict, poor childrearing and absence of parents can all be contributory in terms of risk factors. Therefore, identifying and addressing the needs of young people and families at risk is crucial in terms of early intervention".

The range of therapies and support provided by the projects was impressive including counselling, family work, issue based groups, self help groups, cognitive skills training, systemic family therapy, parents'

groups, and various educational and outdoor pursuits training - some leading to accredited qualification and preparation for employment.

The feedback described from other agencies - Social Services, Education, Probation, PSNI and so on - and in particular from the children and families involved, is excellent. If the statistics are an accurate reflection of successful resolution of problems, it is clear that at the practice level, the YJA has a very dedicated, skilled and successful workforce.

Of the 827 "voluntary" referrals (children at risk) 54% were closed in the first 12 months, 27% were still open and under 12 months by the end of the research period and only 2% were closed after 24 months or still open by the end of the research period. The figures provided for the statutory referrals (children on Attendance Centre Orders) were 69% closed in 6 months and 18% open during the research period. Given the complexity of the problems and issues faced by young people and their families, it is difficult to see how this work rate could easily be improved upon if the standards of effectiveness and good practice described are to be maintained. It is a matter of some concern, therefore, that the research states that a "weakness" in the review process "is reluctance to close cases."

The research states "it is also agreed that it may not be good practice or viable to allow young people to stay indefinitely at the projects..." It is

unclear who "agreed" this, certainly not the practitioners who identified the "genuine reasons" why it had occurred in a small number of cases, nor anyone else arguing for a rights based approach to provision of services and treatments. To expect workers to help all children with extremely distressing and long term problems to resolve them within two years would be mechanical and unreasonable. While the researchers do not assert this, someone at policy level may be considering it, given its inclusion in the report. It is a policy maker's fantasy that practitioners can be given bigger case-loads, less time and fewer resources but keep standards high and achieve more "through put".

There is of course, a "genuine" resource issue in relation to long term services but this should not be dealt with by asserting that staff may be engaging in "bad practice" if they work with families beyond a two year cut off.

The research notes that the new court orders - Reparation Orders and Community Responsibility Orders - are likely to have a significant but uncertain impact on service delivery. It signposts tensions in partnerships with Probation relating to boundaries, responsibilities and expertise, and likely future tensions over resourcing issues with other partner agencies, including Social Services. These could end in turf wars, so this is not explicitly addressed in the report. The researchers recommendations are, however, particularly sensible in this context.

Overall, the evaluation is a useful mapping exercise. There are a considerable number of changes and difficulties ahead for the community services and YJA. It is to be hoped that senior managers can appreciate the excellent work highlighted in this evaluation and protect it as far as possible in the difficulties ahead.

**Anne McKeown**

*NIO Research & Statistical Series:  
Report No. 11, May 2004,  
[statistics.nio@nics.gov.uk](mailto:statistics.nio@nics.gov.uk)*



## What emergency?

**In October's Just News, we reported that the UK government was being examined by the UN Committee Against Torture (UNCAT). This system of periodic review, whereby governments who have signed and ratified international conventions submit reports which are subsequently examined by the relevant committees, provides arguably the most important international opportunity for NGOs to comment on government's implementation of these conventions. As such, it is an important opportunity to highlight areas where the government is falling short, and the experience in UNCAT this time emphasised how crucial is the attendance of and participation by independent NGOs in the process.**

The government's report to UNCAT spanned 102 pages. From this, the Committee drew up a list of 43 issues requiring more information and the government submitted a further 51 pages (and 9 appendices). Bearing in mind that the Committee examines several countries per session (in this instance three others), that they spend only a few days per country and that they very often do not get the material until the beginning of the session – that is a lot of reading in a very short space of time!!! In addition, the UK government sent a delegation of a whopping 25 people. Very few of these people actively contributed, but the intention of this and the masses of material was clearly to convince the Committee how seriously UNCAT is taken. The more cynical amongst us might wonder if deluging the Committee with information is entirely helpful.

The UN committee system generally welcomes submissions from NGOs and others, as these provide alternative information, but how they deal with NGOs differs from Committee to Committee. UNCAT this year decided to hold a briefing session prior to the examination of the government, thus providing themselves with an opportunity to hear directly from NGOs. Given the amount of reading highlighted above, it is obvious that Committee members often rely on NGO information to pinpoint priority areas and UNCAT was no exception. While making written submissions is a valuable exercise, being "on the spot" to provide short succinct oral briefings, propose questions for the Committee, and point out misleading or even wrong information provided by government during the period of the examination is the only really effective way to make an impact. This is especially so given that government on this occasion refused to make available to NGOs its written response to the list of issues (despite going on to boast to the Committee about having done so).

Government reports tend to see Northern Ireland as an "afterthought" and there is a danger that it gets overlooked in the overall examination, so a physical 'presence' is particularly important. Added to this, as predicted in October's Just News, UNCAT was dominated by issues such as the A and Others case on admissibility of torture evidence, treatment of detainees in Iraq etc, and Northern Ireland might have fallen completely off the agenda without someone present in the sessions.

In practice, several important Northern Ireland issues were addressed. Firstly, there was the discussion of the impact of the McKerr judgement of the House of Lords regarding retrospectivity of the Human Rights Act (Just News, June 2004). Government repeatedly emphasised that torture was outlawed by virtue of incorporating Article 3 of the European Convention of Human Rights via the Human Rights Act but did not explain the significance of the McKerr judgement, which effectively meant that any allegation of torture can secure a remedy only if it occurred post-2000 (when the Human Rights Act came into force). UNCAT members persistently questioned the delegation on this very point.

Secondly, there was the issue of lethal force - the Committee recommended that *"the State party should take all practicable steps to review investigations of deaths by lethal force in Northern Ireland that have remained unsolved, in a manner, as expressed by representatives of the State party 'commanding the confidence of the wider community'."*

Thirdly, the Committee again challenged the continuation of emergency legislation in Northern Ireland with various members pressing the government delegation on the need for this continuation given the existence of peace and relative stability in Northern Ireland. The government reply did not satisfy the Committee since their Concluding Observations noted *"the absence of precise information on the necessity for the continued emergency provisions for that jurisdiction contained in the Terrorism Act 2000"*.

Fourthly the treatment of prisoners in Northern Ireland gave UNCAT cause for concern, and they recommended that the NI Human Rights Commission be designated as one of the monitoring bodies under the Optional Protocol to CAT, which would then allow them to have unrestricted access to prison facilities.

Clearly attendance at these periodic examinations is crucially important; but follow up is even more crucial. UNCAT has asked for a report on actions taken within the year, and CAJ will be monitoring the recommendations closely.

See UNCAT Concluding Observations [http://www.ohchr.org/tbru/cat/United\\_Kingdom.pdf](http://www.ohchr.org/tbru/cat/United_Kingdom.pdf)



# Update

Readers will remember that in September's issue of Just News it was reported that the Hamill, Nelson and Wright families had met separately with senior NIO officials and put questions to them about the composition, terms of reference and procedures that would govern the inquiries about their cases.

Despite assurances at these summer meetings, it seems that the families' concerns were actually well founded. In the early Autumn, the families, CAJ and other NGOs reiterated their concerns to the NIO that the government was reneging on its commitment to consult with the next of kin before publication of the Inquiry's terms of reference and composition. The NIO suggested that the families were 'parties' to the inquiries and it might therefore be prejudicial for the inquiry chairs to consult them. Instead they proposed that the NIO act as intermediaries on the families behalf. There was an apparently no irony intended. The government, even though it and its agents are accused of collusion in the death or subsequent investigation of Robert Hamill, Rosemary Nelson and Billy Wright, were apparently not considered to be "parties". The NIO had no qualms in offering themselves to the families as honest brokers.

No recognition was granted to the particular role that victims' families might have. Yet another arm of government - the Department of Constitutional Affairs in its consultation document did recognise the special place of "parties" to inquiries stating,

*"these people are referred to as "parties" to an inquiry, but they are not the same as parties to court proceedings, because they have no case to promote. Their role is primarily to assist the inquiry in establishing the facts, whatever hopes they might have about the outcome of the inquiry."*

On the 16<sup>th</sup> November the Secretary of State, Paul Murphy, in a written statement to Parliament announced both the identities of the inquiry panels and the inquiries' terms of reference. There was no consultation between the NIO and the families.

## Rosemary Nelson

The Rosemary Nelson inquiry will be chaired by Sir Michael Morland, a retired member of the High Court of England & Wales. The other panel members will be Sir Anthony Burdett (former Chief Constable of South Wales Police) and Dame Valerie Strachan (Vice Chair of the Big Lottery Fund and former Chair of the Board of Customs and Excise). The inquiry will be held under section 44 of the Police (Northern Ireland) Act 1998.

Its terms of reference will be:

*'To inquire into the death of Rosemary Nelson with a view to determining whether any wrongful act or omission by or within the Royal Ulster Constabulary or Northern Ireland Office facilitated her death or obstructed the investigation of it, or whether attempts were made to do so; whether any such act or omission was intentional or negligent; whether the investigation of her death was carried out with due diligence; and to make recommendations.'*

## Robert Hamill

The Robert Hamill inquiry will be chaired by Sir Edwin Jowitt, a retired member of the High Court of England & Wales. He will be joined on the inquiry panel by Sir John Evans (former Chief Constable of Devon and Cornwall) and Reverend Baroness Richardson of Calow (former Moderator of the Free Churches' Council of England & Wales). The inquiry will be held under section 44 of the Police (Northern Ireland) Act 1998.

Its terms of reference will be:

*'To inquire into the death of Robert Hamill with a view to determining whether any wrongful act*

*or omission by or within the Royal Ulster Constabulary facilitated his death or obstructed the investigation of it, or whether attempts were made to do so; whether any such act or omission was intentional or negligent; whether the investigation of his death was carried out with due diligence; and to make recommendations'*

The Hamill family have long expressed their concerns that Robert's death was a result of collusion underpinned by institutional sectarianism. While

section 44 of the Police Act 1998 says that the inquiry may look "into any matter connected with policing", it is unclear whether these terms of reference can and indeed will be interpreted so that they allow a full examination of all the circumstances surrounding Robert's murder, establishing the full facts, with particular regard to collusion. The terms of reference make no mention of collusion. This may also violate the European Convention Article 2 (right to life) standard as expressed in the Shanaghan case, which requires that if relevant the issue of collusion be thoroughly investigated by the state.



## 7 cases

### Nelson

It is unclear whether these terms of reference are and indeed will be interpreted so that they allow a full examination of all the circumstances surrounding Rosemary's murder. Will the inquiry be able to establish the full facts, with particular regard to collusion and the failure of various state agencies to offer her protection, as well as examining whether the police investigation into her murder was sufficiently independent and identify any shortcomings? A particular concern in this case is that reference is made explicitly to the RUC and NIO. Yet there are allegations that two army officers were somehow implicated in Rosemary Nelson's death. Will the terms of reference exclude this aspect of the case or will the inquiry seek to use its authority under the Police Act to range more widely? Section 44 of the Police Act 1998 says that the inquiry may look "into any matter connected with policing", and the army in Northern Ireland is definitely connected to policing.

### Billy Wright

The Billy Wright inquiry will be chaired by the Right Honourable Lord (Ranald) MacLean of the Court of Session in Scotland. He will be supported in this role by the Right Reverend John Oliver (retired diocesan Bishop of Hereford) and by Professor Andrew Coyle (Director of the International Centre for Prisons Studies at King's College, London). This last member Andrew Coyle may be known to CAJ members from the time he helped launch the CAJ Prisoners' Rights handbook in December 1997 and is a leading prison law expert. The inquiry will be held under section 7 of the Prison Act (Northern Ireland) 1953.

Its terms of reference will be:

*'To inquire into the death of Billy Wright with a view to determining whether any wrongful act or omission by or within the prison authorities or other state agencies facilitated his death, or whether attempts were made to do so; whether any such act or omission was intentional or negligent; and to make recommendations.'*

David Wright's father David is concerned that these terms of reference only look at the circumstances leading up to his son's murder and limit the inquiry to "wrongful" acts which differs from Judge Cory's definition of collusion. There are concerns about whether these terms can and will be interpreted so that the inquiry will conduct an examination of all the circumstances surrounding this murder and in particular will investigate wider political and policy matters.

The families, CAJ and other NGOs share a common concern that not once in the terms of reference is the word collusion mentioned despite Judge Cory's very clear definition and his findings that supported allegations of collusion.

CAJ, the family and other NGOs have written to the Secretary of State and the inquiry chairs, expressing these concerns and their demand that these crucial issues need to be resolved. It is vital that the terms of reference and operation of the inquiries are fully compliant with the requirements of the European Court on Human Rights which requires a thorough investigation in all such cases. The families are seeking meetings with the chairs to try to resolve their serious concerns and are also seeking a guarantee from the government that the inquiries will not be converted under the proposed Inquiries Bill (see page 6).

### 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 in the office. Anyone interested in this service, should telephone CAJ office on (028) 9096 1122.



## *The end of 'public' inquiries as we know them?*

**The Finucane family have been struggling to ensure the creation of a public judicial inquiry into the murder of solicitor Patrick Finucane since he was murdered in 1989. There have been delays after delays, but now it seems that government is willing to end the practice of public inquiries as we know them – in part, simply to avoid being held to account for what happened on the night of Pat Finucane's murder.**

The import of the proposed new legislation – the Inquiries Bill, laid before the House of Lords on 9 December – is very wide. As a government spokesperson said, the new inquiries will replace the different investigations that have taken place in the past into Bloody Sunday, the Shipman murders, the Stephen Lawrence racist attack, the Victoria Climbié child abuse case, hospital deaths and others. Obviously, government's agenda is not limited to restricting public access to information about the Pat Finucane case.

### **Recent developments**

Tracking the more recent developments on the Finucane case, Just News readers will know that Judge Cory, the Canadian judge asked by both governments to look into this and five other cases, concluded. *"This may be one of the rare situations where a public inquiry will be of greater benefit to a community than prosecutions."* The judge's conclusion however that government should open an inquiry as soon as possible was subsequently disregarded on the grounds that nothing could proceed whilst there were ongoing prosecutions.

The trial of Ken Barrett for Pat Finucane's murder concluded in September 2004 with a guilty plea. CAJ and others were disappointed that the police investigation, while it had secured Barrett's conviction, had not succeeded in uncovering any significant new information about the murder. We shared the view of the Finucane family that a key outcome of the murder investigation had only been to delay the establishment of a public inquiry and CAJ called for an inquiry to be set up immediately.

On the 23<sup>rd</sup> September 2004 Minister for State Paul Murphy said that the government stood by the commitment made at Weston Park to hold an inquiry into Pat Finucane's death but he went on to say *"As in any inquiry, the tribunal will be tasked with uncovering the full facts of what happened, and will be given all of the powers and resources necessary to fulfil that task. In order that the inquiry can take place speedily and effectively and in a way that takes into account the public interest, including the requirements of national security, it will be necessary to hold the inquiry on the basis of new legislation which will be introduced shortly."*

However, legislation already exists to allow an independent judicial inquiry to proceed. The Tribunal of Inquiries (Evidence) Act 1921 allows for both houses of parliament to pass a resolution for an inquiry into a matter of urgent public importance, and this would have been an excellent vehicle for getting to the truth.

### **Legislative proposals**

Government instead intends to introduce completely new legislation. In the new arrangements, the inquiry will be set up by a Minister and he/she alone decides on the composition of the panel and the terms of reference of the inquiry, without any need for consultation with the chair or any other persons or bodies who might have a legitimate interest in the inquiry. It is obviously not always in the Minister's interest to ensure a wide remit for an inquiry into alleged wrongdoings on his/her part, or the part of his/her department. Neither is there any provision for consultation with the victims or their next of kin on the terms of reference or composition of the inquiries. The only proposed 'limitation' to the Minister's powers in this domain is the far from onerous responsibility to "have regard" to the need to ensure that the inquiry panel has the necessary expertise and to the need for balance.

Even when the inquiry is underway, it is proposed that the Minister have extensive powers to restrict the inquiry regarding attendance at the inquiry, disclosure, or publication of any evidence or documents. Under this draft legislation the Minister has greater powers to classify information and take matters out of the public domain without any independent scrutiny. The matters to which the Minister and the chair have to have regard in determining the restrictions to be imposed suggest a presumption in favour of issuing Restriction Notices.

This draft legislation also proposes that no future NI Minister could include in the terms of reference of an inquiry anything to do with any event which happened before the 2<sup>nd</sup> December 1999, or for inquiring into anything which happened during any period of the suspension of devolved government in Northern Ireland. As the discussion ebbs and flows about how best to handle the past, this legislation ensures that certain options will be explicitly ruled out even before they have been debated.

The whole purpose of holding a public inquiry is to allay public concern and to learn lessons for the future. The new legislation in no sense offers such a vision and, unless radically changed, is really the end of 'public' inquiries as we knew them.



## Take a Closer Look!!

**Anyone wishing for a seasonal laugh would do well to take a closer look at “Take a Closer Look” - a publication that has been produced for the Northern Ireland Bureau in Washington, and essentially represents the image that OFMDFM want to convey to the US about how Northern Ireland really is.**

This document in its introduction tells us that there are ‘*far reaching changes underway in virtually every aspect of life in Northern Ireland today*’. While this might be thought to be a reference to the introduction of water charges, or indeed Anti-Social Behaviour Orders, the document does not refer explicitly to either. To be fair though, the section on infrastructure does state that ‘*the water system, roads and public transport systems, including new bus and train stations, are all set to benefit from fresh cash injections*’. What is not stated clearly is the fact that the cash being injected – at least in relation to water – will be coming out of the pockets of householders via water charges.

Equally, those readers concerned about the criminalization of children and young people, or the increasing levels of child poverty, will be surprised to hear that Northern Ireland is “at the cutting edge of promoting the rights of children”. And before you ask, no, there is no mention of the decision to axe the Children’s Fund in the recent Northern Ireland Budget and Priorities document.

Readers will be pleased to learn that Northern Ireland people ‘*have a passion for life and thanks to the strong education system, have a can-do attitude as well as being highly skilled and easily motivated*’. The large percentage of children who leave school every year with little or no qualifications are not dwelt upon in any respect.

Is it this analysis that explains government’s recent abolition of the ‘worktrack’ employment training scheme? This was a scheme which particularly benefited female returners to the labour market, and was generally acknowledged to be working well for women in poorer areas. Unfortunately, ‘Take a closer Look’ doesn’t tell us how those women will now fare – it does tell us though that ‘*action has been taken not only to promote equality of opportunity across a broad front in employment, but also to tackle unemployment and social need*’.

The section on regeneration reports that new energy is ‘*pumping through Northern Ireland as government, in conjunction with public bodies, voluntary agencies and community groups, injects fresh ideas and funds into tackling social, economic and physical regeneration and redressing disadvantage in cities, towns, and villages*’. It is not clear if this description is intended to cover government’s proposed anti-poverty strategy. The strategy was overwhelmingly rejected by the community and

voluntary sector since it was a rhetorical commitment with no funds attached.

In relation to housing, many readers will be delighted to hear that ‘*access to a decent and affordable home, especially for those people with greatest social need, is considered a right, rather than a privilege*’. This seems, however to disregard completely government’s 2005 plans for the Traveller community. Under the new proposed ‘Unauthorised Encampments’ legislation, Travellers face the prospect of police seizing their homes in situations in which the home happens to be causing a nuisance to the settled population. Effectively the legislation, for the first time, criminalises nomadism – and no, this legislation does not get a mention either.

Clearly, any publication designed to promote Northern Ireland abroad is likely to ‘accentuate the positive’. It is worth noting however that this overlooking of disadvantage is also apparent, though to a lesser extent, in the draft Priorities and Budget document (the nearest thing that we have to a Programme for Government in the absence of devolution). It is very problematic however, when government creates the impression that inequality and disadvantage are a thing of past, and that the public, private and voluntary sectors are awash with resources. The OFMDFM publication refers several times to the Agreement, but rarely comments on the mechanisms created thereby to address inequality and disadvantage.

The real challenge is that on all the recent evidence government is not living up to its obligations under the Agreement. There is the discredited Anti-Poverty/New TSN Strategy, that many in the sector view as not worth the paper it is written on; there is the Treasury squeeze that is seeing threats to school meals, school crossing facilities, and the recently announced closure of the ‘worktrack’ training programme; there is the abolition of the Children’s Fund; and the introduction of legislation that can only further exclude one of the most marginalized ethnic groups in Northern Ireland. The idea that life is getting better for everyone in Northern Ireland is patently untrue.

For government to oversee increases in poverty and inequality in the way that it has done since the signing of the Agreement is inexcusable – particularly since the Agreement offered the real possibility of addressing Northern Ireland’s legacy of misery and disadvantage. Nor is it excusable to promote in the US a view of Northern Ireland that ‘airbrushes out’ the experiences of those who are not ‘having it so good’.



## Civil Liberties Diary

**Nov 2** The family of Pat Finucane call for a public enquiry ahead of a meeting with Tony Blair. They express concern that the recent government announcement does not appear sufficiently independent.

A joint study by Save the Children and Queen's University, Belfast reports that 32,000 children live in poverty. 8% of all children are "severely poor" and regularly do not get enough food.

**Nov 4** 60% rise in race crime reported to police. The six months to the end of September shows 299 incidents compared to 180 during the same period last year. This may be due to victims being more willing to come forward.

**Nov 8** Lesbian couple seek legal recognition in the High Court in Dublin. The action will have enormous implications for all co-habiting couples in the Republic of Ireland.

**Nov 11** PSNI Chief Constable Hugh Orde confirms he may bring in outside officers to work on some of the many unsolved murders from the Troubles.

**Nov 12** Brice Dickson, Chief Commissioner of the NIHRC, states that "government has a duty to put in place measures which ensure there can be no recurrence of the collusion between security forces and paramilitaries." He also called on the government to do more to fully investigate outstanding allegations of collusion.

**Nov 14** Funeral held for Sir Robert (Bob) Cooper, who headed up the first Fair Employment Agency and subsequently the Fair Employment Commission.

**Nov 17** Paul Murphy announces the composition and terms of reference for inquiries into the murders of Robert Hamill, Rosemary Nelson and Billy Wright.

**Nov 18** British government is criticised by a senior judge for failing to cooperate with a Republic based inquiry into the Dublin bombings in 1974.

**Nov 23** NIHRC is to take the NIO/government to court to gain access to the Juvenile Justice Centre in Rathgael, Bangor to see if recommendations contained in an earlier report have been upheld.

**Nov 24** A Coronor's inquest concluded that if reasonable precautions had been taken by the Northern Ireland Prison Service the suicide of teenager Annie Kelly in Maghaberry could have been prevented.

Bloody Sunday Inquiry closes after 4 years; tribunal judges retire to compile report. [Editorial note] At the time of going to print, media reports suggest the inquiry may reconvene exceptionally to examine one crucial witness.

**Nov 25** Decision not to prosecute 3 SAS agents for the killing of Danny Doherty and William Fleming in Derry in 1984 is upheld by the High Court in Belfast.

**Nov 26** Robert Paul, a detective inspector, claims racial discrimination against the PSNI and Hugh Orde at an industrial tribunal in Belfast. He claims he was prevented from applying for a senior post that was filled by two officers drafted in from Britain.

**Nov 27** UN Committee Against Torture condemns the Northern Ireland practice of detaining female asylum seekers in unacceptable prison conditions. This is unlike Britain and

Republic of Ireland where custom built centres or alternative accommodation is available.

**Nov 30** Race discrimination case brought against Labour Party by member Andy McGovern. He challenges refusal of the party in Northern Ireland to open constituency offices.

Judge Peter Cory expresses regret that the family of Pat Finucane will have to wait even longer for a proper public inquiry.

The family of victims allegedly killed in state/loyalist paramilitary collusion meet with MEPs to lobby the European Parliament to support an independent inquiry into the murder of Patrick Finucane.

*Compiled from various newspapers.*

### CAJ Members & Subscribers

*By now requests for membership/subscription renewal notices should have reached you. However, as we are always looking for new members, we would be grateful if you would encourage family, friends or colleagues to join, or perhaps think about giving the gift of CAJ membership to someone at this time of year!*

**CAJ would like to take this opportunity to wish everyone Season's Greetings and a peaceful 2005**

*Just News*  
Human Rights in Northern Ireland

JustNews welcomes readers' news, views and comments.

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

Correspondence should be addressed to the Editor, **Fionnuala Ni Aolain**, CAJ Ltd.

45/47 Donegall Street, Belfast BT1 2BR  
Phone (028) 9096 1122

Fax: (028) 9024 6706

*The views expressed in Just News are not necessarily those of CAJ.*

