



# Rights News

Winter 2010 / 2011



Irish Council for  
Civil Liberties

# ABOUT THE ICCL

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](http://www.iccl.ie) or phone us on 01 799 4504 to make a donation.

Contact us:

ICCL, 9-13 Blackhall Place, Dublin 7  
T: +353 1 799 4504 F: +353 1 799 4512  
E: [info@iccl.ie](mailto:info@iccl.ie) W: [www.iccl.ie](http://www.iccl.ie)

# MESSAGE FROM THE DIRECTOR

This Christmas will be a very difficult time for many people in Ireland.

Social welfare payments, including disability-related payments and the carer's allowance, have been cut. Many government-funded community and voluntary sector organisations remain uncertain about the level of services that they will be able to provide to needy people in 2011. Notwithstanding political platitudes and promises to the contrary, a further 5% has been sliced from the annual budget of the Irish Human Rights Commission.

The Budget has passed and it is clear that some of the poorest and most vulnerable members of society are being asked to pay the highest price for the chronic mismanagement of the Irish economy.

Next year, together with colleagues from sixteen organisations working on issues as diverse as ending the use of prison for debt, protecting children and enhancing the autonomy of older people, the ICCL will lead a new initiative to hold the Government to account. This edition of Rights News showcases our work under the United Nations Universal Periodic Review (UPR) which will examine Ireland's record of protecting the rights of disadvantaged and marginalised people. Together with our colleagues, and working through their existing networks and affiliate structures, we will offer people directly affected by the Government's actions the chance to have their voices heard.

Budget week was also human rights week and we marked International Human Rights Day by launching our third annual Human Rights Film Awards. The only competition of its kind in Ireland, the 2011 awards include a new section designed to encourage young people to enter. We'll be working with educational experts to develop this aspect of the awards, and to design lesson plans and other materials to extract learning from the successful entries in previous years, stimulating debate on human rights issues in schools across the country. If you would like to



get a flavour of the added value that the competition brings, I would encourage you to have a look at the short promotional video on our homepage (and on [www.humanrightsfilmawards.org](http://www.humanrightsfilmawards.org)). We're very grateful to award-winning documentary maker and awards jurist Ken Wardrop for helping us to bring alive the competition in this way.

If people don't know about their rights, it is much less likely that they will be able to use them, which is where our Know Your Rights work comes into play. The latest in a series of plain English packs explains the rights and freedoms protected by the European Convention on Human Rights and how to take a case to the European Court of Human Rights in Strasbourg. Please get in touch with us if you'd like a printed copy, or you can download the pack from [www.knowyourrights.ie](http://www.knowyourrights.ie).

In these and the other ways mentioned in this edition of Rights News, the ICCL is continuing its work to hold the Government to account by reference to international human rights standards. In straightened economic times, the existence of a truly independent human rights watchdog such as the ICCL is more important than ever. The support we receive from our members and friends is vital to our future resilience. So if you are fortunate enough to be facing a Christmas without significant financial insecurity, we would be very grateful if you would contact us or log onto [www.iccl.ie](http://www.iccl.ie) to make a donation to our work.

**Mark Kelly**  
Director

# SECURING EQUALITY



## ICCL Supports Launch Edition of new Equality Magazine

Subscribers to Rights News will have received a copy of a new magazine along with our autumn edition mailing in November - the launch issue of *The Equality Magazine*. An initiative of broadcaster and activist Dil Wickremasinghe and journalist Derek Byrne, the magazine was launched in association with the ICCL on 4 November 2010 by Pat Carey TD, Minister for Community, Equality and Gaeltacht Affairs.

*The Equality Magazine* is a quarterly free publication which aims to raise awareness on equality, diversity and social issues which exist in Ireland today. The nine grounds of Irish equality legislation are the cornerstones of the venture, and the Magazine seeks to facilitate discussion and debate of equality issues in an accessible manner to stimulate individual involvement in an effort to create an equal and inclusive society. The magazine contains contributions from activists, politicians, academics, voluntary agencies, governmental bodies and the greater public, seeking a cohesive approach to equality issues.

Look out for issue two of *The Equality Magazine* in cafes, bars and other public places nationwide in the spring, and online at [www.theequalitymagazine.ie](http://www.theequalitymagazine.ie).

# MONITORING HUMAN RIGHTS

## ICCL Concludes First Year as RAXEN National Focal Point

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



This November the ICCL, together with its consortium partners\*, completed its first full year as Ireland's RAXEN National Focal Point for the EU Agency for Fundamental Rights (FRA). During the year the National Focal Point (NFP) conducted a number of research projects for FRA including extensive qualitative fieldwork with asylum seekers in Ireland for an EU-wide comparative study on asylum seekers' perceptions of access to information and to effective remedies. More recently, the NFP completed a comprehensive thematic study on racist and related hate crimes in Ireland which will form part of a comparative study on hate crime in the EU due in early 2011. This study focused primarily on official and unofficial data collection methods in Ireland, independent police complaints mechanisms, key court cases, media reporting and examples of good practice in combating hate crime. In October, the NFP submitted a comprehensive data collection report to compliment the FRA's forthcoming annual report examining racism and xenophobia as well as examples of good practice to combat racism in areas such as employment, education, health care, accommodation provision and to promote the participation of minority groups in public life. Throughout the course of the year, the NFP also submitted three information bulletins detailing relevant up to date developments relating to racism and xenophobia.

In addition to its contractual work as the RAXEN NFP, the ICCL completed an extensive national thematic study for FRALEX. The FRALEX research network is composed of legal experts in the field of human rights from each of the EU Member States. The main objective of this study was to provide country-specific information on developments in the areas of the Fundamental Rights Agency's multi-annual framework (MAF) in 2010. As well as monitoring issues relating to racism and xenophobia, other thematic areas of the MAF include discrimination against persons on specific grounds (gender, age, disability, etc), compensation of victims, the rights of the child, asylum and immigration, visa and border control, the information society, access to justice and the participation of EU citizens in the Union's democratic functioning. The information provided in the report will contribute to the FRA Annual Report 2011.

Taken together, these reports mark a significant contribution from Ireland to the work of FRA in 2010. The reports also represent wide ranging collaboration between the NFP and key stakeholders including Government departments, state agencies, equality bodies, the judiciary, civil society and individuals on a number of equality and human rights based themes.

\*The RAXEN NFP is composed of the Irish Council for Civil Liberties, UCD School of Social Justice and the Immigrant Council of Ireland. A list of FRA publications in 2010 is available at [www.raxen.ie](http://www.raxen.ie)





The Universal Periodic Review



Sixteen civil society organisations , including the Irish Council for Civil Liberties, have come together to ensure that the collective voice of civil society is heard during Ireland’s UPR examination.

Under the Universal Periodic Review (UPR) the human rights situations of all the countries within the United Nations (UN) are reviewed. This is a new human rights monitoring system and is conducted by the UN Human Rights Council. In practice, it means that Ireland will be reviewed by other countries within the UN, making it an important political interaction.

The result of the UPR examination will be a list of recommendations made by other countries on how to improve the human rights situation in Ireland. UPR is also important as we can use it to promote public awareness of a human rights issue.

This cross sectoral steering group has met twice since October 2010 and at the November meeting, we were fortunate to have Michael O’Flaherty, Ireland’s member of the UN Human Rights Committee with us. Michael gave a stimulating presentation on the opportunities presented by the UPR to strengthen the implementation of international human rights standards and relayed some valuable technical knowledge about the process itself.

Under the UPR, stakeholder reports from NGOs and civil society groups are submitted to the UN Office of the High Commissioner for Human

Rights where they are then summarised into one report of 20 pages in total (this includes the report of the Irish Human Rights Commission).

Experience and best practice around the world shows us that recommendations which have the backing of a number of NGOs and civil society groups are stronger. They are more likely to find space in the report of the Office of the High Commissioner for Human Rights. They are also more likely to be used as recommendations by the other UN States that will be reviewing Ireland when coupled with organised advocacy work.



Michael O’Flaherty addressing the UPR Cross Sectoral Steering Group

The steering group plans to consult with groups and organisations around the country and feed this information into the report. We hope that as many civil society organisations and groups as possible will contribute and sign up to the report whether they decide to submit their own report or not.

If you would like more information about this work and/or would like to contribute to the coordinated civil society report, please contact Mary O’Shea, UPR Coordinator at mary.oshea@iccl.ie



ICCL Welcomes New UPR Project Coordinator



In December 2010 the ICCL welcomed Mary O’Shea to the team as our new Universal Periodic Review project Coordinator.

Mary O’Shea comes to ICCL with extensive human rights experience with both the EU and UN. Most recently Mary has been based in Bangkok where she worked as a human rights programme analyst with the United Nations Development Programme’s Regional Office for Asia Pacific; providing policy advice and technical support to UNDP offices and their government partners across the region. While with UNDP, Mary was responsible for coordinating a regional project in support of the capacity development of National Human Rights Institutions in Asia-Pacific.

From 2003-2005, she was employed as a policy desk officer with the Human Rights and Democratization Unit of the External Relations Directorate of the European Commission, where her geographic focus was on Sub-Saharan Africa. Mary has also worked with UNDP in South Africa.

Along with her human rights experience, Mary also has a strong background in electoral support work, having worked on elections in Bangladesh, Lebanon, Kazakhstan, Togo, Sudan and Ethiopia. Mary is a graduate of the European Masters Programme on Human Rights and Democratisation and of Trinity College, Dublin.

ICCL Welcomes Justice Fellow from China

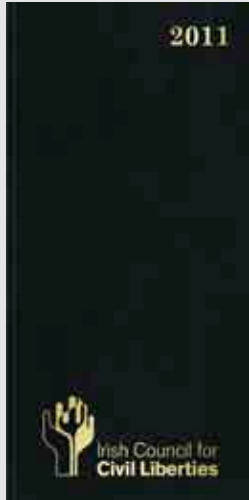


The ICCL is happy to welcome Jiang Yitong to the team, who will be joining us as an Open Society Justice Initiative Fellow in early 2011. She will be working on the ICCL’s UPR project.

Yitong has a bachelor’s degree in law from Nankai University and spent the following two years working for the Public Interest and Development Law Institute in Wuhan University, where she got a part-time masters degree in International Law and worked closely on reporting for China’s UPR examination. She is currently an Open Society Justice Initiative (OSJI) Fellow, and joins our team as part of the OSJI fellowship’s work experience programme.

In 2000, the Central European University Legal Studies Department, in cooperation with the Open Society Justice Initiative of the Open Society Institute, created the CEU-OSJI Fellows Programme, combining the study of law and human rights with practical training and work experience in the field of human rights. The aim of the programme is to support the further development of a civil liberties network of lawyers, activists and scholars in countries in transition to democracy and those who are currently developing democratic institutions. An essential aspect of the programme is the opportunity for the fellows to participate in three-month internships with human rights NGOs in Europe during the months of January through late March. Such internships offer the fellows new ideas and practical experience to take back to their NGOs during the second year of the program. The ICCL is delighted to participate in this fellowship programme, and is confident that Yitong’s experience will be of great benefit to the organisation during her time with us.

ICCL POCKET DIARIES NOW AVAILABLE



ICCL-branded 2011 pocket diaries are now available to purchase from the ICCL. Priced at €4.99, the sale of these diaries will go towards the ICCL’s important work protecting and promoting human rights in Ireland. To purchase a diary, please contact the ICCL at info@iccl.ie or on (01) 7994504.





European Court of Human Rights: biannual meeting with NGOs and applicants’ representatives

On 21 October 2010, Deirdre Duffy, ICCL Research and Policy Officer attended the European Court of Human Rights biannual meeting with NGOs and applicants’ representatives at the Human Rights building in Strasbourg. Representatives from NGOs across the Council of Europe states were addressed by President of the Court, Jean-Paul Costa and Vice-President, Nicolas Bratza and high ranking Registry officials. The interactive dialogue focused on the Interlaken Action Plan on the Future of the Court and the new procedures of the Court under Protocol No. 14 to the European Convention on Human Rights. A core theme permeating the discussion was the challenges posed due to non-implementation of Court judgments, in all countries of the Council of Europe.

Victim Support Scotland International Conference: To Report or Not Report- the Choice Facing Victims

Deirdre Duffy, ICCL Research and Policy Officer travelled to Edinburgh on the 5 October to participate in Victim Support Scotland’s international conference. The conference drew speakers and participants from across the globe, including Russia, the US and Canada as well as most European countries. Deirdre delivered a paper based on the ICCL’s 2008 research report *A Better Deal: The Human Rights of Victims in the Criminal Justice System*. This report as well as the ICCL’s *Charter of Rights for Crime Victims* is available on the ICCL’s website.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)

Ireland is due to be examined for the first time under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) by the UN Committee against Torture in May 2011. ICCL and the Irish Penal Reform Trust (IPRT) have joined forces to produce a shadow report for the UN Committee on issues in Ireland such as the treatment of people in prisons, in Garda custody and in other places of detention. We want to ensure that all NGOs with concerns relating to the treatment of any group under the Convention have the opportunity to raise those concerns within the report if they wish and we are happy to speak with any organisation that may wish to contribute to the report.

Judicial Independence: Council of Europe Adopts New Recommendations



The Council of Europe’s Committee of Ministers has issued an updated set of recommendations on judicial independence, responsibility and efficiency. Recommendation CM/Rec(2010)12 seeks to strengthen the protection of human rights and fundamental freedoms through improving the standards against which judicial conduct is benchmarked.

The recommendation focuses on judicial independence and protecting judicial decisions from undue influence, either externally, or within the structures of the judiciary itself.

The document contains a section on judicial councils and on their ideal makeup, which should be characterised by pluralism and transparency in decision making. The recommendation also links the concept of ‘efficiency’ to the effective administration of justice. ‘Efficiency’ is defined as “the delivery of quality decisions within a reasonable time following fair consideration of the issues. Individual judges are obliged to ensure the efficient management of cases for which they are responsible, including the enforcement of decisions the execution of which falls within their jurisdiction.”

The need for transparent and merit-based judicial appointments is also dealt with in the document, which stresses that: “Decisions concerning the selection and career of judges should be based on objective criteria pre-established by law or by the competent authorities. Such decisions should be based on merit, having regard to the qualifications, skills and capacity required to adjudicate cases by applying the law while respecting human dignity.”

The publication of these Council of Europe recommendations comes at an opportune moment, as the Government is currently devising legislation on a Judicial Council Bill. It is to be hoped that due regard will be given to these new standards as the Bill is developed.

The full text of the Recommendation CM/Rec(2010)12 can be found on the Council of Europe’s document search page: <https://wcd.coe.int>



Anthony Lester QC with PILA Manager Larry Donnelly and ICCL Research and Policy Officer Deirdre Duffy

Know Your Rights Pack on the ECHR Launched by Anthony Lester QC

The third installment of the ICCL’s Know Your Rights series of public information packs was formally launched on 24 November 2010 at Buswell’s Hotel by ICCL guest and eminent human rights lawyer Anthony Lester QC.

Amongst other guests at the launch were representatives of the Public Interest Law Alliance (PILA), who kindly supported the pack’s publication, and the recently-appointed Head of the Human Rights Unit in the Department of Foreign Affairs.



*Know Your Rights - The European Convention on Human Rights in Ireland* provides the public with information about the rights and freedoms protected by the European Convention on Human Rights (ECHR), Ireland’s 2003 European Convention on Human Rights Act, and how to take a case to the European Court of Human Rights. As with previous Know Your Rights installments, the pack has been written in everyday language and has been approved for plain English by the National Adult Literacy Agency (NALA).

The pack will soon be distributed, along with other packs in the series, to Citizens Information centres nationwide. They are also available to download in black and white or in colour from [www.knowyourrights.ie](http://www.knowyourrights.ie).



Data Protection Commissioner Billy Hawkes and ICCL Research and Policy Officer Deirdre Duffy speaking at the roadshow

The Know Your Rights Roadshows

On 15 December 2010, the ICCL took to the road for the second of our Know Your Rights roadshow events in Dundalk.

The roadshows are designed to promote the Know Your Rights packs to those working in advice-giving and information-provision roles in the community and voluntary sector who would benefit from using the packs in their daily work. The roadshows are also a valuable opportunity to gain feedback on the Know Your Rights project and to brainstorm ideas for the future development of the project. The roadshow meeting featured contributions from the Data Protection Commissioner, Mr. Billy Hawkes, and was attended by a range of Dundalk and Drogheda-based NGOs.

Next year will see the ICCL further develop the Know Your Rights project, with plans for further packs, roadshow events, and a second annual Know Your Rights Month in spring/summer 2011.



Attendees at the Dundalk roadshow



## ICCL Marks Human Rights Day with launch of 2011 Human Rights Film Awards



The ICCL marked Human Rights Day 2010 with the launch of its third annual Human Rights Film Awards.

The centrepiece of the online launch was an exclusive promotional video calling on filmmakers to apply their craft to the cause of human rights by entering a short film.



The 2011 competition features a number of extra elements, most notably an education-focussed young people's stream. The ICCL has received funding from Trócaire to develop a set of teaching materials on human rights and film for use in secondary schools. The materials will use a number of the shortlisted films from the last two years of the Film Awards as points of discussion

for various human rights issues and as inspiration for student-made short films on human rights. These will be made available online, and rolled out to professional in-service teacher training sessions in the New Year, in association with the Professional Development Service for Teachers (PDST).

Meanwhile the 2011 Human Rights Film Awards will be running a 'Human Rights in Under a Minute Challenge' – a new stream of the competition calling on young people to create their own 30-60 second human rights film. The winning film will join the shortlist for screening at our Awards gala in summer 2011, and will also enjoy TV and online coverage via RTÉ Young People's Two Tube programme.



Full details of the 2011 competition and how to enter, along with the promotional video and shortlisted films from the 2009 and 2010 competition are available on the Awards' official website - [www.humanrightsfilmawards.org](http://www.humanrightsfilmawards.org).

## Anthony Lester QC Guest of Honour at 3rd Annual ICCL Dinner for Legal Professionals



*Anthony Lester QC chats to former ICCL Executive Board member Michael Finucane at the Dinner*

The ICCL was delighted to welcome one of the world's top human rights lawyers, Anthony Lester QC, as guest speaker at our 3rd Annual Dinner and Lecture for legal practitioners, which took place on 24 November 2010 in Dublin's Fallon and Byrne.



His talk, 'Taking Human Rights Seriously as a Lawyer', reflected on his career as a human rights advocate, and some of the challenges of advancing the cause of human rights as a legal practitioner. He also spoke about the human

rights situation in Ireland, particularly the quality of our legislation on the European Convention on Human Rights, observing that presently it lags behind standards in Northern Ireland:

"A fair reading of your Constitution and European Convention on Human Rights Act compared with our Human Rights Act and Northern Ireland Act does not seem to me to ensure an equivalent level of protection", he said.



*L: ICCL Board member John Kennedy with his wife Rowan Oberman.  
R: ICCL Co-Chair Natalie McDonnell with guest Jarlath Ryan BL*



The Liberal Democrat peer and crusading human rights advocate added that: "Your European Convention on Human Rights Act provides for the weakest form of incorporation of this key international treaty and does not permit your courts to develop unwritten law to comply with the Convention."

Lord Lester also kindly presented a signed copy of "Human Rights Law and Practice" (Third Ed. 2009) to the ICCL, while taking the time before the Dinner to formally launch the ICCL's latest Know Your Rights pack on the European Convention on Human Rights.

The dinner was attended by some 80 legal practitioners and the ICCL would like to thank the Bar Council for once again lending its support to the event. The ICCL would also like to thank all of our sponsors who donated prizes, including: The Sunday Business Post, The Elbow Room, Image Magazine, The Drink Store, Anne McDevitt, Fallon & Byrne, the IRFU, The Grooming Rooms, Cook's Academy, Loulerie, Claire Hanley, Peter Mark and Sankiev.



*Michael Farrell and Jo Kenny of FLAC and PILA*

