

## **PILN Bulletin, 24 July 2008**

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### **In this Bulletin:**

1. Third periodic report of Ireland under International Covenant on Civil and Political Rights examined by UN Human Rights Committee, 14-15 July 2008
2. Launch of ICCPR Shadow Report to the third periodic report of Ireland, joint collaboration by FLAC, ICCL & IPRT, 14 July 2008
3. FLAC receives international award for *pro bono* work, 14 July 2008
4. UN appoints new Special Rapporteur on Human Rights Defenders
5. UK: Mother facing separation from son asks Law Lords for relief
6. HSE to pay benefit after Judicial Review
7. Fourth Annual Human Rights Lecture of the Law Society of Ireland now available
8. Centre for Human Rights and Citizenship Education, INTO & Amnesty International Irish Section host conference on Human Rights Education For a Sustainable Future: Celebrating 60 years of the UDHR, 19 and 20 September 2008
9. Equality Authority, Legal Aid Board launch Annual Reports

### **1. Third periodic report of Ireland under UN International Covenant on Civil and Political Rights examined by UN Human Rights Committee, 14-15 July 2008**

The UN Human Rights Committee (HRC) examined Ireland on its third periodic report on 14-15 July 2008 in Palais Wilson, Geneva. Representatives from FLAC, together with the ICCL, IPRT and other Irish NGOs and academics, travelled to Geneva for the examination. They were given the opportunity to present the ICCPR Shadow Report (see below) and its findings to the HRC before the country examination. The NGOs were praised for the high quality presentation and Shadow Report and were advised that these would serve as best practice models for others.

The State was represented by a delegation of fifteen, headed by the Attorney General (AG). The examination usually takes the form of a presentation by the State followed by a questions and answers dialogue on issues of concern to the Committee. Due to the AG's pending absence on the second day of the examination, the usual format of the examination was abandoned and the AG was given the floor for most of the first day's session. The Committee's questions took up most of the following day's session, with the result that only one hour remained for the State to answer questions put to it, with no room for follow-up questioning.

The Committee focused on areas such as the incorporation of the Covenant into Irish domestic law, language surrounding the role of women in the home under Article 41.2 of the Irish Constitution, imprisonment for debt, civil legal aid, overcrowding in prisons, the expulsion of aliens, the retention of the Special Criminal Court, freedom

of conscience and religion in education, abortion, and extraordinary rendition. Little further information or elaboration was provided by the State however. The prisons issue seemed all the more poignant after the incident in Mountjoy prison on 13 July. Both the State and the NGOs submitted supplementary information last week and the HRC's Concluding Comments are expected to be released at the end of July.

The examination and indeed the launch of the Shadow Report received considerable media attention. Further information on this and events in Geneva can be found at [www.rightsmonitor.org](http://www.rightsmonitor.org) and on the FLAC website.

## **2. Launch of ICCPR Shadow Report to the third periodic report of Ireland, joint collaboration by FLAC, ICCL & IPRT, 14 July 2008**

An independent Shadow Report to the third periodic report of Ireland under the UN International Covenant on Civil and Political Rights was launched in Dublin on the first day of the examination of Ireland by the UN Human Rights Committee. The launch took place in the Westbury Hotel in the morning of 14 July 2008. Hosting the launch were Michael Farrell, Senior Solicitor, FLAC, Mark Kelly, Director of ICCL and Sam Priestley, IPRT Board Member. The Shadow Report was launched by Mr. Justice Michael Kirby of the Australian High Court.

The Shadow Report was a collaborative piece, published by the three organisations over the past year, which seeks to highlight a comprehensive range of human rights concerns of a civil and political nature. Research included focus groups and interviews with key rights-holders and stakeholders in areas covered by the Covenant such as the rights of same-sex couples, migrants, minorities and ex-prisoners. You can download the full report or a summary from [www.rightsmonitor.org](http://www.rightsmonitor.org)

## **3. FLAC receives international award for *pro bono* work, 14 July 2008**

A major international lawyers' group meeting in Dublin has given FLAC an award for its work in promoting *pro bono* (free) legal services for disadvantaged persons.

The International Society for the Reform of Criminal Law (<http://www.isrcl.org/>) presented the award at a reception in the Law Society of Ireland hosted by Law Society President, James MacGuill. The presentation was made by Damien Bugg, former Australian DPP and President of the ISRCL.

Mr Bugg said the ISRCL was anxious to honour and support organisations offering *pro bono* services in the countries where they hold their meetings. They had been impressed by the work of FLAC which had been providing free legal advice and information for people who could not otherwise afford it for almost 40 years. FLAC achieved this through a network of volunteer solicitors and barristers who gave up their free time to advise in FLAC centres.

Accepting the award on behalf of FLAC was Director of Funding and Development, Catherine Hickey and Senior Solicitor, Michael Farrell.

#### **4. UN appoints new Special Rapporteur on Human Rights Defenders**

On 1 May 2008 Ugandan Margaret Sekaggya became the new UN Special Rapporteur on Human Rights Defenders. She succeeds Hina Jilani who held the mandate since its inception in 2000. Through letters, reports, and country visits, Jilani helped many of the defenders by drawing attention to their issues.

Sekaggya is a magistrate from Uganda and has been the Chairperson of the Uganda Human Rights Commission since 1996. She helped draw up a Bill of Rights for the East African Community and has expertise on the human rights situation of vulnerable people. Further information is available on the UN website at <http://www2.ohchr.org/english/issues/defenders/mandate.htm>

#### **5. HSE to pay benefit after Judicial Review**

Following a judicial review taken by FLAC, the HSE has agreed to pay Blind Welfare Allowance to an asylum seeker who had already won an internal appeal.

The HSE had stopped payment to the man on the grounds that as an asylum seeker he was not "ordinarily resident" in the State. A HSE Appeals Officer held that this was not a requirement for this allowance and allowed the man's appeal, but the HSE still refused to pay.

The Judicial Review has now been settled with the HSE agreeing to pay the allowance and arrears.

There seems to be a growing tendency by the Department of Social and Family Affairs and the HSE to refuse to accept Appeals Officers' decisions if they go against them and to refuse to pay the benefits pending further challenges. It is not at all clear that they have authority to do this.

#### **6. UK: Mother facing separation from her son seeks relief from Law Lords**

A Lebanese woman who fled an abusive husband to retain custody of their son is to ask the Law Lords to protect her human right to raise her son by halting her deportation.

UK-based NGO Liberty will tell the Law Lords that the mother's right to a family life and to gender equality require that she not be returned to Lebanon, where her ex-husband will automatically be granted full custody rights over her son under Shari'a law. Liberty's Legal Officer Alex Gask, who intervened in the case, said: "We cannot deny this child the right to be with his mother. How can the same government which champions equal treatment under British law now deport mother and child to face certain separation under Shari'a?"

In an intervention to be heard by the Law Lords on Monday 21 July, Liberty and Justice will argue that the automatic and permanent separation of a mother from her child under Shari'a law, following her expulsion to Lebanon, amounts to a flagrant breach of the mother's (and child's) rights under the European Convention on Human Rights - Article 8, the right to a family life, and Article 14, which prohibits discrimination.

The mother, "EM", arrived in the United Kingdom in December 2004 with her son, who was born in July 1996, and claimed asylum. She had obtained a divorce from her allegedly violent husband in the Islamic court in Lebanon and had been awarded physical custody of her son until his seventh birthday. According to Shari'a law, after that date she would lose physical custody, which would be awarded to her husband and his family. Because she did not want to be bound by that law, she left Lebanon with her son on false documents. Following the refusal of her claim for asylum in the UK, she and her son face expulsion to Lebanon. "EM" is now appealing to the Law Lords to determine that in this "foreign" case (in which the act of a government removing a person from its territories would lead to that person's human rights being violated in the territory to which she has been sent) her right to a family life would be so severely violated that she should be allowed to remain in the United Kingdom.

For further information, please see Liberty's website at <http://www.liberty-human-rights.org.uk/index.shtml>.

#### **7. Fourth Annual Human Rights Lecture of the Law Society of Ireland now available**

On 7 May 2008, Canadian Chief Justice Beverley McLachlan gave the Annual Human Rights Lecture of the Law Society's Human Rights Committee, focusing on human rights protection in Canada. The address looked at the historical development of human rights in that country and the important challenges facing Canada despite the country's achievements to date. A copy of the lecture is attached.

#### **8. International conference on Human Rights Education For a Sustainable Future: Celebrating 60 years of the UDHR, 19 and 20 September 2008**

The Centre for Human Rights and Citizenship Education, the INTO and Amnesty International (Irish Section) are to co-host a conference on "Human Rights Education For a Sustainable Future: Celebrating 60 years of the UDHR". The event, which will be opened by Irish writer Roddy Doyle, will take place on 19-20 September 2008 at St. Patrick's College, Drumcondra.

This conference aims to explore how the vision and principles of the Universal Declaration of Human Rights can contribute to education provision. There will be a particular focus on how human rights concerns - local and global - can be addressed in education systems and in practice in the classroom and in the informal education context. The conference will be of interest to teachers, teacher educators, educationalists, community and youth organisations and all those with an interest in education in Ireland. The conference will seek to build on the work that has already been done in advancing Human Rights Education (HRE) in Ireland.

Keynote speakers for the Conference include Professor James A. Banks, Centre for Multicultural Education, University of Washington, Dr. Hugh Starkey, Institute of Education, University of London, Dr. Ursula Kilkelly, UCC Faculty of Law, Dr. Laura Lundy, QUB School of Education, and Brima Sherif, Director of Amnesty International Sierra Leone. Research Seminar contributors include Professor Audrey Osler and Professor Colum Kenny.

There will be Panel Discussions, Research Seminars and Practical Workshops on themes including Children's Rights, Special Education, Development Education, Diversity in Education, Democratic Schools, Primary and Post Primary Curriculum Opportunities.

For more information and to download a registration (which you must do before 10 September 2008) see [www.spd.dcu.ie/chrce](http://www.spd.dcu.ie/chrce) or contact: Dr Fionnuala Waldron, Education Department (History Education), St. Patrick's College, Drumcondra, Dublin 9. Telephone 353 1 8842079.

## 9. Equality Authority, Legal Aid Board launch Annual Reports

The Equality Authority launches its Annual Report for 2007 at its premises on Clonmel Street, Dublin 2 on 24 July 2008. The guest speaker at the launch is Mr John Moloney TD, Minister of State with special responsibility for Disability Issues, Equality & Mental Health. The report will be available on the website of the Equality Authority <http://www.equality.ie/index.asp?locID=136&docID=-1>.

Minister for Justice, Equality and Law Reform Mr Dermot Ahern TD launched the annual report for 2007 of the Legal Aid Board in the Coachhouse of Dublin Castle on 23 July. The report is available on the LAB website at [http://www.legalaidboard.ie/lab/publishing.nsf/Content/Annual\\_Report\\_2007](http://www.legalaidboard.ie/lab/publishing.nsf/Content/Annual_Report_2007)

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