



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

24 May 2006

## **COMMISSION CRITICISES GOVERNMENT ATTACK ON HUMAN RIGHTS CULTURE**

The Northern Ireland Human Rights Commission has today (24 May 2006) criticised recent Ministerial statements portraying human rights as a threat to public safety.

In reaction to reports that the UK Government is planning to review human rights legislation, Chief Commissioner, Professor Monica McWilliams, has written to the Prime Minister, Tony Blair MP, stating:

*"It would be deeply regrettable for any member of your Government to lend any support to the misrepresentation of the role of human rights law as benefiting criminals and terrorists at the expense of victims..... We strongly urge you and your Cabinet to reaffirm your commitment to promoting a positive human rights culture which is so important to a just and stable society."*

The Prime Minister (and other Ministers) has portrayed the Human Rights Act as an obstacle to the effective fight against terrorism and other forms of crime. The Commission believes that public safety is a fundamental part of human rights protection and that it is not the Human Rights Act that is the problem but weaknesses in administrative arrangements in the Home Office.

The Chief Commissioner added:

*"The Human Rights Act was genuinely transformative. In placing clear duties on public authorities, it gave much better access for everyone in the United Kingdom to these human*

*rights standards and made them enforceable in the courts. The Act underlined the United Kingdom's subscription to the core values of the Council of Europe and of the European Union, both of which regard the Convention as so fundamental that it is a non-negotiable condition of accession or continued membership.....*

*"When the Act comes under attack, whether from opposition quarters or from within elements of the executive who find it frustrating to constrain their actions within a human rights framework, it is incumbent on you and on your ministers to maintain an effective defence of the Act."*

The Commission believes that, although the government has a clear duty to protect its citizens, it is wrong to place public safety concerns above human rights obligations. There is no evidence to support the claim that security can only be achieved by weakening internationally recognised human rights standards. Furthermore, it believes that the most effective way to combat threats against people's security is competent law-enforcement. That includes abiding by the highest standards of human rights set by the Human Rights Act.

### **Further information**

For further information, please contact Peter O'Neill, Head of Information, Education and Development on 028 9024 3987 (office), 07786 338290 (mobile). The letter to the Prime Minister is appended.

### **Notes to the Editor**

1. The Northern Ireland Human Rights Commission, created in 1998 by Parliament, was given duties including advising on legislative and other measures that ought to be taken to protect human rights, and promoting understanding and awareness of the importance of human rights. Its establishment as an independent statutory institution, closely modelled on the United Nations' Paris Principles marked a very significant advance in the United Kingdom's approach to human rights.

2. In Northern Ireland, the role of the Commission has helped to increase awareness and understanding of the universality of human rights standards across and between communities and applicable to everyone. This is particularly important in a society coming out of conflict.

Rt Hon. Tony Blair MP, PC  
10 Downing Street  
London  
SW1A 2AA

23 May 2006

Dear Prime Minister

The Northern Ireland Human Rights Commission, created in 1998 by Parliament at the initiative of your Government, was given duties including advising on legislative and other measures that ought to be taken to protect human rights, and promoting understanding and awareness of the importance of human rights. Its establishment as an independent statutory institution, closely modelled on the United Nations' Paris Principles marked a very significant advance in the United Kingdom's approach to human rights.

Since its establishment, the Commission's work in these areas has been greatly assisted by the impact of your Government's achievement in the domestication of the European Convention on Human Rights through the Human Rights Act 1998. That Act and our own statute, the Northern Ireland Act 1998, were of course intimately linked in that the Belfast (Good Friday) Agreement, and the corresponding international agreement, expressly committed your Government to "complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency".

The Human Rights Act was genuinely transformative. In placing clear duties on public authorities, it gave much better access for everyone in the United Kingdom to these human rights standards and made them enforceable in the courts. The Act underlined the United Kingdom's subscription to the core values of the Council of Europe and of the European Union, both of which regard the Convention as so fundamental that it is a non-negotiable condition of accession or continued membership.

In that context, it was very heartening to read in your Personal Minute to Lord Falconer, sent earlier this month on the occasion of his acceptance of reappointment as Secretary of State for Constitutional Affairs and Lord Chancellor, that one of your priorities for his

Department was that it should “**devise a strategy, working with the judiciary, which maintains the effectiveness of the Human Rights Act, and improves the public’s confidence in the legislation**”.

The members of the Human Rights Commission agree that you have correctly identified the three key elements of a strategic approach to the defence of human rights.

Firstly, “working with the judiciary”: maintenance of the rule of law, and a relationship of separation, mutual respect and due deference among the executive, legislative and judicial branches, are essential preconditions for the success of the strategy. It is therefore deeply regrettable, and runs directly counter to the strategy, when Government ministers allow themselves to impugn the integrity and independence of the judiciary by describing the most carefully reasoned judgments, based solidly on the treaty obligations of the state as further entrenched by an Act of Parliament, as “abusing common sense”.

Secondly, “maintain[ing] the effectiveness of the Human Rights Act” correctly identifies the danger that the Act could become less effective in certain circumstances, and deserves and requires action from Government to bolster its effectiveness. When the Act comes under attack, whether from opposition quarters or from within elements of the executive who find it frustrating to constrain their actions within a human rights framework, it is incumbent on you and on your ministers to maintain an effective defence of the Act.

Thirdly, for the Department for Constitutional Affairs to “improve the public’s confidence in the legislation”, one obvious requirement is for Lord Falconer, in his public pronouncements and in private, to offer confident and consistent support for the Convention and the Human Rights Act, and to resist calls for amendment, withdrawal or repeal from media or political opponents of the Convention and the Act.

You will be more than familiar with the erroneous characterisation of the promotion and protection of the fundamental human rights of everyone as, in some sense, a barrier to individual safety or national security, and a means to protect those who break the law. It would be deeply regrettable for any member of your Government to lend any support to the misrepresentation of the role of human rights law as benefiting criminals and terrorists at the expense of victims.

In Northern Ireland, the role of the Human Rights Commission has helped to increase awareness and understanding of the universality of human rights standards across and between communities and applicable to everyone. This is particularly important in a society coming out of conflict. At a time when your government is currently supporting the establishment of a Commission on Equality and Human Rights for Britain and the Scottish Parliament is developing a Human Rights Commission, it is essential that you act swiftly to dispel any impression that your Government no longer appreciates the importance of these values.

We strongly urge you and your Cabinet to reaffirm your commitment to promoting a positive human rights culture which is so important to a just and stable society.

In view of the importance of this issue, I am releasing the contents of this letter to the media for public record.

Yours sincerely

**Professor Monica McWilliams**  
**Chief Commissioner**

cc David Hanson MP  
Baroness Ashton