

LABOUR

Strand One

Submission on

Justice Issues, Rights and Safeguards

Labour believes that no political solution is possible without a thorough and candid examination of the workings of our judicial, enforcement and rights system. Equally it is not easy to totally devise new structures without a reasonably clear understanding of the socio political environment within which any new structures would operate.

The starting point has to be that there is permanent peace and that we can plan for normality.

Secondly, while we should study the past to avoid future mistakes we should not be prisoners to the past. It is the responsibility of all to look to the future and construct new and innovative systems. The issues are not about abolishing or retaining the courts or the RUC. The simple issues are what kind of society we envisage and what kind of judicial and policing service will best service that community. Safeguarding the rights of all our citizens and widespread community support can be our only benchmark.

Fundamentally, the background to our deliberations must be the guaranteeing of peace, the dismantling of paramilitary organisations and the removal of all 'emergency' legislation and structures. Related issues are being dealt with in other forums.

The judicial system in Northern Ireland has, undoubtedly, been a casualty of the emergency legislation and particularly the use of non-jury courts. With the removal of these impediments then Labour believes that it could prove itself as good or as flawed as other jurisdictions.

The crunch issue is that of policing and in this area Labour holds no sacred cows and would welcome any suggestions on our future policing. The call for the disbanding of the RUC is as unhelpful a suggestion as is the pretence that a little bit of tinkering will bring about wholehearted support. Institutions only exist to service the community they simply have no other raison d'être therefore, in a sense, the future of the RUC, per se, is irrelevant to this debate. The future policing of our society is the only issue and what institutions we require should flow naturally from that debate.

Fundamentally there must be a major democratic input into the control and accountability of the police service. While, for at least a transitional period, policing should remain with the Secretary of State, structures must be in place to ensure that the community at large has a meaningful input into the operation of the service. While Labour is not prescriptive on the form of democratic involvement we do believe that

this must include a fundamentally new approach to the role and accountability of the Chief Officer.

There is a coherent argument that Northern Ireland should have 'regional' police services so as to bring them closer to the community. Indeed the evidence within the UK is that such regional services would still not be the smallest services. Labour would welcome further discussion on this issue but has severe reservations. Given the geo-political demography of Northern Ireland there is the danger of simply creating sectarian services.

Regardless of whether there are regional services there is a strong case to be made for creating a community police service and a Northern Ireland Crime Service. The latter to deal with serious crime etc. and to require qualities and skills different from a community police service. The ability to differentiate the skill requirements will assist in a more flexible recruitment policy especially in relation to community policing.

The key issue that must be tackled with candour is how to achieve a service that reasonably reflects the composition of the community it serves. Quite simply this cannot be achieved without hurting both individuals and the pride and honour of a large section of our community. Equally it cannot be simply achieved with 'normal' increased catholic recruitment. Without drastic change none of us would live to see a service that reflects the community. Without further measures, the arithmetic of the current and future needs for police personnel precludes major catholic recruitment.

Measures to significantly increase the numbers of Catholics must perforce include the 'retirement' of the major part of the current RUC. This, however, must not stop us in our search for a service that will achieve the wholehearted support of all the community. That is too great a prize but it should not be attained by ignoring the hurt and loss of current policemen and women. Major resources must be directed towards assisting their return to civilian life.

To overcome immediate recruitment problems Labour would propose that flexible policies be introduced that utilize the skills of the mature people in our society so that targets can be quickly achieved especially in community policing.

As mentioned elsewhere Labour would wish to see discussion on the merits of a separate cross border police service to deal with the ever increasing cross border crime. Such a service could have a stand alone existence or have a special 'co-operative' status.

Quite clearly all the discussion on law and enforcement must be founded on the protection of the citizen. The European Convention provides a useful format but is not adequate, by itself, to deal with the issues in Northern Ireland. Labour supports the view of S.A.C.H.R. for a set of additional human rights protections to deal with the unique problems of Northern Ireland. Such rights should also include collective rights.

This document should only be seen as an overview because it is simply impossible to go into detail in the absence of progress on the nature of society. However, Labour believes that all parties to the discussion must resolutely face hard realities and be prepared to swallow bitter pills.