

Concluding remarks by Brian Gormally, Director of CAJ



Several speakers have talked about the magnitude of the crisis we are facing following the Leave vote in the Referendum and I agree that we are faced with something very big. Brexit has already hit human rights very hard. In lots of ways the fillip given to racism and the allowing of overt xenophobia into the political mainstream have already done damage. We're not just talking about a local or UK phenomenon but also a crisis of often racist populism in Europe. Also if we look at the United States and elsewhere in the world we can see the rise of populism and racism. We are in a global situation that I think is reminiscent of the 1930s. Looking back we always think "Why couldn't people unite against the rise of fascism?" The equivalent question we must face today is that we must unite against the rise of racism.

Racism divides people and human rights are universal and apply to all people simply by virtue of being human. They are therefore polar opposites and from a human rights point of view we are obligated to respond to the rise of racism. When Colin was speaking this morning he contrasted the idea of a passive acceptance of what is happening with the idea of challenge. I agree with his analysis but perhaps another opposition of attitude is between

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being defensive of what we have – what we have we hold – contrasted with the possibility of saying, perhaps we can advance. If Brexit has made us take one step back in terms of human rights, perhaps we should try and take the opportunity to take two steps forward.

But what does that mean? In general, the project must be first to replace the human rights protections that derive from the EU with new forms and mechanisms and second to rebuild the relationships across the island that derived from the common membership of the EU of the UK and Ireland. The peace settlement saw those relationships as based on equal status of Irish and British citizens, on the equivalence of rights protections in both jurisdictions and the freedom of movement to live and work equally in both parts of the island. Some of those basic aspects may be put at risk in the process of Brexit.

So, in practice what does that mean? Amongst other things it might mean trying to fulfil the full potential of the promises and commitments in the Belfast Good Friday Agreement, which still remains a relevant and inspirational document in terms of human rights and equality. Looking at that, the question of a Bill of Rights for Northern Ireland comes to the fore – the peace settlement is still incomplete without the extra human rights protections that the particular circumstances of Northern Ireland demand. The question of a Charter of Rights for the island of Ireland also comes to the fore because in the circumstances of the UK leaving the European Union, whether you are a unionist or a nationalist there is the need for Northern Ireland to assert its interests and its particular needs. In so doing it has to cooperate very closely with the government and civil society in the South because the Agreement itself covers the whole island, it is underpinned by a British-Irish Treaty, we have the all-Ireland bodies and in general our future is tied up with that of our neighbours on the island. In a certain respect, whether you are unionist or nationalist any initiative has to have an all-Ireland aspect because our entire peace process is predicated on having an all-island perspective and reach. And maybe, as was suggested this morning, we may have to have a new British-Irish Agreement to consolidate the achievements of the peace process and hopefully to expand on what is being put into operation.

We have heard that government and lots of people in the children's rights area or the disability rights area or the LGBT sector or whatever it might be are trying to work out what the potential impact of Brexit is on these areas in terms of laws and rights. It seems to me that the job is to come up with a definitive catalogue of the rights protections that are necessary for peace and prosperity on the island. It is not just a question of what is under threat directly but of establishing what we actually need to embed the peace and the relatively democratic, rule of law society that we have.

How do we do that in practice? There has been the suggestion of re-vivifying the Civic Forum or an equivalent bottom-up mechanism and there is no doubt that links across the voluntary and community sectors and with trade unions are important. There is also a need to reach out to those industrial sectors, like agriculture, that might be particularly affected. In any of these areas, the interests of those running business are actually quite similar to some of the most deprived people in terms of not losing basic rights and protections.

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The question still arises of how? We have heard that it's important to coordinate our actions and maintain unity of purpose. But it's hard. Why? Because most organisations are struggling, struggling with finance with human resources, with trying to do too much with too few people. First of all we need to know where we are going and the idea of a common platform – the definitive list of the rights we want to protect and pursue in the interests of safeguarding our society coming out of conflict and out peace settlement would be a very good start. There has also been mention of severely practical things like engagement with the NI Affairs Committee and the Joint Human Rights Committee who are both holding hearings on Brexit, there is the Good Friday Agreement Implementation Committee of the Oireachtas, and, of course there's our constant lobbying relationship with Stormont.

Of course, it would be nice to have the resources to coordinate all that work, but if we can't have that we can at least keep in touch and share what is happening in, for example, the various court cases that are going on. There is also a Dropbox which we set up after a previous meeting which can act as a resource for papers and documents that various people produce. So there is no shortage of practical work for us to do in the coming months and years.

But now, in conclusion, let me go back to what I said earlier. My view is that we are in an important historical period, for good or ill, like the 1930s. There needs to be a gathering round the banner of human rights which have been so much more developed in the 80-odd years since. Human rights are not just a legal construct, as you all know, but give us a direction towards safeguarding peace as well as making a difference to peoples' lives in all the "small places" that Eleanor Roosevelt talked about. So, with that common direction, let's keep in touch and, if we have to take one step back, let's make sure we then take two steps forward.

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