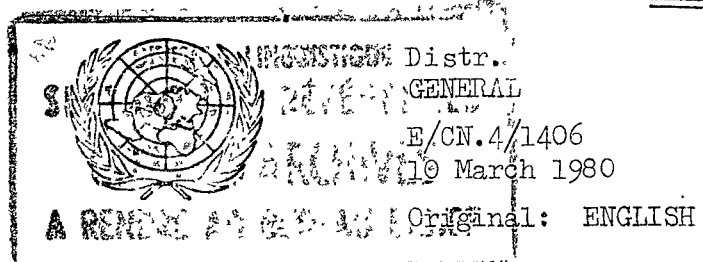


UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



COMMISSION ON HUMAN RIGHTS  
Thirty-sixth session  
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE  
TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement communicated by the Delegation of the  
United Kingdom of Great Britain and Northern Ireland

HUMAN RIGHTS IN NORTHERN IRELAND

Constitutional Position

Northern Ireland is part of the United Kingdom and thus enjoys the full protection given to human rights by the legal system of the United Kingdom, whose Government has ratified the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and also the European Convention for the Protection of Human Rights and Fundamental Freedoms. Unlike some other Member States of the Council of Europe, it has also accepted the right of individual petition to the Commission and the compulsory jurisdiction of the European Court.

There are approximately one million Protestants and half a million Roman Catholics in Northern Ireland. Religious beliefs are strong in both communities but, in themselves they are by no means the only ground for differences between them. Many Roman Catholics see their cultural identity in Irish terms, and a significant number would like to see ultimate political union with the Republic of Ireland (whose population of around three million is mainly Roman Catholic). On the other hand the majority of the Protestant community see themselves as British and strongly wish to maintain their traditional links with the United Kingdom. Against this background of conflicting aspirations successive United Kingdom Governments have held fast to the principle that there can be no change in the established position of Northern Ireland as part of the United Kingdom without the consent of the majority of its people. There is provision for periodic border polls on the future status of Northern Ireland. The last poll in 1973 showed that union with the United Kingdom remained the choice of an overwhelming majority of those voting, and of an absolute majority of the electorate. This is confirmed by the Northern Ireland voting pattern in United Kingdom general elections of which the most recent was in May 1979.

Since March 1972 the United Kingdom Government has been directly responsible for every aspect of the government of Northern Ireland. The United Kingdom Parliament (which includes Members from Northern Ireland constituencies) makes laws for Northern Ireland. However it remains the Government's aim to restore to the people of Northern Ireland more control over their own affairs and in October 1979

the Secretary of State for Northern Ireland invited the leaders of the four main political parties there to a Conference to consider ways in which this might be done. The purpose of the Conference, which opened on 7 January 1980, is to reach the highest possible level of agreement on a transfer of responsibility from Parliament at Westminster to locally-elected representatives in Northern Ireland.

There is no press or media censorship of any kind.

#### Special Protection of human rights

In recent years a number of special measures have been introduced to prevent discrimination and to give legal protection to human rights. Any executive action by government and public bodies in Northern Ireland which are discriminatory on political or religious grounds are unlawful. Discrimination in employment in the private sector is similarly unlawful, except in the case of teachers in schools. Various independent statutory bodies exist to monitor and enforce this legislation including:

The Fair Employment Agency which seeks to promote equality of opportunity and provide redress for unlawful discrimination in employment;

a Parliamentary Commissioner for Administration, who investigates complaints of maladministration (including discrimination) against Northern Ireland Government Departments;

a Commissioner for Complaints, who investigates grievances against local councils and public bodies, including the Housing Executive;

the Standing Advisory Commission on Human Rights in Northern Ireland which advises the Secretary of State for Northern Ireland on a wide variety of human rights matters, including the effectiveness of the law in preventing discrimination on the grounds of political opinion or religious belief.

Further measures taken to eliminate the possibility of discrimination and to provide safeguards for minorities have included:

the re-introduction of proportional representation, which is used in all local government elections and in the election of the Northern Ireland members to the European Assembly;

the complete overhaul of electoral law and practice; there is now universal adult suffrage in local government elections;

transferring the allocation of public sector housing from local authorities to a new central housing authority, the Northern Ireland Housing Executive.

#### The Police

An independent Police Authority, representative of all sections of the community is appointed by the Secretary of State and the Judges Rules which apply in England and Wales to the questioning of suspects also apply in Northern Ireland. The minority community is less than fully represented in the membership of the police force. Catholics are deterred from joining because they have a justifiable fear that they or their families would then be likely to be attacked by terrorists, but there is no discrimination in recruitment. Indeed more recruits from the minority community would be welcomed.

All complaints against the security forces are thoroughly investigated; and police officers and soldiers have been prosecuted for criminal offences in the courts. An independent Police Complaints Board provides an independent element in the consideration of complaints against the police and all such complaints must be referred to the Board.

In June 1978, following a report by Amnesty International which alleged that suspects had been maltreated whilst in police custody, the Government set up an independent enquiry under Judge Bennett to examine police procedures and practice in relation to interrogation. Their report was published in February 1979. The Committee found that no other police force in the United Kingdom was required to deal with so much violent crime in such unpromising circumstances as the Royal Ulster Constabulary (RUC), and that there was a co-ordinated and extensive campaign to discredit the force. Although the Committee noted that RUC procedures for supervising interrogations went further than those in force elsewhere in the United Kingdom, they nevertheless felt that improvements could be made. Virtually all the Committee's recommendations are now being implemented.

#### Terrorist violence

In the current campaign of violence and terrorism which began in 1969 over 2,000 people have died and more than 22,000 have been injured. There have been continued attempts to frustrate the judicial process including the murders of a County Court Judge and two Resident Magistrates. Over the two year period ending in December 1978, the number of terrorist incidents had gradually declined, but 1979 saw a reversal of that trend. In particular the number of attacks against the Security Forces has increased noticeably; in the first nine months of 1979, 49 policemen and soldiers were killed compared with 31 in the whole of 1978.

Terrorist violence is mainly perpetrated by the Provisional IRA, an organization which is illegal in the Republic of Ireland.

#### Emergency Legislation

The existence of terrorist violence has led successive governments to introduce and to maintain in force certain emergency legislation. Following the recommendations of independent inquiries headed by two eminent jurists, Lords Diplock and Gardiner, certain emergency provisions were enacted on a temporary basis. In order for them to continue in force they must be renewed every six months only by an affirmative vote of both Houses of the United Kingdom Parliament. The principal changes are as follows:

trial by jury in the case of terrorist offences has been suspended because of the likelihood of intimidation of jurors; accused persons are tried in open courts by a High Court judge sitting alone; verdicts of these courts remain subject to review by the Northern Ireland Court of Criminal Appeal and, ultimately, by the House of Lords;

the powers of arrest of police officers have been extended to enable them to arrest and detain a person suspected of terrorism for a maximum period of 72 hours before he must be brought before a court.

### Prisoners

In December 1975 the last terrorist suspect detained without trial was released. Since then the only people held in custody in Northern Ireland have been those who have been convicted of criminal offences and sentenced by the courts, or who have been charged and are awaiting trial, or who have been remanded by the courts, or who have been arrested under powers which as indicated above provide for a maximum detention of seven days before a charge must be preferred.

All those sentenced to imprisonment are treated alike in Northern Ireland. Their treatment, rights and privileges are laid down in the Northern Ireland Prison Rules which are similar to those in the rest of the United Kingdom. Special category status for certain convicted prisoners, which had been granted by the Government of the day in June 1972, is now being steadily phased out. However, a number of prisoners (361 on 1 August 1979) accommodated in new cell blocks at Maze Prison are protesting against the refusal to grant them similar special treatment - "political status" as they call it - by refusing to work or wear prison clothing. In furtherance of the campaign there have been a series of attacks on prison officers and their families - 15 members of staff have been murdered. In addition, since March 1978, most of the protesting prisoners have been refusing to wash or use the lavatories; they also foul their cells. In spite of this the protesters are treated humanely and their cells are completely cleaned every 10 days or so. The Government have repeatedly made it plain that the unpleasant conditions in which these men are living are of their own making.

### European Court of Human Rights

In January 1978, the European Court of Human Rights published its final judgement on an application made to the Commission by the Irish Republic in November 1971 alleging breaches of human rights in Northern Ireland. The Court ruled that the combined use of five techniques of interrogation constituted a practice of inhuman and degrading treatment but did not amount to torture; that there had been a practice of ill-treatment at one interrogation centre during the autumn of 1971; and that allegations of unjustified discrimination had not been substantiated. The five techniques in question had, in fact, already been the subject of a government appointed Committee of Inquiry in November 1971, as a result of which the Prime Minister announced on 2 March 1972 that they would not be used again as an aid to interrogation. They have not been applied since the autumn of 1971; and the 14 detainees concerned have received substantial payments of compensation. The United Kingdom Attorney General gave an unqualified undertaking to the Court that the techniques would not "in any circumstances be reintroduced as an aid to interrogation".

### British troops

Since 1969 British troops have been stationed in Northern Ireland in numbers up to about 15,000. Their purpose has been to prevent terrorism and help avoid potential inter-community conflict. In August 1979 an opinion poll in Northern Ireland commissioned by Independent Television News revealed that 74 per cent of those questioned (91 per cent Protestants and 47 per cent Roman Catholics) thought that the interests of the North would be better served by the troops remaining. Only 16 per cent (34 per cent Roman Catholics and 5 per cent of Protestants) favoured withdrawal. A Provisional IRA leader, interviewed in Belfast after the murder of Lord Mountbatten, told the journal "Socialist Worker" that the PIRA regarded the so-called "Troops Out Movement" as very important.

### Co-operation with the Republic of Ireland

The United Kingdom Government is very conscious of the concerns of the Republic of Ireland and consults closely with its Government on various aspects of the Northern Ireland problem.