

TEXT OF THE INTRODUCTORY ADDRESS DELIVERED BY **ASSOCIATE PROFESSOR LIAM THORNTON, School of Law** on 6 September 2022, on the occasion of the conferring of the Degree of Doctor of Laws, *honoris causa* on **MICHAEL FARRELL**.

President, distinguished guests, ladies and gentlemen,

Michael Farrell has dedicated his professional life to highlighting injustices within our society. He has utilised law as a means to uphold civil and human rights of groups, who at times, were, and unfortunately still are, marginalised by us in society.

Michael is a graduate of Queen's University, Belfast, where he read for a BA in English. He subsequently graduated from the University of Strathclyde, where he completed a MSc in Politics. Hailing from Magherafelt in County Derry, in the late 1960s and early 1970s, Michael was a civil rights leader and activist. This resulted in Michael publishing highly regarded books reflecting on various socio-political issues in Northern Ireland. In the 1980s, Michael was an accomplished journalist. His work highlighted, amongst other things, the campaign for justice for the Birmingham Six and the Guildford Four. His sense of fairness, quest for justice, and knowledge of how law shapes society, led to Michael's completion of a Diploma in Legal Studies in what is now the Technological University of Dublin. Michael qualified as a solicitor in 1993.

It would not be possible to communicate fully all of Michael's achievements as a public interest lawyer in Ireland. What follows is an illustration of the most important public interest law work Michael has engaged with over the last twenty or so years in Ireland. Public interest law can be understood as using law to advocate for those who are disadvantaged or marginalised in our society. Litigation is but one form of public interest law. Public interest law also involves utilising law reform mechanisms, political campaigns and public legal education for social change.

In the field of criminal law, criminal procedure and human rights, Michael was the first Irish lawyer who, on behalf of his client, brought a case to the United Nations Human Rights Committee. In the 1998 case, *Kavanagh v Ireland*, he successfully argued before the Committee that Mr Kavanagh had not been treated equally before the law, under Article 26 of the UN International Covenant on Civil and Political Rights. In the European Court of Human Rights decision of *Quinn v Ireland* in 2000, he successfully argued that Mr Quinn's right to silence and of his privilege against self-incrimination had been violated.

Michael joined the Free Legal Advice Centres, FLAC, in 2005, as a senior solicitor. His strategic litigation in areas of social welfare law and asylum and refugee law and the rights of persons who are Transgender must be particularly noted. As he notes in his paper *Litigating for Social Change* (2016), public interest law utilises not only litigation, but engagement with groups most affected, civil society and activist organisations who demand legal change for those who are disadvantaged and marginalised.

In 2009, he successfully challenged the exclusion of persons seeking asylum from access to social assistance entitlements before the Social Welfare Appeals Office. The Oireachtas subsequently passed legislation negating what would have been the impact of this decision- respecting the economic and social rights of persons seeking asylum. However, this did contribute to more fundamental societal introspection on respecting and protecting the dignity of persons claiming asylum.

In *Foy v An An tÁrd Chláraitheoir*, it was successfully argued before the High Court that Ireland's lack of gender recognition violated Dr Foy's rights to private life. Michael's leadership, keen legal mind, clear law based argumentation infused with a focus on

the dignity of the person, resulted, albeit after significant delay by the State, in Ireland passing the Gender Recognition Act 2015.

All in all, an impartial observer would conclude that Michael Farrell has been one of the most important public interest lawyers for over twenty years in Ireland.

Michael's leadership and expertise within the Irish Council for Civil Liberties and his work on the Law Society's Human Rights Committee, contributed positively to a whole range of areas for proposed law reform.

His expertise in human rights law resulted in his independent appointment, and subsequent reappointment as a Commissioner in the then Irish Human Rights Commission from 2000-2011. He was appointed by President Michael D. Higgins to the Council of State from 2012-2019. In 2011, Michael, after competitive selection was appointed and subsequently reappointed as the Irish expert to the Council of Europe body, the European Commission against Racism and Intolerance. Within this role, Michael continues to offer his expertise on law, racism, intolerance and inclusion. Michael served as Vice President of this Commission from 2019 to 2021. Michael is currently Chair of a Working Group drafting a new policy on LGBTI rights.

For his considerable career as a distinguished public interest lawyer and a civil and human rights activist, University College Dublin honours Michael.

Praehonorabilis Praeses, totaque Universitas,

Praesento vobis hunc meum filium, quem scio tam moribus quam doctrina habilem et idoneum esse qui admittatur, honoris causa, ad Gradum Doctoratus in utroque Jure, tam Civili quam Canonico; idque tibi fide mea testor ac spondeo, totiue Academiae.

