



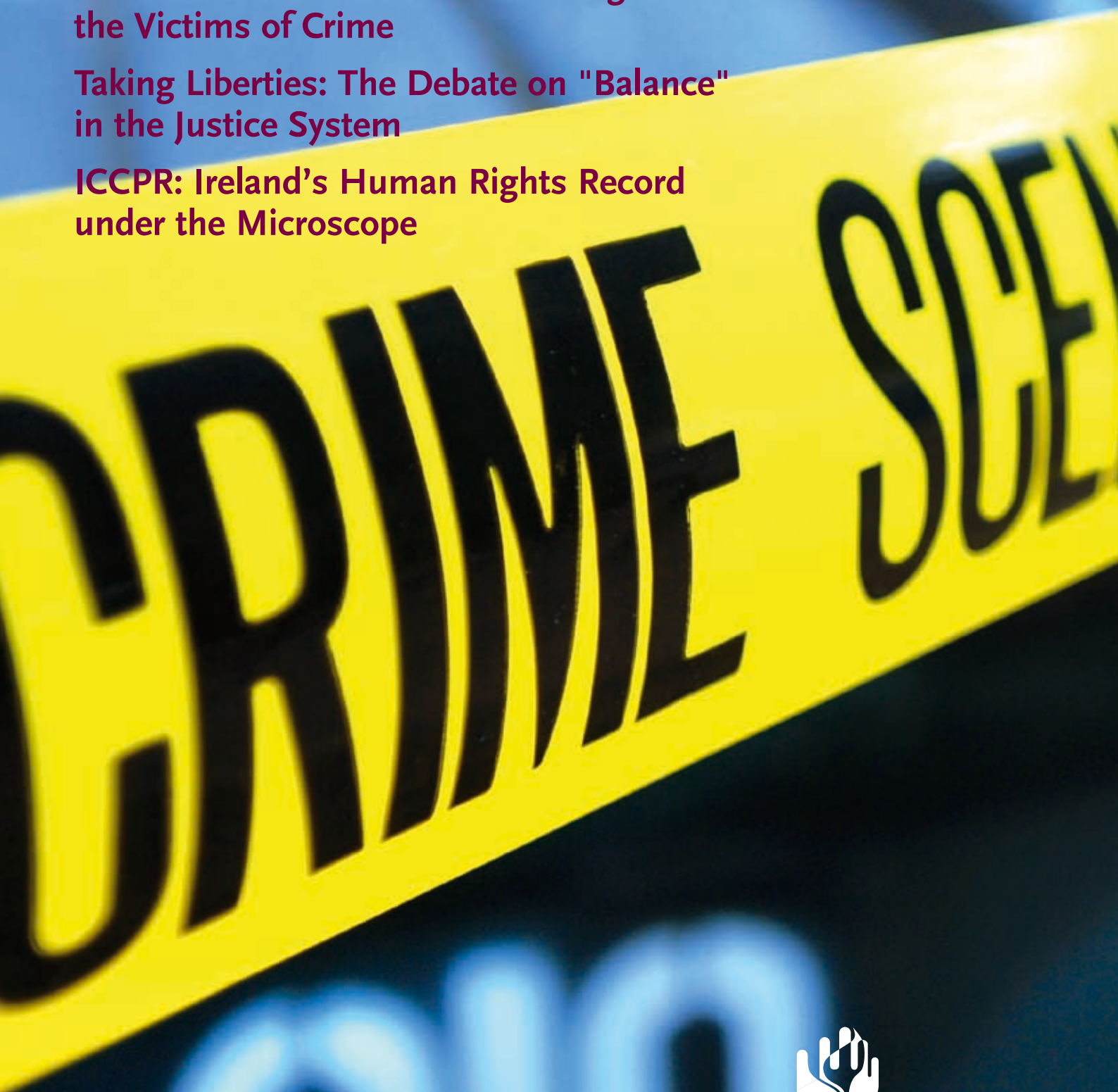
Rights News

Summer 2008

A Better Deal: ICCL's Charter of Rights for the Victims of Crime

Taking Liberties: The Debate on "Balance" in the Justice System

ICCPR: Ireland's Human Rights Record under the Microscope



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

- advocate for positive changes in the area of human rights;
- monitor Government policy and legislation to make sure that it complies with international standards;
- 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;

Message from the Director

In recent weeks, the ICCL has reached the end of a lengthy international legal process by securing a major victory in the European Court of Human Rights. It has also begun anew the process of holding the State to account for its human rights performance at the level of the United Nations Human Rights Committee.

The ICCL, Liberty and British-Irish Rights Watch came together to take a case to Strasbourg because, over a seven year period, all telephone, fax, e-mail and data communications between the United Kingdom and Ireland, including legally privileged and confidential information, were intercepted and stored en masse by an Electronic Test Facility operated by the British Ministry of Defence.

In its judgment, the European Court of Human Rights has found that this kind of data “fishing expedition” by an intelligence service violates Article 8 of the European Convention on Human Rights. Even though the UK has relatively sophisticated rules on data interception, these failed to prevent an unlawful interference with privacy rights. This has clear implications for Ireland’s far more lax data interception regime, which will now require a thorough overhaul in order to ensure that it meets the standards required by the European Court of Human Rights.

From Strasbourg to Geneva where, together with a range of other non-governmental organisations, the ICCL has contributed to the process of “shadow reporting” to the United Nations Human Right Committee. Our Shadow Report (prepared together with the Free Legal Advice Centres (FLAC) and the Irish Penal Reform Trust (IPRT) and endorsed by many other organisations) has been well-received, and many of its concerns have been reflected in the “concluding observations” recently issued by the Human Rights Committee. This, in itself, is a success. However, it is only the beginning of our work to ensure that the State takes full account of the views of the UN Human Rights Committee, and acts to bring our laws and practices into accordance with international standards.

In both instances, the ICCL has played a critical role in questioning practices that might otherwise have gone unchallenged, and in using international human rights standards to provide clear benchmarks against which the State’s performance can be judged. The significance of this work extends far beyond its immediate headline-generating capacity, and it often requires years of diligent effort before concrete results can be obtained. It took more than eight years to secure victory in Strasbourg, and it may be another seven years before Ireland next appears before the UN’s top human rights experts.

- run campaigns to raise public and political awareness of human rights, justice and equality issues;
- 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 to the ICCL today.

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In order to sustain its independent work of this nature, the ICCL is in constant need of new sources of funding. I have been greatly heartened by the response from our members and supporters to my recent appeal for additional contributions; however, far more will be needed if the Irish Council for Civil Liberties is to secure its long-term future. If you have not already done so, I would be very grateful indeed if you would consider making a further contribution to our ongoing work to hold the State to account.

Lastly, I hope that you will enjoy reading this edition of Rights News, which has a special focus on the human rights of victims. As our latest report, A Better Deal, shows, it is possible to protect the rights of victims more effectively without undermining the fundamental fairness of criminal justice system.

Mark Kelly
Director

Monitoring Human Rights

Council of Europe’s Human Rights Commissioner presents report on Ireland



Council of Europe's Commissioner for Human Rights, Thomas Hammarberg. *Photo: Sandro Weltin*

The Council of Europe’s Human Rights Commissioner Mr Thomas Hammarberg presented his 58-page report on Ireland to the Committee of Ministers and the Parliamentary Assembly of the Council of Europe in Strasbourg on 30 April 2008 following his visit to Ireland in November 2007.

During his visit to Ireland, Mr Hammarberg met with members of the Government including the Taoiseach, Minister for Foreign Affairs, Minister for Justice, Equality & Law Reform, Minister for Health and Children, Minister for the Environment, Heritage & Local Government, Minister of State for Children and Minister of State for

Integration Policy. Further talks were held with parliamentarians, the Chief Justice of the Supreme Court, President of the High Court, Attorney General, Commissioner of An Garda Síochána and the Lord Mayor of Dublin and Deputy Lord Mayor of Cork. Mr Hammarberg also met with the Irish Human Rights Commission, the Ombudsman for Children, the Equality Authority and representatives of civil society, including the ICCL and the Irish Penal Reform Trust.

He also visited institutions and sites including the Accommodation Centre for Asylum Seekers, Kinsale Road, Cork; the Central Mental Hospital, Dublin; Cuanlee Women’s Refuge, Cork; Glanmire Community College, Co. Cork; St. Patrick’s Institution for Young Offenders, Dublin; Traveller specific accommodation at Avilla Park and a temporary halting site at St. Mary’s, Dunsink Lane, North Dublin and the Trinity House Detention School, Oberstown, Lusk, Co. Dublin.

Commissioner Hammarberg’s report highlighted deficiencies in the protection of some of the most vulnerable people in Ireland, including children, migrants, asylum seekers and Travellers. He also called on the Government “to take effective measures to prevent renditions taking place through Irish territory and airspace, and to review the current inspection and monitoring arrangements with a view to ensuring that effective and independent investigations are carried out into any serious allegation of extraordinary renditions”.

In response to the report’s release, the ICCL and the Irish Penal Reform Trust (IPRT) said that the Government is “short-changing the Council of Europe by offering platitudes in place of firm commitments to implement the Commissioner’s recommendations”.

ICCL Director Mark Kelly stated:

“On the renditions issue, it is completely inexcusable that the Government refuses to implement his recommendation for a review of inspection and monitoring arrangements. As Thomas Hammarberg makes clear, the “mere suspicion” that Ireland could have aided or abetted renditions “seriously undermines the credibility and authority” of the Government”.

Mr Liam Herrick, Executive Director of the IPRT said:

“In relation to the ongoing scandal that is the detention of children in adult prisons, the Commissioner clearly states that he is “concerned with the current interim provision resulting in imprisonment for children in an out-dated facility together with adult prisoners up to the age of 21”. The Commissioner’s concerns make clear that, while the Government is committed to have all child detainees housed in appropriate facilities by 2012, for a wealthy developed country it is unacceptable that the use of St. Patrick’s or Thornton Hall should be contemplated for that period.”



ICCL and partners win landmark privacy case at the European Court of Human Rights

On 1 July 2008 the Irish Council for Civil Liberties and other leading human rights groups in Ireland and the United Kingdom called for urgent reform of surveillance laws, after securing a significant victory in a case before the European Court of Human Rights (*Case of Liberty, ICCL and BIRW v. The United Kingdom*. Application No: 58243/00).

The case revolved around the interception over a seven year period of all telephone, fax, e-mail and data communications between the UK and Ireland, including legally privileged and confidential information, by an Electronic Test Facility operated by the British Ministry of Defence. During this period all telephone calls, faxes, emails and text messages sent between Ireland and the UK were intercepted and stored en masse to be filtered by the British intelligence services.

The ICCL, Liberty and British-Irish Rights Watch took their case to Strasbourg, arguing that the mass intercept of all electronic communications between the UK and Ireland was disproportionate, lacked transparency and was in violation of Article 8 (right to respect for private and family life and correspondence) of the European Convention on Human Rights (ECHR).

The Strasbourg Court has vindicated the ICCL’s belief that data “fishing expeditions” by the intelligence services will fall foul of Article 8 of the European Convention on Human Rights. The judges have found that the United Kingdom’s relatively sophisticated rules on data interception have failed to prevent unlawful interference with privacy rights. This has clear implications for Ireland’s lax data interception regime, which will require a thorough overhaul in order to ensure that it meets the standards required by the European Court of Human Rights.

The European Court of Human Rights ruled on 1 July that the rules governing data interception in the United Kingdom did not

“as required by the Court’s case-law, set out in a form accessible to the public any indication of the procedure to be followed for selecting for examination, sharing, storing and destroying intercepted material. The interference with the applicants’ rights under Article 8 (the right to privacy) was not, therefore, “in accordance with the law”. It follows that there has been a violation of Article 8 in this case.”

The ICCL will be raising awareness on privacy issues at this year’s Electric Picnic music festival on 29 - 31 August.

A BETTER DEAL: The Human Rights of Victims in the Criminal Justice System



The ICCL this summer published two companion reports examining the concept of “balance” within the criminal justice system. This notion of “balance” has infiltrated criminal justice discourse over the last number of years and was instrumental in the establishment of the Balance in the Criminal Law Review Group last year. At its core is the view that limiting the rights of accused people will in some way assist victims in realising their needs. This flawed perception has resulted in recommendations from the Balance in the Criminal Law Review Group, and more recently, in Minister for Justice Dermot Ahern's *Justice for Victims Initiative* (see page 9), which would serve to remove some of the fair trial safeguards protecting a defendant.

These issues are considered in the ICCL's report *Taking Liberties: The Human Rights Implications of the Balance in the Criminal Law Review Group Report*. At the same time, these reforms have been heralded as a means for advancing the rights of crime victims when in fact they achieve nothing of the sort. The ICCL's companion report *A Better Deal: The Human Rights of Victims in the Criminal Justice System* argues that sufficient protection would be available to crime victims in Ireland if the government met its international human rights obligations.

TAKING LIBERTIES:

The Human Rights Implications of the Balance
in the Criminal Law Review Group Report



Victim support organisations and statutory bodies who have a role to play in victim services or policy were consulted as part of the initial research for the *Better Deal* report. The experiences highlighted by these groups were compared against the obligations of the Irish government under international human rights standards and law. The following instruments offer protection to victims of crime in Ireland:

- European Convention on Human Rights (incorporated into Irish law by the European Convention on Human Rights Act, 2003);
- UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985;
- The European Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings. Ireland's record in applying the standards laid down in this instrument has been assessed by the European Commission in their 2004 evaluation report;
- Recommendation Rec(2006)8 of the Committee of Ministers to member states on the assistance to crime victims.

The report examined six fundamental rights in detail (not an exhaustive examination) and made a number of recommendations for change which would impact on victims' experiences in a practical way. The ICCL Charter of Rights for Victims of Crime is an accessible declaration of the rights. Some of the ICCL's recommendations are set out overleaf.

Although many victims reported positive experiences, overall, the report concluded that the government is failing to protect the rights of crime victims in line with international standards. The ICCL believes that all victims of crime should be afforded every possible support from the State. If the government is sincere in its declarations that victims of crime are important, the ICCL believes that the means should focus on protecting the rights of crime victims rather than reducing those of defendants.

RIGHT TO INFORMATION

All criminal agencies have a responsibility to ensure that the victim of a crime and his/her family remain informed throughout the process. The responsibility to impart the necessary information moves between different actors; however, in general, the decision-maker should be the person to relay the information to the victim. Policy in this area should concentrate on holistic approaches and not confine itself to the ambit of information based on one medium. Rather, a range of information exchange mechanisms should be used including traditional face-to-face communication to ensure that all victims understand the process and procedures.

RIGHT TO PROTECTION FROM HARM

Each victim has a right to protection from intimidation and harassment. The benefits of safe victims are multiple: the DPP can prosecute the alleged perpetrator; the victim is comfortable in giving evidence; and the confidence of communities in the operation of justice is upheld. Witness/victim protection can take various guises and many of the necessary measures are in place at the moment. However, it is vital to ensure that certain other measures are available such as a criminal court complex which is safe and secure with separate access and waiting facilities for victims and witnesses; Garda escort for those who have a reasonable fear of intimidation; and the establishment of a statutory witness protection scheme.

RIGHT TO PRIVACY

Practical measures can be put in place to protect the privacy of victims and their families. Victims should be afforded entry and exit to the court in a private fashion and separate waiting facilities should be made available. Video statements of those under eighteen years of age should always be permitted as evidence in chief and in certain circumstances, adults should also be allowed to submit prosecution evidence in this manner. Victims who are under eighteen years of age should be allowed to give further evidence by way of video link and vulnerable adults should be entitled to apply to the court for permission to do the same. In tandem with these procedural improvements, the relevant resources must be allocated to ensure that facilities are situated in every courtroom.

RIGHT TO PARTICIPATE IN A FAIR AND EFFECTIVE CRIMINAL PROCESS

An effective criminal process is a benefit to victims, the Gardaí, the courts and the community at large. Due to the particular nature of the offence, specialist sexual assault investigators should be available in every Garda district. Delays in criminal trials should be eradicated. Furthermore, procedures guiding the operation of Victim Impact Statements should be set down in statute following consultation with relevant partners.

RIGHT TO A REMEDY

In line with Article 2 (right to life) of the ECHR, States are obliged to investigate killings as a result of the use of force (by state agents). The Government must ensure that inquests and any other enquiries established to investigate suspicious deaths comply with the standards set down by the European Court of Human Rights.

Sentencing guidelines should be introduced to ensure fair, consistent and effective sentencing. These could be developed by the proposed Judicial Council. The Government should bring forward legislation to establish the Council at the earliest possible opportunity.

For less serious offences and especially those that affect the wider community, restorative justice can be a useful and beneficial tool. In this respect, systems of restorative justice must be strengthened and supported.

RIGHT TO SUPPORT, RESPECT AND RECOGNITION

Upholding this right is fundamental to the experience of the victim throughout the criminal process. The victim and/or their family are entitled to be treated with respect and dignity by every actor who has a role to play in the criminal justice system. There may be a tendency for victims to be viewed as the reporter of crime or as a mere witness; however, state agencies should ensure that the victim is recognised as a legitimate participant in the process.

A statutory Victim Support Agency (or similar body) should be established to develop, monitor and co-ordinate policy regarding the victims of crime. Furthermore, support services must be adequately funded to ensure that suitable accommodation and adequate staffing is available. The Garda Training College should include classes in victim support for all trainee Gardaí. As part of the up-skilling process, more senior Gardaí should also have such training available to them. A dedicated strategy in dealing with the victims of sexual crimes should be developed. The establishment of additional sexual assault treatment centres and a system for the appointment of sexual violence officers to each victim of a sexual crime should be rolled out.

Monitoring Human Rights

The International Covenant on Civil and Political Rights (ICCPR)

ICCPR: The Path to Geneva

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the United Nations (UN) General Assembly in 1966 and includes an extensive list of rights, including: the right to life; freedom from torture and inhuman treatment; the right to liberty and security; the right for detained persons to be treated with humanity and the right to a fair trial.

When Governments sign the ICCPR they are required to comply with certain conditions and report on the progress made in improving respect for civil and political rights. This progress is monitored by the UN Human Rights Committee (HRC), a group of eighteen international experts, through a periodic reporting process. During these examinations, the HRC not only reviews reports from the Government, it also has regard to “shadow reports” from non-governmental organisations (NGOs) and independent bodies.

Ireland ratified the ICCPR in 1989 and was first examined by the HRC in 1993 and again in 2000. Ireland’s most recent examination in July 2008 offered an important opportunity to spotlight remaining gaps in its compliance with the ICCPR since 2000. This diagram shows the steps taken from Dublin to Geneva in our Shadow Reporting process.



Justice Michael Kirby

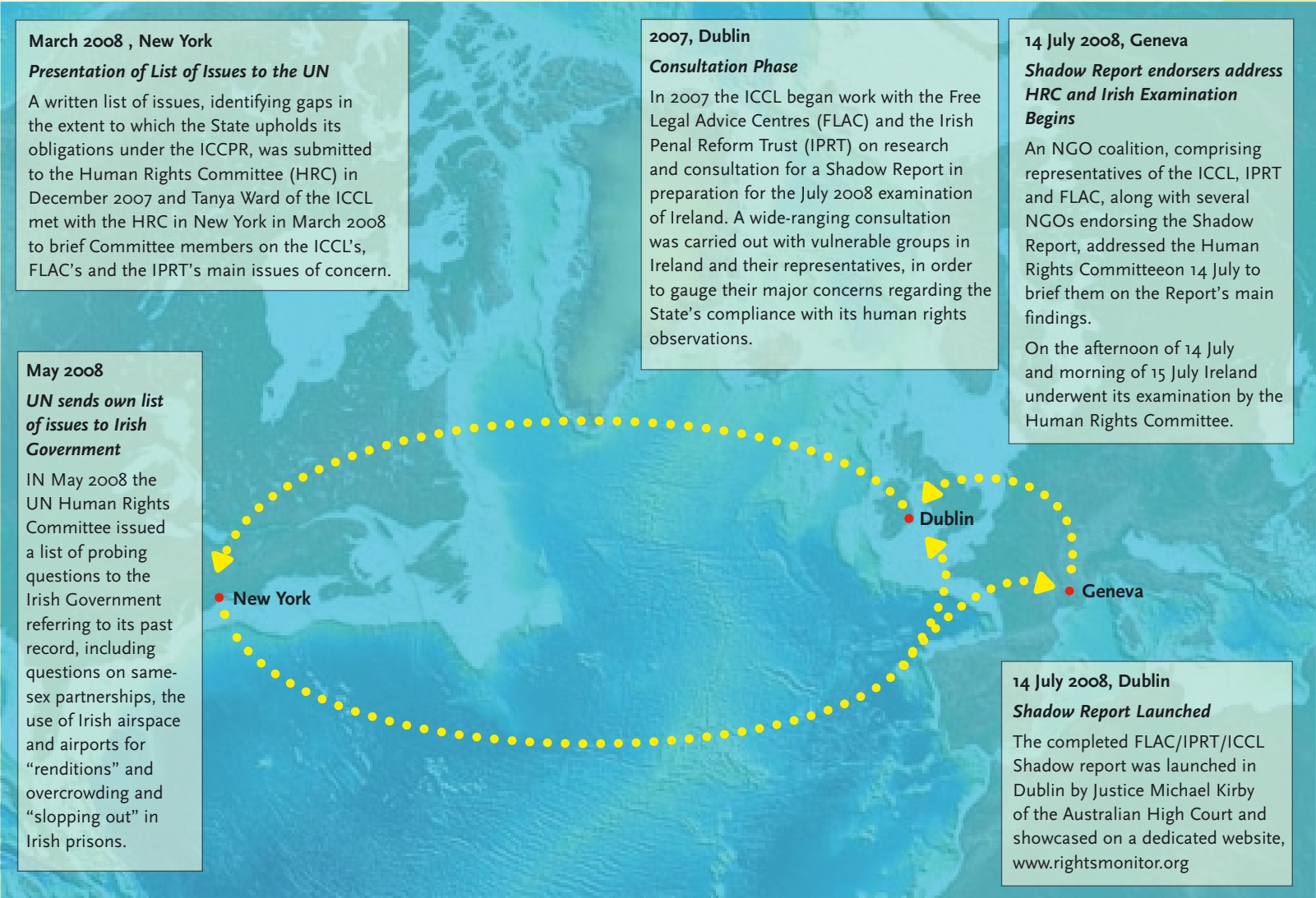
ICCL and Partners launch Shadow Report as Ireland is examined in Geneva

On 14 July 2008 the ICCL joined the Irish Penal Reform Trust (IPRT) and FLAC (Free Legal Advice Centres) for the launch of our joint Shadow Report by Justice Michael Kirby of the Australian High Court. The launch took place in the Westbury hotel in Dublin, and had a full attendance of statutory human rights bodies, the legal profession, diplomats, the press and NGOs.

In his keynote address Justice Kirby spotlighted the importance of the UN’s human rights monitoring role, evoking historical examples where complacency and the lack of a concerted effort to stand up for human rights had let to widespread abuses. He also underlined the important role of NGOs in the human rights monitoring process and praised the ICCL, FLAC and IPRT on what he called an excellent shadow report.

The Shadow Report launch coincided with the commencement of Ireland’s formal examination under the International Covenant on Civil and Political Rights (ICCPR) on 14 and 15 July by the UN Human Rights Committee in Geneva.

In advance of the examination of Ireland, the ICCL, FLAC, IPRT and several other NGOs sent a delegation to Geneva to take part in an informal morning session with the Human Rights Committee in



Geneva, in which they briefed the Committee on the main points of concern highlighted in the Shadow Report.

The Shadow Report and the NGO briefing were both hailed by Committee members as an exemplary approach to Shadow Report writing and NGO coalition building within the UN’s human rights monitoring process.

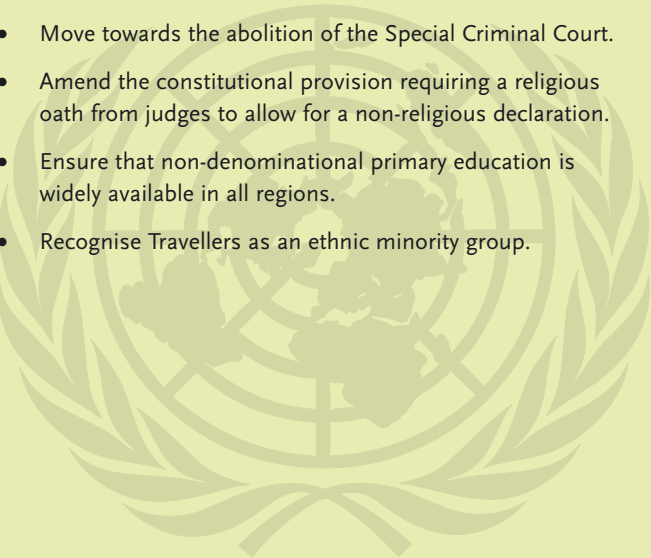
Further updates and materials for download are available on our brand new website dedicated to the human rights monitoring process, www.rightsmonitor.org.



UN Human Rights Committee’s Concluding Observations on Ireland, 24 July 2008

In its Concluding Observations the Committee urged Ireland to:

- Give full effect to the Covenant in domestic law.
- Strengthen the independence and the capacity of the Irish Human Rights Commission.
- End legal discrimination against non-traditional forms of partnership, and recognize the right of transgender persons to birth certificates recording their new gender.
- Continue to strengthen its policies and laws against domestic violence.
- Reinforce equality between women and men, including by inserting gender-neutral wording into article 41.2 of the Constitution (role of women).
- Ensure that the legal definition of “terrorist acts” is limited to offences which can justifiably be equated with terrorism and its serious consequences.
- Control suspicious flights and ensure that all allegations of rendition are publicly investigated.
- Bring abortion laws into line with the Covenant.
- Take immediate measures to ensure the effective functioning of the Garda Síochána Ombudsman Commission.
- Allow a lawyer to be present during Garda questioning and review restrictions on the right to silence.
- Tackle overcrowding and “slopping-out” in prisons.
- Reinforce measures to combat trafficking of human beings.
- Review detention policy with regard to asylum-seekers and give priority to alternative forms of accommodation.
- Ensure that people cannot be imprisoned for debt.
- Amend the Immigration, Residence and Protection Bill 2008 to outlaw summary removal and ensure that asylum-seekers have full access to early and free legal representation.
- Move towards the abolition of the Special Criminal Court.
- Amend the constitutional provision requiring a religious oath from judges to allow for a non-religious declaration.
- Ensure that non-denominational primary education is widely available in all regions.
- Recognise Travellers as an ethnic minority group.





Minister Ahern’s ‘Justice for Victims’ initiative rehashes flawed notion of ‘Balance’

On 19 June 2008, the Minister for Justice, Equality and Law Reform Dermot Ahern announced a new ‘Justice for Victims’ initiative which drew heavily on the recommendations of last year’s Balance in the Criminal Law Review Group (the Hogan Report).

The initiative proposed to introduce legislation, which would:

- Allow the DPP to appeal an acquittal by a jury to the Court of Criminal Appeal
- Enable cases to be reopened where an acquittal arises from an error in law by a judge
- Provide for new prosecutions where there is evidence of an acquittal being tainted by interference
- Widen the admissibility of evidence about the previous convictions of an accused person

The Minister’s announcement came as the ICCL published two companion reports examining the concept of “balance” within the criminal justice system. In *Taking Liberties: The Human Rights Implications of the Balance in the Criminal Law Review Group Report*, the ICCL argues that it is a fallacy to suggest that limiting the rights of accused people will in some way assist victims of crime. The report is accompanied by a *Main Issues* document highlighting the four main areas of reform in the criminal justice system proposed by the Hogan Report, and the ICCL’s concerns about

their possible effects on the right to fair trial and the administration of justice:

- Restriction of the right to silence
- Widening the admissibility of bad character evidence
- Introduction of ‘fresh’ evidence’ and ‘with prejudice’ appeals
- Relaxing the exclusionary rule

The first of the above proposed reforms has already come into force, by virtue of the Criminal Justice Act 2007 which allows for inferences to be drawn from the silence of an accused person under questioning.

The ICCL is now concerned that moves are being made to change the rules about bad character evidence and the appeal of acquittals through the Government’s ‘Justice for Victims’ initiative. In addition, an Opposition Bill has been introduced in the Seanad which would, if enacted, relax the exclusionary rule, contrary to the dissenting opinion of the Chairman of the Hogan Group. These changes to the criminal justice system are not in the interests of justice and remove some of the most fundamental fair trial safeguards to which everyone in Ireland is entitled.

In the companion report to *Taking Liberties*, entitled *A Better Deal: the Human Rights of Crime Victims in the Criminal Justice System*, the ICCL offers a constructive alternative to improve matters for the victims of crime. The report is accompanied by the ICCL *Charter of Rights for the Victims of Crime* which is based on international human rights law principles and sets out the manner in which the government should protect and promote the rights of crime victims, in particular the rights to: Information, Protection, Privacy, Participation, Remedy and Respect (see page 5).

Much Done, More to do on Garda Report Cards

The Irish Council for Civil Liberties has welcomed the publication in April 2008 by the Garda Inspectorate of a series of “report cards” on the implementation of its recommendations on Garda reform.

It has urged caution on the adoption of pepper (OC) spray weapons for Gardaí on operational duty, as has been recommended by the Inspectorate.

Pepper spray weapons – including their active ingredients and their chemical solvents and propellants – can have damaging short and long-term effects on a number of bodily systems and functions. Anyone issued with such a weapon would have to be properly trained in its use, and the specific health effects of the pepper spray concerned would have to be fully tested prior to its introduction.

Rossiter Inquiry Identifies Clear Violation of Human Rights

A report into the death of 14-year old Brian Rossiter prepared by the Department of Justice, Equality and Law Reform after consultation with the Attorney General has identified a clear violation of the European Convention on Human Rights.

Mr Hugh Hartnett SC found that, “The documentation produced in the course of the investigation into the death of Brian Rossiter and the evidence heard at this Inquiry does not show any indication of there being any real investigation in relation to the possibility of Brian Rossiter having been assaulted or his having received a fatal injury while in custody”.

Article 2 of the European Convention on Human Rights requires that, whenever there is an allegation that someone has been injured or has died as the result of a Garda assault, that allegation must be investigated in a way which is independent, effective, prompt and transparent. The failure to carry out such an effective investigation is a clear violation of Article 2 of the European Convention on Human Rights.

Were such tragic events ever to recur, the ICCL trusts they would be investigated by the Garda Síochána Ombudsman Commission in a way which is fully



compliant with Ireland’s obligations under the European Convention on Human Rights. However, as matters stand, no one has been held to account for Brian Rossiter’s death.

For a fuller account of the issues raised by the Hartnett report, see Mark Kelly’s article *Justice delayed is justice denied*, Law Society Gazette, May 2008, p12.

Concern over Garda Ombudsman’s “leaseback” proposals

In its Two Year Report (published 1 May 2008), the Garda Ombudsman Commission has proposed ten legislative changes to the Garda Síochána Act 2005. From a human rights perspective, nine of those are unproblematic; however, the tenth – to amend section 94 of the Act to allow for the “leaseback” of cases involving criminal investigations – is of serious concern to the ICCL.

If there is a real danger that the Ombudsman Commission could become “snowed under” by the sheer volume of complaints regarding Garda criminality, the appropriate response is for the Commission to be given the additional resources that it needs to discharge its statutory functions. Any suggestion that complaints regarding Garda criminality could be “leased back” to the Garda themselves for investigation could only serve to undermine the high level of public confidence that the Ombudsman Commission currently enjoys.

Sixth Morris Report: Garda must “robustly embrace change”

The sixth report of the Morris Tribunal, published by the Minister for Justice, Equality and Law Reform on 7 May 2008, once again highlighted disgraceful conduct by certain Gardaí.

The Irish Council for Civil Liberties fully agreed with Mr. Justice Frederick Morris that An Garda Síochána must “robustly embrace change” in order to repair the damage to its reputation and morale caused by the misconduct of some of its members.

A human rights monitoring framework should be introduced, together with human rights proofing of policy and practice, and a comprehensive review of training. This should cover not only the specific changes in Garda questioning and covert surveillance practices identified by Judge Morris, but the whole range of Garda practices which engage human rights including arrest, detention, searching and the use of force. Robustly embracing these changes will go a long way towards restoring the tarnished reputation and morale of An Garda Síochána.



Civil Partnership Scheme: More a Staging Post than a Milestone

The general scheme of the Civil Partnership Bill was published on 24 June 2008 by the Minister for Justice, Equality and Law Reform with the purpose of establishing a new form of registered civil partnership for same-sex couples and a redress scheme for cohabiting couples.

The ICCL has given a qualified welcome to the scheme as a clear signal that the Minister for Justice remains committed to ending discrimination against same sex couples. At first reading, the published scheme appears to provide same-sex couples with equivalent rights to marriage in many areas. However, in the ICCL's view, this is more of a staging post than a milestone. As the Government-commissioned Colley Report found, only the introduction of civil marriage for same sex couples will achieve full equality of status with opposite sex couples.

The ICCL held a briefing seminar on 18 July, 2008 in the Equality Authority for legal and policy people who wish to develop their understanding of the main legal consequences and human rights

implications of provisions within the Civil Partnership Bill Scheme. The event was particularly aimed at those working within the LGBT, family diversity and children's rights sectors, as well as independent human rights institutions, legal bodies and practitioners.

Several leading experts in the field attended the seminar to give their perspective on proposals within the Civil Partnership Bill Scheme, including:

- Dr Fergus Ryan, Head of Legal Studies, Dublin Institute of Technology (DIT)
- Ms Muriel Walls, Solicitor, McCann Fitzgerald
- Brian Barrington, Barrister

The ICCL has examined the Scheme in detail and has submitted its views to the Department of Justice, Equality and Law Reform.



Director of Training and Development Chief Supt. Kieran T.McGann

Garda College Diversity Community Fair

The first Garda College Diversity Community Fair took place in the Garda College, Templemore on 11 April 2008. ICCL Research and Policy Officer Deirdre Duffy and ICCL Fundraising Officer Karen Ciesielski attended the event, where they had the opportunity to speak to approximately 750 members of An Garda Síochána, including students at the Garda College, senior Gardaí, rank and file Gardaí and lecturers at the Garda College. The ICCL was one of a number of organisations which travelled to Templemore for the day. Staff members answered questions about the organisation and provided informational materials to members of the Garda Síochána and Student Gardaí.

The aim of the event was to raise awareness and knowledge of diversity among attendees of Garda College; the ICCL found the day very useful, as staff could directly engage with members of An Garda Síochána and provide them with information about the work that we do, specifically in relation to policing and human rights. Participation in activities like the Garda Diversity Community Fair is a way that the ICCL can proactively work to achieve a rights-based police force, and the ICCL looks forward to taking part in similar events in the future.



Karen Ciesielski speaking to a trainee Garda at the Garda Diversity Fair

The ICCL is governed by an Executive Board of a minimum of eight persons, four of whom are elected at each Annual General Meeting (AGM) to serve for two years. The ICCL Executive Board for 2008 are: Malachy Murphy, Co-Chair, Michael Finucane, John Kennedy, Mary McIvor, Conor Power, Natalie McDonnell, Aogán Mulcahy and Jean Tansey.

Each edition of Rights News profiles a different member of our Executive.



Natalie McDonnell

Natalie McDonnell is a practicing barrister. She teaches Family Law at the School of Social Work, Trinity College, Dublin, and Media Law at NUI, Maynooth. Prior to being called to the bar, Natalie worked in a variety of posts in the non-governmental sector and has researched and advocated extensively in the areas of equality, women's rights and the rights of migrant communities. Natalie joined the ICCL's Executive in October 2007.

Staff News



Former ICCL researcher Edel Quinn, who greatly contributed to the recently released ICCL/FLAC/IPRT Shadow Report on Ireland under the ICCPR, has successfully completed an internship at the EU Unit of the Department of Foreign Affairs. She has now moved to FLAC (Free Legal Advice Centres) as a Research and Policy Officer. All the staff at ICCL would like to congratulate Edel on her new role and thank her for all her research work with us on the ICCPR Shadow Report.



We would also like to welcome Walter Jayawardene, the ICCL's new Campaigns and Communications Officer. Walter has a background in European and Middle-Eastern languages, history and politics. Prior to joining the ICCL, Walter worked as Resources and Communications Coordinator at the Kurdish Human Rights Project in London.

Upcoming Events



ICCL at Electric Picnic 2008

The ICCL is delighted to be taking part in this year's Electric Picnic, where we will be talking to lots of people about privacy.

Why privacy?

The right to privacy is a human right that is guaranteed to everyone and one which is often infringed upon.

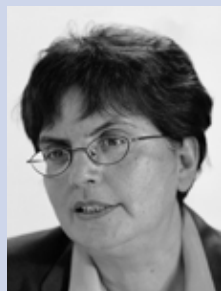
How does this happen?

Every day, we send private information into the public domain – through our computers, mobile phones, using our laser and credit cards. All of this information is gathered and stored.

If you are planning to go to Electric Picnic 2008, keep an eye out for the ICCL Team to find out more about the ICCL's privacy campaign and how you can get involved!



Baroness Usha Praharsar CBE



Judicial Diversity: Strategies for Change

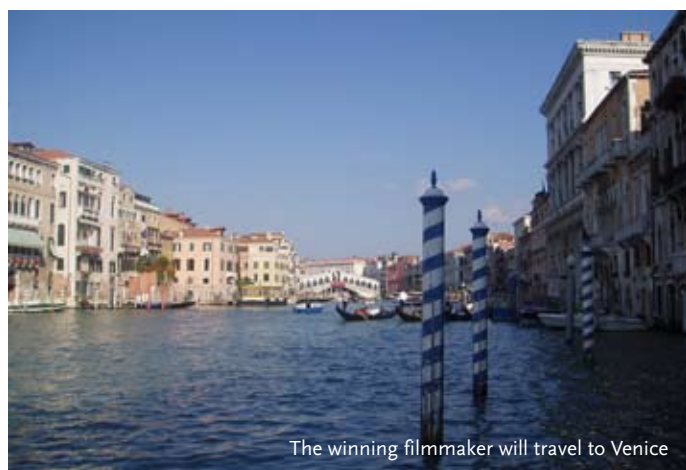
The Irish Council for Civil Liberties (ICCL) and the Centre for Criminal Justice and Human Rights at University College Cork are organising an evening seminar on judicial diversity. The purpose of the event is to open up a discussion about the possibilities of achieving greater judicial diversity in Ireland.

This seminar is aimed at members of the judiciary, practitioners, parliamentarians, policy makers, academics, non-governmental organisations (NGOs), students and anyone interested in judicial diversity.

The event is scheduled to take place from 6-8pm on Thursday, 18 September 2008 in the Atrium, the Law Library, Distillery Building, Church Street, Dublin 7.

Baroness Usha Praharsar CBE, Chair of the United Kingdom's Judicial Appointments Commission is the keynote speaker for this event. Other speakers include: Professor Kate Malleson, School of Law, Queen Mary University of London and Dermot Feenan, School of Law, University of Ulster

If you are interested in attending this event please RSVP to Joanne Garvey, ICCL Administrator by 5pm on Monday, 15 September 2008, Tel: (01) 799 4504 or Email: info@iccl.ie



The ICCL Human Rights Film School

The Irish Council for Civil Liberties (ICCL) plans to launch its Human Rights Film School in December 2008 as part of the ICCL's celebrations marking the 60th Anniversary of the Universal Declaration of Human Rights. Film students and filmmakers (professional and amateur) are invited to submit their idea for an original short film focusing on a particular human rights-related issue in Ireland. Five films will be shortlisted in the competition and will be invited to complete their film, which will be submitted into the final stage of the competition.

One aim of the Human Rights Film School is to provide film students and filmmakers with an opportunity to contribute to human rights discourse in Ireland, grappling with issues which affect some of the most vulnerable members of society. Filmmakers will also be able to create an original piece of work for public viewing, which will build their techniques and strengths as filmmakers. Finally, the ICCL hopes to raise public awareness about human rights in an Irish context, bringing attention to inequalities which exist today and inspiring others to work towards solutions, creating a more equitable society.

The Competition

The five shortlisted films will be screened at the Irish Film Institute (IFI) in spring 2009. A panel of high-profile judges, including human rights and film experts, will choose the overall winner of the ICCL Human Rights Film School.

The Prize

The overall winning filmmaker will have the chance to take part in the European Inter-University for Human Rights and Democratisation's Summer School in Venice, which includes masterclasses and lectures given by renowned experts in the disciplines of film and human rights, an entrance to the Venice International Film Festival

and the opportunity to meet with producers and directors, a unique experience for any film student or filmmaker.

Further details will be set out in the next edition of Rights News.

