



# Rights News

Winter 2007 - 2008

## LYDIA FOY JUDGMENT Human Rights Trump Outdated Irish Law

### SPECIAL FEATURES:

"UNSAFE & DEGRADING"  
Europe's Verdict on Irish Prisons

FINTAN O'TOOLE on the ICCL

MICHAEL O'HIGGINS SC  
on Human Rights & Criminal Justice



Irish Council for  
**Civil Liberties**



# About the ICCL

The Irish Council for Civil Liberties (ICCL) is Ireland’s leading independent human rights watchdog, which monitors, educates and campaigns in order to secure full enjoyment of human rights for everyone.

Founded in 1976 by Mary Robinson and others, the ICCL has played a leading role in some of the most successful human rights campaigns in Ireland. These have included establishing an independent Garda Ombudsman Commission, legalising the right to divorce, securing more effective protection of children’s rights, decriminalising homosexuality and the introduction of enhanced equality legislation.

We believe in a society which protects and promotes human rights, justice and equality.

## What we do

- advocate for positive changes in the area of human rights;
- monitor Government policy and legislation to make sure that it complies with international standards;
- conduct original research and publish reports on issues as diverse as equal rights for all families, the right to privacy, police reform and judicial accountability;

## Message from the Director

*The Scottish novelist Alistair Gray has written that the secret to a fulfilling professional life is to “work as if you lived in the early days of a better nation”. Just such a triumph of hope over experience has led to the recent High Court judgment in the Lydia Foy case. Dr Foy has shown courage and tenacity in spending the best part of a decade seeking a legal remedy for the State’s persistent failure to recognise her identity. The hard graft of her legal representatives from the Free Legal Advice Centres (FLAC) has also played its part in securing the first ever judicial declaration that Irish law is incompatible with the European Convention of Human Rights.*

*Of course, the fact that Irish law is incompatible with the European Convention on Human Rights is nothing to celebrate. However, Mr Justice McKechnie’s judgment is welcome evidence that the European Convention on Human Rights Act 2003 – the purpose of which is to give further effect to the Convention in Ireland – is finally beginning to have some impact.*

*There are many other areas where standards in Ireland lag behind European human rights norms. For example, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recently declared a number of Irish prisons to be “unsafe” and*

*“degrading”. These findings come fourteen years after the first visit to Ireland by this human rights monitoring body. In a nearby jurisdiction (Scotland again), where prisoners were held in similar conditions, civil litigation on the basis of European human rights jurisprudence has led to settlements that have cost the taxpayer in excess of €100 million. The Foy judgment should be read as a clarion call for the State to live up to its human rights obligations in a proactive manner, rather than be constrained to do so by the courts.*

*In early October, the State took just such a positive step, by signing up to new United Nations human rights monitoring standards (the Optional Protocol to the United Nations Convention Against Torture or OPCAT). The ICCL is now campaigning for rapid ratification of the OPCAT, which will place the State under a legal obligation to ensure that Ireland has effective and properly-resourced national bodies to monitor conditions in places of detention.*

*There are also some encouraging signs that the Government is preparing to move on the issue of legal recognition of domestic partnerships. More than a thousand young people signed our recent open letter to the Taoiseach on this subject, emphasising that only the introduction of civil marriage for*

- run campaigns to raise public and political awareness of human rights, justice and equality issues;
- work closely with other key stakeholders in the human rights, justice and equality sectors.

## How you can help

You can help us to continue our work to monitor, train, conduct research, campaign and lobby for changes in legislation to ensure our rights are protected and promoted.

Please visit our website, [www.iccl.ie](http://www.iccl.ie), or phone us on 01 799 4504 to make a donation to the ICCL today.

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*Cover image: Dr. Lydia Foy and Michael O’Farrell, Senior Solicitor, Free Legal Advice Centres leaving the High Court. By kind permission of Collins Photo Agency.*



*same-sex couples will achieve full equality of status with opposite-sex couples.*

*These are early days, and the ICCL will continue to work to gain a legal framework that reflects the more tolerant and diverse society that Ireland has become.*

**Mark Kelly**  
Director

# Securing Equality

## Judge Declares Irish Law “Incompatible” with Human Rights Standards



In the judgment in the Lydia Foy case, the High Court has ruled that Irish law is incompatible with the European Convention on Human Rights (ECHR) due to its failure to provide legal recognition for transgendered people.

Dr Lydia Foy was born male but had gender realignment surgery 15 years ago. For the past ten years, she has been pursuing legal actions through the Irish courts to secure a birth certificate describing her as female.

In a 70-page judgment, Mr Justice McKechnie said the failure to issue a new birth certificate recording Dr. Foy’s identity is incompatible with Article 8 of the ECHR.

The Foy judgment makes clear that Irish law is incompatible with the European Convention on Human Rights because it fails to provide legal recognition for transgendered people. Most other European countries already respect the autonomy of transgendered people by ensuring that their birth certificates accurately record their new identities.

The Free Legal Advice Centres (FLAC), which represented Lydia Foy in this case, emphasised this is the first ever

declaration of incompatibility under the European Convention on Human Rights Act, 2003 and that it demonstrated the Act can help to defend human rights that are not sufficiently protected by our domestic laws.

By virtue of the European Convention on Human Rights Act 2003, the High Court and the Supreme Court can issue declarations that statutory provisions are incompatible with Ireland’s obligations under the European Convention on Human Rights.

Although this does not immediately invalidate the law concerned, the Taoiseach must bring declarations of incompatibility to the attention of the Oireachtas within twenty-one days. Changing the law to bring it into conformity with Ireland’s obligations under the European Convention on Human Rights is a matter for the Oireachtas.

The ICCL and FLAC are calling on the Government to heed this judgment, and to act promptly to ensure that the human rights of transgendered people living in Ireland are fully respected.

# Executive Profile

The ICCL is governed by an Executive Board of a minimum of eight persons, four of whom are elected at each Annual General Meeting (AGM) to serve for two years. The ICCL Executive Board for 2007 are: Malachy Murphy, Co-Chair, Judy Walsh, Co-Chair, Michael Finucane, John Gibson, John Kennedy, Mary Mclvor, Conor Power and Jean Tansey.

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



**Mary Mclvor** joined the Executive Board in May 2006 and is currently employed as an Operations Manager in the IT industry. Mary has extensive Operations Management experience and has also held a number of Sales & Marketing roles. Mary is also a former Member of the Board of the Labour Relations Agency in Northern Ireland. Mary is an advocate of promoting a high degree of diversity and inclusivity in the workplace.

## Staff News

We are delighted to announce that the ICCL’s Senior Research and Policy Officer, Tanya Ward, has been promoted to the position of Deputy Director. Tanya will continue to lead the organisation’s research and policy work, as well as assuming this new managerial and leadership role.

Sadly, our Communications Officer, Amy Pearson, will be leaving the organisation soon. Amy has made a tremendous contribution to our communications and campaigning work, and will be greatly missed by everyone at the ICCL. We wish her happiness and every success in her career.

Amy’s post will be advertised shortly, together with two new part-time positions – an Information Officer with a focus on the use of new technologies, and an additional operational / administrative support person. We will make sure that ICCL members and supporters are alerted to the public advertisement of these posts, and would encourage you to bring them to the attention of well-qualified people who can contribute to our future work.



# Monitoring Human Rights

## Ireland Signs Up to New UN Human Rights Standards



Speakers at the ICCL Seminar (L-R) Mark Kelly, Director of the ICCL, Silvia Casale, Chair of the United Nations Sub-Committee on the Prevention of Torture (UN-SPT), Suzanne Egan, Commissioner, Irish Human Rights Commission, Matthew Pringle, Association for the Prevention of Torture, Geneva and Paul Mageean, Inspector, Criminal Justice Inspection Northern Ireland.

Regular readers of *Rights News* will know that the ICCL has been campaigning for Ireland to sign up to UN human rights standards on monitoring detention – the Optional Protocol to the United Nations Convention Against Torture (OPCAT) (see this year’s Summer and Autumn editions).

On 2 October 2007, the Minister for Foreign Affairs, Dermot Ahern TD signed the OPCAT at a special ceremony at the United Nations in New York.

Ireland’s decision to sign the OPCAT was announced on the eve of an ICCL seminar on 7 September 2007 designed to highlight the importance of the OPCAT in establishing a system of regular visits to places of detention by independent, international and national bodies.

The OPCAT creates a new global monitoring body, the UN Sub-Committee on the Prevention of Torture (UN-SPT) and places an obligation on States to create or designate effective national preventative mechanisms (NPMs). These new UN standards also require that national human rights oversight bodies be genuinely independent, properly resourced and have unrestricted access to places of detention.

Speaking at the ICCL seminar, Dr Silvia Casale, Chair of the UN Subcommittee on the Prevention of Torture (SPT), said full implementation of the OPCAT could improve the experience of people held in prisons, youth detention units, psychiatric hospitals and immigration detention centres.

"By knitting together international and national oversight, the United Nations and national human rights monitors can make a genuine difference to the lives of vulnerable people held in closed institutions," she said.

### Latest Developments

Ireland must now prepare to ratify the OPCAT by changing its law to grant unrestricted access to places of detention by the UN-SPT, and by creating or designating effective National Preventative Mechanisms. The ICCL will closely monitor developments in this respect, including through its membership of the Joint Department of Foreign Affairs / NGO Standing Committee.

In mid November, ICCL Director Mark Kelly travelled to Geneva at the invitation of the United Nations to provide training in effective techniques of human rights monitoring to newly-appointed members of the UN-SPT.

### Other Events



Photo: Sandro Weltin

### Commissioner for Human Rights Visits Ireland

On 26 November 2007, the ICCL made a presentation to the Council of Europe Commissioner for Human Rights, Mr Thomas Hammarberg. The ICCL also held a preparatory meeting with members of the Commissioner’s staff during their earlier visit to Dublin and prepared a submission highlighting the organisation’s concerns about human rights issues in Ireland.

The November meeting formed part of the Commissioner’s official visit to Ireland from 26 to 30 November 2007, to assess the human rights situation in the country, which included meetings with An Taoiseach, Government Ministers, members of the judiciary and other key stakeholders.

The Commissioner also delivered the Irish Human Rights Commission’s Annual Human Rights Lecture.

### ICCL Participates in Council of Europe Roundtable Discussion on Racism and Intolerance

On 15 November 2007, the ICCL participated in a European Commission against Racism and Intolerance (ECRI) roundtable discussion on ECRI’s last report on Ireland.

Speakers at the event included Professor Gudrun Holgersen, member of ECRI, Niall Crowley, Equality Authority, Heidi Loughheed, IBEC, Brendan Sheehy, Diversity and Equality Division, Department of Justice, Equality and Law Reform and Ronnie Fay, Pavee Point Travellers Centre.

# Monitoring Human Rights

## Irish Prisons Are “Unsafe and Degrading” says Euro Watchdog



Irish prisons were found to be unsafe and degrading in a report by the Council of Europe’s anti-torture watchdog, the European Committee for the Prevention of Torture (CPT), published on 10 October 2007.

The report also records that a “considerable number” of people interviewed reported that they had been ill-treated by Gardaí. The report relates to a visit to Ireland by the CPT in October 2006, during which the Committee visited a number of prisons and Garda Stations.

### Prisons

Three of the prisons visited, Limerick, Mountjoy and St Patrick’s Institution, were found to be “unsafe” for prisoners and staff because of gang-related violence and the widespread availability of illicit drugs. The Committee warned that drug use is fuelling “a younger, more aggressive prison population who have little to do besides plotting how to get their next fix”.

The CPT also found that conditions remained degrading in the main accommodation blocks in Cork and Mountjoy Prisons, and in A and B Wings of Limerick Prison, where prisoners were still obliged to defecate in chamber pots in the presence of other inmates, in the cells in which they lived.

More generally, the CPT observed that several of the prisons visited remained overcrowded with poor living conditions, and that they offered only a limited regime for prisoners. The CPT also makes it clear that the new prison building programme will not in itself address these problems.

The Committee also noted that while some progress had been made in the provision of healthcare, there was still a need to improve access to psychiatric care and reinforce drug treatment programmes.

### Garda Custody

The CPT delegation visited Garda stations in Kevin Street, Mountjoy and Store Street in Dublin as well as Athlone, Castlereagh, Galway (Mill Street) and Mullingar. It also visited Henry Street and Roxborough Road stations in Limerick.

The Committee acknowledged that a majority of the persons whom it met made no complaints about the manner in which they were treated while in Garda custody. However the report found a “considerable number” of people alleging verbal and/ or physical ill-treatment by Gardaí. These incidents involved people being kicked, punched and hit with batons. In some cases doctors accompanying the delegation found injuries and scars consistent with these allegations.

This CPT report is a salutary reminder that further action is needed to stamp out the problem of verbal and physical ill-treatment by members of An Garda Síochána. The creation of new accountability mechanisms such as the Garda Ombudsman Commission is a step in the right direction. However, it is not a substitute for human rights proofing all existing Garda policies and practices, especially on sensitive issues such as the use of force. The ICCL is also calling for the introduction of a human rights monitoring framework – similar to that which already exists in Northern Ireland – to enable future Garda conduct to be assessed against the highest international standards.

Copies of the CPT report, as well as the response of the Irish Government, are available on the CPT website – [www.cpt.coe.int](http://www.cpt.coe.int)

### CPT RECOMMENDATIONS

- Bring an end to prison overcrowding and slopping out
- Introduce an Ombudsman for Prisoners
- Video and audio recording of all Garda interviews

### Next Steps

The CPT’s report has been published together with the Government’s response, which provides information on the steps purportedly being taken to address the issues raised by the Committee.

However, it is some fourteen years since the CPT first visited Ireland and it remains the case that our prisons are unsafe, and allegations of Garda misconduct persist.

The ICCL will be campaigning, together with colleagues in organisations such as the Irish Penal Reform Trust (IPRT) and the Children’s Rights Alliance (CRA) for the full implementation of the CPT’s recommendations at the earliest opportunity.



COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

### What is the CPT?

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is an independent Council of Europe body which has powers to visit any place where people are deprived of their liberty and to make recommendations to governments for positive changes.



# Promoting Justice

## Guest Essay: Human Rights and Criminal Justice Michael O’Higgins, SC



### 1. Overview

Irish people have traditionally had a high regard for fair play and human rights. Generally the Government has too. However, in my view, the value which we have placed on such rights in recent years has dropped dramatically.

In the run up to the General Election, substantial changes were made to our criminal law. The changes were announced in a fanfare as a package necessary to deal with gangland crime. This was manifestly untrue. The changes impact on the investigation of thousands of offences never committed by gang lords. Furthermore,

it is patently clear that the changes were introduced to garner votes. The main political parties vowed to outdo each other as being tough on crime. For a long time now it seems to me that politicians have failed to lead public opinion but to follow it. Consequently they were only delivering to the public what they believed the public wanted.

*“it is patently clear that the changes were introduced to garner votes. The main political parties vowed to outdo each other as being tough on crime”*

The exercise failed. They miscalculated. The votes never materialised. The public didn’t care.

The changes amount to a serious diminution of human rights but this is not the way they are perceived. The rights in question are seen not to be “our rights”, but rather the rights which belong to criminals, or people suspected to be criminals, a distinction that is increasingly blurred. This is a group with which the public has little empathy, and indeed, frequently, a deep seated resentment. It goes without saying of course, that crime is seen as drug dealing and robbing banks etc. I dare say one good crooked land deal would yield a bigger gain than the value of all Dublin bills of indictment drawn over a single year. But you don’t see too many corrupt land dealers in the Circuit Criminal Court.

The fact that the recent changes took place against a background of such deep seated apathy does, itself, I think, make a statement of how the high the issue of human rights and civil liberties ranks. This inertia is a very recent development and, I think it is interesting to look at what might be the underlying cause.

### 2. The Changes

The Criminal Justice Act 2007 has only become operative on a piecemeal basis. It is still too early to say how it will operate.

The main changes and likely practical effects are

i) An accused, who advances facts at trial in his defence which he did not mention at police interview may be the subject of an adverse inference. This will have the effect, in certain cases, of focusing the attention not on the strength of the prosecution case, but on how suspicious is it that the accused only made his defence at trial. Custody records indicate that solicitors visits to garda

stations even in respect of serious offences usually don’t take more than ten or fifteen minutes. The main reason for this is that the standard advice given to a suspect is not to answer questions until the case against him is known. Now a solicitor will be expected to take full instructions from a client and advise him or her as to the most appropriate course of action. Advising answering questions may well incriminate (by putting at a crime scene for instance) but not exculpate. If a solicitor suggests not answering questions until further information is gathered a client’s defence of the charge later may be fatally jeopardised. But there is also a resources issue. The unit cost of putting trained and highly skilled lawyers into garda stations to take comprehensive instructions in respect of an investigation which the client, who is frequently quite dysfunctional is high. Such an investment has not been made to date. And the Government are in no hurry to make that investment possible by for instance properly remunerating that work. The UK has a similar provision but there are significant differences. A solicitor is given a précis of the allegations against his client. The solicitor sits in on the interview. There is none of that here. This creates a serious imbalance between the State and the accused. The general consensus is that innocent people have nothing to fear. But in a society in which the public has become increasingly weary and cynical of the sort of people who are routinely tried in the criminal courts the chances of an adverse inference being drawn increases dramatically. More guilty people will be convicted. This is just. Equally innocent people will also be convicted. That is not. That is an unacceptable price. Section 32 of the Act provides that the Minister may introduce a new form of caution so that suspects will fully understand the effect of the change in the legislation. The entire Act was passed in a matter of weeks. Six months on nothing has been done. The election is over. Some gardai are reading out the entire section. Others are using the English caution. Most gardai are simply ignoring it. The Act also provides for inferences to be drawn from ones presence at a location or for items in ones possession. This provision already existed in the 1984 Act. It was never utilised. Why? I do not know. But it indicates a lack of interest in its utilitarian function.

*“More guilty people will be convicted. This is just. Equally innocent people will also be convicted. That is not. That is an unacceptable price”*

ii) The Act also provides for seven day detentions for murder offences where firearms have been used. The thinking behind this is difficult to fathom. Some of the people against whom this provision is directed are actually gangland figures. These are the very people who are least likely to participate in the interview process. A similar provision already exists in respect of suspected drug dealers. It was introduced in 1996. It is never used. Post Omagh the Offences Against the State Act 1998 was passed which allowed, inter alia, for three day detention periods. Again they are rarely used. To that extent it is pure window dressing. There are good reasons why the power is not invoked. There are only so many relevant questions to ask, and only so many times to usefully ask them. There is however a hidden effect which is difficult to quantify. The threat of holding someone for seven days may well induce people to make statements which they might otherwise not have made, and as we have seen statements of that calibre often prove unreliable and are at the centre of many miscarriage of justice cases. Very few if any of the garda stations have the facilities to deal with such lengthy stays.

iii) The Act Scheduled in excess of 100 offences which now attract what are misleadingly called mandatory minimum jail sentences, subject to it being established that the accused has a previous history for committing these type of offences. As originally proposed the section purported to remove judicial discretion entirely. Far from targeting gang lords it would have ensured that recidivist drug addicts, themselves often vulnerable people went to jail for ten years regardless of their personal circumstances. It is true that in the end the Minister backed down and restored limited judicial discretion. This volte face occurred not as a result of anything the opposition parties did but as a result of widespread disquiet expressed outside the Dáil. A letter signed by 250 barristers expressed serious concern at the speed of reform and the lack of debate preceding it. The Law Society was also vocal in expressing its concerns as was the Irish Human Rights Commission. The mandatory minimum sentences are not mandatory. The Oireacthas has proscribed that if certain conditions are met the judge still has a discretion. More often

than not these pre-conditions are satisfied, and the judge is entitled if not obliged to exercise discretion in favour of the accused. Politicians frequently attack judges making claims that they are not following the law or the will of the Oireachtas. This line of attack snowballed in the run up to the election. There is nothing wrong with tension between the Oireachtas and the Courts. But attacking the judiciary, on a false premise for short term political gain is damaging. The public do not understand the nuances and are disillusioned and sometimes angry. The effect is pernicious. It suggests that the judiciary is not to be trusted. It undermines confidence in the judicial system. The enlargement of this jurisdiction will likely cause further damage.

iv) There is also provision for the admission of a Chief Superintendent’s opinion that an accused should be denied bail. At present an ordinary guard can and does give this evidence. This is more window dressing.

*“attacking the judiciary, on a false premise for short term political gain is damaging”*

### 3. The Criminal Justice Act, 1984 – a contrast.

Prior to the introduction of the Criminal Justice Act, 1984, the power of the gardai to investigate suspects was limited. Since then there has been a raft of legislation which codifies the circumstances under which the rights of citizens have been curtailed to make detecting crime easier.

In retrospect those early provisions seem very tame indeed. It allowed for the detention of a suspect for a maximum of 12 hours and for him to be photographed and fingerprinted. It obliged an accused to give notice of an alibi prior to trial to allow the Gardai to investigate it. Not everybody was in favour. There were mutterings about a “heavy gang” operating within the Garda Síochána. However such concerns were virtually the exclusive preserve of left wing magazines like Magill and In Dublin although the issue was also covered in papers like the Irish Times. The Birmingham Six, Guildford Four, Maguire Seven, Judith Ward and our own Nicky Kelly were all in jail. Suggesting that they were innocent, or using the more legally neutral terminology that the convictions might be unsafe, was not quite respectable and in some quarters was

seen as positively subversive and seditious. The Heavy Gang stuff was mostly anecdotal. Some members of the force became quite notorious. However, hard evidence of actual or widespread wrongdoing was thin on the ground.

Nonetheless the Act was debated in the Oireachtas for 18 months. And furthermore it was a proper debate in which the public were involved. There was thirteen days at Committee stage in the Dáil alone. And even at the end of that period the operation of the detention provisions was postponed for three years until the Garda Complaints Board was set up which was seen as a necessary check and balance.

### 4. The 2007 Act

The Bill was passed without any effective debate. After a bill is laid before the house it passes to the all important committee stage. The bill is supposed to be debated section by section and the opposition parties have an opportunity to put forward amendments. Incredible as it may seem this valuable time was squandered by the opposition who insisted on putting forward new amendments which would have made the bill even more draconian. They wanted to insert provisions which would have allowed the DPP to appeal acquittals in certain circumstances and to roll back the exclusionary rules of evidence jurisprudence which had been developed by the Supreme Court. As an exercise it was utterly futile. The amendments were never going to be passed. It was more electoral muscle flexing. The immediate knock on effect was that sections dealing with the infringement on the right to silence were not reached in the time allocated. So the sections were voted on without any debate whatsoever. The Bill then proceeded to the third and final stage known as the report stage. Usually this is used to tidy up the Bill. The politicians were stung by the criticism which was levelled at them for introducing such huge changes without any consideration. So they promised further debate at the report stage. The right to silence provision was debated for about twenty minutes. Reassurance was offered on the basis that similar provisions operated in England and Wales. And that was it. The other changes did not fare much better and the standard of debate all round was poor and ill-informed.



# Promoting Justice

## Guest Essay: *Human Rights and Criminal Justice* Michael O’Higgins, SC

Of course a lot has changed since the 1980s. There is more violent crime for one thing. Property prices may have soared but the price of human life has plummeted. Gangland murders which started as a trickle in 1994 are now a fact of life. The demand for illicit drugs has spawned a new form of criminal who is now very wealthy. His resources enable him to put many layers between him and his product. The damage caused by this trade in human misery is considerable. The angry reaction to the murder of innocents who are killed purely because they are in the vicinity of a target is understandable. As is the frustration which flows from reports that the gardai well know the identity of the main players but lack evidence to prosecute them.

The situation undoubtedly calls for action. However, I do not believe that sufficiently explains why the Criminal Justice Act, 1984, was properly debated and the present Bill was not. I am critical of the role of politicians but I do not believe that the buck necessarily stops there.

The bleakness of the 1980s has given way to a prosperity which our parents would never have thought possible. It has brought many benefits. There is an unprecedented level of confidence. Consumerism is rampant. Paradigms have shifted. We are now it seems very Germanic in our attitude to regulation. Think how Garrett Fitzgerald as Taoiseach would have fared introducing a smoking ban: he would have been laughed out of office. American in our attitude to money. The laid back Ireland of the hundred thousand welcomes has been replaced by a brashness which hitherto was lacking.

For all the improvement in the bottom line many people complain of being too busy to get things done. In a country which spent so long in recession this is understandable. When the economic upturn came people worked hard on the basis that it might not last. But it has lasted much longer than anyone believed.

*"So long as the diminution of rights is seen only as a diminution of someone else's rights the divisions will deepen. The Criminal Justice system will be less humane. We will all be the poorer"*



These days politics is arguably much less about ideology. The last election proved that electing a government was all about economic management. In many ways it was more like electing a board of directors and a CEO than a Government. In 1984 Ireland was populated by a people. Now it seems to me it is much more a collection of individuals. While the prosperity lasts the message from these individuals is that they pretty much want to be left alone by the State. Immediate requirements are paid for in cash. Cars, houses, education etc are paid for by borrowings. The same individuals are happy for the State to provide roads, hospitals and infrastructure from funds drawn from the central fund. After that they don't want to know.

Meanwhile the profile of the offender before the Dublin Circuit Criminal Court resonates with depressing familiarity. Violent and dysfunctional home. Substance abuse early teens. No formal educational qualifications. No employment record. Low self esteem. There is of course nothing particularly new about the profile. It is multi generational. It has been around in its present form for thirty years.

There are differences. In my early years at the bar a plea in mitigation might have been built around the loss of a job, the inability over the following months to secure new employment resulting in depression and self doubt which set about a chain reaction. A promise of work could keep a man out of jail. It almost sounds quaint but given the cyclical nature of economies it will come around again. This is the group against whom criminal legislation is used day in day out. It seems to me that the gap between this group and the rest of society is widening. That accounts for the apathy. In the meantime we consign people to jails where there is no strategy for rehabilitation. Year in year out the late Mr. Justice Kinlen produced an annual report decrying the scandalous conditions which persist. In particular he highlighted the moral turpitude in sending young offenders to a Victorian establishment like St. Patricks institution. I recently attended there for a professional visit. The visiting area was receiving a makeover. Plastic windows were being inserted between prisoner and family. The prison officer commented off the cuff that they (the government, i.e. us) wanted to treat them like animals. The policy behind screened visits for seventeen year olds is a disgrace. You will not hear too much clamour about it. So long as the diminution of rights is seen only as a diminution of someone else's right the divisions will deepen. The Criminal Justice system will be less humane. We will all be the poorer. And we will in the long run pay a price.

**This speech was first delivered at the Irish Human Rights Commission and Law Society of Ireland 5th Annual Conference on 13 October 2007. It is printed here by kind permission of the *Irish Human Rights Commission, Law Society* and Michael O'Higgins, SC.**

# Supporter Profile

## Fintan O’Toole, writer and Irish Times columnist



Photo: The Irish Times

**Fintan O'Toole** is one of Ireland's leading political and cultural commentators. Born in Dublin in 1958, he has been drama critic of In Dublin magazine, The Sunday Tribune, the New York Daily News, and The Irish Times and Literary Adviser to the Abbey Theatre. He edited Magill magazine and since 1988, has been a columnist with the Irish Times.

His work has appeared in many international newspapers and magazines, including The New Yorker, the New York

Review of Books, Granta, The Guardian, the New York Times and the Washington Post. He has also broadcast extensively in Ireland and the UK, including a period as presenter of BBC's The Late Show.

He is the prolific author of books including White Savage: William Johnson and the Invention of America (2005), After the Ball (2003); Shakespeare is Hard but so is Life (2002); The Irish Times Book of the Century (1999); A Traitor's Kiss: The Life of Richard Brinsley Sheridan (1997); The Lie of the Land: Selected Essays (1997); The Ex-Isle of Erin (1996); Black Hole, Green Card (1994); Meanwhile Back at the Ranch (1995); A Mass for Jesse James (1990) and The Politics of Magic (1987).

**When did you first become aware of the ICCL and what has sustained your interest in, and support for its work?**

I was actually on the first executive of the ICCL in 1979. At the time, I was still a student in UCD, but I knew Kadar Asmal from the Anti-Apartheid Movement. It was a time both of the erosion of civil liberties in the face of the IRA campaigns and of the continuing denial of basic freedoms. Gay men were threatened with life imprisonment. Divorce was unconstitutional. Artificial contraception was being made available only under the ludicrously restrictive "Irish solution to an Irish problem" introduced by Charles Haughey. Mental health legislation was extraordinarily primitive.

Since then, we've seen real progress on some of these issues, suggesting that campaigning does work, but also an erosion of safeguards and liberties around the western world in the face of a new terrorist threat. We in Ireland have experienced the ways in which sacrificing democratic liberties in order to preserve them is not just contradictory but counter-productive. We've seen in Northern Ireland that reassuring people about equality before the law, transparency in the administration of justice and mutual respect doesn't threaten stability but actually underpins it.

**Weaknesses in the parliamentary scrutiny of new legislation have recently been highlighted by the Ombudsman and the President of the Irish Human Rights Commission. Do you agree and what if anything can be done to address this?**

I think it's undoubtedly true that we have an extremely weak parliamentary system of scrutiny and accountability, and that we pay a price for it in the poor delivery of State services. If you look at something like the current crisis in the health services and go back and look at the hasty and messy way the HSE was established, you can see that the scrutiny of legislation is much more than a technical issue.

The only way to solve the problem is for TDs to take themselves more seriously, They complain bitterly about the lack of respect they get in the media and society, but I'm not sure that most of them respect themselves enough. They need to be ready to break with the party line if they're not happy. At the same time, they need to restore the powers of Oireachtas committees to conduct inquiries. Investigations like the DIRT inquiry gave politicians a good name, but they've allowed those powers to be taken away without a fight.

**The ICCL has been campaigning against the use of Shannon by flights involved in rendition. What do you make of the Irish Government's reliance on diplomatic assurances that Shannon has not been used in this way?**

The Government's "don't ask, don't tell" policy has been shameful. It's wrong in principle, and also short-sighted in terms of our relations with the US. True friendship doesn't consist in helping your friends to disgrace themselves. All we've done is to facilitate the lack of accountability of the administration to its own Congress and people. By asking for assurances but indicating that we'll accept them in advance, we've made a mockery of our obligations under international law.

**In your view, should immigrants have a duty to integrate into Irish society?**

Integrate, yes; assimilate no. Integration is rooted in equality -- you have the same right as everyone else to be heard, to participate, to contribute. Assimilation implies inequality -- that there's "our" system and "yours" and you have a duty to adjust yourself to ours. What's missing in a lot of this debate is the idea that there is a very strong and coherent set of international beliefs and standards that does not belong to any one culture -- the Universal Declaration of Human Rights. As well as being important in all sorts of other ways, it gives us a map of integration, setting out the relationship between rights and duties in a way that's open to everyone.

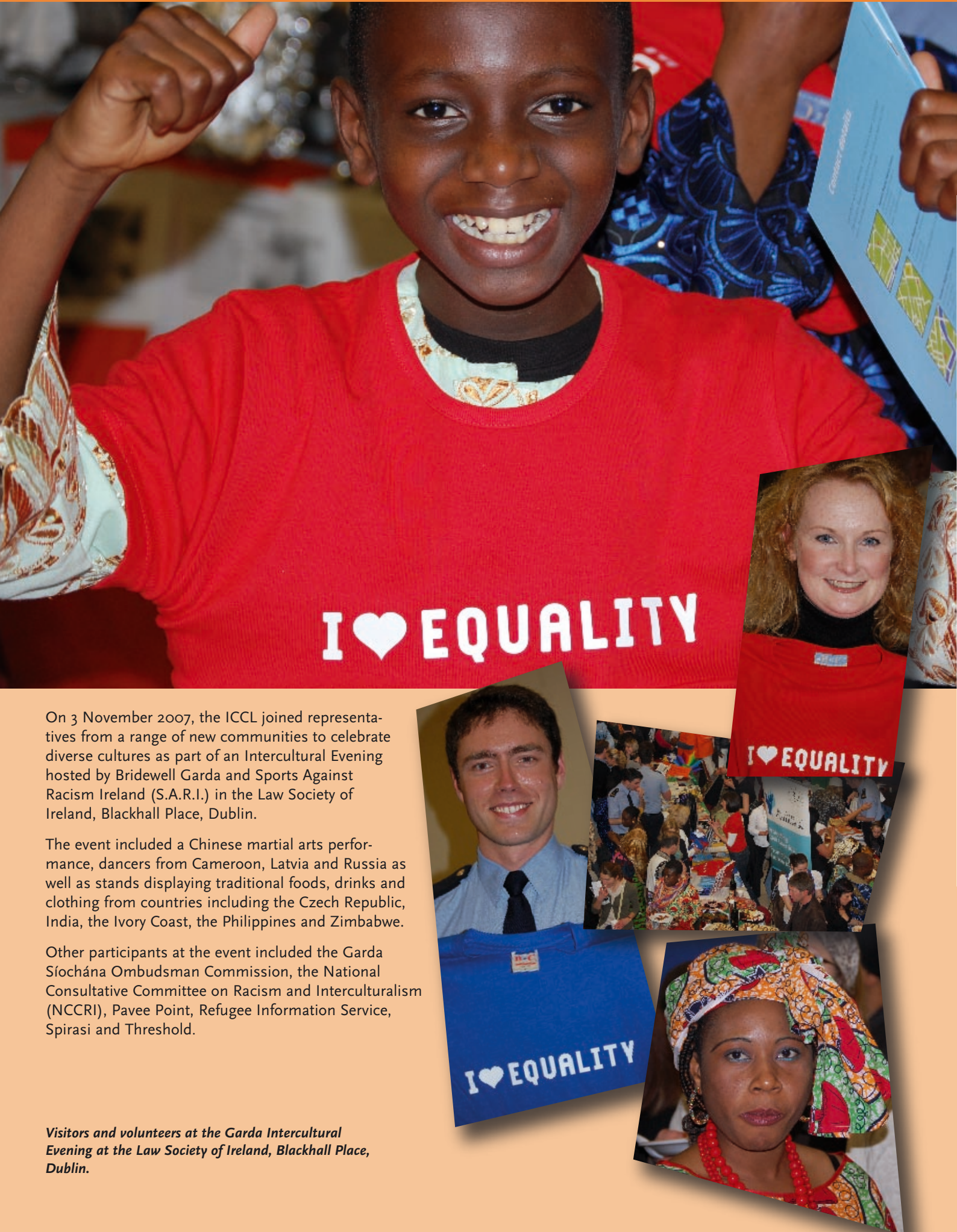
**What do you see as the single biggest human rights issue in Ireland today?**

There are, alas, a lot of them: the structural discrimination against people with disabilities, the failure to establish a non-sectarian system of education, the inequality of access to crucial public services like health, the failure to recognise gay and lesbian relationships as being equally valid as those of heterosexual people. But I think the worst failure is still the inability to come to terms with the full citizenship of the Travelling community. Bias against Travellers is perhaps the only prejudice that is still acceptable in polite company. It goes so deep that you have to think that if we could get away from that, we'd be well on the road to having a decent and inclusive society.



Securing Equality

ICCL Participates in Garda Intercultural Event



On 3 November 2007, the ICCL joined representatives from a range of new communities to celebrate diverse cultures as part of an Intercultural Evening hosted by Bridewell Garda and Sports Against Racism Ireland (S.A.R.I.) in the Law Society of Ireland, Blackhall Place, Dublin.

The event included a Chinese martial arts performance, dancers from Cameroon, Latvia and Russia as well as stands displaying traditional foods, drinks and clothing from countries including the Czech Republic, India, the Ivory Coast, the Philippines and Zimbabwe.

Other participants at the event included the Garda Síochána Ombudsman Commission, the National Consultative Committee on Racism and Interculturalism (NCCRI), Pavee Point, Refugee Information Service, Spirasi and Threshold.

Visitors and volunteers at the Garda Intercultural Evening at the Law Society of Ireland, Blackhall Place, Dublin.

Securing Equality

Festival-goers call on Taoiseach to provide Equality for All Families

Over 1,100 festival-goers at the Electric Picnic Music Festival signed an ICCL open letter to An Taoiseach calling for a referendum to change the definition of the family in the Constitution. This letter was published in the Irish Times on Wednesday, 26 September 2007.

An Taoiseach, Ireland has changed, and a new generation is calling for genuine equality for all families. At this year's Electric Picnic music festival at Stradbally House, Co. Laois, over 1,100 young people signed the following open letter to you.

The Irish Council for Civil Liberties (ICCL) hopes that you will hear their voices, and calls upon you to heed their call for full equality of opportunity for all in our society.

An Taoiseach, Bertie Ahern, TD  
Department of the Taoiseach,  
Government Buildings,  
Upper Merrion Street,  
Dublin 2  
31 August 2007

We, the undersigned, welcome your progressive remarks on 16 July 2007 that the Government is committed to full equality of opportunity for all in our society, in particular, by providing a more supportive and secure legal environment for same-sex couples.

It has been suggested that there are two ways in which this could be achieved: civil partnership and civil marriage. However, civil partnership falls short of full equality for same-sex couples as it excludes such families from the protection given to the family in the Constitution. Only the introduction of civil marriage for same sex couples will achieve equality of status with opposite-sex couples.

An Taoiseach, more than a year ago, in April 2006, you declared that: "Our sexual orientation is not an incidental attribute. It is an essential part of who and what we are. All citizens, regardless of sexual orientation, stand equal in the eyes of the law. Sexual orientation cannot, and must not, be the basis of a second-class citizenship. Our laws have changed, and will continue to change to reflect this principle."

We, the undersigned, believe that the time has come to translate these sentiments into action, by providing for civil marriage for same sex couples. This will call for genuine political leadership, and could require a referendum to ensure that the introduction of same sex marriage would not be vulnerable to constitutional challenge.

Such a referendum would also provide an opportunity to overhaul the definition of the family in the Constitution. Children, cohabiting couples and lone parents are denied legal protection and face inequalities in areas such as adoption, taxation, housing, welfare, immigration and inheritance. Bringing an end to discrimination against relationships and families which are not based on opposite sex marriage is the only way to secure equality for all families.

We, the undersigned, respectfully urge you to fulfil your repeated commitment to provide full equality of opportunity for all in our society, by bringing forward the necessary Constitutional and legislative reforms at the very earliest opportunity in the life of the new Government.

www.iccl.ie

On 31 October 2007, the Government announced that it will bring forward legislation to regularise same-sex partnerships by March 2008. However the likely form of that legislation remains unclear. As the report of the Government-appointed Working Group on Domestic Partnership (the "Colley Report") made clear last year, the introduction of

civil partnership would be a step in the right direction, but only the introduction of civil marriage for same sex couples will achieve full equality of status with opposite sex couples.

Together with partner organisations including GLEN, FLAC and the Campaign for Equal Marriage, the ICCL will continue to campaign for equal marriage rights.

J Adamson Nick Adderley Earnest Adriaensz Edel Ahern Jennifer Ahern Roisin Ahern Stuart Allaway Fiona Allen Judith Allen Richard Allen Deirdre Ambrose Kelly Anderson James Andrews Amy Anson Clodagh Armitage Laura Arnold Caoimhe Bain Peter Barford Anabelle Barker Thomas Barker Clare Barrett Rose Barrett Brian Barry Kate Barry Emilia Bartellas Louise Basquillo Bebhinn Behan Sarah Beirne Aidan Bennett Anton Bennett Grainne Bennett Tom Bennett Grainne Bergin Derek Bettenenb Simon Bingham Robbie Blake Maria Blanco Gillian Boate Marie Therese Boldger Donal Bolger Claire Bonass Hazel Bond Stacey Bowen John Bowman Richard Boyd Celina Boyle Maeve Bracken Sean Bracken Liam Bradley Anne Brady Connor Brady Liam Bradley Fiona Brady Tony Brady Emma Breidan Aoife Brennan Colm Brennan Emma Brennan Joanne Brennan Marty Brennan Suzie Brennan Katie Brennan Harding Maeve Breslin July Bresnen Kim Brewster Catherine Brogan David Brown Donal Brownes Jennie Buchanan Ellen Buckley Thomas Buckley Joan Burke Laurie Burke Ronan Burke Leo Burns Lisa Burns Patricia Burns Paul Burns Vincent Burns Jade Butler Janice Butler Laura Buttigil Adam Byrne Alan Byrne Aoife Byrne Clare Byrne Deirdre Byrne Greg Byrne Jamie Byrne Lynda Byrne Shane Byrne Brian Cahill Leon Callan Caoimhe Calpin David Campbell Eileen Canny Jerome Canty Adrienne Capelle Annalga Carey David Carey Ian Carey Sonia Carlington Shane Carr Aodhna Carroll Bernadette Carroll Elizabeth Carroll Eoghann Carroll Eugene Carroll Liz Carroll Miriam Carroll Richard Carroll Denise Carson Shane Casey Andrew Cashin Oisín Cassidy Bleora Castiva-Garcia E. Champman Kevin Chandler Carly Cheevers John Clark Zoe Clark Danielle Clarke Ian Clarke Rachel Clarke Rhys Clarke Cathie Clinton Katherine Coady Sarah Coates David Cody Caoilan Cole Fiona Coleman Marie Coleman Adeline Collieran Melissa Collieran Aedin Collins D Collins Fiona Collins May Collins Roisin Collins Lucy Collis David Conber Gary Comins Yvonne Conaty Declan Condon Robert Conlon Chris Connolly Christopher Connolly David Connor Maria Conroy James Conroy Sarah Conway Meadhbh Cooke Emma Cooper Aine Doonan Aisling Doonan Cathleen Dore Cathleen Dore Brendan Dorrian Rory Dowdall Elaine Dowling Emma Dowling Martina Dowling Paul Dowling Rita Dowling Gavin Downes Adam Doyle Mary Doyle Tara Doyle Rachel Doyle-Hobbs Ellen Dudley Jessica Dudley David Duffy Emer Duffy John Duggan Sarah Dunleahy Barry Dunne Eimear Dunne Emma Dunne Kate Dunne Noel Dunne Nicola Dunphy Emma Durkin Natalie Dyer Sarah Dyer Stef Edwards Clodagh Egan Noelle Enright Emma Ertel Olga Evenden Olwyn Fagan Patricia Fallagher Brian Fallon Shane Fallon Thomas Fanning Nagall Farog Jane Farrell Katie Farrell Marie Farrell Tom Farrell Sarah Farrelly Eleanor Fawcette Michael Fawl Siobhan Fawcett Anna Feehan Claire Feely Joe Feely Martin Feeney Sarah Ferguson Kieran Ferran Sharon Finegan Sharon Finegan Ciaran Finn Francis Finnegan Julia Finnegan Sean Finnegan Clady Finney Carina Fitzpatrick Loraine Fitzpatrick Paul Flaherty Roisin Flaherty Conor Flanagan Michael Flanagan Grainne Flannery Jill Flannery TJ Fleming Bebhinn Flood Emma Flynn Lilly Flynn Rebecca Flynn Alan Foley Dan Foley Dee Foley Frank Foley C Forbes Treasa Forristal Sarah Forsel Jenny Fortune Monica Foslain Ann Fox Gerry Fox Susan Fox Sarah Francis Mary Frawley John Frazer David Fulham Edith Furlong Roisin Furlong Laura Gahan Corina Gallagher Eimear Gallagher Kerri Gallagher Leona Gallagher Anthony Galvin Fiona Gannon Grace Gannon Andy Gardener Rob Gardnorr Sam Gates Gary Gavin Stephen Gavin Fergal Gaynor Kate Gibney Melissa Gilbert Aoife Gillespie Damien Gilmore Michelle Gilmore Mark Gluigan Martin Glackin Aaron Gleeson Dei Glennon Salome Gonzalez Emma Goode Louise Goodwin Aisling Gordon Claire Gorly Stuart Goss Shane Gough Eoin Grace Deirdre Graham Nicole Granacki Shona Gray Claran Green Emerald Green Moira Green Nadine Green Colin Greig Aoife Griffin Jenny Griffin Martha Griffin Sarah Griffin B Grimley Janice Guilain Michelle Hackette Sam Haddock Brian Hagan Sam Hamilton Aoife Hammond Karen Hammond Kathryn Hammond Virgil Hammond John Hanley Sarah Hanaway Rachel Hannnon Bobby Harnett Brendan Harrold Eibhlin Harrington Rob Harrington Peter Harrison Martina Harter Shane Hartney Leo Harvey Tansen Harward Niamh Hassett Chaima Healy Elaine Healy Aisling Heaney Deirdre Heaney Joe Heaney Andrew Heather Owen Heenney Louise Hendrick Muriel Hendly Jennifer Hennessy Bruce Henry Ruth Henry Louie Herbert Ger Herin Claire Hickey Amy Hill Antony Hislop Annabelle Hogan Karen Hogan Sean Hogan Sorcha Hogan Derek Holland Anne Marie Homes Judy Hopkins Dave Horgan Eoin Horgan Finn Houlihan Sinead Houlihan Clare Hovey Jenny Hudson Elaine Hunt Mike Hunt Aoife Hurley Dave Hurley Joanne Hurley Anne Hussey J Hussey Maureen Hussey Clare Hyland Susan Hyland Paul Illien Philip Ingram Natalie Jackson Rachel Jackson Alex James Niall Jenkins Catherine Jones Orla Jones Tracy Jones D Jordan Eugene Jordan Hugh Jordan Michael Jordan Trish Joy Fiona Joyce Andrew Kane Jason Kane Rose Kane Orla Kavanagh Sinead Kavanagh Sarah Keadall Sinead Kealey Norma Keane Sheena Keane Marie-Claire Kearney Jennifer Keating Laura Keating Eimear Kehoe Linda Kehoe Cathy Kell Rachel Kell Joanne Kelleher Paul Kelleher Tara Kelleher Anthony Kelly Daragh Kelly Eimear Kelly Finn Kelly Fionn Kelly Grainne Kelly Janet Kelly Joe Kelly Kevin Kelly Kirsten Kelly Laura Kelly Michael Kelly Sarah Kelly Stephen Kelly Yvonne Kelly Geraldine Kendall Ann Kenealy Barry Kennedy Gloria Kennedy Ronan Kennedy Luke Kennedy Paul Kenny Paul Kenny Pauline Kennedy Jennifer Keogh Neal Keogh Susan Keogh Mark Keriffotria Dan Kidney Andrea Kelly Dennis Kelly Paddy Kelly Mairead Kiernan Clara Killalea Kevin Killeen Alwyn Kinane Clare King Grainne King Colin Kinnane Patrick Kinsella Maurette Kirwan Cara Kirwin Marcus Kittel Carol Klingen Ricky Knight Tim Konar Audrey Lally Peter Lan Doireann Larkin Willie Larkin Sonya Larrigan Gavin Leane Paul Leaney Ailish Leary Lynda Leary Aileen Leavy Neil Ledwith Robert Lee Phelin Lehmann Sibylle Lehmann Daniel Lenifer Daire Lennon Clare Leonard Sinead Leonard David Lewis Vicki Lindsay Susan Linehan Emer Liston Ian Lockhart Robert Loughnane Deirdre Loy Michael Lyden Stephen Lydon Avril Lynch Billy Lynch Billy Lynch Brendan Lynch Mary Lynch Paula Lyne Maeve Lyons Niamh Lyons Rachel Lyons Sean Lyons Anne Mac Gowan Sean Mac Risteaird Colman Mac Sealaigh Lydia Mackegh Gwen Mackey Emily Mackegh Louise Mackey Kate MacRohail Hilary Madden Kate Magennis Caoimhe Maguire Cathy Maguire Jim Maguire Eoin Maher Grainne Mahon Laura Mahon Regina Mahon Doreen Mahony Merje Maimjarrv Derek Malone A Manning Adrian Manser Aoife Mark Kyle Martin Loraine Martin Shona Martin Paulo Martino Ali May Dylan McAleenan M McArdle Richie McArdle David McAuliffe David McCabe Fiona McCabe Hugh McCafferty Ian McCafferty Greg McCann Kevin McCann Nicola McCann Ruth McCann Brian McCarthy Shane McCarthy Declan McCarthy Jenny McCarthy Kevin McCarthy Linda McCarthy Warren McCarthy William McCarthy Paul McCay Joanna McClatchin Brian McClean Brian McCooke Shane McCoy Aoife McDermott Daire McDermott Tiarnan McDermott Daire McDonald Jenny McDonald Linus McDonald Marie McDonald Orla McDonald Paul McDonald Edel McDonnell Linus McDonnell Lynn McDonnery Niall McFadden Tracy McFadden Roisin McFlynn Gemma McGahern Maria McGahern Ann McGeevor Marie McGeevor Ava McGeevor Delia McGeevor Kieran McGeehan Clara McGeehan Claire McGrath Fabienne McGrath Shane McGrath Shauna McGreevy Casimira McGuicken Paul McGuigan Rebecca McGurrell Daniel McHugh Una McKay Leo McKenna Donna McLaughlin Ken McLaughlin Shane McLawrence Grant Meadodh Shane McLoughlin Philip McMahon Eimear McManus Colm McMenamin Clare McNally Roisin McNally Susan McNulty Matt Moore Kevin McPeala Maeve McPhee Eoin McQuail Siobhan McTiernan Donal McWeeney Clodagh Meady Philip Meaney Mark Meleady Andrew Melia Paul Mernock Marc Merriman Wendy Miles John Miller Susan Miller Wakaba Miyazaki Emma Moffat Darryn Mor Sidead Moloney Brian Monaghan Alan Mooney Derval Mooney Niamh Mooney Cormac Moore Steven Moran Catherine Morgan Padraic Morley Maedhbh Moroney Edel Morrison Stephen Morrissey Sarah Mortimer Emily Mounier Richard Mugilton Ruth Muirvey Anne Mullen Mary Mullen Deirdre Mullins Roisin Mullins Elaine Mulvihill Alaine Murphy Ali Murphy Cliona Murphy Jenny Murphy Jenny Murray K Murphy Lou Murphy Louise Murphy Niall Murphy Peter Murphy Silé Murphy Suzanne Murphy Tommie Murphy Ali Murray Cliona Murray Kevin Murray Paddy Murray Pamela Murray Patrick Murray Sara Murray Niamh Murtagh George Nagle Pier Luigi Nardelli Rosathea Nardelli Roisin Nee Sonja Neiland Audrey Nestor Vivienne Neilladu Keith Nevin Antoinette Neylon Dela Ni Chiohban Aine Ni Chiorhan Aine Ni Cholleoin Aine Ni Dhomhnaill Sinead Ni Reamoinn Aoibhinn Ni Snuilleabhan Aisling Nic Hurthure Jeanette Nic Lochlainn Apphia Nicholas Wendell Nialy Claran Nolan Lesley Nolan Megan Nolan Catriona Noonan Kevin Noonan Mark Noonan Niall Noonan Damien O Cuanna Conor O'Brien Clara O'Brien Cory O'Brien Irene O'Brien Chaima O'Brien Mary O'Brien Michelle O'Brien Neil O'Brien Sally O'Brien Danny O'Brien Colman O'Callaghan Gillian O'Callaghan Aine O'Connor Annalouse O'Connor Fiona O'Connor Gillian O'Connor Michael O'Connor Sarah O'Connor Vicky O'Connor Roisin O'Donnell Leann O'Donoghue Tony O'Donoghue Ruabhan O'Donogue Niall O'Driscoll Susan O'Driscoll Conor O'Farrell David O'Farrell O'Flaherty Esme O'Flynn Eimear O'Grady Gina O'Grady Elaine O'Halloraire Don O'Hara Paul Heire Claire O'Kane Mick O'Kane Clare O'Keefe Eimear O'Keefe Helene O'Keefe Linda O'Keefe T O'Keefe Donal O'Laighaire Maura O'Laighaire Art O'Leary Pamela O'Leary Paul O'Leary Dora O'Loan Brian O'Loughlin Maureen Olsen Celine O'Mahony Colin O'Mahony Kevin O'Mahony Michael O'Malley Niamh O'Malley Selina O'Meara Connor O'Neill Jan O'Neill Jason O'Neill Karen O'Neill Olivia O'Neill Aine O'Raghallaigh Donna O'Regan Niamh O'Regan Daithi O'Reilly Dermot O'Reilly Jean O'Reilly Julian O'Reilly Kate O'Reilly Mairead O'Reilly Scarlett O'Reilly Anne O'Riordan Caroline Orr Keith Osbourne Richard O'Shea Marieanna O'Shea Una O'Shea Brid O'Sullivan Eoghan O'Sullivan Katie O'Sullivan Maeve O'Sullivan Sean O'Sullivan Tony O'Sullivan Lar O'Toole Robbie Ovenson Siobhan Ovenson GILES Packham Rosie Palmer Laura Penderville Aoife Perry Ellie Phillips Adele Plant Marcin Poliski Grace Porter Andrew Power Cait Power Clare Power G Power Lisa Power N Power Maeve Powers Sean Prendergast Katie Prior Pamela Quattrana Dermot Quigley Daragh Quinn Gerard Quinn H Quinn Jill Quinn Karl Quinn Tracy Quinn Catherine Quinn Victor Raben Nina Reade Claran Redmond Sinead Reidy Edel Reilly Jane Reynolds Fiona Rice Simeon Rimmer Joanne Roberts Ross Roberts Jack Roche Mark Roche Ali Rochford Paul Rodds Liam Rodden Fionuala Rodgers Luke Rogers Daniel Rodini Abigail Rogers Cormac Rooney Noel Ross Ailie Russell Jeff Rutt Kate Russell Sheena Russell Camila Ryan Emma Scott Eoghan Scott Nicola Scott Rochda Scott Ivor Scully Daniel Searle Loraine Seery Siobhan Sexton Aoife Shanky Oisín Sharré Elna Sheridan Tasha Simpson Lisa Smaul Aine Smith David Smith Joe Smith Suzanne Smith Hannah Smithers Anna Marie Somers Claran Sotscheck Marcus Spring Clara Stack Grainne Stack Nora Stapleton Michael Steele Conor Stenson Barry Stenson Charlie Stewart Dara Stewart David Stewart Suz Stewart Petra Stone Clara Strange Eleanor Stuart Hazel Stubbs Jane Stynes Nicola Stynes J Sutton JP Swaine Asumpta Sweeney Orla Taaffe Agata Taborske Alan Taylor Anthony Tennyson Lousa Tew Fiona Thompson Alan Thornton Lorane Thornton Sarah Thwaites Emma Tierney Sinead Timoney Claire Tobin Simon Torrens-Spencer Fiona Tracey Jos Traynor Siobhan Tuite Mark Twogh Barry Twomey Pamela Twomey Fiona Tyrrell Wayne Tyrrell Carlo Valle Rob Varnbeck Eric Vaughan Therese Veale Ross Vickers Clodagh Voyles Alan Waddy Sue Wall Brian Walsh Dermot Walsh Fiona Walsh Karen Walsh Ken Walsh Linda Walsh Neil Walsh Connor Ward Ellen Ward John Ward Joe Warne Genevieve Watters Gail Weadick Dawn Wheatley Chris Whelan Pronisios Whelan Lucy White Gordon Whittaker Sean Wickham Tanya Wickham Racine William Jo Wilson Lynn Winterson Steff Woodhead John Wycherley Wayne Wynn Natalie Young



Staff, volunteers and festival-goers at ICCL's Love Equality Marquee at the Electric Picnic 2007 in Stradbally Hall, Stradbally, Co. Laois.

Love Equality Marquee

As part of the Electric Picnic festival, ICCL staff and volunteers hosted a Love Equality marquee, with colourful props of two brides and two grooms, to demonstrate in a fun way our key campaign message of everyone's right to marry.

We were delighted with the response from festival goers, over 1,300 friends and couples had special digital 'wedding photographs' taken at our marquee.



# Monitoring Human Rights

## International Activities

### Round Table on Human Rights in Lesotho and Ireland

On 21 October 2007, the ICCL held a round table discussion on human rights with a high-level delegation from the Kingdom of Lesotho. The discussion was organised at the request of the Ambassador of Lesotho to Ireland, Mrs Mannete Ramaili.

The delegation was headed by the Ombudsman of Lesotho (pictured with the Ambassador and Tanya Ward of the ICCL), and also included Principal Secretary, Ms. Pontso Lebotsa; Parliamentary Counsel Ms. Ntebaleng Maseela; Senior Legal Officer Mrs Leomile Mojaki; UN Consultant Mrs. M. Pholo and Minister Counselor Mr. Peete Mohale



*L to r: Ambassador Mannete Ramaili, Tanya Ward of the ICCL, and Sekara Mafisa, Ombudsman of the Kingdom of Lesotho.*

Lesotho is the longest-standing beneficiary of Irish Aid's bilateral aid

programme. A major challenge for the country and its development partners is that half of its population lives below the poverty line and income inequality is among the highest in the world. Increasingly,

the advancement of democratic governance is seen by donors as an important aim and the Irish Aid programme has been providing support for the development of the Ombudsman's Office in an effort to enhance the protection of human rights in Lesotho.

The round table discussion, which was held in the ICCL's offices, focused on the role of civil society in the protection and promotion of human rights, in cooperation with bodies such as Ombudsmen and Human Rights Commissions. It also touched upon the importance of ratification of the Optional Protocol to the United Nations Convention Against Torture (OPCAT) as means to strengthen the effectiveness of national human rights monitoring mechanisms.

### Seminar with Lawyers from Sri Lanka

On 30 and 31 October 2007, the ICCL participated in a seminar on the protection of human rights and the rule of law with a group of lawyers from Sri Lanka. Tanya Ward of the ICCL spoke about mechanisms to safeguard the independence of the judiciary and Mark Kelly addressed the issue of legal safeguards for the prevention of ill-treatment. The seminar was organized by the Glenree Centre for Peace and Reconciliation, in co-operation with the Joint Bar Council/Law Society Legal Development Group.

### International Federation for Human Rights



**Siobhán Ní Chúlacháin, Former Vice President of the International Federation for Human Rights (FIDH) reflects on her experience of working with the FIDH from 2001 to 2007.**

The ICCL joined FIDH in 1992. One of the roles of the FIDH is to provide members with practical support, such as facilitating their work at intergovernmental bodies like the United Nations. My first experience of FIDH was in 1993 when I represented the ICCL at Geneva for the hearings of the UN Committee on Human Rights at Ireland's first report under the International Covenant on Civil and Political Rights (ICCPR). The FIDH introduced me to the members of the UN Committee and assisted me in targeting the members of the committee who were most interested in the key issues for the ICCL, such as the broadcasting ban, the continuing state of emergency and associated legislation and criminal justice measures.

Member organisations may request the FIDH to send missions of enquiry to their countries. Although nationals are not allowed to participate in missions to their own countries, they draw on their contacts to ensure that mission members obtain as wide a view as possible of the situation being enquired into.

In January 2001, I was elected as Vice-President of the FIDH and subsequently participated in missions to Algeria, French Polynesia, Albania, Thailand and Taiwan in the two last-mentioned missions, as head of delegation. FIDH mission reports can be viewed on [www.fidh.org](http://www.fidh.org)

Siobhán Ní Chúlacháin stood down as Vice-President of the FIDH in April 2007.



**Tanya Ward, Vice President of the FIDH reflects on the ICCL's future priorities**

Tanya Ward, Deputy Director of the ICCL, was elected as Vice President of the FIDH in April 2007.

The ICCL will avail of the assistance of the FIDH leading up to Ireland forthcoming third examination before the UN Human Rights Committee and its first examination under the UN Convention Against Torture (UNCAT). As well as assisting in a number of human rights missions, I will work with other members of the FIDH on strengthening its Western European activities, in particular around monitoring the European Union justice sphere and the establishment of the EU Fundamental Rights Agency.

#### What is the FIDH?

Founded in 1922, the International Federation for Human Rights, known by its French initials FIDH, is a grouping of 155 human rights organisations from around the world. FIDH's key priorities include protecting human rights, assisting victims, mobilising the community of States, supporting local NGOs' capacity for action and raising awareness of human rights abuses.

FIDH's mandate is to contribute to the respect of all the rights defined in the Universal Declaration of Human Rights. FIDH aims at obtaining effective improvements in the protection of victims, the prevention of human rights violations and the punishment of their perpetrators. Its priorities are set by the triennial World Congress and the International Board, with the support of the International Secretariat.