

35TH Anniversary
1981- 2016



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Chairperson's Foreword *by Professor Louise Mallinder*

2016 has witnessed a number of political events that have the potential to impact negatively on human rights in the coming months and years, here in Northern Ireland, as well as nationally and internationally. Of the greatest relevance to Northern Ireland is, of course, the result of the June 2016 Brexit referendum, in which a very slim majority of those voting across the United Kingdom (UK) opted to support Britain leaving the European Union (EU). The majority of voters in Northern Ireland and Scotland choose to remain in the EU.

From a legal perspective, the referendum result had no immediate impacts on rights protections. However, the result is widely viewed as reflecting deep inequalities in British society along economic, social and educational lines. Furthermore, the campaign and policy debates since, have seemingly emboldened those who wish to use concerns about immigration as cover for racist and xenophobic discourse. In the 22 weeks since the vote, virtually no clarity has emerged regarding the UK Government's negotiating strategy and the possible implications for human rights. However, when Brexit is viewed alongside the long-standing opposition to the Human Rights Act among some in the Conservative Party, it seems likely that the UK is entering a period in which human rights will come under sustained attack.

The UK's political trajectory seems to be part of a broader shift to the right across Europe and the United States. However, it poses particular risks for post-conflict Northern Ireland as the success of the peace process is founded upon adherence to human rights and equality commitments; negative economic consequences of exiting the European Union are likely to be keenly felt in Northern Ireland, which already has one of the highest poverty rates in northern Europe; and changes in the regulation of the border between the north and south of the island are likely to result in adverse economic, social and political consequences. This context makes the work of organisations like CAJ in advocating for human rights and in scrutinising and where appropriate challenging policy proposals all the more important.

Over the past year, CAJ has continued to address these new challenges by leading debates on the implications of Brexit for human rights in Northern Ireland. This has included hosting a major conference on the human rights and equality implications of the referendum in September 2016. CAJ also participated in a judicial review application that argued that the particular circumstances of Northern Ireland, including its peace settlement, should be fully taken into account in the deliberations over Brexit.

Although this case was dismissed by the Northern Ireland High Court, the arguments will be heard by the UK Supreme Court in early December as part of the appeal in the Miller case. CAJ has participated in the All-Island Civic Dialogue and gave evidence to the Oireachtas GFA Implementation Committee.

In addition to working on new challenges, during 2016, CAJ has continued its work on its longstanding concerns. On dealing with the past, CAJ has been campaigning for the implementation of the past-related aspects of the Stormont House Agreement. This has involved a wide range of activities, including working with colleagues from Queen's University Belfast and the Transitional Justice Institute, Ulster University to publish a Model Bill on the dealing with the past proposals in a special issue of Northern Ireland Legal Quarterly and develop a practical solution to the 'national security veto'. This work has also entailed liaising with the UN Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Repetition; and submitting reports to the Council of Europe Committee of Ministers to which UK has to reply, as well as presenting to Ministers' Deputies at Strasbourg.

Following from our successful judicial review in 2015 on Stormont's failure to develop an anti-poverty strategy, this year CAJ has convened a roundtable of experts, held a major conference, and provided research materials to debates at Stormont, with the result that the Democratic Unionist party have now accepted the concept of 'objective need'. We have also published research on the equality implications of 'welfare reform' and held a major conference on 'austerity and inequality – a threat to peace?'

Over the past year, CAJ has also conducted research on various aspects of policing in Northern Ireland, including covert and public order policing and the treatment of persons in police custody. It is notable that several of these projects were undertaken with international partners and the research findings show that in many ways policing reform has been a successful aspect of our peace process, although of course, it is necessary to maintain vigilance to ensure that progress is not undermined.

Overall it has been a busy year. On behalf of the Executive, I would like to thank all our staff and volunteers for their hard work throughout the year. I would also like to extend our good wishes to Emma Patterson-Bennett on the birth of her daughter Blake and to Gemma McKeown on her recent wedding. Congratulations Emma and Gemma!



Introduction

The year 2016 marks the 35th anniversary of CAJ's formation. In the dark days of 1981, a standing committee was formed to keep alight the principles of human rights in the midst of a storm of violence and repression. The dogged determination to focus on human rights standards and hold the state to account stood us in good stead when it came to the peace process. CAJ and many others were successful in ensuring that equality and other human rights were at the centre of the settlement. Our task since then has been to try and make a reality of the construction of a new society based on human rights and the rule of law.

Unfortunately, 2016 has seen the cause of human rights suffer some heavy blows. The Brexit vote, irrespective of the motives of some of those who voted Leave, has been a victory in practice for racism and xenophobia. The election of Donald Trump as President of the United States has been a triumph for "post-fact" populism and the most outrageous prejudices; if his inhuman and divisive ideology becomes embedded in the institutions of state we may have to confront the threat of fascism in the most powerful country in the world. This year too, the Mediterranean has become a killing ground for refugees from war and repression and horrors are being perpetrated on civilians in Syria and in many other countries throughout the world.

In these circumstances, when we can see human rights being abused and violated throughout the world, it would be easy to dismiss the whole rights project as at best an irrelevance or at worst a distraction from "real" politics. In fact we would argue that promoting human rights is essential, not as a matter of faith, but as a practical course of effective action.

Human rights standards are a guide both to the kind of society we need and also to the elements that are necessary to achieve it. Human rights are not a replacement for politics and programmatic action across a multiplicity of areas, but they are an indispensable benchmark. No political programme that contravenes or ignores human rights standards will, in the end, achieve the willing and informed allegiance of humanity.

The actual treaties, laws, statements and codifications produced over the years at an international level represent not necessarily the highest imaginable aspirations for humanity but the highest aspirations that are practically and concretely achievable at this stage of history. As such, they are the most appropriate goal and normative framework for an imperfect world.

The most fundamental characteristic of human rights is their universality – they accrue to all people in all circumstances by simple virtue of their humanity. That outstanding feature gives them their practical strength as well as their moral power.

Human rights are the enemy of racism, xenophobia and all forms of prejudice and discrimination. They are not relativist or contingent but apply to all cultures and all circumstances. They are not comparative – the fact that worse violations occur elsewhere does not excuse any level of violation. In that sense human rights standards oppose and reprove the widespread and cynical exercise of “whataboutery,” and approve the simple morality of “two wrongs don’t make a right.” Human rights also apply to “us” as well as “you.” Whatever about charity, human rights begin at home; we dare not criticise the violations of others, however egregious, without condemning the violations that take place on our own patch.

There is therefore no better response to the reverses of this year than a renewed commitment to human rights activism.

Furthermore, if we do renew that commitment in a mood of optimism, our realistic appreciation of the massive violations that are taking place should also help us guard against complacency. Nobody wants to be a doomsayer, but it would be the gravest mistake to underestimate the danger that an emboldened, racist populism may represent to our civilisation. In the Thirties, some people felt that Nazism was an aberration which would pass – it would be safer for the time being to conform rather than resist. Hindsight shows us that was a mistake – let us not make it again.

The rest of this report gives an account of how we have been trying to meet our responsibilities as a human rights organisation over the past year. The work will continue.



Brian Gormally
Director CAJ

Combating Impunity

Introduction

“Impunity” is the term used for a systemic failure to hold people, especially state agents, accountable for human rights violations. It is hugely destructive of the rule of law and erodes faith in the justice system and state institutions in general. The longer it goes on, the more it poisons contemporary society, even when it relates to crimes of the past. A failure to hold a state to account for patterns of past human rights violations, fuels the risk that they will be repeated at home or abroad when similar circumstances arise. This is why impunity is a prime target of human rights activists throughout the world.

The failure by the UK Government to properly investigate many of the deaths and maimings that occurred during the conflict in our view amounts to a maintenance of impunity. 18 years after the Belfast Good Friday Agreement and 15 years after the landmark rulings by the European Court of Human Rights in Northern Ireland cases on the obligation to investigate deaths, there is no proper system to deal with these matters. Last year we published “The Apparatus of Impunity?” – a report which came to the following conclusion:

What can be seen...is how a great number of laws, policies and actions together have the effect of providing impunity for state agents who might have been involved in crimes in the past. It appears that a significant number of individuals – politicians, officials, police officers and others – are working assiduously to conceal records, limit information or disrupt fact-seeking enquiries. Given the evidence, there is no reasonable alternative to the inference of a common purpose.

A UN report in 2005, “Conclusions and Recommendations of the Expert Seminar on Democracy and the Rule of Law,” indicated what should be done:

All States must act within the law and encourage accountability for abuses and wrongdoing. National action plans to combat impunity may be a suitable vehicle for implementing this principle. They should be based on a comprehensive approach, including mutually reinforcing measures, such as judicial accountability, mechanisms of truth and reconciliation, and programmes of reparation. Such plans should be developed in a participatory manner and the views of civil society should be taken into account.

Stormont House Agreement

As we reported last year, the Stormont House Agreement lays out the basis for a mechanism to deal with continuing impunity and to help resolve many of the continuing problems arising out of the past. After the negotiations on implementation broke down last year over the UK Government's insistence on a national security veto on information disclosed to families, work to help resolve the impasse has continued. CAJ has engaged in discussions with the two governments, the US Consul General, political parties and other stakeholders in private and public contexts. Papers have been exchanged and no effort has been spared in exploring options and mechanisms that would satisfy the right to truth and the need to keep people safe. A principle is that disclosure about any human rights violations should be in sufficient detail to allow measures to be put in place to prevent recurrence of the violation.

On several occasions during the year, the UK Government has promised a consultation process on new proposals. No details have been given about the content or even the nature of this consultation – whether, for example, a draft Bill will be produced or just another policy paper. At the time of writing we are still awaiting developments.

In the meantime, a special edition of the Northern Ireland Legal Quarterly published the Model Bill and Explanatory Notes on the implementation of the Stormont House Agreement that we participated in producing, together with some explanatory articles.

Visit of the United Nations Special Rapporteur on Truth, Pablo de Greiff

Following his visit to the UK, including Northern Ireland, in November last year and his very helpful initial report, we have kept in frequent touch with Mr de Greiff's staff. His final report was promulgated on 18th November this year. It contains some useful recommendations on the architecture of the SHA, the need for independence of all the mechanisms and the need for coordination between them. It also addresses resourcing issues and the need to limit the scope of national security.



Left to Right:

Daniel Holder CAJ, Pablo's staff member, Julia Raue Pablo's staff member, Rory O'Connell TJI, Dessie Donnelly PPR, Catherine O'Rourke TJI, Brian Gormally CAJ, Patricia McKeown UNISON, Pablo de Greiff, Helen Flynn HRC, Paddy Kelly CLC, Karen Sweeny WSN, Chris Quinn NIYF and Susan McCrory Falls Women's Centre

Council of Europe Committee of Ministers and the “McKerr Group of Cases”

This group of Northern Ireland cases were the occasion for groundbreaking jurisprudence by the European Court of Human Rights starting in 2001 which clearly established the obligation on states to properly and independently investigate suspicious deaths. CAJ had carriage of one of these cases and has regularly reported to the Committee of Ministers (responsible for the implementation of Court decisions) of the failure of the UK Government to fulfil its obligations. We made detailed submissions in April and November this year.

Our latest submission addressed the current blockages in relation to implementation of the Stormont House Agreement, inquests and the individual cases still under consideration by the Committee.

CAJ was invited by the Open Society Justice Initiative and the European Implementation Network (monitoring implementation of European Court cases) to provide a briefing to the Committee of Ministers’ representatives on 29 November in Strasbourg in advance of their meeting in December. We have urged them to make a resolution in relation to the failure to implement these 2001-2003 judgments and provide prompt and effective investigative mechanisms into legacy cases. We were also invited to attend an OSJI NGO conference for European litigators on practice and procedure on 1 December and the bi-annual NGO meeting with the European Court on 2 December.

CAJ attended the delivery of the judgment in the *Jordan* (one of the above cases) inquest by Horner J, sitting as a Coroner, on 7 November. The 130 page judgment has provided less than satisfactory after protracted litigation and repeated inquests over 24 years. Given the passage of time Horner J stated that it was impossible to say with any certainty what happened on 25.11.92 when Mr Jordan was shot. He found that the officer who shot Pearse Jordan, Sgt A acted in self defence but that the PSNI failed to provide a satisfactory and convincing explanation for the use of lethal force. Given that this is one of the more recent of the legacy cases, this does not bode well for the delivery of findings and effective investigations in other legacy inquests yet to be heard.

We attended hearings in the *Pat Finucane* case in June and November, which were part of an appeal against dismissal of a judicial review into the failure to properly investigate in the case. Judgement is awaited.

Legacy Inquests

The Lord Chief Justice held an unprecedented meeting with the families affected by legacy inquests and their legal representatives on 12 February. This engagement was warmly received by the families, although a great deal of scepticism about the process remains. The event was also notable for the LCJ's comment that the judiciary was ready to step forward to play its part in any new structure arising out of the implementation of the Stormont House Agreement.

The Lord Chief Justice also outlined at a Victims Commissioner conference the outworkings of the review of legacy inquests led by Mr Justice Weir. The LCJ had put together with the assistance of the Council of Europe a structured resolution process involving a new legacy inquest unit which could complete all outstanding legacy inquests within five years. This garnered broad support, was endorsed by the UN Special Rapporteur, and was only subject to the approval of resources. However, it has now become clear that the bid to the Northern Ireland Office for resources from the Department of Justice was blocked by the First Minister and the Lord Chief Justice's plan remains unimplemented.

We act on behalf of the next of kin of Liam Paul Thompson who was murdered in 1994. Although there have been a number of Preliminary Hearings, this inquest like many others remains stalled as a result of the failure to properly resource the coronial system.

After considering all the context, CAJ issued a formal request to the Equality Commission to initiate a 'breach of equality scheme' investigation into the Executive Office over the decision of the First Minister, under the urgent clearance procedure set out in the ministerial code, to block the funding bid for the legacy inquests unit.

The impugned breaches are two-fold – firstly that we ascertained equality screening had not taken place on the decision and secondly there is the question of a substantive breach of the equality duty (and hence scheme) in the context of statements to the media by the First Minister. These made clear that her decision related to the categories of persons awaiting legacy inquests, (i.e. not 'innocent victims') which in the context of the families being predominantly Catholic/nationalists, raises concerns of indirect discrimination.



Gemma McKeown (centre) at the European Implementation Network and Open Society Justice Initiative briefing in Strasbourg November 2016

“Hooded Men” Case

The judicial review into the PSNI's failure to properly investigate this case has been listed for a four day hearing starting on 14 February 2017. This follows the discovery of previously undisclosed information relating to the UK's knowledge of the use of the 'five techniques' on the 'Hooded Men'. We act for the next of kin of Mr Sean McKenna, one of the men who died prematurely as a result of the treatment he suffered. The application by the Irish Government to reopen Ireland v UK is still under consideration at the European Court of Human Rights.

Walker Report Freedom of Information Request

The 1981 Walker Report is a policy document thought to be the blueprint for RUC special branch during the 1980s. We requested a copy under Freedom of Information legislation. Although the PSNI admitted the document existed and that they had a copy, release has been refused under FOI national security exemptions which are blanket in nature and hence eminently challengeable under the ECHR. We completed an internal review stage of our request which confirmed the refusal to release it. We therefore applied for and obtained support from Public Interest Litigation Support who have allocated counsel for us to take the matter forward, through a complaint to the Information Commissioner in the first instance. We await developments.

Contemporary Accountability

Introduction

At its broadest, the concept of contemporary accountability refers to the “guarantees of non-recurrence” of major human rights violations established following a conflict. It involves many areas of society but with the common aim of establishing a fair and just system in which all people can have trust and confidence. In a narrower sense, the concept refers to the laws, mechanisms and institutions which govern and hold to account the actions of the state, especially those elements entrusted with coercive powers.

The goal of transitional justice, the term used in regions overcoming a past of violent conflict and building a new polity, is a society based on human rights and the rule of law. Progress towards that goal is essential if peace is to be based on confidence by all people in the institutions of state. Arguably, such progress is even more essential in a situation like ours where people with different national aspirations and even allegiances must share the same political and geographical space.

One of the keys to contemporary accountability is policing. Police are a key part of upholding some of the state’s key obligations – the responsibility to prevent crime and bring perpetrators to justice. Effective policing requires confidence of all the people, which in turn requires policing which is fair, impartial and treats all people with dignity; in other words human rights compliant policing.

The alternative severely damages the rule of law – if those tasked with upholding the rule of law (and given the legal monopoly of the use of force to do it) commit crimes then the basis of the rule of law is undermined and universal confidence in policing and all state institutions is destroyed. If we cannot trust those who are meant to protect us, who can we trust? Demonstrating the universal and impartial operation of the rule of law is a prerequisite for achieving widespread trust in the institutions of state and without that conflict can re-emerge.

CAJ believes that huge progress has been made towards policing that is fully human rights compliant and we are pleased to be able to broadcast this as one of the major gains of our peace process. That does not mean that everything in the garden is always rosy and we are sharply critical when we believe something is going wrong. Inevitably, much of our effort is focused on these aspects, but this year we have also used positive experiences here as the basis of contributions internationally.

Covert Policing

We have a long standing concern over the use of CHIS (Covert Human Intelligence Sources) by the PSNI, but more particularly, by MI5 the Security Service. The latter have primacy in 'national security intelligence' work and are not accountable to any of the local policing bodies. We met with Lord Carlile, the Independent Reviewer for National Security Arrangements (primarily the MI5-PSNI interface) for the first time in what turned out to be his last year in the non-statutory review post. There was a robust exchange of views in relation to accountability over MI5 operations. He did state that MI5 did operate ethical /legal guidelines on covert policing handling beyond RIPA. We also met his successor, Mr Justice Brian Barker and briefed him extensively on our take on the issues.

We published the report of our covert policing conference on our website under the title 'Covert Policing and Ensuring Accountability: Ten Years on from the Cory Collusion Inquiry Reports, where now?' We have also engaged with activists working on covert police activities in Hungary, Germany, Austria, Spain and England. We continue to monitor the progress of the Pickford Public Inquiry into the activities of undercover police officers in the London Metropolitan Police Special Demonstration Squad. Our long term aim is to contribute to the development of international guidelines on covert policing but resource limitations have not so far permitted this.

We spoke at a conference in Humboldt University Berlin in January 2016 on the subject of informant led collusion in Northern Ireland. This event centred around informant handling and institutional racism in the context of the NSU cases in Germany with a range of local and international speakers. We have now contributed a chapter to a forthcoming publication on the back of the conference.

MI5 attack on the judiciary

The Belfast Telegraph ran a three day series of Inside MI5 articles in August citing the view of the agency, which amounted to an attack on the judiciary in Northern Ireland, 'warning' judges they were making the wrong decisions over bail in 'terrorist' cases and putting the public in danger. We wrote to the Secretary of State to raise concerns about this attack on judicial independence and the principle of the separation of powers asking for a rebuke of MI5. He responded in September but the brief diplomatic letter made no real effort to defend MI5's actions.

Public Order Policing

The launch of “How Public Order Policing Works in Northern Ireland: Standards and Accountability,” took place on 9 March in the UNISON offices, Belfast. The turn-out was fair, with several senior police officers and other experts present, and the discussion was useful. However, none of the marching Orders or concerned residents groups turned up and there is still a job to be done in disseminating this report.

We attended a convening of civil society groups in Montreal hosted by the Canadian Civil Liberties Association with Open Society funding and featuring a broad range of counterpart human rights NGOs from numerous locations including, Hungary, Brazil, the US, Argentina (CELS), Israel (B'Tselem, ACRI), Mexico (FUNDAR), the US (ACLU) etc, South Africa, the OMEGA foundation and a number of Open Society representatives. The focus was on the right to protest. Our main input focused on: the conduct of informants/undercover officers in relation to infiltration of groups (to which similar experiences elsewhere were recounted in the context of protest); legitimate restrictions on protests involving racist/sectarian expression; our general experience over the years of reform in relation to public order policing; and experience of using Fol as an accountability tool in the context of protest.

We have subsequently contributed sections of a collective paper to the UN Special Rapporteur on freedom of assembly covering the above matters.

An outworking of this conference is that CAJ has undertaken a contract for the Open Society Justice Initiative to lead scoping work into the right to information from the police in the context of protest. This work is well advanced and will be completed next year.

The National Decision Model



“[It also works] when it is, or might be, political policing. This document can work both ways, people can at least look at it from ways and put together better arguments [about what the police have got wrong and got right].”

Patricia McKeown
Regional Secretary UNISON

Hungarian Helsinki Commission Report

This is a project on how potential ill-treatment of persons by the police is dealt with funded by the Open Society Foundations. With the help of volunteers we developed a report on the Northern Ireland situation to join 'country reports' from England and Wales, France, Czech Republic, Hungary, Bulgaria and others. The Police Ombudsman, the PSNI and the Policing Board Human Rights Advisor all participated fully in the research. Our basic finding was that torture and ill-treatment by the police has been virtually eradicated in Northern Ireland. A summary was published in Just Updates and a short animated video was produced. The project will finally terminate with a conference in Budapest in February 2017 in which we, and two experts who participated in the study, will take part.



The video is available on CAJ's YouTube site

Internment by Remand Research

A piece of work has been commenced to ascertain the truth of the claim that lengthy remands followed by no evidence being presented at trial are being used as a form of internment especially with regard to non-mainstream republicans. Some interviews have been held but the work is at an early stage.

Protecting the Freedom of Expression and Assembly while opposing Racism

Introduction

The freedoms of expression and assembly are closely related and represent one of the basic pillars of a democratic society. These freedoms are frequently amongst the prime targets of authoritarian or populist governments and are routinely denied in many countries across the world. They also have a particular resonance in Northern Ireland given the past of flagrantly discriminatory policing directed at preventing nationalist expression and the present of a marching culture in the unionist community but also in parts of the nationalist community.

Internationally, there is something of a division between those who uphold an unfettered freedom of expression, whatever the discriminatory or intimidatory content, and the other extreme of those who wish to impose, for example, blasphemy laws or the banning of any “offensive” content. CAJ takes its stand on upholding the freedoms of expression and assembly but at the same time abiding by international treaties, jurisprudence and soft law which demand the outlawing of racist expression that leads directly to violence or discrimination and legitimate restrictions in the context of competing rights.

However, it cannot be denied that this is an area where legal certainty has by no means been absolute – where to “draw the line” between protected free speech, even when offensive, and prohibited hate speech is not always clear. It is one of CAJ’s priorities to contribute to legal clarity in this area.



Brian Gormally and Daniel Holder monitoring the GB Summit in 2013

Freedom of Expression v Preventing Incitement to Hatred: mapping the threshold

A conference is being planned, together with the Senator George Mitchell Institute at Queen's University, on "drawing the line" between free expression and incitement to hatred, to be held next year. As part of the preparation we have carried out an analysis of Part III of the Public Order (Northern Ireland) Order 1987, which contains the local legislation on this matter.

We engaged with Policing Board members over incitement to hatred incidents over the summer on which the PSNI command team had been questioned. We have arranged a meeting with ACC Martin (lead on hate crimes) to discuss apparent misinterpretations of the legislation in responses to the Board.

We issued and received responses to freedom of information requests on the extent both the PPS and PSNI have internal guidance on interpreting the provisions of the above legislation; neither have any guidance of note.

We attended a European Union end of project conference on hate crimes on the 21-22 Sept in the Belfast Hilton organised by the NI Council for Ethnic Minorities (NICEM). There were over 200 delegates, the vast majority international groups.

SHA Parading – Legislative Options

Paragraph 18 of the Stormont House Agreement 2014, states, in relation to parades: "The Office of Legislative Counsel, working in conjunction with OFMDFM, shall provide a range of options on how the remaining key issues which include the Code of Conduct, criteria and accountability could be addressed in legislation. OFMDFM shall bring forward proposals to the Executive by June 2015." Paragraph 19 outlines further particulars as to what the legislation shall focus on. The 2015 Fresh Start Agreement, in relation to the above, states "Next steps: A discussion paper is currently being prepared for the Executive. The paper will outline options in relation to the model and operation of the regulation of parades and related protests and the key outstanding issues of contention such as code of conduct, criteria and accountability. OFMDFM will bring this paper forward to the Executive."

In the context of no further information being available in relation to this matter we issued an FOI request to the Executive Office. We received a response which stated information would be withheld under "Section 35(1)(a) Formulation and development of Government Policy" exemption. This decision was upheld on internal review.

Protecting Human Rights and the Peace Settlement

Introduction

This area of work was an unplanned addition to our priorities in 2016. Although we regarded the threatened repeal of the Human Rights Act and its replacement with a “British” Bill of Rights of unknown content as a threat both to human rights in general and the Belfast Good Friday Agreement in particular, last year we did not foresee the existential threat of the campaign for Brexit and the Leave vote. One of our fundamental priorities has been to make a reality of the unfulfilled human rights promises and commitments in the Agreement, pushing ever harder for a genuine rights-based society. The campaign and vote for Brexit, together with the increased chances of the repeal of the Human Rights Act, has forced us to defend what we have: a partially completed, partially successful peace process faced with the threats of constitutional uncertainty, if not chaos, and emboldened xenophobia.

Our opinion before and after the vote made clear that there were potential threats to human rights visible during the referendum campaign, which is why we unusually and specifically urged a Remain vote. CAJ would not normally take a position on constitutional arrangements, since different structures can offer equivalent human rights protections. In respect of the European Union itself, we noted back in February that its record on human rights was mixed. However, the context of the actual debate was that a Brexit victory would be led by the xenophobic Right and would lead to a “carnival of reaction.” In the concrete reality of the UK in 2016 a vote to leave, in what primarily transpired to be a plebiscite on migration, was a vote to reduce human rights protections.

While this is not the place to rehearse all the detailed implications of Brexit, it is important to lay out our basic policy positions. After the referendum result we said that:

Those voices leading the Leave campaign majored not on democratic or socio-economic deficits in the EU project but rather on nationalist sentiment, xenophobia and thinly veiled racism. This result will embolden them and place them in the ascendancy.

So the first consequence of the vote has been the normalisation of anti-immigrant discourse, a huge boost for racist groups and an increase in racist attacks. From the perspective of human rights, this is perhaps the most dangerous scenario.

Racism is a fundamental enemy of human rights. Human rights are universal, applying to everyone by virtue of their simple humanity – racism is the complete negation of that philosophy. Furthermore, it is insidious – once allowed into the political conversation it becomes the ready and available put-down of any attempt to express human solidarity.

The second area of concern is a retreat from the EU protections of workers' rights, data protection, environmental and anti-discrimination legislation. Exiting the EU would remove a backstop for rights protection, making it easier for current or future governments to erode protections for workers' rights and equality. Thirdly, the withdrawal of EU peace and structural funds and the likely increase in austerity policies will affect many people. The expected ending of peace and structural funds will decimate the voluntary and community sector and remove support from many projects, such as ex-prisoner groups, which are vital for the peace process. Together, these economic pressures will pose a real threat to the social and economic rights of the most disadvantaged.

Fourth is the threat of a "hard" border on the island of Ireland and the threat to the Belfast Good Friday Agreement. A "hard" border would threaten the free movement across the island implicit in the Agreement and, even if the Common Travel Area is protected, could become the site of racial profiling as passports are demanded from those who look "different." The issue of equality of Irish or British citizenship, so central to the Agreement, will be put at threat. Lastly, as we have noted the referendum result may pose an indirect threat to the Human Rights Act, which incorporates the European Convention on Human Rights into UK law. There is a huge range of threats that this prospect makes to human rights protections on everything from the Agreement itself, through policing to dealing with the past.

In this context, we have been doing everything we can to explore the consequences of the Brexit vote and to prepare to fight for human rights protections and the Agreement that brought an end to our conflict as this dangerous process unfolds.



Actions, Speeches and Papers on Brexit

We were asked to speak at a panel on 'The implications of Brexit for fundamental rights protection in the UK' at the London School of Economics on 25 February. We prepared a paper basically arguing that, while the EU contribution on human rights was mixed, the context of the actual debate was that a Brexit victory would be led by the xenophobic Right and would lead to a "carnival of reaction." This paper was then amended to form written evidence to the Commons NI Affairs Committee for their inquiry into Brexit. We also submitted written evidence to the Committee's inquiry into the implications for the Common Travel Area.

We spoke at the Human Rights Consortium conference on human rights and Brexit on 24 May. We also participated in a delegation to Brussels hosted by Martina Anderson MEP which launched a report on the issue by Doughty Chambers and KRW Law. In the week before the Referendum, we published a statement drawing attention to the xenophobic nature of the Leave campaign and the consequences of a Leave vote for human rights. Immediately after the result, we issued another statement warning of the dangerous situation that was now arising.

In July we developed another paper drawing attention to the associated threat of repeal of the Human Rights Act, the legitimisation of anti-immigrant

racism, the threat of a "hard" border in Ireland, a retreat from the protections of EU workers' rights, data protection, environmental and anti-discrimination legislation and the withdrawal of EU peace and structural funds and the likely increase in austerity policies.

A further series of papers and blogs on the threats to citizenship equality here and the Common Travel Area were produced. A special edition of Just News was published focussing on the consequences of Brexit. On 26 July CAJ held a successful roundtable discussion under the Chatham House rule which brought together many of the significant sectors affected by Brexit and human rights. A common plan of action was agreed.

We attended the National Civic Dialogue event on 2 November in Dublin. Around 300 delegates attended with a significant representation from the North, including the Ulster Farmers Union and the Alliance Party. We spoke from the floor on the human rights implications of Brexit. A further plenary meeting will be held in the New Year and various sectoral meetings, including one on "Child protection and rights," will be held.

We were invited to give evidence at the Joint Oireachtas Committee on the Implementation of the Good Friday Agreement on 17 November on the human rights implications of Brexit. We were the only witness in a full session of over an hour. The presentation was very well received.

Discussion Seminar on the Human Rights and Equality Implications of the EU Referendum

We held, in partnership with Ulster University and the Transitional Justice Institute and in association with the Equality Coalition, this major seminar in the MAC on the 27 September 2016. The event was originally scheduled for UU Belfast Campus but moved due to oversubscription. The list of speakers was as below and the series of expert papers has now been published online on our website:

- Agenda and Introduction
Louise Mallinder, TJI, Ulster University/ Chair CAJ and Daniel Holder, Deputy Director CAJ/Co-Convener Equality Coalition
- Paper by Fionnuala Ni Aolain
“Brexit: Implications of International Treaty Law Obligations and Customary International Law”
- Speech by Colin Harvey, QUB School of Law
“Reflections on Human Rights and Citizenship in a Changing Constitutional Context”
- Paper by Paul MacFlynn, Nevin Economic Research Institute, (NERI)
“Economic implications of BREXIT”
- Paper by Patricia McKeown, UNISON/Co-Convener Equality Coalition and member EU European Economic and Social Committee
“Implications for Equality and Socioeconomic Rights in Northern Ireland following a UK exit from the EU – a trade union perspective”
- Paper by Rory O’Connell, Director TJI
“The Political Constitution ten years from now – dodo or phoenix?”
- Speech by Claire Archbold, Deputy Departmental Solicitor, Departmental Solicitor’s Office
“Brexit - the task ahead for Northern Ireland”?
- Paper by Ciaran White, Law School, Ulster University
“Brexit and NI Employment Law – a proposal for an NI-specific framework to defend workers’ EU rights?”
- Closing Remarks Brian Gormally, CAJ

Brexit Litigation

At an informal meeting of interested people including CAJ on 7 July it was decided to launch a legal action about the process of Brexit designed to ensure that human rights and the particular position of Northern Ireland, and especially the peace agreement, were properly taken into account in the Brexit process. In the subsequent days, representatives of political parties, some prominent individuals, CAJ and the Human Rights Consortium became applicants in a judicial review.

The judicial review to the Northern Ireland High Court concerned the intention of the UK Government to give effect to the exit from the European Union through the use of the Royal Prerogative. An individual applicant, Raymond McCord also sought a judicial review on grounds which partly overlapped our case. The Court decided to roll the two cases together and to “stay” those grounds which were the subject of an application to the High Court in England and deal only with those aspects that related particularly to Northern Ireland.

Our application argued that the prerogative was not available to trigger an exit from the EU because EU law had been given effect through the Northern Ireland Act 1998 and other provisions and thus required legislation to amend its effect; that in that case a Legislative Consent Motion in the NI Assembly would also be required; that if the prerogative use was lawful there were a number of common law restraints upon its use and that any advice given by the Northern Ireland Office on this matter was a policy which would have to be subject to equality screening under Section 75 of the NI Act 1998. The McCord case additionally argued that the consent of the people of Northern Ireland would be necessary to the change in the region’s constitutional position which the withdrawal from the EU would occasion. Judgement was given on 28th October and, in what we would regard as a very conservative reading of the law, Mr Justice Maguire dismissed all the grounds in the applications and, in addition, refused leave for the judicial review on the McCord argument.

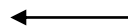
Meanwhile, the case of Miller and others had been argued in London and judgement was given on 3rd November. Three judges, including the Lord Chief Justice and the Master of the Rolls, very strongly supported the applicants in their contention that the prerogative could not be used to trigger the withdrawal from the EU. In that case the government lawyers conceded that triggering Article 50 of the Treaty on European Union (the mechanism for withdrawal) “will have profound consequences in terms of changing domestic law in each of the jurisdictions of the United Kingdom;” (they made no such concession in the Northern Ireland cases). On that basis the judges applied the ancient principle (going back at least to the Case of Proclamations in 1610) that the Royal Prerogative could not be used to change common or statute law.

The present situation is that the government has appealed the Miller case to the UK Supreme Court and it is understood the appeal will be heard on 5-8 December by eleven judges. The applicants in our case wish the Northern Ireland arguments to be heard by the Supreme Court and the Scottish and Welsh governments will also be intervening in the case. At the hearing on 8th November, the Attorney General for Northern Ireland, Mr John Larkin gave notice to the court that he was referring the “devolution issues,” which include most of the points argued in our application, directly to the Supreme Court as he has power to do. These issues are now before the Supreme Court as part of the December hearing and our lawyers will be able to argue the points. The McCord case was also referred to the Supreme Court by the NI Appeal Court.

Judgement in these cases is expected in the New Year.



*Left to right:
Rory O’Connell TJI,
Ciaran White Ulster Uni,
Brian Gormally CAJ (Chair)
and Claire Archbold
Departmental Solicitors Office*



*Left to right:
Anne Speed UNISON,
Colin Harvey QUB,
Anne Smith Ulster Uni (Chair)
and Paul MacFlynn NERI*



Photos from the discussion seminar on the human rights and equality implications of the EU referendum, September 2016

Promoting Equality

Introduction

Equality is a basic human right and in many ways can be seen as underpinning all others. For convenience we often use the phrase “human rights and equality,” but such is the concept’s fundamental character that we should say “human rights including equality” or perhaps “equality and all other human rights.” Why? Because the essence of human rights is that they are universal and apply to everyone by virtue of their simple humanity. Any breach of the equality principle therefore undermines the moral or normative basis of all human rights. Discrimination is an assault on human dignity and sense of belonging and self-worth; but it is also a breach of the very universality which is the basic characteristic of “human” rights.

Equality is also the basis of good relations between different groups. Good relations can only be built on respect and non-discrimination in a society that everyone agrees is basically fair. To take the contrary position and promote good relations on the basis of the toleration of inequality is to simply argue for an acceptance of discrimination and possible repression. In a divided society this understanding of the overwhelming importance and primary position of equality is even more important. All these are reasons why CAJ takes equality very seriously indeed.

We also need to recognise that equality in practice requires the distribution of social goods based on the concept of objective need. There are many different kinds of objective need, but when used as determinants of social policy they should be widely recognised and, ultimately based on well-established social, economic, cultural or environmental rights. New categories, specially designed to favour one group or another, should not be arbitrarily invented. Objective need must also be measured by neutral criteria which have nothing to do with the distinctive characteristics of any arbitrary grouping. We need a shared society, not a shared out society.

We suggest that if the SHA/Fresh Start is to be successful in stabilising the political institutions and ‘completing’ the peace process, the approach to public spending and austerity outlined in the SHA financial annex needs to be significantly revised in terms of the goals and gains of the GFA, as at present it is likely to be self-defeating.

Dr Robbie McVeigh and Prof Christine Bell
March 2016



Equality
Coalition

A Fresh Start for Equality?
The Equality Impacts of the Stormont
House Agreement on the
'Two Main Communities'
—
An Action Research Intervention

Professor Christine Bell
and
Dr Robbie McVeigh
An Dúichán

Anti- Poverty Strategy

Following our successful judicial review last year, which found that the Northern Ireland Executive was acting unlawfully in not having an anti-poverty strategy based on objective need, we have been trying to progress the issue during this year. We organised a roundtable on 19 February with interested stakeholders and academics on how to make progress, in the absence of any sign that the Executive was actually implementing the court decision. It was decided that a set of principles should be developed in order to have a shared common platform on anti poverty much like the race equality common platform and that a large publicly open seminar be organised on the topic.

This was taken forward in the form of a conference organised by the Child Poverty Alliance and NI Anti-Poverty Network held at UNISON in April at which CAJ gave the principle speech. This was followed by inputs from six academics most of whom had attended our own roundtable discussion event. The Chief Commissioner of the Equality Commission, a human rights commissioner and the Children's Commissioner also addressed the event. A set of principles for the anti-poverty strategy were agreed and will be included in the forthcoming conference report.

We raised the anti-poverty strategy in our submission to the draft Programme for Government (see below) which included the above principles as an appendix. The first minister had committed, in response to an Assembly question, to reference the anti-poverty strategy in the Programme. In fact it is not explicitly referenced in the Framework document, which refers to a 'social strategy'. An assembly question on the 13 June clarified that the anti-poverty strategy will now be taken forward by the Department of Communities and will be one of a number of strategies which will form part of the Executive's new 'social strategy' which will run parallel to and be linked to the economic strategy.

On 21 November 2016, the new Opposition in the Assembly (The Ulster Unionist Party and the SDLP) used part of their time to have a debate on the strategy and held a civil society consultative roundtable before it. The motion used language from the court judgement to describe the nature of the strategy required and the concept of objective need. In the event, a DUP amendment, which removed much of the substance of the motion, was passed, supported by Sinn Fein. Notably, however, the amendment did contain the term "objective need" and, while there may be future attempts to define it in arbitrary ways, this can be seen as an advance.

International Covenant on Economic, Social and Cultural Rights

Following on from our list of issues that we put forward in October 2015, we submitted a shadow report to the UN for the June examination of the International Covenant on Economic, Social and Cultural Rights. We also assisted the Human Rights Consortium in statistical research which informed their submission. The CAJ submission covered:

- Welfare 'Reform' and Northern Ireland (Art. 3, 6, 9, 11, 12)
- Austerity and Northern Ireland (Art. 3, 6, 9, 11, 12)
- The anti-poverty strategy for Northern Ireland (Art. 3, 6, 9, 11, 12)
- The Equality Commission investigation into NI housing policy (Art 11)
- Women's inequality in Northern Ireland (Art. 3, 10)
- Rights Protections in the Northern Ireland peace agreements (Art. 1, 2)
- Bill of Rights for Northern Ireland
- Proposed repeal of the Human Rights Act
- Irish language legislation
- Abortion legislation in Northern Ireland (Art. 12)

Framework Convention for National Minorities

CAJ met with a delegation from the Council of Europe Advisory Committee on the Framework Convention for National Minorities on their upcoming report on the UK, we also made a written submission which focused on a number of issues including minority rights and vetoes in the Northern Ireland settlement, defining sectarianism in law and baseline data, incitement to hatred legislation in Northern Ireland and Irish-English Bilingual Signage.

Local Government Reform

We continued to work during the year on the ‘call in’ mechanism for local government, which was intended to protect minority rights. The ‘Call In’ mechanism provides for key decisions, when the decision has been ‘called in’ by 15% of representatives, to be reconsidered and only approved if passed by a ‘qualified majority’ of 80% of voting municipal representatives. Unlike the Petition of Concern in the Assembly, the primary legislation does set out criteria, namely that the decision in question would ‘disproportionately affect adversely a section of inhabitants’ of the local government district. Whilst decision-making was to be informed by a legal opinion this terminology neither draws on recognised concepts nor is further elaborated on in the legislation and was subject to criticism by CAJ and the local government Committee of the NI Assembly for lacking legal certainty. The Minister does have power to introduce secondary legislation on the matter. The first draft of such legislation was rejected via a DUP petition of concern in the Assembly. Essentially the legislation still lacked legal certainty and a qualified majority still would have been required regardless of the merit of the call in.

The secondary legislation was redrafted and presented to the Assembly as the Local Government (Standing Orders) Regulations (Northern Ireland) 2016. These regulations tied the ‘call in’ to circumstances where a legal opinion indicates a risk the decision is, among other matters, incompatible with the ECHR or the Council’s equality scheme. Whilst this position was supported by all other parties (SF, UUP, SDLP & Alliance), it was not supported by the DUP who tabled a Petition of Concern to prevent it becoming law. The DUP articulated that their position was in particular based on opposition to equality duties being part of the call in consideration, instead expressing a preference for the concept of ‘disproportionately adversely affected’ being maintained.

Irish language in Local Councils Research

We were contracted by Conradh Na Gaeilge to undertake joint research into whether the levels of provision for the Irish language complied with human rights standards set out in the European Charter and other instruments. This research is nearing completion. In short three councils have relatively advanced policies and provision, several others have some provision and the rest of councils do nothing.

International Convention on the Elimination of Racial Discrimination Hearing on the UK

Although unable through lack of resources to attend in person, we submitted a detailed report which covered the following issues: implications of Brexit and the danger of racial profiling on a new border, paramilitary racist violence and intimidation, the inadequacy of incitement to hatred legislation and the definition of sectarianism. Many of these issues were dealt with in the concluding observations, including some strong words from the Committee on the BREXIT referendum. We published a summary of the concluding observations on our website.

Draft Programme for Government Framework

Following the election the new Executive put out the above Framework for consultation. It consisted of an outcomes based framework with corresponding indicators, to measure the future Programme itself. We made a submission to this consultation, which examined the outcomes framework and highlighted a number of core actions for inclusion in the Programme.



The Equality Coalition is a network of some 80 civil society organisations interested in equality which is co-convened by CAJ and the trade union UNISON. The Equality Coalition holds monthly meetings of members and has quarterly consultative meetings with the Equality Commission. This year it had two main strategic areas for action, first, continuing to press for the effective use and enforcement of the Section 75 (of the Northern Ireland Act 1998) equality duties and, second, collective action in the areas of welfare reform and austerity, strategic equality programmes, monitoring new government departments and initiatives to tackle prejudice. Much of CAJ's work on equality is carried out through the Equality Coalition.

Stormont House Agreement Equalities Research Launch

The Equality Coalition launched the research that Dr Robbie McVeigh and Prof Christine Bell had produced on inequality implications of the SHA and Fresh Start Implementation Plan on 15 March 2016 at the DFA premises in Belfast (the DFA Anti-Sectarianism fund had supported the research). This event was well attended and there was a lot of discussion around the findings. The Equality Coalition will continue to use this data when lobbying Government departments.

Section 75 Enforcement Research

We began research, in collaboration with other Equality Coalition members into the use of enforcement powers over the Section 75 equality duty. The background to this has been increasing patterns of flouting of the duties by public authorities, particularly in the context of cuts, and limited use of the Equality Commissions enforcement powers to enforce the duties. The Terms of Reference of the research are: “To overview the application and impact of enforcement powers over the ‘section 75’ statutory equality duties, and to make recommendations to improve effectiveness.”

Programme for Government Framework

The Equality Coalition submitted an equality screening review request in relation to the framework and then subsequently, when there were significant outstanding matters, a breach of schemes complaint. This complaint received a response in November resolving some issues but not others – including the lack of screening of the Fresh Start agreement – (whose implementation is committed to in the PfG framework document).

CAJ and the Equality Coalition have had a degree of success using the Review of Screening decisions and complaints mechanisms within equality schemes, including in areas of fuel poverty and childcare provision.

Bedroom Tax

The Equality Coalition has triggered a Screening Decision Review request against the Department for Communities in relation to the decision to legislate for bedroom tax (which is temporarily mitigated by the NI Executive for three years further to the Fresh Start Agreement and Eileen Everson report). This review request was, in summary, on the following three grounds:

- The screening decision only effectively covers the period for which the Bedroom Tax is mitigated (2017-2020) and not beyond, and on this basis concludes ‘no impacts’ despite identifying impacts on the categories of gender and age;
- The screening decision, like its counterpart on the Welfare Reform Bill, avoids consideration of four of the nine equality categories (religion, Political opinion, racial group and sexual orientation) arguing there is no data on them – however there is significant data available on all four categories we provide.
- The screening decision somewhat bizarrely concludes that the Bedroom Tax would be good for good relations as it would force people to move house and hence mix more with others.

Council Equality Schemes Approval

It came to light at the beginning of the summer that the Equality Commission had continued to hold up the approval of the equality schemes of three councils who had followed our, and not their advice on how to deal with “good relations” in schemes.

The Equality Coalition Co-Conveners wrote to the ECNI in July setting out concerns; a rather defensive response was received from the ECNI stating we had misrepresented the position and that the issue of whether schemes contained good relations impact assessments was not that holding up approval.

As a consequence we obtained all correspondence, informal advice etc between the Councils and ECNI on the matter under Freedom of Information; this demonstrated that our original assertion had been correct.

In August the co-conveners again sent lengthy correspondence to the ECNI detailing the same and asking for clarification of their current position. We continue to monitor the situation.

International Solidarity

Introduction

CAJ has always based its policy stance on international human rights standards. These are contained in global and regional treaties and conventions (known as “hard law”) and in a plethora of standards, treaty body comments, committee of experts commentaries, reports by UN Special Rapporteurs and so on (known as “soft law”). International standards are usually regarded as minimum standards and “soft law” standards can only be treated as advisory. However, all of these documents are the product of international consultation and negotiation and represent the best consensus that those concerned about human rights globally can achieve. They are therefore as authoritative as any international formulations can be in an imperfect world.

One of the truly important products from adhering to international standards is that it counters the usual refrain, especially in conflict and post-conflict societies, which says that human rights advocates are supporters of enemies of the state. We have suffered from that in Northern Ireland and many activists still do – if you criticise the state you must be on the side of those who try to subvert it. By sticking to international standards we assert a global norm which transcends the particularities of any given society.

CAJ has also sought international solidarity throughout its history, but particularly during the conflict and peace negotiations. We have also, as far as we have been able, tried to give solidarity to our brothers and sisters throughout the world striving for human rights. We were a “corresponding” member of the International Federation of Human Rights (FIDH) for many years and this year became a full “affiliate” member.

In relation to our own situation, there is a view in some quarters, including in human rights circles, that the significance of human rights in Northern Ireland is declining. It is admitted that the human rights agenda is not complete, but it never can be as there is always the possibility of more protection. There are still issues left over from the conflict, but in general the situation is becoming more “normal” and mundane, “peacetime” concerns are coming to the fore. There may even be an implication that some of us are over-hyping the continuing impact of the conflict and scaremongering about the possibility of conflict being re-ignited if our prescriptions are not followed.

The alternative view, which we would argue, is that human rights work in and about Northern Ireland is still of global significance. Here let us just make three points. First, certain human rights issues of high strategic importance are still very much alive domestically. These include accountability for covert, “national security” policing, the whole area of policing a “terrorist” (dissident) threat and the particular significance of public order policing. Second, the continuing failure to deal with the past involves the maintenance of an apparatus and culture of impunity and a failure to prevent recurrence by a major Western state. Third, the positive lessons from Northern Ireland’s use of human rights in peacebuilding and the creation of a new society are largely unlearnt if we look at the global situation.

For all these reasons, we have decided to formalise international solidarity as one of our basic purposes and establish an International Committee of our Executive to help progress the work. We have no new resources for this work and our main priorities will remain, as ever, activism on the ground in our home region. Nonetheless, we have a responsibility to offer solidarity where we can and make our voice heard on global human rights issues; this includes a watching brief on the risk that undesirable past security policies operated in Northern Ireland are exported.



Daniel Holder with delegates at conference in the
Georgian capital Tbilisi
February 2016

Independent Investigative Mechanisms Conference, Tbilisi

On 22-23 February 2016 CAJ participated in a major conference in the Georgian capital Tbilisi entitled “Independent Investigation: International Perspectives and a Model for Georgia”. The Conference was organised by the Open Society Georgia Foundation (who funded our participation) and saw high level participation from government, the heads of criminal justice institutions, the Ombudsman and civil society representatives from Georgia and neighbouring countries.

Colombian Peace Process

We hosted and briefed a visiting delegation of human rights defenders from Colombia, as part of a project CAFOD, Caritas Colombia and ABColombia project which was organised by Trócaire with the involvement of Christian aid and Oxfam. We briefed them on the issues of institutional reform and impunity in the NI peace process. One of Colombia’s best known broadcast journalists also visited CAJ as part of a visit organised through the Foreign and Commonwealth Office leadership programme. We briefed her largely on the issue of impunity and collusion, comparing the NI and Colombian contexts.

In light of the narrow referendum defeat for the FARC-Colombia peace accord we drafted and sent a letter of solidarity to civil society groups in Colombia to coincide with President Santos’ visit to Belfast in November. The open letter contained reflections on the NI process and the many obstacles in its course and also dealt with the issue of transitional justice in a post conflict context. FIDH and Amnesty International had supported the peace settlement while Human Rights Watch took a controversial line of opposing provisions in the accord.

The letter was sent to civil society groups in Colombia who we have met with in recent years, as well as being sent via the FIDH and Trócaire’s networks. A copy of the letter was also handed to President Santos during his visit by a member of the local Colombian community. The correspondence and its message was also covered in the Colombian media we did a live radio interview with Radio W, Colombia’s main radio station on the ‘breakfast’ news programme the day of the Santos visit. It has now been confirmed that Colombia’s Congress has approved the revised peace treaty.

FIDH Congress

We attended the FIDH Congress in Johannesburg in August. The three-day internal congress followed a two-day international forum on human rights, both events hosted for FIDH by three non-governmental organisations from the region (Zimrights from Zimbabwe, Ditshwanelo from Botswana and Lawyers for Human Rights, South Africa). Under the slogan “Fighting Back for Human Rights”, the 400 participants in the forum shared experiences of the threats to universal human rights from the rise of the security state, increasing surveillance and control of civil society, challenges from groups using religious or moral arguments to promote oppression, and the consequences of an unbalanced and unfair globalisation. The second day explored means by which activists can fight back, including the resourcing of the human rights movement, civil society involvement in shaping development and trade policies, and fighting against corruption and for transparency and freedom of information.

The internal congress, attended by 93 affiliate groups, reviewed the past three years’ activities. In addition to reports from the outgoing president, Iranian human rights activist Karim Lahidji, and the treasurer, there were reports from thematic working groups on migrants’ rights, women’s rights, the right to justice, globalisation, and the death penalty. Under each rubric it was clear that the FIDH had made significant advances, but that each of these topics must remain a priority.

In advance of this Congress, CAJ had applied for full “affiliate” membership. Normally, only one affiliate per state is accredited (the UK member is Liberty). However, where there are exceptional circumstances and where the existing member does not object, Congress can approve a further member. Our application was approved by acclamation. There will now be an expectation that we will play a more active role in the federation.



Kashmiri Delegation

At the end of November we met a delegation from Jammu and Kashmir. With support from the Commonwealth Scholarship Commission in the UK, Conciliation Resources (an international conflict resolution NGO) was hosting six Professional Fellows from the Jammu & Kashmir region for a Fellowship on Human and Community Security. The delegation came from both the Indian and Pakistani sides of the Line of Control and included two police officers and civil society activists. They were particularly interested in police and criminal justice reform.

Reprieve Investigation

The NGO Reprieve has engaged with us in relation to follow up on its investigation and published into the relationship between Invest NI's NICO overseas wing and a number of contracts to provide training to the security services in Bahraini prisons. The UK-based anti-death penalty and anti-torture NGO raises concerns that torture is widespread in these prisons and complains of a lack of transparency in NICO's operations. They have engaged with a number of MLA's on the matter.

Delegation from Bahrain

In February we met a delegation of "Human Rights Commissioners" from Bahrain who were hosted by the Causeway Institute. The Commissioners were part of an official Bahraini institution. We based our discussions on recent reports from FIDH which were highly critical of the violation of human rights in Bahrain and the attempts of official bodies to cover up and confuse the issues. We expressed the experience of Northern Ireland in having to institute thoroughgoing and real reform to end conflict here.

Mexican Delegation

At the beginning of December we hosted a delegation from Mexico led by Causa en Común. Citizens for a Common Cause (Ciudadanos por una Causa en Común A.C.) is a non-profit organisation founded in 2010, which works with the construction of citizenship and the transformation of institutions. The delegation also included several state officials.

Increasing the Effectiveness of CAJ

Collaborative Working

There is hardly a piece of work that CAJ undertakes which is not done in collaboration with colleagues in academia, other NGOs or community groups. However, since coming under the auspices of the Human Rights Fund and sharing our new building with the Human Rights Consortium, Participation and Practice of Rights and Public Interest Litigation Support, we have made particular efforts to coordinate our work with them. We have a Joint Impact Committee, which CAJ is chairing this year, and we are preparing an Action Plan for joint work. This is organised under six broad headings:

1. Promoting Equality
2. International Standards
3. Human Rights Act
4. Programme for Government and Tracking
5. Raising Awareness and Training on Using Human Rights
6. Lessons on Peace-building

Other areas for collaborative planning and action may emerge and the list above does not preclude any other additions or substitutions in response to external events.

Staffing and Finance



Staffing

We have had no changes in staff during the year and all continue to work hard to maintain the quality and quantity of output that has always been CAJ's defining characteristic.

CAJ relies heavily on volunteers for a range of tasks, from court observation to legal research, and would particularly like to thank Athena Bennett, Codi Norred, Ana Coral-Diaz, Rose Perry, Elisabeth Super, Helen Byrne, Christina Verdimane, Ryan McDowell, Jeanette Murtagh, Fiona Cash, Philip Kidd, Peter Graham, Stephen Maginn, Martyn Bunting and Dr Neil Graffin.

Johannes Hilling took over from Basil Singler as our volunteer from the Eirene organisation and we thank both of them for their invaluable work.

Finance

CAJ is grateful for the support it receives from the Human Rights Fund and has actively worked in the past year to assist in encouraging donations to it from individuals and foundations. The Fund is trying to build up to its maximum goal of supporting four organisations over ten years and is currently able to match donations with an equivalent amount from Atlantic Philanthropies.

CAJ also has to raise almost half of its income from other sources such as charitable foundations. We are very grateful for the support of:

- Joseph Rowntree Charitable Trust
- Community Relations Council (Publications Fund)
- UNISON
- Paul Schurgot Foundation
- Open Society Foundations (Research Projects)

Summary Audited Accounts for the year July 2015 to June 2016 are included.

CAJ has been raising funds throughout the 35th anniversary year through Local Giving and wish to thank all those who have made a donation.



The Committee on the Administration of Justice Ltd
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Detailed Income and Expenditure
for the year ended 30 June 2016

Turnover	£ 2016	£ 2015
Community Relations Council (Public Order Policing Guide)	1,164	-
HRT - Atlantic Philanthropies	-	225,254
HRT - Joseph Rowntree Charitable Trust	25,995	46,972
HRT - Human Rights Fund	130,332	-
Service Fees	237	728
Human Rights Partnership	283	-
Paul Schurgot Foundation	-	3,193
Esmee Fairbairn Foundation and Henry Smith Charity	-	9,000
Project partner contributions (inc. Unison)	10,250	1,000
Donations	1,556	1,292
Publications	23	228
Reimbursement of costs	4,170	736
CFNI reimbursements	-	4,110
Conference and Seminar receivable	1,235	-
Income from secondment (HIAI)	10,281	32,152
Legal Fees Income	20,031	45,367
Membership Fees	1,680	1,758
QUB School of Law (Secondment)	22,808	18,163
Other income	3,686	445
	<u>233,731</u>	<u>390,398</u>

Administrative expenses	2016	2015
	£	£
Wages and salaries	(195,488)	(223,636)
Redundancy & severance costs	-	(3,585)
Employer's NI contributions	(17,943)	(21,074)
Staff pension costs	(15,745)	(17,818)
Staff development and education	-	(95)
CAJ training	(250)	(4,610)
Insurance	(4,319)	(3,747)
Equipment leasing	(4,150)	(2,074)
Light and heat	(558)	(3,279)
Cleaning	(603)	(1,005)
Building maintenance	(11,283)	(13,767)
Office materials	(1,179)	(1,717)
Postage, stationery & telecommunications	(9,025)	(7,821)
Publications (including Justnews)	(4,690)	(8,306)
Conferences and seminars	(875)	(1,050)
Computer/I.T. Support	(6,089)	(4,785)
Website and web development	(497)	(411)
Travelling expenses	(3,153)	(3,172)
Legal and professional	(6,167)	(6,048)
Litigation costs	(9,240)	(12,535)
Auditors remuneration	(3,146)	(3,013)
Bank charges	(488)	(578)
Hospitality	(1,519)	(1,112)
Miscellaneous expenses	(454)	(1,227)
Fundraising expenses	(87)	(97)
Volunteer expenses	(3,805)	(4,866)
Affiliations & subscriptions	(427)	(524)
Depreciation of tangible assets	(253)	(231)
	<u>(301,433)</u>	<u>(352,183)</u>
Other interest receivable and similar income	250	316
(Loss)/profit on ordinary activities before taxation	<u>(67,452)</u>	<u>38,531</u>

The Committee on the Administration of Justice Ltd
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Statement of financial position
30 June 2016

		2016		2015	
	Note	£	£	£	£
Fixed assets					
Tangible assets	7	246		499	
		<u> </u>	246	<u> </u>	499
Current assets					
Stocks		-		400	
Debtors	8	46,260		67,252	
Cash at bank and in hand		64,718		98,704	
		<u>110,978</u>		<u>166,356</u>	
Creditors: amounts falling due within one year	9	(15,654)		(3,833)	
Net current assets			95,324		162,523
Total assets less current liabilities			<u>95,570</u>		<u>163,022</u>
Net (liabilities)/assets			<u>95,570</u>		<u>163,022</u>
Capital and reserves					
Profit and loss account			95,570		163,022
Members funds			<u>95,570</u>		<u>163,022</u>

These financial statements have been prepared in accordance with the special provisions of Part 15 of the Companies Act 2006 relating to small companies.

The financial statements were approved by the Board and signed on its behalf by

Cheryl Lawther
Director
Registration number NI 032591

Submissions and Publications

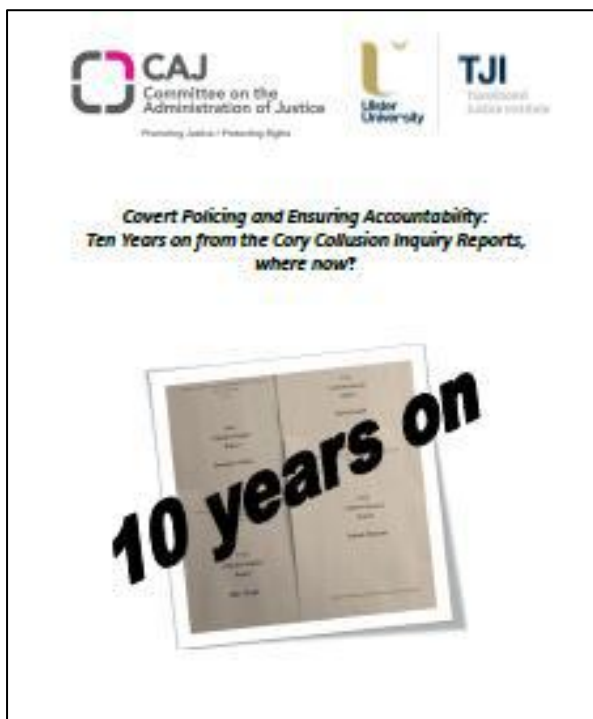
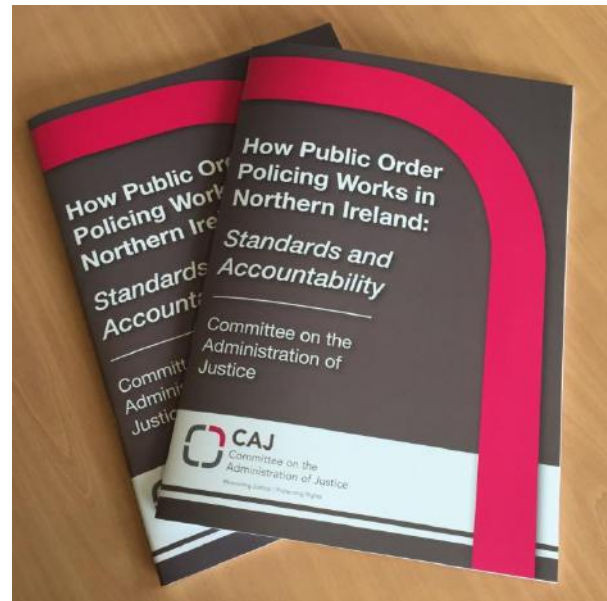


Submissions

- S449 **Written Evidence to the Joint Committee on the Draft Investigatory Powers Bill** December 2015
- S450 **Submission to the United Nations Committee against Torture on the List of Issues for the UK** January 2016
- S451 **Submission to the DCAL consultation on the draft proposed PRONI Statutory Rule The Court Files Privileged Access Rules (Northern Ireland)** February 2016
- S452 **Written Evidence Submitted to the Northern Ireland Affairs Committee from the Committee on the Administration of Justice- Brexit and Human Rights in Northern Ireland** March 2016
- S453 **Submission from the Committee on the Administration of Justice (CAJ) to the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities on the 4th Report of the UK** March 2016
- S454 **Submission to the Committee of Ministers from the Committee on the Administration of Justice (CAJ) in relation to the supervision of the cases concerning the action of the security forces in Northern Ireland** April 2016
- S455 **Submission to the United Nations Human Rights Committee on Economic Social and Cultural Rights (ICESCR) on the UK's 6th Periodic Report** April 2016
- S456 **Submission to Programme for Government Framework (PfG)** June 2016
- S457 **Submission to the UN Committee on the Elimination of All Forms of Racial Discrimination on the 21-23 Periodic Reports of the UK** July 2016
- S458 **Written Evidence to the Northern Ireland Affairs Committee on its inquiry into the 'Future of the land border with the Republic of Ireland'** October 2016
- S459 **Submission to the Committee of Ministers, in relation to the supervision of the cases concerning the action of the security forces in Northern Ireland** October 2016

Publications

No.67 **How Public Order Policing Works in Northern Ireland: Standards and Accountability**
February 2016



No.68 **Covert Policing and Ensuring Accountability: Ten Years on from the Cory Collusion Inquiry Reports, where now?**

Report from conference held on 1st July 2014, May 2016