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30 June 1981

STATEMENT BY THE SECRETARY OF STATE FOR NI, RT HON HUMPHREY ATKINS MP ON NORTHERN IRELAND PRISON REGIMES

1. The hunger strikes in the Maze Prison are not of the United Kingdom Government's making, and it is not within our power to bring them to an end. That is up to the hunger-strikers and protesters themselves, and those who support and advise them.
2. We have done everything that the ECHR have suggested.
3. No further complaints have been made about conditions in the prisons in Northern Ireland, which will bear comparison with conditions in any other prison system in the world.
4. We share Mr Haughey's concern about the effects of the hunger strikes and we hope the hunger strikers will decide to give up their protest and conform to the prison regime.
5. We also share the concern recently expressed by the Irish Catholic Bishops' Conference, in their statement issued on 17 June, and by the Irish Commission for Justice and Peace (ICJP).
6. In dealing with this situation, from long before the first hunger strike, the Government has stood firm on two matters of principle.
7. First, HMG cannot as a responsible government confer on any class of prisoner "political status", either directly or by giving prisoners the right to a particular regime or set of privileges that would segregate or otherwise differentiate them from others. The European Commission of Human Rights (ECHR), in

ts ruling last year on an application by four prisoners in the Maze prison, upheld the Government's position on this, declaring that the right to a preferential status for a certain category of prisoner is not among the rights guaranteed by the Convention.

8. Secondly, the prison authorities must retain control over how the prisons are run and how life goes on in them. Like any enlightened prison authority, the Government recognises that prisons run best where there is a degree of mutual tolerance and acceptance between staff and inmates; but that is a far cry from handing over, to prisoners who reject the whole of the authority under which they are imprisoned, control over (for example) how they shall pass the time and with whom they shall associate. It is true that something like that situation arose in 1972, a time of large-scale civil disorder in Northern Ireland: prisoners convicted at that time were accommodated under a regime which was and remains different from the normal regime. The fundamental objections to that arrangement quickly became apparent, and it was condemned in the Report of a Committee of Inquiry in 1975 presided over by Lord Gardiner. The Committee's recommendation, followed by governments since, was that this regime should be phased out as soon as possible.

9. Subject to these principles the Government is committed to maintaining and, as proves practical and as resources allow, further improving an enlightened and humane regime with flexibility in its administration. In a statement made on 23 October 1980, when the first hunger strike was threatened, the Secretary of State for Northern Ireland, after reiterating the Government's principles,

"acknowledged the ECHR's injunction that the requirement on the Government to exercise their authority to safeguard the health and well-being of all prisoners, including protesters, makes it necessary for the prison authorities to keep under constant review their reaction to recalcitrant prisoners engaged in a developing and protracted protest".

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The statement went on to declare the Government's anxiety

"to ensure that conditions for all prisoners in Northern Ireland prisons are enlightened and humane".

10. The Government sets out below the position regarding prison regimes in Northern Ireland, in particular the three aspects which feature in the recent ICJP statement, namely that prisoners at the Maze should be allowed to wear their own clothes at all times; that opportunities for association should be increased; and that the type of work required of prisoners should be reviewed.

Prison Activity

11. It is generally accepted in enlightened prison systems, and has been upheld by the ECHR, that people in prison should spend part of the day in useful activity. First, prisons are not hotels: the domestic life of the establishment has to go on, under the direction of the prison authorities, and it is reasonable that prisoners should play a part in maintaining it rather than expect others to do that for them. But it is also right that prisoners should contribute, through productive work, to recompensing the

society whose interests, individual and collective, they have damaged; and that educational activity, both vocational and more general, should occupy part of the time of all prisoners and a large part of the occupational time of some prisoners. Each of these three kinds of occupation can be amply justified, as reflecting the demands and opportunities of normal life outside prison - and this approximation to normality is itself a valuable objective of penal practice and one with a genuinely rehabilitative aspect. All three are well provided for in Northern Ireland prisons. A balance has to be struck among them, in the interests of prison management, as well as the needs and wishes of individual inmates.

12. The Government said in its statement on 19 December 1980, and now re-affirms, that the aim is to work out for each prisoner the kinds of available activity which are judged to suit him best. There should be no obstacle to devising worthwhile occupational programmes for prisoners who are prepared to accept - as most do - the broad and flexible framework set out above. If however, a prisoner declares himself unavailable for allocation to any particular kind of prison activity, notwithstanding the broad and flexible framework, he should not expect to receive the same privileges as prisoners who do accept the framework. What the Government cannot do is to hand over to prisoners, individually or in groups, the right to decide what should be the normal regime of the prison: that is a basic element of prison management.

Association

13. It is a common feature of modern prisons to provide time, in the evenings and at weekends, in which prisoners can relax in one another's company, subject to the requirements of prison security, which means that supervision is necessary so as to maintain control and good order, to ensure that the opportunity is not misused, and to protect prisoners from each other. That is what distinguishes association in prison, from what is referred to as "free association". The latter term implies association that would be unsupervised, and would be unrestricted by the authorities as regards the range of activities permitted and the choice of associate. What it would mean in practice is that large numbers of prisoners - up to 100 or even more - could pass the time as they chose with fellow-members of their own paramilitary grouping, in pursuits related to the terrorist activities which have brought them into prison. This would clearly involve a loss of control which no prudent prison authority could tolerate. Subject to that important distinction, provision for association in Northern Ireland prisons is generous and is not immutable. Association in wings is allowed for three hours each evening and also all day on Saturdays and Sundays. Prisoners also mix with one another at various other times - for example during exercise, physical education, games and meal times. A wide range of recreational facilities - games, hobbies, classes, television - is available for use during periods of association: particulars were given in the detailed description of Northern Ireland prison regimes published in December 1980.

Clothing

14. As part of its flexible approach to prison management the Government has already substituted, for conventional prison uniform, ordinary shirts, trousers and pullovers purchased in Northern Ireland. These are retained by a prisoner as his personal clothing. Wearing of this clothing is required only during the working part of the day (though many prisoners are content to wear it all the time). During association periods and at weekends, prisoners may wear their own clothing.

Visits, Letters etc, and Remission

15. In addition to the three aspects of prison regime dealt with above, the protesting prisoners also demand one letter, one parcel and one visit each week. What is available to prisoners not engaged in the protests already matches or exceeds this. They can at present send up to 8 letters a month at the authorities' expense, receive 4 visits a month, and receive a weekly parcel of reading material, fruit and toilet articles. These allowances are liberal by the standards of many prison administrations. Some limit has to be set to what can be permitted in these respects, not for punitive reasons but because of the demands that the supervision etc required - especially in conditions of high security - places upon the staff and other resources of the prison.

16. Finally, the Northern Ireland prison system, in common with a number of others, grants prisoners remission of part of their sentence subject to good conduct. The proportion of sentence remitted was increased from one-third to one-half some years ago. Remission can be forfeited for misconduct, and has been forfeited in considerable quantities by protesting prisoners on account of their breaches of prison rules. Prisoners who took part in the "dirty protest" lost a full day's remission for every day on protest. However, when that form of protest ended, the authorities responded promptly by halving the rate of remission being forfeited by protesting prisoners.

17. Remission forfeited for misconduct can be restored at the discretion of the disciplinary authority, after subsequent good behaviour. Prisoners who have abandoned their protest have had up to one-fifth of the remission lost for non-violent protest action restored to them.

Conclusion

18. The so-called "five demands" represent a regime which would differentiate those seeking it from other prisoners, give them control over their lives in prison and enable them to claim the status of political prisoner and all that that implies. If this is indeed what is being sought by, or in the name of, the hunger strikers it is being sought in vain. It has been suggested that changes should be made now in the areas of work, clothing and association as a gesture in the hope of ending the hunger strike. The Government does listen to the views of responsible people. The great difficulty about such a move is that it would encourage the hope that political status based on the so-called "five demands" could still be achieved.

19. Improvements in the general prison regime are a different matter. As the paragraphs above demonstrate, in the 3 aspects picked out by the ICJP, and in other aspects, the Northern Ireland prison regime is generous, and has been and will be administered flexibly by the authorities. There is scope for yet further development. It may be that the protesting prisoners are reluctant to abandon their protest because they do not trust the Government's commitment to continue to improve the prison regime. For them, the guarantee is that our commitment is declared in this and similar statements, and is there for all to see. What we said publicly in December would happen to those giving up their protests has happened to the 89 who have since done so. But it must be emphasised that this/^{improvement}is not something that can all be accomplished overnight. Prisons are complex institutions. The requirements of security, and the particular characteristics of the inmate population, add to their complexity. They are run by staff doing a difficult and hazardous job, whose interests must be given proper consideration. All this means that proposals for change must be fully and carefully weighed, and their implications explored, before they are adopted. This process cannot proceed further while the hunger strike places the authorities under duress.