

PILA Bulletin, 15 April 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. For now, the archive of PILA and PILN bulletins can be found at www.flac.ie/publications.

If you wish to have an item included please contact bulletin@pila.ie.

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1. Standing notice – Join the PILA lawyers' register!

One of PILA's objectives is to develop pro bono initiatives to match legal expertise with the legal needs of the NGOs with which PILA will be working. By means of a lawyers' register PILA intends to involve practitioners in public interest law e.g. community legal education, legal research, law reform submissions, case-work.

We would be delighted to hear from practitioners in all areas of work and in particular those with expertise in any of the following areas: charities; corporate governance; employment; equality; family; housing; human rights; immigration and asylum; landlord and tenant; mental health; public law; and social welfare.

If you are interested in the opportunity to apply your legal skills in a new context, please contact PILA's Legal Officer, Jo Kenny, at jo.kenny@flac.ie.

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2. Upcoming PILA conference and seminar

- In a one-day conference, entitled *Public interest law in action: using law to face current challenges*, PILA will bring together NGOs and lawyers to discuss practical ways to promote the use of law to respond to current challenges such as debt, housing, children's rights, travellers' rights and migrants' rights. These challenges present opportunities: for NGOs to use the law as part of their everyday work and for lawyers to use their legal skills in a new context.

The aim of the conference is to examine the place of and developments in public interest law from an all-island perspective and international speakers from Australia, the UK and the USA will place the discussion in a wider context. Workshops on children's rights, debt, housing and social welfare will provide case studies of public interest law in action in Ireland and a forum to discuss future steps.

Venue: Radisson BLU Royal Hotel, Golden Lane, Dublin 8

Date: Friday, 16 April 2010

Time: Registration: 8.45am, conference: 9.30am – 5pm

There is no charge for this event and CPD points will be available. Lunch and refreshments will be provided. CPD points will be available. Full details on the conference programme and speakers will follow shortly. To reserve your place at the conference or with any queries, please contact us by phone at (01) 8728048 or by email at info@pila.ie.

- On Friday 7 May 2010, PILA will conduct their second seminar titled *Using international law – the European Social Charter and UN treaty body complaints procedures*. Colm O'Cinnéide of the European Committee of Social Rights and Kate Fox of the UNHCR will be speaking on using the European Social Charter and the UN Treaty Body mechanisms respectively.

This seminar will take place at the Distillery Building, Church Street, Dublin 7 from 4 – 5.30pm. This event is free to all attendees and CPD points are available. Contact Jo Kenny at PILA to reserve your place: jo.kenny@flac.ie or telephone (01) 8728048.

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3. Irish Traveller Movement Law Centre item on Traveller ethnicity and the UN Convention on the Elimination of Racial Discrimination

Siobhan Cummiskey, solicitor for the Irish Traveller Movement, has written a thought provoking blog highlighting the conflicting views in the Irish and British jurisdictions in relation to the classification and discrimination of Travellers as an ethnic minority. She notes that the jurisdictions of Northern Ireland, England and Wales have recognised Irish Travellers as an ethnic minority, while the Irish government has continuously failed to make this acknowledgement. She also draws attention to the fact that the consequence of this failure is a series of laws criminalising traveller culture such as the criminalisation of trespass under Irish law in 2002 and

the Control of Horses Act 1996. She writes that the destruction of traveller culture is being brought about by a series of cuts and that while we express disapproval of the treatment of indigenous minorities by majority governments abroad, we are complacent about the treatment of our own.

To view the full article, please click on the following link and scroll down <http://humanrightsinireland.wordpress.com/>.

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4. Bill to give gay couples same tax code as married couples

The Civil Partnership Bill is being examined by the Department of Finance to ensure homosexual couples who register their relationships will receive the same tax treatment as married couples, however the changes to the tax law will not apply to cohabitants, be they same sex or opposite sex. The option of civil partnership is not open to heterosexual couples on the grounds they can marry. An examination of the implications of the Bill for the social welfare code is also being carried out by the Department of Social Protection, formerly the Department of Social and Family Affairs. A spokeswoman for the department confirmed that civil partners would be treated in the same way as married couples and necessary changes would be provided for in a future Social Welfare Bill.

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5. Northern Ireland Appoints First Justice Minister since 1972

The Northern Ireland Assembly have appointed Alliance leader David Ford as the North's first Justice Minister in nearly four decades. The appointment returns justice powers over policing, prisons and the courts to Belfast ending a controversy that led to the collapse of the old Stormont in 1972, when the British Government seized control of these powers following the introduction of internment without trial by the unionist government.

Alliance is the fifth party to join the North's Executive, ending its self proclaimed role as the opposition within Stormont. Issues under the new Minister's remit include a wide-ranging investigation into the extent of child sex abuse in church and state-run institutions, prison unrest, the ongoing dissident threat and the summer marching season.

Mr. Ford's election, which was supported by the two major parties, came hours after dissident Republicans launched a bomb attack on MI5 regional headquarters. Although no one was injured the bombing was a symbolic attack, making the political point that the devolved government has no control over British agents stationed in Northern Ireland as MI5's operations are independent of the power sharing executive and are answerable to London. Although the Minister will have power over the courts, prison system, forensic science and youth justice, control over UK security issues and matters relating to the Troubles will remain with the Home Secretary in London. The inquiries into disputed murders and the collusion between state forces and paramilitaries remain the concern of the Northern Ireland Secretary.

For further information see, <http://www.niassembly.gov.uk/record/reports2009/100412.htm#8>

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6. U.K: Crucifix Ban Discrimination Case Fails

A Christian nurse who was moved to a desk job after refusing to remove her crucifix has failed in her action for discrimination against the NHS. She had argued that the ban prevented her from expressing her Christian beliefs. The NHS counter argued that the ban was based on health and safety concerns of patients grabbing the necklace, rather than religion and suggested that she wear it in her pocket. The tribunal stated that the damage to the applicant was slight as it was not a requirement of the Christian faith to wear a crucifix. It noted that the hospital had treated other members of staff from ethnic minorities equally by asking Muslim doctors to wear more fitted hijabs. It was concluded that the NHS had acted in a reasonable manner and the applicant should have reached a compromise with her employer. Readers should note that the case of Mrs Eweida versus British Airways, in which Mrs Eweida claimed that her employer's prohibition on displaying a cross around her neck at work discriminated unlawfully against her on the basis of religious belief, might be going on appeal to the UK Supreme Court. Liberty, the UK human rights organisation, is representing Mrs Eweida in this matter.

For the Court of Appeal judgment see <http://www.bailii.org/ew/cases/EWCA/Civ/2009/1025.html>.

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7. U.K: New U.K Human Rights Blog

The UK Human Rights Blog was launched by 1 Crown Office Row on 31 March 2010 and intends to provide a free, comprehensive and balanced legal update service. Its aim is not to campaign on any particular issue, but rather to present both sides of the argument on issues which are often highly controversial. It can be accessed at <http://ukhumanrightsblog.com>

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8. U.S: Leading Liberal U.S Supreme Court Justice Confirms Retirement

U.S Supreme Court Justice John Paul Stevens is to retire by mid-summer having sat on the bench for 34 years. The 89 year old, who was originally appointed by President Gerald Ford, has been the most left-wing voice on the bench and has seen the Court's composition shift to the right over the years. U.S President Barack Obama will be under a certain amount of pressure to replace the justice with another liberal, thereby maintaining the balance as it stands, but Republicans will no doubt embark on a strong campaign for the appointment of a more 'centrist' figure. This appointment will also affect the 2010 midterm elections as the main opposition parties use these nominations as rallying points and fundraising opportunities. Republicans will attempt to portray the current administration as left-wing and claim that this nomination is an example of why a Republican majority in the House and Senate is important to weaken the White House's leanings. Representing a danger and an opportunity, replacing Stevens could be the most significant decision Obama will have to make over the duration of his Presidency. Coupled with the issue of the midterm elections is the fact that the consequences of this nomination can affect US public life for decades, as Steven's career proves.

To read the US Vice President's address on the issue see <http://www.whitehouse.gov/the-press-office/statement-vice-president-joe-biden-retirement-justice-john-paul-stevens>

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9. Australia: No longer accepting refugee claims from Sri Lanka and Afghanistan

Australia has announced that it will no longer accept refugees from Sri Lanka and Afghanistan, stating that conditions in these countries have improved so much that there is no longer a need

for its people to seek protection elsewhere. This announcement comes as the Government struggles to deal with an increase in the number of refugees arriving by boat who are then transferred to an offshore detention centre. The Australian Foreign Minister, Stephen Smith, stated the Government's decision was due to the end of the civil war in Sri Lanka and the improvement of conditions for minorities in Afghanistan. However Australia's human rights commission has expressed concern over the decision with its president Cathy Branson stating "We are extremely concerned that this suspension could result in the indefinite detention of asylum seekers, including families and children already in distress".

The issue of asylum seekers attracts heated political debate in Australia. The opposition claims that the tenfold increase in the number of boat people is due to the relaxing of immigration policies in recent times. They say asylum seekers drain money and resources by arriving in this way but would be welcomed if they applied through the UN Refugee process. Immigration Minister, Chris Evans, stated asylum seekers already in Australia will have their claims processed but any future arrivals would be taken to the Christmas Island detention centre, which is already severely overcrowded, until they could be safely returned home or the suspension was lifted.

The Christmas Island detention centre, which was constructed to hold 800 people, currently houses approximately 1500 in tents and overflow buildings. The lack of space has recently led to rejected asylum seekers being transported to the mainland to await deportation.

Hassan Varasi, head of the United Afghan Association of South Australia in Adelaide, said the government's decision was misinformed and strongly maintains that the situation on the ground in Afghanistan is very volatile. The United Nations Refugee agency said Australia's decision was made independently of the agency's assessments on the situation in these countries, and that it was currently reviewing the Government's decision.

For further information see <http://www.foreignminister.gov.au/releases/2010/fa-s100409.html>.

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10.Events: DCU to host Inaugural Annual Law and Society Lecture, 21 April 2010

The School of Law and Government at Dublin City University will host its first annual Law and Society Lecture in April this year. The lecture will be delivered by Professor Richard Collier of Newcastle University Law School and will be entitled *Fatherhood, Law and Personal Life: Rethinking Debates about Fathers and Law*. Professor Collier's primary research interests concern questions around law and gender, with a particular focus on issues surrounding men and masculinities, ranging from law, families and social change to legal education, crime and criminology.

The lecture will take place at the Mella Carroll Lecture Theatre, Nursing Building, DCU on Wednesday, April 21st at 6.30pm with a reception to follow.

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11.The Irish Centre for European Law is hosting a lecture title 'Financial Services Update: Regulation in a Time of Crisis', 23 April 2010

Topics covered:-

- Update on Financial Regulator Functions and Powers
- Insurance Law Update
- Banking Law Update
- New Central Bank of Ireland Structure

- Reform affecting Pan-European Regulation
- Panel discussion: 'Rules-based Regulation versus Principles-based Regulation'

Date: Friday, 23 April 2010

Venue: The Royal Irish Academy, 19 Dawson Street, Dublin 2

Time: 9am-1pm

Fee: €195. €145 ICEL & Sponsor Members / €95 ICEL Assoc. Members.

3.5 CPD are available. Full programme is available at www.icel.ie

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12.U.K: Times/Matrix forum and debate on the Human Rights Act, 20 April 2010

The Times has joined forces with Matrix to host a stimulating forum on the need for a new Human Rights Act followed by a high-profile debate with key speakers.

The forum from will consider and discuss the issues surrounding a British Bill of Rights including:

- A review of the operation of the Human Rights Act and the arguments for and against.
- Consideration of the possible content of a "British Bill of Rights" and the issues that might arise.
- Panel sessions on human rights in practice and on the European and international dimension.
- An opportunity to discuss the issues with leading specialists.

The forum will be followed by a public debate at which leading public and legal figures will thrash out the motion: "This House believes that the Human Rights Act should be scrapped and replaced by a British Bill of Rights".

Date: 20 April 2010

Venue: Grays Inn, London

Time: 2.00pm – 8.30pm

Fee: forum now for £188 (£160 plus VAT), or for a joint ticket (forum & debate) at £199.75 (£170 plus VAT); debate only, please send a cheque for £23.50 (£20 plus VAT)

Forum accredited for 3 CPD hours.

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13.Centre for Disability Law and Policy to host one day conference on International and Comparative Perspectives on Employment and Disability Law, 24 April 2010

The conference is aimed at legal practitioners, academics, NGOs and those involved in disability issues and practice. The conference will examine issues concerning disability and employment from a national and international perspective with speakers who are all key experts in the area. The conference will examine issues such as genetic testing, disability and employment, genuine occupational requirements and disability, UK and EU developments in the area of employment and disability and key issues in this jurisdiction. Case law from relevant jurisdictions will be highlighted and discussed. It will also focus on lessons from disability employment law in developing countries.

The conference will be chaired by Judge Mary Faherty, Judge of the Circuit Court of Ireland.

The conference Rapporteur will be Professor Jerome Bickenbach (Disability Policy Research Unit, Swiss Paraplegic Institute).

Speakers will include:

- Robin Allen, QC (Cloisters Chambers, London)
- Barbara Murray, (Senior Specialist-Disability, International Labor Organization, Geneva)
- Marguerite Bolger, SC, (Dublin)

- Peter Blanck (Director, Burton Blatt Institute, Syracuse University, USA)
- Cliona Kimber, Barrister-at-Law, (Dublin)
- Declan O'Dempsey, Barrister(Cloisters Chambers)
- Dr. Olivia Smith (Lecturer in Law, Dublin City University)

It will take place on April 24 2010 in Aras Moyola MY129 (Ground Floor), North Campus, National University of Ireland, Galway commencing at 9.15am. There will be a registration charge of €100 for participants (€50 for students) to include course materials, refreshments and lunch. To register, please go to:

<http://www.conference.ie/Conferences/AddRegistration.asp?Conference=99>

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14.EU: International Course on Children's Rights titled 'Children's Rights in a Globalised World: from Principles to Practice', 5-17 September 2010

The ICCR is a two-yearly training programme in children's rights. The training course is an interdisciplinary and international programme which attracts a diverse range of participants from all over the world. It will be led by key experts in the field. The focus throughout will be both theoretical and applied. The course is designed to benefit professionals from non-governmental organisations, national human rights institutions, government, international governmental organisations, field operations, and interested academics and PhD students. Applications are to be submitted online before 15 May 2010.

Further details on the 2010 training course, including application form, programme and names of experts, can be found on the website www.iccr.be.

Date: 5 – 17 September 010

Venue: Ghent-Antwerp (Belgium)

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15.E.U: 2010 European Pro Bono Forum, Paris, 18-19 November 2010

PILI has announced the dates and location for the next European Pro Bono Forum. It is to be held in Paris between November 18-19, 2010. Sponsorship opportunities and conference information will follow soon. Follow the link below for more details.

www.pili.org/index.php?option=com_content&view=article&id=40262:save-the-date-2010-european-pro-bono-forum-18-19-november-paris&catid=15:piln-listserv&Itemid=179

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Visit the website: <http://eracampaign.org/weblog/>