

## **PILN Bulletin, 29 October 2008**

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### **1. On International Day to Eradicate Poverty, FLAC seeks removal of anti-Poverty provisions in budget, 17 October 2008**

17th October, marks the UN International Day for the Eradication of Poverty. However, Tuesday's budget represents an assault on Ireland's poor, many of whom are vulnerable to inequality and human rights violations. In the budget, the Government has launched an outright attack on bodies that fight for equality and human rights in Ireland while at the same time claiming to protect the vulnerable. The Government is attempting to extinguish independent and critical voices that act to monitor, highlight and combat poverty and inequality here and this has to be resisted.

The Equality Authority and the Irish Human Rights Commission have had their funding utterly slashed. The Equality Authority loses almost half of its funding at 43%, while the

Commission has its budget cut by almost a quarter at 24%. The figures themselves show a reduction from €5.89m to €3.3m for the Equality Authority and from €2.09m to €1.59m for the Commission. This is far more severe than the cuts made to other state bodies. Both organisations were already struggling to fulfil their important mandates through lack of adequate funding. Just three months ago the UN Human Rights Committee made a specific recommendation to the Government that it "strengthen the independence and the capacity of the Irish Human Rights Commission to fulfil its mandate fully and effectively...by endowing it with adequate and sufficient resources...".

The Government has also decided that the Equality Authority and the Irish Human Rights Commission should share back office and administrative services. While any workable cost savings are welcome, FLAC is concerned about the practical difficulties of such a decision. With the fast-tracking of the Equality Authority's move to Roscrea, Co. Tipperary and the Commission based in Dublin city centre, how will the sharing of back office amenities work in reality? These bodies had been located in prime central locations in Dublin in order to increase their visibility and to facilitate easy-access for vulnerable and marginalised groups who need to avail of the services and expertise. How will members of these groups be assured that the organisations in question will be accessible to them?

The existence of the Equality Authority is required to meet the State's obligations under the EU Racial Equality Directive which stipulates the designation of National Equality Bodies. The dramatic reduction in funding of the Authority raises a question as to whether the state is meeting its obligations. Indeed the attitude of the Government, as evidenced by this budget, to bodies which work to improve the lives of the State's marginalised and vulnerable people calls into question the Government's own commitment to these individuals. The work of such bodies inherently involves criticism of the Government; in a mature democracy where this is for the purpose of improving the plight of the vulnerable, the State should work closely with such bodies rather than effectively silencing them. With a budget reduction of 30%, the Equality Section of the Department of Justice, Equality and Law Reform has also had a percentage cut which is double that of any other area within the Department.

Bodies whose work has a particular resonance in these times of economic turmoil, such as the Combat Poverty Agency and the National Consultative Committee on Racism and Interculturalism (NCCRI), find themselves with very uncertain futures. The Combat Poverty Agency has been subsumed into a Government department while the Government has simply ceased all funding to the NCCRI. Under the remit of the European Fundamental Rights Agency, the NCCRI operates as the national monitoring body for racism and intolerance, an important role in an increasingly multicultural society.

Agencies which would help to address certain causes of poverty such as the Centre for Early Childhood Development and Education, the Educational Disadvantage Council and the National Adult Learning Council have all been abolished. Gender mainstreaming and positive action for women as well as the National Women's Strategy have had their funding reduced by 45% while Cosc, the national office for the prevention of domestic, sexual and gender-based violence has had its funding reduced by 18%.

On the UN International Day for the Eradication of Poverty, the Government has basically shown the country's most marginalised and less well-off that they are off the State's agenda. Today, more than ever, Ireland's poor need the expertise of the equality, human rights and anti-poverty bodies which have been working tirelessly to assist them.

FLAC calls on the Government to review these provisions and to ensure that subsequent legislation does not exclude marginalised people but rather includes positive measures to protect them.

For more info: <http://eracampaign.org/>

## **2. Press Council takes stand against racism and intolerance**

The Press Council has upheld a complaint by Dóchas, relating to an article in the Irish Independent in July 2008 on the grounds that the article "caused grave offence". Dóchas, an organisation which works in development and relief overseas and/or development education in Ireland, took a complaint to the Press Council regarding an article by Irish Independent columnist Kevin Myers which was published on 10 July.

The article was entitled "Africa is giving nothing to anyone apart from Aids". The Council ruled that the article's "mode of presentation was marked by rhetorical extravagance and hyperbole which used the failings of some to stigmatise whole societies, employing a level of generalization that was distorting and seriously insulting to Africans as a whole". It said that the writer resorted to language that was "gratuitously offensive". It said that the article breached Principle 8 of the Code of Practice in that it was likely to cause "grave offence". The Irish Independent was given a set time to publish the full text of the Press Council ruling.

Dóchas has stated that the ruling is important because not only did the Ombudsman consider this case so significant that he made the rare decision to refer it directly to the Press Council, but it also sets the precedent to determine the limits of freedom of speech. It highlights that print media have "a responsibility to respect human dignity and to promote public debate in a responsible manner", Dóchas said.

The Press Council of Ireland was established together with the Press Ombudsman in 2006 on a non-statutory basis with the purpose of recording complaints and to review decisions of the Press Ombudsman of alleged breaches of the Code of Practice signed up to by the press industry in 2007.

The case can be viewed here:

<http://www.pressombudsman.ie/v2/pressombudsman/portal.php?content=includes/decisionportal.php&label=fullcase&category=Decided%20by%20the%20Press%20Council%20after%20Referral&casename=Complainants%20and%20the%20Irish%20Independent&ID=62>

## **3. Mentally ill asylum seeker left homeless following eviction from direct provision**

FLAC notes with concern the case currently before Judge Hedigan in the High Court where it is claimed that the State proposes to render an asylum seeker homeless and destitute. While the facts of the case will be decided by the court, FLAC has a general concern about the fairness and impartiality of the direct provision complaints system which can result in a person losing the roof over their heads. The case concerns an asylum seeker who is mentally ill and who has been expelled from his "direct provision" accommodation. The thirty-five year old Afghan asylum seeker has been in Ireland since 2005 and is still awaiting

a decision on his application for asylum. Having spent most of his time here living under the "direct provision" scheme in Cork, he is now homeless.

Lawyers working on his behalf last week applied for an injunction to require the State to provide basic subsistence provision for him pending the outcome of his judicial review challenge. It is claimed that the State's treatment of him is in breach of article 3 of the European Convention on Human Rights relating to inhuman and degrading treatment. The case could have implications for other asylum seekers who have been evicted and left destitute as a result of their mental illness.

Lawyers further claim that there is no effective appeal from decisions by the Reception and Integration Agency (RIA), a body which comes under the remit of the Department of Justice, Equality and Law Reform, when accommodation is refused and there are no alternative options provided.

"The complaints procedure is important because there are very serious implications for the lives and well being of the human beings in direct provision" according to FLAC's Director General Noeline Blackwell. She said that "eviction from a centre can result in a person literally having no shelter and no income whatsoever. They become roofless, without any capacity to feed or house themselves. It may also affect their application for protection in Ireland according to FLAC."

FLAC believes that the system does not meet even the Ombudsman's own guidelines for complaints within the public service because it is unfair, lacks independence and is not impartial. "Nobody should be made homeless and destitute in Ireland. Other solutions must be found if direct provision isn't working".

#### **4. Landmark court decision finds Niger guilty of slavery**

The west African state of Niger was found guilty of failing to protect a young girl sold into slavery. The case has the potential to have far-reaching implications for the thousands of enslaved Africans. The Economic Community of West African States (Ecowas) ruled that Niger had failed in its obligations to protect the now twenty-four year old Hadijatou Mani. Her test case was brought with the assistance of British anti-slavery groups.

Ms. Mani was sold for \$500 (€400) against her mother's wishes at the age of twelve. Her mother was also a slave. For a decade she was raped and beaten on a regular basis, and forced to work unpaid for long hours in her master's home and in the fields. She was rewarded \$19,060 (€15,260) in compensation by the regional Ecowas court.

Slavery is common in rural areas of Niger despite it being officially abolished five years ago. The government claims it has done all it can to end the practice though local and international groups say that 43,000 people remain in slavery in the state, where slave-status is passed on through generations.

Though she received a "liberation certificate" when the law abolishing slavery was introduced in 2005, she had been immediately forced into a "wahiya marriage" with her sixty-three year old master who had her arrested and charged with bigamy when she fled and tried to marry another man.

A second aspect of the case, which accused Niger's government of legitimising slavery through customary laws, which campaigners claim is discriminatory to woman, was dismissed by the court.

## **5. Spain should give legal aid to migrant children: Human Rights Watch**

In a recent report by Human Rights Watch, the organisation has called on the Spanish government to provide legal aid to unaccompanied children throughout repatriation proceedings and to adopt regulations that clarify the government's obligation to carry out individualised best interest determination and a risk assessment before deciding to repatriate a child, including specific procedures to be followed and standards to be met. Procedures for regular public reporting describing the readmission agreements for unaccompanied children with Morocco and Senegal were also urged.

Human Rights Watch maintains that Spain is increasing its efforts to return unaccompanied children who enter the state illegally and that this can subject them to danger, ill-treatment and detention. They say that there should be a moratorium on repatriations until Spain has a process in place to ensure their well-being is maintained and that they have the same right to an independent lawyer as adult migrants have under Spanish law. At present, children are represented by the same body that often proposes to deport them. The government has made attempts to block *pro bono* lawyers who have taken up a minority of children's cases on appeal.

The report provides that in the Spanish region of Andalusia, authorities intend to send up to a thousand unaccompanied children in their custody to Morocco. While the authorities claim that safeguards are in place, they could not explain how they determined that it was in a child's best interest to return which is required by law. They insist that the agreement of the Moroccan government to take a child back was in itself a sufficient guarantee of the child's well-being after return. Government officials fail to analyse or even collect information about what might happen to a child on return to their country of origin in the repatriation decision-making process. Both national and international NGOs have documented abuses of children during and following returns from Spain to Morocco with reports of Moroccan security officials turning children onto the street and leaving them to fend for themselves on return to the country.

The Human Rights Watch report, *Returns at Any Cost: Spain's Push to Repatriate Unaccompanied Children in the Absence of Safeguards* can be accessed at: <http://hrw.org/reports/2008/spain1008/>

## **6. Iran limits execution of children**

On 15 October, Iran's deputy for judicial affairs to the prosecutor general, Hossein Zebhi announced an end to the execution of juveniles in the country. The statement read that the ban would apply to all offenders under the age of eighteen "no matter what the offence." On 18 October, the Iranian government confirmed that the judicial directive banning executions of children will not apply to the vast majority of cases of juvenile offenders on death row. Mr. Zebhi has said that it only applies to narcotics cases and judges could not reduce sentences in murder cases. It was not clear whether the decree would allow Iran to continue to execute children who had committed narcotics offences if they were over the age of eighteen at the time of the execution.

It is said that Iran executes the largest number of youth offenders, that is offenders under the age of eighteen years old, in the world. To date in 2008, six youths have been put to death. Human Rights Watch states that there are currently around 130 youths on death row in the State and that Iran is responsible for twenty-six of the thirty-two known executions of juvenile offenders worldwide since January 2005.

The statement on 15 October noted that the death sentences would be commuted to life imprisonment with the possibility of parole.

For further information, see the website of Human Rights Watch at <http://www.hrw.org/english/docs/2008/10/17/iran19997.htm>

### **7. Conference: *European Convention on Human Rights – Five Years On*, 8 November 2008**

The Irish Human Rights Commission and the Law Society of Ireland will host a conference entitled *European Convention on Human Rights – Five Years On* to be held on 8 November. Its aim is to give an overview of the impact of the European Convention on Human Rights (ECHR) Act since its enactment in 2003, to examine the practical implications of the European Convention on Human Rights Act in different areas of law and to demonstrate the impact of human rights standards on shaping legislative developments in Ireland.

Speaking at the event will be:

Geoffrey Shannon, Solicitor; Michael O'Higgins SC; Rosemary Horgan, Solicitor; Siobhan Mullally, Co-Director of the Centre for Criminal Justice and Human Rights, UCC; Hilikka Becker, Immigrant Council of Ireland and Ursula Kilkelly, Law Lecturer, UCC.

There is no charge for the event which will take place from 9.15am to 3.30pm in the President's Room at the Law Society on Blackhall Place, Dublin 7. There are 5 Group Study (General) CPD hours for the event. To register, please contact Anthea Moore on (01) 6724961 or e-mail her at [a.moore@lawsociety.ie](mailto:a.moore@lawsociety.ie)

### **8. IHRC 3<sup>rd</sup> Annual Human Rights Lecture to be given by President of Ireland, Mary McAleese, Tuesday 25 November 2008**

The Irish Human Rights Commission (IHRC) has announced that the President of Ireland, Mary McAleese will give the IHRC's 3<sup>rd</sup> Annual Human Rights Lecture. The public lecture takes place at the National Gallery of Ireland, Merrion Square, at 6.00pm on Tuesday 25 November 2008.

To register for the Annual Lecture please contact: Karine Petrasuc at tel: 01 8589601 or email her at [kpetrasuc@ihrc.ie](mailto:kpetrasuc@ihrc.ie)

### **9. Conference: *Growing Ethnic Business in Ireland*, 26 November 2008**

The Institute for Minority Entrepreneurship (IME) and the Ethnic Business Training Network will host a conference entitled *Growing Ethnic Business in Ireland* on 26 November. Topics to be covered at the event include:

1. What is the Current Thinking on Ethnic Entrepreneurship?
2. How Can Ethnic Entrepreneurs Overcome the Challenges?
3. Where Can Ethnic Entrepreneurs Find Tailored Support?
4. How Can the Media Help Ethnic Entrepreneurs?

The conference is aimed at anyone who has a professional or personal interest in business activity and those working in the development of immigrant communities in Ireland. The event will start at 10am and will take place at the Aungier Street Campus of the Dublin Institute of Technology. Guest speakers include the Minister for Integration, Conor Lenihan and Professor Monder Ram from the UK.

Delegate seats at the conference cost €75 and places can be booked by emailing [ethnicconference@dit.ie](mailto:ethnicconference@dit.ie)

**10. Date for your Diary: FLAC's Second 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. The event will take place in the Morrison Hotel, Lower Ormond Quay, Dublin 1.

Further details will be announced closer to the date but for now, mark the date in your diary and keep an eye on [www.flac.ie](http://www.flac.ie)!

**11. EAPN Training course on *Human Rights and Income*, 8-9 November 2008**

The European Anti-Poverty Network (Irish Section) is running a course on Human Rights and Income on 8 and 9 November. The course will focus on the importance of human rights and how it relates to income for an adequate standard of living for all. It will support participants in the understanding of the various human rights instruments and in applying this knowledge to the current situations they encounter throughout their work. The training is being run in association with Amnesty International Irish Section and with support from the Combat Poverty Agency. A shortlist of applicants will be based on the application forms, with consideration given to relevance to the theme of the training course 'access to adequate standard of living' and to the range of groups and issues, gender balance, location, etc.

Venue: Carmelite Centre, Aungier Street, Dublin 2

Date: 8-9 November

Time: 9:30-16:00 daily

Closing date for applications: 7 November 2008 – number of participants restricted to 16

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