



# Ireland's Human Rights Record under the Spotlight

Implications of the United Nations Universal Periodic Review  
Programme

Saturday 22 October 2011  
Presidents' Hall, Law Society of Ireland, Blackhall Place, Dublin

**IHRC**  
AN COMISIÚN UM CHEARTA AN DUINE  
IRISH HUMAN RIGHTS COMMISSION



*Law Society of Ireland*

**On 6 October 2011, Ireland's record on human rights came under the United Nations spotlight. For the first time, Ireland was scrutinised by the Member States of the United Nations Human Rights Council under the Universal Periodic Review (UPR) process. By 22 October the Human Rights Council will have published draft recommendations aimed at strengthening human rights protection in Ireland.**

The UPR is a new process involving a review of the implementation of all human rights – civil, political, social, economic and cultural – once every four years, in all 192 UN Member States. Three reports inform the review: the State's report, a report compiling the views of 'stakeholders' – including the IHRC's views as the National Human Rights Institution, and a report prepared by the UN itself.

Many of the gaps in human rights protection raised in reports on Ireland are not new and have been highlighted in reports to UN human rights treaty monitoring bodies before. Already in 2011, the State's record on racial discrimination and in combating torture, cruel, inhuman and degrading treatment has come under scrutiny at UN level and a series of recommendations to improve human rights protection have been made.

The conference will open with an overview on the UPR and its implications for human rights protection in Ireland. These implications will then be explored in more detail on a thematic basis in parallel sessions. The themes to be addressed include human rights of women, Travellers, prisoners, people with disabilities and people experiencing poverty.

**“The Universal Periodic Review is breaking new ground... Facing human rights problems is the first step, acting to fix them moves us forward on the path of progress.”**

**Ban Ki-Moon,  
Secretary General of  
the United Nations,  
Geneva, 25 January  
2011**

The session on Women's Rights will discuss the issue of the rights of women and girls in Magdalene laundries and the rights of migrant women employed as domestic workers. The protection offered by human rights standards and equality legislation will be considered.

The rights of many members of the Traveller community are not respected in Ireland. Issues such as recognition of Traveller culture and their nomadic way of life as well as the implications of discrimination on Traveller health and well-being will be discussed.

The UN Convention on the Rights of Persons with Disabilities has still not been ratified by Ireland. The session will examine what barriers – if any – remain for its ratification and the importance of human rights standards at legislative, policy and practice level to protect the rights of people with disabilities.

There has been inadequate action by the State to ensure human rights are respected in prisons and places of detention. It is well documented that Ireland has some appalling prison conditions and a large prison population. Ways of addressing chronic overcrowding and reducing the prison population through alternative sentencing policy will be discussed.

The economic crisis has put increasing numbers of people at risk of poverty and has increased the number of people unable to afford basic necessities. The State's human rights obligation to protect the most vulnerable will come under scrutiny in this session in terms of the policy and budgetary choices it makes.

# Ireland's Human Rights Obligations under the Spotlight

## MORNING SESSION

Time	Event	Speakers
10.00	Welcome	<b>John Costello,</b> President, Law Society of Ireland  <b>Dr Maurice Manning,</b> President, Irish Human Rights Commission
10.10 – 11.30	Plenary Session  Chair of Session	<b>Ireland's Human Rights Record: Implications of the Universal Periodic Review</b>  <b>John Costello,</b> President, Law Society of Ireland
10.10-10.25	Opening Address	<b>Éamonn Mac Aodha,</b> Chief Executive, Irish Human Rights Commission
10.25-10.40	Keynote Address	<b>Anastasia Crickley,</b> Member, UN Committee on the Eradication of Racial Discrimination
10.40-10.55	Presentation	<b>Deirdre Duffy,</b> Your Rights – Right Now, NGO UPR Coalition
10.55-11.10	Questions & Answers	
11.10-11.30	Drama	<b>Acting Out for Hope &amp; Change</b> Migrant Rights Centre Ireland, Domestic Workers Action Group
11.30	Break: Teas, coffees and sandwiches will be served in your chosen session room	

## MIDDLE SESSION

12.00 - 13.30	Session 1	Session 2	Session 3	Session 4	Session 5
Theme	Women's Rights	Traveller's Rights	Human Rights in Prisons & Places of Detention	Human Rights-based approach to tackling poverty	Human Rights of People with Disabilities
Chair	<b>Susan McKay,</b> Director, National Women's Council of Ireland	<b>Professor William Binchy,</b> School of Law, Trinity College Dublin	<b>Mrs Justice Catherine McGuinness</b>	<b>Professor Gerry Whyte,</b> School of Law, Trinity College Dublin	<b>John Dolan,</b> Director, National Disability Federation of Ireland
Panelist	<b>Dr Katherine O'Donnell,</b> Justice for Magdalenes	<b>Martin Collins,</b> Co-Director, Pavee Point	<b>Mr Justice Michael Reilly,</b> Inspector of Prisons	<b>Professor PJ Drudy,</b> Dept of Economics, Trinity College Dublin	<b>Dr Eilionoir Flynn,</b> Senior Research Fellow, Centre for Disability Law and Policy, National University of Ireland, Galway
Panelist	<b>Siobhán O'Donoghue,</b> Director, Migrant Rights Council Ireland	<b>Siobhán Cummiskey,</b> Solicitor, Irish Traveller Movement	<b>Michael Finucane,</b> Solicitor	<b>Candy Murphy,</b> Social and Economic Policy Consultant	<b>Donal Toolan,</b> Disability Activist
Panelist	<b>Geraldine Hynes,</b> Solicitor, Equality Authority	<b>Clr Ruairi McGinley,</b> Dublin City Council	<b>Liam Herrick,</b> Executive Director, Irish Penal Reform Trust	<b>Noeline Blackwell,</b> Director General, Free Legal Advice Centres (FLAC)	<b>Mary Van Lieshout,</b> Head of Research and Standards Development, National Disability Authority

## AFTERNOON SESSION

<b>13.30 – 13.45</b>	<b>Annual Human Rights Essay Prize 2011</b>	
	Certificates awarded	Member of the Human Rights Committee, Law Society of Ireland
<b>13.45 – 14.20</b>	<b>Plenary Session</b> Chair	<b>Éamonn Mac Aodha,</b> Chief Executive, IHRC
<b>13.45 – 14.05</b>	Closing Address	<b>Carol Coulter,</b> Legal Editor, Irish Times
<b>14.05-14.20</b>	Closing	<b>Colin Daly,</b> Chair, Human Rights Committee, Law Society of Ireland

## SPEAKER BIOGRAPHIES

### John Costello, Law Society of Ireland

John Costello is a Consultant in the Private Client Department of Beauchamps Solicitors. John is currently President of the Law Society of Ireland. He is a former Chairman of the Law Society Committees on Probate and Taxation and Law Reform. John is a former Committee Member of the Law Society Committee on Mental Health and Disability and of the Commission on the Status of People with Disabilities. He is also a director of St. Michael's House. He is author of a best-selling textbook entitled, "Law and Finance in Retirement" published in March 2000. The second edition of this book was published in September 2002. John also chaired a Law Society Law Reform Group which produced a major work on charity law in July 2002. This report recommended a radical overhaul of charity legislation. Many of its recommendations were incorporated in the Charities Act 2009.

### Dr Maurice Manning, Irish Human Rights Commission

Dr Maurice Manning (IHRC) was first appointed as President of the Irish Human Rights Commission in 2002, and reappointed in 2007 for a further five year term. He previously lectured in politics in University College Dublin where he is currently Adjunct Professor in the School of Politics and International Relations. He is Chancellor of the National University of Ireland, and has been a member of the Governing Authority of the European University Institute at Florence. Dr Manning has written several books on modern Irish politics. He was a member of the Oireachtas for twenty-one years, serving in both the Dáil and the Seanad. He has been a member of the New Ireland Forum and the British-Irish Inter Parliamentary Body. He has served as both Leader of the Seanad and Leader of the Opposition in that House.

### Éamonn Mac Aodha, Irish Human Rights Commission

Éamonn Mac Aodha was appointed as Chief Executive of the Irish Human Rights Commission in December 2007. Prior to that, he was Director of Human Rights for the Irish Department of Foreign Affairs from 2004 and previously served as Human Rights Officer at the Permanent Mission of Ireland to the United Nations in Geneva. In his role as Director of Human Rights he was responsible for reporting by Ireland to the United Nations on its human rights record and for driving human rights aspects of Irish foreign policy. Called to the bar in 1990, he has worked on political, aid, trade and Anglo-Irish issues with the Department of Foreign Affairs and has served on diplomatic postings at the Irish Embassies to the Holy See, South Africa and Israel.

### Anastasia Crickley, CERD Committee

Anastasia Crickley is Head of the Department of Applied Social Studies in NUI Maynooth which plays a leading role in education and training for social justice and rights work. She was Chairperson of the National Consultative Committee on Racism and Interculturalism (NCCRI) until December 2008 and is a founder member of the Irish Commission

for Prisoners Overseas and of the Migrants Rights Centre Ireland. She has long been involved in work with Travellers in Ireland through Pavee point (National Travellers Centre) which she co-founded and chairs, as well as other groups including the National Traveller Women's Forum. Anastasia was first Chairperson of the European Union Fundamental Rights Agency 2007 – 2011 and served as Personal Representative of the Chair in Office of the OSCE on Combating Racism, Xenophobia and Discrimination from 2004 – 2008. She is actively involved with Council of Europe and United Nations initiatives in the fields of Human Rights and Discrimination. In January 2010, she was elected to the UN Committee on the Elimination of Racial Discrimination which is responsible for monitoring of the implementation of the CERD. Anastasia was appointed to the Council of State by Mary McAleese, President of Ireland for the period 2004 – 2011.

### Deirdre Duffy, Irish Council for Civil Liberties

Deirdre Duffy joined the Irish Council for Civil Liberties (ICCL) as Research and Policy Officer in 2007. In addition to her wider role, she is the project manager for the Universal Periodic Review (UPR) campaign, Your Rights Right Now on behalf of the ICCL. She is the author of several reports and papers on human rights, equality and justice issues, including Taking Liberties: The Human Rights Implications of the Balance in the Criminal Law Review Group Report and A Better Deal: The Human Rights of Victims in the Criminal Justice System. She holds an LLM in Human Rights Law and International Criminal Law from the University of Edinburgh and an MSc in Human Rights and Politics from University College Dublin. She is a barrister and has previously worked as a policy advisor with the Scottish Executive Justice Department and as a legal researcher in the Houses of the Oireachtas.

### Acting Out for Hope and Change

This is a series of powerful and provocative dramatisations scripted and performed by members of the Domestic Workers Action Group (DWAG) supported by Migrant Rights Centre Ireland. The performance examines the hopes and realities of the women, who all share one common experience of being migrant women living and working in the homes of their employers. 'Acting Out for Hope and Change' raises questions about the treatment of migrant women who perform essential 'Care Work' in our society today.

### Susan McKay, National Women's Council of Ireland

Susan McKay joined the National Women's Council of Ireland in 2009 as CEO and led its campaign against budgetary cuts. As CEO of the NWCI, she chairs the Irish Observatory on Violence Against Women. She is also on the steering committee of the Community Foundation Women's fund, the "Telling Women's Stories" project Ballymun, the "Turn Off the Red Light" Campaign against prostitution and she convenes the Consultative Group for National Action Plan on UN Resolution 1325. Susan is one of

Ireland's best known journalists and commentators; winning several major awards for her writing. Before becoming a writer, Susan worked in the community and voluntary sector.

#### **Dr Katherine O'Donnell, University College Dublin**

Dr Katherine O'Donnell is a Senior Lecturer in Women's Studies at the School of Social Justice, University College Dublin. Among her academic prizes are the UCD President's Teaching Award, University of California at Berkeley Chancellor's Prize for Prose, and Fulbright Fellowship for postgraduate study at Boston College. She is a member of the teaching faculty on the Erasmus Mundus programme in Women's Studies at the University of Granada and she was a Visiting Teaching Fellow at the University of Senshu in Tokyo (April-August 2008). Dr O'Donnell has published extensively on the history of (European) sexuality and Irish cultural studies. She is currently Principal Investigator on an EU anti-gender based violence project, with partners in the University of Naples and Madrid. She joined the advisory committee of Justice for Magdalenes in June 2010.

#### **Siobhán O'Donoghue, Migrant Rights Centre Ireland**

Siobhán O'Donoghue is the Director of the Migrant Rights Centre Ireland (MRCI). The MRCI is a national organisation concerned with the rights of migrant workers and their families. She has worked for many years in community sector organisations at local and national level. Siobhán is a former member of the National Economic and Social Council and has previously represented the Community Platform in social partnership talks. She is the Chairperson of the Community Workers Coop and a Board member of the National Womens Council of Ireland. Siobhán is the author of 'Private Homes - A Public Concern,' a report detailing the experiences of migrant women employed in the private home, and co-author of 'Accessing Redress for Exploitation: The experiences of migrant workers'.

#### **Geraldine Hynes, Equality Authority**

Geraldine Hynes is a solicitor with the Equality Authority and has represented claimants in a range of cases in employment and service provision under all grounds protected by equality legislation. She lectures in the Law Society at undergraduate and post graduate level and also presents regularly to seminars and conferences throughout the country. She provides training to NGOs and national organisations involved in equality and human rights work both in Ireland and abroad. Geraldine is a member and past chair of the Employment and Equality Law Committee of the Law Society and is also on the committee of the Employment Law Association of Ireland.

#### **Professor William Binchy, Trinity College Dublin**

Professor Binchy is Regius Professor of Laws at Trinity College Dublin. He has been a special legal adviser on family law reform to the Department of Justice, preparing legislation on family maintenance, protection of the family home and domestic violence. Professor Binchy was a Commissioner of the Irish Human Rights Commission from 2001 to 2011. As Research Counsellor to the Law Reform Commission, he advised on reform of law relating to the status of children. He was a consultant to the late Mr Justice Dermot Kinlan, former Inspector of Prisons and Places of Detention.

#### **Martin Collins, Pavee Point**

Martin Collins is co-director and a co-founder of Pavee Point Travellers' Centre, a national NGO comprised of Travellers and members of the majority population working in partnership to attain human rights for Irish Travellers. Martin coordinates the development of policy positions in all areas of Pavee Point's work and is the chief spokesperson for the organisation. He represents Pavee Point on a range of national government committees, whose purpose is to implement the recommendations of the 1995 Task Force on the Traveller Community. He is Ireland's representative on the European Roma and Traveller Forum and a former Human Rights Commissioner.

#### **Siobhán Cummiskey, Irish Traveller Movement Law Centre**

Siobhán Cummiskey is the managing solicitor of the Irish Traveller Movement Independent Law Centre. She is a member of the Human Rights Committee of the Law Society of Ireland and a course contributor to the Law Society Certificate in Human Rights Law. Siobhán is also on the board of directors of the Irish Council for Civil Liberties where she holds a brief in equality. Siobhán has worked with human rights organisations in the UK, India and Africa. She holds a LL.M. in Human Rights Law from the University of Nottingham and is a member of the bar in the State of New York.

#### **Cllr Ruairi McGinley, Dublin City Council**

Ruairi McGinley is politically experienced as a councillor on Dublin City Council from 1995 onwards for Crumlin Kimmage ward. He was a general election candidate for Fine Gael in 1997 and 2011. He is a chartered accountant by profession. He has experience working in private industry for 20 years.

#### **Mrs Justice Catherine McGuinness**

Mrs Justice Catherine McGuinness was the President of the Law Reform Commission from 2005-2011 and has been a judge of the Circuit Court (1994-1996), of the High Court (1996-2000) and of the Supreme Court (2000-2006). She was called to the Irish Bar in 1977 and to the Inner Bar in 1989. Her main practice as a barrister was in the family law area. In addition to her legal and judicial career, she has served on An Bord Uchtála (the Adoption Board), the Voluntary Health Insurance Board, the National Economic and Social Council, the Second Commission on the Status of Women, and has chaired the National Social Services Board, the Board of the National College of Art and Design, the Employment Equality Agency, the Kilkenny Incest Investigation and the Forum for Peace and Reconciliation.

#### **Judge Michael Reilly, Inspector of Prisons**

Judge Reilly served as Judge of the District Court from 1982 to his appointment as Inspector of Prisons in 2008. As Inspector of Prisons, he has published Standards for the Inspection of Prisons and Reports on International Best Practice on issues such as cell size, obligations owed to prisoners, use of special cells, complaints procedures, disciplinary procedures, prisoners healthcare and deaths in custody. Judge Reilly was a Judge of the Special Criminal Court from 1992 to 2008. In 1991 he presided as a Sole Member of a Judicial Inquiry which investigated the deaths of fishery officers in Ballycotton. In 1999 he established the Nenagh Reparation Project. He chaired the Criminal Justice Sub Group of the National Crime Council from 1999 to 2007. He is a member of the International Penal and Penitentiary Foundation.

#### **Michael Finucane, Michael Finucane Solicitors**

Michael Finucane, the current Vice-Chairperson of the Law Society Human Rights Committee, is the principal of the firm Michael Finucane Solicitors. He qualified as a solicitor in 2000 and has worked in most fields of litigation, with particular emphasis on criminal defence, judicial review, Coroner's Inquests and civil and constitutional actions against the State. He completed a post-graduate course in advocacy at the John Marshall Law School, Chicago, in 2002, where he graduated first in the class of JD candidates. He is a former chairperson of the Irish Council for Civil Liberties and has appeared as an NGO delegate before the United Nations Human Rights Commissions in Geneva and the UN General Assembly in New York.

#### **Liam Herrick, Irish Penal Reform Trust**

Liam Herrick has been Executive Director of the Irish Penal Reform Trust since November 2007. Before that he was the first Senior Legislation and Policy Review Officer with the Irish Human Rights Commission, a position he held for four years. He has a broad range of experience in the NGO and State sector, having worked with the Irish Council for Civil Liberties, the Department of Foreign Affairs and the Law Reform Commission.

### **Professor Gerry White, Trinity College Dublin**

Gerry Whyte is a Professor in Trinity Law School and a Fellow of Trinity College. The author and co-author of books on public interest law, constitutional law and trade union law, he has also edited books on aspects of law and religion and Irish social welfare law and has published extensively in the areas of public interest law, constitutional law, social welfare law and labour law. He is also active in a number of social justice and legal aid organisations and is a former member of the Steering Group of Irish Council of People with Disabilities and the Commission on Assisted Human Reproduction.

### **Professor PJ Drudy, Centre for Urban & Regional Studies, Trinity College Dublin**

P.J. Drudy is currently Director of the Centre for Urban and Regional Studies and Emeritus Professor of Economics at Trinity College, Dublin. He is Chair of the National Institute for Intellectual Disability. He also held the posts of Senior Dean and Bursar at Trinity. He has published books on urban and regional change, urban regeneration and policy and housing and has also been published widely in journals. He has been a consultant to the European Commission Directorate General- Regional Policy on the impact of cohesion policy and to TASC and Amnesty on the economic case for human rights.

### **Candy Murphy**

Candy Murphy is a Social and Economic consultant. She has a degree in Economic and Sociology and an M.Litt in Economics from Trinity College, Dublin. Since establishing her own consultancy company in 2005 Candy has carried out a number of consultancy assignments for public, private and community-based organisations in Ireland as well as for the EU. Until recently Candy worked on a part-time basis as Policy & Research Manager in One Family, a leading national organisation for one-parent families in Ireland. Over the 12 years that Candy was Principle Consultant in Goodbody Economic Consultants she was responsible for a wide range of research, policy and evaluation studies in the area of both economic and social policy. Candy has a long-standing interest in human rights and issues relating to poverty and social exclusion and has written and commented extensively on these issues.

### **Noeline Blackwell, FLAC**

Noeline Blackwell is a solicitor and the director of the Free Legal Advice Centres (FLAC). FLAC is a non-governmental human rights organisation which promotes the right of equal access to justice for all.

### **John Dolan, Disability Federation of Ireland (DFI)**

John Dolan has been Chief Executive of the Disability Federation of Ireland since 2000 during a period that has seen development of the National Disability Strategy (NDS). John has led DFI in its engagement with Government through social partnership structures and specifically on the development and implementation of the NDS. DFI has also led the drive to embed better governance and collaborative working to

increase organisational capacity across the voluntary disability sector. John continues to serve on Boards such as the NDA, HEA, The Wheel and EASPD. John is a member of the Chartered Institute of Secretaries and the Chartered Institute of Personnel and Development.

### **Donal Toolan**

Donal Toolan is an activist, actor, and broadcast journalist. He was a founder of the Forum of people with Disabilities in 1990. He was involved in negotiating with Government the establishment of a Commission on the Status of People with Disabilities published in 2006. He has served as a member of the executive of the Irish Council for Civil Liberties, a member of the Democracy Commission and the Information Society Commission and was a board member of the European Anti Poverty Network and International Service (Ireland). He was awarded National Broadcast Journalist of the Year in 1993 and has published, broadcast and written across a broad range of media.

### **Mary Van Lieshout, National Disability Authority**

Mary Van Lieshout is Head of Research and Standards Development at the National Disability Authority (NDA). NDA has developed a comprehensive body of research to underpin its evidenced based advice to Government on disability policy and practice. Mary took up her post in the NDA in 2002 following her role in the former Eastern Regional Health Authority where she was Service Planner for Disability Services. She has an M.Sc. in Community Health from Trinity College where her thesis investigated health behaviours among low income settled and Traveller women in peri-urban Dublin; she has also just completed a Masters in International Relations at Dublin City University where her thesis focused on state reserving behaviour on UN treaties, including the UN Convention on the Rights of People with Disabilities.

### **Carol Coulter, Irish Times.**

Carol Coulter is Legal Affairs Editor of The Irish Times, which she joined in 1986. She worked as acting London and Belfast editor and as deputy news editor before becoming Legal Affairs Correspondent in 2000. A winner of a National Media Award for coverage of the cases of the Birmingham Six and the Guildford Four, and a Justice Media Award for her coverage of family law issues, she is the author of a number of books and articles on culture, feminism and society in Ireland. Her most recent book is Family Law in Practice, published in 2009 by Clarus Press. In 2006/2007 she took leave of absence from The Irish Times to run a pilot project on the reporting of family law for the Courts Service. She holds BA (Mod) and Ph.D. degrees in English from Trinity College, and a Dip. Legal Studies and M.Phil. in law.

### **Colin Daly, Northside Community Law Centre**

Colin Daly is the Chair of the Human Rights Committee and the Managing Solicitor at Northside Community Law Centre. The Law Centre was the first community based law centre established in Ireland which works to protect and develop legal, social and economic rights.

**To confirm your place at this timely Conference, please RSVP to Ms. Anthea Moore, Law Society of Ireland, Blackhall Place, Dublin 7. Email [a.moore@lawsociety.ie](mailto:a.moore@lawsociety.ie) Tel. 01-6724961**

# IHRC

AN COIMISIÚN UM CHEARTA AN DUINE  
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