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Winner of the Council of Europe Human Rights Prize

*CAJ's submission to the
Universal Periodic Review in relation to the
United Kingdom (2008)
December 2007*

**Submission No. S.200
Price: £1.00**

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What is the CAJ?

The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Hilda Mullen Foundation, Joseph Rowntree Charitable Trust, Oak Foundation and UNISON.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

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***CAJ works for a just and peaceful society in Northern Ireland
where the human rights of all are protected***

Universal Periodic Review in relation to the United Kingdom (2008) (December 2007)

Introduction

The Committee on the Administration of Justice (CAJ) is a cross community human rights organisation affiliated to the International Federation of Human Rights and working to uphold human rights in Northern Ireland. CAJ was awarded the Council of Europe Human Rights Prize for its work to mainstream human rights and equality in the peace negotiations, and it has worked since that time to embed the human rights protections into the law and practice of Northern Ireland. Moving from political conflict to peace means that Northern Ireland has many human rights lessons (positive and negative) to share with other jurisdictions.

Numerous NGO submissions will have been received relating to the United Kingdom as a whole, or to individual jurisdictions within it (England, Wales and/or Scotland). This very brief synopsis of key concerns relates only to Northern Ireland and should be seen as supplementing and complementing the contributions already made by our colleagues in organisations such as Liberty, Justice, British Irish Rights Watch, etc.

Human rights issues as they relate to Northern Ireland

a. Current war on terror: Northern Ireland has undergone a long period of serious human rights abuses. The jurisdiction has many lessons to share with others about the importance of upholding human rights, even at times of serious violence, and of major security threats. CAJ was delighted to host a visit to Northern Ireland by the Eminent Jurists Panel in 2006, and a copy of our full report of that visit, and the executive summary highlighting key lessons, will be submitted by e-mail with this note to the OHCHR. A single sheet summing up the lessons is attached for convenience. *Those lessons have unfortunately not all been taken on board by the UK government (see other NGO submissions).* Most recently, the police in Northern Ireland argued in court that the Regulatory Investigatory Powers Act (RIPA, 2000) allows them to bug legal consultations underway between a solicitor and his/her client. This issue is still before the courts but it is clear that if clients cannot consult their lawyers in entire confidence, the rule of law will be seriously undermined.

b. Dealing with the past: A public consultation is underway regarding the most appropriate way of dealing with Northern Ireland's past. Unfortunately, concerns have been frequently aired by government, and government supporters, about the heavy cost to the taxpayer of public inquiries, and an Inquiries Act has been introduced which human rights NGOs believe will only serve to reduce the potential of getting to the truth in many cases. *A clear statement during the UPR process about the crucial importance of compliance with the article 2 (right to life) provisions of the European Convention would be welcome. It is vital that any agreed process to deal with the past complies with basic human rights concepts of accountability.*

Looking forward –

c. **economic rights:** As with most societies moving from conflict, there is in Northern Ireland a legacy of disadvantage and discrimination which needs to be actively tackled. In a report issued at the end of 2006, CAJ – drawing solely on government statistics – highlighted the fact that there were clear community differentials in waiting times for public housing allocation; clear disparities between the Catholic/nationalist and Protestant/unionist community in terms of employment patterns; and perhaps worst of all an increase in the number of workless households in both Catholic and Protestant communities. The government has the policy and legislative tools to address this legacy, but has not pursued them energetically and indeed has on occasion merely succeeded in sectarianising the debate. This agenda has a relevance beyond these shores, since any debate about “integration” of Muslim communities in Britain (or in other similar societies), must, in CAJ’s view, be framed within a construct of human rights and equality. *A strong message to this effect in the course of the Review would be helpful.*

c. **Bill of Rights:** A substantive debate on a Bill of Rights for Northern Ireland was promised in the Agreement arising from the peace negotiations (ie in 1998). The UK government has continually undermined that debate by (in the early days) giving limited resources and support to the national human rights institution that was charged with bringing the debate forward; and subsequently by failing to give effect for three whole years to a commitment made in 2003 to establish a Forum consisting of political party and civil society representatives. Only in 2007 was the Forum fully operational, and it is now actively engaged in outreach and debate. Government representatives have however frequently raised doubts about the value of including economic and social rights. *The Review process may want to inquire of the UK government what consideration has been given to the Concluding Observation of UN Committee of Economic and Social Rights that in 2002 determined - “The Committee strongly recommends the inclusion of effective protection for economic, social and cultural rights, consistent with the provisions of the Covenant, in any Bill of Rights enacted for Northern Ireland.”* (para 29).

e. **Devolution of criminal justice and policing:** Currently the Northern Ireland executive and legislature are responsible for a wide variety of issues such as health, housing, education etc. Responsibility for criminal justice and policing, however, has not been devolved and is currently a matter being debated by local political parties. CAJ is concerned that this extremely important debate in human rights terms is being largely held behind closed doors, and that the focus of the political parties is largely related to (a) the timing of devolution; (b) which political party will have the ministry/ies; and (c) what political bargaining is needed to secure cross party support for the administrative and political arrangements. While all extremely important, CAJ’s primary concern is that, regardless of the party/ies assigned the ministry/ies, there must be agreed and clear human rights principles and institutional safeguards ensuring public confidence in the eventual system. *The Review provides an opportunity to ask the UK government to indicate how it intends to ensure full compliance of the eventual policing and criminal justice systems with the UK’s international human rights obligations.*

War on Terror: lessons from Northern Ireland
ISBN
CAJ, 120 pages, January 2008

The Committee on the Administration of Justice (CAJ), cross community human rights group based in Belfast, was the local host for a visit to Northern Ireland by the internationally respected Eminent Jurists Panel in 2006. CAJ has now produced a 120 page report of that visit, including extensive oral and written testimony submitted to the Panel during their visit, and a shorter executive summary (12 pages).

CAJ argues in the report and summary that it is worth looking at Northern Ireland to examine what lessons might be relevant to the current "war on terror". Northern Ireland is a small geographic region, has a population of only 1.6 million, but it lost 3,600+ people in the conflict. That is equivalent in per capita terms to the loss in the USA of five Twin Towers for each of the past 30 years. There are few jurisdictions in the world that have experienced emergency legislation and the operation of counter-terrorism measures for such a prolonged period of time as Northern Ireland - reaching back to at least 1921. In addition, few other places have experienced the intensity of conflict over such a long period - 30+ years - until the Good Friday/Belfast Agreement was signed in 1998.

So CAJ argues that the following lessons can be usefully shared:

"There was almost complete acceptance ...that they had really made a mistake in Northern Ireland. Their policies ...didn't stop terrorism, they provoked it...."
South Africa Supreme Court Justice Arthur Chaskalson.

- ❖ **Human rights abuses fuel conflict.**
- ❖ **The integration of human rights measures into legislation, policy and institutional practice is essential.**
- ❖ **Protection of due process is vital to the security and stability of society.**
- ❖ **Equality and non-discrimination practices are crucial to security and strong community relations.**
- ❖ **Domestic efforts to protect human rights in times of crisis need to be backed by international measures.**
- ❖ **Special or emergency legislation can easily lead to serious abuses and be counter-productive.**
- ❖ **Token democratic and legal safeguards are not enough to keep in check a state with extraordinary powers.**
- ❖ **The tragedies of the past must be confronted to ensure lasting peace and stability.**

