

Annual Report 2019



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Promoting Justice

Protecting Rights



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Chairperson's foreword

By Professor Louise Mallinder



2019 has been an emotional year for the human rights community in Northern Ireland. There were moments of jubilation at the achievement of long overdue progress in the decriminalisation of Northern Ireland's restrictive abortion laws and the legalising of same-sex marriage. However, there was also profound and widespread sadness at the tragic death of Lyra McKee, a journalist and human rights and equality defender who was part of the generation who grew up with the peace process. Lyra's death rightly prompted much reflection on how peace and reconciliation here has stalled and how we need to refocus our efforts in protecting and advancing the promise contained in the 1998 Belfast / Good Friday Agreement and its successors.

As is well known, the 1998 agreement set out a vision for a rights-based future in Northern Ireland, with the enhancement of statutory protections for human rights, the creation of human rights and equality commissions, and a commitment to parity of esteem between unionist and nationalist identities within Northern Ireland. While good progress has been made in some areas, in others there has been roll back and some agreement commitments remain unimplemented. Over the past year, CAJ has placed considerable emphasis on returning to the fundamentals of the agreement and using them as a basis to meet the challenges faced by our society today. This is evident in the Equality Coalition's Manifesto for a Rights Based Return to Power Sharing, which CAJ worked with Coalition partners to articulate and disseminate. CAJ also convened the high profile and well-attended Renaissance of the Peace Process conference in September 2019.

Central to ensuring a rights-based future is preventing a repetition of past violations. To this end, during 2019, CAJ has continued its longstanding work on combatting impunity for Troubles-related offences. This has entailed advocacy at Westminster, Strasbourg and Geneva to call for the implementation of the Stormont House Agreement and confronting proposals to provide legal 'protections' to current and former UK armed forces personnel for the actions during the Troubles. CAJ has also been involved in legacy litigation and has supported journalists and other human rights defenders who have faced harassment for their work on legacy issues.

Finally, CAJ's work related to the peace process has evolved in light of the potential challenges posed by Brexit to the peace process. This has involved CAJ developing new and significant areas of work on citizenship and migration, which are of course pressing global issues, as well as combatting 'hate crimes', which have risen across the UK since the 2016 referendum.

As you read through this report, I have no doubt that like me you will be struck by the breadth, depth and quality of the CAJ's work. On behalf of the Executive, I would like to thank all our staff and volunteers for their hard work. I would like to particularly acknowledge the contributions made by Úna Boyd and Eliza Browning who joined us during the year, the former to coordinate our Immigration Project and the latter to lead our Equality Duty Enforcement Project (EDEP). I would also like to welcome Ursula O'Hare to the Executive and to welcome back Professor Kieran McEvoy who has long been a stalwart supporter of CAJ. In addition, I would very much like to pay tribute to our office manager, Liz McAleer, who has announced that she will retire in Spring 2020. Liz has been with CAJ for almost all of the time the organisation has existed. She has consistently been a bedrock on which we all rely and it will be hard to imagine the organisation without her. Liz, we will all miss you but we wish you a very happy retirement.

Finally, on a personal basis, my term as Chair of CAJ ends in January. Although I plan to remain on the Executive, I just wanted to take this opportunity to say a heartfelt thank you to my colleagues on the Executive and to all the CAJ staff during my tenure for their consistent dedication, professionalism and warmth. It has been a pleasure and privilege to work with you all, and I look forward to continuing to do so in the future.

Introduction

By CAJ Director Brian Gormally

This has been a dispiriting year of disruption and disillusion as the Brexit process has lurched from constitutional breaches to open unlawfulness along a track littered with broken promises and discarded lies. The year is ending with a UK General Election that will decide all of our immediate futures. The result will not be known until the day after this report is published.



After the events of this year, we do not need to persuade anyone that we are in the midst of a many-sided crisis. Each day, news commentators tell us that we are in ‘uncharted territory’. It is unlikely that the result of the General Election will solve all problems. Whatever happens, we can be absolutely sure that political turbulence will persist for the foreseeable future.

That does not have to mean that we sink back into civil unrest and possible political violence. The extraordinary events of the past year have at least dispelled complacency and it is possible that out of the challenges arise new opportunities.

CAJ - and others within civil society - have argued for a ‘back to basics’ return to the human rights and equality core of the peace process. We have called this a ‘renaissance’ of the peace process and it simply means a re-vitalisation of the struggle for a society based on human rights and equality.

Of course, Northern Ireland remains a divided society and the Brexit process has already created new focal points for division between nationalists and unionists, as well as between Brexiteers and Remainers. We will live with these divisions for the foreseeable future, but in spite of them – or perhaps transcending them – we believe there is a progressive majority in Northern Ireland and, indeed, across the whole island, which is for fairness and respect, for human dignity and human rights. This progressive majority votes for different political parties. Its exact composition may vary from issue to issue and it must never be taken for granted. Nonetheless, it exists and our task is to put our trust in it, to encourage and nurture it, and seek to energise it in a renaissance of the peace process.

This is not to try to manufacture a new, organised movement. We should be looking for something more flexible, more diverse, but with a firm backbone of principle. That principle has to be an approach that in each diverse circumstance asks, “What will best increase human rights, dignity and equality?”. When any decision has to be made, the criterion for making it should be the following, “For the people affected, what choice will enhance their rights and dignity and what choice will diminish them?”. The answer will usually be clear, regardless of whether you’re a civil society activist, a politician, a trade unionist, a faith leader, or someone trying to run a farm or a business.

For our part, CAJ will continue to do its best to develop and elaborate policy in our areas of expertise, and to advocate, lobby and litigate for the adoption of this policy. Our priorities are developing, rather than changing and the human rights principle remains clear.

Already, 2020 looks set to be another busy and eventful year for the CAJ team. Please turn overleaf for a summary of some of what we will be aiming to achieve next year.

CAJ priorities for 2020

Next year the CAJ team will...

- 1.** Redouble our efforts to ensure the implementation of the Stormont House Agreement; oppose one-sided impunity for state actors; and press for powers and resourcing for existing mechanisms to deal with the past.
- 2.** Encourage new initiatives to develop a Bill of Rights, as well as new safeguards – we're tired of being told "you'd get more if you asked for less" when it comes to rights. We will work to develop a comprehensive statement of the rights and equality agenda based on the vindication and fulfilment of the GFA.
- 3.** Work for the success of human rights based policing. It is a unique experiment to try to make human rights the guide and touchstone for operational policing. However, we need to remove the poison of dealing with the past from contemporary policing and stop backsliding. Going forwards, there should be no repetition of the outrages of this year, which have included repeated delays in disclosure in legacy cases and the case against the two journalists in the Loughinisland documentary case.
- 4.** Oppose the widespread normalisation of sectarianism; promote the sanctioning of hate expression; and ensure that all public authorities fulfil their responsibilities to combat sectarianism.
- 5.** Work for a rights based and accountable immigration regime, with a custom-built, welcoming system based on free movement on the island of Ireland. A rights based society is for everyone, irrespective of origin.
- 6.** Work to transform equality enforcement from a widely ignored and derided box-ticking exercise into a powerful tool for advancing equality, the observance of rights and transparency.
- 7.** Further develop the Equality Coalition as the main motor of the movement for equality and human rights of all kinds in NI.
- 8.** Base all our work, locally and internationally, on the standards and principles found in international human rights law.



Combating impunity

We live in a society emerging from conflict. This region experienced a thirty-year violent political conflict which devastated our economy and traumatised our people. Recovery from such an experience requires processes designed to deliver truth and justice and guarantees of non-recurrence. The alternative is continuing trauma for victims, impunity for human rights violations, and the toxic effect of unfinished business on the present and future.

Twenty-one years after the peace agreement, we still do not have a system to deliver truth and justice. The practical effect of the patchwork of institutions supposedly dealing with the past still amounts to an 'apparatus of impunity'. CAJ had proposed a comprehensive mechanism to deal with all inadequately investigated cases of death or serious injury. In 2014, the British and Irish governments and the local parties agreed a mechanism in the Stormont House Agreement (SHA). In spite of a consultation on a draft Bill last year, there is still no definite sign of legislation to implement the SHA, five years later. Meanwhile, repeated demands to exempt British soldiers from the rule of law promise more impunity and could result in more elderly victims dying without getting truth or justice.

All this is in the context of judgments previously made by the European Court of Human Rights (ECtHR) insisting the British Government carry out proper investigations into specified cases and establish more general mechanisms. The Council of Europe **Committee of Ministers** is the body charged with overseeing judgments of the Court. CAJ has carriage of one of the cases and we make regular reports to the Committee to which the UK Government is obliged to respond. This year we have been particularly active in lobbying the Ministers' Deputies (permanent representatives) in Strasbourg in person and on the phone. Working with the NGO European Implementation Network, CAJ staff have presented directly to the Ministers' Deputies twice and engaged directly with the Council of Europe institutions. Our 'Rule 9 Submissions' to the Committee are available on the CAJ website.

One of the cases of special interest to the Committee is that of **Pat Finucane**, the human rights solicitor killed in 1989 by agents of the state. In February, thirty years after his murder, the UK Supreme Court held that there had not been an Article 2 (Right to Life) compliant investigation into his killing. Such an investigation must be independent and effective, with the means to identify the perpetrators and bring them to justice. The UK has long promised, but not delivered, a full public inquiry and has delayed in responding to this judgment. The Committee has called on the UK to submit concrete information by 1 December 2019 on how they intend to conduct an Article 2-compliant investigation into Pat Finucane's death in light of the findings of the Supreme Court.

CAJ has been advocating and lobbying all year for the implementation of the aforementioned **Stormont House Agreement**. With our 'Model Bill Group', made up of academic colleagues, we met with the Northern Ireland Office (NIO) in August and September. Also in September, we gave written and oral evidence to the House of Commons' Northern Ireland Affairs Committee (pictured on the right).



As part of this process, we have been challenging proposals for a **military amnesty**. There has been a wide range of mechanisms suggested, ranging from a 'statute of limitations' to a demand to amend the Human Rights Act to prevent it operating in respect of events before 2000. Two specific proposals were added on to the Northern Ireland (Executive Formation) Bill 2019 when it went through Parliament in October. One of these was quite general, but the second involved reversing the peace settlement justice reforms by vesting powers to issue prosecutorial guidance in the hands of the NI Attorney General. We challenged these proposals and wrote to the Attorney General who, although he favours a general amnesty, stated he was not currently preparing such guidance. Our Model Bill Group will take this work forward in the New Year.

In regard to existing mechanisms for dealing with the past, there have been both negative and positive developments this year. There were two big failures related to the way the **PSNI discloses intelligence material to the Police Ombudsman** in historic cases. The most serious, in February, was the 'discovery' by the police that they had failed to disclose a major cache of material on covert policing. This will have the effect of delaying for months (or longer) some of the most sensitive and high-profile cases that the Ombudsman is dealing with. CAJ has carriage of one of the cases and, in an official media statement, said: "We have complained for years that the PSNI was withholding information and delaying disclosure of top secret files in order to cover up the past crimes of RUC Special Branch officers. That this practice is still continuing is deeply shocking and the claim that it is due to 'human error' simply insults our intelligence."

At the end of October, we were notified by the Police Ombudsman that a 'new, enhanced search capability' in digitalised files had meant that the police system was now throwing up new material in response to search entries. This material was being checked, but would lead to new delays. In addition to these two issues, CAJ also has ongoing concerns about the chronic under-funding of the Police Ombudsman's historic work.

It is recognised by the PSNI that its engagement in historic cases is damaging its relations with the community, especially nationalists, in regard to contemporary policing. It supports the SHA solution, and wishes to rid itself of historic cases. However, it is the architect of its own failings in many cases. As well as the continuing problems over disclosure, last year saw the outrageous arrest of two journalists, Barry McCaffery and Trevor Birney. Barry and Trevor worked on an award-winning documentary about the **Loughinisland massacre**, No Stone Unturned, and their arrest related to the alleged theft of a document used in the film. CAJ supported both journalists and made interventions with the international human rights machinery on their behalf. Ultimately, the High Court held that the searches and arrests were unlawful and the PSNI dropped their investigation into the journalists.

In a positive move, it was announced that funding for the Lord Chief Justice's plan to deal with **legacy inquests** had been approved. This followed CAJ highlighting to the Committee of Ministers that the UK government had been in receipt of, but had not acted on, a funding bid for some time. The Presiding Coroner held a hearing in June and in November and issued a listing of inquests to be heard in the coming year.

There have also been developments in the '**Hooded Men**' case, in which CAJ represents the daughter of Sean McKenna. Sean was one of the 14 hooded men and, sadly, later died from the results of the torture inflicted on him and other internees in 1971. In September, the NI Court of Appeal dismissed an appeal by the PSNI against a previous ruling from the High Court that detectives should revisit a decision to end their investigation into those who may have perpetrated or authorised the torture. The court

emphasised that the treatment to which the men were subjected to “would if it occurred today be properly characterised as torture”. They also said that the Chief Constable had created a “legitimate expectation” by promising a criminal investigation, though any investigation by the PSNI would be unlikely “to engender public confidence”. We await PSNI’s proposals on an independent investigation.

Overall, the fight against impunity continues – we need a British government with the will to take forward the implementation of the Stormont House Agreement for otherwise the past will continue to poison the present and future.



Supporters of Barry McCaffrey and Trevor Birney demonstrating outside court in May 2019.



Deputy Director Daniel Holder providing a briefing on behalf of CAJ to the Committee of Ministers.

Contemporary accountability

The state has a monopoly on the use of force and has at its disposal a wide range of coercive powers. It needs them if it is to offer people living within the state protection and to help fulfil its role in the provision of public services. In a rule-of-law polity, however, all such powers must be subject to rigorous accountability; this is a basic characteristic of a rights-based society. One of the major successes of our peace settlement was the introduction of serious mechanisms of accountability, especially in policing, but also in the wider criminal justice system. These mechanisms need continuous monitoring by a vigilant civil society and there are still some glaring gaps.

One important accountability mechanism is the **Northern Ireland Policing Board**, which supervises the activities of the PSNI. In the latter part of the year, we were pleased to see the appointment of John Wadham as the new independent Human Rights Advisor to the Policing Board. This important post had been vacant for some time and CAJ was concerned that the function was not operating. Among other duties, the advisor can inspect covert policing arrangements to assess human rights compliance. They can also make robust recommendations on normal, overt policing. One of the key aims of the role is to increase public confidence in the work being done by the PSNI.

In sharp contrast, **MI5**, the secret Security Service, is operating without oversight in which we have equivalent confidence. MI5 operates covert agents throughout the UK, authorises their involvement in criminality, and has a particularly large presence in Northern Ireland. As we also reported in last year's annual report, we have joined as applicants with Reprieve and Privacy International in the '**Third Direction**' case before the Investigatory Powers Tribunal. This case seeks the disclosure - or quashing of - MI5 guidance that permits and authorises the participation of informants in unspecified criminal offences, which we are concerned could include human rights violations. We became involved in these proceedings in light of our standing and expertise in covert policing matters. The Pat Finucane Centre has also now joined the case.

At the start of the year, a heavily redacted version of the MI5 Guidelines was disclosed. Following this, spring and summer were taken up with exchange of legal documents and a closed hearing (from which our lawyers were excluded). A five-day open hearing was held in November. We await judgment, but in our joint statement after the hearing, we made a number of important points. MI5's policy of authorising criminality was carefully kept entirely secret until almost a year into this litigation. If there are any limits on what crimes may be authorised, those limits are also secret. What we do know is that the effect of the policy is to permit - in secret, without ministerial or statutory authorisation - criminal conduct by both agents and officers of MI5, as the officers are aiding and abetting, counselling and procuring crimes. The UK government's essential case is that there is no formal grant of immunity, so the policy is acceptable. MI5 will make representations on 'the public interest' test - i.e. whether or not there would actually be a prosecution if the police or a prosecutor were ever to consider the actions undertaken - and will argue this does not therefore amount to immunity. That argument is entirely unconvincing because police and prosecutors are not told about the criminality that has been authorised; it is kept strictly secret within MI5. So, for all practical purposes, MI5 can grant themselves immunity, the strength of which depends on MI5's ability to keep a secret, not the judgment of an independent prosecutor as to where the public interest lies. This is an unacceptable situation in general, but particularly in NI where MI5 have primacy in intelligence gathering regarding "national security", which includes dissident republican activity. There is a gap in accountability that could have serious consequences for peace and stability.

On a similar subject, judgment was given in our Freedom of Information case for disclosure of the Terms of Reference of **Operation Helvetic**, which is the current operational name for the British Armed Forces'

residual presence in Northern Ireland. The Ministry of Defence (MoD) had originally declined to release the document. However, in response to a CAJ complaint in July 2018, the Information Commissioner ordered the disclosure of a redacted version of the main Helvetic document. This decision was subsequently appealed by the MOD to the First-tier Tribunal (Information Rights).

The MoD appealed specifically to prevent disclosure of one ‘disputed paragraph’ on the basis of an exemption in the Freedom of Information Act for information that “relates to” MI5 or other intelligence and security agencies. Interestingly, the Ministry of Defence had initially not opposed the release of this disputed paragraph, but changed its position in light of an intervention from the Northern Ireland Office (NIO), who were concerned about the “adverse national security impact” of releasing the information. The NIO Secretary of State is responsible for MI5 operations in Northern Ireland. The Tribunal upheld the appeal. Given the murky history of MI5’s engagement with secret army units, this lack of accountability is deeply disturbing. We continue to argue that the command and control of army units operating domestically should not be kept secret and the role of MI5 should be transparent.

In addition to other activities, we also gave detailed evidence to the **UN Committee Against Torture** (UNCAT) in its session about the United Kingdom and addressed Committee members in Geneva. Our input had a significant impact on the Committee’s Concluding Observations which was particularly strong on legacy of the conflict issues.

We were invited to participate in an expert roundtable in London in June to discuss the discriminatory impact of **counter-terrorism policies**, and the relevant methodologies for exploring them. The meeting was jointly convened by the Open Society Justice Initiative (OSJI) and Amnesty International UK, with the other participants from human rights NGOs, lawyers and academia, drawn from both those with counter-terrorism expertise and anti-discrimination methodological expertise. We also attended the NIHRC organised roundtable on PSNI Policy on Biometric Data Retention in October.

Finally, we met with the newly appointed **Chief Constable**, Simon Byrne. This was a cordial and respectful meeting and we raised a number of pressing issues, including the challenge of Brexit, legacy issues, immigration enforcement, accountability for covert policing, and public order policing.



CAJ travelled to Geneva with other delegates from Northern Ireland to give evidence to the UN Committee Against Torture (UNCAT). We were represented by our Solicitor, Gemma McKeown (who is pictured right in the above photo).

Protecting the freedom of expression and assembly while opposing racism

Freedom of assembly and expression are basic elements of a democratic society. Popular protest and free speech are both goals and means to achieve a society based on civil liberty. However, they are not absolute rights. When used to promote racism - which itself is destructive of human dignity, the basis of human rights - they may be modified. For a number of years, CAJ has been working in this area, especially in pursuit of the goal of de-legitimising sectarianism, a form of racism local to Northern Ireland.

In 2017, the Equality Coalition held a conference with QUB on countering **incitement to hatred**. We published an edited digital version of the proceedings at a well-attended public meeting in October; it has been accessed extensively online. This event was addressed by Judge Desmond Marrinan, who is leading a Department of Justice **review of hate crime legislation**. We argued that the terms of reference for this review should be extended to include online expression - this was agreed by the Department of Justice. We are represented on the Expert Reference Group for the review and have contributed notes on hate expression in the digital space and on the scope of incitement to hatred duties in international standards.

We have been meeting with local councils, politicians and the PSNI during the year about the powers and policies of public authorities to intervene against **hate expression in public space**. This is a sensitive and complex area and we have developed various briefing papers over the period. In the coming year, we will bring this material together in a detailed report. We have also made a number of interventions related to public authorities' duties to remove hate expression from public space. Amongst other matters, we raised the **involvement of paramilitary organisations in racist violence** in a number of forums. The annual report of the Independent Reporting Commission gave a disappointing level of priority to this matter and the involvement of paramilitaries in housing related intimidation.

As part of broader contract work with Open Society Justice Initiative, we worked on a detailed joint OSJI-CAJ submission to the UN Human Rights Committee consultation on **Revised General Comment on Article 21 ICCPR** (Free Assembly). We focused on three areas: the relationship between Article 21 and the right of access to information guaranteed by Article 19; the use of undercover agents and other forms of surveillance in relation to assemblies; and the handling of simultaneous and counter-demonstrations.

Over the year, we have debated the **nature of sectarianism** and how to combat it. We engaged with *Sectarianism in Northern Ireland: A Review*, a new report on the subject authored by Professor Duncan Morrow of Ulster University. We contested the report's weak definition of sectarianism, which overlooks international standards that have recognised sectarianism in NI as a form of racism. We raised concerns that the report had the effect of normalising sectarianism and downplaying the importance of equality. In the autumn, the Equality Coalition commissioned a report from Dr Robbie McVeigh on institutional sectarianism and this will be launched in December (see page 19 for more on this).

We met with a senior representative of Queen's University Belfast on the subject of **academic freedom** following incessant attacks (both on social media and by formal letter) against academics who have particular views on Brexit and/or the constitutional future of Northern Ireland. There seems to be a deliberate attempt to shrink the space for academic debate and intimidate academics who do not share a particular political viewpoint. QUB seems to be aware of the issues involved and indicated that it will protect the academic freedom of its members.



Protecting human rights and the peace settlement



It has been a year of unexampled chaos in British politics. The Brexit process has included parliamentary drama, constitutional fracture, intervention by the courts, unlawful action by the Prime Minister, high stakes negotiations, and, finally, a general election campaign which continues around us. Throughout this chaos, which has been mirrored by new political divisions and deep uncertainty in Northern Ireland, CAJ has lobbied vigorously to expose the threats to peace and human rights and to urge practical solutions. We have established a new project to meet the challenge of a more repressive immigration enforcement regime and we have clung fast to the principles of human rights and equality that underpin our peace settlement. We have called for a ‘renaissance of the peace process’ in order to meet the political, legal and constitutional challenges that lie ahead. More detail on this below.

Over the year, we have campaigned over the threats to human rights protections posed by Brexit but primarily on the failures and shortcomings in the implementation of the peace process that it exposed. We have argued that the referendum vote itself ignored the wishes of the people of this island. We have stressed the incompatibility of the constitutional arrangements flowing from the Belfast/Good Friday Agreement (GFA) with the position that the UK be treated as a unitary entity in the Brexit referendum. We also more recently pressed the UK on its attempt to act incompatibly with the GFA by tailoring a proposed veto over future arrangements to the benefit of one party.

Our focus on the border issues has been on the relatively neglected subject of the movement of people rather than goods. We have consistently stressed the danger of a **hard border** and noted that even a ‘soft’ border would create problems. If the border is seen as ‘porous’, we fear an increase in ‘in country’ **racially discriminatory immigration enforcement**, which could turn the whole of Northern Ireland into ‘one big border’ – the opposite of a rights-based society that the GFA promised. **Equality of British and Irish identity and citizenship** was a basic principle of the agreement. Yet, as things stand, Brexit would cause a basic breach of this principle of equality since after the UK leaves the EU, Irish citizens will remain EU citizens, whereas British citizens will not. It has also become clear that Brexit could make the status of Irish citizens born in Northern Ireland constitutionally and practically insecure. Both issues amount to a new focus of division between the two main communities here. The current Home Office position that all Irish citizens born in the North are “really British,” irrespective of how they self-identify makes a mockery of equal citizenship and identity rights.

The above are the broad themes of our work; we have also gone into forensic detail in many areas. Our activity to promote these positions has included the production of briefings and analyses, working in alliance with colleagues to lobby influencers in the North and in London, Dublin, Brussels and Washington. Across 2019, we produced the following briefings: *Evidence on the Implications of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill for Common Travel Area Rights*; *Written Evidence to the House of Lords EU Justice Sub-Committee Inquiry into Rights after Brexit*; and *What Happened to the ‘Paragraph 52’ Commitments for Irish Citizens to Continue to Exercise EU Rights, Opportunities and Benefits Where Residing in Northern Ireland?*. We also published an analysis in *The Detail* on Brexit’s impact on citizenship law, gave two briefings to the Oireachtas Committee on Justice and Equality, and briefed the Seanad Special Select Committee on the Withdrawal of the UK from the EU.

The **BrexitLawNI** collaboration with academics from the two universities finally concluded at the end of March after a six-month extension. This was a highly successful collaboration with great impact in terms

of policy production, advocacy, lobbying and media work. The resulting reports and BrexitLawNI website (www.brexitlawni.org) remain a resource for those wishing to understand Brexit and its impacts.

We worked closely during the year with civil society colleagues who came together in the Brexit Working Group convened by the Human Rights Consortium. We participated fully in the discussions and actions, and supported the development of an anti-No Deal campaign when that appeared a real possibility. A UK-wide letter was widely distributed with fair media coverage. A campaign in the North, 'No to No Deal', which included a range of civil society organisations, was launched 2 September 2019.

We spoke on Brexit at a wide range of events including, in February, the Brexit and Implications for Irish Citizenship event in Derry and the EU Social and Economic Committee Conference at QUB. In March, we presented at a conference organised by the Centre for Cross-Border Studies, as well as the St Patrick's Symposium on Migration in Armagh. We also spoke at two meetings of Fermanagh and Omagh Council and, finally, the Brexit, Devolution and Civil Society conference held in Belfast in May. CAJ was directly involved in organising two conferences related to Brexit – details of which follow below.

We also worked with a group of academics and NGOs to mobilise decision makers in the USA against Brexit policy that would conflict with the NI peace settlement. Representations were made to Nancy Pelosi, Speaker of the House of Representatives, and published as an open letter, which gained significant media coverage. A delegation went to **Washington** and met a wide range of legislators and opinion-formers.

We worked closely with colleagues in Britain, mainly through the **Brexit Civil Society Alliance**. This met regularly throughout the year - including special roundtables for the representatives of the devolved regions - and organised a number of events. We attended a series of events in London in June. At the end of August, the Brexit Civil Society Alliance facilitated the publication of an open letter on no-deal Brexit, addressed to the new PM. CAJ was a signatory and also contributed to a video version of the letter, which was shared on social media. We spoke at the Labour Irish Society event on 'Brexit and Irish Citizen's Rights', which had over a hundred attendees, including around a dozen MPs and peers such as Lord Dubbs, Stephen Pound MP, the Shadow Secretary of State for NI Tony Lloyd, and John Grogan.

In March we participated in two delegations to **Brussels and Strasbourg**, sponsored by the European United Left/Nordic Green Left (GUE-NGL) group in the European Parliament and organised by Martina Anderson MEP. Through this we addressed a GUE-NGL event, but also were able to set up meetings with a broad range of MEPs and their senior advisors from other political groupings within the European Parliament, as well as meeting the European Commission. From the CAJ perspective, we managed to place the citizenship differentials and rights issues on the agenda, and build relationships to seek to influence European Parliament discussions on the future relationship between the UK and EU.

We have worked with an informal grouping of human rights activists across the island and have also engaged regularly with Department of Foreign Affairs and Trade (DFA) officials. During the summer, we worked with a number of colleagues to examine the possibility of a **judicial review against the prospect of a no-deal Brexit**. In late August, we were instructed by Jamie Waring, a young man who would be adversely affected by no-deal, to initiate judicial review proceedings. This challenge asserted that the government's approach to negotiations with the EU-27 was unlawful under the EU (Withdrawal) 2018 Act. We argued that the government must not pursue a no-deal exit and, instead, must seek an extension to Article 50 in circumstances where not to do so would result in an exit that is incompatible with the Northern Ireland Act 1998 and/or the GFA. The initial hearing in the High Court in Belfast, which resulted in our challenge being dismissed, and an expedited appeal both took place in September. We were unfortunately unsuccessful in our appeal of the lower court decision. The Lord Chief Justice, presiding, said it was not the court's task to evaluate the merits of a UK withdrawal from the EU without an

agreement. While unsuccessful in these proceedings our challenge had a significant impact in raising awareness of the fragility of the peace process and the GFA and the threat posed to them by a hard Brexit. It clearly influenced the content of the government correspondence with the EU in respect of commitments to the GFA. The new Withdrawal Agreement, which the Boris Johnson government negotiated with the EU, gave even more upfront guarantees against a hard border, although the proposal for regulatory checks on trade between Northern Ireland and Britain have proved controversial.

During this chaotic year, it became increasingly clear that Northern Ireland was almost certain to face political confrontation in the near future. It was in this context that we called for a '**renaissance of the peace process**'. The concept of 'renaissance' means a rebirth of the GFA principles. It means going back to basics and implementing what was neglected, while also adapting and developing solutions for the new challenges coming down the road. We need to make people feel safe and secure in their identities and ability to access protection of their rights. In broad terms, we think that a renaissance of the peace process involves three elements: First, we need to implement what was left undone; Second, we need to repair what is broken; Third, we need to put in place new guarantees to correct the problems that the Brexit process has exposed and meet the challenge of constitutional change.

Together with the Irish Council for Civil Liberties (ICCL), QUB Human Rights Centre, and Senator George J. Mitchell Institute for Global Peace, Security and Justice, we organised a working conference to explore this concept further on 27 September 2019 in the Canada Room, Queen's University Belfast. We had a wide range of speakers organised into three panels – implementing the peace agreements; a rights based society after Brexit; and rights and constitutional change. We ended with an open session on the way forward. In many ways, this conference will set the agenda for this area of our work in the coming year. The conference was recorded and transcribed to allow an official report to be produced from its proceedings. We hope to publish this report in early 2020.

2019 also saw the launch of CAJ's new strategic **Immigration Project**, which will initially run for two years. Over the drawn-out Brexit process, we have become increasingly concerned about the contradiction between promises of 'taking back control of borders' and tough immigration controls with the simultaneous commitment to maintaining an open border within Ireland and to protecting the broader UK-Ireland Common Travel Area (CTA). Brexit will end the convergence between the UK and Irish immigration systems on which the CTA previously functioned. CAJ's concern (borne out by experience) is that changes caused by Brexit will result in irregular immigration controls on cross-border routes (which have no legal basis and are conducted on the basis of racial profiling), set alongside increased racial discrimination arising from hostile environment 'in country controls'. Essentially, we fear NI could be transformed into 'one big border' to stop onward migration to Britain, and this is the main motivation behind our establishment of the Immigration Project.

Work first began on the project last year when the Community Foundation for Northern Ireland (CFNI) put together a package of funding to support it for two years. Some additional support was later given by New Philanthropy Capital's Transition Advice Fund. An experienced immigration solicitor, Úna Boyd, was appointed as project coordinator. She began the role on 1 March 2019 and has built strong relationships with a wide network of NGOS, charities, law enforcement, and legal and political bodies in both the UK and ROI. The many actions taken forward by Úna have included pursuing legislative amendments to the Immigration and Social Security Bill in Westminster; working with politicians on parliamentary questions and official letters; submitting FOI requests; collaborating with NGOs to submit joint letters to the Irish government; giving evidence before a Seanad special select committee; supporting complainants in taking forward equality scheme complaints and complaints to the Independent Office of Police Conduct (ROI); spearheading group complaints against public bodies; and submitting questions to the NI Policing Board.

Additionally, the project has also considered possible judicial review cases. The Immigration Project has served to amplify our work on the impact of Brexit on citizenship. It has shed light on the limitations in the implementation of the citizenship guarantee of the GFA, which Brexit has begun to expose. The project officially launched at our **‘Post-Brexit Citizenship Status: Divided by the Rules?’** conference in March at Queen’s University Belfast. This major conference was held in partnership with the Equality Coalition and BrexitLawNI. The conference was structured around three panel discussions, the first on the implications of Brexit for (EU and non-EU) migrants; and the second on implications of Brexit for British and Irish citizens. The third was a panel of representatives drawn from the main political parties (Alliance, DUP, Green Party, SDLP, Sinn Féin and UUP). A closing plenary involved lively general discussion. The conference was at full capacity (with over 50 on a waiting list) and attended by key opinion formers, including government representatives. There were 18 formal contributors. The conference was covered by UTV, Latvian TV, and the *Irish News*, as well as other outlets. A full conference report, published in June, is available on our website.

The Immigration Project has, in particular, supported **Emma DeSouza** in her ongoing campaign. Emma, who was born in Northern Ireland and has only ever claimed Irish citizenship, has sought to enforce her right, as an EU citizen, to bring her husband, Jake, a US citizen, to live with her. An Immigration Tribunal accepted her case in 2017, but this decision has since unfortunately been successfully appealed by the Home Office. Emma and Jake’s case has received huge publicity and has exposed the shallowness of the UK’s commitment to equality of Irish and British citizenship. The couple are now seeking to lodge a further appeal in the Court of Appeal. We will continue to work closely with them on this. Although the previous Prime Minister, Theresa May, promised a review of such cases, it has since transpired that the ‘review’ had no time scale nor terms of reference and it now seems to have disappeared without trace.

CAJ’s long term priority is to mainstream and integrate this area of strategic immigration-focused work into our core activities. Whatever happens around Brexit, the implications for the peace process and NI migrant communities will be a central concern of ours in the coming decade. The management of immigration will be a core element in the project of building a rights-based society across the island, regardless of the exact form the constitutional structure takes.



Top left: CAJ Deputy Director Daniel Holder (right) in Brussels with Professor Colin Harvey and citizenship campaigner Emma DeSouza.

Top right: Patricia McKeown (UNISON) speaking at our conference on ‘A Renaissance of the Peace Process? What kind of society do we need?’, which took place in September.

Bottom left: A screenshot taken from the livestream of CAJ’s appearance before the Oireachtas Committee on Justice and Equality in December 2019.



Promoting equality

Equality is not an optional extra – it is the basic starting point for any discussion or activity on human rights. Nor is equality about political correctness. Rather it is about asserting the rights that all people should be entitled to, equally, by simple virtue of their humanity. It takes work to identify all the systematic ways in which groups of people with different characteristics are discriminated against or fail to have their rights fully vindicated. Prejudice is sometimes buried so deep that its very existence is unacknowledged until its victims make a fuss.

Nowadays, it is becoming clearer that the struggle for equality cannot be confined to silos made up of people suffering in particular ways. It takes solidarity amongst and between groups of affected people to take forward the general demand for equality and win the necessary battles for particular groups along the way. Prejudice is intersectional and so must be the fight against it. Equal marriage and Irish language rights; disability rights and women's rights; anti-traveller racism and children's rights; all of these are part of a common campaign.

The **Equality Coalition** is one key way in which representatives of different groups in Northern Ireland can come together to understand each other's issues, exchange information, learn common campaigning techniques, and offer mutual solidarity. Co-convened by CAJ and the trade union UNISON, the Equality Coalition continues to grow in influence, with more than 90 NGOs and trade unions now counted among its membership. These members come together to discuss the latest equality matters impacting Northern Ireland at bimonthly meetings and at regular topical events.

Subjects discussed at recent meetings include attacks on human rights defenders; hate crime legislation; domestic abuse; the impact of austerity on women; transgender rights; the lack of affordable childcare in NI; techniques for mass-mobilisation; environmental justice; and the 'dedicated mechanisms' for protecting certain Good Friday Agreement (GFA) rights after Brexit. The members of the Equality Coalition have also continued to act as a 'critical friend' to the Equality Commission for Northern Ireland (ECNI), scrutinising both its new strategic plan and new investigation procedures at meetings this year.

One major conference was held by the Equality Coalition during 2019, which examined the impact of Brexit on citizenship. *Post-Brexit Citizenship: Divided by the Rules?* took place in March and was organised in conjunction with BrexitLawNI. The event was over-subscribed, with a long waiting list, and received positive feedback from attendees. Turn back to page 15 for further details about the conference or download the official conference report from our website. The Equality Coalition published another conference report in 2019, detailing the proceedings from the Coalition's October 2017 conference on countering incitement to hatred (see page 12 for more on this).

During the early spring, the Equality Coalition developed a **Manifesto for a Rights-Based Return to Power-Sharing**, which was launched at a local election hustings in UNISON. This manifesto is a detailed list of the human rights and equality measures required to ensure a return to stable devolved government in NI (and support its continued existence afterwards).

It is based upon three main strands:

1. Ensuring the full implementation of outstanding rights commitments from the Good Friday Agreement (GFA), including the Bill of Rights for Northern Ireland and Irish language rights;

2. Implementing international obligations and addressing the 'rights deficits' afflicting NI;
3. Making sure that power is 'working within the rules', especially when it comes to equality.

Throughout the spring and early summer, meetings were held on the manifesto between the Equality Coalition Co-Conveners and major political parties, as well as with other stakeholders. Meetings were held with Irish government officials and with Lord Ian Duncan, the Undersecretary of State for Northern Ireland. The Co-Conveners presented to the Stormont Rights, Language and Identity Working Group, which was established as part of the talks to restore power sharing to NI that began in May 2019. CAJ also prepared a briefing on the Petition of Concern and presented it to the Stormont Petition of Concern Working Group.



Manifesto for a Rights Based Return to Power Sharing

Conscious that the devolved power sharing Executive and Assembly institutions provided for under the Belfast / Good Friday Agreement (GFA) have not been running in Northern Ireland for over two years;

Conscious that many binding key rights based commitments of the agreements that make up the peace settlement remain unimplemented or misimplemented;

Conscious that such commitments themselves were safeguards on the NI Executive to counter and prevent abuses of power, discriminatory decision making and rights deficits;

Conscious that there is little point in re-establishing institutions only for them to fail to deliver and collapse again for the same reasons;

Conscious that the implementation of rights based provisions in existing agreements - many of which are international or domestic legal obligations - is not only required, but also holds the key to providing safeguards to prevent another collapse;

Wishing to see a reestablishment of power sharing under the terms of the GFA on a sustainable footing that delivers for every NI resident, in all their diversities, and on the basis of respect and equality;

The **Equality Coalition**, co-convened by UNISON and CAJ and consisting of dozens of civil society organisations and trade unions, calls for a rights based return to power sharing centred on three key elements.

1. Full implementation of the rights provisions of the peace settlement

The Coalition seeks the implementation of existing binding rights based commitments made within the peace settlement agreements, inclusive of:

- Legislating for an NI Bill of Rights, as provided for under the GFA, including protection for rights deficits occurring as a result of any Brexit;
- The adoption of an anti-poverty strategy on the basis of objective need (as per the St Andrews Agreement);
- Legislating for an Irish Language Act (as per St Andrews);
- Measures to ensure the full and equal political participation of women (as per the GFA);
- Full implementation by public authorities of the 'Section 75' equality duty including rigorous enforcement of failures to comply by the Equality Commission;
- Proper application of the 'Petition of Concern' as originally intended in the GFA as a minority rights protection consisting of equality and human rights scrutiny;
- Full implementation of the **Patten reforms to policing**, with accountability and oversight for all law enforcement bodies, including their immigration functions;
- Full implementation of the GFA duties on acceptance of a choice of British or Irish citizenship (or both) and equality of treatment, regardless of that choice;
- A full commitment to the incorporation of the **European Convention on Human Rights (ECHR)** and agreement not to weaken or repeal the **Human Rights Act 1998**.

We also advocate for a fresh bilateral agreement to remove those political vetoes within the NI Executive that are not based on - and have conflicted with - equality and rights duties.

2. Implementing international obligations and addressing 'rights deficits'

Noting that paragraph 33, Strand 1, of the GFA places duties on the Westminster government to legislate as necessary on NI's international human rights obligations, we seek:

- Compliance with obligations under **CEDAW**, including compliance with the **2018 ruling** of the UN CEDAW Committee, on women's reproductive rights;
- Full implementation of rights standards on LGBT rights, ensuring (as above) vetoes cannot be used to block marriage equality legislation;
- Compliance with ECHR Article 2 and 3 duties on dealing with the legacy of the past, including implementation of the **Stormont House Agreement** in a human rights compliant manner, the release of monies for the Legacy Inquests Unit, and effective remedies for Historical Institutional Abuse;
- In the event of Brexit, implementation of the rights based commitments in paragraphs 42, 52, 53 of **EU-UK Joint Report**, including non-diminution of rights;
- Compliance with the **UN Convention on the Rights of the Child**, including considering votes at 16 and reviewing the age of criminal responsibility, anti-discrimination legislation and mental capacity legislation;
- Compliance with the **UN Convention on the Rights of Persons with Disabilities**, including in relation to social security cuts and processes;
- Compliance with the **UN International Convention on the Elimination of All Forms of Racial Discrimination**, including protections against racial profiling and desisting from implementing 'hostile environment' measures in NI;
- Compliance with human rights standards on housing rights, including addressing inequalities in North Belfast, for Irish Travellers, and elsewhere;
- Compliance with UN and Council of Europe recommendations to tackle hate expression and incitement to hatred on protected grounds, including properly defining sectarianism and 'good relations' compatibly with international standards;
- Legislating for single equality legislation.

3. Ensuring power is 'working within the rules'

We call on departments and other public authorities to ensure a culture of compliance with the existing rights based rules regardless of who is the Minister, inclusive of:

- Not actioning Ministerial requests that constitute discrimination on any protected grounds, or that aid discrimination, including through making unfair decisions on the provision of public funding;
- Ensuring that the distribution of public money and other resources is done on the basis of objective need, non-discrimination and due process;
- Ensuring full and proper application of the statutory equality duties and Rural Needs Impact Assessments;
- Recognising that obligations deriving from human rights treaties form part of the binding legal framework on public authorities, and acting compatibly with them;
- Compliance with the Ministerial Code, record keeping, Freedom of Information duties, and NI-specific Open Government action plan commitments on improved transparency, accountability and citizen participation.

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The Shadow Secretary of State for Northern Ireland, Tony Lloyd MP, gave the keynote address at an event organised by the Equality Coalition in June 2019 with the dual purpose of launching the official report from the *Post-Brexit Citizenship: Divided by the Rules?* conference and facilitating further discussions on the manifesto. Several Coalition members presented and the main political parties (except the DUP) accepted an invitation to participate in a panel discussion on the manifesto.

During his speech, Tony Lloyd committed any incoming Labour government to taking forward a **Bill of Rights for NI** – a commitment that subsequently made its way into the Labour manifesto for the 2019 General Election.

The Equality Coalition engaged with the Westminster Women and Equalities Select Committee, initially on the failure to extend the legislation implementing the **Istanbul Convention on Domestic Violence** to Northern Ireland. The Coalition argued that the UK Government had a duty to legislate for Northern Ireland to implement international legal obligations in the absence of devolution. The Committee agreed and in its report said:

“The UK Government needs to set out a clear framework and timeline to address the breaches of women’s rights in Northern Ireland under the CEDAW Convention that have been identified by the UN Committee on the Elimination of Discrimination Against Women if there is no government in Northern Ireland to take this action.”

(Paragraph 65)

CAJ engaged with Stella Creasy MP and other legislators on the amendments to the NI Executive Formation (NI) Bill 2019, which ultimately led to the legalisation of **same-sex marriage** and the **decriminalisation of abortion** in NI on 22 October 2019. These are historic developments, bringing this region into line with our neighbours to the east and south.

Together with Conradh na Gaeilge (CnaG) and Ulster University, CAJ wrote a report on *Local Councils’ Obligations and the **Irish Language**: A Framework for Compliance*. The framework contained within this is based on an approach that uses human rights standards as a measurement tool for compliance. The report was launched at a well-attended meeting in Culturlann in March. CAJ also spoke to a special hearing of the Oireachtas central committee, Tithe an Oireachtas, on the prospects for an Irish Language Act.

CAJ and CnaG also challenged Antrim and Newtownabbey Borough Council over a new proposed street signage policy that we were concerned would constitute a de facto ban on Irish in street signage (replacing a previous actual de jure ban that had been withdrawn in light of judicial review proceedings).

The Equality Coalition recently commissioned a report from independent researcher, Dr Robbie McVeigh, on **contemporary sectarianism in Northern Ireland**, with particular attention placed on sectarianism in decision-making. *Sectarianism: The Key Facts* will be launched in December 2019 as part of this year’s Northern Ireland Human Rights Festival.

The lack of an Executive means we cannot litigate to implement our successful judicial review in 2015 on the lack of an **Anti-Poverty Strategy**. However, we have taken a number of initiatives in this general area. We have engaged with the Department for Communities on the fate of the £20m acquired through the DUP’s ‘confidence and supply’ deal with the Conservatives supposedly earmarked to tackle severe deprivation. For the second year running the programme supposed to spend the monies failed to commence and was instead used to plug holes in departmental budgets, particularly education. We have used Freedom of Information to attempt to find out more about this spending and the process continues. We also spoke at two conferences on poverty.

Assessing the equality impact of any policy should be as basic and unquestionably necessary for a public authority as identifying a budget to implement it. While there are examples of good practice, too often the process is reduced to a box-ticking exercise and regarded as an inconvenience. This is why we started the **Equality Duty Enforcement Project (EDEP)** designed to pressure public authorities into taking equality seriously. Our new Coordinator, Eliza Browning, has worked closely with the Equality Coalition members in interventions designed to expose breaches of equality schemes and to encourage good practice.

Last year we complained to the Public Services Ombudsman about the **Equality Commission’s investigation procedures** and, in settlement, the Commission agreed to review its mechanisms. The Commission met with the Equality Coalition and we have been engaging with them throughout the year in a process of consultation as the review proceeded. We have been promised that the new procedures should be published by the end of the year; we await with interest.

The **Welfare Reform Mitigation Scheme** will end abruptly on March 2020 without, to date, further legislation or other measures to extend the scheme. The Department for Communities recently published a review of the Mitigation Scheme, including several proposed policies regarding mitigation post 2020. These policies essentially recommended that only two main mitigations continue post-March 2020. We have worked with the Cliff Edge NI Coalition, highlighting concerns about how the present Universal Credit system is impacting claimants. While the loss of the mitigations will be severe, another issue appears to be that many claimants have not been able to access the mitigations to which they are currently entitled. On May 31, we submitted a complaint (in collaboration with UNISON and NIPSA) against the Department for Communities for a failure to equality screen and consult on these policy proposals. The inadequacy of the department's reply led us to make a complaint in September to the Equality Commission asking for an investigation. We await a response.

We are examining lack of equality screening and consultation regarding the **Budget for 2019-20**. The Department of Finance published a report stating that all Departments provided an Equality assessment to the NIO in advance of budget distributions. We contacted all departments and requested to see their equality screenings, the result being the issue of nine separate complaints to the various departments. We are now in the process of taking these complaints to the Equality Commission. In other work on compliance with the equality duty and the allocation of resources, we are examining the Fresh Start (tackling paramilitarism) budget allocation and the investment practices of the Strategic Investment Board (SIB).

We are working with our colleagues in the Practice and Protection of Rights (PPR) to challenge the Department for Communities' current practice to investigate potential benefit fraud by demanding that claimants attend "**interviews under caution**" with the threat of arrest for non-compliance. The department does not have specific powers under legislation to conduct interviews under caution, nor is any offence committed by not attending such interviews, which are technically 'voluntary' although this is usually unclear to interviewees. After first stating that they had no policy in this area, the department ultimately provided us, under FOI, with a 50-page procedures document entitled 'Interviews Under Caution'. We are making a maladministration complaint that the letters to claimants are misleading and deceptive. We are also proceeding with a breach of equality scheme complaint since the policy has not been equality screened.

In September 2019, the Department for Communities concluded their consultation on changing the definition of **Affordable Housing** to expand the options for intermediate housing. In their equality screening of the policy, the Department focused all of their evidence of need on the 11,500 people who do not qualify for social housing. They offered no explanation for why they did not consider the need of the 24,148 people who do qualify for social housing and who are on the social housing waiting list. This approach focuses on the housing needs of the least needy over that of the most. It appears the policy will most benefit housing developers rather than those in housing need. We have submitted to the Equality Commission a breach of equality scheme complaint that the department has refused to consider the available evidence as well as objective need in their equality screening.

During the year, we became aware that the Garda appeared to be increasing racially discriminatory **immigration checks on buses crossing the border**. This was taken up directly with the Garda Commissioner and the Dublin Department of Justice. In collaboration with CAJ's Immigration Project, in October 2019, we submitted a Paragraph 10 breach of equality scheme complaint to the Equality

Commission regarding Translink's failure to screen, consult and equality impact assess their policy of facilitating access to law enforcement to conduct cross border immigration checks.

We are pressing NIHE on their practice of collecting **residual rent arrears** that occur as a result of the (very common) delay in universal credit rent payments between DfC and social housing landlords. We were told that NIHE has been collecting these rent arrears directly from tenants (even deducting them from UC payments). At the recent NIHE equality consultative forum, we pressed NIHE on this policy, and they said they were going to look into it. At the moment, we are waiting for the policy and equality screening (if available), and anticipate pursuing an equality complaint if the policy is not remedied.

Over the past year, the EDEP has seen a rise in the number of requests for assistance from Equality Coalition members and other members of the public in taking forward equality based interventions around policy making. Through Freedom of Information requests, we have discovered that the project is having direct impact on the way that departments are approaching and considering Section 75 issues. Departments are increasingly discussing the impact of Section 75 interventions and have stated that "Section 75 awareness needs to be reawakened", particularly among senior management. The project is having a direct impact on making Section 75 compliance a higher priority for departments in Northern Ireland.

Going forward, the project will continue to intervene on equality scheme breaches by public authorities, and will be developing a dedicated page on the CAJ website to increase awareness of the project with the goal of increasing assistance to members of the public in taking forward their own Section 75 interventions.



The Equality Coalition Co-Conveners met with leading political parties and other key stakeholders during the spring to promote the Coalition's Manifesto for a Rights Based Return to Power Sharing.

Pictured clockwise from top left are meetings with the SDLP, Sinn Féin, and, finally, Lord Ian Duncan, the Undersecretary of State for Northern Ireland.

International Solidarity

In the modern world, human rights are based on an international body of treaties, conventions, declarations, comments by treaty monitoring bodies and other forms of hard and soft law. There must always, therefore, be some international aspect to human rights work. In a deeper sense, however, since human rights are universal for humanity, there is no distinction between the significance of rights in one part of the world compared with another. This means there is always a connection between human rights activists in different countries and a mutual duty of solidarity.

Interestingly, one of the ways of denigrating and belittling human rights work is a form of pernicious ‘whataboutery’, which says that because violations are worse in some places than others, activism in the ‘better’ places is either self-indulgent political correctness or malicious attacks on a virtuous state. So, for example, because China detains hundreds of thousands of people for no lawful reason, we should ignore the fact that the Home Office has unlawfully detained only thousands of asylum seekers in the past few years (as the Supreme Court decided on 27 November 2019). The truth, however, is that to campaign for the highest possible standards wherever you happen to live helps raise the bar and expose the worst violators. The alternative is to let standards slip, to justify abuses as ‘not that bad’ and to engage in an international race to the bottom where the most inhuman practices become normalised.

CAJ is, of course, mainly active in Northern Ireland and, with regards to the British state, there are plenty of violations here to keep us occupied. However, we try as we can to demonstrate international solidarity and often meet delegations coming to assess our peace process and human rights record. We are also full members of FIDH, the International Federation of Human Rights.

This year, **FIDH held its 40th Congress** in Taiwan in October. The congress was attended by over 400 human rights defenders from across the globe and Úna Boyd represented CAJ. The first two days took the form of a forum opened by the president of Taiwan and featured talks and presentations on issues ranging from reclaiming the universality of human right; strategic litigation; democracies in crisis; surveillance and artificial intelligence; refugee and migrant rights; and climate change. The remainder of the event, from 23 to 25 October, took the form of the internal congress, with CAJ taking part in votes on various resolutions, membership issues and the election of the new international board. Resolutions on climate change, humanitarian care for migrants, and corporate and private actor interference in public policy affecting human rights were passed unanimously. Urgent resolutions were passed in relation to human rights abuses in Hong Kong, Jammu and Kashmir; the restriction of NGOs in Maldives; environmental justice and human rights in Vietnam; the conflict in Syria and Turkey; sexual violence against women; and the death penalty in Taiwan.

The final day of the forum involved a regional meeting, with CAJ taking part in the ‘Western Europe +’ session. This meeting was intended to decide upon the common concerns and policy priorities that Western European organisations would like to see FIDH take forward during the next three years. The meeting concluded that the rule of law (encompassing rise of populism, attacks on human rights defenders); migrant and refugee rights; and climate change were three of the most important issues. There was an in-depth discussion on how FIDH can improve and achieve these aims, with one conclusion being that groups need more communication and to work together more to support common aims.

The congress was useful in allowing CAJ to maintain an international perspective and to engage with organisations across the globe. There was a lot of interest in CAJ’s work from delegates based all across



Immigration Project Coordinator Úna Boyd representing CAJ at FIDH's 40th annual congress in Taiwan in October.



CAJ Director Brian Gormally with two representatives from the South Korean Ministry of Unification.

the world, particularly on the topic of post conflict reconciliation and the rise of populism. As the only UK delegate, we were frequently asked to speak about Brexit and we were able to provide a unique perspective on this due to our NI focus.

In September 2017, CAJ attended a series of meetings and events in **Tegucigalpa, Honduras**. This work was part of - and funded by - the Open Society Justice Initiative (OSJI) contract with CAJ in relation to the **OSJI-CAJ drafted Principles on Protest and the Right to Information**, published in 2018 and due for formal launch in December 2019. In Honduras, C-Libre, a local NGO that originated to protect journalists, have set up a protest observatory and harnessed the OSJI-CAJ principles as a vehicle to measure state compliance with human rights standards. In recent years, the human rights situation in Honduras has significantly worsened. In 2009, a US-endorsed military coup removed leftist President Zelaya. Following this, there was a deterioration in the rule of law, with many judges removed. A climate of impunity has arisen in the country, including in relation to the targeting of human and environmental rights defenders and journalists. More recently, following elections in 2017, there have been significant protests. Although the Honduran Human Rights Commission has stated that 95% of protests are peaceful, the use of force and dispersal tactics against them are routine. This includes the widespread use of CS gas and, at times, live fire by the security forces or private security actors. During our visit to the country, CAJ's role was to both put forward the lessons from the NI experience of reform and engage in the application of the OSJI-CAJ principles. We also engaged in a number of media interviews.

In addition to all of the above, we have also met with a number of **international delegations** this year. This includes a visiting delegation from the Truth Justice Memory Centre (Istanbul), a human rights NGO in Turkey. Discussion focused on the conflict here and, in particular, our work and methodologies regarding ECHR Article 2 (right to life) and Article 3 (right not to be tortured) violations. We spoke with about 30 students from Ohio University on their annual visit to Belfast. We also met with representatives from the South Korean Ministry of Unification who are establishing a North Korean Human Rights Record Centre and were very interested in the peace process and transitional justice. Last, but not least, we discussed the process of justice reform (including oversight) and transitional justice mechanisms in the context of the NI peace settlement with the Ombudsman's Offices in Georgia and Armenia, who were on a visit organised by the NI Human Rights Commission.

Staffing

This year we have recruited two new members of staff who have already made an important contribution to our work and have become valued members of our team. The first was **Úna Boyd**, who became our Immigration Project Coordinator. Úna is a practising solicitor with six years' experience of immigration work. She holds a Masters in International Human Rights Law from NUI, Galway. The second was **Eliza Browning** who took up the post of Coordinator of the Equality Duty Enforcement Project. Eliza holds a Juris Doctor from William S. Richardson School of Law and is an attorney licensed in the State of Hawaii. She worked in the Legal Aid Society of Hawaii as a family lawyer and more recently as a community worker in Derry.

In the summer, our Solicitor **Gemma McKeown** celebrated her 10 year anniversary with CAJ. During the last decade, she has made an invaluable contribution to our work on human rights. We are delighted she has remained part of the CAJ team for this long and hope she will stay with us for many more years to come!

On a sadder note, **Liz McAleer**, our Office Manager, has announced her intention to retire at the end of March 2020. This will mark a huge change for CAJ. Liz is the embodiment of the organisational memory of CAJ and in many ways exemplifies its spirit - excellence and diligence in the pursuit of a total commitment to human rights. We will sorely miss Liz and we wish her well in what we are sure will be an active retirement.

A message from Liz:

"By March 2020, I will have been in CAJ for 30 years and have decided to take this time to mark my retirement. It's interesting to note though that I started on a one-year temporary contract back in 1990. Throughout my time, I have worked with kind and passionate human rights activists, for example the late Stephen Livingstone, the late Donall Murphy and the late Inez McCormack.

"I have made lifelong friends with previous and current staff – too many to mention in person, and those who have been long term volunteers, such as Rose Perry, Jeanette Murtagh and Fiona Cash to mention but a few. I have been involved in the production of three editions of the Civil Liberties Handbook, the creation of the 'Quilt for Beijing', helped with various office moves, played 'Mummy' to numerous EIRENE volunteers, coordinated the internship programme, and more recently been part of the building management group at Community House. Apart from this, I guess I have helped keep the office's engine greased!

"So, in March it will be the end of something extremely memorable and also the beginning of a new chapter in my life. I wish to thank Brian and the Executive Committee for the friendship and support over the years. I know with the current team, Gemma (who will take over as the longest serving staff member at 10 years), Daniel, Robyn, Úna and Eliza, CAJ is in great hands. I would like to wish the organisation every success in the future."



Staff team

Director

Deputy Director

Office Manager

Solicitor

Communications & Equality Coalition Coordinator

Immigration Project Coordinator

Equality Duty Enforcement Project Coordinator

EIRENE Volunteer

Brian Gormally

Daniel Holder

Liz McAleer

Gemma McKeown

Robyn Scott

Úna Boyd (from March 2019)

Eliza Browning (from March 2019)

Lars Mensch (until July 2019)



Gemma McKeown after 10 years with CAJ



Our newest recruits, Eliza Browning (right) and Úna Boyd (above).



CAJ Executive

Louise Mallinder (Chairperson)

Fionnuala Ni Aolain (Editor of Just News)

Anna Bryson

Kieran McEvoy

Ursula O'Hare

Anne Smith

Rory O'Connell (Treasurer)

Cathy Bollaert

Romana Khaoury

Dáire McGill

Ciarán Ó Maoláin

John Topping

Thank you to our volunteers

CAJ relies heavily on **volunteers** for a range of tasks and we would particularly like to thank Sinead Burns for her commitment and Lars Mensch, who was the Eirene volunteer during 2018/19. We also, of course, thank our entirely voluntary **Executive** for all their dedication. Unfortunately, we have not had the capacity in the office to bring more volunteers on board during this year, but we are considering how to take this part of our work forward.

Finance

CAJ is supported by the **Human Rights Fund** – a dedicated fund managed by the Community Foundation for Northern Ireland, designed to support CAJ and the three other organisations in the Human Rights Partnership (the Human Rights Consortium, Participation and the Practice of Rights, and Public Interest Litigation Support). We have actively worked on fund development this year and the Fund has met its fundraising targets.

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

UNISON General Political Fund

Paul Schurgot Foundation

Open Society Justice Initiative

The Baring Foundation

Community Foundation for Northern Ireland

New Philanthropy Capital Transition Advice Fund

CAJ has also raised funds through Local Giving and would like to thank all those who have made a donation.

You can find our Local Giving page here: www.localgiving.org/charity/caj/



The Committee on the Administration of Justice Ltd
Company limited by guarantee
Detailed income for the year ended 30 June 2019

Turnover	2019 £	2018 £
New Philanthropy Capital Transition Advice Fund	2,617	-
HRT - Joseph Rowntree Charitable Trust	42,500	41,500
HRT - Baring Foundation	44,959	23,902
HRT - Human Rights Fund	161,317	160,260
Service Fees	616	225
Project partner contributions (UNISON)	20,000	10,000
Open Society Justice Initiative	-	33,662
Donations (including Paul Schurgot Foundation)	4,206	5,016
Reimbursement of costs	3,971	6,526
CFNI / Human Rights Fund for the Immigration Project	14,460	-
Legal Fees Income	-	3,648
Membership Fees	1,490	1,058
QUB School of Law (Secondment)	21,226	41,913
Rent receivable	25,000	18,750
Other income	-	650
Total income	341,912	347,110

The Committee on the Administration of Justice Ltd
Company limited by guarantee
Detailed expenditure for the year ended 30 June 2019

Administrative expenses	2019 £	2018 £
Wages and salaries	(227,519)	(214,936)
Employer's NI contributions	(20,539)	(19,892)
Staff pension costs	(18,172)	(17,684)
Insurance	(7,019)	(4,886)
Equipment leasing	(3,151)	(3,151)
Light and heat	(10)	-
Building maintenance	(961)	(2,833)
Office materials	(627)	(498)
Postage, stationery & telecommunications	(5,136)	(8,981)
Publications (including Just News)	(1,232)	(2,174)
Conferences and seminars	(1,491)	(6,844)
Computer/I.T. Support	(4,107)	(4,941)
Website and web development	(82)	(1,259)
Travelling expenses	(5,400)	(16,638)
Legal, professional and research	(11,143)	(2,632)
Auditors remuneration	(3,762)	(3,668)
Bank charges	(508)	(516)
Hospitality	(842)	(2,795)
Miscellaneous expenses	(279)	94
Volunteer expenses	(2,808)	(2,653)
Office costs	(3,970)	-
Affiliations & subscriptions	(740)	(570)
Depreciation of tangible assets	(2,607)	(1,237)
	(322,105)	(318,694)
Other interest receivable and similar income	75	17
Profit before taxation	19,882	28,433

The Committee on the Administration of Justice Ltd
Company limited by guarantee
Statement of financial position 30 June 2019

	Note	2019 £	£	2018 £	£
Fixed assets					
Tangible assets	7	5,485		3,347	
			5,485		3,347
Current assets					
Debtors	8	3,093		31,035	
Cash at bank and in hand		201,934		74,612	
		205,027		105,647	
Creditors: amounts falling due	9	(85,307)		(3,671)	
Net current assets			119,720		101,976
Total assets less current			125,205		105,323
Net assets			125,205		105,323
Capitals and reserves					
Profit and loss account			125,205		105,323
Members funds			125,205		105,323

A full set of audited accounts is available upon request.

These financial statements have been prepared in accordance with the provisions applicable to companies subject to the small companies' regime and in accordance with FRS 102 'The Financial Reporting Standard applicable in the UK and Republic of Ireland'. These financial statements were approved by the board of directors and authorised for issue on 11 December 2019, and are signed on behalf of the board by: Louise Mallinder, Director

Company registration number: **NI032591**

Communications

As a campaigning organisation, it is important that CAJ's work is not only impeccably accurate and authoritative, but is also widely disseminated. We monitor our communications output on a daily basis and report on the headline statistics every two months. We felt that it would be interesting to include an account in the Annual Report this year.

To begin on a particularly positive note, public engagement with both our **website and social media** has visibly increased during 2019. The number of hits on the website has averaged around 3,000 per month across the year, though February saw an unprecedented 6,574 hits. Overall, the performance of the website has improved year on year when compared with 2018. As of late November, we had 3,606 followers on Twitter (an increase of more than 600 from December 2018). During the course of the year, several of our tweets went 'viral' and received more than 100 retweets and/or favourites.

2019 has also been a very active period for CAJ in terms of **press activity**. We have issued frequent press releases (both solo and with other groups), as well as signing a number of well-publicised joint letters. Additionally, CAJ staff have regularly worked directly with journalists on the development of stories. It seems CAJ is becoming viewed as a particular expert on citizenship by the media. During the year, we recorded around 150 separate citations mentioning CAJ in the mainstream media. We made several radio contributions and a few appearances on TV.

Just News continues to engage its core readership. Four issues were produced this year, two of which were 12-page editions. Another issue is already in the works. Interestingly, the *Just News* webpage has been one of the most popular sections on our website during the latter half of the year, which may suggest the readership of *Just News* is growing. Throughout 2019, we made a concerted effort to increase the number of external contributors writing for *Just News*. As a result, each issue now covers an even wider variety of human rights topics than previously. This year alone published submissions authored by NUJ Belfast, Conradh na Gaeilge, WRDA, NIHRC, NIWEP, Alliance For Choice, ICTU, Rights Watch UK, Law Centre NI, and Frontline Defenders. A number of academic experts also contributed articles, including Dr John Topping and Professor Kieran McEvoy. Besides this, Fionnuala Ni Aolain, the UN Special Rapporteur for the Protection and Promotion of Human Rights while Countering Terrorism, continues to edit every issue of *Just News* in addition to regularly writing for the publication.

Over the course of 2019, 16 editions of CAJ's e-bulletin, **Just Updates**, have been issued. Currently, over 360 individuals subscribe to receive the bulletin direct to their inboxes. An exercise was carried out during 2018 to remove inactive subscribers, which reduced our overall subscriber count, but the mailing list is growing steadily again. Across 2019, we gained more than 140 subscribers.

We continue to make every effort to be fully compliant with **GDPR**. If you'd like to find out more about how we keep data secure, please refer to our *Privacy Policy*, which is available from our website. You can also request a copy of this policy by emailing robyn@caj.org.uk.



Submissions & Publications

Submissions

S476 CAJ written evidence to WEC Inquiry on Abortion Law in NI
Published December 2018

S477 CAJ briefing paper for Oireachtas Justice & Equality Committee
Published January 2019

S478 CAJ submission to CEDAW on the UK's 8th Periodic Report
Published January 2019

S479 CAJ evidence on the implications of the ISSC Bill for CTA rights
Published February 2019

S480 CAJ submission to the Committee of Ministers in relation to the supervision of cases concerning the action of the security forces in Northern Ireland
Published February 2019

S481 CAJ submission to CAT on the Sixth Periodic Report of the UK on compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Published March 2019

S482 CAJ evidence to Lords EU Justice Sub-Committee Inquiry into Rights after Brexit
Published March 2019

S483 CAJ briefing note on amendments to the Northern Ireland (Executive Formation) Bill 2019 relating to legacy investigations
Published July 2019

S484 CAJ submission to the Committee of Ministers in relation to the supervision of cases concerning the action of the security forces in Northern Ireland
Published July 2019

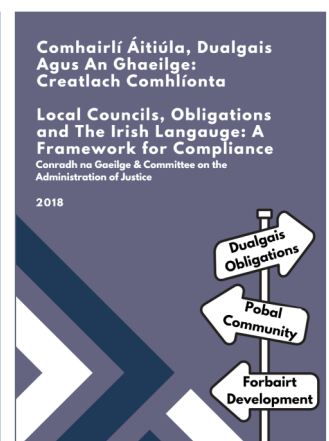
Joint reports

Local Councils, Obligations and the Irish Language: A Framework for Compliance
Published March 2019

Post-Brexit Citizenship Status: Divided by the Rules?
Published June 2019

Defining Public Duties to Tackle Incitement to Hatred whilst Respecting Freedom of Expression: Reviewing the Legal & Policy Framework
Published October 2019

Each of these submissions and publications can be downloaded for free from the CAJ website. Please visit: www.caj.org.uk/publications. Hard copies and accessible versions are available upon request. Email robyn@caj.org.uk or call 028 9031 6000.



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