

PILN Bulletin, 4 September 2008

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1. Irish Times article: Robinson criticises plan to merge human rights bodies by Susan McKay

"FORMER PRESIDENT Mary Robinson has sharply criticised a Government proposal to merge a number of human rights agencies.

Speaking yesterday, she said bodies like the Equality Authority were set up to fight for and defend human rights in Ireland and "need to be invigorated, not pared down on the cheap".

"There should be no erosion of the powers of these bodies," she said. "They should never be reduced by merging or in any other way."

She was responding to a Government proposal to merge the Equality Authority, the Equality Tribunal, the Irish Human Rights Commission, the office of the Data Protection Commissioner and the National Disability Authority into a single agency. The bodies have been given until September 12th to respond to the proposal.

Ms Robinson said human rights "belong to the people and are to hold those in power to account".

The former president, who was the UN high commissioner for human rights until 2002, and is one of the world's leading human rights activists, was speaking at a commemoration for the 40th anniversary of the North's civil rights movement.

The conference, the Civil Rights Challenges in Ireland today – Tackling Poverty, Sectarianism, Racism and Inequality, took place in Carlingford, Co Louth.

Ms Robinson said the Belfast Agreement made a "solemn commitment" to upholding human rights and to maintaining human rights commissions in the North and the South.

"This was agreed and sanctioned by the British and Irish governments and accepted by the international community," she said. Such bodies represented an "extraordinary gain that must be preserved. We still have many struggles for human rights," she said. She said Travellers in particular were "still suffering".

During question time, a young Northern man suggested that the Special Criminal Court in Dublin was operating "a form of internment" in its treatment of remand prisoners, including anti-Belfast Agreement republicans.

"I am very sympathetic to the critique of the Special Criminal Court given," Ms Robinson said. "There is a need for serious analysis of the potential for corruption in the powers given to the court."

She agreed with Austin Currie, the former civil rights activist, and politician for the SDLP and Fine Gael, that the use of "disappearance" as practised by the IRA in the North, was "a terrible crime against international humanitarian law".

Ms Robinson compared it with the use by the US of "extraordinary rendition" – the illegal and secretive transfer of persons suspected by the US of involvement in terrorism to be tortured in countries that permit such practices.

The UN was taking this "very seriously", she said, adding that she was "very concerned about complicity in the European context" with such abuses. The Iraq war was now recognised by the majority of US citizens as a "huge mistake," she added.

The most urgent human rights issue today was climate change, she said. "Our world is hurtling towards destruction. By 2055, we may have 100 million environmental refugees fleeing desertification or flooding." – Irish Times, 25 August 2008

Her grandchildren would just be in their 50s by then, she said. She said she was a "full-time grandmother" in Mayo this summer. "In just under two years, I will be back in Ireland and I won't move again."

Ms Robinson paid tribute to former SDLP leader, John Hume, who introduced her, and to other leading figures from the civil rights movement present. "I am very proud of these courageous men and women who were seen as troublemakers but had a passion and knew what they were about," she said."

This article is available on the Irish Times website at:

<http://www.irishtimes.com/newspaper/ireland/2008/0825/1219613973025.html>

2. Equality Tribunal awards 74-year old woman compensation as a result of bank's age discrimination

The Equality Authority welcomed a decision of the Equality Tribunal at the end of August, in which the Tribunal awarded a 74-year old woman compensation having suffered discrimination under the Equal Status Acts based on her age at Ulster Bank. Aged 70 at the time of the discrimination, the woman was awarded €2,000 for the upset and humiliation of having been refused an application for a car loan because she was over 65 years of age. The woman had enquired about a car loan of €6,000 at the bank in Maynooth and was informed by a bank official that the branch manager had stated that it was the bank's policy not to grant loans to anybody over the age of 65. The refusal resulted in the woman having to cancel her order on a car, having already paid a deposit. Ulster Bank denied that the woman had been informed of any such policy but the equality officer at the Tribunal found her account of the conversation to be more accurate and that the refusal was based on age. He found that the bank did not adhere to its stated loan application procedures and did not invite the woman for an interview to discuss her application.

A case summary of Equality Officer Decision: DEC-S2008-049, *Ms. Phyllis Fahey v. Ulster Bank*, is available from the Equality Tribunal's website at: <http://www.equalitytribunal.ie/index.asp?locID=140&docID=1815>

3. Scotland: Summary justice reforms to affect lawyer earnings through Legal Aid Scheme

Summary justice reforms introduced in Scotland earlier this year were intended to speed up the system by punishing low-level offenders with fines or a warning, instead of having the cases heard in court. However, the system has received much negative publicity after a number of media stories claiming that serious offences were being diverted from the courtroom as a result of the reforms. It has been claimed that much of the negative publicity surrounding the reforms were driven by a PR company hired by the Glasgow Bar Association (GBA) to attack the government policy to cut the Legal Aid bill. The GBA comprises a number of lawyers whose firms took in nearly £8 million in criminal defence fees. Members of the GBA claim that colleagues were being forced to "work out of their bedrooms". Law firms stand to lose a considerable proportion of their £122million Legal Aid subsidy if the new system is successful as fewer court appearances will mean a fall in claims. The firms of both the President and Vice-President and other member of the executive committee of the GBA are major beneficiaries of the current Legal Aid regime.

4. UK: Emergency legal aid schemes established for people facing repossession of their homes

In response to the rising number of people in the UK losing their homes in repossession cases, a new emergency legal aid scheme will come into operation, most expanded to Eastbourne to help deal with the situation. Some 174 courts, now including Eastbourne Law Courts, will have Housing Possession Court Duty Schemes which began in 2005 helping around 30,000 people in its second year.

The UK Legal Services Commission, which funds the emergency schemes, ensures that people at risk of homelessness can access free advice and representation on the

day of their court hearing, regardless of their financial circumstances. The Council of Mortgage Lenders released statistics which show that the trend of rising repossession continues and mortgage repossession claims are already up by 5% since this time in 2007. The Commission has a Community Legal Advice helpline where callers can be provided with general housing advice as well as specialist advice for those eligible for legal aid.

Further information can be found at www.communitylegaladvice.org.uk.

5. USA: Court rules that user-generated Wikipedia should not be used by Department of Homeland Security in deciding on asylum cases

The 8th U.S. Circuit Court of Appeals has overturned a ruling by the Board of Immigration Appeals which had found that the Department of Homeland Security had committed no wrong by using the user-generated Wikipedia internet site to decide the fate of an asylum seeker named Lamilem Badasa.

The Department of Homeland Security reached its decision to deport Badasa, an Ethiopian national, having consulted Wikipedia to decide whether her Ethiopian travel document, called a laissez-passer was sufficient proof of her identity. An immigration judge was convinced, based on the Wikipedia page as evidence, that the document did not prove her identity, and he referred to it as a one-way travel document that is issued based on information provided by the applicant. The Board allowed the decision to stand as it could not find any clear error. The appeals court found this decision unfavourable and reiterated the fact that Wikipedia's content is user-generated and can be edited by anyone at any time. There is no guarantee that the information on the page at the time the government officials sourced it had any correct information at all.

The site may have misled the government officials' decisions, the court noted, stating: "The [Board of Immigration Appeals] presumably was concerned that Wikipedia is not a sufficiently reliable source on which to rest the determination that an alien at risk of future persecution is not entitled to asylum. [...] We do not know whether the [Immigration Judge] [I.J.] would have reached the same conclusion without Wikipeida, or whether (and, if so, why) the [Board of Immigration Appeals] believes that the I.J.'s consideration of Wikipedia was a harmless error, in the sense that it did not influence the I.J.'s decision."

The case of *Lamilen Badasa v. Michael B. Mukasey, Attorney General of the United States of America*, 8th US Circuit Court of Appeals, No. 07-2276, 29 August 2008, can be accessed at <http://www.ca8.uscourts.gov/opndir/08/08/072276P.pdf>

6. ATD Fourth World marks United Nations International Day for the Eradication of Poverty, 17 October 2008

Anti-poverty organisation, ATD Fourth World will commemorate the UN International Day for the Eradication of Poverty on 17 October 2008 in Dublin by unveiling a commemorative stone quoting the founder of ATD, Joseph Wresinski in English, Irish and French.

The quote is: "Wherever men and women are condemned to live in poverty, human rights are violated."

To come together to ensure that these rights are respected is our solemn duty."

The event will take place at the Famine Memorial, Custom House Quay at 11.00am on 17 October 2008. The public is also invited to visit the exhibition of UN Day metal sculptures and messages in the Dublin Civic Offices from the 15 -19th September and to write a message of support or sign on-line at www.oct17.org.

For further information, for a copy of the campaign leaflet, information pack, DVD, the book *Stories of Struggle and Solidarity* and other support material, please contact 17th October Group, c/o ATD Fourth World 31 Mountjoy Square, Dublin 1, phone 01 8558191 or email 17october@eircom.net.

7. PES Group Photo Competition on Intercultural Dialogue for Young Europeans, closing date 20 September 2008

The PES Group in the EU Committee of the Regions (CoR) has organized a photo competition launched on 9 May 2008, Europe Day, which will close on 30 September. This competition, organised under the theme of Intercultural Dialogue gives young Europeans a chance to express their vision of the dialogue between cultures in their cities and regions through the lens of their cameras.

Entrants between 18 and 25 years old are invited to post their photo on the [PES Group website](#) and take the chance to win a professional "DSLR" camera (worth 1500€). Six winners will be invited to Brussels to participate in the Forum on Intercultural Dialogue which will be organised on 26-27 November 2008. An exhibition of the "Europe Works" project, accompanied by the photos of the competition, will be displayed at the CoR Headquarters from 24 November until 5 December 2008.

This competition is organised in collaboration with the think tank [Notre Europe](#) and the photo agency [Agence VU'](#). For more details on how to enter the competition, and to read the complete rules, [visit the PES Group website](#).

8. Human Rights, Human Dignity: Health and Housing in Ireland, 21 October 2008

Amnesty International Irish Section presents *Human Rights, Human Dignity: Health and Housing in Ireland*. The conference will explore the interdependence and indivisibility of human rights, and the utility of using human rights to inform social policy and service delivery. Health and housing will provide the focus over the course of both days, with international and national perspectives from human rights experts, government ministers, civil society and rights holders. The conference report will be submitted to government.

Keynote speakers will include Mr Miloon Kothari, former UN Special Rapporteur on Right to Housing; Justice Kate O'Regan, Constitutional Court of South Africa and Ms Mary Harney, Minister for Health and Children.

The conference will take place on Monday 20 and Tuesday 21 October 2008 at the Davenport Hotel, Lower Merrion Street, Dublin 2.

To register your interest in advance please contact conference@amnesty.ie.

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