

Just News

Human Rights in Northern Ireland

Protecting socio-economic rights

The last few months have seen much activity in the field of socio-economic rights, from the production of papers on the justiciability of such rights, to events designed to increase discussion on how these rights can be protected. Such discussion is extremely timely and relevant, given that the debate about a Bill of Rights for Northern Ireland looks set to come to the fore again with the appointment of a new set of Commissioners to the NI Human Rights Commission (NIHRC), who have made progressing the Bill of Rights a priority. In addition, the commitment of the government to establish a Roundtable Forum which would engender wider political and public debate on a Bill of Rights still stands, and it is to be hoped that this commitment is matched by action without delay.

CAJ has long argued that any Bill of Rights for Northern Ireland must protect socio-economic rights on a par with civil and political rights, and we are not alone in this assertion. Throughout the consultation process on a Bill of Rights support for the inclusion of socio-economic rights was evident. In a CAJ analysis of submissions to this process it was clear that, a large majority supported the inclusion of socio-economic rights. In addition, surveys carried out on behalf of the Commission (most recently in 2004), showed that as many as 76% of respondents in both communities supported the inclusion of rights in respect of health, housing, education and employment.

Early in the consultation process, the Commission had established a diverse working group of experts in the field to discuss and advise the Commission on potential ways of protecting socio-economic rights in the Bill of Rights. This group worked hard to come up with a solid and workable proposal designed to ensure that such rights were both progressively realisable and legally enforceable.

It was disappointing to many, therefore, that the Commission's consultation document "*Making a Bill of Rights for Northern Ireland*" in 2001 neither took up the advice of this working group, nor indeed the widespread community support that existed for the effective protection of socio-economic rights, and instead suggested that such rights be subjected to an interpretation clause that limited their protection to due process and equality considerations. The Commission's updated proposals "*Progressing a Bill*

of Rights for Northern Ireland" in 2004 were also problematic, proposing as they did three potential models for protecting socio-economic rights – either progressive realisation, legal enforcement or some combination of the two approaches. In setting out such options, the implication was made that the protection of socio-economic rights did not have support, and needed to be protected differently than other rights, rather than reflecting the support that actually existed.

Even more problematic from CAJ's perspective was that our likely preferred option, combining enforceable rights with obligations to progressively realise, was not set forth in any detail. It is likely that this third option might prove the most attractive and feasible and more commentary would have been very helpful. Indeed the proposals of the working group mentioned earlier would have already provided a model for how this could be done.

Clearly there are those who believe socio-economic rights should not be made legally enforceable, and such views articulate argue *inter alia* that such rights are not amenable to precise legal definition, would transfer policy decisions to the courts, would have unmanageable financial implications and so on. As articles in this edition demonstrate, international experience shows that such arguments are not sustainable. More locally, there have been few issues that have united people. It is therefore to be hoped that any Bill of Rights for Northern Ireland reflects the overwhelming wishes of society, follows international best practice, and protects socio-economic rights in an effective and meaningful way.

This special edition of Just News is thus largely dedicated to discussion of the protection of socio-economic rights.

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Recent Developments in Northern Ireland Employment Discrimination Law

Paul Buggy's "Recent Developments in Northern Ireland Employment Discrimination Law" looks in detail at all aspects of employment discrimination law relevant to Northern Ireland legal practitioners and participants. As the first comprehensive look at this area of law in Northern Ireland since 1995, it effectively examines recent legal developments in statute and case law and their impact on the face of employment discrimination litigation. While extensive reference has been drawn from Great Britain case law and pre-1995 Northern Ireland cases, particular attention is drawn to 35 of the most significant Northern Irish cases decided within the last ten years.

The book has broken down the large body of legal text on this area into 19 categories. It begins by looking at the key legislative developments since 1995 and the general exclusions they afford. Buggy then moves on to examine individual areas of employment discrimination law such as direct discrimination, recruitment discrimination, workplace discrimination and equal pay, right through to discovery, hearing, compensation and the right to appeal. Each category is explained in the context of the relevant statute, with the case law used effectively to explain the direction taken in the interpretation of that statute.

For example, in the case of *Stephen v Wellworth & Co. [1997] NI 93*, the claimant, as a general assistant in a supermarket, had to take two weeks off work after experiencing some bleeding during her pregnancy. She was advised by her doctor to avoid heavy lifting on her return to work, but her employer refused to let her return since she could not carry out all duties associated with the position. She argued that this was an act of unlawful sex discrimination and the Court of Appeal upheld this argument, clarifying the point that the treatment of a pregnant woman need not be compared to that of a hypothetical male comparator, within article 3(3) of the Fair Employment and Treatment (NI) Order 1998. This case was also used within the 'Workplace Discrimination' category, when, as a result of being off work, the claimant had to claim sickness benefit. This financial loss, the Court of Appeal decided, constituted a detriment within the scope of article 8(2)(b) of the Sex Discrimination Order 1976.

Another significant case discussed in the book is *Shamoon v RUC Chief Constable [2001] NI JB253*, which had an impact right through the spectrum of employment discrimination law. Mrs Shamoon was working as a chief inspector in the RUC's urban traffic branch, with additional

counselling duties in respect of staff appraisals. Following a complaint about the manner in which she carried out an appraisal on one particular occasion, she was relieved of these additional duties. Two of her male colleagues continued to carry them out. Mrs Shamoon claimed this constituted sex discrimination, a claim which an industrial tribunal accepted. The Court of Appeal, however, overturned their decision and accepted the Respondent's (Chief Constable of the RUC) argument that there could be no discrimination. They reasoned that the complaint against the claimant constituted a material difference in the comparison with her male colleagues and they could therefore not be used as statutory comparators. The House of Lords upheld the Court of Appeals decision but conceded that they did believe Mrs Shamoon had been subjected to a detriment under article 8(2)(b) of the Sex Discrimination Order 1976.

Re O'Neill's Application [1995] NI 274, considered the issue of political and religious discrimination. In this case Cookstown District Council held a motion to decide if the towns' leisure facilities should open on Sundays. When the Unionist Councillors voted en bloc against the motion, the complainant, a member of the SDLP, sought judicial review on the grounds of unlawful discrimination under section 19 of the Northern Ireland Constitution Act 1973. The judgement in this case made a significant step in defining the grounds prohibited under discrimination law. Kerr J accepted the argument that discrimination does not necessarily have to mean being discriminated against because of your own political or religious beliefs. He commented that, "A fervently held belief is as potent a source of discrimination as an animus against the belief of another". However, Kerr J ultimately decided against the complainant on the grounds that the legislation requires that one group be treated less favourably than the other for it to constitute discrimination. Since the opportunity for equality did not exist in this instance, the Council did not have the opportunity to treat one group as favourably as the other.

This simple structural presentation of all this information means the book reads logically and with fluency. While many of the cases overlap through the different categories there is no feeling of repetition. Buggy has managed to condense the extensive developments in this area into just 63 pages, without compromising detail or accessibility, making this an excellent reference guide for all those involved in Employment Discrimination Law in Northern Ireland.

Marieanne McKeown
CAJ Volunteer

Recent Developments in Northern Ireland Employment Discrimination Law by Paul Buggy
SLS Legal Publications; Belfast 2005

IHRC research on economic, social and cultural rights

All human rights are universal, indivisible, interdependent and interrelated. So runs the United Nations orthodoxy. But there can be little doubt that, whereas civil and political rights have long been accepted in the Republic of Ireland and are backed up by constitutional and legal norms, economic, social and cultural rights have yet to receive the same degree of recognition and enforceability. In general, there is a poor appreciation of the nature, content and means of implementation of these rights. Indeed misunderstandings abound, and there exists anxiety about their implications for government in a parliamentary democracy.

Enter the Irish Human Rights Commission. It is the role of the IHRC to protect and promote respect for human rights in the Republic as set out in the Irish Constitution and in international agreements to which the Republic is party. Ireland is party to many international agreements under which it has undertaken to guarantee economic, social and cultural rights, most notably, the International Covenant on Economic, Social and Cultural Rights.

Acknowledging its responsibility in this area, in 2003, the IHRC identified economic, social and cultural rights as one of its key areas of work. As its first foray into the field, it did a general review of the relevant international human rights law, abstracted therefrom a number of basic principles, and then applied these principles to proposed disability legislation. The legislation, although a welcome advance in terms of the provision of services for persons with disabilities, was found to be seriously lacking from a rights perspective. In fact its basic flaw is that it approaches such services as a matter of governmental and administrative discretion rather than of rights. The IHRC's views were communicated to the sponsoring Minister, but political ears remained essentially deaf to the observations of the IHRC as well as to comparable observations by NGOs. Clearly a major educational offensive was required.

Hence, the IHRC decided that, in 2005, it would undertake a major study of economic, social and cultural rights and host an international conference towards the end of the year, into which the results of this research would be fed.

Most of the research was conducted in-house, but part was outsourced in order to meet deadlines. The whole was

then written up as a Discussion Document and published at the international conference, which was held in Dublin on 9 and 10 December 2005 to mark International Human Rights Day (see page 7). The publication is entitled *Making Economic, Social and Cultural Rights Effective: An IHRC Discussion Document*.

The document details the various origins of these rights; identifies a number of key concepts and debates relating to them; documents the relevant international human rights standards; surveys various models of enforcement; examines Ireland's history of enforcement; and ends by making some tentative suggestions as to how greater respect for and protection of socio-economic rights might be brought about.

Much of the debate in the Republic has concerned the justiciability of these rights and their relatively weak constitutional status, when compared to civil and political rights. The debate has been fuelled by a number of court cases dealing with education and health issues. The IHRC is intent on broadening the debate so as to bring about a better appreciation of the full range of methods of implementation and enforcement of these rights. It is also intent on dispelling some of the misunderstandings about the rights, not least the belief that parliamentary democracy by its very nature ensures respect for them. Furthermore, it will seek to counter the perception among some that there can be little place for these rights in an open and competitive market economy.

The Discussion Document constitutes the start rather than the conclusion of the IHRC's thinking in the area. The text of the Document is available both on the IHRC's website www.ihrc.ie and from the offices of the IHRC at Jervis House, Jervis Street, Dublin 1. It is hoped that the Document will stimulate informed debate, and comments on it are most welcome. After feedback and further reflection, the IHRC will, later this year, draw up and publish a report which will include recommendations on how the Republic might improve its structures and policies in order the better to protect these rights.

It will then move from the general to the specific. Having considered the rights as a group, it will proceed to examine the extent to which particular rights are protected in the Republic and make recommendations to government, as appropriate. It has decided to commence in 2006 with the right to housing and to do so by way of a joint initiative with the Equality Authority. It is just possible that one day, with greater understanding, awareness and political will, the United Nations orthodoxy will become reality.

Alpha Connelly
Chief Executive, IHRC

The debate about whether social and economic rights can be or should be adjudicated and enforced by courts or other bodies has been ongoing since the 1960's, when the rights in the Universal Declaration of Human Rights were divided into two separate covenants. One contained economic, social and cultural rights, while civil and political rights were set out in the other. Though both sets of rights were affirmed to be indivisible and interdependent, commentators have often distinguished between the two categories of rights by asserting that economic, social and cultural rights are not justiciable.

Those who dispute the justiciability of social and economic rights tend to rely on three primary arguments:

First, it is argued that social and economic rights are different in nature from civil and political rights and are therefore non justiciable. Unlike civil and political rights, social and economic rights are said to impose positive duties rather than negative ones; to require government action rather than government restraint; to require allocation of resources and progressive fulfillment rather than immediate compliance; and to be vague and open-ended rather than precise and legally defined.

A second common claim is that it is undemocratic and a violation of the separation of powers for unelected courts to interfere with social and economic policy adopted by elected branches of government.

A third claim is that social and economic rights involve complex issues and competing claims on resources which courts are not competent to decide.

This article addresses these three arguments.

1) Are Social and Economic Rights Different in Nature from Civil and Political Rights?

As a result of the development of a greater understanding of human rights, stereotypical characterizations of social and economic rights as being fundamentally different from civil and political rights have been largely rejected. It is now widely recognized that all human rights give rise to a combination of negative and positive obligations and involve various degrees of resource allocation. The right to vote, for example, entails considerable state expenditure and requires the state to take positive steps to ensure that elections are held at periodic intervals.

The Justiciability of Social and Economic Rights: An Update

Obligations imposed by social and economic rights have often been expressed as a tri-partite typology of obligations: the duties, to respect, protect and fulfil. All of these obligations have been found to be justiciable and courts have enforced both the positive and the negative aspects of the different duties. Even the more negative obligation to respect a right such as the right to housing has been held to entail important positive obligations such as providing adequate procedural safeguards and ensuring alternative housing in the case of evictions. Similarly, when enforcing equality rights, courts have not only dealt with the duty of states to refrain from discriminatory action but have also addressed states' positive obligations to address the unique needs of disadvantaged groups such as people with disabilities.¹

Courts and tribunals have assessed the positive measures that are required to give effect to social and economic rights and have ordered governments to take concrete steps and allocate resources towards fulfilling those rights. In some instances, courts have defined minimum requirements of benefit programs. In other cases they have expressly delineated the measures that states must take in order to satisfy their obligations to progressively realise rights within the limits of available resources.

Courts have generally found that the distinction between state action and inaction is often difficult to apply, as most examples of government 'inaction' can be recast as examples of 'action'. It is inappropriate to use this distinction as a basis for determining whether or not a right is justiciable, particularly when the most serious violations of rights are often the result of government refusals to do anything to help particular groups.

The argument that social and economic rights are too vague or indeterminate for courts to define is belied by the increasing body of jurisprudence involving such rights. It has become clear that "it is through recourse to the conventions of constitutional interpretation and their application to the facts of different cases that the specific content and scope of a right emerges with greater clarity".² Social and economic rights are no more vague or open-ended than civil and political rights such as the rights to security of the person or 'privacy' which courts have defined and elaborated over time.

2) Legitimacy of Courts Adjudicating Social and Economic Rights

The question of whether it is undemocratic for courts to interfere with social and economic policy must be assessed in light of the recognized function of human rights in

Social and Economic Rights: Judicial Appraisal

enhancing, rather than undermining, democratic governance. Judicial oversight of minority rights is usually seen as enhancing democracy by ensuring that relatively powerless and vulnerable groups do not have their rights violated. The same dynamic is now being recognized in relation to those deprived of adequate food, clothing or housing, or of access to health care or education. In adjudicating social and economic rights, judges have reaffirmed the role of courts in ensuring that the rights of vulnerable groups such as the poor are not ignored and have emphasized the extent to which social and economic rights are tied to basic human rights values of dignity and equality. As noted by the UN Committee on Economic, Social and Cultural Rights, neglect by the courts of their responsibility in this area would “drastically curtail the capacity of the courts to protect the rights of the most vulnerable and disadvantaged groups in society.”³

With respect to concerns about the separation of powers, experience has shown that conferring courts with the authority to adjudicate social and economic rights does not mean that they assume the function of designing social programs. Enabling courts to adjudicate social and economic rights simply means that courts can hear and adjudicate claims involving alleged rights violations. Under the doctrine of the separation of powers, it is the job of courts, not legislatures, to consider allegations of rights violations and to determine whether a right has been infringed. Arguably, leaving the legislature to ensure its own compliance with social and economic rights would amount to a violation of the doctrine of separation of powers.

3) Judicial Capacity to Adjudicate Social and Economic Rights

There is no doubt that, like those involving civil and political rights, some social and economic rights claims require courts to address complex issues of evidence and law. However, experience thus far demonstrates that courts are quite capable of performing these tasks where they are convinced that it is their responsibility to do so.

Where governments are limited by competing demands on resources, this evidence has been effectively conveyed to courts and courts have given it full consideration. It must also be recognized that in some instances, courts are better equipped than legislatures to assess complex evidence - particularly in relation to the effects of policies on disadvantaged groups who may have been ignored by legislators.

It has also become clear that social and economic rights claimants do not turn to courts for some kind of superior

expertise in social and economic policy. Rather, they rely on the traditional competence of courts to provide a fair hearing and to review facts and evaluate government decisions or policies against the requirements of the law. Even if an issue is multi-faceted and complex, the court still has a responsibility to uphold and protect fundamental rights. Limitations of judicial competence are best assessed on a case by case basis, rather than being the basis for declaring an entire category of rights to be non justiciable. Where courts feel that they lack the necessary competence or information in a particular case, there are a variety of means by which they can access additional expertise or information, or rely on the government to fashion the appropriate remedy, without abdicating their responsibility to uphold rights.

Conclusion

The evolving jurisprudence on social and economic rights has made it clear that, where courts are given the mandate to adjudicate social and economic rights, they are capable of fulfilling this mandate competently, without intruding on the legislative domain. Furthermore, traditional distinctions between these two categories of rights have been found to be overly simplistic.

In light of these developments, the debate about social and economic rights need no longer be dominated by the question of justiciability. Nor should it focus primarily on the relationship between courts and legislatures. Human rights govern the relationship between citizens and governments. The role of the courts is to interpret and apply those rights that are identified as fundamental to democratic citizenship.

Experience around the world demonstrates that courts are quite capable of adjudicating and enforcing social and economic rights. This allows us to insist upon a discussion about how important these rights are to citizens, and how, if they are to be recognized as fundamental human rights, they should be adequately protected and enforced in law.

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and

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¹ Descriptions of and references to cases demonstrating these developments and others referred to in this article are found in our longer paper on this topic, prepared for the Human Rights Consortium, with coauthor Malcolm Langford. Copies available from CAJ office.

² Liebenberg, S., “Social and economic Rights” in Chaskalson et al, Constitutional Law of South Africa (Cape Town; Juta, 1996) 41-11.

³ Committee on Economic, Social and Cultural Rights, General Comment 9, The domestic application of the Covenant (Nineteenth session, 1998), U.N. Doc. E/C.12/1998/24 (1998) para. 10.

Developing Economic and Social Rights in Transition: the Global and the Local

The Transitional Justice Institute at the University of Ulster recently hosted an international conference in Belfast which sought to provide a forum in which issues central to addressing global inequality and the effective enforcement of socio-economic rights in transitional contexts could be developed both locally in Northern Ireland and internationally.

The conference brought together some of the leading experts in the field of economic and social rights research and practice to discuss the continued ad hoc approach to the enforcement of economic and social rights. Contributors to the conference included Professor Asbjørn Eide from the Norwegian Institute of Human Rights. His paper began with a historical overview of economic, social and cultural rights in international law and state obligations thereof, before he gave a more subtle analysis on the importance of economic and social rights in the age of globalisation. Professor Eide further highlighted some of the existing difficulties for the enforcement of economic and social rights such as:

- The lack of effective complaints mechanisms.
- The role of both international and domestic courts in ensuring clear interpretation of economic, social and cultural rights from need and charity, to meaningful entitlements and binding obligations.
- The need for a greater monitoring role for national human rights commissions.

Professor Sandra Fredman from Oxford University highlighted the current Labour Government's shortcomings in terms of broadening the concept of equality which continued to marginalise women and had so far failed to break the cycle of disadvantage in the poorest regions of Britain and Northern Ireland. She further commented that whilst the UK Government's aim was to equip the poorest in society with the resources to give greater economic and social freedom, means tested benefits and low paid employment continued to cause socio-economic inequality which leads to greater social exclusion.

In the afternoon session Professor Sandra Liebenberg from the University of Stellenbosch, South Africa, discussed how South Africa, in the post apartheid era, ensured that economic and social rights would have greater protection by entrenching them in the South African Constitution. Professor Liebenberg's paper was particularly interesting in relation to a number of judgments based on issues of economic and social rights in which the South African Courts have made a tangible contribution in many cases to

improving the quality of life of disadvantaged groups. One need only reflect on the provision of anti retroviral treatment for people living with HIV/AIDS, the winning of social security benefits for non citizens and the significant procedural and substantive protections for people facing evictions from their homes to attest to the robustness of the monitoring procedures of not only the South African Human Rights Commission, but also domestic pressure groups and NGO's.

Professor Czilla Kollonay-Lehockzy from the Central European University in Hungary was the final international speaker at the conference. Czilla's presentation was particularly interesting when she commented on the Western World's 'allergic reaction' to the protection of economic and social rights. She noted how the attempted denigration of economic and social rights in Hungary was re-branded under the banner of 'entrepreneurship'. The redrafted Constitution became 'a shopping list' of the Western ideal of democracy and it was only via the Hungarian Constitutional Court that economic and social rights were afforded any protection; not because they were given explicit form within the Constitution itself, but because of the willingness of the Hungarian judiciary to seize upon the window of opportunity that the transition period presented. This, Czilla argued, was the important lesson for other countries experiencing transition.

Professor Monica McWilliams, Chief Commissioner of the Northern Ireland Human Rights Commission (NIHRC), gave the final address of the afternoon. Monica outlined the role of the NIHRC and commented on their attempts to secure additional investigative powers. Given that a number of new commissioners have recently been appointed to the NIHRC, including the Chief Commissioner herself, there was very little mention of the commitment of NIHRC to a comprehensive statement on economic and social rights.

Panel discussions addressed questions on a variety of topics which were based on matters of local concern. It was noted that Northern Ireland continues to be an unequal society in relation to Britain with higher rates of unemployment, low income, poor housing and ill health. Child poverty now stands at 35% whilst the illiteracy rate in the province is 25%. These are issues which effective protection of socio-economic rights could help address.

This conference was well attended, discursive and covered a wide range of issues at both local and international level. Those in attendance were left in no doubt that economic and social rights are extremely important and must be addressed pro-actively in any society that intends to tackle poverty, inequality and social exclusion.

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Putting the theory into practice

Previous editions of Just News have reported on the pilot activities of the Participation and Practice of Rights Project, a coalition of organisations and groups (including CAJ) working on social justice and poverty issues in Ireland, north and south. The project exists “to promote awareness of international human rights instruments and standards and support marginalised communities and groups to use them in accessing services and achieving equality.”

Following the pilot phase, funding has been received to carry out a three-year project which will work with local community groups in north Dublin and Belfast, anti-poverty organisations and human rights groups in developing and testing a demonstration model for delivering a rights-based approach to social justice issues.

In this article, Tom Redmond, Local Development Worker for the project in north Dublin, reports on the recent conference on socio-economic rights held by the Irish Human Rights Commission, and its relevance for the local work being carried out by the project.

The Irish Human Rights Commission (IHRC) held an important conference in December entitled “Economic, Social and Cultural Rights - models of enforcement”. The objective of the gathering was to survey the effectiveness of measures at international, national and domestic levels to protect these rights. It also sought to investigate whether these rights were aspirational rather than enforceable, and whether they were more properly the subject matter of political rather than judicial decision making.

Over one hundred people, including a number of those involved in the Participation and Practice of Rights project, attended the two-day sessions to hear international and domestic human rights practitioners and academics. The Commission has produced a discussion document on the issue of enforcement of socio-economic rights (see article on page 3). This analysis will be finalised taking into account the debate at the conference and other submissions received.

The Conference format was designed around the themes in the IHRC’s document, namely.

- The origin of economic, social and cultural rights
- Key concepts and debates
- International human rights standards
- Models of enforcement
- The protection of these rights in Ireland
- Towards an effective framework of enforcement

Guest speakers explained the role of international human rights standards while others gave evidence of the UK, Canadian and the South African experiences. As was expected there were debates around concepts such as the distinction between socio-economic rights and civil and political rights, and particularly the sharper end of this debate between those who maintain that social and economic rights are not capable of being invoked in the courts. This is the position held by most politicians in this country. At the conference, and indeed in the IHRC’s discussion document, this view was refuted. As highlighted by one speaker:

“positing a claim as a human right has the potential to hold governments accountable and to demand that government justify its treatment of the marginalised. Recognition of rights contributes to a move from seeing the duty to meet needs as charity, to seeing this duty in the context of justice.”

This conference was preceded in recent months by numerous other events on different aspects of developing rights-based approaches. People active in the Participation and Practice of Rights Project in north Dublin have attended most of these events and have received a positive and supportive response to our work. This clearly demonstrates the growing importance of the subject. However, the debates have often been theoretical and academic, understandable given the topic. To really make a difference they have to move to a more practical and local level.

People instinctively feel and understand when their rights have been violated – as demonstrated by our recent work with methadone users in asserting their basic human right to access appropriate health services. But methadone users sitting in a room together will not necessarily quote Ireland’s obligations under the International Covenant on Economic, Social and Cultural Rights. The challenge the Participation and Practice of Rights Project hopes to address is developing a model whereby people affected by the issues and those involved at the theoretical end of the debate can combine their experiences in a way that all will benefit.

In north Dublin we have created networks of support, which will auger well for our three-year program. We feel that we are bringing a new dimension to the debate, in that it is only at the community and local level, where inequality and social exclusion are directly experienced, that measures of redress can be monitored and assessed. We look forward to taking on the challenge with all our partners in the project.

Tom Redmond
Local Development Worker (North Dublin)
Participation and Practice of Rights Project

Civil Liberties Diary

December 1 New appointments to the Parades Commission were announced. The new Chair is Roger Poole, a former trade unionist.

December 2 The second tranche of independent members appointed to District Policing Partnerships were announced.

December 5 NIO Minister David Hanson revealed there would be no government funding for community restorative justice (CRJ) projects that do not accept police supervision.

The Irish Human Rights Commission was involved at a conference at Harvard to help resolve key issues on a proposed United Nations treaty on human rights for people with disabilities.

December 7 The controversial NI Offences Bill (dealing with the "on the runs") passed through a Standing Committee reading at Westminster.

A two day conference on a Bill of Rights for Northern Ireland organised by the Human Rights Commission takes place in Armagh. Speakers include a former justice of the South African Constitutional Court.

A report by Kit Chivers, Chief Inspector of Criminal Justice, forwarded 13 recommendations to improve the Office of the Police Ombudsman. It acknowledged that most officers regard the Office as fair and independent but it must do more to confirm this reputation.

Police Oversight Commissioner, Al Hutchinson, said it is a tragedy that many years after the Patten report was released Northern Ireland still does not have a new police college.

December 8 An Independent review of the NI Policing Board, chaired by retired Chief Inspector of Constabulary, Keith Povey, finds that greater communication is needed between the Policing Board and the Office of the Police Ombudsman.

Deputy Chief Constable Paul Leighton confirmed that cases of killing by police spanning the Troubles have been handed over to the Ombudsman for investigation.

A survey by Prudential Insurance revealed that 25% of pensioners in Northern Ireland are living in poverty.

December 9 The Public Prosecution Service offered no evidence in court and so charges were dropped against Denis Donaldson, Ciaran Kearney and William Mackesey over an alleged Stormont spy ring.

December 13 The family of murdered solicitor Pat Finucane met UUP leader Reg Empey to highlight concerns about government restrictions on a public inquiry into his murder.

December 14 The Chairman of the Inquiry into the murder of LVF leader Billy Wright, Lord McLean, said that he is concerned with the slow response of government departments to his requests for information.

December 15 A Public Inquiry into the murder of solicitor Rosemary Nelson is to be delayed by a year. Officials cite the volume of evidence as necessitating this. It is now to begin in January 2007.

An Omnibus Survey carried out by Northern Ireland Statistical and Research Agency shows a fall in confidence in PSNI, down to an overall 66% from 79%.

December 16 The PSNI's historical case review team is to investigate three UVF killings involving Special Branch informers. The victims were Raymond McCord Jnr, Sharon McKenna and Sean McParland.

David Hanson revealed that the NI Offences Bill as presently constituted would not prevent

victims or their families from pursuing civil actions. Also, in a House of Commons Committee hearing, David Hanson could not confirm whether Attorney General Lord Goldsmith had been consulted over the Bill.

Chief Commissioner of the NIHRC, Monica McWilliams, said that the proposed Northern Ireland (Offences) Bill is in violation of international human rights standards and that under it victims' rights would not be upheld.

Northern Ireland Secretary Peter Hain ruled out a public inquiry into the alleged Stormont spy ring.

Under the new Civil Partnerships Act, the first gay couples registered civil unions in ceremonies at City Hall in Belfast.

December 21 The Irish government announced that it would withdraw its plans to grant pardons to paramilitary suspects if the British legislation on the same issue is withdrawn.

Compiled by Mark Bassett from various newspapers.



Just News welcomes readers' news, views and comments.

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