

Denying rights is nothing more than a cop out

Critics often claim policing is hampered by human rights law, but that's not so, argues Conall McDevitt

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There has been recent debate about human rights law, most of which has been negative.

Opponents concentrate on perceptions about access to rights rather than the rights themselves but in so doing they misunderstand both the nature of rights and their application. We must consider what our society would look like if the inherent dignity of human life was not given the full protection of the law.

The origins of the European Convention on Human Rights and thereafter the Human Rights Act lie, perhaps unsurprisingly, in the humanitarian endeavours of European leaders as a direct response to the horrific violence arising out of the hatred, ignorance and immorality in the first half of the 20th Century.

The Universal Declaration of Human Rights with which Eleanor Roosevelt is so closely associated asserts the recognition of human dignity of all people as the foundation of justice and peace in the world.

So often the public perception of the Human Rights Act is influenced by irresponsible media reporting and commentary which perpetuates myths and falsehoods about what the Human Rights Act does or does not require of our state bodies.

Claims are often reported according to the assertion of a right, not to the outcome of that assertion.

An example is the case of Naomi Bryant who was murdered by Anthony Rice following his release from prison, on licence. At the time, it was suggested his release was as a result of the application of human rights principles. People understandably asked 'what about Naomi's human rights?'

Naomi's mother Verna Bryant wanted a full investigation into the circumstances resulting in Rice's release but that was denied her until she turned to the Human Rights Act and Article 2 of the European Convention.

She got her investigation, which revealed ineptitude as the cause of the state's failure to protect Naomi, not human rights laws.

The case captures perfectly the misinformation that surrounds the Human Rights Act and which is bound to influence all who read it. We must not allow such disingenuous and ill-informed commentary to persist unchallenged.

The Policing Board in carrying out its statutory function to monitor human rights compliance by the police, has been subjected to similar criticisms, the sensational treatment of which has served to detract from the importance of the substance.

For example, in respect of the issue of the release of images of young people following public disorder some detractors sensationalised the issue in the media to suggest the Board had 'banned' image release. The Board did no such thing but what it did do was ensure that the release of images could be justified in very clearly defined circumstances.

Critically, this was accepted immediately by the chief constable who is on record as saying that the Board's approach was consistent with best policing practice. In a similar vein the cost of human rights advice has been subject to some adverse headlines.

The rush to criticise comes from a failure to recognise and respect the value of human rights protection and the requirement that we monitor the police in that respect. The contribution and calibre of the work of Human Rights Advisers for improving policing policy, process and practice has been widely acknowledged by those who know and understand its real value and importance.

In the past seven years the Board has monitored police compliance with human rights legislation, the PSNI have accepted and implemented over 200 recommendations made by the Board.

In the last dedicated thematic review the Board made 30 recommendations all of which have been accepted by the police.

The practice of monitoring police compliance with human rights legislation has been replicated following the precedent set by the Policing Board.

Speaking to the Association of Chief Police Officers, Sir Hugh Orde reflected on his time in Northern Ireland and described the Policing Board's role as 'one of the key aspects of success in NI, which could be applied here (in GB)'.

In another speech in which he discussed the public perception of human rights, he said: "The fault is not with the Act, but in the immaturity of the culture placed around it."

He is absolutely right. Matt Baggott, speaking at the launch of the Board's Human Rights Annual Report rejected any suggestion that human rights were a hindrance to policing.

Rather, he said "it is the life-blood of policing". I couldn't agree more. What is a police service there for if not to protect the human rights of all?

Over the last 10 years, through the policing change programme, a commitment to human rights principles and practice has been embedded in our policing service. In their oath of office police officers declare and affirm to discharge their duties with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all individuals.

But even if you don't accept my views on the matter I would refer you to the views of the former and current chief constables.

Read more: <http://www.belfasttelegraph.co.uk/opinion/news-analysis/denying-rights-is-nothing-more-than-a-cop-out-16077983.html#ixzz1fq4XLiO8>