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Subject: Press Release

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Subject: Press Release

PRESS RELEASE

WEDNESDAY 14 APRIL 2004

FOR IMMEDIATE RELEASE

UNITED NATIONS COMMISSION ON HUMAN RIGHTS TOLD OF GOVERNMENT'S LACK OF SUPPORT FOR HUMAN RIGHTS IN NORTHERN IRELAND

In Geneva today, the 60th Session of the United Nations Commission on Human Rights will hear from National Human Rights Institutions around the world about the key human rights concerns affecting their countries. The Northern Ireland Human Rights Commission will highlight in its address, major concerns about the response of the UK Government to a range of issues, including its support to the Commission itself.

Acknowledging that the most serious and systemic violations of human rights in Northern Ireland continue to be those perpetrated by non-state actors, the Commission goes on to describe a range of issues about which the Government must be brought to task. Prime among these is the need for international, independent, judicial inquiries to be held into the findings of the Cory Report and others of collusion occurring in the 1980s and 1990s between the security forces and Loyalist paramilitary organisations.

The deaths of six individuals in the past two years in prisons in Northern Ireland and the detention of immigrants and asylum seekers in maximum security prisons will also be highlighted to the UN. The Government's reluctance to change this practice and its failure to ratify the UN's 1990 Convention on the Protection of the Rights of Migrant Workers and their Families give further cause for concern, particularly in light of recent indications that the UK Government will not, despite its commitment to do so, be issuing a National Action Plan Against Racism.

The Commission is particularly critical of the lack of response from the UK Government to its statutory Review of Powers, submitted three years ago, which calls for the Northern Ireland Commission to be given investigatory powers and resources compliant with the UN's guidelines for the operation of National Human Rights Institutions, the Paris Principles. The decision by Government not to replace Commissioners who have left for a variety of reasons over the past 18 months is also criticised in the NIHRC presentation.

Professor Brice Dickson said:

"It is regrettable that, while in some respects there has been positive progress in establishing systems to protect human rights in Northern Ireland, there have been alarming failures by Government to introduce measures to address critical problems. It is disturbing to note that there are still over 2,000 unsolved murders dating from before the Good Friday Peace Agreement of 1998 which have not been effectively investigated. Independent, public, judicial inquiries are also urgently needed into the findings of an independent review, of evidence of collusion between the agents of the state and paramilitaries.

In the context of ongoing human rights violations it is all the more disappointing that the Government has not given the support we might reasonably expect to the Northern Ireland Human Rights Commission, the only institution of its kind in the UK."

ENDS

NOTES TO EDITORS:

1. Professor Brice Dickson is attending the 60th Session of the United Nations Commission on Human Rights, currently being held in Geneva. Today, under Agenda Item 18(b), he will address the Commission on the human rights issues of greatest concern to the NIHRC. A copy of the full text of his submission is attached.
2. The Northern Ireland Human Rights Commission is accredited as a Sub-National Human Rights Institution with the International Coordinating Committee of NHRIs, and is the only UK institution making representation to the Commission. 34 National Human Rights Institutions will make similar addresses to the Commission on issues affecting their countries, including the Irish Human Rights Commission.
3. Meetings of the European National Institutions and of the International Coordinating Committee of National Human Rights Institutions are also being held in Geneva this week, and will be attended by Professor Dickson.
4. For further information please contact Professor Brice Dickson, Chief Commissioner, on 0044 7901 853005, or Paddy Sloan, Chief Executive on 028 9024 3987 or 07967 148537.

HUMAN RIGHTS IN NORTHERN IRELAND

A STATEMENT BY THE

NORTHERN IRELAND HUMAN RIGHTS COMMISSION

TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

CHECK AGAINST DELIVERY

Mr Chairman,

1. I regret to have to report that, while the systems in place for protecting human rights in Northern Ireland continue to improve, the UK Government has badly failed to support the Northern Ireland Human Rights Commission during the past 12 months.
2. First, more than three years after we submitted a report – as required by law – making a case for increased powers for the Commission, the Government has still not definitively responded to that report. Thus, contrary to what is required by the UN's Paris Principles, my Commission still has no power to compel anyone to provide it with information.
3. Second, the UK Government has failed to appoint new members to the Commission to replace those who, for a variety of reasons, have left the body during the past 18 months. The refusal to fill the vacancies has reduced the expertise, resources and authority of the Commission, rendering it less effective than it otherwise might be.
4. Third, the Government has failed to defend the independence and expertise of the Commission when we have been under unfair attack from politically motivated quarters, including from the Government of Ireland.
5. *Mr Chairman*, the most serious and systematic violations of human rights in Northern Ireland continue to be those perpetrated by unlawful paramilitary organisations. During 2003 it is estimated that there were 11 murders committed by paramilitary groups, 156 non-fatal shootings and 149 serious assaults. Astonishingly, the Police and the Prosecution Services do not seem to record how many people are charged with such shootings and assaults.
6. The Commission remains disappointed that the British Government has not yet put in place a system for preventing and investigating deaths which is fully compliant with international standards. There are still over 2,000 unsolved murders dating from before the Good Friday Peace Agreement of 1998. Many of these have, in our view, not been effectively investigated. We believe that reform of the inquest system in Northern Ireland is long overdue and that the Government has not adequately responded to the right of many families to know the truth about how their loved ones died.
7. There have been extremely disturbing findings, by English police officers and by a retired Canadian judge, that there is evidence of collusion occurring in the 1980s and 1990s between the legitimate forces of law and order and unlawful Loyalist paramilitary organisations. The Commission supports the holding of public judicial inquiries into such controversial deaths and would welcome the involvement of international experts in those inquiries.
8. *Chairman*, the police in Northern Ireland are making progress in improving their human rights training, something the Human Rights Commission has been extensively monitoring. I am also glad to report that neither the police nor the army has found it necessary to fire a plastic baton round in Northern Ireland since September 2002 and that the British Government hopes to have a safer so-called "Attenuated Energy Projectile" available for use by the summer of 2005. However the Commission is unhappy that CS spray is being made available to the police of Northern Ireland even though to us its safety is not beyond doubt.
9. There have been no deaths in police custody in Northern Ireland in the recent past but there have been six deaths in prisons within the past two years. It appears that these may all have been suicides, but through visits and research the Human Rights Commission is trying to determine whether the Prison Service is doing enough to prevent such incidents by providing good quality psychiatric care. We are also trying to establish whether the Prison Service's system for investigating deaths is adequate.
10. *Mr Chairman*, the Commission is deeply disturbed by the fact that when immigrants, including asylum applicants, are detained in Northern Ireland they are held in a maximum security prison alongside convicted terrorists. The UK Government has failed to give assurances that it will end this practice. Nor has the Government agreed to ratify the UN's 1990 Convention on the Protection of the Rights of Migrant Workers and their Families. There has also been a deplorable rise in racially motivated violence in Northern Ireland.
11. Most alarmingly, and contrary to clear commitments already announced, the UK Government

has recently declared that it will not, after all, be issuing a National Action Plan Against Racism.

12. The Northern Ireland Commission continues to urge the UK Government to ratify the Council of Europe's Revised Social Charter and Protocols 4, 7 and 12 to the European Convention on Human Rights. We are also pressing it to accept the right of individual petition in all UN human rights treaties, including the two Covenants on Civil and Political and on Economic, Social and Cultural Rights. The Commission continues to ensure that the Government pays due regard to the Concluding Observations of UN treaty-monitoring bodies, in particular those recently issued by the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination. We will shortly be issuing shadow reports to the Committee Against Torture and the Committee on the Elimination of Discrimination Against Women. We would be pleased if all UN bodies could agree procedures to allow NHRIs to engage meaningfully with them and we strongly support the proposal that there should be a second UN Decade of Human Rights Education.
13. My Commission has continued to formulate advice to the British Government on rights to be contained in a Bill of Rights for Northern Ireland, having ourselves sought help with this task from international bodies such as the OSCE High Commissioner for National Minorities and the Secretary-General of the Council of Europe. Just last week we published a new set of proposals for a Bill of Rights and have invited comment on them.
14. *Chairman*, the Northern Ireland Commission believes that the UK Government is unnecessarily detaining people without trial under the Anti-terrorism, Crime and Security Act 2001. Alone amongst European nations it has derogated from the UN Covenant and the European Convention in this regard. Experience in Northern Ireland shows clearly that internment without trial serves merely as a recruitment incentive for terrorist organisations.
15. My Commission continues to grant financial assistance to individual applicants seeking to protect their human rights through court proceedings and is increasingly applying to intervene in other court proceedings in order to present a human rights perspective to the judges.
16. We continue to have a productive relationship with our fellow European NHRIs and have an active Joint Committee with the Irish Human Rights Commission, which is at present examining racism throughout Ireland as well as a Charter of Rights for the whole island. We will liaise with the Human Rights Commission in Scotland once it is created and will press for an effective Commission for Equality and Human Rights in Great Britain.
17. *Chairman*, the Commission in Northern Ireland is an important part of the peace process there. It will continue to advocate strongly for the implementation of international human rights standards throughout society. We hope, however, that the UK Government will soon give it the respect, powers and resources it deserves.

Professor Brice Dickson

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