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HEAD OF
CIVIL SERVICE

Mr Fell - m



cc PS/Mr Bloomfield - m
Mr Gilliland - m
Mr Blackwell - m
Mr Bell 2 P 2 11/2
Mr Wood
Mr Wilson DED-M
Mr Fergusson
Mr George RID FCO
Mr Sheinwald UK Embassy
Washington

Mr Chatterton

BRIEFING ON CIVIL RIGHTS

Mr Jenkins' (Embassy Washington) letter to Mr Goodall (FCO, London) of 29 December suggested that we might prepare a succinct brief targeted on MacBride and related issues. I attach a first draft of such a brief on the lines Mr Jenkins suggested. It could doubtless be polished and I look particularly to Mr Wood and Mr Gilliland for their suggestions. But all comments are welcome.

Mr Fell's meeting on 29 January - which Mr Bell will attend - may wish to consider this draft. As Mr Jenkins suggested the draft goes wider than MacBride and covers all civil rights matters, and the group may want to discuss whether this is a valuable approach. I know that Mr Wilson's division is also preparing a Greyband on employment equality. But there should be room for the two documents, one directed at the public in general, the other at trusted contacts.

We would envisage having this professionally printed, when we have an agreed text.

DA Hill
D A Hill
SIL Division
22 January 1987

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CIVIL RIGHTS IN NORTHERN IRELAND

1 The United Kingdom shares with the United States a long tradition of respect for civil rights. In Northern Ireland in the face of great difficulties the British Government continues to uphold that tradition.

International Law

2 The British Government has ratified the United Nations Covenants on Civil and Political, and Economic and Social rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Government also accepts the right of individuals to petition the European Commission on Human Rights, and the compulsory jurisdiction of the European Court of Human Rights. Every citizen has access to the European Court if he feels his human rights have been infringed and the law in the UK provides no remedy.

Domestic Protection of Civil Rights

3 Since 1969 the British Government has introduced a number of special measures in Northern Ireland to prevent discrimination and protect civil rights. The Northern Ireland Constitution Act 1973 made it unlawful for central and local government and statutory bodies to discriminate on grounds of religious belief or political

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opinion. It also set up an independent Standing Advisory Commission on Human Rights in Northern Ireland which advises the Government on the adequacy and effectiveness of the law in preventing discrimination and is currently reviewing the anti-discrimination laws. The Fair Employment Act 1976 prohibits discrimination in employment on grounds of religious or political belief and set up the Fair Employment Agency to enforce and promote equality of opportunity in employment. The Sex Discrimination Order 1976 prohibits discrimination on grounds of sex or marriage and set up the Equal Opportunities Commission for Northern Ireland to enforce this. There is public order legislation to deal with material likely to provoke hatred on the basis of religion, colour or race, and there are independent Commissioners to deal with complaints by the public of discrimination by government bodies. Other measures have included fairer electoral practices, and a fully representative Northern Ireland Housing Executive, with responsibility for all public sector housing. And the Government has published proposals for a new Independent Commissioner for Police Complaints.

Fair Employment

4 Historically Catholics in Northern Ireland have not received the same employment opportunities as Protestants and significant differences remain. Catholic unemployment is twice that of

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Protestants. The Government has responded by making discrimination illegal (the Fair Employment Act 1976); establishing an independent watchdog body (the Fair Employment Agency); providing legally enforceable remedies; recently increasing FEA resources by 26%; only accepting tenders for Government contracts from employers registered with the FEA; and practising equality of opportunity with its own employees. The FEA and other reports confirm that change is taking place. For example, there has been an increase of 6% in the proportions of Catholics in the Northern Ireland Civil Service between 1980-85; a significant increase in Catholic employment at the Northern Ireland Housing Executive; and recent significant increases in Catholic appointments at Short Bros, the Northern Ireland Fire Authority, the banks and the ambulance service. But the British Government's commitment to equality of opportunity does not rest on what has been achieved. That is why a consultative paper has recently been issued putting forward proposals for further strengthening the law and for government to refuse to do business with those who are not prepared to demonstrably practise equality of opportunity in employment.

5 Campaigns to impose vague and ill thought out standards (such as the MacBride Principles) from outside Northern Ireland, for political reasons, are counter-productive and unnecessary. They will only deter investment and reduce the job opportunities for everyone in Northern Ireland.

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Housing

6 Considerable progress has been made in Northern Ireland's housing conditions over the last 15 years, particularly in redevelopment and housing action areas through new build housing, rehabilitation and other improvements. For example, during the last decade the level of unfit housing has been reduced from around 24 per cent to 12 per cent in the Belfast City Council's area. Since 1980/81 there has been an increase of 64.5% in gross expenditure on housing which in 1986/87 stands at £535m. And it is now estimated that 60% of householders in Northern Ireland own their properties. The priority status of the housing programme within the Northern Ireland Public Expenditure Survey has now been maintained for some 7 years. A great deal has been achieved but the job is not yet finished. Legislation is being prepared which will place a statutory duty to house the homeless on the Housing Executive; and more involvement by tenants in the management of their properties is being sought and encouraged by the Housing Executive.

The Terrorist Threat

7 The greatest threat to civil rights in Northern Ireland comes from terrorists who have callously denied the most basic right, the right to life, to many ordinary people, Catholics and Protestants. They have also murdered policemen, soldiers, politicians and judges. Over

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intimidation. The police and army continue to show steadfast courage in dealing with a difficult situation. They are required to operate within the law at all times, and are accountable for their actions, like any other citizen, before the criminal courts of Northern Ireland. All complaints against the security forces are thoroughly and impartially investigated. Anyone who believes that he or she has a legitimate complaint against a police officer is entitled by law to lodge it with the Chief Constable. It is then investigated by a senior police officer not connected with the officer under investigation. In exceptional circumstances, an outside inquiry can be supervised by a senior officer from another part of the UK. On receiving the report of the Inquiry, the Chief Constable is required to refer to the Director of Public Prosecutions if the evidence indicates that an offence has been committed.

Civil Rights and the Government

9 The Government is committed to the protection and enhancement of civil rights in Northern Ireland. The aim is for people to live in harmony with mutual respect for both traditions there. That is why our policies are based on reaching political agreement between the majority and minority community, in close co-operation with the Irish Government, and in defeating terrorism. To this end we recently signed the Anglo-Irish Agreement with the Irish Government.

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2500 people have died during the campaign of violence which began in 1969. To protect the legal system - the cornerstone of any free and democratic society - the Government has introduced emergency legislation. These have included the setting up of "Diplock" courts, a system where terrorists - as in the Irish Republic - are tried without a jury. These courts were introduced to prevent intimidation of jurors. The central principles, however, of British - and American - justice remain with trials in open court, the cross-examination of witnesses, the onus on the prosecution to prove guilt beyond reasonable doubt; and the right to legal advice, representation by a lawyer and the payment of legal fees. All hearings are in public and there is an automatic right of appeal against conviction and sentence. The Government has proposed further legislation to implement almost all of the recommendations of the Baker Report, including placing the onus in bail applications in terrorist cases on the prosecution, rather than the defence. The Government remains totally committed to the defeat of terrorism and thus strengthening the protection of civil rights.

The Security Forces

8 There is no political or religious bar against anyone applying to join the Royal Ulster Constabulary or the Ulster Defense Regiment. The Government is keen to encourage more Catholics to their ranks, but many are deterred from joining by a justifiable fear of

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