

Incorporation of the European Convention on Human Rights into Irish law means that new remedies against public authorities and organs of the state are available in many fields: criminal law, mental health law, family law, housing, planning and environmental law, media law, education and employment law.

THE CONVENTION RIGHTS

- Right to life
- Prohibition of torture
- Prohibition of slavery and forced labour
- Right to a fair trial
- No punishment without lawful authority
- Right to respect for private and family life
- Freedom of thought, conscience and religion
- Freedom of expression
- Freedom of assembly and association
- Right to marry
- Prohibition against discrimination
- Protection of property
- Right to education
- Right to free elections

The European Convention on Human Rights Act 2003 came into effect on 31 December 2003. 2004 has seen the initiation of the first cases pleading breaches of Convention rights under the Act, and the review by public authorities of processes and procedures to ensure that they comply with Convention principles. As familiarity with the Convention principles and caselaw increases, it can be expected that decisions under the ECHR Act will have an increasing impact on public administration, legal advice and judicial decisions. Distinctions between rights and policy will become a focus in the application of the ECHR Act. Some of these issues are already under debate, for example in relation to aspects of gender law: the rights of same sex couples, transsexuals and cohabitants.

IHRC

IRISH HUMAN RIGHTS COMMISSION
AN COIMISIÚN UM CHEARTA DUINE



Law Society of Ireland

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IRISH HUMAN RIGHTS COMMISSION
AND LAW SOCIETY OF IRELAND

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echr act review and human rights in committed relationships



saturday 16th october 2004

PRESIDENTS' HALL, LAW SOCIETY OF IRELAND, BLACKHALL PLACE, DUBLIN 7



Law Society of Ireland

The European Convention on Human Rights Act 2003 has been in effect since 31 December 2003. It provides for Convention compatible interpretation of legislation, gives a remedy for breach of Convention rights by public authorities, requires judicial notice to be taken of the caselaw of the European Court of Human Rights and provides for a declaration of incompatibility and discretionary damages in the event that Irish legislation cannot be interpreted in a Convention compatible way.

SPEAKERS

The Right Honourable Sir Brian Kerr, Lord Chief Justice of Northern Ireland
Sir Brian Kerr was called to the Bar of Northern Ireland in 1970 and to the Bar of England and Wales (Gray's Inn) in 1974. He was junior counsel to the Attorney General between 1978 and 1983. He was called to the Inner Bar (QC) in 1983 and became Senior Counsel to the Attorney General in 1988 which position he held until his appointment to the High Court Bench in March 1993. He was in charge of judicial review in Northern Ireland from 1995. He has also sat as an ad hoc judge in the European Court of Human Rights in Strasbourg. He was appointed Lord Chief Justice of Northern Ireland in February 2004.

Mrs Justice Susan Denham, Judge of the Supreme Court
Educated in Trinity College Dublin, the Kings Inns and Columbia University (US), Mrs. Justice Denham was called to the bar in 1971, to the inner bar in 1987 and was appointed to the High Court bench in 1991. In December 1992 she was the first woman to be appointed to the Supreme Court. In 1996 she was appointed Pro-Chancellor of the University of Dublin (Trinity College).

In addition to her work as a judge, Mrs. Justice Denham has been closely involved in the modernisation and reform of the administration and management of the courts and court offices in Ireland, finally as member and then Chairperson of the 1999-established Courts Service from 2001 to 2004. She is Chairperson of the Committee on Court Practice and Procedure and the Committee on Video Conferencing. She acted as honorary secretary to the Committee on Judicial Conduct and Ethics and is a member of the Judges' Intranet Project board, and heads the Irish delegation at the European Network of the Councils of the Judiciary.

Donncha O'Connell
Donncha O'Connell is a barrister and lecturer in Law at NUI, Galway where he teaches Constitutional Law and European Human Rights.

He is the Irish member of the EU Network of Independent Experts on Fundamental Rights established by the European Commission in 2002 and was, from 1999-2002, the first full-time Director of the Irish Council for Civil Liberties. He is a board member of the Free Legal Advice Centres (FLAC) Ltd. and Amnesty International (Irish Section).

Baroness Helena Kennedy QC
Helena Kennedy has acted in many leading cases including the Brighton Bombing Trial, the Guildford Four Appeal and many of the trials of battered women who kill their partners.

Baroness Kennedy is Chair of the Human Genetics Commission and a member of the World Bank Institute's External Advisory Council.

Her new book *Just Law on the state of Britain today and the changing face of British Justice* was published in March 2004.

Ernest J. Cantillon, Solicitor
Ernest J. Cantillon is a partner in the litigation firm of Ernest J. Cantillon & Co., 39 South Mall, Cork. He qualified as a solicitor in 1980. He has extensive experience in the area of litigation and is a former Chairman of the Litigation Committee of the Law Society.

Charlotte Kilroy, Barrister
Charlotte Kilroy was called to the Bar of England and Wales in 1999, having studied at the Inns of Court School of Law, London; City University, London (CPE Diploma in Law); and Magdalen College, Oxford University.

She practises in the fields of immigration, asylum and free movement; education law; community care; human rights; public law; international law; and EU law.

Charlotte is a contributor to *Jackson's Immigration Law and Practice*, *Competition Law in Western Europe and USA* (Kluwer 2004; chapter on UK Competition Law) and *Delivering Rights* (Hart, 2003). She has been a member of Matrix Chambers since 2002.

Dr Padraic Kenna
Padraic Kenna is a graduate of the School of Law, University of Warwick, and received his Ph. D. from NUI in 2003. He lectures at the Law Faculty NUI, Galway on Land Law, Equity and English Land Law, and is completing a book on housing law and policy in Ireland.

Professor Robert Wintemute
Robert Wintemute is a Professor of Human Rights Law in the School of Law, King's College London, who is originally from Calgary, Alberta, Canada (and has roots in County Cavan via his mother, Florence Connelly).

He is the author of *Sexual Orientation and Human Rights* (Oxford University Press, 1995/1997), and the editor (with hon. co-ed. Mads Andenæs) of *Legal Recognition of Same-Sex Partnerships* (Oxford, Hart Publishing, 2001).

He argued the applicant's case in *Fretté v. France* (European Court of Human Rights, 26 Feb. 2002, refusal to permit a gay man to adopt a child as an unmarried individual), and drafted third-party interventions (*amicus curiae* briefs) in *Karner v. Austria* (Eur. Ct. H.R., 24 July 2003, succession of surviving same-sex partner to tenancy of apartment), and *Goodridge v. Department of Public Health* (Massachusetts Supreme Judicial Court, 18 Nov. 2003 and 4 Feb. 2004, same-sex marriage).

Dr Ursula Kilkelly
Ursula Kilkelly lectures in human rights law and juvenile justice at the Faculty of Law, University College Cork.

She is author of *'The Child and the ECHR'* (Ashgate 1999) and editor of *'ECHR and Irish Law'* (Jordan's, 2004) and has published in Irish and international journals on child law, children's rights and juvenile justice.

She is author of the Council of Europe's handbook on Article 8 ECHR (respect for private and family life) which has been published in seven languages and contributes on an ongoing basis to legal training in Central and Eastern Europe on the European Convention on Human Rights.

Professor William Binchy
William Binchy is a Barrister at Law, Regius Professor of Laws at Trinity College Dublin and member of the Human Rights Commission.

William Binchy was formerly a special legal adviser to the Irish Department of Justice and Research Counsellor to the Law Reform Commission.

He has authored and co-authored books on private international law, torts and family law and is co-editor of the *Annual Review of Irish Law*, with Raymond Byrne and specialist contributors.

Dr. Katherine Zappone
Katherine Zappone is a philosopher, educator, independent consultant and member of the Human Rights Commission. As former Chief Executive of the National Women's Council in Ireland, she participated in a number of committees and working groups to advocate women's social and economic rights and gender equality. She is a former member of the National Economic and Social Council of Ireland and has conducted a number of national research projects in public policy and gender equality, and equality in children's education. She is co-founder and Chair of An Cosán, a large community-based organization in West Tallaght, Dublin, committed to eradicating poverty through education. She lectured for a decade in Trinity College Dublin in ethics and human rights, and has lectured in Canada, Australia, Europe, the USA and throughout Ireland. Widely published in feminism, ethics, equality issues and education, her most recent work includes: *Charting the Equality Agenda: A Coherent Framework for Equality Strategies in Ireland North and South* (2001) and *Re-Thinking Identity: The Challenge of Diversity* (2003). She holds a PhD in Education and Religion from Boston College.

PROGRAMME

TME	THEME	SPEAKERS
9.00	Registration	
9.30	<i>Welcome</i>	Dr. Maurice Manning , President, Human Rights Commission Geraldine Clarke , President of the Law Society of Ireland 2002-2003
Morning 9.40	ECHR ACT IN THE COURTS Morning chairperson: <i>Introductory remarks</i>	The Right Honourable Sir Brian Kerr, Lord Chief Justice of Northern Ireland
	<i>Leadership in human rights law, past and future</i>	Mrs. Justice Susan Denham , Supreme Court
	<i>Progress to date under the ECHR Act 2003</i>	Donncha O'Connell , National University of Ireland, Galway
	<i>Insights from the UK Human Rights Act 1998, 5 years on</i>	Baroness Helena Kennedy QC
	Q&A	
11.00 – 11.20	Coffee	
11.20	ECHR ACT AND PUBLIC SERVICES <i>A practitioner's perspective of the ECHR Act 2003</i>	Ernest Cantillon , Solicitor
	<i>Local authorities and the UK Human Rights Act 1998</i>	Charlotte Kilroy , Barrister of Matrix Chambers, London
	<i>Implications for local authorities of the ECHR Act 2003</i>	Dr. Padraic Kenna , National University of Ireland, Galway
	Q&A	
1.00 – 2.15	Lunch	
Afternoon 2.15	HUMAN RIGHTS IN COMMITTED RELATIONSHIPS Afternoon chairperson:	Dr. Katherine Zappone , Human Rights Commission
	<i>International trends in legal recognition of same sex couples</i>	Prof. Robert Wintemute , King's College London
	<i>Ancillary aspects of cohabitation and same sex unions</i>	Dr. Ursula Kilkelly , University College Cork
	<i>New models of marriage and partnership in Ireland</i>	Prof. William Binchy Dr. Katherine Zappone , Human Rights Commission
	Q&A, panel discussion	
4.15	<i>Close of conference</i>	