



## *Law Society of Ireland*

Welcome by John Costello, President of the Law Society of Ireland

IHRC and Law Society of Ireland, 8<sup>th</sup> Annual Conference  
*Emerging Human Rights Issues*

Saturday 20 November 2010

Members of the Judiciary,  
Members of the Profession,  
Distinguished Guests,

It gives me great pleasure to welcome you all here today to open the eighth Annual Human Rights Conference. Over the past eight years, the Irish Human Rights Commission and the Law Society of Ireland have embraced a number of human rights issues and last years' conference addressed the broad topic of Economic, Social and Cultural Rights.

We are particularly honored this year to welcome Mr Michael O'Flaherty, Member of the United Nations Human Rights Committee, as our keynote speaker. I would also like to welcome Minister Mary White who will give our opening address and Dr Lydia Foy as our guest speaker.

This conference aims to provide us all here with the unique opportunity to discuss five current human rights issues. The topics for discussion are: lesbian, gay, bisexual & transgender (LGBT) rights; immigration & human trafficking; data protection & retention; business & human rights, and the environment & human rights. There will be two plenary sessions, to open and to close the conference. The mid-morning session will include five panels tailored individually to the specific themes, at which colorful and lively discussion will be encouraged.

## Introduction

Let me begin by saying - Human rights are for everyone. In Ireland we're right in the middle of new and exciting times for human rights protection. We are experiencing a time of rapid global change, which presents novel and complex challenges for the protection of human rights. It is now that we should take the opportunity to develop the human rights architecture necessary to ensure real and effective protection.

The Irish Human Rights Commission (IHRC) and the Law Society of Ireland have a role to play in examining emerging issues that impact on human rights and widening the public debate on them.

The issue of LGBT Rights will be addressed. The right of adults to enter into consensual marriage is enshrined in international human rights standards. Article 16, Universal Declaration of Human Rights (UDHR), states:

*Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.*

In Ireland, Civil Partnership between individuals of the same-sex has been recognised as an issue in which fundamental human rights are involved. The denial of equal civil recognition of same-sex relationships may result in the denial of a range of other human rights, for example the rights to housing and social security. Individuals in same-sex relationships often experience discrimination on the basis of their sexual orientation or gender identity.

Today, a focus will be placed on the implications of the Civil Partnership Act, 2010 and the progress in Ireland in terms of gender recognition will also be discussed.

There will be a panel discussion on Immigration & Human Trafficking. From the very earliest days of humankind people have always been on the move. Although migration is not a new issue, the increasing number of people on the move has created new human rights issues. Immigration is something that occurs in every country across the globe. The way in which we deal with this issue is vital as there is the potential to ensure peace and development and to foster and encourage global understanding, tolerance and equality.

In Ireland, a new legislative framework for immigration has been the subject of considerable debate for a number of years. The Human Rights Committee of the Law Society recently made a submission on the Immigration, Protection and Residence Bill 2010. Here today, the protection of immigrants in Ireland will be considered, as will the specific rights of migrant workers and their families and the protection of victims of human trafficking.

Data Protection & Retention will also be discussed. Personal data (which includes an individual's name, address, date of birth and national insurance number) is protected by Article 8 of the European Convention on Human Rights as part of an individual's private life. In relation to medical records, the European Court of Human Rights has stated:

"The protection of personal data, particularly medical data, is of fundamental importance to a person's enjoyment of his or her right to respect for private and family life as guaranteed by Article 8 of the Convention. Respecting the confidentiality of health data is a vital principle in the legal systems of all the Contracting Parties to the Convention. It is crucial not only to respect the sense of privacy of a patient but also to preserve his or her confidence in the medical profession and in the health services in general. The domestic law must afford appropriate safeguards to prevent any such communication or disclosure of personal health data as may be inconsistent with the guarantees in Article 8 of the Convention."

Another panel discussion will focus on **Business & Human Rights**. Governments have the primary obligation to ensure the realisation of human rights and this includes an obligation to protect people from infringements of their human rights by others, including companies.

Up until recently, the extent of human rights compliance in companies has been by way of voluntary codes and initiatives. While it is welcome that these mechanisms be in place, there must be some sort of corrective. Businesses must be held accountable for their compliance with global human rights standards.

The fifth panel will discuss **Human Rights & the Environment**. Globalisation places new and increasing pressures on natural resources and eco-systems. It is acknowledged that we are now experiencing unsustainable levels of consumption. A human rights approach to environmental issues places the equality of all people at the centre of the decision-making process. The unified protection of human rights and the environment can serve as a departure point in the pursuit of global sustainability.

## **Conclusion**

In conclusion, I would like to thank all of you for coming here today to participate in this important Conference. The IHRC and the Law Society of Ireland believe that the debate and discussion on these emerging human rights issues will enhance an understanding, and encourage consideration as to how human rights in these areas can be better protected. To the members of the profession, who work every day with ordinary people, you will all have practical experience of the protection afforded to human rights in Ireland. You will also be acutely aware of the significant gaps in human rights protection. The Law Society, through conferences such as this, encourages members of the legal profession to take on the challenge of protecting and enforcing human rights. It is vital we keep talking about human rights as they emerge. I am sure that you will benefit greatly from the wealth of experience of the speakers and from the opportunity to consult with colleagues on these important issues. I would like to thank all the Chairs and

Speakers who have taken time out of their busy schedules to be here today. I would like to thank the Irish Human Rights Commission for continuing to jointly sponsor this Conference with the Law Society. I am delighted to be joined in opening this conference by the President of the Irish Human Rights Commission, Dr. Maurice Manning. Let me now hand over to the President to add his welcoming comments.

I'd like to finish today, by encouraging you all to get involved in the debate.