

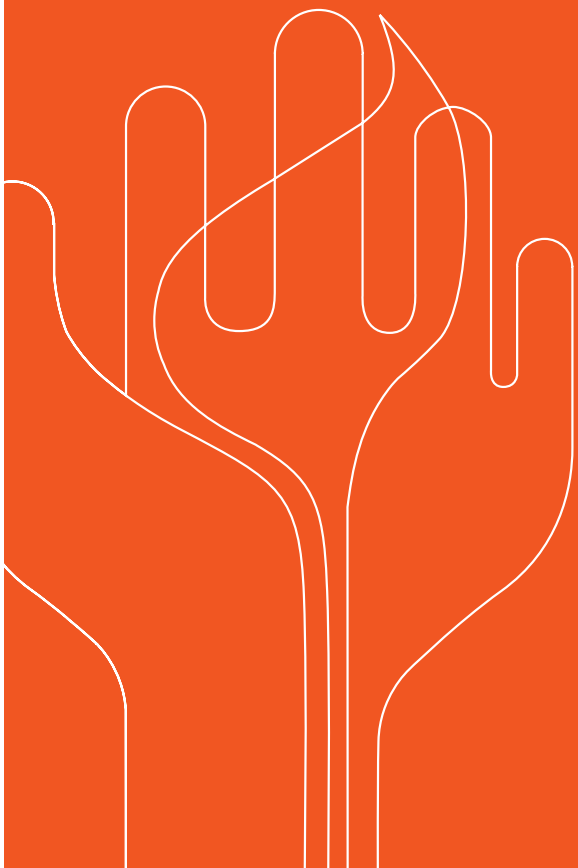


# **ANNUAL REPORT 2006**

Protecting & Promoting Human Rights



**The Irish Council for Civil Liberties (ICCL) is Ireland's leading independent human rights watchdog, which monitors, educates and campaigns in order to secure full enjoyment of human rights for everyone**





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## About the ICCL

**The Irish Council for Civil Liberties (ICCL) is Ireland's leading independent human rights watchdog, which monitors, educates and campaigns in order to secure full enjoyment of human rights for everyone.**

Founded in 1976 by Mary Robinson and others, the ICCL has played a leading role in some of the most successful human rights campaigns in Ireland. These have included establishing an independent Garda Ombudsman Commission, legalising the right to divorce, securing more effective protection of children's rights, decriminalising homosexuality and the introduction of enhanced equality legislation.

**We believe** in a society which protects and promotes human rights, justice and equality.

### **What we do**

The ICCL campaigns in three key areas: Fostering a Human Rights Culture, Promoting Justice and Securing Equality, through:

- advocating positive changes in the area of human rights;
- monitoring Government policy and legislation to make sure that it complies with international standards;
- conducting original research and publishing reports on issues as diverse as equality for all families, Garda reform and judicial accountability;
- running campaigns to raise public and political awareness of human rights, justice and equality issues;
- working closely with other key stakeholders in the human rights, justice and equality sectors.

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## From the Co-Chairs



MALACHY MURPHY  
Co-Chair



JUDY WALSH  
Co-Chair

Welcome to this year's ICCL Annual Report; we hope that you find it informative and useful. The ICCL's Executive has three main roles: determining the ICCL's policies, strategic management of the organisation and ensuring that good governance practices are observed.

### Policy & Campaigning

The ICCL's current strategic plan sets our policy and campaigning work within three key areas: *Fostering a Human Rights Culture*, *Promoting Justice* and *Securing Equality*. Some examples from each of these areas are:

### Human Rights

The promotion of human rights is central to our mandate. In 2006, the ICCL provided detailed briefings to a range of international human rights monitoring bodies, including the European Committee for the Prevention of Torture (CPT), the European Commission Against Racism and Intolerance (ECRI) and the UN Committee on the Elimination of all Forms of Racial Discrimination (ICERD).

### Justice

The ICCL's work on Garda reform is documented in detail later in this report. In 2006, the ICCL also completed research which looks at the independence, accountability and impartiality of the Irish judiciary. We are confident that this report, to be published in 2007, will make a unique contribution and be a catalyst for further debate on the Irish judiciary's role in the promotion of human rights standards.

### Equality

In May 2006, we launched our publication - *Equality for All Families*. This report calls for a constitutional and legislative reform package, which amongst other things would remove the bar on same-sex marriage and secure equality as between various family forms. The child-centred principles elaborated in our document have informed more recent ICCL activity on the proposed children's rights referendum.

### Organisational Development & Strategy

Mark Kelly, our new Director, took up his post in May of 2006 and we are sure that we speak for all the staff and the Executive when we say what a positive contribution Mark has already made to the ICCL.

Three other new staff members joined the ICCL later on in the year. Karen Ciesielski and Amy Pearson were appointed in the summer as Fundraising Officer and Campaigns & Communications Officer. Hannah Perrin was appointed Assistant Director in December, replacing Moya Campbell who left the organisation in July.

We now have more staff and resources than at any time in our history; the challenge is to make use of these resources to achieve genuine improvements in the lives of those whose human rights are not fully respected.

We have also moved into new premises in Blackhall Place. Our new offices are bright, modern and, more importantly, fully accessible.

On behalf of the Executive we want to thank all our staff (Amy, Dawn, Hannah, Karen, Ken, Mark and Tanya) for their tireless work during the year - much of which is documented in this annual report.



## Director's Message



MARK KELLY  
Director

In 2006, the Irish Council for Civil Liberties began its fourth decade of protecting and promoting human rights. It was a privilege to take up the position of Director during the organisation's 30th anniversary year and to meet so many of the members, supporters and friends who have contributed to the ICCL's ongoing success and growth. I would like to pay a particular tribute to the work of my predecessor, Aisling Reidy, who did so much to place the organisation on the firm financial footing that it enjoys today.

In many ways, the organisation profiled in this annual report is radically different from the voluntary membership association created by Mary Robinson, Kadar Asmal and others back in 1976. It has professional staff, modern offices and secure core funding for the years ahead. Thanks to the sustained generosity of our donors, members and supporters, the ICCL has become a full-time human rights organisation.

Nonetheless, I hope that you will agree that the work documented in this report remains true to the vision of our founders: to protect and promote human rights in the most effective way possible. As has been the case for the past thirty years, our ultimate goal remains to improve the protection of the human rights of the most vulnerable and marginalised people in Ireland.

In the following pages, you will find details about our 2006 work to monitor human rights protection; promote justice and secure equality. Looking forward, I am confident that the ICCL is now well placed to engage constructively with the human rights challenges facing modern Ireland, including by combating rendition, enhancing Garda accountability and securing equality for all families.

I hope that you will enjoy reading this report, and look forward to receiving your comments and feedback.



## Highlights of 2006

2006 was an eventful year - the ICCL celebrated its 30th year of protecting and promoting human rights in Ireland and embarked on a number of high profile campaigns to bring home a range of international human rights standards, promote Garda reform, secure equality for all families and counter rendition flights and illegal detentions. Highlights of the year included:



Shami Chakrabarti speaking at the ICCL's Law Library Lecture (pictured with ICCL Co-Chair Malachy Murphy)

### 30 YEARS OF PROTECTING & PROMOTING HUMAN RIGHTS

In May 2006, ICCL launched its 30th Anniversary celebrations with a press conference in the Mansion House, Dublin and a public lecture by Shami Chakrabarti, Director of Liberty (ICCL's sister organisation in the UK) in the Law Library. Shami, a leading expert on anti-terrorism laws, told an audience of legal professionals, members and supporters that experience in the UK showed that it is never safe to assume that governments will continue to protect fundamental human rights and freedoms.

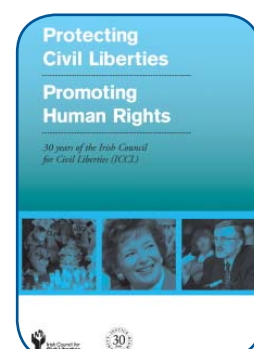
### 30TH ANNIVERSARY BOOK

The anniversary was also marked by the publication of *Protecting Civil Liberties, Promoting Human Rights*, a book on the history of the ICCL by Irish Times Social Affairs Correspondent, Carl O'Brien. This book sets the ICCL's rights-based work against a shifting backcloth of civil and social unrest, bombings and ceasefires, the peace process and the emergence of a nascent human rights culture.

Many well-known names appear in the book, including the ICCL founders Mary Robinson, former President of Ireland and United Nations High Commissioner for Human Rights, and Kader Asmal, anti-apartheid campaigner and former Minister for Education in a democratic South Africa. These high-profile contributions are recognised and rightly celebrated. However, it is evident that the ICCL could not have endured for 30 years as an independent force for change without the commitment and support of many more members, supporters and staff.

Since 1976, the ICCL has adopted a human rights-based approach to its work, and evidence of this strategy runs throughout the book. From its early campaigns for Garda reform, through its advocacy of equal rights, to its ongoing efforts to ensure the full implementation in Ireland of international human rights standards, the ICCL has tirelessly lobbied the State to respect the inherent dignity of the individual.

*Protecting Civil Liberties, Promoting Human Rights* is both a celebration of the ICCL's first 30 years, and a reminder that we can never afford to be complacent about the state of our rights. The book is available for sale for €5.95 from the ICCL, 9-13 Blackhall Place, Dublin 7.







## Highlights of 2006

### PROMOTING RESPECT FOR INTERNATIONAL HUMAN RIGHTS STANDARDS

In 2006, the ICCL continued to monitor Ireland's compliance with international human rights standards, submitted reports to, and met with international human rights monitoring bodies including the European Committee for the Prevention of Torture (CPT), European Commission Against Racism and Intolerance (ECRI) and the UN Committee on the Elimination of all Forms of Racial Discrimination (ICERD).

The ICCL highlighted a number of ongoing human rights concerns, including the need for fully-effective Garda accountability mechanisms, the consequences of Ireland's failure to fully transpose the EU Race Directive into domestic law and human rights issues in relation to immigration law.



Assistant Commissioner, Al Mc Hugh opening an ICCL Human Rights Seminar for senior Garda managers

### GARDA REFORM

Throughout 2006, ICCL activities highlighted the need to mainstream human rights considerations into Garda policy and practice. The organisation's constructive contributions to human rights based reform included providing human rights training for senior officers, offering advice through the Garda Strategic Human Rights Advisory Committee and raising awareness of the need for Garda reform through high profile media activities.

In late November, the ICCL published *Implementing Morris, An Agenda for Change* (a short guide to implementing the human rights aspects of the Morris Tribunal reports). The ICCL's lobbying work around this publication resulted in political recognition of the need for reform by all of the main opposition parties, and by the Tánaiste, who wrote to welcome the ICCL's input into the debate.

### EQUALITY FOR ALL FAMILIES

In May 2006, the ICCL published the *Equality for All Families* report, which provides a blueprint for constitutional and legislative change to ensure that all families are treated equally. The significance of this publication has been acknowledged by the Government's Working Group on Domestic Partnership (the Colley Group) and by the Law Reform Commission.



Left to right: Daryl Donnery, Tia Ryan, Khongorzul Battur and Blessing Nduka at the Equality for All Families launch in Merrion Square.





## Organisational Development



ICCL, 9-13 Blackhall Place, Dublin

### NEW PREMISES

In January 2006, the ICCL's premises in Dominick Court, Dublin were completely destroyed by fire. Thanks to the efforts of staff and, in particular, the then Assistant Director, Moya Campbell, the ICCL moved to temporary office premises and became operational within three days of the fire. The ICCL is now located in new premises (with full disability access) at 9-13 Blackhall Place, Dublin. The offices are ideally located at the heart of the legal community, close to the city centre and with excellent public transport links.

### NEW STAFF APPOINTMENTS



From left to right Karen Ciesielski, Hannah Perrin, Tanya Ward, Ken Reid, Dawn Quinn, Mark Kelly and Amy Pearson.

In 2006, the ICCL appointed four new staff members including, Director - Mark Kelly, Assistant Director - Hannah Perrin, Campaigns & Communications Officer - Amy Pearson and Fundraising Officer - Karen Ciesielski. These staff joined the existing team of Tanya Ward, Senior Research & Policy Officer, Dawn Quinn, Administrator and Ken Reid, Information Officer.

The new staff capacity helped the ICCL to continue its core activities of education, research and policy development as well as increasing its campaigning, communications and fundraising activities.

### ICCL EXECUTIVE

The ICCL is governed by an Executive Board of a minimum of eight persons, four of whom are elected at each Annual General Meeting (AGM) to serve for two years. The ICCL Executive Board for 2006 were: Malachy Murphy, Co-Chair, Judy Walsh, Co-Chair, Michael Finucane, John Gibson, John Kennedy, Conor Power and Jean Tansey.



## ICCL EXECUTIVE

ICCL's current Executive Board is as follows:



**MALACHY MURPHY** is Co-Chair of the ICCL with responsibility for organisational and management issues and has been in this position for six years. Previously he served a year as Vice-Chair and three years as Co-Treasurer. He is a self employed business and telecommunications consultant.

**JUDY WALSH** has been Co-Chair of the ICCL since 2003, and a member of the Executive Board for the past five years; she also worked for the ICCL as Executive Secretary and then as Assistant Director from 1998-1999. A qualified Barrister-at-Law, Judy teaches law at the Equality Studies Centre (School of Social Justice) in University College Dublin and has published widely in the field of equality and human rights.



**MICHAEL FINUCANE** is a practicing Dublin-based solicitor specialising in criminal law. Michael has been involved in the ICCL since 1996 and is a former Co-Chair.

**JOHN GIBSON** a former CEO of a major life insurance company, brings valuable management and financial experience to the Executive.



**JOHN KENNEDY** a longstanding member of the ICCL, is a practicing Dublin-based Barrister-at-Law. He has a general legal practice and teaches criminal practice in the Law Society of Ireland's Law School.

**MARY MCIVOR** joined the Board in May 2006 and is currently employed as an Operations Manager in the IT industry. Mary has extensive Operations Management experience and has also held a number of Sales & Marketing roles.



**CONOR POWER** a barrister specialising in Family Law, is a long-standing member of the ICCL's Executive. He has been deeply involved in many of ICCL's campaigns over the years.

**JEAN TANSEY** has extensive experience in social and economic policy in both national and European contexts. Jean is an active campaigner, having chaired the Divorce Action Group (during the first divorce referendum).





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## Fostering a Human Rights Culture

### The ICCL campaigns to strengthen:

- the implementation of international human rights obligations in Irish law
- practice of rights through participative democracy -  
a rights based approach
- individual autonomy from disproportionate interference by the state



## Fostering a Human Rights Culture

The ICCL campaigns to raise awareness of human rights issues in Ireland and to ensure that Irish laws are compliant with international human rights standards.

### BRINGING INTERNATIONAL TREATIES TO LIFE

One of the key methods the ICCL employs to monitor the State's compliance with international human rights standards involves producing submissions and Shadow Reports to the Government's reports under the various human rights treaties. Our reports hold the Government to account against its obligations and highlight key concerns and gaps in information provided by the State to human rights monitoring committees.

In 2006, the ICCL was involved in producing six such reports and met a number of experts from the international monitoring bodies who visited Ireland. These included the European Committee for the Prevention of Torture (CPT), European Commission Against Racism and Intolerance (ECRI) and the UN Committee on the Elimination of Racial Discrimination (CERD) (the ICCL was involved as part of the NGO Alliance Against Racism).

The ICCL represents Ireland on the **International Federation of Human Rights (FIDH)** and works closely with its sister organisations, the **Committee on the Administration of Justice in Northern Ireland** and **Liberty (UK)**.

The ICCL is also a member of the **Department of Foreign Affairs' NGO Standing Committee on Human Rights**.

### PREVENTING ILL-TREATMENT

In October 2006, the ICCL highlighted concerns about Garda accountability, the proposed Immigration, Residence and Protection Bill and Ireland's collusion in rendition as part of its submission and meeting with the CPT. The Council of Europe anti-torture watchdog visited 10 Garda stations to examine the treatment of persons in Garda custody and reviewed the progress made by the Government to implement the recommendations made by the Committee after its previous visits in 1993, 1998 and 2002. The CPT also met Government Ministers including the Tánaiste, as well as the Deputy Garda Commissioner, the Inspector of Prisons and the Garda Ombudsman Commission.



## PREVENTING ILL-TREATMENT (continued)



In June and November 2006, two reports, the first by the Council of Europe’s Parliamentary Assembly and the second by a special European Parliament committee, found that Irish airports had been part of a “CIA rendition circuit” of unlawful prisoner transfers. Rendition is a term used to describe the transfer of people from one country to another, using means that purposefully bypass judicial and administrative due process safeguards. People transferred in this way may be detained in secret places of detention, and are at risk of being subjected to various forms of ill-treatment, including torture.

The ICCL responded to these reports by launching a media campaign to highlight that diplomatic assurances from the US Government to the Irish Government have failed to prevent Ireland’s collusion in rendition. The ICCL’s key focus was to call on the Government to fulfil its international human rights obligations by taking positive action to inspect suspect flights and to carry out effective investigations into the use of Irish airports and airspace by CIA flights.

## COMBATING RACISM

In March 2006, acting through the NGO Alliance Against Racism (a temporary grouping of some 40 NGOs), the ICCL was involved in organising a conference on Ireland’s compliance with the UN International Convention on the Elimination of all Forms of Racial Discrimination (ICERD). The conference examined the ICERD Committee’s recommendations, which included changes in policing, equality law, immigration law, incitement to hatred law. The keynote speakers also examined Ireland’s human rights obligations under ICERD. They included Professor Patrick Thornberry, a member of the CERD Committee; Eilis Barry, Legal Adviser to the Equality Authority and Sinead Lucey, Solicitor for the Irish Traveller Movement.





### COMBATING RACISM (continued)

The ICCL co-edited and contributed to two comprehensive NGO Alliance reports on Ireland's compliance with the ICERD, which were presented to the Committee in March and June 2006. The ICCL also participated at a hearing with the CERD Committee Rapporteur in June and many of the ICCL's concerns, including inequalities in immigration law and the standard of detention facilities for immigration detainees, were reflected in the rapporteur's report, which was published in September 2006.

In October 2006, the ICCL raised concerns about the impact of constitutional and legislative reform, the limits to Ireland's equality regime and the failure fully to transpose the EU Race Directive into Irish law at a meeting with representatives from the **European Commission against Racism and Intolerance (ECRI)**. ECRI's report on its third visit to Ireland is due in 2007.

The ICCL continued to work closely with the **National Consultative Committee on Racism and Interculturalism (NCCRI)** in 2006 and the ICCL Director represents the organisation on the NCCRI Partnership Board.



From left to right: At the CEDAW Conference Maeve Taylor, Banulacht; Noeleen Blackwell, FLAC; Shanthi Dairiam, CEDAW; Faustina Pereira, Human Rights Lawyer, Bangladesh and Joshua Castellino, Irish Centre for Human Rights, NUI Galway.

### PROMOTING WOMEN'S RIGHTS

The ICCL has been involved in examining Ireland's obligations under the **UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**.

In March 2006, the ICCL also contributed funding and assisted in the planning of a conference on the application of CEDAW in Ireland. Shanthi Dairiam, an international human rights expert and member of the UN CEDAW Committee discussed

monitoring the implementation of this Convention. Representatives from the National Women's Council of Ireland, the Irish Human Rights Commission, Free Legal Advice Centres and Amnesty International looked at using CEDAW as a legal tool to eliminate discrimination and making it relevant at a local level.

### MONITORING CIVIL AND POLITICAL RIGHTS

As part of its role in monitoring progress in improving civil and political rights, the ICCL made a number of recommendations based on a draft of the Government's Third Report under the International Covenant on Civil and Political Rights (ICCPR).

The recommendations to the Department of Foreign Affairs (DFA), which collated the report on behalf of the Government, included the need to include accurate and detailed statistics, as well as provide a rationale for various legislative/policy changes. The ICCL also attended an ICCPR consultation organised by the Department of Foreign Affairs in late November 2006.

### PROTECTING CHILDREN'S RIGHTS

The ICCL is an active member of the **Children Rights Alliance**, the purpose of which is to secure the implementation in Ireland of the principles and provisions of the UN Convention on the Rights of the Child.



## EDUCATION AND AWARENESS RAISING

In 2006, the ICCL continued to raise awareness of international human rights standards and, in particular, the responsibility of state bodies to comply with the European Convention on Human Rights (ECHR).

- Ireland is one of 46 countries which have signed up to the ECHR, a Council of Europe Treaty, which sets out basic rights and freedoms to which everyone living in a Council of Europe state is entitled.
- In 2003, the ECHR was given further effect in Irish domestic law through the European Convention on Human Rights (ECHR) Act 2003.
- The 2003 Act means that Irish people can raise possible breaches of the Convention through the Irish court system. It also means that the courts must interpret the law in a manner that is compatible with the convention.
- The ECHR Act places legal duties on state bodies to make sure that they act in accordance with European human rights standards.



Human Rights Building, Council of Europe, Strasbourg.

### EXPLORING HUMAN RIGHTS AT THE COUNCIL OF EUROPE

As part of its goal to raise awareness of European human rights standards, the ICCL organised an innovative study visit to the human rights institutions of the Council of Europe in Strasbourg for a group of senior criminal justice professionals and representatives from the non-governmental sector.

The group included senior representatives from the Irish Prison Service, the Office of the Director of Public Prosecutions, the Law Society, An Garda Síochána, Free Legal Advice Centres (FLAC), Gay and Lesbian Equality Network (GLEN) and the Irish Penal Reform Trust (IPRT).

The participants had one important thing in common: the capacity, through their daily work, to improve the extent to which international human rights standards are respected in Ireland.

The visit included attending a European Court of Human Rights hearing and a meeting with Judge Hedigan, the Irish judge on the European Court. The group also met with senior officials from the European Committee for the Prevention of Torture (CPT), the Framework Convention on National Minorities (FCNM), the European Commission Against Racism and Intolerance (ECRI), the Office of the Commissioner for Human Rights, the Venice Commission and the Pompidou Group.





## HUMAN RIGHTS AT THE COUNCIL OF EUROPE ABBREVIATION BUSTER

COUNCIL OF EUROPE BODY	ROLE
ECHR	The European Court of Human Rights makes legally-binding judgments in human rights cases brought by individuals or other States. <a href="http://www.echr.coe.int">www.echr.coe.int</a>
CPT	The European Committee for the Prevention of Torture has powers to visit any place where people are deprived of their liberty, and to make recommendations to governments for positive changes. <a href="http://www.cpt.coe.int">www.cpt.coe.int</a>
FCNM	An expert Advisory Committee monitors the manner in which States comply with the Framework Convention on the Protection of National Minorities, and reports to governments. <a href="http://www.coe.int/minorities">www.coe.int/minorities</a>
ECRI	The European Commission Against Racism and Intolerance monitors racism and discrimination, and reports on its findings to governments. <a href="http://www.coe.int/ecri">www.coe.int/ecri</a>
OCHR	The Office of the Commissioner for Human Rights is an independent institution which promotes awareness of, and respect for, human rights in Council of Europe member states. Mr. Thomas Hammarberg is the current Commissioner for Human Rights. <a href="http://www.coe.int/commissioner">www.coe.int/commissioner</a>
VC	The Venice Commission is the Council of Europe's advisory body on constitutional matters, and an internationally recognised independent legal think-tank. <a href="http://www.venice.coe.int">www.venice.coe.int</a>
PG	The Pompidou Group is a multidisciplinary co-operation forum intended to prevent drug abuse and illicit trafficking in drugs. <a href="http://www.coe.int/pompidou">www.coe.int/pompidou</a>

### SEMINAR ON PROTOCOL 12

Once it enters into force, Protocol 12 of the European Convention on Human Rights will enhance the extent to which the right to be free from discrimination is protected by the ECHR. As part of a campaign to encourage the Irish Government to ratify this Protocol, the ICCL organised a seminar in May 2006 to underline its possible impact on inequalities in service provision and immigration. The Protocol is a freestanding equality guarantee to the ECHR, which protects individuals from discrimination in relation to enjoying rights under national law and public authorities carrying out their legal obligations (including when using discretionary powers such as grant making and any other act, or failure to act, by a public authority).

Speakers at this event included Gay Moon, Head of the Equality Project at the UK NGO, Justice, and Dr Siobhan Mullally, Senior Lecturer at the College of Business and Law at the National University of Ireland, Cork.



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## Promoting Justice

### The ICCL campaigns for:

- effective, accountability structures for the Gardaí that have the trust of the public, and effective, proportionate police powers
- effective penal policy not focused on incarceration, particularly in the area of youth justice
- effective training and accountability for the judiciary, specifically in the area of equality, racism and human rights



## Garda Reform and Human Rights

For several decades, the ICCL has been campaigning for measures to render An Garda Síochána a truly accountable and human rights compliant police service. Now that the measures envisaged by the Garda Act 2005 are beginning to take effect, it is more important than ever that the ICCL remains closely engaged with the reform process.



A number of ICCL activities in 2006 highlighted the need to mainstream human rights considerations into Garda policy and practice. These included providing human rights training for senior officers, producing a short guide to the implementation of the human rights aspects of the Morris Tribunal reports, and offering strategic human rights advice to the Garda Commissioner, through membership of an expert panel. The ICCL has also highlighted the need for Garda reform through its communications activities.

### HUMAN RIGHTS SEMINARS FOR SENIOR GARDA MANAGERS

In September and October 2006, the ICCL organised a series of human rights seminars to explain the implications and requirements of the ECHR Act 2003 to senior Garda managers. Over 50 managers (Chief Superintendents and above) participated in two phases of seminars, which focused on the operational policing implications of the ECHR Act 2003. Using innovative scenario-based methods, ICCL trainers, Mark Kelly and Professor Jim McManus (Glasgow Caledonian University) led in-depth discussions on a range of themes including equality/non-discrimination, protecting the public, use of force, public order, arrest and the pre-trial period, detention and victims' rights.



Mark Kelly speaking at an ICCL Human Rights Seminar for Senior Garda Managers (seated, Professor Jim McManus)

During the third phase of training, participants were challenged to apply the human rights knowledge acquired during the first two phases of the programme to a range of real Garda documentation, including guidance manuals and operational plans. Written feedback from Garda managers indicated that they perceived a clear need for all Garda policies and practices to be human rights proofed. The training programme was evaluated independently by Dr Mary O'Rawe, an eminent human rights lawyer, who concluded that, "Overall, this developmental intervention has all the hallmarks of best practice".



## HUMAN RIGHTS PROGRAMME FOR GARDA TRAINERS

In July and November 2006, the ICCL also co-facilitated a human rights training programme for Garda trainers, which took place in the Garda Training College in Templemore. This two part programme provided trainers with a general background on human rights and explained how Garda trainers could incorporate human rights into their training programmes.

It is hoped that these seminars and training initiatives will be the first in a series of ICCL events run in cooperation with An Garda Síochána in the context of the implementation of the Garda Commissioner's Human Rights Action Plan.

## IMPLEMENTING MORRIS

In November 2006, the ICCL published *Implementing Morris; An Agenda for Change – Placing Human Rights at the Core of Policing in Ireland*. The report summarises the human rights-related recommendations of the first five Morris Tribunal reports, and outlines six action points for change based on those recommendations. These are: Garda management and human rights proofing; civic oversight – the need for a Garda authority; Garda accountability; a fresh approach to Garda recruitment and training; legal power of superintendents to issue a search warrant, and handling of Garda informers/informants and covert policing.

The ICCL sent copies of the report to the Tánaiste and Minister for Justice, Equality and Law Reform, Michael McDowell, T.D., and held a number of briefing meetings with opposition spokespeople on justice. The report was released to coincide with a series of Dáil “statements on accountability, discipline and training within An Garda Síochána”. This resulted in opposition spokespeople endorsing the report’s recommendations during their Dáil statements.

Subsequently, the Tánaiste wrote to the ICCL to indicate that he “welcomes the ICCL’s report and its input to the debate on policing” and provided a lengthy outline of the progress that he considers has been made in respect of each of the report’s six action points.





## STRATEGIC ADVICE

From the end of 2006, the Director represented the ICCL on the Garda Strategic Human Rights Advisory Committee. This expert group advises the Garda Commissioner and senior Garda management on how to implement human rights initiatives, promote human rights policies and procedures and ensure that best human rights practice is at the core of policing. Chaired by Assistant Commissioner Catherine Clancy, the Committee includes representatives from the Irish Human Rights Commission, the Equality Authority, Amnesty International (Irish Section), An Garda Síochána and the Department of Justice, Equality and Law Reform.

## CAMPAIGNS & COMMUNICATIONS

Throughout 2006, the ICCL implemented a communications campaign to highlight its priorities and recommendations for Garda reform.

In July 2006, the ICCL called for an urgent human rights review of the use of lethal force by Gardaí as part of a media campaign around the publication of the Barr Tribunal report on the fatal shooting of John McCarthy in Abbeylara. The Director was interviewed on the News at One on RTE Radio and the Six One News on RTE TV.

### THE IRISH TIMES

*Minister must ensure human rights principles will underpin Garda reform*

#### More work required to make Garda a fully accountable force

The Morris report shows the Garda needs more significant reforms than those already proposed, writes Mark Kelly

**T**he Morris tribunal found itself "staggered by the extent of indiscipline and insubordination it has found in the Garda force".

The tribunal has spent more than four years painstakingly investigating a number of Garda investigations, arrests and detentions in Donegal between October 1996 and May 1999. Among its findings are that

tribunal's view that "proper discipline has been lost" and that "without a management structure being restored to the Garda that is based on strict compliance with orders, and immediate accountability, the danger is serious that what the tribunal has reported on in Donegal will be repeated and that such conduct will multiply if allowed to go unchecked".

one particular "comparable police service", the Police Service of Northern Ireland (PSNI). However, certain key elements of policing reform in Northern Ireland have not been replicated here. The Peters Commission report provided a human rights-based blueprint for reform of the PSNI. Although the Garda Síochána has been the subject of a human rights

In August 2006, the ICCL's campaign and communications activities around the publication of the Morris Report included issuing two press statements, media interviews and an opinion article by the Director which was published in the Irish Times. This campaign resulted in high profile media coverage including interviews with the Director on the News at One, Six One News and Nine News on RTE TV and RTE Radio, Morning Ireland, the Last Word (Today FM) and Sky News Ireland.

The ICCL also issued a press statement in September 2006 responding to the Garda Commissioner's statement to the Morris Tribunal reports, which resulted in coverage on 5-7 Live (RTE). The Director also wrote an opinion article which appeared in the Irish Independent and discussed Morris and Garda reform on the Vincent Browne programme on RTE Radio.

## FOSTERING LONG-TERM CHANGE

The relationship between a body such as the ICCL and the Garda Síochána is never likely to be a wholly comfortable one, nor should it be. As an independent human rights watchdog, the ICCL has a clear duty to highlight deficiencies in the human rights performance of our police service, without fear or favour. Nonetheless, through training, awareness-raising and other strategic interventions, the ICCL remains fully committed to making a positive contribution to mainstreaming human rights considerations into Garda policy and practice.





## Criminal Justice

**One of the ICCL's major objectives is to ensure that individuals' rights are properly protected in the criminal justice process and that human rights are mainstreamed in the administration of justice.**



The Four Courts in Dublin

The Criminal Justice Bill 2004 was debated extensively in the Houses of Oireachtas in spring 2006. At Committee Stage, the Minister for Justice, Equality and Law Reform introduced a number of new amendments, based on little or no prior consultation or research.

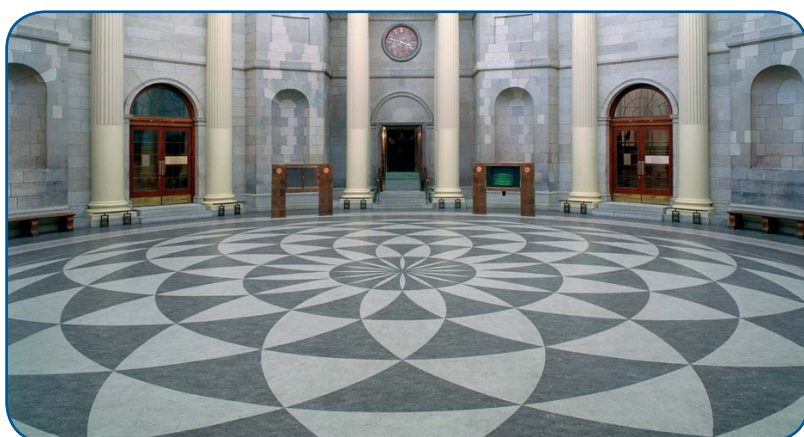
The ICCL was one of the only NGOs to respond to provisions in Criminal Justice Bill by preparing a legislative policy paper highlighting respects in which the Bill failed to meet Ireland's human rights obligations. This paper was widely disseminated and covered issues such as: search warrants, increased powers of detention, DNA and bodily samples, admissibility of certain witness statements, organised crime and Anti-Social Behaviour Orders (ASBOs). Representatives from the ICCL also addressed the Oireachtas Committee on Justice, Equality, Defence and Women's Rights in March 2006 in order to draw attention to the Bill's deficiencies.

The ICCL's activities resulted in some success. Opposition spokespersons put forward amendments for consideration based on the ICCL's policy paper and the Minister withdrew an amendment allowing Garda Superintendents to issue search warrants for arrestable offences.



## Judicial Independence and Accountability

Monitoring the independence and accountability of the judiciary, specifically in the area of human rights, is an important strand of the ICCL's work. Throughout 2006, the ICCL conducted major research on the extent to which these aspects of the judicial function in Ireland meet international human rights standards.



The Four Courts in Dublin

The ICCL singled out this research area because the European Convention on Human Rights (ECHR) was recently given further effect in Irish law through the ECHR Act 2003. In addition, the Government is currently preparing legislation to establish a new Judicial Council, which will have a role in managing judicial studies, comparing information on sentencing and overseeing a new complaints mechanism.

Given the subject matter of the research, a special effort was made to consult with members of the judiciary. Facilitated by the Courts Service, interviews took place with 16 Irish judges from the lower courts, the superior courts and with a judge from an international court.

The findings from the research are being written up as two separate papers. The first focuses on international human rights standards on judicial independence and assesses the adequacy of Irish law in light of this international framework.

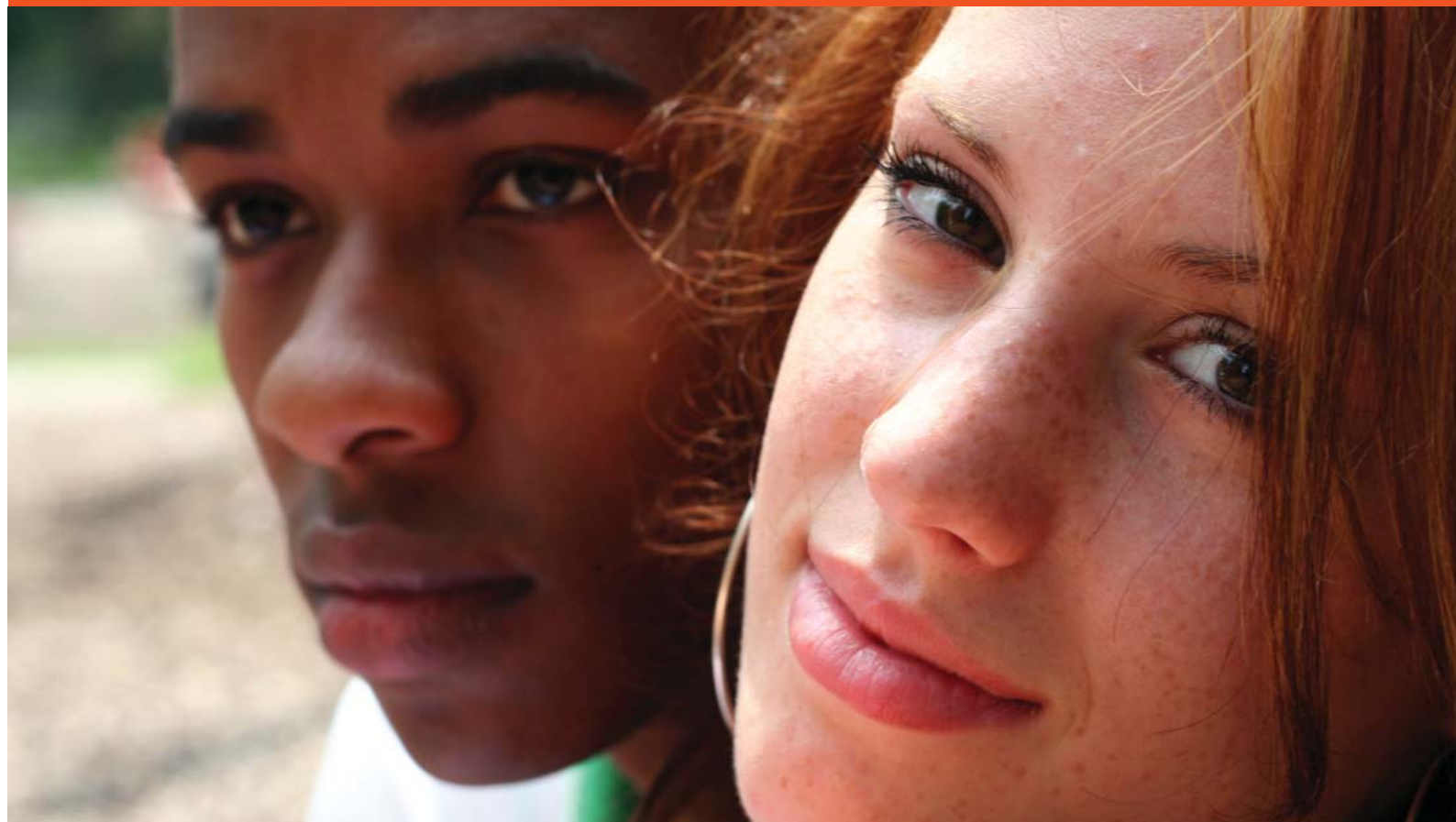
The second report examines how the judiciary upholds and interprets international human rights law in the Irish courts. The first paper is due to be published in summer 2007, and the second paper later in 2007.

Chaired by Senior Counsel, Aileen Donnelly, the project benefited from having an Advisory Group comprised of experienced practitioners, NGOs and a former member of the judiciary. The ICCL is very grateful to all of the members of the advisory group for their ongoing support.





Irish Council for  
**Civil Liberties**



## Securing Equality

### The ICCL campaigns to secure:

- equality proofing of law and policy
- effective advocacy for marginalised communities
- recognition for all of equal rights in personal and family relationships



## Equality for All Families

Securing recognition for equal rights in personal and family relationships is a core policy objective for the ICCL.



Professor Kader Asmal with children from the Central Model Infant School at the Equality for All Families launch

In April 2006, the ICCL made a submission to the Working Group on Domestic Partnership (the “Colley Group”), which was established by the Minister for Justice to consider legal options for the recognition of non-marital families, including same-sex couples and non-conjugal relationships.

In May 2006, the ICCL published its report *Equality for All Families*, which outlines the need for Constitutional and legislative changes in order to bring the protection of family life in Ireland into line with international best practice.

The report was launched in the Mansion House in Dublin by Professor Kader Asmal, Co-Founder and first Chairman of the ICCL and a former Minister

in the first democratic South African Government. Media coverage included a special feature on the conference on 2 FM’s Newsbeat programme, interviews with the Director on all the major Dublin radio stations as well as print coverage in the Irish Times, Irish Independent and Irish Examiner.

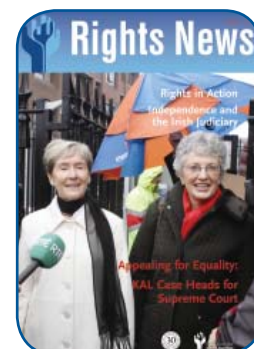
The Government’s Working Group on Domestic Partnerships acknowledged the significance of the Equality for All Families report in its own report in November 2006. The Group’s report outlined a range of options to recognise non-marital families and also considered the situation of children and marriage for same-sex couples.

The Law Reform Commission also recognised the importance of the ICCL’s report in *Rights and Duties of Cohabitants*, which was published in December 2006.

### ICCL SUPPORTS KAL CASE

Throughout 2006, the ICCL supported the High Court challenge taken by Drs Katherine Zappone and Anne Louise Gilligan in order to have their Canadian marriage recognised under Irish law.

In December 2006, Mrs Justice Elizabeth Dunne ruled that same-sex marriage could not be recognised within the Irish Constitution. In response, the ICCL issued a press release indicating its disappointment at the decision and stating that the High Court had missed an opportunity to place equality considerations ahead of a vision of marriage that is grounded in the past. The ICCL will continue to support Drs Zappone and Gilligan as their case heads for appeal in the Supreme Court.





## Equality Coalition

The ICCL continues to work towards the establishment of an effective **Equality Coalition**, a network of organisations with the common goal of advancing equal access to rights and services for all. In May 2006, the ICCL completed an independent research survey, which identified key benefits and possible models of working in a coalition to progress a public agenda for equality.

In November, the ICCL organised a meeting for Coalition members to review the research and since that time has developed a potential strategy for the Equality Coalition listing key areas on which the Coalition could research, campaign and lobby. A principal aim of the Equality Coalition will be to enable groups to work on equality measures with a united voice and to respond to attacks by the Government on existing anti-discrimination law.

The ICCL is also a member of the **community and voluntary pillar** of the **Equality Authority**.



## Communications

In May 2006, the ICCL appointed a full-time Campaigns and Communications Officer to work with other staff members to develop and implement a communications strategy in relation to its three core areas of work: fostering a human rights culture, promoting justice and securing equality.

### BUILDING THE ICCL'S PROFILE

From January to the end of December, the ICCL issued twenty six press releases to print and broadcast media (national and local) on a range of issues including international human rights standards, criminal justice, Garda reform, partnership rights, children's rights and immigration. This, together with associated interviews, ensured that the ICCL was featured regularly in the media and that human rights remained on the political agenda and at the centre of public debate.



### VISUAL IDENTITY

The ICCL's 30th Anniversary celebrations included the launch of a new visual identity. The Campaigns and Communications Officer was responsible for ensuring this new logo and identity was applied to all of the organisation's communications materials including letterheads, PowerPoint presentations, the website, the ICCL newsletter, a new fundraising leaflet and all research and policy publications.

### RIGHTS NEWS

In the autumn, the ICCL launched **Rights News**, its newly designed newsletter which was distributed to members, supporters and friends. The aim of the newsletter is to provide information about the ICCL's campaigns and activities, acting as a resource for those working within the human rights sector, while keeping ICCL members and supporters informed.



### WEBSITE

In November 2006, the ICCL commenced the redevelopment of the ICCL website to increase its visibility and overall communications output, as well as to fundraise in a more public and active way. The new website, which will be launched in 2007, will increase awareness and support for ICCL campaigns and enable visitors to donate on-line and download research and other policy documents.

Further information on specific campaigns and communications activities is set out in the sections: Fostering a Human Rights Culture, Promoting Justice and Securing Equality.



## Fundraising

**During 2006, the ICCL received the majority of its funding from the Atlantic Philanthropies (AP), as part of its programme to support reconciliation and human rights. This has enabled the organisation to recruit much-needed new staff and to move into purpose designed premises.**

The funding has enabled the ICCL to broaden the scope of its work and to increase its capabilities in communications, campaigns, fundraising, policy and research. This will assist the organisation in achieving its long term objectives, making a significant impact on the lives of people who cannot fully enjoy their rights.

The ICCL has set the goal of self-sustainability by 2015 as part of its long-term strategy. This will ensure that it remains a genuinely independent organisation long into the future, while providing the funds necessary to run the organisation now and in years to come. In July 2006, the ICCL appointed a Fundraising Officer to work with staff members and the Executive to seek out new sources of funding. This process involves engaging with individuals, as well as a limited number of trusts, foundations, companies, and grant-giving bodies, in an effort to identify people and organisations with a shared interest in the work of the ICCL who might consider supporting it financially.

In designing a new fundraising programme, a particular effort has been made to ensure that administration costs are kept to a minimum so that the maximum possible proportion of funds raised can be directed towards the work of protecting and promoting human rights.

### ETHICS POLICY & FUNDRAISING GUIDELINES

The ICCL has drawn up an Ethics Policy regarding working relationships with sponsors and funders, and a general Fundraising Guidelines document. These documents provide guidelines for forming partnerships with other organisations and also establish working principles for the ICCL when carrying out general fundraising activities. Both documents are available to members, volunteers, sponsors and supporters, demonstrating the ICCL's commitment to meeting all legal and regulatory requirements for fundraising activities.



## SUPPORTER APPEALS

In November 2006, the ICCL sent an appeal to existing and past donors, which was distributed with the Autumn edition of *Rights News*. The appeal asked recipients to renew their financial support for the ICCL by sending in a donation or by asking a friend or family member to become a supporter of the ICCL. The responses were positive, both raising funds that are needed to run the organisation and setting the stage for successful future fundraising appeals.

## GRANT FUNDING

The ICCL explored a range of funding opportunities from philanthropic trusts and foundations, which would be allocated to specific projects and activities to take place during 2007. Some of the funding which has been sought is to be allocated towards collaborative projects between the ICCL and other organisations. This provides the ICCL and other groups within the NGO sector with the opportunity to pool resources and skills, potentially achieving a greater impact by working together.

## THANK YOU

The ICCL would like to sincerely thank its funding partners, supporters, members, volunteers, and friends for the financial support, energy and dedication given to the organisation during 2006.



## Finances

### MANAGEMENT OF INCOME AND EXPENDITURE

Until 2006, all of the income and expenditure related to the organisation was channelled through the ICCL Association. Towards the end of 2005, a decision was taken by the Executive Committee to establish a new legal entity, a company limited by guarantee.

This entity, called ICCL Ltd, started trading on 1 January 2006. ICCL Ltd employs the staff, runs the day to day operations of the organisation and is responsible for the income and expenditure associated with the activities of the organisation.

Income generated from membership subscriptions is still invested in/received by the ICCL Association.

### INCOME AND EXPENDITURE FOR 2006

The ICCL's total income for the year end 31 December 2006 was €592,078. Total expenditure for the organisation was €534,813. Of the overall expenditure, 71% was spent on campaigns and 29% on building the capacity of, and running, the organisation.





## Irish Council for Civil Liberties Limited

### INCOME AND EXPENDITURE ACCOUNT (for the period ended 31 December 2006)

	2006 * €
<strong>INCOME</strong>	
Grants (includes income transferred over from ICCL Association, donations)	562,321
Publications	3,907
Other income including training	25,850
<strong>Total Income</strong>	<strong>592,078</strong>
<strong>EXPENDITURE</strong>	
Costs of Campaigns	(381,209)
Capacity building, management and administration expenses	153,604
<strong>Total Expenditure</strong>	<strong>534,813</strong>
Operating Surplus	57,265
Tax on Surplus	(7,032)
Retained surplus brought forward	-
Transfer to Existing Projects Commitment Fund	50,233
Surplus Carried Forward at End of Year	0

\* No figures are available for 2005 given that 2006 was the first year of trading.  
The above figures are taken from the ICCL Ltd audited financial statements for the year 2006.



## Irish Council for Civil Liberties Limited

### BALANCE SHEET AS AT 31 DECEMBER 2006

	€	2006 * €
<b>Fixed Assets</b>		
Computer Equipment		14,955
Furniture & Fixtures		12,104
		<b>27,059</b>
<b>Current assets</b>		
Debtors	36,370	
Cash at bank and in hand	64,262	
	<b>100,632</b>	
<b>Current Liabilities</b>		
Creditors: amounts falling due within one year	(77,458)	
<b>Net Current Assets</b>		<b>23,174</b>
<b>Total Assets Less Current Liabilities</b>		<b>50,233</b>
<b>Funds</b>		
Projects Commitment Fund		50,233
<b>TOTAL FUNDS</b>		<b>50,233</b>

\* No figures are available for 2005 given that 2006 was the first year of trading.  
The above figures are taken from the ICCL Ltd audited financial statements for the year 2006.



# Irish Council for Civil Liberties Association

## INCOME AND EXPENDITURE ACCOUNT For the year ended 31 December 2006

	2006 €	2005 €
<b>INCOME</b>		
Grants*	(212,151)	659,441
Income generated from events	0	1,305
Membership fees	8,350	7,661
Donations from supporters	779	1,167
Legacies and big gifts	0	0
Special events	0	1,026
Emergency campaigns	0	0
Other income	35	14,247
	<b>(202,988)</b>	<b>684,847</b>
<i>Special Funds</i>	0	17,000
<b>Total Income</b>	<b>(202,988)</b>	<b>701,847</b>
<b>Expenditure on Activities of Strategic Plan</b>		
Capacity Building	1,143	153,750
Research and Policy Development	0	90,317
Campaigning and Communications	0	79,723
Lobbying and Advocacy	0	47,544
Networking	0	41,724
Fundraising	0	76,300
<b>Total Expenditure</b>	<b>1,143</b>	<b>489,357</b>
<b>Surplus of Income over Expenditure</b>	<b>(204,130)</b>	<b>212,490</b>

\* The funds have been reduced by €212,151 due to grants that were historically accounted for in ICCL Association but not spent as at 31 December 2005. Those grants have been transferred to ICCL Limited and are therefore showing as negative income on the ICCL Association 2006 Income Statement.



# Irish Council for Civil Liberties Association

## BALANCE SHEET AS AT 31 DECEMBER 2006

	2006 €	2006 €	2005 €	2005 €
<b>Fixed Assets</b>		0		0
<b>Current Assets</b>				
Prepayments	0		137,830	
Bank and Cash	8,485		104,952	
		<b>8,485</b>		<b>242,782</b>
<b>Current Liabilities</b>				
Trade Creditors	(125)		(2,066)	
Accruals	0		(26,490)	
VAT	0		(1,446)	
PAYE/PRSI	0		(0)	
Net Wages	0		(290)	
		<b>(125)</b>		<b>(30,292)</b>
<b>Net Assets</b>		<b>8,360</b>		<b>212,490</b>
<b>FUNDS*</b>				
Cashflow carry from 2005		212,490		
Surplus of Income over Expenditure		(204,130)		212,490
		<b>8,359</b>		<b>212,490</b>

\* The funds have been reduced by €212,151 due to grants that were historically accounted for in ICCL Association but not spent as at 31 December 2005. Those grants have been transferred to ICCL Limited and are therefore showing as negative income on ICCL Association 2006 Income Statement.



# Appendix 1

## LIST OF SUBMISSIONS, POLICY PAPERS, RESEARCH REPORTS AND OTHER PUBLICATIONS<sup>1</sup>

### International Human Rights Monitoring

- o January 2006, ICCL Submission to the Government's Consultation on its First Report under the United Nations Convention Against Torture
- o March 2006, ICCL Preliminary Submission to the European Committee for the Prevention of Torture (CPT)
- o May 2006, NGO Alliance Report: One Year On: Comments on the Implementation by the Irish Government of the Concluding Observations of the UN Committee on the Elimination of Racial Discrimination (CERD), (the ICCL co-edited and wrote many sections of this report)
- o June 2006, ICCL Submission to the European Commission Against Racism and Intolerance
- o October 2006, ICCL Submission to the European Committee for the Prevention of Torture (CPT)
- o November 2006, ICCL Preliminary Submission on the Irish Government's Third Report under the International Covenant on Civil and Political Rights (ICCPR)

### Legislative Positions and Consultation Papers

- o April 2006, ICCL Submission on the Criminal Justice Bill 2004
- o April 2006, Submission to the Working Group on Domestic Partnerships, set up under the aegis of the Department of Justice, Equality and Law Reform

### Policy Papers

- o April 2006, Equality for All Families
- o May 2006, An Equality Coalition? An Exploration of the Benefits, Difficulties and Possibilities of Realising a Collective Strategic Voice to Champion Equality in Ireland (commissioned by the ICCL)
- o November 2006, Implementing Morris An Agenda for Change: Placing Human Rights at the Core of Policing in Ireland

### Other Publications

- o May 2006, Protecting Civil Liberties Promoting Human Rights: 30 Years of the Irish Council for Civil Liberties
- o Autumn 2006, Rights News (ICCL Newsletter)
- o October 2006, ICCL Information Leaflet
- o Winter 2006, Rights News (ICCL Newsletter)

<sup>1</sup> These papers are available on the ICCL website: [www.iccl.ie](http://www.iccl.ie)



## Appendix 2

### SPEECHES AND PRESENTATIONS

- o March 2006, 'Using CERD's Observations/Recommendations on Ireland in Policy and Practice', paper delivered to **NGO Conference – Anti-Racism Strategies for Activists and Practitioners: Using ICERD and Other 'Race' Equality Measures**, Croke Park Conference Centre, Dublin.
- o March 2006, 'ICCL Views on the Criminal Justice Bill', presented to the **Oireachtas Committee on Justice, Equality, Defence and Women's Rights**.
- o May 2006, 'Developing Arguments and Strategies', paper delivered to **Improving Sexual Health Services in Disadvantaged Areas: A Rights Based Approach**, organised by the Irish Family Planning Association (IFPA), Clarion Hotel, Dublin.
- o June 2006, 'ICCL Presentation to the CERD Follow Up Co-ordinator', Clarion Hotel, Dublin.
- o July 2006, Presentation on the Committee for the Prevention of Torture, **Briefing on the CPT** organised by the Irish Human Rights Commission, IHRC, Dublin.
- o September 2006, Presentation on Policing in a Multi-Ethnic Society, **Conference for Garda Ethnic Liaison Officers on Ethnic and Cultural Issues**, organised by An Garda Síochána, Tipperary.
- o September 2006, Presentation on the Scheme of the Immigration, Residence and Protection Bill, to the **Migrants Forum - Migrant Rights Centre** in the Teachers Club, Dublin.
- o October 2006, Presentation on the scheme of the Immigration, Residence and Protection Bill, to **Integrating Ireland's National Forum**, Carmelite Centre, Dublin.
- o November 2006, 'The European Convention on Human Rights: The Struggle for Basic Rights', paper for the **Dublin European Institute**, University College Dublin.



Irish Council for  
**Civil Liberties**

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