

**ICCL**

**ANNUAL**

**REPORT**

**2022**



**FOR ALL OUR RIGHTS. NO EXCEPTIONS.**





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OUR MANDATE IS  
TO SPEAK TRUTH TO  
POWER, EVEN WHEN  
IT IS UNPOPULAR OR  
DIFFICULT.

WE WORK TO ENSURE  
THAT EVERYONE IN  
IRELAND CAN ENJOY  
ALL OF THEIR RIGHTS,  
ALL OF THE TIME.



Irish Council for  
**Civil Liberties**

**FOR ALL OUR RIGHTS. NO EXCEPTIONS.**

# MESSAGE FROM THE CHAIR



**T**he Irish Council for Civil Liberties is Ireland's oldest and largest independent human rights organisation. All of us involved in ICCL, the staff and board, are aware of the organisation's significant legacy and the responsibility we have to continue to defend the rights of everyone in Ireland.

In recent years, ICCL has expanded our staff, strengthened our organisation and membership, and diversified our funding sources to make the organisation more resilient and sustainable. In 2022, building on this work and after a period of constructive reflection and consultation, we launched our new five-year Strategic Plan, setting out our vision for the next phase in ICCL's development.

Over the five years of our Strategic Plan, we intend to play an even greater role in helping to build a fairer and more equal Ireland. Our work in the central areas of policing reform, administration of justice and equality will continue and we hope that we can build on the progressive changes in Irish society in recent years to help Ireland become a true leader on human rights and equality. The Strategic Plan broadens

the focus of ICCL's work to meet the immediate and emerging threats to civil liberties presented by new uses of technology and by an increasingly hostile global environment for civil society.

Crucially, our Strategic Plan is built on the unique role ICCL can play as an independent and fearless voice for human rights. Our independence is something we will never compromise on. Key to our independence is our members, to whom we are all very grateful.

I am also very thankful for my fellow board members and for the dedication and energy they have shown in tackling a busy programme of work over the course of 2022.

And finally on behalf of the board, a final word of thanks must go to the entire team of ICCL staff and volunteers for another year of incredible work.

**Suzy Byrne**

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**"OVER THE FIVE YEARS OF OUR STRATEGIC PLAN, WE INTEND TO PLAY AN EVEN GREATER ROLE IN HELPING TO BUILD A FAIRER AND MORE EQUAL IRELAND."**

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# DIRECTOR'S FOREWORD



2022 saw the beginning of the end of many public health and social measures which had been introduced in Ireland in response to Covid-19. Throughout the pandemic, ICCL maintained a position of principle in defence of human rights. The year began with an announcement by the Government that vaccine passports would no longer be used. ICCL was pleased to see our concerns about their use referenced by the Taoiseach when this decision was made.

Human rights-based reform of An Garda Síochána has been a central objective of ICCL since our establishment. In 2022, we continued to work on three key pieces of policing reform legislation, intended to implement the recommendations of the Commission on the Future of Policing in Ireland. Throughout the year, we have engaged at every step of the legislative process to ensure they require the highest human rights standards of An Garda Síochána, work which will continue in 2023. While it is very welcome to finally see progress in reform of Garda accountability, surveillance and police powers, we have significant concerns about many aspects of the bills and their progress remains slow.

We continued to expand our work and output across all the areas we are active in, ultimately leading to a greater impact on the protection of rights. We launched a new public awareness campaign 'Hate Crime Hurts Us All'. And we continued to be at the

centre of important debates on judicial reform, fair trial rights, Garda reform, and civil society freedoms. Our work on digital rights is making an impact at the international level, with ICCL inputting to EU-led regulation of artificial intelligence and litigating to secure enforcement of data and privacy rights for all Europeans.

With our new five-year strategy, approved in 2022, we have ambitious plans to continue to grow our programme of work across our policy output, Oireachtas engagement, public campaigns and communications. I am very excited about what the years ahead hold for ICCL and our supporters.

I must pay tribute to two key colleagues who finished up with ICCL in 2022. Sinéad Nolan, Communications Manager since 2017, joined our friends in the National Women's Council and Grace Tierney, Development and Engagement Officer since 2018, left to study at King's Inns. They each made a very significant impact on ICCL and human rights in Ireland, and we wish them both the best in their future careers. Thank you also to our board and to the entire staff and volunteer team for their support, collaboration and guidance over the course of 2022. I look forward to continuing to work with you all in 2023.

Liam Herrick

A handwritten signature in black ink, appearing to read 'Liam Herrick', written over a white background.

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**“WITH OUR NEW FIVE-YEAR STRATEGY, APPROVED IN 2022, WE HAVE AMBITIOUS PLANS TO CONTINUE TO GROW OUR PROGRAMME OF WORK ACROSS OUR POLICY OUTPUT, OIREACHTAS ENGAGEMENT, PUBLIC CAMPAIGNS AND COMMUNICATIONS.”**

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# A TRIBUTE TO DR VICKY CONWAY



All of us in ICCL were devastated in July 2022 to learn about the death of our friend and colleague Dr Vicky Conway. Vicky was a brilliant and ground-breaking academic who made an enormous contribution to Irish law. She was committed to using her expertise to make real systemic change for victims of human rights violations and to deliver justice to individuals and families failed by our justice system. As a fearless voice for accountability and oversight in all areas of policing, Vicky played a crucial role in reform of An Garda Síochána – notably through her work on the Policing Authority and the Commission on the Future of Policing in Ireland.

ICCL worked alongside Vicky in many different respects. Our Head of Legal and Policy, Doireann Ansbro, and Vicky co-wrote a chapter for a book called *Policing & Firearms: New Perspectives and Insights*. The chapter, which called for more transparency and accountability for Garda use of guns was entitled 'Unarmed Police: Myths, Rights and Realities'. The book was published in November 2022 with a special dedication to Vicky.

Vicky also participated in a number of our seminars on procedural rights in police custody in 2022, part of our EU funded project ProRPC. She also always made her expertise available to us on issues as diverse as the Garda (Powers) Bill and the need for a proper jury selection process for inquests.

Vicky was an academic, broadcaster and activist of unmatched integrity, commitment and passion. Her podcast 'Policed in Ireland' brought forward the important and often unheard voices of people and communities who experience policing in different ways. In the time since she died, we have missed her, but we will continue to make sure that we honour her memory in our work, particularly on policing reform.

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**IN THE TIME SINCE SHE DIED, WE HAVE MISSED HER, BUT WE WILL CONTINUE TO MAKE SURE THAT WE HONOUR HER MEMORY IN OUR WORK, PARTICULARLY ON POLICING REFORM.**

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**OUR**

**PEOPLE**

**IRISH COUNCIL FOR  
CIVIL LIBERTIES**

**W**e are extremely lucky to have a tightknit team of hard-working and passionate colleagues. In 2022, we continued the efforts we began in 2021 to support wellbeing and to grow diversity and inclusion within the organisation.

We continued our staff information and training sessions with an intersex awareness and inclusion training session. We also had a series of “care” seminars focused on care, mental health and wellbeing in the workplace. As a result of these seminars, we set up a series of internal taskforces to implement change.

We were sad to say goodbye to two very important and long-standing colleagues who left ICCL for pastures new. Sinéad Nolan, Communications Manager since 2017, joined the National Women’s Council and Grace Tierney, Development and Engagement Officer since 2018, left to study at King’s Inns. We wish them both the best in their future

careers and are so grateful for their work with ICCL.

Seán Beatty BL was our 2022 Procedural Rights Fellow and was a great addition to the team, doing important work on a range of issues, with particular impact on the Mother and Baby Institutions Payment Scheme Bill 2022.

In 2022 we were lucky to work with very impressive students who joined us on university-coordinated internships. Cheryl Mellett, who had joined us on an internship from the University of Galway in September 2021, remained with us until August 2022. Susanne O’Sullivan joined us on an internship from Maynooth University from January to May 2022; and in October Beatrice Nakayenga joined us as a Research and Administrative Intern.

We are also very grateful to our volunteers, Tegwyn Stephenson and Pauline Greiner, who kindly supported our work.

## OUR BOARD



Chair of  
Executive Board

**SUZY  
BYRNE**



Executive  
Board Member

**CLAIRE  
BRUTON**



Executive  
Board Member

**LIZ  
CAROLAN**



Executive  
Board Member

**DANIEL  
HOLDER**



Executive  
Board Member

**PROFESSOR  
MAURICE MANNING**



Executive  
Board Member

**BULELANI  
MFACTO**



Executive  
Board Member

**DR MARIA HELEN  
MURPHY**



Executive  
Board Member

**DAMIAN  
O’BROIN**



Executive  
Board Member

**DR MUIRIS  
Ó CEIDIGH**



Executive  
Board Member

**NATHALIE  
WEADICK**



## SUZY BYRNE

**Suzy Byrne** is a disabled woman, activist and broadcaster and has over 25 years of paid and unpaid experience in the community and voluntary sectors working on equality and disability issues. She is currently working as a regional manager for the National Advocacy Service for People with Disabilities. Suzy has worked in print and broadcast media on LGBT and other rights issues both nationally and internationally. She was co-chairperson of the Gay and Lesbian Equality Network (GLEN) during the campaign to decriminalise homosexuality in 1993 and has also chaired the International Lesbian and Gay Youth Organisation (IGLYO). An award-winning blogger, she has an interest in social media and harnessing it for social change and campaigning, and more recently has worked on disability and reproductive rights campaigns and capacity-building amongst disabled people. In 2018, Suzy was appointed to the board of Iarnród Éireann by the Minister for Transport, Tourism and Sport.



## CLAIRE BRUTON

**Claire Bruton** is a practising barrister based in Dublin specialising in employment and equality law. She represents and advises employers and employees before the Irish employment tribunals and civil courts including the Workplace Relations Commission, Labour Court, Circuit Court, High Court and Court of Appeal.



## LIZ CAROLAN

**Liz Carolan** has been working at the intersection of technology, governance and democracy for over 10 years. Her work with government has included supporting elected leaders at the Institute for Government in the UK and working in the President's Office in Sierra Leone. She established the Open Data Institute's international program, supporting accountability efforts in 30 countries, including leading an open elections project in Burkina Faso. She later helped get the Open Data Charter off the ground as Director of Strategy. In 2018, Liz founded the Transparent Referendum Initiative (TRI) during Ireland's referendum on abortion. TRI built an open database of online political advertising, through a partnership of voters, civic tech groups, academics, parliamentarians and journalists to help uncover disinformation campaigns and attempts at overseas interference.



## DANIEL HOLDER

**Daniel Holder** is Director of the Belfast-based human rights NGO the Committee on the Administration of Justice (CAJ), having served as Deputy Director since 2011. He is also the Co-Convener of the Equality Coalition, a network of equality NGOs and trade unions jointly convened by CAJ and UNISON in the north. Prior to this, he worked in the NI Human Rights Commission, ran a migrant worker equality project in County Tyrone and worked as a linguist in Havana, Cuba. He has a primary degree in Spanish and Sociology and an LLM in Human Rights Law, both from Queens University Belfast. He joined the ICCL board in 2021.



## PROFESSOR MAURICE MANNING

Prof **Maurice Manning** is a former President of the Irish Human Rights Commission, as well as a former Senator and TD. He is currently Chancellor of the National University of Ireland. He has had a long career as an academic, writer and politician, and has served on several government and non-governmental organisation boards.



## BULELANI MFACO

**Bulelani Mfaco** is spokesperson for the Movement of Asylum Seekers in Ireland (MASI). MASI is a grassroots campaign group which campaigns against direct provision and deportations, defends the fundamental right to seek asylum, and agitates for a more humane asylum process. Bulelani cut his campaigning teeth in his native South Africa where from an early age he was involved in protests for adequate housing, access to land, healthcare and improved policing. Bulelani has a Masters in Politics from UCD.



## DR MARIA HELEN MURPHY

Dr **Maria Helen Murphy** is an Assistant Professor in Law at Maynooth University and joined the ICCL board in September 2017. Her research focuses on the intersection between technology and human rights with a particular emphasis on privacy and freedom of expression. In addition to publishing in a variety of national and international journals, Maria has authored the book, *Surveillance and the Law: Language, Power and Privacy* (2019) and co-authored the book, *Information and Communications Technology Law in Ireland* (2017).



## DAMIAN O'BROIN

**Damian O'Broin** is the founder and Managing Director of Ask Direct where he leads a team of talented fundraisers to help inspire more people to take action for the causes they care about because he believes that we'll only get a better world if people give their time, money and voice to build it.



## DR MUIRIS Ó CEIDIGH

Dr **Muiris Ó Ceidigh** holds a Doctorate in Governance from Queens University Belfast. He is a Trustee of the Institute for Conflict Research in Belfast, Northern Ireland. His primary degree was a BA in Law and Sociology from NUI Galway and this was followed by an LLB. He also holds an MBA from Trinity College, an MSc in Economics from Trinity College Dublin and an MA in Public Management from the Institute of Public Administration. He practiced as a commercial lawyer with A & L Goodbody for several years and is currently CEO of the National Milk Agency. Muiris is a published poet and was recipient of the Francis Ledwidge International Poetry Prize.



## NATHALIE WEADICK

**Nathalie Weadick** is a curator of architecture and spatial practice based in Dublin. She is director of the Irish Architecture Foundation, an organisation committed to communicating the culture of architecture and urbanism to the public

# OUR STAFF IN 2022



Executive Director

**LIAM HERRICK**



Head of Legal and Policy

**DOIREANN ANSBRO BL**



Senior Fellow - Information Rights

**DR JOHNNY RYAN FRHistS**



Communications Manager

**SINÉAD NOLAN**



Office and Operations Manager

**CHRIS MCCARTIN**



Development and Engagement Officer

**GRACE TIERNEY**



Technology Fellow

**DR KRIS SHRISHAK**



Information Rights Policy Officer

**OLGA CRONIN**



Criminal Justice Policy Officer

**SARAH O'MALLEY BL**



Democratic Freedoms Policy Officer

**RONAN KENNEDY**



Equality and Hate Crime Policy Officer

**LUNA LARA LIBONI**



Procedural Rights Fellow

**SEÁN BEATTY BL**



NUI Galway Intern

**CHERYL MELLETT**



Research and Administrative Intern

**BEATRICE NAKAYENGA**



NUI Galway Intern

**SUSANNE O'SULLIVAN**



## LIAM HERRICK

**Liam Herrick** was appointed **Executive Director** of the Irish Council for Civil Liberties in November 2016. Prior to his appointment, he worked as Advisor to President Michael D. Higgins. Liam was Executive Director of the Irish Penal Reform Trust (IPRT) between 2007 and 2014. He has also worked as the first Head of Legislation and Policy at the former Irish Human Rights Commission, with the Law Reform Commission and at the Department of Foreign Affairs. He is a former member of the Irish Human Rights and Equality Commission (IHREC) and the Minister for Justice and Equality's Strategic Review Group on Penal Policy.



## DOIREANN ANSBRO BL

**Doireann Ansbro** is Head of Legal and Policy for the ICCL. She is called to the Bar of Ireland and to the Bar of England and Wales where she worked in criminal law and asylum and immigration law. She has previously worked as associate legal adviser to the International Commission of Jurists, consultant to the UN Special Rapporteur on truth, justice, reparations and guarantees of non-recurrence and human rights attache to the Permanent Mission of Ireland to the UN in Geneva. She holds an LLM in Human Rights Law from the University of Nottingham, an LLB (Graduate) from Nottingham Law School and a BA from Trinity College Dublin.



## DR JOHNNY RYAN FRHISTS

**Dr Johnny Ryan** FRHistS is interested in digital rights. *Protocol* named him “the thorn in Google’s side”. *Die Zeit* calls him “Google’s biggest pain”. His previous roles include Chief Policy Officer of Brave, Chief Innovation Officer of The Irish Times, Executive Director of the Innovation Academy at UCD, and Senior Researcher at the IIEA. He has testified at the US Senate, European Parliament, and European Commission. He is the author of two books, and his interventions have appeared in *The New York Times*, *The Economist*, *The Financial Times* and other leading media. He has a PhD from the University of Cambridge.



## SINÉAD NOLAN

**Sinéad Nolan** has been with ICCL since 2017. She is a board member of Peace Brigades International (PBI) Ireland, having spent a year working alongside activists at risk in northern Mexico with PBI. She has also worked with Front Line Defenders; with the UN Special Rapporteur for human rights defenders; and with the Caravana Colombiana providing protection to at-risk activists. Sinéad holds an MA in International Security and Conflict Studies and has voluntary experience working in homeless services and with sex workers in Dublin. Sinéad left ICCL in 2022 to work with the National Women’s Council.



## CHRIS MCCARTIN

**Chris McCartin** joined ICCL as an Administrative Officer in September 2017 and is responsible for office operations. Chris has previously provided administrative support to key units in the Department of Public Expenditure and Reform and Department of Foreign Affairs and Trade. Prior to joining ICCL, he worked with University College Dublin’s University Secretariat to support a number of governance and management committees.



## GRACE TIERNEY

**Grace Tierney** joined ICCL as Funding and Development Officer in November 2018. She previously worked as Fundraising Manager for Suas Educational Development. Grace holds a BA in Economics and Social Studies from Trinity College and a Masters in Public Policy specialising in human rights from University College Dublin. Grace left ICCL in 2022 to study to qualify as a Barrister at the King's Inns.



## DR KRIS SHRISHAK

Dr **Kris Shrishak** joined ICCL as a Technology Fellow in 2021. He is focused on fairness, explainability and transparency in algorithmic decision making, surveillance, data rights, and privacy. Previously Kris was a researcher at Technical University Darmstadt in Germany where he worked on applied cryptography, privacy enhancing technologies and Internet infrastructure security.



## OLGA CRONIN

**Olga Cronin** is the Policy Officer on ICCL's and INCLO's shared Information Rights Programme. Olga worked in journalism for almost 15 years in various newspaper reporting and editing roles and at Broadsheet.ie for the past 10 years. Olga holds a BA in Print Journalism from Western Kentucky University and a MSc in Political Science from Trinity College Dublin.



## SARAH O'MALLEY BL

Prior to joining ICCL **Sarah O'Malley BL** (Sorcha Ní Mháille) worked for the lead victims' counsel at the Khmer Rouge Tribunal in Cambodia. She has previously worked on criminal justice, international law and human rights for NGOs, government and at the UN. She qualified as a barrister in 2018 and practiced criminal law. She holds an LLB in Law and Political Science from Trinity College Dublin and an LLM in International Criminal Law from the University of Amsterdam and Columbia University, New York.



## RONAN KENNEDY

**Ronan Kennedy** is Policy Officer for the Democratic Freedoms initiative. He previously worked in a number of policy and advocacy roles in Early Childhood Ireland, the Social Democrats and the Institute for British-Irish Studies. He holds an MSc from University College Dublin on the topic of Nationalism and Ethnic Conflict Resolution and his research on democratic inclusion has been published in the British Journal of Politics and International Relations.



## LUNA LARA LIBONI

**Luna Lara Liboni** joined ICCL as Policy Officer on Equality and Hate Crime in April 2021. She has previously worked in a wide range of roles with national and international civil society organisations (including the Italian Coalition for Civil Liberties and Rights and the Organization for Refuge, Asylum and Migration) and at the Council of Europe Sexual Orientation and Gender Identity Unit. She holds an LLM in International Human Rights from the Irish Centre for Human Rights - NUI Galway and a Bachelor's Degree in International Studies and European Institutions from the University of Milan. Her pronouns are she/her.



## SEÁN BEATTY BL

**Seán Beatty** was the ICCL/Bar of Ireland Procedural Rights Fellow for 2022. He is a practising barrister and lectures on the LLM programme at Griffith College. Seán previously worked as a Judicial Assistant at the Supreme Court for three years and volunteered with ICCL. He has also worked in law with various organisations in Ireland, the US and China. He holds an LLB from the University of Limerick and an LLM in Human Rights Law from the University of Nottingham.



## CHERYL MELLETT

**Cheryl Mellett** joined ICCL as a third-year mature law student. She previously worked as a legal administrator for a busy law firm. Cheryl served 10 years with the Defence Forces having served with both the Navy and Army. She is a former director of Athlone Sub Aqua Club and served seven years as Public Relations Officer. She also volunteers with a number of animal rights organisations and various charitable organisations.

**OUR**

**WORK**

**IRISH COUNCIL FOR  
CIVIL LIBERTIES**



# OUR ADVOCACY

## KEY ACHIEVEMENTS IN 2022

✓	In January, the Government brought an end to Covid-19 vaccine passports, referencing ICCL's concerns about their use.
✓	ICCL's coordination of civil society and submission to the UN Human Rights Committee (HRC) had a significant impact on the HRC's Concluding Observations to Ireland published in July.
✓	The UN's Committee on Economic, Social and Cultural Rights (CESCR) List of Issues for examination in Ireland was published in April and reflected the issues ICCL had raised in our submission to the Committee.
✓	In 2022, the Oireachtas Justice Committee decided to examine the operation of the Coroner Service, citing ICCL's 2021 report <i>Death Investigation, Coroners' Inquests and the Rights of the Bereaved</i> . ICCL was invited to appear before the Committee and many of our recommendations were reflected in the Committee's report.
✓	An ICCL cross-border conference on policing in March brought together many significant stakeholders from both jurisdictions. The conference facilitated dialogue of key policing reform issues, including the need to improve the culture of and compliance with human rights within policing and the importance of independent oversight of An Garda Síochána.
✓	ICCL outlined our serious concerns about the Government's intentions to give An Garda Síochána facial recognition technology (FRT). Our campaigning on this issue led to Cabinet demanding a report and to the introduction being paused.
✓	In November, ICCL launched the latest addition to our Know Your Rights series with the publication of <i>Know Your Rights: A Guide for International Protection Applicants</i> . The booklet has been very well received by groups representing and working with international protection applicants in Ireland.
✓	ICCL continued to chair the Coalition Against Hate Crime and in this role delivered a new 'Hate Crime Hurts Us All' public awareness campaign.
✓	We influenced the European Commission to include a ban on the use of people's most sensitive characteristics in political ads.
✓	We are shaping Europe's new Artificial Intelligence (AI) Act to better protect the rights of everyone in Europe.

# ADVOCACY IN IRELAND

In 2022 we developed an Oireachtas engagement strategy to guide our parliamentary work. Based on this strategy, engagement templates for work programmes were developed and used during the year to guide and document our Oireachtas engagements and to improve ICCL staff capacity in this area.

Tailored strategic Oireachtas priorities for each workstream have been developed with relevant staff members and interventions on bills are made at key junctures in order to maximise our impact.

We also worked with TDs to draft and place parliamentary questions on areas of concern and develop briefing documents for circulation to relevant TDs and Senators in advance of committee meetings and debates. These briefing documents serve to complement our submissions and policy work

by refining our positions into two or three pages of key points which can be used as speaking notes. The impact of these efforts can clearly be seen in the year-on-year growth of mentions of ICCL in the Oireachtas.

Aside from work on our legislative priorities, we have also worked to enhance our visibility within the Oireachtas. In 2022, we held three general briefing meetings with political parties to outline our legislative priorities on legislation. 2022 also saw our second pre-Budget submission which was incorporated into the alternative budgets of a number of opposition parties and secured extensive coverage across national media. We also began circulating a regular newsletter to all members of the Oireachtas, outlining our priorities in terms of forthcoming legislation and some notable policy achievements over the preceding period.



Members of the ICCL team including (L-R) Liam Herrick, Doireann Ansbro, Luna Lara Liboni and Ronan Kennedy pictured outside Leinster House with Ivana Bacik TD.



3

Oireachtas Committee appearances



12

Written submissions on legislation



18

Parliamentary Questions



19

letters



163

emails



20

meetings (in-person and online)



3

newsletters



1

pre-Budget submission



# INTERNATIONAL ADVOCACY

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In January we made a submission to the UN's Committee on Economic, Social and Cultural Rights (CESCR) to help them prepare a List of Issues for the next examination of Ireland. In March we addressed the Committee and the following month the Committee published its List of Issues, featuring most of the issues we raised.



5

submissions



42

in person briefings



22

phone and video briefings



54

written briefings



## CIVIL AND POLITICAL RIGHTS

In 2022 Ireland's obligations under the International Covenant on Civil and Political Rights (ICCPR) were examined by the UN Human Rights Committee. ICCL submitted a written report which was endorsed by 37 civil society organisations and coalitions and also attended the Committee in Geneva to voice our concerns.

The UN treaty body's strong recommendations mirror ICCL's positions in a wide range of areas, including accountability for human rights violations, redress for survivors of mother and baby homes, racial profiling, hate crime and incitement to hatred, intersex rights, abortion, human rights review of Covid-19 response, religious oaths and protest.



Doireann Ansbro and Luna Lara Liboni attended the UN Human Rights Committee in Geneva, where they met with Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman TD; Chief Commissioner of the Irish Human Rights and Equality Commission, Sinéad Gibney; representatives from the Department of Foreign Affairs; and representatives of other civil society organisations.

## DIGITAL RIGHTS

Throughout 2022, we worked closely with European legislators to shape the EU's new Artificial Intelligence (AI) Act to better protect the rights of everyone in Europe.

In April, we brought together almost 50 individuals from the fields of privacy, data protection and competition to urge EU legislators to address flaws in the EU Digital Markets Act.

In November, ICCL led a submission on behalf of 77 civil society organisations from the US and Europe to the US Federal Trade Commission in support of new US privacy standards.

# ADMINISTRATION OF JUSTICE

## KEY ACHIEVEMENTS IN 2022

- ICCL launched a new website with information for victims of crime, [infovictims.ie](http://infovictims.ie).
- The Judicial Appointments Bill was published in April reflecting a number of ICCL recommendations.
- The UN's Committee on Economic, Social and Cultural Rights (CESCR) List of Issues for examination in Ireland was published in April and reflected the issues ICCL had raised in our submission to the Committee.
- The Inspection of Places of Detention Bill was published in 2022 and while it has significant shortcomings, it paves the way for the ratification of the Optional Protocol Against Torture (OPCAT), which ICCL has long campaigned for.
- We established ICCL as key stakeholders in the Special Criminal Court review process through a conference, submissions and media appearances. This led to ICCL being invited to attend two closed meetings with the Independent Review Group.

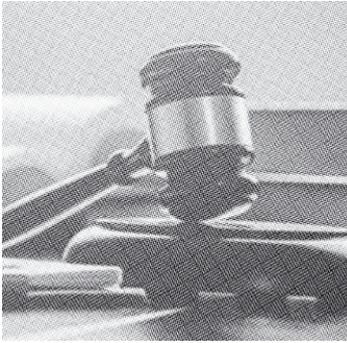
## SPECIAL CRIMINAL COURT

In 2021, the Government established an Independent Review Group to consider the operation of the legislation underpinning the Special Criminal Court, the Offences Against the State Act. In 2022, ICCL was invited to two meetings with this review group where we advocated for the abolition of the Court and outlined the human rights concerns about its operation.

The Special Criminal Court was established in 1972 as a temporary, emergency court to deal with serious terrorist crimes. 50 years later, it has expanded to two courts which can deal with an ever-evolving jurisdiction over organised crime.

ICCL continues to strongly oppose the Court and call for its abolition. We oppose this non-jury Court because its procedures present significant obstacles to the right to a fair trial and the right to be treated equally before the law. The report of the Independent Review Group is due to be published in 2023.





## JUDICIAL APPOINTMENTS BILL

CCL made a submission on the General Scheme of the Judicial Appointments Bill in 2021. When the Bill was published in 2022 it reflected many of our recommendations, including the need for a single, fair and merits-based appointments process for all judges; a shortlist from the Commission to Government to limit Government discretion; the need for judicial appointments to take the principle of diversity into account; and the need for all judicial appointees to undertake particular training. The draft legislation is still progressing through the Oireachtas.

## RIGHTS OF ACCUSED PEOPLE IN CRIMINAL PROCEEDINGS

CCL continues to work closely with our partner organisations across the EU on projects aiming to improve criminal justice across the EU.

## RIGHTS IN CUSTODY

In 2022 we participated in an EU-wide project 'Strengthening Procedural Rights for People in Custody' (ProRPC). We conducted research and worked with national and international experts to identify best practices for the better protection of people's rights when they are in Garda custody. These rights include access to a lawyer, the right to information and interpretation/ translation, the right to silence and the right not to be subjected to ill treatment.

Throughout 2022 we travelled and sent our national experts to Austria, Romania, Spain and Belgium to learn about the innovations other countries have introduced to implement rights in custody. With our EU partners we produced four best practice guides on the right to legal aid, access to a lawyer, audio-visual recording and the right to information.

We will build on this project and continue to advocate for Ireland to opt into outstanding EU procedural rights directives, for the Garda Síochána (Powers) Bill to provide for robust protections for people in custody, and for all relevant stakeholders to implement best practices identified through this project.



ICCL regional roundtable on policing audio-visual recording, part of our 'Strengthening Procedural Rights for People in Custody' (ProRPC) project.

## PRE-TRIAL DETENTION

**P**re-trial detention can infringe on the right to the presumption of innocence and the right to liberty. Across Europe, there are concerns that pre-trial detention is overused leading to overcrowding in prisons.

In 2022, we began an EU-wide project looking at pre-trial detention ordered on the grounds that a suspect is a “flight risk”. While it is more challenging to research this area in Ireland as there are no written judgments on first-instance bail decisions, we are critically assessing judicial decision-making by analysing what has been documented in appeal judgments and observing court proceedings.

In December 2022, the European Commission made an important recommendation that if a suspect is a foreign national with no links to a state, this on its own cannot be used as a reason to conclude that there is a flight risk. This recommendation is at odds with decisions of Irish judges not to grant bail to foreign nationals. Our research will continue into 2023 and aims to uncover potential unconscious biases in bail decisions and to scrutinise whether ECHR standards are being met by our judiciary.



## REDRESS FOR HISTORICAL ABUSE

**T**he draft Mother and Baby Institutions Payment Scheme Bill 2022 was met with widespread disappointment and understandable frustration from survivors. After consulting with survivors, ICCL made a submission on the Bill to the Oireachtas Committee on Children, outlining our view that the human rights abuses that occurred in Mother and Baby Homes required extensive redress for survivors, far beyond what was proposed in the General Scheme.

In July the Committee published its pre-legislative scrutiny report on the Bill, taking on board almost all our recommendations and noting our suggestion that redress levels should at least match the average industrial wages at the time to properly compensate for forced labour. We were also glad to see that our advocacy to the UN Human Rights Committee resulted in strong Concluding Observations regarding the need for proper redress for survivors.

Disappointingly, in October the Dáil approved the Bill even though it excludes many survivors from adequate redress. We wrote to Government outlining our concerns but were disappointed not to receive a substantive reply.

## VICTIMS' RIGHTS

**A** third EU-wide project we participated in was InfoVictims, focused on improving information about rights for victims of crime. We developed content for a new website, [infovictims.ie](http://infovictims.ie), and published a new guide *Know Your Rights As A Victim of Crime* which explains every right from before the investigation stage to the parole process. These materials were launched at an event in December.

We began work on an EU-funded victims' rights project called Survive, Overcome and Support Victims of Crime (SOS) led by White Circle Croatia, designed to assess the extent to which victims are aware of their rights across the EU and provide training on victims' rights. This work will continue into 2023.

## PROTECTING PERSONS IN DETENTION

**I**CCL has been campaigning for the ratification of the UN's Optional Protocol to the Convention against Torture (OPCAT) since 2007. This treaty requires independent, human rights-based inspections of all places of detention in Ireland.

In summer 2022, we welcomed the publication of the General Scheme of the Inspection of Places of Detention Bill 2022, which would pave the way to ratification. However, we identified significant shortcomings in the proposed legislation, chiefly that some places where people are deprived of their liberty, such as direct provision centres and care homes, have been left out entirely. We made a submission to the Oireachtas Committee on Justice identifying where the Bill fails to comply with OPCAT and we hope to see an improved Bill published in 2023.



Photos of our joint conference with CAJ on police reform North and South, featuring Doireann Ansbro, ICCL; Donncha O'Connell, University of Galway; John O'Connell, Department of Justice; Daniel Holder, CAJ; Emily Logan, GSOC; Bob Collins, Policing Authority; Marie Anderson, Police Ombudsman for Northern Ireland; John Wadham, Human Rights Advisor to the NI Policing Board; Liam Herrick, ICCL; Dave Anderson QC; and Alyson Kilpatrick, Northern Ireland Human Rights Commission.

## POLICING

In March, ICCL co-hosted a cross-border conference on policing with our colleagues from the Committee on the Administration of Justice (CAJ). The event brought together many significant stakeholders from both jurisdictions and generated robust discussion of key policing reform issues, including the need to improve the culture of and compliance with human rights within policing and the importance of independent oversight of An Garda Síochána. The high level of participation and attendance can be considered a culmination of our policing work over the past few years, demonstrating ICCL's position as a respected and established actor in the police reform process.

In 2022, we continued to work on three key pieces of policing reform legislation, intended to implement the recommendations of the Commission on the Future of Policing in Ireland: the Garda Síochána (Powers) Bill, the Garda Síochána (Recording Devices) Bill and the Policing, Security and Community Safety Bill.

Throughout the year, we engaged at every step of the legislative process for these Bills to ensure they require the highest human rights standards of An Garda Síochána, work which will continue in 2023. While it is very welcome to finally see progress in reform of Garda accountability, surveillance and police powers, we have significant concerns about many aspects of the Bills and their progress remains slow.

ICCL made submissions to the Oireachtas Justice Committee on each of the Bills, and many of our recommendations were included in their report. We also met with political parties to share our concerns about the Bills.

One of the key issues we have been very public in confronting is the Government's intention to introduce facial recognition technology (FRT) for An Garda Síochána. Throughout the year, we led public opposition to this and in October our position was echoed in a statement by a number of UN Special Rapporteurs to the Government expressing serious concerns about the Government's FRT proposals.

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**ONE OF THE KEY ISSUES WE HAVE BEEN VERY PUBLIC IN CONFRONTING IS THE GOVERNMENT'S INTENTION TO INTRODUCE FACIAL RECOGNITION TECHNOLOGY (FRT) FOR AN GARDA SÍOCHÁNA.**

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# CORONERS REFORM

In 2022, the Oireachtas Justice Committee decided to examine the operation of the Coroner Service, citing ICCL's 2021 report *Death Investigation, Coroners' Inquests and the Rights of the Bereaved*. We ran a social media campaign entitled #PeaceAndAnswers ahead of the Committee's hearings on the issue, which performed particularly well on Facebook. ICCL was invited to make a submission and appear before the Committee, which we did in May. Many of our recommendations were reflected in the Committee's report.

In July, ICCL also supported and contributed to legislation which amended the process by which juries are appointed within the Coroner Service for purpose of allowing the Stardust Inquests to commence.

We continue to engage with Government on this issue and to highlight through media appearances the need to reform the Coroner Service.



**“WE CONTINUE TO ENGAGE WITH GOVERNMENT ON THIS ISSUE AND TO HIGHLIGHT THROUGH MEDIA APPEARANCES THE NEED TO REFORM THE CORONER SERVICE.”**



## #PEACEANDANSWERS

**BRIGHTENED THE LIVES  
OF ALL WHO KNEW HER**



**DON'T LET DONNA'S  
DEATH BE IN VAIN**

[find out more at iccl.ie](https://iccl.ie)

**PEOPLE ARE DYING**

**BUT THE GOVERNMENT  
DOESN'T KNOW WHY**

[Find out more at iccl.ie](https://iccl.ie)

 Irish Council for  
Civil Liberties

**TWENTY YEARS  
WITHOUT JUSTICE**

**TAKE A STAND  
FOR SHANE  
TUOHEY**

[learn more at iccl.ie](https://iccl.ie)

 Irish Council for  
Civil Liberties



**A NOBLE & GENEROUS MAN**

**TADAS SARKAUSKAS WAS  
ASSAULTED ON DUBLIN'S  
BOARDWALK.**

**THERE HAS BEEN NO INQUEST  
INTO HIS DEATH.**

[Take action at iccl.ie](https://iccl.ie)

 Irish Council for  
Civil Liberties

# EQUALITY AND DISCRIMINATION

## KEY ACHIEVEMENTS IN 2022

- For the first time, in 2022, the UN Human Rights Committee addressed the rights of intersex people in its recommendations - an issue ICCL had raised with the Committee
- ICCL continued to chair the Coalition Against Hate Crime and in this role delivered a new public awareness campaign 'Hate Crime Hurts Us All'.
- The Coalition Against Hate Crime continued to grow in membership and increased its policy and communications output
- The draft Health (Termination of Pregnancy (Safe Access Zones)) Bill was published, which aims to provide for exclusion zones around medical facilities that provide terminations of pregnancies. ICCL had been advocating for this since 2019.

## GENDER EQUALITY

In 2021 the Citizens' Assembly published a set of 45 recommendations to advance gender equality. In 2022 ICCL made submissions to the Joint Oireachtas Committee on Gender Equality, sharing our assessment of how to implement the Assembly's recommendations.

We made recommendations on what reforms are needed to the Irish Constitution to enshrine equality and non-discrimination, remove outdated references to the role of the woman in the home, expand the reference to family and recognise the role of carers. In 2023, the Government committed to holding referenda on these topics.



## RACIAL PROFILING

In partnership with the Irish Network Against Racism, with a grant funded by IHREC, we commissioned research by consultancy group Diversity Matters on experiences of racial profiling by police in Ireland through a series of online and offline sessions with members of impacted communities. These consultations, combined with desk research, informed a series of materials to be made available in 2023.

# HATE CRIME AND INCITEMENT TO HATRED

In 2022 we continued our work campaigning against hate crime and extreme hate speech, playing a leading role in shaping the proposed new legislation which started its journey in the Oireachtas in 2021. Our political engagement was significant both as an individual organisation and as chair of the Coalition Against Hate Crime. Most of our recommendations and concerns on the Bill were taken on board by the Oireachtas Committee on Justice in their pre-legislative scrutiny report.

Following the publication of the draft legislation in October 2022, our briefings shaped the debate in the Dáil. We also had an impact on Oireachtas discussions on extending the list of EU crimes to hate crime and hate speech. Our expertise in this area went beyond borders: we addressed the Committee of Ministers of the Council of Europe on the importance of civil society engagement when developing hate crime legislation and we saw our recommendations reflected in important UN Human Rights Committee recommendations.

The Coalition Against Hate Crime got bigger, stronger and louder. Together with its members, ICCL launched the 'Hate Crimes Hurt Us All' campaign focused on the ripple effect of these crimes and the impact they have on individuals, communities and society as a whole. Our work was vastly covered by the media with key appearances and features on national radio, newspapers and community media.



Photos from the launch of our 'Hate Crime Hurts Us All' campaign including Lucy Michael; Martin Collins, Pavee Point; Patricia Munatsi Mavhinga, INAR; and Ailsa Spindler, Gay Project.





## LGBTI+ RIGHTS

In addition to our work to combat hate crime, we took a number of actions aimed at strengthening equal rights for the LGBTI+ community. At the end of 2021, we wrote to the Garda Commissioner to express concern about the apparent targeting of gay men by police. In 2022, we joined the Trans Equality Together coalition – restating our continuous support to the community – and joined the call for the ban of conversion practices in Ireland.

For the first time in 2022, the UN Human Rights Committee addressed the rights of intersex

people in its recommendations. Having listened to ICCL concerns over existing practices, clear recommendations were made to the Government to strictly regulate non-consensual and unnecessary surgical interventions on intersex children, and the HRC also called on the Government to ban conversion practices against LGBTI+ people.

At the end of the year, we submitted our views on the Disregard of Convictions for certain Qualifying Offences Related to Consensual Activity Between Men to the Department of Justice, calling for the new scheme to be developed adopting a human rights-based approach.

# REPRODUCTIVE RIGHTS



2022 was a landmark year for reproductive rights globally; in June, Roe v Wade was overturned by the United States Supreme Court. Throughout 2022, we were involved in the Abortion Working Group, a coalition of over 20 civil society groups and practitioners led by the National Women’s Council. We participated in submissions to Government on how to strengthen our abortion laws as part of the review of the Termination of Pregnancy Act 2018.

In our advocacy to the UN Human Rights Committee, we outlined in detail how the State was failing to provide effective access to abortion care given the ongoing significant obstacles to accessing safe and legal abortions in Ireland. This led the Committee to make very specific recommendations to the State about the problematic criminalisation of practitioners, the barriers created by the mandatory three-day wait period and the barriers that force

pregnant people with foetal abnormality conditions to travel abroad for abortions. It further recommended implementing measures to ensure universal and equal access for all women and girls, especially those from marginalised groups such as asylum seekers. It also stressed that efforts should be made to prevent stigmatisation and trauma of people seeking abortions, including through the provision of safe access zones around providers.

We have played a key role in the bringing forward of key legislation on safe access zones, the General Scheme of the Health (Termination of Pregnancy Services (Safe Access Zones)) Bill along with our colleagues in Together for Safety and the Abortion Working Group. We will continue to advocate for the UN’s recommendations going forward particularly in light of the Government’s review of the Termination of Pregnancy Act which was ongoing during 2022.

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**“WE WILL CONTINUE TO ADVOCATE FOR THE UN’S RECOMMENDATIONS GOING FORWARD PARTICULARLY IN LIGHT OF THE GOVERNMENT’S REVIEW OF THE TERMINATION OF PREGNANCY ACT WHICH WAS ONGOING DURING 2022.”**

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# OPENING OF THE REGULARISATION SCHEME FOR UNDOCUMENTED MIGRANTS

In 2021 ICCL wrote to the Department of Justice providing our views on the proposed terms of the scheme to regularise undocumented migrants in Ireland. We welcomed the introduction of the scheme which ran from January to July 2022 and received almost 8,000 applications.

## TRAININGS AND AWARENESS

In 2022, ICCL staff met with Irish civil society organisations advocating for the rights of Roma, Traveller and Intersex people to strengthen our awareness of specific challenges faces by communities and mainstream the inclusion of their concerns in ICCL work. We also engaged with a group of young people with intellectual disabilities, focusing on the importance of equality and accessibility of human rights.



### KNOW YOUR RIGHTS

A guide for international protection applicants



## KNOW YOUR RIGHTS

In November, ICCL launched the latest addition to our *Know Your Rights* series with the publication of *Know Your Rights: A Guide for International Protection Applicants*. The booklet, which received funding from the Irish Human Rights and Equality Commission and drafted by members of Lucy Michael Training, Research and Consultancy, has been very well received by groups representing and working with international protection applicants in Ireland.

# DEMOCRATIC FREEDOMS

## KEY ACHIEVEMENTS IN 2022



The draft Charities (Amendment) Bill was published in 2022, and included human rights as a charitable purpose, representing a significant win for ICCL after years of advocacy.



ICCL coordinated and drafted a submission with inputs from seven partner organisations for the European Commission's Rule of Law reporting process. The submission had a significant impact on discussions in Ireland and the EU, and led to ICCL being invited to meet Commission representatives and to speak at the annual conference of the European Economic and Social Committee in Brussels.

## ELECTORAL REFORM ACT

The revised Electoral Reform Bill was published in March, and ICCL was disappointed to note that the recommendations which we fought to have included in the pre-legislative scrutiny report on civil society freedom weren't included in the revised Bill. We engaged in extensive advocacy in the Oireachtas to brief TDs and Senators and built support for amendments which were tabled at Committee stage and in the Seanad. Two substantive submissions on the Bill were made, one ICCL standalone and one on behalf of the Coalition for Civil Society Freedom. Unfortunately, our efforts to secure amendments to the Bill were unsuccessful. This was despite meeting with Minister of State for Heritage and Electoral Reform, Malcolm Noonan TD, and his officials to explain the issues. While our attempts to secure amendments were ultimately unsuccessful, the groundwork will stand to us when the Electoral Act is reviewed.

The European Commission has raised serious concerns about elements of the legislation, and we made a submission to them on this matter in August. We subsequently wrote to the Commission in October asking for details of their contact with the Government on the enforcement action on parts 4 (political advertising) and 5 (regulation of mis and disinformation) which breach EU law. The Commission has informed the Government that their approach to the findings of incompatibility are unworkable. Correspondence between the Irish Government and the European Commission on the Electoral Reform Act was released to us under FOI in December.

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## COALITION FOR CIVIL SOCIETY FREEDOM

The Coalition continued its work in supporting our policy development and advocacy on civil society freedom, the Electoral Act and charities' governance reform in 2022. In addition to regular meetings, the Coalition held a strategy meeting in November to map out thematic and work priorities for 2023. It was agreed that its next focus would be on acquiring evidence of State funding being used as a tool to restrict advocacy or to silence dissent in the NGO/CSO sector. Work on this will be prioritised in 2023.

# REFORM OF THE CHARITIES ACT

The draft Charities (Amendment) Bill 2022 was published in April and represents a significant win for our work on civic space. The Bill includes a provision which would see human rights recognised as a valid charitable purpose and therefore if enacted, it would allow ICCL and other similar organisations to register as charities.

ICCL appeared at the Oireachtas Committee on Social Protection to outline our position on the Bill as part of the pre-legislative scrutiny process. At the hearing we welcomed the addition of advancement of human rights as a charitable purpose. However, we also expressed concern about advice from the Charities Regulator which narrows the space for charities to engage in “political” advocacy to advance their charitable purpose. In November, the Committee published its pre-legislative scrutiny report on the Charities Amendment Bill. We were very pleased to note that the Committee took on board our

submission and the issues we raised, and recommended that the narrowing of advice on “political advocacy” of charities be reconsidered. We await the publication of the revised Bill.

We wrote to the Charities Regulator with respect to the above-mentioned updated advice on political campaigning which was issued in 2021. This updated advice narrows the ability of charities to engage in campaigning and advocacy work and has the potential to impede the effectiveness of the charities designation we are working to secure. It would mean that organisations with a “significant” focus on political campaigning work to achieve their objectives cannot be considered charities. This has implications for organisations who focus on advocacy as opposed to service delivery and it is unclear how newly designated organisations involved in human rights promotion could achieve their objectives outside of campaign work. Our work on this is ongoing.

## CIVIC SPACE FREEDOMS

In March 2022, the National Women’s Council was criticised by members of Government parties for not inviting Government representatives to speak at a ‘No Women Left Behind’ rally outside Leinster House to mark International Women’s Day. In the wake of the commentary, ICCL coordinated letters to Ministers Helen McEntee, Simon Coveney, Roderic O’Gorman and Joe O’Brien. The letters, which were signed by 12 organisations, set out the importance of free civic space and the negative impact that inappropriate political commentary on funding and independence has on organisations.

ICCL expressed considerable concern during 2022 about what we see as an abuse of the legislative process by the Government. This has resulted in many bills being rushed through the Oireachtas without proper oversight or debate. An ICCL opinion piece by our Executive Director, Liam Herrick, was published in the Irish Examiner on 1 July. Subsequently, we coordinated an open letter from over 20 Irish civil society organisations to the Oireachtas Business Committee, party leaders, the Ceann Comhairle and Cathairleach of the Seanad highlighting these issues.



# RULE OF LAW EVENT AND REPORT

In January, we coordinated and drafted a submission with inputs from seven partner organisations for the European Commission’s Rule of Law reporting process. As a result of the submission, ICCL was selected to meet with representatives from the European Commission as part of their Rule of Law country visits on 7 March. The Rule of Law report was issued in July and contains many of the topics and recommendations which we included in the joint submission. The Commission was highly complimentary of the work in our submission and we were invited to speak about it at the annual conference of the European Economic and Social Committee in Brussels in September.

For the 2023 reporting cycle, we organised an October event in Europe House in Dublin to mark the beginning of the process. The panel of speakers included the Minister for European Affairs, Thomas Byrne TD; Head of the European Commission Representation in Ireland, Barbara Nolan; Professor Laurent Pech, Dean of the UCD Sutherland School of Law; and Daniel McConnell, Political Editor in the Irish Examiner. The event was chaired by ICCL’s Head of Legal and Policy, Doireann Ansbro.

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**“THE COMMISSION WAS HIGHLY COMPLIMENTARY OF THE WORK IN OUR SUBMISSION AND WE WERE INVITED TO SPEAK ABOUT IT AT THE ANNUAL CONFERENCE OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE IN BRUSSELS IN SEPTEMBER REGARDING OUR EFFORTS.”**

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# DIGITAL RIGHTS

## KEY ACHIEVEMENTS IN 2022

- We influenced the European Commission to include a ban on the use of people's most sensitive characteristics in political ads.
- We led European NGOs in a complex and lengthy regulatory process that produced a landmark EU-wide data protection rights decision on the issue of consent spam. We are now defending this decision at the European Court of Justice.
- With our European colleagues, we succeeded in giving people control over algorithms on digital platforms like Tiktok, YouTube, and Facebook, in the new EU Digital Services Act.
- We secured initial reform of Ireland's Data Protection Commission (DPC) from the Irish Government using international media and political pressure, and are suing the DPC in court for its failure to protect people against Google's real-time bidding online advertising system.
- We are shaping Europe's new Artificial Intelligence (AI) Act to better protect the rights of everyone in Europe.

## ICCL TAKES ON BIG TECH

**W**e continued our work to promote and defend everybody's digital rights in 2022. Litigation continued in Germany on real-time bidding in the online advertising industry and in Belgium on the issue of consent spam. We are involved in a class action suit which was launched in the Northern District of California in August against Oracle, a very large data broker. Oracle claims to have amassed detailed dossiers on five billion people and generates \$42.4 billion in annual revenue.

In May, ICCL published a major report on the scale of the real-time bidding (RTB) data breach in the online advertising industry. The report presented new data showing that the RTB industry tracks and shares what people view online and their real-world location 178 trillion times every year in the US and Europe.

In November, ICCL led a submission on behalf of 77 US and European civil society organisations to the US Federal Trade Commission to support a once-in-a-generation opportunity for new US privacy standards.

ICCL's 2022 digital work featured in national and international media outlets including *The Washington Post*, *New York Times*, *Forbes*, *Bloomberg*, *BBC*, *Vice*, *Euractiv*, *Politico*, *Wired magazine*, *The Irish Times*, *Irish Independent*, *RTÉ* and *Business Post*

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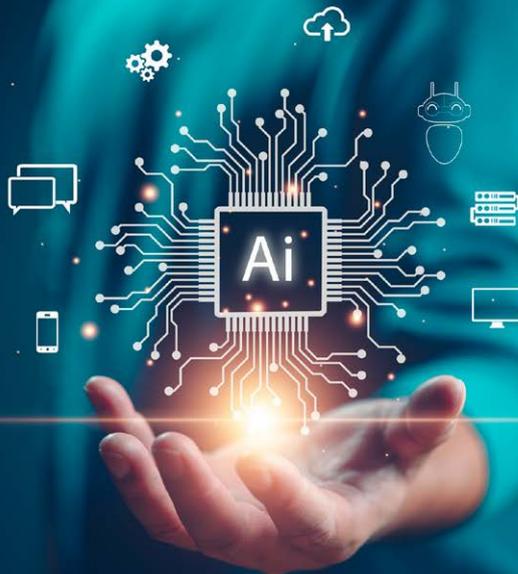
**"ICCL'S 2022 DIGITAL WORK FEATURED IN NATIONAL AND INTERNATIONAL MEDIA OUTLETS INCLUDING THE WASHINGTON POST, NEW YORK TIMES, FORBES, BLOOMBERG, BBC, VICE, EURACTIV, POLITICO, WIRED MAGAZINE, THE IRISH TIMES, IRISH INDEPENDENT, RTÉ AND BUSINESS POST."**

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# ARTIFICIAL INTELLIGENCE

**W**e worked extensively in 2022 with European legislators to identify and close serious loopholes in the draft Artificial Intelligence (AI) Act. The Act is set to be the first piece of legislation regulating artificial intelligence and as a result will likely be replicated around the world.

Throughout the year we worked with MEPs from all groupings to secure significant improvements in the legislation which correct technical errors and omissions; correct definitions; strengthen enforcement; and provide a right to complaint and a right to judicial remedy for affected people.



## ENFORCING THE GDPR

**I**n March, ICCL launched a lawsuit against the Irish Data Protection Commission (DPC) for its failure to protect people against Google's real-time bidding online advertising system. The DPC received a complaint about the system in September 2018, but had failed to investigate.

After significant campaigning by ICCL on the need to reform the DPC, in late June we had a partial win when the Government announced that it will appoint two additional Commissioners to head up the body. However, rather than commissioning an independent review as we had called for, the Government announced that the DPC would review itself. In September, we wrote to the European Parliament LIBE (Justice) Committee alerting them to this decision.

In December 2022, we secured a significant win when the EU Ombudsman Dr Emily O'Reilly concluded an inquiry into a complaint by ICCL, recommending that the European Commission monitor all Big Tech cases that fall under the responsibility of the Irish DPC. The outcome was the result of correspondence with the Ombudsman dating back to September 2021. At the end of 2022, the Commission's response to the recommendation was outstanding.



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**"AFTER SIGNIFICANT CAMPAIGNING BY ICCL ON THE NEED TO REFORM THE DPC, IN LATE JUNE WE HAD A PARTIAL WIN WHEN THE GOVERNMENT ANNOUNCED THAT IT WILL APPOINT TWO ADDITIONAL COMMISSIONERS TO HEAD UP THE BODY."**

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# HARMFUL CONTENT AND ONLINE FREEDOM OF EXPRESSION

**W**ith our European colleagues, we succeeded in giving people control over toxic algorithms on digital platforms like Tiktok, YouTube and Facebook in the new EU Digital Services Act. This is a leap forward for 450 million people's autonomy and freedom of thought, and a major step towards curbing extreme hate speech.

Hidden algorithms put hateful and divisive material into people's video and social feeds. Illegal content and hate groups grow because these toxic recommender systems promote them. They determine what content will be seen by vast numbers of people. Stopping this toxic amplification is far more effective than removing harmful content, and does not affect freedom of expression.

The new rules will be enforceable against digital platforms from February 2024.

In Ireland, ICCL continued to advocate against the Online Safety and Media Regulation Bill in 2022, arguing that significant parts of the proposed legislation may not meet human rights standards. Unfortunately, it was signed into law in December.



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**“HIDDEN ALGORITHMS PUT HATEFUL AND DIVISIVE MATERIAL INTO PEOPLE’S VIDEO AND SOCIAL FEEDS. ILLEGAL CONTENT AND HATE GROUPS GROW BECAUSE THESE TOXIC RECOMMENDER SYSTEMS PROMOTE THEM.”**

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## CHILD SEXUAL ABUSE MATERIAL

**I**n October 2022, ICCL revealed that An Garda Síochána is retaining files on people wrongly flagged as suspect sharers of child sexual abuse material (CSAM) after clearing them of this suspicion. We have asked the Data Protection Commission to examine the matter.

Big Tech companies use error-prone scanning technology to scan our emails and messages for known Child Sexual Abuse Material. When this technology detects a ‘match’ between a known CSAM image and an image in an email or a message, the case is referred to the National Center for Missing and Exploited Children (NCMEC) in the US. In turn, NCMEC refers the cases on to law enforcement agencies around the world. However, this ‘matching’ technology can create false positives. ICCL has revealed that of the 4,192 referrals NCMEC sent to An Garda Síochána in 2020, 471 were false positives. These included innocent family pictures of children on a beach.

Despite clearing these 471 referrals in 2020 (and other false positives in other years) as not being CSAM, An Garda Síochána retains the personal

data associated with these innocent cases instead of destroying that data.

An Garda Síochána has been receiving NCMEC referrals since 2010. In response to ICCL’s revelations, An Garda Síochána told media that one rationale for retaining this data is for “reference and intelligence material in respect of future investigations”. This is deeply problematic for people’s rights to privacy, data protection and presumption of innocence. The unnecessary retention of personal, sensitive data, including that of minors, always poses a risk.

A new regulation proposed by the EU Commission will replicate this process with ‘detection orders’ being used to require firms to introduce mass scanning and an ‘EU Centre’ and national coordinating authorities replacing NCMEC is currently being considered at an EU level. In November, ICCL with Digital Rights Ireland and the European Digital Rights network, of which ICCL and DRI are members, held a briefing about the legislation in the Oireachtas for all TDs and Senators to highlight the dangers of this proposal.

**OUR**

**COMMUNICATIONS**

**IRISH COUNCIL FOR  
CIVIL LIBERTIES**



# MEDIA

## 247 MEDIA APPEARANCES IN 2022

 <p><b>3</b> appearances on RTE TV News</p>	 <p><b>10</b> appearances on RTE Radio 1</p>	 <p><b>10</b> appearances on Newstalk</p>	 <p><b>3</b> appearances on Virgin Media TV News</p>	<p>THE IRISH TIMES</p> <p><b>39</b> appearances in the Irish Times</p>	<p>Irish Examiner</p> <p><b>29</b> appearances in The Irish Examiner</p>
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<p>thejournal.ie</p> <p><b>9</b> appearances in The Journal</p>	<p>The New York Times</p> <p><b>1</b> appearance in The New York Times</p>	<p>The Washington Post</p> <p><b>2</b> appearances in The Washington Post</p>	<p>BBC</p> <p><b>4</b> appearances on BBC</p>	<p>FT FINANCIAL TIMES</p> <p><b>1</b> appearance in the Financial Times</p>
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### Ministers worried over facial recognition plan

Justice Minister Leo Varadkar has expressed concern over a plan to use facial recognition technology to identify suspects in criminal cases. He said the government is "not ready" to use the technology and that it would be "a step too far".

### How to protect freedom of speech while dealing with online hatred

Minister for Digital Media and Culture, Leo Varadkar, has outlined a plan to deal with online hate speech while protecting freedom of expression. He said the government will focus on "prevention" and "protection" of victims.

### Calls for changes to hate crime legislation

Amendment to the Criminal Justice (Sexual Offences) Bill 2022 has been proposed to change the definition of hate crime. The amendment would allow for "any other characteristic" to be included in the definition.

### Amendments to hate crime Bill needed to avoid pitfalls

Amendment to the Criminal Justice (Sexual Offences) Bill 2022 has been proposed to change the definition of hate crime. The amendment would allow for "any other characteristic" to be included in the definition.

### Garda use of facial recognition technologies unnecessary and disproportionate

The Minister for Justice, Leo Varadkar, has said the use of facial recognition technology by the Garda Síochána is "unnecessary and disproportionate". He said the technology is "not needed" for law enforcement.

### More than 40% of minority community report hate crime

A survey by the Equality Commission has found that more than 40% of the minority community have reported experiencing hate crime. The survey also found that 66% of respondents believe that hate crime is a growing problem in Ireland.

### FT FINANCIAL TIMES

1 appearance in the Financial Times

### Ireland blew its chance to lead EU in online safety

The Minister for Digital Media and Culture, Leo Varadkar, has said Ireland has "blown its chance" to lead the European Union in online safety. He said the government has not done enough to protect citizens from online harm.

# CAMPAIGNS

## HATE CRIME

In September 2022, as Chair of the Coalition Against Hate Crime, we launched a public awareness campaign 'Hate Crime Hurts Us All'. The campaign underlines the ripple effect and the impact of hate crime on individuals, communities and society as a whole, and calls for a more comprehensive approach to tackle hate crime which goes beyond legislation.

The campaign was launched at an event attended by Coalition members, civil society organisations, academics, Department of Justice representatives and other key stakeholders.

The launch of the campaign secured strong media coverage and advertising was secured around Ireland on billboards and digital ad screens. In support, ICCL disseminated the campaign through its social media and online channels. Coalition members also promoted the campaign to their supporters and communities. Within weeks of the launch, over 400 people had signed the campaign petition calling for a national action plan against hate crime. Work on the campaign will continue in 2023.



# EVENTS

<p><b>26 JANUARY</b></p> <p>Seminar on the Special Criminal Court with Osgur Breatnach and Nancy Hollander</p>	<p><b>24-25 FEBRUARY</b></p> <p>Virtual two-day roundtable on rights in police custody</p>	<p><b>27 FEBRUARY</b></p> <p>ICCL Human Rights in Film Award</p>	<p><b>24 MARCH</b></p> <p>Joint conference with CAJ: Police reform North and South</p>
<p><b>10 JUNE</b></p> <p>All-island coalition event: "Misogyny and Hate Crime Legislation, North and South"</p>	<p><b>30 JUNE</b></p> <p>ICCL AGM</p>		<p><b>19-20 JULY</b></p> <p>Irish regional roundtable on Policing Audio Visual Recording (ProRPC)</p>
<p><b>12 SEPTEMBER</b></p> <p>'Hate Crime Hurts Us All' campaign launch</p>	<p><b>19 OCTOBER</b></p> <p>EU Rule of Law report event</p>	<p><b>28 NOVEMBER</b></p> <p>Launch of <i>Know Your Rights: A Guide for International Protection Applicants</i></p>	<p><b>8 DECEMBER</b></p> <p>InfoVictims launch</p>

## SOCIAL MEDIA

In 2022, we continued to grow our following across social media channels Twitter, Facebook, Instagram and LinkedIn. ICCL does not use these platforms' targeted advertising tools, but we use the channels to keep in touch with our supporters and followers, and to keep them updated on our work.

 **TWITTER FOLLOWERS** 15.9K

 **FACEBOOK FOLLOWERS** 6K

 **INSTAGRAM FOLLOWERS** 1.1K



## MEMBERSHIP

50 new members joined ICCL's movement for human rights in Ireland in 2022. We are always delighted to welcome new members – their support not only allows us to fund our core operations, but also feeds into our work priorities and adds legitimacy to our voice.

In 2022, we designed more opportunities for our supporters and members to take action on issues that matter to them. We based our approach on our founders' vision of an organisation that is rooted in world-class legal analysis, but that is powered by a movement of members who care deeply about human rights. We designed campaigns that captured the public imagination, and people all around the country took a stand with us.

We continued our work to improve how we engage with our members and supporters, talking to our staff, members and supporters to find out what ICCL's value is for them. In 2023, we'll take the results of this research on board to engage with them in an even stronger way.

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**"WE BASED OUR APPROACH ON OUR FOUNDERS' VISION OF AN ORGANISATION THAT IS ROOTED IN WORLD-CLASS LEGAL ANALYSIS, BUT THAT IS POWERED BY A MOVEMENT OF MEMBERS WHO CARE DEEPLY ABOUT HUMAN RIGHTS. WE DESIGNED CAMPAIGNS THAT CAPTURED THE PUBLIC IMAGINATION, AND PEOPLE ALL AROUND THE COUNTRY TOOK A STAND WITH US."**

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**OUR**

**FUNDERS**

**IRISH COUNCIL FOR  
CIVIL LIBERTIES**

# THANKS TO OUR FUNDERS

 Our work is funded through a number of sources – we receive grants for specific projects, support from a variety of charitable trusts and foundations, and gifts and donations from individual supporters. The generosity of everyone who believes in our work and in the furthering of human rights in Ireland means that we can remain fully independent of government and business. This independence allows us to be fearless in our advocacy for the rights of everyone, no exceptions.

The majority of ICCL's funding comes from charitable trusts and foundations. ICCL relies on a diverse funding base thanks to the generous support of several organisations committed to supporting human rights and civil liberties around the world. We are grateful to them for their continued support of our work, and their belief in our vision for Ireland.

ICCL would like to thank The Sigrid Rausing Trust, The Rowan Trust, Open Society Foundations, Community Foundation Ireland, The Minderoo Foundation, Luminate's Reset initiative, the European AI Fund, the Digital Freedom Fund, Civitates, European Digital Rights (EDRi) and the International Network of Civil Liberties Organisations (INCLO) for their ongoing support for our work.

In 2022 ICCL's work was also supported by the European Commission for several research projects, by the Irish Human Rights and Equality Commission (IHREC) and by Liberties – Civil Liberties Union for Europe for work on its Rule of Law report.

We would like to again extend a special thanks to the Friends of ICCL, a key network of supporters who provide substantial financial support to ICCL on an ongoing basis. It is the generosity of committed supporters that allows ICCL to build a sustainable funding base and to continue to champion human rights and civil liberties in Ireland. The support of the Friends had been crucial to the growth of ICCL as they provide critical funding for our core campaigning work.

We are committed to building a movement for progressive action for human rights and civil liberties, as our founders did 45 years ago. Our members and supporters have never been more important to us and we are proud to have welcomed many new faces this year. This growing ICCL family not only generously supported our work through donations and membership fees, but also ensured that ICCL's voice was stronger than ever. So many people added their voices to campaign calls this year by emailing elected officials, signing petitions, and backing our work.

We're able to affect real and lasting change because of you, thank you!

To our members and supporters – you are the heart of ICCL, and we are so grateful to have you by our side. Thank you.

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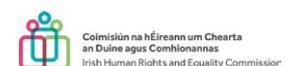
**"TO OUR MEMBERS AND SUPPORTERS - YOU ARE THE HEART OF ICCL, AND WE ARE SO GRATEFUL TO HAVE YOU BY OUR SIDE."**

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**THE  
SIGRID  
RAUSING  
TRUST**



**Community  
Foundation  
Ireland**





**OUR**

**FINANCES**

**IRISH COUNCIL FOR  
CIVIL LIBERTIES**

IRISH COUNCIL FOR CIVIL LIBERTIES MEMBERS ASSOCIATION  
**INCOME & EXPENDITURE ACCOUNT**  
**(FOR THE YEAR ENDED 31 DECEMBER 2022)**

	<b>2022</b>	<b>2021</b>
	€	€
<b>Income</b>		
Membership fees	15,782	17,623
Other Income	0	0
Total Income	<u>15,782</u>	<u>17,623</u>
<b>Expenditure on Activities</b>		
Bank Charges	505	486
Research and Policy Development	17,000	10,000
Campaigning and Communications	0	0
Total Expenditure	<u>17,505</u>	<u>10,486</u>
Surplus/Deficit of Income over Expenditure	<u>(1,723)</u>	<u>7,137</u>

IRISH COUNCIL FOR CIVIL LIBERTIES MEMBERS ASSOCIATION  
**BALANCE SHEET**  
**(AS AT 31 DECEMBER 2022)**

	<b>2022</b>	<b>2021</b>
	€	€
<b>Current Assets</b>		
Cash and Cash Equivalents	28,771	23,494
<b>Payables: Amounts Falling Due Within One Year</b>		
Accruals	17,000	10,000
Total Assets Less Current Liabilities	<u>11,771</u>	<u>13,494</u>
<b>Reserves</b>		
Funds brought forward	13,494	6,357
Income Statement	(1,723)	7,137
<b>Members' Funds</b>	<u><u>11,771</u></u>	<u><u>13,494</u></u>

IRISH COUNCIL FOR CIVIL LIBERTIES COMPANY LIMITED  
BY GUARANTEE

**INCOME & EXPENDITURE ACCOUNT  
(FOR THE YEAR ENDED 31 DECEMBER 2022)**

	2022	2021
	€	€
<b>Income</b>		
Total Income*	1,182,622	988,243
<b>Expenditure</b>		
Costs of Campaigns, Publications, Awareness and Fundraising Activities	1,049,945	906,259
Support Costs (Governance, Administration and Capacity Building Costs)	88,075	71,124
Total Expenditure	<u>1,138,020</u>	<u>977,383</u>
Deficit/Surplus	44,602	10,859
Total Comprehensive Income	<u>44,602</u>	<u>10,859</u>

\* For full breakdown of income please see page 42

IRISH COUNCIL FOR CIVIL LIBERTIES COMPANY LIMITED  
BY GUARANTEE

**INCOME BREAKDOWN  
(FOR THE YEAR ENDED 31 DECEMBER 2022)**

	€
The Rowan Trust	€249,431
Luminate Group	€165,753
Open Society Foundations	€142,419
Sigrid Rausing Trust	€138,641
European AI Fund	€112,824
International Network for Civil Liberties Organisations	€82,061
European Commission	€68,591
Minderoo Foundation	€66,580
Community Foundation Ireland	€42,210
Civitates	€22,569
Membership	€17,000
Irish Human Rights and Equalities Commission	€15,329
Trust for Civil Liberties, Human Rights and Fundamental Freedoms	€14,744
Digital Freedom Fund	€12,567
Bar of Ireland	€10,000
European Digital Rights (EDRi)	€9,900
Donations	€8,728
Other (Training, Consultancy, Seminar Expense Reimbursements)	€3,275
Total	<u>€1,182,622</u>

IRISH COUNCIL FOR CIVIL LIBERTIES COMPANY LIMITED  
BY GUARANTEE

**BALANCE SHEET**  
**(AS AT 31 DECEMBER 2022)**

	2022	2021
	€	€
<b>Fixed Assets</b>		
Property, Plant & Equipment	4,114	4,270
<b>Current Assets</b>		
Receivables	178,422	124,471
Cash and Cash Equivalents	733,972	342,626
	<u>912,394</u>	<u>467,097</u>
Payables: Amounts Falling Due Within One Year	(794,106)	(393,567)
Net Current Assets	118,288	73,530
Total Assets Less Current Liabilities	122,402	77,800
<b>Reserves</b>		
Retained Surplus	<u>122,402</u>	<u>77,800</u>











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