

CAJ's submission no. S350

CAJ's submission to the Home Affairs Committee: Call for Written Evidence – Roots of Violent Radicalisation

July 2011

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 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, Joseph Rowntree Charitable Trust and the Oak Foundation.

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

Home Affairs Committee
Email: homeaffcom@parliament.uk

8 July 2011

Re: Call for Written Evidence – Roots of Violent Radicalisation

Thank you for the invitation to the Committee on the Administration of Justice (CAJ) to make a submission in relation to the Home Affairs Committee examination of the root causes of violent radicalisation. CAJ is an independent human rights organisation with cross community membership in Northern Ireland and beyond. It was established in 1981 and lobbies and campaigns on a broad range of human rights issues. CAJ seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the Government complies with its obligations in international human rights law.

Northern Ireland is often praised for being a successful model for combating terrorism. Yet CAJ has long believed that human rights abuses fed and fuelled the conflict in Northern Ireland. The undermining of human rights cannot be tolerated and a fresh approach against terrorism, which incorporates the preservation of both the rule of law and international human rights, is needed.

It would appear that the lessons offered by the experience of Northern Ireland have not been learnt as we have seen various policies and practices that appear to have the ability to have negative impact as did similar undertakings here.

The following submission draws primarily from three documents, which are available in full from our website:

- [Submission from the Committee on the Administration of Justice \(CAJ\) to the United Nations Committee on Economic, Social and Cultural Rights](#) (March 2009);
- [Testimony from Aideen Gilmore, Deputy Director of the Committee on the Administration of Justice \(CAJ\) to Congress of the United States: Foreign Affairs Committee, Sub-committee on International Organizations, Human Rights and Oversight Hearing on 'Fulfilling the Promise of Peace: Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia'](#) (September 2010); and

- [War on Terror: Lessons from Northern Ireland](#), a CAJ report which fed into the global study on Terrorism, Counter-terrorism and Human Rights undertaken by the Eminent Jurists Panel and organised by the International Commission of Jurists (January 2008).

We draw your attention to 4 brief points from Northern Ireland which the Home Affairs Committee can draw on when considering the 'roots of violent radicalisation' and ways to prevent violent political opposition.

1. Socio-economic factors may be a significant and influential recruitment factor for those becoming involved in political violence in Northern Ireland, as we have noted elsewhere, including in our submission noted above to the UN Committee on Economic, Social and Cultural Rights and in the CAJ testimony before US Congress last year.

CAJ is of the view that abuses, both real and perceived, around social, economic, and cultural rights fed and fuelled the conflict in Northern Ireland. This conflict impacted most significantly on the poorest communities, with overt violence interfacing with social and economic rights issues.

According to the government's own measure of deprivation, 19 out of the 20 most deprived areas in Northern Ireland are located in either North or West Belfast or in Derry. It is no coincidence that these were the areas which saw the highest levels of violence throughout the conflict. For example, out of 1647 deaths in Belfast during the conflict, 1240 (75%) occurred in north and west Belfast. Indeed this figure constitutes 34% of the total number of deaths in Northern Ireland during the conflict (3636). The most comprehensive official data is called the Northern Ireland Multiple Deprivation Measures (MDM). The most recent MDM figures published in March 2010 show that the historically poorest areas in Northern Ireland are in many cases no better off, and in some cases are relatively worse off, than they were during the conflict.

Importantly, a recent study carried out by the Consultative Group on the Past (tasked by the Northern Ireland Office with examining the impact of the events of Northern Ireland's conflict) found that:

"Particular areas bore the brunt of the violence during the last 40 years. Working class and border areas, in particular, experienced victimisation, ranging from economic and social deprivation to the oppressive presence of military and paramilitary forces".¹

¹ Report of the Consultative Group on the Past, January 2009, p. 26. See <http://www.cgpi.org/fs/doc/Consultative%20Group%20on%20the%20Past%20Full%20Report.pdf>

Given the significance of economic, social and cultural rights in ensuring that political stability and peace is maintained, it is important to note that statistics show that in the decade following the commencement of the peace process, the proportion of workless households actually increased in those neighbourhoods impacted most by the conflict. This would suggest that those living in areas of most need are now relatively worse off in socio-economic terms even than they had been during the conflict. ☐

Inequality in deprivation between the two communities is also apparent. Whereas in 2005, 13 out of the top 20 most deprived areas were predominantly Catholic, this has now risen to 16. Thus 16 out of the top 20 most deprived areas (80%) are predominantly Catholic.

☐ These statistics tell us two worrying things – the first is that the prosperity that has been experienced by the wealthiest areas of Northern Ireland from the late 1990s has bypassed these poorest sections of our society. The second is that the areas which experienced the worst levels of violence are as badly off, or worse off, than they were during the conflict – and are thus not feeling the benefits of the peace process. This is clearly not a recipe for long term political stability.

If the people in our most disadvantaged communities do not feel the economic benefit of the peace process, they will feel left behind. CAJ fears what the cost of that isolation could be.

2. In light of recent increased political violence in Northern Ireland, it is vital to consider the historical evidence which demonstrates that **upholding human rights and fostering participation and political engagement are more effective ways of stemming political violence than emergency powers**. The government needs to ask why violence is on the rise and how to effectively deal with it.

It is widely recognised that a heavy-handed response to social discontent and emergency legislation in Northern Ireland proved to be ineffective at combating political violence: the implementation of internment in 1971, for example, was followed by the worst violence of the conflict. Talks between the British government and the IRA in 1974 led to the 1975 ceasefire, together with the creation of a cross-community power-sharing parliament, this led to a decrease in violence in 1974-75. 1975 was also the year that internment was ended.

It was only in 1985, the year of the Anglo-Irish Agreement, that incidents of political violence, primarily shootings and bombings, reduced to the 1970 level. The pre-1970 levels were not reached until the political progress of the mid-1990s and the subsequent IRA ceasefire.

Given these timeframes and sequences, there is the need to consider the wisdom of past actions and responses so as to assist society in moving forwards. Academic research demonstrates that ‘emergency powers, coupled with a lack of real political progress until the mid-1990s, has [sic] sustained the level of violence by replenishing the ranks of paramilitary organisations’.²

Former government officials such as Lord Diplock and Lord Gardiner have recognised the counter-productivity of special powers. For example, *The Report of a Committee to consider, in the context of civil liberties and human rights, measures to deal with terrorism in Northern Ireland* (the Gardiner Report) states:

We acknowledge the need for firm and decisive action on the part of security forces; but violence has in the past provoked a violent response... The continued existence of emergency powers should be limited both in scope and duration...A solution to the problems of Northern Ireland should be worked out in political terms, and must include further measures to promote social justice between classes and communities...In Northern Ireland memories are long, and past oppression serves to colour present experience; but a more united community is the only real answer to the dilemma of maintaining peace while preserving liberty...Terrorism and subversion in Northern Ireland can only be defeated, or guarded against, by the energetic pursuit of measures against them by the Government, and - equally important - of continued, parallel progress in other fields of social, political and economic activity, especially of community relations as a whole.³

Counter-terror measures in Northern Ireland have proven to be counter-productive and in general impact disproportionately on minority groups. Application of such measures can be perceived as a means of **demonising communities** and thus exasperate feelings of exclusion, which raise the fundamental questions of whether such measures deter individuals from engaging in terrorist activities and whether they may inspire anti-state emotions in individuals enough to enthuse engagement with violent anti-state activities.

It may be arguable whether individuals who use politically-motivated violence are generally provoked by the use of **emergency legislation**, yet Irish

² O'Connor, Michael P., and Celia M. Rumann. ‘Into the Fire: How to avoid getting burned by the same mistakes made fighting terrorism in Northern Ireland’, *Cardozo Law Review*, April 2003.

³ Lord Gardiner, Chairman. *Report of a Committee to consider, in the context of civil liberties and human rights, measures to deal with terrorism in Northern Ireland*. Presented to Parliament by the Secretary of State for Northern Ireland by Command of Her Majesty, January 1975.

political dissenters have a long history of being very aware of legislation and the use and abuse of special powers. CAJ has expressed concern that the suspension of the stop and search powers under section 44 of the *Terrorism Act 2000* would not curtail the use or over-use of stop and question/search in Northern Ireland given that section 21 of the *Justice and Security (NI) Act 2007* powers are even more broad than those granted in section 44 as reasonable grounds for suspicion is not required for a constable to be able to stop and question an individual.

CAJ maintains that in Northern Ireland the implementation of counter-terrorism legislation can incite terrorism. There have been growing reports of harassment and media stories of individuals being stopped and searched up to 20 times in one day (again, what is important is not only reality but perceptions). Equity monitoring systems are not in place so as to be able to determine who is being stopped and searched and whether there is any reason to believe that the powers are being used in an indiscriminate or disproportionate fashion. It would, however, be surprising if these efforts were not targeted at those working class communities seen by the authorities to pose most danger to the peace process, thus giving momentum to the real or perceived grievance and harassment among some of Northern Ireland's most disadvantaged communities.

As noted above, it is essential to bear in mind that problems can stem, not just from abuse of powers, but also from perceived grievances. For example, whilst it is accepted that internment was a disastrous policy in relation to Northern Ireland, we question whether administrative detention is so very different in impact. We note with concern, for example, the fact that breaching a Terrorism Prevention and Investigation Measure (TPIM), which is a civil order, would amount to a criminal offence. This amounts to an unacceptable blurring of the line between civil and criminal law; the criminalisation of an offence that is not actually criminal in nature. As such, these proposals are disproportionate, draconian and overly punitive in nature and may result in further alienation and marginalisation of individuals and communities. Indeed, it is hard to reconcile such measures with the new Prevent Strategy objective to 'prevent people from being drawn into terrorism'. CAJ would caution against the potential cause-and-effect between such policies and violent extremism.

CAJ would maintain that the process of proscribing organisations in Northern Ireland did little to quell their impact or recruitment. Moreover, the inconsistent application of proscribing organisations further embedded feelings of bias and injustice among many, notably from the republican and/or nationalist community.

3. History has demonstrated that what transpires inside the **prisons** can have significant impact on community support for proscribed organisations. Prison

reform is very much a current topic in Northern Ireland, but long-term resolution of the near-constant disputes with political prisoners in Maghaberry needs careful consideration and the present stance by the Office of the First Minister and Deputy First Minister not to engage with Republican prisoners on protest is deeply worrying. This is particularly so given the fact that, thanks to devolution, the local Minister of Justice has thus far been instrumental in attempting to negotiate and circumvent further prison-based disputes. A policy of 'not engaging' should not be viewed as an effective 'preventative approach' to suppress violence.

Thank you for permitting us to make this submission.

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