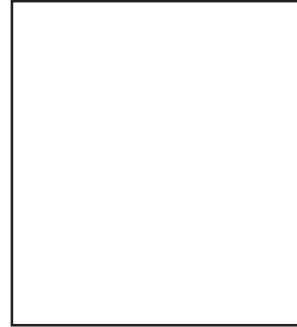


Chairperson's Foreword

As usual, it has been a busy year for the Committee on the Administration of Justice (CAJ), with three major reports and several smaller ones; a number of seminars organised, including most recently one addressed by the NY City Comptroller on the importance of investment for



Fiona Doherty

equality; the hosting of a major international initiative looking at what Northern Ireland has to offer to the debate on terrorism, counter terrorism and human rights; and hundreds of written and oral interventions seeking to influence policy or specific action on individual cases. These are all outlined in more detail in the pages that follow.

My predecessor in the post of chair put it well last year when he said that *"all organisations, but particularly small ones like CAJ, are very dependent on the quality and expertise of their staff"*. I can only endorse that most heartily.

Having undergone a few personnel changes in the past two years we expected a certain level of stability this year. Unfortunately, three of the six-member team fell ill at roughly the same time. While we secured some additional administrative support, a lot of work

and responsibility fell on the remaining team members. I am delighted to say that the team is now almost entirely back to full health, and that the quantity and quality of work undertaken (as exhibited in the following pages) has not obviously suffered.

Externally the environment has been far from kind to the work that CAJ is trying to take forward. Political negotiations about possible devolution are continuing, but are slow and hesitant. Whatever one might think about these delays from a personal or political perspective, it has a direct and immediate impact on most of CAJ's work.

However, to start with the positive picture of what we have secured during the past year, it is worth noting three highlights of our work that you can read about in greater detail in the following pages.

Firstly, on the equality front, we believe that CAJ's intervention in the courts was pivotal to strengthening the statutory equality duty. Having been successful at the level of the lower courts, the Court of Appeal in its ruling endorsed many of the arguments we made, and ensured a more settled legal interpretation of the significance of the Section 75 equality duty.

Secondly, CAJ as co-convenor of the Human Rights Consortium for most of the year, kept the Bill of Rights centre-stage in political discussions. This led to a renewed commitment on the part of all parties to the

concept of a Bill of Rights, albeit absent an agreement on how it might be achieved.

Sometimes achievements have to be measured in terms of what roll-back was avoided. Whilst it may seem self-evident to many that the parties have long supported a Bill of Rights, the re-assertion of this stance in the course of more recent political negotiations is something to be prized. Hopefully the Bill of Rights debate will get fresh momentum once it is clearer what is happening in a few weeks' time about the broader questions surrounding devolution.

A third major success this year involved the hosting of a visit of the Eminent Jurists Panel, an initiative of the International Commission of Jurists. This measure ensured that the Northern Ireland experience of human rights safeguards (or lack of them) in times of political conflict is drawn upon in developing an international response to the current "war on terror". The testimony received by the Panel – from the Director of Public Prosecutions, the Chief Constable and his senior team, judges and a range of victims – was considered extremely valuable by South African Justice Arthur Chaskalson and his colleagues.

The press release issued by the Panel at the end of their stay noted that "*the Panelists appreciate that Northern Ireland has a distinct history and that events*

here must be seen and understood in the context of that history. Lessons can, however, be learnt from what has happened in Northern Ireland.” They proceeded to draw out some of the lessons, and indicated that they would be elaborating on these in their final report which can expect to have a global impact.

Of course, behind each of these ‘successes’ is a lot of hard work. The equality chapter of the annual report will indicate the continuing work undertaken by CAJ as co-convenor (with UNISON) of the Equality Coalition which includes regular meetings with the Equality Commission, various government departments, and monthly meetings of the various NGOs (often umbrella organisations working with the “section 75 groups”). CAJ’s Equality Officer acts as a liaison point for Coalition members who enrich their own policy input with insights into the implications for other equality constituencies. He is also often the first port-of-call for researchers and others wanting to assess the equality duty, a heavier task than usual this year, given the plethora of studies commissioned by the Equality Commission and others to review the operation of Section 75.

It will be interesting to see to what extent data and material like the major CAJ report just issued into the operation of section 75 in relation to religious and political differentials will inform those studies. Having

carried out such a major piece of work, we intend this to be the start of a process, both of engagement around religious and political community differentials, but also around the role that the Section 75 duty (if properly implemented) could make to ensuring greater equality for all.

The chapters dealing with policing and criminal justice will lay out the work that CAJ has done in the last year to explore (and advise others) regarding possible models for devolution. As with our major international research project into policing several years ago, comparative work clarified that there were no simple or simplistic answers on offer. A variety of ministerial models are possible (and in place in different jurisdictions) and they each offer different advantages and disadvantages that should be carefully thought through.

Our key message to the Northern Ireland Office and to political parties has been that fudging of difficult issues in this area will be destabilising and counter-productive in the longer term. People need to be reassured that whoever is the minister, or whoever forms the ministerial team, partisan political considerations will not improperly influence decision making processes. CAJ continues to argue that the focus should not simply be on the ministerial model to be established, but on a whole range of human rights safeguards that must be introduced to ensure public confidence in the rule of law.

The Bill of Rights work has – yet again – had to “tread water” given the political hiatus. But CAJ, and the wider Consortium, have kept up a series of meetings with all the political parties, organised seminars, media events, attended party political conferences, and re-issued a range of publications, all intended to keep the issue on the political agenda. Signs are more positive that there will be some forward movement in the next couple of months and – if so – this must be largely thanks to the persistence of the Consortium’s work.

In addition to our direct campaigning for a Bill of Rights for Northern Ireland, CAJ has continued to develop a broader ownership of the human rights agenda. The work moved ahead apace with funding secured for serious work to be done in North Belfast and North Dublin by the Participation and Rights Project that CAJ actively contributed to launching. Shortly before CAJ’s AGM, Disability Action launched a centre devoted specifically to campaigning for the rights of people with disabilities. Given initiatives such as these, it will no longer be possible to claim – as some do – that the campaign for human rights or equality is somehow the domain of lawyers, or ‘experts’, or partisan politics. Increasingly it is the people who most need their rights respected who are actively organising to ensure that they are heard - CAJ is proud to be part of that process.

Alongside our thematic work, we of course maintain our legal advice role, providing help and assistance to individuals who approach us for support. The range of issues can be extensive – youth justice, conditions of detention, use of force, discrimination on a range of grounds, police powers etc. We continue to refer people onto those who are better placed to help them or to give direct advice and support as seems most appropriate.

A lot of our energies have, of course, gone into following through on the judgments secured in the European Court of Human Rights on the right to life. We, along with the others involved, have proved successful in keeping this issue on the agenda of the Committee of Ministers, even though the government has attempted to persuade the Committee to end its supervision of the enforcement of the judgments.

The Inquiries into Hamill, Nelson and Wright are not fully operational yet (though they have all formally opened) but, nevertheless, require extensive work.

The Nelson Inquiry seemed to be going along steadily and with least cause for concern. Although the delay is not ideal, in particular for Rosemary's family, there was a distinct impression that it was probably justified by the thoroughness of the preparation of witnesses, search for evidence etc.

However, at the time of writing, the media has reported that MI5 has sought, and obtained, full participant status at the Inquiry, despite the fact that no-one had previously suggested any MI5 involvement in Rosemary's murder. Speculation is likely to run rife about MI5 involvement, even if the agency merely claims that it wishes to be present because it will be responsible for implementing certain of the recommendations arising from the Inquiry. But more worryingly still, this initiative seems to have taken place without the family, or their legal representatives, being informed in advance. This begs serious questions about how the family will be treated by the Inquiry once it really gets going.

In the Hamill case, a decision was taken to convert the Inquiry to one held under the Inquiries Act, and some concerns have arisen in practice about the extent to which the family and its legal representatives have effective access to all the material. CAJ made a joint intervention with British Irish Rights Watch (BIRW) on the issue of witness anonymity and this seems to have had some positive influence on the thinking of the Inquiry chair. Whether the chair's ruling will hold is now however a matter for the courts, since several police have challenged the Inquiry ruling by way of judicial review.

The Wright family is also deeply unhappy at developments in the Billy Wright Inquiry, and are

awaiting the results of a judicial review that challenges the decision to convert that Inquiry to one under the Inquiries Act 2005. The judicial review is challenging the compatibility of the Inquiries Act itself with Article 2 of the European Convention on Human Rights. Disappointingly, and in contrast to the approach taken by the Hamill Inquiry, the Inquiry chair has recently refused to even consider a submission from CAJ and BIRW on the issue of witness anonymity. This unhelpful response is being pursued at the time of going to print.

Campaigners and family continue to oppose an inquiry being established under the Inquiries Act into the murder of Pat Finucane. The US Congress has been very supportive to the family in its efforts, and the government seems not yet to have found any judge willing to take on what most people consider to be a poisoned chalice.

So, while my remarks started off with a series of successes, it is clear that there is, as always, much work still to be done on a number of key issues. It is difficult at this stage to know if political developments in the next few weeks and months will make our work easier or more difficult, but it certainly will have an impact one way or another. The only thing that can be guaranteed is that CAJ will continue to do its utmost to create and positively exploit opportunities to make Northern Ireland a place where human rights are protected and promoted.

I would like to take this opportunity to thank all my colleagues on the executive who, despite many competing demands on their time, give of their energies freely to CAJ. Our expertise, interests and talents are quite diverse and that has, I think, been a strength of the organisation throughout the past year.

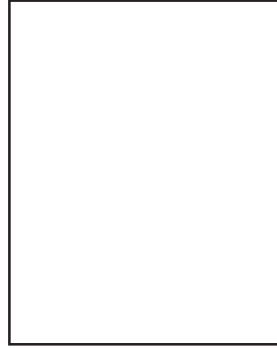
On my own behalf, and on behalf of the executive committee I would also like to all the CAJ staff and volunteers, without whose energy, enthusiasm, dedication and talent the work that is described in these pages would not have been possible.

In our 25th anniversary year, staff and executive re-dedicate ourselves and the CAJ membership to ensuring the highest standards in the administration of justice. We have no small task ahead of us, but I think that you will find the following report of activities indicates a capacity for hard work, perseverance and commitment that should stand us in good stead for the next 25 years!

Fiona Doherty

Director's Report

The following report summarises the key activities undertaken by the Committee on the Administration of Justice (CAJ) in the last year. We hope that it gives a sense of the context that we are working within, the challenges facing us, and the nature of the work done to ensure “a just and peaceful society in Northern Ireland where the human rights of all are protected”.



Maggie Beirne

For several years, CAJ in addition to its work on behalf of individual victims of human rights abuses, has worked on four general themes –

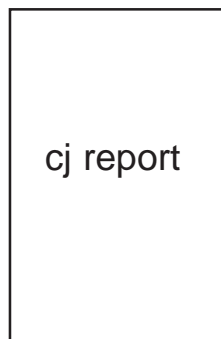
- Criminal Justice
- Equality
- Policing
- Protection of Rights

We carry out this work in a range of ways – campaigning, research, educational efforts, legal efforts, lobbying and publishing reports - small and big. CAJ works in its own right as a cross-community human rights group wedded to applying the principles of the Universal Declaration of Human Rights to the situation pertaining in Northern Ireland. We also,

however, work in close alliance with a very broad range of groups. CAJ is particularly actively involved in the Equality Coalition, Human Rights Consortium, and – to a somewhat lesser extent - the Participation and Rights Project. This report will focus primarily on CAJ's activities but will also report on the work undertaken by the other networks that we work in, when that is relevant to giving members a fuller picture of the work undertaken in the last year.

Criminal Justice

The criminal justice system, and ensuring the highest standards in the administration of justice, has been a consistent concern of CAJ since its formation in 1981. In recent years, monitoring implementation of the Criminal Justice Review, and otherwise measuring the extent of compliance with human rights standards in the criminal justice system, has been a major focus for CAJ. The past year has been no exception.



Perhaps the most important contribution was the completion and launch of a major report on the devolution of criminal justice and policing powers. Given the publication of proposals by government earlier in the year on how devolution of these powers could be managed, and the current

Assembly debates on the topic, this report is proving to be extremely timely.

Although we had sent pre-publication copies to the political parties to ensure that behind-the-scenes negotiations would draw on the research, we used the formal launch as a further opportunity to make the material available to all the parties, and the two governments. We explored the findings at a meeting with the Minister (David Hanson), and - in more detail again - at a subsequent meeting requested by the Northern Ireland Office's 'devolution' team. It is our sense that the political negotiations have continued to focus almost exclusively on the question of how many ministerial portfolios should be created. Certainly, the Preparation for Government Committee when debating the issue seemed to be in favour of creating just one department with joint or rotating ministers. Our interventions however consistently seek to extend the debate beyond this simple issue into a broader human rights agenda.

CAJ takes no position on the constitutional status of Northern Ireland. However, the starting premise of our research was that in principle devolution of criminal justice and policing to more localised democratic control was to be welcomed, because it brings crucial decision-making closer to those directly affected by those decisions. That said, our primary concern is that any eventual models of devolution be measured against clear human rights criteria, and

that assessments of their relative merits and demerits be made on the basis of such criteria.

As such, the report argues that any proposed devolution model needs to be assessed for its ability to:

- be open and transparent, so as to secure widespread public confidence;
- ensure an efficient and effective justice system;
- provide legal, democratic and financial accountability;
- represent the diversity that is Northern Ireland, and thereby ensure trust in its ability to work impartially and fairly for all; and
- deliver the administration of justice to the highest standards, as laid down in international & national human rights law.

CAJ recommends that the discussion about the appropriate devolution model to adopt should itself be an open and transparent debate, and should not be, or be seen to be, held behind closed doors and the subject to horse trading between different political parties. In this respect, we presume that there will be wider public discussion of the merits or otherwise of the single department debated recently by the parties. CAJ also believes that the timetable for debate and for decision making is another matter of public interest, rather than merely party political negotiations.

Regarding the appropriate governmental structures in any devolved criminal justice arrangements, the report analyses models on offer from elsewhere – single, double and even triple ministries - and while not recommending any particular model for Northern Ireland, highlights the advantages and disadvantages associated with each on the basis of experience elsewhere.

However, the report makes clear that no executive governmental model (one, multiple, shared) is going to be self-sufficient in providing safeguards in such a highly contentious and politically problematic area. Northern Ireland should therefore give active consideration to role of additional safeguards such as a Bill of Rights, parliamentary safeguards, inspectorates/oversight mechanisms, complaints systems, an effective and independent judiciary, scrutiny at the local administrative level, international scrutiny mechanisms, civilian oversight and statutory commissions.

The report also recommends that any major institutional change in criminal justice and policing be built upon a detailed programme of work which ensures that the new arrangements embrace change and commit to principles such as openness, transparency, accountability and human rights, as set out in recommendation 1 of the Criminal Justice Review. From our work over the last year in

monitoring the implementation of the Criminal Justice Review, this would unfortunately appear not to be the case.

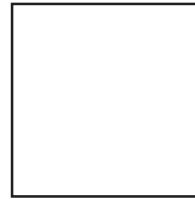
In particular, a number of the key recommendations from the Criminal Justice Review that are necessary to bringing about change have made the least progress in implementation. Institutional resistance to change, and the failure to fully embrace cultural transformation, leads to serious questions about the ability of the criminal justice system to transform itself into one which commands the confidence of the community it serves. As such, it is telling that recommendations relating to securing a representative workforce, a more reflective judiciary, equity monitoring of those who pass through the criminal justice system, the policy around the giving of reasons for no prosecution, the implementation of complaints mechanisms, codes of ethics and discipline, and the provision of adequate and relevant human rights training have been and continue to be the most protracted in their implementation.

Without pressure for deeper institutional change, rebuilding confidence in the criminal justice system faces a tough challenge.

At present it is difficult to see where such pressure exists. Arguably, the devolution of criminal justice and policing powers, and the local scrutiny and accountability that this will entail, could increase such

pressure. Equally, however, failure to embrace the real and meaningful cultural change envisaged by the Criminal Justice Review could mean that other recommendations and reforms run the risk of becoming redundant, and indeed the devolution of criminal justice and policing powers would be of limited effect.

Another issue covered by the report, that will be of great interest as the devolution debate unfolds, is the lack of a clear delineation of the exact powers that are to be 'devolved' and those that are to remain 'excepted'. The paper on devolution of criminal justice and policing powers published earlier in the year by the Northern Ireland Office provided a perfect opportunity to give at least some of the necessary level of detail. Instead, it chose to focus on the general areas and issues to be devolved without revealing where the power would ultimately lie on some crucial decisions. CAJ is currently working on a variety of scenarios to ensure that the eventual structures negotiated can be tested against the kinds of situations likely to arise. It is CAJ's view that ambiguity surrounding the nature and extent of authority and powers being transferred from Westminster to Northern Ireland would be very destabilising for the peace process, and could seriously undermine the efficiency and legitimacy of the eventual arrangements.



It is particularly important that there is clarity in the area of emergency powers and national security. There will be arguments as to whether to devolve more or less authority to locally elected bodies in these particularly contentious areas, but this must be determined in advance of the transfer of powers. Decisions underway currently, for example, regarding the transfer of key intelligence functions from the Police Service for Northern Ireland to MI5 will determine to a great extent the nature of criminal justice and policing powers to be devolved. Very importantly, it removes some key functions – ones which traditionally lend themselves most easily to abuses of human rights – from effective local oversight. As such, a devolution of powers that is seen by people in Northern Ireland to be “devolution in name only” can only be counter-productive.

EJP panel

The second major area of criminal justice work this year lay in the marvellous opportunity provided to CAJ to act as local secretariat for the Eminent Jurists Panel on its visit to Belfast (see section on international work).

As well as organising the meetings and roundtables for the visit, CAJ made its own submission to the panel tracking the development of emergency legislation in Northern Ireland and examining its impact on the criminal justice system.

The experiences in Northern Ireland are directly and immediately relevant to many of the current debates about the “war on terror”. Internment, proscription, surveillance, ill-treatment (indeed the very same forms of ill-treatment - the “5 techniques” used in Northern Ireland in the past, were allegedly used in Abu Ghraib recently), creation of suspect communities, special courts, lower standards of proof, etc. have all been tried previously, and have proved counter-productive.

Northern Ireland even had many of the safeguards that are commonly expected to protect citizens during periods of violent upheaval (a relatively free press, and independent judiciary with vibrant civil society). and yet those safeguards failed in many instances.

CAJ prepared for the Eminent Jurists Panel an extensive literature review which clearly highlighted that the draconian nature of the powers contained in the emergency legislation, and the restrictions on fundamental human rights that they generated, were and are unwarranted and counter-productive. It is striking to note that emergency laws have been in operation in Northern Ireland in various forms since 1922. Emergency laws are meant to give the authorities only such temporary powers as are deemed necessary and proportionate to address the “exigencies of the situation.” How then did NI have emergency legislation which became a ‘permanent’ part of the statute book? Why did the international

and other scrutiny mechanisms not succeed in challenging the longevity and arguably routinisation of these powers?

The material in our submission demonstrates that a number of key mistakes were made in Northern Ireland - the use of internment and lethal force, wide powers in relation to stop, search and arrest, the undermining of due process, the lack of effective accountability mechanisms, inadequate investigations and the cumulative effective of these in creating of an “us and them” mentality. All these measures – fed and fuelled the conflict and led to alienation from and distrust of the rule of law.

Key learning points from Northern Ireland for the international debate include the need for effective accountability mechanisms to be in place, both at a formal institutional level (e.g. truly independent complaints mechanisms relating to police and army and other criminal justice institutions, independent and civic oversight of policing etc), and in practical terms (e.g. codes of conduct, guidelines and regulations for the use of force, access to lawyers, training etc). In addition, the experience in Northern Ireland shows that it is highly questionable whether emergency powers actually help in any “war against terror”. If they are to be introduced, it is clear that they must comply with international human rights standards, be short-term in nature, and be necessary and proportionate.

It is clear from the press release issued by the EJP at the end of their visit that many key learning points had emerged from the material they received and heard. CAJ is transcribing the tapes of the various sessions, and will use this material in a final submission to the Eminent Jurists Panel, encapsulating the experience that Northern Ireland has to offer to the global debate. Once completed, we hope to publish the material. We believe that the material has major significance, as a historical record of what happened here. Even more importantly, the material provides insights into the lessons of what to do, and what not to do, to ensure that security is built upon human rights protections and is not used as an excuse to undermine such protections.

A third area of criminal justice work is the general routine work undertaken on a weekly and monthly basis, of meeting, seeking to influence, and engaging in consultation processes with a wide range of agencies.

In the course of the last year, CAJ has commented on terrorism legislation, the PACE Codes, the Youth Justice Agency's corporate plan, follow-up by the UK government to the Concluding Observations of the UN Committee Against Torture, legislation covering on-the-runs, and other such one-off initiatives. These interventions sometimes require short written submissions; on other occasions, they necessitate

testifying before the relevant parliamentary committee; on yet other occasions they require attendance at conferences or face-to-face meetings and extensive correspondence with individuals and bodies such as the Criminal Justice Inspection, the Justice Oversight Commissioner, the NGO forum convened by the Department of Constitutional Affairs, Lord Carlile (in a UK exploration of the definition of terrorism), and others.

In an unusual development, CAJ lent its support to the action of a range of mainly British NGOs, in an intervention in the *A v. Ors* House of Lords action (to combat torture). Opportunities like this, where we can draw on the Northern Ireland experience to try and influence developments in the newer “war on terror”, are exploited to the extent of our resources.

We also met – for the final time – with Lord Clyde, who has now completed his tenure as Justice Oversight Commissioner. As



commented upon in previous annual reports, we have found Lord Clyde’s work to be of immense value in bringing into the public domain information on the extent of implementation of Criminal Justice Review recommendations. There is now of course a danger that because this office has ceased its work, there

may be a sense in the system of “that’s it” for criminal justice reform.

However, as Lord Clyde’s final report makes clear, there is much important work remaining. CAJ has written to the Criminal Justice Inspection to ascertain the extent to which it will be able to take over some of the monitoring carried out by Lord Clyde. We have also written to the head of the Criminal Justice Unit in the Northern Ireland Office to suggest that the different agencies, when compiling their entry for the annual report of the Criminal Justice System, indicate to what extent, if at all, they believe that the CJR recommendations relevant to them are outstanding, and what progress has been made to implement the spirit and letter of that seminal report.

CAJ believes it is more important than ever that there is an independent non-governmental voice to counter regressive government initiatives and to push forward the boundaries of human rights compliant criminal justice measures. There are many other groups and organisations in the community and voluntary sector that directly or indirectly have a stake or role in the criminal justice system. Yet the various events and consultations organised by the system rarely seem to reflect this diversity of interests.

The extent to which the criminal justice system engages with stakeholders “outside” the system has

long been a concern of CAJ. We – as a group with a direct interest and involvement in criminal justice issues – have often found it difficult to engage; this does not bode well for those who are further removed from the system, but with whom the system must engage.

Most striking in this regard was the Criminal Justice Stakeholder Conference organised by the high level Criminal Justice System group earlier this year. This event was notable for the very few stakeholders from outside the formal criminal justice system in attendance. This is particularly unfortunate given that this is the main opportunity each year for the system to engage with “key stakeholders”. In addition, the workshops CAJ attended on the Review of Public Administration (RPA) and Skills for Justice were both tailored specifically at those working internally within the criminal justice system – thus limiting the value of contributions by others from outside the system.

As with policing, it is clear that much remains to be done before it can be claimed that “all has changed” within the criminal justice system, and CAJ for its part intends to continue a high standard of intervention to ensure that the momentum of change is maintained.

Equality

The last year has proved to be an extremely important one for our work in equality, with two major interventions – a court case and a report – required to push government to honour its obligations under section 75 of the Northern Ireland Act.

Tim Cunningham

The focus of CAJ's equality work continues to be divided between those areas in which we act in our own capacity, and those areas where our work is undertaken as part of the wider Equality Coalition.

Along with UNISON, CAJ continues to co-convene the Equality Coalition, which is primarily focused around ensuring the full and effective implementation of Section 75. As usual the Coalition has continued to meet on a monthly basis, with CAJ providing the administrative support, circulating minutes, arranging meetings etc. The Coalition also met on a number of occasions with the Equality Commission, to discuss ongoing issues in relation to its enforcement of Section 75.

In some cases, CAJ's work around the furthering of equality has not been as part of the Coalition *per se* – but has been in conjunction with others, including

individual Coalition members. This was the case in relation to the Neill judicial review, in which CAJ, the Children's Law Centre, the NI Commissioner for Children and Young People and the Equality Commission, all intervened individually in the first instance.

Last year's annual report outlined in some detail the nature of CAJ's intervention in this judicial review, which had clear implications for the overall implementation of Section 75. Primarily, our concern in the judicial review was the fact that the Northern Ireland Office used the case to attempt to undermine both the equality legislation and the Equality Commission.

Thanks to the involvement of ourselves and others, the efforts of the NIO were thwarted. In particular, the ruling of the court of first instance was, from our perspective, extremely successful. The key foundations of Section 75, and its inter-relationship with Schedule 9, were well set out by Justice Girvan, who alluded more than once to the assistance provided to the court by CAJ's senior counsel, Robin Allen, QC.

The subsequent appeal court hearing necessitated a further intervention by CAJ – though on much more restricted grounds – and we believe that that was also successful. Essentially, the CAJ intervention in

the Court of Appeal was to argue that Section 75 should be open to scrutiny in the form of judicial review in certain, exceptional cases. CAJ recognised that ordinarily, enforcement would be via the complaints mechanisms enshrined in the Equality Schemes; however, there should also be scope in certain cases for legal challenges outwith the formal complaints procedure.

Initially, the NIO submission to the Court of Appeal had stated that there should be no mechanism for enforcing Section 75 other than the one outlined in Schedule 9, which it argued was exhaustive. They completely ruled out the possibility of any other form of judicial oversight. By the end of the case however, the NIO had conceded judge that there were “exceptional” circumstances in which judicial review was appropriate to enforce Section 75 – although clearly they did not see the Neill case as falling into the “exceptional” category.

While the appeal judgment did not go quite as far as we would have liked, it entrenched most of the gains made by the court of first instance, and did not introduce or accept any new problematic arguments. Crucially, the judgment from the Court of Appeal left open the possibility of challenging through judicial

review substantive breaches of the Section 75 duty. The judgment stated that “*there may well be occasions where a judicial review challenge to a public authority’s failure to observe Section 75*” could occur. The judgment however went on to state that the court did not consider it profitable to hypothesise about situations where such a challenge might arise. According to the Court of Appeal, the issue is best dealt with on a case-by-case basis. Copies of key materials developed in the course of the court case are available on the CAJ website.

It is also worth noting that in the Court of Appeal judgment there is reference to the fact that Mr Allen QC, on behalf of CAJ, steered something of a middle course between the position of the appellant and that of the respondent. This reflects the unique role that CAJ played in the case overall, and particularly in the Court of Appeal. While the legal system in Northern Ireland provides quite a comprehensive framework to facilitate individual litigants, there is little scope for interventions by third parties who may be interested in pursuing wider points of law that have an impact beyond the individual litigant. This is the role that CAJ played in this case at the appeal stage, and the outcome emphasises this unique aspect of our work - so essential to ensuring that equality legislation is upheld.

Undoubtedly, the main focus for our work this past year has been the production of a report "*Equality in Northern Ireland: the rhetoric and the reality*". This report has sought to examine the current situation with respect to the two communities, in relation to community differentials. It secured extensive media coverage, was the focus of discussions at a number of high level meetings between the NY City Comptroller, William Thompson Jr and British and Irish ministers (see international), and has created a major agenda for action for the coming months and years.



The report's genesis lay in the fact that 2006 is the thirtieth anniversary of the first legislation outlawing discrimination on grounds of religious belief/political opinion. CAJ felt that it would be useful to undertake a critique of the relative position of the two communities, particularly in light of the fact that there is a view emanating from government that inequality between the two communities is a thing of the past.

CAJ did not carry out any primary research in order to compile the report – all the material contained in the report came from official sources, such as the Equality Commission monitoring returns, Labour Force Surveys, NI Statistics and Research Agency,

(NISRA) statistics, government reports etc. The data continues to show significant problems in relation to the extent to which community differentials still exist among those in employment, and crucially, among those without employment, and in other sectors (such as housing).

In relation to employment, it is clear that the 1989 Fair Employment Act has had a significant impact in terms of delivering greater equality and integration in the workplace. Equally clear however, is the extent to which under-representation continues to be a problem across both the public and private sectors.

In relation to the security sector (which includes the police and the prison service) for example, Catholic representation currently stands at just over 11%, while the overall proportion of Catholics available for work is 43%. There are also significant levels of segregation and inequality within the Northern Ireland Civil Service and local District Councils.

Looking at those outside employment, there are a number of worrying trends in relation to the promotion of equality. One particular problem is the continued level of Catholic over-representation among the unemployed, and economically inactive. The current situation is particularly problematic in that government consistently emphasises the fact that Northern Ireland has among the lowest unemployment rates in the UK,

at 4%, with a UK average of 5%. This gives an overall unemployment figure of 32,000 people.

However, Northern Ireland also has the highest working age economic inactivity rate in the UK, at 27.7% with a UK average of 21.4%. Furthermore, of the 535,000 persons economically inactive, there are 40,000 persons who want employment but do not satisfy the full job search criteria (as set out by the ILO - the International Labour Organisation). As a result, these 40,000 persons represent the "hidden unemployed", who are clearly beyond the pale in terms of government policy making.

It is also clear that among this hidden unemployed there are significant differences in terms of the experiences of the two communities. For example, in relation to economic activity rates for those of working age, the rate for Protestants is 76.4%, while the rate for Catholics is 67.9%. The proportion of Protestants in employment, as a proportion of all those economically active and inactive of working age is 72.5%, while the corresponding figure for Catholics is 62.9%. These figures are all the more important when one considers that the "unemployment differential" is no longer reliable as an equality indicator, due to the large number of "hidden unemployed" who do not appear in the unemployment figures.

Another particularly worrying trend is the current position with respect to workless households – i.e., those households in which no one is in employment. Figures show that in 1997, after correcting for retirement, the proportion of Catholic households which were workless stood at 20%, while the corresponding figure for Protestant households was 14%. By 2004, however, there had been a slight improvement in the Catholic position in that the proportion of workless households stood at 19%. In relation to the Protestant community however, the proportion of workless households had actually increased to 16%. This shows clearly that over a period of economic growth, the poorest sections of the Catholic community had experienced only a marginal improvement, while the situation had actually worsened in terms of the position of the poorest members of the Protestant community.

Clearly what these figures point to is a success story for equality legislation, in relation to those in employment, or with easy access to the labour market. However, in terms of both the poorest Catholics and Protestants, the last decade has actually seen a relative worsening of their position.

The report also highlights extremely worrying trends and statistics in relation to housing inequality. In North Belfast, for example, figures received from the Housing Executive indicate that Catholics spend on

average three times as long on the housing waiting list as Protestants - 20 months compared with 7 months. Unfortunately, these figures only became available as a result of Freedom of Information Act requests, and were not publicised during the various Equality Impact Assessments conducted by the Housing Executive. Clearly, it is only in the context of openness and transparency with regard to these figures that problematic differentials can be addressed. CAJ hopes that there will now be an opportunity for constructive debate.



The report also highlights the fact that Catholics have a lower success rate in relation to gaining employment after participating in the New Deal programme than Protestants. This is despite the fact that when New Deal was launched it was assumed that it would be particularly beneficial to Catholics, given their relative disadvantage. In addition, the report also questions the rationale behind, and the value of, both the Taskforce on Protestant Working Class Communities, and Shared Future.

The former was established because government policies were supposedly working so well in Catholic areas that special measures were needed to address Protestant disadvantage. Among the arguments put forward by government was that a pound of

government money spent on the (Catholic) Falls got more output than a pound spent on the (Protestant) Shankill. Comments such as these were issued at ministerial and Permanent Secretary level - in spite of government being aware of numerous reports that they themselves had commissioned which clearly indicated that this conclusion was totally unfounded.

In relation to Shared Future, the report argues that this policy pays lip service to the limited non-discrimination concept of equality, contained in the 1976 Fair Employment Act, that was recognised by government as having outlived its usefulness by the late 1980s. CAJ is of the view that Shared Future is guaranteed only to increase division and that what Northern Ireland needs is a proper community relations strategy built on the principles of equality, contained in the 1989 Act, which has a proven track record of success. What is needed, therefore, is a strategy based on building relations and building equality – with a central role for affirmative action measures, and goals and timetables for addressing community differentials. Certainly, government thinking is some way from this approach, and CAJ will be focusing over the coming months on trying to secure the necessary change in bringing about the approach that we believe is needed.

It is clear from “Rhetoric and Reality” that a major difficulty with the way in which the legislation is

currently being implemented at the highest levels of government policy making is the refusal to carry out high-level equality impact assessments. As the report makes clear, the only way in which we can be sure that new initiatives such as the £16 billion Investment Strategy actually make a difference in terms of promoting equality is by carrying out a high-level equality impact assessment (EQIA). Without a proper EQIA, the likelihood - if the experience of the last decade is anything to go by - is that the Investment Strategy will succeed merely in increasing, rather than addressing, current inequalities.

“Rhetoric and Reality” also points out that the lack of high-level impact assessment is exacerbated by the fact that there has been a tendency to leave implementation of Section 75 to the programme level EQIA. Unfortunately, one of the problems with this approach is that frequently there is insufficient scope at that late stage to make meaningful changes to the policy in question. This is best exemplified by the example of the construction of new headquarters for Invest NI. Despite the potential offered to promoting equality regarding the siting of such an endeavour (employment, and opening up disadvantaged areas to investment opportunities and economic regeneration), the only equality issue people were eventually consulted about was their preference as between two (very similar) city centre locations.

Another problem with lack of high level analysis is that, on occasion, problems identified at the programme level are labelled as “structural issues” and are deemed to fall outside the scope of the equality assessment. Again, as “Rhetoric and Reality” points out, the EQIA of the New Deal programme showed that New Deal disadvantaged Catholics. This disadvantage however was explained as not the fault of New Deal *per se*, but the fault of “*structural factors*”. It is however only by carrying out impact assessments at a high level that there is any hope of ensuring that “structural inequalities” are addressed.

s. 75

It is anticipated that much of CAJ's work in the coming months will involve trying to ensure that these, and indeed other key issues which directly affect the implementation of Section 75 are actively pursued. In particular, we will want to see them addressed fully in the review of the effectiveness of Section 75 currently being carried out by the Equality Commission.

The review, according to the Equality Commission will be “*the most systematic analysis of the effectiveness of Section 75 to date, providing a greater understanding of how Section 75 has met its policy intentions*”. The Commission have argued that the review will shift the emphasis of implementation away from processes towards outcomes, allowing for

a maximising of the potential of Section 75 in the future. The Commission have divided the review into six projects, each of which was subject to an open tender.

The first project - an audit of compliance with the legislation - was awarded to Dory Reeves Associates (Glasgow). The second tender - an assessment of the Equality Commission's powers - was awarded to Brice Dickson and Colin Harvey of the Human Rights Centre at Queen's University. The third tender - an assessment of the impact and outcome of Section 75 on individuals - was also awarded to Dory Reeves Associates, while the assessment of the impact and outcome of Section 75 on public policy was awarded to Simon Bridge and Associates (Holywood, Co. Down). There are two further tenders to be awarded, namely an assessment of the role of OFMDFM in contributing to the effectiveness of Section 75, and an assessment of the roles of the voluntary and community sector in contributing to the effectiveness of Section 75.

Clearly this work will be of crucial importance to the future of Section 75 and for this reason CAJ has met with both Dory Reeves and Queen's to provide our input into the first two research projects.

In addition CAJ, as part of an Equality Coalition delegation, twice met with the Equality Commission

Equality Coalition

to discuss concerns regarding the review. These concerns were not in any way connected with questioning the competence of those who successfully bid for the project tenders, but rather related to the Commission's intentions after the research findings have been published. In particular, CAJ and the Coalition felt that it would be important to have an open debate among all stakeholders, prior to the Commission submitting any final recommendations to government. CAJ will also wish to ensure that a number of problems identified in relation to the implementation of Section 75 in our report "Rhetoric and Reality" are substantially addressed in the course of the review.

A key issue of the review will be the extent to which the Section 75 equality duty is starting to influence resource decisions. On behalf of the Coalition, CAJ issued a report on the speech given by Mr Alan Hevesi, NY State Comptroller, on the topic of the role of contractors and investors in "Delivering Equality". A year into major long term investments in NI's future, what is happening? The report is being widely disseminated and meetings organised with a range of actors to assess developments.

Over the past year CAJ continued to make a number of submissions to a range of consultation documents. These included for example the Equality Commission's consultation on its legal enforcement casework strategy, the Priorities and Budget consultation issued by OFMDFM, the Review of Public Administration and the consultation on the Age Regulations also issued by the OFMDFM.

In addition, CAJ also wrote to the Equality Commission requesting that the Commission carry out a paragraph 11 investigation of the Northern Ireland Prison Service following evidence of a range of problems across the Service in relation to a number of Section 75 groups. As yet our request has been unsuccessful, with the Commission arguing that they believe their continued engagement with the Service will be more beneficial than a formal investigation.

Clearly, ensuring actual implementation of the statutory obligations generated by section 75 of the Northern Ireland Act at all levels of policy-making is a continuous challenge. We anticipate that the year ahead will be as busy as ever for CAJ in spearheading this challenge to give practical effect to the equality commitments heralded in the Agreement.

Policing

Monitoring and critiquing developments in policing continues to be a major priority area for CAJ. In an environment where devolution of policing and criminal justice powers is potentially imminent, and where the Police Service of Northern Ireland is being hailed as a force “*with international respect and admiration*” (Secretary of State, July 2006), CAJ has found there is little room for complacency.

We reported last year on the publication of two major Commentaries into the Office of the Police Ombudsman for NI (OPONI) and District Policing Partnerships (DPPs). Both reports have been distributed widely this year and put to good use in a number of respects. We met with the Ombudsman earlier this year to discuss the recommendations made in our report, and were heartened to learn that many of these were accepted and had in fact been acted upon by her Office.

Additional recommendations which require statutory change will be reiterated by CAJ as part of our contribution to the forthcoming five yearly review of the legislation governing the Ombudsman’s office. We attended a consultation event organised by OPONI as part of this review, at which a paper was distributed highlighting some of the areas the Ombudsman is suggesting be addressed in the

review of powers. These included giving OPONI the power to offer more effective mediation services; a proposal that they should not have to send *all* files with criminal allegations to the Public Prosecutions Service but only those with corroborated evidence (to avoid unnecessary delays); and a further tightening of the restrictions on disclosure. The files that OPONI can currently refuse to disclose, if sent to the PSNI and the Policing Board can then be requested from the latter institutions under Freedom of Information Act provisions.

From CAJ's point of view, these issues are important, but there are many additional important issues raised in our Commentary that should be the subject of a review of OPONI powers. For example, we will be arguing for a power to require PSNI to supply documents within a reasonable period of time; the power to interview retired officers re misconduct and not just possible crimes; the power to investigate complaints against the army acting in support of police etc. Certainly this review should not lead to limiting the powers of the Office. We understand that OPONI intends to carry out a public consultation as part of this review. The fact that CAJ has looked closely at the work undertaken both by OPONI and its policing partners (the Policing Board and DPPs) allows us to comment knowledgeably on areas of law or practice that may be falling between stools and/or which need to be addressed in the course of the review.

The other two Commentaries published in 2005 on the Policing Board and DPPs have also been widely distributed and put to further use in the course of last year. We reported in the last annual report on the fact that an independent review had been established by the Board. We sent our Policing Board Commentary to the reviewers and met them subsequently. We were encouraged to see that many of the concerns raised in our Commentary were picked up in their report, such as reviewing the current format of reporting by the Chief Constable to allow for greater public access and accountability; closer working relationships between the Board and DPPs; and the need for greater engagement with external bodies, particularly those engaged in human rights and equality work.

We have continued to pursue some of these concerns in meetings with the Board's Chief Executive, other senior staff and in a meeting with the Board's Director of Community Affairs. The independent assessment of the Board stressed, in relation to community engagement, that *"the community should have a voice not only in identifying their concerns but also in prioritising those areas for action and holding to account those responsible for delivery."* In addition, the Patten Report explicitly envisaged the Policing Board as a mechanism for holding the police publicly to account. As such, CAJ believes that issues of key importance in the policing field must be the subject

of much wider public discussion than has been the practice to date.

The independent assessment of the Board raised similar issues, and stated that they were unclear what criteria were being applied when deciding whether questions should be posed or answered in public or in private. They clearly shared some of the concerns expressed to the reviewers to the effect that, because the process is in private, the public perception of the performance of the Board in holding the Chief Constable and the PSNI to account is that this may not be being done effectively. They also highlight the fact that with the exception of the eight public meetings, all of the business of the Board and its committees is conducted in private – a situation which they note is in sharp contrast to the position in Great Britain where police authorities are required to conduct their business in public except where limited exceptions apply.

With regard to the issue of transparency, the Patten Report notes that *"[t]he presumption should be that everything should be available for public scrutiny unless it is in the public interest – not the police interest – to hold it back"* (para 6.38). CAJ therefore believes that only extremely sensitive issues should be reserved for private discussion, with the rule of thumb being to ensure widespread public knowledge of, and contribution, to debates about effective human

rights compliant policing. As such, clearer guidelines are needed on when it is thought necessary to hold discussions or take decisions on a particular topic in public or in private.

The problems with the overlap and resulting confusion between the role of DPPs and Community Safety Partnerships (CSPs) highlighted in our DPP Commentary (and reported last year) were brought to the attention of the Criminal Justice Inspection as part of their recent inquiry into CSPs. It is regrettable that despite the fact that there appears to be widespread concern at the way these bodies have developed in parallel - with the CSPs having greater resources, yet not engaging in the same level of scrutiny or accountability of policing and community safety - that the situation has been allowed to continue.

It could be that this issue will be revisited in the restructuring taking place as part of the Review of Public Administration (RPA). However, as pointed out in our submission to the RPA, any move to increase the size of District Council catchment areas by reducing the number of Councils will have a negative effect on how "local" any such arrangements would be. We believe that great care will be needed in determining the appropriate size of partnerships, as an increase in size of catchment area could mean that their ability to address issues of local concern,

and effectively hold the police to account at a local level, as envisaged by Patten, may be lost.

The various oversight agencies concerned with policing – Oversight Commissioner's Office, Human Rights Advisers to the Policing Board, the Criminal Justice Inspection - have all in different ways expressed an interest in getting input to their work from independent bodies such as CAJ, and we have sought to live up to the high standards expected.

As reported last year, CAJ has had an opportunity to raise serious concerns with the Office of the Oversight Commissioner (OOC), following the release of their report into human rights and accountability. In follow-up correspondence with the OOC, we stressed the importance of his office engaging with those outside the policing establishment if his reports are truly to assess the extent to which policing has and is perceived to have changed by those who experience it directly. The Office of the Oversight Commissioner is due to come to an end in 2007, and it is to be hoped that the final report will provide a strong and more in-depth scrutiny of those Patten recommendations which have not yet been adequately implemented.

We have met on a number of occasions with the Human Rights Advisers to the Policing Board, who have recently published their second report on

monitoring PSNI compliance with the Human Rights Act, which CAJ will study with great interest and comment upon in due course.

Of particular concern to us, however, was the testimony provided to the Joint Committee on Human Rights by the Human Rights Advisers in the course of the former's examination of the implementation of the UN Convention Against Torture (see section on international work). It appears to be the contention of the Human Rights Advisers that UNCAT's recommendation in 1998 regarding *"the abolition of the use of plastic bullet rounds as a means of riot control"* (Concluding observations of the Committee against Torture : United Kingdom of Great Britain and Northern Ireland. 17/11/98; A/54/44, paras.72-77) was being misinterpreted by groups such as CAJ. The Human Rights Advisers understood the UNCAT recommendation to mean that it would be unacceptable for the police or army to engage in any "untargeted" or "indiscriminate" firing of plastic bullets, but that use within approved guidelines was not to be outlawed.

CAJ has always contended, and continues to do so, that UNCAT said, and meant, that plastic bullets should not be used in situations of public disorder. As explained in subsequent correspondence with the

Policing Board, we are aware that part of the reason for UNCAT's specific concerns in relation to Northern Ireland were likely to stem from the very frequent allegations made in the mid 90s about the indiscriminate and untargeted firing of plastic bullets. However, we believe that it is relevant that UNCAT did not recommend plastic bullets be fired more discriminately, or in a more targeted way in future. In our view, the Committee accepted that such discipline would be next to impossible in riot situations, and given this, the bullets should not be used in such situations.

plastic
bullet

Some would argue that UNCAT should have gone further and outlawed plastic bullets completely, but we see no grounds for the argument that plastic bullets can be used in situations of public disorder, if only they are 'properly' targeted. The debate will presumably continue until at least the next formal examination of the UK by UNCAT, but it was certainly disappointing for CAJ to learn that the Human Rights Advisers had taken such a clearly controversial interpretation of UNCAT's intention. Perhaps if there had been some advance consultation with human rights groups that have been working on the topic for years, the issue would have been more clearly

addressed in our respective testimonies to the parliamentary oversight body.

The turnover at senior levels of the PSNI has also provided CAJ with new opportunities to influence policy. Meetings have been held in recent months with the two new Assistant Chief Constables working on criminal justice, human rights, and crime operations.

In the meeting with the ACC with responsibility for human rights, we were able to raise concerns we have expressed in various other meetings and fora in relation to the way in which PSNI records and deals with sectarian hate crime. The intention of the 2004 legislation dealing with hate crime – while referring explicitly to religious belief – was to allow for additional penalties to be imposed on people who engage in criminal actions motivated by religious/political/community hatred in the Northern Ireland context, as well as crimes that are perpetrated against non-Christians because of their real or perceived religious belief. However, the police are gathering statistics and monitoring trends on these two supposedly distinct areas (religious motivation and sectarian motivation). Accordingly, “religious motivation” will only cover anti-semitic, anti-Islamic and other such behaviour. This may explain why, in the statistics gathered to date that there are ‘only’ 3% of crimes considered to have a “religious” motivation.

CAJ welcomes detailed and disaggregated record-keeping on the multiple forms of hate crime, but by creating a potential dichotomy between “religious” motivation and “sectarian” motivation, there is a serious risk that only the former will fall foursquare within the legislative provisions of the Act.

If we are correct, this means that, although sectarian hate crime accounts for almost 60% of all hate crime according to the PSNI's own statistics, this crime is not registered as “religiously” motivated and may well fall entirely outwith the hate crime legislation. Even attacks on Catholic or Protestant churches, if recorded as ‘sectarian’ rather than ‘religiously motivated’ crime, risk side-stepping the penalties envisaged in the hate crime legislation. We are now therefore in a situation where, having passed legislation to ensure that sectarian hate crime is penalised (alongside crime motivated by racist, homophobic or disablist attitudes), the police will be collecting data and evidence in a way that risks preventing rather than facilitating such charges being levelled in court. If maintained, this PSNI approach risks seriously undermining the intention of the legislation.

Of course any efforts by the PSNI to address sectarian, racist and other forms of hate crime must include an examination of the attitudes and prejudices within the police itself. In this respect, the revelation

that new recruits will no longer receive anti-sectarian training, but rather broader “diversity” training, is worrying. A failure to address head-on what sectarianism actually is, and how it should be tackled can only have negative implications for the PSNI’s ability to address the problem. Similarly, diversity training must do more than look at the differences between various faiths and cultures, but explore any inbuilt prejudices that may exist.

In this regard, the recent production of a “guide to inappropriate language” and the way in which it was produced and distributed give cause for concern. The motivation - to address internal prejudices, bigotry and ignorance - is welcome, and highlights that the police are at least aware of the need to seriously address such issues. In some regards the police are more active in this area than other criminal justice agencies and are to be commended. In practice, however, the guide was produced with little if any consultation with groups on the ground and was then distributed widely.

Given that the guide effectively contains long lists of highly inflammatory and objectionable terminology, CAJ argued that there is a danger that it might lend itself to exactly the wrong kind of usage and feed the very “canteen culture” that such a guide is presumably intended to undermine. In an era where incidents of hate crime are soaring, and research shows that the

police and criminal justice agencies are failing to adequately address it, such an approach to issues of diversity is clearly problematic.

In a meeting with the new ACC for crime operations, CAJ was able to raise issues such as the use and handling of informers. This was an extremely difficult area in the past, and sadly cases brought to CAJ's attention in the past year do little to reassure us that these problems have been "solved". There is also clearly a danger of this becoming even more confused with the transfer of responsibility for intelligence from the PSNI to MI5. We also sought further information on the effect this transfer will have on local accountability mechanisms - for example, will a PSNI officer engaged in an MI5 operation be subject to investigation by the Ombudsman for any complaints that arise from the operation? CAJ certainly believes that this could be very problematic, and shares the concerns of others such as the Police Ombudsman and Oversight Commissioner that this could seriously undermine the progress that has been made to date in police accountability.

More ad-hoc policing interventions continue as and when opportunities arise, or in reaction to developments initiated by others. So, for example, CAJ spoke at a seminar, and has attended subsequent discussions, about the possible introduction of tasers to the police armoury. We bring

taser

to the debate long experience of working on questions around plastic bullets which include concerns about guidelines, training, independent medical and human rights assessment of any new weapons, and the appropriate division of authority on this issue between the Chief Constable and the Policing Board.

The establishment of a new Parades Commission led us to organise a meeting with its members to explain CAJ concerns about the body's composition, their Code of Conduct, and their intentions regarding the role of the police in the decision making process. CAJ has long played an active role in ensuring that human rights considerations are central to the parading debate, and we wanted to ensure that this would continue to be the case with the new Commissioners.

As well as looking to the current and future policing arrangements, CAJ continues to work on how lessons from the past are being addressed. In this respect, we are monitoring closely the work of the Historical Enquiries Team. While much of the focus of this initiative is on the closure they can bring to individual

cases, CAJ believes there are just as many valuable lessons that will emerge from its work that will be more institutional in nature, and that it should not be presumed that all these lessons have already been addressed in the process of change that has already taken place.

Change is complex, challenging and time-consuming, and while understanding the desire to “move on” and see the past as just that, winning the confidence of all in society requires more than just statements that all has changed. Change needs to be delivered on the ground. In this respect, there is a long way to go.

Protection of Rights

While the lack of a local administration affects all areas of our work, it is perhaps in the protection of rights project, and more specifically our work around a Bill of Rights for Northern Ireland, where this had the greatest impact for a number of reasons.



Fiona Murphy

A Secretary of State and ministerial team under Direct Rule can only have a limited amount of time and interest in pursuing a Bill of Rights given their other responsibilities. Likewise, much focus in recent months has been on the “bigger” political process,

and sadly the Bill of Rights can fall well down the list of priorities in this regard.

Given that the Bill of Rights will be a piece of Westminster legislation, the responsibility for action with regards to the Bill of Rights lies ultimately with the UK government. Clearly, however, this will not be moved ahead without local political and public support, and generating this support has been a major focus of campaigning for CAJ and the Human Rights Consortium over the last year.

We have reported previously on the commitment made by the government in the Joint Declaration to establishing a Roundtable Forum of politicians and representatives and civil society, with an independent chair and secretariat, to move the Bill of Rights forward.

CAJ has argued for some time that the focus of the debate must be aimed at the setting up of the Roundtable forum, if we are to see any movement at all. Whilst this is the obvious 'next step' the political parties are perhaps understandably focused on the talks about whether the Assembly will be up and running by the deadline of November 24th 2006. Although the Roundtable and Bill of Rights are not dependent on devolution, the current situation means that in reality the focus of devolved government has delayed movement on the Bill of Rights.

These frustrations aside, we have continued our work on the protection of rights, lobbying at the highest levels of the UK and Irish governments. Simultaneously, we have promoted rights and awareness raising on the ground via a number of projects, coalitions, publications, training, and utilising and maintaining our international networks. As in previous years, much of our work in terms of campaigning for a Bill of Rights is carried out by way of our participation in the Human Rights Consortium - a strong network of over one hundred trade unions, community groups, and non-governmental organisations.



Earlier in the year, there was some momentum, with the Northern Ireland Office contacting all of the political parties to discuss the Bill of Rights and their views on the Roundtable Forum. Parties were asked by the Secretary of State to submit their views on how the Roundtable should function. Expectations in the wider community that the NIO was moving on the Roundtable were certainly raised at this point, but unfortunately for all, there has been no further movement from the government.

Instead, discussions have been taking place between parties in the Preparation for Government Committee, and we were pleased to read in Hansard that all the

parties reiterated their support for a Bill of Rights for Northern Ireland. Clearly all that remains is for the mechanism by which this would be negotiated to be agreed, and CAJ continues to believe that the Roundtable Forum provides the best mechanism on this regard. It is to be hoped that through the Consortium's contacts with all the political parties, we can continue to build on the support that has been expressed for this initiative to date. But in the absence of this - and perhaps wider devolution – clearly the responsibility passes back to the government to live up to its previous commitment to get the Roundtable Forum up and running. As such, we welcomed the assurance given at a recent meeting with NIO officials that the ministerial team remains committed and enthusiastic about a Roundtable.

In an effort to encourage debate among parties and civil society on how a Roundtable would operate, the Consortium has drawn up and widely circulated a set of principles, including an independent and internationally respected chair with human rights experience, adequate representation and participation of civil society and an open, inclusive and transparent process. These principles have been very well received and provided a firm basis for discussion with political parties and others on how the Forum might function, which we will continue to pursue.

consortium logo

The Consortium has also continued to discuss the Bill of Rights with the NI Human Rights Commission, meeting formally with Commissioners approximately every three months, more informally with appropriate staff on a regular basis and by inviting Commission staff to an information exchange at the beginning of each the Consortium's monthly meetings. In our most recent meeting with the Commissioners, there was mutual agreement on the importance of lobbying for the establishment of a Roundtable.

A delegation from the Consortium testified for the first time before the Dáil Foreign Affairs Committee, and met with Foreign Minister Dermot Ahern, and staff from the Department of Foreign Affairs, to secure a more active level of engagement in the debate by the Irish government. It had been of great concern to us that a meeting with the Foreign Minister had taken an inordinate time to organise, and that this might be seen to reflect a lack of interest in the project by the Irish government, despite commitments made in the Agreement. It was therefore important for us to secure a senior meeting and we have maintained the links subsequently.

consortium photo
with 2 fionas

The Consortium also met in March 2006 with the UK Minister with responsibility in this area, David Hanson, and was well received. Whilst the Consortium delegation was not convinced that the government was giving sufficient priority to the Roundtable initiative, and to using this to resuscitate the Bill of Rights debate, we believe that our intervention was influential. A series of meetings that were held between the government and the various political parties after our intervention seemed to focus on “how” to create the Roundtable, and no longer “whether” to create one or not. As explained above however, little movement has occurred in the months since this meeting.

The Consortium’s key focus in the past year has been on trying to keep the Bill of Rights debate centre-stage with the politicians, so the practice of regular meetings with all political parties, and attendance at party conferences, has been maintained. Media opportunities have been fully exploited whenever possible – with a splash on Valentine’s Day (with photo coverage secured in most NI newspapers) – and other media such as a televised interview with local community channel, NVTV.

VALENTINES DAY

The other major public initiative was a conference held in Belfast Castle in November with presentations of two pieces of research commissioned by the Consortium (into the justiciability of socio-economic rights, and the significance to be accorded to the "particular circumstances" language of the Agreement). The research was well received and debated by those in attendance at the event, which included political parties from across the spectrum. This research - particularly the comparative material provided by Bruce Porter and colleagues on socio-economic rights - will be formally published at an opportune time in the near future and will be extremely useful to Consortium members and others seeking to influence the debate.

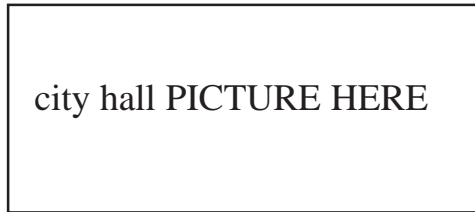
Frustrations within the Consortium membership regarding the vacuum in the Bill of Rights process resulted in agreement in August to launch a high



bill by horns

profile publicity campaign. The focus of the campaign was aimed at urging the Secretary of State and our local politicians to *'Take the bill by the Horns!'* The campaign launch was held outside the front gates of Belfast City Hall and included a giant postcard addressed to the Secretary of State, urging the setting up of the Roundtable forum. The event, attended by a large number of the members generated significant

media interest, and was centred around an actual table (round in shape), with Consortium members representing politicians and civil society in discussions.



The advertising campaign ran over two weeks and included large advertisements in a variety of newspapers, 35 bus shelter adverts, a Billboard, and actions on the Consortium website including letters to local politicians. Ten thousand smaller versions of the postcard have also been produced and widely distributed and signed cards are already being returned by members of the public demonstrating the support that exists for a Bill of Rights.

The increased work and profile of the Consortium also coincides with the employment of Consortium staff for the first time. Kevin Hanratty has taken up the position of Campaigns Officer and Maggie McBride is the part-time administrative assistant.

This year also saw a number of changes in the internal arrangements of the Consortium, which will add to the effectiveness of the Consortium over the next few years. We reported last year that the Consortium

had engaged in an environmental scan and strategic planning process, and in response to this exercise, set about developing a more detailed programme of action over the next couple of years. A successful funding application was submitted and the Consortium is delighted that it now has the resources to increase its campaigning endeavours.

This new programme of action clearly necessitates a more formalised governance structure, and elections to a seven member management committee were successfully organised. CAJ and Amnesty remain at the helm, in accordance with membership wishes, but are now joined by Old Warren Partnership, who chair the Board, NICEM who serve as deputy chair, the Children's Law Centre/Save the Children, UNISON and NICVA. The whole process of transition from a very loose coalition of NGOs to a more structured and formalised set-up with management committee meetings, staff contracts, a budget, a detailed programme of action, evaluation arrangements and, now, the beginnings of a publicity push and concrete actions, was handled in a relatively painless manner.

It bears noting that the Consortium is a very diverse group of people and organisations, working in a very contentious space, and yet has proved remarkably unified and constructive throughout this process of change.

In addition to the work undertaken by CAJ as an active member of the Consortium, we have in our own right been intervening with political parties, the two governments, the NI Human Rights Commission (NIHRC), and others to keep up the momentum on a Round Table.

In distinction to the Consortium, CAJ tended to get into more detailed discussions with politicians and government about possible names for the independent international chair of any eventual Roundtable. Rather than naming any one candidate, or type of candidate, we sought to deploy a range of names to emphasise the kinds of criteria that needed to apply to any choice. We are, however, unaware of any efforts yet being made by any of the parties, or more importantly either government, to recruit a possible chair from the international human rights community. This may be either because they are not at the stage of recruiting anyone, or because they are not recruiting from the human rights world – only time will tell.

Work has also been undertaken to update CAJ's popular 'Bill of Rights Information Pack' with a view to redistributing this to community groups and to encourage further training in this area. A six week human rights training course on using a rights based approach was delivered to Lisburn Drugs Watch earlier this year and the group is continuing to work

on the action plan that was devised as a result of the training. The action plan focuses on ensuring a safe environment in which children can grow up. A template for this training has now been produced and potential training for other local community groups is now in the pipeline.

Another key focus for CAJ this year has been on the issue of the powers to be accorded to the NIHRC (a long-running NIHRC saga having its genesis in the negotiation of the Agreement). Government initiated yet another consultation phase and CAJ responded in January 2006 arguing that decision making in this area was long overdue.

Despite several letters and meetings with NIO staff, no timetable for decision-making, or for any legislative proposals, has been indicated. We have accordingly asked the UN and Council of Europe Human Rights Commissioners to intervene with the government. We also understand that the NIO will soon be conducting a landscape review of the Commission, to which CAJ will of course be seeking to contribute. However, we are clear that such a review must be conducted expeditiously and used to reaffirm and strengthen the position, powers and resources of the Commission in line with the UN Paris Principles, rather than be used as yet further reason to defer decisions on the long-awaited clarification of NIHRC powers.

At a forum convened in London by the Department of Constitutional Affairs, the question of the NIHRC's powers as a visiting mechanism under the Optional Protocol to the Convention Against Torture was addressed, albeit briefly. CAJ is following this up actively with both the NIHRC and Criminal Justice Inspection.

In the course of the year, we also responded to the Commission's draft strategic plan. There were a number of issues that we raised in our response, that did not appear in the final text. For example, we had argued for a clearer timetable for the various actions; coordinating "human rights impact assessment" work with other impact assessments tools; caution in terms of *formal* institutional links and partnerships with others; and articulating more clearly the role the Commission might seek to play on the wider UK stage with regard to the "war on terror" etc. On the other hand, there were many positive signals and we were particularly pleased to see that the Commission's vision statement is strong and unambiguous, and that economic, social and cultural rights are clearly asserted as an important priority.

CAJ has also engaged in an array of actions intended to contribute to a broader human rights culture.

To commemorate our 25th anniversary year, and to honour Professor Stephen Livingstone, long time CAJ

member, we produced a major publication - *“Human Rights and Peace-building in Northern Ireland – an International Anthology”* bringing together international speeches made under CAJ auspices over the years about the protection of rights. Bea Campbell spoke at a well-attended launch of the Anthology at the Linenhall Library, and orders for the book have been steadily streaming in. We made a particular effort to make the publication attractive enough to reach beyond the “usual suspects” and there has indeed been a steady take up of orders.



CAJ served on the panel determining the Impetus awards – which assess the contribution made by school and youth projects to a better understanding of the Human Rights Act or (in Northern Ireland) the Bill of Rights.

The visit of a large delegation of national human rights institutions to Belfast to discuss the topic of human rights in conflict resolution, provided a second opportunity for Christine Bell to launch a report on this topic. The report, for which Christine had been the lead researcher, had been formally launched by the Swiss President and Norwegian King at an event in Berne earlier in the year. The earlier launch had provided CAJ with a platform to explain its role in the

advisory group for the report, but more importantly its role in the peace process, and the necessity – as we see it – for human rights principles to govern peace negotiations and mediation efforts.

CAJ's human rights expertise is also regularly drawn upon by researchers (domestic and international). We commented extensively on materials on migrant workers and hate crime produced by the Institute for Conflict Research, on a NICEM report into countering racist attacks, and we contributed to the Northern Ireland section of the annual report of the International Helsinki Federation. As ever, we continued to maintain close relations with all the leading international human rights NGOs – and we were delighted to be able to benefit from the expertise of some of these colleagues when they submitted material to and – in some instances – travelled some distance to Belfast to testify before the Eminent Jurists Panel.

A lot of this work has been a pro-active promotion of rights, but CAJ has unfortunately also had to react to negative attacks and an undermining of rights protection. We have been involved in discussions with other NGOs about recent governmental attacks on the Human Rights Act; and we continue to pursue with local ministers the risk that their Shared Future initiative poses to building integration and good community relations on a solid foundation of equality and human rights.

We have recounted in previous annual reports on extensive work undertaken by CAJ in the context of the Participation and Practice of Rights Project. We of course continue to be very involved in this project as a member of a small but active management committee and North Belfast Steering Committee, and as an organisation that continues in all its own work to promote the 'practice' of human rights by rights-bearers. However the PPR project has now secured funding to allow it to operate independently with a full staff quota, and we welcome this greatly. It is proper to extend congratulations to Oonagh Kane who manages the project, Dessie Donnelly, Stephanie Green and Tom Redmond, the community development workers, Nicola Browne and Maeve Ni Liathain, the policy workers and Avril Dennison who manages the administrative side.

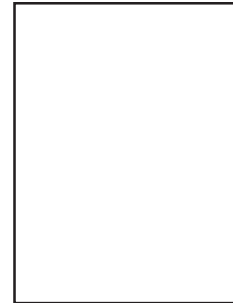


CAJ has changed the nature of its input from a very hands-on day-to-day management type involvement to that of a key 'stakeholder' eager to learn from the PPR experience, and contribute to its work in both policy & practical terms. The project is currently involved in agreeing issues that communities in north Belfast and north Dublin will take forward, alongside developing training manuals and raising awareness of the project in the communities mentioned.

All in all it has been a busy year for the promotion and protection of rights, despite the hiatus created by the lack of movement on the Bill of Rights. Our endeavours will continue to push this ahead, and it is to be hoped and indeed expected that there will be more progress to report this time next year.

Casework

CAJ's Civil Liberties Handbook continues to prove an invaluable tool for staff and for those interested in human rights protection. It is a particularly useful resource for advice workers at community level and is included as part of the curricula for several courses of social science study. it continues to be made widely available in bookshops, libraries and other outlets.



Maggie O'Connor

However, this important resource - however comprehensive and helpful - cannot replace the more personalised and individualised legal advice service that many people need. Over the last year CAJ's legal adviser has continued to respond to a large number and wide range of requests for information on human rights issues from individuals and organisations.

The office receives, on average, about 500 requests for advice and information every year, and these requests can cover issues as diverse as:

- prison rules and conditions;
- sentencing guidelines;
- victims' rights generally;
- hate crime incidents;
- the application of the Human Rights Act;
- the scope of article 2 (right to life) in relation not only to direct state involvement in murders, but to the state's duty to effectively investigate traffic accidents or to provide adequate healthcare;
- the use of covert surveillance, especially in custody suites impinging on solicitor/client confidentiality;
- how and in what way article 8 (right to privacy and family life) applies to the rights of social security claimants;
- public order issues;
- rights on arrest and detention, particularly in the light of the new 28 day detention provisions introduced as a result of the Terrorism Act 2006.

The requests are varied; and the needs of those requesting information also varies. Some people are happy to be directed to other more appropriate sources of information and assistance; others need

advice on how the law works in practice and how best to take forward their concerns; yet others need or want detailed advice and practical help with drafting letters or meeting with the appropriate authorities. A large proportion – and indeed an increasing proportion - of the individual casework relates to the legacy of the conflict. Some of the work relates directly to cases that CAJ took to the European Court of Human Rights in earlier years.

For example, CAJ was invited in June 2006 to attend the first of what will be a regular series of events involving non-governmental organisations (NGOs) and senior members of the European Court of Human Rights in Strasbourg. The purpose of the meeting was to allow an exchange between the President, and staff, of the European Court, and a number of the Court's users, to explore how to render its work more effective. The Court, as many will know, is going through a major period of reform (given that it has more than 80,000 cases currently outstanding). Wisely, it was considered necessary to consult, among others, with non-governmental groups who follow the Court's work closely (organisations such as Amnesty International, International Commission of Jurists, and the International Federation of Human Rights), to assess how to streamline NGO input.

CAJ, as a local NGO, with direct experience of taking cases all the way to Europe, was able to bring a

particular expertise to bear on the deliberations. Senior judges from the Court, members of the Court's Registry and the NGO representatives discussed how NGO interventions could assist the Court, both practically and in systemic terms.

European
Court

CAJ was in a good position to contribute to the exchange of views because of our continuing and close involvement in the Northern Ireland cases that are still before the Committee of Ministers. The Committee of Ministers are responsible for supervising the execution by Member States of European Court judgments, and in the UK case this means that there is regular supervision of *Shanaghan v UK*, *Kelly and others v UK*, *Finucane v UK*, *McKerr v UK*, *Jordan v UK* and *McShane v UK*.

CAJ continues to act for the interests of the families and has made several submissions to the Committee of Ministers regarding developments since the Court found against the UK. We are keen to ensure that there is no precipitate move to bring the Council of Europe's external scrutiny to an end. CAJ argued that these cases, and indeed many other related cases, have not been satisfactorily resolved, and the families still await effective remedies for their loss.

The CAJ submissions commented on the pressing need for both general and individual measures to address the violations of article 2 found by the European Court.



Most of our individual casework relating to the past has been stepped up in recent months with developments regarding

the the work of the police's Historical Enquiries Team and the Office of the Police Ombudsman for Northern Ireland (OPONI). The Historical Enquiries Team has been officially up and running since January and we have been engaging with them in support of individual families as well as on broader policy areas. The Police Ombudsman has also sought and secured funding to run investigations in those instances where there are allegations of direct police involvement in a particular death.

OPONI

The nature of the relationship between the two entities is still a matter of some uncertainty, and CAJ has been engaged in correspondence and meetings with all concerned to try and secure more clarity. Over the summer we also started to develop a draft document outlining the nature of the work carried out by the different agencies, with a view to clarifying the

judge

situation for families. While many families are uncertain about the extent to which, if at all, they can cooperate with official agencies, it is very important for them to at least be aware of the options on offer for them.

CAJ understands that the HET are proceeding with investigations into 2516 incidents involving 3773 victims – all deaths which occurred between 1969 and 1998. HET has defined a number of criteria by which they prioritise cases and, with some exceptions, they are starting with the oldest and earliest cases. In an attempt to advise families as authoritatively as possible, CAJ continues to work closely with other NGOs active in the area, and has participated in a number of informal meetings which allow the groups to regularly exchange information.

Over and above examining the vast number of conflict-related deaths, there are four specific cases which were the subject of an inquiry by Canadian Justice Peter Cory (reported on in earlier annual reports). Three of the four inquiries have now been formally opened, and the work started, though there are concerns around all three of them. Movement on the fourth case, that of murdered solicitor Pat Finucane, remains almost non-existent.

*Justice
Peter Cory*

The official launch of the Robert Hamill inquiry took place in May 2005. Since then, the Inquiry has been gathering evidence and preparing for a full hearing. Applications for anonymity were made by about twenty former police (RUC) officers. The applications were initially refused by the Inquiry Chair, but the police officers concerned were allowed the option to ask for a full panel hearing. This option was taken up, and a number of the applicants gave evidence before the Inquiry panel at a two-day hearing in Belfast on the 15 and 16 May 2006. Following the conclusion of their evidence, written submissions were invited.

CAJ and BIRW prepared a joint paper arguing that no blanket anonymity should be granted and that the purpose of the Inquiry would be undermined if the public interest was too narrowly interpreted. In August the Inquiry gave a final ruling that essentially accepted the arguments being made by CAJ. The panel noted that a variety of safeguards were already in place to protect the safety of witnesses i.e. the identity of former RUC officers could not be determined as they entered or left the court, they would not be photographed or filmed during proceedings, and addresses and other contact details would not be made known unless, in any particular case, there was a compelling reason to do so.

The police nevertheless challenged the ruling and a number of officers are currently pursuing a judicial

review. The starting date for the public hearings has therefore been set back from the original date of the 4th September, and at the time of writing no new date has been set. It is however unlikely that the hearings will start before 2007.

The Inquiry into Billy Wright's death in the Maze prison was converted by the Secretary of State, at the request of its chair Lord MacLean, into an inquiry held under the auspices of the Inquiries Act 2005. Mr. Wright's father applied for leave to challenge this decision and CAJ also applied for and was given leave by the court to intervene. A joint submission has been entered along with Amnesty International and British Irish Rights Watch expressing our concerns that an inquiry under the Inquiries Act cannot provide an effective, independent public inquiry. We are still waiting for judgment to be given in this case.

Since the opening of the Wright Inquiry, its main work has been related to the recovery and organisation of relevant documentation. One of the reasons the Inquiry chair gave for changing the legislative basis of its work was that powers to compel documents etc. would be greater under the Inquiries Act. CAJ was never convinced that this would prove to be the case, and in practice this fear appears well founded.

Despite the conversion of the Inquiry in November 2005, the Northern Ireland Prison Service, which is

to be a major focus of the Inquiry, has not made available certain key documents requested of them. To address this obstacle, the Inquiry has decided that it is necessary to hold an oral dealing specifically to secure access to the documents it requires. The Inquiry has set an October 2006 date for the hearing, although it is not clear if they expect the judicial review about their legislative base to have been decided by then. It seems incongruous that the Inquiry is in court arguing that they *need* to convert to an Inquiry under the Inquiries Act to secure the necessary powers of compulsion, and that they are almost simultaneously holding hearings which suggest that the compulsion powers they are seeking under the Act are likely to be insufficient.

The third Inquiry pursuant to the Cory report relates to Rosemary Nelson (former CAJ executive member). The Inquiry initially expected to hold hearings in 2006, but in December 2005 it announced a delay because of the volume of evidence and the complexity of the issues. Although this was a disappointment to the family, they welcomed the seriousness with which the Inquiry appeared to be taking its work.

Accordingly, over the last several months the Inquiry has been gathering evidence, securing witness statements, conducting interviews - in Northern

Ireland and elsewhere. To date more than 270 people have been asked to provide witness statements. The Inquiry has commissioned a special report on previous investigations conducted by police. The British police officer asked to carry out this work previously led the Police Complaints Authority's supervised investigation into the Metropolitan Police handling of the Stephen Lawrence murder investigation. The Inquiry has said that because of the size of this task, and the recent disclosure of important material, the draft report will be delayed. At the time of writing, full hearings are due to begin on the 16th January 2007 in Belfast.

A worrying recent development, however, was the announcement that MI5 had been granted Full Participant status at the Nelson Inquiry. This announcement appeared to come out of the blue. Full Participant status had previously been granted to those with a direct interest in the Inquiry – people such as the Nelson family and police officers who may have questions to answer in relation to the case. To our knowledge, there had previously been no suggestion that MI5 was directly involved in the murder, or would have any reason to answer questions from the Inquiry about their involvement in the circumstances surrounding Rosemary's death. The request from MI5 was apparently couched in terms of their desire to learn lessons for the future, given the proposed transfer of certain police functions

to MI5 from next year. It is difficult to understand the logic of this stance, since it is open to anyone to observe the Inquiry, to study its findings and, from this, to learn lessons for the future. In fact, this was exactly what CAJ and BIRW intended to do, by seeking to monitor developments in the Inquiry and have observers present throughout. It is not necessary to have Full Participant status to exercise this forward looking function.

The main concern here lies in the fact that the family, and their legal representatives, do not appear to have been given advance notice of this move. Certainly if CAJ had been made aware of this request, we would have considered making a submission to the Inquiry prior to them deciding on the status to be accorded to MI5. A key objective of all of these Inquiries is to reassure the families – and through them the wider public – that these deaths are being properly investigated, and that the authorities are being fully held to account. When close family members learn about major decisions of the Inquiry by way of doorstep journalism, it can only seriously undermine the credibility and legitimacy of the Inquiry's work.

The situation in the Finucane Inquiry is different from that of the other three "Cory cases". There has been no official announcement of an Inquiry, who would chair it, and when it might open. It is assumed that this delay is in large part due to the public, prolonged,

and vociferous objections made by the family to the government's proposal for an inquiry to be held under the Inquiries Act 2005.

The family's main concerns about the Inquiries Act are that it vests extensive powers in the Secretary of State, and that it cannot therefore be compliant with European Convention article 2 requirements for independent and effective investigations. These concerns were brought to the attention of all UK judges in a poignant letter from Pat's widow, Geraldine Finucane. It is likely that this letter convinced a number of recipients to be wary of involvement in chairing an Inquiry, and this may in fact explain the long delay in establishing an Inquiry into this case.

The murder of Pat Finucane continues to secure international attention. Congressional Hearings held in March this year received updates on the various Inquiries, and the Finucane family met with several representatives of Congress and of the US Senate. In its own testimony to Congress, CAJ noted the problematic stance being taken by the Secretary of State. The testimony cites a letter to the Finucane family dating from February 2006, in which Peter Hain states: *"the inquiry will hear evidence that goes to the heart of national security in Northern Ireland. There will be some evidence which cannot be made public, because it could cause real damage to national security or put lives in danger"*.

Yet, as CAJ argued to Congress, how can the murder of a defence attorney by loyalist paramilitaries be of such a sensitive nature, and so intimately tied into concerns of national security, that government is unwilling to respond – 17 years after his death – to the family's request for an open and transparent investigation? The public are likely to conclude that the government's concern to protect national security can only be understood if the state itself acted – by commission or omission – in concert with loyalist paramilitaries.

In due course, Congress passed a resolution calling on the UK government to establish a public judicial Inquiry into Pat Finucane's death that would be truly independent. Efforts are underway to have a similar initiative taken by the US Senate. Mitchell Reiss, the president's Special Envoy to Northern Ireland, testified to Congress that the Finucane case is one that he routinely raises with the British authorities.

Closer to home, the Irish Dáil passed a unanimous all-party resolution in March calling for a fully independent inquiry into the circumstances surrounding the murder of Pat Finucane. Responding to the Dail's concerns, the Taoiseach Bertie Ahern admitted that his administration was at a "total stalemate" on the case, and that he regretted that the British government had failed to honour their commitments at Weston Park. Expressing concern

at persistent reports of collusion between security forces and loyalist paramilitaries in Northern Ireland, Mr Ahern noted that the Irish government had *“raised these issues with the British government (and) continue to do so”*.

CAJ continues to monitor the case and to intervene whenever and however appropriate.

Our legal efforts are largely driven by individual cases, but not uniquely so. In addition to individual casework, CAJ is for example developing a litigation strategy and detailed criteria for the kinds of cases that we could support, and how best to support them. We have reported in great detail in the equality chapter on the case that we took through the domestic courts in an attempt to effectively operationalise the equality duty. Thanks to the waiver we secured to appear directly in the domestic courts, we were able to play an active role in the case, with our own solicitor, and able to brief junior and senior counsel.

We also maintain a presence occasionally in the courts in an observer capacity. In the past, a lot of CAJ's efforts were devoted to observing trials in court – particularly Diplock Court cases. Thankfully, there are many fewer such cases nowadays, but nevertheless we on occasion do send an observer (often at short notice) to monitor what is happening. For example, in recent months, we attended hearings

into the rights of solicitors to consult in confidence with their clients; cases where the right to a fair trial appeared to be at risk; and challenges to Parades Commission decisions.

The law is only one of many tools that can be brought to bear in asserting people's human rights. It is, however, a potentially very powerful tool, and one that merits further attention - resources permitting. This is something to which CAJ's executive is already turning its attention.

International Work

CAJ continued to give a high priority to maintaining an international focus on the local human rights situation given the significance such scrutiny has always played in securing our goal of a "*just and peaceful society in Northern Ireland where the human rights of all are protected*".

For the purposes of this annual report, it may be helpful to divide the work of the last year into four distinct types of activities. The first relates to CAJ's efforts to influence international and regional human rights fora; the second, our lobbying work undertaken in governmental circles beyond Northern Ireland; the third, contributing Northern Ireland experiences to other ongoing international debates; and fourthly,

human rights briefings provided for visitors to Northern Ireland.

International and regional human rights scrutiny

There was no formal UN examination of the UK by any of the various treaty bodies in the course of the last year, but there were a number of opportunities provided for follow-up to, and preparation for, such scrutiny.

The UN Committee Against Torture (UNCAT) examined the UK in 2005 (see CAJ annual report 2004-2005), but required government to report back in 12 months' time on a number of the recommendations. This provided CAJ with an important opportunity to keep a focus on Northern Ireland concerns even between formal UNCAT examinations.

UN

This 12-month 'interim report' was a relatively new departure on the part of the Committee, since normally one has to wait for the next examination four or five years later to explore the extent to which a government has or has not acted upon concerns raised by a UN treaty body. Moreover, the fact that UNCAT had taken this unusual step was probably a relevant factor in the decision of the parliamentary Joint Committee on Human Rights (JCHR) to carry

out its own examination of UNCAT's concerns and the extent of government response to same. Whatever its motivation, UNCAT's decision to have "interim" examinations is to be welcomed since it may well lead, as it did in this instance, to additional domestic scrutiny of developments.

JCHR CAJ testified before the JCHR in December. While our testimony ranged over a number of concerns (emergency legislation, adequate investigations into lethal force incidents, the need for greater powers for the NI Human Rights Commission; and detention conditions), it was noteworthy that the Committee focused particularly on the issue of plastic bullets. CAJ was not happy with the result – that the use of these against individual aggressors in a riot situation could be justified in human rights terms as a proportionate response – which we believe contradicts UNCAT's recommendation in this regard (see policing section for more on this). We would certainly have appreciated a fuller exploration of the issue.

However, it was clearly important that the Chief Constable and the Policing Board should have to testify before parliament on the use of plastic bullets in Northern Ireland. We are unaware of any similar scrutiny being exercised in the past by parliament,

even when resort to plastic bullets seemed almost routine.

Apart from follow-up work to UNCAT, CAJ has also been involved in early planning for the UN Committee on the Elimination of Discrimination Against Women, and we have been able to pin down the long-awaited report, which is now due to be examined by the Committee in January 2008.

The same early planning process was kicked off in relation to the UN Committee on the Rights of the Child (UNCRC), when its chair visited Belfast briefly. Amongst other things, CAJ highlighted the value of seeing the Section 75 legislation as a possible model for promoting the participation of children (and others) in policy-making processes.

CAJ also attended a planning meeting of an international NGO coalition working to promote an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It is early days, but the better the international standards in this area, the more likely it is that we can secure effective domestic protections (see discussions around a Bill of Rights for Northern Ireland elsewhere).

At the regional – European – level, CAJ has also continued a high level of inter-action. CAJ was one of very few local non-governmental groups invited to

an international seminar in Strasbourg on European Court jurisprudence, where we were asked to feed our experience of taking cases successfully to the Court into procedural rules governing NGO contributions more generally (see casework section).

Of a more continuous nature has been a series of interventions by CAJ every 2 or 3 months to the Committee of Ministers. This highest decision making body in the Council of Europe is tasked with supervising the judgments of the European Court, and they require the UK to report on what steps have been taken pursuant to Court judgments. Perhaps it is of little surprise that the UK government in its submissions to the Committee constantly emphasises the major changes that have occurred in policing and criminal justice terms, as a result of the Agreement and subsequent legislative change. The implication – more or less explicit – is that the Committee of Ministers can bring to an end its supervision of the article 2 cases, since these have now been adequately responded to by the government, and measures are in place that would avoid repeat violations. CAJ, together with the families, their legal representatives, and other NGOs, seek to emphasise to the Committee of Ministers that much remains to be done, that external scrutiny is the main reason that there has been any real progress, and that continued scrutiny therefore remains extremely important.

Lobbying efforts beyond Northern Ireland

The continuing absence of a local administration means that CAJ has had to maintain its tradition of lobbying London, Dublin, Washington and elsewhere to ensure that international human rights standards are effectively upheld. Given that two key areas of our work – policing and criminal justice – have not been locally devolved since the early 70s (as opposed to matters such as health, education, transport, economic regeneration etc), CAJ has built up extensive experience of keeping an international spotlight on local developments.

This tried-and-true tactic is however proving increasingly difficult to deploy as international media and other interest moves on to other situations around the world. The problems of Northern Ireland are largely seen to have been 'resolved', and campaigns to end inequality, to improve policing, and to extend the legal protections for basic human rights, are seen as less 'newsworthy' and less immediate, so less likely to elicit a response. This a very big challenge for CAJ, since it is far from self-evident that domestic pressure will be sufficient to keep up the momentum for forward movement.

CAJ testified this year again before the US Congressional Committee on International Relations, Sub Committee on Africa, Global Human Rights and

International Operations on the topic of “Peace Process and Police Reform in Northern Ireland.” Chaired by Congressman Chris Smith, this was the tenth set of Congressional Hearings specifically organised on the topic of Northern Ireland and human rights, and as ever it provided an extremely valuable venue to discuss the nature of change, and the need for continued scrutiny.

The Committee received testimony from Mitchell Reiss, the chair and vice-chair of the Policing Board, as well as a session with NGO witnesses. Mitchell Reiss confirmed yet again that he maintains a special interest in the case of Pat Finucane, raising it in all his discussions with the UK authorities, but he would not be drawn on recent policing change that might prove problematic in the future. Immediately after him, the chair and vice chair of the Policing Board testified, and it was interesting to hear directly from the vice-chair comments to the effect that “he and his community” knew it had been a dirty war and that collusion was part and parcel of that dirty war. This allowed CAJ to build upon this acknowledgement of the fact of collusion, and focus particularly on the lessons that needed to be learned to avoid any repetition of this. The proposed move of national security intelligence policing from the regular police (PSNI) to MI5 was a particularly worrisome development in this regard, and Congress indicated that they would be following up on this issue.

Closer to home, CAJ was part of a delegation of the Human Rights Consortium to testify before the Dáil Foreign Affairs Committee, and we were very pleased with the interest shown by the cross party Committee membership in the move to a Bill of Rights for Northern Ireland. It may have been accidental but it was noteworthy that a meeting with the minister which had been requested more than 2½ years previously was organised very promptly once the Consortium had testified to the Dáil and been fairly critical of the level of Irish government interest in a key building block of the Agreement.

CAJ maintained a fairly high level of inter-action with Westminster parliamentary committees – not least because there are now several that focus regularly on issues relating to human rights in Northern Ireland (most obviously the Northern Ireland Affairs Committee and the Joint Committee on Human Rights). Indeed, with a return to Direct Rule there is a sense that some of these Committees are more active than they might otherwise have been in the past trying to fill the “democratic deficit”.

At the same time, there are other parliamentary committees (Home Affairs Committee, and Committee on Constitutional Affairs) that are dealing with issues of interest to Northern Ireland in a more indirect way (e.g. discussions of UK-wide anti-terrorism measures, the establishment of a

Commission on Human Rights and Equality for Britain, reform of the coroners' system) that also have required our involvement.

CAJ has continued to attend regular NGO meetings organised by the Department of Constitutional Affairs, but it has been somewhat dispiriting to engage in discussions with ministers about how better to promote to the public an awareness of, and appreciation for, the Human Rights Act, when its main decriers have, on occasion, appeared to be senior governmental figures! There is some continuing uncertainty about the nature of this Forum, its composition, and its appropriate terms of reference. CAJ will be following these developments closely.

Last but not least, as indicated in last year's report we had indicated that CAJ was one of 20 or more NGOs which had signed up to a joint intervention in the case of *A v Ors* (in which government counsel were arguing that evidence obtained by torture should be admissible as long as the ill-treatment had not been carried out by British officials). We can report the excellent news that the case was 'won' in the sense that the Lord's ruling upheld the importance of the principle of the inadmissibility of torture evidence. However, some of the argumentation was less than reassuring, and one wonders if there are not more problems left behind by the ruling that will plague future administrations.

*Contributing Northern Ireland experiences
to other ongoing international debates*

As discussed in the criminal justice section, an extremely important piece of work was undertaken in conjunction with the International Commission of Jurists (ICJ) in the course of the year. CAJ was approached about acting as local host and secretariat to the Eminent Jurists Panel, which was an ICJ organised initiative, exploring the issue of *“the impact of terrorism and counter-terrorism on human rights and the rule of law”*.



In close collaboration with the Panel and the ICJ, CAJ organised a series of meetings with senior officials (Chief Constable, Director of Public Prosecutions, members of the judiciary, officers of the Law Society and Bar Council), with specialist sectors (international NGOs that had worked on NI, legal practitioners, and legal academics), an open public meeting, and a series of roundtable discussions with victims on topics such as lethal force and collusion, stop and search, and internment and ill treatment.

Whilst all of the sessions were, without exception, useful in providing data to the eminent jurists (Justice Arthur Chaskalson from South Africa, and Justice Raul Zaffaroni from Argentina), the latter sessions were particularly moving.

At the lethal force seminar, many more people accepted the invitation to attend than had been envisaged, so the idea of squeezing the traumatic testimonies of 15 different families into a 90 minute slot seemed impossible. However, it was done. Each family contributed a different perspective to the debate about suspicious deaths caused by government forces throughout the 70s, 80s and 90s. The families came from every kind of political background (and none), and concentrated their remarks on their personal loss, and the way they had felt let down by the agencies that are expected to uphold the rule of law, and ensure adequate investigations of wrongdoing.

Having initially been loath to risk stirring up people's memories and trauma, the Panel found the testimonies incredibly up-lifting. Families, out of their own loss, wanted to share their experiences with others, with little or no expectation of receiving answers to their own problems. They were however eager to put their experience to the service of others if at all possible.

The Panel members left Northern Ireland deeply aware of the damage caused by the conflict and human rights abuses, and hopefully all the more determined to develop an effective response to the current attack on basic human rights protections around the world.

The visit of the EJP to Belfast was not, however, the only opportunity for CAJ to contribute NI's experience to wider international human rights debates.

Aideen Gilmore, Committee on the Administration of Justice

In July of this year, Aideen Gilmore represented CAJ at a major conference in Moscow. In the lead-up to this year's meeting of the G8 leaders, Russia – as holders of the presidency – took the unprecedented step of convening a major international conference of civil society organisations, the deliberations of which were to feed into the G8 discussions. The conference was unusual to the extent that while it was administratively organised and funded by the government, Russian civil society organisations were given the lead and autonomy to choose the topics to be discussed, and identify domestic and international contributors on these topics.

G8 photo

Thus, while human rights was not on the formal G8 agenda, Russian NGOs took the opportunity to draw attention to this issue. President Putin had undertaken to attend the conference to listen and respond to the deliberations of each of the roundtables, and to bring these to the attention of his G8 colleagues.

In this context, CAJ was invited to contribute the lessons from Northern Ireland to a roundtable on "Terrorism, Counter-Terrorism, Armed Conflicts and Human Rights." This roundtable was extremely well attended by high level representatives from leading international human rights groups, as well as domestic NGOs, and provided an excellent opportunity to draw together some key principles on the protection of human rights in the current context of the "war on terror".

Earlier in the year, CAJ's Director had served on an Advisory Group for a research project by the International Council on Human Rights Policy (ICHRP). The lead researcher, Professor Christine Bell, working with the Advisory Group, and a number of other country researchers, launched a report "Negotiating Justice? Human Rights and Peace Agreements" in Berne (and later in Belfast). While many of the experiences of Northern Ireland had little to offer to people working in Cambodia, or Burundi, or Guatemala - yet, in other regards, there were intriguing and valuable parallels to be drawn.

The final product is a fascinating exploration of the importance of human rights principles and human rights activism in and around the process of peace building. Northern Ireland provided a specific case-study to the overall project, but also provided a lot of the basic human rights experience that the

International Council was able to draw upon in developing recommendations.

In Athens a few weeks ago, at a meeting of European national human rights institutions, Northern Ireland was again highlighted as a particular case-study. In front of the Council of Europe Human Rights Commission, a representative of the UN High Commissioner for Human Rights, and a large number of national human rights institutions, there was an examination of what Northern Ireland had to offer to the campaign to ensure that emergency legislation not become permanent.

Participants were eager to know why legislation introduced, supposedly for a temporary period and in response to specific and serious threats, are all too easily routinised. They were also eager to know what preventative measures could be introduced to limit the routinisation of such powers. We of course had to preface much of the presentation with an explanation of the longevity of emergency legislation in Northern Ireland, but our learning (both good and bad) seemed to motivate rather than dispirit the audience.

Human rights briefings for visitors to NI

As is clear from the equality chapter, a major initiative this year was the production of a seminal report into

fair employment in Northern Ireland. The report had been a fairly long time in the writing and preparation, but its publication shortly before the visit to Northern Ireland of NY City Comptroller William Thompson Jr proved very timely.

Mr Thompson Jr is responsible for more than US\$9bn investments in Northern Ireland (over US\$100bn worldwide) and carries a lot of influence as a result. His office, knowing that they were intending to visit Northern Ireland, and learning of our report, asked for detailed briefings on our concerns. We believe that these briefings were drawn upon extensively in the course of the Comptroller's meetings with the Secretary of State Peter Hain, Irish government ministers Brian Cowen and Dermot Ahern, and the various political parties. It is of particular significance that human rights and equality concerns were brought to the attention of bodies such as the Strategic Investment Board and Invest NI by a major economic player.

Other briefings did not necessarily deliver immediate results, but it is clear that Northern Ireland is a place that many people visit to learn something about human rights and conflict transformation. In the course of the last year, CAJ met and spoke to a wide variety of visitors wanting to know more about the contribution of human rights to the transition to peace. Amongst others, we met South American and Israeli

police delegations, Albanian and Latvian NGOs, Brazilian ombudsmen, Swedish and US students, a Welsh Assembly researcher, a Sri Lankan delegation, a Nepalese Human Rights Commissioner, a group of Iraqi lawyers.....

CAJ maintained its regular contacts with FIDH sister organisations, Liberty (London) and the Irish Council of Civil Liberties (Dublin).



*CAJ Director Maggie Beirne,
Liberty's Director Shami Chakrabarti, and
Mark Kelly, ICCL's Director*

Publications

This has been a particularly busy year for CAJ in terms of publications with three major reports – all of which are commented upon in more detail in the relevant thematic chapters.

The first of the three reports was published in January 2006 and was the culmination of a major piece of international research: *“Change and Devolution of Criminal Justice and Policing in Northern Ireland: International Lessons”*. The work for this report was mainly carried out in the previous annual report writing period, but it was published in a timely manner early in 2006 to seek to influence the renewed political negotiations around devolution.



CJ report

The report draws on extensive comparative research work and looks at various ministerial models. CAJ decided that there was no value – from a human rights perspective – in arguing for any particular ministerial model, since all models appeared to have certain advantages and disadvantages that ought to be explored more fully before final decision making. It was, however, clear from the research that the form of ministerial model selected would be only one of many challenges posed by devolution. The experience of other jurisdictions suggested that a

whole raft of human rights safeguards would in fact prove necessary. Having published the report, we disseminated it widely and held meetings with the political parties to explore the findings. The fact that devolution of criminal justice and policing has moved up the political agenda in recent months has provided us with further opportunities to explore our findings with the Northern Ireland Office and local politicians. That work will need to be pursued actively in coming months.

The second major report was an international anthology dedicated to the memory of Professor Stephen Livingstone, long time member of CAJ. The anthology, entitled "*Human Rights and Peace Building in Northern Ireland*", brings together an array of speeches mostly delivered at CAJ events over the last decade or so. Most of the speeches addressed the issue of a Bill of Rights for Northern Ireland, but some addressed issues of justice in transition more generally.

anthology The collection includes speeches by Canadian Chief Justice Beverly McLachlan, South African Justices Albie Sachs and Richard Goldstone, Sir Nigel Rodley KBE, former President and UN High Commissioner for Human Rights Mary Robinson, and Nobel Prize

winner Archbishop Emeritus Desmond Tutu. A particular effort was made to produce a beautiful looking publication, given its significance in marking the 25th anniversary of the organisation, and the passing of a great human rights activist. Beatrix Campbell launched the book at the Linenhall Library in early April, drawing fascinating links between CAJ's work over the years and the need for vigilance in the current attacks on civil liberties and human rights both here and much further afield.

The third major report of the year was launched a few weeks before CAJ's annual meeting - *"Equality in Northern Ireland: the rhetoric and the reality"*. This report is commented on in detail in the section on equality, so suffice it to say that it got extensive publicity at its launch and in the days and weeks immediately afterwards.

Equality
report

The timely arrival in Belfast of the New York City Comptroller, to speak at an event organised by CAJ and UNISON, was very helpful in giving an extra boost to the report in terms of public profile. Mr Thompson Jr indicated that he had raised the contents of CAJ's report with the many senior politicians and policy makers he met during his visit, and since he controls pension funds worth almost US\$100 billion, he carries great influence. The immediate response from public

authorities seems to be one of willingness to engage with CAJ, so the real work starts now.

Whilst these three reports required extensive research, editing and design resources, CAJ also undertook a number of smaller – but important – initiatives. For example, the Equality Coalition had



hosted a seminar last year at which Alan Hevesi, NY State Comptroller, had spoken, alongside a panel of local speakers. On behalf of the Coalition, CAJ brought out this report just before the summer, and has been busily disseminating it

to all those interested in how investment can or should promote greater equality for all.

We also were intimately involved in updating the Consortium publications – Frequently Asked Questions and other such material – as well as working with professional experts to develop the recent advertising campaign. In this way, we have attempted to keep the Bill of Rights debate firmly on the public and political agenda, regardless of the continuing political hiatus at Assembly level.

More generally, on the publications front, we have now routinely introduced the practice of a specific order form for each publication. This allows CAJ to

widely (and cheaply) disseminate basic information about the report with a view to encouraging people to purchase the publication itself. This was done with all of the reports mentioned above, and we also developed a 'combined' order form for the three policing commentaries produced previously. These efforts do not, however, take away from the need for a stand-alone publications catalogue that is currently being produced.

Throughout the year we have also taken many opportunities to distribute the 25th anniversary year leaflet (produced in time for the last AGM) and that has proved a cheap and simple way of getting our message out and attracting people to use CAJ's website. 25 leaflet

The year has also seen improvements in our efforts to get our message out with the development of an e-bulletin, now being sent regularly to several hundred addressees alongside our regular monthly printed newsletter – Just News. With the help of a volunteer, we have developed a much longer e-mail listing and we hope to expand the mailing of the e-bulletin quite considerably in the next few weeks. We e bulletin

still need to do a lot of work on our website which, apart from regular weekly updating of our news page, is inadequate for our purposes. This is a key priority for the new EIRENE volunteer who started work with us recently.

Information Services

Most of the work CAJ does throughout the year in terms of responding to requests for information is reported on under the specific rubrics – whether it be in terms of our close work with the Equality Coalition, Human Rights Consortium, victims of human rights abuses, or members of the public generally.

CAJ is regularly approached by journalists, academics, students and others, to provide background information, or to provide direct testimony, in relation to the protection of human rights in Northern Ireland. Whereas in the past, people might visit the CAJ offices to study press cuttings, or access our library resources, the great bulk of requests for information now come by way of e-mail requests, or web search. In some cases, we can easily refer people onto our reports or other readily accessible data, but sometimes it involves detailed responses about CAJ's policy position. Staff have to exercise some caution in not getting too easily drawn

into acting as a reference body for research that may never see the light of day, still less have an impact on the current human rights situation, but this has not proved too problematic.

This year provided a reminder of the rich archive possessed by CAJ. In preparing for the visit of the Eminent Jurists Panel (see criminal justice chapter) we were able to draw together, largely from our own resources, an extensive repertoire of reports covering the 80s and 90s (and even the 70s, which pre-dated the organisation's existence). The collection of material is likely to be unique to CAJ. No decision has yet been made about whether to archive these in a more formal manner, but it was reassuring to know that some of the key material developed over the years about human rights violations, and responses thereto, has been preserved. CAJ is not interested in historic documents for the sake of it, but clearly if we are to learn the lessons of the past, we need to study documentation of the period which helps us make those assessments. The EJP initiative provided a perfect excuse to bring some of this historic human rights archive together in one place.

Turning to more topical coverage – we obviously continue to work with the media, putting out press releases, meeting with journalists, answering one-off questions, and providing detailed background as necessary. We do however experience in the media

the same phenomenon as in the political realm i.e. a sense that human rights and equality problems are all issues of the past and not 'newsworthy'. This is often difficult to combat for a variety of reasons.

One obvious problem is that journalists are bombarded with almost daily ministerial press releases lauding the latest education /health/ employment /criminal justice/ infrastructural arrangements introduced by government, and these are often taken (and published) at face value. An enhanced communications strategy is clearly an area that we will want to address in the course of our current strategy planning process.

As we reported last year, CAJ continues to receive more requests than we can accommodate for speakers and presentations at public events and seminars throughout Northern Ireland and further afield. In our own right, and as co-convenors of the Equality Coalition and Human Rights Consortium, we have also organised a number of public and semi-public events to develop a greater awareness of human rights. Details of these events are given under the relevant headings elsewhere in this report, so there is no need to repeat them here.

Volunteers and Staffing

CAJ, like all small organisations, is heavily dependent on its staff and volunteer base. This year was of course no exception.

As ever, we were able to rely on Mrs Perry – who manages to come into the office come rain or snow, and prepare the envelopes for Just News or keep our diary up to date. Her absolutely indefatigable good humour, along with a supply of news (old and new) for every visit keeps the rest of the team on its toes, and her energy certainly puts the rest of us to shame! Unfortunately, she is still bringing in those sweets and almond rounds, and waistlines are suffering as a result – but it is the only failing that we can cite.

Several volunteers who worked with us regularly last year, and part of this year, have unfortunately (for us) moved onto other things. Jeanette Murtagh had to spend less time with CAJ as her final exams increasingly took priority, and she has now finished her law degree very successfully and secured full time employment. This unfortunately means that we see her less frequently than before, but hopefully her CAJ experience will stand her in good stead in the busy and demanding practice of criminal law.

Julie Crutchley helped us a lot over last winter, but has left – as she intended – to do church work in Peru, and we occasionally receive updates on her work there. All seems to be going well, but we haven't learnt how good her Spanish (or Quechua?) is as yet – we await further updates. Olivia Nunez worked with us regularly through much of the year, coming in and developing a very extensive e-mail listing for the e-bulletin and this will shortly be up and running.

Olivia was a source of strength to the rest of us – hard working, deeply committed and a great sense of humour. She has recently gone back to the US, so she will be a real loss to CAJ, but our loss is America's gain!

Mark Bassett is a volunteer who has not managed to 'escape' from CAJ's clutches has been Mark Bassett who continues to quietly but very persistently plough through piles of newspapers and write up the Civil Liberties Diary month after month. He is a typical volunteer in that a lot of the time he is so quiet one hardly knows he is there, but he would leave an enormous gap if he were ever to think of moving on – so we don't leave him any time to do such thinking!

Another office volunteer who has not managed to 'escape', and who has in fact become even more

'enmeshed', is Ciaran Lismore. Ciaran came to CAJ through the Include Youth programme and for most of the past year came in one or two days a week. This was so successful that we jumped at the chance to take him on a job skills training programme for four days a week. Ciaran helps in every possible way around the office, seems to be able to turn his hand to anything, and is a great and much appreciated addition to a hard-working team.

Ciaran

Tara Maguire, a trainee barrister joined us as a volunteer and carried out valuable work on reviewing files which had been filed away but are active again because of the Historic Enquires Team initiative. We are delighted that Tara has volunteered to continue the good work. Kirsten McConnachie, a researcher from the School of Law at Queens, is another very welcome addition to our volunteers. She has the arduous task of helping to compile a report summarising the long and often frustrating process of implementation of measures in response to the European Court's findings of violations of article 2 in cases from Northern Ireland.

Nicole As ever, the locally based pool of office volunteers has been complemented over the summer with US university interns (only one this year). Nicole Washienko,

from Fordham, made up in quantity and quality for the shortfall in intern numbers this year, and seemed to thoroughly enjoy herself. Nicole worked on a 'family pack' of information regarding historic cases, CAJ's submissions to the Committee of Ministers, and attended a series of meetings looking at issues such as tasers. The summer is a difficult time to cover all the possible meetings and events that take place, given that staff are often on leave, so it is particularly helpful to have an extra pair of hands on call at such times. Nicole produced very high calibre work, was a great colleague, and we certainly missed her on her return to the US.

Jerilyn Earlier in the year, Jerilyn Marsh from Earlham College helped us update our public access library and particularly the hunt for long-lost items! Her quiet but steady work was of great benefit to us all and to those who frequently call upon our resources.

Martin and Adriano CAJ's link to EIRENE was maintained with the arrival of Adriano Hellbusch. He had to take over from a marvellous run of volunteers – most recently Joss Bracker – who was a particularly hard act to follow. Adriano continued the tradition of maintaining the public access material,

CAJ's website, and coordinating Just News production, started the e-bulletin service, and became ever more important as the person who answered most incoming telephone calls (a previous rota system had not worked very well). He has now gone back to Germany to full time university study and his successor, Martin Jaster, arrived in the summer. Martin already feels like an 'old timer' and has settled in extraordinarily well in a short time.

A number of years ago we were fortunate enough to secure the voluntary assistance of Paige Jennings, a former staff member of the International Secretariat of Amnesty International. Paige was an enormous help in our policing and criminal justice work, carrying out research and preparing comments on various consultation documents. In the last year, we were particularly indebted to her for her meticulous final edit of our devolution report. She has now left us for a while to deal with the minor task of having a baby, but we are hopeful she will return to us in due course.

One volunteer – Marieanne McKeown – returned to Northern Ireland from globe-trotting to offer her services to CAJ on a short term basis and this has proved invaluable. Staffing problems (see on) led to us asking Marieanne to take on some basic administrative tasks and this is now a part time paid position. She separately applied for, and was appointed, to a short-

Marieanne

term project working on the Bill of Rights. Both projects are time-limited, but it is marvellous that we were able to attract someone of Marieanne's skills to help us in both domains. She was particularly invaluable in ensuring a smooth visit by the Eminent Jurists Panel which required a lot of preparation and follow up that would, in her absence, have fallen on full time staff, already over-stretched. Marieanne has a wry sense of humour and has quickly become indispensable. It will be difficult to let her return to her globe-trotting when the time comes, but hopefully her CAJ experience will stand her in good stead in those adventures.

Special thanks must also go to Julie Harris, who came to us through the Science Shop at Queens University. As part of her Masters, Julie carried out a meticulous literature review of material relating to emergency legislation and its effects in Northern Ireland, which formed the basis of our submission to the Eminent Jurists Panel. This extensive review and bibliography was painstakingly researched by Julie, and now provides an incredible and authoritative resource of material on the topic. We are indebted to her for this work, and are certain that the remarkable skills she displayed will serve her extremely well in her future career.

Other volunteers too numerous to mention help out with observing, writing articles for Just News, research

projects etc. and this report provides an opportunity to issue a general 'thank you' to all their unsung efforts.

Of course, the office volunteers support – and need to be supported in turn – by a strong office team, and our small group of six staff have remained central to CAJ's programme of work. Having gone through major staffing change in the previous two years with the departure of Martin O'Brien and Paul Mageean, and the recruitment of myself, Aideen Gilmore, Maggie O'Connor and Fiona Murphy to the resultant vacancies (two caused by 'internal' appointments), we looked forward to a quiet year on the staffing front. However, last winter saw three of the six staff having to take extensive periods of sick-leave. For a period of more than three months, we lost 50% of our normal staff capacity! This was clearly a serious blow, but we managed to struggle through, return to full (or almost full) health, and still continue to be extremely productive. It seems appropriate to use this forum to publicly thank the 'healthy' staff who kept the place going, and to the 'sick' staff who helped us all through - both in morale terms, and even indeed on occasion from their sick-beds!

Thankfully, by February we were back to normal business. Maggie O'Connor was able to throw away her crutches and again put her detailed know-how and her

*Maggie
O'Connor*

expert legal skills (acquired in private practice and in the Equality and Human Rights Commissions) to work on behalf of individual victims of human rights



Fiona Murphy

violations. Fiona Murphy also returned to her Bill of Rights work bringing her indomitable spirit, creativity and energy to the project (albeit on a part time basis for a while at least). Liz McAleer has also cast the crutches aside and returned to her rightful place as “office matriarch”, whilst running almost single-handedly our administration, finance and publications efforts.



Liz McAleer

The absence of anyone for even a short time makes one even more aware of their crucial importance to the well-being of the whole team and the work we undertake. It is great to have everyone back.



Aideen Gilmore

Aideen Gilmore settled even more comfortably into her role as Research & Policy Officer. Whether deputising for the Director or overseeing our four thematic programmes (criminal justice, equality, policing and protection of rights), Aideen manages an incredible workload with energy, commitment and great professionalism.

Tim Cunningham started the year as a single man, but is now well and truly married (having convinced a previous CAJ Fordham intern – Marny Requa – to take him on, for better or worse). Small details such as this change in marital status did not, however, stand in the way of him maintaining his high level of servicing for the Equality Coalition and the production of a seminal report into fair employment.

*Tim
Cunningham*

CAJ is very fortunate to have a staff team that is highly dedicated, hard working, and enormously productive. It is extraordinary to think that we have produced the high quality and quantity of work outlined in this annual report, despite all this turmoil. The organisation is deeply indebted to each and every one of them. Needless to say, these paragons of virtue are also great 'craic'. A great sense of humour is rarely included in the job description, but it is difficult to see how any of the work could get done without it. I would like to personally thank all of my colleagues for their immense support and help over the last year.

Funders

As noted last year, it is good to have the opportunity at least once a year when CAJ can publicly express its immense gratitude to its funders.

The nature of our work is such that we have always refused to seek or take government monies, for fear that in reality or perception this would somehow inhibit our principle of independence and impartiality. Yet, neither are we the kind of organisation - given our issues - that can easily raise money from street fundraising efforts. We have tried on several occasions to seek donations from our members or others who might be expected to be sympathetic to the need to fund the work of an active civil liberties group like ourselves – but have had limited success, with one or two honourable exceptions.

Our membership fees, publication sales and, on occasion, service provision raise some money, but it is relatively minimal when compared to our outgoings. So, it is difficult to see how much of the work reported on in this report could be undertaken without the continued commitment of charitable trusts.

In alphabetical order, CAJ would like to record its thanks to Atlantic Philanthropies, the Barrow Cadbury Trust, the Joseph Rowntree Charitable Trust, the Oak Foundation, the Paul Schurgot Foundation and the Public Welfare Foundation (via Bridges to Peace). Further requests for funding are awaiting decision by some of the funders on the list, and from UNISON which has been a long-standing supporter of CAJ's efforts, and we hope that they will prove willing to continue with their support.

A much greater effort will have to go into fundraising efforts in the coming months and years. We intend, as part of the current strategic evaluation and planning process that we are engaged in, to seek specific advice regarding funding and fundraising to ensure the longer-term sustainability of the organisation. It is likely that we will want to identify members with particular know-how in this area, to harness their energies in the creation of a stronger indigenous funding base.

So, let us again thank those funders who have stayed the course; we hope that they find this annual report sufficient testimony to CAJ's willingness and ability to deliver on its side of the bargain.

Thanks also are due to our auditors Finegan & Gibson, most particularly Desi Gibson. Grace Taggart who did much of the work last year has moved on, and has been replaced by Stuart Neill, who has already shown an amazing grasp of all of the material. Desi and Stuart are to be warmly thanked for making the process of producing annual financial reports very straightforward, and for giving very helpful advice on steadily improving our detailed internal financial systems to ensure increased financial accountability to the executive.

Conclusions

The year has been both busy and productive. CAJ has intervened in a wide range of human rights debates, and while not always successful, can rightly claim to have made an important difference in a number of key areas.

We believe that there will always be a need for a voice speaking up independently and impartially for human rights and civil liberties. Like our sister organisations, the Irish Council for Civil Liberties and Liberty, CAJ is needed to speak up on behalf of, and alongside, the voiceless, regardless of political fashion. The gradual transition from conflict to peace in Northern Ireland clearly does not render CAJ's work irrelevant, but equally clearly does require that we are prepared to constantly re-think our priorities and our focus.

The most recent publication of the organisation (see equality chapter), which highlights the enormous gap between the rhetoric and the reality when it comes to religious and political differentials in Northern Ireland, is emblematic of the kind of work that an independent organisation like CAJ needs to do if our society is to tackle the terrible legacy of political conflict, discrimination and disadvantage.

This report records that for all the progress to be seen around us, we cannot presume that the positive

changes and economic prosperity that some have experienced, are shared by all. It poses the question about how far we have in fact really travelled since the civil rights demands of the late 60s, and whether some people (even perhaps the same people?) are being left behind. In tackling such problems, there is a need for detailed research, objective analysis, strategic and constructive recommendations for change, and a willingness to challenge the *status quo* however entrenched or powerful it may seem. These have been exactly the kinds of strengths that CAJ has developed over its 25 year existence.

In tackling the legacy of the past – whether it be in terms of economic inequalities, community segregation, collusion, or the lack of basic civil liberties safeguards – and in addressing the new human rights challenges facing us, CAJ will make an important contribution to ensuring a better future for all. Whilst CAJ is only a small piece of the puzzle – we bring something unique to the table, as this report hopefully highlights.

Maggie Beirne
October 2006

The Year at a Glance

CAJ's Annual Report 2005-2006

November 2005

CAJ makes a submission to UNCAT to inform their one-year review of UK government compliance ● Consortium testifies to Dail Foreign Affairs Committee on the need for a Bill of Rights ● The House of Commons votes down the government's proposal to detain terrorism suspects for 90 days without charge but accepts 28 days as a 'compromise' ● Equality Coalition meets the Equality Commission to discuss the forthcoming Section 75 review ● Human Rights Consortium holds seminar at Belfast Castle ● Independent Assessment of the Policing Board is published ● CAJ attends seminars organised by Diversity Matters and the annual departmental consultation by the Department of Regional Development ● Lunch time meeting organised for NGOs to meet human rights activists Professor Henry Steiner and Bruce Porter (both in transit through Belfast).

December 2005

CAJ testify before the Joint Committee on Human Rights in relation to the UK's compliance with the UN Convention Against Torture ● International Human Rights Day (10 December) is marked by a number of events ● CAJ comments on the Northern Ireland Offences Bill ● PPR Project appoints its first staff member ● CAJ sends observer to the Fair Employment Tribunal regarding alleged discrimination against republican ex-prisoners ● CAJ attends the Billy Wright Inquiry's preliminary hearing ● Press release from CAJ expresses concern about the government's handling of the past, especially the move to 'convert' the Billy Wright Inquiry, and the so-called on-the-runs legislation ● Leave is granted to CAJ to make a written submission to the Neill Section 75 case ● CAJ responds to the Age Regulations consultation and the Priority & Budget document ● A v. Ors judgement is issued by the House of Lords to mixed reaction ● CAJ responds to Policing Board Communications and Consultation Review.

January 2006

CAJ attends Amnesty meeting in London to discuss the efforts of an international NGO Coalition to secure an Optional Protocol to the International Covenant on Economic and Cultural Rights ● CAJ attends the quarterly meeting of the British-Irish panel of the International Federation of Human Rights ● Sister organisation – the Scottish Human Rights Centre – announces its closure due to funding problems ● Justice Oversight Commissioner launches his fifth report ● CAJ publishes its first monthly E-Newsletter ● CAJ addresses QUB conference on “The Nature, Impact, and Future of Section 75 Northern Ireland Act 1998” ● CAJ response to NIHRC’s strategic plan for 2006-2009 ● Government engages in another consultation about the powers to be accorded to the NIHRC ● CAJ has range of meetings - Lord Clyde, Police Ombudsman, ACC Judith Gillespie, and the NIHRC ● Stakeholders conference organised by Criminal Justice Inspection.

February 2006

Consortium holds a media event entitled “NI would LOVE a Bill of Rights” ● Minister David Hanson meets the Consortium to discuss the progress on a Bill of Rights for NI ● CAJ attends the NGO Ministerial Forum on Human Rights in London ● David Wright is granted leave to judicially review the decision of the Secretary of State to ‘convert’ the Billy Wright inquiry ● CAJ intervened in a case at the NI Court of Appeal on Section 75 of the NI Act 1998 ● CAJ meets with the new Director General of the NI Prison Service, and his senior team, to discuss the implications of equality laws for prison management ● Submissions made by CAJ on Coroners system, Equality Commission’s Corporate Plan and Litigation Strategy, and in response to consultation on mainstreaming equality in schools ● PSNI conference on hate crime ● CAJ meets with Chief Executive of Policing Board and senior staff.

March 2006

CAJ meets Minister Hanson to introduce its work and current concerns ● Group of Iraqi lawyers visit the CAJ's office ● The Court of Appeal, makes positive ruling on the Section 75 duty ● Coalition representatives attend a major conference on the topic of north/south economic investment and procurement ● Welsh Assembly researcher interviews Coalition about the Section 75 duty ● Consortium meets with Irish Foreign Minister Dermot Ahern ● Judge Cory delivers the MacDermott Lecture and meets several of Finucane, Hamill, Nelson and Wright families ● CAJ testifies at Congressional Hearings on policing ● The Committee of Ministers of the Council of Europe meet to continue their supervision of cases where the European Court found violations of the ECHR ● Press release issued "say no to tasers!" ● Submission made to Youth Justice Agency Corporate Plan.

April 2006

CAJ hosts the Eminent Jurist Panel's Northern Ireland hearings on the experience of terrorism, counter-terrorism and human rights ● CAJ attends a seminar in Strasbourg bringing together the European Court and bodies that have made interventions in cases ● Report entitled "Change and Devolution of Criminal Justice and Policing in Northern Ireland: International Lessons" is launched by CAJ to the media, and widely disseminated to criminal justice agencies ● Bea Campbell, writer and author, launches CAJ's international anthology, dedicated to Stephen Livingstone ● CAJ speaks at the launch of a report by the International Council on Human Rights Policy (authored by Christine Bell) into "The Role of Human Rights in Peace Agreements" ● CAJ meets with the Strategic Investment Board ● Equality Coalition holds regular meeting with the Equality Commission ● CAJ meets with the Criminal Justice Inspection to feed into their inspection of Community Safety Partnerships and the overlap with District Policing Partnerships.

May 2006

CAJ shares panel with experts from India and Italy at a QUB conference on the topic of socio-economic rights ● The US Congress overwhelmingly votes for an independent inquiry into Finucane ● The ICCL celebrates its 30th anniversary with lecture at Four Courts in Dublin ● Sri Lankan delegation visit the CAJ offices ● CAJ attended the annual human rights conference in Dublin hosted by the Department of Foreign Affairs ● Consortium meets the NIHRC ● CJI starts inspection into contribution of community and voluntary sector to criminal justice ● CAJ makes submission to Parades Commission consultation.

June 2006

Meeting with NIO to discuss CAJ devolution report ● Justice Oversight Commissioner launches his final report ● CAJ meets jointly with the Strategic Investment Board, the Department of Culture, Arts and Leisure and the Sports Council to discuss equality proofing of tenders for Olympic swimming facilities ● The Human Rights Advisors to the Policing Board meet CAJ to discuss monitoring the PSNI's compliance with the Human Rights Act ● CAJ responds to the proposed PACE amendments, the Code of Practice for the Terrorism Act, and the Policing Board's screening policy ● The Consortium is interviewed by NVTV on the subject of a Bill of Rights ● CAJ speaks at an NIHRC seminar on tasers ● Court of Appeal upholds Secretary of State's decision on appointments to the Parades Commission ● The Committee of Ministers meets in Strasbourg to consider submissions made by CAJ and others on article 2 cases ● CAJ attends the Criminal Justice Service's "stakeholder conference" ● Equality Coalition publishes and disseminates report into seminar addressed by NY State Comptroller Alan Hevesi ● CAJ responds to EQIA of Housing Selection Scheme and proposed amendment to F.E.T.O allowing 50:50 allocations ● Meetings organised with senior PSNI officials and with Oversight Commissioner's Office.

July 2006

CAJ speaks at the Civil G8 conference in Moscow on NI lessons regarding counter-terrorism measures and human rights ● Consortium meets with a range of political parties to discuss plans for the Round Table for a Bill of Rights ● CAJ attends Lord Carlile's public consultation about the definition of "terrorism" ● Submissions made by CAJ to parliamentary inquiries into organised crime and its impact on charities, and on terrorism detention powers.

August 2006

CAJ's Director chairs the PJ McGrory lecture at the West Belfast Festival ● Elected members of the new governance structures of the Human Rights Consortium meet for the first time ● CAJ meets with staff members from the transition team responsible for setting up the Commission for Equality and Human Rights for England and Wales ● Members of the Latvian Centre for Human Rights and Ethnic Studies visit CAJ office to discuss issues of hate crime, detention facilities, parades observing and equality ● Consortium appoints its first two staff members.

September 2006

Consortium launches major publicity campaign urging local political parties to set up the Round Table to draft a Bill of Rights ● CAJ hosts seminar with UNISON with keynote address by New York City Comptroller William Thompson Jr ● Major report marking 30 years of fair employment legislation is launched by CAJ indicating the advances made and serious challenges remaining ● CAJ speaks at Council of Europe Round Table in Athens ● Human Rights Centre for people with disabilities launched by Disability Action; CAJ serves on the Advisory Group ● Launch of Policing Board report into police compliance with Human Rights Act.

October 2006

Meeting with member of Oversight Commissioner's team ● CAJ holds AGM and speakers mark '55 years' of civil liberties campaigning across the island ● CAJ submits responses to PSNI Diversity Strategy, Diplock Courts consultation inquest legislation, and 5-year review of Police Ombudsman's work ● CAJ's Equality reports widely distributed and follow-up meetings organised.

Accounts

CAJ's Annual Report 2005-2006

CAJ's Annual Report 2005-2006

CAJ's Annual Report 2005-2006

CAJ's Constitution

Constitution of The Committee on the Administration of Justice

1. Name

The organisation shall be known as "The Committee on the Administration of Justice" ("CAJ").

2. Aims

The aims of CAJ shall be:

- 2.1 In relation to the area of Northern Ireland:
 - (a) to secure the highest possible standards in the administration of justice;
 - (b) to defend and advance civil liberties and the rights and freedoms recognised by international human rights law;
 - (c) to monitor the operation of the system of justice and to campaign for reforms; and
 - (d) to give co-operation, assistance and encouragement on an international basis to the defence and advancement of civil liberties and the rights and freedoms recognised by international human rights law.
- 2.2 To carry out research into any of the above matters.
- 2.3 To increase the awareness of the general public in relation to such matters.
- 2.4 To do anything incidental to the achievement of these aims.

3. Status

CAJ shall be non-party political, anti-sectarian and non-profit making and shall take no position on matters relating to the constitutional status of the area of Northern Ireland. This article shall not prevent CAJ from dealing with a Bill of Rights.

4. Membership and Affiliation

4.1 Membership of CAJ is open to all individuals whose application for membership is approved by the Executive and who:

- (a) complete and sign CAJ's membership form containing a declaration to support and comply with CAJ's Constitution; and
- (b) pay the appropriate membership fee.

4.2 Membership may be terminated by the Executive for failure to pay the membership fee within 4 months of the due date - the membership to be reinstated automatically on payment of such fee and all arrears.

4.3 The provisions relating to expulsion and suspension are contained in the Schedule (following Article 16).

4.4 The membership year shall run from 1st January to the following 31st December.

4.5 Affiliation to CAJ shall be available to any organisation whose application for affiliation is approved by the Executive and which:

- (a) completes and signs CAJ's application form containing a declaration to support and comply with CAJ's Constitution; and
- (b) pays the appropriate affiliation fee.

Affiliation on similar terms shall be available to CAJ employees.

4.6 Membership rights for individual members include rights, in relation to Annual General Meetings and Extra-Ordinary General Meetings, to

- receive notifications and minutes;
- propose or second motions or amendments to motions;
- speak and vote;
- and rights to sign requisitions for Extra-Ordinary General Meetings; and other rights contained in or arising from CAJ's Constitution.

Membership rights shall not be available during periods of suspension.

- 4.7 Affiliated organisations and CAJ employees are entitled to receive notifications and minutes of meetings, to attend and speak at meetings but not to vote.

5. Annual General Meeting

- 5.1 The Annual General Meeting ("AGM") of CAJ shall be held in October of each year at which only the following business shall be transacted:

- to receive and consider the Annual Report and Accounts;
- to elect by a fair and proportional electoral system the Chairperson and Vice Chairperson and the remaining members of the Executive;
- to take decisions on fees for membership, affiliation and related matters;
- to appoint an auditor; and
- to consider any specific business detailed on the notice of the meeting.

- 5.2 At least 21 days prior written notice of each AGM specifying the time and place of the meeting and the business to be transacted shall be given to each member and affiliate of CAJ.

6. Extra-Ordinary General Meetings

- 6.1 An Extra-Ordinary General Meeting ("EGM"):
- (a) may be convened at the discretion of the Chairperson after consultation, if practicable, with all members of the Executive; and
 - (b) shall be convened by the Chairperson within 14 days of receipt of a requisition stating the specific purpose for convening the meeting and signed by at least one tenth of the total membership of CAJ entitled to vote at that time.

- 6.2 Prior written notice of an EGM convened under Article 6.1, stating the time and place of the meeting and its specific purpose shall be given to each member and affiliate of CAJ as follows:
- for a meeting convened for consideration of proposals to amend CAJ's Constitution, at least 21 days notice;
 - for any other meeting, at least 14 days notice.
- 6.3 An EGM shall have power to take decisions on:
- (a) all matters reserved for decision by an AGM (including the revocation or alteration of decisions taken at an AGM) and
 - (b) proposals for amending CAJ's Constitution provided that only such business as is specifically detailed in the notice of meeting given under Article 6.2 shall be transacted at an EGM.

7. Executive

- 7.1 The Executive shall consist of the Chairperson, Vice Chairperson, Treasurer, Membership Secretary, Minutes Secretary, Parliamentary Liaison Officer, and the Editor of Just News (CAJ's news bulletin) elected at the AGM or at an EGM from CAJ members and of up to 4 other members as may be co-opted by the Executive so elected.
- 7.2 Nominations for election of individual Executive positions shall be signed by at least 2 members of CAJ and delivered to CAJ's office at least 14 days before the AGM or EGM. All such nominations shall be notified to CAJ members and affiliates 7 days before the meeting.
- 7.3 In the event of nominations being so made for individual Executive positions, only those nominated will be eligible for election to such office. If no nominations are received for individual Executive positions, nominations (made by at least 2 members of the CAJ present at the meeting) may be made at the meeting for election to such office.

- 7.4 All persons nominated for Executive positions must have been CAJ members for at least 3 months prior to nomination and must indicate their consent to the nomination.
- 7.5 If no nominations are received for individual Executive positions either under Article 7.2 or Article 7.3, the Executive elected at the meeting may fill such positions by co-option, at a later meeting of the Executive.
- 7.6 Members elected or co-opted to serve on the Executive shall hold office (while they are CAJ members) until the election of the Executive at the following AGM (or at any earlier EGM). All members are eligible for re-election except that no member shall serve as Chairperson or as Vice Chairperson for more than 2 consecutive years.
- 7.7 The Executive may fill vacancies on the Executive by co-option of CAJ members.
- 7.8 The Executive shall be entitled to exercise the powers and functions of CAJ except for matters reserved to the decision of an AGM or an EGM.
- 7.9 The Executive shall meet at least 6 times in each year. At least 5 days prior written notification of such meetings, stating the time and place of the meeting and the business to be discussed shall be given to each member of the Executive. (in cases of emergency, the Chairperson may waive the requirement for 5 days prior written notice.)

8. **Meetings**

- 8.1 Unless the context otherwise requires, this Article applies to AGMs, EGMs and to meetings of the Executive.
- 8.2 **Presiding Officer**
The Chairperson shall be entitled to preside at meetings. In the absence of the Chairperson or in the event of the Chairperson declining to preside, the Vice-Chairperson shall be entitled to preside and in the absence of both or in the event of both declining to preside, CAJ members present at the meeting shall elect a CAJ member to preside.

8.3 Quora

The quora are

- for AGMs and EGMs one tenth of the total CAJ membership, or 25 members whichever is less; and
- for meetings of the Executive 4 members of the Executive.

On the declaration by the Presiding Officer that no quorum exists, the meeting shall stand adjourned until such time as the Presiding Officer shall fix at the original meeting.

8.4 Rules of debate

- 8.4.1 Any member may without prior notice propose a motion or an amendment to a motion relating to any item on the agenda of the meeting (apart from items relating to amendments to CAJ's Constitution) and after such motion is seconded, may speak on the matter.
- 8.4.2 Only one amendment to a motion may be moved and discussed at a time unless the presiding officer decides that the business of the meeting would be facilitated if more than one amendment were discussed together (but not voted on).
- 8.4.3 Non-contentious amendments shall be decided by consensus. Where the issue is contentious, and where there is more than one possible amendment, the Presiding Officer shall initiate a multi-option preference vote.
- 8.4.4 If an amendment is lost further amendments may be moved on the original motion and if all amendments are lost the original motion shall then be voted on.
- 8.4.5 The mover of a motion shall have the right of reply at the close of the debate on the motion or on an amendment to the motion. The mover of an amendment shall not have a right of reply to the debate on the amendment.

- 8.4.6 Unless otherwise resolved by a decision of members present at a meeting, no individual speech shall exceed 10 minutes for a mover or 5 minutes for any other speaker and a member shall speak only once on an individual motion, amendment or item on the agenda except:
- in the exercise of the right of reply under Article 8.4.5;
 - on a point of order; and
 - on a point of personal explanation or clarification.
- 8.4.7 The presiding officer shall make every effort to ensure that all members present at a meeting are given the opportunity to speak on all items under discussion.
- 8.5 Voting
The Presiding Officer shall make every effort to achieve decision making at meetings by means of consensus. Where such a degree of unanimity is unlikely to be achieved, decisions on all matters (not relating to the Constitution) shall be taken either by a majority vote or, if the issue is contentious, by multi-option preference vote.
- 8.6 Minutes
Minutes of meetings shall be prepared by the Minutes Secretary and shall be presented to the next meeting for approval as a correct record. No discussion shall take place on the minutes except upon their accuracy (which may only be raised by motion). If no question of accuracy is raised or if any such question has been disposed of, the minutes shall be signed by the presiding officer as a correct and conclusive record of the proceedings of the meeting and shall be kept by the Minutes Secretary as a permanent record.

9. Open Meetings, Conferences and Seminars

- 9.1 The Executive shall arrange for at least 5 open meetings of CAJ to be held during each year of office.
- 9.2 The Executive may arrange to hold such other meetings, conferences and seminars as may be required for carrying out the aims of CAJ.

10. Sub-groups

- 10.1 The Executive may establish Sub-groups consisting of CAJ members to carry out such functions in accordance with the aims of CAJ as the Executive may decide and to report back to the Executive.
- 10.2 The Executive may provide (in rules made under Article 14) for attendance at Sub-group meetings of persons who are not CAJ members.

11. Authority of Chairperson

The Chairperson shall be entitled in cases of urgency making the prompt exercise of the powers of the Executive necessary and after consultation with the Vice Chairperson, (or in the absence of the Vice Chairperson, with at least one other member of the Executive) to exercise any of the powers of the Executive (except those on suspension and expulsion) subject to any action taken under such authority being reported to the next Executive meeting.

12. Authority of Vice Chairperson

The Vice Chairperson shall be entitled to exercise the power of the Chairperson, in the Chairperson's absence or inability to act (subject to consultation with at least one other member of the Executive before exercising the powers under Article 11).

13. Delegation of Powers

The Executive may delegate any of its powers to a sub Committee of its members, to the Chairperson or Vice Chairperson or to CAJ staff and may amend or withdraw such delegated powers.

14. Rules to be made by Executive

14.1 The Executive shall make rules to be followed by CAJ members and CAJ staff for:

- responsibility for press releases and other media contact;
- authorising the signature of cheques;
- authorising spending and payments and for signing of agreements and contracts;
- disclosure by CAJ members and staff of financial interests in matters being discussed at meetings and related procedures; and
- the workings of Sub Groups and related procedures (including the authorising of CAJ publications).

15. Affiliation by CAJ

The Executive may decide:

- to seek affiliation by CAJ to any organisation whose aims are consistent with those of CAJ if satisfied that such affiliation would be of general benefit to CAJ;
- to nominate members of the Executive or other CAJ members to represent CAJ at meetings and proceedings of such organisations; and to issue guidelines to such nominees as to the manner and content of *representation*.

16. Amendments to CAJ's Constitution

- 16.1 No amendment shall be made to CAJ's Constitution except by resolution of an AGM or EGM and either (i) passed by at least two-thirds of CAJ members present; or (ii) where more than one amendment is proposed on any one topic, approved in a multi-option vote by a collective level of support of at least 67% of those present.
- 16.2 Any proposed amendment to CAJ's Constitution for consideration by an AGM *shall* be notified in writing to CAJ's office and signed by at least 2 CAJ members not later than 1st September preceding the AGM.
- 16.3 Any proposed amendment to CAJ's Constitution for consideration by an EGM shall be notified in writing to CAJ's office and signed by at least 2 CAJ members as follows:
- (a) for a meeting convened under Article 6.1 (a), at least 28 days before the date of such meeting;
 - (b) for a meeting convened under Article 6.1 (b), at the time of making the requisition for such meeting.
- 16.4 Unless otherwise decided by the members present at the meeting, any proposal to move an amendment to a proposal notified under this Article shall not be discussed or voted on at a meeting unless written notice of such amendment signed by at least two CAJ members shall be given to CAJ's office at least 14 days in advance of the meeting in question.
- 16.5 Written notice of any proposal notified under Article 16.4 shall be sent by CAJ's office to all CAJ members and affiliates, at least 5 days before the date of the meeting.
- 16.6 Any proposal notified under this Article may be withdrawn by the proposer either at or prior to the meeting.

Schedule
Provisions on Expulsion and Suspension

1. On being satisfied that the conduct or activities of a CAJ member or affiliate are such as to be contrary to CAJ's Constitution or otherwise seriously detrimental to CAJ's interests or public image, the Executive may by decision taken at a meeting either expel the member or affiliate from CAJ; or suspend the member or affiliate from membership or affiliation for such period and subject to such conditions as the Executive may decide: provided that:
 - (i) the member or affiliate is given at least 14 days prior written notice (*indicating* the details of the alleged conduct or activities) that the matter will be placed on the agenda of the meeting for decision; and
 - (ii) at the meeting, the member or affiliate is given an opportunity to be heard and to submit evidence in defence and in reply to the allegations, before a decision is reached.

2. Where a complaint of alleged conduct or activities is brought under this Schedule
 - (a) against a member of CAJ's Executive or
 - (b) by or on behalf of a member of CAJ's Executive such member shall take no part (as a member of the Executive) in
 - (i) those parts of Executive meetings nor
 - (ii) other decisions relating to the matter.

3. CAJ members who serve on the Executive or on a Sub-group shall cease to be members of the Executive or Sub-group during any periods of suspension and on expulsion from membership.

CAJ's Publications

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CAJ's Publications

- No. 1 **The Administration of Justice in Northern Ireland:** the proceedings of a conference held in Belfast on June 13th, 1981
- No. 2 **Emergency Laws in Northern Ireland:** a conference report, 1982
- No. 3 **Complaints Against the Police in Northern Ireland,** 1982 (£2.50)
- No. 4 **Procedures for Handling Complaints Against the Police,** 1983 (updated by pamphlet No.16)
- No. 5 **Emergency Laws: suggestions for reform in Northern Ireland,** 1983 (£1.50)
- No. 6 **Consultation between the Police and the Public,** 1985 (£3.00)
- No. 7 **Ways of Protecting Minority Rights in Northern Ireland,** 1985 (£4.00)
- No. 8 **Plastic Bullets and the Law,** 1985 (updated by pamphlet No. 15) (see also Plastic Bullets briefing No. 40)
- No. 9 **“The Blessings of Liberty”:** An American Perspective on a Bill of Rights for Northern Ireland, 1986 (£2.50)
- No. 10 **The Stalker Affair: More Questions than Answers,** 1988 (£3.00)
- No. 11 **Police Accountability in Northern Ireland,** 1988 (£2.00)
- No. 12 **Life Sentence and SOSP Prisoners in Northern Ireland,** 1989 (£1.50)
- No. 13 **Debt - An Emergency Situation?** A history of the Payments for Debt Act in Northern Ireland and its effects on public employees and people on state benefits, 1989 (£2.00)
- No. 14 **Lay Visitors to Police Stations in Northern Ireland,** 1990 (£2.00)
- No. 15 **Plastic Bullets and the Law,** 1990 (£2.00)
- No. 16 **Cause for Complaint:** The system for dealing with complaints against the police in Northern Ireland, 1990 (£2.00)

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- No. 17 **Making Rights Count.** includes a proposed Bill of Rights for Northern Ireland, 1990 (£3.00)
- No. 18 **Inquests and Disputed Killings in Northern Ireland,** 1992 (£3.50)
- No. 19 **The Casement Trials:** A Case Study on the Right to a Fair Trial in Northern Ireland, 1992 (£3.00)
- No. 20 **Racism in Northern Ireland:** The need for legislation to combat racial discrimination in Northern Ireland, the proceedings of a CAJ conference held on 30th November 1992, (£3.00)
- No. 21 **A Bill of Rights for Northern Ireland,** 1993 (£2.00)
- No. 22 **Staid agus Stadas Gaeilge i dTuaisceart na hEireann - The Irish Language in Northern Ireland:** The UK Government's approach to the Irish Language in light of the European Charter for Regional or Minority Languages, 1993 (£3.50)
- No. 23 **A Fresh look at Complaints against the Police,** 1993 (£3.50)
- No. 24 **Adding Insult to Injury?** Allegations of Harassment and the use of Lethal Force by the Security Forces in Northern Ireland, 1994 (£3.50)
- No. 25 **The States We Are In: Civil Rights in Ireland, North and South -** proceedings of a conference held in Dublin by the Irish Council of Civil Liberties and the CAJ, 1993 (£3.50)
- No. 26 **Civil Liberties in Northern Ireland: The CAJ Handbook** (2nd edition), June 1993 (£6.00)
- No. 27 **"Harassment: It's part of life here..."** Survey of young people's attitudes to and experience of harassment by the security forces, December 1994 (£5.00)
- No. 28 **No Emergency, No Emergency Law:** Emergency Legislation related to Northern Ireland the case for repeal, March 1995 (£4.00)
- No. 29 **Right to Silence** debate, the Northern Ireland Experience, May 1994 (£3.00)

- No. 30 **Human Rights: The Agenda for Change - Human Rights, the Northern Ireland Conflict and the Peace Process** (includes proceedings of a conference held in Belfast on 11th & 12th March 1995), December 1995 (£3.50)
- No. 31 **Fair Employment For All:** Submission to the Standing Advisory Commission on Human Rights on Fair Employment, February 1996 (£4.00)
- No. 32 **The Misrule of Law:** A report on the policing of events during the Summer of 1996 in Northern Ireland, October 1996 (£5.00)
- No. 33 **Mainstreaming Fairness? : A discussion paper by Dr.Christopher McCrudden, on “Policy Appraisal and Fair Treatment”**, November 1996 (£3.00)
- No. 34 **Mainstreaming Fairness, “Policy Appraisal and Fair Treatment”**, A summary of a consultation process around “Policy Appraisal & Fair Treatment”, June 1997 (£2.00)
- No. 35 **Making a Bill of Rights Stick: Options for Implementation in Northern Ireland, A Discussion Paper**, September 1997 (£2.00)
- No. 36 **Policing the Police : A Report on the Policing of Events During the Summer of 1997 in Northern Ireland**, November 1997 (£2.00)
- No. 37 **Human Rights on Duty: Principles for better policing - International lessons for Northern Ireland**, December 1997 (£6.00)
- No. 38 **Civil Liberties in Northern Ireland: The CAJ Handbook (3rd edition)**, December 1997 (£7.00)
- No. 39 **Benchmarks for Change: A Proposal by Dr. Christopher McCrudden on Mainstreaming Fairness in the Governance of Northern Ireland** , February 1998 (£2.00)
- No. 40 **Plastic Bullets - a briefing paper**, June 1998 (£3.00)
- No. 41 **A Guide to Prisoners’ Rights and Prison Law in Northern Ireland**, September 1998 (£5.00)

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- No. 42 **The Agreement and a new beginning to policing in Northern Ireland** - proceedings of a conference held in February 1999, this report also includes Human Rights Benchmarks for policing change, June 1999 (£5.00)
- No. 43 **Fundamental Social Rights in Northern Ireland: Building upon the Agreement and the European Social Charter**, October 1999. Proceedings of a conference jointly hosted by CAJ and the Council of Europe, held in June 1999 (£5.00)
- No. 44 **The Patten Commission: The way forward for policing in Northern Ireland?** Proceedings of a conference on the findings of the Patten Commission held in October 1999 (£5.00)
- No. 45 **Dignity, Equality & Inalienable Rights:** Lecture in Belfast, November 2001 by Archbishop Desmond Tutu, July 2002 (£3.00)
- No. 46 **A Bill of Rights for Northern Ireland Through the years** – the views of the political parties, July 2003 (£3.50)
- No. 47 **Civil Liberties in Northern Ireland: The CAJ Handbook**, (4th edition) November 2003 (£9.50)
- No. 48 **Commentary on the Northern Ireland Policing Board**, November 2003 (no. 1 in series) (£5.00)
- No. 49 **Commentary on the District Policing Partnerships, including “Policing with the Community” conference proceedings**, May 2005 (no. 2 in series) (£5.00)
- No. 50 **Commentary on the Office of the Police Ombudsman for Northern Ireland**, June 2005 (no. 3 in series) (£5.00)
- No. 51 **Human Rights in Peace-Building in Northern Ireland: an international anthology**, January 2006 (£10.00)
- No. 52 **Change and Devolution of Criminal Justice and Policing in Northern Ireland: International lessons**, January 2006 (£7.00)
- No. 53 **Delivering Equality** (report from a seminar hosted by the Equality Coalition), June 2006 (£5.00)
- No. 54 **Equality in Northern Ireland: the rhetoric and the reality**, September 2006 (£15.00)

Submissions

- S1 **Submission to the UN Human Rights Committee “Human Rights in Northern Ireland”, 1991 (£1.00)**
- S2 **Submission to the United Nations Committee Against Torture, November 1991 (£1.50)**
- S3 **Submission to the Royal Commission on Criminal Justice, November 1991 (£1.00)**
- S4 **Submission to United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, August 1992 (£1.00)**
- S5 **Submission to United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, August 1993 (£1.00)**
- S6 **Submission to United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, August 1994 (£1.00)**
- S7 **Submission to Initiative ‘92, January 1993 (£1.00)**
- S8 **Allegations of Psychological Ill-treatment of Detainees held under Emergency Legislation in Northern Ireland, February 1993 (£2.00)**
- S9 **Combating Racism in NI - Submission to the Central Community Relations Unit, March 1993 (£3.00)**
- S10 **Submission to the United Nations Committee on the Elimination of Racial Discrimination, August 1993 (£2.00)**
- S11 **Combating Racist Harassment in Northern Ireland:**
A joint submission by the Chinese Welfare Association, CAJ and the Northern Ireland Council for Travelling People to the Home Affairs Committee Inquiry into Racial Attacks and Harassment, June 1993 (£3.00)
- S12 **Response to the Draft Children (Northern Ireland) Order 1993, December 1993 (£1.00)**
- S13 **Submission to President Clinton “Civil Liberties in Northern Ireland”, 1993 (£1.00)**

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- S14 **Submission to President Clinton “Civil Liberties in Northern Ireland”, 1994 (£1.00)**
- S15 **Response to the NIO Consultation Document “Policing in the Community”, May 1994 (£1.00)**
- S16 **Response to the Draft Prison and Young Offender Centre Rules (Northern Ireland) 1994, June 1994 (£2.00)**
- S17 **Comments on the Proposal for Draft Local Government (Miscellaneous Provisions) (NI) Order (Irish Language Street Signs), June 1994 (£1.00)**
- S18 **Submission to the United Nations Committee on the Rights of the Child, August 1994 (£3.00)**
- S19 **Comments on the Criminal Cases Review Authority August 1994 (£1.50)**
- S20 **A Major Miscarriage of Justice: The Casement Trials, September 1994 (free leaflet)**
- S21 **Selected Examples of Foreign Experience in the investigation of complaints against police personnel, March 1991 (£1.00)**
- S22 **Submission to United Nations Commission on Human Rights, 1993 (£1.00)**
- S23 **Submission on the killings of Pearse Jordan, Gerard Maginn & Patrick Finucane, to the UN Special Rapporteur, 1993 (£2.50)**
- S24 **Submission to United Nations Commission on Human Rights, 1994 (£1.00)**
- S25 **Submission to Joint Oireachtas Foreign Affairs Committee, 1994 (£1.00)**
- S26 **Submission to the United Nations Committee on Economic, Social & Cultural Rights, November 1994, £1.**
- S27 **Response to “Learning for Life: the Education Service in NI”, 1994 (£1.00)**
- S28 **Killings by the Security Forces - an Information Pack for Families of Victims, 1994 (free)**
- S29 **Proposal for a Draft Police (Amendment) (N.I.) Order, 1995 (£1.00)**
- S30 **Submission to the United Nations Human Rights Committee, June 1995 (£4.00)**

- S31 **Submission to the Police Authority for Northern Ireland (PANI) Consultation on the future of policing in Northern Ireland**, August 1995 (£2.00)
- S32 **Submission to the United Nations Committee Against Torture**, October 1995 (£3.00)
- S33 **Submission to the International Body**, December 1995 (£1.50)
- S34 **Response to “On the Record”**: the Home Secretary’s Criminal Records proposals, September 1996 (£1.00)
- S35 **Submission to the United Nations Committee on the Elimination of Racial Discrimination**, March 1996, £1.
- S36 **Submission to the United Nations Commission on Human Rights**, March 1996 (£1.00)
- S37 **Submission to the United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities**, 1996 (£1.00)
- S38 **Response to the Draft Race Relations (NI) Order 1996**, August 1996 (£1.00)
- S39 **Fair Employment For All**: Commentary on research commissioned by the Standing Advisory Commission on Human Rights (SACHR) for the Employment Equality Review, October 1996 (£2.00)
- S40 **Presentation to the Organisation for Security and Co-operation in Europe (OSCE) Review Conference**, Vienna 1996 on the implementation of OSCE commitments on the human dimension, October 1996 (£1.50)
- S41 **Submission to the Independent Review of Parades and Marches**, October 1996 (£1.00)
- S42 **The Case for Repeal of the Emergency Law in Northern Ireland**, January 1996 (£1.50)
- S43 **Response to the discussion paper on Committal Proceedings in Northern Ireland**, 1996 (£1.00)
- S44 **Response to the Northern Ireland Office (NIO) Consultation Paper on Disclosure in Criminal Cases**, August 1995 (£1.00)

- S45 **Response to the Consultative Draft on the Equal Opportunities Commission for Northern Ireland (EOCNI) recommendations for change to the Sex Discrimination legislation**, October 1996 (£1.00)
- S46 **Submission to the United Nations Committee on the Elimination of Racial Discrimination**, March 1997 (£1.00)
- S47 **A response to the draft Northern Ireland (Emergency Provisions) Act, Code of Practice**, February 1997 (£1.00)
- S48 **Commentary on 1996 Primary Inspection Report by Her Majesty's Inspectorate of Constabulary with reference to the Royal Ulster Constabulary**, March 1997 (£1.00)
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Committee on the Administration of Justice (CAJ) Ltd
45/47 Donegall Street
Belfast BT1 2BR

Printed by Shanway Press, Belfast