



Annual Report 2008

STANDING UP FOR HUMAN RIGHTS



Irish Council for
Civil Liberties

Two young girls are standing against a light blue background, holding a large white rectangular sign. The girl on the left is wearing a white patterned dress with a white fur collar and a brown patterned skirt. The girl on the right is wearing a maroon hoodie with blue stripes on the sleeves and blue jeans. Both girls are smiling and looking towards the camera.

STAND WITH US

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Irish Council for
Civil Liberties

Irish
Council
for
Civil
Liberties

INTRODUCTION

MESSAGE FROM THE CO-CHAIR

Welcome to the ICCL's 2008 Annual Report – as Ireland's leading independent human rights watchdog we welcome this opportunity to present you the highlights of our work in 2008.

On behalf of the ICCL's Executive I'd like to provide a brief overview of our activities in the last year. As an Executive we have continued to fulfil our role within the ICCL's corporate governance structures. There are three aspects to this:

- determining the ICCL's policies,
- the strategic management of the organisation, and,
- ensuring that good governance practices are observed.

In the realm of policy we have established a Research and Policy Advisory Sub-committee to ensure that our staff has the necessary support to meet our commitments under our 3 main policy pillars:

- Equality
- Justice
- Promoting a Human Rights Culture in Ireland

The main body of this report provides you with more details about the ICCL's activities over the past twelve months and you can see how we are having substantial impact across all three policy pillars.

In terms of the future of the ICCL we are working on a new strategic plan for the organisation. This is a 5-year plan which builds on our successes over the last number of years. One of the key objectives of this plan is to ensure that the ICCL remains at the forefront of Irish society in terms of promoting human rights and protecting civil liberties.



Malachy Murphy
Co-Chair

On behalf of the entire Executive, I would to thank the staff of the ICCL. Deirdre, Joanne, Karen, Lorraine, Mark, Suzanne, Tanya and Walter are a formidable team and are responsible for the ICCL being as effective and productive as it is. On behalf of the Executive we want to thank them for all of their tireless work during the year – work which has, yet again, ensured that the ICCL's impact on Ireland and Irish society has been highly significant.

In a climate where state-funded bodies with a remit to protect human rights have suffered major budget cuts that have seriously impaired their effectiveness, we believe that the importance of an independent organisation like the ICCL has been demonstrated to be even more important than ever before.

Finally, thanks to the ICCL's members and supporters for ensuring that the organisation goes from strength to strength.

Malachy Murphy
Co-Chair

DIRECTOR'S FOREWORD

Our 2008 Annual Report showcases some of the ICCL's most significant work during the last year. The activities highlighted in these pages have been selected from the extensive body of work completed during the year, and you will find a full listing of our 2008 activities at the end of the report.

This has been a year of growth and consolidation for the Irish Council for Civil Liberties. Against a backdrop of economic downturn, we are very fortunate that our independent financial resources have enabled us to continue to build a strong staff team, and to expand our work in monitoring human rights, promoting justice and securing equality. The ICCL's independence, which has been carefully protected by successive generations of members, supporters and office holders, remains our most important asset.

When the Government imposed savage cuts in the budgets of statutory agencies created to hold it to account (a 24% reduction for the Irish Human Rights Commission and 43% less to the Equality Authority), the Irish Council for Civil Liberties played a leading role in the establishment of a new Equality and Rights Alliance (ERA). The ERA now includes over 90 organisations, employs a member of staff and has secured its own funding. It will continue to campaign for the protection of human rights through the effective exercise of statutory powers.

When the ICCL learned that all data communications between Ireland and the United Kingdom were being intercepted, it took legal action – all the way to the European Court of Human Rights. In 2008, together with partner organisations Liberty and British-Irish Rights Watch, the ICCL secured a major victory in the Strasbourg Court, which re-affirms the right to privacy, and calls into question our lax data interception regime.



Mark Kelly
Director

When the Government produced a report to the United Nations Human Rights Committee that was “economical with the truth”, the ICCL together with partner organisations FLAC (Free Legal Advice Centres) and the Irish Penal Reform Trust (IPRT) set the record straight with its own “Shadow Report” on Ireland’s human rights performance. The calibre and candour of the Shadow Report enabled the UN Human Rights Committee to produce a set of demanding recommendations designed to improve respect for the rights of vulnerable and disadvantaged people.

Over the course of 2008, in these and other ways documented in this report, the Irish Council for Civil Liberties has worked in close partnership with other key groups in order to achieve its aims.

Throughout 2008, the ICCL spoke truth to power.

If there is one clear lesson from last year, it is that governments cannot be trusted to provide adequate resources for human rights protection. So please consider making a donation to support our ongoing work and to secure our independent future.

I hope that you will enjoy reading this year’s Annual Report, and I would welcome your comments and feedback.

Mark Kelly, **Director**



OUR PEOPLE

OUR PEOPLE

The Executive

The ICCL is governed by an Executive Board of nine persons drawn from the law, business and academia. In 2008, accountant Mark Keating replaced retired insurance executive John Gibson on the ICCL's Executive Board.



Michael Finucane



Mark Keating



John Kennedy



Natalie McDonnell



Mary McIvor



Aogan Mulcahy



Malachy Murphy
(Co-Chair)



Conor Power



Jean Tansey

Staff

In 2008, the ICCL appointed Walter Jayawardene as Campaigns and Communications Officer and Suzanne Handley as Office Manager. In early 2009, Lorraine Curran took up her position as Information Officer. The ICCL now has a professional staff of eight people, working across four teams: research and policy; operations; fundraising; and campaigns, communication and information.



Back Left to Right:

Tanya Ward
Walter Jayawardene
Suzanne Handley
Joanne Garvey
Mark Kelly

Front Left to Right:

Deirdre Duffy
Lorraine Curran
Karen Ciesielski



GOT PROTECTION

Learn about the rights of children and young people.

From the right to be heard to the right to be protected from harm, children and young people have many rights.

The right to be heard is a key part of the Convention on the Rights of the Child (UNCRC).

It means that children and young people should be able to express their views and be taken into account in decisions that affect them.

UNCRC

United Nations Convention on the Rights of the Child

1989

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OUR WORK

A young man with short dark hair and a slight smile is holding a large white rectangular sign. He is wearing a grey zip-up hoodie over a white t-shirt and dark blue pants. The sign is tilted diagonally and features the text 'MONITORING HUMAN RIGHTS' in a bold, green, sans-serif font. The background is a solid, muted green color.

**MONITORING
HUMAN
RIGHTS**



Professor
Michael O'Flaherty

"Through 'shadow reporting', non-governmental organisations can assist the UN in assessing a state's record in meeting its international human rights obligations. The Shadow Report under the International Covenant on Civil and Political Rights produced by the ICCL and its partners was an example of best practice and professionalism in this area."

Professor Michael O'Flaherty, Co-Director of the Centre for Human Rights at the University of Nottingham and member of the UN Human Rights Committee elected in respect of Ireland.

MONITORING HUMAN RIGHTS

The ICCL plays a watchdog role, constantly monitoring the Government's compliance with its obligations under international human rights law

Shadow Reporting under the International Covenant on Civil and Political Rights (ICCPR)

Holding Ireland to account against its international human rights obligations

The ICCPR was adopted by the UN General Assembly in 1966 and sets out 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 ratify the ICCPR, they commit to comply with the Covenant and agree to report periodically on the progress made in improving respect for civil and political rights. The UN Human Rights Committee, a group of eighteen independent international experts, monitors the State's progress by reviewing these reports during a formal examination.

One way in which the ICCL monitors Ireland's implementation of its international human rights obligations is by producing Shadow Reports in response to Government reports under treaties such as the ICCPR. Such a report 'shadows' the Government's official report to the UN under a human rights treaty, giving an alternative and independent view of the situation, and emphasising human rights protection gaps.



ICCL Deputy Director Tanya Ward (front row right) pictured in Geneva with UN Human Rights Committee members and other non-governmental participants at the UN.

In 2008, the ICCL worked in association with FLAC (Free Legal Advice Centres) and the Irish Penal Reform Trust (IPRT) to issue a Shadow Report in response to the Third Periodic Report of Ireland under the ICCPR. Cataloguing the most serious civil and political rights violations, the Shadow Report is an important reference document on the state of human rights in Ireland.

In March 2008, the ICCL sent a delegate to meet with the Human Rights Committee in New York to brief its members on the main issues of concern for the ICCL, FLAC and IPRT.

In May 2008, the Human Rights Committee issued a list of probing questions to the Irish Government, many of which echoed concerns expressed to it in New York earlier in the year. These included questions on same-sex partnerships, safeguards against the use of Irish airspace and airports to facilitate rendition, and the persistence of overcrowding and “slopping out” in Irish prisons.

An NGO coalition, comprising representatives from the ICCL, the IPRT, FLAC, the Gay and Lesbian Equality Network (GLEN), Immigrant Council of Ireland (ICI), the Irish Family Planning Association (IFPA), the Irish Refugee Council (IRC), Pavee Point and Rehab, appeared before the Human Rights Committee on Monday 14 July 2008.

“The best Shadow Report I have read”

Judge Elizabeth Palm, UN Human Rights Committee Rapporteur on Ireland

As they did so, the Shadow Report was simultaneously launched in Dublin by the Hon. Mr Justice Michael Kirby, a judge of the Australian High Court. It received extensive media



Michael Farrell
(FLAC), Justice
Michael Kirby
and Sam Priestly
(IPRT) arriving at
the Shadow Report
launch, the Westbury
Hotel, 14 July 2008

coverage and was showcased along with other relevant materials for NGOs and the media on a specially-designed website hosted by the ICCL, www.rightsmonitor.org

The Shadow Report and the NGO briefing were praised by Human Rights Committee members as an exemplary approach to Shadow Report writing and NGO coalition-building within the UN's human rights monitoring process.

The Human Rights Committee's Concluding Observations were issued on 24 July 2008. Taking up major concerns outlined by the ICCL/ FLAC/ IPRT Shadow Report, they provide a critical benchmark by which to judge Ireland's progress in respecting civil and political rights, and a lengthy 'to do' list for the State. These will form the basis for future advocacy work by the ICCL and its partner organisations.

The international human rights monitoring work of the ICCL and its partners was hailed by UN Committee members as an exemplary approach to Shadow Report-writing and NGO coalition-building



Mr Justice Michael
Kirby launching the
Shadow Report



The European Court
of Human Rights,
Strasbourg

Surveillance and Privacy

Upholding privacy rights at the European Court of Human Rights

On 1 July 2008, the ICCL and two other leading human rights groups in Ireland and the UK secured a significant victory in a case before the European Court of Human Rights (Case of *ICCL, Liberty 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, e-mails 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 a case to Strasbourg, arguing that the mass interception 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).

In its judgment of 1 July 2008, the Strasbourg Court vindicated the ICCL's belief that data "fishing expeditions" by the intelligence services fall foul of Article 8 of the ECHR. The judges found that the United Kingdom's relatively sophisticated rules on data interception failed to prevent unlawful interference with privacy rights.

Since the judgment, the ICCL has highlighted the clear implications of the case for Ireland's own lax data interception regime, which requires a thorough overhaul in order to ensure that it meets the standards required by the European Court of Human Rights.



**PROMOTING
JUSTICE**





Aileen Donnelly, SC

"The ICCL has been a stalwart campaigner for a fairer criminal justice system for everyone involved; it has proposed concrete solutions to improve life for victims without diminishing fair trial rights."

Aileen Donnelly, SC

PROMOTING JUSTICE

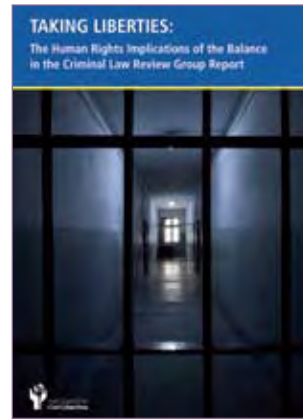
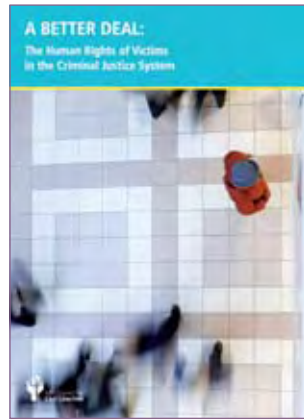
It remains a strategic objective of the ICCL to ensure that individual rights are fully protected within the justice system.

Criminal Justice

Tackling the flawed notion of “balance”; upholding the rights of victims and accused people

The human rights of all parties involved in the criminal justice system are a key concern for the ICCL. The human rights of both victims and defendants alike should be fully upheld under Irish law and through criminal justice policies.

In June 2008, the ICCL published two companion reports on human rights within the Irish criminal justice system. *A Better Deal: The Human Rights of Victims in the Criminal Justice System* assessed how and whether the human rights of the victims of crime in Ireland are promoted and protected. *A Better Deal* is grounded in international standards such as the European Convention on Human Rights (ECHR), the 2001 European Council Framework Decision on the standing of victims in criminal proceedings and the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. As part of the research, the ICCL sought the views of crime victims and those organisations that support them. Statutory bodies and criminal justice agencies also participated in the research. A key outcome of *A Better Deal* was the *ICCL Charter of Rights for the Victims of Crime* (See page 60), which details the essential rights to which victims in the criminal justice process are entitled. These include: Information; Protection; Privacy; Participation; Remedy and Respect.



Taking Liberties: The Human Rights Implications of the Balance in the Criminal Law Review Group Report examined the concept of “balance” within the criminal justice system, with special reference to the Balance in the Criminal Law Group Report (the “Hogan Report”). The report analysed the recommendations of the Hogan Group according to human rights standards set out in the Constitution, the European Convention on Human Rights and international human rights law.

The purpose of these companion documents was to puncture the myth that the situation of victims can be improved by diminishing fair trial rights.

The RTÉ current affairs programme Prime Time aired a show based on the reports, featuring contributions by ICCL staff. This show was awarded a Law Society Justice Media Merit Award in November 2008.



Mark Kelly on RTÉ Prime Time's Victims' Rights episode, May 2008



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

In the following month, the ICCL hosted a Forum on the Human Rights of Crime Victims. The Forum brought together those who had contributed to the research in the *Better Deal* report.

Later in the year, in November 2008, the ICCL was represented at an Experts' Meeting in Brussels on the 2001 European Council Framework Decision on the standing of victims in criminal proceedings, hosted by the European Commission.

The ICCL continues to work on both victims' and defendants' rights by monitoring current and forthcoming legislative proposals from the Government and at EU level.

The human rights of all parties involved in the criminal justice system are a key concern for the ICCL. The human rights of both victims and defendants alike should be fully upheld under Irish law and through criminal justice policies

Judicial Diversity

Exploring strategies for a more diverse and representative judiciary in Ireland

On 18 September 2008, the ICCL and University College Cork Centre for Criminal Justice and Human Rights held a seminar in the Law Library in Dublin to open up high-level debate and discussion on the future diversity of Ireland's judiciary.

Featuring papers by a panel of distinguished figures in the judiciary and legal profession in Ireland and the UK, 'Judicial Diversity: Strategies for Change' sought to address several



Judicial Diversity in
Action: President
Obama has
appointed Justice
Sonia Sotomayor
to the US Supreme
Court

key questions about judicial diversity in Ireland. The seminar was chaired by the Hon. Mr. Justice Bryan McMahon, High Court Judge and Adjunct Professor to the Faculty of Law, UCC.

The keynote address on judicial diversity in the UK was given by Baroness Usha Prashar CBE, Chair of the United Kingdom's Judicial Appointments Commission. Other speakers included Professor Kate Malleson of Queen Mary University in London, who discussed the case for positive action to bring about judicial diversity; Dermot Feenan of the University of Ulster, who discussed gender and diversity in the Northern Irish judiciary; and Jennifer Carroll of UCD, who discussed the current judicial appointments system in Ireland.

The ICCL believes that a diverse and reflective judiciary should form a cornerstone of a modern democracy. The nature of judicial appointments and the legal profession dictate that this is unlikely to happen unless proactive steps are taken to render our current system more inclusive. The ICCL will continue to play its part in ensuring that our future judges are both lawyers of the highest calibre, and more reflective of the rich pool of potential legal talent available in modern Ireland.



**SECURING
EQUALITY**



Ailbhe Smith

"The ICCL's participation in the Equality and Rights Alliance, its ongoing work on family and marriage rights for lesbian and gay people, and its vision and commitment across the spectrum of human rights has made a vital contribution to preserving and strengthening an independent equality agenda in Ireland"

Ailbhe Smith, Chair, National Lesbian and Gay Federation

SECURING EQUALITY

The Irish Constitution still allows discrimination against various forms of non-traditional families. The ICCL campaigns to secure equality for all families.

Equality for all Families

The Scheme of the Civil Partnership Bill: “more a staging post than a milestone”

The summer publication of the Scheme of the Civil Partnership Bill was central to the ICCL’s Equality for all Families work in 2008. The ICCL welcomed the introduction of the Scheme of the Civil Partnership Bill 2008 in a submission to the Department of Justice, Equality and Law Reform in August 2008. Describing the Scheme of the Bill as “more a staging post than a milestone”, the ICCL considers that any reform of the laws in relation to recognition of same-sex couples must be equality centred.

In July 2008, the ICCL hosted a seminar at the Equality Authority entitled ‘The General Scheme of the Civil Partnership Bill: Legal Consequences and Human Rights Implications’. Muriel Walls (a Partner in McCann Fitzgerald Solicitors), Fergus Ryan (Head of the Department of Law at Dublin Institute of Technology) and Brian Barrington BL spoke at the event, which was very well attended by statutory, NGO and voluntary groups.



An ICCL advert in
Gay Community
News



(left to right)
Muriel Walls,
Brian Barrington
and Fergus Ryan

The speakers' papers detailed the progress the Scheme of the Bill represents for same and opposite-sex couples, and identified remaining gaps and their possible implications. These papers provided the content for the inaugural volume of the ICCL's new Seminar Series, published in January 2009 (available to download from the ICCL's website: www.iccl.ie).



The Equality and Rights Alliance (ERA)

Challenging Government attacks on Ireland's equality and rights infrastructure

In August 2008, the ICCL was involved in the establishment of the Equality & Rights Alliance (ERA) which is a coalition of over 90 civil society groups seeking to ensure the promotion and enhancement of human rights, equality and social justice in Ireland. The ERA was set up initially in response to the Government's proposal to merge the Equality Authority, the Equality Tribunal, the National Disability Authority, the Office of the Data Protection Commissioner and the Irish Human Rights Commission. Although the proposed merger did not take place, unprecedented cuts to the equality and rights infrastructure in Ireland were announced in the budget of October 2008: respective budget cuts of 43% and 24% to the Equality Authority and Irish Human Rights Commission; the closure of the National Consultative Committee on Racism and Integration (NCCRI) and the absorption of the Combat Poverty Agency into the Department of Social and Family Affairs.





Senator David Norris
takes part in the
ERA's 'wake up!'
campaign

Since the October 2008 budget, the focus of the ERA has widened, advocating for a reversal of these rollbacks while building a strong alliance of civil society groups. In this economic climate, the full protection of equality and rights has never been more important. The ICCL will continue to work closely with the Equality and Rights Alliance to ensure that the Alliance achieves its goal of securing more effective protection of human rights.

In the current economic climate, the full protection of equality has never been more important. The ICCL is working with a strong alliance of civil society groups to defend and uphold equality values

ERA Members

Access Ireland Active Retirement Age Action Age and Opportunity
 Akidwa Aontas Amnesty Association of Secondary Teachers in Ireland
 Banulacht Barnardos Carers Association Carmichael Centre for
 Voluntary Groups Centre for Independent Living Changing Attitudes
 Ireland Changing Ireland Children's Rights Alliance Choice Ireland
 Comhlamh Community Action Network Community Partnership
 Network Community Platform Community Workers Cooperative
 Cultur Doras Bui Dublin Multicultural Dublin Rape Crisis Centre
 Equality Research Centre UCD European Anti-Poverty Network
 Family Resource Centres National Forum Feminist Open Forum
 Free Legal Advice Centres Galway Refugee Support Group Gay
 and Lesbian Equality Network Greater Dublin Independent Living
 Humanist Association of Ireland Immigrant Council of Ireland
 Inclusion Ireland Integrating Ireland Irish Association of Advocates
 Irish Congress of Trades Unions Irish Council for Civil Liberties
 Irish Family Planning Association Irish National Organisation for
 the Unemployed Irish Nurses Organisation Irish Penal Reform
 Trust Irish Refugee Council Irish Rural Link Irish Senior Citizens
 Parliament Irish Traveller Movement Jesuit Centre for Faith and
 Justice Kerry Deaf Resource Centre Kilbarrick CDP Labour Equality
 Labour LGBT LGBT Noise LGBTQ Pride LIR Anti-Racism Training
 Marriage Equality Methodist Women of Ireland Migrants Rights Centre
 NASC Irish Immigrant Support Centre National Lesbian and Gay
 Federation National Traveller Women's Forum National University
 of Ireland Galway National University of Ireland Maynooth National
 Women's Council of Ireland National Youth Council of Ireland
 Nigerian Association Network Ireland NGO Peace Alliance Northside
 Community Law Centre Northwest LGBT Pride Older Women's
 Network of Ireland One Family One Parent Exchange and Network
 Outhouse Pavee Point Traveller Centre People Before Profit Alliance
 Queer ID Safe and Legal (in Ireland) Abortion SIPTU TASC think tank
 Teach Na Daoine Teachers Union of Ireland Third Age Foundation
 Transgender Equality Network Ireland Treoir Trinity College Dublin The
 Wheel Union of Students in Ireland Women's Education Research and
 Resource Centre, UCD Women's Aid Women together Network



ICCL H
Film

To enter, or for
www.h...



OUTREACH



GOT PROTECTION? PRIVACY IS OUR GIG

 Irish Council for
Civil Liberties
www.iccl.ie

Private Lives?



Your calls and personal data

- Your call and text records can be kept for three years and, if the Government gets its way, your e-mails and internet records will be kept for the same time.
- If the Government or a private company loses your personal data, it is under no legal obligation to tell you... or the Data Protection Commissioner.



Who's watching you?

- CCTV cameras are an increasingly intrusive presence in our lives.
- There is no lawful basis for most forms of secret surveillance.
- If your privacy is breached, very few effective remedies are available.



Your biometric identity

- The Government is backing a proposed DNA database that will indefinitely retain samples from innocent people.
- If you visit America, your fingerprints and other biometric data may be retained indefinitely by the US authorities, without any guarantees about how this information about your biometric identity will be stored or shared.

The ICCL is working

For stronger privacy laws

For more effective safeguards
to protect your private data

To empower people to
protect their own privacy







GOT PROTECTION? PRIVACY IS OUR GIG

ELECTRIC PICNIC 2008

Placing privacy centre stage at Electric Picnic 2008, Stradbally, Co. Laois

For the second year running, the ICCL took its work to the Electric Picnic music festival in Stradbally Co. Laois, this time choosing to showcase our ongoing work on privacy in Ireland.

The aim of the weekend was to raise awareness amongst festival-goers about the gaps in privacy protection in Ireland through the ICCL's very own quiz show Private Lives. While one quiz participant was locked in a soundproofed Perspex box, another was quizzed on his or her most intimate details, in order to demonstrate that the Government and private sector may now know things about you that you might not even tell your best friend! Over 3000 festival-goers participated in the quiz show, and signed up to our open letter to Minister for Justice, Equality and Law Reform, Mr Dermot Ahern TD calling for stronger privacy laws and safeguards in Ireland.

On 23 September 2008, ICCL campaigners delivered a giant copy of the open letter to the Department of Justice, Equality and Law Reform. Some of the major concerns outlined in the ICCL's Electric Picnic privacy campaign are now being addressed by Government. On 2 October 2008, the Department of Justice announced that it was exploring the implementation of a key ICCL demand, mandatory reporting to the Data Protection Commissioner when personal data goes missing on lost/stolen government or private laptops. Most recently, the Criminal Justice (Surveillance) Bill 2009 sets out a lawful basis for the use of secret surveillance by the Gardaí, another key ICCL demand.

Research on privacy in Ireland was carried out throughout 2008 by the ICCL's research and policy team, and 2009 will see the publication by the ICCL of an overview of privacy standards in Ireland.



(left to right)
ICCL Volunteer
Eimear Hanratty,
ICCL Fundraising
Officer Karen
Ciesielski and ICCL
Administrator Joanne
Garvey outside
the Department of
Justice, Equality and
Law Reform.

GOT PROTECTION?

PRIVACY IS OUR GIG

Irish Council for
Civil Liberties
www.iccl.ie

Dear Minister,

From 29-31 August 2008 over 3,100 festival-goers at the Electric Picnic in Straffulilly, Co. Laois signed this open letter to you.

The Irish Council for Civil Liberties (ICCL) takes its data protection responsibilities seriously, and has chosen not to publicly release their names. We trust, however, that you will heed their call, and bring forward comprehensive privacy-protection legislation at the earliest opportunity.

Yours sincerely,

ICCL

Irish Council for
Civil Liberties

0-13 Belfield Place
Dublin 7

T: +353 1 798 4340
F: +353 1 798 4531
E: info@iccl.ie
W: www.iccl.ie

Mr Dermot Aherne TD
Minister for Justice, Equality and Law Reform
Department of Justice, Equality and Law Reform
94 St Stephen's Green
Dublin 2

23 September 2008

Dear Minister,

We, the undersigned, believe that the time has come for the Government to take firmer action to protect our right to privacy.

- At the moment, our telephone calls and text records can be kept for up to three years, and the Government plans to retain our e-mail and Internet records for just as long;
- When Government departments or private companies lose our personal data, they don't have to tell us, or the Data Protection Commissioner, and we may learn about it for the first time in the media;
- There is no lawful basis for most forms of secret surveillance and there are very few effective remedies if our privacy is breached;
- New plans for a DNA database would mean that biometric samples could be taken from legally innocent people, and kept forever.

Article 8 of the European Convention on Human Rights obliges the State to respect our right to private and family life, and the privacy of our homes and communications. We believe that firmer action is needed to make this right fully effective in practice.

In response to the privacy threats identified in this letter, we, the undersigned, call upon you to bring forward legislation to protect our right to privacy in a comprehensive way. This should include:

- A legal obligation to disclose the loss of sensitive personal data to the Data Protection Commissioner;
- A proper lawful basis for the use of secret surveillance;
- Safeguards to ensure that personal information about us can only be gathered, stored and consulted in ways that respect our right to privacy.

Signed,

3100 concerned festival-goers



Filmmaker and Jury Member Kirsten Sheridan launching the ICCL Human Rights Film School at the Irish Film Institute on Human Rights Day, 10 December 2008

HUMAN RIGHTS FILM SCHOOL

Bringing Human Rights to the Silver Screen

On 10 December 2008, the ICCL marked the 60th Anniversary of the Universal Declaration of Human Rights with the launch of its inaugural Human Rights Film School short film competition. The competition was launched by acclaimed filmmakers and competition Jury Members Kirsten and Jim Sheridan at the Irish Film Institute.

Remaining Jury Members include filmmaker Rebecca Miller; actors Jeremy Irons and Sinead Cusack; Professor Bill Schabas, Director of the Irish Centre for Human Rights at NUIG; Irish Times film critic Michael Dwyer; Senator David Norris and James Morris, Chairman of the Irish Film Board.

A new venture for the ICCL, the Film School seeks to demonstrate how the arts, particularly the medium of film, can be used effectively to raise public awareness of human rights issues, and ultimately, to inspire more people to want to make a difference.

Over 40 entries were received, which will be whittled down to six finalists, from which the Jury will pick a winner in summer 2009.





ICCL Fundraising
Officer Karen
Ciesielski speaking
to a Trainee Garda at
the Garda Diversity
Fair

GARDA DIVERSITY COMMUNITY FAIR

Engaging with An Garda Síochána on Human Rights and Diversity

The first Garda College Diversity Community Fair took place in the Garda College, Templemore on 11 April 2008.

ICCL staff 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. ICCL staff answered questions about the organisation and provided information materials to members of An Garda Síochána and Student Gardaí.

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



Rights News

Winter 2008 - 2009

IRELAND'S RIGHTS LANDSCAPE?



Irish Council for
Civil Liberties

PUBLICATIONS, EVENTS AND ACTIVITIES

PUBLICATIONS, EVENTS AND ACTIVITIES

Publications

January

- Submission to the Department of Family and Social Affairs on the Technical Review of the Social Welfare Code to examine its compatibility with the Equal Status Acts, 2000-2004
- Submission to the Joint Committee on the Constitutional Amendment on Children on the proposed referendum on child protection and children's rights

February

- Submission to the Government's Consultation on its Third and Fourth Reports under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Submission to the Joint Committee on Justice, Equality, Defence and Women's Rights on the Immigration, Residence and Protection Bill 2008 (as initiated)
- Kelly, M. 'Some are more equal than others', *Metro Éireann*, 28 February 2008, p19

March

- Supplementary Submission to the Office of the Commissioner for Human Rights of the Council of Europe
- Submission to the Director of Public Prosecutions on the Change in Prosecution Policy on the Giving of Reasons

April

- 'Garda "Report Cards" say "Much Done, More To Do"', Press release, 3 April 2008
- 'Rossiter Inquiry Identifies Clear Violation of Human Rights Convention, says the ICCL', Press release, 11 April 2008
- 'Government "Short-Changing" Council of Europe say Human Rights Groups', Press release, 30 April 2008
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- Duffy, D. (2008) 'Charter of Fundamental Rights: The Potential for Protection', *EAPN Ireland Review: Social Aspects of the Lisbon Treaty*, Dublin, April 2008, p12

May

- 'ICCL seriously concerned by Garda Ombudsman's "leaseback" proposals', Press release, 1 May 2008
- 'Garda must "robustly embrace change" to repair reputation and morale', Press release, 7 May 2008
- 'Ireland Faces Summer Grilling from UN, say human rights groups', Press release, 14 May 2008
- Kelly, M. 'Justice delayed is justice denied', *Law Society Gazette*, Vol. 102, No 4, May 2008, p12
- Submission to the Equality Authority's Strategic Plan 2009-2011

June

- 'ICCL Calls for "Better Deal" for Crime Victims', Press release, 19 June 2008
- 'Civil Partnership Scheme: More a Staging Post than a Milestone, says the ICCL', Press release, 24 June 2008
- *Shadow Report to the Third Periodic Report of Ireland under the International Covenant on Civil and Political Rights (ICCPR)*, produced jointly with the Free Legal Advice Centres (FLAC) and the Irish Penal Reform Trust (IPRT)



- *Taking Liberties: The Human Rights Implications of the Balance in the Criminal Law Review Group Report* (together with summary document – *Taking Liberties: Main Issues*)
- *A Better Deal: The Human Rights of Victims in the Criminal Justice System*
- *ICCL Charter of Rights for Victims of Crime*
- Duffy, D. (2008) “A Better Deal for the Victims of Crime”, *Emergency Services Ireland*, Issue 30, June 2008, p73

July

- ‘Calls for surveillance law reform after Strasbourg court victory’, ICCL and Digital Rights Ireland Joint Press release, 1 July 2008
- ‘Top Judge Spotlights UN role in Monitoring of Ireland’s Rights Record’, ICCL, FLAC and IPRT Joint Press release, 13 July 2008
- ‘Government Undergoes Geneva Grilling on Human Rights Record’, ICCL, FLAC and IPRT Joint Press release, 14 July 2008
- ‘Government’s Stoic Performance at UN Fails to Convince Says the ICCL’, Press release, 15 July 2008
- ‘UN Human Rights Experts uphold Irish NGO concerns at Irish Human Rights Record’, Press release, 24 July 2008
- ‘Garda Complaints Board’s Final Annual Report Highlights Flaws in Garda Ombudsman’s Leaseback Proposals’, Press release, 31 July 2008
- ICCL 2007 Annual Report
- ICCPR Information Pack for NGOs for 14-15 July 2009, produced jointly with FLAC and the IPRT
- NGO Shadow Report under the ICCPR: Summary and Issues of Concern
- ICCPR Follow-up Responses for the UN Human Rights Committee following its formal examination of Ireland
- Kelly, M; Herrick, L; Blackwell, N. ‘Attack on UN human rights body just doesn’t bear scrutiny’, *Irish Independent*, 29 July 2008, p12



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August

- 'Safeguards Essential in Piloting of Public Service Card Says the ICCL', Press release, 5 August 2008
- 'ICCL Places Privacy Centre Stage at Electric Picnic 2008', Press release, 26 August 2008
- Submission to the Minister for Justice, Equality and Law Reform on the Scheme of the Civil Partnership Bill
- Rights News 6, Summer 2008

September

- 'Irish Rail Profiteering from License to Discriminate', Press release, 5 September 2008
- 'Diverse Judiciary is a "Cornerstone" of Democracy', Press release, 17 September 2008
- 'Judging Diversity: "We Need to Talk" say UCC and ICCL', ICCL and UCC joint Press release, 18 September 2008
- 'Protecting Privacy is More than a Walk in the Park', Press advisory, 23 September 2008
- 'Ministers Fail to Close Hijab Loophole', Press release, 23 September 2008

October

- 'Final Morris Reports again underline need for Improved GSOC Independence and Resourcing', Press release, 8 October 2008
- 'ICCL Urges Caution on Adoption of Pepper Spray Weapons', Press release, 23 October 2008
- Rights News 7, Electric Picnic Special Edition, Autumn 2008



November

- 'ICCL Gives Cautious Welcome to New Government Plans on Rendition', Press release, 1 November 2008
- Supplementary Submission to the Department of Community, Rural and Gaeltacht Affairs on the Charities Bill 2007
- Submission to members of Seanad Éireann on the Charities Bill 2007

December

- 'ICCL to Bring Rights into Focus on International Human Rights Day', Press advisory, 5 December 2008
- 'Groups Call for Principled Politicians to Stand Up for Human Rights and Equality', ICCL/ ERA Press release, 9 December 2008
- 'Crowley Resignation is Principled Response to Government Attacks on Equality', Press release, 12 December 2008
- Kelly, M; O'Gorman, C; Blackwell, N; Lawlor, M. 'Are human rights not 'beneficial' to society?', *Irish Examiner*, 3 December 2008, p17
- Ward, T. 'Should the DNA of those suspected of a criminal offence be taken and retained?', Head2Head debate response, *Irish Times*, 15 December 2008, p12
- ICCL Rights News 8, 'Ireland's Rights Landscape?', Winter 2008-09

Events

- Co-ordination of a Legal Panel discussion meeting on the Immigration, Residence and Protection Bill 2008 at the Morrison Hotel, Dublin 7
- 'Forum on the Human Rights of Victims in the Criminal Justice System', Equality Authority, Dublin 2
- ICCPR NGO Preparatory Meeting, organised in association with FLAC and the IPRT, at the Equality Authority, Dublin 2

- Launch of Shadow Report to the Third Periodic Report of Ireland under the ICCPR (in association with FLAC and the IPRT), Dublin
- Co-ordination of the NGO session in association with FLAC and the IPRT with the UN Human Rights Committee the Office at the Human Rights Commissioner at the Palais Wilson, Geneva
- Co-ordination of seminar 'The Civil Partnership Bill Scheme: Legal Consequences and Human Rights Implications' in the Equality Authority, Dublin 2
- 'Got Protection? Privacy is our Gig' – ICCL privacy campaign weekend at Electric Picnic, Stradbally, Co Laois
- ICCL and the UCC Centre for Criminal Justice and Human Rights conference on 'Judicial Diversity: Strategies for Change' at the Law Library, Dublin 7
- Launch of inaugural ICCL Human Rights Film School Competition on International Human Rights Day by Kirsten Sheridan and Jim Sheridan, Irish Film Institute

Speeches and Presentations

- Presentation for the UN Human Rights Committee on the 'Civil and Political Rights in Ireland', delivered at the UN in the Offices of the UN Human Rights Commissioner, New York
- Lecture on the European Convention on Human Rights to students at Sligo IT
- Presentation of the ICCL's work to student Gardaí at the Garda College Diversity Community Fair, Templemore
- 'Ireland and ICERD', paper delivered to a conference organised by the NGO Alliance Against Racism in on Shadow Reporting under the UN Convention Against Racism, the European Parliament Office, Dublin 2
- Presentation on *Better Deal* document to victims groups attending the ICCL Forum on the Human Rights of the Victims of Crime

- 'The Role of NGOs in the Human Rights Committee Session and Priority Areas for Groups', delivered to the Irish Human Rights Commission's NGO meeting in preparation of Ireland's examination under the ICCPR
- 'Civil and Political Rights in Ireland: The NGO Perspective on Ireland's Performance under the ICCPR', at the Offices of the UN Human Rights Commissioner in the Palais Wilson, Geneva
- Presentation to the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights on the ICCL's paper on Defendants' and Victims' Rights
- Presentation to UCC FLAC society seminar on the Scheme of the Civil Partnership Bill 2008
- Presentation to the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights on behalf of the Equality and Rights Alliance (ERA)

External Representation of the ICCL

- Department of Foreign Affairs NGO Human Rights Standing Committee
- Equality Authority Community and Voluntary Group and Equality Authority Stereotyping Working Group
- Equality and Rights Alliance
- FLAC Public Interest Law Alliance
- Garda Strategic Human Rights Advisory Committee
- International Civil Liberties Network
- International Federation for Human Rights (FIDH)
- Women's Human Rights Alliance

FUTURE PROSPECTS



SECURING A SUSTAINABLE FUTURE FOR THE ICCL

Our financial independence is one of our greatest strengths and enables us to speak out on important issues and carry on with our work of monitoring Ireland's compliance with its international human rights agreements, achieving a fair and equitable criminal justice system and securing equality.

This work is not easy or quick. It requires patience, time and, crucially, financial resources. During 2008, the ICCL worked to meet these financial needs through approaching trusts and foundations, while reaching out to individual supporters and asking them to support particular projects and activities. We also held our first major fundraising event aimed at the legal community, a dinner featuring guest speaker Tony Kelly, a successful human rights solicitor practicing in Scotland. This engaged solicitors, barristers and academics in our work and further developed our relationship with these key supporters.

Now, more than ever, our work as a voice for human rights in Ireland and as a vehicle for change is needed, especially in this increasingly challenging economic landscape. We would like to thank our members, donors and friends for their continued support. In particular, we would like to acknowledge the role of the Atlantic Philanthropies, which has been a stalwart supporter of our work.

OUR FINANCES

OUR FINANCES

The ICCL consists of two organisations – the ICCL Association and the ICCL Ltd., a company limited by guarantee. All of our day-to-day activities are managed by ICCL Ltd., including promotional and awareness raising initiatives, research and policy activities, fundraising campaigns, staff costs and general overhead expenditure.

The ICCL Association is a membership organisation. The ICCL Association's financial statements reflect all income generated through membership fees and additional donations made by members.

The ICCL receives income from individual members, supporters and a small number of foundations and trusts in order to carry out the work of the organisation. The ICCL expends its income on research, campaigning and promotional costs across the three main “pillars” of work (monitoring human rights, promoting justice, securing equality), governance and capacity-building of the organisation.

Information is provided to all donors, including individuals, trusts and foundations, on a regular basis regarding developments, activities and programmes to ensure that the ICCL operates in a manner that is transparent and accountable. The ICCL complies with all legal and regulatory requirements, in line with best practice for NGOs.

The ICCL financial statements for 2008 have been audited by:
Squires & Co. Chartered Accountants & Registered Auditors, 4 Merrion Square, Dublin 2.

Irish Council For Civil Liberties Association

INCOME AND EXPENDITURE ACCOUNT (FOR THE YEAR ENDED 31 DECEMBER 2008)

	2008 €	2007 €
Income		
Grants	0	0
Membership	7920	8196
Donations	100	320
Other income	176	19
	8,196	8,535
Special Funds	0	0
Total Income	8,196	8,535
Expenditure on Activities of Strategic Plan		
Capacity Building	23	103
Research and Policy Development	0	0
Campaigning and Communication	0	0
Lobbying and Advocacy	0	0
Networking	300	0
Fundraising	0	0
Total Expenditure	323	103
Surplus of Income over Expenditure	7,873	8,431

Irish Council For Civil Liberties Association

BALANCE SHEET

(FOR THE YEAR ENDED 31 DECEMBER 2008)

	2008 €	2008 €	2007 €	2007 €
Fixed Assets				
Current Assets		0		0
Prepayments	0		0	
Bank and Cash	24,789		16,917	
		24,789		16,917
Current Liabilities				
Trade Creditors	(126)		(126)	
Accruals		0		0
		(126)		(126)
Net Assets		24,664		16,791
Cash carry forward		16,791		8,360
Surplus of income over expenditure		7,873		8,431
		24,664		16,791

Irish Council For Civil Liberties Limited

INCOME AND EXPENDITURE ACCOUNT (FOR THE YEAR ENDED 31 DECEMBER 2008)

	2008 €	2007 €
Income		
Total Income	773,533	711,497
Expenditure		
Costs of campaigns, publications and awareness - fundraising activities	(560,964)	(550,460)
Administration expenses (Costs of governance, administration and capacity building)	(216,458)	(191,003)
Total Expenditure	(777,422)	(741,463)
Bank Interest	1,582	0
(Deficit)/Surplus before taxation	(2,307)	(29,966)
Tax on surplus	0	0
Retained Surplus brought forward	20,267	50,233
Retained Surplus at the end of the year	17,960	20,267

The company had no recognised gains or losses in the financial period other than the deficit for the above two financial years. The above figures are taken from the ICCL Ltd., audited financial statements for the year end 2008

Irish Council For Civil Liberties Limited

BALANCE SHEET

(FOR THE YEAR ENDED 31 DECEMBER 2008)

	2008 €	2008 €	2007 €	2007 €
Fixed Assets				
Computer Equipment		16,616		13,373
Furniture & Fixtures		8,980		10,821
		25,596		24,194
Current Assets				
Debtors	6,510		2,058	
Cash at bank and in hand	25,201		18,537	
	31,711		20,595	
Creditors: amounts falling due within one year	(39,347)		(24,522)	
Net Current Assets/Liabilities		(7,636)	0	(3,927)
Total assets less current liabilities		17,960		20,267
Reserves				
Retained Surplus		17,960		20,267

The above figures are taken from the ICCL Ltd. audited financial statements for the year end 2008

ICCL CHARTER OF RIGHTS FOR CRIME VICTIMS

RIGHT TO INFORMATION

All criminal justice agencies have a responsibility to ensure that the victim of a crime and his/her family remain informed throughout the investigation and trial process. In general, the decision-maker should be the person to relay the information to the victim. A range of information exchange methods should be used including face-to-face communication to ensure that all victims understand the process and procedures.

RIGHT TO PROTECTION FROM HARM

Every victim has a right to protection from intimidation and harassment. The benefits of protecting the safety of victims are multiple: the DPP can prosecute the alleged perpetrator; the victim is likely to be more comfortable giving evidence; and community confidence in the justice system may increase. Witness/victim protection measures should include criminal court complexes which are 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 should be 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. These facilities should be available in every courtroom.

RIGHT TO PARTICIPATE IN A FAIR AND EFFECTIVE CRIMINAL PROCESS

An effective criminal justice 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 addressed. Furthermore, procedures guiding the operation of Victim Impact Statements should be set down in statute following consultation with relevant partners.





RIGHT TO A REMEDY

The European Convention on Human Rights requires that people should have an effective remedy if their rights are violated. The Government must ensure that inquests and any other enquiries established to investigate suspicious deaths or the use of force by state agents 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 should 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. 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.

Irish Council for Civil Liberties (ICCL)

9-13 Blackhall Place

Dublin 7

Tel: +353 1 799 4504

Email: info@iccl.ie

Website: www.iccl.ie

Attack on UN human rights body just doesn't bear scrutiny

David Quinn's question, 'How dare the UN take us to task over our human rights record?' (*Irish Independent*, July 18), is grounded in a series of misrepresentations regarding Ireland's appearance before the United Nations Human Rights Committee in Geneva last week.

The task of the UN Human Rights Committee is to monitor the progress of states under the International Covenant on Civil and Political Rights (ICCPR), which was adopted by the UN General Assembly in 1966.

One hundred and sixty-one states have signed up to this international treaty, which protects a wide range of civil and political 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.

'Picnic' petition calls for privacy protection

Safeguards Essential in Piloting of Public Service Card Says the ICCL

Crime victims' rights charter is urged

LAW

Calls for modern judiciary

By COLM KELPIE

Plans to help crime victims 'may collapse trials'

Disappointment at Govt response to UN human rights questions

Innocent people required to give DNA under new law

Legislating for government eavesdropping

Are human rights not 'beneficial' to society?

Aid agencies tackle the Government on definition of what makes a charity

Axe over protection of 'double jeopardy' law

Should the DNA of those suspected of a criminal offence be taken and retained?

European Court of Human Rights outlines surveillance controls

Judges must reflect Ireland's diversity, says civil liberties group

Equality body chief praised for courage and integrity

Rights of crime victims are not upheld'

Victory over Britain in fight to curb phone taps

Guantanamo move welcomed by ICCL

Human rights campaigners to lobby Oireachtas committee

News in brief

Call for laws to protect privacy

REELNEWS

Shorts on rights

Michael Dwyer on film

State urged to control suspected rendition flights

UN rights committee makes 19 proposals to Government

Civil liberties groups demand 'safeguards' for new ID cards

Should the DNA of those suspected of a criminal offence be taken and retained?

Electric Picnic?
Don't forget the wellies

Belated move by Government on US renditions

As the administration of George W. Bush comes to a close, the Irish Government has said it will speak to the new US administration about extraordinary rendition. The Bush era was characterised by a constant of war, terror and torture. It was an era that tarnished the good name of America across the world.

UN committee to question rendition stance

Concerns over prisons also to be raised

Britain wrong to spy on Irish communications

Mountjoy is a disaster waiting to happen, legal experts warn

Report condemns conditions in overcrowded jail amid fear of major incident

Attack on UN human rights body just doesn't bear scrutiny

Every step you take

Could the new travel pass evolve into a national identity card, allowing the state to watch our every move, asks Colin Coyle

MINISTER RAPPED OVER HIJAB IN SCHOOLS ROW



Rights group are up in arms

■ By MARK WHITE

EDUCATION

Hijab policy call for pupils

TWO ministers were yesterday accused of dodging responsibility on whether to allow pupils to wear the hijab or other religious dress in class.

Garda chief denies spray cans a 'step' to armed force



Irish Council for
Civil Liberties

Irish Council for Civil Liberties,
9-13 Blackhall Place,
Dublin 7

Ph: +353-1-799 4504
Fax: +353-1-799 4512
Email: info@iccl.ie

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