

## **PILA Bulletin, 21 October 2009**

This 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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### **In this Bulletin:**

- 1. Free legal advice for Irish speakers;**
- 2. *FLAC News* available on FLAC website;**
- 3. Supreme Court vacancy advertised;**
- 4. UK: Guardian gagged from reporting parliament;**
- 5. UK: High Court uses Twitter to issue injunction;**
- 6. USA: Christian Cross' case to be considered by US Supreme Court;**
- 7. China sentences six to death for their part in the ethnic riots;**
- 8. Legal education: New LLM degree in Galway;**
- 9. New Blog on Human Rights in Ireland;**
- 10. Amnesty International publishes a guide to mental health and human rights;**
- 11. Call for Researchers interested in Social Entrepreneurship in Ireland – Social Entrepreneurship Research Network (SERN);**
- 12. Events: Zunes to lecture on U.S. Foreign Policy in the Middle East, 22 October 2009;**
- 13. *Addressing Gender Based Violence (GBV) in Post-Conflict Situations: The case of Liberia*, 22 October 2009;**
- 14. Equality and Rights Alliance Advocacy Workshops, 21, 22 October, 5, 12 November 2009;**
- 15. *Reforming the law on personal debt*, Law Reform Commission, Annual Conference, 18 November 2009;**
- 16. Hart Judicial Review Conference, London, 11 December 2009.**

#### **1. Free legal advice for Irish speakers**

Flac has teamed up with Conradh na Gaeilge to provide free legal services to Irish speakers in Dublin and Galway on the first Wednesday of every month this autumn.

Barristers from the Four Courts branch of Conradh na Gaeilge will run the free legal advice service in Conradh na Gaeilge offices in Dublin and in Galway between 18.00 – 19.00 and 17.30 and 19.00 respectively. More information is available from Conradh na Gaeilge at 01 4757401 (Dublin) / [dli@cnag.ie](mailto:dli@cnag.ie) and 091 567824 (Galway) or see Flac's website at [www.flac.ie](http://www.flac.ie).

[Back to top](#)

## **2. FLAC News available on FLAC website**

FLAC has published the latest issue of *FLAC News*, its quarterly newsletter.

This quarter's newsletter, now in its 19th year, features analysis of the proposed means testing of criminal legal aid by the Minister of Justice, Equality and Law Reform, the case for coordinated action to protect borrowers, and the response of US States to predatory lending. It also covers details of FLAC's submissions to the European Commission on responsible lending and borrowing.

Elsewhere, the newsletter presents a round-up of FLAC's latest casework and law reform work: including important developments in social welfare law; reports on the volunteer legal advice centre in Clondalkin; and a complaint by the Equality Rights Alliance (ERA) to the European Commission on the savage cuts to equality and human rights bodies in Ireland; and the latest information on FLAC's new project, the Public Interest Law Alliance (PILA).

Concluding our retrospective marking the 40th anniversary of FLAC's founding, the current issue of *FLAC News* looks to the period from the year 2000 to the present, featuring photos and clippings from our archives.

This edition and the archive can be found at <http://www.flac.ie/publications/category/flacnews>. Should you like to receive the *FLAC News* in hard copy, please contact us at [bulletin@pila.ie](mailto:bulletin@pila.ie).

[Back to top](#)

## **3. Supreme Court vacancy advertised**

Last week, a vacancy was created on the Supreme Court bench when Mr. Justice Kearns of the Supreme Court accepted the second highest judicial post in the country and became of President of the High Court. He will replace Mr. Justice Richard Johnson who will retire on October 23.

The Courts and Court Officers Act 2002 established the Judicial Appointments Advisory Board which will draw up a list of suitable candidates for the position on the Supreme Court. They will present this list to the government, though the latter is not obliged to nominate a person from that list. An advertisement for the position was carried in *The Irish Times* of 9 October inviting practicing barristers and solicitors who are eligible for appointment to the Office of Ordinary Judge of the Supreme Court (those of not fewer than twelve years standing) to apply in writing to the Secretary of the Board by October 29. Judges of the High Court, of the Circuit of no fewer than two years standing as well as judges of the European and international courts on which Irish judges may sit may apply though they need not apply to the Board.

President McAleese will formally appoint the new judge after nomination by the Government.

[Back to top](#)

#### **4. UK: Guardian gagged from reporting parliament**

An unprecedented attempt by a British oil trading firm, Trafigura, to prevent the Guardian from reporting parliamentary proceedings has collapsed following a spontaneous online campaign to spread the information the paper had been barred from publishing. Carter-Ruck, the law firm representing Trafigura, was accused of infringing the supremacy of parliament after it insisted that an injunction obtained against the Guardian prevented the paper from reporting a question tabled on Monday by a Labour MP. The question concerned the implications for press freedom of an order obtained by Trafigura preventing the Guardian and other media from publishing the contents of a report related to the dumping of toxic waste in Ivory Coast. The Guardian had vowed to go to court to overturn the gag on its reporting before it was withdrawn. MPs from all three major British parties had condemned the firm's attempt to prevent the reporting of parliamentary proceedings. The editor, Alan Rusbridger, said: "The media laws in this country increasingly place newspapers in a Kafkaesque world in which we cannot tell the public anything about information which is being suppressed, nor the proceedings which suppress it. It is doubly menacing when those restraints include the reporting of parliament itself."

[Back to top](#)

#### **5. UK: High Court uses Twitter to issue injunction**

The High Court in London has ordered an injunction to be served through the social networking site Twitter for the first time. In a ruling last week, the court said issuing the writ over the micro-blogging site was the best way to get to an anonymous tweeter who was impersonating a right-wing commentator. The Court said that unknown imposter should stop their activities and that they should reveal themselves to the court. The owner of the fake account will receive the writ next time they enter the site. Matthew Richardson, the barrister who won the injunction, said the ruling was a big step forward in preventing anonymous abuse of the internet. "People have to learn that they can no longer hide behind the cloak of anonymity the internet provides and break the law with impunity," he said in a statement. Legal experts said the decision could have far reaching implications those who impersonate others using social-networking sites such as Facebook and Twitter.

For further information, see <http://www.griffinlaw.co.uk/home/2009/10/01/griffin-law-makes-law-by-serving-via-twitter/>

[Back to top](#)

#### **6. USA: 'Christian Cross' case to be considered by US Supreme Court**

The US Supreme Court is soon to hear an appeal concerning the presence of a large and clearly visible Christian Cross which is situated on private land. The Cross was originally on publicly owned property. However, lower courts had found it to be obnoxious to the First Amendment which bars the government from showing religious preference and it was then sold to private ownership to protect it from removal. The cross is now covered by plywood hoarding pending the outcome of the Supreme Court decision. It is the subject of planning restrictions and protection as it is a national monument. The plaintiff was offended when he was refused permission to erect a Buddhist statue in the vicinity of the cross. The appeal is

of interest as it concerns the plaintiff's standing and ability to take the case, in addition to arguments about the separation of church and state.

Oral arguments in the case of *Salazar v Buono* (US Supreme Court, 09-472, 7 October 2009) can be found at [http://www.supremecourtus.gov/oral\\_arguments/argument\\_transcripts/08-472.pdf](http://www.supremecourtus.gov/oral_arguments/argument_transcripts/08-472.pdf).

[Back to top](#)

## **7. China sentences six to death for their part in the ethnic riots**

A Chinese court has handed down the death penalty to six men involved in the deadly ethnic riots that plagued the far western region of Xinjiang in July this year. The convicts were found guilty of murder, arson and robbery during the riots, which left almost 200 people dead. Overseas Uighur groups have warned that the harsh punishments and lack of due legal process could further inflame tensions in the area. Ethnic strains have risen in Xinjiang recently as large numbers of Han settlers have moved into the historically Muslim Uighur region to take advantage of a booming economy fuelled by the extraction of oil and gas. Tensions were exacerbated further last week when al-Qaida called on Uighurs to launch a holy war against the Chinese government.

To learn more, please view:

<http://www.reuters.com/article/worldNews/idUSTRE59B0ZM20091012>

[Back to top](#)

## **8. Legal education: New LLM degree in Galway**

The Irish Centre for Human Rights in NUI Galway (NUIG) has just launched an LLM in economic, social and cultural rights, the first of its kind as a specialised master degree in Ireland.

Taught in an interdisciplinary way, it will include a course in economics and another on the sociology of development. More information from Dr Vinodh Jaichand, deputy director, Irish Centre for Human Rights at [Vinodh.Jaichand@nuigalway.ie](mailto:Vinodh.Jaichand@nuigalway.ie).

[Back to top](#)

## **9. New Blog on Human Rights in Ireland**

A number of academics from Universities across Ireland and the United Kingdom, who have an interest in human rights law in Ireland, have established a new blog, which can be accessed at <http://humanrightsinireland.wordpress.com/>. To date, blog posts have covered a wide range of areas including equality law, immigration law, asylum law, child law, housing law and women's rights.

[Back to top](#)

## **10. Amnesty International publishes a guide to mental health and human rights**

A new resource, *Mental Health and Your Human Rights: A Brief Guide* has been published by Amnesty International (AI) Ireland.

AI hopes that by using international human rights standards as a framework, the Irish Government will ultimately implement a social approach to mental health focused on being able to live a full life in the community. The Government's mental health policy, *A Vision for Change*, expressly promised to prioritise the human rights of the individual and put the person at the heart of the system. So far it has failed to do that. In its Customer Charter, the Mental Health Commission also committed to being guided by international human rights law and standards.

People with mental health problems need to know more about what these promises mean. This guide provides useful information and practical tips about human rights in relation to mental health. It explains the human rights set out in international human rights law and standards.

This guide is not just an information booklet. The organisation hopes that by increasing awareness of their human rights it will empower people to use them.

To find out more about the guide or to order a copy contact Pippa Woolnough by email: [pwoolnough@amnesty.ie](mailto:pwoolnough@amnesty.ie) or tel: 01 863 8300.

Please see our online version, which you are welcome to download.

[http://www.amnesty.ie/amnesty/upload/images/amnesty\\_ie/events%20images/WEB\\_GUIDE\\_SINGLE\\_SPREADS.pdf](http://www.amnesty.ie/amnesty/upload/images/amnesty_ie/events%20images/WEB_GUIDE_SINGLE_SPREADS.pdf)

[Back to top](#)

### **11.Call for Researchers interested in Social Entrepreneurship in Ireland – Social Entrepreneurship Research Network (SERN)**

The Centre for Nonprofit Management and the School of Business, Trinity College Dublin, under the auspice of their Initiative on Social Entrepreneurship would like to announce the launch of the "Social Entrepreneurship Research Network (SERN)". The purpose of SERN is to create a network of individuals, academics or practitioners, who are interested in pursuing research into the growing discipline of Social Entrepreneurship. It is hoped that the SERN group will arrange to meet in December 2009 for its inaugural session.

If you are interested in carrying out research in Social Entrepreneurship, please contact Dr. Denise Crossan, School of Business, Trinity College Dublin, at [crossand@tcd.ie](mailto:crossand@tcd.ie).

Further details on SERN can be found at <http://www.cnm.tcd.ie>

[Back to top](#)

### **12.Events: Zunes to lecture on U.S. Foreign Policy in the Middle East, 22 October 2009**

Stephen Zunes will be giving a lecture entitled *U.S. Foreign Policy in the Middle East: Peacemaker or Peacebreaker*. The lecture will begin at 7pm on Thursday, October 22 in the Robert Emmet Theatre in Trinity College, Dublin.

Stephen Zunes is a Professor of Politics and International Studies at the University of San Francisco, where he chairs the programme in Middle Eastern Studies. He is the author of *Tinderbox: U.S. Middle East Policy and the Roots of Terrorism* (Common Courage Press) and editor of *Nonviolent Social Movements* (Blackwell Publishers). The lecture is organised by the International Peace Studies programme at the Irish School of Ecumenics, Trinity College.

See [www.tcd.ie/ise/peace/](http://www.tcd.ie/ise/peace/) for more details

[Back to top](#)

### **13. Addressing Gender Based Violence (GBV) in Post-Conflict Situations: The case of Liberia, 22 October 2009**

The Joint Consortium on Gender Based Violence will host an informal seminar entitled *Addressing Gender Based Violence (GBV) in Post-Conflict Situations: The case of Liberia*. The seminar will address:

- the general context and gender equality in Liberia;
- the UN mission in Liberia (UNMIL) and its priority work areas for the gender unit;
- the recovery/transition phase and the impact and involvement of women in the process and national institutions;
- UN Security Council Resolution 1325 and Liberia;
- Recommendations for the Irish government and civil society to support the implementation of the NAP and resolution.

The event will be facilitated by Carole Doucet, Senior Gender Advisor to UNMIL. There is no charge for this event but places are limited. To confirm your attendance, please contact Deirdre Ní Cheallaigh, Trócaire at (01) 5053283 or [dnicheallaigh@trocaire.ie](mailto:dnicheallaigh@trocaire.ie) or Selam Desta at Dtalk at (01) 4064341 or [selam.desta@kimmagedsc.ie](mailto:selam.desta@kimmagedsc.ie).

[Back to top](#)

### **14. Equality and Rights Alliance Advocacy Workshops, 21, 22 October, 5, 12 November 2009**

The Equality and Rights Alliance (ERA) will host four advocacy workshops over the coming weeks. The aims of the workshops are to:

- inform about the ERA campaign and their work to hold the government to account for its cuts to the equality and human rights bodies;
- gather information about concerns of local groups on how the cuts are affecting their work in the areas of equality and non-discrimination;
- Outline the practical support that properly functioning watchdog bodies can provide to help people vindicate their rights;
- Look at practical campaigning to help ensure that the equality and human rights infrastructure is strengthened and improved for people experience inequality and discrimination.

The workshops will take place in Castlebar, Co. Mayo on October 21, Athlone, Co. Westmeath on October 22, Ennis, Co. Claire on November 5 and Letterkenny, Co. Donegal on November 12. For further information and to register, please contact [rachel@eracampaign.org](mailto:rachel@eracampaign.org) or phone Rachel on (01) 8148860.

[Back to top](#)

### **15. Reforming the law on personal debt, Law Reform Commission, Annual Conference, 18 November 2009**

The Law Reform Commission will host its sixth Annual Conference next month on the theme: *Reforming the law on personal debt*. The conference will provide a platform for a discussion of the provisional recommendations made by the Commission in its September Consultation Paper on Personal Debt Management and Debt Enforcement. It will also form part of the Commission's consultative process.

The conference will take place in the Mai conference Hall in the Upper Yard of Dublin Castle on 18 November 2009 from 9.30am-4.30pm. There is a registration fee of €40 which includes lunch. Places are strictly limited to 300 people, before making payment those wishing to attend are advised to contact Legal Support at the Law Reform Commission at 35-39 Shelbourne Road, Ballsbridge, Dublin 4 by phoning (01) 6377600 or by email at [legalsupport@lawreform.ie](mailto:legalsupport@lawreform.ie).

[Back to top](#)

### **16. Hart Judicial Review Conference, London, 11 December 2009**

The Hart Judicial review Conference will take place in London, Cavendish Conference Centre, 22 Duchess Mews, London W1G 9DT this December. Michael Fordham Q.C., author of the best-selling *Judicial Review Handbook*, will be chairing the event. Highlights include: Richard Gordon Q.C. on the leading cases in 2009, Lord Lester of Herne Hill Q.C. on a Constitutional Bill of Rights and The Hon Mr Justice Barling on Judicial Review in the Competition Appeal Tribunal.

For more information, see <http://www.hartpub.co.uk/jrconference09/>

[Back to top](#)

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**Public Interest Law Alliance -  
A project of FLAC (Free Legal Advice Centres Ltd.)  
13 Lower Dorset Street, Dublin 1**

**Tel: 01-8728048 / 8745690  
LoCall: 1890 350 250  
Fax: 01-874 5320  
Website: [www.pila.ie](http://www.pila.ie)**

**www.flac.ie**

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**<http://www.flac.ie>**

**We need to protect Human Rights and Equality in Ireland! Join the ERA campaign - today!**

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