

Just News

Human Rights in Northern Ireland

All change at the commissions...

Two important institutions arising from the Agreement were the NI Human Rights Commission (NIHRC) and the Equality Commission (EC-NI), and important changes are underway in both institutions.

The NIHRC replaced the former Standing Advisory Commission on Human Rights (SACHR) and was to have an "extended and enhanced" role over its predecessor. The Commission was duly established in 1999 under the chairmanship of Brice Dickson; he was replaced this month when the Secretary of State named the new Chief Commissioner as Monica McWilliams. Together with seven new Commissioners, the Chief Commissioner will start work in September.

The Equality Commission also came into being in 1999 but as an amalgam of earlier equality bodies. The term of office of Chief Commissioner Joan Harbison ended this month and she has been replaced by Bob Collins, former Director General of the Irish public broadcasting company, RTE. For full membership of both Commissions, see page 8.

As "products" of the Agreement and of the political negotiations around the human rights and equality provisions needed in any new dispensation, both Commissions have perhaps understandably faced difficulties in meeting the many expectations placed in them. Those difficulties have been of both an internal and external nature. CAJ will be seeking early meetings with both new Chief Commissioners to discuss future plans.

In particular, we will be discussing concerns that have been expressed about the composition of both Commissions. Appointments are a responsibility of government and no Commission should be 'blamed' for any real or perceived failings in representativeness; nor should any Commission have to 'compensate' for perceived or real gaps. If there are genuine problems in composition, government should remedy them; otherwise, government should actively defend its appointments. The old NIHRC was seriously damaged by early and persistent criticisms of its composition, undermining its potential for effecting real change for the good of all.

Obviously, government needs not only to appoint the right people but to ensure that the Commissions have the requisite powers, resources and independence, to carry out their functions effectively. The powers promised to the NIHRC in December (and campaigned for over many years)

have still not been accorded to it - apparently, we are now waiting for an appropriate 'gap' in the legislative timetable.

Similarly, the single piece of comprehensive equality legislation that campaigners argued for in 1998 is still very much at the blueprint stage. Resourcing for the NIHRC is much better than previously, but the Joint Committee on Human Rights expressed concern about the adequacy of the Commission's financial independence from the NIO. The Equality Commission appears to have overcome its early problems in the funding of individual cases, but the same issues of financial independence and autonomy apply to them as to the NIHRC.

Perhaps most importantly of all, and a responsibility that lies with the two Commissions rather than government, is the need to develop and move forward vibrant agendas for improvements in the human rights and equality spheres. While there have been many improvements over the years in both domains, there is still much to do in terms of developing a Bill of Rights, handling the legacy of the past, ensuring effective policing on the ground, bringing about genuine equality of opportunity for all, challenging the cycle of poverty and exclusion arising from past discrimination and disadvantage, and making real the promises of criminal justice reform.

The two Commissions need to give leadership to the governmental and non-governmental sector in delivering on the Agreement's eloquent promise of a "new beginning". To do this, they need to develop a coherent and positive vision of a society that respects the inherent dignity of each human being and is prepared to develop the policies and programmes that allow everyone to develop to their full potential.

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Commentary on the Office of the Police Ombudsman

CAJ has recently published a Commentary on the Office of the Police Ombudsman for Northern Ireland (OPONI) as the third in its series of publications looking at the new policing institutions established in the wake of the Agreement and the Patten Commission.

The Commentary on the Office of the Police Ombudsman is not a formal evaluation of the work of the Office, but an assessment of what seems to be working well and what might benefit from improvement.

On the basis of our research, CAJ believes that the Office of the Police Ombudsman is making a major contribution to police accountability. Successes of the institution include quickly establishing an effective complaints mechanism, handling a very high volume of work, increased dissemination of police complaint data and bringing many faulty police practices to light.

Improvements can always be made, however, in the manner in which any institution conducts its work, and how government supports OPONI in terms of powers and resources. CAJ makes a number of recommendations including:

- the need to carefully monitor the quality of OPONI investigations and complainant and police satisfaction;

- the need to improve in areas such as outreach, communications and disclosure of information, particularly to complainants and their solicitors;

- the need to reassess the interpretation of operational policing matters so as to ensure that serious matters which have a large impact on policing are not judged as operational and thus outside their remit;

- the need for more powers, to require the PSNI to supply documents within a reasonable period of time and the power to interview and investigate retired officers regarding alleged misconduct.

The Commentary concludes that OPONI is making a major contribution to developing greater confidence in policing. By highlighting a number of improvements that can be made, CAJ hopes that our recommendations will help assist OPONI build on its work to date and deliver the vision of accountable human rights compliant policing envisaged in the Agreement and the Patten Report.

Copies of the Commentary (135 pages) can be obtained from the CAJ office, price £5.

Assessing the Northern Ireland Policing Board

CAJ has recently learned that the Policing Board has commissioned an independent assessment of its work. It is not entirely clear how this initiative came about, but a meeting has been offered to CAJ and this will provide an opportunity to learn more about why the group was appointed, what they hope to do, and what their intended audience is.

The review is to report to the Policing Board by September on the following:

"To assess the performance and effectiveness of the NIPB, identifying key learning experiences, especially with regard to:

- *The extent to which the NIPB has fulfilled the Patten vision of its role.*
- *The impact the NIPB has had within the new policing arrangements.*
- *The statutory framework within which the NIPB operates and the extent to which it has fulfilled its statutory obligations."*

The panel includes two members from the Republic of Ireland, Maurice Manning (Chief Commissioner of the Irish Human Rights Commission) and James Mackey

(theologian), two members with extensive experience of English policing (the chair, Sir Keith Povey, former Chief Constable and HMIC, and Graham Gordon, solicitor with experience of work with Police Authorities), and the only 'local' member, Rotha Johnston (Deputy Chair, Invest NI).

The principal role of the Panel is described as obtaining the views of key stakeholders in relation the areas mentioned above. However, the key stakeholders initially identified, while quite extensive, were all policing and criminal justice institutions. The sole exception is "local authority executives", but this ignores District Policing Partnerships (whose members have often undertaken their work at great physical risk), statutory groups with a specific interest in policing such as the Human Rights and Equality Commissions, and the wider community. Some of these oversights appear to be being remedied, but it is worrying that an initial list that entirely 'overlooked' civil society could have been drawn up. It is not even clear if political parties, trade unions, and churches have been made aware of the review.

CAJ will raise concerns about the nature of the Board's "holding the Chief Constable publicly to account", the decision making process surrounding issues such as new plastic bullets and CS spray, human rights awareness, the extent of community policing and the nature of Board's outreach. Those wishing to contribute to the Review Panel, should contact them via the Policing Board.

Parade related protests: is it the "taking part" that counts?

The extension of the Parades Commission's remit to include the power to impose conditions on parade related protests and supporters of public processions, leaves a number of difficult questions unanswered.

The rioting in Ardoyne on 12 July occurred at an unnotified protest. It has since been claimed that police over-reacted in deploying water canon, and that this undermined the ability of community representatives to control the situation. It has also been claimed that violence escalated because of the Continuity-IRA's involvement. The problem of 'hangers-on' thus afflicts protests as well as parades, and the problem of regulating such protests is particularly acute when they are unnotified and/or spontaneous.

Such problems raise the question of what incentive exists for someone to submit notice of their intention to hold a parade related 'protest meeting.' Under s.7(6) Public Processions (NI) Act 1998 (the PPA), a person 'who organises or takes part in' such a meeting which does not satisfy the 14 day notice requirement (if notification was reasonably practicable), is guilty of an offence. But by virtue of being unnotified, such events are less likely to have an identifiable 'organiser', and the question of whether or not someone is 'taking part' is problematic.

Taking part

When the Parades Commission determined that "only Lodge members and the notified marshals" may pass the Ardoyne interface in July 2004, leave to judicially review the determination was sought by a *follower* of the parade. In dismissing the application, Weatherup J confirmed that "persons organising or taking part in" a "public procession" did not include parade followers or supporters, and he laid down three criteria to determine if someone was a parade participant or mere supporter. Participants must (a) intend to be part of a parade, (b) be in

close proximity to the parade, and (c) act in a manner that an observer might reasonably conclude was in common purpose with the parade.

In response to this ruling, and without further consultation, the Public Processions (Amendment) (NI) Order 2005 was enacted. This gives the Parades Commission the power to impose conditions on supporters of a public procession and draws on the last two criteria above.

The 2005 Order also gives the Commission power to impose conditions on parade related protest meetings. There is, however, no legislative definition of what "organising" or "taking part in" a parade related protest meeting entails, and no distinction between participants and non-participants. When the Parades Commission determines that a protest organizer "shall ensure the protest comprises no more than [x] participants" (as it has done in Kilrea, Maghera, and the Short Strand), what of those who might claim they are not participating? What if the numbers swell beyond the permitted ceiling? What distinguishes a spontaneous protest from an organised one? If the event is unnotified but stewarded, are stewards implicitly accepting organisational responsibility? Does support for, or attendance at, a protest equal "taking part in" it? While no straightforward answers are provided by human rights jurisprudence, some relevant cases deserve mention.

An assembly

In the case of *Kivenmaa v Finland* (1994), a Finnish Court ruled that a group of 25 persons were, through their behaviour (distributing leaflets and displaying a banner), distinguishable from a larger spontaneously gathered crowd, and could therefore be regarded as constituting a public meeting which should have been notified to the authorities. The United Nations' Human Rights Committee, however, disagreed, and found that the prosecution for holding a 'public meeting' without prior notification was

in violation of both articles 19 and 21 of the ICCPR. This suggests that where a parade-related protest is spontaneous, prosecutions under s.7(6) PPA may breach the right to peacefully assemble.

Violent protest

As was stated by the ECHR in the case of *G v FRG*, the right to freedom of assembly does not extend to demonstrations where the organisers and participants have violent intentions. Indeed, as s.9A(6)(d) PPA provides, the Parades Commission could penalise future notified protests on the basis of breaches of the statutory Code of Conduct at previous unnotified events. In *ARM Chappell v UK* (1987), for example, despite the Druids' abdication of any responsibility for the actions of hangers-on, the ECHR upheld the restrictions on their solstice celebration.

An important caveat to this principle was articulated by the ECHR in *Stankov and the Ilinden v Bulgaria* (2001). Rather than imposing prior restrictions, isolated incidents can 'adequately be dealt with through the prosecution of those responsible.' Furthermore, in *Ziliberberg v Moldova* (2004), it was emphasized that:

"An individual does not cease to enjoy the right to peaceful assembly as a result of sporadic violence or other punishable acts committed by others in the course of the demonstration, if the individual in question remains peaceful in his or her own intentions or behaviour."

The challenge for the police is not to treat a crowd as homogenous, and this has particular relevance for police action to arrest or detain protesters, or when attempting to disperse an assembly. The Parades Commission too (with, potentially, an entirely new membership from January 2006) will have to tease out answers to these questions as its new powers are tested.

Michael Hamilton
Transitional Justice Institute

In May 2002 the UK government established a Review of its position on international human rights instruments led by the Department of Constitutional Affairs. This Review was to be conducted in the light of the UK's experience of the operation of the Human Rights Act, the availability of existing remedies within the UK, and the law and practice in other EU member states.

The Review encompassed:

- UK reservations to and derogations from UN and Council of Europe human rights instruments and whether they should be maintained
- ratification of additional human rights instruments;
- ratification of additional protocols;
- acceptance of the individual complaint procedures under the UN instruments.

The most positive decisions arising from the Review were those to ratify 1) the Optional Protocol to the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), allowing individuals or groups of individuals to complain to the UN Committee on the Elimination of Discrimination Against Women 2) the Optional Protocol to the Convention on the Rights of the Child relating to children in armed conflict and 3) the Optional Protocol to the UN Convention Against Torture allowing for a system of inspection of places of detention.

Disappointing Review

Aside however from these, and a small number of more minor decisions, the Review disappointingly concluded that the UK government should maintain its current position in relation to a wide range of instruments, reservations and interpretive declarations. This meant deciding not to ratify the following: Protocol 12 ECHR which guarantees a free-standing right to equality, Protocol 4 ECHR which guarantees freedom of movement and protects against arbitrary and collective expulsions and the Revised European Social Charter which extends and adds to the rights in the Social Charter of 1961. It also decided, most discouragingly, to maintain its two major reservations to the UNCRC.

While some of the Review decisions may appear to be of technical or legal significance only, a number have the effect of significantly lessening the degree of protection afforded to vulnerable people, and in particular to vulnerable children and young people, such as refugee and asylum seeking children and children in detention.

Following the government's report, the Joint Committee on Human Rights¹ conducted a short inquiry into its findings. The Children's Law Centre and Save the Children UK in Northern Ireland, along with CAJ, submitted written evidence to this inquiry. The Joint Committee's report is intended to provide an evaluation of the Review, scrutinising as it does decisions reached, including the government's reasons for not signing or ratifying certain human rights instruments and its decision to maintain existing qualifications to the UK's obligations under other human rights instruments.

By way of general comment, the Joint Committee expressed dissatisfaction at the brevity and the generality of the conclusions provided in the Review report. It noted that the report failed to provide any analysis of the arguments put by those who were consulted arguments that were clearly dismissed in the conclusions reached.

The Joint Committee devoted a sizeable section of its report to the right of individual petition. While welcoming the ratification of the Optional Protocol to CEDAW, allowing for individual petition under that Convention, the Joint Committee expressed disappointment that the government failed to accept the right of individual petition provided for under a number of other human rights treaties. It challenged the government, in view of the broad acceptance of the right of individual petition by comparable states, to present more compelling reasons for not extending individual petition, something it plainly failed to do in its report.

While most if not all of the decisions reached in the government's Review have relevance for children's rights protections, the remainder of this article confines itself to examining those decisions that have particularly significant implications for children and young people.

Ratification of the Optional Protocol to the Convention on the Rights of the Child on Children in Armed Conflict

The UK ratified this Protocol in June 2003 during the course of the Review, a move that was welcomed by the Joint Committee. The Protocol commits states to taking all feasible measures to ensure that members of their armed forces under 18 years of age do not take a direct part in hostilities. On ratifying the Protocol however, the UK government made an interpretive declaration that lists a number of extenuating circumstances in which military commanders would in effect be permitted to deploy under 18s. Included in these 'special circumstances' are situations "where there is a genuine military need to deploy their unit or ship to an area where hostilities are taking place" and situations when by not deploying them it would "undermine the operational effectiveness of their ship or unit".

The Joint Committee, as previously stated in their report on the UNCRC, considered that this declaration was “overly broad” and that it undermined the UK’s commitment in the Protocol not to deploy under-18s in conflict zones.

Reservation to the Convention on the Rights of the Child: Immigration and Nationality

Article 22 of the UNCRC guarantees the protection of children seeking refugee status, while more generally the rights protected by the Convention apply to all children without discrimination. The UK has entered a general reservation to the UNCRC as regards the entry, stay and departure from the UK, of those children subject to immigration control, and the acquisition and possession of citizenship, claiming that it is necessary in the interests of effective immigration control.

The UNCRC Committee, in its concluding observations in 2002, criticised the UK government for maintaining this reservation, noting that it was against the object and purpose of the Convention, something which is impermissible and invalid under international law. The Joint Committee, which had also previously criticised the UK government for maintaining this reservation, expressed disappointment that the UK government had failed to act on its earlier recommendation that it withdraw this reservation to the UNCRC.

The UNCRC stated that its principal concern was that “*the practical impact of the reservation goes far beyond the determination of immigration and leaves children subject to immigration control with a lower level of protection in relation to a range of rights which are unrelated to their immigration status*”. The Joint Committee concluded that the maintenance of this reservation “calls into question the UK’s commitment to a Convention central to international human rights protection” and strongly recommended to the government to withdraw it.

Reservation to Article 37 (c) of the Convention on the Rights of the Child – detention of children with adults (also article 10(2) (b) UN International Covenant on Civil and Political Rights)

The UK has entered reservations to Article 37 (c) UNCRC and Article 10 of the International Covenant on Civil and Political Rights regarding the provisions that require under 18s to be detained separately to adults, citing “resource constraints or operational reasons” as justification for detaining under 18s with adults. The UNCRC Committee in

2002 criticized the government for its failure to withdraw this reservation, noting that it appeared that “*only resource considerations now prevent the withdrawal of the reservation*”. In its Review report the Government stated that in Northern Ireland it is not always possible to hold children separately due to “operational reasons”.

The Joint Committee, having previously expressed concern at the detention of juveniles alongside adults, and in particular at the number of girls under 18 years of age detained alongside adult women, reiterated these concerns and noted that neither resource nor security considerations provided sufficient justification for the maintenance of this reservation. It recommended that the government establish a timescale for the provision of separate accommodation for all children in custody and for withdrawal of the reservations.

Conclusion

The government Review, with the exception of the ratification of the Optional Protocol to the UNCRC on Children in Armed Conflict, notwithstanding the interpretative declaration made, and the acceptance of the right of individual petition under CEDAW, singularly failed to bring about changes that had the potential to significantly improve the lives of children and young people.

Given the comprehensive nature of the Review coupled with its lengthy time frame, the reasonable expectation was that something more substantive would emerge. The justifications given by the government for maintaining its reservations to the UNCRC had previously been characterised as unacceptable and rejected by the Joint Committee and the UNCRC Committee. Yet the government, rather than reviewing its position with a view to removing these reservations, seems to have chosen to simply rehearse the same groundless arguments.

The report by the Joint Committee represents a very valuable aid for the UK parliament in scrutinising the outcomes of the government’s Review. Given our own continuing lack of any political mechanisms to hold government to account it should also make very valuable reading for political parties and all those in civic society concerned with children’s rights protections.

Sara Boyce Children's Law Centre

1) The Joint Committee on Human Rights (JCHR) is a Westminster select committee, appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom. The principal work of the Joint Committee is to scrutinise draft legislation for compliance both with the ECHR and the Human Rights Act and also with the international human rights treaties to which the UK is a party.

Bill of Rights: Latest Developments

For sometime, there has been a proposal on the table, supported by the two governments, to establish a Roundtable Forum of politicians and civil society to move the Bill of Rights process forward.

The aim of the Roundtable Forum is to provide the opportunity for civil society and political parties to reach agreement on the rights and values that they wish to see carried forward into Northern Ireland's future.

The Human Rights Consortium is co-convened by CAJ and Amnesty International and it has over 100 members-trade unions, non-governmental organisations and community groups. The Consortium has indicated its full support for this Forum, as it will have the added effect of getting the Bill of Rights "back on the agenda" of wider society and drumming up knowledge and ownership of the process beyond the usual suspects.

The Consortium believes that the Northern Ireland Human Rights Commission should use the Roundtable Forum as a way to reinvigorate the Bill of Rights process.

The Consortium has developed a set of principles for the Roundtable Forum to ensure that a meaningful discussion can take place between politicians and civil society on the Bill of Rights. The Consortium has distributed the principles for the Roundtable Forum to the human rights and equality spokespersons for each of the political parties and will be holding lobbying meetings with them in the summer months to generate support for the principles.

Frequently Asked Questions Booklet - new version -

The Human Rights Consortium has recently updated 'Frequently Asked Questions on the Bill of Rights', a resource booklet which responds to some typical questions about what the Bill of Rights is and who it applies to.

What do we mean by "strong"?

1) No undermining of current international/regional protections;

International human rights law sets minimal standards that Bill of Rights should build upon. These are standards that are designed to apply in countries as varied as Canada and Chad, so a "developed" region like Northern Ireland should aspire to improve upon, rather than in any sense undermine, these standards.

2) Recognisable gains, especially for the most disadvantaged;

While a Bill of Rights is in some respects an aspirational document, setting out the vision of a peaceful and just society, there is no point in having a Bill of Rights that does not have an actual impact on an improvement in the lives of the most disadvantaged in society, not merely those who can afford access to justice.

3) Effective enforcement mechanisms;

Any Bill of Rights needs an enforcement system that is transparent and accessible. Taking a case to protect your rights should be simple and affordable. The general public needs to be educated on what their rights are and how they can have them protected in the courts. The language in the Bill of Rights must be clear and accessible. Representative groups should be supported to provide advocacy, advice and support for potential litigants. Legal aid should be provided for potential litigants.

What do we mean by inclusive?

1) Represents the diversity that is Northern Ireland;

Members of the Consortium represent all sorts of people, including but not limited to, older people, people with dependents, minority ethnic communities and people with disabilities. The Bill of Rights must address the rights of everyone in Northern Ireland.

2) Promotes equality for all;

The Bill of Rights should ensure equality between all citizens. While other equality legislation such as Section 75 and the proposed Single Equality Bill will be more detailed pieces of legislation, the role of the Bill of Rights is to ensure people's right to full and effective equality.

3) Moves beyond the ECHR and the HRA to include in particular socio-economic rights;

The ECHR is an important document but is over fifty years old and was designed with a particular post-WWII context in mind. A Bill of Rights for Northern Ireland needs to reflect more recent developments and as such should incorporate social and economic rights. These rights are about guaranteeing a basic standard of living for everyone that is consistent and fair, providing protection for the most marginalized in society, and giving them dignity and respect. Social and economic rights are concerns that are shared across all communities, and protecting them in a Bill of Rights would contribute greatly to a shared vision of the future.

Equality Myth Challenged!

Last May the Equality Coalition pulled off quite a coup, when we hosted a seminar with the New York State Comptroller, Mr Alan Hevesi as our guest speaker. Mr Hevesi is sole trustee of the New York state pension fund, currently worth some \$120 billion. Some of the Comptroller's responsibilities include managing and protecting the state pension fund, auditing the spending practices of all state agencies and local governments and reviewing and approving all state contracts.

McBride campaign

Mr Hevesi is no stranger to Northern Ireland, having first developed an interest here some 15 years ago during the McBride campaign to further "fair employment". Such is the nature of transition in the local equality debate that there are likely to be those who wonder what the "McBride" principles were about. Based on the Sullivan principles in South Africa, McBride was founded on the notion that US corporations could not comply with equality law at home, but engage in discrimination elsewhere. The McBride principles required any US companies in Northern Ireland to agree to adhere to basic standards of fairness in the workplace with regard to recruitment, promotion etc. As the then City Comptroller, Alan Hevesi was required to ensure that any companies that he invested stock in, were not operating in Northern Ireland in a way that contravened the McBride principles.

As a result of McBride, certain companies in Northern Ireland found themselves reviewing their employment practices, not because the law in Northern Ireland required it, but because the shareholders of their parent companies in the US required it. This very simple, but ultimately very successful principle succeeded also in persuading the government to introduce the much strengthened 1989 Fair Employment Act – essentially due to the embarrassment that "McBride" debates in the US caused.

Regulation at arms length

Mr Hevesi continues to engage in this process of "regulation at arms length" today in many different forms. For example, he cited the case of Texaco which faced a claim of discrimination from African-American employees on the grounds of racial discrimination. Texaco had intended to fight the claim – however as a result of pressure his office and other investors, Texaco agreed to settle out of court for \$180 million. Another example cited was the Cracker Barrel Company which fired all their gay and lesbian employees. According to the State Comptroller, his office

"went after them with a vengeance". Essentially his message was one of outlining the various strategies that can be employed to deliver greater equality, and how financial as well as political muscle can be used to deliver on fairness.

The Coalition will be publishing his speech in full along with the other presentations on the day – one by Evelyn Collins of the Equality Commission, and by Fergus Devitt of the Central Procurement Directorate. It is worth noting however that the message of "joined up campaigning" delivered by Mr Hevesi is something we should all think about.

While few readers of Just News would have \$120 billion worth of investment funds to use as a lever, it should also be noted that some of the targets of Mr Hevesi's campaign have been fairly powerful institutions themselves. He outlined for example how part of the strategy to persuade the Swiss banks to provide compensation for Holocaust victims involved debunking some historical myths.

It seems that rarely a week passes without more government press releases outlining Northern Ireland's economic success – and how we've never had it so good. While some out there have never had it so good – it should also be remembered that some have never had it so bad. The seminar report will include some of the facts and figures discussed at the event that show that the areas in Northern Ireland – Strabane, Derry, North and West Belfast – that were poor over 30 years ago continue to be the poorest, and that current investment patterns reinforce rather than challenge those traditional divisions.

Major court challenge

Equally, matters are not helped by the fact that government have now moved to actively challenge the equality provisions of the Agreement in the courts. The initial problem arose when the previous Minister, John Spellar, was in such a rush to introduce Anti-Social Behaviour Orders, that he failed to follow the requirements of the section 75 duty effectively. Many consultees argued that the policy and subsequent proposed legislation should be screened for its equality implications, but the NIO did not do this. A complaint was made to the Equality Commission, and the complaint was upheld, so that the NIO were instructed to carry out an equality impact assessment. Rather than simply return to the drawing board, and comply with the procedures – albeit belatedly – government has decided to challenge the very basis of Section 75 of the Northern Ireland Act. The judicial review is due to be heard in early September. It will be a major examination of the willingness of government to give effective meaning to the Agreement's commitment to equality of opportunity.

Civil Liberties Diary

June 6 The Family of Jim McMenemy want to know if his death could have been prevented; he was knocked down by a PSNI vehicle on the Springfield Road.

A report by the Northern Ireland Prison Service shows that its workforce is only 9% Catholic.

June 8 Police Ombudsman Nuala O'Loan has criticised the use of CS spray, but she cleared a police officer of any wrongdoing after he used the spray to disperse a gang of youths.

The Bloody Sunday families demand an investigation into claims that one of the SLR rifles used by the Parachute Regiment in January 1972 turned up in Sierra Leone. This, after the MoD told the Bloody Sunday Inquiry that the weapon had been destroyed. The claim is made in a newly published book by RIR colonel Tim Collins.

The Police Ombudsman has launched an investigation after police hunting an escaped prisoner fired shots while chasing the wrong man.

June 13 PSNI could be the first organisation prosecuted under tough new corporate manslaughter laws after a man was crushed to death by faulty police gates.

June 14 Proposals for an Irish Language Act have been drawn up by Pobal which wants the rights of Irish speakers to be protected by legislation.

The Public Prosecution Service replaces the DPP.

June 15 A new judicial appointments body has been established to make the Northern Ireland judiciary more reflective of society. The Judicial Appointments Commission will be chaired by Lord Chief Justice, Sir Brian Kerr and will have thirteen members.

June 16 Monica McWilliams appointed chief commissioner of NIHR. Other new commissioners are Jonathan Bell, Geraldine Rice, Ann Hope, Colin Harvey, Thomas Duncan, Eamonn O'Neill and Alan Henry. They will serve a three year term alongside re-appointed members Christine Eames and Kevin McLaughlin.

June 20 A new report by Amnesty International criticises the secrecy surrounding the detention of asylum seekers in Britain and Northern Ireland. It has been suggested that more than 25,000 refugees were locked up under immigration legislation last year.

June 21 The Community Safety Network was given a £9 million boost yesterday under government plans to create partnerships at local level. Criminal Justice Minister David Hanson unveiled the three year plans at the Community Safety week.

John Boyle, a man who was wrongly imprisoned for 9 years on terrorism charges has demanded that the DPP reveal his reasons for not prosecuting two police officers for perjury.

June 23 David Wright will meet lawyers to decide if he will co-operate with Lord MacLean's inquiry. The judge said that he would ask for the Inquiry to be held under the controversial new Inquiries Act. Billy, his son, Wright was shot by the INLA in the Maze in 1997.

July 5 A Lisburn Councillor is to write to the Equality Commission to ask for it to investigate alleged discrimination against gays. The City's Council passed a motion banning same sex civil partnerships from taking place in the same hall as traditional ones.

July 7 An application by the Stevens Inquiry team for a court order compelling two authors to hand over their notes relating to the murder of Pat Finucane was thrown out.

Bombs explode in London city centre killing 52 people and injuring 700.

July 8 Loyalist Stephen McClean, loses final legal battle for the right to early release under the Good Friday Agreement. He was convicted of murdering Damien Treanor and Phillip Allen in Poyntzpass.

July 12 More than 100 PSNI officers injured at disturbances in Ardoyne. Police Ombudsman launches investigation into use of plastic bullets, 22 of which were fired.

July 19 Bob Collins has been appointed as the new Chief Commissioner of the Equality Commission. Other new commissioners are Bryan Johnston, James Knox, Eithne McLaughlin Elaine Waterson.

July 20 A 15-year-old boy in England has won a landmark High Court challenge to the legality of child curfew zones used to tackle anti-social behaviour. The teenager said the use of dispersal zones in London, breached his rights under the ECHR.

July 22 Complaints against the police down 3% on year before.

Jean Charles de Menezes, 27, is shot dead by the Metropolitan police.

July 25 Nuala O'Loan voices "major concerns" over the decision by British intelligence to give MI5 control of intelligence gathering in the North. It could diminish confidence in policing accountability mechanisms.

Compiled by Mark Bassett from various newspapers.



Just News welcomes readers' news, views and comments.

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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

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UK government fails to take opportunity to enhance children's rights protection