



Rights News

Summer 2010



Civil Partnership Act



Irish Council for
Civil Liberties



The Irish Council for Civil Liberties (ICCL) is Ireland’s leading independent human rights watchdog, which monitors, educates and campaigns in order to secure full enjoyment of human rights for everyone. Founded in 1976 by Mary Robinson and others, the ICCL has played a leading role in some of the most successful human rights campaigns in Ireland. These have included establishing an independent Garda Ombudsman Commission, legalising the right to divorce, securing more effective protection of children’s rights, decriminalising homosexuality and the introduction of enhanced equality legislation. We believe in a society which protects and promotes human rights, justice and equality.

What we do

- We advocate for positive changes in the area of human rights.
- We monitor government policy and legislation to make sure that it complies with international standards.
- We conduct original research and publish reports on issues as diverse as equal rights for all families, the right to privacy, policy reform and judicial accountability.
- We run campaigns to raise public and political awareness of human rights, justice and equality issues.
- We work closely with other key stakeholders in the human rights, justice and equality sectors.

How you can help

You can help us to continue our work to monitor, train, conduct research, campaign and lobby for changes in legislation to ensure our rights are protected and promoted.

Please visit our website: www.iccl.ie or phone us on 01 799 4504 to make a donation.

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The Civil Partnership Act is not the beginning of the end of marriage, as religious conservatives have claimed; it is the end of the beginning of the campaign for full marriage rights for same sex couples.

There is no doubt that civil partnership represents a very significant step towards equality for same sex couples. However, equality is a binary state; either one is equal or one is not. As the Government’s own Colley Report concluded in 2006, only full civil marriage for same sex couples constitutes equality.

On what basis, in Ireland in 2010, can anyone claim that it reasonable to continue to discriminate against people on the basis of their sexual orientation? The bishops have squandered any residual moral authority to pontificate on secular matters, so their avatars, religious conservative entities such as the Iona Institute, have taken up the cause. The essence of marriage, they claim, lies in the “right of a child to a mother and father”. As if the sole purpose of marriage is procreation. As if marriages that do not produce children are lesser unions. As if married heterosexual families do not fail and cannot harbour abuse. As if children are not being raised successfully in happy, loving, understanding same-sex families.

According to the United Nations Convention on the Rights of Child, for the full and harmonious development of his or her personality, a child should grow up in a family environment, in an atmosphere of happiness, love and understanding. There’s nothing there about the gender, sexual orientation or marital status of the people who constitute the family, you’ll notice. Indeed, the Convention on the Rights of the Child – which genuinely places the best interests of children at its core – explicitly recognises that many different forms of family can provide secure and stable environments for children.

If the Iona Institute really believed in children’s rights it would not be opposing calls by the Ombudsman for Children, Emily Logan, for a referendum to introduce express rights for children into our Constitution. Bereft of moral authority and embittered by the smooth progress of the civil partnership legislation through the Oireachtas, religious conservatives are promoting a bogus conception of children’s rights in an attempt to further their real, anti-equality, agenda.

There are encouraging signs that this will not work. The Minister for Justice, Dermot



Ahern TD, is to be applauded (not a turn of phrase that you will have encountered often in Rights News) for his refusal to water down the civil partnership bill at the behest of the bishops or their avatars. The swift progress of the legislation through both houses of the Oireachtas (accompanied by fine speeches by TDs and senators from across the political spectrum) shows that, at its best, our democratic secular parliament can promote social justice.

This issue of Rights News records another promising equality development – the Government has dropped its appeal in the Lydia Foy case, which means that, at long last, transgendered people will be able to benefit from proper legal recognition. Slowly, but surely, a consensus is emerging that discrimination must be consigned to the past.

Of course, if people don’t know about their rights, they are much less likely to be able to vindicate them. The ICCL’s Know Your Rights campaign (www.knowyourrights.ie) is designed to close that knowledge gap. Know Your Rights month in May included a road show in Cork and a number of slots on the Pat Kenny radio programme, reaching an audience of over 300,000 people. I hope to see you at one of a series of Know Your Rights road shows in other parts of the country later this year.

This issue also features our second annual Human Rights Film Awards. If you couldn’t join us on the night, you can still watch the films online at www.humanrightsfilmawards.org.

ICCL members / supporters will receive a copy of our latest annual report with this newsletter. If you would like to receive a copy of the annual report and become an ICCL member / supporter, then please contact us at info@iccl.ie. We are always glad to hear from you and very grateful for your support.

Mark Kelly
Director



Kieran Rose, Chair of GLEN, and Senator David Norris on the plinth outside Leinster House on 8 July 2010, following the passing of the Civil Partnership Bill by the Seanad

Civil Partnership Becomes a Reality

The Civil Partnership Bill (now called the Civil Partnership & Certain Rights & Obligations of Cohabitants Bill) was adopted in the Dáil without a vote on 1 July 2010 and was passed by Seanad Éireann on 8 July 2010 by 48 votes to four. The Bill was signed into law by President McAleese on 19 July 2010.

The passage of this Act marks a red-letter day for same-sex couples and their supporters. The Civil Partnership Act will offer a solid foundation for the recognition and protection of loving same sex relationships, and provide a range of important protections hitherto denied to them. The ICCL has praised Oireachtas members of all parties for their support of this progressive and long-overdue piece of legislation.

However, the ICCL has consistently noted that the Civil Partnership Act remains only a stepping stone on the path to full equality for same-sex couples. Deficiencies in the Act will ensure that same-sex couples remain unequal in the eyes of the law. It now falls to our legislators to fully embrace the principles that underpin their support for this Bill, and urgently work to ensure equality for all families by opening up civil marriage to all.



Dr Lydia Foy at the 2010 Dublin Pride Parade, for which she was appointed Grand Marshall

Government Drops its Opposition to Transgender Rights

On 21 June 2010 the Government decided to drop its challenge to the High Court’s 2007 declaration on the Lydia Foy case, which stated that current Irish law is incompatible with the European Convention on Human Rights due to its failure to provide recognition to transgendered people. The decision to drop the challenge means that Dr Foy’s two-decade-long campaign for equal treatment has finally succeeded, and appropriate legislation can be prepared in earnest.

The ICCL welcomes this development, which reverses the Government’s unconscionable decision to launch an appeal to the Supreme Court and in so doing further delay the granting of rights to which Dr Foy was fully entitled under the European Convention on Human Rights.

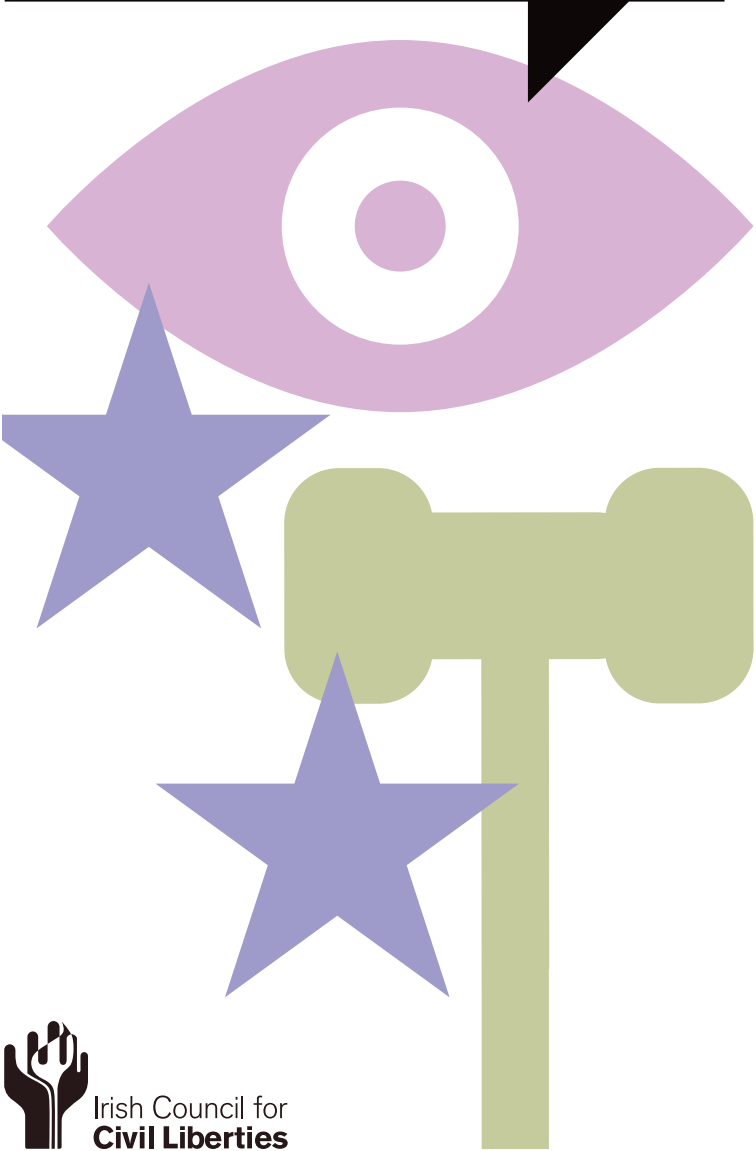
It is essential that the law be changed without further delay to give recognition to the new gender of transgendered persons, and enable them to obtain new birth certificates.

Racist Incidents Support and Referral Service Established

The ICCL would like to commend the Immigrant Council of Ireland (ICI) on the establishment of a new Racist Incidents Support and Referral Service. The service will operate as a pilot programme initially, with an experienced staff member available each Friday to take calls on a dedicated phone line. The service will offer a range of supports to people who have experienced or witnessed a racist incident including

referral to appropriate services. People who wish to contact the service can call the ICI in confidence on 01 645 8058.





Solicitor Shane McCarthy and the Legal Aid Board's Deirdre Kissane

As previewed in the last issue of *Rights News*, *Know Your Rights* is designed to inform people in clear and accessible language about their rights under various key areas of the law. Topics covered in the opening *Know Your Rights* booklets are Criminal Justice and Garda Powers, Privacy, and a third booklet on the European Convention on Human Rights (ECHR) will be published soon.

The booklets have been awarded the "Plain English" mark by the National Adult Literacy Agency (NALA) for their use of clear and accessible language. The packs will be updated on a regular basis as the law changes, and are available to download at knowyourrights.ie.

Know Your Rights month was marked by a series of high-profile slots on RTE Radio 1's *Today With Pat Kenny* show featuring experts discussing the issues covered by the *Know Your Rights* booklets in the areas of Garda Powers, Privacy and the ECHR. Podcasts of each of the slots can be downloaded on the *Know Your Rights* website.

The ICCL also kicked off the first of the *Know Your Rights* project's roadshow events, designed to raise awareness of the project amongst those working in information provision and advice giving roles. The opening roadshow, which took place on 19 May 2010 in Cork City, featured contributions from Solicitor Deirdre Kissane of the Legal Aid Board and Solicitor Shane McCarthy, and was attended by a range of Cork-based NGOs and community groups. The ICCL plans to bring the *Know Your Rights* roadshow to a number of other towns and cities later in 2010.



Taking questions from the floor



Roadshow participants



Deirdre Duffy, Deirdre Kissane, Shane McCarthy, Walter Jayawardene. Photo copyright Darragh Kane



Fiona Casey and Sandra Hayes of the Employment Resource Centre chat with Ber Beville of the YMCA after the Roadshow event



Sandra Hayes of the Cork Employment Resource Centre addresses the contributors



Pat Kenny in-studio. Photo courtesy of RTE

The ICCL Human Rights Film Awards 2010

On 17 June 2010 the Light House Cinema once again hosted a full house of film stars, friends and supporters for the Gala Screening of the 2010 Human Rights Film Awards Shortlist.

Oscar-nominated director Kirsten Sheridan awarded the Grand Prize to *Gaza: Post Operation Cast Lead*, directed by Dearbhla Glynn. This short documentary offers a unique insight into the day-to-day living conditions faced by the Gaza Strip's 1.5 million conflict-stricken inhabitants.

For the Grand Prize, Dearbhla has won a place in the prestigious Summer School in Human Rights, Cinema and Advocacy, which will take place from 28 August - 4 September 2010 in the Huston School of Film & Digital Media and the Irish Centre for Human Rights in NUI Galway. The School aims to widen the horizons of professionals in the film, documentary, NGO and media sector to reflect on the use of film and video advocacy as an instrument for enhancing human rights awareness on critical social, political and environmental issues, and to influence change. More information about this course can be found at <http://www.chra.ie/>.

Actress Victoria Smurfit awarded third place prize to independent filmmaker Daniel Bevan for *Midnight With No Pain*, a drama about dignity at the end of life, while Senator David Norris awarded runner-up prize to documentary-maker Cara Holmes for *If You Like it Then You Should Be Able to Put a Ring on It*, which charts the highs and lows of the campaign for same-sex civil marriage.

The ICCL has already begun preparations for the 2011 competition, and looks forward to seeing the Human Rights Film Awards go from strength to strength. We are delighted to announce that we have received funding from Trócaire to launch an educational branch to next year's competition, encouraging human rights filmmaking in secondary schools nationwide.

The competition would not have been possible without the support of our jury, panel, sponsors, partners, supporters and entrants. The ICCL team would like to extend its thanks to all of you for making the awards such a success.



Vittoria Colonna, Senator David Norris, Dearbhla Glynn and Victoria Smurfit



Dearbhla Glynn addresses the audience on receipt of the Grand Prize



Irish Film Board Chair James Morris presents the third place runner up prize to Daniel Bevan



Tomm Moore, Jury member and Oscar nominated director of the Secret of Kells with his wife Liselott Olofsson



At an IFCO reception before the Gala - Paul O'Brien, shortlisted director of Tomato Soup, with Lorraine O'Donovan



Jury member Kirsten Sheridan with 2009 Film Awards Grand Prize winner Vittoria Colonna and model and internet sensation Sophie Merry



Diana Jean with third place winner Daniel Bevan



Senator David Norris awards second place runner up prize to Cara Holmes and Ciara Kennedy



The ICCL staff at the Light House Cinema



Kate McCarroll, shortlisted director of Out of Mind, with her producer Leanne Murphy



Vittoria Colonna and Kirsten Sheridan present the Grand Prize to Dearbhla Glynn

The Shortlist:



Midnight With No Pain
Daniel Bevan (Director)

This independently produced Irish drama by Daniel Bevan follows terminally-ill Arthur as he struggles for control over his final days with the help of his old friend Jack. The film explores the controversial debate surrounding the 'right to die', and the dilemma faced by many ill people and their loved ones as they struggle with the loss of dignity and independence as they approach the end of their life.



Tomato Soup
Paul O'Brien (Director)

This charming stop-motion animation by Paul O'Brien tells the tale of an elderly man who is banished from the family dinner table for being a sloppy eater. The film neatly deals with the prejudices that older people face on a daily basis, sometimes even from their loved ones. The film's message is loud and clear – we will all be old one day, and older people must be treated with the dignity, inclusion and respect they deserve.



Gaza: Post Operation Cast Lead
Dearbhla Glynn (Director)

This short documentary by Dearbhla Glynn brings us to the Gaza Strip following Operation Cast Lead in late 2008/ early 2009. It offers a personal insight into the day-to-day living conditions faced by the Gaza Strip's 1.5 million conflict-stricken inhabitants.



Out of Mind
Kate McCarroll (Director)

Out of Mind explores human rights issues surrounding mental health in Ireland. The film follows the experiences of Caroline Mary Murphy, who suffered mental illness and underwent Electro-Convulsive Therapy (ECT). While exploring the debate on the validity of ECT as a therapy, the film also gives us a glimpse of the human face of mental illness, and the struggle sufferers of mental illness face to have their voices heard and their rights respected.



If You Like it Then You Should Be Able to Put a Ring on It
Cara Holmes (Director)

If You Like it Then You Should Be Able to Put a Ring on It deals with the right to marriage equality. A brief introduction to the civil marriage campaign in Ireland, the film combines a compelling mix of archive footage, photography, animation and testimonies from same sex couples. Showing the human face of the ongoing inequality faced by same sex couples, the film educates the viewer on the key issues and points of debate surrounding civil marriage for same-sex couples in Ireland.

All shortlisted films can still be viewed at www.humanrightsfilmawards.org



Widening horizons: participants in the Geneva training programme

ICCL travels to Geneva for Universal Periodic Review Training



Deirdre Duffy | ICCL Research & Policy Officer

In May 2010, Deirdre Duffy, ICCL Research and Policy Officer, attended a two week training course on the UN Treaty Monitoring Bodies and the new Human Rights Council mechanism, Universal Periodic Review (UPR). The course took place in Geneva and was organised by the International Service for Human Rights (www.ishr.ch).

The course had 26 participants from across the world drawn from various professions but with one common goal: learning how to engage effectively with the UN bodies in order to increase the protection of human rights in our own countries.

The course was carried out in a participatory manner and covered drafting and advocacy through to follow up mechanisms and much more. We received presentations from representatives of the Office of

the High Commissioner of Human Rights (OHCHR), Geneva Academy of International Humanitarian Law and Human Rights, Association for the Prevention of Torture, International Disability Alliance, Centre for Civil and Political Rights, TRIAL (Track Impunity Always) and the Swiss, Colombian and Irish UN country missions in Geneva. The group also had the opportunity to have a roundtable discussion with Claudio Grossman, member of the Committee against Torture and Virginia Bras Gomes, member of the Committee on Economic, Social and Cultural Rights. One of the highlights of the course was the opportunity to attend the UPR Working Group sessions in the Human Rights Council as well as NGO side events. We also sat in on various UN Committees in action.

In addition to the technical learning, it was a great opportunity to network with colleagues from other countries who are working on similar projects. Although it was a packed agenda, we even found the time to taste some fondue!

As part of the course, we worked on action projects and the ICCL chose to develop a project to compliment Ireland's forthcoming examination under the UPR in November 2011.

RAXEN Update



Stephen O'Hare | Research Officer, RAXEN
Ireland National Focal Point

The ICCL, in partnership with the Immigrant Council of Ireland and the School of Social Justice, UCD, acts as the RAXEN National Focal Point (NFP) for Ireland. RAXEN NFPs monitor and report on issues relating to racism, xenophobia and related intolerances for the EU Agency for Fundamental Rights (FRA). NFPs also provide quarterly updates, complimentary data collection

reports for the FRA Annual Report and thematic research studies, as required.

A thematic study examining the perspective of asylum seekers on access to information and to effective remedies was recently accepted by the FRA, which commended it as "excellent". The report, along with reports from twenty six other NFPs, one from each Member State, will form part of an EU wide comparative report on asylum seekers' information needs, to be published by FRA before the end of the year.

A second thematic study examining racist and related hate crime in the EU is ongoing. It will form part of another FRA comparative report, due for publication in early 2011. The NFP is currently in close consultation with relevant statutory and non statutory bodies, NGOs and other stakeholders to gather information for this report.

The first of three RAXEN bulletins for 2010 was submitted to the FRA in April. The bulletin provides the FRA with an update on recent policy and legal developments in the area of racism and xenophobia, awareness raising activities, relevant research publications and official/unofficial statistical data on racist incidents in Ireland. Two more bulletins are scheduled for submission in July and October.

A website detailing the role and work of the RAXEN NFP was recently launched (May 2010). RAXEN.ie contains information on the breadth of issues covered by RAXEN, details of ongoing research projects and useful links to agencies and NGOs of relevance. The website also contains links to recent FRA publications including reports on data protection in the EU, separated asylum-seeking children, national human rights institutions in the EU, Data-in-focus reports concerning the EU MIDIS survey and the 2009 FRA Annual Report.