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## 1999 Country Reports on Human Rights Practices

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### UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland is a longstanding constitutional monarchy with a democratic, parliamentary government. A lower legislative chamber (the House of Commons), the center of parliamentary power, is elected in periodic multiparty elections. An upper chamber (the House of Lords), with the power to revise and delay implementation of laws, is made up of hereditary and life peers and senior clergy of the established Church of England. In October, in the first stage of the Government's program to reform the upper chamber, the House of Lords agreed to remove all but 92 of its hereditary peers (life peers and clergy remain). The next step will be based on the recommendations of a royal commission, which is expected to issue its report in January 2000. There is an independent judiciary, but Parliament may overrule its decisions through legislation.

Throughout the country, police forces are responsive to, and under the effective control of, civilian officials. Since 1996 the intelligence agency MI-5 has had the authority to act in support of other law enforcement agencies in the prevention and detection of serious domestic crime. The police force in Northern Ireland has had a more complex and controversial role, due to the special and difficult circumstances in the region with respect to law and order. In some areas of Northern Ireland, because of the continuing threat of violence, army units operate to reinforce the Northern Ireland police force, the Royal Ulster Constabulary (RUC). Some members of the police force committed human rights abuses.

A highly developed, diversified, market-based economy provides most residents with a high standard of living. Certain geographic areas, particularly older industrial areas including parts of Northern Ireland, suffer from higher than average unemployment rates. In addition, unemployment tends to be higher among some demographic groups, such as youth and racial minorities, and in Northern Ireland, among Catholics. The government provides comprehensive social welfare services, including a national health system, housing and family benefits, and heavily subsidized higher education.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The police occasionally abused detainees. In February the inquiry into the death of black teenager Stephen Lawrence released its report, concluding that the investigation in the case--which led to the acquittal of five suspected attackers--was marred by a combination of professional incompetence and institutional racism by the London police. Prison overcrowding remains a problem, and the number of prison suicides rose to nearly a hundred. There are some limits on freedom of assembly and association related to the security situation in Northern Ireland. The Government continued to take steps to combat violence against women. Societal discrimination against women, nonwhite minorities, and the Traveller (nomadic) community are problems, as are child abuse and occasional societal violence against minorities. The Government took steps to improve worker rights.

In Northern Ireland, political parties participated in a review of the Good Friday Agreement from September through November. Based on the results of this review, the parties nominated candidates to an Executive (Cabinet) for the elected Assembly on November 29, and Parliament devolved power to the new Assembly and Executive on December 2. The power-sharing Executive included representatives from the four major political parties (two unionist and two nationalist/republican), although the two ministers from the conservative unionist Democratic Unionist Party boycotted meetings, including the inaugural meeting of the executive, because it included the republican Sinn Fein party. Part of the review involved specifying procedures for the decommissioning of paramilitary weapons under the aegis of the Independent International Commission for Decommissioning (IICD). Although both the Provisional Irish Republican Army and the Ulster Freedom Fighters (UFF) appointed interlocutors to the IICD, by year's end, apart from the token weapons handover by a loyalist splinter group, the Loyalist Volunteer Force (LVF) in December 1998, none of the major paramilitary organizations had verifiably decommissioned any weapons.

The Northern Ireland Human Rights Commission (HRC) began operations on March 1 and concentrated its efforts on internal organization. Although human rights nongovernmental organizations (NGO's) criticized the new body's lack of investigative powers, the Human Rights Commission received 114 applications for assistance and made an additional 66 informal inquiries. The Northern Ireland Fair Employment Commission, Equal Opportunities Commission, Commission for Racial Equality, and Disability Council were amalgamated into the Equality Commission in October. The Government's Northern Ireland Office appointed 21 members to the Commission in August.

The Independent Commission on Policing in Northern Ireland (commonly referred to as the Patten Commission after its chairman, former Hong Kong Governor Chris Patten) called in its September report for a "new beginning" to policing in Northern Ireland. Notable recommendations include a reduction in the size of the force to a little over one-half of its current strength of 13,500; a change in name to the Police Service of Northern Ireland; a scheme to increase recruitment of Catholics to the force; and the introduction of a central Policing Board, which will include members from the political parties that make up the Executive of the Northern Ireland Assembly. The recommendations provoked strong criticism by the unionist community.

A review of the structure, management, and funding of the criminal justice system in Northern Ireland continued during the year. A report from the Government originally was

scheduled for release in October but subsequently was postponed until early 2000. Nationalists, especially republicans, criticized the delay.

In support of the Good Friday Agreement, the Government continued during the year to release prisoners affiliated with paramilitary organizations that maintain a cease-fire. As of December, 310 paramilitary prisoners, including 157 republicans and 143 loyalists (and 10 "others") were paroled under the 1998 Northern Ireland (Sentences) Act, commonly referred to as the early release program. As of July 31, there were 14,631 British troops in Northern Ireland, the lowest level since the 1970's.

Several paramilitary dissident groups in Northern Ireland engaged in acts of violence aimed at disrupting the peace process. However, the majority of the violence in Northern Ireland resulted from republican and loyalist paramilitary groups that continued to engage in "punishment" attacks on victims who lived in areas under their influence. The Northern Ireland Office reported 73 shootings and 132 assaults in paramilitary style attacks during the year, compared with 72 shootings and 136 assaults recorded in 1998. Churches and religious organizations in Northern Ireland, both Catholic and Protestant, were the object of 72 sectarian attacks during the year.

## **RESPECT FOR HUMAN RIGHTS**

Section 1 Respect for the Integrity of the Person, Including Freedom from:

### **a. Political and Other Extrajudicial Killing**

There were no reports of political killings by the Government.

The Police Complaints Authority (PCA), an independent watchdog organization, opened an inquiry into the death of Roger Sylvester, a black man who died in January after being restrained by police officers in north London under the Mental Health Act. He was taken to a hospital for assessment and suffered respiratory failure. A post mortem exam did not establish the cause of death.

In October the police in London shot and killed Henry Stanley while he was walking home from a pub, when they mistook the table leg he was carrying for a sawed-off shotgun. Stanley's family is campaigning for a public inquiry into the incident instead of the internal police investigation being conducted.

The Annual Report of the Police Complaints Authority reported that deaths in police custody increased to 65 during the 12 months ending in March 1999, compared with 53 during the same period the previous year. The report states that 21 of the deaths occurred because of natural causes, 26 were due to alcohol or drugs, and 18 were suicides. The PCA supports the abolition of the offense of "being drunk and incapable" and recommends that drunks be dealt with by nurses and paramedics rather than by the police. According to the Home Office, the number of deaths in police custody in England and Wales during the calendar year was 68; in Scotland it was 6.

There were a number of deaths in custody in prison due to suicide and natural causes (see Section 1.c.).

In April a policeman was indicted for murder after the shooting while on duty of James Ashley. Ashley, who was unarmed, was shot and killed during a raid on his home in East Sussex in 1998.

In April the Crown Prosecution Service (CPS) concluded that the evidence was insufficient to prosecute the police officer who killed IRA member Dairmuid O'Neill, who was shot in a 1996 police raid during a counterterrorism operation in England.

In October 1997, a policeman was acquitted of the murder of unarmed car thief David Ewin, whom he shot and killed at close range in 1995. This was the officer's third trial since the incident in 1995: One trial was aborted and the second jury was unable to agree on a verdict.

The three police officers charged with manslaughter in the death of Richard O'Brien in 1994 were acquitted in July. An earlier inquest found that O'Brien was killed unlawfully by asphyxiation when he died following his arrest for being drunk and disorderly in 1994.

The Northern Ireland Human Rights Commission is assisting the family of Jim McDonnell in pursuing a formal inquest into his death in 1996 in Northern Ireland's Maghaberry Prison. Fellow prisoners charged that prison staff beat him.

In August a government inquiry by Judge Gerald Butler into the handling of deaths in police custody highlighted failings of the Crown Prosecution Service. The inquiry scrutinized the separate cases of Shiji Lapite and Richard O'Brien, who both died in police custody after being arrested in 1994. Butler recommended that all decisions concerning death in custody cases should be made by a clearly identified senior person; decisions not to prosecute should be sent for reconsideration by senior Treasury counsel; and all cases be sent to central casework, the CPS department that specializes in complex cases. He urged the CPS to consider publishing its reasons when it decided not to prosecute police officers. The NGO Inquest, which campaigns for relatives of persons who die in custody, urged that a body completely independent of the police be set up to investigate complaints involving officers.

In 1998 the Government established a new judicial inquiry into the events of January 30, 1972--"Bloody Sunday"--when 14 unarmed civil rights demonstrators in Londonderry were killed by British soldiers, but for which no member of the security forces ever was held accountable. The inquiry gathered testimony and evidence from victims, journalists, and government officials. However, controversy plagued the inquiry's proceedings, particularly over the issue of anonymity for the soldiers. The inquiry originally decided not to grant anonymity to soldiers testifying unless they could show that they were at risk of reprisal. However, a July 29 decision by the Court of Appeal upheld an earlier divisional court ruling that granted soldiers anonymity in the inquiry's proceedings. Preliminary hearings on procedural issues commenced on September 27; the formal hearings are scheduled for April 2000.

In April in 3 bombings in London, 3 persons were killed and over 100 wounded. The attacks apparently were motivated by racism and homophobia. On April 17, a nail bomb exploded in south London, injuring over 30 persons at a busy street market in the ethnically diverse Brixton neighborhood. A week later another nail bomb injured several persons in the Brick Lane neighborhood of east London, which has a large Bangladeshi

population. On April 30, a third nail bomb detonated in a central London gay bar, killing 3 persons and wounding over 70 more. The police stated that all three attacks were believed to be linked and carried out by antiminority and homophobic rightwing extremists. David Copeland, a 22-year-old white engineer, was arrested on May 1 in a London suburb and subsequently charged with all three bombings. The police discounted earlier claims of responsibility made by two rightwing extremist groups, indicating that they believed that Copeland acted alone. Copeland's trial was pending at year's end.

In February the inquiry into the 1993 death of black teenager Stephen Lawrence released its report, concluding that the investigation in the case--which led to the acquittal of five suspected attackers--was marred by a combination of professional incompetence and institutional racism by the London police (see Section 5).

Under the criteria of the 1998 Northern Ireland (Sentences) Act, the Government determined that the five main paramilitary groups were abiding by a cease-fire. The two major republican paramilitary groups observing a cease-fire are the Provisional Irish Republican Army and the Irish National Liberation Army (INLA). On the loyalist side, the three groups maintaining a cease-fire include: The Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF), the Ulster Volunteer Force (UVF), the Loyalist Volunteer Force. Despite the fact that these groups are considered to maintain a cease-fire, killing and wounding by both republican and loyalist groups in Northern Ireland continued. In addition, republican and loyalist splinter groups continued terrorist activities during the year.

The Provisional IRA was widely blamed for four deaths during the year. On January 27, former IRA member turned informer Eamon Collins was found dead near his house in Newry, County Armagh. Also in Newry, two reputed drug dealers, Brendan "Speedy" Fegan, and Paul "Bull" Downey were found murdered on May 9 and June 13 respectively. A fourth man, Charles Bennett, was found dead in West Belfast on July 30. While the IRA never commented on these murders, media reports and the police attributed the crimes to them.

Loyalist paramilitaries were blamed for the car bomb death of lawyer Rosemary Nelson on March 15. Nelson, a lawyer known for taking on high-profile civil rights cases, had claimed that as early as 1997 the RUC made death threats against her. Cognizant of the controversy surrounding Nelson's case, within days of the murder the RUC invited the detective chief constable of Kent to oversee the murder inquiry and requested outside technical assistance. The RUC eventually appointed the Deputy Chief Constable of Norfolk Colin Port to take overall command of the investigation in April.

A week after Nelson's death, a leaked report from the Independent Commission for Police Complaints (ICPC) about the RUC's own 1997 investigation into Nelson's claims raised doubts about the RUC's impartiality. This report did not address the veracity of Nelson's original claims of death threats by the RUC. However, it did judge that the RUC's efforts to investigate those claims were inadequate. After learning of the ICPC's objections to the RUC's initial handling of the case in 1998, the chief constable of the RUC appointed an officer from the Metropolitan Police to take over the investigation in August 1998. The ICPC deemed this officer's subsequent investigation satisfactory and forwarded it to the director of public prosecutions. However, the appointment has not satisfied many nationalists, nor some outside groups.

The RUC's central role in the murder inquiry and the circumstances surrounding Nelson's death prompted calls from the U.N. Special Rapporteur on the Independence of Judges and Lawyers, the European Parliament, nationalist politicians, human rights groups, and the Northern Ireland Law Society for an independent inquiry into Nelson's murder. To date no arrests have been made.

Although no group claimed responsibility, dissident loyalists were blamed for the shooting death of loyalist Frankie Curry on March 17 in the Shankill area of Belfast, as well as the pipe bomb murder of Portadown resident Elizabeth O'Neill on June 5.

A total of 24 arrests were made in Ireland and Northern Ireland during 1999 in connection with the 1998 bombing in Omagh that killed 29 persons-for which the Real IRA claimed responsibility-but only one person was charged with involvement in the bombing.

Some unionist politicians and many human rights groups continue to call for an independent investigation into the December 1997 murder of Billy "King Rat" Wright, leader of the LVF, in the high security Maze Prison by members of the INLA. Wright's father insists that the murder "was state orchestrated and state sanctioned." The facts of the murder call into question the prison's security standards: the killers were housed in a separate wing of the prison but still were able to enter the area where Wright was incarcerated. The perpetrators had weapons smuggled to them and specific knowledge of Wright's movements.

In March the suspect arrested for the 1997 murder of Robert Hamill in Portadown was acquitted for the killing but found guilty of a minor offense. Hamill's case received widespread attention because four RUC officers in a nearby vehicle did not act while Hamill was beaten to death by a mob. The trial judge expressed concerns about the inaction of the police but concluded that their early intervention could not have saved Hamill. Human rights groups argue that the RUC had intervened successfully in similar circumstances in the past. Moreover, they charge that the RUC's failure to intervene made identification and thus prosecution of the murderers more difficult.

In June the RUC arrested William Stobie for involvement in the 1989 murder of Patrick Finucane, a respected legal counsel. The arrest was a result of the third round of independent investigations by the Deputy Commissioner of the Metropolitan Police, John Stevens. In March the RUC chief constable had invited Stevens to initiate another investigation as a result of information about allegations of security force collusion in Finucane's murder originally presented to the Northern Ireland Office by a human rights organization. Human rights organizations are concerned that Stevens's two previous inquiries were not made public and continue to call for an investigation of evidence that they say supports charges of collusion in Finucane's murder between government officials and loyalist paramilitary groups.

During his June court appearance, Stobie claimed that at the time of Finucane's death, he was an RUC informant and had warned the police of a "hit" by the UDA, although it is unclear whether or not he knew Finucane was the target. Stobie already was arrested once in 1991 on a weapons charge for which he was acquitted subsequently. Three other persons were arrested during the current inquiry, two of whom were released without charge, while the third was charged with minor offenses.

In September the family of Peter McBride won a judicial review against the British Army board that allowed Scots Guards Jim Fisher and Mark Wright to rejoin their regiment. Fisher and Wright were convicted for the 1992 murder of Peter McBride and released from incarceration to rejoin their regiment in 1998. Because of the ruling, the British Army board now has to reconsider its decision to reinstate the soldiers.

Coroners do not have the power to compel those suspected of involvement in extrajudicial killing to testify at inquests, and relatives of the deceased receive no advance disclosure of evidence. In Northern Ireland, coroners by law are permitted to inquire only into "how"--that is "by what means"--the deceased died, rather than into the broad circumstances of death. Human rights groups argue that this narrow definition shields wrongdoers, including soldiers and police officers, and unnecessarily keeps family members from learning the truth of the circumstances regarding their relative's death.

During the year, information provided by the IRA led to the discovery of the bodies of three persons who disappeared in the 1970's (see Section 1.b.).

In July following the earlier agreement to convene a Scottish court in The Hague to try the Lockerbie bombing suspects, the Libyan Government accepted responsibility for the 1984 death of policewoman Yvonne Fletcher. Fletcher was killed by gunfire from inside the Libyan People's Bureau in London as she policed a demonstration outside the building. The Libyan Government paid compensation to Fletcher's family in November.

In April Nazi war criminal Anthony Sawoniuk, age 78, was found guilty of murdering 18 Jews in 1942 in Domachevo, Belarus, and was given 2 life sentences. He was the first man to be prosecuted successfully under 1991 war crimes legislation.

Former Chilean President Augusto Pinochet remained under house arrest. Spanish Judge Baltazar Garzon sought to extradite and try Pinochet for his involvement in the disappearance or torture of 600 Spaniards under Chilean and Argentinian dictatorships in the 1970's and 1980's. In March the Law Lords, the highest court, decided that Pinochet did not enjoy immunity from charges of international crimes of torture and conspiracy to torture committed after December 8, 1988, when the international torture convention became binding on Spain, the United Kingdom, and Chile. Pinochet's extradition hearing then began in September, and on October 8 a magistrate ruled that Pinochet could be extradited to Spain to stand trial on 35 charges of torture and conspiracy to torture. Pinochet appealed the magistrate's decision. In October the Chilean Government requested that the UK Government allow Pinochet to return to Chile because of his age and poor health. In response UK Home Secretary Jack Straw ordered an independent medical examination of Pinochet, which was pending, along with Pinochet's legal appeal, at year's end.

#### b. Disappearance

There were no reports of politically motivated disappearances.

The Commission for the Location of Victims' Remains was established jointly by the British and Irish Governments in May for the purpose of facilitating the location of remains of victims of paramilitary violence. The commission obtained information from the IRA that led to the discovery in the Republic of Ireland of the remains of three persons

(Eamon Molloy, Brian Mckinney, and John McClory) who disappeared in the mid-1970's. Information on the location of other remains proved inaccurate, and in September the commission decided to "pause" searches for an additional 12 known persons who had disappeared to allow the IRA to "re-examine" possible sites.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law forbids torture and other cruel, inhuman, or degrading treatment; however, police occasionally abused detainees. Human rights organizations report that such abuse, while not widespread, is a matter of serious concern. The NGO Inquest states that injuries and illnesses result more often from neglect or misdiagnosis than from physical attack, although incidents of police brutality have occurred (see Sections 1.a. and 5). Detainees who claim physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions. However, human rights organizations claim that confessions obtained by abusive treatment regularly are found admissible in the Diplock courts in Northern Ireland.

Complaints of sexual harassment and some criminal conduct within the London Metropolitan Police Service continued. Fewer than a hundred cases are under investigation, and police officials remain committed to rooting out abusive treatment and corruption.

Although originally intended to replace the Independent Commission for Police Complaints as early as 1998, the Police ombudsman-designate was not appointed by the Northern Ireland Office until October and is not to assume authority over complaints against the police until September 2000. The police ombudsman is to investigate independently complaints in Northern Ireland filed against the police or referred to him by the RUC chief constable, the Police Authority of Northern Ireland, or the Secretary of State for Northern Ireland. The ombudsman is to supervise automatically cases involving death or serious injury and may direct the chief constable and the Director of Public Prosecutions to bring charges against police officers. Unlike the ICPC, which must rely on the Complaints and Discipline Branch of the RUC to provide investigators, the ombudsman is to recruit an independent investigative staff.

The ICPC reported that it received 2,301 complaints during the year. Of the 2,774 cases it completed during the year, 6 percent led to informal disciplinary action or formal criminal charges.

In a series of public and private meetings throughout Northern Ireland, The Independent Commission on Policing in Northern Ireland (the Patten Commission) gathered testimony in order to evaluate the future of policing structures and arrangements in Northern Ireland. The Commission's goal was to recommend proposals that would ensure that the police service in Northern Ireland enjoys widespread support from the community as a whole. Both sides of the community generally recognized the qualifications of the members of the commission. The Commission published its recommendations on September 9. It calls for the RUC to be depoliticized and includes restoring some measure of local control of the police, increasing the number of Catholic officers (who now make up only 8 percent of the force), and significantly reducing the size of the force. Unionists reacted negatively to the prospect of substantive changes to the RUC, and many were particularly critical of

Patten's recommendation to change the name and symbols of the force. On the other hand, human rights groups, while applauding his human rights-based approach, pointed out that no mechanism was included in Patten's recommendations that would hold accountable any serving RUC officers who might have committed human rights abuses.

The independent assessor of military complaints continued coordinating investigations into complaints of abuses committed by the army. During the year, 31 formal and 541 informal complaints were received, primarily for harassment or abuse. In his 1998 annual report, the independent assessor expressed concern that neither he nor the new police ombudsman had oversight over complaints about soldiers arresting terrorist suspects independently from the police.

The independent commissioner for holding centers in Northern Ireland made irregular, unannounced visits to holding centers in order to observe interrogations and interview detainees. There were over 190 visits to the Northern Ireland's 3 holding centers during the year by the commissioner and his deputy, compared with 176 each in 1998 and 1997. The number of complaints, generally for verbal harassment or "technical assault," dropped substantially.

The police in Northern Ireland continued to use plastic bullets to quell civil disturbances. However, given the relative quiescence of the summer marching season (see Section 2.d.), their actual use was negligible. The RUC reported that only 1 plastic bullet was fired during the first 2 weeks of July, compared with 837 in the same period in 1998 and 2,510 in 1997. The RUC reported that an additional five plastic bullets were fired at members of a crowd throwing firebombs at police patrols in Lurgan on August 14. In total the security forces fired 111 plastic bullets during the year, compared with 1,299 in 1998. According to RUC rules, plastic bullets should be aimed below the rib cage; nevertheless, medical studies confirmed that serious head and upper body injuries have resulted from plastic bullet use in the past.

Plastic bullet use in Northern Ireland is criticized severely by human rights monitors, although the European Court of Human Rights ruled in 1984 that using them to quell serious riots did not contravene the European Convention on Human Rights. The U.N. Committee Against Torture, the European Parliament, Human Rights Watch, and other NGO's have called for a ban on their use. The Government considered alternatives but stated that most options were found to be either more dangerous or inaccurate. In July the Home Secretary approved guidelines recommended by the Association of Police Officers on the use of plastic bullets in public order situations. The guidelines did not eliminate the use of plastic bullets; but in a change from past practice in Northern Ireland where the RUC was permitted to use plastic bullets to defend property, preserve the peace, or prevent or detect crime, the new guidelines specified that plastic bullets were to be used only in cases of serious risk to life or injury. After conducting its own investigation, the Patten Commission also did not recommend the banning of plastic bullet use, although it encouraged the use of alternative crowd control measures.

Human rights activists continued to call for the closure of all holding centers, including the Castlereagh Holding Center, because of persistent complaints of police impropriety in the interrogation process. (The independent commissioner for holding centers for Northern Ireland also has recommended the closing of the Castlereagh Holding Center because of the facility's poor physical state.) In January audio recording equipment was

introduced to supplement the video recording equipment installed in 1998 for use during interrogation sessions in all three Northern Ireland holding centers. Human rights groups have criticized the fact that the video and audio recordings are not produced through one synchronized system and therefore have diminished value in verifying the content of a given interrogation session. In December the RUC announced the closure of the Castlereagh Holding Center effective at year's end. Both the Gough and Strand Road Holding Centers remained open.

In August the Director of Public Prosecutions decided not to bring charges against any RUC officers involved in the case of David Adams, who was assaulted during his arrest and initial incarceration at the Castlereagh interrogation center in 1994. Adams later was sentenced to 25 years for conspiracy to murder. In 1998 a Belfast court awarded Adams \$48,000 (30,000 pounds) for exemplary damages. Following this court decision, an independent inquiry into Adams's treatment was initiated by the assistant chief constable of Strathclyde. On the basis of this report, the DPP declined to pursue charges against any of the officers involved.

The police harassed Travellers and members of other minorities. In February black motorist Carl Josephs lost his suit against the West Midlands police for harassment. He was stopped 34 times in 2 years while driving. The jury found against him on the charge that officers had conspired against him, but he was awarded \$2,600 (1,000 pounds) in damages for unlawful arrest. In April the Home Secretary ordered the police to recruit 8,000 officers from ethnic minorities within 10 years. A December report by an academic researcher that was commissioned by the London Metropolitan Police revealed that Asians (in the UK the term usually refers to south Asians, mostly Indians and Pakistanis) are more likely to be stopped and searched for drugs than whites or blacks. The report warned that the police risk alienating a generation of young Asians by misusing their stop and search powers.

Through June 30, the armed forces registered a total of 61 internal harassment complaints. This number represents a significant decrease over past years. Of these 32 were for sexual harassment, 14 for racial harassment, and 15 for bullying or other harassment. A complaint procedure was implemented fully in 1997. Service personnel also have the right to submit complaints to employment tribunals. In March 1998 the services entered into a 5-year partnership agreement with the Commission on Racial Equality (CRE) to promote racial equality practices.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out "punishment" attacks on victims who lived in areas under paramilitary influence. The attacks often were carried out to settle scores within paramilitary groups and often, but not exclusively, targeted members who broke ranks. Such orders of expulsion and vigilante attacks also were targeted against those who engaged in so-called antisocial activities, such as drug dealing and carjacking. Paramilitary groups used these methods to maintain or extend their control and influence in their respective communities. The attackers beat their victims with iron pipes, baseball bats, sledgehammers, and spiked clubs and shot victims in the knees and legs. During the year, the RUC recorded a total of 206 casualties as a result of paramilitary style attacks. This includes 73 shootings (47 loyalist, 26 republican) and 132 assaults (91 loyalist, 42 republican). Human rights groups say that these figures underreport the true number of casualties because many of the victims feel too intimidated to report paramilitary

punishment attacks.

Prison conditions generally met minimum international standards. In the chief inspector of prisons' annual report, published in April, overcrowding, the poor quality of local prisons, and prison maintenance were identified as continuing problems despite an increase in resources. The prison population in England and Wales decreased in July by 1.2 percent over the same period the previous year. The home detention curfew program, administered by the electronic monitoring unit of the Home Office, began operations on January 28, and as of August 11, 8,794 offenders availed themselves of it. The program is considered a success by the Prison Service, with fewer than 5 percent of offenders recalled to prison.

The Prison Service reported 148 deaths of prisoners in England and Wales during the year, compared with 131 such deaths in 1998. Of these deaths, 91 were self-inflicted (83 in 1998) and 57 were due to natural causes (45 in 1998). The Scottish Prison Service reported 21 deaths in custody in 1999: 12 suicides and 9 from natural causes. The Prison Service implemented policy changes in an attempt to curb the number of prisoner suicides and continues to develop suicide prevention strategies. The NGO Prison Reform Trust endorsed the measures taken by the Prison Service.

Human rights groups have been particularly critical of special security units (SSU's), which are used to hold prisoners deemed to pose an exceptional risk of escape. Citing small group isolation, the lack of adequate exercise, work, educational opportunities, and natural daylight, as well as strict enforcement of noncontact visits through a glass barrier, human rights groups have condemned SSU imprisonment as violating international standards. A 1996 government inquiry concluded that prolonged incarceration could lead to mental illness. The Government took steps during the year to address these concerns. According to the Prison Service, inmates in SSU'S now are provided with details of their cases and security category. Regular health checks have not revealed deterioration in the health of these prisoners. Once a prisoner is no longer classed as an "exceptional risk," he is moved out of the SSU. According to the NGO Prison Reform Trust, while in theory prolonged incarceration could lead to mental illness, there were no current cases in which this had occurred. At year's end, nine prisoners remained in SSU's; none was imprisoned for Northern Ireland terrorist-related crimes.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland office and the Scottish Office.

The number of female prisoners continued to rise. According to an August Home Office report, women now commit 20 percent of all crime, and the number of women sent to prison doubled in the past 6 years. The Women's Policy Group of the Prison Service undertook a special review of the needs of mothers in prison and published its findings in July. Its lengthy list of recommendations was based on the premise that a mother and baby unit in prison would allow the mother-baby relationship to develop while safeguarding and promoting the child's welfare. In December the Prison Service announced that it was accepting the majority of the recommendations in full, resulting in new procedures governing admission to the units and published standards for their management. These changes are to come into effect in early 2000.

Faced with a large increase in the number of asylum seekers, the Government housed

approximately half of immigration detainees in regular prisons, where they normally are held separately from convicted prisoners and prisoners awaiting trial. According to human rights groups, 28 regular prisons house some immigration detainees. The chief inspector for prisons for England and Wales repeatedly has called upon the Home Office to establish specific guidelines for the treatment of asylum seekers in detention centers and prisons, as no such guidelines currently exist. The U.N. High Commissioner for Refugees (UNHCR) and other groups cite a lack of specialized skills among regular prison officials in dealing with immigration detainees. The UNHCR regularly visits detention centers and has excellent relations with the Government and detention center officials; however, it criticizes the Government's "expectation of noncompliance" by asylum seekers.

The Prison Service stated that three prisoners were convicted in May of offenses related to the situation in Northern Ireland. The requests by all three for repatriation to the Republic of Ireland are under consideration. Since the prisoners committed their offenses after the signing of the Good Friday Agreement, they are not covered by its provisions for the early release of prisoners.

The Government permits human rights monitors to visit prisons and immigration detention centers.

#### d. Arbitrary Arrest, Detention, or Exile

The authorities can and often do make arrests or detain suspects without judicial warrants, especially in Northern Ireland, when they believe that they have reasonable cause to suspect wrongdoing. The 1994 Criminal Justice and Public Order Act allows police officers to stop and search vehicles and pedestrians if a police officer of at least superintendent rank (or a chief inspector if no superintendent is available) "reasonably believes" it is expedient to do so to prevent acts of violence. The authorization is limited to a 24-hour period but is renewable under certain circumstances.

The 1991 Northern Ireland Emergency Provisions Act (EPA) permits a soldier on duty, a member of the Royal Irish Regiment, or a police officer to arrest and detain for up to 4 hours "a person who he has reasonable grounds to suspect is committing or is about to commit any offense." Provisions for indefinite internment without trial were eliminated in the 1998 reauthorization of the EPA.

The Prevention of Terrorism (Temporary Provisions) Act (PTA) allows the police to arrest without a warrant anywhere in the country persons they have reason to suspect of being involved in terrorism. The authorities may detain such persons (even those under the age of 18) for up to 48 hours without legal representation or judicial review. Suspects may be interrogated during this time, and confessions obtained may be used in subsequent court proceedings. Under the PTA, detainees are granted the right to have lawyers present during interrogation in England or Wales, but not in Northern Ireland. Detention without charge may be extended up to a further 5 days on the authority of the Home Secretary, or in Northern Ireland, the Secretary of State for Northern Ireland. Extensive PTA detention powers were held in breach of the European Convention on Human Rights, which led to a derogation by the government in 1988 (see Section 1.e.).

The PTA is the most reviewed piece of legislation in the United Kingdom. It expires every 2 years and, due to the changing security situation, is amended or altered to account

for those changes. Nevertheless, critics charge that the annual review is superficial and insist that the PTA should be repealed. In November the Government introduced a new Prevention of Terrorism Bill intended to replace the PTA and Northern Ireland emergency laws. It covers foreign-based as well as domestic groups and introduces a new and wider definition of terrorism that was criticized by some for being too broad. Debate on the bill is to continue in 2000.

In England, Scotland, and Wales suspects arrested without warrants must be released within 24 hours (or 36 hours if a serious offense is involved) unless brought before a magistrates' court or arrested under PTA provisions. The court may authorize extension of detention by 36 hours and on further application by another 24 hours, versus the 48-hour scheme extant in Northern Ireland (see Section 1.e.).

Defendants awaiting trial have a statutory right to bail unless there is a risk that they would abscond, commit an offense, interfere with witnesses, or otherwise obstruct the course of justice, or unless they were on bail when the alleged offense was committed. Defendants who are remanded in custody are protected by statutory custody time limits, which restrict the period for which they can be held while awaiting trial to a maximum of 182 days, unless the court grants an extension. At year's end, 24,622 defendants were awaiting trial, of whom 5,882 were in custody. Of those in custody, 4,973 had been awaiting trial for less than 24 weeks, while 188 had been waiting longer than 48 weeks. Fewer defendants were awaiting trial and fewer of those were in custody compared with 1998; the breakdown by time awaiting trial was virtually identical. The 1998 Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The law gives administrative detention power to immigration officers. There is no time limit to such detention and no right to have it reviewed by a court. At any given time, approximately 750 asylum seekers are detained (less than 1 percent of all asylum seekers). They are detained either in immigration detention centers or in regular prisons (where they are normally held separately from convicted prisoners and those awaiting trial). Occasionally they are held in police cells, if for no more than 48 hours and pending removal from the country or transfer to another accommodation (see Section 1.c.). At the end of June, 680 asylum detainees were being held.

Approximately 16 percent of them had been held continuously for less than 1 month, 38 percent for 2 to 6 months, 23 percent for 6 to 12 months, and 7 percent for more than 12 months. Unlike those accused of criminal offenses, asylum seekers are given no written statement about why they were detained, although the practice is to provide them with updates on the status of their claims and the time required for their adjudication. Asylum seekers do not have an automatic right to apply for bail, and bail application, which can be made to immigration appellate authorities, requires a relatively high level of surety. The Home Office states that detention is used only where there are good grounds to anticipate noncompliance with the terms of temporary admission and that the practice affects less than 1 percent of asylum seekers at any given time.

The Government does not use exile (also see Section 2.d.).

Paramilitary organizations in Northern Ireland continued to threaten individuals and families to compel them to leave the province. It is difficult to get an accurate count of

those who have left Northern Ireland under threat from a paramilitary group. Estimates of the number of people who fled into exile since the signing of the Good Friday Agreement range as high as 800. A local NGO that assists many of those under threat reported 314 cases through June. Of those cases, 71 left the immediate area of threat, 38 left their city of residence, and 29 left Northern Ireland. In 80 cases, further investigation revealed that no threat existed, and in 17 cases intervention by the agency lifted the threat. Over half of these persons were over the age of 25, and most were unemployed.

#### e. Denial of Fair Public Trial

The judiciary is independent and provides citizens with a generally fair and efficient judicial process.

There are several levels of courts. The vast majority of criminal cases are heard by magistrates' courts, which are managed by locally based committees. Their decisions may be appealed to the Crown Court, which also hears criminal cases requiring a jury trial, or to the High Court. Crown Court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the House of Lords. The Appellate Committee of the House of Lords (which consists of senior judges and is functionally distinct from the legislative arm) is the final court of appeal. The Criminal Cases Review Commission (CCRC) operates as an additional appellate body to investigate suspected miscarriages of justice in England, Wales, and Northern Ireland. It considers cases after the judicial appeals process is exhausted and where there is significant new evidence that casts doubt on the conviction. In Scotland similar appeals may be made to the Scottish Office.

The law provides for a fair trial, and the authorities respect and enforce the law in this regard. Defendants enjoy a presumption of innocence until proven guilty, the right to question witnesses against them, and the right to appeal to successively higher courts.

The 1998 Human Rights Act is to take effect in October 2000, bringing the European Convention on Human Rights into British law (see Section 4). Under this law all public bodies must act in a manner compatible with the convention. The law provides citizens with the right to take alleged violations of the convention into British courts. The United Kingdom derogated from Article 5(3) of the convention, dealing with prompt resolution of a case after arrest or detention. NGO's criticize the derogation, which also applies to the Human Rights Act.

To date no one in Northern Ireland has been arrested or detained under the 1998 Criminal Justice (Terrorism and Conspiracy) Act. Under this legislation, the testimony of a senior police officer is considered prima facie evidence of a suspect's membership in a proscribed terrorist organization. The act also criminalizes a conspiracy in the United Kingdom to commit terrorist acts outside the country. The act also allows for the seizure of property of a person convicted of membership offenses under the act, if used in furtherance of the activities of the organization. Human rights organizations express concern that the act violates certain fundamental rights, such as the right to silence and the rights to freedom of expression and association.

Under the 1994 Criminal Justice and Public Order Act, judges have the power to instruct juries that they may draw an inference of guilt from a defendant's refusal to answer

questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee sharply criticize this provision, which they consider an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland. Based on a 1996 European Court of Human Rights judgment, the 1999 Criminal Evidence (Northern Ireland) Order codifies guidelines issued by the Attorney General that prohibited the drawing of inference from silence when a suspect is questioned before being permitted access to an attorney.

Indigent defenders have the right to free counsel of their choice, with some exceptions. Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

In Northern Ireland, special "emergency" restrictions affect due process. Under the 1991 Northern Ireland Emergency Provisions Act (EPA), trials for certain terrorist-related offenses are tried automatically in "Diplock courts" without a jury unless they specifically are "scheduled out" to ordinary jury courts. Diplock courts were established to avoid cases being heard by juries that might make decisions along sectarian lines, as well as to protect jurors from intimidation by terrorists. If judges decide to convict, they must justify the decision in a document that becomes part of the court record. An appellate court may overturn the decision on either factual or legal grounds. Through March 25 persons had been tried in Diplock courts; 23 persons either pled or were found guilty. The Diplock courts have been widely criticized by human rights groups, as well as various U.N. committees. The 1998 EPA increased the number of scheduled offenses that may be assigned at the Attorney General's discretion, for trial by jury. This was expected to reduce the number of cases considered by Diplock courts, but given the overall decrease in the incidence of offenses, it is difficult to assess the impact of this change.

The EPA does not exclude the use of uncorroborated confessions, which in Northern Ireland may, and have been, used as the sole basis for conviction. Additionally, the EPA permits the police to prevent any suspected terrorist from contacting legal counsel for up to 48 hours after arrest under certain circumstances, at the request of a police officer with the minimum rank of superintendent. After a detainee has asked to see a lawyer and has done so, this period is renewable in subsequent 48-hour periods until the detainee is charged or released. Human rights groups have criticized these provisions, arguing that a detainee is most likely to need counsel in the first few hours; lack of counsel during that time makes false or coerced confessions and the abuse of detainees more likely. According to the Northern Ireland Office, through September, 270 requests for access to lawyers were made, 19 of which were delayed.

The 1996 Criminal Procedures and Investigations Act reduced defense lawyer's access to potential evidence held by the prosecution, including information as to how the evidence was collected. According to the Committee on the Administration of Justice, a local NGO, this practice may be contrary to U.N. guidelines on the role of prosecutors.

Lawyers' groups in Northern Ireland and elsewhere expressed serious concern about threats of death and serious physical injury directed against defense lawyers by prison guards, relayed to them by their prisoner clients. Solicitors continue to lodge complaints against the RUC but say that little is done to address their complaints.

In January the U.N. Special Rapporteur on the Independence of Lawyers and Judges issued a followup to his 1998 report, calling upon the Government to conduct an independent and impartial investigation into the murder of solicitor Patrick Finucane. The U.N. Special Rapporteur also accused the RUC of "complete indifference" to allegations of lawyer harassment and reiterated his conclusion that there was prima facie evidence of military or RUC collusion in Finucane's murder (see Section 1.a.). In his January report to the U.N. Human Rights Commission, the U.N. Special Rapporteur expressed concerns about the RUC's impartiality in investigating Rosemary Nelson's murder and further stressed his recommendation for an independent inquiry into Patrick Finucane's murder.

His previous 1998 report recommended that the government conduct independent and impartial investigations of all threats to legal counsel and, where there is a specific physical threat, that it provide the necessary protection, investigate the threat and bring the guilty party to justice. The Special Rapporteur also recommended that lawyers lodge formal complaints and that the RUC organize training seminars for police officers. Also according to the Special Rapporteur, the Bar Council and the Law Society should be more vocal in their defense of solicitors subject to harassment and intimidation and begin a dialog with the RUC on how best to address the problem.

In response to the U.N. Special Rapporteur's report, the chief constable denied that the RUC was indifferent to the allegations of collusion. Upon receipt of the complaints mentioned in the report, he said that he approached the Law Society of Northern Ireland to open a channel of communication.

A review of the structure, management, and funding of the criminal justice system in Northern Ireland continued through the year. A report from the Government was scheduled for release in October but was postponed until early 2000

In support of the Good Friday Agreement, the Government continued during the year to release prisoners affiliated with paramilitary organizations that maintain a cease-fire. As of September, 292 paramilitary prisoners, including 149 republicans and 133 loyalists (and 10 "others") were paroled under the 1998 Northern Ireland (Sentences) Act, commonly referred to as the early release program. As of July 31, there were 14,631 British troops in Northern Ireland, the lowest level since the 1970's.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Warrants normally are required for a police search of private premises; however, under the 1991 EPA members of the armed forces or the police in Northern Ireland may enter and search "any premises for the purpose of arresting a person for an arrestable offense, but only if he or she has reasonable grounds for believing that the person being sought is on the premises." The Northern Ireland courts have interpreted the requirement for "reasonable" grounds broadly. The government compensates persons whose houses or property have been damaged during house searches.

The fear of intercommunal violence has, over the years, led to a pattern of increasingly segregated communities in Northern Ireland. Protestant and Catholic families have moved away from mixed or border neighborhoods. This pattern continued despite the Good

Friday Agreement's approval in referenda.

In Northern Ireland, although paramilitary attacks on the homes and families of police and politicians decreased significantly, the security forces believe that paramilitary groups continue to conduct surveillance and target police and politicians.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

Strongly held common-law tradition, an independent press, and a democratic political system combine to secure freedom of speech and of the press. Viewpoints critical of the government are well represented. The print media are dominated by a handful of national daily newspapers, all privately owned and independent (although often generally aligned with a political party). About half the electronic media are run by the British Broadcasting Corporation (BBC), which is funded by the government but enjoys complete editorial independence. Corporations under renewable government license run the remainder.

In April a leading BBC television personality, Jill Dando, was shot and killed in London. Dando anchored a program that helped track down leading criminals.

In April the Independent Television Commission, which regulates broadcasters, permanently revoked the license of MED-TV, a pro-Kurdish station that broadcast programs "which included inflammatory statements encouraging acts of violence in Turkey and elsewhere," according to the Commission.

Press organizations and human rights groups continued to criticize the 1981 Contempt of Court Act, which allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice. The 1984 Police and Criminal Evidence Act also contains provisions that compel journalists to give evidence in cases where police can prove it is necessary to their investigation. The Official Secrets Act, another law cited by journalists as unduly restrictive, prohibits the defense that the information is already in the public domain or that its publication is in the public interest.

A 1997 White Paper (a proposed policy paper drafted in preparation for legislation) on freedom of information asserted that the Government would introduce legislation that would allow widespread public access to official information and documents, require public organizations to regularly publicize data, and improve individual access to personal information. In May the Government published its draft freedom of information bill. Members of Parliament, NGO's, the press, and campaigners for freedom of information widely criticized the bill, primarily because of the number of blanket exemptions to the release of information. In July two select committee reports called for substantial improvements to the bill. During the second reading of the bill in the House of Commons in December, criticism of the bill continued.

In connection with the Patrick Finucane investigation in Northern Ireland, local newspaper editor Ed Moloney was ordered by a Belfast court in August to turn over notes from a 1990 interview with William Stobie, who was charged in June with the murder of Finucane. Moloney refused and was facing charges of contempt of court and obstruction of justice. In October the High Court in Belfast quashed the lower court request. Human

rights groups point out that the decision will be of little assistance to journalists in the future because the High Court ruled that Moloney's notes were not of material assistance to the investigation, not that Moloney, as a journalist, had a right to protect his sources.

Academic freedom is respected.

#### b. Freedom of Peaceful Assembly and Association

The law provides for the right of peaceful assembly, but that right is limited routinely where it would impose a cost on public convenience.

In Northern Ireland the annual "marching season" posed significant problems for the Government since the right of assembly conflicted with the concerns of local residents in some communities who perceived the marches as the celebration of Protestant "triumphs" in historical battles. The 1998 Public Processions (Northern Ireland) Act transferred responsibility for ruling on disputed parades from the RUC to the newly established Parades Commission. Of the 3,200 parades held in 1999, the Parades Commission imposed route restrictions on 203; 38 of those parades were related to the Drumcree situation.

Although tensions were high during the period prior to the Drumcree parade in Portadown on July 4, the massive security presence, the use of parade marshals, and general restraint among the marchers allowed the parade to take place relatively peacefully. Most of the summer marching season was quiet, with the notable exception of the Apprentice Boys' Siege of Derry parade on August 14. During a smaller associated parade in Belfast, police struggled with protesters who refused to end a sitdown protest across the path of an Apprentice Boys march. Trouble continued later that day in Londonderry, when security forces and nationalist protesters clashed during a security operation designed to separate nationalist crowds and Protestant marchers. In the late evening, long after the parade had ended, several businesses in the center of the city were looted and burned.

The law provides for freedom of association, but that right is limited. Under the Prevention of Terrorism Act, the Secretary of State for Northern Ireland may proscribe any organization that is involved in, promotes, or encourages terrorism connected to Northern Ireland. In March the Government banned two Northern Ireland Protestant paramilitary groups, the Orange Volunteers and the Red Hand Defenders, for their continuing involvement in sectarian violence. Membership in proscribed paramilitary groups is punishable by up to 10 years' imprisonment. Supporting paramilitary groups is also an imprisonable offense, as is wearing clothing that arouses a reasonable suspicion that the wearer belongs to or supports a proscribed organization. Although some human rights organizations do not object to the law, others argue that it violates fundamental rights of freedom of association and expression.

c. Freedom of Religion Governmental policy and general practice ensure freedom of religion for traditional and nontraditional worshippers. Despite the existence of state religions (the Anglican Church of England and the Presbyterian Church of Scotland), members of all faiths and denominations enjoy freedom of worship. The new Human Rights Act prohibits discrimination on the basis of religion. Those who believe that their freedom to worship has been abrogated have the right to appeal to the courts for relief.

The 1988 Education Reform Act requires that government schools hold a daily act of nondenominational Christian worship. A parental right of withdrawal exists for children who do not wish to participate, and safeguards exist for teachers who do not wish to participate in or conduct religious education. The act provides for alternative collective worship for other faiths. Teachers' organizations have called for government review of the act.

Although not enforced, blasphemy with respect to Christian beliefs is still technically illegal. Several religious organizations, in association with the Commission for Racial Equality, are attempting to either abolish the law or expand it to protect all faiths.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation. In 1997 the Home Secretary revoked all exclusion orders preventing individuals linked to terrorism in Northern Ireland from traveling to Great Britain. When the Prevention of Terrorism Act was renewed in 1998, it did not include provisions for exclusion orders. However, the Home Secretary has the power to activate other statutes implementing exclusion orders at any time.

The Government cooperates closely with the UNHCR and other humanitarian organizations in assisting refugees. First asylum is provided under a temporary protection process started in 1992. The number of asylum seekers entering Britain rose on a monthly basis, and at year's end, 102,870 applications were outstanding, compared with 64,770 applications outstanding a year earlier. Under the first asylum program, successful applicants are given 6 months' "leave to enter the country" on arrival. They then can apply for an automatic 3 1/2-year extension of their stay and may apply for refugee status at any time. Such applications are considered in accordance with the criteria set out in the 1951 U.N. Convention Relating to the Status of Refugees. Some asylum seekers are detained while the Government reviews their cases (see Section 1.d.); some are detained in regular prisons (see Section 1.c.).

The Asylum and Immigration Act of 1996 broadened the right of appeal for failed asylum seekers, introduced provisions to deter abusive asylum applicants and illegal entrants, and imposed restrictions on persons subject to immigration control seeking employment, housing, and social security benefits. Of decisions taken on asylum applications during the first 6 months of 1999, 32 percent recognized the applicant as a refugee and granted asylum, and 7 percent granted "exceptional leave to remain" but refused asylum. The remainder were refused.

In late 1998 the Government introduced a visa requirement for Slovak citizens in response to the large number of Slovak Roma who sought asylum. The Government maintains that the Roma are economic migrants, not true refugees. In October Prime Minister Blair wrote to Czech Republic Prime Minister Milos Zeman expressing concern at the large number of Roma from the Czech Republic seeking asylum in the country.

Following its 1998 White Paper, the Government passed its Immigration and Asylum Bill in November to modernize and integrate the immigration and asylum system. Among other things, it is designed to streamline the right of appeal and create new support

arrangements for asylum seekers, strengthen immigration law enforcement powers, and reform detention arrangements.

There were no reports that persons were forced to return to countries where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens have the right to change their government and freely exercise that right. The government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every 5 years.

Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. As in the rest of the country, Northern Ireland has city and district councils, but with fewer powers. England and Wales also have county councils. The Scottish Parliament and the Welsh Assembly opened on July 1. These devolved bodies assumed control over matters of regional importance such as education, health, and some economic matters. Foreign affairs and defense continue to be the responsibility of the central government. After a review of the Good Friday Agreement from September through November, power was devolved to the Northern Ireland Assembly on December 2.

The remaining UK Overseas Territories have an aggregate population of approximately 160,000. They enjoy varying degrees of self-government on the British model, with appointed governors. Women and minorities face no legal constraints on voting or holding office, but women are underrepresented in government and politics: they constitute 18 percent of the Members of the House of Commons and nearly 16 percent of those in the House of Lords. A total of 27 Members of Parliament have identified themselves as being members of minority ethnic groups.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights issues and cases. Government officials are generally cooperative and responsive to their views.

A number of international nongovernmental human rights organizations, including Amnesty International and Human Rights Watch, are based in the country. The Government cooperates fully with international inquiries into alleged violations of human rights.

The 1998 Human Rights Act incorporated the provisions of the European Convention on Human Rights into domestic law. The main provisions of the act are to be implemented in October 2000, although some provisions already have taken effect. The act is to take effect first, in practice, in Scotland, Wales, and Northern Ireland. Under the terms of the devolution legislation, the devolved institutions do not have the power to do anything that is incompatible with the convention's provisions.

In January the Home Office created a human rights task force made up of representatives

of the government and NGO's to coordinate publicity, guidance, and training in preparation for the act's implementation. Proceedings under the Human Rights Act can be brought only by victims of a breach of convention rights by a public authority. The human rights unit of the Home Office is developing and is to carry out human rights policy and legislation.

The Government has not created a human rights commission but has not ruled out doing so in the future. According to the NGO, Article 19, the Human Rights Act's lack of provision for a commission or commissioner makes implementation difficult. In Northern Ireland a commission was established as an outcome of the peace process. While cases may still be taken to the European Court of Human Rights, all domestic remedies must be exhausted first.

#### Section 5 Discrimination based on Race, Sex, Religion, Disability, Language, or Social Status

The Race Relations Act of 1976 prohibits discrimination on the basis of race, color, nationality, or national or ethnic origin and outlaws incitement to racial hatred. These protections were extended to Northern Ireland in 1997. However, some groups continued to experience official and societal discrimination. Employment discrimination on the grounds of religious or political opinion was outlawed specifically in Northern Ireland by the Fair Employment Act. The Fair Employment and Treatment Order of 1998, which took effect in January, extends the prohibition on discrimination to goods, facilities, services, and premises. Discrimination on the basis of religion only is illegal in Great Britain when its effect is to discriminate against a member of a minority ethnic group. The government respects and enforces all antidiscrimination laws, which concentrate on employment and the supply of goods and services.

The Northern Ireland Fair Employment Commission, Equal Opportunities Commission, Commission for Racial Equality, and Disability Council were amalgamated into the Equality Commission in October. The Northern Ireland Office appointed 21 members to the Commission in August.

In April 3 persons were killed and over 100 wounded in 3 bombings in London. A man was arrested and charged with all three bombings, one of which was carried out in a central London gay bar on April 30 and apparently was motivated in part by homophobia (see Section 1.a.).

In September a government report concluded that the fire service was institutionally racist, sexist, and homophobic. The report, carried out by the fire service inspectorate, found prejudice throughout the overwhelmingly white male service. The Home Office gave the fire chiefs 18 months to implement the report's recommendations for stronger leadership and cultural changes in order to improve equality and fairness in the service.

#### Women

Violence against women continues to be a problem. In August a government report, "Living Without Fear," indicated that one in four women experience domestic violence at some stage in their lives, that reported incidents of rape have more than tripled over the past 10 years, that two women per week are killed by their current or former partners, and

that women fear personal attack more than any other crime. Since the paramilitary cease-fires, reports of violence against women in Northern Ireland have increased.

Surveys also indicate that domestic violence is the violent crime the least likely to be reported to the police. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provides shelters, counseling, and other assistance for battery or rape and offers free legal aid to battered women who are economically reliant on their abusers. The government actively prosecutes perpetrators of domestic violence. The 1997 Protection from Harassment Act provides for prison sentences of up to 5 years for convicted stalkers. Provisional figures indicate that the act has been effective in assisting some women in challenging violence.

Also in "Living Without Fear," the Government outlined its long-term goals in eliminating violence against women, including plans to modernize legislation on sex offenses and reform the Offences Against the Person Act. The report summarizes government actions in protection, justice, prevention, and training. However, no legislative reforms were passed by year's end. The NGO, Change, welcomed the tone of the publication and its explicit references to violence against women as a crime, its plans for significant future research, and its 5-year commitment to making a real impact on women's lives.

Criminal action for sexual harassment cases must be prosecuted under assault legislation since no law specifically prohibits sexual harassment. Women's groups have complained that civil suits concerning sexual harassment and discrimination on the basis of gender sometimes take up to 3 1/2 years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes, but women experience some discrimination in practice. The 1975 Sex Discrimination Act, as amended in 1986, prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. According to the Government's Equal Opportunities Commission (which supports persons who bring discrimination cases before industrial tribunals and courts and produces guidelines on good practice for employers), significant progress has been made towards equal opportunity for women since the Commission was established in 1975. The introduction of the national minimum wage in April, effective in August, was an important change in the effort to equalize pay. However, according to the Commission, women working full time earn approximately 20 percent less than their male counterparts in similar positions. NGO's indicated that progress towards equality of pay for equal work was the single largest problem confronting women, citing only an 8 percent increase in relative pay in the past 25 years.

In August the Government announced some maternity benefits reforms and provisions for unpaid parental leave that came into effect in December. A national child care strategy was set up to increase child care places, and in April the Government increased child benefits.

Women's issues within the Government are represented at the cabinet level by the Minister for Women, who heads up the women's unit, which engages in dialog with women and advises the government but has no authority for direct action.

## Children

The government demonstrates its strong commitment to children's rights and welfare through its systems of public education and medical care. The government provides free, compulsory education to age 16 and further education to age 18 if the student so desires.

While there is no societal pattern of abuse directed against children, indications are, despite a lack of reliable data, that child abuse is nevertheless a problem. Since the paramilitary cease-fires, reports of violence against children in Northern Ireland have increased.

Concern and publicity surrounding pedophiles is growing. As part of a government drive to protect the young from child abusers, previously secret registers of pedophiles are to be available to any employer who runs an organization where persons under age 18 could be at risk (schools, children's homes, or voluntary organizations). In addition suspected child abusers and convicted pedophiles are banned from working with children under the new Protection of Children Act, which was passed in July. Childcare organizations must consult a list before offering anyone a job, paid or otherwise, and it is illegal for them to hire anyone named on it.

Various laws covering England and Wales stipulate that children have the right to apply for court orders, to give or withhold consent for medical treatment (for those capable of making an informed decision), to make complaints to the relevant local authority, to have their ethnic, linguistic, and religious background considered in decisions affecting them, to have reasonable contact with their families (usually applied in a circumstance where there was abuse), and in general to be consulted regarding their desires.

In July the Youth Justice and Criminal Evidence Act was enacted, creating the sentence of referral to a youth offender panel for first-time young offenders who plead guilty and providing greater protection to vulnerable witnesses (children, the disabled, or the fearful).

Under the Prevention of Terrorism Act, the police can arrest and detain children as young as 10 years old for up to 7 days.

In December the European Court of Human Rights ruled that the human rights of two young boys had been violated by the intimidating nature of their 1993 trial in Crown Court. The boys were 10 years old when they murdered 2-year-old Jamie Bulger in 1993. The ruling will require sweeping changes in the way courts treat juveniles charged with murder or manslaughter and ends the role of the Home Secretary in setting minimum sentences for children.

Several recent court cases involving incidents of spanking or hitting again have raised the issue of parents' right to hit, following a European Court of Human Rights ruling in 1998 that a 9-year-old boy's rights were violated by his stepfather's caning. The 1998 School Standards and Framework Act extended the ban on corporal punishment in state schools to private schools and nursery schools. Child welfare groups have called for the outlawing of all corporal punishment of children.

## People with Disabilities

The 1995 People with Disabilities Discrimination Act outlaws discrimination against disabled persons in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. The 1993 Education Act imposes specific duties on local education authorities to make provision for the special educational needs of disabled children. The Disability Rights Commission (DRC) Act, passed in July, sets up a body whose functions include keeping the Disability Discrimination Act under review, assisting disabled people in bringing legal action, and promoting good practices among service providers. The DRC also has the power to conduct formal investigations.

Rights Now, a consortium of over 70 disability organizations campaigning for laws to end discrimination on the grounds of disability, reported that employers were 6 times more likely to turn down a disabled person for a job than a nondisabled applicant with the same qualifications.

Government regulations require that all new buildings meet the access requirements of all persons with impaired mobility. In 1992 the government promulgated similar regulations for sensory-impaired persons, and regulations require that all taxis be wheelchair accessible by 2000. However, while generally improved, access to many buildings remains inadequate. Many buildings and train stations are so old that they do not have elevators. According to the NGO Scope, 94 percent of polling stations in the 1997 election had one or more disability access problems. As of September, stage two of the 1995 Disability Discrimination Act came into effect, requiring that all businesses accommodate disabled customers. Adaptations must be "reasonable," bearing in mind the circumstances and size of the business. For example, a restaurant chain might be expected to print a braille version of its menu while a small neighborhood cafe might simply have a waiter read a menu aloud for a blind person.

### Religious Minorities

According to the Community Security Trust, the number of anti-Semitic incidents in Britain during the year was 412, compared with 385 in 1998. Public manifestations of anti-Semitism are confined largely to the political fringe, either far right or Islamist.

A London Muslim cleric, Sheikh Omar Bakri Muhammad, said in October that playwright Terence McNally is the subject of a death edict for his portrayal of Jesus as a homosexual in his play "Corpus Christi."

Despite government efforts and the lowering of the overall unemployment rate in Northern Ireland, the unemployment rate for Catholic men persists at twice that of Protestant men.

The 1989 Fair Employment (Northern Ireland) Act, as amended, aims to end even unintentional or indirect discrimination in the workplace, and a public tribunal adjudicates complaints. All public-sector employers and all private firms with over 10 workers must report annually to the Equality Commission on the religious composition of their work force and must review their employment practices at least once every 3 years. Noncompliance can bring criminal penalties and the loss of government contracts. Victims of employment discrimination may sue for damages. Although critics of the act asserted that its targets and timetables are too imprecise, most leaders of the Catholic

community regard it as a positive step.

While the active recruitment of Catholics by the Northern Ireland civil service produced rough proportionality in overall numbers, the service acknowledges that Catholics remain significantly underrepresented in its senior grades. Service-wide employment cutbacks thus far have hampered efforts to overcome the imbalance. Government efforts to increase the recruitment of Catholics into the RUC (currently 92 percent Protestant) and related security jobs in Northern Ireland have been hampered by IRA killings and death threats, as well as by widespread antipathy in the Catholic community to the security forces. Despite recruitment efforts, the percentage of Catholic officers in the police force has not changed significantly.

During the summer marching season, arsonists attacked several Orange halls and Protestant churches around the province.

#### National/Racial/Ethnic Minorities

Despite legal prohibitions against race discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin and Travellers face occasional acts of societal violence and some discrimination. Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years' imprisonment. The Government strictly enforces the laws and regulations in this area.

In April 3 persons were killed and over 100 wounded in 3 bombings in London. A white man was arrested and charged with all three attacks, two of which were directed at ethnic minority neighborhoods (see Section 1.a.).

The government-appointed but independent Commission for Racial Equality provides guidelines on good practice, supports persons taking court action under the Race Relations Act of 1976, and may initiate its own court action. After investigating a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE then monitors the response to its notice for 5 years.

Repeated claims of police misconduct in the case of Stephen Lawrence, a black youth stabbed to death in south London in 1993, led to a 1998 inquiry into police actions during the investigation of Lawrence's murder. During the inquiry testimony, the London police admitted that there were serious flaws in the investigation, and they began to review and modify their methods of dealing with racially motivated crimes. The inquiry resulted in a widely noted report that was released in February. The report stated that the investigation was marred by fundamental errors, including a combination of professional incompetence, institutional racism, and a failure of leadership by senior officers. The sweeping report made 70 recommendations for changes in police practices.

The report served as an acceptance of the many flaws and failures involved in the case. No one was charged with the crime. The five white males accused of the crime cannot be charged again due to "double jeopardy" laws. Debate continues over possible changes to certain aspects of these laws, another recommendation of the February report. After a yearlong review of the conduct of the Lawrence case, the Police Complaints Authority recommended that five detectives face disciplinary charges. Four of these officers already were retired when the PCA announced its findings. The only officer to face charges was

found guilty of two counts of neglect of duty and verbally reprimanded.

As a result of the Stephen Lawrence inquiry, the police instituted new training and community relations programs and pledged to improve overall public confidence and service. The Home Secretary ordered Scotland Yard to review investigative procedures in all unsolved alleged racist murders in London. Other chief constables have recognized that institutional racism exists within their forces. The Stephen Lawrence inquiry encouraged debate on the existence and depth of racism in society and how to deal with it.

A December report commissioned by the London Metropolitan Police showed that proportionately more blacks than whites are stopped and searched by police. Home Office figures showed that blacks were six times more likely to be stopped by police than whites. The report also highlighted increasing drug searches of young Asians (see Section 1.c.).

In January the police acknowledged that Michael Menson, a black musician found on fire in the street in 1997, was the victim of a racist attack. The Race and Violent Crime Task Force, established as a result of the Stephen Lawrence inquiry, reopened the case, originally treated as a suicide, in December 1998. In December 1999, two men were convicted of killing Menson, and the ringleader was sentenced to life imprisonment. Police are pursuing formal complaints from the Menson family against the officers who initially investigated Menson's death.

In June the Police Complaints Authority apologized to the Reel family for "weaknesses and flaws" in the original investigation into the death of Ricky Reel, a young Asian found drowned in the Thames River in 1997. The PCA report was not made public. His family believes that Reel was the victim of a racial attack and claimed that police failed to investigate the crime properly. The police launched a new investigation under the Race and Violent Crime Task Force. In August Reel's mother made a joint appeal with the police for information about two white men suspected of racially abusing Reel on the night he disappeared. In November an inquest jury rejected the original verdict of accidental death and returned an open verdict in the Reel case.

Travellers, nomadic populations consisting of Roma, Irish, and "new" Travellers, estimated to number some 100,000 persons, experience marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. U.N. Committees on both the Rights of the Child and the Elimination of Racial Discrimination have expressed similar concerns. In August 1997 the Government passed the Race Relations (Northern Ireland) Order, which for the first time gave specific legal protection to minority ethnic groups there, including the Traveller community.

## Section 6 Worker Rights

### a. The Right of Association

Workers have the right to form and join unions, and the Government respects this right in practice. A new Employment Relations Act--enacted by Parliament and signed into law in July --established the country's first procedures for statutory (as distinct from voluntary) union recognition.

Unions are free of government control. The new Employment Relations Act affords significant new protection to union organizing efforts and, for the first time, confirms the statutory right to strike. The act sets minimum employment standards for the first time in labor law. It also abolished the posts of "commissioner for the rights of trade union members" and the "commissioner for protection against unlawful industrial action." Created by previous governments, both offices were widely interpreted as politically motivated attempts to undermine the organized labor movement. However, much detail is left to implementing legislation (not expected to be completed before April 2000).

Unions participate freely in international organizations

#### b. The Right to Organize and Bargain Collectively

Collective bargaining is longstanding and widespread, covering about 35 percent of the work force. Under the new Employment Relations Act, labor-management contracts are now enforceable in the courts.

Under the new act, unions can now file a request for recognition, identifying the proposed bargaining unit, to a revamped Central Arbitration Committee (CAC). The act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces.

Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC can issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit.

Although the act encourages voluntary agreements between employers and unions, the CAC can, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays.

Workers are protected against dismissal or other retaliation for campaigning or voting for or against recognition. Unions no longer are required to name their members when initiating a strike ballot, to minimize opportunities for retaliation. The bill also prohibits the compilation of lists of union members and labor activists for use by employers and employment agencies. This is aimed at "blacklists," as operated in the past. Dismissed strikers are able to claim unfair dismissal if fired within 8 weeks of when an employee first undertook a legal strike.

Union members are protected against "being subject to any detriment" due to union activity or membership. This protection goes further than the previous language of "action short of dismissal taken against him as an individual." Heretofore, it was legal for employers to withhold fringe benefits otherwise available to nonunion employees.

At the same time, the new act retains key policies implemented by previous governments, notably ballots and notice before strikes, abolition of the closed shop, secondary boycotts,

and prohibition against mass picketing.

There are no export processing zones. The new Employment Relations Act also extends its protection to contract and part-time workers in an attempt to close loopholes that previously allowed some employers to evade labor regulations. Foreign workers are protected to the full extent of the law.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor, including that performed by children, is prohibited and is not practiced, although the ILO has raised questions about the situation in privatized prisons.

d. Status of Child Labor Practices and Minimum Age for Employment

School attendance until age 16 is compulsory. Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course. Forced and bonded child labor is prohibited, and the Government effectively enforces this prohibition (see Section 6.c.).

e. Acceptable Conditions of Work

The country's first minimum wage went into effect on April 1 and benefited some 10 percent of the work force directly. It is \$5.76 (3.60 pounds) for adults and \$5.12 (3.20 pounds) for youth. This does not provide a decent standard of living for most workers with families, but other elements of the welfare state fill the gap. In particular the working families' tax credit and disabled person's tax credit--both implemented on October 5, 1999--are designed to ensure a working family a weekly income of \$320 (200 pounds), which constitutes a living wage. It is estimated that some 1.5 million of the poorest households benefit from the new minimum wage.

The Government introduced a new working time directive in October 1998 to bring domestic legislation into compliance with the European Union's 48-hour workweek. Implementing regulations still are being developed, with considerable public input.

The Health and Safety at Work Act of 1974 stipulates that the health and safety of employees not be placed at risk. In practice the act is being updated and modified constantly. The Health and Safety Executive effectively enforces regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives actively monitor enforcement of the act. Workers can remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons

No laws specifically criminalize trafficking in persons. The police have had success in prosecuting traffickers under other laws, such as those against pimping and living off of immoral earnings. A Home Office review of sexual offenses laws, to be completed in June 2000, is considering whether there should be specific laws that address trafficking. Under the 1999 Immigration and Asylum Act, persons found importing illegal immigrants can be fined \$3,600 (2,000 pounds).

Trafficking in persons is a growing problem. A Home Office report on trafficking in women, expected to be issued in the spring of 2000, will address the problem. In February three Lithuanians were jailed for 3 years on charges of living off of immoral earnings by controlling four prostitutes they brought from Lithuania. In October and December, members of a Chinese gang were found guilty of false imprisonment and conspiracy to blackmail for bringing about 500 persons from China and then making them effectively into slaves. This ended a series of trials dating back to June 1998, in which 19 gang members were jailed for a total of 200 years.

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