



CAJ

**Committee on the
Administration of Justice**

Promoting Justice / Protecting Rights



Annual Report

2010/2011

Celebrating 30 years of promoting justice and protecting rights **1981 - 2011**

Promoting Justice/ Promoting Rights

**Annual Report
2010/2011**

CAJ

2nd Floor, Sturgen Building
9-15 Queen Street
Belfast
BT1 6EA

Tel: 028 9031 6000
Fax: 028 9031 4583
info@caj.org.uk
www.caj.org.uk

Contents

Annual Report 2010/2011

Chairperson's Report	2-3
Director and Deputy Director Report	4-6
The Year In Pictures	7
Policing Update	8-9
Criminal Justice Update	10-11
Equality Update	12-13
Human Rights Update	14-15
Casework Update	16-17
Public Affairs Update	18-19
Communications Update	20-21
Finances	22-23
CAJ Publications and Submissions	24-28

Chairperson's Report

Les Allamby



Les Allamby
Chairperson

The annual report highlights the value of CAJ's staff and their evidence based work.

CAJ published a detailed report examining the work of the Office of the Police Ombudsman in dealing with historic cases in June 2011. The report examined how well the office met its duties under Article 2 of the European Convention on Human Rights including effectiveness, promptness,

transparency and independence. It highlighted significant shortcomings within the Ombudsman's Office including leadership issues. The timing was propitious in that 'whistle-blowing' within the Police Ombudsman's Office and the subsequent investigation alongside a Criminal Justice Inspectorate report confirmed many of the concerns raised by CAJ's own research. On reflection, one wonders whether the public spotlight would have shone so brightly without CAJ's work. Moreover, CAJ's research went considerably beyond the impact of individuals, therefore tracking and following up the recommendations will be essential to ensure public confidence in the management of police complaints is restored.

A second substantial report was published into the prison system in Northern Ireland. The report was timely given the review of prisons in Northern Ireland. The report comprehensively catalogued the recommendations of previous inquiries, reports and inspections; the responses to these reports had failed to effectively address the underlying problems plaguing

the prison system. The approach underscored the need for a different approach to managing reform. In particular, CAJ emphasised the need for a holistic approach to dealing with crime and punishment and the need to utilise human rights approaches to reform.

Our work is placed on an international as well as domestic stage. A submission was made to the United Nations Committee on the Elimination of Racial Discrimination with follow up work in Geneva. A number of issues raised in the submission found their way into the Committee's concluding observations and recommendations including the need for a single Equality Bill and a Bill of Rights for Northern Ireland. The lack of a Bill of Rights remains the glaring example of an essential element of the Belfast Agreement which has failed to be implemented. The work of CAJ, the Human Rights Consortium and others has, however, helped develop a discourse of rights which recognises the importance of rights to individuals and communities, particularly for those who lack influence and access to economic and social power.

CAJ continues to pursue its work in dealing with historical cases, addressing the state's obligation to investigate violations of Article 2 ECHR (the right to life). We co-hosted a seminar on dealing with the past in December 2010 which was addressed by a range of speakers, including Denis Bradley. Our visit to Washington in March 2011 allowed us to lobby on human rights issues in Northern Ireland on the international stage once again. In August 2011 we filed a third party intervention in the application of McCaughey, Grew & Quinn v. UK before the European Court of Human Rights, which addresses the government's obligations under Article 2. This year we also hosted a 30th anniversary conference on counter-terrorism and human rights: the permanence of temporary powers. The conference illustrated the importance of sharing and learning from the experiences of Northern Ireland when examining responses to conflict elsewhere. The value of sharing such experience is an issue CAJ is acutely aware of when looking at the impact we can make as a human rights NGO. A small example of our reputation was the invitation to our Equality Programme Officer to join the FIDH

delegation to monitor the criminal trial of medical staff in Bahrain in September 2011. Ultimately, the delegation was refused entry to Bahrain to observe the trial, an action which created an even greater spotlight on the criminal justice and human rights imperfections within the country.

The devolution of policing and criminal justice is still in its infancy though it does represent political progress. Nonetheless, this Annual Report provides ample illustration of the need to remain vigilant and provide and evidence careful analysis of the performance of the institutions of justice.

It is with disappointment and shock that we note the latest developments in the case of Pat Finucane. CAJ believes that another review of the case is wholly insufficient and amounts to a broken promise by the British government. We will continue to support the Finucane family in their campaign for a full and proper Inquiry.

Finally, this has been a year of considerable change on both the staff and executive. Mike Ritchie has moved to the International

Committee of the Red Cross and Aideen Gilmore has taken a well earned career break for twenty months to pursue other human rights projects. Fiona McCausland, Barbary Cook and Anne Cadwallader are also standing down from the Executive. I want to thank all of them for their commitment and support to the cause of human rights and CAJ in particular. We know that our paths will continue to cross and wish them the very best in their endeavours.

In turn, we welcome Brian Gormally and Daniel Holder as Director and Deputy Director; both bring a wealth of knowledge and experience which will stand CAJ in good stead for the future.

Director and Deputy Director Report

Brian Gormally and Daniel Holder



Brian Gormally
Director



Daniel Holder
Deputy Director

Just a month ago, the new Director and Deputy Director took up post in CAJ and wish to commend the excellent work that CAJ has undertaken over the past year. This article must therefore start by saluting the leadership of their predecessors, Mike Ritchie and Aideen Gilmore (the latter currently on a career break).

Even looking at the past few months, one can see that CAJ's equality programme has been influential in the outcome of the UK examination in Geneva under the International Convention on the Elimination of Racial Discrimination; our report on the Police Ombudsman's office has helped set the agenda for its future; in the criminal justice field, CAJ's prisons report is being followed by research into the effectiveness of the PPS, and the protection of rights programme is engaging in themes as diverse as training for grassroots human rights observers and preparing to input to the 2012 UN review of UK human rights commitments under the 'Universal Periodic Review.' CAJ has continued its work on a number of historic cases which are vital for the future protection of the Right to Life and provided a

high quality legal casework and advice service. CAJ exists to make an impact in the outside world and its substantive work has been ably promoted and disseminated by our Communications and Public Affairs Officers.

The new Director and Deputy Director are both fully committed to honouring the core principles of CAJ in its practical work in the coming period and recognise how the context of the work has changed over the years – from the "defensive" struggle to defend basic human rights at the height of the conflict, through the campaign during the peace negotiations to win changes in law and institutions that would protect human rights in the future, to the current situation where the organisation is trying to make a lived reality of a society in principle based on human rights and therefore equality.

It is clear that there is still plenty of "unfinished business" from the Belfast/Good Friday and subsequent Agreements in that there are significant human rights elements that remain unimplemented, such as the Bill of Rights, a single equality and Irish language

legislation and the “removal of emergency powers.” There is also a constant threat that aspects of the settlement that were taken forward will be rolled back. As CAJ’s work on the Police Ombudsman’s office has shown, there is a delicate balance between protecting the existence of the human rights-defending institutions established further to the Agreement and robustly criticising any developments that tend to neutralise their role of holding the state to account.

As we move forward, it is important to emphasise some of the distinctive features of CAJ’s role. CAJ sees itself, and is recognised by many, as a core and central element of the civil society movement dedicated to the promotion and protection of human rights, including equality. We are committed to building an enduring capacity to protect human rights, not just for the immediate benefit of people in Northern Ireland, but also as an indispensable guarantee of our continuing peace process.

CAJ’s distinct strategic role includes the following elements:

- Membership is the base of CAJ. CAJ has been in the past, and aspires to be in the future a home, a structure, an organising focus and a mobilising movement for human rights activists in this region
- We aspire to the “gold standard” of human rights – the production of authoritative comment on key issues based on implacable investigation, legal expertise and the application of international standards
- CAJ is engaged in developing the message of human rights and intervenes in public and political debate, unapologetically lobbying for legislative and policy change
- We emphasise the crucial significance of the human rights aspects of the aforementioned Agreements that constitute the peace settlement – we work to help address the legacy of the past and to make human rights the foundation of peace and reconciliation

- CAJ is a champion of equality, as an integral component of human rights, in all its aspects. CAJ is the leading NGO that monitors the overall systems and processes designed to enhance equality rather than the interests of a specific group and one with a unique role in consistently working against sectarian discrimination
- CAJ concentrates on criminal justice and policing – working to highlight abuses and enhance good practice in the areas where the state deploys coercive power, not only with the desire to protect the citizen from the state, but also to improve the criminal law and systems that protect citizens from wrongdoers
- We promote and protect rights through a programme of outreach to civil society, through training and other events, and make links with international treaty reporting mechanisms. In no small part due to our efforts, Northern Ireland is the region in the UK most engaged with these committees and rapporteurs

- We provide administrative, managerial and policy support to associated organisations – the Human Rights Trust, the Equality Coalition, the Human Rights Consortium and the Public Interest Litigation Support Project
- We take seriously our responsibility for international solidarity, working actively in international forums and federations and we aspire to assist human right defenders in other jurisdictions.

We would like to take this opportunity to thank the staff, Executive and membership for their continuing hard work and support of CAJ. The office runs smoothly under the expert guidance of Office Manager Liz McAleer, Finance and Administration Assistant Julie McBrinn, and Eirene volunteer, Tizian Peukert.

This year we bade farewell to Fiona Cash, former Finance and Administration Assistant. We wish her well in her new post.

CAJ could not function without the help of its dedicated volunteers. In particular, we would like to thank Sandra MacAleese, Ruth Young Mansilla, Jeanette Murtagh, Ivanka Petrova Antova, Hillary Kipnis, Emma Kerins, John Keers, Martha O’Neill, Sonia-Louise McElligott, Cathy Lambert, Elizabeth Super, Izabella Zwierzchowska, Johanna McHale, Emma Cassidy, Karla Kerr, Mrs Rose Perry, Donal Kearney, Brock Berglund, Christine Stoll, Paddy McDaid, Richard Martin and John Keers.

The activities of CAJ are of course supported by our funders, without whom none of our work would be possible namely:

Atlantic Philanthropies
Barrow Cadbury Trust
Joseph Rowntree Charitable Trust
Oak Foundation
Esmée Fairbairn Foundation
Henry Smith Charity
Paul Schurgot Foundation



Liz McAleer,
Office Manager



Jacqueline Monahan,
Criminal Justice
Programme Officer
(currently on maternity leave)



Julie McBrinn,
Finance and
Administration Assistant



Tizian Peukert,
EIRENE Volunteer

The Year In Pictures

CAJ 2011



▲ *Image Above:*
Press conference to launch report into the Office of the Police Ombudsman, June 2011



▲ *Image Above*
Mike Ritchie, Gemma McKeown, Aideen Gilmore and Mick Beyers are joined by Maurice Hayes at the launch of our report into the Office of the Police Ombudsman, June 2011



◀ *Image Left:*
'Dealing with the Past' event in December 2010



◀ *Image Left:*
Counter-terrorism event in June 2011

Policing Update

Mick Beyers,
Policing Programme Officer



Mick Beyers
Policing Programme Officer

In the past year, CAJ's work on policing focused on an extensive piece of research into the Office of the Police Ombudsman. The Policing Programme once again coordinated a seminar series jointly with Queen's University Belfast, responded to consultations, hosted a roundtable discussion with the Chief Constable, conducted desk-based research and presented to a Cross Party Group of the Scottish Parliament.

Our report, Human Rights and Dealing with Historic Cases: A Review of the Office of the Police Ombudsman for Northern Ireland, reviewed the Office on how well it discharges its duties in accordance with the requirements of Article 2 of the European Convention on Human Rights: effectiveness, efficiency (promptness), transparency and independence. In the course of the research, questions and concerns emerged as to the levels of real and perceived independence of the Office both from political interference and the PSNI. In exploring these, CAJ has become aware of a number of issues that impact upon the independence of the Office. These include: irregularities in the

appointment process of the current Police Ombudsman; concerns surrounding intelligence and independence from the PSNI; and concerns and perceptions of bias arising from historic cases. Two other reports, one commissioned by the Department of Justice and an investigation by the Criminal Justice Inspection, found similar concerns and the Police Ombudsman has now tendered his resignation effective January 2012 and CAJ continues to monitor developments.

In conjunction with the School of Sociology, Social Policy and Social Work at Queen's University Belfast, we hosted a seminar series on the justice system entitled 'The Legacy of the Past: Exploring the challenge of institutional reform and cultural change.' The 6 week series examined the impact of our conflicted past on current institutions with seminars focused on how our past shapes the culture and practices of key institutions – the legal system, Public Prosecution Service, the Prison Service, the PSNI – to examine how the legacy of the past continues to shadow current policies and procedures.

We also coordinated a roundtable discussion with the Chief Constable and command staff to examine the current state of policing in relation to the past. While CAJ recognises that the concept of 'dealing with the past' is a multi-faceted issue which necessitates involvement at the highest levels of states and therefore not within the remit of a police service, it is abundantly clear that the future of policing 'on the ground' in Northern Ireland is directly impacted by how we engage with the past. Principal among the issues discussed were: how does current police policy and practice in relation to the past impact on confidence-building for the future? What lessons have the police learned from the past in relation to, for example, the use of counter-insurgency policing? How do these measures impact on communities?

Over the course of the past year the Policing Programme has made submissions to consultation requests from the Northern Ireland Policing Board, the Office of the Police Ombudsman for Northern Ireland, and the Department of Justice. The Policing Programme Officer continues to attend the monthly Policing Board meetings and also

meetings of the Justice Committee to monitor developments and provide commentary on human rights issues.

Late in September, the Policing Programme Officer travelled to Edinburgh at the invitation of the Cross Party Group on Human Rights and Civil Liberties of the Scottish Parliament who are considering the amalgamation of Scotland's eight policing services. The presentation, "Policing Reform and Human Rights in Northern Ireland", outlined the work of CAJ and the Policing Programme Officer's own experiences working in policing reform, with a particular focus on the various intents to resist the full and robust implementation of Patten and the limitations to current accountability mechanisms with a particular focus on the police complaints mechanism.

Criminal Justice Update

John Patrick Clayton,
Criminal Justice Programme Officer



John Patrick Clayton
Criminal Justice Programme
Officer



Caroline Parkes
Criminal Justice Programme
Assistant

CAJ made submissions in relation to a number of proposals that were released for consultation during the course of the year, from the Department of Justice, the Law Commission and other sources. The consultations covered a wide range of issues and each response was formulated from a human rights perspective.

Submissions which CAJ made included: Access to Justice Review; Community Safety Strategy; Community Sentencing Review; DNA Database; Practice Note in relation to McKenzie Friends; Probation Board Northern Ireland Standards Review; Bail in Criminal Proceedings; Sentencing Guidelines Mechanism; Sentencing Guidelines Priority Areas; Code of Practice for Victims of Crime; and Proposals to Achieve Best Evidence in Criminal Proceedings.

CAJ hosted a conference in June, 2011: Counter-terrorism and human rights: the permanence of temporary powers. Professor Fionnuala Ní Aoláin opened the conference and there was a wide range of speakers from both Ireland and the United Kingdom. The conference addressed the use of emergency

powers both in Northern Ireland and in other parts of the world, radicalisation, the growth of Islamophobia and issues surrounding the use of stop and search powers. David Anderson Q.C. also addressed the conference and discussed his current role as the Independent Reviewer of Terrorism Legislation.

The Prison Review Team presented its Interim Report in February which recognised that the Northern Ireland Prison Service is at a critical stage. CAJ previously noted in its research last year that the prison system in Northern Ireland is in a state of crisis (Prisons and Prisoners in Northern Ireland: Putting Human Rights at the Heart of Prison Reform, Belfast, CAJ 2010). The number of reports and recommendations and the frequency with which recommendations are repeated are evidence of this. The Interim Report of the Prison Review Team highlighted long - standing problems relating to governance, accountability, performance and culture within the Prison Service. The report recommended that incremental change will not be sufficient and that there needs to be investment in a major change programme.

The final report of the Prison Review Team is expected in Autumn, 2011. CAJ hopes that on foot of the final report, unlike where previous reviews have been conducted and recommendations have been made, the much-needed and long-awaited reform of the Prison Service will occur. As CAJ has previously said, reform of the prison system must be holistic and address the underlying causes of the problems that have plagued the system for many years. The reforms must place human rights for all those involved in the prison system at the heart of reform.

It should of course be remembered that prisons do not work in a vacuum and the prison system should be scrutinised within the context of the overall justice system. CAJ will continue to call for further transformation and improvement of the various branches of the justice system, including the prosecution system and judiciary, with the aim of ensuring that the criminal justice system in Northern Ireland upholds the human rights of all those who come into contact with it.

In light of this strategic aim, CAJ has begun a research project into the Public Prosecution Service (PPS). The focus of this research will be to examine and assess, particularly in relation to human rights compliance, the development, effectiveness and accountability of the PPS.

This year has also seen the introduction of new staff into the Criminal Justice Programme Area. Jacqueline Monahan, who filled the role of Criminal Justice Programme Officer since 2009, has taken maternity leave this year. Jacqueline's role has been filled by John Patrick Clayton. Caroline Parkes also joined CAJ in November, 2010 as Criminal Justice Programme Assistant.

Equality Update

Debbie Kohner,
Equality Programme Officer



Debbie Kohner,
Equality Programme Officer

It has been another busy year for the Equality Programme Area at CAJ. Developments in the international, national and local arenas have provided both threats to and opportunities for the equality framework in Northern Ireland. CAJ has strived to protect equality advances, prevent any retrogression and grasp any opportunities to promote equality in Northern Ireland. In order to do so, CAJ has exploited its unique position to engage with both local and international structures and help each to influence the other.

On an international level, two equality treaty bodies reported on the UK this year. In March, CAJ released a submission on the Framework Convention for National Minorities and gave oral evidence to a delegation from its Advisory Committee, which advises the Committee of Ministers of the Council of Europe, on the implementation of the Convention. CAJ highlighted the need for structural changes in relation to a Single Equality Bill, a Bill of Rights for Northern Ireland, an Irish Language Act and a more representative

police service. We also highlighted economic inequalities and the need to address inequalities within any strategies aimed at improving community relations. We look forward to reading the Advisory Committee's report later this year.

CAJ also provided a submission to the United Nations Committee on the Elimination of Racial Discrimination and lobbied in Geneva, in August 2011, in order to ensure that the spotlight was shone on issues arising in Northern Ireland. The endeavour was a great success and, following CAJ's intervention, the Committee made strong recommendations in its Concluding Observations on action needed in Northern Ireland. In particular, the Committee adopted CAJ's points on the need for a Single Equality Bill and a Bill of Rights for Northern Ireland.

The Committee also concurred with CAJ's views on the need for a more representative police service and criminal justice agencies, the need to monitor the use of stop and search powers, and the need for an independent and effective Office of the

Police Ombudsman in Northern Ireland. In line with another of CAJ's key points, the Committee underlined the need for full impact assessments on equality, especially in the economic downturn. CAJ will continue to press for the realisation of each of these recommendations.

On the UK national level, we have faced the most severe spending cuts for many years. The reduction in public spending impacts disproportionately on various equality categories, as they have a higher uptake of public services. As a result, CAJ has been working hard to try to ensure that the December 2010 budget and its associated spending decisions are fully assessed for equality impacts. CAJ began corresponding with each Northern Ireland department six months before the budget, and yet neither the Northern Ireland government as a whole nor its individual departments fully applied to their budgets the statutory duty to have due regard to the need to promote equality of opportunity ('the Statutory Duty').

CAJ is concerned that, in advance of a Programme for Government, several

spending cuts are already impacting upon disadvantaged groups. Lack of funds is often cited as a pretext not to mainstream equality, but it is precisely at these times that the full consideration of marginalised groups becomes even more important. CAJ will continue to press for the robust application of the Statutory Duty.

On a local institutional level, the application of the Statutory Duty is being reformed, as the Equality Commission for Northern Ireland is calling for each designated public authority to submit a revised equality scheme. The equality schemes are central to the application of the Statutory Duty, as they regulate both the process used and the enforcement of the duty itself. CAJ has been engaging with each public authority and the Equality Commission, in order to help ensure that the new equality schemes are as robust as possible.

Also on a local level, CAJ has been continuing to support other stakeholders and learn from their experiences. CAJ provides advice through meetings, articles and conference presentations. Equality training

has also been provided to help a community group support its constituents' rights. CAJ continues to be an active co-convenor of the Equality Coalition, which provides a forum for all non-statutory organisations with an interest in equality to share information, support each other's work and provide a united voice on equality issues. It has regular meetings with its members, the Equality Commission, OFMDFM and guest speakers.

Through the Equality Coalition, CAJ has organised events to facilitate engagement between its members and public authorities releasing revised equality schemes. Thus far, three events have been organised, involving 50 public authorities. The face-to-face meetings in a time-efficient structure have proved to be very beneficial and impactful for stakeholders. CAJ has now secured funding for an Equality Coalition assistant, who is managed by the CAJ Equality Programme Officer. This added resource is a welcome addition to the equality field in Northern Ireland. We look forward to embarking on even more projects in the coming year to continue our work in support of equality in Northern Ireland.

Human Rights Update

Adrienne Reilly,
Human Rights Programme Officer



Adrienne Reilly,
Human Rights Programme
Officer

Yet again, implementation of a Bill of Rights for Northern Ireland remains a key focus of work for CAJ. CAJ is disappointed that the Northern Ireland Office (NIO) has yet to release the response on its consultation document (A Bill of Rights for Northern Ireland: Next Steps) despite the unprecedented level of consultation responses from over 36,000 individuals and groups. Implementation of the Bill of Rights, as part of the constitutional arrangement of the Good Friday/Belfast Agreement, is long overdue.

CAJ will also respond to the UK Commission on a Bill of Rights to highlight the importance of why the two processes should not be joined together. CAJ has regarded the latter debate as having a very different genesis - motivated by differing political agendas around constitution-building, making rights more British, the linking of rights to responsibilities, and even the proposed weakening of the ECHR. We have also noted the debate in Britain has been top down and led by political parties who have had no electoral base or mandate in Northern Ireland. By contrast, the debate about a Bill

of Rights for Northern Ireland has been bottom-up, led by the people themselves in an effort to identify those rights - supplementary to the ECHR - that they feel are important in moving from conflict to a more peaceful society.

This year the UK issued state reports on the UN Convention Against Torture and other Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and a draft report on the new UN Convention on the Rights of Persons with Disabilities (CRPD). CAJ is currently compiling the response for the shadow report on CAT, as the UK may come before the CAT Committee in October or November 2012. The UK is also due to be examined in 2012 at the UN under the 'Universal Periodic Review' of its human rights commitments for which CAJ is developing its input.

CAJ continues to engage with the women's and disability sectors and attended a number of events in relation to preparing future shadow reports on both CEDAW and CRPD.

CAJ expressed disappointment with the draft UK state report on CRPD and expressed the hope that the final report will reflect the situation in Northern Ireland, taking into consideration the impact of the conflict on issues of poverty and disability. The draft UK State Report also suffers from the perennial problem in UK treaty reports of being thorough on listing initiatives but light on providing the type of outcome-focused statistical data many treaty bodies are seeking.

CAJ also expressed concern that the UK has failed to live up to its obligations to implement Security Council resolution 1325 (UNSCR 1325) on Women Peace and Security by adopting a position of not applying its provisions to the conflict in Northern Ireland. CAJ sees clear relevance in the application of UNSCR 1325 to Northern Ireland. This is a view also put forward by the UN CEDAW Committee. CAJ expressed its concerns in evidence to the Westminster Associate Parliamentary Group on Women, Peace and Security who ran a Northern Ireland Inquiry on UNSCR 1325. CAJ was also involved in a consultative capacity on the National Action

Plan for UNSCR 1325 for the Republic of Ireland and engaged with the All Party Working Group on UNSCR 1325 at the Northern Ireland Assembly which has now been re-established following the May 2011 elections.

CAJ attended Front Line's Sixth Platform for Human Rights Defenders in Dublin, where we spoke in a workshop session on our experience in using the UN Conventions as a tactical tool for engagement. We also took forward work to develop a series of Rights Guides which will be available both online and in hard copy. These will be accessible for all and the first guide will be on the Human Rights Act.

We continued to offer free training on human rights issues. Earlier this year we provided training to staff from the Southern Area Action for Travellers (SAAT) Project. As a result of this they contributed to the Framework Convention on National Minorities monitoring process and developed their own internal training materials. Owing to our track record of expertise in human rights observing, CAJ was invited by

Amnesty International, Irish Section and Dublin-based NGO Front Line to coordinate training for human rights monitors for the ongoing observation of the Corrib gas dispute in Mayo in the Republic of Ireland.

We took part in this year's Belfast Culture Night in September 2011, where the public were asked about their opinions on Cultural Rights for a 'Charter of Cultural Rights for Northern Ireland 2011' as well as a Vox Pop and photo gallery activities.

We continue to support the work of the Participation and Practice of Rights (PPR) Project and work closely with the Human Rights Consortium, of which CAJ is a Board Member.

Casework Update

Gemma McKeown,
Solicitor



Gemma McKeown
Solicitor

Dealing with historic cases continues to be a key focus of our casework. Ten years have passed since the European Court of Human Rights (ECtHR) found that the UK government had violated Article 2 of the European Convention on Human Rights (ECHR), the right to life, in a number of cases concerning the security forces in Northern Ireland, yet despite this there still

has not been a satisfactory resolution of these individual cases. We continue to work with a number of the families who received these judgments and who still await investigations into the deaths of their family members in accordance with the government's international human rights obligations.

We continue to make submissions to the Committee of Ministers as it supervises the execution of these judgments, addressing the issues surrounding the individual cases and also raising concerns regarding the capacity of the Police Ombudsman's Office and other mechanisms put forward to discharge the government's obligation to carry out Article 2 ECHR investigations into historic cases.

On 10 December 2010, together with British Irish RIGHTS WATCH, Relatives For Justice and WAVE we held a seminar "The Past is Still Present: The Legacy of the Conflict - Where do we go from here?" during which many of our key concerns surrounding the mechanisms put forward as measures to deal with these historic cases were articulated.

This remained a focus in March 2011 when we travelled to Washington as part of a delegation focusing on the need to ensure full implementation of the Belfast/Good Friday Agreement - the need for a Bill of Rights and the need to establish a mechanism to deal with our past. We welcomed in particular the hearing facilitated by the Helsinki Commission titled "Northern Ireland: Why Justice in Individual Cases Matters" and the continued support expressed by a wide number of members of Senate and Congress.

In light of the endemic delays and difficulties experienced by many families seeking effective investigations into historic cases, we were pleased to note the Supreme Court decision in *Re McCaughey & Anor* in May 2011; it held that investigations into a number of legacy cases must comply with Article 2 ECHR despite these deaths preceding the Human Rights Act 1998. While it confirmed that there is no continuing obligation to carry out such investigations, where the UK has committed to holding an inquest into these deaths, it must adhere to its international obligations under the ECHR.

In August 2011 we filed a third party intervention in the application of *McCaughey, Grew & Quinn v. UK* before the ECtHR which addresses the government's obligations under Article 2 ECHR. In the last year we have also provided advice and assistance to individuals and organisations on a broad range of human rights issues. We have noted with concern an increase in the number of complaints in relation to the use of stop and search powers under the Justice and Security Act 2007 and we are closely monitoring a number of judicial reviews challenging these powers.

We have also received a number of complaints about the treatment of separated prisoners particularly surrounding the use of full body searches. We observed the judicial review proceedings taken by a Maghaberry prisoner, Brendan Conway, challenging the routine full body searching of prisoners on entering and leaving prison and noted with disappointment the High Court decision that this was not incompatible with Article 3 or Art 8 ECHR. We also noted the High Court decision in an application taken by Duffy & Ors that the provisions under the Terrorism

Act 2000, which allow extensions to detention for up to 28 days, do not breach Article 5 ECHR. We continue to monitor both proceedings closely as they are both subject to appeal.

We welcomed the decision of the Public Prosecution Service that the test for prosecution had been met in respect of two people for conspiring to pervert the course of justice and another person for acting with intent to pervert the course of justice in relation to the murder of Robert Hamill. We will monitor closely the developments in these legal proceedings and also await the delivery of the Inquiry Report, which although completed in February 2011, will not now be published until the conclusion of these proceedings.

Almost two years after the hearings concluded, the Rosemary Nelson Inquiry published its report in May 2011. It held that the state "failed to take reasonable and proportionate steps to safeguard the life of Rosemary Nelson" and documented the sequence of acts and omissions which rendered her more at risk and more

vulnerable. These included: RUC public abuse and assault on Rosemary on the Garvaghy Road, Portadown in 1997; the leakage of intelligence outside the RUC; abusive and threatening remarks by the RUC about Rosemary to her clients, which became publicly known and effectively legitimised her as a loyalist target, and the failure of the NIO and RUC to take reasonable and proportionate steps to safeguard her life. Despite these damning findings, the Inquiry failed to reach the determination that there was collusion. When measured against the definition of collusion as put forward by Judge Cory, the cumulative effect of these acts and failures of the authorities clearly amount to collusion.

We continue to support the family of Pat Finucane in their call for a fully independent public inquiry into his death, as recommended by Judge Cory over seven years ago; it now remains the only one in Northern Ireland that has not yet been established.

Public Affairs Update

Donal Lyons,
Public Affairs Officer



Donal Lyons,
Public Affairs Officer

The appointment of a Public Affairs Officer in November 2010 has allowed CAJ to consolidate its lobbying and campaigning work and contribute more effectively to the Northern Ireland Assembly and the wider public conversation.

The beginning of 2011 was marked by the joint election campaigns for the Assembly and local government. These elections marked the first completion of a full Assembly term since the early 1970's. Discussion regarding the economy and public service provision dominated much of the campaign.

During the election CAJ produced a manifesto outlining our calls for action in a number of areas including prison reform, the police service and community safety strategy. This manifesto along with other policy advice was well received by political representatives and other stakeholders and in turn helped shape sections of the parties' own manifestos.

The relatively low key election campaign concluded with a low turnout which returned

many incumbents to the Assembly. The result of the d'Hondt calculation largely returned the same number of ministerial positions for the five dominant parties with the one exception seeing the Alliance party gain an additional seat at the executive table at the expense of the UUP. The position of Minister of Justice remained unchanged as it lies outside of the d'Hondt mechanism.

It is also worth noting that the beginning of 2011 saw the agreement of the Departmental budgets for the period of 2011-2015. As public expenditure is being reduced and disadvantaged groups tend to have a larger reliance on public services, these budgets, in conjunction with the proposed Programme for Government will have a real negative impact on the human rights of the most disadvantaged people in our society. CAJ identified significant failures in the equality screening of these budgets, specifically the timing, the lack of sufficient information and the adoption of a procedural rather than substantive approach to fulfilling S75 obligations. After making our concerns known, several questions were tabled in the Assembly.

As part of CAJ's ongoing work to build a culture of human rights in Northern Ireland we have been working with all the Executive parties in Northern Ireland. This ongoing work takes the form of attending conferences, engaging with policy officers and spokespeople and contributing to the formation of party policies.

The most visible aspect of this work is through the Justice Committee in Stormont. As part of promoting human rights CAJ has prepared issue specific briefings (eg our report on the Office of the Police Ombudsman) which raise awareness of international obligations as well as domestic concerns. These briefings both written and oral are tailored to progress the agenda of equality and human rights. On a number of occasions the level and direction of the debate has benefited from CAJ's strategic contributions.

CAJ also produces a weekly Assembly Report highlighting the ongoing work of the Assembly in areas relating to human rights and distributes it widely. This helps to raise

awareness of the Assembly's priorities and procedures amongst civil society.

Shortly after the election the Justice Act (Northern Ireland) 2011 received Royal Assent, making it Northern Ireland's first Justice Bill in 40 years. In part the product of the negotiations in Hillsborough in February 2010, the Bill focused primarily upon legal aid, efficiency in the courts, crime reduction partnerships and offences at sporting events.

We have also continued other aspects of CAJ's work which span the project areas such as our support for a strong and inclusive Bill of Rights for Northern Ireland. Over the last decade there has been much progress made on the shape and content of a Bill of Rights but more work remains to be done in the political arena to clarify misunderstandings and to ensure that the overwhelming public support for a Bill of Rights is not overlooked. Similarly, our calls for a Single Equality Bill continue, in order to bring about the introduction of equality protection that best suits our specific context.

Communications Update

Louise McNicholl,
Communications Officer



Louise McNicholl

Communications Officer

The Communications area of CAJ's work has continued to gather pace in the course of the past 12 months. 2011 marked the 30th anniversary year of CAJ and the theme of this anniversary was applied in all of our communications work this year.

Our website www.caj.org.uk attracted more than 20,000 hits this year and continues to be the first port of call for those wishing to learn more about the organisation. The website is updated on a regular basis, ensuring that all news items, press releases, event details and more are communicated promptly and effectively to our target audience.

As well as our ongoing communications efforts, such as Just News (our monthly human rights newsletter), our regular e-newsletter, our online publication shop on Amazon and our ever-busy Twitter account (find us at www.twitter.com/CAJNi), CAJ was involved in the establishment of a new human rights blog which launched in August 2011, named RightsNI (www.rightsni.org). RightsNI is a multi-ownership, organisationally-neutral blog which aims to provide a new platform for the discussion of

human rights issues in Northern Ireland. The blog got off to a very successful start and continues to grow at an accelerated pace.

CAJ's media profile has increased significantly over the course of the last 12 months. One of our key media highlights included the publication of a CAJ report looking at the Northern Ireland prison system, which made headline news in December 2010. More recently, CAJ's analysis of the Office of the Police Ombudsman for Northern Ireland was widely reported across all media platforms in Northern Ireland and beyond and proved to be a critical part of the ongoing enquiries into the Office.

CAJ continues to provide an independent human rights perspective in both the local and national media, providing contributions where it is appropriate and necessary for us to do so. All staff have undergone media training, ensuring that we are capable of providing a range of expert perspectives on a wide variety of rights related topics. All of our media coverage can be viewed on our website.

The membership body of CAJ continues to grow, and a tailored online membership registration area ensures that prospective members can become part of CAJ with ease and efficiency.

CAJ hosted a number of events across 2010 / 2011. A major international conference in June 2011 looked at Human Rights and Counter-Terrorism, and attracted a range of both speakers and delegates from near and far. The conference report is now available on our website. We marked International Human Rights Day on 10th December 2010 by co-facilitating a seminar entitled 'The Past is still Present – the legacy of the conflict: where do we go from here?' We also took part in Culture Night 2011 in Belfast's Cathedral Quarter, where we promoted Cultural Rights.

CAJ produced a number of new publications this year, all of which are available to browse through on the Publications section of our website. As a celebration of our 30th anniversary year, plans are afoot to publish a 5th edition of our long-running title, Civil Liberties in Northern Ireland: the CAJ

Handbook. We expect this to be published in early-mid 2012 and we are delighted that Professor Brice Dickson from Queen's University Belfast has agreed to co-edit this new edition once again.

CAJ will continue to advance its communications efforts to ensure that the work that we do is conveyed to as many stakeholders and as large an audience as possible. As technology changes and evolves, so too does the focus of our communications work. We look forward to the year ahead, with all of the communications based opportunities and challenges with which it will present us.

Finances

Committee On The Administration Of Justice Limited Detailed Profit And Loss Account

As At 30 June 2011

	2011 (£)	2010 (£)		2011 (£)	2010 (£)
Notes (£)	£	£	Notes £ (continued)	£	£
Fixed assets			Represented by:		
Tangible assets (3)	29,332	40,918	Accumulated Fund	56,150	44,830
Current assets			Profit and loss account	88,736	11,320
Stocks	500	1,000			
Debtors (4)	10,840	31,841			
Current account	86,933	16,583		144,886	56,150
Business Reserve	85,445	41,754			
Petty Cash	196	26			
	<u>183,914</u>	<u>91,204</u>			
Creditors: amounts falling due within one year (5)	(18,360)	(25,972)			
Net current assets	165,554	65,232			
Total assets less current liabilities	194,886	106,150			
Accruals and deferred income (6)	(50,000)	(50,000)			
	<u>144,886</u>	<u>56,150</u>			

A full set of audited accounts is available on request.

Committee On The Administration Of Justice Limited
Balance Sheet

As At 30 June 2011

	2011 (£)	2010 (£)		2011 (£)	2010 (£)		2011 (£)	2010 (£)
Income			Expenditure			Expenditure Continued...		
Barrow Cadbury Trust (Habits for Solidarity)	12,151	22,750	Wages and salaries	290,557	265,699	Audit	2,528	2,383
Human Rights Trust	493,880	463,462	Employer's NI contributions	29,273	23,739	Observing of public inquiries	-	14,019
Service Fees	190	355	Staff pension costs	21,806	21,059	Bank charges	851	714
Paul Schurgot Foundation	3,044	-	Staff Development and Education	929	3,898	Hospitality	4,415	3,866
Esmee Fairbairn Foundation and Henry Smith Charity	55,568	-	Rent payable	40,000	26,299	Sundry expenses	1,533	1,321
Donations	676	4,375	Rates	-	6,947	Volunteers' expenses	4,251	4,075
Publications	(399)	436	Insurance	4,520	3,844	Premises project	-	6,599
Reimbursement of costs (inc. Barrow Cadbury Trust)	3,499	590	Equipment Leasing	2,540	3,290	Write down in stock	500	1,345
Membership Fees (accumulated)	45,102	-	Light and heat	4,524	1,748	Subscriptions	1,017	237
Bank Interest	21	60	Computer software and support	2,493	1,606	Depreciation	16,978	15,665
Contribution to management support- HRC	6,770	8,411	Building maintenance	11,166	6,287		544,009	500,930
Contribution to management support- PILS Project	12,243	11,811	Cleaning	1,240	-	Operating Surplus	88,736	11,320
	<u>632,745</u>	<u>512,250</u>	Office Materials	3,659	4,632			
			Website and web development	5,424	3,938			
			Postage, stationery and telecommunications	12,036	12,056			
			Advertising and recruitment	12,121	4,277			
			Conferences and seminars	13,824	21,487			
			Publications	17,586	8,573			
			Travelling expenses	15,138	10,981			
			Legal and professional	12,782	14,867			
			Evaluation fees	10,318	5,479			

CAJ Publications and Submissions

Publications

No. 60

Prisons and Prisoners in Northern Ireland – Putting human rights at the heart of prison reform. December 2010

No. 61

Human Rights and dealing with Historic Cases – A review of the Office of the Police Ombudsman’s Office for Northern Ireland. June 2011

Submissions

S267

CAJ’s Response to the consultation on Proposals to Achieve Best Evidence in Criminal Proceedings, Oct 2010

S268

CAJ’s commentary on “Inquiry into how the Attorney General for Northern Ireland will participate in proceedings of the Northern Ireland Assembly,” Oct 2010

S269

CAJ’s response to the Office of First Minister and Deputy First Minister’s consultation on Cohesion, Sharing and Integration, November 2010

S270

CAJ’s response to Department of Justice’s Equality Impact Assessment On the Proposals for a Justice (Northern Ireland) Bill, November 2010

S271

CAJ’s response to consultations on Proposals relating to Defence Remuneration for Legal Aid and Defence Representation and in the Crown Court, November 2010

S272

CAJ’s response on Section 75 Equality Impact Assessment of the Proposals on new Rules of Remuneration of Defence Representation in the Crown Court, November 2010

S273

CAJ’s response on Section 75 Equality Impact Assessment of the Proposals on Reform of Legal Representation provided by way of Criminal Legal Aid at the Crown Court, November 2010

S274

CAJ’s response to the Department of Education’s consultation on Community Relations, Equality and Diversity in Education, November 2010

S275

CAJ’s response to the Lord Chief Justice’s Office consultation on Sentencing Guidelines priority areas, December 2010

S276

CAJ’s response to consultation on the Code of Practice for Victims of Crime, January 2011

S277

CAJ’s response to the consultation on Sentencing Guidelines Mechanism, January 2011

S278

CAJ’s response to the consultation on Bail in Criminal Proceedings, January 2011

S279

CAJ’s submission to the Access to Justice Review, February 2011

S280

CAJ’s response to the Executive’s consultation on its Draft Budget 2011-15 and Equality Impact Assessment, February 2011

S281

CAJ’s response to the Department of Agriculture and Rural Development’s consultation on its Draft Budget 2011-15, February 2011

- S282**
CAJ's response to the Department of Education's consultation on its Draft Budget 2011-15, February 2011
- S283**
CAJ's response to the Department for Employment and Learning's consultation on its Draft Budget 2011-15, February 2011
- S284**
CAJ's response to the Department of Enterprise, Trade and Investment's consultation on its Draft Budget 2011-15, February 2011
- S285**
CAJ's response to the Department of Finance and Personnel's consultation on its Draft Budget 2011-15, February 2011
- S286**
CAJ's response to the Department of Health, Social Services and Public Safety's consultation on its Draft Budget 2011-15, February 2011
- S287**
CAJ's response to the Department of Health, Social Services and Public Safety's consultation on its Draft Budget 2011-15, February 2011
- S288**
CAJ's response to the Department of Justice's consultation on its Draft Budget 2011-15, February 2011
- S289**
CAJ's response to the Department for Regional Development's consultation on its Draft Budget 2011-15, February 2011
- S290**
CAJ's response to the Office of the First Minister and Deputy First Minister's consultation on its Draft Budget 2011-15, February 2011
- S291**
CAJ's response to the Department of Culture, Arts and Leisure's consultation on its Draft Budget 2011-15, February 2011
- S292**
CAJ's response to the Department for Social Development's consultation on its Draft Budget 2011-15, February 2011
- S293**
CAJ's response to the consultation by the Northern Ireland Office on "Police Northern Ireland) Act 2000 – Review of Temporary Recruitment Provisions," February 2011
- S294**
CAJ's response to the Home Office Review of Counter-Terrorism and Security Powers, January 2011
- S295**
CAJ's submission on the UK's 3rd Periodic Report to the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities, including recommendations, March 2011
- S296**
CAJ and PFC's joint submission to the Committee of Ministers, February 2011
- S297**
Submission to NIO re Non-Jury Trial Arrangements in Northern Ireland - JSA, March 2011
- S298**
Belfast Health & Social Care Trust's consultation on its draft Equality Scheme, March 2011
- S299**
CAJ's submission to Business Service Organisation's consultation on the draft Equality Scheme for several bodies, March 2011

S300

CAJ's response to the Youth Justice Review Team, March 2011

S301

CAJ's submission to the Department of Regional Development's consultation on its draft Equality Scheme, March 2011

S302

CAJ's submission to the Northern Health & Social Trust's consultation on its draft Equality Scheme, March 2011

S303

CAJ's submission to Safefood's consultation on its draft Equality Scheme, March 2011

S304

CAJ's submission to the South Eastern Health & Social Care Trust's draft Equality Scheme, March 2011

S305

CAJ's submission to the Southern Health & Social Care Trust's draft Equality Scheme, March 2011

S306

CAJ's submission to the Western Health & Social Care Trust's draft Equality Scheme, March 2011

S307

CAJ's submission to the Northern Ireland Ambulance Service's consultation on its draft Equality Scheme, March 2011

S308

CAJ's submission to the DETI's consultation on its draft Equality Scheme, April 2011

S309

CAJ's submission to the Northern Ireland Commissioner for Children and Young People's consultation on its draft Equality Scheme, April 2011

S310

CAJ's submission to the Department of Culture, Arts and Leisure's consultation on its draft Equality Scheme, April 2011

S311

CAJ's submission to the Department of Finance and Personnel's consultation on its draft Equality Scheme, April 2011

S312

CAJ's submission to the Department of Agriculture and Regional Development's consultation on its draft Equality Scheme, April 2011

S313

CAJ's submission to the Department of the Environment's consultation on its draft Equality Scheme, April 2011

S314

CAJ's response to the Department of Justice's Community Safety Strategy consultation, April 2011

S315

CAJ's submission to the Joint Committee on the draft Detention of Terrorist Suspects (Temporary Extension) Bills, April 2011

S316

CAJ's submission to the Department of Employment and Learning's consultation on its draft Equality Scheme, April 2011

S317

CAJ's submission to the Department for Social Development's consultation on its draft Equality Scheme, April 2011

S318

CAJ's submission to the Medical and Dental Training Agency's consultation on its draft Equality Scheme, April 2011

S319

CAJ's submission to the Northern Ireland Tourist Board's consultation on its draft Equality Scheme, April 2011

S320

CAJ's submission to the Belfast Metropolitan College's consultation on its draft Equality Scheme, May 2011

S321

CAJ's submission to the Northern Regional College's consultation on its draft Equality Scheme, May 2011

- S322**
CAJ's submission to the North West Regional College's consultation on its draft Equality Scheme, May 2011
- S323**
CAJ's submission to the South Eastern College's consultation on its draft Equality Scheme, May 2011
- S324**
CAJ's submission to the Southern Regional College's consultation on its draft Equality Scheme, May 2011
- S325**
CAJ's submission to the South West Regional College's consultation on its draft Equality Scheme, May 2011
- S326**
CAJ's submission to the Belfast Education and Library Board's consultation on its draft Equality Scheme, May 2011
- S327**
CAJ's submission to the North Eastern Education and Library Board's consultation on the draft Equality Schemes, May 2011
- S328**
CAJ's submission to the Staff Commission for Education and Library Boards' consultation on the Equality Schemes, May 2011
- S329**
CAJ's submission to the South Eastern Education and Library Board's consultation on the draft Equality Schemes, May 2011
- S330**
CAJ's submission to the Southern Education and Library Board's consultation on the draft Equality Schemes, May 2011
- S331**
CAJ's submission to the University of Ulster's consultation on its draft Equality Scheme, May 2011
- S332**
CAJ's submission to the Western Education and Library Board's consultation on the draft Equality Schemes, May 2011
- S333**
CAJ's submission to the consultation on a Review of Community Sentences, May 2011
- S334**
CAJ's submission to Queen's University, Belfast consultation on its draft Equality Scheme, May 2011
- S335**
CAJ's submission to St. Mary's University College's consultation on its draft Equality Scheme, May 2011
- S336**
CAJ's submission to Stranmillis University College's consultation on its draft Equality Scheme, May 2011
- S337**
CAJ's submission to the Scrutiny Committee on the Protection of Freedoms Bill, May 2011
- S338**
CAJ's submission to the Department of Justice's DNA Database consultation, June 2011
- S339**
CAJ's submission to CITB Construction Skills' consultation on the draft Equality Schemes, June 2011
- S340**
CAJ's submission to Community Relations Council's consultation on the draft Equality Schemes, June 2011
- S341**
CAJ's submission to the Department of Justice's consultation on the draft Equality Schemes, June 2011
- S342**
CAJ's submission to the Criminal Records Regime Review, June 2011
- S343**
CAJ's submission to the Northern Ireland Audit Office's consultation on its draft Equality Scheme, June 2011

S344

CAJ's submission to the Council for Curriculum Examinations and Assessment's consultation on its draft Equality Scheme, June 2011

S345

CAJ's submission to the Probation Board for Northern Ireland's consultation on the Review and Revision of NI Standards, June 2011

S346

CAJ's submission to the consultation on the Practice Note in relation to McKensie Friends, July 2011

S347

CAJ's submission to the Libraries Northern Ireland's consultation on its draft Equality Scheme

S348

CAJ's submission to the Special EU Programmes Body's consultation on its draft Equality Scheme

S349

CAJ's submission to the Ulster Supported Employment Limited's consultation on its draft Equality Scheme

S350

CAJ's submission to the Home Affairs Committee, Call for Evidence – Roots of Violent Radicalisation, July 2011

S351

CAJ's submission to the Youth Council for Northern Ireland's consultation on its draft Equality Scheme, July 2011

S352

CAJ's submission to the United Nations Committee on the Elimination of Racial Discrimination on the UK's 18th to 20th Periodic Reports under the International Convention on the Elimination of All Forms of Racial Discrimination, July 2011

S353

CAJ's submission to the Council for Catholic Maintained Schools' consultation on its draft Equality Scheme, July 2011

S354

CAJ's submission to the Strategic Investment Board on its consultation on its draft Equality Scheme, September 2011

S355

CAJ's submission to the Probation Board for Northern Ireland on its consultation on its draft Equality Scheme, September 2011

S356

CAJ's submission to the Associate Parliamentary Group on Women, Peace and Security Inquiry into UNSCR 1325, September 2011

S357

CAJ's submission to the Labour Relations Agency's consultation on its draft Equality Scheme, September 2011

S358

CAJ's and PFC's joint submission to the Committee of Ministers, August, 2011

S358A

Addendum to CAJ's and PFC's joint submission to the Committee of Ministers, September 2011

S358B

Additional Addendum to CAJ's and PFC's joint submission to the Committee of Ministers, September 2011

S359

CAJ's submission to the Department of Justice on its consultation on Sex Offender Notification and Violent Offender Orders, October 2011

S360

CAJ's submission to the Police Service for Northern Ireland's consultation on its draft Equality, Diversity and Good Relations Strategy 2011-16, September 2011





ISBN 978-1-873285-47-3
October 2011