

Kevin Boyle, 1943-2010

By Professor William A. Schabas, director of the Irish Centre for Human Rights, National University of Ireland, Galway

Kevin Boyle, who died on Christmas Day in Colchester, England, was one of the great human rights lawyers of our time. He began his career as a civil rights activist in Belfast during the late 1960s, but was later drawn to the courtroom as he grasped the potential of law to promote equality and social justice, both locally and at the international level. 'He was very committed to the capacity of law to deliver rights', says Michael D. Higgins TD, a former colleague at the National University of Ireland, Galway, reflecting on Boyle's remarkable contribution. As a law lecturer in Belfast, Galway and Colchester over more than forty years, he trained generations of adoring students.

Boyle was born in Newry, County Down, on 23 May 1943, the fourth of nine in the family of Louis and Elizabeth Boyle. His father was in the taxi business. Kevin Boyle attended the Abbey Christian Brothers School, which was adjacent to the family home in Castle Street. For a time he was head altar boy at the Newry Cathedral in the Diocese of Dromore. Boyle took law at Queen's University Belfast, followed by a post-graduate certificate in criminology at the University of Cambridge. Later, he spent a year as a research fellow at Yale University.

Boyle was appointed lecturer in the School of Law of Queen's University in 1966, and was called to the Northern Irish bar at about the same time. After the 5 October 1968 civil rights march in Derry was broken up by the Royal Ulster Constabulary, he joined with Queen's students who had been radicalized by the events, including Bernadette McAliskey, Eamonn McCann and Michael Farrell, in establishing People's Democracy, a militant civil rights organization.

'Kevin was probably the only lecturer at Queen's who was prominently involved at the time', recalls Michael Farrell, referring to Boyle's engagement as 'very courageous' under the circumstances. His brother Louis Boyle describes Kevin as a 'steadying influence' on the civil rights movement. Boyle participated in the four-day march from Belfast to Derry that began on 1 January 1969, often negotiating the route with unsympathetic police. He was present when the marchers were viciously attacked by mobs at Burntollet bridge four days later, as police and B-specials stood by and refused to intervene.

In 1975, he published *Law and State: The Case of Northern Ireland*, together with Tom Hadden and Paddy Hillyard. Over the years he wrote frequently with Tom Hadden on the Northern Irish conflict, in a remarkable partnership of two academics, each with origins in one of the warring communities. According to Colin Harvey, head of the School of Law at Queen's, 'his books with Tom Hadden presented practical legal and political proposals which were to help shape the nature of the debate and the eventual approach adopted to the peace process', in a remarkable partnership of two academics, each with origins in one of the warring communities. According to Colin Harvey, head of the School of Law at Queen's, 'his books with Tom Hadden presented practical legal and political proposals which were to help shape the nature of the debate and the eventual approach adopted to the peace process'.

He was outspoken but 'always very balanced', according to Mary Robinson, and perhaps not a political activist in the classic sense after the initial years in Belfast. Over time, he became more involved in the legal dimensions of the conflict. By the early 1970s, he seemed increasingly at home in the rapidly emerging world of international human rights, whose potential he had appreciated before many others.

It is as if the energy of a conflict close to home opened up for him the much larger battlefield of international human rights, as it did with others, like Seán MacBride.

In 1978, he took up the professorship in law at what was at the time known as University College Galway. His wife Joan recalls that Boyle was then the youngest university professor in Ireland. While in Galway, the Boyle family spent much of their leisure time at a small cottage in Camus, in Connemara.

Mary Robinson informed the College's president, Colm O'hEocha, of a 1978 Council of Europe resolution supporting the establishment of human rights centres at third level institutions. This was duly implemented by Kevin Boyle, who founded the Irish Centre for Human Rights within Galway's School of Law. In December 2010, the Údarás na hOllscoile of the National University of Ireland, Galway decided to confer him with an honorary doctorate of laws.

Kevin Boyle's interests focused increasingly on freedom of expression and, in 1987, he helped found Article 19, a London-based non-governmental organization that took its name from the free speech provision in the Universal Declaration of Human Rights. Boyle left Galway to become the organization's first director. William Shawcross, who was Article 19's chairman at the time, says Boyle thrived in the creation of the new body. 'He was superb at hiring good people and managing the staff, and equally good at producing incisive reports and taking part in campaigns for freedom of information. Everyone loved being around him', reports Shawcross.

Press freedom was one of his important concerns. With Marie McGonagle he prepared recommendations to the Irish government for reform of defamation legislation. He challenged bans on media access for IRA leaders before the European Commission of Human Rights, and later represented Danish journalist Jens Olaf Jersild in a leading case dealing with dissemination of hate propaganda on television. He developed an interest in freedom of religion, publishing a ground-breaking study. He was chair of Minority Rights Group International. To each issue, he brought energy, imagination and creativity.

In 1989, Kevin Boyle was appointed to the School of Law at the University of Essex, where he worked closely with Sir Nigel Rodley building up that institution's world-renowned Human Rights Centre. Essex already hosted an established human rights law programme, but Kevin Boyle was committed to a more multidisciplinary approach. In 1990, at his initiative, the University launched its MA in the theory and practice of human rights. Twenty years later, just prior to leaving full-time service at Essex, Boyle was awarded an honorary MA in the programme that he had started, an unprecedented honour for the University. He served several terms as director of the Essex Human Rights Centre.

In September 2001, the United Nations High Commissioner for Human Rights, Mary Robinson, recruited Kevin Boyle as her Senior Adviser. He began work in Geneva on 11 September and was plunged immediately into developing a human rights perspective on the terrorist attacks and their aftermath. Kevin Boyle wrote many of Robinson's key speeches during her final year as High Commissioner, and crafted positions on such issues as prisoner detentions at Guantanamo Bay. He later edited several of these texts for publication in a volume entitled *A Voice for Human Rights*.

Kevin Boyle remained an active barrister, and was most recently associated with Doughty Street Chambers, in London. He was a member of both the Northern Irish and the Irish bars, and of Gray's Inn in London. He filed many of the early applications to the European Commission of Human Rights concerning the conflict in Northern Ireland. In 1972, together with the American lawyer Hurst Hannum,

he took the Donnelly case to Strasbourg, an individual application that mirrored the contemporaneous case filed by the Irish government against the United Kingdom. Much later, he directed his efforts to other human rights issues, especially those of the Kurdish minority in Turkey, usually in tandem with his Essex colleague Françoise Hampson.

The website of the European Court of Human Rights lists more than 100 cases in which he was counsel. Many of these involved pushing the limits of the law on a range of issues. In 1999, Kevin Boyle took a challenge to the European Court concerning the NATO bombing of a television station in Belgrade that tested the application of the European Convention during armed conflict.

He was counsel to Jeff Dudgeon at the European Commission of Human Rights, successfully attacking the criminalization of gay sex. The decision altered the law in Northern Ireland and provoked changes elsewhere, even in the United States, where the Supreme Court referred to *Dudgeon v. United Kingdom* when it struck down sodomy legislation in Texas.

‘At the time of the Dudgeon argument, Kevin said that he didn't think that the UK Government had made as strong an argument as they could have in support of the Northern Ireland criminal statute’, remembers Bert Lockwood, editor of the *Human Rights Quarterly*. ‘His reading was that the UK actually wanted to lose the case, because it was politically easier for them to change the law in Northern Ireland if they said they were forced to by the treaty commitment and the European Court's decision.’

The world would have benefited from another twenty years of Kevin Boyle, who passed away with many unfinished projects after battling cancer for several months. He leaves his wife Joan, a teacher of French, whom he married in 1976. Their two sons, Mark and Stephen, were born in Galway in 1978 and 1980. Joan Boyle describes the period in Galway from 1978 to 1986 as their ‘magical years’, and says they always viewed it as home.