

Annual Report

2022



Annual Report 2022

Promoting Justice

Protecting Rights



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Chairperson's foreword

Dr Anna Bryson

On the face of it, the fact that the worst effects of the Covid-19 pandemic have subsided should make for a more positive annual report than last year. Staff are now able to connect in person and to engage more freely and frequently with national and international stakeholders. Unfortunately, the sad reality is that we have in 2022 witnessed the ongoing post-Brexit breakdown of the rule of law. The attendant legal, political and constitutional chaos has contributed directly to the worst fall in UK living standards since records began and a 'cost of living' crisis that is likely to persist well into 2023. In addition to the direct impact on the health and wellbeing of ordinary citizens there is a worrying global resonance. As my QUB colleague, Professor Chris McCrudden, noted recently, the sustained challenges to the rule-based international order are particularly concerning in light of the behaviour of other states beyond Europe: Russia in Ukraine; China in Hong Kong and, potentially, in Taiwan; and the United States under President Trump.

In such a context, CAJ's contribution to a peaceful, rights-based society has never been more important. A small body of staff has been working tirelessly to progress the cause of: democratic progressive governance; accountability in policing, criminal justice and public administration; combatting prejudice in society; achieving a fair, humane immigration system; improving equality; developing international solidarity; and advancing a just resolution to the legacy of conflict. The latter highlights just how challenging this work can be.

In May of this year the Conservative government introduced the Northern Ireland Troubles (Legacy and Reconciliation) Bill. It departed unilaterally from commitments made in the Stormont House Agreement and renewed in the New Decade, New Approach Agreement, and signalled an effective 'about turn' on legacy. In an effort to 'take back control' of access to truth and justice and (relatedly) to the narrative of the conflict, this Bill proposes to end Troubles-related civil actions, inquests and criminal investigations, thus effectively denying victims and survivors the right to argue their ECHR rights in the local courts (as pledged under the terms of the Belfast/Good Friday Agreement). An Independent Commission for Reconciliation and

Information Recovery is proposed but it is fundamentally flawed firstly because it is not independent and secondly because it is tasked with conducting a 'review' of deaths rather than Article-2 compliant



investigations. The government insists that there is still the prospect of independent and effective investigations but the Bill provides for a scheme for immunity from prosecution that enables individuals to come forward and, with the greatest of ease, effectively close down the prospect of an investigation by securing immunity. The granting of police powers to ICRR officers in such a context is merely of theoretical interest.

Damning criticism of the 'Legacy and Reconciliation' Bill has, unsurprisingly, been voiced by organisations including the United Nations, the Council of Europe, the Northern Ireland Human Rights Commission (NIHRC), the Law Society of Northern Ireland, Amnesty International, Liberty, all of the political parties in Northern Ireland, the Irish Government, the US administration, and, most importantly, those who represent the rights and needs of victims and survivors.

In spite of this chorus of condemnation, the current UK government appears determined to proceed with its plan to undermine the Belfast-Good Friday Agreement, the Stormont House Agreement, and the rule of law. As with the proposals for a British Bill of Rights and the Northern Ireland Protocol Bill, advancing a short term and populist political agenda appears to trump international agreements, fiscal responsibility and human rights standards.

With a relatively modest budget and a staff of seven, CAJ continues to deliver a staggeringly impressive volume of work on legacy and all of the other areas outlined in this report. On behalf of the Executive, I would like to sincerely thank all of our staff and volunteers for their ongoing commitment and dedication. The challenges ahead are not to be underestimated but, as before, we face into the New Year with a steadfast and renewed determination to continue the fight for a fair, just and rights-based society.

Anna Bryson

Introduction

Brian Gormally, CAJ Director

In introducing an account of another year's activism for human rights, it is hard not to convey a feeling of gloom. In spite of the chaos at Westminster, successive Conservative administrations have found the time to threaten the rule of law in this region in a determined way. We have the destruction of the Human Rights Act in the so-called "British Bill of Rights" bill, the ending of all recourse to law in respect of the Troubles in the Northern Ireland Troubles (Legacy and Reconciliation) Bill, and the Ministerial power grab which breaches international law of the Northern Ireland Protocol Bill. At the same time, a faction of local politicians is preventing the operation of devolution in protest against their isolated and idiosyncratic perception that the Protocol threatens the Union.

Our people are facing an unprecedented cost of living crisis, the health service is visibly failing, and public services in general are creaking. Meanwhile, the ominous drum beat of the approaching climate catastrophe gets louder. There is much to be worried and fearful about; but there are also grounds for hope. We know how to meet, confront, and reverse these threats to our society and wellbeing. There is no doubt that a human rights approach can show a principled and practical way through these difficulties. It is not just that human rights emphasise the dignity and equality of all human beings but that the increasing sophistication of human rights standards, principles, and law also offer a practical way forward. We are able to develop quite comprehensive policy platforms in areas as disparate as immigration, dealing with the past, hate expression, and poverty. Principles such as proportionality, progressive fulfilment, and focusing on the most deprived help in decision making with a human rights framework.

Moreover, the utility of a human rights approach is being more widely acknowledged. Discussion on policing now takes place almost exclusively within the parameters of human rights. Public authorities are more widely recognising the significance of equality and human rights. Political parties are also much more comfortable in making overt reference to human rights and equality in their electoral manifestos. When it came to the report of the Assembly Ad Hoc Committee on a Bill of Rights, four out of five of the major parties supported a Bill of Rights for Northern Ireland.

There is therefore significant party political support for a human rights approach. In fact, the reality is that the big majority of voters in the May election backed parties that in turn support the Bill of Rights. There is a progressive majority both at Stormont and in the electorate as a whole. To a very real extent, therefore, we have won the argument – the task is to translate that into policy and legislative change.



There is no reason for complacency – in messaging or in lobbying and advocacy. Nonetheless, we are not faced with an apparently hopeless task – we know what needs to be done and how to do it. The only issue is creating the coalitions, in political and civil society, that are willing and able to carry the task through. In so doing, we must look primarily to ourselves, to our local community, divided as it may be. If we look East, we see many allies in civil society in the three nations and also in political power in Wales and Scotland. We also see a lack of knowledge and interest in Northern Ireland and, at worst, the deliberate use of our issues in political battles that have little to do with us. If we look South, we also see many allies, but together with a certain complacency and lack of understanding.

This perspective has nothing to do with the constitutional question. Whatever might be the future decision of the people of this island on constitutional matters, there will be no knight in shining armour riding from East or South to make all our problems go away. That is our task – our solutions must be based in this region, regardless of whatever greater whole people envision NI being part of in future. In CAJ, we are convinced that those solutions must be based on human rights.

Our role will be to continue making the arguments, and carrying out the necessary research and the policy development, to turn international human rights standards into practical solutions to local problems. We must then disseminate the results throughout civil and political society, winning people at all levels to see the benefit of a carefully constructed and developed human rights approach. It is in the course of that work that we will realise our vision of a peaceful society based on human rights and equality.

CAJ's vision

CAJ's vision is a **peaceful society based on human rights and equality**. The peaceful, rights-based society must have a number of elements or supporting pillars which we aim to help build. These include democratic, progressive governance, accountability in policing, criminal justice and public administration, a just resolution to the legacy of the conflict, a society where prejudice is confronted and tackled, a fair, humane immigration system, increased equality and international solidarity. It is under these headings that we organise this account of our policies and work during 2022.

Democratic, progressive governance

The 1998 Good Friday Agreement (GFA) established devolved, power sharing institutions within Northern Ireland – the NI Executive and Assembly. We still have a fragile peace in place, but there have been multiple collapses of our government over the years. CAJ believes rights-based reform of these institutions is necessary to achieve sustainable democratic governance within Northern Ireland, not least through the implementation and full realisation of the unfulfilled commitments of the peace settlement.

We made detailed proposals for reform of the various vetoes that parties can deploy in the Assembly and the Petition of Concern Act was passed through Westminster this year. We commented as the law passed, but continue to press for the repeal of the 'St Andrews' veto which restricts the role of individual Ministers and requires all significant policies to have cross-community support.

In January 2022, the Equality Coalition held a meeting with Shadow Secretary of State Peter Kyle on the unimplemented human rights provisions of the Agreement. The most important of these is, of course, the Bill of Rights for Northern Ireland, which was to be based on additions to the provisions of the European Convention on Human Rights (ECHR) to deal with the particular circumstances of Northern Ireland. The Assembly Ad Hoc Committee on a Bill of Rights did important work and collected a huge amount of evidence. The DUP used their veto to sabotage its work, but the publication of their report on 14 February 2022 reflected the large public support for greater rights and demonstrated the support of four out of five major NI parties for a Bill of Rights (though the UUP did not submit a formal position paper).

The New Decade, New Approach agreement, which restored power-sharing in January 2021, contained many progressive commitments and potentially could have provided the basis for a new stability in the Stormont institutions. However, the promise of this agreement remains largely unfulfilled - partly through the misuse of vetoes - and the Stormont institutions collapsed once again in March 2022. After the May elections left Sinn Fein as the largest party in the Assembly, the DUP refused to nominate a Deputy First Minister, or indeed an Assembly Speaker, so there is currently no Executive and the caretaker Ministers left office on 28 October 2022.

The DUP's refusal to enter government is apparently based on their opposition to the [Ireland/Northern Ireland Protocol](#) (which was agreed as part of the Withdrawal Agreement made between the UK and the EU). Though there are some practical problems, it prevents a hard border on the island of Ireland through creating a distinct regulatory regime for Northern Ireland by keeping it within both the UK Internal Market and the EU Single Market. CAJ repeatedly warned of the adverse impacts of a hard Brexit, which the Protocol is designed to mitigate. A new hard border on the island of Ireland would severely disrupt the daily lives of border communities, including their ability to fully exercise their socioeconomic rights, and would stand in conflict with the provisions and outworkings



of the peace process agreements. In contrast, the relatively minor checks on goods travelling from Britain to Northern Ireland do not affect people's everyday lives and do not threaten the Union.

In fact, the Protocol also defends our rights – Article 2 of the Protocol contains a commitment that there will be 'no diminution' due to Brexit of certain rights and safeguards set out in the Good Friday Agreement. New powers ('dedicated mechanisms') have been granted to the Northern Ireland Human Rights Commission (NIHRC) and Equality Commission for Northern Ireland (ECNI) to oversee this commitment.

Unfortunately, hardliners in the Johnson administration wanted to renegotiate the Protocol and, in July, the then Foreign Secretary, Liz Truss, introduced the NI Protocol Bill into the Commons. This legislation would break international law by the unjustified, unilateral breach of an international treaty with the European Union and thereby threaten a trade war between the UK and the EU. One central purpose of the Bill is to unilaterally disapply the trade and customs provisions of the Protocol which require some regulatory checks on exports from Great Britain to Northern Ireland, but it also gives "extraordinarily sweeping powers" to Ministers (to quote Theresa May), and weakens the Article 2 protections of human rights in Northern Ireland.

We campaigned actively against the Bill, including giving evidence to the Lords Protocol Committee, and CAJ is part of the Civil Society Working Group on the Protocol which had meetings with Lord Frost (the then UK negotiator) and EU Commission officials. In recent weeks, the current Conservative administration, led by PM Rishi Sunak, has shown signs of negotiating more seriously with the EU to find a solution, and we welcome that. Many of these and other rule of law issues were raised with the Delegation for the European Association of Lawyers for Democracy and World Human Rights (ELDHR), which was here in late September and with whom we had several engagements. We also met with the US Ambassador to Ireland, the US Consul General, lead EU officials, Senator Emer Currie, DFA Officials, and the Shadow Secretary of State.

Brexit has, however, led to other problems in relation to free movement across the island, with the UK Government pressing ahead demanding non-Irish or British citizens apply for an Electronic Travel Authorisation in order to cross the border into the North. We engaged in a body of partnership work with the North West Migrants Forum (bringing in other BME groups from both sides of the border) as part of the campaign to extend exemptions to free movement restrictions within the CTA beyond British and Irish citizens, and also to highlight the worsening post-Brexit 'hard border' situation for many migrant communities in NI and in the border counties. In the course of this work, we have met with Taoiseach Micheál Martin and other politicians and officials.

We have done a significant amount of work defending the Human Rights Act (HRA) from the "British Bill of Rights" Bill, which was introduced into Parliament by Dominic Raab in June 2022. One of the first acts of the Truss administration was to withdraw the Bill. However, after she resigned and Rishi Sunak replaced her as PM, Raab was re-appointed Justice Secretary and reintroduced the Bill. We have been involved in a number of different coalitions in defence of the HRA, including the Save Our HRA Coalition, which is UK wide; the HRA Coalition (NI), which is locally convened by the Human Rights Consortium; and an ad hoc group of senior activists. We have also been working with the Law Society Human Rights and Equality Group, who have taken a firm position in support of the HRA.

Debates on the constitutional future of Northern Ireland are increasing in frequency and urgency, especially since Brexit. It may only be a number of years before a referendum on a United Ireland is held. CAJ is neutral on the 'constitutional question' – and will remain so – but we urge that human rights should be central to any constitutional arrangement, whatever the decision of the people of this island. The Human Rights Partnership is organising a webinar on Human Rights and the Constitutional Future of NI on 8 December 2022.

As a small step to improve our knowledge of environmental issues, we have been working for some time with anti-mining environmental activists in the Sperrins and have encouraged the taking of statements of evidence on the policing of the protests. We have now received the statements of evidence and are beginning the process of compiling a report.

Accountability in Policing, Criminal Justice and Public Administration



Within Northern Ireland, policing, criminal justice, and public administration have undergone significant reform as a result of the peace process. However, constant vigilance is needed to ensure our institutions are carrying out their duties appropriately and remain fit for purpose. CAJ believes holding institutions to account for the actions they take is at the very core of establishing a fair and humane system in which people can have trust and confidence. We engage actively with policing and maintain a 'watching brief' on other aspects of the criminal justice system, including prisons.

Police reform and oversight has been an essential pillar of the NI peace process from the 1990s onwards. It has now been over 20 years since the Police Service of Northern Ireland (PSNI) and wider policing oversight arrangements were established following the Patten Report. The monitoring of policing is an important, ongoing commitment for human rights activists. Alongside Amnesty International, Include Youth, and the Children's Law Centre, we are campaigning for an end to the use of spit and bite guards by the PSNI. We do not believe the evidential case has been made out to justify this use of force in circumstances where the subject will already be restrained and where the guards do not prevent transmission of saliva-borne viruses. The PSNI have, however, agreed to abide by quite strict governance protocols for their use in future.

Covert policing has an unhappy history in Northern Ireland and we have long standing concerns about methods and accountability. We have met with the current and previous Independent Reviewers of National Security arrangements about the MI5 PSNI interface and with the PSNI about their implementation of the Covert Human Intelligence Sources (CHIS) Act. This legislation allows a range of agencies to authorise criminal conduct by covert agents without any exception for acts which would amount to gross violations of human rights.

In litigation taken by CAJ, Privacy International, Reprieve and the Pat Finucane Centre, we challenged the previous system for authorising criminality by agents. We believe this litigation may have been what prompted the passing of the above legislation. In a split decision by the Investigative Powers Tribunal, we lost the case and were refused permission to appeal to the Supreme Court. We lodged an application with the European Court of Human Rights, but have just heard that it was declared inadmissible because we lacked victim status.

We continued working on a joint project with the Irish Council of Civil Liberties (ICCL), taking an all-island perspective on policing reform. The report arising from our first joint conference on the subject, which was held last year in Belfast, is available on the CAJ website at www.caj.org.uk/publications. The second conference was held during March in Dublin. This was a highly successful event with an influential attendance in person and online, including senior serving police officers from North and South. It was particularly notable for the ease and confidence with which human rights were addressed and the ready acceptance of the all-island context of the discussion. Both conferences are pictured below.

We met with, and spoke to a conference organised by, the International Public Policy Observatory on the public inquiry into the handling of Covid. We had a further meeting with the NI officials in charge of vaccination certificates and published an FAQ paper on *Coronavirus and human rights FAQ: Facemasks, vaccines, and vaccine passes* (also available on our [website](#)). We responded to the consultation on the Terms of Reference for the UK-wide Covid inquiry. We also corresponded with the NI Minister for Health, Robin Swann, on the need for a NI-specific inquiry - his response to our letter did not rule this out.

We made written submissions to the 4th Universal Periodic Review of the UK (through our membership of the International Human Rights Federation (FIDH)) and to the 5th round of the Framework convention for the Protection of National Minorities.



A Just Resolution to the Legacy of Conflict

Northern Ireland has experienced more than twenty years of fragile peace – something which is to be celebrated and strongly protected. However, the past still casts a shadow over the present for many people, particularly those who lost loved ones or who were injured or suffered significant trauma during the conflict. Unresolved cases of killing, torture, and serious injury poison relations in the present, contribute to intergenerational trauma, and grant impunity to the perpetrators. When these cases amount to human rights violations, they also reduce trust in the current criminal justice system and the rule of law in general.

For years, successive UK governments have failed to live up to their responsibilities under international human rights law and under our own Human Rights Act. Many Judgements of the European Court of Human Rights remain unimplemented. CAJ continues to work to ensure the legacy of the past is dealt with in a human rights compliant manner which will assist the pursuit of truth and justice by those directly impacted.

The Stormont House Agreement (agreed December 2014) had broad support from NI political parties and the British and Irish governments. It proposed mechanisms for dealing with the legacy of the past that were potentially human rights compliant. However, in March 2020, the UK government announced its intention to unilaterally abandon the Stormont House Agreement to develop new legacy proposals and subsequently, in May 2022, it put forward the Northern Ireland Troubles (Legacy and Reconciliation) Bill.

This legislation proposes abandoning all criminal prosecutions for troubles related offences, and, indeed, **any** recourse to the law in relation to ‘incidents’ during the troubles. It suggests ‘reviews’ for unsolved cases, as well as a process of immunity for perpetrators who come forward and make statements. The legislation is openly designed to provide impunity for state agents and uses oral history and memorialisation proposals to provide political and legal cover for this policy of impunity.

Almost a decade ago, CAJ formed ‘Model Bill Team’ with colleagues at Queen’s University Belfast to focus on legacy issues. The Model Bill Team published a comprehensive response to the legacy bill in May 2022. In spite of our aim being to find practical, human rights compliant solutions to dealing with the past, we believe this Bill to be irredeemable and unfixable. The breaches of human rights standards are so egregious and the principles of the Bill so conflictive to the rule of law, that we do not consider amendments through the current parliamentary process could achieve human rights compliance. Instead, we urge government to return to its previous commitments and implement the 2014 Stormont House Agreement in an ECHR compatible manner.

CAJ and the Model Bill Team have been in the forefront of opposition to this legacy bill. We submitted a detailed Rule 9 Submission to the Council of Europe Committee of Ministers (which oversees implementation of Court of Human Rights judgements) and we briefed them in person in Strasbourg at their September meeting. The Committee of Ministers decision on 24 September 2022 closely followed our line, strongly criticising the Bill. We met with NIO Minister Lord Caine, at which he sought our help in making the legislation “less unpalatable” - which we firmly refused to do. We helped draft a position statement on the bill for the Law Society, which was agreed. We have distributed a summary briefing to sympathetic peers as the legislation passes through the House of Lords.

In the process of opposing this legislation, we have provided evidence to the Oireachtas Committee on the Implementation of the Good Friday Agreement; oral evidence to the NI Affairs Committee at Westminster; a briefing to the Washington-based Ad Hoc Committee on the Implementation of the GFA; a Congressional briefing on truth and accountability; and written evidence to the Parliamentary Joint Committee on Human Rights in its role of legislative scrutiny.

With the Pat Finucane Centre, we have worked to facilitate an Independent Expert Panel on Impunity and the NI Conflict, which is convened by the Human Rights Centre at Oslo University. The distinguished international panel has begun its work and will be holding several meetings here in the coming months.

We continue to work for our individual clients in legacy cases and significant progress has been made in some of them.



A Society where Prejudice is Confronted and Tackled



All forms of racism and prejudice are offences against the dignity of humanity. CAJ is working with others to make Northern Ireland into a society where prejudice, regardless of how it manifests, is confronted and tackled, where hate crime is reduced and where interventions are actively taken to remove all other forms of hate expression from public space.

At present, there is no specific hate crime legislation in Northern Ireland. In 2019, partly in response to lobbying from CAJ, the Department of Justice (DoJ) commissioned Judge Desmond Marrinan to conduct an independent review of the current legislation. We engaged extensively with the review and the resulting report was very positive. Following on from the review, in January 2020, DoJ launched an initial consultation on reforming hate crime legislation in NI. This consultation covered a number of areas including introducing a new statutory aggravation hate crime model; the use of a sectarian aggravator in hate crime law; discussion of incitement to hatred offences; special measures and cross examination; and misogyny in hate crime law. CAJ provided a detailed submission in response to the consultation. We also collaborated on two media pieces focusing on the 'dwelling defence', which makes it lawful to incite hatred if you do it from your own home.

Hate expression remains prevalent in public space in Northern Ireland, causing significant harm to the communities it targets. CAJ recognises the need to remove hate expression physically from public space. We propose that this is taken forward by placing a statutory duty (legal obligation) on public authorities to take reasonable steps to remove hate expression from their property – as was recommended within the above independent review of hate crime legislation. This duty should cover expression that is intrinsically racist, misogynistic, transphobic, homophobic, or disablist (etc), as well as expression that, in light of all the circumstances, is likely to constitute hate expression on a protected ground.

We have spent many months on research and consultation around this issue; in May 2022, we organised the launch of our new report, *Dealing with hate expression in public space in Northern Ireland*, at an Equality Coalition meeting with key stakeholders from public authorities, coalition members, and academics. This led to a frank discussion under Chatham house rules about the barriers to effective coordination of the removal of hate expression between public authorities. The report, which is available from the [CAJ website](#), was very well received. We also met with (then) Justice Minister Naomi Long and (then) Infrastructure Minister John O'Dowd during 2022 on hate expression issues, and presented to the Policing Board Performance Committee in November.

In May 2022, we gave written evidence to the NI Affairs Committee for its enquiry into 'The effect of paramilitaries on society in Northern Ireland', followed by oral evidence in November. Our focus was on the issue of housing intimidation and the apparent failure of public authorities to take it seriously. Scores - sometimes hundreds - of people are driven from their homes every year by sectarian or other racist intimidation. In the most serious cases, the NI Housing Executive (NIHE) asks the PSNI to certify that the occupiers are at threat of serious injury or death. NIHE then takes responsibility for rehousing the victims.

It is the victims who have to move, not the perpetrators. While that may be understandable in the short term, we find it inexplicable that neither the police nor NIHE appear to keep statistics on which organisations are responsible for the intimidation. If there were a serious attempt to eradicate the phenomenon of paramilitary intimidation, surely a first step would be to map where it occurs and who appears to be responsible? Yet there is no reference to housing intimidation in the Executive Programme to tackle paramilitary activity and it is not taken account of in calculating the terrorist threat level, which it appears is viewed solely through a 'national security' lens. Intimidation is a serious crime and should be treated as such, not regarded as 'just the way things are'.

Our work on public hate expression and housing intimidation are good examples of how our focus on the human rights responsibilities of the state demands the legal, effective, and even-handed suppression of non-state actors who harm the public.

We have remained active in the Women's Policy Group. We welcomed, with some criticisms, the PSNI's Violence Against Women and Girls action plan and met with the Director of the Rape Crisis NI. The Coalition also organised a webinar on 'Misogyny and hate crime legislation North and South' with Helena Kennedy KC as keynote speaker. This will be followed by an in-person event in December.

A Fair, Humane Immigration System

Brexit has brought issues related to citizenship, immigration, and movement of people across this island to the fore. Anti-immigrant rhetoric, rapid changes to UK immigration law, and the imposition of the Hostile Environment by the UK government dangerously stoke racism and lead to wholesale abuse of human rights.



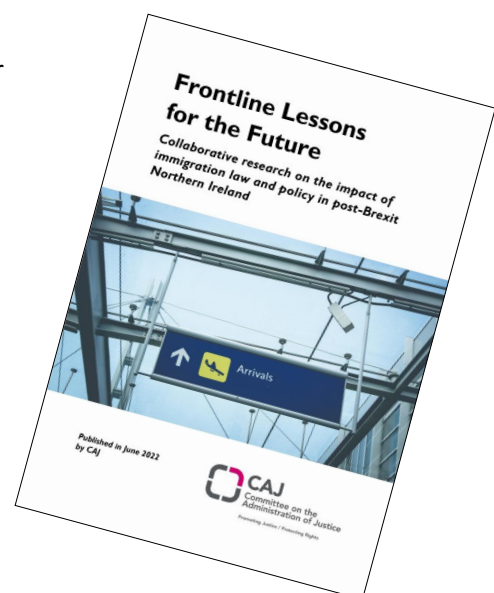
In response, CAJ established our Immigration Project to promote a welcoming and human rights compliant immigration regime in Northern Ireland. The project focus is on expert legal research and advocacy, which is utilised to impact policy and practice and to inform strategic interventions, including litigation where appropriate. The project does not undertake direct client work, instead focusing on providing support to organisations working directly with the migrant community. The project has built strong relationships with a wide network of NGOs, charities, law enforcement agencies, and legal and political bodies across both the UK and Ireland.

This year, our focus has been on bringing together legal analysis and social research into the needs of migrants into a coherent policy platform. We have [published](#) two major, complementary reports on immigration this year and launch events were held for both. In February 2022, we released *Can Stormont Rollback the Home Office 'Hostile Environment'?*. This report, which is authored by Mark Bassett BL, is a highly important analysis of the legal context that clarifies what can and cannot be done within the confines of devolution. In June 2022, we published *Frontline Lessons for the Future – Collaborative immigration research*, which combines research drawn from frontline organisations, with legal analysis and policy recommendations. The report lays the basis for a comprehensive policy platform for combatting the hostile environment.

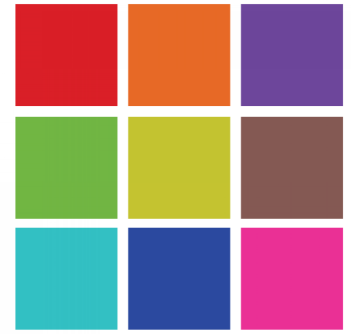
We have met with the (then) Minister for Communities and Minister for Infrastructure, who both expressed a clear commitment to taking forward actions from the reports (subject to them returning to post.) The reports have also been referenced in meetings with The Executive Office (TEO) and the EU Delegation to the UK, as well as in research consultations, such as those conducted by the Economic & Social Research Institute (ESRI). Following a grant from Unbound Philanthropy, we are taking forward a model bill project, designed to show how Stormont legislation could be used to push back against the hostile environment.

We have raised a number of issues around lack of access to justice for migrants in meetings with the Legal Services Agency, TEO, and the Home Office. We continue to act as a leading voice on how requiring prior Electronic Travel Authorisation would impact island of Ireland. We supported an amendment to the Nationality and Borders bill to exempt land border crossings from the ETA requirement, which was passed with good support in the House of Lords, but rejected by the Commons. The issue has been raised with the EU Delegation to the UK, the Home Office, and the Irish Department of Foreign Affairs.

We also met with Stephen Farry MP and Alliance staff, who agreed to continue to push for an exemption for journeys across the land border and for ROI residents. We continue to work extensively on the conduct surrounding immigration checks within the Common Travel Area and have raised this issue with the Irish Human Rights and Equality Commission, the Policing Board, and the Minister for Infrastructure.



Increased equality

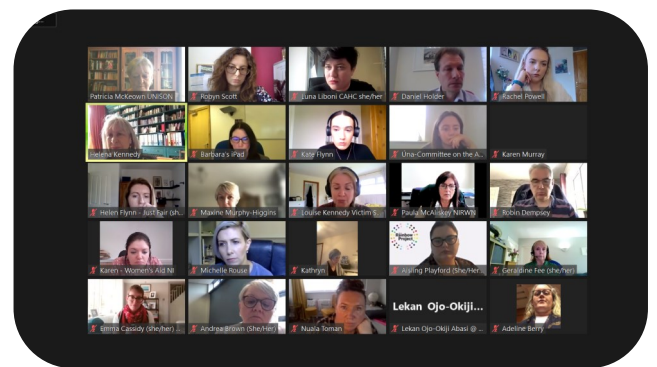


Equality runs like a golden thread through human rights theory and practice. The essence of human rights is that they are universal and apply to us all. Equality is not just about tackling prejudice and discrimination, but also about taking positive action to remove obstacles hindering groups of people from being able to reach their full potential and from participating fully in our society. Equality is a central pillar of a fair and humane society. Since Northern Ireland is still a divided society in many ways, equality remains a key focus for CAJ. We take a collaborative approach to tackling equality, working with other civil society groups. With UNISON, CAJ co-convenes the Equality Coalition, which now has more than 100 members.

Under Section 75 of the Northern Ireland Act 1998, public authorities in NI have a statutory duty to ensure they promote equality of opportunity and good relations as they carry out their work. Section 75 requires all designated public authorities to produce an Equality Scheme and to screen their policy for differential (negative) impacts across nine different categories. CAJ has worked on the enforcement of the equality duty since its inception in 1998, encouraging and, where necessary, obliging public authorities to carry out this duty effectively, including through taking complaints. While examples of good practice exist, Section 75 is regularly flouted or applied ineffectively across key policy areas.

We have made numerous complaints of breach of equality schemes during this year. For example, two complaints have been lodged in relation to the PSNI, one on their decision to adopt NPCC guidance on sharing victim/witness information with the Home Office, and one on their use of Spit and Bite Guards. In a very welcome development, following an intervention, the Department of Finance (DoF), published a new draft equality scheme which incorporates many of the changes recommended by the Equality Coalition, including removing good relations 'impacts' from equality screening.

In September 2022, we published the final report on our Equality Duty Enforcement Project (EDEP) - a three-year project launched by CAJ in December 2017, which had the overarching aim of enhancing the level of understanding and awareness of Section 75 as a vehicle for challenging policies in NI. *Equality Duty Enforcement Project (EDEP): A narrative report 2018 to 2021* can be downloaded from our [website](#).



Throughout 2022, the Equality Coalition continued its work. Membership of the Coalition is open to NGOs and trade unions working to advance equality in NI. It was founded in 1996 by community and voluntary sector organisations and trade unions. The Coalition was instrumental in putting equality at the forefront of the agenda at that crucial time, when lasting peace in Northern Ireland was beginning to seem like a tangible possibility. The Coalition aims to provide a forum for unity between multiple sectors when campaigning for equality, while still allowing for the diversity of its members' work and views. By facilitating a strong message from diverse equality groups, the Equality Coalition helps to ensure maximum impact in a resource efficient manner. This approach is particularly important in the current environment, where organisations' resources are challenged.

The Coalition held meetings or events for its members at least once every two months throughout the year (see pictures below!), as well as engaging at a high level with decision makers. It continues to be a vibrant, civil society grouping. CAJ is currently working with partners at Ulster University on a report about the activities of the Equality Coalition for the LSE Gender and Security Hub project (see International Solidarity for more on the hub).

A report by Dr Robbie McVeigh, *Irish Medium Education and the Statutory Duty in the North: A rights perspective*, jointly commissioned by CAJ and NGO Conradh na Gaeilge (CnG), was launched as part of the Chomhairle na Gaelscolaíochta (oversight body for Irish medium schools) annual conference.

International solidarity

CAJ is based in Belfast and our first priority is rights and equality in Northern Ireland and on the island of Ireland. However, we believe we have a duty to maintain international links with organisations across the globe that are working to advance rights and equality. Northern Ireland has benefitted enormously from the support of the international community in the past and this support remains vitally important today as we seek to protect our peace process. In return, we have a responsibility to share learning from our own conflict and the peace process with others who may benefit from this knowledge.

CAJ is a full member of FIDH (International Federation of Human Rights – Fédération internationale pour les droits humains), which is an international human rights federation comprised of 192 organisations from 117 countries. We regularly join in united actions and statements that FIDH organises about key events and issues. We attended the triennial congress this year in Paris (pictured right). We are also involved in the Gender Justice and Security Hub, coordinated by LSE, which draws its members from conflict regions across the globe. In May 2022, we participated in a convention organised by the hub in Belfast (pictured left).

The number of delegations visiting Northern Ireland has not yet got back to pre-pandemic levels. However, we do meet visitors and student delegations from time to time and have an annual date with early career diplomats from around the world studying at Oxford University. We are currently collaborating in a comparative study of 'everyday peacebuilding', involving Colombia, Lebanon and Northern Ireland led by the University of Bristol.



CAJ in Parliament

Oral evidence before Oireachtas and UK Parliamentary Committees in 2022

Joint Oireachtas Committee on the Implementation of the Good Friday Agreement, 24 February 2022, 'Engagement with CAJ' (Current status of human rights in NI), Daniel Holder and Uná Boyd.

From 27 minutes: bit.ly/OireachtasFeb22

Joint Committee on Human Rights (Lords and Commons), 23 May 2022, 'Human Rights Act Reform', Brian Gormally. From 15.59pm: bit.ly/HRCommitteeMay22

Northern Ireland Affairs Committee (House of Commons), 15 June 2022, 'Addressing the Legacy of NI's Past', Daniel Holder and Anna Bryson (Model Bill Team).

From 10.41am: bit.ly/NIACCommitteeJune22

Joint Oireachtas Committee on the Implementation of the Good Friday Agreement, 7 July 2022, 'British Government Legacy Proposals: Discussion', Daniel Holder and Kieran McEvoy (Model Bill Team).

From 1 hour: bit.ly/OireachtasJuly22

Northern Ireland Affairs Committee (House of Commons), 23 November 2022, 'The effect of paramilitary activity and organised crime on society in Northern Ireland', Daniel Holder and Uná Boyd.

From 10.48am: bit.ly/NIACCommitteeNov22

Communications

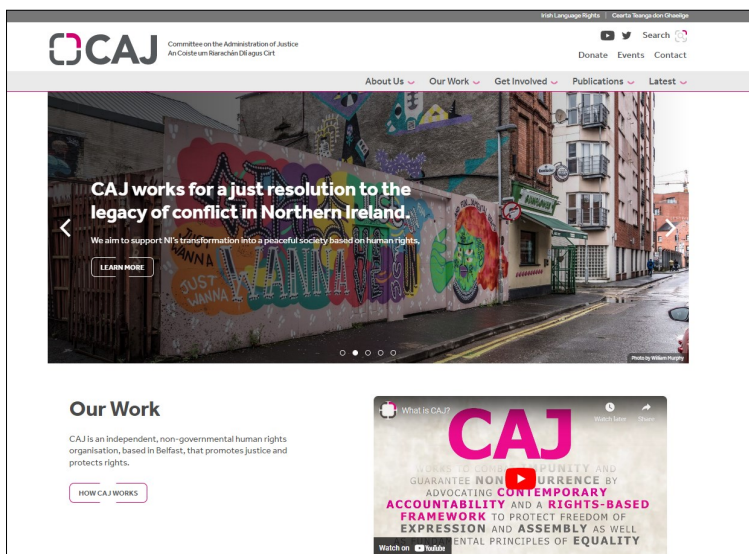
In terms of communications, 2022 was certainly an interesting year as we saw an end (for now) of lockdowns and limits on in person gatherings. After embracing digital technologies during the pandemic, CAJ was able to start holding in person events and meetings once again. However, we remain keen to maximise participation in our events so continue to hold both online and hybrid engagements.

The biggest comms project for CAJ this year was the redevelopment of our website, www.caj.org.uk. By the time you read this, our new website will have launched after a year of hard work by both the CAJ staff and our web developers, Big of Bees. We are so proud of the end result (pictured above right) and can't wait to share it with you all!

Outside of working on the website, we continued to streamline our policies and processes to make sure we are being as efficient as possible in all our outward facing work. We published several issues of Just News, including a special edition at the start of the year to celebrate CAJ's fortieth anniversary. You can read all of our 2022 issues here: www.caj.org.uk/publication_type/our-newsletter/. We also sent out our ezine, Just Updates, on a roughly monthly basis - if you'd like to receive this direct to your inbox, you can sign up here: bit.ly/JustUpdatesSignUp.

CAJ received regular media coverage in 2022, particularly around our work on legacy and on immigration. Our online engagement continues to be strong and we have increased our overall follower count on both of our Twitter accounts (for CAJ and the Equality Coalition respectively).

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



Finance

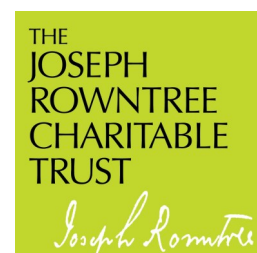
CAJ is supported by the **Human Rights Fund** – a dedicated fund managed by the Community Foundation for Northern Ireland, designed to support CAJ and the three other organisations in the Human Rights Partnership (the Human Rights Consortium, Participation and the Practice of Rights, and Public Interest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

CAJ also has to raise almost half of its income from other sources such as charitable foundations. We are very grateful for the support of:

Joseph Rowntree Charitable Trust
UNISON General Political Fund
Paul D Schurgot Foundation
Legal Education Foundation
Paul Hamlyn Foundation
AB Charitable Trust
Unbound Philanthropy
Community Foundation Ireland

CAJ has also raised funds through Local Giving and would like to thank all those who have made a donation. You can find our Local Giving page here: www.localgiving.org/charity/caj/

A full set of audited accounts is available to members on request. Email info@caj.org.uk.



Staffing

Staff

Brian Gormally, **Director**
Daniel Holder, **Deputy Director**
Gemma McKeown, **Solicitor**
Paula Gourley, **Office and Finance Manager (until July 22)**
Roisin Brennan, **Office and Finance Manager (from Sept 22)**
Robyn Scott, **Communications & Equality Coalition Coordinator**
Una Boyd, **Immigration Project Coordinator & Solicitor**
Eliza Browning, **Policy Officer**

Executive

Anna Bryson, Chairperson	Rory O'Connell, Treasurer	Fionnuala Ni Aolain, Editor of Just News
Louise Mallinder, Vice Chair	Cathy Bollaert	John Topping
Kieran McEvoy	Dáire McGill	Ursula O'Hare
Ciarán Ó Maoláin	Anne Smith	



Reports and submissions

CAJ Reports

- No.70 Can Stormont Rollback the Home Office 'Hostile Environment'?** Legal Research Report, Feb 2022
- No.71 A Renaissance of the Peace Process? What kind of society do we need?** Conference report, Apr 2022
- No. 72 Dealing with hate expression in public space in Northern Ireland** - Public authorities' duties and practice towards removing racist, sectarian, homophobic, and other hate expression from public space
- No. 73 Frontline Lessons for the Future** - Collaborative research on the impact of immigration law and policy in post-Brexit Northern Ireland
- No.74 Equality Duty Enforcement Project (EDEP)** - A narrative report 2018 to 2021

Joint Reports

- PSNI@20: Human Rights Reflections on Policing Reform North and South** - Conference report, Feb 2022 (with ICCL)
- Irish education and the 'Statutory Duty': From the point of view of rights**, Apr 2022 (authored by Dr Robbie McVeigh, commissioned by CAJ and Conradh na Gaeilge)

Equality Coalition Reports

Policy Asks 2022, Jan 22 (published in advance of the 2022 Assembly election)



Submissions

- S541** Background note on British government’s NI legacy proposals and bill, Jan 22
- S542** Submission to Belfast City Council Equality Impact Assessment (EQIA) of proposed policy on Dual Language Street Signs, Feb 22
- S543** Opening Statement to the Joint Committee on the Implementation of the Good Friday Agreement, Feb 22
- S544** Response to 2022 Revised Recommendations of the Review of Local Government Boundaries and Names, Feb 22
- S545** Submission to Five Year Review of the Police Ombudsman, Mar 22
- S546** Submission to the Committee of Ministers from the Committee on the Administration of Justice (CAJ) in relation to the supervision of the cases concerning the actions of the security forces in Northern Ireland, Feb 22
- S547** CAJ Response to the Ministry of Justice Consultation ‘Human Rights Act Reform: A Modern Bill of Rights’, Mar 22
- S548** CAJ and CnaG joint submission to Antrim and Newtownabbey Borough Council consultation on dual language street signage, Mar 22
- S549** CAJ FIDH written submission - 4th Universal Periodic Review of the United Kingdom, Mar 22
- S550** Response to DoJ Consultation on Hate Crime Legislation in Northern Ireland (No.1), Mar 22
- S551** Submission to the Council of Europe Advisory Committee on the UK’s 5th state report under FCNM, Mar 22
- S552** Response to UK Covid-19 Inquiry terms of reference consultation, Apr 22
- S553** Model Bill Team initial response to Northern Ireland Troubles (Legacy and Reconciliation) Bill, May 22
- S554** Briefing note on Identity and Language (Northern Ireland) Bill, May 2022
- S555** Written Evidence to the NI Affairs Committee inquiry into ‘The effect of paramilitaries on society in NI’, May 22
- S556** Submission to the DfC consultation on the Ulster-Scots Language, Heritage and Culture Strategy Expert Advisory Panel Recommendation Report, Apr 22 (filed out of sequence)
- S557** Written Evidence to the follow-up inquiry of the House of Lords Sub-Committee on the Protocol on Ireland/Northern Ireland, June 22
- S558** CAJ briefing note - Positive obligations and the Bill of Rights Bill, July 22 (*written by Prof Rory O’Connell, TJI, on behalf of CAJ*)
- S559** Submission to the Committee of Ministers from the Committee on the Administration of Justice (CAJ) in relation to the supervision of the cases concerning the actions of the security forces in Northern Ireland, July 22
- S559** Addendum Rule 9 Submission to the Committee of Ministers McKerr group v. the United Kingdom, Sept 22
- S560** Briefing Note on Identity and Language (Northern Ireland) Bill House of Commons (Second Reading), Oct 22
- S561** Response to DoF Equality Scheme Consultation, Oct 22
- S562** Submission to the Committee of Ministers from the Committee on the Administration of Justice (CAJ) in relation to the supervision of the cases concerning the actions of the security forces in Northern Ireland, Oct 22
- S563** Model Bill Team briefing on the NI Troubles (Legacy and Reconciliation) Bill, HoL 2nd reading, Nov 22
- S564** Submission to Independent Commission on UK Counter-Terrorism Law, Policy and Practice, Nov 22

To access all of our publications, please visit: www.caj.org.uk/publications

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