

## **PILA Bulletin, 9 June 2010**

The Bulletin on Public Interest Law is issued by the Public Interest Law Alliance, a project of FLAC.

A new and comprehensive PILA website will be online in the coming months, until then you can find further information about the project at [www.pila.ie](http://www.pila.ie). For now, the archive of PILA and PILN bulletins can be found at [www.flac.ie/publications](http://www.flac.ie/publications).

If you wish to have an item included please contact [bulletin@pila.ie](mailto:bulletin@pila.ie).

Please feel free to distribute the bulletin as widely as you wish. If you would like to suggest a friend for our PILA Bulletin mailing list, please forward their contact details to us at the same address.

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## **1. Equality and Rights Alliance makes oral submission to European Parliament over cutbacks**

The Equality and Rights Alliance last week presented an oral submission, based on a written submission from September 2009, to the EU Parliament Petitions Committee highlighting the cutbacks at the Equality Authority. The submission alleged that Ireland is not in compliance with European law by significantly “undermining the agency’s ability to function effectively and independently as required under EU equality Directives”.

The cuts to the Equality Authority resulted in half its budget being withdrawn and a reduction in staff by 25%, with the previous Chief Executive, Niall Crowley, resigning in protest in December 2008. The Alliance’s submission received support from Opposition and Independent MEPs, with Proinsias De Rossa, Marian Harkin and Joe Higgins speaking at the debate in support of the Alliance.

The Petitions Committee outlined that it will write to the Irish Government asking them to account for the significant cuts imposed and to outline how the Equality Authority, given the amount of cuts imposed, can effectively discharge its EU Directives’ functions.

To watch the EU parliament debate in full, please follow the link (skip to 16:17:10);

<http://www.europarl.europa.eu/wps-europarl-internet/frd/vod/player;jsessionid=5CE3C38975623685C1EB5E0EE5B1DBA4?category=COMMITTEE&eventCode=20100531-1500-COMMITTEE-PETI&format=wmv&byLeftMenu=researchcommittee&language=en#anchor1>

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## **2. Fines Bill becomes law**

The Fines Bill 2009, which introduces significant changes in the operation of the payment of fines and is expected to reduce numbers of people imprisoned for non-payment of fines, has been signed into law by President Mary McAleese. With 5,000 people imprisoned last year for non-payment of fines, a number four times that of 2007, this legislation will introduce the concept of “equality of impact” which will allow judges to set the level of fines according to a person’s ability to pay. The legislation enables judges to facilitate people to pay fines in installments, with a court-appointed receiver seizing goods upon default. Judges will also have the discretion to sentence people to community service for failing to pay fines, rather than imprisonment.

The Probation Service, in light of the new legislation, has agreed to increase the maximum number of community service orders it handles per year from 1,600 to 6,000 to assist in keeping people out of jail.

To view the Fines Bill 2009, as passed by both Houses of the Oireachtas, please follow [the link](http://www.oireachtas.ie/documents/bills28/bills/2009/1809/b18c09d.pdf)  
<http://www.oireachtas.ie/documents/bills28/bills/2009/1809/b18c09d.pdf>

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### **3. Amendments to Immigration Bill to be introduced by Autumn**

The Minister for Justice and Law Reform has withdrawn the Immigration, Residence and Protection Bill 2008 (IRP Bill) which is now to be redrafted to take into account a large number of amendments. The Minister has stated that it will be more expedient to publish a new Bill than to proceed with the IRP Bill, which was due for report stage after lengthy debate. Legislation to replace the IRP Bill is expected to be introduced in the autumn. The Bill aims, among other things, to overhaul the state's immigration and protection legislation including the asylum process and long-term residence status.

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### **4. Clarification on issue of stamp duty under Civil Partnership Bill**

In the previous PILA bulletin, we included a note on the Civil Partnership Bill which incorrectly stated the position as to stamp duty in the creation of a joint tenancy in the shared homes of civil partners outlined in the bill. To clarify the position, civil partners will be treated in the same way as spouses under the tax and social welfare codes under the Bill. The relevant provisions will be included in separate Finance and Social Welfare Bills including those relating to stamp duty.

To read the Government's clarification of the issue, please see the GLEN website at [www.glen.ie](http://www.glen.ie).

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### **5. UK: Legal Aid Lawyer of the Year awards lawyers committed to publicly-funded work**

The Annual Legal Aid Lawyer of the Year Awards was held in the UK recently. In its eighth year, the LALYs, as they have become known, is held by the Legal Aid Practitioners' Group to recognize the achievements of legal aid lawyers working to provide civil and criminal legal aid. The event was attended by the new attorney general, Dominic Grieve QC, a former legal aid lawyer and the DPP Keir Starmer QC.

Michael Mansfield QC was awarded the outstanding achievement prize. He was praised for "never shying away from controversial causes or apparently unwinnable cases." "Whatever the case and whoever the client, he has brought the same degree of fearlessness and energy to his advocacy", the judging panel said, which included Cherie Booth QC and Doreen Lawrence, mother of Stephen Lawrence who was murdered in a racist incident in 1993. Mansfield has been involved in cases such as -

the Orgreave miners, Guildford Four and Birmingham Six appeals, the Marchioness disaster, the Stephen Lawrence Inquiry, the Stockwell shooting.

For information on the other winners at this year's "law Oscars", please see:

<http://www.lapg.co.uk/legalaidlawyer.cfm>.

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## **6. UK: Public Legal Education Network release report showing serious lack of knowledge of rights and basic legal processes**

The Public Legal Education Network (Plenet), a UK organisation established to continue building the body of knowledge of what makes for successful public legal education, has released research which showed that nearly two-thirds of the 10,000 nationally representative surveyed people do not know their rights and almost 70% have no knowledge of basic legal processes.

Entitled 'Knowledge, Capability and the Experience of Rights Problems', the report was commissioned by Plenet and carried out by the Legal Services Research Centre. Among its findings, the research showed that the poor and vulnerable are the most disadvantaged when it comes to knowing and enforcing rights. In commenting on the report, Plenet's Development Manager outlined that while there is already work being done to educate and engage the public on legal issues, focus is needed on where will have the most impact, with a need to look at "how low levels of legal capability relate to the way different people handle legal issues".

To view the report in full, please follow the link

<http://www.plenet.org.uk/data/files/knowledge-capability-and-the-experience-of-rights-problems-lsrc-may-2010-255.pdf>

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## **7. UK: Video available online of Amicus mock trial of US death penalty**

The UK legal charity, Amicus, recently arranged a mock trial of the death penalty in the US for perverting the course of justice. Amicus works to provide legal representation to those awaiting capital trial and punishment as well as raising awareness about any rights violations that might arise. Two leading British criminal barristers cross examined witnesses with particular expertise and experience of the US justice system.

To view the mock trial, please see:

<http://www.guardian.co.uk/law/video/2010/may/13/death-penalty-trial-law-video>.

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## **8. International: Human Rights Council adopts resolution condemning "outrageous attack" by Israeli forces**

The Human Rights Council has adopted a resolution condemning the "outrageous attack by the Israeli forces against the humanitarian flotilla of ships", which took place on 31 May 2010. The resolution, adopted following an urgent debate during its 14<sup>th</sup> session, calls on Israel "to immediately lift the siege on occupied Gaza and other occupied Territories".

During the debate, the Deputy High Commissioner for Human Rights noted that while details are still emerging, the attack against the humanitarian flotilla took place in international waters, and that any investigation into the incident must be "prompt, impartial, credible and independent" and in line with international standards. Outlining that the Israeli military's use of force was "highly excessive", the Deputy High Commissioner concluded with the hope that the Government of Israel will do what is necessary to "demonstrate to the international community a clear commitment to abide by international law".

Israel has rejected requests for an international independent investigation and insists on conducting its own internal investigation as well as a military inquiry. While the format of the investigation is yet to become clear, Israel is expected to appoint a state panel of justices to carry out the investigations and will concede to allowing two international observers, one of whom is likely to be from the US.

To view the speech of the Deputy High Commissioner for Human Rights in full, please follow the link <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10091&LangID=e>

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## **9. International update: Presidential pardon releases gay couple from Malawian prison**

A Malawian gay couple sentenced to 14 years in prison in Malawi have been released from prison following a presidential pardon. Malawi's President, Bingu wa Mutharika, met with UN Secretary-General Ban Ki-moon at State House last week with the unconditional release being ordered immediately after. In ordering the pardon, the President warned that homosexuality remains illegal in Malawi, outlining that the release of the couple was on "humanitarian grounds only".

To view the address of Secretary-General Ban Ki-moon to the Parliament of Malawi in full, please follow the link; [http://www.un.org/apps/news/infocus/sgspeeches/statments\\_full.asp?statID=832](http://www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=832)

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## **10. The PILS Project launches Newsletter**

The PILS project has launched its Newsletter with the first edition providing a brief update on the work that has been done since the Project began just over a year ago, as well as a look at what it hopes to achieve over the duration of the pilot. It is hoped that the PILS Project Newsletter, to be distributed three times a year, will become a useful resource for those interested in public interest litigation.

For more information on the PILS Project, please follow the link <http://www.pilsni.org/>

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## **11. Clinical Legal Education: Petition made by US Law School's Human Rights Clinic results in provision of services for Puerto Rican community**

The International Human Rights Law clinic at the American University Washington College of Law has filed a petition before the Inter-American Commission on Human Rights for the Organisation of American States. In conjunction with the American Civil Liberties Union Foundation and the American Civil Liberties Union of Puerto Rico, the Clinic filed a Petition for Precautionary Measures on behalf of the residents of the Puerto Rican village of Villas del Sol.

The local government found that the community was built on a flood plain and ordered the residents to move. However, three weeks before the planned date of eviction, the government had not publicly identified the site to which the residents were to move, having already cut electric and water services at the flood plain site. Through their petition, the villagers petitioned the Commission to order the US to, among other things, halt the process of forced evictions, prevent further police violence, end police interference in emergency medical situations and ensure the peaceful relocation process of community members and that this relocation area be inhabitable, safe and free from police interference and surveillance. The Petition alleged violations of the American Declaration of the Rights and Duties of Man and relied on over 40 affidavits collected by the law students.

A copy of the petition can be found at [http://www.internationalprobono.com/resources/item.316623-Villas del Sol blog post The Events of 3rd August Petition](http://www.internationalprobono.com/resources/item.316623-Villas%20del%20Sol%20blog%20post%20The%20Events%20of%203rd%20August%20Petition)

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## **12. Community Legal Education: Respond Housing Association running three courses on Housing, Applied Social Studies and Development, autumn 2010**

Respond Housing Association is recruiting for three courses which it is running in Autumn 2010; a Certificate in Housing (CIH accredited), a Certificate in Applied

Social Studies and a two-day Workshop on Community Development with the Community Organisations Network.

For further information and/or booking forms for any of the above opportunities please contact [caroline.nolan@respond.ie](mailto:caroline.nolan@respond.ie) or phone 0818 357 901.

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**13. Events: Bar Council hosts half-day conference: "The Arbitration Act 2010 – A New Landscape for Arbitration in Ireland", 12 June 2010**

The Bar Council is to host a half day conference entitled *The Arbitration Act 2010: A new landscape for arbitration in Ireland*. The event will be chaired by the Hon. Mr. Justice Frank Clarke and speakers will include Michael Collins SC, Peter Turner of Freshfields, Colm Ó hOisín SC, Andy Lenny, Arthur Cox; Klaus Reichert BL, Ciaran Fahy, Engineers Ireland; and Emily Gibson BL. Topics include:

Jurisdiction issues, Procedural requirements, interim measures, powers of the court in aid of arbitration, staying of litigation.

Bookings can be made by contacting [cpd@lawlibrary.ie](mailto:cpd@lawlibrary.ie). Three CPD points will be available for attendance which has a fee of €150. The event will take place in the Arbitration Centre at the Distillery Building, Church Street, Dublin 7 on Saturday June 12 2010 from 9.30am – 1pm.

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**14. University of Ulster Law School hosts International Conference on the Rights of the Child: "The Children's Convention at 21: The Rights of the Child come of age?", 19/20 June 2010**

The University of Ulster Law School at the Magee Campus in Derry/Londonderry will celebrate ten years of successful operation with an International Conference on the Rights of the Child. The conference, entitled 'The Children's Convention at 21: The Rights of The Child Come of Age?', will feature leading key-note participants from academia, the judiciary, statutory agencies and the NGO sector, including Prof. Javaid Rehman (Professor of Islamic Law and International Law, Brunel University), Ms Patricia Lewsey (Northern Ireland Commissioner for Children and Young People) and Ms Emily Logan (Ombudsman for Children, Republic of Ireland).

It will also feature a large range of presentations from international participants organised into thematic panels such as 'Cultural Relativism and the Rights of the Child', 'Parental Interests vs Children's Rights', 'Citizenship, Migration and the Rights of the Child' and 'The Voice of the Child'.

It will also feature a judicial panel discussion involving notable important judicial figures in the field of Family Law.

Further details on the conference schedule, registration, etc. can be obtained at the conference website <http://www.socsci.ulster.ac.uk/law/conf1/index.html> or through the conference secretary at [childrensrights@ulster.ac.uk](mailto:childrensrights@ulster.ac.uk).

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**15. Immigration Law Practitioners' Association training session: "Conducting cases in the public interest", 30 June 2010**

The Immigration Law Practitioners' Association (ILPA) is hosting a training session "Conducting cases in the public interest" on 30 June 2010 in London. The aim of the session is to exchange information, share experiences and hopefully have a better understanding of the practicalities of conducting cases raising issues of public importance. The session is aimed at anyone who has experience of dealing with test cases/cases raising issues of public importance and anyone interested in finding out more about how conducting such cases impacts on the day-to-day casework and how to manage the many and varied issues that are thrown up during the course of the life of such cases.

A wide range of topics will be covered including how cases can become test and how they can be created; interest of the individual client v. the wider public interest; and the options for funding such cases. For further information, please follow the link <http://www.ilpa.org.uk/outlines/DT%201257.pdf>

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**16. IBA Pro Bono and Access to Justice Committee invites nominations for 2010 Annual Pro Bono Award**

The IBA Pro Bono and Access to Justice Committee invites nominations for its prestigious 2010 Annual Pro Bono Award for lawyers who are leading the profession in building a pro bono culture. The winner will be honoured at the IBA 2010 Annual Conference in Vancouver from 3 - 8 October 2010. Please follow the link <http://www.int-bar.org/conferences/Vancouver2010/> for further details about the conference and how to register.

Nominees will be considered on criteria of Dedication, Innovation and Impact. Nominations must be submitted and received by Friday 2 July 2010.

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