



Joint ICCL/CAJ Policing for Peace Report Launch: Left to Right - Lucia O'Farrell, Justice for Shane, Daniel Holder, CAJ, Claire McEvoy, ICCL Osgur Breatnach of the Sallins men.

How Should the Irish Government Deal with Legacy Investigations in its Jurisdiction?

Emily Williams, Policing and Justice Policy Officer, Irish Council for Civil Liberties

In 2023, the Irish Council for Civil Liberties (ICCL) teamed up with the Committee on the Administration of Justice (CAJ) to form the Policing for Peace project, which convenes stakeholders through a series of North-South expert roundtables and events to produce specific recommendations on different thematic areas in policing. One such priority is the legacy of conflict across the island of Ireland.

Following the decision of the Irish government to bring an inter-state case against the British government at the European Court of Human Rights regarding the incompatibility of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 with the European Convention on Human Rights (ECHR), human rights groups and campaigners began to think about how the Irish government should address legacy investigations in its own jurisdiction. Unlike in Northern Ireland, where prior to the Legacy Act the Package of Measures delivered considerable success in information recovery, there is no systemic process to investigate legacy cases or historical human rights violations in the Republic.

The above context informed the final closed-door roundtable in the *Policing for Peace* series which explored how the Irish government should address legacy investigations. Based on

the discussions, further research and input from academics, ICCL and CAJ drafted a cross-border report on how the Irish government should investigate legacy issues in a manner that vindicates the rights of survivors and their families, while also complying with legal obligations under Articles 2 (right to life) and 3 (freedom from torture, inhuman or degrading treatment or punishment) of the ECHR. [The report](#) was launched at a press conference on 27 February at Buswells Hotel in Dublin. Campaigners Osgur Breatnach of the Sallins men, Margaret Urwin, coordinator of Justice for the Forgotten, and Lucia O'Farrell of Justice for Shane, spoke eloquently about their own cases and in favour of the report's recommendations. Darragh Mackin, human rights lawyer with Phoenix Law, endorsed the report as an independent expert. The report's main recommendations are to establish:

A Historical Investigations Unit

The Irish government should establish an independent, time-bound Historical Investigations Unit (HIU), similar to the one provided for in the North in the Stormont House Agreement but never implemented. The HIU would have the power to deliver effective and independent police investigations into unresolved deaths and incidents of torture or ill-treatment and to assign individual criminal responsibility for cases. The HIU could investigate cases from 1968s to the 2020s, beginning with violations that emerged during the conflict, but also extending to other miscarriages of justice. More recent cases of Garda misconduct can be investigated by the Garda Síochána

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Ombudsman Commission and the soon to be established Office of the Police Ombudsman, provided complaints are made within one year of an alleged incident.

A System of Strong, Robust and Independent Public Inquires and Inquests

The existing public inquiry system in the South is ad hoc, not human rights compliant, unsatisfactory for victims, and has led to limited State accountability. Inquiries should be conducted in public, where possible, to maintain public confidence, have full investigatory powers to compel witnesses and secure evidence, and provide victims with a copy of the inquiry report. To accomplish human rights compliant inquiries, new legislation may be required. Similarly, the inquest system should also be reformed and professionalised.

Independent, International Truth Commission to Examine Themes and Patterns Relating to Conflict-Related Violations

An all-Ireland truth commission would complement other investigative mechanisms and would facilitate an all-Ireland conversation about the past, promote cross-border truth recovery for victims and families, and promote reconciliation and accountability. It could cover the period of the conflict up until the signing of the Good Friday Agreement. It could also identify the systemic conditions and culture that led to abuses and impunity on both sides of the border.

Independent Commission on Information Retrieval

The establishment of the Independent Commission on Information Retrieval, a cross-border information and truth recovery body based on protected statements, would complement all three recommended mechanisms as it would allow individuals to privately receive information about conflict-related deaths of their next of kin.

Conclusion

As described by Darragh Mackin, this report is a catalyst for change. ICCL and CAJ look forward to engaging with the Irish government to implement the recommendations.

Statutory Duties Equality Coalition Seminar

Eliza Browning, Senior Policy Officer CAJ

On 23 January 2025, the Equality Coalition and Ulster University held an event on the Enforcement of Statutory Duties. The purpose of the event was to build on existing research and collaborative work identifying ways forward for enhancing the effectiveness of statutory duties in the fields of human rights and equality in NI. Statutory duties are legal obligations placed on public authorities that ensure compliance with standards set out in legislation, and often involve ensuring that public authorities consider equality and human rights in their decision making.

Statutory duties provide a framework in which public authorities can develop policy responses addressing pressing social needs, as well as critical avenues for civil society to ensure that the government is complying with their legal obligations under legislation.

However, breaches of obligations under statutory duties remain notoriously difficult to enforce. There are a variety of reasons for this, including issues with enforcement agencies, limited obligations under legislation, and the

high risk and cost associated with legal action.

The event was designed to critically examine the effectiveness of enforcing several statutory duties in NI from the perspective of civil society, including discussing common themes, and offering potential solutions to improve the enforcement of these duties. Improved enforcement is seen as a critical factor in the improved functionality of these duties. Without robust enforcement, statutory duties risk becoming cursory 'tick-box' exercises that are viewed as voluntary, rather than binding, upon public authorities in the exercise of their functions.

The first panel focused on experiences of enforcing Section 75, and included a presentation from academic Robbie McVeigh on his research into the use of Section 75 in local government. This highlighted concerns about monitoring data, a lack of equality strategy being progressed at a Local Council level and concerns about good relations being used to undermine policies to progress equality. In addition, CAJ Senior Policy Officer Eliza Browning presented practical examples of the challenges in using Section 75 as illustrated in the CAJ narrative report of the [Equality Duty Enforcement Project](#).

The second panel involved speakers discussing a range of statutory duties and experiences of civil society in enforcing and engaging with these duties. Kate Clifford from the Rural Community Network spoke about the Rural Needs Act, Conchúr Ó Muadaigh from Conrad na Gaeilge spoke about Irish Medium Education, Fergal McFerran from the Children's Law Centre spoke about the Children's Services Cooperation Agreement, Laura Neal from Friends of the Earth spoke about transboundary consultation duties, and Angela Hodgkinson from the Social Change Initiative spoke about how duties associated with the Welsh Well-Being of Future Generations Act functioned and how it might be applied in NI.

The conversation around the functionality of relevant statutory duties naturally engages the conversation of the role of enforcement bodies, including the court system. A common theme discussed was difficulty getting enforcement bodies to robustly exercise their functions. In the worst-case scenario, enforcement bodies themselves become the biggest barriers to the functionality of the statutory duty – either because (in many environmental governance issues) the enforcement body is subsumed within the same public authority responsible for exercising the statutory duty, or because the enforcement body declines to investigate valid complaints and views their role primarily as providing advice provision rather than formal enforcement, as seen with Section 75 and the Equality Commission for Northern Ireland.

When enforcement bodies refuse to properly investigate breaches of the duties, or fail to exercise their functions, civil society is often left with no recourse, as Courts are generally reluctant to intervene in issues of statutory duty breaches where they see that an alternative available remedy in the form of the enforcement body exists to mediate or resolve the issue. Courts are also very reluctant to review the discretion of enforcement bodies in declining to investigate complaints.

However, not having a dedicated enforcement body responsible for reviewing and enforcing statutory duties comes with its own significant challenges, for example as seen with the Rural Needs Act. Under the legislation that creates the Rural Needs Act, the only recourse to a breach of the Act is through judicial review, a process that is inherently costly, risky, and complicated. To date,

enforcement of the Rural Needs Act has never yet been tested in courts. For environmental duties, the lack of an independent environmental protection agency means that many breaches of statutory duties have limited recourse and may require judicial review.

Ideas for improved enforcement of statutory duties ranged from increased judicial review of enforcement body decision making, to the creation of additional enforcement bodies. The full conference report will be available soon and will be circulated to CAJ and Equality Coalition members.

'Extremism': A Warning

Fionnuala Ní Aoláin, University of Minnesota Law School and Queen's University Belfast School of Law

The terminology of extremism is increasingly permeating our public discourse, including here in Northern Ireland. It is easy to understand why. The word evokes a strong response, it connects to a concept that seems readily available and emotionally satisfying, "extremity" in words, actions, and behaviours. And, of course, many of us, including human rights defenders and advocates are witnessing language and behaviours which are dehumanizing, zealous, immoderate and even fanatic in language and behaviours by groups and individuals targeting the most socially and economically vulnerable in our community.

The [upsurge](#) in words and actions laced with racism, xenophobia, antisemitism and hate are evidently on the rise globally. During my tenure as United Nations Special Rapporteur on Counter-Terrorism and Human Rights, and since, I have been [deeply concerned](#) about the deploy-

-ment of terms like 'radicalisation' and 'extremism' for reasons I explore here. In highlighting my concerns, I understand the social and political imperatives of addressing violent extremism but would stress that only rights affirming and rights-focused policies will have long-term success in preventing violence in any society, including our own. It is worth noting that there is an extensive vocabulary developing globally and nationally in this space, including 'extremism', 'preventing violent extremism', 'countering violent extremism' and 'radicalisation'. Though the roots of this terminology lie in the exit of persons from extreme right-wing organisations, and specifically Nazi and neo-Nazi organizations in Europe in the 1970's and 80's, the contemporary use of these concepts lie squarely in post 9/11 "war on terror". It has been almost universally true that 'extremism', as a concept and legal discourse, has been targeted at Muslim communities or at individuals actually or perceived to be associated with those communities.

There have been significant global debates about the differences between preventing and countering violent extremism, as applied to UN and regional counter-terrorism policies, but as a practical matter it is often very difficult on the ground to distinguish and to fundamentally tell the difference between a law or policy based on extremism or radicalism. Bottom line, the negative human rights impact on the affected communities is often the same. As has been demonstrated globally, there are profoundly negative impacts on the human rights of targeted individuals and communities. An important local reminder of misuse is the application of the [Prevent policy](#) against British Muslim communities, and the ways in which a discourse of 'othering' has been enabled against this community based on presumptions about 'extremity'. Equally notable is the lack of consistent application of these policies to far-right wing violence and hate speech, making clear that 'extremism' is often in the eye of the beholder.



Eliza Browning, CAJ Senior Policy Officer, speaking previously at Ulster University.

As a starting point, I believe it is critically important that when we invoke extremism as a legal matter, we do so with the additional proviso of 'violent extremism', whereby the qualifier of violence makes clear that persons targeted are clearly engaged in action which is a violation of the regular criminal law. Free floating 'extremism' labels, no matter how seductive, are legally imprecise, lack certainty, and run significant risks of abuse by state authorities.

It is also important to highlight that, as a general matter, the target population of the prevention and countering of extremism is by nature much broader than that of counter-terrorism measures. This creates a compelling need for States, civil society and national and international policymakers to apply a fine-grained human rights and rule of law analysis when policies addressing violent extremism are adopted.

As this language becomes more widespread, human rights-focused organisations must closely examine the impact of extremism prevention and countermeasures. They should monitor how governments shape policies around this evolving terminology, ensure compliance with human rights due diligence obligations when such policies are implemented, and prevent NGOs and civil society from being co-opted into security-driven initiatives that may weaken human rights protections.

Building Solidarity Conference: Tackling Racism and Islamophobia in Northern Ireland

John O'Doherty, Community Foundation NI

The Building Solidarity Conference, held in January 2025, brought together community leaders, policymakers, and experts to address the rise of racist and Islamophobic violence in Northern Ireland. Organised by the Community Foundation for Northern Ireland, NICVA, Social Change Initiative, and Africa House, the event followed the extreme scenes of racist violence in the summer of 2024. This conference was an essential step towards exploring the root causes of xenophobia, racism, and Islamophobia, while developing actionable solutions to combat discrimination.

The UK and Northern Ireland Policy Context

Chaired by Lori Gatsi-Barnett, the first session addressed the policy context in Northern Ireland, with panellists Daniel Holder (CAJ), Takura Makoni (ACSONI), Dr. Nazia Latif, and Dr. Livingstone Thompson. The session highlighted how paramilitary groups continue to influence public spaces, leaving racist posters and graffiti unchecked. Despite these ongoing issues, there has been little action to remove such symbols of hate or to enforce stronger hate crime laws.

The panel discussed structural racism in sectors like education, immigration enforcement, and technology. It was noted that while racism in Northern Ireland is part of a larger global issue, targeted legislative reform is necessary. The conversation focused on the importance of collective action, stronger legal frameworks, and ensuring more representation of marginalised communities in policy development.

The Voice of Lived Experience

Chaired by Lekan Ojo-Okiji Abassi, this session focused on the lived experiences of racism and Islamophobia.

Panellists including Dean Lee, Dr. Naomi Green, Angel Arutura and Limia Dyein shared powerful, personal stories of discrimination. The discussion highlighted the emotional strain of systemic racism and the challenges of navigating multiple identities, especially for the Muslim community in Northern Ireland.

The session also explored the barriers faced by asylum seekers, including discrimination in essential services like healthcare and education. Participants emphasised the need for community solidarity and structural change to address systemic racism effectively. It was clear that long-term, collective efforts are required to dismantle the systems of oppression in place.

Understanding the Violence – How Did We Get Here?

In the third session, chaired by Avila Kilmurray from the Social Change Initiative, panellists Salwa Alsharabi (ANAKA Collective), Henri Mohammed, and Dessie Donnelly discussed the roots of racism and the violence it breeds. They highlighted the role of social media in spreading far-right ideologies and xenophobic views, emphasising that community-based efforts are needed to combat these issues.

The discussion also focused on the lack of investment in key services like housing and education, which disproportionately affect marginalised groups. The panel stressed the need for stronger leadership—both political and community-based—to tackle these issues. Representation of people of colour across all sectors was identified as essential to making meaningful progress in addressing racial injustice.

Workshops: Addressing Policy Gaps and Improving Collaboration

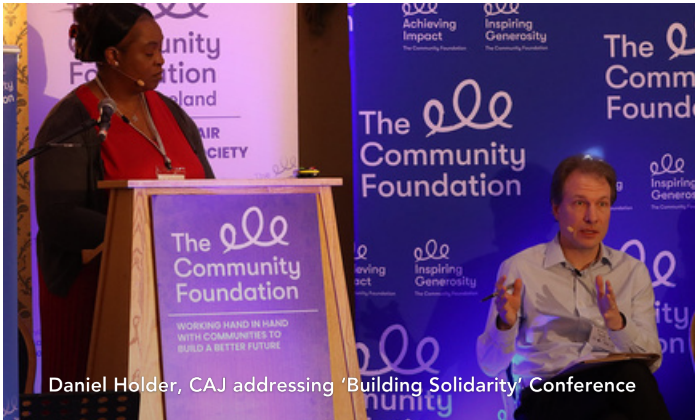
A key element of the conference was the workshop focused on improving policies related to racism and Islamophobia in Northern Ireland. Participants highlighted the gaps in current policies, particularly around implementation and accountability. There was a call for clearer communication and increased involvement of marginalised communities in policymaking.

The role of the Voluntary, Community, and Social Enterprise (VCSE) sector was emphasised, with participants suggesting a more inclusive, community-led approach to policy design. They stressed the need for adequate funding and resources to support long-term change and ensure policies reflect the lived experiences of those affected by discrimination.

Conclusions and Recommendations

As the conference concluded, the need for comprehensive, inclusive policies and stronger cross-sector collaboration was clear. Key recommendations include improving policy implementation, creating accountability mechanisms, and ensuring policies are relevant to marginalised communities. A community-led, co-design approach was emphasised to ensure that policies reflect the needs of those affected by racism and Islamophobia.

The conference also called for greater engagement between policymakers and local communities, particularly focusing on training for decision-makers. The VCSE sector was urged to continue its role in bridging the gap between communities and policymakers. Finally, there was a call for stronger representation in leadership roles and sustained funding for long-term initiatives to combat racism and Islamophobia.



Daniel Holder, CAJ addressing 'Building Solidarity' Conference

Did you hear the latest scandal at the goldmining public inquiry? No? That's the point.

Laura Neal, Friends of the Earth

After a decade of delays, the Public Inquiry into the controversial proposal to construct Europe's largest goldmine in the Sperrin Mountains, Northern Ireland has finally commenced. This project, which has generated over 50,000 objections from the public, has been met with widespread opposition due to its potential environmental and social impacts. Given the global legacy of gold mining - marked by environmental degradation, community displacement, and severe pollution - there is deep scepticism regarding claims that this project will be conducted in an environmentally responsible manner.

The Inquiry Process and Human Rights Concerns

The Planning Appeals Commission (PAC) has been tasked with conducting an independent and fair assessment of the proposed mine through a public inquiry. However, significant concerns have been raised regarding the transparency, accessibility, and fairness of the inquiry process.

One of the most pressing issues is PAC's refusal to live-stream the inquiry proceedings, which will be held at the Strule Arts Centre in Omagh and are expected to last several weeks. This decision severely limits public access and participation, particularly for those unable to attend in person due to work, health, or financial constraints.

Furthermore, the inquiry's procedural requirements create significant barriers to public participation. Members of the public are expected to frame their objections within the narrow confines of "material planning considerations," a technical standard that favours legal and industry experts over community members. This places an undue burden on local residents, many of whom lack the specialised knowledge or financial resources to navigate the complex legal framework effectively.

Exclusionary Practices and the Right to Participation

Friends of the Earth, the Public Interest Litigation Support (PILS) Project, and the Committee on the Administration of Justice (CAJ) have formally objected to these procedural shortcomings. In [correspondence with the PAC](#), these organisations outlined how the inquiry's structure infringes upon multiple human rights protections, including:

- **The right to a fair trial (Article 6 ECHR):** The refusal to disclose all statements of case in a timely manner and the requirement for in-person attendance limit the

ability of individuals and community groups to meaningfully participate.

- **Non-discrimination (Article 14 ECHR):** The inquiry process disproportionately disadvantages those with disabilities, caregiving responsibilities, or financial constraints, effectively excluding them from the decision-making process.
- **Access to environmental justice (Article 9 Aarhus Convention):** The failure to facilitate meaningful public participation contravenes international obligations to ensure that environmental decision-making processes are open, inclusive, and fair.

Despite these concerns, the PAC has maintained that the procedural framework for the inquiry is fixed and will not be adjusted to address these accessibility and fairness issues.

Procedural Failures and Delays

The inquiry formally commenced at the end of January 2025, following extensive evidence exchanges between government bodies, the mining company, supporters, and opponents of the project. The inquiry was initially set to run for six weeks, covering critical topics such as air quality, noise pollution, water contamination, and climate impacts.

However, within days of its launch, the inquiry was abruptly suspended due to the Department for Infrastructure's failure to consult with authorities in the Republic of Ireland. Given the potential transboundary environmental effects of the goldmine, this oversight represents a significant breach of legal obligations under the Espoo Convention, which mandates international consultation on projects with cross-border environmental impacts.

In response, the Irish government has initiated a public consultation process, which is scheduled to close in April 2025. A renewed pre-inquiry hearing is now set for March 26, 2025, providing another opportunity to highlight the procedural deficiencies that continue to undermine the inquiry's fairness and credibility.

The Path Forward

The outcome of this inquiry will have lasting consequences for environmental governance, public participation rights, and human rights protections in Northern Ireland. Friends of the Earth and other advocacy groups remain committed to ensuring that all affected communities have a voice in this process and that legal obligations regarding public participation and environmental justice are upheld.

If you'd like more information on the inquiry, please [contact Friends of the Earth NI](#).



Protesters demonstrate ahead of first sitting of Dalradian inquiry.

ICESCR Concluding Observations

Dara Keeve, Policy Officer - Equality Coalition CAJ

In February, the United Nations Committee on Economic, Social and Cultural Rights (CESCR) carried out its seventh review of the United Kingdom's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR). As part of this review, representatives from the United Kingdom and Northern Ireland travelled to Geneva so that the CESCR could examine the implementation status of the rights contained in the Charter.

ICESCR is one of the core international human rights treaties. It commits state parties to protect the economic, social, and cultural rights of all individuals, including rights to education, health, work, and an adequate standard of living. The UK signed and ratified ICESCR in 1976. The Committee last carried out an examination of the UK in 2016.

In Geneva, proceedings took place over two days. The UK delegation, led by Robert Linham, UK Deputy Permanent Representative to the Council of Europe, consisted of a representative from the Northern Ireland Executive Office, representatives from the UK Government, Scottish and Welsh Governments, along with representatives from the Isle of Man and Jersey. National Human Rights Institutions (NHRIs) also attended. In terms of Civil Society Organisations (CSOs), there was a strong presence from England-based organisations, however only two organisations representing NI attended and only a handful representing Scotland were present. There was not any CSOs representing Wales.

That said, the Committee highlighted that 72 CSOs submitted a report to the Committee; the highest number of CSO submissions from any state party received by the Committee thus far.

The importance of CSO engagement in the UN treaty monitoring cannot be underestimated. Over the course of the two days, it was very clear that the CSO reports heavily influenced the Committee's questions to the UK government. Each of the issues that CAJ raised in [our submission](#) was mentioned by various committee members. Our submission focused on

- A Bill of Rights for Northern Ireland
- An Anti-Poverty Strategy (Northern Ireland)
- Irish Language and Ulster Scots Strategies
- Paramilitary Intimidation from Housing
- Reconciliation and the Northern Ireland Legacy Act

It was evident that the Committee thoroughly considered our submission in its questions to the UK government regarding the Legacy Act and paramilitary housing intimidation in particular, although the Government's responses were vague and failed to address the specificity of the questions.

One thing that was made clear, was that the UK government and the Committee do not agree on incorporating ICESCR into domestic law. The UK government argued that it isn't required to do so, adding that it wouldn't be worthwhile due to the unique nature of

the UK constitution. In addition to the lack of a domestic remedy, the UK have yet to ratify the Optional Protocol to ICESCR, which would introduce a procedure for individual complaints to the Committee. The UK Government stated that it will not ratify the Optional Protocol, maintaining the position of previous administrations that the benefits of doing so are "negligible". This is an unfortunate position taken by the Government that both the Committee and CSOs who attended do not agree with.

Regarding the Committee's [concluding observations](#), the importance of CSO participation was evident once again. Their concluding observations contain concerns and recommendations that mirror much of what was shared by CSOs, including CAJ. Overall, the Committee specifically called for "an independent review of the legal and policy framework for economic, social and cultural rights" and unsurprisingly urged the UK government to ratify the Optional Protocol to the Covenant. UK wide recommendations made by the Committee also recommended that the two-child limit, the benefit cap and the five-week delay for the first Universal Credit payment are all reversed.

In terms of the issues CAJ raised, a particularly strong recommendation was made by the Committee regarding paramilitary housing intimidation. The Committee "urged" both the Northern Ireland Executive and the UK government to "strengthen measures to prevent and combat intimidation by paramilitary groups against ethnic minorities and migrants in Northern Ireland to ensure their access to adequate housing and to prevent de facto segregation". The Committee also summarised the need for the Northern Ireland Executive to develop an Anti-Poverty Strategy and reaffirmed the recommendation that the UK government repeal and replace the Legacy Act.

The UK government was also urged to ensure the adoption of "a comprehensive anti-discrimination and equality law, particularly in Northern Ireland" and to "expedite the adoption of a bill of rights for Northern Ireland", and recommendations were also made regarding availability, accessibility and affordability of childcare.

Looking forward, these concluding observations are but a starting point to the UK fulfilling its obligations under international human rights law. The government is required to provide information on the implementation of some of the Committee's recommendations by March 2027 and submit its eighth periodic report by March 2030. Nonetheless, it is clear from the strong CSO representation in Geneva and the subsequent recommendations that the Committee made that the UK government will not be let off the hook. CSOs will continue to use the concluding observations to advocate for change and to hold the government(s) to account.



Anti-Poverty Strategy Group Launch at Stormont

*Trása Canavan, Senior Policy & Public
Affairs Lead Barnardos*

When was the last time you saw Age NI and Barnardo's NI working alongside each other making the same policy call? That's what happened when the Anti-Poverty Strategy Group launched on 12th February in Stormont. Costs of food, housing, and energy continue to soar while wages stagnate. Families are slipping through the cracks, forced to rely on food banks, emergency payments, and community support to survive - we are facing a crisis.

The Anti-Poverty Strategy Group is a campaign group which includes organisations such as Trussell, Disability Action, the Salvation Army, Advice NI, the Rural Community Network and representatives from trade unions, the community sector, the women's, youth and children's sector.

The Economic Cost of Inaction

Every year that Northern Ireland operates without a robust Anti-Poverty Strategy, it incurs unnecessary costs that could be redirected towards sustainable, long-term solutions. Studies show that governments pay more for the consequences of poverty - through increased health service use, social care etc. - than they would if they invested in preventative measures.

Investing in poverty reduction leads to lower healthcare costs, better educational outcomes, and a more stable workforce. Inaction is not a saving - it is a false economy.

A Legal and Political Obligation

The Executive committed to developing an Anti-Poverty Strategy seventeen years ago. The obligation is not just a political promise; it is a legal requirement enshrined in legislation. When the government makes a commitment, it creates a legitimate expectation that it will deliver. And yet, successive Executives have prevaricated, delaying action on what should be one of the most fundamental and non-controversial responsibilities of government: ensuring that no one in our society is left behind.

We have been here before. Nine years ago, the Committee on the Administration of Justice (CAJ) had to step in to demand action. Now, nearly a decade later, we are still waiting for progress.

What Needs to Happen Now?

Through our launch event, we did not seek to argue that poverty is bad—we all know that. Instead, we laid out the urgent need for government to act now to address a crisis that is deepening in impact and widening in scope. We need:

- An Anti-Poverty Strategy based on objective need and a life-cycle approach that addresses the systemic causes of poverty rather than merely mitigating its worst effects.
- Immediate action from the Department for Communities to ensure that the draft strategy—years in the making—is implemented without further delay.
- A cross-departmental approach to poverty that recognises how it intersects with housing, education, health, and employment policy.

This is not a radical demand. It is a moral, economic, and legal necessity. Seventeen years of delay is unacceptable. We cannot afford another year without action.



High Court Rules on Anti-Poverty Strategy Failure

Úna Boyd, Immigration Solicitor CAJ

On the 31st January 2025, CAJ initiated a judicial review against the Department for Communities, Executive Office and First and Deputy First Ministers, for failing to meet their legal obligation to adopt an anti-poverty strategy (APS). This case was supported by Public Interest Litigation Support (PILS) and Equality Coalition members including UNISON NI, Barnardo's NI and the Northern Ireland Anti Poverty Network.

The legal duty on Stormont to adopt an antipoverty strategy was inserted into S28E of the Northern Ireland Act 1998, as a result of the St Andrews Agreement. In 2015 CAJ took a successful judicial review against Stormont Ministers for failing to adopt the anti-poverty strategy during the 2011-2015 Assembly mandate, with the High Court finding the Executive had acted unlawfully for failing to do so.

Almost a year since the restoration of Stormont in February 2024 and nearly a decade after our first successful judicial review, CAJ returned to court, to challenge the ongoing failure to adopt an anti-poverty strategy.

Daniel Holder, Director of CAJ, said: *"The anti-poverty strategy is a key unfulfilled legal obligation from peace process agreements. We had hoped not to ever have to be back to court again on this matter – but we feel we have no choice."*

In court, we heard from Counsel that specific commitments to progress the anti-poverty strategy were made in the New Decade New Approach agreement and, during the lifetime of the last Executive, a number of significant steps were taken to advance an anti-poverty strategy. An Expert Group was set up to draft an initial report with recommendations, that report and those recommendations were then presented to a Co-Design Group, essentially comprising relevant community groups and NGOs within civil society. At the same time a Cross-departmental group, comprising high level officials from each NI Department was established and ultimately a draft anti-poverty strategy was provided by departmental officials to the then Minister for Communities in October 2022.

The new Minister therefore took office on 5 February 2024 with access to a significant body of work which could have provided a solid basis for moving forward urgently with an

anti-poverty strategy. Despite this, the Minister decided to discard the anti-poverty strategy presented to his predecessor in October 2022, and to essentially bin the work of the Expert panel and the Co-Design Group. Instead moving forward with a strategy based on “A Scoping Review of the Literature on Poverty in Northern Ireland” conducted within the Department. This is a literature review designed to provide an overview of the available literature about poverty in NI and to identify gaps. It was not designed to develop an anti-poverty strategy.

Evidence set out by Counsel showed that following an initial meeting in April 2024, the next meeting between the Ministers and his officials about an anti-poverty strategy took place on 29 August 2024. Thereafter, nothing happened until CAJ issued a pre-action letter. Within two weeks of the pre-action correspondence, the Minister asked Ministerial colleagues to nominate officials for a cross-departmental working group. This is something that could have been set up on day one; particularly as such a group had already been in existence. He then produced a timetable, different from the one proposed by officials in March 2024, that seemed designed to be inserted into the response to CAJ’s pre-action letter to make it look as if something was happening.

Counsel stated that, rather than acting with urgency, the Minister appears at best to be vacillating, and at worst obstructing the development of an APS. His actions seem aimed at setting the strategy up to fail, by rejecting in its entirety, the existing body of expert work and, by failing to make reference to the statutory language of objective need. All of this will of course lead to further and virtually inevitable delay in an anti-poverty strategy being adopted. Following the hearing judgement was reserved, and on the 5th March 2025, the High Court in Northern Ireland ruled that the Stormont’s Executive Committee remains in breach of a legal duty to adopt an anti-poverty strategy for Northern Ireland. Mr Justice Humphreys stated,

“The inescapable conclusion is that the Executive Committee is in breach of the section 28E duty to adopt an anti-poverty strategy”

The court dismissed the challenges against the Minister for

Communities and First and Deputy First Minister, as the evidence did not demonstrate that they had acted to thwart or frustrate the legal obligation to adopt an anti-poverty strategy.

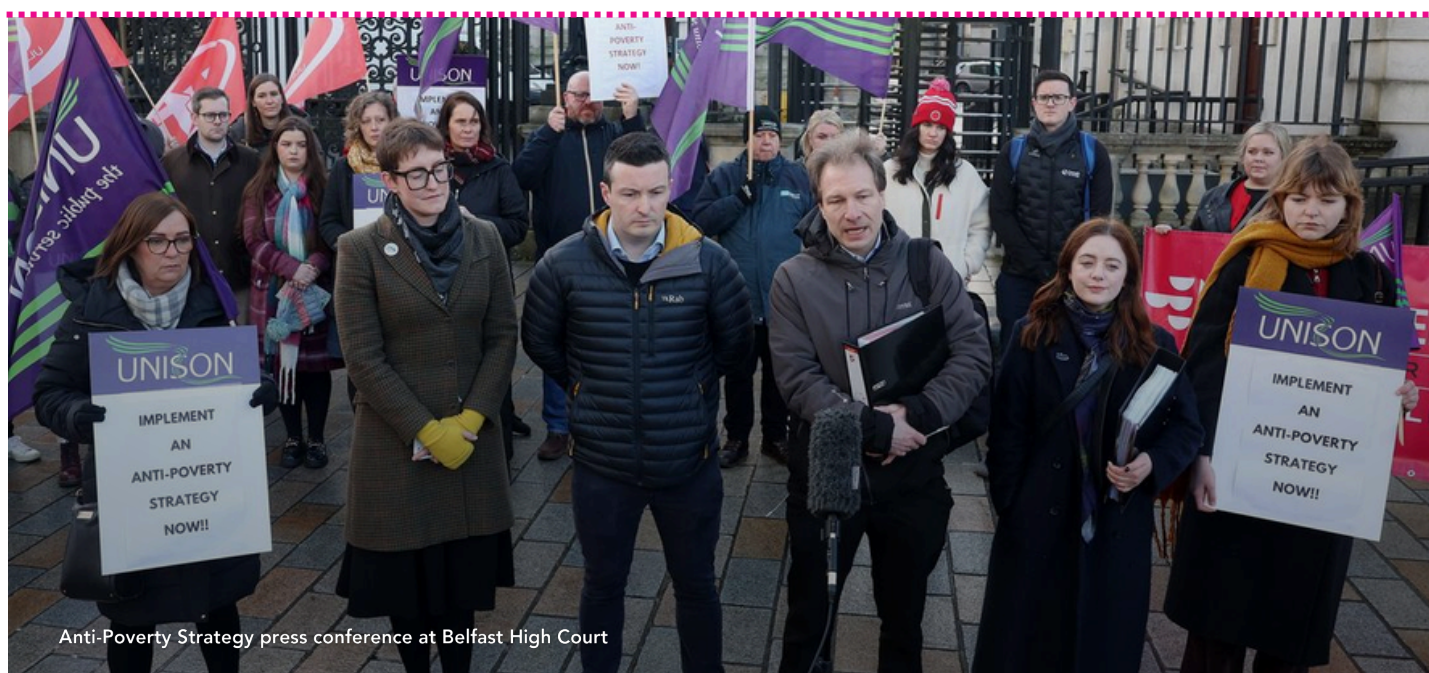
This decision is significant victory for the fight against poverty in Northern Ireland and a vital step towards ensuring the most marginalised communities receive the support they need. The ruling sends a clear message that tackling poverty is not a policy choice – it is a legal duty that must be fulfilled without any further delay. The judgement confirms that the Northern Ireland Executive has failed to meet its legal obligation under Section 28E of the Northern Ireland Act 1998 to adopt an anti-poverty strategy based on objective need.

The Executive must now move forward urgently to adopt an Anti-Poverty Strategy, without delay.

The Anti-Poverty Strategy Group has consistently advocated for a strategy that is lifelong, targeted, and evidence-based, supporting individuals at every stage of life – from childhood, through working-age poverty, to pensioner poverty. The decision to dismiss the Anti-Poverty Strategy Co-Design Group undermined the hard work done by those with first-hand experience of poverty and expert knowledge of its impacts. It raises concerns that the current draft strategy under Minister Lyons does not reflect the evidence-based recommendations developed by the Co-Design Group or the Anti-Poverty Strategy Expert Panel. We therefore are calling on the Executive to urgently re-engage with civil society and the Anti-Poverty Strategy Group to ensure that those with lived experience and expertise are once again at the heart of shaping the strategy.

CAJ remains concerned that the evidence set out in court indicates that the only reason we have seen any progress towards an Anti-Poverty Strategy since the restoration of Stormont is because of pressure from this legal challenge and civil society campaigning. The Anti-Poverty Strategy is years overdue – the groundwork has already been done.

The fight against poverty does not stop here. Communities across Northern Ireland cannot afford to wait any longer. We need an Anti-Poverty Strategy now – no more excuses, no more delays



Anti-Poverty Strategy press conference at Belfast High Court