



AN COIMISIÚN UM CHEARTA AN DUINE  
IRISH HUMAN RIGHTS COMMISSION

## **Annual Report 2010 Launch**

**Thursday 28 July 2011**

**Address by**

**Dr Maurice Manning**

**President of the Irish Human Rights Commission**

Minister, representatives of the diplomatic corps, Ladies and Gentlemen, I would like to warmly welcome you all here today. I would particularly like to thank Minister Shatter for being here to launch our Report.

As is widely known the IHRC in effect owes its existence to the people of Ireland, who endorsed its creation when they voted for the Belfast (Good Friday) Agreement in 1998; establishing one Commission in this jurisdiction and one in Northern Ireland; both tasked with working to promote and protect human rights on the island of Ireland. The IHRC was subsequently formally brought into being by the Oireachtas as an independent statutory body. We are of course recognised by the United Nations and other international bodies as Ireland's independent National Human Rights Institution (NHRI).

Today's launch of our 2010 Annual Report is more than simply a standard exercise in good corporate governance. It is now ten years since the Commission formally came into being. As it approaches the end of its second five year term there is an important

opportunity to reflect on where we might go from here. We will hold a legacy event in September to mark this important milestone.

Fully operational since 2003 the Commission has worked independently and strategically to promote and protect human rights in Ireland. It has offered observations on over 40 Bills, appeared 12 times as amicus curiae before the Superior Courts, dealt with nearly 3000 legal communications (caseload - all of which had to be carefully examined, and where we were often the last port of call for people in desperate situations). We have also conducted or commissioned research on a wide range of issues and engaged in awareness and educational work on an increasing scale.

The Commission has made a contribution on almost all the major societal issues facing Ireland today including the current economic crisis, immigration, racism, policing, the criminal justice system, education and minority rights – and has done so with ever decreasing resources.

In mentioning some of our particular achievements over recent months I would just like to remind you that we carry out our work with what is now a tiny budget and a very small number of staff. All of the Commission executive's work is currently produced by a team of just eleven, staff assisted as appropriate, by Commissioners.

Within the past few months alone the Commission has produced a substantial report on human rights education in Ireland, a much praised report on religion and education (which has fed into the current Forum on School Patronage and Pluralism), a human rights assessment of state responsibility for the Magdalene Laundries, published (together with the Northern Ireland Human Rights Commission) advice on a Charter of Rights for Ireland (in fulfilment of a mandate given to it under the Belfast (Good Friday) Agreement and prepared three other reports on Ireland's human rights record for various UN bodies.

In short, the Commission has made a significant impact both in the recent past and indeed over the entire course of its relatively short existence. Naturally there has been some resistance in some quarters to the very idea of a state funded body charged with overseeing state laws, policies and practices. But the practice internationally in this regard continues to move solidly towards the creation of national human rights institutions such as the Commission.

We are of course in different times from those in which the Commission came into being. There is now more than ever before, an imperative for imaginative ways to generate income and cut public spending. The Commission has shown itself to be a leader in both respects, supplementing our income through philanthropic support and maintaining strict budgetary controls.

The upcoming legacy event will afford an opportunity to reflect on what we have done and not done and what might be done differently in the future. But whatever emerges certain values and principles must remain constant. I know that the Minister, who has a long standing commitment to human rights, will want to preserve and retain these values as he considers the future shape of the Commission. I would urge him to go further, and to augment the many positive aspects in the current arrangement by adding new elements aimed at further underpinning our standing and autonomy.

In particular I would call on the Minister to ensure that six issues are addressed in this context;

**Firstly**, the question of full independence of the Commission in the exercise of its functions. From the beginning, the Irish Human Rights Commission has been steadfast in this regard. It has been independent of both Government and of civil society while maintaining appropriate links with both.

The Commission's independence is vital to ensuring confidence in our monitoring of state's activities that impact on human rights, and to enable us to speak out where improvements need to be made. As we have seen all too clearly in recent years, strong,

independent oversight of all State activities is crucial and should not be interfered with or diminished by Government. This is completely in keeping with the unique role of National Human Rights Institutions around the world.

**Secondly, fidelity to the architecture of the Belfast (Good Friday) Agreement.** A joint committee with the Northern Ireland Human Rights Commission must be maintained and other relevant aspects of the Good Friday architecture kept in place.

**Thirdly, the standards of the United Nations Paris Principles** are the criteria regarded as necessary for national human rights institutions to receive international recognition. This means in addition to independence that a body must have a broad mandate, substantial autonomy in recruitment and a number of other key features.

**Fourthly,** the Minister could ensure that the perception of independence is further enhanced by effecting a change the Commission has long asked for for itself: to **make it accountable to the Oireachtas** instead of to a Government Department.

**Fifthly,** the **process of appointment must be transparent and credible.** This Commission has been fortunate in the quality and breadth of experience of those who have served as Commissioners – and of course in their independence. A transparent system of appointment will help ensure a positive footing and inspire widespread confidence.

**Sixthly, adequate resources.** A national human rights institution cannot be expected to function on a shoestring as we have for several years now. The IHRC has lost nearly half its staff and 40% of its budget since 2008. Through sourcing philanthropic support, pro bono assistance from the law library and establishing a professional placement/internship programme, we have not only kept the ship afloat but achieved significant successes. However, while these necessary steps have been tenable in the short term they are unsustainable.

In October this year Ireland's human rights record will be reviewed under the United Nations Universal Periodic Review (UPR) process. Ireland's human rights structures will feature strongly in this review.

I know that the Minister will be keen to illustrate in this regard that Ireland's structures are not just defensible, but are cutting edge best practice. I look forward to working closely with the Minister and his Department in that regard. After ten years – for four of which we chaired the European Group of National Human Rights Institutions - I do not think it an exaggeration to say that we have a fair idea of what works, what is credible and what commands respect at home and abroad.

We have also recently highlighted 15 steps which we suggest will go a long way to addressing the most serious other gaps in human right protection in Ireland at present. Through voluntarily committing to these steps, Ireland can demonstrate leadership on human rights and a commitment to the Universal Periodic Review process.

The steps, in addition to an adequately resourced human rights and equality infrastructure, include:

- the ratification and implementation of key UN treaties, including those related to disability and torture;
- a commitment to human rights training in the civil and public service;
- a commitment to undertake by 2012 an assessment of the human rights impact of welfare and service related decisions to ensure the protection of people who are vulnerable or disadvantaged from any further cuts;
- a commitment to reform of the justice, penal and asylum systems, including through introducing a comprehensive statutory civil legal aid scheme, identifying alternatives to custody for the punishment of minor offences, and ending overcrowding and 'slopping out' in prisons, and by urgently reviewing the Direct Provision System for asylum seekers; and,

- a commitment to ensuring that schools reflect the changing nature of Irish society by providing a diversity of school type that reflects the range of religious and non-religious convictions in Ireland.

I hope the Minister will take our recommendations into serious consideration.

I know that the Chief Executive, in his remarks, will cover in greater detail our achievements in 2010 but I want to stress that we could not have achieved all that we did in 2010 without the active input of the CEO, staff, volunteers and Commissioners.

As Commissioners will complete their mandate in 2 months, I would like to conclude by paying special tribute to their hard work and commitment over the past years. They have demonstrated enthusiasm, energy and foresight in the Commission's work. They have been responsible for shaping the Commission as it is today, and their legacy will remain even after their terms have ended.

I would like to thank the Minister once again and invite him to launch our report.

Thank you.