European Convention on Human Rights Act 2003: Five Years On

Saturday 8th November 2008
PRESIDENTS' HALL, LAW SOCIETY OF IRELAND, BLACKHALL PLACE, DUBLIN 7

The European Convention on Human Rights Act 2003 has had a tremendous impact on Irish law both in terms of the practical implications of its inception and its potential to shape legislative developments in Ireland. This Conference seeks to examine the impact, implications and potential of the Convention in Irish law five years after its introduction into the Irish legal system.
Mr. John Shaw, President, Law Society of Ireland is a partner in the firm of J.A. Shaw & Co. Solicitors based in Mullingar. He was educated in UCD and qualified as a solicitor in 1989. He is the incoming President of the Law Society and is due to take office in November 2008. He is also a member of the Property Registration Authority.

Dr. Maurice Manning, President, Irish Human Rights Commission was first appointed to this position in 2002 and reappointed in 2007 for a further five year term. An academic by background, Dr Manning previously lectured in politics in University College Dublin and has been a visiting professor at the University of Paris (Vincennes) and the University of West Florida. He is a member of the Senate of the National University of Ireland and of the Governing Authority of University College Dublin and 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 Inter Parliamentary Body. He has served as both Leader of the Seanad and Leader of the Opposition in that House.

Mr. Donncha O’Connell, NUI Galway is a barrister and was Dean of the Faculty of Law in NUI Galway from 2005 to 2008. He teaches Constitutional Law and European Human Rights on under-graduate programmes and Processes of Law Reform and Principles of Equality Law on the LLM in Public Law. He is the Senior Irish Member of FRALEX, the legal expert group that advises the EU Fundamental Rights Agency based in Vienna. Previous appointments include employment as the first full-time Director of the Irish Council for Civil Liberties, participation as the Irish member of the EU Network of Independent Experts on Fundamental Rights established by the European Commission, as a Council of Europe expert and participation in several judicial training programmes in Croatia, Georgia and Azerbaijan.

Ms. Justice Mary Finlay Geoghegan has been a judge of the High Court since 2002. Prior to this she was a Senior Counsel in practice at the Bar where she appeared in many equality cases before the Irish Courts and the Court of Justice in Luxembourg, including the Article 26 Reference on the Employment Equality Bill 1996 and the Equal Status Bill 1997. She is a former member of the Law Reform Commission and the Constitution Review Group. She is a former chairperson of the Permanent Delegation of the Council of the Bars and Law Societies of the European Communities (CCBE) to the European Courts in Luxembourg.

Ms. Karen Quinlivan, Barrister-At-Law, Northern Ireland specialises in public law with a particular focus on human rights cases as well as criminal defence work. She represented some of the families in the Bloody Sunday Inquiry which is due to report this year. She has represented Applicants before the European Court of Human Rights in a number of cases, including Jordan v United Kingdom in which the Court found a breach of the Government’s Article 2 obligations. Since incorporation of the Convention into domestic law she has been involved in a number of high profile human rights cases, including a challenge on behalf of the pupils of Holy Cross Girls’ School to the conduct of police during the Holy Cross protest and a challenge by detainees to the practice of bugging solicitors’ consultations with their clients. The latter case is due to be heard by the House of Lords later this year.
There are 5 parallel sessions that will be run simultaneously. Each participant is free to choose his/her favourite working group. Please indicate on the registration form which session you would like to attend in order to balance participation.

The parallel sessions will take place in allocated rooms in the Law Society of Ireland. Rooms will be assigned to each parallel session and you will be informed of the location of your chosen session on the day of the Conference. The Conference pack will contain a floor plan of the location of these rooms.

We would appreciate it if you would arrive in your designated room a few minutes early to help the session run on time. Refreshments will be served at the beginning of each session in the allocated room.

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<td>10.45 – 11.15</td>
<td>Coffee Break</td>
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| 11.15 – 1.00 | Session 1     | Chair: Judge Tom O’Donnell  
Judge of the District Court  
Ms. Noeline Blackwell  
FLAC  
Mr. Conor Power  
Barrister-at-Law | Right to a Fair Trial and Effective Remedies:  
The impact of the ECHRA on the right to a fair trial and the right to an effective remedy |
| 11.15 – 1.00 | Session 2     | Chair: Mr. Conleth Bradley SC  
Irish Human Rights Commission  
Ms. Hilka Becker  
Immigrant Council of Ireland  
Dr. Siobhán Mullally  
University College Cork | Immigration Law:  
The impact of the ECHRA on immigration law in Ireland |
| 11.15 – 1.00 | Session 3     | Chair: Ms. Claire Loftus  
Office of the Director of Public Prosecutions  
Mr. Michael O’Higgins  
Senior Counsel  
Mr. Dara Robinson  
Garrett Sheehan & Partners | Criminal Law:  
The impact of the ECHRA on criminal law in Ireland |
| 11.15 – 1.00 | Session 4     | Chair: Ms. Sinéad Kearney  
BCM Hanby Wallace  
Dr. Ursula Kilkelly  
University College Cork  
Ms. Rosemary Horgan  
Ronan Daly Jermyn Solicitors | Family Law and Privacy:  
The impact of the ECHRA on family law and privacy in Ireland |
| 11.15 – 1.00 | Session 5     | Chair: Mr. James MacGuill  
MacGuill & Co. Solicitors  
Mr. Des Hogan  
Irish Human Rights Commission  
Ms. Ellis Barry BL  
Equality Authority | Amicus Curiae:  
The use of amicus curiae in proceedings |

1.00 – 2.00 Lunch
Judge Tom O'Donnell qualified as a solicitor in 1976. He had a general practice in criminal and family law and was on the legal aid panel for 11 years. He was appointed as a District Judge in 1998 and to the District Court Rules Committee in 2003. He was awarded a Diploma on the European Convention of Human Rights from UCD in 2004 and a Masters Degree on International Human Rights Law from NUIG in 2004. In 2007, he was awarded a Diploma on International Human Rights and Criminal Procedure from the IBA. He is the author of The Constitution, the ECHR Act 2003 and the District Court: A Personal View-from a Judicial Perspective" (2007) 1 JSIJ 137.

Ms. Noeline Blackwell, Director General, Free Legal Advice Centre is a lawyer specialising in refugee law. She is the former Chairperson of both the International Human Rights Trust and the Irish Section of Amnesty International.

Mr. Conor Power BL is a practising barrister. His areas of practise include human rights law, public law, employment law, equality law, asylum and immigration law. He has lectured on family and child law and is the editor of the Family Law Legislation Service (Round hall Press.) Conor is a long-standing board member of the Irish Council for Civil Liberties.

Mr. Conleth Bradley SC, was appointed as a Commissioner of the Irish Human Rights Commission in Summer 2008. He is a member of the Education Appeals Board of the Honourable Society of King’s Inns and was formerly chairperson of the Dormant Accounts Fund Disbursements Board from 2002 to 2006 and of the Aquaculture Licences Appeals Board from 2003 to July 2008. His main areas of practice are administrative and constitutional law including central and local government law, planning, housing, transportation planning, inquiries, asylum/immigration and judicial review.

Ms. Hilkka Becker, Immigrant Council of Ireland is a member of the European Immigration Lawyers’ Network and the Immigration Law Practitioners Association. She is also a trainer and international legal consultant with the IOM and Council of Europe. Hilkka is also a member of the Dublin Solicitors’ Bar Association Civil Litigation Committee.

Dr. Siobhán Mullally, University College Cork, Cork is a lecturer in University College Cork. She has published widely and is currently the Chairperson of the Irish Refugee Council, the Editor of the Irish Yearbook of International Law and Co-Director of the Centre for Criminal Justice and Human Rights.

Ms. Claire Loftus, Chief Prosecution Solicitor, Office of the Director of Public Prosecutions qualified in 1992 and has been a prosecutor since 1993 as Chief Prosecution Solicitor. She manages 75 legal staff in-house and is responsible for 32 State Solicitors nationwide. Other qualifications include an MSc in Public Sector Management.

Mr. Michael O’Higgins SC is a criminal lawyer. He was called to the bar in 1988 and he became a Senior Counsel in the year 2000. Prior to becoming a barrister he worked as a journalist. He is chairman of the Irish Criminal Bar Association.

Mr. Dara Robinson, Solicitor, Dublin qualified as a solicitor in London in 1988, joining Garrett Sheehan & Partners in 1992. His practice covers the entire spectrum of criminal defence work. He is Chair of the Criminal Law Committee of the Law Society and a member of the European Criminal Bar Association.

Ms. Sinéad Kearney, BCM Hanby Wallace, Dublin qualified as a solicitor in 1989 and since that time has worked extensively in the health care area. She joined BCM Hanby Wallace as a partner in charge of the Health Services Department in 2003. She has extensive experience in advising bodies involved in health services and Health Boards, in particular the area of Child Care Law. Sinead is Chairperson of the Law Society’s Family Law Committee and is a member of the Dublin Solicitor’s Bar Association Family Law Committee. She has lectured on the Law Society’s Continuing Legal Education Programme and is a lecturer with the Law Society Law School.

Dr. Ursula Kilkelly, University College Cork, Cork has lectured and published widely on children’s rights, the European Convention on Human Rights and juvenile justice. Ursula is a founder member of the Irish Youth Justice Alliance. She works closely with a range of children’s and human rights organisations and agencies in Ireland, Northern Ireland and Europe.

Ms. Rosemary Horgan, Ronan Daly Jermyn Solicitors, Cork qualified as a solicitor in 1979. She worked in the Legal Aid Board prior to joining Ronan Daly Jermyn where she is head of the Family Law Private Client Team. Rosemary is a member of the Law Society Family and Legal Aid Committee and Law Reform Committee.

Mr. James MacGuill, Solicitor, Co. Louth is principal of the law firm MacGuill & Co, Solicitors, Dundalk, Co Louth. He has a substantial criminal defence practice and was President of the Law Society from November 2007– November 2008.

Mr. Des Hogan, Deputy Chief Executive and Director of Enquiries, Legal Services and Administration of the Irish Human Rights Commission, was previously a Senior Caseworker with the IHRC. Prior to joining the Commission, Mr Hogan worked for the Australian Human Rights and Equal Opportunity Commission and for Amnesty International in a number of countries.

Ms. Eilis Barry B.L., is Legal Adviser to the Equality Authority and Head of the Legal Section. She practiced as a barrister for 15 years, specializing in employment and discrimination cases. She was a Director of the Free Legal Advice Centres for 15 years.
Mr. Éamonn MacAodha, Chief Executive of the Irish Human Rights Commission was appointed in December 2007. Prior to this appointment, 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. Called to the bar in 1990, he has since worked on political, aid, trade and Anglo-Irish issues with the Department of Foreign Affairs and has served diplomatic postings at the Irish Embassies to the Holy See, South Africa and Israel.

Mr. Michael Farrell, FLAC is a senior solicitor working for Free Legal Advice Centres Ltd (FLAC). He has taken cases to the European Court of Human Rights and other international bodies. Mr. Farrell is also a Commissioner of the Irish Human Rights Commission, first appointed in 2001 and reappointed in 2006. Mr. Farrell was prominently involved in the Civil Rights movement in Northern Ireland in the 1960s and 1970s and was involved in campaigns for the Birmingham Six and other victims of miscarriages of justice in the 1980s and in the campaign against political censorship under section 31 of the Broadcasting Act. He was vice-chair and then co-chair of the Irish Council for Civil Liberties for most of the 1990s. Mr. Farrell has an MSc degree in Politics and was formerly a journalist and author.

Ms. Ceri Goddard, Acting Director and Head of Practice and Development British Institute of Human Rights joined BIHR in February 2006. She leads BIHR’s work to support the development and use of human rights/human rights based approaches in practice. This includes pilot and development projects in areas such as health and social care, poverty, equality and the third sector and the provision of human rights training, consultancy and information to government/public and third sector policy makers and practitioners. She has significant experience of both NGO and public sector initiatives to tackle inequalities and poverty. Prior to joining BIHR Ceri worked for the UK’s Community Development Foundation and Ireland’s Combat Poverty Agency. She has also worked with a number of regional and local level equality organisations.

Ms. Rosalind McKenna, Amnesty International is Coordinator of the Human Rights Based Approaches (HRBA) project in Amnesty International Ireland, directing their programme of using human rights for social change. She previously served as Advocacy Officer with Amnesty. Prior to her work in Ireland, Rosalind worked as an In-Court Legal Adviser for the Scottish Court Service, and as personal assistant and case-worker for a UK Member of Parliament. She is a graduate of the Irish Centre for Human Rights (LLM) and the University of Glasgow (LLB).

Mr. Colin Daly, Human Rights Committee, qualified as a solicitor in 1997 and has worked as the Solicitor in Charge of the Northside (formerly Coolock) Community Law Centre for over 7 years. Colin was elected to the Council of the Law Society in 2004 and again in 2006 and he currently Chairs the Human Rights Committee and the Legal Aid Task Force. He has recently been nominated to the International Bar Association’s (CCBE) Access to Justice Committee. Locally, Colin has been a Director of the Northside Partnership for 4 years and chairs the Community Development Sub-committee of the Partnership. Colin is also on the Steering Committee of the Northside Community Forum and a member of the Forum’s Social Policy Sub-Committee.

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<td>2.00 – 2.15</td>
<td>Annual Human Rights Essay Prize 2008</td>
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<td>Award of Certificates for the Annual Human Rights Essay Prize 2008</td>
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<td>2.15 – 3.30</td>
<td>Plenary Session</td>
<td>Chair: Mr. Éamonn Mac Aodha Irish Human Rights Commission</td>
<td>The practical use of the ECHR inside and outside the courts</td>
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<td>2.15 – 2.30</td>
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<td>Mr. Michael Farrell FLAC</td>
<td>Using the ECHR in litigation</td>
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<td>2.30 – 2.45</td>
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<td>Ms. Ceri Goddard British Institute of Human Rights</td>
<td>An assessment of use of the ECHR in the United Kingdom outside the court system</td>
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<td>Ms. Rosalind McKenna Amnesty International</td>
<td>An alternative approach to using the ECHR outside the courts</td>
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<td>3.00 – 3.30</td>
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<td>Concluding Comments</td>
<td>Colin Daly, Chair of Human Rights Committee of the Law Society</td>
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Since the inception of the European Convention on Human Rights Act 2003, there have been many important developments in Irish law. The rights protected by the Convention concern every aspect of daily life and the interpretation, use and effect of those rights on the judicial, legislative and executive arms of government precipitates implications for everyone in Ireland and internationally. The recent declarations of incompatibility by the courts and the potential changes to Irish law that may be implemented as a result are ripe for discussion and debate. This Conference will debate these issues, examine the effects on Irish law and provide practical guidance for the future use of the Convention in Ireland.

The European Convention on Human Rights aims to secure the universal and effective recognition and observance of human rights in Europe. The incorporation of the Convention into Irish law, by virtue of the European Convention on Human Rights Act 2003, maintains and realises these human rights and fundamental freedoms in Ireland. The rights protected by the Convention are best maintained "by an effective political democracy and ... by a common understanding and observance of the Human Rights upon which they depend" (Preamble, European Convention on Human Rights). This Conference hopes to add to this common understanding and to contribute to a greater adherence to the human rights principles expressed in the Convention.

To confirm your place at this timely Conference, please RSVP using the attached form to Ms. Anthea Moore, Law Society of Ireland, Blackhall Place, Dublin 7 or on a.moore@lawsociety.ie, or on 01-6724961 before Monday 3rd November 2008.