

## **PILN Bulletin, 26 November 2008**

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### **In this Bulletin:**

1. **Public Interest Law Job Opportunity at FLAC, closing date for applications, 28 November 2008;**
2. **Committee for the Administration of Justice seeks a Policing Programme Officer and a Criminal Justice Programme Officer;**
3. **Equality and Rights Alliance online petition needs your support!;**
4. **Judicial Review of Refusal to pay Child benefit;**
5. **Ex Lord Chief Justice condemns Iraq invasion;**
6. **Lithuania pays €40,000 for transgender operation;**
7. **Declaration of incompatibility with European Convention of Human Rights made relating to a law allowing local authorities to evict tenants without first holding an independent inquiry;**
8. **European Court of Human Rights intervenes on behalf of Nigerian woman to be deported from Ireland;**
9. **Viewpoint by Thomas Hammarberg *In Times of Economic Crisis, it is particularly essential to ensure the protection of social rights*, 17 November 2008;**
10. **New Government Plans on Rendition;**
11. **Universal Declaration of Human Rights goes into orbit;**
12. **Nepal to end discrimination on the basis of sexual orientation;**
13. **ACLU Legal Director Mr. Steven Shapiro to speak at 2<sup>nd</sup> Annual Dave Ellis Memorial Lecture, 1 December 2008;**
14. **Older and Bolder conference: "*Nothing about us without us*" : *Consulting Older People*, 8 December 2008;**
15. **Debate: Can Human Rights End Poverty? 9 December 2008;**
16. **ICCL Human Rights Film School Competition Launch, 10 December 2008;**

**17. Safeguarding Trafficking Children in Northern Ireland, half day seminar followed by the launch of a multi-lingual leaflet for people who have been trafficked into Northern Ireland, 11 December 2008.**

**1. Public Interest Law Job Opportunity at FLAC, closing date for applications, 28 November 2008**

FLAC is seeking to recruit a dynamic Project Manager to develop the Public Interest Law Alliance (PILA).

The Project Manager will be committed to human rights and social justice issues and will have a vision for how public interest law should develop in Ireland. S/he will develop a strategy and programme of work for PILA, will have excellent interpersonal and project management skills and will motivate a small team and co-ordinate their activities.

The position will be for 3 years and salary will be commensurate with experience. Applications to include a CV and covering letter should be forwarded by post to the Director General, FLAC, 13 Lower Dorset Street, Dublin 1 or by e-mail to [recruitment@flac.ie](mailto:recruitment@flac.ie) on or before Friday 28 November 2008.

All applications will be treated in the strictest of confidence. FLAC is an equal opportunities employer.

More information - a job description and a leaflet on PILA - is available on the [FLAC Jobs section](#) on our website at <http://www.flac.ie/about/jobs.html>

**2. Committee for the Administration of Justice seeks a Policing Programme Officer and a Criminal Justice Programme Officer**

The Committee on the Administration of Justice (CAJ) is an independent non-governmental organisation that 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. They are seeking to recruit two research posts as follows:

- Policing Programme Officer
- Criminal Justice Programme Officer

For an application form, job information and further details, contact:  
Liz McAleer, CAJ Ltd.  
45-47 Donegall Street  
Belfast BT1 2BR

Tel: 04890 961122

Fax: 04890 246706

Email: [recruitment@caj.org.uk](mailto:recruitment@caj.org.uk)

Deadline for applications is today, Wednesday 26 November 2008 at 5pm.

**3. Equality and Rights Alliance online petition needs your support!**

An online petition has been created to register your support for the ERA campaign to protect Human Rights and Equality in Ireland. The petition will be presented on International Human Rights Day, which this year marks the 60th Birthday of the Universal Declaration on Human Rights.

We need your support to spread the word and have people sign the petition; put it in your facebook, your bebo, your myspace or your website. With the power of people and their online (and offline) social networking, we can send a strong message to the whole Government.

Petition URL for Social Networking: <http://www.ipetitions.com/petition/erapetition/>  
The Equality and Rights is a recently-formed alliance of over forty civil society groups in Ireland seeking to ensure the promotion and enhancement of human rights, equality and social justice. For further information see: [www.eracampaign.org](http://www.eracampaign.org).

#### **4. Judicial Review of Refusal to pay Child benefit**

FLAC has been given leave to judicially review the refusal of the Department of Social & Family Affairs to pay Child Benefit to an asylum seeker who successfully appealed the rejection of her initial application. A Social Welfare Appeals Officer upheld the woman's claim in February 2008 but the Department sought a review of the decision by the Chief Appeals Officer and refused to pay the benefit in the interim. The woman is still awaiting the result of the review application and has not been paid since February.

#### **5. Ex Lord Chief Justice condemns Iraq invasion**

Lord Bingham, former Lord Chief Justice of England and Wales and senior Law Lord, has described the invasion of Iraq by the US and Britain as a serious violation of international law and accused the US and UK of acting like 'world vigilantes'. Lord Bingham was giving his first major speech since his retirement.

For further information, please see a report in The Guardian newspaper at <http://www.guardian.co.uk/world/2008/nov/18/iraq-us-foreign-policy>

#### **6. Lithuania pays €40,000 for transgender operation**

Lithuania has paid €40,000 for a transgendered man to have gender re-alignment surgery outside the country. The European Court of Human Rights last year found Lithuania had breached the man's rights because it had failed to pass legislation that would have allowed him to have the surgery in the country. The Court ordered Lithuania to pass the legislation or pay for the man to have the operation abroad. So far no legislation has been passed.

#### **7. Declaration of incompatibility with European Convention of Human Rights made relating to a law allowing local authorities to evict tenants without first holding an independent inquiry**

On 11 November 2008, Mr. Justice Iarfhlaith O'Neill declared that s. 63 of the Housing Act 1966 is incompatible with Article 8 of the European Convention on Human Rights (ECHR).

The provision in questions allows for possession orders for council houses when there is a genuine dispute as to the reason for the order.

The case surrounds a man, Liam Gallagher, who claimed that he was entitled to success to his mother's tenancy at a house in Coolock, Dublin after her death in 2005. After discovering that Mr. Gallagher had not resided at his mother's home for two years prior to her death, Dublin City Council rejected Mr. Gallagher's application and issued a notice to quit and demanded for possession in 2006. Mr. Gallagher claims to have been living with his mother continuously except for a short period in the nineties. The case went before the District Court which made a finding of fact upholding his claim, but the court then expressed concern the s. 62 of the Housing Act did not allow the court to assess the merits of applications for possession orders. These points were then referred to the High Court for clarification.

The judge said that Mr. Gallagher should not be made to take High Court judicial review proceedings in order to acquire procedural safeguards and that this would have been avoidable had the council put in place the procedures that would safeguard his rights. This was the case in particular in light of a previous declaration of incompatibility handed down by Ms. Justice Mary Laffoy in the case of *Donegan v. Dublin City Council & Ors* [2008] IHEC 288 earlier this year. In this case the same provision of the Housing Act was held to be incompatible with Article 8 of the ECHR because it allows councils to evict tenants for anti-social behaviour with no opportunity to challenge the allegations against him before a court or impartial tribunal. The judge ruled that this was disproportionate in a case where the person was at risk of losing their home.

In all, the Gallagher case is the third declaration of incompatibility with the ECHR. The first declaration was handed down in the *Foy* case in October 2007. The question of whether the Government will respect the declarations and amend the laws which have deemed incompatible with the Convention remains to be answered.

## **8. European Court of Human Rights intervenes on behalf of Nigerian woman to under threat of deportation**

The European Court of Human Rights in Strasbourg has intervened at the eleventh hour to ask the Irish Government not to deport a Nigerian woman and her two children who claim they are at risk of female genital mutilation.

Ms. Pamela Izevbekhai has been living in Sligo for the past four years with her two daughters aged six and seven. A previous daughter died in 1994 aged 18 months after being forcibly genitally mutilated in Nigeria. Ms. Izevbekhai fears the same fate for her two surviving daughters if they were to return to Nigeria. The practice of female genital mutilation is classified by the UN as torture and has said that states have the responsibility to take all the necessary measures to eradicate it.

Ms. Izevbekhai applied to the High Court for an injunction to delay her deportation until the Irish courts had determined her judicial review challenge to a refusal by the justice minister last March to consider her claims for "subsidiary protection" here. The court ruled, however, that it could not interfere with a valid deportation order where there were no new or exceptional circumstances since the case had been assessed by the two statutory bodies involved in the asylum process.

The European Court of Human Rights will now rule on the case, it will look at whether it is reasonable to expect the Izevbekhai family to relocate in all the circumstances of the case, and whether it will be safe. If it finds that it is not reasonable to expect them to do so, it will mean that the family cannot be sent back to Nigeria but it will not entitle them to refugee status in Ireland.

**9. Viewpoint by Thomas Hammarberg, Council of Europe Commissioner for Human Rights: *In Times of Economic Crisis, it is particularly essential to ensure the protection of social rights*, 17 November 2008**

This useful document can be accessed at the following address:  
[http://www.coe.int/t/commissioner/Viewpoints/default\\_en.asp](http://www.coe.int/t/commissioner/Viewpoints/default_en.asp)

**10. New Government Plans on Rendition**

The Government plans to approach the new US administration on the issues of extraordinary rendition, detention at Guantánamo Bay and the use of torture to interrogate prisoners. It is reported that the Government will also act to ensure that Gardaí and airport authorities have powers of search and inspection of aircraft.

The Government has established a Cabinet committee on aspects of international human rights. The Committee includes Ministers Eamon Ryan and John Gormley of the Green Party and the Minister for Foreign Affairs, Micheál Martin, the Minister for Justice, Dermot Ahern and the Minister for Transport, Noel Dempsey. The committee has agreed to contact the transition team of the new US president-elect Barack Obama seeking a clear commitment on the cessation of the above activities.

The committee will examine and strengthen legal provisions to allow Gardaí and airport authorities to have adequate legal powers for search and the inspection of aircraft and may include the provisions of the Air Navigation and Transport Acts.

The Minister for Justice will provide an update on the implementation of a programme for government commitment in relation to Garda human rights training.

Until now, the Government has insisted that strong personal assurances from the highest level in the US Government were acceptable to them to ensure that the US had not engaged in extraordinary rendition through Ireland.

In the Shadow Report to the Third Periodic Report of Ireland under the International Covenant on Civil and Political Rights published by FLAC together with the Irish Council for Civil Liberties and the Irish Penal Reform Trust earlier this year, it was recommended that the Government establish an independent inquiry into the illegal transfer of detainees through Irish airports. It was further recommended that the Gardaí should set up an investigations mechanism to regularly monitor and perform spot checks on CIA planes and CIA chartered flights.

The current Programme for Government states that "The Government will prioritise effective enforcement of a) Criminal Justice (United Nations Convention Against Torture) Act 2000, b) the Geneva Conventions 1962-1998. To that end the Government will encourage and support An Garda Síochána in the investigation and enforcement of these statutes...by making resources available for specialised training...to ensure effective protection for the

dignity of all persons within or passing through the State. We will ensure that all relevant legal instruments are used so that the practice of extraordinary rendition does not occur in this State."

### **11. Universal Declaration of Human Rights goes into orbit**

On 14 November 2008, the Universal Declaration of Human Rights travelled into space as part of the commemoration events to mark the 60<sup>th</sup> anniversary of the declaration which was adopted by the United Nations on December 10, 1948. This date now represents the annual International Human Rights Day worldwide. The document will remain in permanent orbit around the Earth in the Columbus multidisciplinary space laboratory in the European module of the International Space Station. An astronaut from the European Space Agency (ESA) has said that the document will "symbolically find its place 'above' all the peoples of the world." Two plaques with the inscription of the thirty articles of the Universal Declaration in English and in French were presented to the Director General of the ESA earlier in the month.

### **12. Nepal to end discrimination on the basis of sexual orientation**

The Supreme Court of Nepal has instructed the country's government to end all sexual orientation-based discrimination and to extend equal rights to gender minorities, including same-sex minorities. The order was made last week as a result of a case brought by a number of gay rights groups. It follows a ruling of the court in December 2007 that recognises homosexuals as citizens under the classification "third sex".

Last week's decision means that all gender minorities must be defined under the law as "natural persons". It directs the Nepalese government to establish a committee to draft a same-sex and marriage act, drawn from similar legislation in other countries. The country's first openly gay Member of Parliament has hailed the ruling as a "landmark decision".

### **13. ACLU Legal Director Mr. Steven Shapiro to speak at 2<sup>nd</sup> Annual Dave Ellis Memorial Lecture, 1 December 2008**

FLAC is delighted to announce that our Second Annual Dave Ellis Memorial Lecture will take place on Monday 1 December 2008, kicking off at 6.30pm sharp. The event will take place in the Morrison Hotel, Lower Ormond Quay, Dublin 1. Our speaker is the Legal Director of the American Civil Liberties Union, Mr. Steven Shapiro. The registration starts at 6.00 p.m. There will be a reception with wine and canapés following the lecture.

The late Dave Ellis was a community activist who dedicated his career to working with community groups on areas including welfare rights, legal aid, legal education and legal entitlements generally. Dave was Community Law Officer at Coolock Community Law Centre (now Northside CLC – [www.nclc.ie](http://www.nclc.ie)) for more than 20 years. He subsequently established Community Legal Resource to provide information, training and support for the not-for-profit and community sector.

If you would like to attend the evening, please e-mail us at [piln@flac.ie](mailto:piln@flac.ie) or phone us at 01-8745690.

**14. Older and Bolder conference: "Nothing about us without us" : Consulting Older People, 8 December 2008**

Older and Bolder is an alliance of eight non-governmental organisations that aims to promote the rights of older persons and includes Active Retirement Ireland, Age Action Ireland, Age and Opportunity, Alzheimer Society of Ireland, the Carers Association, the Irish Hospice Foundation, the Irish Senior Citizens Parliament and the Senior Helpline. The conference theme relates to consulting older people and their organisations' campaign for the involvement of older people as partners in the development of the National Possible Ageing Strategy.

The conference will be held on Monday 8 December 2008 from 9am-4.30pm in the Gresham Hotel, Upper O'Connell Street, Dublin 1. Advance booking is necessary and this can be done by contacting Older and Bolder at Jervis House, Jervis Street, Dublin 1, by phoning 01 8783623 or by going to their website at [www.olderandbolder.ie](http://www.olderandbolder.ie).

**15. Debate: Can Human Rights End Poverty? 9 December 2008**

To celebrate 60 years of the Universal Declaration of Human Rights leading human rights and anti poverty actors will come together for this important debate.

Speakers will include:

Her Excellency, Ms. Priscilla Jana, the South African Ambassador to Ireland  
Justin Kilcullen, Trocaire  
Dr Katherine Zappone, An Cosán, Irish Human Rights Commission  
Conor Hickey, Crosscare  
Paul Cullen, The Irish Times  
Connell Foley, Concern

The discussion will be moderated by Colm O'Gorman, Executive Director, Amnesty International Ireland. The event will take place on Tuesday 9th December from 3 – 4:30pm at the Irish Aid Centre, O'Connell Street, Dublin 1. To register please RSVP to Megan O'Malley at [yas@amnesty](mailto:yas@amnesty) or tel: 01 8638300

**16. ICCL Human Rights Film School Competition Launch, 10 December 2008**

The Irish Council for Civil Liberties (ICCL) will hold a reception and film screening on International Human Rights Day, to mark the launch of its Human Rights Film School competition. The event will take place at the Irish Film Institute in Temple Bar, Dublin 2 on 10 December 2008. This competition will offer film students and filmmakers the opportunity to submit an original short film, which will be judged by a panel of experienced, well-known professionals representing the Irish film industry.

Further information on the launch at the IFI and the competition can be obtained by contacting the ICCL at [info@iccl.ie](mailto:info@iccl.ie).

**17. Safeguarding Trafficking Children in Northern Ireland, half day seminar followed by the launch of a multi-lingual leaflet for people who have been trafficked into Northern Ireland, 11 December 2008**

The Law Centre (Northern Ireland) is organising this half day seminar which will look at some of the key issues in identifying and safeguarding trafficked children. As well as identifying key practice issues, the seminar will focus on the need to develop a multi-agency strategic response using ECPAT UK's learning from work already undertaken in England, Scotland and Wales.

Key learning outcomes:

- An understanding of what child trafficking is and how it happens
- Indicators of child trafficking
- Responses at a practice and policy level

The seminar will take place from 9.30am - 1pm and the launch of the leaflet from 1-2pm. The events will take place at the Law Centre (NI) Training Room at 124 Donegall Street, Belfast, BT1 2GY. The Seminar will be presented by Emma Kelly, ECPAT, UK. Fees for the event are:

- |                                 |               |
|---------------------------------|---------------|
| - Members voluntary             | £45.00 (stg.) |
| - Non members voluntary         | £65.00 (stg.) |
| - Members statutory/private     | £65.00 (stg.) |
| - Non members statutory/private | £95.00 (stg.) |

Application forms should be returned to Deborah Hill at Law Centre (NI), 124 Donegall Street, Belfast, BT1 2GY, Tel: (028) 9024 4401, Fax: (028) 9023 6340 or by email at [deborah.hill@lawcentreni.org](mailto:deborah.hill@lawcentreni.org) by Thursday 4 December 2008.

This course will count as 3 ½ hours towards Bar Council and Law Society Continuing Professional Development.

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**Public Interest Law Network Ireland - PILN  
FLAC (Free Legal Advice Centres Ltd.)**

13 Lr Dorset Street, Dublin 1

Tel: 01-874 5690 Fax: 01-874 5320

LoCall: 1850-350 250 Web: <http://www.flac.ie>

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