



Promoting Justice / Protecting Rights

Annual Report 2018



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ISBN 978-1-873285-11-4

Contents

Chairperson's foreword	4
Introduction	6
Combating impunity	7
Contemporary accountability	10
Protecting the freedom of expression and assembly while opposing Racism	12
Protecting human rights and the peace settlement	13
Promoting equality	16
International solidarity	19
Staffing	22
Finance	24
Submissions	28

Chairperson's foreword

By Professor Louise Mallinder



Over the last few years, there has been increasing discussion among human rights practitioners locally, nationally and internationally that human rights and equality face greater levels of resistance due to the growth of populism and the global democratic decline. Populists resist human rights in part as it seeks to protect groups that they portray as a threat to the nation. This can include migrants and other ethnic minorities, LGBTQ persons, women, and prisoners. Alternatively, where human rights and equality challenge dominant political ideologies such as those underpinning austerity in the UK, it can provoke a backlash from some quarters.

However, there are positive trends emerging from this time of struggle. In many countries, large numbers of people are taking to the streets to protest discriminatory policies and call for respect for human rights and equality. There have been international mobilisation campaigns such as the #MeToo movement that have gained widespread engagement and provoked substantial public debate on issues that are framed in explicitly human rights terms.

These global trends have played out in Northern Ireland in the past year. On the one hand, the failure to restore our devolved institutions and the actual and potential consequences of Brexit are damaging the peace process, and as this report highlights, the draft Withdrawal Agreement between the European Union and the United Kingdom falls short in respect to rights protections. The legacy proposals resulting from the Stormont House Agreement have faced, thus far unsuccessful, challenges from those who seek legislate impunity for UK armed forces personnel through a statute of limitations. These examples illustrate some areas of risk for human rights in our present political climate.

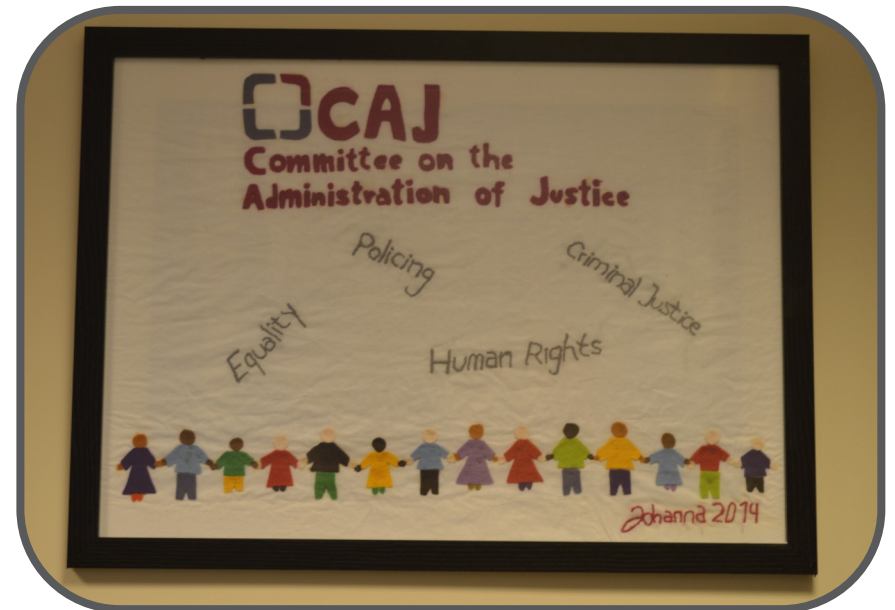
On the other hand, there has been considerable local, national and European debate on rights issues relating to Northern Ireland. This has included sustained campaigns on issues where Northern Ireland's law falls short of international standards, widespread media discussion and some policy receptiveness on the rights implications of Brexit for Northern Ireland, and a public consultation on draft legislation to create new mechanisms to deal with the past. CAJ, working with partners in academia and civil society, has played an influential role in many of these debates, as evidenced by the widespread media coverage of our advocacy, monitoring and reporting activities.

Over the last year, CAJ has also continued to engage in international solidarity work and has welcomed delegations from Ukraine, Japan, Kosovo, the United States, Indonesia, South Africa,

and Ethiopia. CAJ has made submissions to UN treaty bodies. Staff have also presented evidence to the Helsinki Commission in Washington DC and at an Asia-Europe meeting in Indonesia, as well as participating in international conferences in Belfast. Given the current international human rights climate, we feel that it is important for CAJ to reciprocate the international solidarity that human rights activists here have often benefited from over the years. In addition, the international reach of these engagements demonstrates the significance of CAJ's international profile.

The breadth and depth of work outlined in this report once again makes clear that this year has been a busy one for CAJ. On behalf of the Executive, I would like to thank all our staff and volunteers for their hard work. In particular, I would like to extend our thanks to Emma Patterson Bennett, Fidelma O'Hagan, and Caroline Maguire for their outstanding contributions during their time with CAJ and to wish them luck in their future endeavours.

Finally, Cheryl Lawther, Claire Dwyer, and Fiona Murphy resigned from the CAJ Executive Committee this year for personal reasons and I would like to sincerely thank them all for their expertise and enthusiasm during their time on the Executive. I would also like to formally welcome our new Executive Committee members Romana Khaoury, John Topping, Dáire McGill and Cathy Bollaert, and to thank them for their willingness to support CAJ's vital work in protecting human rights in Northern Ireland.



Introduction

By CAJ Director Brian Gormally



People in Northern Ireland are sometimes accused, not always unjustly, of having an exaggerated sense of our own importance. We are told that this small territory, barely 80 miles across, is not actually the centre of the world. That may be true, but for the past two years, and potentially for years to come, Northern Ireland and its border with Ireland, have indeed been at the centre of political debate and negotiation in Europe. The Brexit negotiations have focused on our region. British and European politicians have wandered the border counties marvelling at the strange out-workings of partition and the now ‘invisible’ border. As the end-game approaches, politics in Britain and Northern Ireland are defined by the attitude towards the ‘Irish backstop’.

This attention is not, in itself, welcome for it arises out of the recognition that, unless special measures are taken, the Brexit process poses a threat to the peace process. Some would contest that view and we have been accused of ‘scaremongering’ in our repeated warnings to that effect over the past two years. However, probably a majority of people in the North, the Irish government, the rest of the European Union, and a very sizeable section of opinion in Britain agree with our analysis. Many of those who take a contrary view either do not care about the peace process or never agreed with it in the first place.

This is not the place to rehearse the arguments about Brexit; we have produced numerous submissions and analyses of every aspect of the process that touches

upon peace, prosperity and human rights during the year. It is, however, the place to issue a further warning and also to re-emphasise the route map for the way forward.

Damage has already been done to the trust underlying the peace process; the danger is that political confrontation will develop, potentially both in Britain and Northern Ireland, with the nature of the border and Union being in contention. Another focus of division is the last thing we need in our community, but that is what is developing. No-one can predict how far it will go and what form it will take. We can, however, point to the way to mitigate conflict and to maximise the resilience of the peace.

We are disappointed with the latest draft Withdrawal Agreement between the EU and the UK in respect of rights protections, just as we are disappointed with the progress on dealing with violations of the past and many aspects of contemporary accountability. We are convinced that a broad-based initiative that would fulfil the promises of the Belfast Good Friday Agreement on rights and equality, mitigate the negative consequences of Brexit and provide new standards, and protections for human rights equivalence across the island of Ireland is the way forward. The proposals in the Withdrawal Agreement and the Draft Protocol on Ireland/Northern Ireland are gravely deficient in that respect and we are aware that rights are rarely a priority for governments. Furthermore, there is active hostility to human rights and equality in some political circles and the rise of the racist Right is deeply disturbing.

In our view, however, the only way both to judge political developments and to inform positive intervention is through a human rights approach. It is both a way of understanding events and a conceptual framework that can guide us in advocacy and lobbying those with power. It is the way CAJ tries to approach its work and understand the environment in which it operates. On the following pages is a record of how we have tried to apply a human rights approach in the past year.

Combating impunity

Impunity for human rights violations, whenever they have occurred, is an affront to justice and the rule of law. When people and states avoid their responsibilities and investigation and due process fail, the whole principle of a society based on human rights is undermined. That is why combating impunity is a priority for human rights activists across the world. In Northern Ireland during the conflict there were many crimes and human rights violations for which no-one was held to account. An ad hoc, patchwork system of processes and institutions is supposed to deal with these past events, but the inquests, Police Ombudsman investigations and inquiries have been plagued by deliberate delay and starved of resources. The decisions of the European Court of Human Rights on a number of cases remain unimplemented almost 20 years on. We have called this the ‘apparatus of impunity’ and it is one of the top priorities of our work.

Implementing the Stormont House Agreement

Over the past four years, much of our work to ensure a human rights compliant mechanism for dealing with violations in the past has focused on the implementation of the Stormont House Agreement (SHA). This document was agreed by the major Northern Ireland parties and the Irish and British governments in December 2014, but implementation through Westminster legislation has been repeatedly delayed. A consultation document and Draft Northern Ireland (Stormont House Agreement) Bill was finally published on

11 May 2018. On 16 May 2018 the ‘Model Bill Team’ (CAJ plus academics from Ulster University and Queen’s University Belfast) held a seminar at Queen’s offering first thoughts on each of the institutions envisaged by the SHA. The official draft legislation was clearly influenced in some key areas by the ‘Model Bill’, which we published in 2015, but key problems persist.

During the consultation period, the Model Bill Team worked on substantive papers on the four institutions provided for in the draft legislation. The papers were collated and printed and launched on 30 August at Queen’s at a well-attended event with key actors from across the sector, and four political parties. The response runs into 150 pages and is a very detailed critique of the bill. At a further meeting with Northern Ireland Office officials on 2 October there were signs of flexibility on some of the key issues and more detailed submissions have been made. During the consultation period, debate was confused by spurious claims of ‘imbalance’ between the treatment of cases involving state perpetrators (especially soldiers) compared with non-state perpetrators. CAJ made several high profile interventions during the year combating this ‘fake news’ perspective.

We were deeply concerned at the comments of the Secretary of State for NI, Karen Bradley, in November. Appearing before the NI Affairs Committee, she referred to legacy inquests as “much of the problem” and judicial processes for soldiers as “harassment in the courts”. This demonstrates a clear lack of understanding of the separation of powers of the Executive and Judiciary and has been repudiated by the statistics for prosecutions.

The Stormont House Agreement is not perfect and the draft legislation has some highly questionable elements, including a veto by the Secretary of State on ‘national security’ grounds on information to be shared with families. It is, however, the only realistic prospect of a comprehensive system for dealing

with the past and could dismantle elements at least of the apparatus of impunity. It therefore marks a new stage in the quest for truth and justice. It will be up to victims, perpetrators and others involved to decide the extent to which they will participate in its processes. CAJ will continue the process of advocating for a human rights compliant system and monitoring and highlighting any flaws in law and practice.

McKerr group of cases and contact with the European Court of Human Rights (ECHR)

The McKerr group of cases, which CAJ is involved in, are the ground breaking cases on which the European Court gave judgement in 2001. They established that government has an obligation to properly and independently investigate deaths where previous investigations were inadequate or biased. As well as deciding that the particular cases needed proper process, the court also insisted that “general measures” be undertaken by the UK State to deal with similar cases. 17 years on, the UK remains under the supervision of the Committee of Ministers of the Council of Europe since it has failed to implement the decisions. CAJ remains in regular contact with the court and makes detailed submissions to which the UK government is obliged to respond.

We attended the first workshop of the European Implementation Network (EIN) in January. This is a new group supported by the Open Society Justice Initiative dedicated to improving the implementation of ECHR judgements and the court’s engagement with civil society. We have maintained contact since and have been invited to participate in their bi-annual meeting on the implementation of judgments in late November and to attend a meeting with the court. We will raise the McKerr group of cases on the agenda.

The ‘Hooded Men’ case

The ‘Hooded Men’ were internees subjected to ‘in-depth’ interrogation (torture) in 1971, usually by Royal Ulster Constabulary Special Branch officers after special training by the British Army. We represent the daughter of one of the men who died in 1975, partly due to his treatment. Two sets of legal proceedings were underway during the year, of which details are below.

Latest ECHR decision

In 1978, the European Court of Human Rights in the state-to-state case of Ireland v UK found that the treatment of the Hooded Men amounted to inhuman and degrading treatment, but not torture. Unfortunately, this artificial distinction has since been used by other states to justify cruel interrogation methods on the basis that the methods do not constitute ‘torture’.

After new evidence recently emerged of UK Ministers being involved in deciding upon the torture, Ireland asked the ECHR to revise its decision. A lower chamber denied the request, but CAJ strongly welcomed the Irish government’s decision on 12 June 2018 to refer the request on to the court’s Grand Chamber. On the previous day, with the assistance of a solicitor practising in the South, we had supported our client Mary McKenna to begin judicial review proceedings in the High Court in Dublin in order to urge the government to refer the case onwards. We think this may have influenced the government’s decision. Unfortunately, on 11 September a five-judge panel of the court refused the request to put the matter to the full Grand Chamber. The panel held that Ireland did not demonstrate the existence of facts that were unknown to the court at the time or which would have had a decisive influence on the original judgment.

While we were deeply disappointed at the court's decision, the case received significant publicity and the issues were well aired. The Tánaiste, Simon Coveney, expressed his continuing support for the men and their families.

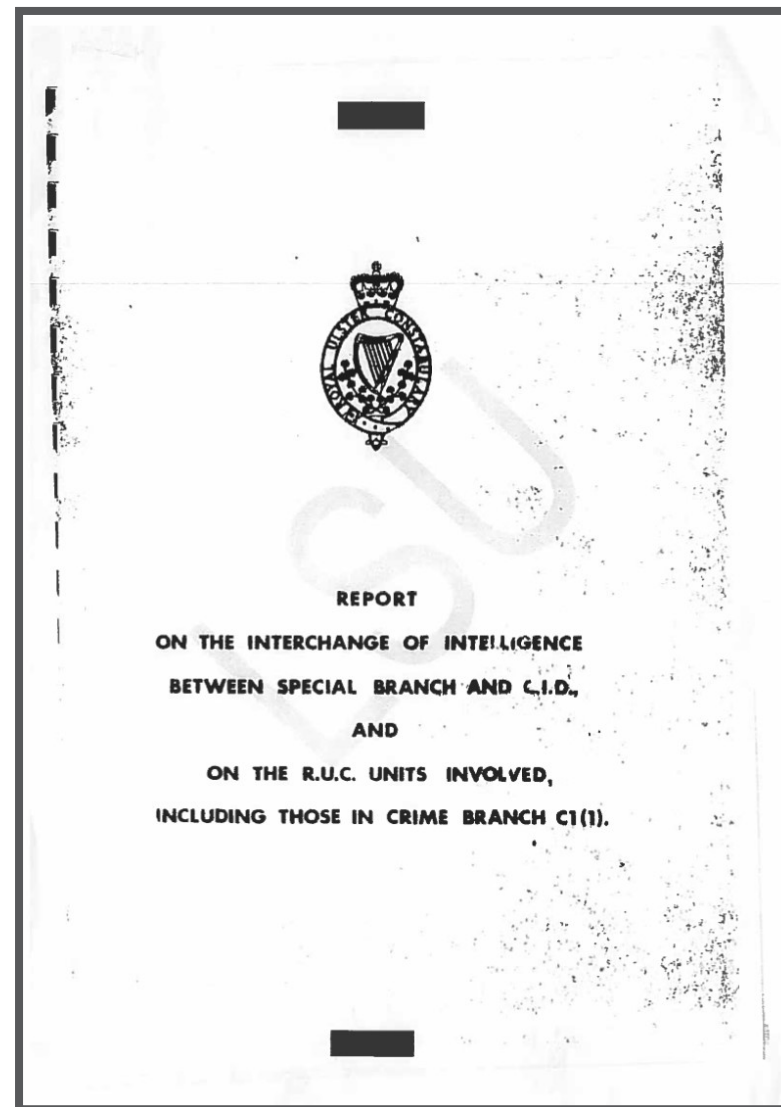
Ongoing judicial review

The other case is our judicial review of the refusal of the PSNI to properly investigate new evidence in the Hooded Men case on which the NI Appeal Court held a hearing in April. This was expedited because of the court's opinion that this case "involves so many issues of central importance" and is likely to go on to the UK Supreme Court, whatever the decision. We expected judgement before the summer recess, but this has not yet materialised.

Walker Report

Our long awaited First Tier Information Tribunal hearing on the 1980 Walker Report on the restructuring of RUC Special Branch took place in May 2018. This was the out-working of a Freedom of Information request to the PSNI for a copy of the report which we felt would cast light on how the RUC Special Branch was deliberately moulded into a counter-insurgency unit. The PSNI conceded at the door of court to the release of the report which had been kept secret for almost 40 years. This was on the basis of minor redactions and confidentially for a period.

The embargo was lifted in July and we published the redacted report. Our view was that the publication of the report meant that 'the wall of silence loses another brick'. We have continued the appeal (with the case now limited to the redactions) but a future hearing will be based only on the papers, rather than an oral hearing. The case continues.



Front cover of the Walker Report. The full report can be downloaded from the CAJ website here: www.caj.org.uk/2018/07/02/ruc-walker-report-1980/

Contemporary accountability

Accountability is one of the foundation concepts of human rights. It means that the institutions of the state must be properly overseen and can be held to account for any violations of domestic and international law. It is a basic condition of the rights-based society that we seek.

‘Counter-terrorism’ powers and issues

We made detailed submissions to the Independent Reporting Commission (IRC) on paramilitary organisations and spoke at a major seminar on counter-terrorism, chaired by the Deputy Chief Constable and attended by an audience of UK and North American counter terrorism officials. Our general position is not just that legislation and practice to counter terrorism must be human rights compliant, but also that a human rights approach can remove the purported justifications for armed actions and provide a guide to conflict resolution.

We developed a briefing on two key aspects of the Counter-Terrorism and Border Security Bill, which is currently going through the UK Parliament. In the briefing, we focused on the new ‘stop and question’ powers for the border area, as well as viewing the changes in ‘supporting terrorism’ clauses through the prism of their potential application in Northern Ireland. We object to new powers for police and Border Force in the mile-wide ‘border strip’ and we note that the symbols of proscribed organisations, display of

which is to be further criminalised by this legislation, fly everywhere in Northern Ireland making a mockery of the law.

We have worked with Rights Watch UK, Liberty and Index on Censorship in putting amendments to the bill to sympathetic peers as it passes through the House of Lords. We also joined with other human rights organisations to criticise the Prevent anti-radicalisation programme, which is alienating Muslim communities in Britain.

Briefing on the Counter-Terrorism and Border Security Bill 2018

Introduction

1. The Committee on the Administration of Justice (CAJ) is an independent human rights NGO with cross community membership in Northern Ireland and beyond. It was established in 1981, campaigns on a broad range of human rights issues and is a member of the International Federation of Human Rights (FIDH). CAJ seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its international human rights obligations. CAJ has been awarded several international human rights prizes, including the Reebok Human Rights Award, and in 1998 was awarded the Council of Europe Human Rights Prize.
2. The UK has suffered from a number of terrorist attacks over the past few years, originating both from the far-right and jihadist sources. There is also a continuing threat of armed actions by both republican and loyalist dissident elements in Northern Ireland. CAJ and other human rights organisations have consistently argued that the way to deal with politically motivated violence should be both political – understanding and dealing with the causes of violence – and the application of a human rights based criminal justice system to respond to criminal actions. The worst way to respond to a perceived threat is to introduce repressive legislation and action thereby undermining the very human rights which terrorist acts seek to discredit and destroy.
3. Unfortunately, “the Government considers it necessary to update and strengthen the legal powers and capabilities available to law enforcement and intelligence agencies to disrupt terrorism and ensure that the sentences for terrorism offence properly reflect the seriousness of the crime.”¹ The government also announced that counter-terrorism laws would be “updated to keep pace with modern online behaviour and to address issues of online radicalisation.”² These new powers are contained in the new Counter-Terrorism and Border Security Bill currently before the Commons and open to consultation.³

¹ Counter-Terrorism and Border Security Bill Explanatory Notes
<https://publications.parliament.uk/pa/bills/cbill/2017-2019/0219/en/18219en.pdf>

² Ibid.

³ All the documents can be accessed at <https://services.parliament.uk/Bills/2017-19/counterterrorismandbordersecurity/documents.html>

The first page of our briefing on the Counter-Terrorism and Border Security Bill. You can download the full briefing direct from our website at: www.caj.org.uk/2018/08/09/briefing-on-counter-terrorism-and-border-security-bill-2018/

‘Third Direction’ case

We have joined as applicants with Reprieve and Privacy International in the ‘Third Direction’ case before the Investigatory Powers Tribunal, which seeks the disclosure or quashing of MI5 (Secret Security Service) guidance that permits and authorises the participation of informants in unspecified criminal offences. This is in light of our standing and expertise in covert policing matters.

The existence of the MI5 guidance was revealed in bulk data litigation, where the UK government had stated that three directions had been issued by the Prime Minister to extend the role of the oversight commissioner, only two of which had been put in the public domain.

Exchange of court documents is ongoing and there will be separate open and ‘closed’ hearings (which our lawyers will be unable to attend). We have received significant confidential disclosure that heightens our concerns about human rights compliance of the present system. We continue to engage with the other applicants and intend to disclose material publicly following the open hearing in this matter. Full hearings are expected after February next year.

Operation Helvetic

In May 2017, a Freedom of Information request was made to the UK Ministry of Defence seeking information in relation to the terms of reference of Operation Helvetic, which followed Operation Banner, and governs the deployment of UK troops in Northern Ireland. In December 2017 a complaint was lodged with the Information Commissioner’s Office (ICO) following the failure of the MOD to provide the material sought.

The ICO accepted the public interest grounds put forward by CAJ in favour of disclosure, except in relation to the Operation Order and some parts of the Chief of Defence Staff Directive. This information, previously withheld provides a better understanding of whether the armed forces operate within a human rights compliant framework.

The Ministry of Defence has appealed the Commissioner’s decision in respect of one paragraph. CAJ has now been made a party to the appeal, which will allow us to make further submissions in the case. We can see no reason why the general terms of reference (as opposed to operational orders) for the deployment of troops in a part of the UK should not be in the public domain – it is a basic element of transparency.

Protecting the freedom of assembly and expression while opposing racism

The freedoms of assembly and expression are deeply interconnected and also fundamental to civil liberty. On the other hand, racism in particular, but also other forms of hate expression, are directly inimical to human rights. The Convention on the Elimination of All Forms of Racial Discrimination and declarations and other 'soft law' associated with it, call for the sanctioning of racist expression – including through the criminal law when it amounts to incitement to violence, harassment or discrimination. Finding the balance between these sometimes competing rights is not always easy but is vital, especially in Northern Ireland. The form of racism called 'sectarianism' is just as vicious and dangerous as any other sort, but here is sometimes regarded as a 'little local difficulty' or even an expression of culture. The 'de-normalisation' and eventual eradication of sectarianism here would be a major landmark on the road to a rights based society.

Combatting incitement to hatred

Our conference in October last year addressed the 'threshold' and 'intervention' questions increasingly defined in human rights law as to when public authorities can or must act against speech and cultural expression that incites hatred in order to protect the rights of others. During this year we

took forward a body of work including a detailed legal challenge paper issued to PSNI regarding current policy on intervention to remove items constituting hate expression; we await a response.

In April 2018, we (through the Equality Coalition) published the research report 'Incitement to Hatred in Northern Ireland' by Dr Robbie McVeigh. An interim version of the report had been presented at our October 2017 conference, after which the research was finalised in light of learning from that event. The report found that there is ample evidence of incitement to hatred in Northern Ireland - as it is characterised in international human rights standards. However, generally, this incitement to hatred is being tolerated rather than prohibited by the state. In conclusion, the report called for a shift from this 'toleration' policy towards to a zero tolerance approach. The report is feeding into a process towards an official review of the legislation (currently stalled because of the collapse of the Stormont institutions), which was instigated by the then Justice Minister Claire Sugden MLA following representations from CAJ.

In May, the Equality Coalition organised a Chatham House roundtable on incitement to hatred with local councils and representatives from the Department for Communities. This was addressed also by the head of the Community Relations Council and Dr McVeigh, who discussed his research with participants.

We were one of only three NGOs invited to participate in a Council of Europe European Commission against Racism and Intolerance (ECRI) conference in Strasbourg on 24 May. A meeting was also held with senior Mid Ulster Council officials and a detailed written submission made on their draft policy for the management of bonfires on council property. The policy was vaguely drafted and our intervention sought to bring greater legal certainty to the matter.

Protecting human rights and the peace settlement

The reality of Northern Ireland life is that the peace settlement arrived at in the Belfast Good Friday Agreement and subsequent pacts and legislation has delivered relative peace for the past two decades. Since we know that violent conflict results in a bonfire of human rights, a prime duty of an organisation like ours is to defend the peace. Over the year we have become increasingly concerned about the fundamental damage the Brexit process has already done to the trust which underpins the peace settlement and about the future consequences. We also believe that human rights protections themselves will be seriously undermined in spite of the pledges made by the UK government to ensure “no diminution” in rights for those living in Northern Ireland.

BrexitLawNI

CAJ is a partner in BrexitLawNI, along with five senior academics from Queen’s University Belfast and Ulster University. Funded by the Economic and Social Research Council, the project aims to examine the constitutional, conflict transformation, human rights and equality consequences of Brexit. BrexitLawNI published preliminary views on the six areas of concern a year ago and published interim proposals in Brussels and Belfast in June 2018. Six final policy papers were published in September and cover the peace process, North-South relations, socio-economic rights, racism & xenophobia, border controls & free movement, and human rights & equality. The group has

carried out many interviews and meetings as part of its action-research model, including six ‘town hall’ meetings in Northern Ireland and encounters with scores of politicians and NGOs, including the Task Force on Article 50 and other officials in the European Union. It now has a database of transcribed interviews and meetings which will be a resource for the future. As part of BrexitLawNI, we presented our positions in Brussels, London, Dublin and Belfast, as well as attending many meetings and lobbying events.

The group also ran a major conference on the implications of Brexit for migrant workers in Dungannon in February 2018, this was a partnership with STEP NI, the ‘Stronger Together’ network and UNISON. BrexitLawNI’s major emphasis is on protecting human rights and drawing attention to the constitutional implications of Brexit for the island of Ireland and the threats to the structure of the peace settlement. If Brexit goes ahead, it is calling for special arrangements for Northern Ireland to prevent a border across the island and to maintain human rights protections. BrexitLawNI has a major website and has contributed to many other blogs and podcasts.



For further information on Brexit LawNI or to view the project's library of resources, please visit:
www.brexitlawni.org

Withdrawal Bill

The EU Withdrawal Bill went through the UK Parliament during the year. CAJ worked closely with the Repeal Bill Alliance (now the Brexit Civil Society Alliance), which brought together English, Welsh and Scottish civil society organisations, as well as NICVA, the Human Rights Consortium and other groups from Northern Ireland. We did some detailed work on amendments to the bill, which were given to sympathetic MPs and peers; one suggestion regarding acting compatibly with the Good Friday Agreement implementation legislation was passed. We attended two devolved regions roundtables and a number of lobbying occasions in Westminster and elsewhere.

Citizenship

We conducted highly detailed work on citizenship rights after Brexit. We highlighted, on the one hand, the unilateral loss of many rights for Irish citizens born in NI (even though they will retain some EU citizenship rights) and, on the other hand, the creation of a division between the rights accruing to those who choose to be British and those who choose to be Irish. In our view this undermines a key aspect of the Good Friday Agreement. As the Brexit process has developed, so has our appreciation of the complexity of the issue and the legal uncertainty awaiting the different categories of both Irish and British citizens.

Letter to the EU Commission and reference to the Ombudsman

In the belief that some EU Commission statements indicated a rowing back

on rights commitments, we wrote a detailed letter to European Commission President, Jean-Claude Juncker. In our view, the response we received confirmed that there had been a mistranslation of commitments on rights made in the EU-UK Phase 1 ('political') Agreement of December 2017 when they were carried over into the draft EU proposals for the legally binding Protocol on Ireland/Northern Ireland published in April 2018. We referred the matter to the EU Ombudsman, an initiative that received widespread publicity. Eventually, the Ombudsman felt it was outside her remit though we are considering a further reference.

All-island grouping and issues

We have connected with the Irish Council for Civil Liberties and other colleagues North and South in a loose all-island human rights grouping. This has organised several open letters and met with the Tánaiste. Its initiatives have received considerable publicity.

The all-island character of the post-Brexit protection of rights has been emphasised by discussions on the "dedicated mechanisms" referred to in the draft Withdrawal Agreement to honour the pledge to prevent diminution of rights. This appears to involve the Northern Ireland Human Rights Commission (NIHRC), the Irish Human Rights and Equality Commission (IHREC) and their joint committee having the right to raise matters with the 'specialised' committee to be set up under the Withdrawal Agreement. Meetings on the general and detailed issues arising have been held with UK Ministers, NIO officials and the two commissions. We do not believe that there is as yet anything approaching robust guarantees for rights protection and think significant diminution of rights is inevitable if Brexit goes ahead. Discussions continue.

‘One big border’

One of the areas of concern we identified early on in the Brexit process was the threat of enhanced immigration enforcement ‘in country’ in Northern Ireland if controls on the Irish land border were minimised and it were therefore seen as ‘porous’. Furthermore, since Irish and British citizens would not have to carry passports across the border, checks are likely to be on the basis of de facto racial profiling. Evidence for this included aggressive statements by Immigration Enforcement, the apparent use of Schedule 7 counter-terrorist powers by the PSNI for immigration enforcement, recruitment by Border Force for NI, and new border powers in the Counter-Terrorism and Border Security Bill. This coupled with a policy intent to ‘intensify’ the ‘hostile environment’ measures in Northern Ireland means that we fear that Northern Ireland could be turned into ‘one big border’.

We highlighted the case of a client of CAJ who is black and carries a British Passport and was picked out of queues for questioning on four occasions during one trip from Belfast to Scotland. We were also concerned that funding had been withdrawn for much of the excellent immigration legal work hitherto carried out by the Law Centre NI. We developed a research and strategic legal work project and circulated it to a number of potential funders. The Community Foundation for Northern Ireland has agreed to fund this project for two years.

The project will include (i) expert research; (ii) collective information sharing and campaigning; (iii) expert legal support for NGOs working with migrants, refugees and ethnic minority people; and (iv) strategic litigation where necessary and productive. We hope to begin recruitment before the end of the year.



The BrexitLawNI team at the launch of their six project reports in September 2018 at Queen's University Belfast.

Promoting equality

Although we often use the phrase “human rights and equality”, in reality the concept of equality is inseparable from human rights. The idea of all humans being equal in dignity and having unfettered access to rights whatever their personal characteristics demands the implementation of practical policies that will guarantee, as far as possible, equal access to public benefits, employment, goods and services and all sectors and roles in society. No-one should be discriminated against because of protected characteristics or through the exercise of one of the freedoms protected in the human rights canon, such as freedom of expression, opinion and religion. Furthermore, the state has a duty to examine its own policies for possible differential impact on categories of people and to withdraw or amend those that might have a negative impact.

Equality Coalition

The Equality Coalition is an alliance of some 80 civil society groups co-convened by CAJ and UNISON, the trade union. It has had regular meetings during the year with around 20 organisations attending each. During the year, Emma Patterson Bennett left CAJ and Robyn Scott took up the role of coordinating the Equality Coalition, as well as communications for CAJ. The Coalition is developing a Statement of Common Terms, to which members will be asked to adhere. A new ‘Equality Bulletin’ has been introduced for members, which includes equality news stories, events, calls for submissions, job opportunities and signposting to completed reports and equality

screenings. There has been a marked increase of late in the number of requests made for information to be circulated to the members of the Coalition.

The Coalition regards itself as a ‘critical friend’ to the Equality Commission for Northern Ireland (ECNI), which attends the Equality coalition meetings twice yearly. We also refer breaches of equality schemes to the ECNI in its enforcement role and have entered into dialogue with the ECNI with a view to this role becoming more effective



*You can access the
Equality Coalition's
website at:
[www.equalitycoalition
.net](http://www.equalitycoalition.net)*

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

We made a submission to the UN CEDAW Committee to inform its list of issues for its next examination of the UK. Our submission drew attention to a number of matters, including the need for abortion legislation in Northern Ireland and the competency of UK Parliament to legislate to uphold international human rights standards. We suggested that gender should be a protected ground in countering incitement to hatred. We deprecated the failure of the UK government to apply UN resolution 1325 (on women's participation in post-conflict societies) to Northern Ireland and called for

measures to ensure women's full and equal participation in public and political life in the light of the gender-related impact of the Northern Ireland conflict. We also raised the iniquitous 'two child rule' introduced in UK social security provision.

Equality Duty Enforcement Project

We conducted research and published a report on the inadequacies of enforcement of the Section 75 equality duty in draft at the end of last year and in final form on 31 January 2018. As the research had progressed, we had developed a project designed to dismantle the barriers to successful enforcement through capacity building amongst Equality Coalition members and also making direct, exemplary interventions. We received funding for this project from the Baring Foundation. In its first year of operation, under the leadership of Caroline Maguire, the project has been highly successful. The first year evaluation demonstrated the project's success in both practical terms and as an example that may be followed by others.

The evaluator of the project counted 14 separate interventions during the year and he described outcomes in seven as "outright wins" and one partial failure; the others are continuing. We have not space to record all the interventions made by the project, but some of them are described below.

Antrim and Newtownabbey Borough Council

In response to requests from residents in a number of streets for bilingual street signs in Irish and English, Antrim and Newtownabbey Borough Council summarily voted to adopt an 'English-only' street signage policy. This was in breach of domestic and international obligations on minority languages, as well as reforms introduced as part of the peace settlement to repeal controversial legislation banning such signage. In adopting the policy, the

council bypassed the procedural duties in its own Equality Scheme. The move also raised questions of sectarianism in decision making, which would substantively breach the scheme. In the face of a pending judicial review and complaints by residents (based on our original letter to the council) the council made a U-turn and rescinded its policy. It has undertaken to put in place an alternative policy. We will maintain a watching brief to ensure early intervention if that policy is not lawful.



CAJ and Irish language campaigners speak outside the High Court in Belfast following the U-turn by Antrim and Newtownabbey Borough Council.

Her Majesty's Revenue Commissioners (HMRC)

ECNI has spent over four years in correspondence with HMRC over the latter's failure to put in place an Equality Scheme. The case clearly demonstrates how ineffective ECNI's 'advisory' approach to Section 75 can be. The case also highlights HMRC's apparent dismissive attitude towards its Section 75 duties.

We wrote to the ECNI about the matter, who appear to have pressured the tax authorities. HMRC produced a draft equality scheme, which we critiqued. In an apparent further demonstration of its dismissive attitude towards Section 75 duties, HMRC has finalised its scheme without having responded to the consultation as required. We have invited HMRC to meet the Equality Coalition to discuss their approach to equality in Northern Ireland and they have indicated a willingness to engage.

North-West Multimodal Transport Hub

The issue here was a failure to consider users with disabilities when planning a major refurbishment of Derry's train station. After liaising with RNIB, Disability Action and St Columb's Park House, we asked Translink to review the equality screening of the project to take into account the groups' significant concerns, particularly around the external 'shared space'. The screening was significantly revised and mitigations put in place to address the concerns raised, in particular around the shared space. Translink has also improved the accessibility of its equality information on its website.

Complaint to Northern Ireland Public Services Ombudsman about ECNI

We made a complaint to the Ombudsman in relation to a request we put forward for ECNI to undertake a paragraph 11 (own initiative) investigation

into the Executive Office's blocking of a funding bid for legacy inquests.

Our complaint focused on ECNI's extreme delay in responding to the request, as well as a procedural failure to address the core issue contained within our request. In response to our complaint, the ECNI immediately agreed to insert timescales into its Paragraph 10 and 11 investigation procedures, review its complaints procedure, and review our original request for a paragraph 11 investigation.

The commitment by ECNI to insert timescales into its Paragraph 10 and 11 investigations is a potential major success for the project. We have invited ECNI to the next Equality Coalition meeting so that we can provide comments on their draft corporate plan which is currently out for consultation. Our comments will include recommendations around enforcement.

International solidarity

Humanity is a species spread across the globe and human rights standards are therefore also global. More important is the fact that international solidarity amongst and between human rights activists is an essential element of effectively claiming and vindicating rights. The international system of human rights enforcement is necessarily impacted by power struggles between blocs and individual states – we do not have a world government, a world court or a world police service. Solidarity between people may seem weak when compared to state repression but it is the only power we have and its force has been demonstrated over and over again. In Northern Ireland we have benefitted from international solidarity – it is our duty to reciprocate. CAJ is a full member of the International Federation of Human Rights (FIDH) and does what it can to support its campaigns. We are also active in disseminating the lessons of our conflict and peace process, both positive and negative.

Delegations

In the early part of the year, we met the Ukrainian Minister for Temporarily Occupied Territories and Internally Displaced Persons; the Professor of Criminal Justice at Osaka City University, Japan; and a delegation of academics from Kosovo, who are setting up a Transitional Justice Institute. We also met with two members of the Irish American Unity Conference, who we have previously met both in Washington and Belfast, and who presented us with a donation of \$1,000.

In July, we met with a three-person military delegation headed by Air First Marshal Adityawarman of Indonesia, accompanied by two British Army personnel. We opened the discussion by putting the FIDH line on human rights abuses in Indonesia – LGBT discrimination, use of the death penalty, harassment of religious minorities and unresolved past violations. We also criticised the restriction of press access to West Papua, which was the focus of their visit. We gave a customised briefing verbally and in writing on a human rights approach to conflict resolution, emphasising the need for transparency as counter to ‘propaganda’.

We facilitated contact between Professor Cathal McLaughlin in QUB and FIDH to secure a screening of his film on UN Peacekeepers in Haiti at a fringe of the then forthcoming session of the UN Human Rights Council. Also in July, we met with French parliamentarians and discussed Brexit and the border. Additionally, we met with two South African civil society activists under the auspices of Social Change Initiative, a researcher from the US Consulate and a Brussels-based Cypriot journalist.

Our last meeting recorded this year was with four senior representatives of the Ogaden National Liberation Front and one of their allies, who have recently signed a peace agreement with Ethiopia. This was facilitated by Conciliation Resources, an international conflict resolution NGO.

Helsinki Commission

On 22 March, CAJ were invited to give evidence to the ‘Helsinki Commission’ in Washington D.C. The Commission on Security and Cooperation in Europe (also known as the U.S. Helsinki Commission) is an independent agency of the Federal Government of the United States charged with monitoring compliance with the Helsinki Accords and advancing comprehensive security

through promotion of human rights, democracy, and economic, environmental and military cooperation in 57 countries. The Commission consists of nine members from the U.S. Senate, nine from the House of Representatives, and one member each from the Departments of State, Defense, and Commerce.

On this occasion, under the Chairmanship of Congressman Chris Smith, the Commission held a hearing on 'The Good Friday Agreement at 20: Achievements and Unfinished Business'. Amongst the points we made about the peace agreement were: "The reality is that, while huge advances have been made and society in the North is now very different to that of 20 years ago, there are outstanding commitments and unfulfilled promises which weaken the peace process." On Brexit, we commented that: "any diminution in the protection of rights of the people living on the island could reduce trust in the Belfast Good Friday Agreement institutions and any unravelling of the settlement would be disastrous for human rights." Our evidence was well received.

Seminars & workshops

At the start of September, CAJ was invited as an external expert to participate in a workshop in Budapest on Strengthening Resilient Organisations in Central and Eastern Europe (CEE). The other external participants were from Memorial (Russia) and B'Tselem (Israel). The Hungarian Helsinki Foundation and their Polish counterparts organised the engagement of around 20 key NGOs from the region. The goal of the workshop was to encourage thinking, collaboration and information sharing, and to strengthen resilience of civil society organizations in Central and Eastern Europe.

We attended a seminar in Belfast on 7 September held by Foundations for Peace, which is a global network of independent, non-partisan local funders working to build peace and social justice within their respective communities, societies and countries. Later in the same month, on 11 September, we contributed to another seminar in Belfast, this time organised by the European Group of National Human Rights Institutions. We spoke on a panel on the role of human rights commissions in counter terrorism policy in post-conflict societies.

From 5 to 8 November 2018, we were invited to attend the annual Asia-Europe Meeting on Human Rights and Prevention of Violent Extremism, held in Yogyakarta, Indonesia. The Asia-Europe Meeting (ASEM) is an intergovernmental forum (53 European and South-East Asian members) for dialogue and cooperation established in 1996 to deepen relations between Asia and Europe, which addresses political, economic and socio-cultural issues of common concern. It holds annual informal seminars on human rights. Participants are official representatives from member states and civil society representatives chosen by the organisers. There were about 100 participants, though no official representative from the UK.

There was a strong emphasis on human rights and considerable criticism that such concepts as violent extremism, radicalisation and terrorism were vague and undefined. In spite of the fact that there were representatives of serial rights abusing states, the recommendations were progressive. They will go to Foreign Ministers of the Association of Southeast Asian Nations (ASEAN), but such events are unlikely to have immediate impact on states' policy. However, the clear human rights focus of such meetings will presumably have a broader impact on helping to reinforce an international culture of human rights.



CAJ Deputy Director Daniel Holder (centre) participating in the Budapest workshop on Strengthening Resilient Organisations in Central and Eastern Europe.



CAJ's meeting with the Ogaden National Liberation Front.



CAJ Director Brian Gormally speaking at the ASEM event we attended in Yogyakarta, Indonesia.

Staffing

This year we said goodbye to Emma Patterson Bennett, who left us for a public sector equality post. Emma did a great job on all aspects of equality with CAJ and especially in developing the Equality Coalition. We will miss her but we are confident she will put her skills and knowledge to great use in the public sector. Emma is replaced by Robyn Scott, whose post has an increased emphasis on communications. Robyn has already impressed with her skills and enthusiasm and we look forward to a great working relationship.

We also said farewell to Fidelma O'Hagan, who was covering Gemma McKeown's maternity leave. In her short period with us, Fidelma made a great impact and, as a highly experienced immigration lawyer, was one of the inspirations behind our new immigration enforcement monitoring project. Gemma has returned from maternity leave and has already become re-immersed in the intense work that being CAJ's solicitor involves.

As we noted in the body of the report, Caroline Maguire, who has done such an outstanding job with the Equality Duty Enforcement Project, is leaving us for an influential legal post in the trade union movement. We will miss her expertise and enthusiasm but will be recruiting for her replacement shortly.

CAJ relies on volunteers for a range of tasks, from court observation to legal research. This year we would particularly like to thank Fiona Cash, Christina Verdimane, Jeanette Murtagh, Martyn Bunting, Charlotte Mills, and Sinead Burns. Lars Mensch took over from Leon Daum as our volunteer from the Eirene organisation and we thank them both for their invaluable work.



The Executive

Louise Mallinder (Chairperson)

Fionnuala Ni Aolain (Editor of Just News)

Anna Bryson

Dáire McGill

John Topping

Rory O’Connell (Treasurer)

Cathy Bollaert

Ciarán Ó Maoláin

Anne Smith

Romana Khaoury

Staff team

Director	Brian Gormally
Deputy Director	Daniel Holder
Office Manager	Liz McAleer
Solicitor	Gemma McKeown
Equality Duty Enforcement Project Coordinator	Caroline Maguire
Communications & Equality Coalition Coordinator	Robyn Scott
EIRENE Volunteer	Lars Mensch

(Details correct as of November 2018)

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

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 and Expenditure for the year ended 30 June 2018

Turnover	2018 £	2017 £
Community Relations Council (Public Order Policing)	-	9,319
HRT - Joseph Rowntree Charitable Trust	41,500	35,000
HRT - Baring Foundation	23,902	-
HRT - Human Rights Fund	160,260	150,123
Service Fees	225	3,715
Project partner contributions (UNISON)	10,000	10,000
Open Society Justice Initiative	33,662	-
Donations (including Paul Schurgot Foundation)	5,016	8,835
Publications	-	385
Reimbursement of costs	6,526	4,493
Legal Fees Income	3,648	11,418
Income from secondment (UNISON)	-	2,004
Membership Fees	1,058	1,390
QUB School of Law (Secondment)	41,913	8,233
Rent receivable	18,750	-
Other income	650	10,420
	347,110	255,335

The Committee on the Administration of Justice Ltd Company limited by guarantee
Detailed Income and Expenditure for the year ended 30 June 2018

Administrative expenses	2018 £	2017 £	Administrative expenses (continued)	2018 £	2017 £
Wages and salaries	(214,936)	(185,196)	Travelling expenses	(16,638)	(2,973)
Employer's NI contributions	(19,892)	(16,797)	Legal, professional and research	(2,632)	(7,488)
Staff pension costs	(17,684)	(16,662)	Auditors remuneration	(3,668)	(3,424)
CAJ training	-	(190)	Bank charges	(516)	(415)
Insurance	(4,886)	(4,798)	Hospitality	(2,795)	(1,075)
Equipment leasing	(3,151)	(3,467)	Miscellaneous expenses	94	(3,510)
Light and heat	-	(1,428)	Volunteer expenses	(2,653)	(2,972)
Building maintenance	(2,833)	(9,732)	Affiliations & subscriptions	(570)	(206)
Office materials	(498)	(830)	Write off of historical costs	-	4,155
Postage, stationery & telecommunications	(8,981)	(7,397)	Depreciation of tangible assets	(1,237)	(426)
Publications (including Just News)	(2,174)	(2,122)		(318,694)	(274,059)
Conferences and seminars	(6,844)	(1,023)			
Computer/I.T. Support	(4,941)	(5,408)	Other interest receivable and similar income	17	44
Website and web development	(1,259)	(675)	(Loss)/profit on ordinary activities before taxation	28,433	(18,680)

The Committee on the Administration of Justice Ltd Company limited by guarantee
Statement of financial position 30 June 2018

	Note	2018 £	£	2017 £	£
Fixed assets					
Tangible assets	7	3,347		1,505	
			3,347		1,505
Current assets					
Debtors	8	31,035		16,696	
Cash at bank and in hand		74,612		80,659	
		105,647		97,355	
Creditors: amounts falling due within one year	9	(3,671)		(21,970)	
Net current assets			101,976		75,385
Total assets less current liabilities			105,323		76,890
Net assets			105,323		79,890
Capitals and reserves					
Profit and loss account			105,323		76,890
Members funds			105,323		76,890

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 2018, and are signed on behalf of the board by: Louise Mallinder, Director

Company registration number: NI032591

A full set of audited accounts is available upon request.

Submissions



S469 Implementing the 'Petition of Concern' – CAJ Briefing Note, January 2018

S470 Submission to the Boundary Commission for Northern Ireland 2018 Review of Parliamentary Constituencies Revised Proposals, March 2018

S471 CAJ submission to CEDAW, June 2018

S472 CAJ submission to European Parliament Constituencies Committee, August 2018

S473 CAJ submission to Mid Ulster Council Draft Policy for the Management of Bonfires on Council Property, September 2018

S474 CAJ response to HMRC draft Equality Scheme, July 2018

S475 CAJ briefing note on CTBS Bill passport control provision, Oct 2018

Each of these submissions can be accessed or downloaded for free on the CAJ website. Please visit:

www.caj.org.uk/publications/submissions/

Thank you for supporting the work of CAJ in 2018



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