



# Rights News

Spring 2009



Tithe an Oireachtais  
Houses of the Oireachtas

**Springtime  
for Civil  
Partnership?**



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, police 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 to the ICCL today.

### 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 issue of Rights News highlights a potential good news story – the Civil Partnership Bill is on the springtime legislative programme of the Dáil.

For politicians anxious to repair their tarnished reputations, this is the perfect opportunity to demonstrate their commitment to legislate for a better, fairer, Ireland.

As Judge Michael Kirby comments in his guest essay on pages 3 and 4, “when science and experience reveal the existence of a cohort of fellow citizens with a minority sexual orientation as an attribute of their nature, it is intolerable to just people, straight as well as gay, to discriminate unfairly against that minority”.

The intolerable has been tolerated in Ireland for far too long and the Scheme of the Civil Partnership Bill, although far from perfect, represents a significant staging post on the long path to achieving full equality for same sex couples. Family law experts commissioned by the ICCL have produced an authoritative analysis of the Scheme of the Bill, which you can download from our website.

Elsewhere in this issue, you will find updates on the Government’s efforts to dismantle our human rights and equality infrastructure, and on the ICCL’s work to hold it to account for its actions. Together

with our partner organisations, FLAC (Free Legal Advice Centres) and the IPRT (Irish Penal Reform Trust), we have ensured that the UN’s top human rights experts are well aware of recent developments here.

Speaking at an ICCL / FLAC / IPRT conference in Dublin this April, UN Human Rights Committee member Professor Michael O’Flaherty has described as a “scandal” the deep cuts to the budgets of bodies including the Irish Human Rights Commission (IHRC) and the Equality Authority. Professor O’Flaherty and his colleague Judge Elisabeth Palm also noted that these cuts were made only weeks after the UN’s top human rights body had recommended that the resources available to the IHRC be increased and its independence strengthened.

At national level, we continue to cooperate with the Equality and Rights Alliance (ERA) which now numbers some 80 organisations committed to ensuring that the rights of the most vulnerable are better protected. Many people never benefited from the so-called “Celtic Tiger” and are now at risk of being abandoned altogether. The ERA is delivering the clear message that, in difficult economic times, it is more rather than less important to make proper provision for the promotion and protection of human rights.

The medium of film offers another powerful means to convey human rights messages.



This summer, the ICCL’s first Human Rights Film School will help us to reach a new and wider audience. Escape the budget gloom and join us (and our distinguished jury of filmmakers and actors – see the back page) at a screening in the Lighthouse Cinema – [www.humanrightsfilmschool.org](http://www.humanrightsfilmschool.org) has all the details.

As usual, I hope that you will enjoy this edition of Rights News. More than ever, I hope that you will consider making an additional donation – or perhaps even leaving a legacy – to support our work.

**Mark Kelly**  
*Director*

# SECURING EQUALITY

Justice Michael Kirby



**Guest essayist The Honourable Justice Michael Kirby AC CMG of the High Court of Australia reflects on changing attitudes to civil partnership internationally over the past decade.**

Attitudes to the legal recognition of same-sex relationships depend upon considerations such as age, religious affiliation, culture and geography. The Scandinavian countries seem to have no problem in legislating for full marriage. Yet Catholic Spain also took this step and the Zapatero Government, which was responsible, was later returned in a general election, despite much religious and political opposition.

When in 1998 the New Zealand Court of Appeal decided *Quilter v Attorney-General*<sup>1</sup>, I remember siding intellectually with the majority of that Court at the time, denying any entitlement to a lesbian couple seeking to oblige a local marriage registrar to issue them a marriage licence. The marriage statute was expressed in gender neutral language. The applicants invoked the then recent Bill of Rights Act to argue for an interpretation of the law that ended the discrimination against them. The majority of the Court of Appeal, however, denied that there was any discrimination. In a strong dissent, Justice Ted Thomas concluded that there was undoubted and wrongful discrimination. He did not ultimately feel able to interpret the law in favour of the applicants. But he foreshadowed a time when the New Zealand Parliament would remove the discrimination which he found to exist. (The New Zealand Parliament has since enacted a law providing for civil partnerships for same-sex couples in most respects, save name, equivalent to marriage).

Back in 1998, I thought that Justice Thomas must have taken leave of his senses. Like the majority, I concluded that there was no discrimination. The relationships were not like. “Marriage” connoted a “voluntary union of one man and one woman, to the exclusion of all others”, just as I have been taught at law school in the 1950s from the opinion of Lord Penzance in *Hyde v Hyde*<sup>2</sup>.

*Gay marriage has now spread to several jurisdictions far from northern Europe.*

My reaction to *Quilter*, looking back on it, was pretty amazing. By 1998 I had already myself been living in a stable, loving, permanent same-sex relationship with my partner Johan, then for 29 years (it is now approaching 40 years). This just goes to show how lawyers, in particular, are susceptible to inflexibility of thinking; how they sometimes take longer to get their minds around new concepts than other citizens do. Now, as I read *Quilter*, I can fully appreciate Ted Thomas’ approach. It is discriminatory to deny a legal civil status to some citizens because of their sexual orientation: something they do not choose and cannot change. In the law, we need more leaders like Justice Thomas who will lift the scales of unquestioned habits and customs from our eyes. It is so easy for lawyers (but also for other citizens) to be indifferent to, or ignorant of, the shifting of the tectonic plates of society that presents a new dynamic to which the law should respond.

Gay marriage has now spread to several jurisdictions far from northern Europe. Civil partnership has been embraced in many other jurisdictions which balk at the demand to assign the traditional word “marriage” to same-sex unions. In some countries, including my own, Australia, even civil unions seem, for the moment, to be a bridge too far. Under the previous conservative government, the Federal Parliament, on the brink of a national election in 2004, adopted an amendment to the federal Marriage Act to insert the *Hyde v Hyde* definition into the statute. This was an initiative, copied from laws adopted in the United States of America, designed to “wedge” the supporters of a more inclusive approach to the topic.

The wedge worked. The opposition Labour Party supported the government’s change. Its resistance to gay “marriage” has not altered. When the Labour Party was returned to government in Australia, in November 2007, it affirmed the statutory definition of marriage. However, it promised to eliminate from the federal statute book hundreds of provisions that discriminated against same-sex couples in matters of a financial kind (pension rights, social security etc). In November 2008, substantially by unanimous vote, the Australian Federal Parliament enacted the reforms of the federal statute book<sup>3</sup>. One of the changes, to the Judges Pensions Act 1968, came just in time before my pending retirement, to protect my partner in case I should pre-decease him.

No marriage or civil union legislation is on the horizon in Australia. Those who want to can register their relationship, rather like a dog licence. But the registration has few if any legal consequences. Ceremonies of celebration are, it seems, outside the scope of the law. An attempt by the legislature of the Australian Capital Territory to enact “civil unions” (even when re-named “civil partnerships”) was overruled by the new federal Labor government, apparently as approximating too closely to marriage and thereby, somehow, as endangering that institution.

“Would you marry me?” I asked Johan by telephone from London in July 1999 when I attended my first conference on the subject at King’s College School of Law<sup>4</sup>. He had been born in the Netherlands. So he knew of the legal changes in the land of his birth to permit marriage. “It’s far too early” was his reply – we were, after all, only in the thirtieth year of our relationship. Marriage is therefore not a vital public affirmation for us, given all that we have seen and gone through. But it is important for some other citizens, especially younger ones who cannot see why they should be treated as second class by the laws of their own country.

*The conservative traditionalists complain that civil partnership “mimics” marriage and therefore, in a mysterious but unexplained way, damages that institution for heterosexual couples who are now staying away from it in droves.*

Weddings in churches are a different matter. Churches and other religious institutions should, of course, be allowed to observe their current understandings of their own doctrines. But marriage is a civil status, created and defined by the law. To it many legal consequences and some benefits attach. Civil partnership is a status, separate but equal, which goes part of the way, but risks leaving neither side very happy. The same-sex partners are then denied true equality which they know is now recognised in other civilised jurisdictions.

The conservative traditionalists complain that civil partnership “mimics” marriage and therefore, in a mysterious but unexplained way, damages that institution for heterosexual couples who are now staying away from it in droves. In many ways the civil society of Ireland is similar to that of Australia. It tends to be conservative in changing things long settled. Churches, with their often empty pews, still wield a large influence for want of any alternative exponent of accepted moral rules. Yet now the principles of fundamental human rights and the growing demand of all citizens for civil equality



SECURING EQUALITY

produce new forces for change that repair the shabby treatment of sexual minorities, a vulnerable group in society hitherto denied respect for their equality and human dignity.

The removal of financial discrimination in federal law in Australia and an enactment of civil partnership provisions in Ireland must be seen for what they are: steps on the path towards treating all citizens of a nation equally. The goal will not be achieved overnight. But one day it will be achieved. Be sure of that.

Three developments will stimulate the process of reform. First, courts will deliver enlightened decisions, drawing upon international equality jurisprudence invoked before them by individual citizens and by community organisations such as Councils for Civil Liberties that challenge the status quo and reveal discrimination for what it is.

Secondly, those on the receiving end of discrimination will stand up for their rights. They will no longer be willing to play the game of “don’t ask, don’t tell”, in the hope of avoiding upset to those of their fellow citizens who still like to pretend that the binary heterosexual characteristic of long term adult human and sexual relationships is the only one that exists. In Australia, it was when we came to actually know Asian fellow citizens as human beings that the shabby façade of the White Australia Policy was seen for what it was and soon crumbled and disappeared.

*When science and experience reveal the existence of a cohort of fellow citizens with a minority sexual orientation as an attribute of their nature, it is intolerable to just people, straight as well as gay, to discriminate unfairly against that minority.*

Thirdly, elected politicians and officials will come to realise that, on the issue of same-sex rights, the public is often well in advance of the organised political parties and the churches and their self-styled guardians of “public morality”. In Australia the amendment to more than a hundred federal statutes in November 2008 followed a report of the Human Rights and Equal Opportunity Commission<sup>5</sup>. When first delivered in 2007 that report was sidelined by the then government as too controversial. The community, we were told, was not ready for it. But when the legislative reforms were introduced by the new government in 2008, even the politicians were surprised at how little opposition there was in society at large. The Zeitgeist had already changed. Society was in advance of the politicians. I would not be surprised if the same were true in Ireland.

I congratulate the Irish Council for Civil Liberties for publishing a collection of papers on the Civil Partnership Bill. The papers demonstrate that a large intellectual movement is afoot that has reached Ireland, as it has Australia.

When science and experience reveal the existence of a cohort of fellow citizens with a minority sexual orientation as an attribute of their nature, it is intolerable to just people, straight as well as gay, to discriminate unfairly against that minority. Civil libertarians realise that “[t]he law knows no finer hour” than when it protects minorities and assures them of a full and equal place in the civil society of the nation<sup>6</sup>.

*This essay first appeared as the foreword in ICCL's latest publication, The General Scheme of the Civil Partnership Bill: Legal Consequences and Human Rights Implications*

1 [1998] 1 NZLR 523.

2 (1866) LR 1 P & D 130 at 133.

3 See, for example, Same-Sex Relationships (Equal Treatment in Commonwealth Law Superannuation) Act 2008 (Cth).

4 See M D Kirby, “Same-Sex Relationships: Some Australian Legal Developments” in M D Kirby, Through the World Section 0s Eye (Federation, Sydney 2000) at 64.

5 Australia, Human Rights and Equal Opportunity Commission, Same Sex: Same Entitlements, Canberra, 2007.

6 Cf Falbo v United States 320 US 549 at 561 (1944) per Murphy J.

ICCL Provides Expert Briefing to Oireachtas on Civil Partnership Bill



Muriel Walls Fergus Ryan Brian Barrington

The Government has recently confirmed that a Civil Partnership Bill is on the Dáil’s springtime legislative agenda.


On 11 February 2009 the ICCL arranged a presentation to Oireachtas members by family law experts on the legal consequences and human rights implications of the Bill, with a view to fully briefing public representatives of the Scheme of Bill’s achievements and shortcomings in advance of its passage through the Houses of the Oireachtas.

Leading family law experts Fergus Ryan, Head of the Department of Law, DIT; Muriel Walls, a partner with McCann FitzGerald Solicitors and Brian Barrington BL provided a critical analysis of the Scheme, detailing the progress it represents for same and opposite-sex couples, and identifying remaining gaps and their possible implications.

Speakers hailed the Bill as “the most comprehensive reform of family law in a generation” though it nonetheless falls short of providing full equality for same-sex couples and other non-traditional families. The absence of provision for dependent children parented by same-sex couples was identified as a particular shortcoming.

Speaking after the briefing Dr Ryan said: “This legislation will mark a watershed in modern Irish law. Full equality undoubtedly demands equal access to civil marriage. However, provided that the Bill lives up to the draft version published last year, it will be a robust step in the right direction.”

The ICCL welcomed the General Scheme of the Civil Partnership Bill on its publication last year as a staging post rather than a milestone on the road to full equality. The Oireachtas now has the opportunity to legislate to end discrimination against same-sex couples and other non-traditional families. Producing a genuinely comprehensive Civil Partnership Bill will be a litmus test of the Government’s commitment to equality.



**The General Scheme of the Civil Partnership Bill:**  
Legal Consequences and Human Rights Implications

With a foreword by The Honourable Justice Michael Kirby AC CMG  
Justice of the High Court of Australia

Dr Fergus Ryan, Head of the Department of Law, Dublin Institute of Technology  
Workshopping Civil Partnership: Comparing Civil Partnership with Marriage  
and Considering the Legal Position of Children  
Muriel Walls, Solicitor, McCann FitzGerald  
Disputation and Provision for Qualified Children  
Brian Barrington BL  
Civil Partnerships in the United Kingdom and Ireland  
Dr Simone Wong, Senior Lecturer, Kent Law School, University of Kent  
The United Kingdom Perspective on Issues Relating to Cohabitation

ICCL Seminar Series, Volume 1 January 2009

The briefing was based on papers given by Fergus Ryan, Muriel Walls, Brian Barrington during a seminar held by the ICCL at the Equality Authority in July 2008. The ICCL has published these in the first volume of its new Seminar Series, entitled *The General Scheme of the Civil Partnership Bill: Legal Consequences and Human Rights Implications*. In addition to papers by Ryan, Walls and Barrington, it also includes a paper by Simone Wong of the University of Kent, as well as a thought-provoking foreword by Justice Michael Kirby of the High Court of Australia, republished as a guest essay for this issue of Rights News. *The General Scheme of the Civil Partnership Bill: Legal Consequences and Human Rights Implications* is available to download in the publications section of [www.iccl.ie](http://www.iccl.ie).

MONITORING HUMAN RIGHTS



The Equality and Rights Alliance

The Equality and Rights Alliance (ERA) has been leading calls for the government to ensure the promotion and enhancement of human rights, equality and social justice since cutbacks and closures of key state bodies were announced in autumn 2008.

The Alliance, which is composed of over 80 Irish civil society organisations including the ICCL, was founded in August 2008 in reaction to reports of a proposed merger between the Equality Authority, the Irish Human Rights Commission, the National Disability Authority, the Data Protection Commissioner and the Equality tribunal. Though the merger never materialised, the October 2008 budget saw The Equality Authority’s budget slashed by 43% and the Human

Rights Commission’s by 24%, rendering both bodies unable to carry out their core functions. In addition, the Combat Poverty Agency and the National Consultative Committee on Racism and Interculturalism were abolished.

The ERA has since been working to uphold and defend the values of rights and equality in the context of unprecedented assaults on these values by Government in a climate where inequality, poverty and racism are all the more likely.



**Rachel Mullen**  
On 23 March 2009, Rachel Mullen was employed by the Equality and Rights Alliance as its new Campaigns Coordinator.

Prior to joining the Alliance, Rachel worked with the Equality Authority for two years as a Development Officer. Previously, she worked for twelve years with Women’s Aid, where her positions included: Head of Policy and Research and Head of Training.



Gormley: “We have succeeded in our mission”.

Mr Gormley stated that changes to the Equality Authority had caused “deep concern and upset in our party”.

“At our membership meetings I undertook to have those changes reversed. And I’m very glad to report to you this evening that we have succeeded in our mission. The planned further decentralisation of staff has been stopped and a further review of funding for the Equality Authority to ensure that it can do its work effectively” he continued.

The ICCL welcomed the announcement as a step in the right direction towards rebuilding protection of our equality, with the halt on decentralisation helping to secure valuable expertise as an immediate remedy to the equality crisis.

The ICCL trusts that Deputy Gormley, in his capacity as a member of cabinet, will insist that the Government make good on these promises. Now is the time for principled politicians of all parties to call a halt to the damage already inflicted on Ireland’s equality and rights infrastructure.

UN Expert Decries “Scandal” of Cuts to Equality and Rights

Speaking at a major international conference in Dublin on 6 April 2009, UN Human Rights Committee member Professor Michael O’Flaherty has decried what he described as the “scandal” of the government having made deep cuts to the budgets of bodies including the Irish Human Rights Commission (IHRC) and the Equality Authority, only weeks after the UN’s top human rights body had recommended that the resources available to the IHRC be increased and its independence strengthened.

Professor O’Flaherty added that, in his view, it “beggars belief that the Government has failed to designate human rights protection and promotion as a charitable purpose in the Charities Act (2009)”

Professor O’Flaherty was speaking at *Implementing Human Rights in a Time of Change: Facing Up to Challenges under the International Covenant on Civil and Political Rights (ICCPR)*, a conference jointly organised by the Irish Council for Civil Liberties the Irish Penal Reform Trust (IPRT) and FLAC (Free Legal Advice Centres). See the dedicated website - [www.rightsmonitor.org](http://www.rightsmonitor.org) - for full details of the conference.



Standing (L-R): Liam Herrick (IPRT), Tanya Ward (ICCL), Dr Maurice Hayes, Mark Kelly (ICCL) Seated (L-R): Judge Elizabeth Palm (ECTHR), Prof. Michael O’Flaherty (UNHRC), Noeline Blackwell (FLAC)





Photo: Erick Luke/Irish Times

Dermot Gallagher - "one of Ireland's most distinguished public servants" says Justice Minister

## GSOC Appointment Row Underlines Need for Open Recruitment Policy

On 4 February 2009 Minister for Justice Dermot Ahern TD announced the appointment of Dermot Gallagher, former Secretary General of the Department of Foreign Affairs, as the new chairman of the Garda Síochána Ombudsman Commission following the untimely death of Mr Justice Kevin Haugh.

The Minister described Mr. Gallagher, with whom he had previously worked, as “one of Ireland's most distinguished public servants” who has “served this country with great distinction for many years as a senior diplomat.”

Judge Haugh had, however, signaled his intention to step down from his GSOC role many months ago, and the ICCL has expressed disappointment that the Government chose to fill this post with a retired public servant, without the open and transparent recruitment process which should accompany any appointment to a body charged with the independent scrutiny of the conduct of agents of the State.

The manner of the appointment also attracted criticism in the press and from opposition parties.

In Northern Ireland, appointments to senior positions of public trust, such as the Police Ombudsman, must be made through open and transparent recruitment. Under the “Nolan Principles”, public appointments must include prior scrutiny by a panel independent of the Government department filling the post.

Until similar principles of probity and fairness govern public appointments here, doubts will persist about the propriety of the Government directly nominating retired public servants to well-paid posts.

The Garda Síochána Ombudsman Commission has the difficult task of holding agents of the State to account. Consequently, it must not only be, but be seen to be, fully independent and impartial. Open and transparent recruitment of members of the Ombudsman Commission, and of other similar public bodies, could end the controversy in which the Government's most recent nomination has become mired.

## The Nolan Principles

The Seven “Nolan Principles” applied to public appointments in Northern Ireland are as follows:-

- **Ministerial Responsibility** – the ultimate responsibility for public appointments is with Ministers.
- **Merit** – All public appointments should be governed by the overriding principle of selection based on merit, by the well-informed choice of individuals who, through their abilities, experience and qualities, match the need of the public body in question.
- **Independent Scrutiny** – No appointment will take place without first being scrutinised by an independent panel or by a group including membership independent of the department filling the post.
- **Equal opportunities** - Departments should sustain programmes to deliver equal opportunities principles.
- **Probity** – Board members of public bodies must be committed to the principles and values of public service and perform their duties with integrity.
- **Openness and Transparency** – The principles of open government must be applied to the appointments process; its working must be transparent and information must be provided about the appointments made.
- **Proportionality** - The appointments procedures need to be subject to the principle of proportionality, that is they should be appropriate for the nature of the post and the size and weight of its responsibilities.

These Seven Principles are derived directly from recommendations made by the Committee on Standards in Public Life chaired by Lord Nolan, in its First Report (May 1995). They underpin the Code of Practice of the Commissioner for Public Appointments in Northern Ireland and form the foundation of the public appointments process in that jurisdiction. Compliance with the Code of Practice is monitored by the Independent Public Appointments Assessors.

## General Scheme of Criminal Procedure Bill Published

On Sunday, 28 December 2008, the Minister for Justice, Equality and Law Reform, Mr Dermot Ahern TD, published the General Scheme of the Criminal Procedure Bill 2008. The Bill forms part of the so-called “Justice for Victims” measures announced by the Minister in June 2008. The provisions of the Bill draw heavily on the recommendations of the Balance in the Criminal Law Review Group (the “Hogan Group”) which had been tasked with the examination of various matters of criminal procedure and evidence. In announcing the proposals, the Minister referred to provisions of the Bill as “far-reaching reforms to the law on a range of issues, many of them designed to meet the concerns of victims of crime”.

The ICCL, however, remains unconvinced that the measures proposed by the Hogan Group and subsequently incorporated by the Minister into the Criminal Procedure Bill, will actually improve matters for the victims of crime. In the Summer 2008 Edition of Rights News, we reported on two companion documents which the ICCL published in 2008 regarding this issue. *Taking Liberties: The Human Rights Implications of the Balance in the Criminal Law Review Group Report* examined the recommendations of the Hogan report from a human rights perspective and *A Better Deal: The Human Rights of Victims in the Criminal Justice System* suggested alternative measures to protect the human rights of crime victims.

The Criminal Procedure Bill amends the double jeopardy rule, allows the DPP to appeal an acquittal by a jury and expands the circumstances under which the previous convictions of a defendant can be admitted to the jury. The Bill also revamps the framework around victim impact statements. The ICCL welcomes this latter development as an important measure to ensure that a victim's right to participate in a full and effective process is supported. However, the proposals fail to fully consider the needs of victims within a process which is designed, in part, to meet their needs. For example, it remains unclear who has responsibility for guiding a victim through the process: the Gardaí, officials from the Office of the Director of Public Prosecutions or Court Service officials?

As is reported in our *Better Deal* report, standards exist domestically and internationally regarding the protection of and support for the human rights of victims of crime; particularly, the European Convention on Human Rights and the European Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings. The ICCL does not believe that the legislative framework surrounding criminal evidence and procedure is the appropriate one in which to further the needs of the victims of crime. Chipping away at the rights of defendants will do little to enhance the experiences of crime victims who seek security, privacy, safety, information and recognition.

## Heads of Surveillance Bill Published

The Heads of the Draft Surveillance Bill were published by the Minister for Justice, Equality and Law Reform, Mr Dermot Ahern TD, on 18 November 2008. The Bill is intended to place existing Garda practices on a statutory basis in line with Ireland's obligations under the European Convention on Human rights (Article 8 right to private life, home and correspondence). The Heads of the Bill would appear for the first time to provide a lawful basis for surveillance which has hitherto taken place outside the framework of the law. The ICCL will pay close attention to and comment upon the Surveillance Bill when it is published.



## ICCL GOVERNANCE



Aogán is one of 9 members of the ICCL's Executive Board

### Executive Profile: Aogán Mulcahy

Aogán Mulcahy is the head of UCD's School of Sociology, where he specialises in policing and criminology. He has most recently been working on several research projects looking at aspects of policing, crime and justice, with a main focus on the themes of continuity and change in the development of policing in Ireland. He has been a member of the ICCL Executive since 2008.

## Annual General Meeting

The ICCL's Annual General Meeting (AGM) will be held on Saturday 20 June 2009 at 2.00pm. The AGM is when members of the ICCL's Executive are elected, accounts reviewed and plans made for the year ahead. Further details will be posted on the ICCL website in due course.





Kirstin Sheridan

## Human Rights Film School Deadline Approaching

The ICCL Human Rights Film School is well under way, and we are calling for the best of filmmakers, directors, producers and scriptwriters - amateurs, students and professionals - to turn their hands to making a short film on a human rights issue relevant to Ireland.

All films entered into the competition will be viewed by a panel of judges, comprising experts in the human rights and film fields. Five films will be shortlisted and shown at a public screening early in summer 2009. One filmmaker will be selected as the grand prize winner by our distinguished Jury, which includes critically acclaimed filmmakers Jim Sheridan, Kirsten Sheridan, Rebecca Miller and the actor Sinead Cusack.

The winner of the Human Rights Film School will receive a place in the prestigious 2009 Summer School on Cinema and Human Rights at the European Inter-University Centre for Human Rights and Democratisation (EIUC) in Venice. The Summer School runs from 27 August to 16 September, alongside the Venice Film Festival. The School is led by award-winning documentary maker Nick Danziger. Runners up prizes comprise free studio time and classes at Filmbase, with more to be announced in due course.

Visit [www.humanrightsfilmschool.org](http://www.humanrightsfilmschool.org) to download your application pack and to sign up to the Film School Mailing list, so that you can be the first to receive news and updates.



## ICCL Appoints Information Officer

The ICCL would like to welcome Lorraine Curran as the newest member of our team, who began her post as Information Officer in February 2009.

Lorraine is a qualified librarian with a degree in English and History. She brings with her experience from both the corporate and NGO sectors, including Independent Newspapers, RTÉ and Concern.

Her new role will be to ensure the provision of quality information resources and assist with the implementation of an information strategy.



Left to right: Ken Murphy, Director General of the Law Society, winners of the Certificate of Merit for 'Victims Rights' Sam Gleeson and Rita O'Reilly and John D Shaw, President of the Law Society.

## RTÉ Primetime Documentary Showcasing ICCL Work Wins Prestigious Law Society Justice Media Merit Award

RTÉ's Primetime journalist Rita O'Reilly and producer Sam Gleeson were presented with a Certificate of Merit for their programme on victims' rights at the Law Society's Justice Media Awards on 27 November 2008.

The Primetime programme on victims' rights dealt with the notion of balance in the criminal justice system, arguing that reducing defendants' rights has done little to improve the lot of victims of crime. It showcased the ICCL's 2008 publications on 'Balance' in the criminal justice system, *A Better Deal* and *Taking Liberties*, and included interviews with the ICCL's Director and other human rights and criminal justice experts.



## Help to Secure a Sustainable Future for the ICCL's Work

By remembering the Irish Civil Liberties Trust\* (ICLT) through a legacy gift in your will, you will be making a contribution to the protection and promotion of human rights in Ireland, long into the future. We rely wholly on our supporters, members and friends. Without you, our work would not be possible.

By leaving a legacy, you will be helping to ensure that our financial independence – one of our greatest strengths – can continue, enabling us to speak out on important issues and carry on with our work of securing equality, achieving a fair and equitable criminal justice system and monitoring Ireland's compliance with international human rights agreements. By choosing to give in this way, your contribution is invaluable, regardless of the amount.

If you would like further information about leaving a gift in your will to support our work, please contact us on 01 799 4504. If you have already pledged a gift in your will, we would like to take this opportunity to say thank you.

Irish Civil Liberties Trust Registered Charity Number 11460

\*The ICLT is an independent charitable trust, with the key objective of the advancement of education in the areas of civil liberties, human rights and fundamental freedoms. It collects and distributes funds which can be used to support the work of the Irish Council for Civil Liberties (ICCL).