

**"It's part of life here...."**

**The Security Forces and Harassment  
in Northern Ireland**

**based on a survey of young people**

**Dr. Robbie McVeigh**

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**THE SECURITY FORCES AND HARASSMENT IN  
NORTHERN IRELAND**

Based on a survey of young people

**Dr. Robbie McVeigh**

*Committee on the Administration of Justice*



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## PREFACE

The Executive Committee of the **Committee on the Administration of Justice** is pleased to publish this major piece of work on harassment by the security forces in Northern Ireland. The timing of publication is particularly helpful in view of recent political developments. The ceasefires declared by the IRA and the CLMC have led to deep debate about the future of policing. We are certain that the research and background information contained in this volume can inform that debate. It also identifies a major series of issues which will have to be addressed if policing is to be in tune with respect for civil liberties.

We are particularly grateful to the **J. Roderick MacArthur Foundation** of Chicago which provided funding for this project. It would not have been possible without this financial support.

We would, finally, like to thank Robbie McVeigh himself. His contribution to the life and work of the CAJ was (and is) far above and beyond his work on the current project.

In this piece of work he has provided the first quantitative assessment of harassment in Northern Ireland. The research conclusions should be fully considered by the authorities if they are concerned truly to address the issue of policing in the changed circumstances following the end of paramilitary violence.

CAJ Executive Committee  
November 1994



## ACKNOWLEDGEMENTS

While I accept full responsibility for the finished research and analysis, it would not have been possible without a large number of people who were involved at different stages of the project. Liam Lynch gave invaluable help with the research database and sampling. Julie Neill and Christine Bell helped with the primary qualitative research. Kate Campbell provided invaluable assistance with the tedious job of collecting the sample. A number of drafts were read and improved by the research panel of Jean Craig, Stephen Livingstone, Martin O'Brien and Michael Ritchie from the CAJ research group. The final draft was also read and improved by comments from Keiran McEvoy, Brice Dickson and Christine Bell. Thanks are also due to Paul Kernan and Liam Lynch for help with desk top publishing and graphics.

Whatever the continuing demerits of the report, it has been much improved by their contributions. The qualitative analysis would have been impossible without the co-operation of the spokespersons for the various groups who agreed to be interviewed. The quantitative analysis would have been impossible without the co-operation of the 561 young people who filled in and returned our questionnaire.

There is a mixture of hope and uncertainty in Northern Ireland in the wake of the republican and loyalist cease-fires. The prospect of peace in Northern Ireland has never been as good; the need for democratisation and demilitarisation in order to secure that peace has never been greater. There is a need to address the causes of violence and conflict and division with some urgency. But there is also a need to ensure that human rights and civil liberties do not become bargaining chips in the process of some political settlement - human rights are absolute rights, not tools of political expediency. In this spirit we dedicate our research to the young people who participated in our survey. We hope that they can grow up in a more peaceful and democratic society than the one that obtains under our present 'state of emergency'.

Robbie McVeigh  
Committee on the Administration of Justice  
November 1994





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## INTRODUCTION

Northern Ireland is very different from the rest of the United Kingdom. The acute social and political unrest which has characterised the area since the late 1960s has been variously described as a 'war', a 'conflict' and an 'emergency'. However described Northern Ireland is politically, socially and culturally divided. These divisions are reflected throughout the whole society and create problems in areas of life which remain relatively uncontested elsewhere. One of the key areas of dispute and concern is the criminal justice system. Alongside the development of the political/military conflict since the 1960s there has been the development of a whole infrastructure of 'emergency powers' and a massive increase in the numbers of police and army. While critical questions can be raised about aspects of policing and the criminal justice system in the rest of United Kingdom and in other liberal democracies across western Europe and beyond, the nature and extent of emergency legislation and policing in Northern Ireland suggests that the situation here is 'abnormal'. These emergency measures and the level of policing set Northern Ireland apart.

From a human rights and civil liberties perspective, the emergency character of the criminal justice system is in itself profoundly worrying and deserving of investigation *regardless of the political state of play*. The longevity of the 'emergency' and the use of 'special powers' is equally troubling - it has 'normalised' the emergency - emergency powers and paramilitary policing have become routine in Northern Ireland. However it is also clear that many people in Northern Ireland feel that 'emergency powers' and the levels of policing are as much a *cause* as a symptom of the 'emergency'. It is not just the numbers and power of the security forces, but also their *performance* in carrying out their duties, that disturbs many people.

This is not to suggest that there are easy ways to 'normalise' the criminal justice system or that policing Northern Ireland is an easy task. Obviously the emergency situation in Northern Ireland makes 'normal policing' difficult; it makes the job of the security forces especially dangerous; and it makes it especially hard to police fairly and democratically. Thousands of members of the security forces have been injured over the past twenty five years of conflict in

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Northern Ireland (Police Authority 1994: 11). Hundreds from all branches of the security forces have been killed because of their involvement in policing Northern Ireland.<sup>1</sup> There can be no underestimating the dangers for the security forces of policing Northern Ireland when different communities there are effectively at war with them. Nor can there be any underestimating the particular strain under which locally-based members of the RUC and RIR must operate.<sup>2</sup> Thus there are conditions which make the delivery of a fair and democratic policing service especially difficult and challenging in Northern Ireland.

However it cannot help that these conditions are only acknowledged by Government when they are trying to *excuse* civil liberties abuses and not when they are trying to address them. It is disingenuous of the Government to pretend that the situation is one of normality. This dishonesty has been described by Dr. Clare Palley, the independent expert nominated by the UK to the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities, as:

*'hypocritical conduct, justifying lower human rights standards by reason of the situation of terrorism, while at the same time declining internationally to admit that there is such a breakdown of order as to require a full derogation [from the European Convention] and that a state of emergency exists.'*<sup>3</sup>

It is in this context that the debate around harassment and the security forces takes shape in Northern Ireland. Of course, any attempt to address harassment by the security forces must begin by assessing the degree to which policing in Northern Ireland is abnormal. But it must then take the position that - whatever the

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<sup>1</sup> At the time of the republican and loyalist cease-fires 296 RUC and 648 British soldiers had been killed during the troubles (Newsletter 18/10/1994). It has been suggested that the RUC is the most dangerous policing job in the world. Brewer and Magee estimate that 1 in 16 RUC officers have been killed or injured (1991: 155).

<sup>2</sup> This is witnessed by the high rate of suicide and attempted suicide in the security forces and the high incidence of other stress-related behaviour (Brewer and Magee 1991: 155-186).

<sup>3</sup> Statement by Dr Palley to the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, 19 August 1993.

activities of paramilitary groups - the security forces must not be above the law. It must also take the position that - again whatever the tactics and crimes of paramilitary groups - basic human rights and civil liberties are inviolable. *Improper or criminal or inhuman behaviour by non-state forces can never be an excuse for improper or criminal or inhuman behaviour by the state.* Whatever the character of a 'war situation' or an 'emergency', there are basic principles of security force practice that remain inviolable: firstly, the security forces must operate within the rule of law - if they do not, they must be brought to justice; secondly, they must do so in a manner that is fair and reasonable; thirdly, the law within which they operate must guarantee civil rights and liberties, not suspend or abrogate them.

In a democratic society policing issues are the concern of all. The police are public servants and are given powers in trust for the public. While this means the police are entitled to support from the public insofar as they are carrying out the tasks the public has entrusted them with, it also means that the public is entitled to criticise them when they do not. The police are not entirely autonomous, they cannot set their own agenda. In the specific case of Northern Ireland, there is an argument - implicit or explicit - that *any* criticism - or sometimes even any discussion - of the security forces is simultaneously succour to paramilitaries. The CAJ argues that the opposite of this is the truth - open debate about the role of the security forces is essential in any society which aspires to be democratic. Discussion of policing issues is essential to the creation of an environment of open and democratic policing. This discussion must include - where justified - criticism of, as well as praise for, the security forces. If there are elements in the security forces involved in malpractice, it is in the interests of the security forces to be informed of this. If there are aspects of security force policy which - whether intended or not - undermine basic human rights, then it is in the interests of the security forces to be informed of this. *Where deserved, criticism of different security force policies and practices is helpful to the security forces.* Even if it argued that this wrongdoing is more perceptual than actual, it is conducive to good practice that it be debated and the security forces be made aware of it. It is from this perspective that we began our research on harassment and the security forces. Research on and discussion of policing is an inherent and necessary part of the process of securing the highest standards

of policing. When merited, criticism of policing is in the interests of every citizen - including the security forces themselves.

It is important to situate our research on the security forces and harassment in terms of a literature review of existing research on policing. We look at the notion of harassment and how it has been defined in research in much more detail in Chapter Two. However we need to introduce the research by looking at the broad issue of research on the police and army. There are three broad categories of interest here:

1. research on policing in general
2. research on problems with policing and police malpractice
3. research on policing in Northern Ireland.

### **Research on Policing in General**

There is a basic dichotomy between research that involves the co-operation of the police and research that does not. Co-operation usually allows direct access to the police and suggests ethnography as the key research methodology. Some of the most influential work on policing has followed this ethnographic approach (Holdaway 1983; Smith 1983b, c). However, the police and army, like many other professions, are often very hostile to research, even when this research appears sympathetic. So, even where researchers want direct access to the police, it is often very difficult to obtain. Thus - either through choice or through necessity - much research on the police and army is undertaken without the consent of the body involved and without direct access to them. Again, much influential research and analysis has followed this model (Hall *et al.* 1978; GLC 1984). Neither methodology is inherently superior; each has its own advantages and disadvantages. Access and ethnographic method allows contact with the police and the ability to paint a detailed picture of their world. Other research allows a greater degree of distance from the police's view of policing. Research based on access to the police is usually focused on the views of the police themselves. Other research tends to be more dependent on the views of people

who are policed than those who do the policing.<sup>4</sup> With appropriate time and resources a combination of different approaches and methodologies can be used. Probably the finest example of this eclectic approach is the ground-breaking Policy Studies Institute's *Police and People in London* (Small 1983; Smith 1983a, b, c) which was commissioned by the Metropolitan Police. This research had access to the police but it also worked with communities very critical of policing. It utilised a number of different methodologies to paint a comprehensive picture of policing in London in the early 1980s.

### Research on Problems with Policing and Police Malpractice

We have suggested that the police and army are often reluctant to encourage research on themselves. Not surprisingly, they are even less likely to encourage research if it seems to be critical in design. Research that uses terms like 'harassment' or 'problems with policing' may do nothing more than signal the fact that there is a widespread perception that 'harassment' or 'problems with policing' exist and that this perception should be investigated. Nevertheless, critical research of this nature finds it extremely difficult to achieve access to the police. However, such access to and co-operation from the police is not impossible. As we have already seen, one of the most important pieces of research in this vein was commissioned by the Metropolitan Police themselves. They employed the highly respected independent research institute, the Policy Studies Institute, to conduct detailed research on the police in London using a variety of different methods. The results pointed to very significant problems with the police in London and worried the police themselves. Nevertheless it was much to the credit of the Metropolitan Police that they commissioned the research in the first place. A similar project commissioned by the security forces in Northern Ireland could be equally valuable.

Thus it is not impossible to gain access to the police when investigating police malpractice. Uildriks and van Mastrigt were given access for their study *Policing Police Violence*. They suggest that police violence can be categorised as occurring at different

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<sup>4</sup> Of course, there is no reason why ethnography cannot be used to capture the experience of those being policed as well as those doing the police. There are fine examples of ethnography being used to just such an end (Small 1983).



levels: *individual, situational and organisational* (1991: 16-19). The individual level is the often cited 'rotten apple' syndrome of bad individual officers; the situational level is dependent on the authority of the police being challenged when violence is used in response to this situation; the organisational level is where the whole force is socialised into using violence in some way. While this research focused on policing in Scotland, no doubt this point about different levels of legitimacy and explanation holds broadly true for Northern Ireland. There are clearly different levels of and explanations for police harassment; some focus on the behaviour and intentions of individual officers, others on the institutional character and policy of the whole force. However most research suggests that the 'rotten apple' thesis is not an adequate explanation for police wrong-doing (Uildriks and van Mastrigt 1991: 16-17). It may be convenient once wrongdoing has been admitted for the police to scapegoat individual officers. However explanations of police violence and harassment must go beyond blaming individual police officers and look to institutional characteristics which tolerate and/or encourage such wrongdoing.

Such explanations are unlikely to be provided - or even recognised - by the police themselves. Ethnography - no matter how unlimited the access - is unlikely to address these questions adequately. To begin to unpack the cause and process of police malpractice we need to make sense of the view of the police (and the state) in terms of competing notions of what the police do. It is helpful to situate policing in particular countries in terms of an international comparative context; and it is helpful to situate the views of the police in terms of the views of people who are policed by them. For example, Bayley offers an insightful analysis of similarities with *perceptions* of policing around the world:

*'I recently tried to survey, in a variety of democratic countries, the press reports, as well as the official reports, of complaints about police brutality. The thing that astonished me was there is not any country that does not believe that it does not have a problem of police brutality.... Nonetheless, the media and the public believe they have got a problem. What is interesting is that there is lack of connection between the objective amount of police brutality and the subjective perception by the public about the amount. Police brutality is a social fact, meaning that its significance stems not from how much of it there*

*may objectively be, but whether the people who view it and hear about it think they have a problem. If they think they have a problem, then they have one' (1992: 4).*

Thus it seems that the most effective research is most likely to involve the perceptions of the public as much as some notional objective measurement of levels of 'police malpractice'.<sup>5</sup> Bayley's analysis is confirmed by critical work on policing around the world. The best research has been dependent on seeking the views - whether through ethnography or questionnaire or public inquiry - of people on the receiving end of the police service.<sup>6</sup> While, as Uildriks and van Mastrigt illustrate, useful research on police malpractice can be obtained through access to the police, the most important view in terms of 'problems with policing' is that of the population being policed.

### Research on Policing in Northern Ireland

There is relatively little research on policing in Northern Ireland - either contemporary or historical. There are a number of standard histories of the different elements in the security forces (Brady 1974; Hezlett 1972). Much of the other work that has been done has been journalistic in character (Barzilay 1973, 1975, 1978, 1981; Hamill 1985; Ryder 1991, 1992). While this body of research provides useful basic

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<sup>5</sup> Although Bayley suggests that it is possible to identify at least eight *forms* of 'police brutality' around the world:

1. excessive force in making an arrest
2. deaths in custody
3. use of lethal force
4. use of torture
5. use of indiscriminate force
6. excessive force in handling public disorder and demonstrations
7. reprisals and intimidation through the use of death squads
8. harassment, threats and demeaning behaviour

(Bayley 1992: 1-2).

<sup>6</sup> The Greater London Council Police Committee's Racial Harassment in London (1984) is a good example of the panel of inquiry model of research. This research was particularly important in stimulating research around policing and racism despite the fact that the Metropolitan Police refused to cooperate with the research.

information and some discussion of the character of the security forces, there is only limited analysis of the dynamics of security force/community relations.

There is comparatively little academic research and analysis of policing in Northern Ireland (Tennant 1988; Walker 1990; Weitzer 1985, 1987, 1992). As Ellison argues:

*Unlike police forces in Europe, the United States and perhaps to a slightly lesser extent those in Britain, the hierarchy of the Royal Ulster Constabulary is not particularly amenable to having its officers researched in anything other than the most restrictive of circumstances.... Unfortunately, in the absence of major sociological research into this area the role of the RUC as a major player in the Northern Ireland conflict will continue to remain relatively obscure. (1994: 14-15)*

Brewer and Magee's *Inside the RUC* - ethnographic research which focuses on 'routine policing' - is a notable exception for which access was granted (1991).<sup>7</sup> This research emphasised the 'dual role' of the RUC: its roles as both a 'normal' and a paramilitary police force (Magee 1991). Mapstone's *Policing in a Divided Society* (1994) provides a insight into the particular experience of part-time RUC. There have been attempts to situate policing in Northern Ireland in an international context (Brewer et al. 1988; Emsley and Weinberger 1991). There is also some work on social attitudes towards policing in Northern Ireland (Brewer 1992: 52-66; PPRU 1994). Despite this existing research, there is clearly a dearth of academic work on the RUC in Northern Ireland. Furthermore, there is even less research on the role of the RIR and the British Army in policing Northern Ireland. Huge questions such as the exact meaning of having the army working 'in support of the civil power' and the implications of this for policing have been largely ignored (Rowe and Whelan 1985). The limited nature of academic research in this area is particularly striking given the wider political debate around policing in Northern Ireland. There is a remarkable lack of academic discussion of the contentious side of policing - the ongoing accusations of harassment,

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<sup>7</sup> Ellison's research in progress will provide further important insights into the RUC based on primary research (1994: 14-15).

'shoot to kill' and collusion. In general, the few academic texts which have looked at policing in Northern Ireland have tended to shy away from discussing the more problematic areas of security force practice.

In terms of critical work on the security forces, there is, of course, much political and journalistic coverage and comment (O'Dowd 1992). There is also a fair amount of existing human rights/civil liberties discussion of policing as a discrete topic or in the context of a wider analysis. Amnesty International and the CAJ have been particularly important in working in this area (Amnesty International 1991, 1994; CAJ 1982, 1985, 1988, 1990, 1993). Other human rights groups have also pointed to problems with policing as part of their wider concerns (Helsinki Watch 1991; Lawyers Committee for Human Rights 1993; Liberty 1993). There has also been some consideration of the existing complaints system and suggestions for change (CAJ 1990, 1993; Weitzer 1986, 1992).

Despite this existing work there is a disquieting lack of systematic research and analysis on the security forces in Northern Ireland. As Whelan argues: 'In democratic societies, the domestic use of the military raises constitutional, legal and political questions of the most fundamental kind' (1985: 264). It is time that these 'fundamental' questions and others pertinent to policing Northern Ireland are given the profile they deserve. There is an obvious gap that should be filled by all parties to the debate around policing in Northern Ireland: the security forces themselves, Government, non-Government organisations, political and community organisations - as well as academics. Each of these elements has a part to play in improving the policing of Northern Ireland through research. This research should identify existing problems as well as existing good practice. Our research is a contribution to this debate but it should not be seen as the end of the process. This research report highlights many problems in terms of both policing itself and the related complaints procedures; it also makes a number of recommendations towards improving this situation.

The ongoing 'peace process' offers the prospect of some negotiated settlement to the conflict. For the first time in many years there is a possibility of demilitarisation in Northern Ireland. Dissatisfaction with the policing service is still widespread despite the reduction in non-state political violence. Changing the nature of policing in Northern Ireland must be a key part in any peace process

and political settlement. The reduction in paramilitary violence removes much of the government's justification for the 'infrastructure of coercion' which has been so central to complaints about human rights and civil liberties abuses in Northern Ireland over the past 25 years. We are convinced that research and discussion can only contribute to the process of securing the highest standards of policing for Northern Ireland. We hope that this research report will play an important part in that process.

Most recently the CAJ has called<sup>8</sup> for a wide-ranging review of policing. This review should be independent, have an international dimension, draw on international human rights expertise and report to the two governments and all parties to eventual negotiations. The review body should engage in extensive consultation with communities at grass-roots level. CAJ also called for the army and associated secret units to play no further role in policing.

CAJ has also called for the security forces and other relevant authorities to cease using emergency legislation, as a prelude to its repeal. The research presented in this volume gives a clear indication of how the scale and range of security force personnel and the legislation at their disposal cause community dissatisfaction. Addressing these issues will be an important test of the authorities' commitment to infusing new political arrangements with strong human rights protection.

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<sup>8</sup> In *A Submission to the Joint Oireachtas Foreign Affairs Committee*, Wednesday 2nd November 1994.

# 1. THE HISTORY OF POLICING IN NORTHERN IRELAND

## **Introduction**

The current 'emergency situation' in Northern Ireland began in 1968. But the recrudescence of political violence in the late 1960s emerged from a history of 'emergency' legislation and policing which had been in place with the formation of Northern Ireland in 1921 (Farrell 1980, 1983, 1986; Townshend 1983, 1993). Indeed the history of the whole island of Ireland has been dominated by military and political conflict and government coercion. The colonial conquest of Ireland by the English and then British State from 1172 onwards was effected by force. For centuries there was little attempt to legitimise colonial rule by any means other than military superiority. So, from the first, the use of violence by the state has been a crucial element in Irish society.

Towards the end of the Seventeenth Century a more sophisticated combination of influence and force began to be developed in pursuit of securing the legitimacy of the British state in Ireland. Since that time government in Ireland has involved a complex matrix of repression and reform, persuasion and coercion. This matrix needs to be unpacked in any analysis of the different organs of the state in Northern Ireland. This is especially the case with regard to the analysis of policing in Northern Ireland. The

issue of policing does not stand alone separated from the wider developments in politics and the state. In particular, debates around policing can only be understood in the context of the law and criminal justice system of which they are a crucial part. It is necessary to situate the contemporary debate around policing in Northern Ireland with reference to the wider 'infrastructure of emergency' which has been built up in Ireland over centuries. This infrastructure has involved the development of policing policy whose key function has been the control of a political and military emergency. However it has also involved the development of a wider criminal justice system characterised by the alleged need for 'special powers' in the face of this emergency. So the process of coping with emergency has been *institutionalised* - in terms of legislation and policy and practice - this is what we mean by an infrastructure of emergency.

### **The development of an infrastructure of emergency in Ireland**

In the Eighteenth century emergency law began to be used more frequently to maintain order in Ireland. Given the lack of police officers willing and able to police Ireland, the British Army came to be used increasingly in a law-enforcing and even administrative capacity. The Irish Parliament conferred extraordinary summary powers on magistrates and troops in the so-called Whiteboy Acts which were also employed against agrarian secret societies. These powers were also used to suppress the revolutionary United Irishmen and Defenders in the 1790s. At this time detention of suspects without trial and trial by court-martial were common.

Civil unrest in Ireland continued sporadically throughout the nineteenth and early twentieth centuries. Popular opposition to British rule culminated in the 'War of Independence' of 1919-22 and the establishment of the Irish Free State in 1922. The British response to this unrest was a series of measures that combined reform and coercion. As early as the 1830s the divergence between the use of law in Ireland and Britain was marked (Townshend 1983: 55-56). Disturbances in Britain were dealt with under ordinary criminal law while emergency legislation was used routinely in Ireland. There was a similar disparity between the police in Britain and Ireland. The RIC was established along military lines and became a model for other colonial police forces within the British Empire.

## The Northern Ireland State

Following the 'war of independence' and the partition of Ireland, a local parliament was established in Belfast under the Government of Ireland Act (1920). The Northern Ireland Government passed the Civil Authorities (Special Powers) Act (NI) 1922 which allowed it, 'to take all such steps and issue all such orders as may be necessary for preserving the peace and maintaining order' (Townshend 1993: 170-171). This Act was based upon the Defence of the Realm Acts and the Restoration of Ireland Act which the British had employed in response to the earlier 'Troubles'.<sup>9</sup> The Special Powers Act was renewed annually until given a five-year life span in 1928 and made permanent in 1933.<sup>10</sup>

The Special Powers Act remained in force until 1972. The repeal of the Act was one of the central demands of the civil rights campaigners who began to lobby for reform within Northern Ireland

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<sup>9</sup> While the lineage was less obvious, emergency legislation and policing in the Irish Free State also retained much of the character of the previous administration (Salmon 1985; Sheills 1991)

<sup>10</sup> The provisions of this Act - and the far-reaching regulations made under it - were so extensive that Voester, the architect of apartheid in South Africa, said when introducing a new Coercion Bill, that he 'would be willing to exchange all the legislation of that sort for one clause in the Northern Ireland Special Powers Act'. Voester was referring to the infamous section 2(4): 'If any person does any act of such a nature as to be calculated to be prejudicial to the preservation of peace or maintenance of order in Northern Ireland and not specifically provided for in the regulations, he shall be deemed to be guilty of an offence against the regulations'. The Act gave a wide regulation-making power to the Minister of Home Affairs for Northern Ireland. Section 1 of the Act provided that the Minister or any officer of the local police, the Royal Ulster Constabulary, to whom he had delegated the power, could 'take all such steps and issue all such orders as may be necessary for preserving the peace and maintaining order according to and in the execution of this Act and the regulations'. Section 5 permitted whipping. Over the years an extensive battery of powers was built up in the regulations. Typically, the Act and the regulations allowed for: (1) arrests by the RUC of any individual without warrant and detention for up to 48 hours solely for the purpose of interrogation; (2) internment without trial; (3) entry by the RUC or the army without warrant into any home believed to be used or kept for any illegal purposes; (4) orders from the RUC that any assembly of three or more persons should disperse if the RUC believed that the assembly might lead to a breach of the peace; (5) the outlawing of organizations; (6) prohibitions by the Minister of publication or distribution of any newspaper, periodical, book, or other printed matter; (7) the imposition of curfews; (8) orders from the Minister excluding the named person from all but the finest part of Northern Ireland; (9) prohibitions on the holding of inquests into sudden deaths.



from the mid-1960s onwards. In response to civil rights demonstrations and an increase in civil disorder, increased emergency powers were utilised and in August 1969 the army was called in to assist the RUC. The violence escalated and in 1971 internment without trial was re-introduced. In March 1972, the Stormont Parliament and government was prorogued and replaced by 'direct rule' from Westminster.

### **The development of the infrastructure of emergency since 1972**

In 1972 a commission under the chairmanship of Lord Diplock was appointed to consider 'what arrangements for the administration of justice in Northern Ireland could be made in order to deal more effectively with terrorist organisations by bringing to book, otherwise than by internment by the Executive, individuals involved in terrorist activities'.<sup>11</sup> Despite the fact that the Commission's examination of the situation had been cursory and heavily dependent on the perceptions of the British Army, the bulk of its recommendations were quickly implemented in the Northern Ireland (Emergency Provisions) Act 1973. This legislation finally repealed the Special Powers Act. However the appearance of progress was deceptive since many of the earlier provisions were substantially re-enacted. The new legislation incorporated special powers to stop, search, arrest and detain; to intern without trial; to block roads and to ban organisations. Indeed the EPA went further than the Special Powers Act in that it provided for the establishment of 'Diplock courts' - trials of 'terrorist' offences by one judge sitting without a jury - and altered the rules of evidence to make statements admissible before such courts in circumstances in which they would have been excluded under the ordinary law.

From 1974 onwards further special powers have also existed under the various Prevention of Terrorism Acts (PTAs), which, unlike the EPA, have applied throughout the United Kingdom. The most recent of these is the Prevention of Terrorism (Temporary Provisions) Act 1989 which is permanently renewable. This legislation allows for detention for up to seven days, for the banning of organisations, and for the making of Exclusion Orders - in effect a

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<sup>11</sup> 'Report of the Commission to consider Legal Procedures to deal with Terrorist Activities in Northern Ireland, para 1, Cmnd. 5185 (1972).

system of internal exile. In addition special powers of interrogation at ports have been created, which have been widely used against the Irish Community in Britain (GLC 1984b; Hillyard 1993).<sup>12</sup>

In January 1990, further far-reaching, though 'ordinary', police powers were introduced under the Police and Criminal Evidence (Northern Ireland) Order 1989 (the 'PACE Order'). Nevertheless, the powers contained in these Acts were deemed insufficient and emergency powers were consolidated and expanded in the Northern Ireland (Emergency Provisions) Act 1991. There are three main elements to the Act: re-enactment with minor modifications of the provisions of the earlier EPAs; incorporation into the EPA of the provisions of the PTA which applied only to Northern Ireland; and the creation of certain new offences and powers.<sup>13</sup> These amendments to the EPA did not alter the overall thrust of the legislation, which remains substantially the same as in 1973, despite the lower levels of violence in recent years. Indeed current legislation bears many similarities to emergency powers which have been in force in Northern Ireland since the 1920s which were themselves based upon earlier colonial emergency legislation.

### **The Development of the 'Security Forces' in Ireland**

Alongside the development of an emergency legal system in Irish history, there has been a related development of different enforcement agencies or 'security forces'. There have long been *three* key elements in the 'security forces' in Ireland, whatever these elements have been named and whatever their respective roles and relative importance. These three elements are: the British Army as the colonial/'peace-keeping' power; a locally recruited professional

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<sup>12</sup> In the Brogan case the extended detention powers in the Act were held to be in breach of the European Convention on Human Rights. *Brogan et al v UK*, Eur. Ct., 29 November 1988. In response the United Kingdom entered a derogation notice under Article 15 of the Convention (that is, the government has said it no longer considers itself bound by the Convention on this particular matter). This derogation was upheld by the European Court of Human Rights in *Brannigan and McBride v UK*, Eur. Ct., 26 May 1993.

<sup>13</sup> Provisions implemented in the Act for the first time include a power enabling the security forces to seize and examine documents found in the course of a search, an offence covering possession of items in suspicious circumstances, anti-racketeering provisions and the creation of a new post of independent assessor of military complaints.

police force; and a locally recruited part-time 'emergency' militia. While the distinction between the regular army and the locally recruited regiment has been blurred somewhat by the amalgamation of the UDR and the Royal Irish Rangers to form the Royal Irish Regiment in 1992, the difference remains important. Each of these elements has a particular role within security policy and each has a corresponding relationship with the citizens it polices. Each of these elements also has a separate history. These histories help to explain the particular relationship of the British Army, RUC and RIR to people and policing in Northern Ireland.

### **The British Army in Ireland**

The English/British Army has had a much longer role in policing Ireland than any other body. For centuries it was the mechanism for achieving and maintaining colonial state power against a rebellious native population. The Army was the only effective military organisation available to the state in Ireland until the establishment of the RIC. In keeping with British colonial strategy, Irish Regiments did not serve in Ireland. There were conscious attempts to keep the Army above the political divisions in Ireland. However the Army has not always been apolitical or uninterested in the political process. It has often been a key actor in political events well beyond the boundaries of ordinary policing. Most notorious of all was the 'Curragh Mutiny' in 1914 when a number of British Army officers stationed at the Curragh indicated that they would refuse to mobilise against Unionist opposition to the Home Rule Bill if orders to such effect were given.

The British Army retained a garrison in Northern Ireland throughout the years of devolution under Stormont. (Indeed, the British Army in Northern Ireland retains this dual function - performing both garrison and active service duties.) Northern Ireland remained important in terms of British geopolitical and military strategy throughout this period.<sup>14</sup> However this British Army garrison was not used on active service in Northern Ireland even in times of 'emergency' until 1969. In 1969 there was a garrison of 2 400 soldiers in Omagh, Holywood and Ballykinlar (Barzilay 1973: 1). These soldiers were mobilised to provide a 'peacekeeping'

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<sup>14</sup> It was particularly important during the Second World War.

role after the RUC and Ulster Special Constabulary (USC) or 'B Specials' had accepted that they could no longer maintain law and order in the face of sustained anti-police violence.

This is a key point in any analysis of the changing of security policy after 1969. It is imperative to remember that the British Army did not come back on to the streets of Northern Ireland to 'protect Catholics', despite the contemporary and subsequent representation of their arrival on August 14 1969. The Army was brought in because the RUC accepted that it was incapable of dealing with widespread popular resistance in Belfast and, particularly, Derry. Thus the reintroduction of the British Army happened because the RUC and USC had proved incapable of securing control, not because either the Westminster or Stormont Governments accepted that there was a fundamental problem with the performance of these security forces. There was no explicit acceptance that the Army was there because of the failings and partiality of the RUC and USC. However the establishment of a series of enquiries indirectly pointed to profound problems in this area.<sup>15</sup>

### **The British Army in Northern Ireland**

The British Army arrived back on active service in Northern Ireland in 1969 to adopt - in theory - a reactive 'peacekeeping' role. It had a degree of support in Catholic areas at this time and encountered more active dislike in Loyalist areas. However, this changed over time as PIRA stepped up its campaign. The Falls Road curfew in 1970 further alienated Catholics. The 'honeymoon period' finally ended in January 1972 when the Parachute Regiment shot dead 13 unarmed civilians in Derry at an illegal but peaceful demonstration. (A further victim died subsequently.) Not only did 'Bloody Sunday' copper-fasten Catholic alienation from the British Army, it precipitated the end of Stormont Government since the Westminster Government insisted on assuming control of law and order, a request Stormont felt unable to accede to. In the beginning the RUC was put under the control of the Army when involved in 'anti-terrorist' operations. However in 1977, as part of the broader 'ulsterisation' and 'criminalisation' policy introduced in the wake of the Gardiner Report, the policy of 'primacy of the police' was

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<sup>15</sup> Cameron Commission; Scarman Tribunal; Hunt Report.

introduced. This suggested that the Army no longer controlled security but acted in support of the RUC. This policy remains in place although there is a *de facto* 'primacy of the army' in areas of Belfast, Derry and much of the border region.

It is important to recognise that the British Army has always had a variety of elements with different, and sometimes conflicting, roles. For example, there is the 'Green Army' which patrols as well as the various intelligence and undercover units (Flackes and Elliot 1989: 406-409). These different elements can have significantly different relationships with the populace. If anything, this differentiation has increased since the late 1960s (Dillon 1988; Murray 1990; Urban 1992). Urban has pointed out how:

*As ordinary soldiers or police officers have been moved further and further away from covert operations, a gulf has opened up between the standards of behaviour acceptable in the 'Green Army' and police and in undercover work. Patience and discipline have been fostered as professional virtues among soldiers going to Northern Ireland for uniformed tours of duty.... The cultures of the uniformed and covert security forces in Ulster have become so different that knowledge and supervision of the undercover units' actions has lessened even within the Army and police. The SAS contingent in Ulster has become an elite within an elite. Reduced in strength during the early 1980s to little more than twenty men, SAS men wishing to join this troop must submit themselves to further scrutiny. The selection of these men is carried out by long-serving SAS NCOs who, increasingly during the 1980s, were drawn from the ranks of the Parachute Regiment - an organization with a reputation for action rather than for skills in tasks where tact or political sensitivity were required. (1992: 246-7).*

Improvements in sensitivity in one element of the security forces may have little effect on other elements. Each element in the British Army stands in a particular relationship to the communities it 'polices'.

### **The Royal Ulster Constabulary**

The roots of contemporary policing in Northern Ireland lie in British colonial policing. Brewer suggests that there are two models

of policing, the civil police model and the colonial police model. In his analysis:

*the RIC was caught in a conflict between both models, the outcome of which depended upon the wider political events, local circumstances and popular protests that pertained at the time. Its crime fighting and service functions, and the social integration of its members into the community were constrained by periodic popular protests, and its subsequent remilitarization and paramilitary role were restricted by the long experience of 'normal policing' in the quiescent periods during Ireland's struggle for independence' (Brewer 1990: 12-13).*

Policing in Ireland originated in an Act of Parliament of 1773. This established various county police forces whose job was to service the local magistrate. The Act insisted that these forces were exclusively Protestant. However, they were not used in times of civil unrest when the Army was mobilised. In 1814 Robert Peel formed the Peace Preservation Force. The Irish Constabulary was formed in 1822. In 1836 the force was reorganised and the PPF incorporated. The prefix 'Royal' was added in 1867 in recognition of the role that the Constabulary had played in the suppression of the Fenian rising (Brewer 1990: 1-2). Throughout its existence the force became increasingly Catholic (except in the 1919-22 period when Catholics were more likely to resign and less likely to join). By 1913 86% of new recruits were Catholics. However the officer class remained predominantly Protestant right up to the end - only 40% of officers were Catholic in 1920 (Brewer 1990: 5).

The RUC was formed alongside the establishment of Northern Ireland following the partition of Ireland by the 1920 Government of Ireland Act. One third of its places were to be for Catholics but - despite some recruitment of Catholic former RIC members - this quota was never filled (Sheills 1991: 142-145).<sup>16</sup> The RUC inherited

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<sup>16</sup> Of course, this also meant that two-thirds of its places were to be reserved for Protestants. This precluded an influx of former RIC members and the possibility of the establishment of a Catholic-dominated RUC - a prospect which concerned many unionists and loyalists (Sheills 1991: 142-145). Despite recruitment drives at various stages of its history, the RUC has remained largely composed of Protestants. In 1991, Hugh Annesley, Chief Constable of the RUC stated that Catholic membership of the RUC was 7% among full-timers and 3% among part-timers (Mapstone 1992: 185).

the paramilitary character of the RIC as well as many of its members. As Sheills points out:

*Like the RIC the RUC were to be issued with rifles and revolvers, the structure of the force with an Inspector General at its head was not to be altered, the way of life of members of the force was to be very much the same as that in the old RIC. Most importantly there was to be little change in the authority for police. This was to be vested in the Minister for Home Affairs in Northern Ireland, there was to be no move towards representative control of the police. (1991: 142)*

The RUC retained its paramilitary character for almost the duration of the Stormont Parliament. It never succeeded in winning the support or confidence of the Catholic/nationalist community in Northern Ireland. Although the RUC received less criticism in the Scarman Tribunal and the Hunt Report than the USC, it was accepted that the RUC was perceived to be a partisan police force. Ultimately the RUC's limitations proved to be operational as well as presentational since it failed to contain popular unrest in Derry and Belfast in August 1969. (Moreover some RUC actions like the 'invasion of the Bogside' actively contributed to the level of popular unrest.) In the end it was uncertainty about the functional ability of the RUC to police in the face of widespread opposition - rather than moral/political concern about the way they were policing - that brought about the intervention of the British Army.

The RUC was briefly 'de-paramilitarised' following the recommendations of the Hunt Report in 1969. However, with the resurgence of widespread popular resistance to the state and Republican political violence - particularly the killing of police officers - the RUC was rearmed. They continued however to play a supporting role to the British Army until the mid-1970s. Then, with Republican paramilitary groups apparently approaching defeat and continuing international concern with the militarisation of the conflict, the British Government adopted a strategy designed to *depoliticise* the conflict in Northern Ireland (Boyle *et al.* 1983; Nelson 1977; O'Dowd *et al.* 1981). There were three key elements to this strategy: *normalisation, criminalisation, and Ulsterisation*. Northern Ireland was to be represented as 'normal' - similar to any other part of democratic Western Europe; people adopting political violence

were to be represented as ordinary criminals or terrorists - their use of violence was to be denied political legitimacy; the control of political violence was to be 'Ulsterised' or represented as being contained by locally recruited forces. The notion of 'primacy of the police' was central to this process. Since this time the RUC has been, formally at least, in control of security policy. However in the wake of a resurgent IRA campaign, further movement towards complete 'primacy of the police' has proved impossible. There are still far more army than police involved in 'policing' Northern Ireland.

### **The Royal Irish Regiment in Northern Ireland <sup>17</sup>**

The immediate roots of the RIR lie in an amalgamation of the Royal Irish Rangers, a locally recruited 'ordinary' regiment of the British Army, and the Ulster Defence Regiment. The Royal Irish Rangers was itself the creation of an earlier amalgamation of other Irish regiments of the British Army - the Royal Ulster Rifles, Royal Inniskilling Fusiliers and Royal Irish Fusiliers in 1968 (Ryder 1992: 253). Because they were largely recruited from Northern Ireland and included both Catholic and Protestant recruits, the Royal Irish Rangers were deliberately excluded from service in Northern Ireland until 1989.<sup>18</sup>

The Ulster Defence Regiment had a more complex history. Its origins lie in the Ulster Volunteer Force, a formally illegal paramilitary group formed in 1912 to bolster the resistance of Ulster Unionists to the threat of Home Rule which was to be imposed by the Westminster Parliament. This group went on to serve with unparalleled sacrifice on the British side in the First World War mostly as the 36th (Ulster) Division. It was disbanded after the war but most former members kept in close contact. With the outbreak

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<sup>17</sup> The full-time elements in the RIR have already seen active service overseas in the former Yugoslavia. Their wider role as an 'ordinary' regiment in the British Army is obviously not relevant to this discussion.

<sup>18</sup> The Regiment prided itself on its ability to attract Catholic recruits and managed to avoid becoming embroiled in local politics. The murder of Ranger Best by the Official IRA in Derry was one notable exception but the outcry at his murder was so great as to avoid the further identification of Irish Rangers as 'legitimate targets' by Republican paramilitaries. This remained the case until the regiment was placed on active service in Northern Ireland in 1989. At the time of the amalgamation one third of recruits to the Royal Irish Rangers were Catholic and one sixth were from the Republic of Ireland (Ryder 1992: 253-4).



of the War of Independence in 1918, UVF members were reorganised in Northern Ireland as anti-Republican vigilante groups lending unofficial assistance to the RIC (Hezlett 1972: 19). In October 1920 the Dublin Castle administration announced the formation of a Special Constabulary which was intended to co-opt and legalise the vigilante groups in Ulster.<sup>19</sup> Hezlett records how:

*No new legislation was required as the Special Constables (Ireland) Acts of 1832 and 1914 were still in force.... All law-abiding citizens between the ages of twenty-one and forty-five were invited to apply for enrolment to assist the authorities in the maintenance of order and the prevention of crime. In theory the Special Constables could be raised anywhere in Ireland but in practice it was only attempted in the North. There were to be three classes: the A Specials who were to be whole time [sic]; the B Specials part-time and the C Specials listed as available for use in emergency. The A Specials were enrolled for a period of six months and were to be armed equipped, uniformed and paid the same wages as the regular members of the RIC. The B Specials were to carry out duties in their own districts on about one night a week and were also to attend training drills. They were to be armed as necessary and were to act with the regular police. They were unpaid but were given an allowance to cover the wear and tear of their clothes. At first they had no uniform but were issued with caps and armlets. It was intended that they should be under their own officers, but on duty would act under the regular police. Class C Specials were simply listed as available for emergency service. They would be expected to do occasional drills but would only have caps and armbands. They would be unpaid and would use their own arms for which they would be given permits' (1972: 19-20)*

The Government of Ireland Act 1920 partitioned Ireland creating two Parliaments of Northern and Southern Ireland. The Parliament of Southern Ireland never came into existence being superseded by the Irish Free State; but the Parliament of Northern Ireland came into effect on May 3 1921. With the establishment of Northern Ireland,

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<sup>19</sup> Originally the Special Constabulary was only to be raised for Ulster but in the event it applied to the whole of Ireland. In practice they only came into existence in the six counties (Hezlett 1972: 25).

the *de facto* control of the B Specials from Belfast became *de jure*. On 22 November control of the RIC in Northern Ireland was removed from Dublin to the Government of Northern Ireland which simultaneously assumed formal responsibility for the Special Constabulary.

It was clear from the first to the Unionist government that severely repressive measures would be needed to maintain control over much of Northern Ireland. It also needed additional enforcement agencies to maintain this control. The UVF were recruited en masse to serve this purpose as the A, B and C Specials. On May 24 the Constabulary Bill (Northern Ireland) was introduced and the Special Constabulary became the Ulster Special Constabulary. On June 9 1922 the RIC was disbanded in the north and the RUC came into being (Hezlett 1972: 73).

It is usual in former colonies for the previously illegal paramilitary organisations which constituted the armed wing of the anti-imperialist movement to be reconstituted as the basis of the newly independent state's army. (The Irish Free State is one obvious example). However, it is much less usual for such an organisation to be co-opted and legitimised without some sort of formal decolonisation and attendant revolution in the form of Government. While the system of government did change greatly with the imposition of partition and the Home Rule Parliament, the British State was still clearly responsible for the defence of Northern Ireland. Yet, it co-opted an illegal, paramilitary body to achieve this. Herein lie the contradictions of the locally recruited military force which were evident in the 'B' Specials from the birth of the new Northern Ireland state and have arguably continued in the UDR and RIR. The UVF was not formed as a police force by the state. It was an illegal, sectarian organisation formed to repress nationalism in Ulster and resist British determination to concede Home Rule by any means necessary. The UVF constituted the bulk of the 'B' Specials; the 'B' Specials constituted the bulk of the UDR; the UDR constituted the bulk of the RIR. While it is incorrect to suggest that nothing has changed in the process of each of these transmutations, there is a continuity which is not lost on people in Northern Ireland, whatever their views of the RIR.

The amalgamation of the Royal Irish Rangers and UDR in 1992 brought together two very different regiments. The hope seemed to be that the merger would eradicate the UDR's tarnished image and

inject a spirit of further professionalism into its ranks. Soldiers in the UDR were one and half times more likely to be convicted of a 'terrorist' offence than the civilians they were supposed to be protecting from 'terrorism' (*Fortnight* 289: 6). The merger had the added bonus of bringing a number of Catholic recruits into the ranks of the new regiment. The new regiment has one general service battalion with world-wide responsibilities which is fully professional - this battalion retains the 'ordinary' regiment function of the former Royal Irish Rangers. The remaining battalions are 'home service' battalions for service in Northern Ireland. These home service battalions include full-time and part-time soldiers and effectively retain the functions of the former UDR (Ryder 1992: 253).<sup>20</sup>

### The development of security policy since 1972

In 1988 Dermot Walsh provided a useful overview of security policy since the late sixties. He identified five phases: the handling of early civil rights; the internment period from 1971-74; the interrogation phase from 1975-1980; the intelligence phase; and the 'shoot-to-kill' phase. Each phase was associated with specific breaches of civil liberties and accusations of widespread harassment:

*'It would appear from these five phases that the RUC have exceeded their powers regularly in their dealings with republican individuals and groups. More recently, members of the loyalist community have also been victims of the RUC stretching their powers beyond the limits of the law. This prompts the question why has there not been a much greater volume of prosecutions, convictions and successful civil actions against police officers in Northern Ireland? There can be little doubt that if individuals or organised groups of civilians stretched their legal powers in a similar manner the outcome would be very different. So why have the RUC escaped so lightly? A large part of the answer lies in the functioning or malfunctioning of the criminal justice process and, to a lesser extent, the content of the law itself' (1988: 95).*

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<sup>20</sup> There are suggestions that the amalgamation will lead to the gradual elimination of the part-time element in the RIR. Some commentators have suggested that this would contribute to the further 'professionalization' of the regiment. Certainly the proportion of part-time members and recruits has fallen substantially since 1990 (Newsletter 19/8/1993). However the 'policy' of removing the part-time element has never been confirmed by the British Government.

Since 1988 there have been significant changes in policy. There has been a welcome decline in the incidence of 'set piece killings' and a perceived increase in the willingness to at least prosecute security force personnel involved in lethal force incidents. There has been a major decline in killings by the security force from November 1992 to the date of publication.<sup>21</sup> Alongside this, however, there has been an upturn in efforts to recruit informers to improve police and army intelligence. This recruitment drive has been accompanied by widespread accusations of improper and illegal behaviour by the security forces. There has been a large increase in complaints received by the CAJ about bribery, threats, and the use of malicious prosecution to 'encourage' people to inform.

Alongside this evidence of improper practice, there has been a build up in the infrastructure of emergency. New law on convictions, right to silence, and 'going equipped for terrorism' has supplemented emergency legislation that was already draconian (CAJ 1991). There is evidence to suggest that emergency legislation creates 'sites' of harassment - at vehicle check points and during 'stop and search' and house searches. Certainly it vastly increases the capacity for harassment and other civil liberties abuses by the security forces. So existing emergency legislation is worrying in itself. Furthermore, in Northern Ireland this emergency legislation is coupled with the 'operational independence' of the security forces which renders them effectively accountable to nothing apart from the law in Northern Ireland. When one examines the way in which the judiciary have dealt with members of the security forces who appear in front of them one realises that this "accountability" is little more than notional. In combination these factors create a democratic deficit which is profoundly disturbing.

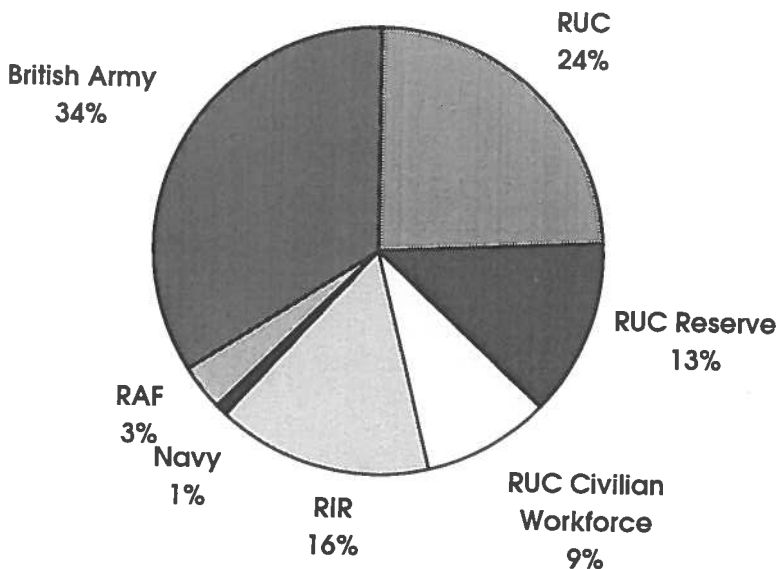
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<sup>21</sup> Since Pearse Jordan's death in November 1992, only Robin Maxwell has been killed by deliberate firing of a weapon by a member of the security forces. Mr Maxwell was killed in early 1994 during a robbery of a garage in Donaghadee, Co Down.

**Figure 1: The Security Forces in Northern Ireland**

Since the start of the present 'emergency' in Northern Ireland there have been three key elements in the 'security forces': the RUC, the regular British Army and the UDR/RIR.<sup>22</sup> There are the following numbers of each on duty in Northern Ireland<sup>23</sup>:

BRITISH ARMY	12 079
RUC	8 464
RUC Reserve	4 573
RUC Civilian workforce	3 250
RIR	5 427
Navy	240
RAF	1 100



<sup>22</sup> The Territorial Army also recruits and organises in Northern Ireland but it has never been used for policing.

<sup>23</sup> Source: Northern Ireland Press Office, London, HQNI, 31 December 1993.

### **The relationship between the RUC, RIR and British Army**

Since the introduction of 'primacy of the police', the RUC has had operational control of security policy. There has been little movement towards representative control. Covert policing in Northern Ireland receives even less public monitoring. In one sense direct rule led to a reduction in democratic control of security. Until 1972 security resided in the power of locally elected politicians while subsequently it fell under the rubric of a British Government which received no mandate from any section of the population in Northern Ireland.<sup>24</sup> The control of policing is theoretically tripartite - Police Authority, Secretary of State and Chief Constable. However the Chief Constable retains 'operational independence'. Since 'primacy of the police' (which means that the military are intended to be "in support of the civil power") this operational independence includes a measure of directional control over British Army and RIR practice in Northern Ireland as well.

While the RUC structures maintain a semblance of liaison and democratic control - this is completely missing in the case of the RIR and other regiments of the British Army. There is no 'Army Authority'; there is no 'Independent Commission for Army Complaints';<sup>25</sup> there are no 'Army Liaison Committees'; there are no Commander's Annual Reports. In short the RIR and British Army are subjected to none of the (extremely limited) mechanisms which open the policy and behaviour of the police to public scrutiny. Yet with such a large military force operating 'in support of the civil power', a majority of the security forces operate without any formal monitoring or control. The 'operational independence' of the Chief Constable thus extends far beyond the behaviour of the RUC. In effect she or he has sole responsibility for the British Army in Northern Ireland - a force which is open to almost no independent scrutiny. In this situation - whatever the current practice of the security forces - the *capacity* for abuse is profoundly disturbing.

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<sup>24</sup> For example in the last European Parliamentary elections the Conservative Party received 1% of the vote. The Labour Party does not organise in Northern Ireland but a 'Labour' candidate received 0.4%.

<sup>25</sup> There is an Independent Assessor of Military Complaints but her or his brief only extends to reviewing the *procedures* for making complaints against the Army.

## Conclusion

The contemporary security situation in Northern Ireland draws on a long history of coercive legislation and policing. There is now a huge infrastructure of emergency in place in Northern Ireland. Civil liberties have been severely eroded in the process of instituting the legislative aspects of this infrastructure. Police and Army have been endowed with extraordinary 'emergency powers' which further restrict the rights of individual citizens in Northern Ireland. In this situation there is a *prima facie* case to suggest that there is a danger of the abuse of this emergency legislation by the security forces - because they can legally do much more than police forces in most other places which claim or aim to be liberal democracies. Abuse often arises from the lawful use of emergency legislation. For this reason alone, the CAJ is concerned about the capacity for potential harassment from the security forces.

It also seems likely that the nature of security policy in Northern Ireland lends itself to problems with harassment. The sheer number of security force personnel in proportion to the population is one element of this. In addition the general thrust of security policy - intensive intelligence gathering, a high density of police and army patrols, detention for questioning in police custody and frequent searches - is especially susceptible to harassment concerns. This thrust creates many different 'sites' for potential harassment. This makes it both easier and more likely for harassment to happen and be perceived to happen. (In contrast, a policy that aimed at more direct deterrence - for example through the use of the death penalty or reprisals or charges of treason - might be equally problematic for civil libertarians yet raise different concerns. It seems likely that harassment would be less central in such scenarios.)

At one level it is to be hoped that it will soon be possible for this infrastructure of emergency to be dismantled and 'ordinary policing' instituted in its place in Northern Ireland. The concept of ordinary policing is a rather nebulous one but a return to the ideal of the police person as a 'citizen in uniform' is a useful benchmark. This notion implies that the police should have no special powers as police. At another level, however, it is realistic to assume that the existing infrastructure of emergency will remain in place for some time despite the ongoing 'peace process'. There is very little sign of a return to 'normal policing'. (Although, as we have seen, in Ireland

the notion of 'normality' is itself of dubious value. In Irish and Northern Irish history 'normal policing' has been 'emergency' policing.) Given the existing infrastructure of emergency, it is imperative that citizens in Northern Ireland are extra vigilant with regard to their remaining liberties. It is especially important that illegal or inappropriate policing is not tolerated, given the wide range of extraordinary legal powers allowed the security forces. The use of state power always carries with it the danger of the abuse of state power. Where that power is increased, there is a corresponding increase in the danger of abuse. This research is part of the ongoing effort to protect and develop civil liberties against a backdrop of hugely enhanced state powers.



## 2. BACKGROUND TO THE RESEARCH

### Introduction

The CAJ decided to undertake systematic research on policing and harassment in Northern Ireland after a growing number of people began contacting the organisation about harassment by the police and army. The first response to this was an internal CAJ discussion document which argued that the:

*CAJ has been concerned for some time that it should be doing something about security force harassment in Northern Ireland. The question is what exactly can be done which would address the problem centrally and have some chance of being successful. It is not a new problem, of course, with its history going back at least to the foundation of the Northern Ireland state. People have attempted to deal with it in various ways. The major activity has been documentation. From the time of the early civil rights movement, statements have been taken of incidents of security force harassment.... [the] CAJ is not trying to tackle a new problem' (Ritchie 1990: 1)*

This discussion document then led to, 'a proposal to carry out a research project on harassment by the security forces':

*Harassment, and how it is dealt with, is a vital issue as regards ensuring public confidence in the administration of justice. It has not been the object of sufficient study. While attention has rightly focused on other civil liberties issues, the nature of day to day contact with the security forces arguably affects the civil liberties of the greatest number of people and is a key test of the impartiality of law enforcement. Therefore we feel there is a need to develop a strategy which might lessen the extent of harassment. The project would seek to initiate this through a research exercise. It would have two elements. The first would involve a survey to evaluate the legal and political techniques available to challenge and render accountable the police and army. The second would involve making recommendations as to what should be done by the security forces and the community if harassment is to be lessened. There are a number of reasons why we feel such a survey is needed. Although extraordinary powers have been granted under the Emergency Provisions Acts to the police and army to stop people, require them to answer questions and to search them no statistics are available on the use of the powers. Paragraphs 13 and 15 of the Official Review of the Anglo Irish Agreement identify complaints about harassment and their investigation as a matter of importance to both British and Irish governments. The nature of contact between the security forces and young people has often been cited as a reason for alienation and may have led some into joining paramilitaries. It is frequently alleged that the police and army use stop and search powers more than necessary, ask more questions than are permitted and carry out unnecessary searches. Regularly stopping certain people or behaving offensively are frequently given as examples of harassment which adversely affect respect and support for the law. The arbitrary use of arrest or the excessive and unnecessary searching of homes are other sources of constant complaint. At this stage, however, most such claims are anecdotal. Statistical information on security force/civilian contact has usually only come in the form of raw data. There have been few attempts to measure the intensity and distribution of these contacts (for example are a large number of people infrequently arrested or a small number regularly?) Any strategy for change needs harder evidence. A survey would provide an objective discussion of such claims and, if they are borne out, might facilitate suggestions for change.*

The research proposal then went on to identify six aims of the survey:

- 1. To ascertain public attitudes to the use of specific stop and search powers by the security forces;*
- 2. To document the experience of people subject to the use of stop and search powers;*
- 3. To quantify the incidence of perceived harassment;*
- 4. To profile the types of people who are subject to harassment*
- 5. To document the experiences of a sample of harassment victims*
- 6. To produce a discussion document which addresses various legal, administrative and political options for the prevention of harassment.*

The two key elements in the original research outline were 1) the 'evaluation of the extent of harassment and the forms it takes' and 2) the 'evaluation of the legal and political techniques available to challenge and render accountable the police and army'. The second aim of the research was obviously predicated upon the successful completion of the first. The attempt to 'evaluate the extent' of harassment was particularly important. Much existing research on different forms and aspects of harassment suggested that harassment is extremely difficult to 'quantify'. This did not suggest that such evaluation is impossible or that quantitative research on harassment could not be informative or insightful. However it was clear that the problematic nature of quantifying harassment should be recognised from the first. It was also clear that the difficulties attached to quantifying harassment were inherently linked to the contested and ill-defined nature of the notion of harassment itself: part of the problem of quantifying harassment is definitional.

Despite the level of conflict and violence in Northern Ireland, there is a dearth of research - particularly quantitative research - on the specific question of harassment. In particular there is very little work on the question of security force harassment notwithstanding the persistent accusations of such harassment emanating from both nationalist and unionist communities in Northern Ireland (O'Dowd

1992).<sup>26</sup> Given these widespread allegations and the increasing volume of complaint to the CAJ, we found there to be a *prima facie* case for the existence of a degree of security force harassment. The questions became *how much* and *why*? While monitoring harassment has been central to the work of the human rights community, it is fairly novel to attempt to quantify harassment as part of research. Even when research bodies have had substantial research funds available they have tended to opt for 'panel of inquiry'-style investigations or other qualitative research.<sup>27</sup> It is also novel to focus on harassment - or perceived harassment - by the police (and army). Often the question of policing and harassment is ignored completely - as if by definition the police cannot harass people. Where policing and harassment has been addressed it has been as an addendum or at best part of a wider analysis of harassment in general (GLC 1984: 9-19).

While harassment is usually denied in Government discourse, its existence is occasionally acknowledged. For instance, after the publication of the Helsinki Watch report, *Children in Northern Ireland: Abused by Security Forces and Paramilitaries*, the NIO security minister Michael Mates admitted that, 'the odd bit of harassment went on'. However, this harassment was 'excused' because of the level of conflict in Northern Ireland:

*Children are taught and encouraged to throw stones, bottles, coffee-jar bombs, explosives to try to kill [the security forces]. In these circumstances, obviously, there is the odd bit of harassment. It is human, it is wrong, it is fortunately very rare, and it is examined every time it happens. (cited in the Belfast Telegraph 29/7/1992)*

Thus, in terms of definitions and assessments of harassment, there is a broad spectrum of opinion. This ranges from outright denial, through the 'odd bit of harassment' to the systematic and deliberate abuse of the power of the security forces.

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<sup>26</sup> Liam O Dowd's *Pilot Local Newspaper Database for Northern Ireland* provides ample evidence of the routine use of the notion of harassment.

<sup>27</sup> The Greater London Council research on racist harassment is a successful example of this (1984a).

## Defining Harassment

The confusion and dispute around the question of security force harassment is hardly surprising. The very notion of 'harassment' causes definitional problems wherever it is used - in the context of analyses of racism or sexism or whatever. The Home Office's Racial Attacks Group provided a useful discussion of the use of the term in the context of racist violence which has wider implications. The Group defined its use of different terms thus:

*The terms 'racial attacks', 'racial harassment' and 'racial incidents' have no legal significance. They are commonly used, virtually interchangeably, to refer to a wide variety of incidents (including personal abuse, threatening behaviour, graffiti, damage to property, physical attacks, arson and murder) in which the perpetrators are in some sense motivated by racial hatred or antipathy (although other motives, such as desire to steal, may also be present).... we have used the terms 'racial harassment' and 'racial incidents' to refer to the whole range of incidents from murder to graffiti; we use 'racial attacks' to refer only to physical attacks on people or property' (1989: para. 9)*

So harassment has no definitive legal expression in British Law.<sup>28</sup> It also overlaps with words like 'attacks' and 'violence' while retaining a wider application and significance. For these reasons harassment is simply more ambiguous than something like 'discrimination' or 'disadvantage'. It is correspondingly more difficult to 'measure' in any meaningful way.

The existence and extent of harassment is also more politically contentious than discrimination. Evidence suggests that any state finds discrimination much easier to address than harassment. In particular any state finds its *own* discrimination much easier to address than its *own* harassment. For example, the British State has a history of introducing stronger and more effective legislation against race, sex and sectarian discrimination. Some of this legislation has undoubtedly changed the practices of the State and its institutions as

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<sup>28</sup> The Criminal Justice Bill currently before Parliament contains a definition of 'harassment'. A recent tort also suggested a definition of sexual harassment. Section Five of the Public Order Act 1985 criminalises forms of 'harassment' but provides no definition.

well as those of private citizens. In contrast, the British State has introduced very little legislation recognising the existence of specifically racist or sectarian or sexist harassment, let alone legislation to effectively address any of these. The British State is not alone in this - most other states have been equally reticent. This suggests that there is a tendency on behalf of the state to deny or 'define away' harassment - especially alleged harassment by the state itself. Because of this, research on state harassment cannot help but be politicised from the first. The premises, definitions, results and so on of such research will be subjected to much more scrutiny and challenge than 'ordinary' quantitative research. In consequence, the search for an objective or agreed definition of harassment is misplaced. It seems more sensible to *begin* to locate the research in terms of competing definitions of harassment - accepting that harassment means different things to different people.

However it is at least possible to identify what harassment is 'about' at the level of discourse. Whether or not someone identifies a particular incident as harassment, the word itself has strong negative connotations. Harassment is something which is unambiguously wrong - whether morally or legally. This is one of the main reasons why alleged 'harassers' are so eager to deny the allegations of harassment. Moreover, harassment is also about a use and abuse of power. It is something which is forced upon people against their will. Thus harassment is 'about' force: it concerns manifestations of racism and sectarianism and sexism and so on which function by force. However, it is about a particular category of force. Crucially, the use of force is sometimes seen as legitimate and sometimes as illegitimate. When force is regarded as at least potentially illegitimate it is usually characterised as either 'intimidation' or 'harassment'. These categories are often used interchangeably in the literature on racism, sexism and sectarianism.<sup>29</sup> The Commission for Racial Equality defines *harassment* thus:

*'Racial harassment is violence which may be verbal or physical and which includes attacks on property as well as the person, suffered by individuals or groups because of their colour, race, nationality or ethnic*

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<sup>29</sup> Although, as a generalisation, intimidation is more generally employed in the discussion of sectarianism and harassment in the discussion of racism.

*or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism' (1987: 8).*

John Darby, in his *Intimidation and the Control of Conflict in Northern Ireland* - one of the most systematic analyses of the process of sectarian violence in Northern Ireland - uses *intimidation* in the following sense:

*'Intimidation is defined as the process by which, through the exercise of force or threat, or from a perception of threat, a person feels under pressure to leave home or workplace against his or her will. It can be considered within a framework of three categories, acknowledging that they are not initially exclusive, or discrete:*

- (1) *actual physical harm;*
- (2) *actual threat;*
- (3) *perceived environmental threat' (Darby 1986: 53).*

Central to both of these definitions is the importance of force or violence and the threat of force or violence. Darby's definition is obviously insufficient in that harassment and intimidation often occur in situations other than the home or the workplace. However Darby also gets closer to the totality of harassment and intimidation in recognising that the avoidance of actual harassment is an essential element in the experience of intimidation. Thus harassment and intimidation involve both the experience of the use or threat of violence by actual victims and the avoidance of violence or the threat of violence by potential victims. Pre-emptive action - of any kind - taken to avoid violence is part of the experience of harassment and intimidation. 'Harassment-avoidance' is also clearly an experience which is 'about' force - given that its whole rationale is evading violence.

Although harassment and intimidation tend to be used interchangeably, a distinction between them is implied in much of

the literature.<sup>30</sup> This distinction is the sense in which harassment is the experience of actual violence or actual threats of violence; and intimidation is the experience of changing some aspect of behaviour in order to avoid violence or the threat of violence. Harassment and intimidation are not easily separable in practice but - in principle - they involve a different process. Harassment is the use or threat of violence. Intimidation is the experience of changing behaviour in some way to avoid violence.

Harassment and intimidation are effectively different sides of the same coin - neither 'works' without the other. Obviously intimidation can only 'work' if the threat of violence is realised - at least occasionally. Equally, however, harassment is inseparably connected to intimidation. Harassment is usually 'instrumental' or a means to an end rather than an end in itself. While harassment can be an end in itself (an example is the murder of a person by racists simply because she or he is Black), it is *usually* instrumental (an example is the petrol-bombing of a house in order to encourage the householder to move out of an area). The distinction between instrumental violence and violence as an end in itself is not just a semantic quibble but crucially important to understanding how and why harassment of any kind occurs. This is because most harassment has the consequence of doing more than annoying or inflicting pain on those who are harassed - it also encourages them to change their behaviour in different ways. Moreover harassment is often *intended* to change behaviour: to stop someone living in a particular area; or stop someone working for a particular firm; or stop someone socialising in a particular place, and so on.

Harassment is not only instrumental in the sense that it changes some practice of the harassed individual, it is usually intended to influence the behaviour of other people as well. Even where harassment is not *intended* to intimidate, it often undoubtedly has the consequence of being intimidating. The reality is that the experience

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<sup>30</sup> For example, see the discussion of 'what is intimidation and harassment?' in Counteract's *Dealing with Sectarian Harassment in the Workplace*. Addressing the specific example of sectarian harassment in the workplace, Counteract argue:

'sectarian harassment at work ranges across a spectrum of behaviour which moves from so-called 'jokes' to physical assault, and which results in the creation of a work climate of fear and intimidation. It can damage workers' health: threaten their job security and even result in workers living in fear of their lives' (1994: 3-4)



of harassment by a small number of individuals is often experienced as intimidation by a much larger number of people within the communities or organisations to which those individuals belong. One example of this is that the sectarian murder of one worker in a given firm - sectarian harassment at its most extreme - may encourage all other workers of the same perceived religion to leave that firm and discourage others from joining it. Thus the active harassment of one person can lead to the intimidation of many. In this sense, harassment is often directed to the confirmation of power relations - it tells the person who is harassed - *as well as the group they are perceived to belong to* - 'we can do what we want to you'. Thus harassment confirms the disempowered status of the group which is harassed.

### **Motivation and the Perception of the 'Victim'**

Another aspect of existing definitions of harassment is the importance that they place on the experience and definition of both 'perpetrators' and 'victims' of harassment. We saw earlier how the Home Office's Racial Attacks Group definition of racist harassment focused on the motivation of the perpetrator. It argues that such harassment occurs in situations:

*in which the perpetrators are in some sense motivated by racial hatred or antipathy (although other motives, such as desire to steal, may also be present). (1989: para. 9)*

However, while the motivation of the perpetrator is important, just as important is the perception of the 'victim'. For example, Government and Parliamentary discussions of racial harassment have been heavily dependent on the definition employed by the Association of Chief Police Officers in their *Guiding Principles Concerning Racial Attacks* (1985). ACPO define a 'racially motivated incident' as:

*(a) any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation; or*

(b) any incident which includes an allegation of racial motivation made by any person. (Home Office 1989: Annex F, para. 1)

ACPO stressed that this:

*'broad definition is to ensure, as far as possible, that the police record of racial incidents and particularly racial attacks is complete by creating a positive bias towards the inclusion of all appropriate incidents. The purely subjective nature of the definition also reflects a recognition that a victim's perception of the motivation of the offender is a significant factor in determining the importance of the incidents for police'. (Home Office 1989: Annex F, para. 2)*

The Home Office Racial Attacks Group was keen to point out in their endorsement of this definition that it, 'gives as much weight to the perception of the victim as to that of the investigating officer'. In the process of recognising that the ACPO definition 'is not perfect', they emphasise the importance of broad definitions with an element of subjective identification:

*'some racial incidents may be missed because the victim may be reluctant to acknowledge, even to themselves, that they have been a victim of racial hatred; and some victims may mistakenly perceive racial motivation in what was in fact a purely criminal activity. But, given the serious damage that racial attacks and harassment can do both to individual victims and to race relations generally, we are sure that it is best for any agency with a responsibility for responding to racial incidents to use as wide a definition as possible. Otherwise there is a real risk of failing to recognise racially motivated incidents and so of failing to respond to them adequately. (1989 para. 14)*

Most recently, the House of Commons Home Affairs Committee *Third Report on Racial Attacks and Harassment* has endorsed the ACPO definition:

*[W]e do not see any real point in trying to improve upon the police definition.... Indeed, while there is evidence that as few as one in sixteen racial incidents are reported to the police there seems little*

*danger of over-reporting.... Thus, whilst we recognise the subjective nature of the ACPO definition, we make no recommendation in relation to the definition of a racial incident used by the police. (1994: vi-vii)*

Thus for ACPO, the Home Office and the Home Affairs Committee, the subjective perception of harassment is a crucial element in any analysis or monitoring of that harassment. This encouraged CAJ to place an emphasis on self-definition in our own research. In fact we can paraphrase the Home Office and argue for a similar broad and subjective definition of security force harassment:

*Some incidents of security force harassment may be missed because the victim may be reluctant to acknowledge, even to themselves, that they have been a victim of harassment; and some victims may mistakenly perceive harassment as a motivation in what was in fact a purely criminal activity. But, given the serious damage that allegations of security force attacks and harassment can do both to individual victims and to community relations generally, we are sure that it is best for any agency with a responsibility for responding to incidents of harassment to use as wide a definition as possible. Otherwise there is a real risk of failing to recognise security force harassment and so of failing to respond to it adequately.*

This paraphrasing of the Home Office definition of harassment highlights the central question for any assessment of putative security force harassment. Any examination of policing will immediately raise questions about the distinction between harassment and intimidation. This is because the police and army primarily 'function' by force and violence and intimidation. Despite community policing, the police are not para-community workers. Of course the police do use cautioning but it is not central to their work that they go to anti-social and criminal people and explain why their actions are wrong and suggest ways in which this behaviour might be changed for the good of society. The absurdity of this proposition illustrates the fact that in most situations the police - and even more certainly the army - act by using force or the threat of force. This is not the same thing as saying that everything they do is somehow immoral or oppressive or even manifestly violent. However it does

illustrate the uniqueness of their relationship to the use of violence. By and large the police are the only bodies within societies who are legitimately empowered to use violence.

Thus, in one sense, the police function by intimidation. The police discourage and prevent potential law breakers from breaking the law because any potential law breakers know that their law-breaking can be detected by police investigations. It is important to emphasise that this intimidation does not simply mean the threat of the police beating someone up - although of course this can happen. Of much greater significance is the fact that someone can be compelled to do things by the police against her or his will by the use or threat of violence (pay a fine, go to court, go to prison and so on). In this process violence rarely becomes manifest - it is institutionalised, bureaucratised, and symbolic.<sup>31</sup> Nevertheless, the bottom line is that the system works by coercion not persuasion and the police - backed up by the rest of the criminal justice system - are the central actors in this process.

This is true whether police operate in homogeneous and peaceful societies or heterogeneous and bitterly divided societies. However, the difference is that in relatively pacific societies the legitimacy of the police is largely uncontested and their use of violence or the threat of violence is accepted as legitimate by the vast majority of society. In divided societies the legitimacy of policing can be essentially contested to the point where substantial groups of people may regard *anything* the police do as illegitimate. This means that every time they use violence or the threat of violence it will be regarded as harassment or *unjust* intimidation.

### Defining security force harassment in Northern Ireland

If the general notion of harassment encourages definitional problems, these problems are compounded in the Northern Ireland context and further compounded in the discussion of putative security force harassment. For instance, increasing the numbers of police/Army in certain areas will be regarded by some people as 'harassment' while others may regard this as actively preventing

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<sup>31</sup> The police uniform itself plays a crucial role in this process. It symbolises the difference between the police officer and the ordinary citizen, making clear the distinction between those who may use violence and those who may not.

harassment. Thus the same 'fact' - the presence of, say, a road block - will be read as harassment by the majority of people in some areas and not in others. So the quantification of harassment is not simply about recording the number of times a person is stopped at a road block - it is also about their perception of the reasons for their being stopped and their perception of the attitudes of the people doing the stopping. Unpacking this complex of interacting subjective and objective realities is not an easy process.

It is also clear that perceptions of harassment are not static in Northern Ireland. There is much evidence - albeit anecdotal - of *changing* perceptions and patterns of harassment. For obvious reasons the question of harassment has attracted particular attention with reference to the policing of 'nationalist' people. However, the notion of state harassment also has increasing significance among 'unionists' given the widening gulf between the 'security forces' and the 'Protestant' population. As questions about policing have focused upon the question of sectarian bias, this area has been all but ignored. Yet it is crucial to understanding the changing nature of 'security policy' in Northern Ireland and will assume even greater importance if levels of unionist/loyalist 'alienation' increase. The question of definitions of harassment in Northern Ireland must consider these wider developments.

Michael Ritchie's original CAJ discussion document on the debate around *security force* harassment identified the notion in the following way:

*Any behaviour which goes beyond a courteous and professional enquiry as to a person's identity, address, where they are coming from and where they are going to, plus a professionally conducted search of body and/or vehicle must constitute harassment. Similarly, any behaviour which goes beyond a courteous and professional search of premises, with minimum disruption, and fails to leave the premises as they were found, must constitute harassment (1990: 2)*

This provides a useful working definition. However further consideration has to be given to the wider social, political and military context alluded to above. In particular attention has to be given to the specific nature of the relationship between the security forces and the state since this is a crucial factor in the debate about

the very *capacity* of the security forces to harass. In an important and immediate way, the state itself defines harassment - particularly perceived harassment by its own policing agencies.

Weber provides the standard sociological definition of what constitutes a 'state' (Weber 1970: 77-79). According to Weber:

*Today the relation between the state and violence is an especially intimate one.... the state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory. Note that 'territory' is one of the characteristics of the state. Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the 'right' to use violence. (Gerth and Mills 1970: 77, original emphasis).*

This indicates fairly simply and uncontentionally the crucial importance of control over violence to *any* state. For all the public relations and image-marketing, any state is dependent on the use and control of violence by its 'security forces'; and any 'security force' functions primarily by coercion rather than persuasion. This is not some particular quality of policing in Northern Ireland - it is true of policing anywhere. Certainly in Northern Ireland the 'security forces' (backed up by the judicial system and the prisons) *claim* Weber's monopoly over the use of violence; and certainly this is a qualitatively different claim to that made by the various paramilitary organisations which also use violence. Whatever their claims to legitimacy in different areas, none has claimed a monopoly over the means of coercion for the whole of Northern Ireland. So, as in most other places, the state is the only body claiming a monopoly over the means of coercion. This being the case there is a sense in which *nothing* the security forces do can be construed as harassment since they are the 'law'. It often appears that Government operates as if this were indeed the case - as if *by definition* the security forces are incapable of harassment.

However in Northern Ireland the legitimacy of the claim to a monopoly of the legitimate means of coercion is much more profoundly contested than in most other places - certainly other places with formally democratic systems of government. This means

that - from the first - *everything* done by the security forces in Northern Ireland will be regarded as harassment by a substantial number of people since these people are unpersuaded of their right to coerce. While it is important to make this point, it does not achieve very much in terms of *quantifying* anything. Because of these difficulties we decided to work with two more specific definitions of harassment which move the analysis beyond the clearly contradictory notions that *everything* and *nothing* the security forces do in Northern Ireland involves harassment. These definitions suggest that in reality most people work with notions of security force harassment that lie somewhere between the absolutist 'everything' and 'nothing' definitions of harassment.

The first of these definitions is fairly simple. It depends on the definition of an experience by the person 'harassed'. (We have already seen that this subjective aspect is central to Government and police definitions of *racist* harassment.) Despite the recognition that some people regard *every* aspect of policing as illegitimate, it seemed reasonable to assume that they would regard particular aspects of that policing specifically as 'harassment'. An example of this would be continuous and unwarranted 'stop and search'. It was examples like these that we wanted to pick up and quantify. This definition includes many different actions by the security forces which are legal - wholly sanctioned by either ordinary law or emergency law. (For example, if the police repeatedly stop and search the same person this is perfectly legal but may be perceived as having no purpose other than to harass.)

The second definition is more intangible. It depends on a notion of harassment which is probably subscribed to by a majority of citizens in Northern Ireland (and by the state and the security forces). This definition of harassment is given expression when it is argued that the security forces have 'overstepped the mark'. While much of this depends on a legally-based definition of 'harassment' - 'harassment' occurs when the security forces act outside the law - this is not in itself a sufficient definition. This notion of harassment also includes behaviour which is technically legal but in contradiction of the idea of natural justice. Central to this kind of behaviour is the idea of 'police discretion'. While the police are allowed discretion in the enforcement of the law, it is important that this discretion is not abused. Discretion is being abused when it involves actions which are deemed to be either inappropriate to, or

unnecessary for, the successful enforcement of 'law and order'. So the definition of harassment must also include actions which are legal but involve some kind of 'over-stepping of the mark' by police and army personnel. Of course this putative mark is never defined - to some extent this is what our whole research project is about.

So, essentially, we have two working definitions of harassment: 1) the definition of the 'harassed' and 2) the 'commonsense' definition of the wider community. The latter is in effect a subset of the former since it is extremely unlikely that the wider community will define as harassment actions which are not so defined by the people who experience them. Thus we have two categories of harassment, one fairly narrow, the other potentially much broader, to which all the data will be subjected. Some will fall into both categories and some into only one. (Obviously, every experience of 'non-harassment' will fall into neither.)

### **Forms and sites of Harassment and Intimidation**

Harassment is not uniform - it manifests itself in different ways at particular times. However it is possible to identify patterns and categorise these forms. The Commission for Racial Equality recognises four categories of racial harassment:

- (1) *attacks on persons,*
- (2) *attacks on property,*
- (3) *threats and abuse, and*
- (4) *racist graffiti (1981: 1).*

The CAJ experience suggests that these categories are equally applicable in the analysis of harassment and intimidation in Northern Ireland.<sup>32</sup> These were incorporated into the questionnaire in the different areas of harassment (Questions 2, 4 and 6).

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<sup>32</sup> The research also suggests the need for a further category: that of racist and sectarian 'parading' or 'marching'. The importance of parades as tools of harassment and intimidation is obvious in the Northern Ireland context with the centrality of the assertion of the 'right to march' by different communities and organisations. This is less obviously a problem in terms of what the police or army do, although policing of paramilitary funerals is often regarded as a 'display' which has little to do with the enforcement of law and order and everything to do with symbolic power relations



These forms or categories of harassment are a useful means of distinguishing between different types of harassment. Another important distinguishing feature might be termed 'sites' of harassment. The CAJ experience had suggested several particular areas which reappeared time and again when complaints of security force harassment were made to us or to other people. These were confirmed by our consultation with community groups who agreed that they seemed the most common sites of alleged harassment by the security forces. These sites of harassment are:

- 1) vehicle check points
- 2) stop and search
- 3) house searches

We asked specific questions on these sites of harassment in our questionnaire (Questions 1 and 2; 3 and 4; 5 and 6).

### **Problems with boundaries**

It was recognised from the first that the research should not be seen to privilege particular forms of harassment. While the initial focus of the research was on emergency legislation, we were keen

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between the state and the communities it polices. *They also involve the policing apparatus - especially the RUC - which defines and defends the 'right to march'.* In Britain and Northern Ireland this has often involved the police in defending a 'right to march' for some whilst sometimes simultaneously institutionalising 'no right to march' for others. Marches and demonstrations are a civil and political right in a democratic society and defended as such by civil libertarians. However, in general, they are (a) Concerned with communicating a message to society or a section of it, they are primarily symbolic and representative, (b) Taking place in a public space, including spaces like city halls and police stations and thus bringing a point of view to bear on public decision making. Marches in Northern Ireland - especially but not exclusively loyalist marches - are generally (a) Less concerned with communicating a view to the public or a section of it than with vindicating the identity of the participants and with doing so in a way that offers no space for dialogue, they are primarily physical - a taking of the others territory - and incidentally symbolic, (b) They involve the invasion of what others have defined as 'their' private space with the view not of making it public but of switching it to being temporarily the marcher's private space. This is key to understanding civil libertarian concerns with the 'right to march' in the Northern Ireland context.

not to ignore other problematic areas. For example, CAJ was already aware of some alleged police harassment of women and minority ethnic groups - this needed to be investigated. There was also much anecdotal evidence of some leakage of harassment from 'emergency' to 'non-emergency' situations. In addition there was a recognition that the 'emergency culture' of policing in Northern Ireland undoubtedly affects every aspect of policing here. Since these factors suggested that there was at least the *possibility* of racist, sexist and heterosexist harassment taking place, it was appropriate to seek information on these 'non-emergency' issues. This was achieved by interviewing key individuals about these issues.

## **Conclusion**

We have identified several different definitions of harassment - as the word is used in the wider context and in the specific Northern Ireland context. We have also identified several forms and sites of harassment - areas in which there are generally perceived to be problems in Northern Ireland. However it bears emphasis that there is no pithy uncontested definition of harassment - in Northern Ireland or anywhere else. Since harassment refers to behaviour which is immediately contested and politicised, such an agreed definition is impossible to achieve. One person's harassment, is another person's strong policing. However, ultimately, harassment comes down to subjective judgement. Whatever the technical definitions of the police or other state institutions or non-governmental organisations, the person who feels that she or he is being harassed is the arbiter in the final instance. This is why we placed so much emphasis on personal experience in our questionnaire.

It also bears emphasis that harassment is a strong word. We chose this word deliberately to avoid the confusion which might be associated with ideas about the security forces being 'over zealous' or 'overstepping the mark' or 'bending the rules'. Harassment is less ambiguous than any of these terms which might be seen as providing some justification for inappropriate or merely technically illegal behaviour by the security forces. It seemed highly improbable that someone could use the word to describe her or his treatment by the security forces and *not* feel that the security forces were doing something wrong. This was confirmed by the use made by

respondents - both those who thought they had been harassed and those who thought they had not. This is well-illustrated by one respondent who wrote:

*'No harassment. But please could the police in Lisburn be more pleasant whilst on the streets'. (Protestant Woman: Lisburn)<sup>33</sup>*

For her, as for other people, harassment is more than unpleasant behaviour. Harassment is a strongly negative word - it indicates behaviour which is identified as being unqualifiedly wrong. Another respondent made this clear with a broad definition of his notion of harassment:

*Harassment I feel can take many forms. Their presence on the streets is threatening and thus a harassment. The British Army in particular hold little respect for the property of the people of the area for example at vehicle check points they would make entrance to gardens not by conventional means but through hedges etc. This is witnessed but when approached about the matter they tell you to go away in rather crude terms. Harassment may I believe take the form also of being made a target for their rifles. Guns are pointed regardlessly towards ones head threateningly. Other harassment comes about through the foot patrol members lack of regard for others sharing the footpath. They carelessly walk seemingly deliberately towards you giving them some sort of confidence boost when you are forced to move dramatically out of the way or receive the rifle barrel or the shoulder of the Brit. Their actions are provocative and breed contempt. (However, I must admit a sizeable proportion are well mannered but the exceptions which are quite numerous prove the standard). (Catholic Man: Belfast)*

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<sup>33</sup> Respondents were guaranteed anonymity and obviously cannot be named. However we identify different respondents by aspects of their social identity which appear to have most salience. The respondents are identified in terms of their 'perceived religion', gender and their District Council area. The qualitative data has not be altered in any way except that obvious spelling mistakes have been corrected. The grammar has not been changed at all. Emphases and shorthand have also been included as they appeared in the returned questionnaire. Therefore all emphases in the respondent's text are in the original - the only difference is that words that were underlined in the original are italicised in our text.

This gives a good impression of the way in which the term harassment is used by our respondents and, no doubt, other citizens in Northern Ireland.

Finally, it is important to emphasise that our research was not concerned with policing in general. Nor was it concerned with RUC and Army perceptions of the situation - no doubt these can be very different from the people who are policed by them and feel that they have been harassed. Thus the research does not address the undoubted pressures experienced by the police and army in a 'war situation' (Brewer and Magee 1991; Hamill 1985; Magee 1991). Nor does it address 'good policing' except insofar as good policing involves dealing with allegations of security force harassment quickly and efficiently. It is important to recognise that many people in Northern Ireland are undoubtedly happy with the service they get from the security forces. Some of our respondents made clear their full support for, and confidence in, the security forces even though we did not actively solicit such responses. (We did encourage respondents to add any extra information they thought appropriate.) It is clear, however, that a substantial number of people in Northern Ireland are not happy with the service they get from the security forces. It is also clear that many people in Northern Ireland feel they have experienced harassment at the hands of the security forces. This research assesses the extent and depth of these concerns and suggests ways in which policing and the monitoring of policing can be improved.

# 3. RESEARCH METHODS

## Introduction

As we have seen, the CAJ had been made increasingly aware that there was a problem with perceived harassment by the security forces in Northern Ireland. The overwhelming weight of information about such harassment made it obvious that further investigation was required. However, much of the evidence of harassment was subjective and anecdotal. This was problematic for two reasons. Firstly, such evidence is of limited value as data for analysis. Secondly, it has allowed the dismissal of allegations of harassment precisely because the evidence has been subjective and anecdotal. When Government has responded to allegations of security force harassment at all, it has encouraged individuals to make complaints through the existing formal mechanisms. This means that there is little or no monitoring of *patterns* of allegations of harassment. Yet these patterns are crucial to any assessment of levels and forms of harassment. We were therefore concerned to explore the issue in a structured and systematic way. In consequence of this our research is ground-breaking in the sense that it researches the question of 'harassment' using *quantitative* methods. This makes the research both innovative and interesting. However, the decision to use quantitative methods was not taken unthinkingly. We were aware that there were also a number of potential drawbacks associated with such a methodology; especially when working with a research topic as complex as harassment.

Research on harassment of any kind is difficult given the nature of the questions which are asked. Research on policing and

harassment is particularly sensitive and politicised - especially in the Northern Ireland context. Thus one would expect problems with the validity and reliability of response *whatever method was adopted*. We considered using qualitative research methods - and these have informed the research in important ways all along. However, it was decided that these would not be appropriate as the principal research method. Much of the existing literature on harassment is qualitative in tone and too much of this relies on anecdotal evidence which cannot be substantiated. Much of this evidence of harassment has proved easy to dismiss or ignore, despite the fact that it suggests that harassment is a serious problem. We were interested in collecting data in a rigorous scientific fashion which would allow detailed quantitative analysis.

Once the decision was taken to use quantitative research, there were further questions on the appropriate methods. One of the key questions was how to collect the data - crucially whether to use postal questionnaires or interview schedules. We considered using interview schedules but this method had its own limitations. It seemed very likely that respondents would prove even less responsive to face-to-face questioning about highly sensitive areas. A postal questionnaire allows some anonymity and distance from the researcher for the respondent to detail experiences which are often intensely personal and painful. Therefore, although far from being faultless, quantitative research using a postal questionnaire proved the most suitable research methodology.

The research population of 17-18 year olds across Northern Ireland was chosen because it was easily located through the Electoral Register. In principle the Register can be used to give a cohort for any age since the register is published every year and identifies every citizen who is registered and will become 18 in the course of that year. As has already been noted, it seemed important to focus on the experience of young people, since there seemed to be particular problems in terms of their experience of policing (Brewer 1992: 52, 58-60).<sup>34</sup> We decided to sample the whole of Northern

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<sup>34</sup> Our pilot also subsequently showed that the response rate is much higher for 17-18 year olds from the current Register than for 18-19 year olds from the previous year's Electoral Register. The address in the Register is undoubtedly less and less accurate as time goes on. There is a diminishing return on cohorts identified through previous Registers as people move house. Obviously 17-18 year olds are particularly transitory as many of them move towards higher education, employment and marriage.

Ireland because this allowed us to research harassment in totality rather than in a localised or piecemeal fashion. It was important to look at harassment in a holistic and inclusive way. Covering the whole of Northern Ireland also avoided accusations of the research 'looking' for harassment in areas where there already seemed to be problems. It was important that the research sample was as representative as possible of *all* young people across Northern Ireland.

### **The Questionnaire**

A number of existing questionnaires had asked general questions on different forms of harassment - racist, sexist and sectarian (McVeigh 1990; Smith 1987: 168). While these rarely asked specific questions about policing, they at least provided some suggestions. Other more general research projects have asked specific questions on policing (Stringer and Robinson 1992; PPRU 1994). These too provided suggestions. The CAJ has its own record of complaints of harassment and these provided further information as to appropriate areas of inquiry and appropriate question-wording.

A draft questionnaire was drawn up utilising the CAJ's experience of areas in which there appeared to be potential problems with policing in Northern Ireland. This was then sent to a number of CAJ contacts working within different communities and in cross-community projects in Northern Ireland for comment. With the help of their suggestions, a pilot questionnaire was drawn up. This questionnaire was piloted in North Belfast, an area which includes mixed areas - in terms of both class and sectarian identity as well as areas which are almost exclusively Catholic or Protestant. The pilot received a pleasingly high response rate of over 30% on the first mailing - especially given the sensitive nature of the research.

### **The Pilot**

The pilot revealed no fundamental problems with either the questionnaire itself or the chosen methodology but it suggested a number of changes to the questionnaire. It became clear that while the experience of harassment was widespread, little use was being made of monitoring bodies - either statutory or voluntary. The pilot also asked a specific question about reporting harassment under each subject heading. It became obvious that, while the incidence of

perceived harassment was high, the incidence of reporting harassment - to either statutory or voluntary bodies - was very low. Nearly half the responses to the pilot recorded some experience of harassment yet not one of these respondents had complained to any organisation. (Most respondents suggested that, 'There was no point - nothing would be done'.)

Thus the pilot suggested that an inappropriate amount of space was being wasted on these specific questions about the reporting of harassment and we changed these to two more general questions. Instead of asking a specific question about complaints after each area of harassment, we simply included two questions on reporting: one on reporting to statutory (or 'Government') organisations (Question 8) and one to non-Government organisations (Question 9). Another change suggested by the pilot was in the question asking 'how often' harassment occurred. Some people reported an intensity of harassment that suggested the margin of incidence was not wide enough in the pilot.<sup>35</sup> The questions on incidence were rephrased in consequence (Questions 2 (b), 4 (b) and 6 (b)).

The pilot included only one question on social identity but the responses made it apparent that this was missing some detail. While the assumption that multiple social identities would be chosen was confirmed, we were missing some people. This was particularly the case with people who saw their identity simply in terms of class - we had no indication of the sectarian identity of these individuals. It was therefore necessary to change the questionnaire to include two questions on social identity. The first of these was a specific question on sectarian identity following the standard format of asking which community people feel closer to (Question 13). The other social identity question remained unchanged (Question 14). This allowed some overlapping in the sense that some people felt 'closer' to either the Protestant or Catholic community and also chose these labels to describe the community to which they belonged. This was unavoidable given the fact that we needed to both establish sectarian identity and allow an element of self-definition.

The final version of the questionnaire appears in an Appendix.

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<sup>35</sup> The pilot had only offered a range of 'once a week' to 'once or twice'. Some respondents reported being harassed much more frequently than this.



## Sampling

Every Electoral Register contains a year's cohort of 17-18 year olds who are identified by their birthday. Their birthday precedes their name on the register and makes them easy to identify. The purpose of this is that these individuals become 18 - and therefore qualify to vote - sometime in the year to which the register applies. This is explained on the Electoral Register:

*'Where a persons name is preceded by a date ... that person is entitled to vote at an appropriate election, the poll for which is held on or after that date.'*

The qualification period for the 17-18 year olds in the 1992 register was February 16 1992 to February 15 1993. Our questionnaire was sent out in the week ending February 26 1993. Our reminder (with a further copy of the questionnaire) was sent out in the week ending June 25 1993. Thus every respondent was at least 18 years of age when she or he received the questionnaire.

We generated 5000 random numbers between 1 and 40 using Microsoft Excel Random function. The random number was taken to correspond to the *first* name on the page of the same number in the selected ward. If there was no page number corresponding to the random number (for example, if the random number was 38 and there were only 20 pages in the ward in question) then we chose the next random number and so on until we found a corresponding page number. If there was no appropriate name on that page (that is, no one between the ages of 17 and 18) we took the first name on the first consecutive page which had a name.

The goal was to have two respondents from every ward in Northern Ireland. If the respondents did not reply the first time, they were sent a reminder. This substantially improved the response rate. Of the 1132 people in the sample, 574 responded. The response rate was 35.2% for the first mailing, 15.5% for the second mailing and 50.7% for the survey overall. The final response rate of over 50% of the sample is very satisfying, especially given the sensitivity of the research. Thirteen letters to respondents were returned by the Post Office because they were no longer at the address in the Electoral Register or because the address we had taken from the Register was deemed to be insufficient in some way. Replacement questionnaires

were sent to further randomly-sampled respondents in each of these wards. Four people identified as being the wrong age - all respondents should have been 18 or 19 and these people responded as being some other age. This suggested that the letter had been opened or filled in by someone other than the person intended. Thus the age question was a convenient check on the accuracy of the sampling/addressing for precisely this reason. Replacement questionnaires were also sent to further randomly sampled respondents in each of these wards.

### **Additional Qualitative Analysis**

We followed up the quantitative analysis with further qualitative work. This aspect of the research had two key elements. The first was to develop in depth some of the points raised by the quantitative research. By its very nature quantitative research is a broad brush approach - it leaves several issues requiring further analysis. Secondly, it was clear that some of the areas in which the CAJ had already encountered alleged harassment were impossible to approach successfully using quantitative methods. It was important that these be included in our overview of the security forces and harassment.

So the quantitative research was useful in that it highlighted certain areas where there were perceived problems with harassment which had received little or no attention. The most noticeable of these was the area of 'low level' sexist harassment of young women. While there had been some discussion of alleged violent assault against politically-active women, there was little or no identification of there being a serious problem with harassment attached to an apparently institutionalised sexism of the security forces. This was obviously a problem on the basis of our quantitative analysis and merited further qualitative analysis.

In addition there were problems with perceived harassment in specific areas in which quantitative analysis was unlikely to provide much information. One obvious example of such an area was that of racist harassment. Three questionnaires were sent out to people with identifiably 'minority ethnic' names (of course there are other minority ethnic people who cannot be identified in this way) through the random sample but no one reported a problem with racist harassment. The CAJ has been actively involved in work with

minority ethnic communities which has made it clear that there is a problem with perceived harassment. Yet this was not being identified by the quantitative research. There are different reasons for this. Firstly, there are problems with English language questionnaires for minority ethnic community members who have little or no English. Secondly, Travellers tend not to be on the electoral register and to have low levels of literacy and are therefore often ignored completely by research carried out through self-completed questionnaires or with samples from the electoral register. It was obvious that no substantial detail on racist harassment was likely to be forthcoming in an area where we knew there to be existing problems with policing. In this area it was quite clear that additional qualitative research would be necessary if anything meaningful was to be said about perceived racist harassment.

The kind of key individuals we spoke to for the additional qualitative analysis were community activists working within different communities and in cross-community projects in Northern Ireland for comment. The CAJ has well developed contacts in such groups across Northern Ireland. We spoke to people with expertise in the areas of concern - activists in women's centres, community organisations, Gay and Lesbian organisations, minority ethnic organisations and so on. We interviewed some thirty people for this part of the research. This research was supplementary - it was intended to throw light on some of the issues raised by the quantitative research. For example: Why was sexist harassment being mentioned so often? Why did Derry and Newtownabbey have such a high rate of harassment? What are the specific dynamics of the changing relationship between the Protestant community and the police? The respondents provided interesting additional ideas on these kind of questions and their thoughts have been included in consequence of this.<sup>36</sup> It bears emphasis, however, that our core research was the questionnaire survey.

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<sup>36</sup> Individuals who provided supplementary qualitative information are distinguished in the text from *respondents* to the questionnaire by the appellation 'Interviewee'. We also give the district council area in which the interviewee worked. Unlike the respondents, however, they are not identified in terms of gender or perceived religion or any other feature of their social identity. They were not asked to identify in these terms and we felt that it would be unfair to attribute these to the interviewee.

## Conclusion

In sociological parlance our core quantitative research is *representative, reliable and valid*. It is representative in the sense that it genuinely represents a sample of young people across Northern Ireland which accords broadly with the total population of young people. It is reliable in the sense that it researches what it set out to research - for example, the 'harassment' we set out to identify is 'harassment', not 'minor irritation' or 'necessary delay'. It is valid in the sense that, if someone were to repeat the research using our sample and questionnaire, they should achieve broadly the same results.

Over a quarter of our respondents identified some experience of harassment from the security forces. *Some 26% of the sample reported at least one experience of harassment*. This is a crude statistic and gives no indication of the degree of seriousness of the perceived harassment. In the next chapter we analyse the questionnaires in depth. This analysis provides a much more detailed picture of what this harassment means and what forms it takes. However, the basic finding - that over a quarter of young people identify some experience of harassment from the security forces - is indicative of the size of the problem. Even if it were assumed that *every* non-respondent was not harassed, our research would still suggest that over 13% of young people in Northern Ireland feel that they have been harassed by the security forces. In fact there is no reason to suggest that non-respondents are any more likely to be 'not harassed' rather than 'harassed'. The incidence of reported harassment was the same among respondents who returned their questionnaire with the first mailing and those who did so only after receiving a reminder. Without this reminder, this other group would presumably have been non-respondents. This suggests that there is no difference in the likelihood of response between those who feel they have been harassed and those who do not - harassed respondents are neither more nor less reluctant to respond than non-harassed respondents.

In simple terms our research suggests that *over one quarter of all young people in Northern Ireland feel that they have been harassed in some way by the security forces*. This is a staggering figure. It allows us to move on from the tentative notion of 'perceived harassment' to say definitively that there is a problem with harassment from the security forces. It is ridiculous to suppose that one quarter of young

people in Northern Ireland are completely 'misreading' the behaviour of the security forces. It is equally ridiculous to suppose that a quarter of a random sample of young people across Northern Ireland are disingenuously *alleging* harassment when it is not in fact taking place. Of course we still want to make a distinction between harassment - which happens - and perceived harassment - which is perceived to happen. These are not necessarily the same things - some people may perceive harassment when it is not in fact occurring while others may not perceive harassment when it is occurring. However, that one quarter of our sample reported harassment makes it clear that there is a serious problem with the security forces and their relationship to Northern Ireland citizens. It bears emphasis that our respondents cannot be taken as representative of the *whole* Northern Ireland population - young people are probably more likely to be and feel harassed than the rest of the population. Nevertheless it is particularly worrying that this cohort of 18 and 19 year old people should appear so unhappy with the bodies which police them. The result suggests that a substantial section of the next generation of Northern Ireland citizens is dissatisfied with the policing service it receives. The specific experience of young people is also at least illustrative of a wider problem with perceived harassment by the security forces, a problem which demands immediate analysis and correction.

## 4. THE QUANTITATIVE ANALYSIS

This chapter gives a detailed overview of the results of the quantitative analysis. Data from the quantitative research will inform our discussion in the various areas covered in later chapters. In particular the next chapter will specifically address the problem of harassment with regard to younger people - the research population for our questionnaire. However this chapter outlines the key findings and throws some light on the use and limitations of the quantitative analysis in researching harassment. The first part of the analysis looks at the respondents in general, the second half gives a more detailed breakdown in terms of those respondents who reported harassment.

We sent questionnaires to 1132 people across Northern Ireland - two to each electoral ward. Of these 574 people responded to our questionnaire - a response rate of 50.7%. Of the 574 respondents, 150 reported some experience of harassment from the security forces. These 150 respondents reporting harassment represent 26% of all respondents and 13% of the overall sample.

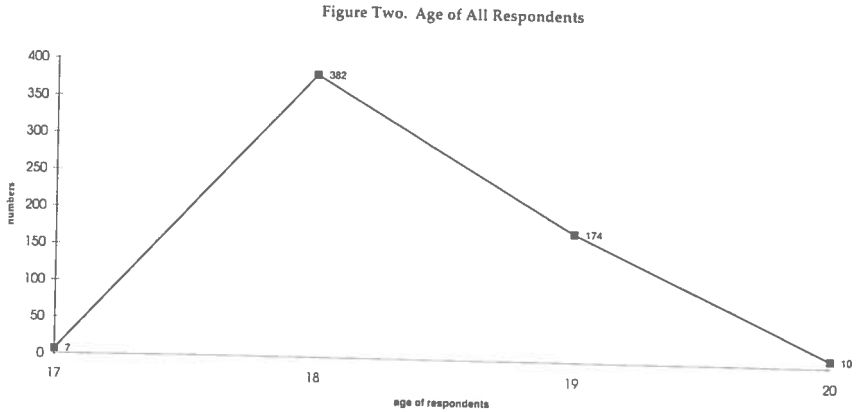
The sample was intended to be as representative as possible of the whole Northern Ireland population - within the chosen 17-18 year old age range. The questionnaire asked for certain data which allows us to develop a demographic profile of our respondents. We asked them different questions about their age, gender, 'perceived religion', employment status and social identity including class. This allows us to analyse the make up of our research population in terms

of these factors and compare it to what we might expect in terms of the whole Northern Ireland population.

## PROFILE OF ALL RESPONDENTS

### Age

We had already identified the respondents in terms of their age, so the age question was included to ensure that the response received came from the person who had been sampled (Question 11).<sup>37</sup> In consequence the age range was very narrow, as can be seen from Figure Two.



### 'Perceived Religion'

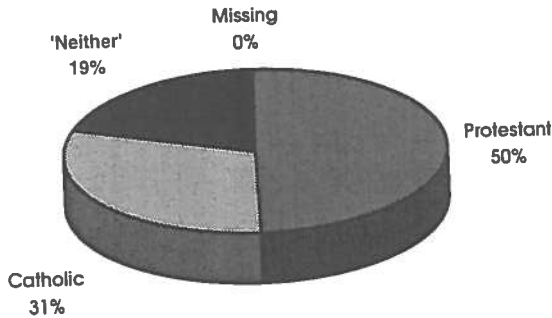
The religious identity question was modelled on one developed by the Fair Employment Commission for the purpose of identifying 'perceived religion'. The question was therefore interested in the respondents 'religion' in terms of Northern Ireland sectarian division

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<sup>37</sup> A number of questionnaires were received from respondents who identified as being of an age outside this range. This suggested that the sampled respondent had not received the letter and that someone else had opened it in her or his stead. These responses were discarded and the original addressee regarded as non-attainable and questionnaires were sent to alternative addresses in their ward.

rather than her or his religious belief or practice. Despite this there was a resistance to being identified in sectarian terms (Figure Three).

Figure Three. Religion of all Respondents



One respondent illustrates this well:

*I would like to point out that my mother is an Irish Catholic, my father is Church of England and a former soldier and we were raised to believe that we were all the same. ('neither religion': Armagh)*

Respondents like this chose 'neither' in terms of perceived religion. They constituted one fifth of all our respondents. (This was very high in terms of non-identification - the corresponding figure among 15-19 year olds in the 1991 census was 10%.<sup>38</sup>) There was also an under-representation of 'Catholics' in the sample - only 31% of respondents identified as Catholic. The 1991 census suggests that around 44% of 15-19 year olds identifies as Catholic. Of course one fifth of our respondents identified as 'neither' Protestant nor Catholic; and many people in this category are 'Catholic' in terms of perceived religion. But 'Catholics' did not appear to be over-represented vis-a-vis Protestants in this category. Thus about half of the 'neither religion' respondents are 'Catholic' in terms of perceived

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<sup>38</sup> People in the categories 'none' or 'not stated' (Northern Ireland Census Religion Report Table 3.).

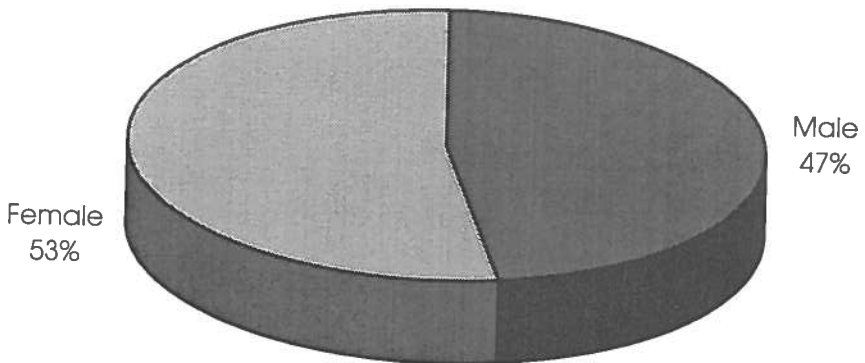


religion. This brings our percentage of Catholics to about 40% and our percentage of Protestants to about 60%.<sup>39</sup>

### Gender

With our gender question we expected the number of respondents to roughly mirror the breakdown in the 1991 census. This was the broadly the case although women were slightly over-represented among our respondents (Figure Four). The corresponding figures for 15-19 year olds from the census are Male 52%/Female 48% (Northern Ireland Census *Religion Report* Table Three).

Figure Four. Gender of all respondents



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<sup>39</sup> This still suggests an under-representation of Catholics and an over-representation of Protestants among our respondents. There are a number of possible explanations for this. There may have been a structural feature of our sample which led to more Protestants getting questionnaires but this seems unlikely since it would suggest a sectarian imbalance in the construction of electoral wards themselves. It may be the case that relatively fewer young Catholics are registered to vote. It may be the case that relatively fewer Catholics are registered by birthday. It may be the case that Catholics are relatively less likely to return questionnaires than Protestants. Whatever the reason, it is important to recognise the under-representation. However it seems likely that, if anything, this sampling quirk led to an under-representation of levels of harassment since our survey suggests Catholics are much more likely to identify harassment than Protestants.

### **Employment Status**

Most of our respondents were in full-time education (55%). The next biggest category for employment status was full-time employment (21%). The only other substantial categories were unwaged people (12%) and people on some form of training scheme (6%). A further 6% had some other employment status - this included those who were houseworkers, self-employed and in part-time employment.

### **Social Identity**

Again with our question on social identity, we expected the social identity of respondents to roughly mirror the whole population of Northern Ireland. This was the case (Figure Five). One of the most striking elements of this part of the research was the strength of class identity. This confirms previous research which has highlighted the importance of class identity in Northern Ireland - despite the commonsense belief that other social divisions are of much greater import than class (O'Dowd 1991).

## **PROFILE OF RESPONDENTS REPORTING HARASSMENT**

With the exception of the aforementioned under-representation of Catholics among our respondents, the demographic profile of our overall sample broadly mirrors the demographic profile of this age group for Northern Ireland in general. This was to be expected since our sample was intended to be as representative as possible of this age group across Northern Ireland. However, we did not expect the demographic profile of the respondents who reported harassment to mirror this broader Northern Ireland profile.

Existing research (as well as much anecdotal evidence) suggested that particular groups were likely to identify more harassment than others. For example, it seemed likely that Catholics would identify harassment more than Protestants and men more than women. The *correlation* between individuals who identify harassment and their self-ascribed social identity is crucial in terms of establishing meaningful patterns of harassment. The next section breaks down the respondents identifying harassment in terms of different social

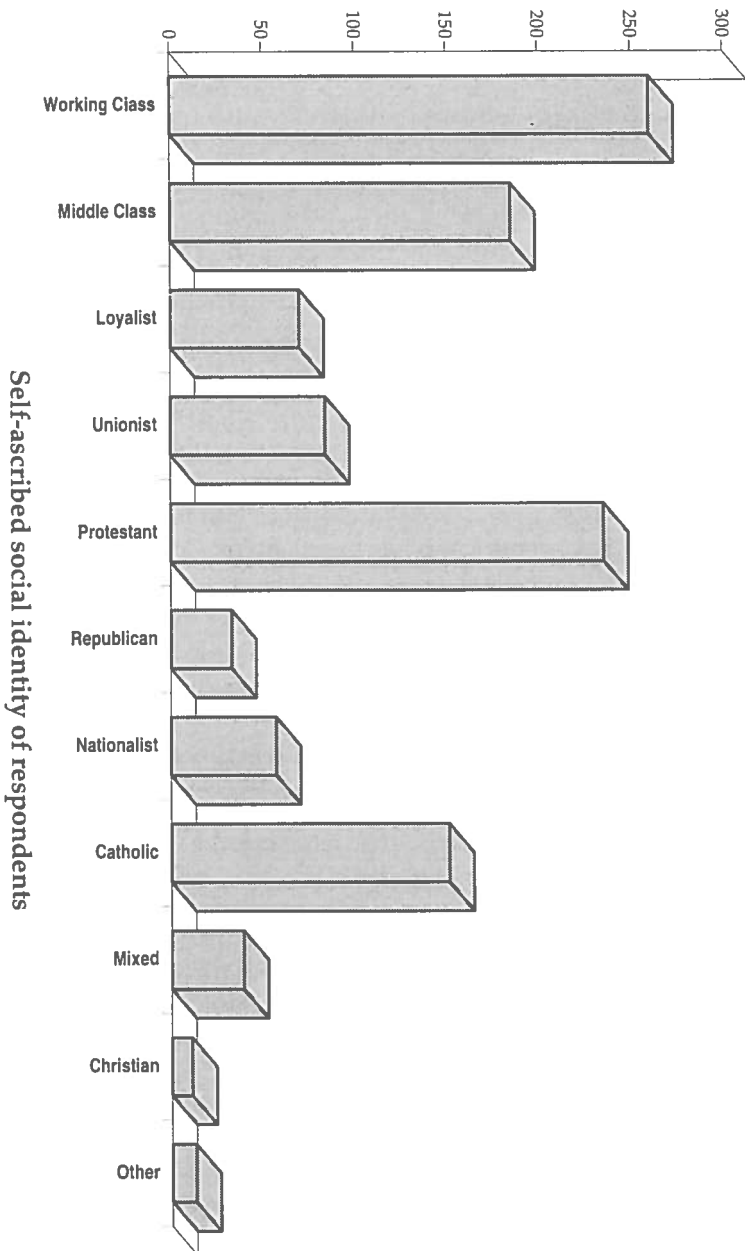


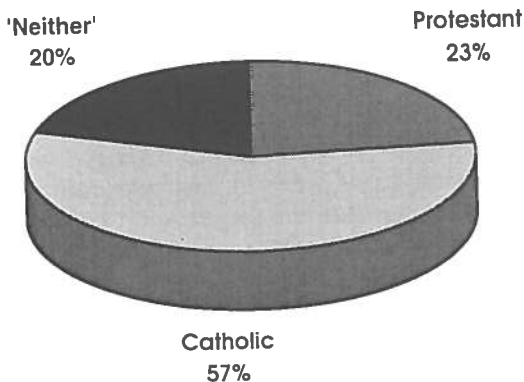
Figure Five. Social Identity of All Respondents

identities. The patterns which emerge move us beyond personal biography and allow analysis of the policing problems of particular communities.

### 'Perceived Religion'

Our research suggests that nearly half of all young Catholics in Northern Ireland believe they have been harassed at some point by the security forces (Figure Six). This is a shocking figure. It suggests that huge questions remain around the issue of the impartiality of the security forces. However it is also the case that a substantial percentage of younger Protestants also feel they have been harassed at some point by the security forces.

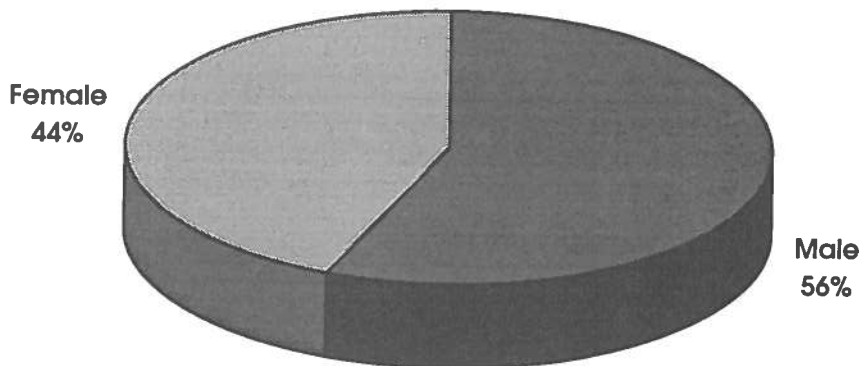
Figure Six. Religion of Respondents who were Harassed



### Gender

As we had expected more men than women felt that they have been harassed at some point by the security forces (Figure Seven). However, the difference was not as great as had been suggested by previous research and anecdotal evidence. Previous evidence suggested that harassment was specifically a problem for young men. While our research confirms that men are more likely to identify harassment than women, the difference is not especially significant. (What is significant is the form of harassment experienced by women - this is discussed in detail in Chapter Eight.)

**Figure Seven. Gender of respondents who were harassed**



### **Employment Status**

With a couple of exceptions, the employment status of respondents reporting harassment roughly mirrored the employment status of the respondents overall. Most respondents who reported harassment were in full-time education (58%) - this was marginally higher than the proportion overall (55%). The next biggest category was unwaged (14%) which was slightly higher than the proportion of unemployed overall (12%). However the proportion of people in full-time employment reporting harassment (13%) was substantially lower than the proportion overall (21%). The proportions on some form of training scheme (6%) and with some other employment status (6%) who reported harassment were identical to the proportions in these categories overall.

In short the research suggests that young people who are employed are substantially less likely to experience harassment than young people with some other employment status. It also suggest that young people who are unemployed are slightly more likely to experience harassment than young people with some other employment status.

## **Social Identity**

The social identity of most people identifying harassment was class rather than religion (Figure Eight). This illustrates the importance of class identity in Northern Ireland. However it also illustrates that class is an often hidden factor in harassment. While people subjectively explain their harassment in terms of sectarian or gender identity, there is a strong correlation between being working class and being harassed.

While 'working class' was the largest modal category for people identifying harassment, it was not the identity most likely to be associated with harassment. This was 'Republican'. The identity least likely to be identified with harassment was 'Protestant'. Thus 66% people who identified the community they belonged to as Republican also reported an experience of harassment while only 16% of people who identified the community they came from as 'Protestant' also reported an experience of harassment. There is a broad continuum between these through the other social identities. The corresponding proportions for these were: Unionist (21%); Loyalist (20%); Catholic (40%), Nationalist (52%), Middle Class (22%) and Working Class (30%).

## **THE EXPERIENCE OF HARASSMENT**

The questionnaire was designed to do more than simply enumerate those respondents who had been harassed. We wanted to find patterns in terms of what kind of security force activities were associated with harassment, where harassment was happening, which security forces were involved.

### **'Sites of harassment'**

The questionnaire was developed with the help of CAJ contacts in different organisations working on the broad area of justice and human rights. These organisations commented on the draft questionnaire and made suggestions for addition and change. Given the CAJ's experience and that of these other organisations, we were fairly confident that the questionnaire addressed directly the areas in which harassment had been experienced by younger people. We identified three key 'sites of harassment': vehicle check points (Questions 1,2); stop and search (Questions 3,4); and house searches

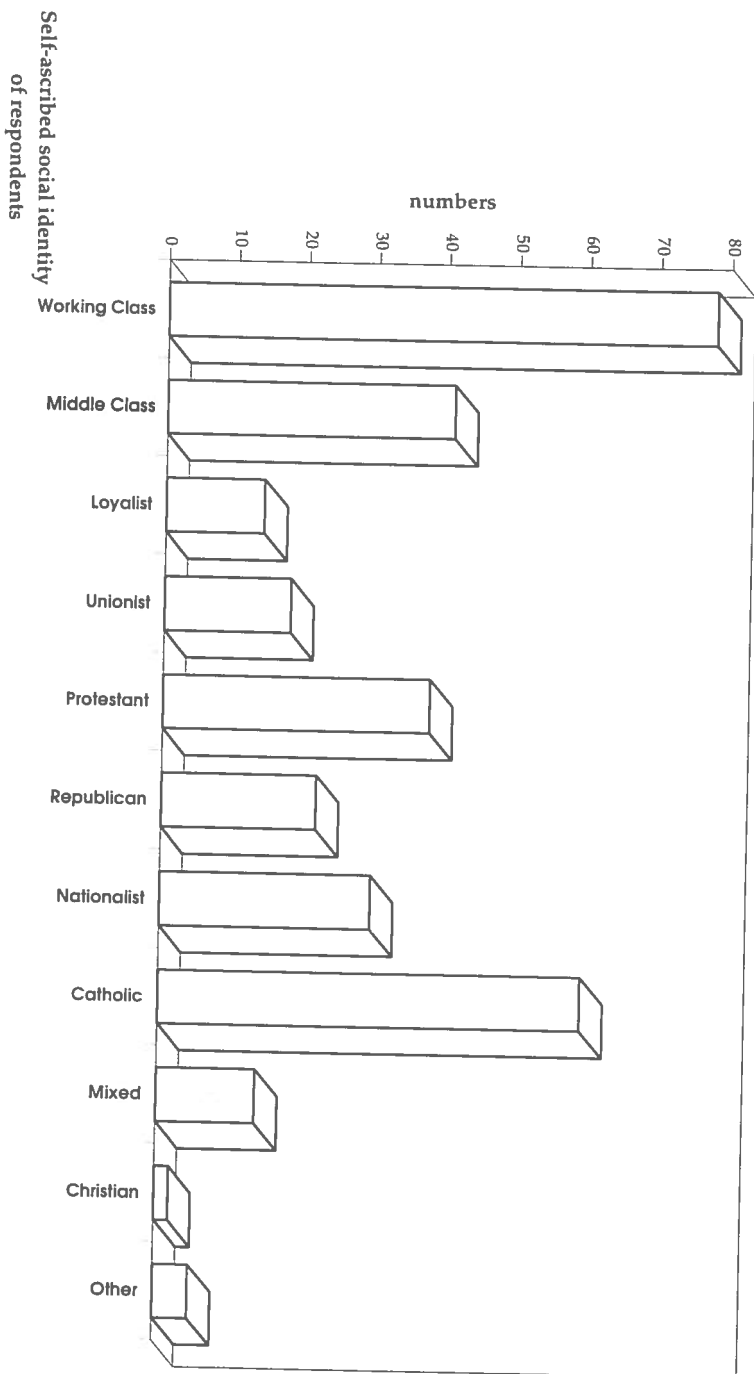


Figure Eight. Social Identity of Respondents who were Harassed

(Questions 5,6). In the event, the respondents confirmed that there were particular problems with harassment in each of these areas.

### Vehicle check points

Nearly all respondents (96%) had experienced a vehicle check point. This figure is in itself indicative of the level of security force/community contact in Northern Ireland, quite apart from the question of whether or not people feel harassed. This potential 'site of harassment' is experienced much more extensively and frequently than any other. Of those respondents who had experienced a vehicle check point, 22% felt that they had experienced harassment in the process. 'Unnecessary delay' at vehicle checkpoints was the most common category of harassment reported by respondents. This also appeared the most ambiguous category in terms of it being harassment since many people would no doubt identify delay at a checkpoint as a necessary inconvenience in Northern Ireland given the 'emergency' situation. However, respondents often went on to explain why they thought some delay went beyond necessity and into the realm of harassment:

*The police and army have stopped me and friends travelling in the car just for a chat, not necessarily harassment. They have made me late for appointments and school but I'm too scared to ask to be let go because I'm late for something in case they would get angry and search the car or harass me. I would call this unnecessary delay. (Protestant Woman: Lisburn)*

*Unnecessary stopping and questioning, especially when there are vehicles which get through checkpoints which could do with being stopped. Ignorance on behalf of many police officers dealing with myself whilst trying to go on my way. They assume everyone is a terrorist and they treat you as they would them. (Protestant Man: Moyle)*

*Unnecessary stops, delays which have been irrelevant. Ridiculous questions asked. (Catholic Man: Magherafelt)*

*Yes [I have experienced harassment], when the British Army are going past you in the street in their Land Rovers I feel as a female that I am*



*sexually harassed. They would whistle, shout or shine their torches at women in the street. I find this embarrassing and degrading. The experience I had before was also with the British Army. I was with two other female friends and they stopped us for no apparent reason and held us in the street for about fifteen minutes. This really angered me. (Catholic Woman: Derry)*

There were examples of other more serious forms of harassment at vehicle check points. However, unnecessary delay was by far the most common category (Figure Nine).

### **Stop and search**

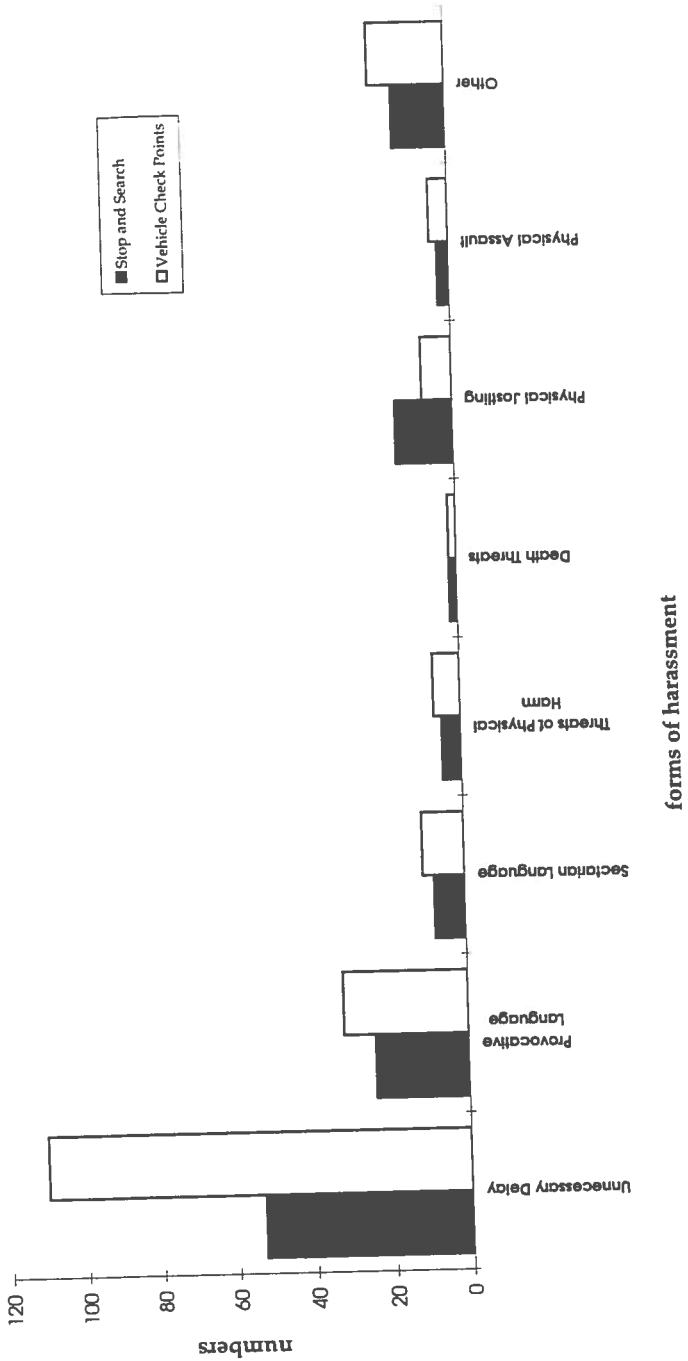
A quarter of respondents had experienced stop and search. Once again, this is indicative of the intensity of policing in Northern Ireland. Of those people who had experienced stop and search, 40% felt that they had been harassed in the process. Thus there was a very high level of complaint relating to stop and search. As with vehicle check points, there was a widespread feeling that policing sometimes went well beyond necessary inconvenience and into the realm of harassment:

*In the past when I have been stopped by the security forces they seem to have kept me, personally, longer because of my surname. The significance being that; a local person with the same name, (unrelated to myself) has been in prison and I feel that because of this, the security forces also think that I am part of that family. (Catholic Man: Fermanagh)*

*The only other area which I feel is harassment is when e.g. a group of fellas are sitting together in the town doing no-one any harm and the forces approach and start their usual routine of asking questions. Sometimes the names are put into a little book which can take up a fair amount of time. This is embarrassing because people may think you have done something. I believe there is no need for this kind of harassment! (Catholic Man: Dungannon)*

*You come out of your home and there is a cop at the bottom of your path and he asks you, 'Where are you coming from?' How stupid can*

Figure Nine. Forms of Harassment



*they be, they have just watched you come out of the house and they still ask you. They can be very dirty with their comments as well, about you and your family. (Catholic Woman: Derry)*

Alongside examples of such 'unnecessary' delay, respondents gave us other examples of more obvious harassment like physical abuse and death threats in the process of stop and search. Many respondents believed that their treatment in the process of stop and search went well beyond the needs of effective policing:

*The Crown Forces made myself and two other friends take off our shoes and socks and made us walk around the town square while they held a gun to our heads. After an IRA attack resulted in the death of a soldier (British), the Crown Forces desecrated a number of graves in Crossmaglen graveyard, including my family grave. I was spat on from a watchtower as I walked past. My brother and I were soaked after a soldier threw a bucket of 'water' over us from a watchtower. RUC men often throw stones at myself and other civilians. I have already lodged a complaint with my local Sinn Fein Councillor after receiving a verbal death threat from a British soldier and an RUC man. (Catholic Man: Newry and Mourne)*

*There are thus serious allegations of harassment attached to the experience of stop and search. It is clear that the manner in which stop and search is conducted by the security forces is often problematic. It is frequently a site of perceived harassment.*

### **House searches**

Only 5% of respondents had experienced a house search. So this 'site of harassment' is experienced much less than vehicle check points and stop and search. However the proportion of people who had experienced a house search and felt that it involved harassment was high - 39% of all people who had experienced a house search.

The searching of someone's house is of necessity intrusive and some of the perceived harassment mentioned this 'invasion of privacy' and 'unnecessary annoyance'. However other respondents spoke of 'sarcasm' and 'rudeness'. Others mentioned the way the search was conducted:

*Anything that was touched was not replaced properly (Man 'neither religion': Magherafelt)*

*We were all children in the house - there was no-one there to supervise the search. (Catholic Woman: Derry)*

*Not putting things back when they search i.e. cupboards etc. (Protestant Woman: Omagh)*

A number of respondents mentioned serious harassment including physical assaults and death threats and theft of property and destruction of property. The harassment was fairly evenly divided among RUC and British Army - there were no complaints about house searches involving the UDR/RIR. Since the numbers reporting harassment in the course of a house search were small it is inappropriate to generalise from the results. However it is clear that there are sometimes problems with the way in which searches are conducted. It is also clear that, at times, house searches can be the site of very serious harassment indeed.

### **Other security force harassment**

While we had identified three key 'sites of potential harassment' from the experience of the CAJ and other organisations, we were aware that there could be problems in other sites of contact with the security forces as well. There were obviously areas of harassment for which the questionnaire could not provide a specific category so we included a general question asking about 'other harassment' (Question 7). Many respondents also took this opportunity to provide details of harassment they felt they had experienced from the security forces (Figure Ten). The most specific harassment reported by respondents was the harassment of women by the security forces. This is addressed in detail in Chapter Seven. Other aspects of harassment were verbal abuse, threats of physical abuse and physical abuse:

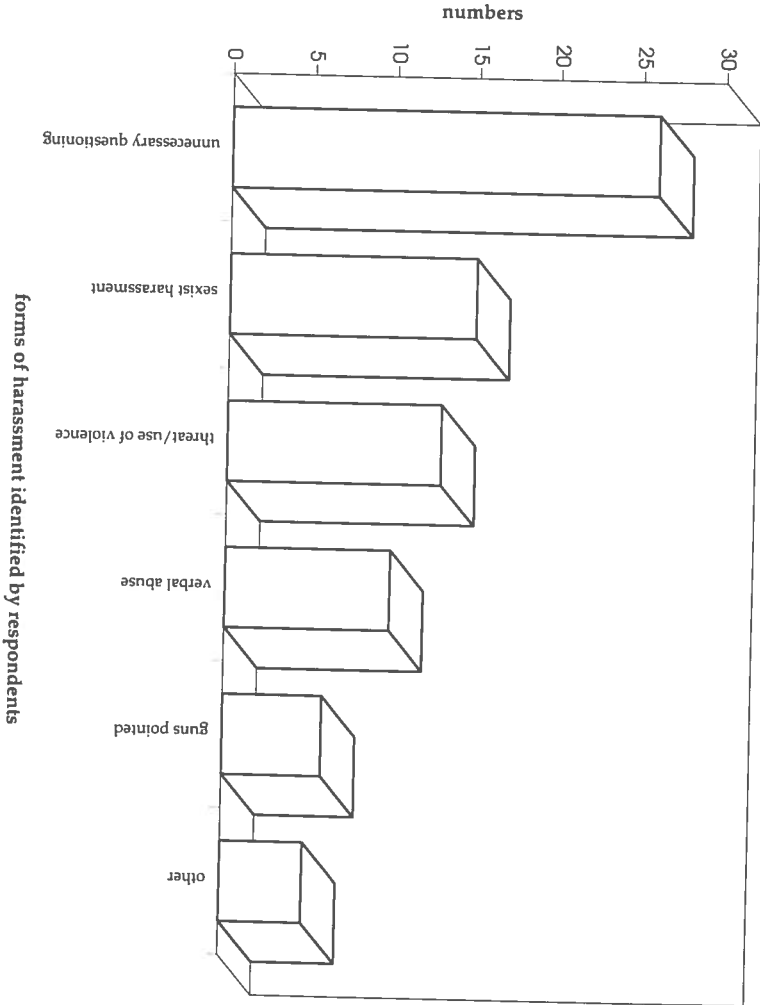


Figure Ten. Other Forms of Harassment

*Yes [I experienced harassment] with my friend when he lost his licence and the police said they were going to knock his balls in. (Catholic Man: Belfast)*

*Not harmful but distasteful jeering and rude comments from the Army while walking along the street. (Protestant Woman: Lisburn)*

*When walking past the British soldiers they would shout abuse and call names and act hard in front of their mates. (Catholic Woman: Magherafelt)*

*Bad attitude from young soldiers at checkpoints. (Protestant Man: Omagh)*

*A lot of verbal abuse as I walk past Clogher RUC station. When stopped by police, roughly manhandled and abused, a lot of delays for up to four hours in Aughnacloy search centre. (Catholic Man: Dungannon)*

*I live in an extremely isolated area of countryside near the border. Last month several army vehicles and police cars dropped their contents off at the end of my driveway. Two soldiers patrolled at the gate and two policemen came up the drive to my house and started knocking on the door. As a female, alone in the house I didn't feel comfortable about letting them in and they continued to knock. My parents had both gone to work so there were no cars at the house. These policemen must have decided that there was no one at home and started searching the out-houses e.g. turf-shed and poking their noses into the bins. They commented on some building work that had been completed recently then one looked up and seen me looking out the window and shouted 'Oh hello' and they started knocking again but I didn't let them in and they eventually went away. I would love to know why they felt they had to search through our bins! (Catholic Woman: Fermanagh)*

One specific and recurrent concern was the training of guns on people in a way that was reported as harassment:

*The pointing of guns by soldiers in the streets. (Catholic Man: Strabane)*

*Sometimes when some of the UDR are on patrol or hiding in some bush or lane, they may train their guns on us and then call over to us so that we can just see the barrel of the gun. (Man: Coleraine)*

*During the time of the barrack building which forced [the local] Primary School to close, the soldiers were constantly on our premises; one dinner time we (our family) were all eating away, when we saw a soldier press his ugly face against our window. His little band of 'peeping Toms' (against which there is supposed to be a law, isn't that right?) remained around our entrance for over an hour.*

*Over the same period, not a farmer could be found, whose barbed wire fences had not been cut by the soldiers (we caught them at it!). Could they not behave in a civilised fashion and use the gates like us mere mortals?*

*When I was out for a walk, I was shocked to find myself in the sights of a heavy looking machine -gun, wielded by an uncaring member of the British Army. Could they not be more careful about where they point those things? (Catholic Man: Newry and Mourne)*

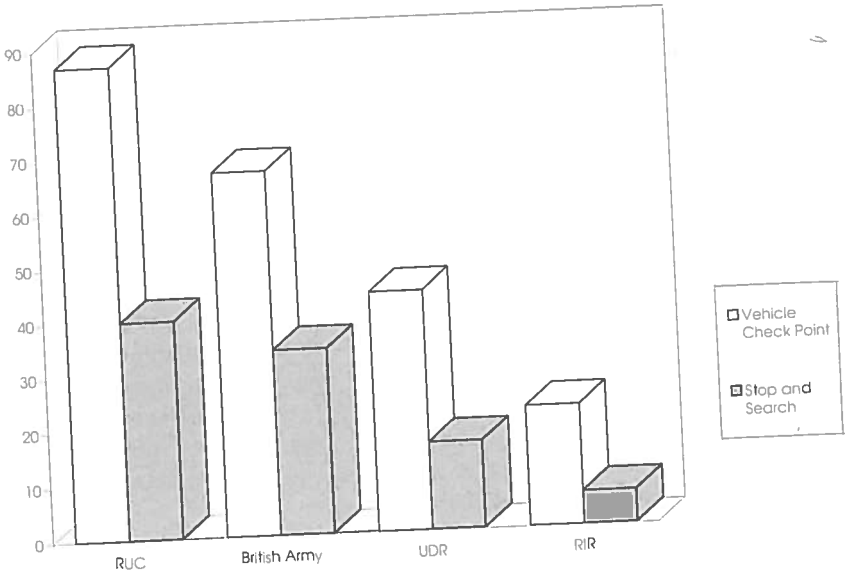
As these responses illustrate, much of the data from the 'other harassment' question was of a fairly general nature and included different forms of harassment (Figure Ten). However it provided rich qualitative detail on the experiences of policing by young people. The data also illustrates that there are a series of aspects of policing which give rise to serious concern about harassment from the security forces.

### **Security forces involved in harassment**

Perceived harassment was most likely to occur with the RUC, then the British Army, then the UDR/RIR (Figure Eleven). This does not, however, mean that the RUC are necessarily 'worse' in terms of harassment than anyone else. They come into contact with the public more often and in more areas than other members of the security forces and are therefore more often in situations in which they might be perceived to be harassing. However our research does

undermine the widely-held notion that there are particular problems with the RIR (formerly the UDR). Neither the UDR nor the RIR appeared to be particularly problematic in terms of harassment.

Figure Eleven  
Security Forces Involved in Harassment



Our qualitative interviews were able to throw some light on perceptions of difference between the security forces. However this suggested much regional difference without obvious explanation as to why different elements were better than others:

*We don't get stopped by the Army at all here - hardly at all. Maybe it's because the Army comes in on a tour of duty.... It's generally RUC. Maybe it's an age thing as well - the Army seems to get younger every day - they're almost like toy soldiers now. Even if you get stopped by them, you tell them to go away, you don't take them seriously. When you are stopped by the RUC, you know you're being stopped by someone who doesn't like you, that's going to harass you but with the Army it's completely different. They would laugh and joke about it. But when you are stopped by the RUC in the dead of night, it's serious stuff. (Interviewee: Derry)*



*People tend to make a distinction between the Paras and the Marines and other regiments - there would be more harassment from them than anybody else.... I don't know why - it must be their training and the fact that they think they have a reputation for being harder than anyone else to live up to. (Interviewee: Belfast)*

There is a need for further research on this issue. However it is clear that there are perceived differences between the security forces and between different regiments of the army.

### **Forms of harassment**

There were different forms of harassment. By far the most common form of harassment was 'unnecessary delay' in the course of vehicle check points and stop and search. At one level this is positive since it appears to be a relatively minor harassment. It also appears very subjective in the sense that one person's 'unnecessary delay' is another person's very necessary duty. However, our respondents provided many qualitative examples of what their experience of 'unnecessary delay' involved. In these instances such delay clearly constitutes harassment:

*Every time I am stopped and asked for my licence I feel I am being harassed. For example, when approaching a vehicle checkpoint the British Army occasionally glance to see who is driving the following cars and when they see me they wave the cars in front on and hail me to stop. They don't want to check anything, they just want a laugh. (Catholic Man: Coleraine)*

Thus 'unnecessary delay' is more than concern at being held up in traffic. This is equally true for 'unnecessary delay' in the process of stop and search:

*On being stopped the security forces ask very unnecessary questions and search you and your belongings to an excess which is purely to annoy and also ask provocative questions. It is also very rare that they are civil and are always rude and never understanding. (Man 'neither religion': Coleraine)*

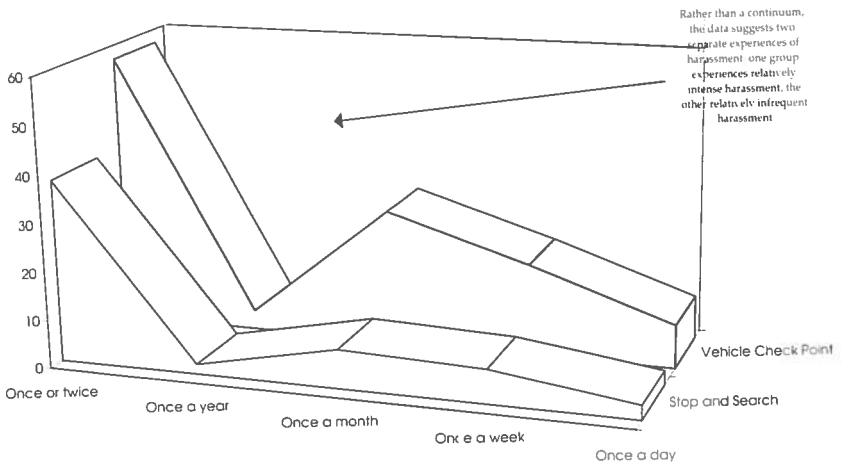
*Once on my way home from work a police Land Rover stopped and the driver came over to me and asked me questions. He used an excuse, saying that I had nearly got knocked down by a car - which was untrue. As the driver left me he got back into the Landrover and drove up my street. As I was walking into my street I saw the Land Rover sitting outside my house. As I was walking up my front steps I heard some of the policemen laughing and using abusive language which made me very embarrassed and angry. (Protestant Woman: Belfast)*

So 'unnecessary delay' often goes far beyond minor inconvenience. In addition to this, people nearly always reported other - more serious - forms of harassment as well as unnecessary delay. It was not an experience of 'harassment' in isolation.

### Frequency of Harassment

For most respondents identifying harassment, their experience of harassment was relatively infrequent, although no less problematic for this. However for a substantial minority harassment was a frequent occurrence. There appears to be a distinct difference between respondents who are harassed 'occasionally' and respondents who are harassed 'regularly' (Figure Twelve).

Figure Twelve. Frequency of Harassment



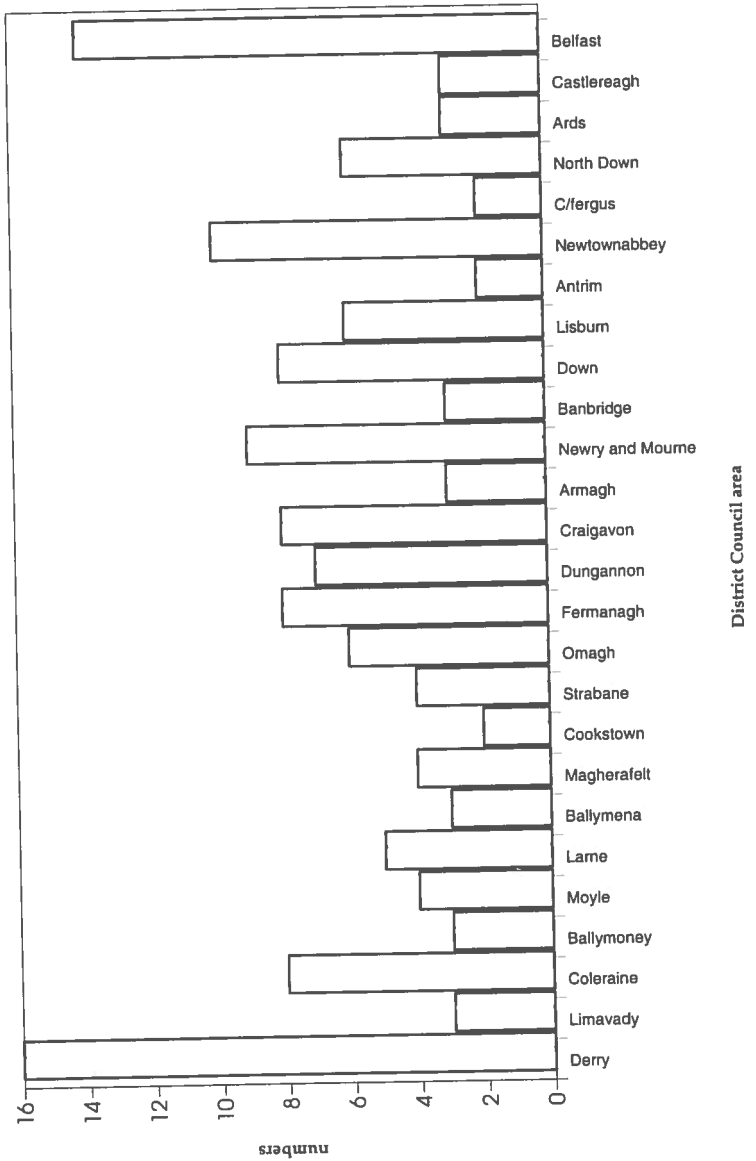
Our choice of categories for frequency of harassment ('once a week' versus 'once a year' and so on) were fairly arbitrary so too much cannot be read into this. Nevertheless there is a very striking dip in terms of 'once a year' - there is not a continuum between these two populations. This suggests two very different experiences of harassment by the security forces. In other words, most people who are harassed are harassed relatively rarely but some people who harassed are harassed very frequently.

### **Where Harassment Takes Place**

The first aspect of where harassment takes place clarified by the research was the wider question of regional harassment. Harassment was reported in every local government district in Northern Ireland. Thus, while harassment is concentrated in certain areas, it is general to the experience of the whole of Northern Ireland. Harassment occurs in areas which are perceived to be relatively peaceful as well as those which are perceived to have particular problems with political violence. Areas with a particularly high incidence of harassment were those of Derry City Council and Newtownabbey District Council. Figure Thirteen gives a breakdown in terms of council area. Some community activists argued that there were specific reasons for the problems in these areas:

*The levels of harassment and the psychology behind harassment has been part of the historical nature of the relationship of the RUC and the people of nationalist areas in Derry. There has always been problems - those problems came to the fore at the civil rights period in the late 60s and early 70s when the people of the area were seen as almost an army and the police were seen as an invading army and the two would clash over various things. The RUC were actually expelled by the from the nationalist areas by the people in the areas. That still rankles in the psychology of the RUC men on the street today where they will make reference to 'Free Derry' still and it's obvious that it's still very important to them. The particular thing which I think applied to Derry as separate from other places in the Six Counties is that there's not one single policeman living on the west bank of the Foyle. Therefore there's no such thing as a community policeman or woman in Derry - certainly in the west bank and by and large they are seen by*

Figure Thirteen. Harassment by District Council Area



*the majority of people on the west bank - whether they be Republican or Nationalist - there's a certain amount of ambivalence to - not law and order - but the forces of law and order. There's no such thing as a point of contact between the people and the RUC. RUC stations aren't even referred to as stations, they're referred to as 'barracks'. They all work like barracks and they're all fortified like barracks. They are just unapproachable, you get searched going into them and you get harassed going into them and somebody might even attack the thing when you're in it. So the fact that the RUC probably can't or won't or is probably unwilling to be identified with the west bank of Derry sets them apart.... I would say that the RUC see most of the people on the west bank as hostile or potentially hostile. (Interviewee: Derry)*

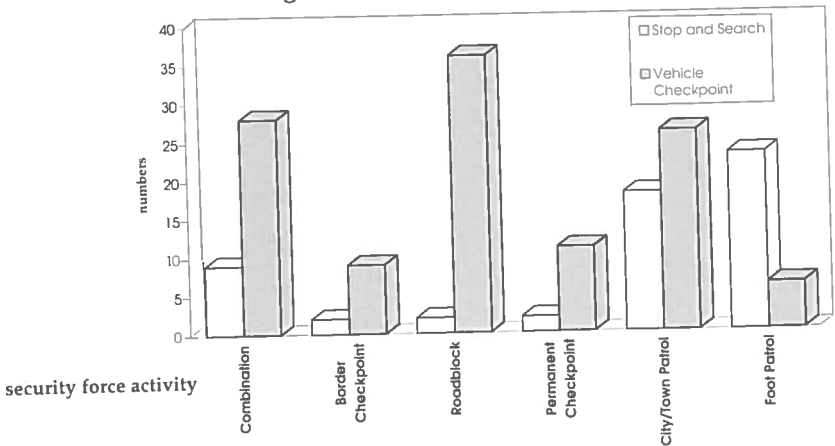
*I don't know exactly why the relationship is so bad but it seems as if the police in Newtownabbey aren't serving the community anymore. On the one hand you can't get the RUC to do anything if there is a crime - like if someone has a break-in they're nowhere to be seen. On the other hand they seem to be always cruising around looking for trouble - which means there are always confrontations with young people. (Interviewee: Newtownabbey)*

While there are broad differences between the ways in which Protestant and Catholic and middle class and working class areas are policed, there are also quite stark differences between areas which have broadly the same character in terms of class and sectarian identity. In these situations levels of perceived harassment are often linked to local conditions. When relations between communities and the security forces are particularly bad or particularly good, this is often explained in terms of specific factors. For example, particular regiment may be perceived to have a history of negative relations with an area - this then reproduces tensions with the community. Equally, a local commander may be perceived to be particularly committed to working with the community. Since these specific problems are localised, it may be possible to deal with them at a local level. There is clearly a need for further research which addresses the specific problems of particular areas and examines whether there are micro-level changes which would improve relationships with the community.

We also asked a more localised 'where' question on the questionnaire (2(d), 4(d), 6(d)). The response to this was unsatisfactory in the sense that it provided no clear pattern of location. It was to some extent a speculative question and many respondents were obviously unsure of what the question was asking. Nevertheless it provided some useful qualitative data. Some people are harassed in every identified area:

*Going to and from my home, going into the town to shop. Wherever they can stop me - I be stopped and harassed.... Every time I am stopped, I am or my car always bes searched.... Out at my home in the country and also at my own home in the town. Being questioned by the security forces if something close to home happened e.g. bomb or someone shot etc. My whole family be harassed by all of the security forces. (Catholic Woman: Omagh)*

Figure Fourteen. Sites of Harassment



Other respondents reported particular situations in which harassment seemed to be a problem:

*In or on the road to areas generally considered to be 'nationalist'.  
Anywhere when accompanied by all male/young people. (Catholic Man:  
Down)*

The areas identified as 'where harassment takes place' are shown in Figure Fourteen.

## **Conclusion**

Our quantitative research uncovered substantial levels of perceived harassment among younger people across Northern Ireland. One of the most striking findings is the suggestion that around 50% of young Catholic people in Northern Ireland believe they had been harassed by the security forces at some point. More Catholics than Protestants believe they have been harassed - both proportionately and in terms of absolute numbers. Likewise, more men than women and more working class people than middle class people report harassment. Nevertheless substantial numbers of Protestants and women feel that they have been harassed. Our research suggests that there are very serious problems with both the extent and intensity of perceived security force harassment. It also illustrates the need for further research to develop and investigate further some of the questions raised by our work.

# 5. YOUNG PEOPLE AND HARASSMENT BY THE SECURITY FORCES

## **Introduction**

Our quantitative analysis specifically researched the experience of security force harassment by the young people in Northern Ireland. This focus was a consequence of the CAJ's growing concern about issues specific to young people and the administration of justice. Our concern is supported by other research which has pointed to the high incidence of harassment in general and security force harassment in particular experienced by young people (Amnesty 1991; Bell 1990; Helsinki Watch 1992; PSI 1987). While the statutory sector rarely addresses these issues in terms of harassment, it is clear that Government, the police, and community police liaison committees have also been made aware of tensions between young people and the security forces (CPLC 1994: 28-33, 37-38, 42-43).

Certainly young people in Northern Ireland find themselves in a situation in which they can be specifically exposed to violence and the threat of violence. This point was made clear by the comprehensive Policy Studies Institute research on perceptions and views in Northern Ireland. David Smith argues that their results:



*'show that the experience of young men is very different from that of other groups, and this is superimposed on a major regional difference between Belfast and elsewhere. This implies that an extraordinarily high proportion of young men in Belfast think they have been victims of sectarian attack.... the majority [of Catholic young men in Belfast] said they had been attacked for religious or political reasons. It is important to recognise, therefore, that although sectarian attack is not very common in Northern Ireland as a whole, there are certain milieux in which it is very common; these are, no doubt, the nurseries of future conflict' (Smith 1987: 32, original emphasis)*

The CAJ research was specifically concerned with the question of security force harassment and thus not directly comparable with the PSI research. However the PSI research confirms that there are 'certain milieux' where general harassment is common. There are of course other structuring factors like class and gender which mean that harassment assumes different forms and intensities for different groups of young people. Nevertheless, as Smith suggests, *youth in itself* is associated with specific forms of violence. It is also associated with specific forms of harassment from the security forces. As Helsinki Watch pointed out:

*One of the most frequent complaints that Helsinki Watch receives from Northern Ireland concerns street harassment by the security forces.... Children under eighteen appear to be particular targets of street harassment. Helsinki Watch found that harassment of under-eighteens is endemic in West Belfast and in other troubled areas in Northern Ireland; that harassment is not confined to Catholic youngsters, but is carried out against Protestant youth as well; and that lodging harassment complaints against security forces is generally seen as useless.... Harassment of children in troubled areas is so common that children and their parents treat it as a matter-of-fact part of everyday life. Some parents charge that there is a constant campaign of harassment against young people, ages fourteen to eighteen.... Helsinki Watch concludes that harassment of children under eighteen in Northern Ireland is endemic, is directed against children in both traditions - Nationalist and Unionist - and is in violation of international agreements and standards' (1992: 18-33).*

So children and young people are in a particularly vulnerable and problematic situation vis-a-vis policing and harassment in Northern Ireland. As we have seen, David Smith argued that there are 'certain milieux' in Northern Ireland where violence and the threat of violence is very common and that, where these involve young people, they become 'nurseries of future conflict'. Our research suggests that *simply being young* places people in Northern Ireland in an antagonistic relationship with the security forces. In consequence of this, Smith's argument about 'nurseries of future conflict' is particularly significant. For this reason alone the specificity of youth/security force relations must give rise to deep concern and deserves immediate attention.

It bears emphasis that there can be no crude extrapolation from our quantitative research on the experience of young people. Young people probably experience more general harassment and violence than other sections of the community. They also probably experience more security force harassment than other sections of the community. Nevertheless our research is at least *illustrative* of areas in which there are problems related to issues other than that of youth: class, gender, sectarian identity and so on. These are discussed in later chapters. *Most immediately and graphically, however, the research points to the huge problem of perceived harassment of young people by the security forces.* This demands attention and discussion.

### **Young people and policing in Northern Ireland**

Young people sometimes feel exasperated by the nature of life in Northern Ireland and see harassment as part of the cause for such dissatisfaction:

*People are harassed for no reason. When I say no reason, I mean no criminal reason, just for being who they are whether it be Catholic or Protestant. I thought that the security forces were meant to calm the troubles down in Northern Ireland but instead they make the problem worse. Mind you the kids that live in this town couldn't care less about the security forces or religion for they are just fed up with it. Don't get me wrong there is a few that do help young people but it is only a few. (Woman 'neither religion': Ballymena)*

However this may have little to do with the 'emergency situation'. Indeed it may have little to do with police harassment. There is often a general tension between young people and police because of intergenerational conflict and the fact that the police are the most obvious figures of authority outside the family. This tension is recognised in Northern Ireland even when people are generally positive towards the police:

*Being a young person I often find in our town that both I and friends are stopped by local police more regularly for loitering than those drinking in public and posing a potential threat. In Portrush it seems that the police try for as little trouble as possible, turning a blind eye to men that would be easily moved to violence and concentrate on softer targets, posing no threat. [However] my experience of policing is that the pro's heavily outweigh the cons. (Protestant Man: Coleraine)*

Even when the tension between the police and young people is perceived as harassment, this is often clearly about 'non-emergency' policing. For example, some perceived harassment seems simply related to the security forces behaving in an overbearing and patronising manner towards young people:

*When I was at school I used to hang around our local shopping area with friends from school. Personally I don't think we were doing anyone any harm, but the policemen patrolling the area always told us to 'be on our way'. This used to upset me a lot, as the people they were telling to move away were being quiet and civil, and there were other crowds hanging around who were getting up to all sorts of bad behaviour and were doing so without being hassled by police.... [I didn't complain because] Do you really think they would listen to a crowd of school children? (Catholic Man : Belfast)*

The harassment of young people often seems simply concerned with controlling youth as a potentially deviant subculture. For example, drugs are an obvious area of concern to the police; but to young people they sometimes seem no more than a pretext for harassment:

*The Police or Army seem to think that, if you look a particular way e.g. scruffy or unusual, that you will probably be carrying drugs. Several times I have been questioned about where I am going and why. And one question that usually comes up is, 'Have you ever taken drugs?' They always say it light-heartedly, ready to pounce. (Catholic Woman: Newtownabbey)*

*I find it ridiculous that people cannot stand in a street nowadays without being harassed by the police. They do it as they have nothing else to do at times but they tell us that they have, 'received complaints'. I would like to know, who from?*

*One other time I was standing in Ballykeel when I was stopped by the police. Three officers, two male and one female stepped out of the car. They asked if they could search me. I asked why? They said, 'We have reason to believe you are carrying illegal substances'. I had nothing to hide so I let them but I was totally disgusted at their motives for searching me. It was embarrassing! (Protestant Man: Ballymena)*

The age of the security forces can also be particularly galling for young people when it appears that the people empowered to harass them are their own age and yet not from Northern Ireland:

*I dislike the feeling experienced when walking down a street or travelling by car and a member or members of the security forces (concerning all branches) look you up and down with disgust or contempt for no apparent reason. Equally disturbing is the feeling when you appear to be the object of some joke which is not shared with you but those security forces involved find it very amusing. Basically it boils down to not appreciating the knowledge that the sights of an automatic rifle may be trained on my head by someone my own age who has no more idea of the real situation in this province than I have of life on Mars! (Catholic Man: Down)*

There are also sometimes rather poignant reminders of the fact that the conflict impinges routinely on the lives of young people. Even when the security forces may not be intending to harass, the

very fact that they are armed can prove extremely intimidating for children:

*Until a few years ago there was a checkpoint on our school bus route and almost everyday soldiers would get on the bus and walk to the back, pointing their rifle as people. We were all afraid of them and it was unnecessary intimidation for children! (Catholic Woman: Fermanagh)*

So some perceived harassment appears to be the consequence of simply having *armed* security forces - whatever their practice regarding young people. And some is indicative of a more general alienation from the police which is perhaps not particularly problematic - at least in the sense that it is probably endemic to police/youth relations in most societies whether they are in violent conflict or not. However, there are other experiences of harassment which are quite clearly problematic and consequent upon the use and abuse of police powers specific to Northern Ireland:

*Coming out of College in the town the British Army look at you like you are scum. On one occasion they even spat out at us. (Catholic Man: Castlereagh)*

This kind of experience goes beyond 'overstepping the mark'; it is clearly an example of harassment.

### **The routinisation of harassment**

The routinisation of harassment in Northern Ireland is accepted by many respondents. This does not imply acceptance of harassment as being moral or legal but rather acceptance in the sense of it being 'part of everyday life':

*Being young and male, I feel that I draw more attention from security forces than other peer groups. This attention may be pointing guns at you in the street. Unnecessary delays by long driving license checks and sardonic tones when asking questions.... Because the harassment continues, in my view the harassment is due to the personal prejudices and experiences of the harasser so official complaints will not make*

*much difference. In this state, harassment has become part of everyday life.... There seems to be no point of complaint as the harassment still continues. (Catholic Man: Newry and Mourne)*

Even respondents who were relatively unconcerned by the harassment they had experienced could sometimes illustrate an alarming acceptance of the normalcy of the threat of violence in Northern Ireland. For instance, one respondent said he had not reported harassment by the security forces to anyone because:

*In nineteen years it has only happened maybe two or three times and I have never felt it important. I mean if they wanted to shoot me they would do so. (Man 'neither religion': Coleraine)*

It is clear then that part of the process of challenging harassment must be challenging this kind of acceptance of the normality of such experiences. Routinisation prevents people from reporting and addressing incidents of harassment even when they feel that they have been treated wrongly by the security forces.

## **Conclusion**

There is a profound problem in terms of harassment and young people in Northern Ireland. Some of this perceived harassment is the consequence of 'non-emergency' issues - particularly intergenerational tensions and the role of the police as controlling agents - which exist in any state. However the vast majority of complaints of harassment from young people are concerned with 'emergency' policing. These concerns are evident from both Catholic and Protestant young people. They are evident from both young men and young women. They are evident from young people in both urban and rural areas. They are evident from both middle class and working class backgrounds, although working class young people are more likely to feel that they have been harassed by the security forces.

There is obviously a serious problem here for Government and the security forces. As Smith suggested, this harassment is a 'nursery for future conflict'. The security forces have a huge credibility gap to overcome with these young people. If one quarter

of young people in Northern Ireland feel that they have been harassed by the security forces, then one quarter of young people in Northern Ireland have very good, personal reason to have doubts about the fairness of policing in Northern Ireland. Moreover, one quarter of young people have good, personal reason to question the fairness of the whole administration of justice in Northern Ireland. In this situation, it is hardly surprising that there are questions around the legitimacy and equity of the criminal justice system. If the security forces wish to secure the co-operation and support of young people, they must move swiftly to address the serious and systematic harassment of young people. If Government wants to secure the co-operation and support of its citizens in Northern Ireland, it must also move swiftly to address this harassment. It must ensure that mechanisms are put in place to offer effective remedy when security force harassment does happen. Moreover, Government must set itself the goal of preventing such harassment happening at all.

# 6. CATHOLICS AND HARASSMENT BY THE SECURITY FORCES

## Introduction

In Northern Ireland there has been a long-standing alienation of Catholics from the state in general and the security forces in particular (O Connor 1993). As we saw earlier this alienation developed from a history of sectarian policing in Ireland. The first Irish police forces were explicitly sectarian in make-up with Catholics excluded from membership. Even when Catholics began to be recruited to the RIC, the officer class remained predominantly Protestant until partition.<sup>40</sup> Thus the RUC and B Specials inherited a situation in which they stood in a specifically antagonistic relationship to the Catholic population in Northern Ireland. We have seen how the Specials remained exclusively Protestant throughout their existence and how the UDR were and RIR remain almost exclusively Protestant. Despite avowed attempts to recruit more Catholics, the RUC has also remained heavily Protestant.

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<sup>40</sup> The officer class in the RUC remained predominantly Protestant after partition as, of course, did the whole force. The officer class in the newly established Garda Síochána, the police force in the Irish Free State, however, was predominantly Catholic, as was the whole force.



The undoubtedly 'Protestant' make-up of the security forces in Northern Ireland has long been accompanied by accusations by different elements in the Catholic community of sectarian practice. The response to our research suggests that this remains very much the case. *48% of respondents who identified as 'Catholic', also reported some experience of harassment from the security forces.*<sup>41</sup> (The corresponding figures were 12% of 'Protestants'; 27% of those who identified as 'neither Protestant nor Catholic'; and 26% of all respondents.) So these figures represent a worrying problem with the security forces for younger Catholic people. They also suggest that the sectarianisation of policing in Northern Ireland - in terms of Catholic perception if nothing else - remains as real as ever.

### **The sectarianisation of policing**

The debate around security force sectarianism is a long and complex one, often clouded by assertion. It is helpful to unpack the different aspects of sectarianism to begin to assess the evidence more critically. It is useful to acknowledge that it is not a simple question of whether or not the police are or are not sectarian - this is not a simple 'fact'. There are a number of different ways and levels at which they may or may not be sectarian:

- 1) proportionality of the perceived religion of security force members
- 2) ideas and attitudes of security force personnel
- 3) operational policy
- 4) perceptions of the populations being policed

It seems that often when people are debating the sectarianism of the security forces they are addressing different aspects of policing. For example, one person might say the RUC is sectarian because of its policies while someone else suggests that it is not because of the attitudes and ideas of its members. It is useful to engage with any

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<sup>41</sup> It bears emphasis again that Catholics were under-represented among our respondents. Only 30.8% of respondents identified as Catholic. The 1991 census suggests that around 43% of the whole population of Northern Ireland is Catholic.

putative sectarianism in terms of all of the different dimensions outlined above.

### **Proportionality**

At the level of *proportionality*, there is no doubt that the RIR and RUC are 'sectarian' in the sense that they are almost exclusively Protestant. (This question is less apposite in the case of the British Army whose personnel are neither 'Protestant' nor 'Catholic' in Northern Ireland ethno-political terms.) The population of Northern Ireland is approximately 43% Catholic and 56% Protestant. The percentage of Catholics in the RIR is 4% and in the RUC 7.4%.<sup>42</sup> There is an undeniable and problematic disparity between the proportion of Catholics in the security forces and their numbers in the general population.

There are a number of factors which explain this situation. One of the most obvious is the sectarian history of the security forces which has been discussed already. There is also some evidence of discrimination against Catholic members by other members of the security forces (Brewer and Magee 1991: 142-144). There is also obviously a suggestion of particular focus by paramilitary groups on Catholic members of the security forces. This may be simply because they are easier targets for Republican paramilitaries since they are more likely to live in or visit or be known in 'Catholic' areas. It may also be because paramilitaries have deliberately targeted Catholics in the police in order to further sectarianise the conflict in Northern Ireland. Either way this situation makes it especially difficult for the security forces to recruit Catholic members. Whatever the process involved, the security forces continue to be starkly 'sectarian' in terms of the perceived identity of their personnel.

It is also clear, however, that addressing the sectarian disparity between Catholic and Protestant members of the security forces is no panacea for harassment. Some interviewees suggested that Catholic security force members might not harass any less:

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<sup>42</sup> The Home Office Inspectorate of Constabulary suggests that some 860 out of a total of 11 690 officers are Catholics. This gives an overall figure of 7.4% for the RUC. This breaks down as 7.9% of 8 480 regular officers and 6.2% of 3 160 reservists (1994). These figures are slightly higher than the 7% of regulars and 3% of reservists that Mapstone attributes to the Chief Constable (Mapstone 1992: 185).

*There's also the aspect of the 'Catholic Cop' thing. It seems over the last five years in Derry, from what I can see most of the cops who harass most of the time are Catholic - very Catholic names - they're actually far more into harassing people and picking out individuals - than the Protestant cops, I suppose you can call them. The Protestant cops are all standing round laughing and the Catholic cop will go over do all the searching - that's true. I don't know if that's only applicable to Derry. (Interviewee: Derry)*

Thus increasing the proportion of Catholics in the security forces is not in itself a guarantee of increasing the confidence of the Catholic community in policing. However, increasing the number of Catholics would appear to be a necessary condition for such an increase in confidence. As long as the huge disparity between Protestant/Catholic members remains, there will remain a difference in the relationship between the security forces and the Protestant and Catholic populations *whatever their particular criticisms or lack of criticisms of policing policy.*

### **Ideas and attitudes of security force personnel**

At the level of ideas and attitudes the evidence is much more contradictory. The RUC themselves are adamant that the force is not endemically sectarian (Masterson 1993a, b). Brewer and Magee support the idea that the RUC is not routinely sectarian:

*The RUC is not selective or partisan in the enforcement of the law. The professional ethos of impartiality which imbues police management has affected the discourse and attitudes of many rank-and-file members of the RUC, although not all, but an even greater number act impartially, being able to divorce their opinions from their conduct. This is true for Catholic and Protestant members. (1992: 271)*

However, other commentators have suggested that the RUC and other security forces are routinely sectarian in a way which informs public perception (Farrell 1983; Murray 1993). Many of our respondents echoed these views:

*I suppose I could say that having vulgar tasteless jokes said to you by the British Army is a form of harassment. I mean they are 'supposed' to be here to protect and help us. The RUC can be 'bastards' at times but nothing which I would be totally disgusted with, like the British army's sick, sad jokes or remarks. Maybe it's because I'm Catholic' (Catholic Woman: Belfast)*

Like this respondent, many people distinguished between the behaviour of different officers and different forces. This implies that individual attitudes and practices *do* make a difference. It is the flipside of the 'few bad apples' thesis which is routinely used to explain security force misconduct. This is really a 'few good apples' thesis: the acceptance that there are a number of genuine officers but that these are incapable of redeeming a whole 'rotten barrel'. It also suggests that the efforts of individual police and soldiers *do* often make an important difference. By implication it suggests that at least some harassment happens because there is no 'older' or 'less sectarian' or 'less bigoted' officer to intervene, not necessarily because the security forces are endemically and institutionally sectarian.

### **Operational Policy**

It seems undeniable that Protestant and Catholic areas are policed in different ways. There are of course other structuring factors in this: rural areas are policed in a different way from urban areas; working class areas are policed in a different way from middle class areas; areas with a high level of political violence are policed in a different way from those with lower levels and so on. However, as a generalisation, the difference between the policing of Protestant and Catholic areas holds good. This is again sectarian in one sense of the word - whatever the reasons for the difference, the *difference* itself is sectarian.

In addition there is evidence that a whole sector of the policing apparatus - the UDR/RIR - has been used specifically to police Republicans. In 1990, the commander of the UDR Brigadier Charles Ritchie admitted that the UDR did not brief patrols looking for 'Protestant terrorists' (*Irish Times* 20/2/1990). By implication the UDR was solely concerned with policing the Catholic community. This is clearly structurally sectarian, whatever the attitudes of the

soldiers involved. CAJ is not aware that this policing has changed since the reconstitution of the UDR as the RIR.

There are further problems with perceptions of practice - what might be called the orientation of policing. Very powerful symbols of differential policing are presented if there is a disputed march through a Catholic area and the police face local Catholic residents and turn their backs on the marchers - this leaves little ambiguity as to who is being protected and who is being controlled. Similarly, it is particularly telling if the 'ring of steel' police and army roadblocks around Belfast only stop cars coming out of Catholic areas and not cars going in. This is even more stark in periods when loyalists are killing more people than republicans. Once again the security forces appear to be protecting the wider community *from* people in particular Catholic areas and yet doing nothing to protect people in those same areas even when they seem to be under great threat of attack (O Docherty 1993)

There is a key difference in perceptions here. There is a general acceptance that Catholic and Protestant areas are policed in a different way. However, one analysis suggests that this is a consequence of attitudes within those areas while another would say that this is itself a policy decision. In essence, one says that the differential policing of Catholic areas is a cause of sectarianism and the other that it is a consequence of it: the former suggests that policing is itself sectarian, the latter that it responds to sectarian reality.

### **Perceptions of the populations policed**

We saw in the discussion of harassment that the perceptions of the public are a key to understanding what harassment is. In Northern Ireland - whatever the police and army actually *do* - the perceptions of the policed are a part of the process of the sectarianisation of policing. At this level there is no doubt that substantial sections of the Catholic population and its spokespersons and social and political institutions believe that policing is sectarian. (This does not, of course, preclude similar opinions among Protestants. Accusations of anti-Protestant bias are also made by Protestant people as we see in the next chapter.)

The perception of anti-Catholic harassment was confirmed by the responses to our questionnaire. Certainly many respondents felt that

they had been harassed because of their being identified as 'Catholic' or coming from 'Catholic' areas:

*Name and age asked to delay me. Car searched. Police called for no reason by the Army. Stopped because of a Catholic name and going to a Catholic area. (Working Class Catholic Woman: Newry and Mourne)*

*On Thursday 11 March, I was walking home and the British Army were on the streets stopping cars. I was walking, minding my own business, when a soldier said to me, 'Hello, Sexy'. I felt embarrassed and wouldn't look at them. Then he replied, 'Don't speak to us, the 'Ra might hear you'. This kind of abuse happens every day in our Catholic community. (Working Class Catholic Woman: Derry)*

*Harassed in a car park after a disco in Portrush, verbal abuse, threats of physical violence. Further heightened when we revealed our town name (a predominantly Catholic area) - further delay - questioned for circa 60 minutes. (Catholic Man: Moyle)*

Very often this can be related to a perception by the Catholic community that the security forces are sympathetic to Loyalism. Catholic respondents often saw the security forces as more committed to pursuing Catholics than Protestants and lacking in even-handedness in the way in which they implement the law:

*I live in an area that I believe is majority Catholic. This area is subject every year to Orange Order marches which I find offensive. This opinion is shared by everyone I know who is Catholic. While I was on the Main Street of Crumlin I ripped down a small poster for a march which was on a lamp post. The police spotted this and asked me to get into their car, I was asked for a great many details including questions about my parents. I was told I could be prosecuted for malicious damage (or some similar term). An RUC officer then came to our house, I had to go to the local RUC station with my father to discuss the action. I then received a visit from the Antrim Juvenile Officer. Although it could be argued this was mostly my own fault I felt that I was unfairly picked on since the poster itself was illegally placed. I was informed that the reason the issue was so serious was that I could have*

*created more trouble if a Protestant had seen me taking the poster down i.e. that a fight would have ensued. I felt and still do feel that this was an excuse. I had no wish to start any trouble I was simply angered by the poster. This may seem a minor incident but it damaged my opinion of the RUC severely and I no longer consider them a fair and impartial force, in fact far from it. This incident was brought up 5 or 6 times afterwards at checkpoints and while waiting on the street etc. The police seemed to consider it criminal. I would also like to know why the incident was deemed so serious that I had a visit from the Antrim Juvenile Officer for a very large area (Antrim is five mile from Crumlin). While I in no way claim this is a major act of harassment I do consider it harassment and it has annoyed me. (Middle Class Catholic Man: Antrim)*

There is a similar reluctance to report harassment because of a perception of sectarian bias inside the security forces:

*[Reporting harassment is] only a waste of time cause no-one is on our side and it happens to everyone - mostly Catholics. (Working Class Catholic Woman: Magherafelt)*

Thus many Catholic respondents felt that they had been policed and harassed in a specifically sectarian way: that their community was policed - and harassed - in a particular way simply because it was identified by the security forces as 'Catholic' in some way. This perception involves a complex notion of a 'Catholic' community which is much more than a confessional label. However some respondents did perceive specifically religious sectarianism to be the reason for harassment:

*In my area, the British Army always set up checkpoints on all routes to our local chapel just before Mass time, so that a reasonable proportion of the congregation arrives late. Always feeling uneasy while the British Army are present on the streets when I'm walking is another pressure. They frequently shout unpleasant comments and leave me feeling very threatened and vulnerable. (Working Class Catholic Woman: Dungannon)*

However most harassment of Catholics as Catholics was not directly linked to religious belief or practice in this way. This harassment was perceived to be the consequence of the way that 'Catholic' becomes a generic term for a whole range of religious, political and cultural identities. Thus, for some people the harassment focused on their Irish identity:

*I was once assaulted by a pair of British soldiers at the bottom of my street. I was coming home from the shop when one of the soldiers shouted to me, 'Irish Pig'. I turned round and told him to, 'Fuck off', then they came up to me and asked me what I had said. I said it again and one of the soldiers held me by the hair and the other head butted me on the nose. The reason I didn't report it was because I was afraid of further harassment. (Catholic Man: Derry)*

Other respondents clearly felt that harassment was associated with their GAA connections:

*On leaving the local Gaelic Football club, if the forces are stopping on the road outside we are usually pulled over because they know we were at the club. We would be pulled over and the car would be searched including the boot and our football bags. All occupants names taken and addresses and where we are going now.*

*Sometimes soldiers would even aim the gun at us in jest but it is quite intimidating because there has been occasions when allegedly their finger slipped such as in Aughnacloy when an innocent Catholic was shot dead when attending a match on the Monaghan side of the border.*

*There has been occasions when the soldier has placed his gun on the ground and offered me out of the car to fight. (Working Class Catholic Man: Omagh)*

*I am a member of the local GAA club and on several occasions I have been harassed because of who I am with. Many of my club-mates have been physically assaulted and have been subject to verbal, provocative and sectarian abuse. The club changing rooms have been broken into by British Army Paras and Royal Marines and vandalised and on one*



*occasion one soldier defecated on the floor hallway. (Working Class Catholic Man: Dungannon)*

This data is a reminder that in Northern Ireland the notions of being Catholic and Protestant are not quite the simple definitions of religious identification they seem. For example, we have seen how the identity 'Catholic' correlates with 'Irishness' as a national identity; nationalism and Republicanism as political identities; and a host of other socio-cultural identities besides. Often when someone suggests they are being harassed by the security forces because they are 'Catholic', the cue is not their religious belief but rather one of these other identities. For example, some respondents felt that they were being harassed because of their GAA connections; this was perceived to happen because of the 'Irishness' of the GAA rather than its 'Catholicness'. While the membership of the GAA is overwhelmingly 'Catholic', it is a politico-cultural and sporting organisation rather than a religious one. This harassment seems more concerned with the fact that these people are involved in such an organisation rather than the fact that they are religiously Catholic.

Thus sectarian harassment involves a complex of perceptions and identities. These cannot be simply or unproblematically subsumed under the category 'Catholic'. Nevertheless this remains a better shorthand than any other for sectarian identity especially since it is the label most frequently employed by Catholics themselves to describe their identity and the perceived reason for their experience of harassment.

## **Conclusion**

There is a widespread belief among the Catholic community in Northern Ireland that policing is inherently sectarian. Many Catholic people *expect* the administration of justice to be biased against them in a sectarian way. Moreover our research suggests that almost 50% of young Catholic people actually *experience* harassment by the security forces at some time. The security forces have an immediate responsibility to address these perceptions. Steps should be taken to deal with any practice of sectarian harassment. Mechanisms must also be put in place to make sure that, when sectarian harassment does occur, there is an effective remedy for people who have been treated in this way. In the longer

term, there is no doubt that the practice - intentional or otherwise - of arming one side of the population in Northern Ireland to police the other is inherently divisive. In a deeply divided society it reproduces and reinforces existing tensions. It is unlikely that perceptions of sectarian harassment will ever be removed completely so long as the security forces remain sectarian - even if this is only in make-up and not in attitude and practice.

# 7. PROTESTANTS AND HARASSMENT BY THE SECURITY FORCES

## Introduction

The focus on Catholics and policing in Northern Ireland has sometimes suggested that Protestant/security force relations are unproblematic. There has been an erroneous assumption that, because there was more obvious tension and debate around the policing of the Catholic community, Protestants are perfectly happy with the way that they were policed. While the stereotype of the RUC was of a 'Protestant police force for a Protestant people', there have long been complaints from within the Protestant population in Northern Ireland about harassment and unequal policing (APTI 1990: 19-25; Bell 1990; Justice For All 5, 6; Whiterock Citizen's Inquiry 1994; McGimpsey 1993). A number of our interviewees and respondents threw further light on the development of Protestant/security force relationships:

*Going back before the conflict, I suppose the Shankill would have been like any other working class area in Great Britain. There would have been a local bobby but it would have depended on how that person policed the area. I remember some of them, these policemen were hard men and that's how they ruled, they ruled with fear, threatened people and stuff like that. And you always had a clique of hard men in the*

*area who would have fought with the police and that sort of stuff. Generally relationships would have been good because people wouldn't have been drawn into anything because crime rates were low but if you had been hanging around street corners, there were always tensions with the police.... Throughout the history of the troubles on the Shankill, harassment has always been there. It goes up and it goes down depending on the political climate. The Anglo-Irish Agreement only had people speaking out against it because then they thought that, 'the Brits don't want us' so now we can speak out. But the representatives had covered it up for years and said nothing about it.... At one stage in the early Seventies the Army always seemed to be the people who were at the front but then after that whenever Labour returned in 1974, the RUC started to come to the fore and the UDR started to come to the fore through what they called Ulsterisation with the onus on the UDR and the police and the Army only there as support. So in the last 25 years there has been quite a lot of conflict between Protestants and the RUC. (Interviewee: Belfast)*

So there have also been longstanding tensions between sections of the Protestant population and the security forces. For example, the first RUC member killed in the current political conflict, Victor Arbuckle, was shot dead by Loyalists on the Shankill Road. In the early phase of British Army involvement in Northern Ireland, there was much more antagonism between Loyalists and the Army than Republicans (Sunday Times Insight Team 1972: 160-8). Some people see this tension as remaining fairly constant:

*Harassment has been going on in the Shankill - even before the start of the troubles - it's been going on from the very start.... I mean look at the number of Loyalist prisoners, the majority of them put away by UDR and RUC men and British Army. They were never anybody's friend, it wasn't as if there was some collusionist tactic to keep them out of prison. The RUC have always tried, not very successfully some would say, but they have always tried to appear impartial. So they have always come down hard on the Protestant community.... I think that the pattern has been - in areas like the Shankill - where you have a working class community, it's more likely that a lot of people in the area are going to support or join the paramilitaries. And a lot of people who don't support the paramilitaries have a good chance of going into what*

*you would call 'ordinary crime' like break-ins in shops, so they would always come into conflict with the police - for whatever reason. But because there was a high level of paramilitary activity the police always seemed to be taking the heavy hand and would have used harassment and stuff like that for to try and get people to become informers. It just seems to have been turned on and off at certain times. (Interviewee: Belfast)*

However, there is a common acceptance in Protestant working class areas, that the real turning point in Protestant/security force relations was the signing of the Anglo-Irish Agreement in 1985:

*I think it all changed at the time of the Anglo-Irish Agreement. Like in my area it would be mixed - predominantly Protestant -about 1 in 4 would be Catholic and at the time of the Anglo-Irish two Policemen who were neighbours were advised to leave - there was a lot of that going on although you tended to think that it was only happening in working class areas.... I think it was a turning point. I think there was a general view all over that it was a Protestant police force for a Protestant people and that it was only the Catholics were against the state but there's more and more incidents of young Protestants who are starting to be harassed by the police, you know, they're stopping and asking them their names, see them standing on street corners, you know, trying to break them up. Basically the same kind of things that have been happening for years in Catholic areas. You see Protestants always believed that the police couldn't be that bad, you know, they're exaggerating. But the same people who were saying that when they get their house raided by the police - I mean the police have become a professional force in the sense that there's no difference between police methods raiding a Protestant house and a Catholic house. It's brought home to them. (Interviewee: Derry)*

Certainly there have been increasing reports of harassment in Protestant areas since 1985. Helsinki Watch noted the specific problem of security force harassment in Protestant areas (1992: 30-31). Rioting in loyalist areas in 1993 and 1994 was also linked to

police 'harassment'.<sup>43</sup> Thus, while tensions between Protestants and the security forces may have been underplayed, there has been a history of conflict which cannot be ignored.

### **Harassment and the Protestant Community in Northern Ireland**

Our research confirmed that the perceived harassment of Protestants is an ongoing problem. Over a quarter of the respondents who identified harassment were Protestant. (23% identified as Protestant while a substantial proportion of the 'neither religion' were also 'Protestant' in terms of perceived religion.) Some respondents illustrated the widely held perception of anti-Protestant bias in the RUC:

*When I was a juvenile I was lifted by the RUC for a case of minor theft. At the time I was harassed physically by a member of the RUC who used physical violence on me. I was also mentally harassed while journeying to and while waiting in the police station. The officers dealing with me seemed to consider this quite amusing at the time.... It is not worthwhile reporting minor harassment if you come from a Protestant background because you are just not dealt with seriously and there are no adequate public organisations to give you backing while Catholics are treated with 'kid gloves'. (Protestant Man: Belfast)*

Other respondents who identified as 'Protestant' recognised problems with policing even though their families were involved in the security forces:

*The people I hung around with were not liked by the RUC so I got some verbal abuse from the police car whenever the PC saw me anywhere in the town. He threatened to drag me up an alleyway and beat me up. He also pushed me into the police car and drove around the town. I was 17 then and I have never been in any trouble. My parents and other members of my family are or were in the security forces. (Protestant Man: Limavady)*

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<sup>43</sup> For example, co-ordinated 'rioting' by Loyalists in June 1993 and March 1994 was explained as a response to the, 'harassment of Protestants by the RUC Special Branch' (Irish News 21/3/1994).

There is a belief that much of this harassment is a *policy* rather than the errant behaviour of a number of officers:

*There's a certain policy to harassment and there's no question that it's there. They agree with harassment on individuals and stuff like that - stop and search and doing their houses all the time and things like that. One of the other things they would do would be tactics that the British Army used all around the world in the days of the great British Empire was going - they used it against the Mau Mau and people like that - would be to terrorise the community in the hope that people would stop supporting the terrorists. There's a lot of psychological stuff. They would actually go into streets and actually raid houses that they know there's nobody involved in but they know that people in the street's involved. And they would say we're here looking for Joe Bloggs. Joe Bloggs doesn't live here, he lives across the street. Ah, but he's been using your address. All that does is turn people against people. People say you can't go on living here because our lives are in jeopardy, not only from the RUC but from the Provos and everyone else. It can work for the RUC to get informers and that sort of thing. So there's a logic to what they're doing. But then the other stuff when you get people driving up footpaths or you get people jumping out of Land Rovers and actually beating people ... that's all down to power. (Interviewee: Belfast)*

While these kind of problems tend to affect Protestant working class areas most, Protestant middle class people are not immune from harassment:

*I was once stopped by a member of the British Army along with two of my friends as we were walking into Lisburn. The man was, we felt, unnecessarily taking down details such as our date of birth, phone number and addresses. Then a few days later one of the girls I was with received a threatening chain letter from one of the boys in the army which was very upsetting. I think it is ridiculous that such information was first of all taken from us and violated in such a way. Thankfully my friend's mother took action but the men still have these details of us. (Protestant Man: Craigavon)*

There are also specific problems with the reporting of security force harassment from within the Protestant community:

*Protestants are reluctant to come forward. I remember being badly beaten in 1973 by the Paratroopers. But when I went to my local Councillors and the local MP there was no one wanted to know me. Because they said you are showing up an arm of the state, you're saying these people are wrong and all you're doing is supporting the Republican argument. I said I'm not interested in whether I'm supporting a Republican argument, my face is lying open and I've got a fractured skull and you're telling me to keep my mouth shut. There has always been this sort of pretence has gone on, it's always an undercurrent but it's never come to the fore. But since the Anglo-Irish Agreement people are less afraid - maybe afraid isn't the right term - they're willing to speak out about the RUC or the British Army about the atrocities and also the injustices being done against the Protestant community. (Interviewee: Belfast)*

Some of the problems in terms of the tension between 'ordinary' and emergency policing are also evident in Protestant areas:

*All the RUC are interested in is security. And they say that we can't afford to have officers just left to do community policing. If we need them on security checks, we need to send them out then they're RUC Officers after all. I think that there's a case for splitting the force some way.... The RUC believe that they're right. I went to ... Stormont for a talk. The RUC was there - very nice people - one was a PR man and the other was an Assistant Chief Constable. And when I started speaking, the Assistant Chief Constable jumped down my throat. I said I'm not here to run the RUC down, I'm here to tell you the facts. I don't have any qualms about the RUC.... Irrespective of whether the perception [of the Loyalist community] is right or wrong, it's there. And if you don't do something about it, things are going to get worse. He said it's all propaganda. I said, if that's what you want to say, that's fair enough. But you bury your head in the sand and you're going to end up with the community in Northern Ireland against you in total because you're not going to be able to walk down the Shankill.*



*You're going to need Army to go with you.... What they said was totally out of order, it wasn't reality. They were saying that the RUC were accepted everywhere, including the Falls, and that people are always going to them, they don't go to Sinn Fein or the paramilitaries, they always come to them.... They don't believe it but they were there to do a PR job. (Interviewee: Belfast)*

This point about accepting the seriousness of community concerns about harassment raises more general questions about the refusal by all the security forces to acknowledge the seriousness of the tensions between themselves and some Protestant areas. It confirms the problem of the continuous denial of there being a problem. There is some question as to whether such denial is genuine or rhetorical:

*I think that while the RUC actually believe their own propaganda, you're not going to achieve anything. When they actually believe that they're a paramilitary force which has been put in place to defeat terrorism, they don't see themselves as a police force which is there to uphold civil law. They just see themselves now as a paramilitary force.... It involves more than the RUC, it involves NIO policy. The NIO created the monster. They're the people who put the fear of God into the [RUC] whenever they're giving them all these seminars and they're the people who demonise the community - they're no longer your people - you have to be impartial and then they end up being overzealous.... The NIO are in control of it and it's they need to start talking to people in the community ... they need to find out what the reality is. Until they do that they are not going to change their minds. They do think they're in control. The RUC will tell you that they're in control that if they weren't doing their job things would be worse in Northern Ireland. And that might be so but they aren't doing a good job. (Interviewee: Belfast)*

So, whether the denial of harassment is rhetorical or based on genuine belief, it is a serious problem. Until it is addressed, the negative consequences of widespread harassment will continue to affect Protestant/security force relations:

*I wouldn't have any qualms about the UDA people being harassed. If you're a member of any of those organisations you set yourself up for a certain amount of harassment. If you get harassed, you can complain about it, I don't dispute that. But what I'm saying is, that wouldn't be my main concern. My main concern is with the rest of the community. What they're doing is they're driving people into the arms of paramilitaries because they're doing this. I think that there are other ways ... but the problem is that they now believe that they're a paramilitary force that deals with political violence and nothing else. And they don't see themselves as anything else. That's what the problem is, they harass everybody.... In the equation about more security, you end up with greater harassment. Because if the police saturate the streets, they are there for one reason, and that's to harass people. Because that's the only way that security can work.... When the police go in there they're going to start harassing people, they're going to stop people in cars who look suspicious, they're going to stop people with pony tails or baseball caps. They're going to stop them and then they're going to start asking questions. They're going to start getting snottery with them and then the people that they're questioning are going to get snottery and then that leads to other things. When people call for more security they don't realise that more security means harassment. There's no question of that. You can't have one without the other. When you increase security, you're increasing harassment. The only way that it can work is by actually threatening people. (Interviewee: Belfast)*

There is no doubt that this perception that more security means more harassment is real in many Protestant areas, especially in Belfast and Derry. Our research suggests that the perception is based on a changing reality: that there is an increasing level of security force harassment in Protestant - especially Loyalist - working class areas. It is also clear that - just as in the many Catholic areas - allegations of security force harassment are being played down or dismissed as politically-motivated. However, our research makes it clear that the perception is real and widespread in Protestant areas. Concern about such harassment clearly extends well beyond Loyalist paramilitary groups. Harassment in Protestant areas appears to drive people towards paramilitary groups rather than curtail the activities of such groups.

## **Conclusion**

There are obvious differences between Protestant and Catholic perceptions of harassment. The volume of complaint coming from the Catholic community is simply greater and more widespread. Complaints of harassment tend to come from Loyalist working class areas. The perceived reason for harassment is also different. Many Protestants see RUC harassment as inimical to the force, while many Catholics see it as endemic. Protestants tend to blame the Government or the Anglo-Irish Agreement or the RUC hierarchy for forcing RUC Officers to harass against their will while Catholics tend to blame individual security force personnel as well. Protestants often make sense of harassment in terms of political influences which have forced the RUC to harass Protestants and 'go soft' on Catholics. Protestant grievances tend to focus on the RUC in particular while Catholic grievances are at least as critical of the British Army and the RIR.

Thus it is clear that the security force harassment of Protestants and Catholics is not the same. This said, it is also obvious that the harassment of Protestants is a serious issue. A very substantial proportion of our respondents who identified harassment were Protestant. Interviewees from the Protestant community confirmed ongoing problems with harassment. In short, there is clearly a need for specific concern with regard to the policing of Protestants and Protestant areas.

The issue of the harassment of Protestants must be addressed as part of the wider process of ending security force harassment. It is particularly important to remember that problems with the policing of one community are not solved by the increasing harassment of the other. There is often a perception by the British Government that complaint from 'both sides' of the community in Northern Ireland is a manifestation of good government rather than particularly bad government. This version of the 'equality of misery' approach is not an acceptable way of securing the legitimacy of the administration of justice. Harassing Protestants more can never be an adequate response to complaints of harassment in the Catholic community.

Whatever the level of historical 'alienation' of Protestants from the security forces, this alienation has grown substantially since the Anglo-Irish Agreement in 1985. The concomitant tensions between the Protestant community and both the state and the RUC have

transformed community/police relations in many Protestant areas. In some areas - particularly urban working class areas - the alienation of the Protestant community from the RUC is almost total. While relations between the Protestant community and the British Army and the RIR appear much less problematic, they sometimes give rise to concern. Any serious attempt to address the question of harassment and the security forces in Northern Ireland must include an analysis of the specific experiences of the Protestant community and a programme to address the increasing levels of harassment it experiences.

# 8. WOMEN AND HARASSMENT BY THE SECURITY FORCES

## Introduction

The harassment of women within patriarchy has been much discussed. Indeed analysis of sexist harassment has been key in defining what the wider notion of harassment means and how it connects with other forms of inequality (MacKinnon 1979). However the role of the state and state institutions has been relatively ignored in this debate. Certainly the whole area of sexist harassment and policing is under-researched. Nevertheless it seems undeniable that there is a continuity between 'forms of men's violence across contexts' - between peace and war situations and between ordinary men and members of police forces and armies:

*All the forms of violence against women which occur in conventionally defined war contexts - individual and group sexual harassment/assault, rape, torture, forced pregnancy, forced prostitution and femicide also occur in 'non-war' periods. (McCollum et al 1994: 13)*

Despite the recognition that violence affects women in a specific way, there has been little attention to the question of relations between the security forces and women in Northern Ireland.

Nevertheless it is clear that policing and sexist harassment takes place within a wider environment of patriarchal and sexist structures and practices. As one interviewee put it:

*I think you have to look at it in the overall macho culture of Northern Ireland outside of whether or not men are members of the security forces or not. There is a sexist, macho way of responding to women in general in society. Couple that with the fact that some of these men are armed and have the power of the state and an incredible amount of authority to back it up. So you can't even challenge the sexism. Whereas with anyone else you meet you can also challenge the sexism. But you cannot challenge that with an armed man who has the power of the state behind him because a simple challenge can end up with you in the back of a jeep. So all they are is a reflection of an overall macho culture. But they're backing up their machoism with the power of the state and with arms and that's where another level of fear, another level of intimidation, comes in because you cannot even challenge that sexism. (Interviewee: Derry)*

So any putative sexist harassment by the security forces takes place in the context of a wider sexist society in Northern Ireland. There is also a further dimension to sexism when it operates through institutions whose use of violence is legitimised and routine. In short, the power and potential for abuse of women by men in a patriarchal society is compounded when those men are armed and entrusted with a monopoly over the 'legitimate means of violence'.

There has been some discussion of the specific problems of women who are perceived to be harassed because of their politics or those of a relative. Here the logic of the alleged harassment is that the person is being harassed because she is a loyalist or a republican but that the harassment assumes sexist forms because she is a woman (Marron 1992). However, our research also uncovered a much more widespread problem of sexist harassment which seemed to have less to do with the politics of the woman involved and much more to do with a deep-seated sexism within the different branches of the security forces. Brewer and Magee argue that the 'occupational culture of the [RUC] is heavily masculine' (1991: 49). They note how violence against women is seen as being both the prerogative and main duty of policewomen and how this

'marginalisation of policewomen's duties has divorced some policemen from the reality of sex crimes' (1991: 54). Quite apart from the treatment of ordinary women, this can lead to the harassment of policewomen:

*'[S]ome remarked that their response to being brushed against and touched by more senior male colleagues or wolf-whistled by squaddies from the Army or UDR was to cringe and suffer in silence. Their flesh creeps, but they do little other than try to avoid situations in which this might occur. They ignore the sexual jokes and innuendoes, and do not participate in the horseplay of the occupational culture' (Brewer and Magee 1992: 241)*

If some policemen are actively engaged in sexually harassing policewomen colleagues who might expect some protection through collegiality if nothing else, it is even more likely that their sexism impinges upon their treatment of other women. It also seems likely that, if anything, the occupational culture of the RIR and British Army is even more 'heavily masculine' than that of the police.<sup>44</sup> These organisations are even more gendered in terms of personnel and their sexism even less mediated. In this situation there is a *prima facie* case to suggest that there might be specific problems with the policing of women. Our research highlighted this serious problem in a number of ways.

Some of the sexist harassment is very direct and explicit. However, much of the harassment and threat is implicit and covert but still very immediate to the women who experience it:

*It is the threat of male sexuality that is used against you. There used to be an Army major in our district who always wore black leather gloves - even in the heat of summer. He used to come up to you and he used to run the gloved hand down your face and push you up against the wall. You were sixteen year old girls and it was just the threat and the physical presence - the overbearing physical presence of the man - and the black leather gloves. It was all implied, unspoken, to intimidate*

<sup>44</sup> Ryder provides some evidence of this in his discussion of the role of women 'Greenfinches' in the UDR (1992: 66-7).

*you.... For women our gender is a vulnerability because there's also one other means they can use that can't be applied to anybody else and that's the overbearing threat that you constantly face.... It's a threat that's always there in a woman's mind. But I also think that it's something that doesn't have to be done that overtly. Like I said about the guy with the black leather gloves, nothing was said, it was just the touch. He shouldn't have been touching us in the first place anyway but it's to let you know that he knows that you're vulnerable. And I think that what you get is that attitude of, "We know that you know that you're vulnerable". And that's all you need. (Interviewee: Derry)*

Our quantitative research produced numerous examples of this kind of intangible sexist harassment by the security forces. 10% of women respondents specifically identified some form of sexist harassment. Some were direct and unambiguous examples of harassment but others fitted this kind of 'implied, unspoken' harassment. 'Everyday' incidents illustrate that many young women feel uncomfortable with the security forces:

*When walking past the security forces they give me pervert looks.  
(Woman 'neither religion': Newry and Mourne)*

*Once on my way home from work a police Land Rover stopped and the driver came over to me and asked me questions. He used an excuse, saying that I had nearly got knocked down by a car - which was untrue. As the driver left me he got back into the Land Rover and drove up my street. As I was walking into my street I saw the Land Rover sitting outside my house. As I was walking up my front steps I heard some of the policemen laughing and using abusive language which made me very embarrassed and angry. (Protestant Woman: Belfast)*

*Yes [I have experienced harassment], whilst driving behind an Army Land Rover, one of the soldiers who had his hand out of the top of the Land Rover made provocative and rude signs to me which I found quite embarrassing and to a certain extent scared me as I know I would not have like to have been stopped along the road by such an officer - especially at night. (Catholic Woman: Limavady)*



Beyond this kind of intangible harassment, there are other much more direct examples of sexist abuse by the security forces. Verbal sexist harassment is the most common experience:

*When walking through the gates at Bishop Street, they tend to whistle and use provocative language which is often insulting and very embarrassing. (Catholic Woman: Derry)*

*Sarcastic, sexist or rude comments made as I walk down the street. (Catholic Woman: Strabane)*

*I have often experienced verbal sexual harassment from British soldiers when they drive past in a jeep. Nothing particularly crude/offensive but I feel it is unacceptable. It is very frustrating at times because nothing can be done i.e. these incidents cannot be proven.... [I did not report the harassment because] I take the 'anything for quiet life' attitude even if I feel angry about harassment because if I reported any experiences to a government organisation, presumably I would have to give my name and address and I would fear more harassment as a result. I also don't know what good it would do. It would be very difficult to prove. (Catholic Woman: Belfast)*

*Yes [I have experienced harassment], when they shout comments about the female sex and make very rude remarks and suggestions. (Catholic Woman: Belfast)*

This kind of sexist harassment is widespread and involves all branches of the security forces. Our research suggests there are at least four categories of sexist harassment by the security forces. Each of these types of experience is distressing and no hierarchy of seriousness is implied in this categorisation:

1. sexist harassment of individual women for political reasons
2. sexist harassment of women in particular communities
3. occupational sexist harassment of women

4. harassment by non-action in cases of sexist violence

**Sexist harassment of individual women for political reason**

This kind of harassment has received some analysis, usually because the cases which have received attention have been so disturbing. Usually they connect with broader debates about women and the administration of justice (Christian Response to Strip Searching Working Group 1987; Christian Response to Strip Searching 1993; Leonard 1993: 111-7). The harassment may be linked to the perceived political and/or paramilitary connections of the women themselves or people they are involved with -- particularly their partners. This happens to both Protestant and Catholic women who are identified as being 'connected' in some way:

*There was an incident when a girl was getting abuse, name calling, day in, day out. Whether they had information on the girl or it was a personal thing, I don't know. She was very upset. She didn't know why she was getting name called, she thought it might have come from the boyfriend that she had at the time [with alleged Loyalist paramilitary links]... Abusive name calling, 'slag', very filthy, it was quite crude name calling. (Interviewee: Derry)*

This kind of harassment assumes specifically sexist forms whether women are being harassed because of assumptions about their own politics or about the politics of their partner.

**Sexist harassment of women in particular communities**

Some harassment appears to happen because certain areas are identified as 'hostile' to the security forces. These hostile areas then qualify for general harassment - namecalling and other verbal abuse. In turn, women in these areas qualify for this harassment which assumes a specifically sexist form in their case:

*When you are walking down the street the army sometimes shout abuse from their vehicles usually of a sectarian and sometimes sexual nature (Catholic Woman: Belfast)*

This is not confined to Catholic areas but is found in Protestant working class areas as well:

*The problem here has been getting worse over the past years. It is the worst now that I can remember. The population is very angry and bitter towards the police.... rather than helping us they seem to go out of their way to make things awkward for everyone. There is no allegiance or pride in them, most people hate them and want nothing to do with them.... Their language, that can be frequently abusive. And if you're talking to someone, especially a guy they come over asking questions. They keep close eyes on who spends time with who and who talks to whom. Everyone feels like they are under constant surveillance.... And I would add that the RUC are much worse than the soldiers. The RUC spend more time here, they get to know names and faces and that's frightening for people. To the soldiers you're only another person. (Interviewee: Belfast)*

So there are communities in Northern Ireland in which women feel they experience sexist harassment as a specific dimension of wider problems between those communities and the security forces.

### **Sexist harassment and occupational culture**

The kind of serious sexist harassment discussed above is distinguished by intentionality. Quite clearly if a member of the security forces sexually assaults a woman or verbally abuses a woman in an offensive way, they are *intending* to harass. However much of the harassment identified by respondents falls into a further category in which it seems likely that members of the security forces did not intentionally harass women. Nevertheless this is perceived to be harassment by the women concerned and is in consequence offensive and intolerable.

*The most common form of harassment I have experienced is when crossing over the border when there is an Army checkpoint. When they see a few girls together, you can be sure to be pulled in. This causes delay, and also they do not take 'no' for an answer when they ask you out for a drink etc. They can embarrass you quite a bit in front of their colleagues if you refuse their offers. This had happened on several*

*occasions, not only from the Army, but also from the police force. I can remember one time asking a member of the RUC for directions. He sent me the wrong way and I ended up where I started, to find a few of them laughing. I was delayed and angry at their irresponsibility as Police Officers. The only members of the security forces I have not received harassment from are the UDR. (Protestant Woman: Ballymoney)*

Unfortunately, other respondents were less sanguine about the UDR/RIR:

*Being a female I feel that the security forces especially the UDR get some sort of fulfilment out of harassing young girls. They seem to take advantage of the authority they hold and ask unnecessary questions which we must answer to prevent further harassment. (Catholic Woman: Lisburn)*

Instances like these clearly go well beyond the apology that young men will behave differently towards young women whether they are in uniform or not; that this is 'only natural'. If young men employed by the state are holding young women at gun point and asking them - insistently - for 'dates', this cannot be dismissed as a facet of male occupational culture. The fact that the security forces are legally empowered to stop and question women is always open to abuse on sexist terms. This is disturbing whatever the *intention* of the Army or RUC involved - whether or not this kind of behaviour is intended to harass is ultimately irrelevant. The women experiencing such behaviour identify it as harassment and are often very threatened by their experience. Such sexist harassment is clearly intolerable.

### **Sexist harassment by non-action in cases of violence against women**

The final area of perceived sexist harassment involves the failure of the police to act appropriately and swiftly in cases of 'domestic violence' and other violence against women. This is a more problematic category in the sense that it involves the police doing nothing rather than doing something. However it is clear that the

police have responsibility for protecting women from sexual harassment and violence and this is not being fulfilled in many cases. This marginalises the experience of women who survive male violence and effectively endorses harassment. Recent research which highlighted the wider problem of violence against women in Northern Ireland specifically addressed the issue of the policing of 'domestic violence' (McWilliams and McKiernan 1993: 91-93).<sup>45</sup> Only a quarter of women interviewed found the police 'helpful' and there were suggestions that the police often, 'supported the husband or dismissed the violence'. The authors argue that:

*Given the research findings that women only phone the police when the violence has become more severe, this lack of police response has serious implications for the women's safety. Not only did several women wait for the police all night, they also reported that they were not even informed that the police were not coming, precluding them from making alternative arrangements for escape. Nor was there any follow up - no one checked up the next day to see if they were still alive. Other women thought the police were too slow, and the abusive partner would get away before the police got there, so they felt phoning them was useless. (1993: 92)*

Our interviewees identified similar problems with the policing of violence against women. They also made sense of poor response or non-response in such situations in terms of 'harassment':

*I would say yes [there is harassment in Protestant areas]. Firstly the women feel as much hatred towards [the police] as the men. [The police] are slow to react to domestic violence. For example, they only bother to send someone out two days later, it's not given priority.... Women don't feel that they can trust them.... They're afraid to report rape. They're afraid it will be thrown back at them. Women are also frequently threatened that they'll have their kids taken away - and that's very frightening to a woman, as for many that's all they have.*

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<sup>45</sup> The authors found that Catholic women survivors of sexual violence were more likely to contact the police than Protestant women. However, there was little difference between Protestant and Catholic women in terms of satisfaction with the police response (1993: 91).

Usually single parents [are picked out for harassment] I'd say - they get it worse - especially the house searches.... but really it could be anyone from the teens upward.... No woman that I know has ever reported harassment.... The Women's Centre tries to encourage them ... but they feel it is a waste of time. As I said before, they are afraid of drawing attention to themselves ... they'd rather lie low.... There was one woman who was attacked outside her home. Now she contacted the police and they told her to go to the Grosvenor Road Police Station although her own was nearer. When she got there, there was no woman officer and the ones there made fun of her and well, they made her feel it was her fault and it happened outside her own home. Honestly, the whole community is at odds with them, they can be very cruel with women.... [There is a difference between WPC's and PC's] Oh yes, the WPCs are much worse, they can be particularly cruel. You would think that they'd be more.... sympathetic but they ... they're much worse. (Interviewee: Belfast)

This aspect of 'harassment' needs much more discussion. While much of the effort to address harassment is focused on changing what the security forces *do*, attention has to be paid sometimes to what they *don't do*. This is particularly important in the area of the RUC response to 'domestic violence'. (It is also clearly an issue in terms of the policing of racism and heterosexism, as we shall see in the next chapter.)

## Conclusion

Our research suggests that sexist harassment of women by the security forces is systematic and widespread. This harassment is profoundly upsetting to many of the women who are harassed. There can be no excuse for this harassment in terms of the 'emergency' situation in Northern Ireland - there is no sense in which women as women present more problems to the security forces than men. Sexist harassment is both gratuitous and oppressive and should be addressed immediately. One interviewee noted that this issue should be prioritised by the police and army in their own interests:

*The RUC are constantly - and have been for years - trying to rebuild their profile and to become more acceptable and this is one area that they have never worked on themselves. You know you'll get certain police forces in the rest of Britain that do the work around race and sex and how they deal with rape and how they deal with women on the street and bringing the experts in and sending their troops off on courses and what have you. The RUC does not see gender as an issue or how they're perceived by women as something that they need to tackle. Maybe it's because it hasn't been pointed out to them before - I doubt that very much. You only have to look at the EOC case against them, their response to women in their own ranks, has not brought the light of day to them at all. But you would think that they spend so much money and effort and time in trying to have a more acceptable face, that they would have done something on this. But they don't perceive it as a priority. (Interviewee: Derry)*

This is echoed in some Protestant areas:

*Oh, I'd like them out, I think everyone would like them out.... I don't know what they're playing at half the time.... They only seem to make things worse. I mean I thought the police were meant to help, like when I was young I thought they were brilliant, so did most of the kids. But now, really, no-one, not even the kids have any time for them. (Interviewee: Belfast)*

There can be no justification for any sexist harassment by anyone in the security forces in the context of either 'normal' or 'emergency' policing. Whatever the necessary 'special powers' of policing in an emergency situation, these cannot involve sexist abuse and harassment. Equally, there can be no legitimate reason for the wider sexist abuse which accompanies 'non-emergency' policing. Sexist harassment by the security forces cannot be justified in terms of the emergency situation in Northern Ireland; nor has it anything to with the behaviour of the particular women involved: it is simply the consequence of a widespread - apparently endemic - sexism within the security forces. Sexist harassment produces and reinforces alienation from the security forces and it must be addressed immediately.

# 9. POLICING AND MINORITY COMMUNITIES IN NORTHERN IRELAND

As we argued earlier, quantitative analysis is limited in its ability to pick up the specific experiences of relatively small minority communities. Through its work CAJ has been made aware of problems with policing for different minority communities.<sup>46</sup> Two of the most important of these are the Lesbian and Gay community and the minority ethnic communities. We have also been informed of particular concerns for persons with mental health difficulties. Problems with policing in each of these areas have been reported to us over recent years. These problems clearly required attention in the context of the wider discussion of harassment and the security forces. We undertook qualitative research with spokespersons for a number of these different minority groups in order to further assess the situation with these communities.

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<sup>46</sup> The notion of a Northern Ireland 'minority community' is often used exclusively to describe the Northern Ireland Catholic community. This appellation becomes increasingly less accurate and more ideological as time goes on: Catholics have always been the largest denominational group in Northern Ireland; it is possible that the Northern Ireland population is moving fairly quickly towards an overall Catholic majority. Because of this we deliberately exclude the Northern Ireland Catholic community from our discussion of 'minority communities'.



### **Policing and Lesbians and Gay Men**

There is little documentation of the experience of Lesbians and Gay Men in Northern Ireland and very little discussion of the relationship between Gay people and the criminal justice system (O'Neill 1994).<sup>47</sup> There is slightly more analysis with regard to civil liberties in the whole of Ireland (ICCL 1990). The ICCL argue that, although there is some police harassment in the Republic of Ireland:

*It is an undeniable paradox that in a country which has had perhaps the most draconian homophobic legislation in Europe, police activity against lesbians and gay men has been relatively slight. In Great Britain, partially because of their extremely ill-written 'reform' laws, police harassment of gay people has been consistently more aggressive, and at times either verbal or physical. (1990: 41)*

Northern Ireland is probably somewhere between the British and Southern Irish models. There has been evidence of harassment of Lesbians and particularly Gay men. This harassment has assumed two basic forms: homophobic harassment and political harassment. Homophobic harassment occurs when Gay people are harassed simply because they are homosexual. The political harassment of Gay people occurs when they are harassed because of assumed knowledge or contacts and their sexuality is perceived to be a 'vulnerability' which will encourage them to 'co-operate' with the police.

Homophobic harassment appears to be focused on the Greater Belfast area and on Gay men. For example:

*'there has been an extensive police surveillance over a number of months in Wallace Park in Lisburn, in toilets in Hillsborough and on the southern edge of Belfast at the Giants Ring. This has resulted in a number of arrests, convictions involving fines, and binding over cases. There is no evidence of any victims except the policemen concerned, who have been subject to some vague and some crude chat-up lines.*

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<sup>47</sup> There is even less discussion of the situation of Gay people inside the security forces (Burke 1993). The newspaper article 'Hounded out of the RUC just because he was gay' gives an impression of how difficult it is to be a Gay RUC officer (Sunday Times 5/9/1993).

*The penalties exacted by the courts are vastly less than for drink driving but the publicity is of course devastatingly disproportionate in its effect. Similar purges have resulted in suicides as happened several years ago in Dungannon and Antrim' (MagLochlainn 1994)*

Consensual Gay sex between consenting adults in a public place is one of the archetypal 'victimless crimes'. It seems perverse - especially in Northern Ireland where so much serious crime is undetected - that police time should be wasted in harassing Gay men. The harassment of Gay men in 'cruising' areas seems much more informed by homophobia than by any commitment to uphold law and order based on the concern of the vast majority of citizens.

The political harassment of Gay people is either linked to attempts to recruit informers in low-level intelligence gathering or simply as another dimension in more general political harassment:

*'RUC harassment is of almost unlimited variety. I find men who are stopped and harassed yes, but women are called sluts and blankets and harassed more personally about their body and that. As a Gay woman I find that harassment goes further because not only do I get slagged about my female body, I also get slagged about my sexuality, and that gets really really harassing at times. They have different ways of harassing different people. I live with my female partner and her child. My partner is a divorced woman and she has two children . . . Before the police knew that I was a gay woman my harassment was different - the whole pattern changed. It is now more degrading. 'Yous two must be going with each other, because every time I see yous you are together'. And if they stop me without [my partner]: 'Where's your girlfriend to-day?' They try to do all these things on you too. At times as a Gay woman I feel almost raped by their eyes. I was searched so horrifically on the street that even I was almost sick. Searched by a policewoman. So it does happen to women in general. I just feel that it goes that bit further with Republican Lesbians (Interviewee: Derry).*

As we have seen with sexist harassment, there was little perception that police women were more sympathetic than policemen:

*You may have a policewoman physically searching you, but you have six or seven cops around you verbally abusing you constantly. Some of the times what they said to me was unbelievable. That I was evil that I wasn't human, and the cops.... And I think they're brilliant at their job because they do harass you.... Some [policewomen] love it. If they're searching you they would put on gloves first saying 'in case I catch anything'.... I think they [policewomen] are playing along with the men. The men are egging the whole situation on. They're asking me spread your legs and put up your arms.... Then you've a police woman putting her gloves on and in the most extreme abnormal way inside your legs and around your thighs. So she's almost, to me she's like a man as well. I sometimes look at her and I don't see a female at all -- how a woman can do this to another woman.... The amount of filth that came up when they searched the house was unbelievable. Round to the bed, and where do you sleep and where do you sleep. Lots of crude questions. But it was all about letting us know that 'you are queers'. They feel it lets us know they're.... Personally I don't give a damn, it's my sexuality but they feel it makes us . . . Sometimes, in saying that it can be quite embarrassing. If they call you lizzy - people have a habit of looking when you're being harassed and it's hard to walk on (Interviewee: Derry).*

This kind of experience illustrates how different identities can be combined in the harassment of different people. While the women and men feel like they are being harassed because of their politics or because of their friends, their sexuality means that there is an extra dimension - and sometimes extra viciousness - to the harassment.

### **Policing and Racism**

The debate around racist harassment by the police in Great Britain has been one of the key sites for the discussion of racism in Britain (GLC 1984a; PSI 1984). There has been some discussion of problems with racism and policing in Northern Ireland. (CAJ 1992; CAJ *et al.* 1993; McVeigh 1992: 372-374). While the situation in Northern Ireland is not comparable with that in parts of Britain, there are problems with the policing of minority ethnic communities in Northern Ireland, in particular the Chinese and Traveller communities. The Chinese community is Northern Ireland's largest minority ethnic community:

*Harassment tends to go in fits and starts. We had a lot of problems in the early days. We had a lot of complaints about police harassment in Greater Belfast as a whole particularly about harassment of businesses - take-aways and restaurants - over the alleged search for illegal immigrants - but it was the way that it was done and the fact that it was done in very large numbers that we got complaints about. Even in a small take-away business you might have had five or six policemen going in heavily armed and breaking windows, damaging locks, asking questions, not giving any form of ID, not saying why they were doing this. They were doing this at the busiest time so businesses were being jeopardised because custom was being lost, customers weren't coming back when that kind of thing happened. Even though complaints were formally made through various procedures, what we received back was that the evidence was insufficient to merit any form of disciplinary charge. We didn't get anywhere at that stage.... Since the consultations with regard to race relations legislation, we've tried to monitor complaints of harassment more effectively and get people to come forward to complain. Again problems would be around issues like the way that the RUC approach the search for alleged illegal immigrants, or the restaurant owners call the police if there are problems with a customer in the take-away or the restaurant and you tend to find that in some cases through misunderstanding, language or whatever, we have a number of Chinese owners who in registering a complaint were themselves lifted and taken to the police station. We have had several cases of physical abuse - they were heavy-handed and the clients weren't told why they were taken to the station they weren't allowed to make a phone call, there was distressing behaviour from the police. This just meant that the relationship deteriorates after a few incidents like that (Interviewee: Belfast).*

The Traveller community has also experienced problems with the RUC:

*One of the things has been occasional mass searches of the caravan sites in Belfast and Newry - whether it's looking for stolen property or looking for weapons - these have been indiscriminate searches where they have just searched everybody's caravan on a particular site - obviously in the absence of any more specific information of who the*

*target is. That has included in the past confiscation of generators on the Glen Road site from a number of families - these were subsequently returned when the owners established that they owned them. Other harassment would be in relation to Travellers - particularly in country areas or outside Belfast - setting up camp and being approached by the local police - often at the behest of council officials or councillors - to move Travellers on illegally without recourse to due process of law. The way this usually operates is that the police would come up to the site and inform the Travellers that they are there illegally and they wanted them gone by tomorrow and if not they would be in trouble - they back that up with threats about prosecuting for motoring offences of one sort and another or it might be just left as an open-ended threat (Interviewee: Belfast).*

As well as these aspects of harassment, there have been occasional problems with perceived anti-Traveller violence:

*Anecdotes have been related to me about security force violence in the past. The most obvious specific case that I can remember is one where the RUC and Army were searching the Glen Road site. They beat up a number of women and children after an argument or a fracas developed - certainly they used unnecessary force - they used rifle butts to beat women and so on.... The Travellers were prosecuted under various charges of disorderly behaviour and so on. That's often the way it operates. Travellers that do make a complaint of assault find the police will try to bargain with them, they will drop the charges of assault if Travellers will drop any action that they might take. Travellers would also feel intimidated about making complaints against police in cases of this nature for fear that they would be picked on by police in that area, again for motoring offences or whatever it might happen to be. They feel that complaint wouldn't be worth the risk (Interviewee: Belfast)*

It has been characteristic of issues around questions of police harassment and minority ethnic groups that a lack of response by the police can be just as much a part of harassment as what they do. An omission can be just as harassing as an act.

*The other situation would be obviously in monitoring other complaints of harassment say in housing or harassment in the take-away businesses - again it's more of a lack of response from the police that we're concerned about in [our organisation] in so far as either they don't monitor it and we can't put it down to racial discrimination or there is so little response that the community have total lack of faith again.... We've pushed quite hard with particularly community relations in the police to say that incidents were racially motivated but because they haven't monitored effectively to date, they haven't been able to produce any figures to say that things are better or worse in the Chinese community. Even in terms of the number of thefts that happen in the Chinese community - they are being victimised and it is happening in quite large numbers but again because it's not put down as a racial complaint the police figures show a completely different picture (Interviewee: Belfast).*

Such perceived reluctance to intervene on the part of the police is also an aspect of the debate around Travellers and harassment :

*I think in general Travellers feel that the police will not intervene on their behalf in cases of harassment by the settled community.... Usually the police arrive on the scene after harassment has happened. I can think of a number of instances of this. In Downpatrick in 1986 where there was an open physical attack on Travellers and a number of caravans were burnt in this attack. Witnesses from the local Traveller support group were there when the attack took place and the caravans were burnt, yet in court about twelve policemen appeared as witnesses and alleged that a Traveller concerned burnt his own caravan. Although the support group person gave witness in his defence, the judge decided to find in favour of the police evidence which was numerically stronger. I don't think they were even on the site at the time.... In relation to complaints being made again, in Craigavon a house was burnt before a Traveller moved in. The local support group made protracted representations to the police - correspondence with them and so on - a letter was sent to the Chief Constable urging action - but nobody was particularly amenable. Again in the case of a petrol bomb attack on Travellers in Newry or a petrol-soaked rag being put through the house of a Traveller living in Armagh or the dumping of*

*slurry next to Travellers in Armagh, the police haven't bothered to investigate them particularly (Interviewee: Belfast)*

While these problems remain serious, some improvements have been made in aspects of security force practice in relation to minority ethnic groups:

*At least in terms of the language barrier I think the police have taken quite a few steps to improving that situation by producing interpreters who are brought into stations and about getting translated information i.e. right to get translated information that they need so that kind of thing is changing gradually and we are working with them again to try and get ethnic monitoring more effectively brought into Northern Ireland as a whole, to try and get a better picture of what is happening.... Apart from the provision of interpreters on a wider basis, obviously we try and push for training, anti-racism training, through police training because I don't think that there has been a great deal up-to-date and there are a lot of misunderstandings on both sides that could be tackled through training if they're prepared to take it on (Interviewee: Belfast).*

There have been fewer successful interventions with Travellers:

*Occasionally local support groups have made representations to local police stations where there has been a threat to Travellers to move on. The local support group has gone to the police station and pointed out that it's a civil matter not a criminal matter and should be dealt with through the courts basically - it isn't a matter for the police to issue threats. At least this makes the police aware that the situation is being monitored. There's a need to perhaps have contact with the community relations branch and have some sort of educational input. But then again most groups tend to get a positive response from community relations branch but this doesn't always translate into the behaviour of the average constable on the ground (Interviewee: Belfast)*

It is clear that certain improvements could be made in terms of the policing of minority ethnic communities:

*In terms of improving the relationship between Travellers and the security forces, I suppose being made aware of the specific ethnic nature of Travellers and being made aware of the prejudice and discrimination that exists towards them. Some kind of training for their members to make them aware that this exists might be of use. Of course the other is the introduction of anti-discrimination legislation and anti-incitement legislation. The other area is recording cases of anti-Traveller harassment, the police should do this to enable proper monitoring of the problem. (Interviewee: Belfast)*

This form of monitoring is standard in most British police forces - it is a prerequisite to effective analysis of racist harassment.<sup>48</sup> There are other lessons to be learned from the experience of minority ethnic communities in Britain. The ongoing attempts to increase the numbers of minority ethnic officers must be one issue with implications for Northern Ireland.<sup>49</sup> It is also important to develop relations with different minority ethnic communities:

*Across the water - certainly in Scotland - they would have a particular police officer assigned to ethnic minority communities and they build up a relationship that way. That has happened to an extent with our local police station, we now know at least the name of one police officer there that we can contact if there is a problem, he knows our organisation, he knows the background of the community, he knows the*

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<sup>48</sup> The RUC recently introduced ethnic monitoring in a number of stations for a trial period.

<sup>49</sup> There are relatively large numbers of minority ethnic people in the British Army. There is a much smaller number of minority ethnic officers in the RUC. However, in an interesting parallel with the situation vis-a-vis sexist harassment - the minority ethnic officers are not necessarily a panacea for minority ethnic communities:

*[Minority ethnic officers are] called in various instances to do interpreting. But we don't really know whether they have any training in interpreting for a start, and even if they do, what dialects they speak. I think it's probably an abuse of them as officers in the police force just to use them in interpreting and working with ethnic minorities.*

It is also interesting to note that while there are at present no Travellers in the RUC or RIR or British Army, there was a long history of Traveller involvement in the British Army.



*issues that are at hand and it is easier from that respect than starting from scratch with someone who has absolutely no concern for the community (Interviewee: Belfast)*

The key point in the debate around racist harassment is that this is more than the harassment of citizens who just happen to be minority ethnic persons. The problems are connected to the relationship between the security forces and minority ethnic communities - this kind of harassment is specific to those communities. More general improvements in regard to policing the settled community would not necessarily translate into better practice with regard to the Chinese community or to Travellers. Effective challenges to racist harassment have to be minority ethnic-specific.

The experience of the minority ethnic communities raises again the question of harassment by non-action which occurred in the discussion of sexist harassment. This issue has been discussed at length in terms of the debate around racist harassment (GLC 1984a: 12-18). It is important to recognise that questions around police harassment are concerned not just with what the police do but also with what they *don't do*. Thus a failure to act can be just as much a part of harassment as an act. For example, if a family is being racially harassed and the police are informed of this but do nothing to intervene, then this is harassment. While there are fewer problems with the perceived harassment of minority ethnic communities in Northern Ireland than in Britain, this remains an area of concern and improvements are necessary.

## **Conclusion**

We have seen that there are specific problems with the policing of the Lesbian and Gay and minority ethnic communities in Northern Ireland. Through its work CAJ has also become aware of problems with the policing of other minority communities. These include the policing of disabled people and people with mental health problems. There have also been suggestions of intolerance and lack of sensitivity towards the Irish language community. The experience of different minority communities is a reminder that problems with policing in Northern Ireland are not solely connected with the 'emergency' situation. Perhaps because of this these criticisms are

mostly confined to the RUC - problems are rarely identified with the British Army or RIR. There is a continuing need for sensitivity in terms of the relationship between the police and various minority communities. Sometimes what is good police practice with regard to the majority community may not be appropriate in terms of different minority communities. The police and army should be trained in and sensitive to working with such communities.

# 10. REPORTING OF HARASSMENT TO STATUTORY ORGANISATIONS

## **Introduction**

The chain of command and accountability for the security forces in Northern Ireland is relatively straightforward. The RUC is partly accountable - via the Chief Constable - to both the Northern Ireland Police Authority and the Secretary of State for Northern Ireland. However the Chief Constable is 'operationally independent' and 'cannot be given instructions -either by the Police Authority or by the Secretary of State - about police operations' (NIO 1994: 6). The Secretary of State is appointed by the British Government; the Police Authority is appointed by the Secretary of State. The British Army and the RIR are formally accountable to the RUC (through the policy of 'primacy of the police' in which they are technically on active service 'in support of the civil power'). However this accountability does not extend to any statutory examination of their general performance, let alone any democratic control over that performance. There are a number of statutory mechanisms for complaints about the security forces. Complaints about the RUC are investigated by the RUC and monitored by the ICPC (Independent Commission for Police Complaints). Complaints about the British

Army - including the RIR - are investigated by three different bodies: the RUC in case of criminal complaint; and the Army themselves and/or the Civil Representative in case of non-criminal complaint.<sup>50</sup> The Army's system for dealing with non-criminal complaint is monitored by the Independent Assessor of Military Complaints Procedures.

There is an ongoing debate about the efficacy of the security force complaints mechanisms in Northern Ireland. CAJ has been centrally involved in this debate (CAJ 1982, 1990, 1993). This connects with a wider debate about police accountability which has also been central to CAJ's work (CAJ 1985, 1988). There has recently been a good deal of discussion around these issues. Much of this has occurred in response to reports and discussion papers by statutory agencies (Her Majesty's Inspectorate of Constabulary 1994; Independent Assessor of Military Complaints Procedures in Northern Ireland 1994; ICPC 1994; Northern Ireland Office 1994). Although the Inspectorate of Constabulary Report was fairly anodyne, it was still a welcome change to have it made public (Just News vol. 9 no. 4). The ICPC report provided little change in terms of addressing the long-standing concerns of civil liberties groups about the police complaints procedure in Northern Ireland. The first report of the Independent Assessor of Military Complaints Procedures was more laudable.<sup>51</sup> The Assessor recognised that representations to him

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<sup>50</sup> The Civil Representative is a civil servant appointed in response to complaints in relation to the role of the British Army in policing Northern Ireland. The Civil Representative is therefore not technically a 'statutory' organisation like the other complaint mechanisms.

<sup>51</sup> The first report of David Hewitt, the Independent Assessor of Military Complaints Procedures, was released on May 1994. He is charged with investigating formal non-criminal complaints against the British Army in Northern Ireland. Over the period, 606 formal and informal complaints were made against the army. Of these only 16 were substantiated. These 16 cases resulted in 7 soldiers being rebuked or spoken to. Only one soldier was severely disciplined (This soldier was reduced in rank.). These statistics have two contradictory explanations: either the Army is remarkably free of harassment or people who feel they have been harassed are not reporting this harassment to the statutory investigatory bodies - the police in the case of criminal complaints, the Independent Assessor in non-criminal complaints (The report includes the Army's leaflet on how to make a complaint against the armed forces in Northern Ireland as an appendix.). Unfortunately, the experience of human rights NGOs in Northern Ireland suggests that there are widespread perceptions of harassment by the Army involving both criminal and non-criminal behaviour. Therefore serious attention has to be paid to the reasons for non-reporting.

have been limited and that this might be explained by a number of factors. These included the possibilities that the extent of the problem had been over-estimated and that some people might boycott the Assessor for politically-motivated reasons. However, he also recognised that people might feel that 'nothing will be done', that insufficient publicity might mean his role is unknown to many people and that more representations might have been made had his powers been wider. Thus there is an implied recognition of some responsibility to address these issues. The tone of the report suggests that non-criminal complaints against the Army will be examined sympathetically by the Independent Assessor. While procedural changes and improvements in terms of style and openness will never be an alternative to powerful, independent and democratic complaints mechanisms, they are nevertheless part of the solution. In general there has been some improvement in the performance of the different statutory complaints bodies in terms of openness and service. However, serious problems with accountability and efficacy still remain.

Government recently produced a discussion paper which,

*'proposes a strengthened framework for policing in Northern Ireland. The aim is to provide a structure which will further improve the effectiveness of the police service, while ensuring that it is properly accountable to the whole community' (NIO 1994: 1).*

Since the service is presently 'properly accountable' to nobody in the Northern Ireland community - even the anonymous members of the Police Authority - this is an almost revolutionary aspiration. It provides a useful benchmark for the success of reform and change in terms of the service provided by the security forces. Unfortunately the document goes on to suggest that the Chief Constable cannot be made accountable in 'security policy objectives and related matters' - precisely the areas which are most contested and most in need of democratisation (NIO 1994: 10).

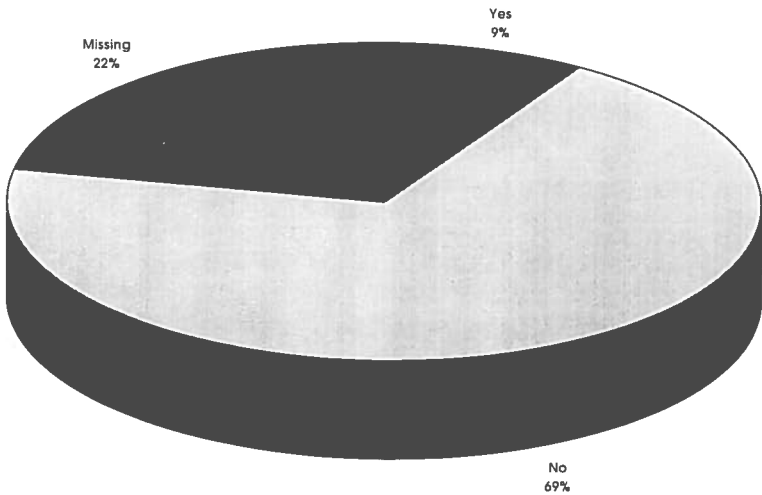
The wider question of accountability is clearly of paramount importance in situations in which there are perceived to be problems with policing and problems with complaints mechanisms. While our research was not directly concerned with perceptions of

accountability, we were concerned with perceptions of the efficacy and openness of the different statutory complaints mechanisms. We believed that our respondents would provide a broad overview of attitudes about accountability and complaint on the ground.

### **The survey: reporting harassment to statutory agencies**

The perceptions of people on the receiving end of the complaints services are obviously central to the wider debate. Our research looked specifically at young people's perceptions of the complaints mechanisms. The questionnaire asked respondents who felt that they had been harassed by the security forces if they had ever reported this harassment to any government organisation (Question 8). The question identified a number of statutory organisations with responsibility for monitoring and investigating complaints of harassment by the security forces. These were: the Independent Commission for Police Complaints; RUC; the British Army; the Civil Representative; and any 'other'. Having identified these key statutory organisations in our questionnaire, we went on to ask people about reporting security force harassment. We asked firstly, if people *had* reported harassment, what the response had been; and, secondly, why people *had not* reported harassment. The response to these questions makes it clear that there are profound problems with the system of reporting harassment by the security forces. There is also a problem with the outcome of reporting harassment. Furthermore, there is clearly a serious problem with non-reporting of cases of harassment. Only nine per cent of respondents who identified harassment had *ever* reported this to governmental organisations. There was also a problem with non-response on our questionnaire - 22% of the respondents who reported harassment *to us* failed to indicate whether or not they had reported the harassment to government. There was no obvious reason for this. We can speculate that the failure to respond to this question was a function of the perceived seriousness of the harassment. The question was also towards the end of the questionnaire which may have encouraged a poor response. Furthermore there is the likelihood that some people who had not reported harassment thought that the question did not apply to them. It seems unlikely that the omission is significant in itself but it should be noted as it represents missing data of significant proportions (Figure Fifteen).

Figure Fifteen. Reporting Harassment to Statutory Organisations



### Respondents who reported harassment to statutory organisations

There was some - albeit limited - evidence of successful and satisfactory reporting:

*A local permanent checkpoint began to close the road off during all the hours of darkness. On several occasions the school bus was not permitted to pass through and collect pupils and local people were often forced to make a 50 mile by-pass instead of a two mile journey home. Our community wrote to just about anyone with any authority, brought it to the attention of local papers and a committee was set up and eventually the checkpoint was removed. (Catholic Woman: Fermanagh)*

*We were quite young at the time (14, 15) and when my father came along at that time of the harassment, he immediately went to complain to the RUC. He got a good response and was told if it ever occurred again to report it immediately. (Catholic Man: Dungannon)*

The experiences of these respondents is testament to the fact that there is a point to reporting harassment whatever the perceived

limitations of the current system. However, of those people who did report harassment, over two thirds (69%) were not satisfied with the outcome:

*There was no-one in the station able to deal with our complaints and we were told to come back at an unsuitable time. They did not seem interested in helping us. (Protestant Woman: Newtownabbey)*

*They did nothing to help me in any way, just made a note of it and I heard nothing more (Man 'neither religion': Limavady)*

*My mother and I were held at a VCP for over two hours during which I was assaulted and threatened, stripped and humiliated. My mother reported the incident to the RUC and the British Army, who said that they would get in touch. They never. This incident was one and a half years ago. (Catholic Man: Newry and Mourne)*

Of our respondents who identified harassment of some kind, *only two per cent reported the harassment and were satisfied with the outcome of the reporting*. Put another way, 98% of young people who feel that they have been harassed either do not report the harassment or are not satisfied with the outcome of reporting the harassment. Thus there is a profound lack of confidence in the mechanisms of reporting to Government. This no doubt contributes to the reluctance to report harassment at all.

### **Non-reporting of harassment to statutory organisations**

**Our research suggests that the vast majority of people who think they have been harassed by the security forces do not report this harassment at all. Certainly, the vast majority of people who feel that they have been harassed do not report this harassment to any governmental agencies. Different reasons were given for non-reporting. These fell under the rubric of four broad categories: 'not serious enough'; 'nothing would be done'; 'risk of further harassment' and 'didn't know of anyone to complain to' (Figure Sixteen). Each of these is illustrative of problems with the existing Government complaint mechanisms.**



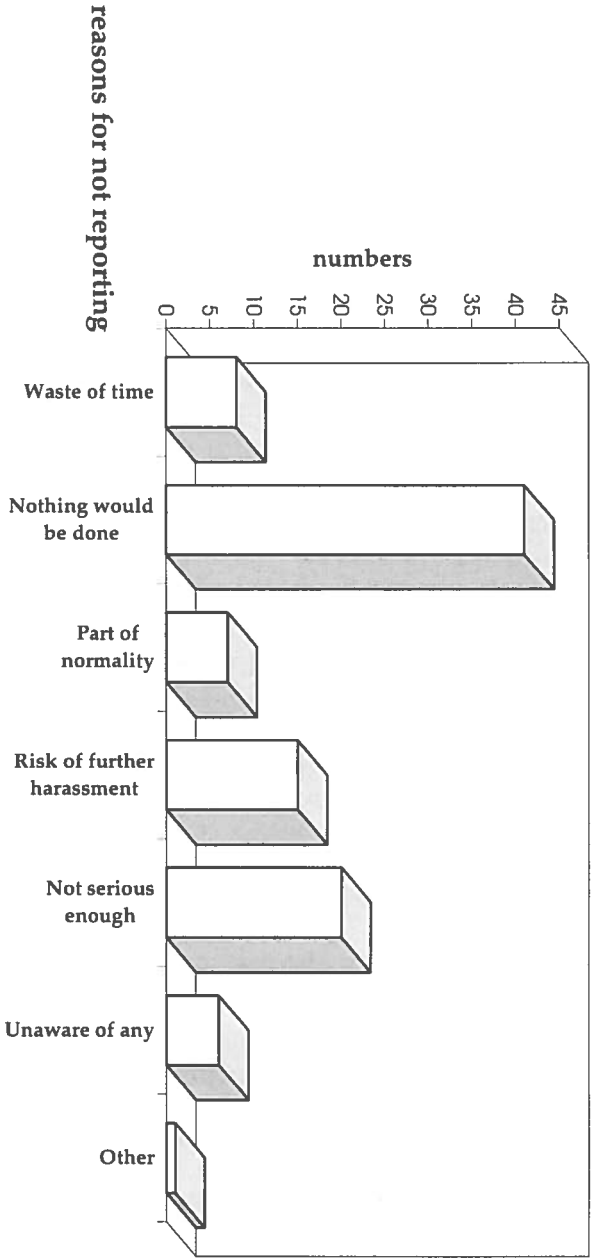


Figure Sixteen. Reasons for Non-reporting to Statutory Organisations

### **Non-reporting because harassment was 'not serious enough'**

A minority identified lack of seriousness as the reason. Only 16% of those who gave a reason for non-reporting identified the harassment as not serious enough to report. The other respondents identifying harassment either stated or implied reasons other than lack of seriousness for non-reporting. When people regarded the harassment as being not serious enough to report it still deserves attention. Some of this harassment was clearly minor and relatively unimportant to the person identifying harassment:

*[I didn't complain about the harassment] Because it wasn't serious, it was only unnecessary delay. (Protestant Woman: Newry and Mourne)*

*On a couple of occasions usually Friday or Saturday nights, soldiers have made remarks when I've passed their camp usually about my appearance. [I didn't complain because] I took the remarks as a bit of light-hearted fun, and the remarks were the same as anyone else could have made. (Protestant Man: Castlereagh)*

However other cases of harassment seemed only 'unimportant' in a relative sense. The respondent implied that complaints would be ignored, in the context of the emergency situation:

*Individual occurrences seem too small to appear of any consequence in retrospect. In the face of other things that go on in the province involving the security forces I didn't think that any notice would be taken of a teenager's half hearted complaints. (Catholic Man: Down)*

Other respondents who felt that their harassment was not serious enough also hinted at other more problematic features of the complaints system:

*Because I would feel intimidated by the Army. I wouldn't like to go and get mixed up with complaints of harassment. I also think it wouldn't get me anywhere. I would report my experience of harassment if it was serious and offended me greatly. (Catholic Woman: Derry)*

*Mostly because it was only a minor form of harassment and there seemed no point in causing a fuss over it. Although on the other hand - would it have made any difference? It happens so often in so many places, you would doubt if it could be stopped. (Protestant Woman: Ballymoney)*

So even respondents who feel that the harassment they have experienced is not serious enough to report may feel 'intimidated' or 'doubtful' about the efficacy of reporting. The process of deciding that harassment is 'not serious enough' to report is a complex one. Even this category of harassment is worrying and deserving of further attention.

### **Non-reporting because respondent was 'unaware of any organisations'**

Only 7% of those who identified some reason for not reporting harassment suggested that this was because they were unaware of any avenues for complaint:

*I did not know who to report the incident to, but I think my complaints would have been futile, pointless and worthless anyway. (Catholic Woman: Dungannon)*

*I never knew there were organisations you could write to, to complain about the security forces. Complaints about the security forces don't seem very common, therefore when something happens and you want to complain, you don't know where to send your complaint or how to go about it. (Protestant Woman: Belfast)*

This suggests that increasing awareness about agencies for reporting will not be enough to address harassment. However it also suggests that improvements in this area are necessary. While most respondents who reported harassment knew of at least *one* statutory mechanism of complaint, it appeared that some of these organisations had a much higher profile than others. Government should spend more time promoting and advertising avenues of complaint about security force harassment.

### **Non-reporting of harassment because 'nothing would be done'**

Most people who identified a reason for non-reporting of harassment, identified in terms of 'nothing would be done' or 'waste of time' or 'part of normality'. These were by far the majority of those identifying a reason for non-reporting. These respondents explained in a number of ways why they did not report harassment:

*It's not worth it. The harassment is stops and searches and it would be palmed off as being the security forces job to do so. (Catholic Man: Newry and Mourne)*

*Because I have heard of many people taking harassment cases further, but to no avail. Who would believe me, no-one. The three police officers would stick together to a story and as I was by myself I am helpless. (Protestant Man: Ballymena)*

*Because the Government organisations would not act on the report. It is common knowledge that the security forces are exonerated, even in the courts for almost all their 'misdemeanours'. (Catholic Woman: Larne)*

*I thought that it would be of no relevance and not be taken seriously - as this happens to most people who report cases of harassment. (Catholic Man: Magherafelt)*

*I don't feel that anything would be done about it. (Catholic Man: Ards)*

*Simply because they wouldn't act on the complaint. (Protestant Man: Omagh)*

There are two broad variations on the theme of 'nothing would be done' among respondents. The first is the idea that 'nothing would be done because harassment is part of normality in Northern Ireland:

*I did not report the incidents because I felt that this was normal behaviour for the British Army. (Protestant Woman: Newtownabbey)*

*It's part of life here. (Protestant Man: Ballymena)*

*In Northern Ireland [sexist harassment by the security forces] is probably an everyday incident experienced by a lot of people. No-one of any authority would take any notice. I don't feel that the security forces really care. (Catholic Woman: Lisburn)*

*You just expect it to happen; they give the impression that they own the government, and are therefore above the law. How can we effectively use the law against them when they are shielded from it? (Catholic Man: Newry and Mourne)*

*Harassment by the security forces in Northern Ireland has become part of life. The Government know that it happens and they do nothing about it e.g. in Coalisland when Paratroopers were seen on camera harassing locals, they were just moved to a different district, there should have been an independent inquiry. (Catholic Man: Omagh)*

This response is a particularly worrying example of the normalisation of harassment. Since it happens regularly and has always been 'part of life' for these younger people, they believe there is no point in reporting it to anyone.

The other variation on the 'nothing would be done' response is the idea that reporting harassment is a 'waste of time' or 'not worth the bother'. Sometimes the respondents left their notion of 'bother' as baldly as that. Other respondents went on to explain what kind of 'bother' might be involved in process of explaining why they did not report harassment:

*Not worth the bother. (Protestant Man: Larne)*

*It is simply a waste of time, there is no sense reporting any harassment because at the end of the day the side of the security forces will be taken. And you would be simply laughed at by those parties involved. (Catholic Man: Fermanagh)*

*Waste of time - successful outcome on my behalf highly unlikely.  
(Protestant Man: Newtownabbey)*

*Has anyone else ever reported it, if so why have the security forces not been disciplined? (Catholic Woman: Newry and Mourne)*

*Didn't trust any government organisation and too much hassle.  
(Catholic Man: Strabane)*

*What good would it do? (Catholic Woman: Moyle)*

So a combination of the pointlessness of reporting given the perceived impossibility of successful outcome with the potential of 'hassle' is enough to dissuade some people from reporting harassment to government.

Some respondents saw the refusal to investigate satisfactorily as a specific political or religious or generational discrimination:

*It happens so often and the government is not interested in reports of harassment if they occur in a nationalist area or to young people. The security forces involved would just lie anyway and say they were provoked. Nothing would come of reporting it. (Catholic Woman: Belfast)*

*I'm Catholic so I really don't see that they would do anything about it.  
(Catholic Woman: Derry)*

*Yes I think I am a victim of harassment. The reason I say this is because every time my friend and I meet the security forces we are more than likely to be stopped or pulled into the side of the road. The reason I think this is because of our religion and the area from which we come from. There have been a few cases which I feel as if I have been harassed. Once in the town a soldier came over to me in the town and said if there was no-one about he would kick me through a shop window. Just a few months back a foot patrol was walking around in the area which I live. They wanted to search me and for me to take everything out of my pockets. They also wanted me to spread-eagle. That night they threatened to hit me and my friend. [I didn't complain*

*to Government because] I feel as if there is no justice and I and more like me will not be listened to. I also feel as if people like me are being discriminated because of our religion and no matter what we say is not right. If we stand up to these people we are going to be harassed even more. (Catholic Man: Armagh)*

*I do not believe justice exists for all factions of our community. The system is biased and I do not totally trust it. (Catholic Woman: Strabane)*

*It's like any other organisation or anything else in life, if you cover for me, I'll help you in a certain way. Who are they going to believe - a group of teenagers on their way to a disco or an army of highly trained men needed in the country? (Catholic Woman: Moyle)*

*Thus many young people feel that there is little prospect of remedy in reporting harassment because they perceive the 'system' to be biased against them in some way because they are 'teenagers' or 'Catholics' or 'nationalists' or whatever. Until this perception is removed considerable reluctance to report harassment will remain.*

### **Non-Reporting because 'Risk of further harassment'**

The most worrying response of all to the question of not reporting harassment was the failure to report because of a perceived risk of further or increased harassment. This experience is very similar to the notion of 'victimisation' defined and specifically outlawed by anti-discrimination legislation. Victimisation is the experience of being disadvantaged or penalised in some way because of making a complaint. 16% of respondents who gave a reason for not reporting harassment were in this category of fearing victimisation. For some respondents the fear of further harassment was a fairly vague threat:

*I wouldn't report it because of what could happen. (Catholic Woman: Fermanagh)*

*They would not do anything about it - no point. There is a possibility that you may get more trouble from the police. (Catholic Man: Coleraine)*

However, for most, the fear of further harassment was much more tangible. It was also based on experience:

*Because there is not much point as there is little or no chance for action to take place as the Government organisations tend to stick together and reject complaints one way or another, the complaint may also lead to the complainant getting into legal trouble of the complaint may lead to more serious harassment, which I have witnessed a friend getting. (Man 'neither religion': North Down)*

*Firstly, it wouldn't make any difference. [Secondly] Fear of reprisals, the next time I was stopped by the RUC. Also I understand the problem that the security forces have in Northern Ireland, so I don't really mind being stopped if it is going to help prevent further violence. (Catholic Woman: Down)*

*I feel that to lodge a complaint may be the means of further harassment. Plus, apart from frustrating delays and on an odd occasion provocative language the forms of harassment didn't seem to be serious enough to report. Well, certainly not as serious as they could be if one complained. (Catholic Woman: Fermanagh)*

For others the risk of further harassment was based on real or perceived common-sense notions about the security forces in Northern Ireland:

*For the simple fact that the nationalist community have no confidence in the so called 'security forces'. It is totally ridiculous when you think about the complaints commission being chaired by members of the RUC and British Government organisations. The harassment has been*



*only mental and not physical as such yet. Furthermore reporting experience may lead to further harassment.<sup>52</sup> (Catholic Man: Belfast)*

The widespread fear of victimisation for reporting harassment is probably the most disturbing aspect of the reasons given for not reporting harassment. The existence of a perceived and actual threat of victimisation for reporting harassment is a serious indictment of the security forces and the government complaints system.

### **Improving the complaints system**

There is a widespread sense of disillusion and incapacity to intervene in a practical fashion in individual cases given the different structural limitations outlined above. However some grassroots activists did identify certain tactics for improving in part at least the incidence of harassment in different individual cases:

*We can bring it up at our police/public liaison meetings but the feedback on that, the response on that is at the discretion of the police and any serious case would be highly confidential and unofficial.... Several members have their names down with the police and if a person who's getting their house searched wishes them to be present then they are allowed to be present. In most cases [it has been accepted by the police], not all. The police actually have the right to object, that happened on one occasion. But most times the police are quite happy because it keeps them right and the people living in the house. (Protestant Man Interviewee: Derry)*

Other people identified certain macro-level policy decisions which might encourage an improvement in police/community relations and provide more effective mechanisms in cases of individual or structural harassment:

*I think that community policing - the community policeman in most areas is generally, you know, people are quite happy with him rather*

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<sup>52</sup> This respondent is not wholly accurate in his characterisation of the ICPC. In fact the Commission is formally independent although appointed by the Secretary of State.

*than going around in a Land Rover. But what annoys me from the meetings we have with the community police is that whenever there's a shortfall or police are needed in other areas, the first area they pick on is community policemen and they're pulled out for a month or whatever. I think that's damaging because they have built up a good relationship and then all of a sudden they're not there.... The use of DMSUs<sup>53</sup> is a big problem because they're not local people and they're trained specifically in dealing with riots and that type of situation and in some cases local policemen would be able to sort it out far quicker than the DMSUs. (Protestant Man Interviewee: Belfast)*

*I was surprised that people knowing the difficulties that Catholics joining the police would like to see more Catholics in the police. They also would like to see the likes of the SDLP becoming more involved, becoming involved in police liaison because they have nothing to do with community liaison committee here. They claim that, if they want to contact the police, they have their own channels. But people would actually like to see them at those meetings. (Protestant Man Interviewee: Derry)*

However, it has to be said that the tone of both respondents and community spokespersons was generally pessimistic with regard to the possibility of making the government complaints system work. Our research supports the analysis of Weitzer who argues:

*The existing complaints procedure is found to be deficient insofar as (1) the police continue to monopolise the investigation of complaints, (2) it fails to command widespread public confidence, and (3) it does not provide an adequate framework for monitoring larger policing problems and addressing the root causes of officer misconduct (1986:99)*

This assessment is as accurate today as it was in 1986. None of these three key areas has been addressed in the intervening period. It seems clear that changes in these areas will not occur without prompting and assistance from outside the existing statutory

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<sup>53</sup> District Mobile Support Units or DMSUs are the quick response units of the RUC brought into operation in possible riot situations. In the CAJ experience they are frequently associated with heavy-handed policing and accusations of harassment.

complaints system. There is a crucial role for the human rights community in monitoring performance and encouraging change.

# 11. REPORTING OF HARASSMENT TO THE HUMAN RIGHTS COMMUNITY

Given CAJ's role as a civil liberties organisation, we were obviously concerned with the profile and performance of non-Government organisations in addressing security force harassment. In addition to our question on the statutory complaints system, our questionnaire asked respondents who felt that they had been harassed by the security forces if they had ever reported this harassment to 'non-Governmental organisations'. Here we were interested in how much young people in Northern Ireland knew about and what they thought about the 'human rights community'. This community has been usefully defined by Laurie Wiseberg:

*The "human rights community" is, admittedly, a nebulous concept. It includes legislators and executive policy makers, journalists and opinion leaders, foundations, academics, and others. However, the core of this community is a mixture of "pure type" non-governmental human rights organisations (local or grassroots, national, regional or international) and a multitude of other private associations (including trade unions, churches, professional associations and 'peoples' organisations that have exhibited active concern for, and involvement in, the human rights struggle.*

*More formally, a human rights NGO is a private association whose raison d'être derives from the promotion and /or protection of one or more internationally recognised human rights. To a large extent, an NGO is defined by what it is not: it is not governmental, that is, it is not controlled by government; stated positively, an NGO is independent or autonomous from government.*

*Such organisations are typically led by human rights activists or human rights defenders (the terms are here interchangeable): that is, individuals who make a major commitment to, and openly take up, the defence and protection of the human rights of others. Human rights defenders need not, however, be formally associated with an organisation, they may be lawyers, journalist, teachers; very frequently, they are associated with broad-based "people's organisations" of peasants, workers, slum dwellers, indigenous peoples or women. They are individuals who champion the human rights of others, often at great personal risk to their own lives and safety. It is these human rights NGOs and human rights defenders that have been the spearhead of the human rights movement that began to coalesce into a major force in the late 1970s (1993: 3-4)*

In the context of Northern Ireland, the 'human rights community' includes organisations like the CAJ and Amnesty International, which have a specific brief to monitor civil liberties and human rights, as well as other private associations like churches or political parties which might see such a brief as being part of their much wider concerns.<sup>54</sup> Our questionnaire identified a number of organisations and individuals with responsibility for monitoring and investigating complaints of harassment by the security forces (Question 9). These were: a Minister or Priest; Solicitor; Political Party; the CAJ; Amnesty International; and any 'other'. The questionnaire then went on to ask firstly, if people *had* reported harassment to any NGO, what the response had been; and, secondly, why people *had not* reported harassment to any NGO.

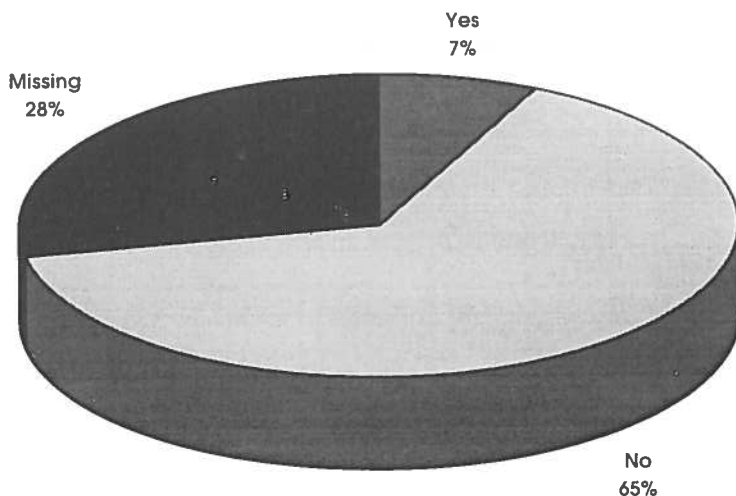
Just as there are profound problems with the system of reporting harassment by the security forces to government, so there are

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<sup>54</sup> It is important to note that this work has been co-ordinated by Amnesty International *International Secretariat* - Like other national groups, Northern Ireland Amnesty International is constitutionally restricted in terms of 'own-county work'.

equally profound, if slightly different, problems with reporting to NGOs. There are also serious problems with the outcome of reporting harassment to NGOs. Furthermore there is a serious problem of non-reporting in cases of harassment. Only 7% of respondents who identified harassment had reported this to NGOs. As with the question on Government organisations, there was a problem with non-response to this question - 28% of our respondents who identified harassment failed to indicate whether they had reported the harassment to NGOs. Once again, there was no obvious reason for the overall level of non-reporting. However, it seems likely that the *increase* in non-response with regard to NGOs was the consequence of some respondents feeling that there are similar reasons for not reporting to government and NGOs (Figure Seventeen).

Figure Seventeen. Reporting Harassment to NGOs

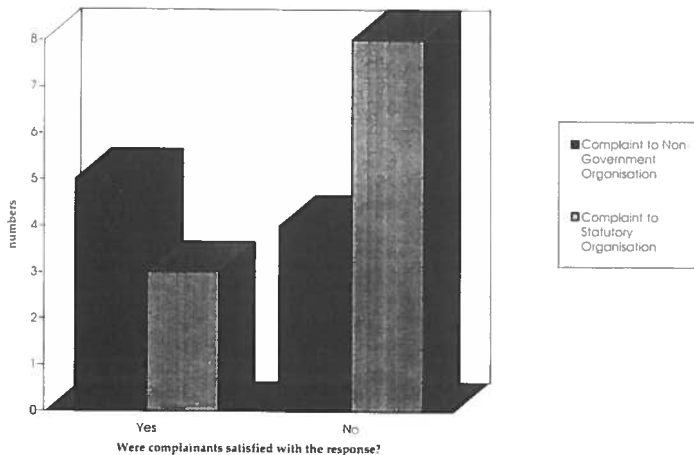


### Respondents who reported harassment to NGOs

In contrast to the experience of reporting harassment to Government, most people who reported the harassment to an NGO were satisfied with the outcome (Figure Eighteen). There was some evidence of successful and satisfactory reporting:

*Letters and petitions worked! Both sides of the community came together to get rid of a checkpoint that had stood for about twelve years - its only purpose seemed to be to annoy and delay local residents!  
(Woman 'neither religion': Fermanagh)*

Figure Eighteen.Satisfaction with Reporting Harassment



However, most 'satisfactory' reporting reflected satisfaction with the efforts of the NGO involved rather than a suggestion that reporting had resulted in redress or an end to harassment:

*I reported [the harassment] to a local Councillor. They made reports in the [local paper] which stopped the harassment for a while because it left the security forces embarrassed. (Catholic Woman: Omagh)*

*[I reported the harassment to a political party who] did the best they could but they received no response. However, I was pleased with their efforts. (Catholic Man: Newry and Mourne)*

Thus, 'satisfaction' with reporting to NGOs may be as much to do with general support for the person or party contacted as any belief in the efficacy in terms of dealing with harassment.<sup>55</sup>

Despite the increase in satisfaction among respondents with reporting to NGOs, still nearly half (44%) were dissatisfied with the outcome:

*[A political party] told me that it wouldn't matter if they went to the PRIME MINISTER that it wouldn't help me in any way. But someday it would stop. (Man 'neither religion': Magherafelt)*

*Local District Councillor made complaints to police. No action was seen to be taken. (Catholic Man: Dungannon)*

*Of course we complained to our friends and neighbours about our treatment, but they have no influence to do anything about this. We didn't want to waste the time of the groups mentioned. (Catholic Man: Newry and Mourne)*

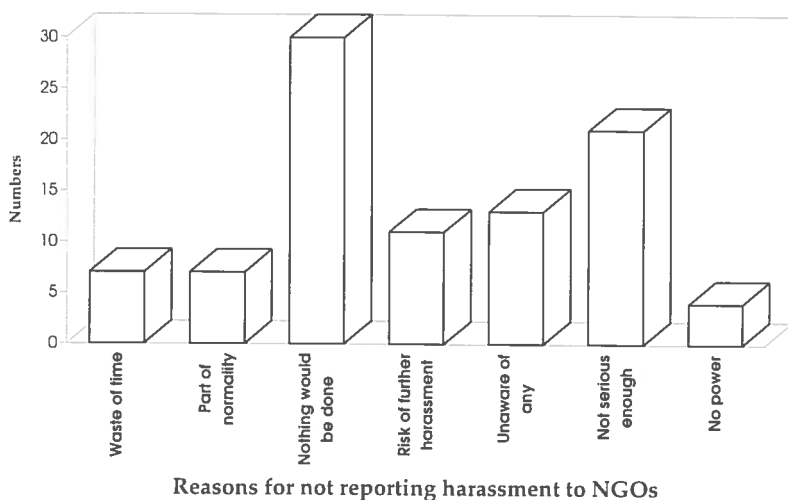
As with reporting to Government, the vast majority of respondents who think they have been harassed do not report this harassment to NGOs at all. Once again, different reasons were given for non-reporting. These fell under the rubric of five broad categories: 'not serious enough'; 'nothing would be done'; 'risk of further harassment', 'no power' and 'didn't know of any' (Figure Nineteen). The only one of these which was substantively different from the categories employed for government organisations was that of 'no power', reflecting perhaps an accurate assessment of the difference between government and NGOs in ability and resources to effect change.

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<sup>55</sup> The numbers reporting harassment to NGOs were very small. Consequently the comparative satisfaction between statutory agencies and NGOs should be treated with caution - the figures have little statistical validity.



Figure Nineteen. Reasons for Non-reporting of harassment to NGOs



### Non-reporting because harassment was 'not serious enough'

A minority identified lack of seriousness as the reason. Only 22% of those who gave a reason for non-reporting identified the harassment as not serious enough to report. The other respondents identifying harassment either stated or implied reasons other than lack of seriousness for non-reporting. Once again, some of this harassment is clearly minor and relatively unimportant to the person identifying harassment:

*They have been too small and petty to report. The experiences were not serious enough in my opinion to report and I would be wasting the organisation's time as there is little they could do. (Catholic Woman: Strabane)*

However, as with non-reporting to government mechanisms, other cases of harassment seemed only 'unimportant' in a *relative* sense. Some respondents implied that complaints would be ignored, in the context of the emergency situation. Other respondents who felt that their harassment was not serious enough also hinted at other more problematic features of the complaints system:

*I have not [reported harassment to any NGO] because I didn't think my complaints would be serious enough to actually write off about and I don't expect any good to come out of writing to a non-government organisation not to mention even a government organisation (Man 'neither religion': North Down)*

So, once again, levels of seriousness of harassment have to be contextualised. Even when people say that harassment was not serious enough to report they can be clearly unhappy about both the harassment and the lack of an appropriate means of complaint.

### **Non-reporting of harassment because 'unaware of any organisations'**

15% of those who identified some reason for not reporting harassment suggested that this was because they were unaware of any avenues for complaint:

*Because I did not think that I could report it. (Catholic Woman: Banbridge)*

*No one wants to know and it is not worth the aggravation because nothing would be done about the complaint. (Protestant Man: Omagh)*

*I do not know of any non-government organisations that would take any harassment cases of mine seriously enough to act upon them. (Catholic Man: Magherafelt)*

*Don't know anybody (Man 'neither religion': Limavady)*

*Like who? (Catholic Woman: Moyle)*

*I was not aware of any with legal influence. (Woman 'neither religion': Newry and Mourne)*

*Because I felt it would be a waste of time. I find I'm also too young to get involved unless the incident is serious. I wouldn't know where to go or who to speak to about what happened to me if something*

*happened, I wouldn't know who to confide in. (Catholic Woman: Derry)*

Substantially greater numbers of people gave 'not knowing' as a specific reason for not reporting to NGOs than Government organisations. Thus there is a strong case for improving publicity and increasing the profile of NGOs involved in this work. However, lack of knowledge about the groups involved is still given as a reason for not reporting harassment by a small minority of the respondents who alleged harassment. This makes it clear that increasing awareness about agencies for reporting is not a panacea. Most people do not report harassment because they feel 'nothing will come of it' not because they do not know who to report to.

### **Non-reporting of harassment because 'nothing would be done'**

Similarly to the situation with government organisations, most people who identified a reason for non-reporting of harassment to NGOs did so in terms of 'nothing would be done' or 'waste of time' or 'part of normality'. In combination these were a large proportion of those identifying a reason for non-reporting. ('nothing would be done', 32%; 'waste of time' 8%; 'part of normality' 8%). Each of these responses had a number of key themes: that harassment was serious and problematic; that very little would be done about it because of the exigencies of the political/military situation in Northern Ireland; and, finally, that reporting harassment - no matter how serious - was a waste of time because of these realities:

*[I didn't report harassment to any NGO because] I didn't think anything positive would come out of it. (Catholic Man: Ards)*

*Because the RUC or British Army would just say an investigation was underway and that is no good to me. (Catholic Man: Derry)*

*No confidence in certain church representatives and political representatives and harassment although annoying and disturbing seems minor in comparison to the physical abuse some members of the community experience. (Catholic Man: Belfast)*

*The experiences I have had are an everyday part of life for people from West Belfast and will continue to be so as long as the security forces are here. It is only a serious incident which I would report because charges could not be brought for verbal harassment - you would be made out to be a liar (Catholic Woman: Belfast)*

*With justice likely to favour security forces why bother? (Protestant Man: Newtownabbey)*

*The harassment was unpleasant and made me angry at the time. It never occurred to me to report it as I am well aware that such 'minor' incidents are commonplace and would not be investigated if reported. (Catholic Woman: Larne)*

The focus in many of these responses is still on the security forces rather than on the performance of NGOs. Respondents - both those who had reported to NGOs and those who had not - tended to separate the commitment of NGOs from their ability to do anything. By implication, many respondents seemed to be suggesting that the problem with NGOs was not their commitment but their lack of power to effect change. Others made this point quite explicitly.

### **Non-reporting of harassment because of 'lack of power of NGOs'**

While there were many similarities in the reasons given for non-reporting to Government and NGOs, there were also differences. Crucial among these dissimilarities was the assumed reason for an unsatisfactory outcome to reporting. Respondents assumed overwhelmingly that the Government organisations would either not want to do anything or encourage further harassment. They were less sceptical about NGOs. The real contrast between the reasons for not reporting to Government and NGOs was in terms of imputed commitment to act in cases of harassment. Most respondents assumed that Government agencies would not *want* to do anything while NGOs would not have the *power* to do anything - whether they wanted to or not. 5% of respondents recorded this as the specific reason for not reporting harassment to NGOs. Others saw it as an additional problem to some of the factors already mentioned:

*[I did not report to any NGO] Because what can be done, if the government can do nothing what can a non-government organisation do? (Catholic Man: Omagh)*

*None of them can do anything about it. (Man 'neither religion': Ballymena)*

*Non- government forces would have no power as the security forces would protect themselves. (Catholic Man: Newry and Mourne)*

*[It is a] waste of time going to non-government organisations, they are useless at dealing with complaints such as harassment etc. (Protestant Man: Larne).*

*Didn't think anyone would be interested or have the power to do anything. (Protestant Woman: Newtownabbey)*

*[I did not report to any NGO] Because it does not matter who I report it to they can do nothing for me. I will still be discriminated because of who I am and that is more time wasted. There has been cases where people like me have been discriminated when they have been 100% right. This will always be the case. (Catholic Man: Dungannon)*

Clearly therefore there is a lack of confidence in NGOs among young people who have been harassed by the security forces. Much of this may be based on a realistic assessment of the limitations of NGO intervention in this area. Much of it may also be related to a lack of knowledge about different NGOs and what they might be able to do. However it also seems that any NGO interested in addressing the issue of harassment must be much more proactive in convincing younger people that redress is possible - in however a limited fashion. Furthermore, it is important to encourage acceptance of the idea that it is essential to record and report harassment *whatever the chances of individual remedy.*

### Non-reporting because of 'risk of further harassment'

Once again, the most worrying response of all to this question was the failure to report harassment because of a perceived risk of further or increased harassment. Approximately 7% of respondents who gave a reason for not reporting were in this category. These responses fell into two categories: people who did not report because they felt there was 'no point' and a risk of further harassment and people who did not report simply because of that risk:

*Too much annoyance - you have to watch yourself - you may get more trouble for yourself from the police. (Catholic Man: Coleraine)*

*Again, they won't be able to do anything for you. Even if you have some hard evidence against the security forces to charge them will only lead to further harassment in the future. They would always be on your back and looking to push you to break the law. (Catholic Man: Fermanagh)*

*You don't talk about it except with friends in case you get into trouble. (Catholic Woman: Fermanagh)*

*I take it as being part of life in Northern Ireland and just accept it and if you make a fuss about it you usually receive more of it later. (Catholic Man: Strabane)*

It bears emphasis that there was no suggestion that the NGOs would cause further harassment themselves. Rather it was suggested that any attention by NGOs might encourage further harassment by the security forces. Nevertheless, the fear of victimisation is compounded by the belief that NGOs can do little to prevent further harassment in direct response to a complaint. One respondent made this point very graphically:

*Harassment happens so often to people, they feel they won't be listened to - just like someone who was raped - they are afraid of others. (Catholic Woman: Coleraine)*

NGOs must overcome these kind of fears and prove that people will be listened to without endangering themselves. This is again an indictment of the security forces but it also points to considerable problems for NGOs. They must be able to convince people that they can make complaints without threat of consequent harassment. The fear of victimisation is as much a problem for NGOs as for Government organisations.

### **The CAJ experience**

The CAJ has had a degree of influence through formal and informal contacts with different elements in Government. If an individual comes forward to CAJ complaining of serious harassment, informal contacts with individuals can sometimes lead to a cessation in harassment. In order to discourage harassment it is sometimes enough to let the security forces know that harassment of a particular individual is being monitored by CAJ and/or other non-governmental organisations like Amnesty International. The impression is that some harassment is not worth the adverse attention and publicity.

It must be said that this kind of anti-harassment strategy is profoundly limited. Harassment stops at the discretion of the security forces not because it is wrong but because it is seen as being potentially politically damaging. It also stops only in cases in which the individual knows about or is referred to the CAJ or similar organisations. Furthermore, there is also a problem in many cases with the credibility of NGOs to intervene with any effect in cases of harassment. Most people believe that in the face of Government reluctance to deal with harassment, NGOs are effectively powerless.

Another important aspect of the CAJ experience is the fact that there is a key distinction between the kind of harassment that was reported in our survey and the kind of harassment that is reported to groups like CAJ. Put simply, the difference is one in terms of seriousness and intensity. The more serious and the more sustained the harassment of an individual, the more likely she or he is to report their experience. There is a problem in that many people obviously feel that while their own experience of harassment was wrong, it did not merit reporting - such reporting would only occur in cases of 'serious' harassment. While there are common-sense distinctions in

terms of levels of seriousness of harassment, it is important that every incident of harassment is recorded and challenged.

Another feature of the CAJ experience is that the people who report harassment to groups like the CAJ are very often targets for recruitment as informers by the security forces, particularly the RUC. This kind of harassment is usually linked to the pursuit of information on Loyalist and Republican paramilitary groups. While there was no specific question on such harassment in our questionnaire, no-one mentioned such harassment in response to our survey. This suggests that such harassment is targeted rather than widespread. However, this kind of harassment is also instrumental and therefore harder to address. We have consistently argued that harassment is counterproductive to the work of the security forces because it annoys and alienates people without achieving anything. We have stressed that more harassment means less effective policing and vice versa. In contrast to this, however, the security forces might perceive the harassment of potential informers as clearly productive if it succeeds in recruiting informers. It therefore seems more difficult to convince the security forces of the inappropriateness of such harassment. This particular aspect of harassment deserves specific attention.

### **Recruitment of informers**

While much harassment seems counterproductive in the sense that it undermines rather than helps the work of the police, some harassment is clearly linked to the attempted recruitment of informers. It appears that the army - and particularly the RUC - requires a network of informers for low-level intelligence gathering. This network is periodically supplemented by further recruitment. Much of this recruitment is linked to a carrot and stick approach of financial inducement in tandem with the threat of harassment. Many of these potential informers are involved in petty criminality - for example, illegal taxi-ing - and therefore vulnerable to threats of prosecution. The deal offered them is non-prosecution supplemented by cash payment. The penalty for non-co-operation is prosecution supplemented by further harassment - for example the threat is often made that paramilitary groups will be told that they are informers.



*I think that the pattern has been - in areas like the Shankill - where you have a working class community, it's more likely that a lot of people in the area are going to support or join the paramilitaries. And a lot of people who don't support the paramilitaries have a good chance of going into what you would call 'ordinary crime' like break-ins in shops, so they would always come into conflict with the police - for whatever reason. But because there was a high level of paramilitary activity the police always seemed to be taking the heavy hand and would have used harassment and stuff like that for to try and get people to become informers. It just seems to have been turned on and off at certain times. (Interviewee: Belfast)*

It appears that this form of harassment is an important part of security force policy. Nevertheless CAJ experience suggests that such harassment is inappropriate for a number of reasons. First of all, such harassment is very often not instrumental at all. If the victims know nothing about paramilitary activity, they are being pressurised to no purpose at all. It seems unlikely that such activity does anything for the reputation of the security forces when it occurs - in fact it may increase support for paramilitary groups in response to improper behaviour by the security forces. Secondly, such harassment often involves the very intense mental and physical intimidation of individuals who are perceived to be vulnerable in some way. (We have seen how sexuality was one dimension to this. Individuals involved in petty criminality may be similarly 'lent upon'.) This kind of serious sustained harassment can be extremely worrying for the individuals concerned. Many present themselves to the human rights community as extremely frightened, some in fear of their lives. Such harassment is morally offensive whatever the political activity of the individual involved. Thirdly, it is clear that the security forces are involved in inappropriate and often illegal actions as part of this harassment. If someone is guilty of some petty criminality, they should either be prosecuted or cautioned or excused - their petty offence should not be used as a weapon against them.

## **Conclusion**

There are a number of NGOs which represent themselves as avenues or mechanisms for reporting harassment. *Almost none of our*

*respondents thought that these mechanisms worked.* The organisations named on the questionnaire were either unknown or ineffective. A small number of people had reported to political parties, but, of these, only one respondent had anything positive to say about this process. There is clearly a problem with information. Many people simply do not know about the mechanisms. However, even when they do know about the mechanisms most people feel that they are unlikely to achieve anything.

Given the lack of confidence in the official complaints system, it is imperative that NGOs respond to the experience of harassment in a more effective manner. It is clear that there are lessons to be learned from similar situations in which there are perceived problems with policing. In particular it seems that monitoring is absolutely crucial as a means of establishing patterns of harassment and going beyond individual complaint. To some extent organisations in Northern Ireland monitor already. However this tends to be ad hoc. To work effectively monitoring must be systematic and thorough. It cannot be left to individuals who, however committed, can only do it on a part-time and voluntary basis. Resources must be found to fund adequately any monitoring programme. Such a programme should cover the whole of Northern Ireland. It should also cover and work with both Protestant and Catholic populations. It must be able to monitor situations which are not immediately connected to the 'emergency' situation. In tandem there should be more effective mechanisms for individual complaint. In particular, the perceived threat of victimisation for complaint needs to be addressed. This is, of course, an issue for the Government complaints mechanisms but it is equally important for NGOs. In the absence of confidence in the official system, NGOs must find ways of protecting from further harassment people who make complaints about the security forces.

We have shown that many people perceive there to be little or no point in complaining to anyone about harassment. This perception is often based on a realistic assessment of severe problems in the administration of justice in Northern Ireland. However some respondents and interviewees were able to offer strategies for improvement. While it is important to recognise the limitations of the existing mechanisms for complaint - statutory and voluntary - it is also important to emphasise the possibility of complaint and redress. There are examples of good practice within the current

system. There are also obvious changes which would improve the situation dramatically.

# 12. ADDRESSING SECURITY FORCE HARASSMENT

## **Intervention and change**

It is clear from our research that there is a serious problem with harassment and the security forces. It is equally clear that there are serious problems with the efficacy of existing complaints mechanisms - both governmental and non-governmental. However this situation is neither unchallengeable nor inevitable. It can be improved by changing practice at a number of levels. Towards this end we can look to examples of existing good practice which can be used as models for improvement elsewhere. We can also point to certain reforms and changes in security force practice which appear necessary before perceived harassment will be significantly reduced. We can also identify the changes necessary in the complaints system - formal and informal - before a fair and efficient system can be instituted. Finally, we can outline certain structural conditions which will continue to cause tensions around policing whatever changes in practice occur. The rest of this chapter will address these different levels of intervention, change and limitation. Essentially these issues address either the practice of the non-state actors involved (the individual alleging harassment and the human rights community) or the practice of the state actors involved (the security forces and their respective complaints mechanisms). Obviously the

performance of both these sets of actors needs to be improved. While each area can be addressed without any change in the other, it is unlikely that harassment will be seriously challenged until both state and non-state actors take the problem seriously.

In cases of alleged and/or perceived harassment, people who wish to address the problem can either *monitor* or *intervene* (or do both). Each of these processes is central to effective remedy at both an individual and a structural level. Obviously, if someone who feels she or he is harassed complains to nobody, there is no external monitoring of the harassment, let alone any process of seeking remedy. Recording is vital in order to establish patterns of perceived harassment. Even where people feel that there is no chance of individual redress, they should still record their experience in order to assist others to monitor and address the problem structurally. It bears emphasis that such monitoring may be important to the individual in the future - detailing every incident establishes a *harassment record* and this record will be of use if corroborated harassment occurs in the future. Thus the monitoring of an individual incident of harassment which does not allow immediate remedy may still be important for intervention in the future. This example is illustrative of the fact that, while monitoring and intervening are distinct processes, they inevitably complement each other. Most effective instances of addressing harassment will use both in combination. There are a number of different ways - both formal and informal - of monitoring and intervening in harassment incidents. We will examine these now in depth.

## Monitoring

It is clear from our research that monitoring by the human rights community must be improved and standardised. It is important that monitoring projects become established across Northern Ireland - especially in localities where there appear to be serious problems with harassment. While CAJ has done some work in this area, the models for such projects come from police monitoring projects in Britain. The GLC Police Committee was a good example of how a democratically accountable, properly resourced body can effectively monitor and change police behaviour (GLC 1984; *Policing London* vols. 1-). An enduring contemporary example of successful intervention is the Newham Monitoring Project in London which has

been particularly successful at challenging racist harassment.<sup>56</sup> Often government or the police will only engage with complaints of harassment at an individual level - this precludes any analysis of patterns. It is imperative that monitoring begins to keep records which will allow wider holistic analysis. Aggregates of individual complaints of harassment suggest patterns, patterns may suggest policies. These are essential in any attempt to address harassment at a systemic level.<sup>57</sup> Equally, statutory monitoring should be improved. The security forces and the statutory complaints bodies should find ways of systematising and making public complaints against the security forces.

### **Standardising Harassment Monitoring**

CAJ have developed standard forms for monitoring harassment - these are a useful way to identify patterns. These are based on the international 'HURIDOCS' system. This system provides for an international standardising of harassment monitoring. It allows international comparison and analysis. We suggest that anyone involved in monitoring harassment, especially anyone who is monitoring numbers of cases, should use this system.

Kumar Rupesinghe, former HURIDOCS chairperson explains the rationale:

*Local non-governmental organisations receive first-hand evidence about human rights violations through witness reports, field offices and*

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<sup>56</sup> The Newham Monitoring Project (NMP) has been in operation since 1981. It 'is a local community organisation which provides practical advice and support to those suffering racial harassment. [They] run a 24 hour emergency service, undertake education work and campaign around issues of race and civil liberties'. The NMP only covers the London Borough of Newham so it works with a constituency of about 100 000 people. It has six full-time workers including two caseworkers. About one third of its work covers issues of 'police harassment' (Newham Monitoring Project 1994). This structure gives at least an idea of the kind of organisation or organisations needed in Northern Ireland.

<sup>57</sup> There are examples of this being successful in terms of CAJ's other work. For example monitoring patterns of complaints of physical and psychological abuse in interrogation centres has been crucial to effecting change therein. See CAJ's *Submission to the United Nations Committee Against Torture*(1991) and *Allegations of Psychological ill-treatment of Detainees held under Emergency Legislation in Northern Ireland* (1993).

*fact-finding missions. They are aware of the need to act urgently on cases which can involve life and death, and also of the political sensitivities which are often involved in acting and publicising evidence. Therefore, it is crucial to work out effective, efficient and secure ways of gathering, recording and disseminating information. An increasing number of them builds up relations with the intergovernmental organisations and international NGOs which may be able to act provided they receive accurate information fast. Local groups also see the importance of exchanging information with like-minded organisations at the national and regional levels. The role of HURIDOCs is to promote this machinery to function adequately. This can best be done by assisting local groups with the necessary techniques, tools and training for recording and exchanging information, particularly about human rights violations.... The founders of HURIDOCs clearly recognised the need for standardisation and the development of standard formats for the recording of documents. Today we can see with some pride that many organisations are using the formats. If success is to be measured by the number of the Standard Formats books distributed around the world, we may say that over 2000 books have been distributed. If we judge success by the number of organisations using the HURIDOCs Standard Formats, then we would say that around 100 key human rights organisations are using it. This means that a large number of documents, certainly over 200 000 are currently in different databases all over the world. (1992: 3-6)*

Thus organisations in Northern Ireland which choose to use the HURIDOCs system can link into an internationally recognised and respected monitoring system. CAJ is developing its use of HURIDOCs and can offer advice. People can also contact HURIDOCs direct:

HURIDOCs Secretariat

2 Rue Jean Jaquet, Ch-1201 Geneva, Switzerland

Tel. 41 22 7411767

Fax 41 22 7411768

e-mail: [huridocs@oln.comlink.apc.org](mailto:huridocs@oln.comlink.apc.org)

## **Personal Record**

People can also keep a personal record. If, for whatever reason, people do not want to approach any other individual, they should still record the experience. However it is urged that people who feel they have been harassed should also seek supporting recording - and evidence where possible. People like doctors, lawyers and photographers should be used towards this end where appropriate. It is important to remember that solicitors are in effect monitoring harassment as part of recording their clients' cases. Statements made to solicitors can be an important part of building up a harassment record.

## **Media**

Some of our respondents mentioned that media coverage had helped to stop - or at least suspend - harassment. Using the media can be an effective way of challenging harassment - especially if there is some aspect of the case which makes the story 'newsworthy' - but there are both positive and negative sides to using the media in reporting and publicising harassment. People may draw undue attention to themselves and may incur further harassment as a consequence. Publicity may also prejudice an informal resolution of the situation. Individuals should consider the consequences of going to the media before they do so and should work in consultation with the human rights community. Human rights organisations may be able to put the individual in touch with 'sympathetic' journalists who are most likely to be interested in their allegations.

## **Formal Complaint to Statutory Agencies**

While monitoring is crucial in any attempt to establish patterns of harassment, it is equally important to continue to use the different complaints mechanisms. We have already seen that formal complaints are regarded as extremely limited in efficacy. Widespread suspicion and fear means that many people in Northern Ireland are reluctant to report complaints about the security forces to the security forces or to any other statutory organisation. It is realistic to assume that this reluctance is not going to disappear. Despite these limitations, however, it is important to continue to encourage people to use the existing formal system. If people do not



register their concerns about harassment, it is difficult to blame the security forces or the statutory complaints mechanisms for not addressing such concerns.

It is important that the performance of the statutory agencies be improved. The official complaints mechanisms must make themselves less distant and more user-friendly. Statutory complaints agencies should provide public and detailed information on how to use the complaints procedures and make this more widely available. They should also monitor complaints effectively. It is also crucial that they are - *and are seen to be* - completely separate from the security forces. As long as reporting harassment to statutory agencies is seen as likely to lead to further harassment, many people will not report. It is important that the statutory complaints mechanisms - as well as the human rights community - find ways of safeguarding people who are reluctant to report for these reasons. This is essential since people must continue to complain to statutory agencies alongside seeking improvements in the system and using informal/non-statutory mechanisms.

CAJ has already done much work on the statutory complaints mechanisms. These are discussed in depth in *Cause for Complaint: The system for dealing with complaints against the police in Northern Ireland* (1990), *A Fresh Look at Complaints against the Police* (1993) and *Adding Insult to Injury?* (1993). Most of the recommendations in these reports remain appropriate. As CAJ has argued:

*In summary, the experience in Northern Ireland and elsewhere suggests that vesting the investigation of complaints against the RUC in an independent body would improve public confidence and could be accomplished without undue practical difficulties. There is simply no good reason not to try it. (1990: 31)*

### **Informal Complaint to Statutory Agencies**

When influential individuals - like religious or community leaders - intervene, they may register a complaint or use their influence in an informal way - the 'word in the ear' which is current practice for many people working in this area. This informal approach is often felt to be successful. While this system is unsatisfactory in general in that it allows no accountability and is dependent on someone having an ill-defined informal 'influence'

with the security forces, it may still be the best solution in individual cases.

Individuals may also consider complaint to their Member of Parliament. MPs may be prepared to make a formal complaint but they may also have more informal influence than other individuals. They may also be able to raise a serious complaint in a public context in a way that is impossible for most individuals.

### **Formal Complaint to Statutory Agencies**

There are a number of different avenues for complaint about the conduct of soldiers and policepersons in Northern Ireland. The choice of mechanism is dependent upon the type and seriousness of complaint. The RUC investigates all criminal complaints about members of the security forces - these include perceived harassment in terms of assault and criminal damage. If the RUC believe that a police or army person has broken the law, they pass the evidence to the *Director of Public Prosecutions* who then decides if a prosecution should take place. If no criminal prosecution is deemed to be warranted the case is returned to the RUC or Army (depending on whether a police or Army person is involved) for their consideration.

The Army and RUC investigate all complaints of a non-criminal nature - these will include perceived harassment in terms of verbal abuse, rudeness or discourteous behaviour. Details of the complaint are passed on to the Unit involved and the Commanding Officer arranges for the complaint to be investigated. In cases of criminal damage the *Civil Representative*, a civil servant who works for the Northern Ireland Office, will visit the complainant to get further details and attempt to resolve the matter.

There are two parallel statutory mechanisms for reviewing the complaints procedures of the security forces: the *Independent Assessor of Military Complaints Procedures* and the *Independent Commission for Police Complaints*. The Independent Assessor was established by the Northern Ireland (Emergency Provisions) Act 1991. The Independent Assessor examines and reviews the Army's system for dealing with non-criminal complaints. The Independent Assessor does not investigate individual cases but reviews the procedures followed in the investigation of complaints to measure their effectiveness. The ICPC was established by the Police (Northern Ireland) Order 1987. It aims to 'provide an independent and efficient

system for handling complaints made by members of the public against members of the police'. It has two main functions: firstly, to supervise the investigation of any complaint alleging that police misconduct led to death or serious injury; and secondly to decide whether a police officer who is the subject of a complaint should be charged with an offence against police discipline. The ICPC can also investigate other matters referred to it by the Secretary of State or the Police Authority and send forward papers to the DPP (ICPC 1994: 43).

Existing statutory complaints mechanisms are as follows:

**Independent Assessor of Military Complaints**

Hampton House, High Street, Belfast, BT1

Tel. (0232) 237822

Fax (0232) 237211

**Independent Commission for Police Complaints for Northern Ireland**

Chamber of Commerce House, 22 Great Victoria Street, Belfast, BT2 7LT

Tel: (0232) 244821

**The Central Complaints Office**

Army Headquarters Northern Ireland, Thiepval Barracks, Magheralave Road, Lisburn, BT28 3NP

**Civil Representative**

Northern Ireland Office, Stormont Castle, Upper Newtownards Rd, Belfast BT5

Tel: (0232) 520700

**RUC**

The Chief Constable, RUC Headquarters, Knock Road, Belfast BT5 6LE

Tel: (0232) 650222

You can also contact any RUC Station or contact the Commanding Officer at any Army base if you have a complaint about the Army. As well as this, you can ask soldiers for their Patrol Identification Card and call the telephone number printed on the card.

## **Complaint to the human rights community**

There are also a number of other potential avenues for complaint to non-statutory bodies or other governments.

### **International NGOs**

#### **Amnesty International**

International Secretariat, 1 Easton Street, London WC1X DJ

Tel: (0232) 413 5500

#### **British/Irish Rights Watch**

95 Hillbrook Road, London, SW17 8SF

Tel: (071) 637 5193

#### **Federation International des Droits de l'Homme**

14 Passage Dubail, 75010 Paris, France

Tel: (010 33140) 375426

#### **Human Rights Watch\Helsinki**

485 5th Avenue, New York, NY 10017, USA

Tel: (212) 972 8400

#### **International Commission of Jurists/Centre for Judges and Lawyers**

PO Box 145, 109 Route De Chêne, Ch-1224, Chêne, Borgeries, Geneva, Switzerland

Tel: (010 41 22) 7884747

#### **Liberty**

21 Tabard Street, London, SE1 4LA

Tel: (071) 403 3888

#### **Lawyers Committee for Human Rights**

330 7th Avenue, 10th Floor N, New York, NY 10001

Tel: (0101 212) 629 6170

## **Complaint to Organisations in the Republic of Ireland**

A number of organisations in the Republic of Ireland take an interest in human rights issues in Northern Ireland. They may be

especially useful in terms of raising the international profile of particular cases or problems.

**Irish Council of Civil Liberties**

35-36 Arran Quay, Dublin 7

Tel: (01) 873 4412

**Irish Commission for Justice and Peace**

169 Booterstown Avenue, Blackrock, Dublin

Tel: (01) 288 5021

**Complaint to NGOs in Northern Ireland**

Making a complaint allows NGOs to monitor allegations of harassment even if it achieves nothing else. They also may be able to intervene at some level - either informally or formally. The Committee on the Administration of Justice plays a key role in monitoring and intervening around harassment in Northern Ireland.

**Committee on the Administration of Justice**

45 Donegall Street, Belfast, BT1 2FG

Tel: (0232) 232394

Fax (0232) 333522

Other Northern Ireland-based organisations involved in monitoring harassment are:

**Centre for Research and Documentation**

89b Glen Road, Belfast, BT11 8BD

Tel: (0232) 626678

Fax: (0232) 301708

**Community for Justice**

Knocks, Lisnaskea, Co Fermanagh

Tel: (03657) 22366/21576

**Cullyhanna Justice Group**

c/o 58 Kiltybane Road, Cullyhanna, Co Armagh

Tel: (0692) 861627

**Justice For All**

c/o Woodvale Activity Centre, 252 Shankill Road, Belfast 13  
Tel: (0232) 744600

**Pat Finucane Centre**

1 West End Park, Bogside, Derry, BT48 9JF  
Tel: (0504) 268846  
Fax: (0504) 266453

**Relatives for Justice**

c/o 1 West End Park, Bogside, Derry, BT4 89JF  
Tel: (0504) 268846

Some community groups - particularly communities of interest like Lesbian and Gay organisations or minority ethnic organisations - will monitor specific types of harassment or harassment in particular areas. They can also campaign around these issues in order to address harassment. Those who are interested in contacting these groups should contact CAJ for referral onto the other organisations. Other interest groups like trades unions or societies may be prepared to campaign on behalf of their members.

**Human rights work with specific communities**

Aside from general work on human rights, specific communities often need to be targeted by human rights organisations. This may be because their problems are particularly serious or because there is some special feature which discourages them from accessing the existing organisations and mechanisms. This kind of community-specific work can be done with every community; educating about rights and ways of addressing harassment will always be most effective when it is of direct relevance to the group concerned. This work must be done in a sensitive and appropriate manner. Beyond this general point, however, our research suggests that there is particular concern for three groups: young people, women and Protestants. Each of these areas of work needs specific and appropriate development.

Our core quantitative research revealed a shocking level of security force harassment of young people. It also showed that young people have very little confidence in existing complaints

mechanisms. Moreover, it suggested that many young people are unaware of the existing statutory and non-governmental agencies which might offer a remedy following harassment. All this suggests that there is a need for further work in this area. There is a need for further research on the experience of harassment by young people. There is also a need for specific educational work to be undertaken with young people and for better security force training.

Our research also revealed the serious problems of sexist harassment. Since this has been all but ignored by existing practice, it has to be addressed as a new area of concern. There is an obvious need for further research in this area. Ways must also be found of connecting the work of the human rights community, women's organisations and community organisations in a way that allows sexist harassment to be properly recognised and addressed.

Similarly, there is a clear need for specific work in Protestant areas. This was highlighted by one interviewee:

*I think there has to be some sort of awareness campaign about people's rights and I also think that there has to be something which involves the community and the police in terms of trying to stop this harassment.... I do think we need to have some sort of campaign so that we could start creating an awareness. Because I think that things are going to get worse and I believe that if we don't do anything then in a couple of years we'll have the same situation on the Shankill that exists on the Falls at the minute. (Protestant Community Activist: Belfast)*

It is clear that there is a perceptual problem in many Protestant areas with the human rights community. Human rights NGOs are sometimes seen as 'not working for Protestants'. Some of this perception is based upon an unfair notion that human and civil rights are somehow the preserve of Catholics. Another common misapprehension is that the focus of the human rights community on the state is essentially antipathetic to Protestant interests. There is an obvious need to address such misconceptions and to provide a comprehensive service to the Protestant community - especially the Loyalist working class community. The entire human rights community must make a specific effort to improve its performance and credibility in this area.

## **Internal Changes**

As well as improvements in the process of monitoring and intervening by individuals and human rights groups, there is a need for improvement in the performance of the security forces. It is self-evident that if the security forces were not harassing anyone, the current limitations of the complaints mechanisms would be merely academic. While experience elsewhere suggests that changes in police training are not a panacea, they are still part of the process of change. They can be a signal of a desire to change culture inside police forces. In particular in Northern Ireland training around human rights should be encouraged. Sensitivity to different communities also needs to be increased and diversity training must be a part of this.

A further necessary internal change is the recruitment of a more balanced workforce. There are obvious difficulties in this but it should remain a priority given the huge under-representation of Catholics and women (and other smaller minorities). We have seen that some of our interviewees believed that there is a caveat to this in that they argued that both Catholic police and women police could sometimes be more actively discriminatory than their Protestant and male counterparts. Nevertheless, it seems likely that a security force workforce balanced in terms of the make-up of the wider community of Northern Ireland is a necessary condition for better police/community relations.

Lessons from other countries suggest that the 'accompaniment' of the security forces is also a possible change. In this situation independent individuals accompany the police and army in the process of doing their duties. It is, of course, dependent on the security forces co-operating with independent individuals who are prepared to participate in the scheme. There are various potential dangers attached to this in the Northern Ireland context. Nevertheless this is another potential model for addressing harassment which deserves consideration.

Another version of accompaniment is the attending of persistently harassed individuals by independent observers. These individuals should be representatives of recognised human rights groups. It is particularly useful to have international representatives. There are problems with the logistics of this type of accompaniment - especially the sheer amount of time involved in



providing anything approaching comprehensive support. However, it may be useful to highlight the intense harassment of particular individuals.

### **The infrastructure of emergency**

It is clear that emergency legislation is part of the problem. Training may help to address some illegal and inappropriate security force behaviour but the existence of emergency legislation means a whole range of police behaviour that is often perceived to be harassing occurs *inside* rather than *outside* the law. This can sometimes engender severe pessimism amongst human rights activists:

*Things have become more difficult because under the new legislation the RUC can do almost anything.<sup>58</sup> It could come down to just highlighting the thing more and advising people but it's become more difficult to advise people because you can't actually advise them to do anything in particular because the RUC has so many powers. Two or three years ago all they could do was give you a body search and ask you your name and address and where you were going. Now they can almost interrogate you in the street. I don't know what you do to combat it. (Catholic community activist: Derry)*

This raises the question of the appropriateness of the legislative framework for police action. The necessity for emergency legislation needs to be seriously questioned. While such legislation creates the 'sites' of harassment we discussed - vehicle check points, stop and search and house searches - there is little evidence that it contributes to effective policing.

### **Police Liaison Committees**

The one statutory structure which offers dialogue with - if not control of - the RUC is the Community and Police Liaison

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<sup>58</sup> The interviewee is probably referring to the changes associated with the 1991 Emergency Provisions Act.

Committees.<sup>59</sup> Their aim is estimable: 'CPLCs should be representative of all sections and groups in the community and act as a conduit to enable members of the public to formally express their concerns to the police' (CPLC 1994: 7). However existing research and the testimony of many of the community activists we interviewed suggests that the existing police liaison committee system is extremely limited in effect. There is little evidence of it being able to discuss - let alone address - problems with policing (Weitzer 1992). For example their work is conscious of 'youth alienation from the police', but this attention degenerates into amateur sociology and victim blaming. There is very little attempt to address the problems with the policing of young people alongside the problems with young people (CPLC 1994 42-43).

In general, the CPLCs have failed to attract the support of 'all sections and groups in the community'. In addition they have no power to insist on changes in policing policy however strongly they feel about them. The efficacy of CPLCs is severely limited by the combination of these factors. As Weitzer argues:

*the existing PLCs provide a foundation for the development of a more robust liaison system - that is, one that incorporates broader representation of various shades of opinion, encourages discussion of more serious issues, and places a premium on enhancing police-community relations.... At present, however, Northern Ireland's communal strife, chronic security problems, and political polarisation present important obstacles to the smooth evolution of these bodies (1992: 242).*

We found no evidence to undermine Weitzer's assessment of the formal police liaison committees. This system seems incapable of intervention in cases of perceived harassment. It is especially reluctant to appear critical on 'security issues' - precisely the area of security force work which produces most problems with harassment.

Our research suggests that there may be more effectiveness in less formal liaison groups like the Drumcree Faith and Justice Group in Portadown, Derry Justice and Peace Group, and Grapevine in North

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<sup>59</sup> The Community and Police Liaison Committees Conference Report 93 provides a detailed breakdown of existing Committees and structures (CPLC 1994: 10).

Belfast. These kind of groups have much more credibility 'on the ground' than do the formal liaison groups. They operate by two key processes. Firstly, they can intervene when someone alleges harassment using the informal 'word in the ear' approach that we mentioned earlier. They often have credibility with both parties to a harassment dispute and are therefore able to mediate successfully. Secondly they may provide an alternative liaison network. Once again, this works because they have credibility with both the security forces and the people who may fear harassment. For example, we found some evidence of this kind of informal liaison working in Derry:

*Several members have their names down with the police and if a person who's getting their house searched wishes them to be present then they are allowed to be present. In most cases [it has been accepted by the police], not all. The police actually have the right to object, that happened on one occasion. But most times the police are quite happy because it keeps them right and the people living in the house.  
(Protestant Community Activist: Derry)*

The obvious limitation with this system is that it is dependent on security force discretion - people do not have a *right* to ask liaison committees to intervene. The more likely a situation is to involve harassment, perhaps the less likely the police are to accede to any request for independent monitoring. Nevertheless the current practice has had some success. The groups can provide recognised and experienced *routes* for mediation and negotiation between the public and the security forces. If their intervention role were formalised as a right rather than a privilege it could be even more successful.

### **Harassment of Potential Informers**

A disproportionate number of people who come to the human rights community allege that they have been harassed in order to encourage them to become informers. We have already argued that this type of harassment is particularly difficult because of its perceived importance to the security forces in maintaining a network of low-level intelligence. We also argued that this form of harassment is odious to any sense of natural justice. The avenues for

informing on criminality - whether connected to paramilitary activity or not - are well advertised and easily accessed. This suggests that any further inducements to inform are improper, especially when they are linked to financial gain or threats of malicious prosecution. This practice is inappropriate and unnecessary in any democratic society.

This kind of harassment can be especially intense and sustained. It often focuses on some vulnerability of the targeted person which may make her or him reluctant to report harassment for fear of repercussions. If persons are being harassed in order to encourage them to become informers, there are a number of things they can do. The most important factor is that the process be recognised and recorded. The individual should certainly record her or his experience with a solicitor. They should also record it with a human rights NGO. They may want to make a public declaration of non-involvement since there seems to be a pattern of security force threats to identify them to paramilitaries as informers.

### **Recognising Limitations and Structural Impediments**

It is important, if depressing, to recognise that sometimes very little can be done for individuals experiencing harassment. We should not over-estimate the capacity of the human rights community to transform individual situations - however well informed their analysis or practised their methods. It is unfair to pretend that interventions are always successful or remedy is always possible. It would be wrong to encourage people to develop false hopes. In individual cases it is often the case that very little is possible in the absence of corroborating evidence. Remedy is impossible in some of these cases. However, this does not remove the importance of monitoring. This is crucial in order to establish patterns. But it is also crucial for the individual her- or himself since it may be useful in tandem with further evidence in future.

It is also important to recognise that alongside these practical limitations, there are certain structural conditions which produce a predilection to harassment among the security forces in Northern Ireland. It is probable that harassment will remain a problem so long as these conditions obtain. The most important of these structural conditions are:

1. The militarisation of policing
2. The sectarianisation of policing
3. The bureaucratisation of policing
4. The ghettoisation of policing

1. *The militarisation of policing.* An army is not a police force. In principle an army should not be used for policing. This is also true of the paramilitary aspect of the RUC. Despite the ideological importance of normalisation strategy, political and military conflict in Northern Ireland is not simply about criminality - whether loyalist or republican. Political conflicts require political solutions and attempting to 'police' the political emergency out of existence must be doomed to failure.

2. *The sectarianisation of policing.* Historically, policing Ireland involved arming one party to a political conflict in order to control the other. In colonial history there was a deliberate and conscious sectarianisation of the police and army. This remains the situation in terms of make-up of the security forces - if anything the sectarianisation of policing (and the RIR) is increasing - whatever the intent of Government and recruiting policy. This cannot facilitate ordinary policing. For as long as the security forces are regarded as a 'Protestant' and 'sectarian' force, they are unlikely to win the unqualified confidence of most Catholics.

3. *The bureaucratisation of policing.* The control of policing in Northern Ireland is bureaucratised - it remains in the hands of unelected - and often unknown - members of quangos. No local democratic control is exercised over the police and army. This means that no section of the population in Northern Ireland outside the locally recruited elements in the police and army hierarchy has any input into - let alone control of - operational decisions. The population policed by the RUC and British Army has very limited mechanisms for influencing the character of the policing it receives. This cannot be satisfactory in any democratic society. It is even less satisfactory in a situation in which the issue of policing is so sensitive and politicised.

4. *The ghettoisation of policing.* The security forces in Northern Ireland do not come from the communities they most often police. Like most other forces, the make-up of the security forces does not reflect the make-up of the society they police. As we have seen this

has long been the case in Catholic areas but it is also increasingly the case in Protestant working class areas. It is also the case that most security force personnel are men - we have seen how this causes serious problems for many of the women policed by them. Thus the class, sectarian and gender background of the 'average' security force person does not reflect the spread of class, sectarian and gender identities in Northern Ireland. Other minority identities such as Gay people or disabled people or minority ethnic people are also under-represented in the security forces. Obviously the political/military conflict makes it enormously difficult to imagine the police in Northern Ireland living among those communities which are at present most alienated from the state and the criminal justice system. With the exception of the RIR, the British Army will be by definition outsiders to every community in Northern Ireland - this predicates against any sustained personal relationship with these communities. However *until this happens* it is likely that there will always be tensions between the security forces and sections of those being policed. The ghettoisation of policing - or rather two parallel processes of ghettoisation - will continue. The police live in ghettos of their own like the 'Gold Coast' of middle class Protestant North Down. Simultaneously fewer and fewer police live in other communities - these become *policeless* ghettos.

## **Conclusion**

There are serious problems with harassment and the 'security forces'. It is imperative that this situation is addressed by the security forces themselves and by strong and effective statutory organisations. In the absence of serious changes in security force practice and government powers and practice, the human rights community will always be sailing against the wind in attempts to address and remedy perceptions of security force harassment. However, as we have seen, there are useful interventions to be made and models of good practice to be learned from within the existing system. It must be emphasised that reporting and monitoring harassment is essential even where individual remedy seems unlikely. It is crucial that incidents of harassment are monitored in order to establish patterns. It is equally crucial that complaints about incidents of harassment are registered in order to test and - where necessary - expose the limitations of the existing statutory complaints system.

# 13. CONCLUSION

Our quantitative research found evidence of widespread and systemic harassment by the security forces in Northern Ireland. This evidence was reinforced by our supplementary qualitative research. Overall the research highlighted the specific problem of harassment of young people. It also suggested that there are continuing concerns about the prevalence of security force harassment in the Catholic community. Moreover the research identified increasing complaint of harassment in Protestant areas. Our research also identified a serious, if largely unacknowledged, problem of sexist harassment throughout the security forces. There were also problems with the harassment of other communities, particularly the minority ethnic and Gay and Lesbian communities. In short the research suggests that there is a very serious and widespread problem of harassment from the security forces in Northern Ireland.

Our research suggests that broad sectors of Northern Ireland society feel that the 'security forces' are not policing their areas or communities in the interests of those areas and communities. This perception cannot be simply dismissed as the biased opinion of a few malcontents or extremists. Substantial numbers of citizens in Northern Ireland feel that the police are against them rather than for them. Moreover many feel that the police do not protect them but rather act as if they are protecting other communities or areas *from* them. Until people are convinced that the security forces are in their community in order to service them rather than someone else, the perception that there are serious problems with policing will remain. Our research suggests that the security forces are a long way from changing - or even addressing - this perception. In short there is a

crisis of confidence in the security forces among broad swathes of the Northern Ireland public which is rarely recognised by the security forces or by Government.

The quantitative and qualitative research also revealed a profound lack of confidence in the efficacy of existing mechanisms for reporting harassment among people who feel that they have been harassed. Respondents evidenced very little confidence in either statutory or non-governmental mechanisms. This is particularly worrying in the context of the widespread security force harassment identified. We believe that improving the situation involves changes in police practice and changes in the practice of statutory monitoring agencies. It also involves changing practice by individuals and the wider 'human rights community' in Northern Ireland.

It is clear then that severe problems with policing in Northern Ireland remain. Despite the movement of policing policy since the mid-1970s towards 'normalisation' and 'Ulsterisation', a 'state of emergency' continues in Northern Ireland. This means that policing is unlikely to be 'normal' - at least in terms of the model which applies elsewhere in the United Kingdom and Ireland. There is an obvious difference between the situation in Northern Ireland and that in other parts of the United Kingdom. In the rest of the UK most of the discourse on police harassment is couched in terms of encouraging the police to do their duty more effectively in situations where there are perceived to be problems with police harassment - whether this is harassment in terms of race or gender or whatever. The analysis tends to be one of encouraging the police to police in a more equitable manner; to take, say, complaints about racist or sexist harassment seriously (whether these are complaints about harassment by the police or anyone else) and to investigate them with the same rigour as other crimes. However in Northern Ireland there are sections of the population which define the very existence of the police as illegitimate and therefore regard *everything* they do as illegitimate. Moreover there are sections of the population which define anti-police violence as legitimate and by implication suggest that this is the only, or the most appropriate, means of dealing with police harassment. Thus their arguments are couched in terms of doing away with the police and army - literally and institutionally - rather than encouraging change in terms of police and army practices. This reality is more obviously theorised in terms of the



Republican movement but it is also implied in some Loyalist arguments.

This situation makes normal policing no easy task. However it is disingenuous (or as Clare Palley put it, 'hypocritical conduct') on behalf of Government to pretend that the situation is one of normality. It is untenable to justify human rights abuses with reference to an 'emergency situation' while simultaneously denying that this emergency situation exists. Undoubtedly the political and military conflict in Northern Ireland makes policing Northern Ireland singularly difficult. However, whatever the degree of abnormality, there are certain basic rights and liberties - established by international human rights instruments, national government and the security forces themselves - which must be observed. If these are not being observed, then there is a serious problem in terms of the abuse of human rights and civil liberties - whatever extenuating circumstances might obtain. Put simply, human rights abuses - and lower human rights standards - should never be justified in terms of necessity or emergency.

Our research makes it clear that such human rights abuses are very widely perceived to occur. In itself this should be enough to cause Government in general, and the security forces in particular, serious concern. The research also makes it clear that existing complaints mechanisms are perceived to be woefully inadequate. This should cause even greater concern since it supports the notion that there is no remedy 'within the system'. However we were able to identify positive aspects of existing practice and suggest more effective ways to complain within the existing system. We were also able to recommend some basic changes which would vastly improve the situation.

In essence our conclusion is that the key actors need to take the crisis in policing in Northern Ireland *seriously*. They need to accept that the appropriate response to accusations of harassment is not counter-accusation or denial but a serious attempt to address the conditions which cause such accusations to be made. We have illustrated that different areas and communities in Northern Ireland are sometimes convinced that the police are against them rather than for them. We have also illustrated that perceptions and allegations of harassment are the metre of the problem. There is little point in a sterile debate around competing definitions of harassment. *If large numbers of people perceive there to be a problem with policing then there is*

*a problem with policing.* It is palpably the case that there are widespread perceptions and allegations of security force harassment in Northern Ireland. In consequence Government, the security forces, political parties, and the human rights community need to accept that there is a profound problem.

Alongside recognition of the seriousness of the overall problem we need to address certain specific issues. The first of these is the 'tolerance' of 'minor harassment'. Normalisation means that many people feel that, while they have been harassed, their harassment was not 'serious enough' to warrant complaint. What constitutes 'serious enough' is not stated but it implies a separation between 'normal' harassment which is tolerable and more serious harassment which is not. We have to encourage a 'de-normalisation' of this - if people feel they have been harassed in a wrongful and/or illegal way they should be encouraged to report the incident just as if it were an example of 'more serious' harassment.

There is also a need to address the question of non-action by the security forces as a form of harassment. This involves the security forces failing to intervene when one section of the community is being harassed by another. While this has not been a major issue in terms of sectarian intercommunal conflict in Northern Ireland, it has been addressed in other situations (GLC 1984: 12-19). It has also been an issue in terms of policing and women and the Gay community and minority ethnic communities in Northern Ireland. It seems likely that there are equally important questions around non-action and harassment and the wider community in Northern Ireland. Both Protestants and Catholics have complained about non-action but this has not been seen in the context of harassment. This needs to be re-thought. Of course the security forces in Northern Ireland are in a particularly difficult situation since they can be criticised for both acting and not acting. However non-response by the security forces to harassment by non-state organisations or individuals is a crucial part of the complex matrix of harassment in Northern Ireland.

We also need to discard the idea that harassment can be understood and dealt with solely at the level of the behaviour of individual members of the security forces. There are a number of obvious structural problems which make 'normal policing' impossible in Northern Ireland. These involve much more than the attitudes and behaviour of individual soldiers or police people. *For*

*as long as these structural conditions obtain, the system of policing in Northern Ireland will retain a predilection to harassment, whatever changes and/or safeguards are put in place:*

1. *The militarisation of policing.* So long as the army - and a paramilitary police force - are used for policing, there will be problems with policing.
2. *The sectarianisation of policing.* So long as there is a sectarian bias in the make-up of the RUC and the RIR - there will be problems with policing.
3. *The bureaucratisation of policing.* So long as there is an absence of local democratic control exercised over the security forces, there will be a problem with policing.
4. *The ghettoisation of policing.* So long as the security forces do not come from - and live among - the communities they most often police, there will be a problem with policing.

## **Recommendations**

While the aforementioned structural conditions remain in place, a tendency towards harassment will also remain in place. Certainly, public confidence in the security forces will not be as complete as it might be if these conditions were removed. However we have signalled some of the positive elements in the existing practice of the human rights community. Even within the confines of the existing system, there are sometimes effective remedies. There are also certain changes - some small and interpersonal, others larger and structural - which would increase the confidence of different communities in the security forces and improve the performance of complaints mechanisms. We recommend that these changes are made, whatever other conditions obtain. Each of these would address the issue of harassment at different levels:

1. We found that the security forces in Northern Ireland are very under-researched. There should be further research

in the area of the security forces and harassment. Our research makes no claim to be definitive and there should be further in-depth research into the different areas we addressed. In particular we believe that the Standing Advisory Commission on Human Rights should address this issue. We recommend that the Standing Advisory Commission on Human Rights undertakes detailed further research on the issue of harassment and the security forces. The security forces themselves should also consider commissioning independent research. A model for this already exists in the *Police and People in London* research which the Policy Studies Institute undertook for the Metropolitan Police.

2. We found there to be a striking lack of knowledge about basic rights and complaints mechanisms in Northern Ireland - especially amongst young people. Information and publicity on complaints mechanisms must be improved. In particular, the human rights community should organise a campaign on rights directed at young people. This would raise awareness on rights and available remedies. Information on rights and remedies should be available through local community organisations as well as statutory organisations.

3. We found the existing systems of monitoring security force harassment woefully inadequate. There must be comprehensive monitoring of harassment by both statutory and non-governmental organisations. It is imperative that we establish reliable patterns of alleged and perceived harassment. Sufficient resources must be made available for this.

4. We found there to be strong reservations about both the capacity and the willingness of the statutory complaints mechanisms to address security force harassment. There must be more powerful and more independent statutory complaints mechanisms. These mechanisms should be democratised. They should also be able to engage in

proactive intervention in addition to reacting to individual complaint. Independent complaints mechanisms are a necessary condition for both addressing and preventing harassment.

5. We found much evidence to suggest that there are serious problems with harassment at 'sites' created by emergency legislation - vehicle check points, stop and search and house searches. In the light of this evidence Government needs to re-examine the question of the necessity of such legislation. We recommend a parliamentary commission of inquiry to this end. Certainly consideration must be given to the repeal of relevant sections of emergency legislation. These issues are discussed at length in the CAJ's *A briefing Paper on the Northern Ireland (Emergency Provisions) Bill* (1991).

While many of the structural/institutional changes recommended above would improve the situation, they are not a panacea. The limitations of such changes should be recognised. Ultimately, security force harassment will disappear from Northern Ireland when the *causes* of security force harassment disappear. Poor relations between the security forces and sections of the public will continue in the absence of a political settlement which removes the support for non-state political violence existing in substantial sections of the population in Northern Ireland. As long as military solutions are engaged in pursuit of political problems, the tendency to harass will remain. Equally the same poor relations will continue for as long as the security forces feel under immediate and constant threat of violent attack. Harassment reinforces and reproduces these poor relations and the poor relations reinforce and reproduce harassment. Until this cycle is broken there will always be a predilection towards harassment.

However there also needs to be a less immediately tangible *cultural* change - an intrinsic part of the process of ending harassment is the creation of a '*culture of rights*' in Northern Ireland. Human rights must be first recognised as existing and then cherished as a crucial part of human dignity. People must become aware of their rights and become angry when these rights are

compromised. Of course human rights must also be guaranteed by government - in both theory and practice. Ultimately, however, human rights are guaranteed by an active citizenry who cherish every right they have and testify and resist every time those rights are violated.



# APPENDIX

## COMMITTEE ON THE ADMINISTRATION OF JUSTICE

### QUESTIONNAIRE ON POLICING IN NORTHERN IRELAND

SERIAL NUMBER

WARD NUMBER

This questionnaire is designed to be as easy to follow as possible. There are instructions in brackets [LIKE THIS] to help you find your way around the questions. Some questions ask you to tick the answer (✓). Others ask you to write in the answer in order to get as much detail as possible - these all have the instruction [PLEASE WRITE IN].

For example, if you have *never* been stopped at a vehicle check point you would fill in the first question in the following way:

1) (a) Have you ever been stopped at a vehicle check point?

YES \_\_\_\_\_  
NO

But if you feel that you have been harassed you might fill in part (d) of the second question in the following way:

(d) Where has the harassment usually happened? [PLEASE WRITE IN]

*Mostly going to and from the town centre. Sometimes on my way to and from work. Sometimes on the street where I live. Every time I cross the border.*

If you have problems with any of the questions, don't worry - answer all the questions you can. If you want to add any additional information on your experience of policing please feel free to do so - your contribution will be welcomed.

Please return the questionnaire to us in the enclosed addressed and prepaid envelope.

We will treat your responses with the strictest confidence - *no-one* will be able to identify you from the responses you make. The research will play a part in protecting the rights and liberties of *everyone* in Northern Ireland, so it is important that we include your experiences.

*Many thanks for your time and co-operation.*



VEHICLE CHECK POINTS

- 1) (a) Has a car you have been travelling in ever been stopped by the security forces at a vehicle check point?

YES \_\_\_\_\_  
NO \_\_\_\_\_

IF NO, GO TO QUESTION 5

IF YES:

- (b) Have you ever felt that you were being harassed when stopped at a vehicle check point?

YES \_\_\_\_\_  
NO \_\_\_\_\_

IF NO: GO TO QUESTION 5

IF YES: GO TO QUESTION 2

- 2) (a) What form did the harassment take? [TICK ANY THAT APPLY]

- (i) Unnecessary delay \_\_\_\_\_  
(ii) Provocative language \_\_\_\_\_  
(iii) Sectarian language \_\_\_\_\_  
(iv) Threats of physical harm \_\_\_\_\_  
(v) Death threats \_\_\_\_\_  
(vi) Physical jostling \_\_\_\_\_  
(vii) Physical assault \_\_\_\_\_  
(viii) Other [PLEASE WRITE IN] \_\_\_\_\_

- (b) About how frequently has this happened? [TICK WHICHEVER APPLIES]

- (i) Once a day \_\_\_\_\_  
(ii) Once a week \_\_\_\_\_  
(iii) Once a month \_\_\_\_\_  
(iv) Once a year \_\_\_\_\_  
(v) Once or twice \_\_\_\_\_

- (c) Which security forces were involved? [TICK ANY THAT APPLY]

- (i) The Police (RUC - Royal Ulster Constabulary) \_\_\_\_\_  
(ii) The British Army \_\_\_\_\_  
(iii) The UDR (Ulster Defence Regiment) \_\_\_\_\_  
(iv) The Royal Irish Regiment \_\_\_\_\_

- (d) Where has the harassment usually happened? [PLEASE WRITE IN]

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- 3) (a) Have you - or has someone on your behalf - ever reported an incident of harassment at a vehicle check point to any official organisation? YES \_\_\_\_  
NO \_\_\_\_

IF NO, GO TO (b); IF YES GOT TO (c):

- (b) Why did you not report the harassment to any official organisation?

[PLEASE WRITE IN] \_\_\_\_\_

- (c) Which organisation/s? [TICK ANY THAT APPLY]  
 i) Independent Commission for Police Complaints \_\_\_\_  
 ii) Royal Ulster Constabulary \_\_\_\_  
 iii) The British Army \_\_\_\_  
 iv) The Civil Representative \_\_\_\_  
 v) Other [PLEASE WRITE IN] \_\_\_\_\_

- (d) Did they deal with your complaints satisfactorily? YES \_\_\_\_  
NO \_\_\_\_

- (e) What happened? [PLEASE WRITE IN] \_\_\_\_\_

- 4) (a) Have you - or has someone on your behalf - ever reported an incident of harassment at a vehicle check point to any other organisation or individual? YES \_\_\_\_  
NO \_\_\_\_

IF NO, GO TO (b); IF YES GOT TO (c):

- (b) Why have you not reported the harassment to any non-government body or individual? [PLEASE WRITE IN] \_\_\_\_\_

- (c) Which organisations/individuals have you reported the harassment to? [TICK ANY THAT APPLY]  
 i) Committee on the Administration of Justice \_\_\_\_  
 ii) Amnesty International \_\_\_\_  
 iii) Political Party [PLEASE WRITE IN] \_\_\_\_\_  
 iv) Minister and/or Priest \_\_\_\_  
 v) Solicitor \_\_\_\_  
 vi) Other [PLEASE WRITE IN] \_\_\_\_\_

- (d) Did they deal with your complaints satisfactorily? YES \_\_\_\_  
NO \_\_\_\_

- (e) What happened? [PLEASE WRITE IN] \_\_\_\_\_

HOUSE SEARCHES

- 5) (a) Has your home ever been searched by the security forces? YES \_\_\_\_\_  
NO \_\_\_\_\_

IF NO: GO TO QUESTION 9

IF YES:

- (b) Have you ever felt that you were being harassed while your house was being searched? YES \_\_\_\_\_  
NO \_\_\_\_\_

IF NO: GO TO QUESTION 9

IF YES: GO TO QUESTION 6

- 6) (a) What form did the harassment take? [TICK ANY THAT APPLY]

- (i) Unnecessary delay \_\_\_\_\_  
(ii) Provocative language \_\_\_\_\_  
(iii) Sectarian language \_\_\_\_\_  
(iv) Threats of physical harm \_\_\_\_\_  
(v) Death threats \_\_\_\_\_  
(vi) Physical jostling \_\_\_\_\_  
(vii) Physical assault \_\_\_\_\_  
(viii) Destruction of property \_\_\_\_\_  
(ix) Theft of property \_\_\_\_\_  
(x) Other [PLEASE WRITE IN] \_\_\_\_\_

- (b) About how frequently has this harassment happened?  
[TICK WHICHEVER APPLIES]

- (i) Once a week \_\_\_\_\_  
(ii) Once a month \_\_\_\_\_  
(iii) Once a year \_\_\_\_\_  
(iv) Once or twice \_\_\_\_\_

- (c) Which security forces were involved? [TICK ANY THAT APPLY]

- (i) The Police (RUC - Royal Ulster Constabulary) \_\_\_\_\_  
(ii) The British Army \_\_\_\_\_  
(iii) The UDR (Ulster Defence Regiment) \_\_\_\_\_  
(iv) The Royal Irish Regiment \_\_\_\_\_

- (d) What area were you living in when the harassment occurred?  
[PLEASE WRITE IN] \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- 7) (a) Have you - or has someone on your behalf - ever reported an incident of harassment arising out of a house search to any official body? YES \_\_\_\_  
NO \_\_\_\_

IF NO, GO TO (b); IF YES GOT TO (c):

- (b) Why did you not report this experience of harassment to any official body?

[PLEASE WRITE IN] \_\_\_\_\_

- (c) Which organisation/s did you report this experience of harassment to?  
[TICK ANY THAT APPLY]

- i) Independent Commission for Police Complaints \_\_\_\_  
ii) Royal Ulster Constabulary \_\_\_\_  
iii) The British Army \_\_\_\_  
iv) The Civil Representative \_\_\_\_  
v) Other [PLEASE WRITE IN] \_\_\_\_\_

- (d) Did they deal with your complaints satisfactorily? YES \_\_\_\_  
NO \_\_\_\_

- (e) What happened? [PLEASE WRITE IN] \_\_\_\_\_

- 8) (a) Have you - or has someone on your behalf - ever reported an incident of harassment arising out of a house search to any non-government organisation or individual? YES \_\_\_\_  
NO \_\_\_\_

IF NO, GO TO (b); IF YES, GOT TO (c):

- (b) Why did you not report the harassment to any non-government organisation?

[PLEASE WRITE IN] \_\_\_\_\_

- (c) Which organisation/s did you report the harassment to?

- i) Committee on the Administration of Justice \_\_\_\_  
ii) Amnesty International \_\_\_\_  
iii) Political Party [PLEASE WRITE IN] \_\_\_\_\_  
iv) Minister and/or Priest \_\_\_\_  
v) Solicitor \_\_\_\_  
vi) Other [PLEASE WRITE IN] \_\_\_\_\_

- (d) Did they deal with your complaints satisfactorily? YES \_\_\_\_  
NO \_\_\_\_

- (e) What happened? [PLEASE WRITE IN] \_\_\_\_\_

**STOP AND SEARCH**

- 9) (a) Have you ever been stopped and/or searched on the street by the security forces?

YES \_\_\_\_\_  
NO \_\_\_\_\_

IF NO: GO TO QUESTION 13

IF YES:

- (b) Have you ever felt that you were being harassed while being stopped and searched?

YES \_\_\_\_\_  
NO \_\_\_\_\_

IF NO: GO TO QUESTION 13

IF YES: GO TO QUESTION 10

- 10) (a) What form did the harassment take? [TICK ANY THAT APPLY]

- (i) Unnecessary delay \_\_\_\_\_
- (ii) Provocative language \_\_\_\_\_
- (iii) Sectarian language \_\_\_\_\_
- (iv) Threats of physical harm \_\_\_\_\_
- (v) Death threats \_\_\_\_\_
- (vi) Physical jostling \_\_\_\_\_
- (vii) Physical assault \_\_\_\_\_
- (viii) Other [PLEASE WRITE IN] \_\_\_\_\_

- (b) About how frequently has this harassment happened?  
[TICK WHICHEVER APPLIES]

- (i) Once a day \_\_\_\_\_
- (ii) Once a week \_\_\_\_\_
- (iii) Once a month \_\_\_\_\_
- (iv) Once a year \_\_\_\_\_
- (v) Once or twice \_\_\_\_\_

- (c) Which security forces were involved? [TICK ANY THAT APPLY]

- (i) The Police (RUC - Royal Ulster Constabulary) \_\_\_\_\_
- (ii) The British Army \_\_\_\_\_
- (iii) The UDR (Ulster Defence Regiment) \_\_\_\_\_
- (iv) The Royal Irish Regiment \_\_\_\_\_

- (d) Where has the harassment occurred?

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- 11) (a) Have you - or has someone on your behalf - ever reported an incident of harassment arising out of being stopped and searched to any official organisation? YES \_\_\_\_\_  
NO \_\_\_\_\_

IF NO: GO TO (b); IF YES, GO TO (c)

- (b) Why not? [PLEASE WRITE IN] \_\_\_\_\_
- 

- (c) Which organisation/s? [TICK ANY THAT APPLY]  
 i) Independent Commission for Police Complaints \_\_\_\_\_  
 ii) Royal Ulster Constabulary \_\_\_\_\_  
 iii) The British Army \_\_\_\_\_  
 iv) The Civil Representative \_\_\_\_\_  
 v) Other [PLEASE WRITE IN] \_\_\_\_\_

- (d) Did they deal with your complaints satisfactorily? YES \_\_\_\_\_  
NO \_\_\_\_\_

- (e) What happened? [PLEASE WRITE IN] \_\_\_\_\_
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- 12) (a) Have you - or has someone on your behalf - ever reported an incident of harassment arising out of being stopped and searched to any other organisation or individual? YES \_\_\_\_\_  
NO \_\_\_\_\_

IF NO GO TO (b); IF YES GO TO (c):

- (b) Why not? \_\_\_\_\_
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- (c) Which organisation/s? [TICK ANY THAT APPLY]  
 i) Committee on the Administration of Justice \_\_\_\_\_  
 ii) Amnesty International \_\_\_\_\_  
 iii) Political Party [PLEASE WRITE IN] \_\_\_\_\_  
 iv) Minister and/or Priest \_\_\_\_\_  
 v) Solicitor \_\_\_\_\_  
 vi) Other [PLEASE WRITE IN] \_\_\_\_\_

- (d) Did they deal with your complaints satisfactorily? YES \_\_\_\_\_  
NO \_\_\_\_\_

- (e) What happened? [PLEASE WRITE IN] \_\_\_\_\_
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13) The previous questions looked at specific areas which have often been associated with alleged harassment by the security forces. Are there any other ways you feel you have experienced harassment from the security forces? [PLEASE WRITE IN]

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Finally, a few questions about yourself.

14) What sex are you? FEMALE \_\_\_\_\_  
MALE \_\_\_\_\_

15) What age are you? [PLEASE WRITE IN] \_\_\_\_\_

16) What is your current employment status? [TICK WHICHEVER APPLIES]

- i) In full-time education \_\_\_\_\_
- ii) In full-time employment \_\_\_\_\_
- iii) In paid part-time work \_\_\_\_\_
- iv) Looking for work (unwaged) \_\_\_\_\_
- v) In unpaid work (houseworker) \_\_\_\_\_
- vi) Training scheme \_\_\_\_\_
- vii) Ace Scheme \_\_\_\_\_
- viii) Self-employed \_\_\_\_\_
- ix) Other [PLEASE WRITE IN] \_\_\_\_\_

17) How would you describe the community to which you belong in Northern Ireland? [TICK ANY THAT APPLY]

- i) Loyalist \_\_\_\_\_
- ii) Unionist \_\_\_\_\_
- iii) Protestant \_\_\_\_\_
- iv) Republican \_\_\_\_\_
- v) Nationalist \_\_\_\_\_
- vi) Catholic \_\_\_\_\_
- vii) Working class \_\_\_\_\_
- viii) Middle class \_\_\_\_\_
- ix) Black or other minority ethnic group [PLEASE WRITE IN] \_\_\_\_\_
- x) Other [PLEASE WRITE IN] \_\_\_\_\_

THIS IS THE END OF THE QUESTIONNAIRE.  
THANKS AGAIN FOR YOUR CO-OPERATION WITH OUR SURVEY.

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