



Irish Council for  
**Civil Liberties**

REFORM  
**JUSTICE**  
FREEDOM  
**EQUALITY**  
PRIVACY  
CIVIL SOCIETY  
**HUMAN**  
**RIGHTS**  
LIBERTY  
**PROTECT**  
REFORM  
**JUSTICE**  
FREEDOM  
**EQUALITY**  
PRIVACY  
CIVIL SOCIETY  
**HUMAN**  
**RIGHTS**  
LIBERTY  
**PROTECT**

IRISH COUNCIL FOR CIVIL LIBERTIES

**2017**  
ANNUAL REPORT

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# Message from the Chair

The Executive Board of ICCL is delighted to present to our members and supporters the annual report for 2017. This report describes a key moment in the history of ICCL. As Liam sets out in his foreword, the board and staff team have led a major process of restructuring through this year which is aimed at setting a new direction and putting in place new structures to ensure the future sustainability of ICCL.

In overseeing this process, the Board of ICCL are mindful of the responsibility we have to the history of this organisation and to the achievements of our founders, members and predecessors as board members. ICCL has a unique place

*"ICCL has a unique place in Irish social history and it has a distinct identity and voice which we appreciate and cherish. We understand our role as the Board of ICCL as acting as custodians to that legacy."*



in Irish social history and it has a distinct identity and voice which we appreciate and cherish. We understand our role as the Board of ICCL as acting as custodians to that legacy.

In setting a new Strategic Plan for ICCL, we have placed a strong emphasis on the importance of strong structures and governance systems. We are conscious that the regulatory demands on civil society and voluntary organisations have become quite onerous over recent years – including multiple codes and standards to which we must comply in areas such as company law, electoral law, lobbying regulation and data protection requirements. In bringing in new members to our Board this year, we have identified individuals with exceptional skills and experience to strengthen every aspect of our work.

The other key element in our restructuring during this year has been the recruitment of new staff members under the direction of Liam Herrick as Executive Director. Liam has led the recruitment of a great new team of human rights activists and professionals who are already bringing new energy and innovation to our work.

Ireland is at an exciting moment for civil liberties. The challenge for ICCL is to ensure we are fully equipped and well positioned to meet the great challenges and opportunities that are presented by an open political system and a groundswell of popular support for equality and human rights. This annual report shows an organisation which is adapting to meet new challenges, but grounded in a deep appreciation and continuing commitment to our founding principles which will never change.

**Deirdre Miller, Chair**

# Director's Foreword

The annual report for 2017 describes a period of very significant change for ICCL, as we undertook a restructuring process to allow us to meet the challenges of the changing environment for human rights work in Ireland. Atlantic Philanthropies had been ICCL's main funder since 1996 and the closure of Atlantic during 2017 marks the end of an era for human rights activism in Ireland. In this changing funding environment, ICCL undertook a review of our operational structures to ensure that we could best secure our research, policy and advocacy work, building on the achievements of the previous four decades. In doing so, we reviewed every aspect of our work to ensure that our strategy, our structures and our funding are aligned to meet a changing environment for civil liberties work.

The most important question for any organisation is to question whether it needs to exist – does it do something essential that no other organisation is doing, is it best placed to achieve some important objective, or does it perform an essential role more effectively than anyone else? In reviewing the work of ICCL, we have thought deeply about these questions. We have a rich history going back over forty years, but we need to be sure that we have a valuable mission to carry out in this moment.



*"What inspires us in our work is a firm belief that there is a real opportunity to improve our society through the advancement of human rights."*

The fundamental answer is that we believe an independent civil liberties organisation has an essential role to play in defending justice, promoting equality and strengthening human rights. The original vision of our founders remains urgently relevant to the challenges facing Ireland today, just as it is proving essential in the United States, in Europe and in the Global South – where civil liberties activists are in the frontline against attacks on democratic values and institutions. ICCL believes we have a duty to stand in solidarity with our colleagues around the world who face direct assaults on basic human rights, and we must guard carefully against the potential for these global trends to compromise our rights at home.

At this moment, the threats to our civil liberties come from many sources. Government encroachment on due process rights and privacy are constant dangers to which we must remain alert. Defending the rights of suspects and of minority groups will always be difficult and contentious. We are witnessing a growing threat to democratic institutions and the rule of law in all regions from hostile populism and resurgent nationalist extremism. We must also be increasingly vigilant towards the dangers posed by private sector actors and by governments who use technology to violate human rights across borders.

In setting out a new vision for ICCL in our Strategic Plan 2017-2020, we identify specific and tangible ways in which ICCL can make a real difference to the quality of our society, and issues and areas of policy where our voice and our action will deliver a more just and equal Ireland. We've also refreshed the public face of ICCL with a new website and launched some new and enhanced areas of work around issues such as the human rights impact of Brexit, restrictions on civil society and information and privacy rights.

What inspires us in our work is a firm belief that there is a real opportunity to improve our society through the advancement of human rights. While we face real challenges, we are also living at a hopeful moment, where Ireland is shaking off the remaining elements of moral authoritarianism in our laws. We have proven that Ireland is now a progressive society with strong public support for human rights, where our political system is open to new ideas and where grassroots movements and activists can bring up radical change. In the world of 2018, that is a privileged position to be in. We need to make sure that we grasp all of the opportunities that this affords us.

**Liam Herrick, Executive Director**



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# OUR PEOPLE

IRISH COUNCIL FOR  
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## The 2017 Executive Board

2017 also saw changes on the ICCL Board. We changed the Constitution of the Board so that there is now only one Chair, Deirdre Miller. We welcomed the experience and expertise of Marguerite Bolger, Maurice Manning, Maria Helen Murphy, Mary Lawlor and Tony Hanway as we bade farewell to Alan D.P. Brady, Claire Hamilton and Clare Naughton. Alan, Claire and Clare all played key roles at critical phases in ICCL's development over recent years and we are most grateful for their contribution.

Our newest Board members joined Jonah Mudehwe, J.B. Terrins, Andrew Forde and chair Deirdre Miller on a dynamic and innovative board.

### MARGUERITE BOLGER

Marguerite Bolger is a Senior Counsel specialising in employment law and has appeared in many of the key employment cases before the Irish and European courts. She is a founder member and former Chairperson of the Employment Bar Association of Ireland, the current Vice Chairperson of the Incorporated Council for Law Reporting of Ireland and a member of the Editorial Boards of the Irish Employment Law Journal and the Employment Law Reports. She lectures, comments and publishes extensively on employment law. She co-authored 'Employment Equality Law' and was a contributing author to 'Employment Law'.

### MARY LAWLOR

Mary Lawlor has a background of over 35 years' experience in human rights campaigning and advocacy. She set up leading international NGO Front Line Defenders in 2001. Prior to Front Line Defenders, Mary was Director of the Irish Section of Amnesty International from 1988-2000.

### TONY HANWAY

Tony Hanway is one of Ireland's most experienced ICT leaders. As CEO of Virgin Media he has responsibility for all Liberty Global cable operations in Ireland plus TV3, Ireland's number one commercial broadcaster. Tony has served on the executive boards of companies across five European countries, including CEO of O2 Ireland and Chief Commercial Officer with Telefonica O2 Deutschland. Prior to O2 Telefonica, he worked for ten years with AOL Europe and served as Vice-President Customer Care with AOL UK and Managing Director AOL Europe Operations Ltd. Tony is from Dublin and joined Virgin Media in November 2015 just as the company rebranded from UPC to Virgin.

### MAURICE MANNING

Maurice Manning is a former President of the Irish Human Rights Commission, as well as a former Senator and TD. He is currently Chancellor of the National University of Ireland. He has had a long careers as an academic, a writer and a politician and has served on several government and non-governmental organisation boards.

### MARIA MURPHY

Dr Maria Murphy lectures in Information Privacy Law and Information Technology Law at postgraduate level at NUI Maynooth, and lectures in Media Law and Civil Liberties at undergraduate level. She also supervises postgraduate students in the areas of privacy law, surveillance and information technology law. In addition to completing her Irish Research Council-funded PhD at University College Cork in 2013, Dr Murphy holds a magna cum laude LLM degree from Temple University (Philadelphia), and a First Class Honours BCL (International) degree from UCC. Dr Murphy tweets about privacy, data protection, and technology law.

### THE CURRENT ICCL BOARD



DEIRDRE MILLER - Chair



MARGUERITE BOLGER



ANDREW FORDE



TONY HANWAY



MARY LAWLOR



MAURICE MANNING



JONAH MUDEHWE



MARIA MURPHY



J.B. TERRINS



# Board Members' Backgrounds

Our board is drawn from diverse sectors of society, with many of them bringing rich and varied experiences from across sectors.



# Staff Profiles

During 2017, a number of colleagues left the organisation to take up other opportunities. Deirdre Duffy left the post of Deputy Director after 11 years with ICCL. Suzanne Handley, who had been with ICCL since 2008, left the post of Organisational Development Manager. Stephen O'Hare, Research and Policy Programme Manager since 2010, was appointed Executive Director of Transgender Equality Network Ireland (TENI). Pia Janning, Research and Policy Officer, and Emily Glen, Communications Officer, also left the organisation. Deirdre, Suzanne, Stephen, Pia and Emily all made significant contributions to ICCL's work over many years and we wish them well in their future endeavours. We also welcomed four new staff members.

## DR. MAEVE O'ROURKE

Dr Maeve O'Rourke began as Senior Research and Policy Officer for the ICCL in October. Maeve is renowned for her pro bono legal support to the Justice for Magdalenes/JFM Research group from 2010 to 2017, a key driving force behind the State apology to Magdalene Survivors and the establishment of the Magdalene Redress Scheme. Maeve is called to the Bar of England and Wales and the New York Bar, and she has practised in human rights, family law and transnational mass tort/environmental claims. She has worked for Equality Now and as a researcher at Harvard Law School and the University of Minnesota Law School Human Rights Center. She also co-founded the 'Clann Project' with JFM Research and Adoption Rights Alliance in 2015. Maeve is a graduate of University College Dublin (BCL International), Harvard Law School (LLM) and Birmingham Law School (PhD). Maeve's PhD focused on the potential for the rule against torture and ill-treatment to protect older people from key forms of mistreatment that they commonly experience.



## ELIZABETH FARRIES

Elizabeth Faries has, since September, been the Information Rights Project Manager for the Irish Council for Civil Liberties together with the International Network of Civil Law Organizations. She is called to the Bar in British Columbia and has a practice background in litigation, intellectual property and human rights. She additionally has policy experience with the Canadian provincial government; has provided legal services to indigenous and impoverished clients in criminal, family law and human rights matters; and has published work with and sat on the executive board of several NGOs. Elizabeth has a BSc and JD from the University of Victoria, and a SSHRC funded Masters from the School of Information at the University of Toronto. She is a Frances E. Moran PhD Candidate at Trinity College Dublin's School of Law, where her research interests focus on how women's privacy rights are encroached online. On this and other topics, she has numerous trade, academic and community publications.



## SINÉAD NOLAN

Sinéad Nolan took up her post as Public Engagement and Communications Officer with the ICCL in October. She previously worked with Front Line Defenders, an Irish organisation which provides protection to human rights defenders at risk. Before that, she spent a year working alongside activists at risk in northern Mexico with Peace Brigades International (PBI) and she continues to advocate for the protection of organisations, communities and defenders through PBI Ireland. Sinéad has participated, as a delegate and interpreter, in the Caravana Colombiana, an international delegation of jurists that observes the situation of human rights lawyers in Colombia. She has also worked on the mandate of the UN Special Rapporteur on the situation of human rights defenders. Sinéad holds an MA in International Security and Conflict Studies and has voluntary experience working in homeless services and with sex workers in Dublin.



## CHRIS McCARTIN

Chris McCartin joined the ICCL as an Administrative Officer in September and is responsible for office operations. Chris has previously provided administrative support to key units in the Department of Public Expenditure and Reform and Department of Foreign Affairs and Trade. Prior to joining the ICCL, he worked with University College Dublin's University Secretariat to support a number of governance and management committees.





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# OUR WORK

IRISH COUNCIL FOR  
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## Defending **JUSTICE**

### VICTIMS' RIGHTS

ICCL's victims' rights project is funded by the European Commission and aims to support the training of lawyers, prosecutors and the judiciary on the needs and rights of victims of crime as provided for in the Victims' Directive. 2017 was a year of huge accomplishment for this project in seeing the transposition into Irish law of the EU Victims' Directive. Maria MacDonald BL oversaw this project.

In tandem with our advocacy work on the Victims' Directive, ICCL also produced a comprehensive guide for lawyers and practitioners on the rights enshrined in the Victims Directive. An introductory lecture to the EU Victims' Directive took place on 1 July 2017. A follow-up training session took place on 10 July 2017. The guide for lawyers and practitioners was launched in November 2017 by Minister David Stanton, alongside a four-week online course offering expert guidance and featuring video clips and reading material. The training programme was developed in conjunction with the Bar Council and the Law Society who ran online surveys



in order to determine their members' knowledge of the Victims' Directive. Maria MacDonald was also invited by An Garda Síochána to conduct interviews with 24 members of the force, and this material also fed into the Guide to the EU Victims' Directive. Additional research into the experiences of victims of crime within the criminal justice system was conducted by the Victims' Rights Alliance, coordinated by ICCL.





# Defending JUSTICE

## JUSTICIA

Over the past decade, ICCL has played a leading role in the development and rolling out of the package of procedural rights standards emanating from the European Union through our leadership of the JUSTICIA network.

The JUSTICIA network consists of 20 Network Member organisations based in 17 EU Member States. The Network has worked to strengthen measures to protect the rights of accused and suspected persons in criminal proceedings in the member States by promoting awareness and understanding of emerging relevant European Union standards, particularly the package of Directives developed under the 'Swedish Roadmap' of 2009.

In 2017, ICCL coordinated the delivery of a Network-wide programme of activities, including research on discriminatory criminal justice practices across the Union. In 2017, we also agreed that Fair Trials would take over the coordination of the Network, integrating it into Fair Trials' LEAP Network as a Working Group, with ICCL continuing as a key member of the JUSTICIA Network. We are delighted that this new partnership will allow JUSTICIA to greatly expand its work by giving it a Brussels base, and will allow ICCL to concentrate on implementation of these EU standards at the national level.

## GARDA REFORM

Garda reform has been the highest priority for ICCL from our very beginning. At our first meeting in April 1976, Kader Asmal proposed "the need for a civilian Police Authority to supervise the functioning of the police". Over the intervening forty years, concerns about policing have been at the heart of ICCL's work: from the application of emergency powers, to the mistreatment of suspects, to restrictions and interferences with freedoms of association and assembly, to debates on immigration, gender violence and respect for private and family life. In short, issues about An Garda Síochána have always been centre stage in Irish human rights discourse.

Policing defines the human rights interface between individuals and the State. Police have unique functions in protecting the public from human rights violations and vindicating the rights of victims through investigation and prosecution. The unique powers and functions of police mean that officers and police managers must balance and interpret often competing human rights in a wide range of their everyday tasks.



The unique nature and extent of police powers carry at all times the potential for human rights violations to occur – from violations of liberty and privacy, up to violations of bodily integrity, torture or, even on occasions, violations of the right to life.

After two decades of persistent scandals, and a series of partial reform initiatives – which ICCL has been centrally involved in – we are now on the cusp of a comprehensive root and branch overhaul of An Garda Síochána with the establishment in May 2017 of the Commission in the Future of Policing. The Commission promises to bring forward a plan to address all aspects of Irish policing, and ICCL is engaging closely with the Commission to ensure that the plan is grounded on human rights principles. In late 2017 ICCL commenced work on a submission to the Commission on the Future of Policing, which was finalised and published in January 2018.

## POLICING OF PROTEST

One discrete area of policing which came into focus in 2017 was the management of political protest, with the long running trial of six individuals arising from events at a protest at An Cosán, Jobstown. Among the accused was Paul Murphy TD, and the policing operation

and the subsequent charging of the protestors with the offence of false imprisonment gave rise to a number of serious concerns.

ICCL has expressed concern about the law and policing operational policy relating to protest over many years. The area of political protest and freedom of assembly is also an area of focus for our international colleagues in the International Network of Civil Liberties Organizations (INCLO). In late 2017 ICCL contributed research to a report being prepared for publication in 2018 by INCLO in collaboration with the International Human Rights Clinic at the University of Chicago Law School: *Defending Dissent: Towards State Practices that Protect and Promote the Rights to Protest*. Staff members of ICCL participated in a workshop organised by the Belfast-based Committee on the Administration of Justice and the Open Society Justice Initiative with lawyers and NGO representatives from 10 European countries on *The Right to Protest and Civil Space in Europe: Opportunities for Strategic Litigation* on 28 and 29 November 2017. ICCL also worked with Dr Johnny Connolly, Irish Research Council Post-Doctoral Fellow at ICCL and the University of Limerick, to develop a final year undergraduate

Advanced Lawyering module in which students would undertake research on the policing of protest in Ireland. In 2018, ICCL will bring forward proposals for law reform in the area of the policing of protest.

## INSIDE POLICE CUSTODY

Running until August 2018, this European Commission-funded project has participants from eight countries: Lithuania, Slovenia, Austria, Romania, Hungary, Bulgaria, Italy and Poland. ICCL coordinated this research throughout 2017, including a research meeting in Budapest in September, and staff members also provided training for lawyers on human rights principles which should be applied during custody.

## JUDICIAL REFORM

ICCL has for many years called for legislative reforms to ensure the integrity and independence of the Irish judicial system, including in our major "Justice Matters" report of 2007. We were pleased to engage with the debate on the Judicial Council Bill when it came before the Seanad in November 2017 and we continued to monitor the progress of the Judicial Appointments Commission Bill.

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# Deepening **EQUALITY**



## COALITION TO REPEAL THE 8TH

During 2017, the Coalition to Repeal the 8th Amendment stepped up its actions and ICCL supported it all the way. From marching for choice in September to hosting an international conference on reproductive rights all around the world, ICCL joined in an ever-growing chorus of voices demanding full equality and bodily autonomy for pregnant people in Ireland. To coincide with the conference, we produced our policy paper on the 8th Amendment and also organised meetings between world-renowned reproductive rights activists, including Louise Melling of the ACLU, and the Coalition's equally renowned leaders. We were thrilled to see the human-rights compliant recommendations made by the Oireachtas Committee on the 8th Amendment on 13 December.

## INCLO CONFERENCE – ABORTION LAWS AND HUMAN RIGHTS

In 2017, Ireland was at a critical juncture in the struggle for reproductive rights for women and girls, but it was not the only country where this was the case. ICCL works in collaboration with the International Network of Civil Liberties Organisations (INCLO) and with other organisations who struggle to realise equality for women and girls through

the realisation of full bodily autonomy. There is much to be learned and exchanged through these collaborations.

We invited representatives from our partner organisations in INCLO to Dublin on 8 November to speak about their campaigns and struggles and to share experiences and ideas about how the global campaign for women's rights can be advanced.

Professor Frances Raday opened the day with an inspiring keynote speech addressing the grounding for reproductive rights in international human rights law. Professor Raday was at the time Chairperson of the United Nations Working Group on the issue of discrimination against women in law



**ABOVE:** Sneha Mukherjee of the Human Rights and Law Network (India) addresses the INCLO conference  
**BELOW:** Representatives of INCLO partner organisations with Prof Frances Raday. L-R Claire Johnson, Bongiwe Gumede, Sneha Mukherjee, Louise Melling, Nina Chaparro, Frances Raday, Liam Herrick and Judit Zeller.  
**TOP RIGHT:** Dr. Maeve O'Rourke, Prof. Frances Raday and Liam Herrick  
**BOTTOM RIGHT:** Prof. Fiona de Londras, Prof. Frances Raday and Liam Herrick



and in practice, and we were delighted that she remained on for the duration of the conference and participated in our closing panel discussion along with Louise Melling of the American Civil Liberties Union (ACLU), Les Allamby of the Northern Ireland Human Rights Commission and Dr Sinéad Kennedy of the Coalition to Repeal the 8th.

Professor Fiona de Londras gave an enlightening overview of Ireland's 8th Amendment and the many ways in which it violates human rights. We heard about restrictive laws in India, Argentina and Egypt from activists Sneha Mukherjee, Lucia de la Vega and Seham Osman. Later Claire Johnson, Bongiwe Gumede and Nina Chaparro outlined lessons

to be learned from the UK, South Africa and Colombia, all countries where abortion is permitted, but under varying circumstances. At one point, an audience member asked Bongiwe what advice she had for Irish activists trying to open difficult conversations around abortion and she replied, "When things are uncomfortable, that is when it is important to keep going. Keep going, and be bolder!"

## LIFE CYCLE OF A HATE CRIME

During 2017, ICCL coordinated and participated in a major EU research project entitled 'Lifecycle of a Hate Crime'. This project examined the dynamics of hate crime offences from the perspectives of all those involved and affected, and it aimed to demonstrate best practice in the prevention and prosecution of hate crime. The project involved six European countries (the Czech Republic, England and Wales, Ireland, Latvia, and Sweden) and ran for 24 months until the end of 2017. The Irish research was carried out by Dr Jennifer Schweppe and Dr Amanda Haynes at the University of Limerick, who made extensive recommendations including the codification of hate crime into Irish law. The project produced five national reports and a comparative analysis report, which will be launched in 2018.



# Strengthening **HUMAN RIGHTS**

## CIVIC SPACE

At the global level, the single greatest threat to human rights at this time is the growing problem of suppression of political dissent and human rights activism by repressive Government measures. Generally described as the problem of “shrinking civic space”, in every region of the world there has been a growing crisis for freedom of association and the associated rights to freedom of expression and freedom of assembly by civil society actors.

During 2017, it became clear that the space for Irish civil society, much as in the international sphere, is also under threat. Throughout the year several organisations, including ICCL, reported difficulties in their engagement with the Standards in Public Offices Commission (SIPO) in relation to the ‘third party’ provisions of the Electoral Acts.

The Electoral Act regulates the receipt of funds for electoral and referendum campaigns in order to protect the integrity of our political system, including by ensuring that foreign entities do not unduly influence the outcome of our elections. The ‘third party’ provisions of the Act extend the strict funding rules on parties and election or referendum campaigns to any organization engaged in “political purposes”.

ICCL and other civil society organisations have never had a difficulty with these requirements when they apply to elections and referendums – and we have fully complied

with these rules on those occasions when we have taken a position in a referendum. The problem is that the law defines “political purpose” as including any activity aimed at influencing public policy or the policy of a public body. For many years, ICCL and others pointed out that if applied in a broad manner this law could constitute a serious threat to civil society being able to engage in general public debate. While for many years, SIPO did not seek to apply the law in this way, that situation now appears to have changed. Along with other leading NGOs, ICCL submitted a letter to SIPO in August 2017 requesting a meeting to clarify the situation. This request was declined. We also wrote to the Minister for Housing and Local Government. Throughout the year, the situation became more urgent as organisations became the subject of invasive inquiries under the Act and a small number, including Amnesty International, were ordered to return donations received.

On 28 November 2017 we, along with Transparency International and Amnesty International, wrote to the Minister for Foreign Affairs highlighting the incongruence between Ireland’s foreign policy of strengthening civil society and defending the space within which it can work and domestic policy whereby government agencies are actively hampering the work of human rights NGOs. We further reminded the Minister that a blanket ban on foreign funding such as that laid out in the Electoral Act can never be human-rights compliant.



*“In 2017, ICCL called for a strong National Preventative Mechanism which can ensure that no place of detention – prison, police cell, hospital or care home – is beyond the reach of comprehensive and rigorous inspection.”*

There are two fundamental issues at stake here, both of which ICCL will tackle in 2018: an overly broad understanding of “political activity” under the Electoral Acts, and the exclusion of “human rights” as a charitable purpose under the Charities Act. Watch this space. .

## BREXIT

Through the 1980s and 1990s ICCL worked closely with our colleagues at the Committee for the Administration of Justice in advocating for human rights reforms to underpin the resolution of the conflict in Northern Ireland. The case for human rights guarantees was ultimately accepted and bilateral legal commitments and the establishment of institutions North and South were a central part of the arrangements that have brought peace to our island.

All of this is now threatened by Brexit, which raises seemingly intractable challenges on questions of rights of those Irish and British citizens living in Northern Ireland, the rights of EU citizens, the border, and the future of the institutions and guarantees set out in the Belfast Agreement.

These challenges are concerns for everyone on the island, and in 2017 ICCL brought together a number of leading human rights organizations and academics to lobby the Irish Government as well as the British and European

authorities to ensure that the human rights protections of the Belfast Agreement are prioritised and defended during the Brexit negotiation process. We presented at both the Government’s All-Island Civic Dialogue and the Seanad Select Committee on the UK’s Withdrawal from the EU. We also convened public events and contributed to seminars and conferences throughout the year, including in Northern Ireland.

## RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE

In recognising the central importance of inspection as a way of preventing human rights violations, the UN has developed a specific instrument – the Optional Protocol to the Convention Against Torture – which provides for a combination of national inspections and international supervision. Despite signing the Protocol in 2007, Ireland is now one of a tiny number of European States not to have ratified the Protocol or established a National Preventative Mechanism, as required under the Protocol. Liam Herrick presented to the UN Committee against Torture examination on 26 and 27 July in Geneva, calling for a strong National Preventative Mechanism which can ensure that no place of detention – prison, police cell, hospital or care home – is beyond the reach of comprehensive and rigorous inspection.

*“At the global level, the single greatest threat to human rights at this time is the growing problem of suppression of expressions of political dissent and human rights activism by repressive Government measures.”*





# Strengthening HUMAN RIGHTS

## “HISTORIC” ABUSE

In November, ICCL led a coalition of human rights organisations in calling on the Department of Justice to implement the Ombudsman’s findings on the Magdalene Redress Scheme. The Ombudsman had criticised the Department of Justice’s failure to enable women deemed to lack capacity to access the scheme. He also found that many women who worked in Magdalene Laundries while registered in connected children’s educational institutions had been unjustly excluded from the scheme.

## INFORMATION AND PRIVACY RIGHTS

The International Network of Civil Liberties Organization (INCLO) is a network of 13 human rights organisations from the global south and north, of which ICCL is a proud member. On 1 October, Elizabeth Farries joined the ICCL as the Information Rights Project Manager for INCLO. Elizabeth works from Dublin and dedicates half of her time to privacy issues in Ireland. She is also responsible for developing the strategic direction of INCLO’s information rights pillar while delivering strong programs of work. Ireland is a key location to host this position given its emerging role as a global data hub and multiple privacy issues currently at stake including the public services card and data retention, governance and protection.

In June 2017, ICCL participated in an intelligence-sharing FOI campaign with INCLO. We submitted requests under the Freedom of Information Act to the Department of Justice, An Garda Síochána and the Defence Forces seeking information on the State’s information sharing agreements with other countries. The results of the research are to be published in 2018 and will hopefully shed some light on information-sharing relationships between governments, including intelligence alliances in the global south.

On 21 October Elizabeth Farries and Liam Herrick spoke at the Dublin Human Rights Festival, at Front Line Defenders’ *Techie How To: Outsmart Online Surveillance*. They described how surveillance mechanisms can be disproportionate to people’s privacy rights in Ireland and other INCLO member countries and introduced INCLO’s surveillance matters website demonstrating open sourced and ethical tools which people can use to protect privacy.

On 7 November, ICCL joined Liberty UK and other rights groups at the European Court of Human Rights. The case is the latest chapter in our ongoing effort to challenge the UK’s extremely wide-ranging surveillance powers revealed by US whistleblower Edward Snowden. We argued that UK government’s practices of mass surveillance of any



Pablo Zavala and Wojtek Bogusz of Front Line Defenders with Liam Herrick and Elizabeth Farries at the Dublin Human Rights Festival in October



ABOVE: Liam Herrick speaking about the public services card  
TOP RIGHT: Dr John Wolford (NO2ID), Dr Tom Fisher (Privacy International) and Elizabeth Farries at PSC public meeting  
BOTTOM RIGHT: TJ McIntyre (DRI), Simon McGarr, Dr Maria Murphy and Karlin Lillington at PSC public meeting



communications data traversing the UK contravenes human rights conventions and domestic laws, including ECHR Articles 8 (the right to privacy), Article 10 (the right to freedom of expression), Article 14 (anti-discrimination), and Article 6 (civil rights and obligations). Liberty presented well on behalf of our organisations, and the hearing revealed good questions posed by the judges regarding lack of human rights safeguards including appropriate independent oversight mechanisms.

On 16 November 2017 ICCL, together with Digital Rights Ireland, submitted a report to the Joint Oireachtas Committee for Justice and Equality on the Data Retention Bill. Staff also appeared before the committee to argue that data retention legislation in Ireland must at minimum meet the privacy requirements of European Union and human rights conventions.

## PUBLIC SERVICES CARD

ICCL is gravely concerned about Ireland’s Public Services Card including the related biometric database and the Single Customer View database (together, the PSC). During 2017 we ran a strong public campaign asserting that the PSC should not be continued in its current form given that: (a) its legislative basis is unclear; (b) it appears not to be a

necessary or proportionate system for achieving the aim being pursued; and (c) there is no dedicated independent mechanism tasked with overseeing the PSC beyond the Data Protection Commissioner with its broad function of overseeing compliance with data protection law in general. We acknowledge that the right to privacy under the Irish Constitution and European and international human rights laws is not absolute, and that the State may interfere with personal privacy in certain circumstances in the public interest. The key questions regarding the Public Services Card are whether this systematic interference with personal privacy is in compliance with the basic requirements of the Constitution, EU law and ECHR law.

In October 2017 ICCL and Digital Rights Ireland hosted a public meeting on the Public Services Card, drawing together leading experts from Ireland and abroad with a view to identifying the key human rights issues arising from the introduction of the Public Service Card scheme. We issued a press release calling for greater consultancy and transparency on the issue, as well as raising concerns about its legality and privacy issues. We will continue to vocalise our opposition to the card as long as is necessary.



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# COMMUNICATIONS REPORT

IRISH COUNCIL FOR  
CIVIL LIBERTIES

## ICCL Communications Report 2017

### QUARTER 1

#### Promoting Justice

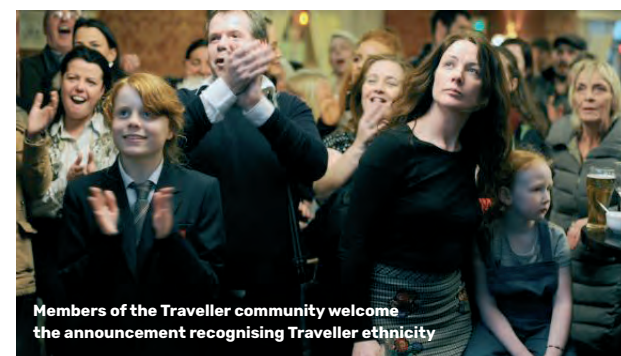
We released two press statements on the Tusla/Sergeant Maurice McCabe scandal calling for a broader response to the crisis than the planned Commission of Inquiry, which were covered by the Herald and Newstalk FM.

#### Deepening Equality

On 1 March we welcomed the historic announcement on Traveller ethnicity and the Irish Times reported our view that “the State’s failure to recognise Travellers as an ethnic group indigenous to the island of Ireland [ran] contrary to international human rights law and that its stance had fuelled the “mistrust, marginalisation and overt discrimination which has been the hallmark of relations between the majority ‘settled’ population and the Traveller community”.

Also in March ICCL was quoted in an Examiner article on the ECHR decision on wearing headscarves, having expressed our concern that “the ruling did not appear to place weight on the importance of freedom of religion in society.”

ICCL was successful in securing funding on behalf of the ESC Rights Initiative, to host a conference on 29 March 2017. Over 270 applications were received, and a small number were selected for funding.



Members of the Traveller community welcome the announcement recognising Traveller ethnicity

#### Strengthening Human Rights

ICCL spoke at the Department of Foreign Affairs and Trade All-Island Civic Dialogue on Brexit and the Good Friday Agreement at Maynooth University in February 2017.

In conjunction with the Committee on the Administration of Justice (CAJ) and the Bar Council of Ireland, ICCL co-hosted a seminar on the legal and human rights implications of Brexit in March 2017. Deputy Director Deirdre Duffy spoke and the seminar received coverage on the blog Cearta.

### QUARTER 2

#### Promoting Justice

On 16 May Conor Gallagher of the Irish Times reported that ICCL “wants to see a parliamentary oversight committee replacing the role of a High Court judge. It’s concerned that the use of surveillance without judicial oversight is increasing.” On the same date, Irish Times coverage of the makeup of the Commission on Future of Policing mentioned Dr Johnny Connolly and Professor Donncha O’Connell’s connections to ICCL.

Maria McDonald BL presented a workshop on the project at the Victim Support Europe Conference which took place in Dublin on the 17 and 18 May and she informed people attending a European Commission high level expert meeting on hate crime of international best practices for training lawyers on victims’ rights.

#### Deepening Equality

In April ICCL released two statements welcoming the Citizens’ Assembly 66% vote in favour of granting unrestricted access to abortion and later calling on the Oireachtas to implement the proposals. The Irish Independent quoted Deirdre Duffy: “The Assembly did us proud, we are at a turning point. The responsibility passes to our elected representatives to take up the mantle now and push forward with haste with the calling of a referendum.”

On 4 June our concern regarding the government campaign against social welfare fraud was noted by the Irish Mirror.

Also in June, ICCL welcomed the UN Human Rights Committee’s finding against Ireland in *Whelan v Ireland*, concerning the prohibition of abortion even in cases of fatal foetal anomaly, and Liam Herrick spoke about the landmark case on Newstalk FM.

#### Strengthening Human Rights

On 20 April Liam Herrick presented the student activist of the year at the USI Student Activist Awards.

#### Brexit

Deirdre Duffy spoke at a lunchtime seminar entitled “Preparing for a Hard or Soft Landing?” on 12 April. Deirdre addressed the human rights and equality dimension of Brexit.

ICCL made a presentation to the Seanad Sub-Committee on the Withdrawal of the UK from the EU on 27 May, along with Professor Colin Harvey of QUB and solicitor Michael Farrell. RTE and the Irish Times covered the event: “Liam Herrick, executive director of the Irish Council for Civil Liberties, expressed concern about an “anti-human rights agenda” which, he said, is being promoted by the British press.”



## QUARTER 2

### Privacy SURVEILLANCE

On 6 May the Irish Times quoted ICCL in an article on the new Garda DNA database, reporting that “The new system has been broadly welcomed, however the Irish Council of Civil Liberties has said it will be closely watching the handling of the database to ensure it is not being misused by Gardaí.”

On 13 June we released a statement regarding our participation in an intelligence-sharing FOI campaign with INCLO. Elaine Edwards of the Irish Times reported the ICCL position that “We still know very little about the Five Eyes and other information-sharing relationships between governments, including intelligence alliances in the global south. By submitting requests for information in a geographically diverse array of states, INCLO hopes to expose these undisclosed alliances and learn more about their exact practice.”

RTE News reported our opposition to digital recognition advertising on 7 April, referencing our concerns about consent, storage and future use of the data and quoting Liam Herrick: “Potential benefits to customers are not the issue. The issue is that individuals can sacrifice knowingly or more likely unknowingly aspects of their privacy real and potential for commercial ends and I think that is something we need to be very mindful of”.

### PUBLIC SERVICES CARD

ICCL’s opposition to the public services card received coverage in an article by Elaine Edwards of the Irish Times on 22 May, with Liam Herrick quoted saying “they [the government] should propose such a measure through primary legislation and facilitate a national debate on such a measure”. The quote was also used in the Irish Legal News on 23 May, Irish Central on 25 May and a follow-up piece in the Irish Times on 26 May.

In 2017 ICCL mourned the losses of Dr Ann Louise Gilligan, who had a long career of campaigning for social justice and equality, and of Dónal Tolan, renowned disability rights campaigner and former ICCL board member. Ireland is a richer and more just country thanks to their contributions over the years.

## QUARTER 3

### Promoting Justice

On 22 September Liam Herrick presented to SUPRALAT (Strengthening suspects’ rights in pre-trial proceedings through practice-oriented training for lawyers) on the right of access to a lawyer in detention.

### Deepening Equality

ICCL continued to play an active part in the Coalition to Repeal the Eighth and took part in the 2017 March for Choice on 30 September.



### Strengthening Human Rights

We released a statement on our presentation to the UN Committee against Torture, and Kitty Holland of the Irish Times reported on our concern regarding closed spaces, including places of detention.

### Brexit

ICCL participated in a roundtable on Brexit on 27 June at NUI Maynooth.

### Civil Society Space

On 19 June ICCL hosted a meeting of Irish NGOs with Statewatch on the theme of how financial and banking restrictions (including de-risking whereby banks refuse services for political reasons) can impact on the work of civil society organisations.

## QUARTER 4

### Promoting Justice

On 7 November the Criminal Justice (Victims of Crime) Act 2017 was signed into law and welcomed by the Victims’ Rights Alliance and ICCL. On 29 November Minister David Stanton officially launched the online training course (MOOC), an event which received coverage on government websites and from the Law Society and Irish Legal News.

Liam Herrick presented on OPCAT at an event in Leinster House on 13 November.

Liam Herrick wrote an opinion piece on Garda reform in which he criticised the tendency to look for “quick-fix solutions” rather than implement real, human rights-based reforms, which was published in the Irish Examiner on 28 November.

### Deepening Equality

On 21 October ICCL Chairperson of the Board Deirdre Miller presented an award at the 2017 GALAS LGBT+ awards .

On 8 November INCLO members, including the ICCL, convened a public meeting in Dublin entitled ‘**Abortion Laws and Human Rights – Global Experiences**’. Along with other international reproductive rights experts, INCLO members discussed how restrictive laws, policies and practices regarding abortion affect the human rights of pregnant people and shared strategies on how to bring about change. ICCL took the opportunity to launch our policy submission on the 8<sup>th</sup> Amendment and the event was covered in the Irish Times. Approximately 50 people, including life-long reproductive rights activists, attended the day-long conference.

ICCL welcomed the recommendations of the 8th Committee on 13 December, and this was covered on BreakingNews.ie and in the Irish Times, the Irish Daily Mail, the Examiner and the Times Ireland.

### Strengthening Human Rights

On 23 November the Irish Examiner covered the ICCL call to implement the Ombudsman’s findings on the Magdalene Redress Scheme, with Liam Herrick commenting that unjust exclusions from the scheme were “partly a result of the State’s failure to investigate alleged abuse in Magdalene Laundries and its refusal allow the women to make their experiences known” and echoing the UN Committee Against Torture’s call for a thorough, impartial examination into the Laundries. Maeve O’Rourke appeared on the Six One News that evening.

### Privacy

The ICCL public meeting and statement on the Public Services Card in October was covered by Q102 FM, KFM, Red FM, the Irish Examiner, the Irish Times, the Journal, the Carlow Nationalist, the Waterford News, the Roscommon Herald, the Western People, the Evening Echo, the Laois Nationalist and the Kildare Nationalist.

The Dublin Human Rights Festival, at which ICCL addressed privacy concerns, was very well-attended following a mention in the Irish Times’ ‘*What’s Hot*’ section and was covered in the Irish Independent.



On 7 November, both the Journal and the Examiner ran an op-ed from Elizabeth Farries discussing the implications of the *10 NGOs v UK* case for individual privacy rights.

The Irish Times, Irish Independent, and Examiner covered the ICCL meeting with the Joint Oireachtas Committee together with the ICCL call for a unified independent supervisory agency to oversee all state surveillance activities.

### Civil Society Space

On 8 December, following an op-ed by Deirdre Garvey of The Wheel, ICCL released a statement expressing concern that **election regulations were shutting down civil society**. The statement was covered in Irish Legal News.

### Brexit

On 1 December, along with a cross-border coalition of NGOs and activists, we sent an open letter to the chief Brexit negotiators, outlining our concerns with regard to rights and equality following Brexit. The Irish Times published the letter on 4 December.



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# OUR SUPPORT

IRISH COUNCIL FOR  
CIVIL LIBERTIES

## Thanks to Funders

The resources to support ICCL's work come from a number of sources including grants received from trusts and foundations, grants received for discrete projects and gifts and donations from individuals.

The majority of our funding comes from trusts and foundations. For the past twenty years, Atlantic Philanthropies has been the largest single source of funding for ICCL's work. The fund ceased operations during 2017 after making an enormous impact on human rights and social policy in Ireland over a twenty year period. ICCL owes a great debt to the staff and board of Atlantic who have supported our work over that time. Atlantic's departure means that ICCL must now rely on a different funding base for the future and in 2017 we secured a three-year funding agreement with Sigrid Rausing Trust and secured two new grants with Open Society Foundations. ICCL also receives funding from the Trust for Civil Liberties, Human Rights and Fundamental Freedoms, which supports work in the area of human rights education.

In the area of project funding, we successfully applied for grants from the Community Foundation Ireland and the Irish Human Rights and Equality Commission (under the 'Supporting Implementation of the Public Sector Equality and Human Rights Duty' stream of the Irish Human Rights and Equality Commission's 2017 grant round).

A key challenge for ICCL into the future is to build a significant and consistent level of financial support from our members and supporters. To this end, in 2017 we launched our Friends of ICCL project, whereby a network of our key supporters will provide a substantial financial gift to ICCL on an ongoing basis. We also took steps towards re-engaging and growing our membership.

We'd like to sincerely thank all of our funders, supporters, and members for your unwavering commitment to ICCL's work throughout the years. 2017 has been a year of consolidation and achievement and we hope to build on that to achieve even more in 2018.

*"A key challenge for ICCL into the future is to build a significant and consistent level of financial support from our members and supporters. To this end, in 2017 we launched our Friends of ICCL project, whereby a network of our key supporters will provide a substantial financial gift to ICCL on an ongoing basis."*



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# OUR FINANCES

## IRISH COUNCIL FOR CIVIL LIBERTIES

The ICCL consists of two organisations – the ICCL Association and ICCL Ltd., a company limited by guarantee.

All of our day-to-day activities are managed by ICCL Ltd., including promotional and awareness-raising initiatives, research and policy activities, fundraising campaigns, staff costs and general overhead expenditure.

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

## IRISH COUNCIL FOR CIVIL LIBERTIES ASSOCIATION INCOME & EXPENDITURE ACCOUNT (FOR THE YEAR ENDED 31 DECEMBER 2017)

	2017	2016
	€	€
<b>Income</b>		
Grants	0	0
Membership	5,625	7,280
Donations	0	0
Other income	2	0
	<u>5,627</u>	<u>7,280</u>
<i>Special Funds</i>	<u>0</u>	<u>0</u>
<b>Total Income</b>	<b>5,627</b>	<b>7,280</b>
<b>Expenditure on Activities of Strategic Plan</b>		
Capacity Building	69	31
Research and Policy Development	0	0
Campaigning and Communication	0	70
Lobbying and Advocacy	0	0
Networking	0	0
Fundraising	0	0
	<u>69</u>	<u>101</u>
<b>Total Expenditure</b>	<b>69</b>	<b>101</b>
<b>Surplus of Income over Expenditure</b>	<b><u>5,558</u></b>	<b><u>7,179</u></b>



IRISH COUNCIL FOR CIVIL LIBERTIES ASSOCIATION  
**BALANCE SHEET**  
 (AS AT 31 DECEMBER 2017)

	2017	2017	2016	2016
	€	€	€	€
<b>Fixed Assets</b>				
	0	0	0	0
<b>Current Assets</b>				
Prepayments				
Bank and Cash	45,128		39,570	
		45,128		39,570
<b>Current Liabilities</b>				
Trade Creditors	0		0	
Accruals	0		0	
		0		0
<b>Net Assets</b>		45,128		39,570
Cash flow carry forward		39,570		32,391
Surplus of Income over Expenditure		5,558		7,179
		45,128		39,570

IRISH COUNCIL FOR CIVIL LIBERTIES LIMITED  
**INCOME & EXPENDITURE ACCOUNT**  
 (FOR THE YEAR ENDED 31 DECEMBER 2017)

	2017	2016
	€	€
<b>Income</b>		
Trusts	736,927	228,153
Grants	670,308	831,222
Gifts	0	0
Donations	1,000	0
Total	1,408,235	1,059,375
<b>Expenditure</b>		
Costs of campaigns, publications and awareness and fundraising activities	(908,727)	(951,542)
Support Costs (Governance, administration and capacity building costs)	(144,579)	(186,325)
<b>Total Expenditure</b>	(1,118,434)	(1,095,052)
Cost of fundamental reorganisation	(122,539)	0
Bank Interest	10	11
Surplus before taxation	167,272	(35,666)
Tax on surplus	- 18,812	0
	148,460	(35,666)
Retained Surplus brought forward	(2,435)	33,231
Retained Surplus at the end of the year	146,025	(2,435)

The company had no recognised gains or losses in the financial period other than the surplus for the above two financial years.

The above figures are taken from the ICCL Ltd., audited financial statements for the year end (31 December 2017)



IRISH COUNCIL FOR CIVIL LIBERTIES LIMITED

**BALANCE SHEET**

**(AS AT 31 DECEMBER 2017)**

	2017	2017	2016	2016
	€	€	€	€
<b>Fixed Assets</b>				
Computer Equipment		0		6,952
Furniture & Fixtures		0		1,018
		<u>0</u>		<u>7,970</u>
<b>Current Assets</b>				
Debtors	785,211		515,730	
Cash at bank and in hand	<u>267,994</u>		<u>492,123</u>	
	1,053,205		1,007,853	
Creditors: amounts falling due within one year	(907,180)		(1,018,258)	
Net Current Assets		<u>146,025</u>		<u>(10,405)</u>
<b>Total assets less current liabilities</b>		146,025		(2,435)
<b>Reserves</b>				
Retained Surplus		146,025		(2,435)

The above figures are taken from the ICCL Ltd., audited financial statements for the year end (31 December 2017)





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**Civil Liberties**

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