

ICCL

ANNUAL

REPORT

2023



Irish Council for
Civil Liberties

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



A CHALLENGING MOMENT FOR THE HUMAN RIGHTS MOVEMENT

We find ourselves in a challenging moment for the human rights and civil liberties movement all across the world. War continues in Europe with no sign of abating. The invasion and brutal violence in Gaza presents a devastating human tragedy which threatens to destabilise the wider region while calling into question the capacity of the international community to protect civilian populations from appalling military aggression.

As a result of these and other conflicts, there has been a huge increase in global migration with record numbers of people arriving in Ireland to seek international protection. They arrive to a country which – despite our unprecedented prosperity – is experiencing an acute housing and cost of living crisis.

In the midst of all this, a small number of bad actors here in Ireland have succeeded in stirring up hate and resentment and directing it towards the most vulnerable people in our society – including immigrants, asylum seekers and the LGBTI+ community, amongst others. Those of us who consider Ireland a welcoming country where people can hope to have their basic rights fulfilled have been challenged by the sight of protests outside accommodation centres for international protection applicants and even arson attacks.

The impact of these issues is felt in all areas of ICCL's work – in equality where we work in solidarity with the

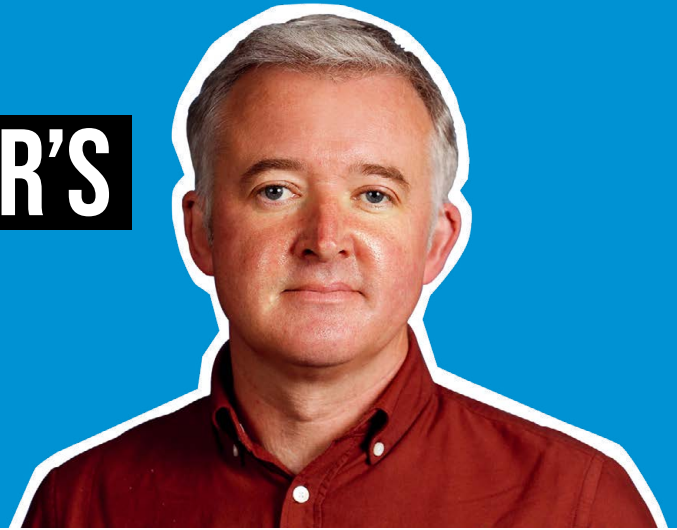
communities on the receiving end of so much hate; in justice as we strive to ensure oversight, accountability and human rights are all embedded in our policing and broader justice system; in democratic freedoms as we work to protect a healthy and safe space for civic society; and in digital rights where we increasingly see encroachments of people's fundamental human rights and an urgent need to regulate online platforms.

It is at times like these that organisations like ICCL are more important than ever. As an independent organisation with expert staff working in these areas, we are able to stand up to government failures and present practical legal and policy solutions to the many challenges that face our society. It is also important to acknowledge the support of the members of ICCL and our partner organisations both in Ireland and abroad who assist us in this work.

In guiding this crucial work, I am thankful for my fellow Board members and for the dedication and energy they have shown during 2023 and throughout my time as an ICCL Board member. And most of all, the Board is grateful to the entire team of ICCL staff and volunteers for another year of impressive and extremely effective work.

Suzy Byrne
Chairperson

EXECUTIVE DIRECTOR'S FOREWORD



ICCL IS ADDRESSING URGENT HUMAN RIGHTS PROBLEMS

As set out by our chairperson in her introduction to this report, 2023 was a challenging year for those of us defending human rights and civil liberties. Mis- and disinformation, falling trust in institutions and a cost of living crisis were just some of the factors that sowed division in Ireland during the year. As a result, issues of protest – sometimes spilling into violence and intimidation – and the policing of such events became a significant subject of political and wider debate.

Arson attacks on buildings planned or rumoured to be planned for accommodation of international protection applicants; protests outside the homes of elected representatives; violent demonstrations outside the Oireachtas in September; and riots on the streets of Dublin in November all gave rise to serious public concern and prompted responses from elected representatives, An Garda Síochána and others.

Extremism targeting minorities and democratic institutions has become much more apparent. At the same time, we must guard against the State's instinct to respond to scenes of violence and intimidation in ways that would encroach all our fundamental rights. ICCL will continue to push back against knee-jerk reactions to equip Gardaí with facial recognition technology, water cannons and other dangerous crowd control and surveillance weapons.

We have also consistently made the case for the right of people to peacefully protest in defence of their views emphasising, however, that these rights do not extend to protect violence or intimidation of others. It is imperative that An Garda Síochána continues to facilitate people's right to peaceful, legitimate protest, while also effectively countering the efforts of those who attempt to instigate violence under the guise of protest.

We worked extensively on policing issues in 2023, beyond the policing of protest. Five years ago in its final report, the Commission on the Future of Policing in Ireland (CoFPI) laid out a roadmap for a shift to a community policing model based on building community resilience and better relations between police and communities. Key reforms were enacted in 2023, but they fall short of what was promised and what is needed. ICCL has been working on a detailed review of the implementation of CoFPI, which we will publish in 2024.

Throughout the year we also continued to strengthen our working relationship with our colleagues across the border in Northern Ireland, the Committee on the Administration of Justice (CAJ). Having secured funding for a new cross-border project, Policing for Peace, we held two events in Derry and Dublin on the subjects of racial profiling, surveillance and police oversight. Further events are planned for 2024 on other policing topics.

“WE HAVE CONSISTENTLY MADE THE CASE FOR THE RIGHT OF PEOPLE TO PEACEFULLY PROTEST IN DEFENCE OF THEIR VIEWS EMPHASISING, HOWEVER, THAT THESE RIGHTS DO NOT EXTEND TO PROTECT VIOLENCE OR INTIMIDATION OF OTHERS.”

May saw the long-awaited publication of not one, but two reports from the Independent Review Group to Examine the Offences Against the State Acts. Both reports – a minority and majority report – recommended that the Offences Against the State Acts be repealed. This is a clear indictment of successive governments which have retained the Court without reform and even expanded a legal regime which is fundamentally at odds with human rights standards. ICCL continues to campaign for the abolition of the Court, and for other recommendations of the Group to be implemented immediately.

In a major step for our work on digital rights, in November we launched Enforce, a new unit of ICCL which advocates, investigates, and litigates to protect human rights in the digital era. Digital has become a vital frontier for human rights and having spent several years building up expertise and relationships in this area, we are uniquely positioned to undertake this work. We are already seeing the impact of this work with important changes being secured in relation to the regulation of online platforms.

Finally, I must take this opportunity to pay tribute to two colleagues who finished working with ICCL in 2023. In November, we were saddened to say goodbye to our Head of Legal and Policy, Doireann Ansbro. Doireann was central to our policy and legal output for over four years and a much-loved colleague. We also bid farewell to our wonderful colleague Sarah O'Malley, who had been ICCL's Criminal Justice Policy Officer since 2021. Sarah took

up a new role with the Global Legal Action Network (GLAN), where we know she will have a huge impact.

It only remains for me to thank the rest of the dedicated and passionate staff team in ICCL for their incredible work during the course of the year to further civil liberties and human rights in Ireland. Our work wouldn't be possible without the support of the Board and most importantly our members and supporters, to whom I also offer my thanks and gratitude. I look forward to continuing to work with you all in 2024.



Liam Herrick
Executive Director



OUR

PEOPLE

IRISH COUNCIL FOR
CIVIL LIBERTIES

We are extremely lucky to have a tightknit team of hard-working and passionate colleagues. In 2023, we continued to grow our staff team, welcoming new colleagues in administration, communications and policy.

Unfortunately, we also said goodbye to important and valued colleagues. Doireann Ansbro, our Head of Legal and Policy who first joined ICCL in 2019, left to become Public Policy and Spatial Planning Manager at The Arts Council. Doireann was central to our policy and legal output for over four years and a much-loved colleague and we wish her all the best in her new role. Sarah O'Malley, Criminal Justice Policy Officer with ICCL since 2021, took up a new role with the Global Legal Action Network (GLAN). We wish them both the best in their future careers and are so grateful for their work with ICCL.

We welcomed two new members to the team in the area of Communications. In January, Ruth McCourt joined us as Head of Communications

and Development and in May, we were delighted to welcome Tara Grace Connolly to the organisations as Communications and Campaigns Officer.

In June, Emily Williams joined the team as our Policing and Justice Policy Officer, and in October Niamh McCormack became our new Criminal Justice Policy Officer. Deirdre Gough joined the team in November as Administrative Assistant.

Emily Walker BL was our 2023 Procedural Rights Fellow and was a great addition to the team, working on the Special Criminal Court, the Offences Against the State Act and the Policing, Security and Community Safety Bill 2023.

Finally, we were also lucky in 2023 to work with some very talented students through our long-standing university-coordinated internships. Beatrice Nakayenga was a Research and Administrative Intern with us from October 2022 to March 2023 and Jaya Duignan joined us on an internship from Maynooth University from January to May 2023.

OUR BOARD



Chair of
Executive Board

**SUZY
BYRNE**



Executive
Board Member

**CLAIRE
BRUTON**



Executive
Board Member

**LIZ
CAROLAN**



Executive
Board Member

**SHARON
DILLON-LYONS**



Executive
Board Member

**DANIEL
HOLDER**



Executive
Board Member

**BULELANI
MFAKO**



Executive
Board Member

**DAMIAN
O'BROIN**



Executive
Board Member

**DR MUIRIS
Ó CÉIDIGH**



Executive
Board Member

**NATHALIE
WEADICK**



SUZY BYRNE

Suzy Byrne is a disabled woman, activist and broadcaster and has over 25 years' 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. Claire resigned from the ICCL Board in December 2023.



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.



SHARON DILLON-LYONS

Sharon Dillon-Lyons joined the ICCL Board in December 2023. She is a practising barrister with a broad civil law practice, as well as experience working in policy and compliance with non-governmental organisations. She also has experience of best practice tools to monitor implementation of policies, procedures and compliance with legal and contractual obligations. Sharon lectures in DIT, Dorset College and Public Affairs Ireland where she co-presents on the Freedom of Information training course. A graduate of NUI Galway and King's Inns, she was called to the Irish Bar in 2010.



DANIEL HOLDER

Daniel Holder is Director of the Belfast-based human rights NGO the Committee on the Administration of Justice (CAJ), having previously served as its 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 Northern Ireland 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.



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.



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 Céidigh 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 2023



Executive Director
LIAM HERRICK



Head of Legal and Policy
DOIREANN ANSBRO BL



Head of Communications
and Development
RUTH McCOURT



Office and Operations
Manager
CHRIS McCARTIN



Finance and
Administration Officer
DEIRDRE GOUGH



Communications and
Campaigns Officer
TARA GRACE CONNOLLY



Democratic Freedoms
Senior Policy Officer
RONAN KENNEDY



Equality and Hate Crime
Senior Policy Officer
LUNA LARA LIBONI



Criminal Justice Policy
Officer (until April 2023)
SARAH O'MALLEY BL



Criminal Justice Policy
Officer (from October 2023)
NIAMH McCORMACK



Policing and Justice
Policy Officer
EMILY WILLIAMS



Procedural
Rights Fellow
EMILY WALKER



Research and
Administrative Intern
BEATRICE NAKAYENGA



Enforce Director
and Senior Fellow
DR JOHNNY RYAN
FRHistS



Senior Advisor
to Enforce
KATARZYNA
SZYMIELEWICZ



Maynooth
University Intern
JAYA DUIGNAN



Enforce Senior Fellow
DR KRIS SHRISHAK



Enforce Senior
Policy Officer
OLGA CRONIN



OUR

WORK

IRISH COUNCIL FOR
CIVIL LIBERTIES

OUR ADVOCACY

ADVOCACY IN IRELAND

PROGRAMME FOR GOVERNMENT REVIEW

In March 2023, ICCL published our mid-term review of the Government's progress against its human rights commitments in the 2020 programme for government. Based on our analysis of its commitments and the progress made, the government scored only 38%. The report was circulated to all TDs and Senators.

OIREACHTAS NEWSLETTERS

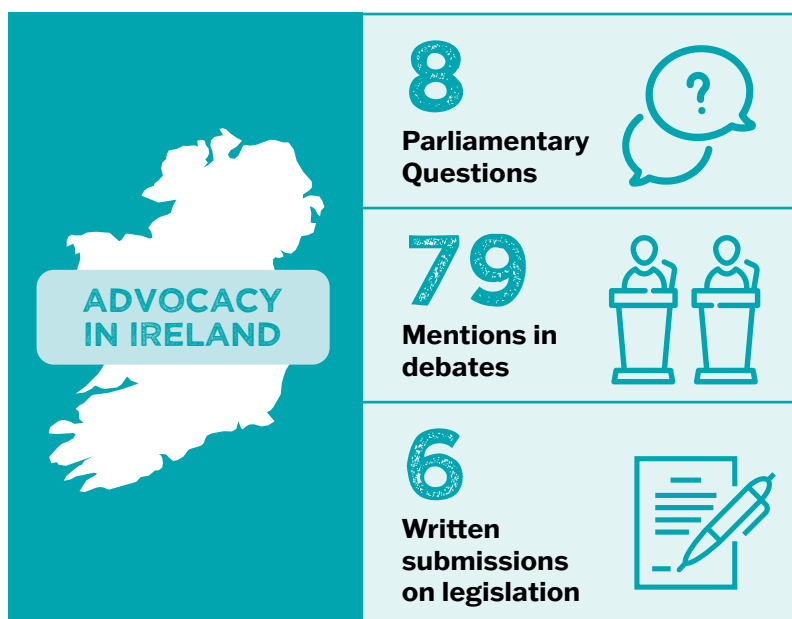
2023 saw the continuation of our regular Oireachtas newsletters for TDs and Senators. Each newsletter contains updates on ICCL's work on legislation and other related issues.

BUDGET 2024

In July 2023 we launched our pre-budget submission in which we called on the government to invest €11 million to enhance human rights infrastructure in Ireland. The investment calls ranged from properly equipping new and existing oversight bodies with sufficient resources and the rollout of public prosecutors, to an action plan to tackle hate. We were very pleased to see that a number of opposition parties adopted our asks as part of their own alternative budgets.

POLITICAL PARTY MEETINGS

As part of our Oireachtas engagement strategy, we have actively sought to attend political party conferences, ardfheiseanna and other events. To this end, ICCL had stalls at the Social Democrats Summer School in August 2023 and the Green Party Annual Conference in October 2023. The Fianna Fáil and Sinn Féin ardfheiseanna were unable to accommodate stands this year but we were offered an opportunity to brief the Fianna Fáil parliamentary party in December which we took up.



INTERNATIONAL ADVOCACY

FATIA MAULIDIYANTI AND HARIS AZHAR

Along with more than 100 other civil society organisations, throughout 2023 ICCL repeatedly called for the ending of the judicial harassment of our colleagues Fatia Maulidiyanti and Haris Azhar, human rights defenders and fellow International Network of Civil Liberties' Organisations (INCLO) members from Indonesia.

Fatia and Haris faced defamation charges by a minister in the Indonesian government after they appeared on Haris' YouTube channel to discuss a report alleging the involvement of several national and multinational companies in mining operations in Intan Jaya, Papua.

Fatia and Haris were ultimately acquitted in early January 2024.



AMICI AND THIRD PARTY INTERVENTIONS

ICCL made interventions or was an amicus curiae to a number of cases in 2023. Our interventions related to a wide variety of issues, including algorithmic video surveillance, climate change and tear gas grenades. A full list of our 2023 interventions and the relevant courts can be found below.

French Constitutional Council re: algorithmic video surveillance for the 2024 Olympic and Paralympic Games in Paris

East Jakarta District Court re: defamation charges against Indonesian human rights defenders Haris Azhar and Fatia Maulidiyanti

Kenyan Employment Court re: provision of support for the Kenyan Human Rights Commission (KHRC) for their case against Meta and its failure to filter hateful content

European Court of Human Rights re: Akat v. Turkey (tear gas grenades)

Kyrgyzstan Constitutional Court re: false news legislation (alongside INCLO partners Agora)

Inter-American Court of Human Rights re: private arms

Inter-American Court of Human Rights re: climate change

INTERNATIONAL CIVIL SOCIETY

Ahead of the 2024 European elections, ICCL along with over 220 other civil society organisations throughout Europe called on the future European Parliament and Commission to adopt an EU-wide Civil Society Strategy and an Agreement on Civil Dialogue through our endorsement of Civil Society for EU's EU Elections 2024 Manifesto. The manifesto was launched in June 2023, with ICCL continuing to pledge support for the Civil Society for EU campaign on our social media channels.

In July, ICCL Head of Legal and Policy Doireann Ansbro was invited to speak at a UN Human Rights Council side event on the importance of a free, funded and flourishing civil society in the realisation of human rights. The event was organised as part of the #HumanRights75 initiative, celebrating the 75th anniversary of the Universal Declaration on Human Rights. At the event, Doireann emphasised the need for civil society human rights concerns not just to be heard but to also be responded to.



ADMINISTRATION OF JUSTICE

KEY ACHIEVEMENTS IN 2023



We successfully campaigned, along with Digital Rights Ireland and a range of academic experts, against the Minister for Justice introducing Facial Recognition Technology (FRT) for Gardaí by way of a last-minute amendment without any pre-legislative scrutiny or democratic debate. The Minister also abandoned her plan to introduce live FRT. Instead, she announced she would bring in a standalone piece of legislation concerning FRT.



We consistently made the case for the right of people to peacefully protest in defence of their views emphasising, however, that these rights do not extend to protect violence or intimidation of others. We pushed back against knee-jerk responses to incidents including draft legislation to prevent protest within 200 metres of homes; suggestions to use the Offences Against the State Act to target intimidation; and proposals to equip Gardaí with facial recognition technology, water cannons and other dangerous crowd control and surveillance weapons.



We significantly expanded our work on policing reform, with the appointment of a dedicated Policing and Justice Policy Officer, and the launch of our 'Policing for Peace' programme of North-South collaboration on policing reform issues.



The Judicial Appointments Commission Act 2023 was signed into law on 8 December, reflecting key ICCL recommendations and finally addressing a longstanding ICCL goal of establishing a more independent systems of appointing judges.



In response to the publication of the majority and minority reports of the Independent Review Group into the Offences Against the State Acts, we hosted a roundtable event on the Special Criminal Court with speakers including Fionnuala Ní Aoláin, then UN Special Rapporteur on Counter-Terrorism and Human Rights.

COMMISSION ON THE FUTURE OF POLICING IN IRELAND

In 2023, we began work on an analysis of the implementation of the recommendations of the Commission on the Future of Policing. As part of this work, we consulted with and interviewed key policing stakeholders, including the three Garda oversight bodies, academics, former members of the Commission and civil society organisations. The findings of this work will be published as a report in 2024.

POLICING

In 2023, and in partnership with the Committee on the Administration of Justice (CAJ) in Northern Ireland, ICCL launched our *Policing for Peace* project, aimed at developing research, policy, advocacy and coalition-building regarding human rights-based policing reform across the island of Ireland. We co-hosted two events during the year which explored different thematic issues in policing. Our roundtable in Derry in June examined issues of racial profiling in law and immigration enforcement. Our conference in Dublin in October explored issues of police oversight and surveillance, including covert intelligence, facial recognition technology and adequate oversight for national security policing. We also brought together stakeholders from both jurisdictions to generate discussion and recommendations for key policing reform issues, including the need for increased diversity within both An Garda Síochána and the Police Service of Northern Ireland (PSNI), and the importance of robust and independent oversight for security services.



POLICING LEGISLATION

In 2023, we continued to work on two key pieces of policing reform legislation intended to implement the recommendations of the Commission on the Future of Policing in Ireland: the Garda Síochána (Recording Devices) Bill and the Policing, Security and Community Safety (PSCS) Bill.

ICCL expressed disappointment that the new oversight bodies (the Office of the Police Ombudsman, the Policing and Community Safety Authority and the Independent Examiner of Security Legislation) created by the PSCS Bill were not afforded sufficient jurisdiction, powers and independence, and that ultimately their creation does not fulfil the recommendations of the Commission on the Future of Policing in Ireland. ICCL will monitor the establishment of the oversight bodies and work to engage with them to ensure a human rights-based approach to policing is embedded within their cultures.

FACIAL RECOGNITION TECHNOLOGY

FACIAL RECOGNITION TECHNOLOGY EXPLAINED

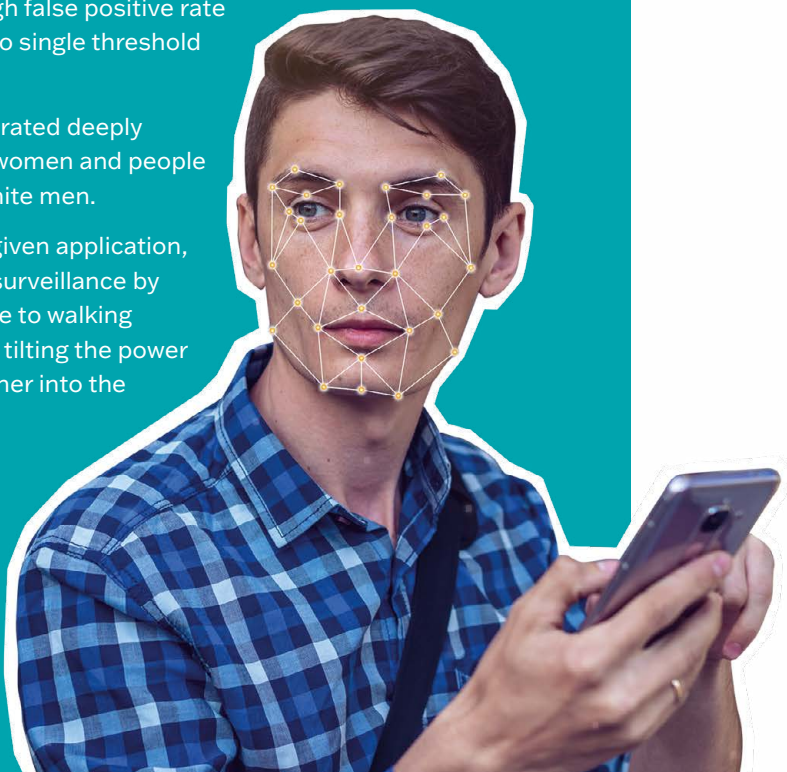
Facial Recognition Technology (FRT) involves comparing a biometric template created from a face detected in an image or video against a reference database of biometric templates in an attempt to identify a person.

But even when there are optimal conditions in terms of image quality, FRT is not designed to provide a singular positive identification or 'match' of a person. Instead, at best, it gives a person running an FRT search a list of potential candidates accompanied by similarity scores. A threshold value is fixed to determine when the software will indicate that a probable match has occurred. Should this value be fixed too low or too high, it can create a high false positive rate or a high false negative rate respectively. There is no single threshold setting which eliminates all errors.

FRT is highly discriminatory. Studies have demonstrated deeply inherent racial and gender biases in FRT, meaning women and people of colour are more likely to be misidentified than white men.

Yet, however defective FRT may be in respect of a given application, it is a technology which can enable powerful mass surveillance by stripping people of their anonymity, reducing people to walking licence plates and, when it is in the hands of police, tilting the power dynamic inherent in police-civilian interactions further into the hands of police.

Due to how the technology works, or doesn't work, the use of FRT by police engages many fundamental human rights including, but not limited to, the rights to human dignity, privacy, protection of personal data, non-discrimination, protest, and freedom of expression, all of which are enshrined in the EU Charter of Fundamental Rights.



FRT FOR AN GARDA SÍOCHÁNA

In May 2022, the Minister for Justice announced her plans to introduce both live and retrospective police use of FRT by way of a last-minute amendment to the Garda Síochána (Recording Devices) Bill – something which the Oireachtas Justice Committee had warned against the previous year. The Bill had already been subjected to pre-legislative scrutiny in 2021 and therefore introducing FRT in this manner would have bypassed democratic and public scrutiny of the proposal.

Throughout 2023, ICCL co-ordinated actions with Digital Rights Ireland and a number of leading academic experts to raise concerns about the Minister's plans with the Data Protection Commission, the Department of Justice and members of the Oireachtas. We wrote letters and op-eds, held meetings and organised a briefing in the Oireachtas for members with ICCL's Olga Cronin, Dr Elizabeth Farries (Director, UCD Centre for Digital Policy), Dr Ciara Bracken-Roche (Assistant Professor,

Maynooth University), Dr TJ McIntyre (Associate Professor, UCD Sutherland School of Law and Chairperson, Digital Rights Ireland) and Emmanuelle Andrews (Policy and Campaigns Manager, Liberty).

Concerns raised by ICCL against FRT were regularly echoed by Oireachtas members, resulting in it becoming a political issue for the Government with the Green Party calling for separate standalone legislation to allow for full, public and open debate and discussion about FRT.

In June 2023 the Minister finally conceded and announced that a separate standalone piece of legislation concerning FRT would be introduced. She also announced that she would no longer be seeking to introduce live FRT. This came two weeks after ICCL's Executive Director wrote an op-ed in the Irish Times pointing out how the Minister had seriously failed to produce anything substantive regarding her FRT plans and that the then Government political row was missing a major element: policy.

In October 2023, ICCL organised a panel discussion on police use of FRT in which Dr Elizabeth Farries spoke about the serious issues and fundamental rights risks with Dr Abeba Birhane (Senior Advisor in AI Accountability, Mozilla Foundation, and Adjunct Assistant Professor, Trinity College Dublin) and Dr Daragh Murray (Senior Lecturer, Queen Mary University School of Law). Collectively, they sounded the alarm on the technology's inherent flaws and racial bias, and warned that the negative impacts of the surveillance tool on Irish society may not be fully realised until it's too late.

Immediately after the Dublin riots the Minister renewed her position to introduce FRT and, going further, said she would expand the use cases in what was referred to as the forthcoming Garda Síochána (Digital Management and Facial Recognition Technology) Bill 2023 indicating mission creep before the Bill was even written. ICCL responded to this position in various media outlets.

IN JUNE 2023 THE MINISTER FINALLY CONCEDED AND ANNOUNCED THAT A SEPARATE STANDALONE PIECE OF LEGISLATION CONCERNING FRT WOULD BE INTRODUCED.

ICCL also organised an event about the risks pertaining to FRT at the Dublin Arts and Human Rights Festival in a panel event entitled *Human rights at risk: AI and facial recognition tech in the arts*.

Just before Christmas 2023, ICCL was invited to make a written submission on the Draft General Scheme of the Garda Síochána (Recording Devices) (Amendment) Bill 2023. Our subsequent joint submission with Digital Rights Ireland outlined how FRT is unreliable and not the silver bullet solution it's often presented to be; is discriminatory; can enable powerful mass, indiscriminate and pervasive surveillance; and that the scheme, as proposed, is, in our view, unlawful under EU law. When ICCL appeared before the Justice Committee in respect of the scheme, other bodies such as the Data Protection Commission and the Law Society of Ireland raised similar concerns. ICCL continues to campaign against the introduction of FRT in Irish policing.



PROTEST

Events in 2023 meant that issues of protest – sometimes spilling into violence and intimidation – and the policing of such events became a significant subject of political and wider debate in Ireland. Anti-immigration protests, arson attacks, protests outside politicians' homes, violent demonstrations outside the Oireachtas and riots on the streets of Dublin all gave rise to serious public concern and prompted responses from elected representatives, An Garda Síochána and others.

ICCL consistently made the case for the right of people to peacefully protest in defence of their views emphasising, however, that these rights do not extend to protect violence or intimidation of others. It is imperative that An Garda Síochána continues to facilitate people's right to peaceful, legitimate protest, while also effectively countering the efforts of those who attempt to instigate violence under the guise of protest.

In January, in response to a Private Members Bill which would restrict protest within 200 metres of residential dwellings, ICCL argued that the Bill was unnecessary and disproportionate. The Bill has not progressed beyond second stage in the Oireachtas.

Throughout the year, ICCL engaged with An Garda Síochána and the Policing Authority on the right to protest, enquiring about policing responses and actions including street closures around Leinster House and the risk assessment used to inform the policing of protest. In partnership with the Hope and Courage Collective, ICCL met with An Garda Síochána to express concerns about the policing of



THROUGHOUT OUR WORK, WE CONSISTENTLY DEFENDED THE RIGHTS TO PEACEFUL PROTEST AND OPPOSED ANY RESTRICTIONS WHICH WOULD BE CONTRARY TO HUMAN RIGHTS LAW AND STANDARDS.

far-right protest, including the need to distinguish between genuine protest and protest designed to harass marginalised communities.

We also pushed back against knee-jerk reactions to incidents such as the Oireachtas demonstrations in September and the riots in November, such as suggestions to use the Offences Against the State Act to target intimidation or to equip Gardaí with facial recognition technology, water cannons and other dangerous crowd control and surveillance weapons. We spoke to numerous media outlets and had two opeds published in the Irish Times. Throughout our work, we consistently defended the rights to peaceful protest and opposed any restrictions which would be contrary to human rights law and standards.

In addition to our advocacy, ICCL provided human rights education and advice on the right to protest. In March, Head of Legal and Policy Doireann Ansbro delivered online training on the right to protest at UCC. In July, Doireann and Policing and Justice Policy Officer Emily Williams delivered training to Young Friends of the Earth. ICCL also gave advice to participants in the Fridays for Future protests and engaged with An Garda Síochána, alongside Amnesty International, on the Garda duty to facilitate these protests.

ICCL is also the civil society partner on Dr Cian Ó Concubhair's research project on the policing of housing rights activism. ICCL will deliver training to housing activists as part of this project in early 2024.



CORONER SERVICE

ICCL continued throughout 2023 to engage with Government and key stakeholders to push for reform of the Coroner Service. In February the Joint Oireachtas Committee on Justice published its Report on an Examination of the Operation of the Coroner's Service, which included many of the recommendations put forward by ICCL when we appeared before the Committee in 2022. These include putting families at the centre of the process, professionalising the service, introducing minimum standards of practice and moving away from the current ad hoc system.

We gave media interviews throughout the year on the need for reform of the service. In October, the Department of Justice launched a consultation process for wide-ranging reforms of the coroner system. ICCL is engaging with the Department under that process and ensured that families we work with and other key stakeholders were made aware of the consultation.

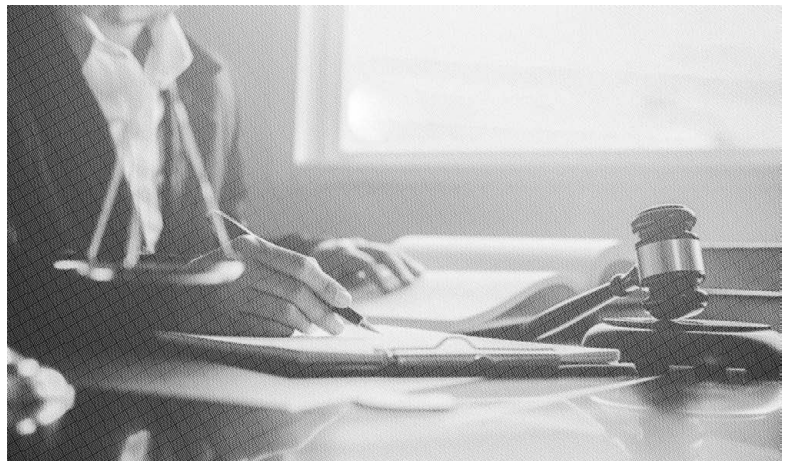


JUDICIAL APPOINTMENTS

In December 2023, the Judicial Appointments Commission Act was signed into law. In 2022, following ICCL submissions during the Pre-Legislative Scrutiny Stage of the Bill, most of our key recommendations were accepted by the Government and subsequently reflected in the Act.

This included the establishment of an independent, fair and merit-based process for the appointment of judges – including the Chief Justice, President of the Court of Appeal, and President of the High Court - with limited Government involvement, as well as the inclusion of provisions that the Judicial Appointments Commission must address the objective that the membership of the Judiciary should reflect the diversity of the population as whole, and for all judicial candidates to undergo judicial training or continuous professional development.

While some outstanding issues remained, we welcomed the Government's inclusion of ICCL recommendations and the passage of the Bill into law.



CORD PARTNERSHIP

In 2023, ICCL joined the Criminal Justice Open Research Dialogue (CORD) Open Research Partnership, chaired by Dr Ian Marder of Maynooth University. CORD is a researcher-policy maker partnership bringing together key criminal justice stakeholders to foster collaboration, information-sharing and insight.

The partnership will build the relationships and infrastructure to enable greater collaboration on various aspects of research – conducting new empirical research, improving access to existing data, collaboratively producing new datasets, and ensuring that policymakers and practitioners have better access to researchers and research findings.

SPECIAL CRIMINAL COURT AND THE OFFENCES AGAINST THE STATE ACTS

ICCL continues to actively campaign for the abolition of the Special Criminal Court, which hampers people's right to a fair trial and to be treated equally before the law.

The Independent Review Group to Examine the Offences Against the State Acts published its majority and minority reports in June 2023 following a consultation process which ICCL participated in. Both reports recommended that the Offences Against the State Acts be repealed, a clear indictment of successive governments which have retained the Court without reform and even expanded a legal regime which is fundamentally at odds with human rights standards.

ICCL called on the government to commit to implementing the recommendations of the reports within a clear timeframe, to give full consideration to the human rights concerns raised by the minority in their report and to ensure that the right to a fair trial is the cornerstone of any new programme of reform.

The Minister for Justice committed to consider the reports when they were published in June, but has not acted on them since then.

In July, ICCL hosted a roundtable event on the Special Criminal Court with speakers including Fionnuala Ní Aoláin, then UN Special Rapporteur on Counter-Terrorism and Human Rights; Sinéad Gibney, Chief Commissioner, Irish Human Rights and Equality Commission; Professor Liz Campbell, Monash University; Dr Mark Coen, UCD; and Professor Donncha O'Connell, University of Galway. The event provided a forum for discussion of the reports, the implications of the review process for the work of the Special Criminal Court, and options for law reform. Our campaign for abolition of the Special Criminal Court will continue in 2024.



VICTIMS' RIGHTS

ICCL participated in the SOS Victims' Rights project, a cross-border project funded by the European Commission and led by White Circle Croatia. The other partner organisations are from Italy (Rete Dafne Italia – Rete Nazionale dei servizi per l'assistenza vittime di reato) and Slovenia (Society for Nonviolent Communication, Ljubljana).

On 12 December and as part of the project, ICCL hosted a conference entitled 'Victims' Rights: Where Are We Now?'. At the event, we presented the project findings and hosted four panel discussions on ongoing challenges for victims' rights; innovations which have taken place for victims; alternative pathways to justice; and the future of victims' rights. Panellists represented key stakeholders from victim support services, the Department of Justice, the Office of the Director of Prosecutions, Garda members, survivor advocates and academia.

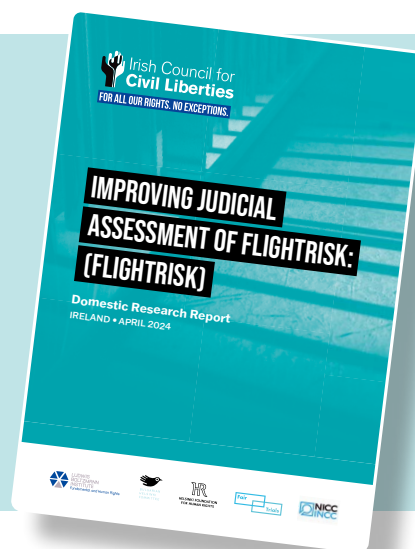


INSPECTION OF PLACES OF DETENTION (OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE)

In 2023, ICCL continued to engage with policymakers following the publication of the Oireachtas Joint Committee on Justice's report on the draft Inspection of Places of Detention Bill in March 2023. The report included key recommendations made by ICCL to the Committee, including recommending a role of the Policing Authority in oversight of police detention under the Bill.

PROCEDURAL RIGHTS

In 2023, ICCL participated in 'FLIGHTRISK', an EU project with a number of international project partners, led by Fair Trials Europe. The aim of the project is to explore the rise in pre-trial detention in Member States through the lens of flightrisk assessments in bail applications. We conducted interviews and focus groups with key stakeholders, including members of the judiciary, barristers, solicitors and prosecutors. The final report of the project will be published in 2024.



EQUALITY AND DISCRIMINATION

KEY ACHIEVEMENTS IN 2023



ICCL and the Coalition Against Hate Crime continued to shape public and political discourse around the hate crime and incitement to violence or hatred legislation.



We restated our continuous support and allyship to the trans community, being active members of the Trans Equality Together Coalition and taking part in the 2023 Trans Rights Convening organised by the International Network of Civil Liberties Organisations (INCLO) along with two trans rights advocates.



We worked with Intersex Ireland to ensure a new question on variations of sex characteristics is included in the next Census to fill the existing data gap on intersex people in Ireland.



We welcomed the publication of the review of abortion services by barrister Marie O'Shea in April and continued to advocate as part of the Abortion Working Group for the recommendations to be implemented in full.



HATE CRIME AND INCITEMENT TO HATRED

In 2023 ICCL continued to play a leading role in shaping the proposed legislation on hate crime and incitement to violence or hatred. Our political engagement was very significant both as an individual organisation and as chair of the Coalition Against Hate Crime. As the Bill progressed through five of the 10 legislative stages, we produced detailed analysis on the specifics of the legislation and advocated for it to be in line with human rights standards.

The legislation's "Bill Digest" counted over 80 mentions of ICCL and the Coalition Against Hate Crime positioning, making our contribution one of the most impactful among civil society, academics, and national human rights institution.

In February 2023, the Coalition Against Hate Crime hosted a briefing in Leinster House on the legislation for TDs and Senators, where attendees heard

powerful contributions on the impact that hate crime and extreme hate speech have on communities.

The Coalition continued to grow, uniting more than 20 organisations most of which represent communities impacted by hate crime and extreme hate speech in Ireland. Together, we advocated for the introduction of legislation as well as for societal measures to address hate.

We also played a leading role in the public discussion of the legislation and other measures to tackle hate crime and extreme forms of hate speech. Our work was featured in national and regional media, and we also took part in panel discussions and events on how to best address hate crime and hate speech in Ireland. Our work also went beyond borders, influencing standard-making in the area of hate crime at a European level.

LGBTI+ RIGHTS



In 2023, we redoubled our work aimed at delivering equality for members of the LGBTI+ community in Ireland. At the beginning of the year ICCL teamed up with Intersex Ireland to ensure a new question on variations of sex characteristics is included in the next Census to fill the existing data gap on intersex people in Ireland.

We also restated our commitment to a safer Ireland for the community and advanced our work on the impact of hate crime and hate speech on LGBTI+ people, actively working with LGBTI+ civil society partners. We met with representatives of LGBTI+ civil society, An Garda Síochána and the Minister for Justice to advance conversations on how to address hate crime and hate speech in an effective and comprehensive way. We supported the organisation of a two-day UCD conference entitled 'Enabling Civil Society and Academia Collaboration in the Area of Anti-LGBTQ+ Hate Crime'. ICCL's Equality and Hate Crime Senior Policy Officer, Luna Lara Liboni, delivered a keynote speech on hate crime at the

global conference Rainbow Cities Network in Cork, where we received a Certificate of Recognition for our leadership of the Coalition Against Hate Crime.

Throughout the year we restated our continuous support and allyship to the trans community by being active members of the Trans Equality Together Coalition. We continued our engagement around legislation and policies aiming at effectively banning conversion practices on LGBTI+ and on the development of a scheme to disregard convictions related to consensual activity between men.

We attended the International Network of Civil Liberties Organizations (INCLO) 2023 Trans Rights Convening, together with trans rights advocates from of ShoutOut and Transgender Equality Network Ireland (TENI).

ICCL also took part in an ILGA world seminar on advocacy with UN Treaty Bodies, bringing ICCL's experience in influencing the UN Human Rights Committee's concluding observations to contain the first ever specific LGBTI+ recommendations to Ireland.

THROUGHOUT THE YEAR WE RESTATED OUR CONTINUOUS SUPPORT AND ALLYSHIP TO THE TRANS COMMUNITY BY BEING ACTIVE MEMBERS OF THE TRANS EQUALITY TOGETHER COALITION.

SOCIO-ECONOMIC RIGHTS

In 2023, we added our voice to the calls for a human rights-based approach to housing and a referendum on the right to housing. We particularly focused on the impact of the ongoing housing and homelessness crises on members of marginalised groups. Our work in this space informed the review of Ireland by the UN Committee on Economic, Social and Cultural Rights in 2024.

ANTI-RACISM

March 2023 saw the publication by the Government of the long-overdue National Action Plan Against Racism (NAPAR). ICCL had engaged in the consultations around the plan and together with other members of the Coalition for the Implementation of the National Action Plan Against Racism has subsequently called for its full implementation and for monitoring of its delivery.

In our role as chair of the Coalition Against Hate Crime, ICCL spoke at panels and events on the impact of hate crime and hate speech on the Roma and Traveller community, immigrants and racialised communities.



DIVERSITY, EQUITY, BELONGING AND INCLUSION (DEBI)

As stated in our Strategic Plan, change in the area of equality and non-discrimination starts with us. In 2023, ICCL began a review of our internal policies in order to improve our work in the area of diversity, equity, inclusion and belonging.



GENDER EQUALITY AND CONSTITUTIONAL CHANGE

After making submissions to the Joint Oireachtas Committee on Gender Equality in 2022 in relation to implementing the Citizens' Assembly recommendations to advance gender equality, in 2023 ICCL continued its engagement on proposals in the area of constitutional change.

In May 2023, we made a submission, which was endorsed by the Children's Rights Alliance, to the Interdepartmental Committee on the Referendums on Family, Care and Gender Equality. Throughout 2023, ICCL also engaged extensively with civil society partners and colleagues as we all prepared for up to three potential referendums.



SEXUAL AND REPRODUCTIVE RIGHTS

ICCL is a member of the Abortion Working Group, a coalition of over 20 civil society groups and practitioners led by the National Women's Council. With the Group, ICCL welcomed the publication of the review of abortion services by barrister Marie O'Shea in April, stressing that the review represents an important opportunity to introduce a human rights-based approach to abortion services. The Group continued to advocate throughout 2023 for the O'Shea recommendations to be implemented in full.

We continued supporting the progression of the Health (Termination of Pregnancy) (Safe Access Zones) Bill 2023 through the Oireachtas to ensure safe access to abortion services in privacy and with dignity.



HISTORICAL AND INSTITUTIONAL ABUSE

ICCL continued to advocate for the State to acknowledge the breadth and severity of the human rights violations that occurred in mother and baby institutions and for redress measures to be extended to everyone who has been affected by this system.

DEMOCRATIC FREEDOMS

KEY ACHIEVEMENTS IN 2023



In December 2023 and after a long campaign, the Charities (Amendment) Bill was published, providing for the recognition of the “advancement of human rights” as a valid charitable purpose for the first time. If passed into law, this change will have far-reaching implications for governance and financing across the sector.



ICCL offers informal political engagement support to our partners in civil society on an ongoing basis. We successfully put this on a formal footing in September 2023 when we were awarded funding from the St Stephen's Green Trust for our new Rochtain project, which will offer political advocacy training and support to partner NGOs to enhance their ability to effectively engage with the political system and advance their work.



In 2023, we undertook a new research project to collect information from community and voluntary organisations on State funding and the State's methods of engaging and consulting with civil society organisations. Almost 250 organisations from across the country took part in the research, making it the biggest single piece of democratic freedoms work which we engaged in during the year. The findings will be published in 2024.



In March 2023, we coordinated an open letter to Minister for Foreign Affairs Micheál Martin TD from 35 national organisations urging Ireland to join the Court of Justice of the European Union (CJEU) case against Hungary for its “anti-LGBTQ propaganda” laws. This resulted in the government agreeing to join the case against the Hungarian Government.

2023 saw a consolidation and expansion of our work on democratic freedoms. We had a number of significant wins over the course of the year and continued to build on ongoing long-term objectives.

RULE OF LAW

In 2023 we continued our informal role as coordinator of the Irish civil society submission to the European Commission's annual rule of law reporting process. During the year we led meetings between Irish civil society and the Commission and worked with representatives from the Commission's Directorate-General for Justice to relay civil society concerns about the process. We also coordinated inputs from 19 organisations into an extensive submission. The country report itself was published in July by the European Commission and the recommendations contained therein reflected ICCL's asks.



ELECTORAL COMMISSION

2 023 saw the formal establishment of the Electoral Commission (An Coimisiún Toghcháin), an institution which ICCL has long campaigned for. As part of our ongoing work on free civic space, we continue to campaign for the removal of unfair funding restrictions on civil society as contained in the 1997 Electoral Act. To this end, we commissioned an independent legal opinion from the Bar of Ireland's Voluntary Assistance Scheme on the need for reform in this area. This opinion offered options for reform which would guarantee freedom of association rights while also promoting transparency. We also made a submission later in 2023 on proposals for the Commission's research programme.

We continue to work on progressing plans for commencement of parts IV and V of the Electoral Act 2022 which deal with political advertising and mis/disinformation. In January 2023, we secured the release under FOI of correspondence between the European Commission and the Government with respect to their plans for the legislation.



COUNCIL OF EUROPE WORK AND INTERNATIONAL SOLIDARITY

In March 2023 we attended the Campaign to Uphold Rights in Europe (CURE) meeting in the Hague to co-design a strategy for civil society in advance of the fourth heads of state summit of the Council of Europe in Reykjavík. ICCL was centrally involved in the drafting process of the final report and a number of our asks were reflected in the text which was agreed by the heads of state at the summit in Iceland. As a result, ICCL was invited to join the CURE group as a member.

At the meeting in the Hague, we established relationships with a number of colleagues in Georgia working on civic space who we subsequently have advocated for domestically, including highlighting issues to the Oireachtas European Affairs Committee in advance of a visit from a delegation of Georgian parliamentarians.

In March we also coordinated an open letter to Minister for Foreign Affairs Micheál Martin TD from 35 national organisations urging Ireland to join the Court of Justice of the European Union (CJEU) case against Hungary for its “anti-LGBTQ propaganda” laws. This resulted in the government agreeing to join the case against the Hungarian Government.

CIVIL SOCIETY ADVOCACY AND STATE FUNDING RESEARCH

In 2023, we undertook a new research project to collect information from community and voluntary organisations on State funding and the State's methods of engaging and consulting with civil society organisations. Almost 250 organisations from across the country took part in the research, making it the biggest single piece of democratic freedoms work which we engaged in during the year.

Initial findings of the survey were presented at a panel convened by ICCL at The Wheel's annual summit in May 2023. Further research continued in 2023 and the full findings will be published in 2024.

REGULATORY ENVIRONMENT AND ROCHTAIN

ICCL offers support to our partners in civil society on an ongoing basis with respect to regulation and political engagement.

The latter was put on a formal footing in September 2023 when we were awarded funding from the St Stephen's Green Trust for our new Rochtain project.

Rochtain will offer political advocacy training and support to partner NGOs to enhance their ability to effectively engage with the political system and advance their work. The project was launched in late 2023 and the first training sessions will be delivered in early 2024.

ROCHTAIN
DEMOCRATISING ADVOCACY

ssgt

st. stephen's
green trust

Irish Council for
Civil Liberties
FOR ALL OUR RIGHTS. NO EXCEPTIONS

CHARITIES (AMENDMENT) BILL 2023

In December 2023 and after a long campaign, the Charities (Amendment) Bill was published.

Critically, the Bill provides for the recognition of the "advancement of human rights" as a valid charitable purpose for the first time.

The campaign to secure has been driven by ICCL and our partners in the Coalition for Civil Society Freedom (CCSF). If passed into law, this change will have far-reaching implications for governance and financing across the sector. Our appearance and interventions at the pre-legislative hearings on the Bill resulted in our concerns being taken on board by the Committee in their report and subsequently in the Bill.



DEFAMATION REFORM

In partnership with our colleagues in the Ireland Anti-SLAPPs (strategic lawsuits against public participation) Network, we made a submission on the draft Defamation (Amendment) Bill and appeared at the Oireachtas Justice Committee in July 2023. The Committee took on ICCL's recommendations with respect to the retention of juries for defamation cases.

Enforce

**ICCL launched Enforce in 2023
to investigate, litigate, and advocate
to protect human rights**

**By 2030, we will push technology
back towards democratic value**

Key impacts in 2023

- We took the tracking industry to the European Court of Justice
- We won an overhaul of the European Commission's monitoring of large-scale GDPR cases cross the EU
- We guided EU lawmakers to fix major shortcomings in the EU Artificial Intelligence Act
- We guided the African Union on bold new measures to protect elections in the digital age
- We helped avert an EU-wide system to monitor private communications
- We shored up the Biden Administration's strong position against Big Tech

Enforce's expertise and actions in 2023 featured in *The New York Times*, *The Guardian*, *Le Monde*, *El País*, *The Wall St. Journal*, *The Financial Times*, *Süddeutsche Zeitung*, *The Washington Post*, *Die Zeit*, *Wired*, *Der Spiegel*, *Forbes*, *The New Scientist*, *Gazeta Prawna*, CNN, BBC, Reuters, Associated Press, and more. Enforce staff were invited to write articles in *The Economist*, *The Bulletin of Atomic Scientists*, *Nikkei*, and elsewhere.

Ending the world's biggest data breach

"Real-Time Bidding" (RTB) is the technology behind most ads you see on the Internet. It leaks intimate data about what we do online, which exposes everyone to manipulation and discrimination. This threatens elections, and undermines journalism.

Agenda setting research: shaping White House tech policy

In November, we published *Europe's Hidden Security Crisis* and *America's Hidden Security Crisis*, major investigations revealing a widespread trade in RTB data about sensitive European and U.S. personnel that exposes them to blackmail, hacking and compromise, and undermines the security of their institutions.

Our reports were covered by *The Financial Times*, *Der Spiegel*, *Le Monde*, and others. We launched the U.S. report in Washington D.C., and briefed senior leaders at the U.S. Department of Justice and officials at the European Commission.

Our research was decisive in shoring up the Biden Administration's tough posture against Big Tech. In particular, this may bring stronger international data protection standards through U.S. trade agreements.

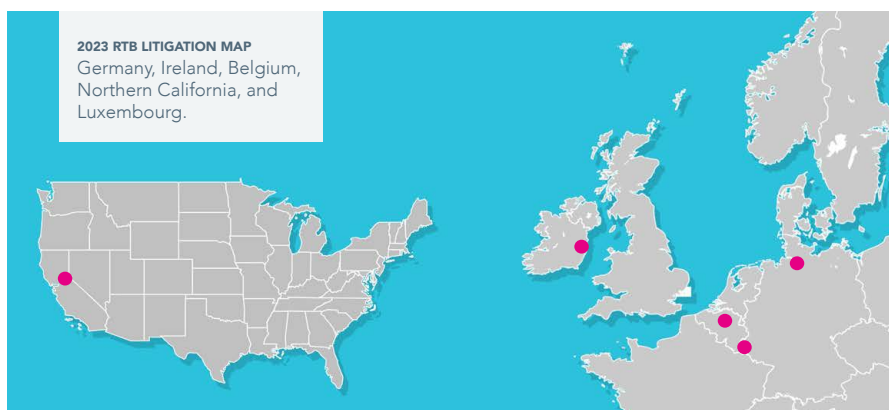
Litigation

In June, we challenged the Data Protection Commission at the Irish High Court for its failure to investigate the data breach at the heart of Google's RTB's system. The High Court dismissed the case. We appealed, and await the Court of Appeal's ruling.

We withdrew as a class representative from a class action in Northern California against Oracle, a major data broker, to allow the other class representatives to proceed.

Our case against IAB TechLab, the tracking standards body, was dismissed in Hamburg on procedural grounds.

We fought at the Brussels Markets Court to ensure proper enforcement of the EU-wide decision we secured in 2022 against the tracking industry's false consent popups. This "consent" spam appears on nearly all websites, and is displayed to provide a false legal cover for the massive RTB data breach. Our questions were referred to the European Court of Justice, where we were heard in September. (The European Court of Justice decided in our favour, in 2024).



EUROPE'S TOP COURT

Our Belgian lawyers, Ruben Roex and Frederic Debusseré, prepare for our hearing in the IAB Europe case at the European Court of Justice.



Enforcing the GDPR

The GDPR should be a foundation for digital rights. But EU-wide enforcement against Big Tech is paralysed by the Irish Data Protection Commission's failure to act rapidly and robustly. The European Commission has failed to address this.

DPC leadership reform

After several years of pressure, the Irish Government accepted our call to reform the leadership of the Data Protection Commission (DPC). The DPC will now have three commissioners, rather than one.

Legislation

At EU-level, we worked with partners to intervene against the European Commission's dangerous new proposal for how major GDPR cases should be handled. The European Parliament has implemented the major changes that we have proposed. This legislative file continues in to 2024.

In Ireland, we failed to prevent the Government from using a last-minute legislative amendment in June that gags GDPR complainants.

Agenda setting research: highlighting enforcement failure

In May 2023, we released *5 years: GDPR's crisis point*, a major report on the state of data protection enforcement across the EU. Among many findings, the report revealed that the DPC is unique in the EU in the degree to which it overruled by EU counterparts. The report was widely cited, including in international press such as *Le Monde* and *Der Spiegel*.

Europe-wide overhaul of GDPR monitoring triggered by ICCL

Following a 16 month process, our complaint to the European Ombudsman against the European Commission's failure to monitor how Ireland enforces the GDPR triggered a Europe-wide overhaul in January 2023. The European Commission has now committed to start monitoring the progress of all large-scale GDPR investigations across Europe. However, in the absence of a formal definition of "large-scale", this is a partial victory.

GLOBAL THOUGHT LEADERSHIP

The Economist invited Dr Johnny Ryan, Enforce's Director, to write its piece on the GDPR's fifth anniversary.

Dr Ryan was awarded the International Privacy Champion Prize for 2023 by EPIC.

The Economist

By invitation | Data protection

Don't be fooled by Meta's fine for data breaches, says Johnny Ryan

Europe's GDPR, once seen as a model, is an enforcement flop



IMAGE: DAN WILLIAMS

May 24th 2023

THE EUROPEAN UNION'S best-known law is about to turn five. On May 25th 2018 the EU introduced the General Data Protection Regulation (GDPR). Spurred by the revelations of Edward Snowden, an American whistleblower, the bloc's lawmakers gave Europe's rights-based approach to data sharp new teeth. Enforcers gained formidable powers, including the authority to raid companies like Google, Meta and Amazon, and to force

Breaking Big Tech's Power

Big Tech misuses personal data to dominate the market, preventing rights-respecting alternatives from emerging and concentrating power at a level that threatens democracy. Unless we fix it, this will get worse with A.I.

Litigation

We are litigating against Google in Ireland to force it to reveal what it does with people's data. In 2023 we transferred this case from the Circuit Court to the High Court. The case continues.

Technical insight

In 2023 we engaged with senior leaders at the European Commission, U.S. Federal Trade Commission, and U.S. Department of Justice Antitrust Division to provide expertise.

We also started working with competition experts to develop submissions to authorities on Big Tech's artificial intelligence competition chicanery.

ARTIFICIAL INTELLIGENCE

LIVE

EU LAWMAKERS AGREE ON FIRST AI REGULATIONS

Kris Shrishak | Enforce Sr. Fellow, Irish Council for Civil Liberties

CNN
1:47 AM PT

CNN NEWSROOM

Smarter Artificial Intelligence legislation

The European Commission's proposal for an A.I. Act was a world-first. But the draft was deeply flawed.

EU Artificial Intelligence Act

Legislators across the political spectrum in the European Parliament and European Commission officials have come to trust our technical expertise on artificial intelligence. This unique position let us significantly improve the flawed draft law.

The European Commission fixed technical errors we highlighted, and the European Parliament voted to

include almost all of our proposed improvements in its redraft of the law. We provided assistance through to the final hours of the negotiations.

The final A.I. Act agreed in December is a partial success. The scope of the law has fewer loopholes, and stronger investigative powers for regulators. But much remains to be done on standards setting and enforcement.

EU Product Liability Directive

We secured improvements to the new Product Liability Directive, to ensure that A.I. companies remain liable for the entire life of the product when people suffer harm.

Other legislative interventions

"Chat control"

We worked with partners to counter the European Commission's impractical proposal for a law obliging companies to monitor virtually all public and private digital communication to detect child sexual abuse material.

Our 2022 complaint to the European Ombudsman delivered a finding of maladministration against the European Commission in November. The Commission refused to disclose that CSAM tech vendors wrote a key part of its proposal that conflicts with the generally held technical view that there is no means to correctly do what the Commission proposes.

Health data

We intervened on the European Commission's proposal for a European Health Data Space. The European Commission's draft allowed for data uses that risk fundamental rights. In November, the European Parliament voted to approve a compromise that included ICCL's recommendations.

Curbing hate & hysteria

Digital platforms' algorithmic recommender systems push an individually-tailored diet of hate and hysteria into each user's feed. Personalised angst is keeps us glued to our screens so that we can be shown more ads. But it also turns our communities against each other, and promotes despair and self-loathing among our teens.

Ground-breaking African Union measure

After a year-long process at the African Union, we secured two important measures in the African Union's new Guidelines for Elections and Digital Media. First, a ban on recommender systems based on intimate data about people being on by default. Second, a ban on online advertising technology that exposes voters to profiling and manipulation. The Guidelines were unanimously voted by all electoral authorities in the African Union in November, and are a world-first.

Potential Irish measures against toxic algorithms

We requested that Coimisiún na Meán's Online Safety Code for video platforms (TikTok, YouTube, etc.) require that digital platforms switch off recommender systems based on people's intimate data, until that person decides to switch them on. Coimisiún na Meán included the measure in its draft Code in December.

We met senior officials at the European Commission in December and presented a report,

Ending artificial amplification of hate & hysteria, to urge it to support the measure. We also secured international endorsements, including drawing together a cross-party group of MEPs who wrote to urge the Commission to support Ireland's action.

(However, early developments in 2024 are disappointing).

Hikvision

"Hikvision" internet-connected CCTV cameras, heavily subsidised by the Chinese Government, are installed all over Ireland, including in Government Buildings and the Houses of the Oireachtas. Many models of HikVision camera have facial recognition built-in.

In February, we raised concerns about the presence of Hikvision surveillance cameras in Leinster House and Government Buildings. Our action received considerable media attention. The Office of Public Works responded by announcing a review their approach to CCTV. However, the Oireachtas Commission continues to use Hikvision cameras for CCTV surveillance in Leinster House and Government Buildings.

LEGISLATIVE IMPACT

Enforce worked with legislators in Europe and elsewhere throughout 2023. Photo: Dr Kris Shrishak (top) and Dr Johnny Ryan (bottom) speaking at various European Parliament events in 2023



OUR

COMMUNICATIONS

& MEMBERSHIP

**IRISH COUNCIL FOR
CIVIL LIBERTIES**

MEDIA

ICCL is the country's foremost civil liberties and human rights organisation and as such we frequently appear in international, national and regional media on issues of public importance.

We appeared in the media 367 times in 2023, often defending people's rights against infringements from the State, Gardaí and other bodies. We appeared in all national media outlets and many regional media. The main domestic issues we discussed included:

- The policing of protest and demonstrations, in the context of intimidation and harassment at certain events and high-profile incidents such as the Dublin riots;
- The need for legislation on hate crime and the Coalition on Hate Crime's position on the Government's bill;
- The human rights risks of facial recognition technology and our opposition to its introduction into Irish policing;
- The need for abolition of the Special Criminal Court, including in the context of the publication of the reports of the Independent Review Group into the Offences Against the State Act;
- ICCL events and campaigns, including on issues of policing, reform of the coroners service and historic cases such as the Sallins Case.

Internationally, our work on digital rights secured coverage in media outlets worldwide, including The New York Times, The Guardian, CNN, BBC, Le Monde, The Wall St. Journal, The Financial Times, Süddeutsche Zeitung, The Washington Post and Die Zeit.



32 PRESS RELEASES 367 MEDIA APPEARANCES

THE IRISH TIMES

44

appearances
in the
Irish Times

Irish Independent

18

appearances
in the Irish
Independent

Irish Examiner

16

appearances
in The Irish
Examiner

The
Business Post

16

appearances
in the
Business Post

THE SUNDAY TIMES

2

appearances
in the
Sunday Times

thejournal.ie

13

appearances
in The Journal

RTÉ RADIO 1

10

appearances
on RTE Radio 1

Virgin
media

7

appearances
on Virgin Media
TV News

TODAY fm

7

appearances
on Today FM

RTÉ

2

appearances
on RTÉ
Prime Time

newstalk

13

appearances
on Newstalk
Radio

RTÉ

5

appearances
on RTÉ
Six One News

TG4

1

appearance
on TG4

POLITICO

7

appearances
in Politico

B B C

1

appearance
on BBC News

The
Guardian

3

appearances
in The
Guardian UK

FT FINANCIAL
TIMES

3

appearances
in the
Financial Times

The Telegraph

1

appearance
in the
Telegraph

The
Economist

1

appearance
in the Economist

The
New York
Times

2

appearances
in The New
York Times

Forbes

1

appearance
in Forbes

THE
WALL STREET
JOURNAL

1

appearance
in The Wall Street
Journal

The
Washington
Post

1

appearance
in The
Washington Post

CNN

1

appearance
on CNN

TIME

1

appearance
in Time
Magazine

Euroviews. Regression to self-regulation means the EU AI Act will fail to plug the harms



The Journal



Opinion

New legislation reforming garda and oversight bodies isn't in line with best practice

Dáiríann Anbros of the Irish Council for Civil Liberties says the proposed reforms of Garda bodies don't go far enough.

Civil liberties group calls for changes to new hate crime bill

The ICCL wants to strengthen protections for freedom of expression within the legislation

MICHAEL BRENNAN | MAY 7, 2023



ARTIFICIAL INTELLIGENCE

AI Act is 'serious blow' to introduction of facial recognition technology for gardaí

ICCL says plans to allow An Garda Síochána to use bodycams have been dealt a 'significant blow'

CHARLIE TAYLOR | JUNE 14, 2023



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Opinion

Facial recognition technology row is Hamlet without the biometric prints

It is a red herring to conflate body-worn cameras with this tech, which has been controversial in every state where it has been mooted; and with very good reason



When Minister for Justice Helen McEntee returned from eastern Asia last week, her first comments to the media were about her frustration at continuing delays in introducing facial recognition technology to Irish policing. Photograph: The Irish Times



THE IRISH TIMES

Dublin riots must not be an excuse to magic away legal and human rights

We have already seen a knee-jerk reaction including Garda procurement of water cannons and calls for the introduction of facial recognition technology. But what good would FRT do on a dark night with most faces covered?



CAMPAIGNS

HATE CRIME

Following the launch of the “Hate Crime Hurts Us All” public awareness campaign in September 2022, ICCL continued in 2023 to highlight the impact of hate crime on individuals and communities, the role of legislation in protecting people impacted by hate crime and the need for a comprehensive, multi-faceted approach to address the roots of hate.

We continued to promote our #StandByMe petition calling for a National Action Plan to tackle hate. As Chair of the Coalition Against Hate Crime, we also played an active role in the public discussion on hate crime legislation, writing a letter to The Irish Times on behalf of the Coalition in May, contacting TDs ahead of Dáil statements on LGBTI+ equality urging them to support hate crime legislation in June, and throughout the year engaging with media to set out the need for hate crime legislation, our position on the Bill and the amendments which would bring it into line with human rights standards.

In collaboration with the UCD School of Sociology, the Coalition Against Hate Crime also organised a two-day civil society and academia conference on combatting anti-LGBTQ hate crime. We will continue to campaign on hate crime in 2024.



FACIAL RECOGNITION TECHNOLOGY

Our campaign against the introduction of Facial Recognition Technology into Irish policing was a key part of ICCL's work in 2023. Our I Do Not Consent to Facial Recognition Technology petition continued to gain signatures throughout the year, amounting to over 1,700 signatures by the end of 2023.

ICCL, along with Dr Elizabeth Farries, Dr Ciara Bracken-Roche, Dr TJ McIntyre and colleagues from Liberty UK, briefed Oireachtas members on the democratic and technical requirements for Gardai to use FRT and AI for policing in May. ICCL also hosted a panel discussion in October as part of the Dublin Arts and Human Rights Festival entitled ‘Human Rights at Risk: AI and Facial Recognition Technology in the Arts’, featuring input on FRT from ICCL Senior Policy Officer Olga Cronin. We will continue to campaign on FRT in 2024.



THE SALLINS MEN

In September 2023, ICCL came together with the Committee for the Administration of Justice (CAJ), the Pat Finucane Centre and Fair Trials to deliver a petition to the Irish Government asking the Minister for Justice to establish an inquiry into the abuse suffered by Osgur Breatnach, Michael Barrett, John Fitzpatrick, Nicky Kelly, Brian McNally and Michael Plunkett (deceased).

The lives of these six men, known as ‘the Sallins Men’, were changed irrevocably when they were arrested, detained, charged, convicted and imprisoned following the Sallins Train Robbery in 1976. Their case remains one of the most significant miscarriages of

justice in modern Irish history. The abuse they suffered – and the continuing suffering they endure – is a violation of their human rights. To date, there has been no effective investigation into their case.

The petition asks for a human rights compliant investigation, conducted in accordance with the standards required following a breach and violation of Article 3 of the European Convention on Human Rights. Article 3 is the absolute prohibition on torture, inhuman and degrading treatment.

ICCL continues to campaign for the men to receive a fully independent statutory investigation.



PALESTINE

ICCL is a member of the Irish Anti-Apartheid Campaign for Palestine. We were shocked and saddened by the terrible events of 7 October 2023 and the loss of innocent life and taking of hostages in Israel, and further horrified by the Israeli government’s brutal reactionary campaign in the Gaza Strip, where it is clear that war crimes are being committed at the expense of thousands of Palestinian lives

As a long-standing supporter of the rights of Palestinian people and a member of the Irish Anti-Apartheid Campaign for Palestine, ICCL, along with more than 135 other Irish civil society organisations signed an open letter coordinated by Uplift in October urging the Irish government to help stop Israel committing war crimes in Gaza. ICCL also signed the Irish Anti-Apartheid Campaign for Palestine’s October statement on Gaza and Israel,

calling for an end to the bloodshed, a recognition of the human rights violations suffered by Palestinians and a political solution to the conflict.

We have also supported and attended the national demonstrations in support of Palestine, coordinated by our colleagues in the Ireland Palestine Solidarity Campaign (IPSC).



EVENTS

26 FEBRUARY

ICCL Human Rights
Film Award

26 APRIL

'An Introduction to Criminal
Procedure in the District Court'
(joint seminar with the Irish
Criminal Bar Association)

7 JUNE

'Racial Profiling and
Law Enforcement'
(joint roundtable
with CAJ)

21 JUNE

ICCL AGM

22 JUNE

'Working with Victims of
Crime: Victims' Rights
and Supports' (Limerick)

29 JUNE

'Working with Victims
of Crime: Victims'
Rights and Supports'
(Dublin)

7 JULY

Special Criminal
Court roundtable
discussion

18 OCTOBER

'Human Rights at Risk: AI
and Facial Recognition
Technology in the Arts'
(Dublin Arts and Human
Rights Festival)

24 OCTOBER

'Police Surveillance North and
South: Covert Intelligence,
Facial Recognition Technology,
Oversight and Human Rights'
(joint conference with CAJ)

13 NOVEMBER

'Herself' film screening
and panel discussion

12 DECEMBER

'Victims' Rights: Where
Are We Now?' conference

SOCIAL MEDIA

 **TWITTER FOLLOWERS 16.3K**

 **FACEBOOK FOLLOWERS 6.1K**

 **INSTAGRAM FOLLOWERS 1.4K**

 **LINKEDIN FOLLOWERS 2.2K**

MEMBERSHIP

Our founders' vision was 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. Our members are key to our work and allow us to maintain our independence and throughout our work.

In 2023, we designed more opportunities for our supporters and members to take action on issues that matter to them. We continued to improve how we engage with our members and supporters, through regular communications and events. In 2024, we plan to recruit a staff member to lead this work so that we can engage with them in an even stronger way.



OUR

FUNDING

IRISH COUNCIL FOR
CIVIL LIBERTIES



OUR FUNDERS

Our work is funded through a number of sources – we receive support from charitable trusts and foundations, grants for specific projects, 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 and be fearless in our advocacy for the rights of everyone, with no exceptions.

The majority of ICCL's funding comes from charitable trusts and foundations which are 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, the Joseph Rowntree Charitable Trust, Open Society Foundations, The Minderoo Foundation, Luminate, the European AI Fund, the Digital Freedom Fund, Limelight, Civitates and the International Network of Civil Liberties Organisations (INCLO) for their support for our work in 2023.

Our work on specific projects was also supported by the European Commission, the St Stephen's Green Trust, Community Foundation Ireland and by Liberties – Civil Liberties Union for Europe.

We are committed to building a movement for progressive action for human rights and civil liberties, in line with our founders' vision. Our members and supporters, including the Friends of ICCL, support our work 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. Their support has been crucial to our growth as they provide critical funding for our core campaigning work. Beyond financial support, our members and supporters but also ensure that ICCL's voice is strong by supporting campaigns, emailing politicians, signing petitions, attending events and taking other forms of direct action.

To everyone who supports our work, we are grateful to have you by our side. Thank you.

"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 AND BE FEARLESS IN OUR ADVOCACY FOR THE RIGHTS OF EVERYONE, WITH NO EXCEPTIONS."

THE
SIGRID
RAUSING
TRUST

The
Rowan
Trust

THE
JOSEPH
ROWNTREE
CHARITABLE
TRUST
Joseph Rowntree

OPEN SOCIETY
FOUNDATIONS

Community
Foundation
Ireland



Luminate



DFF Digital
Freedom Fund

FOUNDATION
Limelight

INCLO



ssgt | st.stephen's
green trust



OUR

FINANCES

**IRISH COUNCIL FOR
CIVIL LIBERTIES**



IRISH COUNCIL FOR CIVIL LIBERTIES MEMBERS ASSOCIATION
INCOME & EXPENDITURE ACCOUNT
(FOR THE YEAR ENDED 31 DECEMBER 2023)

	2023	2022
	€	€
Income		
Membership fees	14,635	15,782
Other Income	0	0
Total Income	14,635	15,782
Expenditure on Activities		
Bank Charges	444	505
Research and Policy Development	14,000	17,000
Campaigning and Communications	0	0
Total Expenditure	14,444	17,505
Surplus/Deficit of Income over Expenditure	191	(1,723)

IRISH COUNCIL FOR CIVIL LIBERTIES MEMBERS ASSOCIATION
BALANCE SHEET
(AS AT 31 DECEMBER 2023)

	2023	2022
	€	€
Current Assets		
Cash and Cash Equivalents	25,962	28,771
Payables: Amounts Falling Due Within One Year		
Accruals	14,000	17,000
Total Assets Less Current Liabilities	<u>11,962</u>	<u>11,771</u>
Reserves		
Funds brought forward	11,771	13,494
Income Statement	191	(1,723)
Members' Funds	<u>11,962</u>	<u>11,771</u>

IRISH COUNCIL FOR CIVIL LIBERTIES COMPANY LIMITED
BY GUARANTEE

**INCOME & EXPENDITURE ACCOUNT
(FOR THE YEAR ENDED 31 DECEMBER 2023)**

	2023	2022
	€	€
Income		
Total Income*	1,280,411	1,182,622
Expenditure		
Costs of Campaigns, Publications, Awareness and Fundraising Activities	1,113,103	1,049,945
Support Costs (Governance, Administration and Capacity Building Costs)	119,649	88,075
Total Expenditure	<u>1,232,752</u>	<u>1,138,020</u>
Deficit/Surplus	47,659	44,602
Total Comprehensive Income	<u><u>47,659</u></u>	<u><u>44,602</u></u>

* For full breakdown of income please see page 50

IRISH COUNCIL FOR CIVIL LIBERTIES COMPANY LIMITED
BY GUARANTEE

**INCOME BREAKDOWN
(FOR THE YEAR ENDED 31 DECEMBER 2023)**

	€
Minderoo Foundation	€283,181
Open Society Foundations	€236,352
The Rowan Trust	€168,897
Luminate Group	€139,386
European AI Fund	€120,256
International Network for Civil Liberties Organisations	€98,882
Sigrid Rausing Trust	€68,210
Community Foundation Ireland	€40,340
Joseph Rowntree Charitable Trust	€38,000
European Commission	€35,010
Membership	€14,000
Donations	€10,240
Bar of Ireland	€10,000
Civitates	€7,431
Civil Liberties Union for Europe	€5,000
Trust for Civil Liberties, Human Rights and Fundamental Freedoms	€2,250
Other	€2,977
Total	<u>€1,280,411</u>

IRISH COUNCIL FOR CIVIL LIBERTIES COMPANY LIMITED
BY GUARANTEE

BALANCE SHEET
(AS AT 31 DECEMBER 2023)

	2023	2022
	€	€
Fixed Assets		
Property, Plant & Equipment	10,705	4,114
Current Assets		
Receivables	84,422	178,422
Cash and Cash Equivalents	1,542,143	733,972
	<u>1,626,565</u>	<u>912,394</u>
Payables: Amounts Falling Due Within One Year	(1,462,456)	(794,106)
Net Current Assets	164,109	118,288
Total Assets Less Current Liabilities	174,814	122,402
Amounts falling due after more than one year	(4,753)	0
Net Assets	<u>170,061</u>	<u>122,402</u>
Reserves		
Retained Surplus	<u>170,061</u>	<u>122,402</u>



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