



Rights News

Spring 2011

Your Rights. Right Now?



Your Rights. Right Now.

IRELAND'S CIVIL SOCIETY
UPR STAKEHOLDER REPORT



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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Cover: ICCL Director Mark Kelly and Minister of State Kathleen Lynch pictured at the launch of the ‘Your Rights. Right Now’.

Ireland has elected a new Government with a work programme that includes some important commitments to introduce constitutional reforms and improve respect for human rights. Constitutional reforms promised as a priority include strengthening children’s rights, along the lines recommended by an All-Party Oireachtas Committee, rather than on the basis of the flawed 2007 wording produced by the previous Government. The Government has also promised to establish a “Constitutional Convention” to consider more far-reaching reforms, including making provision for same-sex marriage, amending the antediluvian constitutional clause on women in the home and encouraging greater participation of women in public life.

Under the general heading of “fairness”, the Government’s work plan includes establishing a Judicial Council, with lay representation, to provide an effective mechanism for dealing with complaints against judges, ensuring that transgender people have proper legal recognition and requiring all public bodies to take due note of equality and human rights when carrying out their functions.

As regular readers of Rights News will know, the Irish Council for Civil Liberties has been campaigning for profound changes of this nature for many years. We trust that, with its fresh mandate and 113 seats (the biggest Dáil majority in the history of the State), the new Government will act swiftly to keep these promises.

One of the new Government’s first human rights tests will come this summer, when it sends the State’s report under the new United Nations Universal Periodic Review (UPR) to the UN Human Rights Council. The ICCL has been leading the national civil society campaign to produce an alternative UPR “stakeholder” report to the United Nations. Together with colleagues from 17 other NGOs, trade unions and civil society groups, we have produced the *Your Rights. Right Now* UPR report, which was launched by the new Minister of State for Disability, Equality & Mental Health, Kathleen Lynch TD.

Now the ball is in the Government’s court: the UPR process provides the perfect opportunity for it to formalise its human rights promises by making corresponding commitments in its summer report to the United Nations. By the time of Ireland’s hearing before the Human Rights Council in October this year (in which the ICCL and its partners will participate), we trust that significant progress will have been made towards modernizing our Constitution and ending discrimination against vulnerable and marginalized members of our society.



Human rights cannot be effectively promoted and protected at home without making effective use of key developments at regional (European) and global levels.

The ICCL has been fortunate to secure significant new core-funding from the European Commission to pursue its work on the effective implementation in Ireland of European law on victims’ rights and procedural rights. Recent European legislative developments in these areas are still not widely understood and Irish policy makers have yet to take appropriate action to transpose relevant Framework Decisions and Directives into domestic law. This new funding will enable us to work directly with victims’ groups and legal practitioners to realise the potential of European law to bring about concrete improvements in domestic law and practice.

We have also been active at global level, as a founding member of the new International Network of Civil Liberties Organisations (INCLO). This independently funded network allows us to cooperate closely with like-minded organisations such as the American Civil Liberties Union (ACLU) and to work with colleagues from as far afield as Argentina, Egypt, Israel, Kenya and South Africa. The first fruits of this global cooperation programme have included State Department and White House meetings in Washington DC, during which concerns about Ireland’s human rights record were highlighted to Secretary of State Hillary Clinton and to Samantha Power, President Obama’s Adviser on Multilateral Affairs and Human Rights.

These developments at domestic, regional and global levels come as the ICCL enters its 35th anniversary year. Three and a half decades of tireless campaigning have led to some significant advances; however, much remains to be done. The need for an effective and wholly independent human rights watchdog is greater than ever. I hope that you will be able to join us at one of our 35th anniversary events later this year, both to celebrate our past successes and to pledge your ongoing support for our future work.

Mark Kelly
Director



L-R: Karen Ciesielski, Mark Kelly, Samantha Power

High-Level Human Rights Meetings Held in Washington DC

In December 2010, ICCL representatives held a number of high-level human rights meetings in Washington DC. On 16 December, ICCL Director Mark Kelly met with US Secretary of State Hillary Clinton as part of a delegation of the International Network of Civil Liberties Organisations (INCLO). On the following day, he and Karen Ciesielski of the ICCL’s Organisational Development Team met privately with Ms Samantha Power, Special Assistant to President Obama for Multilateral Affairs and Human Rights.

Mr Kelly gave Ms Clinton and her senior officials a written note highlighting key human rights concerns that the ICCL would like see raised by the US Department of State bilaterally with the Department of Foreign Affairs, and at the United Nations in Geneva. A note raising the same issues was given to Ms Power on the following day.

The Irish Council for Civil Liberties, working with its partners in the Universal Periodic Review Cross-Sectoral Steering Group (CS-SG) will be encouraging representatives of a number of other well-disposed nations to ask questions about Ireland’s human rights record during its Universal Periodic Review at the United Nations in October 2011.

Voluntary Executive Board Vacancies

The ICCL’s work is overseen and guided by a voluntary Executive Board. The Board consists of a mix of policy experts and members with a more organisational focus. As part of our ongoing process of revitalising the Board we are currently looking to fill three positions:

European Commission Awards Core Funding to the ICCL



In early April 2011, the Irish Council for Civil Liberties was informed by the European Commission that it had decided to offer core funding for the ICCL’s work on the effective implementation in Ireland of European law on victims’ rights and procedural rights.

The funding comes as a result of an ICCL grant application made in response to an open call for tender by the European Commission across all 27 EU Member States.

The Irish Council for Civil Liberties was one of only six organisations to be awarded core support by the Commission and was delighted to learn that it was the top-ranked bidder in Europe, with an overall score of 84%.

In recent years, there have been significant European legislative developments in the areas of victims’ rights and procedural rights. However, Irish policy makers have yet to take appropriate action to transpose the resulting Framework Decisions and Directives into our domestic law.

The ICCL will use this new European funding stream to work with the Irish authorities, as well as with victims’ groups and legal practitioners, to realise the potential of European legislative developments to bring about concrete improvements in our domestic law and practice.

ICCL work with the EU Fundamental Rights Agency

The ICCL also remains the European Union’s Fundamental Rights Agency (FRA) RAXEN National Focal Point (NFP). NFPs are the FRA’s recognised national coordinators, contracted to manage an information network and to report regularly to the FRA on racism, xenophobia and anti-Semitism (see http://fra.europa.eu/fraWebsite/networks/research/raxen/nfp/nfp_en.htm and www.raxen.ie).

In the course of 2011, it is anticipated that the RAXEN network will be replaced by a new EU-wide network, tentatively known as FRANET, which will report to the FRA on the whole range of human rights issues covered in the Agency’s Multi-Annual Framework.

On 14 and 15 April 2011, the Irish Council for Civil Liberties was represented at the FRA’s 4th Annual Fundamental Rights Platform (FRP) meeting in Vienna by ICCL Research Officer Stephen O’Hare. The Platform brings together around 180 civil society representatives working in the areas of the FRA’s Multi-Annual Framework from all EU Member States (see http://www.fra.europa.eu/fraWebsite/networks/frp/meetings/meetings_en.htm)

- a member with a criminal justice specialisation
- a member with international human rights knowledge
- a member with fundraising skills.

For more information consult the ‘Work With Us’ page of the ICCL website (www.iccl.ie) or contact Suzanne Handley, Organisational Development Manager, at suzanne.handley@iccl.ie.



Minister launches Civil Society UPR Stakeholder Report to UN

On 19 April 2011, the new Minister of State with Special Responsibility for Disability, Equality and Mental Health, Kathleen Lynch TD, launched Ireland’s Civil Society UPR Stakeholder Report.

Ireland’s human rights record is being reviewed by the United Nations later this year under the Universal Periodic Review (UPR). This is a new human rights monitoring system of the UN Human Rights Council. It aims to improve the human rights situation on the ground in each of the 192 countries within the UN, and is an important opportunity for civil society to communicate domestic human rights issues at an international level.

The ICCL has been working with a Cross-Sectoral Steering Group of 17 leading organisations to ensure that the voice of civil society is heard during this process. The ‘Your Rights. Right Now’ campaign was launched in January 2011 to coordinate a civil society coalition response to the UPR.

Nationwide consultations

In February and March 2011, the Campaign Team conducted seventeen consultation and public information events throughout the country. The team visited locations including Cork, Donegal, Dublin, Dundalk, Galway, Limerick, and Waterford in order to ensure the widest possible participation. Events comprised a short presentation outlining the current UPR process followed by lengthy discussions with participants regarding Ireland’s human rights record. These meetings covered a broad range of human rights issues with a focus on local concerns.

The consultation events were attended by interested members of the public and representatives from a diverse range of special interest groups including local community organisations, women’s groups, advocates for children’s rights, migrants, Travellers, asylum seekers and refugees, people identifying as LGBT, young people, trade unionists, people with disabilities, older people and many others.

The process concluded with the *Your Rights. Right Now* National Review event in the Aisling Hotel, Dublin. The National Review provided participants who had attended the consultation events, representatives from local and national organisations and other interested parties an opportunity to discuss the draft report prior to its final submission to the UN. At the Review, the UPR Campaign Team noted the high level of participation throughout the consultation process as evidenced by the 82 written submissions received from both organisations and members of the public highlighting issues for inclusion in the report. Following the Review the final report was published on the campaign website (www.rightsnow.ie) prior to submission to the United Nations. To date, the report has received endorsement from more than 180 organisations and members of the public alike.

The Stakeholder Report

Within the strict 10 page limit set by the UPR Working Group, the report manages to include 6 separate recommendations on a wide range of human rights issues including children’s rights, access to justice, the right to education, the right to housing, just and favourable conditions at work, privacy, health care and equality. The report will ultimately form part of the UPR Working Group’s assessment of Ireland together with submissions from other groups (e.g. Irish Human Rights Commission), the Government’s own report and reports from previous UN Treaty Monitoring Bodies. These reports will form the foundation for Ireland’s examination under UPR in October this year.

The report represents an opportunity to tell the UN about Your Rights, Right Now. There is still time to get involved. To sign up and endorse the Civil Society Coalition’s Stakeholder report visit www.rightsnow.ie. Sign up today. It’s as easy as 1-2-3!



Minister of State Kathleen Lynch TD pictured with Jacqueline Grogan from the Disability Federation of Ireland at the launch of the ‘Your Rights. Right Now’ Report on 19 April 2011. Photo: Marc O’Sullivan.



Mary O’Shea, UPR Coordinator, ICCL (on the far left) and representatives of local Donegal organisations pictured at the ‘Your Rights. Right Now’ public information session in the Abbey Hotel, Donegal. Photo: Thomas Gallagher.



Minister of State Kathleen Lynch TD and ICCL Director Mark Kelly pictured at the launch of the ‘Your Rights. Right Now’ Report. Photo: Marc O’Sullivan.



Houssein Moussa Mohammed pictured at the ‘Your Rights. Right Now’ public meeting in Cork. Photo: Daragh Mc Sweeney/Provision.



Attendees at a special consultation event in Galway organised in partnership with the Integration Centre and focusing on the human rights of migrants and asylum-seekers.



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Top: Participants at workshop. Left: Sorina Gabor of the Cork City Partnership pictured at the public meeting in Cork to ‘Your Rights. Right Now’. Photo: Daragh Mc Sweeney/Provision.



Jessica Hamilton with her 6 month old son Max, Hazel Larkin and Gerard Gallagher, Disability Rights Officer with Union of Students in Ireland pictured at the launch of ‘Your Rights. Right Now’ on 31 January 2011. Photo: Marc O’Sullivan.



ECHR Reaches Landmark Ruling in ABC Case

On 16 December 2010 the European Court of Human Rights’ (ECHR) ruled on the much-anticipated A,B and C v Ireland case, which challenged Ireland’s restrictive laws on abortion as a violation of women’s rights under the European Convention of Human Rights.

The Court found that the lack of effective and accessible procedures to establish a right to an abortion under Article 40.3.3, “has resulted in a striking discordance between the theoretical right to a lawful abortion in Ireland on grounds of a relevant risk to a woman’s life and the reality of its practical implementation”

The long-standing failure of the Irish authorities to give proper legislative effect to Article 40.3.3 of the Irish Constitution as interpreted by the Supreme Court in the X case, was condemned by the Strasbourg Court. In a lengthy and finely-balanced judgment, the Court found that the lack of effective and accessible procedures to establish a right to an abortion under Article 40.3.3, “has resulted in a striking discordance between the theoretical right to a lawful abortion in Ireland on grounds of a relevant risk to a woman’s life and the reality of its practical implementation”.

This gap in Irish law had meant that one of the women represented in the case had not been able to establish whether or not she qualified for a lawful abortion in Ireland. The Court found that Ireland had therefore failed to respect her private life in violation of Article 8 of the European Convention on Human Rights.

The ruling has clearly exposed the Irish Government’s failure to legislate for women’s rights under the Constitution. The problem has been highlighted repeatedly since the X case, and it reflects poorly on the legislature that it has required international intervention to remind it of its domestic responsibilities.

Though the Court did not deem Ireland’s more general restrictions on abortion in violation of the Convention, a strong dissenting opinion by six Grand Chamber judges concluded that Irish law did not respect the private life of all three women (A, B and C) and paid particular attention to the very severe sanctions that can be imposed for abortions performed under what the judges called “archaic” laws in Ireland. Ireland is now among a tiny rump of Council of Europe States – with Andorra, Malta and San Marino – which apply such restrictive rules on abortion.

Then Minister for Health Mary Harney acknowledged that legislation would be needed to implement the court’s decision, while the Labour Party’s Jan O’Sullivan TD insisted that it is now an obligation on all parties in the Oireachtas to face up to the implications of

the ruling, saying “this issue can no longer be dodged”. Fine Gael promised to give the ruling detailed and careful consideration.

The new coalition’s Programme for National Recovery 2011-2016 commits to dealing with the judgment, promising:

“to establish an expert group to address this issue, drawing on appropriate medical and legal expertise with a view to making recommendations to Government on how this matter should be properly addressed.”

The ICCL welcomes this acknowledgment the judgment’s importance, and would call on the Government to work quickly to ensure that the Oireachtas faces up to its obligations in this regard. The ICCL intends closely to monitor the establish and deliberations of this proposed working group, and the recommendations that arise from it.

Article 40.3.3 of the Constitution of Ireland provides that:

The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.

This subsection shall not limit freedom to travel between the State and another state.

This subsection shall not limit freedom to obtain or make available, in the State, subject to such conditions as may be laid down by law, information relating to services lawfully available in another state.



Francis Fitzgerald TD receives her Seal of Office from President Mary McAleese.

New Government Signals Commitment to Children’s Rights

On Wednesday, 9 March 2011, An Taoiseach, Enda Kenny TD, announced the appointment of Frances Fitzgerald TD as Minister for Children and the establishment of a new Department of Children.

The creation of a cabinet-level ministerial portfolio on children is to be welcomed as a positive signal of the new Government’s stated commitment to children’s rights. As well as beginning consultations with young people on a renewed National Children’s Strategy, the new Government has undertaken to conduct a referendum on Children’s rights as a matter of “priority”.

The Constitutional Reform section of the Government’s Programme for National Recovery 2011-2016 has promised: “A referendum to amend the Constitution to ensure that children’s rights are strengthened, along the lines recommended by the All-Party Oireachtas committee”.

That the new Government plans to follow the recommendations of the All-Party Oireachtas Committee is to be welcomed, as the proposed wording reflects the core principles of the UN Convention on the Rights of the Child, including the ‘best interests’ principle, the right of a child’s voice to be heard in judicial and administrative proceedings, and the absence of discrimination based on the marital status of a child’s parents. This represents a marked change from the approach of the previous administration, which was reluctant to embrace the Committee’s wording.

New Programme for Government Plans Constitutional Convention

In addition to outlining plans for parliamentary reform and referenda on judicial salaries and children’s rights, the Government’s Programme for National Recovery 2011-2016 also plans the establishment of a Constitutional Convention “to consider comprehensive constitutional reform”. Amongst the issues listed for consideration are:

- Provision for same-sex marriage
- Amending the clause on women in the home
- Removing penalties for blasphemy from the Constitution
- Possible reduction of the voting age

ICCL Calls on New Government to Act on CPT Findings



On 10 February 2011, Europe’s anti-torture watchdog published a damning report on Ireland, a full year after the ICCL called on the government to “come clean” on the findings.

The CPT’s (Committee for the Prevention of Torture) report demonstrates the failure of governments since 1993 to take effective measures to ensure that prisons are safe and hygienic for inmates and prison staff alike, highlighting the persistent problems of overcrowding, violence and the continued unhygienic and humiliating practice of ‘slopping out’.

The report further underlines the inadequacy of the current system of Garda detention, which allows for questioning of suspects in the absence of their lawyer, and echoes the ICCL’s continued concern about the Garda Síochána Ombudsman Commission’s (GSOC) proposals to ‘lease back’ certain complaints to the Gardaí. Maintaining public confidence in the Ombudsman Commission’s independence is vital, and this is best achieved through full and adequate funding to render the practice of ‘lease back’ unnecessary.

After eighteen years, and five visits to Ireland by Europe’s top anti-torture watchdog, this report makes clear that conditions in our prisons remain inhumane and degrading. Fair trial safeguards have been weakened and people in psychiatric care are still being kept in insalubrious and unsafe conditions.

With a new government now in power, and with Ireland’s examination under the United Nations Convention Against Torture due this summer, the deplorable state of Ireland’s penal system needs to be addressed as a matter of urgency. After a full Dáil debate on the Committee’s findings, an inter-departmental group must be given specific responsibility to ensure that the CPT’s recommendations are implemented within a clear timeframe.

ICCL Human Rights Film Awards 2011 – Latest News

Human Rights Through The Lens

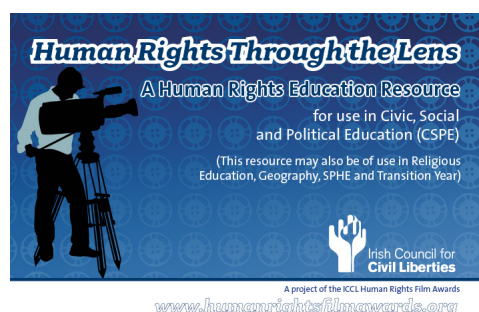


The new educational branch of the ICCL Human Rights Film Awards is now up and running with the launch on 21 March 2011 of the 'Human Rights Through the Lens' Civic, Social and Political Education (CSPE) resource pack.

Drawing on some of the human rights-themed films that made the shortlist of the 2009 and 2010 Awards, the pack is designed to encourage in-class discussion and reflection on human rights and to show how film can bring them to life.

Designed for the CSPE curriculum, the resource is also suitable for Religion, Geography, Social, Personal and Health Education (SPHE) and Transition Year. It contains lesson plans based around three films by award-winning young Irish filmmakers. As well as outlining discussion and classroom activities around the films, it provides suggestions for follow up activities and action projects. It also encourages students to take inspiration and make a film on an issue they are passionate about.

Human Rights Through the Lens will be the subject of a nationwide series of professional in-service teacher training events conducted by the Professional Development Service for Teachers in 2011. It is also available to download free of charge from the Awards website www.humanrightsfilmawards.org.



This new educational initiative of the Human Rights Film Awards was kindly supported by Trócaire's Mobilising for Justice Scheme, and by the Professional Development Service for Teachers (PDST).

The Human Rights in Under a Minute Challenge



Human Rights Through the Lens goes hand in hand with the 'Human Rights in Under a Minute Challenge', a new stream of the 2011 Awards calling on young people to create their own 30-60 second human rights film. The winning film in this category will join the shortlist for a Gala screening in the summer, and will be featured on RTE's Two Tube programme. The deadline for the Challenge is 13 May 2011, and it is open to all secondary school students in Ireland



The ICCL Welcomes New Film Awards Intern



The ICCL would like to welcome our new Film Awards intern Aoife Murphy.

Aoife has a BA in Language and Cultural Studies from UCC and an MA in International Relations from DCU. She has experience doing a range of voluntary work in the cultural sector, including at the Cork Film Festival and at the Cork International Choral Festival. She has also been involved in membership and donations drives for the NGO Outreach Moldova, and has education experience in language and teaching support.



We want to thank you for supporting the ICCL. Because rights matter. And it's only with your help that we can continue our work of protecting and promoting human rights, to help disadvantaged and marginalised communities. Work such as our recent UPR consultations keeps us in touch with the real rights issues affecting real people right now.

Please support our work in the coming year. You can send a cheque today, phone us on 01 799 4504 or give online at www.iccl.ie. Because rights matter. And your support is crucial. Thank you!