The European Convention on Human Rights in Ireland
What is in this pack?
This pack has information about:

• the European Convention on Human Rights (ECHR),
• Ireland’s European Convention on Human Rights Act 2003,
• the European Court of Human Rights,
• some of the main human rights and fundamental freedoms protected by the ECHR, and
• how to take a case to the European Court of Human Rights.

What is the European Convention on Human Rights?
The European Convention on Human Rights (ECHR) is an international agreement or treaty. Countries that have signed up to it promise to protect the human rights and fundamental freedoms of every person.

You can find a copy of the ECHR on the website of the European Court of Human Rights at www.echr.coe.int under the heading Basic Texts. A simplified version of the ECHR is available under the heading The Court.

What is in the ECHR?
The ECHR has 59 articles, or sections, setting out human rights and freedoms such as:

• the right to life,
• freedom from torture,
• the right to liberty, and
• the right to privacy.

It also has rules about the working methods of the European Court of Human Rights.

There are 15 protocols to the ECHR. A protocol contains changes to the Convention or rights that were added after the original agreement was made. The rights in a protocol are just as important as the rights in the Convention itself. The protocols can be split into two main groups:

• protocols that change procedures, such as how the European Court of Human Rights works, and
• protocols that add more rights to the rights already protected under the Convention.

What types of rights does the ECHR protect?
The ECHR protects you against the government interfering with your rights. It contains two main types of rights, absolute rights and qualified rights.

• Absolute rights. The government is never allowed to interfere with these rights. For example, the government is never allowed to introduce slavery or forced labour.

• Qualified rights. The ECHR contains some rights that the government can interfere with in certain circumstances, for example, the right to privacy or the right to freedom of expression. However, the government must have very good reasons to justify interfering with a qualified right in each case. Sometimes, ECHR rights are balanced against each other. For example, one person’s right to privacy might be balanced against another person’s right to freedom of expression.

What if my rights are interfered with?
Whether or not the government has interfered with your rights under the ECHR will depend on the particular situation. For more information about how these rights may apply to you, you should contact a solicitor or one of the organisations listed in the Contacts section on page 37.

Where can I get more information?
This pack provides a very short overview of your rights under the ECHR. You will find a list of useful further information on page 36.
**BACKGROUND TO THE ECHR**

**Where did the ECHR come from?**
The ECHR was drafted by the Council of Europe after the Second World War. Ireland agreed to respect the Convention when it signed it in 1953.

**What is the Council of Europe?**
This is an international organisation with 47 member countries. The aim of the Council of Europe is to create common principles throughout Europe based on human rights, democracy and the rule of law.

Ireland was one of the founding members of the Council of Europe in May 1949. You will find contact details for the Council of Europe on page 36 or you can visit the website www.coe.int.

**What is the relationship between the Council of Europe and the European Union (EU)?**
- **The Council of Europe** is based in Strasbourg, France. It has 47 member countries and was set up to promote democracy and to protect human rights and the rule of law.
- **The EU** is an economic, social and political partnership between 27 member countries and is based in Brussels. Countries that join the EU allow decisions on specific matters to be made at European level and agree to adopt European laws in their own countries.

**What is the European Convention on Human Rights Act 2003?**

**What does the ECHR Act 2003 do?**
In line with the Constitution and other national laws:
- it makes it unlawful for certain government agencies or departments to act in a way that interferes with your ECHR rights,
- and permits the Irish courts to hear arguments about the ECHR in cases before them.

**Does the ECHR Act 2003 create new rights in Ireland?**
The ECHR Act 2003 does not create any new rights, but it does mean that judges should consider a person’s rights under the ECHR when they give decisions. Government bodies should also make sure that their policies and practices are in line with the ECHR.

**What is a declaration of incompatibility?**
If a judge in the High Court finds that an Irish law or rule is out of line with the ECHR, they can give a ‘declaration of incompatibility’. The Government must then decide how to change the law.

**Countries Of The Council Of Europe**
Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Sweden, Spain, Switzerland, Macedonia, Turkey, Ukraine, United Kingdom.

**Countries Of The European Union (EU)**
Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

**EUROPEAN CONVENTION ON HUMAN RIGHTS ACT 2003**

**What is the relationship between the ECHR Act 2003, the Irish courts and the European Court of Human Rights?**
The European Court of Human Rights gives judgments on cases involving different legal systems across the Council of Europe. The law in Ireland should take account of the judgments of the European Court of Human Rights, even when those judgments involve countries other than Ireland.

**Countries Of The European Union (EU)**
Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS PROTECTED BY THE ECHR

RIGHT TO LIFE
(Article 2 and Protocols 6 and 13)

Article 2:
1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
(a) in defence of any person from unlawful violence;
(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
(c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 1, Protocol No. 6, Protocol No. 13
The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Your right to life is protected under the law. The death penalty has been abolished by all Council of Europe countries even in times of war or other emergency.

There are only three circumstances where a person can lawfully take the life of someone else. These are:
- to defend themselves or another person against unlawful violence;
- to make an arrest or prevent someone escaping;
- to stop a riot or violent uprising against the government.

The force used in these circumstances must be ‘no more than is absolutely necessary’.

The European Court of Human Rights has considered a number of cases involving the right to life. The Court has used the following principles:
- the ECHR bans unlawful killing by state agents, for example the Gardaí or prison officers;
- the government has to take positive steps to protect life, for example by making murder an offence or making sure that inquests take place;
- if the police think that there is an immediate risk to someone’s life, they must act to protect the right to life;
- the government must effectively investigate all deaths caused by state agents, such as the police, army or prison service. The investigations must be independent, open, prompt and thorough.

The European Court of Human Rights has found that the right to life was violated when the police failed to:
- protect children who were later killed by their father;
- effectively investigate shootings by other police officers.

Jordan v United Kingdom (2003)
In November 1992, Mr Pearse Jordan, who was unarmed at the time, was shot and killed during a Royal Ulster Constabulary (RUC) surveillance operation on the Falls Road in Belfast. A brief police investigation and incomplete inquest followed, but nobody was prosecuted or faced disciplinary action. Pearse Jordan’s father, Mr Hugh Jordan, complained that his son was unjustifiably killed by a RUC officer, and that the authorities failed to properly investigate the shooting. The European Court of Human Rights found that the authorities’ investigation into the shooting was not effective, because it was carried out by police officers who were not independent.
RIGHT TO FREEDOM FROM TORTURE AND ILL-TREATMENT (Article 3)

**Article 3:** No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

You have the right not to be tortured. You have the right to be free from treatment or punishment that is inhuman or degrading.

Even in times of emergency, such as war, the ECHR forbids torture, ill treatment or degrading treatment. The European Court of Human Rights has made clear that even people who break the law, such as people accused of terrorism, are protected from torture, ill treatment or degrading treatment.

The Court has found inhuman or degrading treatment that causes very serious and cruel suffering. Inhuman and degrading treatment are less serious than torture.

The level of harshness that is needed to amount to ill treatment depends on the person and the circumstances. For example, treatment that could be used lawfully against an adult may be considered inhuman or degrading if used on a child or a person with learning difficulties.

The Court has found inhuman or degrading treatment or punishment in the following areas (see key words):

- detention in a police station or prison;
- corporal punishment; and
- extradition and deportation.

The government must take positive steps to protect people from torture and degrading treatment. It must investigate any complaint that state agents have carried out torture or treated someone in an inhuman or degrading way. These investigations must be effective. They must be independent, open, prompt and thorough.

The European Court of Human Rights has found that the right to freedom from torture, ill-treatment and degrading treatment was violated when:

- an opposition leader was tortured and there was no effective investigation;
- a person was to be extradited to a country where they would sit on death row for an indefinite period;
- a prisoner who was on a hunger strike in protest at prison conditions was force-fed;
- a state failed to protect children who suffered serious ill-treatment at the hands of their parents.

**Selmouni v France (1999)**
Mr Ahmed Selmouni, a Moroccan/Netherlands national, was arrested in France on suspicion of involvement in drug trafficking. In the police station he was subjected to several days of violent assaults and degrading treatment by police officers during questioning. This resulted in extensive injury and permanent damage to one of his eyes. The European Court of Human Rights found that States are expected to reach higher standards now than in the past and that the treatment he suffered was extreme enough to be classed as torture. The Court found France to be in violation of Article 3. You cannot be treated as a slave or forced to work.

This is an absolute right and the ECHR forbids slavery or forced labour even in times of emergency, such as war.

The government must take positive steps to protect people against slavery and forced labour, for example to make slavery a criminal offence.

**Article 4:**
1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this article the term forced or compulsory labour shall not include:
   (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
   (b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
   (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
   (d) any work or service which forms part of normal civic obligations.

The European Court of Human Rights has a test to work out whether someone is being forced to work or treated as a slave:

- Are you working against your will?
- Does the work fall outside your normal work duties?
- Is the work unjust, oppressive or an avoidable hardship? If it is a normal work duty, can it be considered an unfair burden or is it really required?

The European Court of Human Rights has found that the right to freedom from slavery or forced labour was violated where the criminal law did not properly protect a girl who had her passport confiscated and was forced to work without pay or time off.

**Siwa-Akofa Siliadin v France (2005)**
In 1994, Ms Siwa-Akofa Siliadin, a 15-year-old girl from Togo, arrived in France on a tourist visa with the help of a French family of Togolese origin, to work in the family’s home in Paris. They had promised to cover the cost of her airfare and to arrange for her immigration papers and schooling. In fact, the family took away her passport and ‘lent’ her to a second family to work as an unpaid housemaid seven days a week. After three years, the second family was brought to court on charges of obtaining services without payment and taking advantage of a vulnerable person. The girl received some compensation, but the appeal court decided that, according to French law, the family hadn’t committed a crime serious enough to deserve a prison sentence. The European Court of Human Rights found that France was in violation of Article 4 for failing to have strict enough laws to prevent and punish slavery, servitude and forced labour.
You have the right not to be deprived of your liberty except in certain circumstances (see below). To be deprived of your liberty means to be held against your will, and Irish law should state clearly when and how this is allowed to happen. You can only be deprived of your liberty for one of the reasons set out in Article 5 of the ECHR:

- you have been convicted of a crime by a court;
- you have not followed a court order;
- to bring you before a court because you are suspected of committing a crime;
- to prevent you committing a crime or leaving the country if you are a suspect;
- you are under 18 and you are detained in order to receive educational supervision or to bring you before a court;
- to prevent the spread of infectious diseases;
- you are suffering from certain mental illnesses;
- you are an alcoholic, a drug addict or a homeless person (in certain circumstances);
- you are trying to enter a country or cross a border illegally;
- there is a deportation order or extradition order against you, which means you must leave the country.

If you are arrested, you have the right to be told the reasons for the arrest and any charge made against you, in a language that you understand. You have the right to be brought before a court in a reasonable period of time, to challenge the grounds for your detention and to have a trial in a reasonable time.

You cannot give up your right to liberty. Even if you agree to be detained unlawfully it will still be a violation of your rights. If you have been deprived of your liberty in a way that violates Article 5, you have the right to compensation.

A large number of cases have been decided under Article 5, including some against Ireland. The European Court of Human Rights found in favour of an Irish person who was detained without trial for an indefinite period under Irish law. The Court also found against Ireland where a child who had not committed an offence was detained in St Patrick’s Institution for young offenders.

Under Article 1 of Protocol 4, you should not be sent to prison only because you did not pay a debt.
RIGHT TO LIBERTY AND SECURITY

(Article 2 of Protocol 4)
1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the maintenance of order public, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
4. The rights set forth in paragraph 1 may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society.

(Article 3 of Protocol 4)
1. No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national.
2. No one shall be deprived of the right to enter the territory of the State of which he is a national.

Protocol 4 also deals with free movement. If you are lawfully in a country, you have the right to go where you want and to live where you want within that country. If you are a national of a country, you cannot be made to leave the country or banned from entering it.

The European Court of Human Rights has found that the right to freedom of movement under Article 2 of Protocol 4 was violated where:
- restrictions were placed on the movements of people from one ethnic group who were lawfully present in the country;
- a passport was confiscated and not returned for two years.

Wintertwerp v The Netherlands (1979)
Mr Frits Winterwerp, a Netherlands citizen, was committed to a psychiatric hospital in 1968 by local authorities. The committal was renewed at the request of his wife and then from year to year based on medical reports from his doctors. Mr Winterwerp was not properly informed of these decisions, and the public prosecutor rejected his numerous requests to be discharged without referring them to a court. The European Court of Human Rights judged that Mr Winterwerp was deprived of his liberty without the right to proper court proceedings, in violation of Articles 5 and 6 (see Article 6 below).

RIGHT TO A FAIR TRIAL

(Article 6 and Articles 2—4 of Protocol 7)

(Article 6)
1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
   - to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
   - to have adequate time and facilities for the preparation of his defence;
   - to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
   - to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
   - to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

You have the right to a fair and public hearing within a reasonable period of time. This applies to criminal and civil cases, including social welfare hearings.

Article 6 protects your right to legal aid in certain circumstances. For example in an Irish case, the European Court of Human Rights found that a person’s rights were violated because there was no legal aid for marital separation cases.

Under the right to a fair trial:
- you have the right to a fair chance to present your case;
- your case must be heard before an independent and impartial court or tribunal;
- your case must be heard in a reasonable time;
- your case must be heard in public (with some exceptions, for example family law cases);
- you have the right to be presumed innocent unless proved to be guilty;
- you have the right not to incriminate yourself;
- you have the right to be informed of any charge in a language that you understand;
- you have the right to time to prepare your defence;
- you have the right to defend yourself personally or through a lawyer;
RIGHT TO A FAIR TRIAL (cont.)

- you have the right to be provided, free of charge, with an interpreter who speaks your language;
- you have the right to cross-examine witnesses.

The European Court of Human Rights has decided many cases under Article 6 and found that the right to a fair trial was violated where:

- a person was convicted for refusing to answer questions by the police;
- a judge made statements to the press which affected a person’s right to be presumed innocent;
- statements taken through torture were used in court;
- children were not able to take part effectively in their own trial.

Article 2 of Protocol 7 gives you the right to appeal (except in some minor cases).

Article 3 of Protocol 7 gives you the right to be compensated if you have been wrongly convicted of a crime due to a miscarriage of justice.

Under Article 4 of Protocol 7, you should not be tried again for the same offence unless new facts are discovered or there was a serious problem with the previous trial.

The European Court of Human Rights has found that the right to a fair trial under Protocol 7 was violated when a person was re-tried because the police had not carried out the investigation properly the first time.

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Airey v Ireland (1979)

For 8 years, Mrs Johanna Airey had been trying to get a judicial separation from her husband but could not afford a solicitor. The legal aid available in Ireland at the time would not cover judicial separation cases. She claimed a breach of her right to a fair trial under Article 6 of the ECHR, as she could not get access to the court. In part because of the personal nature of the case, the Court decided that Mrs Airey should not have to represent herself and should be given free legal assistance.

Salduz v Turkey (2008)

In 2001 Mr Yusuf Salduz, then 16 years old, was taken into custody by police officers from the İzmir Security Directorate on suspicion of taking part in an unlawful demonstration in support of a banned organisation. He was denied access to a lawyer while being questioned by the police, which was standard practice in Turkey at the time. He gave a statement saying that he had hung an illegal banner and taken part in the demonstration but later withdrew it, claiming that the police had pressured him into making it. He was convicted anyway and the Turkish Courts rejected his subsequent appeals. In 2008, the European Court of Human Rights ruled that a person’s right to a fair trial can be damaged beyond repair if a lawyer is not present when he or she is questioned by the police. The Court stated that there were no exceptional circumstances to excuse the fact that Mr Salduz had been denied access to a lawyer while being questioned. This had seriously damaged his defence case, particularly as he was a minor at the time. The Court therefore found that Turkey had violated Mr Salduz’s right to a fair trial.
RIGHT TO PRIVACY AND FAMILY LIFE (Article 8)

Article 8
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

You have the right to respect for your private and family life, home and correspondence.

This is a qualified right, which means that it can be restricted by law for the following reasons:

- national security;
- public safety;
- economic well-being;
- to prevent crime or disorder;
- to protect health or morals; or
- to protect the rights and freedoms of other people.

Where the government restricts these rights, the restriction must be necessary and proportionate. For example, the European Court of Human Rights found that it is acceptable to keep a DNA database to solve crime, but it was not proportionate to keep the DNA records forever. The Court found that the DNA records should be kept for a shorter, definite period of time.

In certain circumstances, the government must take positive steps to protect the right to privacy, for example to allow sexual assault cases to be heard in private or make it a criminal offence to open a person’s mail.

The Court has defined family life in broad terms so that it is not just a family based on marriage. It includes grandparents, uncles, aunts, non-married couples and same-sex couples.

The European Court of Human Rights has decided many cases under Article 8 and has found the right to private and family life was violated where:

- homosexual people were dismissed from the armed forces after an investigation into their private lives;
- the police carried out unlawful surveillance;
- it was possible to put a child up for adoption without the consent of the father if he was not married to the mother.

RIGHT TO FREEDOM OF THOUGHT (Article 9)

Article 9
1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

You have the right to hold your own views, thoughts and beliefs. You have the right to follow a religious faith.

This is a qualified right, which means that it can be restricted by law for the following reasons:

- national security;
- public safety;
- economic well-being;
- to prevent crime or disorder;
- to protect health or morals; or
- to protect the rights and freedoms of other people.

Where the government restricts these rights, the restriction must be necessary and proportionate.

Norris v Ireland (1988)
Mr (now Senator) David Norris complained to the Irish High Court (and then the Supreme Court) that the criminalisation of homosexual relations under Irish law interfered with his right to private life under Article 8 of the ECHR. The Irish government argued that there was little risk of Mr Norris being prosecuted (nobody was ever really prosecuted for this offence). However, the Court followed its earlier judgment in a case about a similar law in Northern Ireland (Dudgeon v United Kingdom) and decided that Mr Norris’ right to private life had been breached. In 1993, homosexuality ceased to be a crime under the law of Ireland.

Halford v United Kingdom (1997)
Ms Alison Halford was an Assistant Chief Constable of the Merseyside Police and the most senior female police officer in the United Kingdom. When she took a case against her employers for discrimination, she found that all the calls she made from her office phone had been monitored by her employer, without her knowledge or permission, in order to get information to use against her in her discrimination case. The European Court of Human Rights found that her right to privacy had been violated, as she could expect to have privacy when making phone calls from her office. If she had been warned that her calls were being monitored, then it is possible that the Court would not have found a breach of privacy.
The European Court of Human Rights has found that the right to freedom of religion was violated where:

- members of Parliament had to swear a religious oath;
- a person of the Jehovah’s Witness faith was excluded from a profession because they had refused to take part in military service;
- a person lost their job because of their religious beliefs.

You have the right to hold opinions and to express your views on your own or as part of a group. This applies even if the views are unpopular or disturbing.

This is a qualified right, which means that it can be restricted by law for the following reasons:

- national security;
- territorial integrity (to protect borders) or public safety;
- to prevent crime or disorder;
- to protect health or morals;
- to protect the rights and freedoms of other people;
- to prevent information received in confidence from being disclosed;
- to make sure judges stay impartial (for example to stop judges commenting publicly on a case they are hearing).

Where the government restricts these rights, the restriction must be necessary and proportionate.

The Court has found that the right to freedom of expression was violated where:

- companies were banned from giving pregnant women information about abortion services abroad;
- a journalist was ordered to disclose his sources;
- a journalist was convicted for enabling a group of people to make racist remarks.

**Buscarini and Others v San Marino (1999)**
Mr Cristoforo Buscarini, Mr Emilio Della Balda and Mr Dario Manzaroli were elected to the San Marino Grand Council (Parliament) in 1993. They were required by the Elections Act to swear a religious oath before taking office. They requested permission to take a non-religious oath and signed an oath that did not mention religion. The Grand Council declared this oath invalid and the men were forced to choose between taking the oath against their own beliefs or giving up their elected seats. They eventually took the religious oath but complained that their right to freedom of religion had been infringed. The European Court of Human Rights stated that freedom of religion included the freedom not to hold religious beliefs. It ruled that forcing the men to take a religious oath was not necessary in a democratic society and so San Marino had violated Article 9.

**Open Door Counselling Ltd & Dublin Well Woman Centre Ltd v Ireland (1992)**
Open Door Counselling and the Dublin Well Woman Centre were prevented from providing information to pregnant women about abortion clinics in the United Kingdom under an Irish High Court injunction. The European Court of Human Rights found that it was not proportionate for the Irish government to prevent the organisations from providing information about abortion. The Court made this decision for a number of reasons.

- It was not illegal for Irish women to have abortions abroad.
- The injunction did not take into account the individual circumstances of women who would be seeking the information.
- Failing to provide information about abortion could have a damaging effect on women’s health.

The Court ruled that Ireland had violated Article 10.
RIGHT TO ASSEMBLE AND ASSOCIATE  
(Article 11)

Article 11  
1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.  
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

You have the right to assemble (gather together) with other people in a peaceful way. You have the right to associate with other people by, for example, joining a trade union. The right to assembly covers private meetings and gatherings in a public place.

This is a qualified right, which means that it can be restricted by law for the following reasons:

- national security;  
- public safety;  
- to prevent crime or disorder;  
- to protect health or morals; and  
- to protect the rights and freedoms of other people.

Where the government restricts these rights, this restriction must be necessary and proportionate. A government may be justified in banning an assembly where there is a real threat to public order and safety. However, it must take positive steps to protect people who are protesting or gathering and to facilitate the assembly. This does not mean that the government has to make sure it runs smoothly. For more details on public order and assembly, see the Know Your Rights pack on Criminal Justice and Garda Powers at www.knowyourrights.ie.

The right to association involves a more formal and organised relationship and includes the right to join a trade union. The European Court of Human Rights has found that the right to assemble and associate was violated where:

- a mayor refused permission for meetings and a march to protest against homophobia;  
- workers were made to join a trade union as a condition of employment.

Young, James and Webster v United Kingdom (1981)  
Mr Ian McLean Young, Mr Noel Henry James and Mr Ronald Roger Webster were employees of British Rail. In 1975, a ‘closed shop’ agreement with British Rail meant that employees were required to be members of one of three agreed trade unions. The men refused to join any of the trade unions for reasons of personal choice, conscience and political belief. As a result, in 1976 they were dismissed from their jobs. The European Court of Human Rights ruled that the United Kingdom violated the applicants’ Article 11 rights by allowing them to be forced to choose between their jobs or joining an organisation that they did not support.

NOTES:

THIS PACK IS FOR YOUR INFORMATION ONLY. IT IS NOT INTENDED TO BE A SUBSTITUTE FOR LEGAL ADVICE.

RIGHT TO MARRY AND EQUALITY BETWEEN SPOUSES  
(Article 12 and Article 5 of Protocol 7)

Article 12  
Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 5 of Protocol 7  
Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. This Article shall not prevent States from taking such measures as are necessary in the interests of the children.

Men and women have the right to marry and have a family. At the moment, this right still only protects marriage between a man and woman. Irish law can set out the rules for marriage, such as at what age it can take place.

Under Protocol 7 there must be equality between husband and wife in relation to their marriage and children. This includes any private arrangements in relation to custody or access.

The European Court of Human Rights has found that the right to marry was violated where:

- transsexual people were not allowed to marry;  
- the spouse who was considered responsible for the marriage breakdown was not allowed to remarry after divorce;  
- a father-in-law and daughter-in-law were not allowed to marry each other if either of their former spouses were still alive.

Johnston and others v Ireland (1986)  
Before divorce was legal in Ireland, Mr Roy and Mrs Janice Johnston brought a case to the European Court of Human Rights claiming that they had a right to divorce under Article 12 of the ECHR, which provides for the right to marry. The Johnstons claimed that having a right to marry under the Convention meant that they also had a corresponding right to divorce. The Court rejected the Johnstons’ claim because the right to divorce is not clearly stated in Article 12.

NOTE: THIS PACK IS FOR YOUR INFORMATION ONLY. IT IS NOT INTENDED TO BE A SUBSTITUTE FOR LEGAL ADVICE.
RIGHT TO AN EFFECTIVE REMEDY (Article 13)

Article 13
Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

You are entitled to a remedy if your rights have been interfered with in an unfair way, even if it is allowed under Irish law. This means that you have the right to make a complaint and have your complaint dealt with effectively.

Often when the European Court of Human Rights finds that another right in the ECHR has been violated, it will find that Article 13 has been violated as well. For example, the Court found that a woman’s right to privacy was violated when her employer had tapped her phone. The Court also found that her right to an effective remedy was violated, as she had no way to make a complaint about this.

Aydın v Turkey (1998)
In 1993, Ms Şükran Aydın, a 17 year old woman from south east Turkey, was arrested along with other members of her family by the local gendarmerie (police), on suspicion of involvement with terrorism. In custody, Ms Aydın suffered several hours of violent physical assaults, including rape. Following her detention, Ms Aydın and her family complained about her treatment, but no member of the security forces was tried or convicted. As well as finding Turkey in violation of Article 3 (freedom from torture), the European Court of Human Rights also found Turkey in violation of Article 13 for failing to properly investigate Ms Aydın’s serious claims of rape and torture by the officers.

FREEDOM FROM DISCRIMINATION (Article 14)

Article 14
The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

You have the right to be treated equally when exercising your rights under the ECHR. In particular, you must not be treated any differently because of your:

- sex;
- race;
- skin colour;
- language;
- religion;
- political opinion or other opinion;
- nationality;
- minority status;
- property; or
- birth.

The Court may also consider other grounds of discrimination, such as age.

If the government treats you differently to someone else in a similar situation, there must be a reasonable explanation for this.

To make a complaint under Article 14, you must have been discriminated against while you exercised another right under the ECHR. For example, you cannot claim to be discriminated against in accessing health services, as there is no right to health under the ECHR.

Cobzaru v Romania (2007)
Mr Belmondo Cobzaru is a Romanian national of Roma ethnicity. On 4 July 1997, Mr Cobzaru presented himself to the local police station in the town of Mangalia to report an attempted assault. In the station, police officers punched, kicked and beat him with a stick, causing extensive head injuries. He later complained about the officers to the head of the police department, to the Department for National Minorities and to the Military Prosecutor. The Military Prosecutor dismissed his complaints, and his appeals, suggesting that he was unreliable due to his ‘gypsy’ ethnicity. The European Court of Human Rights found Romania in violation of Articles 3 (freedom from torture) and 13 (effective remedy). Since the authorities’ failure to open criminal proceedings and properly investigate the assault was influenced by ethnic discrimination, the Court also found Romania in violation of Article 14.

There is a general duty of non-discrimination under Protocol 12 to the ECHR. However, Ireland has not yet signed up to this Protocol, so the government is not yet legally bound to respect this right.

The European Court of Human Rights has found that the right to freedom from discrimination was violated where:

- foreign nationals were refused permission to remain with or join their spouses;
- a government failed to effectively investigate a racist attack on a member of the Roma community.

There is a general duty of non-discrimination under Protocol 12 to the ECHR. However, Ireland has not yet signed up to this Protocol, so the government is not yet legally bound to respect this right.
You have the right to enjoy your property and possessions. This is a limited right and governments can make laws that control how you use your property, such as planning laws and compulsory purchase orders. This may also include taxes and contributions to a social welfare scheme.

The right to property does not mean that you have a right to get property, for example to inherit it.

If the government has taken your property or limited your use of it, you may be compensated.

The European Court of Human Rights will look at your right to property and the interests of the community as a whole, for example in relation to government control over the use of land.

The Court has found that the right to property was violated where:

- landowners were forced to allow hunting on their property;
- a woman could not get on to her property because the army of another Council of Europe State occupied the territory on which it was built.

**Pye (Oxford) Ltd v United Kingdom (2007)**
JA Pye (Oxford) Ltd was an English company that owned farmland in Berkshire. From 1983 to 1999, the Graham family used the land for grazing their animals. At first the family made payments to Pye Ltd for the grass grazed, but the company ignored their later requests for formal grazing arrangements. The Graham family continued to use the land for grazing and in 1997 applied to the courts to be registered as owners of the land under the doctrine of adverse possession (squatters’ rights). The case went all the way to the House of Lords, where it was ruled that the Grahams now had a right to the land. Pye Ltd took the case to the European Court of Human Rights, arguing that its right to property under Article 1, Protocol 1 had been violated. However, the European Court of Human Rights ruled that there was no violation since the rules on squatters’ rights were clear and Pye Ltd had had ample opportunity (12 years) to come to an arrangement with the Grahams.

You have the right to access the education system. Parents have a right to education for their children that supports their own religious and philosophical beliefs.

The government cannot interfere with your right to access education. However, the government does not have to provide certain types of education or guarantee that you receive the education you want for your children.

The European Court of Human Rights has found that the right to education was violated where:

- a pupil was suspended because he refused to accept corporal punishment;
- a pupil was made to take part in religious and philosophical classes.

**Campbell and Cosans v United Kingdom (1982)**
Mrs Jane Cosans’ son Jeffrey was suspended from his school in 1976 for refusing to accept corporal punishment (a lash across the palm with a leather belt) after breaking school rules. The school offered to drop the punishment and suspension as long as he would agree to follow school rules in future. Mrs Cosans insisted that her son should not be subjected to corporal punishment while a pupil at the school. The school continued the suspension, warning Mrs Cosans that she might be prosecuted for failure to ensure her son’s school attendance. The European Court of Human Rights found the United Kingdom in breach of Article 2 of Protocol 1. It found that Jeffrey’s suspension denied him his right to an education, while the school’s policy denied Mrs Cosans’ right to have her son educated in a way that respected her objection to corporal punishment.
Elections for a legislative body, such as Dáil Éireann and the European Parliament, must be free and fair. The election must take place by secret ballot (so your vote is private).

Some limits on this right are allowed, for example the age at which people are allowed to vote.

Under the right to free elections, the government must take active steps to ensure that elections are fair.

The European Court of Human Rights has found that the right to free elections was violated where:

- people living in an overseas territory of an EU state were not allowed to take part in European Parliamentary elections;
- convicted prisoners were not allowed to vote.

Matthews v United Kingdom (1999)
Gibraltar is a small dependent territory of the United Kingdom on a peninsula bordering the south of Spain. Many of its laws are informed by United Kingdom and European Union laws, and its residents are entitled to British citizenship. In 1994, Ms Denise Matthews, a British citizen and a resident of Gibraltar, applied at the local Electoral Registration Office to register as a voter in the European Parliament elections. She was informed that regulations restricted the vote to the United Kingdom only, and did not include Gibraltar, so she took her case to the European Court of Human Rights. The Court ruled that the European Parliament is involved in legislation that directly affects Gibraltar through its legal link to the United Kingdom. Therefore, Gibraltar residents should be given a say through casting their vote in European Parliament elections. The Court ruled that the United Kingdom’s failure to provide for this was a violation of Gibraltar’s rights under Article 3 of Protocol 1. Since this decision, Gibraltar has been included in the South West England constituency for the European Parliament elections.

Conka v. Belgium (2002)
Mr Ján Conka, Mrs Mária Conková, Miss Nad’a Conková and Miss Nikola Conková are Slovakian nationals of Roma origin who fled to Belgium in 1998 after suffering several violent attacks and threats by skinheads. They applied for asylum in Belgium but were refused. During their appeals they, along with other Roma asylum seekers, were summoned to the Ghent police station ‘to enable the files concerning their applications for asylum to be completed’. Shortly afterwards they were deported with other asylum seekers to Slovakia. The deportation was described by the Belgian Minister of the Interior as an operation of collective repatriation designed to tackle “the large concentration of asylum-seekers of Slovakian nationality in Ghent”. The European Court of Human Rights ruled that the Belgian government had organised a collective expulsion without a reasonable examination of the circumstances of each of the people involved, and that this violated Article 4 of Protocol 4.

These safeguards protect a person who is not a national of the country but who lives there legally, from being forced to leave. You have the right to argue against being expelled and to have your case reviewed.

The government can expel you directly if it is necessary for public order or national security.

The European Court of Human Rights found a violation of Article 4 of Protocol 4 when a government expelled a group of Roma.

RIGHT TO FREE ELECTIONS (Article 3 of Protocol 1)

SAFEGUARDS FOR EXPULSIONS (Article 1 of Protocol 7, Article 4 of Protocol 4)
EUROPEAN COURT OF HUMAN RIGHTS

Where does the Court sit?
The European Court of Human Rights sits in Strasbourg, France.

Why was the Court set up?
The European Court of Human Rights was set up in 1959 to make sure that Council of Europe member states do all they should to protect rights under the ECHR. This means that if you think your rights under the ECHR are not being protected by the government, you can ask the Court to examine your situation and make a decision.

How many judges are on the Court?
A judge from each country that has signed up to the ECHR sits on the Court.

Since June 2010, judges can be elected for one nine year term. For judges who were elected before June 2010, the term of office for a judge was six years and they could be re-elected once. All judges must retire at 70 years of age.

What is the structure of the Court?
The Court consists of a Registry, the Plenary Court, the Grand Chamber of the Court, the Chambers of the Court and Committees.

In 1961, the first case ever to be heard before the European Court of Human Rights in Strasbourg was an Irish one—Lawless v. Ireland. Mr Lawless claimed his rights to liberty and fair trial under the ECHR were violated as he was detained without trial by the order of the Minister for Justice. However, the Court accepted that there was a public emergency (border bombing campaign) that justified his detention.

Chambers
Seven judges sit in each Chamber. These Chambers decide on admissibility and also hear most of the cases that pass the admissibility test of a single judge or Committee (see p32 under the question "What happens next, Admissibility").

Grand Chamber
The Grand Chamber sits with 17 judges, including the President of the Court and the Vice-Presidents. The Grand Chamber hears cases in ‘special circumstances’.

- Chambers can pass a case to the Grand Chamber because it raises a serious question about how the ECHR is interpreted.
- A person taking a case can ask to appeal a decision of a Chamber to the Grand Chamber. The case must involve an issue of general importance (matter of public importance across the Council of Europe countries or in relation to the interpretation of the ECHR). The government can also appeal a decision of a Chamber to the Grand Chamber.
- The Council of Europe can ask for a legal opinion from the Grand Chamber.

Can I take a case to the European Court of Human Rights instead of the courts in Ireland?
Generally, you cannot take a case directly to the European Court of Human Rights unless you have taken your case to all the relevant courts in Ireland. This is called the 'exhaustion of domestic remedies'. See the section Taking a case to the European Court of Human Rights overleaf for more information.

If you think that your rights under the ECHR may have been affected, you should contact a solicitor for advice. The contact details for the Law Society of Ireland are available at page 39.

How do the judgments of the European Court of Human Rights apply in Ireland?
You can use your rights under the ECHR and the decisions made by the European Court of Human Rights when taking a case to the Irish courts. See the section European Convention on Human Rights Act 2003 on page 5 for more information.

However, the Irish courts do not always accept ECHR arguments. If this happens when you bring your case before the Irish courts, you may be able to take your case all the way to the European Court of Human Rights.

In 1961, the first case ever to be heard before the European Court of Human Rights in Strasbourg was an Irish one—Lawless v. Ireland. Mr Lawless claimed his rights to liberty and fair trial under the ECHR were violated as he was detained without trial by the order of the Minister for Justice. However, the Court accepted that there was a public emergency (border bombing campaign) that justified his detention.
Who can take a case to the European Court of Human Rights?

You can make a complaint to the European Court of Human Rights if you have been personally and directly affected by a violation of an ECHR right. You cannot make a general complaint about a law because, for example, you think it is unfair. You must be a victim of the government failing to respect your ECHR rights.

If the government has interfered with the rights of a member of your family and this has affected you, you may also be able to make a complaint to the European Court of Human Rights.

A company or organisation can also take a case to the Court if it can show that it has been a victim of the failure to respect rights protected by the ECHR.

Do I need to be a citizen of Ireland or one of the other countries that signed up to the ECHR?

No, but the violation that you are complaining about must have taken place within a country that has signed up to the ECHR. It can also apply to other countries and you can ask a solicitor about this. If you are not from Ireland but you live here, you can take a case against Ireland to the European Court of Human Rights.

Do I have to do anything before I take my case to the European Court of Human Rights?

Yes, you must try all the other remedies available to you in Ireland. For example, you should first make your complaint in the Irish courts, and appeal as far as the Supreme Court if you can. You should contact a solicitor for more advice about this. The contact details for the Law Society of Ireland are on page 39.

Can I take my case to the European Court of Human Rights at any time?

You have only six months to take your case to the European Court after the Irish courts have given you a final decision – that is, six months from the time when you cannot appeal your case to any other court in Ireland.

Who or what can I complain about?

You can make a complaint about a government body, for example a local authority, the Gardaí, the Health Service Executive (HSE) or the Prison Service, if you think that it has done something that violates one of your ECHR rights. Sometimes, a government body can violate the ECHR by failing to do something.

The Court cannot deal with complaints against other people or private companies unless the state has failed to stop them from interfering with your rights.

How can I make a complaint?

You can write directly to the Registry of the Court, giving clear details of your complaint, at the following address:

The Registrar
European Court of Human Rights
Council of Europe
F-67075 Strasbourg Cedex
FRANCE

The Court will then send you an application form. You can also get this application form on the website www.echr.coe.int under the heading Applicants and Application pack.

What do I include in my application form?

You should try to fill in as much of the application form as you can. The Registry may ask you for more information, explanations or documents. You should give the following information:

- your details and the details of your solicitor, if you have one;
- the name of the state against which you are taking the case, for example Ireland;
- the facts of your case;
- which articles of the ECHR you think were violated;
- any decisions given by a court or other body in Ireland (including dates);
- whether you could have appealed the decision and, if you chose not to, the reasons why;
- the reasons why you are applying to the Court;
- a list of documents included in the application (photocopies, not originals); and
- your signature, stating that the content of the application is true.
What happens next?  
(Also see flowchart on page 34)

Admissibility: Depending on the type of case, a judge or Committee of the Court will look at your application to see whether it should be admitted to the Court. They will be looking for information on the following questions.

- Are you personally and directly affected?
- Does your complaint relate to a right protected under the ECHR?
- Is your complaint against an official body?
- Have you tried to get a remedy through the courts in Ireland?
- Have you complained about your rights under the ECHR when taking the case in Ireland?
- Did you make the complaint to the Court within 6 months of the end of your case in the Irish courts?
- Have you suffered a significant disadvantage?

Sometimes, a judge or Committee of the Court will make a decision about your case without referring it to the Court. If they decide your complaint is not admissible, the decision is final and you cannot appeal it. Even if a judge or Committee decide that your case is admissible, the Court always has the option of deciding that it is inadmissible.

Notification to government: If your case is admissible, the Court will inform the government.

Friendly settlement: The Court will encourage you and the government to reach an agreement.

Decision on the merits: If you and the government do not reach an agreement, the case will be given to a Chamber Court (or the Grand Chamber in certain circumstances). The Chamber Court will decide whether there has been a violation of the ECHR or not.

Appeal to the Grand Chamber: You can ask for a judgment of a Chamber Court to be appealed to the Grand Chamber. The case must involve an issue of general importance.

How long will I have to wait?
There is a very large backlog of cases with the Court and you could be waiting up to a year to find out if your case is admissible. However, cases can be heard more quickly if there is a threat of personal danger. You should contact the Registry of the Court for more information on the exact time periods.

Are most cases considered by the Court?
The Court’s judges or Committees consider all the cases that are sent to the Court (see admissibility). However, most cases do not pass the admissibility stage.

Can I represent myself or do I need a solicitor?
At the beginning, before the Court has told you that your case is admissible, you may not need a solicitor. Your case will be dealt with free of charge by the Court but if you ask a solicitor to fill in the application or do other work, you will have to cover the cost yourself.

Once the case is admissible and the government has been informed, you should consider whether you should have a solicitor. In general, the Court examines a case through written documents. You may wish to have a solicitor write these for you. Bear in mind that the government will be using solicitors.

Under the Rules of the Court, if there is a public hearing you can make arguments before the court yourself if you want to. However, the Court recommends that you use a lawyer and provides a legal aid scheme for people who cannot afford one. You should contact the Registry of the Court for details of this scheme. You will find the contact details on page 31.

Will my case be heard in public?
In most cases, the judges will consider the information that has been given to them in writing and there is a public hearing in only a small number of cases. Some are broadcast live on the website www.echr.coe.int under the heading Press, then on the left-hand menu, Multimedia and Webcasts of public hearings.

What will I get from the Court if I win my case?
If the Court finds in your favour, it may award compensation (a sum of money) to you. The Court may also order the government to refund any expenses that you had in taking the case.

The Court will also order that the government takes steps to change the law or practice that affected your rights under the ECHR. If the Court considers that you have not had a fair trial, it may suggest that you should have a retrial.

I have won my case at the European Court of Human Rights, but the law in Ireland hasn’t changed. Why is this?
The Court can order that the law is changed but once the order is made the Court’s work is done and it closes the case. The Council of Europe, in particular its Committee of Ministers, is in charge of making sure that the Court’s judgments are followed by the government.

Sometimes it can take years for governments to make changes to the law. In this instance, you should write regularly to your local TD to seek the relevant change in the law. You can also write directly to the Committee of Ministers of the Council of Europe (contact details on page 36) and to the “Execution of Judgments” section in the Directorate General of Human Rights and Legal Affairs (contact details on page 36). Under the European Convention on Human Rights Act 2003 (see page 5), all judgments of the Court can be used in Irish courts.
End of court cases in Ireland

Apply to the European Court of Human Rights

Is the case admissible?
This is decided either by a judge, committee or chamber.

Yes, case is admissible
Once a case is declared admissible, the case is passed to a Committee or to the Chamber. This depends on what the case is about. In some cases, the case is sent straight to the Grand Chamber.

Committee judgment
The Committee can decide that:
- There was a violation of the ECHR, or
- There was a partial violation of the ECHR, or
- There was no violation of the ECHR

This judgment is final.

Committee of Ministers/countries oversee the implementation of the judgment

No, not admissible

Friendly settlement
Once the case is declared admissible, Court officials attempt to resolve it without a hearing. If this doesn’t work, the case continues.

Grand Chamber final decision

Case dismissed if deemed not admissible
There is no appeal against this decision.

Chamber judgment
The chamber can decide that:
- There was a violation of the ECHR, or
- There was a partial violation of the ECHR, or
- There was no violation of the ECHR

The state or the applicant can appeal this judgment if they are not satisfied.
MORE INFORMATION

The Convention and additional protocols
- You can find the full text of the ECHR and its additional protocols on the website of the European Court of Human Rights at www.echr.coe.int under the heading Basic Texts. A simplified version of the ECHR is available under the heading The Court.

Other useful texts available at www.echr.coe.int under the heading Basic Texts
- Rules of Court
- Addendum to the Rules of the Court
- Practice directions
- European agreement relating to persons participating in proceedings of the ECHR
- Pilot-judgment procedure
- Signatures and ratifications
- Council of Europe Treaties

Other Useful links
- The 60th anniversary site of the ECHR: www.echr.coe.int/T/CM/humanrights_en.asp
- www.human-rights-convention.org
- www.ochr.org
- www.un.org

Information on the execution of judgments is available on this website: www.coe.int/t/dghl/monitoring/execution/default_EN.asp. You can contact the Department for the Execution of Judgments using the information below:

Department for the Execution of Judgments of the ECHR
Directorate General of Human Rights and Legal Affairs
Council of Europe
F-67075 STRASBOURG CEDEX FRANCE

Tel: +33 3 90 21 55 54
Fax: +33 3 88 41 27 93
E-mail: DGHL.Execution@coe.int

Council of Europe Committee of Ministers
The Committee of Ministers makes sure that a Council of Europe member state remedies a situation where a violation has been found by the European Court of Human Rights, for example by introducing new administrative procedures or new laws. You can contact the Committee of Ministers by email at cm@coe.int. The website of the Committee of Ministers is www.coe.int/T/CM/humanrights_en.asp.

Contacts

ASYLUM SEEKERS & REFUGEES
- Irish Refugee Council
  This non-governmental organisation advocates on behalf of refugees and asylum seekers.
  Second Floor, Ballast House
  Aston Quay, Dublin 2
  Tel: 01 764 3584
  Email: info@irishrefugeecouncil.ie
  www.irishrefugeecouncil.ie
- Integration Centre
  Administration Office: This non-governmental organisation is a network of community and voluntary groups working on achieving equality and full integration in Irish society of asylum seekers, refugees and immigrants.
  1st & 2nd Floors
  18 Dame Street
  Dublin 2
  Tel: 01 645 3070
  Email: info@integrationcentre.ie
  www.integrationcentre.ie
- Galway Office:
  Citizens Information Centre (CIC)
  Augustine House, St Augustine Street, Galway
  Tel: 091 532 850
  Email: infogalway@integrationcentre.ie

Refugee Legal Services
- This is a specialised office of the Legal Aid Board. It provides confidential and independent legal services to people applying for asylum and on immigration and deportation matters.

Dublin: 4B/49 North Brunswick Street, Georges Lane, Dublin 7
Tel: 01 646 9600
Email: dublinton@legalaidboard.ie

Cork: North Quay House, Popes Quay, Cork
Tel: 021 455 4634
Email: corkrls@legalaidboard.ie

Galway: Seville House, New Dock Road, Galway
Tel: 091 562480
Email: gsalway@legalaidboard.ie

United Nations High Commissioner for Refugees (UNHCR) Office
This UN agency co-ordinates efforts to protect refugees and resolve challenges facing refugees.

Merrien House , Suite 4
1-3 Lower Fitzwilliam Street, Dublin 2
Tel: 01 631 4613
www.unhcr.ie

CHILDREN & YOUNG PEOPLE
- The Children’s Rights Alliance is a coalition of non-governmental organisations (NGOs) working to secure the rights of children in Ireland by campaigning for the implementation of the United Nations Convention on the Rights of the Child. You can contact the Alliance if you have any questions about your rights as a child or young person.

4 Upper Mount Street, Dublin 2
Tel: 01 662 9400
Email: info@childrensrights.ie
www.childrensrights.ie

Office of the Ombudsman for Children
This independent office works to protect the rights and welfare of children and young people in Ireland. It also advises the government and handles complaints.

Millennium House
52-56 Great Strand Street, Dublin 1
Tel: 01 865 6800 / Freephone: 1800 20 20 40
Email: oco@oco.ie
www.oco.ie

National Parents Council Post Primary
This group represents parents with children in secondary schools.

Unit 5, Glasnevin Business Centre
Ballyboggan Road, Dublin 11
Tel: 01 830 2740
Email: npcpp@eircom.net
www.npcpp.ie

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CONTACTS

CRIMINAL JUSTICE

An Garda Síochána
The Irish police service

Garda Headquarters
Phoenix Park, Dublin
Tel: 01 666 0000
Garda Confidential Line: 1 800 666 111
Emergencies: 999
www.garda.ie

Courts Service of Ireland
The Courts Service manages the courts, including court facilities, maintains court buildings, provides support services for judges and gives information on the court system to the public.

15-24 Phoenix St. North, Smithfield, Dublin 7
Tel: 01 888 0800
www.courtservice.ie

Garda Siochána Ombudsmen Commission
The Commission deals with complaints made by the public about the conduct of Gardaí. If you have a complaint to make against a Garda, you should contact the Commission.

150 Abbey Street Upper, Dublin 1
Tel: 01 871 6727 / LoCall: 1890 600 800
Email: info@gsoc.ie
www.gsoc.ie

EMBASSIES

If you need to contact your embassy or consular office in Ireland, the best thing to do is to contact the Department of Foreign Affairs where you will get information about your embassy or consular office.

Department of Foreign Affairs
Consular Section
69-71 St. Stephen’s Green, Dublin 2
Tel: 01 408 2308 / 408 2585 / 408 2302

For the Munster area:
Consular Services, Dept. of Foreign Affairs
1A South Mall, Cork
Tel: 021 494 4765 / 021 494 4766
www.dfa.ie

GOVERNMENT

Department of Justice and Law Reform
This government department deals with a broad range of issues such as criminal and civil law reform, property issues, asylum and immigration.

Pinebrook House, 71-74 Harcourt St., Dublin 2
Montague Court, Montague Street, Dublin 2
Tel: 01 602 8202 / LoCall: 1890 221 227
Email: info@justice.ie
www.justice.ie

Department of Foreign Affairs
This government department deals with diplomatic issues and Ireland’s interests abroad.

69-71 St. Stephen’s Green, Dublin 2
Tel: 01 478 0822 / LoCall: 1890 426 700
www.dfa.ie

EMPLEOYMENT

National Employment Rights Authority
This organisation provides information to employees and employers on employment rights and to ensure compliance with employment law.

O’Brien Road, Carlow
Tel: 059 917 8800
NERA Information Service
LoCall: 1880 80 80 90
www.employmentrights.ie

EMPLOYMENT RIGHTS

Citizens Information Board
This is a national agency which is responsible for giving information and advice on social services and money matters. It also provides advocacy services.

There are 106 citizens information centres and 162 outreach services which provide information to people. You should call the helpline or visit the website to find the one closest to you. Information is available in person from the centres, by phone or on the website.

LoCall: 1890 777 121
www.citizensinformation.ie

Other government departments
To get information about other government departments, contact Citizens Information Services. You can also find a list of all government departments and agencies on www.gov.ie.

LEGAL MATTERS

Bar Council of Ireland
This is the representative and regulatory body for barristers. If you are looking for a barrister or have a complaint about your barrister, you can contact the Bar Council.

Bar Council Administration Office
Four Courts, Dublin 7
Tel: 01 817 5000
Email: barcouncil@lawlibrary.ie
www.barcouncil.ie

Law Society of Ireland
This is the representative and regulatory body for solicitors. If you are looking for a solicitor or have a complaint about your solicitor, you can contact the Law Society.

The Law Society, Blackhall Place, Dublin 7
Tel: 01 672 6800
Email: general@lawsocie.ie
www.lawsociety.ie

European Court of Human Rights
The European Court of Human Rights in Strasbourg hears cases taken by people who claim their rights under the European Convention on Human Rights have been affected.

LoCall: 1890 777 121
www.citizensinformation.ie

Legal Aid Board
The board provides legal aid for people who cannot afford legal representation. The legal aid is only for civil issues such as suing for personal injury or applying for asylum. The board does not deal with criminal issues.

Head Office:
Quay Street, Cahirciveen, Co. Kerry
Tel: 066 947 1000
LoCall: 1890 615 200
Email: info@legalaidboard.ie

IMMIGRATION

Immigrant Council of Ireland
The Immigrant Council is a non-governmental organisation that promotes the rights of migrants through information, legal advice, advocacy, lobbying, research and training. The Council is also an independent law centre.

2 St Andrew Street, Dublin 2
Tel (admin): 01 674 0202
Email: admin@immigrantcouncil.ie
www.immigrantcouncil.ie

Department of Justice and Law Reform
Immigration matters on behalf of the Government are dealt with by the Irish Naturalisation and Immigration Service.

Dublin Office:
7 Upper Mount Street, Dublin 2
Tel: 01 644 1900
www.legalaidboard.ie

Free Legal Advice Centres
This non-governmental organisation works towards achieving social justice. It also provides some basic, free legal services to the public.

13 Lower Dorset Street, Dublin 1
Information & Referral Line: 1890 350 250
www.flac.ie

Irish Council for Civil Liberties
2010
3938

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NOTE: THIS PACK IS FOR YOUR INFORMATION ONLY. IT IS NOT INTENDED TO BE A SUBSTITUTE FOR LEGAL ADVICE.
Irish Naturalisation and Immigration Service
13–14 Burgh Quay, Dublin 2
Tel: 01 616 7700 / LoCall: 1890 551 500
www.justice.ie

PEOPLE WITH A DISABILITY

Inclusion Ireland
Inclusion Ireland is a national voluntary organisation working to promote the rights of people with an intellectual disability in Ireland.
Unit C2, The Steelworks, Foley St., Dublin 1
Tel: 01 855 9891
Email: info@inclusionireland.ie
www.inclusionireland.ie

National Disability Authority
This is the state agency on disability issues. They provide advice to the government on disability issues.
25 Clyde Road, Dublin 4
Tel: 01 608 0400
Email: info@nda.ie
www.nda.ie

Irish Deaf Society
This organisation provides support to people who have a hearing disability.
30 Blessington Street, Dublin 7
Tel: 01 860 1878
Minicom: 01 860 1910 / SMS: 086 380 7033
Email: info@irishdeafsociety.ie
www.irishdeafsociety.ie

National Council for the Blind
This organisation offers support and services nationwide to people experiencing difficulties with their eyesight.
Whitworth Road, Drumcondra, Dublin 9
Tel: 01 830 7033 / LoCall: 1850 33 43 53
Email: info@ncbi.ie
www.ncbi.ie

PRISONS

Irish Penal Reform Trust
This organisation campaigns for the rights of people in prison and for prison reform.
4th Floor, Equity House
16–17 Upper Ormond Quay, Dublin 7
Tel: 01 874 1400
Email: info@iprt.ie
www.iprt.ie

TRANSLATION & INTERPRETATION

The Irish Translators’ & Interpreters’ Association
This body represents translators and interpreters. If you are looking for a translator or interpreter, you could contact them for advice.
c/o Irish Writers’ Centre
19 Parnell Square, Dublin 1
Tel: 087 673 8386 / 01 872 6282
www.translatorsassociation.ie

OTHER

Equality Authority
This body works to prevent discrimination in employment and access to a wide range of goods and services.
Birchgrove House, Roscrea, Co. Tipperary
Dublin office: 2 Clonmel Street, Dublin 2
LoCall: 1890 245 545
Email: info@equality.ie
www.equality.ie

European Commission
Representation in Ireland
This is the European Commission’s representative office in Ireland. It has a Public Information Centre in Dublin and EU information sources around the country.
European Union House,
18 Dawson St., Dublin 2
Tel: 01 634 1111
E-mail: eu-ie-info-request@ec.europa.eu

Irish Human Rights Commission
The Commission works to ensure that the human rights of all people in Ireland are respected.
Fourth Floor, Jervis House
Jervis Street, Dublin 1
Tel: 01 858 9601
Email: info@ihrc.ie
www.ihrc.ie

NOTE:
This pack is for your information only. It is not intended to be a substitute for legal advice.
KNOW YOUR RIGHTS:
The European Convention on Human Rights in Ireland

This is the third in a series of packs designed to inform people about their rights. The pack provides the public with information about the rights and freedoms protected by the European Convention of Human Rights (ECHR), Ireland’s 2003 European Convention on Human Rights Act, and how to take a case to the European Court of Human Rights. The pack has been written in everyday language and we hope that you will find it informative and easy to use.

The packs are also available on our dedicated webpage, www.knowyourrights.ie, which will be updated regularly as the law changes. Details of the upcoming packs in the series will also be available on the webpage.

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THE ICCL IS RESPONSIBLE FOR ANY ERRORS OR INACCURACIES.

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