

## PILN Bulletin, 19 September 2007

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### 1. *Foy Judgment Postponed* – ECtHR Decision about Lithuania

Judgment in the Lydia Foy transgender case, where Dr. Foy is represented by FLAC, has been postponed again until 19<sup>th</sup> October next. Meanwhile the European Court of Human Rights on 11<sup>th</sup> September found Lithuania in breach of Article 8 of the European Convention over its attitude to transgendered persons. The Strasbourg Court said: "States are required by their positive obligations under Article 8, to implement the recognition of gender change in post-operative transsexuals through, *inter alia*, amendments to the civil status data, with its ensuing consequences".

Assuming Lithuania complies with this decision, Ireland will be the only EU state still refusing to officially recognise transgendered people. *For a copy of the ECtHR judgment click here:*

<http://cmiskp.echr.coe.int/tkp197/view.asp?item=4&portal=hbkm&action=html&highlight=&sessionid=2198375&skin=hudoc-en>

### 2. Sexual Orientation Regulations Upheld

The High Court in Belfast has upheld the bulk of the new Northern Ireland Sexual Orientation Regulations against a challenge by the Catholic bishops and a number of evangelical Protestant churches. The Regulations outlawed discrimination and

harassment on grounds of sexual orientation in connection with the supply of goods, facilities, or services. The churches claimed that they would infringe the religious freedom of those holding the traditional Christian view that homosexual relations were sinful.

Mr Justice Weatherup struck down the harassment provisions on the grounds that the statutory consultation requirements had not been complied with, but upheld the wide-ranging prohibition on discrimination. *For a copy of the judgment, click here:* [http://www.courtsni.gov.uk/NR/rdonlyres/EA5461E1-AE50-42BA-A12D-B09ACA992B41/0/j\\_j\\_WEAC5888Final.htm](http://www.courtsni.gov.uk/NR/rdonlyres/EA5461E1-AE50-42BA-A12D-B09ACA992B41/0/j_j_WEAC5888Final.htm)

### **3. *Pye v. United Kingdom*, European Court of Human Rights Judgement 30 August 2007**

A case has been taken to the European Court of Human Rights to determine whether the property rights of a company had been violated by the companies' loss of ownership of 23 hectares of agricultural land through "adverse possession" (similar to squatting) to a neighbour who had used the land for more than 12 years without the permission of the company. By ten votes to seven, the Strasbourg based Court held that there had been **no violation of Article 1 of Protocol No. 1** to the European Convention on Human Rights which relates to the protection of property. This was because the UK legislation relating to "adverse possession" was intended to "control the use" of land in order to regulate titles in the UK property system, rather than to "deprive of possession" of land. It was held on balance, this did not violate the right to property under the provision.

*For a copy of the judgment, please click here:* <http://cmiskp.echr.coe.int/tkp197/view.asp?item=24&portal=hbkm&action=html&highlight=&sessionid=2195545&skin=hudoc-en>

### **4. Unmarried father wins right to return of sons taken to UK by mother, 11 September 2007**

In a case before the High Court, an unmarried father, known as Mr. G., sought an order declaring that the removal of his twin sons from the State by their mother without his knowledge or consent was unlawful.

When a child is born outside of marriage, the mother has automatic sole guardianship of the child, a right denied to unmarried fathers and this remains the case in spite of yesterday's judgment. Mr. Justice McKechnie said that where a father has acted reasonably and dutifully towards his children, and his actions were indistinguishable from those of a married father, he has a right to custody of the children. Mr. G. claimed to be the primary carer of the children. This case did not relate to the return of the children to their father in Ireland. Removal of the children in this case was a breach of Article 8 of the European Convention on Human Rights which relates to the right of respect for family life, he said.

A spokesperson from the Department of Justice, Equality and Law Reform has told the Irish Times that there is currently no legislation planned or pending to improve the rights of or change the status of unmarried fathers.

### **5. Equality, Legislation & The Constitution Conference, NUIG, 6 October 2007**

A conference to mark the *European Year of Equal Opportunities for All* and the 70<sup>th</sup> anniversary of the Irish Constitution will be hosted jointly by the Faculty of Law at NUIG, Department of Justice, Equality & Law Reform and the Equality Authority, on the subject of Equality, Legislation and the Constitution.

Speakers include: Niall Crowley, Eilis Barry, Donncha O'Connell, Professor Gerard Quinn, Frank Callanan, S.C., Siobhan Phelan, B.L., Oran Doyle, Professor William Binchy, Professor Gerry Whyte, Siobhan Mullally, Marie McGonagle, Professor Kathleen Mahoney (Canada), Tarlach McGonagle, Colm O Cinneide, Padraic Kenna, Cathryn Costello, Des Hogan.

Date and location: *Saturday 6<sup>th</sup> October, 2007 – Aras Moyola (North Campus, NUIG)*  
Admission free but pre-conference booking (with Equality Authority) advised,  
<http://www.equality.ie/index.asp?locID=65&docID=-1>

#### **6. "Legal Services In North West England: The Changing Landscape", Conference at Lancaster University on Thursday 27 November 2007**

Speakers include:

DES HUDSON - Chief Executive, The Law Society of England and Wales  
ZAHIDA MANZOOR CBE - Legal Services Complaints Commissioner and Legal Services Ombudsman for England and Wales.

STEVE HYNES - Director, Legal Action Group; formerly Director, Law Centres Federation.

BILL BRAITHWAITE QC - Exchange Chambers, Manchester

RACHEL DOBSON - Partner and Director of Support Services, Pannone LLP

PROFESSOR DAVID SUGARMAN - Lancaster University Law School .

Further information and a link to the full programme and booking form (including registration fees) is available at: <http://www.lancaster.ac.uk/fass/law/event/1876/>  
Or <http://www.sas.ac.uk/events/view/3309>

#### **7. FLAC's Inaugural Dave Ellis Memorial Lecture, 15 October 2007, Trinity College, Keynote Speaker: Professor Gerry Whyte**

FLAC's Inaugural Dave Ellis Memorial Lecture will take place on Monday 15 October at Trinity College. The inaugural lecture will be given by Professor Gerry Whyte, Associate Professor of Law and Head of Law School at Trinity College. There will also be a reception.

The Hon. Mrs Justice Catherine McGuinness will also present the Thomas Addis Emmet Fellowship 2007 to this year's award recipient.

The late Dave Ellis was a community activist who dedicated his career to working with community groups on a number of areas including welfare rights, legal aid, legal education and legal entitlements generally. Dave was Community Law Officer at Coolock Community Law Centre (now Northside Community Law Centre) for more than 20 years and subsequently established Community Legal Resource as a resource providing information, training and support for the not-for profit and community sector.

If you would like to attend the evening please e-mail [piln@flac.ie](mailto:piln@flac.ie) or contact Edel Quinn on 01-8745690

**8. Committee on the Administration of Justice (CAJ) seeks new Director**

The Committee on the Administration of Justice (CAJ) is an independent non-governmental organisation which seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. In particular, CAJ has prioritised four key areas of work - policing; criminal justice/emergency laws; equality; and protection of rights.

The Director will provide strategic leadership in the planning, implementation and monitoring of the work of the organisation. The post holder will lead the senior management team and report to the Executive Committee. S/he will have responsibility for representing the organisation, the delivery of services and the effective management of the organisation.

The deadline for the receipt of applications is **Friday 19 October** and interviews will take place on **9 November 2007**. For an application form and related materials please contact: Email: [recruitment@caj.org.uk](mailto:recruitment@caj.org.uk) or see, <http://www.caj.org.uk>.

**9. Irish Human Rights Commission & the Law Society of Ireland Annual Conference, 13 October 2007**

The theme of the conference will be *Human Rights and Criminal Justice: Incorporating Human Rights Standards into Criminal Justice Policy, Legislation and Practice*. It will be held on Saturday 13 October 2007 at the President’s Hall, Law Society of Ireland, Blackhall Place, Dublin 7

Keynote Speakers

Sir Geoffrey Bindman, QC Solicitor Advocate, UK  
Professor Tapio Lappi-Seppälä, Finland

Register to attend by contacting: Anthea Moore at [a.moore@lawsociety.ie](mailto:a.moore@lawsociety.ie) or 01-6724961.

**10. Defining the “war on terror” can be torture, Amnesty International, Public Talk, 24 September 2007**

Amnesty International will hold a public talk on issues relating to the war on terror, torture and human rights from 7-9pm, 24 September 2007 at the ATGWU Hall, 55/56 Middle Abbey Street, Dublin 1.

Speaking at the event will be Prof. Conor Gearty, Rausing Director of the Centre for the Study of Human Rights and professor of human rights law at the London School of Economics & Political Science; Clara Gutheridge, a lawyer with Reprieve; Richard Boyd Barrett, Chairperson of the Irish anti-war movement; Kieran Clifford is the Campaigns and Activism Manager with the Irish Section of Amnesty International and chairing the event will be Fiona Crowley, the Research and Legal Manager with the Irish Section of Amnesty International.

Admission is free and all are welcome. For further information please contact [info@amnesty.ie](mailto:info@amnesty.ie) or call 01 6776361

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**Public Interest Law Network Ireland - PILN**

c/o FLAC, Lower Dorset Street, Dublin 1

T: +353-1-874 5690

E: [piln@flac.ie](mailto:piln@flac.ie)

F: +353-1-874 5320

W: [www.flac.ie](http://www.flac.ie)