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**Convention Against Torture**

The Human Rights Commission has urged Government to ratify the Optional Protocol (OP) to the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) allowing for a system of independent visits to places of detention. We raised this, for example, when commenting on the draft 4th UK Report under CAT, and in the Forum established by the former Lord Chancellor’s Department to liaise with human rights organisations.

We were therefore very pleased to note that the United Kingdom deposited an instrument of ratification with the UN on 10 December last, as the third country to do so. It was especially encouraging that Lady Symons’ Written Answer of 16 December indicated that the UK would campaign for other countries to ratify the OP. We will do what we can independently of Government to assist that effort, for example by raising the question of the OP through the international networks of national human rights institutions.

So positive an approach to extending the UK’s commitments under international human rights instruments can only stand to its favour when the Committee Against Torture comes to examine the UK Report. Even more helpful would be acceptance by the UK of the Article 22 procedure under CAT, allowing individuals (having exhausted domestic remedies, or in the absence of effective remedies) to petition the UN Committee.

As you may remember, the NIHRC objected to comments by the Prime Minister on 26 January last to the effect that the Government found it problematic that, because of its
human rights treaty obligations, it could not remove persons to countries where they might be subjected to torture. This statement, and other indications at that time of a less than complete commitment to the CAT principles, caused considerable anxiety, not least within the Government party and in organs such as the Council of Europe Committee on Legal Affairs.

We very much hope that ratification of the OP indicates a renewed and genuine commitment to combating torture everywhere, and to working for the protection of the basic rights of persons in custody. We hope to see further evidence of this both domestically, in relation to the practice of internment under the Anti-Terrorism, Crime and Security Act 2001, and internationally, in relation to such issues as the detention of so-called “illegal combatants” with neither due process nor application of the Geneva Conventions.

In furtherance of our duty under s.69(3) of the Northern Ireland Act 1998 to advise you on measures which ought to be taken to protect human rights, the Commission would avail of this opportunity to repeat its advice that the United Kingdom should also ratify:

- the UN Convention on the Protection of All Migrant Workers and Members of Their Families,
- the First Optional Protocol to the UN Covenant on Civil and Political Rights (which would allow individuals to lodge petitions against the UK government in the UN Human Rights Committee),
- the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination Against Women (which again would allow individuals to petition the relevant UN committee),
- the Council of Europe’s Revised Social Charter, and
- Protocols 4, 7 and 12 to the European Convention on Human Rights (ensuring further protection of the right to free movement, equality in matrimonial property law and freedom from discrimination).

In addition the Commission urges acceptance of Article 14 of the UN Convention on the Elimination of Racial Discrimination (to allow individuals to petition that treaty’s supervisory committee).

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