



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

2 February 2007

Press release: Immediate

GOVERNMENT PREVENTS HUMAN RIGHTS COMMISSION FROM UNDERTAKING INVESTIGATIONS OF PAST ABUSES

The Chief Commissioner of the Northern Ireland Human Rights Commission has expressed her deep disappointment with the intention of the government to limit her powers in legislation currently before Parliament. Professor Monica McWilliams stated:

"The government's Justice and Security Bill prevents the Human Rights Commission from undertaking investigations dealing with alleged human rights abuses in the past. Moreover, it excludes any future investigation by the Commission into matters connected with national security and intelligence matters.

This failure to strengthen human rights protections begs the question of what the government is frightened of by limiting the ability of the Commission in this way."

When the Justice and Security (Northern Ireland) Bill is debated on 6 February, the government will attempt to ensure that the Commission can only use its powers to compel evidence about matters that arise after August 2007.

Professor McWilliams added:

"The effect of the time limit is particularly severe in relation to the gathering of evidence. It is difficult to imagine how a pattern of human rights abuses could be effectively investigated without looking at evidence from previous years. The interests of

normalisation and confidence building cannot be served by blocking the investigation of past human rights violations in this way."

The clause creates a notable anomaly in relation to the protection of human rights. In Northern Ireland, the Equality Commission, the Commissioner for Children and Young People, the Police Ombudsman and several other agencies all have powers of investigation that are not subject to time limitations.

Comparable bodies in Great Britain have powers to compel evidence without any arbitrary time limit. In the Republic of Ireland, the Irish Human Rights Commission, established in parallel with the Northern Ireland Commission as a result of the Belfast (Good Friday) Agreement, also has extensive powers to compel evidence with no such time limit. The Agreement, and the corresponding treaty, committed the two states to maintaining an equivalent level of protection of human rights in Northern Ireland and the Republic.

The Commission is urging MPs to reject the time limit clause when the Bill comes back before the House of Commons on 6 February.

Ends

Further information

For further information, please contact Peter O'Neill, Head of Information, Education and Development on 028 9024 3987 (office), 07786 338290 (mobile).

Notes to editors

1. In the opinion of the Commission, Clause 19 of the Bill serves no useful purpose in terms of the protection of human rights and should either be left out, or amended to provide a positive formulation allowing the Commission to exercise its powers in relation to matters arising before as well as after commencement of the new Act.
2. The relevant clauses have been presented by Government as a positive response to some of the recommendations made by the Commission on several occasions since 2001 to improve its powers of investigation. In particular, the Commission has consistently sought the power to compel evidence, and the power to enter places of detention.

3. The Commission believes, however, that the Bill, as currently drafted, limits these proposed powers, hedging them with exclusions, limitations and procedural obligations, and rendering them ineffective.

There are three key issues for the Commission arising from the Bill:

- the time limit on using new powers;
- fettering of access to places of detention; and
- restrictions on the use of evidential powers, including 'national security' exclusions.

Government had originally proposed 1 January 2008 as the time limit for use of its powers and is now proposing 1 August 2007, which the Commission believes is still unacceptable.

4. In England, Scotland, Wales and the Republic of Ireland, the sister bodies of the Northern Ireland Human Rights Commission have and will have powers with no arbitrary time limit. In Great Britain, the existing equality bodies already have powers to compel evidence, and the new Commission on Equality and Human Rights acquires similar powers under the Equality Act 2006. The Scottish Commission for Human Rights Act 2006 contains not only evidence powers but a right of entry to places of detention, without any time restriction. The Irish Human Rights Commission has by law "all such powers as are necessary for or incidental to the performance of its functions", without a time limit.