



CAPACITY IN IRELAND: CHALLENGES IN BALANCING RIGHTS AND PRACTICAL REALITIES

ANNUAL HUMAN RIGHTS
CONFERENCE 2018

Law Society Professional Training in partnership with
the Human Rights Committee and Family Carers Ireland

SATURDAY 20 OCTOBER 2018
10AM TO 2PM

LAW SOCIETY
PROFESSIONAL TRAINING

Centre of Excellence for
Professional Education and Lifelong Learning



INTRODUCTION

This conference is organised by the Law Society Human Rights Committee in partnership with Family Carers Ireland, with the aim of bringing together legal practitioners, members of the judiciary, members of the public, as well as academics, policy makers, human rights organisations and civil society organisations to explore issues around capacity in Ireland. An extensive panel discussion and question and answer session will take place following the plenary sessions.

AIMS

The aim of this year's conference is to critically explore the legal framework around capacity and the impact that the Assisted Decision Making (Capacity) Act 2015 has on all those it affects, including the rights and responsibilities for all parties involved. The Conference offers a vital opportunity for family carers, people with disabilities, policymakers and other interested stakeholders to come together to assess and discuss the various challenges involved in navigating this area. The objective of the Conference is to provide an incisive analysis of these issues, to engage with the rights considerations around same and to highlight the operational challenges within the new capacity legislation, particularly around the commencement of the Act.

THE ANNUAL HUMAN RIGHTS CONFERENCE SERIES

This year marks the 16th anniversary of the Law Society's Human Rights Committee Annual Conference series. The principal aim of the conference series is to promote awareness of human rights law and practice among both lawyers and the public, and also to encourage consideration of how human rights can be promoted and protected. The Committee is optimistic that the Conference will stimulate and invigorate debate amongst key stakeholders in this area and mobilise necessary change.

TOPICS AND ISSUES COVERED

- Overview and theoretical context of legal framework
- Challenges in application, implementation and interpretation of capacity legislation
- Identifying and balancing human rights implications of all stakeholders

TIME	EVENT	SPEAKERS
10.00 – 10.05		Michael Quinlan , President, Law Society of Ireland Shane McCarthy , Chair of the Human Rights Committee
10.05 – 11.25	Plenary Session 1	
		Shane McCarthy , Chair of the Human Rights Committee
10.05 -10.35		Senator Colette Kelleher
10.35 -10.55		John Dunne , CEO, Family Carers Ireland
10.55 -11.25		Dr Eilionóir Flynn , Director, Centre for Disability Law and Policy NUIG

11.25 –11.45	<i>Tea & coffee break</i>	
11.45 – 14.00	Plenary Session 2	
11.45 – 12.15		Paul Alford , Self-Advocacy Project Worker, Inclusion Ireland
12.15 – 12.45		Moira Skelly , Family Carer
12.45 –13.15		Aine Flynn , Director of Decision Support Service
13.15 – 14.00	Panel Discussion and Q & A	
13.15 – 13.55	Questions and Answers With panel of keynote speakers	
13.55 - 14.00	Close of Conference by Chair	
<i>Light lunch with tea & coffee</i>		

SPEAKERS BIOGRAPHIES

SHANE MCCARTHY, CHAIR OF THE HUMAN RIGHTS COMMITTEE

Shane McCarthy is a Consultant Solicitor with Fitzgerald Solicitors, Cork and has served as a member of the Parole Board since 2009. In addition Shane is a Council member of the Law Society of Ireland and serves as Chair of the Human Rights Committee as well as being a member of the Criminal Law Committee.

SENATOR COLETTE KELLEHER

Colette has been working for the past three decades to advance the rights and supports for children and young people, people who are homeless, people with disabilities and dementia in Ireland and the UK. She held Chief Executive roles at Alzheimer Society of Ireland, Cope Foundation, Cork Simon Community and Daycare Trust. Colette was an adviser to Margaret Hodge MP and was reappointed to the Seanad by An Taoiseach in May 2016. Colette attended the University of Southampton and UCC and holds a Bachelor of Social Science, a CQSW and an MBA. Colette recently became a Practitioner in Change and Consulting at the Tavistock Institute. Colette lives in Cork City and is married with two grown up children. She is a recent convert to the gym and healthy living.

JOHN DUNNE, FAMILY CARERS IRELAND

John was appointed Chief Executive of Family Carers Ireland on 1st January, 2016 when it formed from the merger of The Carers Association and Caring for Carers Ireland. He had worked with The Carers Association since 2010 having previously served as Chief Executive of Ireland's national Chamber of Commerce. The early part of his career was spent in the public sector and he has served as Chairman and Director of several publicly-funded agencies over the past twenty-five years. John served as President of Eurocarers, the European organisation working for family carers, from 2014-2018.

DR ÉILIONOIR FLYNN, DIRECTOR OF THE CENTRE FOR DISABILITY LAW AND POLICY, NUI GALWAY

Eilionóir is a Senior Lecturer at the School of Law and Director of the Centre for Disability Law and Policy, National University of Ireland Galway. She is a graduate of University College Cork (BCL, PhD), and published her first book with Cambridge University Press in 2011, entitled 'From Rhetoric to Action: Implementing the UN Convention on the Rights of Persons with Disabilities.' Eilionóir's current research interests include legal capacity, advocacy, access to justice, and the intersectionality of disability, gender and ageing. Her most recent book 'Disabled Justice? Access to Justice and the UN Convention on the Rights of Persons with Disabilities' was published in March 2015 by Ashgate. In 2014 she was awarded a European Research Council Starting Grant for the VOICES project, to document the narratives of people with lived experience of legal capacity denial.

PAUL ALFORD, SELF-ADVOCACY PROJECT WORKER, INCLUSION IRELAND

Paul Alford is a staff member at Inclusion Ireland and a self-advocate. His focus is on independent living and decision-making for people with disabilities. He shows the possibilities for decision-making and living an independent life in the community available to people with disabilities with a positive attitude and support from helpful people. Paul believes strongly in a persons' right to make their own choices. He fought for many years to live an independent life and in 2015 he moved into his own apartment on his own after spending 32 years living in disability services. His mantra is "In life it's your choice that matters". Paul is passionate about people with a disability having the choice and chance to live in the community and not in an institution.

MOIRA SKELLY, FAMILY CARER

Moira Skelly cares full-time for her daughter Ciara (23), a person with Autism and profound disabilities. Psychological assessments have found that Ciara has the mental age of a two year old child. Ciara requires 24-hour care and Moira washes and dresses her, feeds her and changes her nappies. Ciara has multiple intellectual and physical disabilities including epilepsy, autism and cerebral palsy. Moira previously served on the Board of The Carers Association (now Family Carers Ireland) for a number of years following early retirement from IBEC due to her 24/7 caring role. She is a strong and loving advocate for Ciara and has battled for many years for better supports and services for her daughter.

AINE FLYNN, DIRECTOR OF THE DECISION SUPPORT SERVICE, MENTAL HEALTH COMMISSION

Áine Flynn graduated in law from Trinity College Dublin and completed a research Masters in criminology and criminal justice policy. She was admitted as a solicitor in 1999 and from 2012-2017 was a senior partner in KOD Lyons, a firm specialising in public interest law, including disability and equality law. She was on the panel of legal representatives of the Mental Health Commission and the Mental Health (Criminal Law) Review Board from their inception in 2006 and also represented Wards of Court instructed by the General Solicitor. She has written and lectured on Human Rights and has been a member of the Human Rights Committee of the Law Society since 2012. Prior to her present appointment, she was a member of the Law Society's Mental Health and Decision-Making Capacity Task Force. She is a member of the National Safeguarding Committee. In October 2017, Áine commenced in post as Director of the Decision Support Service within the Mental Health Commission.