RESPONSE BY THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION TO THE
UK’S 15TH PERIODIC REPORT TO CERD

AUGUST 2000

The Northern Ireland Human Rights Commission is a statutory body established on 1 March 1999 as a result of the Belfast Agreement of 10 April 1998. The Commission is a fully-fledged national human rights institution completely independent of government. We have observer status with the International Co-ordinating Committee of NHRIs (not full membership because our jurisdiction is limited to one legal system within the United Kingdom). We hope to participate in the World Conference on Racism in South Africa in September 2001.

The Commission sees an important part of its work as being the informing of international treaty-monitoring bodies of the state of human rights in Northern Ireland. To that end we have already made submissions to the UN Committee on the Elimination of Discrimination Against Women and to the Council of Europe’s Committee on Economic and Social Rights. We have also submitted a third party brief to the European Court of Human Rights in a group of right to life cases.

Unfortunately, however, our resources are very stretched and we have a lot of other competing priorities, not the least of which is the production of a draft Bill of Rights for Northern Ireland by the end of December 2000. We are also conscious that there are a number of other statutory bodies in Northern Ireland with remits which overlap with our own, one of these being the Equality Commission for Northern Ireland. That Commission has particular responsibilities in the area of discrimination on the basis of ethnic or racial origin or nationality. The reality is, therefore, that the Human Rights Commission has not been able to produce a detailed response to the UK’s 15th Periodic Report which I understand CERD is considering this week. All we can do, unfortunately, is submit this letter making a few basic, but nonetheless important, points. We hope that members of the Committee will be able to take them on board during their deliberations.

Joint submission by NICEM and CAJ

The Human Rights Commission enjoys good relations with a variety of human rights NGOs in Northern Ireland, and in particular with the Northern Ireland Council for Ethnic Minorities and the Committee on the Administration of Justice. We have, therefore, carefully considered the submission which those two organisations have jointly made to your Committee and are prepared to give it our ringing endorsement. NICEM, under the very able leadership of Mr Patrick Yu, who I believe will be in attendance at Geneva during your Committee’s deliberations next week, is particularly knowledgeable about the reality of life for members of ethnic minorities in Northern Ireland.

The law in Northern Ireland often differs from that in Great Britain

You will see from that submission that in several respects the protection afforded to the rights of members of ethnic minorities in Northern Ireland is less than that afforded elsewhere in the United Kingdom. Various statutory provisions which have been introduced for Great Britain (England, Wales and Scotland) have not been replicated in Northern Ireland. On occasions there can be justifications for different laws in different parts of the United Kingdom, but in the context of racial discrimination the Human Rights Commission believes there are no such justifications. Although the numbers of persons affected by racial discrimination or harassment may be proportionately smaller in Northern Ireland, the impact of such treatment on those who are affected by it is just as great as anywhere else in the country. The same laws ought to apply in order to both deter and punish such treatment.

Legislative responsibility
Some matters are now the legislative responsibility of the Northern Ireland Assembly, and the UK government should be asked how it intends to ensure that that Assembly pays attention to international human rights standards in the field of racial discrimination. For those matters which are not yet devolved to the Assembly – in particular policing and criminal justice – the UK government should be asked what plans it has to ensure that the human rights of members of ethnic minorities in Northern Ireland are as well protected as those of their counterparts in Great Britain.

Reform of the policing system and of the criminal justice system in general in Northern Ireland is either already in the legislative pipeline (through the Police (NI) Bill) or about to be instigated (as a result of the Review of the Criminal Justice System, published in March 2000). It would be helpful if CERD could ask the UK government what aspects of those reforms will address the concerns of members of ethnic minorities in Northern Ireland.

Institutional racism

Northern Ireland also shares with the rest of the United Kingdom the variety of institutional racism identified in the Macpherson Report on the murder of Stephen Lawrence.\(^1\) The relative smallness of the ethnic minority communities in Northern Ireland makes their members even more vulnerable to racist treatment. The accommodation of difference here – outside of the context of nationalist and unionist politics – is far short of the level it should be at.

On many issues in this context it is not possible to be categorical simply because the statistical information is not available to sustain a position one way or the other. A report recently published by the Northern Ireland Statistics and Research Agency (\textit{Racial Attitudes and Prejudice in Northern Ireland}, February 2000) goes some way towards closing the gap in information, but much more needs to be done across the whole of the public sector in Northern Ireland. The Human Rights Commission believes that the UK government and other public authorities should put in place better mechanisms for gathering and publishing such statistics. It would be useful if your Committee could ask the government what steps it plans to take in this regard.

Asylum seekers

This Commission tried hard to influence the content of the Asylum and Immigration Act when it was being debated in Parliament in London during 1999. Unfortunately we were unable to persuade the government that those asylum seekers who are detained in Northern Ireland should no longer be detained in a maximum security prison (“HMP Magilligan”) alongside many other persons convicted of violent offences. The government said it would review the detention system. It would be helpful if your Committee could ask the UK government what has been the outcome of that review and why alternative detention facilities for asylum seekers in Northern Ireland can not be found.

Traveller issues

Serious questions need to be asked concerning the living conditions and educational provision for members of the Irish Traveller community in Northern Ireland. As is mentioned in the extract attached from \textit{Getting It Right},\(^2\) when the then chairperson of the UN Committee on the Rights of the Child witnessed some of these living conditions in Belfast in September 1998, she said that she was appalled to find these conditions in Britain on the eve of the 21st century (see page 57).

\(^1\) CM 4262-I (February 1999).

The Human Rights Commission has granted assistance to a family of Irish Travellers, one of whose members died while (allegedly) in police custody. We supplied legal assistance to the family at the inquest into the death, where it became apparent that the police had not followed the UK-wide procedures regarding access to information at inquests put in place after the publication of the Macpherson Report. The inquest was accordingly adjourned to allow the proper procedures to be followed.

The Commission has received documentation relating to alleged racial discrimination in other contexts, particularly the employment context. These have either been referred to the Equality Commission or are still under examination by ourselves. We cannot say as yet whether the allegations can be substantiated.

**Conclusion**

We hope these short remarks are of some assistance to CERD. We apologise again that we cannot provide more detailed information.