



Opening statement to the Oireachtas Joint Committee on Justice and Equality

CAJ Director Brian Gormally appeared before the Oireachtas Joint Committee on Justice and Equality on Wednesday 23 January 2019 to discuss the issues and potential risks raised by Brexit in terms of human rights and equality in Ireland. Attending the same meeting were representatives of the Northern Ireland Human Rights Commission (NIHRC) and the Irish Human Rights and Equality Commission (IHREC), as well as Professor Colin Harvey of Queen's University Belfast. The full text of Brian's opening statement is given below.

"I would like to thank the Chair and members of this Joint Committee for the invitation to give evidence today. As you know, the Committee on the Administration of Justice, CAJ, is a Belfast-based independent human rights organisation which founds its analysis on international standards and takes no position on the constitutional position of Northern Ireland.

There is no doubt that Brexit would damage and reduce protections for human rights and equality in a range of different ways. However, today I wish to concentrate on the damage that may be done – and to an extent has already been done – to the peace agreement which has brought twenty years of relative

peace and stability to our island. Since conflict means a bonfire of rights, defending the peace is the first priority for human rights activists

At the moment, we still do not know if Brexit will actually happen or, if it does, in what particular way. However, the events of the past two and a half years have already damaged the peace settlement and relations across this island. We presently have no working devolved institutions in Northern Ireland and the two major political parties are on opposite sides of an increasingly fractious debate. In our view, whatever happens, we need to rebuild our intertwined societies on the basis of a new dispensation based on human rights and equality. In the coming years, there will be further dislocation and disagreement, whatever happens with Brexit, as the constitutional status of Northern Ireland again comes to the fore with a probable Border Poll. We need a resilient society and politics with institutions across the island which people can trust to be fair and transparent. In this briefing we wish to make some proposals that come out of our enhanced understanding of the weaknesses and pressure points that the Brexit debate process has laid bare.

The citizenship issue shows how basic assumptions of the Good Friday Agreement have been undermined. It recognised the birthright of the people of Northern Ireland to hold Irish or British citizenship on the basis of

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equality. The basic breach of this principle of equality by Brexit would be that Irish citizens would remain EU citizens whereas British citizens wouldn't. It amounts to a new focus of division between the two main communities here. But it has also become clear that Brexit could make the status of Irish citizens born in Northern Ireland constitutionally and practically insecure. If Brexit goes ahead, Irish citizens will be EU citizens living in a non-member state. What rights do they have to live, work, access health and social services and fully participate in social and political life in that state where they were born? There are several possible answers to that.

The first possibility is that the UK Home Office will regard Irish citizens as 'really' British since UK nationality law decrees that most of those born in the UK have British citizenship. The second possibility is that the Common Travel Area (CTA) will sort all this out. In fact, as the human rights commissions have suggested, Common Travel Area rights are "built on sand". The third possibility is that, under the Withdrawal Agreement, EU citizens living in the UK can retain many of their current rights by applying for "settled status." You must make an application to the Home Office before the Transition Period ends, but Theresa May magnanimously withdrew the £65 charge on Monday afternoon.

None of these options is appealing as they all involve the implication that those who choose Irish identity are in some way second class citizens. Their rights as full participants in NI life would depend on either a denial of their Irish nationality, as yet unknown bilateral agreements between the UK and Ireland about the CTA, or asking the Home Office to graciously allow them leave to live in the land of their birth. The reality is that Irish citizens, born and living in Northern Ireland, have no legal connection to the jurisdiction in which they were born.

Legislation is needed both in the UK and Ireland to guarantee full equality in the rights British and Irish citizens can access and to recognise the particular status of Irish citizens born in Northern Ireland and their unequivocal right to participate fully in that region and as fully as is feasible in Irish society. A treaty enshrining these provisions in international law would repair the damage done to the principle of the Good Friday Agreement.

The other measures to protect rights we propose are the following:

To prevent a racist immigration policy and the territory of Northern Ireland becoming 'one big border', we propose that the Irish government reject any practice of racial profiling and begin an open and transparent debate about how immigration into the Common Travel Area is managed. The Charter of Rights for the island of Ireland signed by political parties should be revisited: commitments to human rights and equality based decision-making, with all the principles of



*An official photograph taken of participants in the session.
Photo credit: Oireachtas.*

transparency and public involvement that would involve, could be the basis of an island-wide code of political behaviour.

Equivalence in the protection of rights North and South is a basic principle of the Good Friday Agreement: it is important that some way of guaranteeing that rights are and will in perpetuity be protected in an equivalent manner in both jurisdictions is developed, whether in compatible legislation or treaty.

Abuses of power, sectarian decision making and a corrosive lack of trust between the two major parties in Northern Ireland led to the downfall of the devolved institutions. We need a human rights and equality based return to devolution based on the full implementation of the rights provisions of the peace settlement, addressing international rights obligations and working fully within the existing rules.

Brexit threatens human rights and equality protections in a number of specific ways. However, its main impact has already been to destabilise both the provisions of the peace settlement and the relations between the two jurisdictions on this island. The current uncertainty and political turmoil may subside to an extent, especially if Brexit does not actually go ahead, but trust and confidence have already been undermined. Questions of identity and citizenship have been opened up in a way not seen since well before the Good Friday Agreement – those genies cannot be put back in the bottle. We therefore need a set of measures, across the island and, where possible, on the basis of formal treaties between the two sovereign states involved, which can stabilise trust and build resilience as we move into a future of change and challenge."

Further reading: CAJ provided a detailed written briefing paper to the Committee in advance of the meeting. This is available to download from the CAJ website: <http://bit.ly/2MtaHc6>

‘Disadvantaging the disadvantaged’ – The challenges facing children with additional learning needs in Irish Medium Education

Ciarán Mac Giolla Bhéin, Advocacy Manager, Conradh na Gaeilge



At a time when schools’ budgets are facing potentially unprecedented pressure and cutbacks, those with additional needs who require additional support from our education system will, no doubt, feel this pressure keener than others. As school budgets are decimated, their ability to provide bespoke, specific care to all of the children under their care is diminished. In the Irish medium sector, the absence of any bespoke support structures to meet the particular needs of children learning through Irish has long been an area of huge concern and frustration.

The first Irish medium (IM) school was established in 1971. Since then, the sector has grown exponentially and is now the fastest growing sector within education. At a time when enrolment figures generally are falling, the Irish medium sector is expected to at least double in size over the course of the next 10 years. The added value of immersion education is something which is clearly appealing to more and more parents, but it also brings with it additional considerations which need to be taken into account in all aspects of the education system, including the provision that is made for Special Educational Needs (SEN). In spite of this phenomenal growth (and that the sector is almost 50 years old!), Irish medium schools have received very little bespoke support from the relevant authorities. During the same period, enormous progress has been made that has transformed how young people with additional needs are assessed and supported in the education sector.

Following the Warnock Report (1978), important legislation came into force which went some way to deal with the inadequate provision of SEN within schools prior to the 1980s. Legislation such as the Special Educational Needs and Disability Order (2005) NI and the Education for Persons with Special Educational Needs (EPSEN) (2004) in the South of Ireland have become the cornerstone of SEN within schools.

While this current legislation is very welcome for children with SEN and their parents, those teaching in IM schools continue to struggle with SEN because of lack of specific support for their sector. This despite the fact that IM schools have a higher proportion of children with SEN than average and the fact that the sector is undergoing rapid growth.

Writers such as MagUidhir (1991) highlighted the inadequacies of SEN in the Irish medium sector over two decades ago. Despite this, the first major analysis of Irish medium SEN by a government department did not take place until 1999, when ETI published a report based on the findings of a survey that aimed to evaluate the effectiveness of SEN

provision within IM schools in line with the Education (NI) Order 1996. The findings of the survey included the following: “This survey has ... identified a number of significant areas of concern which are beyond the control of the schools and which need to be addressed as a matter of urgency if IM primary schools are to meet, more consistently, the needs of all the children.”

A decade later, the Department of Education completed a *Review of Irish-Medium Education* (2009). The review made 22 recommendations and recommendation 17 was specifically on SEN. For the first time, SEN in IM education was specifically earmarked for policy change at a departmental level. Recommendation 17 concluded that more support staff were required with a high level of Irish and that best practice should be developed in a joined up manner internally within the sector and on an all-Ireland basis. Finally, it recommended that high-level diagnostic tools needed to be developed on an all-Ireland basis for IME.

Like so many of the policies and reviews before it, this particular review goes to great lengths to point out the need for specific assessment tools for Irish medium children. None of these recommendations have been implemented and children with additional learning needs still face the same barriers and inadequate provision today as when the above stated review was conducted.

All of this in spite of the fact that since 1998 there has been a statutory duty on the Department of Education to “encourage and facilitate the development of Irish medium education”. In a landmark case in 2011, Justice Treacy ruled that the legal duty was to have “practical consequences” and was not merely aspirational.

Practical consequence should include the implementation of recommendations made by the department itself in terms of how they meet the needs of children with SEN in the Irish medium sector. Diagnostic and assessment tools that reflect their particular educational environment are basic entitlements, but have yet to be delivered. Given that the IM sector is undergoing massive growth, this problem, unless dealt with, will only become more profound as time goes by. Children with additional learning needs already face enormous challenges and obstacles on a daily basis. For those in the IM sector, this is compounded by the fact that the tools used to assess them are not fit-for-purpose. In essence, this amounts to disadvantaging the disadvantaged. This is not acceptable and must change.

Human rights defenders under attack in Northern Ireland

Robyn Scott, Communications & Equality Coalition Coordinator, CAJ

As many of you reading this will no doubt be aware from your own work, human rights defenders in Northern Ireland are facing attack from many sides. Online abuse, trolling and threats directed towards rights defenders have become commonplace in the digital age. Women rights activists and LGBT activists often bear the brunt of these online attacks, with relatively little remedy or intervention from public authorities. Over recent months, there has been a worrying resumption of political attacks in Westminster and in the UK tabloids against human rights lawyers, reminiscent of the climate that preceded the assassinations of Pat Finucane and Rosemary Nelson. In a chilling development for media freedom, journalists have also been purposely targeted.

At the end of last year, the Equality Coalition, which is co-convened by CAJ and UNISON, held a special, one-off panel discussion to explore the experiences of rights defenders working in Northern Ireland within this increasingly hostile climate. The event aimed to identify what actions can be taken, collectively, to address attacks on people who are fighting to protect our rights. Chaired by the Regional Secretary of UNISON, Patricia McKeown, the event featured five expert panellists, all of whom defend human rights in some capacity. Each shared their own personal experiences and insights, before taking questions from the audience. Below is a summary of the key points made by each of the panellist in their presentations.

Seán Brady, Assistant Director (Programmes), Participation and the Practice of Rights (PPR)

Seán spoke on his work with PPR, a Belfast-based NGO that aims to put the power of human rights at the service of those who need it most.

Using a human-rights based approach, PPR supports marginalised people to assert their rights in practical ways and make real social and economic change in their communities. The NGO works at the grassroots and measures success when change is seen on the ground, not when government makes a commitment.

After providing a short history of PPR and its work, Seán discussed how the participation of people from economically deprived areas is often seen as a threat by those involved in the decision making process. Unfortunately, this sometimes makes people scared to put their heads above the parapet and directly engage in activism on rights – they are worried it will draw unnecessary attention to them. For instance, someone with a disability might be criticised for appearing at a protest when they are unable to work, even though these two types of activities are in no way comparable.



When people do step up, they can encounter some very sinister processes. Seán shared a specific example in which a brave woman, who has a range of mental and physical health problems and a severely disabled child, led a protest after being denied her social security income following assessment by a private company. The protest made its way right to the doors of the government department that had approved the decision to stop her income. Within a day, that decision to suspend her social security had been overturned. However, the very next week the department's doors were locked and there were new security procedures in place. The week following on from that, a leading trade union led a protest at the building and it was placed on lockdown in response.

Though the attacks on human rights defenders are many, Seán emphasised how important it is for rights defenders not to bow to this pressure. There is a uniformity to how power responds when questions are asked of it. But by working closely with the people directly affected by rights issues, it is possible to grow resistance and create real change from the ground up. Rights defenders should aim to build their orbit around those whose rights are denied for the most chance of success and lasting change.

Goretti Horgan, Activist and Academic

With a long personal history of defending rights, Goretti had years of material to draw on during her presentation. In addition to currently being a Lecturer in Social Policy at Ulster University, Goretti describes herself as a socialist, trade unionist and women's rights activist. Over the years, she has been a prominent pro-choice and anti-poverty campaigner.



During her presentation, Goretti drew attention to Northern Ireland's poor record on poverty and the worsening experience of those in receipt of benefits. She was particularly critical of Personal Independence Payments (PIP) and the manner in which eligibility for this benefit is measured. The assessment process asks people to see everything wrong with them, penalising them for being able to complete simple tasks and for getting out and about (something which is good for them). She felt compassion had been replaced by a callous approach and that the extent to which claimants' rights had been undermined in recent years could not be underestimated.

Goretti stated that this situation is made worse by the lack of an overarching anti-poverty strategy in Northern Ireland – something which cannot be corrected until the Northern Ireland Executive is restored. Unfortunately, there seems to be little prospect of this happening in the immediate future. The collapse of funding for the Northern Ireland Anti-Poverty Network back in the late 2000s was another awkward truth. Additionally, Goretti argued that the UK government's refusal to apply UN Resolution 1325 (on women, peace and security) to the Northern Ireland conflict meant that the role of women in the North was continuing to be undermined.

As a result of her activism, Goretti said she had encountered her



share of hostility, but she felt like the major flashpoints today are around children's rights, migrants' rights and travellers' rights. She expressed her distaste at the targeting of those who are fighting to protect such hugely vulnerable groups.

Caroline Maguire, Equality Duty Enforcement Project Coordinator, CAJ

Though Caroline originally intended to discuss her work with CAJ, she was convinced by recent experiences to instead talk about a personal campaign in which she had become involved. Caroline currently lives in a small town in Donegal that will soon also become home to 100 asylum seekers, who are being given accommodation in a local hotel. Along with a friend, Caroline has established a welcoming committee to help the asylum seekers feel safe in their new home.



Response to their impending arrival has garnered a somewhat mixed response from local residents – at a public meeting concerns were expressed about the move, but nonetheless a broad consensus was reached that the community should do what it could to welcome the new arrivals. However, this situation has since been further complicated by far-right elements inserting themselves into the picture. A follow-up meeting organised by Caroline and her welcoming committee had to be limited to supporters only when it was discovered that a far-right group was in Donegal to make a 'documentary' about migration in Europe. Sadly, criminal incidents have also occurred, including a firebomb attack on the hotel, which left the downstairs badly damaged. It was hoped that this would prove to be a one-off attempt at intimidation, but since then a brick has also been thrown through the car window of a security guard employed to watch the hotel.

At time Caroline was speaking, what was happening in her town was still very much an unfinished story. Although the narrative of the opposition was being framed in terms of a lack of resources and unsuitability of the town for asylum seekers, Caroline felt strongly the true underlying issue was fear of the other.

Niall Murphy, Human Rights Lawyer, KRW Law

As a solicitor who works on legacy cases, Niall was keen to counter rhetoric that portrays attempts to hold the state to account for murder and other crimes as 'witch hunts'. He drew attention to recent controversial proposals to enable the UK military to benefit from a Statute of Limitations for crimes committed in Northern Ireland.



He explained that the movement for immunity is not a new one, but instead has been part of Conservative party rhetoric for some time. At the 2016 Tory party conference, for example, the then-Defence Secretary Michael Fallon spoke of protecting UK troops from 'spurious legal claims', while PM Theresa May criticised "activist left wing human rights lawyers" who

"harangue and harass" Britain's armed forces. Earlier in the same year, the then-Secretary of State for Northern Ireland, Theresa Villiers, gave a speech in which she argued that a "pernicious counter narrative" was seeking to displace responsibility from the people who perpetrated acts of terrorism in NI and place the state at the heart of nearly every atrocity that took place. Taken together, Niall argued that comments such as these could lead one to conclude that the marginalisation of lawyers was a dedicated state agenda.

Niall also spoke about the right-wing media, saying it had proven itself all too willing to respond to the state's 'dog whistle', frequently publishing articles portraying the same one-sided narrative. One such article from 2016, which castigated law firms involved in legacy cases, went as far as to make reference to the home addresses of two prominent lawyers.

In spite of these obstacles, Niall stressed the importance of continuing to pursue truth and hold the state to account, both for the sake of families still seeking justice and for society as a whole. As he eloquently put it, the importance of an accurate public record cannot be underestimated to the moral fabric of a society.

Barry McCaffrey, Journalist, The Detail

Journalists are not supposed to be the story, Barry explained at the start of his presentation. However, this all changed for him on 31 August 2018 when he and fellow journalist Trevor Birney were arrested in relation to their 'No Stone Unturned' documentary film, which revealed further evidence of state involvement in the 1994 Loughinisland massacre. The offices of several media organisations were also raided as part of the operation, which was led by the Durham Constabulary, with support from PSNI officers.



The police arrived at Barry's home at 7am. He was placed under arrest and his phone was seized. At this point, he was not aware of the exact circumstances behind his arrest. However, it would eventually become clear that the arrest was in relation to the alleged 'theft' from the Police Ombudsman for Northern Ireland of documents used in the making of the documentary.

Barry was released without charge after 14 hours in custody. Looking back over the ordeal, he said it demonstrates a hugely concerning attitude. What does it say about society at large when it is the journalists investigating a massacre who are being targeted, not those responsible for the killings? He believes that there is a growing chill factor directed towards journalists today, at a time when we need a free press more than ever. Social media has led to new ways to share information, but Barry explained that society still requires responsible, trusted journalists to investigate and reveal the truth. Journalists cannot and should not be working under constant threat of arrest. They are not the ones who need to be held to account.

Visit www.equalitycoalition.net to learn more about the Equality Coalition.

Labour rights activists face might of Egyptian military

Erin Kilbride, Visibility Coordinator , Front Line Defenders

Front Line Defenders was founded in Dublin in 2001 with the specific aim of protecting human rights defenders (HRDs) at risk . The article below details the perilous situation currently faced by HRDs in Egypt.



On 6 February 2019, Egypt's parliament approved constitutional amendments that would allow President Abdel Fattah El-Sisi to stay in power until 2034, allowing the authoritarian leader another 15 years in office. The constitutional changes need to be endorsed by two thirds of parliament and, if approved, move on to a national referendum. The vast majority of Egypt's 596 MPs are Sisi supporters.

In 2013, then General Sisi led a military coup against Muslim Brotherhood member and elected president Mohamed Morsi, and was himself elected president in 2014. Since that time, Sisi has led a violent, unrelenting campaign against HRDs, granted vast new judicial and economic powers to the military, and overseen the skyrocketing number of civilians sent to military trials. Human rights groups estimate more than 15,000 civilians have been tried before military courts since 2014. It is no coincidence that additional constitutional amendments introduced this month give Sisi more power in appointing public prosecutors and judges, and add language to Article 200 of the constitution asserting the centrality of the military to Egypt's "constitution and democracy and the fundamental makeup of the country and its civil nature."

Sisi has defended his unrelenting crackdown on human rights with two main arguments. First, he's claimed the country's struggle to root out various terrorist groups justifies its abysmal record on political freedoms. Second, Sisi and his supporters claim the economy is rebounding, infrastructure projects are expanding, and the country's development agenda is on track. What they fail to mention, however, is that vast swaths of Egypt's (still struggling) economy are now owned or operated by the Ministry of Defence (MOD) – and that this has dangerous consequences for the millions of civilian Egyptian workers now under its control.

The Egyptian MOD is estimated to run up to half of the country's economy. Tens, possibly hundreds, of military-owned companies have flourished since 2013, with the military developing factories, hospitals, hotels, resorts, gyms, greenhouses, medical equipment, and consumer electronics.

As the MOD purchases more land and deepens its control over public sectors like transportation and agriculture, labour rights defenders organizing in these companies and sectors occupy a dangerous space in Egypt's militarized economy. Labour activism in any industry, sector, or company controlled by the military puts HRDs at increased and direct risk of prosecution in military courts.

Labour rights activism has, for decades, been Egypt's most powerful social mobilizer. Since the mid-1900s, public actions demanding safe working conditions, minimum wage and freedom of assembly routinely brought tens of thousands of working class Egyptians to the streets, and won significant victories against previous authoritarian rulers.

The government of President Sisi has punished labour rights

defenders with arrests, disappearances, beatings in detention, intimidation by State Security officers, withholding of salaries and benefits, mass firings and trials in military courts. During field research for a new report, *Striking back: Egypt's attack on Labour Rights Defenders*, activists who had participated in factory strikes for more than 50 years told Front Line Defenders that in their lifetimes, they had never faced this level of violence and retribution against labour rights activism. Several local human rights organisations have documented a sharp decline in public worker actions, and attribute this directly to the government's violent, militarized assault on labour rights defenders.

Defenders working in factories, hospitals, oil companies and transportation centres have been accused of instigating strikes, halting or obstructing production, and membership of a banned group – widely understood to be the Muslim Brotherhood. Many have been fired for documenting labour violations, disseminating information about workers' rights, or organizing colleagues outside of the powerful state-aligned union.

The military's increasing influence over the economy has not only harmed the security of labour rights defenders, it has purposefully undermined workers' movements. In 2014, the military responded to a strike by Cairo's public transport workers by providing 500 buses and drivers to keep the transportation system running. Military controlled companies and private corporations attack labour rights defenders by weaponizing poverty, using tactics like mass firings or factory lock-outs as a form of collective punishment, aimed at pushing whole communities further into poverty and eroding solidarity between HRDs and their peers.

Women human rights defenders (WHRDs) report that sexism and gendered attacks are deployed within and against labour rights movements to limit their powerful work. Fathers of WHRDs and other male relatives receive threatening calls from state security to "control" their daughters' activism, while military prosecutors will threaten male – but not female – activists with prison time to erode solidarity between movements. Such threats reinforce the false notion that men face more severe punishments for activism than women, and Egyptian WHRDs say their male colleagues frequently disregard the violent, sexualized, or defamatory threats they face.

The World Bank reports that as much as 60% of the Egyptian population was living under in poverty in 2018, with rates continuing to rise. While Sisi has urged "patience" and repeatedly assured the nation that living conditions will improve, his regime's violent crackdown on local HRDs defending the rights of workers undermines his military-first approach to development.

Further reading: Front Line Defenders has published a report on the situation in Egypt, which can be found here: <http://bit.ly/2GBYeTo>

Human Rights in Asia and Europe

Brian Gormally, Director, CAJ

The Asia-Europe Meeting (ASEM) is an intergovernmental forum for dialogue and cooperation comprised of 53 European and South-East Asian members. Established in 1996 to deepen relations between Asia and Europe, it addresses political, economic and socio-cultural issues of common concern. CAJ was the only UK-based human rights NGO invited to attend a recent ASEM meeting on *Human Rights and Violent Extremism*, which was held in Yogyakarta, Indonesia, from 5-8 November 2018.

Meeting report

On the occasion of the first ASEM Foreign Ministers Meeting in 1997, Sweden and France had suggested that informal seminars on human rights be held within the ASEM framework. The idea was broadly shared by ASEM Partners. The aim of this project is to promote mutual understanding and co-operation between Europe and Asia within political dialogue, particularly on human rights issues. The Asia-Europe Foundation was established by the members and acts as the secretariat for the meetings. Participants are official representatives from member states and civil society representatives chosen by the organisers.



The 18th Informal ASEM Seminar on Human Rights aimed to contribute toward a better mutual understanding of violent extremism and its underlying causes, to discuss the human rights impact of measures adopted to prevent violent extremism, and to identify good preventive initiatives that are aligned with human rights standards.

There were about 100 participants, though no official representative from the UK Government. It was extraordinary that, given the importance of the subject matter and the opportunity to contribute to debate in South East Asia, not even a junior diplomat from the Jakarta Embassy could be tasked to attend. CAJ contributed to both plenary sessions and extensively in the day-long workshop on 'push and pull' factors in violent extremism.



Brain speaking at the ASEM conference

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. When finally drafted in the conference report, these are expected to include a recommendation that countries should be encouraged to have stronger legislation or statutory guidance in order to ensure government compliance with human rights. Such legislation should include compulsory human rights education (both in schools and for government officials) and incorporate the Convention on the Rights of the Child, as well as measures on equality, diversity and anti-discrimination. Human rights should be a cross-cutting theme in all action on violent extremism.

It was also recommended that states adopt a 'whole-of-society' approach, working with communities and civil society as a whole. The misuse of state power was noted as a major factor in shaping world views and the attitudes that then foster extreme ideologies. Human rights are the only universally accepted lever that can rebalance this misuse, and thus more emphasis is needed to promote them at all levels. In this regard, good and accountable governance is key to ensuring that human rights are promoted, protected and fulfilled even in times of high pressure. Rights-based education was recommended in order to promote critical thinking. It was also suggested that women's critical role in preventing violent extremism should be placed within a gender framework in order to understand better how gender stereotypes are manipulated for violent extremism.

The recommendations will go to states and in particular the Foreign Ministers of the Association of South East 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.



Civil Liberties Diary - Oct 2018 to Jan 2019

Compiled by Sinead Burns from various newspapers

1 Oct 2018: Resources designed to support lesbian, gay, bisexual and transgender pupils in schools have been translated into Irish and Ulster Scots. The new materials were created by Cara-Friend in partnership with Colaiste Feirste and The Reach Project.

5 Oct 2018: An Executive Office report has indicated that social polarisation amongst young people of different religions in Northern Ireland has increased. The latest *Good Relations Indicator* report has shown that the number of young people that socialise with people from a different religious community has fallen by 5% to 38%, whilst the number who "never" do so has risen by 3% to 14%.

11 Oct 2018: The Supreme Court has ruled that a Northern Irish bakery did not discriminate against a customer by refusing to bake a cake decorated with the slogan "Support Gay Marriage". The five Supreme Court justices were unanimous in their judgement. John O'Doherty, Director of The Rainbow Project, has expressed disappointment in the ruling.

25 Oct 2018: MPs have passed an amendment related to the push to reform abortion and same-sex marriage laws in Northern Ireland. The new clause seeks to increase accountability of the Secretary of State and senior Stormont officials to ensure human rights compliance.

6 Nov 2018: Issues with the roll out of Universal Credit in Northern Ireland have led to an increase in the number of emergency supplies handed out at food banks run by the Trussell Trust. The charity has said it has provided over 650,000 supplies between April and September this year – a 13% increase on last year.

14 Nov 2018: Convictions for rape and sexual offences in Northern Ireland are the lowest in the UK. Criminal Justice Inspection Northern Ireland has said that less than 2% of reported rapes resulted in conviction and less than 10% of reported sexual crimes resulted in conviction. CJINI has said that lengthy

delays, an intrusive court process and a low chance of conviction deter complainants from proceeding with cases.

22 Nov 2018: Human rights lawyers have warned that vulnerable people in Northern Ireland are being targeted by a British Home Office policy. The so-called 'hostile environment' policy is designed to curb illegal immigration. However, the system has raised issues from a human rights perspective. During a week in November, immigration tribunals in Belfast refused to give 'leave to remain' to a trafficked child, a victim of torture and an LGBT asylum seeker.

7 Dec 2018: A leading academic has stated that two-thirds of ex-prisoners with conflict related convictions face employment discrimination and many are still unemployed 20 years after the Good Friday Agreement. Professor Peter Shirlow said this amounts to a social injustice as ex-prisoners have been denied full citizenship.

10 Dec 2018: A report by the Northern Ireland Human Rights Commission has found that Northern Ireland has fallen behind the rest of Ireland and the UK in terms of key human rights provisions. NIHRC's Chief Commissioner Les Allamby stated that outstanding human rights issues emphasise the urgent need to restore the NI Executive and Assembly.

21 Dec 2018: Abortion in the Republic of Ireland has officially become legal after President Michael D Higgins signed new legislation into law. From January 2019, terminations will be available across the Republic. The new law will allow for unrestricted access to abortion during the first 12 weeks of pregnancy. After 12 weeks terminations will be permitted in exceptional circumstances.

22 Jan 2019: The Northern Ireland Public Services Ombudsman has proposed an investigation into the significant number of complaints about welfare reform in NI. Suspicions of "systemic maladministration" have prompted the investigation. It will focus



on how Stormont's Department for Communities administers Personal Independence Payments (PIPs), which replaced Disability Living Allowance (DLA) in 2016.

23 Jan 2019: The High Court in Dublin has heard that the Irish government has failed to fulfil its human rights obligation to protect its citizens from the impact of climate change on the opening day of a landmark case against the Irish state. In 2017, Friends of the Irish Environment obtained leave for a judicial review of the government's approval of its National Mitigation Plan on the basis that it was inconsistent with national, EU and international obligations to tackle the reduction of emissions.

28 Jan 2019: A Conservative peer has launched a new attempt to legislate for same-sex marriage in Northern Ireland. Lord Robert Hayward has tabled an amendment to the Civil Partnerships, Marriages and Deaths Bill, which would extend same-sex marriage to Northern Ireland.



Just News

Just News is published by the Committee on the Administration of Justice. Readers' news, views and comments are welcome.

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