

# RIGHTS NEWS



Irish Council for  
Civil Liberties



# 45

**YEARS OF ICCL**

From the days of Mary  
Robinson to now: we have  
achieved so much together

2021

SPECIAL EDITION

ICCL AND COVID – HOLDING THE LINE | GARDA REFORM  
SPECIAL CRIMINAL COURT | MOTHER AND BABY HOMES  
BIG TECH UNDER THE SPOTLIGHT | HUMAN RIGHTS FILM AWARDS

**W**e are now approaching two years since the start of the Covid pandemic. This great public health crisis has presented a range of complex human rights issues for everyone, and for ICCL it has presented us with difficult challenges in our work – How we can effectively support the public health efforts to protect the most vulnerable to the disease? How do we hold the Government to account in a time of national crisis? How do we guard against unintended human rights implications of public health measures? How to prevent emergency powers and measures becoming embedded or normalized?



We are very proud that ICCL has played and continues to play a leading role in standing up for principles of human rights and civil liberties during this most difficult time. By being able to react constructively but robustly to every stage of the pandemic and the State response, we have been able to make sure that human rights principles have been heard and debated – even if not always

**“...HOW DO WE HOLD THE GOVERNMENT TO ACCOUNT IN A TIME OF NATIONAL CRISIS? HOW DO WE GUARD AGAINST UNINTENDED HUMAN RIGHTS IMPLICATIONS OF PUBLIC HEALTH MEASURES?...”**

respected by the Government.

This has been possible because of our independence from Government and the financial support of our members which gives us the flexibility to address new issues as they emerge. Your support is what makes us independent, and allows us to make the case for human rights, especially when holding government to account is most difficult.

What you also see in this edition is that other areas of human rights have not gone away – ICCL is working on a wide range of crucial human rights developments that will make a huge impact on the lives of everyone in Ireland, and in some cases globally. Over this period, we have grown with new staff allowing us to expand our work into exciting new areas such as hate crime and artificial intelligence, placing ICCL at the cutting edge of new human rights developments.

This edition of Rights News also marks a happier anniversary, with the 45th birthday of the founding of ICCL by Kader Asmal, Mary Robinson, and a small group of human rights activists in March 1976. We remember those founding members of our organization – some of whom are happily still with us today. We remain inspired by your vision and we try every day to stay true to Kader’s vision: “This Council is being formed to promote human rights, to protect civil liberties, recover them where they have been removed, and enlarge them where they have been diminished.”

**Liam Herrick**  
Executive Director  
Irish Council of Civil Liberties

## About ICCL

**The Irish Council for Civil Liberties is committed to an Ireland that is more just, more free, and where human rights and civil liberties are enjoyed by everyone.**

Fully independent of government and fearless in our advocacy for human rights, we have been at the forefront of all key human rights campaigns in Irish society, making a significant impact on law, policy and public opinion. These have included the campaigns for legal divorce, decriminalisation of homosexuality and for marriage equality; working for equality legislation and institutions; resistance to emergency legislation and the removal of constitutional due process protections; and consistent advocacy for women’s rights, including reproductive rights.

We act as an essential defender of human rights and civil liberties and as an effective champion for the advancement of justice and freedom in Irish society.

Founded in 1976, we have worked tirelessly to defend and strengthen constitutional rights protections and to ensure the full implementation of international human rights standards. We draw on the tradition of civil liberties activism in many countries, including the civil rights movements in Northern Ireland, the United Kingdom and the United States. Domestically focused and internationally informed, we have developed strong partnerships with civil society organisations in Ireland and networks and alliances with similar organisations internationally.

For more information, visit our website: <https://www.iccl.ie>

# COVID VACCINES

## – A MATTER OF ACCESS AND OF CHOICE

**I**CCL is a pro-science, pro-vaccine organisation. But above everything else, we are a human rights organisation. We have taken a position against vaccine passports and vaccine mandates because of the impact they have on the rights to equal treatment, to bodily integrity, and to privacy.

**Equality:** We are deeply concerned about people who cannot receive a vaccination and have been locked out of society as a result. If a person with a health condition or disability cannot receive a vaccination because of it, then the vaccine passport system could run contrary to national and European law on equality of treatment for people with disabilities.

Vaccine mandates and vaccine passport systems may also disproportionately impact communities which are historically

distrustful of the State. This could include Traveller and Roma people, people of colour, and migrant people. Enforcing vaccine mandates through fines, as in Austria and Greece, will disproportionately impact on poorer people.

**Privacy:** It is deeply problematic that people should have to share details of their health status to gain access to society. The addition of a testing facility would go some way to alleviating the impact of vaccine passports on privacy and on equality.

**Bodily integrity:** No-one should ever be coerced or forced into medical treatment. Historically, the people most impacted by vaccine mandates have been people from oppressed backgrounds. Vaccine mandates may further entrench fear and distrust in historically affected communities. Additionally, coercive or mandatory

policy may well be counter-productive, as evidenced by low vaccine uptake in countries where mandates were in place pre-covid.

### First World Problems?

However, as we in the Global North argue over the choice to take a vaccine, in the Global South, access to vaccines remains the issue. ICCL is part of The People's Vaccine campaign advocating that Big Pharma should share the vaccine recipe so that low-income countries can make their own vaccines. If that were to happen it would not be a question of choosing between boosters in high-income countries and first jobs for global healthcare workers, because there would be enough for everyone.

Add your name to the call at:  
[peoplesvaccine.ie](https://peoplesvaccine.ie)



## ICCL & COVID – HOLDING THE LINE

**I**t has been a difficult and stressful year. From the four month lockdown at the beginning of the year to the increase in cases and the emergence of the Omicron variant at the end of it, it feels like the pandemic will never end.

The good news is that human rights law provides a blueprint for how to calmly react in times like these.

ICCL fully supports the public health effort. But it's also our job to ensure that

human rights in Ireland are protected. Throughout the year, we've called out measures that go too far. We've held our line since the beginning.

We were particularly opposed to mandatory hotel quarantine, excessive police powers, and the way legislation was rushed through the Dáil time and

time again. We called for blanket bans on protest and worship to be lifted and guidelines on pandemic-safe alternatives introduced.

We also spoke up when some groups – older people, immigrants, Travellers, children, women – suffered much more than others because of the restrictions.

**“...THE GOOD NEWS IS THAT HUMAN RIGHTS LAW PROVIDES A BLUEPRINT FOR HOW TO CALMLY REACT IN TIMES LIKE THESE...”**

### ⚙️ MORE INFORMATION:

For even more info, read our May 2021 report:

<https://www.iccl.ie/wp-content/uploads/2021/06/Human-Rights-in-a-Pandemic.pdf>

# GUARD OUR RIGHTS!

## THE ICCL CAMPAIGN FOR GARDA REFORM



**Head of Legal and Policy, Doireann Ansbro speaks to the Oireachtas Justice Committee about garda reform**

**I**n 2021, three new garda reform bills were published. We've advocated for a lot of the reforms but these bills are not perfect.

These bills deal with garda oversight, police powers, and digital recording. ICCL made detailed submissions to the Oireachtas Justice Committee on each bill. We also appeared before the Justice Committee on the garda oversight bill and the digital recording bill, as part of its scrutiny of the Bills.

### OVERSIGHT – NEED FOR SUPERVISION BY AN INDEPENDENT BODY

ICCL's call on oversight is clear: An Garda Síochána must be subject to scrutiny by an effective, sufficiently resourced, and empowered independent body. The reform of current oversight bodies like GSOC is an essential component of Garda reform.

For example:

- Retired gardai shouldn't be inves-

tigating current gardai

- Investigations should have real teeth, meaning adequate powers and consequences
- Investigations shouldn't be 'leased back' for investigation by the gardai

But the gardai are objecting to this legislation. We're making sure that everywhere their objections are covered, our arguments for oversight are also covered. We're keeping the pressure for real reform on our politicians.

### DIGITAL RECORDINGS

This Bill proposes to expand the gardai's digital surveillance powers. That's an

issue because not only is the right to privacy a bedrock right for many of our other rights including freedom of expression, but police surveillance affects some communities much more than others.

We're particularly concerned about the proposal to introduce body-worn cameras and potentially include facial recognition technology in garda CCTV at the Oireachtas Justice Committee.

We've long been opposed to body-worn cameras in general and have kept them off the streets so far.

### POLICE POWERS

ICCL made a detailed submission on the new police powers Bill to the Department of Justice during its consultations on the Bill. We called for the powers of search, arrest and detention to comply with best practice human rights standards. This means respect for privacy, liberty and dignity should always be at the forefront of a gardai's mind when exercising these powers.

When the Bill was published in 2021 we made another detailed submission, this time to the Justice Committee.

We're concerned at proposals to introduce expanded powers of arrest for gardai, extended search powers that don't meet international best practice, and a proposed extension to detention times. We'll continue to advocate for better respect of our rights when police use their significant powers on any of us.

Thanks for your support, which has allowed us to keep an eye on developments in Irish policing for 45 years now.

**"...WE'RE MAKING SURE THAT EVERYWHERE THE GARDA OBJECTIONS ARE COVERED, OUR ARGUMENTS FOR OVERSIGHT ARE ALSO COVERED. WE'RE KEEPING THE PRESSURE FOR REAL REFORM ON OUR POLITICIANS..."**

## LEFT OUT IN THE COLD – WHY REFORM OF THE CORONERS' SYSTEM IS NECESSARY AND URGENT

**W**e all hope we will never end up in the coroner's system. The coroner investigates deaths in tragic circumstances, something no family should have to go through. But we also hope that if we or our loved ones need the coroner's service, that we will find a compassionate and effective system.

Unfortunately that's not what families find.

In April ICCL launched a groundbreaking report on the failings of Ireland's system of investigating deaths. We found these serious failings compound grief and suffering.

One family told our researcher Phil Scra-

**"...GRIEVING FAMILIES ARE MARGINALISED AND SIDELINED BY THE CORONERS' SYSTEM. THAT'S WHY REFORM OF THE SYSTEM IS ONE OF ICCL'S PRIORITIES FOR 2022...."**

ton "For the past sixteen years we've been trying to find out what happened to him"

Another family member said: "if you think this system is capable of finding out what happened to your relative because it is a really good system? Think again."

Grieving families are marginalised and sidelined by the coroners' system. That's why reform of the coroners system is one of ICCL's priorities for 2022.

Informed by the experiences of families, we have 53 recommendations for

reform. The first, and most important, is our call for a Charter for the Bereaved. This Charter should be informed by families and loved ones who have experienced this system.

In October, ICCL campaigned for the government to earmark just €270,000 for the Charter for the Bereaved in the Budget. They didn't.

That just means we need to campaign even harder. Watch out for how you can support this campaign in 2022.

## THE SPECIAL – DENYING FAIR TRIAL RIGHTS FOR HALF A CENTURY

**A**s a supporter of ICCL, you likely believe in fair trial rights. Like us, you probably believe that people are innocent until they are proven guilty, and that everyone is entitled to a trial before a jury of their peers.

But did you know that the Special Criminal Court denies those rights?

The Special Criminal

Court – a non-jury court – is a stain on our justice system. Don't believe the government spin. It's not just "bad guys" that can end up at the Special. Part of the problem is that there are no checks on how someone ends up there in the first place. It could be you or me.

ICCL and our members have been campaigning to abolish the Court since 1976. In fact, it's one of the reasons ICCL exists.

And now, we have a

chance to end it once and for all.

Fifty years after it was first established as a Court to deal with the Troubles, the government is finally reviewing its use. This is our chance to end the use of the Special forever.

We are organising legal professionals against the Special Court. We've also made a submission to the

**The Special**



review process. We're doing media work.

All of this is possible because ICCL is fully independent of government, thanks to your support.

**"...FIFTY YEARS AFTER IT WAS FIRST ESTABLISHED AS A COURT TO DEAL WITH THE TROUBLES, THE GOVERNMENT IS FINALLY REVIEWING ITS USE. THIS IS OUR CHANCE TO END THE USE OF THE SPECIAL FOREVER...."**

# 45 YEARS OF ICCL - THANKS FOR BEING WITH US

**M**any of our members and donors know the 45 year history of our movement. But newer activists may not. Over 45 years together, we've shaped a better, more inclusive Ireland. Read on.

## Foundation – 30 June 1976

"This Council is being formed to promote human rights, protect civil liberties, recover them where they have been removed, and enlarge them where they have been diminished."

These are the words of Kader Asmal – founder of the Irish Anti-Apartheid Movement and later Minister for Education in Mandela's South Africa – as he and others established ICCL. Alongside Asmal was none other than Mary Robinson, later President of Ireland and UN High Commissioner for Human Rights, and several other civil rights activists.

## Early Days - 1970s

The issues of concern at that first meeting were garda reform; legal aid; women and children's rights; the rights of psychiatric patients; and ending capital punishment.

Against a backdrop of draconian emergency measures to deal with violence in the North, ICCL established ourselves as a voice against police brutality and state over-reach.

Mary Robinson remarked of those days: "I recall the passion with which we addressed twin challenges: The need to create political and personal space in Ireland through reform of the Constitution and laws, and the need to affirm standards of civil liberties in the context of the increasing violence in Northern Ireland."

## 1980s – contraception, gay rights, divorce & abortion

ICCL was always at the forefront of societal change. We opposed the 1983 insertion of the 8th amendment into the Constitution. The amendment, which put the Constitutional right to life of a foetus on an equal footing with that of a woman, would go on to cause suffering and death over the next 35 years.

ICCL took up the issue of gay rights early on, and elected Senator David Norris to the Executive. We established a working group on the issue. Norris took a case to the European Court of Human Rights in 1988 and won, setting in motion the process that would lead to decriminalisation of homosexuality.

ICCL was a founder member of the Divorce Action Group in 1980, having published The Case for Divorce in the Irish Republic the year before. We campaigned for the 1986 divorce referendum.

In the 1980s ICCL withstood accusations of giving succour to paramilitaries

because of our loud opposition to Section 31 of the Broadcasting Act, which empowered the relevant Minister to prevent the broadcast "of any particular matter, of any particular class". ICCL maintained the law struck "at the heart of a democratic system of free expression". ICCL also opposed moralistic state censorship, including of publications such as Gay News and The Joy of Sex.

An ICCL pamphlet Innocent Until Proven Guilty helped prevent a 1983 move to introduce detention for interrogation and curtailing the right to silence.

## 1990s

ICCL published *Equality Now* in 1990 calling for complete equality for lesbians and gay men. When homosexuality was decriminalised in 1983, one of the co-authors of that pamphlet, Chris Robson, said "here was a clear victory which transformed thousands of lives. It was as if there were 200,000 new citizens that day."

The previous decades' work on Travellers' rights and rights for people with disabilities also bore fruit in the 90s. Discrimination was outlawed on 9 grounds, including sexual orientation, disability, and membership of the Traveller community.

The X case precipitated a referendum on providing information and travelling for abortion. ICCL expressed "extreme concern" at judicial willingness to sus-

## ICCL: KEY MOMENTS



1976: Foundation

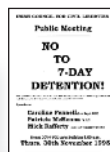
1980: ICCL helps establish the Divorce Action Group

1983: ICCL opposes 8th amendment



1992: Equal Status Act outlaws discrimination on protected grounds

1992: X-case leads to abortion referendum. ICCL campaigns for a yes vote to allow victims of rape travel for abortion



1990s: ICCL campaigns for divorce and reproductive rights

1970s: ICCL campaigns for civil rights in Northern Ireland and garda reform in the South

1980s: ICCL campaigns for gay rights. ICCL opposes Section 31 of the Broadcasting Act and other moralistic censorship decisions



pend the freedom of movement of a 14-year old rape victim who wanted to travel for an abortion. We called for a yes vote to allow such travel.

1994 saw the repeal of Section 31 of the Broadcasting Act which ICCL had opposed since our inception.

The murder of Veronica Guerin and rise in gangland activity saw the reintroduction of seven-day detention, one of the things ICCL had eradicated in the 80s. ICCL opposed it again, suggested alternatives, and eventually the practice was ended.

### 2000s

In 2002, government proposed to allow abortion where a woman's life was at risk except in the case of suicide. ICCL called instead for full repeal of the 8th amendment.

ICCL opposed the 2004 Citizen Referendum, which left children of foreign-born parents on an unequal footing with their peers.

The establishment of an Ombudsman for complaints against the Police (GSOC) in 2004 was a huge win for ICCL and for anyone who had ever experienced mis-

treatment at the hands of a garda. ICCL had campaigned for an independent complaints body since 1976.

To read more about ICCL's achievements, including campaigns against marital rape and child sex abuse, over our first three decades, see here: [https://www.iccl.ie/wp-content/uploads/2017/11/booklet\\_2006.pdf](https://www.iccl.ie/wp-content/uploads/2017/11/booklet_2006.pdf)

### 2010s

This decade delivered seismic progressive change for Irish society. Decades of work by ICCL and others on LGBTI+ rights and abortion, both hugely unpopular issues at the time, paid off.

ICCL and two other organisations lead the Marriage Equality campaign in 2015, securing equal marriage for gay couples. In 2018, ICCL was part of the Together for Yes campaign which finally repealed the 8th amendment and brought in abortion for any reason up to 12 weeks gestation.

ICCL continued our work for equality, focusing on hate crime and on victims' rights within the Court system.

Work on freedom of expression continued, with ICCL supporting artists' freedom of expression and successfully

campaigning for the repeal of blasphemy as a Constitutional offence.

### ICCL Today

ICCL leads ambitious programmes of work on garda reform, fair trial rights, equality, women's rights, privacy, and freedom of expression. We are currently expanding work on the complex human rights issues that arise in the digital sphere. All the time we are true to our founding values – issues such as the right to protest and the Special Criminal Court remain at the heart of our work. We also apply our founding principles of due process, equality before the law, and the need for democratic accountability to new challenges such as those presented by Covid-19.



Left: Ivana Bacik speaking at Under the 8th, an ICCL event in the last week before the referendum to repeal the 8th



Above: Citizenship Referendum protest



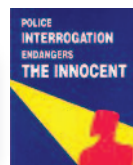
1996: divorce legalised by referendum

1994: Repeal of Section 31

1993: decriminalisation of homosexuality

2002: ICCL urges a no vote in the abortion referendum and calls for repeal of the 8th amendment

2004: GSOC established



2015: Marriage Equality

2018: Repeal of the 8th Amendment

### 2000s

2000s: ICCL campaigns for migrant rights, keeps pressure on for garda reform and reproductive rights

### 2010s

2010s: ICCL keeps up work on equality and freedom of expression

# MOTHER AND BABY HOMES

**I**n January's edition you read about our reaction to the **Mother and Baby Homes Commission report, and how it fell short of international human rights standards.**

Since then, we've been campaigning for proper recognition and redress for survivors.

On the *Day of the Right to Truth* in March, we wrote to the UN expert on the right to truth, justice, reparations and guarantees of non-recurrence with our analysis of how the state was failing survivors. Over the summer, we met with the UN Special Rapporteur on trafficking in persons, especially women and children, and the Special Rapporteur on the sale of children and sexual exploitation.

In November, these and five other UN human rights experts wrote to the government demanding a human rights based approach that would recognise the harm done as human rights violations and provide proper redress.

Also in March, we went before the Oireachtas Committee tasked with investigating mass graves such as those at Tuam and Bessborough. We told them legislation to allow exhumations – including a proposal not to carry out inquests and the exclusion of sites where there are suspected burial sites – would not deliver truth or justice. They are now redrafting the Bill.



©Auguste Blanqui

We also made recommendations for how a redress scheme could operate. Unfortunately the redress scheme which was announced contains serious gaps, particularly in its exclusion of people who spent less than six months in the homes. Many of these people were separated from their families forever or endured horrific abuse, so it's very difficult to understand how the government came to this decision.

In June we again called for survivors of forced adoption to get full access to information about themselves and their families. Failure to do this is an ongoing violation of their rights. This is the reason ICCL does not use the term "historic" when referring to the rights violations associated

with the Mother and Baby Homes.

And in the latter part of the year, we again brought these ongoing rights violations to the attention of the UN via the Universal Periodic Review of Ireland at the UN Human Rights Council. We secured commitments to action from the government. In 2022, ICCL's task will be to see that those commitments are honoured.

There is a huge resistance from the State to providing real recognition and redress for survivors. It is exhausting for survivors to have to do it. That's why it's important organisations like ICCL, and others, are able to speak up alongside them. Thanks for your continued support.

## WOMEN DESERVE ADEQUATE HEALTHCARE

**I**n 2018, the people of Ireland came together and repealed the 8th amendment. We voted for compassion and dignity. We affirmed that reproductive rights are human rights. We took a stand and said everyone deserves to access healthcare in

**safety, dignity and privacy.**

But around Ireland, pregnant people and their loved ones are facing stigmatisation, shaming and even intimidation as they try to access reproductive healthcare.

Around the country pickets and intimidation have meant that some healthcare providers are not signing up

to provide abortion services, limiting access across the Island.

This isn't what we voted for. That's why ICCL is campaigning for safe zones where abortion is provided. The Oireachtas is currently debating new legislation brought by our partners in the campaign, *Together for Safety*.

The right to peaceful

protest has always been important to ICCL - but it should never extend to harassing or impeding access to healthcare.

Thanks to everyone who has supported this campaign so far. Together we can ensure access to healthcare in safety, dignity, and privacy.



## HATE CRIME – DON'T LOOK THE OTHER WAY

**H**ate crimes are crimes motivated by prejudice against people because of their actual or perceived membership of a particular group. Groups who often find themselves targeted by these crimes include LGBTI+ people, Travellers, and people of colour.

Hate crimes are message crimes, intended to frighten, intimidate and silence entire communities. Society as a whole suffers as a result, yet Ireland has no laws to protect our communities from these crimes.

As a result of years of ICCL campaigning, the government is currently working on legislation to protect our communities from hate crime. This is an opportunity to send a clear counter-message to hate. It's an opportunity for the government to say to our communities who have been targeted by hate crime: you are not alone. We see you and we hear you.

ICCL made two detailed submissions on the new legislation. We made one as ICCL which sought to balance defendant's and victims' rights. The other submission was on behalf of the Coalition Against Hate Crime, which represents the main groups affected by



hate crime in Ireland.

One serious problem is that government is including new hate crime laws in the same legislation as reform of old hate speech laws. Hate crime and hate speech are related but different and must be treated separately in law. ICCL is working hard to make sure prohibition of hate speech in Ireland is restricted to only the most extreme forms of hate speech, such as incitement to genocide and propaganda for war.

Watch out for ways you can support the campaign for hate crime laws in 2022.



**Luna Lara Liboni leads our work on equality and hate crime**

## THE PUBLIC SERVICES CARD – BEGINNING OF THE END?

**I**CCL members have been campaigning against the Public Services Card for years. It targets people most dependent on access to Government assistance, it has no clear basis in law, and it is not a necessary or proportionate tool for reducing welfare fraud and error.

In 2021, the HSE hack illustrated why it's such a bad idea for government agencies

to maintain huge databases of information about people without proper safeguards.

So we were glad when, in December, the Department of Social Protection withdrew its appeal against the Data Protection Commission's findings on the Public Services Card.

By withdrawing this appeal, the DPC's 2019 findings on the card now stand. Other public sector bodies can no longer compel you to get a PSC in order to access public services. Alternative

means to provide proof of identity must be accepted and those alternatives may be online or offline.

The Department must now stop its blanket and indefinite retention of information obtained from people during the application process, and instead retain that data for just six months.

Thirdly, the Department must update its privacy policy to be more transparent about what personal data it processes when someone applies for a PSC; how that

personal data is processed; and to what end.

This is a win for the privacy and data protection rights of people living in Ireland. We're now looking forward to Data Protection Commission's report on the Department's use of facial recognition tech for the card. If the Department is found to have been using this tech illegally, it could spell the end of the card altogether.

# ICCL IS TAKING BIG TECH TO COURT



**O**nline advertising causes the world's biggest data breach, known as Real Time Bidding. ICCL is going to court in Germany to stop it.

Our lawsuit takes aim at Google, Facebook, Amazon, Twitter, and the entire online advertising and tracking industry, by challenging industry rules.

We're taking the industry body, IAB TechLab, to task. Included in our evidence is their rulebook for building secret dossiers about everyone. These dossiers can include your mental health conditions, financial situation, and even whether your child has special needs. By litigating in Hamburg against IAB TechLab, and others, ICCL is attempting to force the entire online advertising industry to change.

ICCL is independent of government, and of big business. With your support we can challenge Big Tech like this.

## **Bogus consent pop-ups declared illegal thanks to ICCL case**

In November, ICCL heard that we may have won the first legal battle in our fight to clean up the internet. It appears that "consent" spam will be declared unlawful by the Belgian Data Protection Authority. We now have to wait until the decision is ratified by GDPR enforcers across the EU.

The IAB Europe is the body that designed the meaningless consent pop-ups that plague Europeans on the internet. Our evidence showed that, no matter what you clicked, the

online tracking industry were going to use your data anyway.

In proceedings coordinated by ICCL, the Belgian Data Protection Authority is close to adopting a draft decision that will find IAB Europe's "consent" pop-up system infringes the GDPR, vindicating our arguments over several years.

The reason for our win is partly because of the ad system (Real Time Bidding) that tracks and broadcasts our behaviour and real-world locations to thousands of companies, billions of times a day. There is no way anybody who really understood it could consent to such a huge data breach.

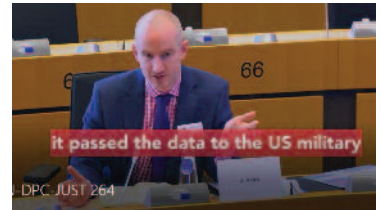
Don't worry, we've taken a case against Real Time Bidding too.

## **Why is the Data Protection Commission not doing its job?**

The data free-for-all that's happening online right now would lead you to think it's a Wild West. But that's not the case. In the EU, we have gold-standard privacy laws. The Irish DPC should be holding Irish-based Big Tech to account using the GDPR.

Three years after the GDPR came into force, we produced a report showing that the Data Protection Commission is the bottleneck of enforcement against Big Tech across the EU. Almost all (98%) major GDPR cases referred to Ireland remain unresolved.

We campaigned for the government to include money for DPC reform in the



**Dr Johnny Ryan tells an EU Parliamentary Committee what nefarious data brokers do with internet users' data**

Budget. They didn't. But this report means they can no longer run from our calls for reform. ICCL is putting pressure on the Irish Government, and on the European Commission, to change this. We have just launched a complaint against the European Commission at the European Ombudsman for its failure to hold the Irish Government to account.

## **ICCL launches new programme of work on AI**



**Kris Shrishak is leading our work on artificial intelligence**

As new technology continues to gallop ahead of lawmakers, ICCL has launched a new programme of work on artificial intelligence (AI). We are working on the forthcoming EU law on AI by identifying errors and proposing fixes to protect our fundamental rights. Members of the European Parliament have welcomed our contribution. We are also working in coalition to prohibit dangerous systems such as social scoring, emotion recognition, predictive policing. 

## IRELAND – A DIFFICULT ENVIRONMENT FOR CHARITIES AND NGOS?

**D**id you know that in Ireland, the advancement of human rights isn't legally considered a valid charitable purpose for an organisation under the 2009 Charities Act?

Some human rights organisations can get around this if they can show they also work on issues like poverty or education. Others have to set up separate legal entities which can look suspicious to funders. Yet others may fall at the first hurdle and

decide to not establish an organisation at all.

The irony is that human rights organisations – that by definition are concerned with matters of public interest and public benefit – are prevented from being more closely regulated. If we could register as charities, we would be subject to the Charities Regulator.

The mind boggles. And yet somehow, political parties are able to apply to the courts to be categorised as charities in order to raise funds. And that's not the only anomaly. The Electoral Act forbids any organisation to accept donations or

voluntary work above the value of €100 if they are going to use it for "political purposes". Organisations like ICCL who regularly meet politicians and submit written input on draft legislation could very easily fall foul of this law. Many of our peer organisations already have.

Ireland is the only long-established democracy in Europe with such laws. We're campaigning for change on both these issues. We have to be careful about how we do it, so you won't see us shouting about it. We deeply appreciate your support which allows us this flexibility. 📍

## FREEDOM OF EXPRESSION COUNTS

### – BOTH ONLINE AND OFF

**A** new law is coming, designed to keep us all safer online. While ICCL applauds this initiative, we're pretty concerned about some aspects of the law in its current form.

There's a freedom of expression risk – the Bill proposes to make certain forms of speech which are legal offline, illegal online.

The law is also very vague in parts, vague enough that it might be hard for people to know what is or isn't allowed, or to foresee with accuracy the consequences of our behaviour online. The threshold for cyberbullying is extremely low.

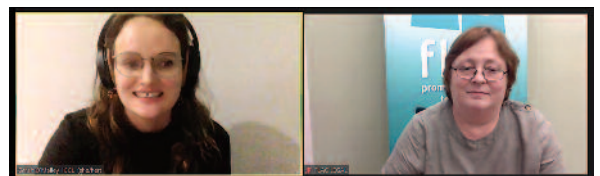
There's a serious threat to privacy, with the suggestion that the proposed new Media Commission might regulate private messages for illegal content. It's not clear how they would do this.

We brought these concerns to the relevant Oireachtas Committee before the publication of the Bill. 📍

**IRISH COUNCIL FOR CIVIL LIBERTIES**

**ONLINE SAFETY & MEDIA BILL BRIEFING**

- FREEDOM OF EXPRESSION RISK**  
The Bill could restrict online speech that's legal offline.
- VAGUE DEFINITIONS**  
Law may not be clear enough to allow people to regulate their behaviour and foresee consequences of actions.
- THREAT TO PRIVACY**  
It's not clear how the Media Commission will regulate private messages for illegal content?
- NEW POWERS**  
Internet users could be subject to new regulatory codes.



ICCL's Sarah O'Malley and Eilis Barry of FLAC at a joint event on reforming legal aid

## RIGHTS ON FILM 2021

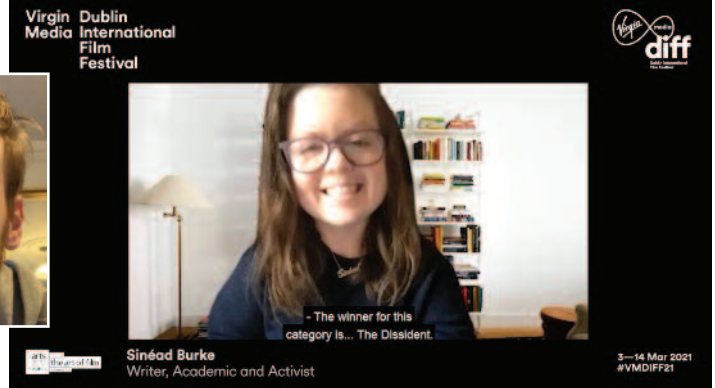
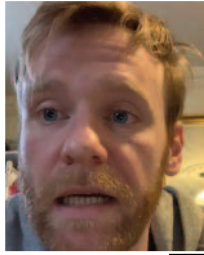
**T**he Dissident, a documentary film directed by Bryan Fogel, won the Irish Council for Civil Liberties (ICCL) Human Rights Film Award in March 2021.

The documentary followed the shocking case of Jamal Khashoggi, the murdered journalist and prolific critic of Saudi Arabian governance. The award was presented as part of the Virgin Media Dublin International Film Festival.

The winning film was decided by a five-strong jury chaired by advocate, educator and ICCL member

Sinéad Burke. Sinéad was joined on the panel by actor Brian Gleeson (inset), campaigner and podcaster Andrea Horan,

Direct Provision activist and ICCL Board Member Bulelani Mfaco and film director/writer Aoife Kelleher. 



## ICCL SECURES GOVT PROMISES ON TORTURE & ENFORCED DISAPPEARANCES

**E**very four years Ireland goes before its peers at the UN and hears recommendations on how it can improve its human rights record. In the lead-up to this Universal Periodic Review (UPR), Ireland provides a report to other States.

The state report normally highlights human rights advances.

ICCL led a coalition of NGOs to submit an alternative report, highlighting where the state is failing. Two of our main recommendations were

that Ireland should act to prevent abuse, and to secure justice for victims of forced adoption.


Ireland has signed but not ratified an important anti-torture treaty, the OPCAT. This treaty mandates a human-rights focused independent inspection mechanism that would prevent torture and abuse. Such a mechanism would improve living conditions in Direct Provision centres, nursing homes, prisons, and care homes. It could have prevented abuse such as that which came to light at the Árd Gréine centre in Donegal recently.

ICCL has campaigned for ratification of OPCAT and such independent inspections for 14 years. At the UPR, Ireland committed to ratifying OPCAT by the end of 2021.

Ireland is one of the few countries globally which has not signed the UN Convention on Enforced Disappearances. This treaty would provide an important roadmap for survivors of the system of forced adoption and human trafficking which operated in twentieth century Ireland. ICCL has called for action on enforced disappearances for years. At the UPR, Ireland committed to signing and

ratifying this treaty.

Our coalition also helped secure commitments from government to outlaw hate crime and address hate speech; to improve access to housing and reduce homelessness, especially for Travellers, Roma and migrants; to loosen restrictions on abortion; and to end racial profiling and discrimination.

ICCL will continue to campaign to make the vision of justice, equality and decent treatment outlined in human rights treaties a reality in Ireland. The world is watching. 

## RIGHTS NEWS



Irish Council for  
Civil Liberties

RIGHTS NEWS  
SPRING 2020

PUBLISHED BY ICCL  
THE IRISH COUNCIL  
OF CIVIL LIBERTIES

Irish Council for Civil Liberties,  
Unit 11, First Floor, 34,  
Usher's Quay, Dublin 8

Phone: +353-1-912 1640  
Email: [info@iccl.ie](mailto:info@iccl.ie)

[www.iccl.ie](http://www.iccl.ie)

ICCL would like to thank our funders and supporters who make our work possible:

Sigrid Rausing Trust; The Open Society Foundation; AI Fund; The Community Foundation for Ireland; Luminare; The Irish Human Rights and Equality Commission; The European Commission; Rethink Ireland Equality Fund

ICCL would like to especially thank the Friends of ICCL and ICCL's members for your ongoing support. It's your support that ensures we are able to fight every day for an Ireland that we can all be proud to call home!