

## FREE SPEECH? OR HATE SPEECH?

**T**he threat of the far right continues to hang over us. Very insidiously they've been using the language of rights to attack rights. You'll see rallies for free speech, when in fact those gathered use their platforms to vilify and suppress people in minority communities. This has the effect of silencing people of certain backgrounds. That's not freedom of expression.

Those same people have been targeting ICCL of late, labelling us hypocritical (and worse). And yet we have a lengthy and proud record of defending and promoting freedom of expression. To name a few examples:

- campaign to repeal Section 31 of the Broadcasting Act, which effectively banned Sinn Féin from the airwaves
- support of banned LGBTI publications

in the 80s

- push for Freedom of Information legislation in 1978
- support for artists during the referendum to repeal the 8th
- call for radical transparency by big tech in the systems used for content take down

Just last month we celebrated the repeal of laws against blasphemy. And our campaign for artistic freedom of expression continues. In November we held an event at the George Bernard Shaw in Dublin highlighting the lack of cultural spaces and supports for artists.

You'll also hear them defending the right to protest, particularly when it comes to anti-choice protests. We've come in for criticism there too, because we are advocating safe zones. We are not saying these groups can't protest, we are saying their protest rights need to be

balanced with patients' rights to private medical care access. Both protest AND privacy are hugely important to democracy – but when these rights compete that balance comes into play.

We think safe zones support that balance. Just as we can't protest in a patient's hospital room, we also can't protest on a hospital doorstep.

Lastly, human rights arguments should never be used to justify acts of hate. We contributed to the Department of Justice consultation regarding the Incitement to Hatred Act. We said that our laws on hate speech need to be tightened up in line with international human rights law which says free speech should not be a justification for stirring up the kind of hatred that can lead to the oppression of minorities and violence. We just need to look at 20th century history to understand this.

More urgently, we need laws against hate crime – targeted attacks against people just because of who they are. Currently, our laws don't require hate motivation to be taken into account in the way crimes are investigated, prosecuted, and punished. We're out of step with other countries on this and we need to step up to protect everyone in our communities.

**Left: We especially defend artistic freedom of expression. ICCL's Doireann Ansbro hosted Cian O'Brien of Project Arts Centre and arts campaigner Andrea Horan at 'Where Will the Art Go' in the George Bernard Shaw in November**



# RIGHTS NEWS



Irish Council for  
Civil Liberties

RIGHTS NEWS  
SPRING 2020

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The Irish Human Rights and Equality Commission  
The European Commission

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!

# RIGHTS NEWS



Irish Council for  
Civil Liberties



**David Carroll:**  
the man who  
sued Cambridge  
Analytica

SPRING 2020

**HUMAN RIGHTS & BIG TECH | FREE SPEECH OR HATE SPEECH  
PROTEST RIGHTS | JUSTICE FOR DARA | GENDERED HARASSMENT  
ONLINE | HOW DISSENT IS SILENCED | PUBLIC SERVICES CARD...**



**O**ver the past number of years, we've all seen that the best way to effect social change in Ireland is ground-up. That's how ICCL started out, and that's how we've always been most impactful.

To put that another way, our members – you! – do the most important part of our work.

Not only are we most impactful when we work together, but together we can stand strong against threats presented by far-right actors, big business, and the State.

2019 saw a surge in far-right activity across the country. The only way to for us to be sure that their message of hate doesn't gain a foothold in Ireland is for us

to support each other, and spread a message of love, inclusion and tolerance.

Where they punch down, we don't punch at all. We embrace.

In 2019 your support meant we were able to connect with and support activists from all walks of Irish life. These are the people who inspire us in our work, and who are at the forefront of a more inclusive, generous and tolerant society in Ireland.

We forged new links with

**"...NOT ONLY ARE WE MOST IMPACTFUL WHEN WE WORK TOGETHER, BUT TOGETHER WE CAN STAND STRONG AGAINST THREATS PRESENTED BY FAR-RIGHT ACTORS, BIG BUSINESS, AND THE STATE..."**

we've been an Amicus Curiae (friend of the court) in cases involving protest rights. We've also been really happy to provide assistance via email and phone to the protesters who get in touch with us about their rights. At every step, we work with protesters to make sure that the work we carry out in this area is useful and relevant for you. Our latest Know Your Rights guide is for protesters and you can find it online at [iccl.ie](http://iccl.ie).

Our Freedom is Fragile. Together we can defend it.

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

activists working in the tech industry – those who know and understand what's going on behind the scenes at Big Tech. Three of the world's most exciting online activists came to Dublin in September to share their strategies for protecting rights. See more on pages 6 and 7.

Your support meant we saw real traction on the case of Dara Quigley – a journalist who took her own life in 2017 following the online sharing of intimate images. Our privacy expert, Elizabeth Farries, presented to the Oireachtas Justice Committee alongside Dara's family. And, in your thousands, you signed the petition for Justice for Dara. That support meant that Dara's case was discussed in the Dáil and the Taoiseach committed to following up. There's a way to go yet, but we're getting there. See more on page 3.

Many of you are protesters and ICCL continues to forge strong links with protesters around the country. Behind the scenes,

## THE CAMPAIGN FOR JUSTICE FOR DARA QUIGLEY

**M**any of you already know the case of Dara Quigley. Dara took her own life after CCTV images of her arrest while naked on a Dublin street were shared 125,000 times.

The recording was held by An Garda Síochána. No individual or organisation has ever been held responsible for this catastrophic violation of Dara's rights. GSOC confirmed to *The Irish Times* that a garda accused of sharing the footage will not face criminal charges. However, Dara's family have not seen the GSOC report. Until this report is filed, no coroner's investigation can take place.

On Wednesday 23 October, ICCL brought Dara's case to the Oireachtas Justice Committee. We were accompanied by Dara's mother Aileen. The following week, Aileen spoke to RTÉ *Drivetime* about her experiences fighting for justice for her daughter's death. **Since then 2,500 people have signed the petition demanding Justice for Dara.**

As a result of this advocacy work and Aileen's bravery in speaking out, Tommy Broughan TD brought Dara's case to the Dáil in November. The Taoiseach expressed his sympathy and committed to enquiring whether the GSOC report could be shared with Dara's family. We have already followed up about this and intend to follow up again.

After the general election, ICCL will present the petition many of you signed to the new Minister for Justice.



Dara Quigley

**"...NO INDIVIDUAL OR ORGANISATION HAS EVER BEEN HELD RESPONSIBLE FOR THIS CATASTROPHIC VIOLATION OF DARA'S RIGHTS..."**

### ⚙️ MORE INFORMATION:

<https://www.iccl.ie/petition-justice-for-dara/>

<https://dublininquirer.com/2019/10/23/elizabeth-what-happened-to-dara-quigley-should-never-happen-to-anyone-else>

<http://www.tommybroughan.com/leaders-questions-on-justice4dara/>

### 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.**

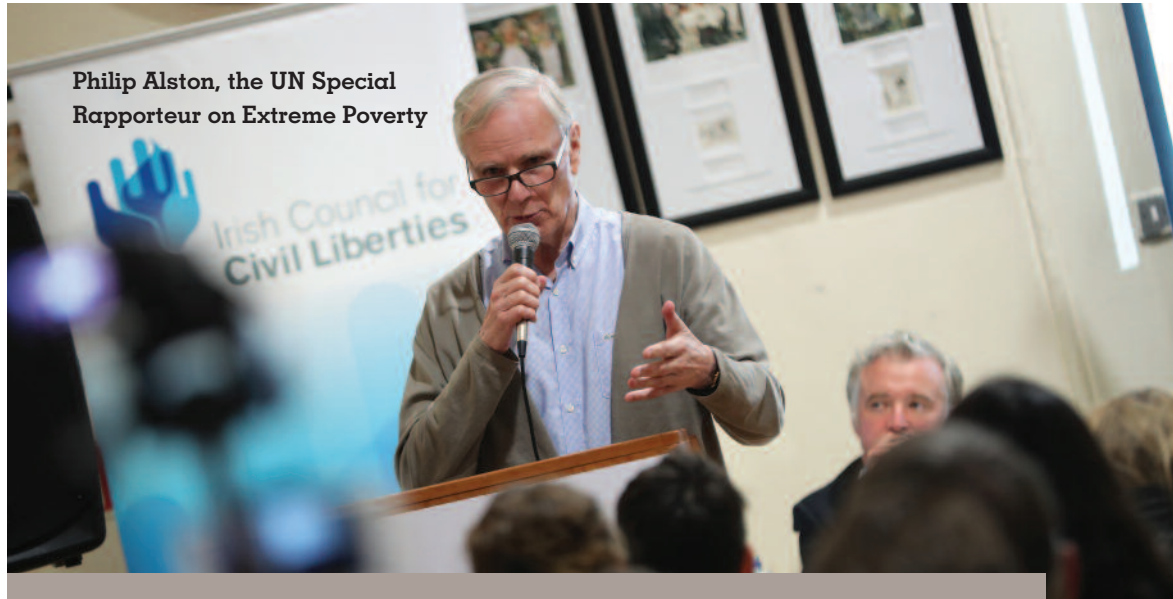
Fully independent of government and fearless in our advocacy for human rights, we have been at the forefront of all key human rights campaigns in Irish society, making a significant impact on law, policy and public opinion. These have included the campaigns for legal divorce, decriminalisation of homosexuality 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 new website: <https://www.iccl.ie>





## UN SPECIAL RAPPORTEUR, PHILIP ALSTON, LAMBASTS THE PUBLIC SERVICES CARD

**P**hilip Alston, the UN Special Rapporteur on Extreme Poverty, took time out from a break in Ireland to speak at an ICCL event kindly co-hosted by our friends at Pavee Point.

Mr Alston focused on the impact on the privacy of people living in extreme poverty. Anyone dependent on welfare is disproportionately impacted when States demand our valuable data in return for support.

In the Irish context, he was specifically referring to the Public Services Card (PSC). He said

"Very worryingly indeed, we have no information as to what state agencies will be able to gain access to the biometric information stored."

He continued:

"Down the line you may have a



situation where information as sensitive as health data may be stored in a database accessible by many state bodies and which, unless huge protections are put in place, is vulnerable to attack."

The PSC requires that people hand over their biometric data in exchange for

**Martin Collins,  
Director of Pavee Point**

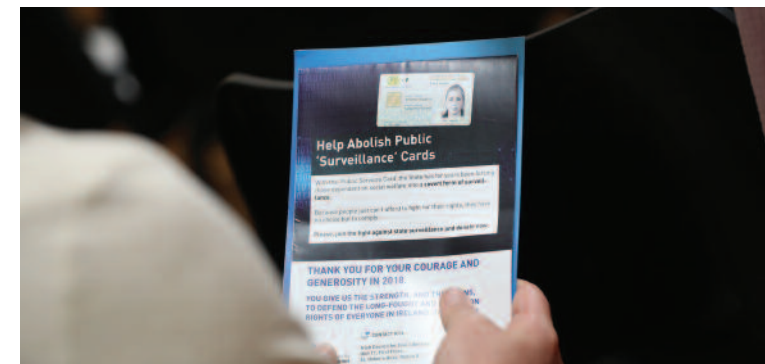
support to which they are already entitled. The government is centralising this highly sensitive information in a growing database of the entire population of Ireland. 📍

**"...ANYONE DEPENDENT ON WELFARE IS DISPROPORTIONATELY IMPACTED WHEN STATES DEMAND OUR VALUABLE DATA IN RETURN FOR SUPPORT..."**

## DATA PROTECTION COMMISSIONER DECLARES ASPECTS OF PUBLIC SERVICES CARD ILLEGAL!



Our friends at the International Network of Civil Liberties Organisations (INCLO) joined the call to scrap the Public Services Card after the DPC announced her findings



**"...THESE FINDINGS HAVE LEGAL WEIGHT..."**

ment decided that it didn't like what the DPC was saying, and is now mounting a legal case against the DPC. Need we add, they're using taxpayer money to do that. **Meanwhile, they continue to violate our rights.**

As you know, we're running a campaign to scrap the card. It was one of our manifesto issues for General Election 2020. Our online petition has received over 1000 signatures and we'll be presenting that to the new Minister for Social Protection, urging them to scrap the card and drop the case. 📍

**W**e finally saw some movement on the Public Services Card in 2019! Whether this is good or bad news remains to be seen...

In August, the **Data Protection Commissioner** finally released the report

they'd been working on for two years. They found that key aspects of the PSC scheme were illegal – such as keeping people's data on file indefinitely, as well as the roll-out among departments other than social welfare.

The Data Protection Commissioner is not there to give advice. **These findings have legal weight.** But the govern-

⚙️ MORE INFORMATION:

Sign here: <https://www.iccl.ie/stop-the-psc/>



David Carroll and Ramy Raoof take questions at 'Tech for Good, Tech for Rights' Conference



## DAVID CARROLL – THE MAN WHO SUED CAMBRIDGE ANALYTICA – SPEAKS TO TECH ACTIVISTS AT AN ICCL EVENT IN SEPTEMBER



Elizabeth Farries, ICCL, addresses the conference



Left to right: Laura Nolan, Ramy Raoof, David Carroll, Elizabeth Farries and Liam Herrick

**"...MUCH OF THE FOCUS OF THE EVENING WAS ON HOW INDIVIDUAL EMPLOYEES CAN DO SOMETHING ABOUT THE HARMS THEY SEE IN THEIR DAY-TO-DAY WORK..."**

**O**n 4 September, ICCL had some of the world's most exciting online activists talk to the bright sparks of Dublin's tech industry about how to protect human rights during their work

David Carroll sued **Cambridge Analytica**, helping to expose the murky world of data harvesting and voter targeting that threatens 21st century democracy. **Laura Nolan** took a principled stand against the development of **killer robots** and is now spearheading the movement to have them banned, for good. **Ramy Raoof** trains human rights activists to safeguard themselves online, using his techie skills to protect those who protect rights.

Much of the focus of the evening was on how individual employees can do something about the harms they see in their day-to-day work. Laura referenced her work as a whistleblower from within Google, as well as her campaigning work on the Campaign to Stop Killer Robots. Ramy highlighted the ways people can speak out against violations they see at their workplace – through FOI, by talking to campaign groups such as ICCL or journalists – whilst always taking care to ensure their security. David highlighted

the importance of being in the EU, where companies have to comply with GDPR. Regarding the Cambridge Analytica scandal he said:

"Obviously the US has limited tools at its disposal whereas the EU has tools that it's willing to use... Because [Cambridge Analytica] was a British company we were able to use UK law which is quite similar to the GDPR to try and get answers."



Laura Nolan (Campaign to Stop Killer Robots) and Elizabeth Farries

### ⚙️ MORE INFORMATION:

Have a story about rights violations in the online space? Drop us a line [info@iccl.ie](mailto:info@iccl.ie) or visit [www.iccl.ie/news/tech-for-good/](http://www.iccl.ie/news/tech-for-good/)





## ICCL CAMPAIGNS AGAINST GENDERED HARASSMENT ONLINE

**T**he Justice for Dara campaign forms part of a broader over-all campaign to confront image-based sexual abuse and other forms of gendered harassment online.

Many people know image-based sexual abuse by its misnomer, 'revenge porn'.

At ICCL we take issue with that term. Sexual abuse is not pornography. Neither is it always motivated by revenge (which implies the victim is somehow to blame). Its core intention is to violate a person's autonomy, dignity, and privacy in a sexualised way.

In October we made a submission to the Oireachtas Justice Committee and we called for an amendment to be made to the Non-Fatal Offences Against the Person Act, so that single instances of harassment could be prosecuted.

Currently, a victim of image-based sexual abuse or gendered online harassment has to prove a pattern of harassment. This is devastating for a

### Six One News (Web)



Broadcast on: October 23rd, 2019



Elizabeth Farries, ICCL, on the RTE Six One News

person who has been subjected to a single egregious instance of image-based sexual abuse.

In her presentation to the Oireachtas Justice Committee, our privacy rights expert Elizabeth Farries outlined how 23% of women across the EU have reported experiencing online abuse in their lifetime.

Elizabeth made four recommendations to deal with gendered online

harassment including **reforming legal aid** to allow victims to take cases when their rights have been violated. She also recommended that **tech companies engage with human rights reporting standards** when moderating harmful online content and that the **roll-out of CCTV** should be halted. Lastly, she recommended training for **An Garda Síochána in gendered issues such as these**.

## PROTEST UNDER FIRE: HOW DISSENT IS SILENCED

**F**or the third year running ICCL ran a panel at the Dublin Human Rights Festival, now the Dublin Human Rights and Arts Festival. Fresh from a national consultation with protesters in the first half of 2019, we were alive to the issues facing people on the streets and chose protest as the theme for the panel.

Edward Horgan a peace activist and an ICCL member, spoke about the backlash he and many like him have faced as a result of their work against US use of Shannon airport. This has included arrest. Edward spoke alongside Cormac McAleer of the Save Our Sperrins (SOS) campaign. Cormac has faced death threats and physical attacks for SOS opposition to Dalradian gold mining company's operation in the Sperrin Mountains.

Despite these challenges, the focus of the campaigners remains squarely on



Left to right: ICCL's Doireann Ansbro, Cormac McAleer of Save Our Sperrins, Edward Horgan, peace activist and Svetlana Glushkova, Kazakh journalist with her interpreter

the work that needs to be done. Edward encouraged everyone to exercise their right to protest, and Cormac shared a

petition against Dalradian's operations in Tyrone.

Inspirational stuff!

## JUST WHY IS ICCL SO OPPOSED TO GARDA BODYCAMS?

**F**ollowing news that the Government intends to legislate for body-worn cameras for An Garda Síochána, we wrote to the Department of Justice and Equality outlining our concerns for rights – particularly privacy – and community policing.

ICCL sees no justification for the obvious intrusion on our privacy posed by bodycams. With close range video and audio the privacy and data risks are immense. There is no good evidence from other jurisdictions that they improve policing and every chance they could be used against certain communities. We see them as part of a slippery slope towards mass surveillance of the population,

which is extremely problematic – just look to China to see why.

In the submission, ICCL's Senior Research and Policy Officer Doireann Ansbro debunked seven myths which were used by the Government to justify bringing in the use of this invasive and unnecessary tech. She also spoke to many media outlets in the days afterwards, saying:

"Body-worn cameras were first rolled out in the US, where police officers have repeatedly been accused of racist violence including the killing of young innocent black men. Bringing in these cameras in the US was promoted as a way to stop the race-based use of force. That is a very different context from the Irish one, where our police officers are generally unarmed."



### SAYING YES...

Our opposition to bodycams made an impact on the media, with one Pat Kenny even remarking that ICCL is like the DUP – apparently we say no to everything.

We'd like to clarify that, actually, we say yes all the time – including to Marriage Equality, Repealing the 8th, inclusion, equality, diversity, tolerance....

### MORE INFORMATION:

<https://www.iccl.ie/wp-content/uploads/2019/10/ICCL-Body-Worn-Cameras-DoJ-submission.pdf>





Ellen O'Neill Stephens of the Courthouse Dogs Foundation, Maria McDonald BL, and ICCL's Liam Herrick with Judy the dog at an ICCL victims' rights conference last year

## VICTIMS OF CRIME: HOW IS ICCL PROTECTING YOUR RIGHTS?

**W**e continue to campaign for the rights of people who become victims of crime through our participation in the Victims' Rights Alliance and an EU wide project led by the Portuguese Victims' Rights organisation, APAV. This project aims to promote victims' rights within the State prosecution service.

In November we brought together senior prosecutors, members of An Garda Síochána, Department of Justice representatives and our colleagues in the Victims' Rights Alliance. We spent the day discussing how the Victims Rights Act,

introduced in 2017, has improved support for victims in the criminal justice system and we identified key areas for improvement. Lack of information and regular updates around investigations and case progression, delays in court proceedings and failure to ensure supports in courts were some areas where practitioners identified the need for ongoing improvement.

ICCL is calling for a range of reforms to support victims. Top of the list is the establishment of a Victims Ombudsman to ensure victims have a proper complaints mechanism when their rights are not upheld.

**Members of the Victims Rights Alliance are spearheading a courthouse dogs scheme for vulnerable victims.**

**CARI are piloting the introduction of specially trained courthouse dogs who would assist vulnerable victims (such as child victims of sexual abuse) to give testimony in court.**

## HEALTHCARE IS A PRIVATE MATTER: THE ICCL CAMPAIGN FOR SAFE ZONES

**W**omen and pregnant people have the right to access the healthcare they need in privacy, in safety and with dignity. The protest outside our National Maternity Hospital, featuring tiny coffins and white crosses, denied that right to everybody entering the hospital on 1 January this year.

And more protests are happening than are being reported either to the Gardaí or in the media. ICCL has heard confidential reports from abortion providers that protests like these take place on a regular basis. They prefer not to go to the press to protect their patients' privacy and so as not to deter new abortion providers from signing up to provide the service.

The previous Minister for Health Simon Harris promised **safe zones**

**"...SAFE ZONES – WHEN LEGISLATED FOR CLEARLY AND CAREFULLY AND IN A WAY THAT INTERFERES WITH PROTEST AS NARROWLY AS POSSIBLE – ARE NECESSARY TO PROTECT WOMEN AND IN LINE WITH HUMAN RIGHTS LAW..."**

around abortion providers where protests would not be permitted since 6 December 2018. ICCL has been calling for the introduction of safe zones since January 2019. Given the delay in action from the Government citing legal difficulties, we have been investigating how safe zones have operated in other jurisdictions and how the highest courts in other countries have dealt with the issue. Our conclusion is that safe zones, when legislated for clearly and carefully and in a way that interferes with the right to protest as narrowly as possible, are **necessary to protect women and in line with human rights law**. We published that research and have sent it to Minister Harris.

It looks as though there is **broad public support** for this too. Thousands of you have sent emails to politicians using the email-your-TD tool on the ICCL website.

## UN EXAMINES IRELAND'S RECORD ON ELIMINATING RACISM

**O**n 2 and 3 December, the UN Committee on the Elimination of Racial Discrimination examined Ireland. Ireland has signed up to the UN Convention on the Elimination of Racial Discrimination and so it must periodically submit a report to the Committee and answer the Committee's subsequent questions.

ICCL contributed to what is known as a **shadow report**. It's the alternative to the State version of events. The report was compiled by the Irish Network Against Racism (INAR), of which ICCL is a member.

Some of INAR's key observations were:

- There is a need for a more robust human rights structure around racism, to include a renewed and inclusive

**National Action Plan Against Racism.**

- The **Migrant Integration Strategy** published by Government in 2017 is welcome, but does not go far enough on anti-racism, and ignores the maturity of Ireland as a diverse society and our indigenous ethnic minority- Irish Travellers.
- The **Direct Provision (DP)** system for supporting International Protection applicants remains largely without a legislative footing. We call on the State to close down the current system of Direct Provision and replace it with a regulated, planned humane asylum system which focuses on integrating asylum seekers into society.
- We look forward to publication of the review of the **Incitement to Hatred Act 1989** by Government which was



promised in 2011. But new legislation is urgently needed to address **hate crime and online hate speech**. The increase in online hate speech in Ireland is a cause for deep concern.

- The current **housing crisis** in Ireland creates enormous challenges for vulnerable migrant and minority communities who experience discrimination in accessing private sector housing, and often experience poorer housing conditions and overcrowding.